



**END
OF
REEL**



9-1840
9-NB-550

Muskogee, Indian Territory, November 9, 1906.

Robert E. Lee,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 31, 1906, in which you refer to office letter of October 26, 1906, advising that on October 15, 1906, the Secretary of the Interior approved the enrollment of Lenord Overton and Lota May Parker as citizens by blood of the Chickasaw Nation and ask what action has been taken relative to the other two children Wesley Lee and Homer J. Parker.

In reply you are advised that on September 24, 1906, the Secretary of the Interior approved the enrollment of Wesley Lee and Homer J. Parker as citizens by blood of the Chickasaw Nation.

Respectfully,

Commissioner.

9-D-454

Muskogee, Indian Territory, March 14, 1906.

Robert E. Lee,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Your letter of February 19, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you ask if you may have land set aside in behalf of Wesley Lee, Homer J., Leonard Overton, and Lota May Parker, children of Wilson Parker and Laura Smith pending a determination of their application for enrollment as citizens by blood of the Chickasaw Nation.

In reply to your letter you are advised that it is impracticable to make any reservation of land in the Choctaw and Chickasaw Nations for applicants for enrollment in said nations, however, if other persons have filed on land on which were improvements belonging to these children they will be permitted to make application therefor for the purpose of instituting contest proceedings at any time within nine months from the date of the original selection.

Respectfully,

Acting Commissioner.

9-D-454

Muskogee, Indian Territory, July 28, 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 July 23, 1906, granting the application for the enrollment of Wesley Lee Parker, Homer J. Parker, Leonard Overton Parker, and Lota May Parker 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 their enrollment. If at the expiration of that time no protest has been filed, the names of Wesley Lee Parker, Homer J. Parker, Leonard Overton Parker and Lota May Parker will be placed upon the final roll of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *James B. Bixby*
Commissioner.

Registered.

9-D-454

Muskogee, Indian Territory, July 28, 1906.

Robert E. Lee,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on July 28, 1906, rendered his decision granting the application for the enrollment of Wesley Lee Parker, Homer J. Parker, Leonard Overton Parker and Lota May Parker as citizens 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 the date of this notice within which to file protest against their enrollment. If at the expiration of that time, no protest has been filed, the names of Wesley Lee Parker, Homer J. Parker, Leonard Overton Parker and Lota May Parker will be placed upon the final roll of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Registered.

Commissioner.

9-D-454

Muskogee, Indian Territory, July 28, 1906.

Wilson Parker,
Cornish, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on July 28, 1906, rendered his decision, granting the application for the enrollment of your children, Wesley Lee Parker, Homer J. Parker, Leonard Overton Parker and Lota May Parker as citizens 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 their enrollment. If at the expiration of that time no protest has been filed, the names of Wesley Lee Parker, Homer J. Parker, Leonard Overton Parker and Lota May Parker will be placed upon the final roll of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED James B. Bibb

Registered

Commissioner.

9-D-454

Muskogee, Indian Territory, July 28, 1906.

Laura Emma Smith,
Cornish, Indian Territory.

Dear Madam:

Inclosed here with you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 28, 1906, granting the application for the enrollment of your children, Wesley Lee Parker, Homer J. Parker, Leonard Overton Parker and Lota May Parker as citizens 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 their enrollment. If at the expiration of that time no protest has been filed, the names of Wesley Lee Parker, Homer J. Parker, Leonard Overton Parker and Lota May Parker will be placed upon the final roll of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *James Bixby*

Registered.

Commissioner.

Incl. 9-D-454

9-D-454

Muskogee, Indian Territory, July 21, 1906.

Robert E. Lee,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of July 11, 1906, asking what action has been taken relative to the enrollment of Homer J., Leonard Overton, Laura Emma and Lota May Parker, children of Wilson Parker, for whom application was made under the Act of Congress approved March 3, 1905.

In reply you are advised that no action has yet been taken in the matter of the application for the enrollment of Wesley Lee, Homer J., Leonard Overton and Lota May Parker as citizens of the Chickasaw Nation, but you will be notified when a decision is reached in this case.

Respectfully,

Commissioner.

9-D-454

Muskogee, Indian Territory, April 4, 1906.

Robert E. Lee,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 30, 1906, relative to the application for enrollment as citizens of the Chickasaw Nation of Wesley Lee, Homer J., Leonard Overton and Lota May Parker.

In reply to your letter you are advised that the application for the enrollment of the above named children is now receiving consideration and when a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Acting Commissioner.

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Muskogee, Indian Territory, October 4, 1905.

Robert E. Lee,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 30, stating that you desire to introduce proof that the father, Wilson Parker, recognized Leonard Overton Parker, Lota May Parker, Homer J. Parker and Wesley Lee Parker, children of a woman to whom he had not been legally married, as his children, and you would like to offer this evidence about October 17, 1905, at this office.

In reply to your letter you are advised that you will be permitted to introduce the evidence referred to before the Commissioner to the Wye Civilized Tribes at his office in Muskogee, Indian Territory, on the date above named if you so desire.

Respectfully,

Commissioner.

Ardmore, Indian Territory,

Southerh District.

In re application of Wesley Lee Parker as a citizen of the Chickasaw
Nation.

I, Wilsen L. Parker, state on oath that I am the
father of Wesley Lee Parker, born on the 27th, day of June, 1899,
that the applicant Wesley Lee Parker is a citizen of the Chickasaw
Nation by blood, that Wesley Lee Parker is the son of Laura Emma
Parker, my common law wife, that I have lived with and cohabited
with Laura Emma Parker, since ~~1898~~ the year, 1898, and that said
child is the fruit of said union between myself, a Chickasaw Indian
by blood, and Laura Emma Parker. That said child was living on the
25th, day of September, 1902, and also on the 5th, day of March,
1905, and is yet living and has always ~~resided~~ resided within the
Southern District of the Indian Territory.

W L Parker

Subscribed and sworn to before me on this the 26th, day of April, 1905.

Chas H. Halloway

Notary Public.

My commission expires Jan. 17th, 1909.

✓

APR 28 1905

9-340 . APR 28 1905

Ardmore, Indian Territory,

South District.

In re application for enrollment of Homer J. Parker as a citizen
of the Chickasaw Nation.

I, Wilson L. Parker, state on oath that Homer J. Parker was born on the 17th, day of December, 1900, that he was living on the 5th, day of March, 1905, that said child is a Chickasaw Indian by blood and is a son of Wilson L. Parker, affiant herein, by Laura Emma Parker, his common law wife, that affiant, Wilson L. Parker has lived with and co-habited with Laura Emma Parker for a number of years and that Homer J. Parker is one of four children born as the fruits of the union above mentioned, and that said child has always lived within the South District of the Indian Territory.

Wilson L. Parker

Subscribed and sworn to before me on this the 26th, day of April, 1905.

Ola Haraway

Notary Public.

My commission expires Jan. 17th, 1909.

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APR 25 1905

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9-300

APR 25 1905

Ardmore, Indian Territory,

Southern District.

In re application of Leonard Overton Parker as a citizen of the
Chickasaw Nation.

I, Wilson L. Parker, state on oath that I am the father
of Leonard Overton Parker, born on the 31st, day of December, 1902,
that the applicant Leonard Overton Parker is a citizen of the Chick-
asaw Nation by blood, that Leonard Overton Parker is the son of Lau-
ra Emma Parker, my common law wife, that I have lived with and co-
habited with Laura Emma Parker for many years, and that child is
the fruit of said union between me, a Chickasaw Indian by blood, and
Laura Emma Parker. That said child was living on the ~~28th~~^{5th}, day of
March, ~~September~~, 1905, and is yet living, and has always resided within
the Southern District of the Indian Territory.

W L Parker

Subscribed and sworn to before me on this the 26th, day of April, 1905.

Ch. Alloway

Notary Public.

My commission expires Jan. 17th, 1909.

✓

APR 25 1905

APR 28 1905

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chickasaw Nation,
of Leonard Vernon Parker, born on the 31st day of December, 1902
(Here insert name of child)
Name of Father: Wilson Parker a citizen of the Chickasaw Nation.
Name of Mother: Jaura Emma Parker a citizen of the Chickasaw Nation.
Postoffice Urdmore, Ok.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Wetumka DISTRICT.

I, Jaura Emma Parker, on oath state that I am Twenty
years of age and a citizen by Common Law of the United States Nation;
that I am the lawful wife of Wilson L. Parker, who is a citizen, by
blood of the Chickasaw Nation; that a male child was
(Male or Female)
born to me on Thirtieth day of December, 1902, that said child has been named
Leonard Vernon Parker and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two Witnesses) { Robert J. Lee
Clara Holloway

Subscribed and sworn to before me this 23rd day of March, 1905.
Clara Holloway
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Wetumka DISTRICT.

I, Dr. J. A. Humphill, a Physician, on oath state that I
attended on Mrs. Jaura Emma Parker, wife of Wilson Parker
on the 31st day of December, 1902, that there was born to her on said date a Male
(Male or Female)
child; that said child was living March 4, 1905, and is said to have been named Leonard Vernon Parker.

WITNESSES TO MARK:

(Must be Two Witnesses) {

Subscribed and sworn to before me this 20 day of April, 1905.
A. H. Holman
Notary Public.

IN RE
Application for Enrollment of
INFANT CHILD

as a citizen of

Nation.

Approved

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Commissioner

APR 28 1905

Ardmore, Indian Territory,

Southern District.

In re the application for enrollment of Lota May Parker, born on the 14th, day of December, 1904.

I, Wilson Parker, state on oath that I am a citizen of the Chickasaw Nation ~~and~~, that I am the father of Lota May Parker, whose mother's name is Laura Emma Parker.

I further ~~state~~ state that Laura Emma Parker is my common law wife, that I have lived with her as such for a number of years, that I have provided for her and supported her and four children among the number of children being the above named applicant. That the applicant above, Lota May Parker was living on March 4th, 1905, and is yet living with her mother in the Southern District of the Indian Territory.

W L Parker

Subscribed and sworn to before me, Ola Holloway, a notary public within and for the Southern District of the Indian Territory, on this the 26th, day of April, 1905.

Ola Holloway

Notary Public.

My commission expires Jan. 17th, 1909.

APR 28 1905

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chickasaw Nation,
of Lota May Parker, born on the 14th day of December, 1904
(Here insert name of child)
Name of Father: Wilson Parker a citizen of the Chickasaw Nation.
Name of Mother: Laura Emma Parker a citizen of the Chickasaw Nation.
Postoffice Madison, D.C.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Madison D.C. DISTRICT.

I, Laura Emma Parker, on oath state that I am Twenty 2
years of age and a citizen by ----- of the United States Nation;
that I am the common law wife of Wilson L Parker, who is a citizen, by
blood of the Chickasaw Nation; that a female child was
(Male or Female.)
born to me on fourteenth day of December, 1904, that said child has been named
Lota May Parker, and was living March 4, 1905.

WITNESSES TO MARK:
(Must be Two Witnesses.) { Robt E. Lee
Ola Holloway
Subscribed and sworn to before me this 23 day of March, 1905.
Ola Holloway
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Madison D.C. DISTRICT.

I, Dr. J H Son, a Physician, on oath state that I
attended on Mrs. Laura Emma Parker, wife of Wilson L Parker
on the 14th day of December, 1904; that there was born to her on said date a female
(Male or Female.)
child, that said child was living March 4, 1905, and is said to have been named Lota May Parker.

WITNESSES TO MARK:
(Must be Two Witnesses.) { J H Son M.D.
Subscribed and sworn to before me this 15th day of April, 1905.
Ola Holloway
Notary Public.

IN RE
Application for Enrollment of
INFANT CHILD

as a citizen of

Nation.

born

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at

APR 2 1905

[Handwritten signature]

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chickasaw Nation, of Homer J. Parker, born on 17th day of December, 1900. Name of Father: Wilson L. Parker, citizen of the Chickasaw Nation. Name of Mother: Laura Emma Parker, a citizen of the Chickasaw Nation. Postoffice Ardmore, Ok.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Ardmore, Ok. DISTRICT.

I, Laura Emma Parker, on oath state that I am twenty-two years of age and a citizen by birth of the United States. I am the lawful wife of Wilson L. Parker, who is a citizen, by blood of the Chickasaw Nation; that a male child was born to me on seventeenth day of December, 1900; that said child has been named Homer J. Parker, and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two Witnesses) Robert L. ... and ...

Subscribed and sworn to before me this 27th day of March, 1905. O. A. Holloway, Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern DISTRICT.

I, Mary C. Parker, mid-wife, on oath state that I attended on Mrs. Laura Emma Parker, wife of Wilson L. Parker, on the 17th day of December, 1900, that there was born to her on said date a child; that said child was living March 4, 1905, and is said to have been named Homer J. Parker.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 26th day of April, 1905. S. P. Tucker, Notary Public.

IN RE
Application for Enrollment of
INFANT CHILD

is a citizen of

Nation.

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Commissioner.

APR 21 1905

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chickasaw Nation,
of Wesley Lee Parker, born on the 27th day of June, 1899
(Here insert name of child)
Name of Father: Wilson Parker a citizen of the Chickasaw Nation.
Name of Mother: Laura Emma Parker a citizen of the Chickasaw Nation.
Postoffice Fort Mifflin, D.C.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Admon Co DISTRICT.

I, Laura Emma Parker, on oath state that I am Twenty six
years of age and a citizen by Common Law of the United States Nation;
that I am the lawful wife of Wilson L Parker, who is a citizen, by
blood of the Chickasaw Nation; that a male child was
(Male or Female.)
born to me on 27th day of June, 1899; that said child has been named
Wesley Lee Parker, and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two Witnesses) { Robt. T. G. Lee
Ola Harroway

Subscribed and sworn to before me this 28th day of March, 1905
Ola Harroway
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Southern DISTRICT.

I, Mary C. Parker, a mid-wife, on oath state that I
attended on Mrs. Laura Emma Parker, wife of Wilson L Parker,
on the 27 day of June, 1899, that there was born to her on said date a
male child, that said child was living March 4, 1905, and is said to have been named
Wesley Lee Parker
Mary C. Parker

WITNESSES TO MARK

(Must be Two Witnesses) {

Subscribed and sworn to before me this 28th day of April, 1905
E. P. Tucker
Notary Public.

IN RE

Application for Enrollment of
INFANT CHILD

as a citizen of

Nation.

proved

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Commissioner.

APR 21 1905

9-D-454.
O.L.J.

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

In the matter of the application for the enrollment of Wesley Lee Parker, et al., as citizens by blood of the Chickasaw Nation.

D E C I S I O N .

It appears from the records herein that on April 28, 1905, application was made to the Commission to the Five Civilized Tribes for the enrollment of Wesley Lee Parker, Homer J. Parker, Leonard Overton Parker and Lota May Parker as citizens by blood of the Chickasaw Nation.

It further appears from the record herein and the records of the Commission to the Five Civilized Tribes that Wesley Lee Parker was born June 27, 1899; that Homer J. Parker was born December 17, 1900; that Leonard Overton Parker was born December 31, 1902; that Lota May Parker was born December 14, 1904; and that all of said applicants are the illegitimate children of Wilson Parker, a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name appears as No. 1603 upon the final roll of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior December 12, 1902, and Laura Emma Smith, a non-citizen white woman; and that all of said applicants were living on March 4, 1905.

I am therefore of the opinion that Wesley Lee Parker, Homer J. Parker, Leonard Overton Parker and Lota May Parker should be enrolled as citizens by blood of the Chickasaw Nation under the provisions of the Act of Congress approved March 3, 1905 (33 Stats., 1070), and it is so ordered.

Muskogee, Indian Territory.


Commissioner.

Laura Emma Smith----4

- Q What name has Mrs. Parker here relative to Wilson Parker? A As Wilson Parker's second wife.
- Q Do you know whether or not Wilson Parker on one or two occasions has been arrested on the charge of adultery for living with this woman? A I have heard that he has.
- Q Wilson Parker spends part of his time with wife number one and part with number two? A Yes, sir.
- Q It is not current report that this woman lives with any one except Wilson Parker? A No, sir.
- Q You have known them for four years? A Yes, sir.

Cinda Yates, stenographer for the Commissioner to the Five Civilized Tribes, states on oath that she reported the above and foregoing proceedings on the 19th day of January, 1906, and that same is a true and correct transcript of her stenographic notes thereof.

Cinda Yates

Subscribed and sworn to before me this 22d day of January, 1906.

Fred. Clark
Notary Public.

Laura Emma Smith----3

- Q Do you live with your father? A No, sir.
Q Where was he living when your oldest child was born?
his oldest son, John Smith.
Q Is John Smith your brother? A Yes, sir.
Q Where does he live? A He lives at Cheek.
Q How old is he? A Forty two years old.
Q Have you any means of livelihood now? A No, sir.
Q How do you live? A Wilson Parker has been supporting me until
now he is convicted.
Q Where is Wilson Parker now? A He is in jail.
Q In jail here in Ardmore? A Yes, sir.
Q On what charge? A He said something about forging a check.
Q Has he ever been convicted before of any crime? A No.
Q Has he ever been indicted? A I think he has, he has had a right
smart of trouble in the court.
Q You state you never lived with any other man prior to the birth
of your oldest son, Wesley Lee Parker? A No, sir.
Q Have you ever lived with any other man since then? A No, sir.
Q And you now under oath solemnly swear that the only man you ever
had intercourse with and the father of these four children is
this man, Wilson Parker? A Yes, sir.

George Byram, being first duly sworn by Fred T. Marr,
notary public, testified as follows:

Examination by Mr. Beall:

- Q What is your name? A George Byram.
Q What is your age and post office address? A Age thirty two,
Cornish is my post office.
Q Are you a citizen of either the Choctaw or Chickasaw Nation?
A No, sir.
Q You are a white man? A Yes, sir.
Q How long have you lived in the Chickasaw Nation? A Eighteen
years, about eighteen years.
Q Do you know this woman, Laura Emma Smith? A Yes, sir.
Q How long have you known her? A Four years.
Q What is the general reputation of this woman in the neighborhood
where she lives? A Outside of living with Wilson Parker I
never heard aught against her.
Q How far does she live from Wilson Parker? A About four miles.
Q How long has she been living there? A I don't know.
Q How long have you known her? A About four years.
Q During the time you have known her she has been living about four
miles from the town of Cornish? A No, sir, the whole family
lived on Washington Branch awhile, that is where I got acquainted
with them.
Q Do you know Wilson Parker's wife? A Yes, sir.
Q What is her name? A I don't know her given name, I always knew
her as Mrs. Parker.
Q Is she living? A Yes, sir.
Q She lives with Wilson Parker at Cornish? A Yes, sir.
Q And this woman, who has these illegitimate children, lives out in
the country about four miles? A Yes, sir.
Q You have no way of knowing who the father of these children is?
A No, sir.

Examination by Robert E. Lee:

- Q How are these children known in that community? A As Wilson
Parker's children.
Q Generally known as Wilson Parker's children? A Yes, sir.

- Q How old is your sister? A She is thirty eight.
- Q How old are you? A I am twenty six.
- Q Has your sister any children by Wilson Parker? A Yes, sir, she has five children.
- Q Those children were born to her in lawful wedlock with Wilson Parker? A Yes, sir.
- Q You say you are the mother of these four children, Wesley Lee Parker, Homer J. Parker, Leonard Parker and Lotie May Parker? A Yes, sir.
- Q When was Wesley Lee Parker born? A He is six years old, he will be seven in June, the twenty seventh of June.
- Q How old is Homer J. Parker? A Five years old.
- Q How old is Leonard Parker? A He is three.
- Q When was he born? A In 1902.
- Q What time in 1902? A The last day of December, the thirty first.
- Q How old is Lotie May Parker? A She is a year old the fourteenth of December.
- Q You state these four children are named Parker? A Yes, sir.
- Q You say your name is Smith and that you have never been married? A Yes, sir.
- Q How did these children come to have the name Parker? A Because that is their father's name, they take the name of their father.
- Q Is Wilson Parker's lawful wife living? A Yes, sir.
- Q She is your sister? A Yes, sir.
- Q Where do you live? A In the Chickasaw Nation near Cornish.
- Q How do you live in reference to your sister, the lawful wife of Wilson Parker, do you live in the same house? A No, I live alone.
- Q How far do you live from Wilson Parker? A Four miles and a half.
- Q You have a home of your own? A Yes, sir.
- Q You live there with these four children by yourself? A My nephew, Thomas Parker, lives with me.
- Q How old is he? A Twenty one years old.
- Q What are you doing living with Thomas Parker? A Him and his wife, he is a married man, live there.
- Q Thomas Parker and his wife live with you? A Yes, sir.
- Q Did you ever live with any other man besides Wilson Parker? A No, sir.
- Q You mean to say that you actually lived with this man, Wilson Parker, when he was married to your sister? A Yes, sir, I have.
- Q And these four children were born to you at the time your sister was his lawful wife, is that correct? A Yes, sir.
- Q You are willing to swear that you have never lived with any other man? A Yes, sir, I will swear that.
- Q The oldest one of these children is now about six or seven years old, isn't he? A Yes, sir, he is six, he will be seven in June.
- Q Where was that child born? A He was born close to Cornish.
- Q In whose house? A Wilson Parker's house.
- Q You were living with Wilson Parker in his house at the time your oldest child was born? A Yes, he brought me there.
- Q Where had you been living before that? A At Marlow.
- Q Who had you been living with there? A I boarded at a hotel.
- Q Who did you board with? A Summers was the name.
- Q How old were you when your first child was born? A Nineteen years old.
- Q What were you doing in Marlow? A I just went there to board.
- Q Who paid your board? A Parker.
- Q When did your mother die? A She died when I was thirteen years old.
- Q Is your father living? A No, sir.
- Q How long has he been dead? A Four years.
- Q Your father was living then when your two oldest children were born? A Yes, sir.
- Q What is his name? A W. D. Smith.

DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes
Chickasaw Land Office
Ardmore, Ind. Ter., January 19, 1906.

In the matter of the application for the enrollment of Wesley Lee Parker, Homer J. Parker, Leonard Parker and Leticia May Parker, applicants represented by Robert E. Lee, attorney at law, Ardmore, Indian Territory, no appearance on behalf of attorneys for the Choctaw and Chickasaw Nations, no notice to attorneys for the Choctaw and Chickasaw Nations of the submission of this testimony.

Laura Emma Smith, being first duly sworn by Fred T. Marr, notary public, testified as follows:

Examination by Mr. Beall:

- Q What is your name? A Laura Emma Smith.
Q How old are you? A Twenty six years old.
Q Where do you live? A Near Cornish.
Q In the Chickasaw Nation? A Yes, sir.
Q You are a white woman? A Yes, sir.
Q You say your name is Smith at present? A Yes, sir.
Q What is your husband's name? A I haven't got any husband.
Q Smith is your maiden name? A Yes, sir.
Q You have never been married? A No, sir.
Q Application has been made to the Commissioner to the Five Civilized Tribes for the enrollment of four children, Wesley Lee Parker, Homer J. Parker, Leonard Parker and Leticia May Parker, as citizens by blood of the Chickasaw Nation. Do you know these children?
A Yes, sir.
Q Whose children are they? A Wilson Parker's
Q Wilson Parker is the father of them? A Yes, sir.
Q Wilson Parker is a Chickasaw Indian? A Yes, sir.
Q Who is the mother of these four children? A I am.
Q Were you ever married to Wilson Parker? A No, I have never been married to him but I lived with him as his second wife.
Q Has Wilson Parker a wife? A Yes, sir.
Q What is her name? A Her name is Smith same as my name.
Q What relation is Wilson Parker's wife to you? A She is a sister to me.
Q When was Wilson Parker married to her? A I don't remember.
Q How long have they been married? A Twenty five years I believe, as well as I remember it is twenty five years.
Q How old a man is Wilson Parker? A He says he is forty years old.

6- Wesley Lee Parker.

two years ago.

Q. You were present yourself were you, when these two children were born? A. Yes, I was present; I washed and dressed both of them.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly reported 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 November 18, 1905.

W. J. White
Notary Public.

5-Wesley Lee Parker et al.

By Mr. Lee:

- Q You moved Emma Smith to Ardmore yourself, and then moved her away from there did you not? A Yes sir.
- Q You visited her while she was at Ardmore and saw that these children were properly cared for and fed? A Yes sir.
- Q Prior to that time where did you live? A I lived at home?
- Q While you were at Cornish prior to your removal of Emma Smith to Ardmore, where did Emma Smith live?
- A She lived at Cornish, within three miles.
- Q You visited Emma Smith at regular intervals during this time did you? A Yes sir.
- Q You provided for these children while she was at Cornish?
- A Yes sir.
- Q Prior to your removal to Cornish where did you live?
- A I lived close to Cornish, three miles southwest of Cornish
- Q Where did Emma Smith live at that time? A She lived at that time she lived on the old ranch place about three miles from Cornish. I lived southwest of Cornish.
- Q Prior to the time of the removal of yourself and Emma Smith up to the Cornish country where did you live? A Lived in the city of Cornish; right in town.
- Q I will ask you if you ever lived near Burneyville and where Emma Smith lived when you lived in that community, if you so lived there. A I lived at old Cheek at that time.

By the Commissioner:

- Q How far is Burneyville from Cornish? A Twelve miles.

By Mr. Lee.

- Q Where did Emma Smith live during that time that you lived at Cheek? A She lived at Cheek; had a farm there.
- Q I will ask you if, all the time prior to the birth of the oldest, and up to the birth of the last child, if she has not always lived near your residence? A Yes sir.
- Q So far as you know no other man has visited Emma Smith other than yourself, for the purpose of begetting children?
- A No sir.
- Q Or for any sexual purpose? A No sir.
- Q You have ever reason to believe that these children are yours and not any other mans'? A Yes, that's all.
- Witness excused.

Mary C. Parker being recalled, testified as follows:

By the Commissioner:

- Q Were you present at the birth of Wesley Lee Parker and Homer J. Parker? A Yes sir.
- Q In what capacity did you act? A Well, I dressed them.
- Q Did you act as midwife? A No, but I dressed the children, both of them.
- Q How is it that you made an affidavit that you acted as midwife at the birth of these two children (No answer.)
- Q Did the doctor attend Emma Smith at the birth of Wesley Lee and Homer J. Parker? A Yes, there was a doctor there both times.
- Q What was his name? A Hallard.
- Q Where does he live? A I don't know where he lives now; he did live at Cornish.
- Q Has he moved away from there? A Yes, he moved away about

4-Wesley Lee Parker et al.

Q Do you know under what names these children have gone since their birth? A Well, supposed to be; everybody knew them to be his children.

Q Have they taken the name of Smith or Parker? A Parker, I suppose.

Q What do you know about it? You lived in that community. Were those children known as Smith or Parker? A Parker. They were known as Wilson Parker's children.

Q Do you know of your own personal knowledge that Parker has supported these children since their birth? A Yes sir.

Q Is Emma Smith living? A Yes, she was a little while ago. I havn't seen her for three or four months.

Q Is she a non-citizen of the Chickasaw Nation? A Yes.

Examination by Mr. Lee.

Q Do you know when Emma Smith lived there in Ardmore?

A Yes sir.

Q I will ask you, to refresh your recollection, if that last child was not born in the city of Ardmore? A Yes, I believe so. I believe one of Mr. Parker's boys, Guy was at my house at the time and told me so.

Q Wilson Parker has always recognized all four of these children to his friends and made a statements to his friends that they were his children and took the Parker name? A Yes

By the Commissioner.

Q Do you know whether or not Emma Smith has been keeping company with anyone else during the last six or eight years?

A I don't know a thing about it. I havn't known her more than four years.

Q What has she been doing while she was at Ardmore? A She kept house I expect. Mr. Parker had her there, residing there with the children; he bought the furniture.

Witness excused.

Wilson Parker being recalled, testified as follows:

By the Commissioner.

Q How long have you known Emma Smith? A I have known her since she was a child pretty near; about twenty-five years.

Q Where has she lived during that time? A She lived there on my farm.

Q From then until the present date? A Yes; well, she lived at Ardmore last year.

Q When did she go to Ardmore? A She went to Ard last-- I believe it was in October a year ago; she staid in Ardmore one year.

Q What do you mean? She lived there from last October to this October? A No, I moved her up to Ardmore in February or March last--

Q This year? A Yes.

Q While she was living at Ardmore did you go down to see her? A Yes, I went around to see her.

Q With the exception of this residence in Ardmore for a year had she, always previous to that time, lived near your home? A Yes sir.

Q You have ever reason to think, have you, that these children are your children? A Yes sir.

Q You have never questioned it at any time? A No sir.

3-Wesley Lee Parker et al.

relative to these children? A Yes, I am his wife.
Q Do you know anything about the parentage of these four children your husband has just testified about? A Yes, I know all the children.
Q Who is the mother of them? A Emma Smith.
Q Who is the father of these children? A Mr. Parker claims to be. I guess he is.
Q That is all the knowledge you is that he claims to be the father? A Yes, I know that he has supported them and cared for them as far as that is concerned, all the time.
Q Since their birth? A Yes, and I have taken care of the two oldest ones. I have kept them in my house for as much as a year at a time.
Q You have recognized them, have you, as the children of your husband? A Yes, I have taken care of them just the same as I did my own.
Q Has Emma Smith ever been married? A Not that I know of.
Q She lives close to your house? A Three miles and a half.
Q Does she ever visit your house? A No.
Q But the children come over do they? A Yes, the children comes.
Q Under what name have these children gone since their birth? A Went by the name of Parker.
Q That is your husband's name? A Yes sir.
Q Never was known by the name of Smith? A No sir.
Q Outside of the recognition of these children by your husband, Wilson Parker and their support, you have no further knowledge relative to the parentage of these children? A No.
Witness excused.

B. O. Tucker being first duly sworn testified as follows
By the Commissioner:

Q What is your name? A B. O. Tucker.
Q How old are you? A Twenty-five.
Q What is your postoffice address? A Ardmore.
Q Are you acquainted with Wesley Lee Parker, Homer J. Parker, Leonard Overton Parker and Lota May Parker? A Yes sir.
Q These children relative to whom Wilson Parker has just testified? A Yes sir.--Claim to be.
Q Who is the mother of these children? A Emma Smith.
Q Who is the father of them? A Wilson Parker.
Q Upon what do you base your knowledge? A Well, he has supported them and taken care of them ever since I have known him.
Q You know that of your own personal knowledge? A Yes sir. I have seen them at his house; he used to keep one or two of them a good deal of the time; I have been there all times of the year when the children were there.
Q You live at Ardmore, and Wilson Parker lives at Cornish? A I live at Ardmore now; my place is near Cornish though.
Q You used to live in the same country? A Yes sir.
Q Then you don't know anything about the birth of this last child Lota May? A No, I have heard Mr. Parker speak of the child;
Q And acknowledge her as his own? A Yes, he is at my house very often.

2-Wesley Lee Parker et al.

- Q Have they been recognized in the community in which you live as your children? A Yes sir.
- Q Have you so held them out? A Yes sir.
- Q Always recognized them as your children? A Yes sir.
- Q Have you provided for them in any way since their birth? A Yes sir.
- Q What way? A Fed them and clothed them and supported them in every way a man could support a child.
- Q Did you pay her regularly so much a month? A Yes
- Q Have you provided for them entirely? A Yes sir.
- Q Who has charge of these children at the present time? A They are at home with their mother now.
- Q Are you married? A Yes sir.
- Q How long have you been married? A I have been married twenty-four years this coming August.
- Q These children have never resided with you in your own family? A Yes, they go back and forth; I take them home every now and then and when they want to go home again I take them back again. They go back when they want to.
- Q Is your wife Mary C. Parker living? A Yes sir.
- Witness is identified as Wilson Parker on Chickasaw Field Card No. 5040, opposite No. 1603 upon the lists approved by the Secretary of the Interior December 12, 1902.
- Q Are all these children living? A Yes sir.

Examination by Mr. L. H. ...

- Q I believe you stated that you had recognized these children as your own ever since the birth of each? A Yes sir.
- Q I will ask you if you procured a physician to wait upon the mother of these children at their birth, and paid the bill? A Yes sir.
- Q You also procured a home for these children and paid the bills and expense; house rental and groceries and bills since the birth of each? A Yes sir.
- Q Are you still providing for those four children mentioned in this application? A Yes, I sent them a bill of groceries the other day before I left home.
- Q What provision have you recently made relative to providing them with a home and everything? These four children? A I gave them a home on one of my places up there.
- Q Gave them a home on your place? A Yes sir.
- Q You have at all times since the birth of each of the four children for which application is here made, provided for them and cared for them the same as you did for the children of your own household by your legally wedded wife? A Yes sir.

By the Commissioner.

- Q So that your two families are living on the same place now? A No, on one of my places.

Witness excused.

Mary C. Parker being first duly sworn testified as follows:
Examination by the Commissioner.

- Q What is your name? A Mary C. Parker.
- Q How old are you? A Forty-two years old
- Q What is your postoffice address? A Cornish.
- Q Are you the wife of Wilson Parker who has just testified

9-D-454.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., November 17, 1905.

In the matter of the application for the enrollment of Wesley Lee Parker et al., et al, as citizens by blood of the Chickasaw Nation.

Robert E. Lee, attorney at law, Ardmore, Indian Territory, appearing as attorney for the applicants.

Wilson Parker being first duly sworn testified as follows:

By the Commissioner:

Q What is your name? A Wilson Parker.

Q How old are you? A Forty-four.

Q Your postoffice address? A Cornish, Indian Territory.

Q Are you acquainted with Wesley Lee Parker, Homer J. Parker, Leonard Overton Parker and Lota May Parker? A Yes sir.

Q What is the name of the mother of these children?

A Emma Smith.

Q Is she a citizen of the Chickasaw Nation? A No sir.

Q White woman? A Yes sir.

Q Citizen of the United States? A Yes sir.

Q Who is the father of these children? A I am their father.

Q Were you ever married to Emma Smith? A No sir.

Q When was Wesley Lee born? A I don't know exactly when he was born; he was six years old last June.

Q When was Homer J. born? A He was born December 17, I think.

Q What year? A I don't remember what year; he is four now.

Q When was Leonard Overton born? A He was born two years ago? Born in December; he is two years old.

Q Is he a twin to Homer J. A No, he is two years younger.

Q When was Lota May born? A The 17th day of last December.

Q 1904? Yes, she is one year old this coming December.

Q You state that you have never been married to Emma Smith, the mother of these children? A No.

Q Had you been living with her as husband and wife?

A I have taken care of the children.

Q Well, answer the question, have you been living in the same house with her? A I have not lived with her but I have provided for her.

Q Where does Emma Smith live? A She lives close to home, three miles and a half south.

Q How far from your home does she live? A Three miles and a half.

Q You say you have never lived with Emma Smith at all? A No.

Q Are you certain that you are the father of these children?

A Yes, I claim to be; I recognize them the same as my own children.

Q How long have you known Emma Smith? A I have known her 23 or 24 years I guess.

Q Since you have been going to see Emma Smith, do you of any other man going to see her? A No.

Q Under what name have these children gone? A They have gone by the name of Parker.

Q Under your name? A Yes sir.

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before him at his office at Muskogee, I. T., for the purpose of establishing the identity of the applicant on the Chickasaw tribal rolls.

It is further shown by the record that on June 18, 1906 W. N. Redwine, an attorney for the applicant, was formally notified that the Commissioner would hear testimony in reference to the identification of the applicant, Esau Wolf, on the tribal rolls of the Chickasaw Nation.

On July 6, 1906, the Commissioner decided that the applicant should be enrolled as a citizen by blood of the Chickasaw Nation.

As the evidence shows that the applicant is identified as Azer Wolf, on the 1893 Chickasaw Leased District Payment Roll at No. 2 page 329 and that he was a resident in good faith of that nation on June 28, 1898, he should be enrolled in accordance with the provisions of Section 1 of the Act of April 26, 1906 (34Stat. L., 137) and the decision of the Commissioner favorable to the applicant is therefore recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD

C

Guy P. Cobb, attorney for the applicant, enclosing the affidavit of the applicant and asking that the Department grant the applicant a further hearing in order that he might establish his right to be enrolled as a citizen by blood of the Chickasaw Nation.

The Department on August 26, 1905 (I.T.D.3288) directed the Commissioner to set a date for the hearing of the testimony in reference to this case and to notify all parties in interest of such setting. This it appears was accordingly done and on September 21, 1905, the Commissioner heard the testimony of the applicant at Muskogee, I.T., and on September 28, 1905, transmitted a copy of the testimony taken before him to the Department and recommended that in the absence of any reliable evidence going to show that an application had been made by this applicant for enrollment as a citizen by blood of the Chickasaw Nation at Tishomingo, I.T., in 1898, the application of Esau Wolf should be denied in view of the opinion of the Assistant Attorney-General for the Department enclosed in the letter of March 25, 1904 (I.T.D. 2524).

The Department on May 2, 1906 (I.T.D.17114-1905) remanded the record in this case to the Commissioner and directed that in view of Section 1 of the Act of April 26, 1906 (34 Stat.L.,137) the case should be readjudicated on its merits.

The record shows that on May 16, 1906, the applicant and his attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were notified by the Commissioner that he was unable to identify the applicant from the rolls of the Chickasaw Nation in his possession and he suggested that testimony be taken

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by blood of the Chickasaw nation but that his application was denied for the reason that it had not been filed previous to December 25, 1902 under the provisions of Section 34 of the Act of July 1, 1902 (32 Stat. L., 641).

It further appears that the Department on September 14, 1903 (I.T.D. 4589, 4988, 6338) advised the Commission that this Office had recommended that inasmuch as the name of Beau Wolf appears on the tribal rolls of the Chickasaw Nation as a citizen by blood, his right to be enrolled as a citizen of that nation should have been determined by the Commission irrespective of the provisions of the Act of July 1, 1902, above cited, and that the Department deemed it advisable to allow the attorneys for the applicant and for the Choctaw and Chickasaw Nations thirty days in which to file briefs in reference to this case.

On November 20, 1903, the Commission submitted its views to the Department and on January 2, 1904, the briefs of the attorneys for the applicant and for the Choctaw and Chickasaw Nations were also forwarded to the Department.

On March 25, 1904 (I.T.D. 2524) the Commission received a communication from the Department, a copy of which is with the record, enclosing the opinion of the Assistant Attorney-General for the Department sustaining the decision of the Commission adverse to the applicant, also ordering that final action be delayed until it could be determined what action Congress would take in reference to certain legislation then proposed.

The record in the case shows that on March 20, 1905, a letter was forwarded by the Commission to the Department from

920/424

Copy

Refer in reply to the following:

DEPARTMENT OF THE INTERIOR,
Land: OFFICE OF INDIAN AFFAIRS,
88001-1906. WASHINGTON.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of May 13, 1903 (I.T.D. 4589) September 14, 1903 (I.T.D. 4589, 4988, 6338), March 25, 1904 (I.T.D. 2524), August 26, 1905 (I.T.D. 3228) and May 2, 1906 (I.T.D. 17114-1905) there is inclosed a report from the Commissioner to the Five Civilized Tribes dated July 6, 1906, transmitting the record relative to the application of Esau Wolf for enrollment as a citizen of the Chickasaw Nation.

The record shows that on May 11, 1903, a petition was filed with the Department by Messrs. Redwine and Jones attorneys for the petitioner, praying for the enrollment of Esau Wolf as a citizen by blood and alleging that his name appeared on the 1893 Chickasaw Leased District Payment Roll.

The Department on May 13, 1903 (I.T.D. 4589) transmitted the petition to the office of the Commission to the Five Civilized Tribes for a report thereon.

The record shows that on May 21, 1903, the Department was advised that on March 30, 1903, Esau Wolf applied to the Commission at Muskogee, I.T., for enrollment as a citizen by blood

JP

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

FHE.

D:G: 616-1907.
I.T.D. 25136-1906.

December 27, 1906.

LRS

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

Sir:

July 6, 1906, you retransmitted the record in the matter of the application of Esau Wolf for enrollment as a citizen by blood of the Chickasaw Nation, together with your decision of the same date, favorable to the applicant.

Reporting December 12, 1906 (Land 58001), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

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

The papers in the matter have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 for Ind. Of.

COPY.

Muskogee, Indian Territory, July 6, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith my decision of July 6, 1906, in the matter of the application of Esau Wolf for enrollment as a citizen by blood of the Chickasaw Nation, enrolling the applicant.

The attorneys for the Choctaw and Chickasaw Nations have been allowed fifteen days from this date within which to protest to this decision, and if at the expiration of that time no protest has been filed, the name of Esau Wolf will be placed upon a schedule of citizens by blood of the Chickasaw Nation, prepared for forwarding to the Secretary of the Interior.

Respectfully,

2 Incl. Memo. 136.

[Signature]
Commissioner.

Through the
Commissioner of Indian Affairs.

Memo. 136

Muskogee, Indian Territory, July 6, 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 July 6, 1906, granting the application for the enrollment of Esau Wolf 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 his enrollment. If at the expiration of that time no protest has been filed, the name of Esau Wolf will be placed upon the final roll of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

Commissioner.

Incl. Memo. 136.

Memo. 136

Muskogee, Indian Territory, July 6, 1906.

COPY.

W. N. Redwine,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on July 6, 1906, rendered his decision granting the application for the enrollment of Masu Wolf 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 his enrollment. If at the expiration of that time no protest has been filed, the name of Masu Wolf will be placed upon the final roll of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

Commissioner.

Memo. 136

COPY.

Muskogee, Indian Territory, July 6, 1906.

Guy P. Cobb,
Attorney at Law,
Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on July 6, 1906, rendered his decision granting the application for the enrollment of Esau Wolf 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 his enrollment. If at the expiration of that time no protest has been filed, the name of Esau Wolf will be placed upon the final roll of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

T. J. Turner

Registered.

Commissioner.

Memo. 136

Muskogee, Indian Territory, July 6, 1906.

Esau Wolf,

Filmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 6, 1906 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 your enrollment. If at the expiration of that time no protest has been filed, the name of Esau Wolf will be placed upon the final roll of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tamm Birby

Registered.

Commissioner.

Incl. Memo. 136.

COPY

~~Phillips~~
Eugene Wolfe
vs

Charles & Charles and
Norton

McAlester, I.T., June 6, 1906.

Mansfield, McMurray & Cornish,
Attys for Choctaw & Chicasaw Nations,
City.

Gentlemen:-

You are hereby notified that on the 18th day of June,
1906 Esaw Wolf will make application before the Commission to the
Five Civilized Tribes at Muskogee, Indian Territory at the office
of said Commission, for his enrollment as a citizen by blood
of the Choctaw or Chickasaw Nation.

Esaw Wolf

By W. H. Redmond
Attorney for Applicant.

(2)

with a view to giving him every possible opportunity of identifying himself upon one of said rolls.

If possible, it is desired that some date be agreed upon between the attorneys for the Choctaw and Chickasaw Nations and the attorneys for the Choctaw and Chickasaw Nations and the attorneys for the applicant, for the presentation of the testimony of Esau Wolf.

Respectfully,

SIGNED *Wm. O. Deak.*

Acting Commissioner.

OP 16-3

COPY.

Muskogee, Indian Territory, May 16, 1906.

Guy P. Cobb,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

There is enclosed herewith for your information, copy of Departmental letter of May 2, 1906, accompanied by the report of the Acting Commissioner of Indian Affairs of December 11, 1905, in reference to the Chickasaw enrollment case of Esau Wolf.

There is also transmitted herewith copy of a letter this day directed to W. N. Redwine, South McAlester, Indian Territory, in reference to the Esau Wolf case.

Since the receipt by this office of Departmental letter of May 2, 1906, a thorough examination has been made of all the tribal rolls of the Chickasaw Nation for the purpose of identifying, if possible, the name of Esau Wolf thereon.

This examination has not resulted in the identification of Wolf as a recognized citizen of the Chickasaw Nation by the tribal authorities.

It is earnestly desired, if practicable, to secure the testimony of Esau Wolf before this office in order that a complete examination may be made of the tribal rolls of the Chickasaw Nation

(2)

himself upon one of said rolls.

If possible, it is desired that some date be agreed upon between the attorneys for the Choctaw and Chickasaw Nations and the attorneys for the applicant, for the presentation of the testimony of Esau Wolf.

Respectfully,

SIGNED *Wm. C. Seal.*

Acting Commissioner.

OP 16-2

COPY.

Muskogee, Indian Territory, May 16, 1906.

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

Gentlemen:

There is enclosed herewith for your information, copy of Departmental letter of May 2, 1906, accompanied by the report of the Acting Commissioner of Indian Affairs of December 11, 1905, in reference to the Chickasaw enrollment case of Esau Wolf.

There is also transmitted herewith copy of a letter this day directed to W. N. Redwine, South McAlester, Indian Territory, in reference to the Esau Wolf case.

Since the receipt by this office of Departmental letter of May 2, 1906, a thorough examination has been made of all the tribal rolls of the Chickasaw Nation for the purpose of identifying, if possible, the name of Esau Wolf thereon.

This examination has not resulted in the identification of Wolf as a recognized citizen of the Chickasaw Nation by the tribal authorities.

It is earnestly desired, if practicable, to secure the testimony of Esau Wolf before this office in order that a complete examination may be made of the tribal rolls of the Chickasaw Nation with a view to giving him every possible opportunity of identifying

(2)

in the Act of April 26, 1906 (Public 129), the case of Esau Wolf should be adjudicated upon its merits.

The only reference to the 1893 Chickasaw roll that appears in the record of this case is that contained in your letter of May 8, 1903, in which you state:

"Esau Wolf is duly enrolled on the tribal rolls of the Chickasaw Nation, on the old rolls of 1893, and drew money and he has always been recognized as an Indian and a full-blood."

This statement is not confirmed by the records of the Chickasaw Nation in the possession of this office and as it will be necessary, before the right of Esau Wolf to enrollment as a citizen by blood of the Chickasaw Nation can be finally determined, that it be shown that he was a recognized citizen of the Chickasaw Nation by the tribal authorities thereof, it is suggested that you procure the personal appearance of Esau Wolf before this office at some date to be agreed upon between you and the attorneys for the Choctaw and Chickasaw Nations, in order that his testimony in reference to his tribal recognition as a citizen of the Chickasaw Nation may be submitted.

For your information there is enclosed herewith copy of Departmental letter of May 2, 1906, accompanied by the report of the Acting Commissioner of Indian Affairs of December 11, 1905.

Respectfully,

SIGNED *Wm. J. Scott.*

Acting Commissioner.

COPY.

Muskogee, Indian Territory, May 16, 1906.

W. N. Redwine,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Under date of May 8, 1903, you directed a letter to the Secretary of the Interior in reference to the right to enrollment of Esau Wolf. The Esau Wolf case has been the subject of considerable correspondence between this office, the Commissioner of Indian Affairs and the Secretary of the Interior.

The Department on May 2, 1906, in referring to this case states:

"The various reports connected with Wolf's case show that he is a Chickasaw by blood; that he has always resided in the Chickasaw Nation, and that his name appears upon the 1893 roll of said nation."

The Department has heretofore declined to determine the right of Esau Wolf to enrollment as a citizen by blood of the Chickasaw Nation for the reason that his application for enrollment was submitted subsequent to the time fixed by section 34 of the Act of July 1, 1902 (32 Stats., 641) and that the Commission to the Five Civilized Tribes was without authority to receive his application.

The Department now states that in view of the provisions of law relative to citizens of the Five Civilized Tribes contained

It further appears of record that on March 30, 1903, Esau Wolf presented an application for enrollment as a citizen by blood of the Chickasaw Nation. This application was submitted subsequent to the time fixed by section 34 of the act of July 1, 1902 (32 Stat., 641), and the applicant was informed by the Commission that it was without authority to receive his application.

On June 8, 1904, the petition of Esau Wolf in the matter was denied, and the Commission was instructed to return the same to his attorneys.

In view of the provisions of law relative to the enrollment of citizens of the Five Civilized Tribes contained in the act of April 29, 1906 (Public 129), you are directed to adjudicate the case of Esau Wolf upon its merits.

A copy of Indian Office letter of December 11, 1905 (Land 81530), together with certain other reports and papers bearing the file marks noted in the caption, are inclosed herewith.

Respectfully,

Thos Ryan

First Assistant Secretary.

13 inclosures.

J.W.H.

DEPARTMENT OF THE INTERIOR, LLS

Washington.

I.T.D. 4589, 4988-1903.
168, 554-1904.
586, 2524- "
3226, 9729-1905.
17114 "

May 2, 1906.

LRS.

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

Sir:

On September 28, 1905, you reported in the matter of the alleged application of Esau Wolf for enrollment as a citizen by blood of the Chickasaw Nation. With said report you forwarded the record concerning said application, and stated "in the absence of the testimony of any reliable witnesses as to the alleged application made by Esau Wolf of Tishomingo, Indian Territory, in 1898, I can see no reason why the opinion of the Assistant Attorney-General for the Department of the Interior of March 22, 1904, in this case should not be adhered to, and I so respectfully recommend."

Reporting in the matter December 11, 1905, the Indian Office concurred in your conclusion that Wolf's appearance before the Commission in 1898 had not been satisfactorily proven.

The various reports connected with Wolf's case show that he is a Chickasaw by blood; that he has always resided in the Chickasaw Nation, and that his name appears upon the 1893 roll of said nation.

Muskogee, Indian Territory, March 20, 1906.

Guy P. Cobb,

Attorney at Law,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 14, inclosing letter addressed to the Secretary of the Interior and affidavit of Esau Wolfe relative to an alleged application for enrollment as a citizen of the Chickasaw Nation made by him in 1898.

You are advised that the letter and accompanying affidavit have this day been forwarded to the Secretary of the Interior.

Respectfully,

Signed. TAMS BIXBY.

Chairman.

have been impossible for him to pay the expense of bringing the witnesses that great distance. As has been said in other similar cases by the Office, these Indians should not be required to travel such long distances with their witnesses in order to submit proof of their claims to rights in the various tribes. The hearing in this case should have been set at Tishomingo, where it might have been possible for Wolf to have produced his witnesses. As the record appears before the Office now, sufficient weight of evidence in behalf of Wolf's claim has not been produced, and passing upon the record as it is, and not as I believe it should have been, I concur in the conclusion of the Commissioner, that Wolf's appearance before the Commission in 1898 has not been satisfactorily proven.

Very respectfully,

Acting Commissioner.

KBH-PH.

From the unsupported statements of Esau Wolf of September 21, 1905, when considered with his unsolicited statements made at the office of the Commission on March 30, 1903, the Commissioner says that he cannot believe that the evidence warrants the conclusion that an application was made prior to December 24, 1902 for Wolf's enrollment as a citizen of the Chickasaw Nation.

Mr. Bixby says that he desires in this connection to call the attention of the Department to his letter of August 26, 1905, in which he was directed to permit Esau Wolf to appear with his witnesses and furnish testimony relative to the time, place and manner of making his alleged application, and to the notice to Guy P. Cobb, of September 5, 1905, enclosing copy of departmental letter of August 26, 1905, and advising him that the testimony of Wolf and his witnesses would be heard by the Commissioner.

In the absence of the testimony of any reliable witnesses as to the alleged application made by Esau Wolf at Tishomingo in 1898, Mr. Bixby says he can see no reason why the opinion of the Assistant Attorney General for the Department of the Interior of March 22, 1904, in this case, should not be adhered to, and so recommends.

The record as submitted does not show why Esau Wolf did not produce the witnesses whom he alleged were present at the time of his attempted registration in 1898 before the Commission to the Five Civilized Tribes. He is a full blood Chickasaw Indian, having but a slight knowledge of English, and it will be assumed, has very limited financial resources. He was required to produce his witnesses at Muskegee, a long distance from home, and it may

propounded to him in the English language. The examining officer then advised Mr. Cobb that the testimony of Wolf, through Jesse Jackson, who was unknown to the office, would not be permitted, and that inasmuch as Wolf was apparently able to carry on a conversation in the English language, he would be required to submit his evidence in English, or the case would be continued until such time as the services of one of the regular Chickasaw interpreters in the employ of the Commissioner could be secured. Mr. Cobb then directed his client to testify in the English language.

The Commissioner transmits for the information of the Department a copy of the proceedings had on September 21, 1905.

Reporting in this matter Mr. Bixby says that Malinda Wolf, wife of Esau Wolf, personally appeared before the Commission to the Five Civilized Tribes at Tishomingo, on September 28, 1898, and made application for the enrollment of herself and her two minor children, Sallie and Jim Wolf, as citizens by blood of the Chickasaw Nation.

He further says that Malinda Wolf appears upon the records of his office as a full blood Chickasaw Indian and has been enrolled as such, her name appearing upon the final roll of the citizens by blood of the Chickasaw Nation, approved by the Department, opposite No. 2095. The two children for whom application was made on September 28, ¹⁸⁹⁸ are the children of Malinda Wolf by Esau Wolf, and their enrollment has been approved by the Department, their names appearing upon the final roll of the citizens by blood of the Chickasaw Nation opposite Nos. 2096 and 2097 respectively.

the Choctaw and Chickasaw Nations, and the services of a Chickasaw interpreter secured at such hearing. This action was taken because it was alleged by Esau Wolf in his affidavit of March 14, 1905, that he was refused a hearing at the time he claims to have appeared before the Commission to the Five Civilized Tribes at Tishomingo, in 1898, because no Chickasaw interpreter was furnished, through whom he might submit his testimony.

No Proceedings were had in this matter on September 20, 1905 further that the appearance of Guy P. Cobb, the attorney for Esau Wolf, who stated that the petitioner was not present, but that he anticipated having Wolf appear as early as practicable.

One of the regular interpreters employed at the Choctaw land office was present at Muskogee during the entire day of September 20, but no proceedings having been had in the matter, he was directed at the close of business on that day to return to the Choctaw land office, Atoka.

On September 21, 1905, the petitioner and his attorney, Guy P. Cobb, personally appeared at the office of the Commissioner at Muskogee for the purpose of submitting testimony in reference to the alleged application made by Esau Wolf before the Commission to the Five Civilized Tribes at Tishomingo.

The Commissioner further says that the petitioner, Esau Wolf, insisted through as interpreter, Jesse Jackson, who accompanied him, that he was unable to speak or understand the English language, but he did in the presence of the examining officer, carry on a conversation in intelligent English with his attorney, Guy P. Cobb. The attorney instructed Wolf not to answer any of the questions

(Rough)

Land. DEPARTMENT OF THE INTERIOR,
81520-1905. OFFICE OF INDIAN AFFAIRS,
WASHINGTON. December 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commissioner to the Five Civilized Tribes of September 28, acknowledging receipt of departmental letter of August 26, 1905 (I T D 3228-1905), in which he was directed to permit Esau Wolf, whose name is borne upon the 1893 rolls of the Chickasaw Nation, to appear with his witnesses and to furnish such testimony as he may be able to submit showing the time, place, and manner of the making of his alleged application for enrollemnt.

In conformity with departmental instructions, Esau Wolf, of Filmore, Indian Territory, Guy P. Cebb, his attorney of record, of Ardmore, and the attorneys for the Choctaw and Chickasaw Nations at South McAlester, were notified that the testimony of Esau Wolf and such witnesses as might be presented would be heard at the Commissioner's office at Muskogee, on Wednesday, September 20, 1905, at 9 o'clock, A.M.

Mr. Bixby says that the attorney for the applicant was especially advised that the hearing was set for a specific time in order that notice thereof might be furnished the attorneys for

Sept. 30th. 1905.

Hon. E. A. Hitchcock,
Secretary of the Department of the Interior Etc.,

Sir:

Doubtless the Department remembers the Esau Wolf case in which case I was one of the attorneys for the applicant and who was by the judgment of your department duly adjudged entitled to membership in the Choctaw-Chickasaw Tribe and to enrollment as such but which judgment was reversed by the department of Justice. This of course is the end of the matter along this line. As the department no doubt well remembers there can positively be no doubt as to the citizenship of this indian and of his right to enrollment as such but for a legal technicality and the equities of his case are so clear and unequivocal that I have been encouraged to make this suggestion to the department, that is to say: that the Hon. Secretary of the Interior Department in his report to the Congress which will convene on the first Monday in Dec. next will recommend such special legislation as will admit him to the rolls.

I trust that you may not consider me impertinent or officious in offering this suggestion for I beg to assure you that the same is far from my purpose and that I only wish to see the great hardship that the technicality of the law has wrought upon this indian righted and knew of no other effective way to do about it.

With Much Respect, I Am Very Truly Yours Etc.,

Wiley H. Jones.

Indorsed:

Department of the Interior,
Received Oct. 4, 1905.
No. 9729.
Indian Territory Division.

(5)

office on March 30, 1903.

In the absence of the testimony of any reliable witnesses as to the alleged application made by Sam Walf at Tishomingo, Indian Territory, in 1898, I can see no reason why the opinion of the Assistant Attorney General for the Department of the Interior of March 22, 1904, in this case should not be adhered to, and I so respectfully recommend.

Respectfully,

Tamc Dixby.

Commissioner.

Through the Commissioner
of Indian Affairs.

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(4)

Chickasaw Nation as approved by the Secretary of the Interior opposite No. 2095. The two children for whom application was made on September 28, 1898, are the children of Malinda Wolf by Esau Wolf, and their enrollment has been approved by the Secretary of the Interior; their names appearing upon the final roll of the citizens by blood of the Chickasaw Nation opposite Nos. 2096 and 2097 respectively.

From the unsupported statements of Esau Wolf of September 21, 1908, when taken in connection with his unsolicited statement made at this office on March 30, 1903, I cannot believe that the evidence warrants the conclusion that an application was made by him for enrollment as a citizen of the Chickasaw Nation prior to December 24, 1902.

I desire in this connection to call the attention of the Department to its letter of August 26, 1905, in which the Commissioner was directed to permit Esau Wolf to appear with his witnesses and furnish testimony relative to the time, place, and manner of making his alleged application, and to the notice to Guy P. Cobb, of September 5, 1905, enclosing copy of departmental letter of August 26, 1905, and advising him that the testimony of Wolf and his witnesses would be heard by the Commissioner.

I cannot believe that the unsupported statement of Wolf is of any force and effect, especially in view of the fact that it is in direct contradiction to his unsolicited statement made at this

understand the English language, but the petitioner did in the presence of the examining officer carry on a conversation in intelligent English with his attorney, Guy P. Cobb. The attorney instructed Esau Wolf not to answer any of the questions propounded to him in the English language. The examining officer then advised Mr. Cobb that the testimony of Esau Wolf, through Jesse Jackson who was unknown to this office, would not be permitted and that inasmuch as Wolf was apparently able to carry on a conversation in the English language, he would be required to submit his evidence in English, or that the case would be continued until such time as the services of one of the regular Chickasaw interpreters in the employ of the Commissioner could be secured. Mr. Cobb then directed his client to testify in the English language.

I transmit herewith for the information of the Department, a copy of the proceedings had at this office on September 21, 1905.

Reporting in this matter I have the honor to advise that Malinda Wolf, the wife of Esau Wolf, personally appeared before the Commission to the Five Civilized Tribes at Tishomingo, Indian Territory, on September 28, 1898, and made application for the enrollment of herself and her two minor children, Sallie and Jim Wolf, as citizens by blood of the Chickasaw Nation.

Malinda Wolf appears upon the records of this office as a full blood Chickasaw Indian and has been enrolled as such, her name appearing upon the final roll of the citizens by blood of the

(2)

present at such hearing. This action was taken inasmuch as it is alleged by Esau Wolf in his affidavit of March 14, 1905, that he was refused a rehearing at the time he claims to have appeared before the Commission to the Five Civilized Tribes at Tishomingo, Indian Territory, in 1898, because no Chickasaw interpreter was furnished, through whom he might submit his testimony.

No proceedings were had in this matter on September 20, 1905, further than the appearance of Guy P. Cobb, the attorney for the petitioner Esau Wolf, who stated that the petitioner was not present but that he anticipated having him appear as early as practicable.

One of the interpreters employed by the Commissioner at the Choctaw land office was present at this office during the entire day of September 20, 1905, but no proceedings having been had in the matter, he was directed at the close of business on that date to return to the Choctaw land office at Atoka.

On September 21, 1905, the petitioner and his attorney, Guy P. Cobb, personally appeared at this office for the purpose of submitting testimony in reference to the alleged application made by Esau Wolf before the Commission to the Five Civilized Tribes at Tishomingo, Indian Territory.

The petitioner Esau Wolf insisted through an interpreter, Jesse Jackson, who accompanied him, that he was unable to speak or

Muskogee, Indian Territory, September 25, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of departmental letter of August 26, 1905, (I T D 3229-1905), in which I am directed to permit Esau Wolf, whose name is borne upon the 1893 roll of the Chickasaw Nation, to appear with his witnesses and to furnish such testimony as he may be able to submit, showing the time, place, and manner of the making of his application for enrollment.

In conformity with departmental instructions, Esau Wolf at Pilmore, Indian Territory, Guy P. Cobb, his attorney at Inwood, at Ardmore, Indian Territory, and Messrs. Mansfield, Mc Murray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, at South McAlester, Indian Territory, were notified that the testimony of Esau Wolf and such witnesses as might be presented would be heard at this office on Wednesday, September 20th, 1905, at nine o'clock A. M.

The attorney for the applicant was especially advised that the hearing was set for a specific time in order that notice thereof might be furnished the attorneys for the Choctaw and Chickasaw Nations, and the services of a Chickasaw interpreter secured to be

Memo. 136.

COPY.

Muskogee, Indian Territory, September 5, 1905.

Chief Clerk,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on Wednesday, September 20, 1905, at nine o'clock A. M., there will be heard at the general office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, the testimony of Esau Wolfe in the matter of his alleged application for enrollment as a citizen of the Chickasaw Nation. It appears from certain papers filed in this matter that Wolfe is a full blood Chickasaw Indian and unable to speak the English language. You are requested to direct one of the interpreters in the employ of your office to proceed to Muskogee for the purpose of being present at the time of this hearing.

Respectfully,

W. O. Beall

Acting Commissioner.

M MoM & C 2

sioner at Muskogee, Indian Territory, on Wednesday, September 20,
1906, at nine o'clock A. M.

Respectfully,

W. O. Beall
Acting Commissioner.

MoM 5/2

COPY.

Muskogee, Indian Territory, September 5, 1905.

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

Gentlemen:

I enclose herewith copy of departmental letter of August 26, 1905 (I T D 3228-1905), to the Commissioner to the Five Civilized Tribes directing that Esau Wolfe be permitted to appear with his witnesses and to furnish such testimony as he might be able to submit, showing the time, place and manner of making his alleged application for enrollment as a citizen of the Chickasaw Nation.

There is also enclosed for your information, copy of departmental letter of March 25, 1904, with which was enclosed an opinion of the Assistant Attorney General for the Department of the Interior, of March 22, 1904, and the report of the Acting Commissioner of Indian Affairs of January 21, 1904, in reference to this case.

You are hereby advised that the testimony of Esau Wolfe in reference to his alleged application for enrollment as a citizen of the Chickasaw Nation will be heard at the office of the Commis-

is set for this specific time in order that notice thereof may be furnished the attorneys for the Choctaw and Chickasaw Nations and the services of an interpreter obtained to be present at that time.

It will be necessary that this matter be taken up on the date indicated, as otherwise it will be doubtful if the services of an interpreter can be secured.

Respectfully,

W. O. Beall

Acting Commissioner.

MoW 6/1

COPY.

Memo. 124

Muskogee, Indian Territory, September 5, 1905.

Guy P. Cobb,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

This office is in receipt of a letter from the Secretary of the Interior, under date of August 26, 1905 (I T D 3228-1905), in reference to the alleged application of Esau Wolfe for enrollment as a citizen by blood of the Chickasaw Nation. This office is directed to permit Esau Wolfe to appear with his witnesses for the purpose of furnishing such testimony as he may be able to submit, showing the time, place and manner of making his application.

For your information I enclose herewith copy of departmental letter of August 26, 1905, and also copy of departmental letter of March 25, 1904, enclosing an opinion of the Assistant Attorney General for the Department of the Interior of March 22, 1904, in reference to the enrollment of Esau Wolfe as a citizen of the Chickasaw Nation.

You are advised that the testimony of Esau Wolfe and such witnesses as he may present will be heard at this office on Wednesday, September 20, 1905, at nine o'clock A. M. This hearing

COPY.

Mem. 136.

Muskogee, Indian Territory, September 5, 1905.

Esau Wolfe,

Pilmore, Indian Territory.

Dear Sir:

You are hereby advised that in conformity with the instructions of the Secretary of the Interior of August 26, 1905, the Commissioner to the Five Civilized Tribes will at his office at Muskogee, Indian Territory, on Wednesday, September 20, 1905, at nine o'clock A. M., hear your testimony and the testimony of such witnesses as you desire to present in reference to the time, place, and manner of making your alleged application for enrollment as a citizen of the Chickasaw Nation.

Respectfully,

W. O. Beall

Acting Commissioner.

-3-

The affidavit of Esau Wolfe is enclosed herewith to be returned in due time to the Department.

Respectfully,

Thos Ryan

Acting Secretary

Through the
Commissioner of Indian Affairs.

1 inclosure.

sented himself for the purpose of being enrolled by the Commission; that he made his application in the Chickasaw language, that being refused an interpreter, he left the tent where applications were being received; he also alleges that there were present at the time, in or near the tent, at the back of the capitol building, where his application was made, his wife, Melinda Wolfe, Stephen Jones, and Big Martha, mother of Jackson Hart, and several other Indian citizens. This alleged application is clearly analogous to that of Mary Marston, for enrollment as a citizen by intermarriage of the Choctaw Nation. In the latter case the Commission to the Five Civilized Tribes advised the applicant that if the alleged application was made to the Commission within the time provided for by the act of Congress of July 1, 1902, that she would be allowed to appear before the Commission, accompanied by the person by whom the application was made and by witnesses who have knowledge of the facts, and submit testimony relative to the matter. This action was approved by the Department in its letter of August 17, 1905.

Following the proceeding authorized by this letter, you are directed to permit Esau Wolfe, whose name is borne on the 1893 roll of the Chickasaw Nation, to appear with his witnesses and to furnish such testimony as he may be able to submit showing the time, place, and manner of making his application. Before such hearing is had due notice thereof should be given to all parties in interest.

(COPY)

JWR

DEPARTMENT OF THE INTERIOR LLB

D.C. 41403-1905.

WASHINGTON.

I.T.D. 3828-1905.

August 26, 1905.

LRS

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

Sir:

March 20, 1905, the Commission to the Five Civilized Tribes forwarded a letter from Guy P. Cobb, attorney at law, Tishomingo, Ind. T., dated March 14, 1905, addressed to the Secretary of the Interior, transmitting affidavit of Esau Wolfe and requested that the Commission be directed to receive his testimony in the matter of his application for enrollment as a citizen of the Chickasaw Nation.

The Commission stated that at the time Esau Wolfe appeared before it, namely, March 30, 1903, for the purpose of making application for enrollment, it did not appear from the Commission's records that application had been made for his enrollment, nor did he claim at that time to have made a previous appearance for the purpose of making an application.

In the affidavit of Esau Wolfe dated March 14, 1905, transmitted by the Commission on March 20, 1905, it is stated that he is a citizen of the Chickasaw Nation; that he is a full-blood Chickasaw Indian; that in 1898 he went to Tishomingo and pre-

Nation, it did not appear from our records that application had been made to this Commission for his enrollment as a citizen by blood of that nation, nor did he at that time claim to have made a previous appearance for the purpose of making an application for such enrollment.

Respectfully,

SIGNED TAMS BIXBY.

Chairman.

Incl. A-20

Through the
Commissioner of Indian Affairs.

Muskegee, Indian Territory, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward herewith letter of Guy B. Cobb, Attorney at Law of Tishomingo, Indian Territory, of March 14, 1905, addressed to the Secretary of the Interior transmitting affidavit of Esau Wolfe, and requesting that the Commission be directed to receive the testimony of Esau Wolfe in the matter of an application alleged to have been made for him for enrollment as a citizen of the Chickasaw Nation.

I have to advise that the matter of the claim of Esau Wolfe to citizenship in the Chickasaw Nation has been the subject of considerable correspondence, having been referred to the Commission with Departmental letter of May 13, 1903, (I. T. D. 4589-1903), and the matter was apparently disposed of by the Department in its communication of March 25, 1904, (I.T.D. 2524-1904) transmitting copy of an opinion of the Assistant Attorney-General of March 22, 1904, approved the same date, and its letter of June 8, 1904, (I. T. D. 556, 2524-1904).

I have further to advise that at the time Esau Wolfe appeared before the Commission, March 30, 1903, and attempted to make application for enrollment as a citizen by blood of the Chickasaw

March-14-05

Ksaw Wolfe being first duly sworn on my oath state that I am a citizen by blood of the Chickasaw Nation, that I am 27 years of age, and live at Filmore, I.T. and that in the summer or autumn of 1898 I was living near Filmore, and that I heard that the Dawes Commission were at Tishomingo enrolling indians, I came to Tishomingo and presented myself for the purpose of being enrolled by the Commission, one of the Commissioners asked me what my name was, I answered Ksaw Wolfe, the Commissioner then asked me what nation I was a citizen of, and I answered in the Chickasaw language and stated that I was a full blood Chickasaw, the Commissioner repeated his question and I answered again in the Chickasaw Language, and Peter Maytubby who the interpreter for the Commission at the time told the Commissioner that I could talk as good English as the interpreter could, I insisted that I needed an interpreter and Peter Maytubby insisted that I could talk as good english as he could, I insisted on having my examination through an interpreter and being refused left the tent.

There were present at the time in or near the tent in the back of the Capital Building where my application took place, my wife Melinda Wolfe, Stephen Johns, and Big Martha mother of Jackson Hart, and several other Indian Citizens.

Ksaw Wolfe

Subscribed and sworn to before me this 14th. day of March-1905

Arthur Sinclair

Notary Public
Southern District, I.T.

Com. Expires Oct.9-07

GUY P. COBB,
Attorney at Law.

(COPY).

Tishomingo, Ind.Ter. March-14-05.

The Honorable Secretary of the Interior,
Washington, D.C.

Sir:-

As attorney for Esau Wolfe I have the honor to transmit herewith his affidavit setting forth facts in connection with his personal appearance for the purpose of being enrolled as a member of the Chickasaw Tribe of Indians in the year 1898, respectfully submitting the facts set forth in his affidavit were sufficient to constitute an application and an appearance in person, and requesting that the Commission to the Five Civilized Tribes be directed to permit Esau Wolfe to appear in person before them, for the purpose of having his rights as a citizen of the Chickasaw Nation determined, and to enroll the said Esau Wolfe if he be entitled to enrollment, and I be advised of any action taken by you.

Very respectfully,

(Signed) GUY P. COBB

(COPY).

(COPY)

D.C. No. 9387-1904
S P E C I A L

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

YC
RAF.

ITD. 2524-1904.

March 25, 1904.

LRS

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

Gentlemen:

There is inclosed herewith a copy of an opinion of the Assistant Attorney General for this Department, dated March 22, 1904, approved same date, relative to the application of Esau Wolf to be enrolled as a citizen of the Chickasaw Nation.

You are instructed, as recommended in said opinion, to receive any applications similar to that of Esau Wolf, if presented, and hold them to await the action of Congress upon pending bills affecting the matter discussed in said opinion. Messrs. Redwine and Jones of South McAlester filed papers in this case. Advise them and the attorneys for the Choctaw and Chickasaw Nations hereof. Final action will not be taken relative to the application of Wolf until it shall be known whether further legislation shall be enacted at this session of Congress.

Copies of Indian Office letters of January 8, and two of January 21, 1904, are inclosed herewith.

Respectfully,

Thos Ryan

4 inclosures.

Acting Secretary.

could not be received by the commission and he is not under that law entitled to be enrolled.

Inasmuch, however, as additional legislation in respect to closing the rolls of the several tribes has been recommended and is now under consideration by Congress, it is respectfully suggested that no final adverse action be now taken on Wolf's case or in any similar one, and that all such applications be held until it shall be known whether further legislation shall be enacted this session of Congress. I would further suggest for your consideration the advisability of instructing the Commission to the Five Civilized Tribes to receive any similar applications if presented and hold the same to await action upon pending bills affecting the matter.

The papers submitted are herewith returned.

Very respectfully,

Frank L. Campbell,
Assistant Attorney General.

Approved: March 22, 1904.

E. A. Hitchcock,
Secretary.

-3-

al rolls, "but who have not heretofore been enrolled by said commission, commonly known as "delinquents," with the express inhibition that "the application of no person whomsoever for enrollment shall be received after the expiration of said ninety days."

Although Esau Wolf was by right of birth and continued residence clearly entitled to citizenship in the Chickasaw Nation, it was no doubt within the power of Congress and of the Chickasaw Nation to require that Chickasaw citizens should assert their rights of membership in the nation within a time reasonably limited, or be excluded from its rolls. The act of 1902 is not only an act of Congress, but it is the express stipulation of the Chickasaw Nation itself, in the nature of a treaty, so that, viewed as an act of Congress, the act was passed at the instance and request of the Chickasaw Nation. The terms are so clear and mandatory as to leave no room for construction.

The act and agreement being within the legislative powers of Congress, and the joint contracting powers of the United States and the Chickasaw Nation, acting together in an agreement in the nature of a treaty. The executive authority is bound by the action of the political department.

The general question presented by the note of reference must be answered in the affirmative. Esau Wolf comes clearly within the class of persons characterized in said section 34 of the act of July 1, 1902, as "delinquents" and his application for enrollment made after the expiration of the time within which such applications might be received by the Commission to the Five Civilized Tribes,

ties and participated in all distributions of tribal funds including leased district money and indigent fund of last year. There is therefore no question of his right to be enrolled, except for the fact that neither he nor any one for him applied to the Commission to be enrolled until March 30, 1903. The tribal elections for ratification of the act of July 1, 1902, were held September 25, 1902, and that date by section 73 of the act is the one from which the time of limitation must be computed, so that, if the limitation applied to persons on the tribal rolls, and personal application by Wolf is necessary, he was something more than three months late.

By Section 27 of the act of June 28, 1898 (30 Stat., 495,502), the Commission was "directed to make correct rolls by eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law." Nothing was said of an application by one already enrolled, the existing rolls being made the basis of a roll by the Commission.

The act of May 31, 1900 (31 Stat., 236), directed the commission that -

it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior. . . .

This was followed by the provision in section 34 of the act of July 1, 1902, first above set out, which provided that the commission might during the ninety days there limited "receive applications for enrollment only of persons whose names are on the trib-

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COPY.

(COPY)

SVP

DEPARTMENT OF THE INTERIOR,

I.T.D.)
168-554-557)1904.
592)

WASHINGTON,

March 22, 1904.

The Secretary of the Interior.

Sir:

I am in receipt of the letter of January 27, 1904, which requests my opinion whether the authority of the Commission to the Five Civilized Tribes to enroll the classes of persons described in section 34 of the act of July 1, 1902 (32 Stat., 641, 649), terminated at the time indicated therein, except as to persons by or on behalf of whom applications had heretofore been filed. Therewith also is referred the case of Esau Wolf, with request for opinion whether he is entitled to enrollment.

The section so referred to provides:

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, 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 the said ninety days: Provided, That nothing in this section shall apply to any person or persons making application for enrollment as Mississippi Choctaws, for whom provision has herein otherwise been made.

In Esau Wolf's case the facts are that he is a full blood Chickasaw Indian, born in the Territory, in 1878, where he always lived. He was placed on the tribal rolls by the tribal authori-

has been able to discover the papers do not show that his name was placed upon said roll by fraud or without authority of law, and there seems to be no objection but that he is of Chickasaw blood. He was born in the Chickasaw Nation; has lived there all of his life; his mother and father were enrolled as citizens of the Chickasaw Nation, and correspondence shows that Esau Wolf is a full-blooded Chickasaw Indian. The duty of making the rolls is imposed by law upon the Department and the Commission, and it is the duty of the Department and the Commission under the law to make correct rolls. If the contention of the Commission is sustained, the duty of making correct rolls, in part, at least, shifts from the Department and the Commission to the citizens themselves.

Very Respectfully,

A. C. Tonner,

Acting Commissioner.

GAW:LKS.

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It appears to this office that the right of this applicant to enrollment hinges upon the proposition of whether the Commission had a clerical duty to perform and was required by laws, enacted prior to the approval of the supplemental agreement, to transfer from the Choctaw and Chickasaw rolls all names upon such rolls to the rolls prepared by them unless it was shown that any name appearing on the Choctaw and Chickasaw rolls was there by fraud or without authority of law. The Department has heretofore held in the Creek Nation that such was the duty of the Commission in that Nation, and this office knows of no reason why said holding should not be applicable to the Choctaw and Chickasaw Nations.

The opinion of this office has heretofore been fully expressed concerning this subject, in office report of January 8, 1904, to which attention is respectfully invited. In view of all the circumstances of the case as set out in previous correspondence, this office is of the opinion that Esau Wolf is entitled to enrollment as a citizen by blood of the Chickasaw Nation, and that regardless of the instructions of August 8, 1899, the Commission should have examined the Choctaw and Chickasaw tribal rolls and should have placed the name of Esau Wolf on the rolls prepared by them, unless it was conclusively shown that his name appears on the 1893 leased district payment roll by fraud or without authority of law. So far as the office

out the applicant applying to the Commission for enrollment as a citizen by blood of the Chickasaw Nation.

Section 27 of the Choctaw-Chickasaw Supplemental Agreement declares that the rolls of the citizens of said Nations shall be made in strict compliance with the act of June 28, 1898, and the act of May 21, 1900, "except as herein otherwise provided."

Section 28 stipulates that all persons living on the date of the final ratification of the agreement (Sept. 25, 1902), entitled to enrollment as provided in Section 27, shall be enrolled by the Commission. However, Section 34 of said agreement provides that during the 90 days first following the date of the final ratification of the agreement the Commission "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'".

Esau Wolf it appears did not apply to the Commission to the Five Civilized Tribes for enrollment until March 30, 1903, which was more than three months after the expiration of the time fixed by Section 34, of the Choctaw-Chickasaw Supplemental Agreement (attorneys for the Choctaw and Chickasaw Nations say March 3, 1903, but in the Commission's report of November 20th, last, the date is given as March 30, 1903.)

Land.
1050-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Jan. 21, 1904.

C O P Y .

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Depart Letters of November 14th
(I.T.D. 4589, 4988, 6338) and December 15th (I.T.D. 4988),
both 1903, relative to the application of Esau Wolf for
enrollment as a citizen by blood of the Chickasaw Nation,
there is enclosed herewith a report from the Chairman of
the Commission to the Five Civilized Tribes, dated January 2, 1904,
transmitting brief of the attorneys for the Choctaw
and Chickasaw Nations and brief of the attorneys for the
applicant. The attorneys for the Choctaw and Chickasaw
Nations, briefly stated, take the position that it was
incumbent upon this applicant to apply to the Commission to
the Five Civilized Tribes for enrollment within 90 days
from the date of the ratification of the Choctaw-chickasaw
Supplemental Agreement. The attorneys for the applicant declare
that inasmuch as the name of the applicant appears on
the 1893 leased district payment roll, it was the duty of
the Commission to the Five Civilized Tribes to transfer
his name from that roll to the roll prepared by them with-

neys for the Choctaw and Chickasaw Nations and W. N. Redwine, attorney for Esau Wolf, as directed in Departmental letter of September 14, 1903.

I now have the honor to advise that on December 23, 1903, there was filed with the Commission the brief of Mansfield, McMurray & Cornish on behalf of the Choctaw and Chickasaw Nations in the matter of the application of Esau Wolf for enrollment as a citizen by blood of the Chickasaw Nation, with proof of service of a copy thereof upon Redwine & Jones, attorneys at law, South McAlester, Indian Territory, attorneys for Esau Wolf, and that on January 2, 1904, there was filed with the Commission the brief and argument of Redwine & Jones, attorneys for Esau Wolf, in the matter of the application of Esau Wolf, a full blood Indian, as a citizen of the Chickasaw Nation, together with proof of service of a copy thereof upon the attorneys for the Choctaw and Chickasaw Nations.

The same are herewith transmitted for the consideration of the Department in connection with the letter of the Commission of November 20, 1903.

Respectfully,

Tams Bixby,
Chairman.

Through the Commissioner
of Indian Affairs.

AB 1-2

Muskogee, Indian Territory, January 2, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

On December 15, 1903, (I.T.D. 4988-1903) the Department invited the attention of the Commission to Departmental letter of September 14, 1903, (I.T.D. 4589, 4988, 6338-1903) relative to the matter of the enrollment of Esau Wolf as a citizen by blood of the Chickasaw Nation.

The Commission was directed in Departmental letter of September 14, 1903, to advise the attorneys for the Choctaw and Chickasaw Nations that they would be allowed thirty days within which to submit brief and argument relative to the matter and also advise the attorneys for Esau Wolf of such action and inform them that they would be allowed ten days after service of copy of such brief and argument upon them to file an argument if they desired in connection with the matter.

On November 20, 1903, the Commission, in reply to Departmental letter of September 14, 1903, transmitted a report at length with the views upon the jurisdiction of the Commission now to enroll Esau Wolf as a citizen of the Chickasaw Nation, and also advised the Department of the notice to Mansfield, McMurray & Cornish, the attor-

attorneys for the Choctaw and Chickasaw Nations within which to file argument to be transmitted to the Secretary of the Interior.

I have further to report that no argument has up to this time been filed with the Commission in the matter of the enrollment of Esau Wolf by either the attorneys for the Choctaw and Chickasaw Nations or W. N. Redwine, the attorney for Esau Wolf.

The views of the Commission upon its jurisdiction now to receive and consider applications for enrollment as citizens or freedmen of either the Choctaw or Chickasaw Nation were fully set forth in our communication of November 20, 1903.

In the event, however, that argument is filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations and by Mr. Redwine, in the matter of the enrollment of Esau Wolf, the same will be transmitted to the Department with an expression of views by the Commission.

Respectfully,

Tans Bixby,
Chairman.

Through the Commissioner
of Indian Affairs.

The Department, in concluding its letter of December 15, states that the delay incident to this correspondence has been greater than was expected or desired and requests that the briefs referred to be forwarded at once if they have been filed with the Commission.

Reporting in this matter I have to advise that on November 20, 1903, the Commission transmitted to the Secretary of the Interior a report in full upon Departmental letters of September 14, 1903, in the matter of the enrollment of Esau Wolf as a citizen by blood of the Chickasaw Nation, Departmental letter of June 29, 1903, with reference to the petition of Eliza Shoate for enrollment as a citizen by blood of the Choctaw Nation, and of October 5, 1903, in the matter of the enrollment of Joe and Dillard Perry as citizens by blood of the Chickasaw Nation.

I have further to report that on November 20, 1903, Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and W. M. Redwine, at South McAlester, Indian Territory, attorney for Esau Wolf, were furnished with copies of the report of the Commissioner of Indian Affairs of June 8, 1903, (Land 34185-1903). The attorneys for the Nations were advised that they would be allowed thirty days from November 20, 1903, within which to file with the Commission for transmission to the Department an expression of views in regard to the matter. Mr. Redwine was also advised that he would be allowed ten days after service of brief of

Muskogee, Indian Territory, December 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental communication of December 15, 1903, (I.T.D. 4988-1903) inviting attention to Departmental letter of September 14, 1903, acknowledging receipt of the Commission's letter of May 21, 1903, concerning the petition of Esau Wolf, a full blood Chickasaw Indian who claimed a right to enrollment as a citizen of the Chickasaw Nation.

The Department, in its letter of September 14, 1903, considered it advisable, before acting, to allow the attorneys for the Choctaw and Nations to express their opinions and the Commission was directed to furnish them a copy of the letter of the Commissioner of Indian Affairs of June 8, 1903, and to inform them that they would be allowed thirty days within which to file argument, and the Commission was also directed to inform the attorneys for Esau Wolf of such action and to allow them ten days from the date of service of argument of the attorneys for the Choctaw and Chickasaw Nations to file brief, said briefs to be filed with the Commission and to be transmitted to the Department with such expression of views as might be deemed advisable.

letter of June 8, 1903, a copy of which was sent you with the Department's letter of September 14, 1903, and to inform them that they would be allowed thirty days within which to submit a brief relating to the matter. You were also directed to inform the attorneys for Esau Wolf of such action, and to allow them ten days after service of said brief upon them, within which to file an argument, if they desired, in connection with said petition. Said briefs were to be filed with you and to be transmitted to the Department with such expression of your views relating to the question as you might deem advisable.

The delay incident to this correspondence has been greater than was expected or desired. The Department desires that these briefs be forwarded at once if they have been filed with you. An early report is requested.

Respectfully,

Thos. Ryan,
Acting Secretary.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.W.H.
FHE

D.C. 34739-1903.
I.T.D. 4988-1903.

December 15, 1903.

L.R.S.

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

Gentlemen:

On September 14, 1903, the Department acknowledged the receipt of your letter of May 21, 1903, concerning the petition of Esau Wolf, a full blood Chickasaw, who claims enrollment as a citizen by blood of the Chickasaw Nation. In said report you held that under the provisions of section 31 of the act of July 1, 1902 (32 Stat., 641), you were without authority to receive his application, because the same was not made within the ninety day limit provided in said section.

In his report of June 8, 1903, the Acting Commissioner of Indian Affairs expressed the opinion that as the name of Esau Wolf appears upon the Chickasaw rolls, it was unnecessary for him to make an application, and that therefore he is entitled to have his rights investigated.

The Department considered it advisable, before acting upon the matter, to allow the attorneys for the Choctaw and Chickasaw Nations to express their views in the matter. You were therefore directed to furnish them with a copy of the Acting Commissioner's

There can be no doubt that it was the intention of the Choctaw and Chickasaw Nations and of the Congress of the United States, with the ratification of the act of Congress of July 1, 1902, to finally close the rolls of the citizens of the Choctaw and Chickasaw Nations on the date of the ratification of that agreement.

The Commission therefore submits these views to the Department and in conclusion most earnestly recommends that its position as taken in letter of May 21, 1903, in the case of Esau Wolf "That the application of no person whomsoever for enrollment can now be received" and that the time within which the Commission could receive and consider such applications expired December 24, 1902, be sustained.

Respectfully,

Tams Bixby,
Chairman .

T. B. Needles
Commissioner.

C. R. Breckenridge
Commissioner.

W. E. Stanley
Commissioner.

Through the Commissioner
of Indian Affairs.

The other tribal rolls of these two nations are full of inaccuracies and, as none of them have ever been confirmed or ratified by any act of the Choctaw National Council or the Chickasaw National Legislature, they cannot be taken as or assumed to have any further validity than the fact that at the time the names of these persons were placed thereon there was a tribal recognition.

The Commission has heretofore urged that some date be fixed as closing the rolls of citizenship of all the tribes of Indian Territory, and it was our firm belief that by the ratification of the act of Congress approved July 1, 1902, the rolls of the Choctaw and Chickasaw Nations were finally closed on September 25, 1902.

If the opinion as expressed in Departmental letter of August 15, 1903, (I.T.D. 5310-1903) relative to the closing of the rolls of the citizens of the Creek Nation is extended to the Choctaw and Chickasaw Nations, it will be impracticable and impossible to make any estimate when the Commission will be able to complete the work of allotment in the Choctaw and Chickasaw Nations.

It is possibly true that a few persons will suffer in the event of now prohibiting the reception of any applications, but unless this line is drawn and the rolls of these two nations held to be finally closed and no additional applications received, the work of allotment in these two nations will be drawn out indefinitely as has been the case in the Creek Nation.

It is to be noted that section twenty-eight does not alone provide relative to Choctaw and Chickasaw citizens by blood and intermarriage and Choctaw and Chickasaw freedmen, but embraces that wide class "All persons who may be entitled to be enrolled as provided in section twenty-seven" which would apparently include applicants for identification as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898 (30 Stat., 495) and May 31, 1900 (31 Stat., 221).

Aside from the legal aspect presented, the Commission desires, as a matter of policy, to express the opinion that if we are not required in the Choctaw and Chickasaw Nations, as we have heretofore been directed in the Creek Nation, to account for the names of all of the persons appearing upon the tribal rolls of the Choctaw and Chickasaw Nations who have not made application to the Commission for enrollment, we will be charged with a task almost beyond the hope of accomplishment and there will be extended to an indefinite period the time in which the Commission could close and submit to the Secretary of the Interior as final the rolls of the citizens and freedmen of the Choctaw and Chickasaw Nations.

The 1896 tribal roll of the citizens of the Choctaw Nation contains the names of many persons placed thereon without authority of law, having been enrolled by a so-called Revisory Board in January, 1897. A number of these persons have never applied for enrollment and it would be an endless task now to ascertain their whereabouts and make disposition of these unwarranted, unlawful enrollments.

agreement, and entitled to be enrolled, are placed upon the rolls made by the Commission, and our duty would then be to inquire and ascertain if any person who might now make application was so entitled, and the limitation as provided by section thirty-four would apparently be of no force and effect.

It is unnecessary, in our opinion, to invite the attention of the Department to the fact that this would undoubtedly result in the submission of a large number of trivial applications. There is apparently no controversy that the reception of applications for identification as Mississippi Choctaws was terminated March 25, 1903, by the provisions of the forty-first section of the act of July 1, 1902, but since that time there have been innumerable inquiries made as to the manner in which application could now be submitted for enrollment or for identification as Mississippi Choctaws. To all of these inquiries we have replied that no such opportunity existed and that the application of no personwhomsoever for enrollment or for identification as a Mississippi Choctaw could now be received.

Apparently, if we now make this exception we will be overwhelmed with applications of persons claiming to come within the purview of section twenty-eight of the agreement, and would be required to receive and dispose of such applications, which would in effect, be nothing more than a re-opening of the reception of applications for identification as Mississippi Choctaws.

In the case of Esau Wolf there can be no question but that he comes within the purview of section thirty-four as one of those "persons whose names are on the tribal rolls but who have not heretofore been enrolled by said Commission, commonly known as 'delinquents'" and in order that his rights might be protected the additional ninety days within which he could submit his application was granted, which, in our opinion, according to the instructions of the Department of July 23, 1899, must have been in person or by some duly authorized representative. This he does not do, and by the language of the section, upon the expiration of the ninety days first following the date of the final ratification of the agreement, his right to make such application, and the jurisdiction of the Commission to receive the same are estopped by the provisions of the same section, "But the application of no person whomsoever for enrollment shall be received after the expiration of the said ninety days."

In the case of Esau Wolf the fact of his tribal enrollment in 1893 is admitted, but if the views of the Indian Office are concurred in by the Department, we would apparently be in the position of again receiving the applications of any persons who might desire to apply for enrollment as citizens or freedmen of the Choctaw and Chickasaw Nations.

Under the provisions of section twenty-eight the Commission would be enjoined with the duty of seeing that the names of all persons living on the date of the final ratification of the

enrollment as a freedman and the other as a citizen, are now pending, but in this case no such claim as Chickasaw Indians has ever been made until after the expiration of the time within which applications could be received, as defined by the act of Congress approved July 1, 1902.

It is the most earnest desire of the Commission, now that the work of the allotment of the land of the Choctaw and Chickasaw Nations is in progress to complete the final rolls of these two nations at the earliest practicable date, and acting in the firm belief that the time had expired within which the application of any person whomsoever for enrollment or for identification as a Mississippi Choctaw could be received, we have been exerting our energies to the disposition of all pending applications.

We confidently believe that the instructions of the Department have been fully carried out in requiring the personal appearance of applicants for enrollment, and certainly this personal appearance must have been contemplated when the thirty-fourth section of the act of July 1, 1902 was drafted.

It was evidently the intention, with the drafting of that section, that by the ratification of the agreement, all applications for enrollment were estopped except of that class of persons specifically provided for in section thirty-four, and to them was extended an additional ninety days in order that full opportunity might be granted every person who had not, up to that time, appeared before the Commission, to so appear and submit his or her application.

in accordance with our letter to the Department and have so far heard nothing further in regard to the matter.

In the case of Esau Wolf there is no question as to his never having made any application for enrollment prior to March 30, 1903. The omission of his name from the 1896 Chickasaw census roll would indicate that there was some question as to his right to enrollment as a citizen of the Chickasaw Nation, and it is strange if he has been a resident of the Chickasaw Nation, that he did not at some time during the many appointments the Commission had in the Chickasaw Nation, personally appear as an applicant.

In the case of Joe and Dillard Perry, the application for the enrollment of these children as Chickasaw freedmen was made September 2, 1898, and from that time up until the expiration of the time within which the Commission could receive applications for enrollment as citizens of the Chickasaw Nation, no intimation was ever made to us that any other rights were claimed for these children than that of Chickasaw freedmen. Apparently up until the last few months Eliza Harris has contended herself with the enrollment of the children as Chickasaw freedmen. This new claim that they are Chickasaw Indians and entitled to enrollment as such has undoubtedly been instigated and furthered by some attorney who has recently taken hold of the case upon a contingent fee. We have had several like cases where enrollment was claimed both as a citizen and freedman in the Choctaw and Chickasaw Nations, and where two applications, one for

At South McAlester, Indian Territory, On December 24, 1902, for the purpose of protecting the rights of those persons who had not, up to that time, made personal application to the Commission, and whose names appear upon the last tribal roll of the Choctaw and Chickasaw Nations, the Commission, in conjunction with the Citizenship Commissions of the Choctaw and Chickasaw tribes, made a most thorough and careful review of the 1896 census rolls of these two tribes and accepted applications for the enrollment of persons who had not theretofore personally appeared before the Commission, when these Citizenship Commissions had any knowledge whatever of the fact that the persons whose names appeared thereon were then living.

In the cases under consideration we have to advise that in the Eliza Shoate matter we on July 21, 1903, advised the Department that it appeared from our records that one Eliza Choate, sixty four years of age, the daughter of Simon and Jincey Wade, and wife of George W. Choate, had been enrolled by this Commission as a citizen by blood of the Choctaw Nation, and that on March 19, 1903, her enrollment was approved by the Secretary of the Interior, but that the Commission was unable from the information contained in the petition of Eliza Shoate and the letter of Neal & London, her attorneys to identify the Eliza Choate whose name appears upon the approved roll of the citizens by blood of the Choctaw Nation opposite Number 13205 as the petitioner, Eliza Shoate. It is more than probable that this identification is correct, as we notified Messrs Neal & London

fication of this agreement; but the application of no person whomsoever for enrollment shall be received after the expiration of the said ninety days; Provided, That nothing in this section shall apply to any person or persons making application for enrollment as Mississippi Choctaws, for whom provision has herein otherwise been made."

In order that every possible opportunity might be afforded persons who had not theretofore applied to the Commission in person for enrollment, as early as practicable after the ratification of the agreement a field party was placed in the Choctaw and Chickasaw Nations and up to and inclusive of the ninety days after the ratification of this agreement, visited every locality in the Choctaw and Chickasaw Nations. So thorough and complete was this last work, which was concluded on the twenty-fourth day of December, 1902, that we believed that all persons then entitled to enrollment had appeared before the Commission in person or by some duly qualified representative.

It is true that at the conclusion of this appointment there still remained upon the tribal rolls the names of a few persons by whom no application had been made but it was our presumption that they were dead.

It is not to be construed that the Commission has literally required the personal appearance of every applicant, as a great many exceptions have been made and applications received under power of attorney for incompetents and aged and infirm persons, where sufficient showing was presented that the person in whose behalf the application was made was then living.

a sufficient record might be made upon which to determine their right to enrollment.

We have delegated field parties, who have visited every locality in both the Choctaw and Chickasaw Nations, and where necessity has existed, have even gone so far as to send representatives to the homes of citizens to secure this personal application. Every appointment that the Commission has had in these two nations has been thoroughly advertised, not alone by public notice and publication, but we have even gone to the extent of directing communications to individual citizens whose names appear upon the tribal rolls. We do not believe that any work could have been more thoroughly and conscientiously carried on than this enrollment of the citizens and freedmen of the Choctaw and Chickasaw Nations, and especially as it pertains to securing their personal appearance before the Commission.

With the ratification of the act of Congress approved July 1, 1902, (32 Stat., 641) by the citizens of the Choctaw and Chickasaw Nations on September 25, 1903, the efforts of the Commission in this direction were increased, especially in view of the thirty-fourth section of that act, as follows:

"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, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final rati-

ington where an informal conference was had between the Department, the Indian Office and Commissioner McEnnon, and on July 25, 1899, the Commission was specifically directed as to its procedure in the reception of applications for enrollment in the Five Tribes of Indian Territory. These instructions were approved by the Acting Secretary of the Interior August 8, 1899.

After outlining the authority of the Commission to enroll persons as citizens of the Five Tribes in Indian Territory, we were instructed as follows:

"For the purpose of this record you will require each applicant for enrollment to present himself in person before the commission at one of its appointments within the tribe in which such applicant claims right to enrollment, for examination, under oath, his statements to be taken down by the commission, upon which the commission will determine his right to enrollment, and such record and action of the commission will be preserved and transmitted with the rolls to be considered by this office and the Department when the rolls made by the commission are submitted for the approval of the Secretary of the Interior."

In concluding, the following language is used:

"The instructions contained herewith will take the place of all other instructions or directions heretofore given you in particular cases reported to this office, and will govern you in performing all duties to which the instructions given herein could relate."

In accordance with these instructions as approved by the Secretary of the Interior, the Commission has, since the receipt thereof, so proceeded. We have used every possible means to procure the personal appearance of all adult persons whose names appear upon the tribal rolls of the Choctaw and Chickasaw Nations, in order that

to the matter; and also that the attorneys for Esau Wolf be advised of such action and informed that they would be allowed ten days after service of said brief within which to file an argument if they so desired, such brief to be filed with the Commission and to be transmitted to the Department with such expression of views relating to the matter as may be deemed advisable.

Relative to the views of the Indian Office in this matter the Commission desires to make the following report and suggestion:

The Act of Congress approved June 28, 1898, (30 Stat., 495), under which practically all applications for enrollment in the Choctaw and Chickasaw Nations were made provides as follows:

"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 right 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 the laws of said tribes."

At the institution of the work of the enrollment of Choctaw and Chickasaw citizens and freedmen, the Commission did not require the personal appearance of an applicant for enrollment and in many instances the applicants were listed upon information given by some of the tribal officials of the Choctaw and Chickasaw Nations.

During the summer of 1899, however, A. S. McKennon, who was at that time a member of the Commission, was summoned to Wash-

In the matter of the enrollment of Esau Wolf as a citizen by blood of the Chickasaw Nation, the Acting Commissioner of Indian Affairs, in his report of June 8, 1903, (Land 34185-1903), after referring to the twent-seventh, twenty-eighth and thrity-fourth sections of the act of Congress approved July 1, 1902, (32 Stat., 641), uses the following language:

"If the said Esau Wolf has lived and resided in the Chickasaw Nation all his life, was born therein, and is a full-blood Chickasaw Indian and both his father and mother were duly enrolled as Chickasaw Indians, and the said Esau Wolf was himself duly enrolled in 1893 as a citizen of the Chickasaw Nation and has always been recognized as a Chickasaw Indian and drew money at each and all payments in the Chickasaw Nation, both of the Leased District money and the Indigent Fund last year, as is claimed by him in his said petition, then the office considers that he is such a person as is entitled to be enrolled as a citizen of the Chickasaw Nation under said section 27, and if he is so entitled to enrollment under said section 27 it became the duty of the Commission under said section 28 to place his name upon the rolls of the Chickasaw Nation.

The office knows of no law or agreement wherein it is made the duty of Esau Wolf to make application for enrollment as a citizen of the Chickasaw Nation before the Commission to the Five Civilized Tribes in order to secure his rights to citizenship in said nation. The Curtis Act, as well as said Choctaw and Chickasaw agreement, imposes the duty of making these rolls of citizenship upon the Commission and vests it with full power and authority to obtain the rolls of citizenship and secure the attendance of such persons before it to give testimony or furnish any other evidence necessary to the making up of said rolls."

The Department in its letter of September 14, 1903, without expressing any opinion as to the views of the Indian Office, directs us to furnish a copy of the Acting Commissioner's letter of June 8, 1903, to the attorneys for the Choctaw and Chickasaw Nations and allow them thirty days within which to submit a brief relative

mental letter of September 14, 1903, (I.T.D. 4589,4988,6338-1903) in the matter of the enrollment of Esau Wolf as a citizen by blood of the Chickasaw Nation, the Commission has this day advised the attorneys for the Choctaw and Chickasaw Nations that they would be allowed thirtydays from this date within which to file with the Commission for transmission to the Department an expression of their views in regard to the matter.

W. N. Redwine, attorney for Esau Wolf, has also been advised that he will be allowed ten days after service of brief of the attorneys for the Choctaw and Chickasaw Nation, within which to file argument in connection with this matter, to be transmitted to the Secretary of the Interior.

The Commission will, in the event that such arguments are filed by the attorneys for the nations and the attorney for Esau Wolf, transmit the same to the Department with such expression of our views relating to the matter as may be deemed advisable.

Inasmuch, however, as the question presented in the three communications above referred to is substantially the same, viz: the authority and jurisdiction of the Commission to entertain the application of any person whomsoever for enrollment subsequent to ninety days after the date of the final ratification of the act of Congress approved July 1, 1902, (32 Stat., 641) we desire to submit to the Department our views in reference to this matter.

Muskogee, Indian Territory, November 20, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

With Departmental letter of June 29, 1903, (I.T.D. 5250-1903), inclosing a communication of Neal & London, attorneys at law, of Holdenville, Indian Territory, and petition of Eliza Choate, praying that the Commission be instructed to permit her to appear for the purpose of enrollment, we were directed to take appropriate action in the matter and properly advise the parties.

On September 14, 1903, (I.T.D. 4589, 4988, 6338-1903) in the matter of the enrollment of Esau Wolf as a citizen by blood of the Chickasaw Nation we were instructed to advise the attorneys for the Choctaw and Chickasaw Nations and the attorneys for Esau Wolf that they would be allowed a specific time within which to file argument with the Commission to be transmitted to the Department with the views of the Commission relative to its jurisdiction to receive and entertain such application.

On October 5, 1903, (I.T.D. 7034-1903) in the matter of the enrollment of Joe and Dillard Perry as citizens by blood of the Chickasaw Nation, the Department expresses the opinion:

"Apparently the proper course to pursue would be by formal application to you for the enrollment of said children as Chickasaws by blood."

In accordance with the instructions contained in Depart-

tion 27 of the Choctaw-Chickasaw agreement approved July 1, 1902,
and if such inquiry shows that he is so entitled to enrollment that
his name be placed upon the rolls as a citizen of the Chickasaw
Nation.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

W.C.B.(S)

office knows of no law or agreement wherein it is made the duty of Esau Wolf to make application for enrollment as a citizen of the Chickasaw Nation before the Commission to the Five Civilized Tribes in order to secure his rights to citizenship in said nation. The Curtis Act, as well as said Choctaw and Chickasaw agreement imposes the duty of making these rolls of citizenship upon the Commission and vests it with full power and authority to obtain the rolls of citizenship and secure the attendance of such persons before it to give testimony or furnish any other evidence necessary to the making up of said rolls.

It is true that said section 34 provides that the application of no person whomsoever for enrollment shall be received after the expiration of the said ninety days, but if the office is correct in the above opinion that it was not necessary for the said Esau Wolf to make an application before the Commission in order to secure his enrollment to citizenship in the Chickasaw Nation, but that it is the duty of the Commission to enroll him as such without any such application on his part, then said section 34 is not applicable to his case.

In view of the law above quoted and the opinion of the office in connection therewith, it is respectfully recommended that the Department require the Commission to proceed on its own motion to make inquiry as to whether or not the said Esau Wolf is entitled to enrollment as a citizen of the Chickasaw Nation under said sec-

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 been finally determined.

and section 28 of said agreement further provides as follows:

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; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws.

Now, if the said Esau Wolf has lived and resided in the Chickasaw Nation all his life, was born therein, and is a full-blood Chickasaw Indian and both his father and mother were duly enrolled as Chickasaw Indians, and the said Esau Wolf himself was duly enrolled in 1893 as a citizen of the Chickasaw Nation and has always been recognized as a Chickasaw Indian and drew money at each and all payments in the Chickasaw Nation, both of the Leased District money and the Incident Fund last year, as is claimed by him in his said petition, then the office considers that he is such a person as is entitled to be enrolled as a citizen of the Chickasaw Nation under said section 27, and if he is so entitled to enrollment under said section 27 it became the duty of the Commission under said section 28 to place his name upon the rolls of the Chickasaw Nation. The

Choctaw or Chickasaw Nation, and the applicant was informed that under the provisions of the 34th section of the Act of Congress approved July 1, 1902 (32 Stats., 641), the Commission was without authority to receive his application for enrollment. The Commission quotes said section 34 in its said report, which is as follows:

"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, 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 the said ninety days; Provided, That nothing in this section shall apply to any person or persons making application for enrollment as Mississippi Choctaws, for whom provision has herein otherwise been made."

The Commission then says that the application of said Esau Wolf was not made until March 3, 1903, and that it is the opinion of the Commission that under the provisions of the above Act of Congress no application for enrollment can be received when made subsequent to December 25, 1902, ninety days after the date of the final ratification of the Choctaw-Chickasaw agreement, September 25, 1902.

The office has some doubt as to the correctness of the holding of the Commission in this matter, for said Choctaw-Chickasaw agreement approved July 1, 1902, provides in section 27 thereof as follows:

DEPARTMENT OF THE INTERIOR,

(Copy)

Land
34185-1903.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

June 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a communication from the Commission to the Five Civilized Tribes dated May 21, 1903, replying to Departmental communication of May 13, 1903 (I.T.D. 4589-1903), relative to a communication of Redwine & Jones, attorneys at law, South McAlester, Indian Territory, dated May 8, 1903, with which said attorneys transmitted a petition of Esau Wolf directed to the Commissioner of Indian Affairs and praying that the Commission to the Five Civilized Tribes be directed to enroll the petitioner as a citizen by blood of the Chickasaw Nation.

Reporting in this matter the Commission says that at its office at Muskogee, Indian Territory, on March 30, 1903, Esau Wolf, 25 years of age, of Wiley, Indian Territory, personally presented himself for enrollment as a citizen by blood of the Chickasaw Nation, claiming to be a full-blood Chickasaw Indian; that it did not appear from the records of the Commission that any application had ever theretofore been made by any person of this name or in behalf of any person of this name for enrollment as a citizen of either the

Before acting upon the matter, the Department deems it advisable to allow the attorneys for the Choctaw and Chickasaw Nations an opportunity to express their views in the matter. You will therefore furnish them a copy of the Acting Commissioner's letter of June 8th, a copy of which is herewith inclosed, and allow them 30 days within which to submit a brief relating to the matter. You will also advise the attorneys for Esau Wolf of such action and inform them that they will be allowed 10 days after service of said brief upon them, to file an argument, if they desire, in connection with the matter. Said briefs should be filed with you, to be transmitted to the Department, with such expression of your views relating to the matter as you may deem advisable.

Respectfully,

Thos. Ryan,
Acting Secretary.

2 inclosures.

DEPARTMENT OF THE INTERIOR.

J.W.H.

WASHINGTON.

CMR

D.C. 25853-1903.
ITD. 4589, 4988,
6338-1903.

September 14, 1903.

L.R.S.

The Commission

to the Five Civilized Tribes.

Gentlemen:

The Department is in receipt of your report of May 21, 1903, rendered in response to departmental letter of May 13, 1903, relative to the matter of the enrollment of Esau Wolf as a citizen by blood of the Chickasaw Nation.

With said report you returned the petition of Esau Wolf, the affidavit of his mother, Nancy Brinnon, the affidavit of Atchison Ancoatubby, and a letter dated May 8, 1903, from Redwine and Jones, attorneys at law, South McAlester, Indian Territory.

In said report you held that under the provisions of section 34 of the act of July 1, 1902 (32 Stat., 641), you were without authority to receive the application of Esau Wolf.

Reporting in the matter June 8, 1903, the Acting Commissioner of Indian Affairs expresses the opinion that as the name of Esau Wolf appears to be upon the Chickasaw rolls, it was unnecessary for him to make an application, and that, therefore, he is entitled to have his rights investigated, notwithstanding the 90 day limit provided in said section.

Secretary -2

the action of Congress approved July 1, 1902, (32 Stats., 641), the Commission was without authority to receive his application for enrollment.

The thirty fourth section of the act of Congress approved July 1, 1902, and which was ratified by the citizens of the Choctaw and Chickasaw Nation, September 25, 1902, provides as follows:

"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, 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 whatsoever for enrollment shall be received after the expiration of the said ninety days: Provided, That nothing in this section shall apply to any person or persons making application for enrollment as Mississippi Choctaws, for whom provision has herein otherwise been made."

The application for the enrollment of Esau Wolfe was not made until March 30, 1903, and it is the opinion of the Commission that under the provisions of the above act of Congress no application for enrollment can be received when made subsequent to December 25, 1902, ninety days after date of the final ratification of the Choctaw-Chickasaw agreement, September 25, 1902.

The letter of Messrs Redwine & Jones with the petition of Esau Wolf is herewith returned.

Respectfully,

Through the Commissioner
of Indian Affairs.

Tams Bixby,
Chairman.
T. B. Needles,
Commissioner.
W. E. Stanley, Commissioner.

Muskogee, Indian Territory, May 21, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental communication of May 13, 1903, (I.T.D. 4589-1903) with which was inclosed a communication of Redwine & Jones, attorneys at law, South McAlester, Indian Territory, under date of May 8, 1903, transmitting a petition of Esau Wolf, directed to the Commissioner of Indian Affairs, and praying that the Commission to the Five Civilized Tribes be directed to enroll the petitioner as a citizen by blood of the Chickasaw Nation. The letter of Messrs. Redwine & Jones, with the petition of Esau Wolf inclosed having been referred to the Commission for report.

Replying thereto the Commission has to advise that at its office at Muskogee, Indian Territory, on March 30, 1903, Esau Wolfe, twenty five years of age, of Wiley, Indian Territory, personally presented himself as an applicant for enrollment as a citizen by blood of the Chickasaw Nation, claiming to be a full blood Chickasaw Indian.

It not appearing from the records of the Commission that any application had ever theretofore been made by any person of this name or in behalf of any person of this name for enrollment as a citizen of either the Choctaw or Chickasaw Nation, the applicant was informed that, under the provisions of the thirty fourth section of

DEPARTMENT OF THE INTERIOR.

CMR

WASHINGTON.

D.C. 14180-1903.
ITD. 4589-1903.

May 13, 1903.

L.R.S.

The Commission

to the Five Civilized Tribes.

Gentlemen:

Your report is requested upon the inclosed petition of Esau Wolf, a full blood Chickasaw, to have his name enrolled by your Commission upon the rolls of the Chickasaw Nation.

Letter of Redwine & Jones, transmitting said petition, is also inclosed. The papers should be returned with your report.

Respectfully,

Thos. Ryan,
Acting Secretary.

2 inclosures.

South McAlester, I. T., May, 8th, 93.

Secretary of the Interior

Washington, D. C.

Dear Sir:

You will please find enclosed an application of Esau Wolf a full blood Chickasaw Indian, who desires to be placed upon the Rolls of the Commission to the Five Civilized Tribes, it will be seen from the application and affidavits hereto attached, that Esau Wolf is duly enrolled on the Tribal rolls of the Chickasaw Nation on the old rolls of 1893, and drew money and has always been recognized as an Indian and a full blood. these old Indian rolls are now in the possession of the Commission and the fact is well known to them that his name appears upon said rolls of the Chickasaw Nation.

Esau Wolf is very ignorant and his Father died when he was small and his Uncle raised him, and a few years ago his Uncle died, and not having any one to instruct him, he did not appear before the Commission to be enrolled until after the 25th day of Dec, last after which time the Commission say they do not have any authority to renroll any person, and therefore he was refused enrollment when he appeared before said Commission. The case now comes before you for your action in the matter, and it is asked in this petition that you direct the Commission to enroll this party, if you do not he will never be enrolled and will not receive his just right.

Respectfully.

Redwine & Jones

Indorsed:

Department of the Interior,
Received May 11, 1903. No. 4589.
Indian Territory Division.
Department of the Interior,
Jun. 10, 1903, Returned with No. 4988.
Inclusure 3 Ind. Ter. Div.
Department of the Interior,
Mar. 24, 1904, Returned with No. 2524.
34185 Indian Office Incl. No. 1903.
Department of the Interior,
Received Jun. 10, 1903
Indian Territory Division.

Muskogee, Indian Territory, March 30, 1903.

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

Gentlemen:

I have the honor to advise you that at the office of the Commission at Muskogee, Indian Territory, on this date, Esau Wolfe, twenty-five years of age, of Wiley, Indian Territory, personally presented himself as an applicant for enrollment as a citizen by blood of the Chickasaw Nation, claiming to be a full blood Chickasaw Indian.

It does not appear from the records of the Commission that any application has ever heretofore been made by any person of this name, or by any person in behalf of any person of this name, as a citizen by blood of the Chickasaw Nation.

The applicant was informed that the Commission, by the provisions of the 34th section of the act of Congress approved July 1, 1902, was now without authority to receive, consider or make any record of his application.

Respectfully,

M. O. Beall

Clerk in Charge, Choctaw-
Chickasaw Enrollment Division.

Indian Territory,
Southern District.

Before me a Notary Public within the aforesaid District and Territory, personally appeared Atchison Anotubby Probate and County Judge of Pickens County Chickasaw Nation, and who after being duly sworn says that in the year 1897 the Records of this County were burned and destroyed by fire which Records contained the Recording of the marriage certificate of James Brown a Citizen of the Chickasaw Nation to Nancy Brown (Nee Nancy Frazier), that a certified copy of said Certificate can not be obtained for the reason above stated. the said James Brown and Nancy Brown, (Nee Frazier) were married according to the Chickasaw laws.

Atchison Anotubby

Subscribed and sworn to before me this the 25 day of April 1903.

(SEAL)

C. S. Stephens
Notary Public.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed June 18, 1906.
Tams Bixby, Commissioner.

COPY

March-14-05

Esau Wolfe being first duly sworn on my oath state that I am a citizen by blood of the Chickasaw Nation, that I am 27 years of age, and live at Filmore, I.T. and that in the summer or autumn of 1898 I was living near Filmore, and that I heard that the Dawes Commission were at Tishomingo enrolling indians, I came to Tishomingo and presented myself for the purpose of being enrolled by the Commission, one of the Commissioners asked me what my name was, I answered Esau Wolfe, the Commissioner then asked me what nation I was a citizen of, and I answered in the Chickasaw language and stated that I was a full blood Chickasaw, the Commissioner repeated his question and I answered again in the Chickasaw Language, and Peter Maytubby who the interpreter for the Commission at the time told the Commissioner that I could talk as good English as the interpreter could. I insisted that I needed an interpreter and Peter Maytubby insisted that I could talk as good english as he could. I insisted on having my examination through an interpreter and being refused left the tent.

There were present at the time in or near the tent in the back of the Capitol Building where my application took place, my wife Melinda Wolfe, Stephen Johns, and Big Martha mother of Jackson Hart, and several other Indian Citizens.

(Signed) Esau Wolfe

Subscribed and sworn to before me this 14th. day of March-1905

Arthur Sinclair
Notary Public
Southern District, I. T.

(Seal)

My Com. Expires Oct.9-07

UNITED STATES OF AMERICA :
CENTRAL DISTRICT :
INDIAN TERRITORY. :

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

Comes W. N. Redwine, who after being duly sworn deposes and says:

That on the 8th. day of June, 1906, affiant served notice on
Mansfield, McMurry & Cornish, attorneys for the Choctaw and Chickasaw
Nations, that Esaw Wolfe would appear before the Commission to the Five
Civilized Tribes, at Muskogee, Indian Territory, on the 18th. day of
June, 1906, and make application to be enrolled, as a citizen of the
Choctaw Nation. Said notice was served by the course of mail, by
registered letter, at their present post-office, directed to Mansfield,
McMurry & Cornish, at their present post-office, South McAlester, I.T.
The registered receipt for said registered letter, containing copy
of said notice, is hereto attached for proof of said service, and made
a part hereof.

W N Redwine

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

C B Williams
Notary Public.

Letter No. 1624 P. O. 4
Received by registration June 8, 1906, from 1700
W N Redwine
Mansfield McMurry & Cornish
South McAlester
Postage per *Recd*

that provisions of that section providing for the identification of full blood Mississippi Choctaws as a matter of right extended to the children of such full bloods whether of full or mixed blood. The questions thus arising were referred to the Attorney General of the United States, and on June 19, 1903, he rendered an opinion which is of record, in which it was held that section 41 of said act meant what it said, and that its plain and unequivocal provisions should be observed.

An adherence to the law may or may not result in a hardship here or there; such is not for us to say. The Choctaws and Chickasaws ratified the Supplementary Agreement (Act of Congress approved July 1, 1902); and in so ratifying it by their votes they proceeded with the assurance that its plain and unequivocal provisions would be adhered to by the representatives of the Government of the United States in the administration of their affairs; and it is respectfully urged by us in their behalf that such be done.

Respectfully submitted,

Mansfield, McMurray & Cornish
Attorneys for
Choctaw Nation
Chickasaw Nation.

The incorrectness of the view expressed by the Indian Office is made clearer when the proposition is stated conversely. The Commission had power to receive applications from some class of persons, under this section. From what class? The act of May 31, 1900, which is reiterated in section 27 of the act of July 1, 1902, provides in terms that in no event is the Commission to "receive, consider or make any record of the application of any person whose name is not on a tribal roll". Since the power of the Commission in any event was limited to persons whose names were on the tribal rolls, and since "delinquents" (to which class this applicant belongs) was the only class left, aside from the plain and unequivocal language of the section, it could have referred to no other class.

The Indian Office laws stress upon facts in the case, setting forth that the name of this applicant is on the tribal rolls; that he has drawn the Lease District money; and that he is, aside from the provisions of the law above referred to, entitled to enrollment.

This may or may not be true. These considerations should not arise herein considering the powers of the Commission under the law.

Our view is, on behalf of the Choctaw and Chickasaw Nations, that Congress in its wisdom defined and limited the powers of the Commission and the Honorable Secretary of the Interior in the matter of making and closing the rolls of the Choctaws and Chickasaws by plain and unequivocal provisions of law, and that the facts in no particular case will warrant a departure therefrom.

The questions here involved as to the power to depart from the plain provisions of law, parallel the questions that arose out of the erroneous construction by the Honorable Secretary of the Interior of section 41 of the act of Congress approved July 1, 1902, in relation to the identification of Mississippi Choctaws. It was held

In the first place we do not see how it can be reasonably urged that section 34, above quoted, does not mean what it says; and in the second place we respectfully submit that it cannot be reasonably urged that there is anything in section 28 which could be held to conflict with sections 27 and 34.

Section 27 says that the rolls shall be made under the provisions of the acts of Congress approved June 28, 1898, and May 31, 1900, "except as herein otherwise provided", and this has reference to section 34, which supplements the powers of the Commission to make the rolls under existing law by adding thereto the power to close them. In other words, the use of the language in section 27, of "except as herein otherwise provided" makes section 34 a part of it; and when section 28 says that "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", it means that the names of all persons living on that date entitled to be enrolled as provided in section 34 shall be placed upon the rolls by the Commission.

The Indian Office expresses the view that inasmuch as the name of the applicant Esau Wolf was upon the tribal rolls that it was not necessary for him to apply to the Commission. The law, as it appears in section 34 of the act of Congress approved July 1, 1902, says otherwise. It says that, the Commission may receive applications from "delinquents" or persons whose names are on the tribal rolls and who have not theretofore been enrolled, for ninety days and no longer. The applicant's name was on the tribal rolls and he had not theretofore been enrolled. He was therefore, a "delinquent", and the law specifically and particularly referred to him.

the applicant, Esau Wolf, belongs. It says in plain and unequivocal terms, that for ninety days following the date of the ratification of the agreement the Commission may receive applications only of persons whose names are on the tribal rolls, but who have not been enrolled by the Commission, known as "delinquents". The name of applicant Esau Wolf is on the tribal rolls. He had not theretofore been enrolled by the Commission. He was of the class known as "delinquents". He and all others of this class similarly situated had the right to apply to the Commission within ninety days after the ratification of the Supplementary Agreement, or up to December 25, 1902; and they only had the right to apply.

Not only did this seem to be conclusive as an affirmative proposition, but so anxious was Congress that there be no misunderstanding of its intent, as expressed in the act, that the proposition was also put negatively in the following language:

".....but the application of no person whomsoever for enrollment shall be received after the expiration of the said ninety days."

The Indian Office in expressing some doubt as to the correctness of the Commission's position in refusing to entertain the application of Esau Wolf, quotes section 28 as follows:

Section 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; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws."

and lays stress upon the language as follows:

"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....."

standing is possible. Section 27 thereof is as follows:

Section 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;....."

Were it not for the use of the language "except as herein otherwise provided" no progress would have been made. The language preceeding the use of that language is that the rolls shall be made as provided by the two preceding acts of June 28, 1898 and May 31, 1900, which is but a reference to existing laws. The next inquiry is as to what provisions are referred to by the language "except as herein otherwise provided"?

For the purpose of closing the rolls this language refers to section 34, which is as follows:

Section 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, 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 the said ninety days: Provided, That nothing in this section shall apply to any person or persons making application for enrollment as Mississippi Choctaws, for whom provision has herein otherwise been made."

We find ourselves unable, by way of argument, to add anything to the language contained in this section. It was drafted for the sole and specific purpose of covering the class of persons to which

ARGUMENT.

It will be remembered that the main purpose of the Government of the United States in urging the negotiation and ratification of the Choctaw and Chickasaw Supplementary Agreement (Act of Congress, approved July 1, 1902, entitled, "An act to retify and confirm an agreement with the Choctaw and Chickasaw Tribes of Indians, and for other purposes") was to close the rolls of the Choctaws and Chickasaws.

The Act of June 28, 1898, provided the machinery for making the rolls, but no provision was therein contained for closing them. The Act of May 31, 1900 was the first Act of Congress that supplemented the Act of June 28, 1898, as regards the power and authority of the Commission to this end; but its provisions were confined to limiting the persons who might be enrolled, in any event, to those whose names were on the tribal rolls. No provision was therein contained for closing the rolls.

It became apparent that however clearly defined were the powers of the Commission, as reflected in these acts of Congress, to make the citizenship rolls of the Choctaw and Chickasaw Nations, there was no power vested in them to close them; and that unless this power was added to their existing powers, by law, the work would go on and on forever, so long as infant children were born and marriages of white persons to citizens by blood continued.

To meet this condition and to vest in the Commission the power to close the rolls, the Supplementary Agreement above referred to was negotiated and ratified as the Act of Congress approved July 1, 1902.

~~Its provisions to this end are so plain and unequivocal that it is difficult to understand how a misconstruction or misunder-~~

BEFORE THE HONORABLE SECRETARY OF THE INTERIOR.

=====

IN THE MATTER OF THE APPLICATION OF
ESAU WOLF FOR ENROLLMENT AS A CITI-
ZEN BY BLOOD OF THE CHICKASAW NATION.

BRIEF ON BEHALF OF THE CHOCTAW AND CHICKASAW
NATIONS.

S T A T E M E N T.

The name of the applicant, Esau Wolf, appears upon the tribal rolls of the Chickasaw Nation. He made no application to the Commission to the Five Civilized Tribes for enrollment under the Acts of Congress approved June 28, 1898, May 31, 1900 or July 1, 1902; his first application to the Commission being on March 3, 1903, more than two months after the expiration of the time within which applications might be made under the latter Act of July 1, 1902.

The Commission to the Five Civilized Tribes held that such application was after the expiration of the time within which it might have been considered. The Indian Office, in reporting upon the action of the Commission, expressed some doubt as to the correctness of the Commission's holding; and we were furnished a copy of such report with the request that we submit such argument, upon the propositions of law involved, as we deemed proper on behalf of the Choctaw and Chickasaw Nations.

INDIAN TERRITORY,
CENTRAL DISTRICT.

I, William H. McKinney, state on oath that I have this day delivered to Redwine and Jones, attorneys at law, of South McAlester, Indian Territory, a true and perfect copy of the above and foregoing brief.

Wm. H. McKinney

Subscribed and sworn to before me on this 20th day of December, 1903.

D. A. Richardson
Notary Public.

(SEAL)

Indorsed:

Department of the Interior,
Received Jan. 22, 1904.
Enc. No. 1 of No. 556.
Indian Territory Division.

Department of the Interior,
Mar 24, 1904.
Returned with No. 2524.
Inclosure 4 Ind. Ter. Div.

1050 Indian Office, 1904.
Incl. No. 3.

Department of the Interior,
Commission to the Five Civilized Tribes.
Filed Dec. 23, 1903.
Tamm Dixby, Chairman.

said cause be readjudicated upon its merits.

Section 1 of the Act of Congress approved April 26, 1906, (Public No. 129) provides:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act: Provided that the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes show application was made prior to December first, nineteen hundred and five, and which was not allowed solely because not made within the time prescribed by law."

On May 16, 1906, this office being unable from the record to identify the applicant upon any of the tribal rolls of the Chickasaw Nation in the possession of this office, the applicant, his attorneys of record, and the attorneys for the Choctaw and Chickasaw Nations were notified of said fact and advised that upon notice being served upon the opposite party testimony would be heard at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, relative to the identification of said applicant upon the tribal rolls of the Chickasaw Nation.

June 18, 1906, upon notice served by W. H. Redwine, attorney for the applicant, proceedings were had in the matter of the identification of Esau Wolf, pursuant to letters of this office of May 16, 1906.

The evidence in this case shows that the applicant, Esau Wolf, is a Chickasaw by blood, and that he was a resident in good faith of Indian Territory on June 28, 1898.

Upon examination of the tribal rolls of the Chickasaw Nation in the possession of this office, it appears that the applicant is identified upon the 1893 Chickasaw Leased District Payment roll, No. 2, page 229, as Aser Wolf.

I am, therefore, of the opinion that Esau Wolf should be enrolled as a citizen by blood of the Chickasaw Nation, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), July 1, 1902 (32 Stats., 641) and April 26, 1906 (Public No. 129), and it is so ordered.

Muskogee, Indian Territory,

JL

Commissioner.

submitted its views relative to the necessity of persons whose names appear on the tribal rolls of the Choctaw and Chickasaw Nations to make applications for their enrollment, and recommended that its position taken in letter of May 21, 1903, wherein it was stated that the time within which the Commission could receive and consider such applications expired December 24, 1902, be sustained.

January 2, 1904 the Commission transmitted to the Department brief filed on December 23, 1903 by Mansfield, McMurray & Cornish on behalf of the Choctaw and Chickasaw Nations, in the matter of the application for the enrollment of Esau Wolf as a citizen by blood of the Chickasaw Nation, together with brief and argument of Redwine & Jones, attorneys for Esau Wolf, filed January 2, 1904.

The Department on March 25, 1904 (I.T.D. 2524-1904) transmitted to this office the opinion of the Assistant Attorney General for the Department of the Interior in the matter of the application for the enrollment of Esau Wolf, wherein he stated that inasmuch as no application had been made for his enrollment within the time prescribed by Section 34 of the Act of Congress approved July 1, 1902 he was not entitled to be enrolled. The Department stated that final action would not be taken relative to said application until it should be known whether further legislation would be enacted at the pending session of Congress.

March 20, 1905, the Commission forwarded to the Department letter of Guy P. Cobb, Attorney at Law, Tishomingo, Indian Territory, of March 14, 1905, addressed to the Secretary of the Interior, transmitting affidavit of Esau Wolf, and requesting that the Commission be directed to receive the testimony of Esau Wolf in the matter of an application alleged to have been made by him for enrollment as a citizen of the Chickasaw Nation.

The Department on August 26, 1905 (I.T.D. 3228-1905) directed this office to permit Esau Wolf to appear with his witnesses and to furnish such testimony as he might be able to submit showing the time, place and manner of making his application, after due notice thereof had been given to all parties in interest.

September 5, 1905 Esau Wolf, his attorney, Guy P. Cobb, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified of the action of the Department, and advised that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Wednesday, September 20, 1905, at nine o'clock A. M. hear such testimony as might be submitted in the matter of the alleged application for the enrollment of Esau Wolf as a citizen of the Chickasaw Nation.

In accordance with the notices above mentioned proceedings were had in the matter of said application at Muskogee, Indian Territory on September 21, 1905, and on September 28, 1905 this office transmitted to the Department a copy of proceedings had therein and stated that in the absence of the testimony of any reliable witnesses to the alleged application made by Esau Wolf at Tishomingo, Indian Territory in 1898, no reason appeared why the opinion of the Assistant Attorney General for the Department of the Interior of March 22, 1904 in this case should not be adhered to, and so recommended.

The Department on May 2, 1906 (I.T.D. 17114-1906) remanded the record in the matter of the application for the enrollment of Esau Wolf as a citizen by blood of the Chickasaw Nation, and directed that in view of the Act of Congress approved April 26, 1906 (Public No. 129)

Memo. 136.
O.L.J.

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

In the matter of the application for the enrollment of Esau Wolf as a citizen by blood of the Chickasaw Nation.

D E C I S I O N.

On May 11, 1903, there was filed with the Department by Redwine & Jones, attorneys at law, South McAlester, Indian Territory, a petition setting forth that the name of Esau Wolf appears upon the 1893 Chickasaw Leased District Payment Roll and praying that he be enrolled as a citizen by blood of the Chickasaw Nation.

The Department on May 13, 1903 (I.T.D. 4589-1903) forwarded said petition to this office, with the request that a report be made thereon.

On May 21, 1903, this office reporting thereon stated that Esau Wolf appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on March 30, 1903, and presented himself as an applicant for enrollment as a citizen by blood of the Chickasaw Nation, but it appearing that no application had ever been made for such applicant prior to December 25, 1902, he was informed that under the provisions of Section 34 of the Act of Congress approved July 1, 1902 (32 Stats., 641), the Commission was without authority to receive his application for enrollment.

The Department on September 14, 1903 (I.T.D. 4589, 4988, 6338-1903), acknowledged the receipt of the report of the Commission to the Five Civilized Tribes of May 21, 1903, and stated that the Acting Commissioner of Indian Affairs expresses the opinion that as the name of Esau Wolf appears to be on the Chickasaw rolls, it was unnecessary for him to make an application, and that, therefore, he is entitled to have his rights investigated, notwithstanding the ninety day limit provided by Section 34 of the Act of Congress approved July 1, 1902, and that before acting upon the matter, the Department deemed it advisable to allow the attorneys for the Choctaw and Chickasaw Nations an opportunity to express their views in the matter. This office was directed to furnish the attorneys for the Choctaw and Chickasaw Nations a copy of the Acting Commissioner of Indian Affairs' letter of June 8, 1903, a copy of which was inclosed, and allow them thirty days within which to submit a brief relating to the matter. This office was further directed to advise the attorneys for Esau Wolf of such action and inform them that they would be allowed ten days after service of said brief on them to file an argument, if they so desired, in connection therewith. Said briefs, if filed with this office, to be transmitted to the Department with such expression of views as the Commission might deem advisable.

On November 20, 1903, the Commission to the Five Civilized Tribes

Q Do you know what year Jonas Wolf died? A No sir, I don't.
Q He is dead is he? A Yes, he is dead.
Q Is his wife dead or living? A His first wife is dead; his last wife is living.

By Mr. Rosenwinkel:

Q Did you draw your money in the Choctaw or Chickasaw Nation?
A With the Choctaws.
Q Are you the wife of Tom Brennon that lives at Hartshorne?
A Yes sir.
Q You always claimed to be possessed of Choctaw blood Mrs. Brennon?
A Yes sir.
Q Never claimed to be an Italian, did you? A Me? Oh, no, there is no Italian about me as I know of.
Q What time of the year were you married to the father of this boy?
A I was married in '77, May the 20th.
Q Who married you? A Fellow by the name of Rodgers.
Q Where was that? A In Pickens at the courthouse in Pickens County, the one that was burned down.

By the Commissioner:

There is offered in evidence the affidavit of Atchison Nanotubby, wherein he states that he is the probate and county judge of Pickens County, Chickasaw Nation, and that in 1897, the records of said county were destroyed by fire.

By Mr. Rosenwinkel:

That is objected to because it is an ex parte affidavit, and is not competent to prove anything for the further reason that the witness is living and resides within the jurisdiction of the Commission.

(Witness excused.)

Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the proceedings had in the above entitled cause on the 18th day of June, 1906, and that the above and foregoing transcript is a true and complete translation of her stenographic notes.

Lenora B. Ashton

Subscribed and sworn to before me this 22nd day of June, 1906.

Walter M. Chappell
Notary Public.

- Q Well, do you know who was living with Governor Wolf in 1893?
A No.
Q What was the name of his wife at that time? A Rhoda, I think that was the name; I was many miles from them; I hardly ever went up there.
Q Well, then you are unable to testify relative to whether or not Esau Wolf drew the 1893 money? A No, I couldn't tell you that; I didn't live in the Chickasaw Nation; I lived in the Choctaw Nation.
Q And you don't know the names of Governor Wolf's family in 1893?
A No, he just picked up a child here and there and raised it, and I couldn't keep up with them; he never had any children of his own.
Q You don't know the names? A No, I don't know.

By Mr. Redwine:

- Q Where were you raised? A I was raised on the Blue.
Q Born in the Choctaw or Chickasaw Nation? A In the Choctaw Nation down at old Skullyville.
Q Have you lived in the Choctaw or Chickasaw Nations all your life?
A All my life.
Q To whom were you first married? A Married Ed Frazier.
Q Did he die? A Yes sir, he died with the pneumonia fever.
Q Who did you next marry? A Jim Brown.
Q You say you married him in May, 1877? A Yes sir.
Q And did he die? A No, he went to Denison a few weeks before Esau was born and was killed.
Q He was killed in Denison, Texas? A Yes sir, he was buried in the Denison graveyard.
Q What time of the year was it when he went to Denison? A It was in the fall.
Q Of what year? A 1878.
Q Now, when was it Esau was born? A He was born December 1st, 1878.
Q And you say that his father was killed in Denison a few weeks before that? A Yes sir, just a few weeks before he was born.
Q After Esau was born, you testified, I believe, he stayed with you a while and then went to live with his uncle? A His uncle and aunt both stayed with me, and then he bought him a place and went to it.
Q His uncle, Jonas Wolf, took him to raise? A Yes sir, took him to raise him.
Q Did he keep him then until he was grown, twenty-one years of age?
A Grown and married.
Q You didn't have the care and custody of him after his uncle took him? A No.
Q Why did his uncle take him to raise? A Well, I was taken with rheumatism and couldn't walk a step, and he took him to raise him.
Q Did Jonas Wolf have any children of his own? A No, never did have.
~~Q Was Jonas Wolf a brother of your husband, Jim Brown? A Yes sir.~~
Q Why did Esau take the name of Wolf? A Why by Jonas taking his name; his right name was Jonas Brown.
Q Well, he took Esau to raise did he? A Yes sir.
Q And Esau took his name after his uncle? A Yes sir; all of the older people of them is dead you know.

- Q In the Choctaw Nation? A In the Choctaw Nation.
Q How much Choctaw blood have you got? A I can't tell you that, sir.
Q Are you as much as a full blood? A What is what mother always told us.
Q Full blood Choctaw? A Yes sir.
Q Is Esau Wolf your son? A Yes sir, he is my son.
Q What is the name of Esau's father? A His name is Jim Brown.
Q What was Jim Brown? A He was Chickasaw.
Q How much Chickasaw? A Full blood.
Q Then would you say that your son, Esau, is a half Choctaw and a half Chickasaw? A I guess so, by his father and mother, sir.
Q Have you selected your allotment in the Choctaw Nation? A Yes sir.
Q When did Jim Brown, father of Esau Wolf, die? A He died in '78.
Q '78? A Yes sir.
Q Where were you living at that time? A I was living in Panola County.
Q Panola County, Chickasaw Nation? A Yes sir.
Q Did you have any children at that time? A Yes sir, I had two.
Q What were their names? A Fraziers; George Frazier and Lottie Frazier.
Q Who was the father of these children? A Ed Frazier, and when he died, I married Brown.
Q When were you married to Jim Brown? A I was married at Red River County; no, Pickens County.
Q When were you married to Jim Brown? A In 1877.
Q You had no children by Jim Brown in 1878? A No sir, we was married in '77, and he got killed before this boy was born.
Q Did you remarry after Jim Brown died? A Yes sir, I married a man by the name of Tom Brennon.
Q After you married Brennon, with whom did Esau Wolf make his home?
A He lived on the old place down in Pontotoc County.
Q With whom? A With his wife at home.
Q Who did he live with before he had a wife? A He lived with his uncle Jonas.
Q When did he commence living with his uncle Jonas? A In '83.
Q How long did he stay with him? A Well, I dis-remember; he stayed with him until after he was grown and married; he wasn't grown when he married.
Q Where were you living in 1893? A Hartshorne.
Q Choctaw Nation? A Yes sir.
Q Then you don't know of your own knowledge whether Esau drew the 1893 Leased District money? A No sir, I can't tell you; his wife said he did.
Q Well, Esau wasn't married in 1893, was he? A Must have been; I can't tell; I don't read or write, and so I can't keep up with anything.
Q Where was his uncle Jonas living in 1893? A Lived in Tishomingo; he was governor.
Q Was he governor in '93? A I think so.
Q Did you ever visit him during that time? A Oh, yes.
Q Do you know how many members constituted his family? A No, the last time I was up there before he died, the children had grown up and married; he had three in the family is all I can remember.
Q What were their names? A I don't know.

- Q Yes, about that time; about '96, yes? A Well, I don't remember that time in '96 that roll, that Chickasaw roll; well, I remember Scobey and when he came up there and took all our names.
- Q Who was it came and took your names? A Scobey, I think.

By Mr. Redwine:

- Q When was it this man took your names? A I don't remember when; it was before Jim was born, my boy was born.
- Q What year was he born in? A I don't remember.
- Q Well, this man that took your names was he a Chickasaw Indian?
- A Yes sir.
- Q What did he say he was taking names for? A Well, took everybody's name in the whole nation.
- Q Who was with him? A By himself.
- Q Came to your house? A Yes sir, come to my house.
- Q Took your name? A Took my name.
- Q Took your family's names too? A Took my family's names too.
- Q You don't know whether or not he recorded them on 1896 Census Roll? A I don't know.
- Q All you know is that he came to your house and took your names?
- A Yes sir.
- Q And you gave him your names? A Yes sir, I gave him our names.

By Mr. Rosenwinkel:

- Q Do you claim to be a full blood Chickasaw Indian? A Yes sir.
- Q And not possessed of any other blood? A Not as I know of.

By the Commissioner:

The following names appear upon the 1893 Chickasaw Leased District Payment Roll as having drawn the 1893 Leased District money: Jonas Wolf, Rheda Wolf, Azer Wolf, Lidie Wolf and Lillburn Wolf. Said roll also shows that the money for the above named parties was drawn by Gov. Wolfe.

(Witness excused.)

NANCY BRENNON, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A Nancy Brennan.
- Q How old are you? A I will be fifty if I live to see the 16th day of August.
- Q What is your post office? A Wapanucka.
- Q What are you, Mrs. Brennan? A They always told me I was Choctaw.
- Q How much Choctaw have you got? A They said we was Choctaws is all.
- Q Are you a recognized citizen of the Choctaw Nation? A Yes sir.
- Q Selected your allotment? A Yes sir, got my land and all my money all my life.

- Q I believe you stated that your uncle, Jonas Wolf, drew the Leased District Money for you in 1893? A Yes sir.
- Q And he turned part of it over to you by buying stock? A Yes sir.
- Q What kind of stock? A Horses and cattle.
- Q Were you living with him when you married? A Yes sir.
- Q After your marriage did you move to yourself or continue to live with him a while? A Yes, I lived with him a while.
- Q How long? A Lived with him about ten or eleven months.
- Q Did you move to yourself or did he move away from where he lived? A Yes, he moved away.
- Q Did you continue to live at the place you were living? A Yes sir.
- Q How long did you live there? A I lived there six years after he moved.
- Q Your residence has always been in the Territory has it? A Yes sir.
- Q Chickasaw Nation? A Yes sir.

By Mr. Rosenwinkel:

- Q What was the name of Jonas Wolf's wife? A First wife?
- Q What was his first wife's name? A Rhoda.
- Q Who was Lizzie Wolf? A Uncle Jonas' wife.
- Q Was that his second wife? A Second wife.
- Q When you appeared before the Commission before, this question was asked you: "Who paid you the money that was paid out in 1893; didn't you get the \$103.00 that was paid to the Chickasaws" and your answer was: "Yes sir, it was paid to old man Wolf, and he give it to me", and now you say the old man got it and bought cattle with it? A Well, when I wanted any money he gave it to me, and bought stock with the rest of it.
- Q Where were you in 1896, Esau, about the time you moved over to Ravia, or the old man moved over there? A Well, I was living with uncle Jonas in '96.
- Q Well, do you remember when the Indians made a roll in 1896; do you know when the Chickasaws had an enrolling down there at Tishomingo? A Yes.
- Q How does it come you didn't get on that roll? A Well, when I went before the Dawes Commission or Commissioner at Tishomingo, my wife was on the roll first, and they called me my name, and I said my name Esau Wolf, and Peter Maytubby was interpreter----
- Q You don't understand my question. Before the Dawes Commission ever went down there, about two years before that, two or three years before that, the Indians, not the Dawes Commission, but the Chickasaw Indians, Tandy Walker and some more people there, they made a roll? A I don't remember that.
- Q Never heard of that? A No sir.
- Q Well, they made a roll after you were married, and your wife and child are on that roll, that is commonly known as the 1896 Census Roll. Now, I want to know if you can tell me why your name was not put on that roll? A I don't remember.
- Q Were you in any trouble at that time? A I don't remember.
- ~~Q Well, was you in any trouble at that time, was you out of the country or anything like that; didn't you go away a while?~~
- A I don't remember.
- Q You remember whether you left down there or not, don't you?
- A In '96?

- Q Well, you have named two, Lidia and Silburn; anybody else?
A No, that is right; uncle Jonas he drew Lidie and Sulburn and me.
Q He drew for you three? A Yes sir.
Q Did he draw for any one else? A I guess he drew for Lidie.
Q Was any one else living with Jonas at that time? A I don't know.
Q Well, did anybody else about that time? Can't you remember whether there was any other children living with Jonas at the time of that payment? A Well, that is three of us is all I can remember.
Q Now, how long have you been known by the name of Esau; have you always been known by that name? A Yes, I know all my life that is my name.
Q Have you ever been called anything else? A Uncle Jones first called my Esar.
Q Was that the way he had of speaking to you and calling you Esar?
A Well, sometimes called me Esau or Esar is what I remember.
Q How would you spell that name as you pronounce it, the name your uncle Jonas called you? A E-s-e-r.
Q Did you live with him in 1896? A Yes.
Q Three years after the Leased District money was drawn? A Yes.
Q Had you married at that time? A I don't remember that I was married.
Q What is the name of your wife? A Malinda.
Q What was her name before you married her? A Malinda Maytubby.
Q Did you ever know any one by the name of Lizzie Wolf? A That is my wife.
Q I thought your wife was Malinda? A That is her name, Malinda Wolf; Malinda Maytubby before she was married.
Q Well, I said Lizzie Wolf? A That is uncle Jonas wife.
Q I thought her name was Rhoda? A Well, after Rhoda died, he married Lizzie Maytubby.
Q What year were you married in, Esau? A That is what I couldn't remember what year I was married in.
Q Have you a daughter by the name of Sallie? A Yes sir.
Q How old is she? A She is nine years old.
Q How long after you were married was she born? A Why, I don't remember how long I was married she was born.
Q Well, how does it come that your wife's name is on the 1896 Chickasaw Roll, and your name does not appear; that your wife and your daughter's names are both there? A And my son, Jim?
Q No, just Sallie and Malinda on the 1896 Census Roll?
A Dawes Commission at Tishomingo?
Q On the Chickasaw Census roll of 1896? (No answer)
Q Well, had you left your uncle Jonas' home after you married?
A Yes sir, after I was married, uncle Jonas moved to Ravia; I stayed there on the place.
Q And you still stayed at the old place? A Yes sir.

By Mr. Redwine:

- Q Esau, when did you first go to live with your uncle, Jonas Wolf?
A I don't know; down in the Chickasaw Nation.
Q Were you a small boy then, or how old were you? A I reckon I was small.
Q You don't remember when? A No sir.
Q Did your uncle, Jonas Wolf, raise you from a small boy until you were of age? (No answer).

- Q Is your father living? A No.
- Q When did he die? A Oh, he died when I was a little baby.
- Q Where was your home at the time of your birth? A In Pontotoc, in Chickasaw.
- Q You mean Pontotoc County, Chickasaw Nation? A Yes sir.
- Q How long did you live in Pontotoc County after your birth? A All my life.
- Q How soon after you were born did your mother die? A My mother die?
- Q Is your mother living? A Yes sir.
- Q Where were you living in 1896? A I was living in Pontotoc County at Filmore, Chickasaw Nation.
- Q Lived there continuously from the date of your birth until the present time? A 1896?
- Q Have you lived in Pontotoc County, Chickasaw Nation from the time of your birth until the present time? A Well, there are some words too hard for me; I can't understand.
- Q Have you lived in Filmore, Chickasaw Nation all your life? A Yes sir, all my life.
- Q Up to now? A Up to now.
- Q With whom did your mother make her home in 1896, ten years ago? A Ten years ago?
- Q Yes. A With old man Brennon.
- Q Did you draw the 1893 Leased District money? A Yes sir.
- Q Did you draw it yourself? A No, uncle Jonas drew it for me.
- Q Jonas Wolf? A Yes sir.
- Q Where were you living at that time? A We was living right there in town in Tishomingo when he drew that money.
- Q Did he turn it over to you? A No, he bought some stock with it. For you? A Yes, for me, horses and cows.
- Q With whom were you making your home at that time? A Right close to Tishomingo.
- Q Who were you living with? A Uncle Jonas.
- Q At his home? A Yes.
- Q How many children did your uncle Jonas have at that time? A None.
- Q Didn't have any? A Had a little girl, he raised her.
- Q What is the name of Jonas' wife? A Rhoda.
- Q Didn't he have any children at all? A Well, he has got Henry Allen.
- Q What were the names of the persons who lived with him in 1893? Who else were members of his family at that time besides his wife? A Why, Lidie is all I know.
- Q Who is she? A She is Indian girl.
- Q What relation was she to Jonas? A Why, I don't know what relation, but he raised her; she was Amos Holden's girl.
- Q Was she adopted? A Yes, adopted.
- Q Did you ever hear of any member of his family known by the name of Lilburn? A Sulburn is Henry Allen's boy.
- Q With whom was he making his home? A With uncle Jonas; he is Henry Allen's boy.
- Q Was he living with him at the same time you were? A No sir, at that time that boy was not born.
- Q Was he living with Jonas Wolf when Jonas drew the money for you, the Leased District money? A No, Henry he drew himself---- well, I don't remember.

Memo.--136.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Muskogee, Indian Territory, June 18, 1906.

In the matter of the application for the enrollment of
Esau Wolf as a citizen by blood of the Chickasaw Nation.

On May 2, 1906 (I.T.D. 17114-1905), the Department remanded the record in the matter of the application for the enrollment of Esau Wolf as a citizen by blood of the Chickasaw Nation, and directed that in view of the Act of Congress approved April 26, 1906 (Public No. 129), said cause be adjudicated upon its merits.

On May 16, 1906, this office being unable to identify the applicant upon any of the tribal rolls of the Chickasaw Nation in the possession of this office, the applicant, his attorneys of record, together with the attorneys for the Choctaw and Chickasaw Nations, were notified of said fact and advised that upon notice being served upon the opposite party, testimony would be heard at the office of the Commissioner to the Five Civilized Tribes, relative to the identification of said applicant upon the tribal rolls of the Chickasaw Nation.

Now on this 18th day of June, 1906, this cause coming on to be heard upon notice served by W. N. Redwine, attorney for the applicant, the following appearances were entered and proceedings had:

W. N. Redwine, attorney at law, of South McAlester, Indian Territory, appears on behalf of the applicant.
G. Roseniwnkel, on behalf of Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

ESAU WOLF, being first duly sworn, testified as follows:

Examination by the Commissioner:

Q What is your name? A Esau Wolf.
Q How old are you? A Twenty-six.
Q What is your post office? A Filmore.
Q What is the name of your mother? A What my mother's name?
A Nancy.
Q Nancy, what is the last name? A Brennan.
Q What was your mother, an Indian? A Yes, she is Indian.
Q What kind? A Choctaw.
Q How much? A Well, I can't tell you how much.
Q What is the name of your father? A James Brown.
Q What was he? A Chickasaw.
Q How much Chickasaw? A Full blood.

- Q. Did they ask you any questions about Malinda and the children? A. No sir.
- Q. Were you living with Malinda then? A. Yes sir.
- Q. Why was it that you wouldn't answer the questions in English that they asked you in 1898? A. At the Dawes Commission?
- A. Yes? A. Because I didn't know how to talk.
- Q. How long have you been able to talk English? A. I have been trying all my life.
- Q. You have talked about as well as you can now all your life? A. No, I can talk plainer now.
- Q. You are able to talk pretty plain now since you married Malinda? A. No, I couldn't hardly talk when I married.
- Q. Can Malinda talk English? A. Yes sir, better than I can.

WITNESS EXCUSED.

(It appears from the records of the Commission to the Five Civilized Tribes that Malinda Wolf personally appeared before said Commission at Tishomingo, Indian Territory, on September 28, 1898, and made application for the enrollment of herself and her two minor children, Sallie and Jim Wolf, as citizens by blood of the Chickasaw Nation.)

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Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 21st. day of September, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this the 22nd. day of September, 1905.

Edwards Murrice
Notary Public.

- Q. Is she Chickasaw? A. Yes sir.
- Q. How much? A. Full blood.
- Q. Can she talk English? A. A little bit.
- Q. When they asked her about herself and the children did she talk English? A. No sir.
- Q. Who interpreted for her? A. Peter Maytubbee.
- Q. And you were there at the same time? A. Yes sir; only I was outside when my wife was enrolled.
- Q. This is the only time that you ever did anything -- that time you went to Tishomingo when Malinda was there --- was that the only time you ever tried to make application? A. I don't understand.
- Q. You say at the time you were at Tishomingo Peter Maytubbee or somebody said they wouldn't hear you because you could talk as good as he could --- was that the only time you were ever there? A. Yes sir, the only time.
- Q. Where were you born? A. Down there on Blue.
- Q. What was your father's name? A. Jim Brown.
- Q. Was he a Chickasaw Indian? A. Yes sir.
- Q. What was your mother's name? A. Nancy Brown.
- Q. Is she a Chickasaw Indian? A. She is on the roll as a Choctaw.
- Q. Have you lived in the Chickasaw Nation all your life? A. Yes sir.
- Q. Never lived anywhere else? A. No sir.
- Q. Who paid you the money that was paid you in 1893? Didn't you get the \$130.00 that was paid to the Chickasaws? A. Yes sir, it was paid to old man Wolf, and he gave it to me.
- Q. Were you living with Wolf at that time? A. Yes sir, he is the one that raised me. I lived with him all my life.
- Q. Is he living now? A. No sir. My father died as I was two years old.
- Q. Where were you living in 1896 when they were making the Census Roll in the Chickasaw Nation? A. I was living with the old man.
- Q. Why was it that they didn't put you on that roll in 1896? You say that old man Wolf got the \$130.00 that they paid in 1893. Now, why didn't they put you on that roll when they made it in 1896? (No answer)
- Q. When did Wolf die? A. I couldn't tell you. He has been dead about five years.
- Q. What was his full name? A. Jonas Wolf.
- Q. Any of his family living? A. His wife is living.
- Q. What is her name? A. Lizzie Wolf. Jonas Wolf was my uncle.
- Q. Your father or your mother's brother? A. My father's brother.
- Q. I thought your father's name was Jim Brown? A. Yes sir, but when my father first came there they called him Governoe Wolf. My name is Brown but when my uncle raised me he called me Esau Wolf.
- Q. How many children did you have by Malinda? A. Three.
- Q. How many are living? A. Three living, too.
- Q. What are their names? A. Sallie, Jim, and Reubin.
- Q. How old is Reubin? A. A little over ten months old.
- Q. How long did you live with Malinda Wolf? A. I don't know. I was married ever since I was 18 years old, and now I am 27.
- Q. Have you been living with Malinda ever since you married her? A. Yes sir.
- Q. The time you went to Tishomingo you say you were there when Malinda went to be enrolled? A. Malinda on the roll?
- Q. When she got her name on the roll in Tishomingo were you there? A. Yes sir.

- Q. What did you do? A. I went in there and they asked me my name, and asked what I was, and I said a full blood Chickasaw. I told them I couldn't talk, and Peter Maytubbee was there and he said "That boy can talk as good English as I can". They asked me again what my name was, and I told them Esau Wolf, and he asked me again if I could talk English and I said no. He wouldn't pay any attention when I said I couldn't talk, and I stepped out and never went back any more.
- Q. Who besides you and Peter Maytubbee were present at that time? Were there any other people present? A. Yes sir, lots of them.
- Q. Who? A. Steven Jones, Big Moffett, and Martha.
- Q. Who was your father? A. Jim Brown.
- Q. Was he a Chickasaw citizen? A. Yes sir.
- Q. Who did you live with while you were a child? A. Governor Wolf, Jim Brown's brother.
- Q. What was his name? A. Jonas Wolf.
- Q. Who were you enrolled with? A. Jonas Wolf.

EXAMINATION BY COMMISSIONER.

- Q. What time was it in 1898 that you went to Tishomingo? A. It has been so long that I couldn't tell you.
- Q. When was it? A. It was about noon --- no, it was after noon.
- Q. What time of the year? A. I don't recollect what time of the year or what month or what day it was.
- Q. What place did you go in Tishomingo? A. Back of the capitol -- northeast of the capitol.
- Q. Was it in a building? A. No, in a tent.
- Q. This talk you had with Maytubbee, was it -- that talk about the interpreter? A. At that time?
- Q. Yes? A. I don't understand.
- Q. Who did you talk with then? A. Some of them commissioners I guess -- they sat back of the table and asked me my name.
- Q. Who? A. Some of them commissioners -- I don't know his name.
- Q. Who asked you what your name was? A. I don't know his name. He was some of the commissioners I guess. He sat behind a table, and asked me my name.
- Q. Don't you remember anybody that you talked with while you were there? A. No, I don't know his name.
- Q. Who was there with you at the time this talk took place? A. Martha and my wife and Steven Jones and Peter Maytubbee, and several were there.
- Q. Is your wife a Chickasaw? A. Yes sir.
- Q. What is her name? A. Malinda.
- Q. Were you living with Malinda Wolf at the time you went to Tishomingo? A. Yes sir. My wife and both children were enrolled at this time.
- Q. Were you ~~xx~~ with them when they were enrolled? A. Yes sir.
- Q. Who made the application for them? A. Them commissioners I guess. She went in and they asked her her name, and that Martha whoever it is, she was a witness.
- Q. Was Malinda with you at the time you had this talk? A. Yes sir, my wife and several people were in there. He asked me my name and asked me what I was, and I said I guessed I was a full blood, and I was talking Indian, and he asked Peter Maytubbee, and he told him I could talk as good as he could, and he asked me again and then went to talking to another man, and I just stepped out and never went back any more.
- Q. Was Malinda with you at the time this happened? A. Yes sir.

26, 1905, the testimony of Esau Cobb and of such witnesses as he might present, with reference to his application for enrollment as a citizen by blood of the Chickasaw Nation, would be heard at the office of the Commissioner, at Muskogee, Indian Territory, on September 20, 1905, at nine o'clock A. M..

The cause being called for hearing on Wednesday, September 20, 1905, at nine o'clock A. M., no appearance was made by the petitioner, Esau Wolf, or by the attorneys for the Choctaw and Chickasaw Nations. Guy P. Cobb, attorney for the petitioner, Esau Wolf, appeared, and personally stated that the petitioner was not present.

The petitioner having alleged that his application was not received in 1898 for the reason that he was refused the services of an interpreter, and was unable to speak the English language, the Commissioner made provision for a recognized Chickasaw Interpreter, in his employ, to be present at the time set for the hearing at Muskogee, Indian Territory, September 20, 1905.

Now, on this, the 21st. day of September, 1905, comes the petitioner, Esau Wolf, and his attorney, Guy P. Cobb, and desires to submit testimony in regard to the alleged application made for the enrollment of the petitioner as a citizen by blood of the Chickasaw Nation.

A Chickasaw Indian by the name of Jesse Jackson appeared with Esau Wolf, and Guy P. Cobb, Attorney for Esau Wolf, stated that the said Jesse Jackson was an orphan boy, a full blood Chickasaw Indian, but spoke the English and Chickasaw languages; that he had no interest in the matter before the Commissioner, but at the request of myself (Guy P. Cobb) he volunteered to act as interpreter, and was, by the Commissioner, rejected.

-----000-----

COMMISSIONER to applicant:

- Q. Do you understand the nature of an oath -- do you know what an oath is? Were ybu ever in Court? A. No sir --- I was a witness once.
- Q. Didn't you take an oath when you were a witness? A. No sir.
- Q. Didn't they swear you? A. Yes sir.
- Q. Do you know what it is to take an oath before the Court? A. I don't know that that "oath" means. I talk a little, but some words are too hard for me to understand.

You may stand up and hold up your right hand and be sworn.

Esau Wolf, being thus duly sworn, testified as follows:

EXAMINATION BY GUY P. COBB:

- Q. Did you ever make an application to the Commission to the Five Civilized Tribes to be enrolled as a citizen by blood --- to the Dawes Commission? A. That is too hard for me. I couldn't understand it.
- Q. When the Dawes Commission was at Tishomingo did you go before them at all? A. Yes sir, I went before them.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, September 21, 1905.

-----000-----

In the matter of the alleged application for the enrollment of Esau Wolf as a citizen by blood of the Chickasaw Nation.

-----000-----

Guy P. Cobb, Attorney for applicant.

C O M M I S S I O N E R.

-----000-----

Under date of March 2, 1904, in the matter of the application of Esau Wolf for enrollment as a citizen of the Chickasaw Nation, the Assistant Attorney General to the Department of the Interior rendered an opinion which was on the same date approved by the Secretary of the Interior, in which it was held that Esau Wolf, having failed to submit an application for enrollment as a citizen of the Chickasaw Nation prior to December 24, 1902, the Commission to the Five Civilized Tribes was without jurisdiction to receive and consider such an application attempted to be made on March 30, 1903.

The Assistant Attorney General, in his opinion referred to, stated as follows:

"Esau Wolf comes, clearly, within the class of persons characterized in said Section 34 of the Act of July 1, 1902 as 'delinquents', and his application for enrollment, made after the expiration of the time within which application might be ~~made~~ received by the Commission to the Five Civilized Tribes, could not be received by the Commission, and he is not, under the law, entitled to be enrolled."

Under date of August 26, 1905, the Secretary of the Interior transmitted to the Commissioner to the Five Civilized Tribes an affidavit of Esau Wolf, dated March 14, 1905, in which he alleges that he is a citizen of the Chickasaw Nation, a full blood Chickasaw Indian; that in 1898 he went to Tishomingo, Indian Territory and presented himself for the purpose of being enrolled by the Commission to the Five Civilized Tribes; that such application was made in the Chickasaw language; that he was refused the services of an interpreter; and that he then left the tent where applications were being received.

The Commissioner, on August 26, 1905, was directed by the Department to permit Esau Wolf to appear with witnesses, and to furnish such testimony as he might be able, to show the time, manner, and place of making his alleged application, and to furnish due notice of said hearing to all parties interested.

On September 5, 1905, the Commissioner advised Esau Wolf, at Filmore, Indian Territory, and Guy P. Cobb, at Ardmore, Indian Territory, his attorney, and Messrs. Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, at South McAlester, Indian Territory, that, in conformity with Departmental instructions of August

Chic 1839

Chic 1839

9-1838

Muskogee, Indian Territory, September 13, 1906.

Osborn Carr,

Higgins, Indian Territory.

Dear Sir:

Your letter of August 19, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you ask when the enrollment of your wife Celin Carr will be approved so that she can file on her allotment; receipt is also acknowledged of your letter of September 8, 1906, on the same subject.

You are advised that the name of Celin Carr has been placed upon a schedule of citizens by blood of the Chickasaw Nation which has been forwarded the Secretary of the Interior and you will be notified when her enrollment is approved.

Pending the approval of her enrollment, however, no selection of allotment can be made in her behalf.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:
9-1838

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

Muskogee, Indian Territory, August 20, 1906.

Cillin Carr,
South McAlester, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 21, 1906, in which you ask if your enrollment has been approved as a citizen by blood of the Chickasaw Nation.

In reply you are advised that your name has been placed upon a schedule of citizens by blood of the Chickasaw Nation which has been prepared for forwarding to the Secretary of the Interior, and you will be notified when your enrollment has been approved by the Department.

Respectfully,



Commissioner.

9-1838

Muskogee, Indian Territory, July 20, 1906.

Chas. H. Hudson,
Wilburton, Indian Territory,

Dear Sir:

In compliance with your request of July 16, 1906, for blank
for enrolling Sala Carr, there is inclosed herewith a blank applica-
tion for the enrollment of a minor child.

Respectfully,

B C

Commissioner.

Warning notice.

9-1838

Muskogee, Indian Territory, July 20, 1906.

Sillin Carr,

South McAloster, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of July 9, 1906, asking relative to your application for enrollment.

In reply you are advised that on July 10, 1906, the Commissioner to the Five Civilized Tribes, rendered his decision granting your application for enrollment as a citizen by blood of the Chickasaw Nation, and your name will be placed upon the next schedule prepared for forwarding to the Secretary of the Interior.

Referring to the enrollment of your child, Sala Carr, there is inclosed herewith a blank application for the enrollment of a minor child which you should have executed and return to this office as early as practicable.

Respectfully,

B C

Commissioner.

Warning notice.

2
7-4670

Muskogee, Indian Territory, July 10, 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 July 10, 1906, granting the application for the enrollment of Colin Carr as a citizen by blood of the Chickasaw Nation and the application for the enrollment of Trase Murphy as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against their enrollment. If at the expiration of that time no protest has been filed, the name of Colin Carr will be placed upon the final roll of citizens by blood of the Chickasaw Nation and the name of Trase Murphy will be placed upon the final roll of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Commissioner.

Registered.

7-4870

Muskogee, Indian Territory, July 10, 1906.

Charles H. Hudson,
Attorney at Law,
Wilburton, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, rendered his decision, on July 10, 1906, granting the application for the enrollment of Celin Carr as a citizen by blood of the Chickasaw Nation and the application for the enrollment of Trase Murphy as a citizen by blood of the Choctaw 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 their enrollment. If at the expiration of that time no protest has been filed, the name of Celin Carr will be placed upon the final roll of citizens by blood of the Chickasaw Nation and the name of Trase Murphy will be placed upon the final roll of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

Commissioner.

7
7-4870

Muskogee, Indian Territory, July 10, 1906.

J. S. Mullen,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, rendered his decision, on July 10, 1906, granting the application for the enrollment of Celin Carr as a citizen by blood of the Chickasaw Nation and the application for the enrollment of Trace Murphy as a citizen by blood of the Choctaw 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 their enrollment. If at the expiration of that time no protest has been filed, the name of Celin Carr will be placed upon the final roll of citizens by blood of the Chickasaw Nation and the name of Trace Murphy will be placed upon the final roll of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tame Dixey

Registered:

Commissioner.

7-4870

COPY

Muskogee, Indian Territory, July 10, 1906.

E. P. Lester,

Wilburton, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, rendered his decision, on July 10, 1906, granting the application for the enrollment of Celin Carr as a citizen by blood of the Chickasaw Nation and the application for the enrollment of Trace Murphy as a citizen by blood of the Choctaw 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 their enrollment. If at the expiration of that time no protest has been filed, the name of Celin Carr will be placed upon the final roll of citizens by blood of the Chickasaw Nation and the name of Trace Murphy will be placed upon the final roll of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tamc L. L. L.

Commissioner.

Registered.

7-4870

COPY.

Muskogee, Indian Territory, July 10, 1906.

Celin Carr,

Higgins, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 10, 1906, granting your application for enrollment as a citizen by blood of the Chickasaw Nation, and the application for the enrollment of your son, Trase Murphy as a citizen by blood of the Choctaw 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 your enrollment. If at the expiration of that time no protest has been filed, the name of Celin Carr will be placed upon the final roll of citizens by blood of the Chickasaw Nation, and the name of Trase Murphy will be placed upon the final roll of citizens by blood of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James Dixby

Incl. 7-4870

Commissioner.

Registered.

7-4870

Muskogee, Indian Territory, March 24, 1906.

Charles H. Hudson,

Wilburton, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 19, 1906, in the matter of the enrollment of Sillen Carr and Trase Murphy in which you state that you would like to be present at the taking of testimony in this case, and you ask that the representative of the Commissioner in the field be requested to see you in Wilburton, and you will have a conveyance ready to take him out to see this person.

In reply to your letter you are advised that the representative of the Commissioner will be instructed to advise you of the time he will take the testimony in the matter of the application for the enrollment of Sillin Carr and Trase Murphy, as citizens of the Choctaw Nation.

Respectfully,

Acting Commissioner.

COPY.

7--4870.

Muskogee, Indian Territory, June 3, 1905.

Wilkin Taylor,

Blanco, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 20, relative to the application for the enrollment of Trase Murphy, in which you state that the mother of this child is enrolled as Cillen Murphy.

In reply to your letter you are advised that we have been unable to identify the mother of Trase Murphy under any of the names heretofore given us, and on May 27, 1905, a letter was addressed to Robinson Murphy, asking if he was ever married to Cillen Murphy that he forward his marriage license and certificate or a certified copy thereof; that if he was not married to Cillen Murphy but was the father of Trase Murphy, it would be necessary for him to forward his affidavit to that fact; but as yet no reply has been received to this letter.

It will be necessary that this evidence be forwarded before further consideration can be given the application for the enrollment of Trase Murphy.

Respectfully,

SIGNED

I. L. Nesbitt

Commissioner in Charge.

Choctaw 4870

COPY.

Muskogee, Indian Territory, May 27, 1905.

Robinson Murphy,
Damon, Indian Territory,

Dear Sir:

In the matter of the application for the enrollment of Trase Murphy, daughter of Robinson and Celin Murphy, as a citizen by blood of the Choctaw Nation, it appears that you are the father of this child. If you were ever married to Celin Murphy you should forward your marriage license and certificate or certified copy thereof, in the matter of the enrollment of this child. If you were never married to Celin Murphy and are the father of Trase Murphy, please forward your affidavit to that effect.

Kindly give this matter your immediate attention.

Respectfully,

SIGNED *Tame Dixby.*

Chairman.

Env.

COPY.

Choctaw 4670

Muskogee, Indian Territory, May 27, 1905.

Robinson Murphy,
Hartshorne, Indian Territory,

Dear Sir:

In the matter of the application for the enrollment of Trase Murphy, daughter of Robinson and Celin Murphy, as a citizen by blood of the Choctaw Nation, it appears that you are the father of this child. If you were ever married to Celin Murphy you should forward your marriage license and certificate or certified copy thereof, in the matter of the enrollment of this child. If you were never married to Celin Murphy, and are the father of Trase Murphy, please forward your affidavit to that effect.

Kindly give this matter your immediate attention.

Respectfully,

SIGNED *Tame Dixby.*

Chairman.

Env.

E. P. L. #2

its records. If application has not been made for her enrollment, under the provisions of the act of Congress approved July 1, 1902, the Commission is without authority to receive or consider an application in her behalf.

Respectfully,

SIGNED *Tamie Dixby.*

Chairman.

COPY.

Muskogee, Indian Territory, January 16, 1905.

E. F. Lester,

Attorney at Law.

Wilburton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 7, 1905, in the matter of the application of Cillin Carr for the enrollment of herself and her two children as citizens of the Choctaw and Chickasaw Nations, in which you state that Cillin Carr is the daughter of Bond Seeley, and that she drew the leased district payment money in 1893 from the Chickasaws under the name of Cillin Willis, and that William Carney and one Ishatubby brought back the money; that she is now about thirty-four years of age and has two children by former husbands, Martha Williams, aged nine years by Wesley Williams, and Trace Murphy, aged three years by Robinson Murphy.

In reply to your letter you are informed that it does not appear from our records that application has been made for the enrollment of Cillin Carr under that name or under the name of Cillin Willis, Cillin Williams, or Cillin Murphy.

If application has been made for the enrollment of Cillin Carr and you can ascertain under what name the same was made this information may perhaps enable the Commission to identify her upon

are known by hundreds.

Very truly,

E. F. Lester.

COPY.

Wilburton, I. T. January 7th, 1905.

To the Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

In the matter of the application of Cillin Carr and her two children, for enrollment as citizens of the Choctaw and Chickasaw Nations, I will state that she represents the following:-

That her father was a full blood Indian, being about one half Choctaw and about one half Chickasaw and that his name was Bond Seeley, that his father was Levi Seeley, a full blood, that his mother was named -----Leona, his given name unknown to the applicant. That is all of these parties lived in the Choctaw Nation during all their life time, and known by hundreds, and that the applicant herein is a full blood.

That the applicant drew her money in payment of 1893 from the Chickasaws, under the name of Cillin Willis, that William Carney and one Ishatubby brought back the money, she does not remember whether they acted in capacity of administrator or not., that the applicant is now about thirty four years of age, that the applicant has also two children by former husbands to wit: Martha Williams, aged nine years, by Wesley Williams, Trace Murphy, aged three year of age by Robinson Murphy, Please indicate what evidence you want in the matter.

I will state personally that these parties are full blood, cant speak a word of English, have lived her all their lives, and

J. S. M. 2

You are further advised that the enrollment of Trace Murphy can not be given further consideration until information has been supplied whereby the mother of the said child can be identified as a citizen by blood of the Choctaw or Chickasaw Nation. If you are unable to obtain the necessary information, it would be advisable for Ceelin Sealey to appear before the Commission, at its office at Muskogee, Indian Territory, with witnesses for the purpose of an examination relative to her identification as a citizen by blood of the Chickasaw Nation.

This matter should receive prompt attention.

Respectfully,

SIGNED *James Dixey.*

Chairman.

COPY.

Muskogee, Indian Territory, December 28, 1904.

J. S. Vullen,
Attorney at Law,
Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th instant, containing information relative to Ceelin Seeley mother of Trase Murphy. You state that Ceelin Seeley is the daughter of Bond and Susie Seeley who are citizens by blood of the Chickasaw Nation and drew the 1893 Leased District money.

You are advised that the information contained in your letter is not sufficient to enable the Commission to identify Ceelin Seeley as an applicant for enrollment as a citizen by blood of the Choctaw or Chickasaw Nation.

It is important that you state the time and place application was made to this Commission for the enrollment of said Ceelin Seeley, together with the names of the other members of the family to which she belongs for whom application was made at the same time. If any application was ever made to this Commission for the enrollment of said person as a citizen by blood of the Chickasaw Nation it must have been under some other name.

O. C. #2

are urgently requested to give the matter careful and prompt attention.

Respectfully,

SIGNED *James Dixby.*

Chairman.

COPY.

7-3179

Muskogee, Indian Territory, December 16, 1904.

Osborn Carr,

W. Liberton, Indian Territory.

Dear Sir:

On December 24, 1902, there was received at this office an application for enrollment as a citizen by blood of the Choctaw Nation of Tease Murphy, infant daughter of Robinson and Celin Murphy born November 17, 1900. No action relative to the enrollment of said child having been taken for the reason that the Commission has up to this time been unable to identify the mother as a citizen by blood of the Choctaw or Chickasaw Nation.

Recent information states that the mother of said child is now your wife. If this is a fact, you are kindly requested to state at your earliest convenience the full maiden name of your wife, the names of her parents, together with the names of the other members of the family to which she belongs, and if she has at any time ever been known by any other name than Celin Seely or Celin Murphy prior to her marriage to you.

Please state such names together with any other information you may have which will enable the Commission to identify this woman as a citizen by blood of the Choctaw or Chickasaw Nation.

An envelope for your reply is enclosed you herewith and you

J. S. M. #2

office whereby this woman can be identified. If you are able to state fully the names of her parents, the time and place application was made to this Commission for her enrollment and other information which you may be able to obtain that will enable the Commission to identify Gelin Seely as a citizen by blood of the Choctaw or Chickasaw Nation, the application for the enrollment of her child will receive proper consideration.

Respectfully,

SIGNED *Tame Birby.*
Chairman.

COPY.

7-4870

Muskogee, Indian Territory, December 15, 1904.

J. S. Mullen,

Attorney at Law.

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, requesting to be advised of the application of Trase Murphy for enrollment as a citizen by blood of the Choctaw Nation. You state from what you can learn said child was born in 1901 or early in 1902, and that she is the child of Sillen Seely and Robinson Murphy, who are Choctaws by blood but never married. You state further that the mother of the child Sillen Seely is now the wife of Osborn Carr, a citizen by blood, who lives at Wilburton, Indian Territory.

You are advised that on December 24, 1902, there was received at this office an application for the enrollment of Trase Murphy, as a citizen by blood of the Choctaw Nation, infant daughter of Robinson and Gelin Murphy born November 17, 1900.

Hurried letters have been addressed to the father of the child and other parties with a view of identifying the mother of the child as a citizen by blood of the Choctaw or Chickasaw Nation, but up to the present time no information has been received at this

W.T. 2.

son by blood of the Choctaw Nation.

If you will advise the Commission without delay as to the maiden name of Selin Murphy, the names of her parents, and the time and place application was made for her enrollment, the application for the enrollment of her child will receive proper consideration.

Respectfully,

SIGNED

T. B. Needles

Commissioner in Charge.

COPY.

7-4870

Muskogee, Indian Territory, August 12, 1904.

Wilkin Taylor,

Wilburton, Indian Territory.

Dear Sir :-

Receipt is hereby acknowledged of your letter of the 5th inst., requesting to be advised relative to the enrollment of Trice Murphey.

You are informed it appears from our records that prior to December 27, 1900, there was received at this office an application for the enrollment as a citizen by blood of the Choctaw Nation of Trase Murphy, infant daughter of Robinson and Selin Murphy, born December 17, 1900, and the Commission being unable to identify Selin Murphy upon its records as a citizen by blood of the Choctaw Nation the application has been held pending the receipt of information which will enable us to identify the mother of the child. Numerous letters of inquiry have been heretofore written relative to said child, and in each case the writer has been requested to state the full maiden name of the mother, the time and place application was made for her enrollment, together with the names of the other members of the family to which she belonged for whom application was made at the same time, and any other information they might have which would enable the Commission to identify Selin Murphy as a citi-

J S M 2

You are further advised it appears from our records that prior to December 25, 1902, there was received at this office an application for enrollment as a citizen by blood of the Choctaw Nation of Trase Murphy, infant daughter of Robinson and Celin Murphy, born December 17, 1900, and the Commission being unable to identify Celin Murphy, mother of child, upon the records as a citizen by blood of the Choctaw Nation, and the application has been held pending the receipt of such information. If you will state the full maiden name of Celin Murphy, her age, the time and place application was made for her enrollment, the names of the other members of her family for whom application was made at the same time, the application for enrollment of her infant child will receive proper consideration.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in Charge.

COPY.

7--369
7-4870

Muskogee, Indian Territory, March 18, 1904.

J. S. Mullen,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th inst., requesting to be advised relative to the status of Cornelius Thompson, son of Colberson and Lacy Thompson, also of Treese Murphy, minor daughter of Sillowa and Roberson Murphy.

You are informed it appears from our records that on November 7, 1903, a letter was received from you requesting similar information and you were fully advised relative to the children concerning whom your inquiry is made.

You are advised, however, it appears from our records that the application for the enrollment of Cornelius Thompson was not received at this office prior to December 25, 1902, the date of the expiration of the ninety days prescribed by the Act of Congress, approved July 1, 1902, within which the Commission could receive applications for enrollment as citizens of the Choctaw and Chickasaw Nations, but the Commission has not up to this time passed upon the application for enrollment of said child.

V T-3

of Gilin Murphy or Gilin Williams. If, as stated in your letter, she is a full-blood Chickasaw Indian, you are kindly requested to state her age, the time and place application was made for her enrollment, the names of the other members of her family for whom application was made at the same time, and, if at that time she was the wife of any person state the name of such person and whether he was a citizen by blood of the Choctaw or Chickasaw Nation.

Please give this matter prompt attention, returning this letter with your reply, upon receipt of which the matter will receive further consideration.

Respectfully,

SIGNED *Tams Dixey.*
Chairman.

COPY.

7-4870

Muskogee, Indian Territory, November 18, 1903.

Wilkin Taylor,

Damon, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th inst., requesting information relative to the application for enrollment as a citizen by blood of the Choctaw Nation of Trase Murphy, minor daughter of Cilin Murphy.

It is stated in your letter that Cilin Murphy is a full-blood Chickasaw Indian and daughter of Ben Coley and that she drew the 1893 Leased District money in the Chickasaw Nation, at which time her name was Cilin Willis.

You are informed that prior to December 24, 1902, there was received at this office an application for the enrollment, as a citizen by blood of the Choctaw Nation of Trase Murphy, infant daughter of Robinson and Cilin Murphy, born December 17, 1900, and the same has been held pending the receipt of information which would enable the Commission to identify the mother of said child upon our record.

You are further informed that the Commission is still unable to identify, from the information contained in your letter, the mother of this child as appearing upon our record under the name

J. S. M. 2

ber 25, 1902, within which the Commission could receive and consider original applications for enrollment as citizens of the Choctaw and Chickasaw Nations.

You are further informed that it appears from our records that prior to December 24, 1902, there was received at this office the application for the enrollment as a citizen by blood of the Choctaw Nation of Trase Murphy, infant daughter of Robinsen and Celin Murphy, born December 17, 1900, and as we were unable to identify Celin Murphy upon our records as a citizen by blood of the Choctaw Nation, the same has been held pending the receipt of information which would enable us to identify the mother of this child upon our records.

You are advised that before further consideration can be given the application for the enrollment of Trase Murphy as a citizen by blood of the Choctaw Nation it will be necessary for this office to be furnished with information showing the full name of the mother of said child, the names of her parents and other members of her family who have been enrolled and any information which would enable the Commission to identify her upon its records as having been listed for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED *Samuel Dinby*
Chairman.

COPY.

7-369
7-4720
7-4870
9-1152

Muskogee, Indian Territory, November 7, 1903.

J. S. Mullen,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 31, in which you ask if our records show any trace of Cornelius Thompson, child of Colverson Thompson and Lucy Thompson, a Choctaw by blood, as they state to you that they forwarded a birth certificate to the Commission a year or two ago for this child, but have heard nothing from it. You also request to know if any application has been made for the enrollment of Treese Murphy, age about three years, child of Billewa Murphy and Roberson Murphy.

In reply to your letter you are informed that it appears from our records that there was received at the post office at Muskogee, Indian Territory, December 25, 1902, the application for the enrollment of Cornelius Thompson, child of Colbertson and Lucy Thompson, born March 31, 1901.

The Commission has not, however, up to this time passed upon the application for the enrollment of this child, as the same was not received prior to December 25, 1902, the date of the expiration of the ninety days prescribed by the Act of Congress of July 1, 1902, from the date of the final ratification of said act, Septem-

A F B

at the same time and any other information she might have which would enable the Commission to identify her as a citizen by blood of the Choctaw Nation.

This information relative to the mother must be furnished the Commission before the application for the enrollment of her child can receive further consideration.

You are kindly requested to supply the required information relative to the enrollment of Cilin Murphy at your earliest convenience.

Respectfully,

SIGNED *Tamc Bixby.*

Chairman.

7-4870.

COPY.

Muskogee, Indian Territory, February 27, 1903.

Alex Folsom,

Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st inst., requesting to be advised what disposition has been made of the application for enrollment as a citizen of the Choctaw Nation of Tracey Murphy, infant daughter of Roberson and Cilin Murphy.

You are advised that it appears from our records that there was received at this office December 24, 1902, the application for enrollment as a citizen of the Choctaw Nation of Tracey Murphy, infant daughter of Robinson and Cilin Murphy, born November 17, 1900; receipt of the same having been acknowledged to Cilin Murphy, Damon, Indian Territory, December 31, 1902.

It was stated in the affidavit of the mother that her name was Celin Murphy, that she was 24 years of age and a citizen by blood of the Choctaw Nation. The Commission being unable to identify her, she was requested to state her full maiden name, the time and place application was made for her enrollment, the names of the other members of her family for whom application was made

R. M. 2.

her enrollment and the names of other members of her family for whom application was made at the same time. You should also forward either the original or a certified copy of your marriage license and certificate.

This matter must receive your immediate attention as until the application and the information requested are received nothing further can be done in the matter of the enrollment of this child as a citizen of the Choctaw Nation.

Respectfully,

SIGNED *Tame Dixby.*

Acting Chairman.

B.C.

Env.

7-4870.

COPY.

Muskogee, Indian Territory, December 15, 1902.

Robinson Murphy,

Care D. P. Pusley,

Damon, Indian Territory.

Dear Sir:-

On March 5, 1902, the Commission received a letter from D. P. Pusley, in which it was stated that he desired to have a child enrolled, born in November 1901, to Robinson and Sillen Murphy, in response to which the Commission sent the mother of the child a blank application for enrollment, but this application has not since been received by the Commission. If this child is still alive and you desire to have it enrolled as a citizen of the Choctaw Nation, you should immediately fill out and return to the Commission the enclosed blank application.

In having the same executed be careful to see that all blank spaces are properly filled, all names written in full, and that the notary public before whom the affidavits are sworn to attaches his name and seal to each affidavit. In case any signatures are by mark they must be attested by two disinterested parties, witnesses thereto.

You are also requested to state the full maiden name of Sillen Murphy, her age, the time and place application was made for

D P P 2

application was made at the same time, and such other information as you may have as will identify him as listed for enrollment as a citizen of the Choctaw Nation.

You are also requested to state the full name and age of Ellen Murphy, the time and place application was made for her enrollment, the names of other members of her family for whom application was made at the same time, and such other information as you may have as will identify her upon our records as properly listed for enrollment. If since the time she was so listed, she has married Roberson Murphy, you are requested to forward either the original or certified copy of the marriage license and certificate between them as authority for the changing of her name upon our records from her former maiden name to her present married name.

Upon the return of the application for the enrollment of this child properly executed, and the information requested above the matter will receive further consideration.

Yours truly,

SIGNED *James Dixby.*

Commissioner in Charge.

BC

Choctaw 4870

COPY.

Muskogee, Indian Territory, March 11, 1902.

D. P. Pusley, -

Dawson, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you state that you wish to enroll a child born in November, 1901, to Roberson and Sillen Murphy, who are both full blood Choctaw Indians.

For the purpose of enrollment of infant children, the Commission uses a blank, one of which is enclosed you herewith. In having the same executed, be careful to see that all blanks are properly filled, all names written in full and in event either of the persons whose names are to be affixed to the affidavits are unable to write and their signatures are by mark, that such signatures be attested by two disinterested persons, witnesses thereto. The notary public taking the acknowledgments of the mother and attending physician or nurse at the birth of the child, must affix his notarial jurat and seal to each separate affidavit.

You are requested to state the full name and age of Roberson Murphy, the time and place application was made for his enrollment, the names of other members of his family for whom

Indian Territory

Choctaw Nation

Central District

Green McCurtain, being first duly sworn, states on oath that he is 57 years of age, and at present the Principal Chief of the Choctaw Nation; that he is, and has been for the past fifteen years acquainted with Cillin (Sealy) Carr, the wife of Osborne Carr. Affiant further states the said Cillin (Sealy) Carr is the daughter of Bond Sealy, a Chickasaw by blood. Affiant further states that ^{Grand father} the ~~father~~ of Cillin (Sealy) Carr was named Loma, who was a fullblood Chickasaw Indian.

Green McCurtain

Subscribed and sworn to before me this 1 day of March,
1906.

Samuel A. Maysey

Notary Public.

T. J. Stallings

General Merchandise

Hartshorne, I. T.

Branches at Ada and Tahlequah, I. T.

IN THE MATTER OF THE APPLICATION OF CARRIE (SEELY) CARR, A CHICKEN
INDIAN, BY BLOOD, FOR ENROLLMENT.

AFFIDAVIT OF CARRIE L. COUTAIN AND J. W. SEELY.

1906

[Faint, illegible handwritten text]

Subscribed and sworn to before me
this first day of March 1928

Notary Public

1860

1

I have the honor to acknowledge
 the receipt of your letter of the
 10th inst. in relation to the
 above mentioned matter. I have
 been unable to find the
 original of the same but will
 endeavor to procure a copy
 for you as soon as possible.
 I am, Sir, very respectfully,
 your obedient servant,
 J. M. [Name]

General Court of the State of New York
at the City of New York

That the said Court do hereby certify
that the said [illegible] is a
[illegible] of the State of New York
and that the said [illegible] is
[illegible] of the State of New York
and that the said [illegible] is
[illegible] of the State of New York
and that the said [illegible] is
[illegible] of the State of New York

Witness my hand and the seal of the
said Court at the City of New York
this [illegible] day of [illegible] 18[illegible]

COUNTY AND PROBATE JUDGE
ATOKA COUNTY.
CHOCTAW NATION.

Hertford, Ind. Tex. July 12 - 1905

Come to the office of Civilized Tribes
To whom it may concern
of Robinson Murphy.

Being duly sworn to depose
and say that at one time
father of of Celine Murphy's
Child, known as Grace Murphy
I was never married to
Celine Murphy
Robinson Murphy

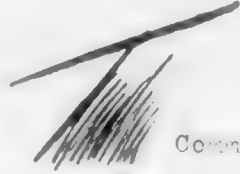
Sworn and subscribed to
before me W M Crisp N.J.
This 12 day of July 1905 -
W. M. Crisp N.J.

Come Expires Mar 10 - 1905 -

Choctaw 4870

JUL 15 1905

Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 498) and July 1, 1902 (32 Stats., 641), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

7-4875.
O.L.J.

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

In the matter of the application for the enrollment of
Celin Carr as a citizen by blood of the Chickasaw Nation, and for
the enrollment of Trase Murphy as a citizen by blood of the Choctaw
Nation.

D E C I S I O N .

It appears from the record herein that application was made
to the Commissioner to the Five Civilized Tribes for the enrollment
of the applicant, Celin Carr, as a citizen by blood of the Chickasaw
Nation within the time limited by the provisions of the Act of Con-
gress approved April 26, 1902 (Public 129).

It further appears from the record herein that on December
24, 1902, application was made to the Commission to the Five Civil-
ized Tribes for the enrollment of Trase Murphy as a citizen by blood
of the Choctaw Nation.

The evidence in this case shows that Trase Murphy is the
illegitimate child of the applicant, Celin Carr, and Robinson Murphy,
a recognized and enrolled citizen by blood of the Choctaw Nation,
whose name appears as number 13365 upon a list prepared by the Com-
mission to the Five Civilized Tribes, 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 Choctaw Nation,
and approved by the Secretary of the Interior March 19, 1903; and
that Celin Carr is the daughter of Bond Sealey (now deceased), and
Susie Sealey (now deceased), both of whom were full blood Chickasaw
Indians.

Upon an examination of the tribal rolls of the Chickasaw
Nation in the possession of this office it appears that Celin Carr
is identified upon the 1896 Chickasaw Leased District Payment Roll
(Testament Roll of Chickasaws residing in the Choctaw Nation).

It further appears from the record herein that Celin Carr
was a resident in good faith of the Indian Territory on June 28, 1898,
and that both of the applicants herein were living on September 25,
1902.

Under the provisions of Section Twenty-one of the Act of
Congress approved June 26, 1906 (34 Stats., 496), Celin Carr appeared
before the Commissioner of the Five Civilized Tribes on May 10, 1906,
and elected that Trase Murphy be enrolled as a citizen by blood of the
Choctaw Nation and that she receive her allotment of lands and dis-
tribution of money in said nation.

I am, therefore, of the opinion that Celin Carr should be
enrolled as a citizen by blood of the Chickasaw Nation, and that
Trase Murphy should be enrolled as a citizen by blood of the Choctaw

Memorandum
O.L.J.

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

In the matter of the alleged application for the enrollment
of Colin Carr as a citizen by blood of the Chickasaw Nation.

It appears from the records herein that on July 10, 1906,
Colin Carr appeared before the Commissioner to the Five Civilized
Tribes and presented to said Commissioner an application alleged to
have been made for his enrollment as a citizen by blood of the Chick-
asaw Nation in violation of the provisions of the Act of
Congress approved April 2, 1906 (Public Law 119).

On said date said applicant testified that he had never
made any formal application for his enrollment as a citizen by blood
of the Chickasaw Nation, and that in the fall of 1905, he had entered
a communication to this office requesting to be listed relative to
his rights as a citizen by blood of the Chickasaw Nation; and that
in 1905, there was filed with the Commission to the Five Civilized
Tribes a written application for the enrollment of said applicant's
daughter, Trade Murphy, as a citizen by blood of the Choctaw Nation.

It appears from the records of the Commission to the Five
Civilized Tribes that on December 24, 1905, there was filed with
said Commission a written application for the enrollment of Trade Mur-
phy, infant daughter of Colin Carr, and Trade Murphy, which ap-
plication is composed in part of the affidavit of said Colin Carr,
to the effect that she is a citizen by blood of the Choctaw Nation,
and that she is the mother of said Trade Murphy.

It further appears from the records herein that this office
has for the past three years had knowledge of the existence of the
application of Colin Carr, and during that time the same has been re-
ferred to several informants who would assist in the identification
of the same with the records of the Choctaw or Chickasaw Nation.

It is the opinion that the evidence establishes that
said applicant is not a citizen by blood of the Five Civilized Tribes
for the purpose of the Act of Congress approved April 2, 1906, and that
said applicant is not a citizen by blood of the Chickasaw Nation
for the purpose of the Act of Congress approved April 2, 1906, and that the same
should be returned to the applicant, as it is so ordered.


Commissioner.

JUL 10 1906

7-4870

No. _____

Sabin Corp., et al. Plaintiff
vs.
Chatham & Chickoson, natives Defendant

Filed for record this _____ day of _____
190

Petition

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

S. H. D.

MAY 1 1906

COMMISSIONER

WILKINSON & HUDSON
Attorneys

For *Plaintiffs*
WILBURTON, IND. TER.

Indian Territory
Western District

Green McCurtain, being first duly sworn, says that he is a Choctaw Indian by blood and resides at the town of Kinta, Indian Territory. Affiant further states that he has, for the past twelve years, and does now know Sillen (Willis) Carr, and knows her to be a Chickasaw-Choctaw by blood. Affiant further states that said Sillen Carr is the daughter of Bond Sealy, who was a halfblood Chickasaw and halfblood Choctaw; and that the mother of Sillen Carr was Susan Loma, a fullblood Chickasaw Indian. Affiant further states that Bond Sealy drew money with the Choctaws in 1893. Affiant further states that Sillen (Willis) Carr has been and is now recognized as an Indian by blood by all who know her.

Green McCurtain

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

Notary Republic.

S. S. Allen

that were on the said list, were the names of your petitioner, and the Trase Murphy, and (Salla) Willis, that this list was filed with the aforesaid Commission,

That the said Trase Murphy, and (Salla) Willis, are the children of your petitioner and that the said, Trase Murphy, is about sixteen years old and, (Salla) Willis is about nine years old, that the father of Trase Murphy, was Robinson Murphy, a Choctaw Indian, and the father of \$ Salla) Willis, was Mose Willis, A Choctaw Indian, that by mistake some where your petitioners name has not been, placed on the final ^{Chickasaw,} roll of the ~~Chickasaw~~ Indians, nor has the names of her children, Trase Murphey, and (Salla) Willis, that your petitioner varily believes that her name appears on the Chickasaw roll of 1896, as Sillin Murphy, and th that she is entitled to enrollment as a citizen of the Chickasaw Nation of Indians,

The premises considered ,plaintiff prays that her name be placed on the Approved Roll of the Chickasaw Indians, and that the names of her two children, Trase Murphy, and (Salla) Willis, also be placed on the same Roll. And that as soon as this patition is filed in the office of the Commissioner, that the Commissioner set a day ,for hearing evidence to support the matters and alegations set forth in her m petition, and that the time be as close as possible, to the present date, and for the support of this petition, your petitioner herewith files an affidavit, of Governer Green Mc.Curtain, as to her right to enrollment.

Chas. F. Hudson
Attorney for Plaintiffs.

IN THE DEPARTMENT OF THE INTERIOR OF THE UNITED STATES, BEFORE THE
COMMISSIONER TO THE FIVE CIVILIZED TRIBES AT MUSKOGEE, IND. TER.

SILLIN CARR. }
TRASE MURPHY. } Plaintiffs,
(SALLA) WILLIS }
VS. }
THE CHOCTAW AND } Defendants,
CHICKASAW NATIONS. }

Petition, for Enrollment, as Chickasaw
Indians by blood.

Comes now Sillin Carr, plaintiff in the above entitled cause for her self and as next friend for her two children, Trase Murphey, (Salla) Willis, and shows to the Department, that she is the daughter of Bond Sealy, and Susan Loma,

That Bond Sealy was a half-blood Choctaw and half-blood Chickasaw Indian, and that her mother Susan Loma, was a fullblood Chickasaw Indian, that her parents, were recognised as Indians and shared in the tribal affairs all their lives, and that your petitioner has always been recognised, as an Indian by blood of the Chickasaw Nation, that your petitioner drew money with the Chickasaw Indians in the year 1893, when they were paid there annuaty money,

That during the year 1898, when the Commission to the Five Civilized Tribes were making their roll, as provided by the act of Congress, and which was approved on the 28th. day of June 1898, Green Mc. Curtain appointed Bud White to assist the Commission to the Five Civilized Tribes in Making the roll of the Choctaw Indians, that it was the Duty of White to make a list of the persons that were entitled to enrollment and present it to the Commission, and ask that the parties be enrolled, that in accordance with this commission, White made a canvass of the County of Gains, and found what persons had not been enrolled and he therefore made a list of all the names of the persons that had not been enrolled, and presented and filed the said list with the Commission to the Five Civilized Tribes and that among the names

Indian Territory,
Central District,

Comes now Chas. H. Hudson, and after having been by first duly sworn according to law says upon his oath that he is the attorney in the case of Sillin Carr, Trase Murphy, and (Salla) Willis, Vs. the Choctaw and the Chickasaw Nations, for the plaintiffs, and that on the 9th day of March 1906 he registered a copy of the complaint and a copy of an affidavit of Green Mc. Curtain to the attorneys of the Choctaw and Chickasaw Nations, Mansfield; Mc. Murray and Cornish, at their home office at So. Mc. Alester, Indian Territory, and that same was registered in due course of mail and that the receipt hereto attached is the receipt of the post master at Wilburton, Indian Territory, where the package was registered,

Chas. H. Hudson

Subscribed and sworn to before me this the 9th, day of March 1906,

Clifford W. Perry
Notary Public of Central District,

My commission expires, 3/28/07

Letter Parcel 7 P.O.
Registered 3/9
To: Sillin Carr, Trase Murphy, and (Salla) Willis
At: Mansfield, Indian Territory
So. Mc. Alester, Indian Territory
Postage paid 7 cts

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
 of Irose Murphy, born on the 17 day of Nov, 1900
 Name of Father: Robertson Murphy a citizen of the Choctaw Nation.
 Name of Mother: Cilie Murphy a citizen of the Choctaw Nation.
 Post-Office: Damon

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY, Central District.)
 I, Cilie Murphy, on oath state that I am 24
 years of age and a citizen, by Blood, of the Choctaw Nation;
 that I am the lawful wife of no one, who is a citizen, by
Blood, of the Choctaw Nation, that a female child was
 born to me on the 17th day of November, 1900 that said child has been
 named Irose Murphy, and is now living.

WITNESSES TO MARK
 (Must be Two Witnesses) } Alex Tolson
Wilkin Taylor
 Subscribed and sworn to before me this 18th day of December, 1902
mycom Ex Jan 4-1904 A. White
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY, Central District.)
 I, Nellie Taylor, a Midwife, on oath state that I
 attended on Mrs. Cilie Murphy, wife of no one,
 on the 17th day of November, 1900; that there was born to her on said
 date a female child; that said child is now living and is said to have been
 named Irose Murphy.

WITNESSES TO MARK
 (Must be Two Witnesses) } Alex Tolson
Wilkin Taylor
 Subscribed and sworn to before me this 18 day of November, 1902
mycom Ex Jan 4-1904 A. White
 Notary Public.

6... 24 H 71 18-27

IN RE

Application for Enrollment of

INFANT CHILD

Grace Murphy

as a citizen of the

Choctaw

Nation.

Approved

190

Commissioner.

DEPARTMENT OF THE INTERIOR,
Commissioner of the General Land Office

FILED

Dec. 24, 1902

CHAIRMAN.

DEC 24 1902

- Q Do you know Trase Murphy? A Yes sir.
Q Who is the father of Trase Murphy? A Robinson Murphy.
Q Do you remember Robinson Murphy and Celin Carr ever living together? A Yes sir.
Q How long did they live together before the birth of the child, Trase Murphy? A I couldn't tell you that.
Q Were they living together before the birth of this child?
A Yes sir.
Q You know that to be a fact? A Yes sir.
Q Were they living together when the child was born? A No sir.
Q Had they been living together a year before the birth of this child? A Yes, I think so.
Q Did you live in the same neighborhood that your wife did when you first became acquainted with her? A No sir.
Q How far away did you live? A Oh, eight miles.
Q When were you married to Celin Carr? A January 5th, 1904.
Q What was the name of your wife, Celin Carr, on September 25, 1902? A I don't know.
Q Celin Murphy, wasn't it? A Yes sir.
Q She had never been married to any one between the time she married Murphy and you, had she? A No sir.
Q So her name of September 25, 1902, was Celin Murphy? A Yes sir.

(Witness excused.)

CELIN CARR, being recalled, testified as follows:

Examination by the Commissioner:

- Q You stated, I believe, that your father, Bond Sealey, drew the 1893 money of \$103.00? A Yes sir.
Q How many did he have in his family at that time? A About eight in the family.
Q Was your father, Bond Sealey, ever known by any other name?
A No.

The applicant is identified as Sillin Willis upon the 1893 Chickasaw Leased District Payment Roll (Ieshatubby Roll of Chickasaws residing in the Choctaw Nation).

(Witness excused.)

Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the testimony in the above entitled cause on the 10th day of May, 1906, and that the foregoing is a true and complete translation of her stenographic notes.

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

Lenora B. Ashton
Walter H. Chappell
Notary Public.

- Q Did Robinson Murphy recognize Trase as his daughter? A Yes.
Q In what way? (No answer).
Q Did he ever give you any money for this child? A Yes sir.
Q How much? A About five dollars.
Q Who is Trase Murphy living with now? A Wilkin Taylor.
Q Is he related to you? A No, Wilkin Taylor is no kin of mine; his wife is.
Q Has Robinson Murphy ever come to see Trase? A Yes sir.
Q Has Trase lived with Robinson at any time? A No.
Q In case it should be found that Trase Murphy is entitled to be enrolled either as a Choctaw or Chickasaw, in which nation do you want her to be enrolled and receive her allotment of lands?
A Choctaw.
Q You would rather have her enrolled as a Choctaw? A As a Choctaw.
Q Is Trase Murphy living now? A Yes.
Q Who was the next man you lived with after Williams?
A Charles Murphy.
Q Were you married to Charles Murphy? A Yes.
Q When were you married? (No answer).
Q Who married you to Charles Murphy? A Squire Riddle.
Q Where does he live? A Gaines County.
Q What position did he occupy? A Preacher.
Q What kind of a preacher? A Baptist.
Q Is he living? A Dead.
Q Did you get a certificate of marriage? A Yes sir.
Q Where is that certificate now? A It is lost.
Q What became of Charles Murphy? A Died.
Q What year? A Don't recollect what year it was.
Q How long before you were married to Osborn Carr did he die?
A About five years after Charles Murphy died.
Q Were you married to Wesley Williams? A Yes sir.
Q Who married you? A Jackson James.
Q Is he a preacher? A Yes.
Q Were you ever married to Robinson Murphy? A No sir.
Q Is your husband, Osborn Carr, a citizen by blood of the Choctaw Nation? A Yes.

Oscar Carr is identified upon Choctaw Roll Card number 3174, opposite number 9199.

- Q How much Chickasaw blood have you got? Full blood? A Yes.
Q Full blood Chickasaw? A Yes sir.

(Witness excused.)

OSBORN CARR, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A Osborn Carr.
Q How old are you? A Twenty-seven.
Q Post office? A Higgins.
Q How long have you been acquainted with your wife? A Seven or eight years.

- Q What was Bond Sealey? Was he a Choctaw or a Chickasaw?
A Chickasaw.
Q Full blood? A Yes sir.
Q Full blood Chickasaw? A Yes sir.
Q Did he draw the 1893 Leased District Money, \$103.00?
A Yes sir.
Q In what county did he draw it? A Gaines County.
Q What is the name of your mother? A Susie.
Q Susie Sealey? A Yes sir.
Q What was Susie Sealey, Choctaw, Chickasaw or a white woman?
A She was part Chickasaw.
Q Where were you living at the time of the payment of the 1893 money? A I was living close to Wilburton.
Q Who were you living with? A No one.
Q Wasn't you living with your father? A No.
Q Wasn't you staying with some family? A Yes sir.
Q What family? A Amason Takubby.
Q Were you enrolled in 1896 upon the 1896 Chickasaw Census Roll?
A I don't think so.
Q How long did you live in Gaines County after you were born?
A I was born and raised there.
Q Who is the first man you lived with? A Mose Willis.
Q When did you commence living with him? A I don't know.
Q Were you living with him at the time of the 1893 payment?
A No.
Q Did you live with him before or after it? A Before.
Q Did you ever go by the name of Sillen Willis? A Yes sir.
Q Did you draw the 1893 money yourself or did Mose Willis draw it for you? A Chickasaw by the name of Chatubbee drew the money.
Q You got the money, did you? A Yes sir.
Q Why is it that you have never appeared before the Commission at any of its appointments in the Territory and made application for yourself? A I didn't think it was any use; I thought I was on the roll all the time; I drew the money.
Q After you lived with Mose Willis, who was the next man you lived with? A Wesley Williams.
Q When did you commence living with him? (No answer.)
Q Were you living with him within three years of the time you drew the \$103.00? A About two years after.
Q After you drew the money? A Yes sir.
Q How long did you live with Williams? A Over two years.
Q You were living with him in '96 then? A Yes sir.
Q Where were you living at that time? A Gaines County, close to Wilburton.
Q You have lived in the Choctaw Nation all your life? A Yes sir.
Q When did your mother, Susie Sealey, die? A Just before the payment.
Q Who is the father of Trase Murphy? A Robinson Murphy.
Q Were you married to Robinson Murphy? A No.
Q When did you commence living with Robinson Murphy? How long before the birth of the child? A About a year.
Q Before Trase was born? A Yes sir.
Q How long did you live with him after Trase was born? A The girl was born after we separated.
Q Trase was born since you separated? A Yes sir.
Q How long after they separated was Trase born? A About three months.

Memo.-

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Muskogee, Indian Territory, May 10, 1906.

In the matter of the alleged application for the enrollment of Celin Murphy as a citizen by blood of the Chickasaw Nation.

CELIN CARR, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A Celin Carr.
Q How old are you? A About twenty-eight.
Q What is your post office address? A Higgins.
Q Have you ever personally appeared before the Commission to the Five Civilized Tribes or the Commissioner to the Five Civilized Tribes and made application for your enrollment as a citizen by blood of the Chickasaw Nation? A Never have.
Q Have you at any time ever written to the Commission to the Five Civilized Tribes, or the Commissioner, relative to your rights as a citizen of the Chickasaw Nation? A Yes sir.
Q When did you write? A Over a year ago.
Q What month? A I can't remember.
Q What season of the year was it? A Fall.
Q Fall of 1905 or fall of 1904? A '05.
Q Have you a child by the name of Trase Murphy? A Yes sir.
Q Is that the child? A No, it is not here.
Q Who is the father of Trase Murphy? A Robinson Murphy.
Q When was Trase Murphy born? A November.
Q What year? A I don't recollect what year it was. She is five years old.
Q Did you make application to the Commission for the enrollment of Trase Murphy as a citizen of the Choctaw Nation? A Yes sir.
Q Was that a personal application or did you send in a birth certificate? A Written application.

It appears from the records of the Commission to the Five Civilized Tribes that on December 24, 1902, there was filed with said Commission written application for the enrollment of Trase Murphy as a citizen by blood of the Choctaw Nation. Said application contains the affidavit of the applicant, Celin Murphy, wherein she alleges that she is a citizen by blood of the Choctaw Nation.

- Q Where were you born? A In Gaines County, close to Wilburton, Choctaw Nation.
Q What is the name of your father? A Bond Sealey.
Q Is he living? A No sir.
Q When did he die? A Oh, it has been a good while.
Q About how many years? A Died since the payment of \$103.00.
Q Since 1893? A Yes sir.

2.

Q You have this day made application for your child Johnny Carr as a citizen of the Choctaw Nation; when was this child born? A 12th June 1903.

Q Who is the father of this child? A Osborne Carr.

Q When were you married to Osborne Carr? A 5th day January 1904.

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 in said cause on said date.

Chas. T. Difendafer

Subscribed and sworn to before me this 2nd day of May 1905.

[Signature]
Notary Public.

7-9199.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
SOUTH McALBSTER, I. T. APRIL 24, 1905.

In the matter of the application for the enrollment
of Johny Carr as a citizen by blood of the Choctaw Nation.

Osborne Carr being first duly sworn testifies as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Osborne Carr.
Q How old are you? A Twenty-five.
Q What is your post office address? A Higgins.
Q Are you a citizen by blood of the Choctaw Nation? A Yes,
sir.
Q You have this day made application for the enrollment of
your child Johny Carr as a citizen of the Choctaw Nation; when
was this child born? A 12th day June 1903.
Q Who is the mother of this child? A Silen Carr.
Q When were you married to her? A 5th day January 1904.
Q What was your wife's name before you married her? Silen
Murphy.
Q What was her maiden name? A Mrs Silen Seely.
Q Is she a citizen of either the Choctaw or Chickasaw Nation?
A Yes, sir, part Choctaw and part Chickasaw.
Q Has she made application to the Commission for enrollment
as a citizen of either the Choctaw or Chickasaw Nation? A
No, sir, I reckon not.
Q Who was her father? A Bond Seely.
Q Who was her mother? A Susie Seely.
Q Of what nation was her father a citizen? A Her father
was part Chickasaw.
Q Where was he enrolled? A I don't know about that.
Q Where did he live during his lifetime? A Close to
Wilburton born and raised there.
Q Of what nation was her mother a citizen? A Choctaw.
Q In case it should be determined that this child has rights
in both the Choctaw and Chickasaw Nations in which nation do
you desire to have this child enrolled? A Choctaw.
Q Did your wife draw the 1893 leased district payment money?
A Yes, sir, in the Chickasaw Nation.
Q What was her name in 1893 at the time she drew the money?
A Silen Willis.
Q With whom was she living? A With Mose Willis.

Witness excused.

Silen Carr being first duly sworn testifies as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Silen Carr.
Q How old are you? A Twenty-eight.
Q What is your post office address? A Higgins.

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

In the matter of the application for the enrollment as a
citizen by blood of the Chickasaw Nation of Celin Carr, and for the
enrollment as a citizen by blood of the Choctaw Nation of Trase
Murphy.....

7-4870.

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Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

70
RECEIVED



~~Eva Wilson,~~

~~Wynnedon Indian Territory.~~

1837

9-D-248

Muskogee, Indian Territory, October 16, 1906.

J. B. Thompson,
Attorney at Law,
Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 10, 1906, asking the condition of the application as citizens of the Chickasaw Nation of Eva Wilson, Roy G. and Joseph P. Wilson and One and Clemmie Gilliam.

In reply to your letter you are advised that the names of Eva, Roy G. and Joseph P. Wilson and One and Clemmie Gilliam will be placed upon the next schedule of citizens by blood of the Chickasaw Nation prepared for forwarding to the Secretary of the Interior and you will be notified when their enrollment is approved by the Department.

Respectfully,

Commissioner.

9-1837

Muskogee, Indian Territory, September 12, 1906.

Ona Gilliam Ray,
Belton, Texas.

Dear Madam:

Receipt is hereby acknowledged of your affidavit showing the degree of Chickasaw blood possessed by you and your sisters, Eva Wilson and Clemmie Gilliam, and the same has been filed with the record in this case.

Respectfully,

Commissioner.

9-1837.

Muskogee, Indian Territory, September 7, 1906.

Ledbetter, Bledsoe & Thompson,

Attorneys at Law,

Pauls Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 3rd instant inclosing the affidavit of Joanna Johnson, relative to the application for the enrollment of Eva Wilson, et al., as citizens of the Chickasaw Nation.

The same has been filed with the record in this case.

Respectfully,

Acting Commissioner.

9-1837

Muskogee, Indian Territory, August 28, 1906.

Ona Ray,

Belton, Texas.

Dear Madam:

In the matter of the enrollment of yourself and your sisters, Eva Wilson and Clemmie Gilliam, as citizens of the Chickasaw Nation, you are advised that it will be necessary that affidavits be forwarded showing the degree of Chickasaw blood possessed by you and the members of your family.

Please give this matter your immediate attention.

Respectfully,

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING:
.....
.....
.....

RP

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

Muskogee, Indian Territory, July 27, 1906.

Eva Wilson,
Wynnewood, Indian Territory.

Dear Madam:

In the matter of the enrollment of yourself and your sisters, Ona and Clemmie Gilliam, as citizens of the Chickasaw Nation, you are advised that it will be necessary that affidavits be forwarded showing the degree of Chickasaw blood possessed by you and the members of your family.

This matter should receive your immediate attention.

Respectfully,



Commissioner.

9-1837

Muskogee, Indian Territory, July 27, 1906.

Chilion Riley,

Attorney at Law,

Armore, Indian Territory.

Dear Sir:

In the matter of the enrollment of Eva Wilson, One and Gladie Gilliam, Roy G. and Joseph P. Wilson, as citizens of the Chickasaw Nation, you are advised that it will be necessary that affidavits be forwarded showing the degree of Chickasaw blood possessed by these persons.

Respectfully,

Commissioner.

9-D-248.

Muskogee, Indian Territory, June 22, 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 22, 1906, granting the application for the enrollment of Eva Wilson, Ona Gilliam, Clemmie Gilliam, Roy G. Wilson and Joseph P. Wilson as citizens 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 enrollment of these applicants. If at the expiration of that time no protest has been filed, their names will be placed upon the final roll of citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Commissioner.

Registered.

Incl. 9-D-248.

9-D-248

Muskogee, Indian Territory, June 22, 1906.

J. A. Cotner,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on June 22, 1906, rendered his decision granting the application for the enrollment of Eva Wilson, Ona Gilliam, Clemmie Gilliam, Roy G. Wilson and Joseph P. Wilson as citizens 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 enrollment of above named applicants. If at the expiration of that time no protest has been filed, their names will be placed upon the final roll of citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Commissioner.

Registered.

9-D-248.

Muskogee, Indian Territory, June 22, 1906.

Chilton Riley,
Attorney at Law,
Ardmore, I. T.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on June 22, 1906, rendered his decision granting the application for the enrollment of Eva Wilson, Ona Gilliam, Clemmie Gilliam, Roy G. Wilson and Joseph P. Wilson as citizens 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 enrollment of above named applicants. If at the expiration of that time no protest has been filed, their names will be placed upon the final roll of citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Commissioner.

Registered.

9-D-248.

COPY

Muskogee, Indian Territory, June 22, 1906.

Ona Ray,
of H. C. Ray,
Little River, Texas.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 22, 1906, granting the application for the enrollment of Eva Wilson, Ona Gilliam, Clemmie Gilliam, Roy G. Wilson and Joseph P. Wilson as citizens 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 your enrollment. If at the expiration of that time no protest has been filed, your names will be placed upon the final roll of citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

Commissioner.

Incl. 9-D-248.

REFER IN REPLY TO THE FOLLOWING

9-D-248

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

Muskogee, Indian Territory, June 22, 1906.

Eva Wilson,

Wynnewood, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 22, 1906, granting the application for your enrollment and the enrollment of Ona Gilliam, Claude Gilliam, Roy G. Wilson and Joseph P. Wilson as citizens 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 your enrollment. If at the expiration of that time, no protest has been filed, your names will be placed upon the final roll of citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully

Registered.

Incl. 9-D-248

Commissioner.

COMMISSIONERS:
TAMM BERRY,
THOMAS B. WHEELER,
C. R. BRACKENRIDGE,
WM. O. BEALL,
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:

9-D-248

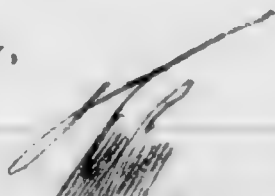
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, November 14, 1904.

Eva Wilson,
Wynnewood, 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 blood of the Chickasaw Nation, it will be necessary for you to furnish this Commission with a copy of the Act of the Chickasaw Legislature, wherein the District Judge of the Chickasaw Nation was authorized to pass upon the rights of applicants for citizenship in the Chickasaw Nation, inasmuch as your grandmother, through whom you claim your Chickasaw blood, was admitted by the District Court of the Chickasaw Nation, July 30, 1884.

Respectfully,



Chairman.

JD

Chickasaw D 248

Muskogee, Indian Territory, February 8, 1904.

Eva Wilson,
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 the enrollment of Eva Wilson, Ona Gilliam, Glennie Gilliam, Roy G. Wilson, and Joseph P. Wilson as citizens by blood of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

J. S. 2

to this Commission for enrollment as a citizen of the Chickasaw Nation.

Respectfully,

Commissioner in Charge.

9-D 248
9-2-03

Muskogee, Indian Territory, October 24, 1903.

Joe Self,

Lehigh, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 9, asking the status of the citizenship of Sarah Wilson, Onia Gilliam and Clemina Gilliam and their mother, Johanna Johnson.

In reply to your letter you are informed that it appears from our records that Joanna Johnson was an applicant to this Commission for enrollment as a citizen of the Chickasaw Nation, but on April 2, 1902, the Commission rendered its decision refusing her application and on June 19, 1902, such decision was approved by the Secretary of the Interior.

It further appears from our records that Eva Wilson and Ona and Clemmie Gilliam, children of Joanna Johnson, are applicants to this Commission for enrollment as citizens of the Chickasaw Nation, but no decision or opinion has yet been reached relative to their final right to such enrollment.

It does not appear from our records that any person by the name of Sarah Wilson, daughter of Joanna Johnson, is an applicant

Chickasaw D.248

Muskogee, Indian Territory, May 19, 1903.

Mrs. H. C. Roy,

Wynnewood, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of May 9th in which you state that you find your name is not on the approved roll at Tishomingo, and desire to be informed what course to pursue in the matter of your enrollment; and further state that your name appears on the records of the Commission as Osa Gilliam.

In reply to your letter you are advised that it appears from our records that Osa Gilliam, daughter of J. B. and Joanna Gilliam, has been listed among the doubtful claimants for enrollment as citizens by blood of the Chickasaw Nation, but her final right to enrollment has not yet been decided. As soon as a decision is reached in this case you will be notified of the action of the Commission. In the event any further evidence is necessary to enable the Commission to pass upon your right to enrollment in the Chickasaw Nation you will be notified.

Respectfully,

Chairman.

9-D-246.

Muskogee, Indian Territory, March 28, 1903.

Mrs. Ona Gilliam,

Belton, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the twenty-second instant, asking the Commission when the land offices are to be established, and how long they will be open for citizens to select their allotments.

In reply to your letter you are advised that land offices will be established, at Atoka in the Choctaw Nation and at Tishomingo in the Chickasaw Nation, on April 15, 1903, at which time the citizens of either Nation may appear before the land office in the Nation where the land they desire to have allotted to them is located, and select their allotments. Ample time will be allowed for all citizens to make their selections.

Respectfully,

Chairman.

C-3-248.

Muskogee, Indian Territory, February 19, 1903.

Ona Gilliam Ray,

Belton, Texas.

Dear Madam:

Under date of January 29, 1903, you were requested to furnish the Commission with evidence of your marriage to H.C. Ray.

Receipt is hereby acknowledged of your letter of the 31 inst., enclosing the marriage license and certificate of H.C. Ray and Ona Gilliam; and the same have been duly filed with the records of the Commission in the matter of your application for enrollment as a citizen by blood of the Chickasaw Nation.

Respectfully,

Acting Chairman.

Chickasaw D-248

Muskogee, Indian Territory, January 29, 1906.

Mrs. H. C. Ray,
Belton, Texas.

Dear Madam:

From information received by this Commission it appears that you made application to the Commission for enrollment as a citizen by blood of the Chickasaw Nation under the name of Opa Gilliam, and that since said application you have married one H. C. Ray.

If you are the person above referred to, you are requested to furnish the Commission with the original or a certified copy of your marriage certificate, in order that your marriage may be made a matter of record.

Please attend to this matter as soon as possible.

Respectfully,

Acting Chairman.

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-248.

Muskogee, Indian Territory,

March 19, 1902

Eva Wilson,

Wynnewood, Indian Territory.

You are hereby notified that the application of yourself your two minor sisters, Ona Gilliam and Clemmie Gilliam, and your two minor children, Roy G. Wilson and Joseph P. Wilson

for enrollment as citizen^s 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.

Register.

Commissioner in Charge.

2578

the rolls of citizenship of the Chickasaw Nation. No opinion can be expressed at this time relative to the rights of those persons to hold possession of land and follow rent therefrom as recognized citizens of the Chickasaw Nation. Matters relative to the possession of land in the Cherokee-Chickasaw country will receive the consideration of the Commission upon the establishment of an allotment office for the purpose of allowing the citizens of the Cherokee and Chickasaw Nations to make selections of and file upon their prospective allotments.

Yours truly,

Commissioner in Charge.

2-2-11

Muskogee, Indian Territory, January 16, 1905.

F. H. Wilson,

Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you desire to be informed if your wife, Eva Wilson and her heirs are entitled to hold possession of land and collect rent therefrom as citizens of the Chickasaw Nation.

Replying to your inquiry you are informed that it appears from our record that Eva Wilson and her two children, Roy G. and Joseph P. Wilson are applicants to this Commission for enrollment as citizens by blood of the Chickasaw Nation. The Commission has not up to this time rendered any decision or opinion relative to the final rights of these persons to enrollment as citizens of the Chickasaw Nation and it is the contention of the Chickasaw Nation that these applicants are not Chickasaw Indians by blood and are therefore not entitled to enrollment as citizens of that tribe.

There is on file with the records of the Commission considerable testimony in this case and it is probable that the matter will be decided by the consideration of any decision rendered relative to the rights to enrollment of these persons until some date is fixed or agreed upon for the final signing of

Muskogee, Indian Territory, November 20, 1901.

Frank H. Wilson,

Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing the application for enrollment as a citizen of the Chickasaw Nation of Joseph Purman Wilson, the infant son of Frank H. and Eva Wilson, born October 18, 1901.

Such application being in proper form has been duly filed with the records of this office as evidence of the birth of this child.

Yours truly,

Acting Chairman.

9-D-248

Muskogee, Indian Territory, April 13, 1901.

Mr. T. H. Glover,
 Davis, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of the 4th inst., in which you inquire as to the citizenship of Eva Wilson and Ona and Glennie Gilliam of Wynnewood, Indian Territory, from whom, it appears, you are making arrangements to lease land to the Chickasaw Nation.

You are advised that the names of Eva Wilson, Ona and Glennie Gilliam are listed for enrollment by this Commission as citizens of the Chickasaw Nation, but the rights of these parties to enrollment has not yet been fully determined by the Commission.

Yours truly,

Acting Chairman.

B-D-248

Muskogee, Indian Territory,
August, 18th 1900.

Eva Wilson,
Wynnewood, Indian Territory,

Dear Madam,-

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 and to the enrollment of Ona Gilliam, Clemmie Gilliam as citizens 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,

Acting Chairman.

9-D-248

D. 248

Muskogee, Indian Territory, February 13, 1900.

Mr. J. W. Yingling,

McBee, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 8, in which you inquire as to the citizenship of certain parties from whom, it appears, you are making arrangements to lease land in the Chickasaw Nation. You are advised that the names of Mrs Wilson and One and Glennie Gillian are listed for enrollment by this Commission as citizens of the Chickasaw Nation, but the rights of these parties to enrollment has not yet been fully determined by this Commission.

Yours truly,

Acting Chairman.

W C

MEMORANDA.

(Date) Aug 16 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,

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:

20 Eva Wilson County Year Page No.

16 Eva Gilliam County Year Page No.

12 ~~Blanche~~ 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.

Chick 97

Eva Wilson as Eva Wilson

As to the testimony of Emma
 Joseph C. Moore

Chick D 248

MARRIAGE LICENSE



UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN 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. H. C. Ray,
of Belton, Texas, ~~in the Indian Territory,~~ aged 25 years, and
Miss Ona Gilliam of Wynnewood,
in the Indian Territory, aged 19 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 23rd day
of December, A. D. 1902

C. M. CAMPBELL,
Clerk of the United States Court.

[Handwritten signature]

Certificate of Marriage.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT.)

ss:

J. G. Gripp do hereby certify that on the 23rd day
of Dec, A. D. 1902 I did duly and according to law, as commanded
in the foregoing License, solemnize the Rite and publish the Banns of Matrimony
between the parties therein named.

Witness my hand this 24th day of Dec A. D. 1902.

My credentials are recorded in the office of the Clerk of the United States Court,
Indian Territory, Southern District, at Ardmore, Book 4 Page 60

(NOTE - The person officiating should fill in the
spaces for book and page and sign here.)

[Handwritten signature]

NOTE (a) - This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, at Ardmore, 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).

NOTE (b) - No person is authorized to perform the Marriage Ceremony in the Southern District unless the proper credentials have first been recorded in the Clerk's office.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES.

FILED

FEB 12 1903

1903

A dark, handwritten scribble or signature, possibly in ink, located below the printed text. It appears to be a stylized name or initials, but is illegible due to the quality of the scan.

Pauls Valley, # 8111

Certificate of Record of Marriage

United States of America,)
Indian Territory,) sct.
Southern District.)

I, C. M. CAMPBELL, Clerk of the United States Court, in the Territory and District aforesaid DO HEREBY CERTIFY, that the License for and Certificate of Marriage of

MR. H. C. Ray, and

Mrs. Ona Gillain

were filed in my office in said Territory and District the 29 day of July A.D., 1902

and duly recorded in Book 9

of Marriage Record, Page 87

WITNESS my hand and Seal of said Court, at Ardmore,

this 24 day of

July A.D. 1902

C. M. Campbell
CLERK.

Return this License to the United States Clerk at Ardmore, that it may be recorded, when it will be mailed to the proper address.

The State of Mississippi,
 DeWitt County } J. R. Maxwell, Clerk of the
 Circuit Court of said County, hereby certify that the within
 is a true copy of a marriage license and certificate of
 solemnization thereof, as the same appears of record in my
 office.

Witness my hand and the seal of said Court at
 at office office, this 23rd day of April 1871.

J. R. Maxwell
 CLK

Page 1/1

MARRIAGE LICENSE

W. J. McCreary
 -AND-
 Margaret P. Smith

Issued Dec 20 1870

Married Dec 20 1870

Registered Dec 20 1870

on Page 1 of Marriage Register.

Clerk.

D. C.

J. R. Maxwell
 Eva Wilson
 One gallon
 Stearns & Gilman
 on White and Field road, 1871
 Dec 20 1870



MARRIAGE LICENSE

STATE OF
MISSISSIPPI

COUNTY OF
De SOTO.

To any Minister, Judge or Justice, or other Person Lawfully Authorized to Celebrate the Rites of Matrimony:

You are hereby authorized to celebrate the Rites of Matrimony between *Mr. J. P. Williams* and *Miss Joanna R. Smith*, of said County; and you are hereby required to transmit to the undersigned, Clerk of the Circuit Court of said County, or his successor in office, a Certificate of the Marriage of said parties, within six months after the celebration of the same. Herein said not, under the penalty in such cases provided.

Given under my hand and official seal, this the

10th day of *March*, 18*95*

Seal

Lewis Mitchell Clerk.

D. C.

Circuit Court *De Soto* County.

OFFICIAL CERTIFICATE.

BY VIRTUE OF THE ABOVE LICENSE, the Rites of Matrimony between

J. P. Williams and *Joanna R. Smith* were duly celebrated by me the *10th* day of *March* A. D. 18*95*

Wm. George H. G.

Persons celebrating the Rites of Matrimony will please notice that they are required by law to return, within six months, a Certificate thereof into the Circuit Clerk's office, under a penalty of Fifty Dollars. See Revised Code, Art. 7, page 288.

Page 1 / 10

MARRIAGE LICENSE

Wm. J. Gilman

-AND-

Wm. J. Smith

Issued March 10 1895

Married March 10 1895

Registered March 10 1895

on Page 1 () of Marriage Register.

Clerk.

D. C.

Wm. J. Gilman
Wm. J. Smith
Wm. J. Gilman
Wm. J. Gilman
on white card field no. 248.
Durant. I. J.

Pauls Valley #2111.

CERTIFICATE OF RECORD OF MARRIAGE.

UNITED STATES OF AMERICA,
Indian Territory act
Southern District.

I, C. M. Campbell, clerk of the United States Court in the Territory and District aforesaid, do hereby certify that the license for and certificate of marriage of Mr. H. C. Ray and M Ona Gillain were filed in my office in said Territory and District the 29 day of Dec. A. D. 1902, and duly recorded in Book G of Marriage Record, page 87.

Witness my hand and seal of said Court, at Ardmore, this 29 day of Dec. A. D. 1902.

C. M. CAMPBELL, Clerk.

Seal.

Endorsed:

FILED Dec 29 1902
C. M. CAMPBELL, Clerk.
Southern Dis. Ind. Ter.

Department of the Interior,
Commission to the Five Civilized Tribes,
FILED Feb 18 1903

Tams Bixby Acting Chairman.

I, J. F. Williams, hereby certify that this is a true copy of the original now on file in office. Given under my hand and seal of office this the 30th day of August, 1884.

J. F. WILLIAMS,

District Clerk, C. N.

I, Chas. M. Campbell, Clerk of the United States Court for the Southern District of the Indian Territory, do hereby certify that the above is a true, literal and correct copy of a portion of the evidence now on file in my office in the case of Fannie Moore, et al., vs. The Chickasaw Nation.

Given under my hand and seal of office this the 12th day of January, 1901.

C. M. Campbell.

Clerk of U. S. Court,
Southern District,
Indian Territory.

C O P Y.

In the matter of the petition of Fannie Moore, et al., non-resident Chickasaw to ave their rights to citizenship declared and defined according to law.

Now on this day is filed and presented, the petition of Fannie Moore, Catherine Awigand, Mary Hamlet, Elisabeth Parker, Mildred Bunn, John R. Chapel, Joseph C. Moore, Mildred A. Crabtree, John S. Layman, Lillian Layman, Fannie T. Layman, Mary Pack, John F. Moore, Harvey B. Moore, and Frances A. Beavers, praying that they be recognized as citizens of the Chickasaw Nation, and that their rights as such citizens be declared by this court according to law. And it appearing to the satisfaction of the Court from said petition and exhibit thereto and the testimony of witnesses examined by the court, that said petitioners are the legal heirs and descendants, of Colbert Moore, deceased, and that prior to the time of the removal of this Nation from the state of Mississippi, the said Colbert Moore was a citizen of the Chickasaw Nation and entitled to all the rights and privileges appertaining to such citizenship.

It is further considered and ordered by the court that the said Fannie Moore, Catherine A. Wigand, Mary Hamlet, Elisabeth Parker, Mildred Bunn, John R. Capel, Joseph C. Moore, Mildred A. Crabtree, John S. Layman, Lillian Layman, Fannie T. Layman, Mary Pack, John F. Moore, Harvey B. Moore, and Frances A. Beavers shall be be entitled to all the rights, privileges and immunities held and enjoyed by and of the Chickasaw, or Chickasaw family, and that they and each of them be protected in the enjoyment of such rights, privileges and immunities as fully and completely as if the residence of said Colbert Moore and his family with the Chickasaw Nation had been uninterrupted and continuance to this day.

B. W. CARTER, District Judge of
Chickasaw Nation.

TOM W. THOS. JOHNSON, Clerk Protem.

C O P Y.

To P. B. Moseley, Governor of the Chickasaw Nation, and the Honorable Members of the Senate and House of Representatives:

We the undersigned appointed as members of the Citizenship Committee, with power to inquire into and pass upon all applicants for citizenship in this Nation, as well as to pass upon all claims of parties where there is any question as to their citizenship that come within our knowledge, in addition to the regular report. In pursuance of such investigation we find that there has been some question raised as to the Citizenship of Fannie Moore, Catharine A. Wiggand, Mary Hamlet, Elizabeth Parker, Millard Bunn, John R. Capel, Joseph C. Moore, Mildred A. Crabtree, John S. Layman, Lillian Layman, Fannie T. Layman, Mary Pack, John F. Moore, Harvey B. Moore and Francis A. Beavers, but we have refused to open the question for investigation before our body for the reason that during the July term of our District Court, B. W. Carter being our regular judge, the question of their citizenship was duly and legally passed upon by such Judge in accordance with our laws then in full force and effect and he after hearing the proof found that the foregoing parties were heirs by blood of Colbert Moore, who he found to be citizens and entitled to all the rights and priviledges as such.

Wherefore we deem it unwise to attempt, and ignore the decision of our court and again reopen upon a question that has been legally passed upon and settled by a court of competent jurisdiction and full authority. But in so far as there has been a question raised as to the foregoing parties rights as citizens we respectfully refer this matter to your honorable body to do what seems to you just and right in the premises to the parties whose rights as citizens has been fully determined by a court of competent jurisdiction.

In full explanation of our action in the matter we hereby attach to this report to Your Honorable Body a copy of the law under which such decision was rendered by Judge Carter and also a copy of decision thereunder.

Very respectfully.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Eva Wilson, her sisters Ona and Clemmie Gilliam, and her minor children Roy G. and Joseph P. Wilson, as citizens of the Chickasaw Nation, Chickasaw Field No. D-248.

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 Ella McSwain, et al., vs. Choctaw and Chickasaw Nations, No. 17 on the Tishomingo Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the treaties of 1832, 1834 and 1837 relative to a removal to and a continuous residence in the Choctaw Nation, Indian Territory, was necessary in order to be entitled to enrollment and to participation in the distribution of the tribal property of the Choctaws and Chickasaws, notwithstanding their recognition as citizens by the tribal authorities of the Chickasaw 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.


Attorney for the Choctaw and Chickasaw Nations.

January 23, 1904.

Shickler 2-22.

In a letter of enrollment
of the Wilson, 1917, as
Chairman of the Shickler
Union.

Chairman of
Shickler Union Attorneys

DEPT. OF THE INTERIOR
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

FEB 11 1917

FEB 11 1917

CHAIRMAN.

The State of Texas, *
County of Bell. * before me, Jas. P. Kinnard, a Notary Public in
and for Bell County, Texas, on this day personally appeared Mrs. Ona Gil-
liam Ray, who being by me duly sworn upon her oath dep. on and says that
Affiant, (Mrs. Ona Gilliam Ray,) and her sisters, Mrs. Eva Wilson and Clemm
mie Gilliam each possesses one-thirty-second (1/32) Chickasaw Indian
blood, being great-grandchildren of Mrs. Colbert Moore, who possessed
one-fourth Chickasaw Blood.

(Mrs.) Ona Gilliam Ray

Sworn to and subscribed to before me on this, the 8th day of Sep-
tember, A. D. 1906.

Jas. P. Kinnard,
Notary Public, Bell County, Texas.

DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

FILED
SEP 11 1906



Commissioner

RECEIVED BY...

and one other... of the Five Civilized Tribes

and Joseph B. Allison are the children of the Allison of a white

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DEPARTMENT OF THE INTERIOR
Commissioner of the Five Civilized Tribes

THE INDIAN SERVICE
COMMISSIONER OF THE
UNITED STATES OF AMERICA

United States of America,
Southern District of
The Indian Territory.

On this day personally appeared before me, the undersigned, Jeanna Johnson, who, after being duly sworn, deposes and says: My name is Jeanna Johnson, my age is 53 years, my postoffice is Wynnwood, Indian Territory. I am acquainted with Eva Wilson, Osa and Glennie Gilliam, Roy G. and Joseph P. Wilson. Eva Wilson, Osa Gilliam and Glennie Gilliam are my children. Roy G. Wilson and Joseph P. Wilson are children of Eva Wilson, and my grand-children. Joseph B. Gilliam was the father of Eva Wilson, Osa Gilliam and Glennie Gilliam, and was my husband during his lifetime. He was $1/16$ Chickasaw Indian by blood, and Eva Wilson, Osa Gilliam and Glennie Gilliam are $1/32$ Chickasaw Indian by blood, Roy G. and Joseph P. Wilson are the children of Eva Wilson by a white man, and are therefore $1/64$ Chickasaw Indian by blood.

Jeanna Johnson.

Subscribed and sworn to before me this September 3, 1906.

F. A. Cochran
Notary Public.

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

FILED

FEB 9 1901

[Handwritten Signature]

ACTING CHAIRMAN

RECEIVED FEB 11 1901

U.S. DEPT. OF THE INTERIOR

ASST. CHIEF

I, J. F. Williams, hereby certify that this is a true copy of the original now on file in office. Given under my hand and seal of office this the 30th day of August, 1884.

J. F. Williams,
District Clerk C. N.

I, Chas. M. Campbell, Clerk of the United States Court for the Southern District of the Indian Territory, do hereby certify that the above is a true, literal and correct copy of a portion of the evidence now on file in my office in the case of Fannie Moore, et al., vs. The Chickasaw Nation.

Given under my hand and seal of ~~in~~ office this the 12th day of January, 1901.

Chas M Campbell
Clerk of U. S. Court, Southern
District, Indian Territory.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

FEB 9 1901


ACTING CHAIRMAN

In the matter of the petition of Fannie Moore, et. al., non-resident Chickasaw to have their rights to citizenship declared and defined according to law.

Now on this day is filed and presented, the petition of Fannie Moore, Catherine Awigand, Mary Hamlet, Elisabeth Parker, Mildred Bunn, John. R. Chapel, Joseph C. Moore, ^{died} Miller A. Crabtree, John S. Layman, Lillian Layman, Fannie T. Layman, Mary Paok, John F. Moore, Harvey B. Moore and Frances A. Beavers, praying that they be recognized as citizens of the Chickasaw Nation, and that their rights as such citizens be declared by this court according to law. And it appearing to the satisfaction of the Court from said petition and exhibit thereto and the testimony of witnesses examined by the court, that said petitioners are the legal heirs and descendants, of Colbert Moore, deceased, and that prior to, and at the time of the removal of this Nation from the State of Mississippi, the said Colbert Moore was a citizen of the Chickasaw Nation and entitled to all the rights and privileges appertaining to such citizenship.

It is, ^{further} ~~therefore~~, considered, ^{and} ordered and ad judged by the court, that the said Fannie Moore, Catherine A. Wigand, Mary Hamlet, Elisabeth Parker, Mildred Bunn, John R. Capel, Joseph S. Moore, Mildred A. Crabtree, John S. Layman, Lillian Layman, Fannie T. Layman, Mary Paok, John F. Moore, Harvey B. Moore, and Frances A. Beavers, ^{shall be} ~~are hereby declared to~~ be entitled to all the rights, privileges and immunities held and enjoyed by ^{of the} ~~and other~~ Chickasaw, or Chickasaw family, and that they and each of them be protected in the enjoyment of such rights, privileges and immunities as fully and completely as if the residence of said Colbert Moore and his family with the Chickasaw Nation had been uninterrupted and continuance to this day.

~~In testimony whereof, I have hereunto set my hand and affix the seal of the District Court, of the Chickasaw Nation, on the 23rd day of July, 1884.~~

B. W. CARTER, DISTRICT JUDGE
OF CHICKASAW
NATION.

TOM W. THOS. JOHNSON, CLERK? PROTEN.

To P. S. Moseley, Governor of the Chickasaw Nation, and the honorable members of the Senate and House of Representatives:

We the undersigned appointed as members of the Citizenship Committee, with power to inquire into and pass upon all applicants for citizenship in this Nation as well as to pass upon all claims of parties where there is any question as to their citizenship that come within our knowledge, in addition to the regular report. In pursuance of such investigation we find that there has been some question raised as to the Citizenship of Fannie Moore, Catherine A. Wiggand, Mary Hamlet, Elizabeth Parker, Millard Bunn, John R. Capel, Joseph C. Moore, Mildred A. Crabtree, John S. Layman, Lillian Layman, Fannie T. Laymen, Mary Pack John F. Moore, Harvey B. Moore and Francis A. Beavers, but we have refused to open the question for investigation before our body for the reason that during the July term of our District Court, B. W. Carter being our regular judge, the question of their citizenship was duly and legally passed upon by such Judge in accordance with our laws then in full force and effect and he after hearing the proof found that the foregoing parties were heirs by blood of Colbert Moore, who he found to be citizens and entitled to all the rights and priviledges as such.

Wherefore we deem it unwise to attempt, and ignore the decision of our court and again reopen upon a question that has been legally passed upon and settled by a court of competent jurisdiction and full authority. But in so far as there has been a question raised as to the foregoing parties rights ^{as citizens} we respectfully refer this matter to your honorable body to do what seems to you just and right in the premises to the parties whose rights as citizens has been fully determined by a court of competent jurisdiction.

In full explanation of our action in the matter we hereby attach to this report to Your Honorable Body a copy of the law under which such decision was rendered by Judge Carter and also a copy of decision thereunder.

Very Respectfully.

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

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
of Joseph Purman Wilson, born on the 18th day of October, 1901
(Here insert name of child)
Name of Father: Frank H. Wilson, a citizen of the Chickasaw Nation, by Intermarriage
Name of Mother: Eva Wilson, a citizen of the Chickasaw Nation.
Post-office, Davis Ind. Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District.

I, Eva Wilson, on oath state that I am 22
years of age and a citizen, by blood, of the Chickasaw Nation;
that I am the lawful wife of Frank H. Wilson, who is a citizen, by
Intermarriage, of the Chickasaw Nation, that a male child was
(male or female)
born to me on the 18th day of October, 1901; that said child has been
named Joseph Purman Wilson, and is now living.

WITNESSES TO MARK

Eva Wilson

(Must be Two
Witnesses)

Subscribed and sworn to before me this 14th day of November, 1901.

Harry W. Fielding
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District.

I, W. F. Hoynes, M.D., on oath state that I
attended on Mrs. Eva Wilson, wife of Frank H. Wilson,
on the 18th day of October, 1901; that there was born to her on
said date a male child; that said child is now living and is said to have been
(male or female)
named Joseph Purman Wilson.

WITNESSES TO MARK:

W. F. Hoynes, M.D.

(Must be Two
Witnesses)

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

Harry W. Fielding
NOTARY PUBLIC

INDEXED

ASA...

20

IN RE

Application for Enrollment of

INFANT CHILD

Joseph Purman Wilson
as a citizen of

Chickasaw Nation.

Approved, NOV 20 1901 190


Commissioner.

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

FILED

NOV 20 1901


ACTING CHAIRMAN

CHICKASAW

D-246.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
of Ray Gilliam Wilson, born on the 19th day of September, 1899.
Name of father: Frank A. Wilson, a citizen of the United States.
Name of mother: Eva Wilson, a citizen of the Chickasaw Nation.
Post Office: Davis, Ind. Terr.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District.

I, Eva Wilson, on oath, state that I am 20 years of age and a
citizen, by blood of the Chickasaw Nation; that I am the
lawful wife of Frank A. Wilson who is a citizen, of United States, of the
September, 1899; that a male child was born to me on the 19th day
of September, 1899; that said child has been named Ray Gilliam Wilson,
and is now living.

Eva Wilson
Subscribed and sworn to before me this 26 day of October, 1899.

M. F. Myers
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District.

I, W. F. Haynes, a physician, on oath, state that I
attended on Mrs. Eva Wilson, wife of Frank A. Wilson,
on the 19 day of September, 1899; 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 Ray Gilliam Wilson.

W. F. Haynes, M.D.
Subscribed and sworn to before me this 26 day of October, 1899.

Official term
ends Oct 8-1890

M. F. Myers
Notary Public.

9 249

IN RE

Application for Enrollment of
INFANT CHILD.

Ray Gilliam Kibbe

As a citizen of the

Shuckusaw Nation.

Approved

DEC 13 1899

1

A. S. Mendenhall

Commissioner.

Albert Rennie
Attorney,
Paul's Valley,
Ind. Terry

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

In the matter of the application of
Eva Wilson for the enrollment of her-
self, her two minor sisters, Oma and
Clemmie Gilliam, and her two minor
children, Roy G. and Joseph P. Wilson,
as citizens of the Chickasaw Nation.

--D 248--

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, that the application of Eva Wilson, Oma Gilliam, Clemmie Gilliam, Roy G. Wilson and Joseph P. Wilson, for enrollment 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 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 applicants 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 Kesawyer

Notary Public

9-D-248.

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

In the matter of the application for the enrollment of
Eva Wilson, et al., as citizens of the Chickasaw Nation.

D E C I S I O N .

It appears from the record herein that on August 16, 1899, Joanna Johnson appeared before the Commission to the Five Civilized Tribes at Durant, Indian Territory, and made application for the enrollment of herself as a citizen by intermarriage of the Chickasaw Nation, and for the enrollment of her children, Eva Wilson, Ona Gilliam, and Clemmie Gilliam, as citizens of the Chickasaw Nation. Subsequently on December 13, 1899, application was made for the enrollment of Roy G. Wilson, minor son of the applicant, Eva Wilson, and Frank H. Wilson, a non-citizen, showing his birth on September 19, 1899. On November 20, 1901, application was made for the enrollment of Joseph P. Wilson, minor child of the applicant, Eva Wilson, and Frank H. Wilson, a non-citizen, showing the birth of said applicant on October 18, 1901.

It appears from the records of the Commission to the Five Civilized Tribes that on April 2, 1902, said Commission rendered its decision in the matter of the application for the enrollment of Joanna Johnson as a citizen by intermarriage of the Chickasaw Nation, denying said application, which decision was on July 19, 1902 (I.T.D. 2730-1902); affirmed by the Department.

It appears from the record herein that Eva Wilson (nee Gilliam), Ona Gilliam and Clemmie Gilliam are the children of J. B. Gilliam, a son of Catherine A. Wiggand (or Wiggins), who was a daughter of Colbert Moore (deceased), who was a recognized citizen of the Chickasaw Nation, and whose daughter, Catherine A. Wiggand (or Wiggins), was duly admitted to citizenship by a decree of the District Court of the Chickasaw Nation, rendered August 30, 1884.

It appears from the records in the possession of this office that the names of the applicants, Eva Wilson (nee Gilliam), Ona Gilliam and Clemmie Gilliam, are identified upon the 1893 Chickasaw Leased Census Roll, Pontotoc County, page 60. Roy G. Wilson and Joseph P. Wilson were born subsequent to the preparation of the 1896 Roll, and are identified by proper proof of birth filed herewith.

It further appears from the record herein that Eva Wilson (nee Gilliam), Ona Gilliam and Clemmie Gilliam, were residents in good faith of Indian Territory on June 28, 1898.

I am, therefore, of the opinion that Eva Wilson, Ona Gilliam, Clemmie Gilliam, Roy G. Wilson and Joseph P. Wilson should

Joanna Johnson

Questioned by Attorney.

Q What was your sister's name? A Catherine A. Wiggins, formerly Gillam.

The three above children enrolled on white card; Enrollment of Joanna Johnson refused.

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.
(Signed) M. D. GREEN.

I, S. A. Apple, stenographer to the Commission to the Five Civilized Tribes, do solemnly swear that the foregoing testimony of Joanna Johnson and Joseph C. Moore is a true and correct copy of the original now on file in Chickasaw R case, No. 23, in the records of the Commission.

S. A. Apple

Subscribed and sworn to before me this January 13 th, 1903.

Charles H. Sawyer
Notary Public.

West

Q Was your husband the son of that white woman? A No sir.

This wasn't a white woman; Catherine was Colbert Moore's oldest daughter; that was my husband's mother.

Q Who of your children are living with you? A I have two, Eva, twenty years old--she is married.

Q Who did she marry? A Frank Wilson, a white man.

Q Next one? A Ona Gillam, sixteen, not married, and living with me. Clemmie is with me, here she is---twelve years old.

Q Any others? A No sir.

Questioned by Attorney.

Q Your daughters have no children? A No sir.

Q They never have been enrolled? A Yes sir, they received their annuity, their names are Gillam.

(Com'r McKennon: Ona, Clemmie and Eva are found on the Chickasaw Pay Roll of 1893, on page 91, also on the roll of 1897, page 60, Pontotoc County, Chickasaw Nation.)

Questioned by Chick Atty Cornish.

Q How is your husband related to Joseph C. Moore? A He is a nephew.

Q What was the blood of your husband? A We claimed it by adoption of Grandfather Colbert Moore and blood of the mother Fannie Moore; but whether she was Chickasaw or Cherokee I don't know.

Joseph C. Moore being sworn and examined testifies:
Questioned by Chick Atty Cornish)

Q Do you know J. B. Gillam? A Yes sir.

Q How is he related to you? A He was a nephew of mine.

Q Was he a son of your sister? A Yes sir.

Q What was his blood? A His Indian blood was Cherokee.

- Q You know whether he was ever admitted by the Council to citizenship? A His mother was.
- Q Do you know whether he was? A I do not.
- Q You know that his mother was? A I think so.
- Q When? A I don't know.
- Q Did he come here at the same time she did? A We came before; he and I came about together; he was here a little while before I came.
- Q Did his mother come here afterwards? A Yes sir.
- Q And she was admitted? A Yes sir.
- Q And he was not? A I don't know, I cannot remember. It was never brought up--no objections at all to our citizenship was ever brought until last fall.

(The applicant is found on the Chickasaw pay roll of 1893, page 122).

Questioned by Att'y.

- Q What was your husband's mother's name? A Catherine A. Wiggins.
- Q Is that the Catherine A. Wiggins mentioned in this finding of the legislature of the Chickasaw Nation? A Yes sir, the same one.
- Q You say your husband's name was Gillam; was his mother wedded to a Gillam after Wiggins died, or before? A Her first husband's name was Lane; her second one's name was Richard Gillam.

Questioned by Com'r McKennon.

- Q Were any of them citizens by blood? A Yes sir.
- Q A Chickasaw Indian by blood? A She was the oldest daughter of
Colbert Moore.
- Q Her other husband, was he a white man? A Yes sir, Wiggins was a white man.

Commission to the Five Civilized Tribes.

Durant, Indian Territory.

In the enrollment of Joanna Johnson, intermarried Chickasaw, and children; being sworn and examined by Com'r McKennon she states:

- Q What is your name? A Joanna Johnson.
- Q How old are you? A Forty-six.
- Q Are you on the Chickasaw rolls? A Yes, sir I was.
- Q When? A When they drew the last annuity six years ago.
- Q You claim as an intermarried Chickasaw; when were you married?
A I cannot remember. (Here witness produces copy of marriage license.) I was married to J. B. Gillam.
- Q You were married in the State of Mississippi? A Yes sir, I have been in the Territory sixteen years.
- Q Married in Mississippi on the 10th of March 1875, according to this certified copy of the record there? A Yes sir.
- Q To J. B. Gillam? A Yes sir.
- Q Did he ever live in the Territory? A Yes sir.
- Q When did he come to the Territory? A About sixteen years ago.
- Q How long did he live here? A He lived here nearly all the while; he died here.
- Q When did he die? A Eight years ago.
- Q In 1891? A Yes sir, nine years ago, it was in '90. I was a widow a year before my second marriage.
- Q After his death you married a white man and a non-citizen?
A Yes sir, James Johnson.
- Q You were never married under the Chickasaw law? A No sir.
- Q Was he admitted to citizenship after he came here? A I presume

3.

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

Q What was the name of your father? A Christopher Moore.

Q Was Christopher Moore a brother of Colbert Moore?

A Yes, sir.

Q Was Christopher Moore a white man? A Yes, sir.

Q Then Colbert Moore was a white man? A Yes, sir.

Q What was the name of the wife of Colbert Moore?

A Fannie Moore.

Q What children did they have? A I don't know as I can tell there was so many of them.

Q Did they have a daughter named Catherine? A Yes, sir.

Q Who did she marry? A She first married a man by the name of Lane and then she afterwards married a man by the name of Gillam.

Q Was he a white man? A Yes, sir. I think so.

Q Did they have a son named J. B. Gillam? A Yes, sir.

Q Who did he marry? A I couldn't tell you, but she was a Smith.

Q Is her given name, her Christian name, Joanna? A Yes, sir.

Q He married a woman named Smith, you think? A Yes, sir.

Q Was she a white woman? A Yes, sir.

Q They have some children? A Yes, sir.

Q What are their names? A I don't know sir.

Q They have some children, have they not,---

A (interrupting) Yes, sir.

Q (continuing) who are now claiming enrollment as Chickasaw citizens? A Yes, sir; I think so. I understand it that way.

Q Then the wife of Colbert Moore was named Fannie Moore?

A Yes, sir.

Q What was her blood, Mr. Moore? A I think she claimed Cherokee.

Q Did you know them quite well? A Yes, sir.

Q She was the wife of your father's brother? A Yes, sir.

Q She claimed her blood to be Cherokee? A Yes, sir.

Witness excused.

Wm. S. Wellshear, being sworn, upon his oath states that as stenographer to the Commission to the five Civilized Tribes he correctly reported the proceedings in this case at the time and place abovementioned, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 5th day of December, 1900.


Acting Chairman.

2.

Q All right. A Then he married a white woman and these people are claiming as descendants of that woman.

Q Now, was that woman, the woman about whom you now make your statement, was that the Fannie Moore who appears as an ancestor of all of these Moore people? A Yes, sir; that is what I understood.

Q Is that what you understood from these persons you have mentioned? A Yes, sir.

Q That her name was Fannie Moore? A Yes, sir.

Q And that she was a white woman? A Yes, sir. And then I see in our old treaty where it names Fannie Moore and her children, naming the children, and they gave them some land, and from the reading of it it seems that it was only a gift to be disposed of as a Chickasaw.

Q Disposed of as a Chickasaw? A Yes, sir.

Q Do you know what children this woman had by Colbert Moore? A No, sir.

Q Did you know Catherine Moore. Did she move to this country? A No, sir; I don't think she ever came here. I don't think she did. Now, I was up there when this case was tried before old Judge Carter, and they claimed that the woman they were claiming under was an invalid in Arkansas, and she wasn't able to get here.

Q Now, which woman was that? A Why, this woman Fannie Moore, I understood.

Q That she was an invalid and unable to get here? A Yes, sir.

Q Is it your understanding that this woman Fannie Moore is still living? A No, sir.

Q Now, in what proceeding was it that that statement was made? A It was made before the Court. I expect Dr. Murray remembers more about it. I believe he was prosecuting attorney at the time. I expect he remembers. I didn't pay much attention to it.

Q As you understood the matter, where did this woman, Fannie Moore, live at that time? A In Arkansas.

Q Well, Judge, do you know these claimants, Eva Wilson and the Gillam children, J. B. Gillam? A Yes, sir.

Q He is a white man? A Yes, sir.

Q And his wife? A Not much.

Q Well, his wife was a descendent of these parties, was she? A I don't know.

Q Does J. B. Gillam's wife, Joanna, claim to be a descendent of these people? A No, sir, Gillam himself, I think. My information is he is a step-son of Wiggins.

Q As I understand, the relationship was this: Colbert Moore was a white man and married this woman Fannie Moore, and they had a daughter named Catherine; Catherine married a man by the name of Wiggins, and then I think Catherine probably married twice, married a man by the name of Wiggins-----

THE WITNESS: She married Gillam first.

Q And this man J. B. Gillam is the son of Catherine? A Yes, sir.

Q J. B. Gillam is the husband of a white woman, and the father of these children. I am relying principally upon the testimony of Judge Love. He knows the relationship of all the parties.

Witness excused.

-----o-----

LUKE P. MOORE, being sworn by Acting Chairman Bixby, was examined upon behalf of the Chickasaw Nation by Mr. Cornish, and testified as follows:

Q What is your name? A Luke P. Moore.

Q How old are you? A Seventy-one.

Q Are you a Chickasaw Indian by blood? A Yes, sir.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T. December 5th, 1900.

CHICKASAW NATION

vs.

No. D. 248.

EVA WILSON et al

In the matter of the application of Eva Wilson for the enrollment of herself and children as citizens of the Chickasaw Nation.

On December 5th, 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, the following proceedings were had.

MR. CORNISH: (Of counsel for Chickasaw Nation) The contention is clearly shown by the record heretofore taken. It is a question that these persons are not Chickasaw Indians by blood and not entitled to enrollment.

MR. B. F. KEMP, being sworn by Acting Chairman Bixby, was examined upon behalf of the Chickasaw Nation by Mr. Cornish, and testified as follows:

- Q What is your name? A B. F. Kemp.
- Q How old are you? A Sixty-nine.
- Q Where do you live? A Tishomingo.
- Q You are a Chickasaw Indian by blood, are you? A Yes, sir.
- Q Do you know Colbert Moore? A No, sir; I don't know him only from hearsay.
- Q You know the Moores who live in this country, the descendants of Colbert Moore? A I know some of them.
- Q Have you known of the family generally all your life, the Moore family? A Yes, sir; pretty much, ever since I was old enough to know anything.
- Q Was Colbert Moore an Indian or a white man? A I have always been told that he was a white man.
- Q Did he die back in Mississippi? A Yes, sir.
- Q He didn't move to this country? A I don't think he did. He didn't come to the Nation. He may have died in Arkansas, I don't know.
- Q Well, what is your information as to his family? A I got my information from Col George James, Overton Love and old Aunt Margaret James and old Uncle Bob.
- Q These are all Chickasaw people? A Yes, sir; except Aunt Margaret. She is an old white lady that lived with the Chickasaws.
- Q Which of these people are dead? A They are all dead except Overton Love. My information was that Colbert Moore did marry a Chickasaw woman and have two children, a boy and a girl.
- Q That was back in Mississippi? A Yes, sir; and the family died.
- Q Your information from them is that the Chickasaw woman and her two children died? A Yes sir; that is my information.

Ona Gillum et al- Annie Smallwood-witness-#2)

Q Did you ever hear Mrs. Moore, the wife of Colbert Moore, referred to as a Chickasaw by blood? A No sir.

Q You have no personal knowledge of these children that I speak of, you don't know them personally, but you know of them?

A Yes sir, I know most of them.

Q The Gillum children? A Oh I have seen but two of them.

--- --- ---

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. A. Green

Commission to the Five Civilized Tribes,

Atoka, I.T., Dec. 6th, 1899.

In the application of Ona and Clemmie Gillum and Eva Wilson for enrollment as Chickasaws; Mrs. Annie Smallwood being sworn and examined by Com'r McKennon testified as follows:

Q What is your name? A Annie Smallwood.

Q How old are you? A Sixty-seven.

Examined by Chickasaw Att'y Cornish:

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

Q Where were you born? A I was born in Mississippi.

Q When did you move to the Choctaw Nation? A I forget what year it was in; I was young then.

Q Did you know Colbert Moore? A Yes sir.

Q How was he related to you? A He was my half-brother.

Q Was he a white man? A Yes sir.

Q Were you well acquainted with the family and descendants of Colbert Moore? A I knew all of them.

Q Did you know Colbert Moore's wife? A Yes sir.

Q What was her name? A Fannie Bailey.

Q What children did Colbert Moore have? A Catherine, a daughter, was the oldest.

Q Who did she marry? A She married a Gillum.

Q Did Catherine Moore have a son named J.B. Gillum? A Yessir.

Q Who did J.B. Gillum marry? A I don't remember; I knew his wife, but I don't remember her name.

Q Do you know these Gillum children? A Clemmie, Ona and Eva; I never saw but two of them.

Q You know of them? A Yes sir.

Q You state that Colbert Moore was a white man? A Yessir.

Q What was the blood of Colbert's wife? A Cherokee.

Q What was the blood of Gillum, the husband of Catherine?

A He was a white man.

Commission to the Five Civilized Tribes,

McAlester, Indian Territory.

Nov. 13th, 1899.

In the application of Eva Wilson, Ona Gillum and Clemmie Gillum for enrollment as Chickasaws; Reuben R. Bourland being sworn by Commissioner Needles and examined by Chickasaw Att'y Cornish, testifies as follows:

Q What is your name? A Reuben R. Bourland

Q How old are you? A Seventy-two.

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

Q Did you know Colbert Moore? A I did.

Q Was he a white man or an Indian? A He was a white man.

Q Did you know his wife? A I saw her once.

Q What did you understand her blood to be? A I understood she was not a Chickasaw, and that her blood was the same as Mrs. Bacon.

Q What did you understand her blood to be? A I don't know; I think probably she might have been Cherokee; ~~and~~ the McKinneys' was said to be Cherokees; I don't know from my own personal knowledge.

Q What children did Colbert Moore have by this woman?

A I don't know.

Q Name the only child you knew Colbert Moore had by this woman?

A Catherine.

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. ...

Chic

Chic 1837

9-1836

Muskogee, Indian Territory, April 20, 1907.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 11, 1907, in which you ask to be advised if Mabel Oneita Ousley has been approved as a citizen by blood of the Choctaw Nation and if Johnnie Williams has been approved as a citizen by blood of the Chickasaw Nation.

In reply to your letter you are advised that it does not appear from the records of this office that any person by the name of Mabel Oneita Ousley has been enrolled as a citizen by blood of the Choctaw Nation.

You are further advised that Johnnie Williams a citizen by blood of the Chickasaw Nation was approved by the Secretary of the Interior September 24, 1906.

Respectfully,

Commissioner.

9-1833
9-1836

Muskogee, Indian Territory, September 12, 1906.

S. A. Apple,
Attorney at Law,
Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 7, 1906, asking relative to the enrollment of Sallie Compton et al., and Johnnie Williams.

In reply you are advised that the names of Sallie Compton et al., and Johnnie Williams, have been placed upon a schedule of citizens by blood of the Chickasaw Nation which has been forwarded the Secretary of the Interior for his approval. You will be notified when their enrollment is approved by him.

Respectfully,

Commissioner.

9-D-386

copy.

Muskogee, Indian Territory, July 10, 1906.

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 the Commissioner to the Five Civilized Tribes, rendered July 10, 1906, granting the application for the enrollment of Lizzie Lightubby 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 enrollment of this applicant. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

J. E. M.

Commissioner.

Registered.

Incl. 9-D-386.

9-D-386

Muskogee, Indian Territory, July 10, 1906.

Apple & Franklin,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on July 10, 1906, rendered his decision granting the application for the enrollment of Lizzie Lightubby as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished with a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the enrollment of above named applicant. If at the expiration of that time no protest has been filed, his name will be placed upon the final roll of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

James Bixler

Commissioner.

Registered.

9-D-386

COPY.

Muskogee, Indian Territory, July 10, 1906.

Lizzie Lightubby,

Milburn, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 10, 1906, granting the application of yourself 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 your enrollment. If at the expiration of that time no protest has been filed, your name will be placed upon the final roll of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Thomas Dixby
Commissioner.

Registered

Encl. 9-D-386

9-D-386.

COPY.
Muskogee, Indian Territory, May 24, 1906.

Lizzie Lishtubby,
Milburn, Indian Territory.

Dear Madam:

You are hereby advised that upon the request of your attorneys, Apple & Franklin, of Muskogee, Indian Territory, a hearing will be had in the matter of your application for enrollment as a citizen of the Chickasaw Nation at Tishomingo, Indian Territory, on Friday, June 8, 1906, at nine o'clock A. M. This hearing is for the purpose of ascertaining the amount of Chickasaw blood possessed by you and your parents, and also the residence of your parents prior to their removal to the Chickasaw Nation. You will also be permitted at said time to introduce competent testimony establishing your marriage to William Lishtubby and Jimmerson Sharkey (or Ensharkey), through whom you claim intermarried rights.

Notice of this hearing has also been furnished your attorneys, Apple & Franklin, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED *W. A. Beall*

Acting Commissioner.

9-D-386.

COPY.

Muskogee, Indian Territory, May 24, 1906.

Apple & Franklin,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

In conformity with your personal request, you are advised that a hearing will be had by a representative of the Commissioner in the matter of the enrollment of Lizzie Lishtubby as a citizen of the Chickasaw Nation at Tishomingo, Indian Territory, on Friday, June 8, 1906, at nine o'clock A. M. This hearing is for the purpose of ascertaining the amount of Chickasaw blood possessed by Lizzie Lishtubby and her parents, and also the residence of the latter prior to their removal to the Chickasaw Nation. Said applicant will also be permitted at said time to introduce competent testimony establishing her marriage to William Lishtubby and Jimmerson Sharkey (or Ensharkey), through whom she claims intermarried rights.

Notice of this hearing has been furnished the applicant, Lizzie Lishtubby, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Wm. J. Beall.

Acting Commissioner.

9-D-3-6.

COPY.
Muskogee, Indian Territory, May 24, 1906.

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

Gentlemen:

You are hereby advised that upon the request made by Apple & Franklin, attorneys for the applicant, a hearing will be had by a representative of the Commissioner in the matter of the application for the enrollment of Lizzie Lishtubby as a citizen of the Chickasaw Nation at Tishomingo, Indian Territory, on Friday, June 8, 1906, at nine o'clock A. M. This hearing is for the purpose of ascertaining the amount of Chickasaw blood possessed by said applicant and her parents, and also the residence of the latter prior to their removal to the Chickasaw Nation. Said applicant will also be permitted at said time to introduce competent testimony establishing her marriage to William Lishtubby and Jimmerson Sharkey (or Ensharkey), through whom she claims intermarried rights.

Notice of this hearing has been furnished the applicant, Lizzie Lishtubby and her attorneys, Apple & Franklin.

Respectfully,

SIGNED *Wm. O. Beal*

Acting Commissioner.

the record which is herewith enclosed, together with the transcript of the proceedings had in said matter, to this office as soon as possible thereafter.

Respectfully,

W. O. Bean

Acting Commissioner.

Registered:

LBA 24/1.

REFER IN REPLY TO THE FOLLOWING

9-D-386.

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

Muskogee, Indian Territory, May 24, 1906.

D. Conway Lloyd,
c/f Chickasaw Field Party,
Ada, Indian Territory.

Dear Sir:

This office has this day notified Lizzie Lishtubby, an applicant for enrollment as a citizen of the Chickasaw Nation, that a hearing will be had in the matter of her application at Tishomingo, Indian Territory, on Friday, June 8, 1906, at nine o'clock A. M., for the purpose of ascertaining the amount of Chickasaw blood possessed by her and her parents, and also the residence of the latter prior to their removal to the Chickasaw Nation. She was further advised that at said time she would be permitted to introduce competent testimony establishing her marriage to William Lishtubby and Jimmerson Sharkey (or Ensharkey), through whom she claims intermarried rights.

Similar notices were addressed to her attorneys, Apple & Franklin, at Muskogee, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

You are directed on said date to hear such testimony as set forth above, and upon the completion of the hearing, to transmit

COPY

9-D-386

Muskogee, Indian Territory, April 25, 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 this office, rendered April 25, 1906, granting the application for the enrollment of Johnnie Williams 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 his enrollment. If at the expiration of that time no protest has been filed, the name of Johnnie Williams will be placed upon the final roll of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Commissioner.

Registered.

Incl. 9-D-386

9-D-386

COPY

Muskogee, Indian Territory, April 25, 1906.

Apple & Franklin,
Attorneys at Law,
Muskogee, Indian Territory,

Gentlemen:

You are heroby notified that the Commissioner to the Five Civilized Tribes, on April 25, 1906, rendered his decision granting the application for the enrollment of Johnnie Williams 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 the date of this notice within which to file protest against his enrollment. If at the expiration of that time no protest has been filed, the name of Johnnie Williams will be placed upon the final roll of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James H. [unclear]

Registered.

Commissioner.

9-D-386

COI

Muskogee, Indian Territory, April 25, 1906.

Johnnie Williams,
Milburn, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 25, 1906, granting the application for your 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 the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, the name of Johnnie Williams will be placed upon the final roll of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Commissioner.

Registered.

Incl. 9-D-386.

-2-

as directed in office letter of April 16, 1906, and your request that the place of hearing such testimony be changed to Ardmore, Indian Territory, is denied.

Respectfully,

Acting Commissioner.

9-D-386.

Muskogee, Indian Territory, May 14, 1906.

Apple & Franklin,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 9th instant, relative to the communication of this office of April 10, 1906, notifying Lizzie Lishtubby, an applicant for enrollment as a citizen of the Chickasaw Nation, to appear before the Choctaw Land Office at Atoka, Indian Territory, and give testimony relative to the Chickasaw blood of herself and parents.

You state therein that said applicant has applied for enrollment as a citizen by intermarriage of the Chickasaw Nation, and at no time has claimed right to enrollment as a citizen by blood of said nation, and has informed you that the only Indian blood which she possesses is of Cherokee strain.

Relative to this matter your attention is invited to her testimony of April 29, 1904, taken at Tishomingo, Indian Territory, wherein she stated that she was a Chickasaw, and that her father was "part Cherokee and part Chickasaw".

It will, therefore, be necessary for said applicant to appear before the Choctaw Land Office at Atoka, Indian Territory,

9-D-386.

Muskogee, Indian Territory, April 16, 1906.

Lizzie Lishtubby,

Fillmore, 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 of the Chickasaw Nation, it will be necessary for you to appear before the Commissioner to the Five Civilized Tribes at the Land Office at Atoka, Indian Territory, and give further testimony relative to the Chickasaw blood of yourself and your parents, and their places of residence prior to their removal to the Chickasaw Nation.

This matter should receive your immediate attention.

Respectfully,

Acting Commissioner.

9-D-386

Muskogee, Indian Territory, April 14, 1906.

Apple & Franklin,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 10, 1906, in the matter of the application for the enrollment of Lizzie Lishtubby and Johnnie Lishtubby as citizens of the Chickasaw nation in which you state that you have heretofore filed as good evidence as is obtainable to the marriage of Lizzie Lishtubby to her Chickasaw husband and you request that the case be closed and decision be rendered upon the record as is now made up.

You are advised that your request has been made a letter of record.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, April 10, 1906.

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

Dear Sir:

We are in receipt of your letter of April 9, 1906 (9-D-386) in which you state that before any further action can be taken in the matter of the application for the enrollment of Lizzie Lishtubby as a citizen by intermarriage of the Chickasaw Nation, it will be necessary that your office be furnished with proof of the marriage of said Lizzie Lishtubby to either of her Chickasaw husbands and also a sworn statement showing whether or not she and her Chickasaw husband through whom she claims her intermarried rights, were married prior to their marriage to each other.

In reply you are advised that we have heretofore filed with your office in this case an affidavit setting forth that Jimson Ensharkey was the first husband of the applicant and that neither said Jimson Ensharkey or William Lishtubby had any living wife at the time of their respective marriage to the applicant. We also filed the affidavits of Lucy Duke, Isom Hunnatubby and C. A. Ensharkey which are to the effect that Lizzie Lishtubby and Jimson Ensharkey were married about the year 1870 or 1871.

Inasmuch as the evidence already filed in this case is as good evidence on these points as is obtainable, we respectfully request that the case be closed and that a decision be rendered upon the record now made up.

Very Respectfully,

Apple & Franklin.

9-D-386.

Muskogee, Indian Territory, April 9, 1906.

Apple & Franklin,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of Lizzie Lishtubby as a citizen by intermarriage of the Chickasaw Nation, it will be necessary that this office be furnished with proof of her marriage to either of her Chickasaw husbands, and also a sworn statement showing whether or not she and her Chickasaw husband, through whom she claims her intermarried rights, were married prior to their marriage to each other.

Kindly give this matter your immediate attention.

Respectfully,

Acting Commissioner.

9-D-386

Muskogee, Indian Territory, February 16, 1906.

Apple & Franklin,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of February 12, 1906, inclosing affidavits of Joel Conway, Jimpson Underwood, C. A. Ensharkey, Isaac Hunnatubby, Lucy Duke, John Williams and Lizzie Lishtubby in the matter of the application of Lizzie Lishtubby for enrollment as a citizen by intermarriage and Johnnie Lishtubby as a citizen by blood of the Chickasaw Nation and the same have been filed with the record in this case.

Respectfully,

Acting Commissioner.

9-D-386.

Muskogee, Indian Territory, December 16, 1905.

Apple & Franklin,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of Lizzie Lishtubby as a citizen by intermarriage of the Chickasaw Nation, it will be necessary for her to appear at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and give further testimony relative to her right to enrollment as such citizen.

This matter should receive your immediate attention.

Respectfully,

Commissioner.

9-D-386.

Muskogee, Indian Territory, December 16, 1905.

Lizzie Lichtubby,

Milburn, 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 appear at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and give further testimony relative to your right to enrollment as such citizen. This matter should receive your immediate attention.

Respectfully,

Commissioner.

9-D-386

Muskogee, Indian Territory, November 27, 1905.

Lizzie Lishtuby,

Welburn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 22, 1905, inclosing affidavits of Joel Conway and Jimson Underwood to your marriage, stating that you have lost the marriage certificate between yourself and William Lishtuby.

In reply to your letter you are advised that these affidavits have been filed with the record in the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation and for the enrollment of your son John Lishtuby as a citizen by blood of said nation.

Respectfully,

Acting Commissioner.

J. L. 98

evidence has been furnished no further action can be taken
in this case.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 8, 1906.

John Lishitupy,

Milburn, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 30, 1905, asking if Lizzie Lishitupy is on the rolls as a citizen of the Choctaw or Chickasaw Nation.

In reply to your letter you are advised that no action has yet been taken relative to the application of Lizzie Lishitubby for her enrollment as an intermarried citizen and for the enrollment of her son Johnnie Lishitubby as a citizen by blood of the Chickasaw Nation.

On November 5, 1904, you were notified that before further action could be taken in the matter of the application for the enrollment of your mother Lizzie Lishitubby as an intermarried citizen of the Chickasaw Nation it would be necessary for her to forward the original or a certified copy of the marriage license and certificate between herself and William Lishitubby; also the affidavits of two or more citizens of the Chickasaw Nation to the effect that the same William Lishitubby was a recognized citizen by blood of said Nation. To this letter no reply has been received and until this

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE.
WM. O. BEALL,
Secretary.

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

10. 10. 05
REFER TO REPLY TO THE FOLLOWING:

9-D-366

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 16, 1905.

Lissie Lichtubby,

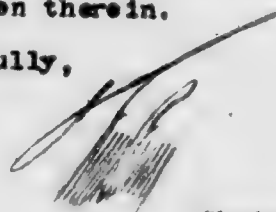
Milburn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of May 4, 1905, asking if you are approved.

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 son Johnnie Lichtubby as citizens of the Chickasaw nation, but when a decision is reached in this case you will be notified of the action taken therein.

Respectfully,



Chairman.

9-D-286

Muskogee, Indian Territory, November 7, 1904.

John Williams,

Milburn, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of November 4, 1904, giving information relative to your age, the names of your parents, and the name under which you made application for enrollment.

In reply to your letter you are informed that the information contained therein has enabled the Commission to identify you as having made application for enrollment as John Williams or Lishtubby, son of Lizzie Lishtubby, and William Lishtubby, deceased. The Commission has not yet, however, passed upon your rights to enrollment as a citizen by blood of the Chickasaw Nation. When a decision is reached in your case you will be notified of the action taken therein.

Respectfully,

Chairman.

9-D-386

Muskogee, Indian Territory, November 5, 1904.

John Lishtubby,

Filmore, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of the application of your mother, Lizzie Lishtubby, as a citizen by intermarriage of the Chickasaw Nation, it will be necessary for her to file with this Commission either the original or certified copy of marriage license and certificate showing her marriage to William Lishtubby, whom she claims was a full blood Chickasaw.

It will also be necessary for her to furnish this Commission with a sworn statement of two or more citizens of the Chickasaw Nation, showing that the said William Lishtubby 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.

MILBURN, I. T. Nov 22 1905

Jacl Conway who being duly
sworn according to law, did
and says the H & S on Chickasaw
Ind. by Blood my PO address
is 1717 E. M. my age is 45 years
that I am personally acquainted
with Lizzie Leshtuly her
known her about 30 years
and know that Lizzie Leshtuly
and William Leshtuly live together
as man & wife up to the date
of William Leshtuly
putting my hand and seal as
witness

Witness to make Jacl ^{Sir} Conway
J. Gardner _{mark}

J. Gardner
Subscribed and sworn to before
me this 22 day of Nov 1905

J. Gardner
My comm. expires 10 Mar 1908 N.P. 1007

-ATTN-

11108

U.S.

NOV 27 1909

MILBURN, I. T.

Nov 22

1905

Jimmerson Underwood who being by
me first duly sworn according to law
deposes and says that His P O address
is Fieldman 50 year of age and is
Chekeseau Indian by Blood.

That He is personally acquainted with
Lizzie Lishtuly for have known her
about 20 years and know that she
and William Lishtuly live together
as man and wife up to time of
the death of William Lishtuly
witness my hand and seal as sheriff

Jimmerson Underwood

Subscribed and sworn to before
me this 22 day of Nov 1905

J J Gardner
N P O

my com expir 16 mar 1908

DEPARTMENT OF THE ARMY
OFFICE OF THE ADJUTANT GENERAL
WASHINGTON, D. C.

NOV 27 1905

Affidavit of John Williams-

John Williams, being duly sworn, states in his own behalf as follows:

My name is John Williams or John Lishlubby. I am the son of Wm. Lishlubby, deceased, and Lizzie Lishlubby. I have chosen the name "Williams" from my fathers first name. I am 24^{or 25} years old and speak the Chickasaw language when conversing with my mother who understands Chickasaw better than English. My mother is also known as Lizzie William. My name by which I was known in youth is Humphus Williams John Williams

Subscribed and sworn to before me this 8th day of February, 1906. The name "Humphus" is the spelling given by affiant.

A. Milburn

Notary Public

my commission expires
Nov. 28, 1908

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE GENERAL LAND OFFICE

FILED

FEB 15 1906

[Handwritten signature]

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

APR 23 1906

COMMISSIONER

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lizzie Lishtubby as a citizen by intermarriage of the
Chickasaw Nation.

AFFIDAVIT OF ~~SENNA~~ ^{Lizzie Lishtubby}

INDIAN TERRITORY
SOUTHERN DISTRICT.

I, ~~SENNA~~ ^{Lizzie Lishtubby}, a citizen by blood of the Chickasaw
Nation, aged ^{about} 70 years, residing near Milburn, I. T.,
state on oath that I am a full blood Chickasaw; that I knew
Lizzie Lishtubby and have so known her for forty odd years;
I know of my own knowledge that she was married to Jimpson
Ensharkey (or Sharkey), a full blood Chickasaw, about 35 or
40 years ago, the date not being certain in my mind. I
was present when she married and she and Jimpson Ensharkey
lived for a while in the same house with me and my husband.

Witnesses to mark:

Jimmie Boss
J. E. Milburn

x Senna ^{the} Lizzie Lishtubby
Witness

Subscribed and sworn to before me on this April 17 1906.

J. E. Milburn
Notary Public.

Jimmie Boss Interpreter

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lizzie Lishtubby as a citizen by intermarriage of the Chick-
asaw Nation.

AFFIDAVIT OF LUCY DUKES.

INDIAN TERRITORY
SOUTHERN DISTRICT.

I, Lucy Duke, a citizen by blood of the Chickasaw
Nation, aged ^{about} 80 years, state on my solemn oath that I
am acquainted with Lizzie Lishtubby and know that she married
Jimpson Ensharkey (or Sharkey), who was my brother, about the
year 1871 as well as I can remember the date. They were
married in Tishomingo by a Chickasaw preacher and lived together
a number of years as man and wife. Jimpson being my brother
I visited and saw them frequently during their married life.
I know of my own knowledge that they were duly and legally
married in accordance with the customs of our tribe at that
time.

Witnesses to mark:

John Williams
Lee Milburn

Lucy Duke
her name

Subscribed and sworn to before me this
the 17th day of April, 1906.

John Williams Sheriff

L. Milburn
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

FILED

APR 23 1900

MISSOURI

17

in Re

Citizenship Application
of

Lizzie Lishtubby and
John Lishtubby

Chickasaws

Affidavits of

Lucy Dukes

Isom Hunnatubby

Lizzie Lishtubby and

John Williams

C. A. Eusharkey

Joel Conway

Judson Underwood

Apple T. Franklin,
Atty. for applicants,

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE FIVE CIVILIZED TRIBES

FILED

FEB 15 1906

COMMISSIONER.

I lived with Sharkey about four years. My marriage to Sharkey was according to the laws and customs of the Chickasaw Tribe in force at the time. No license was required but the marriage was solemnized in Rennie's Store in old Tishomingo by a Chickasaw preacher named Ho-si-chee, who has long since died. I was but a girl then, about 16 or 18 years old. I am now 62 or 64 years old. Johnnie, my son, used to be called Humphries Williams.

Lizzie ^{now} ~~mark~~ Lichtubby

Witnesses to mark:

Adapt

E. L. Abram

Subscribed and sworn to before me this 7th of February, 1906. Affiant speaks broken English and these statements were made in English.

A. J. Melham
Notary Public

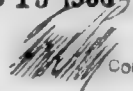
My Commission expires

Nov. 28, 1908

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

FEB 15 1906


COMMISSIONER.

1
Affidavit of Lizzie Lichtubby

Lizzie Lichtubby, after being duly sworn, states;

My name is Lizzie Lichtubby - I am the applicant. In 1893 or thereabouts I drew the payment made to the Chickasaw at Tishomingo for myself and my son John Williams. I think my name was given to the Agent as Williams for I have been known by the name of Williams as well as Lichtubby. My last Chickasaw husband was William Lichtubby but was popularly called William and from this I have been known as Lizzie Williams and my son by William Lichtubby or John ^{or Jimmerson} Williams. My first husband was Jimson or Jimmerson Ensharkey (or Sharkey) a full blood Chickasaw, father of C. A. Ensharkey an enrolled Chickasaw. After his death I married Lichtubby. My marriage to Ensharkey was about the year 1870. I know it ^{with} ~~was~~ ^{with} six years after the close of the Civil War when I married to Sharkey. Neither of my husbands had a living wife when I married them.

DEPARTMENT OF JUSTICE
COMMISSIONER TO THE FEDERAL CIVIL SERVICE

FILED

FEB 15 1906

[Handwritten signature]
COMMISSIONER

Affidavit of Lucy Duke

Lucy Duke being duly sworn states:

My name is Lucy Duke. I am a full blood Chickasaw and live near Milburn, MS. I have known Lizzie Liskitubby all her life. I am about 65 or 75 years old and partly reared Lizzie. She was living with me during the Civil War and up to three or four years after the War when she married my half brother, Jimmerson Sharkey (or Encherkey) who was a full blood Chickasaw. They lived together three or four years and after Jimmerson's death Lizzie married William Liskitubby, a Chickasaw and has since been known as Lizzie Williams or Lizzie Liskitubby - Jimmerson Sharkey was recognized by the Chickasaws as a full blood Chickasaw.

Witness to mark:

J. A. Apple
A. H. H. H. H.

Lucy ^{the} Duke

Roll No. 2388-

Interpreted to affiant by Jasper Underwood
who was under oath to make true interpretation and

subscribed and sworn to before me on this the
7th day of Feb'y 1906.


Commission expires
Nov. 28, 1908

A. Millum
Notary Public

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

FEB 15 1906


COMMISSIONER

AFFIDAVIT

UNITED STATES OF AMERICA,
INDIAN TERRITORY
SOUTHERN DISTRICT.

I, Isom Hunnattubby, of lawful
^{about 46 years of age}
age, state on oath, that I am acquainted with Lizzie Lishtubby and
John Williams, her son, that I knew William Lishtubby in his life
time, and knew Lizzie Lishtubby, the applicant herein, was his wife
and that he lived with her as such.

Lishtubby was the Indian name of Williams, but his son is now
commonly known as John Williams, taking his father's first name in-
stead of the last name. Before her marriage to Lishtubby, Lizzie
was the wife of Jimpson Ensharkey. The Ensharkey family have been
variously known as Sharkey and Ensharkey. Jimpson was a full blood
Chickasaw Indian and lived ^{in Indian Territory} with Lizzie for a number of years as her
husband. ^{Jimpson and Lizzie married about the year 1870.}
^{know they lived together as husband and wife 3 or 4 years -}

I am an old citizen of the Chickasaw Nation and have taken
lands in allotment. Jim Sharkey, Lizzie's husband, is father of C.A. Ensharkey.

Witnesses to mark
S.A. Apple

Isom Hunnattubby
mark Roll No. 2430.

Amilham

Subscribed and sworn to before me this 7 day of February, 1906.

Amilham
Notary Public

My commission expires Nov. 28, 1908....

DEPARTMENT OF THE INTERIOR
COMMISSION TO COLLECT INDIAN MONIES

FILED

FEB 15 1906

[Handwritten signature]
Covv

APPIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT.

I, C. A. Ensharkey, of lawful age, after being duly sworn state that I am acquainted with Lizzie Lishtubby and John Williams? The Indian name of these people is Lishtubby, but I know, as their neighbor, and long acquaintance, that they have been called Williams, and I think they received money as Chickasaw Indians under the name of Williams. My father, Jimpson Ensharkey, married Lizzie, the applicant, when I was about 10 years old. After his death she married Lishtubby. The applicant and my father ^{after my mother's death} married as nearly as I can fix the date, in 1870 or 1871. Lizzie was my stepmother, I know, when I was a small boy. C. A. Ensharkey

Subscribed and sworn to before me this 5 day of February, 1906.

J. Miller
Notary Public.
My commission expires Nov. 28, 1908...

C. A. Ensharkey, Chickasaw Roll No. 2684

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE WESTERN CIVILIZED TRIBES

FILED

FEB 15 1906

[Handwritten signature]

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

IN RE

Application for the enrollment of Lizzie Lish-
tubby as a citizen by intermarriage of the
Chickasaw Nation.

AFFIDAVIT.

Jimson Underwood, after being duly sworn, states:

My name is Jimson Underwood, and I live at Will-
more, Indian Territory. I am a Chickasaw Indian 50 years of age, and I
am acquainted with Lizzie Lishubby, the applicant, and knew William Lish-
tubby in his life time. William was a full blood Chickasaw Indian and was
so recognized by the tribes.

I lived an neighbor to him and know that he died several years ago.

Jimson Underwood

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

R. H. French
Notary Public.

My commission expires Jan. 1. 1907

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

FILED

FEB 15 1906

[Handwritten signature]
Special Agent

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE

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

A F F I D A V I T.

JOEL CONWAY, after being duly sworn, states:

My name is Joel Conway, and I am 45 years of age. I am a member of
the Chickasaw Tribe of Indians and live now a neighbor to the applicant, Liz-
zie Lishtubby. I knew her husband William Lishtubby in his life time. He
was a full blood Chickasaw Indian and was a member of the Chickasaw Tribe in
the Indian Territory.

I am disinterested in the result of this application and am not related
to the applicant.

Joel Conway

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

T. O. Wynn
Notary Public.

My commission expires Nov. 8, 1908

COMMUNICATIONS SECTION
FEDERAL BUREAU OF INVESTIGATION

FBI 1000

FEB 15 1965

[Handwritten signature]

9-D-388.
O.L.J.

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

In the matter of the application for the enrollment of
Lizzie Lishtubby as a citizen by intermarriage of the Chickasaw Na-
tion.


DECISION.

It appears from the record herein that on November 7, 1902, an application was made to the Commission to the Five Civilized Tribes for the enrollment of Lizzie Lishtubby as a citizen by intermarriage of the Chickasaw Nation, and for the enrollment of her minor son, Johnnie Williams, as a citizen by blood of said nation. The application for the enrollment of Johnnie Williams being differently classified is not included in this decision.

It further appears from the record herein that in the year 1871, the applicant, Lizzie Lishtubby, was lawfully married to Jimpson (or Jimmerson) Sharkey (or Ensharkey), now deceased, a recognized citizen by blood of the Chickasaw Nation, whose son, C. A. Ensharkey, a full blood Chickasaw Indian, appears as number 2684 upon a list prepared by the Commission to the Five Civilized Tribes 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 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 for a period of three or four years; and that said applicant has resided continuously in the Chickasaw Nation from the date of her said marriage, up to and including September 28, 1902.

Upon an examination of the tribal rolls of the Chickasaw Nation in the possession of this office, the applicant, Lizzie Lishtubby, is identified upon the 1-93 Chickasaw Leased District Payment Roll, No. 2, page 23.

I am, therefore, of the opinion that Lizzie Lishtubby should be enrolled as a citizen by intermarriage of the Chickasaw Nation, under the provisions of the Acts of Congress approved June 26, 1898 (30 Stats., 490), and July 1, 1902 (32 Stats., 641), and it is so ordered.


Commissioner.

Muskogee, Indian Territory,

9861 01 700

9-D-386.

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

In the matter of the application for the enrollment of
Johnnie Williams as a citizen by blood of the Chickasaw Nation.

D E C I S I O N.

It appears from the record herein that on November 7, 1902, Lizzie Lishtubby appeared before the Commission to the Five Civilized Tribes at Tishomingo, Indian Territory, and made application for the enrollment of herself as a citizen by intermarriage of the Chickasaw Nation, and for the enrollment of her son, Johnnie Williams, as a citizen by blood of said nation. The application for the enrollment of Lizzie Lishtubby being differently classified is not included in this decision.

From the evidence herein it appears that the applicant, Johnnie Williams, was born about the year 1882, and is the son of William Lishtubby, a full blood Chickasaw, and Lizzie Lishtubby, an alleged Cherokee and Chickasaw by blood; and that said applicant was a resident in good faith of the Indian Territory on June 28, 1898.

Upon an examination of the tribal rolls of the Chickasaw Nation in the possession of this office, it appears that said applicant is identified upon the 1893 Chickasaw Leased District Payment Roll, number 2, page 229.

I am, therefore, of the opinion that Johnnie Williams should be enrolled as a citizen 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.



Commissioner.

Muskogee, Indian Territory,

~~APR 25 1906~~

Lissie Lightubby -5-

Q Have you any further evidence to offer in this case, Mr. Apple?

Mr. Apple: I submit the case upon the record as now made up.

Vester W. Rose, stenographer to the Commissioner to the Five Civilized Tribes, states on oath that he reported the proceedings had in the above entitled cause and that the above is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 8th day of June, 1906.

Vester W. Rose
Notary Public.

Lizzie Lightubby -4-

- Q Was it a store house? A Store house was close.
Q Whose store? A Rennie's.
Q Was this man that married you a Chickasaw? A Half Chickasaw.
Q Do you remember whether he spoke Chickasaw when he married you?
A Yes, sir.
Q Did you ever see him any more after that? A I heard he died.
Q Did he live in Tishomingo? A Yes, sir.

By the Commissioner.

- Q Did you ever live with a woman called Lucy Dukes? A Yes, sir.
Q You know her do you? A Yes, sir.
Q What is she? A Chickasaw.
Q How long did you live with her? A Long time; about four or five years.
Q Where were you living at the time you married Sharkey? A On Blue.
Q Who were you living with at that time? A Old man Cunish.
Q You were not living with Lucy Dukes at the time you were married to Sharkey? A When I married I quit here
Q Were you living with Cunish or with Lucy Dukes at the time you were married? A I was living with them both; I would stay with Lucy Dukes and then with Cunish.
Q Who was the first person you lived with after you came to the Chickasaw Nation? A Man named Deluke. I lived with so many Chickasaws I can't tell their names.

Witness excused.

- Q Do you claim the right of intermarriage of this woman through Sharkey?
Mr. Apple: Yes, sir; we desire to have her enrolled as the wife of Sharkey for the reason that the proof is easier to make that way than any other.

Johnnie Williams, first being duly sworn testified as follows:

By the Commissioner.

- Q Your name is Johnnie Williams? A Yes, sir.
Q What relation are you to Lizzie Lightubby? A She is my mother.
Q Have you any brothers and sisters? A No, sir.
Q Did you ever have any? A Yes, sir; all dead.
Q Do you remember ever seeing them? A Yes, sir; I saw a sister.
Q Under what names do you go by? A John Williams.
Q Do you ever sign your name any other way? A Humphreys and John and lot of others.
Q Did you change your name? A The school teacher changed it.
Q What is the name of that teacher? A Bridges.
Q Is that the deputy marshal here now? A Yes, sir; he was teaching school then.
Q Do you know how many children were born before you? A No, sir; I don't know of but one.
Q How much older than you was he? A I am older than him.
Q What was his name? A I don't know.
Q When did he die? A I don't know; it has been long time, about sixteen years, I guess.

Witness excused.

Note: The son of Jimpson Sharkey, through whom the applicant claims as a citizen by intermarriage of the Chickasaw Nation, is identified ~~as~~ on Chickasaw Field Card No. 901 and is number 2684 on the final roll of citizens by blood of the Chickasaw Nation. His age on September 25, 1902, was forty-two years.

- Q Did you ever get any money from the Cherokees? A No, I don't get any money anywhere.
- Q Didn't you get some money from the Chickasaws? A Yes, sir; I got money from them twice.
- Q You don't know how many years ago you were married to Sharkey? A It has been a long time and I reckon it wont do any good to guess.
- Q At the time you married Sharkey, how old was Eglone? A He was about ten years old.
- Q Was Eglone's mother dead at that time? A Yes, sir.

By applicants attorney, S. A. Apple.

- Q Lizzie do you remember your Cherokee home, where you were born in the Cherokee Nation? A No, sir.
- Q Do you remember leaving up there? A I was small when I left and I don't know much about it.
- Q Do you remember your father? A Yes, sir; he married another woman and then sent me away.
- Q Do you remember your mother? A My mother died when I was small.
- Q Where did she die, Lizzie? A In the Cherokee Nation.
- Q Where was your father living when you left the Cherokee Nation? A He was living down on Red River.
- Q In the Choctaw and Chickasaw Nations? A Choctaw Nation.
- Q Did he come to the Red River country when you did? A No, he run off to the war and stayed there.
- Q Did you ever see him after the-- after he left the Cherokee Nation? A Yes.
- Q You stated to the Commissioner that you were a slave at one time, is that true; were you a slave as same as the Negro people were? A No, I wasn't a negro.
- Q Were you a slave and treated as the other slaves were at that time? A (No answer).
- Q If you remember your mother, you remember living in the Cherokee Nation, don't you? A Yes, sir.
- Q Was your father a member of the Cherokee tribe up there? A Yes.
- Q Lizzie, did you give your testimony herein Tishomingo, about two years ago, at the Chickasaw Land Office. A Yes, sir; me and my nephew came up here.
- Q What is the name of your nephew? A Jim Cole.
- Q Do you remember being here in Tishomingo on April 29, 1904? A Yes, sir.
- Q Didn't they ask you some questions in the Land Office? A Yes, sir; they ask me so many questions they nearly made me crazy.
- Q Did you tell them on that date that your father was part Chickasaw Indian? A I told them that he was named Levi Toney.
- Q They asked you if your father was a full blood Chickasaw and they have reported you as having said that he was part Chickasaw and part Cherokee, do you remember that? A I guess so; I told them he was named Levi Toney. I think I told them he was a Cherokee.
- Q Did you have an interpreter at that time? A No, sir.
- Q You speak Chickasaw better than you speak English, don't you? A Yes, sir.
- Q In what house in Tishomingo were you married to Jimpson Sharkey? A In red house; looked like court house.

- Q Was your father and mother both dead? A Yes, sir.
- Q Don't you know who brought you, what was his name? A Daniel Choulouky.
- Q Was he a Cherokee? A Yes, sir.
- Q With whom did you live after you came to the Chickasaw Nation, do you remember their names? A (No answer).
- Q Were you a slave? A Yes.
- Q Do you know whose slave you were? A A man named Killo.
- Q Whose slave were you at the close of the war? A I stayed with the Chickasaws.
- Q When was that you lived with them? A I have always lived with the Chickasaws.
- Q How many times have you been married? A Two.
- Q What was the name of your first husband? A Jimpson Sharkey.
- Q Where were you married? A Tishomingo.
- Q Who married you? A A Man named Ochisee.
- Q What was he? A He was a half blood Chickasaw.
- Q Well, what was he? A He was a governor, I think, and a preacher.
- Q Do you remember when you were married? A I don't.
- Q How long ago has that been? A Long time, I don't know; bee. long time.
- Q How long had the war been closed when you married Sharkey? A Long time; I was a great big girl.
- Q How long did you live with him? A About three or four years.
- Q What became of him? A He died.
- Q How long did you stay a widow? A About four months.
- Q And then you married again? A Yes, sir.
- Q What was his name? A Lishtubby.
- Q What was his first name? A ~~Johnny~~ William Lishtubby.
- Q Who married you and Lishtubby? A I think he was named Martin Cheadle.
- Q What was he? A He was a Chickasaw.
- Q Was he a preacher? A He was a preacher.
- Q What is the name of your son? A Johnnie Lishtubby.
- Q How soon after you were married to William Lishtubby was this child Johnnie Lishtubby born? A (No answer).
- Q How many children did you have by Lishtubby? A Five.
- Q What is the name of the oldest? A All dead, but this one.
- Q Who is the Johnnie Lishtubby, is he the youngest child you had by Lishtubby? A He is the least.
- Q How many children did you have by Sharkey? A One.
- Q Is he dead? A Yes, sir.
- Q Then you had five by Lishtubby? A Yes, sir.
- Q And this Johnnie is the youngest child of all, is he? A Yes.
- Q How long had you been married to Lishtubby when Johnnie was born? A Long time, about twelve years.
- Q Didn't Sharkey have another wife at the time you married him? A Yes.
- Q At the time you married Sharkey, did he have another wife at that time? A No; he didn't have any wife at all.
- Q Wasn't he living with another woman? A (No answer).
- Q Were you married to him? A Yes, sir.
- Q What was Sharkey's first name? A Was named Jimpson Sharkey.
- Q Did you know his son, C. A. Sharkey? A (No answer).
- Q Did your husband have any children at the time you married him? A Yes, sir; had one.
- Q What was the name of that child? A Eugene.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Tishomingo, Indian Territory,
June 8, 1906.

-oOo-

In the matter of the application for the enrollment of Lizzie Lishtubby as a citizen of the Chickasaw Nation.

-oOo-

Persuant to letter of instructions, dated May 24, 1906, signed by the Acting Commissioner to the Five Civilized Tribes, the following proceedings were had at Tishomingo, Indian Territory, on June 8, 1906, at 9 o'clock A. M., at which time and place the applicant, Lizzie Lishtubby, appeared in person and by her attorneys, Apple and Franklin. The Choctaw and Chickasaw Nations were not represented by their attorneys, nor were any communications received from them stating whether they would appear at this hearing.

-oOo-

Lizzie Lishtubby, first being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER.

- Q Your name is Lizzie Lishtubby? A Yes, sir.
Q What is your post office address? A Milburn, Indian Territory.
Q What was the name of your father? A Toney.
Q What was he? A He was an Indian.
Q What kind of Indian? A Cherokee Indian.
Q Did he have any other people besides Cherokee people? A Yes, sir; just Cherokee.
Q What was the name of your mother? A I can't hardly say, but I think she was named Sally.
Q What was she? A Cherokee.
Q Now do you claim that you have any Chickasaw blood in you at all?
A No, I don't claim by blood.
Q Where were you born? A Over there (indicating).
Q Where? A In the Cherokee Nation.
Q Do you remember the war? A Yes, sir; I was living during the war.
Q How old were you at the time the war commenced? A About five or six years old.
Q About five or six years old? A Yes, sir; something like that. I was small.
Q You don't know exactly? A I think I must have been about ten years old.
Q You think now that you must have been about ten years old when the war started, is that correct? A Yes.
Q That makes you now about fifty-five years old, is that right?
A Yes, sir; I guess so.
Q When did you come to the Chickasaw Nation? A Somebody brought me here when I was small and I stayed with the Chickasaws.
Q How old were you when you came to the Chickasaw Nation? A I was small.
Q Was that before the war? A Before the war.
Q Do you remember what part of the Chickasaw Nation you came to?
A Beyond Blue.
Q What was the name of the nearest market town? A I was on the line between the Choctaw and Chickasaw Nations, on the Chickasaw side.
Q Who brought you there? A Somebody who was running away.

- Q How much Chickasaw blood have you? A Half.
 Q Do you remember anything about the payment in 1893 to the Chickasaws? A Yes, I went to Boggy Depot with my mother and she drew the money for me at that time.
 Q In what County were you living in 1896? A Pontotoc.
 Q Were you put on the Indian roll at that time? A Yes.
 Q Who enrolled you? A My mother.
 Q Have you always lived in the Chickasaw Nation? A Yes.

Helen C. Miller, being first duly sworn, on oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above proceedings and that same is a correct transcript of her stenographic notes.

(Signed) Helen C. Miller

Subscribed and sworn to before me this 29th day of April, 1904.

(Signed) J E Willdey.
 Notary Public.

Lenora B. Ashton, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

Lenora B. Ashton

Subscribed and sworn to before me this 20th day of February, 1906.

Myron White
 Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Chickasaw Land Office
Tishomingo, I.T.
April 29, 1904.

In the matter of the enrollment of Lizzie Lishtubby and Johnnie Williams, Chickasaw card D 386,

Lizzie Lishtubby being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lizzie Lishtubby.
Q What is your age? A I don't know, I was this high (indicating about three feet) during the war.
Q What is your post office address? A Filmore.
Q Are you a Choctaw or Chickasaw? A Chickasaw.
Q What is the name of your father? A I don't know, other people have told me it was Toney.
Q Was your father a full blood Chickasaw? A Part Cherokee and part Chickasaw.
Q How long has your father been dead? A He got killed in the last war.
Q What is the name of your mother? A I don't know, she died when I was a baby.
Q Was your mother a full blood Chickasaw? A No, she was Cherokee.
Q Have you always lived in the Indian Territory? A Yes I have always liveind in the Chickasaw Nation since I was a little girl.
Q Have you ever gone by any name than Lizzie Lishtubby? A Yes at one time I was the wife of Jympson Ensharkey.
Q Did you draw money with the Chickasaws in 1893? A Yes.
Q How much did you get at that time? A About \$130.00.
Q In what County were you living at the time you drew that money? A Tishomingo County.
Q Who paid your money to you? A O-ti-che.
Q In what County were you living in 1896, the time the Census roll of the Indians was made? A Pontotoc.
Q Have you any children? A One living.
Q What is the child's name? A Johnnie Lishtubby.
Q What is his English name? A Johnnie Williams.
Q Was Lishtubby, the father of this boy, a full blood Chickasaw? A Yes.
Q When did Lishtubby, the father of this boy die? A When this boy was a baby.
Q Did you draw money for this boy in 1893? A Alfred Jones sent the money for us to Boggy Depot and I went over with Peggy Colbert and got the money.

Witness has the appearance of being a full blood Indian.

JOHN LISHTUBBY BEING FIRST DULY SWORN TESTIFIED AS FOLLOWS:

- Q What is your name? A John Lishtubby.
Q What is your age? A Twenty-three.
Q What is your post office address? A Filmore.
Q What is the name of your father? A William Lishtubby.
Q What is the name of your mother? A Lizzie Lishtubby.
Q Is that your mother (indicating woman sitting by)? A Yes.

#2

- Q How much did you draw the first time? A She don't know just exactly what she did draw but just whatever the rest of them drew, the same amount.
- Q Did you draw the \$130.00 that was paid out by the Chickasaws? A They would not let me have that but my boy got it.
- Q What is the name of your boy? A Johnnie Williams.
- Q Is he living? A He is living.
- Q How old is Johnnie Williams? A She says he is about twenty years old.
- Q Who was his father? A William Lishtubby.

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 on November 7, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of November 1902.

(Signed) G Rosenwinkel

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

(Signed) R B Jackson
Notary Public.

Lenora B. Ashton, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

Lenora B. Ashton

Subscribed and sworn to before me this 20 day of February, 1906.

Myron White
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Tishomingo, I.T. November 7, 1902.

In the matter of the application for enrollment as citizens
of the Chickasaw Nation of Lizzie Lishtubby and her minor son,
Johnnie Williams.

Lizzie Lishtubby being first sworn testified as follows:

Examination by the Commission through
W. P. Anderson, acting as interpreter.

- Q What is your name? A Lizzie Lishtubby.
Q How old are you? A No answer.
Q Do you remember the Civil War? A She don't know; but she
was a child.
Q How old were you during the Civil War? A She was about ten
years old at the time.
Q What is your post office address? A Emet, is her post office
address.
Q Do you make application for enrollment as a citizen of the
Chickasaw Nation? A Yes; she makes application for a citizen
of the Chickasaw Nation.
Q Are you a Chickasaw Indian by blood? A No, sir; she does not
belong to the Chickasaws herself but her husband was a Chickasaw
and she has one child by this Chickasaw man.
Q What was your father's name? A Levi Tony.
Q Was he an Indian? A Yes; he was an Indian.
Q What Nation was he a citizen of? A Cherokee Nation.
Q Was he a full blood Cherokee Indian? A I was very small when
they all quit me and I don't know exactly how much he was.
Q What is the name of your mother? A Sallie.
Q She was a Cherokee Indian too? A Yes; she was Cherokee.
Q Full blood Cherokee? A Yes, sir.
Q Your father and mother both dead? A Yes; both dead.
Q How long have you been living in the Chickasaw Country? A She
was small when she came to the Chickasaw Nation and has been here
all of her life.
Q Did you go to the Chickasaw Nation before the Civil War?
A Just a little after the War.
Q Were you married to a Chickasaw citizen? A Yes; she was mar-
ried right here at this capitol.
Q Were you married more than once? A She married twice since.
Q What was her first husband's name? A Jimpson Sharkey.
Q Is he dead? A He is dead.
Q Was he a full blood Chickasaw? A Full blood Chickasaw.
Q What was the name of your next husband? A She says it was
William Lishtubby.
Q Was he a full blood Chickasaw? A Yes, sir.
Q Is he dead? A Yes, sir.
Q How long has he been dead do you know? A About twenty years
ago.
Q Have you married since he died? A Never been married since then.
Q Was your name ever placed on the Chickasaw rolls? A I don't
know whether my name is on the roll or not.
Q Did you ever draw any money from the Chickasaws? A She says
Yes, she has been drawing some money from the Chickasaws.
Q How many times did you draw money with the Chickasaws? A Twice.

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

In the matter of the application for the enrollment as
a citizen by blood of the Chickasaw Nation of.....

JOHNNIE WILLIAMS.....9-D-386.

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

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

LIZZIE LISHTUBBY.....9-D-386.

1894

9-1835

Muskogee, Indian Territory, July 27, 1906.

S. A. Apple,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of July 19, 1906, asking that the name of O. P. Robinson be placed upon a schedule for forwarding to the Secretary of the Interior at an early date.

In reply you are advised that the name of O. P. Robinson has been placed upon a schedule of citizens by intermarriage of the Chickasaw Nation which is now being prepared for forwarding to the Secretary of the Interior, and you will be notified when his enrollment has been approved by the Department.

Respectfully,

Commissioner.

9-1836

Muskogee, Indian Territory, June 6, 1906.

O. P. Robinson,

Washington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 30, 1906, in which you state that you have been advised a letter was addressed to you by this office to Doyle, Indian Territory, and was returned; that your post office address is now Washington, Indian Territory, and you ask that said letter be forwarded to you at that place.

In reply to your letter you are advised that the letter referred to by you was delivered to your attorney Mr. Wirt Franklin upon a presentation of a letter to him in which you requested him to look after the same and his receipt therefor is filed with the record in the matter of your application for enrollment as an inter-married citizen of the Chickasaw Nation.

Respectfully,

Commissioner.

9-D-185

COPY

Muskogee, Indian Territory, April 25, 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 April 25, 1906, granting the application for the enrollment of O. P. Robinson 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 his enrollment. If at the expiration of that time no protest has been filed, the name of O. P. Robinson will be placed upon the final roll of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *James Dixey*

Registered.

Commissioner.

Incl. 9-D-185

B-D-188

COPY

Muskogee, Indian Territory, April 25, 1906.

J. W. Cherryhomes,
Attorney at Law,
Parcell, Indian Territory,

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on April 25, 1906, rendered his decision, granting the application for the enrollment of O. P. Robinson 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 his enrollment. If at the expiration of that time no protest has been filed, the name of O. P. Robinson will be placed upon the final roll of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tamoc Binby

Commissioner.

Registered.

9-D-188

COPY

Muskogee, Indian Territory, April 25, 1906.

Apple & Franklin,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on April 25, 1906, rendered his decision granting the application for the enrollment of O. P. Robinson 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 his enrollment. If at the expiration of that time no protest has been filed, the name of O. P. Robinson will be placed upon the final roll of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James Dwyer

Registered.

Commissioner.

9-D-188

COPY

Muskogee, Indian Territory, April 25, 1906.

O. P. Robinson,
Doyle, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered April 25, 1906, granting the application for your 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 your enrollment. If at the expiration of that time no protest has been filed, the name of O. P. Robinson will be placed upon the final roll of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tamo Dixey

Registered.

Commissioner.

Incl. 9-D-188

9-D-165

Muskogee, Indian Territory, January 13, 1906.

Apple & Franklin,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of January 10, 1906, inclosing affidavit of O. P. Robinson which you offer in support of his application for enrollment as an intermarried citizen of the Chickasaw Nation and the same has been filed with the record in this case.

Respectfully,

Commissioner.

0-D-188

Muskogee, Indian Territory, January 9, 1906.

Apple & Franklin,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of January 4, 1906, inclosing affidavit of Zack Gardner to the effect that Sallie Sealey, formerly wife of O. P. Robinson was a full blood Chickasaw Indian woman and died many years ago.

This affidavit is introduced in support of the application of O. P. Robinson as an intermarried citizen of the Chickasaw Nation and the same has been filed with the record in this case.

Respectfully,

Commissioner.

9-2-106

Muskogee, Indian Territory, September 14, 1904.

O. P. Robinson,

Boyle, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 6th inst., enclosing the affidavit of Thomas Waldon stating that Sallie Sealy is a full blood Chickasaw Indian and that he was present at the marriage of O. P. Robinson to Sallie Sealy and the same has been duly filed with the records of the Commission in the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Chairman.

Waskogee, Indian Territory, July 27, 1904.

O. P. Robinson,

Doyle, 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 furnish to the Commission the testimony of some well known Chickasaw citizen by blood as to the citizenship of Sallie Healy.

This may be done by affidavit or deposition.

Respectfully,

Commissioner in Charge.

Chickasaw D 188

Muskogee, Indian Territory, February 8, 1904.

O. P. Robinson,
Doyle, 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.

9-11-188.

Muskogee, Indian Territory, November 24, 1902.

O.P. Robinson,

Boyle, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th inst., enclosing the affidavit of Thomas Walden relative to the marriage about the year 1873 of O.P. Robinson and Sallie Seely, which you file in support of your application for enrollment as an intermarried citizen of the Chickasaw Nation.

The affidavit has been duly filed with the record in your case.

Respectfully,

Commissioner in Charge.

Chickasaw D 188

Muskogee, Indian Territory, October 10, 1902.

O. P. Robinson,

Doyle, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 10, asking if you must appear before the Commission at one of its appointments in the Choctaw-Chickasaw country, or if you may be heard at Muskogee, Indian Territory.

In reply to your letter you are advised that your residence being in the Chickasaw Nation, it is believed that it will be more convenient for you to appear before the Commission at one of its appointments in said nation than to appear at the office at Muskogee, Indian Territory, and you are advised that you should appear at one of the appointments of the Commission in the Choctaw-Chickasaw country most convenient to your place of residence in order that the Commission may determine your status on September 25, 1902, the date of the final ratification of the agreement recently entered into between the United States and the Choctaw and Chickasaw Nations.

Respectfully,

Chickasaw P 145

Muskogee, Indian Territory, May 17, 1902.

O. P. Robinson,

Doyle, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 29, 1902, stating that you were unable to appear before the Commission on May 7, 1902.

You are advised that at the office of the Commission at Muskogee, Indian Territory, on May 7, 1902, the matter of the application of O. P. Robinson for enrollment as a citizen by inter-marriage of the Chickasaw Nation was called for final consideration and no appearance was made by or behalf of the applicant or on behalf of the Chickasaw nation.

The Commission will at as early a date as practicable render a decision in this case and in the event that such decision is unfavorable to you you will be advised thereof and notified of the forwarding of the record in the case to the Secretary of the Interior for review.

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. Chickasaw D-185

REFER IN REPLY TO THE FOLLOWING

COPY.

Muskogee, Indian Territory, March 18, 1902.

O.P. Robinson,

Doyle, 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, February 10, 1902.

O. P. Robinson,

Doyle, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant in which you desire to be informed as to the decision of the Commission relative to your rights to enrollment as a citizen by intermarriage of the Chickasaw Nation.

You are advised that the Commission has not up to this time taken up for consideration or rendered any opinion relative to your rights to enrollment as an intermarried citizen of the Chickasaw Nation but when a decision is reached, you will be notified of the action of the Commission and in the event that said action is unfavorable to you, the record in your case together with the decision of the Commission will be forwarded to the Secretary of the Interior for his review.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory,

August, 18th 1900.

O. P. Robinson,
Burt, Indian Territory,

Dear Sir,-

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish have 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-185

Muskogee, Indian Territory, May 21, 1900.

Mr. S. W. Cherryhose,

Attorney at Law,

Purcell, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 18th, in which you desire to be informed what disposition, if any, has been made of the application of O. P. Robinson as an Indian, whose name was put upon a white card, and also requesting to be informed if it will be necessary for Mr. Robinson to appear before the Commission.

You are informed that the records of this Commission show that O. P. Robinson, sixty years of age, of Burke, Indian Territory, was listed as a doubtful claimant for citizenship in the Chickasaw Nation, October 17th, 1899; that in 1873 he was married to Sally Gealy a Chickasaw woman, and divorced from her by Chickasaw court June 25th 1875, and that she died between that date and 1878, when he married Elizabeth Holt, a white woman. The records of this Commission do not show that there has been a sufficient record of this case upon which the Commission can render a decision. It would, therefore, be advisable for Mr. Robinson to appear before the Commission, either at Muskogee, or at its appointment at Abbeville from June 4th to June 6th, or at Colbert from June 11th to June 16th, 1900. The Commission has not yet taken final action on doubtful claimants to citizenship in

9-D-185

Received of the Commissioner to the Five Civilized
Tribes, one copy of testimony of O. P. Robinson of October 24,
1902, in the matter of his application for enrollment as an
intermarried citizen of the Chickasaw Nation.

Muskogee, Indian Territory,

December 26, 1905.

Applet Frawther

Dr. P. ... age 60

Dr. P. ... on ...
page 92

Maria ... a ... woman
in 1873.

... in ...
... after changes of
... and ...
... indeed

Maria ...
... in 1875
(write and) ...
1885

Chick Law B-100.

In the matter of the enrollment
of C. R. Robinson as an inter-
married citizen of the Chick-
saw Nation.

IN WITNESS WHEREOF
I, the undersigned, Clerk of
Court, have hereunto set my hand
and the seal of said Court at
Chester, in Chickasaw County, Mississippi,
this _____ day of _____, 1904.

DEPT. OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES.
FILED

FEB 6 1904

CHAIRMAN.

OFFICERS.

HENRY EVANS, President.
 EDWARD LANNING, Vice-President.
 GEORGE E. KLINE, Vice-President.
 E. LOPEZ, Secretary.
 E. L. BALLARD, Secretary.
 C. R. TUTTLE, Asst. Secretary.
 J. A. SWINNERTON, Asst. Secretary.

THE CONTINENTAL INSURANCE CO.
 OF NEW YORK.

WESTERN DEPARTMENT
 RIALTO BUILDING, CHICAGO, ILLS.

ASSETS.

JULY 1st, 1908

Reserve for Insurance in force.....	\$4,552,088.49
Reserve for losses and all claims.....	661,186.78
Reserve for Contingencies.....	300,000.00
Capital paid in in cash.....	1,000,000.00
Net Surplus.....	6,122,385.67
Total Gross Assets.....	\$13,635,660.94

H. G. TROSPER, Jr., Agent,
 Mustang, Okla.

Affidavit of
 Territory of Oklahoma }
 County of Canadian } ss. Thomas Waldon

I Thomas Waldon of lawful age, being duly sworn, deposes and says as follows: That Sally Sealy is a full blood Chickasaw indian ^{by blood} and I was at the marriage of O.P. Robinson and Sally Sealy.

Witness to mark.

J. V. Hall
 O.P. Robinson

Thomas x Waldon

Subscribed and ~~affirmed~~ ^{sworn} before me this 3rd day of September 1904

H. G. Trospers Jr.
 Notary Public

My Commission Expires.

Nov 23 1905.

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

FILED

SLP 1 1 04

[Handwritten signature]
CHAMAN

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE BUREAU OF LANDS

FILED

JAN 8 - 1906

[Handwritten Signature]
COMMISSIONER

9D185

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE application of O. P. Robinson for enrollment as a
citizen of the Chickasaw Nation.

AFFIDAVIT OF ZACK GARDNER.

Zack Gardner, after being duly
sworn deposes and says:

My name is Zack Gardner, and I live at
Pauls Valley, Indian Territory; I am a citizen by birth
of the Chickasaw Nation and have lived in this country for 27 years.
I know O. P. Robinson who is an applicant for enrollment. I remember
his wife who was Sally Sealey, and know that she was a full blood
Chickasaw Indian woman; she died many years ago, as I am informed.

Zack Gardner

Subscribed and sworn to before me this 20th day of December, 1905.

W. M. ...
Notary Public.

When in course of this instrument I certify
that I read the same to the said C. J. Peterson a choice
Nation do not say that C. J. Peterson a choice
of finance from his wife Nellie Peterson given
under my hand this 25th day of January 1894

A. M. S.

not. & Seal

Notary C. M.

H. W. Albert
Notary C. M.

1894

11/15/47
G. S. for 1847

The Hon. Com. in the
five books received since
that the (books are) have ^(filed) a protest
^{against} my Enrollment as a Citizen
of the time when that I am
not making a false claim I will
enclose you a number of permits
issued in my name to citizens
in my employ these permits I will
take to the 10/1/47 these permits
are ^{as follows} says that I a citizen
all this time ^{at} further proof is
needed I would ^{refer} your Hon Court to
the 1/1/47 that I you will
out my name in case, pay, well
10/1/47 also in the Roll
of citizens to hire citizens
the 1/1/47 from the last in
the list do not have access to vital
papers. But your Comm's have done
I believe I was once drawn as a juror
in Nelson County and paid ten dollars for
nonattendance by Judge H. B. Brown and
I paid the fine
this ^{and} the permits are all of the 10/1/47
at a Post office in Bailey G. J.
J. P. Robinson

Office of Sheriff or Constable,

Pickens County, Chickasaw Nation, I. T.

To all whom it may Concern:

Know ye that

has complied with the late Permit Law and is registered accordingly as being under the
employ of _____ for the term of
twelve-months from date.

Given under my hand and seal of office, this
day of _____ 188

My Comm. Expires 21st Dec. 1886

SHERIFF OR CONSTABLE P. C. C. N.

Office of Sheriff or Constable.

Pickens County, Chickasaw Nation, I. T.

To all whom it may Concern:

Know ye that

has complied with the late Permit Law and is registered accordingly as being under the
employ of *L. J. [unclear]* ~~for the term of~~
~~twelve months from date.~~

Given under my hand and seal of office, this

day of

188

SHERIFF OR CONSTABLE, P. C. C. N.

No. _____

OFFICE COLLECTOR OF PERMITS.

TISHOMINOO, CHICKASAW NATION.

This is to Certify that

Peter Cooper

has complied with the late Permit Law and is registered accordingly as being under the employ of *J. P. Robinson* for a term of *three* months.

Given under my hand this the *1st* day of *Jan* 188*7*

Per

J. M. Perry

Deputy Collector of Permits.

J. M. PERRY,

Collector of Permits for the Chickasaw Nation.

W. B. BAY & STEAM PRINT, MEMPHIS, TENN.

OFFICE OF SHERIFF AND CONSTABLE,

PICKENS COUNTY, CHICKASAW NATION, I. T.

TO ALL WHOM IT MAY CONCERN:

KNOW YE, THAT

has complied with the late permit law, and is registered accordingly as being under the employ of
for the term of twelve months from date.

Given under my hand and seal of office this the
day of 188

Sheriff and Constable,

Pickens County, Chickasaw Nation, I. T.

\$5.00.

To Whom it May Concern:

Know Ye, That *J. H. Burton* has paid the
Chickasaw Nation the sum of Five Dollars, complying with the permit law, and is regis-
tered as being a *Farmer* in the employ of *O. P. Robinson*
Citizen

From January 1st to December 31st, 1897

Wm. C. Chase

Permit Collector *Robinson* County, C. N.

\$5.00.

To Whom it May Concern:

From January 1st to December 31st, 1897

Grover Chase

Permit Collector *Petersburg* County, C. N.

\$5.00.

To Whom it May Concern:

Know Ye, That

G. W. Hicks

G. W. Hicks has paid the Chickasaw Nation the sum of Five Dollars, complying with the permit law, and is registered as being a *Farmer* in the employ of *O. P. Robinson*

Citizen of the Chickasaw Nat

From January 1st to December 31st, 1897

Grover Chase

Permit Collector *Petersburg* County, C. N.

14



No. 101

Office of

BOOK NO

COLLECTOR OF PERMITS

14

Wm. E. Chase
Permit Collector *Pickens* County, C. N.

No. 101 Office of BOOK NO
PICKENS COLLECTOR OF PERMITS.
 COUNTY, CHICKAWA NATION.
 THIS IS TO CERTIFY THAT *G. H. Hicks*
 was employed by *G. P. Hobbs* on *12* *th*
January *1893* in *Carters*
 for the sum of *600*
60
Pickens PERMIT COLLECTOR
 COUNTY, C. N.

No. 102 BOOK No.

Office of
COLLECTOR OF PERMITS.
 Chickasaw County, CHICKSAW NATION.

THIS IS TO CERTIFY THAT *Peter Cooper*

has been employed by the Government
in the employ of C. P. Robinson 12
 7 January 11 1893

\$6.00

PERMIT COLLECTOR
P. H. ... County, C. N.

No. 73 BOOK No.

Office of
COLLECTOR OF PERMITS.
 Chickasaw County, CHICKSAW NATION.

\$5.00.

To Whom It May Concern:

Know Ye, That *A. K. Grammell* has paid the

Chickasaw Nation the sum of **Five Dollars**, complying with the requirements, and is regis-

tered as being a *Farmer* — in the name of *C. O. Robinson*

Citizen.

From January 1st to December 31st, 1897

Wood Chase

Permit Collector *Wilkes* county, 'C. N.

January 11 1893
No. 75
\$5.00
PERMIT COLLECTOR
County, C. S.

No. 75 Office of
Collector of Permits,
County, Chickasaw, Ala.
Book No. 1
THIS IS TO CERTIFY THAT
George Ball
has complied with the laws and regulations according to
as given under O. W. Robinson for 12 months
from 1894
\$5.00
Hamer
PERMIT COLLECTOR.
County, C. S.

\$5.00.

To Whom It May Concern:

OFFICE COLLECTOR OF PERMITS,

TISHOMINGO, CHICKASAW NATION.

No. 76

THIS IS TO CERTIFY that

George Hicks

has

complied with the late permit law and is registered, accordingly as being under the employ of *C. A. Roth*

until the first of January, 1887

Given under my hand

day of *Jan*, 1887

J. M. PERRY,

Collector of Permits for the Chickasaw Nation.

Sam W. T.

Deputy Collector of Permits.

JOURNAL Print, Muskogee, I. T.

Grove E. Chase,
County C.

No. 7

Office of

Book No

Hickman COLLECTOR OF PERMITS,
County, Chickasaw Nation.

THIS IS TO CERTIFY THAT *C. W. Hicks*

has complied with the tax permit law and is registered accordingly
as being *under C. W. Hicks* for 2 months
from *1-1-74*

500 as a *Farmer* ?

Barber
PERMIT COLLECTOR.

County, C. N.

OFFICE COLLECTOR OF PERMITS
TISHOMINGO, CHICKASAW NATION

No. 01

THIS IS TO CERTIFY that _____ has
complied with the late permit law and is registered accordingly as being under the
employ of _____

Given under my hand this the _____
day of _____ 1885

J. M. PERRY,
Collector of Permits for the Chickasaw Nation.

JOURNAL Print, Muskogee, I. T.

Per _____
Deputy Collector of Permits.

OFFICE COLLECTOR OF PERMITS
TISHOMINGO, CHICKASAW NATION

No. 73

THIS IS TO CERTIFY that _____ has
complied with the late permit law and is registered accordingly as being under the
employ of _____

JOURNAL Print, Muskogee, I. T.

day of 1885

J. M. PERRY,
Collector of Permits for the Chickasaw Nation.

Per

Deputy Collector of Permits.

OFFICE COLLECTOR OF PERMITS,
TISHOMINGO, CHICKASAW NATION

No. 73

BEFORE ME, PERMITTEE that *J. Davis* has
complied with the late permit law and is registered accordingly as being under the
employ of *C. J. Robinson* until the first of January, 1887
Given under my hand this the *15th* day of *Jan* 1886

J. M. PERRY,
Collector of Permits for the Chickasaw Nation.

Per

H. White
Deputy Collector of Permits.

JOURNAL Print, Muskogee, I. T.

OFFICE COLLECTOR OF PERMITS,
TISHOMINGO, CHICKASAW NATION

No. 74

BEFORE ME, PERMITTEE that

JOURNAL Print, Muskogee, I. T.

Per

Collector of Permits for the Chickasaw Nation.

Deputy Collector of Permits.

W. H. White

CHICKASAW PERMIT

CHICKASAW NATION

No. 87

That *J. H. [unclear]* has
 complied with the act, normal law and registered accordingly as being under the
 employ of *[unclear]* until the first of January, 1886
 Given under my hand this the *1* day of *[unclear]* 1885

J. D. PERCY,

Collector of Permits for the Chickasaw Nation.

JOURNAL Print, Muskogee, I. T.

Per

Deputy Collector of Permits.

J. H. [unclear]

months
J. W. BURKS,
Collector of Permits, Pickens Co., C. N.

PERMIT RECEIPT.

RECEIVED OF

ONE PERMIT, issued

188 —

Good for

months

J. W. BURKS
Collector of Permits, Pickens Co., C. N.

PERMIT RECEIPT.

RECEIVED OF

ONE PERMIT, issued

188

Good for

months

J. W. BURKS.

Collector of Permits, Pickens Co., C. N.

J. W. BURKS
Collector of Permits, Pickens Co., C. N.

Office of COLLECTOR OF PERMITS.

County, C. N

1/10
has complied with the late permit law and is registered accordingly
as being employed by *Wm. S. Miller*
for *12* months from *1/10/1907*
as a *general*

H. H. Lane

Permit Collector County, C. N

H. H. McLane

—ASSISTANT—

Permit Collector.

PICKENS COUNTY

Woodward & S. May 1st 1893
Mr. Robinson's heart

This is to certify that I will be at
to issue Permits. Please be prepared to meet me as I can not be de-
tained. May 15th 1893

The Permit law as amended by the last Legislature, requires you to
collect all Permits from your tenants and turn same over to the Col-
lector or his authorized agent

Your truly
H. H. McLane
Permit Collector

PERMIT RECEIPT

RECEIVED OF

ONE PERMIT, issued

188

Good for

months

J. W. BURKS.

Collector of Permits, Pickens Co., C. N.

J. W. BURKS.

Collector of Permits, Pickens Co., C. N.

PERMIT RECEIPT.

RECEIVED OF

ONE PERMIT, issued

188

Good for

months

J. W. BURKS.

Collector of Permits, Pickens Co., C. N.

Mineo/ Indian Territory

Before me , A. S. Taylor a Notary Public in and for the southern
District of the Indian Territory , on this day personally appeared
Thomas Waldon well known to me, and a man worthy of full faith and
credit , who after being duly sworn says that he was present when
O. P. Robinson and Sallie Seely was married in about the year 1873
at what ~~was~~ known then, as "Cherokee Town" , and was married by the
Rev. Brown

Thomas Waldon

Sworn to and subscribed before me this 12th Nov. 1902

A. S. Taylor
Notary Public
My Commission Expires July 10 1904

FILED

JAN 3 1906

9D 185

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

I, O. P. Robinson, on oath state that I am sixty-seven years of age and a citizen by intermarriage of the Chickasaw Nation; that my post office address is McComb, Oklahoma Territory; that I claim the right to enrollment as a citizen by intermarriage of the Chickasaw Nation by virtue of my marriage in 1873 with Sally Sealy (or Ish-ta-fa-lama) who was a full blood Chickasaw Indian and a recognized citizen of the Chickasaw Nation and that said Sally Sealy died about 1879; that said Sally Sealy was a full sister of Albert Sealy (or Ish-ta-fa-lama); that the said Albert Sealy applied for enrollment at Paula Valley when the Commission to the Five Civilized Tribes first had its session there in the fall of 1898; that I applied for my enrollment at the same session of the said Commission. The name of said Albert Sealy should appear upon the records of said Commission showing his citizenship which should also determine that my said former wife, Sally Sealy (or Ish-ta-fa-lama) was a recognized Chickasaw citizen by blood, because she was, as above stated, a full sister of said Albert Sealy.

I further state that Tom Waldon, who has heretofore filed his affidavit in the matter of my application for enrollment, is a recognized Chickasaw citizen by blood and was personally acquainted with my said Chickasaw wife, Sally Sealy.

O. P. Robinson

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

W. J. Seely
Notary Public.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of
O. P. Robinson for enrollment as an
intermarried citizen of the Chick-
asaw Nation.

---D 185---

On the 16th day of May, 1902, the applicant was notified by registered mail, and on the 20th day of May, 1902, the attorneys for the Choctaw and Chickasaw nations were notified by registered mail, that the application of O. P. Robinson 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 applicant failed to appear either in person or by attorney, and the Chickasaw Nation failed to appear.

---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 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 W. Sampson
Notary Public.

9-D-185.

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

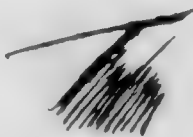
In the matter of the application for the enrollment of
O. P. Robinson as a citizen by intermarriage of the Chickasaw Nation.

D E C I S I O N .

It appears from the record herein that in the year 1873, the applicant, O. P. Robinson, was lawfully married to Sallie (or Sally) Sealy, a recognized and enrolled citizen by blood of the Chickasaw Nation, who is identified upon the 1878 Chickasaw Annuity Pay Roll, Pickens County, No. 159; 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 about eighteen months, when they separated and were subsequently divorced; that thereafter the applicant was married to Elizabeth Robinson (formerly Holt), a non-citizen white woman; and that said applicant has resided continuously in the Chickasaw Nation from the date of his marriage to said Sallie (or Sally) Sealy, up to and including September 25, 1902.

Upon an examination of the tribal rolls of the Chickasaw Nation in the possession of this office, it appears that the applicant is identified upon 1878 Chickasaw Annuity Pay Roll, Pickens County, No. 150; upon the 1893 Chickasaw Leased District Payment Roll No. 2, Page 191, and also upon the 1896 Chickasaw Census Roll, Panola County, Page 83, enrolled thereon as a citizen by intermarriage of the Chickasaw Nation.

I am therefore, of the opinion that O. P. Robinson 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.



Commissioner.

Muskogee, Indian Territory,

APR 25 1906

O P Robinson-----2

- Q Can you get any of them to appear before the Commission at any of its appointments? A I might; they live up here near Purcell.
- Q It would be advisable if you would do that? A I might do that.
- Q You say you were married to Sally Sealy in 1873? A Yes sir.
- Q How long did you live with her? A About 18 months.
- Q Did she die? A No sir, she just simply went off with somebody else.
- Q Went to live with another man? A Yes sir, quit me and went with another man.
- Q Did you obtain a divorce from her? A I did.
- Q When? A In January, 1875.
- Q In what grounds? A Desertion.
- Q You brought the suit for divorce? A I did.
- Q In the Chickasaw Court? A Yes sir, tried by a jury of 12 full blood Indians.
- Q Did you obtain a divorce from her in 1875? A Yes sir.
- Q Have you married since then? A Yes sir.
- Q To whom? A Her name was Holt, a non-citizen white woman.
- Q Elizabeth Holt? A Yes sir.
- Q Are you still living with Elizabeth Holt? A Yes sir, I am when I live close to her; I board with her.
- Q What do you mean by that? A Well, some of the time I am gone.
- Q When you live close to her you board with her? A Yes sir.
- Q Don't you live together as man and wife? A Yes sir, I am gone a heap; I am a mechanic and I work at my trade and am at different places some times; that's what I mean; I don't stay at home constantly.
- Q Have you always been a bona fide resident of the Chickasaw Nation since your marriage to Sally Sealy in 1873? A I have never maintained no residence nowhere else; I have been some times in Oklahoma, sometimes for a year, but I never voted, never held office, never worked the roads or nothing of that sort.
- Q That is outside of the Chickasaw Nation? A No sir, nor inside of it either.
- Q You have been recognized by the tribal authorities here as a citizen? A You will find my name now-- the Commission has the permits that was granted me dated back to 1882.
- Q Did you ever draw any money as a member of the tribe? A Four times.
- Q Did you draw the leased district money of 1893? A I did.
- Q How much did you get? A A hundred and thirty dollars.

V. 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 Pauls Valley, I. T., on the 24th 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 24 day of October, 1902.

V. H. Martin
C. S. Hannon
Notary Public.

Chickasaw D—185.

Department of the Interior,
Commission to the Five Civilized Tribes.
Pauls Valley, I. T., October 24, 1902.

In the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation of O. P. Robinson.

O. P. Robinson being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A O. P. Robinson.
Q What is your age? A 63 years.
Q What is your post office address? A Doyle.
Q How long have you resided in the Chickasaw Nation? A 32 years about.
Q Lived here continuously for that length of time? A I always had a residence here; always had—
Q Have you lived here? A Yes sir.
Q Have you ever made your home elsewhere? A No sir, never made my home anywhere else.
Q You are a white man? A Yes sir.
Q And a claimant for enrollment as an intermarried citizen of the Chickasaw Nation? A Yes sir, that's all the claim I have got.
Q What is the name of your Chickasaw wife? A Sally Sealy, was her maiden name.
Q When were you married to her? A In 1873, I can't be exact about dates, it has been so long, that is to the best of my knowledge.
Q Is your wife a recognized and enrolled citizen by blood of the Chickasaw Nation? A Yes sir.
Q Were you ever married prior to your marriage to Sally Sealy? A No sir.
Q Was she ever married prior to her marriage to you? A No sir.
Q You say you were married in 1873? A Yes sir.
Q Who married you? A Chikite (?) Brown.
Q How do you spell that name? A I don't know sir.
Q Have you any evidence of your marriage? A No sir, there was no license then.
Q Did you get a certificate when you were married? A No sir.
Q Had nothing to show that you were married to that woman? A No sir. I supposed it was put on record at Stonewall.
Q Have you ever attempted to secure it? A No sir.

It is very material that we be supplied with evidence of your marriage to that Chickasaw woman.

- Q Can you get that evidence? A I don't know of but the witness that is living.
Q Any of them here? A No sir.

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

In the matter of the application for the enrollment
as a citizen by intermarriage of the Chickasaw Nation of---
O. P. Robinson, 9-D-185.

1835

9-1834

Muskogee, Indian Territory, April 19, 1907.

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

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 14, 1907, denying the application for the enrollment of Richard Kimbale as a citizen by intermarriage of the Chickasaw nation.

Respectfully,

Commissioner.

9-1634

Muskogee, Indian Territory, April 19, 1907.

S. A. Apple,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 14, 1907, denying the application for the enrollment of Richard Kimbale as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Commissioner.

9-1834

Muskogee, Indian Territory, April 19, 1907.

Richard Kimbale,
Davis, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of this office of February 14, 1907, denying the application for your enrollment as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Commissioner.

D. C. 12863.
I. T. D.
5728, 6610, 6956, 7258, 7468-07.
LRS.
DIRECT.

JP.

FHE.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. March 4, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir :

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

Title of Case.	Date of your letter of transmittal.
Bogislar C. Wigand (Intermarried)	January 25, 1907.
Richard Kimbale (Intermarried)	February 14, 1907.
Fannie Mertyl James,	February 23, 1907.
Leonard Huff, et al.,	January 19, 1907.
Sam Childers (Freedman)	February 21, 1907.

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

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

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

5 inc. and
10 for Ind. Of. with
copy hereof.
WCF. 3-4-07.

and brief has been forwarded to the Secretary of the Interior for consideration in connection with this case.

Respectfully,

9-1834

Muskegee, Indian Territory, March 1, 1907.
Commissioner.

S. A. Apple,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 19, 1907, inclosing in duplicate brief and appeal in the matter of the application for the enrollment of Richard Kimbale as a citizen by intermarriage of the Chickasaw Nation, together with proof of the service of a copy of same upon the Attorneys for the Choctaw and Chickasaw Nations, and the original of this appeal and brief has been forwarded to the Secretary of the Interior for consideration in connection with this case.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

February 14, 1907, the Commissioner to the Five Civilized Tribes rendered a decision refusing the application for the enrollment of Richmond Kimbale as an intermarried citizen of the Chickasaw Nation and on the same date the record in this case was forwarded to the Secretary of the Interior.

I now have the honor to transmit herewith appeal and brief in the matter of the application for the enrollment of Richard Kimbale as a citizen by intermarriage of the Chickasaw Nation submitted by S. A. Apple, Attorney at Law, Ardmore, Indian Territory.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

Chickasaw 1834.

Refer in reply to the following:
Land: 16323-1907.

Copy.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Richard Kimbale as a citizen by intermarriage of the Chickasaw Nation, including the decision of ~~the~~ Commissioner Bixby dated February 14, 1907, adverse to the applicant.

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

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

EBM-Ph.

COPY

Muskogee, Indian Territory, February 14, 1907 .

The Honorable,

The Secretary of the Interior:

Sir:-

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Richard Kimbale as a citizen by intermarriage of the Chickasaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, denying said application.

Respectfully,

SIGNED *James Bixby*

Commissioner.

2 Incl.

Through the
Commissioner of Indian Affairs.

9-1834

COPY

Muskogee, Indian Territory, February 14, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the 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 February 14, 1907, denying the application for the enrollment of Richard Kimbale as a citizen by intermarriage of the Chickasaw 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 *Jame Bixby*

Commissioner.

Incl. 9-1834

9-1834

COPY

Muskogee, Indian Territory, February 14, 1907.

S. A. Apple,

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 February 14, 1907, denying the application for the enrollment of Richard Kimbale as a citizen by intermarriage of the Chickasaw 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. 9-1834

9-1834

COPY

Muskogee, Indian Territory, February 14, 1907.

Richard Kimbale,
Davis, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 14, 1907, denying the application for your enrollment as a citizen by intermarriage of the Chickasaw 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 *Tame Bibby*

Commissioner.

Registered.

Incl. 9-1834

Secretary #2

The same questions being involved in the cases of Martha Thompson and Richmond Kimbale, no further action has been taken by this office relative thereto pending Departmental action on the case of Tom Brown heretofore forwarded.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

- 9 - 1834

Muskogee, Indian Territory, January 10, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a letter of S. A. Apple, Attorney at Law, of Ardmore, Indian Territory, relative to the application of Richmond Kimbale for enrollment as an intermarried citizen of the Chickasaw Nation and Martha Thompson for enrollment as an intermarried citizen of the Choctaw Nation, in which he requests that action be taken by the Department in the case of Tom Brown, in order that the cases of Richmond Kimbale and Martha Thompson may be disposed of or that this office be requested to pass upon these cases irrespective of the Tom Brown case.

I have the honor to advise that Tom Brown, Richmond Kimbale and Martha Thompson are all negroes who have made application for enrollment as citizens by intermarriage of the Choctaw and Chickasaw Nations and that on August 24, 1906, a decision was rendered granting the application of Tom Brown for enrollment as a Chickasaw freedman and denying the application for his enrollment as a citizen by intermarriage of the Choctaw Nation and on the same day the record in this case was forwarded the Department.

Apple & Franklin
Attorneys and Counselors at Law

Office in the Jones Building
Birmingham, Alabama

December 28, 1906.

The Honorable

The Secretary of the Interior.

Sir:

The citizenship applications of Richmond Kimbale and Martha Thompson were pending before the Commissioner to the Five Civilized Tribes for about one year and the record has been completed. It is respectfully suggested that the Department should advise the Commissioner to the Five Civilized Tribes to advise the Secretary of the Interior, which, in view of the fact that the jurisdiction of the Secretary of the Interior to approve the enrollment of any person has never expired by limitation of law March 4, 1907, I have the honor to request that any action taken by the Department upon the case of Tom Green, or, better still, that the Commissioner to the Five Civilized Tribes be requested by the Department to pass upon the application of Martha Thompson and Richmond Kimbale, in view of the fact that the case is one that I may have an opportunity to present to the Department, if the action of the Commissioner upon their application be against them.

The Commissioner to the Five Civilized Tribes will be advised in these two cases as in the case of Tom Green has been already indicated. In view of the fact that the jurisdiction of the Secretary of the Interior to approve the enrollment of any person has never expired by limitation of law March 4, 1907, I have the honor to request that any action taken by the Department upon the case of Tom Green, or, better still, that the Commissioner to the Five Civilized Tribes be requested by the Department to pass upon the application of Martha Thompson and Richmond Kimbale, in view of the fact that the case is one that I may have an opportunity to present to the Department, if the action of the Commissioner upon their application be against them.

Very respectfully,

S. A. Apple

9-1834.

Muskogee, Indian Territory, December 20, 1906.

S. A. Apple,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, requesting an early decision in the matter of the application for the enrollment of Richmond Kimbale as a citizen by intermarriage of the Chickasaw Nation.

Relative thereto you are advised that no action will be taken therein until the case of Tom Brown, which involves a similar question of law and which is now pending before the Department, has been finally adjudicated.

Respectfully,

Acting Commissioner.

9-1834

Muskogee, Indian Territory, September 29, 1906.

S. A. Apple,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 19, 1906, asking early action in the matter of the application of Richmond Kimble for enrollment as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are advised that action will be taken on this case as early as practicable.

Respectfully,

Commissioner.

9-1834

Muskogee, Indian Territory, June 9, 1906.

Apple & Franklin,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 1, 1906, inclosing joint affidavit of Douglas Colbert and William Lamey to the marriage of Richmond Kimbale and Minnie Lamey, November 18, 1890, which you offer in support of the application for the enrollment of William and Amelia Kimbale as citizens of the Chickasaw Nation and the same has been filed in the matter of the enrollment of these children.

Respectfully,

Commissioner.

9-1834
19-901

Muskogee, Indian Territory, May 22, 1906.

Apple & Franklin,

Muskogee, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of May 15, 1906, transmitting the affidavits of Richmond Kimbale and Betsey Mahardy to the birth of William Kimbale, and the affidavits of Richmond Kimbale and H. P. Lovell M. D., to the birth of Anselia Kimbale, children of Richmond and Minnie Kimbale, February 9, 1894 and June 5, 1899, respectively.

You are advised that Richmond Kimbale claims a right to enrollment as an intermarried citizen of the Chickasaw Nation and under a recent opinion of the Attorney General, white children of intermarried citizens are not entitled to enrollment and allotment in the Choctaw and Chickasaw Nations.

Respectfully,

Acting Commissioner.

9-901
9-1834

Muskogee, Indian Territory, May 1, 1906.

Apple & Franklin,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 27, 1906, inclosing affidavits of Richmond Kimbale and Charles Comee to the birth of William Kimbale and Amelia Kimbale, children of Richmond and Minnie Kimbale, February 9, 1894 and June 5, 1899, and the same have been filed as applications for the enrollment of said children.

Respectfully,

Commissioner,

9-1834

Muskogee, Indian Territory, March 28, 1906.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

For the information of your office there is inclosed herewith copy of Chickasaw roll card 1834, Richmond Kimbale, and you are directed to make duplicate Chickasaw roll card in your possession conform to the information thereon and add the name of this person to your list of undetermined applicants for enrollment in the Chickasaw Nation.

Respectfully,

Acting Commissioner.

KB 4-28

COPY.

19-901

Muskogee, Indian Territory, December 22, 1902.

Richard Kimbale,
Davis, Indian Territory,

Dear Sir:

Your letter of December 3, 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 have been a resident of the Chickasaw Nation ever since sometime in the sixties and have been recognized by the Chickasaw authorities as a citizen of their tribe. You ask what step you should take in order to be enrolled.

In reply to your letter your attention is invited to the following provision of the act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902:

"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, 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

Indorsed:
Department of the Interior,
Commissioner to the Five Civilized Tribes.

Filed Jan. 13, 1906.

Tans Bixby, Commission-
er.

COPY.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

THE

December 16, 1902.

I.L.D. 7663-1902.

L.R.S.

Mr. Richard Kimball,
Davis, Indian Territory.

Sir:

Replying to your letter of the 3rd instant, submitting certain facts in connection with your application for Chickasaw citizenship, and asking what course to pursue in the matter, you are advised that said communication has been referred to the Commission to the Five Civilized Tribes for consideration and appropriate action.

Respectfully,

Thos. Ryan
Acting Secretary.

Indorsed:

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Jan. 13, 1906.
Tams Bixby, Commissioner.

COPY.

Davis, Ind. Ter., Dec., 3rd., 1902.

Hon. W. A. Hitchcock,
Secretary of the Interior,
Washington, D. C.,

Dear Sir:-

I submit herewith, the following facts in relation to my claim to be enrolled as a citizen of the Chickasaw Nation:

I became a permanent resident of the Chickasaw Nation ever since some time in the Sixties, and about the year 1881 I married Malsie Mahardy, a citizen of the Chickasaw Nation by blood, duly recognized as such. Upon her death I later married a Chickasaw Freedman, who has also, since deceased.

I have not remarried since the death of my second wife.

Ever since my first marriage as above stated, I have been recognized by the Chickasaw authorities as a citizen of their tribe, and on one occasion participated in the drawing of their annuity money.

Recently however, I went before the Hon. Dawes Commission and on making inquiry, I found that my name was not on the roll. One of the clerks of said Commission looked into the matter, and informed me that he had found where my name had originally been upon the rolls but it had been erased.

However, enough of the name remained, as he told me to make the same intelligible. I do not know when or by whom this erasure was made.

I trust that you will take this matter under advisement and inform me what course to pursue in order to restore myself to citizenship.

Very Respectfully,

Richard Kimbale

Indorsed:

Department of the Interior,
Received Dec. 12, 1902.
No. 7663.
Indian Territory Division.
L.R.S.

Department of the Interior.
December 16, 1902.
Respectfully referred to the Commission to the Five Civilized Tribes for consideration and appropriate action.

Secretary
Dec. 3, 1902.
Department of the Interior.
Ind. Ty.

Thos. Ryan.
Acting Secretary.

DEPARTMENT OF
Commissioner to the Five Civilized Tribes

FILED

FEB 20 1907

Commissioner

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.

RECEIVED

FEB 20 1907

APPLE & FRANKLIN
ATTORNEYS-AT-LAW
ARDMORE, OKLAHOMA

9-1834
No. _____
Appeal to Department
and brief in case
of
Richard Kimbale
Chickasaw by marriage

9-1834-6

United States and members of the Choctaw Nation, Clark became entitled to recognition as an intermarried citizen and by right ought to be enrolled as such.

"If Clark's right is to be determined upon a strict and literal construction of the single provision of the act of June 28, 1898 (30 Stat., 495, 503), directing the enrollment of "such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes", the conclusion reached by the Commission to the Five Civilized Tribes would be justified. The purpose of the legislation was evidently to secure the enrollment of all persons who were justly entitled to be recognized as citizens of the respective tribes and it should be read and construed with this end in view and all the provisions should be considered. That it was not intended to limit the recognition of intermarried citizens to white persons is clearly shown by a further provision of said act of 1898, as follows:

"The rolls so made when approved by the Secretary of the Interior shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

"Clark is a person who has intermarried according to the Choctaw tribal laws and is therefore entitled to recognition under this provision and his name should therefore be placed upon the rolls, and it is so directed."

Richard Kimbale is a person who intermarried with a citizen by blood of the Chickasaw tribe in 1872 in accordance with the then existing customs and usages of the Chickasaw Nation; the marriage was recognized by the Chickasaw tribal authorities; the offspring of this marriage have been finally enrolled by the Department as citizens by blood of the Chickasaw Nation and the applicant himself is certainly entitled to enrollment as a citizen by intermarriage.

Respectfully submitted,

Chas von Weise
S. A. Apple
Attorneys for Applicant.

Indian Territory) ss.
Southern District)

I, S. A. Apple, on oath state that I served a copy of the above brief and argument by registered mail on Mansfield, McMurray & Cornish, Realister, Indian Territory, and attach hereto post master's receipt for same.

S. A. Apple

Subscribed and sworn to before me this 19th day of February, 1907.

(Seal)

(Signed) *H. W. McGill*
Notary Public.

My commission expires Oct. 12/09

rolls such names as may have been placed thereon by fraud, or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes.'

"Under this act the applicant, being a Pottawatomie Indian, and the Commission having only authority to enroll intermarried white persons as citizens of the Choctaw Nation, cannot enroll an Indian as an intermarried white person.

"The Commissioner of Indian Affairs, transmitting your report, said:

"The Curtis Act does declare, as stated by the Commission, that it shall enroll 'such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship' but the office does not believe the words 'white persons' as used in said Act are intended to apply directly to people of the Caucasian race. It seems to the office that these words are used in the generic sense for the purpose of distinguishing intermarried persons from citizens of the nations/

"This applicant having complied with the laws of the Choctaw Nation relating to intermarriages subsequent to the date of the decision of the court in his case, the office believes him to be qualified for enrollment in said nation and it therefore respectfully recommends that the Commission be directed to place the name of George A. Clark on the roll of Choctaw citizens being prepared by it, as a citizen of that nation by intermarriage.

"The facts according to Clark's petition and the testimony are substantially as set forth in your report hereinbefore quoted from. Clark's status as to citizenship at and immediately prior to the date of the marriage upon which he claims the right to be enrolled as an intermarried citizen, is left in some doubt. In his testimony he described himself as a Pottawatomie Indian by blood, but he was not interrogated as to his citizenship prior to such marriage and made no statement respecting that matter. In the marriage license issued by the Choctaw authorities, which was filed as a part of the proof in support of his claim, he is described as a citizen of the United States. This may properly be accepted as satisfactorily establishing his status to be that of a citizen of the United States. Clark's claim rests entirely upon his later marriage, in connection with which all the requirements of Choctaw were carefully complied with, it having been finally determined that he gained no right to enrollment by virtue of his earlier marriage to the same woman, because the parties had not observed and complied with the requirements of the Choctaw law in connection therewith.

"The treaty of April 23, 1866 (14 Stat., 769), between the United States and the Choctaw and Chickasaw Indians, being the last negotiated between said parties, provides that "every white person who, having married a Choctaw or Chickasaw, resides in the Choctaw or Chickasaw Nation . . . shall be deemed a member of said nation," but contains no provision in respect of any other class of persons marrying into the nation. The laws of the Choctaw Nation recognize the rights of others than "white persons" to acquire citizenship by marrying a member of the tribe. Thus the act of November 9, 1875, under which the license to Clark was issued, provides that "any white man or citizen of the United States or of any foreign government desiring to marry a Choctaw woman, citizen of the Choctaw Nation shall be and is hereby required to obtain a license," etc.

"By observing and complying with the requirements of the Choctaw law in respect of marriages between citizens of the

were simply used in said laws in the generic sense for the purpose of distinguishing intermarried persons from other citizens of the nations. Certainly if Indians by blood of other tribes of Indians can be construed to be white persons within the meaning of the treaty of 1866, and the said Act of Congress approved June 28, 1898, a person who is possessed of some negro blood and who was, prior to his marriage to the Chickasaw citizen by blood, a citizen of the United States can also be said to be a white person within the meaning of those laws. The opinion of the Department in said case of George A. Clark is considered by counsel for applicant to bear so directly upon this case that the same is quoted in full below.

"The Department has considered the papers in the matter of George A. Clark's application for enrollment as an intermarried citizen of the Choctaw Nation. You rejected this application and in respect thereof said:

"It does not appear from the evidence offered in support of this application, and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that this applicant has ever been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation.

"It further appears from an examination of the records in the possession of the Commission that this applicant, in connection with others, filed an original petition for citizenship in the Choctaw Nation with the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896 (29 Stats., 321), the same being on Choctaw citizenship docket "C", number 850, and styled 'Zora P. Lewis et al. vs. the Choctaw Nation. The Commission denied the said George A. Clark citizenship in the Choctaw Nation, and an appeal was perfected therefrom to the United States Court in Indian Territory for the Central District, at South McAlester, and said Court, in the case of Zora P. Lewis et al., vs. the Choctaw Nation, Court case number 53, by its decision rendered on the 19th day of January, 1898, affirmed the decision of the Commission as to this applicant, and denied the applicant admission to citizenship in the Choctaw Nation.

"It further appears from the evidence that the applicant is a Pottawatomie Indian, and that previous to his said application to the Commission he had been married under the laws of the United States to his wife, Lydia Clark, who is a citizen of the Choctaw Nation, and that after the rendition of the judgment aforesaid, on the 23rd day of August, 1898, this applicant procured a marriage license from the Choctaw Nation, and was married according to the provisions of the act of the Choctaw Council passed November 9, 1875.

"The act of Congress of June 28, 1898 (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal

ever stay out of the limits of the same.

"Be it further enacted, that should the person convicted of the above offence not be able to pay the fine, he or she shall be lodged in the National Jail, not less than ten days, nor more than three months.

C. HARRIS, Governor.

Approved, March 16, 1858."

This act of the Chickasaw Legislature, approved March 16, 1858, does prescribe a penalty for the intermarriage or cohabitation of a citizen by blood of the Chickasaw Nation with a person of negro blood, but there is no passage or clause therein which would be construed to invalidate such a marriage actually entered into; and the Chickasaw tribal authorities in 1878 recognized this marriage and enrolled the applicant, Richard Kimbale, upon the 1878 annuity roll for Tishomingo County, opposite number 209, as set out in the statement of facts above. They evidently regarded this as a lawful marriage; the same was openly avowed and the authorities of the Chickasaw Nation not only did not compel Maulsie Kimbale to abandon this marriage, not only tolerated the same, and not only did not impose the penalty of its law upon her for contracting and observing said marriage; but, on the contrary, said tribal authorities recognized the said Richard Kimbale as a citizen of the Chickasaw Nation through this marriage. The marriage was a lawful one and certainly if a like marriage would have conferred citizenship upon a white man it must have conferred citizenship upon Richard Kimbale who was a citizen of the United States at the time of the marriage and the equal, so far as citizenship rights are concerned, of any white man.

In the Choctaw citizenship case of George A. Clark (ITD. 3124-1902) the Department held that said George A. Clark, a Pottawatomie Indian by blood, was entitled to be enrolled as a citizen by intermarriage of the Choctaw Nation under the act of Congress approved June 28, 1898 (30 Stat., 495), claiming by virtue of a marriage with a Choctaw woman by blood. The Secretary held in that case that the words "intermarried white persons" as used in said act of June 28, 1898, and the words "every white person" as used in the treaty of April 28, 1866 (14 Stat., 769), were not intended to apply directly to people of Caucasian race, but that these words

upon the 1878 Chickasaw Annuity Roll, Tishomingo County, opposite number 209.

Application was duly made for the enrollment of the applicant as a citizen by intermarriage of the Chickasaw Nation within the time prescribed by law, and he has resided in the Choctaw-Chickasaw country continuously since he was mustered out of the United States Army in 1867 or 1868.

I S S U E.

The issue in this case is: did the marriage of a free born colored person, a citizen of the United States, to a recognized citizen by blood of the Chickasaw Nation, confer upon that colored person the right of citizenship in the Chickasaw Nation?

A R G U M E N T.

In his said decision of February 14, 1907, the Commissioner to the Five Civilized Tribes says:

"In my decision of August 24, 1906, in the case of Tom Brown, I expressed the opinion that it was not the intention of the Choctaw and Chickasaw Nations to permit colored persons to acquire intermarried rights therein, under the provisions of Article Thirty-eight of the Treaty of 1866; between the United States and the Choctaw and Chickasaw Indians, and as to colored persons who claim intermarried rights in the Chickasaw Nation, this view is also borne out by an Act of the Chickasaw Legislature approved March 16, 1868, entitled "An Act in relation to Cohabiting with Negroes", which reads as follows:

"An Act in relation to Cohabiting with Negroes.

"Be it enacted by the Legislature of the Chickasaw Nation, That, from and after the passage of this act, all persons other than a negro is hereby prohibited from cohabiting with a negro or negroes, under the following penalties: any person violating this act shall be compelled to pay a fine of not less than twenty-five nor exceeding fifty dollars, and compelled to separate, by the court having jurisdiction; for the second offence the penalties shall be double the above amount.

"Be it further enacted, that when said fine is collected, one half shall go to the informer, and the other to the County Treasurer of the county where said case is tried, for county purposes.

"Be it further enacted, that any white man living in the Nation under a permit, or citizen of the United States who shall violate this act, shall be subjected to a fine at the discretion of the court having jurisdiction, and forthwith be compelled to leave the Nation, and for

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

In the matter of the application for the enrollment of Richard Kimbale as a citizen by intermarriage of the Chickasaw Nation.

APPEAL AND BRIEF ON BEHALF OF APPLICANT.

Comes now Richard Kimbale through his attorneys S. A. Apple and Charles von Weise, of Ardmore, Indian Territory, and prays an appeal from the decision of the Commissioner to the Five Civilized Tribes of February 14, 1907, denying his application for enrollment as a citizen by intermarriage of the Chickasaw Nation for the reason that said decision is contrary to the law and evidence. In support of his said appeal applicant submits below argument in his behalf.

STATEMENT OF FACTS.

The record in this case shows that the applicant, Richard Kimbale, was born in the State of New Jersey of free colored parentage, and that he never was a slave. The applicant was a United States soldier, participated in the War of the Rebellion and was mustered out of service in the Chickasaw Nation, Indian Territory. Shortly after being mustered out he was lawfully married, in 1872, to Mulsie (or Molsy) Kimbale (nee Mahardy), a recognized citizen by blood of the Chickasaw Nation, being at the time of said marriage a citizen of the United States. Two children of the said Mulsie (or Molsy) Kimbale, by name Amanda Abram and Angeline Porter, with their families have been finally enrolled and their enrollment approved by the Secretary of the Interior as citizens by blood of the Chickasaw Nation; said persons claiming their Chickasaw blood through the said Mulsie (or Molsy) Kimbale.

The applicant, together with his said wife, is identified

COPY.

United States of America,)
Western District,)
Indian Territory.)

A F F I D A V I T .

I Richmond Kimbale being first duly sworn on oath state that I have heretofore made application to the Commission to the Five Civilized Tribes for enrollment as a citizen by intermarriage of the Chickasaw Nation; that I have been known by the names of Richard (or Dick) and Richmond Kimball or Kimble or Kimbale but that my correct name is R-i-c-h-m-o-n-d K-i-m-b-a-l-e.

Richmond Kibals

Subscribed and sworn to before me this 5th day of February 1906.

(SEAL)

Charles T. Difendafer
Notary Public.

Indorsed:

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Feb. 8, 1906.
Tame Bixby, Commissioner.

COPY.

INDIAN TERRITORY,)
) SS.
Southern District.)

I, Nelson Chigley, being first duly sworn on oath state that I am a citizen by blood of the Chickasaw Nation, have been finally enrolled as such by the Commission to the Five Civilized Tribes and such enrollment approved by the Secretary of the Interior; that my post office address is Davis, Indian Territory; that I was personally acquainted with Maulsie (or Molsy or Molsie) Kimball (nee Mahardy); that I knew her for many years prior to her death; that she was a one-half blood Chickasaw Indian and a recognized citizen of the Chickasaw Nation and that up until the time of her death she participated in all annuities drawn by citizens of the Chickasaw Nation.

Affiant further states that the said Maulsie Mahardy above named was a sister of Wyatt Mahardy, and that he has known her from her childhood.

The said Wyatt Mahardy was a citizen by blood of the Chickasaw Nation, duly enrolled and approved as such. Affiant has known him for many years and has never known the said Mahardy to claim citizenship in any other Tribe or Nation.

Affiant states that he has served the Chickasaw Nation in various official capacities, and for many years has been a Senator in the Legislature of said Nation.

In presence of H. W. Fielding.

J. A. Stokes.

his
Nelson x Chigley
mark

Subscribed and sworn to before me this 16 day of January, 1906.

(SEAL)

H. W. Fielding
Notary Public.

My commission expires May 30 1909.
Indorsed:
Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Jan, 31, 1906.
Tams Biby, Commissioner.

COPY.

INDIAN TERRITORY,)
) SS.
Southern District.)

I, W. M. Guy, being first duly sworn on oath state that I am a citizen by blood of the Chickasaw Nation, have been finally enrolled as such by the Commission to the Five Civilized Tribes and such enrollment approved by the Secretary of the Interior; that my post office address is Sulphur, I. T.; that I was personally acquainted with Mulsie (or Molsy or Molsie) Kimball (nee Mahardy); that I knew her for many years prior to her death; that she was a one-half blood Chickasaw Indian and a recognized citizen of the Chickasaw Nation and that up until the time of her death she participated in all annuities drawn by citizens of the Chickasaw Nation.

Wm M. Guy

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

(SEAL)

T. F. Gafford
Notary Public.

My commission expires June 21st 1908.

Indorsed:

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Jan. 31, 1906.
Tams Bixby, Commissioner.

COPY.

INDIAN TERRITORY,)
) SS.
_____ District.)

I, George Pitchlynn, being first duly sworn on oath state that I am a citizen by blood of the Chickasaw Nation, have been finally enrolled as such by the Commission to the Five Civilized Tribes and such enrollment approved by the Secretary of the Interior, that my post office address is Pauls Valley Ind Terr; that I was personally acquainted with Maulsie (or Molsy or Molsie) Kimball (nee Mahardy); that I knew her for many years prior to her death; that she was a one-half blood Chickasaw Indian and a recognized citizen of the Chickasaw Nation and that up until the time of her death she participated in all annuities drawn by citizens of the Chickasaw Nation.

George Pitchlynn

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

(SPAL)

J W Shumate
Notary Public.

My commission expires May 1906

Indorsed:

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Jan. 31, 1906.
Tans Bixby, Commissioner.

Subscribed and sworn to before me this November 28, 1905.

(SEAL)

F. L. Helley
Notary Public.

My Commission expires Dec. 2, 1908.

Indorsed:

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Jan. 13, 1906.
Tama Bixby, Commissioner.

cations. At each appearance the officers in charge would tell me that a search of the records in possession of the Commission did not disclose the names of any Kimble or Kimball with which they could identify me as an applicant. Commissioner Needles took some interest in my wants and informed me that the temporary office in South McAlester had not all the old rolls and records but that if any trace of my name could be found in the general offices he would place my name on the rolls. While Commissioner Needles was U. S. Marshal in the Indian Territory, prior to his service on the Commission, I was his deputy in the third district. He knew me well and will remember my claim to citizenship and my personal application to him for enrollment.

Wyatt Mahardy of Davis, Ind. T., was present with me when I applied for enrollment at Tishomingo in 1899, I think, and was again with me in South McAlester when I made application to Colonel Needles. Charley Cohee, a Chickasaw freedman, was present when I made application for enrollment at Tishomingo, Atoka and Pauls Valley; at the time of all three appearances Cohee was working with the Commission identifying applicants. This was long prior to the opening of the land offices and I am sure was before September 25, 1902. Philip Stevenson, a living witness, was with me in Atoka when I made application to be enrolled as a citizen by intermarriage of the Chickasaw Nation. While I am of African descent I never made claim to enrollment as a freedman. During slavery times I lived in New Jersey, a free state; I came to this country as a Union soldier in 1867. I make this statement so that it will clear up any presumption that I may have been seeking enrollment as a freedman.

Richard Kimbale

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE Application for the enrollment of Richard Kimball as
a citizen by intermarriage of the Chickasaw Nation.

AFFIDAVIT OF APPLICANT, RICHARD KIMBALL.

Richard Kimball, on his solemn oath, states:

My rights to enrollment as a citizen by intermarriage of the Chickasaw Nation come from my marriage to Molsy Mahardy, a Chickasaw Indian of the half blood, which marriage was solemnized soon after I came to Indian Territory. I came herein 1867, having been a Union soldier during the war of the Rebellion. I can not fix the exact date of the marriage and I think there is no record of it in existence. I would fix my marriage to Molsy Mahardy at some date within a year or two after I came to Indian Territory in 1867. My wife was a sister to Wyatt Mahardy, a duly enrolled Chickasaw, and she is the mother of Amanda Abron and Angeline Porter, on the approved rolls, and Sally Williams, whose application is pending before the Commissioner.

Sally Williams and I applied to representatives of the Commission to the Five Civilized Tribes for our enrollment; once at Tishomingo and once at Pauls Valley, both times in 1899 or earlier. I made two other appearances for the purpose of making application for my enrollment of myself as a citizen by intermarriage, once at Atoka and once at South McAlester, making in all four applications for enrollment within the time for making such applications. Knowing Commissioner Needles personally, I submitted my case to him at South McAlester and asked him to enroll me as a citizen by intermarriage. Wyatt Mahardy was with me on this occasion and once or twice at other places where the Commission had an appointment for receiving appli-

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Richard Kimbale as a citizen by intermarriage of the Chickasaw Nation.

AFFIDAVIT OF CHARLES COHEE.

Charles Cohee, after being duly sworn, deposes and states:

My name is Charles Cohee. I live in the Chickasaw Nation, Indian Territory. I am acquainted with the applicant, Richard Kimbale and have known him for many years. I accompanied what is known as a field party of the Dawes Commission in the years 1898 and 1899, and served ten months helping to identify applicants for enrollment appearing before this branch of the Dawes Commission. During that time Richard Kimbale came before the Commission and offered himself as an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation. I remember the clerks in charge talking to him and looking up the rolls to find his name? He was told that his name could not be found and they could not, therefore, make any record of his application.

Witnesses to Mark:

Charles Cohee

Subscribed and sworn to before me this 22 day of December, 1905.

(SEAL)

Jno W. Massey
Notary Public.

Indorsed:

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Jan. 13, 1906.
Tams Bixby, Commissioner.

of the Chickasaw Nation and have always been so recognized and enrolled as such in every way.

Frazier Molish

Subscribed and sworn to before me this 16 day of July A.D. 1905.

(SEAL)

T S E Brown

NOTARY PUBLIC.

My Com. Expires May 9, 1906

Indorsed:

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Jan. 13, 1906.
Tans Bixy, Commissioner.

COPY.

DEPARTMENT OF THE INTERIOR,
UNITED STATES OF AMERICA,

INDIAN TERRITORY,

SOUTHERN DISTRICT, ss:

In the Matter of the Motion for Re-opening and Re-hearing of the Application of Richard Kemble for enrollment as an intermarried Citizen of the Chickasaw Nation.

Frazier McLish, being first duly sworn, on oath deposes and says:

My name is Frazier McLish, my post office address is Lebanon, Indian Territory. I am well acquainted with, Richard Kemble, the claimant herein; I knew him in the life-time of his wife Maulsey Kemble nee Mahardy whom I knew to be the full sister of Wyatt Mahardy both them and myself being Chickasaw Indians by blood; I am now county Probate Judge for Pickens County and I was present when said Richard Kemble, his said wife Maulsey Kemble drew the Nine dollar and a half payment for themselves and their said minor children including Sallie Williams nee Kemble as I was at that time one of the Chickasaws who was commissioned to identify the said Chickasaw Indians by blood and those entitled to draw by reason of intermarriage; I have held office as Sheriff of Pickens County and as Representative from Pickens County and I have seen and know that the names of claimant and said Sallie Williams together with the rest of said Claimants children are of record and that they are duly enrolled and recognized Indians

COPY.

CERTIFICATE IN LIEU OF LOST OR DESTROYED
DISCHARGE CERTIFICATE.

TO ALL WHOM IT MAY CONCERN :

KNOW YE, That Richmond Kemble, a Private
of Troop D. Tenth Regiment of Cavalry,
UNITED STATES ARMY, who was enlisted on the eight day of
April, one thousand eight hundred and sixty-
seven, to serve five years was DISCHARGED from
the service of the United States on the eight day of
April, one thousand eight hundred and seventy-two,
by reason of expiration of term of service.

THIS CERTIFICATE is given under the provisions of the Act of
Congress approved July 1, 1902, "to authorize the Secretary fo War
to furnish certificates in lieu of lost or destroyed discharges,"
to honorably discharged officers or enlisted men or thier widows,
upon evidence that the original discharge certificate has been lost
or destroyed, and upon the condition imposed by said Act that this
certificate "shall not be accepted as a voucher for the payment of
any claim against the United States for pay, bounty, or other allow-
ances, or as evidence in any other case."

Given at the WAR DEPARTMENT, Washington, D. C., this twenty-
seventh day of December, one thousand nine hundred and five.

By authority of the Secretary of War:

R. F. Ladd
Military Secretary.

Indorsed:
Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Jan. 13, 1906,
Tams Bixby, Commissioner.

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Richard Kimbale as a citizen by intermarriage of the Chickasaw Nation.

A F F I D A V I T O F W Y A T T M A H A R D Y

Wyatt Mahardy, after being duly sworn, deposes and says:

My name is Wyatt Mahardy. I am a Chickasaw Indian by blood.

I am 66 years of age, and live near Davis, Indian Territory.

I know Richard Kimbale who is an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation, and knew his wife, Malsey Mahardy, who was my sister. I was present on two different occasions with Richard Kimbale when he appeared before the representatives of the Commission to the Five Civilized Tribes and made application, or attempted to make application, for enrollment as a intermarried citizen of the Chickasaw Nation. I was with him in South McAlester in the year 1898, and also at Pauls Valley, which I think was in the same year.

I know positively that he made both these applications prior to December 25, 1902.

Witnesses to Mark:

Wyatt ^{his} x Mahardy
mark

Edgar Fielding

Harry W. Fielding

Subscribed and sworn to before me this 25 day of December, 1905.

(SEAL)

Harry W. Fielding
Notary Public.

My commission expires May 30, 1909

Indorsed:
Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Jan. 13, 1906.
Tamm Birby, Commissioner.

COPY.

AFFIDAVIT OF CHARLES COHEE.

Relative to the application for the enrollment of Richard Kimball as a citizen by intermarriage of the Chickasaw Nation.

Charles Cohee, after being sworn, states as follows:

MY name is Charles Cohee; my post office is Berwyn, Ind. T. I am enrolled as a Chickasaw freedman, aged 57 years. I know Richard Kimball, who is an applicant for enrollment as an intermarried Chickasaw, and have been well acquainted with him for 30 or 35 years. I accompanied the Dawes Commission field party in its rounds of the Choctaw and Chickasaw nations for the purpose of identifying citizens and freedmen and was with them during the year 1898&9. I worked about 10 months. During this time I know that applicant Richard Kimball appeared before the Commission to the Five Civilized Tribes and made application for enrollment, offering his name for enrollment in the regular way. I am not certain of the day but he appeared at Atoka, during the Commission's stay there, and also appeared at Tishomingo and Pauls Valley when the Commission set in those towns for the purpose of receiving applications.

I am not related in any way to applicant and have no personal interest in the result of his application for citizenship.

Charles Cohee

Subscribed and sworn to before me this 29th day of Nov. 1905.

(SEAL)

Jno. W. Massey
Notary Public.

Indorsed:

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Jan. 13, 1906.
Tamm Bixby, Commissioner.

COPY.

OFFICE OF GROVE E. CHASE.

PERMIT COLLECTOR PICKENS COUNTY,

-----CHICKASAW NATION-----

Healdton, I. T. January, 15, 1890.

Mr. Kimble .

I will be at your place to issue your permits
as soon as possible. The Amendment to the Permit Law
makes it a penalty for me to issue Permits to Non-Citizens;
therefore I will look to you altogether for the permit
money. Please have your renters names and money ready
so that I will not be detained.

Respectfully,

Grove E. Chase,

Permit Collector Pickens County,

C. N.

Indorsed:

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

Filed Jan. 13, 1906.

Tams Bixby, Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Filed Jan. 13, 1906.
Tams Bixby, Commissioner.

COPY.

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

In the matter of the application for the enrollment of Richard Kimball (or Kemble) as a citizen by intermarriage of the Chickasaw Nation.

To Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations:

You are hereby notified that on Saturday, January 13th, 1906, at ten o'clock a. m., or on that date at the convenience of the Commissioner, we shall offer the testimony of witnesses and introduce written evidence before the Commissioner to the Five Civilized Tribes, at his General Offices in the town of Muskogee, Indian Territory, tending to prove the right to enrollment of the applicant in the above mentioned case. Richard Kinball, of Davis, Ind. Ter., will personally appear and testify that in 1872 he married Molsy Mahardy, a Chickasaw woman, according to the laws and customs of the tribe, that he lived with her until her death; and that he has resided continuously in the Chickasaw Nation, Indian Territory, since said marriage.

You will take due notice of the time and place to be present at the hearing of this case.

Apple & Franklin
Attorneys for Applicant.

INDIAN TERRITORY
SOUTHERN DISTRICT.

I, S. A. Apple, one of the attorneys for applicant, state that on Dec 30, 1905, I sent by registered mail to Mansfield, McMurray & Cornish, at South McAlester, Ind. Ter., a perfect duplicate of the above described and worded notice; and I attach hereto postmaster's receipt for same.

S. A. Apple

Subscribed and sworn to before me on this December 30, 1905.

(Registry receipt attached)

J. L. Kelley

Be it further enacted, that any white man living in the Nation under a permit, or citizen of the United States who shall violate this act, shall be subjected to a fine at the discretion of the court having jurisdiction, and forthwith be compelled to leave the Nation, and for ever stay out of the limits of the same.


Be it further enacted, that should the person convicted of the above offense not be able to pay the fine, he or she shall be lodged in the National Jail, not less than ten days, nor more than three months.

C. HARRIS, Governor.

Approved, March 16, 1858.

It does not appear from the record herein or from the records in the possession of this office that the applicant has ever been admitted to Chickasaw citizenship by any duly constituted authority.

I am, therefore, of the opinion that the application for the enrollment of Richard Kimbale as a citizen by intermarriage of the Chickasaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

FEB 14 1907

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

In the matter of the application for the enrollment of Richard Kimbale as a citizen by intermarriage of the Chickasaw Nation.

D E C I S I O N .

It appears from the record herein that application was duly made for the enrollment of Richard Kimbale 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 Stats., 641).

It further appears from the record herein that the applicant, who is a colored person, claims his right to enrollment as a citizen by intermarriage of the Chickasaw Nation by virtue of his marriage in 1872 to Naulsie (or Molsy) Kimbale (nee Mahardy), an alleged citizen by blood of the Chickasaw Nation.

The applicant, together with his wife (name not given), are identified upon the 1878 Chickasaw Annuity Roll, Tishomingo County, opposite No. 209.

In my decision of August 24, 1906, in the case of Tom Brown, I expressed the opinion that it was not the intention of the Choctaw and Chickasaw Nations to permit colored persons to acquire intermarried rights therein, under the provisions of Article Thirty-eight of the Treaty of 1866, between the United States and the Choctaw and Chickasaw Indians, and as to colored persons who claim intermarried rights in the Chickasaw Nation, this view is also borne out by an Act of the Chickasaw Legislature approved March 16, 1858, entitled "An Act in relation to Cohabiting with Negroes", which reads as follows:

"An Act in relation to Cohabiting
 with Negroes.

Be it enacted by the Legislature of the Chickasaw Nation, That, from and after the passage of this act, all persons other than a negro is hereby prohibited from cohabiting with a negro or negroes, under the following penalties: any person violating this act shall be compelled to pay a fine of not less than twenty-five nor exceeding fifty dollars, and compelled to separate, by the court having jurisdiction; for the second offence the penalties shall be double the above amount.

Be it further enacted, that when said fine is collected, one half shall go to the informer, and the other to the County Treasurer of the county where said case is tried, for county purposes.

Memo.-191.

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

In the matter of the alleged application for the enrollment of Richmond Kimbale as a citizen by intermarriage of the Chickasaw Nation.

-----ooOoo-----

It appears from the record herein that on January 13, 1906, Richmond Kimbale appeared before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and presented testimony 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).

On said date said applicant testified that about six or seven years ago he appeared before the Commission to the Five Civilized Tribes at Tishomingo, Indian Territory, and attempted to make application for enrollment as a citizen by intermarriage of the Chickasaw Nation, but that inasmuch as he was a colored man, they would not receive his application; that one Charles Cohee, one of the members of the Chickasaw Commission who accompanied the Commission to the Five Civilized Tribes at its various appointments, was present and heard the applicant make his application; that about five years ago he appeared before said Commission at South McAlester, Indian Territory, and attempted to make application for enrollment, at which time he was accompanied by his brother-in-law, Wyatt Mahardy; that about five or six years ago, he again appeared before said Commission at Atoka, Indian Territory; and that the last attempt to secure his enrollment was made by him at Pauls Valley, Indian Territory, about four years ago.

On January 13, 1906, there was filed with this office the affidavit of Charles Cohee, wherein he stated that he had been acquainted with the applicant for a period of thirty or thirty-five years; that he accompanied the Dawes Commission field party in its rounds of the Choctaw and Chickasaw Nations, for the purpose of identifying citizens and freedmen, and was with them during the years 1896 and 1899; and that he remembers that the applicant appeared before said Commission at its appointments at Atoka, Tishomingo and Pauls Valley, and attempted to make application for his enrollment as a citizen by intermarriage of the Chickasaw Nation. On January 13, 1906, there was also filed with this office the affidavit of Wyatt Mahardy, wherein he stated that he was a citizen by blood of the Chickasaw Nation; that he was acquainted with the applicant who is his brother-in-law, and that he was present at South McAlester and Pauls Valley in 1898, when the applicant appeared before the Commission to the Five Civilized Tribes and attempted to make application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

- Q You say Jeff Fitchlyn, the child of Angeline Porter, is 19 years old? A Yes sir.
- Q When was he 19? A Last November.
- Q In his twentieth year? A Yes sir.
- Q And yet you testify that Angeline Porter is 32? A Yes sir.
- Q You first met Maulsie Mahardy in 1871? A No sir.
- Q Wasn't Angeline Porter born before you was married to Maulsie Mahardy? A Yes sir.
- Q You have another child, Sally Williams? A Yes sir.
- Q And she was born after you were married to Maulsie Mahardy? A Yes sir.

The second child of the applicant, Sallie Williams, has been refused enrollment as a citizen of the Chickasaw Nation by a decision of the Commission to the Five Civilized Tribes of July 31, 1903, which was affirmed by the Secretary of the Interior April 8, 1904.

By Mr. Franklin:

- Q Mr. Kimble, you state that you came to this country in 1867? A Yes sir.
- Q How long was it after that until you began living with Maulsie Mahardy? A About a year.
- Q Then you began to live with her in 1868? A Yes sir.
- Q From that time--from 1868 until the present time, you have lived together continuously until the time of her death? A Yes sir.
- Q During this time, she never lived with any other man, did she? A No sir.
- Q You are positive that you are the father of Angeline Porter? A Yes sir.
- Q From 1868 until 1872 you and this Maulsie Mahardy lived together as husband and wife, but were not lawfully married? A No sir.
- Q And in 1872 you were lawfully married to her by Bank Stevenson, a minister of the Gospel? A Yes sir.

Witness excused.

Olga Petroff, a stenographer to the Commissioner to the Five Civilized Tribes on oath states that she correctly reported the proceedings in the above entitled cause and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Olga Petroff

Subscribed and sworn to before me this fifteenth day of January, 1906.

W. H. Hains
Notary Public.

- Q What payment was that? A She drew twice I know of-- she drew \$9.50 and drew \$16.00; the times before I don't know about.
- Q Where was you living when these payments were drawn? A In Fishemingo County and 24 miles north of Ardmore.
- Q You might have drawn the money in Pickens County. A Yes sir.

I desire to offic in evidence the affidavit of Frasier McLish, County and Probate Judge for Pickens County, Chickasaw Nation, relative to the Chickasaw Citizenship of Maudie Kimble.

- Q Mr. Kimble, did you ever have any children as the offspring of this marriage with Maudie Mahardy? A I have two.
- Q What are their names? A One named Sallie and one Angeline.
- Q What are their present names? A Angeline Porter and Sallie Williams.
- Q Have either of them been enrolled as citizens of the Chickasaw Nation by blood? A Angeline has.
- Q From the date that you came to the Chickasaw Nation in 1867 up until the present time, you have lived continuously in the Chickasaw Nation? A Yes sir.
- Q Never made your home any place else? A No sir.
- Q And you have been allowed to enjoy the right of holding lands without disturbance on the part of the officers of the Chickasaw Nation? A Yes sir.
- Q Never had to pay any permits? A No sir.
- Q Mr. Kimble, did you ever write any letters to the Commission or the Secretary of the Interior relative to this case? A Yes sir.
- Q About when was that? A I wrote about two or three years ago; might be longer; I wrote different times.

I desire to introduce in evidence a letter of Thomas Ryan, Acting Secretary, dated December 16, 1902, and a letter of the Commission to the Five Civilized Tribes dated December 22, 1902, both addressed to Richard Kimball, Davis, Indian Territory, acknowledging receipt of his letter of December 3, 1902, relative to his application for Chickasaw citizenship, and also request that this letter of Richard Kimble, of December 3, 1902, referred to in these letters, be obtained if possible from the letter files of the Commission and filed with the record in this case as showing that this applicant did in fact attempt to apply for his enrollment.

By the Commissioner:

- Q You say you have two children by this woman? A Yes sir.
- Q What is the oldest one's name? A Angeline Porter.
- Q How old is she? A She is about 30--32 I think, last August.

Angeline Porter has been enrolled as a citizen of the Chickasaw Nation and her name appears upon the final roll of such citizens as approved by the Secretary of the Interior, opposite No. 4933.

- Q Are you the father of Angeline Porter? A Yes sir.
- Q Angeline Porter's age appears from the records of this office to be now about 36 years. She has a child that is about 20 years old at the present time? A Yes sir.
- Q How old is Jeff Pitchlyn? A 19.
- Q When was he born? A I forget the year; I can't keep it in memory.

- Q When did you next attempt to make an application, and where?
 A I went to Pauls Valley, that was the second time the Commissioners went there--I don't know the year.
- Q How long ago has that been? A Four years, I reckon.
- Q And you also attempted at this time to apply for enrollment?
 A Yes sir.
- Q You say you went to Atoka? A Yes sir.
- Q How long ago has that been? A Five or six years.
- Q On each of these times Mr. Kimble, you are sure that you appeared before the Commission to the Five Civilized Tribes?
 A Yes sir, I did.
- Q You stated a while ago that at one of these appointments you talked with Col. Needles? A Yes sir, at South McAlester, he said if he found my name he would enroll me.
- Q If he found your name where--on the tribal rolls? A Yes sir, some roll, I don't know what it was.
- Q You were personally acquainted with Col. Needles? A Yes sir.
- Q How did you happen to be acquainted with him? A I used to work as deputy marshal under him--that's how I got to be acquainted with him.
- Q Do you think Col. Needles would remember this incident of your making application to him? A I don't know sir, whether he would or not.
- Q Mr. Kimble, you stated that you were married to Maudie Mahardy in 1872? A Yes sir.
- Q How do you fix that date? A It was along in the early part of the summer or the latter part of the spring--I disremember the date. I was discharged on the 8th day of April.
- Q From where? A From the army.
- Q You were a United States soldier? A Yes sir.
- Q Did you go to the Chickasaw Nation as a soldier of the United States? A Yes sir.
- Q And as I understand you, you were married to this woman the same year you were discharged from the Army? A Yes sir.
- Q This Richard Kimble whose name appears on this certificate of discharge from the army is yours? A Yes sir.

I desire to offer in evidence the discharge certificate showing the discharge of Richard Kimble from the army on April 8th, 1872.

- Q Who performed the ceremony uniting you in marriage to this woman?
 A Bank Stevenson.
- Q Was he a minister of the Gospel? A Yes sir.
- Q Who was present at this marriage? A Philip Stevenson and his wife and Zack Stevenson and Henry Stevenson, his two brothers.
- Q Are any of these people living today? A Yes sir, they're all living.
- Q Have you got the certificate of marriage? A No sir, I haven't got it; it got destroyed some way or another.
- Q Mr. Kimble, from the time of your marriage to Maudie Mahardy in 1872 did you live with her continuously as husband and wife?
 A Yes sir.
- Q Until her death? A Yes sir.
- Q You are sure that your wife was a citizen by blood of the Chickasaw Nation and was recognized as such? A Yes sir.
- Q Did she ever draw any money? A Yes sir.

- Q You stated then that you had married this Chickasaw woman?
A Yes sir.
- Q And as you stated a while ago, they refused to take your application because you were a negro? A Yes sir.
- Q Who was with you when you made this application at Tishomingo?
A Charles Cohee.
- Q Was he with the Commission at that time in any official capacity?
A Yes sir, he was working with them.
- Q What was his office with the Commission? A Well, he was-- when any person comes before the Commissioner he would state who they was.
- Q He was there on behalf of the Chickasaw Nation, identifying applicants? A Yes sir.

By the Commissioner:

- Q How do you know that? A That's what they said.
- Q Do you know that he was occupying any official position? A They told me that.

By Mr. Franklin:

I desire to introduce in evidence the affidavit of Charles Cohee relative to an application having been made by this applicant.

- Q Did any other member of your family appear at this time before the Commission for the purpose of making application? A My daughter did.
- Q What was her name? A Sally Williams.
- Q You stated that you again appeared before the Commission and made an attempt to apply for your enrollment at South McAlester?
A Yes sir.
- Q About how long ago was that? A I don't know how long ago it's been; I don't know how many years--I didn't notice the years.
- Q About ~~five~~ ~~year~~ how long? A About five years, I reckon--might not be that long.
- Q Was anybody with you at this time at South McAlester? A Wyatt Mahardy was with me.
- Q Was Wyatt Mahardy any relation to you? A My brother-in-law.
- Q He was a full brother of your former wife, Maulsie Mahardy? A Yes sir.
- Q Has he been finally enrolled as a citizen by blood of the Chickasaw Nation? A Yes sir.
- Q And has taken his allotment as a citizen by blood? A Yes sir.

By the Commissioner:

- Q How do you know? A I know it.

By Mr. Franklin:

I desire to introduce in evidence the affidavit of Wyatt Mahardy relative to an application having been made for the enrollment of Richard Kimble.

- Q Who married you? A Banks Stevenson.
- Q Did you live with this woman up to the time of her death? A Yes sir.
- Q Was you ever married before your marriage to her? A No sir.
- Q Was she ever married prior to her marriage to you? A No sir.
- Q How long had you known her before you married her? A About a year.
- Q How old a woman was she when you married her? A I don't know.
- Q Where was you born? A In New Jersey.
- Q When did you come to the Chickasaw Nation? A In 1867.
- Q Was you ever a slave? A No sir, never was a slave.
- Q You say you was married to this woman in 1872? A Yes sir.
- Q Now, since your marriage to her have you ever been recognized by the Chickasaws in any manner as a citizen? A Yes sir.
- Q Ever been enrolled? A Yes sir.
- Q Ever draw any money? A I drew \$9.50, but I don't know what year.

By Mr. Franklin:

I would like to request that the 1878 Chickasaw Annuity Roll for Tishomingo and Pickens counties be examined to ascertain if the name of the applicant and his former wife, Maulsie Kimble, nee Mahardy appear thereon.

By the Commissioner:

- Q You are a negro? A Yes sir.

By Mr. Franklin:

I would like to introduce in evidence as showing that the applicant has received some recognition as a citizen, a notice from the permit collector, Grove E. Chase, permit collector for Pickens County, Chickasaw Nation.

- Q Mr. Kimble, you stated that you made application or attempted to make application to the Commission to the Five Civilized Tribes at Tishomingo? A Yes sir.
- Q Do you know about how long ago that was? A Six or seven years, it look like--I don't know exactly.
- Q It was the first time the Commission had a session there? A Yes sir.

By the Commissioner:

- Q How do you know it was the first time? A It was the first time they had any people there.
- Q How do you know it was the first time the Commission was there? A I knew because I went there and put the camps up there.
- Q How do you know it was the first time? A If that's not it, I don't know.

By Mr. Franklin:

- ~~Q It was 6 or 7 years ago, you stated, I believe? A Yes sir.~~
- Q Did you at that time attempt to make application for enrollment as a citizen by intermarriage of the Chickasaw Nation? A Yes sir.

provided, unless formal application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application;....."

- Q Now, you state that you have applied to the Commission four times? A Yes sir.
- Q Where was the first time? A At Tishomingo.
- Q When? A The first enrollment--I don't know what year it was. The first time the Commissioners went there.
- Q What was done at that time? A Didn't do nothing; they told me like this--we are just enrolling Indians; you are a colored man and we are not enrolling you; that's what they told me there.
- Q When was that? A I don't know what year it was, but it was the first time the Commission was at Tishomingo.
- Q When was the next time that you attempted to make an application? A At South McAlester.
- Q When was that? A I don't know the year.
- Q What happened then? A Nothing at all--about the same talk each time.
- Q When was the next time? A At Atoka.
- Q What time was that? A I don't know the year.
- Q What happened at Atoka? A Mr. Needles said he could find my name--if I find your name I will have you enrolled any way.
- Q You say you made another application, or attempted to--where was that? A Paula Valley.
- Q When? A The second time they were there.
- Q What year? A I don't know.
- Q What happened then? A Well, they said they wasn't doing nothing now--just for to wait until some other time.
- Q Do you remember any of the circumstances in connection with any of these appearances you allege you made before the Dawes Commission? A One told me they had found two of the Kimble's names but had scratched them out.
- Q What's the name of the Chickasaw woman through whom you claim rights as an intermarried citizen? A Maudsie Mahardy.
- Q Is she living? A No sir, she's dead now.
- Q How long has she been dead? A About 16 years I reckon--might be a little longer.
- Q Was your wife, Maudsie Mahardy a Chickasaw Indian? A Yes sir.
- Q Was she ever recognized by the Chickasaw tribal authorities? A Yes sir.
- Q How? A She drew annuities. Nelson Chigler and Bill Guy who was governor, John Thomas and Scott Hawkins--they all made their affidavits and sent them in here to the Commissioner at Muskogee here before they was denied. Nearly a year after that they was denied and they had their affidavits.
- Q That's not the question; I asked you was your wife, Maudsie Kimble, a Chickasaw and was she enrolled by the Chickasaws? A Yes sir.
- Q When was she enrolled? A By the Chickasaws; she can't be enrolled because she died before the tribal rolls were made.
- Q When did she die? A Been about 16 years.
- Q What year is this? A 1906.
- Q Then your wife died about 1890? A Somewhere near that.
- Q When was you married to her? A Married in 1872.
- Q Where were you married? A At old Fort Arbuckle.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. January 13, 1906.

In the matter of the alleged application for the enrollment of Richard Kimble as a citizen by intermarriage of the Chickasaw Nation.

APPEARANCES:

Applicant represented by Wirt Franklin, of Apple & Franklin, Muskogee, Indian Territory.
No appearance on behalf of the attorneys for the Choctaw and Chickasaw Nations.

Attorney for applicant presents proof of service of notice upon the attorneys for the Choctaw and Chickasaw Nations of the submission of testimony of the applicant before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, on Saturday, January 13, 1906, at 10 o'clock A. M.

RICHARD KIMBLE, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A Richard Kimble.
Q How old are you? A I am about fifty-six, somewhere near that.
Q Where do you live? A At Davis.
Q In the Chickasaw Nation? A Yes sir.
Q You claim to be an intermarried citizen of the Chickasaw Nation?
A Yes sir.
Q Have you ever applied to the Commission to the Five Civilized Tribes to be enrolled as a citizen by intermarriage of the Chickasaw Nation? A Yes sir.
Q Where? A Up here to Tishomingo and at South McAlester, Pauls Valley and Atoka.

It does not appear from the records of the Commission to the Five Civilized Tribes or of this office that any formal application has ever been made by the applicant, Richard Kimble, for enrollment as a citizen by intermarriage of the Chickasaw Nation within the time prescribed by the Act of Congress approved July 1, 1902.

~~Mr. Kimble, this testimony is taken subject to the providing provision of a bill introduced in the House of Representatives December 11, 1905. That after the approval of this Act no person shall be enrolled as a citizen of freedom of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise~~

Chic

Chic 1834

Recd
9/21 1902

*Returned
to Riter
unknown*

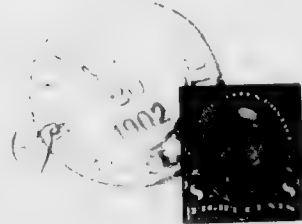
Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

1725



Sallie Compton,

Home, Indian Territory.

REFER IN REPLY TO THE FOLLOWING:
.....
.....
.....

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

GP

Muskogee, Indian Territory, October 2, 1906.

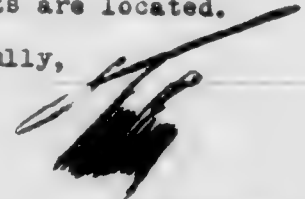
Sallie Compton,
Baker City, Oregon.

Dear Madam:

You are hereby advised that on September 24, 1906, the Secretary of the Interior approved the enrollment of your self and your children Ed Melton, Jesse Melton, Rosa Melton and Pearl Compton, as citizens by blood of the Chickasaw Nation, and that your names appear upon the roll of citizens by blood of said Nation as Numbers 4997 to 5001 inclusive.

You are now entitled to allotments, and application therefor should be made without delay at the Land Office for the Nation in which the prospective allotments are located.

Respectfully,



Commissioner.

REFER IN REPLY TO THE FOLLOWING:

29-1833

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

Muskogee, Indian Territory, September 29, 1906.

Sallie Compton,
Byars, Indian Territory.

Dear Madam:

Your letter of September 14, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you ask why you have not been notified of the approval of yourself and children as citizens of the Chickasaw Nation.

In reply you are advised that the names of yourself and your minor children, Ed Melton, Jesse Melton, Rosa Melton and Pearl Compton have been placed upon a schedule of citizens by blood of the Chickasaw Nation which has been forwarded to the Secretary of the Interior. You will be notified when the enrollment of yourself and children has been approved.

Respectfully,



Commissioner.

9-1833
9-1836

Muskogee, Indian Territory, September 12, 1906.

S. A. Apple,
Attorney at Law,
Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 7, 1906, asking relative to the enrollment of Sallie Compton et al., and Johnnie Williams.

In reply you are advised that the names of Sallie Compton et al., and Johnnie Williams, have been placed upon a schedule of citizens by blood of the Chickasaw Nation which has been forwarded the Secretary of the Interior for his approval. You will be notified when their enrollment is approved by him.

Respectfully,

Commissioner.

19-1821

Muskogee, Indian Territory, July 19, 1906.

Ballie Compton,

Ada, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 30, 1906, asking the status of the enrollment of yourself and children as citizens of the Chickasaw Nation.

In reply you are advised that the names of yourself and your minor children, Ed Melton, Jesse Melton, Rosa Melton and Pearl Compton, will be placed upon the next schedule of citizens by blood of the Chickasaw Nation which is prepared for forwarding to the Secretary of the Interior, and you will be notified when your enrollment is approved by him.

The letter from Edward M. Dawson, enclosed with your communication, is herewith returned.

Respectfully,

W.M. Encl. 19/1

Commissioner.

Chickasaw 1633

Muskogee, Indian Territory, June 13, 1906.

Sallie Compton,

Baker City, Oregon,

Dear Madam:

Receipt is hereby acknowledged of your letter of June 2, addressed to the Secretary of the Interior, which has been by him referred to this office for consideration and appropriate action. Therein you ask if you and your children are enrolled.

In reply you are advised that the names of yourself and your children will be placed upon the next schedule of citizens by blood 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.

7-D-238

Muskogee, Indian Territory, March 14, 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 March 14, 1906, granting the application for the enrollment of Sallie Compton, Ed Melton, Jesse Melton, Rosa Melton and Pearl Compton, and dismissing the application for the enrollment of Arnold Melton and Estella Compton 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 enrollment of Sallie Compton, Ed Melton, Jesse Melton, Rosa Melton and Pearl Compton. If at the expiration of that time no protest has been filed, their names will be placed upon the final roll of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Wm. C. Beall,
Acting Commissioner.

Registered.

Incl. 7-D-238.

Muskogee, Indian Territory, March 14, 1906.

Appl. & Franklin,
Attorneys at Law,
Muskogee, Indian Territory,

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on March 14, 1906, rendered his decision, granting the application for the enrollment of Sallie Compton, Ed Melton, Jesse Melton, Rosa Melton and Pearl Compton, and dismissing the application for the enrollment of Arnold Melton and Estella Compton, as citizens 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 enrollment of Sallie Compton, Ed Melton, Jesse Melton, Rosa Melton and Pearl Compton. If at the expiration of that time no protest has been filed, their names will be placed upon the final roll of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Wm. O. Beall.

Registered.

Acting Commissioner.

7-D-238

Muskogee, Indian Territory, March 14, 1906.

COPY.

Sallie Compton,
Baker City, Oregon.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered March 14, 1906, granting the application for the enrollment of yourself, Ed Melton, Jesse Melton, Rosa Melton and Pearl Compton, and dismissing the application for the enrollment of Arnold Melton and Estella Compton 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 enrollment of yourself, Ed Melton, Jesse Melton, Rosa Melton and Pearl Compton. If at the expiration of that time no protest has been filed, your names will be placed upon the final roll of citizens by blood of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Wm. C. Beall.

Acting Commissioner.

Registered.

Incl. 7-D-238.

9-D-238

Muskogee, Indian Territory, February 1, 1906.

Sallie Compton,

Baker City, Oregon.

Dear madam:

Receipt is hereby acknowledged of your letter of January 23, 1906, requesting that Apple & Franklin of Muskogee, Indian Territory be entered as attorneys of record in the matter of your application for the enrollment of yourself and your children as citizens of the Chickasaw Nation.

In reply to your letter you are advised that Apple & Franklin have been entered as attorneys of record in your case and they will be notified of such action as is taken therein.

Respectfully,

Acting Commissioner.

9-D-238

Muskogee, Indian Territory, January 23, 1906.

Apple & Franklin,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of January 17, 1906, in which you ask an early decision in the matter of the application of Sallie Compton for enrollment as a citizen by blood of the Chickasaw Nation.

In reply to your letter you are advised that this case will be taken up for consideration as early as practicable and you will be advised of such action as is taken therein.

Respectfully,

Commissioner.

9-D-238

Muskogee, Indian Territory, August 16, 1905.

Sallie Compton,

Henryetta, Indian Territory,

Dear Madam:

Your letter of July 28, 1905, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you refer to your application for the enrollment of yourself and children as citizens of the Chickasaw Nation.

In reply to your letter you are advised that all applications for enrollment in the Choctaw and Chickasaw Nations are now being taken up for consideration as rapidly as possible, and when a decision is reached in your case, you will be notified of the action taken therein.

Respectfully,

Acting Commissioner.

9-D-233

McIntosh, Indian Territory, April 7, 1908.

Sallie Compton,

Henryetta, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 26, 1908, in which you state that you claim a right to enrollment in the Chickasaw Nation and ask the status of your case.

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 as citizens by blood of the Chickasaw Nation, but when a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Chickasaw D 238

Waskagee, Indian Territory, February 8, 1904.

Sallie Compton,
Ada, 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 25, 1904, no further action will be taken relative to the enrollment of Sallie Compton, Ed Melton, Jesse Melton, Rosa Melton, and Pearl Compton, as citizens by blood of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

9-D238

Muskogee, Indian Territory, December 3, 1903.

Sallie Compton,

Ada, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 22, in which you ask the status of your case.

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 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 238

Muskogee, Indian Territory, August 19, 1903.

Rosie Hodges,

Center, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 31, which was received at this office August 12, asking if the case of your mother, Sallie Compton, and her children appear upon the roll.

In reply to your letter you are informed that it appears from our records that Sallie Compton and her children, Ed, Jennie and Rosa Milton and Pearl Compton have been listed among the doubtful claimants to enrollment as citizens by blood of the Chickasaw Nation, and their 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.

Chickasaw D 838

Muskogee, Indian Territory, May 20, 1903.

Sallie Compton,

Okemah, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of May 8th in which you ask if you will be permitted to go and file upon your land.

In reply to your letter you are informed that it appears from our records that you and your children, Ed and Jesse Melton, Rosa Hodgen and Pearl Compton, have been listed among the doubtful claimants to enrollment in the Chickasaw Nation, 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 notified.

In regard to the selection of your allotment at this time 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.

Respectfully,

Chairman.

Rules for allotment.

Chickasaw Land Office

In the distribution of the public property of these two nations.

For your information and guidance there is inclosed you herewith a copy of the testimony in the matter of the application for the enrollment of these persons as citizens of the Chickasaw Nation.

I have further to advise that in the early part of 1898 there was prepared by the late agents of the Choctaw-Chickasaw Division, a decision admitting Sally's daughter and her children as citizens by blood of the Chickasaw nation, and in view of the contention of the nations I have not signed such decision and desire further evidence in the case before I do so.

Respectfully,

Chairman.

Chickasaw D 232.

Muskogee, Indian Territory, May 19, 1903.

Commissioner in Charge,
Chickasaw Land Office,
Tishomingo, Indian Territory,

Dear Sir:

Referring to your recent conversation with Mr. Aylesworth at the time of his visit to Tishomingo relative to the application of Susie Compton for the enrollment of herself and her four children, Ed Melton, Jesse Melton, Rosa Hodges and Pearl Compton, as citizens by blood of the Chickasaw nation, I have to advise that no decision has, up to this time, been rendered relative to the rights to enrollment of these persons as citizens of the Chickasaw Nation.

It is noted that you state that the name of this woman is Susie Compton while she appears upon our records as Sallie Compton, who, on June 8, 1899, made application to the Commission at Wister, Indian Territory, for the enrollment of herself and children.

It appears that the present post office address of this woman, Sallie Compton, is Okemah, Indian Territory. It appears from our records that the right to enrollment of these persons as citizens of the Chickasaw nation is being contested by the tribal authorities of said nation on the theory that the applicants are not Choctaws or Chickasaws by blood and are not, therefore, entitled to participate

Mary Miller, --

blood and were ever recognized as a member of that Nation, and if not,
through whom your daughter, Sallie Compton, claims her Chickasaw
blood

Kindly give this matter your prompt attention.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 13, 1903.

Mary Miller,

Texanna, Indian Territory.

Dear Madam:

It appears from the records in the possession of the Commission that on June 8, 1899, application was made for the enrollment of Sallie Compton and her minor children, Ed., Jesse, Arnold and Rosa Melton and Pearl Compton as citizens by blood of the Chickasaw Nation. Subsequently application was made for the enrollment of Estella Compton, another child of Sallie Compton, as a citizen by blood of the Chickasaw Nation.

It appears from the testimony in this case that you are the mother of the principal applicant, Sallie Compton, and that you are a recognized and enrolled citizen by blood of the Cherokee Nation.

You are requested to advise the Commission of the whereabouts of Sallie Compton, as our letters sent to her at Howe, Indian Territory, have been returned unclaimed. You are also requested to advise the Commission whether any of the above named parties has ever been recognized or enrolled as a citizen of the Cherokee Nation. Also state whether you are possessed of any Chickasaw

Mary Miller, --

blood and were ever recognized as a member of that Nation, and if not, through whom your daughter, Sallie Compton, claims her Chickasaw blood.

Kindly give this matter your prompt attention.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 13, 1903.

Mary Miller,

Tenanna, Indian Territory.

Dear Madam:

It appears from the records in the possession of the Commission that on June 8, 1899, application was made for the enrollment of Sallie Compton and her minor children, Ed., Jesse, Arnold and Rosa Melton and Pearl Compton as citizens by blood of the Chickasaw Nation. Subsequently application was made for the enrollment of Estella Compton, another child of Sallie Compton, as a citizen by blood of the Chickasaw Nation.

It appears from the testimony in this case that you are the mother of the principal applicant, Sallie Compton, and that you are a recognized and enrolled citizen by blood of the Cherokee Nation.

You are requested to advise the Commission of the whereabouts of Sallie Compton, as our letters sent to her at Howe, Indian Territory, have been returned unclaimed. You are also requested to advise the Commission whether any of the above named parties has ever been recognized or enrolled as a citizen of the Cherokee Nation. Also state whether you are possessed of any Chickasaw

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 8 1902


S. H. HAN.

Relative to specifying the grounds upon which these persons are contested we have to say that acting under the directions of the Commission we mailed such specification to applicants on November 15, 1900. Such grounds are that applicants are Cherokees and not Chickasaws, and they were enrolled without authority of law, never having been enrolled except by the census committee of 1896, such committee having no power to admit to citizenship.

As regards this case the situation as we understand it as follows:

The Chickasaw Nation has filed such testimony as it desires tending to show that these persons are not entitled to enrollment as citizens of the Chickasaw Nation.

It only remains for the Commission to take up the case and decide it in the light of the law and the evidence filed.

Yours truly,

(Signed) Mansfield, McMurray & Cornish.

Dictated. C.

COPY

D. C . No. 10936.1902

South McAlester, Indian Territory,

July 3, 1902.

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

Dear Sirs:

We are in receipt of your letter of July 1st referring to the Chickasaw case of Sally Compton and other.

We are at a loss to understand the exact purpose of this letter and what further action is expected of us in connection with this case.

We observe that it is stated with some particularity that we were advised that on March 20, 1902 this case would be taken up for final consideration; and that we failed to appear at that time.

We failed to appear for the reason that all of the testimony which is desired by the Chickasaw Nation has heretofore been taken. The testimony heretofore taken in this case is as follows:

That of William Johnston; A. T. McClure; Ed Leader; and Richard B. Coleman. The case is therefore in a condition to be decided by the Commission, so far as the Chickasaw Nation is concerned.

You inquire if its our desire to withdraw our objection to the enrollment of these persons. We most certainly do not desire to do so.

1
1
I H 2 C 1

at the office of the Commission At Muskogee, Indian Territory, on May 9, 1903, and on that date this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear and the applicants, being called, failed to appear either in person or by attorney.

The Commission is unable from the record in this case to determine the rights to enrollment of these persons as citizens of the Chickasaw Nation and as no action had been taken by you as the representatives of that Nation since the filing of the protest in this case, the Commission now desires to be informed if your objection to the enrollment of these persons is withdrawn or if you still contest their rights to enrollment that you specify upon what grounds and if it is your intention at any time before the closing of the rolls of citizenship of this tribe to introduce any testimony affecting the right to enrollment of these persons. If such is your intention the Commission has to request that the same be introduced at as early a date as practicable and will require that notice of the taking of such testimony be served upon the applicants.

Yours truly,

Commissioner in Charge.

Chickasaw D 233

Muskogee, Indian Territory, July 1, 1902.

Mansfield, Holferray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

In the matter of the application of Sallie Compton for the enrollment of herself and her children as citizens by blood of the Chickasaw Nation and in which case a protest has been entered by the Chickasaw Nation, the Commission has to advise that it has informally learned that Mary Gentry or Mary Miller, the mother of this woman, is an enrolled citizen of the Cherokee Nation.

While the Commission has noted the objection of the Chickasaw Nation to the enrollment of these persons, no specific grounds for such objection have been entered and while at various times you have been advised that further testimony would be taken in this case, none has been offered by the Nation tending to disprove the right of these persons to enrollment as citizens of the Chickasaw Nation.

You were advised on March 20, 1902, that the matter of the application of these persons for enrollment as citizens of the Chickasaw Nation would be taken up for final consideration

COMMISSIONERS
HENRY L. DAWES.
TAMM BIRBY.
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-238.

Muskogee, Indian Territory.

March 19, 1902.

Sallie Compton,

Howe, Indian Territory.

You are hereby notified that the application of yourself and your six minor children, Ed Melton, Jesse Melton, Arnel Melton, Ross Melton, Pearl Compton and Estella Compton 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 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.

register.

Commissioner in Charge.

Washington, D. C., February 22, 1904

H. E. Perkins,

Maxwell, Indian Territory

Dear Sir:

The Commission is in receipt of your letter of the 19th instant in which you desire to be advised if H. D. Walton is enrolled in the Chickasaw Nation, and in which you state that he lives in the Creek Nation.

Replying to your letter we are informed that the records of this Commission show that H. D. Walton, 21 years of age, of Nowy, Indian Territory, the son of Frank Walton and Della Gardner, is listed by this Commission as a doubtful claimant to enrollment as a citizen of the Chickasaw Nation.

Yours truly,

Acting Chairman.

G-D-238

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

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

August, 18th 1900.

Ed Melton,

Howe, 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 and to the enrollment of Sallie Compton, Jesse Melton, Arnold Melton, Rosa Melton, Pearl Compton and Estella Compton as citizens 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,



Acting Chairman.

9-D-258

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

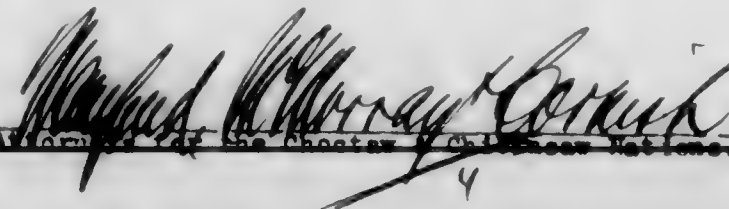
5

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sallie Compton and her children, Ed Melton, Jesse Melton, Arnold Melton, Rosa Melton, Pearl Compton and Estella Compton, as citizens by blood of the Chickasaw Nation, Chickasaw Field No. D-238.

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 Ella McSwain et al., vs. Choctaw and Chickasaw Nations, No. 17 on the Tishomingo Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the treaties of 1832, 1834 and 1837 relative to a removal to and a continuous residence in the Choctaw Nation, Indian Territory, was necessary in order to be entitled to enrollment and to participation in the distribution of the tribal property of the Choctaws and Chickasaws, notwithstanding their recognition as citizens by the tribal authorities of the Chickasaw 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.


W. Murray Corbitt
Attorney for the Choctaw & Chickasaw Nations.

January 23, 1904.

Chickasaw 2-1886.

In the matter of the enrollment
of Willie Compton, et al., as
descendants of the blood of the Chick-
asaw Nation.

Present of
Chickasaw Attorneys

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

FILED

FEB 6 1904

CHAIRMAN.

OFFICE OF

J. B. MORROW,

NOTARY PUBLIC.

FIRE INSURANCE. REAL ESTATE.

BANK BUILDING

CHECOTAH, I. T.

JULY 5 1899. 189

CONTRACTS,
BILLS OF SALE,
LEGAL
INSTRUMENTS
MADE AND
EXECUTED.

MARRIAGE
LICENSES
SECURED,
PENSION
VOUCHERS
EXECUTED.

Indian Territory
Northern District.

Jallie Compton states on Oath that
at the birth of her daughter Estelle Compton on
the 23^d day of August 1897 No Physician or Midwife
was present.

Jallie Compton

Subscribed and sworn to before me this 5th day of
July 1899.

My Commission Expires
September 9, 1902.

J. B. Morrow
Notary Public.

Copy

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

In the matter of the death of Estelle Compton
(Here insert name of deceased.)
a citizen of the Chickasaw Nation, who formerly resided at or near
Howe Ind. Ter., and died on the 13 day of
Sept, 1901
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

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

I, Sallie Compton, on oath state that I am 39
years of age and a citizen, by blood of the Chickasaw Nation;
that my postoffice address is Howe Okemah Ind. Ter.; that I am
mother of Estelle Compton
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood of the Chickasaw Nation;
and that said Estelle Compton died on the 13 day of
Sept, 1901. Sallie Compton
(Here insert name of deceased.)

WITNESSES TO MARK :

(Must be Two
Witnesses.) }

Subscribed and sworn to before me this _____ day of _____ 190_____

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
_____ DISTRICT. }

I, _____, on oath state that I am _____
years of age, and a citizen by _____, of the _____ Nation;
that my postoffice address is _____ Ind. Ter.;
(Here insert name of postoffice.)
that I was personally acquainted with _____
(Here insert name of deceased.)
who was a citizen, by _____ of the _____ Nation;
and that said _____ died on the _____ day of _____
(Here insert name of deceased.)

WITNESSES TO MARK :

(Must be Two
Witnesses.) }

Subscribed and sworn to before me this _____ day of _____ 190_____

Notary Public.

IN RE
THE DEATH OF*Estella Compton*

a citizen of the

Chicago

Nation.

Approved

*Jan 22 1903**Thomas Dickey*

Commissioner.

*Filed**Jan 22 1903**Thomas Dickey*
Acting Chairman

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

17

In the matter of the death of Estella Compton
(Here insert name of deceased.)

a citizen of the Chickasaw Nation, who formerly resided at or near
Howe, Ind. Ter., and died on the 13 day of
Sept., 1901
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE.

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

I, Walter Compton, on oath state that I am 39
years of age and a citizen, by Blood, of the Chickasaw Nation;
that my post office address is Howe Okmash, Ind. Ter.; that I am
Mother of Estella Compton,
(State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Blood, of the Chickasaw Nation;
and that said Estella Compton died on the 13 day of
Sept., 1901.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 22 day of January, 1903

Charles Sawyer
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

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

I, _____, on oath state that I am _____
years of age, and a citizen, by _____, of the _____ Nation;
that my post office address is _____ Ind. Ter.;
that I was personally acquainted with _____
who was a citizen, by _____, of the _____ Nation;
and that said _____ died on the _____ day of _____

WITNESSES TO MARK

(Must be Two Witnesses.)

Subscribed and sworn to before me this _____ day of _____, 190

Notary Public.

9 2 238

INDEXED

IN RE
THE DEATH OF

Estella Compton
a citizen of the

Chickasaw Nation.

Approved JAN 27 1903 190

Commissioner

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

JAN 23 1903

ACTING CHAIRMAN.

CHICKASAW.

24
2708

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

In the matter of the death of Arnold Melton
(Here insert name of deceased.)

a citizen of the Chickasaw Nation, who formerly resided at or near
Howe, Ind. Ter., and died on the 3 day of
January, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Sallie Compton, on oath state that I am 39
years of age and a citizen, by blood, of the Chickasaw Nation;
that my post office address is Opunah, Ind. Ter.; that I am
mother of Arnold Melton,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Chickasaw Nation;
and that said Arnold Melton died on the 3 day of
Jan., 1900.

Sallie Compton

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 22 day of January 1903.

Charles H. Sawyer
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, _____, on oath state that I am _____
years of age, and a citizen, by _____, of the _____ Nation;
my post office address is _____ Ind. Ter.;
that I was personally acquainted with _____
(Here insert name of deceased.)
who was a citizen, by _____, of the _____ Nation;
and that said _____ died on the _____ day of _____

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this _____ day of _____ 190_____

Notary Public.

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IN RE
THE DEATH OF

Arnold Walton
a citizen of the

Chickasaw Nation.

Approved JAN 22 1903 190
[Signature]
Commissioner

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

FILED

JAN 22 1903

[Signature]
ACTING CHAIRMAN

2

CHICKASAW.

238

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
of Estella Compton, born on the 23 day of August, 1897.
Name of father: L. W. Compton, a citizen of the U.S. Nation.
Name of mother: Sallie Compton, a citizen of the Chickasaw Nation.
Post Office: Nowe, D.C.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Sallie Compton, on oath, state that I am 36 years of age and a
citizen, by Birth + Blood, of the Chickasaw Nation; that I am the
lawful wife of L. Whitfield Compton who is a citizen, by
United States Nation; that a female child was born to me on the 23rd day
of August, 1897; that said child has been named Estella Compton
and is now living.

Subscribed and sworn to before me this 5th day of July, 1899.
My Commission Expires September 9, 19
S. B. Morrow, Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, , on oath, state that I
attended on Mrs. , wife of
on the day of 1; that there was born to her on said date a child;
that said child is now living and is said to have been named

Subscribed and sworn to before me this day of 1
Notary Public.

IN RE
Application for Enrollment of
INFANT CHILD.

As a citizen of the

Chickasaw Nation.

Approved

1

Commissioner.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Sallie Compton for the enrollment of herself and her minor children; Ed Melton, Jesse Melton, Arnold Melton, Ross Melton, Pearl Compton and Estella Compton as citizens by blood of the Chickasaw Nation.

---D 238---

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, that the application of Sallie Compton, Ed Melton, Jesse Melton, Arnold Melton, Rosa Melton, Pearl Compton and Estella Compton, for enrollment 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 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 applicants 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 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 K. Sawyer

Notary Public.

Sallie Compton, A.T. McClure #3)

employed R. B. Coleman.

Q Did you ever hear her claim to be a Chickasaw citizen?

A No sir.

Department of the Interior,
Commissioner of the Civilized Tribes.

I hereby certify as an official and as
stenographer to the Commission that this
transcript is a true and correct translation of
my stenographic notes.

M. D. Green

Sallie Compton, - A.T. McClure witness #2)

Q You are a Choctaw? A Yes sir.

Q Do you know Sallie Compton and family? A I know them, partially; I first knew them along about eighty or eighty-one.

Q Where was that? A It was in Skullyville County, Choctaw Nation.

Q What were they called at that time? A I think she claimed to be a Cherokee, I am not positive, it was neighborhood talk that she claimed to be a Cherokee citizen at that time.

Q State briefly what transpired two years ago? A In 1894 the Sheriff and his deputies was authorized to take a census of this county, and I and another Deputy, Green Taylor by name, was authorized to take a census up in the western part of the country here, and we were up in there taking all ~~that~~ we thought, and which we did, of the Choctaw citizens of the county, and about a month or two after we had turned in our census roll, I got a letter from her stating that we had missed her, and that she was a Choctaw, and that if there was any money to be drawn to put her name on the roll. I didn't recall who she was at the time, but along a year or two or six months, I don't remember exactly the time after that, she came to my house here in Old McAlester and she told me she was a Choctaw, and ~~if~~ I didn't remember her by looking at her, it has been fifteen or sixteen years since I had seen her in Skullyville, and when she told me who she was I recognized her as the same woman I knew in Skullyville, and I told her I didn't know she was a Choctaw.

Q She applied to you for enrollment as a Choctaw citizen when you were making the census rolls of this county? A Yes sir.

Q That is the same woman that you knew in 1891 or 1892 as a Cherokee citizen? A Yes sir.

Q What do you know about her having employed an attorney to represent her before the census committee? A I understood she

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the application of Sallie Compton et als for enrollment as a Chickasaw; William Johnson being sworn and examined by com'r McKennon testifies as follows:

Q What is your name? A William Johnson.

Q How old are you? A Forty-six.

Examined by Cornish, Chickasaw Attorney:

Q You are a Chickasaw Citizen? A Yes sir.

Q Do you know Sallie Compton? A Yes sir I used to know her; I have known her since 1896.

Q State what you know about her application to the Census Committee in 1896, and what they did with her? A I don't know anything, only she employed Dick Coleman, a lawyer, to represent her, and he told me he found that she was a Creek Indian, and he abandoned the case.

Q What citizenship was she applying for in 1896? A Chickasaw.

Q Was it Chickasaw or Choctaw,- are you certain on that point?

A No sir, it was Choctaw.

Q She employed Mr. Coleman, and upon investigation he decided she was not a Choctaw, but a Creek, and abandoned the case?

A Yes sir.

Q What do you know about her having a farm and selling it after being rejected by this committee? A She put in a farm in 1897 and held it a little while,- about a year, and found she couldn't hold it and sold it.

Q Was that before or after her rejection by this committee that she sold it? A It was afterwards.

A. T. McClure being sworn and examined states:

Q What is your name? A A. T. McClure.

Q How old are you? A Thirty-nine.

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the enrollment of Sallie Compton et al as Chickasaws;
Richard B. Coleman being sworn and examined testifies:

Q What is your name? A Richard B. Coleman.

Q How old are you? A Fifty-three.

Examined by Chickasaw Att'y Mansfield:

Q What do you know about her Choctaw citizenship? A Sallie Compton come to me and wanted to employ me as attorney, and I says if you have a case, and if you haven't any I wont take your money for nothing. And I got her to make a statement as to who she was, and Robert Ward, of Skullyville county, seemed to be the best evidence as to whether she was a Choctaw; I wrote to Robert Ward, but I wont be positive as to its purport, but he wrote to me that she wasn't a Choctaw, and if she was Indian at all she was a Creek, that he had known her from childhood, and I dropped the case at that.

Examined by Choctaw Com'r Lewis:

Q She claimed to be a Choctaw then? A Yes sir, she claimed to be Choctaw and raised in the Forks of Poteau; she claimed to me to be Choctaw.

Q Didn't claim to be Chickasaw at all? A No sir, they claimed to be Choctaw.

Department of the Interior,

Commission to the Five Civilized Tribes

I hereby certify upon my official oath as
stenographer to the said Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. ...

✓

It further appears from the record herein that the right of the applicants to enrollment as citizens by blood of the Chickasaw Nation is contested by the Chickasaw Nation upon the ground that the applicants are Cherokee and not Chickasaw Indians but the evidence introduced in support of such contention is not considered sufficient to establish the fact that the applicants herein are not citizens by blood of the Chickasaw Nation, nor does it appear that any of the applicants herein has ever been enrolled by the tribal authorities of the Cherokee Nation as a citizen of that nation nor that any of them has ever been listed for enrollment as a citizen of the Cherokee Nation by this office.

It further appears from the record herein that the applicant, Arnold Melton, died on January 3, 1900, and that the applicant, Estella Compton, died on September 13, 1901.

I am, therefore, of the opinion that the application for the enrollment of Arnold Melton and Estella Compton as citizens by blood of the Chickasaw Nation should be dismissed, and that Sallie Compton, Ed Melton, Jesse Melton, Rosa Melton and Pearl Compton 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.



Commissioner.

Muskogee, Indian Territory,

MAR 14 1906

9-D-238.

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

-----ooOoo-----

In the matter of the application for the enrollment of Sallie Compton and her children, Ed Melton, Jesse Melton, Arnold Melton, Rosa Melton, Pearl Compton and Estella Compton, as citizens by blood of the Chickasaw Nation.

-----ooOoo-----

D E C I S I O N .

It appears from the census card record in this case that on June 8, 1899 application was made to the Commission to the Five Civilized Tribes for the enrollment of Sallie Compton (36 years of age) and her six children, Ed Melton (21 years of age), Jesse Melton (18 years of age), Arnold Melton (16 years of age), Rosa Melton (14 years of age), Pearl Compton (4 years of age) and Estella Compton (2 years of age), as citizens by blood of the Chickasaw Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory on January 22, 1903.

It appears from the census card record in this case and the record herein that the principal applicant, Sallie Compton, is a daughter of Mary Gentry (or Gentry), deceased, a recognized citizen by blood of the Chickasaw Nation, and Drew Gentry (or Gentry), a non-citizen of the Chickasaw Nation; that the applicants, Ed Melton, Jesse Melton, Arnold Melton and Rosa Melton are the offspring of the principal applicant, Sallie Compton and Bynum Melton, a non-citizen of the Chickasaw Nation; and the applicants, Pearl Compton and Estella Compton are the offspring of the principal applicant, Sallie Compton, and C. W. Compton, a non-citizen of the Chickasaw Nation.

It appears from an examination of the tribal rolls in the possession of this office that the applicants, Sallie Compton, Ed Melton, Jesse Melton (as Jessie Melton), Arnold Melton, Rosa Melton and Pearl Compton are identified upon the 1896 Chickasaw Census Roll, Pontotoc County, page 46, enrolled thereon as citizens by blood of said nation. The applicant, Estella Compton, having been born subsequent to the preparation of said 1896 Chickasaw Census Roll is identified by proper proof of birth filed with and made a part of the record in this case.

It further appears that all of the applicants herein were residents in good faith of Indian Territory on June 28, 1898, all applicants listed upon census cards in 1899 having been first examined as to such fact, although their testimony was not reduced to writing.

Sallie Compton-----2

- Q How much Chickasaw blood did she have? A Well, I don't know; I couldn't tell you.
- Q Did she have any other Indian blood? A Not that I know of; that's all she claimed, Chickasaw.
- Q Was she always recognized as a Chickasaw? A Yes sir, she was recognized always to be a Chickasaw.
- Q Did you ever hear it claimed that your mother was a Cherokee? A No sir, I never did. They always told me she was a Chickasaw.
- Q I believe you stated that your mother was dead? A Yes sir, she died when I was an infant, you might say, just two years old.
- Q How many children have you? A I have got six children in all; only four living.
- Q Give me the names of those who are living? A Ed Melton; Jesse Melton; Rosa Melton; Pearl Compton.
- Q What are the names of the two who are dead? A Arnold Melton and Stella Compton.
- Q The name of the last one is Estella? A Yes sir.
- Q When did Arnold Melton die? A Three years ago.
- Q When did Estella Compton die? A September was a year ago.
- Q Have you and your children always been recognized and enrolled by the tribal authorities of the Chickasaw Nation as citizens of that tribe? A Yes sir, I certainly have; I have always been recognized as an Indian; me and my children always went to the national schools, and had the same rights and privileges as any other Indians.
- Q Have your rights as a Chickasaw Indian ever been disputed? A No sir, I never have heard it disputed; if it ever was disputed I never heard it.
- Q You never heard it said that you were a Cherokee? A No sir, I never did; never heard nothing like it.
- Q What is the name of the father of your children? A Melton, John Melton.
- Q He is the father of the first three? A The four first, and Compton was the father of the other two.
- Q What was his full name? A Cass Compton.
- Q Were both of these men white men? A My last man has some Cherokee, but he never has tried to prove no right; my first man was a white man.
- Q He never has been recognized by the Cherokee tribe? A No sir, he never has; he was born and raised in Georgia, and when he come here he never tried to prove any right at all; he never has been recognized as an Indian.
- Q Do you know a woman named Mary Miller or Mary Gentry, who lives in the Cherokee Nation? A No sir, not that I remember; Miller,— No, I don't know her; I have seen lots of people named Miller, but I have no knowledge of a Mary Miller.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in the full the above proceedings on January 22, 1903, 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 23 day of January, 1903.

Charles J. Sawyer

Notary Public.

Wax

Chickasaw, D-238.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
January 22, 1908.

In the matter of the application for enrollment as citizens by blood of the Chickasaw Nation of Sallie Compton, and her four children, Ed Melton, Jesse Melton, Rosa Melton, and Pearl Compton.

ADDITIONAL TESTIMONY.

Sallie Compton being duly sworn testifies with reference to this application as follows:

Examination by the Commission.

- Q What is your name? A Sallie Compton.
- Q How old are you? A I am thirty-nine years old.
- Q What is your post office address? A McDermot,-- no, my post-office is Okemah; they are right close together, but we get out-mail at Okemah.
- Q Which place do you get your mail? A Okemah, but McDermot is where I live, but Okemah is my post office.
- Q How do you spell that name? A O-k-e-m-a-h.
- Q What nation is that in? A Creek.
- Q How long have you lived in the Creek Nation? A Six year.
- Q Where did you live prior to that? A Down here below Sculleyville a long time, and then moved to Calvin, and lived there a while, then moved to Henrietta, and bought some town property and lived there until this last April.
- Q And up until six years ago you lived in the Choctaw Nation? A Yes sir.
- Q All your life prior to that? A No, my father sent me back to Mississippi and I went to school, and stayed there until I was nearly grown and then come back to this country.
- Q How many years did you live back in Mississippi? A Two years and about seven months.
- Q Just there at school? A Yes sir.
- Q You were born in the Choctaw Nation? A Yes sir, I was born in the Choctaw Nation.
- Q You are an applicant before this commission for enrollment as a citizen by blood of the Chickasaw Nation? A Yes sir, I am a citizen by blood and birth.
- Q Through which one of your parents do you claim Chickasaw blood? A Mother.
- Q What was her name? A Mary Everidge; my grandmother was a Colbert.
- Q What was the name of your father? A Gentry.
- Q Full name? A Drew Gentry.
- Q A white man? A Well, he had some Creek in him, but never did have his right proved up.
- Q You stated that your mother was a Chickasaw woman? A Yes sir, that's what they always claimed for her; of course she died when I was only two years old; but I have been taught that from my cradle.

(Sallie Compton, - S.E. Lewis witness)

Simon E. Lewis, Choctaw Com'r, being sworn and examined testified:

Q What is your name? A S. E. Lewis.

Q What is your age? A Fifty-eight .

I am acquainted with the woman- Mr. Leeder's first wife; she had one daughter named Susanna Gentry; that is all the Gentry child she had. All the other children were by a white man named Miller, except one boy named Duncan; that was Leeder's boy here. Mary Gentry, now Mary Miller, is Cherokee.

Q Where does she live now? A A post-office called Texanna in the Cherokee Nation.

Johnson Frazier being sworn and examined testifies:

Q What is your name? A Johnson Frazier

Q How old are you? A About thirty-five.

Q Do you know Mary Gentry? A No sir

Q Do you know Sallie Compton? A No sir

Q Did you ever know Drew Gentry? A No sir

Q Where do you live? A I live here in Calvin.

Q (A. Telle) Where did you live three years ago?

A I lived here on Canadian, here near Calvin.

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

✓

(Sallie Compton, Ed Leeder, witness)

Ed Leeder being sworn and examined testifies:

Q What is your name? A Ed Leeder.

Q How old are you? A I am fifty-eight years old

Q Do you know Sallie Compton? A ~~Yes sir~~ No sir.

Q Did you ever see her? A No sir, I have never been back since I come off from Little Sans Bois when I was a young man.

Q Did you know Mary Gentry? A Yes sir, she was my wife once. She was the first woman I married at Little Sans Bois; her father was named Giles Thompson; he ran a hotel at Fort Gibson.

Q Was he a white man? A He was a Dutchman.

Q What was her mother's name? A Her mother was a Cherokee quarteroon, McNeltry was her name before she married Giles.

Q Did you know of her having a daughter named Sallie Compton?

A No sir.

Q Do you know anything about Drew Gentry? A Yes sir, I know a good many Gentrys.

Q Was Mary Gentry ever the wife of Drew Gentry? A She married Cage Gentry, and he got killed; she quit me and married Cage Gentry, and then she married a white fellow; Cage Gentry was a Cherokee.

Q Do you know anything about Drew Gentry? A Yessir I know them all.

Q Did he have anything to do with her? A Not that I know of.

Q What was Drew Gentry? A They was all Cherokee- branch from the Cherokees.

Q Did you know Bynum Melton? A No sir, I don't know him.

Q Where did the Gentrys live in the Cherokee Nation?

A Right along about Briartown right on the River right across from Sans Bois.

J

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

In the enrollment of Sallie Compton and children as Chickasaws by blood; Martha Wright being sworn and examined by Com'r McKennon testifies:

(Chickasaw Commissioner Anderson, Interpreter)

Q What is your name? A Martha Wright.

Q How old are you? A About seventy years old.

Q Do you know Sallie Compton? A Says she don't know her.

Q Did you know Green Gentry? A She don't know him.

Q Do you know Mary Gentry? A No sir.

Q Did you know Mary McNeeltry? A Says she don't know nary one of them.

Q Have you ever lived up near the line of the Cherokee Nation?

A Never was near the line of the Cherokee Nation.

Q Where has she lived? A Red Springs, in the Chickasaw Nation.

Q Ask her if she knows Ed Leeder? A She says she knows Ed Leeder. She says I live at Red Springs and at the time these parties was going to enroll they were brought up there in my presence, but I didn't know nary one of them. Red Spring is in Pontotoc county.

Q Ask her if Mary Gentry and her family came up to be identified to be enrolled at the time she speaks of them coming up there and she not knowing them? A She said they all come up to her house, her place, - to be identified by her.

Q Was Sallie Compton one of the parties that came up there?

A Says I didn't know the parties and I didn't learn their names.

Q (Chick. Att'y Cornish) Ask her where she understood they came from when they came there. A Said they told her they came from towards the Canadian.

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Commission to the Five Civilized Tribes,

Calvin, Ind. Ter., Aug. 7, '99.

In the matter of the enrollment of Sallie Compton as a citizen of the Chickasaw Nation; Edward Leader, being sworn and examined by Commissioner McKennon testifies as follows:

Q What is your name? Edward Leader

Q What is your age? A Fifty-eight

(Statement by Witness)

C. W. Compton came to me and followed me up to my house and said he left the case with me; he says if I would swear to it and fix it up he would pay me forty dollars.

Q (Attorney Cornish) What did you say to him? A I told him I couldn't swear before the Court what I didn't know; I couldn't swear she was kinfolks.

Q (Cornish) And you told him you were going to tell the court what he told you? A I told him I couldn't swear to it.

Q (C) What did he say to you? A He said that he couldn't do any more and that he was going home, and that I must write to him after the court adjourned.

Q (Com'r McKennon) Was anybody present? A No; he followed me up to my house. I am acquainted with them since I thought of it; she lived right up close to the Six Mile Section House- three winters ago that was; I lived there too, at the Section House; I lived there that winter; she said she was connection to the Colberts.

Q At that time did you know she was the daughter of the Gentry woman? A No I didn't, and I don't know she is yet.

Q This Gentry woman had been your wife? A No, not her.

Department of the Interior,

Commission to the Five Civilized Tribes.

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

M. D. Green

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

-:-

Record in the matter of the application for enrollment as citizens by blood of the Chickasaw Nation of:

SALLIE COMPTON, ET AL., 9-D-238.

1993

people and allegiance of birth. (c) The statute applies by its terms to Indian women born to Indian allegiance, otherwise the word Indian can be given no force.

I am therefore of opinion that while the commissioner placed his decision upon untenable ground, the rejection of the application was the proper conclusion upon the facts.

Very respectfully,

(signed) FRANK L. CAMPBELL,

Assistant Attorney-general.

Approved: February 9, 1907.

(signed) E. A. HITCHCOCK,

Secretary.

his action upon improper ground, and that the act cited had no bearing upon her case, as she established residence in good faith in the nation with her husband, and became a resident citizen prior to that act.

I am, however, of opinion, for reasons stated at length in opinion of this date in case of Joseph M. Smith (I. T. D., 397-1907), that Article XXXVIII of the treaty of July 10, 1866 (14 Stat., 769, 779), gives to intermarried white persons citizenship in the Chickasaw Nation only during the existence of the conditions of residence and domicile in the Choctaw-Chickasaw Nations.

Counsel for applicant cites the act of August 9, 1888 (25 Stat., 392), which provides that "every Indian woman, member of any such tribe," who marries a citizen of the United States shall be a citizen of the United States, and that "nothing in this act contained shall impair or in any way affect her rights to tribal property. I am of opinion that her rights were not saved by this statute. (a) The act by terms of section one except the Five Civilized Tribes from its operation, and that limitation is carried forward into section 2 by the word "such tribe." (b) She had ceased to be a member of the Chickasaw Nation by her divorce and removal from the nation under Article XXXVIII of the treaty, and had returned to her own

J. R. W.
F. W. C.
W. C. P.

DEPARTMENT OF THE INTERIOR,
Office of the Assistant Attorney-General,
Washington,

I. T. D. 20756-1906.
22162- "

February 9, 1907.

The Secretary of the Interior.

Sir:

I received by reference of November 8, 1906, for opinion thereon, the record in case of Mary E. Jones, applicant for enrolment as an intermarried citizen of the Chickasaw Nation.

The applicant, a white woman, December 20, 1861, married Fred T. Waite, an enrolled Chickasaw citizen by blood, with whom she resided in the nation until 1890, when they separated and were divorced, she removing to Minnesota, where in 1892 she married a citizen of that state, and has continuously resided there, making, however, two temporary visits to the nation in 1897 and 1898. She purchased a home in the nation in 1897, which she sold in 1899, and has no interests there. She is borne on the 1893 leased district Chickasaw payment roll. June 22, 1906, the Commissioner denied her enrollment under section 21 of the act of June 28, 1898 (30 Stat., 495), which inhibits enrolment of persons who had not theretofore removed to and settled in good faith in the nation in which they claim citizenship.

For reasons heretofore expressed in cases of Yeargin and of James Rhea, I am of opinion that the Commissioner based

denied under the provisions of the law above quoted, and so ordered.

The law quoted by the Commissioner does not cover the case in question. Mary E. Jones had already in good faith settled in the Nation and maintained a home there, but she subsequently abandoned her home in the Nation and removed elsewhere. If she has sacrificed her right to enrollment in the Nation, it is through the fact that she moved therefrom and that she sold her interests therein in the year 1899, thus severing all connection with the Nation.

This case is analogous to those of George W. Smith and Elmer Terrell, applicants for enrollment as citizens of the Choctaw Nation, which are now pending before the Department, having been forwarded by the Office on August 29, 1906, and I recommend that the decision in this case be made on the principles laid down in the determination of the cases mentioned.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Y.

district payment roll No. 2, at page 222; that at the time of the marriage both persons mentioned were residents in good faith of the Chickasaw Nation, and that they lived together continuously as husband and wife in that Nation until 1890, when they separated and were subsequently divorced.

The Commissioner found from a further examination of the tribal roll of the Chickasaw Nation in his possession that Mary E. Jones is identified on the 1893 leased district payment roll No. 2 at page 222; and he also finds that in 1890 she removed from Indian Territory to the state of Minnesota, where, in 1892, she married a citizen of that state and has continuously resided therein from the date of her removal up to and including September 25, 1902, with the exception of two temporary visits to the Indian Territory in 1897 and 1898. It is further shown that in 1897 she purchased a home in the Chickasaw Nation which she sold in 1899, the home being the only interest possessed by her in the Nation since the date of her removal therefrom.

The Commissioner quotes from section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), which provides that

No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship. . .

In view of the facts set out by him Mr. Bixby determined that the applicant was not a resident in good faith of Indian Territory on June 28, 1898, and that she should be

(C O P Y)

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

Land,
54765-1906.

October 15, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to invite your attention to the enclosed letter of June 22, 1906, from Tams Pixby, commissioner to the Five Civilized Tribes, with which he transmits the record of proceedings in the matter of the application of Mary E. Jones as a citizen by intermarriage of the Chickasaw Nation, including the decision of the commissioner, dated June 22, 1906, denying the application.

In his decision of June 22, 1906, the commissioner finds from the record that application was duly made to the Commission to the Five Civilized Tribes for the enrollment of Mary E. Jones 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 Stats., 641); that from the record he learns that on December 20, 1881, the applicant, Mary E. Jones, was married, in accordance with the laws, customs and usages of the Chickasaw Nation, to Fred T. Waite, a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name is identified on the 1893 Chickasaw leased

9-1832

Muskogee, Indian Territory, March 1, 1907.

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

Gentlemen:

You are hereby advised that on February 13, 1907, the Secretary of the Interior affirmed the decision of this office of June 22, 1906, denying the application for the enrollment of Mary H. Jones as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Commissioner.

9-1832

Muskogee, Indian Territory, March 1, 1907.

Blanton & Andrews,
Attorneys at Law,
Pauls Valley, Indian Territory.

Gentlemen:

You are hereby advised that on February 13, 1907, the Secretary of the Interior affirmed the decision of this office of June 22, 1907, denying the application for the enrollment of Mary H. Jones as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Commissioner.

9-1832

Muskogee, Indian Territory, March 1, 1907.

Mary E. Jones,
927 Sims Street,
St. Paul, Minnesota.

Dear Madam:

You are hereby advised that on February 13, 1907, the Secretary of the Interior affirmed the decision of this office of June 22, 1906, denying the application for your enrollment as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Commissioner.

O. E.

DEPARTMENT OF THE INTERIOR,

D. C. 9335-1907.
I. T. E. 20756-1906.
2904-1907.

WASHINGTON.

S. P.

February 13, 1907.

LRS.

Direct.

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

Sir:

In accordance with the approved opinion of the Assistant Attorney-general for this Department, dated February 9, 1907 (I.T.D. 2904), a copy whereof is inclosed for your information, your decision of June 22, 1906 denying the application of Mary E. Jones for enrolment as an intermarried citizen of the Chickasaw Nation, is affirmed, but on other ground than stated in said decision.

A copy of Indian Office letter of October 15, 1906 (Land 54765), recommending in the matter, is inclosed.

You will advise applicant and her resident attorneys of this action.

The Indian Office has this day been requested to advise local attorneys for applicant of this action.

The papers in the case have been sent to the Indian Office with a carbon copy hereof.

Respectfully,

Thos Ryan,

First Assistant Secretary.

2 inc. and
7 for Ind. Of.
AMS, 2-13-07.

people and allegiance of birth. (c) The statute applies by its terms to Indian women born to Indian allegiance, otherwise the word Indian can be given no force.

I am therefore of opinion that while the commissioner placed his decision upon untenable ground, the rejection of the application was the proper conclusion upon the facts.

Very respectfully,

(signed) FRANK L. CAMPBELL,

Assistant Attorney-general.

Approved: February 9, 1907.

(signed E. A. HITCHCOCK,

Secretary.

his action upon improper ground, and that the act cited had no bearing upon her case, as she established residence in good faith in the nation with her husband, and became a resident citizen prior to that act.

I am, however, of opinion, for reasons stated at length in opinion of this date in case of Joseph M. Smith (I.T. D., 397-1907), that Article XXXVIII of the treaty of July 10, 1866 (14 Stat., 769, 779), gives to intermarried white persons citizenship in the Chickasaw Nation only during the existence of the conditions of residence and domicile in the Choctaw-Chickasaw Nations.

Counsel for applicant cites the act of August 9, 1888 (25 Stat., 392), which provides that "Every Indian woman, member of any such tribe," who marries a citizen of the United States shall be a citizen of the United States, and that "nothing in this act contained shall impair or in any way affect" her rights to tribal property. I am of opinion that her rights were not saved by this statute. (a) The act by terms of section one excepts the Five Civilized Tribes from its operation, and that limitation is carried forward into section 2 by the word "such tribe." (b) She had ceased to be a member of the Chickasaw Nation by her divorce and removal from the nations under Article XXXVIII of the treaty, and had returned to her own

J. R. W. ;
F. W. C.
W. C. P.

DEPARTMENT OF THE INTERIOR,
Office of the Assistant Attorney-General,
Washington,

I. T. D. 20756-1906.
22162- "

February 9, 1907.

The Secretary of the Interior.

Sir:

I received by reference of November 8, 1906, for opinion thereon, the record in case of Mary E. Jones, applicant for enrolment as an intermarried citizen of the Chickasaw Nation.

The applicant, a white woman, December 20, 1881, married Fred T. Waite, an enrolled Chickasaw citizen by blood, with whom she resided in the nation until 1890, when they separated and were divorced, she removing to Minnesota, where in 1892 she married a citizen of that state, and has continuously resided there, making, however, two temporary visits to the nation in 1897 and 1898. She purchased a home in the nation in 1897, which she sold in 1899, and has no interests there. She is borne on the 1893 leased district Chickasaw payment roll. June 22, 1906, the Commissioner denied her enrollment under section 21 of the act of June 28, 1898 (30 Stat., 495), which inhibits enrolment of persons who had not theretofore removed to and settled in good faith in the nation in which they claim citizenship.

For reasons heretofore expressed in cases of Yeargin and of James Rhea, I am of opinion that the Commissioner based

9-1832

Muskogee, Indian Territory, July 17, 1906.

Thayer & Rankin,
Attorneys at Law,
Atlantic Building,
Washington, D. C.

Dear Sirs:-

Receipt is hereby acknowledged of your letter of July 3, 1906, asking to be advised if the application of Mary E. Jones for enrollment as an intermarried citizen of the Chickasaw Nation has been forwarded to the Commissioner of Indian Affairs.

In reply you are advised that a decision was rendered refusing the application of Mary E. Jones for enrollment as an intermarried citizen of the Chickasaw Nation June 22, 1906, and on the same date the record in this case, together with such decision was forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner.

9-1832

Muskogee, Indian Territory, July 6, 1906.

Blanton and Andrews,
Attorneys at Law,
Pauls Valley, Indian Territory.

Dear Sirs:-

Receipt is hereby acknowledged of your letter of June 26, 1906, in which you ask when a decision will be reached in the matter of the application of Mary E. Jones for enrollment as an intermarried citizen of the Chickasaw Nation.

In reply you are advised that on June 22, 1906, a decision was rendered refusing the application of Mary E. Jones for enrollment as an intermarried citizen of the Chickasaw Nation, and on the same date you were furnished a copy of this decision and the record in this case was transmitted to the Secretary of the Interior. You will be notified of Departmental action in this case.

Respectfully,

Commissioner.

COPY

Muskogee, Indian Territory, June 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of Mary E. Jones, as a citizen by intermarriage of the Chickasaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated June 22, 1906, denying said application.

Respectfully,

SIGNED

James M. Smith
Commissioner.

2 Incl. 9-1832

Through the
Commissioner of Indian Affairs.

9-1832

COPY

Muskogee, Indian Territory, June 22, 1906.

Mansfield, McMurray & Cornish,
Attorneys for the 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 22, 1906, denying the application for the enrollment of Mary E. Jones as a citizen by intermarriage of the Chickasaw Nation.

The decision, with the record of the 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,

James O. Jones
Commissioner.

Incl. 9-1832

9-1832

COPY

Muskogee, Indian Territory, June 22, 1906.

Blanton & Andrews,
Attorneys at Law,
Pauls Valley, Indian Territory,
Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 22, 1906, denying the application for the enrollment of Hary E. Jones as a citizen by intermarriage of the Chickasaw 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

James H. H. H.
Commissioner.

Registered.

9-1832

9-1832

COPY

Muskogee, Indian Territory, June 22, 1906.

Mary E. Jones,
927 Sims Street,
St. Paul, Minnesota.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 22, 1906, denying your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The decision, with the record of the 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,

[Handwritten Signature]
Commissioner.

Registered
Incl. 9-1832

9-1832

Muskogee, Indian Territory, May 2, 1906.

Blanton & Andrews,
Attorneys at Law,
Paula Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 27, 1906, requesting an early decision in the matter of the application of Mary E. Jones for enrollment as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are advised that this matter will be taken up for final determination as early as practicable and when a decision is reached you will be notified of the action taken therein.

Respectfully,

Commissioner.

9-1832

Muskogee, Indian Territory, January 30, 1906.

Blanton & Andrews,

Attorneys at Law,

Pauls Valley, Indian Territory,

Gentlemen:

Receipt is heroby acknowledged of your letter of January 25, 1906, asking if the intermarried case of Mary E. Jones has been decided.

In reply to your letter you are advised that no decision has yet been reached in this case and it is impossible at this time to advise you exactly when the same will be decided, but you will be notified of such action as is taken therein.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, January 15, 1906.

Blanton & Andrews,
Attorneys at Law,
Pauls Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of January 6, 1906, in which you ask when the application of Mary M. Jones for enrollment as an intermarried citizen of the Chickasaw Nation will be decided.

In reply to your letter you are advised that this case is still under consideration and it is probable that a decision will be rendered in the near future.

Respectfully,

Commissioner.

9-1832

Muskogee, Indian Territory, December 4, 1905.

Blanton & Andrews,
Attorneys at Law,
Pauls Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of November 27, 1905, asking the cause of the delay in the matter of the application for the enrollment of Mary E. Jones as a citizen by intermarriage of the Chickasaw Nation.

In reply to your letter you are advised that on November 9, 1905, a decision was rendered holding that application was made for the enrollment of Mary E. Jones as an intermarried citizen of the Chickasaw Nation within the time provided by the act of Congress approved July 1, 1902, and the application for her enrollment as an intermarried citizen of the Chickasaw Nation is now receiving consideration. When a decision is reached you and the applicant will be notified of the action taken therein.

Respectfully,

Acting Commissioner.

Mem. 112.

Muskogee, Indian Territory, September 23, 1908.

Blanton & Andrews,
Attorneys at Law,
Pauls Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 19th instant, transmitting the affidavit of Dorset Carter in reference to an appearance before the Commission to the Five Civilized Tribes of Mrs. Mary E. Jones during the month of September, 1898.

You are advised that the same has been filed with the records of this office in the matter of the alleged application of Mary E. Jones for enrollment as a citizen by intermarriage of the Chickasaw Nation. Disposition will be made of this matter at the earliest practicable date.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, September 8, 1905.

Blanton & Andrews,

Attorneys at Law,

Pauls Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of September 5th in reference to the matter of the alleged application for the enrollment of Mary E. Jones as an intermarried citizen of the Chickasaw Nation and requesting a further continuance of thirty days within which to submit the personal testimony or affidavit of Dorset Carter in reference to Mrs. Jones' personal appearance before the Commission to the Five Civilized Tribes.

In conformity with your request you are advised that action in this matter will be suspended until October 1st, 1905, but as it is desired to make an early disposition thereof as practicable, you are requested to secure Mr. Carter's testimony at an earlier date if possible.

Respectfully,

Acting Commissioner

9-1832

Muskogee, Indian Territory, November 14, 1905.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

There is inclosed herewith for the information of your office copy of Chickasaw roll card No. 1832 and you are directed to make duplicate of this card in the possession of your office correspond with the information thereon.

You are also advised that through error the name of Mary E. Jones was placed upon Choctaw roll card 5970, copy of which was forwarded you on November 10, 1905, and you are therefore directed to destroy the duplicate Choctaw roll card 5970 and replace the same in your files with a blank card.

Respectfully,

Commissioner.

EB 2-14.

Mem 115

Muskogee, Indian Territory, August 23, 1905.

Blanton & Andrews,

Attorneys at Law.

Pauls Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of August 18, 1905, enclosing affidavits of James M. Campbell, Isaac O. Lewis and Guy Keel and certificate of Tom Pratt to the destruction of the marriage records of Pickens County, Arkansas, which you offer in support of the application of Mary R. Jones for enrollment as an intermarried citizen of the Chickasaw Nation and the same have been filed with the records in this case.

Respectfully,

Commissioner.

Excepting the last 4 years when I have been living at Sulphur I. T. I have lived in the Pauls Valley, neighborhood, for the last 20 years and I knew Fred T. Waite and the applicant when they were living together as husband and wife for about 2 or 3 years. My wife's name is Sarah Campbell. She was once the wife of the said Fred T. Waite, having been his second wife, the said Mary E. Jones having been his first wife.

The said Fred T. Waite was a Chickasaw Indian by blood, and was always so recognized. I knew of his holding office under the tribal authorities of the Chickasaw Nation. He was a brother of Hannah Elliott, Sarah Lasater, Mary Waite, Jennie Oliphant, Irene Kerr, and Amos R. Waite, all of whom are finally approved citizens of the Chickasaw tribe.

(Signed) Jane M. Campbell

Subscribed and sworn to before me this the 18 day of Aug. 1905.

(Signed) H. B. Webster

(SEAL)

Notary Public.

Endorsed.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED AUG 22 1905.

TAMS BIXBY

CHAIRMAN.

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

AT MUSKOGEE.

Indian Territory, # In Re application of Mary E. Jones for
Enrollment as a Chickasaw Indian
Southern District. #

James M. Campbell being duly sworn says:

My name is James M. Campbell, I reside at Sulphur Indian Territory, am 32 years old and am in the transfer business. I know the applicant Mrs. Mary E. Jones and have known her since 1888. During the year of 1898, she came to our house to get certain marriage license which she had sent my wife and which license I remember to have seen upon several occasions. They had been issued by the tribal authorities of the Chickasaw Nation and authorized the marriage of Fred T. Waite and Mary E. Thompson; they purported to have been executed by a preacher by the name of Powell, and their execution was witnessed by Tecumseh McClure and John Burks, both now dead. I remember that some time prior to Mary E. Jones sending the license to my wife, my wife applied to Guy Keel, with whom we are quite well acquainted, for a certified copy of her license to marry Fred Waite, and that said Keel sent her a copy of the license to Fred Waite and Mary E. Thompson, the applicant. The copy that Mrs. Jones sent us and the copy wife procured from the clerk were misplaced by us in some manner. We left them with some old papers at our house where others were living and we have never seen them since; we moved about that time too. As I now recall it wife secured the copy of the license from Keel about the year of 1897, and it was afterwards that Mrs. Jones, the applicant, sent her the other copy of said license.

county, Chickasaw Nation, I. T., all the marriage records, as well as other records, were destroyed by fire, the house of said Keel, in which said records were kept, being burned. That Oakland, I. T. at said time was the county seat of said Pickens county, and this affiant resided at said town; that said Keel resided but a short distance from said town of Oakland and this affiant's home at the time of said fire, and this affiant well remembers the occurrence of said fire and the destruction of said records; that he does not remember the exact date of said fire, but his best recollection is that said fire occurred in the year 1898.

(Signed) Isaac O. Lewis

Subscribed and sworn to before me this August 15, A. D., 1905.

(Signed) Geo. E. Rider

(SEAL)

Notary Public.

Endorsed.

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

FILED AUG 22 1905

TAMS BLIBY

CHAIRMAN.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, I. T.

UNITED STATES OF AMERICA, #
INDIAN TERRITORY, #
SOUTHERN DISTRICT. #

In Re Application of Mary E. Jones
Choctaw by intermarriage.

AFFIDAVIT OF ISAAC O. LEWIS.

Isaac O. Lewis upon his oath states:

That he is a citizen by blood of the Chickasaw Nation;
that his post office address is Madill, Ind. T.

Affiant states that he has held the offices of county
and probate judge of Pickens county, Chickasaw Nation; county and
probate clerk of said county and nation; Senator in the Chickasaw
Legislature from said county; district judge of the Chickasaw
Nation, and Attorney-General of said Chickasaw Nation.

Affiant further states that he was well acquainted with
Fred T. Waite, now dead. That said Waite was a Chickasaw by blood.
That affiant served with said Waite in the Senate of the Chickasaw
Nation, said Waite being a Senator from Pickens county, the same
county affiant represented; that said Waite at said time resided
at Pauls Valley I. T. and affiant at Ardmore.

Affiant states that he was not personally acquainted
with the first wife of said Waite, Mary E. Waite (formerly, by
maiden name, Mary E. Thompson, and now Mary E. Jones), but he
knows, as a matter of general reputation, that said parties were
married and lived together as man and wife for a number of years;
that they then separated and were divorced, and that said Waite
thereafter married Sarah Manning.

Affiant further states that during the term of office of
Guy Keel as clerk of the county and probate court of Pickens

understand, was said Fred T. Waite's wife before he married Sarah Manning, now Sarah Campbell. After I sent this license to Mrs. Sarah Campbell I saw her and we talked about the matter, and this is what impresses the fact upon my memory. I am well acquainted with Mrs. Campbell. We talked and laughed about the fact of my having sent her the license of Mary Thompson to marry Fred T. Waite.

(Signed) Guy Keel

Subscribed and sworn to before me this August 15, A. D. 1905.

(Signed) Geo. E. Rider

(SEAL)

NOTARY PUBLIC.

End orsed.

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

FILED AUG 22 1905.

TAMS BIXBY

CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
AT MUSKOGEE, I. T.

UNITED STATES OF AMERICA, #
INDIAN TERRITORY, #
SOUTHERN DISTRICT. #

In Re Application of Mary E. Jones,
Choctaw by intermarriage.

AFFIDAVIT OF GUY KEEL.

GUY KEEL, upon his oath states:

My name is Guy Keel. I am a citizen by blood of the Chickasaw Nation. I am thirty-three years of age. I have filled the offices of Sheriff of Pickens county, clerk of the county and probate court of said county, and a member of the legislature of the Chickasaw Nation, which last position I now hold, having been re-elected during the present month.

I was elected to the office of county clerk of Pickens county, Chickasaw Nation, in the year 1894, and held said office for two terms, or for four years. As such county clerk I was custodian of the records of marriages of Pickens county, Chickasaw Nation. Shortly before my term as county clerk expired, I think in the year 1898, all of the records which I had in my custody as said clerk, including the records of marriages which I had in my possession, were burned, my house being destroyed by fire with all of its contents, including said records.

I am acquainted with Sarah Campbell, formerly the wife of Fred T. Waite. In the year 1897, to the best of my recollection she sent to me as clerk for a certified copy of her license to marry Fred T. Waite. By mistake I sent her a copy of the license to marry of said Fred T. Waite and Mary Thompson, who, as I

In Re Application of Mary E. Jones for
Enrollment as a Chickasaw by Intermarriage.

IN PROBATE COURT OF
PICKENS COUNTY
CHICKASAW NATION.

I Tom Prate do hereby certify that I am the duly qualified and acting clerk of the Probate Court of Pickens County Chickasaw Nation and as such am the custodian of the marriage record of said County. That all records of marriage in said County of Pickens have been destroyed and none ^{now} are in existence except those since the year of 1898.

In witness whereof I have hereunto set my hand and seal as such clerk on this the 12th day of Aug. 1905.

Tom Prate
County and Probate Court
Pickens Co. Chickasaw Nation.

(SEAL)

Endorsed.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED AUG 22 1905

TAMS DIXBY
CHAIRMAN.

Mrs. Jones and I were at Tishomingo, I.T. while the Commission was there and after it had left Pauls Valley, in 1898, and I went before the Commission there and explained to it that I had not been able to secure a copy of said license.

About two weeks ago Mrs. Jones attorneys in this cause tried to procure me to go to Muskogee, I.T. with them in order that she might secure my testimony in person as to the fact of her having made the above application; but I advised them that it was impossible for me to attend but that I would furnish an affidavit as to the fact. I told them I would probably be able to get to Muskogee soon when I would give my evidence in the matter, but I find that owing to the press of important matters at home I can not get to Muskogee soon.

Dorset Carter.

Subscribed and sworn to before me this the 16th. day of August, 1905.

S E A L.

W. H. Downard,
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
AT MUSKOGEE, I.T.

Indian Territory. # In Re Application of Mary E. Jones for Enroll-
Southern District. # ment as an Intermarried Chickasaw.

Dorset Carter being duly sworn says:

My name is Dorset Carter, I reside at Purcell, Indian Territory; am 31 years of age and am a practicing lawyer.

During the month of September, 1898, I was retained by Mrs. Mary E. Jones, the applicant to represent her in her application before the Commission to the Five Civilized Tribes for enrollment as a citizen of the Chickasaw Nation; at the time I was living at Purcell, I.T. and the applicant was living in St. Paul, Minn. She came to the Indian Territory for the purpose of going before the the Commission to secure enrolment as a Chickasaw by intermarriage. As her attorney and for the purpose of going before the Commission to the Five Civilized Tribes at its sitting at Pauls Valley, I.T. in the month of September, 1898, I came to Pauls Valley, I.T. and she and I went before the said Commission at said time while said Commission was holding its sittings in tents west of Pauls Vaalley, I.T. at said time.

I went into the tent with her and she related to Mr. Tams Bixby, the Commissioner in charge, the facts in her case; told him that she was married at one time to Fred T. Waite, a Chickasaw Indian by blood, under license issued by the tribal authorities; that she had been divorced from him and had remarried; and she asked that she be enrolled as a citizen by intermarriage. I also stated some of the facts in reference to her case while she was before the Commission. Mr. Bixby advised us to secure a copy of her marriage license from the tribal authorities and present it to them and Mrs. Jones and I at once went and endeavored to secure the same but we learned that the records of Pickens CO. had but recently been destroyed by fire, in the residence of Guy Keel, who had been clerk of said County.

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

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

D E C I S I O N.

It appears from the record herein that application was duly made to the Commission to the Five Civilized Tribes for the enrollment of Mary E. Jones 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 Stats., 641).

It further appears from the record herein that on December 20, 1881, the applicant, Mary E. Jones, was married in accordance with the laws, customs and usages of the Chickasaw Nation, to Fred T. Waite, a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name is identified upon the 1893 Chickasaw Leased District Payment Roll No. 2, Page 222; 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 1890, when they separated and were subsequently divorced.

Upon examination of the tribal rolls of the Chickasaw Nation in the possession of this office it appears that the said Mary E. Jones is identified upon the 1893 Chickasaw Leased District Payment Roll No. 2, Page 222.

It further appears from said record that in 1890 said applicant removed from Indian Territory to the state of Minnesota, where, in 1892, she married a citizen of said state, and has continuously resided therein from the date of said removal, up to and including, September 25, 1902, with the exception of two temporary visits to the Indian Territory in 1897 and 1898. It further appears that in 1897 said applicant purchased an improvement in the Chickasaw Nation which she sold in 1899, said improvement being the only interest possessed by her in said nation since the date of her removal therefrom.

Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides,

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship..."

In view of the facts as above set forth it is considered that said applicant was not a resident in good faith of Indian Territory on June 28, 1898.

I am therefore of the opinion that the application made for the enrollment of Mary E. Jones as a citizen by intermarriage of the Chickasaw Nation should be denied under the provisions of law above quoted, and it is so ordered.



Commissioner.

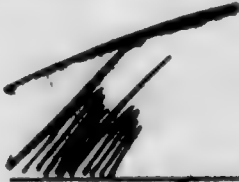
Muskogee, Indian Territory,

JUN 22 1906

and place the applicant made application for enrollment as a citizen by intermarriage of the Chickasaw Nation, and related to Commissioner Bixby the facts in her case. The latter then advised them to secure a copy of the applicant's marriage license from the tribal authorities and file the same with said Commission. The affiant then made an effort to secure a copy of said license, but was unable to do so, of which fact he notified said Commission at Tishomingo, Indian Territory

It appears from the records of this office that Miles Laseter, Sue Burks and Mary Waite, who the applicant testified were present at the time of the making of her application, appeared before the Commission to the Five Civilized Tribes, at Pauls Valley, Indian Territory, on September 14, 1898, and made application for enrollment as citizens of the Chickasaw Nation.

I am of the opinion that the evidence herein established the fact that an application was made for the enrollment of Mary R. Jones as a citizen by intermarriage of the Chickasaw Nation within the time limited by the Act of Congress approved July 1, 1902 (32 Stats., 541), and that the same should now be considered upon its merits, and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

NOV 9 - 1905

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

In the matter of the alleged application for the enrollment of Mary E. Jones 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 8, 1905, Mary E. Jones appeared before the Commissioner to the Five Civilized Tribes and presented testimony relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Chickasaw Nation within the time limited by the Act of Congress approved July 1, 1902 (32 Stats., 641).

On the appearance of the applicant, on August 8, 1905, she testified that she appeared before Commissioner Bixby at Pauls Valley, Indian Territory about the 12th. day of September, 1898, and made application for enrollment as a citizen by intermarriage of the Chickasaw Nation; that she was accompanied by her attorney, Dorset Carter, of Purcell, Indian Territory, and Sarah Campbell and Milas Laseter; that she secured a number, but as the same was large and would not be called for some time, she exchanged the same with Mr. Laseter; that at said time, Commissioner Bixby informed her that it would be necessary for her to file a copy of her marriage license, granting authority for her marriage to her Chickasaw husband; and that she saw, at that time, Sue Burks, Mr. and Mrs. Laseter, Mary Waite, and Ina McClure and wife, who were also present for the purpose of making application.

Sarah Campbell, on August 8, 1905, testified that she was 36 years of age, resided at Sulphur, Indian Territory, and is a citizen by intermarriage of the Chickasaw Nation; that she was present when the applicant made application to Commissioner Bixby for enrollment as a citizen by intermarriage of the Chickasaw Nation, at Pauls Valley, Indian Territory, and heard Commissioner Bixby request the applicant to file her marriage license.

Milas Laseter, on August 8, 1905, testified that he was 34 years of age, resided at Pauls Valley, Indian Territory, and is a citizen by intermarriage of the Chickasaw Nation; that he appeared before Commissioner Bixby at Pauls Valley, Indian Territory in September, 1898 to make application for the enrollment of himself and wife as citizens of the Chickasaw Nation; that he and his wife secured numbers, but as the latter's number was lower than his, she was called first, and that while she was before the Commissioner, the latter requested the witness to appear, and that on his coming out of the tent, he gave his number to the applicant who stated that she was present for the purpose of making application.

On September 22, 1905, there was filed with the Commissioner to the Five Civilized Tribes the affidavit of Dorset Carter, of Purcell, Indian Territory, wherein he stated that in September, 1898 he was retained by the applicant, as her attorney, to represent her in the matter of her application before the Commission to the Five Civilized Tribes; that shortly thereafter he appeared with the applicant before Commissioner Bixby, at Pauls Valley, Indian Territory, at which time

10-Mary E. Jones.

Q Do you know the relation your wife was to Fred T. Waite?

A Sister.

Q Are they Indians by blood? A Yes, quarter Chickasaw.
Witness excused.

Katie Waite being first duly sworn testified as follows:

Examination by the Commissioner:

Q What is your name? A Katie Waite.

Q Your age? A Twenty-two.

Q Post office address? A P Pauls Valley.

Q Are you a citizen by blood of the Chickasaw Nation? A Yes sir.
Witness is identified on Chickasaw Field Card No. 434,
No. 4789 on the final roll approved by the Secretary
of the Interior May 21, 1904.

Q Are you the daughter of Mary E. Jones? A Yes sir.

Q Do you know anything about this application which she claims she
made for enrollment in 1898? A I know that she came down here
from St. Paul in the month of September.

Q Do you know whether she appeared before the Commission in
that month? A No more than I saw letters from her; I was off at
school at the time; she said she had.

Q Were you at Pauls Valley at that time? A No, I was at school.

Q So you didn't see her at Pauls Valley, and don't know person-
ally whether she appeared before the Commission or not?

A No sir.

Q All the knowledge you had was what she wrote you? A Yes sir.

Examination by Mr. Andrews:

Q What do you know about Mrs. Jones, your mother, having re-
ceived an annuity fund in 1893? A I know tht in the month of
August we both received a hundred and thirty dollars.

Q Who sent it to you? A My father, Fred T. Waite.

Q Did he state in a communication what it was? A He said it
was annuity.

Q Where were you at the time it was sent to you? A St. Paul.

Q With whom have you lived since your father and mother separ-
ated? A My mother.

Q You have been enrolled as a Chickasaw? A Yes sir.

Q You have retained property, like your mother, in the Chicka-
saw country, during the time you have lived in St. Paul.

A Yes sir.

Q You are a one-eighth Chickasaw are you? A Yes sir.
Witness excused.

Thirty days are allowed the applicant, from this date,
to introduce further testimony.

Frances R. Lans upon oath, states that as stenographer to
the Commissioner to the Five Civilized Tribes, she correctly
reported the testimony and proceedings in the above entitled
cause and that the foregoing is an accurate transcript of her
stenographic notes thereof.

Frances R. Lans

Subscribed and sworn to before me this August 9, 1905.

Edward Murricey

Notary Public.

9-Mary E. Jones.

Q saw her at the Valley? How long between the time you received her license by mail until she appeared before the Commission?

A Sometime, I know, about the time I got the copy of the record. It was when I first appeared at the Commission.

Q Was it after that that you got the license from her from St. Paul? A I think it was.

Q When you and she were looking, did you find either set of license? Either the copy or original? A No, we couldn't find either.

Examination by the Commissioner:

Q Do you remember what part of the year 1896 you got this copy of the license issued for the marriage of Mary E. Thompson to Waite? A I think it was in the fall of 1896, the best I remember.

Q And you got that from the county clerk at Oakland? A Yes, I was personally acquainted with him.

Q So, as late as the fall of 1896 that record was in existence? A Yes sir.

Q When was it that you tried to get a copy from him again? A I never tried. Mrs. Jones in 1898, says that she went to Tishomingo----

Q You don't know anything about that yourself? A No sir. Witness excused.

Milas Lasater being first duly sworn testified as follows:

Examination by the Commissioner:

Q What is your name? A Milas Lasater.

Q Your age? A Thirty-four.

Q Postoffice? A Pauls Valley, Indian Territory.

Q Are you a citizen by blood of the Chickasaw Nation? A By intermarriage.

Q On the final roll? A Yes sir.

Q Taken your allotment? A Yes sir.

Q Are you acquainted with Mary E. Jones? A Yes sir.

Q How long have you known her? A Sometime in 1898. I believe I met her in 1897, but I couldn't have recognized her again.

Q Do you know anything about an application she alleges was made for her enrollment in September, 1898, at Pauls Valley? A I, myself appeared before the Commission with my wife to be enrolled as a Chickasaw by blood. We received numbers. My wife's number was lower than mine and she appeared first, and when they were examining her Colonel Bixby, who was hearing the case, asked that I should come in. That rendered my ticket useless, and I had been talking with Mrs. Jones and Carter, her attorney who represented her and they told me that they were making application for her enrollment and inasmuch as my ticket was useless, I gave it to her. I didn't see her go inside the tent.

Q You saw her there and talked with her about her business? A Yes sir.

Q You didn't see her go into the tent? A No sir.

Q You don't know anything about what occurred when she was in there? A No sir.

Examination by Mr. Andrews:

Q You just gave her your ticket because yours became useless? A Yes sir.

3-Mary E. Jones.

- Q Did you hear what she said to him? A Yes sir.
Q Can you state what she said? A Well, it was something concerning her marriage license.
Q Did you hear what she asked to be done with reference to her case, if anything? What did she want the Commission to do?
A Enroll her.
Q Did you hear her ask the Commission to enroll her? A Yes sir.
Q What was said in response to that? A That she would have to get a copy of her marriage license, and then we went out to my house and searched for it.
Q Did you hear Mr. Bixby tell her that she would have to get a copy of that marriage license? A Yes sir.
Q You were right close enough to hear what was said? A Yes sir.
Q What did you do then? A She came out to my house about three miles and looked for the license and we couldn't find it.
Q Did you then appear again before the Commission? A I didn't pay any more attention to it then. No, I didn't.
Q And what you have state d is all that occurred, as far as you remember? (No answer).
Q Do you remember what date that was? A No sir.
Q What month? A It was September.

Examination by Mr. Andrews:

- Q You remember those licenses you got from Mrs. Waite or Mrs. Jones? A Yes sir.
Q Who were witnesses on them? A Tecumseh McClure and John W. Burks.
Q Do you remember whether that license was issued by the tribal authorities or not? You don't remember whether that was issued by the tribal authorities or not, do you? A No sir.
Q Were you living at Fred Waite's in 1893 when the Chickasaw leased district money was distributed? A Yes sir.
Q Do you know whether or not he sent the present applicant, Mary E. Jones, her proportionate share or one payment for her and one for her daughter, Miss Kitty? A Yes, he did. I remember very well his getting her money.
Q You were Fred T. Waite's second wife? A Yes sir.
Q And in 1898 had you remarried the second time to Mr. Campbell?
A Yes sir.
Q You had at that time? A Yes, the second time.
Q And when you went before Barnett who was representing you, he discouraged this woman employing him because of the fact that they were holding that people who had once re-married after marrying a Chickasaw, that they had married out--lost their rights? A Yes sir.
Q About how long before Mrs. Jones came down was it that you got her license through the mail? A I think it was in 1896, I got a copy of her license of Guy Keel, the county clerk at Oakland. I wrote to him for my license to Mr. Waite, and through mistake he sent me a copy of Mary Thompsons'.
Q Did you see him afterwards about it? A Yes sir.
Q Did you get your marriage license then? A Yes sir.
Q Do you remember how her name appeared in the license issued---
A Mary E. Thompson and Fred T Waite.
Q You got that in 1896? A Yes sir.
Q Afterwards did you receive her license--the original she sent you? A Yes sir.
Q How long was that before the time she came down here and you

7- Mary E. Jones.

Sarah Campbell being first duly sworn testified as follows:

Examination by the Commissioner:

- Q Your name? A Sarah Campbell.
- Q Your age? A Thirty-six.
- Q What is your postoffice address? A Sulphur Springs, Indian Territory.
- Q Are you a citizen of the Chickasaw Nation by blood or intermarriage or otherwise? A Intermarriage.
- Q Are you on the final roll? A Yes sir.
- Q Are you acquainted with Mary E. Jones, the applicant in this case? A Yes sir.
- Q How long have you known her? A I have known her something like twenty years.
- Q She has testified that in September, 1898, she appeared before the Commission to the Five Civilized Tribes at Pauls Valley and requested to make application for enrollment. Do you know anything about that? A I do.
- Q State what you know about that? A Prior to her coming down here she sent me her Chickasaw license to see what there was in it, and to have an attorney investigate it, and I took it to Mr. Barnett an attorney there, and he seemed to want a hundred and ten dollars to represent her before the Commission--that's what he charged me; then, he was doubtful; he had no faith in it on account of the marrying out law, you know they talked at that time, the second marriage they talked about at that time, and he seemed to not value them, and I took them home and left them with all my papers on my place. I had it rented and I left them in the writing desk. I was gone a good deal, and I have never been able to find the license since.
- Q State what you know with reference to this alleged appearance that the applicant made at Pauls Valley in September, 1898; - do you know anything about that? A I know that she was in before the Commission.
- Q Were you with her at that time? A I was with her part of the time.
- Q Were you with her at the time she appeared before the Commission? A Yes sir.
- Q Where was your home at that time? A About three miles from Pauls Valley.
- Q What was the reason that you went before the Commission with her? How did it come that you went with her? A I was making application myself.
- Q Making your own application? A Yes sir.
- Q Had you ever made application for your own enrollment prior to that time? A Yes sir.
- Q Why was it necessary for you to go at that time? A My attorney advised me to go. I went before them about a dozen times I think.
- Q Did you see Mrs. Jones go into the tent where the Commission was holding its session? A Yes sir.
- Q Did you go in with her? A I was in there with her; I don't know as we both went right in together; I know I seen her in there.
- Q Who was holding the session? A Colonel Bixby and Bill Boland. I know him personally.
- Q Did you hear what she said to Mr. Bixby? A Yes, she made application for enrollment and --

6-Mary E. Jones.

- Q And you have tried to secure that license since you sent it to Mrs. Campbell, but have not been able? A Yes sir.
- Q Ever have you been able to find any record or copy of it since that time? A No sir.
- Q Since you disposed of this farm in 1899, you have had no interests in the Indian Territory at all? A No sir.
- Q You went to St. Paul in 1890, did you not? A Yes sir.
- Q Between 1890 and 1899, this property which you speak of was the only property that you had in the Indian Territory? A Yes sir.
- Q Did you rent it during that period? A Yes sir.
- Q To whom did you rent it? A To my brother-in-law, Wm. Grisham. I might state that I didn't own this farm at that time. I owned it a couple of years and when I didn't get enrolled I thought best to sell it.
- Q When did you first own this farm? A In the year 1897.
- Q Were there any improvements ever put on this farm after you went to St. Paul? A Yes sir.
- Q At the time you left the Indian Territory, you had no interests here at all? A No sir.
- Q And you didn't acquire any for some five or six years thereafter? A No.
- Q You just simply sent a little money down here and invested it in property? A Yes, I came here myself.
- Q How long did you stay at that time? A Two months.
- Q And that was in 1897? A Yes sir.
- Q You left here in 1890 and returned in 1897 and staid two months and returned to St. Paul until 1898 and then came here to make this enrollment application, and went back to St. Paul again? A Yes--in the meantime I drew one annuity.
- Q Have you drawn money from the Chickasaw Nation? A Yes sir.
- Q When was that? A August, 1893.
- Q How much did you draw? A One hundred and thirty dollars.
- Q Your name appears, does it, on the 1893 Chickasaw payment roll? A It must.
- Q What county? A Pickens.
- The name of Mary E. Jones appears on the 1893 Chickasaw Leased District Payment Roll, No. 2, page 120.
- Q Did you draw that money in person? A No sir.
- Q Who drew it for you? A Fred Waite.

Examination by Mr. Andrews:

- Q You say you paid \$50 for the license? You just understood that was the price? You was not present when it was paid? A No sir.
- Q I will ask you about your understanding about whether or not you were enrolled--I will ask you whether or not--whether you were discouraged from making application in 1890, and what it was-- A Why, the intermarriage--there was no one being enrolled at that time.
- Q Those who had married and had married out? A Yes sir.
- Q You had re-married at that time? A Yes sir.
- Q You said that Fred Waite sent you \$130 in 1893? A Yes, August, 1893.
- ~~Q And you understood from him that it was your annuity? A Yes, he also sent my daughter's too.~~

Witness excused.

5-Mary E. Jones.

Mrs. John Burks and Mrs. Lasater, Miss Mary Waite, Mr. Lasater, and Dr. Burks' wife.

Q Sue Burks? A Yes sir. Ina McClure and his wife were there.

Q They were Chickasaws too, were they? A Yes sir.

Q Where did they live--those who are living now? A Pauls Valley, around in that vicinity.

Q What official position did Fred T. Waite occupy as a Chickasaw?

A He was attorney general at the time I came away.

Q In 1890? A Yes sir.

Q Attorney General of the Chickasaw Nation? A Yes sir.

Q What relation did he sustain to Mrs. Hannah Elliott,, Mrs. Sarah W. Lasater and Miss Mary Waite, who are enrolled as Indians by blood? A He was their brother.

Examination by the Commissioner:

Q Mrs. Jones, this farm that you speak of, you say that you acquired that with outside means, that is, with means belonging to you individually? A Yes sir.

Q How much did you pay for it? A \$300.00 (Three hundred dollars)

Q You disposed of that in 1899, I think you said? A Yes sir.

Q Since that time you have had no interests at all in the Chickasaw Nation, have you? A No sir.

Q You stated, I think, that you owned a residence in St. Paul?

A No, I don't.

Q But your home is there? A I live there on a ranch.

Q You have made your home in St. Paul with your husband continuously since the time you were married to him, haven't you? A Yes sir.

Q At the time you applied at Pauls Valley in 1898, can't you remember what Mr. Dixby stated to you with reference to your application? A Well, he asked for a copy of the marriage license; we had to get that to prove that we were married under an Indian license.

Q Had you that copy with you at that time? A No, I didn't.

Q You had not been able to secure a copy? A No sir.

Q Since you left the Chickasaw Nation what has been your intention with reference to your case? Did you understand that you were or were not enrolled, or did you simply intend to drop the whole matter? A I had dropped the whole matter.

Q Since 1898? A Yes sir.

Q You paid no further attention to it? (No answer).

Q You have testified that you have been unable to find the original or a certified copy of your Chickasaw marriage license?

A Yes sir.

Q By whom was that issued? A I don't now remember who was the clerk; it was issued at Oakland.

Q Do you know how much was paid for that license? A Fifty dollars.

Q Your husband secured that? A Yes sir.

Q Did you go with him when he got it? A No sir.

Q Did he exhibit it to you after he got it? A I saw it afterwards, yes.

Q You saw it? A Yes sir.

Q And after you were married I understand the license and certificates were returned to you? A Yes sir.

Q And you kept them until when? A Until the summer of 1898.

Q That was just prior to your coming down here? A Yes sir.

Q And then you forwarded them to Mrs. Campbell? A Yes sir.

Q For what purpose? A To investigate and see about being enrolled; I didn't know whether it would be necessary to come down here.

4-Mary E. Jones.

also, before the Commission? A Yes sir.

Q Did you and Mr. Carter together relate the claim that you made for enrollment--that is, by what right you claimed citizenship? A Yes sir.

Q I will ask you if he and you went anywhere else for any purpose? A To Tishomingo.

Q What was your purpose? A To secure a copy of my marriage license.

Q Were you ever-- A. We was not able to find it.

Q Who was married at the same time you were married? A Fred's sister.

Q What is her name now? A Elliott.

Q Were you able to find her certificate or a record of it? A No sir.

Q Did you find a book that the contents about that date, some of the leaves were torn out? A Yes, we found that book, but a good many leaves were out.

Q Were you and Mr. Carter in Tishomingo, were you there after the Commission left Pauls Valley? A Yes sir.

Q Did you go before them there too? A I didn't go; I didn't stay--

Q Mr. Carter was there? A Yes, I guess so.

Q You don't know whether he went before them or not? A No sir.

Q What is the date of your marriage under your Indian license? A December 22, 1881.

Q Do you remember who married you? A Yes, Rev. J. C. Powell.

Q Where did he reside? A White Bear Hill.

Q Is he now living or dead? A Dead.

Q Who were witnesses, if anyone, to the marriage license? A Tecumseh McClure and John W. Burks.

Q What relation were they to your husband, Fred T. Waite? A Mr. McClure was uncle and Mr. Burks was brother-in-law.

Q Are they both living or dead? A Both dead.

Q Who else was present when you were married to Fred T. Waite? A His mother and two sisters.

Q Where is his mother? A His mother is dead.

Q Which two sisters were they? A Ellen and Emma.

Q Is Ella living? A No, she is dead.

Q Where is Emma? A At a sanitarium at Norman, Oklahoma.

Q What was done with the license after the ceremony was performed? A They were given to me.

Q By whom? A The minister himself.

Q Did you get them filed? A I sent them to the Indian Territory to Mrs. Sarah Campbell.

Q Are you positive that that was a Chickasaw license? A Yes sir.

Q At that time, in 1881, was there any provision for the issuance of a license for marriage for persons in Indian Territory by the United States authorities, or did they just merely contract a marriage? A I don't exactly understand the question.

Q I mean by that did you ever see any written license to marry by United States authorities, or did they just arrange to be married and the preacher announce them man and wife? A Yes sir.

Q You answered awhile ago that you secured this farm near Pauls through Mr. Waite; what did you mean by that? A I mean by being married.

Q Did he give it to you or did you secure it from outside men? A I secured it from outside men.

Q You mean by that that you got your rights? A Yes sir.

Q Did you see Mrs. Campbell the day you went before Colonel Bixby? A Yes, I did.

Q Who else did you see there that day that you can recall now?

3-Mary B. Jones.

- Q When did you marry again? A In 1892.
Q Where? A St. Paul.
Q What is the name of your second husband? A Griffith Jones.
Q He is a white man? A Yes sir.
Q Has no Indian blood? A No sir.
Q You are white? A Yes sir.
Q You have no Indian blood at all? A No sir.
Q Are your parents living? A No sir.
Q Give me their names? A Casandrew Thompson and William Thompson.
Q They were white people? A Yes sir.
Q United States citizens? A Yes sir.
Q You have had no real residence in the Indian Territory since 1890? A No sir.
Q You have made your home in Minnesota all that time? A Yes sir.
Q And you disposed of this farm how long after you went to Minnesota? A I must have disposed of it on 1899.
Q Before you went to Minnesota? A No, after I went to Minnesota in 1890.
Q Are you sure that you retained the ownership of that farm until 1899? A Yes sir.
Q Were there any improvements on it--stock or anything of that kind? A Some improvements.
Q Any stock? A No, I rented it.
Q No farming property at all that belonged to you? A No sir.

By Mr. Andrews:

- Q Did you come from Minnesota down hereto the Chickasaw country to go before the Commission in 1898? A Yes sir.
Q How far is Pauli from Pauls Valley, the town you speak of?
A It is the next ~~station~~ beyond; it was about seven miles.
Q Prior to your coming to the Indian Territory in 1898 to go before the Dawes Commission, what was it you had done with reference to seeing about your enrollment, if anything? A I had written down here to see.
Q To whom had you written? A Mrs. Campbell, this lady here.
Q What, if anything, had you sent her? A My marriage license.
Q Which one? The original or copy? A The copy.
Q Was this your Indian license? A Yes sir.
Q When you came down here did you go to her house? A Yes sir.
Q Did you ever secure these licenses? A No, she had gotten lost in some way.
Q Did you ever see them again? A No sir..
Q When you appeared before the Dawes Commission at Pauls Valley, do you remember the date? A September, 1898.
Q The Commission was there? Where were they with reference to a part of town--within buildings or tents? A They were in tents on the outskirts of the town.
Q Which way from town? A I don't know the directions very well.
Q They were in tents? A Yes sir.
Q How did the Commission do with reference to letting people in? I mean by that, a bunch or one or two people at a time? A One or two that they had numbers for.
Q Did you go into the tent in which Colonel Bixby was with a number? A Yes sir.
Q From whom did you secure that number? A We were given numbers there.
Q Did you afterwards get someone else's number? A Yes, my number was far down, and Mr. Lantier offered me his number instead as I wanted to take the afternoon train out.
Q Are you acquainted with Mr. Lantier? A Yes sir.
Q He married who, with reference to Fred Waite? A Married Fred Waite's sister.
Q And Ernest Carter, an attorney at Purrell, he was with you

2-Mary E. Jones.

- your application would or would not be received? A I thought at the time that it would.
- Q You understood at the time that it had been? A Yes sir.
- Q From that time until the present have you ever taken any other steps with reference to it at all? A No sir.
- Q What has been your understanding about the matter since then? A Well, we didn't know about the intermarried law at that time; they was not all enrolled.--
- Q But that was some seven years ago; during that seven years have you understood that you were or were not enrolled, or what have you understood about it? Anything?
- A I don't know about that.
- Q You have done nothing further about it since 1898 until now?
- A No sir.
- Q At that time where were you living, in 1898? A I was living in St. Paul, but I had a place at that time at Pailo, Indian Territory; that was my home.
- Q What was the name of your Indian husband? A Fred T. Waite.
- Q He was a Chickasaw? A Yes sir.
- Q When were you married to him? A December 20, 1881.
- Q At that time where were you living? A At that time I was living at Pauls Valley.
- Q Was he living there also? A Yes sir.
- Q At the time of your marriage was a tribal license secured?
- A Yes sir.
- Q How long after you were married did you continue to live in the Chickasaw Nation? A I lived there until 1890.
- Q Until '90? A Yes sir.
- Q And when you moved from there where did you go? A To St. Paul.
- Q So you have had no residence in the Chickasaw Nation, or Indian Territory since 1890? A Why, I owned my home at Pailo; we rented--
- Q You have lived in St. Paul since then? A Yes sir.
- Q What is your address? A 927 Sims Street.
- Q Prior to your marriage to Fred T. Waite, had you been living in the Chickasaw Nation at all? A Yes, since I was four years old.
- Q You were raised there? A Yes sir.
- Q What property interests have you in the Chickasaw Nation?
- A I have none at present.
- Q Did you have any? A Yes, I owned a farm at Pailo.
- Q How long since you disposed of that farm? A About six years.
- Q How long did you live with Fred T. Waite as his wife?
- A Five years.
- Q Then what happened? Did you separate or did he die? A We separated.
- Q You were married in 1881 and separated in 1890? A Yes sir.
- Q Were you subsequently divorced from him? A Yes sir.
- Q Did you secure the divorce or did he? A I did.
- Q Then you returned to St. Paul? A Yes sir.
- Q Had he ever been married prior to his marriage to you? A No sir.
- Q You were his first wife? A Yes sir.
- Q Had you ever been married prior to your marriage to him? A No sir.
- Q This farm that you speak of, was it a farm that came to you through your marriage to him? A It came to me through my marriage to him.
- Q And since you went to St. Paul, did you exercise any control over it? A Yes, I rented it for a year or so and then I sold it.
- Q After your marriage to Fred T. Waite you were married again?
- A Yes sir.

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

Muskogee, Indian Ter., August 8, 1905.

In the matter of the alleged application for the enrollment of Mary E. Jones as a citizen by intermarriage of the Chickasaw Nation. Mr. Andrews of the Firm of Blanton & Andrews appearing as attorney for the applicant.

Mary E. Jones being first duly sworn testified as follows:

Examination by the Commissioner:

- Q What is your name? A Mary E. Jones.
Q Your age? A Thirty-seven.
Q Your postoffice address? A St. Paul, Minnesota.
Q Do you claim to have made application for enrollment as a citizen by intermarriage of the Chickasaw Nation? A Yes sir.
Q When and where was that application made? A At Pauls Valley in 1898.
Q Was the Commission to the Five Civilized Tribes holding a session at Pauls Valley at that time? A Yes sir.
Q Do you know any of the members of the Commission by sight? A Yes, at that time I knew Mr. Telle. He was Secretary--
Q But did you know any member of the Dawes Commission before whom you appeared at that time? A Yes, I knew Mr. Bixby.
Q Was Mr. Bixby himself there? A Yes sir.
Q Did you ask to be enrolled then? A Yes sir.
Q Was your application received, do you know? A Why, I don't think it was at the time.
Q What was said to you at that time, as to whether your application was received, if anything? A Well, we couldn't find the record of the marriage license.
Q Did Mr. Bixby say anything at all as to whether your application would or would not be received? A No.
Q You told him that you wanted to be enrolled, didn't you? A Yes sir.
Q Well, please state just what was said to you? A We were trying to get a copy of the marriage license at that time.
Q Who was present with you there? A Before Mr. Bixby.
Q Yes. A My attorney, Dorset Carter.
Q Was anyone else with you and heard you make application? A This lady here, was there at the time, Mrs. Campbell, and also Mr. Lasater, this gentleman (indicating).
Q Was that your first effort to be enrolled--the first time you had made any effort? A That was the first time.
Q At Pauls Valley in 1898? A Yes sir.
Q What month of 1898 was it? A Month of September.
Q Do you remember the day of the month? A No, it was right about the 12th I think.
Q Was anything said to you at all, that would indicate whether



8-1831

Muskogee, Indian Territory, March 26, 1907.

Thomas Nerman,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 14, 1907, in which you ask what action has been taken in the case of Stephen W. Ryan as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are advised that on March 1907, the Secretary of the Interior approved the enrollment of Stephen Walker Ryan as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Commissioner.

D.C. 14860
I.T.D. 7578-1907.
L.R.S.
DIRECT.

J.V. Jr
PHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 4, 1907.

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

Sir:

Referring to your communication of January 30, 1907, transmitted with Indian Office letter of March 1, 1907 (Land 13762-07), copy inclosed, you are advised that the Department has this day approved the decision of the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw case of Alberta W. Gaines, et al., in which Stephen Walker Ryan is a party applicant. In accordance with your recommendation, the application for the enrolment of said Stephen Walker Ryan as a citizen by intermarriage of the Chickasaw Nation is hereby granted, and the schedule containing his name opposite No. 637, received with your letter, has been approved this day and disposed of in accordance with the usual practice.

Respectfully,

E. A. Hitchcock,

Secretary.

4 inc. and
1 for Ind. Of. with
copy hereof.

McM
3-5-07.

Land
13762-1907.

-copy--

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

March 1, 1907.

The Honorable,

The secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of January 30, 1907, from Tams Bixby, Commissioner to the Five Civilized Tribes, with which he transmits a schedule containing the name of Stephen Walker Ryan as a citizen by intermarriage of the Chickasaw Nation. He also says that it appears from the records of his office that Stephen Walker Ryan is one of the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al. The record mentioned is now pending in this office and will be forwarded for Departmental action under this date.

It is recommended that the schedule be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Y

9-1831.

COPY
Muskogee, Indian Territory, January 26, 1907.

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

Dear Sirs:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 26, 1907, granting the application for the enrollment of Stephen Walker as a citizen by intermarriage of the Chickasaw Nation.

You are hereby advised that the name of Stephen Walker Ryan will be placed upon the next schedule of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Incl. 9-1831.

9-1831.

COPY

Muskogee, Indian Territory, January 26, 1907.

Thomas Norman,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 26, 1907, rendered his decision granting the application for the enrollment of Stephen Walker Ryan as a citizen by intermarriage of the Chickasaw Nation.

You are hereby advised that the name of Stephen Walker Ryan will be placed upon the next schedule of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *James Bixby*

Commissioner.

Registered.
Incl. 9-1831.

9-1831.

COPY

Muskogee, Indian Territory, January 26, 1907.

Stephen Walker Ryan,
Ryan, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 26, 1907, granting the application for the enrollment of Stephen Walker Ryan as a citizen by intermarriage of the Chickasaw Nation.

You are hereby advised that the name of Stephen Walker Ryan will be placed upon the next schedule of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Incl. 9-1831.
Registered.

T N 5

but the same still remains undisposed of by the Secretary of the Interior.

It is possible that the Department would consider a formal motion submitted on behalf of Mr. Ryan for the dismissal of his application for identification as a Mississippi Choctaw, and in the event that favorable action was taken thereon I can assure you that his application for enrollment as an intermarried citizen of the Chickasaw Nation will receive prompt consideration and action.

Respectfully,

SIGNED *Tame Bixby.*

Commissioner.

T X 4

rollment as a citizen by intermarriage of the Chickasaw Nation until final disposition by the Department of his Mississippi Choctaw application.

Permit me to assure you that this case has not been overlooked and that your several inquiries in reference thereto have been promptly answered.

The case is one which presents an embarrassing complication and is one in which the applicant is apparently claiming a dual right to enrollment in the Choctaw and Chickasaw Nations, and I do not feel that I should be called upon to make final disposition of Mr. Ryan's pending application for enrollment as an intermarried citizen of the Chickasaw Nation while there is still a possibility of the Department favorably acting upon his application to be identified as a Mississippi Choctaw.

Mr. Ryan appears from the records of this office to have employed several attorneys to represent him in this matter, and as long ago as March, 1906, Messrs. Bond & Melton, of Chickasha, Indian Territory, filed a formal motion praying that his application for enrollment as an intermarried citizen be considered and passed upon by the Commissioner, and that he did not in submitting his application for identification as a Mississippi Choctaw intend to waive any rights as such intermarried citizen.

I have urged upon the Department on several occasions early consideration and disposition of the Alberta W. Gaines case,

T N 3

a Mississippi Choctaw, alleging upon this appearance that he was not a white man but a one-sixteenth blood Choctaw Indian and entitled to identification as a Mississippi Choctaw by reason of being the descendant of Frances (or Mary, or Mary Frances, or Elisabeth, or Mary Elisabeth, or Frances Elisabeth) Walker (nee Chambliss, or Chamberlain, or Chamberliss), alleged to have been a one-half blood Choctaw Indian and to have resided in the old Choctaw Nation in Mississippi and Alabama in the year 1830.

The application of Mr. Ryan for identification as a Mississippi Choctaw was made a part of the consolidated Mississippi Choctaw case of Alberta W. Gaines, et al., in which case action was taken by the Commission as early as practicable after the termination of the reception of applications for identification as Mississippi Choctaws.

May 15, 1903, the Commission to the Five Civilized Tribes rendered a decision holding that the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines, et al., were not entitled to be identified as Mississippi Choctaws. This case presents a somewhat voluminous record and there are several complicated questions involved therein. The case is still pending before the Secretary of the Interior, and until its final determination this office does not feel warranted in taking any action affecting the rights of any of the parties thereto. It is not my purpose to make any disposition of Mr. Ryan's application for en-

T M 2

hundreds of cases filed since Mr. Ryan's have been taken up and disposed of.

An examination of the records of this office discloses that you have heretofore been advised as to the present status of Mr. Ryan's application. In order, however, that there may be no misunderstanding or misapprehension in reference to this case, I desire to specifically advise you relative thereto, as follows:

It appears from the records of this office that on October 20, 1898, Stephen Walker Ryan, of Ryan, Indian Territory, made personal application to the Commission to the Five Civilized Tribes for enrollment as a citizen by intermarriage of the Chickasaw Nation, alleging at that time that he was a white man and claiming his rights as such intermarried citizen by reason of his marriage on December 15, 1875, to Carrie Cheadle, a citizen by blood of the Chickasaw Nation, with whom he lived until her death in the year 1894.

It further appears that subsequent to the date of the death of his Chickasaw wife Mr. Ryan was married to Sallie Wylie, a white woman, on August 16, 1897.

Mr. Ryan appears to be, prima facie, entitled to enrollment as a citizen by intermarriage of the Chickasaw Nation and it is probable that the case would have long since been disposed of had not Mr. Ryan, on June 5, 1902, made personal application to the Commission to the Five Civilized Tribes for identification as

COPY.

Muskogee, Indian Territory, December 19, 1906.

Thos. Norman,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

I am in receipt of your letter of the 8th instant, in reference to the right to enrollment of Stephen Walker Ryan as an intermarried citizen of the Chickasaw Nation, and complaining of a recent letter from this office advising you as to the present status of Mr. Ryan's application for enrollment as an intermarried citizen of the Chickasaw Nation and also his application for identification as a Mississippi Choctaw.

You state that you are well aware of the fact that Mr. Ryan's application for enrollment as an intermarried Chickasaw and also his application for identification as a Mississippi Choctaw are both pending, but urge that the case, insofar as his rights are concerned as an intermarried citizen of the Chickasaw Nation, be taken up and disposed of without further undue delay.

You refer to the fact that this case has not sooner been acted upon as an "interminable delay of years and years" and express the opinion that some reason, not known to you, has caused this case to be overlooked and that it has probably been lost from the trial docket of this office and misplaced, as hundreds and

9-1831

COPY.

Muskogee, Indian Territory, December 12, 1906.

Thomas Norman,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 8, 1906, asking an early decision in the matter of the Chickasaw enrollment case of Stephen Walker Ryan.

In reply to your letter you are advised that as you were advised a few days ago, the application of Stephen Walker Ryan for identification as a Mississippi Choctaw is still pending before the Department and no action has yet been taken upon his application for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

9-1831

COPY.

Muskogee, Indian Territory, December 8, 1906.

Thomas Norman,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter without date asking that the case of S. W. Ryan who is an applicant for identification and enrollment as an intermarried citizen of the Chickasaw Nation be taken up as soon as possible.

In reply to your letter you are advised that the application of Stephen Walker Ryan for identification as a Mississippi Choctaw is still pending before the Department and the application for his enrollment as an intermarried citizen of the Chickasaw Nation has not yet been passed upon.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

Thomas Norman---2

as a citizen by intermarriage of the Chickasaw Nation will be taken up at an early date and you will be duly advised of any action taken therein.

Respectfully,

SIGNED *James Bixby.*

Commissioner.

MH

9-1831

COPY.

Muskogee, Indian Territory, October 31, 1906.

Thomas Norman,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 25, 1906, wherein you state that S. W. Ryan, of Ryan, Indian Territory, is an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation and also for identification as a Mississippi Choctaw. You further state that you desire that a decision be rendered on the right of said applicant to enrollment as a citizen by intermarriage of the Chickasaw Nation.

In reply thereto, you are informed that the records of this office show that Stephen Walker Ryan appeared before the Commission to the Five Civilized Tribes at Chickasha, Indian Territory, on October 17, 1902, and made application for enrollment as a citizen by intermarriage of the Chickasaw Nation. It further appears that on June 5, 1902, application was made for the identification of said Stephen Walker Ryan as a Mississippi Choctaw; that on May 15, 1903, said application was denied by the Commission to the Five Civilized Tribes and that the same is now pending before the Department.

The matter of the right to enrollment of said applicant

9-1831

COPY.

Muskogee, Indian Territory, March 31, 1906.

Bond & Melton,
Attorneys at Law,
Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your motion that the application of Stephen W. Ryan for enrollment as an intermarried citizen of the Chickasaw Nation be passed upon by the Commissioner to the Five Civilized Tribes.

You are advised that this motion has been filed with the record in this case.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

COPY.

D. C. No. 12270-1902.

Ryan, I. T. July 29, 1902.

The Com. to the Five Civilized Tribes

Muskogee, Ind. Ter.

Gentlemen:

When the Commission made its tour through the Chickasaw Nation, in the fall of 1898, the following names persons, citizens of the Chickasaw Nation, were listed for enrollment as citizens of the Choctaw Nation, viz S. W. Ryan, Thomas Ryan, Gussie Ryan and Elbert Ryan.

These persons are citizens of the Chickasaw Nation and have always been enrolled only as such. They have never been enrolled on the Choctaw rolls. Have always resided in the Chickasaw Nation, and all their property and interest are in the Chickasaw Nation.

It is their desire that they be enrolled as citizens of the Chickasaw Nation, as they have always heretofore been recognized and enrolled as citizens of said Chickasaw Nation, and that this letter be filed with the card upon which the above names are enlisted for enrollment, for the information of the Commission in the matter of their enrollment.

Respectfully,

(Signed) S. W. Ryan.

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.

40-03

REFER IN REPLY TO THE FOLLOWING

Choctaw D-89

SUBJECT: ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 26, 1902

Stephen Walker,

Ryan, Indian Territory,

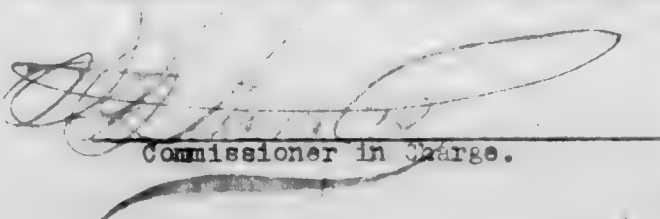
You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3rd day of April, 1902.

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.

You are further notified that the Representatives of the Choctaw 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.

Stephen Walker Ryan,
Ryan, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the objection 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 objection raised is, that you have not complied with the Choctaw intermarriage law.

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.

Muscogee, Indian Territory,

August 18th, 1900.

Stephen Walker Ryan,

Ryan, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McLennon, Mansfield, McMurray, & 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, 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-D-89.

This to certify
that S.W. Ryan and Carrie Cheadle
were lawfully joined together in
the holy bands of matrimony
Given under my hand
Dec 15th. 1875

C. P. Davis
County & Probate of
Judge of P. C. C. N

Office of County and Probate Clerk of
T. Co. C. N Nov 10th 1898

On this day and date, I, Edward Turner,
County and Probate Clerk of Tishomingo
County Chickasaw Nation Indian
Territory, do hereby certify that the
marriage certificate of S.W. Ryan
who married Carrie Cheadle.

herunto attached is a true and
correct copy of the same on record
in this my Office in Book 2 at Page
110 marriage record of said Co & Nation
Given under my hand and seal
of office this the 10th day of Nov-
A. D. 1898.

Edward Turner.
County & Probate Clerk
of Tishomingo County

9-1831.
O.L.J.

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

In the matter of the application for the enrollment of Stephen Walker Ryan 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 October 17, 1902, Stephen Walker Ryan appeared before the Commission to the Five Civilized Tribes at Chickasha, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

It further appears from the record herein that the applicant, Stephen Walker Ryan, was on December 15, 1875, lawfully married to Carrie Cheadle (now deceased), a recognized and enrolled citizen by blood of the Chickasaw Nation, who is identified upon the 1878 Chickasaw Annuity Roll, Pickens County, No. 192; 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 their said marriage until the death of said Carrie Cheadle in 1894, with the exception of a temporary residence in the state of Colorado during the year 1881, and that said applicant was a resident in good faith of Indian Territory on June 28, 1898.

I am, therefore, of the opinion that Stephen Walker Ryan 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.



Commissioner.

Muskogee, Indian Territory,

JAN 26 1907

Stephen Walker Ryan-2

Q Did you and Carrie Cheadle live together as husband and wife continuously from the time of your marriage to her in '75 until her death in '94? A Yes sir.

Q And in the Chickasaw Nation with the exception of one year which you spent in Colorado? A Yes sir.

Q Were you always recognized as an intermarried citizen of the Chickasaw Nation? A Yes sir.

Q Have you married since the death of Carrie Cheadle? A Yes sir, I married again in '97.

Q What's the name of your present wife? A Sallie Wiley.

Q Is she a white woman? A Yes sir.

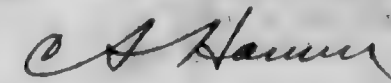
Q Has no rights whatever as an Indian citizen? A No sir.

Q Were you married to her Under a United States license? A Yes sir.

Q You are living together at this time as husband and wife? 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 all proceedings had in the above entitled cause, heard at Chickasha, Indian Territory, October 17, 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 23 day of October, 1902.



Notary Public.

7-D-89

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chickasha, Indian Territory, October 17, 1902.

In the matter of the application for the enrollment of Stephen Walker Ryan as an intermarried citizen of the Chickasaw Nation.

Said Stephen Walker Ryan, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Stephen Walker Ryan.
Q What is your age? A Forty-six.
Q What is your postoffice address? A Ryan, Indian Territory.
Q How long have you lived in the Chickasaw Nation? A Since '72.
Q Have you maintained a continuous residence in the Chickasaw Nation since '72? A Yes sir.
Q Never have lived anywhere else? A I went to Colorado in '81 and stayed there about a year. But since that time I've been living in the territory.
Q You are an applicant for enrollment as an intermarried citizen of the Chickasaw Nation? A Yes sir.
Q What is the name of the Chickasaw citizen through whom you claim your rights by intermarriage? A Garr is Gheadle.
Q Is she living? A No sir, she's dead.
Q When did she die? A In November, 1894.
Q Was she, during her life time, a recognized citizen of the Chickasaw tribe of Indians? A Yes sir.
Q Her rights have never been questioned to your knowledge? A No sir.
Q When were you married to her? A December 15, 1875.
Q Where were you married to her? A In Tishomingo.
Q You were living in the Chickasaw Nation at the time of your marriage to her? A Yes sir.
Q How long had you lived here at that time? A Two or three years.
Q Where did she live at the time of your marriage to her? A Near Tishomingo.
Q How long had she lived in the Chickasaw Nation? A She was born there.
Q All her life? A Yes sir, she was raised there.
Q Were you ever married before you married her? A No sir.
Q Was she ever married before she married you? A No sir.
Q Were you married under a license? A Yes sir.
Q From whom did you procure that license? A I aint sure but I think it was County Judge Culberson Harris.
Q Chickasaw Judge? A Yes sir, Chickasaw.
Q Of what County? A Tishomingo.
Q What did you pay for that license? A One dollar and a half, I think.
Q Were you married under that license? A Yes sir.
Q By whom? A Culberson Harris.

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

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

STEPHEN WALKER RYAN.....9-1831.

DATE 1831

B-1830

D- 631

Muskogee, Oklahoma, February 10, 1909.

Mr. James W. Ragland,
Stonewall, 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,

Acting Commissioner.

A sample page is enclosed, showing the method of erasure
to be followed by all officers in the correction of the rolls.

Very respectfully,

(Signed) James Rudolph Garfield.

Secretary.

(10)

authority of departmental letter of January 19, 1909
(File 8-51)."

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 Allison named in above lists, I am not ready to give you a list of the Quakers 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 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.

(9)

1408	Merriman, Sarah	668	Outherland, Henry
1416	Mitchell, Virginia F.	1470	Tucker, William S.
1419	Mitchell, Mattie S.		
1418	Norman, Mary	1468	Vincent, Charlie E.

Black Chester Citizens.

<u>Roll No.</u>	<u>Name</u>	<u>Roll No.</u>	<u>Name</u>
724	Brastrick, Jennie Louise	781	Kiefer, Barbara
4	Crowder, Rufus Clay	459	Long, Francis
790	Kiefer, Odie A.		

Overseen by Flood.

31968	Allison, Elmer G.	31969	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 corrections drawn by

Roll No. Name.

15903 Crowder, William H.
 15902 Crowder, Rosa
 15901 Crowder, Maggie
 15900 Crowder, Abigail
 15899 Crowder, William J.
 16108 Crutchfield, Ida
 16107 Crutchfield, Ina
 16106 Crutchfield, Louvinia
 16109 Crutchfield, William

Roll No. Name.

16008 Long, Ferte
 921 Long, Josephine LeFlere
 922 Long, John LeFlere
 9252 Fehworth, Henry
 15922 Randall, Grever
 16104 Ritter, David
 15856 Robinson, Mary E.
 15951 Shelton, Daisy
 15857 Trice, Mary A.

Students by Marriages.

1484 Beagles, Allen
 1537 Buckholts, Jeanetta H.
 1559 Cheate, Amanda
 1412 Crowder, Lydia Ann
 1523 Crowder, Josephine
 985 Foster, Mary A.
 1421 Freeny, Mattie
 1489 Gann, William Newton
 1518 Gray, John Galvin
 1214 Gunter, Benjamin B.
 1480 Kelly, William F.
 1478 Lewis, Vincy
 1180 Lindsay, Selden T.

1414 McClure, Madell
 1614 McGahay, Martha J.
 1407 McMurtry, Lucy
 1550 Omo, Julia
 1410 Paxton, William D.
 1406 Raben, Robert L.
 1490 Reding, Ella
 1478 Rigney, Rosa E.
 1219 Roberts, George W.
 1531 Robinson, Frederick E.
 1355 Russell, Mattie M.
 1157 Smith, Ira L.
 1428 Staten, John T.

The corrections 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 INSTITUTED SUITS PRIOR TO THE GOLDEN DECISION BUT WHOSE CASES FALL INDUBITABLY UNDER THE PRINCIPLES OF THAT DECISION

Chickasaw by Blood.

<u>Roll No.</u>	<u>Name.</u>	<u>Roll No.</u>	<u>Name.</u>
5013	Perry, Joe	5014	Perry, Billard.

Chickasaw by Marriage.

622	Archard, John W.	629	Shanks, Mary A.
626	Hargis, Hallie J.	614	Ramsay, Gustavus A.

Cherokee by Blood.

16103	Allen, Elizabeth	16110	Crutchfield, Loutitia
16112	Bungarner, George A.	16106	Crutchfield, Mveret
15929	Crowder, John A.	16111	Crutchfield, George W.
15924	Crowder, Fannie E.	15480	James, Alice M.
15923	Crowder, Kattie B.	15978	Jennings, Arthur
15922	Crowder, Eli W.	15979	Jennings, Clyde
15921	Crowder, James	15916	Koifer, Ardella
15920	Crowder, Winnie		
	Gertrude	16003	Long, James S.
15904	Crowder, John Y.	16004	Long, Joseph

Roll No.	Name	Roll No.	Court
31970	Allison, John	49434	S.C.D.C.
31980	Allison, Johnnie S.	49435	S.C.D.C.
31961	Allison, Frankie F.	49437	S.C.D.C.
31956	Allison, Ida B.	249	U.S.D.C.
31957	Allison, George A.	250	U.S.D.C.

A careful investigation of these 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.

Roll No.	Name	Roll No.	Grade
1548	Carter, John W.	50000	E.C.D.G.
1444	Cummings, Henry A.	50033	E.C.D.G.
1524	Greider, Farley U.	50033	E.C.D.G.
1329	Harris, Galvin, Q.	49723	E.C.D.G.
1578	Howard, Carrie	50033	E.C.D.G.
1399	Kirk, J. W.	50354	E.C.D.G.
290	Kluck, August	50033	E.C.D.G.
1027	Perkins, Mattie A.	50353	E.C.D.G.
1491	Reichert, William	51026	E.C.D.G.
1400	Rice, Ambrose L.	574	E.C.U.S.
1423	Smith (or Shultz) Fannie	51026	E.C.D.G.
1495	Shalton, John	50948	E.C.D.G.
1469	Sumpter, Jacob D.	50033	E.C.D.G.
340	Travis, Robert A.	50948	E.C.D.G.
1403	White, Angelina	51026	E.C.D.G.
662	Woodward, Charles A.	49494	E.C.D.G.

Minor Students
List of Students Received April 21, 1906.

367	Barnett, Etta	50033	E.C.D.G.
457	Beaver, Hazel Calvin	50033	E.C.D.G.
458	Beaver, Glad D.	50033	E.C.D.G.
459	Herbert, Howard	50033	E.C.D.G.
674	Greiner, Nettie Myri	50033	E.C.D.G.
685	Green, Lee	49723	E.C.D.G.
233	Wright, Fannie Jane	50033	E.C.D.G.

Roll No.	Name	Roll No.	Court
15452	James, Ellis R.	50033	S. C. D. C.
15453	James, Anahario	50033	S. C. D. C.
15454	James, Evaline	50033	S. C. D. C.
15061	James, Agnes	50033	S. C. D. C.
15394	Kirk, Gabriella	50355	S. C. D. C.
15393	Kirk, Sarah	50355	S. C. D. C.
15953	Shelton, Emma	51240	S. C. D. C.
15952	Shelton, Frank	51240	S. C. D. C.
15645	Sumpter, John	50033	S. C. D. C.
15646	Sumpter, Amanda Isabella	50033	S. C. D. C.
15647	Sumpter, Jim Andy	50033 51240	S. C. D. C.
15648	Sumpter, Scott Taylor	50033 51240	S. C. D. C.
15649	Sumpter, Dixon D.	51240	S. C. D. C.
15912	Wright, Betsey	50033	S. C. D. C.
15913	Wright, Thomas E.	50033	S. C. D. C.
15914	Wright, Mary E.	50033	S. C. D. C.
15915	Wright, Leonard D.	50033	S. C. D. C.

Divorces by Marriage

1428	Allen, Andrew J.	50033	S. C. D. C.
1409	Atwood, Chester G.	50353	S. C. D. C.
1473	Beal, Andrew	50047	S. C. D. C.
1408	Bowling, Mary E.	51240 50033	S. C. D. C.

Shallons in Hand

Roll No.	Name	Roll No.	Rank
15937	Adams, Wiley	50033	E. C. D. C.
15948	Antroy, Columbus S.	49722	E. C. D. C.
15949	Beaver, Gertrude	50033	E. C. D. C.
15941	Beaver, Clarence	50033	E. C. D. C.
15942	Beaver, Nellie	50033	E. C. D. C.
15943	Beaver, Myrtle	50033	E. C. D. C.
15917	Beagles, Nellie F.	50033	E. C. D. C.
15911	Crowder, Van	50033	E. C. D. C.
15910	Crowder, Willie	50033	E. C. D. C.
15909	Crowder, Belushi	50033	E. C. D. C.
15908	Crowder, Joe	50033	E. C. D. C.
15907	Crowder, Louisa	50033	E. C. D. C.
15906	Crowder, George W.	50033	E. C. D. C.
15950	Crum, Teddy	49724	E. C. D. C.
15948	Green Lenora	49724	E. C. D. C.
15933	Howard, Thomas J.	50033	E. C. D. C.
15934	Howard, Horace	50033	E. C. D. C.
15935	Howard, Lonnie	50033	E. C. D. C.
15936	Howard, Emory	50033	E. C. D. C.
15937	Howard, Elmer	50033	E. C. D. C.
15938	Howard, Bettie Ferncy	50033	E. C. D. C.
15939	Howard, Dora Lee	50033	E. C. D. C.
15481	James, (or Richardson) Maggie H.	50033	E. C. D. C.

same position as Goldsby and the Allison. Pursuant to these conferences and to the judgment 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 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.

Dismissed by blood.

<u>Roll No.</u>	<u>Name.</u>	<u>Suit No.</u>	<u>Court.</u>
4884	Goldsby, John H.	248	U.S.S.C.
4955	Goldsby, Linnial E.	50033	S.C.D.C.
4984	Goldsby, Jennie	50033	S.C.D.C.
4987	Goldsby, Murray H.	50033	S.C.D.C.
4969	Vaughan, Edward A.	372	U.S.S.C.
4970	Vaughan, Grever G.	371	U.S.S.C.
4971	Vaughan, Oscar E.	371	U.S.S.C.

Dismissed by Interlineation.

621	Atam, John Quincy	50033	S.C.D.C.
622/1	Lancaster, William T.	50033	S.C.D.C.
624	McCoy, Clay	48333	S.C.S.C.
622	Reginald, James H.	51025	S.C.D.C.
575	St. John, Thomas	50533	S.C.D.C.
625	Vaughan, Benjamin F.	373	U.S.S.C.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Address only
The Secretary of the Interior.

G W W

January 19, 1909.

File 5-51.

The Commissioner to the
Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

November 30, 1908, 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 said Goldsby and Allison, on the grounds 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 in 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 relations stand clearly in the

REFER IN REPLY TO THE FOLLOWING:
Chickasaw 1830

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

Muskogee, Indian Territory, March 29, 1907.

James W. Ragland,
Center, 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,

Geo. H. Rodgers
Acting Commissioner.

names of these children will be permitted to stand as they are at present on the rolls of citizens by blood of these five 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 2, 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,

H. A. Hitchcock,
Secretary.

1 inclosure.

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 28, 1898 (30 Stat., 488), 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

The Department concurs in your views relative to the following persons:

Euna Mitchell and Allen Yates Mitchell, opposites Nos. 15655 and 15656, respectively, upon the final roll of citizens by blood of the Cheetaw Nation. Denied by Commission in 1896 in case No. 1299; no appeal. Patents recorded.

David H. Strickland and Mertie P. Strickland, opposites Nos. 15919 and 15920, upon the final roll of citizens by blood of the Cheetaw Nation. Denied by Commission in 1896 in case No. 941; no appeal.

Hettie P. McMurtry and Martha H. McMurtry, opposites Nos. 15448 and 15449, respectively, upon the final roll of citizens by blood of the Cheetaw 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 Cheetaw Nation. Denied by Commission in 1896 in case No. 1062; no appeal.

Charles William Thompson, opposite No. 4906, on the final roll of citizens by blood of the Chickasaw Nation. Admitted by Commission in 1894 in case No. 142; admitted by United States court.

Clay McCoy, opposite No. 204, 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 Choctaw and Chickasaw Citizenship Court. Directed to be enrolled by Department April 1, 1906 (I.T.D. 2122-1906).

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 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 Joe and Willard Perry have been reinstated upon the Chickasaw freedom roll, opposite Nos. 267 and 268.

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. 85; appealed to United States court for Southern district of Indian Territory, and appeal dismissed. Action of the Commissioner of October 25, 1906, annulling applicant affirmed by the Department January 9, 1906 (I.T.D. 17408-1906).

Thomas St. John, opposite No. 596, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Denied by Commission in 1896 in Choctaw case No. 1089; 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 Choctaw 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 Choctaw and Chickasaw Citizenship Court.

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. 93; 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. 618; upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 228; 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.

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. 204; 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. 8148-1906).

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. 4984.

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.

Odis A. Kiefer and Marana Kiefer, opposite Nos. 790 and 791, respectively, children of Ardella Kiefer, opposite No. 18914, 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, 849 and 923, respectively, children of Ferbis Long, opposite No. 16006, 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. 185; denied by United States court for Southern District of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Patents recorded.

Sallie J. Margis, opposite No. 636, upon the final roll of citizens by intermarriage of the Chickasaw Nation; denied by Commission in 1898 in case No. 211; no appeal.

John E. Goldsby, Lincoln E. Goldsby and Beatie Goldsby,

Nath McLendon, opposite No. 706, child of Robert G. McLendon, opposite No. 16032, upon the final roll of citizens by blood of the Choctaw Nation, and Bernie McLendon, a non-citizen.

Ray D. McLendon, opposite No. 268, child of Barrell F. McLendon, opposite No. 16035, upon the final roll of citizens by blood of the Choctaw Nation, and Gerneal McLendon, opposite No. 1577, upon the final roll of citizens by intermarriage of the Choctaw Nation.

Jennie Louise Bramdrick, opposite No. 724, child of Mary A. Iries, opposite No. 15857, upon the final roll of citizens by blood of the Choctaw Nation, and William H. Bramdrick, non-citizen.

Nasel Calvin Beaver, Claud Russen 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 Calvin Beaver, a non-citizen.

Effie Barnett, opposite No. 267, child of Annada Isabella Sumpter, opposite No. 15646, upon the final roll of citizens by blood of the Choctaw Nation, and A. Barnett, a non-citizen.

February 14, 1901; son of 15049. Record transmitted to Department
December 21, 1906, for consideration in case of Hasekish Hneek Antr.

CHECTAW NATIONS, ACT OF CONGRESS APPROVED

APRIL 26, 1906 (34 Stat., 137).

Nattie Myrl Crowder, opposite No. 674, child of George
W. Crowder, opposite No. 15906, upon the final roll of citizens by
blood of the Chectaw Nation, and Parlee G. Crowder, opposite No.
1524 upon the final roll of citizens by intermarriage of the Chec-
tow Nation.

Rufus Clay Crowder, opposite No. 4, child of William J.
Crowder, opposite No. 15979, upon the final roll of citizens by
blood of the Chectaw Nation, and Josephine Crowder, opposite No.
1523, upon the final roll of citizens by intermarriage of the Chec-
tow Nation.

Fannie Jane Wright, opposite No. 253, child of J. W.
Wright, non-citizen, and Netay Wright, opposite No. 15912, upon the
final roll of citizens by blood of the Chectaw Nation.

Lee Green, opposite No. 645, child of W. F. Green, non-
citizen, and Lemora Green, opposite No. 15909, upon the final roll
of citizens by blood of the Chectaw Nation.

opposite Nos. 16023, 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. 16026. Directed to be enrolled by Department April 6, 1906 (I. T. D. 4372-1904).

Carnel 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. 16025.

George A. Dugarnar, 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 E. Long, Joseph Long, Parkis Long, opposite Nos. 16003, 16006 and 16008, 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. T. D. 2122-1903).

Columbus E. Artry, Emma Green and Teddy Green, opposite Nos. 16042, 16049 and 16052, respectively. Nos. 16042 and 16049 placed on 1896 Choctaw Census Roll by Choctaw Advisory Board without authority of law as in William G. Thompson case. No. 16052 born

and 16037, respectively, upon the final roll of citizens by blood of the Cheetaw Nation. Denied by Commission in 1896 in case No. 1354; no appeal. Directed to be enrolled by Department April 6, 1906 (I.T.D. 8364-1904).

Bettie Ferncy Howard and Dora Lee Howard, opposite Nos. 16038 and 16039, respectively, upon the final roll of citizens by blood of the Cheetaw Nation. Born in 1897 and 1899, respectively, children of Thomas J. Howard, opposite No. 16033.

Carrie Howard, opposite No. 1576, upon the final roll of citizens by intermarriage of the Cheetaw Nation. Denied by Commission in 1896 in case No. 1354; no appeal. Wife of Thomas J. Howard, opposite No. 16033.

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 Cheetaw Nation. Nos. 16040 and 16041 denied by Commission in 1896 in case No. 1354; no appeal. Nos. 16042 and 16043 born in 1898 and 1900, respectively, and children of Gertrude Beaver, opposite No. 16040, Created enrolled by Department April 6, 1906 (I.T.D. 8364-1904).

Barrell F. McLondon, John E. McLondon, Thomas McLondon, Ida H. McLondon, Ralph McLondon, Harry McLondon and Jennie McLondon,

Robert G. Lalonde, opposite No. 16032, upon the final roll of citizens by blood of the Cheate Nation. Denied by Commission in 1896 in case No. 1329; no appeal. Directed to be enrolled by Department April 5, 1906 (I.T.D. 5932-1906).

Martha J. McSabe, opposite No. 1614, upon the final roll of citizens by intermarriage of the Cheate Nation. Denied by Commission in 1896 in case No. 1268; no appeal. Decision of Commissioner of June 5, 1906, granting application affirmed by Department October 30, 1906 (I.T.D. 21232-1906).

Mattie L. Armstrong, Layton E. Armstrong and Fannie D. Armstrong, opposite Nos. 16054, 16055 and 16056, respectively, upon the final roll of citizens by blood of the Cheate Nation. Denied by Commission in 1896 in cases No. 477 and 478; admitted by United States Court for Southern district of Indian Territory; denied by Cheate and Chickasaw Citizenship Court. Decision of Commissioner of July 9, 1906, granting application affirmed by Department August 11, 1896 (I.T.D. 13700-1906).

Rebecca E. Armstrong, opposite No. 16057, upon the final roll of citizens by blood of the Cheate Nation. Born in 1893 and child of Mattie L. Armstrong, opposite No. 16054.

Thomas J. Howard, Horace Howard, Lennie Howard, Henry Howard and Elmer Howard, opposite Nos. 16033, 16034, 16035, 16036

law and Chickasaw Citizenship Court. Patents recorded.

Henry A. Cummings, opposite No. 1444, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 963; 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, 1906 (I. T. D. 3131-1906). 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 W. Carter, opposite No. 1543, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 982; no appeal.

Julia Gann, opposite No. 1890, 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.

Agnes James, opposite No. 18961, 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. 1699, 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. 1122; no appeal.

Mary^A Fester, 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.

Jeanetta K. Busholts, opposite No. 1837, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 943; no appeal.

Baldon T. Lindsay, opposite No. 1180, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 25; denied by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Amanda Cheate, opposite No. 1869, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 787; no appeal.

Eva Coleman, opposite No. 1886, 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. Kolly, opposite No. 1480, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 1196; admitted by United States Court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court.

Mattie E. 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.

Grever Randall, opposite No. 1898, 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.

Rosa H. Rigney, opposite No. 1476, 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, 1903, on general demurrer, in case No. 3 upon the McAlester 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. 1007; 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. 564; no appeal. Patents recorded.

John T. Staten, opposite No. 1426, 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.

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. 1137; 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.

Mattie Freemy, opposite No. 1421, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 488; no appeal. Patents recorded.

Lucy McFartry, opposite No. 1407, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1334; no appeal.

Eli W. Crowder, James Crowder, Katie B. Crowder and Pinkie B. Crowder, opposite Nos. 15921, 15922, 15923 and 15924, 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. 15925, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1897, and son of Eli W. Crowder, opposite No. 15921. Patents recorded.

Henry Sutherland, opposite No. 668, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1361; no appeal. Patents recorded.

Robert A. Irwin, opposite No. 340, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 488; 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. 260; no appeal. Patents recorded.

Benjamin B. Gunter, opposite No. 1316, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1898 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 1898 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 Commission in 1898 in case No. 742; no appeal.

Madell McClure, opposite No. 1414, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1898 in case No. 1526; no appeal.

Mary E. Robinson and Mary A. Yrice, opposite Nos. 1866 and 1867, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1898 in case No. 621; no appeal. Patents for No. 1866 recorded.

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. Homestead patent recorded.

Frederick E. Robinson, opposite No. 1551, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 575; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court .

Virginia P. Mitchell, opposite No. 1515, 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 Neal, 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.

of citizens by blood of the Chectaw Nation. Denied by Commission in 1896 in case No. 1576; no appeal. Patents recorded.

Mary M. Bowling, opposite No. 1408, upon the final roll of citizens by intermarriage of the Chectaw Nation. Denied by Commission in 1896 in case No. 1051; no appeal. Patents recorded.

Alice E. James, Maggie H. James, Ellis H. James, Analsaurie James, and Evalena James, opposite Nos. 15450, 15451, 15452, 15453, and 15454, respectively, upon the final roll of citizens by blood of the Chectaw Nation. Denied by Commission in 1896 in case No. 1051; no appeal. Patents for Nos. 15450, 15451, 15453, and 15454 recorded.

Chester C. Atwood, opposite No. 1408, upon the final roll of citizens by intermarriage of the Chectaw Nation. Denied by Commission in 1896 in case No. 1127; no appeal. Patents recorded.

William D. Paxton, opposite No. 1410, upon the final roll of citizens by intermarriage of the Chectaw Nation. Denied by Commission in 1896 in case No. 882; no appeal. Patents recorded.

Charles A. Woodward, opposite No. 642, upon the final

roll of citizens by blood of the Cheetaw Nation. Born since 1896, and child of Ida Grutchfield, opposite No. 16101.

James T. Leard, opposite No. 1626, upon the final roll of citizens by intermarriage of the Cheetaw Nation. Denied by Commission in 1896 in case No. 1223; admitted by United States court for the central district of Indian Territory; denied by the Cheetaw and Chickasaw Citizenship Court.

Robert L. Baben, opposite No. 1406, upon the final roll of citizens by intermarriage of the Cheetaw Nation. Denied by Commission in 1896 in case No. 1017; no appeal. Patents recorded.

Sarah Merryman, opposite No. 1406, upon the final roll of citizens by intermarriage of the Cheetaw Nation. Denied by Commission in 1896 in case No. 348; no appeal.

Hellie F. Beagles, opposite No. 15917, upon the final roll of citizens by blood of the Cheetaw Nation. Denied by Commission in 1896 in case No. 11; no appeal. Patents recorded.

August Elugh, opposite No. 270, upon the final roll of citizens by intermarriage of the Cheetaw Nation. Denied by Commission in 1896 in case No. 223; no appeal. Patents recorded.

Henry Peberth, opposite No. 9288, upon the final roll

mission in 1896 in case No. 950; no appeal. Revocation ordered by Department February 3, 1908 (I.T.D. 1150-1908).

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 Grutchfield, Ima Grutchfield, Louvinia Grutchfield, William Grutchfield and Leuitia Grutchfield, 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 Grutchfield, opposite No. 16106, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1887, and son of Ida Grutchfield, above mentioned. Was not before the Commission in 1896, and possesses no tribal status.

George W. Grutchfield, opposite No. 16111, upon the final

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 Northern 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 Boding, 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. 15916, 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 cen-
tral district of Indian Territory; no appeal to Choctaw and Chick-
asaw Citizenship Court.

Angeline White, opposite No. 1403, upon the final roll
of citizens by intermarriage of the Choctaw Nation. Denied by Com-

Deary Wright, Thomas E. 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. 397; no appeal. Patents recorded.

Mary M. Wright and Leonard Dalee 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 Deary Wright, who was denied by Commission in 1896 in case No. 397; no appeal. Patents recorded.

Andrew J. Allen, opposite No. 1628, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 408; 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. 408; admitted by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court.

William E. Tucker, opposite No. 1470, 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

Josephine Crowder, opposite No. 1522, upon the final roll of citizens by intermarriage of the Cherokee Nation. Denied by Commission in 1896 in case No. 762; no appeal. Wife of William J. Crowder opposite No. 13899.

George W. Crowder, Louisa Crowder, Joe Crowder and Halseori Crowder, opposite Nos. 15006, 15007, 15008 and 15009, respectively, upon the final roll of citizens by blood of the Cherokee 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, 1876, opposite No. 15918, upon the final roll of citizens by blood of the Cherokee Nation. Son of George W. Crowder, who was denied by Commission in 1896 in case No. 712; no appeal. Patents recorded.

Parlee G. Crowder, opposite No. 1524; upon the final roll of citizens by intermarriage of the Cherokee Nation. Denied by Commission in 1896 in case No. 699; no appeal.

Van Crowder, opposite No. 15911, upon the final roll of citizens by blood of the Cherokee Nation. Denied by Commission in 1896 in case No. 749; no appeal. Patents recorded.

Andrew L. Rice, opposite No. 1400, upon the final roll of citizens by intermarriage of the Cherokee Nation. Denied by Commission in 1896 in case No. 622; no appeal. Patents recorded.

Commissioner October 1, 1906; affirmed by Department November 17, 1906 (I.T.D.22524-1906).

J. W. Kirk, opposite No. 1399, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 948; appeal to United States district court dismissed.

Sarah Kirk and Gabriella Kirk, opposite Nos. 15393 and 15394, respectively, upon the final roll of citizens by blood of the Choctaw 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 M. Crowder, and John F. Crowder, opposite Nos. 15899, 15900, 15901, 15902, 15903, and 15904, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by the Commission in 1896 in case No. 760; no appeal. Patents for No. 15899 recorded.

Winnie Gertrude Crowder, born June 6, 1901, opposite No. 15905 upon the final roll of citizens by blood of the Choctaw Nation. Daughter of William J. Crowder, who was denied by Commission in 1896 in case No. 760; no appeal.

15648, 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.

Dixie 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 Ryden, 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.22524-1906).

Eva Marguerite Ryden, 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 by

John Calvin Gray, opposite no. 1518, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 80, affirmed 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. 15951, 15952, 15953, 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. 15951 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. Sumpter, opposite No. 1469, 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 Sumpter, Amanda Isabella Sumpter, Jim Andy Sumpter, and Scott Taylor Sumpter, opposite Nos. 15645, 15646, 15647, and

D.C. 17928
I.T.D. 7794-1907.
L.R.S.
P.L.C.

J.P.
LLR.

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 28, 1898 (30 Stat., 485), 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. 1448, upon the final roll of citizens by intermarriage of the Choctaw nation. Denied by Commission in 1896 in case No. 281; no appeal. Patents recorded.

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,

C. F. Larrabee,

Acting Commissioner.

EBH-LC..

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

March 2, 1907.

C O P Y .

The Honorable,

The Secretary of the Interior.

Sir:

Acknowledgement 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 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

9-1830

Muskogee, Indian Territory, June 1, 1906.

Blanton & Andrews,
Attorneys at Law,
Ada, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 16, 1906, in which you ask if the name of James W. Ragland has been sent to the Secretary of the Interior for approval.

In reply to your letter you are advised that his name has not yet been placed upon a schedule of intermarried citizens of the Chickasaw Nation, but it will appear upon the next schedule of such intermarried citizens prepared for forwarding to the Secretary of the Interior and you and the applicant will be notified when his enrollment is approved by the Department.

Respectfully,

Commissioner.

9-1630

Muskogee, Indian Territory, April 27, 1906.

Blanton & Andrews,
Attorneys at Law,
Ada, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 23, 1906, asking the present status of the application of James W. Ragland for enrollment as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are advised that the name of James W. Ragland will be placed upon the next schedule of citizens by intermarriage of the Chickasaw Nation prepared for forwarding to the Secretary of the Interior. You will be notified when his enrollment is approved by the Department.

Respectfully,

Commissioner.

9-1830

Muskogee, Indian Territory, January 25, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on January 9, 1906, the Secretary of the Interior affirmed the decision of October 25, 1905, granting the application of James W. Ragland for enrollment as a citizen by intermarriage of the Chickasaw Nation.

For your information there is inclosed herewith copy of Departmental letter of that date approving this decision.

Respectfully,

EB 4-25.

Acting Commissioner.

9-1830

Muskogee, Indian Territory, January 25, 1906.

Blanton & Andrews,
Attorneys at Law,
Pauls Valley, Indian Territory.

Gentlemen:

You are hereby advised that on January 9, 1906, the Secretary of the Interior affirmed the decision of October 24, 1905, granting the application of James W. Ragland for enrollment as an intermarried citizen of the Chickasaw Nation.

For your information there is inclosed herewith copy of Departmental letter of that date approving this decision.

Respectfully,

KB 3-25.

Acting Commissioner.

9-1830

Muskogee, Indian Territory, January 25, 1906.

James W. Ragland,

Stonewall, Indian Territory.

Dear Sir:

You are hereby advised that on January 9, 1906, the Secretary of the Interior affirmed the decision of October 25, 1905, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

For your information there is inclosed herewith copy of Departmental letter of that date approving this decision.

Respectfully,

KB 2-25.

Acting Commissioner.

1902, adverse to the applicant, be rescinded, and that the applicant should be enrolled as a citizen by intermarriage of the Chickasaw Nation.

The Indian Office concurs in your recommendation.

The Department also concurs. You are hereby requested to enroll the applicant, James W. Ragland, as a citizen by intermarriage of the Chickasaw Nation.

A copy of the Indian Office letter is inclosed.

1 inclosure.

(Signed) Thos. Ryan,
First Assistant Secretary.

COPY.

C.R.W.

DEPARTMENT OF THE INTERIOR,

LEB

WASHINGTON.

January 9, 1906.

D.C. 1646-1906.
I.T.D. 2736-1902.
4722-7996-17408--1906.

L.R.S.

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

Sir:

December 13, 1905, the Indian Office transmitted the record in the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation by James W. Ragland, together with your letter dated October 25, 1905.

November 10, 1896, the Commission to the Five Civilized Tribes denied the applicant admission as a citizen by intermarriage of the Chickasaw Nation. His appeal to the United States Court, Southern District, Indian Territory, was dismissed by said court on March 12, 1898.

On April 2, 1902, the Commission refused to enroll the applicant, which decision was affirmed by the Department on June 7, 1902.

May 1, 1905, the applicant filed with the Department a motion for rehearing. Said motion was granted on August 21, 1905, and the case was remanded for a rehearing upon its merits.

You recommend that the Commission's decision of April 2,

laws, customs, and usages of the Chickasaw Nation, to one, Mary Ragland, a recognized and enrolled citizen by blood of that Nation, whereupon on August 21, 1905 (I. T. D. 7996-1905), the Department directed a rehearing upon the merits of the claim.

It further appears from the record that the applicant was married on July 27, 1893, in accordance with the tribal laws, customs, and usages of the Chickasaw Nation, to Mary Ragland, a recognized and enrolled citizen by blood of the Chickasaw Nation whose name (as Mary C. Finley) appears at No. 4404 upon a list of citizens by blood of the Chickasaw Nation approved by the Department March 6, 1903; that at the time of marriage both persons were residents in good faith of the Chickasaw Nation; that they lived together for about one year when they separated and were subsequently divorced; and that the applicant subsequently married a Miss Grump, a non-citizen white woman. It is further shown that the applicant has resided continuously in the Chickasaw Nation from the date of his marriage to Mary Ragland up to and including September 25, 1902.

In view of the record, the approval of the Commissioner's decision of October 25, 1905, favorable to the applicant is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MEM.

C

Refer in reply
to the
following:

LAND:
86481-1905.

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

COPY.

December 13, 1905.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated October 25, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation by James W. Ragland.

October 25, 1905, the Commissioner decided favorably to the applicant.

The record shows that on November 10, 1896, the Commission to the Five Civilized Tribes denied the applicant admission as a citizen by intermarriage of the Chickasaw Nation. Upon his appeal to the United States Court, Southern District, Indian Territory, the Court on March 12, 1898, dismissed the cause.

On April 2, 1902, the Commission rendered its decision refusing to enroll the applicant as a citizen by intermarriage of the Chickasaw Nation, holding that the denial of the applicant on November 10, 1896, was final, which decision was affirmed by the Department June 7, 1902. May 1, 1905, the applicant filed with the Department a motion for rehearing alleging that he would show that on July 27, 1893, he was married in accordance with the tribal

(3)

the Interior for his approval.

Respectfully,

SIGNED *Tamc Pirby.*

Commissioner.

Through the
Commissioner of Indian Affairs.

OP 26-5

(2)

No appearance was made on behalf of the Choctaw and Chickasaw nations.

I have the honor to transmit herewith the original record in the matter of the application of James W. Ragland for enrollment as an intermarried citizen of the Chickasaw Nation, with the proceedings had in conformity with Departmental letter of August 21, 1906, and my decision of this date rescinding the decision of the Commission to the Five Civilized Tribes of April 2, 1902, refusing the application for the enrollment of James W. Ragland as a citizen by intermarriage of the Chickasaw Nation, and following the ruling of the Department in the case of Angeline White (I.T.D. 1130-1906), and Thornton D. Pearce (I.T.D. 4060-1904), enrolling James W. Ragland as a citizen by intermarriage of the Chickasaw Nation.

I have furnished the applicant, his attorneys, and the attorneys for the Choctaw and Chickasaw nations, with a copy of this decision and advised the latter that if no protest was filed by them within fifteen days the name of the applicant would be placed upon a schedule of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of

COPY.

Muskogee, Indian Territory, October 25, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of August 21, 1905, (I.T.D. 2736-1902, 4722, 5217, 7996-1905) remanded for rehearing upon its merits, in accordance with the approved opinion of the Assistant Attorney General in the matter of the enrollment of Angeline White as an intermarried citizen of the Choctaw Nation, the record in the case of James W. Ragland for his enrollment as an intermarried citizen of the Chickasaw Nation.

In conformity with Departmental instructions of August 21, 1905, the applicant, James W. Ragland, his attorneys, Blanton & Andrews, at Ada, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, were notified that such testimony and other evidence that might be presented in the matter of the application for the enrollment of James W. Ragland as an intermarried citizen of the Chickasaw Nation would be heard by the Commissioner at his office at Muskogee, Indian Territory on Thursday, September 21, 1905, at nine o'clock A. M.

At the time and place set for the hearing, the applicant, James W. Ragland, and his attorney, L. C. Andrews, appeared in person

(2)

Tribes of April 2, 1902, refusing the application for the enrollment of James W. Ragland as a citizen by intermarriage of the Chickasaw Nation, and following the ruling of the Department in the case of Angeline White (I.T.D. 1130-1905), and Thornton D. Pearce (I.T.D. 4060-1904), enrolling James W. Ragland as a citizen by intermarriage of the Chickasaw Nation.

I have this date transmitted the record in this case, together with my decision of October 25, 1905, to the Secretary of the Interior. If no protest is filed by you within fifteen days from the date hereof, the name of the applicant will be placed upon a schedule of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *James Bixby.*

Commissioner.

OP 25-1

COPY.

Muskogee, Indian Territory, October 25, 1905.

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

Gentlemen:

Under date of September 7, 1905, you were furnished with a copy of Departmental letter of August 21, 1905 (I.T.D. 2736-1902, 4722, 5217, 7996-1905), remanding to this office for rehearing, in conformity with the opinion of the Assistant Attorney General for the Department of the Interior, in the matter of the enrollment of Angeline White as an intermarried citizen of the Choctaw Nation, the record in the matter of the application of James W. Ragland for enrollment as a citizen by intermarriage of the Chickasaw Nation.

You were advised that such testimony and other evidence as Mr. Ragland desired to present would be heard by the Commissioner at his office at Muskogee, Indian Territory, on Thursday, September 21, 1905, at nine o'clock A. M.

On the date fixed for the hearing, the applicant, James W. Ragland, and his attorney, L. C. Andrews, appeared before this office and proceedings were had in conformity with Departmental instructions of August 21, 1905.

I now enclose you herewith copy of my decision of this date rescinding the decision of the Commission to the Five Civilized

COPY.

Muskogee, Indian Territory, October 25, 1905.

Blanton & Andrews,
Attorneys at Law,
Ada, Indian Territory.

Gentlemen:

I enclose you herewith copy of my decision of this date enrolling James W. Ragland as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw nations have been furnished with a copy of this decision and if no protest is filed by them within fifteen days from the date hereof, the name of James W. Ragland will be included upon a schedule of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED: *James Dixby.*

Commissioner.

CP 25-3

COPY.

Muskogee, Indian Territory, October 25, 1905.

James W. Ragland,
Stonewall, Indian Territory.

Dear Sir:

I enclose you herewith copy of my decision of this date enrolling James W. Ragland as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw nations have been furnished with a copy of this decision and if no protest is filed by them within fifteen days from the date hereof, the name of James W. Ragland will be included upon a schedule of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tamc Birby.

Commissioner.

OP 25-2

REFER IN REPLY TO THE FOLLOWING

9-R-20

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

Muskogee, Indian Territory, September 7, 1905.

James W. Ragland,
Center, Indian Territory.

Dear Sir:

I enclose herewith for your information copy of departmental letter of August 21, 1905, remanding to this office the record in the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation with instructions that a rehearing be granted in conformity with the opinion of the assistant attorney general for the Department of the Interior in the matter of the enrollment of Angeline White as an intermarried citizen of the Choctaw Nation.

You are hereby advised that such testimony and other evidence as you may desire to present in reference to your right to enrollment as an intermarried citizen of the Choctaw Nation will be heard at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Thursday, September 21, 1905, at nine o'clock A. M.

Respectfully,

W. C. Beall

Acting Commissioner.

McM 6/16

said case, and in support thereof showed that he was married on July 27, 1893, in accordance with the Chickasaw laws, to Mrs. Mary Ragland, now Mary C. Finley, a recognized and enrolled citizen of the Chickasaw Nation, whose name appears opposite roll No. 4405, on list No. 5 of Chickasaw citizens by blood approved by the Acting Secretary of the Interior March 6, 1903, which marriage was equivalent to his enrollment. The names of his three children by said marriage, William Nathan Ragland, Walter D. Ragland and Roy Nelson Ragland, appear opposite roll numbers 4406, 4407 and 4408, respectively, upon list No. 5, roll of Chickasaws by blood, approved by the Acting Secretary of the Interior March 6, 1903. He also files a certified copy of his marriage certificate, signed by R. B. Willis, judge of the county court, Pickens County, Chickasaw Nation, the original of which is on file in your office in the matter of the application for the enrollment of his above named children.

In accordance with the approved opinion of the Assistant Attorney-General in the matter of the enrollment of Angeline White as an intermarried citizen of the Choctaw Nation, the record in the case of James W. Ragland for his enrollment as an intermarried citizen of the Chickasaw Nation is hereby remanded to you for a rehearing upon its merits. You will notify the parties in interest accordingly.

Respectfully,

1 inclosure.

THOS. RYAN,
Acting Secretary

11/2005

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D.C. 40491-1905.
I.T.D. 2736-1902.
4722, 5217,
7996-1905.

G.R.
LJB
August 21, 1905.

LRS

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

Sir:

April 2, 1902, the Commission to the Five Civilized Tribes denied the application of James W. Ragland for his enrollment as an intermarried citizen of the Chickasaw Nation, on the ground that applicant made application to the Commission under the act of Congress of June 10, 1896 (29 Stat., 321), for intermarried citizenship in the Chickasaw Nation which was denied, and upon appeal to the United States Court for the Southern District of Indian Territory his appeal was dismissed for failure to file the same within the prescribed time. The Commission held--

"The rights of the above named applicant to intermarried citizenship in the Chickasaw Nation were adjudicated by this action and the decision of the Commission thus became final, under the provisions of the act of Congress of June 10, 1896, supra."

June 7, 1902, the Department affirmed that decision in accordance with the opinion of the Assistant Attorney-General dated March 17, 1899, then in force.

May 1, 1905, applicant filed a motion for a reopening of

9-R-20

Muskogee, Indian Territory, October 17, 1904.

Blanton & Andrews,

Attorneys at Law.

Ada, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 12th instant, stating that you desire to file a motion for rehearing in the matter of the application for enrollment of James W. Ragland as a citizen by intermarriage of the Choctaw Nation, and for that purpose you desire a copy of the testimony therein and a copy of the decision of the Commission denying his enrollment.

You are advised that there are no extra copies of the testimony taken in support of the application for enrollment of James W. Ragland as an intermarried citizen of the Chickasaw Nation or of the decision of the Commission refusing his enrollment. Permission, however, will be given to any responsible person whom you may select for that purpose, to make copies of the record referred to.

Respectfully,

Chairman.

9-R-80

Muskogee, Indian Territory, September 20, 1904.

Blanton & Andrews,

Attorneys at Law.

Ada, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 9th instant, requesting information relative to the status of the application for enrollment of James W. Ragland as a citizen by intermarriage of the Chickasaw Nation.

You are informed that on April 2, 1902 the Commission rendered its decision denying the application made by James W. Ragland for enrollment as a citizen by intermarriage of the Chickasaw Nation, and a copy of such decision was mailed to him at Center, Indian Territory.

Under date of June 7, 1902 the Secretary of the Interior affirmed the decision of the Commission refusing the application made by James W. Ragland as an intermarried citizen of the Chickasaw Nation, due notice of the same being mailed to James W. Ragland, Center, Indian Territory June 25, 1902.

Respectfully,

Chairman.

Chickasaw R 20.

Muskogee, Indian Territory, March 21, 1903.

T. B. Upchurch,

Oakman, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 13, asking if J. W. Ragland is not entitled to enrollment as an intermarried citizen of the Chickasaw Nation, although now divorced from his wife.

In reply to your letter you are advised that it appears from our records that on April 2, 1902, the Commission rendered its decision refusing the application of James W. Ragland for enrollment as an intermarried citizen of the Chickasaw Nation and on the same date he was notified of the decision of the Commission, and the record in the case was forwarded to the Secretary of the Interior. On June 7, 1902, the Secretary of the Interior affirmed the decision of the Commission and on June 23, 1902, James W. Ragland was notified of departmental action in his case.

Respectfully,

Chairman.

COPY

Chickasaw N 20

Muskogee, Indian Territory, June 23, 1902.

Manfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 7, 1902, affirmed the decision of the Commission, dated April 2, 1902, refusing the application made by James W. Ragland for enrollment as a citizen of the Chickasaw Nation.

(Signed) T. B. Needles.
Yours truly,

Commissioner in Charge.

COPY

Chickasaw R 50

Muskogee, Indian Territory, June 23, 1902.

James W. Ragland,
Center, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of June 7, 1902, affirmed the decision of the Commission, dated April 2, 1902, refusing the application made by you for enrollment as a citizen of the Chickasaw Nation.

Yours truly,

(Signed) T. B. Needles.

Commissioner in Charge.

12

Secretary 2

case of J. W. Barland, the letter of the Acting Commissioner
of Indian Affairs of April 28, 1902.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Chickasaw R 20

Muskogee, Indian Territory, June 21, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental communication of June 7, 1902, (I. T. D. 2738-1902) in the matter of the application of J. W. Ragland for enrollment as a citizen by intermarriage of the Chickasaw Nation, the Department in said communication advises as follows:

"The Acting Commissioner of Indian Affairs April 28, 1902 reporting in the matter recommended that your decision be concurred in and the Department concurring in said recommendation, such decision is affirmed. Copies of the reports of the Acting Commissioner of Indian Affairs of April 28, 1902 and June 9, 1902 are inclosed herewith."

The Commission has to report that with your communication of June 7, 1902, there was inclosed the report of the Acting Commissioner of Indian Affairs of June 5, 1902, (Land 31512-1902) but the letter of the Indian Office of April 28, 1902, referred to in your communication was not forwarded.

The Commission has therefore to respectfully request that there be supplied to be made a part of the record in the

COPY

Refer in reply
to the following:
Land
31512-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of May 14, 1902
(ITD-3081), forwarding to the Commission to the Five Civilized
Tribes for consideration and report a letter from J. W. Ragland,
dated March 5, 1902, in which he complained that the main evidence
relative to his application for enrollment as a citizen of the
Chickasaw Nation had not been forwarded by the Commission, there
is inclosed herewith a report from the Acting Chairman under date
of May 23, in which it is stated that the evidence referred to by
Mr. Ragland was transmitted to the court when he took an appeal in
1896 from the decision of the Commission.

The Commission presumes that the original papers are still
in the possession of the United States court for the northern
district of Indian Territory.

Very respectfully,
Your obedient servant,
A. C. TOMMER,
Acting Commissioner.

GAW
I

3 inclosures.

and Emma E. Findley, is pending before your Commission; that Ragland testified as to the rights of his children and offered in evidence certain papers, marriage license, &c.; that, apparently, at that time, March 26, 1900, Ragland had given up his claim to citizenship in the Chickasaw Nation;

Your decision of April 2, 1902, rejected Ragland's application because his rights had been adjudicated by the action of your Commission and the court, as above stated, in 1896.

The Acting Commissioner of Indian Affairs April 28, 1902, reporting in the matter, recommended that your decision be concurred in, and the Department concurring in said recommendation, your decision is affirmed. Copies of Indian Office letters of April 28 and June 5, 1902, are inclosed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

EMD

2 inclosures.

COPY

D. C. No. 10005-1902.

33847

J.P.
Y.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.2736-1902.

June 7, 1902.

L.R.S.

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

Gentlemen:

The Department has considered the case (R 20), involving the application of J. W. Ragland for enrollment as an intermarried citizen of the Chickasaw Nation, in connection with your report of May 23, 1902, upon a communication from Ragland referred to you May 14, 1902.

Ragland claimed that certain evidence in his claim had not been forwarded with your report of April 2, 1902. You report that the entire record in the case was submitted; that in 1896 Ragland's application to you to be enrolled as an intermarried citizen of the Chickasaw Nation, was denied, and upon appeal to the United States Court your decision was sustained; that certain papers filed by Ragland, presumably the ones referred to by him as having been omitted from his case, were transmitted to the court, where they remain; that an application by Mary C. Findley, formerly the wife of Ragland, and her five minor children, W. M. Ragland, W. D. Ragland, R. H. Ragland, Rosa L. Findley

Secretary 5

9 W 4

Commission and the record in this case will be forwarded the Department in the near future.

It is not considered that the evidence introduced by Ragland on March 26, 1900, in support of the application for the enrollment of his children as citizens by blood of the Chickasaw Nation would in any manner be material in the matter of his right to enrollment as a citizen by intermarriage of the Chickasaw Nation, for the reason that such rights as he might have as an intermarried citizen of the Chickasaw Nation were adjudicated by the Commission and the United States Court in the application filed by him under the act of Congress of June 10, 1896 (29 Stats., 321).

With this report the Commission returns the letter of J. W. Ragland of May 5, 1902.

Respectfully,

SIGNED *Tamie Dixby.*
Acting Chairman.

Enc Y 104

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Secretary 4

sets forth that she knew Tuska Tomby, a Chickasaw Indian who married Lotta who had two children, one girl by the name of Mollie who is the mother of the minor children of J. W. Ragland. Also the affidavit of Mary Lewis which is in effect the same as the affidavit of Sena Maytuba. Also the certificate of R. B. Willis, County Judge of Pickens County, Chickasaw Nation, relative to the issuance of a marriage license in 1893 to J. W. Ragland, a citizen of the United States to marry Mary Ragland, a Chickasaw citizen by blood, the same being the second marriage as at the time of the first marriage they were not married according to the Chickasaw laws and that Mary Ragland's maiden name was Mary Brown, a daughter of Tuskatombey Brown and Lottie Brown. Also the marriage license and certificate under the Chickasaw tribal laws issued to J. W. Ragland and Mrs. May Ragland under date of July 27, 1893.

Apparently at the time of the testimony of J. W. Ragland on March 26, 1900, and the introduction of the written evidence herein referred to, Ragland himself had given up his claim to citizenship in the Chickasaw Nation and the procedure of that date was entirely on behalf of his minor children.

The matter of the application of Mary C. Finley who was formerly the wife of J. W. Ragland and her five minor children, Wm. Nathan, Walter D. and Roy Nelson Ragland and Rosa Lorena and Emma Elsie Finley, is now receiving the consideration of the

10

Secretary 2

the Southern District at Ardmore, Indian Territory, and in accordance with an order from the clerk of that court all the original papers in this case were transmitted to that court for its consideration in the disposition of this case on appeal.

On March 12, 1898, upon motion duly made, the appeal in this case was dismissed by the United States Court for the Southern District of the Interior.

It is presumed that the papers in the original petition of J. W. Ragland filed under the act of Congress of June 10, 1896, are still in the possession of the United States Court for the Southern District of the Indian Territory and the Commission is therefore unable to forward such papers to the Department.

The Commission has further to advise that the three minor children of J. W. Ragland, namely, Wm. Nathan, Walter D. and Roy Nelson Ragland are applicants to this Commission for enrollment as citizens by blood of the Chickasaw Nation, claiming such rights as the children of Mary C. Finley, an alleged citizen by blood of the Chickasaw Nation and through whom J. W. Ragland claimed his right in 1896 as a citizen by intermarriage of that tribe of Indians.

At the office of the Commission at Muskogee, Indian Territory, on March 26, 1900, J. W. Ragland did testify relative to the rights of his children to enrollment as citizens of the Chickasaw Nation and at that time offered in evidence certain papers, consisting of the affidavit of Sam Mays (in which she

Secretary 2

The Commission has to advise that with its letter of April 2, 1902, there was transmitted for the consideration of the Department, the entire record in the matter of the application of James W. Ragland for enrollment as a citizen by intermarriage of the Chickasaw Nation. The decision in the case now before the Department will show that James W. Ragland, the applicant, made application to the Commission in 1896 for intermarried citizenship in the Chickasaw Nation under the act of Congress of June 10, 1896, (29 Stats., 321) and was by the Commission denied citizenship in the Chickasaw Nation in Chickasaw citizenship case No. 55, and that an appeal being perfected to the United States Court for the Southern District of the Indian Territory in court case No. 138 (citizenship docket) the said United States Court for the Southern District of the Indian Territory on March 12, 1898 dismissed the appeal.

It is presumed that the original marriage license and other papers referred to by Mr. Ragland as having been filed in July, 1897, were part of his original petition filed with the Commission on September 9, 1896, for intermarried citizenship in the Chickasaw Nation under the provisions of the act of Congress of June 10, 1896, (29 Stats ., 321).

The Commission on November 10, 1896 denied the petition for citizenship in the Chickasaw Nation of J. W. Ragland from which decision an appeal was taken to the United States Court for

8

Chickasaw R 30
Chickasaw D 4

Muskogee, Indian Territory, May 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental communication of May 14, 1902, (I. T. D. 3081-1902) enclosing the report of the Acting Commissioner of Indian Affairs of May 12, 1902, (Land 27398-1902) with which was enclosed a communication of J. W. Ragland under date of March 9, 1902, in which he complains that the "main evidence" in his claim for enrollment as a citizen of the Chickasaw Nation was not forwarded to the Department; that he filed some evidence with the Commission in March, 1900, which is the principal evidence in his case with the exception of his original marriage license which was filed in July, 1897. That he also sent other papers with the license and in conclusion he requests that a further investigation be made of this matter in order that his rights be protected.

The communication of Mr. Ragland is referred to the Commission for report, with instructions to forward such of the papers mentioned by Mr. Ragland as are on file with the Commission if any of them are so on file.

(D.C.No. 8389-1902)

(COPY)

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D.3081-1902.

WHR

L.R.S.

May 14, 1902.

The Commission

to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

The Department is in receipt, by reference of the Acting Commissioner of Indian Affairs, of a communication from Mr. J. W. Ragland, dated May 5, 1902, in which he states with reference to his application for enrollment as a citizen of the Chickasaw Nation, that "the main evidence" in his claim was not sent the Department by your Commission.

Reporting in the matter under date of May 12, 1902, the Acting Commissioner recommends that said communication be forwarded you "for report, with direction to forward such of the papers mentioned by Mr. Ragland as are on file "with you, if any are so on file.

The Department concurs in said recommendation and the letter is inclosed herewith for report as recommended.

A copy of the Acting Commissioner's report is also inclosed

Respectfully,

Thos. Ryan,

Acting Secretary.

2 inclosures.

6

WHR

(COPY)

Land
27398--1902.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON, May 12, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Referring to office report of April 28, 1902,
transmitting record relative to the application of James W.
Ragland for enrollment as a citizen of the Chickasaw Nation,
there is inclosed herewith a communication dated May 5,
1902, from Mr. Ragland in which he complains that the Com-
mission did not forward the full record in his case.

It is respectfully recommended that said communica-
tion be forwarded to the Commission for report, with direction
to forward such of the papers mentioned by Mr. Ragland as
are on file with the Commission, if any of them are so on file.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

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inclosures.

(COPY)

Land
20614-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, April 28, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report made April 2, 1902, by C. R. Breckinridge, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of James W. Ragland, for enrollment as an intermarried citizen of the Chickasaw Nation.

The record in this case shows that in 1896 the applicant applied to the Commission for citizenship in said Nation as an intermarried member thereof under the provisions of the Act of June 10, 1896; that his application was denied, that an appeal was taken to the United States court for the southern district of the Indian Territory, and that on March 12, 1898 the court dismissed the appeal.

On April 2, 1902, the Commission found that the applicant was not entitled to enrollment.

It is respectfully recommended that the decision of the Commission be approved.

Very respectfully,

Your obedient servant,

3 inclosures.

GAN
J

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(Acting Commissioner. A.C. Tomar,

COPY.

McAlester, Indian Territory, April 2, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the report of proceedings in the matter of the application of James W. England for his enrollment as a citizen of the Chickasaw Nation, including the opinion of the Commission, dated April 2, 1902, refusing the application for the enrollment of James W. England as a citizen of said nation.

Respectfully,

MINED: *C. E. Breckinridge.*
Commissioner in Charge.

1 enclosure.

Through the Commissioner
of Indian Affairs.

Chickasaw N 22

COPY

Muskogee, Indian Territory, April 2, 1903.

Messrs Mansfield, Murrey & Corbin,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of James W. Radford for enrollment as a 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.

Yours truly,

(SIGNED)

C. R. Breckinridge.

Commissioner in Charge.

1 enclosure
Register.

2

October 1, 1906

COPY

Muskogee, Indian Territory, April 2, 1906.

James W. England,
Gunter, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for your enrollment as a 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.

Yours truly,

(SIGNED)

C. B. Breckinridge

Commissioner in Charge.

1 enclosure.
Register.

Arkness, Ind. Ter. Feb. 24th. 1902

The Commission to the Five Civilized Tribes,
Washington, D.C. Ter.

Gentlemen:-

In reply to your letter of 24th February 1898. No. 4 R
20 initialed, "W.O.B.", I beg to say that in case No. 13271 V.
England et al versus The Chickasaw Nation, the records of this
Court show that on March 12, 1898, the above mentioned case was
dismissed.

Very truly,

C. M. Campbell
Clerk

(Dictated)

Muskogee, Indian Territory, February 15, 1902

C. H. Campbell,

Clerk United States Court,
Ardmore, Indian Territory,

Dear Sir:

Please examine the record in Case Number 138, Citizenship Docket, J. W. Ragland, et al. vs. the Chickasaw Nation, and advise the Commission what action has been taken in said case.

Our records show that notice of appeal by applicants was issued by the Clerk of the Court, January 30, 1897. Original application was received from the Dawes Commission and filed March 15, 1897. On March 12, 1898, the case was continued, and we have no record of any further action having been taken by the Court. Kindly advise us how this case now stands on the docket, what disposition has been made of the appeal, and if possible, let us have copies of the docket entries. If a decree has been entered, please supply us with a copy of the same, in order that our records may be complete.

Your early attention to this matter is requested.

Yours truly,

Commissioner in Charge.

College, Indian Territory, June 17, 1900.

Dear Sir:

The Commission is in receipt of your letter of the 12th, in which you inquire as to the status of your case. You are advised that your enrollment has been refused; that you appeared before the Commission at Atoka in 1898 and you were refused enrollment for the reason that you applied to the Dawes Commission in 1896, and no appeal being taken from the judgment of the Commission denying your right to citizenship, the Commission had no authority to enroll you.

Yours truly,

Acting Chairman.

Low Rec. James W Rayland
 blue LW. 631

lele 1830 (2 R30)

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Marriage cert

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Deer ⁵⁰ Receipt ⁵⁰

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Index of appeal

25

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32 20

the Commission under the Act of June 10, 1896, was without jurisdiction and void. This contention is sustained by the case of Mary Elizabeth Martin (I.T.D. 11,856, 1904); Benj. J. Vaughan (ITD, 1903-1480, March 24th. 1905); Wiley Adams (ITD 4398-1903).

The Vaughan case is the last of these cases decided by the Department. In it the Department held:

"It is the settled rule of the department in the case of Wiley Adams (ITD4398-), 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 own opinion in the case of Mary Elizabeth Martin (ITD, 11,856, 1904), that intermarriage as to the white person operates under Article 38, of the treaty of April 28, 1866, (14 Stats., 769-799), 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."

In the light of the opinions the decision of the Commission in 1896, denying the right of the applicant to enrollment was without jurisdiction and void. It follows then that the decision of the Commission and the Department rendered in 1902, holding that the judgment of the Commission of 1896, was res adjudicata is erroneous, and that applicant should be granted a re-hearing.

Respectfully submitted,

(signed) L. C. Andrews.
Counsel for Applicant.

Endorsed:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D
SEP 23 1905

Tama Bixby
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF INDIA AFFAIRS/

In Matter of Application of
Jas. W. Ragland, for Rehearing, in his Application for
Enrollment as A Chickasaw Indian by Intermarriage.

STATEMENT OF FACTS AND BRIEF FOR APPLICANT.

The record in this case shows that applicant was married to Mary C. Brown, an citizen of the Chickasaw Indian by blood and now appearing upon the finally approved rolls of such Indians as Mary C. Finley; that the first marriage was not in conformity with the laws of the Chickasaw Nation, but that in 1893 they were married under license issued by R. B. Willis, County and Probate Judge of Pickens County, Chickasaw Nation, I. T.; that these parties lived together a number of years and had as a result of said marriage three children who now appear upon the finally approved rolls.

The record further shows that afterwards they were divorced and Mary C. Ragland was married to John B. Finley her present husband.

The applicant made application under Act of June 10, 1896, to the Commission to the Five Civilized Tribes for enrollment as a Chickasaw by intermarriage, and upon being denied by the Commission, after the expiration of three months allowed by the Act within which to take an appeal, appealed to the United States Court for the Southern District of the Indian Territory, which appeal was dismissed because not taken in time.

In 1899 applicant appeared before the Commission at Atoka, Indian Territory to submit proof of his right to enrollment which proof the Commission declined to hear after examining applicant and learning upon his admission that he had formerly applied for enrolment had been denied under the Act of June 10, 1896.

In 1902 the Commission rendered its opinion on the application made by applicant at Atoka, I. T. denying his application upon the ground that the judgment of the Commission of 1896 was res adjudicata, and this decision was afterwards by the Secretary approved.

There can be no doubt of the applicants right to enrollment in view of the numerous decisions of the Department affecting cases of like status.

In the first place the questions of remarriage and separation become immaterial, the only question remaining is the effect to be given the decision denying him in 1896 which the Commission in its opinion in 1902 holds to be conclusive.

It is the contention of the applicant that the action of

United States of America,
Southern District,
Indian Territory.

I, E. C. Andrews, do solemnly swear that I
this day posted by Registered Letter a copy of the brief to
which this affidavit is attached, to Mansfield, Motturray & Cor-
nish, at South McAlester, I.T.

(signed) L. C. Andrews

Subscribed and sworn to before me this the 31st., day of
August 1905.

(signed) E. S. Conway
Notary Public, Southern District
Indian Territory.

(S E A L)

Registry receipt No. 174 attached hereto.
P.O. Ada, I. T. 8/31, 05.

port of this application and an examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicant has ever been enrolled as a citizen of the Chickasaw Nation, nor is his name found upon any of the tribal rolls of the Chickasaw Nation, nor does it appear that he has ever been admitted to Chickasaw citizenship by the legally constituted authorities of the said nation.

The act of Congress of June 28, 1898, (30 Stat., 495) provides:

"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 right 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 the laws of said tribes."

It is therefore the opinion of this Commission that James W. Ragland is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory, and that his application therefor should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.

(signed) TAMS BIXBY
Acting Chairman.

(signed) T. B. NEEDLES
Commissioner.

(signed) C. R. BRECKINRIDGE
Commissioner.

Dated at Muskogee, Indian Territory,
this Apr -2 1902.

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

In the matter of the application of James W. Ragland for enrollment as an intermarried citizen of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that the applicant James W. Ragland, at Atoka, Indian Territory, made personal application to this Commission at its session beginning August 28, and ending September 2, 1899, for enrollment as an intermarried citizen of the Chickasaw Nation.

It appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that James W. Ragland the applicant herein, made application to this Commission in 1896 for intermarried citizenship in the Chickasaw Nation under the act of Congress of June 10, 1896, (29 Stats., 321), and was by the Commission denied intermarried citizenship in the Chickasaw Nation in Chickasaw citizenship case Number 55, and on an appeal being perfected to the United States Court for the Southern District of the Indian Territory, in Court case Number 138, (Citizenship Docket), the said United States Court for the Southern District of the Indian Territory on March 12, 1898, dismissed the appeal.

The rights of the above named applicant to intermarried citizenship in the Chickasaw Nation were adjudicated by this action, and the decision of the Commission thus became final under the provisions of the Act of Congress of June 10, 1896, supra.

It does not appear from the evidence offered in sup-

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

In the enrollment of James W. Ragland as an intermarried Chickasaw; being sworn and examined by Com'r McKennon he states:

- Q What is your name? A James W. Ragland.
- Q How old are you? A Thirty-five.
- Q You claim to have intermarried with a Chickasaw citizen?
- A Yes sir.
- Q When? A In 1886 I married, but not according to Indian law, but in July 27th, 1893, I re-married.
- Q Did you make application to the Dawes Commission in 1896?
- A Yes sir, by a written statement.
- Q Didn't you get notice of what went with it? A I got a notice that I was rejected.

Com'r McKennon: That settles it; your enrollment is refused.

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.

(signed) M. D. Green.

this application and an examination of the tribal rolls of the Chickasaw Nation in the possession of the commission that the applicant has ever been enrolled as a citizen of the Chickasaw Nation, nor is his name found upon any of the tribal rolls of the Chickasaw Nation, nor does it appear that he has ever been admitted to Chickasaw citizenship by the legally constituted authorities of the said nation.

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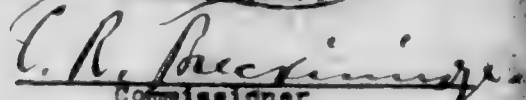
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

It is therefore the opinion of this Commission that James W. Ragland is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory, and that his application therefor should be refused and it is so ordered.

The Commission to the Five Civilized Tribes


Acting Chairman.


Commissioner.


C. R. Peckinger
Commissioner.

Dated at Muskogee, Indian Territory,

this APR -2 1902

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

In the matter of the application of James W. Ragland for enrollment as an intermarried citizen of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that the applicant, James W. Ragland, at Atoka, Indian Territory, made personal application to this Commission at its session beginning August 28 and ending September 2, 1899, for enrollment as an intermarried citizen of the Chickasaw Nation.

It appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that James W. Ragland, the applicant herein, made application to this Commission in 1896 for intermarried citizenship in the Chickasaw Nation under the act of Congress of June 10, 1896, (29 Stat., 321), and was by the Commission denied intermarried citizenship in the Chickasaw Nation in Chickasaw citizenship case Number 55, and on an appeal being perfected to the United States Court for the Southern District of the Indian Territory, in Court case Number 138, (Citizenship Docket), the said United States Court for the Southern District of the Indian Territory on March 12, 1898, dismissed the appeal.

The rights of the above named applicant to intermarried citizenship in the Chickasaw Nation were adjudicated by this action, and the decision of the Commission thus became final under the provisions of the act of Congress of June 10, 1896, supra.

It does not appear from the evidence offered in support of

Q. Where is it? A. On file with the papers here with the Commission.

(There is on file with the records of this office, in the matter of the application of Mary C. Finley and her children, for enrollment as citizens by blood of the Chickasaw Nation, an original marriage license, issued by R. B. Willis, County Judge of Pickens County, Chickasaw Nation, under date of July 27, 1893, to J. W. Ragland and Mary Ragland; attached thereto being the certificate of R. B. Willis to the marriage of J. W. and Mary Ragland on July 27, 1893.)

- Q. Are you still living with this woman? A. No sir.
Q. How long did you live with her after remarrying under the Chickasaw license in 1893? A. About a year. I don't exactly remember the date now.
Q. Were you divorced from her? A. Yes sir.
Q. Who obtained the divorce? A. I did.
Q. In the Chickasaw tribal court? A. No, in the United States Court at Ardmore.
Q. Have you remarried since that divorce? A. Yes sir.
Q. Who did you marry? A. I married a girl by the name of Crump.
Q. Is she a white woman? A. Yes sir.
Q. Are you still a resident of the Chickasaw Nation? A. Yes sir.
Q. The only two times that you were ever married was the time that you were married to this Mary Brown (and your second marriage to her) and your marriage to this Crump woman? A. Yes sir, that is all.
Q. Have you lived continuously in the Chickasaw Nation since your marriage to Mary Brown in 1886? A. Yes sir.
Q. Have you ever made you home any where else than in the Chickasaw Nation since then. A. No sir.

MR. ANDREWS: ---We wish the Commission to consider the affidavits of R. B. Willis and Mary C. Finley, both on file with the record with the application for a rehearing.

COMMISSIONER: --- They are not here.

MR. ANDREWS: --- We ask leave, then, to obtain the affidavits of R. B. Willis and Mary C. Finley, and submit them in this case.

COMMISSIONER: --- All right.

CASE CLOSED.

Mula Jeanes Branson, being duly sworn, states that, as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 21st. day of September, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Mula Jeanes Branson

Subscribed and sworn to before me this the 21st. day of September, 1905.

Myron White
Notary Public.

- Q. How old are you? A. 40.
- Q. Where do you live? A. Stonewall, Chickasaw Nation.
- Q. How long have you lived in the Chickasaw Nation? A. I have lived in the Chickasaw Nation somewhere about 20 years I reckon.
- Q. You are a white man, are you? A. Yes sir.
- Q. Are you the identical James W. Ragland whose application for enrollment as an intermarried citizen of the Cherokee Nation was denied by the Commission to the Five Civilized Tribes in 1896? A. Yes sir.
- Q. Had you ever, prior to the submission of your petition to the Commission to the Five Civilized Tribes in 1896, been married to a recognized and enrolled citizen of the Chickasaw Nation? A. Yes sir.
- Q. When? A. July 27.
- Q. What year? A. 1893.
- Q. Who did you marry? A. Mary Ragland.
- Q. What was her maiden name? A. Mary Brown. Her Indian name was Tishcotomey.
- Q. Is she a citizen by blood of the Chickasaw Nation? A. Yes sir.
- Q. Is she living? A. Yes sir.
- Q. What is her present name? A. Mary C. Finley.

(The name of Mary C. Finley appears upon the final roll of Chickasaws by blood, approved by the Secretary of the Interior, opposite No. 4405. The record shows her maiden name to have been Brown, and that she was the daughter of Tishcotomey Brown and Lottie Wilson; that she was married to James W. Ragland, by whom she had three children, William Nathan, Walter D., and Roy Nelson Ragland, who have been enrolled as citizens by blood of the Chickasaw Nation, and their enrollment as such approved by the Secretary of the Interior, their names appearing upon the final roll of such citizens opposite Nos. 4406, 4407, and 4408.)

- Q. You say you were married to this woman in 1893? A. Yes sir.
- Q. Where were you married? A. At the home of R. B. Willis.
- Q. What Nation? A. Chickasaw Nation.
- Q. Were you living in the Chickasaw Nation at that time? A. Yes sir.
- Q. How long had you been living in the Chickasaw Nation at the time you married this woman? A. Six years, I reckon, as well as I remember.
- Q. Where had this woman been living? A. There in the Chickasaw Nation.
- Q. How long had she lived there? A. She was born and raised there.
- Q. Had you ever been married prior to your marriage to Mary Brown? A. I had been married only to her -- I married her in 1886, but not in compliance with the Chickasaw Law.
- Q. Where did this first marriage occur? A. It occurred in the Chickasaw Nation at Daugherty.
- Q. Had you ever been married before you married Mary Brown? A. No sir.
- Q. She was the only woman you had ever married? A. Yes sir.
- Q. Had she ever been married before she married you in 1886? A. No sir.
-
- Q. The marriage in 1886 was not in conformity with the tribal laws? A. No sir.
- Q. Then in seven years you were remarried? A. Yes sir.
- Q. Did you live with her continuously from the time you married her in 1886 until you were remarried in 1893? A. Yes sir.
- Q. Did you have a tribal license when you remarried her? A. Yes sir.

R-20.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, September 21, 1905.

In the matter of the application for the enrollment of James W. Ragland as a citizen by intermarriage of the Chickasaw Nation.

APPEARANCES: Applicant appears by Blanton & Andrews --- L. C. Andrews being present.

COMMISSIONER.

On April 2, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing the application for the enrollment of James W. Ragland as an intermarried citizen of the Chickasaw Nation for the reason that the petition submitted by the said James W. Ragland to said Commission, under the Act of Congress approved June 10, 1896, was denied, which decision was not reversed by the United States Court in the Indian Territory. An appeal in said case, taken to the United States Court for the Southern District of the Indian Territory was, by said Court, dismissed on March 12, 1898.

On May 1, 1905, the applicant filed with the Secretary of the Interior a motion for a rehearing in said case, and alleged that he would be able to show that he was married on July 27, 1893, in accordance with the tribal laws, customs, and usages of the Chickasaw Nation, to one, Mary Ragland, a recognized and enrolled citizen by blood of the Chickasaw Nation.

On August 21, 1905, the Secretary of the Interior directed the Commissioner to the Five Civilized Tribes to permit James W. Ragland a rehearing in the matter of his application for enrollment as an intermarried citizen upon the merits of his claim.

James W. Ragland, his attorneys, Blanton & Andrews, and the Attorneys for the Choctaw and Chickasaw Nation were, on September 7, 1905, notified that proceedings would be had in conformity with Departmental instructions of August 21, 1905, before the Commissioner, at his office in Muskogee, Indian Territory on Thursday, September 21, 1905, at nine o'clock A. M.

On this, the 21st. day of September, 1905, comes the applicant, James W. Ragland, and his attorney, L. C. Andrews. No appearance on behalf of the Choctaw and Chickasaw Nations.

-----000-----

James W. Ragland, being duly sworn, testified as follows:

COMMISSIONER:

Q. What is your name? A. James W. Ragland.

Chic 1830

Chic 1830

9-1029
D- 622

Muskogee, Oklahoma, February 10, 1909.

Mr. John W. Archerd,
Linn, Oklahoma.

Sir:

I am instructed by the Department of the Interior that your case falls within the principles of the decision of the Supreme Court of the United States in the case of John E. 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 your name from the roll of citizens by intermarriage of the Chickasaw Nation 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 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.

(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 Allison's 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 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.

(9)

1405	Merryman, Sarah	668	Butherland, Henry
1215	Mitchell, Virginia P.	1470	Tucker, William W.
1519	Mitchell, Mattie S.		
1416	Moran, Mary	1468	Vincent, Charlie S.

Minor Choctaw Citizens.

<u>Roll No.</u>	<u>Name.</u>	<u>Roll No.</u>	<u>Name.</u>
724	Braudrick, Jennie Louise	791	Kiefer, Kurana
4	Crowder, Rufus Clay	669	Long, Francis
790	Kiefer, Odis A.		

Cherokee by Blood.

31958	Allison, Elmer C.	31959	Allison, Jasper P.
-------	-------------------	-------	--------------------

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

(8)

<u>Roll No.</u>	<u>Name.</u>	<u>Roll No.</u>	<u>Name.</u>
15903	Crowder, William H.	16005	Long, Forbis
15902	Crowder, Rosa	921	Long, Josephine DeFlora
15901	Crowder, Maggie	922	Long, Jake Laflora
15900	Crowder, Abigail	9258	Pebworth, Henry
15899	Crowder, William J.	15928	Randall, Grover
16105	Crutchfield, Ida	16104	Ritter, David
16107	Crutchfield, Ima	15856	Robinson, Mary E.
16108	Crutchfield, Louvinia	15951	Shelton, Daisy
16109	Crutchfield, William	15857	Trice, Mary A.

Choctaws by Marriage.

1486	Beagles, Allen	1414	McClure, Madell
1537	Buckholts, Jeanetta H.	1614	McGahey, Martha J.
1559	Choate, Amanda	1407	McMurtry, Lucy
1412	Crowder, Lydia Ann	1580	Omo, Julia
1523	Crowder, Josephine	1410	Paxton, William D.
985	Foster, Mary A.	1406	Rabon, Robert L.
1421	Freeny, Mattie	1490	Reding, Ella
1489	Gann, William Newton	1476	Rigney, Rosa E.
1518	Gray, John Calvin	1219	Roberts, George W.
1216	Gunter, Benjamin B.	1531	Robinson, Frederick R.
1480	Kelly, William F.	1353	Russell, Mattie M.
1476	Lewis, Vicoy	1127	Smith, Ira L.
1150	Lindsey, Selden T.	1428	Staton, John T.

(7)

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 GOLDSBY DECISION BUT WHOSE CASES FALL INDUBITABLY UNDER THE PRINCIPLES OF THAT DECISION.

Chickasaws by Blood.

<u>Roll No.</u>	<u>Name.</u>	<u>Roll No.</u>	<u>Name.</u>
5013	Perry, Joe	5014	Perry, Dillard

Chickasaws by Marriage.

622	Archerd, John W.	629	Shanks, Mary A.
626	Hargis, Sallie J.	514	Ramsey, Gustavus A.

Choctaws by Blood.

16103	Allen, Elizabeth	16110	Crutchfield, Leuttia
16112	Bungarner, George A.	16106	Crutchfield, Enoch
15925	Crowder, John A.	16111	Crutchfield, George W.
15924	Crowder, Fannie B.	15450	James, Alice E.
15923	Crowder, Katie B.	15972	Jennings, Arthur
15921	Crowder, Eli W.	15973	Jennings, Clyde
15922	Crowder, James	15916	Keifer, Ardella
15905	Crowder, Winnie Gertrude	16003	Long, James S.
16904	Crowder, John F.	16004	Long, Joseph

(6)

Roll No.	Name.	<u>Cherokees by Blood.</u>	Suit No.	Court.
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.
31956	Allison, Ida B.		249	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.

Roll No.	Name.	Suit No.	Court.
1543	Carter, John W.	50534	S.C.D.C.
1464	Cummings, Henry A.	50033	S.C.D.C.
1524	Crowder, Parlee C.	50033	S.C.D.C.
1329	Harris, Calvin Q.	49723	S.C.D.C.
1578	Howard, Carrie	50033	S.C.D.C.
1399	Kirk, J. W.	50354	S.C.D.C.
290	Klugh, August	50033	S.C.D.C.
1027	Perkins, Hattie A.	50353	S.C.D.C.
1491	Reichert, William	51026	S.C.D.C.
1400	Rice, Ambrose L.	374	S.C.U.S.
1423	Shults (or Shultz) Fannie	51026	S.C.D.C.
1495	Shelton, John	50946	S.C.D.C.
1469	Sumpter, Jacob D.	50033	S.C.D.C.
340	Travis, Robert A.	50948	S.C.D.C.
1403	White, Angelina	51026	S.C.D.C.
662	Woodward, Charles A.	49494	S.C.D.C.

Minor Choctaws.Act of Congress Approved April 26, 1906.

367	Barnett, Effie	50033	S.C.D.C.
457	Beaver, Hazel Calvin	50033	S.C.D.C.
458	Beaver, Claud D.	50033	S.C.D.C.
459	Herbert, Howard	50033	S.C.D.C.
674	Crowder, Nettie Myrl	50033	S.C.D.C.
685	Green, Lee	49724	S.C.D.C.
253	Wright, Fannie Jane	50033	S.C.D.C.

(4)

<u>Roll No.</u>	<u>Name.</u>	<u>Suit No.</u>	<u>Court.</u>
15452	James, Ellis E.	50033	S.C.D.C.
15453	James, Anaurie	50033	S.C.D.C.
15454	James, Evalina	50033	S.C.D.C.
15961	James, Agnes	50033	S.C.D.C.
15394	Kirk, Gabriella	50355	S.C.D.C.
15393	Kirk, Sarah	50355	S.C.D.C.
15953	Shelton, Emma	51240	S.C.D.C.
15952	Shelton, Frank	51240	S.C.D.C.
15645	Sumpter, John	50033	S.C.D.C.
15646	Sumpter, Amanda Isabella	50033	S.C.D.C.
15647	Sumpter, Jim Andy	(50033 51240	S.C.D.C.
15648	Sumpter, Scott Taylor	50033 51240	S.C.D.C.
15649	Sumpter, Dixon D.	51240	S.C.D.C.
15912	Wright, Betsy	50033	S.C.D.C.
15913	Wright, Thomas E.	50033	S.C.D.C.
15914	Wright, Mary M.	50033	S.C.D.C.
15915	Wright, Lenard D.	50033	S.C.D.C.
<u>Choctaws by Marriage.</u>			
1628	Allen, Andrew J.	50033	S.C.D.C.
1409	Atwood, Chester C.	50053	S.C.D.C.
1473	Beal, Andrew	50947	S.C.D.C.
1408	Bowling, Mary M.	51026 50033	S.C.D.C.

Choctaws by Blood.

<u>Roll No.</u>	<u>Name.</u>	<u>Suit No.</u>	<u>Court.</u>
15027	Adams, Wiley	50033	S.C.D.C.
16046	Autrey, Columbus S.	49722	S.C.D.C.
16040	Beaver, Gertrude	50033	S.C.D.C.
16041	Beaver, Clarence	50033	S.C.D.C.
16042	Beaver, Nellie	50033	S.U.D.C.
16043	Beaver, Myrtle	50033	S.C.D.C.
15917	Beagles, Nellie F.	50033	S.C.D.C.
15911	Crowder, Van	50033	S.C.D.C.
15910	Crowder, Willie	50033	S.C.D.C.
15909	Crowder, Belzooi	50033	S.C.D.C.
15908	Crowder, Joe	50033	S.C.D.C.
15907	Crowder, Louisa	50033	S.C.D.C.
15906	Crowder, George W.	50033	S.C.D.C.
16050	Green, Teddy	49724	S.C.D.C.
16049	Green, Lenora	49724	S.C.D.C.
16033	Howard, Thomas J.	50033	S.C.D.C.
16934	Howard, Horace	50033	S.C.D.C.
16035	Howard, Lonnie	50033	S.C.D.C.
16036	Howard, Emery	50033	S.C.D.C.
16037	Howard, Elmer	50033	S.C.D.C.
16038	Howard, Bettie Perney	50033	S.C.D.C.
16039	Howard, Dora Lee	50033	S.C.D.C.
15451	James, (or Richardson), Maggie M.	50033	S.C.D.C.

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 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 PRIOR TO THE GOLDSBY DECISION INSTITUTED SUITS THE PRINCIPLES OF WHICH ARE UNDOUBTEDLY SIMILAR TO THE OPINION OF THE SUPREME COURT IN THAT DECISION.

Chickasaws by Blood.

<u>Roll No.</u>	<u>Name.</u>	<u>Suit No.</u>	<u>Court</u>
4984	Goldsby, John E.	248	U.S.S.C.
4985	Goldsby, Linniel E.	50033	S.C.D.C.
4986	Goldsby, Bessie	50033	S.C.D.C.
4987	Goldsby, Murray M.	50033	S.C.D.C.
4969	Vaughan, Edward A.	372	U.S.S.C.
4970	Vaughan, Grover C.	371	U.S.S.C.
4971	Vaughan, Oscar S.	371	U.S.S.C.

Chickasaws by Intermarriage.

621	Adams, John Quincy	50033	S.C.D.C.
622	Lancaster, William T.	50033	S.C.D.C.
606	McCoy, Clay	49358	S.C.D.C.
631	Ragland, James W.	51025	S.C.D.C.
596	St. John, Thomas	50353	S.C.D.C.
605	Vaughan, Benjamin F.	373	U.S.S.C.

C O P Y

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

Address only
The Secretary of the Interior.

G W W

January 19, 1909.

File 5-51.

The Commissioner to the
Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

November 30, 1908, 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 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 those rolls without notice and an opportunity to be heard. The decision of the Supreme Court is that mandates shall issue in those 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 relators stand clearly in the

Chickasaw 1829

Muskogee, Indian Territory, March 29, 1907.

John W. Archerd,
Linn, 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 roll of said citizens in the possession of this office.

Respectfully,

Acting Commissioner.

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Attorney-General referred, to, the name of such persons will be stricken from the roll as of this date.

A copy of Indian Office letter of March 2, 1907, is inclosed.

Respectfully,

E. A. Hitchcock,
Secretary.

1 inclosure.

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 28, 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

15655 and 15656, 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. 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

by Department April 1, 1905 (I.T.D. 3128-1905).

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 2 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 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:

Enna Mitchell and Allen Yates Mitchell, opposite Nos.

Action of the Commissioner of October 23, 1903, enrolling applicant affirmed by the Department January 9, 1906 (I.T. . 17408-1905).

Thomas St. John, opposite No. 396, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Denied by Commission in 1896 in Choctaw case No. 1059; 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 Choctaw 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 Choctaw and Chickasaw Citizenship Court.

Clay 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 Choctaw and Chickasaw Citizenship Court. Directed to be enrolled

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. 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. 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. Ragland, 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.

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, 1906 (I.T.D. 8148-1905).

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. 4984.

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. 18962-1906). 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

791, respectively, children of Ardella Kiefer, opposite No. 15916, 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, m660, and 922, respectively, children of Forbis Long, opposite No. 16005, upon the final roll of citizens by blood of the Choctaw Nation, and Lummie 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.

Sallie J. Hargis, opposite No. 626, upon the final roll of citizens by intermarriage of the Chickasaw Nation; denied by Commission in 1896 in case No. 281; no appeal.

John E. Goldsby, Linniel E. Goldsby and Bessie Goldsby, opposite No. 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

Hath McLendon, opposite No. 706, child of Robert C. McLendon, opposite No. 16022, upon the final roll of citizens by blood of the Choctaw Nation, and Annis McLendon, a non-citizen.

Roy D. McLendon, opposite No. 268, child of Burrell V. McLendon, opposite No. 16025, upon the final roll of citizens by blood of the Choctaw Nation, and Gerncal McLendon, opposite No. 1577, upon the final roll of citizens by intermarriage of the Choctaw Nation.

Jennie Louise Braudrick, opposite No. 724, child of Mary A. Trice, opposite No. 15887, upon the final roll of citizens by blood of the Choctaw Nation, and William F. Braudrick, non-citizen.

Hazel Calvin Beaver, Claud Dawson Beaver and Herbert Howard Beaver, opposite Nos. 457, 458, and 459, respectively, children of Gertrude Beaver, opposite No. 16048 upon the final roll of citizens by blood of the Choctaw Nation, and Calvin Beaver, a non-citizen.

Effie Barnett, opposite No. 367, child of Amanda Isabella Sumpter, opposite No. 15646, upon the final roll of citizens by blood of the Choctaw Nation, and A. F. Barnett, a non-citizen.

Odis A. Kiefer and Mirana Kiefer, opposite Nos. 790 and

February 14, 1901; son of 16049. Record transmitted to Department December 21, 1906, for consideration in case of Hesekiah Enoch Austry.

CHOCTAW MINORS' ACT OF CONGRESS APPROVED
APRIL 26, 1906 (34 Stats., 137).

Nettie Myrl Crowder, opposite No. 674, child of George W. Crowder, opposite No. 15906, upon the final roll of citizens by blood of the Choctaw Nation, and Parlee C. Crowder, opposite No. 1524, upon the final roll of citizens by intermarriage of the Choctaw Nation.

Pufus Clay Crowder, opposite No. 4, child of William J. Crowder, opposite No. 15899, 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.

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. 16025. Directed to be enrolled by Department April 6, 1906 (I.T.D. 6372-1904).

Corneal 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 Burrell F. McLendon, opposite No. 16025.

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, Ferbis 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 C. Thompson case. Ordered enrolled by Department January 19, 1905 (I.T.D. 3192-1905).

Columbus B. Autry, Lenora Green and Teddy 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

1354; no appeal. Directed to be enrolled by Department April 6, 1906 (I.T.D. 5364-1904).

Bettie Perney Howard and Dora Lee Howard, opposite Nos. 16038 and 16039, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1897 and 1899, respectively, children of Thomas J. Howard, opposite No. 16033.

Carrie Howard, opposite No. 1578, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1354; no appeal. Wife of Thomas J. Howard, opposite No. 16033.

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 Choctaw 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. 16040. Ordered enrolled by Department April 6, 1906 (I.T.D. 5364-1904).

Burrell P. McLendon, John B. McLendon, Thomas McLendon, Ida M. McLendon, Ralph McLendon, Harry McLendon, and Vencie McLendon, opposite Nos. 16025, 16026, 16027, 16028, 16029, 16030 and 16031, respectively, upon the final roll of citizens by blood

mission in 1896 in case No. 1329; no appeal. Directed to be enrolled by Department April 5, 1906 (I.T.D. 5932-1904).

Martha J. McGabey, opposite No. 1614, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1268; no appeal. Decision of Commissioner of June 5, 1906, granting application affirmed by Department October 30, 1906 (I.T.D. 21238-1906).

Mattie L. Armstrong, Layton B. Armstrong, and Bonnie 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 1896 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. 13700-1906).

Rebecca K. Armstrong, opposite No. 16057, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1898 and child of Mattie L. Armstrong opposite No. 16054.

Thomas J. Howard, Horace Howard, Lonnie Howard, Emery Howard and Elmer Howard, opposite Nos. 16033, 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.

States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Ordered enrolled by Department April 1, 1905 (I.T.D. 3131-1905). 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 W. Carter, opposite No. 1543, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 982; no appeal.

Julia Omo, opposite No. 1580, 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.

Robert C. McLendon, opposite No. 16032, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Com-

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. 985, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 437; no appeal.

Jeannetta H. Buckholts, opposite No. 1537, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 943; no appeal.

Selden T. Lindsey, opposite No. 1150, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 25; denied by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Henry A. Cummings, opposite No. 1464, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 963; admitted by United

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 E. Russell, opposite No. 1383, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1116; no appeal.

Grever 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

Rosa M. Rigney, opposite No. 1476, 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, 1903, on general demurrer, in case No. 3 upon the McAlester docket.

Fannie Shults, 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. 54; no appeal. Patents recorded.

John T. Staton, 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.

Amanda Choate, opposite No. 1359, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by

Commission in 1896 in case No. 438; no appeal.

Lary Moran, opposite No. 1416, 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. 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.

Mattie Freeny, opposite No. 1421, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 464; no appeal. Patents recorded.

Madell McClure, opposite No. 1414, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1326; no appeal.

Mary E. Robinson and Mary A. Trice, opposite Nos. 15856 and 15857, 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. 15856 recorded.

Lucy 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.

Eli W. Crowder, James Crowder, Katie E. Crowder and Pinkie B. Crowder, opposite Nos. 15921, 15922, 15923, and 15924, 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. 15925, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1897, and son of Eli W. Crowder, opposite No. 15921. Patents recorded.

Henry Sutherland, opposite No. 668, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1331; no appeal. Patents recorded.

Robert A. Travis, opposite No. 340, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by

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 Beal, 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. 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

Commission in 1896 in case No. 1031; no appeal. Patents recorded.

Alice E. James, Maggie M. James, Ellis E. James, Analsaurie James, and Nvalena 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, 15453 and 15454 recorded.

Chester C. Atwood, opposite No. 1409, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1127; 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. 582; no appeal. Patents recorded.

Charles A. Woodward, opposite No. 662, 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. Homestead patent recorded.

Frederick R. Robinson, opposite No. 1531, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 675; admitted by United

roll of citizens by blood of the Choctaw Nation. Born since 1896,
and child of Ida Crutchfield, opposite No. 16105.

James T. Leard, opposite No. 1626, upon the final roll
of citizens by intermarriage of the Choctaw Nation. Denied by
Commission in 1896 in case No. 1223; admitted by United States
court for the central district of Indian Territory; denied by the
Choctaw and Chickasaw Citizenship Court.

Robert L. Rabon, opposite No. 1406, 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 Merryman, opposite No. 1405, upon the final roll of
citizens by intermarriage of the Choctaw Nation. Denied by Com-
mission in 1896 in case No. 345; no appeal.

Nellie F. Beagles, opposite No. 15917, 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 Klugh, 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 Pebworth, 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 M. Bowling, opposite No. 1408, upon the final roll
of citizens by intermarriage of the Choctaw Nation. Denied by

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Commission in 1896 in case No. 950; no appeal. Enrollment ordered by Department February 3, 1905 (I.T.D. 1130-1905).

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, Ina Crutchfield, Louvinia Crutchfield, William Crutchfield, and Loutitia 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 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

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 Peding, 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. 15916, 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. 1403, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by

Betsy Wright, Thomas E. 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 Lenard Dalco 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. 1638, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 498; 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. 498; admitted by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court.

William M. Tucker, opposite No. 1470, 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

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. 763; no appeal. Wife of William J. Crowder opposite No. 15320.

George W. Crowder, Louisa Crowder, Joe Crowder and Nelson 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.

Charles C. Crowder, opposite No. 1524; upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 699; no appeal.

Sam Crowder, opposite No. 15911, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 748; no appeal. Patents recorded.

Ambrose L. Rice, opposite No. 1406, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 662; no appeal. Patents recorded.

by Commissioner October 1, 1906; affirmed by Department November 17, 1906 (I.T.D. 22524-1906).

J. W. Kirk, opposite No. 1399, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 948; appeal to United States district court dismissed.

Sarah Kirk and Gabriella Kirk, opposite Nos. 15393 and 15394, respectively, upon the final roll of citizens by blood of the Choctaw 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. 15899, 15900, 15901, 15902, 15903, and 15904, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by the Commission in 1896 in case No. 760; no appeal. Patents for No. 15899 recorded.

Winnie Gertrude Crowder, born June 6, 1901, opposite No. 15905 upon the final roll of citizens by blood of the Choctaw Nation. Daughter of William J. Crowder, who was denied by Commission in 1896 in case No. 760; no appeal.

-3-

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. 22524-1906).

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

John Calvin Gray, opposite No. 1518, 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. 15951, 15952, 15953, 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. 15951 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. Sumpter, opposite No. 1469, 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 Sumpter, Amanda Isabella Sumpter, Jim Andy Sumpter, and Scott Taylor Sumpter, opposite Nos. 15645, 15646, 15647, and 15648, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No.

D.C. 17032
I.T.D. 7794-1907
L.R.S.
F.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 28, 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.

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,

C. F. Larrabee,

Acting Commissioner.

HBB-LC.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

C O P Y

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Acknowledgement 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 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

9-C-184

COPY.

Muskogee, Indian Territory, October 3, 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 the Commissioner to the Five Civilized Tribes rendered October 3, 1905, granting the application for the enrollment of John W. Archerd 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 enrollment of this applicant. If at the expiration of said time no protest has been filed, his name will be placed upon the final roll of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tamc Bixby

Commissioner.

Registered.

Incl. 9-C-184.

9-C-184

Muskogee, Indian Territory, October 3, 1905.

Chas. von Weise,
Attorney at Law,
Araders, Indian Territory,

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes on October 3, 1905, rendered his decision granting the application for the enrollment of John W. Archerd 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 enrollment of this applicant. If at the expiration of said time no protest has been filed, his name will be placed upon the final roll of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

Commissioner.

9-C-184

00P

Muskogee, Indian Territory, October 3, 1905.

Cruce, Cruce & Cruce,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes on October 3, 1905, rendered his decision granting the application for the enrollment of John W. Archerd 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 enrollment of this applicant. If at the expiration of said time no protest has been filed, his name will be placed upon the final roll of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Wm Bixby

Registered.

Commissioner.

9-C-184

COPY

Muskogee, Indian Territory, October 3, 1906.

John W. Archerd,
Linn, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 3, 1906, granting the application for your 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 your enrollment. If at the expiration of said time no protest has been filed, your name will be placed upon the final roll of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

CR 101

Jama Dixey

Commissioner.

Registered.

Incl. 9-C-184.

Muskogee, Indian Territory, July 3, 1905.

Charles von Weise,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 29, asking the status of the application of Martha Amanda Archard and her child, Sarah Archard, for enrollment as citizens of the Chickasaw Nation.

In reply you are advised that on October 15, 1904, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Martha A. Archard and her child, Sarah Archard, for enrollment as citizens of the Chickasaw Nation, and on October 31, 1904, the record in the case was forwarded the Secretary of the Interior for review but this office has not yet been advised of Departmental action thereon.

Respectfully,

Comm:

Chickasaw C 164

Muskogee, Indian Territory, June 28, 1905.

J. W. Archerd, Sr.,

Linn, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 25, asking the status of your application for enrollment as an intermarried citizen of the Chickasaw Nation, and in reply you are advised that the Commission is now considering your application for enrollment and when a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 6, 1905.

John W. Archerd,

Linn, 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 at once procure and forward to this Commission proper proof of your marriage to Isabella Sturdivant, the Chickasaw Indian through whom you claim the right to enrollment.

There is on file with this Commission the original marriage license, but neither the certificate of marriage nor other proof of your marriage to her has been filed. If your original certificate of marriage is destroyed and a copy cannot be procured, you may forward the affidavits of two or more disinterested persons who were present and saw you married to said Isabella Sturdivant.

Under Departmental instructions of April 1, 1905, this Commission will now proceed to readjudicate the matter of your application for enrollment and the evidence above requested is needed in this connection. You will therefore please forward it without delay.

Respectfully,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, October 31, 1904.

The Honorable,

The Secretary of the Interior

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Martha A. Archerd and her daughter, Sarah Archerd, as citizens of the Chickasaw Nation, including the decision of the Commission, dated October 15, 1904, denying said application.

Respectfully,

(SIGNED)

James Bixby

Chairman.

2 Incl. 9-C-184.

Through the
Commissioner of Indian Affairs.

M. McM. & C. 2

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 his rights may be protected as contemplated by the Secretary of the Interior under the directions of September 7, 1904, above referred to.

Respectfully,

REIGNED

James Bixby.

Chairman.

Incl. 9-C-184.

9-C-184

COPY.

Muskogee, Indian Territory, September 23, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

There is inclosed 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 John W. Archerd, as a citizen by intermarriage 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 Acts of Congress approved July 1, 1902 (32 Stat., 641) and March 3, 1903 (32 Stat., 982).

You are further notified that if the said John W. Archerd, is the owner of improvements in the Choctaw or Chickasaw Nation, he

J. W. A. 2

lowed 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.

Incl. 9-C-184.

9-8-184.

COPY.

Muskogee, Indian Territory, September 23, 1904.

John W. Archerd,

Linn, 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 your application for enrollment as a citizen by inter-marriage 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 for 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).

You are further notified that if you are the owner of improvements in the Choctaw or Chickasaw Nation, you will be al-

9-C-184

Muskogee, Indian Territory, January 18, 1904.

J. W. Archard, Esq.,

Linn, 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 anything further can be done in the matter of your enrollment, 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 status as an intermarried citizen of the Chickasaw Nation on September 25, 1902.

Respectfully,

Chairman.

-2-

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 C-184.

COPY.

Muskogee, Indian Territory, December 21, 1903.

J. W. Archard,

Linn, 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

J. W. H. C.

d

C 184

J.W. Archard and others.

MOI

J.W. Archard says:

I was admitted by int rmarriage. I married a Chickasaw woman by blood and was divorced from her. I procured the divorce, at Tishomingo. I afterwards married Martha A. a U.S. citizen. My daughter Sarah is by my present wife. I have been living in the Chickasaw Nation 27 years continuously.

Tishomingo, Sept. 26 1898.

J.W. Archard
Martha A. Archard
Sarah Archard

enrolled.

Office of County Judge of
Pickens County
C. H.

W. all whom these
presents may come greeting.
Sheweth

That petitions
have been made to this office by J. H. Archard,
a citizen of the United States, to be united
in marriage to Mrs Isabella Sturdivant a
citizen of the Chickasaw Nation,
they having complied with the law regulating
marriages of the Chickasaw Nation.

Therefore these are to authorize
any Judge of this Nation or an
ordained Minister of the Gospel to
unite in marriage the above named
parties and issue to the parties making
a certificate of marriage said certificate
to be presented to the County Clerk
for record within thirty days under
penalty of law.

Given under my hand this
22nd day of 1882

A. H. Lane
County Judge

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CONFIDENTIAL
FEB - 6 1904
CHAMBER

9-0184



Filed in this Office
 on the 10th of Dec.
 1907.
 W. B. Overton
 Ch. P. C. N.

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

MAY 25 1907

~~Handwritten signature or initials~~

Office of County Judge
Peters Co. W.

This is to certify that
on the 29th day of Nov. 1887 I united
in marriage Mr. J. W. Archer, ~~with~~
Miss ~~Pauline~~ ~~St. Clement~~ according to
the laws and usages of the Chickasaw
Nation.

Witness my hand this 29th
day of Nov. 1887.

J. H. Lane
County Judge

2.

Archerd as a citizen by intermarriage of the Chickasaw Nation and it is, therefore, hereby ordered that the application of John W. Archerd for enrollment as a citizen by intermarriage of the Chickasaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

Muskogee, Indian Territory,

SEP 23 1904

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9-C-184.

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

In the matter of the application for the enrollment of
John W. Archerd as a citizen by intermarriage of the Chickasaw
Nation.

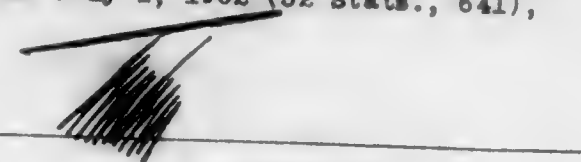
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It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "J. W. Archerd vs. Chickasaw Nation." (1896 Chickasaw Citizenship Case, number 178), the applicant, John W. Archerd, made original 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 23, 1896 the said John W. Archerd 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 "J. W. Archerd vs. Chickasaw Nation." (Citizenship Case number 40) affirmed the decision of the Commission admitting the said John W. Archerd 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., 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 the 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 John W.

March 24, 1905, in the Chickasaw enrollment case of Benjamin J. Vaughan et al., and following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture, John W. Archerd 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.

A handwritten signature, possibly "J. W. Archerd", is written in dark ink. The signature is somewhat stylized and partially obscured by a horizontal line drawn across it.

Muskogee, Indian Territory,

COMMISSIONER.

OCT 3 - 1905

9-C-184.

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

In the matter of the application for the enrollment of John W. Archerd 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 22, 1882, the applicant, John W. Archerd, was married in accordance with the laws, customs and usages of the Chickasaw Nation to Isabella Sturdivant, a recognized and enrolled citizen by blood of the Chickasaw Nation whose name appears as No. 3753 upon the lists prepared by the Commission to the Five Civilized Tribes 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 date of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived together in said Nation as husband and wife for about fifteen months when they separated and were subsequently divorced; that thereafter the applicant was married to Martha A. Tribble, a white woman claiming no right of 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 Isabella Sturdivant up to and including September 25, 1902.

The name of the applicant is found upon the 1893 Chickasaw Leased District Payment Roll No. 2, Pickens County, Page 30.

On September 23, 1904, an order was entered of record by the Commission to the Five Civilized Tribes dismissing the application for the enrollment of John W. Archerd as a citizen by intermarriage of the Chickasaw Nation, in accordance with the opinion of the Acting Attorney General of May 9, 1904 (I.T.D. 3824-1904), and the opinion of the Assistant Attorney General for the Department of the Interior of July 30, 1904 (I.T.D. 5246-1904).

In conformity with the instructions of the Acting Secretary of the Interior of April 21, 1905, (I.T.D. 1912-1905), the action of the Commission to the Five Civilized Tribes of September 23, 1904, in dismissing the application of John W. Archerd for enrollment as a citizen by intermarriage of the Chickasaw Nation is hereby rescinded.

I am of opinion that, in accordance with the opinion of the Assistant Attorney General for the Department of the Interior of

Chickasaw C 184

J. W. Archerd, Sr. 5

- Q Did you give in your name in person? A Yes, sir, I give my name in person.
- Q Where? A Tishomingo.
- Q Who was there taking down the names at that time? A Well, I cannot tell you now. There was one McKannon -- was one.
- Q I am not referring to the Dawes Commission. I am talking about the tribal authorities when I refer to the 1896 roll? A I was enrolled by McLaughlin. He was the man. I hadn't thought of him. It was John McLaughlin, and I have a certificate at home, I believe. I think he gave me a certificate of enrollment if I remember.
- Q Was your wife recognized by the tribal authorities, your wife, Martha A. Archerd? A No, sir, never was.
- Q Never on any roll? A No, sir.
- Q Nor your child, Sarah; she was never on any roll? A No, sir.
- Q Never received any annuities for either one of them? A No, sir, not for them. The annuity was for myself.

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 22, 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 25 day of January, 1904.

Charles H. Sawyer
Notary Public.

- Q You said you were married to your wife, Martha, in 1885? A If I recollect right.
- Q Where were you married to her? A I was married in the Chickasaw Nation at her father's house.
- Q Was Martha A. Archerd married prior to her marriage to you? A Certainly she was.
- Q Was she married to more than one? A No, sir.
- Q Was her former husband living at the time she married you? A No, sir.
- Q Since your marriage to her, have you both lived as husband and wife in the Chickasaw Nation from the date of said marriage up to September 25, 1902? A Yes, sir, up to the present time.
- Q Did you marry your last wife under a Chickasaw license? A Yes, sir, I gave fifty dollars for the license.
- Q How long has she been a resident of the Chickasaw Nation? A She has been a resident somewhere eighteen or twenty years. Four or five years a resident here before I married her.
- Q Have you got a marriage license between you and your second wife? A Yes, sir.
- Q And a certificate? A Yes, sir.
- Q In the matter of the enrollment of your wife, Martha A. Archerd, it will be necessary for you to furnish either the original or a certified copy of your marriage license and certificate. A All right, I can send it along.
- Q Who married you the first time -- to Isabella Sturdivant? A Judge Law, County Judge of the Chickasaw Nation at that time.
- Q What county? A Pickens County. I was married by Judge Law to Isabella Sturdivant.
- Q When you married Martha A. Tribble, who performed the marriage ceremony? A A Christian preacher.
- Q Do you know his name? A It has slipped my mind now.
- Q Was he a minister of the gospel? A Yes, sir.
- Q Have you been recognized by the tribal authorities of the Chickasaw Nation? A I was up to a certain time and that time -- I cannot call to mind what time it was. There was a while we was allowed to sit on the jury and had any privilege except the governor's office. Up to a certain time and then they done away with our rights as voters and jurors and after that I was allowed annuity. I received annuity from the Chickasaw Nation. I voted, held office and set on the jury and was recognized as an Indian and received annuity, one hundred and thirty dollars -- that last annuity that was drawn here eight or ten or twelve years ago.
- Q You drew the money yourself? A Yes, sir, I drew the money myself.

The name of the applicant is identified upon the 1893 Chickasaw Pay Roll, number 2, Pickens County, as John Archerd, page 30.

- Q You are not on the 1896 roll, are you? A Yes, I think that my name was taken there at Tishomingo when they were enrolling there. That is my recollection about it. Don't it show there that it was taken in 1896?
- Q Pickens County is the only county that you have ever lived in? A Yes, sir, that is the only county I have lived in in the Chickasaw Nation except I staid down in Panola County two or three months when I first come to the country.
- Q Your name does not appear upon the 1896 Chickasaw Census Roll. Can you give any explanation of that? A I believe that I could produce witnesses that would swear that they saw my name taken at the time.

Chickasaw C 184

J. W. Archerd, Sr. 3

- Q What is his first name? A I don't know.
Q Is she living now? A I don't know whether she is or not. She was the last time I heard of her.
Q When was that? A Been two years, I reckon -- about two years.

Isabella Sturdivant is identified upon Chickasaw card, field number 1307, and is numbered 3753 upon the final roll of citizens by blood of the Chickasaw Nation, approved by the Secretary of the Interior on December 12, 1902.

- Q Did you remarry? A Yes, I remarried after I got divorced from Isabella.
Q Whom did you marry? A Her name was Martha A. Tribble.
Q Was she a white woman? A Yes, sir.
Q Claimed no rights as an Indian by blood at all? A No, sir, none at all.
Q Whatever rights she claims she claims through you? A Yes, sir.
Q Have you got any children by Martha? A One, a girl.
Q What is her name? A Sarah.
Q When did you marry her? A Married her in 1885 -- December, 1885, if I recollect right.
Q And this child, Sarah, is by you and Martha A. Tribble? A Yes, sir.
Q Did you have any children by Isabella Sturdivant? A None, no, sir.
Q Did you apply in 1896 before the Dawes Commission? A Yes, sir.
Q As an intermarried citizen? A Yes, sir.
Q Through whom did you claim at that time? A In virtue of the marriage I had with Isabella Sturdivant.
Q Were you admitted? A Yes, sir.

An examination of the records of the Commission shows that the applicant was admitted to citizenship as a citizen by intermarriage of the Chickasaw Nation in 1896 (1896 Chickasaw Citizenship Docket, case number 178).

- Q Was the case appealed? A Yes, sir, to the federal court at Ardmore, Southern District.
Q What was done with your case there in the federal court, if you know, Southern District? A I was admitted.
Q Now, when that judgment was annulled, vacated and set aside by the Choctaw and Chickasaw Citizenship Court, was an appeal taken, or was your case certified to the Choctaw and Chickasaw Citizenship Court? A Well, I didn't make an appeal to the citizenship court.
Q What is your answer to that question? Was the case appealed from the federal court to the Choctaw and Chickasaw Citizenship Court? A If it was, I don't know it. I didn't order it done, or have it done. If it was done it was done through the attorneys down there.
Q Your answer is then, not to my knowledge? A Not to my knowledge.
Q You didn't appeal to the Choctaw and Chickasaw Citizenship Court from the judgment vacating and setting aside the judgment of the federal court of the Southern District? A No, sir, I didn't.
Q And you didn't cause the papers to be certified to the Choctaw and Chickasaw Citizenship Court, did you? A No, sir.
Q Was your case appealed or caused to be certified to the Choctaw and Chickasaw Citizenship Court either by yourself or by the Choctaw and Chickasaw Nations? A No, sir, it was not.

J. W. Archerd, Sr. 2

- Q Was he a Chickasaw or a white man? A White man.
- Q Was he dead at the time of your marriage to Isabella Sturdivant?
A Yes, sir, he was dead.
- Q Had Isabella Sturdivant been married to any one else? A No, sir.
- Q What was her maiden name? A Isabella Moore.
- Q What was her father's name? A I think it was Joe Moore.
- Q What was her mother's name? A Her name was Kitty Mitchell before she was married.
- Q Were both her parents Chickasaws by blood? A Yes, sir, I think so; of course that is hearsay with me; I don't know.
- Q Isabella Sturdivant has two sisters now living? A Yes, sir, she has three sisters.
- Q Give their names? A Has one whose name is Emeline Allen; then she has another one who is Mollie Ravia. The other one is Martha or Matt Archerd who is Pineo Archerd's wife. She has got another sister, Caroline Grady.
- Q At the time of your marriage to Isabella Sturdivant were you and your wife both residents of the Chickasaw Nation? A Yes, sir.
- Q How long had you been a resident of the Chickasaw Nation at the time of your marriage to her? A Come into the nation here in '72.
- Q You and Isabella had been residents of the Chickasaw Nation ever two years at the time you were married and more than that? A Yes, sir, more than that considerable.
- Q Did you and Isabella Sturdivant live together as husband and wife in the Chickasaw Nation after your marriage? A Yes, sir.
- Q How long? A About fifteen months. As well as I recollect, about fifteen months.
- Q What took place then? A Separation; that is, she left my home, my bed and board.
- Q Did you abandon her or did she abandon you? A She abandoned me. I kept house there and she left me for some two or three months when she first went, and I got her to come back. After she left the second time she went out of the neighborhood and I never did go to persuade her back any more.
- Q Did you provide a good home for her? A I did; just as good as any homes were at that time.
- Q Did you have a home of your own? A No, sir, it was her home. I had a rented place. She had two little farms but we never did live on them. I rented our little place up there near Lebanon. We lived at that place a little over a year and she left.
- Q Did she give any reason why she left? A It was the talk of another woman in the neighborhood that caused her to leave. She said that this woman had been telling her something that she overheard me saying in regard to improving her place. The trouble was that she had two boys that were outlaws and she wanted them to come there with us, and I told her it would not do as officers would be after them and might cause me to be killed. I told her if she wanted to see them she could go off, that I didn't want the boys to come near my house.
- Q Were you divorced after that? A Yes, sir, divorced.
- Q Did you obtain the divorce or did she? A Yes, sir, I obtained the divorce. I applied for the divorce. She had left the neighborhood.
- Q Where did you obtain the divorce? A Tishomingo.
- Q Tribal court? A Yes, sir.
- Q Did she appear? A No, sir, she married again pretty soon after that, I heard.
- Q To whom? A A Man by the name of Pickens.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
January 22, 1904.

Chickasaw C 184, -----:-----
Intermarried.

In the matter of the application for the enrollment of
J. W. Archerd, Sr., as a citizen by intermarriage of the Chickasaw
Nation.

Said J. W. Archerd, Sr., being first duly sworn, on his
oath, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A John William Archerd, Sr.
Q How do you spell your last name? A A-r-c-h-e-r-d.
Q What is your post-office address? A Linn, Indian Territory.
Q Chickasaw Nation? A Yes, Chickasaw Nation.
Q How old are you? A I was seventy-two the 20th of last June.
This coming June, I will be seventy-three -- born in June, 1831.
Q What is your father's name? A My father's name was John.
Q And your mother's name? A My mother's name was Elizabeth.
Q Both dead? A Both dead, yes, sir.
Q Both white people, citizens of the United States? A Yes, sir,
both white people, citizens of the United States.
Q Did either of your parents claim any rights as an Indian by blood?
A No, sir.
Q Do you? A No, sir.
Q You claim rights in the Chickasaw Nation as a citizen by inter-
marriage, do you? A Yes, sir.
Q Whom did you marry? A Her name was Isabella Sturdivant.
Q Was she a recognized Chickasaw by blood? A Yes, sir.
Q Recognized by the tribal authorities of the Chickasaw Nation?
A Yes, sir.
Q When were you married to her? A Married to her in November --
November 22, 1882.
Q Did you marry under a Chickasaw tribal license? A Yes, sir.
Q Have you that license with you now? A I haven't it with me. I
can furnish it. Got them home.
Q It will be advisable for you to file with the Commission as
early as possible either the original or a certified copy of
your marriage license and certificate of your marriage to Isa-
bella Sturdivant. Were you married before you were married to
Isabella Sturdivant? A I was a widower. I had been married
before. My wife was dead.
Q Had you married more than once prior to your marriage to Isabella
Sturdivant? A Yes, sir, I had married twice.
~~Q At the time of your marriage to Isabella Sturdivant, were your
former wives dead? A Both dead, yes, sir.~~
Q Was Isabella Sturdivant married prior to her marriage to you?
A Yes, sir.
Q What was the name of her former husband? A Sturdivant -- can't
recollect his first name.

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

Record in the matter of the application for the enrollment
as a citizen by intermarriage of the Chickasaw Nation of - -

John W. Archerd.

9-C-184.

1829

9-1228

D- 621

Muskogee, Oklahoma, February 10, 1909.

Mr. John Quincy Adams,
Antlers, 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,

WHA(CM)

Acting Commissioner.

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 Allison's 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 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.

1405	Merryman, Sarah	668	Sutherland, Henry
1215	Mitchell, Virginia P.	1470	Tucker, William E.
1519	Mitchell, Mattie S.		
1516	Moran, Mary	1448	Vincent, Charlie S.

Minor Choctaw Citizens.

<u>Roll No.</u>	<u>Name.</u>	<u>Roll No.</u>	<u>Name.</u>
724	Braudrick, Jennie Louise	791	Kiefer, Eurana
4	Crowder, Rufus Clay	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 traverse 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

<u>Roll No.</u>	<u>Name.</u>	<u>Roll No.</u>	<u>Name.</u>
15903	Crowder, William H.	16005	Long, Forbis
15902	Crowder, Rosa	921	Long, Josephine LeFlor e
15901	Crowder, Maggie	922	Beagles, Luke Laflor e
15900	Crowder, Abigail	9258	Worth, Henry
15899	Crowder, William J.	15928	Randall, Grover
16105	Crutchfield, Ida	16104	Ritter, David
16107	Crutchfield, Ima	15856	Robinson, Mary E.
16108	Crutchfield, Louvina	15951	Shelton, Daisy
16109	Crutchfield, William	15857	Trice, Mary A.

Choctaw by Marriage.

1486	Beagles, Allen	1414	McClure, Madell
1537	Buckhalts, Jeanetta H.	1614	McGahey, Martha J.
1559	Choate, Amanda	1407	McMurtry, Lucy
1412	Crowder, Lydia Ann	1550	Omo, Julia
1523	Crowder, Josephine	1410	Paxton, William D.
985	Foster, Mary A.	1406	Rabon, Robert L.
1421	Freeny, Mattie	1490	Reding, Ella
1489	Gann, William Newton	1478	Rigney, Rosa E.
1518	Gray, John Calvin	1219	Roberts, George W.
1216	Gunter, Benjamin B.	1531	Robinson, Frederick R.
1480	Kelly, William P.	1353	Russell, Mattie M.
1476	Lewis, Vicoy	1127	Smith, Ira L.
1150	Lindsey, Seldon T.	1428	Staton, John T.

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 GOLDSBY DECISION BUT WHOSE CASES FALL INDUBITABLY UNDER THE PRINCIPLES OF THAT DECISION.

Chickasaws by Blood.

<u>Roll No.</u>	<u>Name.</u>	<u>Roll No.</u>	<u>Name.</u>
5013	Perry, Joe	5014	Perry, Dillard

Chickasaws by Marriage.

622	Archerd, John W.	629	Shanks, Mary A.
626	Hargis, Sallie J.	514	Ramsey, Gustavus A.

Choctaws by Blood.

16103	Allen, Elisabeth	16110	Crutchfield, Loutitia
16112	Bungarner, George A.	15106	Crutchfield, Everat
15925	Crowder, John A.	16111	Crutchfield, George W.
15924	Crowder, Pinkie B.	15450	James, Alice E.
15923	Crowder, Katie B.	15972	Jennings, Arthur
15921	Crowder, Eli W.	15973	Jennings, Clyde
15922	Crowder, James	15916	Keifer, Ardella
15905	Crowder, Winnie Gertrude	16003	Long, James B.
15904	Crowder, John F.	16004	Long, Joseph

Cherokees by Blood.

<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.
31956	Allison, Ida B.	249	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.

<u>Roll No.</u>	<u>Name.</u>	<u>Suit No.</u>	<u>Court.</u>
1543	Carter, Jown W.	50534	S.C.D.C.
1464	Cummings, Henry A.	50033	S.C.D.C.
1524	Crowder, Parlee C.	50033	S.C.D.C.
1329	Harris, Calvin Q.	49724	S.C.D.C.
1578	Howard, Carrie	50033	S.C.D.C.
1399	Kirk, J. W.	50354	S.C.D.C.
290	Klugh, August	50033	S.C.D.C.
1027	Perkins, Hattie A.	50353	S.C.D.C.
1491	Reichert, William	51026	S.C.D.C.
1400	Rice, Ambrose L.	374	S.C.U.S.
1423	Shulte (or Shultz) Fannie	51026	S.C.D.C.
1495	Shelton, John	50946	S.C.D.C.
1469	Sumpter, Jacob D.	50033	S.C.D.C.
340	Travis, Robert A.	50948	S.C.D.C.
1403	White, Angelina	51026	S.C.D.C.
662	Woodward, Charles A.	49494	S.C.D.C.

Minor Choctaws.
Act of Congress Approved April 26, 1906.

367	Barnett, Effie	50033	S.C.D.C.
457	Beaver, Hazel Calvin	50033	S.C.D.C.
458	Beaver, Claud D.	50033	S.C.D.C.
459	Herbert, Howard	50033	S.C.D.C.
674	Crowder, Nettie Myrl	50033	S.C.D.C.
685	Green, Lee	49724	S.C.D.C.
253	Wright, Fannie Jane	50033	S.C.D.C.

<u>Roll No.</u>	<u>Name.</u>	<u>Quit No.</u>	<u>County.</u>
15452	James, Ellis E.	50033	S.C.D.C.
15453	James, Analaurie	50033	S.C.D.C.
15454	James, Evalina	50033	S.C.D.C.
15961	James, Agnes	50033	S.C.D.C.
15394	Kirk, Gabriella	50355	S.C.D.C.
15393	Kirk, Sarah	50355	S.C.D.C.
15953	Shelton, Emma	51240	S.C.D.C.
15952	Shelton, Frank	51240	S.C.D.C.
15645	Sumpter, John	50033	S.C.D.C.
15646	Sumpter, Amanda Isabella	50033	S.C.D.C.
15647	Sumpter, Jim Andy	50033 51240	S.C.D.C.
15648	Sumpter, Scott Taylor	50033 51240	S.C.D.C.
15649	Sumpter, Dixon D.	51240	S.C.D.C.
15912	Wright, Betsy	50033	S.C.D.C.
15913	Wright, Thomas E.	50033	S.C.D.C.
15914	Wright, Mary M.	50033	S.C.D.C.
15915	Wright, Lenard D.	50033	S.C.D.C.
<u>Choctaws by Marriage.</u>			
1628	Allen, Andrew J.	50033	S.C.D.C.
1409	Atwood, Chester C.	50353	S.C.D.C.
1473	Beal, Andrew	50947	S.C.D.C.
1408	Bowling, Mary M.	51026 50033	S.C.D.C.

-3-

Choctaws by Blood.

<u>Roll No.</u>	<u>Name.</u>	<u>Suit No.</u>	<u>Court.</u>
15027	Adams, Willy	50033	S.C.D.C.
16048	Autrey, Columbus S.	49722	S.C.D.C.
16040	Beaver, Gertrude	50033	S.C.D.C.
16041	Beaver, Clarence	50033	S.C.D.C.
16042	Beaver, Nellie	50033	S.C.D.C.
16043	Beaver, Myrtle	50033	S.C.D.C.
15917	Beagles, Nellie F.	50033	S.C.D.C.
15911	Crowder, Van	50033	S.C.D.C.
15910	Crowder, Willie	50033	S.C.D.C.
15909	Crowder, Belzool	50033	S.C.D.C.
15908	Crowder, Joe	50033	S.C.D.C.
15907	Crowder, Louisa	50033	S.C.D.C.
15906	Crowder, George W.	50033	S.C.D.C.
16050	Green, Teddy	49724	S.C.D.C.
16049	Green, Lenora	49724	S.C.D.C.
16033	Howard, Thomas J.	50033	S.C.D.C.
16034	Howard, Horace	50033	S.C.D.C.
16035	Howard, Lonnie	50033	S.C.D.C.
16036	Howard, Mary	50033	S.C.D.C.
16037	Howard, Elmer	50033	S.C.D.C.
16038	Howard, Bettie Perney	50033	S.C.D.C.
16039	Howard, Dora Lee	50033	S.C.D.C.
15451	James, (or Richardson) Maggie M.	50033	S.C.D.C.

same position as Goldsby and the others. 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.

Chickasaws by Blood.

<u>Roll No.</u>	<u>Name.</u>	<u>Suit No.</u>	<u>Court.</u>
4984	Goldsby, John E.	248	U. S. S. C.
4985	Goldsby, Linniel E.	50033	S. C. D. C.
4986	Goldsby, Bessie.	50033	S. C. D. C.
4987	Goldsby, Murray M.	50033	S. C. D. C.
4969	Vaughan, Edward A.	372	U. S. S. C.
4970	Vaughan, Grover C.	371	U. S. S. C.
4971	Vaughan, Oscar B.	371	U. S. S. C.

Chickasaws by Intermarriage.

621	Adams, John Quincy	50033	S. C. D. C.
612	Lancaster, William T.	50033	S. C. D. C.
606	McCoy, Clay	49358	S. C. D. C.
631	Ragland, James W.	51025	S. C. D. C.
596	St. John, Thomas	50353	S. C. D. C.
605	Vaughan, Benjamin F.	373	U. S. S. C.

C O P Y

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Address only
The Secretary of the Interior.

G W W

January 19, 1909.

File 5-51.

The Commissioner to the
Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

November 30, 1908, 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 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 those rolls without notice and an opportunity to be heard. The decision of the Supreme Court is that mandate shall issue in those 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 relators stand clearly in the

Chickasaw 1888

Muskogee, Indian Territory, March 29, 1907.

John Quincy Adams,

Antlers, 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.

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.

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 28, 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 3, 1907, and since the opinion of the

15655 and 15656, 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. 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. 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

by Department April 1, 1905 (I.T.D. 3128-1905).

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 2 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 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:

Samuel Mitchell and Allen Yates Mitchell, opposite Nos.

Action of the Commissioner of October 25, 1905, enrolling applicant affirmed by the Department January 9, 1906 (I.T.C. 17404-1905).

Thomas St. John, opposite No. 596, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Denied by Commission in 1896 in Choctaw case No. 1059; 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 Choctaw 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 Choctaw and Chickasaw Citizenship Court.

Clay 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 Choctaw and Chickasaw Citizenship Court. Directed to be enrolled

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. 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. 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. Ragland, 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.

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. 8148-1905).

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 H. Goldsby, opposite No. 4984.

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. 18962-1906). 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. 605, 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

791, respectively, children of Ardella Kiefer, opposite No. 15916, 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, 9669, and 922, respectively, children of Perbis Long, opposite No. 16005, upon the final roll of citizens by blood of the Choctaw Nation, and Lummie 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.

Sallie J. Hargis, opposite No. 626, upon the final roll of citizens by intermarriage of the Chickasaw Nation; denied by Commission in 1896 in case No. 281; no appeal.

John M. Goldsby, Linniel E. Goldsby and Bessie Goldsby, opposite No. 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

Ruth McLendon, opposite No. 706, child of Robert C. McLendon, opposite No. 16032, upon the final roll of citizens by blood of the Choctaw Nation, and Ennis McLendon, a non-citizen.

Roy D. McLendon, opposite No. 268, child of Burrell F. 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.

Jennie Louise Braudrick, opposite No. 724, child of Mary A. Trice, opposite No. 15857, upon the final roll of citizens by blood of the Choctaw Nation, and William M. Braudrick, non-citizen.

Hasel Calvin Beaver, Cleod 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 Calvin Beaver, a non-citizen.

Effie Barnett, opposite No. 367, child of Amanda Isabella Sumpter, opposite No. 15646, upon the final roll of citizens by blood of the Choctaw Nation, and A. F. Barnett, a non-citizen.

Odis A. Kiefer and Hwraha Kiefer, opposite Nos. 790 and

February 14, 1901; son of 16049. Record transmitted to Department
December 21, 1906, for consideration in case of Hesekiah Knoch
Autry.

CHOCTAW MINORS' ACT OF CONGRESS APPROVED
APRIL 26, 1906 (34 Stats., 137).

Nettie Myrl Crowder, opposite No. 674, child of George
W. Crowder, opposite No. 15906, upon the final roll of citizens
by blood of the Choctaw Nation, and Parlee C. Crowder, opposite
No. 1524, upon the final roll of citizens by intermarriage of the
Choctaw Nation.

Rufus Clay Crowder, opposite No. 4, child of William J.
Crowder, opposite No. 15899, 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. 283, child of J. W.
Wright, non-citizen, and Betsey 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.

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).

Gerneal McLendon, opposite No. 1677, 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 Burrell F. McLendon, opposite No. 16025.

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 B. 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 C. Thompson case. Ordered enrolled by Department January 19, 1905 (I.T.D. 3192-1905).

Columbus B. Autry, Lenora Green and Teddy 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 C. Thompson case. No. 16050 born

1354; no appeal. Directed to be enrolled by Department April 6, 1906 (I.T.D. 5364-1904).

Bettie Barney Howard and Dora Lee Howard, opposite Nos. 16038 and 16039, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1897 and 1899, respectively, children of Thomas J. Howard, opposite No. 16033.

Carrie Howard, opposite No. 1578, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1354; no appeal. Wife of Thomas J. Howard, opposite No. 16033.

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 Choctaw 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. 16040. Ordered enrolled by Department April 6, 1906 (I.T.D. 5364-1904).

Burrell W. McLendon, John E. McLendon, Thomas McLendon, Ida E. 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

mission in 1896 in case No. 1329; no appeal. Directed to be enrolled by Department April 5, 1906 (I.T.D. 5932-1904).

Martha J. McGahey, opposite No. 1614, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1268; no appeal. Decision of Commissioner of June 5, 1906, granting application affirmed by Department October 30, 1906 (I.T.D. 21238-1906).

Mattie L. Armstrong, Layton B. Armstrong, and Bonnie 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 1896 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. 13700-1906).

Rebecca K. Armstrong, opposite No. 16057, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1898 and child of Mattie L. Armstrong opposite No. 16054.

Thomas J. Howard, Horace Howard, Lonnie Howard, Emery Howard and Elmer Howard, opposite Nos. 16033, 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.

States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Ordered enrolled by Department April 1, 1905 (I.T.D. 3131-1905). 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 W. Carter, opposite No. 1543, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 982; no appeal.

Julia Ono, opposite No. 1560, 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.

Robert C. McLendon, opposite No. 16032, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Com-

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. 985, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 437; no appeal.

Jeannetta H. Buckholts, opposite No. 1537, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 943; no appeal.

Selden T. Lindsey, opposite No. 1160, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 25; denied by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Henry A. Cummings, opposite No. 1464, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 963; admitted by United

Commission in 1896 in case No. 737; 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 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.

Grover 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

Rosa 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. 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, 1903, on general demurrer, in case No. 3 upon the McAlester docket.

Fannie Shults, 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. 54; no appeal. Patents recorded.

John T. Staton, 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.

Amanda Cheate, opposite No. 1359, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by

Commission in 1896 in case No. 438; 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.

Mattie Wroeny, opposite No. 1421, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 464; no appeal. Patents recorded.

Madell McClure, opposite No. 1414, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1326; no appeal.

Mary B. Robinson and Mary A. Tyles, opposite Nos. 15856 and 15857, 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. 15856 recorded.

Lucy McMartry, 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.

Eli W. Crowder, James Crowder, Katie B. Crowder and Pinkie B. Crowder, opposite Nos. 15921, 15922, 15923, and 15924, 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. 15925, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1897, and son of Eli W. Crowder, opposite No. 15921. Patents recorded.

Henry Sutherland, opposite No. 668, 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. 340, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by

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 Beal, 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. 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

Commission in 1896 in case No. 1031; no appeal. Patents recorded.

Alice E. James, Maggie M. James, Ellis E. James, Analaurie James, and Evalena 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, 15453 and 15454 recorded.

Chester C. Atwood, opposite No. 1409, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1127; 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. Woodward, opposite No. 662, 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. Homestead patent recorded.

Frederick R. Robinson, opposite No. 1531, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 675; admitted by United

roll of citizens by blood of the Choctaw Nation. Born since 1896, and child of Ida Crutchfield, opposite No. 16106.

James T. Leard, opposite No. 1626, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1223; admitted by United States court for the central district of Indian Territory; denied by the Choctaw and Chickasaw Citizenship Court.

Robert L. Rabon, opposite No. 1406, 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 Meritt, opposite No. 1408, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 345; no appeal.

Nellie F. Beagles, opposite No. 15917, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No. 11; no appeal. Patents recorded.

August Klugh, opposite No. 280, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 223; no appeal. Patents recorded.

Henry Peabworth, opposite No. 2259, 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

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Commission in 1896 in case No. 950; no appeal. Enrollment ordered by Department February 3, 1908 (I.T.D. 1130-1908).

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 Leutitia 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 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

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. 1046; 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 Beding, 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 Fieffer, opposite No. 15916, 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.

Angelino White, opposite No. 1403, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by

Betsy Wright, Thomas E. 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 Lenard Dalco 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. 1638, 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 E. Tucker, opposite No. 1470, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 388; admitted by United States

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. 763; no appeal. Wife of William J. Crowder opposite No. 15898.

George W. Crowder, Louisa Crowder, Joe Crowder and Bulsori 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. 699; 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 V. Rice, opposite No. 1400, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 662; no appeal. Patents recorded.

by Commissioner October 1, 1906; affirmed by Department November 17, 1906 (I.F.D. 22524-1906).

J. W. Kirk, opposite No. 1399, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 948; appeal to United States district court dismissed.

Sarah Kirk and Gabriella Kirk, opposite Nos. 15393 and 15394, respectively, upon the final roll of citizens by blood of the Choctaw 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. 15899, 15900, 15901, 15902, 15903, and 15904, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by the Commission in 1896 in case No. 760; no appeal. Patents for No. 15899 recorded.

Winnie Gertrude Crowder, born June 6, 1901, opposite No. 15905 upon the final roll of citizens by blood of the Choctaw Nation. Daughter of William J. Crowder, who was denied by Commission in 1896 in case No. 760; no appeal.

1073; no appeal. Patents for No. 15646 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. 22524-1906).

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

John Calvin Gray, opposite No. 1516, 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. 15951, 15952, 15953, 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. 15951 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. Sumpter, opposite No. 1469, 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 Sumpter, Amanda Isabella Sumpter, Jim Andy Sumpter, and Scott Taylor Sumpter, opposite Nos. 15645, 15646, 15647, and 15648, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No.

D.C. 17922
I.T.D. 7794-1907
L.R.S.
V.L.G.

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 28, 1898 (30 Stats., 496), 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.

-2-

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,

C. F. Larrabee,
Acting Commissioner.

KHH-LC.

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

C O P Y

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Acknowledgement 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 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

COPY.

7-5434

Muskogee, Indian Territory, October 3, 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 the Commissioner to the Five Civilised Tribes rendered October 3, 1905, granting the application for the enrollment of John Quincy Adams 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 enrollment of this applicant. If at the expiration of said time no protest has been filed, his name will be placed upon the final roll of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

J. J. Dixby

Commissioner.

Registered.

Incl. 7-5434

OPY.

7-5434

Muskogee, Indian Territory, October 3, 1905.

James H. Chambers,
Attorney at Law,
Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on October 3, 1905, rendered his decision granting the application for the enrollment of John Quincy Adams 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 enrollment of this applicant. If at the expiration of said time no protest has been filed, his name will be placed upon the final roll of citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

ED
Commissioner.

COPY

7-5434

Muskogee, Indian Territory, October 3, 1905.

Williams & Utterback,
Attorneys at Law,
Durant, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 3, 1905, rendered his decision, granting the application for the enrollment of John Quincy Adams 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 enrollment of said applicant. If at the expiration of that time no protest has been filed, his name will be placed upon the final roll of citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

SIGNED

Commissioner.

COPY.

7-5434

Muskogee, Indian Territory, October 3, 1905.

R. L. Williams,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on October 3, 1905, rendered his decision granting the application for the enrollment of John Quincy Adams, 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 enrollment of this applicant. If at the expiration of that time no protest has been filed, his name will be placed upon the final roll of citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Registered.

Commissioner.

7-5434

COPY.

Muskogee, Indian Territory, October 3, 1905.

John Quincy Adams,
Antlers, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 3, 1905, granting the application for your 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 your enrollment. If at the expiration of that time no protest has been filed, your name will be placed upon the final roll of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Janis Dwyer

Commissioner.

Registered.

Incl. 7-5434.

7-5034

Muskogee, Indian Territory, July 3, 1905.

R. L. Williams,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 26, 1905, in the matter of the application of J. Q. Adams for enrollment as an intermarried citizen of the Choctaw Nation in which you ask that the case be held open until you can procure witnesses to the marriage of J. Q. Adams to Mary Parker and you will then present your witnesses in person.

In reply to your letter you are advised that you will be allowed thirty days from this date within which to introduce such additional testimony as you desire to submit in support of the application of J. Q. Adams for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-5434

Muskogee, Indian Territory, June 22, 1906.

J. Q. Adams,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 13, 1906, in which you state that the marriage license and certificate between yourself and Mary Parker were filed with the Commission in 1896 and at the present are now in its possession.

In reply to your letter you are advised that the original papers filed in your case in the action before the Commission in 1896 were on appeal transferred to the United States Court for the Southern District of the Indian Territory, and are not now in the possession of this Commission.

Respectfully,

Chairman.

W & U 44

among our files.

You state that you can prove this marriage was under Chickasaw law by witnesses and if necessary will bring them before the Commission or will file affidavits if the Commission will accept the same and you are advised that it is desirable to have witnesses appear in person before the Commission for the purpose of examination under oath as this testimony is considered better than ex parte affidavits.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 22, 1905.

Williams & Utterback,
Attorneys at Law.

Durant, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letters of June 13 and 19, 1905, in the matter of the application of John Quincy Adams for enrollment as an intermarried citizen of the Choctaw Nation; you state that John Quincy Adams applied for citizenship before the Commission in 1896 and that his marriage license and certificate were filed in that proceeding and that these records are now in our possession; you therefore ask whether or not the original marriage license and certificate are on file in this office; you also inclose a letter from John Quincy Adams of June 13, 1905, to the same effect and affidavit of Cornealia Eldora Mullins relative to the marriage of J. Q. Adams and Mary Parker and this affidavit has been filed with the record in this case.

Replying to that portion of your letter in which you ask if the original marriage license and certificate are on file at this office you are advised that it appears from our records that on appeal all the papers filed with the Commission in 1896 in the case of John Quincy Adams were transferred to the United States Court for the Southern District of the Indian Territory and are not now

7-8434

Muskogee, Indian Territory, June 9, 1908.

John Quincy Adams,
Antlers, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as an intermarried citizen, you are requested to at once procure and forward to this Commission a certified copy of the Chickasaw tribal license under which you were married to Mary Parker, your former wife, together with a certified copy of the certificate of marriage.

It appears from the record in this case that in 1898 you were divorced from said Mary Parker. You are requested to furnish this Commission with your affidavit setting forth whether or not your former wife has married again, and if she has, stating her present name.

You will please forward the evidence above requested as early as possible in order that disposition may be made of your application.

Respectfully,

Chairman.

Cherokee L O 2

November 15, 1897 and that such decree has never been vacated and set aside. Neither does it appear that Mr. Adams ever appealed to the Choctaw and Chickasaw Citizenship Court his case for a trial de novo.

As the work of the Commission is nearing an end and existing legislation requires the completion thereof by July 1, 1905, it is our policy, in all cases where the record is complete, to make disposition thereof with the least practicable delay. There is no apparent reason why action should be further suspended on the application of Mr. Adams and your request for a further continuance must, therefore, be refused. Should the United States Court for the Southern District of the Indian Territory take jurisdiction in this matter there would probably be no difficulty in securing confirmation of the records of the Commission to such action as might be taken in the future by the court.

Respectfully,

Chairman.

7-3434

Muskogee, Indian Territory, January 6, 1905.

James H. Chambers,
Attorney at Law,
Atoka, Indian Territory,

Dear Sir:

I am in receipt of your letter of December 28, 1904, in reference to the Choctaw enrollment case of John Quincy Adams, in which you state that a suit has been instituted in the United States Court at Ardmore to vacate and set aside the judgment entered by said court against John Quincy Adams on the theory that said judgment is void for want of service.

After reciting the status of this matter you conclude by requesting suspension of action by the Commission upon the application of Mr. Adams for enrollment as an intermarried citizen of the Choctaw Nation until disposition is made by the United States Court for the Southern District of the Indian Territory of the suit instituted in that court.

In reply to your letter I have to advise that no further continuance can be granted in this matter. It appears from the records in this case that Mr. Adams was denied admission to citizenship in the Choctaw and Chickasaw Nations by a decree of the United States Court for the Southern District of the Indian Territory, rendered

7-5434

Muskogee, Indian Territory, November 21, 1904

James H. Chambers,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of November 18, 1904, in which you state that you have been retained by Mr. J. Q. Adams, of Antlers, Indian Territory, to represent him in the matter of his citizenship and that you will leave for Ardmore, Indian Territory, in a few days to investigate the judgment rendered against him in 1898 for the purpose of having said judgment set aside and vacated as Mr. Adams was not served with notice and has not had his day in court.

In reply to your letter you are informed that on November 17, 1904, Mr. Adams was allowed thirty days within which to introduce evidence in the matter of his enrollment as an intermarried citizen of the Choctaw Nation, and such testimony as you desire to introduce in support of his application should be submitted within the time allowed.

Respectfully,

Chairman.

COMMISSIONERS:
TAMM BERRY,
THOMAS B. NEEDLES,
C. E. BRACKENRIDGE,
WM. O. BEALL,
Secretary.

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

REFER OR REPLY TO THE FOLLOWING:

7-5434

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 2, 1904.

J. Q. Adams,

Antlers, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of October 29, 1904, in which you ask if you can have a hearing before the Commission on the question of your citizenship by intermarriage in the next ten or fifteen days.

In reply to your letter you are informed that if you desire to introduce additional testimony in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation, you will be allowed fifteen days for that purpose. It will be necessary that you furnish the Commission with the original or a certified copy of the marriage certificate of yourself and Arabella Adams, and this evidence should also be introduced at the time of your personal appearance.

Respectfully,

Chairman.

7-5434.

Muskogee, Indian Territory. October 24, 1904.

John Quincey Adams,

Midway, Indian Territory.

Dear Sir:

It appears from the records of the Commission, in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, that you claim rights to enrollment by virtue of your marriage to Arabella Adams, a recognized and enrolled citizen by blood of the Choctaw Nation.

In your evidence, taken at Muskogee, Indian Territory on July 15, 1903, you state that you were married to said Arabella Adams under a Choctaw license, and that said license had been previously filed with the Commission.

You are advised that no marriage license, between yourself and Arabella Adams, is on file in your case. Before further consideration can be given your application, you will have to furnish the Commission with the original or a certified copy of your marriage license and certificate under which you were married to Arabella Adams.

This matter should be attended to at once.

Respectfully,

Chairman.

Choctaw 5434

Muskogee, Indian Territory, April 1, 1904.

J. Q. Adams,

Antlers, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 29, asking if protest has been filed against your enrollment, and if so, if you will be permitted to introduce evidence in support of your case.

In reply to your letter you are advised that no protest has been filed in your case by the attorneys for the Choctaw and Chickasaw Nations. The Commission has not, however, as yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Choctaw 5434

Muskogee, Indian Territory, December 30, 1903.

J. O. Adams,

Antlers, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 23, asking the status of your enrollment as an intermarried citizen of the Choctaw Nation, and stating that at the time you appeared before the Chickasaw Land Office you were not permitted to select land for your daughter, Manava M. Adams or your wife, Arabella Adams, although you presented the letters of administration issued to you by the County Court, as it did not appear that the evidence of the death of your wife, which was presented to the Commission at Muskogee had been forwarded to that office.

In reply to your letter you are advised that the Commission has not yet passed upon the application made by you for enrollment as an intermarried citizen of the Choctaw nation. As soon as a decision is reached in your case you will be notified of the action taken therein.

You are further advised that a certified copy of the evidence of the death of Arabella F. Adams has been forwarded to the Chickasaw Land Office.

Respectfully,

Chairman.

7-8434

Muskogee, Indian Territory, October 7, 1905.

James H. Chambers,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 3, 1905, asking the status of the application of J. Q. Adams for enrollment as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are advised that on October 3, 1905, a decision was rendered granting the application of John Quincy Adams for enrollment as a citizen by intermarriage of the Chickasaw Nation, and on the same date you were notified of this action by registered mail.

Respectfully,

Commissioner.

Choctaw 8434

Muskogee, Indian Territory, August 26, 1903.

J. Q. Adams,

Midway, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 22, relative to your enrollment as an intermarried citizen of the Choctaw Nation, and in reply you are informed that as soon as a decision is reached in this case you will be notified of the action of the Commission.

Respectfully,

Chairman.

7-5434

Muskogee, Indian Territory, July 3, 1903.

John Q. Adams,

Midway, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 15, in which you ask if you may appear before the Commission at Muskogee, Indian Territory after July 1st for the purpose of testifying relative to your status as an intermarried citizen of the Choctaw Nation on September 25, 1902, the date of the final ratification of the act of Congress of July 1, 1902.

In reply to your letter you are advised that you should appear before the Commission at its office at Muskogee, Indian Territory, at the earliest possible date for the purpose of giving such testimony, as until the same is received no further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

Chester - 5434

Muskogee, Indian Territory, June 2, 1903.

Mr. John Quincy Adams,
Midway, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen by intermarriage of the Chester Nation, the Commission desires to inform you that before further consideration can be given to this matter it is necessary that you appear before the Commission at its offices in Muskogee, Indian Territory, there to give oral testimony in regard to your status as an intermarried citizen of the Chester Nation on September 25, 1902.

This matter should receive your immediate attention.

Yours truly,

Commissioner in Charge.

7-8434.

Muskogee, Indian Territory, April 11, 1903.

Henry L. Lorin,

Byrne, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th inst., enclosing a certified copy of the divorce proceedings between Mary G. and J.Q. Adams, and the same has been duly filed with the records of the Commission in the matter of the application for enrollment of John Quincy Adams as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Chairman.

J. C. ...

we can this office inform you at the present time how soon such an office will be established.

Your attention is called to a provision of the Atom Agreement, which reads as follows:

... shall have the right to take all improvements on land, the improvements on which belong to him.

This office can not as yet determine the fractional portions of a section which are designated as low water lands of 40 acres more or less, according to government survey, may not be selected as a part of the prospective allotment of any citizen of the States or Territories which is to share in the allotment of the lands of these sections.

Yours truly,

Commissioner in charge.

9-1178

Mustoge, Indian Territory, August 29, 1901.

Mr. J. Q. Adams,

Ida, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant written by you to the Secretary of the Interior, Washington, D. C., and by him referred to this office for appropriate answer.

You state that you desire to improve for a home a certain fractional tract of land adjoining an incorporated and platted town in the Choctaw Nation. You enclose a diagram showing the location of the land, and say that a portion of it is now occupied by a Mississippi Choctaw, and you ask if you can as a Chickasaw citizen hold and have allotted to you or a member of your family, the north part of the quarter section referred to.

You also desire to be advised as to the smallest subdivision that can be allotted in case the quarter section is fractional.

You are informed that no allotment office has yet been established for allowing the citizens of the Choctaw and Chickasaw Nations to select and file upon their prospective allotments,

Indian Territory } Office of B.C. Wifand
Southern District) Notary Public.

Before me, the undersigned
a Notary Public this day personally
appear A.W. Folsom being duly sworn
testifies and says.

I am 58 years of age and live
near Armstrong Academy in
Blue County Choctaw Nation
and witnessed the marriage
of my daughter Arabella Folsom
to J.Q. Adams on the 25th day
of May 1897 by Rev J.J. Read now
deceased.

A.W. Folsom
Sworn to and subscribed to the
aforegoing instrument on this
12th day of October 1898 and I do
so testify in witness whereof
I have here unto set my hand
and seal of office this 12th
day of Oct. 1898.

5191
1898
J. J. Read
Notary Public in the State
of Texas

"In the District Court of the,
Chickasaw Nation, May Term 1895,

"Mrs Mary C. Adams }
Plaintiff, }
J. L. Adams } Defendant. } Divorce Suit,

By Mutual Consent,

"Jury trial in favor of Mrs. Mary C. Adams
on this May 31st 1895. Cost of suit \$74 ⁰⁰"

I Josiah Brown, District Clerk of the Chickasaw
Nation, hereby certify that ~~that~~ the foregoing is a
true and correct copy of the District Court Record
of the Divorce Suit of the above-titled Cause, the
same being now on record in my office.

In testimony whereof I hereto set my hand
the seal of my office this the 6th day of April, 1903,

Josiah Brown
District Clerk of the
Chickasaw Nation

CHOCTAW

5434

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

FILED

APR 10 1903



CHAIRMAN.

United States of America,

Central District

Indian Territory.

This day personally appeared before the Undersigned Notary Public in and for the Central District of the Indian Territory; Mrs. ^{S.} Wannie A. Tadlock, and after being duly sworn by me to tell the truth and nothing but the truth and on her oath, states that she was present at the marriage of J. Q. Adams and Arabella Adams, that they were married on the 25th day of May 1897, at the residence of Alford Polson, about four miles North East of Bokchito Cheotaw Nation, Indian Territory. and she further certifies that the said J. Q. Adams and his wife Arabella Adams, lived together as husband and wife from the date of their marriage until the 28th day of November 1902, when at said date Arabella Adams died.

Wannie A. Tadlock

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

W. C. Beaudill

Notary Public.

Central District,
Indian Territory,

On this the 17th day of June, 1905, before me, the undersigned authority, personally appeared, Cornealia ~~W~~ Eldora Mullins, and after being duly and lawfully sworn states, that ~~her~~ her name is Cornealia ~~W~~ Eldora Mullins, that her post office is Antlers, I. T. that she is 34 years old, I am acquainted with John Q. Adams, I have known him about 20 years, I knew Miss Mary Parker, she was my first cousin, and lived with me up to the time she married John Q. Adams, they were married in June, 1889, they were married at my house, they were married according to the Chickasaw laws, under tribal license, to the best of my recollection they lived together until in the fall of 1891, and they came to my house on a visit and she refused to return home with him, she obtained a divorce from M. Adams some two or three years after she came to my house in 1891, I think it was in 1895 that she obtained the divorce, She married Loran Ray, in the spring of 1896, she was living at my house when she married in 1896 to Loran Ray and I was present when they were married, and they are or were living together the last I heard of them, I heard from them about one week ago, their Post Office is, Kittie, I. T. about 10 miles North of Wapanucka, I. T. I was about Mr. Adams and lived in the house with them about five months while he and his wife Mary Adams, Nee Parker, lived together, and he always was very kind to her and treated her as kind as a parent could have treated his child,

Cornealia Eldora Mullins

Subscribed and sworn to before me, this the 17th day of June,
1905.

A. J. Arvate

Notary Public.

My Commission expires May, 16th 1906

The First National Bank

OF STONEWALL, I. T.

CAPITAL, \$25,000.00
SURPLUS, \$2,500

STONEWALL, I. T. June 30 1905

U.S. of American I.T.

Southern District.

Personally appeared me, J.W. Fuller, The undersigned authority, within and for said District and Ter. Rev. C.A. Burris, to me personally well known, and states ^{under oath} that he resides near Stonewall, I.T. and that his age is 80 Yrs. and that he performed the Marriage ceremony between John Q. Adams and Miss Mary Parker near Wapanucka, I.T. on the 23d. day of June 1889. under a Tribal License issued by Judge Reuben Carney of Pontotoc Co. Chickasaw Nation. I.T.

And he further states that he ~~was~~ is a Chickasaw by blood of which he would testify under oath before the Commission, ^{he able} were ^{to} appear.

But being under treatment of a physician for Erysipalis, It is impossible for him to make the trip to Muskogee. *C. A. Burris*

In Testimony Whereof I have hereunto set my hand and seal as such Notary Public in said District and TER. this the 30th. of June 1905.

Jno. W. Fuller
Notary Public.

My Commission expires Nov. 28 1908.

JUL 5 1965

11

Marriage certificate
This is to certify that I have this
day administered ^{the rite} of matrimony
between J. D. Adams and Mary
K. Parker both of Pontotoc County
C. N. on this 6 June 2000 A.D. 1889
C. A. Burris

Ordain minister of the M. E. church
south

Recorded this _____ of August A. D.
1889. H. Colbert County and
probate clerk Pontotoc County Chick-
asaw Nation.

This is to certify that the foregoing
marriage certificate of J. D. Adams
and Mary K. Parker is true and correct
copy on file in my office.

Sam Snodichey clerk
Pontotoc County C. N.

DEPARTMENT OF THE INTERIOR,
Commissioner of the Five Civilized Tribes.

FILED

JUL 5 1890

CHAMBERLAIN

1 Peter Matubby being sworn says:

I live in Blue county, Chockasaw Nation.

I know John Quincy Adams, and knew his first wife. Her name was Mary Parker. I knew about their separation. I do not know anything between them more than they separated a good long while before they were divorced.

He tried to get her back from the time she abandoned him. He could never get her back, and finally gave up, and so she got the divorce.

In my opinion she abandoned him.

In the matter of the application of John Quincy Adams for enrollment as a Chickasaw citizen.

John Quincy Adams being sworn says:

I live at Atoka, Choctaw nation. The first woman I married was Mary Parker. I married her in 1889. I lived with her about two years. She abandoned me. She finally obtained a divorce from me, about six years afterwards. In her application for divorce she alleged abandonment, and charged herself with the abandonment.

I was present at the trial. I was present to see that there were no misrepresentations.

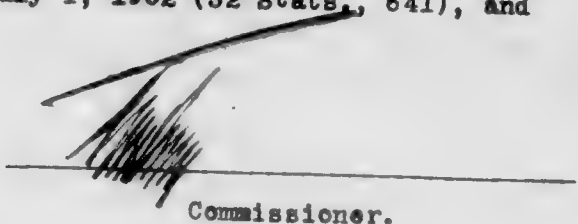
I married again in about two years after she obtained the divorce. I then married Arabelle Folsom, ~~xxxxxxxxxxxxxx~~

I obtained license when I married the first time. I sent the license to the Dawes Commission.

I am now living with my last wife. Her rights are not questioned.

gether as husband and wife in said Nation for about two years when they separated and were subsequently divorced; that thereafter the applicant was lawfully married to Arabella F. Adams (nee Folsom), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 13796 upon the lists prepared by said 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 Choctaw Nation, and approved by the Secretary of the Interior March 19, 1903; that the applicant has been a resident in good faith of the Choctaw-Chickasaw country continuously since the date of his marriage to said Mary Parker, up to and including September 25, 1902.

I am therefore of opinion that, following the ruling of the Department in the Chickasaw enrollment case of Benjamin J. Vaughan et al, the action taken by said Commission to the Five Civilized Tribes in 1896 upon the application of John Quincy Adams for admission to citizenship in said Nation, and the action taken by said United States Court for the Southern District of Indian Territory, on appeal, was without jurisdiction, and null and void, and that John Quincy Adams 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.



Muskogee, Indian Territory,

Commissioner.

OCT 3-1905

AP
7-5434

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

In the matter of the application for the enrollment of John Quincy Adams 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 to the Five Civilized Tribes, that on September 7, 1896, in the case entitled "J. Q. Adams v. Chickasaw Nation", (1896 Chickasaw Citizenship Docket, Case No. 2), original application was made to said Commission for the admission to citizenship in the Chickasaw Nation of the applicant herein as a citizen by intermarriage thereof; that on November 10, 1896, said Commission rendered its decision granting said application, and admitting the applicant as a citizen by intermarriage; that from this decision of said Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which Court, on March 9, 1898, in the case entitled "J. Q. Adams v. Chickasaw Nation", entered of record a judgment reversing the decision of said Commission, and denying to the applicant herein citizenship in said Nation. Said cause was not appealed to the Choctaw and Chickasaw Citizenship Court created by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), for a trial de novo.

It further appears from the record herein, and from the record herein, that on October 12, 1898, application was made to said Commission for the enrollment of the applicant herein as a citizen by intermarriage of the Choctaw Nation, but it appearing, as hereinafter set forth, that the applicant is entitled to enrollment, if at all, as a citizen by intermarriage of the Chickasaw Nation, this application is treated as an application for enrollment as an intermarried citizen of the Chickasaw Nation.

It further appears from the record herein that on June 23, 1889, the applicant was married under the laws, customs and usages of the Chickasaw Nation, to Mary Adams (nee Parker), a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name appears (as Mollie Ray) as No. 3521 upon the lists prepared by said Commission to the Five Civilized Tribes 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, and who was identified (as Mollie Parker) upon the 1893 Chickasaw Leased District Payment Roll, No. 2, Page 183, and (as Mollie Ray) upon the 1896 Chickasaw Census Roll, Pontotoc County, Page 56; that at the date of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived to-

6-J. Q. Adams.

that were prepared by the Chickasaw Nation for the purpose of drawing any money? A No, I was living in the Choctaw nation at the time the payment was made, and I was told that they wasn't paying anybody but members by blood and I never went over to make application.

Q Mary Parker whom you married, was a citizen by blood of the Chickasaw Nation? A Yes sir.

Q Do you know whether she appeared on the tribal rolls or not?

A I think so.

By Mr. Williams:

Q And also the name of Arabella Fulson appears on the tribal roll? A Yes sir.

Witness excused.

Statement of R. L. Williams, Attorney for the applicant,

My name is R. L. Williams; I am an attorney at law ; 36 years old.; Durant is my postoffice. In July and August and September, 1896 I worked in G. A. Tate's law office at Atoka as his clerk, and drew the application, or petition, to the Commission to the Five Civilized Tribes, of John Quincy Adams for enrollment as a citizen by intermarriage of the Chickasaw Nation, and I have no distinct recollection about the marriage certificate other than, that in all cases that I prepared, I either got the original or a certified copy; that was the rule. I staid in Mr. Tate's office as his clerk until January, 1897. During that time no notice of an appeal was ever received by me or Mr. Tate, by the Chickasaw Nation. After that Mr. Tate and I were partners. I went to Durant and he staid at Atoka, and the style of the firm was Tate & Williams. I went to Atoka every week or so and if any notice of appeal was ever received by him I had no information of it, and he and I being partners, I naturally would have looked after this case; Mr. Tate has been dead since August, 1902.

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 July 6, 1905.

J. Campbell

Notary Public.

5-J. Q. Adams.

Q State whether or not you have been permitted, during all these years, to vote as a citizen? A Yes, I have never been refused.

Q Did you vote at the last election of the Choctaw Nation?

A Yes sir.

Q Voted every election since you were married? A Yes, every election except once or twice when I was prevented by sickness.

Q At the time you were married to Arabella Fulson--when were you married to her? A On the 25th day of May, 1897.

Q How were you married to her? State whether under United States license or as a citizen of the Chickasaw tribe? A I was married as a member of the Chickasaw nation.

Q She was a member by blood of the Chickasaw Nation?

A Choctaw and Chickasaw.

Q Had she been enrolled? A Yes sir.

Q Allotment been selected, had it? A Yes, partially. I can state that I made application to the county judge of Blue county at the time I was married to her, and he told me that I was recognized as a citizen of the nation, and that it was not necessary to get a Chickasaw license?

Q You made application to what kind of a judge? A McKee Robinson, judge of Blue county at that time.

Q In 1897? A Yes sir.

Q For the license? A Yes sir. And he told me that it was not necessary to get the license; he told me that the notice that I had in 1896 from the Commission was sufficient; that I didn't need any license. That they couldn't say that I was a citizen of the United States.

Q At that time you had no information that the judgment of the Commission to the Five Civilized Tribes had been appealed from?

A No sir.

Q Do you know whether Judge Robinson is living at this time?

A No, he is dead.

Q How long has he been dead? A I think he has been dead four or five years.

By the Commission:

Q Do you know whether or not your name appeared on any of the tribal rolls of the Chickasaw Nation? A Well, my name appeared since 1898 with my family.

Q Since 1898? A That is, with my family; it appeared on the application for enrollment.

Q But I mean the tribal rolls of the Chickasaw Nation; were you ever enrolled by the Chickasaw tribal authorities? A I was enrolled in 1898 at Colbert.

Q No,-that is by the Dawes Commission; were you ever enrolled by the tribal authorities of the Chickasaw Nation itself?

A No sir.

Q Your name does not appear upon any of the tribal rolls?

A No sir.

Q Did you ever apply to any of the tribal authorities for enrollment? By Mr. Williams: The Chickasaw Commission that went around the country in 1896?

By the Commission: Answer the question.

A I was told that they was not enrolling anyone but citizens by blood.

Q When was that? A I have forgotten what year.

Q Did you ever draw any money from the Chickasaw Nation?

A No sir.

Q Did you ever apply to have your name entered on the rolls

4-J. Q. Adams.

- Q What was the name of your second wife? A Arabella Fulson.
- Q Who was she? A Choctaw and Chickasaw; her mother was a Chickasaw.
- Q Did you secure a tribal license for your marriage to Arabella Fulson? A No sir.
- Q How long since your marriage to Arabella Fulson have you lived with her as her husband? Up to the present time?
- A Until her death.
- Q When did she die? A The 28th of November, 1902.
- Q Have you married since her death? A Yes sir.
- Q What is the name of your present wife? A Anna Crowder.
- Q Is she a white woman? A Yes sir.
- Q Have you ever endeavored to secure a copy of the tribal license under which you were married to Mary Parker? A Yes sir.
- Q Have you been able to secure it? A No sir.
- Q For what reason? A The records were so mutilated it was impossible to get it off the records as a good many of the pages seem to be cut all to pieces; rats or something or other have destroyed them. We found the marriage certificate recorded but we couldn't find the record of the license.
- Q Since you were married to Mary Parker, where have you made o your home? A Part of the time in the Chickasaw Nation and part of the time in the Choctaw Nation, near the line.
- Q Have you ever made your home outside of the Choctaw-Chickasaw country since you were married to her? A No sir.

Examination by Mr. Williams:

- Q Mr. Adams, you say that you made application to the Commission to the Five Civilized Tribes for enrollment as an intermarried citizen in 1896? A Yes sir.
- Q Did you receive any notice from the Commission regarding it, or stating that action had been taken upon your application? A Yes sir.
- Q How did you receive that? By mail or otherwise? Who gave it to you, or do you remember? A I don't remember whether I got it through the mail or through the firm of Clayton & Williams.
- Q But you did receive the notice? A Yes sir.
- Q What did that notice state? A It stated, as well as I can remember, that J. Q. Adams was admitted as a citizen by intermarriage of the Chickasaw Nation.
- Q What did you do with that notice? A I filed that with the Commission at Colbert in October, 1898.
- Q Now Mr. Adams, please state what was the first time that you ever had any information whatever that an appeal had been taken from that judgment of the Commission to the Five Civilized Tribes by the Chickasaw Nation to the United States court of the Indian Territory? A The first notice was the 17th day of November, 1904, at Muskogee.
- Q That is the first time that you ever had any information at all that an appeal had been taken? A Yes sir.
- Q No notice whatever had ever been served upon you by the Choctaw and Chickasaw tribe of Indians? A None whatever.
- Q When you received that information that there was such a judgment, then did you institute any proceedings to have it set aside on account of being void for want of notice? A Yes sir.
- Q Filed suit in the United States Court at Ardmore to that effect? A Yes sir.
- Q Please state whether or not, since the time you were married to Mary Parker in 1893, you have been regarded by the Choctaw and Chickasaw authorities as a citizen by intermarriage of that nation? A Yes sir.

3-J. Q. Adams.

the rats destroyed them and the second time the rats destroyed it too; that was after the closing of his judgeship and another man got in and they was trying to pick up the pieces again, and that was how he found out.

Q If record was made by the clerk of the issuance of this tribal license, is it your belief that that record is in existence at this time or that it has been destroyed--assuming that the clerk did make this record, is it your belief that it is in existence now? A He says that this man and others that had recorded their licenses in the county court when he was judge, since he has quit and another man was elected, the was around trying to get the proceedings and records of what they had received in his time, but they was all lacking; in some cases they would find a little piece of paper that would identify what was on the record, and it is his belief that all was destroyed--sometimes they would find a little piece with writing on it.

Q You distinctly remember that you did issue a license to John Quincy Adams to marry Mary Parker? A He says yes.

Witness excused.

John Quincy Adams being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A John Quincy Adams.

Q What is your postoffice address? A Antlers, Indian Territory.

Q Are you an application for enrollment as a citizen by intermarriage of the Chickasaw Nation? Z Yes sir.

Q You claim through your marriage to Mary Parker, do you?

A Yes sir.

Q She was a Chickasaw by blood, was she? A Yes sir.

Q When were you married to Mary Parker? A 23rd day of June, 1889.

Q Did you secure a tribal license for that marriage? A Yes sir.

Q And you were married under that tribal license? A Yes sir.

Q Do you know what became of that license? Was it ever recorded?

A In the Chickasaw records?

Q Yes.

A Well, I suppose it was; I supposed it was their duty to record it when it was issued.

Q Did you file it for record, or did anyone for you?

A When the minister married us he returned the license and I kept it, and in 1896 I filed it with the Dawes Commission.

Q You filed that original license with the Dawes Commission?

A Yes sir.

Q Had you ever been married prior to your marriage to Mary Parker?

A No sir.

Q Had Mary Parker ever been married before she married you?

A No sir.

Q Where did you live at the time you and Mary Parker were married?

A Near Wapanucka.

Q In the Chickasaw Nation? A Yes sir.

Q Was she living in the Chickasaw Nation also at that time?

A Yes sir.

Q How long did you live with her? A Something near two years.

Q Then what happened? A There was a separation.

Q Did you subsequently secure a divorce from her? A She did from me.

Q Then did you marry again? A Yes sir.

2-J. Q. Adams.

Reuben Carney being first duly sworn testified as follows:
Through sworn Interpreter Calvin Lewis:

Examination by the Commission:

Q What is your name? A Reuben Carney.

Q What is your postoffice address? A Connersville, Indian Territory.

Q Were you ever an official of the Chickasaw Nation? A Yes.

Q What official were you? A County Judge.

Q County Judge of what county? A Pontotoc.

Q When were you judge of Pontotoc county? A He says he was county judge about the year 1889.

Q Were you the county judge of Pontotoc county in the month of June, 1889? A Yes sir.

Q Are you acquainted with John Quincy Adams? A He says in June, 1889, that was the first of his knowing this man, to know him--to see him and know him.

Q Were you acquainted with Mary Parker? A He says he didn't see the woman Mary Parker, but he says he knew others that knew her.

Q Did you, as the judge of Pontotoc county, issue to John Quincy Adams a tribal license to marry Mary Parker in June, 1889? A Yes sir.

Q Did John Quincy Adams apply to you for that license? A He says that they had a man that asked for the license and he says there was a Chickasaw with him at the time he come and applied for the license.

Q How much was paid for that license, if you remember?

A He says he paid him fifty dollars for the license.

Q Did you ever see that license again after you issued it and delivered it to John Quincy Adams? A No, he never saw it since he issued it.

Q At the time you issued that license did you make any record of it at the time of its issuance? A He says it was the county clerk's place to record all such proceedings.

Q Do you know whether the county clerk ever recorded the license in question? A He says to his own knowledge and belief he has recorded it.

Q Are you familiar with the present condition of the Chickasaw records of Pontotoc county? A He says that at the present time he don't know the condition, but when he was in possession, he knew all the time how they were kept, but he don't know at the present time.

Q Do you know whether any of the records of Pontotoc county have ever been destroyed? A Yes, they have been destroyed twice.

Q In what way were they destroyed? A He says first, the county clerk keeps all the proceedings of the clerk and keeps his records at his place, and he put it in a little trunk and the rats destroyed it--kind of a little box to put papers in.

Q Do you know when these records were destroyed by the rats?

A He says long years before he come to be judge--was elected judge, and the rats destroyed all the papers, and since he quit his position and there was a new judge elected, and the way he come to find out, they was trying to pick out all the little pieces and put it on a new record; that was how he found out all the proceedings he had done was destroyed.

Q You say the records had been destroyed twice. When was the occasion of the second destruction? A He says the first time

DEPARTMENT OF THE INTERIOR,
BEFORE THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, Indian Territory, July 6, 1905.

7-5434.

In the matter of the application for the enrollment of John Quincy Adams as a citizen by intermarriage of the Chickasaw Nation.
R. L. Williams of Durant, Indian Territory, appearing as attorney for the applicant.

Cornelia Eldora Mullins being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Cornelia Eldora Mullins.
Q What is your postoffice address? A Antlers, Indian Territory.
Q Are you a citizen by blood of the Chickasaw Nation? A Yes sir.
Q Have you ever been enrolled by this Commission? A Yes sir.
Q Are you on the final roll? A Yes sir.
Q And taken your allotment? A Yes, partially.
Q Are you acquainted with John Quincy Adams? A Yes sir.
Q How long have you known him? A Since 1885, as well as I remember.
Q Did you know his former wife, Mary Parker? A Yes sir.
Q How long had you known Mary Parker at the time she married him? A We were raised together.
Q Were you present at the marriage of John Quincy Adams and Mary Parker? A Yes, she was married at my house.
Q Do you know whether or not a tribal license was secured from the Chickasaw Nation for that marriage? A Yes sir.
Q Did you see that tribal license? A Yes sir.
Q Do you remember by whom it was issued? A No, I don't remember the names.
Q Do you know whether they were married under that license? A Yes sir, they were.
Q Who performed the marriage ceremony? A Parson Burriss of Stonewall.
Q Where were they married? A About six miles northeast of Wapanucka.
Q In the Chickasaw Nation? A Yes sir.
Q When was it they were married? A 23rd day of June, 1889.
Q You say they were married at your house? A Yes sir.
Q Did Mr. Adams show you the tribal license? A Yes sir.
Q And you are absolutely certain that it was a tribal license issued by the authorities of the Chickasaw Nation? A Yes sir.
Q You don't know what became of it do you? A No sir.
Q Are you any relation to Mary Parker? A First cousin.
Q Is she living now, do you know? A Yes sir.
Q She was afterwards divorced from John Quincy Adams? A Yes, in the year 1896, I believe.

Witness excused.

7-5434-----3

- Q Have you been married to anybody else other than Mary Parker and Arabella F. Polson up to and including September 25, 1902? A No sir.
- Q Is there anything you wish to add, Mr Adams, to your case? A I never had any notification of any action taken in the United States Court in denying my citizenship.

Applicant is allowed 30 days within which to present further testimony or file briefs herein.

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 November 1904.

Orinman B. Stagg
Notary Public

7-5434----2

- Q How much did you pay for it? A I paid \$50
Q Before whom were you married? A Reverend C. A. Burris
Q When were you married? A The 23rd day of June 1889.
Q How long did you live with her? A I suppose about
6 or 8 months.
Q Then you separated? A Yes sir.
Q Did you remarry? A Yes sir.
Q Whom did you marry? A Arabella F. Folsom.
Q Was she a Choctaw by blood? A She was a Choctaw and
Chickasaw by blood.
Q When were you married to her? A The 25th day of May
1897.
Q Were you her first husband? A Yes sir.
Q Where were you both living at the time you were married?
A I was living near Nida in the Chickasaw Nation.
Q Where was she living? A She was living near Academy
in the Choctaw Nation
Q Did you have a tribal license when you married Arabella F.
Folsom? A No sir.
Q Were you married under United States law? A Yes sir;
well there was no license; I was married under a certificate
Q Who married you? A J. J. Reid.
Q Was he a minister of the gospel? A Yes sir.
Q You had no tribal license when you married Arabella F.
Folsom? A No sir there was only a certificate.
Q Since your marriage to Mary Parker where have you resided
since that date up to and including September 25, 1902.
A I have lived in the Chickasaw Nation up to three years
ago and then in the Choctaw Nation.
Q Your answer then is that since your marriage to Mary Parker
you have lived in the Choctaw-Chickasaw country from the
date of said marriage up to and including September 25, 1902.?
A Yes sir.

Mary Parker through whom the applicant claims his right as a citizen of the Choctaw Nation, is identified as Mollie Ray upon Chickasaw field card 1198, and is number 3521 upon the final roll approved by the Secretary of the Interior December 12, 1902.

The second wife of the applicant, Arabella F. Folsom, is identified upon Choctaw field card number 5434 and is number 13796 upon the final roll approved by the Secretary of the Interior March 19, 1903.

The applicant was admitted as an intermarried Chickasaw under act of June 10, 1896. 1896 Choctaw and Chickasaw case number 2; from which judgment of the Commission an appeal was taken to the United States Court at Ardmore, and on March 9, 1898, the United States Court, Southern District, rendered a judgment denying the application of said J. Q. Adams and that he was refused citizenship in the Chickasaw Nation; from which decision of the United States Court no appeal was taken to the Choctaw and Chickasaw Citizenship Court.

7-5434

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, NOVEMBER 17, 1904.

In the matter of the application for the enrollment of John Quincy Adams, as a citizen by intermarriage of the Choctaw Nation.

John Quincy Adams having been first duly sworn upon his oath testified as follows:

Examination by the Commission.

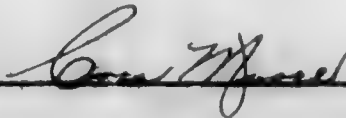
- Q What is your name? A John Q. Adams.
Q What is your post office address? A Antlers, Indian Territory.
Q How old are you? A I'm 47 years old.
Q You are a white man? A Yes sir.
Q You claim no rights as a Chickasaw or a Choctaw Indian by blood do you? A No sir.
Q You claim your citizenship by intermarriage? A Yes sir.
Q Through whom do you claim your rights as a citizen by intermarriage? A Through Mary Parker.
Q Was she your first wife? A Yes sir.
Q Were you her first husband? A Yes sir.
Q Where were you married? A Near Wapanuck Academy in the Chickasaw Nation.
Q Were you a resident of the Chickasaw Nation? A Yes sir.
Q How long had you resided in the Chickasaw Nation? A I had been living right there in the neighborhood two years; it was right on the line between the two Nations, and I lived part of the time in the Chickasaw Nation and part of the time in the Choctaw Nation.
Q How much of the time had you lived in the Chickasaw Nation? A Well I had lived in the Chickasaw Nation part of the time but most of the time my residence had been on the Choctaw side.
Q Where was your wife, Mary Parker, living? A Her residence was principally near Atoka.
Q In the Chickasaw Nation? A Yes sir in the Chickasaw Nation.
Q Was she a resident of the Choctaw Nation when you married her? A No sir she was living in the Chickasaw Nation.
Q How long had she been living in the Chickasaw Nation? A About four months I think; she had lived there from April until June I think.
Q Did you have a tribal license when you married her? A Yes sir I married her under a tribal license.

John Quincy Adams----3

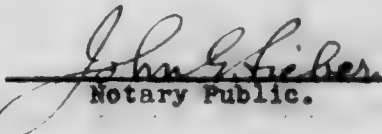
Q You were living with her up to the time of her death? A Yes.

Q There never was any separation or abandonment? A No.

The undersigned, having been duly sworn upon her oath state 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 15th day of July, 1903, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.



Subscribed and sworn to before me this 15th day of
July, 1903.



Notary Public.

John Quincy Adams: 92

- Q Were you married to your wife in accordance with the tribal laws of the Choctaw Nation? A Yes
- Q Have you your marriage license and certificate? A It is with the Commission.
- Q Were you married to your present wife under a Choctaw license? A It was accepted that way by the County Judge. I was married before, under a license in the Chickasaw Nation, Chickasaw license issued by the County Judge of Pontotoc County.
- Q What was the name of your former wife? A Mary Parker.
- Q Is she living? A I don't know whether she is or not.
- Q You were divorced from her, were you? A Yes.
- Q Have you offered evidence of that divorce? A Yes. Before the Commission at Colbert in 1898, before Mr. Bixby and Mr. Needles.

Certified copy of the decree of divorce between Mary C. Adams and J.Q. Adams has been filed with the records in this case.

- Q Have you the license and certificate, showing your marriage to your former wife, Mary Parker? A No.
- Q Where are they? A The Commission--the Commission took it all in 1896.
- Q You made application to the Commission for intermarried citizenship in 1896? A Yes.
- Q What action was taken in that case? A Why, they sent me a certificate that I had been accepted as an intermarried citizen.
- Q That was by reason of your marriage to your former wife, Mary Parker? A Yes. That was the certificate taken in 1896.
- Q When were you divorced from Mary Parker? A In 1896.
- Q The date of the decree of divorce, which was filed with the records of the Commission, shows that the divorce between Mary C. Adams and J.Q. Adams was granted at the May term, 1895, on May 31, 1895? A Yes.
- Q Then you were divorced in 1895 instead of 1896? A I thought it was '96. It was '95, I was mistaken.
- Q Were you ever married prior to your marriage to Mary Parker? A No.
- Q Was your present wife ever married before her marriage to you? A No.
- Q You and your wife, Arabella F. Adams, are at present living together as husband and wife? A My wife is dead. She died the 28th of last November.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., July 15, 1905.

In the matter of the application of John Quincy Adams for enrollment as an intermarried citizen of the Choctaw Nation.

JOHN QUINCY ADAMS, being first duly sworn by the Commission, testified as follows:

- Q What is your name? A John Quincy Adams.
Q What is your age? A 45
Q What is your post-office address? A Midway, Indian Territory.
Q How long have you been a resident of the Indian Territory?
A About 18 years.
Q You claim to be an intermarried citizen of the Choctaw Nation? A Yes.
Q What is the name of the Choctaw wife, through whom you claim? A Her name was Arabella Folsom.
Q That was her maiden name? A Yes.
Q When were you married to her? A 25th of May, 1897.
Q Where were you living at that time? A I was living in the Chickasaw Nation, near Nida, Indian Territory.
Q Was she a resident of the Chickasaw Nation also? A Her home was in the Choctaw Nation.
Q Were you married in the Choctaw Nation? A Yes
Q How long before that time had she made her residence in the Choctaw Nation? A She was born in the Choctaw Nation.
Q And had lived in the Choctaw Nation all her life? A Yes.
Q What is the name of your father? A My father?
Q Yes. A H. W. Adams.
Q What is the name of your mother? A Elizabeth Adams.
Q Is your father living? A Yes.
Q Is your mother living? A Yes.
Q Are your parents both white persons? A Yes.
Q They are both citizens of the United States? A Yes.
Q Have either of them ever made application for enrollment as members of any tribe of Indians? A No.
Q Your wife's present name is Arabella Adams? A Yes.

The name of the applicant's wife appears upon the records of the Commission on Choctaw Card, Field No. 5434, and upon the approved roll of citizens by blood of the Choctaw Nation opposite No. 13796 as Arabella F. Adams.

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

Record in the matter of the application for the enrollment
as a citizen by intermarriage of the Chickasaw Nation of ----

John Quincy Adams.

7-5434.

Chic 1828

Chic 1828

9-D-211

Muskogee, Indian Territory, September 5, 1905.

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

COPY

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered September 5, 1905, granting the application for the enrollment of George Yarborough 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 enrollment of said applicant. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of citizens by intermarriage of the Chickasaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,
SIGNED

Tamie Bixby

Acting Commissioner.

Registered.

9-D-211

9-D-211

Muskogee, Indian Territory, September 5, 1905.

Thomas J. Vaughan,
Attorney at Law,
Durant, Indian Territory,

COPY.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on September 5, 1905, rendered his decision granting the application for the enrollment of George Yarborough 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 enrollment of said applicant. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Registered.

Acting Commissioner.

9-D-211

Muskogee, Indian Territory, September 5, 1905.

George Yarborough,

Mead, Indian Territory.

COPY

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered September 5, 1905, granting the application for your 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 with which to file protest against your enrollment. If at the expiration of that time no protest has been filed your name will placed upon the final rolls of citizens by intermarriage of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James Bixby

Acting Commissioner.

Incl. 9-D-211

Registered.

9-D 111

McKee, Indian Territory, August 1, 1904.

G. A. Yarbrough,

Durant, Indian Territory.

Dear Sir :-

Receipt is hereby acknowledged of your letter of July 28, 1904, enclosing the marriage license and certificate of George A. Yarbrough and Sallie S. Love, and the same have 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,

Commissioner in Charge.

W. O. B.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRACKINRIDGE

WM. O. BEALL,
Secretary

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

REFER IN REPLY TO THE FOLLOWING
9-D-211

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 21, 1904.

George Yarborough,
Mead, 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.

Chickasaw B 211.

Muskogee, Indian Territory, April 21, 1903.

T. J. Vaughan,

Bterrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 14, asking if the right of George A. Yarborough to enrollment as a citizen by intermarriage of the Chickasaw tribe of Indians has been determined, and in reply you are advised that the final right of George Yarborough to enrollment as an intermarried citizen of the Chickasaw nation has not yet been passed upon. As soon as a decision is reached in this case he will be notified of the action of the Commission.

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-211.

Muskogee, Indian Territory, March 18, 1902.

George Yarborough,

Mead, 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 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,

August, 18th, 1900.

George Yarborough,

Head, 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 Stokely, Indian Territory, commencing December, 31st, 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-311

The State of Texas,

County of Grayson. I, P.F. Ellis Clerk of the County Court of said State and County do hereby certify that the foregoing is a true and correct copy of the Marriage License and return thereon of George A. Yarborough and Sallie S. Love as the same appears of record in Vol. C. page 46 of the records of Marriages of Grayson County, Texas.
Given under my hand and seal of office this the 28th. day of July A.D. 1904.

P. F. Ellis Clerk.

No. _____

Marriage License.

AND

Issued the _____ day

of _____ 190 _____

Clerk County Court, Grayson County.

By _____ Deputy.

Filed the _____ day

of _____ 190 _____

Clerk County Court, Grayson County.

By _____ Deputy.

Recorded in Book _____ Page _____
of Marriage Records.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 1 1904

CLERK

STATE OF TEXAS



MARRIAGE LICENSE

COUNTY OF GRAYSON

To any Judge of the District Court, Judge of the County Court, Ordained or Licensed Minister ~~Jewish Rabbi~~ or Justice of the Peace of Grayson County

CRIMINALS
YOU ARE HEREBY AUTHORIZED TO CELEBRATE THE

rites of MATRIMONY

Between George A. Yarborough
and Sallie S. Love
and make due return to the Clerk of said Court within Sixty days thereafter certifying your action under this License.

WITNESS my official signature and seal
this 30th day of October 1872
S. J. Brock Clerk
of the District Court of Grayson County
Deputy

I. M. Y. Brockell certify that on the
30 day of October 1872 I united in Marriage
Geo. A. Yarborough and
Sallie S. Love the parties above named
Witness my hand this 31st day of October 1872
M. Y. Brockell M. J.

Returned and filed for record the 31st day of October 1872
and recorded the 31st day of October 1872
Deputy County Clerk

No. _____

Marriage License.

AND

Issued the _____ day
of _____ 190 _____

Clerk County Court, Grayson County.

By _____
Deputy.

Filed the _____ day
of _____ 190 _____

Clerk County Court, Grayson County.

By _____
Deputy.

Recorded in Book _____ Page
of Marriage Records.

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

FILED

AUG 1 1904

J. CHAIRMAN.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of
George Yarborough for enrollment as
an intermarried citizen of the Chick-
asaw Nation.

---D 211---

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 George Yarborough 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 W Sawyer

Notary Public.

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

.....
In the matter of the application for the enrollment of George Yarborough as a citizen by intermarriage of the Chickasaw Nation.
.....

-- D E C I S I O N --

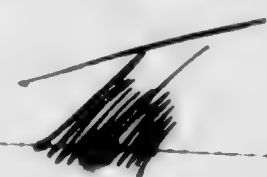
It appears from the record herein, and from the records of the Commission to the Five Civilized Tribes, that on November 24, 1898, George Yarborough made personal application to said Commission for enrollment as a citizen by intermarriage of the Chickasaw Nation.

It further appears from the record herein and the evidence submitted in support of said application, that the applicant, George Yarborough, was married, October 30, 1872, under the laws of Texas, to Sallie S. Love, a recognized and enrolled citizen by blood of the Chickasaw Nation, who is identified upon the 1878 Chickasaw Annuity Roll, Panola County, page 73, (as the wife of Geo. Yarborough); 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 continuously in said Nation from the date of their said marriage until the death of the said Sallie S. Yarborough, in 1888, and that thereafter, on December 4, 1893, the applicant was married to Mittie A. Palmer, a non-citizen white woman.

It further appears from the record herein that the applicant has resided continuously in the Chickasaw Nation from the date of his marriage to said Sallie S. Love, up to and including September 25, 1902.

Upon an examination of the tribal rolls of the Chickasaw Nation the name of the applicant (as Geo. Yarborough) is found upon the 1878 Chickasaw Annuity Roll, Panola County, page 73.

I am therefore of opinion that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D.4060-1904) relative to forfeiture, George Yarborough 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.



Commissioner.

Muskogee, Indian Territory,

SEP 5 1905

William H. Byrd, being duly sworn by Commissioner T. B. Needles, on his oath, testified on behalf of the applicant as follows:

Direct Examination by Mr. Person:

Q Please tell what you know about his exercising the right of citizenship there, and if he held any office there what it was?

A I knew him when he was Clerk of the Supreme Court. I have known him I reckon fifteen or twenty years.

Q Do you know whether he was a member of the Legislature? A. I don't remember as to that.

Q You know nothing against his character as a man? A. I have heard nothing against him.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

In the matter of the application of George Yarbrough
for enrollment as a citizen of the Chickasaw Nation.

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

A. B. Person, Esq., Attorney for the applicant.

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

Ardmore, Indian Territory, November 25th, A. D., 1898.

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

R. M. Harris, being duly sworn by Commissioner T. B. Needles,
on his oath, testified on behalf of the applicant as follows:

Direct Examination by Mr. Person:

Q De you know George Yarbrough, the gentleman that was here
yesterday? A. Yes sir.

Q How long have you known him? A. I have known him ten or twel-
ve years I suppose.

Q Did he ever hold any official position in your Nation, Chicka-
saw Nation? A. I think so.

Q De you know what it was? A. I think he was a member of the
Legislature, but I am not positive.

Q I will ask you whether or not he was Clerk of the Supreme
Court? A. I don't recollect anything about that.

Q I will ask you whether he was recognized in some way, have
any Chickasaw rights, exercise the rights of a Chickasaw Indian?

A He exercised the rights of a Chickasaw for awhile until his
right was contested.

Q When was that?

(By Mr. Johnson) They didn't appoint the committee until the time had expired, September 27th.

(By Mr. McKennon) They didn't?

(By Mr. Johnson) No sir, the time had already expired.

Q What is the date? A. December 14th, 1893.

Q (By Mr. Bixby) Where do you live now? A. In the Chickasaw Nation.

Q (By McKennon) How long have you been living in the Chickasaw Nation? A. Ever since 1871. Came to the Territory December 25th, 1871.

By Mr. Person:

Q Were you recognized as a Chickasaw citizen by the Chickasaw people during the time you lived there? A. Yes sir, in 1885 I was elected to the Senate and was in the Senate two years, and I have been on two juries; foreman of the Grand Jury one time, and Clerk of the election one time.

Q I will ask you if the Chickasaw Court has ever taken any jurisdiction over you? A. Yes sir. The Chickasaw Court fined me one time and I paid the fine. Judge Kemp made me pay a fine.

Cross Examination by Mr. Johnson:

Q Did you draw any annuity in 1893? A. No sir. I drew them before that.

Q When? A. I drew four dollars and something once and sixteen dollars and something once.

Q In '93 you didn't draw any? A. No sir.

Q You never made any application to the Dawes Commission?

A No sir.

Q Not to the Indian Committee? A. Yes sir, I made an application to Governor Harris, he was one of the Committee.

Q (By Mr. McKennon) When? A. The time they were in session at Tishomingo.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

In the matter of the application of George Yarbrough
for enrollment as a citizen of the Chickasaw Nation.

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

A. B. Pughon, Esq., Attorney for the applicant.

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

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

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

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

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

Direct Examination by Com'r. A. S. McKennon:

Q When were you married to a Chickasaw? A. Thirtieth day of October, 1872.

Q Where? A. In Sherman.

Q Under the Texas laws? A. Yes sir.

Q Was she at that time a citizen of the Nation? A. Yes sir.

Q Had all the while been? A. Yes sir, she was raised here.

She is an own cousin of Overton Love.

Q You lived with her until she died? A. Yes sir.

Q When did she die? A. She died in 1886 or '87.

Q You have not remarried? A. Yes sir.

Q To a United States citizen? A. Yes sir, married in Texas.

Q When did you remarry? A. In '93 I believe.

9-D-211---3.

Q The payment was made before you were married to Mittie Palmer?

A No, sir.

Q You say you were married to her in December 1893 wasn't the payment made before you were married? A No, sir, it was made the next spring after we were married.

Q How is it you are not on the 1896 roll? A That was the quantum reason of it.

Q Same thing? A Yes, sir, they objected because they said I had married out.

Q That was the only reason your name wasn't put on? A Yes, sir, that was ~~it~~ all the reason.

Q You said something about them declaring the 1872 law unconstitutional? A That is what Dr. Murray said, he said the law was unconstitutional and no good any way.

Q Is there any thing else you wish to say wr. Yarborough? A No, sir, nothing that I know of.

Witness excused.

-----0-----

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 in said cause on said date.

Chas. T. Difendafer

Subscribed and sworn to before me this 26th day of July 1904.

Charles Sawyer

Notary Public.

9-D-211---2.

- Q Is she living? A Yes, sir.
Q Have you and she been living together as husband and wife ever since? A Yes, sir.
Q Where has been your residence from the time that you were married to Sallie S. Love up to and including September 25, 1902? A Chickasaw Nation.
Q During all that time you haven't made your home anywhere else? A No, sir.
Q Did you and she lived together in the Chickasaw Nation? A Yes, sir.
Q Was Sallie S. Love your first wife? A Yes, sir.
Q Were you her first husband? A Yes, sir.
Q Have you any children by Sallie? A Yes, sir, I have six living.
Q Are they on the roll? A Yes, sir.

Ida Virginia Adcock daughter of Sallie S. Love, through whom the applicant claims his right as an intermarried citizen, is identified on Chickasaw field card #119 and is numbered 3118 upon the lists prepared by this Commission and approved by the Secretary of the Interior on December 12, 1902.

- Q Is Ida Virginia Adcock your daughter by Sallie S. Love, through whom you claim your right as an intermarried citizen? A Yes, sir.
Q Have you ever been recognized by the tribal authorities? A Yes, sir.
Q In what way Mr. Yarborough? A First was a jurymen; I was elected member of the Senate and I was clerk of the Supreme Court.
Q Have you drawn any annuities? A Yes, sir, two or three times, I drew it up to the 130 dollars.
Q Did you draw the \$130? A No, sir, they claimed I had married out.
Q I notice some record here with reference to the action of some committee of the Legislature? A The Legislature appointed a committee of three from each house and they took up my case and Franklin's case and decided that the law passed in 1876, requiring a two years residence was unconstitutional and they received me into full membership at that time, and I was elected a member of the Senate and afterwards I was clerk of the Supreme Court.
Q Were you a member of the Senate at the time this committee was appointed? A No, sir, it was the year before I was elected.
Q Do you know if there is anything of record as to that committee? A It shows the committee was appointed and their report received, that was all I could find.
Q Did it mention your name in the report of that committee? A No, sir, their work was reported and the committee was discharged.
Q What year were you elected to the Senate? A About 1885 to the best of my recollection.
Q Was the question of your right to citizenship questioned at the time of your election to the Senate? A No, sir.
Q Was it when you qualified? A No, sir.
Q Have your rights as a citizen ever been questioned? A No, sir, not until I married the second time.

9-D-211.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory July 26, 1904.

In the matter of the application for the enrollment of George Yarborough as a citizen by intermarriage of the Chickasaw Nation.

George Yarborough being first duly sworn testifies as follows:

Examination by the Commission:

- Q Your name is George Yarborough? A Yes, sir.
Q What is your post office address? A Meade.
Q Is that in the Chickasaw Nation? A Yes, sir.
Q How old are you? A I am fifty-four years.
Q You are a white man? A Yes, sir.
Q You don't claim any rights as an Indian by blood? A No, sir.
Q Through whom do you claim your right? A Sallie S. Love.
Q When were you married to her? A 30th day of October 1872.
Q You have no written evidence of your marriage at all? A No, sir.
Q Do you think you can get a certified copy? A Yes, sir.

It will be necessary, Mr. Yarborough, in the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation that you furnish a certified copy of your marriage record between yourself and Sallie S. Love.

- Q You were married in Texas? A Yes, sir.
Q At Sherman under the Texas law? A Yes, sir.
Q At that time where were you living? A In the Chickasaw Nation.
Q Where was she living? A In the Chickasaw Nation.
Q How long had you lived in the Chickasaw Nation? A She was born and raised there and I come to the Chickasaw Nation in 1871.
Q Why did you get married in Texas? A In 1872 the Legislature passed a law that a white man couldn't marry a citizen without living here two years and I hadn't lived here the required time.
Q Were you married before or after that act was passed? A I was married after; I hadn't lived here quite a year at the time we were married.
Q Were you remarried? A No, sir.
Q How long did you and she live together as husband and wife? A About sixteen years I think.
Q Did she die at that time? A Yes, sir.
Q There was no separation, abandonment or divorce during that time? A No, sir.
Q After her death did you remarry? A Yes, sir.
Q Whom? A Mittie A. Palmer.
Q Married in 1893 were you? A Yes, sir, December 14th, I married in Texas.

don't know. I don't know whether the act required it or not; sometimes they were required to send it back and the report had to be approved by the legislature, and sometimes it did not.

Q So far as this case is concerned you don't know whether it was ratified by the legislature, or whether the law required that it should be ratified. A No, sir.

Witness excused.

Wm. S. Wellshear, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the proceedings had in this case at that time and place above mentioned, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 5th day of December
A. D. 1900.



Acting Chairman.

sir; he married in Sherman Texas.

Q He married in Sherman, Texas? A Yes, sir.

Q Under Texas law? A I suppose so.

Q Did he remarry after he returned to the Indian Territory, so far as you know? A I think not.

REDIRECT EXAMINATION - - - - - By Mr. Vaughan.

Q I will ask you, doctor, if you remember at the time Mr. Yarborough married in Sherman, whether or not he had been living in the Territory. A I think so. Whether he had been living a sufficient length of time to get license under the Chickasaw law I don't know,--no, I don't think there was any license at that time. There was a law of 1870, the Chickasaws had a law, that a white man should live here two years before he should marry. I Don't think Mr. Yarborough had been here the two years.

Witness excused.

-----o-----

MR. B. F. Kemp, being sworn by Acting Chairman Bixby, was examined upon behalf of the applicant by Mr. Vaughan, and testified as follows:

Q Please state your name, age and residence. A B. F. Kemp, Tishomingo, sixty-nine years old.

Q You know George Yarborough, do you? A Yes, sir.

Q I will ask you if you remember being chairman of the citizenship committee in which Mr. Yarborough's status as a Chickasaw citizen was passed upon? A Why, I don't remember whether I was chairman or not.

Q Do you remember being on such a committee? A Yes, sir. I remember being on it but I don't remember that I was chairman. I might have been.

Q You remember you were on such a committee? A Yes, sir.

Q Do you remember when that was? A Why, it must have been somewhere along in the eighties, I reckon. I don't keep no account of dates. I have been on those committees several different times. I couldn't tell you the date of any committee.

Q Well, do you remember the case being before the Committee for adjudication? A Yes, sir; I remember that.

Q Please state to the Commission what was done by that committee. A Why he was passed on as an intermarried citizen.

Q And given citizenship as a citizen? A Yes, sir.

Q Now I will get you to state, Judge Kemp, if subsequent to that time he was in any recognized as a citizen by the tribal authorities, by being allowed to hold office or otherwise. A Why he was supreme clerk and he was a member of the legislature too but I don't remember whether it was before or after that, but he was supreme clerk there. These questions sometimes come up after we think they are all right, and some times men have been in office and they have been deprived of it. But I know he was passed on and allowed, and I know that he was supreme clerk and served in the legislature.

Q That committee was created by an Act of the Council was it? A Yes, sir.

Q And given authority to pass upon those questions? A Yes, sir.

MR. BIXBY: (Acting chairman of Commission) Was the action of the Committee ever ratified by the legislature? A Well, now, major, I

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I. T. DECEMBER 5, 1900.

Chickasaw Nation

vs. D. 211.

GEORGE YARBOROUGH.

In the matter of the application of George Yarborough for enrollment as a citizen of the Chickasaw Nation.

Before the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on December 5th, 1900, the following proceedings in the above entitled cause, were had, viz:

Appearances:

Mr. Melvin Cornish, for Chickasaw Nation.
Mr. I. J. Vaughan, for applicant.

J. F. MURRAY, being sworn by Acting Chairman Bixby, was examined upon behalf of the applicant by Mr. Vaughan, and testified as follows:
Q State your name and your residence. A H. F. Murray, Colbert Indian Territory, Chickasaw Nation.

Q How old are you? A Eighty-one.

Q Dr. Murray, are you acquainted with George Yarborough? A Yes, sir.

Q I will get you to state if you know anything of the existence of a citizenship committee, that passed upon his legal status at one time in the Chickasaw Nation? A Yes, sir.

Q Now, just state to the Commission in your own language what it was done. A There was a citizenship committee appointed by the legislature to try these citizenship cases, the disputed ones, and Mr. George Hawkins was clerk of the committee, and his wife was sick and he had to go home and he got me to act as clerk for him. And they was trying Jim Franklin's case, and they decided that Franklin was a citizen, and I asked them what they would do with Yarborough, that he was in the same fix, and they said they would make him a citizen too, and it was so put down on the record.

Q By the action of that Commission he was made a citizen and it was put down on the record? A Yes, sir.

Q Subsequent to that time was Mr. Yarborough recognized as a citizen in any way by holding official positions? A Yes, sir; he was clerk of the Supreme Court at one time.

Q Subsequent to that time? A Yes, sir; he was clerk of the Supreme Court.

Q Did he hold any other position that you know of? A I don't remember about it. I think probably he was a member of the legislature.

Q I will ask you if he was not a senator from Penola County at one time? A I think he was, yes, sir. Ben Kemp was chairman of that committee.

MR. BIXBY: (Acting chairman of Commission) What year was it that this committee took this action? A Well, I don't recollect exactly, it was 1883 or 1884. I was district attorney of the Nation at that time and clerk of the law committee.

CROSS-EXAMINATION - - - - - By Mr. Cornish.

Q Do you know what year Mr. Yarborough was married to his wife?
A I don't remember the year.

Q About what year? A I don't know.

Q You have no knowledge of when and how he married? A Yes,

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 Y A R B O R O U G H - - 9-D-211

-oOo-

Chic 1827

Chic 1827

To that end I will immediately call upon the Commissioner to the Five Civilized Tribes for a report showing just what information is to be found in the citizenship records in their cases, or upon the census cards which bear their names.

Upon receipt of the Commissioner's report, you will be promptly advised further in the matter.

Very respectfully,

Secretary.

CGA

C O P Y.

J.W.K.

SECRETARY'S OFFICE
DEPARTMENT OF THE INTERIOR.
WASHINGTON, D. C.

March 12, 1909.

Hon. Charles D. Carter,
House of Representatives,
Washington, D. C.

Sir:

By reference the Department is in receipt of your letter of March 1, 1909, addressed to Mr. G. W. Woodruff, Assistant Attorney General, in which you request to be advised as to whether it will be possible for me to designate on the approved rolls of the Chickasaw nation the degree of Indian blood possessed by Harris McKinney and family, and other Chickasaw citizens by the name of Garsides.

Upon inspection of the printed rolls, I find it is true, as you state, that the degree of Indian blood of said persons is not set forth thereon. I also note your suggestion that calculation might possibly be made as to the blood of the McKinney family by reason of the fact that Emma May McKinney, daughter of Harris McKinney, was enrolled under the act of March 3, 1905, on the roll of new born citizens, as an one-eighth blood Chickasaw.

I feel that it will be advisable, before taking any action upon the matter presented by you, to ascertain whether the enrollment records disclose the degree of Indian blood possessed by said persons.

of each of them. Your report should also include whatever
information is to be found on the various works showing their
status.

Very respectfully,

(Signed) H. A. Billings,

Secretary.

1 inclosure.

(Send direct.)

OGA

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

T.W.L.
J.W.H.
W.C.P.

Address Only
The Secretary of the Interior.

March 12, 1909.

The Commissioner to the
Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

Inclosed herewith is a copy of a letter, of even date, addressed to Hon. Charles D. Carter, relative to his request to be advised as to whether it would be possible for the Department to designate on the approved rolls of the Chickasaw Nation the degree of Indian blood possessed by Harris McKinney and family, and other Chickasaw citizens of the name of Garsides.

As you will observe, the printed rolls of citizens by blood of the Chickasaw Nation do not show the degree of Indian blood possessed by said persons. This may be due to an oversight in the preparation of the roll or it may be that the original enrollment records do not furnish any information on the point.

You are requested to cause an examination to be made of the original enrollment records in the cases of said persons and to furnish the Department a report showing the information contained therein, as to the degree of Indian blood

Secretary 9

et al., Number 1677, Harrie McKinney, et al., Number 1678, Joseph Garzaides, et al.; copies of Chickasaw New Born cards, (Act of March 3, 1905) Number 237, Leona McKinney, Number 238, Mama May McKinney, Number 233, Sarah Arinda Self, et al. and copies of Minor Chickasaw cards, (Act of Congress approved April 26, 1906), Numbers 296, Williams McKinney, 258, Henry Charles Preston Hayes and 100, Cecil Newton Self.

There are also inclosed copies of the affidavits of Fannie Self, Oyd McKinney, joint affidavit of Oyd and Fannie McKinney, affidavit of Harrie McKinney and communication of Daniel Hayes of January 18, 1907.

Respectfully,

Commissioner.

AB

Chickasaw 1677

Through the Commissioner
of Indian Affairs.

Secretary 8

Similar requests were also addressed to the other members of this family who had made application for the enrollment of their minor children under the Act of Congress approved April 26, 1906, and affidavits were received as follows:

December 7, 1906, affidavit was filed by Oyd McKinney stating that his son, Williams McKinney, Minor Chickasaw Roll Number 299 was a one-sixtyfourth blood Chickasaw Indian. November 9, 1906, however, joint affidavit of Oyd and Fannie McKinney was filed stating that they do not know the exact amount of Chickasaw Indian blood contained by the said Oyd McKinney or his children.

July 5, 1906, the affidavit of Fannie Self was filed, giving the degree of Chickasaw blood of her child, Cecil Newton Self, Minor Chickasaw Roll Number 185, as one-sixteenth.

January 28, 1907, there was referred to this office by the Department letter from Daniel Hayes of January 18, 1907, in which he states that he does not know the degree of Indian blood possessed by him and his family but that the nearest he can get to it is between one-fourth and one-sixteenth, and the degree of Chickasaw blood placed opposite the name of his child, Henry Charles Preston Hayes, Minor Chickasaw roll Number 317, was estimated at one-eighth and it so appears upon the approved roll of Minor Chickasaws.

There are inclosed you herewith copies of Chickasaw cards Numbers 1675, Oyd McKinney, et al. Number 1826, Charley Hayes,

Secretary 7

February 28, 1907 further opinion was rendered by the Assistant Attorney General on a motion for review of the case of Georgie McKinney, filed by counsel for the Chickasaw Nation recommending that the applicant be enrolled and the motion denied. This opinion was transmitted with Departmental letter of March 1, 1907 (I T D 5754-1907).

May 28, 1906 (I T D 9586-1906) the Department returned a schedule of newborn citizens of the Chickasaw Nation enrolled under the Act of Congress approved March 3, 1905, Numbers 558 to 567 inclusive, containing the name of Emma May McKinney at Number 558 thereon, for the reason that the quantum of Indian blood possessed by this child did not appear on said schedule, and, in view of the provision of the Act of April 26, 1906, providing that "for all purposes the quantum of Indian blood possessed by any member of said tribes shall be determined by the rolls of citizens of said tribes approved by the Secretary of the Interior", this office was directed to endeavor to secure the necessary information as to the blood of Emma May McKinney.

June 14, 1906, in response to a request from this office, there was filed an affidavit of Harris McKinney to the effect that he was a one quarter blood Chickasaw and that his children, Laura Etta, Cecil Berthal and Maude Lee and Emma May McKinney were possessed of one-eighth Chickasaw blood.

Secretary 6

no degree of Indian blood being given; they were not enrolled as adopted whites for the reason that they claimed to be possessed of some degree of Chickasaw Indian blood.

July 17, 1905, this office transmitted a schedule of citizens by blood of the Chickasaw Nation, Numbers 4968 to 4981 inclusive, containing the name of Georgie McKinney at Number 4980 thereon. August 18, 1905 (Land 59356-1905) the Commissioner of Indian Affairs recommended that the schedule be approved except as to Georgie McKinney, Number 4980, but that her name be eliminated from the roll and that the roll be changed as to her father, Oyd McKinney, to show that he is an adopted citizen of the Chickasaw Nation.

August 23, 1905, the report of the Commissioner of Indian Affairs was referred to the Assistant Attorney General for an opinion as to whether Georgie McKinney was entitled to enrollment under the Act of Congress approved March 3, 1905. September 1, 1905, he held that Georgie McKinney was entitled to enrollment within the meaning of the Act of Congress of March 3, 1905, even though she were the descendant of an adopted citizen. A copy of this opinion was transmitted with Departmental letter of September 7, 1905 (I T D 10622, 11176-1905) and the schedule of Chickasaws by blood above referred to was approved by the Secretary of the Interior on the date last named.

Secretary 5

made application under the Act of Congress approved April 26, 1906, for the enrollment of their child, Cecil Newton Self, and his name appears at Number 183 on the roll of minor citizens of the Chickasaw Nation enrolled under said act.

None of the persons above named who appear upon the roll of citizens by blood of the Chickasaw Nation appear to be possessed of Chickasaw Indian blood except Emma May McKinney, who appears upon the roll of newborn citizens of the Chickasaw Nation under the Act of Congress approved March 3, 1905, at Number 558 as a one-eighth blood Chickasaw, Cecil Newton Self, who appears upon the roll of Minor Chickasaws under the Act of Congress approved April 26, 1906, at Number 183 as possessed of one-sixteenth Indian blood, Williams McKinney, who appears upon said roll at Number 299 as possessed of one-sixty-fourth Indian blood and Henry Charles Preston Hayes, who appears upon the same roll at Number 317 as possessed of one-eighth Chickasaw blood.

It appears that the persons above referred to have, prior to the time they were enrolled upon the roll of citizens by blood of the Chickasaw Nation, claimed that they were possessed of Chickasaw Indian blood but that they did not know the degree of Indian blood possessed by Polly McKinney, the Indian ancestor from whom they claimed descent. They were accordingly enrolled upon the roll of citizens by blood of the Chickasaw Nation,

Secretary 4

of March 3, 1906, at Number 556.

Oyd McKinney made application for the enrollment of himself and his child, Georgie McKinney, as citizens of the Chickasaw Nation under the Act of Congress approved June 28, 1898 and the Act of Congress approved July 1, 1902, their names appearing at Numbers 4647 and 4980 respectively upon the approved roll of citizens by blood of the Chickasaw Nation. He also made application for the enrollment of Leona McKinney under the Act of Congress approved March 3, 1906, and her name appears upon said roll at Number 551. Under the Act of Congress approved April 26, 1906, he made application for the enrollment of his child, Williams McKinney, whose name appears upon the roll of minor citizens enrolled under said act at Number 299.

Daniel Hayes made application for the enrollment of his child, Henry Charles Preston Hayes, as a citizen of the Chickasaw Nation under the Act of Congress approved April 26, 1906, and his name appears upon the roll of minor citizens of the Chickasaw Nation enrolled under said act at Number 317.

Fannie Carsides married James Self, who is enrolled at Number 346 upon the roll of Citizens by Marriage of the Chickasaw Nation, and they made application for the enrollment of their children, Sarah Arinda Self and Joseph W. Self under the Act of Congress approved March 3, 1905, their names appearing upon said roll at Numbers 552 and 553 respectively. They also

Secretary 3

citizens by reason of their marriage to Mattie McKinney and Mary Louise McKinney, both deceased sisters of Harris and Oyd McKinney, and made application for the enrollment of their children, Daniel Hayes, Minnie Hayes, Maggie Hayes and Edward Hayes and Fannie Garside, Ben Garside, Alex Garside, Jim Garside, Nellie Garside, Mattie Garside and Joe Garside Jr., by reason of their descent from the said Mattie McKinney and Mary Louise McKinney, their names appearing on the roll of citizens by blood of the Chickasaw Nation at Numbers 4652 to 4658 inclusive, respectively.

The said Joseph Garside and Charley Hayes appear upon the roll of citizens by marriage of the Chickasaw Nation at Numbers 535 and 619 respectively.

Harris McKinney made application for the enrollment of himself and his three children, Laura Ett. McKinney, Cecial Berthal McKinney and Maude Lee McKinney, as citizens of the Chickasaw Nation under the Act of Congress approved June 28, 1898 and the Act of Congress approved July 1, 1902, and also made application for the enrollment of his child, Emma May McKinney, under the Act of Congress approved March 3, 1905. The names of Harris McKinney and his children enrolled under the Act of Congress approved July 1, 1902, appear at Numbers 4648 to 4651 inclusive upon the roll of citizens by blood of the Chickasaw Nation while the name of Emma May McKinney appears upon the roll of new born citizens of said nation, enrolled under the Act

Secretary 2

The office is, therefore, requested to cause an examination to be made of the original enrollment records in the cases of these persons and to report to the Department as to the information contained therein relative to the degree of Indian blood of each, including therein such information as is found on the census cards bearing their names.

Reporting in this matter I have the honor to advise that it appears from the records of this office that Harris McKinney and Oyd McKinney, Charles Hayes and Joseph Carside and their respective families were applicants for enrollment as citizens by blood of the Chickasaw Nation, claiming descent from one Polly McKinney, to whom a patent for land was issued November 16, 1840 by President Martin Van Buren, under the fifth article of the treaty made May 24, 1834 between the United States and the Chickasaw Indians, under which, the patent recites, Polly McKinney (as Polly McKinnie) became entitled out of the lands ceded to the United States by the treaty with the Chickasaw Nation entered into October 20, 1832, to three sections and a half of land, which was conveyed by said patent, and which was entered as number 1202 in the abstract of reservations under the fifth article of the aforesaid treaty of May 24, 1834.

Harris and Oyd McKinney are brothers, the children of William McKinney, son of Polly McKinney. Charley Hayes and Joseph Carside claim the right to enrollment as intermarried

D 316-1909

Muskogee, Oklahoma, April 12, 1909.

Subject:

Report on Departmental
letter of March 12, 1909,
as to degree of Indian
blood of Harris McKinney
and the Garside family.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental letter of March 12, 1909, inclosing copy of a communication addressed by the Department to Honorable Charles D. Carter, relative to his request to be advised whether it would be possible to have designated on the approved rolls of the Chickasaw Nation the degree of Indian blood possessed by Harris McKinney and his family and other Chickasaw citizens by the name of Garsides.

It is observed that the printed rolls of citizens by blood of the Chickasaw Nation do not show the degree of Indian blood possessed by said persons and the Department states this may be due to an oversight in the preparation of the roll or it may be that the original enrollment records do not furnish any information on the point.

9-1026

Muskogee, Indian Territory, November 23, 1905.

C. Hayes,

Emet, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 10, 1905, addressed to the Secretary of the Interior which has been by him referred to this office for consideration and appropriate action. Therein you ask if the enrollment of yourself and your children as citizens of the Chickasaw Nation has been approved by the Secretary of the Interior.

In reply to your letter you are advised that your name has been placed upon a schedule of intermarried citizens of the Chickasaw Nation and the names of your children, Daniel, Minnie, Maggie and Edward Hayes have been placed upon a schedule of citizens by blood of the Chickasaw Nation which has been forwarded the Secretary of the Interior, but this office has not yet been advised of Departmental action thereon. You will be notified when their enrollment is approved by the Secretary of the Interior.

Respectfully,

Acting Commissioner.

Chickasaw D 177

Muskogee, Indian Territory, October 9, 1905.

Treadwell, Lucas & Young,
Attorneys at Law,
Tishomingo, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of October 4, asking what disposition has been made of the citizenship case of Charley Hayes et al. and in reply you are advised that on October 4, 1905, decision was rendered granting the application for the enrollment of Charley Hayes as an intermarried citizen of the Chickasaw Nation, and for the enrollment of his children, Daniel, Minnie, Maggie and Edward Hayes, as citizens by blood of the Chickasaw Nation. Notice of this action was forwarded you on the same date by registered mail.

Respectfully,

Commissioner.

9-D-177

COPY

Muskogee, Indian Territory, October 4, 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 the Commissioner to the Five Civilized Tribes, rendered October 4, 1905, granting the application for the enrollment of Charley Hayes, as a citizen by intermarriage, and Daniel Hayes, Minnie Hayes, Maggie Hayes and Edward Hayes, 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 enrollment of said applicants. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James Stuby

Commissioner.

Register.

9-D-177

9-D-177

COF.

Muskogee, Indian Territory, October 4, 1905.

Harry L. Person,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on October 4, 1905, rendered his decision granting the application for the enrollment of Charley Hayes, as a citizen by intermarriage, and Daniel Hayes, Minnie Hayes, Maggie Hayes and Edward Hayes, 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 enrollment of said applicants. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Wm. Lewis
Commissioner.

Register.

9-D-177

COPY

Muskogee, Indian Territory, October 4, 1905.

Treadwell & Lucas,
Attorneys at Law,
Tishomingo, Indian Territory.

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on October 4, 1905, rendered his decision granting the application for the enrollment of Charley Hayes, as a citizen by intermarriage, and Daniel Hayes, Minnie Hayes, Maggie Hayes and Edward Hayes, 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 enrollment of said applicants. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

T. C. ...

SIGNED

Commissioner.

Registered.

9-D-177.

COPY.

Muskogee, Indian Territory, October 4, 1905.

Edwin Bradley,

Emet, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on October 4, 1905, rendered his decision granting the application for the enrollment of Charley Hayes, as a citizen by intermarriage, and Daniel Hayes, Minnie Hayes, Maggie Hayes and Edward Hayes, 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 enrollment of said applicants. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Commissioner.

Register.

9-D-177

COPY.

Muskogee, Indian Territory, October 4, 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 the Commissioner to the Five Civilized Tribes, rendered October 4, 1905, granting the application for the enrollment of Charley Hayes, as a citizen by intermarriage, and Daniel Hayes, Minnie Hayes, Maggie Hayes and Edward Hayes, 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 enrollment of said applicants. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tamo Dixby

Commissioner.

Register.

9-D-177

9-D-177.

9071.

Muskogee, Indian Territory, October 4, 1905.

Edwin Bradley,

East, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on October 4, 1905, rendered his decision granting the application for the enrollment of Charley Hayes, as a citizen by intermarriage, and Daniel Hayes, Minnie Hayes, Magrie Hayes and Edward Hayes, 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 enrollment of said applicants. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

[Signature]
Commissioner.

Register.

9-D-177

COPY.

Muskogee, Indian Territory, October 4, 1906.

Harry L. Person,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on October 4, 1905, rendered his decision granting the application for the enrollment of Charley Hayes, as a citizen by intermarriage, and Daniel Hayes, Minnie Hayes, Maggie Hayes and Edward Hayes, 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 enrollment of said applicants. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

RED

James G. Carter

Commissioner.

Register.

V-D-177

Muskogee, Indian Territory, October 4, 1905.

COPY.

Treadwell & Lucas,
Attorneys at Law,
Tishomingo, Indian Territory.

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on October 4, 1905, rendered his decision granting the application for the enrollment of Charley Hayes, as a citizen by intermarriage, and Daniel Hayes, Minnie Hayes, Maggie Hayes and Edward Hayes, 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 enrollment of said applicants. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Jame Bibby

Commissioner.

Registered.

9-D-177

Muskogee, Indian Territory, October 4, 1905.

Charley Hayes,

Fmet, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 4, 1905, granting the application for your enrollment as a citizen by intermarriage of the Chickasaw Nation and for the enrollment of your children, Daniel Hayes, Minnie Hayes, Maggie Hayes and Edward Hayes, as citizens by blood of said 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 your enrollment. If at the expiration of that time no protest has been filed your names will be placed upon the final rolls to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James S. [unclear]
Commissioner.

Register.

9-D-177.

at Muskogee, Indian Territory, on September 8, 1938. The name of
Charlie Hayes has been identified upon the 1938 Land District
Payment roll of the citizens of the Chickasaw Nation prepared by
Captain Haystack.

The evidence is now sufficient to warrant a decision in
this case and it is probable that disposition will be made thereof
in the near future.

Respectfully,

Acting Commissioner.

9-D 177

Muskogee, Indian Territory, September 9, 1906.

Treadwell & Lucas,
Attorneys at Law,
Tishomingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of September 7th, requesting to be advised as to what progress has been made in the disposition of the application for the enrollment of Charlie Hays and his son Dan Hays.

In reply to your letter you are advised that the application of Charlie Hayes for the enrollment of himself as an intermarried citizen, and for the enrollment of his children, Daniel, Minnie, Maggie, and Edward Hayes is still pending before the Commissioner.

Considerable difficulty has been experienced in ascertaining if Hayes was ever enrolled at any time by the tribal authorities of the Chickasaw Nation as a citizen by intermarriage thereof, or if his deceased wife, Mattie McKinney, and their children were ever enrolled by the tribal authorities as citizens of the Chickasaw Nation.

Charlie Hayes personally testified before the Commissioner in reference to the tribal recognition of himself and his family,

9- D 177

Muskogee, Indian Territory, August 31, 1906.

Charley Hayes,
East, Indian Territory.

Dear Sir:-

I am in receipt of your letter of August 26th in reference to the enrollment of yourself and members of your family as citizens of the Chickasaw Nation.

I have been considering your application for some time but have not as yet rendered any decision therein. Considerable difficulty has been experienced in ascertaining if you were ever enrolled at any time by the tribal authorities of the Chickasaw Nation as a citizen by intermarriage thereof, or if your deceased wife, Mattie McKinney, and your children were ever enrolled as citizens of the Chickasaw Nation.

If you are able to procure any evidence which will enable this office to identify your name and the names of your children upon any of the tribal rolls of the Chickasaw Nation, it will expedite the disposition of the pending application.

Respectfully,

Commissioner.

9-D-177

Muskogee, Indian Territory, July 24, 1905.

Treadwell & Lucas,

Attorneys at Law.

Tishomingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of July 20, 1905, asking what disposition has been made of the application for the enrollment of Dan Hayes, son of Charley Hayes, and requesting that your names be entered as attorneys of record for said Dan Hayes.

In reply to your letter you are advised that no action has yet been taken upon the applications for the enrollment of Charley Hayes and his children Daniel, Minnie, Maggie and Edward Hayes as citizens of the Chickasaw Nation, but you will be notified when a decision is reached.

Respectfully,

Commissioner.

9-D-177

Muskogee, Indian Territory, July 15, 1905.

Edwin Bradley,

Mnet, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 8, 1905, asking the status of the citizenship case of Charley Hayes.

In reply to your letter you are advised that no decision has yet been reached relative to the right of Charley Hayes and his children to enrollment as citizens of the Chickasaw Nation, but as soon as a decision is reached you and the applicant will be notified of the action taken.

Respectfully,

Commissioner.

9 D 177

Muskogee, Indian Territory, June 17, 1906.

C. Hayes,

Enet, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 14, 1905, in which you ask if you may have land reserved for allotments for your children pending a decision in your citizenship case.

In reply to your letter you are advised that no reservation can be made of the lands of the Choctaw and Chickasaw Nations for yourself or your children, but if any other person selects land upon which you own improvements which you desire to select in allotment for yourself or your children, you will be permitted to institute contest therefor upon your personal appearance before the land office for the Nation in which the land is located.

Respectfully,

Chairman.

Q-D-177.

Muskogee, Indian Territory, June 2, 1905.

C. Hayes,

Enst, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 23, asking that your enrollment be approved in order that you may file a contest upon certain land.

In reply to your letter you are advised that the Commission has not yet passed upon your application for enrollment as a citizen of the Choctaw Nation, or for the enrollment of your children as citizens by blood of said nation, but if another person has selected land upon which you claim improvements which you desire to select in allotment, you will be permitted to institute contest upon your personal appearance at the Land Office in the Nation in which the land is located, prior to the approval of your enrollment by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

8-D-177

Muskogee, Indian Territory, April 4, 1908.

C. Hayes,

East, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 20, 1908, relative to the status of the enrollment of yourself and your family.

In reply to your letter you are advised that the Commission is now considering the application for the enrollment of yourself and your four children as citizens of the Chickasaw Nation and when a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Chickasaw B 177

Muskogee, Indian Territory, January 26, 1905.

C. Hayes,

Emet, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 22, asking that your enrollment be approved in order that you may be protected against other persons filing on your lands.

In reply to your letter you are advised that the Commission is now considering your application for enrollment as an inter-married citizen of the Chickasaw Nation and for the enrollment of your children, Daniel, Minnie, Maggie, and Edward Hayes as citizens by blood of said nation, and as soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

Chickasaw B 177

Muskogee, Indian Territory, November 28, 1904.

C. Hayes,
Eust, Indian Territory,

Dear Sir:

Your letter of November 8, 1904, addressed to the Secretary of the Interior, has been by him referred to the Commission to the Five Civilized Tribes for consideration and appropriate action. Therein you ask why your enrollment and that of your children has not been approved, and inclose certified copy of marriage license and certificate between yourself and Mattie McKinney.

In reply to your letter you are advised that the Commission is taking up for consideration and determination as rapidly as practicable, all applications for enrollment in the Choctaw and Chickasaw Nations and as soon as a decision is reached in your case you will be notified of the action taken therein.

The copy of marriage license and certificate inclosed by you is herewith returned as the original of the same is on file with the record in your case.

Respectfully,

Commissioner in Charge.

S-D-177

Muskogee, Indian Territory, November 17, 1904.

C. Hayes,

Enst, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of November 15, 1904, enclosing the marriage license and certificate between Charley Hayes and Mattie McKinney, and the same have been filed with the record in the matter of your application for the enrollment of yourself and your children as citizens of the Chickasaw Nation.

Respectfully,

Chairman.

2-22-04

Mustoge, Indian Territory, November 12, 1904

C. Hayes,

Emet, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of November 8, 1904, asking information relative to the enrollment of yourself and your family.

In reply to your letter you are informed that before the Commission can determine the application for enrollment of yourself as an intermarried citizen of the Chickasaw Nation, and the enrollment of your children as citizens by blood of said Nation, it will be necessary for you to furnish the marriage license and certificate between yourself and your wife Mattie McKinney. This matter should receive your immediate attention.

Respectfully,

Chairman.

Chickasaw D 177.

Muskogee, Indian Territory, September 28, 1904.

J. Crewsen,

Met, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 23rd asking the status of the citizenship of Charlie Hayes and his children.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Charlie Hayes as an intermarried citizen of the Chickasaw Nation, under the enrollment of his minor children Minnie, Maggie, Daniel and Edward Hayes as citizens by blood of said nation, and it is impracticable at this time to say when a decision will be rendered in this case.

Relative to that part of your letter wherein you seek information as to whether or not it would be safe to pay to these parties cash rent in advance for the year 1908, you are advised that this is a matter which does not come within the jurisdiction of the Commission, and it is impracticable to give you any information in regard to it.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 3, 1903.

T. C. Taylor,

Box 33, Kmet, Indian Territory,

Dear Sir:

Your letter of February 7, addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action. You ask therein relative to the status of Charlie Hays and his children, Dan, Minnie, Maggie and Ed Hays.

In reply to your letter you are advised that it appears from our records that Charley Hays and his children Daniel, Minnie, Maggie and Edward Hays, have been listed among the doubtful claimants to enrollment in the Chickasaw Nation, and their final right to such enrollment has not as yet been determined.

Respectfully,

Chairman.

6-5-177

Muskogee, Indian Territory, February 9, 1908.

Charley Hayes,

Emet, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, in which you request information relative to your application for the enrollment of yourself and your children as citizens of the Chickasaw Nation, and also desire to be informed whether it is necessary for you to appear before the Commission again in regard to said application.

In reply you are advised that the Commission has sufficient evidence upon which to determine the rights of yourself and your children to enrollment as citizens of the Chickasaw Nation and it will not be necessary for you to make any appearance at this time. As soon as a decision has been rendered in your case, you will be duly advised thereof and of the forwarding of the record to the Secretary of the Interior for his approval.

Respectfully,

Acting Chairman.

1
Circular 3-177

McAlester, Indian Territory, February 8, 1908.

F. E. Pangburn,
McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, relative to enumeration of the names of the children of Charley Hayes on the twelfth census and you are advised that said letter has been filed with the records of the Commission.

Respectfully,

Commissioner in Charge.

9-D-177.

Muskogee, Indian Territory, January 26, 1903.

A. S. McKinney,

Emet, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 25, 1902, giving information relative to Mattie Hayes and her two children, Alex and Myrtle Hayes, who, it is claimed, were citizens by blood of the Chickasaw Nation, all of whom are now deceased.

It appears from our records that said Mattie Hayes was formerly the wife of Charley Hayes, who claims rights as an intermarried citizen of the Chickasaw Nation.

Your letter has been duly filed with the records of the Commission in the matter of the application for enrollment of Charley Hayes as an intermarried citizen of the Chickasaw Nation; and his minor children, Daniel, Minnie, Maggie and Edward Hayes, as citizens by blood of the Chickasaw Nation.

Respectfully,

Acting Chairman.

9-10-177

Muskogee, Indian Territory, January 24, 1903.

Charley Hayes,

Emet, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 29, 1902, enclosing affidavits relative to the death of Mattie Hayes, formerly your wife, and two minor children, Alex and Myrtle Hayes.

You are advised that it does not appear from our records that any application for the enrollment of the deceased persons was ever made to this Commission.

The affidavits relative to the death of these persons, however, have been duly filed with our records in the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Acting Chairman.

Chickasaw B-177

Muskogee, Indian Territory, January 22, 1903.

A. B. Person, Esq.,
311 West Main Street,
Denison, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, relative to the matter of the enrollment of Charley Hayes and his minor children as citizens of the Chickasaw Nation, in which you state that it is quite inconvenient for Mr. Hayes to appear before the Commission at Muskogee for the next ten days or two weeks, and you request to be informed if that will be early enough for him to do so.

In reply you are advised that it is desirable that Charley Hayes appear before the Commission in the near future for personal examination as to the rights of himself and his minor children to enrollment as citizens of the Chickasaw Nation. It will be sufficient, however, if he makes this personal appearance within the next two weeks.

Respectfully,

Commissioner in Charge.

An immediate reply from you in regard to this matter
will be greatly appreciated by me.

Yours very respectfully,

A. B. PERSON,

H.

Endorsed:

Indexed.

Commission to Five Tribes,
No. Received Answered
170 Jan 21 1903 Book Page
1903.

Chickasaw.

Person, A. B.
Denison, Texas.
Jan. 20, 1903.

Rel. to Status of case of
Charley Hayes, et al. Can
not appear before Com. within
next ten days.

Special.

C O P Y .

A. B. PERSON,
Attorney at Law,
311 W. Main St.

Notary Public
in Office.

Denison, Texas, Jan. 20, 1903.

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

Sirs:- Charley Hayes of Kmet, Ind. Ter. --9-D-177- is in receipt of a letter from you dated the 15th inst. in which you state that his status on September 25, 1902, has not been shown and made a matter of record, and also that you are unable to find the names of his four minor children upon any rolls of the Chickasaw Nation in your possession. Mr. Hayes informs me that himself and his wife, Mattie, and their minor child, Alex, drew the payment of about 1883 known as the bread money, amounting to about \$3.50 each through Joseph Phillips of Atoka, I. T., and that the affidavit of Mr. Phillips to that effect has been filed with the Commission.

Mr. Hayes further states that he authorized Mr. Murray of Colbert, I. T., to draw for himself and his wife Mattie and their minor children Alex, Daniel, Minnie, Maggie and Edward, out of the leased district fund, but that payment was refused on the ground that there was not evidence of the marriage of Charley Hayes and Mattie Hayes, nee McKinney, on file with the authorities of the Chickasaw Nation.

Mr. Hayes was absent from the Chickasaw Nation at that time and when he did return the payment had been finished and he was consequently barred from receiving the payment at that time.

Mr. Hayes states that it would be quite inconvenient for him to appear before the Commission at Muskogee for the next ten days or two weeks, and I would like to know by return mail if this will be early enough for him to do so.

9-D-177

Muskogee, Indian Territory, January 15, 1903.

Charley Hayes,

Emet, Indian Territory,

Dear Sir:

In determining your right to enrollment as a citizen by intermarriage of the Chickasaw Nation and that of your four minor children, Daniel, Minnie, Maggie and Edward Hayes, as citizens by blood of the Chickasaw Nation, it is necessary that your status on September 25, 1902, be made a matter of record in this case. You are also informed that the Commission is unable to identify the names of your said four minor children upon any of the rolls of the Chickasaw Nation in its possession.

It is suggested that you appear before the Commission at its office in Muskogee, Indian Territory, at your earliest convenience and testify as to your status on September 25, 1902, and advise this Commission whether or not your children have ever been enrolled by the tribal authorities of the Chickasaw Nation and, if so, upon what roll. This matter should receive your immediate attention as nothing further can be done with the application of yourself and children until this information is supplied.

Respectfully,

Commissioner in Charge.

(Copy)

D.C. 25847-1902.

Dec. 29th, 1902.

To the Honorable Daws Commission

Sir in regard the information you wanted from A.T. McKenney in regard the identification of those affidavits of the deceased Hayes family as I am the Father of them I would say My wifes father was Wm McKinney and he was a brother of A.T. McKenneys Father Albert McKenney is Alax Hayes & Mirtle Hayess cousin and that record of Boly McKenneys land title that was granted her by the United States in Mississippi as a Chicassaw indian she is a grand mother of Alax & Mirtle Hayes's mother and a Mother of Wm McKennies as to the mistake in the affidavits Alax & Mirtles deaths acurd in March 1899 in sted Feb 1899 hoping this will be som help in our case I will close

Yours Resp

(Signed)

G. Hayes

D.C. 1895-1902.

(copy)

Rept. I.T. Dec. 25th, 1902.

Com. to five Civilized Tribes.

The affidavits in the death of Alex Hays, Mattie Hays, Myrtle Hays, has been returned for correction, in reply will say, that the Mother of these children did not appear on the Chickasaw Census roll of 1896. Mrs. Hays Father name was William McKinney. The records of the land office at Washington shows that the McKinney Family drew land in Mississippi. Mr. Hays furnished the Commission with a copy of the land record while at Tishomingo. William McKinney's mother's name was Polly McKinney as it shows on the records.

Mr. Charley Hays, the father of the 3 deceased children, citizenship right was disputed before the Chickasaw citizenship Court and stood so until the records of Polley McKinney could be had.

Respt.

A.T. McKinney

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 THE FOLLOWING:

Chickasaw D-177.

Muskogee, Indian Territory, March 18, 1902.

Charley Hayes,

met, 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.

Muskogee, Indian Territory,

August, 18, 1900.

Charles Hayes,

Emet, 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-177.

and assigns forever.

IN TESTIMONY WHEREOF, I, MARTIN VAN BUREN, PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN UNDER MY HAND at the City of Washington, the sixteenth day of November, in the year of (L.S.) our Lord One Thousand Eight Hundred and Forty, and of the independence of the United States, the sixty-fifth.

By the PRESIDENT, MARTIN VAN BUREN. By M. VAN BUREN, JR., Sec'y.

JOS. S. WILSON,
Acting Recorder of the General Land Office, ad interim.
Rec. Vol. 3, page 197.

(4--205) DEPARTMENT OF THE INTERIOR,
General Land Office.
Washington, U. S., Sept. 12, 1899.

I, BINGER HERMANN, Commissioner of the General Land Office, do hereby certify that the annexed copy of Patent issued November 16, 1840, to Lollie McKinzie, one of the Chickasaw tribe of Indians, for 1/4 secs. 10 and 15, and secs. 14, 23 and 24, T. 5 R. 12 W., subject to sale at Pontotoc, Miss., No. 1202, is a true and literal exemplification from the record in this Office.

IN TESTIMONY WHEREOF I have hereunto subscribed my name, and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

(signed) BINGER HERMANN,
Commissioner of General Land Office.

(SEAL)

I HEREBY CERTIFY that the above is a full, true and correct copy of a certified copy of patent issued by the United States of America to Lolly McKinzie, on file with the records of the Commission to the Five Civilized Tribes.

Chas Mitchell Wood
Notary Public.

(Copy)

4--446

THE UNITED STATES OF AMERICA.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS, Under the Fifth Article of the Treaty made at the City of Washington on the twenty-fourth day of May, in the year of our Lord One Thousand Eight Hundred and Thirty-four, between the United States, by their Commissioner, John H. Eaton, and the Chickasaw Indians, Polly McKinnie became entitled out of the lands ceded to the United States by the Treaty concluded at Pontotoc Creek, on the twentieth day of October, One Thousand Eight Hundred and Thirty Two, with the Chickasaw Nations, to three sections and a half of land, and whereas the PRESIDENT OF THE UNITED STATES having approved on the twenty-seventh of July, 1837, of the location of fractional sections Ten and Fifteen, and Sections Fourteen, Twenty-three and Twenty-four, in Township five, of Range Twelve, West, containing Two Thousand three hundred and twelve acres and seventy-four hundredths of an acre, in the district of land subject to sale at Pontotoc, Mississippi, entered as number 1202 in the abstract of reservations under the Fifth Article of the aforesaid Treaty, of the 24th May, 1834.

NOW KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the provisions of the said Treaty of 1834, Have Given and Granted, and by these presents do Give and Grant, unto the said Polly McKinnie, and to her heirs, the said tracts above described.

TO HAVE AND TO HOLD THE SAME, together with all the rights, privileges, immunities and appurtenances of whatsoever nature thereunto belonging unto the said Polly McKinnie and to her heirs

not be done, and am now told
that I was stricken from the roll,
because I was an adopted citizen

I was informed time and again
by the Chickasaw authorities, that
I would be paid my share in the
leased District fund as soon as there
was any money in the Treasury, if
the necessary application, was put off with
a promise of pay from time to time and
I am now informed that the rights,
of my deceased children to citizenship
in the Chickasaw nation was disputed
until the passage of the law since
I found it. - I am a former crimp
and in the Chickasaw nation, and at the
death of my father, the late "Mick"
I was with the Chickasaw courts
my wife's share in my father's estate,
which was parcelled up by her and
the Chickasaw courts in the year
1893 - I know that the Certificate attached
signed and sworn to by Joe Brown, is
an exact copy of the records of citizenship
of the Chickasaw nation - I saw him Joe
Brown, when he copied it from said records
and know the same to be a true copy
of the said Citizenship rolls. -

nations since my marriage in
Dec, 1880 - My wife Mattie Harpchild
in the year 1894 - I have been treated
and regarded as a Chickasaw Indian
Citizen since my marriage, My
child Ann has been permitted
to attend the free schools of the Chickasaw
Nation, their names appear on the
rolls of Indian children, and I have
drawn my money from the
Chickasaw Indians, as shown by
articles in a recent Chickasaw
attached, and I was enrolled as a
Citizen by the Census Commissioner who
was authorized to prepare roll for the
final passing by the Commission to
the tribes, in 1896, and my children
were also enrolled, and I had my
name in Indian & was a bona fide
citizen of the Chickasaw Nation and
as recognized by the Chickasaws, until
the passage of a law in the Chickasaw
legislation in which the names of all
adopted citizens were stricken from
the rolls, which was too late to apply
to the Commission for relief - I was
not informed of this action, had no
opportunity to show cause why it should

John Brown was a member
of the citizenship committee
who issued to said Goldsby
this certificate, and I know
further more that the Goldsby
family were closely related to
the M^r & Kimmey family, and
that in this relationship the proof
of which was made before the
citizenship of the Chickasaw
Nation, that enabled the committee
to enroll the Goldsby family
and issue said certificate - I know
that the proof was to the effect that
the Goldsby's and M^r & Kimmey's
descend from the same people

Chas. Hayes

signed and subscribed before
me this 21st day of August 1897

G. H. Pate

Notary public.

the disbursing agent of the
Chickasaw nation, Wm Boyd
I know that these payments were
made by said disbursing agent
to Chickasaw Indians, and that
several old settlers, and citizens
were present to vouch for those
who participated in this purpose.

I advanced to Charles Hays
credit on the strength of his
name and that of his wife and
child appearing on the roll, pursuant
his order and was paid his share
as demanded by the Chickasaw nation
through its disbursing agent
Charles Hays, as I understood at
the time, and have always understood
during my residence in the
country married a daughter
of Wm McKim, a member
of the Chickasaw Indian tribe,
and resided after his marriage
in the Choctaw nation.

J. J. Phillips

Sworn to and subscribed before me
this 15th day of April 1897

L. J. R. R.
Notary Public

Indian Territory

Central Judicial District

Before me H. P. Oak a notary
public in and for said district
and Territory appeared J. J. Phillips
who being duly sworn says on
oath: "During the years 1878
and 1879, I was engaged in a
general merchandise business at Atoka
I.T. and furnished to a great
many Chickasaw Indians goods
and credit on a pay note made
to them by the Chickasaw nation
in 1878. - That amongst the claims
transferred to me for collection
by the members of the Chickasaw
Tribe of Indians, was Charles
Hayes. and I had possession
of the roll, at the time and know
that the following entry, which
I find on a book used by me
at the time, was taken from
the roll of members of Chickasaw
Tribe of Indians "Chas. Hayes
there in family (by name)"

I went to Tishomingo to
collect this and other claims
which I had in the way, and
paid the money at the hands of

C O P Y.

COMMISSIONERS.

HENRY L. DAWES.
FRANK C. ARMSTRONG.
ARCHIBALD S. McKENNON.
THOMAS B. CABINESS.
ALEXANDER B. MONTGOMERY.

H. M. JACOWAY, Secretary.

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

Vinita, Ind. Ter., August 24, 1896.

Chas. Hayes, Esq.,

Emmet, I. T.

Dear Sir:-

In reply to your letter of August 19th: If you are on the rolls of your nation, and your citizenship is not denied by the authorities of that Nation, there is no necessity of you applying to this Commission for citizenship. If your citizenship is denied you can apply to this Commission for enrollment. Inclosed I send you circular letter and other instructions, which will give you all the information you will need in the preparation of your claim for hearing before the Commission, if you decide to apply for same. All applications must be filed in this office by September 10, 1896.

Yours Truly,

H. M. Jacoway, Secy.

nieces that lived there with him. I don't know which one of the McKinneys they were the children of, but Charley Hayes married one of them and Joseph Garsides married the other one. My understanding is that they are the children of William McKinney. I have heard it but I am not certain of it. They are both dead, and these two girls are, and I think Charley Hayes has remarried since that time. The other man I don't know whether he has or not, but they both have children living. I don't know anything about Harris McKinney. That is this gentleman here?

Q Yes, sir? A No, sir. They are both white men. That Ord McKinney is a son, or at least said to be the son of William McKinney by a white woman that lives there close to my farm.

Q They were born out of wedlock? A No, sir; I think she was the widow of William McKinney. She is a Mrs. Shanks now.

McKinney?

Q Yes, sir? A I have seen her; yes, sir.

Q Was she a widow of Alex? Do you know whether or not Alex claimed to be a Chickasaw in any way? A I have seen him living in the Choctaw Nation, enjoying the privileges of a Choctaw there.

Q Choctaw citizen? A Yes, sir, and I knew his brother Henry McKinney, who had married Mrs. Frayser, she was when he married her--Governor Harris's aunt.

Q You don't know whether Alex was an Indian either by blood or adoption? A No, sir.

Q Do you know whether he was reputed to be such? A Yes, sir, he was reputed to be an adopted Chickasaw, a Cherokee, but an adopted Chickasaw. I don't know these things, but that is the reputation you know.

Q Do you know Charley Hayes? A No, sir.

Q Joseph Garsides, did you know him? A No, sir.

Q Ord McKinney? A No, sir.

ALLINGTON TELL, being duly sworn by Commissioner T.B. Needles, on his oath, testified on behalf of the applicants as follows:

DIRECT EXAMINATION BY MR. PERSON:

Q Mr. Tell, just tell what you know about these parties that we have named here. Did you know Harris McKinney? A No, sir. I don't know anything about the McKinneys except just merely from hearsay. I knew Alex McKinney; he lived over there close to our town in the Choctaw Nation, and simply from what I have heard I

would say that he was reputed to be a Cherokee that had been adopted by the Chickasaws some years back.

Q Before they left Mississippi? A Sometime back, and he had

Q What McKinney? A Billy and Henry McKinney. That is my understanding, I don't know that.

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

Q Who was his parents, do you remember? A No, sir; I don't.

Q Do you know whether or not he claimed to be a Chickasaw Indian in any way, and if so, how? A He claimed to be a Chickasaw Indian by the marriage to one of Billy McKinney's daughters.

Q Married one of the McKinney girls, did he? A Yes, sir.

Q Do you know Joseph Garsides? A No, sir.

Q You don't know that family? A No, sir.

Q Do you know Ord McKinney? A No, sir.

Q You don't know him? A No, sir.

WILLIAM H. BYRD, being duly sworn by Commissioner T. B. Needles, on his oath, testified on behalf of the applicants as follows:

DIRECT EXAMINATION BY MR. PERSON:

Q Governor, without going into detail, are you acquainted with any of the parties we have named. Well, I will ask the question: Do you know Harris McKinney? A No, sir.

Q Here is the gentleman here, you say you don't know him? A I saw him today.

Q Do you know of Harris McKinney? A Yes, sir; I have heard of him.

Q You know of him by report and hearsay? A Yes, sir.

Q Do you know what nationality he claims or whether or not he claims to be a Chickasaw citizen? A No, I don't know what nationality he claims, not being acquainted.

Q Do you know Martha McKinney? A That is the widow of Alex

- Q What were they reputed to be? A Cherokee.
- Q Reputed to be a Cherokee? A Yes, sir.
- Q Do you know whether or not by any means it was claimed he became a Chickasaw Indian and exercised the rights and privileges as such?
- A Only by adoption. I don't know that to be so.
- Q You understood that he was an adopted Chickasaw Indian? A Yes, sir.
- Q Did he exercise any political function or hold office? A Not as I remember now of.
- Q How long did you know him while he was recognized or while it was claimed he was an adopted Chickasaw Indian? A How long?
- Q Yes, sir; how long did you know him while it was being claimed that he was an adopted Chickasaw Indian? A My first acquaintance with him--why, his brother married an aunt of mine and frequently going to my aunt's, Sallie McKinney, I saw him.
- Q Henry McKinney was what relation to you? A Married my aunt, Billy McKinney they claimed him to be a Cherokee and was adopted by the Chickasaws in Mississippi.
- Q Do you know Martha McKinney? A Yes, sir.
- Q Who was her reputed father and mother? A I didn't know who her father and mother was. She was considered a Collins, she was a sister to Dan Collins.
- Q She was a sister to Dan Collins? A Yes, sir.
- Q Do you know whether or not she claimed to be a Chickasaw Indian in any way? A Not as I know of, only by the marriage of one of the McKinneys.
- Q What McKinney was it she married? A Alex McKinney.
- Q Alex is the same branch that you testified about before?
- A Brother of Billy McKinney.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

.....

In the matter of the applications for the enrollment as citizens of the Chickasaw Nation in the following cases:--

Harris McKinney, et al., vs. Chickasaw Nation;
Martha McKinney " " "
Charles Hayes, et al., " " "
Jos. Garsides, et al., " " "
Ord McKinney, " " "

.....

A. B. Person, Esq., Attorney for the applicants.

Ardmore, Indian Territory, November 25th, 1898.

R. M. Harris, being duly sworn by Commissioner T. B. Needles, on his oath, testified on behalf of the applicants as follows:

DIRECT EXAMINATION BY MR. PERSON:

- Q Are you acquainted with Harris McKinney? A Yes, sir.
Q How long have you known him? A I have known him sometime.
Q Do you know who his father and mother are reputed to be? A I know his father, personally acquainted with his father. His father was named Billy McKinney.
Q Did you know the father and mother of Billy McKinney? A No sir.
Q What nationality was Billy McKinney, if you know, reputed to be?
A I couldn't say positive.

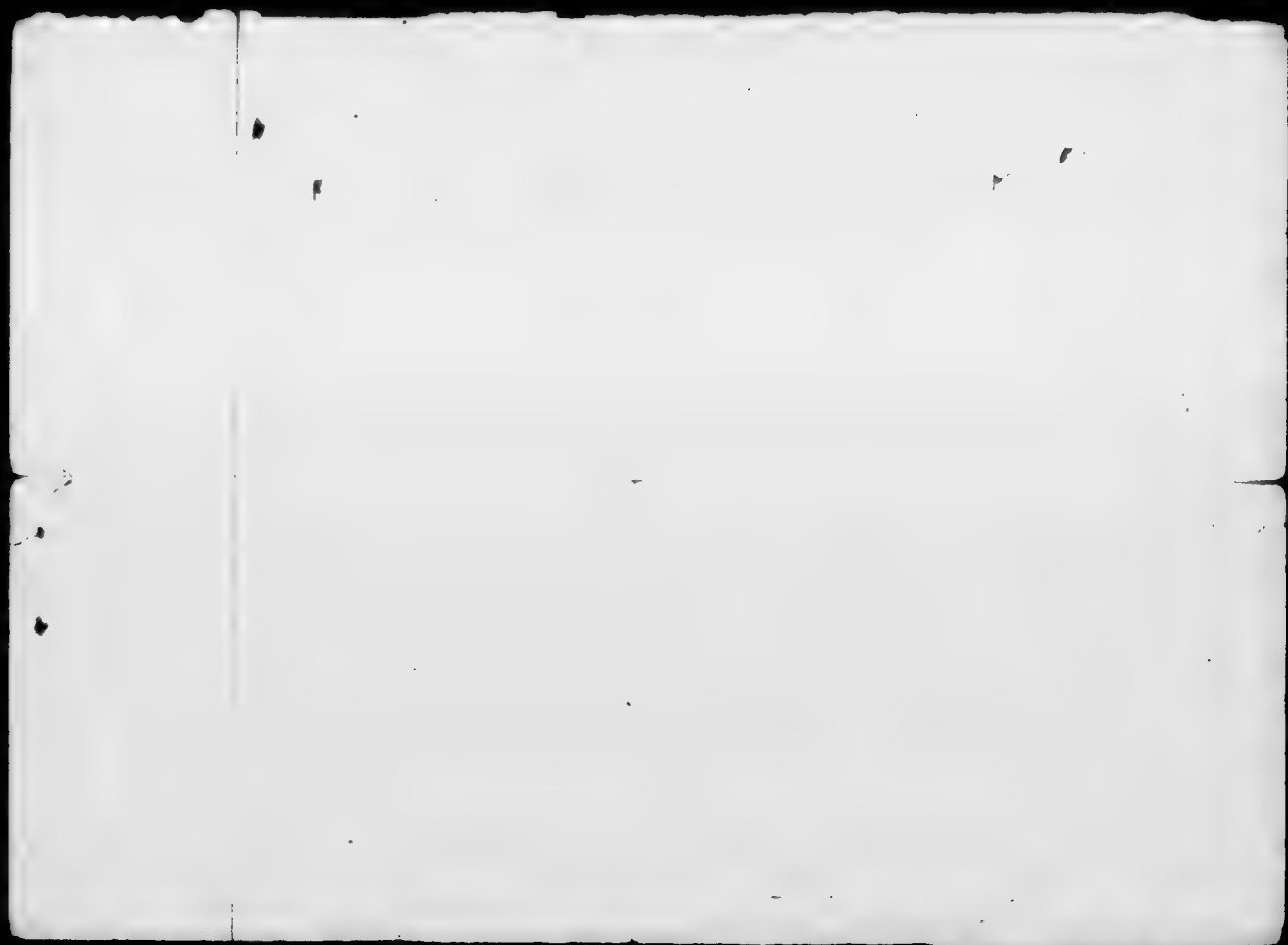
Whereas Charles Craig, citizen
of the United States has this
day made application and
in behalf of himself for
Licence to marry Mattie McKim

Citizen of the State of New York
being satisfied that he has
complied with the requirements
of the Law of the State that
I here by do give him licence for
the purpose of marriage of
them named.

Given under my hand and
seal this 21 day of Dec

W. F. Smith
Clerk of the General Court
of the State of New York

date 1860



DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT

NOV 1904

RECHA

asaw Nation so to do, further
your affiant sayeth not

Milla Burris

sworn to and subscribed before me
this Feby. 18th 1899.

J. W. Gardner
Notary Public

my commission expires 24 Jan, ad 1900

Affidavit
of

Milla Burris
for a stay case

Southern Judicial District }
Indian Territory }

Before me a Notary Public in and for
the Southern Judicial Dist. personally ap-
peared Miss Nettie Burris to me
known and after being duly sworn
according to law, states on oath as
follows, to wit: I am a Chickasaw
Indian by blood and by calling
am a school teacher. I am the
teacher of Emit Neighborhood School
which is a Chickasaw National Insti-
tution. I am employed to teach said
school by the properly authorized of-
ficers of the Chickasaw Nation and
am paid for my services by the Treas-
urer of the Chickasaw Nation, Alex. Hayes
and Dan. Hayes the Children of Chas.
Hayes are attending the Emit Neigh-
borhood School and have been at-
tending since the school opened in
September 1896. Their tuition has been
regularly paid by the Treasurer of the
Chickasaw Nation on the cer-
tificate of the Trustee of said
school who is the properly
authorized officer of the Chick.

Affidavit
of
Miss Nettie Burns
in re Hayes Case

David
1877
L
L

(COPY).

M. L. 106,205.

W. H. L.

G.

(4-205.)

M.J.W.

DEPARTMENT OF THE INTERIOR,

General Land Office,

Washington, D. C., Sept. 12, 1899.

I, BINGER HERMANN, Commissioner of the General Land Office, do hereby certify that the annexed copy of Patent issued November 16, 1840, to Polly McKinnie, one of the Chickasaw tribe of Indians, for f'l Secs. 10 and 15, and Secs. 14, 23 and 24, T. 5, R. 12 W., subject to sale at Pontotoc, Miss. No. 1202, is a true and literal exemplification from the record in this Office.

IN TESTIMONY WHEREOF, I have hereunto sub-

(Seal of)
(UNITED)
(STATES)
(GENERAL LAND)
(OFFICE.)

scribed my name and caused the Seal of this Office to be affixed, at the City of Washington, on the day and year above written.

(Signed) B i n g e r H e r m a n n,

Commissioner of the General Land Office.

Copy.

Whereas Charles Hayes, citizen of United States has this day made application and in behalf of himself for License to marry Mattie McKinny, citizen of the Choctaw Nation being satisfied that he has complied with the requirements of the Law of the Choctaw Nation I hereby issue the same for the express purpose of above named.

Given under my hand and seal this 29th day of Dec, 1880.

B. F. SMITH,
Clerk Circuit Court Choctaw
Nation

date 1880

Endorsed as follows:

Married according to law, by C. W. Myath Minister M. E. Church South, on the 29th day of Dec. 1880- Charley Hays citizen of the United States to Miss Mattie McKinny citizen of the Choctaw Nation.

SOUTHERN JUDICIAL DISTRICT.
INDIAN - - TERRITORY.

Before me a Notary Public in and for the Southern Judicial Dist. personally appeared Miss Nettie Burris to me well known and after being duly sworn according to law, states on oath as follows: to-wit: I am a Chickasaw Indian by blood and by calling am a school teacher. I am the teacher of Emet Neighborhood school which is a Chickasaw national institution. I am employed to teach said school by the properly authorized officers of the Chickasaw Nation and am paid for my services by the Treasurer of the Chickasaw Nation. Alex Hayes and Danl. Hayes the children of Chas. Hayes are attending the Emet Neighborhood school and have been attending since the school opened in September, 1896. Their tuition has been regularly paid by the treasury of the Chickasaw Nation on the certificate of the Trustee of said school who is the properly authorized officer of the Chickasaw Nation so to do. Further your affiant sayeth not.

Nettie Burris.

Sworn to and subscribed before me this Feby. 18th, 1897..

J. T. GARDNER,
Notary Public.

My commission expires 24th Jan. A. D. 1900.

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

In the matter of the death of Mattie Hays
(Here insert name of deceased.)
a citizen of the Chickasaw Nation, who formerly resided at or near
Emet Ind. Ter., and died on the 3rd day of
July, 1896
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Southern DISTRICT.
I, A. J. McKinney, on oath state that I am 47
years of age and a citizen, by Blood, of the Chickasaw Nation;
that my postoffice address is Emet Ind. Ter.; that I am
a cousin of Mattie Hays
(State relationship as the father, the uncle, a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Blood, of the Chickasaw Nation;
and that said Mattie Hays died on the 3d day of
July, 1896 A. J. McKinney
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 13 day of Dec 1902
J. T. Gardner
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Southern DISTRICT.
I, F. L. Humnicutt, on oath state that I am 27
years of age, and a citizen by U.S. Nation;
that my postoffice address is Emet Ind. Ter.;
that I was personally acquainted with Mattie Hays
(Here insert name of deceased.)
who was a citizen, by Blood, of the Chickasaw Nation;
and that said Mattie Hays died on the 3 day of
July, 1896 F. L. Humnicutt
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 13 day of Dec 1902
J. T. Gardner
Notary Public.

*IN RE
THE DEATH OF*

a citizen of the

Nation.

Approved

190

Commissioner.

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

In the matter of the death of Alex Hayes
(Here insert name of deceased.)
a citizen of the Shickasaw Nation, who formerly resided at or near
Emet, Ind. Ter., and died on the 24 day of
March, 1899.
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Southern District.

I, W. J. Westmore, on oath state that I am 47
years of age and a citizen, by Blood, of the Shickasaw Nation;
that my post office address is Emet, Ind. Ter.; that I am
a cousin of Alex Hayes,
(State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Blood, of the Shickasaw Nation;
and that said Alex Hayes died on the 24 day of
March, 1899.
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 13 day of Dec 1902.

J. T. Gardner
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Southern District.

I, F. L. Hunnicutt, on oath state that I am 27
years of age, and a citizen, by U.S., of the U.S. Nation;
that my post office address is Emet, Ind. Ter.;
that I was personally acquainted with Alex Hayes,
(Here insert name of deceased.)
who was a citizen, by Blood, of the Shickasaw Nation;
and that said Alex Hayes died on the 24 day of
March, 1899.
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 13 day of Dec 1902.

J. T. Gardner
Notary Public.

IN RE
THE DEATH OF

a citizen of the

Nation.

Approved _____ *190* _____

Commissioner.

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

In the matter of the death of myrtle Hayer
(Here insert name of deceased.)
a citizen of the Chickasaw Nation, who formerly resided at or near
Emit
(Here insert name of postoffice.), Ind. Ter., and died on the 30 day of
Feb March 1899.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Sauken District.

I, A T McKinney, on oath state that I am 47
years of age and a citizen, by Blood, of the Chickasaw Nation;
that my post office address is Emit, Ind. Ter.; that I am
a Cousin of myrtle Hayer
(State relationship as the father, an uncle, a cousin etc.) (Here insert name of deceased),
who was a citizen, by Blood, of the Chickasaw Nation;
and that said myrtle Hayer died on the 30 day of
Feb March, 1899.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 13 day of Dec 1902

J. H. Garretts
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Sauken District.

I, F. L. Hummcutt, on oath state that I am 27
years of age, and a citizen, by u s, of the u s Nation;
that my post office address is Emit, Ind. Ter.;
that I was personally acquainted with myrtle Hayer
(Here insert name of post office) (Here insert name of deceased)
who was a citizen, by Blood, of the Chickasaw Nation;
and that said myrtle Hayer died on the 30 day of
Feb March, 1899.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 13 day of Dec 1902

J. T. Garretts
Notary Public.

IN RE
THE DEATH OF

a citizen of the

Nation.

Approved—

190—

Commissioner.

(The services of ex-Sgt McKinney witness #12)

Q Have you ever heard it said that they were Cherokee by blood?

A No sir, never have.

Q Did you ever hear that they were Chickasaw by blood?

A No sir.

Q You have never heard it claimed that the McKinneys had Cherokee blood in their veins? A No sir.

(Persons: Certified copy of marriage license to the McKinney woman filed and made a part of the record, Exhibit #4.)

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.

(Signed)

(M.B. GREEN.)

(See exhibits at al- Chas. Hayes witness #14)

Q Did you apply to anybody before you actually received your money? A J.J. Phillips taken the name of the Chickasaw in the Choctaw Nation, I lived in the Choctaw Nation and I sent my name by him and he went to Tishomingo and drew the money, three dollars and something a head.

Q Is that the only time you ever received money from the Chickasaw Nation? A Yes sir.

Q When you applied for enrollment on the Leased District roll you were refused? A Yes sir.

Q You don't know anything about the blood of your wife?

A When I went to marry Mr. McKinney told me she was a citizen of the Chickasaw.

Q Did you know whether she was a Cherokee by blood or a Chickasaw by blood? A No sir, she was known as a Chickasaw by blood.

Q Did you know she was a Chickasaw by blood? A No sir.

Oyd McKinney being sworn and examined testified:

questioned by Attorney Parsons:

Q What is your name? A Oyd McKinney.

Q How old are you? A Twenty-two.

Q Where do you live? A In the Choctaw Nation.

Q At what place? A Okmae.

Q Who was your mother? A William McKinney's wife Mary.

Q Did you ever draw, or any one for you, Leased District money in 1888? A Yes sir.

Q Who drew it for you? A Mr. Moseley, Governor Moseley.

Q Do you know or your own knowledge why your name doesn't appear on that roll? A I do not.

Examined by Attorney Conaish:

Q What do they say about the blood of the McKinney family?

(See Question of Mr. Charles Hayes witness #15)

A Yes sir.

Q For your wife and children? A Yes sir.

Q When? A I don't remember just the year, it was the time they called it the "Bread Money" that was paid out here, that was the first I drew; I didn't draw any after that. The next payment was the Leased District, and that is where I was rejected.

Q When you found you was rejected on the Leased District payment roll was that the first time your citizenship was questioned?

A Yes sir.

Q That was in 1893? A Yes sir.

Q Did you make inquiry as to why you was off the roll?

A Yes sir, I wrote to the Dawes Commission in regard to it.

Q Did you employ an attorney to have you enrolled? A Yes sir.

Q When was that? A That was after the Leased District Payment in 1893.

Questioned by Gen'r McKenna: Q Did you make application to the Dawes Commission in 1897? A No sir, I wrote to you and you wrote to me if I had ever been on the rolls I needn't make any application to you at all.

(This letter from the Dawes Commission to Chas. Hayes is filed and made a part of the record, marked "Exhibit 'B'")

Examined by Attorney Cornish:

Q What about this bread money, how much did you receive?

A Three dollars and something to the head.

Q About when was that? A I can't say, it has been several years ago, I cannot tell you when it was. It was before the Leased District payment.

Q What was the cause of that payment? A I don't know, there was no drought throughout the country.

Q Did all Indian citizens receive that money? A Yes sir, and I lived in the Chester Nation and I heard about it.

(See Garzaides et al- Charles Smith witness- 218)

Q Did you see her patent from the Government of the United States?

A No sir, I ain't no educated man.

Q Who did she sell her land to? A To a man named Andy Carr.

Q When did they come to this country? A In '44 when I did.

Q What were they called out here, were they called Cherokee out here? A I reckon they all come here the same as Chickasaws, they come with the Chickasaws.

Q They were all along regarded as Cherokee by blood? A I reckon so.

Q Did any of the McKinneys hold office? A William used to attend our county court down here, I don't know whether he held any other office.

Q You don't know about his being a member of the Legislature?

A No sir I do not.

(Certified copy of the record of rejection of Joseph Garzaides and family exhibited, and made a part of the record.)

Charles Hayes being sworn and examined testifies:

Examined by Attorney Parsons:

Q What is your name? A Charles Hayes.

Q How old are you? A Thirty-eight.

Q Are you one of the applicants here for your children? A Yes sir.

Q How long have you resided in the Chickasaw and Choctaw Nations?

A Since 1871.

Q Have you lived here continuously since that time? A Yes sir.

Q Who did you marry? A Martha McKinney, William McKinney's daughter.

Q Did you have any children by her? A Yes sir.

Q How many now living, and give their names and ages?

A Four; Denial, he is 14 years old; Minnie, 11 years old; Maggie 8 years old; Edward, four years old.

Q Did you ever draw bounty for your people as a Chickasaw Indian?

(See Sarisides et al- Charles Smith witness- 21)

- Q You know William McKinney after he came out here? A I know him before he was grown; I raised him.
- Q You know him out here? A Yes sir.
- Q You know what children he had out here? A Yes sir.
- Q Name them? A By his first wife he had two daughters and one son,- that's Harris McKinney.
- Q Do you know the names of his daughters? A One is named Martha, and Mary.
- Q Which one did Sarisides marry? A The youngest I think.
- Q They were the daughters of William McKinney? A Yes sir.
- Q Do you know whether William McKinney owned slaves or not?
- A He owned one woman after his mother died.

Examined by Chick. Att'y Cornish:

- Q When did you come out here? A In 1844.
- Q In Mississippi you knew John L. Missell? A Yes sir.
- Q And his sister Polly McKinney? A Yes sir.
- Q Did John L. Missell look like an Indian? A Yes sir, he is Cherokee.
- Q What did they call them? A They was said to be Cherokees; they drew land in Mississippi.
- Q They were said to be Cherokees? A Yes sir.
- Q They drew land in Mississippi? A Yes sir.
- Q How did they draw land in Mississippi? Did they simply live around the Indians? A Yes sir all the time.
- Q By drawing land they got their patent from the United States, it must have been drawn in a certain way, it is not just to live on it and make crops on it; did you know they drew the land from the United States? A They drew land and sold it like the balance of the Indians.
- Q How do you know that? Did you see their patent? A No sir.
- Q How much land did Polly McKinney draw? A I don't know sir.

(Joe Garrison et al-Chickasaw Smith witness- (19.)

whether she was related to John Missell or not? A That was her brother, John Missell was her brother; I have known him ever since I was ten years old.

Q Polly McKinney, was she Indian? A Yes sir, both of them.

Q Did she have the features of an Indian? A Yes sir.

Q They was as dark as any of these Chickasaws? A Darker.

Q You know whether Polly McKinney spoke the Chickasaw language or not? A Yes sir she could, and the old man could do it.

Q They were both dark and both talked the Chickasaw language?

A Yes sir, both talked the Chickasaw language.

Q Was Missell interpreter for the Chickasaw Indians a long time?

A Yes sir. He used to come to Memphis; he would come there and interpret for the Indians.

Q John Missell, the brother of Polly McKinney, would come there and interpret for the Chickasaw Indians? A Yes sir.

Q You know whether or not Polly McKinney owned land back there in Mississippi as a Chickasaw Indian? A Yes sir. She drew land on the Mississippi River,-- little place they called Gommaree, on the Mississippi River, eighteen miles below Gommaree.

Q You know what children Polly McKinney had? A Yes sir.

Q Give their names? A Two or three of them died in Mississippi.

Q Give the names of those that are living? A Ned McKinney, Henry McKinney, Alex McKinney, Tom McKinney, William McKinney.

Q William McKinney then was the son of Polly McKinney? A Yes sir.

Q Did you know William McKinney when he was out here? A We all come out here together.

Q You all come here in 1844? A Yes sir.

Q He come with the Chickasaw Indians? A Yes sir, with my old Master. My Master's wife was a McKinney and was in the same family that come out here.

(See Exhibit of al- Daniel Collins witness #8)

Q You knew how many he owned? A Yes sir.

Q How many? A Four.

Q He was allowed to own slaves here was he? A Yes sir, he got them from his mother's estate after her death.

Re-examined by Att'y Parsons:

Q You say Alice claimed that he was Cherokee by blood; did he always claim that he was Chickasaw by adoption? A Yes sir, he claimed to be Chickasaw by adoption.

Re-examined by Att'y Cornish:

Q What do you mean by adoption in that sense? do you mean they were always recognized and allowed to live among the Indians by blood as citizens, or that they were actually adopted by the authorities? A They claimed they were adopted; I couldn't tell you in what way.

Q Did you ever hear anything that led you to believe that they had been actually adopted by the authorities of the Chickasaw Nation?

(Statement by Att'y Parsons:

We claim no contention of that question; we claim by the laws, customs and usages that they were adopted in Mississippi.)

Charles Smith being sworn and examined testifies:

questioned by Attorney Parsons:

Q What is your name? A Charles Smith.

Q How old are you? A Eighty years old.

Q Where did you come from to this country? A Mississippi, Marshall County; I came here in '44.

Q Did you know, back in Mississippi, a lady named Polly Simpson, or Kinsall? A She was Polly McKinney when I first knew her.

Q Do you know who her kinfolks were back there, do you know

(See Services of al David Collins witness #4)

being part Cherokee.

Q Did you ever hear that they were Chickasaw by blood?

A No sir, I don't know that I ever did.

Q What have you heard about their Indian blood?

A I always heard they were part Cherokee.

Q You stated that these parties have been recognized by the Chickasaw as citizens? A As Chickasaw Indians ever since I knew them.

Q Is it not a fact that a great many people have been recognized by the Indian people as Indians and it afterwards developed that they were non-citizens? A I suppose it has been done, yes sir.

—
Re-examined by Attorney Parsons:

Q You have heard it claimed that they had Cherokee blood in them, or in other words, they were Cherokees, but they was recognized and claimed to be Chickasaw? A Claimed to be Chickasaw, yes sir.

—
Re-examined by Attorney Cornish:

Q When did you first hear the citizenship of these people questioned, about when? A It has only been a few years back. It has been since 1893 I think.

Q Did you hear this suggestion with reference to their Cherokee blood before that time, before their right was questioned in this country? A I always heard that, from the time I went to live with them, Alee always claimed he was part Cherokee.

—
Examined by Att'y Fato, one of Att'ys for applicants:

~~Q Do you know whether Alee McKinney ever owned any slaves in this country? A Yes sir, he did.~~

Q Do you know any of them at present? A I don't know whether any of them is living or not.

(See Services of Al Huxial Collins witness #7)

I don't remember what year it was in.

Q About what time? A It must have been some time in '80.

Q Did they stop at your place? A Yes sir, they staid all night at my house, the first night in the Territory.

Q Who were they hunting for and what was their object?

A Him and Pier Goldsby and Frank Missell was in the County together and were looking after their right in the Territory, and stopped at my house to see an aunt of mine, and she told them to go to the McKinneys, they was their kinfolks, and they would establish their right.

Q What McKinneys did you understand she alluded to? A Alec and William McKinney.

Q Did they leave your place saying they were going to hunt the McKinneys? A Yes sir, they were gone about a week or ten days and came back and said they had made it all right, said they had proved up their rights and was going back and move back to the Territory, and did move back.

Q Did they say through whom they had established their rights?

A My understanding was it was through the McKinneys they established their rights.

Q (By Gen'r McKennon) When was that? A Somewhere in '69.

Examined by Whick. Att'y Cornish:

Q You said that this old lady, the mother of the McKinneys, was a sister of John T. Missell? A She claimed to be.

Q Did you know them in Mississippi? A No sir.

Q Do you know anything of the adoption of this woman Pelly since by the Chickasaw people? A No sir.

Q Did she have the features of an Indian? A Yes sir, she looked to be a half-breed; she spoke good Chickasaw.

Q Was it ever claimed by them or any one else that they were Chickasaw by blood? A I have heard Alec McKinney speak about

(Joe Garsides et al Palmer S Mosley wit. #8)

Q Do you know anything about the adoption of these people by the Chickasaws? A No sir.

Q Do you know anything about the blood of these people? A No sir.

Daniel Collins being sworn and examined testifies:

Com'g McKennon: Q What is your name? A Daniel Collins.

Q How old are you? A Sixty.

Examined by Attorney Persons:

Q Where do you live? A In Panola County, Chickasaw Nation.

Q How long have you lived in the Chickasaw Nation? A Ever since 1857.

Q Do you know Joe Garsides? A Yes sir.

Q Do you know Charlie Hayes? A Yes sir.

Q Do you know Harris McKinney? A Yes sir.

Q Do you know Oyd McKinney? A Yes sir.

Q Do you know who the mother of Harris and Oyd McKinney is? A Yes sir.

Q Who? A The wife of William McKinney.

Q Do you know who Charlie Hayes and Joe Garsides married?

A They married daughters of William McKinney,-- each of them married his daughters.

Q Do you know the reputed nationality of William McKinney?

A He was always recognized as an Indian.

Q Do you know who his mother was? A She was Polly Simon until her death.

Q You know what relation she bore, if any, to John Missill?

A They always claimed to be brothers and sisters. She always spoke of him as a brother, and the other side claimed that they were brothers and sisters.

Q Do you know when the Goldsby's first came to this country? A Yes sir.

(Joe Garrison et al Supt Josiah Brown witness #5)

entitled to that? A Yes sir, that's true.

Q Is it not a fact that the Cherokee blood of these people was suggested before their right to citizenship was questioned?

A I don't recollect.

Q Have you heard them referred to as Cherokees when their right wasn't questioned? A No sir, I don't know- I have heard some say that Alec McKinney was part Cherokee but I never heard him say so.

Q That was before their right in this Nation was questioned?

A Yes sir.

Palmer S. Moseley being sworn and examined testifies:

Examined by Attorney Persons:

Q What is your name? A Palmer S. Moseley.

Q How old are you? A Forty-seven.

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

Q Have you ever held any position in the Nation? A Yes sir.

Q What? A I have been Governor of the Nation.

Q What is your position now? A National Treasurer.

Q Do you know Oyd McKinney? A Yes sir.

Q I will ask in 1893 if you remember drawing his annuity as a Chickasaw Indian? A Yes, his mother authorized me to draw his money, it was 130 dollars, and I drew it and deposited it in the State National Bank for him, and afterwards his step-father came and got the money.

Q I will ask you if you could have drawn his money unless he had been on the roll recognized as a Chickasaw Indian? A I suppose not; it couldn't have been otherwise.

Examined by Chick. Att'y Cornish:

Q Is it not a fact that a great many people drew money in that 1893 payment who have since been determined not to be Indians? A Yes sir.

(Joe Carvies et al Capt Josiah Brown witness #4)

Q It is your recollection that he has held some office among the Indian people? A Yes.

Q You are an Indian by blood? A Yes sir.

Q Is it not a fact that a great many people have been recognized and held office in this Indian Government and subsequent to that time their rights have been denied? A Yes, I think so. I don't know that I could point out any; I think it is a fact that there have been a number of those cases.

—
Re-examined by Attorney Persons.

Q You say you don't know anything of their adoption, but you know they were recognized as Chickasaw Indians back there? A That is the way I always heard them recognized; they moved out here before I did; I knew them in Mississippi.

Q Did they ever claim they were Cherokees until they came to this country; did you ever hear that in Mississippi? A No sir, I didn't I was small back there.

Q Do you know anything about the Goldsbys coming here seeking their Chickasaw Indian relatives here,- seeking the McKinneys as their relatives? A That is what I was told,- in '89 I found him here; he told me it was some of his relations.

Q You afterwards learned that the Goldsbys did prove up their citizenship as being related to the McKinneys? A Yes sir, I did.

Q They established their kinship with the McKinneys, that's on the Goldsbys side? A Yes sir.

—
Re-examined by Att'y Cornish.

Q Is it not true that of your personal knowledge a great many people have been regarded as members of the Chickasaw Nation, and have acquired and enjoyed these benefits and been recognized by the Chickasaw people and it afterwards developed that they were not

(See Exhibit at al Capt Josiah Brown witness #5)

Q Was he known and recognized as an Indian in this country?

A Yes sir, had the same privileges as the balance of the Indians.

Q Do you know Gyd McKinney? A No sir; I have seen him I guess, but I don't know him.

Q You know what relation exists between the McKinneys and Goldsby or Mizells? A He was a first cousin to Mrs. Goldsby.

Q Frank Colbert's widow? A No, her mother.

Q That would make him a second cousin to Frank Colbert's widow?

A Yes sir.

(Examined by Chickasaw Att'y Gornish)

Q When did you leave Mississippi and come to this country?

A We came to Fort Smith, - I think it was 1845.

Q Did you know John L. Mizell? A Only from hearing old lady McKinney talking about him as her brother John.

Q How was he related to Mrs. McKinney? Or Mrs. Simon?

A He was her brother.

Q You understand he never came to this country? A I don't know that he did.

Q Do you know of his adoption by the Chickasaw people? A No sir.

Q Did you know of the adoption of Polly McKinney by the Chickasaw people in Mississippi? A No sir; I would know I think of the adoption anywhere that I know of; I have never seen or heard of one.

Q What was the blood of these people? A I don't know.

Q Did you ever hear it suggested that they were Chickasaws by blood? A I don't know as I did.

Q Did you ever hear that they were Cherokees by blood? A Yes sir.

Q You stated that Mrs. Polly McKinney had the features of an Indian? A Yes sir.

Q You stated that William McKinney has been a member of the legislature? A I am not certain that he was.

(Joe Garvidez et al, Capt. Joseph Brown witness #2)

died.

Q You first saw her at your father's house in Mississippi wasn't it?

A That must have been- I don't know; I was quite young.

Q Who was she when you first knew her? A We know her as Aunt Polly McKinney.

Q Do you know what her name was before she married McKinney?

A Her name was Missell.

Q Do you know whether or not she had Indian blood in her?

A I have always been told- we recognized them, they was known as Indians.

Q Didn't she have the features of an Indian? A Yes sir.

Q You know when she moved here? A No sir, she come before we did, I don't know how long before.

Q Her son William McKinney, did he ever hold any office in this Nation here that you know? A I don't recollect; yes I think he has been a member of our legislature, I am not certain.

Q Do you know whether or not he was a Delegate to Washington?

A I don't think he ever was.

Q You say he was always known and recognized here as an Indian?

A He drewed all the rights and was recognized as a citizen of the Chickasaw Nation so far as I ever heard.

Q Do you know Charlie Hayes? A Yes sir.

Q Who did Charlie Hayes marry? A He married a daughter of William McKinney, I have been told.

Q It was generally conceded that he was a son-in-law of William McKinney? A Yes sir.

Q Do you know Joe Garvidez? A I have got acquainted with him recently.

Q You don't know of his marriage? A No sir, only hearsay.

Q Do you know Harris McKinney? A Yes sir.

Q How long have you known him? A Ever since he was a little kid.

COPY.

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

In the enrollment of Joe Services et. al. Chickasaw,
Harris McKinney, Oyd McKinney as Chickasaw.

Statement by Att'y Col. Parsons, Att'y for the applicants:

Claimed, that these people are the descendants and the children by marriage of the McKinneys; that Oyd McKinney and Harris McKinney are children of William McKinney; that Hayes and Services married daughters of William McKinney, under whom they claim; Charles Hayes is dropped from the rolls; they are not found upon any of the rolls; they have been living here in the Nation all the time;- that is, he isn't on the roll we have been able to find; Oyd McKinney, we don't find him on the roll.

Captain Josiah Brown being sworn and examined testifies:

Examined by Attorney Parsons:

- Q What is your name? A Josiah Brown.
- Q How old are you? A Sixty-four.
- Q Where do you live? A At Fishingboro.
- Q How long have you resided there? A I moved there in '49.
- Q You have been in the Nation since 1848? A Yes sir, I came to the Chickasaw Nation in 1845.
- Q What nationality do you claim to be? A Chickasaw by blood.
- Q Did you know William McKinney during his lifetime? A Yes sir.
- Q When and where did you first know William McKinney?
- A First time I ever saw him,- he was the oldest of them,- was down in Pamela County, Chickasaw Nation. That was along in '50 I reckon.
- Q Did you know William McKinney's mother? A Yes sir.
- Q Where did you first know her? A I saw her at my father's house in Mississippi, and I knew her all the time from that time

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

In the matter of the application of
Charley Hayes for enrollment as an
intermarried citizen of the Chick-
asaw Nation.

---D 177---

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 Charley Hayes 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 appeared by his attorney, A. B. Person, of Denison, Texas, and submitted this case upon the record as now made up.

---D---

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?

proved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats. 641), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

OCT 4- 1905

9-D-177.

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

In the matter of the application for the enrollment of Charley Hayes as a citizen by intermarriage of the Chickasaw Nation, and for the enrollment of his children, Daniel, Minnie, Maggie and Edward Hayes as citizens by blood of said Nation.

- - : D E C I S I O N : - -

It appears from the census card record in this case that on October 14, 1898, Charley Hayes appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by intermarriage of the Chickasaw Nation, and that on December 19, 1902, application was made to said Commission for the enrollment of Daniel, Minnie, Maggie and Edward Hayes as citizens by blood of the Chickasaw Nation.

It further appears from the record herein that on December 29, 1880, the principal applicant, Charley Hayes, was married in accordance with the laws, customs and usages of the Choctaw Nation to Mattie McKinney, a recognized citizen by blood of the Chickasaw Nation. That at the date of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and that they lived together as husband and wife in the Choctaw-Chickasaw country from the date of their marriage until the death of said Mattie McKinney about the year 1895. That thereafter said Charley Hayes was married to Flora Pulcher, and after her death was married to Sallie Taylor, both of whom were white women claiming no right of Chickasaw citizenship by blood. That said applicant has been a resident in good faith of the Choctaw-Chickasaw country from the date of his marriage to said Mattie McKinney up to and including September 25, 1902.

It further appears from the record herein that the minor applicants, Daniel Hayes, Minnie Hayes, Maggie Hayes and Edward Hayes are the children of the principal applicant and of said Mattie Hayes; that they were born in the Choctaw-Chickasaw country, and have resided therein continuously from the dates of their respective births up to and including September 25, 1902.

Upon an examination of the tribal rolls of the Chickasaw Nation the principal applicant, his wife Mattie Hayes and eldest son Daniel Hayes, are identified upon the 1893 Chickasaw Leased District Payment Roll, Choctaw District, (Maytubby Roll), at No. 76.

I am therefore of opinion 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, Charley Hayes should be enrolled as a citizen by intermarriage of the Chickasaw Nation, and that Daniel Hayes, Minnie Hayes, Maggie Hayes and Edward Hayes should be enrolled as citizens by blood of said Nation, in accordance with the provisions of the Acts of Congress ap-

4-Charley Hayes et al.

Q Was your name, to your knowledge, ever sought or attempted to be placed upon the 1893 Chickasaw Leased District Payment Roll? A That was the \$130 Payment?

Q Yes. A Not as I know of, only one time that I sent my name to it.

Q Did you ever hear or know of your name or the names of your children being placed on that roll and afterwards being stricken off? Ever hear anything of that kind? A No, nothing of that kind. I was placed on the doubtful roll. I started up to the payment and Dan Collins, my wife's uncle, just told me that they contested my name there; there was no use going until it was settled.

Q What was your object in moving from the Choctaw to the Chickasaw Nation. A So that I could take the benefit of the schools.

Q What school? A Chickasaw schools, as I couldn't send my children at home to the neighborhood schools of the Choctaw Nation.

Q Did you afterwards send your children to the Chickasaw schools?

A Yes; as soon as I get back home I have got two girls to put in too. The Chickasaws don't deny my citizenship at all. If they did my children wouldn't be in schools there.

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 an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this September 5, 1905.

Myron White

Notary Public.

3-Charley Hayes et al.

Q Edward was born in the Chickasaw Nation and the other children were born in the Choctaw Nation? A Yes sir.

Q So that the reason that your name appears upon the 1885 Choctaw Census Roll is because you were living in the Choctaw Nation at that time? A Yes sir.

Q At the time you were so registered, in 1885, did you seek to secure registration as a Chickasaw residing in the Choctaw Nation, or as a Choctaw? A No, neither one.

Q You just turned in your name? A Yes, to be put on the census roll.

Q And the first effort that you made to secure your enrollment on the Chickasaw roll was the 1893 roll? A No, the first payment I drew was in 1882 in the Chickasaw Nation. I lived in the Choctaw Nation at that time, and Mr. Phillips, in the Choctaw Nation, he always took the Chickasaw Nation names and went to Tishomingo and got the money and brought it back.

Q With the exception of this 1882 payment, the only effort you made to get on the Chickasaw tribal rolls was the time of this 1893 payment? A Yes sir.

Q And at that time you were refused enrollment were you not? A Yes sir.

Q And the reason is as you have previously stated? A Yes sir.

Q So you don't claim that either yourself or your wife or any of your children appear upon any of the Chickasaw tribal rolls, with the possible exception of this 1882 roll? A Yes, that's the only one.

Q That is the only claim that you make as to the Chickasaw enrollment of either yourself or your family? A Yes, that is the only.

Q Was your wife, during her lifetime, recognized as a Chickasaw in any other way. A I suppose so; the Chickasaws educated her.

Q Did she go to the Chickasaw schools? A Yes, she never was out of the Territory.

Q Were they Chickasaw schools? A Yes, I couldn't be positive whether they were Choctaw or Chickasaw schools; you see they have got Chickasaw schools in the Choctaw nation for the benefit of the Chickasaws.

Q You don't know whether she went to the Chickasaw schools or not? A No sir.

Q You know, though, that she attended the Indian schools? A Yes sir.

Q Have you ever been recognized by the Chickasaw nation as a Chickasaw in any way? A I reckon so; I vote every election there is.

Q Have you ever held any office in the Chickasaw Nation? A No, I never have.

Q Did you ever hold permits? A Yes, permits before I was married; not since.

Q By whom were these permits issued? A I held a permit under Frank Overton, and held a permit--I can't tell you; I have got several at home.

Q Were the permits such as you had issued by the Choctaw or Chickasaw authorities? A Choctaw; when I moved over into the Chickasaw Nation I was rejected as a Chickasaw over there. Then they wouldn't issue me permits..

Q Is there anything else that you wish to state in your case with reference to the tribal enrollment of yourself and your wife and children? A I don't know that there is.

Q Is there any further explanation of any kind that you want to give? A No, not that I know of.

2-Charley Hayes et al.

reason, on account of that misunderstanding. I made application. I sent them both the children's names and myself for enrollment, and I just understood that I was put on the doubtful list. At the time of that payment some money was held back to pay disputed claims and Dr. Murray was attending to my business, and when he put in my claim at the next payment they just asked him if there was anyone that would swear that I married Bill McKinney's daughter; -that was my wife's father, - which they would not. Well, they wrote it and wrote to Albert McKinney a cousin of my wife and he didn't go and it was passed over then.

Q Was your wife, Mattie McKinney, ever enrolled on any of the tribal rolls that you know of? A Yes, I suppose so. She was sent to the Indian schools held there.

Q How long had she been dead? A Been dead about ten years.

Q She was living in 1893? A Yes sir.

Q They didn't make that payment to her at that time? A No sir.

Q For this reason you have given? A I suppose so; that was what they claimed; I guess that was the only reason.

Q Your wife then, did not appear on the 1878 annuity roll?

A Not as I know of.

Q She was living in the Chickasaw Nation at that time? A No, she was living in the Choctaw Nation; I married her in the Choctaw Nation.

Q Your name and the name of your oldest son appear on the 1885 Choctaw Census Roll. Can you explain how that is if you are, as you claim, a Chickasaw? A Not the pay roll.

Q Yes, the 1885 Choctaw Census Roll. A Well, that was all there was of them. We lived in the Choctaw Nation at that time.

Q When did you go to the Choctaw Nation to live? A I lived there a year before I was married. I moved from the Choctaw after I was married to the Chickasaw.

Q When did you move to the Chickasaw Nation? A Moved to the Chickasaw Nation about eleven years ago as near as I can remember. I can't tell you the year I moved.

Q You moved from the Choctaw Nation to the Chickasaw before you were married? A No. No, after I was married; I was married in 1880.

Q Where were you living when you were married? A Atoka.

Q In the Choctaw Nation? A Yes sir.

Q How long did you continue to live in the Choctaw Nation after you were married? A I lived in the Choctaw Nation several years.

Q About how many years? A I lived in the Choctaw Nation 12 or 14 years. I moved to the Chickasaw Nation just before that payment for \$130 to the head. I lived in the Chickasaw ---

Q You lived in the Choctaw Nation until just prior to that 1893 payment? A Yes sir.

Q Now, where did you marry your wife? A I married her five miles from Atoka.

Q In the Choctaw Nation? A Yes, at her uncle's house.

Q So she was a resident of that nation at the time you married her? A Yes sir.

Q Did she go to the Chickasaw Nation at the same time you did?

A Yes, at the same time I did.

Q So that the first time that you and your wife resided in the Chickasaw Nation was just prior, shortly prior, to the 1893 payment? A Yes sir.

Q And your children were born where? A In the Choctaw Nation, except Edward; he was born in the Chickasaw Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, September 5, 1906.

In the matter of the application for the enrollment as a citizen by intermarriage of the Chickasaw Nation of Charley Hayes, and for the enrollment as citizens by blood of said Nation of his children, David, Minnie, Maggie and Edward Hayes.

Charley Hayes being first duly sworn testified as follows:

Examination by the Commissioner:

Q Your name is Charley Hayes? A Yes sir.

Q What is your age? A Forty-eight.

Q Your postoffice address? A Emet, Indian Territory.

Q Are you 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 Mattie McKinney before she married me.

Q You also applied for the enrollment of your children, Daniel, Minnie, Maggie and Edward as citizens by blood? A Yes sir.

Q Have you ever been enrolled by the tribal authorities as a citizen of the Chickasaw Nation that you know of? A Yes sir.

Q What year was it that you were enrolled? A If I aint mistaken it was 1882; somewhere along there. It was only three fifty for the head.

Q Your name does not appear upon any other roll, does it, except this roll which you say was made in 1882? A I don't know that it ever did.

Q Did you draw the 1893 payment? A No sir.

Q Explain if you know why it was that you didn't draw that payment? A Well, sir, it was a misunderstanding. I want to explain that. That has been all my trouble and I want to explain it so that you will understand it. My wife was raised by her uncle Alex McKinney--taken when she was very young, and also they had a boy taken when he was an infant and raised him, and they was raised together. When I moved into the Choctaw Nation,-- I moved into the Chickasaw Nation just before the Chickasaw payment was to be made. Governor harris was in then, and they had taken my wife to be a sister to this boy that was raised by the same family and that's how it come their not paying me that money. I didn't know it for quite awhile and then Governor Johnston told me aboutnit. He had taken my wife to be a sister of Ben McKinney, a sister to him which we all knew to be a white boy; he didn't have any Indian blood at all. It was sometime before Governor Johnston got onto it and he came to me one day and told me. He asked me if my wife was Ben McKinney's sister and I told him no. And its just like that. The rest of my wife's family, brother-in-law and all, are on the roll.

Q Did you apply for the 1893 payment? A Yes, I applied for it.

Q What was said to you at the time you applied to the tribal authorities for enrollment at that time, as a reason why they refused your enrollment? A I don't know. I suppose that was the

Charley Hayes, et al-4

I got a little pamphlet from them in regard to making application and they wrote back; and he just wrote back if I was ever on the rolls of the Chickasaw Nation I need not make application.

Q Do you know the grounds upon which the rolls in 1893 contested the rights of your wife and children to enrollment as citizens of the Chickasaw Nation? A No sir, I don't know on what grounds it was.

Q Was your wife during her life always recognized as a citizen of the Chickasaw Nation? A Yes sir, up until that payment where she was rejected.

Q Didn't they give you any reasons at that time for rejecting your wife and children? A No sir.

Q You never tried to find out why this was done? A No sir, I just employed a lawyer and thought he was attending to it until I got notice to appear here. I thought every thing was settled from what he told me. He told me that the only thing that was in the way was that I was intermarried, my and Mr. Garsides.

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, January 28, 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 28th day of January, 1903.

John S. Fieber
Notary Public

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Charley Hayes, et al.

Q Do you know of a census roll having been made of members of the Choctaw Nation in 1885? A Yes sir, they went around and took the census and my family was put on it--I lived right there in the Choctaw Nation.

Q How large was your family at that time? A I never paid any attention to it; I could tell you the man who took the census all right; he came to my house.

The name of the principal applicant herein, his wife, Mattie Hayes and their two minor children, Alexander and Daniel Hayes appear upon the 1885 census roll of the Choctaw Nation, Jacks Fork County, Page 7, as numbers 94, 95, 96 and 97, respectively.

Q Were you and your family ever enrolled after that time as members of either the Choctaw or Chickasaw Nation? A I couldn't say.

Q Where were you living in 1893 when the leased district payment was made? A I was living near Emet.

Q In the Chickasaw Nation? A Yes sir.

Q When did you remove from the Choctaw Nation to the Chickasaw Nation? A I moved--that payment was in 1893--it must have been in 1892 that I moved from the Choctaw Nation over there. That was the first time I had a chance to enroll my family in there.

Q Were the names of any of your family placed upon that roll? A Not of my family.

Q Did you try to have your family enrolled? A Yes sir, I made application to Mr. Scott Hawkins for enrollment.

Q What was the reason given you for not placing your family upon that roll? A Simply because I wasn't known there.

Q Was any objection made to the rights of your wife and children at that time? A I suppose so--I didn't get on the roll--they wouldn't place me on the roll, claiming that we weren't citizens. That was the first I ever knew of not being a citizen was at that time.

Q Were the names of any of your family placed upon the 1896 census roll of the Chickasaw Nation? A I don't remember of their ever going around to take the census since I've been in the Chickasaw Nation. I don't remember of their ever coming to my house.

Q You don't know, then, that your family was listed at that time? A No sir.

Q The only time then that your family have been enrolled, to your knowledge, is on the old rolls in 1883 and 1885? A Yes sir, in '83 and '85; yessir, that's the only time we had a chance up to '93 and that's where we were rejected the first time.

Q Were your wife and children ever admitted to Chickasaw citizenship by the legally constituted authorities of that nation? A My children have been, by the school; I moved back from the Choctaw Nation; there's how I come to go to the Chickasaw Nation, because they claimed us to be Chickasaws and I wanted to school my children and that's why I went to the Chickasaw Nation. I moved there and sent

my children right along to school and they were never rejected and never has been rejected, to going to this school up to this day. I am sending my children now to a white school there just on account of a little girl teaching school there.

Q Your wife and children were never admitted by an act of the Legislature of the Chickasaw Nation? A No sir.

Q Were you and your family applicants before this Commission in 1896 for admission to citizenship in the Chickasaw Nation? A No sir.

Charley Hayes, et al. - 2

- Q There was no separation of any kind whatsoever during her life?
A No sir.
- Q Since her death have you remarried? A Yes sir.
- Q What is the name of your third wife? A She was widow Pulcher-- I've been married twice since that--widow Pulcher was a citizen also.
- Q When did you marry her? A I married her--let's see--four years ago; it will be five years in April.
- Q Was she a citizen by blood of the Chickasaw Nation? A No sir, she was a citizen of the Choctaw Nation by marriage.
- Q What is her given name? A Flora.
- Q How long did you live with her? A I only lived with her; she only lived eight months.
- Q You lived with her until her death? A Yes sir.
- Q Did you obtain a license to marry her? A No sir, I married her under the Choctaw law; they didn't require a license.
- Q Just obtained a certificate? A Yes sir.
- Q After her death did you remarry? A Yes sir.
- Q What is the name of your next wife? A Sallie Taylor.
- Q Is she a white woman or an Indian? A White woman.
- Q She made no claim to enrollment as a member of any Indian tribe?
A No sir.
- Q When were you married to her? A Three years ago, soon be.
- Q Are you still living with her? A Yes sir.
- Q Where was this marriage ceremony performed? A In Emet.
- Q Were you married under the tribal laws or United States laws?
A United States laws.
- Q Since your marriage to your Indian wife, Mattie McKinney, have you maintained a continuous residence in Indian Territory up to the present time? A Yes sir.
- Q You are at present an actual, bona fide resident of the Chickasaw Nation? A Yes sir.
- Q Have you got any children by your Indian wife for whom you claim the right to enrollment as citizens of the Chickasaw Nation?
A Yes sir.
- Q What are their names and ages? A Daniel, 18 years old; Minnie, 14; and Edward is 7; Maggie is 11.
- Q These children are all living at the present time? A Yes sir.
- Q Have you or your children ever been recognized or enrolled by the Chickasaw tribal authorities as citizens of that tribe? A I have, but my children has not, the ones that's living.
- Q When were you recognized or enrolled? A It was in 1883 I reckon, on the rolls known as the "Bread Money" I think the Chickasaws claimed it.
- Q You were enrolled at that time and received your pro-rata share of that payment? A Yes sir.
- Q How many of your family drew that money? A There was my wife, one child and myself.
- Q What was this child's name? A Aleck.
- Q He has died since that time? A Yes sir.
- Q Where were you living at that time? A I was living in Atoka, Choctaw Nation at the time of that payment.
- Q Were you at that time recognized as Chickasaws or Choctaws? A ~~We was recognized as Chickasaws and Choctaws both. I went to school~~ right there in the Choctaw Nation; McKinney he told me that they were Chickasaws and Choctaws both when I married her.
- Q Were the names of yourself and family placed upon any rolls of the Choctaw or Chickasaw Nation soon after that payment? A They were put on a white card.
- Q I mean by the tribal authorities? A No, they never had no chance up to that payment.

9-D-177

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 28, 1903.

In the matter of the application for the enrollment of Daniel Hayes, Minnie Hayes, Maggie Hayes and Edward Hayes as citizens by blood of the Chickasaw Nation and for the enrollment of Charley Hayes as a citizen by intermarriage of the Chickasaw Nation.

Said Charley Hayes, being first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Charley Hayes.
Q How old are you? A I am forty-three years old.
Q What is your postoffice address? A Emet, Indian Territory.
Q Are you an applicant before this Commission for enrollment as an intermarried citizen of the Chickasaw Nation? A Yes sir.
Q What is the name of your Chickasaw wife through whom you claim this right? A Mattie McKinney.
Q You are a white man, are you not? A Yes sir.
Q Was Mattie McKinney a recognized and enrolled citizen of the Chickasaw Nation? A She was.
Q When were you married to her? A In '80.
Q Where was this marriage ceremony performed? A It was performed near Atoka--five miles north of Atoka--northeast of Atoka.
Q In the Choctaw Nation? A Yes sir.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law? A Yes sir.
Q Did you obtain a tribal license? A Yes sir.
Q From whom did you get that license? A D. F. Smith, I think is his initials; he was circuit clerk or county clerk.
Q How much was the license fee that you paid? A Twenty-five dollars.
Q Who performed the marriage ceremony? A Parson Myatt, a Methodist minister.
Q Were you ever married before your marriage to Mattie McKinney? A Yes sir.
Q How many times before? A Once.
Q What was the name of your former wife? A Mary White.
Q Was she a white woman? A Yes sir.
Q Was she dead at the time of your marriage to Mattie McKinney? A Yes sir.
Q Was Mattie McKinney ever married before her marriage to you? A No sir.
Q After this marriage how long did you live together continuously as husband and wife? A We lived together for about fifteen years, as near as I can count back--about fifteen years.
Q At the end of that time did she die or did you separate? A She died.

Chickasaw Nation v. Harris McKinney.
~~Chickasaw Nation v. Harris McKinney et al.~~
Chickasaw Nation v. Joseph Garaiden et al.
Chickasaw Nation v. Charles Hayes et al.
Chickasaw Nation v. Oyn McKinney-----6.

sir, for a good long while.

Q I will ask you if you ever heard of their rights being disputed until after there was a committee sent to work to purify the roll, and struck the names of different parties off, and among them the names of the McKinneys? Did you ever hear it before that? A No, sir, I never heard their rights disputed until the Howe Commission came here.

Witness excused.

CHARLES LAFLORE, being sworn by Acting Chairman Binby, was examined upon the part of applicants by Mr. Person and testified as follows:

Q Give your name, age and residence? A Charles Laflore, fifty-nine years old, Choctaw Nation.

Q You are a Choctaw by blood, are you? A Yes, sir.

Q Did you know William? Aleck or Harry McKinney? A Yes, sir.

Q Do you know their mother now? A No, sir.

Q I will ask you if either of them held any positions as officials in the Nation while you knew them. A Henry McKinney did, Henry McKinney was a public officer of the Chickasaw Nation nearly all the time I knew him.

Q Nearly all the time you knew his hold an office in the Chickasaw Nation? A Yes, sir.

Q I will ask you if he wasn't sent as a delegate to Washington several times? A Yes, sir; that I am understanding.

Q In the interest of the Chickasaw Nation? A Yes, sir.
Cross examination waived.

Witness excused.

William B. Wellshier, being duly sworn, upon his oath states that he stenographed to the commission to the Five Civilized Tribes he reported in full all proceedings in the above-mentioned cases had in the forenoon of December 8th, 1900, at the place above mentioned, and that the foregoing is a true, complete and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of December
A. T. 1900.

J. J. McKinney
Acting Chairman.

Chickasaw Nation v. Morris McKinney et al.
Chickasaw Nation v. Joseph Garides et al.
Chickasaw Nation v. Charles Hayes et al.
Chickasaw Nation v. Oyd McKinney -----5.

Ballie if she knew this man Missall, and she said yes, she knew him and knew him back in Mississippi. And he asked Aunt Ballie if she knew where this Garides family was a descendant of that man Missall, and asked what was his nationality.

Q When she asked if the Garides were descendants of the Missalls what did she say? A She said they were.

Q Then, about the nationality? A She said they were Cherokees.

Q Did she go on and say anything further? A No, sir.

Q Did she make any statement as to what connection Missall bore to the Chickasaw tribe of Indians at that time in Mississippi?

A No, sir; the old lady wouldn't swear to it. She was a very old lady and could not hardly understand, and couldn't speak the English language.

Q Was there any hesitation to her answers to these questions when they were asked her? A No, sir; she answered the questions very promptly.

Q How long was it after that until she died? A I believe it was about two years.

Q Do you know whether or not the claim was presented to the Cherokee authorities? A I don't know anything further than that.

Q What became of this statement you took from Mrs. Alberson?

A Why, after she wouldn't swear to it, I destroyed it. If she had sworn to it I would have put it on record.

Q What did she say, and what were her objections to swearing to it? A She said something in Chickasaw and I didn't understand it. Any way she could not hold up her hand. Judge Gooding asked her to be sworn and she wouldn't do it.

Q How old was she regarded to be at that time? A No one didn't know her age, but supposed she was something near or over a hundred years old at that time.

Q What was the name of the person who died? A No, sir; at that time.

CROSS-EXAMINATION - - - - - by Mr. Person.

Q You didn't preserve the statement after that? A No, sir.

Q And Judge Gooding was present with you at the time the statement was taken? A Yes, sir.

Q And he heard her replies to your questions? A Yes, sir.

Q Who did the questioning? A Judge Gooding.

Q And you did the writing? A Yes, sir.

Q Who else was present? A Mrs. Collins, and some of the small children.

Q Dan Collins wife? A Yes, sir.

Q She made a statement that it was her understanding, or she understood them to be Cherokees, did she? A They put the question to her positive and she answered it positive that he was a Cherokee.

Q Did she give the reasons she knew? A No, sir. The reasons wasn't asked. She wasn't asked why she knew it.

THE PERSON: (Counsel for applicants) It seems that she and the patent office at Washington conflicted on that proposition.

THE COURT: (Counsel for Chickasaw Nation) That wouldn't go into the record. The patent office will answer for itself.

Q I will ask you how long you have known this McKinney family. Do you know Charley McKinney? A No, sir.

Q Did you know any McKinney? A No, sir. I knew Alock McKinney.

Q You were not personally acquainted with Henry McKinney?

A No, sir.

Q These McKinneys have been recognized as Chickasaw Indians in this court ever since you have known them, haven't they? A Yes,

Chickasaw Nation v. Harris McKinney et al.
Chickasaw Nation v. Joseph Garsides et al.
Chickasaw Nation v. Charles Hayes et al.
Chickasaw Nation v. Oyd McKinney-----4.

M. C. MURRAY, being sworn by Acting Chairman Hixby, was examined upon behalf of the Chickasaw Nation by Mr. Cornish, and testified as follows:

Q What is your name? A M. C. Murray.
Q How old are you? A Thirty years old.
Q Where do you live? A Near Colbert.
Q You are a Chickasaw Indian by blood? A Yes, sir.
Q You have held various official positions under the Chickasaw government? A Yes, sir; I have held a few.
Q Do you know the McKinnays? A Yes, sir.
Q Do you know Mrs. Lou Winters, who was at one time the wife of Frank Colbert? A Yes, sir.
Q Were you at one time the county clerk of Panola, Chickasaw Nation? A Yes, sir.
Q Was Mr. J. W. Gooding at the same time Judge of Panola County, Chickasaw Nation? A He was.
Q When was that? A He was elected in 1892, and his term expired in the fall of 1894.
Q Do you know an old Chickasaw woman named Mrs. Sallie Albersen, who lived at that time with Daniel Gellins? A Yes, sir.
Q How long had you known her? A All my life.
Q How old a woman was she at that time? A She didn't know herself. I suppose something near a hundred years old.
Q Was she one of the oldest people among the Chickasaw Indians? A Yes, sir.
Q She was a Chickasaw Indian by blood, and always recognized as such? A Yes, sir.
Q Who came with the Indians when they came from Mississippi? A I suppose, yes, sir.
Q And she lived there until she died? A Yes, sir.
Q Who is now dead? A Yes, sir.
Q I will ask you what transpired in 1892, I think it was, in regard to taking some proof from Mrs. Sallie Albersen as to the Cherokee blood of Mrs. Lou Winters in support of her application to be placed upon the pay roll in the Cherokee Nation, upon what is known as the Cherokee strip payment.
MR. PEARSON: (Counsel for applicants) Object to that testimony. It could not possibly bind any one except Mrs. Winters.
MR. HIXBY: (Acting Chairman of Commission) Objection is overruled.
MR. PEARSON: (We save our exception)
Q Go ahead now. A Sometime between the first day of September and the latter part of October, 1892, Mrs. Winters and Mrs. McCoy, she was a sister of Mrs. Winters, came to my house and asked me to come down to Mr. Gellins the next day, and wanted Judge Gooding there, to take Aunt Sallie Albersen's testimony, and wanted me to take it down as I was clerk of the county,--wanted me to take the testimony down, and she was trying to get proof of her Cherokee rights; at that time there was a Cherokee payment going on.
Q At that time. What was the payment known as? A The Cherokee strip payment.
Q Now, what were the substance of the answers of Mrs. Albersen to the questions of yourself and Judge Gooding, at the instance of Mrs. Winters.
MR. PEARSON: I object to that on the ground that the instrument itself would be the best evidence.
MR. HIXBY: That instrument is not in existence.
A Judge Gooding asked the questions and I was to do the writing and take down the questions and the answers. And he asked Aunt

Chickasaw Nation v. Harris McKinney et al.
Chickasaw Nation v. Joseph Garfield et al.
Chickasaw Nation v. Charles Hayes et al.
Chickasaw Nation v. Oyd McKinney -----3.

never heard it applied to her. I have heard that the boys was part Cherokee, is all.

REDIRECT EXAMINATION - - - - - By Mr. Person.

Q Do you refer to, I will ask you if you ever have traced it to its source and knew whether there was any truth in the report that they were Cherokee? A No, sir; I paid no attention to it.

Q It was just a rumor that was going around, and you don't know where it originated, and you don't know whether there is any truth in it or not? A No, sir; I don't.

Q You don't know where it originated or where it was started or who started it? A No, sir.

REVERSE EXAMINATION - - - - - By Mr. Conlisk.

Q When did you hear that first? A I don't recollect. It has been since we moved to this country.

Q About how long ago, Captain Brown? A Thirty or forty years ago, I reckon.

Q Then you have heard it stated their blood was Cherokee some thirty or forty years ago? A I don't recollect. It was a good many years ago.

Q Did you know Mrs. Lou Winters who was at one time the wife of Frank Colbert? A Yes, sir.

Q She is a descendant of this John L. Mixsell? A Yes, sir.

Q The McKinneys are descendants of Mrs. Simon and Mrs. Winters was the descendant of John L. Mixsell? A Yes, sir.

Q Do you know whether any of these people made an effort to raise strip money in the Cherokee Nation, and in support of that application made an effort to prove their Cherokee blood?

MR. PERSON: (Counsel for applicants) I object to any of these circumstances unless the applicants may have been concerned.

MR. CONLISK: (Counsel for Chickasaw Nation) I suggest that the record in this application shows that they are relying very largely upon their relationship with John L. Mixsell, as stated that the record in that case he made a part of the record in this case. And if that does not give a right to go into the blood of John L. Mixsell, I don't know what does.

MR. PERSON: Here is the point I suggest, that if some one from over yonder, or over here or anything else, presented himself to the Cherokee Nation and claimed to be a Cherokee for the purpose of getting money there, and as a matter of fact that is not true, we insist that he could not bind another party who is seeking his rights as a Chickasaw Indian. Of course if the Commission sees proper it can take it with my objection.

MR. CONLISK: (Counsel for Chickasaw Nation) It is not binding, it is simply a circumstance.

MR. PERSON: It is not even a circumstance.

MR. CONLISK: (Counsel for Chickasaw Nation) If it goes in the record it goes as a circumstance.

MR. PERSON: (I want it under my objection that is all.

MR. BERRY: (Acting Chairman of Commission) I will overrule the objection.

MR. PERSON: (And we have the exception.

Q Do you know of an application of the descendants of John L. Mixsell to draw money of the Cherokee Nation during the strip period? A I do not.

Q Do you know whether or not any of the descendants of Mrs. Simon, these McKinney people, made such an application? A I do not.

Witness examined.

Chickasaw Nation v. Edwin McKinney, et al.
Chickasaw Nation v. Joseph Corvado et al.
Chickasaw Nation v. Charles Hayes et al.
Chickasaw Nation v. Oys McKinney.

-----2.

Q Who did he marry? A He married a daughter of William McKinney.

Q Did you know Oys Macki may? A I simply knew him when I saw him. I had never heard about him.

Q He was also a son of William McKinney, was he? A Yes, sir; he was a son of William McKinney.

Q Charley Hayes is the party that is here as an applicant? A Yes, sir.

Q Do you know when the McKinneys came to this country? A No, sir; I don't recollect the date. They came before I did.

Q And Polly McKinney, you say, had there was recognized as a Chickasaw Indian,--in Mississippi? A Yes, sir; I never heard nothing else. She lived among them and they all claimed to be Indians there, and she drew land there.

Q You never heard anything to the contrary? She was thought of there with the Chickasaw Indians? A Yes, sir; and she came out and lived and died among the Chickasaw Indians.

CROSS-EXAMINATION - - - - - By Mr. Corvado.

Q You testified in the case, didn't you, Captain Brown, at Durant in the summer of 1899, in August, I believe it was? A Yes, sir.

Q Mrs. McKinney, or Mrs. Simon, they are related to John L. Missell? A They were regarded as brother and sister.

Q Yes. Understood to be brother and sister? A Yes, sir. I have heard Polly call him brother John.

Q Captain Brown, in August, 1899, this question was asked you, if you had ever heard it stated among the Chickasaw people that the blood of these people were Cherokee, and your answer was yes, sir. A That is since we came here, yes, sir.

Q Since they have come here you have heard it also said that they were Cherokee by blood? A Yes, sir; I have heard of it.

Q Did you ever hear it claimed among the Chickasaw people that they were Chickasaws by blood? A I don't recollect that I ever did.

Q You have known them from the time you knew them in Mississippi until they died, or until you moved away? A Yes, sir.

Q And John L. Missell--as the brother, as I understood it, the brother of Mrs. Polly McKinney or Mrs. Polly Simon? A Yes, sir.

Q Did Mrs. Simon or Mrs. McKinney come to this country? A Mrs. Simon came, yes, sir.

Q Did John L. Missell come to this country? A I don't believe he did, I don't know.

Q Wasn't he the interpreter for the Chickasaw Indians? A I have been told that he was, yes, sir.

Q It is your understanding that he was an interpreter among the Chickasaw Indians? A Yes, sir.

Q Do you know how long he lived among them in that capacity? A No, sir; I do not.

Q You have heard it stated also, since this question has been raised, that his blood was Cherokee, also? A I don't recollect that I ever did.

Q You don't recollect that you heard it applied to him? A No, sir.

Q You heard the suggestion applied to Mrs. McKinney? A I

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T. December 8th, 1900.

Chickasaw Nation

vs. 9-D.176.

Harris McKinney et al.

Chickasaw Nation

vs. 9-D.202.

Joseph Garzaides et al.

Chickasaw Nation

vs. 9-D.177.

Charles Hayes et al.

Chickasaw Nation

vs. 9-D.339.

Oyd McKinney.

On December 8th, 1900, at a session of the Commission to the Five Civilized Tribes, at Atoka Indian Territory, the above entitled causes being called for further hearing, the following proceedings were had, viz:

MR. JOSIAH BROWN, being sworn by Acting Chairman Dixby, was examined upon behalf of applicants by Mr. Person, and testified as follows:

- Q What is your name? A Josiah Brown.
- Q Where do you live? A Tishomingo.
- Q What is your age? A Sixty-five.
- Q What is your nationality? A I belong to the Chickasaw tribe of Indians.
- Q Where did you come from to the Nation? A From Mississippi.
- Q Did you know Polly McKinney back there? A Yes, sir.
- Q What was her nationality? A We thought she belonged to the same tribe I did. I was quite small then.
- Q She was recognized there as a Chickasaw Indian? A I think so yes, sir.
- Q Do you know any of her children that came out here? A Yes, sir.
- Q Who were they? A She had a son named Alcock, one named William and one named John, and then she had a daughter, I believe her name was Nellie. She married Frank Gilbert, Frank Gilbert's first wife, and Ned McKinney, also.
- Q Do you know Harris McKinney? A I just know him when I see him.
- Q Do you know who he is a son of? A William McKinney.
- Q Who was the son of Polly McKinney? A Yes, sir; William McKinney.
- Q Do you know the Garzaides wife, who he married? A I know her when she was quite small.
- Q Who was she? A William McKinney's daughter.
- Q Did you know Charley Hayes? A Yes, sir.

CHIC 1826

CHICKASAW

185
Reuben Gorn

FEB 2 1906

DECISION RENDERED

FILED

RECORDED

COPIES FORWARDED

DEPARTMENT.

Transferred from photo
law #5165, August 24, 190

MEMORANDA.

(Date) Aug 18 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,

23 ✓ Wife's name, Mary Govin

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:

County	Year	Page	No.
.....
.....
.....
.....
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.....
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.....
.....

Handwritten notes and signatures at the bottom of the page, including the number 3518.

MEMORANDA.

(Date) May 18 1899.

56 ✓ Name Reuben Goins

Choctaw? yes County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? yes Mother's citizenship _____

Intermarried citizen? _____

Married under what law? _____

License filed this day, _____

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:

21 Cordelia 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. _____

Was a witness to ...

3519

Marriage License

United States of America,
INDIAN TERRITORY
SOUTHERN DISTRICT.

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. *Washington Lynch*
of *Civil* in the Indian Territory, aged *45* years and
Mrs. *Mary Valdez* of *Ada*
in the Indian Territory, aged *27* 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 *30th* day
of *Jan'y* A. D. 190*1*.
Wm Campbell
Clerk of the United States Court.

Certificate of Marriage.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT.

I, *Wm Harrison*
minister
do hereby certify, that on the *6* day of *Feb*, A. D. 190*1*.

I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and
publish the Banns of Matrimony between the parties therein named.

WITNESS my hand, this *6* day of *Feb*, A. D. 190*1*

My credentials are recorded in the office of the Clerk of the United States Court, Indian
Territory, Southern District, at Ardmore, Book *A*, Page *267*

Wm Harrison

(NOTE.—The person officiating should fill in the spaces
for book and page and sign here.)

NOTE (a)—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the
Indian Territory, at Ardmore, 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.)

NOTE (b)—No person is authorized to perform the Marriage Ceremony in the Southern District unless the proper credentials have
first been recorded in the Clerk's office.

11410

Certificate of Record of Marriage

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } *sect.*
Southern District.

I, C. M. CAMPBELL, Clerk of the United States Court, in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for and Certificate of Marriage of

Mr. *Nashington Lynch* and

M *Mary Talley*

were filed in my office in said Territory and District the *31st* day of *Feb* A. D. 190*1*

and duly recorded in Book *E* of Marriage Record, Page *309*

WITNESS my hand and Seal of said Court, at

Ardmore, this *13th* day

FILED *July* A. D. 190*1*

C. M. Campbell
CLERK.

C. M. CAMPBELL, Clerk.

Return this License to the United States Clerk at Ardmore, that it may be recorded, when it will be mailed to the proper address.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 6 1901



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

GRANTING:
YOU ARE HEREBY AUTHORIZED TO SOLEMNIZE THE
rites of MATRIMONY

Between. Mr. Bruno Baldez.
and. Miss Mary Goins
and make due return to the Clerk of the County Court of said
County within sixty days thereafter certifying your action
under this license.

(Seal) WITNESS my official signature and seal of
office at office in Brady Texas this
29th day of June. A.D. 1892
(signed) W. McShan
Deputy Clerk of the County Court

J. T. H. Miller. hereby certify that
on the 29th day of June. A.D. 1892
I united in Marriage Bruno Baldez. and
Mary Goins the parties above named.
Witness my hand this 29th day of June. A.D. 1892
(signed) J. T. H. Miller
M. G.

Returned and filed for record the 29th day of June 1892
and recorded the 29th day of June 1892.
(signed) Deputy W. McShan. County Clerk

11410

Marriage License

Mr Bruno Baldez

AND

Miss Mary Joins

Issued the 24th day of

June 1892

(Signed) W. M. Sherman

Clerk County Court McQuinn Co.

By Deputy

Filed the _____ day of

189

Clerk County Court _____ Co.

By Deputy

Recorded in Book _____ Page _____ of Marriage Records

Vertical text on the right side of the page, including names like S.H. Johnson and dates like July 1901.

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

FILED

AUG 6 1901

Signature and title: ACTING CHAIRMAN

11410

- 10

MARRIAGE LICENSE

Mr Bruno Baldez

AND

Miss Mary Goins

Issued the 29th day of June 1892
Signed by M. M. Sherman
Not. Public Court M. Quercus
By Deputy

Filed the 4th day of

Not. Public Court
By Deputy

Not. Public Court
By Deputy of Marriage License

THE STATE OF

S. H. Gholson

Marriage License issued
on the 29th day of June 1892, between Bruno Baldez
and Miss Mary Goins. Together with the return thereon
A. 157, Marriage License

Brady, 27th July, 1901.
S. H. Gholson,
L. Ballou

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

FILED

AUG 6 1901

ACTING CHAIRMAN

Commission to the Five Civilized Tribes,

Calvin, Indian Territory.

In the enrollment of Reuben goins and child as choctaws; being sworn and examined by com'r McKennon he testifies as follows:

Q What is your name? A Reuben goins.

Q How old are you? A About fifty-six.

Q Where have you been living? A I have been living on the Washita.

Q How long? A About twenty-three or four years.

Q In what Nation? A In Pontotoc county, Chickasaw Nation. I live at Purcell now.

Q You have been living in the Chickasaw Nation all this time?

A Yes sir.

Q Haven't lived anywhere else? A No sir.

Q Where is this daughter of yours; you say she is now in Texas?

A She has been there about Austin, Texas.

Q How long? A About five years.

Q All the while? Yes sir.

Q Before that time where did she live? A In Texas.

Q How long has she been living in Texas? A She was born and raised in Texas and never lived here. Her mother died in Texas.

Q Was her mother a white woman? A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify upon my oath and as stenographer to the named Commission, that this transcript is a true and correct translation of my stenographic notes.

M. D. Green

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

In the enrollment of Reuben Goings as a Choctaw by blood;
being sworn and examined by Com'r McKennon he testifies as follows:

Q What is your name? A Reuben Goings.

Q What is your age? A About fifty-five.

Q You have never been enrolled upon the Choctaw roll? A No sir.
I have always lived in the Chickasaw country.

Q (Choctaw Com'r Lewis) You didn't draw any money in 1893
did you? A Yes sir.

Q What roll do you appear on? A On the Chickasaw rolls

Q You drew as a Chickasaw? A Yes sir, drew with the
Chickasaws.

Q (Com'r McKennon) You are a Chickasaw if anything?

A Yes sir.

Q But have never been on the Chickasaw rolls? A No sir.

Enrollment is refused.

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. J. Keen

Commission to the Five Civilized Tribes,

Calvin, Indian Territory.

In the enrollment of Mary Goins as a Choctaw; Reuben Goins being sworn and examined by Com'r McKennon testifies as follows:

Q Where has your daughter Mary been living? A In Austin, Texas, last I ever heard of her; she never has lived in the Territory .

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. J. Green

Choctaw Court Card O. 210

...tion of Reuben Goins and others.

W.C. Southward says:

I know Reuben Goins. He is living in the Chick-
asaw Nation at Purcell. His family are not living in the Territory.

They have removed out of the Territory.

Ardmore, Sept. 23 1898.

Reuben Goins
Mary Goins
Cordelia Goins

enrolled.

Mary Valdez :
vs. : No. 3555-
Bruno Valdez :

On this the 24th day of October 1900, this cause coming on to be heard, the plaintiff appeared in person and by attorney, and the defendant, although having been duly cited, by publication, to appear and answer herein, as required by law, failed to appear and answer in this behalf, but wholly made default; and R. B. Pool Esqr., was appointed to represent the defendant and filed answer herein; whereupon, a jury being waived both parties announced ready for trial, and the Court, having heard the pleadings, evidence and argument of counsel, is of the opinion that the material allegations in Plaintiff's petition are true. It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between said Plaintiff and defendant be and the same are hereby annulled and dissolved, and that the said plaintiff be and she is hereby divorced from said defendant. It is further ordered by the Court that the said plaintiff Mary Valdez do have and recover of the said defendant Bruno Valdez all costs in this behalf expended, for which she may have her execution. It is further ordered that execution may issue in favor of the officers of Court against each party, respectively, for all costs by him or her in this behalf incurred.

The State of Texas :
County of Milam :

I, F. C. Stafford, Clerk of the District Court of Milam County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the Original decree of divorce in cause No. 3555, Mary Valdez vs. Bruno Valdez, as the same appears of record in Volume I page 92 of the Divorce Minutes of the District Court of Milam County, Texas.

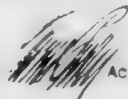
Given under my hand and seal of office, at office in Cameron, Texas, this 16th day of August A. D. 1901.

F. C. Stafford
Clerk District Court Milam County, Texas.

12211

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

AUG 22 1901



ACTING CHAIRMAN.

Fee \$1.00 Paid

they resided together continuously as husband and wife in said Nation from the date of their marriage up to and including September 25, 1902.

Upon an examination of the tribal rolls of the Chickasaw Nation in the possession of this office, the applicant is identified upon the 1896 Chickasaw Census Roll, Pontotoc County, Page 8, as a citizen by intermarriage of the Chickasaw Nation.

It further appears from the records of the Commission to the Five Civilized Tribes that said applicant never presented an application to said Commission for admission to citizenship in the Chickasaw Nation as a citizen by intermarriage of said Nation, under the provisions of the Act of Congress, approved June 10, 1896 (29 Stats., 321), the application of the applicant heretofore made under the provisions of said act having been made for his admission to citizenship in the Choctaw Nation as a citizen by blood.

It does not appear from the record herein or from the records in the possession of this office that said applicant has ever been admitted to Chickasaw citizenship by a duly constituted court or committee of the Chickasaw Nation, nor has said applicant ever been married to his Chickasaw spouse by virtue of a license issued by the tribal authorities of the Chickasaw Nation.

I am, therefore, of the opinion that the application made for the enrollment of Reuben Goins as a citizen by intermarriage of the Chickasaw Nation should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

James Darby

Commissioner.

Muskogee, Indian Territory,

~~FEB 24 1906~~

9-1826.

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

COPY

In the matter of the application for the enrollment of Reuben Goins as a citizen by intermarriage of the Chickasaw Nation.

- - : D E C I S I O N : - -

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "Robert Goins et al vs. Choctaw Nation", (1896 Choctaw Citizenship Docket, Case No 56), application was made to said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Choctaw Nation of (among others), the applicant Reuben Goins; that on December 1, 1896, said Commission rendered its decision denying said application; that from this decision 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 "Robert Goins et al., vs. Choctaw Nation", (Citizenship Case No. 127), entered of record a judgment reversing the judgment of said Commission and admitting (among others) the applicant herein to citizenship in said Nation as a citizen by blood. It further appears from the records of said 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 Stats., 641), "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 case was thereafter certified to said Choctaw and Chickasaw Citizenship Court for a trial de novo, and on June 29, 1904, in the case entitled "Robert Goins et al. vs. Choctaw and Chickasaw Nations", (Choctaw-Chickasaw Citizenship Court Case No. 31, Tishomingo Docket), said Court entered of record a decree denying the petition of the applicant herein for admission as a citizen by blood of the Choctaw Nation.

Inasmuch as it appears, as set forth below, that the applicant was, on June 12, 1877, married to a Chickasaw Indian, his rights as a citizen by intermarriage of the Chickasaw Nation will now be determined.

It appears from the record herein that on June 12, 1877, the applicant Reuben Goins, was lawfully married to Susan Thomas, a recognized and enrolled citizen by blood of the Chickasaw Nation whose name (as Susan Goins) appears as No. 3730 upon the lists prepared by the Commission to the Five Civilized Tribes 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, and that

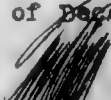
J. W. Cherryholmes, 2

Reuben Geins who is enrolled on Choctaw roll cardfield No. 3579 as a citizen of the Choctaw Nation by judgment of the United States Court for the Southern District of the Indian Territory, is identified as the Rebe Geins who appears on page 81 of the 1897 roll of the Chickasaw Nation, Pontotoc County, as a citizen by intermarriage.

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 4th 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 5th day of December, 1900.


Acting Chairman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. Dec. 4, 1900.

In the matter of the enrollment of Reuben Goins as a citizen of the Choctaw Nation. J. W. Cherryholmes being duly sworn by Acting chairman Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A J. W. Cherryholmes.
Q What is your age? A Forty six.
Q Are you a resident of the Chickasaw nation? A Yes sir.
Q Where do you live? A Purcell.
Q Do you know Reuben Goins? A Yes sir.
Q A man about fifty five or sixty years of age? A Yes sir.
Q The 1897 Chickasaw roll contains the name of Rube Goins as an intermarried citizen residing in Pontotoc County. Did Mr. Goins ever claim to be an intermarried citizen of the Chickasaw Nation?
A Yes sir.
Q That was prior to the time he applied to the Dawes Commission in 1896 as a Choctaw by blood? A Yes sir.
Q Mr. Goins was admitted to citizenship in the Choctaw Nation by judgment of the United States Courts as a Choctaw. Now is the Reuben Goins admitted to citizenship in the Choctaw Nation the identical person as Rube Goins who appears upon the Chickasaw roll as an intermarried citizen of the Chickasaw Nation? A Yes sir.
Q Who did he marry? A He married a lady by the name of Thomas. I think I can give you her maiden name in a moment. Susan Thomas.
Q Were any of Reuben Goins children by this Chickasaw woman admitted to citizenship? A Yes sir.
Q As Choctaws? A No sir, as Chickasaws.
Q She is dead? A No sir, she's living.
Q Who is Matilda Goins? A I don't know, that might be his wife. They call her Susie or Suke and I don't know whether ---
Q Mr. Goins has a daughter who was admitted to citizenship in the Choctaw Nation with him by the name of Cordelia? A Oh those were children by his first wife.
Q They are non citizens? A Yes sir. He was married before he married his present wife.

By Choctaw Commission Murray.

- Q Who was Susan Thomas? A She is a neice of Nelson Chigley and a sister to Charlie Thomas.
Q Charlie Thomas or Jim? A Charlie, spells his name C-h-a-r-l-i-e. Lived there at Davis a long time. Fair blood Indians I reckon. They claim to be and look like it.

By the Commission.

- Q Was Mr. Goins always recognized by the Chickasaw tribal authorities as an intermarried citizen? A Yes sir always has been.
Q When did he first claim to have Choctaw blood? A When the case of Robert Goins et. al was filed, I think they just included his name in the petition.
Q Wasn't he a party to the original application himself? A Yes sir.
Q Did he authorize his name to be placed there? A I don't know about that. I know his name is in the application as a Choctaw Indian by blood.

ONE 1825

CHICKASAW

James Benjamin Hamblet
et al

NOV 1 1906

DEC

REF:

4000
ATTN
CH

FORWARDED

BY AND

CONF

ATTENTION

RECORD ROOM

AGENT

ACTION BY
SECRETARY OF INTERIOR

MAR 1 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED FOR CHOCTAW
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED FOR APPLICANT

APR 18 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

APR 18 1907

1907

V-25
9-1824

Muskogee, Indian Territory, April 18, 1907.

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

Gentlemen:

You are hereby advised that on March 1, 1907,
the Secretary of the Interior affirmed the decision of the
Commissioner to the Five Civilized Tribes, rendered November
13, 1906, denying the application and petition for the enroll-
ment of James Benjamin Hamblin, Frank Hamblin, Ben Hamblin,
Gertrude Hamblin, Maud Hamblin, Pearl Hamblin and John
Edward Hamblin as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

V-28
9-1924

Muskogee, Indian Territory, April 18, 1907.

Sedley S. Love,
Sterrett, Indian Territory.

Dear Sir:

You are hereby advised that on March 1, 1907,
the Secretary of the Interior affirmed the decision of the
Commissioner to the Five Civilized Tribes, rendered November
13, 1906, denying the application and petition for the en-
rollment of James Benjamin Hamblin, Frank Hamblin, Ben
Hamblin, Gertrude Hamblin, Maud Hamblin, Pearl Hamblin
and John Edward Hamblin as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

V-25
9-1224

Muskogee, Indian Territory, April 18, 1907.

Thomas Norman,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on March 1, 1907,
the Secretary of the Interior affirmed the decision of the
Commissioner to the Five Civilized Tribes, rendered November
13, 1906, denying the application and petition for the
enrollment of James Benjamin Hamblin, Frank Hamblin, Ben
Hamblin, Gertrude Hamblin, Maud Hamblin, Pearl Hamblin and
John Edward Hamblin as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

V-26
9-1224

Muskogee, Indian Territory, April 13, 1907.

Jessie I. Hamblin,
Sterrett, Indian Territory.

Dear Madam:

You are hereby advised that on March 1, 1907,
the Secretary of the Interior affirmed the decision of the
Commissioner to the Five Civilized Tribes, rendered November
13, 1906, denying the application and petition for the enroll-
ment of James Benjamin Hamblin, Frank Hamblin, Ben Hamblin,
Gertrude Hamblin, Maud Hamblin, Pearl Hamblin and John Edward
Hamblin as citizens of the Chickasaw Nation.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

17
712

I. E. D. 5756-1907.
D. C. 12479-1907.

March 1, 1907.

LE

DIRECT:

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

Sir:

There is inclosed a copy of an opinion of the Assistant Attorney-General of February 28, 1907, approved the same day, relative to the application of James B. Hamblin, et al, for enrolment as citizens of the Chickasaw Nation.

The applicants claim their right to enrolment as citizens of said nation of being the children of two white persons whose names appear upon the final roll of citizens by intermarriage of said nation approved by the Department October 21, 1904.

In accordance with said opinion your decision adverse to the claimants is affirmed.

A copy of Indian Office letter of February 14, 1907 (Land 101407-06), submitting the case and recommending that your decision be affirmed, is inclosed. The papers in the case, a copy of said opinion, and a copy of this letter, have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

2 inc. and 3 for Ind. of.

Assistant Secretary.

A. F. H.
3-1-07.

of the Attorney-General, dated February 19, 1907, in the Choctaw case of Cyrus H. Kingsbury and Lucy B. Littlepage, making reference to the case of Mary Elizabeth Martin and the executive order of February 27, 1906, though, by reason of adoption by act of the council of the parents of Kingsbury and Littlepage, they were held excepted from the rule announced.

It would appear, therefore, that in opinion of the Attorney-General, above referred to, the action of the Commissioner should be approved and the applicants be denied.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: February 25, 1907.

E. A. Hitchcock.

Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,

J.R.W.

W.C.B.

I.T.D.

WASHINGTON.

S.V.P.

3470-1907.

February 28, 1907.

The Secretary of the Interior.

Sir:

I received by reference of February 25, 1907, the application for enrolment of James B. Hamblin and others as citizens of the Chickasaw Nation. All the applicants are children of Henry Clay Hamblin and Jessie I., his wife, both of whom are white persons who, in conformity to Chickasaw law, married and lived with recognized citizens of the Chickasaw Nation by blood until death of their respective Indian spouses, after which in 1878 they married. Ever since their marriage to their Indian Spouses they have both lived in the nation, except during four years, beginning in 1891, or 1893, they lived in Texas. They are both recognized citizens of the Chickasaw Nation by intermarriage, and their names are (numbers 437, 438) on the roll of citizens of the Chickasaw Nation by intermarriage approved by the Department October 21, 1904. The Commissioner, November 13, 1906, denied enrolment of the applicants because of full white blood, and, February 14, 1907, the Indian Office recommended approval of that action.

The case seems to be in all respects within the reasoning

Refer in reply to the following:

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

LAND
101407-1906.

February 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated November 13, 1906, transmitting the record relative to the application for the enrollment of James Benjamin, Frank, Ben, Gertrude, Maud, Pearl, and John Edward Hamblin as citizens of the Chickasaw Nation. On November 13, 1906, Mr. Bixby held that the applicants were not entitled to enrollment.

The applicants are the children of Henry Clay Hamblin and Jessie I. Hamblin, both intermarried white persons enrolled at Nos. 437 and 438 respectively of the approved rolls of the Chickasaw Nation of intermarried citizens.

Under the provisions of the Act of June 21, 1906 (34 Stat. L., 326), and the Department's holding of April 24, 1906, I.T.D. 4048, in the Mary Elizabeth Martin case, and the holding of July 10, 1906, I.T.D. 2548, in the William Jesse Bacon case, the applicants are not entitled to enrollment and the approval of the Commissioner's decision adverse to them is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH

COPY
Muskogee, Indian Territory, November 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir :--

There is transmitted herewith record of proceedings in the matter of the application and petitions for the enrollment of James Benjamin Hamblin, Frank Hamblin, Ben Hamblin, Gertrude Hamblin, Maud Hamblin, Pearl Hamblin and John Edward Hamblin, as citizens of the Chickasaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated November 13, 1906, denying said application and petitions.

Respectfully,

James D. ...
Commissioner.

W-25.

9-1824.

Through the

Commissioner of Indian Affairs.

W-25
9-1824

Muskogee, Indian Territory, November 13, 1906. ^{COPY}

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 November 13, 1906, denying the application and petitions for the enrollment of James Benjamin Hamblin, Frank Hamblin, Ben Hamblin, Gertrude Hamblin, Mand Hamblin, Pearl Hamblin and John Edward Hamblin as citizens of the Chickasaw 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,

J. M. ...
Commissioner.

Incl. W-25.

9-1824.

9-1884

COPY.
Muskogee, Indian Territory, November 13, 1906.

Sedley S. Lowe,
Sterrett, Indian Territory,

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on November 13, 1906, rendered his decision denying the application and petitions for the enrollment of James Benjamin Hamblin, Frank Hamblin, Ben Hamblin, Gertrude Hamblin, Maud Hamblin, Pearl Hamblin and John Edward Hamblin as citizens of the Chickasaw 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 *Tams Bixby*
Commissioner.

Registered.

W-25
9-1824

COPY
Muskogee, Indian Territory, November 13, 1906.

Thomas Norman,
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 November 13, 1906, denying the application and petitions for the enrollment of James Benjamin Hamblin, Frank Hamblin, Ben Hamblin, Gertrude Hamblin, Maud Hamblin, Pearl Hamblin and John Edward Hamblin as citizens of the Chickasaw 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,

James Binby
Commissioner.

Registered.

Incl. W-25.

9-1824.

V-25
9-1824

14
COPY
Muskogee, Indian Territory, November 13, 1906.

Jessie I. Hamblin,

Sterrett, Indian Territory.

Dear Madam :--

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 13, 1906, denying the application and petitions for the enrollment of James Benjamin Hamblin, Frank Hamblin, Ben Hamblin, Gertrude Hamblin, Maud Hamblin, Pearl Hamblin and John Edward Hamblin as citizens of the Chickasaw 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,

Commissioner.

Registered.

Encl. W-25.

9-1824.

9-1884

Muskogee, Indian Territory, August 23, 1906.

Sedley S. Lowe,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 7, 1906, asking the status of the application for the enrollment of J. M., Benj., Frank, Maud, Gertrude and Pearl Hamblin, children of Henry C. and Jessie I. Hamblin.

In reply you are advised that no action has yet been taken on the applications for the enrollment of the above named persons as citizens of the Chickasaw Nation. When a decision is reached therein you will be notified.

Respectfully,

Commissioner.

9-1824

Muskogee, Indian Territory, July 26, 1906.

Chief Clerk,
Chestaw Land Office,
Atoka, Indian Territory.

Dear Sir:

There is inclosed herewith, for the information of your office, copy of Chickasaw roll card No. 1824, James Benjamin Hamblin et al.

You are directed to make duplicate Chickasaw card No. 1824 in your office conform to the information thereon, and add these names to your list of undetermined applicants for enrollment in the Chickasaw Nation.

Respectfully,

Incl. K-14.

Commissioner.

9-1824.

McKague, Indian Territory, July 29, 1908.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

There is inclosed herewith, for the information of your office, copy of Chickasaw roll card No. 1824, James Benjamin Hamblin et al.

You are directed to make duplicate Chickasaw card No. 1824 in your office conform to the information thereon, and add these names to your list of undetermined applicants for enrollment in the Chickasaw Nation.

Respectfully,

Incl. K-15.

Commissioner.

9-1824

Muskogee, Indian Territory, January 25, 1906.

Sedley S. Lowe.

Attorney at Law,

Sterrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 19, 1906, in which you ask if it will be necessary for you to follow the procedure in the enrollment case of James B. Hamblin et al laid down by this office in the presentation of cases coming within the Departmental ruling in the Mary Elizabeth Martin case; you also state you will need some assistance in these cases and request to be advised to whom you could refer them here for attention.

In reply to your letter you are advised that in the presentation of all cases coming within the ruling of the Department in the Mary Elizabeth Martin and Loula West cases, the procedure outlined in the circular, copy of which has heretofore been forwarded you, should be followed.

You are further advised that it is impracticable for this office to give you the name of the attorney at this place to assist you in the presentation of the case of James B. Hamblin et al applicants for enrollment as citizens of the Chickasaw Nation.

Respectfully,

Acting Commissioner.

9-1624

Muskogee, Indian Territory, December 27, 1905.

Sedley S. Lowe,
Attorney at Law,
Sterrett, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 23, 1905, asking if a decision has been rendered in the matter of the application of James B., Frank, Ben, Gertrude, Maud and Pearl Hamblin for enrollment as citizens of the Choctaw or Chickasaw Nation.

In reply to your letter you are advised that no decision has yet been reached in the matter of the application for enrollment as citizens of the Chickasaw Nation of the persons above named, children of Henry C. and Jessie I. Hamblin, but when a decision is reached, you will be notified of the action taken therein.

Respectfully,

Commissioner.

Chickasaw 9-1151.

Muskogee, Indian Territory, August 15, 1904.

Jessie I. Hamblin,
Sterrett, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered August 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,

Registered.

Commissioner.

Incl. 9-1151.

Petition of Jessie I. Hamblin,
for the enrollment of James M. Hamblin, Frank Hamblin,
Benj. Hamblin, Maud Hamblin, Gertrude Hamblin &
Pearl Hamblin.

Department of the Interior
Commissioner to the Five Civilized Tribes
FILED Feb 5 1906
Tams Bixby Commissioner.

this application.

Premises considered your petitioners ask to be further heard by the Commission in their behalf and that said applicants be enrolled as citizens as aforesaid.

(Signed) Jessie I. Hamblin
Jas. B. Hamblin
Frank W. Hamblin
Gertrude Hamblin
Maud Hamblin

Affidavit

Indian Territory.
Central District.

Jessie I. Hamblin, James B. Hamblin, Frank Hamblin, Benjamin Hamblin, Gurtrde Hamblin and Maud Hamblin, after being first being sworn state that the foregoing statement is true and correct to the best of the knowledge and belief. This 19, day of Jan. 1906.

(Signed) Jessie I. Hamblin
Jas. B. Hamblin
Frank W. Hamblin
Gertie Hamblin
Maud Hamblin

Sworn to and subscribed before me, on this 31st day of Jan. 1906.

(Signed) G. W. Goodwin, Notary Public.

My Commission expires July 18th 1909.

Indian Territory,
Central District.

This is to certify, that I, G. W. Goodwin, of Sterett, I.T. have this day served notice upon McNerry, Mansfield and Carnish Attys. for the Choctaw and Chickasaw Nation, Indian Territory by sending to them by sending to them by registered mail, a copy of this petition, hereto attached, registered receipt card signed by them; This 31st day of Jan. 1906.

(Signed) G. W. Goodwin

(Seal)

Registry receipt attached.

Endorsed on back as follows:

Exhibit A

2

aforesaid, did make application to the Commission of Indian Affairs, at Colbert, Chickasaw Nation, Indian Territory on or about, day of , I , and also at Atoka, Choctaw Nation I.T. for the enrollment of James B. Hamblin, Frank Hamblin, Benjamin Hamblin, Gurtrude Hamblin, Maud Hamblin and Pearl Hamblin, children as aforesaid of your petitioner, Jessie I. Hamblin and Henry C. Hamblin (deceased) and for further proof of said application for the enrollment of the aforesaid children, refers to the evidence of Jessie I. Hamblin, this petitioner, corroborated by the evidence of John Webb of Kemp, I.T. and R. L. Murray of Colbert, I.T. taken in the United States Land Office at Muskogee, Indian Territory, on or about days of 1905, said evidence is on record in said office, and is referred to and made apart of this petition.

Comes James B. Hamblin, Frank Hamblin, Benjamin Hamblin, Gurtrude Hamblin and Maud Hamblin, and states that their ages are respectively, , and ; that their father was Henry C. Hamblin (deceased) and that their mother is Jessie I. Hamblin, aforesaid; that the father and mother as aforesaid are both intermarried citizens of the Chickasaw Nation, and refer to the record in the United States Land Office at Muskogee, I.T. and also to the decision of the Commission in the case of Jessie I. Hamblin, their mother, as an intermarried citizen of the Chickasaw Nation, which decision is hereto attached and marked exhibit A. and ask that the record and said decision be made apart of this petition.

That Henry C. Hamblin made application for their enrollment, as citizens of the Chickasaw Nation, as aforesaid, set forth in this petition of Jessie I. Hamblin, their mother, and refers to and ask that the evidence referred to in her said petition be made a part of

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory.

Petition of Jessie I. Hamblin, wife of Henry C. Hamblin, (Deceased) for the enrollment of James B. Hamblin, Frank Hamblin, Benjamin Hamblin, Gertrude Hamblin, Maud Hamblin and Pearl Hamblin and the said James B. Hamblin, Frank Hamblin, Benjamin Hamblin, Gertrude Hamblin and Maud Hamblin for themselves.

Comes now Jessie I. Hamblin, wife of Henry C. Hamblin, (Deceased) and states as follows, to wit:

That she is the lawful wife of Henry C. Hamblin (deceased); that she was lawfully married to Henry C. Hamblin (deceased) aforesaid, on the 27 day of November A. D. 1878, in the Chickasaw Nation, according to the laws and treaties of said nation.

That there was lawfully borned to her and her husband, Henry C. Hamblin, (deceased) as aforesaid, the following named children, to wit: James B. Hamblin, Frank Hamblin, Benjamin Hamblin, Gertrude Hamblin, Maud Hamblin, and Pearl Hamblin.

That she and her said husband, Henry C. Hamblin (deceased) are both intermarried citizens of the Chickasaw Nation, proof of which, petitioner refers to the records of roll of Chickasaw Intermarried Citizens, now on file at the United States Land Office, at Muskogee, I.T. and to the decision of said Commission, in the case of Jessie I. Hamblin as an intermarried citizen of the Chickasaw Nation, which is hereto attached and marked exhibit A.

That her and her husband, Henry C. Hamblin (deceased) resided in the Chickasaw-Cherokee country, except a few years as temporary residences in the state of Texas.

That Henry C. Hamblin (deceased) husband of this petitioner, as

them has been made in so far as they are informed.

Therefore, considering the above, petitioners pray to be identified and enrolled as citizens of the Chickasaw Nation, and for all other prayers and suitable relief.

(Signed) Thos. Norman,

Attorney for Petitioners.

I, James B. Hamblin, do solemnly swear that the facts and statements in the above petition are true.

(Signed) J. B. Hamblin

Subscribed and sworn to before me this the 16 day of January, 1906.

(Signed) W. E. Utterback,

(Seal)

Notary Public.

Department of the Interior
Commissioner to the Five Civilized Tribes.
FILED Jan 23 1906
Tamm Bixby Commissioner.

They state further, that the Indian spouses of their father and mother, died, that of their father on the 17th day of March, 1878 and that of their mother on the 15th day of March, 1878; that after their said deaths, their said father and mother married on the 15th day of November, 1878.

In accordance with the laws of said Nation, that their said father and Mother were residents of said Nation, at the date of their marriage, to one another, and have continued to be citizens thereof, and residents thereof, at all times since, then; that their said father and mother have at all times since their marriages to their said Indian spouses been citizens of said nation; that they have at all times since then been on the rolls of said nation; and that they are now on said rolls, and their enrollment has been approved by the Secretary of the Interior, and that they both have taken their allotment of lands, and drawn their share of the monies, heretofore distributed; that while such citizens and residents aforesaid, the said Henry Clay Hamblin, and Jessie I. Hamblin, had born to them as an issue of said marriage the above six children, all of whom are living: James B. Hamblin, born Dec. 2nd, 1879. Frank W. Hamblin, born March, 23rd 1884. Oscar B. Hamblin, born Nov. 15th, 1886. Gertrude Hamblin, Born July 15th, 1887, Emma Maud Hamblin Born Mch. 8th, 1889, and Jessie Pearl Hamblin, born June 28th, 1895. That petitioners are citizens therefore of the same nation as their parents, the Chickasaw Nation.

Application was duly made in writing, now on file in this office, in 1896 for the identification and enrollment of petitioners; later application was made in the year 1898, at Atoka, for their enrollment; and still later at Muskogee, before this Commissioner, and a judgment; has already been rendered therein to that effect; that about the ___ day of August, 1905. that no action on their citizenship towards identifying

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

James B. Hamblin, et al, Petitioners.

vs.

Chocataw and Chickasaw Nations,
Defendants.

} Petition for identification
and enrollment.

Come now petitioners, James B. Hamblin, Frank W. Hamblin, Oscar B. Hamblin, Gertrude Hamblin, Emma Maud Hamblin and Jessie Pearl Hamblin, and respectfully state that they and each of them are citizens of the Chickasaw Nation, and are entitled to be identified and enrolled on the rolls of that nation, and to the enjoyment of all the rights and privileges any other citizen thereof enjoys.

As grounds therefor, they allege that their father, Henry Clay Hamblin, a white man, in the year of 1874, married a citizen of the Chickasaw Nation by blood named Mary Perry, in accordance with the laws of said Nation; that at that time they both were residents of said Nation; that in virtue of said marriage their said father then and there became a citizen of said Nation; and that he continued to be at all times since then a citizen and a resident of said Nation;

They state further, that their mother, Jessie I. Hamblin, a white woman, whose maiden name was Jessie Webb, on or about the 1st day of November, 1875, married a citizen of the Chocataw Nation, named Benjamin F. Greenwood, in accordance with the laws of said Nation; that at the date of said marriage both of them were residents of said Nation; and that ~~both of them continued thereafter to be citizens and residents there~~ of, and that by virtue of said marriage their said mother became a citizen of the Chickasaw Nation.

James B. Hamblin et al, petitioners.

vs.

Choctaw & Chickasaw Nations, defendants.

I, Thos. Norman, do solemnly swear that I served a true and correct, perfect and literal copy of the petition in the above signed case of James B. Hamblin et al, to which this affidavit is attached, on Mansfield, McMurray & Cornish, on January 19, 1906, by registering the said copy to them addressee to them at South McAlester, I.T., on said date, and the registry receipt hereto attached was issued on said registration.

(Signed) Thos. Norman.

Subscribed and sworn to before me this January 20, 1906.

(Signed) H. P. Stanum,

Notary Public.

(Seal)

Registry receipt attached.

Gale, I.T., Aug 30th 1897.

I, T. J. Vaughan do hereby certify that I have this day sent by register letter to Harris Governor of the Chickasaw Nation at Tishomingo I.T. a true and correct copy of the foregoing application & evidence for enrollment in the case of Henry C. Hamblin for his minor children, vs the Chickasaw, and that the register receipt is hereto attached.

Given under my hand and seal of office this 30th day of August 1897

(Signed) T. J. Vaughan

Notary Public.

(Seal)

Registry receipt attached.

Endorsed on back as follows:

Application for enrollment of H. C. Hamblin for his
minor children
Gale, I.T.

Department of the Interior
Commissioner to the Five Civilized Tribes
FILED Feb 28 1906
Tamm Bixby Commissioner

FILED
Oct 16 1897
A. L. Aylesworth,
Sec'y

These papers received and filed
without authority of law.

Indian Territory
Central Judicial District

Be it remembered that on the 26th day August, 1897 personally appeared before me W. H. Bacon who is a reliable and credible person and after being by me duly sworn according to law deposeseth and says my name is W. H. Bacon, my age 52 years, my postoffice is Cale, I.T. and my occupation is that of a farmer.

That I am personally acquainted with Henry C. Hamblin & his wife Jessie I. Hamblin and also with their said children and that they have seven children born to them to wit, James B. Hamblin, Frank Hamblin, Oscar B. Hamblin, Gertrude Hamblin, Emma Maud Hamblin, John Hamblin and Pearl Hamblin. Affiant makes this his sworn statement from his personal knowledge of the family of the said Henry C. Hamblin & his wife Jessie I. Hamblin, that he has no interest directly or indirectly in the prosecution of the claim of their said minor children for citizenship in the Chickasaw Nation.

(Signed) W. H. Bacon.

Sworn and subscribed to before me by W. H. Bacon this the 27 day of August 1897

(Signed) J. T. Crawford

(Seal)

Notary Public Central Judicial Dist, I.T.

Indian Territory,
Central Judicial District.)

Be it remembered that on the 26th day of August 1897, personally appeared before me S. M. Mead who is a reliable and credible person, who after being by me duly sworn according to law do soeth and says, my name is S. M. Mead, my age is 46 years, my post office is Gale, Ind. Ter. and my occupation is that of a farmer That I am personally acquainted with Henry G. Hamblin and his wife Jessie I. Hamblin and also with their said children. That they have seven children born to them to wit: James B. Hamblin, Frank Hamblin, Oscar B. Hamblin, Gertrude Hamblin, Emma Maud Hamblin, John Hamblin and Pearl Hamblin. Affiant makes this his sworn statement from his personal knowledge of the family of said Henry G. Hamblin and his wife Jessie I. Hamblin. That he has no interest directly or indirectly in the prosecution of their said minor children claim for citizenship in the Chickasaw Nation.

(Signed) S. M. Mead.

Sworn and subscribed to before me by S. M. Mead this 27th day of August 1897.

(Signed) J. T. Crawford,

Notary Public.

Cent. Jud. Dis.

(Seal)

Fish Springs, I. T. Aug 23rd, 1897

I, L. C. Burris natl Secty of the Chickasaw Nation do hereby certify that by virtue of my office I am custodian of the rolls of citizenship of the Chickasaw Nation. I hereby certify that I have examined the roll of Nov 1896 and know the names of Henry C. Hamblin and Jessie I. Hamblin to be registered as citizens by intermarriage. I further certify that the names of Charley M. Hamblin and Albert H. Hamblin are registered as citizens of said nation by blood.

Witness my hand and seal of office on this the 23rd day of
Aug. A D 1897

(Signed) L. C. Burris

National Secty C. N.

(Seal).

Chickasaw Nation or Tribe of Indians, and the laws of the United States and Treaties with said Indians, the children born to your petitioner and his said wife Jessie I. Hamblin since their said marriage 1st day Nov 1878 are entitled to be admitted and enrolled as citizens of the said Chickasaw tribe of Indians in the Indian Territory and entitled to all the benefits, privileges, rights and annuities of other Chickasaw Indians by blood.

Wherefore premises considered your petitioner prays that the names his said children to wit:-

James B., Frank, Oscar B., Gertrude, Emma Maud, John, and Pearl Hamblin, be enrolled and admitted to all the rights, privileges, benefits and immunities of other Chickasaw Indians in and to the Chickasaw Tribe of Indians in the Indian Territory, and this your petitioner will ever pray.

(Signed) T. J. Vaughan

Atty for Petitions

The aforementioned petitioner Henry C. Hamblin says that the statements set forth in the above and foregoing petition are true and correct according to his best knowledge information and belief.

(Signed) H. C. Hamblin.

Subscribed and sworn to before me this 27th day of August 1897.

(Signed) J. F. Crawford.
Notary Public, Cent. Jud. Dis.
In. Ty.

(Seal)

Application for Enrollment before the United States Commission
to the five Civilized Tribes of Indians.

Henry C. Hamblin, for his minor
children,

Petitioner,

VS.

Chickasaw Nation,
Respondent.

To the above named Honorable Commission.

Your petitioner Henry C. Hamblin states he us a member of the Chickasaw Tribe of Indians by marriage and that his wife Jessie I. Hamblin is also a member of the Chickasaw Tribe of Indians by marriage and that they have been so recognized by said tribe for more than 23 years, and that their names appeared upon the authenticated rolls of said tribe of Indians in the year 1893, and that their names appear upon the authenticated rolls of said tribe of Chickasaw Indians for the year 1896. That a certificate of L. C. Burris national Secretary of the Chickasaw Nation is hereto attached as evidence of said fact.

Petitioner futher states that he was married to his said wife Jessie I. Hamblin on the 1st day of Nov. 1878 and that at the time of said marriage both he and his wife Jessie I. Hamblin were citizens of said Chickasaw Tribe of Indians by intermarriage and were so recognized by said tribal authorities.

That since their said marriage they had had born to them seven children towit:

James B. Hamblin	age 17 years
Frank Hamblin	age 13 years
Oscar B. Hamblin	age 12 years
Gertrude Hamblin	age 10 years
Emma Maud Hamblin	age 7 years
John Hamblin	age 5 years
Pearl Hamblin	age 2 years.

That under the constitutinn, laws, usages, and customs of said

- Q When did he die? A June 4, 1904.
Q Do you remember about how old he was? A No sir, I don't.
Q Where do you live? A Chickasaw Nation.
Q What is your postoffice? A Sterrett.
Q How long have you lived there? A Since '97.

By Mr. Fort:

- Q Where were you born? A Chickasaw Nation, near Kemp.
Q Lived in the Chickasaw Nation all your life? A Yes sir.
Witness excused.

Olga Petroff, a stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she correctly reported the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Olga Petroff

Subscribed and sworn to before me this 1st day of March, 1906.

Myron White
Notary Public.

Chickasaw Nation? A Yes sir.

By Mr. Norman:

- Q Who is your mother? A Jessie Ida Hamblin.
Q Who is your father? A Henry Clay Hamblin.
Q Is your mother the lady who was here yesterday? A Yes sir.
Q How many brothers have you? A Three.
Q How many sisters? A Two.
Q What are the names of your brothers? A James B., Frank W., and Oscar B.
Q Your sisters' names? A Emma Maud and Jessie Pearl.
Q Have you any brother dead? A Yes sir.
Q What was his name? A John Edward.
Q When did he die? A June 1904.
Q Who is the father of all the children you have just mentioned? A Henry Clay Hamblin.
Q And who is their mother? A Jessie Ida Hamblin.
Q Where do you live? A Sterrett.
Q How long have you lived there? A I don't know---1902, I expect.
Q Your brother just said since 1897? A Well, maybe that's right, I don't remember.
Q How old are you? A 18.
Q How old is Frank? A 22.
Q How old is Oscar? A 20.
Q And Emma Maud? A 17.
Q And Jessie Pearl? A 10.
Q Was John Edward Hamblin older than your sister Emma Maud? A Younger.
Q Did he come between Emma Maud and Jessie Pearl? A Yes sir.

By Mr. Fort:

- Q Where were you born? A Near Kemp, Chickasaw Nation.
Q Live there continuously since you were born? A Yes sir.

Witness excused.

FRANK W. HAMBLIN, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A Frank W. Hamblin.
Q What is the name of your father? A Henry Clay Hamblin.
Q What is the name of your mother? A Jessie Ida Hamblin.
Q Is your name mentioned as one of the petitioners in the petition for enrollment of James B. Hamblin, et al., as citizens of the Chickasaw Nation? A Yes sir.

By Mr. Norman:

- Q What relationship exists between yourself, James B. Hamblin, Oscar B. Hamblin, Gertrude Hamblin, Emma Maud Hamblin, Jessie Pearl Hamblin and John Edward Hamblin? A Sisters and brothers.
Q Have you the same father? A Yes sir.
Q And the same mother? A Yes sir.
Q Your mother was the lady who appeared here yesterday as a witness? A Yes sir.
Q Are all of these children living? A All but one.
Q Which one? A John Edward Hamblin.

- your father's signature? A Yes sir, I could swear to that; we have several of his signatures at home.
- Q Do you know a person by the name of T. J. Vaughan; his name appears to that petition as attorney for petitioners? A Yes sir.
- Q Now who is John Hamblin? A He's a brother of mine.
- Q Is he the same party as John Edward Hamblin? A Yes sir.
- Q The same identical party? A Same identical party.
- Q There can be no mistake? A No sir, no mistake.
- Q Where is John Edward? A He is dead.
- Q When did he die? A He was killed June 4, 1904.
- Q How many of the remainder of you children are living? A Six.
- Q All the rest are living? A All the rest are living.

If the Commissioner please, we now offer in evidence this petition and ask to have it considered in this case for the purpose of showing that application was made for the enrollment of the petitioners prior to December 25, 1902.

By Mr. Fort:

We would like to ask the attorney for the applicants to state the purpose for which he seeks to introduce this application filed on October 16, 1897.

By Mr. Norman:

It is to show that these parties made application for identification and enrollment prior to December 25, 1902, especially as concerns the child, John Edward Hamblin, stated in this petition to be John Hamblin.

By Mr. Fort:

We desire to renew the objection that was made on the 26th with the further objection that the identity of the applicants is not shown.

By the Commissioner:

The petition will be made a part of the record and considered for what it is worth.

By Mr. Fort:

- Q Where were you born? A In the Chickasaw Nation.

By Mr. Norman:

- Q What place? A Down near Kemp.

By Mr. Fort:

- Q Have you lived in the Chickasaw Nation continuously since your birth? A Yes sir.

Witness excused.

GERTRUDE HAMBLIN, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A Gertrude Hamblin.
- Q Are you one of the petitioners in the case of James B. Hamblin, et al., applicants for enrollment as citizens of the

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Muskegee, I. T. February 28, 1906.

In the matter of the application for the enrollment of
of James B. Hamblin, et al., as citizens of the Chickasaw Nation.

February 26, 1906, at Muskegee, Indian Territory, this
case was heard in part and further hearing continued to February
27, 1906, at 4 o'clock P. M.

Now on this 28th day of February, 1906 at 3 o'clock P. M.
this case not having been called for hearing February 27, 1906,
further hearing was resumed and the following appearances entered
and proceedings had:

APPEARANCES:

James B. Hamblin, Frank W. Hamblin and Gertrude Hamblin,
petitioners.

Thomas Norman, Ardmore, Indian Territory, appearing as
attorney for petitioners.

Brooks Fort, of Mansfield, McMurray & Cornish, appearing
on behalf of the Choctaw and Chickasaw Nations.

JAMES B. HAMBLIN, being first duly sworn, testifies as follows:

By the Commissioner:

- Q What is your name? A James B. Hamblin.
Q How old are you? A Twenty-seven.
Q What is the name of your father? A Henry Clay Hamblin.
Q What is the name of your mother? A Jessie Ida Hamblin.
Q You are one of the petitioners in the petition filed for the
enrollment of James B. Hamblin, et al., as citizens of the Chick-
asaw Nation? A Yes sir.

By Mr. Norman:

- Q Where do you live? A Live at Sterrett, Indian Territory.
Q How long have you lived there? A Since '97, 1897.
Q Who is Frank W. Hamblin? A My brother.
Oscar B. Hamblin? A Brother too.
Gertrude Hamblin? A Sister.
Q Emma Maud Hamblin? A Sister
Q Jessie Pearl Hamblin? A Sister also.
Q Are all these parti s living? A Yes sir.
Q Are they full brothers and sisters or half brothers and sisters?
A Full brothers and sisters.
Q Had the same father and same mother? A Yes sir.
Q Do you know your father's handwriting? A Yes sir, I think
so.
Q Here is an instrument which purports to be an application for
the enrollment of James B. Hamblin, Frank Hamblin, Oscar B.
Hamblin, Gertrude Hamblin, Emma Maud Hamblin, John Hamblin
and Pearl Hamblin, signed by H. C. Hamblin and filed with the
Commissioner to the Five Civilized Tribes on October 16, 1897;
which contains the signature of the said James B. Hamblin, et al. that is

- Q Did you hear any conversation at all that Mr. Hamblin had? A
Yes sir.
- Q But you don't know whether it was a Commissioner or some one else?
A Yes, I knew it was a Commissioner talking; it was in the
tents.

By Mr. Norman:

- Q Do you remember when the application was made at Colbert? A
No sir, I don't know.
- Q Did Mr. Hamblin on either one of these occasions make applica-
tion for a part of his children or all of his children? A If
there was any names mentioned I don't know--just for his chil-
dren.
- Q Was John Edward Hamblin at that time one of his children? A
Yes sir, he was.

Witness excused.

We except to the Commissioner sustaining the motion of
the Nations in declining to permit us to introduce the records
in the case of Jessie I. Hamblin and Henry Clay Hamblin and
especially his refusal to allow us to introduce the judgment
rendered in the case of Jessie I. Hamblin and Henry Clay Ham-
blin, for the reason that the matters contained therein are
material and pertinent to this case and prove the marriages of
these parties and prove that at the date of their marriage
they were citizens by intermarriage of the Chickasaw Nation.

By the Commissioner:

Further hearing in this case will be continued until
Tuesday, February 27, 1906, at 4 o'clock P. M.

Olga Petroff, a stenographer to the Commissioner to the Five
Civilized Tribes, on oath states that she correctly reported the
proceedings had in the above entitled cause and that the foregoing
is a full, true and correct transcript of her stenographic notes
thereof.

Olga Petroff

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

Myron White
Notary Public.

- Q Who made their application? A Their father.
 Q Were you present? A I was.
 Q Did you hear him make the application? A I did.
 Q He is now dead? A Yes sir.
 Q When did he die? A About two years ago.
 Q Died sometime in 1904? A I think so--in 1904.
 Q Was he living when the Supplemental Treaty was ratified? A Yes sir; I went with him on two different occasions before the Commission; when they were at Colbert---
 Q Did he make application for the enrollment of all of his children? A Yes sir.
 Q For John Edward Hamblin? A Yes sir.
 Q Did you hear Henry C. Hamblin make the application? A I did; I went with him for that special purpose.

By Mr. Rosenwinkel:

- Q You say you were present and heard him make application? A Yes sir.
 Q Where was the first place? A Atoka.
 Q Who did he make the application to? A I think it was Commissioner Armstrong; R. L. Murray was the Chickasaw commissioner they were at the hotel when we went up there.
 Q Your statement now is that Commissioner Armstrong at the hotel at Atoka received the application for these children? A I think so.
 Q That's your statement to the Commissioner? A Yes sir.
 Q What did he do about it? A He said he could not see where they were citizens.
 Q Write down their names? A No, I don't think he did.
 Q Did Mr. Hamblin repeat the name of every one of these children? A I couldn't say for certain that he did; he just told him that he came to get his children enrolled.
 Q And the names of the children were not mentioned? A I couldn't say.
 Q Were you present? A Yes.
 Q Is it not a fact that he went there and spoke to Mr. Armstrong about his white children and was informed that the Commission could do nothing for them? A Yes sir. He said he was there to enroll the Indians.
 Q Is it not also a fact that the Commission was not in Atoka at all to receive the applications of any persons? A I don't know what they were there for then.
 Q Don't you know that the Commission was at Atoka to confer with the delegates of the Choctaw Nation with a view of framing another agreement with the Indians? A No sir, I don't know anything of the kind. I know our Chickasaw commissioners were there.
 Q That closes Atoka? A Yes sir.
 Q The next place you went to was Colbert? A Yes sir.
 Q What Commissioner did you talk to at Colbert? A I don't know I don't know their names. He got but very little encouragement.
 Q About the same thing happened at Colbert that happened at Atoka? A Not that I know of.
 Q The Commissioner didn't know from the conversation whether he had one or ten children? A No sir, that's my recollection.
 Q Would you know the name of the Commissioner with whom the conversation took place at Colbert, if you heard it? A I don't know that I would now.
 Q You have forgotten the name of that Commissioner was? A I would not be positive.
 Q You have testified before about this matter; that time you testified that the Commissioner was Mr. Bishop? A I think it was; that's my recollection, but I could not be positive.

By Mr. Norman:

The petitioners object for the following reasons: That the petition filed filed October 16, 1897 and endorsed as above stated, shows upon its face that John Hamblin, who is the same as John Edward Hamblin, made a petition for enrollment and filed same with the Commission on said date and that this record is material and pertinent to this case to show that he made his application in due time.

We offer in evidence the proceedings, papers and evidence, together with the judgment of the Commission rendered on July 24, 1906, in which it is adjudicated that all the petitioners except John Edward Hamblin, made their applications in due time.

By Mr. Rosenwinkel:

I objected to the proceedings because it appears that these were ex parte proceedings, taken without notice to the Nations, interested parties and contrary to the rules of the Department laid down and prescribed with reference to taking of testimony.

By the Commissioner:

That will be made a part of the record.

Witness excused.

JOHN M. WEBB, being first duly sworn, testifies as follows:

By the Commissioner:

Q What is your name? A John M. Webb.
Q Where do you live? A At Colbert.

By Mr. Norman:

Q Are you a citizen of either nation? A Intermarried citizen, yes.
Q Of what Nation? A Chickasaw Nation.
Q What relationship, if any, exists between yourself and Jessie I. Hamblin? A She is my sister.
Q She is your sister? A Yes sir.
Q Do you know all of the petitioners in this case? A I do.
Q Who is their mother? A Jessie I. Hamblin.
Q Who is their father? A Henry C. Hamblin.
Q Are all of them living? A One dead.
Q Which one? A John.
Q Where are they living? A At Sterrett.
Q Are they the same identical parties that are the children of your sister? A They are.
Q Were they born before or after your sister's marriage to Henry C. Hamblin? A After.
Q Born as an issue of that marriage? A Yes sir.
Q They were born in the Chickasaw Nation, every one of them.
Q Do you know anything about any applications having been made for the enrollment of these children? A Yes sir.
Q Do you know whether an application was ever made for the enrollment of John Edward Hamblin? A Yes sir.
Q Where? A Atoka.
Q When? A When the Commission first came to Atoka.
Q It was when they first came? A Yes sir.

By Mr. Rosenwinkel:

We object to that because it is incompetent, irrelevant and immaterial and contrary to the rules of the Commission laid down and prescribed in these cases. I would like to have the Commission rule on that question.

By the Commissioner:

What is the object of making these part of the record if they have been enrolled and the enrollment approved by the Secretary?

By Mr. Norman:

The purpose is to show that the Commission has adjudicated and that a marriage took place between these parties and that at the date of their marriage they were citizens by intermarriage of the Chickasaw Nation and these children were born subsequent to the time the Commission has adjudged them to be citizens and also to prove that application was made for their enrollment in due time.

By the Commissioner:

It would not seem necessary to make these records a part of the record in this case, for the reason that their rights have already been adjudicated and not disputed and also the order of the Commissioner to the effect that application was made for the enrollment of these parties prior to December 25, 1902.

By Mr. Rosenwinkel:

There are a whole lot of reasons why we object. In the first place, there is a bunch of papers offered; they are not identified in any way, we do not even know what is offered; they contain letters and papers that have accumulated here for years; they are taken out of another case where the issues are different and besides, if the Commission would hold that they are admissible, I would insist that each be offered separately and identified and placed separately in this case, which would be necessary under the ruling of the Commissioner.

By Mr. Norman:

In reply to the statement, we deny that there are papers in this case that have nothing to do with the present case and state that every paper in this case is filed with the Commissioner and a part of the case and if the attorneys for the Nations have not investigated it, we should not be charged with their negligence.

By the Commissioner:

The Commissioner must decline to permit these papers to be made a part of the record. The rights have been adjudicated and it has been established that they are intermarried citizens.

By Mr. Rosenwinkel:

- Q Have you any personal knowledge about this alleged application for the enrollment of these children? A No sir.
- Q How old a child was John Edward Hamblin? A He would be 15 in June.
- Q Was he older than Pearl? A Yes sir.
- Q Was he a twin brother of Gertrude? A Twin?
- Q Yes? A No sir.
- Q Gertrude's age is given here as 15? A That's a mistake.
- Q When was it that you lived at Ravenna, Texas? A '94 or '95 I think.
- Q How long did you continue to live there? A About three years-- a little over, maybe.
- Q Where were you and these children living on the 28th of June, 1898? A I can't tell you.
- Q About the time the government made a treaty with the Indians, known as the Atoka Agreement? A We were living down at Sterrett.
- Q At the time the Indians voted on that treaty? A Yes sir.
- Q How long had you been in the territory when the Indians voted on the Atoka Agreement? A Been back over a year--nearly two years.

By the Commissioner:

The name of Henry C. Hamblin appears on the final roll of the citizens by intermarriage of the Chickasaw Nation approved by the Secretary of the Interior opposite No. 437.

By Mr. Norman:

Now, if the Commissioner please, we desire to introduce in evidence the petition filed in this case on October 16, 1897, signed A. L. Aylesworth, Secretary, and endorsed, "These papers received and filed without authority of law" and state that they are in the record in this case in the possession of the Commission which shows in the petition the name of John Hamblin as one of the applicants, which is the same as John Edward Hamblin.

By Mr. Rosenwinkel:

What is the purpose?

By Mr. Norman:

To show that he made application at that time.

By Mr. Rosenwinkel:

We object to that because at the time this paper was filed and presented to the Commission, the Commission was without authority of law to receive application of the petitioners.

By Mr. Norman:

We also desire to enter in evidence all the papers, proceedings, pleadings, judgments filed in the case of Henry Clay Hamblin and Jennie I. Hamblin be made a part of the record in this case.

The name of the witness appears on the final roll of the citizens by intermarriage of the Chickasaw Nation approved by the Secretary of the Interior, opposite No. 438.

By Mr. Nerman:

- Q Who was your husband? A The first one?
Q Yes, your first husband? A Benjamin Greenwood.
Q Who was your second husband? A Henry C. Hamblin.
Q Is Henry C. Hamblin the same party mentioned in this petition as Henry Clay Hamblin? A Yes sir.
Q How do you spell Hamblin? A H A M B L I N.
Q When were you and Henry C. Hamblin married? A 15th of November 1877.
Q On the date of your marriage to Henry C. Hamblin, were you a citizen of the Chickasaw Nation? A Yes sir.
Q Was your husband at that time a citizen of the Chickasaw Nation? A Yes sir.
Q He then was a citizen of the Chickasaw Nation by blood or by marriage? A He was a citizen by intermarriage.
Q And you were a citizen by intermarriage? A Yes sir.
Q Have you any children as an issue of this marriage to Henry C. Hamblin? A Yes sir.
Q They are the children that you have just spoken to the Commission about? A Yes sir.
Q Were all of these children born as an issue of that marriage? A Yes sir.
Q Are all of them living? A All but one.
Q Which one? A John.
Q Is John the same person as is spoken of as John Edward Hamblin? A Yes sir.
Q When did he die? A Last June was a year ago--be two years next June.
Q That was in June, 1904? A Yes sir.
Q What is the age of James B. Hamblin? A 26.
Q Frank W. Hamblin? A Seem to be 23.
Q Oscar B. Hamblin? A Nearly 21.
Q Gertrude Hamblin? A Going on 19.
Q Emma Maud Hamblin? A Going on 17.
Q Jessie Pearl Hamblin? A She is 11.
Q Where were you and your children living at the time these children were born? A Living in the Chickasaw Nation.
Q Have you since that time continuously resided in that Nation? A No sir, we moved to Ravenna, Texas, and stayed there two or three years.
Q And after staying there two or three years, moved back to the Territory? A Yes sir.
Q Have you since lived there at all times? A Yes sir.
Q How were you and Mr. Hamblin married, or rather, under what kind of license? A We had a license but I can't find out what kind--Chickasaw license.
Q Do you remember whether or not they are in the papers in this case? A I don't know.
Q Where are these children I have just named living? A They are living at Starrett in the Indian Territory.
~~Q How these children are the same identical children that are named in this petition? A Yes sir.~~
Q And they are your children by Henry C. Hamblin? A Yes sir.
Q And were born subsequent to your marriage to him? A Yes sir.
Q And at the date of your marriage to him, you were both intermarried citizens? A Yes sir.

By Mr. Norman:

Come now the petitioners herein and respectfully pray the Commissioner to take the evidence today of Mrs. Hamblin and Mr. Webb, who are present, and to postpone the case for taking the evidence of the other witnesses herein until February 27th. The ground upon which this motion is asked, is as follows:

Thomas Norman, as attorney for these petitioners, separately and independent of any one else, filed a petition herein; also Mr. Lowe, as an attorney for them, separately and independently filed another petition herein. Under these conditions, Thomas Norman came today as an attorney with the intention of withdrawing from the case, expecting to have nothing further to do with it. As a result of this, the witnesses are not all present, as the attorney, expecting to withdraw, never attempted to have them present. Since coming to Muskegee, satisfactory arrangements have been made, by which Thomas Norman will remain in the case. Whatever fault there is in this case, if any, is attributable to the attorneys and not the applicants, and on account of this misunderstanding and in justice to these people, we think that this motion should be allowed.

By the Commissioner:

We will take the testimony of the witnesses we have here today and hear the others tomorrow at 4 o'clock.

By Mr. Rosenwinkel:

The Choctaw and Chickasaw Nations object to any proceedings in this case for the reason that the names of the applicants do not appear upon the tribal rolls of the Choctaw or Chickasaw Nation within the meaning of the Act of May 31, 1900 and for this reason the Commissioner and the Secretary of the Interior are now without jurisdiction to receive, consider, or make any record of their applications. We object for the further reason that the applicants are not in any event such persons as may share in the distribution of the tribal property of the Nations, they being white persons and neither citizens by blood or intermarriage.

As to the petitioner, John Edward Hamblin, the Nations object for the further reason that the records of the Commission do not show that formal application was ever made for his enrollment.

JESSIE I. HAMBLIN, being first duly sworn, testifies as follows:

By the Commissioner:

Q What is your name? A Jessie I. Hamblin.

Q What is your postoffice address? A Sterrett, Chickasaw Nation

Q How old are you? A I am 80 years old.

Q Are you married? A I am a widow.

Q What relation are you to the petitioners, James B. Hamblin, ~~Frank W. Hamblin, Oscar J. Hamblin, Gertrude Hamblin, Emma Pearl Hamblin, Jennie Pearl Hamblin and John Edward Hamblin?~~ A I am their father.

Q Are you a citizen of the Chickasaw Nation? A By intermarriage.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Muskogee, I. T. February 26, 1906.

In the matter of the application for the enrollment of
James B. Hamblin, et al., as citizens of the Chickasaw Nation.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 22, 1906, by Thomas Norman, attorney for the petitioners, a petition praying for the enrollment of James B. Hamblin, Frank W. Hamblin, Oscar B. Hamblin, Gertrude Hamblin, Emma Maud Hamblin and Jessie Pearl Hamblin as citizens of the Chickasaw Nation.

On February 5, 1906, there was filed by Sedley S. Lowe, Sterrett, Indian Territory, a petition praying for the enrollment of the above named applicants as citizens of the Chickasaw Nation. February 6, 1906, Sedley S. Lowe addressed a letter to this office stating that in the petition filed by him on February 5, 1906, he had failed to include the name of John Edward Hamblin, who is also a child of Henry C. Hamblin.

The petitioners claim their right to enrollment by reason of being the children of Henry Clay Hamblin, whose name appears on the final roll of citizens by intermarriage of the Chickasaw Nation approved by the Secretary of the Interior, opposite No. 437, and Jessie I. Hamblin, whose name appears on the final roll of the citizens by intermarriage of the Chickasaw Nation approved by the Secretary of the Interior, opposite No. 438.

February 6, 1906, James B. Hamblin, Sterrett, Indian Territory, Sedley S. Lowe, Sterrett, Indian Territory, and Thomas Norman, Ardmore Indian Territory, attorneys for the petitioners, and Mansfield, McMurray & Cornish, South McAlester, Indian Territory, the attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would, at his office at Muskogee, Indian Territory, on Monday, February 26, 1906, at 3 o'clock P. M., hear such testimony and receive such other evidence as might be submitted in support of the petition filed for the enrollment of the above named applicants.

Now on this 26th day of February, 1906, at 3 o'clock P. M. this case being called for hearing, in conformity with the notices to the petitioners, their attorneys and the attorneys for the Choctaw and Chickasaw Nations, the following appearances were entered and proceedings had:

APPEARANCES:

Jessie I. Hamblin, appearing on behalf of the petitioners
Thomas Norman, Ardmore, Indian Territory, and Sedley S.
Lowe, Sterrett, Indian Territory, appearing as attorneys for
the petitioners.

~~G. Rosenwinkel, of Mansfield, McMurray & Cornish, appear-
ing on behalf of the Choctaw and Chickasaw Nations.~~

axb
Memo-27.

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

-----o-----

In the matter of the application for the enrollment of James Benjamin Hamblin, Frank Hamblin, Ben Hamblin, Gertrude Hamblin, Maud Hamblin and Pearl Hamblin as citizens of the Chickasaw Nation.

-----o-----

It appears from the record herein that on June 9, 1905, Jessie I. Hamblin appeared in person before the Commission to the Five Civilized Tribes, and presented testimony relative to an application alleged to have been made for the enrollment of her children, James Benjamin Hamblin, Frank Hamblin, Ben Hamblin, Gertrude Hamblin, Maud Hamblin and Pearl Hamblin, as citizens of the Chickasaw Nation, within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Said Jessie I. Hamblin testified that application was made for the enrollment of said children by their father, Henry C. Hamblin, and that all she knows about the matter is that he told her he had made it. Said Henry C. Hamblin is now dead.

J. M. Webb testified that he is a brother of Jessie I. Hamblin; that he accompanied Henry C. Hamblin to Atoka in 1898, and appeared before said Commission; that at that time he heard said Henry C. Hamblin apply for the enrollment of his children; that said Commission was then advised that the applicants were white children having no Indian blood, and Hamblin was told that the Commission was there for the purpose of enrolling Indians, and that the matter would be taken up if it could be shown that said children had any Indian blood. The witness also testified that he was with Henry C. Hamblin at Colbert, Indian Territory "when the Commission first came to Colbert", and that application was made for said children at that time, with the same result as before.

On June 24, 1905, Robert L. Murray appeared before said Commission at Muskogee, Indian Territory, and testified relative to said matter. His testimony corroborates the statements of Mr. Webb in all respects.

I am of opinion that the evidence shows that application was made to the Commission to the Five Civilized Tribes for the enrollment of said James Benjamin Hamblin, Frank Hamblin, Ben Hamblin, Gertrude Hamblin, Maud Hamblin and Pearl Hamblin as citizens of the Chickasaw Nation, within the time limited by the provisions of said Act of Congress approved July 1, 1902 (32 Stats., 641), and that said application should now be heard and determined on its merits, and it is so ordered.

Muskogee, Indian Territory,

Commissioner.

JUL 2 1905

citizens of the Chickasaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 498), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

NOV 13 1906

W-25.
9-1824.
O.L.J.

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

In the matter of the application for the enrollment of
James Benjamin Hamblin, et al., as citizens of the Chickasaw Nation.

D E C I S I O N.

It appears from the record herein that application was duly made for the enrollment of James Benjamin Hamblin (born in the year 1879), Frank Hamblin (born in the year 1884), Ben Hamblin (born in the year 1886), Gertrude Hamblin (born in the year 1887), Maud Hamblin (born in the year 1889), and Pearl Hamblin (born in the year 1895), as citizens of the Chickasaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed on January 22, 1906, by Thomas Norman, attorney at law, Ardmore, Indian Territory, a petition praying for the enrollment of the above named applicants as citizens of the Chickasaw Nation.

On February 5, 1906, there was filed by Sedley S. Lowe of Sterett, Indian Territory, a petition also praying for the enrollment of the above named applicants as citizens of the Chickasaw Nation. February 6, 1906, Sedley S. Lowe addressed a letter to this office, stating that in the petition filed by him on February 5, 1906, he had failed to include the name of John Edward Hamblin (born in 1892).

It appears from the record herein that on October 16, 1897, there was filed with the Commission to the Five Civilized Tribes a petition praying for the enrollment of the petitioner, John Edward Hamblin (as John Hamblin), as a citizen of the Chickasaw Nation.

The applicants herein claim their right to enrollment as citizens of the Chickasaw Nation by reason of being the children of Henry Clay Hamblin and Jessie I. Hamblin, both white persons, whose names appear as numbers 437 and 438, respectively, upon the final roll of citizens by intermarriage of the Chickasaw Nation approved by the Secretary of the Interior October 21, 1904.

I am of the opinion that the petition filed with the Commission to the Five Civilized Tribes October 16, 1897, constitutes a sufficient application for the enrollment of John Edward Hamblin as a citizen of the Chickasaw Nation made within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of ~~Mary Elizabeth Martin, the application and petitions for the enrollment of James Benjamin Hamblin, Frank Hamblin, Ben Hamblin, Gertrude Hamblin, Maud Hamblin, Pearl Hamblin and John Edward Hamblin as~~

496), and July 1, 1903 (32 Stat., 641), and it is so ordered,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

AUG 15 1904

COPY.

269
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9-1151

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

In the matter of the application for the enrollment of Henry C. Hamblin and Jessie I. Hamblin as citizens by intermarriage of the Chickasaw Nation.

--: D E C I S I O N :--

It appears from the record herein that in 1873 or 1874 the applicant, Henry C. Hamblin, was lawfully married to Mary (or Mollie) Hamblin (nee Perry) 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, and that they lived together continuously as husband and wife in the Choctaw-Chickasaw country from the date of said marriage until the death of said Mary Hamblin in the spring of 1877.

It further appears from the record herein that on November 10, 1875 the applicant, Jessie I. Hamblin, was lawfully married to Ben F. Greenwood a recognized citizen by blood of the Chickasaw Nation; that at the time of said marriage both the applicant and said Ben F. Greenwood were residents in good faith of the Chickasaw Nation, and that they lived together continuously as husband and wife in the Chickasaw Nation from the date of said marriage until the death of the said Ben F. Greenwood in 1878.

It further appears from the record herein that subsequent to the dates of the death of the former spouses of the applicants herein and on November 27, 1878 the applicant Henry C. Hamblin was lawfully married to the applicant Jessie I. Hamblin; that the applicants lived together continuously as husband and wife in the Choctaw-Chickasaw country, except for a temporary residence of two or three years in the state of Texas beginning in 1891, from the date of their said marriage until about 1897 or 1898 when they separated, and that they continued to reside in the Choctaw-Chickasaw country, and were husband and wife, up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission the applicants Henry C. Hamblin and Jessie I. Hamblin are identified on the 1878 Chickasaw Annuity Roll, Panola County, numbers 24 and 39 respectively, upon the 1893 Chickasaw Leased District Payment Roll, number two, page 9, and upon the 1896 Chickasaw Census Roll, Panola County, page 76, enrolled on said rolls as citizens by intermarriage of said nation.

It is therefore the opinion of this Commission that Henry C. Hamblin and Jessie I. Hamblin should be enrolled as citizens by intermarriage of the Chickasaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat.,

2-J.B.Hamlin et al.

tion, because the Commission wasn't taking applications at that time. They were making this Atoka Agreement, but they had been before in the field at Vinita and Tishomingo, I think it was.

Q Well, at that time the Commission was not in session for the purpose of receiving applications? A No, we were there framing the Atoka Agreement, but Armstrong listened to them and heard what they had to say.

Q Was there any application ever made for these children at any other time? A Mr. Hamblin was at Colbert when we were there at work for the Dawes Commission I think in June, 1901.-- I believe it was but I am not sure. Anyway, it was the very summer that we made up the roll. I think it was in 1901, but anyway, Hamblin was there and the Commission was at work, with Colonel Needles and Mr. Emerson working on the Chickasaw Freedman side, and Mr. Hamblin came around to the table where I was and told me that he wanted to make application for his children that day, and I told him that he would have to go to that table where Mr. Bixby was. Mr. Bixby was in charge of white people and Indians and we was in charge of the negroes.

Q This was in Colbert in 1901? A I think it was in 1901; anyway, it was when the Dawes Commission was enrolling citizens.

Q At that time the Dawes Commission was hearing applications for enrollment? A Yes sir.

Q And Mr. Hamblin did appear before the Dawes Commission and seek to make application? A Yes, and he told me that he was going to do it that day. Webb was there also and I told him that I had't anything to do with that work. Colonel Needles and I worked for the Freedmen.

Q Did you see him go over to this other table to which you referred him? A Yes sir.

Q And did you see him speak to Mr. Bixby with reference to it? A Yes, Mr. Bixby and Mr. Bell were at the white and Indian table.

Q You don't know whether the names of these children were mentioned at that time or not, do you? A No, I wasn't close enough to hear them. I know Mr. Hamblin told me that he was going to make application for his children that day.

Frances R. Lane being first duly sworn 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 June 26, 1905.

J. W. Campbell
Notary Public.

V V
Memo-87.

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

MUSKOGEE, Indian Territory, June 24, 1906.

In the matter of the alleged application for the enrollment as citizens of the Chickasaw Nation of James Benjamin Hamblin, Frank Hamblin, Ben Hamblin, Gertrude Hamblin, Maud Hamblin and Pearl Hamblin.

Robert L. Murray being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Robert L. Murray.

Q What is your postoffice address? A Celbert, I. T.

Q Were you a member of the Chickasaw Citizenship Commission during the year 1898? A No, I was not a member of the Chickasaw Citizenship Commission at that time. I was a member of the Chickasaw Commission framing this Atoka Agreement. I was a member of that Commission at that time? That is eight years next April.

Q Are you acquainted with Jessie I. Hamblin? A Yes sir.

Q She is the wife of Henry C. Hamblin isn't she?

A Yes sir.

Q She had appeared here and testified relative to the question of an application alleged to have been made for the enrollment of her children as citizens of the Chickasaw Nation, and it is claimed that the application was made at Atoka in 1898, and that you introduced her and her brother J. M. Webb to General Armstrong, a member of the Dawes Commission at that time. Do you remember anything about their being present at that time?

A No, not Mrs. Hamblin, but Mr. Hamblin and Webb were there.

Q Mr. Webb states in his testimony that you introduced them to General Armstrong. Is his testimony in regard to that correct? A Yes sir.

Q You know that Webb and Hamblin were present at Atoka at that time? A Yes sir.

Q Do you remember whether they stated at that time their purpose in appearing before the Commission? A Yes, we were there framing this Atoka agreement and I met Webb on the street and they asked me where the Commission was meeting at, and I told him that I would go down and introduce him to Colonel Frank Armstrong; he was acting as Chairman at that time instead of Mr. Dawes, and I introduced Hamblin and Webb to Mr. Armstrong, and they said that they came there for the purpose of making application for the enrollment of his children; so Mr. Armstrong asked him to state who he had married and all about it, so he went on and states that he (Hamblin) at one time was married to an Indian woman and lived with her until she died, and then afterwards he married Jessie Webb who had formerly married an Indian man and lived with him until he died, and his purpose was to make application to see if he could get these children on the roll that belonged to him and Jessie Webb.

Q So that you know that Mr. Hamblin did make application at Atoka in 1898 for the enrollment of these children? A I knew that he was there. I couldn't tell you that he made applica-

4-Hamlin et al.

A Yes- Ben isn't living with me; he is living in the Chickasaw Nation, working. He makes it his home there with me.

Q And Ben, Gertrude, Maud and Pearl are making their home with you at the present time? A Yes sir.

Q And always have made their home with you? A Yes sir.

Q Have James and Frank always made their home with you up to the time of their marriage? A Yes sir.

Witness excused.

At the request of Mr. Lowe a period of ten days will be allowed within which time he states he will introduce the testimony of R. L. Murray.

The name of Jessie I. Hamlin, the mother of the children in question, appears on Chickasaw Field Card No. 1151 as No. I.W.438

The name of Henry C. Hamlin, father of the children in question, appears on Chickasaw Field Card No. 1151 and is No. I. W. 437, both being approved October 21, 1904 by the Secretary of the Interior.

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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 June 9, 1905.

M. Campbell
Notary Public.

J-Hamlin et al.

Q Can you tell what was said at that time? A No, I didn't hear all the conversation at that time; I was with him; he came to my house and staid all night; we went together before the Commission; he stated the case to them again.

Q Do you know what was said to him at that time? A About the same that was said at Atoka; he had other men with him that knew the status of the children just as we did, and that was talked over with the Commission.

Q Those two applications at Atoka and Colbert are the only two applications that you know anything about? A Yes sir.

Q Is Henry C. Hamlin still living? A No sir, he is dead.

Q When did he die? A He died along this past winter.

Examination by Mr. Lowe.

Q To what particular member of the Commission was this statement made to at Atoka? A I know we talked to General Armstrong at Atoka, and it seems to me that we talked to either one or two other Commissioners; that was the first time that I ever met R. L. Murray, one of the Chickasaw Commissioners; he was there with the Commission, and I think we had a talk with Captain McKennon too; that is my recollection; it has been a long time ago.

By the Commission.

Q General Armstrong, you claim, was a representative of the Dawes Commission? A Yes sir.

Q Did you talk with any other members of the Commission? A No, not at Atoka.

Q Did you talk with any of the others at Colbert? A Yes, I think we talked with Mr. Bixby at Colbert; they had their different tents at Colbert.

Q Did you see Mr. Bixby at Colbert at that time? A Yes sir.

By Mr. Lowe.

Q That member of the Commission at Atoka, was that Colonel Armstrong or Frank Armstrong? A I could not tell you.

Q You are sure that he was a member of the Commission? A Yes R. L. Murray introduced us at the hotel, and I think that he called him General or Colonel; he was a member of the Commission, though; Murray was our Chickasaw Commissioner and he was assisting the Commission.

Witness excused.

Mrs. Jessie I. Hamlin being recalled testified:

By the Commission:

Q When were you married to Henry C. Hamlin? A It was in '78.

Q These children when you have named are all the children of yourself and Henry C. Hamlin? A Yes sir.

Q Where have they lived since the time of their birth?

A They have lived in the Chickasaw Nation with the exception of four years when we lived in Texas.

Q What four years did you live in Texas? A I believe we lived there in 1891, or 1892--I don't remember.

Q And you staid there 3 or 4 years? Then did you return to the Chickasaw Nation? A Yes sir.

Q And with the exception of that four years, these children have always lived in the Chickasaw Nation? A Always lived in the Choctaw or Chickasaw.

Q Always lived in the Choctaw-Chickasaw country? A Yes sir.

Q And are they all living with you with the exception of James and Frank? A Yes sir.

Q James and Frank are not living with you? A No sir.

Q But they are living there in the Chickasaw Nation?

2-Hamlin et al.

that because he tended to it and I don't know.

Q Was you present when that application was made? A No sir.

Q Then all you know is what Mr. Hamlin told you? A I know only just what he told me; I wasn't there.

Q Do you know whether anything else has been done in the matter of making application for these children, except that application which was made at Colbert? No, I don't know whether there has or not.

Q What you have stated is all you know with reference to the matter in any way, is it? A Yes sir.

Witness excused.

J. M. Webb being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A J. M. Webb.

Q What is your postoffice address? A Colbert, Indian Territory.

Q Are you a citizen of the Chickasaw Nation? A I am an intermarried.

Q Are you any relation to the witness who has just testified? A I am her brother.

Q She has testified that an application was made at Colbert some eight years ago for the enrollment of James Benjamin, Frank Ben, Gertrude, Maude and Pearl Hamlin as citizens of the Chickasaw Nation; can you tell us anything about that?

A Yes, I know the father of them made application; I went with him on two different occasions.

Q When was it that he first made application? A He first made application at Atoka.

Q When was that? A I think it was in 1898; I could not be positive as to the date.

Q You were with him when he made that application at Atoka?

A Yes sir.

Q And you know that he made it? A Yes sir.

Q You know that it was before the Dawes Commission? A Yes sir.

Q Do you know what was said to him at that time? A I don't remember; we just had the case before them--just laid the case before the Commission, him and I together, the best we could.

Q Do you remember what was stated after you laid the facts before the Commission? A There was not a great deal said; they were in a hurry as usual, and said that they came there for the purpose of enrolling Indians, and if we could show that they had any Indian blood they would take the matter up.

Q Did Henry C. Hamlin advise the Commission at that time that these children were the children of Jessie I. Hamlin and himself? A Yes sir.

Q You also advised the Commission that the children were white children, and that they had no Indian blood? A Yes sir.

Q You know of your own knowledge that these children are white children? A Yes sir.

Q Was anything further said to Mr. Hamlin at Atoka at that time?

A I don't remember the conversation any further; they just told him that they didn't see any show to have them enrolled. That they were white children.

Q When was the next application made? A When the Commission was at Colbert.

Q When was that? A When the Commission first came to Colbert. I don't remember the date.

Memo-87.

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

MUSKOGEE, Indian Territory, June 9, 1905.

In the matter of the alleged application for the enrollment as citizens of the Chickasaw Nation of James Benjamin Hamblin, Frank Hamblin, Ben Hamblin, Gertrude Hamblin, Maud Hamblin and Pearl Hamblin.

S. S. Lowe of Sterrett, Indian Territory, appearing for the applicants.

Jessie I. Hamlin being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jessie I. Hamblin.
Q How old are you? A About fifty years old.
Q What is your postoffice address? A Sterrett, Indian Territory.
Q Are you a citizen of the Chickasaw Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Have you any Indian blood at all? A None at all.
Q What are the names of your children and their ages?
A James 26 years old; Frank going on 23; Benjamin 21; Gertrude 18; Maud going on 17; Pearl 10.
Q Are those children living with you at Sterrett? A Yes sir.
Q All of them? A Yes sir.
Q Are any of them married? A Two of them.
Q Which ones? A James and Frank.
Q What is the name of James' wife? A Myrtle
Q Has James any children? A No sir.
Q What is the name of Frank's wife? A Lucy
Q Has Frank any children? A No sir.
Q Do you claim that application was ever made for the enrollment of these children as citizens of the Chickasaw Nation?
A Yes sir.
Q When and where was that application made? A It was made at Colbert, but I don't know when it was. I can't tell you the date.
Q Can you give me the date? A It was in 1892, wasn't it? I don't know the date; I can't tell you the date.
Q Can you tell about how many years ago that application was made? A About 7 or 8 years ago.
Q Who is the father of these children? A Henry C. Hamblin.
Q Is Henry C. Hamblin a citizen of the Chickasaw Nation?
A Yes, by intermarriage.
Q He is a citizen by intermarriage? A Yes sir.
Q He is not a citizen by blood? A No sir.
Q So that none of these children have Indian blood in them at all? A No sir.
Q They are all white children? A All white children.
Q You say that this application was made at Colbert some 8 years ago? A Yes, I think it was about that time.
Q To whom was that application made? A I can't tell you

1924

9-1823

Muskogee, Indian Territory, February 23, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of February 10, 1906, affirmed the decision of this office dated December 30, 1905, denying the application for the enrollment of Martha Ellen Love as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Acting Commissioner.

9-1823

Muskogee, Indian Territory, February 25, 1906.

Connell & Deck,
Attorneys at Law,
Durant, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of February 10, 1906, affirmed the decision of this office dated December 30, 1905, denying the application for the enrollment of Martha Ellen Love as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Acting Commissioner.

9-1623

Muskogee, Indian Territory, February 23, 1908.

Martha Ellen Love,

Platter, Indian Territory,

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of February 10, 1908, affirmed the decision of this office dated December 30, 1908, denying your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Acting Commissioner.

both persons were residents in good faith of the Chickasaw Nation, and that they lived together continuously as husband and wife in that Nation until death of Henry in 1901, since which time, up to and including September 25, 1902, the applicant had not re-married.

It does not appear from the record that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Chickasaw Nation or by any United States tribunal; nor has the applicant ever been married to either husband by virtue of a license issued by the tribal authorities of the Chickasaw Nation.

In view of the record and of the act of June 28, 1898 (30 Stats., 495) the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

HMM

C

Refer in reply to
the following.

—Copy—

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Land.
1337-1906. WASHINGTON.

February 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 2, 1906, transmitting the record of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation by Martha Ellen Burroughs.

December 30, 1905, the Commissioner decided adversely to the applicant.

The record shows that on January 19, (or 29) 1889, the applicant was lawfully married to Jeff Guess, a recognized and enrolled citizen by blood of the Chickasaw Nation, identified on the 1878 Chickasaw Annuity Roll as Jeff Guess; that at the time of marriage both were residents of the Chickasaw Nation; that they lived together continuously as husband and wife until the death of Jeff Guess on October 16, 1894; that thereafter, on February 17, 1895 (or 1896) the applicant married Henry Love, a recognized and enrolled citizen by blood of the Chickasaw Nation who is identified upon the 1896 Chickasaw Census roll- both Panola County; that at the time of marriage

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR,
Washington, D. C.

C.R.V.

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I.T.D.1924-1906.
LES

February 10, 1906.

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

Sir:

January 2, 1906, you transmitted the record in the matter of the application for enrollment of Martha Ellen Love as a citizen by intermarriage of the Chickasaw Nation.

Reporting February 2, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated December 30, 1905, is hereby affirmed.

Respectfully,

THOS. RYAN
First Assistant Secretary.

1 inclosure.

9-1823

COPY.

Muskogee, Indian Territory, February 2, 1906.

Martha Ellen Burroughs,
Platter, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your affidavit for appeal from the decision of the Commissioner to the Five Civilized Tribes of December 30, 1905, denying your application for enrollment as an intermarried citizen of the Chickasaw Nation addressed to the Secretary of the Interior which has been by him referred to this office for consideration and appropriate action.

Replying to this letter you are advised that on December 30, 1905, a decision was rendered refusing your application for enrollment as an intermarried citizen of the Chickasaw Nation and on the same day the record in this case was forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs. You will be advised when this office is notified of Departmental action in this case.

Respectfully,

SIGNED

Wm. C. Deall.

Acting Commissioner.

C & D #2

You are further advised that the application for the enrollment of Martha Ellen Burroughs as a citizen by intermarriage of the Chickasaw Nation was not refused because her name was not found on the tribal roll but for the reason that she was not married to her Chickasaw husband under a license issued by the tribal authorities of the Chickasaw Nation.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

9-1823

COPY.

Muskogee, Indian Territory, January 27, 1906.

Connell & Deck,
Attorneys at Law,
Durant, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of January 22, 1906, in the matter of the application of Martha Ellen Burroughs for enrollment as an intermarried citizen of the Chickasaw Nation. You state that the petitioner was often called Ellen instead of Martha and that the name of Emily Guess was found on the roll, but that the name of Martha Ellen Guess was not found, and as Martha Ellen Guess was the only female by the name of Guess who was enrolled during the lifetime of Jeff Guess, you thought possibly, unless identified as another person, that Martha Ellen and Emily Guess is one and the same person. You also ask if the name of Emily Guess is properly identified upon the records as having taken an allotment.

In reply to your letter you are advised that Emily Guess whose name appears upon the Chickasaw roll in the possession of this office, is a child now about eleven or twelve years of age and the daughter of Robert Guess.

Muskogee, Indian Territory, January 2, 1906.

The Honorable,

The Secretary of the Interior.

COPY.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Martha Ellen Love as a citizen by intermarriage of the Chickasaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated December 30, 1905, denying said application.

Respectfully,

SIGNED

Commissioner.

2 Incl. 9-1823.

Through the
Commissioner of Indian Affairs.

9-1823.

COPY.

Muskegee, Indian Territory, January 2, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the 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 December 30, 1905, denying the application for the enrollment of Martha Ellen Love as a citizen by intermarriage of the Chickasaw 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,

James D. Doby

Commissioner.

Incl. 9-1823.

9-1823.

COPY.

Muskogee, Indian Territory, January 2, 1906.

Connell & Deck,

Attorneys at Law,

Durant, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 30, 1905, denying the application for the enrollment of Martha Ellen Love as a citizen by intermarriage of the Chickasaw 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,

James Bixby
Commissioner.

Registered.
Incl. 9-1823.

9-1823.

Muskogee, Indian Territory, January 2, 1906.

COPY.

Martha Ellen Love,
Platter, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 30, 1905, denying your application for enrollment as a citizen by intermarriage of the Chickasaw 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,

Tame Bibb

Commissioner.

Registered.

Incl. 9-1823.

9-1823

COPY.

Muskogee, Indian Territory, December 19, 1905.

M. Ellen Borrough,
Platter, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of December 11, 1905, relative to your right to enrollment as an inter-married citizen of the Chickasaw Nation.

In reply to your letter you are advised that this office is now considering your application for enrollment as a citizen by intermarriage of the Chickasaw Nation and when a decision is reached you will be notified of the action taken therein.

Respectfully,

SIGNED *Tame Bixby.*
Commissioner.

9-1223

COPY.

Muskogee, Indian Territory, September 15, 1905.

Connell & Beck,
Attorneys at Law,
Durant, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 12th instant with reference to the application of Martha Ellen Burrough, formerly Martha E. Guess, for enrollment as an intermarried citizen of the Chickasaw Nation.

On July 24, 1905, the Commissioner to the Five Civilized Tribes held that an application had been made for the enrollment of Martha Ellen Burroughs as a citizen by intermarriage of the Chickasaw Nation, within the time prescribed by the Act of Congress approved July 1, 1902.

The applicant should now without delay appear before the Commissioner and present evidence showing that she was married in conformity with the tribal laws, customs and usages of the Chickasaw Nation to a recognized and enrolled citizen by blood of the said tribe. The applicant should present either the original or a certified copy of her marriage license and certificate to her Chickasaw husband, at the time of said appearance.

Respectfully,

SIGNED

J. S. Beall

Acting Commissioner

9-1823.

Substitute

COPY.

Muskogee, Indian Territory, July 26, 1905.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

There is inclosed herewith, for the information of your office, copy of Chickasaw roll card No. 1823, Martha Ellen Burroughs.

You are directed to make duplicate Chickasaw card No. 1823 in your office conform to the information thereon, and add this name to your list of undetermined applicants for enrollment in the Chickasaw Nation.

Respectfully,

SIGNED

James Fixby

Commissioner.

Incl. K-17.

9-102

COPY.

Muskogee, Indian Territory, July 25, 1905.

Martha Ellen Burrough,
Platter, Indian Territory.

Dear Madam:

You are advised that on July 24, 1905, the Commissioner to the Five Civilized Tribes rendered an order holding that application was made for your enrollment as an intermarried citizen of the Chickasaw Nation within the time provided by the act of Congress approved July 1, 1905, it will therefore be necessary for you to appear in person at this office accompanied by witnesses to testify relative to your right to enrollment as such intermarried citizen and as to your marriage to Jeff Guess, the Chickasaw husband through whom you claim the right to enrollment.

Respectfully,

SIGNED

Iame Bixby

Commissioner.

C & D #2

as it is necessary to dispose of all pending applications at an early date, and as Mrs. Burroughs contention that she made application to the Commission for enrollment as an intermarried citizen of the Chickasaw Nation within the time provided by the act of Congress approved July 1, 1902, is not sufficiently established, you should introduce the testimony of Mr. Murray, who, she alleges, appeared with her at the time of her personal application to the Commission. This testimony should be introduced at an early date.

The communication of the Commission inclosed with your letter is herewith returned.

Respectfully,

SIGNED

I. D. NICHOLS

Commissioner in Charge.

KB 1-12

COPY.

Mem 42

Muskogee, Indian Territory, April 12, 1905.

Connell & Deek,

Attorneys at Law.

Durant, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 3, 1905, relative to the introduction of the testimony of Robert L. Murray in support of the claim of Martha E. Burroughs that she made application for enrollment as an intermarried citizen of the Chickasaw Nation prior to December 25, 1902, in which you state that on account of poverty Mrs. Burroughs is unable to bear the expense of bringing this witness to Muskogee; further that you understood that arrangements had been made to send a man to Colbert for the purpose of taking this testimony and you desire to have notice as to when this will be taken and you will have Mr. Murray at Durant together with other witnesses whom you would like to have examined.

In reply to your letter you are informed that the representative of the Commission who, it was expected, would go to the neighborhood of Durant and Colbert for the purpose of taking testimony in Choctaw and Chickasaw enrollment cases has now been assigned to other work and it will be impracticable for him to go to Durant for the purpose of securing testimony of Mr. Murray, and

COPY.

Muskegee, Indian Territory, January 21, 1905.

G. F. Deck,

Durant, Indian Territory,

Dear Sir:

Referring to the testimony of Martha Ellen Burroughs of November 11, 1904, in which she alleges that her brother went with her before the Commission at Tishomingo, Indian Territory, on November 3, 1902, when she attempted to make application for enrollment as an intermarried citizen of the Chickasaw Nation, she has been advised that she will be allowed ten days from this date within which to introduce the personal testimony of her brother relative to this application alleged to have been made by her.

Respectfully,

SIGNED *Tame Dixby*

Chairman.

COPY.

Muskogee, Indian Territory, January 21, 1905.

Martha Ellen Burroughs,
Platter, Indian Territory,

Dear Madam:

Referring to your testimony of November 11, 1904, in which you allege that your brother went with you before the Commission at Tishomingo, Indian Territory, on November 3, 1902, when you attempted to make application for enrollment as an intermarried citizen of the Chickasaw Nation, you are advised that you will be allowed ten days from this date within which to introduce the personal testimony of your brother relative to this application alleged to have been made by you.

Respectfully,

SIGNED *Tame Bixby.*

Chairman.

BEFORE THE DEPARTMENT OF THE INTERIOR.

In the matter of the appli-
cation of Martha Ellen Bur-
row as a citizen of the Chick-
asaw Nation by intermarriage,

No. 9-1823.

AFFIDAVIT FOR AN APPEAL FROM THE DAWES COMMISSION.

UNITED STATES OF AMERICA,
Central District,
Indian Territory.

Comes Now the petitioner, Martha Ellen Barrow, who after
being duly sworn deposes and says, that her name is Martha
Ellen Barrow, and 33 years old and resides in the Chickasaw Nation
Post Office Platter,

That she is the identical person who made application to the
Dawes Commission for enrollment as a citizen of the Chickasaw Na-
tion by inter-marriage and within the time limited by the act of
Congress approved July 1st. 1902 (32 Stat., 841) as found by said
Commission to the Five Civilized Tribes in its decision in this
case Dec. 30th 1905, denying her application for enrollment as a
citizen of the Chickasaw Nation by intermarriage.

That she prays an appeal from the aforesaid finding if the said
Dawes Commission, that said appeal is not taken for delay but that
justice may be done,

That she further prays that she be allowed time in which for her
Attorneys to file brief and argument of her said case, shown that
she is and has been on the Tribal of the Chickasaw Nation ever since
placed there by her husband at the date of her enrollement by George
Murray in the 1893, and that her name was enrolled as Emily Guess,
by mistake instead of Ellen Guess, or Martha Ellen Guess.

That she further prays for the relief to which she may be entitled
under the laws and Treaties of the United States and the Chickasaw
Tribe of Indians,

Martha Ellen Barrow
Petitioner,

Subscribed and sworn to before me this the 20th. Day of Jan. 1906.

N. H. Goden
Notary Public.

3599

No. 9-1823.

Department of the Interior,
 RECEIVED
 JAN 22 1906
 No. 931
 Indian Territory Division.

Application of
Martha Elizabeth
Wright
for
land
in
Indian Territory

DEPARTMENT OF THE INTERIOR
 COMMISSIONER TO THE FIVE CIVILIZED TRIBES

JAN 31 1906

Department of the Interior,
 Jan 25, 1906...
 Respectfully referred to the
 Commissioner to the Five Civilized
 Tribes for consideration
 and appropriate action.

Hoey
 First Assistant Secretary.

Cornell
atys. Perout P.T.

9-1835.

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

In the matter of the application for the enrollment of Martha Ellen Burroughs as a citizen by intermarriage of the Chickasaw Nation.

- - : D E C I S I O N : - -

It appears from the record herein that application was duly made to the Commission to the Five Civilized Tribes for the enrollment of Martha Ellen Burroughs as a citizen by intermarriage of the Chickasaw Nation within the time limited by the Act of Congress approved July 1, 1902 (32 Stats., 641).

It further appears from the record herein that on January 19 (or 29), 1889, the applicant, Martha Ellen Burroughs, was lawfully married to Jeff Guess, a recognized and enrolled citizen by blood of the Chickasaw Nation, who is identified upon the 1878 Chickasaw Annuity Roll, Panola County, as Jeff Gess; 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 death of said Jeff Guess on October 16, 1894; that thereafter, on February 17, 1896 (or 1896), the applicant married Henry Love, a recognized and enrolled citizen by blood of the Chickasaw Nation, who is identified upon the 1896 Chickasaw Census Roll, Panola County, Page 2; that at the time of said marriage the applicant and said Henry Love 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 Henry Love in 1901, since which time up to and including September 26, 1902, the applicant has not remarried.

It does not appear from the record herein, nor from the records in the possession of this office, that said applicant has ever been enrolled by the tribal authorities of the Chickasaw Nation as a member thereof, or admitted to Chickasaw citizenship by a duly constituted court or committee of the Chickasaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321); nor has the applicant ever been married to either of her Chickasaw spouses by virtue of a license issued by the tribal authorities of the Chickasaw Nation.

I am therefore of the opinion that the application made for the enrollment of Martha Ellen Love as a citizen by intermarriage of the Chickasaw Nation should be denied under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Muskogee, Indian Territory,



Commissioner.

DEC 1 1905

4-Martha Ellen Burroughs.

Examination by Mr. Gennell:

Q Who married your brother to Mrs. Burroughs? A Parson Gardner.

Q Was Parson Gardner a Choctaw or Chickasaw? A Choctaw.

Q Where did he live at that time? A Just outside the Choctaw line about four or four and a half, somewhere along there, northwest of Durant just over the Choctaw line, and after they was married sometime--I worked cattle at one time--I didn't do anything else, and I ate dinner there sometime afterwards--two or three months; I was well acquainted with them. And he said to me, "Well, you let your younger brother beat you marrying", and I told him yes, I didn't have time to get married; aint married yet.

Witness excused.

Robert Guess being first duly sworn testified as follows:
Examination by the Commissioner.

Q What is your name? A Robert Guess.

Q Are you a citizen by blood of the Chickasaw Nation? A Yes.

Q Do you know Martha Ellen Burroughs? A Yes sir.

Q Was she at one time married to your brother, Jeff Guess?

A Yes sir.

Q Do you know whether any tribal license was secured at the time she married him? A I don't know whether there was or not.

Q But you know that she did marry Jeff Guess? A Why of course; that's evidence sufficient.

Q Do you know whether she drew this \$130 in 1893 from the Chickasaw Nation? A Yes, Mr. Rennie brought it to her.

Q Mr. Rennie drew for her and her husband and her daughter, did he? A Yes, and gave it to them.

Q And you know of your own knowledge that she got the \$130 as her share of that money? A Yes, we got it altogether. We all got it; all of them.

-----o-----
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 above and foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this August 11, 1905.

Edward Merrick
Notary Public.

3-Martha Ellen Burroughs.

Q Are you acquainted with Martha Ellen Burroughs who has just testified? A Yes sir.

Q How long have you known her? A I have known her about seven years, along about that time; I have known her ever since the five years my brother married her, and two years before, and knowed her ever since up to the present time.

Q Are you the brother of Jeff Guess? to whom she was married at one time? A Yes sir.

Q Were you acquainted with the applicant prior to her marriage to Jeff Guess? A Yes sir.

Q And you have known her ever since? A Yes sir.

Q At the time she was married to Jeff Guess where was she living? A They was living near Colbert.

Q In the Chickasaw Nation? A Yes sir.

Q And Jeff Guess was also living in the Chickasaw Nation? A Yes sir.

Q Do you know anything about what kind of a license they were married under? A There was not any license at all; they was married by Choctaw law and didn't require any.

Q How did it come, Jeff Guess being a resident of the Chickasaw Nation, and being a Chickasaw, how does it come that they were married under Choctaw law? A I don't know anything about that; I suppose it was the nearest place there was to get married.

Q Were you present at the marriage? A No, I was not present.

Q As far as you know no Chickasaw license was ever secured for that marriage? A No, there wasn't any at all.

Q Do you know where the applicant has lived since she was married to Jeff Guess? A She has lived in Panola County ever since she married my brother.

Q After your brother's death she was married to Henry Leve? A Yes sir.

Q Do you know whether any tribal license was secured for that marriage? A No, we all started to go to the wedding and the Judge was gone and they put it off until the next day, and something happened that I didn't go and they got married and I wasn't there.

Q You don't know of your own knowledge whether a tribal license was secured for that marriage or not? A No, there wasn't any.

Q There was not any secured? A No sir.

Ellen Burroughs claims to have drawn the 1893 Leased District payment from the Chickasaw Nation. Do you know anything about her having done so? A Yes, she drew it.

Q Do you know that she, individually, drew it? A Yes sir.

Q She got her share? A Yes, she got \$130.

Q How do you know that? A Mr Rennie drew the whole amount. It was crowded so when we went there, and he drew mine, and I think that he drew for the whole Guess family; he lived in Dennison at the time, and we just went back home and gave him authority to draw the amount of money and afterwards, we went to Denison and got the money.

Q You have not any special knowledge as to this one particular payment of \$130 which Mrs. Burroughs claims to have drawn? You don't know whether she got hers or not do you? A Why, only my brother said that she got it. He told me she got it.

Q For himself or her? A Got it for his wife; he said he got it. He said that he got all of his money, and also Mr. Rennie told me he got it.

2-Martha Ellen Burroughs.

- Q In the Chickasaw Nation? A Yes sir.
Q And at the end of that five years what happened? A He died.
Q So you lived with him continuously from the time you married him until the time he died? A Yes sir.
Q After his death did you marry again? A Yes sir.
Q What is the name of your second husband? A Henry Love.
Q Was Henry Love a Chickasaw? A Yes sir.
Q Were you married to Henry Love under a license? A No, I was married under the same law I and Mr. Guess was married under; they said we was both citizens and recognized as citizens and we didn't need any license. They didn't compel citizens to get a license.
Q Now, you wasn't married to either of your Chickasaw husbands under a license issued by the authorities of the Chickasaw Nation? A No sir.
Q How long did you live with Henry Love as his wife? A Six years.
Q When were you married to Henry Love? A I was married to him in 1895.
Q At the end of six years what happened? A He died.
Q After his death did you marry a third time? A Yes sir.
Q To whom were you married the third time? A Tom Burroughs.
Q He was a white man was he? A Yes sir.
Q From the time you were married to Jeff Guess until September 25, 1902, where did you make your home? A Chickasaw Nation.
Q Never lived outside of the Chickasaw Nation during those years? A No sir, never have been since I was 3 years old.
Q In what year did Jeff Guess die? A 16th of October, 1894.
Q Do you know whether Jeff Guess drew the 1893 leased district payment money? A Yes sir.
Q He did? A Yes, I and him both drew.
Q That was in 1893? A Yes sir.
Jeff Guess, the husband of the applicant is identified on the 1893 Leased District Payment Roll, No. 2, page 7, No. 221.
Q Did you yourself, draw the 1893 annuity from the Chickasaw Nation? A Yes sir.
Q How much did you draw at that time? A \$130
In what name did you draw it? A Ellen Guess.
Q At the time you drew that money were you living in Panola county? A Yes sir.
Q You was not living in the Choctaw Nation were you? A No sir.
Q Were you ever known by any other name than Ellen Guess?
A Martha Ellen
Q Did you ever have any nick-name? A No sir.
Q Do you know anyone by the name of Goldy Guess? A Yes sir.
Q Who was Goldy Guess? A My daughter.
Q At the time this 1893 payment was drawn how much money was drawn by your family altogether? A \$390.
Witness excused.

Joe Guess being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Joe Guess.
Q Are you a citizen by blood of the Chickasaw Nation? A Yes sir.
Q What is your postoffice address? A Colbert, Indian Territory.

9-1823.

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

Muskogee, Indian Territory, August 11, 1905.

In the matter of the application for the enrollment of Martha Ellen Burroughs as a citizen by intermarriage of the Chickasaw Nation. J. V. Connell of the firm of Connell & Beck of Durant, Indian Territory, appearing as attorney for the applicant.

Martha Ellen Burroughs being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ellen Burroughs.
Q What is your postoffice address? A Platter, Indian Ter.
Q How old are you? A Thirty-three.
Q Do you claim to be entitled to enrollment as a citizen by intermarriage of the Chickasaw Nation? A Yes sir.
Q What is the name of the Indian husband through whom you claim? A Jeff Guess.
Q Was Jeff Guess a citizen by blood of the Chickasaw Nation? A Yes sir.
Q Are you a white woman? A Yes sir.
Q Are your parents living? A Mother is; my father is dead.
Q What was your father's name? A William J. Lane.
Q And your mother's name? A Sarah A. Lane.
Q Both white people? A Yes sir.
Q United States citizens? A Yes sir.
Q When were you married to Jeff Guess? A I was married in 1889, the 29th day of January.
Q At the time you married him was a tribal license secured from the Chickasaw authorities for the marriage?
A Not that I know of.
Q What license was secured, if any? A Didn't use a license.
Q Didn't have any license at all? A No, we was married according to Indian law by the old county Judge of the Chestaw Nation, and Mr. Guess paid him \$5 to marry us and record the marriage.
Q At that time where were you living? A I was living in Pamela county three miles west of Colbert.
Q You were living in the Chickasaw Nation? A Yes sir.
Q Was Jeff Guess living in the Chickasaw Nation also at that time? A Yes sir.
Q And you are sure that you had no tribal license? A Not that I know of.
Q Well, do you know whether one was secured or not? A No sir.
Q You don't claim that one was secured, do you? A No sir.
Q At the time you married Jeff Guess had you ever been married before? A No sir.
Had Jeff Guess ever been married before at the time he married you? A No sir.
Q How long did you live with him as his wife? A Five years.
Q Where did you live during that five years? A Near Colbert.

AP
Memo-42.

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

In the matter of the alleged application for the enrollment of Martha Ellen Burroughs as a citizen by intermarriage of the Chickasaw Nation.

It appears from the record herein that on November 11, 1904, Martha Ellen Burroughs appeared before the Commission to the Five Civilized Tribes and sought to establish that she had made application to said Commission for enrollment as a citizen by intermarriage of the Chickasaw Nation within the time limited by the Act of Congress approved July 1, 1902 (32 Stats., 641).

Further proceedings were had in said matter on January 25th and June 24th, 1905.

Whether the testimony offered in behalf of the applicant is sufficient to establish that personal application was made for her enrollment as claimed, is doubtful, but it is not necessary to decide this question in view of the filing of the written application for the enrollment of Mary Adline Love, hereinafter referred to.

From the record herein it appears that the applicant was at one time the wife of Henry Love, a recognized and enrolled citizen by blood of the Chickasaw Nation, and from the records of the Commission to the Five Civilized Tribes it appears that she is the mother of Joseph Henry Love and Mary Adline Love, recognized and enrolled citizens by blood of the Chickasaw Nation, whose names appear as Nos. 3248 and 3249 respectively, upon the lists prepared by said 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. It further appears from the records of said Commission that on November 28, 1900, there was filed a written application for the enrollment of Mary Adline Love, in which application appears the affidavit of M. E. Love (the present applicant), setting forth that she is a citizen by intermarriage of the Chickasaw Nation, that she is the wife of Henry Love, a citizen by blood, and is the mother of said Mary Adline Love.

I am of opinion that, following previous Departmental rulings, the filing of said application for the enrollment of said Mary Adline Love should be treated and considered as a sufficient application for the enrollment of said Martha Ellen Burroughs as a citizen by intermarriage of the Chickasaw Nation made as of the date the same was filed, and that said application should now be heard and determined on its merits, and is so ordered.



Commissioner.

Muskogee, Indian Territory,

JUL 24 1905

2-Martha H. Burroughs.

her on the 1893 pay roll; but she was mistaken about that. My brother was the enumerator at that time. She wrote me to be put on the '93 pay roll on July 4, 1893, but I was not enumerator that year; my brother did that then.

Q. You were there at Tishomingo during the whole time that the Dawes Commission had its session there in 1902 at that place, were you? A. Yes sir.

Q. And if that woman had been there at that time, you would have been apt to have remembered it wouldn't you?

A. Yes, it seems like I would.

Q. Have you known her for any length of time. A. Yes, I have known her the entire time since she has had a Chickasaw husband.

Q. Do you know her brother, Henry Lane? A. Yes sir.

Q. He testifies that he was present with his sister at Tishomingo on November 3, 1902, and he says that he spoke with you about it. Do you remember whether or not she was there at that time? A. No, I don't.

Q. If she had been there at that time do you think you would remember it? A. Sure I would--at least, I think I would. If she told me her name I sure would have remembered her, but if she had just come and showed me her ticket and not told me who she was I would not have noticed. It seems to me if she had told me her name, she is from the same county and I would have remembered something about it.

Q. She states that she applied to you in 1892 for the purpose of getting her name placed on the Chickasaw tribal rolls; do you remember anything about that? A. She applied to me?

Q. Yes. A. No, not in person she didn't; she might while I was in connection with the Commission with work for them, but if she ever came to my place for that business I don't remember it.

Q. In 1892 were you engaged in the work of making up the Chickasaw tribal rolls? A. No, that was my brother, George G. Murray.

Q. Were you acquainted with a Chickasaw by the name of Jeff Guess? A. Yes, I used to go to school with him.

Q. Did Jeff Guess make any application in 1892 to have his wife's name placed on the Chickasaw tribal roll? A. No, she has just got the two names mixed. It was my brother, George G. Murray. I am pretty sure if this woman had told me who she was I would have remembered. If she had told me who she was I am satisfied that I would remember, but if she just walked up and gave me her ticket and said that she wanted to go before the Commission I would have told her when her number would come, and that would be all.

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 June 24, 1905.

W. Campbell

Notary Public.

Memo-Chick.-42.

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

MURKOGEM, Indian Territory, June 24, 1905.

In the matter of the application for the enrollment as an intermarried citizen of the Chickasaw Nation of Martha E. Burroughs.

Robert L. Murray being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Robert L. Murray.

Q What is our postoffice address? A Colbert, Indian Territory.

Q Are you a citizen by blood of the Chickasaw Nation?

A Yes sir.

Q Were you at one time in the employ of the Commission to the Five Civilized Tribes? A Yes sir.--Well, I was a member of the Chickasaw Citizenship Commission working in connection with the Dawes Commission, but not under the authority of the Commission.

Q Were you a member of that Chickasaw Citizenship Commission in 1902? A Yes sir.

Q Do you remember whether they were in session at Tishomingo November 3, 1902? A Yes sir.

Q You were in session at that time? A Yes sir.

Q Are you acquainted with a woman by the name of Martha E. Burroughs? A Yes sir.

Q She has testified here that in November 3, 1902 she made application to this Commission for enrollment as a citizen by intermarriage of the Chickasaw Nation, and it is claimed that you were present at that time and that she talked with you relative to the matter of her enrollment. Do you know anything about such an application as she claims to have made?

A No, I don't/ I don't remember this lady asking me any questions. I know her when I see her and I knew who she was married to several years, and I was a member of the Chickasaw Commission at that time when she says she was there, but as far as remembering her distinctly and her asking me these questions, I don't remember.

Q You can't say whether she was, or was not, at Tishomingo at that time? A No sir.

Q Would you be apt to remember if she was there and talked with you? A Seems to me I would, but I am pretty well acquainted there, and a great many people come there and ask for my assistance, and this lady says that she asked me about her number, when she could get in, but I don't remember.

Q Then you have not any recollection at all of her appearing before you at that time? A No sir, I have not.

Q Do you know whether or not she ever appeared before the Commission? A No I don't.

Q Has she ever discussed the matter with you at any time that you remember? A No, she never did; she has written two or three letters to me about it, and she also wrote me to put

Removal of...

EXAMINATION BY CHAS. T. DIFENDAUF

- Q You say she applied for her children that day? A Yes, sir.
- Q Did you talk with Bob Murray that day? A No, sir.
- Q Your sister talked with him quite extensively did she talk with him some considerable length of time? A No, sir, not a great while.
- Q Did you hear what she said to him? A No, sir.
- Q When your sister made this alleged application what name did she give? A Love.
- Q Martha E Love? A Yes, sir.
- Q So your sister's name in 1902 was not Burrenough? A No, sir, not at that time it wasn't.
- Q Her name at that time was Love? A Yes, sir.

Witness excused.

Chas. T. Difendauf 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. Difendauf

Subscribed and sworn to before me this 25th day of January 1905.

Edw. S. ...
Notary Public.

Memorandum--4.

Q But you don't know who she talked to? A I don't know their names, wouldn't know them now if I saw them.

Q Do you know what she said? A I know she enrolled the children and tried to enroll herself but they wouldn't enroll her.

EXAMINATION BY ATTORNEY DECK:

Q Well now what was her purpose in going up there, I will ask you that question? A To enroll her and the children.

Q Who told you if any one where the Dawes Commission was? A I got it from Joe Guess and she got notice.

Q Did that information say where they were located? A In Tishomingo.

Q At what place in Tishomingo? A At the capitol.

Q Were they in a large room in the capitol? A Yes, sir.

Q Was there many people around there? A There was a large crowd.

Q Was there different sets or tables and part here and part there or just one table, just discriminate what existed at that particular time? A I couldn't say.

BY THE COMMISSION:

Q Can't remember that can you? A Yes, sir, I believe I can, I think - well I know there was one long table set right across the front of the door and the Dawes Commission was in behind the table.

EXAMINATION BY ATTORNEY DECK:

Q Do you remember anything your sister said how she was placed or why there was any question asked her as to why she hadn't enrolled at Colbert? A The reason she told them she didn't enroll at Colbert was that she thought her husband enrolled her at Colbert.

Q Was your sister married more than once? A Yes, sir.

Q What was her first husband's name? A Jeff Guess.

Q What was the name of her second husband? A Henry Love.

Q Both her husbands Chickasaw Indians? A Yes, sir.

BY THE COMMISSION:

Q Did you say that you stayed over night in Tishomingo on the third? A Yes, sir.

Q Did you go before the Commission on the following day? A No, sir, she didn't.

Q Were they still at the capitol? A Yes, sir.

Q Were they there all day? A They were there until I left.

Q When did you leave? A About twelve or one o'clock.

Q You are sure they were there all the morning? A Yes, sir.

Q You are sure you didn't see this gentleman (indicating Mr. Dixby) there? A I don't know whether I saw him or not.

Q Did you see him sitting around the table? A If I did I don't remember his face now; of course he might have been there.

Memorandum---3.

said Jeff Guess.

Q Who was she married to at that time? A She was a widow at that time.

Q What did they tell her? A They looked on their roll book and she hadn't enrolled at the last enrollment.

Q And then what did they tell her? A They told her they wouldn't enroll her because she hadn't been enrolled before that.

Q Do you understand that you are under oath? A Yes, sir.

Examination by Chairman Bixby:

Q You say that immediately on your arrival at Tishomingo about two o'clock in the afternoon of November 3rd you went to the capitol building? A Yes, sir.

Q Do you know whether or not you saw any of the members of the Dawes Commission there that day? A I saw the commissioners some of them.

Q You know the commissioners do you? A No, sir.

Q How do you know you saw them there? A I know that is what they were there for - I saw Mr. Murray.

Q Mr. Murray never was a member of the Dawes Commission? A I don't know that he was a member of the Dawes Commission but he was interested in some way.

Q I am asking you if either you or your sister appeared before the Commission - you keep saying you appeared before Mr. Murray - that is not what we are asking now; I want to know whether your sister appeared before the Dawes Commission on November 3, 1902. You say you went to the capitol building and that she saw the Dawes Commission on that day, is that right? A Yes, sir.

Q Who did she see - Major Breckinridge, Mr. Needles or myself? A I don't know.

Q As a matter of fact you don't know whether she saw the Dawes Commission or not? A Yes, sir, I do.

Q Well who did she see, describe the man? A I can't do that.

Q Did you see him? A I saw him, there was quite a crowd but I never paid any particular attention.

Q Then about all you know is that she went to the capitol building? A Yes, sir, I know she went.

Q What room did she go into? A She went up the stairway and turned to the right and went into the room on the right.

Q Did you go with her? A I did.

Q Did anybody ask her any questions? A Why she was talking to the Dawes Commission, they were asking her questions.

Q Did you see her talking to them? A I did.

Q What kind of looking man was she talking to? A Well as well as I remember he was a tall fleshy man light complexion and slick shaved.

Q Smooth shaven? A Yes, sir.

Q Was he a tall man or short man? A He was sitting down.

Q Was he a larger man than I am? A Looked to be larger.

Q Was he young or old? A I disremember.

Q So you don't remember much about it? A Not a great deal in that line.

Q You can remember that your sister went to Tishomingo on November 3rd and saw the Dawes Commission? A Yes, sir.

Memorandum--1.

- Q Isn't it a fact that your sister only spoke to Mr. Murray that day when she was up to the hospital? A No, sir.
- Q To whom did she speak besides Mr. Murray? A I couldn't tell you their names.
- Q Do you know what she said? A Told them she wanted to enroll herself and her children.
- Q Whom did she tell that? A The Commissioner.
- Q Did you see this gentleman here (indicating Mr. Bixby)? A I don't remember.
- Q Isn't it a fact that your sister only spoke to Murray and Joe Guess on that day? A Why no, sir, it isn't.
- Q Did you hear all the conversation that took place there that day between your sister and these gentlemen? A No, sir.
- Q Now you can't say whether she spoke to any of the Commissioners - Mr. Bixby or Mr. Needles - or any of the commissioners? A I know she talked with the Commissioners but I don't know their names.
- Q Was she sworn? A I don't remember whether she was sworn - I am not certain whether she was sworn or not.
- Q Did anybody ask her any questions? A Yes, sir.
- Q Who did? A Why the Commissioners asked her questions.
- Q What commissioners? A The Daves Commission.
- Q Was Murray one of them? A Murray was with them, yes, sir.
- Q How long did you stay up there you and your sister? A We stayed all night up until the next day.
- Q How long did you stay up to the capitol? A All evening.
- Q What time of day did you leave the capitol on that day? A Near about night, I don't know what time it was.
- Q Was it after supper? A No, sir.
- Q So it must have been before six o'clock before you left? A I suppose it was.
- Q And that is all you knew about her making application? A I know she called for application and I know they enrolled the children and wouldn't enroll her.
- Q Sure about that? A Yes, sir.
- Q Who put their names down? A I don't know who he was.
- Q What kind of looking man was he? A I disremember.
- Q Isn't it now a fact that she only spoke to Mr. Murray that day at the capitol? A No, sir, it isn't.
- Q Were all these commissioners sitting around one table? A No, sir, I don't think Mr. Murray was.
- Q How many were sitting at the table at that time? A I disremember but there was three, four or five.
- Q Sitting around the table? A Yes, sir.
- Q Did your sister go and stand before the table? A Yes, sir.
- Q And she was sworn? A I don't know whether she was sworn or not.
- Q Did you hear her mention the names of her children? A Yes, sir.
- ~~Q Did she give the names of them all? A Yes, sir.~~
- Q What did she say about herself? A She tried to enroll herself and they wouldn't enroll her.
- Q What did she say? A She told them she wanted to enroll herself and they asked her if she was a Chickasaw and she said she was by intermarriage, and they asked who by and she

Memorandum.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. TER., JANUARY 22, 1902.

In the matter of the alleged application of Martha E. Burroughs for enrollment as a citizen by intermarriage of the Chickasaw Nation.

G. F. Deck of Durant, Ind. Ter. attorney for applicant

Henry Lane being first duly sworn testifies as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Henry Lane.
Q How old are you? A Twenty-two.
Q What is your post office address? A Platter.
Q What nation is that in? A Chickasaw.
Q Do you know Martha E. Burroughs? A Yes, sir, I do.
Q Is she related to you in any way? A Yes, sir.
Q What relation? A She is my sister.
Q Did you appear in Tishomingo in 1902 some time? A Yes, sir.
Q What was the day of the month? A November 3rd.
Q What day of the week was it? A I disremember.
Q What did you go to Tishomingo for that day? A I taken ~~her~~ my sister up there to have her and her children enrolled.
Q Where did you put up at Tishomingo? A I put up - it was right down this side of the Capital.
Q What time of day did you come into town? A Got there about two o'clock in the evening.
Q Where did you go to soon after you arrived? A Went up to the capital.
Q Who was with you? A There wasn't anybody with me and her but the children.
Q You say you went up to the capital soon after two o'clock? A Yes, sir.
Q Did you see anybody there? A Yes, sir.
Q Whom did you see? A Dawes Commission, Leecraft, Colbert, Jee Guess and Murray.
Q Did you speak to any member of the Commission there that day? A No, sir.
Q Did you see any member of the Commission there that day? A Yes, sir.
Q Whom did you see? A Mr. Murray.
Q He was a Chickasaw commissioner wasn't he? A I don't know.
Q Did you speak to any member of the Dawes Commission? A No, sir.
Q Did your sister speak to any of them? A Yes, sir.
Q To whom did she speak? A She was asking to be enrolled - Murray and the rest of the commissioners there.
Q Do you know any members of the Commission? A Mr. Murray is all.

Mytho L. [unclear]

Albert S. Millan, being first duly sworn, deposes and says that he is the author of the report of the Commission on the [unclear] in [unclear] on the 11th day of November, 1904, and that the [unclear] is a full, true and correct transcript of his [unclear] in said case on said date.

Albert S. Millan

Subscribed and sworn to before me this 14th day of November, 1904.

Charles H. [unclear]
Notary Public.

- Q For what purpose was that application made? A To draw annuity.
Q The Dawes Commission was not in existence at that time?
A No sir, the Dawes Commissioners wasn't.
Q The application to Mr. Murray was to have your name placed on the tribal rolls of the Chickasaws? A Yes sir. The application I made myself was the only one ever made for me after he enrolled me at Colbert, that I know of. There wasn't any more enrollments made during his life.
Q Whose life? A Jeff Guess'.
Q Who was Jeff Guess? A My husband.
Q Then you never yourself took any steps to be enrolled as a Chickasaw from the time you say your husband, Jeff Guess, went to Bob Murray to have your name placed on the 1893 payment roll for the pay made to the Chickasaws, up until the time you went to Tishomingo in November, 1902? A No sir.
Q Never appeared before the Commission at any of its appointments in the Choctaw and Chickasaw Nations? A No sir.
Q Why didn't you? A I depended on Mr. Love my second husband to enroll me, and he refused to do so, and he told me I was on the roll and I didn't know any better until I appeared before the Dawes Commission at Tishomingo.
Q How many Chickasaws have you married? A Two.
Q What was your first husband's name? A Jeff Guess.
Q And the second one? A Henry Love.
Q When were you married to Jeff Guess? A Nineteenth day of January in '89.
Q When was you married to Henry Love? A Seventeenth day of February, '96.
Q Where were you living when you married these two men?
A Platter.
Q Where were they living? A There.
Q Always lived in the Chickasaw Nation, both of them? A Yes sir.
Q You always lived in the Chickasaw Nation? A Yes sir, ever since I was eight years old.
Q Married to either one of them under a Chickasaw tribal license?
A No sir. Me and Mr. Guess and Mr. Love both was married under the Indian law in the Chickasaw Nation.
Q Did you get a tribal license from the Chickasaw authorities?
A I don't remember whether Mr. Guess had any license or not. The county judge married us.
Q Did you get a license from the Chickasaw judge to marry?
A I didn't get any myself.

By the Attorney:

- Q Did you say you was married by the county judge the first time?
A Yes sir, Blue County, Choctaw Nation.
Q Who was you married by the second time? What minister? Or what official married you the second time--to Love? A Brother Sturgeon, Colbert.
Q Was you informed at either time that there was no license existing? A No sir.

Witness excused.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., November 11, 1904.

Memorandum.

- - - - -0- - - - -

In the matter of the alleged application of Martha E. Burroughs for enrollment as a citizen by intermarriage of the Chickasaw Nation.

G. F. Deek, Attorney.

Martha E. Burroughs being first duly sworn, testified as follows:

Examination by the Commission:

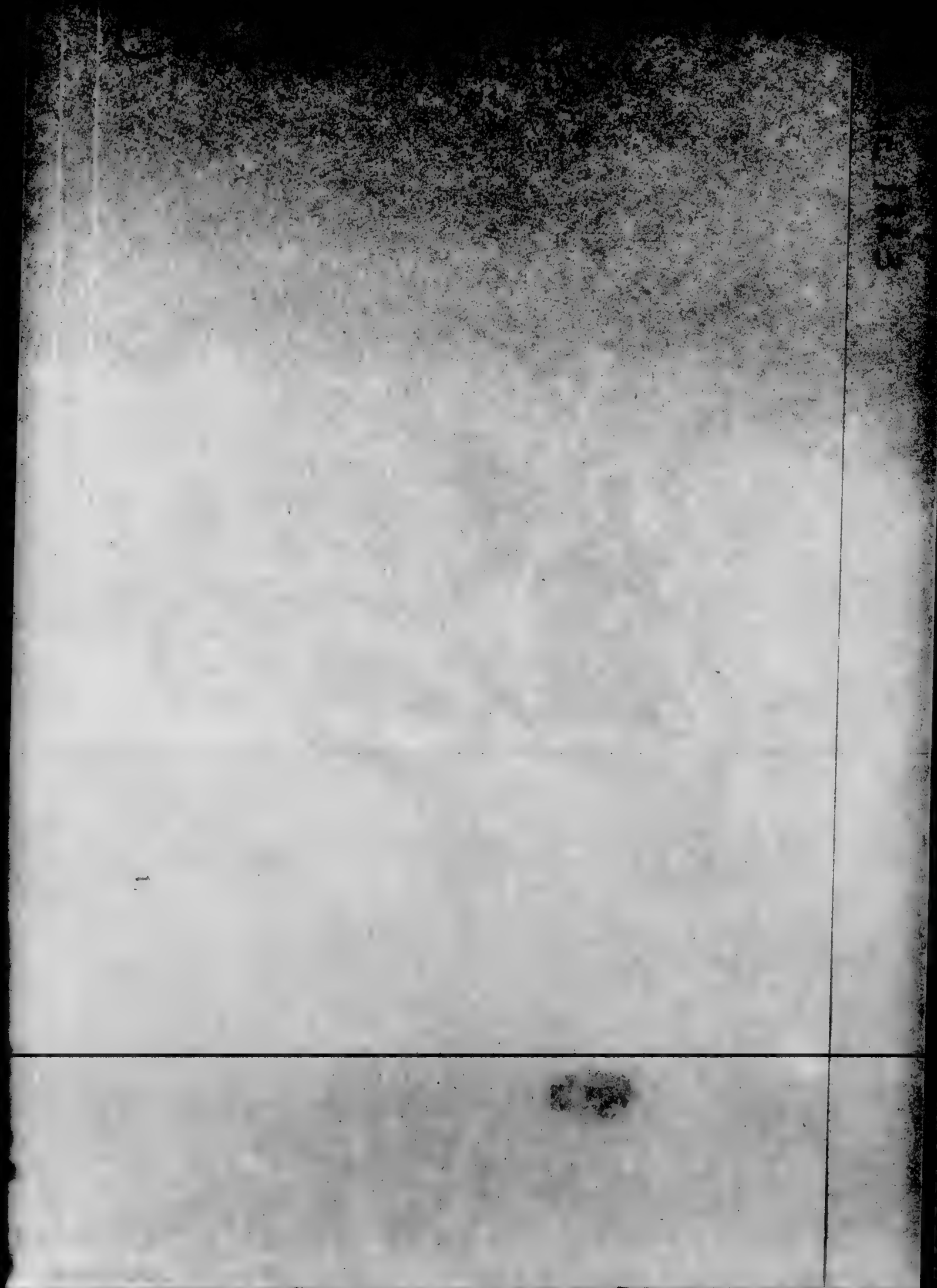
- Q What is your name? A Ellen Burroughs is my name; Martha Ellen
Q How old are you? A Thirty-one.
Q Where do you live? A At Platter.
Q Is that your post office? A Yes sir.
Q Claim to be an intermarried citizen of the Chickasaw Nation?
A Yes sir.
Q Are you a white woman? A Yes sir.
Q Have you, personally, ever appeared before the Commission to the
Five Civilized Tribes and made application for enrollment as an
intermarried citizen of the Chickasaw Nation? A Yes sir.
Q Where? A Tishomingo.
Q When? A 1902.
Q What time in 1902? A It was in November; the 3rd of Novem-
ber.
Q Where did you go? A Tishomingo.
Q What place in Tishomingo? A Capitol.
Q Who went with you? A My brother and Mr. Burroughs here and
the children.
Q Was you sworn? A Yes sir.
Q Was your testimony taken? A No sir, I don't remember whether
they was taking testimony or not.
Q Did you have any attorney with you at the time? A No sir.
Q Was that the only application you ever made? A Yes sir, the
only one I have ever made myself.

By Attorney G. F. Deek:

- Q Did any one else make an application for you? A Jeff Guess
did.
Q At what time? A '92.
Q At what place? A Colbert.
Q To whom was the application made? A Bob Murray.

By the Commission:

- Q You say that Jeff Guess made application for you to Bob Murray?
A Yes sir.
Q In 1892? A Yes sir.



9-1822

Muskogee, Indian Territory, October 24, 1905.

Burney Jones,

Francis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 20, 1905, stating that a Chickasaw girl Susie Johnson, child of Elsie Dyer and Enus Johnson, has been left off the roll and you ask if there is any means by which she can now be enrolled.

In reply to your letter you are advised that Elsie Johnson now about five years old, child of Eunice Johnson, and Susan Dyer has been enrolled as a citizen by blood of the Chickasaw Nation and her enrollment as such was approved by the Secretary of the Interior, September 7, 1905.

It is believed that a mistake was made in the name of the child and the mother and that this is the person referred to in your letter.

Respectfully,

Commissioner.

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

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
of Elsie Johnson, born on the 2d day of Dec, 1900
(Here insert name of child.)
Name of Father: Harris Johnson citizen of the Chickasaw Nation.
Name of Mother: Susan Dyer a citizen of the Chickasaw Nation.
Post-office Ada

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Sevier District.

I, Susan Dyer, on oath state that I am 24
years of age and a citizen, by Blood, of the Chickasaw Nation;
that I am the ^{not} lawful wife of Harris Johnson, who is a citizen, by
Blood, of the Chickasaw Nation; that a female child was
(male or female.)
born to me on 2nd day of Dec, 1900; that said child has been
named Elsie Johnson and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Katie Stick
McAllison

Susan + Dyer
mark

Subscribed and sworn to before me this 12th day of August, 1900.

McAllison
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Sevier District.

I, Susan Dyer, a Midwife, on oath state that I
attended on Mrs. Susan Dyer, wife of Harris Johnson
on the 2nd day of Dec, 1900, that there was born to her on
said date a female child; that said child is now living and is said to have been
(male or female.)
named Elsie Johnson and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Katie Stick
McAllison

Susan + Dyer
mark

Subscribed and sworn to before me this 12th day of August, 1900.

McAllison
NOTARY PUBLIC

9-1822

20

IN RE

Application for Enrollment of

INFANT CHILD

Cl
W. C. ...

as a citizen of

Chickasaw Nation.

Approved JUL 17 1905 190



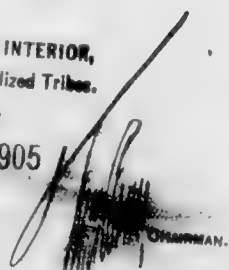
Commissioner.

AUG 20 1905

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

FILED

MAR - 4 1905


CHAIRMAN.

9-1822

Application received
March 4, 1905.

China

China 1922



9-1821

Waukegan, Indian Territory, August 1, 1907.

Jane Perry,

Ada, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the affidavit of Richard Gilbert to the death of Kelo Brown, a citizen by blood of the Chickasaw Nation which occurred March 3, 1907, and the same have been filed as evidence of the death of the above named citizen.

Respectfully,

Commissioner.

9-1621

Muskogee, Indian Territory, May 24, 1907.

Jane Perry,

Ada, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of May 18, 1907, in which you ask if it will be necessary that all children of Killew Brown sign the affidavit relative to his death; you state that some of them are dead.

In reply to your letter you are advised that it will be necessary that the affidavit to the death of Kelo Brown be signed by a relative of the deceased and an acquaintance who knew of his death and the date of the same.

There is inclosed herewith a blank for the purpose of making proof of his death.

Respectfully,

D.C.

Commissioner.

REFER TO ONLY TO THE FOLLOWING:

Chickasaw 1821

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

Muskogee, Indian Territory, October 11, 1905.

Forester Istincheyah,
Franks, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 5, stating that a certain lawyer, I. N. King, is claiming the surplus allotment of Sippy Brown in return for services alleged to have been rendered by him in securing her enrollment and you desire to be advised what attorneys represented her in the matter of her enrollment and if Mr. King is justified in claiming her surplus allotment.

In reply to your letter you are advised that it appears from the records of this office that Henry Byington, King & Curry, Chilion Riley and James A. Cotner have at various times made inquiry as to the status of this case, and that a reply to the argument of the attorneys for the Choctaw and Chickasaw Nations was filed by J. A. Cotner. It does not appear that at the time of their personal appearances at this office any of the persons included in the case of Kelo Brown, et al. were represented by attorneys.

You are further advised that the employment of attorneys by applicants is a matter which is purely within their own discretion and this office cannot give you any advice on the subject.

Respectfully,

Commissioner.

7
No. 1000

Washington, Indian Territory, June 20, 1905

Mrs. Mike Martin,
Frank, Indian Territory,

Dear Madam

Receipt is hereby acknowledged of your letter of June 14, asking the status of your case and in reply you are advised that on June 14, 1905, the Secretary of the Interior reversed the decision of the Commission refusing your application for enrollment as a citizen of the Chickasaw Nation, and your name will be placed upon the next schedule of such citizens prepared for forwarding to the Secretary of the Interior.

Respectfully,

Chairman

Chickasaw D 1
Chickasaw D 2
Chickasaw D 3

Mustagee, Indian Territory, June 27, 1905.

S. E. Johnson,
Roff, Indian Territory,

Dear Sir:

Your letter of June 13, addressed to the United States Indian Agent, has been by him referred to this Commission for appropriate action. Therein you ask the status of the enrollment of Sippy Brown, Mike Harkin and Gillew Brown.

In reply to your letter you are advised that on June 14, 1905, the Secretary of the Interior reversed the decision of the Commission refusing the application for the enrollment of Kele Brown, Sippy Brown and Mike Harkin as citizens of the Chickasaw Nation, and their names will be placed upon the next schedule of citizens of said nation prepared for forwarding to the Secretary of the Interior.

Respectfully,

Chairman.

MEMORANDUM FOR THE SECRETARY OF THE ARMY

RE: [Illegible]

DATE: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

Very truly yours,

[Illegible Signature]

LM 23/2

[Illegible]

9-D-8
9-D-264
9-D-355

Muskogee, Indian Territory, June 23, 1905.

copy

J. A. Cotner,
Attorney at Law,
Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of June 14, 1905, reversed the decision of this Commission, dated July 31, 1903, denying the applications for the enrollment of Kelo Brown, Sikey Harkin and Sippy Brown, as citizen of the Chickasaw Nation, and granting said applications.

Respectfully,

SIGNED

Chairman.

S-D-2
S-D-334
S-D-500

Muskogee, Indian Territory, June 23, 1905.

Chilion Riley,
Attorney at Law,
Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of June 14, 1905, reversed the decision of this Commission dated July 31, 1903, denying the applications for enrollment of Kelo Brown, Sikey Harkin and Sippy Brown, as citizens of the Chickasaw Nation, and granting said applications.

Respectfully,

SIGNED

Chairman.

9-D-8
9-D-384
9-D-285

Muskogee, Indian Territory, June 23, 1905.

COPY.

King & Curry,
Attorneys at Law,
Ada, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of June 14, 1905, reversed the decision of this Commission, dated July 31, 1903, denying the applications for the enrollment of Kelo Brown, Sikey Harkin and Hippy Brown, as citizens of the Chickasaw Nation and granting said applications.

Respectfully,

SIGNED

Chairman.

9-D-385

Muskogee, Indian Territory, June 23, 1906.

Sippy Brown,

COPY.

Ada, Indian Territory,

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of June 14, 1906, reversed the decision of this Commission dated July 31, 1905, denying the application for your enrollment as a citizen of the Chickasaw Nation, and granting said application.

Respectfully,

SIGNED

Chairman.

9 2D-384

Muskogee, Indian Territory June 23, 1908.

OPY!

Sikey Harkin,

Franks, Indian Territory,

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of June 24, 1908, reversed the decision of this Commission, dated July 31, 1903, denying the application for your enrollment as a citizen of the Chickasaw Nation, and granting said application.

Respectfully,

SIGNED

Chairman.

Muskogee, Indian Territory, June 25, 1905.

Kelo Brown,

Ada, Indian Territory,

COPY.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of June 14, 1905, reversed the decision of this Commission of July 31, 1903, denying the application for your enrollment as a citizen of the Chickasaw Nation, and granting said application.

Respectfully,

SIGNED

Chairman.

DEPARTMENT OF THE INTERIOR,

Washington,

I. F. D. 7004-1905.

June 14, 1905.

IES.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen;

On July 31, 1905, you transmitted the record in the matter of the application for enrollment as citizens of the Chickasaw Nation of Kelo Brown, Sike Harkin and Sippy Brown, including your decision of the same date, denying said application.

Reporting December 8, 1905, the Indian Office recommended that your decision be reversed and that the applicants be enrolled.

On June 9, 1905, the Assistant Attorney General for this Department rendered an opinion in the matter, in which he held that all the applicants are entitled to be enrolled. A copy of said opinion is inclosed.

Acting in accordance with said opinion, the Department reverses your decision of July 31, 1905, and you are directed to enroll the applicants as citizens of the Chickasaw Nation.

Respectfully,

1 inclosure.

H. A. Hitchcock
Secretary.

have caused great confusion by their unauthorized action of the
United States Government. I am of the opinion they acted in
good faith. At the same time, under the 1874 act, the Commission
had jurisdiction to examine their claims at night upon the
rolls, and, as in 1874 at least, the Commission was clothed
under the law of 1874, the Commission had all jurisdiction given
by that act, and might have started him had his name appeared
on the roll.

I therefore am of the opinion that all of the applicants
are entitled to be enrolled, and concur in the recommendation
of the Indian Office that they may be enrolled.

Very respectfully,

Frank L. Campbell,
Assistant Attorney General.

Approved: June 9, 1908.

H. A. Hitchcock,
Secretary.

was required to make report of its findings to the legislature. From the legislative action appeal was given to the Supreme Court. There was thus a tribunal and a procedure for trial of right of disputed claims to citizenship. Though this set limited continuance of the Commission then substituted, the legislative council had full power to constitute another or to provide in such other manner as it saw fit for determining of such controversies. The right of these applicants was not brought in question, and they remained upon the roll of 1878 fully recognized as its citizens, owing and giving their allegiance. This was not by fraud, not without authority of law, but openly, as the allegiance of the applicant's birth and under the authority of Chickasaw law.

The Nation's counsel contends that the leased district payment commission had no judicial power to try a disputed claim of citizenship or to render a judgment of non-franchisement. Its power was to enumerate and enroll citizens, and a sufficient evidence of right, to them, was the previous roll, as purged by the citizenship commission, as to all persons borne thereon. The applicants were on the 1878 roll and their exclusion from the 1898 roll by those making it was a mere arbitrary and unauthorized wrong, besides prejudicing their right.

The Commission to the Five Civilized Tribes seems to

consideration of public services.

By Section 3, article 3, the franchise was given to all free male persons by birth or adoption, members of the Chickasaw tribe, not otherwise disqualified, actually resident for six months preceding the election. I am of the opinion that the necessary effect of this instrument was to make all free persons citizens who were then generally recognized as members of that social State, whether they can show a record of adoption or Chickasaw blood or not, as only they were not mere intruders. The applicants and their mother were then living and were not intruders.

The earliest legislative acts appearing in the published "Constitution, Treaties, and Laws" of the Chickasaw Nation, edition of 1890, were enacted in 1878. Many appear to be revisions of earlier laws from their containing repealing clauses. At least ^{from} the adoption of the Constitution of 1867, the Chickasaw Nation has been an organized State, with full power through an organized government to determine its own citizenship, subject to control of Congress. One act for that purpose was that of November 14, 1889 (Laws 1890, P. 249), which provided for a commission to sit not more than three months, beginning the second Monday of December following, to try all cases of disputed claims for citizenship. It had power to issue compulsory process, administer oaths, and aid ^{of} counsel, and

4

render and did render military service as a Chickasaw citizen. The record does not show any question of the right of applicants' mother or of her descendants until the making of the leased district payment roll of 1895.

Counsel for the Nation contend that one not born to citizenship of the Nation can acquire it only by marriage or joint adoption by both tribes. I am unable to assent to the latter contention, for reasons heretofore given in Choctaw-Chickasaw citizenship case. But assent to that contention would not dispose of the present case, as the Choctaw-Chickasaw convention was not operative until March 24, 1837, and the record indicates that applicants' mother was before that time a recognized Chickasaw citizen allowed to hold and sell land.

The Chickasaw government took its present form by the constitution of August 18, 1867. It was adopted by "We, the Chickasaw Nation." Sections 1 and 2 of the Bill of Rights provided;

Section 1. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times the inalienable right to alter, reform or abolish their form of government in such manner as they may think expedient.

Section 2. All freedmen, when they form a social compact have the equal rights, and no man or set of men is entitled to exclusive, separate, public employments or privileges, but in

3

the records of the Commission that they have ever been admitted to Chickasaw citizenship by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1894 (29 Stat., 521).

It is, therefore, the opinion of the Commission that the applicants for the enrollment of Kelo Brown, Sissy Hopkins, and Sissy Brown as citizens of the Chickasaw Nation should be refused under the provisions of Section 21 of the Act of Congress approved June 22, 1898, (30 Stat., 425).

December 5, 1905, the Commissioner of Indian Affairs transmitted the record, with recommendation that applicants be added to the rolls. The Department invited counsel for both parties to file briefs, which they have done.

The record shows the applicants' mother was a Creek, captured in early childhood, about 1800, by a Chickasaw war party, and reared by the Chickasaws. She lived in the family of James Brown, a Chickasaw captain, when the Chickasaws ceded their lands in Mississippi. She then held land which she sold, and removed with the Chickasaws to their present seats. Her children were born and have always lived in the Chickasaw Nation, and have been identified with them. From her capture to 1898, no question appears to have been raised but that she and her descendants, residents in the nation, were Chickasaw citizens. The testimony of applicants and of others knowing them for over half a century is that they were always recognized as Chickasaw citizens; as such were on the rolls, participated in annuity payments, were on the roll of 1878; Kelo held office voted, was summoned and served as juror, and was called to

his application would be heard May 1, 1902. Whether it was received by him is not shown. May 1, 1902, he failed to appear.

November 12, 1902, hearings were had in the other cases.

July 31, 1903, the Commission found and held that:

The applicants herein claim the right to enrollment as citizens of the Chickasaw Nation upon the ground that they have been recognized by the Chickasaw tribal authority as members of said Nation; that they have always resided and held land in said Nation; that their names have been placed upon the rolls of said Nation, and that they have participated in its annuity payments.

It appears from the record herein that all of the applicants are children of Hector Brown, a negro, and Sally Brown, his wife, a Creek Indian; that they have always resided in the Chickasaw Nation, Indian Territory, and were residents in good faith of said Nation on June 20, 1898, and that prior to the preparation of the 1895 Chickasaw Leased District pay roll they had been recognized and enrolled as citizens of the Chickasaw Nation, their names appearing upon the 1878 Chickasaw annuity roll, Pontotoc County, as Kelle, Kelle Brown and Sippy.

It further appears from said record that the applicants herein were denied the right to enrollment as citizens of the Chickasaw Nation by the Captain in charge of the registration of Chickasaw Indians for the 1895 Leased District payment. Subsequently application was made to the Legislature of the Chickasaw Nation for the admission of Kelle Brown, Sibley Markin, Sippy Brown and others to citizenship in said Nation, and the names of the said Kelle Brown, Sibley Markin and Sippy Brown were at that time stricken from said application, as evidenced by a certified copy of the original act of the Legislature of the Chickasaw Nation of October 28, 1895, filed herewith and made a part of the record in this case.

It does not appear from the record in this case that the applicants are possessed of Chickasaw blood, or that they have ever been admitted to Chickasaw citizenship by the legally constituted authorities of said Nation. Nor does it appear from

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DEPARTMENT OF THE INTERIOR.
Office of the Assistant Attorney General.

Washington, June 9, 1908.

I. E. S.
1896-1908.
1896-1904.

The Secretary of the Interior.

Sir:

I received by reference of May 29, 1908, with request for opinion thereon, the record in the case of Kolo, or Hallog Brown, Sibey Harkin and Sibby Brown, applicants for enrollment as citizens of the Chickasaw Nation.

Kolo's application was filed with the Commission, September 5, 1896, and evidence thereon was taken at some time not shown by the record. When the other applicants applied is not shown nor what evidence was heard as to them. It is indicated that there was a hearing as to all the applicants prior to September 19, 1899, as they on that date all signed and filed a petition to the Secretary stating that they were citizens by blood of the Chickasaw Nation, owned farms, had always lived in the nation, had held office therein, and had always been recognized as citizens; that their children and grand children had been enrolled, and they themselves were entitled to be enrolled, but they had been denied enrollment by the Commission in 1896.

No further proceedings are shown until March 17, 1902, when notice by mail issued to Kolo that

Washago, Indian Territory, May 2, 1905.

Sire Karkon,

Franka, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of April 26, asking relative to your enrollment.

In reply to your letter you are informed that the Commission has not yet been advised of Departmental action in your case, but you will be advised thereof as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 18, 1903.

Mike Harkin,

Franks, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 26, 1903, asking if you have been approved.

In reply to your letter you are informed that your application for enrollment as a citizen of the Chickasaw Nation is still pending before the Department, and as soon as the Commission is advised of action thereon you will be notified.

Respectfully,

Chairman.

Muskogee, Indian Territory, February 4, 1905.

Sike Hawkins,

Franks, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 20, 1905, addressed to the United States Indian Agent which has been by him referred to the Commission to the Five Civilized Tribes for appropriate action. Therein you ask relative to the status of your application for enrollment and request that a letter be written to Noah S. Hawkins at Ada, Indian Territory, relative to Nelson J. Hawkins.

In reply to your letter you are informed that the matter of the application of Sike Hawkins for enrollment as a citizen of the Chickasaw Nation is still pending before the Department. When the Commission is advised of Departmental action thereon you will be duly notified.

It is not known what information you desire forwarded to Noah S. Hawkins relative to Nelson J. Hawkins, but if you will state clearly the information desired by you, the matter of your inquiry will receive further consideration.

Respectfully,

Chairman.

9-7-04
Muskogee, Indian Territory, December 8, 1904.

Sike Hawkins,

Franks, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 3, 1904, asking if your name has been approved as a Chickasaw.

In reply to your letter you are informed that your case is now pending before the Secretary of the Interior and the Commission has not yet been advised of Departmental action thereon. You will be notified as soon as such information is received.

Respectfully,

Chairman.

Chickasaw 1-204.

Muskogee, Indian Territory, July 27, 1904.

Nelson Hawkins,

Franks, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 19, relative to the enrollment of Sike Hawkins.

In reply to your letter, you are informed that it appears from our records that the record and decision in the matter of the application for the enrollment of Sike Hawkins, et al., as citizens of the Chickasaw Nation, are pending before the Department.

When the Commission is advised of Departmental action in this case, the applicants will be duly notified.

Respectfully,

Commissioner in Charge.

Chickasaw-1-2,
Chickasaw-1-3,
Chickasaw-1-4.

Muskogee, Indian Territory, June 17, 1904.

Nelson Hawkins,

Franks, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 6th, in which you ask the status of the enrollment of Sike Harkin, and Sippy and Kelo Brown.

In reply to your letter you are informed that on July 31, 1903 the Commission rendered its decision refusing the applications for the enrollment of Sike Harkins, Sippy Brown and Kelo Brown and on the same date the record in these cases, together with the decision of the Commission was forwarded the Secretary of the Interior. On April 8, 1904 the Secretary of the Interior directed the Commission to notify the attorneys for the Choctaw and Chickasaw Nations that they would be allowed thirty days to file argument in these cases and the applicants that they would be allowed ten days from the date of the service of a copy of such argument in which to reply thereto. On June 14, 1904 the Commission transmitted to the Department the argument filed in these cases on behalf of the Choctaw and Chickasaw Nations and the applicants. As soon as the Commission is advised of the Departmental action, the applicants will be notified thereof.

Very truly,
Commissioner,

Chickasaw-D- 8
Chickasaw-D-384
Chickasaw-D-388

Muskegee, Indian Territory, June 14, 1904.

James A. Cotner,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 6th enclosing a reply to the argument of the attorneys for the Choctaw and Chickasaw Nations on behalf of the applicants in the matter of the application of Kelo Brown, Sike Harkin and Sippy Brown for enrollment as citizens of the Chickasaw Nation, and the same has been filed with the records in this case.

Respectfully,

Chairman.

Enclosure

Dear Sir:

I have the honor to acknowledge the receipt of your communication of the 27th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Yours truly,
[Signature]

Through the Commissioner
of Police Albany.

ED. 4-14.

Washington, Indian Territory, June 14, 1904

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of April 8, 1904 (I. T. D. 8600-1903), with which was transmitted report of the Commissioner of Indian Affairs of December 5, 1903 recommending that the decision of the Commission refusing the applications for the enrollment of Kale Brown, Sike Harkin and Sippy Brown as citizens of the Chickasaw Nation be set aside and the applicants be enrolled.

The Department directed that the attorneys for the Choctaw and Chickasaw Nations be allowed thirty days within which to file argument in this matter and that the attorney for the applicants be allowed ten days thereafter in which to reply to the argument of the attorneys for the Choctaw and Chickasaw Nations.

Upon receipt of Departmental communication of April 8, 1904, the Commission on April 21, 1904 notified the attorneys for the Choctaw and Chickasaw Nations that they would be allowed thirty days from that date within which to submit argument in this case and the applicants that they would be allowed ten days from the service of a copy of such argument

Chickasaw B384

Muskogee, Indian Territory, April 30, 1904.

Nelson Hawkins,

Franks, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 25, in which you ask if Sike Harkins will be entitled to receive \$1041.25 worth of land or not, and if he will be permitted to file soon, and state that the Secretary of the Interior has approved his enrollment as a citizen by blood.

In reply to your letter you are advised that on April 8, 1904, the Secretary of the Interior instructed that the attorneys for the Choctaw and Chickasaw Nations be allowed thirty days within which to file argument in this case and that the applicant would then be allowed ten days within which to file such argument as she might desire in this matter.

Up to this time no further action has been taken in the case of Sike Harkin, and until her enrollment is approved by the Secretary of the Interior no selection of allotment can be made in her behalf.

Respectfully,

May 21, 1904, within which to introduce such argument as you may desire in the matter, copies thereof to be served on the applicants.

You are also advised that the last known post office address of Sike Markin was Franko, Indian Territory, and the last known post office address of Sippy Brown and Kelo Brown is Ada, Indian Territory.

Respectfully,

Chairman.

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Chickasaw D 388

Muskogee, Indian Territory, April 21, 1904.

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

Gentlemen:

For your information there is enclosed you herewith a copy of Departmental letter of April 8, 1904 (ITD 8600-1903), together with the report of the Commissioner of Indian Affairs of December 5, 1903, (Land 49534-1903), in the matter of the application of Kelo Brown, Sike Harkin and Sippy Brown for enrollment as citizens of the Chickasaw Nation. The Commissioner of Indian Affairs recommends that the decision of the Commission adverse to the applicants be set aside and that the applicants be enrolled and the Department, in its communication of April 8, 1904, instructs the Commission to notify the applicants and the attorneys for the Choctaw and Chickasaw Nations of the recommendation of the Commissioner of Indian Affairs and to allow the said attorneys thirty days within which to file any argument they may desire in the matter and the applicants ten days within which to reply to the same.

You are, therefore, hereby notified that you will be allowed thirty days from this date, or up to and inclusive of Saturday,

Chickasaw D 384

Muskogee, Indian Territory, April 21, 1904.

Sippy Brown,

Ada, Indian Territory.

Dear Madam:

On April 8, 1904, the Secretary of the Interior forwarded the report of the Commissioner of Indian Affairs of December 5, 1903, recommending that the decision of the Commission refusing your application be set aside and that the applicants, Sippy Brown, Kelo Brown and Sike Harkin, be enrolled and directed the Commission to notify the applicants and the attorneys for the Choctaw and Chickasaw Nations of such recommendation and to allow the said attorneys thirty days within which to file any argument they may desire in the matter, and the applicants ten days within which to reply thereto.

You are now advised that the attorneys for the Choctaw and Chickasaw Nations have, this day, been granted thirty days, or, up to and inclusive of May 21, 1904, within which to file argument in this case, a copy thereof to be served on you. You will then be allowed ten days from the service of copy of argument within which to file such reply as you may desire to submit.

Respectfully,

Chairman.

Chickasaw D 384

Muskogee, Indian Territory, April 21, 1904.

Sike Harkin,
Franks, Indian Territory.

Dear Madam:

On April 8, 1904, the Secretary of the Interior forwarded the report of the Commissioner of Indian Affairs of December 5, 1903, recommending that the decision of the Commission refusing your application be set aside and that the applicants, Sike Harkin, Sippy Brown and Kele Brown, be enrolled and directed the Commission to notify the applicants and the attorneys for the Choctaw and Chickasaw Nations of such recommendation and to allow the said attorneys thirty days, within which to file any argument they may desire in the matter, and the applicants ten days within which to reply thereto.

You are now advised that the attorneys for the Choctaw and Chickasaw Nations have, this day, been granted thirty days, or, up to and inclusive of May 21, 1904, within which to file argument in this case, a copy thereof to be served on you. You will then be allowed ten days from the service of copy of argument within which to file such reply as you may desire to submit.

Respectfully,

Chairman.

Chickasaw B 384

Muskogee, Indian Territory, April 21, 1904.

Kelo Brown,

Ada, Indian Territory.

Dear Sir:

On April 8, 1904, the Secretary of the Interior forwarded the report of the Commissioner of Indian Affairs of December 5, 1903, recommending that the decision of the Commission refusing your application be set aside and that the applicants, Kelo Brown, Sippy Brown and Sike Harkin, be enrolled and directed the Commission to notify the applicants and the attorneys for the Choctaw and Chickasaw Nations of such recommendation and to allow the said attorneys thirty days within which to file any argument they may desire in the matter, and the applicants ten days within which to reply thereto.

You are now advised that the attorneys for the Choctaw and Chickasaw Nations have, this day, been granted thirty days, or, up to and inclusive of May 21, 1904, within which to file argument in this case, a copy thereof to be served on you. You will then be allowed ten days from the service of copy of argument within which to file such reply as you may desire to submit.

Respectfully,

Chairman.

Chickasaw D 334

Muskogee, Indian Territory, April 8, 1904.

Nelson Hawkins,

Franks, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 3, asking if the enrollment of Sike Harkins has been approved by the Secretary of the Interior, and in reply you are advised that the Commission can give you no further information in this case than that contained in its letter of March 28, 1904 on this subject. As soon as the Commission is advised of Departmental action in this case Sike Harkins will be duly notified thereof.

Respectfully,

Commissioner in charge.

(COPY)

W. C. B.

I. O. B. 6400-1000

725.

L.L.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

April 8, 1904.

Commissioner to the Five Civilized Tribes.

Wahlepee, Indian Territory.

Gentlemen:

July 31, 1903, you transmitted the record in the matter of the application made for enrollment of Ella Brown, Ella Perkins and Rippy Brown, as citizens of the Chickasaw Nation, including your decision of the same into denying said application.

Reporting December 8, 1903, the Commissioner of Indian Affairs recommends that your decision be set aside and that the applicants be enrolled.

You will notify the applicants and the attorneys for the Choctaw and Chickasaw Nations of the recommendation of the Commissioner, and allow said attorneys thirty days within which to file any argument they may desire in the matter, and the applicants ten days within which to reply to them.

A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) E. A. Ryan,
Acting Secretary.

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lotment to this child.

Replying to that part of your letter with reference to Sike Harkins you are informed that the record in this case, together with the decision of the Commission refusing this application for enrollment as a citizen of the Chickasaw nation, was, on July 31, 1903, forwarded to the Secretary of the Interior, and the Commission has not yet been notified of Departmental action thereon.

Respectfully,

Commissioner in charge.

Chickasaw B 204
Chickasaw 150

Muskogee, Indian Territory, March 28, 1904.

Nelson Hawkins,

Franks, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 23, asking if the enrollment of Jane Underwood and Lewis Hawkins and Sike Harkins has been approved by the Secretary of the Interior and whether or not selections of allotment can be made for them.

In reply to your letter you are advised that it appears from our records that Jane Underwood died in February 1900, and relative to selection of allotment in her behalf your attention is invited to the following provision of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902:

"Provided, That no allotment of land or other tribal property shall be made to any person, or to the heirs of any person whose name is on the said rolls, and who died prior to the date of the final ratification of this agreement."

You are further advised that information has been furnished the Commission that Lewis Hawkins is dead, but no proof of his death has yet been furnished this office, and the Commission has not been advised as to the correctness of the report, or the date of his death and it is, therefore, impracticable to advise you relative to an al-

Chickasaw 186
Chickasaw D384

Muskogee, Indian Territory, March 9, 1904.

Nelson Hawkins,

Franks, Indian Territory,

Dear sir:

Receipt is hereby acknowledged of your letter of March 5, asking if your enrollment and the enrollment of Sike Hawkins has been approved by the Secretary of the Interior.

In reply to your letter you are advised that you and your wife, Millie Hawkins, and your family, Tom Greenwood, Henry Davis, Jane Underwood and Lewis and Patsy Hawkins have been enrolled by the Commission as citizens by blood of the Chickasaw Nation and your enrollment as such approved by the Secretary of the Interior.

It appears from our records that on July 31, 1903, the Commission rendered its decision refusing the application of Sike Harkins for enrollment as an adopted citizen of the Chickasaw Nation and on the same date the record in this case was forwarded the Secretary of the Interior, but the Commission has not yet been notified of Departmental action in this case.

Respectfully,

Commissioner in Charge

Chickasaw B334

Muskogee, Indian Territory, February 19, 1904

Sike Hawkins,

Franks, Indian Territory, Care Nelson Hawkins,

Dear Madam:

Receipt is hereby acknowledged of your letter relative to your case and you are advised that as you were informed in our letter of January 4, 1904, the Commission on July 31, 1903, refused your application for enrollment as a citizen of the Chickasaw Nation and on the same date the record was forwarded to the Secretary of the Interior. You will be notified of the action taken by the Secretary of the Interior in this case as soon as the Commission is advised thereof.

Respectfully,

Commissioner in Charge.

Chickasaw D 8
Chickasaw D 354
Chickasaw D 355

Muskogee, Indian Territory, January 2, 1904.

Sike Hawkins,

Care Nelson Hawkins,

Franks, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of December 28, asking if your enrollment has been approved. You also ask the status of the enrollment of Kelo Brown and Sippy Brown.

In reply to your letter you are advised that on July 31, 1903, the Commission rendered its decision refusing the applications of Sike Hawkins, Sippy Brown and Kelo Brown for enrollment as citizens of the Chickasaw nation, copies of which were mailed to the applicants at their respective post offices, and on the same date the records in these cases were transmitted to the Secretary of the Interior. You will be notified of the action taken by the Secretary of the Interior in your case as soon as the Commission is informed of the same.

Respectfully,

Chairman.

be not made, and that the names of those applicants be added
to the roll of citizens of the Chickasaw Nation by the
Department, of which action they be duly notified.

Very respectfully,

N.C.B.-L.C.

(Signed) V. A. Jones.
Commissioner.

they applied for something that they already possessed, and the refusal of the Legislature to so admit them did not destroy the status that they already occupied.

It might as well be said that if a citizen of the United States were apply to apply for naturalization and be refused by the Court, his citizenship therein terminates. But whether this be a just comparison or not, I cannot see wherein these applicants have ^{ever} forfeited their citizenship in the Chickasaw Nation.

I consider that the Legislature of the Chickasaw Nation had the right to pass an Act denying to these people the right of citizenship therein, but this ^{it} does not appear to have ever done, for all it did in the passage of this Act was to deny them certain rights which they on their own motion asked to be granted. The Nation had paid them annuity money; had permitted Kelle Brown to vote, act as juror in its courts, and hold office; it had allowed them to use the Chickasaw land; and in every way invested them with citizenship, and it could not divest them of such citizenship without an Act of its Legislature for that express purpose, and then such an Act would have to be constitutional in order to be effective. No such express legislation has ever been had so far as this record shows.

I therefore recommend that the decision of the Commis-

District payment the right to determine the matter of citizenship in Chickasaw Nation, and the fact that their judgment was perhaps often in error is evidenced by the copy of the Act of Legislature attached to the record, wherein said Legislature finds that the number of persons named therein "were unlawfully withheld from the exercise of their Chickasaw rights, privileges and immunities by the captains in charge of the late registration of the Chickasaw people for the payments of the late annuity." The fact seems to be undisputed that these applicants have always been recognized as citizens of the Chickasaw Nation prior to 1895. Kalla Brown voted in said nation, acted as a juror therein, and held the office of Governor's spokesman. He came to the Chickasaw Nation from the old Chickasaw Country, where he and his mother had been identified with them; his name appears upon the Chickasaw roll as stated by the Commission in its decision, and he drew the Chickasaw annuity without any dispute whatever until 1895; and always enjoyed and exercised all the rights of a Chickasaw citizen up to that date.

I consider that the Act of the Chickasaw Legislature in failing to admit these applicants as citizens thereof in no way affected their rights as citizens of said Nation. When these applicants applied to the Legislature of the Chickasaw Nation for admission to citizenship therein,

in said opinion is to be considered prejudicial to any rights the applicants herein may have as citizens by intermarriage of the Chickasaw Nation.

I have examined the testimony submitted in behalf of these applicants, and under all of the facts submitted I cannot concur with the decision of the Commission rendered herein. As noted above, the Commission finds that these applicants have been recognized by the Chickasaw tribal authorities as members of that Nation; that they have always resided and held land in said Nation, and that their names have been placed upon the rolls thereof, in addition to which they have participated in its annuity payments. The facts submitted by these applicants verify these statements. The ground upon which the Commission refuses their application is that the captains in charge of the registration of the Chickasaw Indians for the 1895 leased district payments denied the right of these applicants to enrollment as citizens thereof, and on the further ground that these applicants subsequently sought admission to citizenship therein by applying to the Legislature of the Chickasaw Nation, together with other applicants, which application to the Legislature was, as to these applicants, refused.

I know of no law giving the captains in charge of the registration of the Chickasaw Indians for the 1895 leased

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the Chickasaw Nation, Indian Territory, and were residents in good faith of said Nation on June 28, 1898; and that prior to the preparation of the 1898 Chickasaw leased district pay-roll, they had been recognized and enrolled as citizens of the Chickasaw Nation,-- their names appearing upon the 1878 Chickasaw annuity roll, Pontotoc County, as Sims, Kelle and Sippy Brown; that it further appears from the record that the applicants were denied the right to enrollment as citizens of the Chickasaw Nation by the captains in charge of the registration of the Chickasaw Indians for the 1898 leased district payment; that subsequently application was made to the Legislature of the Chickasaw Nation for their admission together with others to citizenship in said Nation, and that the names of these applicants were at that time stricken from said application as evidenced by a certified copy of the original act of the Legislature of the Chickasaw Nation of October 20, 1895; that it does not appear from the record that these applicants are possessed of Chickasaw blood, or that they have ever been admitted to Chickasaw citizenship by the legally constituted authorities of the Chickasaw Nation, nor by the Commission to the Five Civilized Tribes, or a decree of the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896. By reason of the premises the Commission is of the opinion that the application of these parties should be refused, under the provisions of Section 21 of the Act of Congress approved June 28, 1898, but that nothing

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Land.

43624-1908.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, D.C., 1908.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Holo Brown, Silda Harkin and Fiddy Brown, for their enrollment as citizens of the Chickasaw Nation.

On July 31, 1908, the Commission rendered a decision in this case finding that the applicants' claim the rights of enrollment as citizens of the Chickasaw Nation upon the ground that they have been recognized by the Chickasaw tribal authorities as members of the said Nation; that they have always resided and held land in said Nation; that their names have been placed upon the rolls of said Nation; ^{and} that they have participated in its annuity payments.

The Commission further finds from the record that all of the applicants are the children of Hector Brown, a negro, and Sallie Brown, his wife, a Creek Indian; that they have always resided in

687

Washington, Indian Territory, July 21, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of the proceedings in the matter of the applications made for enrollment of Kate Brown, Elroy Martin and Elroy Brown as citizens of the Chickasaw Nation, including the decision of the Commission dated July 21, 1908, denying said applications.

Respectfully,

(Signed)

T. B. Neekens,
Commissioner in charge.

Chickasaw P-8
Through the
Commissioner of Indian Affairs.

1947.

Washington, Indian Territory, July 21, 1947.

Mr. J. H. [unclear] [unclear],
Attorney for the [unclear] [unclear] [unclear],
South McAlester, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the
Commission to the [unclear] [unclear] [unclear] showing the application for
the enrollment of [unclear] [unclear] [unclear] and [unclear] [unclear] as citi-
zens of the [unclear] [unclear].

The decision, with a copy of the proceedings had 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 the Commission is informed of the same.

Respectfully,

(Signed)

Enc. HW 55/21

F. B. Hoodlum,
Commissioner in charge.

507.

Chickasaw 3-205

Malaga, Indian Territory, July 31, 1908.

Sippy Brown,

Adm. Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying your application for enrollment as a 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 review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(Signed)

T. B. Hodges.
Commissioner incharge.

Register.
Enc. 117 31/31

WV
1908
Washington, Indian Territory, July 31, 1908.

Silby Harris,

Okemaw, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes denying your application for enrollment as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had 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 the Commission is informed of the same.

Respectfully,

(Signed)

Register.
Enc. HW '52/31

T. E. Hodges
Commissioner in charge.

(copy)

Chickasaw 3-3

Madame, Indian Territory, July 31, 1908.

Kels Brown,

Ada, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying your application for enrollment as a 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 review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(Signed)

Register.
Enc. NEW 50/51

F. B. Needles
Commissioner in charge.

COPY.

Mustoge, Indian Territory, July 31, 1901

Mansfield, Murray and Corrish,
Attorneys for 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 denying the application for the enrollment of Kels Brown, Sissy Harkin and Sissy Brown as citizens 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 review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(Signed)

Enc. NEW 53/81

T. B. Needles,
Commissioner in charge.

J. H. [unclear]

is reached in this case he will be notified of the action of
the Commission.

Respectfully,

Commissioner in Charge.

Page 6
7-203

Muskogee, Indian Territory, July 15, 1905.

J. R. Lawrence,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 10, asking if your enrollment has been approved by the Secretary of the Interior. You also ask if Kelo Brown has been enrolled.

In reply to your letter you are informed that it appears from our records that J. R. Lawrence has been enrolled by this Commission as a citizen by blood of the Choctaw Nation, and on May 20, 1905, his enrollment was approved by the Secretary of the Interior.

It further appears from our records that Kelo Brown has been listed among the doubtful claimants to enrollment as a citizen of the Chickasaw Nation, and his final right to such enrollment has not yet been determined. As soon as a decision

Chickasaw D 304

Muskogee, Indian Territory, July 2, 1903.

Sike Hawkins,

Stonewall, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of June 15, asking the status of your enrollment.

In reply to your letter you are informed that it appears from our records that Sike Harkin has been listed among the doubtful claimants to enrollment as a citizen by adoption of the Chickasaw Nation, and her 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.

Respectfully,

Commissioner in Charge.

Enakooee, Indian Territory May 27, 1902.

Miss Hawkins,

Stonewall, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of May 20th, in which you ask relative to your enrollment.

In reply to your letter you are informed that it appears from our records that Sike Barkin has been listed among the doubtful claimants to enrollment in the Chickasaw Nation but his 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.

Respectfully,

Commissioner in Charge.

Choctaw D 384
Choctaw D 385

Muskogee, Indian Territory, March 25, 1903.

Nelson Harkins,

Stonewall, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 19, giving the names of the sisters of Kelo Brown, concerning whose enrollment you inquired in a previous letter, as Sike Harkin and Sippy Brown, and in reply to your inquiry you are informed that it appears from our records that Sike Harkin and Sippy Brown, sisters of Kelo Brown, have been listed among the doubtful claimants to enrollment in the Choctaw Nation, and their final right to such enrollment has not yet been determined. As soon as decisions are reached in these cases the applicants will be notified of the action of the Commission.

Respectfully,

Chairman.

2-158
2-1-8

Muskogee, Indian Territory, February 4, 1903.

Nelson Harkins,

Stonewall, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 26, 1903, in which you ask relative to the enrollment of Kello Brown and his two sisters.

In reply to your letter you are advised that it appears ~~among the~~ ^{among the} records from our records that Kelo Brown has been listed as a claimant to enrollment as a citizen of the Choctaw Nation, and that his final right to such enrollment has not yet been determined. As soon as a decision is reached in his case he will be duly notified of the action of the Commission.

You are informed that you do not give the name of the sisters of Kello Brown, and it is therefore impossible to give you any information relative to their enrollment.

Respectfully,

Acting Chairman.

Chickasaw P. O.

Muskogee, Indian Territory, December 5, 1902.

W. K. Brown,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 29, asking the status of your application for enrollment as a citizen of the Chickasaw Nation, as you have received a letter from the Department stating that that the same has not yet reached the office of the Secretary.

In reply to your letter you are advised that it appears from our records that Kelo Brown is an applicant for enrollment as a citizen of the Chickasaw Nation, but that no decision nor opinion has yet been rendered relative to his rights in the Chickasaw Nation. It is believed that you are the Kelo Brown referred to above, and 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,

Acting Chairman.

1111

establishment of an allotment office in the Choctaw-Chickasaw
country for the purpose of allowing the citizens of these two
tribes to make selection of and file upon their prospective
allotments.

Yours truly,

Acting Chairman.

Enclosure 1

Muskogee, Indian Territory, May 26, 1909.

S. B. Lawrence,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant relative to the right to enrollment as a citizen of the Chickasaw Nation of Kalo Brown.

You are advised that the Commission has not up to this time rendered any decision relative to the rights of Kalo Brown to be finally enrolled as a citizen by blood of the Chickasaw Nation but when such 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 consideration.

It is not believed that he can offer any additional testimony that would benefit his right to enrollment as the record in this case is sufficient upon which the Commission can determine his right to enrollment and as early as practicable a decision will be rendered.

The Commission cannot at this time render any opinion upon controversies arising between citizens of the Choctaw and Chickasaw Nations as to the possession of any certain tract of land in the Choctaw-Chickasaw country. Matters of this character will receive the consideration of the Commission upon the

(Copy)

Muskogee, Indian Territory, March 17, 1902.

Kelo Brown,

Ada, 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 1st 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.

Muskogee, Indian Territory, October 29, 1900.

Henry Byington,

Attorney at law,

Caddo, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 22nd instant in the matter of the application for enrollment as a citizen of the Chickasaw Nation of Edie Brown and in which you enclose certain affidavits in support of Mr. Brown's application.

The same have been filed with the other records in this case and will receive the consideration of the Commission as to the disposition of Mr. Brown's application for enrollment as a citizen of the Chickasaw Nation.

Yours truly,

Acting Chairman.

Washington, D.C.

Adm. Indian Territory

Dear Sir:

Since notifying you on November 11, 1900, of the protest filed by the Chickasaw Nation at this building as a result of the Chickasaw Nation, the Commission has been advised by the Nation with the grounds upon which objection is made to your appointment. The question raised is as to your name not being on any of the rolls.

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 Commission at date 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,

Acting Chairman.

Muskogee, Indian Territory, September 10, 1900.

Malcolm Brown,

Caddo, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 10 instant, in the matter of the protest filed by the Chickasaw Nation as to your enrollment as a citizen of the Chickasaw Nation.

You state in your letter that you desire that there be forwarded to your lawyer, Henry Livingston at Caddo, Indian Territory, a copy of the statement made in your application and also a copy of the protest of the Chickasaw Nation filed against your enrollment as a citizen of that Nation.

You are informed that the Commission cannot at this time go into the merits of those cases in which the Chickasaw Nation has filed an objection to certain parties whose rights have not up to this time been disposed of by the Commission. Only a general protest has been filed by the attorneys for the Chickasaw Nation, giving the names of certain parties to whose enrollment as citizens of that Nation, there was objection.

In justice to these applicants whose rights have thus been protested, the Commission has notified them of the filing of such protest and has also required of the attorneys for the Chickasaw Nation that prior to October 31st, 1900, they serve notice on such protested applicants, stating therein the grounds upon which objection is made to their enrollment. You will undoubtedly be served with such notice and then be fully informed as to the grounds

Muskogee, Indian Territory,
August, 18, 1900.

W. G. Brewster,

Ada, 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-8

(Copy)

Sippie Brown, being sworn, says: My mother's name was Nellie Brown, a Creek. We live with the Chickasaws in Mississippi and have always lived with them to the present time. I am not married and have no children. I have always drawn money until the last payment, when I was refused. They told me they would hold back enough and pay me later. Kilo Brown is my brother. I am seventy-four years old, and came from Mississippi with the Chickasaws when I was a little girl.

(signed)

Sippie ^{her}
X
mark Brown

Witness' Signature:

Philip G. Neuter.

subscribed to and sworn to before me, this the 30th day of September, 1898.

(signed)

T. B. Needles,
Commissioner.

Sike Hawkins claims one is a sister of Sippie Brown above, and the facts connected with her citizenship are the same as those of her sister.

(signed)

Sike Hawkins. ^{her}
X
mark

Witness to signature:
Philip G. Neuter.

subscribed and sworn to before me this the 30th day of September, 1898.

(Signed)

T. B. Needles,
Commissioner.

(Copy)

September, 1875.

Tillook, after being duly sworn, says: I was a young man when I came from the old Nation, and I know very well how the matter stands. James Brown was a captain, and this old lady Shully was an Alabama Indian, and she lived with James Brown until the Chickasaws sold their country, and James Brown had an old place on a creek, called Oka Hollo, and he turned that place over to her, and she sold that land with the improvements on it to a land buyer by the name of Bartin. I saw when she signed the papers. Old people sold one square mile, but children then was allowed one mile square. So she had five children, but I don't know exactly the quantity of land they all sold.

Question by the Judge:

How did this old lady come to be with the Chickasaws? Ans: She was captured in time of war with the Chickasaws.

Question by the Judge:

How much did she get for the land and the improvements? Ans: I don't know.

(signed)

Tillook. his
x
mark

Stonewall, Indian Territory,)
Ponotoc County,)
Chickasaw Nation.)

TO THE DAWES COMMISSION:

THIS IS TO CERTIFY that the above copy of the affidavit of Tillook is a true and correct copy of the record as recorded in my office.

This Aug. 20th, 1896.
(signed)

George Colbert,
County and Probate Clerk of Ponto-
toc County, Chickasaw Nation

(SEAL)

-2-

Stonewall, Indian Territory,)
Chickasaw Nation.)

TO THE HONORABLE DAWES COMMISSION:

THIS IS TO CERTIFY that the above copy of the affidavit of Shully
is a true and correct copy of the record as recorded in my office.

This Aug. 20, 1896.

(signed)

George Colbert,
County and Probate clerk of
Pontotoc County, Chickasaw
Nation.

(SEAL)

(Copy)

September, 1875.

Shully, after being duly sworn, says: I was living with James Brown until the Chickasaws sold their country, and he turned an old place over to me on a creek called Oka Hollow, and I sold it.

Question by the Judge:

Did he allow you to sell the land with the improvements?

Ans: Yes; that what he told me, and I sold it to a land buyer by the name of Bartin.

Did you have any children at that time? Ans: Yes; I had five children.

Question by the Judge:

Did the children sold land? As well as I can recollect we all sold land together.

Question by the Judge:

Did you receive any money for the land and improvements?

Ans: No; I only signed the paper and George Colbert said to me, Now you are numbered with the Chickasaws, and then whatever the Chickasaws do that you are to do the same.

(signed)

her
Shully. x
mark

Approved by me.
(signed)

Hickeyouby,
County Judge.

H. Colbert,
Clerk.

with the Chickasaws in the old country, which statement was recorded by me as clerk of the county court. I was present and heard the words spoken by the said Tilook. I wrote the words down just as he told it. And the old lady Shully appeared before Judge Hickeyouby and made oath and stated that she sold land with the Chickasaws in the old country, and I was present and heard the words spoken by the said Shully, and I wrote it down just as it was spoken, and I recorded her statement. Tilook is dead; the old lady Shully is dead, but their affidavits is on record in the clerk's office. I knew the old lady Shully about the same time I knew Kelo Brown. She was an old lady then, according to the best of my knowledge. It was in the year 1858 or about that time I knew her. She was about 60 years old then, and I know it was always said that she was Kelo Brown's mother and Kelo Brown was her son. It was always so said by the older people who seemed to know all about them that she was his mother and he was her son. I knew that it always has been the custom and usages among the Chickasaws that where any person, not a member of the tribe, was allowed to sell land with the Chickasaws, that gived the right of citizenship and is deemed a member of the tribe.

(signed)

H. Colbert.

Sworn to and subscribed before me on this the 5th day of September, 1896.

(signed)

Reuben Carney,
County and Probate Judge of
Pontotoc County, Chickasaw
Nation.

Attest:

Geo. Colbert,

Co. Clerk.

(SEAL)

(Copy)

Stonewall, Indian Territory, Sept. 5th, 1896.

PERSONALLY APPEARED BEFORE ME, the undersigned authority, one H. Colbert, and make the following statement under oath. I am 57 years old. I am a citizen of the Chickasaw Nation by Indian blood. I knew Kelo Brown ever since 1858. He lived here in the Chickasaw country, and was always recognized as a citizen of the Chickasaw Nation. I have seen him serve on the juries in the Indian courts. I have seen him draw annuity with the Chickasaws. I have seen him ride as Governor's expressman. I have seen him serve as a soldier in the Chickasaw battalion in the year 1862. I knew he served his country as a good, law-abiding citizen, without any disputed rights whatever. Until about four years ago his rights was partially disputed, but I honestly believe it was through prejudice, because others of the same character were left on the rolls and his name scratched off. Others of the same character drew annuity, and he (Kelo Brown) did not draw annuity the time the Leased District Payment was made. Up to this payment I knew that Kelo Brown has always enjoyed the rights and benefits of a Chickasaw Indian.

I knew that in the year 1875 I was county and district clerk of Pontotoc County and Hickeyoubby was a county and probate judge of said county and Nation, and there appeared before said judge a full blood Chickasaw, to me well known, whose name was Tillock, aged ~~about seventy five years, and after being duly sworn made his~~ statement in regard to the Alabama Indian, Shully, selling land

fidavit she was registered with all her children; Kelo Brown was one of them, and they all drew annuity, and since that time they drew annuity with the Chickasaws about two times. But when the Leased District Payment was made this Kelo Brown did not draw any money, but my honest opinion is that the captains was prejudiced toward the said Kelo Brown. If they had done right, they should have paid him his money.

(signed)

G. W. Wilson.

Sworn to and subscribed before me on this the 5th day of September, 1896.

(signed)

Reuben Carney,
County and Probate Judge of
Pontotoc County, Chickasaw
Nation.

Attest:

Geo. Colbert,
Co. Clerk.

(SEAL)

(Copy)

Stonewall, Indian Territory, Sept. 5th, 1896.

PERSONALLY APPEARED BEFORE ME, the undersigned authority, and after being duly sworn by me on oath states: My name is George Wilson; my age is 51 years; my post office is Ada, I.T. I have been acquainted with Kelo Brown ever since in the year 1857. He was always recognized as a citizen of the Chickasaw Nation, with all the rights, privileges and immunities of a citizen of the Chickasaw Nation. When the Chickasaws called out soldiers to defend their country, this Kelo Brown was called on to be enlisted as a soldier, and was enlisted and served his country the same as any other Chickasaw. At one time he had a full-blood Chickasaw woman for his wife, and was living with her. I have seen his name the list that were qualified jurors, and have seen him serve as a juror in the Indian courts and I have seen him vote at the elections without any disputed rights whatever, and I knew that he has always enjoyed the rights and benefits of a Chickasaw. I very well knew at one time. I was a member of the legislature; it was in the year 1875. This old lady Shully came before the legislature and was allowed to make her statement, and she said she have always drawn annuities with the Chickasaws. But in the year 1869 she did not draw with them; she wants to draw some money. And Winchester Colbert was a senator and he said that the custom and usage heretofore is that if any person was allowed to sell land with the Chickasaws in the old country, that made them a Chickasaw, made them a member of the tribe, and that Shully had a right to draw annuity with the Chickasaws, and upon Tillook's af-

to consider my application for enrollment, and if found to be entitled to place my name upon the rolls with the Chickasaws as a citizen of the Chickasaw Nation.

(signed)

Kelo his
 x Brown
 mark

Sworn to and subscribed before me this the 5th day of September, 1896.

(signed)

Reuben Carney,
County and Probate Judge of
Pontotoc County, Chickasaw
Nation.

Attest:

Geo. Colbert,
Co. Clerk.

(SEAL)

people, with her five children, I being one of the five.

I will further represent that it always has been the custom and usages among the Chickasaw Indians that where any person sell land, or is allowed to sell by the Chickasaw people, they are entitled to citizenship with the Chickasaws, and is deemed a member of the tribe with all the rights, privileges and immunities of a citizen. And upon the very ground my mother Shully was allowed to sell land with the Chickasaws with her five children, we were recognized as citizens of the Chickasaw Nation with all the rights and benefits of a Chickasaw.

I will further represent that when we moved from the old country with the Chickasaws to this country, we were allowed to settle and improve places just the same as any other Chickasaw and governed by the same laws and enjoyed all the rights and benefits of a Chickasaw Indian.

I have been confirmed in former conventions. I have served as juror in the Chickasaw courts, voted in their elections and held the office of governor's expressman, drew annuity with the Chickasaws without any disputed rights whatever, and have enjoyed all these rights and benefits of a Chickasaw Indian for these many years, until about four years ago, at the time the Leased District Payment was made I registered with the Chickasaws, but the annuity captains scratched my name off the rolls, merely through prejudice, and I did not draw any money. The captains were not a citizenship committee and had no right to try citizenship cases; therefore had no right to say I was no citizen. Their decision is illegal and without foundation. I never had been rejected by a legally constituted committee or any legal body.

Therefore I respectfully ask the honorable Dawes Commission

(Copy)

Stonewall, Indian Territory, Sept. 5th, 1898.

TO THE HONORABLE DAWES COMMISSION
for the Five Civilized Tribes.

Gentlemen:-

In the matter of application of Kelo Brown, for enrollment by the honorable Dawes Commission, as a citizen of the Chickasaw tribe of Indians, I respectfully represent the following as my reason to entitle me to be placed upon the rolls as a member of the Chickasaw tribe of Indians.

1st. My name is Kelo Brown; my age is 75; my postoffice is Ada, I. T.

I further represent that I became associated and connected with the Chickasaw people on this wise: My mother was taken captive by the Chickasaws, in the old country, from a band of Indians, called the Alabama Indians in time of war with those tribes. My mother was a girl about four or five years old when she was taken prisoner. She lived with the Chickasaws and grew up to womanhood and had a husband, and by that husband she had five children, before she came to this country, I being one of the five. And when the Chickasaws got ready to sell their country in old Mississippi, the Chickasaws give my mother, Shully, an old place, situated on a creek called Oka Hollow, and she sold that place with the land and improvements, and moved with the Chickasaws to this country.

The affidavit of Tillook, a full-blood Chickasaw Indian, and an affidavit of my mother, Shully, certified to by the clerk of the county court as being on record, is hereby attached as evidence that my mother Shully did sell land with the Chickasaw

(Copy)

TO THE HONORABLE, THE DAWES COMMISSION:

Muskogee, Indian Territory, October 22, 1900.

Gentlemen:

In the matter and application of Kelo Brown, Sike Brown and Sippie Brown, citizenship in the Chickasaw Nation, and their grounds for citizenship is:

1st. That they were deemed a member of the Chickasaw tribes of Indians back in the State of Mississippi under the old custom and rules of the Chickasaw tribe of Indians, and they emigrated to this country sometime in the year 1835, and that the applicants herein was then incorporated with the Chickasaw Indian when they made a treaty with the Choctaw tribe of Indians in the 1837, and became members of the Choctaw and Chickasaw tribe of Indians and has always enjoyed the then citizenship and having exercised that privilege ever since the came to this country; and for proof of their claim they send Kelo Brown and Sike Sippy an affidavit of Kelo Brown and affidavit of H. Colbert of an affidavit Nath Cochran and G. W. Wilson and Shully and Tillook. I have forwarded affidavit to be filed in the case of Kelo Brown and Sike and Sippie Brown, and hoping that this case will be filed as part of the record to be heard in sometime in March, as per notice.

Please acknowledge receipt of these affidavits, and oblige.

Your obedient servant,

(signed)

Henry Buyington.

I hereby certify that the foregoing act is a true and correct copy of the original act now on file in this office.

Witness my hand and seal of office on this the 5th day of September, A. D. 1898.

L. C. BURRIS,

National Secretary
Chickasaw Nation.

Seal.

E. A. Apple, stenographer to the Commission to the Five Civilized Tribes, on oath states that the foregoing page and part of a page is a true and correct copy of the certified copy of an act of the Chickasaw Nation, now on file with the said Commission, marked "Exhibit A" and a part of the record in Chickasaw Case No. 384 and 385; as nearly correct as same can be copied.

E. A. Apple

Subscribed and sworn to before me this January 14, 1903.

Charles H. Sawyer
Notary Public.

West

COPY.

Whereas, Sime Carney, Barney Carney, Andrew Carney, Railine Carney, Annie Carney and Sican Johnson, family of Reuben Carney; and Selena John, Giddy Collins, Wade John, Maggie John, Ferrister Ishtimohayou, Calvin Parnacker, Rebarson Parnacker, Joris Hawkins, Roy Hawkins, citizens of the Chickasaw Nation by blood and residents of Pontotoc County, were unlawfully withheld from the exercise of their Chickasaw rights, privileges and immunities by the Captains in Charge of the late registration of the Chickasaw people for the payments of the late annuity, which money was divided from the final sale and relinquishment of a portion of the leased district, which belonged to all the Chickasaws alike, notwithstanding said people have been in the Chickasaw country all their lives and so recognized as Chickasaws citizens all the while and they have enjoyed all the rights and privileges as such and notwithstanding said annuity captains had no lawful authority to withhold any of their privileges as such citizens.

Now, therefore, be it enacted by the legislature of the Chickasaw Nation that the persons and families mentioned in the above preamble of this act be and they are hereby authorized and empowered henceforth to exercise all the rights, privileges and immunities to which they are entitled as Chickasaws by blood and intermarriage, in all respects as such other citizens of the Chickasaw Nation, and this act take effect and be in full force from and after its passage.

Recommended by Reuben Carney.

Amended by the House by striking out Kels, Brown, Sike and Gippy AND the word intermarriage.

Approved Oct. 23th, 1895.

Witness:

F. S. HENRY, Secy.

(Copy)

Sippie Brown, being sworn, says: My mother's name was Sallie Brown, a Creek. We live with the Chickasaws in Mississippi and have always lived with them to the present time. I am not married and have no children. I have always drawn money until the last payment, when I was refused. They told me they would hold back enough and pay me later. Kilo Brown is my brother. I am seventy-four years old, and came from Mississippi with the Chickasaws when I was a little girl.

(signed)

Sippie ^{her}
x
mark Brown

Witness' Signature:

Philip G. Reuter.

Subscribed to and sworn to before me, this the 30th day of September, 1898.

(signed)

T. B. Needles,
Commissioner.

Sike Hawkins claims she is a sister of Sippie Brown above, and the facts connected with her citizenship are the same as those of her sister.

(signed)

Sike Hawkins. ^{her}
mark

Witness to signature:
Philip G. Reuter.

Subscribed and sworn to before me this the 30th day of September, 1898.

(signed)

T. B. Needles,
Commissioner.

Chickasaw tribe of Indians;

WHEREFORE, your applicants pray your honor, the Secretary of the Interior, to disapprove the ruling of the Commission to the Five Civilized Tribes in refusing to enroll your applicants as members of the Chickasaw tribe of Indians, and respectfully pray your honor to place their names upon the rolls of the Chickasaw tribe of Indians, that they may continue to enjoy the rights, immunities and benefits accruing to members of said tribe, as in all justice they deserve.

(signed)	Kellog	his x mark	Brown.
(signed)	Sike	her x mark	Brown.
(signed)	Sippy	her x mark	Brown.
			Applicants.

Witnesses:

J. L. Nichols,
C. C. Melville.

Sworn and subscribed to before me this 19 day of Oct. , 1899.

(signed)

M. C. Melville,
Notary Public.

SEAL

(Copy)

IN THE MATTER OF THE APPLICATION of Kelo Brown, et al.,
as citizens and members of the Chickasaw tribe of Indians, by adop-
tion, prior to the removal of the Chickasaw Indians from Mississip-
pi.

Your applicants herein would most respectfully represent
that they are residents of the Chickasaw Nation, and have been since
the Chickasaw Indians came from the State of Mississippi, and that
the mother of your applicants was an Alabama Indian and was cap-
tured by the Chickasaw Indians when about four or five years old,
and lived among the Chickasaws and was recognized as a Chickasaw
Indians, as is shown by Exhibit "A", filed herewith and made a part
hereof. Your applicants' names, ages and postoffices are as fol-
lows: Kelo Brown, postoffice: Ada, I.T.; aged 76 years; Sike
Brown, Ada, I.T.;.....years of age; Sippy Brown, Ada, I.T.;.....
years of age.

Your applicants further represent that their children and
grand-children and relatives were enrolled by the Commission to
the Five Civilized Tribes, at Stonewall, I.T., as citizens by blood
of the Chickasaw Nation, and that the Commission to the Five Civi-
lized Tribes refused to enroll your applicants at Stonewall, I.T.
in 1898. Your applicants herein refer Your Honor to the affidavits
filed herewith, showing that your applicants have enjoyed all the
rights, immunities and benefits of citizens of the Chickasaw Nation;
have owned farms in the Chickasaw Nation; have held offices under
the Chickasaw Government, and have in all things been considered
and recognized by the Chickasaw authorities as members of the

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
Ada, I. T. November 12, 1902.

Original.

In the matter of the application for enrollment as a citizen of the Chickasaw Nation of Sikey Harkin.

Sikey Harkin being first duly sworn testified as follows:

Examination by the Commission through W. B. Anderson acting as Interpreter.

- Q What is her name? A Sikey Harkin.
Q How old are you? A I was twelve years old when we came from the old country. You can figure that up and see how old I am.
Q Ask her how much older she is than her sister? A She says she is the eldest.
Q What is her post office address? A She says Stonewall or Frank, either one.
Q What is the name of her father? A Hector Brown.
Q What is the name of her mother? A Sallie Brown.
~~Q Ask her if she is a sister of Kelo and Sippy Brown? A Yes sir.~~
Q Does she claim the same right as these two, Kelo and Sippy Brown?
A Yes; she makes the same claim as the other two.
Q Does she claim that she has any Chickasaw blood or that she is simply adopted by the Chickasaws? A Yes; she claims that she is a Chickasaw by blood and then adopted citizen too of the Chickasaw Nation.
Q Ask her if it is not really a fact that she part Creek Indian and part Negro. A She says she don't know anything about that part of it.
Q Did she ever draw any money from the Chickasaw tribal authorities as a citizen of that Nation? A Yes; I have been drawing money under Chickasaw authority and more than that I was married to a Chickasaw and I have a Chickasaw right here now; she has some Chickasaw children.
Q What are the names of these children? A Zallis Harkin.
Q Is that a girl? A No; it is a grown man.
Q How many more children has she? A Serena Harkin.
Q How many more? A Asa Harkin.
Q Any more? A That is all.
Q What is the name of your husband? A Ianintubby; his English name used to be Jehn Harkin.
Q Ask her if she was ever a slave? A No sir.

G. Rosenwinkle 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 November 12, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

G. Rosenwinkle.

Subscribed and sworn to before me this 14 day of January 1902.

(SEAL)
West

Charles H. Sawyer
Notary Public.

I hereby certify that the foregoing is a true and correct copy of the original and now on file in this office.

Witness my hand and seal of office on this the 5th day of September, A. D. 1898.

L. G. Norris,

National Secretary
Chickasaw Nation.

Seal.

S. A. Apple, stenographer to the Commission to the Five Civilized Tribes, an oath states that the foregoing page and part of a page is a true and correct copy of the certified copy of an act of the Chickasaw Nation, now on file with the said Commission, marked "Exhibit A" and made a part of the record in Chickasaw Case D-8, 384 and 385; as nearly correct as same can be copied.

S A Apple

Subscribed and sworn to before me this January 14, 1905.

Charles H. Sawyer.
Notary Public.

(SEAL)

West

C O P Y.

Thomas, Sina Garney, Murray Garney, Andrew Garney, Nellie Garney, Annie Garney and Elson Johnson, family of Heuben Garney; and Selma John, Siley Collins, Nora John, Maggie John, Ferrister Iaktinshoyee, Galvia Parnocher, Hebersan Parnocher, Juris Huchins, Jay Huchins, citizens of the Chickasaw Nation by blood and residents of Pontotoc County, were unlawfully withheld from the exercise of their Chickasaw rights, privileges and immunities by the Captains in charge of the late registration of the Chickasaw people for the payment of the late annuity, which money was divided from the final sale and relinquishment of a portion of the leased district, which belonged to all the Chickasaws alike, notwithstanding said people have been in the Chickasaw country all their lives and so recognized as Chickasaws citizens all the while and they have enjoyed all the rights and privileges as such and notwithstanding said annuity captains had no lawful authority to withhold any of their privileges as such citizens.

Now, therefore, be it enacted by the legislature of the Chickasaw Nation that the persons and families mentioned in the above preamble of this act be and they are hereby authorized and empowered henceforth to exercise all the rights, privileges and immunities to which they are entitled as Chickasaws by blood and intermarriage, in all respects as such other citizens of the Chickasaw Nation, and this act take effect and be in full force from and after its passage.

Recommended by Heuben Garney.

Amended by the House by striking out "elo, Brown, Sike and Sippy and the word intermarriage.

Approved Oct. 28th, 1895.

Attest:

L. G. Burris, Nat'l Secy.

P. S. Masely, Gov.

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

In the matter of the application of
Kale Brown for enrollment as a cit-
izen of the Chickasaw Nation.

--2--

On the 15th day of March, 1902, the Commission was notified by registrar H. L. ... on the 15th day of March, 1902, the attorney for the Nation and Chickasaw Nation were notified by registrar ... that the application of Kale Brown 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 first day of May, 1902, for final consideration.

Now, on this first 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 G. Kintuan, being first duly sworn, upon his oath stated 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 first 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. Kintuan.

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

(SEAL)

(Signed) Clara Mitchell Wood.

Notary Public.

signed pre-judicial to any action the appropriate herein may have
be obtained by intervention of the District Court, and it is
so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) _____

" _____
T. B. Hooper
Commissioner

" _____
J. E. Hooper
Commissioner

Langage, Indian Territory.

Jul 21 1908

" _____
W. E. Stanley
Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Kelo Brown, et al., for enrollment as citizens of the Chickasaw Nation, consolidating the applications of-

Kelo Brown,
Sikoy Harkin,
Sippy Brown,

Chickasaw D- 8
Chickasaw D-384
Chickasaw D-385

DECISION.

It is shown by the record in this case that Kelo Brown appeared before the Commission at its regular session held at Atoka, Indian Territory, beginning August 28 and ending September 2, 1898, and made personal application for the enrollment as a citizen of the Chickasaw Nation. On November 12, 1908, Sikoy Harkin and Sippy Brown, sisters of Kelo Brown, appeared before the Commission at Ada, Indian Territory, and made personal application for the enrollment as citizens of the said Nation.

The applicants herein claim the right to enrollment as citizens of the Chickasaw Nation upon the grounds that they have been recognized by the Chickasaw tribal authorities as members of said Nation; that they have always resided and held land in said Nation; that their names have been placed upon the rolls of said Nation, and that they have participated in its annuity payments.

It appears from the record herein that all the applicants are the children of Hector Brown, a negro, and Sally Brown, his wife a Creek Indian; that they have always resided in the Chickasaw Nation Indian Territory, and were residents in good faith of said Nation on June 28, 1898, and that prior to the preparation of the 1898 Chickasaw Leased District pay roll they had been recognized and enrolled as citizens of the Chickasaw Nation, their names appearing upon the 1898 Chickasaw annuity roll, Pontotoc County, as Sike, Kello Brown and Sippy.

It further appears from said record that the applicants herein were denied the right to enrollment as citizens of the Chickasaw Nation by the Captains in charge of the registration of the Chickasaw Indians for the August 1898 Leased District payment. Subsequently application was made to the Legislature of the Chickasaw Nation for the admission of Kelo Brown, Sikoy Harkin, Sippy Brown and others to citizenship in said Nation, and the names of the said Kelo Brown, Sikoy Harkin and Sippy Brown were at that time stricken from said application, as evidenced by a certificate copy of the original Act of the Legislature of the Chickasaw Nation of October 28, 1898, filed herewith and made a part of the record in this case.

It does not appear from the record in this case that the applicants are possessed of Chickasaw blood, or that they have ever been admitted to Chickasaw citizenship by the legally constituted authorities of said Nation. Nor does it appear from the records of the Commission that they have ever been admitted to the Chickasaw citizenship by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is, therefore, the opinion of this Commission that the Applications for enrollment of Kelo Brown, Sikoy Harkin, and Sippy Brown as citizens of the Chickasaw Nation should be refused under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), nothing in this opinion to be con-

Department of the Interior
Commission on the Five Civilized Tribes
Washington, D.C., November 12, 1902.

In the matter of the application for enrollment as a citizen of the Chickasaw Nation of *Ella Markin*.

Ella Markin being duly sworn, testifies as follows:

Examination by the Commission, through V. H. Anderson acting as interpreter.

- Q - What is her name? A *Ella Markin*.
- Q How old are you? A I was born in the year 1840, from the old country. You can figure that out for me.
- Q Ask her how much older she is than her husband. A She is the oldest.
- Q What is her post office address? A She says *Wagoner, Oklahoma*, either one.
- Q What is the name of her father? A *Hester Brown*.
- Q What is the name of her mother? A *Sallie Brown*.
- Q Ask her if she is a sister of *Kelo* and *Stacy Brown*. A Yes, sir.
- Q Does she claim the same right as these two, *Kelo* and *Stacy Brown*? A Yes; she makes the same claim as the other two.
- Q Does she claim that she has any Chickasaw blood or that she is simply adopted by the Chickasaws? A Yes; she claims that she is a Chickasaw by blood and then an adopted citizen of the Chickasaw Nation.
- Q Ask her if it is not really a fact that she part Creek Indian and part Negro? A She says she don't know anything about that part of it.
- Q Did she ever draw any money from the Chickasaw tribal authorities as a citizen of that Nation? A Yes; I have been drawing money under Chickasaw authority and more than that I was married a Chickasaw and I have a Chickasaw right here now; she has some Chickasaw children.
- Q What are the names of these children? A *Zallis Markin*.
- Q Is that a girl? A No; it is a grown man.
- Q How many more children has she? A *Serena Markin*.
- Q How many more? A *Ann Markin*.
- Q Any more? A That is all.
- Q What is the name of your husband? A *Iamintubby*; his English name used to be *John Markin*.
- Q Ask her if she was ever a slave? A No, 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 case on November 12, 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 12th day of November 1902.

Charles J. Anderson

Notary Public.

Alfred

WILLI Brown (4)

fore the Leased District money was paid out, but he don't know when, - it was before that time.

Com'r McKennon: See card D-8, Chickasaw.

DEPARTMENT OF THE INTERIOR,
Commissioner 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.

Atoka, Indian Territory.

In the application of Hillo Brown for enrollment as a Chickasaw, being sworn and examined by Com'r McKennon he states:

Captain Peter Mayrubby, Interpreter:

- Q What is your name? A Hillo Brown.
- Q How old are you? A Seventy-six years old.
- Q Do you claim Choctaw or Chickasaw? A Claim Chickasaw; he says he was always numbered with the Chickasaws.
- Q Are you on the Chickasaw rolls? A Yes sir.
- Q In what County? A Pontotoc County.

Com'r McKennon: You are not on the Chickasaw rolls.

- Q Have you ever drawn any annuities? A Yes sir.
- Q When? A It has been a long time.
- Q Tell me when? A I drew all the time.
- Q Did you draw Leased District? A No, they never give me that.
- Q When was the last one you drew before that? A I drew always before that.
- Q What was your father? A He was a colored man.
- Q What was your mother? A I count her in the Chickasaws.
- Q Tell me what she was, you are under oath? A He says the Chickasaws captured a Creek girl when they had wars with each other in Mississippi years ago.
- Q What kin was that girl to him? A That was his mother.
- Q Then your mother was a Creek? A Yes sir, in the first place she was a Creek he says.
- Q Did she live here in the Chickasaw Nation? A Yes sir, she came to this country and lived a good while before she died: she died here in this Nation.
- Q How many years since you drew an annuity? A Says he don't know when was the last time he drew money; he drew money just be-

1900

Case the District Court of the United States for the District of Columbia, in and to which was referred the case of the said

Comptroller General

of the District of Columbia

Department of the Interior,
Washington, D. C.
Transcript of the proceedings of the
my stenographic notes


W. D. Green

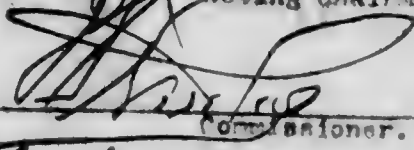
... Mr. Layton, Interview ...
Q ...
Q ...
Q Do you claim ghost or phantoms? A ...
Says he was always numbered with ...
Q Are you on the Chickasaw rolls? A Yes sir ...
Q In what county? A Posey Co. county ...
Q ...
Q Have you ever drawn any annuities? A Yes sir ...
Q When? A It has been a long time ...
Q Tell me when? A I drew all the time ...
Q Did you draw leased Districts? A No, they never give ...
that ...
Q When was the last one you drew, before that? A I drew ...
always before that ...
Q What was your father? A He was a colored man ...
Q What was your mother? A I don't know her in the ...
Q Tell me what she was, you are under oath? A She was ...
Chickasaw ...
Q ...
Q ...
Q ...

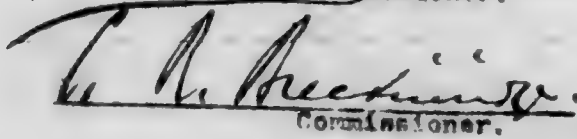
It does not appear from the record in this case that the applicants are possessed of Chickasaw blood, or that they have ever been admitted to Chickasaw citizenship by the legally constituted authorities of said Nation. Nor does it appear from the records of the Commission that they have ever been admitted to Chickasaw citizenship by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 381).

It is, therefore, the opinion of this Commission that the applications for the enrollment of Rele Brown, Sissy Harkin, and Rippy Brown as citizens of the Chickasaw Nation should be refused under the provisions of Section 21 of the Act of Congress approved June 28, 1896 (30 Stat., 493), nothing in this opinion to be considered prejudicial to any rights the applicants herein may have as citizens by intermarriage of the Chickasaw Nation, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

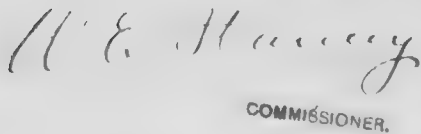

Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JUL 31 1903


COMMISSIONER.

*Amn.
L.H.*

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

In the matter of the application of Kelo Brown, et al.,
for enrollment as citizens of the Chickasaw Nation, consolidating
the applications of -

Kelo Brown,	Chickasaw D- 8
Sikey Harkin,	Chickasaw D-384
Sippy Brown,	Chickasaw D-385

DECISION.

It is shown by the record in this case that Kelo Brown appeared before the Commission at its session held at Atoka, Indian Territory, beginning August 28 and ending September 2, 1898, and made personal application for enrollment as a citizen of the Chickasaw Nation. On November 12, 1902, Sikey Harkin and Sippy Brown, sisters of the said Kelo Brown, appeared before the Commission at Ada, Indian Territory, and made personal application for enrollment as citizens of said Nation.

The applicants herein claim the right to enrollment as citizens of the Chickasaw Nation upon the grounds that they have been recognized by the Chickasaw tribal authorities as members of said Nation; that they have always resided and held land in said Nation; that their names have been placed upon the rolls of said Nation, and that they have participated in its annuity payments.

It appears from the record herein that all of the applicants are the children of Hector Brown, a negro, and Sally Brown, his wife, a Creek Indian; that they have always resided in the Chickasaw Nation, Indian Territory, and were residents in good faith of said Nation on June 28, 1898, and that prior to the preparation of the 1898 Chickasaw Leased District pay roll they had been recognized and enrolled as citizens of the Chickasaw Nation, their names appearing upon the 1876 Chickasaw annuity roll, Pontotoc County, as Sike, Kello Brown and Sippy.

It further appears from said record that the applicants herein were denied the right to enrollment as citizens of the Chickasaw Nation by the Captains in charge of the registration of the Chickasaw Indians for the 1898 Leased District payment. Subsequently application was made to the Legislature of the Chickasaw Nation for the admission of Kelo Brown, Sikey Harkin, Sippy Brown and others to citizenship in said Nation, and the names of the said Kelo Brown, Sikey Harkin and Sippy Brown were at that time stricken from said application, as evidenced by a certified copy of the original Act of the Legislature of the Chickasaw Nation of October 28, 1898, filed herewith and made a part of the record in this case.

- Q Ask her when is the last time they drew money? A She don't recollect; there is a man that knows something about it.
- Q Ask her if they were ever formally adopted by the Chickasaw legislature? A She don't know for positive herself but all of us though thought that we were adopted by the legislature.

Witness excused.....

Richard Deering being first duly sworn testified as follows:

Examination by the Commission through W. B. Anderson acting as Interpreter.

- Q What is his name? A Richard Deering.
- Q How old are you? A Sixty-seven years old.
- Q What is his post office address? A Stonewall.
- Q How long has he lived in the Chickasaw Nation? A I have been in the Chickasaw Nation all of my life time.
- Q Ask him if he knows Sippy Brown? A Yes; I know her. I have seen her ever since she was a little girl.
- Q Does he know Sikey Hawkins and Kelo Brown also? A We used to be neighbors and I know everyone, of us to be close neighbors; that is why I know them.
- Q Are these three people, Kelo Brown, Sippy Brown and Sikey Hawkins possessed of any Indian blood? A I don't know for positive that they are Chickasaws but they were recognized as citizens of the Chickasaw Nation here and there was no dispute about it and I just always thought they were Chickasaws. I could not say positively that they were Chickasaws. He says what he says of having been recognized citizens of the Chickasaw Nation, as Chickasaws was a great while back but here lately they got to kicking and throwing them out. I don't think that is right.
- Q Did these people ever draw any money as Chickasaws? A Yes; they have continued drawing money with them; all the trouble that came up is that these half-breeds got to kicking about them and threw them out.
- Q These people got any Negro blood in them? A I don't know that there is mixed blood with the Negroes, I know they have been called adopted citizens of the Chickasaw Nation.
- Q Ask him if he is any kin to these people? A No; he says they are not any kin to me at all but I have been with them but they are not related to me. I am just the same as kin to them.
- Q Did he not marry into this family? A He says I married in the family but they left me, they quit me.
- Q Ask him if these people don't show from their looks that they have Negro blood in them; tell him to look at them? A Why he says, "I don't know anything about that part, I could not say if they were mixed with Negroes only just I know that they were recognized citizens of the Chickasaws here."

Q. 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 on November 12, 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 4 day of January 1903.

Charles V. Deering
Notary Public

Department of the Interior
Commission to the Five Civilized Tribes
Ada, I.T., November 13, 1908.

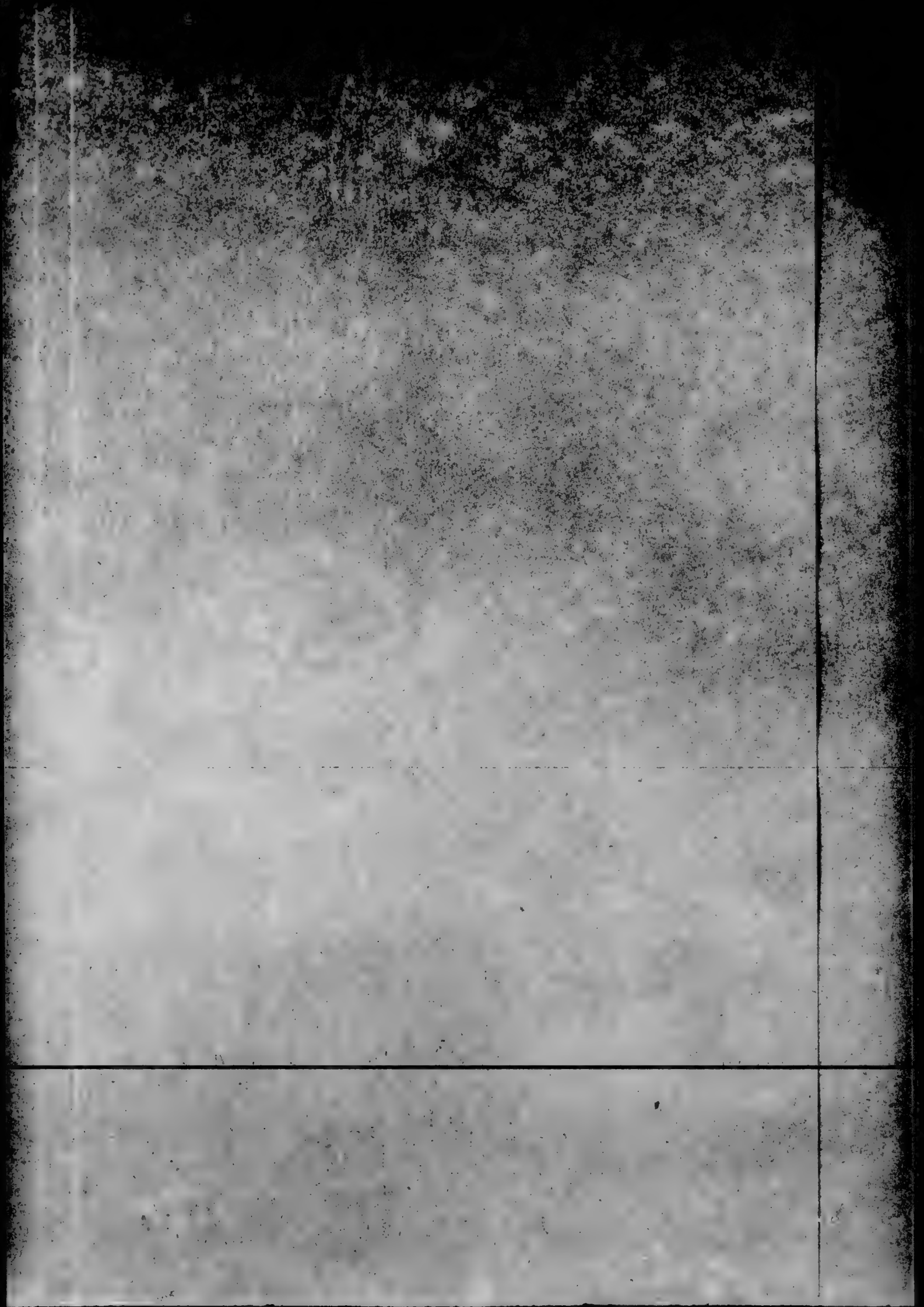
Original

In the matter of the application for enrollment as a citizen
of the Chickasaw Nation of Sippy Brown.

Sippy Brown after being first duly sworn testified as follows:

Examination by the Commission through W. B. Anderson
acting as interpreter.

- Q What is your name? A Sippy Brown.
- Q How old is she? A Seventy-six, she don't know for positive.
- Q What is her post office address? A Ada, is her post office.
- Q How long has she lived in the Chickasaw Nation? A She says "I was born and raised right here in the Chickasaw Nation and never have been out of the Chickasaw Nation for any length of time since I can remember."
- Q What is the name of her father? A Hector Brown.
- Q He is dead, is he? A Dead.
- Q Was he a Negro? A She says he was mixed with the Negro tribe-- Part Chickasaw and part Negro.
- Q What is the name of her mother? A Sallie Brown.
- Q She is dead, is she? A Yes, sir; she is dead.
- Q What race did she belong to? A I was a recognized citizen of the Chickasaw Nation until this last payment they cut us off.
- Q I asked about her mother, what her mother was? A Her mother was a Chickasaw--Chickasaw, not a slave but she was Chickasaw.
- Q Did her mother have any Negro blood in her? A Yes, sir; she was mixed with the Negroes.
- Q Was her mother ever a slave? A At the time, during the war, the Civil War, this last War, there was a Creek Indian but he was raised and brought into the Chickasaw Nation. At the time they made the treaty with the Five Civilized Tribes and it said they was to remain where they resided, the nation where they resided at the time, and as they lived in the Chickasaw Nation they remained here.
- Q Well were they Creeks? A Yes; they was Creeks at the time.
- Q They had Creek blood in them? A Yes; they were Creek by blood at the time.
- Q Then she don't claim to be a Chickasaw by blood but an adopted Chickasaw? A Yes; just adopted Chickasaw; she don't claim by blood.
- Q When was she adopted as a Chickasaw? A She was recognized as a citizen of the Chickasaws before coming to this country. She says "we were recognized citizens of the Chickasaws before we came to this country".
- Q Was she ever a slave herself? A She never was a slave.
- Q Was her father ever a slave? A Yes; her father was a slave.
- Q Was her mother ever a slave? A No; on her mother's side there was no slaves at all.
- Q Did she ever draw any money as a Chickasaw Indian from the tribal authorities? A She has been repeatedly drawing money with the Chickasaws until she has been cut off. She says she has not the money that belongs to the Chickasaws but she has not the money that she has not.



Muskogee, Indian Territory, June 27, 1905.

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

COPY.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered June 27, 1905, vacating and setting aside the decision of April 2, 1902, refusing the application for the enrollment of James Daniel as a citizen by intermarriage of the Chickasaw Nation, and granting said application.

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 Bisby

Chairman.

Registered.

Incl. 9-R-105.

See 9-1647 for registry receipt for this letter.

9-R-105

Muskogee, Indian Territory, June 27, 1905.

J. M. Humphreys,
Attorney at Law,
Atoka, Indian Territory,

COPY.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 27, 1905, vacating and setting aside the decision of April 2, 1902, refusing the application for the enrollment of James Daniel as a citizen by intermarriage of the Chickasaw Nation, and granting said application.

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

James Bizby

Chairman.

Registered.
Incl. 9-R-105

9-R-105

Muskogee, Indian Territory, June 27, 1905.

James Daniel,

Atoka, Indian Territory,

COPY.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 27, 1905, vacating and setting aside the decision of April 2, 1902, refusing the application for your enrollment as a citizen by intermarriage of the Chickasaw Nation, and granting said application.

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 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-R-105.

COPY.

G.R.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LES

D.C. 27003-1905

I.T.D. 5716-1905.

May 22, 1905.

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

Gentlemen:

May 5, 1905, you transmitted a supplementary report in the matter of the application of James Daniel for his enrollment as a citizen by intermarriage of the Chickasaw Nation, which was received at the office of the Secretary of the Interior on May 18, 1905.

May 16, 1905, the Department remanded the record in the above case, in which you made a supplementary report, to the Commission to the Five Civilized Tribes for a rehearing and readjudication upon the merits.

For your use in a readjudication of said claim so requested, your supplementary report of May 3, 1905, relative thereto, is herewith returned to you to be considered in connection with the rehearing and readjudication, as per letter of the Department dated May 16, 1905 (I T D 2728-1902, 534-1905).

Respectfully,

E. A. Hitchcock

Secretary.

1 inclosure

citizen of the Chickasaw Nation and applicant at the date of and by virtue of such intermarriage is to be regarded as an enrolled citizen, his marriage as to his standing as equivalent to his enrollment, as was said in the E. J. Vaughan case.

If the facts as presented be true, neither the Commission had any authority to admit nor the United States Court to deny his enrollment and the Commission would not be precluded by the judgment of such court from hearing his application upon the merits under the act of June 23, 1906.

In conformity with the approved opinion of the Assistant Attorney-General for this Department in the Benjamin J. Vaughan case, dated March 24, 1906, the record in the case of James Denial is remanded to the Commission for a rehearing and readjudication upon the merits. You will so advise applicant.

Respectfully,

Thos. Ryan,

Acting Secretary.

3 inclosures.

mission, you refused his application.

An examination of the original record fails to disclose under what law, tribal or otherwise, applicant was married to the wife through whom he claims citizenship by right of intermarriage, nor is it shown whether or not the name of applicant's said wife was to be found upon any of the tribal rolls in possession of the Commission.

January 10, 1905, you transmitted a petition of James Daniel for a reopening of his application, wherein he submits record evidence of his marriage on July 20, 1889, to one Lilla Moore, a citizen of the Chickasaw Nation, by a copy of a license and certificate signed George Sanders, County and Probate Judge, Tishomingo County, Chickasaw Nation, and applicant avers in his affidavit "that he has always been recognized as an intermarried citizen of the Chickasaw Nation and has voted at all elections and has taken part in the deliberations of the citizens of the Chickasaw Nation, which recognized him as an intermarried citizen."

Upon request of the Department the Commission on April 25, 1905, submitted a supplemental report showing that the names of a number of persons similar to Lillie Moore are to be found upon the tribal rolls of the Cheestaw and Chickasaw nations. It now appears from the records in the case that applicant James Daniel was married in conformity to Chickasaw law on July 20, 1889, to one Lilla Moore, a citizen by blood and most probably as appears from report of Commission of April 25, 1905, an enrolled

(COPY)

G.R. LEX.

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

May 16, 1905.

DIRECT.
D.C.25328-1905.
I.T.D.2728-1902.
534-1905.
L.R.S.

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

Gentlemen:

April 2, 1902, you transmitted the record in the application of James Daniel for his enrollment as an intermarried citizen of the Chickasaw Nation, including your decision dated April 2, 1902, refusing said application, which decision was affirmed by the Department June 19, 1902, (I.T.D.2728). It appears from the original record in the case that applicant James Daniel was admitted as an intermarried citizen of the Chickasaw Nation by the Commission under the act of Congress of June 10, 1896 (29 Stat., 321), and on appeal to the United States Court for the Southern District of the Indian Territory said court on March 6, 1898, reversed the decision of the Commission and denied the application of James Daniel. You held that "the rights of this applicant to intermarried citizenship in the Chickasaw Nation were adjudicated by this action and the decision of the court thus became final under the provisions of the act of Congress of June 10, 1896," and applicant's name not having been found on any of the tribal rolls of the Chickasaw Nation in possession of the Com-

The testimony of Daniel was also taken and his Chickasaw wife, through whom he claims his right to enrollment, was identified as Lillie Wooten, twenty seven years of age, whose name appears upon the final roll of the citizens by blood of the Chickasaw Nation as approved by the Secretary of the Interior, December 12, 1902, opposite Number 2394.

Her name is identified upon the 1893 Chickasaw Leased District Payment Roll, Number 1, Page 132, as Lilla Turnbull and upon the 1896 census roll of the citizens of the Chickasaw Nation, Tishomingo County, Page 37, as Lillie turnbull.

For the information of the Department there is transmitted herewith copy of the testimony of James Daniel of May 3, 1905 and the marriage license and certificate above referred to.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Chickasaw R 105

Muskogee, Indian Territory, May 3, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

Replying to Departmental letter of April 7, 1905 (I T D 2728-1902, 534-1905) in which the Commission was requested to inform the Department, at the earliest practicable date, whether the name of Lillie Moore or Lillie Daniel or Cornelius Magee appeared upon the tribal rolls of either the Choctaw or the Chickasaw Nation, a report thereon was submitted by the Chairman under date of April 25, 1905, and the Department was advised that steps had been taken to obtain definite information in reference to the tribal enrollment of the wife of James Daniel as a citizen of the Chickasaw Nation.

The applicant, James Daniel, appeared at the general office of the Commission on May 3, 1905, and presented a marriage license issued by George Sanders, County and Probate Judge of Tishomingo County, Chickasaw Nation, to James Daniel, a citizen of the United States, to marry Lilla Moore, a citizen of the Chickasaw Nation, together with the certificate of George Sanders, County and Probate Judge of Tishomingo County, Chickasaw Nation, to the marriage of James Daniel and Lilla Moore, on August 2, 1899.

J. K. Humphreys 2

applicant, James Daniel, claims his right to enrollment as a citizen by intermarriage of the Chickasaw Nation.

You are therefore notified that James Daniel or such other witnesses as you may desire to present in reference to this matter, should appear before the Commission at its office at Muskegee, Indian Territory, on Wednesday, May 3, 1905, for the purpose of establishing the fact that the Lillie Moore through whom the said James Daniel claims his right to enrollment as an inter-married citizen of the Chickasaw Nation, was at the time of said marriage a recognized and enrolled citizen by blood of the Choctaw or Chickasaw Nation and that her name appears upon some of the tribal rolls of said nations made since her birth.

Respectfully,

SIGNED *Tams Bixby.*

Chairman.

Muskogee, Indian Territory, April 25, 1905.

J. M. Humphreys,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

On January 10, 1905, the Commission acknowledged receipt of a motion submitted by you to re-open the application of James Daniel for enrollment as a citizen by intermarriage of the Chickasaw Nation, and also advised you that the same had on that date been transmitted to the Secretary of the Interior.

The Commission is now in receipt of a letter from the Secretary of the Interior under date of April 7, 1905, in which he requests that the Department be informed at the earliest practicable date whether the name of Lillie Moore or Lillie Daniel or Cornelius Magee appears upon the tribal rolls of either the Choctaw or Chickasaw Nations in the possession of the Commission.

The Commission has made an examination of the tribal rolls of the two nations in its possession and finds therein in several places the name of Lillie Moore with various modifications. It is impracticable to definitely ascertain from the information contained upon the tribal rolls whether the Lillie Moore whose name appears thereon is identical with the Lillie Moore through whom the

23 years of age; and the name of Lillie Moore, a resident of Sugar Leaf County, 27 years of age.

The name of Lillie Moore is also found on the 1896 Chickasaw census roll, as a resident of Pontotoc County.

The name of Lillie Daniel is not found upon any of the tribal rolls of the Choctaw or Chickasaw Nations in the possession of the Commission.

The name of Cornelius Magee appears upon the 1878 Chickasaw Annuity payment roll as made by Captain Henderson Greenwood.

It is impracticable to determine from the tribal rolls of the Choctaw and Chickasaw Nations if the Lillie Moore, with the various modifications thereof as given above, is the Lillie Moore through whom the applicant, James Daniel, claims his right to enrollment as a citizen by intermarriage of the Chickasaw Nation.

The Commission has however advised J. M. Humphreys, of Atoka, Indian Territory, who appeared as the attorney of record of James Daniel, of the wishes of the Department in this respect, and has requested him at the earliest practicable date to furnish such information as he or the applicant may have in reference to the tribal recognition of Lillie Moore.

Respectfully,

SIGNED *Tams Bixby.*

Through the Commissioner
of Indian Affairs.

Chairman.

Muskogee, Indian Territory, April 26, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of departmental letter of April 7, 1905 (I T D 2728-1902, 524-1905), in which the Commission is requested to inform the Department to aid in the adjudication of the application of James Daniel for enrollment as a citizen by intermarriage of the Chickasaw Nation, whether the name of Lillie Moore or Lillie Daniel or Cornelius Hagee appears upon the tribal rolls of either the Choctaw or Chickasaw Nations in the possession of the Commission.

I have the honor to report that an examination has been made of the tribal rolls of the Choctaw and Chickasaw Nations in the possession of the Commission and there are found thereon the names of a number of persons similar to Lillie Moore.

On the 1886 Choctaw census roll appears the name of Lilly Moore, 16 years of age, a resident of Sugar Leaf County.

On the 1893 Leased District payment roll the name of Lilly Moore, a resident of Sans Bois County, is found.

On the 1896 Choctaw census roll the name of Lily Moore appears as a resident of Red River County, her age being given as 50 years; the name of Lily Moore, a resident of Sans Bois County,

B.C. #10051

C O P Y

C.S.

DEPARTMENT OF THE INTERIOR, LLS
Washington.

I.T.D. 2728-1902.
534-1906.

April 7, 1906.

L R S

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

gentlemen:

To aid in the adjudication of the application of James Daniel, as a citizen by intermarriage of the Chickasaw Nation, you are requested to inform the Department at the earliest practicable date whether the name of Lillie Moore, or Lillie Daniel, or Cornelius Magee appears upon the tribal rolls of either the Choctaw or Chickasaw nations in your possession.

Respectfully,

THOS RYAN

Acting Secretary.

N. M. & O. #2

The Interior.

On June 19, 1902, the Secretary of the Interior approved the action of the Commission in this case.

There are no extra copies of the testimony in this case and it is impracticable to comply with your request to be furnished a copy thereof.

Respectfully,

SIGNED *James Birby*

Chairman.

Muskogee, Indian Territory, January 17, 1905.

Mansfield, McMurray & Cornish,
Attorneys at Law.

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of January 7, 1905, in which you state that you have been furnished with a copy of "Petition on appeal and motion to reopen" the case in the matter of the application of James Daniel for enrollment as an intermarried citizen of the Chickasaw Nation. You state that you have no record of the case in your office and you wish to be informed the status of his citizenship case. You also ask copies of such oral testimony as may have been taken.

In reply to your letter you are informed that it appears from our records that James Daniel was admitted by the Commission in 1896 as an intermarried citizen of the Chickasaw Nation, in Chickasaw case No. 172, and on appeal this judgment was reversed by the United States Court for the Southern District of Indian Territory, in Court case No. 39.

On April 2, 1902, the Commission rendered its decision refusing the application of James Daniel for enrollment as an intermarried citizen of the Chickasaw Nation and the same date the record together with the decision was forwarded to the Secretary of

Muskogee, Indian Territory, January 10, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith motion to reopen the application of James Daniel for enrollment as an intermarried citizen of the Chickasaw Nation.

The record and decision of the Commission refusing this application were forwarded to the Department April 2, 1902, and on June 19, 1902, the Secretary of the Interior affirmed the decision of the Commission.

Respectfully,

SIGNED *Tams Bixby.*

Chairman.

Chickasaw R 105

Muskogee, Indian Territory, January 10, 1905.

J. M. Humphreys,

Attorney at Law.

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of a motion to reopen the application of James Daniel for enrollment as an intermarried citizen of the Chickasaw Nation and the same has this day been transmitted to the Secretary of the Interior.

Respectfully,

SIGNED *Tame Bixby.*

Chairman.

Chickasaw R 106

Muskogee, Indian Territory, October 16, 1904.

M. A. Newman,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the affidavit of James M. Daniel in the matter of his application for enrollment as an intermarried citizen of the Chickasaw Nation.

You are informed that it appears from our records that on April 2, 1902, the Commission rendered its decision refusing the application of James Daniels for enrollment as an intermarried citizen of the Chickasaw Nation and on June 19, 1902, the Secretary of the Interior affirmed said decision. The affidavit transmitted by you is therefore herewith returned.

Respectfully,

SIGNED *I. B. Needles*

Commissioner in Charge.

W A P 2

Nation, and on April 2, 1902, the Commission rendered its decision refusing his application, which decision was, on July 19, 1902, affirmed by the Secretary of the Interior.

If James Daniels appealed his case to the Choctaw and Chickasaw Citizenship Court, within the time provided by the act of Congress of July 1, 1902, and his case is now pending before that court, you should address the Clerk of the Choctaw and Chickasaw Citizenship Court, Tishomingo, Indian Territory, for information relative thereto.

Respectfully,

SIGNED *Tame Bixby.*

Chairman.

Chickasaw R 10

Muskogee, Indian Territory, June 1, 1904.

Walter Frost,

Attorneys at Law,

Mill Creek, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of May 23, stating that the James Daniels concerning whom you requested information in your former communication is an intermarried Chickasaw, instead of Choctaw, and you ask if his name appears upon the intermarried rolls of the Chickasaw Nation, and wish to be informed the status of his case.

In reply to your letter you are advised that it appears from our records that James Daniels, who was formerly married to Lillie Moore, a Chickasaw Indian, was admitted as an intermarried citizen of the Chickasaw Nation, by this Commission under the provisions of the act of Congress of June 10, 1896, but on appeal, the United States Court for the Southern District of the Indian Territory reversed the decision of the Commission in court case, citizenship docket, Number 39, on March 8, 1898.

On November 1, 1900, James Daniels made application to the Commission for enrollment as an intermarried citizen of the Chickasaw

COPY.

Chickasaw E-108

Muskogee, Indian Territory, July 1, 1908.

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

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1908, affirmed the decision of the Commission, dated April 2, 1908, refusing the application made by James Daniel for the enrollment of himself as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

COPY

Chickasaw 1-100

Muskogee, Indian Territory, July 1, 1902.

James Daniel,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated April 2, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Chickasaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

(COPY)

(D.C.No. 18812-1902)

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 2728-1902.

June 19, 1902.

L.R.S.

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

Gentlemen:

April 28, 1902, the Acting Commissioner of Indian Affairs transmitted your letter of April 8, 1902, submitting the case of John Daniel, applicant for enrollment as an intermarried citizen of the Chickasaw Nation, and recommended that your decision rejecting the application be concurred in.

It appears that an application by Daniel for enrollment as an intermarried citizen of said nation was rejected by the United States Court for the Southern District of Indian Territory in 1898.

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

Respectfully,

F.L. Campbell,

Acting Secretary,
HMD

1 inclosure.

(COPY)

Land
20614-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, April 28, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made April 2, 1902, by C. R. Breckinridge, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of James Daniel for enrollment as an intermarried citizen of the Chickasaw Nation.

The record shows that in 1896, James Daniel, the applicant, applied to the Commission for enrollment as an intermarried citizen; that he was admitted; that the Chickasaw Nation took an appeal to the court from the decision of the Commission and that on March 8, 1898, the court reversed the decision of the Commission and denied the applicant enrollment as an intermarried citizen of the Chickasaw Nation. On April 2, 1902, the Commission found that the applicant was not entitled to the enrollment applied for.

The office respectfully recommends that the decision of the Commission be affirmed.

Very respectfully,
Your obedient servant,

A. S. Tanner,

Acting Commissioner.

SW

COPY

Muskogee, Indian Territory, April 2, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the report of proceedings in the matter of the application of James Daniel for the enrollment of himself as a citizen of the Chickasaw Nation, including the decision of the Commission, dated April 2, 1902, refusing the application for the enrollment of James Daniel as a citizen of said nation.

Respectfully,

WCH:AM

C. R. Breckinridge.

Commissioner in Charge.

1 enclosure.

Through the Commissioner
of Indian Affairs.

COPY.

Chickasaw N 100

COPY.

Muskogee, Indian Territory, April 9, 1908.

Manfield, Mc Murray & Gornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of James Daniel as a 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.

Yours truly,

C. R. Brookings

Commissioner in Charge.

1 enclosure.
Register.

COPY.

Chickasaw E 106

Muskogee, Indian Territory, April 2, 1902.

James Daniel,

Atoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a 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.

Yours truly,

SIGNED:

J. P. Dreesvrijs

Commissioner in Charge.

1 enclosure.
Register.

INDIAN TERRITORY,
CENTRAL DISTRICT.

John J. Hyde, of lawful age, -1-, first duly sworn, deposes and says: That he is a citizen of Atoka, Indian Territory, born on the 6th day of January, A. D. 1905, he is the duly registered holder, a true and correct copy of a petition to be taken and for hearing in the matter of the application of James Daniel, as a citizen by intermarriage of the Chickasaw Nation; that post office registry receipt number 20 and a copy attached and a part hereof is the receipt for a registered letter addressed to "Mansfield, LeRoy & Connish", containing a true and correct copy of petition in said matter, and hereby certifies that the above is a part of xxxxx hereof.

John A. Hyde

Subscribed and sworn to before me, this 6th day of January, A. D. 1905.

E. Newman
Notary Public.

U. S. Registered Mail, go to every post office in the world. Provide for safe transmission and correct delivery. Letters will be registered in the registered district. Letters and parcels will be registered for delivery through the post office at any post office in the United States. Letters will be registered in the registered district. Letters and parcels will be registered for delivery through the post office at any post office in the United States. Through a U. S. post office, without request and without charge, gives the address of the sender and when delivered through the office of a foreign country, the receipt from the post office of the address of the sender.

20 P.O. Atoka
/6
J. J. Hyde
Mansfield & Connish
South McAlester 59
Del-

Incl. No.

271905

Department of the Interior,
RECEIVED.
JAN 1 1905
Enc. No. 4 of No. 534
Indian Affairs Division.

*Motion to reopen
and for rehearing*

*In the matter of
the application of
James Daniel as a
Citizen by Intermarriage
of the Chickasaw Nation*

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

JAN 10 1905

CHAMBERLAIN

J. M. Humphrey

Ex B

Married on the 20th of July.

Tishomingo County,
Chickasaw Nation.

August 2nd, 1889.

This is to certify that I, George Sanders, County and Probate Judge of said County and Nation, do this day, upon my duty, join the hands of one Tilla Moore, a citizen of the Chickasaw Nation, and one James Daniel, a United States Citizen, and did perform the holy bonds of matrimony according to the marriage laws of the Chickasaw Nation.

George Sanders,
County and Probate Judge Tishomingo
County, Chickasaw Nation.

Ex "B"

THE CHICKASAW NATION, INDIAN TERRITORY.

JULY 18, A. D. 1889

TO WHOM IT MAY CONCERN:-

Know ye, therefore, that I, George Sanders, County and Probate Judge of Tishomingo County, Chickasaw Nation, do, this day and date, by virtue of the authority upon me conferred by the laws of the Chickasaw Nation, as County and Probate Judge of said County and Nation, grant and issue unto James Daniel, a U. S. Citizen, license to marry Miss Lilla Moore, a citizen of the Chickasaw Nation; the said James Daniel having come to me well recommended, as the laws direct in such cases.

Given under my hand and official signature this the day and year first above written, duly in compliance with the laws of the Chickasaw Nation in all respects.

Signed

George Sanders,
C. & P. Judge, T. C., C. N.

"Recorded in the office of the County Clerk of Tishomingo County,
C. N., this the 13th day of August, 1889.

A. L. McKinney,
Clerk T. C., C. N.

Ex. A."

intermarried citizen of the Chickasaw Nation, Indian Territory, and for such other and further relief as equity and good conscience may require.

James Daniel
Petitioner.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
CENTRAL DISTRICT.

James Daniel, being first duly sworn, deposes and says he is the petitioner in the above entitled cause, and that he has read the foregoing statement, knows the contents thereof, and that the matters and things therein contained are true, as he stands ready and willing to prove.

James Daniel

Subscribed in my presence and sworn to before me on this 6th day of January, A. D. 1905.

E. Newman
NOTARY PUBLIC.

I hereby nominate and appoint J. M. Humphreys as my attorney of record in the above styled cause.

James Daniel
Petitioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application :: Petition on Appeal, and
of James Daniel for enrollment :: motion to re-open above
as a citizen by intermarriage of :: entitled cause.
the Chickasaw Nation, Indian ::
Territory. ::
 ::

Comes now your petitioner, James Daniels, and petitions the Commission to the Five Civilized Tribes that his case as a citizen by intermarriage of the Chickasaw Nation, Indian Territory, be re-opened, and that he be permitted to present evidence to said Commission to show that he was legally married under the laws of the Chickasaw Nation Indian Territory, which permitted a white man to be intermarried to a woman of the Chickasaw Nation, Indian Territory.

Affiant states that he was married to Lilla Moore, step-daughter of Cornelius Magee, a citizen of the Chickasaw Nation, Indian Territory. That he purchased the license and was married in accordance with the laws of the Chickasaw Nation on the 20th day of July, A. D. 1889. A copy of said certificate is filed herewith and marked Exhibit "A", and made a part hereof; and also a copy of the license is used by the County Clerk of Tishomingo County, Indian Territory, on the 18th day of July, A. D. 1889, marked Exhibit "B" and made a part hereof.

Affiant further states that after such marriage he was again married to a citizen of the United States, and that for that reason he was rejected as an intermarried citizen of the Chickasaw Nation, Indian Territory. That under a decision of the Choctaw and Chickasaw Citizenship Court he again made application to the Commission to the Five Civilized Tribes, and was informed that his case was decided against him, and that such decision was final.

Your petitioner further shows that he has never had an opportunity to present his case properly before said Commission, for the reason that he has been always of a roving disposition and has had no certain post office for any great length of time, but has continuously resided in the Indian Territory from the time of his marriage to the said Lilla Moore until the present time.

Petitioner states that he has always been recognized as an intermarried citizen of the ~~Chickasaw~~ Chickasaw Nation, and has voted at all elections and has taken part in the deliberations of the citizens of the Chickasaw Nation, which recognized him as an intermarried citizen.

Petitioner further states that he has not been notified of any action taken in his case, and that if any action was taken or any one claimed to represent him except his duly authorized attorney, J. M. Humphreys, it was done without his authority and wholly without his knowledge or consent in the premises.

Petitioner further says that he can prove by Joe Daniel that a registered letter which was sent to this petitioner at Waupamucka post office was never delivered to James Daniel, but was made away with or destroyed without James Daniel ever having received same. He has never authorized an appeal to be taken to the Choctaw and Chickasaw Citizenship Court, and if any such appeal has been taken, it was done wholly without his authority, knowledge or consent.

Your petitioner offers to prove by the following witnesses to said marriage that he was legally married to said Lilla Moore, citizen of the Chickasaw Nation as aforesaid, and that he lived with her as his lawfully wedded wife:— By Newt Tyner, of Coalgate, Indian Territory, that he was present at the marriage which united James Daniel, a citizen of the United States, and Lilla Moore, a citizen of the Chickasaw Nation, Indian Territory, in lawful wedlock; by John Robertson, of Tishomingo, Indian Territory, that he was present at the marriage which united James Daniel, a citizen of the United States, to Lilla Moore, a citizen of the Chickasaw Nation, Indian Territory.

Wherefore, premises being considered, petitioner prays that his claim for citizenship as an intermarried citizen of the Chickasaw Nation be re-opened and he be granted a re-hearing of his claim as an

Recorded
August 13 to 1889
A. S. McPherson
L. L. L. L.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

FILED

MAY - 3 1905

CHAIRMAN

MAY - 3 1905

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

Received in the office
of the County Comptroller
of the County of Bryan
Texas on the 13 day of August
1905
A. J. [unclear] [unclear]
[unclear]

Marriage License
of Daniel
James

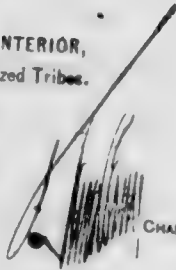
Recorded in the office
of the County Clerk
of Johnson County Mo
this the 13 day of August
1889

A. S. McFring
Clerk J. C. M.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

FILED

MAY - 3 1905


CHAIRMAN

Handwritten text, possibly a signature or name, appearing on the adjacent page or document.

The Chickasaw Nation, July 18th A.D. 1887

So when it may be known to the
George Sanders County and Probate
Judge of Schomberg County Chickasaw Nation
Del this day and date. By virtue of the authority
upon me conferred by the laws of the Chickasaw
Nation as County and Probate Judge of said
County and Nation Grant Audispicere unto
James Crain, a U.S. Citizen License to
Mary Miss Lilla Moore, a citizen of the
Chickasaw Nation. The said James Crain
having come to me well recommended as the
laws direct in such cases, Given under
my hand and official signature this the day
and year first above written, duly in compli-
ance with the laws of the Chickasaw
Nation in all respects. George Sanders
P. Judge, N.C.N.

On May 3, 1905, proceedings were had in the matter of the application for the enrollment of James Daniel as an intermarried citizen of the Chickasaw Nation by the Commission to the Five Civilized Tribes in conformity with the instructions of the Acting Secretary of the Interior of April 7, 1905 (I T D 2728-1902, 534-1 1905), and on May 16, 1905, the Acting Secretary of the Interior with his letter of that date (I T D 2728-1902, 534-1905), directed the Commission, in conformity with the opinion of the Assistant Attorney general for the Department of the Interior in the Chickasaw enrollment case of Benjamin J. Vaughn, of March 24, 1905, to rehear and readjudicate the application of James Daniel for enrollment as an intermarried citizen of the Chickasaw Nation upon the merits.

It appears from the record herein that on July 20, 1889, the applicant, James Daniel, was married in the Chickasaw Nation in accordance with the tribal laws, customs and usages of said nation, to Lilla Moore, a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name appears upon the list 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, opposite No. 2394, as Lillie Wooten; 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 in said nation as man and wife for a period of about three or four months, when they separated and were divorced. The applicant, James Daniel, subsequently married a white woman, a non-citizen of the Chickasaw Nation.

It is the opinion of the Commission that in conformity with the opinion of the Assistant Attorney general for the Department of the Interior of March 24, 1905 (I T D 1450-1903, 6585, 7303, 8697, 11952-1904), in the Chickasaw enrollment case of Benjamin J. Vaughn, the decision of the Commission of April 2, 1902, in refusing the application of James Daniel for enrollment as a citizen by intermarriage of the Chickasaw Nation should be vacated, set aside and held for naught, and it is so ordered.

It is further the opinion of this Commission that, following the rule of the Department in the case of Thornton D. Pierce (I T D 4060-1904), relative to the question of forfeiture, James Daniel 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,

JUN 11 1905

1128

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

9-R-105

In the matter of the application for the enrollment of James Daniel as a citizen by intermarriage of the Chickasaw Nation.

A M E N D E D D E C I S I O N .

The record in this case will show that on April 2, 1902, a decision was rendered by the Commission to the Five Civilized Tribes refusing the application for the enrollment of James Daniel as a citizen of the Chickasaw Nation, for the reason that under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), the applicant applied to the Commission to the Five Civilized Tribes for admission as an intermarried citizen of the Chickasaw Nation, in Chickasaw 1896 citizenship case No. 172, and was admitted by said Commission as an intermarried citizen of the Chickasaw Nation. From this decision an appeal was perfected by the Chickasaw Nation to the United States Court for the Southern District of the Indian Territory, and said court, on March 8, 1898, rendered a judgment reversing the decision of the Commission and denying the application of James Daniel for admission as an intermarried citizen of the Chickasaw Nation, (United States Court Southern District, citizenship case No. 39),

In the decision of the Commission of April 2, 1902, it was held that the rights of the applicant, James Daniel, to intermarried citizenship in the Chickasaw Nation were adjudicated by the judgment of the United States Court for the Southern District of the Indian Territory and that the judgment of said court being final, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), he was not entitled to be enrolled as a citizen of the Chickasaw Nation.

On June 19, 1902, the Acting Secretary of the Interior with his letter of that date (I T D 2728-1902), affirmed the decision of the Commission of April 2, 1902, in refusing to enroll the applicant as an intermarried citizen of the Chickasaw Nation.

On January 10, 1905, there was filed by J. M. Humphreys, attorney for the applicant, a motion to reopen the application of James Daniel for enrollment as an intermarried citizen of the Chickasaw Nation, which motion was, on the same date, transmitted to the Secretary of the Interior.

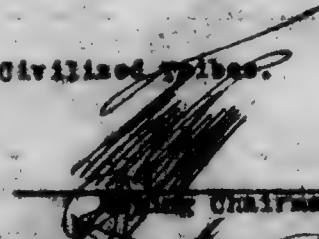
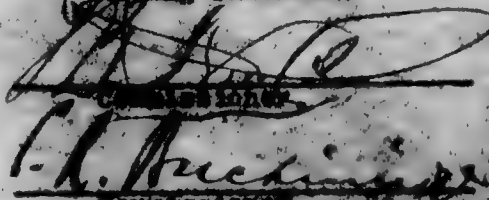
It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicant has ever been enrolled as a citizen of the Chickasaw Nation, nor is his name found on any of the tribal rolls of the Chickasaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Chickasaw citizenship by the legally constituted authorities of the said nation.

The act of Congress of June 23, 1898, (30 Stat., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

It is therefore the opinion of the Commission that James Daniel is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

The Commission to the Five Civilized Tribes.


Chairman.

Commissioner.

Dated at Muskogee, Indian

Territory, this APR 2 1902

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

In the matter of the application of James Daniel for enrollment as an intermarried citizen of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that the applicant James Daniel made application for enrollment as an intermarried citizen of the Chickasaw Nation, to this Commission, at Atoka, Indian Territory, at its session beginning August 28, and ending September 2, 1899, inclusive.

It appears from an examination of the records of the Commission that James Daniel, in 1896, made application to this Commission for intermarried citizenship in the Chickasaw Nation under the act of Congress of June 10, 1896, (29 Stat., 321) and was by the Commission admitted as an intermarried citizen of the Chickasaw Nation in Chickasaw citizenship case Number 172, and on appeal to the United States Court for the Southern District of the Indian Territory, the said United States Court for the Southern District of the Indian Territory, on March 8, 1898, reversed the decision of the Commission and denied the application of James Daniel for intermarried citizenship in the Chickasaw Nation, in Court case (Citizenship Docket) Number 89.

The rights of this applicant to intermarried citizenship in the Chickasaw Nation were adjudicated by this action and the decision of the Court thus became final under the provisions of the act of Congress of June 10, 1896, supra.

3-James Daniel.

A Fifty dollars for the license and two and a half to get Sanders to marry me; it cost me fifty-two dollars and fifty cents to get married.

Q And you were only married two or three months? A No, we was just kids; she just decided to quit me; we didn't fall out not nothing; I tried to get her to live with me but she wouldn't do it.

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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 5, 1905.

J. Campbell

Notary Public.

2- James Daniel.

- Q Live with her until she died? A No, I lived with her until she quit me.
- Q Is she still living? A Yes, she is still living.
- Q What is her name now? A I can't tell you my friend; she has been married about six times since--six times she has been married; I was the first time she was married though; she was 16 and I was about 21.
- Q Where is she living now? A Tishomingo.
- Q You say you were married to her in 1889 and lived with her two or three months? A Yes sir.
- Q Did you get a divorce from her since then? A No sir.
- Q You married a white woman since then? A Yes, I married a white woman and she got a divorce from me; they divorced me in the Indian Court.
- Q Were you ever married before you married this Chickasaw woman, Lillie Moore? A No sir.
- Q Do you know whether she was ever married before she married you? A No sir.
- Q That was the first time that either of you had ever been married? A Yes sir.
- Q Who married you? A Will Sanders.
- Q Who is he? A He was a probate judge in the Chickasaw Nation, Tishomingo.
- Q What county? A Tishomingo.
- Q Did you get a Chickasaw license? A Yes sir.
- Q Who did you get it from? A I got the license from the probate judge; that is, he had them wrote.
- Q How much did you pay for that license? A Fifty dollars.
- The applicant offers in evidence marriage license issued by George Sanders, county and probate judge of Tishomingo county, Chickasaw Nation under date of July 18, 1889 to James Daniel, a citizen of the United States to marry Lilla Moore, a citizen of the Chickasaw Nation, attached thereto being the certificate of George Sanders, county and probate judge of Tishomingo County, Chickasaw Nation to the marriage of James Daniels and Lilla Moore on July 20, 1889.
- Q What did you say your wife's maiden name was? A Lilla Moore.
- Q And what is her father's name? A I don't know what his name was only Moore.
- Q What is her mother's name? A Her name was Katherine
- Q Katherine what? A Magee
- Q Was she ever named anything else? A Yes, named Moore and Robinson.
- Q Anything else? A I think she was named Mossley.
- Q You say that after you were married to Lillie Moore she married a man by the name of Turnbull? A Yes, I said Alex-- but it is not Alex I don't think.
- Q Would it be Alexander? A I can't know hardly, only I know his name was Turnbull.

The name of the applicant's wife is identified upon the final roll of the citizens by blood of the Chickasaw Nation as Lillie Wooten opposite No. 2394, Chickasaw roll Card No. 806; she is also identified on the 1896 census roll of the citizens by blood of the Chickasaw Nation, Tishomingo county as Lillie Turnbull.

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Examination by Mr. Moore.

Q How much did you pay for that marriage license?

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

Muskogee, Indian Territory, May 3, 1905.

In the matter of the application of James Daniel for enrollment as a citizen by intermarriage of the Chickasaw Nation.

Proceedings had in conformity with Departmental instructions of April 7, 1905, for the purpose of ascertaining if Lillie Moore through whom the applicant claims his right to enrollment as a citizen by intermarriage of the Chickasaw Nation, was at the time of said marriage a recognized and enrolled citizen by blood of either the Choctaw or Chickasaw Nations.

The Choctaw and Chickasaw Nations are represented by W. H. Moore, appearing for Messrs. Mansfield, McMurray & Cornish

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James Daniel being first duly sworn testified as follows:

Examination by the Commission:

- Q. What is your name? A. James Daniel.
Q. How old are you? A. Thirty-eight year old.
Q. Where do you live? A. I live at Atoka, Indian Territory.
Q. You are a white man? A. Well, yes, pass for a white man.
Q. You don't claim to be a citizen of any tribe of Indians?
A. Well, no sir.
Q. What is the name of your father? A. Richard Daniel.
Q. Is he living? A. No sir.
Q. Was he a white man? A. Well, he would be called a white man, yes.
Q. What is your mother's name? A. My mother's name--well, I was so small that I was only eleven months old when my mother died, but her name was Liddy.
Q. She was a white woman was she? A. Yes sir.
Q. You claim to be an intermarried citizen of the Chickasaw Nation do you? A. Yes.
Q. How long have you lived in the Choctaw-Chickasaw Nations?
A. Well, for off and on for since I was-- been living in the Choctaw and Chickasaw Nations off and on for 29 years.
Q. And you are 38 years old at the present time? A. Yes.
Q. Have you lived in the Choctaw-Chickasaw country continuously for the last 29 years? A. Yes sir.
Q. You have never made your home anywhere else? A. No, made my home principally here.
Q. How many times have you been married? A. Been married twice.
Q. Through which one of your wives do you claim your right as an intermarried citizen? A. Lillie Moore.
Q. The first or second? A. First.
Q. Is she a Choctaw Indian? A. Chickasaw and Choctaw.
Q. Whenever you married to her? A. Married to her in 1889.
Q. What Chickasaw family did she belong to? A. She belonged to the Chickasaws.
Q. What family of Chickasaws? A. She belonged to the Magee family. Her mother was a Moore and she married a Magee.
Q. You say that you were married to her in 1889? A. I think so.
Q. How long did you live with her? A. We lived together about 3 or 4 months. She has been married five times since then--

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Chickasaw Nation in the possession of the Commission that the applicant has ever been enrolled as a citizen of the Chickasaw Nation, nor is his name found on any of the tribal rolls of the Chickasaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Chickasaw citizenship by the legally constituted authorities of the said nation.

The act of Congress of June 28, 1898, (30 Stat., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

It is therefore the opinion of the Commission that James Daniel is not lawfully entitled to be enrolled as a member of the Chickasaw Tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

The Commission to the Five Civilized Tribes


Chairman

Commissioner

Dated at Muskogee, Indian
Territory, this APR -2 1902

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

In the matter of the application of James Daniel for enrollment as an intermarried citizen of the Chickasaw Nation.

D E C I S I O N .

It appears from the record in this case that the applicant James Daniel made application for enrollment as an intermarried citizen of the Chickasaw Nation, to this Commission, at Atoka, Indian Territory, at its session beginning August 28, and ending September 2, 1899, inclusive.

It appears from an examination of the records of the Commission that James Daniel, in 1896, made application to this Commission for intermarried citizenship in the Chickasaw Nation under the act of Congress of June 10, 1896, (29 Stat., 321) and was by the Commission admitted as an intermarried citizen of the Chickasaw Nation in Chickasaw citizenship case Number 172, and on appeal to the United States Court for the Southern District of the Indian Territory, the said United States Court for the Southern District of the Indian Territory, on March 8, 1898, reversed the decision of the Commission and denied the application of James Daniel for intermarried citizenship in the Chickasaw Nation, in Court case (Citizenship Docket) Number 39.

The rights of this applicant to intermarried citizenship in the Chickasaw Nation were adjudicated by this action and the decision of the Court thus became final under the provisions of the act of Congress of June 10, 1896, supra.

110

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as
stenographer to abide named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

McKennon

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of James Daniel as an intermarried Chickasaw; being sworn and examined by Com'r McKennon he states:

- Q What is your name? A James Daniel.
- Q You were married in 1889 to Lillie Moore? A Yes sir.
- Q Was she a Chickasaw Indian? A Chickasaw and Choctaw.
- Q What did she claim to be? A Chickasaw.
- Q Is she still living? A Yes sir, was the last account I had of her.
- Q How long did you live with her? A I lived with her about three or four months.
- Q Then you separated? A Yes sir, she ~~want~~ wouldn't live with me any longer.
- Q Why? A She just wouldn't live with me, that is all I know. We was, young you know.
- Q How old was she? A Sixteen.
- Q How old were you then? A I was twenty-two.
- Q Did she get a divorce from you? A Yes sir, I gave her a divorce.
- Q How could you give her a divorce? A Well she got a divorce.
- Q You couldn't help yourself? A No sir.
- Q You have married again? A Yes sir.
- Q A white woman? A Yes sir.
- Q How long after she got a divorce until you married again?
- A Four years.
- Q How long have you been married to the white woman?
- A Six years the 15th of October.

(Found to have been admitted by the Dawes commission) and judgment reversed by the court.

In the matter of the application for the enrollment of
James Daniel as a citizen by intermarriage of the Chickasaw Nation.

1820

REGISTRY RECEIPT.

Post Office at

Received

of

92

18

725 N.Y.

Herbert A. Fowler

The Governor of New York
Albany N.Y.

P. M.

S-1819

D- 612

Muskogee, Oklahoma, February 10, 1909.

Mr. William T. Lancaster,
Chickasha, 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,

WHA(CM)

Acting Commissioner.

has been recognized as above, of the action taken, and that they have all the rights to allotment and payments assigned 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. Directions 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 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 Madison Garfield.

Secretary.

1405	Kerryman, Sarah	1465	Sutherland, Henry
1518	Mitchell, Virginia P.	1479	Tucker, William N.
1519	Mitchell, Mattie S.		
1616	Noran, Mary	1468	Vincent, Charlie B.

Minor Choctaw Citizens.

<u>Roll No.</u>	<u>Name.</u>	<u>Roll No.</u>	<u>Name.</u>
724	Braudrick, Jennie Louise	791	Kiefer, Durana
4	Crewster, Rufus Clay	609	Lang, Francis
790	Kiefer, Odie A.		

Sherokee 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 traverse 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 feet 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 2-51)."

You will notify all persons, whose status on the rolls

Roll No.	Name	Roll No.	Name
15903	Crowder, William H.	16005	Long, Verbis
15902	Crowder, Rosa	922	Long, Josephine Laflere
15901	Crowder, Mackie	923	Long, Elsie Laflere
15900	Crowder, Abigail	925	Peabworth, Henry
15899	Crowder, William J.	15926	Randall, Grover
16105	Crutchfield, Ida	16104	Ritter, David
16107	Crutchfield, Ima	15856	Robinson, Mary E.
16108	Crutchfield, Louvina	15951	Shelton, Daisy
16109	Crutchfield, William	15857	Trice, Mary A.

CHESTNUT BY MARRIAGE

1486	Beagles, Allen	1414	McClure, Madell
1537	Bueckhulte, Jeannette H.	1614	McGahay, Martha J.
1589	Cheate, Amanda	1407	McMartry, Lucy
1412	Crowder, Lydia Ann	1550	One, Julia
1523	Crowder, Josephine	1410	Paxton, William D.
985	Foster, Mary A.	1406	Raben, Robert L.
1481	Freemy, Mattie	1490	Reding, Ella
1489	Gann, William Newton	1478	Rigney, Rosa E.
1818	Gray, John Calvin	1219	Roberts, George W.
1216	Gunter, Benjamin B.	1631	Robinson, Frederick B.
1480	Kelly, William F.	2803	Russell, Mattie M.
1474	Lewis, Vincy	1127	Smith, Ira L.
1150	Lindsay, Selden T.	1438	Staten, John T.

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 HOLDEN DECISION BUT WHOSE CASES FALL UNDOUBTABLY UNDER THE PRINCIPLES OF THAT DECISION.

Chickasaw by Blood.

<u>Roll No.</u>	<u>Name.</u>	<u>Roll No.</u>	<u>Name.</u>
5013	Perry, Joe	5014	Perry, Billard

Chickasaw by Marriage.

622	Archerd, Joyn W.	629	Shaska, Mary A.
626	Hargis, Sallie J.	514	Ramsay, Gustavus A.

Choctaw by Blood.

16103	Allen, Elizabeth	16110	Crutchfield, Louella
16112	Bungarner, George A.	16106	Crutchfield, Everett
15925	Crowder, John A.	16111	Crutchfield, George W.
15924	Crowder, Finkie B.	15450	James, Alice E.
15923	Crowder, Katie E.	15972	Jennings, Arthur
15921	Crowder, Eli W.	15973	Jennings, Clyde
15922	Crowder, James	15915	Keifer, Ardella
15905	Crowder, Winnie Gertrude	16005	Long, James S.
15904	Crowder, John F.	16004	Long, Joseph

Stricken by Error

<u>Roll No.</u>	<u>Name</u>	<u>Roll No.</u>	<u>Court</u>
31910	Allison, John	49434	S.C.D.C.
31960	Allison, Johnnie B.	49436	S.C.D.C.
31961	Allison, Frankie P.	49437	S.C.D.C.
31956	Allison, Ian E.	248	U.S.S.C.
31907	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 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.

Roll No.	Name	Roll No.	Court
1843	Carter, John W.	50834	S. C. D. C.
1484	Cummings, Henry A.	50033	S. C. D. C.
1524	Crowder, Parlee C.	50033	S. C. D. C.
1329	Harris, Galvin R.	49724	S. C. D. C.
1578	Howard, Garris	50033	S. C. D. C.
1399	Kirk, J. W.	50354	S. C. D. C.
290	Klugh, August	50033	S. C. D. C.
1027	Perkins, Mattie A.	50353	S. C. D. C.
1491	Reichert, William	51026	S. C. D. C.
1400	Rice, Andrew L.	374	S. C. U. S.
1483	Shultz (or Shultz) Fannie	51026	S. C. D. C.
1498	Shelton, John	50946	S. C. D. C.
1469	Sumpter, Jacob D.	50033	S. C. D. C.
340	Travis, Robert A.	50948	S. C. D. C.
1403	White, Angelina	51026	S. C. D. C.
662	Woodward, Charles A.	49494	S. C. D. C.

Minor Questions.

Act of Congress Approved April 26, 1904.

367	Barnett, Effie	50033	S. C. D. C.
457	Beaver, Hazel Calvin	50033	S. C. D. C.
458	Beaver, Claude D.	50033	S. C. D. C.
459	Herbert, Howard	50033	S. C. D. C.
574	Crowder, Nettie Myrl	50033	S. C. D. C.
685	Green, Leo	49724	S. C. D. C.
253	Wright, Fannie Jane	50033	S. C. D. C.

Roll No.	Name.	Roll No.	Grade
15393	James, Elia E.	50023	E.C.D.C.
15393	James, Anastria	50023	E.C.D.C.
15394	James, Ayalisa	50023	E.C.D.C.
15393	James, Agnes	50023	E.C.D.C.
15394	Kirk, Gabriella	50235	E.C.D.C.
15393	Kirk, Sarah	50255	E.C.D.C.
15393	Shelton, Emma	51240	E.C.D.C.
15392	Shelton, Frank	51240	E.C.D.C.
15445	Supter, John	50023	E.C.D.C.
15445	Supter, Amanda Isabella	50023	E.C.D.C.
15447	Supter, Jim Andy	50023	E.C.D.C.
15448	Supter, Scott Taylor	51240	E.C.D.C.
15449	Supter, Diana D.	50023	E.C.D.C.
15912	Wright, Betay	51240	E.C.D.C.
15913	Wright, Thomas E.	50023	E.C.D.C.
15914	Wright, Mary E.	50023	E.C.D.C.
15915	Wright, Lenard D.	50023	E.C.D.C.
CHRISTIAN BY MARRIAGE			
1428	Allen, Andrew J.	50023	E.C.D.C.
1400	Atwood, Chester G.	50363	E.C.D.C.
1473	Beal, Andrew	50947	E.C.D.C.
1408	Bowling, Mary E.	51026	E.C.D.C.
		50023	E.C.D.C.

Whitens by Blood.

<u>Roll No.</u>	<u>Name.</u>	<u>Roll No.</u>	<u>Court.</u>
15027	Adams, Wily	50033	S. C. D. C.
16048	Antrey, Columbus S.	49722	S. C. D. C.
16040	Beaver, Gertrude	50033	S. C. D. C.
16041	Beaver, Clarence	50033	S. C. D. C.
16042	Beaver, Nellie	50033	S. C. D. C.
16043	Beaver, Myrtle	50033	S. C. D. C.
15917	Beagles, Nellie F.	50033	S. C. D. C.
15911	Crowder, Van	50033	S. C. D. C.
15919	Crowder, Willie	50033	S. C. D. C.
15909	Crowder, Nelson	50033	S. C. D. C.
15908	Crowder, Joe	50033	S. C. D. C.
15907	Crowder, Louisa	50033	S. C. D. C.
15906	Crowder, George W.	50033	S. C. D. C.
16050	Green, Teddy	49724	S. C. D. C.
16049	Green, Lenora	49724	S. C. D. C.
16033	Howard, Thomas J.	50033	S. C. D. C.
16034	Howard, Horace	50033	S. C. D. C.
16038	Howard, Lennie	50033	S. C. D. C.
16036	Howard, Emery	50033	S. C. D. C.
16037	Howard, Elmer	50033	S. C. D. C.
16035	Howard, Bettie Ferncy	50033	S. C. D. C.
16039	Howard, Dora Lee	50033	S. C. D. C.
15451	James, (or Richardson) Maggie M.	50033	S. C. D. C.

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.

Chickasaw by Blood.

<u>Roll No.</u>	<u>Name.</u>	<u>Roll No.</u>	<u>Court.</u>
4964	Goldsby, John E.	248	U. S. S. C.
4965	Goldsby, Linniel E.	50033	S. C. D. C.
4966	Goldsby, Bessie	50033	S. C. D. C.
4967	Goldsby, Murray M.	50033	S. C. D. C.
4969	Vaughan, Edward A.	372	U. S. S. C.
4970	Vaughan, Grover C.	371	U. S. S. C.
4971	Vaughan, Oscar S.	371	U. S. S. C.

Chickasaw by Intermarriage.

621	Adams, John Quincy	50033	S. C. D. C.
612	Lancaster, William T.	50033	S. C. D. C.
606	McCoy, Clay	49358	S. C. D. C.
631	England, James W.	51025	S. C. D. C.
596	St. John, Thomas	50353	S. C. D. C.
605	Vaughan, Benjamin F.	373	U. S. S. C.

6271

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Address only
The Secretary of the Interior

S V V

January 17, 1909.

File S-81.

The Commissioner to the
Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

November 30, 1908, 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 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 mandate shall issue in those 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 relators stand clearly in the

to their cases of same 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 miners, 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.

L.S.

Cow.
J. W. H.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

Jul 10, 1907.

Subject:

Enrollment of various members
of the Vaughan, Lancaster,
Armstrong, and Sumpter
families as citizens of the
Choctaw and Chickasaw Nations.

Messrs. Kappler & Merrillat,
Bond Building,
Washington, D. C.

Gentlemen:

Receipt is acknowledged of your letter of July 2, 1907,
requesting that the Department cause to be restored to the rolls of
citizens of the Choctaw 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.
Oscar E. Vaughan, #4971, Chickasaw Roll, by blood.
Benjamin J. Vaughan, #498, Chickasaw Roll, by marriage.
William T. Lancaster, #611, Chickasaw Roll, by marriage.
Mattie L. Armstrong, #16,084, Choctaw Roll, by blood.
Layton B. Armstrong, #16,085, Choctaw Roll, by blood.
Bonnie B. Armstrong, #16,086, Choctaw Roll, by blood.
Rebecca K. Armstrong, #16,087, Choctaw Roll, by blood.
Jim Andy Sumpter, #15,647, Choctaw Roll, by blood.
Scott Taylor Sumpter, #15,648, Choctaw Roll, by blood.
Dixon D. Sumpter, #15,649, Choctaw 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

L.S.

J. W. H.
Copy.

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 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. Kappler & Merrillat, relative to the enrolment of E. 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.

B 33
H. T.

J. W. H.
J. W. H.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

July 10, 1907.

Subject:

Enrolment 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,
Muskegee, 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 Kayler & Merrillat, of this city,
relative to the enrolment 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 W. Woodruff

Acting Secretary.

4 Inclosures.
(Through the Commissioner of
Indian Affairs.)

Chickasaw 1819

Muskogee, Indian Territory, March 29, 1907.

William T. Lancaster,

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 4, 1907, directed the cancellation of your enrollment upon the roll of citizens by marriage of the Choctaw Nation.

Your name has accordingly been stricken from the copy of said roll in the possession of this office.

Respectfully,

Acting Commissioner.

9-C-213

Muskogee, Indian Territory, June 6, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations, COPY

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered June 6, 1905, granting the application for the enrollment of William T. Lancaster 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-C-213

See 9-761 for registry receipt for this letter.

9-C-213

Muskogee, Indian Territory, June 6, 1905.

COPY.

E. S. Burney,

Chickasha, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 6, 1905, rendered its decision granting the application for the enrollment of William T. Lancaster 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.

Commissioner in Charge.

Registered.

9-C-213

Muskogee, Indian Territory, June 6, 1905.

James E. Cross,
Chickasha, Indian Territory,

COPY.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 6, 1905, granting the application for the enrollment of William T. Lancaster 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.

Incl. 9-C-213.

E. S. B. #2

Certain evidence to this effect has already been filed in this case and in event additional proof is necessary to enable the Commission to determine the rights of William T. Lancaster in accordance with the opinion of the Assistant Attorney General you will be further advised.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 11, 1905.

E. S. Burney,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 6, 1905, in which you state that you write at the request of Mrs. J. E. Cross who has recently been appointed administratrix of William T. Lancaster, deceased, and desires to know what is necessary in the matter of reopening the application of William T. Lancaster for enrollment as an intermarried citizen of the Chickasaw Nation; you ask if it will be necessary for her to appear in person or if someone else can appear in her behalf.

In reply to your letter you are informed that under a recent opinion of the Assistant Attorney General those persons who were married in accordance with the Choctaw and Chickasaw tribal laws or who had a tribal status prior to 1896 are not affected by the action of the Commission in 1896 or by the decrees of the Choctaw and Chickasaw Citizenship Court.

In this case it will be necessary to ascertain whether or not the said William T. Lancaster was married to his Chickasaw wife Susan Johnson in accordance with the Chickasaw tribal laws.

X/ MM. & C.2

Notion, he 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 his rights may be protected as contemplated by the Secretary of the Interior under the directions of September 9, 1904, above referred to.

Respectfully,

~~signed~~

Tame Bixby.

Chairman.

Incl. 9-C-213.

9-C-213.

COPY:

Muskegee, Indian Territory, September 23, 1904.

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

Gentlemen:

There is inclosed 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 William T. Lancaster, as a citizen by intermarriage 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 for 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 nove within the time prescribed by the Acts of Congress approved July 1, 1902 (32 Stat., 641), and March 3, 1903 (32 Stat., 982).

You are further notified that if the said William T. Lancaster is the owner of improvements in the Choctaw or Chickasaw

M. D. N. 3

Nation, he 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 his rights may be protected as contemplated by the Secretary of the Interior under the directions of September 7, 1904., above referred to.

Respectfully,

SIGNED

Jame Bixby.
Chairman.

Registered.

Incl. 9-C-213.

9-C-213

COPY:

Muskogee, Indian Territory, September 23, 1904.

M. D. Herbert,
Attorney at Law,
Chickasha, Indian Territory,

Dear Sir:

There is inclosed 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 William T. Lancaster, as a citizen by intermarriage 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 for 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 nove within the time prescribed by the Acts of Congress approved July 1, 1902 (32 Stat., 641) and March 3, 1903, (22 Stat., 982).

You are further notified that if the said William T. Lancaster is the owner of improvements in the Choctaw or Chickasaw

V. B. C. E

Station, he will be allowed thirty days from the date hereof within which to appear before the Land Office of the Commission for the Station in which such improvements are located, in order that his rights may be protected as contemplated by the Secretary of the Interior under the directions of September 7, 1904, above referred to.

Respectfully,

XXXXXX

James Bixby.

Chairman.

Registered.

Incl. B-C-213.

9-5-213.

COPY.

Muskogee, Indian Territory, September 23, 1904.

James E. Cross, Executor,
Chickasha, Indian Territory,

Dear Sir:

There is inclosed 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 William T. Lancaster as a citizen by intermarriage 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 houses and improved lands for 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 Acts of Congress approved July 1, 1902 (32 Stat., 641) and March 3, 1903 (32 Stat., 982).

You are further notified that if the said William T. Lancaster is the owner of improvements in the Choctaw or Chickasaw

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. Hunt
Acting Secretary.

2 inclosures.

DEPARTMENT OF THE INTERIOR,

J. W. H.

WASHINGTON.

I.T.D. 5248-1904.
6174- "

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. 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

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,

McGoy 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.

Thos Ryan,
Acting Secretary.

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 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

Court, Southern District, Indian Territory, and by that court the judgment of the Commission was affirmed, March 15, 1896. 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., 644-5), 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 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 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.

(COPY)

I.T.D.
5246-1904.

DEPARTMENT OF THE INTERIOR,
Office of the Assistant Attorney-General,
Washington,

J.A.W.
B.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, 1896, according to the usages and customs of the Chickasaw Nation, under a Chickasaw tribal name, married Sallie Goldsby, a recognized and enrolled citizen by blood of the Chickasaw Nation. She has been enrolled by the Commission, number 3908, 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, 1896, and the Chickasaw Nation alone appealed to the United States

Montage, Indian Territory, July 22, 1901.

H. S. Burney,

Chickasaw, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 22, in which you ask on behalf of Mr. J. A. Cross, executor for the estate of William T. Lancaster, deceased, what has been done with the application of W. T. Lancaster for enrollment as an intermarried citizen of the Chickasaw Nation. You state that Mr. Cross is very low and desires to know the outcome of this application as early as possible.

In reply to your letter, you are informed that the commission has not yet passed upon the application of William T. Lancaster for enrollment as an intermarried citizen of the Chickasaw Nation. When a decision is reached in this case, you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

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,

A. G. Turner,
Acting Commissioner.

QAV-11a

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 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 1898 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 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

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 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, 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. 541), the record and proceedings in his case before the United States Court for the Southern District of the Indian Territory,

(COPY)

Land.
40496-1904.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

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 33 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. Murrow; 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

9-0-213

Muskogee, Indian Territory, March 22, 1904.

E. S. Burney,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, enclosing affidavits of Isaac O. Lewis, Guy Keel, B. F. Kemp, Albert McKinney and James Mack Johnson, relating to the divorce of Susan Johnson from James Mack Johnson, and to the marriage between W. T. Lancaster and Susan Johnson in accordance with the tribal laws, and the same have been duly filed with our records in the matter of the application for enrollment of W. T. Lancaster as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Commissioner in Charge.

9-0-213

Muskogee, Indian Territory, March 11, 1904.

E. F. Burney,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th inst., enclosing a certified copy of the decree of divorce between W. T. Lancaster and Julia A. Lancaster, and the same has been duly filed with the records of the Commission in the matter of the application for enrollment as an intermarried citizen of the Chickasaw Nation of William T. Lancaster.

Respectfully,

Commissioner in Charge.

Chickasaw C213

Muskogee, Indian Territory, March 4, 1904.

E. S. Burney,

Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 1, in which you state that the records of the County Clerk's office of Pickens County were burned and you are unable to secure certified copy of marriage license and certificate and copies of divorce proceedings which you desire to submit in support of the claim of William T. Lancaster, but that you can secure affidavits of the Judges and Clerks who issued the same, and ask if this will be received in evidence.

In reply to your letter you are advised that if the records are burned and you cannot secure certified copies of such records as you desire to introduce in this case, and you will forward the affidavits of the Clerks to the destruction of the records and the affidavits of the Judges and Clerks who issued the decrees and other documents required to be introduced by you to the effect that the same were issued, the affidavits will be filed with the record in the case of William T. Lancaster and will receive consideration.

Respectfully,

1000.

COMMISSIONERS
TAMM BERRY,
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

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 18, 1904.

E. S. Burney,
Chickasha, Indian Territory.

Dear Sir:

There are enclosed you herewith the original and three copies of the testimony, given by you, Thomas Fletcher and J. P. Cross at Muskogee, Indian Territory, on February 8, 1904, before the Commission, in the matter of the application for the enrollment of W. T. Lancaster as a citizen by intermarriage of the Chickasaw Nation.

You are requested to kindly appear before a notary public, together with Mr. Fletcher and Mr. Cross, at your earliest convenience, and certify as to the correctness of said testimony, a blank for which purpose being attached at the end of each copy of the testimony. After swearing to same please return to the Commission in the enclosed envelope, which requires no postage.

Respectfully,



1 enclosure (9-C-213)
Env.

Commissioner in Charge.

Chickasaw C 213

Muskogee, Indian Territory, January 27, 1904.

E. S. Burney,

Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 23, in which you state that James E. Cross, executor of the estate of William T. Lancaster, deceased, is unable to appear before the Commission, and you wish to be informed if the witnesses can appear before some Notary Public or United States Commissioner and answer such questions as may be desired.

In reply to your letter you are advised that before further consideration can be given the application of W. T. Lancaster for enrollment as an intermarried citizen of the Chickasaw Nation it will be necessary for that the personal testimony of witnesses be presented to the Commission relative to his intermarried status on September 25, 1902.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, January 18, 1904.

James H. Cross,
Care of E. S. Burney,
Chickasha, Indian Territory.

Dear Sir:

It appears from the records of the Commission that you are executor of the estate of W. T. Lancaster, who was an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation and who died subsequent to September 25, 1902.

It will be necessary that testimony be taken as to the status of W. T. Lancaster as a citizen by intermarriage of the Chickasaw Nation on September 25, 1902, and in order to protect any rights he may have, you should appear before the Commission at its office in Muskogee, Indian Territory, with such witnesses as you may have, who know of said W. T. Lancaster's intermarried status on said date, to testify thereto.

You should so appear at the earliest possible date, as no further consideration can be given the application for the enrollment of said W. T. Lancaster, until such testimony has been given.

Respectfully,

Chairman.

W. T. L., -2-

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)

James Bixby.
Chairman.

Chickasaw 6-7 213.

copy.

Muskogee, Indian Territory, December 21, 1903.

W. T. Lancaster,

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 de novo, it is contended by the attorneys for the Choctaw and Chickasaw Nations that

B S B-2

dependant upon a judgment of the United States court in Indian Territory, until their right to citizenship is finally determined.

Referring to that part of your letter in regard to the enrollment of your wife, Ada Burney, you are informed that it appears from our records that she has been listed for 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 she will be notified of the action of the commission.

Respectfully,

Commissioner in Charge.

9-C-213
9-1297

Muskogee, Indian Territory July 11, 1903.

E. S. Burney,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 7, asking what, if anything, has been done by the Commission with the application of W. T. Lancaster for enrollment as an intermarried citizen of the Chickasaw Nation. You state that you desire this information in behalf of J. E. Cross, executor for the estate of W. T. Lancaster, now deceased. You also inquire concerning the enrollment of your wife Ada Burney as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are informed that it appears from our records that W. T. Lancaster was admitted as an intermarried citizen of the Chickasaw Nation by a judgment of the United States court for the Southern District of Indian Territory, rendered at Ardmore, December 23, 1897 in court case (citizenship docket) Number 34.

You are further advised that 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 lands in the Choctaw and Chickasaw Nations to any person whose right to citizenship is

to pass upon the rights of this applicant, you will be notified.

Respectfully,

Chairman.

Chickasaw C 213

Muskogee, Indian Territory, May 9, 1903.

E. S. Burney,

Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 23, asking the status of the application of W. T. Lancaster for enrollment as an intermarried citizen of the Chickasaw Nation. You state that Mr. Lancaster was admitted as an intermarried citizen of the Chickasaw nation in 1896; that he did not appeal from the judgment of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, declaring the judgment of the United States Court in Indian Territory, theretofore admitting him to citizenship in the Chickasaw Nation. You further state that Mr. Lancaster died April 15, 1903, and you request to be informed what further steps are necessary to take in the matter of his claim.

In reply to your letter you are advised that the Commission is not in a position, at this time, to render any opinion relative to the rights of applicants who were admitted to citizenship in the Choctaw and Chickasaw Nations by judgments of the United States Courts in Indian Territory. When this case is reached for consideration, if any further evidence is necessary to enable the Commission

Chickasaw C 213

Muskogee, Indian Territory, April 17, 1903.

E. S. Purcell,

Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 12, in behalf of W. T. Lancaster who is lying at the point of death with consumption and desires to know what disposition the Commission has made of his application for enrollment as an intermarried citizen. You also call attention to your communication of a few days ago relative to yourself and family.

In reply to your letter you are advised that it appears from our records that W. T. Lancaster was admitted to citizenship in the Chickasaw 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 vacated and set aside all judgments of the United States Courts in Indian Territory admitting persons to citizenship in the Choctaw and Chickasaw Nations.

You are undoubtedly in receipt of reply to your communication relative to the enrollment of yourself and family ere this time.

Respectfully,

Chairman.

E S R 2

Congress of July 1, 1902, above referred to:

"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."

It may be added that lands upon which the so-called court claimants have improvements, not in excess of lawful allotments, will not be allotted to any citizen until the rights of the said court claimants are finally determined.

Respectfully,

Chickasaw C 213

Muskogee, Indian Territory, January 20, 1903.

E. S. Burney,

Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 31, 1902, relative to the case of William T. Lancaster, an applicant for enrollment as an intermarried citizen of the Chickasaw Nation, who, you say, is very low with consumption, and is now in San Antonio for the winter.

In reply to your letter you are advised that it appears from our records that W. T. Lancaster was admitted as an intermarried citizen of the Chickasaw Nation by a judgment of the United States Court in Indian Territory, rendered at Ardmore, December 22, 1897, in court case, citizenship docket, Number 54. 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 Court in Indian Territory admitting persons to citizenship in the Choctaw and Chickasaw Nations.

Relative to the right to enrollment of W. T. Lancaster, your attention is invited to the following provision of the act of

9-0-818.

Muskogee, Indian Territory, December 18, 1908.

W. D. Herbert,

Attorney at Law,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th ultimo, in which you ask to be advised if W. T. Lancaster, of Chickasha, Indian Territory, is enrolled as an intermarried citizen of the Chickasaw or Choctaw Nation.

In reply to your letter, you are informed that it appears from our records that W. T. Lancaster, of Chickasha, Indian Territory, has been listed for enrollment as an intermarried citizen of the Chickasaw Nation, pursuant to a judgment of the United States Court for the Southern District of Indian Territory, at Ardmore, Indian Territory, rendered December 22, 1897, in court case (citizenship docket) No. 54.

Respectfully,

Acting Chairman.

(-0-213.

Muskogee, Indian Territory, August 20, 1903.

O. E. Perry, P. M..

Naples, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 14th instant, requesting information as to whether one Mr. Lancaster, of Chickasha, Indian Territory, has ever been enrolled as either a Choctaw or Chickasaw citizen.

In reply you are advised that on January 9, 1899, W. T. Lancaster, of Chickasha, Indian Territory, made application to the Commission for enrollment as a citizen by intermarriage of the Chickasaw Nation, having been admitted to such citizenship by the United States Court for the Southern District of Indian Territory, on December 22, 1897, Court case No. 54.

No final action has yet been taken by the Commission in the matter of his enrollment.

Yours truly,

Acting Chairman.

11 I have not
yet

17 20 22 21

18 19 20 21 22

19 20 21 22 23

20 21 22 23 24

4-0-213

Endorsements

57

Marriage License

202

W. P. Lancaster

and

Susan Johnson

filed for record in the clerk's office this
17th day of June ad 1891

W. J. Lewis

clk @ C. C. N.

and duly recorded in marriage
Record for Co. on Page 216 - this 17th
day of June ad 1891

W. J. Lewis

clk P. C. N.

Esmy

Exhibit "B"

Indian Territory
Chickasaw Nation
County of Pickens

Armon J P
May 23^d 1891

To any person authorized by law to solemnize marriages. You are hereby commanded to solemnize the rites and publish the bans of matrimony between Mr W J Lancaster a U.S. Citizen of the age of 50 years and Mrs Susan Johnson a Chickasaw Citizen of the age of 25 years according to law and do you officially sign and return this license to the parties herein named.

Richard M Lick Crp Judge
Pickens County C. U. S. P.

Indian Territory J. H. Law as hereby
Chickasaw Nation I certify that on the 28th
County of Pickens I day of May of 1891 I
did duly and according to law as com-
manded in the foregoing license, solemn-
ize the rites and publish the bans of
Matrimony between the parties herein
named. Witness my hand this the 28th
day of May A.D. 1891
(Signed) J. H. Law

Pastor M. E. Church Smith
Armon J P

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT.

ISAAC O. LEWIS, upon his oath states:

My name is Isaac O. Lewis. My post office is Madill, I. T. I am 48 years of age. I am a Chickasaw Indian by blood.

I was clerk of the county and probate court of Pickens county Chickasaw nation in the year 1891, and that while I was clerk of said court I recorded in the marriage Record for said Pickens county a license that was issued by Judge Duncan, county judge of said county, to W. T. Lancaster, a United States citizen, to consummate marriage with Mrs. Susan Johnson, ^{a citizen by blood of the Chickasaw Nation} the same being regularly issued; that I also recorded the marriage certificate accompanying said license, which certificate showed that said marriage had been duly and legally performed in accordance with the laws and customs of the Chickasaw Nation, I. T.

Isaac O. Lewis

Subscribed and sworn to before me this March 16, 1904.

Geo. E. Rider

Notary Public.

Before the Commission to the Five Civilized Tribes.

United States of America,

Indian Territory,

Southern District.

On this 16th. day of March, A.D. 1904, personally appeared before me, a Notary Public within and for the Southern District of the Indian Territory, Guy Keel, a Chickasaw Indian by blood, being duly sworn states on his oath as follows:

My name is Guy Keel, my age is 31 or 32 years, I live near Madill, I. T., and I am a Chickasaw Indian by blood. I was County Clerk for Pickens County, Chickasaw Nation, Indian Territory for four years, from 1894 to 1898. During my term of office the records of the county clerk of Pickens County, Chickasaw Nation, Indian Territory were destroyed. I do not know the exact date of the fire at this time. Sometime ago I furnished the exact date of the fire to the Commission in a similar manner. W.T. Lancaster, a United States citizen, was married to Susan Johnson, a Chickasaw Indian by blood, according to the Indian laws, and the marriage license were recorded in the county clerks office of Pickens County, Chickasaw Nation, Indian Territory, before my term of office and were on record in said office until they same was destroyed by fire, with other papers and records, in the clerks office during the latter part of the term of my office as Clerk of Pickens County. I know the parties and know that their marriage license were of record in the office of county clerk of Pickens County, and I do so certify.

Given under my hand this 16th. day of March, A.D. 1904.


Guy Keel

Subscribed and sworn to before me this 16th. day of March, A.D.

1904.

Wm. P. Franklin
Notary Public.

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

 CHAIRMAN

INDIAN TERRITORY,
SOUTHERN JUDICIAL DISTRICT.
CHICKASAW NATION.

Albert McKinney, being by me first duly sworn states on oath that he resides at East, Indian Territory, and is 48 years of age, that he is a Chickasaw Indian By Blood and was Clerk of the District Court ^{for the Chickasaw Nation} from the year 1888 to the year 1902 and that during the ~~year~~ year 1889 and at the May term of said Court in said year there was a suit filed for a Diverce in said Court in which James Mack Johnson, who is a Chickasaw Indian by Blood, was Plaintiff and Susan Johnson, who is also a Chickasaw Indian by Blood, was Defendant. That said cause was called up at said term of said Court and the Defendant failing to answer said charges of said Plaintiff, James Mack Johnson the said Diverce was granted to the Plaintiff. That as Clerk of said Court I made a record of said Judgment in said cause at the time of the rendering of said Judgment, but from some cause said records have been misplaced or destroyed and can not at this time be had for reference.



Subscribed and sworn to before me on this the 15th day of March 1906.

H. O. Newman
Notary Public,

My Commission Expires May the
15th 1906.

INDAIN TERRITORY,
SOUTHERN JUDICIAL DISTRICT,
CHICKASAW NATION.

B.F. Kemp, being by me first duly sworn states on oath that he is 72 years of age and resides at Tishomingo, Indain Territory and that he is a Chickasaw Indain by Blood, that he was District Judge of the District Court during the year 1889 and presided at the May term of the said Court for said year and that at said term there was a suit filed for Diverce by James Mack Johnson, who is a Chickasaw Indain by Blood, against Susan Johnson, who is also a Chickasaw Indain by Blood. That said cause was called for trial at said term of Court and the Defendant failing to answer, and it appearing from the return of the Officer that she had been duly served with notice of said trial said Diverce was granted to the said James Mack Johnson. That there was a record made of said judgment at the time of rendering same, but that the said records have been misplaced or destroyed and can not be had at this time for reference.

B. F. Kemp

Subscribed and sworn to before me on this the 15th day of March 1904.

W. H. Bingham
Notary Public,

My Commission Expires May the 10th,
1906.

IN THE UNITED STATES COURT FOR THE SOUTHERN DISTRICT
INDIAN TERRITORY AT ARDMORE.

W/ T. Lancaster, Plaintiff,)
vs. No. 44)
Julia A. Lancaster, Defendant.)

Now on this 22nd day of October 1890 (The same being one of the days of the regular October 1890 term of said Court) this cause came on for hearing, the plaintiff appearing in person and by his attorney S. E. Jackson and the defendant, Julia A. Lancaster, wholly making default. Thereupon the cause was submitted to the Court, after hearing all the evidence, decreed that the bond of matrimony existing should be severed between said parties and their marriage be declared void and of no effect.

Wherefore, it is considered ordered and adjudged by the Court that the Plaintiff have custody of the children and that the agreement in division of the property, a copy of which instrument is filed herewith, should forever bind said parties and define their rights to the same.

By the Court.

INDIAN TERRITORY)
SOUTHERN DISTRICT.)

I, C. M. Campbell, Clerk of the United States Court, for and within the Southern District, Indian Territory, do hereby certify that the foregoing is a true and perfect copy of ~~the decree of divorce made and entered of record in the above entitled action in my office at Ardmore, Indian Territory and duly entered in Court Journal A at Page 225.~~

Witness my hand and the seal of said court at Ardmore, Indian Territory, this 3rd day of March 1904.

C. M. Campbell
Clerk.

2.

had the money and he had the right. I heard that after she was gone. The ladies were all laughing about it. I never heard that she charged him with ill treatment or lack of support.

The general reputation of Mr. Lancaster is good. I knew him with his first wife, and he was good to her.

I think he divided the property with her when she left. I think he gave her everything they had. I know he furnished her money to defend her suit at Paris. She stabbed a woman down here and they had here in court. She was under bond when Mr. Lancaster married her. She is down about Center now. Her name is Mrs. Scott B. Landrum.

Chickasha, Oct. 22 1898.

Chickasaw Court Card C. 213.

W.T.Lancaster.

XXXXXXXXXXXX Needles,

W.T.Lancaster says:

I was admitted intermarriage. I have lived at Chickasha about 8 ears. Prior to that time I lived at Ardmore. I claim to be a Chickasaw by intermarriage. I married Susan Johnson a Chickasaw woman in 1890. I married her under Chickasaw law. I lived with my wife about one year. She left me and went to the Choctaw Nation because she did not want to live with me. I do not know why.

I treated her well. I applied for the divorce and pleaded abandonment. I have married again. I married the second time about 5 years ago to Myrtle Hoskins. I am now living with her.

I had my witnesses in court to prove that my Indian wife abandoned me.

Chickasha, Oct. 21 1898.

J.P.Cross says: I live at Chickasha, Chickasaw Nation. I have lived here about 10 years. I know W.T.Lancaster. I have known him about 16 years. I knew him in Texas before he came to the Territory.

I do not know personally that he married Susan Johnson. I knew his wife who was Susan Johnson. He lived with her. They came up here in June or July and she went away to Paris to Court, that fall. She had a case in Court there. After the case was decided she did not come back for some time. When she came back she got her things and left him. He was a kind man and as kind to her as I ever saw a man in my life. He treated her well and provided well for her. He was an indistricious man. He made a good living. I do not know why she left him. It was told me wife by some lady in this country, that she married Mr. Lancaster for his money, and that he married her for a right, and that she said she

Apr. 1891. 3/4

Dear Uncle,

Enclosed is a good copy
of document, I think is what you
wanted. I was at home and will
try it again, The charge will be \$1.00
This leaves all well.

Yours,

Julian

INDIAN TERRITORY,
SOUTHERN JUDICIAL DISTRICT,
CHICKASAW NATION.

James Mack Johnson, being by me first duly sworn states on oath that he is 38 years of age and resides at Ardmore, Indian Territory and that he is a Chickasaw Indian by Blood. That at the May Term of the District Court for the Chickasaw Nation for the year 1889 he filed suit for a Divorce against Susan Johnson, who is also a Chickasaw Indian by Blood, that at the calling of said cause at said term of Court the Defendant, Susan Johnson failed to answer and that said Divorce was then granted to Plaintiff, this Affiant.

James Mack Johnson

Subscribed and sworn to before me on this the 15th day of March 1904.

H. O. Newman
Notary Public,

My Commission Expires
May 15th 1906.

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



CHAIRMAN

Exhibit "D"

Department of the Interior Commission
to the Five Civilized Tribes

202 At Smith Ark Nov 28-1896

W D Lancaster } Filed Sept 10/1896, Application
vs } admit.

Chickasaw Nation } Application of W D Lan-
} cester granted as an in-
termarried citizen

H L Grigsby, Chickasaw
J. H. Mackoway Jr Secretary, do hereby
certify that the above and foregoing is
a true and correct copy of Chickasaw
Records "C" page 36 of the Commis-
sion to the Five Civilized Tribes.

Given under my hand and official
signature this the 30 day of Jan'y
1897.

H M Mackoway Jr
Secretary
By Henry Stroup
act

Exhibit C

Marriage Certificate

Territory of Oklahoma. County of Canadian

This certifies that Wm J Lancaster
of Chickasha in the Territory of Okla-
homa and M. A. Huskins of Chick-
asha in the Territory of Oklahoma
were at El Reno in said County, by
me joined together in Holy Mat-
rimony on the first day of May in
the year of our Lord One thousand
Eight hundred and ninety four
In presence of B. S. Dinkins residing
in the County of Canadian and Territory
of Oklahoma and L. J. Grohart resid-
ing in the County of Canadian and
Territory of Oklahoma.

Wm J
Lancaster

(signed) J. W. Fitzgerald
Probate Judge

showing that the said Mrs Susan Johnson
was a member of the tribe of Chickasaw
Indians by blood and that the said
W J Lancaster, since his marriage to
her has continuously resided in
the Chickasaw Nation and affidavit
showing the Principal Chief or Governor
of the Chickasaw Nation has been
served with a copy of this application
and the evidence in support thereof
And prays that the name of his said
child "twit" Alena May Lancaster ^{and}
the name of his wife twit M. A. Lan-
caster be enrolled by this Honorable
Commission as members of the
tribe of Chickasaw Indians, and in duty
bound will ever pray

Robert T. Fowler
Attorney for Applicant)

W J Lancaster upon oath states that the
statements in the foregoing application are
true

W J Lancaster
Sworn to and subscribed before me this the day
of August 1897. W. B. Honical
Notary Public, Southern District Ind. 20

that he and his said child now reside in the Chickasaw Nation Indian Territory; that by reason of his marriage to the said Mrs M A Huskins she became and was and ever since has been a member of the tribe of Chickasaw Indians, and that this child the fruits of said marriage is a member of said tribe and is entitled to all the rights and privileges and immunities of a native born Chickasaw Indian; that the said W^r Lancaster is a recognized member of the tribe of Chickasaw Indians and on the 23rd day of November 1896 this Honorable Commission passed upon his application to be enrolled as a member of said tribe and granted the same. The applicant hereto attaches a certified copy of his marriage license to the said Mrs Susan Johnson and marks it Exhibit "B" and a copy of his marriage certificate to the said Mrs M A Huskins and marks it Exhibit "C" and a copy of a notice from this Commission dated Nov 23rd 1896 marked Exhibit "D" and hereto attaches the affidavits of B. J. Vaughan and James Fitzpatrick

solely since his said marriage
he has resided in the Chickasaw
Nation and that by reason of his
said marriage and by reason of his
continuous residence in said nation
as aforesaid he became and was and
is yet a member of the tribe of Chick-
asaw Indians with all of the rights,
privileges and immunities of a
native born Chickasaw Indian, that
after his marriage to the said Mrs Susan
Johnson he continued to live with her
as his wife until about the day of
September 1892 and on the 24th day of
November 1892 he was divorced from
his said wife Susan Lancaster by a
jury and B F Kemp District Judge of
the Chickasaw Nation (a copy of said De-
cree of Divorce is hereto attached marked
Exhibit "A")

That thereafter 'to wit' on the 1st day of
May 1894 he was again duly and legal-
ly married to Mrs M A Haskins and
as a result of his marriage aforesaid
there was born to them the following
named child Alena May Lancaster
aged two and one half years and

Before the Honorable Commission
of the United States to the Five Civilized
Tribes of Indians.

W. J. Lancaster as next friend
of his minor child

vs

Chickasaw Nation

Application of W. J. Lancaster who
resides in the Chickasaw Nation
and whose Post Office is Chickasha
in said Nation and Indian Ter-
ritory, as next friend of his minor
child, to have his minor child
and his wife's names enrolled
as members of the tribe of Chick-
asaw Indians.

W. J. Lancaster as next friend of his
minor child, Alma May Lancaster
and for his wife, represents that on
the 28th day of May 1891, the said W. J.
Lancaster in accordance with
the laws of the Chickasaw and Choctaw
Nations was duly and legally
married to Mrs. Susan Johnson, a
member of the tribe of Chickasaw
Indians by blood and that certain

IN THE UNITED STATES COURT FOR SOUTHERN DISTRICT OF INDIAN TERRITORY,

AT ARDMORE.

W.T. Lancaster, Plaintiff,

vs.

-----: JUDGMENT :-----

Chickasaw Nation, ... Defendant.

This day this cause coming on to be heard upon the pleadings, exhibits, proof, Master's report and exceptions filed thereto; and it appearing to the Court that the applicant, WT Lancaster, was, on the 28th day of May, 1891, a United States citizen, and that he was on said date, in compliance with the Chickasaw laws then in force, married to Susan Johnson, a Chickasaw Indian by blood, with whom he is still living:-

It is, therefore, adjudged by the Court that the applicant W.T. Lancaster, be, and he is hereby, admitted as a member of the Chickasaw tribe of Indians by intermarriage, and that he have all the rights, privileges and immunities as such; and the Clerk of this Court is hereby directed to forward a certified copy of this judgment to the proper authorities for his enrollment.

To this judgment, the Chickasaw Nation excepts.

JUDGE.

IN THE UNITED STATES COURT FOR SOUTHERN DISTRICT OF INDIAN TERRITORY,

AT ARDMORE.

W.T.Lancaster, Plaintiff,

vs.

-----: JUDGMENT :-----

Chickasaw Nation, ... Defendant.

This day this cause coming on to be heard upon the pleadings, exhibits, proof, Master's report and exceptions filed thereto; and it appearing to the court that the applicant, WT Lancaster, was, on the 28th day of May, 1891, a United States citizen, and that he was on said date, in compliance with the Chickasaw laws then in force, married to Susan Johnson, a Chickasaw Indian by blood, with whom he is still living:-

It is, therefore, adjudged by the court that the applicant

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
SOUTHERN DISTRICT AT ARDMORE.

I, C. M. CAMPBELL, Clerk of the UNITED STATES COURT For the Southern District in the Indian Territory, do hereby certify the above and foregoing to be a true, perfect and literal copy of the J U D G M E N T of the court in the above entitled action, as made and entered upon the J o u r n a l thereof on the 22nd day of December 1897.

In testimony whereof I have hereunto set my hand and the seal of said court at Ardmore in said territory this 28th day of Dec. 1897.

C. M. Campbell Clerk,
U.S. CT. SO. DIST. IND. TERY.

Indian Territory Southern District
at Chickasha

W. D. Herbert states that he is one of the attorneys for W. D. Lancaster the applicant in the above and foregoing application and that on the 25th day of August 1897 he saw a package registered at the Post office at Chickasha Indian Territory addressed to the Governor or Chief of the Chickasaw Nation Indian Territory at Tahlequah Indian Territory That Registry Receipt No 92 received from the Postmaster hereto attached is a receipt for same said package contains true and correct copies of the application of W. D. Lancaster as next friend &c. together with all the evidence attached to said application.

W. D. Herbert
Atty for W. D. Lancaster

Sworn to and submitted before me
this the 25th day of August 1897

J. S. Gonicel
Notary Public Southern
District Indian Territory

W J Lancaster
as next friend
vs

Chickasaw Nation

FILED

OCT 16 1897

E. L. ...

SECY.

Miss

C. 219

*Robert V. Fowler
Chickasaw
Attor for Plff*

Exhibit "A"

Ashomingo City IA
I, B. H. Kemp District Judge of the
Chickasaw Nation, do by authority of
law in me vested and in accord
ance to the verdict rendered by the
jury trying the case of W. D. Lancaster
vs Susan Lancaster, Divorce suit
grant the said W. D. Lancaster a decree
of Divorcement from the said Susan
Lancaster.

Given under my hand this the
24th day of November AD 1892

(Signed) B. H. Kemp

District Judge

Attest

I Brown

Dist Clerk C. N.

Indians Territory of J. P. B. Mowbray a
Southern District Notary Public within
at Chickasha and for the Southern
District Indian Territory
do hereby certify that I have carefully
examined and compared the annexed
copies to wit: Exhibit "A", Exhibit "B",
Exhibit "C", Exhibit "D" with the originals
and find that they are true and correct
copies of said originals documents

In testimony whereof I have
hereunto set my hand and af-
fixed my official seal on
this the 24th day of August 1897

J. P. B. Mowbray
Notary Public, Southern District
Indian Territory

Indian Territory B. J. Vaughan
Pickens County being first by
me duly sworn
deposes and says,

I know W. C. Lancaster have known
him for about fifteen years.
I knew him before his marriage
to Mrs. Susan Johnson and have
known him ever since. Mrs.
Susan Johnson is a Chicka-
saw Indian by blood. I knew
her before she married W. C. Lan-
caster and since. Mr. Lancaster
was divorced from her four
or five years ago. Mr. W. C. Lan-
caster was living in the Chick-
saw Nation before said marriage
and has been residing in said
nation ever since.

B. J. Vaughan
Sworn to and subscribed before
me this the 21st day of August 1897

R. B. Brown
Notary Public.

Southern District

Indian Territory

13

1819

DEPARTMENT OF THE INTERIOR

FILED

FEB 12 1909

T. Lancaster, deceased, which we acquired under and by virtue of the contract aforesaid, and do hereby release said lands and funds from the lien created in our favor under and by virtue of the Act of Congress aforesaid.

WITNESS our hands this 24 day of October, 1918.

Charles J. Kappler
Charles H. Merrillat
James H. Jones
Eugene Hamilton, Executor
Eugene Hamilton

UNITED STATES OF AMERICA }
DISTRICT OF COLUMBIA } SS.

Before me, John F. A. Becker, a Notary Public, in and for said District, on this 24th day of October, 1918, personally appeared, Charles J. Kappler, Charles H. Merrillat, and James K. Jones, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN TESTIMONY WHEREOF I have hereunto set my hand and official seal the day year last above mentioned.

John F. A. Becker
NOTARY PUBLIC,
District of Columbia.

My commission expires:
July 5, 1920

STATE OF OKLAHOMA
County of ~~Wade~~ SS

Before me, and for said County and State on this 5th day of Nov, 1918, personally appeared Eugene Hamilton, executor of the estate of Charles M. Fechheimer, deceased, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he had executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

IN TESTIMONY WHEREOF I have hereunto set my hand and official seal the day and year last above mentioned.

John F. A. Becker
NOTARY PUBLIC.

My commission expires:
11/11/1919



WHEREAS, On December 30, 1907 a contract was entered into by and between Mary L. Cross, Mertie A. Lancaster, (by Mertie A. Lancaster, his guardian) Alma May Lancaster, Ollie Lancaster and Mark Lancaster, sole surviving heirs of William T. Lancaster, deceased, parties of the first part and Charles J. Kappler, Charles H. Merillat, James K. Jones, of Washington, D. C., and Charles M. Fechheimer of Chickasha, Oklahoma, parties of the second part, wherein the parties of the second part were employed for the purpose of restoring the name of said William T. Lancaster to the rolls of citizenship in the Chickasaw Nation, in consideration of which services it was stipulated and agreed that the parties of the second part should receive as compensation a sum equal to one-fourth of any moneys that might be distributed by the Chickasaw Tribe, or by the United States acting for said Tribe, to said heirs of William T. Lancaster,

AND, WHEREAS, said contract was approved by the Secretary of the Interior on August 2, 1911, conditioned that the compensation to be paid to the parties of the second part should not exceed the sum of Four Hundred (\$400.00) Dollars, which said contract, as conditionally approved, was duly recorded in the office of the Register of deeds for Grady County, State of Oklahoma, in Book 86, on Page 581, thereby becoming a lien upon the lands and funds of said William T. Lancaster, according to the provisions of the Act of Congress of April 30, 1908 (35 Stat. L.90),

AND, WHEREAS, the full sum of Four Hundred (\$400.00) Dollars has been paid to the parties of the second part, according to the terms of said contract, as conditionally approved by the Secretary of the Interior,

NOW, THEREFORE, we Charles J. Kappler, Charles H. Merillat, James K. Jones, and Eugene Hamilton, executor of the estate of Charles M. Fechheimer, deceased, do hereby enter satisfaction of all our claims against the lands and funds of said William

W.F.

9-C-213

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

In the matter of the application for the enrollment of William T. Lancaster 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 10, 1896, in the case entitled "W. T. Lancaster, vs. Chickasaw Nation" (1896 Chickasaw Citizenship Docket, case number 202), the applicant, William T. Lancaster, made original application to said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats. 21), for admission to citizenship in the Chickasaw Nation, and on November 23, 1896, the said William T. Lancaster 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 "W. T. Lancaster, vs. Chickasaw Nation" (citizenship case number 57), affirmed the decision of the Commission admitting the said William T. Lancaster 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, 1901 (32 Stats., 141), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Southern District of Indian Territory. Said case 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. 3926-1904), the Commission to the Five Civilized Tribes is without authority to take any action of any character looking to the enrollment of William T. Lancaster as a citizen by intermarriage of the Chickasaw Nation, and it is therefore hereby ordered that the application of William T. Lancaster for enrollment as a citizen by intermarriage of the Chickasaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

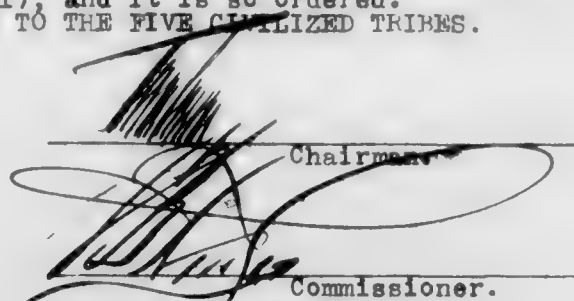
Muskogee, Indian Territory.

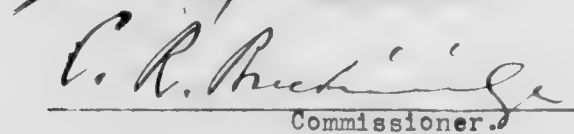
SEP 23 1904

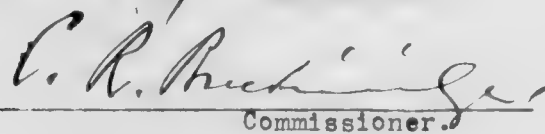
Chairman.

for the Department of the Interior of March 24, 1905, in the Chickasaw enrollment case of Benjamin J. Vaughan et al., William T. Lancaster should be enrolled as a citizen by inter-marriage 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,

JUN - 6 1905

9-C-213.

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

In the matter of the application of William T. Lancaster 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 May 28, 1891, the applicant, William T. Lancaster, was married in accordance with the laws, customs and usages of the Chickasaw Nation to Susan Johnson, a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name appears (as Susie Virginia Lanham) as No. 2655 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 on 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 lived together in said Nation as husband and wife for about one year, when they separated and were subsequently divorced; that thereafter the applicant was married to Myrtle Hoskins, a non-citizen white woman; that the applicant was a resident in good faith of the Chickasaw Nation from the date of his marriage to the said Susan Johnson up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission, the name of the applicant is found upon the 1893 Chickasaw Leased District Payment Roll, No. 2, Page 140.

On September 23, 1904, an order was entered of record by this Commission, dismissing the application for enrollment of said William T. Lancaster as a citizen by intermarriage of the Chickasaw Nation, in accordance with the opinion of the Acting Attorney General of May 9, 1904 (I.T.D.3824-1904), and the opinion of the Assistant Attorney General for the Department of the Interior of July 30, 1904 (I.T.D.5246-1904).

In conformity with the instructions of the Acting Secretary of the Interior of April 21, 1905 (I.T.D.1912-1905), the action of the Commission of September 23, 1904, in dismissing the application of William T. Lancaster for enrollment as a citizen by intermarriage of the Chickasaw Nation is hereby rescinded.

It is the opinion of this Commission that, following the ruling of the Department in the case of Thornton D. Pearce, (I.T.D.4070-1904), relative to the question of forfeiture, and in accordance with the opinion of the Assistant Attorney General

W. T. Lancaster -8-

first duly sworn, do depose and say, that the above and foregoing testimony, given by us before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on February 8, 1904, in the matter of the application for the enrollment of W. T. Lancaster as a citizen by intermarriage of the Chickasaw Nation, is true and correct as set forth.

Thomas Fletcher

E. S. Burren

J. P. Brock

Subscribed and sworn to before me this 14th day of March
_____, 1904.

A. M. Hayes
Notary Public.

W. T. Lancaster -7-

- Q What was her name? A At the time that he married her name was Julia Flemming. His divorced wife married before he did.
- Q He had obtained a divorce at the time that he married Susan Johnson? A Yes, sir.
- Q At the time of Susan Johnson's marriage to W. T. Lancaster did she have a living husband? A I cannot testify as to that but I have been told that she had.
- Q What was his name? A Jim McJohnson.
- Q Was he the only one that was living? A I don't know. Just hearsay that her first husband was dead.
- :-----

Thomas Fletcher, being recalled, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q At the time of Susan Johnson's marriage to W. T. Lancaster she had no other living husband but Jim McJohnson? A Yes, sir, that is all.
- Q And she had obtained a divorce from him? A Yes, sir.
- Q So as far as she was concerned there was no obstruction to the marriage then? A No, sir.

W. T. Lancaster admitted by Commission in 1896, Chickasaw case, number 202. Decision affirmed by United States Court, Southern District, case number 57.

The former wife of W. T. Lancaster, through whom he claims, is identified as Susie Virginia Lanham on Chickasaw card, field No. 895 and is numbered 2655 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 Muskogee, Indian Territory, on February 8, 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 February, 1904.

Charles H. Sawyer
Notary Public.

INDIAN TERRITORY,
Southern DISTRICT.

We, Thomas Fletcher, E. S. Burney and J. P. Cross, being

W. T. Lancaster -6-

- Q At the time of her marriage to W. T. Lancaster, she was under bonds at Paris Texas for stabbing a woman and she appeared for trial at Paris some time after that and she was acquitted; and when she came back there, she refused to live with him and the conversation you mentioned took place? A Yes, sir. That is correct.
- Q Do you know whether W. T. Lancaster helped her out in the trial? A Yes, sir, he furnished money and everything.
- Q How soon after they were married did the trial take place? A My recollection is that they married in the spring or summer and it was the next fall that the trial came off and she quit him at Chickasha.
- Q Do you know whether she got a divorce? A My understanding is that he got the divorce.
- Q What became of her? A She lives down near Center, now.
- Q Is she married? A Yes, sir.
- Q What is her name? A Lanham.

-----:-----

E. S. Burney, recalled, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q Did W. T. Lancaster make a will before he died? A Yes, sir.
- Q Who was mentioned as his executor? A J. E. Cross, his son-in-law.
- Q How is it he is not here today? A He is not able. He is right at the point of death.
- Q Do you know that of your own knowledge? A Yes, sir.
- Q Previous witness, J. P. Cross, is the father of J. E. Cross? A Yes, sir.
- Q Who are the heirs of W. T. Lancaster? A Well, commencing with the oldest would be Mrs. J. E. Cross, ---
- Q Whom did he leave surviving him? A He left his wife, Myrtle, and a daughter, Ella Cross -- she is about forty-three years old -- a son, Ollie E. -- I think his middle initial is E. -- and another son, named Mark, and his daughter by his last wife, Alma May.
- Q When was this child, Alma May, born? A She is the same age as my little boy, born on the same day, the 18th of February, 1895.
- Q Mr. Burney, since his admission in 1896 by the Dawes Commission, has he remarried? A No, sir.
- Q He was admitted in 1896, was he? A Yes, sir.
- Q From which there was an appeal taken to the United States Court at Ardmore? A Yes, sir.
- Q Was he admitted by that court? A He was.
- Q Was that judgment vacated and set aside by the Choctaw and Chickasaw Citizenship Court on December 17, 1902? A That is my understanding that it was.
- Q Do you know as to whether or not there was an appeal from the decree of that court, setting aside the judgment of the federal court, ~~appealing or certifying the case to the Choctaw and Chickasaw Citizenship Court for retrial or a trial de novo?~~ A No, sir, I think not.
- Q At the time that W. T. Lancaster married Susan Johnson did he have any wife living at that time? A Yes, sir.
- Q More than one? A One was all.

J. P. Cross, witness on behalf of the applicant, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q Do you live at Chickasha, Chickasaw Nation? A Yes, sir.
- Q Did you know W. T. Lancaster? A Yes, sir.
- Q How long have you known him? A Known him since about 1878, I think. I have known him at least since 1880.
- Q Is W. T. Lancaster dead? A Yes, sir.
- Q When did he die? A He died the 15th day of last April.
- Q April 15th, 1903? A Yes, sir.
- Q Where did he die? A He died in Chickasha.
- Q Chickasaw Nation? A Yes, sir.
- Q At the time of his death how long had he been a resident of the Chickasaw Nation? A My recollection is that he moved over to Jimtown from Saddler's Bend, Texas in 1882.
- Q Your answer is that he had been a resident of the Chickasaw Nation since 1883? A Yes, sir.
- Q Did he make his home anywhere else than in the Chickasaw Nation during that time? A No, sir.
- Q What was his business? A He was a merchant a while, I guess, in Texas and he farmed there at Elk before he moved to Ardmore.
- Q A farmer and salesman? A Yes, sir.
- Q Did he keep a hotel, too? A Yes, sir.
- Q Do you know anything at all as to his marriage to Susan Johnson? A No, sir, I don't know anything about his marriage. I was with him, being there a short time at Ardmore before he was married, and she was boarding there at the hotel. I knew her before she ever saw Mr. Lancaster. And I went home and just a short time after that I heard they were married.
- Q You don't know under what law they were married? A No, sir, only what Lancaster told me.
- Q Do you know as to whether she had been a resident of the Chickasaw Nation at the time of their marriage? A No, sir. All her life, I think.
- Q You know that she had been living there for some years at Mr. Fletcher's. She had been living in the Chickasaw Nation several years before she was married to Lancaster? A Yes, sir.
- Q Do you know anything at all about the separation between him and Susan? A Yes, I guess I do. The old man was at my house and she got in some trouble and was in that trouble at the time he married her and when court come off he took her to Ardmore and put her on trial and she come clear out. She was gone about four weeks. And I and him was sitting there and saw a couple of wagons. "Well", he says, "yonder comes Susan"; and right over there, -- and we went over there and when we got there she was loading his household goods in the wagon. He says, "What does this mean"? She says, "I am going to quit you".
- Q What was the cause? A She was not -- I don't know.
- Q You were present? A Yes, sir.
- Q Did she go? A Yes, sir.
- Q Who was present? A I don't know who they was.
- ~~Q What was the trouble she had? A She stuck a knife in her abdomen.~~
- Q She stabbed a woman? A At a dance one night. They was drinking and she fell out with this woman and stuck a knife in her.
- Q That was in the Chickasaw Nation? A Yes, sir, about twelve miles from Chickasha.

W. T. Lancaster -4-

- Q How long had you known him? A I have known Mr. Lancaster since -- I think it was about 1880, the first time I met him.
- Q Where did you get acquainted with him? A I first got acquainted with him in Cook County, Texas.
- Q When did you first meet him in the Chickasaw Nation? A I think it was about 1882 or 1883, I disremember which, that he moved from Texas to the Chickasaw Nation.
- Q Since 1882 or 1883 did W. T. Lancaster continue to reside in the Chickasaw Nation? A Yes, sir.
- Q Did he make his home anywhere else than in the Chickasaw Nation from 1882 or 1883 up to his death? A No, sir.
- Q Do you know anything at all about his wife, Susan Johnson? A I knew her when I saw her. That was about all.
- Q Do you know anything with respect to his marriage to Susan Johnson? A I was not present at the wedding.
- Q Did you live in that neighborhood at the time they were married? A No, sir. He was married at Ardmore and I lived at Chickasha at the time. Just before they were married I was in Ardmore and stopped at his hotel and Susan Johnson was boarding at the house at the time and he spoke to me about marrying this girl. That was a short time before the marriage.
- Q How soon after that did you meet him? A It was the next summer.
- Q Was he married at that time? A Yes, sir.
- Q Where did you see him at that time? A He moved to Chickasha and lived with Mr. Cross.
- Q Was his wife living there at that time? A Yes, sir.
- Q Do you know anything at all with respect to the facts in connection with the separation between W. T. Lancaster and his wife, Susan? A Only hearsay.
- Q From whom did you obtain that information? A Partly from him and his daughter.
- Q What did he tell you about Susan Johnson with respect to the separation between him and her? A He told me time and again that there wasn't any trouble between them -- that she just got up and left him without any cause.
- Q Do you know that she left him? A Yes, sir.
- Q Were you in the neighborhood at that time? A Yes, sir.
- Q What was the talk of the neighborhood? A I never did hear anything only that she made up her mind that she did not want to live with him.
- Q Did she leave him or he leave her? A She left him.
- Q Do you know whether W. T. Lancaster made proper provision for her? A That is my understanding; of course I never was at their house after they married.
- Q What was the reputation of Lancaster in the neighborhood? A His reputation was good.
- Q As to being kind or cruel to his wife? A His reputation in that respect was good. He was good and kind.
- Q Do you know whether he was married again since the separation? A Yes, sir.
- Q To whom? A Miss Myrtle Haskins.
- Q Is she a white woman? A Yes, sir.
- Q Does she claim any rights as an Indian by blood? A No, sir, not that I know of.
- :-----

W. T. Lancaster -3-

- have heard him say and what I have heard her say in regard to getting along with her. He never fussed with her in any way nor abused her.
- Q Did he get a divorce or did she? A I don't know. I have been told that they were divorced, but I do not know.
- Q Do you know anything as to his life after that? A A little, not much.
- Q Did he marry again? A He married again, I think.
- Q Don't you know? A I didn't witness the wedding. He married there in Chickasha.
- Q Whom did he marry the second time? A I don't know. I was not acquainted with her.
- Q Don't know her name? A No, sir.
- Q Since he married her, has he and that woman lived together as husband and wife? A Yes, sir.
- Q Up to the time of his death? A Yes, sir. I never heard anything to the contrary. Always lived together as husband and wife up to his death as far as I know. I never met him very often. Met him once in a while when I was out.
- Q Do you know whether W. T. Lancaster was married previous to his marriage to Susan Johnson? A Only hearsay, yes, sir.
- Q What is your answer? A He was married before he was married to Susan Johnson.
- Q How many times? A Once is all I know anything about.
- Q Was that former wife dead at the time he married Susan Johnson? A I don't think she was. She was not dead when him and Susan married.
- Q As to whether they were divorced you do not know? A No, sir.
- Q How long was W. T. Lancaster a resident of the Chickasaw Nation at the time he married Susan Johnson? A Well, sir, I don't know.
- Q What is your answer? A I do not know. I don't have the slightest idea.
- Q About a year? A I never did hear him say. I am satisfied he had been there over a year.
- Q What relation exists between you and Susan Johnson? A She is my third cousin.
- Q You were raised together in the same house? A Yes, sir, me and Susan's mother. You see I was living right there by them when Susan was born. I have known her from her infancy until she was married.
- Q What in your opinion was the cause of the separation between Susan Johnson and W. T. Lancaster? A Well, sir, I think she just didn't like him, didn't think very much of him -- just a little bit too old for her. That is my honest opinion.
- Q How old was Susan Johnson when she was married to Lancaster? A Well, sir, I could not tell you just her age.
- Q About how old? A Could not have been over twenty-five, I think.
- Q He was how old at that time? A He was getting along in years.
-

E. S. Burney, witness on behalf of applicant, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q Did you know W. T. Lancaster? A Yes, sir.
- Q Do you know his full name? A William Thomas.

- Q What was her father's name? A Sim Taylor.
- Q Was he a Chickasaw? A He was a white man.
- Q What was her mother's name? A Her name was Margaret Cardell.
- Q Was Susan Johnson married prior to her marriage to W. T. Lancaster?
A Yes, sir, twice, I believe.
- Q What were the names of her former husbands? A Her first husband was Mark Miles, and Jim Mc Johnson.
- Q Do you know Susan Lancaster to be now Susie Virginia Lanham? A Yes, sir.
- Q Were both these former husbands living at the time that she married Lancaster? A No, sir.
- Q Were they both dead? A Her first husband was dead. Miles was dead.
- Q How about Jim McJohnson? A He was living.
- Q Was she divorced from him at the time of her marriage to W. T. Lancaster? A I think so.
- Q What makes you think so? A I have heard her speak about him being divorced from her.
- Q What you mean to say is that the general report was that they were divorced? A Yes, sir.
- Q Do you know whether Lancaster was married before he was married to Susan Johnson? A No, I do not know.
- Q Where did Lancaster come from? A I do not know. I think he came from Texas.
- Q Whatever his life had been before he came to Ardmore, you do not know anything about? A No, sir.
- Q He may have been married several times as far as you know? A Yes, sir.
- Q Do you know as to whether W. T. Lancaster and Susan Johnson were married? A No, sir, I do not know.
- Q You were not present at the wedding? A No, sir, did not witness the wedding.
- Q Do you know as to whether he and Susan Johnson lived together as husband and wife? A Yes, sir.
- Q For how long a time? A I don't know just how long they did live together. They was at my house a few times.
- Q About how long? A I think they lived together over a year and a half to the best of my judgment.
- Q During that time they were both held to be husband and wife? A Yes, sir.
- Q Where did they live? A Why, I don't know if they ever permanently settled.
- Q Did they live in the Chickasaw Nation? A Yes, sir.
- Q Do you know anything at all about any separation between Lancaster and Susan Johnson? A I know they were separated -- that she left him.
- Q Where were they living at the time she left him? A They were living at Chickasha.
- Q Do you know anything of the circumstances under which she left him? A No, sir, I don't.
- Q Did you ever have any conversation with her with respect to the separation between her and W. T. Lancaster? A No, sir, I did not.
- Q Did you ever have any conversation with W. T. Lancaster with respect to the separation? A No, sir, that I remember of.
- Q Do you know anything with respect to the conduct of W. T. Lancaster toward his wife during their married life? A Mr. Lancaster, as far as I know, treated her well and she had all she wanted and all she asked for. He provided well for her as far as I know.
- Q How do you know that he treated her well? A Just from what I

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
February 8, 1904.

Chickasaw C-213. -----
Intermarried.

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

Thomas Fletcher, witness on behalf of applicant, testi-
fied as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Thomas Fletcher.
- Q Are you a citizen by blood of the Chickasaw Nation? A Yes, sir.
- Q How much Chickasaw blood do you claim? A One-eighth.
- Q What is your post-office address? A Chickasha.
- Q How long have you been a resident of the Chickasaw Nation? A Born and raised there -- fifty-four years the 24th of next April.
- Q Did you know W. T. Lancaster in his life time? A Yes, sir.
- Q How long have you known him? A I have known him -- Mr. Lancaster -- since about 1889 or 1890; right along about there was my first acquaintance with him.
- Q Where did you become acquainted with him? A First I knew of him was at Ardmore.
- Q How did you become acquainted with him at that time? A I stopped at the hotel.
- Q So he was keeping a hotel there at that time? A Yes, sir. That was my first acquaintance with him. I never met him but once or twice before he was married.
- Q When you met him in 1889, was he married? A When I first met him he was not.
- Q How soon after he married did you meet him? A First time I met him after that he came to my house -- him and his wife.
- Q Do you know what year that was? A No, sir, I don't remember what year it was. It was shortly after he married.
- Q Did you know his wife? A Yes, sir.
- Q What was her name? A Her maiden name was Taylor.
- Q What was her first name? A Susan.
- Q How long had you known her? A I had known her ever since she was born.
- Q Did she live in your neighborhood? A At the time no, sir, they didn't.
- Q How did you happen to know her during all this time then? A I was raised -- me and her mother was raised together by the same folks. Her mother's grandmother raised me.
- Q You were living in the same house? A Yes, until we was near about grown -- with Susan's mother.
- Q You got married and left home? A Yes, sir.
- Q And she staid there? A Yes, sir, she was with her mother until she married her first husband.

1119

9-1818

Muskogee, Indian Territory, August 22, 1905.

S. H. Davis,
Box 480,
Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 5, 1905, asking if the enrollment of Druzy Butcher has been approved as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are advised that the name of Druzey Butcher has been placed upon a schedule of intermarried citizens of the Chickasaw Nation which has been forwarded the Secretary of the Interior, but this office has not yet been notified of Departmental action thereon.

Respectfully,

Commissioner.

9-D-447

Muskogee, Indian Territory, June 6, 1905.

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

COPY.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered June 6, 1905, granting the application for the enrollment of Drusey Butcher, 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,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.
Incl. 9-D-447.

See 9-761 for registry receipt for this letter.

9-D-447

Muskogee, Indian Territory, June 6, 1905.

J. B. Dickinson,

Davis, Indian Territory,

COF.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 6, 1905, rendered its decision, granting the application for the enrollment of Drusey Butcher 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.

9-D-447

Muskogee, Indian Territory, June 6, 1905.

Drusey Butcher,

Davis, Indian Territory,

COPY,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 6, 1905, granting the application for your 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

I. B. Needles.

Commissioner in Charge.

Registered.
Incl. 9-D-447.

682-447.

Muskogee, Indian Territory, May 12, 1906.

J. B. Dickinson,
Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 6, enclosing the affidavit of W. A. Dugan to the marriage of Albert P. McKinney and Drusa Vann, and the same has been filed in support of the application of Drusa Butcher for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Chairman.

Chickasaw B-447.

Muskogee, Indian Territory, April 27, 1905.

J. E. Dickinson,

Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 20, enclosing affidavits of Druzey Butcher and Albert T. McKiney, which you offer in support of the application of Druzey Butcher for enrollment as an intermarried citizen of the Choctaw Nation and the same have been filed with our records in this case.

Respectfully,

Chairman.

2-J.B.D.

ceremony, setting forth that such license was exhibited to him at the time of the marriage, would be given due consideration by this Commission. It would be better, however, that the original or a certified copy of the license be secured if possible.

Respectfully,

Commissioner in Charge.

9-D-447.

Muskogee, Indian Territory, April 12, 1905.

J. B. Dickenson,

Davis, Indian Territory.

Dear Sir:

In the matter of the application of Drusey Butcher for enrollment as a citizen by intermarriage of the Chickasaw Nation, it is necessary that the Commission be furnished with proof that the applicant and her Indian husband, Albert McKinney, were married under a license issued by the proper authorities of the Chickasaw Nation. The certificate of J. E. Fletcher, Clerk of the Probate Court of Tishomingo County, to the effect that he cannot find any marriage license on record, and that he is informed that some of the record books have not been turned over to him, is not sufficient to establish that a tribal license was actually issued for the marriage of these parties, and if the original or a certified copy cannot be procured, then the fact that such license was actually issued must be established by proper proof.

It is suggested that the affidavit of the person who was County Clerk at the time said license was issued, setting forth that he was such County Clerk at that time, and that he knows of his own knowledge that said license was issued, together with the affidavit of the minister who performed the

9-D-447

Muskogee, Indian Territory, November 5, 1904.

Drusey Butcher,

Davis, 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 either the original or certified copy of your Chickasaw tribal license authorizing the marriage of yourself and Albert McKinney.

It will also be necessary for you to furnish this Commission with a sworn statement, giving the residence of Albert McKinney after his marriage to you, and for this purpose there is enclosed you herewith a blank affidavit in interrogatory form which you are directed to take before some Notary Public and answer under oath the questions therein propounded, returning the same to this Commission in the enclosed envelope which requires no postage.

This matter should receive your immediate attention.

Respectfully,

Enc. Env & JD 1-5

Chairman.

Hastings, Indian Territory, August 17, 1904.

Drusus Decker,

Davis, Indian Territory.

Dear Friend:

In the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, you are again informed that before further consideration can be given your application that it will be necessary for you to furnish proof of your marriage to Albert McKinney, your Indian spouse through whom you claim your right to enrollment.

Respectfully,

Commissioner in Charge.

Chickasaw D 467

Muskogee, Indian Territory, June 28, 1904.

Drusilla Butcher,

Box 480, Davis, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of June 22, relative to the status of your application for enrollment as an intermarried citizen of the Chickasaw Nation, 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 but will, as early as practicable, take up the same for consideration and determination and as soon as a decision is reached you will be notified of the action taken in this case.

You are informed, however, that on February 20, 1903, you were advised it would be necessary for you to furnish evidence of your marriage to Albert Thomas McKinney, in accordance with the laws, customs and usages of the Chickasaw Nation, which evidence has not up to this time been received.

Respectfully,

Commissioner in Charge.

9-1-447

Muskogee, Indian Territory, February 16, 1905.

J. B. Dickinson,

Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 11, 1905, enclosing affidavits of Druzey Butcher, A. L. McKinney and W. A. Duncan in support of the application of Druzey Butcher for enrollment as an intermarried citizen of the Chickasaw Nation and the same have been filed with the record in her case.

Respectfully,

Chairman.

Chickasaw D 447

Muskogee, Indian Territory, February 9, 1904.

Drusey Butcher,

Davis, 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.

D. D. 3.

Marriage license was issued to you, and if said license had been
annulled, as you claim in your letter, it will be necessary for
you to obtain a divorce from the County Clerk to that effect,
and also obtain the services of two or more disinterested persons
who are cognizant of the fact that you received a California trial
license, and were married under the name of your Chicago husband.

You are requested to attend to this matter as early as
practicable, as your rights as an intermarried citizen of the Chick-
saw Nation cannot be finally determined until the Commission has
been furnished with such evidence.

Respectfully,

Wm. H. Harrison,

Chickasaw 1897
Chickasaw 2 287

Muskogee, Indian Territory, February 20, 1903.

Mrs. Drusilla Hatcher,
P. O. box 480,
Davis, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 18th instant, forwarding to the Commission the affidavit of A. T. McKinney relative to the birth of Allen McKinney to you on March 21, 1898, and also the affidavit of W. A. Duncan relative to the marriage of Albert McKinney and yourself. You also request to be advised if any further evidence or information is necessary in the matter of the application for the enrollment of yourself and your son, Allen McKinney as citizens of the Chickasaw Nation.

In reply you are advised that the Commission is in receipt of sufficient evidence upon which to determine the right of your son, Allen McKinney, to enrollment as a citizen by blood of the Chickasaw Nation.

In the matter of the application for the enrollment of yourself as a citizen by intermarriage of the Chickasaw Nation, it will be necessary for you to furnish the Commission with evidence of your marriage to your husband, Albert Thomas McKinney, in accordance with the laws, customs and usages of the Chickasaw Nation. You should obtain a certified copy of the record of the County in which your

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 -

Druzey Butcher.

9-D-447.

County of Pottawatomie)
Territory of Oklahoma. } 55.

Before me, the undersigned authority, a Notary Public in and for the County and Territory above named, personally appeared Rev. W. A. Duncan, well known to me, who being duly sworn according to law, says:

I am a regular ordained Minister of the Gospel. My credentials are recorded at Ardmore, Indian Territory, in Book A, ~~pages 38 & 39~~ ^{also at Washburn, Ark}. That I was living in the Chickasaw Nation, Ind. Ter., in the year 1890; that in that year ~~in the month of December,~~ - in 1890 - I united in marriage Albert McKinney, a Chickasaw Indian by blood and Miss Dwuzilla Van.

Said marriage was solemnized at Emmet, in the Chickasaw Nation, in presence of Allen Laddy, John Bowlin and others, and that I gave Albert McKinney a certificate of Marriage at that time.

W. A. Duncan

Subscribed and sworn to before me, this the 26 day of January, 1903.

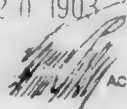
My Commission Expires July 18, 1906.

J. A. Duncan
Notary Public for Pottawatomie
County, Territory of Oklahoma.

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

FILED

FEB 20 1903



ACTING CHAIRMAN.

Southern District,

Indian Territory.

On this the 25th day of August, 1904, before me the undersigned authority in and for the Southern District of the Indian Territory, appeared in person Allen Latta and Emily Latta, wife of the said Allen Latta, both of Witzman, I.T. and being by me first duly sworn depose and say: That both of said affiants are citizens of the Chickasaw Nation of the Indian Territory and have been acquainted with Drizew Bitcher for twenty or more years. Affiants further depose and say that they were present and witness of the marriage of the said Drizew Bitcher to Albert W. Kinney, at Wnet, I.T. sometime during the year 1891. Affiants do not establish the exact time or the year that said marriage occurred. Affiants further depose and say that the said Albert W. Kinney after said marriage, filed a divorce suit and obtained a divorce from the said Drizew Bitcher in the District Court for the Chickasaw Nation at Tahlequah. Affiants do not remember the date of said decree or divorce but Affiant Allen Latta says that he has personal knowledge that said divorce decree was granted as aforesaid.

Allen Latta

Emily Latta

Subscribed and sworn to before me on this the 25th day of August, 1904.

W. N. Lewis

Notary Public, Southern District, I. T.

My Commission
Expires Dec. 31st 1904

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

 J. GRAMMAN

181-5

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

FEB 14 1884

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98457

UNITED STATES OF AMERICA.
INDIAN TERRITORY.
CENTRAL - - - - DISTRICT.

AFFIDAVIT.

Amulston

Personally appeared before me *W. N. Lewis*

a Notary Public, in and for the ~~Central~~ ^{*Amulston*} District of Indian Territory,

Druzey Butcher, who, being first duly sworn, makes answer to the following interrogatories:

- Q. What is your name, age and postoffice address?
A. *Druzella Butcher age 35 Dewar Ind Ter*
- Q. Are you an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation? A *yes*
- Q. Through whom do you claim such intermarried rights?
A *Albert J. McKinney*
- Q. In what nation did your husband reside prior to his marriage to you? A *Chickasaw Nation*
where *Dewar Ind Ter*
- Q. After his marriage to you did he continue to reside up to and including September 25, 1902? *yes in Chickasaw Nation*
- Q. What is the date of your marriage to Albert McKinney? Give date, month and year. *December 1889. or 1890.*

Druzey Butcher

Subscribed and sworn to before me this *11* day of *Feb* 190*5*

W. N. Lewis
Notary Public.

Amulston District I.D.

Southern District,

Indian Territory.

Before me, the undersigned authority, a notary public
in and for the District and Territory above named, personally appeared
Albert McKinney, well known to me, who being duly sworn according to law, says:

I am a Chickasaw Indian by blood. In the month of December, 1890, I
was married by Rev. W. A. Duncan, at Emmet, Chickasaw Nation, Indian Territory,
to Miss Druzilla Van; that during our married life one child, a boy,
was born to us on the 21 st., day of March, 1892; that said boy's name is
Allen McKinney, and is now about 10 years of age, and living with his mother.

A. I. McKinney
Sub

Subscribed and sworn to before me, this the 7 day of _____
1905.

J. T. Gardner

Notary Public.

Emmet Ind Terr

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

FEB 16 1905

[Handwritten signature]
CHAIRMAN

County of _____)

Territory of Oklahoma.)

88.

Before me, the undersigned authority, a Notary Public in and for the County and Territory above named, personally appeared Rev. W.A. Duncan, well known to me, who being duly sworn according to law, says:

I am a regular ordained Minister of the Gospel. My credentials are recorded at Ardmore, Indian Territory, in Book A, ~~pages 50 & 52~~. That I was living in the Chickasaw Nation, Ind. Ter., in the year 1890; that in that year ~~in the month of December~~, - in 1890 - I united in marriage Albert McKinney, a Chickasaw Indian by blood and Miss Deuzilla Van.

Said marriage was solemnized at Emmet, in the Chickasaw Nation, in presence of Allen Laddy, John Bowlin and others, and that I gave Albert McKinney a certificate of marriage at that time.

W. A. Duncan

Subscribed and sworn to before me, this the 26 day of January 1905.

My Commission Expires July 18, 1906.

J. A. Duncan
Notary Public for Pottawatomie
County, Territory of Oklahoma.

Certificate of
Marriage
Albert M^cKinney
and
Druzilla Van-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

FEB 16 1905



CHAIRMAN

Druzilla Butcher



No 7442
B. C. FREEMAN, President; N. J. HALE, 2nd. Pres.
S. H. DAVIS, 1st. Pres.; C. B. MCCLUSKEY, Cash.
SAM MCCLUSKEY, Ass't Cash.

MERCHANTS' PLANTERS NATIONAL BANK

CAPITAL \$ 35,000 00

Hickory.

~~March 2~~ / 2 / 05.

United States of America,
Indian Territory,
Southern District.

I. J.H. Fletcher, a citizen of the Chickasaw Nation Ind, Ter. and a clerk of the Chickasaw County and Probate Court of Tishimingo County, Chickasaw Nation Ind Ter.

Make the following statement under oath.

I have examined ~~the~~ carefully all the books in my possession, in which are recorded marriage license from 1884 to date, and do not find recorded in any of said books a marriage license issued to Albert T. McKinney and Druzilla Van, in the year 1890, or any other year. I am further informed that some of the record books have not been turned over to me.

J.H. Fletcher

County and Probate Clerk Tishimingo Co. I.T.

Subscribed and sworn to before me, a notary Public, in and for the Southern District of Ind Ter. This 1st day of ^{April} ~~March~~, 1905.

[Signature]
Notary Public

See sup July 5-1908

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

APR 11 1905
~~APR 11 1905~~

United States of America,
Indian Territory
Southern District.

I, Albert McKinney, a citizen of the Chickasaw Nation by blood make the following statement under oath: I was married to the woman who is now Mrs. Druzey Butcher, living near Davis, Indian Territory, in the ^{month} ~~year~~ ^{December-1890} ~~1890~~, of ^{of} January 1890, under the laws of the Chickasaw Nation, and procured a regular license. The records have been scattered around from place to place, and I do not know where such copy might be found.

I further declare that Allen McKinney, a boy now living with its mother, Druzey Butcher, is my child by this woman. Allen is now about twelve years of age.

Albert McKinney

Subscribed and sworn to before me, the undersigned Notary Public, within and for the above named District and Territory, this 14 day of March, 1905.

S. D. Powell
Notary Public.

My commission expires

Feb-25-1907

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

APR 11 1885

CHARLES

United States of America,
Indian Territory,
Southern District.

I, Mazy Butcher, 35 years of age, resident of
Davis, Indian Territory, make the following declaration under oath:

I was married to Albert T. McKinley, a citizen of the Chickasaw
Nation by blood, at Emmett, Indian Territory, about December 20th., 1890;
We were married by Rev. Mr. Duncan, under a license issued by Judge
George Sanders, who lived near Emmett. My recollection is that Mr.
McKinley paid \$50.00 for the license, or at any rate he frequently
joked with me about the amount he paid as being fifty dollars and that
I was "not really we h so much money."

The Minister cautioned Mr. McKinley to have the license recorded
and I believe said license was recorded a day or two after our marriage.

I saw the license at the time of our marriage and my husband told me
he would record it. The Minister requested this done.

I lived with Albert T. McKinley for about three years. A son
was born to us in 1892, and is still living, and enrolled as a
citizen by blood of the Chickasaw Nation, and has received his allotment.

Witnesses to my wedding were: Allen Laddy, Emily Laddy and
several others.

My husband was born, and a citizen of the United States, and
never made claim to citizenship of the Chickasaw Nation by blood.

Witness to marriage
J. B. Dickinson
J. M. Cawkey

For
Mazy Butcher
of marriage

Subscribed and sworn to before me, the undersigned Notary Public,
in and for the Southern District of the Indian Territory, this 20th.
day of April, 190 .

M. M. Lewis
Notary Public

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

APR 26 1905

CHAS. H.

I have been informed that some of the records have been lost or destroyed, and diligent search fails to locate all of the records of the years 1888-1899 and 1890.

I further declare that Allen McKinney, a boy, was born to us, in Feb. 1902, and is now living with his mother, near Davis and Tex, whose present name is Druzy Butcher. Allen is a duly enrolled citizen of the Chickasaw Nation, by blood.

Walter J. McKinney

Subscribed and sworn to before me, this 19th day of April, 1905.

Walter M. Johnson
Notary Public
Co. Dist. Ind. Terr.

My commission expires June 16-1907-

Milburn, J. S.
Apr. 19/1905

Case of Druzy Butcher

United States of America }
Indian Territory. } S. S.
Southern District.

I, Albert J. Mc Kinney, of Emmett, Indian Territory, a citizen by blood of the Chickasaw Nation, make the following declaration under oath: I was County Clerk of Fishings County in the year, 1890, and while clerk of said County, I procured a marriage License from Judge George Sanders, who was then the County Judge; said license was for myself to marry one Druzy Varn. We were united in marriage by Rev. Mr. Duncan, a white man, and ordained minister of the Gospel, residing on Blue Creek, about two miles from the present town of Milburn, and is now living somewhere in Atlatownd Territory.

The said license was exhibited to the Rev. Duncan, and our marriage was solemnized according to law.

I further state that I recorded said license, as such County Clerk, but I do not know what has become of such records.

Case of
Druzz Butcher

Affidavit of
Albert J. McKeene

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

APR 26 1905

-AND-

Druzz Butcher

Affidavit of
Albert J. McKeene

Affidavit of
Albert J. McKeeney.

Drunz Butcher

DEPARTMENT OF THE NIT
COMMISSION TO THE FIVE CIVILIZED
FILED
APR 26 1903

Case of
Drunz Butcher
Affidavit of
Albert J. McKeeney

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
WESTERN DISTRICT.

I, W. A. Duncan, an ordained minister of the Gospel, and resident of Konawa, Indian Territory, make this declaration under oath: I performed the marriage of Albert T. McKinney, a citizen of the Chickasaw Nation by blood, to Miss Druza Van, at Emmett, Indian Territory, on or about December 20th., 1890. Mr. ~~X~~/ McKinney exhibited a regular license, or certificate issued by Judge George Sanders, the County Judge of Tishomingo County, and the marriage was solemnized under the laws of the Chickasaw Nation .

The license, or certificate was brought to me by Mr. McKinney of ~~/Killed/Lada~~, and I performed the ceremony in the usual way; giving to McKinney a marriage certificate and I suggested that he place same on file. Mr. Abb McClellon, who was then a deputy U. S. Marshal, was witness to the papers. I distinctly recall this fact.

W. A. Duncan

Subscribed and sworn to before me, the undersigned Notary Public, this 5th. day of May, 1905.

Maurice P. Mathis.
Notary Public.

My Commission expires Apr. 25-1909.

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

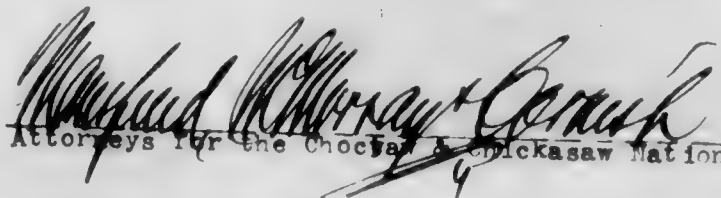
~~FILED~~
MAY 11 1905

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Denzey Butcher as a citizen by Intermarriage of the Chickasaw Na-
tion, Chickasaw Field No. D-447.

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.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Chickasaw D-147.

In the matter of the enrollment
of Druzey Fletcher as an inter-
married citizen of the Chioka-
saw Nation.

REPORT of
Choctaw and Chickasaw Attorneys

Dr. R. Mc
COMMISSION TO THE INDIAN TRIBES.
FILED

FEB 6 1904

CHAIRMAN.

CAB

9-D-447.

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

In the matter of the application for the enrollment of Druzey Butcher 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, 1902, Druzey Butcher made application to this Commission for enrollment as a citizen by intermarriage of the Chickasaw Nation.

It further appears from the record herein that in the month of December, 1890, applicant was married under the laws, usages and customs of the Chickasaw Nation to Albert T. McKinney a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name appears as Number 2316 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 date of said marriage, the persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived together in said nation as husband and wife for about three years when they separated and were subsequently divorced; that thereafter, the applicant married Ben Butcher, a white man 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 her marriage to the said Albert T. McKinney 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, Druzey Butcher 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,

JUN - 6 1905

[Signature]
Commissioner.

Druzey Butcher---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 23rd 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 2nd day of January, 1903.

Charles H. Severy

Notary Public.

Max

Druzey Butcher--2

The name of this applicant's husband, Albert McKinney, appears upon the records of the Commission as a citizen by blood of the Chickasaw Nation, on Chickasaw roll card, field No. 784.

- Q When was you married to Albert McKinney? A Well, I don't know just exactly what year it was; I can get the record from Tishomingo.
- Q Was you ever married before you married Albert McKinney?
A No sir.
- Q Was he ever married before he married you? A Yes sir, this gentleman here knows that.
- Q How many times? A Twice.
- Q Twice before he married you? A Yes sir.
- Q Were both of his former wives dead when he married you? A Yes sir.
- Q Who married you? A Duncan, an ordained preacher.
- Q Where were you married? A Down there at Emet.
- Q Married under a Chickasaw license? A Yes sir.
- Q How much did you pay for that license? A Fifty dollars.
- Q Did you buy the license? A I didn't, he did.
- Q How long did you live with Albert McKinney? A Lived about - - going on three years.
- Q What is the matter with you, did you separate after that?
A Yes sir, we separated.
- Q Were you divorced from him? A Yes sir.
- Q Who obtained the divorce? A He did.
- Q On what ground? A I couldn't tell you; it was just on a citation to appear in court for divorcement.
- Q Did you leave him before that? A No sir, I never did leave him but the one time.
- Q Why did you leave him? A I was mistreated; couldn't get along; just agreed to disagree.
- Q Have you ever married anybody else since your divorce from Albert McKinney? A Yes sir.
- Q Who did you marry? A Ben Butcher.
- Q White man? A Yes sir.
- Q Still living with him? A Yes sir.
- Q Have you your Chickasaw license and certificate with you?
A No sir, not with me.

By R. L. Murray:

- Q Who did you get this license from, do you know? A No sir, I don't know.
- Q Was you ever placed on any Chickasaw rolls? A Not that I know of
- Q Aint on the '93 or '96 roll? A No sir.

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, I. T., December 23rd, 1902.

Original Chickasaw
INTERMARRIED

-----oOo-----

In the matter of the application of Druzey Butcher for enrollment as a citizen by intermarriage of the Chickasaw Nation.

Druzey Butcher being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Druzey Butcher.
Q How old are you? A Twenty-three.
Q What is your post office address? A Davis.
Q That's in the Chickasaw Nation? A Yessir.
Q How long have you resided in the Chickasaw Nation? A I have been here all my life.
Q Never have lived anywhere else? A No sir.
Q Born in the Chickasaw Nation? A No sir, I wasn't born in the Chickasaw Nation; I was two years old when I came from Illinois; my mother brought me from Illinois.
Q You have lived in the Chickasaw Nation ever since? A Ever since
Q Never have lived in the Choctaw Nation? A Only just come in and out to see my people.
Q You are a white woman? A Yes sir, I am Cherokee, but I never proved up my rights.
Q What is your father's name? A Jake Van.
Q Is your father living? A No sir, he's dead.
Q Was your father a white man? A No sir, he was an Indian. He claimed to be a Cherokee Indian.
Q Was he ever recognized as a citizen of the Cherokee Nation?
A No sir, he never did try to do anything with it.
Q What is your mother's name? A Amanda Vance.
Q Is she living? A Yes sir, last I heard from her.
Q Is she a white woman? A Yes sir.
Q Did she ever make any claim as a citizen of any tribe of Indians?
A No sir.
Q Have you ever been recognized as a citizen by blood of the Cherokee Nation? A No, I have never been recognized because I never tried.
Q Have you ever drawn any money as a member of any tribe of Indians?
A No sir.
Q Just claim to be a white woman do you? A Yes sir.
Q An applicant now for enrollment as an intermarried citizen of the Chickasaw Nation? A Yes sir.
Q What is the name of your Chickasaw husband? A Albert McKinney.
Q Is he a recognized citizen by blood of the Chickasaw Nation?
A Yes sir.

Chic 1818

Chic 1818

Muskogee, Indian Territory, June 8, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

COPY.

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered June 8, 1906, granting the application for the enrollment of John O'Donnell 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,

Registered.

Incl. 9-D-240.

SIGNED

James Bisby

Chairman.

9-D-240

Muskogee, Indian Territory, June 8, 1905.

Robert E. Lee,
Attorney at Law,
Ardmore, Indian Territory,

OPY.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 8, 1905, rendered its decision, granting the application for the enrollment of John O'Donnell 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,

.GNED

Tams Bixoy

Registered.

Chairman.

9-D-240

Muskogee, Indian Territory, June 8, 1905.

S. Heard,
Attorney at Law,
Ardmore, Indian Territory,

COPY.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 8, 1905, rendered its decision, granting the application for the enrollment of John O'Donnell 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

Wm. B. Risher

Registered.

Chairman.

9-D-240

Muskogee, Indian Territory, June 8, 1905.

John O'Donnell,

COPY.

Herwyn, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 8, 1905, granting the application for your 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

Tama Bixby

Registered.

Chairman.

Incl. 9-D-240.

S.N.--2.

for enrollment as an intermarried citizen of the Choctaw Nation, you are advised that it will be necessary for Tom Anderson to appear in person before the Commission at its office in Muskogee, Indian Territory, for the purpose of an examination by the Chairman of the Commission relative to conflicting testimony given by him on his several appearances before the Commission.

Respectfully,

Chairman.

9-3-240.
9-1-243.
7-245.

Muskogee, Indian Territory, May 29, 1905.

S. Heard,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 28, asking the status of the enrollment cases of John Irvine and John O'Donnell, intermarried Chickasaws, and Alice Anderson, intermarried Choctaw.

In reply to your letter you are advised that the Commission is now considering the application of John O'Donnell for enrollment as an intermarried citizen of the Chickasaw Nation, and when a decision is reached in this case you will be notified of the action taken therein. Referring to the case of John S. Irwin, an applicant for enrollment as an intermarried citizen of the Chickasaw Nation, you are advised that this applicant claims the right to enrollment by reason of his marriage to Jennie Irwin, who is herself an intermarried citizen, and the question involved in this case has not yet been passed upon by the Commission.

In the matter of the application of Alice Anderson

Chickasaw D 240

Muskogee, Indian Territory, March 21, 1905.

B. Heard,

Attorney at Law,

Tishomingo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 15, asking that early action be taken in the matter of the application of John O'Donnell for enrollment as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are advised that the Commission is now considering the application for the enrollment of John O'Donnell for enrollment as an intermarried citizen of the Chickasaw Nation, and when a decision is reached you and the applicant will be notified of the action taken therein.

Respectfully,

Chairman.

Chickasaw 240

Muskogee, Indian Territory, December 23, 1904.

S. Heard,
Attorney at Law,
Tishomingo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 20, inclosing marriage license and certificate between John O'Donnell and Patsy Bacon, and the same has been filed with the record in the matter of the application of John O'Donnell for enrollment as an intermarried citizen of the Chickasaw Nation. The letter of Edward Turner is returned.

Respectfully,

Chairman.

AE 2-23

S. H. 49

where it is suggested you make inquiry for it.

Respectfully,

Chairman.

9-D-240
9-D-366

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.

9-D-240
9-D-336

Muskogee, 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,

Substantive
Chairman.

9-D-840

9-11-338

Muskogee, 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'Donald as intermarried citizens.

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'Donald 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.

B-D-340

Muskogee, Indian Territory, November 9, 1904.

John O'Donnell,

Berwyn, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your affidavit relative to the marriage of Patsy Shuckey prior to her marriage to you and your residence at the time of your marriage to her, and the same has been filed with the report in this case.

Respectfully,

Chairman.

9-D-240

Muskogee, Indian Territory, October 24, 1904.

John O'Donnell,

Berwyn, 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 a sworn statement, stating whether or not your wife, Patsy Shuckey, was married prior to her marriage to you, and if so, whether or not her former husband was dead at the time of said marriage.

You are also requested to state in this sworn statement the place of residence of yourself and Patsy Shuckey prior and subsequent to your marriage up to and including September 25, 1902.

This matter should receive your immediate attention. An envelope for reply is enclosed herewith.

Respectfully,

Enc. Env.

Chairman.

9 2-240

Muskagee, Indian Territory, September 23, 1904.

S. Heard,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged, on September 19, 1904, of your letter without date, enclosing brief of applicant, John O'Donnell, in the matter of his application for enrollment as an intermarried citizen of the Chickasaw Nation, and the same will be given due consideration.

Your letter also requests to be informed whether the Commission has passed upon the case of Joe Rushing, applicant for enrollment as an intermarried citizen of the Chickasaw Nation.

You are informed that the application of Joe Rushing, of Owl, Indian Territory, for enrollment as a citizen by intermarriage of the Chickasaw Nation, is now pending before the Commission, and a decision therein will probably be rendered in the near future. When such decision is rendered, the applicant will be furnished with a copy thereof.

Respectfully,

Chairman.

9-2-24

Okmulgee, Indian Territory, September 25, 1906.

John O'Donnell,

Okmulgee, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 10th instant, enclosing the affidavit of G. W. Young relative to the marriage between John O'Donnell and Cely Wolf 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.

TO THE HONORABLE COMMISSIONER OF THE
DEPARTMENT OF DIVISIONS
STATE OF NEW YORK

FOR THE RECORD, I HEREBY ADVISE YOU
THAT THE COMMISSIONER OF THE
DEPARTMENT OF DIVISIONS
HAS THE HONOR TO ADVISE YOU
OF THE DEPARTURE OF DIVISIONS
OF THE DEPARTMENT OF DIVISIONS.

Respectfully,

Commissioner in Charge

Muskogee, Indian Territory, August 6, 1904.

Robert H. Lee,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 3, inquiring what evidence is necessary in the case of John O'Donnell, of Berwyn, Indian Territory, as an intermarried citizen.

In reply to your letter you are advised that on July 25, 1904, John O'Donnell was informed that it appeared from his testimony that he was married to Sealy Wolf before his marriage to Patsy Bacon or Shuckey, through whom he claimed his right to enrollment as an intermarried citizen of the Chickasaw Nation, and before further consideration could be given the application it would be necessary for him to furnish evidence of the death of his former wife or of his divorce from her before his marriage to his second wife, Patsy Bacon or Shuckey.

In reply to this letter, on August 1, he stated that he would be at Tishomingo on the tenth of August to testify relative to his intermarried rights, and he was then advised, on August 5, 1904, that the appointment of the Commission at Tishomingo, Indian Terri-

Chickasaw B 579

Nowata, Indian Territory, August 5, 1904.

John O'Donnell,
Nowata, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 1, in which you state that you will be at Tishomingo on the tenth of this month to testify relative to your right to enrollment as an intermarried citizen of the Chickasaw Nation.

In reply you are advised that the appointment of the Commission at Tishomingo for the purpose of hearing testimony in applications for enrollment in the Choctaw and Chickasaw Nations is September 8 and 9, 1904, and you should be there on one of those two days if it is your desire to introduce testimony in your case at that place.

Respectfully,

Commissioner in Charge.

9-2-24.

Muskogee, Indian Territory, July 25, 1904.

John O. Jones,
Muskogee, 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 Muskogee, September the 25, 1903, that you was married to one Sealy Wolf before your marriage to Patay Bass or Shuckey, through whom you claim your right to 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 a certified copy of the decree of divorce, divorcing you from your former wife, if she were alive at the time you married your second wife, Patay Bass or Shuckey; and if she were dead at the time you married your last wife then to furnish proof of that fact by affidavit or otherwise.

Respectfully,

Commissioner in Charge.

Chickasaw 3 200

Muskogee, Indian Territory, February 8, 1904.

John O'Donnell,

Barwyn, 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.

9-1-100
Muskegee, Indian Territory, October 13, 1903.

John O'Donnell,
Berwyn, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter enclosing a certified copy of the marriage license and certificate of John O'Donnell and Patsy Shuckey; and the same has this day been filed with our records in the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

Respectfully,

Commissioner in Charge.

1 P-510.

Muskogee, Indian Territory, September 28, 1906.

John O'Donnell,
 Berwyn, 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 for you to furnish the Commission with evidence of your marriage to Patsy Bacon.

Such evidence may consist either of your original marriage certificate, or a certified copy thereof.

This matter should receive your immediate attention as the evidence requested is necessary in the matter of your enrollment as a citizen of the Chickasaw Nation.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 1, 1908.

John O. Donnell,

Barber, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 26th, in which you state that you did not receive notice in time to appear before the Commission and testify relative to your intermarried status on September 25, 1908, and ask what steps you should now take in the matter.

In reply to your letter, you are advised that you are permitted to appear before the Commission at its office in Muskogee, Indian Territory, to testify relative to your intermarried status on September 25th.

This matter should receive your immediate attention, as until your testimony is received, no further consideration can be given the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 5, 1903.

G. W. Brown,

Millcreek, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 26, relative to the enrollment of John O'Donnell, and in reply you are advised that it appears from our records that John O'Donnell 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 his case he will be notified of the action of the Commission.

Respectfully,

Muskogee, Indian Territory, February 28, 1903.

John S. Donnell,

Barwin, 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:

"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.

J O'D R

It will, therefore, be necessary that you personally present yourself before the Commission at one of the appointments specified in the circular enclosed you herewith, in order that your status as an intermarried citizen of the Chickasaw Nation on September 25, 1902, may be determined.

Respectfully,

Commissioner in Charge.

Enc.circular

Muskogee, Indian Territory, October 27, 1902.

John O'Donnell,

Berwyn, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, relative to your right to enrollment as a citizen by intermarriage of the Chickasaw Nation.

In reply to your letter you are advised that it appears from our records that on August 7, 1899, John O'Donnell, 53 years of age, of Berwyn, 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 that on September 25, 1902, there was ratified by the citizens of the Choctaw and Chickasaw Nations, an agreement closing the rolls of the citizens of the Choctaw and Chickasaw Nations on that date.

The rolls as now being made by this Commission of the citizens of these two tribes will be as of September 25, 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.

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

ALLISON I. AYLESWORTH
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Chickasaw D 240

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 5, 1902.

John O'Donnel,
Sylvan, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, relative to your right to enrollment as an intermarried citizen of the Chickasaw Nation.

Our communication of the 19th of March, 1902, was merely to notify you that on May 9, 1902, the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation would be taken up for final consideration by the Commission and that you might at that time, if you so desired, offer additional testimony affecting your application.

Yours truly,

C. R. Brackinridge

Commissioner in Charge.

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-240.

Muskogee, Indian Territory, March 19, 1902.

John O'Donnell,

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 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.

Register.

T. B. Needles,

Commissioner in Charge.

P-D-240

MISSING CHAIRMAN

Muskogee, Indian Territory, April 12, 1901.

Mr. John O'Donnell,
Mobe, Indian Territory,

Dear Sir:-

Receipt is hereby acknowledged of your letter of March 20, 1901, in reply to a communication from the Commission to you under date of March 1, 1901.

You are informed that your letter does not contain any new information bearing upon your case, nor do you make any attempt to reply to that part of the letter from the Commission of March 1, 1901, which is contained in the last two paragraphs and to which your special attention is again directed, which reads as follows:-

"The Chickasaw Nation, through its attorneys, is now protesting to your enrollment as a citizen by intermarriage of the Cherokee Nation, claiming that when you married your Chickasaw wife, you, at that time, had a wife living from whom you never had been divorced and to whom you had been previously legally married, and since that there is no evidence of your marriage to your Chickasaw wife in accordance with the laws of the Chickasaw Nation.

If you desire to offer any additional testimony in the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation, the Commission will hear you at its office at Muskogee, Indian Territory, at any time prior to April 1, 1901, and will up to that time receive for consideration written petitions or arguments, submitted by the Chickasaw Nation in support of their contention, protesting to your enrollment."

If you desire to offer additional testimony in support of your application, the Commission will hear the same at its office in Muskogee, Indian Territory, upon request being made for a hearing in advance to ^{send} proper notice thereof, upon the Attorney for

1870.

It further appears from your testimony that you stated that Peter Jones's name was Mary Jones and that she was a Chickasaw woman about 40 or 50 years of age.

It appears from the testimony offered by you at that time that you claim your right to citizenship as a citizen of the Chickasaw Nation by virtue of this marriage to Peter Jones but the testimony shows that about ten years prior to your marriage to your Chickasaw wife you were married to a Choctaw woman with whom you lived for a period of about three months, after which she deserted you. It seems that this woman's name is Selay Oldern, a Choctaw woman and that in 1898 by reason of your marriage to your Choctaw wife, you had endeavored to be enrolled as a citizen of the Choctaw nation but failing to be so enrolled by the Choctaw authorities you then married your Chickasaw wife.

Selay Oldern, your Choctaw wife, in testifying before the Commission stated that she had been married to you but that you deserted her and she for this purpose went to Washington for the purpose of obtaining a Chickasaw license and that you were never married under such license.

At Durant, Indian Territory, on August, 1898, the Commission heard the testimony of Peter Jones relative to your application for enrollment as a citizen by intermarriage with the Chickasaw Nation and he testified as to your marriage to your first wife, Selay Tobacco by Peter Trip but there was no Choctaw or Chickasaw

Muskogee, Indian Territory, March 1, 1901.

John O'Donnell,

Hebe, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th of February in which you give information relative to your marriages and divorces.

You state in your letter that you were first married to Selvy Wolf, a Cherokee Indian, in 1890 under the United States law and that your second marriage was to Patsy Bacon a Chickasaw Indian by blood, in the year 1897.

You further state that you have been deserted by both your Cherokee and your Chickasaw wife and that you have never obtained a divorce from either of them but that your application for enrollment made in the past year, was for enrollment as an intermarried citizen. You state that your marriage to Selvy Bacon was under the Cherokee law.

It appears from the records of the Commission that in application that you have made for enrollment as an intermarried citizen is an intermarried citizen of the Chickasaw Nation, claiming such right by reason of your marriage to Patsy Bacon.

At the time of your proposed application before the Commission at Salvia, Indian Territory, on August 7th, 1899, it appears from your testimony that you requested to the Commission a license to marry Patsy Bacon, Indian Territory, on August 7th, 1899, to marry Patsy Bacon, Indian Territory, on August 7th, 1899, to marry Patsy Bacon, Indian Territory, on August 7th, 1899.

Nebo, Ind. Ter. Feb. 11, 1901.

To Hon. James Johnston

Muscogee,

Gentlemen:- Your favor of 5th inst. to hand in reply will say, that my first marriage was to Sealy Wolf in 1890 under U. S. Law, and she was a Chectaw Indian by blood-

My second marriage was to Patsy Bacon, a Chickasaw Indian by blood, in the year 1899. I have been deserted by both wives and I have no divorce from either. I am an applicant for enrollment as an inter-married citizen, as I am a U. S. citizen by blood but claim right to enrollment by fact of my marriage to Indians by blood- The latter marriage was under Chickasaw law. My age is 55 years.

Very Respt.

John O'Donnell.

Endorsed on back as follows:

Giving information relative to his marriages, and reasons for desiring to be enrolled.

File with Chickasaw #D 240.

F I L E D

Mar. 1, 1901.

Tams Bixby,

Acting Chairman.

John O'Connell
license prepared for this marriage by [unclear] [unclear], in
1898, about four months after your marriage you did receive from
George Sanders, the Judge of Fishersburg County, Chickasaw nation, a
license to marry your Choctaw wife but that there was never any
ceremony performed under this license and a short time thereafter
that you and your Choctaw wife separated. He also testified that
there was never any divorce between you and the Selay woman but
that on February 27th, 1899, he performed a marriage ceremony
between you and Patsy Shockey, under a Chickasaw license duly
issued.

The Chickasaw nation through its attorneys, is now
protesting to your enrollment as a citizen by intermarriage of the
Chickasaw nation claiming that when you married your Chickasaw wife
you at that time had a wife living from whom you never had been
divorced and [unclear] you had been previously legally married and
also that there is no evidence of your marriage to your Chickasaw
wife in accordance with the laws of the Chickasaw Nation.

If you desire to offer any additional testimony in the
matter of your application for enrollment as an intermarried
citizen of the Chickasaw nation, the Commission will hear you at
its office at Muskogee, Indian Territory, at any time prior to
April 1st, 1901 and will up to that time accept for consideration
written briefs or arguments submitted by the Chickasaw nation in
support of their contention protesting to your enrollment.

You will be allowed until May 1st, 1901 to submit such
written argument or brief as you may desire in reply to the conten-
tion of the Chickasaw nation.

Yours truly,

of the fact,

your copy,

Acting Chairman.

9-11-240

John O'Donnell,

Wino, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 23rd of January in which you desire to be informed if it will be necessary for you to obtain a divorce from each of the women to whom you have been married. You also request that the Commission put your name on the Creek rolls.

The Commission is unable to understand your purpose in writing this letter. If you are an applicant for enrollment as a citizen by blood or intermarriage of the Cherokee Nation, you are requested to state where you made such application, your age, whether you claim as a citizen by blood or by intermarriage and if the latter, the name of names of the woman or women through whom you claim this right to intermarried citizenship, and any other information that you may be able to furnish the Commission relative to any divorce procedures that would account for your inquiry as to the necessity of obtaining a divorce from two women.

As to your request to have Lewis Lewis placed on the Creek roll, you are requested to make this a subject of another communication to the Commission and state more specifically what you claim as a Creek citizen is, whether you have ever made any application for enrollment as a citizen of the Creek Nation and what information you may have at hand enable the Commission to more clearly understand any matter.

Muskogee, Indian Territory
August, 18th 1900.

John O'Donnell,
Berwin, 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.

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-240

Acting Chairman.

Muskogee, Indian Territory, August 8, 1906

Mr. John O'Donnally

Woods, Indian Territory

Dear Sir:

The Commission is in receipt of your letter of August 2, 1906, in which you ask information concerning your enrollment as an intermarried citizen in the Choctaw or Chickasaw Nation.

In reply to your letter, you are advised that the records of the Commission show that you have been listed among the doubtful claimants to enrollment in the Choctaw Nation. The Commission has not yet passed upon the rights of doubtful claimants to enrollment in the Choctaw and Chickasaw Nations, and until this is done, no decision can be rendered in your case. You will be advised of the judgment of the Commission in regard to your application for enrollment as an intermarried citizen of the Choctaw and Chickasaw Nations.

Yours truly,

9-D 240

Acting Chairman

Muskogee, Indian Territory, April 24, 1906.

Mr. M. T. Bryan,
Rooms 40 and 41 Cole Building,
Nashville, Tennessee,

Dear Sir:

The Commission is in receipt of your letter of April 23rd, in which you request information as to what steps should be taken by one John O'Donnell to enable him to carry his application for enrollment before this Commission as a citizen by intermarriage of the Chickasaw Nation before the Secretary of the Interior.

You are advised that the records of this Commission indicate that John O'Donnell was married to a Chickasaw woman who goes by the name of Colia Glaberna; that this marriage was not in accordance with the Chickasaw laws and that he then secured the necessary license for the purpose of marrying her under the Chickasaw laws and she refused to marry him, and that separation resulted. You are advised that if he so desires, he will be permitted to file with the Commission any affidavits in support of his application, or other proper papers, and that if he so desires, O'Donnell may again appear before the Commission for the purpose of giving further testimony in support of his claim. All papers in connection with his application will be forwarded to the Secretary of the Interior for review by him and the final rolls of the Chickasaw Nation go forward for his approval.

In replying to this letter, please refer to this file.

INDEXED

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
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3541 1900	APR 25 1900		

Bryan, W. J.

Nashville, Tenn.

4/23/00

Requests instructions - how
to proceed in the John
O'Donnell case - rejected
by the Commission.

IN RE.

John O'Donnell,
Pl. for enrollment

VS

M. T. BRYAN,
Attorney and Counselor at Law,
ROOMS 40 & 41 COLE BUILDING,
TELEPHONE 1122.

Nashville, Tenn.. Apr. 23, 1900.

To

The Hon. The Dawes Commission,
to the Five Civilized Tribes,

Muscogee, I.T.

Gentlemen:-

Mr. John O'Donnell, formerly a resident of Indian Territory, but now of this City in February, 1899, married a Chickasaw woman and a member of that tribe. The marriage was made in accordance with the laws of this tribe, and three or four months later Mr. O'Donnell made application to your Honorable body for enrollment, but was refused by you, on the grounds that he had not been divorced from a former wife, and therefore this marriage was void, notwithstanding the fact that his marriage to his former wife referred to (and which was made in accordance with the U.S. laws) had been, upon a former application to yourselves held to be void.

I respectfully request that you furnish me with such information as to what steps should be taken to bring the matter before the Hon. Secretary of the Interior, and any remarks you should be pleased to make upon Mr. O'Donnell's case.

An early reply to this letter would be greatly appreciated
by yours,

Most respectfully,

M. T. Bryan

MEMORANDA.

(Date) Aug 7 1899.

53 Name John O'Donnell

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship us

Intermarried citizen? y

Married under what law?

License filed this day,

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:

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.
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County	Year	Page	No.

✓ Married about 10 yrs ago to Choctaw woman
 Separated after about 3 mos. He did not obtain
 a divorce & does not know whether she is
 Proof of income necessary. See his
 marriage when which he now claims was
 Patsy Shuckey Chickasaw word #834

Chickasaw D 240 -

Apr. 26 1900

Mr. Aylesworth:-

The name John
O'Donnell appears
on Chickasaw card
D 740, and his
right to enrollment
seems to have never
been passed upon.

His second wife,
through whom he
claims citizenship
is enrolled on Chick
card 834.

In the matter of the application of John O'Donnell for enrollment as a Chickasaw citizen:

Celia Claborn being sworn says:

I live in Tishimingo county Chickasaw Nation. I know John O'Donnell. I was married to him.

He said we could marry over again, and after he got his papers I would not marry him. I do not know under what law I married him. I just married him. I did not know that he had gone to Tishimingo for the papers until he brought them. I did not marry him after he got the license. I separated from him and never lived with him after he got the license.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 13 1903

[Handwritten signature]
SPECIAL AGENT IN CHARGE

(License)

Nebo, Ind. Ter.

Feb. 27th 1899

Office of County and Probate Judge Tishomingo County C. N.
In the name and by the authority of law vested in me, I Scott Hawkins
County and Probate Judge of Tishomingo County C.N.do this day, issue
a license to John Odonnell a citizen of the United States to marry
Patsy Shuckey a citizen of said Nation in accordance with re-
quirements of the law, in relation to marriages.

Given under my hand this the 27th day of Feb. 1899

(Signed) Scott Hawkins
County and Probate Judge
of Tishomingo County Chickasaw Nation.

(Certificate)

This is to certify that John Odonnell and Patsy Shuckey
were solemnly joined together in holy matrimony on this the 28th
day of Feb. 1899.

(Signed) Scott Hawkins
County and Probate Judge Tishomingo
County Chickasaw Nation.

Recorded this the 7th day
of March 1899

(Signed) Edward Turner
County Clerk

This is to certify that the above is a true and correct
copy of license and marriage certificate issued to John Odonnell,
as of record in my office.

In witness whereof I hereunto attach my name and official seal.

This the 3rd. day of October A. D. 1903

J. S. Harris
County and Probate Clerk Tishomingo
County Chickasaw Nation.

United States of America
Indian Territory.
Southern District.
Pikeas County.

Before me, T. J. Carson, a notary public, duly
commissioned and acting, on this day came and appeared John O'Donnell
who being sworn deposes and states that Patsy Shuskey was married
to me, John O'Donnell, prior to her marriage to me. That at the time
of our marriage her former husband was dead. Before our marriage I
lived at Nebo, I. T., and she lived on Mill Creek, about three miles
from the present town of New Mill Creek. We lived after our marriage
near the town of Troy I. T. up to Sept. 25. 1903.

Nov. 7. 1904.

John O'Donnell

Subscribed and sworn before me on this Nov. 7. 1904

T. J. Carson

Notary Public, Southern District, Ind. Ter.

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

NOV 8 1894

CHAIRMAN.


98240.



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

FILED

SEP 19 1887


CHAIRMAN.

That time passed of me as husband
& wife in the night when in which they
lived. I point does not remember when
said. I believe Thomas left his wife now
Does he remember exactly when it was
that John Oronell Oronell was
but it was in the life time of Thomas.
I point states that he has no interest
in this matter & further that the facts
stated herein he knows to be true
as stated.

I solemnly and G.W. Jones
subscribed before
me this 1st day
of Sep 1904 J.M. Mason

Notary Public
My Commission
expires
Feb 23, 1907

This is a personal affidavit
before the undersigned Justice of the Peace
and intermarried citizens. The person
petitioner, who is in the first Subpoena
page of his marriage, is Thomas
Spate & wife is Benjamin J. & she is 49 years
old. The petitioner states he was acquainted
with both said John & Thomas
Aspen Thomas, both of whom full blood
Chickasaw Indians. & Thomas was
the same. These parties were living
together as husband & wife. He saw the said
Thomas & wife. I Chickasaw Indians
in private party that shortly after the
dissolution of the marriage & his wife.
The person named to John O'Connell
Assistant does not know whether or not
Thomas & his wife were divorced
or not. That her reputation for chastity
was not good. Assistant does not
know when she lived with John
O'Connell after the marriage.

Assistant further states that he
knew Thomas & his wife
for about several days

To the Commission to the Five Civilized Tribes,

Muscogee, I.T.

In the matter of the application of John O'Donnell for enrollment as a citizen of the Chickasaw Nation by intermarriage:

It is respectfully submitted to the Commission in this case:

That the only point raised is as to whether or not the first marriage of applicant was illegal; if so, his second marriage was valid, and entitles the applicant to be enrolled as an intermarried Chickasaw Indian.

We respectfully submit to the Commission that the evidence of the illegality of the first marriage of applicant is cumulative and not contradicted. The evidence of Richard Young and Mr. Kimball both prove beyond doubt that at the time of the first marriage of applicant his wife was already legally married, and her husband was living, and that so far as they knew, no divorce had ever been rendered.

They were neighbors to the parties, and knew the former wife of applicant and her husband, and knew that they lived together as husband and wife.

We think the testimony clearly establishes the illegality of the first marriage, and that his marriage to his first wife being void, ab initio, his second marriage was therefore legal, and rendered it unnecessary for applicant to procure a divorce as his first marriage was absolutely void, and that clearly entitles him to be enrolled as a citizen by marriage of the Chickasaw Nation.

Respectfully submitted,

S. Heard

Attorney for applicant.

2

No. I, B-30-1901

Department of the Interior
Washington, D. C.

Gentlemen, Replying to your favor of the 11th inst I wish to state that I have no divorce from my Choctaw wife, but was informed by the Chickasaw officers before I married my last wife that I did not need to get any divorce from my Choctaw wife in order to legally marry in the Chickasaw nation.

If it is illegal and I had known so I would have gotten a divorce from my first wife before marrying the second time.

I was informed by the Court at Dishkamingo that my right was established several years ago and I went to court and drew my currency and if any one is to blame in the matter it is the Court who was informed me.

Respectfully,
John O. O'Connell

INDEXED. 9-2740

COMMISSION TO FIVE TRIBES.			
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APR 6 1901

O'Donnell, John

Nebo, I. I.

Mar 30-1901

ENCL

CHICKASAW

*Relative to his marriage,
was advised that a divorce was
not necessary.*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 6 1901

[Signature]
ACTING CHAIRMAN

*Filed with papers
in case Chickasaw 240*

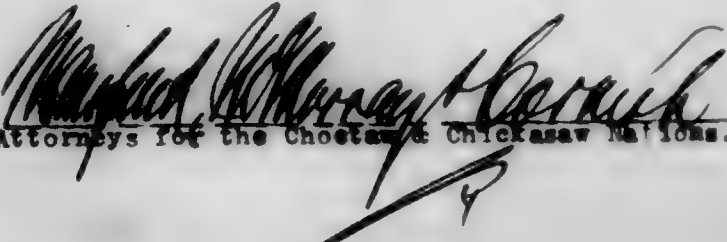
9-2240

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John O'Donnell as a citizen by intermarriage of the Chickasaw Nation, Chickasaw Field No. D-240.

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.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Chickasaw D-240.

In the matter of the enrollment
of John O'Donnell as an inter-
married citizen of the Chickasaw
Nation.

EXCERPT of
Choctaw and Chickasaw Attorneys


BEFORE
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

FEB 6 1904

CHAIRMAN.

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

FEB 9 1905

A handwritten signature in dark ink, appearing to be 'T. C. ...', is written over the date stamp.

CHAIRMAN.

have long he lived with his
last wife who has been
dead several years.

Affiant says he has
no interest in this matter
and that the facts testified to
in this affidavit are true
to the best of his knowledge
& belief.

J. W. Everett

I do hereby certify
and subscribe before me
this 20 day
of Dec 1914

J. J. Carson

Notary Public, Southern Dist. N. C.

Benjamin James Fox
Dec.

This case personally appeared
before the undersigned authority
a notary Public for the Southern
District of T.

Who after being duly sworn
says that he reads the name Benjamin
James Fox and had occasion to see him
some time that he has known
John A. Donnell for a long
time and it was him at the
time he married the Indian
wife of Gibson Thomas about
18 years ago. Affiant says
he does not know whether Gibson
Thomas was divorced from his
wife at the time John A. Donnell
married her or not but
affiant says that as soon as
John A. Donnell found out
that his wife had a living
husband he left her and
did not live with her anymore
until about 10 years after.

John A. Donnell married
another Indian woman but
affiant does not know.

Wells Ind Ter Feb 27, 1899

Office of County and Probate Judge Tishomingo
County, C. N. in Name and by the authority
of Law vested in me I Scott Hawkins
County and Probate Judge of Tishomingo
County, C. N. do this day Issue a License
to John Odonnell a citizen of the United
States. to Mary Patey Bacon a citizen
of said Nation in the Accordance with the
Requirements of Law in Relation to Marriages
Given under my hand This the 27 day of
Feb 1899

Geo. Hawkins
County and Probate ^{Judge} Tishomingo
County Chickasaw Nation

This is to Certify that John Odonnell
and Patey Bacon were solemnly joined
together in Holy Matrimony on this 28 day
of Feb 1899

Scott Hawkins
County and Probate Judge
Tishomingo Chickasaw Nation

Recorded in Book 3. on Page 210.
on the 7th day of March 1899.

Edward Turner
County Clerk.
T. O. C. W.

9-A 240

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

DEC 23 1904

CHAS. H. ...

J. S. Harris

County & Probate Clerk of
Harrison County, Arkansas
to be held by. Certify that this copy is
true and correct copy of the original.

J. S. Harris

County Clerk
Harrison Co. Ark.

Exhibit A

Marriage Record of 1899
Licenses Noted and Fee

Feb 27th 1899

Office of County & Probate Judge
Pawnee County
In the name and by the Authority
of Law. Vested in me. J. Scott Hawkins
County and Probate Judge of Pawnee
County. C.N. do this day issue a
License to John O'Donnell a Citizen
of the United States. to marry
Patsy Bacon. a citizen of the United
States in accordance with the
requirements of Law. in Relation
to Marriage

Given under my hand this
the 27th day of February 1899

Scott. Hawkins
County & Probate
Judge C.N.

Recorded this the
7th day of March 1899.
Edward Turner
County Clerk
C.N.

(over)

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

In the matter of the application of John
O'Donnell for enrollment as an intermar-
ried citizen of the Chickasaw Nation.

---D 240---

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 John O'Donnell 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.

---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 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.

Commission to the Five Civilized Tribes
Durant, Indian Territory.

M. D. Green

In the enrollment of John O'Donnell as an intermarried
Chickasaw; being Scott Hawkins being sworn and examined by Com'r
McKennon testifies as follows:

- Q What is your name? A Scott Hawkins.
- Q How old are you? A Fifty-eight.
- Q Where do you live? A In Tishomingo County, Chickasaw Nation
- Q Do you know John O'Donnell? A Yes sir.
- Q How long have you known him? A Eight or ten years.
- Q What do you know about his first marriage? Who did he marry
the first time? A He was supposed to be married to Sealy
Tobucky.
- Q What was she? A Choctaw.
- Q Who performed the marriage ceremony? A Parson Trip.
- Q Did he procure a license at that time? A No sir.
- Q When did he procure a license? A It must have been '90.
- Q That was about how many months after he first married?
A About four months.
- Q From whom did he procure the license? A From George San-
ders, Judge of Tishomingo County.
- Q Did he marry her under that license? A No sir.
- Q Why? A She refused to marry him.
- Q How long did they live together after that time?
A They didn't live together.
- Q Was he ever divorced from this Sealy woman? A No sir.
- Q What do you know about his second marriage? A He married
Patsy Shucky.
- Q Did he procure a license? A Yes sir.
- Q Who performed the ceremony? A I did.
- Q When? A 27th of February, 1899.
- Q You know that he didn't procure a divorce from this first
woman? A Yes sir.

(John O'Donnell 45)

Q Does Scott Hawkins know about your first marriage?

A Yes sir

Q Is there anyone else that you know who knows about your first marriage? A Nobody around except that woman over there, Sallie Colbert.

Department of the Interior,

Commission to the Five Civilized Tribes.

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

M. D. Keen

1900
at
this
day
of
1900

(John O'Donnell #2)

of her she was up on Mill Creek somewhere.

Q What is her name now? A She was enrolled under some other name, and I don't know what that is.

Q Who did she marry the next time? A I never learned the name of the party.

Q (Com'r Lewis) you know for certain that she was married?

A I have heard that she was married.

Q What was your first wife's name when you married her?

A Her surname was Sealy. I don't know what her given name was. I have forgot what her given name was.

Q Who issued the license for you to marry her? A Mr. Sanders, a Judge.

Q What County? A I guess it was Tishomingo County.

Q Who performed the ceremony? A A white man married us.

Q What was his name? A Parson Tripp

Q Where does he live? A I don't know where he is now.

Q Where was the wedding? A Over there close to Board Hollow over there this side of Daugherty close to Sallie colbert's place.

Q You know anything about that preacher since he performed that ceremony? A He staid there a good while and then he moved off, I don't know where he went.

Q Who was present when you married her?

A There was two or three present; they have all moved away.

Q What is their names? A One of them was named Mr. Jones and Sallie colbert was there, and one or two others.

Q They Indians? A Sally colbert is Indian.

Q Where is she now? A She is over there.

Q Was this a choctaw Indian woman you married first?

A Half choctaw and half chickasaw.

Q Was she registered as a chickasaw or a choctaw woman?

A I think they put her on the choctaw list; that's what Scott Hawkins said.

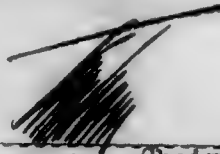
Commission to the Five Civilized Tribes,
Calvin, Indian Territory.

In the enrollment of John O'Donnell as intermarried Choctaw;
being sworn and examined by commissioner McKennon he testifies:

- Q What is your name? A John O'Donnell.
- Q How old are you? A Fifty-three years old
- Q You present a license here dated February 27th 1899 to marry Patsy Bacon, with a marriage certificate dated February 28th 1899, Patsy Sealy; her name was Patsy Shucky was it? I believe so
- Q How old is she? A About 65 or seventy.
- Q This is the first time you married her? A Yes sir
- Q You were married before? A Yes sir, about ten years ago.
- Q Were you divorced from that wife? A We didn't marry according to law and they cut me off; I married an ~~Indian~~ Indian about ten years ago and paid fifty dollars and had it recorded and they beat me before the Dawes commission, and I married this woman.
- Q We didn't enroll you? A No sir . We quit directly after we married, about a month or two and have been separated that long; she ^{has} married another man . I guess she got a divorce I don't know.
- Q You never got a divorce? A No sir
- Q You just quit her? A She quit me.
- Q How long ago? A Ten years ago.
- Q How long had you lived with her? A About three months I guess; she quit me; I couldn't do anything with her.
- Q You couldn't get enrolled under that marriage and so you married this woman? A Yes sir I married this woman then.
- Q You still living with this woman? A Yes sir.
- Q Where is your former wife living? A Last time I heard

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,

JUN - 8 1905

9-D-240.

O.L.J.

Bla

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

-oOo-

In the matter of the application for the enrollment of
John O'Donnell 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 28, 1899, the applicant, John O'Donnell, was married in accordance with the laws, customs and usages of the Chickasaw Nation, to Patsy Shuckey, a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name (as Patsy Shuckey) appears as No. 2456 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, and that they resided together continuously as husband and wife in said nation for a period of about six months when they separated and were subsequently divorced, since which time the applicant herein has not remarried.

It appears from the evidence herein that the applicant was married to Sealy Wolf, a Choctaw Indian, prior to his marriage to Patsy Shuckey, through whom he claims his intermarried rights, and that at the date of said marriage to Sealy Wolf she had a living husband from whom she had never been legally separated. Such being the case the marriage of the applicant to the said Sealy Wolf was null and void.

It appears from the record herein that the applicant has resided continuously in the Chickasaw Nation from the date of his said marriage to Patsy Shuckey, 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 Leased District Payment Roll, No. 1, page 128.

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, John O'Donnell should be enrolled as a citizen by intermarriage of the Chickasaw

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TULSA, INDIAN TERRITORY,
September, 1904.

9-D-240.

In the matter of the enrollment of John O'Donnell as a Chickasaw by intermarriage.

Richard Kimball, being first duly sworn, testified as follows:

- Q What is your name? A Richard Kimball.
Q Are you a freedman? A No, sir.
Q What are you? A I was never a slave.
Q You are not on the rolls, are you? A No, sir.
Q You know John O'Donnell? A Yes, sir.
Q How long have you known him? A About seventeen or eighteen years.
Q Where did you first meet him? A On the Washita.
Q Chickasaw Nation? A Yes, sir.
Q Were you living in the Chickasaw Nation at that time?
A Yes, sir.
Q Was he living near you? A Yes, sir.
Q Do you know anything at all about his marriage troubles?
A The first woman he married, I knew her by sight.
Q What was her name? A Seeley Wolf.
Q She was a Chickasaw Indian? A Yes, sir. And the man she had was named Gibson Thomas.
Q Was she married to Gibson Thomas? A That is what they claimed; I didn't see her married.
Q It is claimed that, at the time she married John O'Donnell, she was already married to Gibson Thomas? A Yes, sir.
Q What was Gibson Thomas? A A Chickasaw Indian.
Q Is he living? A No, sir, he is dead.
Q And that is all you know about it? A Yes, sir.
Q He and Seeley lived together as husband and wife, didn't they?
A Yes, sir.
Q Then they separated and he married another woman after that?
A Yes, sir. I heard of him being married. He came and staid with me after he had the first one. The first man came and took her back and John got scared and came and staid with me two months.
Q After this man was married to Seeley Wolf, sometime after that her husband, Gibson Thomas, came and took her away? A Yes, sir.
Q Did she and Gibson Thomas live together after she was married to John O'Donnell? A I don't know, I suppose so.

Elsie E. Ashton, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings above, and this is a full, true and correct transcript of her stenographic notes.

Subscribed and sworn to before me this 22 day of October, 1904.

Elsie E. Ashton
Notary Public

John G. Bennett

Q Plain laboring man? A Yes, laboring man. Well, you see, I hire from one place to another.

Q Have you got any children at all? A No, sir, no children.

Q Is there anything else you wish to say? A No, sir, nothing else, that is all.

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 on the 25th day of September, 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 2^d day of September, 1903.

Charles Sawyer

John O'Donnell 3

- Q You lived with her six months? A Yes, sir.
- Q Then you went to the bedside of your brother who was sick? A Yes, sir.
- Q Where was he sick, Tennessee? A Yes, sir, and staid there six months and returned to the Chickasaw Nation -- quick as I got money to pay my way.
- Q After you returned to the Chickasaw Nation did'nt you live with her? A Yes, sir, I went to see her and she would not speak to me or anything. She seemed to be mad and I thought it no use fooling away more time with her.
- Q When you came back from Tennessee you asked her to live with you and she would not live with you? A Yes, sir.
- Q As a matter of fact you have not lived with her after six months after you married her? A No, sir.
- Q Did you obtain a divorce from Patsy Shuckey? A No, sir, I did'nt but she got one from me.
- Q And she married again? A Yes, sir, I think she married again but I would not be certain.
- Q When did she get a divorce? A I think it was in 1902. She got it right lately.
- Q Well, she obtained a divorce last year then? A Yes, sir, last year.
- Q Have you remarried? A No, sir.
- Q You said that you married Patsy Bacon having no other wife living at the time from whom you were not divorced? A Well, sir, I will tell you the reason. I spoke to the leading men, I supposed understood the law and they told me it was not necessary to get a divorce. They said it was not necessary for me to have it.
- Q Did they give any reason for that? A Well, they told me being under the Chickasaw law, at that time it was not necessary. That is why. That is the reason I did so. Yes, sir, the fact of the business is I am very ignorant of the law myself. But I try to obey it and I just govern myself by men who I think ought to know the law.
- Q Did you apply to the Commission in 1896? A Well, I applied to them the first time they come and I declare I forgot what year it was in. Could'nt say for positive what year it was in.
- Q What year were you married to Sealy Wolf? A Well, sir, I can't tell you what year but I think it was somewhere in 1885 or 1886, near's I remember. Lost them license.
- Q You did marry her under a license issued by the Chickasaw Nation? A No, sir, I married her under United States law.
- Q And you lived with her but a short time? A Couple of months or so.
- Q Then you got a Chickasaw license to marry her? A And she refused to marry this time and somebody put her up to it to try to defeat me.
- Q You do not claim through your first wife? A No, sir.
- Q It is the second one you claim under? A Yes, sir.

The applicant's first wife is identified as Celia Claybourn.

- Q Did you own real property in the Chickasaw Nation? A No, sir none at all.

A

John O'Donnell 2

- Q You present here a copy of a license issued by the County and Probate Judge of Tishomingo County to John O'Donnell, a citizen of the United States, to marry Patsy Bacon, a citizen of the Chickasaw Nation. Are you the John O'Donnell mentioned in this license? A Yes, sir.
- Q And Patsy Bacon, mentioned here, is now Patsy Shuckey? A Yes, sir.
- Q Is she a recognized and enrolled citizen of the Chickasaw Nation? A Yes, sir.
- Q You said just now that you were married in 1890. This says February, 1899. A Yes, that's right; I was mistaken. I mean I was married in 1899, that is the day.
- Q Did you get a marriage certificate? A I lost my marriage certificate. They had a record of it and sent on to Mr. Brown to get a certified copy of it. I have nothing and have no where to keep my papers and loose them.
- Q It will be necessary for you to furnish the Commission with a certified copy of your marriage certificate. A Yes, sir.
- Q This will be filed with your papers. A Yes, sir.

There is filed herewith and made a part of the record in this case copy of a marriage license issued by the County and Probate Judge of Tishomingo County to John O'Donnell to marry Patsy Bacon; and marked exhibit A.

- Q How long have you lived in the Chickasaw Nation? A Well, sir, I come here in the fall of '84; been here ever since.
- Q Were you married before your marriage to Patsy Bacon? A Yes, sir.
- Q To whom? A Well, I was married to Sealy Wolf.
- Q How many times were you married before you married Patsy Bacon? A Just once. I married Sealy Wolf under United States law.
- Q And she was the only woman you married prior to marrying Patsy Shuckey? A Yes, sir.
- Q Was Sealy Wolf dead at the time of your marriage to Patsy Shuckey? A No, sir.
- Q Did you obtain a divorce from her? A Well, I heard that she had married before I married this Patsy Shuckey and I suppose she was.
- Q Did she obtain a divorce from you? A Well, sir, I never inquired, but I suppose she had; at least I heard she had; did'nt go to look.
- Q What you mean to say is, Mr. O'Donnell, is that you first married Sealy Wolf under a United States license and that afterwards you married Patsy Shuckey? A Yes, sir, under a Chickasaw license. That is what I -- what --
- Q But that you obtained no divorce from Sealy Wolf? A No, sir, a great many told me it was not necessary.
- Q Do you know as to whether she was married before she married you; I mean Sealy Wolf? A Well, I don't know as she was ever married before. She was -- she lived with fellers -- just took up with them. Never heard of her ever being married to any one -- heard several say she was married before.
- Q You simply quit Sealy Wolf and then married Patsy Shuckey? A Yes, sir.
- Q Well, after you married Patsy Shuckey how long did you live with her? A Well, I lived with her about six months and my brother got sick in Tennessee and times was so hard could'nt get enough money to get back.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
September 25, 1903.

-----:-----
Intermarried
Chickasaw D 240.

In the matter of the application for the enrollment of
John O'Donnell as a citizen by intermarriage of the Chickasaw Nation.

Said John O'Donnell, being first duly sworn, testifies
as follows:

Examination by the Commission.

- Q Your name is John O'Donnell? A Yes, sir, John O'Donnell.
Q Where do you live? A Live at Berwyn.
Q Is that in the Chickasaw Nation? A Yes, sir.
Q Is that your post-office address? A Yes, sir.
A How old are you? A Well, as I remember I guess I am about
fifty-eight, near as I can tell. Heard my father say so.
Q You are a white man? A Yes, sir, could'nt be any other -- am an
Irishman, remember that.
Q You claim no rights at all as an Indian by blood? A No, sir.
Q You claim, then, as an intermarried citizen? A Yes, sir.
Q Through whom do you claim? A Well, Patsy Bacon or Shuckey.
Q Was she a Bacon before she married you? A Well, they called her
Bacon. Some called her Shuckey.
Q You claim through Patsy Bacon, now called Patsy Shuckey? A Yes,
sir.

Patsy Shuckey is identified on the Chickasaw card, field
number 834, and approved by the Secretary of the Interior as
number 2456, December 12, 1902, upon the final roll of citizens by
blood of the Chickasaw Nation.

- Q When were you married to Patsy Bacon? A 1890, I believe.
Q Where were you living at that time? A Well, I was living at that
time over at -- close to Berwyn.
Q Where was Patsy Bacon living at that time? A She was living in
the Chickasaw Nation, near Mill Creek.
Q Don't talk too much now? A Well, the trouble with me when I
get to talking, I talk too much.
Q Did you have a license when you married Patsy Bacon? A Yes, sir,
Indian License. Paid fifty dollars and had recorded and married
according with the judge by the Chickasaw law.
Q What was the name of the judge? A Hawkins.
Q Have you the certificate with you? A Well, I don't know that I
might have it.
Q Better see whether or not you have it? A I got a copy of it. I
lost the license.

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-
JOHN O'DONNELL - - - - -9-D-240.

-oOo-

1817

9--D--217

Muskogee, Indian Territory, June 30, 1905.

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

COPY.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered June 30, 1905, granting the application of Maseppa T. Turner for enrollment as a citizen by intermarriage of the Chickasaw Nation.

You are advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein 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

Tarns Bixby

Chairman.

Register

Encl - 9-3-217

See 9-399 for registry receipt for this letter -

D--D--217

Muskogee, Indian Territory, June 30, 1905.

Maseppa T. Turner,
Davis, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 30, 1905, granting the application for your 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

Tams Bixby
Chairman.

Register.

Incl--9--D--217.

COPY.

Muskogee, Indian Territory, February 24, 1906.

Maseppa T. Turner,

Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 24, asking the status of your enrollment as an intermarried citizen of the Chickasaw Nation.

In reply to your letter 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.

Respectfully,

Chairman.

9-0-217

Muskogee, Indian Territory, November 4, 1904.

F. M. Lewis,

Davis, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of October 31, 1904, in behalf of Maxey T. Turner calling attention to our communication of October 29, 1904, acknowledging receipt of his affidavit to the effect that his wife Laura Turner had not been married except her marriage to him, and stating that the language of the letter would indicate that this affidavit also stated that Mr. Turner had not been married except to his wife Laura Turner. You state that this is not the case as Mr. Turner is now married and has a family.

In reply to your letter you are informed that our letter of October 29, 1904, should have been to the effect that the affidavit states that he and his wife Laura Turner had not been married prior to their marriage to each other.

Respectfully,

Chairman.

Chickasaw D 217

Muskogee, Indian Territory, October 29, 1904.

Mazeppa T. Turner,

Davis, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your affidavit that you and your wife, Laura Turner, have never been married except your marriage to each other, and the same has been filed with the record in the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Chairman.

9-D-217

Muskogee, Indian Territory, October 22, 1904.

Maxeppa T. Turner,

Davis, 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 a sworn statement, stating whether or not your first wife, Laura Turner (nee Johnson) was married prior to her marriage to you.

This matter should receive your immediate attention.

Respectfully,

Enc. Rev.

Chairman.

Chickasaw 2 217

Muskogee, Indian Territory, August 11, 1904.

Mansfield, McMurray & Cornish,
South McAlester, Indian Territory,
Gentlemen:

Receipt is hereby acknowledged of your letter of August 4,
asking the status of the enrollment case of Maseppa T. Turner of
Davis, Indian Territory.

In reply to your letter you are advised that before further
consideration can be given the application of Maseppa T. Turner for
enrollment as an intermarried citizen of the Chickasaw Nation it will
be necessary for him to appear in person before the Commission to
testify relative to his intermarried status on September 25, 1904.
A letter has been addressed to Mr. Turner advising him that such ap-
pearance could be made before the Commission at its office in Musko-
gee, Indian Territory, or at the Choctaw Land Office, Atoka, Indian
Territory, September 6 and 7, 1904, or at the Chickasaw Land Office,
Tishomingo, Indian Territory, September 8 and 9, 1904.

Respectfully,

Commissioner in Charge

Chickasaw D 217

Muskogee, Indian Territory, August 11, 1904.

Mazeppa T. Turner,

Davis, Indian Territory,

Dear Sir:

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 before the Commission for the purpose of testifying relative to your intermarried status on September 25, 1902.

Such personal appearance may be made at the general office of the Commission, Muskogee, Indian Territory, or at the Choctaw Land Office, Atoka, Indian Territory, September 6 and 7, 1904, or at the Chickasaw Land Office, Tishomingo, Indian Territory, September 8 and 9, 1904.

This matter should have your prompt attention.

Respectfully,

Commissioner in Charge

2-2-217.

Muskogee, Indian Territory, July 21, 1903.

Masey T. Turner

Dougherty, 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 marriage status on September 23, 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 5th or 7th, 1904, or at the land office at Tishomingo, Indian territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

9-2-217.

Muskogee, Indian Territory, July 21, 1904.

Waseppa T. Turner,
Deagherty, 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 23, 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 Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

Lawton, Indian Territory, June 14, 1904.

Manfield, McFarrey & Corwin,
Attorneys for the Choctaw and Chickasaw Nations,
Smith Kolliver, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of June 13th,
in which you state that you desire to withdraw the protest filed
by you in the matter of the application of Hester T. Turner
for enrollment as an intermarried citizen of the Chickasaw
Nation.

Respectfully,

Chairman.

P. M. 3.

case the protest of the attorneys for the Choctaw and Chickasaw Nations under date of January 23, 1904, in which they request that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Court in the case of Althea Paul et al., vs. Choctaw and Chickasaw Nations, number 44 on the Tishomingo docket of said court.

You are informed, however, that on June 7, 1904, the Secretary of the Interior overruled the protest of the attorneys for the Choctaw and Chickasaw Nations in this case, and the Commission will, as early as practicable, take up the same for consideration and determination. As soon as a decision is reached in the case, Mr. Turner will be notified of the action taken therein.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 15, 1904.

Honorable Palmer S. Moseley,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 27th, relative to the application of M. Turner for enrollment as an inter-married citizen of the Chickasaw Nation. You state that he was married many years ago and, as you understand it, there can be no possible objection to his enrollment, and that the Choctaw and Chickasaw Nations and their attorneys have no contest against him.

You further state that Mr. Turner is experiencing such difficulty in protecting his rights by reason of the disposition of others to file on his land. You therefore ask that this matter receive early consideration and that if the case is not in a condition to be acted upon, that you be advised what further steps are necessary to take in the matter.

In reply to your letter, you are informed that the Commission has not yet passed upon the application of Manappa T. Turner for enrollment as an intermarried citizen of the Chickasaw Nation, and that on February 8, 1904, there was filed with the record in this

Muskogee, Indian Territory, March 16, 1908.

Maseppa T. Turner,

Davis, Indian Territory,

Dear Sir:

Respect is hereby acknowledged of your letter of March 11, asking what action has been taken in your case, and requesting to be advised if further evidence is necessary.

In reply to your letter you are advised that the Commission is now considering your application for enrollment as an intermarried citizen of the Chickasaw Nation and when a decision is reached you will be notified of the action taken therein. In the event further evidence is necessary to enable the Commission to determine your right you will be advised.

Respectfully,

Chairman.

Chickasaw D 217

Muskogee, Indian Territory, February 9, 1904.

Mazeppe T. Turner,

Davis, 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.

Wahweap, Indian Territory, October 22, 1908.

Wahweap I. Turner,

Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23d inst., enclosing affidavits of Alice H. Turner and T. Herbert Kerley relative to the birth of your minor child, Andrew Turner, June 2, 1908; and the same being in proper form have been duly filed with the records of the Commission as evidence of birth of the above named child.

Respectfully,

Acting Chairman.

B-D-227.

Waskogen, Indian Territory, October 18, 1902.

Wascopa S. Turner,

Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th inst., requesting that you be furnished with a blank application for the enrollment of your infant child, and that you will have the same properly executed and present it to the Commission during its appointment at Pauls Valley or Ardmore, Indian Territory.

A blank of such description is enclosed you herewith.

Respectfully,

Acting Chairman.

B.C.

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-217

Muskogee, Indian Territory, March 18, 1902.

Mazepa T. Turner,
Dougherty, 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 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.

May 1860

up 58

...

Marrried to Laura Johnson -
Wife of J. M. Johnson - 1860

...

...

"Carried out"

(white hair)

ok 1860

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

OCT 29 1904

90217

Southern District,
Indian Territory.

On this the 24th day of October, 1904 before me,
the undersigned authority in and for the Southern District of
the Indian Territory, appeared in person Maxeppa T. Turner,
of Davis, Indian Territory, who being by me duly sworn deposes
and says: That affiant was married to his first wife, Laura
Turner on the 3rd day of January, 1860 as evidenced by my marriage
certificate now on file with your Honorable Body - and that my
said first wife, Laura Turner (nee Johnson) was never married to
any one except myself.

Maxeppa T. Turner

Subscribed and sworn to before me on this the 24th day of
October, 1904.

M. M. Lewis

Notary Public, Southern Dis. I. T.

My Commission Expires
December 2nd, 1904.

Chickasaw D-217.

In the matter of the enrollment
of Mazeppa T. Turner 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

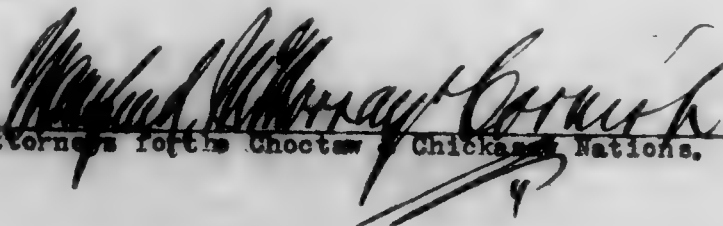
 CHAIRMAN.

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 Maseppa T. Turner; Chickasaw field number D-21 7.

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 Althea Paul, et al., vs. The Choctaw and Chickasaw Nations number 44, on the Tishomingo docket, in which case the court will decide the question of the citizenship rights, by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Chickasaw Nation not in accordance with the tribal laws 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 License

STATE OF TENNESSEE

COUNTY OF SHELBY

To anyone Legally Authorized to Solemnize Marriages:

This is to Authorize You to Solemnize the Rites of Matrimony

Between W. T. Turner

and Laura Johnson

of your County, agreeable to an Act of the General Assembly, in such cases made and provided; provided that there is no lawful cause to obstruct the Marriage for which this License is desired; otherwise these shall be null and void, and shall not be accounted any License or authority for you, or either of you, for the purpose aforesaid, more than if the same had never been prayed or granted.

Given Under my Hand at the Clerk's Office, in said County, this 3rd day of July 1862

John P. Tipton Clerk
J. P.

CERTIFICATES

STATE OF TENNESSEE,
SHELBY COUNTY,

I solemnized the Rites of Matrimony between the within named parties on the 3rd day of July 1862

Louis C. Taylor
Official Notary

STATE OF TENNESSEE,
SHELBY COUNTY,

I, J. R. A. Speed, Clerk of the County Court of said county, do hereby certify that the foregoing is a full, true and perfect copy of the MARRIAGE LICENSE issued to

Laura Johnson and the return thereon, as the same are on file in my office.

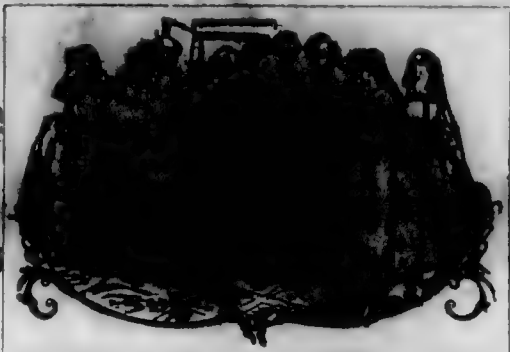
In testimony whereof, I have hereunto set my hand and official seal of said County at the County Clerk's Office, this 6th day of July 1862

J. R. A. Speed Clerk
J. R. A.

Marriage License

STATE OF TENNESSEE

COUNTY OF SHELBY



To anyone Legally Authorized to Solemnize Marriages:

This is to Authorize You to Solemnize the Rites of Matrimony

Between M. T. Turner
and Laura Johnson

of your County, agreeable to an Act of the General Assembly, in such cases made and provided; provided that there is no lawful cause to obstruct the Marriage for which this License is desired; otherwise these shall be null and void, and shall not be accounted any License or authority for you, or either of you, for the purpose aforesaid, more than if the same had never been prayed or granted.

Given Under my Hand at the Clerk's Office, in said County, this 3rd
day of July 1860
John C. Tipton Clerk

CERTIFICATES

STATE OF TENNESSEE, }
SHELBY COUNTY, } I solemnized the Rites of Matrimony between the within named
parties on the 3rd day of July 1860
Louis C. Taylor
Official Station

STATE OF TENNESSEE, }
SHELBY COUNTY, } I, R. A. SPEED, Clerk of the County Court of said county,
do hereby certify that the foregoing is a full, true and perfect copy of the MARRIAGE LICENSE
issued to M. T. Turner and
Laura Johnson and the returns thereon, as the
same appear of record in Marriage Record 2 Page 6 now on file in my office.

In Testimony Whereof, I have hereunto set my hand and official seal of said
County at the City of Memphis, this 3rd day of July 1860
R. A. Speed

Masopha T. Turner-----2

Q When did she come to the Chickasaw Nation? A In 1870.

Q You and your wife never made your actual residence in the Chickasaw Nation until ten years after your were married in Tennessee? A No sir, after the war was over and we got so we could come out we came here.

Q Were you ever married to your Chickasaw wife under a Chickasaw license? A No sir.

Q The only marriage ceremony was that under the license issued in Shelby county, Tennessee? A Yes sir. After we came to the Nation, they had not any form of law as they have now, and Governor Harrison at that time, an old friend of my folks and of my wife's, we went to him and asked him what course to pursue to be lawfully become Chickasaw citizens in this country. He said there was nothing in the world to do. Then when the Commission was appointed by the Chickasaws for the purpose of applicants coming before them I spoke again in regard to it and he said it was not necessary, "you have been always recognized as citizens and drawn annuities."

Q From the time you removed to the Chickasaw Nation and the Choctaw Nation in 1870, up to the present time, has your citizenship ever been questioned by the tribal authorities? A No sir, not until I was called before the Commission in regard to my last marriage.

Q When did your Choctaw wife die? A December 13, 1890, I believe.

Q You have married since that time? A Yes sir.

Q Whom did you marry? A Alice M. Aikin, a white woman.

Q When did you marry her? A In August 1891, I believe. You have everything before you; and as to other testimony to be taken I have nothing to put before you. You have everything in connection with my relations with the Chickasaws.

Q You have always lived in the Chickasaw Nation since 1870?

A In the Choctaw and Chickasaw Nations, since the 2nd day of January 1870, and been recognized and no man has ever questioned my right, and that marriage was six years before the treaty of 1866, and before any constitutional law was adopted. And they had told me that I was recognized as being a full blood Indian in every respect in as far as the law is concerned.

Q Do you want to submit your case upon the record as now made up? A Yes sir.

--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.

Subscribed and sworn to before me this 9th day of May 1902.

Charles H. Sawyer

Notary Public

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

In the matter of the application of
Mazeppa T. Turner for enrollment as an
intermarried citizen of the Chickasaw
Nation.

---D 217---

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 Mazeppa T. Turner 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 appeared in person, whereupon the following proceedings were had:

Mazeppa T. Turner, the applicant, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Mazeppa T. Turner.
Q How old are you? A Fifty three years old today.
Q What is your post office address? A Davis, Indian Territory, Chickasaw Nation.
Q You are a resident of the Chickasaw Nation? A Yes sir.
Q Have you always resided there, or how long have you been such a resident? A Since 1878; I have been a resident of the Choctaw and Chickasaw Nations since 1870.
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 was the name of your Chickasaw wife? A Laura J. Johnson
Q Where did you marry her? A In Shelby county, Tennessee.
Q You married her under a license obtained from the authorities of the county in which she resided at that time? A Yes sir.
Q Was she a recognized citizen of the Chickasaw Nation at that time? A Yes sir.
Q What was she doing in Tennessee? A Her parents were residing there then; she had not come west.
Q Had she ever been admitted to citizenship in the Chickasaw Nation at that time? A They drew their annuities at that time; I don't know whether they had been before the tribal authorities.
Q At the time you married Laura Johnson in Tennessee had she ever resided in the Chickasaw Nation, Indian Territory? A No sir, only came out on a visit with her parents looking after their annuities.
Q Had she drawn annuities as a member of that tribe at that time?
A Yes sir, that has been my understanding.

9-D-217

O. L. J.

[Handwritten signature]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

-oOo-

In the matter of the application for the enrollment of
Mazeppa T. Turner 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, 1860, the applicant, Mazeppa T. Turner, was lawfully married to Laura Turner (nee Johnson), a recognized citizen by blood of the Chickasaw Nation, the name of whose child by said marriage, Edward B. Turner, appears as No. 3685 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 of the State of Tennessee; that in the year 1870 they removed to and became residents in good faith of the Chickasaw Nation; that they lived together continuously as husband and wife in the Choctaw-Chickasaw country from the year 1870 until the death of the said Laura Turner (nee Johnson), in the year 1890; and that thereafter, on August 13, 1891, the applicant married Alice M. Aikin, a noncitizen white woman.

It appears from the evidence herein that the applicant has resided continuously in the Choctaw-Chickasaw country from the year 1870 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. 1, page 132, and also upon the 1896 Chickasaw Census Roll, Tishomingo county, page 23.

It is therefore the opinion of this Commission that Mazeppa T. Turner should be enrolled as a citizen by intermarriage of the Chickasaw Nation under the provisions of the Acts of Congress approved June 26, 1890, (50 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,
JUN 30 1905

Edw. B. Turner.

Q Did you marry again? A Yes sir, my present wife after losing my first wife.
Q What was her name? A Alice Minor Akin.
Q Is she a white woman? A She is a white woman, yes sir.

Edward B. Turner, son of the applicant by his wife Laura, is identified upon the Chickasaw Field Card, number 1366 and is number 3865 on the Final Roll, approved December 12, 1902.

Daughter of the applicant by the said Laura Johnson is identified upon the Chickasaw Field Card, number 1365 and is number 3862 upon the Final Roll approved by the Secretary of the Interior December 12, 1902.

Q You were never admitted by an act of the Council, were you? A By the Chickasaw Council, no sir.

Q Was your wife admitted by the Council? A Never by the Council.

Q Have you been recognized by the authorities of the Chickasaw Nation as an intermarried citizen? A Yes sir.

Q Have you drawn money with the Chickasaws? A Ever since been in the country.

The name of the applicant is identified upon the 1893 Chickasaw Pay Roll, number 1 and also upon the 1896 Chickasaw Census Roll, Tishomingo County.

Daisy D. Daubin, stenographer to the Commission to the Five Civilized Tribes, states on oath that the above and foregoing is a true, full and correct transcript of her stenographic notes taken in the above entitled cause at Muskogee, Indian Territory on August 22, 1904.

1904.

Sworn to before me this the 2nd day of September,

Charles T. Johnson
Notary Public.

9-D-217.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, AUGUST 22, 1904.

In the matter of the application for the enrollment of
Mazeppa T. Turner as a citizen by intermarriage of the Chicka-
saw Nation.

Mazeppa T. Turner, being first duly sworn, testified
as follows:

Examination by the Commission.

- Q What is your name? A Mazeppa Thomas Turner.
- Q How old are you? A Sixty-four years old, the 8th day
of this last May.
- Q What is your post office address? A Davis, Indian
Territory.
- Q You are a white man? A Yes sir.
- Q You do not claim any rights as an Indian by blood? A None
whatever.
- Q Claim rights as an intermarried citizen? A Yes sir.
Under the thirty-eight Article of the Treaty, I believe.
- Q What is the name of the Indian, through whom you claim
your rights? A Laura J. Johnson, maiden name of my first
wife.
- Q She was your first wife? A Yes sir.
- Q You were married in Tennessee? A Yes sir, in Shelby
County, Tennessee.
- Q What is the date of the marriage? A Third day of
January, 1860.
- Q When did you to remove to the Territory? A In 1870.
- Q Did your wife come with you at that time? A Yes sir.
- Q Where have you resided since then? A In the Choctaw
Nation first two years, then moved to the Chickasaw, then back
to the Choctaw Nation.
- Q Since 1870, lived altogether in the Choctaw-Chickasaw
Nations? A Every moment and with my precious wife until
the day of her death.
- Q How long did you and your wife live together? A From
the 3rd day of January, 1860 till December 13, 1890.
- Q During that time any separation, abandonment or divorce?
A Never in the world, sir.
- Q Was that the only marriage ceremony, the one in Tennessee?
A With that wife, yes sir.

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

-000-

In the matter of the application for enrollment as a
citizen by intermarriage of the Chickasaw Nation of
MAZEPPA T. TURNER - - - 9-D-21V.

-000-





9-D-128

Muskogee, Indian Territory, June 4, 1905,

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

COPY.

Inclosed herewith you will find a copy of the decision of this Commission rendered June 6, 1905, granting the application for the enrollment of George Washington Holder 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 pretest 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.
Incl. 9-D-128.

Commissioner in Charge.

See 9-761 for registry receipt for this letter.

9-D-128

Muskogee, Indian Territory, June 6, 1905.

Ledbetter & Eldsco,
Attorneys at Law,
Ardmore, Indian Territory,
Gentlemen:

COPY.

You are hereby notified that the Commission to the Five Civilized Tribes, on June 6, 1905, rendered its decision, granting the application for the enrollment of George Washington Holder, 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.*

Registered.

Commissioner in Charge.

9-D-128

Muskogee, Indian Territory, June 6, 1905.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

COPY.

You are hereby notified that the Commission to the Five Civilized Tribes, on June 6, 1905, rendered its decision, granting the application for the enrollment of George Washington Holder, 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.

Commissioner in Charge.

Registered.

9-D-128

Muskogee, Indian Territory, June 6, 1905.

George Washington Helder,
Chickasha, Indian Territory,

COPY.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 6, 1905, granting the application for your 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

I. B. Needles.

Commissioner in Charge.

Registered.
Incl. 9-D-128.

4-1186

Washington, Indian Territory, November 21, 1904.

L. V. Holder,

Chickasaw Indian Territory

Dear Sir:

Receipt is hereby acknowledged of your letter of November 17, 1904, stating that the certificate of your marriage to Lottis Holder has been issued, but that you will furnish a sworn statement of several disinterested witnesses and mail the same to the Commission as soon as it is possible to obtain the affidavits.

In reply to your letter you are informed that this evidence should be furnished as early as practicable that a decision may be made of your application for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Chairman.

9-D-122

Muskogee, Indian Territory, November 5/1904.

Washington Holder,
Muskogee, 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 copy of your marriage certificate, showing your marriage to Lottie Holder (nee Love). If you are unable to secure the said certificate, the sworn statement of two disinterested parties, witnesses to said marriage, will be accepted.

This matter should receive your immediate attention.

Respectfully,

JD

Chairman.

9-D-128

Muskogee, Indian Territory, November 1, 1904.

George Washington Halder,
Admore, 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 copy of your marriage certificate, showing your marriage to Lottie Holder (nee Love). If you are unable to secure the said certificate, the sworn statement of two disinterested parties, witnesses to said marriage, will be accepted.

This matter should receive your immediate attention.

Respectfully,

Commissioner in Charge.

Chickasaw
Chectaw D 120

Muskogee, Indian Territory, September 26, 1904.

Bend & Melton,

Care Fisher Hotel,

Tishomingo, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of September 21, asking that there be furnished you by September 25, 1904, for use before the Chectaw and Chickasaw Citizenship Court, certified copy of the marriage license of G. W. Holder and certificate showing the enrollment of his wife.

In reply to your letter you are informed that your communication was not received in time to send you the data requested at the time mentioned. You are informed, however, that on September 23, 1904, upon his personal request, there was delivered to Mr. Gernish of the firm of Mansfield, McMurray & Gernish, a certificate of the enrollment of Lettie Holder, wife of George Washington Holder, which he stated he desired to file in the case of G. W. Holder pending before the Chectaw and Chickasaw Citizenship Court, and it is presumed that such certificate has heretofore been filed in the case.

Respectfully,

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS S. 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-128.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 17, 1902.

George Washington Holder,
Ardmore, 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 6th 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.

Commissioner in Charge.

... for the purpose of ...
... for the purpose of ...

... for the purpose of ...
... for the purpose of ...

... for the purpose of ...
... for the purpose of ...

... for the purpose of ...
... for the purpose of ...

... for the purpose of ...
... for the purpose of ...

Commission, Indian Territory, September 22, 1900.

Attorneys & Clerks

Governors at Law

Arkansas, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 19th instant in the matter of the application of George W. Holder for citizenship in the Chickasaw Nation.

You state that about the receipt of the Commission's letter of the 22nd of September, Mr. Holder was informed you that he appeared before the Commission at Ardmore and made application for citizenship based upon the judgment of the United States Court in his favor in the case of John F. Holder et al versus the Chickasaw Nation, and that he now desires to be informed if having once appeared in person and presented his application in person under and by virtue of the judgment of the court whereby his citizenship by blood has been established and having subsequently appeared at Lebanon and there having made application for enrollment by reason of his marriage to a citizen of the Chickasaw Nation, would it be necessary for him to again appear before the Commission in person as stated in the Commission's letter of September 24th.

You are informed that since writing you September 24th, the Commission finds that George Washington Holder, under the name of George Holder and claiming a right to citizenship by virtue of a judgment of the United States Court for the Southern District of the Indian Territory, in court case No. 77, was listed for enrollment

(3)

If George W. Kolder desires to make application for enrollment as a citizen of the Chickasaw Nation, by virtue of the judgment of the United States Court for the Southern District of the Indian Territory, then he should appear in person before the Commission for the purpose of an examination under oath, so that a sufficient statement may be taken upon which the Commission can determine his rights to enrollment under said judgment and for transmission to the Secretary of the Interior when the final rolls of citizens of the Chickasaw Nation are sent to him for approval.

Yours truly,

Acting Chairman.

In reply please
refer to 9-D-128.

of Pickens County, Chickasaw Nation, in 1888. Also appointment of Geo. W. Holder as trustee of the Ardmore schools in 1898. Also the order of the County Judge of Pickens County, Chickasaw Nation, to stop Geo. Holder from intruding on Anderson's claim.

The records of the Commission further show that on October 4th, 1898, that George Washington Holder appeared before the Commission and made application for enrollment as an intermarried citizen of the Chickasaw Nation, claiming such right through his marriage to Lottie Holder, nee Stewart, in 1888, at which time they were married under the laws of the United States and two weeks later remarried in accordance with the laws of the Chickasaw Nation. This is the only record the Commission has of any application being by Mr. Holder for citizenship in the Chickasaw Nation and his claim seems to be entirely dependent upon such rights to enrollment as an intermarried citizen by virtue of his marriage to Lottie Stewart.

There is no record of his having claimed by virtue of any judgment of the United States Court for the Southern District of the Indian Territory did on March 15th, 1898, in the case of John P. Holder, et al., vs. the Chickasaw Nation, admit to citizenship in said Nation George W. Holder in court case No. 77. There is no record of the Geo. W. Holder in said judgment ever having appeared before the Commission and having made application for enrollment in pursuance of the said judgment and the Chickasaw Nation is merely protesting his right to enrollment as an intermarried citizen and taking no cognizance of the judgment of the court.

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.

Muskogee, Indian Territory, September 24, 1900.

Ledbetter & Bledsoe,
Attorneys at law,
Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 21st instant in which you state that Mr. George W. Holder of Ardmore has handed you the Commission's letter of the 16th of August and also letter of the 18th of September as to the protest filed by the Chickasaw Nation against his enrollment.

You state further in your letter that Mr. Holder appeared at Lebanon, Indian Territory, and submitted certain proof consisting of the depositions of citizens showing that he had been legally married according to the laws of the Chickasaw Nation. You now desire to be informed if the Commission has this evidence and also as to whether the protest, filed by the Chickasaw Nation, raises the validity of Mr. Holder's rights to enrollment under the judgment of the United States Court in the case of John P. Holder, et al., vs. the Chickasaw Nation.

You are informed that the records in this case contain the testimony of Lottie Holder and George W. Holder before the Commission, October 4th, 1898. Also the affidavits of Guy Keel, C.N. Love, G. Watkins, as to the marriage of Geo. W. Holder and Mrs. Lottie Stewart. Also the appointment of Geo. W. Holder as a road overseer

Washoe, Indian Territory, December 12, 1900.

Mr. V. Holder,

Washoe, Indian Territory.

Dear Sir:-

Since notifying you on August 14, 1900, of the protest filed by the Washoe Indian in your enrollment as a citizen of the Chickasaw Nation, the Commission has been furnished by the United States with the grounds upon which objection is made to your enrollment. The question raised is as to your right to enrollment under your present name.

The Commission is in possession of a particular certificate of facts upon which a decision may be rendered and in your case it may not be necessary for you to appear at the appointment in Washoe beginning December 12th, 1900.

The Commission will accept and consider any written appearance 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,
August, 18th 1900.

Geo. W. Holder,
Ardmore, 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-136

2.

thing about it. I have thought that in the future we might go back together. He has not tried particularly to get me to go back.

He has not said anything to me about what I am so say here today.

He did not bring me here. My oldest son brought me here.

Col. Needles: It appears to me that you would not leave your husband without some knowledge of his living in adultery.

Ans. If I knew anything I would tell it.

G. Holder being ~~sworn~~ sworn says:

I live in Ardmore. I am the husband of Lottie Holder. I lived with her 15 years. She left me because she thought I was stuck on another woman. I was not that anyone knew of. Some few people thought it. They did not know anything.

I rented my house to a man who let her stay there and work for him. She remained there two months. I was there part of the time. I do not know where the woman is now.

I and the woman and her husband drove over town some two times before my wife left me. These are the only times I went driving with the woman. I never heard of the neighbors being suspicious of me. I was there part of the time when she was living in my house.

I divided my property with my wife about one month ago. I could not get along with my step son. I gave her one half of all I had. My stepson is 26 years old, and unmarried.

I first married a ^{Choctaw} ~~Choctaw~~ woman under United States law. She died and they struck her name from the rolls. I was never an intermarried Choctaw.

In the matter of the application of G.W.Holder for enrollment as a Chickasaw citizen by intermarriage:

Lottie Holder being sworn says:

I live at Holder, Chickasaw Nation. I was born and raised in the Chickasaw Nation. I am a Chickasaw by blood. I am the wife of G.W.Holder. I married him in 1882. I am not now living with him. I lived with him about 15 years.

I left him because I thought he was living in adultery. I thought so because I was like everybody else. I did not have any proof. No one told me so.

I did not apply for a divorce. I did not because I did not think I needed any, and did not want any. I just did not want to live with him and I left him. I left him two years and five months ago.

He treated me well and provided well for me.

I have no proof of his adultery. It was the general report in the neighborhood. He drove around with the woman is all the proof I had. I asked him not to drive around with her and that if he did not quit it I would not live with him.

I had a few words with the woman. That is all. I had no personal encounter with her. We had a scrap with our tongues. I did not horsewhip her.

I am not as positive now that he committed adultery as when I left him. I never saw anything wrong between them. I heard other people talking. Bill Stephens told me the woman was there and that he could not get her away. She was boarding at Stephens', in Holder's house. She is not there now. I never saw them together in the night time.

I might live with him again in the future. We have talked some -

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George Holder.

George Holder says:

I have lived in the Territory 30 years. I lived in the Choctaw Nation 7 years, and have lived here 17 years. I married a Chickasaw woman in 1880 and am now separated from her. I have been for 2 years.

Ardmore, Sept. 23 1898.

George Holder

enrolled.

United States of America,
Indian Territory, Southern District.

Personally appeared before me, the undersigned a Notary Public for said District, Guy Keel, who makes affidavit and solemnly swears: My name is Guy Keel; I am 28 years of age; my post-office address is Ardmore, I. T. I am a citizen by blood of the Chickasaw Nation. I was clerk of the county and probate court of Pickens County, Chickasaw Nation, from the 8th day of August, 1894, up until the first of September, 1898. As such clerk I know that the marriage license of George Holder, of Ardmore, I. T., to Mrs. Lottie Stewart, a recognized by blood of the Chickasaw Nation, is recorded on the proper record books in such office. The said record was destroyed by fire on the 4th day of February, 1898, by the burning of the private office of the county and probate clerk, near the town of Lebanon, I. T., at which time I was clerk as aforesaid, and at which time the said records were in my possession.

I am not related by blood or marriage to Mrs. Lottie Halder nee Stewart or to George Halder, and am not in any wise interested in the matter of George Holder to Chickasaw Indian citizenship, but give this affidavit in order that justice might be done him in the premises.

Subscribed and sworn to before me, this the 28th ^{sept} 1898

My Commission expires in August, 1902.

United States of America)
Indian Territory) ss C. W. Love
Southern District)
Case of Geo Holder

On this 1st day of Oct 1898. before me the undersigned, a notary within & for the Southern District of the Indian Territory, personally came and appeared Chester W. Love, who being duly sworn by our deponent and says that

In Oct 1896 I was one of the census enumerators appointed by the Chickasaw Government for Pickens county, and while in office I enrolled the name of Geo Holder as a citizen of said Chickasaw Nation

C. W. Love

Witnessed and sworn before me this 1st day of October 1898

D. E. Grinstead
Notary Public

Office of County Judge
Pickens County Q. C.

By Virtue of office and in
persuance to the 2^d Sec of an act in relation to Roads
found on page 48 Chickasaw Law Books & have this
day appointed and do hereby appoint and Commission
George W. Holder Road Carster "on that portion of
the County Road commencing at Hickory Creek two
miles and in full south of East of Red Cross oil Springs
and north to same to where the road crosses"
As shown on map at Price Archard's mill
and "

Given under my hand this 20th day of Dec^r
1883

W. B. Weston
Chk. P. C. & C.

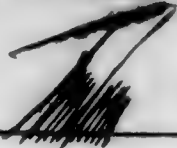
A. F. Law
County Judge
P. C. & C.

155.

Apprentice
of
George Touper
John Currier

Nation, in Tishomingo case number 42.

IN WITNESS WHEREOF, I have hereunto set my hand as Chairman
of the Commission to the Five Civilized Tribes, this 23rd day of Sep-
tember, 1904.

A handwritten signature in dark ink, appearing to be 'W. H. H. H.', written over a horizontal line.

Chairman of the Commission to the Five Civil-
ized Tribes.

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

I, Tans Bixby, Chairman of the Commission to the Five Civilized Tribes, do hereby certify that George Washington Holder, now about sixty-four years of age, is an applicant to this Commission for enrollment as a citizen by intermarriage of the Chickasaw Nation, claiming such right by virtue of his marriage, in 1880, to Lottie Holder, (nee Love), a recognized and enrolled citizen by blood of the Chickasaw Nation, who has heretofore been enrolled by the Commission to the Five Civilized Tribes as a citizen by blood of the Chickasaw Nation, and whose name appears upon the final roll of such citizens, as approved by the Secretary of the Interior, opposite number 3051, as Lottie Holder.

I further certify that the said George Washington Holder, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats. 321), made application to this Commission for admission as a citizen by blood of the Chickasaw Nation, in the case of John P. Holder, et al, versus the Chickasaw Nation, (1896 Chickasaw Citizenship Case, Number 62; That he was, on November 10, 1896, denied admission as a citizen by blood of the Chickasaw Nation, by this Commission, from which decision an appeal was taken to the United States Court for the Southern District of the Indian Territory, which court, at Ardmore, Indian Territory, on March 15, 1898, admitted the said George Washington Holder as a citizen by blood of the Chickasaw Nation.

It further appears from the records in the possession of the Commission to the Five Civilized Tribes that the said George Washington Holder is now an applicant before the Choctaw and Chickasaw Citizenship Court for admission as a citizen of the Chickasaw

State of America,
District, Indian Territory.

personally appeared before me the undersigned a Notary Public,
James Watkins, who makes affidavit that he is James Watkins; that
his most office address is Ardmore, Chickasaw citizen by blood and
Indians.

Affiant further says that he is personally acquainted with
George W. Holder and has known him from his earliest recollection,
and knows that he has been living with Lottie Holder as her husband
for the past ten years. Affiant further says that he was present
at Oakland, Pickens County, Chickasaw Nation, Indian Territory some-
time in the month of September, 1898, at which time the Chickasaw
Authorities were taking a roll of citizens of the Chickasaw Nation
and that Cliff Love was the enrolling officer and taking said cen-
sus; that affiant and said George W. Holder went from Ardmore to
Oakland to be enrolled and that affiant was with said George W.
Holder when he was enrolled by said Cliff Love.

Affiant says that he may be mistaken about it being in Sep-
tember but knows that it was in the fall of 1898.

James Watkins

subscribed and sworn to before me this the 1st of October, 1898.

L. V. Muller

G W Hilder

Index of removals

Office of County Judge of
Pickens Co. S. C.

By virtue of
law and authority vested in me I
do hereby order the Sheriff of Pickens
County to stop Geo. Holder from
improving any more in side of
444 yards of Mrs. Anderson's claim.
Arise jail not but make due return
of this order with your action
thereon endorsed.

Given under my hand
and seal of Office

Attest
Miss Corbin

This 18th of June 1884

C. Robert,
Judge of Pickens Co.

✓

George Washington

Dear Sir

Received of you
the sum of \$100
on the 10th of
November 1788
for the purchase
of land

2125

George ...

"

...

...

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

In the matter of the application of
George Washington Holder for enroll- -----D 128-----
ment as an intermarried citizen of
the Chickasaw Nation.

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 George Washington Holder 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 6th day of March, 1902, for final consideration.

On the 26th day of April, 1902, Messrs Ledbetter and Bledsoe, 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 said action.

Now, on this 3rd 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 Ledbetter and Bledsoe, Ardmore, Indian Territory, and requested twenty days time for the applicant to make personal appearance and file Chickasaw marriage record, which was granted.

-----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 his stenographic notes of said proceedings on said date.

Harry C Risteen

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

[Signature]
Notary Public.

Q Who married you? A Cole, a preacher.
 Q You have lived with your wife since that time? A I lived with her up until five years ago the 15th of this month; she quit me and went home.
 Q You say you drew the land district payment made in 1893? A Yes sir, and I drew thirteen dollars once before.
 Q You drew for yourself, or did you draw for yourself, your wife and children? A I drew for myself.
 Q Did you draw the one hundred and thirty dollars paid to the Chickasaws in 1893? A Yes sir, I drew it I guess as intermarried citizen.
 Q That was a payment to citizens by blood? A Yes sir.
 Q Then how did you get it? A Charley Carter bring it to me.
 Q When did you separate from Lottie Holder? A The 15th of this month five years ago.
 Q Have you ever been divorced from her? A No sir.
 Q Have you married since? A No sir.
 Q Has she married since then? A No sir.
 Q You have not your original Chickasaw marriage license and certificate? A No sir, it was burnt up.
 Q Your first marriage to Lottie Holder was under United States license? A Yes sir.
 Q And then after that you got out a Chickasaw license? A Yes sir.
 Q Where was Lottie Love living when you married her? A At a little town called Holder, it taken its name from me; we lived together about fourteen years.

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 30th 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 31st day of May, 1902.

Wm. H. [Signature]
 Notary Public.

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

In the matter of the application of
George Washington Holder for enroll-
ment as an intermarried citizen of
the Chickasaw Nation.

---D 128---

Now, on this 20th day of May, 1902, this cause coming on to be heard pursuant to certificate heretofore granted and entered of record on the 3rd day of May, 1902, the applicant appears in person; no appearance by the Chickasaw Nation, and the following proceedings were had:

George Washington Holder, having been first duly sworn, upon his oath states as follows:

Examination by the Commission:

- Q What is your name? A George Washington Holder.
Q What is your age? A Fifty two the 22nd day of February coming.
Q What is your post office address? A Ardmore, Indian Territory.
Q How long have you lived in the Chickasaw Nation? A Thirty five years.
Q Are you a white man? A I claim to be an Indian.
Q A member of what tribe? A Chickasaw tribe.
Q How did you become a citizen of the Chickasaw Nation? A My grandmother was a half breed Chickasaw.
Q Was your grandmother or any of your people ever recognized or enrolled by the Chickasaw tribal authorities as citizens of the Chickasaw Nation? A I couldn't tell you.
Q Have you ever been enrolled? A Yes sir.
Q When? A I don't know when.
Q Did you ever draw any money? A Yes sir.
Q What money did you draw? A \$130.00
Q As a citizen by blood or intermarriage? A I always claimed both.
Q Were your rights as a citizen by blood of the Chickasaw Nation ever recognized by the Chickasaw tribal authorities? A No sir.
Q Your rights are dependent upon a judgment of the United States Court for the Southern District of Indian Territory? A Yes sir.
Q Before you were admitted to citizenship in the Chickasaw Nation by the United States Court for the Southern District of Indian Territory you had married a Chickasaw woman? A Yes sir.
Q What was her name? A Lettie Stewart at the time, but her maiden name was Lettie Love.
Q Was she a citizen by blood of the Chickasaw Nation? A Yes sir.
Q When did you marry her? A Nineteen years ago in June--eighteen or nineteen.
Q Were you married to her under Chickasaw license? A Yes sir.
Q How much did you pay for your license? A \$50.00

is not a citizen by blood of the Chickasaw Nation.

It is the opinion of this Commission that the denial by the said Choctaw and Chickasaw Citizenship Court of the application of the said George Washington Holder for admission as a citizen by blood of the Chickasaw Nation in no way affects his right to enrollment as a citizen by intermarriage of said Nation.

It is further 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 Washington Holder 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,
JUN - 6 1905

AS

9-D-128.

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

In the matter of the application for the enrollment of George Washington Holder 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 July, 1882, the applicant, George Washington Holder, was married in accordance with the laws, customs and usages of the Chickasaw Nation to Lottie Holder (nee Love), a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name appears as No. 3051 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 May, 1897, when they separated and were subsequently divorced; that the applicant has resided continuously in the Chickasaw Nation from the date of his said marriage to Lottie Holder up to and including September 25, 1902.

It appears from the records of the Commission that on September 10, 1896, in the case entitled John P. Holder et al., vs. the Chickasaw Nation", (1896 Chickasaw Citizenship Docket, Case No. 62), the applicant herein made original application to this Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Chickasaw Nation as a citizen by blood thereof; that on November 10, 1896, the Commission rendered its decision therein, refusing said application; that from this decision an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, in the case entitled "John P. Holder et al., vs. Chickasaw Nation" (Citizenship Case No. 77), on March 15, 1898, admitted said applicant as a citizen by blood of the Chickasaw Nation.

It further appears from the records 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 Stats., 641) "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Southern District of Indian Territory admitting said George Washington Holder as a citizen by blood of the Chickasaw Nation. Said cause was, thereafter, duly certified to said Choctaw and Chickasaw Citizenship Court for a trial de novo and said Court, on September 26, 1904, in case No. 42 upon its Tishomingo Docket entered of record a decree denying the application of George Washington Holder, and declaring that he

George Washington Holder-----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 24th 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.

George Washington Holder-----2

- Q Where did you get your license? A From the county clerk; I don't know his name.
- Q In the Chickasaw Nation? A Yes sir.
- Q Was your wife living in the Chickasaw Nation? A No sir, lived in the Choctaw Nation.
- Q Where were you living? A I was living at that time in Denison. When I married I came up to Steuart, a brother-in-law of mine, and married her up there.
- Q What year did you get that license? A I think it was in '70; I think that was it.
- Q How long did you live with your Choctaw wife? A Lived with her until she died--about three years. I lived at Boggy Depot. Peter Maytubby knows me and my wife.
- Q After her death did you remarry? A Yes sir.
- Q Who did you marry next time? A Lottie Stewart was her maiden name. She was a Love when I married her.
- Q When did you marry her? A '82.
- Q Married under a United States license? A Yes sir.
- Q Afterwards married her under a Chickasaw license? A Yes sir.
- Q When were you married under the Chickasaw license? A In that year.
- Q Same year? A Yes sir.
- Q From whom did you obtain this Chickasaw license in 1882? A I think it was either Pickens or Love. Ben Stewart got them for me.
- Q How much did you pay? A \$50. July, '82 I think it was.
- Q Lottie Love still living? A Yes sir.
- Q You live with her? A No sir.
- Q Separated? A Yes sir.
- Q Divorced? A Yes sir.
- Q What is the cause of the separation and divorce? A Well, she claimed one thing and I claimed another. She had two step-children and we couldn't get along and we separated.
- Q Was a divorce granted? A Yes sir.
- Q Who brought the suit for divorce? A I did.
- Q What grounds? A She left me and I supported my girls.
- Q Under what name does your wife now go? A Lottie Holder, I reckon
- Q You claim your rights then as an intermarried citizen of the Chickasaw Nation by reason of your marriage to your Chickasaw wife Lottie Love? A Yes sir.
- Q Have you ever married since your divorce from your Chickasaw wife? A Yes sir, I married about two months ago. I lived single six years.
- Q Who did you marry that time? A White woman.
- Q When? A Two months ago, in Ardmore.
- Q What was the exact date of it? A I couldn't tell you, been about two months ago.
- Q Have you got your marriage license and certificate? A This last time, no sir.
- Q Well, when was that last marriage? A I couldn't tell; It was in October some time.
- Q It has been two months since the Commission was at Ardmore?
- A Well it was just about two weeks before the Commission came to Ardmore.
-

Department of the Interior.
Commission to the Five Civilized Tribes.
South Dakota, U. S., December 24th, 1902.

Chickasaw B-128
Intermarried

-----000-----

In the matter of the application of George Washington Holder for enrollment as an intermarried citizen of the Chickasaw Nation.

George Washington Holder being first duly sworn testified as follows:

Examination by the Commission.

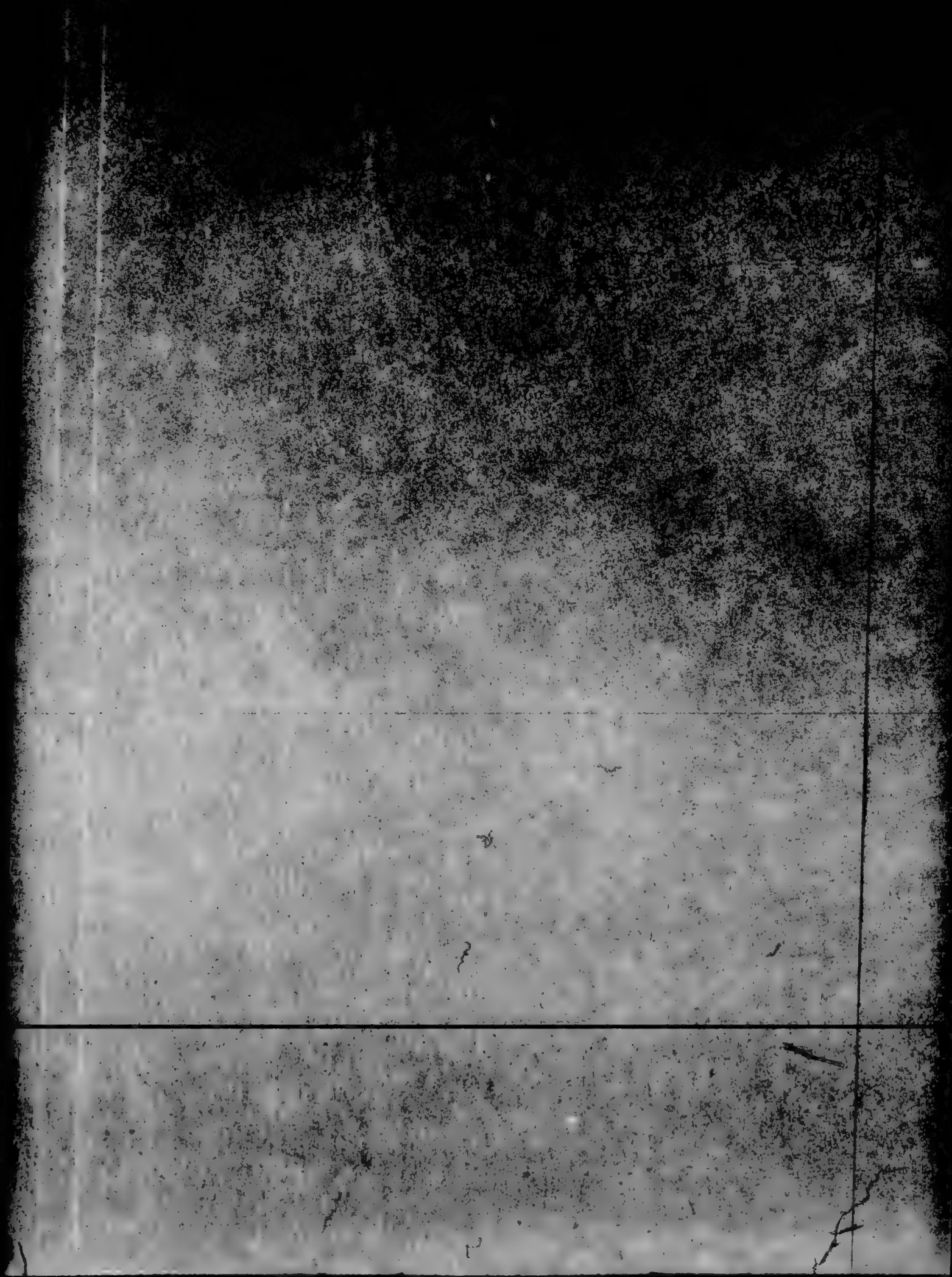
- Q What is your name? A George Washington Holder.
Q How old are you? A I am fifty-two.
Q What is your post office address? A Ardmore.
Q Live in the Chickasaw Nation? A Yes sir.
Q How long have you resided in the Chickasaw Nation? A I resided I guess about thirty years, and two years in the Choctaw Nation.
Q Lived here continuously for the past thirty-two years? A Yes sir.
Q Never have made your home outside the Choctaw-Chickasaw country? A No sir.
Q You are a white man? A Yes sir.
Q Where were you born? A I was born in Kiamitia county.
Q You claim to be a citizen by blood of the Chickasaw Nation? A Yes sir, my folks did.
Q You applied to the Dawes Commission to be admitted in 1896? A Yes sir.
Q Had you ever prior to that application been recognized by the Chickasaw tribal authorities as a citizen by blood of the Chickasaw Nation? A No sir.
Q What action did the Dawes Commission take on your application? A I don't recollect; I wasn't there myself; my brother attended to it and I never went myself; they put me on.
Q You was admitted by the United States Court for the southern district of the Indian Territory, as a Chickasaw by blood? A Yes sir.
Q You are now making application to be enrolled as a citizen by intermarriage of the Chickasaw Nation? A Yes sir, I married two Indian women, Choctaw woman and Chickasaw both.
Q Which one did you marry first? A Choctaw first.
Q What was her name? A Betty Lane.
Q Recognized citizen by blood of the Choctaw Nation? A Yes sir.
Q When did you marry her? A In '90.
Q That the first time you ever married? A Yes sir.
Q Was Betty Hazel ever married before that? A Yes sir, had a child named Willie Lane.
Q Where did you marry her? A Colbert station. Judge Colbert married me.
Q This woman was a Choctaw? A Yes sir.
Q Were you married to her under a Choctaw tribal license? A Yes sir I paid said; that's all they paid them days.

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

Record in the matter of the application for the enrollment
as a citizen by intermarriage of the Chickasaw Nation of -

George Washington Holder.

9-D-128.



9-1814.

Muskogee, Indian Territory, June 24 1906.

COPY.

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 June 23 1906, granting the application for the enrollment of J. H. Powell 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

Tams Bixby

Registered.
Incl. Memorandum-77

Chairman.

9-1614.

Muskogee, Indian Territory, June 24 1905.

Ledbetter, Bledsoe & Thompson,
Attorneys at Law,
Pauls Valley, Indian Territory.

COPY.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 22 1905, rendered its decision, granting the application for the enrollment of J. H. Powell 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

Tamo Bixby

Registered.

Chairman.

9-1014.

Muskogee, Indian Territory, June 24, 1905.

J. H. Powell,
Womack, Indian Territory,

COPY.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 2, 1905, granting the application for your 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

Tams Bixby

Registered.
Incl. Memorandum-77

Chairman.

Delley, Indian Territory, and made application for identification as a member of the Chickasaw Tribe of Indians by intermarriage; that the statements and allegations contained in the above and foregoing affidavit of the said J. H. Powell are true as he personally well knows, insofar as they refer to the said F. M. Fox

F. M. Fox

SUBSCRIBED and SWORN TO before me this the 6th day of ~~November~~ December, 1904.

Chickney
Notary Public

citizen." He then asked, "is your wife here," and I replied, "no, we parted several years ago." He then asked, "have you married agin," and I replied, "I have;" and he then asked, "is she an Indian or a white woman," and I replied, "she is a white woman," and he said: "step aside, sir," and I did so.

During the month of February, 1904, I went before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and the said Commission refused to take any action whatever in the matter of my application for identification, and gave as its reasons that I had failed to appear within the time provided by law. It stated also that there was no record before the Commission of my appearance and application at Pauls Valley, Indian Territory, in 1898.

At the time I appeared before the Commission to the Five Civilized Tribes at Pauls Valley, I was represented by F. M. Fox.

J. H. Powell

SUBSCRIBED and SWORN TO before me this the 6 day of November, 1904.

Chas. H. H. H.
Notary Public.

UNITED STATES OF AMERICA,
The Indian Territory,
Southern Judicial District.

F. M. FOX, being first duly sworn, states that he is acquainted with J. H. Powell; the party making the above and foregoing affidavit; that he has read the same; that he is the F. M. Fox referred to therein; that he resides at Ardmore, Indian Territory, and is a practicing attorney; that he represented the said J. H. Powell in 1898 when he appeared before the Commission to the Five Civilized Tribes, at

UNITED STATES OF AMERICA,
The Indian Territory,
Southern Judicial District.

IN THE MATTER OF

The application of *J. H. Powell,*

For citizenship in Chickasaw Nation:

On this day personally appeared before me *J. H. Powell,* who, on his oath, states;

My age is fifty eight years; my post-office is *Womack, Chickasaw nation, Indian Territory;* I have lived in the *Chickasaw nation* continuously since 1874. In 1879 I was married to *Julia Elizabeth Reynolds,* a *Chickasaw Indian* woman by blood, duly recognized and enrolled as such. The marriage took place at her father's house near *Rock Springs, Chickasaw Nation,* which said place is located below *Colbert, Indian Territory.* I was married under a *Chickasaw marriage* license issued by *Judge Murray,* at that time *Judge of Benola County, Chickasaw Nation, Indian Territory,* and the said *Judge Murray* performed the marriage ceremony. Ever since my marriage I have been duly recognized as a member of the *Chickasaw Tribe of Indians,* and my name has appeared upon all the rolls made since said time up to and including the *1898 Lease District Roll,* and I drew the annuity money paid out in *1898* to the *Chickasaws.*

In *1898,* at *Pauls Valley, Indian Territory,* I went before the *Commission to the Five Civilized Tribes* for identification and to have my name enrolled as a member of the *Chickasaw Tribe of Indians* by the said *Commission.* I went before the man who was in charge of the enrolling of persons who made application, and he asked me if I came to *powell;* I replied "I did;" he then asked me, "are you an Indian by blood," and I replied, "no, I am not; I am an intermarried

No. _____

*In the matter of the applica-
tion of J. H. Powell for citi-
zenship in Chickasaw Nation.*

VS.

AFFIDAVIT.

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

MAY 20 1905

[Signature] CHAIRMAN

J. B. THOMPSON,
ATTORNEY AT LAW
PAULS VALLEY, I. T.

I solemnized the rites of Matrimony
between the parties named in the
within issue, by uniting them
in marriage, agreeable to the laws
of the Chickasaw Nation.

October 1877

H. Murray, Judge
U.S. Court, P.C. 671

I do hereby certify that the above is a true
copy of the original of issue, as set forth
under my hand this 24th Nov. 1877

H. F. Lindsey

P.C. 671

I do hereby certify that the foregoing is
a true and correct copy of the license
of J. H. Tamm and J. H. Reynolds
now on record in the clerk's office
of Tarrant County, Tex.

Witness under my hand
and official seal this the
13th day of Apr. 1878

N. Shack

County Clerk
Tarrant County, Tex.

Nation, and approved by the Secretary of the Interior December 12, 1902, but whose enrollment was cancelled by the Department of the Interior on July 2, 1904, she having died prior to September 25, 1902; that on the date of said marriage, both persons above mentioned were residents in good faith of the Chickasaw Nation; that they lived together in said Nation as husband and wife for about ten years, when they separated and were subsequently divorced; that thereafter, the applicant married Belle Evits, 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 said marriage to Julia Elizabeth Reynolds in 1879, up to and including September 25, 1902.

Upon an examination of the tribal rolls in possession of the Commission, the applicant is identified upon the 1893 Chickasaw Leased District Payment Roll, No. 2, Page 182, as J. H. Powels.

The Commission is of the opinion that the evidence establishes that an application was made by said J. H. Powell for enrollment 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 Stats., 641).

It is further 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, J. H. Powell should be enrolled as a citizen by intermarriage of the Chickasaw Nation, in accordance with the provisions of the Act 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,

JUN 22 1905

Handwritten initials

Memorandum-77.

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

In the matter of the application of J. H. Powell 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 May 15, 1905, J. H. Powell 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 under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

The applicant testifies that he appeared before the Commission at Pauls Valley, Indian Territory, in September or October, 1898. (The Commission was in session at that place for the purpose of receiving applications for enrollment from September 12 to 18, 1898). He further states that at the time he appeared before the Commission he was asked whether he was a citizen by blood; that he replied that he was not, but that he was an intermarried citizen; that he advised the Commission that he had separated from his Indian wife, and had subsequently married a white woman, and that he was then told to step aside; that nothing was said to him as to whether the application would, or would not, be received.

W. S. Kimberlain testified on behalf of the applicant, and states that the applicant staid at the house of the witness the night previous to the day on which application was made, and that he went with the applicant from his house to the tent in which the Commission was holding its session, and that he saw the applicant go into the tent and talk with the Commissioner, although he did not actually hear what was said; that when the applicant came out of the tent the witness asked him what had been done and the applicant stated that he had been refused.

The applicant also introduces the affidavit of F. M. Fox, an attorney at law, setting forth that he represented the applicant in 1898, when he appeared before the Dawes Commission at Pauls Valley, Indian Territory.

It further appears from the record herein that in October, 1879, the applicant was married in accordance with the laws, customs and usages of the Chickasaw Nation to Julia Elizabeth Reynolds, a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name appears (as Bettie Powell) as No. 3375, 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

6-J.H.Powell.

J. H. Powell, Recalled, testified as follows:

Examination by the Commission:

Q I think you stated a little while since that you forwarded to this Commission an affidavit setting forth that you had made application, and that was accompanied by an affidavit of this Frank Fox? A Yes sir.

Q Did you receive from this Commission any acknowledgment of its receipt? A No, the papers were sent back to my attorney

Q You state that these papers were returned to your attorney? A Yes sir.

Q As far as you know, he has them yet? A Yes sir.

Q Did you have any children by this Indian woman, Julia Elizabeth Reynolds? A No sir.

Witness excused.

J. B. Thompson, Attorney for applicant, being first duly sworn, makes the following statement:

My name is J. B. Thompson; I am an attorney at law and reside at Pauls Valley, Indian Territory. I am acquainted with J. H. Powell. Some three or four months ago I prepared an affidavit for Mr. Powell and an application to the Commission for enrollment as an intermarried Chickasaw. One affidavit prepared sets forth, substantially, the same facts that were set forth by F. M. Fox, his lawyer who resides at Ardmore; and I simply prepared at the bottom of Mr. Powell's affidavit a supporting affidavit that Mr. Fox was acquainted with the facts set forth in Mr. Powell's affidavit ~~relative~~ relative to his employment in the case. These affidavits, together with the accompanying affidavit of Mr. Kimberlain and a certified copy of the marriage license in support of same I forwarded to the Commission some 3 or 4 weeks ago. and after a few days the Commission returned the same to me with the information that it would be necessary for the applicant to appear in person with his witnesses and make application, when he might introduce the affidavits and certified copy of the marriage license. I gave these papers to my stenographer and thought that he would put them in my files, but when I come to look up the record Saturday I found they were not there and telegraphed by stenographer and found that they were in the safe. I now ask permission to file these affidavits of Mr. Powell together with the supporting affidavit of Mr. Fox and the certified copy of the marriage license as soon as I can get home and secure them.

Permission granted.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes states that 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 15, 1905.

J. H. Mansfield
Notary Public.

B-J.H.Powell.

- Q After he came out of the tent what did he say? A I asked him what he had done and he said that they had refused him.- told him to stand aside.
- Q Do you remember when this was? A No, I never thought about being summoned to appear in this case at all.
- Q You don't know what year it was? A No sir.
- Q About how many years ago? A I don't know.
- Q About how many years according to your best recollection? A I don't know.
- Q Was it more than a year ago? A Yes, it was the first time the Commission was in session at Pauls Valley.
- Q You are absolutely certain that it was the first time the Dawes Commission was in session at Pauls Valley? A Yes sir.
- Q How long have you lived at Pauls Valley? A Over 30 years.
- Q Did you know the woman whom this man married and through whom he claims right to enrollment? A I can't say that I did; I was acquainted with him--just stopped to get a drink of water.
- Q Did you know the family at all? A Yes sir.
- Q Did you know what her name was? A No sir.
- Q Don't know anything about that? A No sir.
- Q And all you know relative to the application he claims to have made is just what you have stated? A Yes sir.
- Q There is nothing further you know? A No sir.

Examination by Mr. Thompson:

- Q You say that you accompanied Mr. Powell to the door of the tent? A Yes sir.
- Q Did you see him go in at the tent? A Yes sir.
- Q Did you see him in conversation with anyone in the tent? A Yes, I saw him in conversation with the Commissioner who was enrolling.
- Q The man who was attending to the enrolling business? A Yes.
- Q Then did you see him come back out? A Yes sir.
- Q And you say that you had this conversation with him that you have already repeated? A Yes sir.
- Q How long was he before the Commission? A Only a few minutes.
- Q Were there a great many people making application at that time? A There were.
- Q You say that Powell staid all night with you the night before? A Yes sir.
- Q And that if he didn't go in the buggy with you he rode along? A Yes sir.
- Q What is your citizenship? Chickasaw by intermarriage? A Yes sir.
- Q You are not related to Mr. Powell either by blood or marriage are you? A Nothing at all.
- Q How far apart have you lived during the years he lived with his Indian wife, Mr. Kimberlain? A He lived about 13 or 14 miles above me on the river.
- Q Did you know him at that time? A I did.
- Q Did he occupy and hold lands there? A He did.
- Q As a citizen? A Yes, part of the time; when he was on Crimer Creek he was farther away.
- Q You had a ranch on Crimer Creek in 1898 didn't you? A Yes.
- Q He was living at Crimer Creek when he made this applicad on? A I don't know just where he was living. Womack is a little farther away.
- Q You are not interested in this matter one way or the other? A No, not a particle.

Witness excused.

4-J.H.Powell.

A It was very much crowded, and when we came there there was a crowd of full blood Indians and I stepped up in front of them and made application, and as soon as he got through with me I stepped out.

Q And when you made the statement that you had married a white woman afterwards they said, stand aside? A Yes, and they didn't ask me any more questions.

Q Now, did you meet anyone after you went out of the door-- what was they holding their session in? A It was a tent.

Q Did you meet anyone as you went out of the door, or on the outside, that you knew? A I met Mr. Kimberlain.

Q Did he say anything to you about what you had done in there?

A When he asked me what they said to me I told him that they rejected me I thought.

Witness excused.

W. G. Kimberlain being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A William G. Kimberlain.

Q What is your postoffice address? A Pauls Valley.

Q Are you acquainted with J. H. Powell, who has just testified here? A Yes sir.

Q He says that in 1898 at Pauls Valley he made application to this Commission for enrollment as an intermarried citizen of the Chickasaw Nation. Do you know anything about that? A I know that he staid all night at my house, and I disremember whether he got into my buggy with me, or rode along side, but if he didn't, I saw him afterwards at the tent.

Q You say he staid all night at your house; what night do you mean? A The night that he made the application in the morning.

Q Did you go with him before the Commission and hear him try and make this application? A I was present right in front of the table.

Q And did you hear him apply for enrollment? A I did not; I saw him standing there talking to the Commissioner; I didn't hear what he said to the Commissioner.

Q Did he leave your house that morning with the intention of going to make application? A Yes sir.

Q Did he tell you before he left there that he was going to make application? A I went with him. I am not positive whether he went in the buggy; we both went at the same time from the house.

Q Did you have any business before the Commission on that morning? A No sir.

Q Did you go with him where the Commission was in session?

A I did.

Q What was your object in going there if you had no business before the Commission? A I went there because I had lots of friends there.

Q Did you go there at Powell's request? A No, I did not.

Q You just happened to go? A Yes sir.

Q And when he got to the place where the Commission was in session, you don't know what he did? A No, I don't know what was said between him and the Commission.

Q Did you see him go to this tent where he claims the Commission was sitting. A Yes, I was right in front of the tent, I tell you.

Q Did you see him go into the tent? A Yes sir, I saw him go in to the tent and talk with them.

3-J.H.Powell.

- Q Did you draw leased district payment money in 1893? A Yes. The applicant is identified as J. H. Powels on the 1893 Chickasaw Leased District Payment Roll, No. 2, page 182.
- Q Was this Julia Elizabeth Reynolds ever known by any other first name than Julia Elizabeth? A Not that I know of.
- Q Wasn't she called by any other name at all? A No sir.
- Q What is her father's name? A Tom.
- Q Do you know what her mother's name was? A No, her mother was dead; she died the year before we was married.
- Q About how old was this Julia Elizabeth Reynolds? A She was about 19 years old when I married her, as near as I can recollect.
- Q And you never heard of her being called by any other first name than Julia Elizabeth? A No; they didn't call her by the first name; they called her Lizzie.
- Q Has she any brothers? A Yes sir.
- Q What are her brothers names? A Got a brother Zack and one named Darius.
- Q Did you ever hear any of her brothers or any of her relatives call her by any other first name than Lizzie? A Nothing more than sometimes they would call her Sis; thats all I ever heard.
- Q Did you ever hear her called Bettie? A Not that I recollect of; might have called her Bettie sometimes.
- Q I want to know what you know of your own knowledge? A I don't know that they ever did.
- Q Have you any witnesses who were present and know that you made this application in 1898 that you speak about? A Yes sir.
- Q Who was with you at that time? A Mr. Kimberlain was with me.
- Q You never wrote to this Commission with regard to the matter, did you? A No sir.

Examination by Mr. Thompson.

- Q The Commission was in session at Pauls Valley when you went there to make this application, were they? A Yes sir.
- Q Enrolling Chictaws and Chickasaws and Freedmen? A Yes sir.
- Q Where did you stay the night before you went down there the next morning? A I staid all night with Mr. Kimberlain here.
- Q Did you have some lawyer advising you at that time what to do? A I had Mr. Fox.
- Q What was his first name? A Frank.
- Q Where does he live? A He lives at Ardmore, I reckon.
- Q Do you know whether he is in the Territory at the present time or not? A No, he is not here.
- Q Where is he? A In Florida.
- Q Is that the reason you have not got him here? A Yes sir.
- Q Did you make an affidavit setting forthe these facts sometime ago and forward it to the Commission? A Yes sir.
- Q I will ask you if Mr. Fox' affidavit was attached to your affidavit supporting it to the extent that he represented you before the Commission at Pauls Valley? A Yes sir.
- Q Did he go into the office of the Commission with you, or did he just advise you to go and make application? A He just advised me to go to make application.
- Q Where was he at the time? A He was out kind of in front of the office.
- Q Did you go before the Commission where they were taking and identifying Choctaws and Chickasaws? A Yes, I went before them.
- Q Was there anyone else going before them at the same time?

2-J.H.Powell.

- Q What was the reason that you didn't take any action in the matter during all those years? A I married a white woman and I thought they had a law that knocked all intermarried citizens out that married white women; that is the reason I didn't take any action.
- Q What is the name of the Chickasaw woman through whom you claim that you are entitled to be enrolled? A What is her name?
- Q Yes. S Julia Elizabeth Reynolds.
- Q She was a Chickasaw Indian by blood? A Yes sir.
- Q Where did you live at the time you married her? A Lived down in the Chickasaw Nation.
- Q Where was she living at that time? A In the Chickasaw Nation.
- Q Had you ever been married before at the time you married her?
- A Yes, I was a widower when I married her.
- Q How many times had you been married before you married her?
- A Once.
- Q And your first wife was dead? A Yes sir.
- Q Had she ever been married before you married her?
- A No, she was a girl.
- Q You were her first husband? A Yes sir.
- Q Did you secure a tribal license for that marriage? A Yes sir.
- Q From whom did you secure it? A Judge Murray.
- Q Who was he? A County Judge.
- Q Of what county? A Panola county.
- Q How much did you pay for that license? A \$5.
- Q \$5 or \$25? A \$5; it was a \$5 law then.
- Q When were you married to this woman? A I married her in 1879.
- Q Have you got that Chickasaw tribal license in your possession? A Yes, I haven't got it; my lawyer has it.
- Q By whom were you married? A Judge Murray.
- Q How long did you live with this woman after you married her?
- A Lived with her ten years.
- Q Where did you live? In what nation? A I lived a year down in Panola county and then I lived ever since on the Washata and on Crimer Creek in the Chickasaw Nation.
- Q Have you lived in the Chickasaw Nation ever since you married that woman? A Yes sir.
- Q Never lived any other place? A No sir.
- Q You say you lived with her for about ten years? A Yes sir.
- Q Then what happened? A We separated.
- Q Were you divorced? A Yes sir.
- Q Who secured the divorce? You or she? A She did.
- Q What was the matter? Just couldn't get along together?
- A Yes sir.
- Q Do you know whether she is living now or not? A I understood she was dead; I am not certain.
- Q Since the divorce was secured have you married again?
- A Yes sir.
- Q Is your present wife a white woman? A Yes sir.
- Q She has no Indian blood at all? A No sir.
- Q What is the name of your present wife before you married her?
- A Belle Evits.
- Q She has no Indian blood at all, has she? A No sir.
- Q Were you ever enrolled by the tribal authorities of the Chickasaw Nation? A Yes sir.
- Q When was that? A Well, I have been on the Indian rolls ever since I was married.

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

Muskogee, Indian Territory, May 15, 1905.

In the matter of the alleged application of J. H. Powell for enrollment as a citizen by intermarriage of the Chickasaw Nation.

J. B. Thompson, Pauls Valley appearing as attorney for the applicant.

J. H. Powell being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A J. H. Powell.

Q What is your postoffice address? A Womack, Indian Territory

Q How old are you? A 59 years old.

Q Did you ever make application to this Commission for enrollment as an intermarried citizen of the Chickasaw Nation?

A Yes sir.

Q When did you make it? A I made it in 1898.

Q Where did you make that application? A Pauls Valley.

Q Do you know in what month of 1898 it was? A It was the last of Sept, or first of October, I don't know which exactly.

Q Who did you make that application to? A I can't tell you; the Dawes Commission.

Q It was the Dawes Commission? A Yes sir.

Q Was the Commission in session at Pauls Valley at that time?

A Yes sir.

Q What did you state to the Commission. A Well, I went before them and applied to be enrolled, and they asked me if I was an Indian by blood and I told them no, I was an intermarried citizen, and they asked me who I married and I told them I married Tom Reynold's daughter, Julia Elizabeth Reynolds, and they asked me if my wife was present and I told them no, we had parted, and they asked me if I had married since and I told them that I had; he said, is your present wife an Indian woman, and I said, no, I married a white woman, and he hesitated a minute and then told me to step to one side.

Q Did they say anything to you at that time as to whether or not your application would be received? A No, they just told me to step around to one side and I stepped to one side and he commenced talking to another man.

Q Since that time have you done anything further towards securing your enrollment? A Yes, I appeared up here before them last February was a year ago.

Q A year ago last February you appeared before the Commission?

A Yes sir.

Q Where? A Right here.

Q Here in Muskogee, do you mean? A In Muskogee, yes.

Q Between 1898 and a year ago last February, what did you do in this matter? A I didn't do anything at all.

Q You didn't understand did you, when you applied in 1898, that your application had been received? A No, I thought they rejected me; that was the way I taken it.

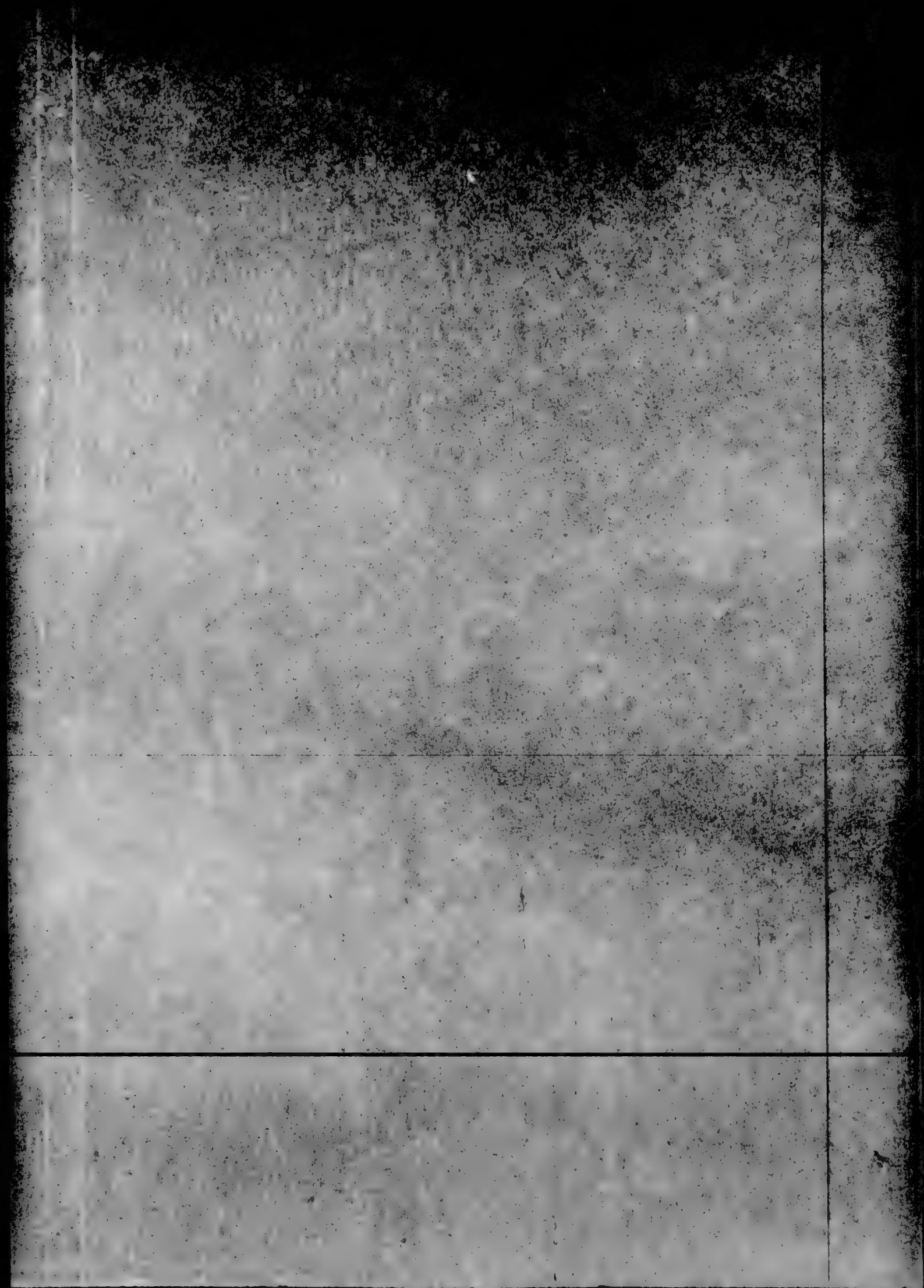
Q And from that time until February, 1904, you did nothing about it? A No, I didn't do anything about it.

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

Record in the matter of the application for the enrollment as an intermarried citizen of the Chickasaw Nation of -

J. H. Powell.

Memorandum-77.



9-1813

Muskogee, Indian Territory, October 13, 1906.

Maggie Wade,

Chacotah, Indian Territory.

Dear Madam:

Your letter of September 27, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you ask that an early decision be rendered in your case.

In reply to your letter you are advised that on September 24, 1906, the Secretary of the Interior approved your enrollment as a citizen by blood of the Chickasaw Nation.

Respectfully,

Commissioner.

9-1813

Muskogee, Indian Territory, September 25, 1904.

Maggie Wade,

Checotah, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter without date asking the status of your enrollment as a citizen by blood of the Chickasaw Nation.

In reply to your letter you are advised that your name has been placed upon a schedule of citizens by blood of the Chickasaw Nation which has been forwarded the Secretary of the Interior and you will be notified when your enrollment has been approved by the Department.

Respectfully,

Commissioner.

9-1813

Muskogee, Indian Territory, September 25, 1906.

Rebecca Pitts,

Care of W. F. Harrison,

Stonewall, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of September 18, 1906, asking the status of your enrollment as a citizen by blood of the Chickasaw Nation.

In reply to your letter you are advised that your name has been placed upon a schedule of citizens by blood of the Chickasaw Nation which has been forwarded the Secretary of the Interior and you will be notified when your enrollment has been approved by the Department.

Respectfully,

Commissioner.

9-1613

Muskogee, Indian Territory, September 13, 1906.

Gid Breco,

Stonewall, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 7, 1906, asking the status of the application for the enrollment of Maggie Pitts as a Chickasaw citizen.

In reply you are advised that the name of Maggie Pitts has been placed upon a schedule of citizens by blood of the Chickasaw Nation, which has been forwarded the Secretary of the Interior for his approval.

Respectfully,

Commissioner.

9-1813

Muskogee, Indian Territory, July 24, 1906.

Maggie Wade,

Checotah, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 9, 1906, asking if you can file on your allotment, which was given you under the Indian Appropriation Bill, on July 25th if you come to Muskogee at that time.

In reply you are advised that on July 10, 1906, a letter was addressed to Mansfield, McMurray and Cornish, attorneys for the Choctaw and Chickasaw Nations, inviting their attention to the provision of the Act of Congress approved June 21, 1906, providing for the enrollment of Maggie Wade and allowing them fifteen days from the date of said notice in which to protest to the enrollment of Maggie Wade as a citizen by blood of the Chickasaw Nation. If at the expiration of that time no protest has been filed your name will be placed upon a schedule of citizens by blood of the Chickasaw Nation prepared for forwarding to the Secretary of the Interior. Until your enrollment has been approved by the Secretary of the Interior you will not be permitted to make selection in allotment.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 10, 1906

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Your attention is invited to the following provision of the Act of Congress approved June 21, 1906 (Public No. 258):

"That the Commissioner to the Five Civilized Tribes is hereby authorized to add the names of the following persons to the final roll of the citizens by blood of the Chickasaw tribe; Maggie Wade.
. Provided, That the enrollment of said persons by the Commissioner to the Five Civilized Tribes shall not be objected to by the said tribes, and shall be approved by the Secretary of the Interior."

You will be allowed fifteen days from the date of this notice within which to protest to the enrollment of Maggie Wade as a citizen by blood of the Chickasaw Nation. If at the expiration of that time no protest has been filed, the name of this person will be placed upon a schedule of citizens by blood of the Chickasaw Nation to be prepared for forwarding to the Secretary of the Interior.

Respectfully,

Commissioner.

1013
Muskegee, Indian Territory, May 22, 1906.

Charles R. Freeman,
Checotah, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 14, 1906, inclosing application for the enrollment of Maggie May Pitts, child of James E. and Rebecca Pitts, August 6, 1904; you state that Rebecca Pitts has not been enrolled, but has an application pending.

In reply to your letter you are advised that the affidavits have been filed as an application for the enrollment of this child and will receive consideration when the application for the enrollment of Rebecca Pitts is determined.

Respectfully,

Acting Commissioner.

9-1613

Muskogee, Indian Territory, April 27, 1906.

J. L. Cart,

Attorney at Law,

Stonewall, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 24, 1906, asking if the name of Rebecca Pitts appears upon the roll of Chickasaws by blood or if any application has been made for her enrollment.

In reply to your letter you are advised that application has been made for the enrollment of Rebecca Pitts and her sister Maggie Wade as citizens by blood of the Chickasaw Nation, but no decision has yet been reached relative to their right to enrollment.

Respectfully,

Commissioner.

0-1513

Muskogee, Indian Territory, February 28, 1906.

Charles R. Freeman,
Checotah, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 22, 1906, transmitting supplemental brief in the matter of the application for the enrollment of Maggie Wade and Rebecca Pitts as citizens of the Choctaw Nation and motion to decide the case on the record and the same have been filed with the record in this case and you will be notified of such action as is taken therein.

Respectfully,

Acting Commissioner.

0-1013

Muskegee, Indian Territory, January 26, 1906.

Mrs. Beckey Pitts,
Stonewall, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 11, 1906, asking if further evidence is necessary in your case.

In reply to your letter you are advised that this office has been unable to identify Rebecca Pitts or Maggie Wade upon the rolls of the Choctaw or Chickasaw Nation in its possession and no action has yet been taken in the matter of the application for your enrollment.

You will be notified of such further action as is necessary in this case.

Respectfully,

Acting Commissioner.

9-1813

Muskogee, Indian Territory, January 24, 1906.

Charles R. Freeman,
Checotah, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 14, 1906, in which you ask what time a decision will be reached in the case of Rebecca Pitts and Maggie Wade. You state that the name of the mother of these children appears on the 1885 Choctaw roll as Martha Lake, and you desire to have this case passed upon as early as possible.

In reply to your letter you are advised that all applications for enrollment in the Choctaw and Chickasaw Nations are being taken up for disposition as rapidly as possible and as soon as a decision is reached in this case, you will be notified of the action taken therein.

Respectfully,

Acting Commissioner.

December 29, 1908

Stonewall, I. T.

to the five civilized tribes

Back Walde an Now She call heare Self Backie pitts

tom Johnes a State man is going arounde heare an Bloting land
an picking all over the land and curling an fusing all the time

She said know She was not in titel to land an She never lived
heare But 2 years in heare life these State men told heare thy
would give heare a living if She would Bloted Tom Jones is
the mans name that is live on the Place that She have got
Bloted.

he is Jones is Paying Nigroes a way to go an swore lies for
heare an you know Nigroes will do any thing for money

(Anonymous).

Muskogee, Indian Territory, June 24, 1908.

Charles R. Freeman,
Attorney at Law,
Checotah, Indian Territory.

Dear Sir:

You are hereby notified that under date of June 28, 1908 an order was entered of record by this Commission, holding that application was made for the enrollment of Rebecca Pitts and Maggie Wade as citizens by blood of the Chickasaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

If you have any further evidence which you desire to introduce relative to the right of these applicants to be enrolled as citizens by blood of the Chickasaw Nation, the same should be presented as early as possible in order that said application may be finally disposed of.

Respectfully,

Chairman.

2-2013
Muskeges, Indian Territory, June 24, 1905.

Commissioner in Charge,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

For the information of your office there is inclosed herewith copy of original Chickasaw card No. 1813.

You will therefore make duplicate Chickasaw card No. 1813 in your possession conform to the information contained thereon and add the names of these persons to your list of undetermined applicants for enrollment as citizens of the Choctaw Nation.

Respectfully,

Chairman.

EB 4-24

R. W. P. #2

of the Interior prior to that date. You will therefore see that the Commission is without authority to enroll Rebecca Wade Pitts as a citizen by blood of the Chickasaw Nation.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 30, 1905.

Rebecca Wade Pitts,

Stonewall, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your petition stating that you are a citizen by blood of the Chickasaw Nation and entitled to enrollment and allotment; that you are the daughter of Jack and Martha Wade both of whom are full blood Chickasaw Indians who would have been on the final rolls of citizens by blood of the Chickasaw Nation had they lived until September 25, 1902.

It is presumed that you forwarded this petition as an application for the enrollment of Rebecca Wade Pitts under the act of Congress approved March 3, 1905, and you are advised that it does not appear from our records that Jack and Martha Wade have been enrolled as citizens by blood of the Chickasaw Nation and their enrollment approved by the Secretary of the Interior.

Under the provisions of the act of Congress approved March 3, 1905, the Commission was authorized for a period of sixty days from that date to receive applications for the enrollment of children born to citizens by blood of the Choctaw and Chickasaw Nations whose enrollment had been approved by the Secretary

COMMISSIONERS
TAMM SIXBY,
THOMAS
J. BRACKENRIDGE

WM O BEALL,
Secretary

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

W O B
1
REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 24, 1905.

Jim Kendrick,
Checotah, Indian Territory.

Dear Sir:

On April 24, 1905, Rebecca Pitts of Stonewall, Indian Territory, appeared before this Commission for the purpose of making application for the enrollment of herself and her sister, Maggie Wade.

Rebecca Pitts testifies that she and her sister, together with their mother Martha Wade, were carried by you to the Cherokee Nation from the Chickasaw Nation about the year 1890-1. It is desired, if practicable, to secure your testimony with reference to the removal of these two women from the Chickasaw Nation to the Cherokee Nation and if, since their removal, you have at any time endeavored to secure their enrollment by the Chickasaw tribal authorities as citizens of that tribe and also, if you have ever drawn for them any of the payments made to the Chickasaw Indians.

For this purpose you are requested to appear before the Commission at its office in Muskogee at the earliest possible date in order that your testimony may be secured.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 9, 1905.

Freeman & Lucas,

Attorneys at Law,

Chicotah, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 19, 1905, asking if Martha Wade appears upon the Chickasaw rolls.

Receipt is also acknowledged of the affidavits of Jim F. Kimbrell, and J. M. Mooneyham to the birth of Maggie Wade, daughter of Jack and Martha Wade, February 9, 1889.

You are advised that it does not appear from our records that application has been made to this Commission by or on behalf of Maggie Wade for enrollment as a citizen by blood of the Chickasaw Nation nor does it appear that her mother Martha Wade is an enrolled citizen by blood of the Chickasaw Nation and under the provisions of the act of Congress approved March 3, 1905, the Commission is authorized for a period of sixty days from that date to receive applications for the enrollment of children born to citizens by blood of the Choctaw or Chickasaw Nations whose enrollment had prior to that time been approved by the Secretary of the Interior. You will therefore see that the Commission is without authority to enroll Maggie Wade as a citizen of the Chickasaw Nation.

Respectfully,

Chairman.

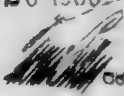
In re application of Maggie Wade,
and Rebecca Pitts, to be enrolled as
Citizens by blood of the Choctaw
Nation.

SUPPLEMENTAL BRIEF.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

FEB 26 1906

 COMMISSIONER.

Chas .R.Freeman, Checotah, I.T.
Attorney for Applicants.

ship of its parent. The Assistant Attorney General in this case

opinion said "Allegiance of birth is dictated by allegiance to the citizenship of the parent. This is the fundamental and controlling law of all organized societies or states, and contained in their constitutions as such. The law is varied only in favor of the child parent, where there is diversity of parental allegiances, since the allegiance of citizenship, or whether the child in such case may elect to take the allegiance of one or the other parent.

In no state, so far as I am aware, has it ever been held that the offspring of a citizen is born stranger to the parent's allegiance, cut east from the parent's civil state, citizen of no other, merely because the parent was born to, and for some part of its life owed, a foreign allegiance. It is not a parent's race or blood that gives citizenship to the child, but the parent's status of citizenship at the child's birth."

It follows of necessity that the offspring of a citizen is it self a Citizen "Id.

The Commissioner may question the right of a white child with no indian blood (as Mary Elizabeth Martin), but how can he could entertain the least doubt as to Maggie Wade and Rebecca Pitts' right to enrollment, both being of Indian Blood and their Mother's name appearing upon the regular rolls, of the Choctaw Nation? This is hard for us to see.

Respectfully Submitted,

Chas R. Russell
Attorney of Applicants.

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

Mustagee, Indian Territory, February, 21st, 1906.

In re application of Rebecca Pitts and
Maggie Wade, to be enrolled as Citizens
by blood of the Choctaw, Nation of
Indians

SUPPLEMENTAL BRIEF.

The applicants herein beg leave to call attention to the following, viz:

First, The name of Martha Lake (mother of applicants) appears upon the Choctaw rolls of 1888,-- said rolls having been made authentic by the Commission in the Bettie Lewis case, decided Jan. 24th, 1903.--

Second, The report of the Commission in the Bettie Lewis case concluded by stating; That as to Choctaw applicants, its future finding of tribal recognition, will include the rolls of 1888, and the 1886, census rolls, and the 1893 leased district payment rolls.

This was made the practice of the Commission and was sanctioned by the Department. Thereby making the 1888 rolls as much authenticated rolls as any others.

Third, Congress has authorized the Commission to give due force and effect to the rolls, usages, customs/laws Etc., of the Indians.

Assistant
In the Mary Elizabeth Martin case the Attorney general of the United States held "That the descendants of persons on (such) rolls were defined and regarded as on the roll where-on their their parents were found, whether themselves actually on such roll or not and though born after the roll was made."

If this be true how then can the Commission refuse to enroll these two applicants as citizens of the Choctaw Nation?

Fourth,

The Mary Elizabeth Martin Case.

To say nothing of the question of whether applicants herein should be enroll or was considered as enrolled, if their parent was on such roll; the Mary Elizabeth Martin Choctaw case goes even beyond that and holds that a child is born to the Citizen-

In re application of Maggie Wade,
and Rebecca Pitts, to be enrolled
as Citizen by blood of the Choctaw
Nation.

MOTION TO DECIDE ON RECORD.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF BUREAU OF INDIAN AFFAIRS

FEB 25 1906

FEB 25 1906

Chas .B. Freeman, Checotah, I.T.
Attorney for Applicants.

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

MUSKOGEE, INDIAN TERRITORY.

In the matter of the application
of Maggie Wade and Rebecca Pitts,
to be enrolled as Citizens of the
Choctaw Nation of Indians.

MOTION TO DECIDE CASE ON ITS MERITS

To the Honorable Commissioner to the Five Civilized Tribes.

Now comes Maggie Wade and Rebecca Pitts, by their attorney, Chas. R. Freeman, and moves this Honorable Commissioner to pass upon the merits of their application to become Citizens of the Choctaw Nation, and to write up a decision therein upon the records and testimony now on file in the office of the Commissioner.

They further pray that it may please the Commissioner to pass upon their case at once, so that in case they are enrolled they may be able to file upon their mother's old home.

They ask that the supplemental brief this day filed herein on their behalf be considered along with the other records of the case.

Very respectfully submitted,

Maggie Wade
Rebecca Pitts

By *Chas. R. Freeman*
Attorney for Applicants.

NO. 9-1813

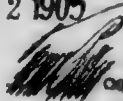
In Re. Application of Rebecca Pitts
and
Maggie Wade, to be Enrolled as Citizens
by Blood of the Chickasaw Nation.



Brief on behalf of Applicants.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE FIVE CIVILIZED TRIBES

FILED

OCT 12 1905


COMMISSIONER.

 Freeman 

Attorney for Applicants.

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

144

A F F I D A V I T .

Stenswall Indian Territory, Sept. 27 1908.

BE IT REMEMBERED;

That on this day personally came before me the Under-
signed Notary Public, in and for the Southern District, Indian Territory
One Mrs Margaret Lee, to me personally well known, who on oath says that
she is a citizen of the Chickasaw Nation by blood; that she is 60 years
old and that she has resided in the Chickasaw Nation the greater portion
of her life. That she is personally acquainted with Rebecca Pitts and
Maggie Wade; that they are sisters and that she well knew their mother
Martha Wade. That this Martha Wade was married three times,
First Marrying One Mr Brashears, a Cheatew by blood and to them was born
one child, a girl; during or about the year 1878; whose name was
Margarette Brashears, but she married a man by the name of Arnold, ----
this Margarette is now dead.
Martha Wade's Second Marriage was to a man by the name of Henry Lake,
she then of course became a Martha Lake. Henry Lake, was also a Cheatew
by blood; she married Henry Lake some time prior to 1888 and was living
with him in 1888 in Kiamitia County Cheatew Nation;
they also had with them at this time her first Husband's child Margaret
Brashears. Henry Lake died and Martha then married a man by the name of
Jack Wade, the father of these two children Rebecca Pitts and Maggie Wade.
Martha Wade left her Husband Jack, Wade; and in 1890 or 1891 she went
to the Cherokee Nation, where she died in a few months after she moved
there. She died before 1898. Her two children remained in the Cherokee
Nation some several years, in the home of a man by the name of Kindred,
at which place Maggie yet lives.

.....Margaret Lee.....

Subscribed and sworn to before me this 27th day of Sept. 1908.

My Commission expires 21 day of Nov 1908. John W Fuller
Notary Public.

additional names and their descendants as have been subsequently added.

The rolls of Citizenship as existed in 1896 have been by act of Congress approved and confirmed. And the "rolls of Citizenship" mean all on the approved rolls and their descendants born to them after the making of said rolls. Then it follows that the citizenship of the descendants of those on the approved rolls have also been approved; the same act of Congress approving or confirming one approved or confirmed the other.

The only burden incumbent upon an applicant being to show that his parent--mother or father was on said approved rolls or any of them.

The mother of Deborah Pitts and Martha Wade is found on the Choctaw Rolls of 1866 as Martha Lake, Henry Lake then being her husband.

After Lakes death she married Jack Wade, father of Applicants. Applicants should therefore be enrolled by the Commission as Citizens of the Choctaw Nation.

Respectfully Submitted,

Freeman & Lucas

Attorneys for Applicants.

Martha Wade's first husband was a Braghears, by whom she had one baby a girl, named Margarette Braghears; Her second husband's name was Henry Lake with whom she was living at the time the 1868 Choctaw Rolls were made, down in Kiamitia County Choctaw Nation, and with them was living Little Margarette Braghears, then 10 years old (See Affidavit marked Exhibit "B")

It having been ascertained that Martha Lake ---later Martha Wade---the mother of applicants, appears upon the regular approved rolls of the Choctaw Nation, viz: The Choctaw Rolls of 1868; and it having been settled that applicants herein are minor children born to her, since the making of said rolls; then the only question for settlement is, "Has the Commission to the Five Civilized Tribes authority under the Acts of Congress in force in the Indian Territory, to enroll her said Children as Citizens of the Choctaw Nation, being descendants thereafter born to her since the compilation of said rolls.

We think that Congress has not left it uncertain as to the Commission's power and duty in such cases.

The act of June 26th, 1866, makes this perfectly clear, it provides among other things "That the rolls when so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon with their descendants thereafter born to them, with such other persons as may intermarry according to Tribal Laws, shall alone constitute the several tribes which they may represent." There has been no act of Congress which repeals or abrogates the act just quoted.

The Act of June 10th 1866, authorized the Commission to "Receive applications for Citizenship in any of the Nations" and further provided "That the Rolls of Citizenship of the several Tribes as now existing are hereby Confirmed"

The Act of June 7th, 1897, in construing what was meant by the "Roll of Citizenship" as used in act of June 10th, 1866, PROVIDES "That the words Rolls of Citizenship, shall be construed to mean the last authenticated rolls of each Tribe, which have been approved by the Council of the Nation and the DESCENDANTS OF THOSE APPEARING ON SAID ROLLS, and such others

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

McKagoo, Indian Territory, Oct. 10th, '08.

In Re. Application of Rebecca Pitts,
and
Maggie Wade, to be enrolled as Citizens
by Blood of the Chickasaw Nation

B R I E F .

S T A T E M E N T .

On June 22nd, 1908 The Commission to the Five Civilized Tribes entered of record an order holding "That application was made for the enrollment of Rebecca Pitts and Maggie Wade as Citizens by Blood of the Chickasaw Nation, within the time limited by the provisions of the Act of Congress approved July 1st, 1906, (34 Stat., 641) "

Application herein was made for enrollment as Citizens of the Chickasaw Nation, but the Records--(The Choctaw Rolls of 1868) show that applicants are Choctaws by blood--their mother being on said Rolls--

The testimony tends to show that applicants have both Choctaw and Chickasaw blood in their veins. (See Page 2, transcript, taken April 24th, 1905; Also Affidavit Gov. W. L. Byrd, marked exhibit "A") But Mother of applicants is a Choctaw, her name appearing on the Choctaw Rolls (1868) as Martha Lake; Martha Lake and Martha Wade being the same person, she having married Henry Lake prior to her marriage to Jack Wade, applicants Father.

The testimony shows that applicants have always been recognized as either a Chickasaw or Choctaw, and that it was a little uncertain as to which of the tribes they really did belong, being very young children when their parents died.

MARTHA WADE.

The testimony is conclusive that Martha Wade was married three times (See Page, 3 of transcript) this question was asked Margarette Lee)

Was Martha Wade ever known by any other name? A. Yes, she had been married before; her first husband's name was Brashears; the next one was Henry Lake and the next one Wade."

On the first page of said transcript, Rebecca Pitts testifies as follows: Have you any Brothers or sisters? A. I have two sisters; one younger and one Older than I am. What is the name of your oldest sister? A. Margarette Brashears."

dupliated

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES, MUSKOGES, I. T.

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A F F I D A V I T .

Stonewall Indian Territory, Sept. 27 1905.

BE IT REMEMBERED;

That on this day personally came before me the Under-
signed Notary Public, in and for the Southern District, Indian Territory
One Mrs Margaret Lee, to me personally well known, who on oath says that
she is a citizen of the Chickasaw Nation by blood; that she is 60 years
old and that she has resided in the Chickasaw Nation the greater portion
of her life. That she is personally acquainted with Rebecca Pitts and
Maggie Wade; that they are sisters and that she well knew their mother
Martha Wade. That this Martha Wade was married three times,
First Marrying One Mr Brashears, a Choctaw by blood and to them was born
one child, a girl; during or about the year 1875; whose name was
Margarette Brashears, but she married a man by the name of Arnold, ----
this Margarette is now dead.

Martha Wade's Second Marriage was to a man by the name of Henry Lake,
she then ofcourse became a Martha Lake. Henry Lake, was also a Choctaw
by blood; she married Henry Lake some time prior to 1885 and was living
with him in 1885 in Kiamitia County Choctaw Nation,
they also had with them at this time her first Husband's child Margaret
Brashears. Henry Lake died and Martha then Married a man by the name of
Jack Wade, the father of these two children Rebecca Pitts and Maggie Wade.
Martha Wade left her Husband Jack, Wade; and in 1890 or 1891 she went
to the Cherokee Nation, where she died in a few months after she moved
there. She died before 1893. Her two children remained in the Cherokee
Nation some several years, in the home of a man by the name of Kindred,
at which place Maggie yet lives.

x Margaret Lee

Subscribed and sworn to before me this 27 day of Sept. 1905.

My Commission expires 28 day of Nov 1908. John W Fuller
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO TRAP VERMILION THINGS

PAID
OCT 2 1905

[Handwritten signature]

*Wagon No. 11
Richard P. Potts*

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Rebecca Wade
Pitts as a citizen by blood of the Chickasaw Nation. *P.O. of Applicant*

Stonewall, I.T.

Petitioner, Rebecca Wade Pitts, states that she is a citizen by blood of the Chickasaw Nation and entitled to a place on the final rolls of said Nation and an allotment of lands in the Chickasaw-Choctaw country; that she is the daughter of Jack and Martha Wade, both of whom were full blood Chickasaw Indians; that she was born in the Chickasaw Nation, Indian Territory, sixteen years ago, and has never lived in any country but Indian Territory; that Jack Wade and Martha Wade were duly recognized members of the Chickasaw Tribe of Indians and would have been on the final rolls as such had they lived until September 25, 1902; that this applicant was a resident of the Indian Territory on September 25, 1902; and was living March 4, 1905.

Wherefore Rebecca Wade Pitts petitions the Honorable Commission to the Five Civilized Tribes and the Honorable Secretary of the Interior to enroll her name as a citizen of the Chickasaw Nation entitled to all the benefits and rights granted to other members of said tribe.

S. A. Apple
Attorney for Rebecca Wade Pitts.

S. A. Apple says he believes the statements contained in the foregoing application for enrollment are true and correct.

S. A. Apple

Subscribed and sworn to before me this 2nd day of May, 1905.

T. L. Kelley
Notary Public.

United States of America
Indian Territory,
WESTERN DISTRICT.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES AT MUSKOGEE?

In re the Application for enrollment of Maggie Wade, as a citizen
of the Chickasaw Nation,

AFFIDAVIT OF AN ACQUAINTANT,

I Jim F. Kinderd being first duly sworn say that I am a resident
of the Western District, Indian Territory and have been for Sixteen
years; that I knew Martha Wade in her lifetime; That I knew her husband
Jack Wade, both of whom were Chickasaw Indians by blood; That there was
born to them a female child, in February 1889; Said child was named
Maggie Wade and is now living. That I know her well and know her to be
of Indian blood and know that she (Maggie Wade) was born prior to Septem-
ber Twenty Fifth, 1902.

Witnesses to mark
Chas R. Freeman

Jim F. Kinderd ^{by} _{mark}

Subscribed and Sworn to before me this 14th, day April, 1905.

J. B. Lucas
Notary Public.

United States of America,
Indian Territory,
WESTERN DISTRICT.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE the Application for Enrollment of Maggie Wade as a
Citizen of the Chickasaw Nation.

Affidavit of an Acquaintance.

I Jim F. Kinderd, being first duly sworn say that I am a resident
of the Western District Indian Territory, and have been a resident of said
district for sixteen years; That I knew Martha Wade in her lifetime; That
I knew her husband Jack Wade, both of whom were Chickasaw Indians by Blood
blood; that there was born to them a female child, in February 1889, said
child was named Maggie Wade and is now living, that I know her well and
know her to be of Indian Blood and know she (Maggie Wade) was born prior
to September twenty fifth, 1902,

Witnesses as Mark
Chas R. Funderd

Jim F. Kinderd his
Mark

Subscribed and sworn to before me this the 14th, day April, 1905.

J. B. L. _____
Notary Public.

I Liddy Colbert on my oath state
That I am about 70 years old and have
lived in the vicinity of Stonewall all
my life and knew Jack Wade and
Marthy Wade who were both Chickasaw
full blood Indians and about 1890
in the month of June I acted as midwife
for her when she was confined. At
this confinement she said Marthy
Wade gave birth to a female
child and the child was named
P. & been and I am led to
know living and has married
a white man

Liddy ^{her} Colbert
Mark

Witness
W. H. Addison Subscribed and sworn
Wesley Johnson to before me this the
30th day of March
1905

W. H. Allison
N. B.

My Com. expires Nov 1908

FILED

APR 25 1905

COMMISSION TO FIVE TRIBES.

Mustoge. June 9. 1905

Received of the Commission to the Five
Civilized Tribes one copy of testimony taken
April 24. 1905. and June 1. 1905 in the
matter of the alleged application for
enrollment of Rebecca Pitts and Maggie
Wade as citizens by blood of the Chickasaw
Nation.

Chas. R. Freeman
Atty for applicants

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

FILED

JUL 5 1905

[Handwritten signature]
CHAMBERLAIN

[Faint, mostly illegible text, likely bleed-through from the reverse side of the page]

Q. When did Martha Wade die ?/A. In 1891 or 1892.

Q. Was Martha Wade on any of the tribal rolls? A She must have been for she was a recognised Chickasaw; and exercised all the rights and privileges of one.

Q If the Commission cannot find her name ~~sixth~~ on any of the tribal roll what ~~reason~~ reason would you give for her name not appearing on said rolls ? A. Because no rolls were preserved prior to 1893 .

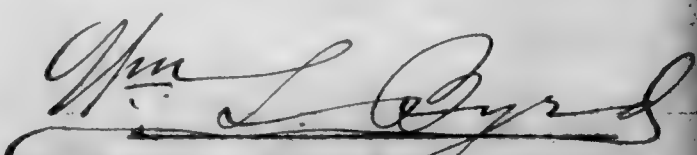
Q Then her name would not appear on the ~~xxxxxx~~ Leased District Payment Roll or any subsequent roll ?A.No.

Q. Are Martha Wade's children citizens by blood of the Chickasaw Nation? A. They are.

Q Do you know any of Jack Wades relatives ? Yes I know his sister Lucy Harjo (nee Wade).

Q Does Lucy Harjo hold an allotment in the Chickasaw Nation? A Yes.

Q. Do you know any other relatives ^{of Loren Moore} other than your mother ? A. Yes. I ~~knowxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ knew Mrs Anna Smallwood ^(nee Moore) of Atoka ~~xxxx~~ who was sister to Loren Moore
xxx



Sworn and subscribed to before me B.H.Epperson, a Notary Public in and for the Southern District Indian Territory on this the 30th day of June xxx 1905.

B. H. Epperson
Notary Public

Exhibit A

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

Ada, Indian Territory, June 30th 1905.

In the matter of the application for enrollment as citizens by blood of the Chickasaw Nation of Rebecca Pitts and Maggie Wade.

Charles R. Freeman, of Checotah, Indian Territory, appearing for the applicant.

William L. Byrd, being first duly sworn testified as follows:

Q What is your name? A. William L. Byrd.

Q What is your postoffice address? A. Ada I.T.

Q. Are you a citizen by blood of the Chickasaw Nation? A. I ^{a citizen} am of the Chickasaw Nation by blood.

Q. Have you an allotment in the Chickasaw Nation. A. I have.

Q. Did you know Loren Moore in his lifetime. A. Yes

Q. Did you know his children?. Yes.

Q. State their names?. A. Chub and Martha.

Q. Did Martha marry a man by the name of Jack Wade?. A. Yes.

Q. Was Loren Moore related to your family. A. Yes.

Q. What relation was he?. A He was a half-brother to my grandfather.

Q. Was Loren Moore a citizen of the Chickasaw Nation?. A. He was a ~~Chickasaw~~ Choctaw residing in the Chickasaw Nation.

Q Was Loren Moore's wife a citizen of the Chickasaw Nation?. A Yes, she was a Chickasaw by blood.

Q. Was Martha Moore her daughter, a citizen of the Chickasaw Nation by blood. A Yes.

Q. Did Martha Moore marry any other person than Jack Wade? / A. Yes Lake and then Brashears.

Q Who was Martha Moore's last husband?. A. Jack Wade.

Q. Did they have any children. if so please state their names?. A

Rebecca and Maggie.

Q Was relation was Loren Moore to you?. He was my great-uncle-^{and I was his} ~~great~~ nephew.

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

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Maggie Wade, born on the 9th day of Feb., 1889,
Name of Father: Jack Wade a citizen of the Cherokee Nation.
Name of Mother: Martha Wade a citizen of the Cherokee Nation.
Postoffice: Checotah, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, _____, on oath state that I am _____
years of age and a citizen by _____ of the _____ Nation;
that I am the lawful wife of _____, who is a citizen, by _____
of the _____ Nation; that a _____ child was
(Male or Female.)
born to me on _____ day of _____, 1889; that said child has been named _____,
and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

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

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Ida Riddle Midwife, on oath state that I
attended on Mrs. Martha Wade a wife of Jack Wade
on the 9th day of February, 1889; that there was born to her on said date a Female
(Male or Female.)
child; that said child is now living and is said to have been named Maggie Wade.

WITNESSES TO MARK:

(Must be Two Witnesses who can write)

James Phair
J. A. Greene

Subscribed and sworn to before me this 24 day of April, 1900.

In case of per Feb 15, 1901

Laurie Ogden
Notary Public.

IN RE
Application for Enrollment of
INFANT CHILD

as a citizen of

Nation

Approved

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Commissioner.

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

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

of Maggie Wade (Here insert name of child.) born on the 9 day of July, 1889

Name of Father: Jack Wade a citizen of the Chickasaw Nation.

Name of Mother: Martha Wade a citizen of the Chickasaw Nation.

Postoffice Cherokee I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, _____, on oath state that I am _____ years of age and a citizen by _____ of the _____ Nation; that I am the lawful wife of _____, who is a citizen, by _____ of the _____ Nation; that a _____ child was born to me on _____ day of _____, 1889; that said child has been named _____, and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two Witnesses.) { _____

Subscribed and sworn to before me this _____ day of _____, 1905.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Dr. J. M. Mooneyham, a Physician, on oath state that I attended on Mrs. Martha Wade, wife of Jack Wade on the 9 day of July, 1889; that there was born to her on said date a female child; that said child was living March 4, 1905, and is said to have been named Maggie Wade.

WITNESSES TO MARK:

(Must be Two Witnesses.) { J. M. Mooneyham M.D.

Subscribed and sworn to before me this 13 day of July, 1905.

My Comm. expires Feb 10 1909.
Lattie D. Ogden
Notary Public.

IN RE
Application for Enrollment of
INFANT CHILD

Maggie Wade

as a citizen of

Chickasaw

Nation.

Approved _____

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Commissioner.

~~U.S. DEPARTMENT OF THE INTERIOR~~
~~BUREAU OF INDIAN AFFAIRS~~
~~WASHINGTON, D.C.~~

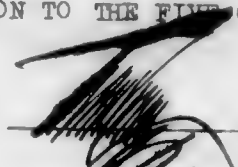
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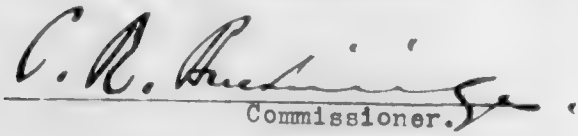
APR 25 1905

now be heard and determined upon its merits, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JUN 22 1905

AP

Memo-73.

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

In the matter of the alleged application for the enrollment of Rebecca Pitts and Maggie Wade as citizens by blood of the Chickasaw Nation.

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It appears from the record herein that on April 24, 1905, Rebecca Pitts appeared before the Commission and presented testimony relative to an application alleged to have been made for the enrollment of herself and her sister Maggie Wade, as citizens by blood of the Chickasaw Nation, within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Further proceedings were had in the matter at Muskogee, Indian Territory, June 1, 1905.

From the testimony given on April 24, 1905, it appears that said Rebecca Pitts and Maggie Wade were taken from the Chickasaw Nation to the Cherokee Nation by their mother, Martha Wade, in their infancy, and were raised in the Cherokee Nation by a man named Jim Kindred. The applicant, Rebecca Pitts, says that she never made any application for enrollment prior to the year 1904.

On June 1, 1905, Jim Kindred, above referred to, testified that about three years ago, he appeared before the Commission at Muskogee, Indian Territory, and tried to make application for the enrollment of both of the applicants, and was informed at that time that their names did not appear on the tribal rolls; that he was accompanied at that time by his wife and the applicant, Maggie Wade.

Maggie Wade testifies that in the spring of 1902, she appeared before the Commission with Mr. Kindred for the purpose of securing enrollment and was told that she "was not on the roll"; that the application was then made for the enrollment of herself and her sister, Rebecca Pitts, and that the applicant supposed, when she left the Commission, that application had been properly made and received.

Mary Kindred testified that she is the wife of Jim Kindred, and that about the first of April, 1902, she appeared before the Commission with the said Jim Kindred and Maggie Wade, for the purpose of making said application.

It is the opinion of this Commission that the evidence introduced establishes that application was made for the enrollment of Rebecca Pitts and Maggie Wade within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and that said application should

3-Rebecca Pitte et al.

corded the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

James R. Law

Subscribed and sworn to before me this June 8, 1905.

Myron White

Notary Public.

2-Rebecca Pitts et al.

Examination by the Commission:

- Q You say that the name of Martha Wade does appear on all of the Chickasaw rolls? A Yes, it should.
- Q It should? What Chickasaw rolls have you in mind?
- A The rolls they made, you know.
- Q You mean the 1878 roll? A Well, I reckon it ought to be about that date. I am not an educated man--
- Q What makes you think that the name of Martha Wade appears on what you call the old Chickasaw roll? A She drew money then.
- Q Do you know of your own knowledge that she drew money?
- A Yes sir.
- Q Were you there when she drew it? A Right there.
- Q When was that? A Somewhere about 18 or 19 years ago--I am not an educated man--
- Q You was with her at that time and saw her draw this money?
- A No, I was not with her and seen her draw her money, but I was there and knew that she got it.
- Q How do you know if you did not see her get it? A I sold her a bunch of cattle and I know she had the money when she paid me. She got the money from Governor Byrd.
- Q How do you know that was her money? A She was there when they was drawing the money and I went right there and received it. She said she got it there.
- Q How much money did she pay you when she got this bunch of cattle? A She paid me something like \$200
- Q You claim that she got that money from the Chickasaw Nation?
- A Yes, that is what she claimed, and they was drawing money there at Stonewall.
- Q And that was 17 or 18 years ago? A Yes, maybe 19; a good while back.
- Q Under what name was she going at that time? A Wade.
- Q Known by the name of Martha Wade at that time? A Yes sir.
- Q I believe that you stated that Rebecca Pitts' name appears on the tribal rolls somewhere? A I am satisfied that they did-- it is no interest of mine; I am just telling the best I know.
- Q What roll is it that you think Rebecca Pitts' name appears on?
- A It would be the roll about that time; she wasn't but about two years old, maybe, when her mother died; I don't know what roll it would be.
- Q You are just of the opinion that Rebecca Pitts ought to be on the roll, and she isn't; that's about the way of it? A I am satisfied she was on. If I am not mistaken her mother told me she was on the roll. No sir, I have always had it in my mind that she was on the roll from what she has told me. It is of no interest to me.

Witness excused.

By Mr. Freeman: I desire to introduce the testimony of William L. Byrd, sworn to. Applicant offers in evidence the deposition of William L. Byrd taken at Ada, Indian Territory, June 30, 1905, which deposition is filed, made a part of this record and marked Exhibit A.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly re-

9-1813.

DEPARTMENT OF THE INTERIOR,
BEFORE THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, Indian Territory, July 6, 1906.

In the matter of the application for the enrollment as citizens by blood of the Chickasaw Nation of Rebecca Pitts and Maggie Wade.

Charles R. Freeman of Checotah, Indian Territory, appearing for the applicants.

Jim Kindred being first duly sworn, testified as follows:
By Mr. Freeman:

Q State your name? A Jim Kindred.

Q What is your age? A Fifty-six.

Q What is your postoffice address? A Checotah.

Q Were you acquainted with Martha Wade? A Yes sir.

Q Do you know when she died? A Yes sir.

Q When? A Fifteen or sixteen years ago.

Q Do you know whether or not Martha Wade was on the Chickasaw rolls prior to her death? A Yes, she was on the old Chickasaw roll and drew money.

Q Do you know whether or not Rebecca Pitts (nee Wade) was on the rolls? A I think she was; I am satisfied she was on the roll.

Q I will ask you this: From the time of her death were these children with you? A Yes sir.

Q What reason could you give that their names did not appear on the Chickasaw rolls? A They had an older sister that lived in the Chickasaw nation and I left it with her thinking that she would put them on the rolls; that is, I was satisfied that the oldest one was on the rolls, but the baby I knew was not.

Q And where did you have them all this while? A I had them on the Canadian River.

Q In what nation? A Cherokee nation.

Q When you never placed them on the roll? A No, I was satisfied that she had placed them on the roll?

Q Did you ever have any opportunity to place them on the rolls?

A No, I staid right there among the Cherokees; I thought they would enroll them and I never tried to put them on. I knew I could not enroll them there.

Q You knew you could not enroll them there? Why? A Because they was Chickasaws.

Q When the name of Martha Wade would not appear upon the rolls since 1893? A My understanding is that these pay rolls are not to be found-- That they have been destroyed.

Q Her name would not appear then, since 1893, if she died prior to that time? A No sir.

Q And you think that the rolls upon which her name would appear were possibly destroyed? A Bound to be. They was full blood Indians; there is no question about that.

Q Do you know whether William L. Byrd was related to these children? A Yes, he is ex-Governor of the Chickasaw Nation.

Q Is he related to them? A Yes sir, and to Mrs. Perry.

Q The Mrs. Perry you speak of is now Mrs. Lee, isn't she?

A I think she married a man by the name of Lee.

Q I think she has testified already before in this case, hasn't she? A Yes sir.

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Q Do you know anything about her mother? A No, I don't know anything at all about her mother.

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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 June 1, 1905.

J. H. Campbell

Notary Public.

Mrs. Mary Kendred being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Mary Kendred.

Q Are you the wife of Jim Kendred who testified here this morning? A Yes sir..

Q It is claimed that about three years ago an application was sought to be made for the enrollment of Rebecca Pitts and Maggie Wade as citizens of the Chickasaw Nation. Do you know anything about that application? A Yes, we come here for that business.

Q Can you tell me just when that was that you came here?

A It was along about the first of April.

Q Of what year? A 1902.

Q You was with Mr. Kendred and Maggie Wade at that time when they came here? A Yes, I was with them.

Q Who did you see at that time, if you know? A I saw so many people I couldn't tell you. I saw several--in this house, do you mean? A

Q Yes. A I couldn't tell you.

Q You don't know any of the members of the Commission by sight or otherwise, do you? A No, I don't.

Q Can you tell me what was said to the Commissioner at the time Mr. Kendred appeared here? A No, nothing only they said Maggie Wade was not on the roll and that they would have to see further about it and let her know.

Q What did Mr. Kendred state to the Commission when he came here? A Why, I can't tell you.

Q Didn't he tell them what he came for? A Yes, he told them.

Q What did he say was his object in coming? A To get the children enrolled and see that they was on the roll; they was not on the roll.

Q Did you hear him say to whoever it was that he was talking to that that was his object in coming here? A Yes sir.

Q Did you hear what they said to him? A I couldn't repeat the words.

Q Can you give us the substance of it, about what they said?

A No, I couldn't tell you; I couldn't explain it to you.

Q Do you know what they told him--that she would or wouldn't be enrolled, or anything like that? A They just told him they would see further on about it, and they would notify him.

Q You are quite sure are you Mrs. Kendred that that was three years ago? A Yes, it was 1902, the first of April, if I aint mistaken. And I don't think I am.

Q Was it about the first part of April, do you mean, the early part, or the first day of April. A The first part of April, when the grass just begun to come out; I know we come down in the wagon.

Q And that was in 1902? A Yes, 1902.

Q How long has Maggie Wade lived with you? A Why, its been about 6 or 7 years I guess. It seems longer than that.

Q Six or seven years? A Yes sir.

Q I understood Mr. Kendred that he had practically raised her from infancy; isn't that so? A Yes sir.

Q Then hasn't she been living with you since she was a little girl? A Yes, his first wife is dead, that raised the child.

Q You don't know anything about whether anyone has ever drawn any money for these children from the Chickasaw Nation, do you?

A Not that I know of.

Q You never heard of any one drawing any? A No sir.

5-Pitts et al.

Q At the time you came here some three years ago, did you come for the purpose of making application for anyone else besides yourself? A Yes, for me and my sister.

Q That is, for yourself and Rebecca Pitts? A Yes sir.

Q You don't know who it was that you saw and talked with at that time do you? A No sir.

Q What building was it in, do you know? A I believe it was this one, right here.

Q After you went away from here at that time, what shape did you understand your application was in? What was your understanding with reference to it? Do you understand the question?

A No sir.

Q When you came here did you understand that your application for enrollment had been received or not, or did you think they had refused to receive it? A No.

Q Then you supposed when you left here that you had made application and that they had received it, did you? A Yes sir.

Q What did they say to you which caused you to think that?

A They said they would notify me.

Q Did you ever hear from the Commission after that time?

A No sir.

Q Did you ever write to the Commission about the matter after that time? A No sir.

Q Do you know whether anyone else ever did so for you? A No sir.

Q Did you do anything more about it at all between that time and the present? A No sir.

Q When did your sister, Margaret Arnold, die? A I don't know.

Q You don't know how long she has been dead? A No sir.

Q Do you know whether she had ever been enrolled by this Commission or not? A Yes, I think she was.

Q Had she any children that you know of? A One.

Q What was the name of that child? A I don't know.

Q Was Margaret Arnold ever known as Margaret Brashears?

A No, I don't remember.

Q Are you married? A No sir.

By Mr. Freeman.

Q Do you know whether the Commission ever wrote you about this or not--with reference to it after you were here? A No.

Q You don't know? A No sir.

Q You left the matter of enrolling you largely to Mr. Kendred, did you not? A Yes sir.

Q Do you think that you are a Chickasaw girl? A Yes sir.

By the Commission:

Q You say you think you are a Chickasaw girl; what makes you think that? A Well, because my mother was a Chickasaw.

Q Your mother was a Chickasaw, was she? A Yes sir.

Q You are sure about that? A Yes sir.

Q Was your mother married more than once? A Yes sir.

Q What was the name of her husband prior to Wade? A I don't know.

Q How many times was she married? Do you know that? A Twice.

Q Do you know her first husband's name? A No sir.

Witness excused.

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Q So you came from your home here in a wagon at that time?

A Yes sir.

Q Were you ever back here any time after that? A Yes, I have been back here once since.

Witness excused.

Maggie Wade being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Maggie Wade.

Q How old are you? A I am 16 years old.

Q What is your postoffice address? A Checotah, I. T.

Q Were you ever before the Commission prior to this time? A Yes.

Q When was it you appeared? A Well, it has been about three years ago in the spring time.

Q About 1902, was it? A Yes sir.

Q Was it in the fall or the spring? A It was in the spring.

Q Who were you here with? A I was here with Mr. Kindred.

Q What was your object in coming to the Commission at that time?

A I came to be enrolled.

Q Do you remember who you saw at that time? A No sir.

Q Do you remember what was said to you? A Yes, they said

that I wasn't on the roll.

Q Said that you was not on the tribal rolls? A Yes sir.

Q Where were you born, do you know? A In the Chickasaw Nation.-
I don't remember.

Q You think it was in the Chickasaw Nation? A Yes sir.

Q How long did you live in the Chickasaw nation, if you know?

A I don't remember.

Q Where do you live now? In what nation? A In the Cherokee Nation.

Q How long have you been living in the Cherokee Nation? A I have been there--I don't know exactly how long I have been there.

Q Since you were a small child? A Yes sir.

Q Do you know whether anybody ever drew any money for you from the Chickasaw Nation? A No sir.

Q You never drew any yourself, did you? A No sir.

Q What is your mother's name? A Martha Wade.

Q And your father's name? A Jack Wade.

Q Is your mother a Choctaw Indian? A Yes sir.

Q Is your father? A Yes, they said he was.

Q Your father is dead, isn't he? A Yes sir.

Q Do you remember how old you were when your mother died?

A No sir.

Q Were you just a small child? A Yes sir.

Q From the time of your mother's death where have you lived, and ~~lived~~ with whom, if you remember. A In the Choctaw, Chickasaw and Cherokee Nations with Mr. Kendred.

Q He raised you, did he? A Yes sir.

Q Have you any sisters? A Yes sir, I have one sister living.

Q What is her name? A Rebecca Pitts.

Q Did you have any other sisters than this Rebecca Pitts?

A Yes sir.

Q How many other sisters did you have? A Only one; she is older than me.

Q What is her name? A Margaret Arnold.

~~Q Did she ever take care of you at all? A No sir.~~

Q You never lived with her? A No sir.

Q And you don't know whether she ever tried to have you put on the tribal rolls or not? A No sir.

Q Your father is dead, isn't he? A Yes sir.

3-Pitts et al.

Q Right here in Muskogee? A Yes, right here.
Q Was anyone with you at that time? A Yes sir.
Q Who was with you?
A Maggie Wade and my wife, she is now.

Examination by Mr. Freeman:

Q Is Maggie Wade still living with you? A Yes sir.
Q Where is she? A Sitting right here behind me.
Q From her appearance would you take her to be an Indian girl?
A Yes, everybody knows it by looking at her.
Q You say that she is a Chickasaw Indian? A Yes sir.
Q I believe you said that she had been with you nearly all her life,--ever since her mother died? A Yes sir.
Q Are you an educated man? A No, I am not; I can't write my name.
Q You say that you thought that these girls' older sister was attending to their applications? A Yes sir.
Q I believe that you stated that you wrote to Rebecca after she was here? A Yes sir.
Q Do you know whether or not Rebecca has ever made any application to the Commission? A Through this letter that I got from the Commission is all I know.
Q Did you get a letter from the Commission? A Yes sir.
Q What was it the letter instructed? A Asked me to come before the Commission and tell what I knowed about these children.
Q And you are here in obedience to that letter? A Yes sir.
Q Do you remember anything about the time of year it was when you were here three years ago? A Hardly; it was in the spring, maybe sometime about the first of April, or along in April sometime.
Q What year would that be? A 1902.
Q What did you tell the Commission when you were up here that you had come here for? A I told them that I come here to enroll these girls as Chickasaws.
Q Did you come to the Chickasaw department? A Yes, they said that it was.
Q Someone pointed it out to you? A Yes sir.
Q Did you talk to some of the Commissioners? A Yes sir.
Q Was it this gentleman here? A I don't recollect; it may have been him; I have seen this man but I can't place him. I havn't thought any more about it.
Q I think you stated that Maggie was with you at the time, and your present wife? A Yes sir.

Examination by the Commission:

Q Do you know any of the members of the Commission when you see them? A No sir.
Q Then you don't know who it was that you spoke to when you was here? A No sir.
Q What kind of appearing man was he? A One of them was a tolerable old man; I think there was two of them.
Q Who did you say was with you at that time? A My wife and Maggie Wade.

Examination by Mr. Freeman:

Q I will ask you how you came? A In a wagon and team.

2-Pitts et al.

Q Have you ever made any application to this Commission in behalf of Rebecca Pitts for enrollment? A Yes sir. For them both at the same time. I aimed to enroll them both when I come there.

Q When was that? A About three years ago.

Q Where? A Right here in this house I reckon; it looks like the house, but I couldn't have found it this morning if I had been hunting for it.

Q Do you remember what occurred at that time? A What in our talk?

Q Yes. The Commissioner he looked on the book and said that she wasn't on there, and he said that they would see to it, but that she was not on the rolls.

Q Did they say anything at that time as to whether they would receive the application for her enrollment? A No, they didn't.

Q Do you know whether Martha Wade, the mother of Rebecca Pitts, and Maggie Wade was ever enrolled by the authorities of the Chickasaw Nation? A Yes, that was my understanding that she was on all the rolls.

Q Did you do anything further in connection with applying for Maggie Wade's enrollment? A No, nothing only write to her sister after she was here.

Q Did you ever address any communication to the Commission with reference to it? A No sir.

Q You say that your understanding was that the mother of Rebecca Pitts and Maggie Wade was on the tribal rolls? A Yes sir.

Q I understood that you took these children when they were just little children, -infants? A Yes sir.

Q And Rebecca Pitts staid with you some 10 or 11 years? A Yes.

Q During all the time that these two girls were living with you you was living in the Cherokee nation? A Yes sir--not all the time; we lived in the Choctaw Nation part of the time.

Q Did you ever try to have them enrolled as Choctaws, on the Choctaw rolls? A No sir.

Q You never drew any money for them? A No sir.

Q You knew that they were Chickasaws didn't you? A Yes, I thought their people were attending to it; you see they had people there; they had a sister living there at that time; her sister died; her name was Arnold, and I thought she was tending to it all the time; it was no interest to me. It was their interest, and that's how it come to be as it is.

Q And you, yourself, never took any action at all towards securing their enrollment? A Not any further than coming here to this Commission.

Q None except that one visit you made here? A None at all.

Q You say that Rebecca Pitts was about two years old at the time her mother died? A She may have been going on two years and a half; something like that.

Q Has Rebecca Pitts ever been known by any other name than Rebecca Pitts? A Not until she was married..

Q When was it that she was married? A About four years ago.

Q Was Martha Wade, the mother of these children, ever known by any other name than Martha Wade, as far as you know?

A She had been married before.

Q What was her name during her married life? A I can't tell you; I disremember now.

Q You say it was about three years ago that you were here and tried to have these children enrolled? A Yes, along about three years ago.

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

Muskogee, Indian Territory, June 1, 1905.

In the matter of the application for enrollment as citizens by blood of the Chickasaw Nation of Rebecca Pitts and Maggie Wade.

Charles R. Freeman, of Checotah, Indian Territory, appearing for the applicant.

Jim Kindred, being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Jim Kindred.

Q What is your postoffice address? A Checotah, Indian Territory.

Q Are you a citizen of either of the Five Civilized Tribes?

A No sir.

Q Are you acquainted with Rebecca Pitts? A Yes sir.

Q Is she a Choctaw Indian? A Yes. She is said to be.

Q When did you first become acquainted with her? A Eighteen years ago; somewhere about that.

Q Where was she living at that time? A Living in the Chickasaw Nation.

Q Do you know the name of her mother? A Yes sir, Martha Wade.

Q You were acquainted with Martha Wade also, were you? A Yes.

Q Is Martha Wade living now? A No sir.

Q When did she die? A She dies about 15 or 16 years ago.

Q Will you state what your connection with this Rebecca Pitts has been? Have you brought her up? A I raised her since she was a two-year old child.

Q When did you first take her to raise? A Taken her when her mother died.

Q About how old was she at that time? A She was a child two years old--going on two.

Q Where were you living then? A On the Canadian river.

Q In what nation did you live? A In the Cherokee nation, just across the river--right on the river.

Q Did you take Rebecca Pitts from the Chickasaw Nation to your home in the Cherokee nation? A No, they came there. They was old acquaintances of mine--the lady was.

Q Who was the father of Rebecca Pitts? A Jack Wade.

Q Was he a Choctaw Indian? A Yes sir.

Q Is he living now? A No sir.

Q How long has he been dead? A I can't tell you; I don't know how long he has been dead.

Q How long did Rebecca Pitts live with you in the Cherokee Nation? A She staid with me about 10 or 12 years.

Q How long has it been since she ceased to live with you?

A Six or seven years.

Q During the time that she was living with you did you make any effort to secure her enrollment on the tribal rolls of the Chickasaw Nation? A No sir.

Q You never sought to draw any money for her? A No, her mother drew for her once I understood.

Q Can you tell me when it was that her mother drew that money?

A No, some 16 or 17 years ago though, somewhere along there.

Rebecca Pitts et al.

- Q Did anybody draw money for Martha and Rebecca? A No sir.
Q Didn't anybody look after them? A No sir.
Q When they were making the roll down there; when the Dawes Commission was in the Chickasaw Nation, did anybody ever look out for Rebecca and Maggie? A No sir.
Q Just supposed they had gone? A Yes sir.
Q And did not take any steps at all, did they? A No, hear she was dead but didn't pay any attention to it.
Q You mean Martha or Rebecca? A Mean Martha. Martha died.
Q How long has Martha been dead? A I don't know; about 14 years.

Witness excused.

Rebecca Pitts being recalled testified as follows:

- Q You say you had a sister named Brashears older than you?
A Yes, her maiden name.
Q When did she die? A I can't tell you; after me and my mother left there.
Q About how long has she been dead? A I don't know exactly, but she has been dead about 7 years.
Q What is the name of your sister that is younger than you?
A Maggie Wade.
Q Has she any children living? A No, she isn't but 15 years old.
Q Is she living with this white man Kendricks? A Yes, she was the last time I heard from her.

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An examination has been made of the 1893 Leased District Payment Roll and the 1896 Census Roll of citizens of the Chickasaw Nation and the names of the applicants Rebecca Pitts and Maggie Wade, are not found thereon. The applicant, Rebecca Wade, was this day present in person before the Commission, has every appearance of being a Chickasaw Indian, and the testimony of her relatives seems to indicate that prior to her removal to the Cherokee Nation she was a recognized and enrolled citizen of the Chickasaw Nation. It does not appear from the records of the Commission nor from the applicant's testimony nor that of the witnesses presented, that any application was ever made for the enrollment of Rebecca Pitts and Maggie Wade until the appearance of Rebecca Pitts at the office of the Commission at Tishomingo, Indian Territory, in June, 1904.

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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 April 24, 1905.

J. H. Campbell
Notary Public.

4-Rebecca Pitts et al.

had been married before; her first husband's name was Bra-
shears, the next one was Henry Lake and the next one Wade.

Witness excused.

Lucy Harjo being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lucy Harjo.
Q How old are you? A 45.
Q Where do you live? A I live on this side of Francis.
Q Francis is your postoffice? A No, Allen.
Q Are you a Chickasaw Indian? A Yes sir.
Q Got your allotment? A Yes sir.
Q Are you any relation to this woman, Rebecca Pitts? A Yes sir.
Q What relation are you to Rebecca Pitts? A Mt brother's
son's daughter.
Q That would be your nephew's daughter? A Yes sir.
Q What is his name? A Jack Wade.
Q Is he living? A No, he is dead.
Q When did he die? A About 10 years ago I guess.
Q Was he a Chickasaw Indian? A Yes sir.
Q Where did he die? A He died on the Blue, this side of
Stonewall.
Q When did you find out that this woman, Rebecca Pitts, was
Jack Wade's daughter? A Last year she come to my house.
Q When was the last time you saw her prior to the time that
she came to your house last year? A About 17 years ago.
Q You are sure this is the same woman? A Yes sir.
Q You know that this is Jack Wade's daughter are you? A Yes,
one time she used to be at my house all the time, Martha
Wade and Jack Wade.
Q What is Rebecca's mother's name? A Martha Wade.
Q You say they lived at your house? A Yes sir.
Q When was that? A About 17 years ago; the time she parted
and Martha was gone.
Q Where did Martha go? A I don't know where she go that time.
I heard she gone to Cherokee Nation.
Q Who did she go with? A I don't know what man; I don't
know what his name at the time.
Q Do you know what his name is now? A I heard it; don't know.
Q Do you know it? A I can't remember it.
Q After they went away when Martha left your house about 17
years ago, how old was Rebecca? A About a year old.
Q And you understood that she went to the Cherokee nation
with this white man? A Yes sir.
Q You didn't see Rebecca after that until she came to your
house last year? A No, I learn he write to us and wanted
to find out who his wife's folks was, but I never seen him.
Q Who do you mean by that? A Pitts.
Q Did you know Pitts? A Yes sir.
Q Is he Indian? A No sir.
Q White man? A White Cherokee he says.
Q You don't know anything about his being a Cherokee? A No sir.
Q Do you remember when they paid the Chickasaws \$130? A Yes sir.
Q That was how long after Martha and Rebecca left your house?
A That's about--I forget; he drew money about four years I
guess.

3-Rebecca Pitts et al.

Margaret Lee being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Margaret Lee.
- Q How old are you? A I don't know exactly my age; between 59 and 60.
- Q Where do you live? A Four miles northeast of Stonewall.
- Q Is Stonewall your postoffice? A Yes sir.
- Q Are you a citizen of the Chickasaw Nation? A Yes sir.
- Q Been enrolled? A Yes sir.
- Q Have you got your allotment? A Yes, my husband filed for me.
- Q Have you always lived in the Chickasaw Nation? A Yes,--we left after they divided it--made the line between.
- Q Do you know this woman Rebecca Pitts? A Yes sir.
- Q What do you know about her? A I have known her ever since she was an infant. She was not but five weeks old when I first saw her.
- Q Are you any relation to her? A Yes sir.
- Q What relation? A Her mother and I are first cousins.
- Q State as briefly as you can about the time of the death of this woman's father and mother and her removal to the Cherokee nation? A I don't know when her father died exactly; I didn't know that he was dead until a long time. And I didn't know when her mother died. You see she left us and I never did know where she went. We was not at home when she left us; we went after the children at Bloomfield, and she promised to stay until we came back, and when we came back she was gone.
- Q What was Rebecca Pitts' mother's name? A Martha Wade
- Q When did you last see her? A It was in the year 1891 I think.
- Q Where did you see her? A She came there after her cattle; she had bought some cattle from this same Jim Kendricks and left them there; my husband was her first cousin; we were all related on her mother's side, and she had left the cattle there and had come there after them.
- Q How did she happen to come to the Cherokee Nation with this man Kendricks? A He had taken her I reckon.
- Q Were they living together? A No, he had a family; he had taken her away.
- Q How old a woman was Martha Wade? A She was about thirty--I don't know exactly; between 30 and 35 I reckon. She had a grown daughter and a grandchild when she left there.
- Q You saw Rebecca Pitts before she came to the Chickasaw Nation last year? A When her mother took her away when she was about two years old, and I never saw her any more.
- Q You say to the best of your recollection that was in 1891?
- A Yes, it was about that year; it was in August I know.
- Q Do you remember when they made that payment of \$130 to the Chickasaws? A Yes sir.
- Q Do you know whether anybody drew that money for this woman?
- A No, I don't; that was in '93.
- Q Was she ever known by any other name than Rebecca Wade?
- A No sir.
- Q Was Martha Wade ever known by any other name? A Yes, she

2- Rebecca Pitts et al.

where I lived.

- Q How long have you been married to Mr. Pitts? A Three years the 6th day of July.
- Q Have you any children? A This one is all.
- Q What is the child's name? A Maggie May Pitts.
- Q How old is she? A Eight months the 6th day of this month.
- Q Have you personally ever presented yourself before this Commission and made application to be enrolled as a citizen of the Chickasaw Nation? A Yes, at the Chickasaw Land Office at Tishomingo last year.
- Q Do you know what year this year is? A Yes sir, 1905.
- Q What year would it be when you were before the land office? A 1904.
- Q Did you ever do anything prior to that time in regard to being enrolled? A No sir.
- Q Never had made any application before that time? A No sir.
- Q Then for twelve years prior to the time you were before the land office at Tishomingo you have been in the Cherokee Nation with this white man, have you? A Yes, 12 years, and the first two years before that I lived in the Chickasaw Nation.
- Q Did Kendrick ever do anything about your being enrolled as a Chickasaw? A No, he never would tell me exactly what tribe I belonged to.
- Q You say your father died when you were a little girl? A Yes.
- Q How old were you when he died? A My aunt told me after I came back here that he died about six years before; that would be when I was about ten years old.
- Q How old were you when your mother died? A Two years.
- Q When did you discover that you were a citizen of the Chickasaw Nation? A He always told me that I belonged to the Choctaws; said mother was a Choctaw and my daddy a Chickasaw. and me and my husband went back last January a year ago and traced up and found my people; they were all Chickasaws.
- Q Did Kendrick ever draw any money for you? A Not that I know of.
- Q Did you ever draw any? A No sir.
- Q Did you ever hear of anybody getting money for you as a Chickasaw? A No sir.
- Q Did you ever apply to be enrolled as a Cherokee? A No sir.
- Q The only time you ever did anything was when you went to the Chickasaw land office at Tishomingo in 1904? A Yes sir.
- Q You are sure of that, now? A Yes sir. It was in June, but I disremember what day.
- Q You say you are married to Pitts? A Yes sir.
- Q Is he an Indian? A No sir, he is a white man.

Witness excused.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 24, 1905.

In the matter of the alleged application for the enrollment as citizens by blood of the Chickasaw Nation of Rebecca Pitts and Maggie Wade.

Rebecca Pitts being first duly sworn testified as follows:

Examination by the Commission.

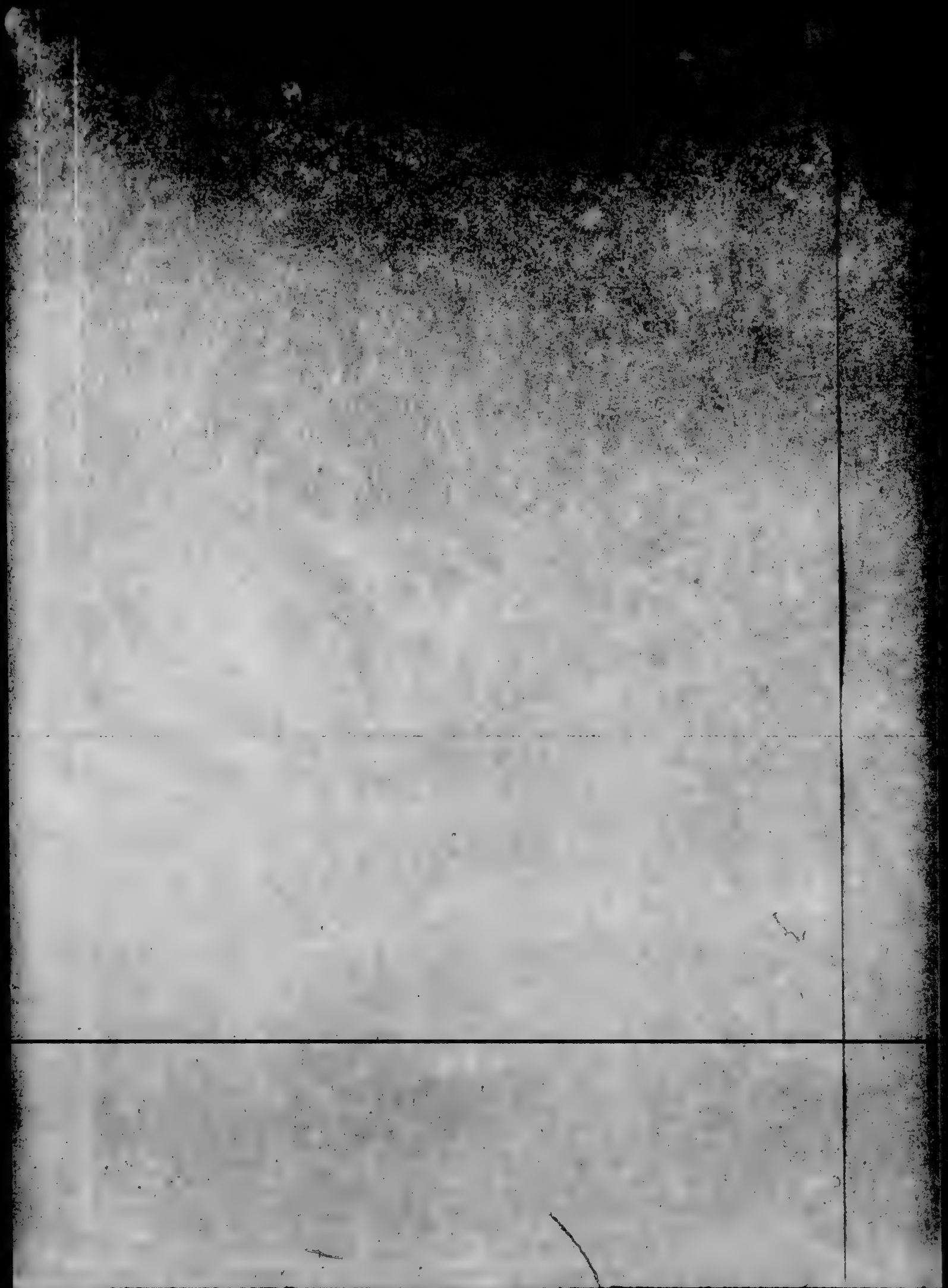
- Q What is your name? A Rebecca Pitts.
Q How old are you? A 17 years old.
Q Where do you live? A Chickasaw Nation.
Q What is your postoffice address? A Stonewall.
Q How long have you been living in the Chickasaw Nation?
A Since sometime a year ago last January; 13th day.
Q Where did you live prior to that time? A Cherokee Nation.
Q How long did you live in the Cherokee Nation? A 12 years.
Q Whereabouts in the Cherokee Nation did you live? A Five miles southeast of Checotah.
Q In Canadian District? A Yes sir.
Q What was your postoffice address? A Checotah.
Q Who did you live with? A Jim Kendricks.
Q Is he a citizen of the Cherokee Nation? A No sir, he is a white man.
Q He is not a citizen of any of the five tribes of Indian Territory? A No sir.
Q How did you happen to live with him? A My mother and father parted when I was a baby and she took me up to live with this white family, and she died about four weeks after she went to the Cherokee Nation and this white family kept me.
Q How did you happen to go to the Cherokee Nation? A I went with this white man; he took me and my mother.
Q What is your mother's name? A Martha Wade.
Q Is she living? A No, she died when I was two years old.
Q You say you are 17 years old now? A Yes sir.
Q You have lived in the Chickasaw Nation for the last year and a half? and lived 12 years prior to that in the Cherokee Nation?
A Yes sir.
Q Where did you live before you went to the Cherokee Nation?
A Chickasaw Nation.
Q Were you born in the Chickasaw Nation? A Yes sir.
Q Where? A Sulphur Springs I think, to the best of my knowledge.
Q What is your father's name? A Jack Wade.
Q Is he living? A No sir.
Q Have you any brothers or sisters? A I have two sisters, one younger and one older than I am.
Q What is the name of your oldest sister? A Margaret Bra-
mware.
Q Is she living? A No, she is dead.
Q How long was she been dead? A I can't tell you; after she and my mother left them, I didn't hear of her again.
Q What is the other sister's name? A Maggie Wade.
Q Is she living? A Yes sir.
Q Where is she living? A At Checotah, with this white man

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

Record in the matter of the application for the enrollment as citizens by blood of the Chickasaw Nation of -

Rebecca Pitts
Maggie Wade.

Memorandum-73.



7-D-646

COPY.

Muskogee, Indian Territory, March 25, 1905.

Walter C. Burns,
Provenee, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 25, 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.

James Bixby

Chairman.

Registered.

Incl. 7-D-646.

7-D-646

COPY.

Muskogee, Indian Territory, March 25, 1905

Mansfield, 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 March 25, 1905, granting the application for the enrollment of Walter C. Burns 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).

Tams Bixoy

Chairman.

Registered.

Incl. 7-D-646.

See See 9-1794 for registry receipt for this letter.

7-D-646

COPY.

Muskogee, Indian Territory, March 25, 1905.

F. M. Fax,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 25, 1905, rendered its decision granting the application for the enrollment of Walter C. Burns 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,

Jams D. ...

Chairman.

Registered.

Washago, Indian Territory, March 8, 1905.

F. W. Fox,

Attorney at Law.

Admore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 2, 1905, asking if judgment has been rendered in the cases of E. T. Thacker and Walter C. Burns, applicants for enrollment as citizens by intermarriage of the Chickasaw and Choctaw Nations respectively.

In reply to your letter you are informed that E. T. Thacker has been enrolled by the Commission as an intermarried citizen of the Chickasaw Nation and his enrollment approved by the Secretary of the Interior November 16, 1904.

You are further advised that the Commission is now considering the application for the enrollment of Walter C. Burns as an intermarried citizen of the Choctaw Nation and when a decision is reached you and the applicant will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

7-2-200

Lawrence, Indian Territory, January 19, 1908.

Walter C. Hines,

Lawrence, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 13, 1908, in which you ask if a decision has ever been rendered in your case.

In reply to your letter you are informed that the Commission is now considering your application for enrollment as an intermarried citizen of the Choctaw Nation and as soon as a decision is reached in this case you will be notified of the action taken.

Respectfully,

Chairman.

V-D-646.

Muskogee, Indian Territory. October 21, 1904.

Walter C. Burns,

Provence, 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 said application can be finally passed upon, it will be necessary for you to furnish the Commission with evidence showing whether or not either yourself or your former wife, Elizabeth Polson, were ever married prior to your marriage to each other. If so, you must furnish the Commission with your own affidavit, and that of some one knowing the facts, showing that your former spouse, or spouses, were dead at the time of your said marriage, or if divorces had been secured, with certified copies of the decrees of divorce. If neither of you were previously married, your affidavit to that effect must be furnished as to yourself, and the affidavit of some one knowing the facts as to your former wife.

This matter should receive your immediate attention.

Respectfully,

Chairman.

V-D-545.

Muskogee, Indian Territory, September 24, 1904.

Walter G. Burns,

Provenbe, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 9th instant, requesting information relative to the status of your application for enrollment as an intermarried citizen of the Choctaw Nation.

You are advised that the Commission is passing upon the applications for enrollment of intermarried citizens of the Choctaw and Chickasaw Nations as rapidly as possible, and as soon as a decision has been reached in your case you will be duly notified of the action taken therein.

Respectfully,

Chairman.

Chapter 3 240

Mankages, Indian Territory, May 20, 1903.

Walter C. Burns,

Provenca, Indian Territory,

Dear sir:

Receipt is hereby acknowledged of your letter of May 8th, in which you ask how soon you may expect a decision in your case. You further inquire if your attorney filed a marriage license showing your last marriage.

In reply to your letter you are advised that it appears from our records that you have been listed among the doubtful claimants for enrollment as an intermarried citizen of the Choctaw 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. It is impracticable at this time to inform you when your case will be taken up for consideration.

You are informed that it appears from our records that a certified copy of Marriage license and certificate of W. C. Burns and Jennie Lumsden, dated February 8, 1885 has been filed with the record in your case.

The matter of classification of the land described by you has been made the subject of another communication.

Respectfully,

Chairman.

W O B A

will receive a plat showing the classification thereof and a schedule of the appraised value of the Choctaw and Chickasaw Nations.

For your information there is inclosed you herewith a copy of the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations.

Respectfully,

Chairman

Rules for allotment.

Choctaw D 446

Muskogee, Indian Territory, April 17, 1903.

Walter C. Burns,

Provence, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 10, asking if you are on the final rolls of the Choctaw Nation. You also wish to be informed if you will have to know the location of your land before you appear at the land office, and request the classification thereof.

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 Choctaw 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.

You are further advised that it is expected that citizens will be informed of the location of their land at the time they make application therefor at the land offices. The Commission has, however, for several years past, had parties in the field platting and locating improvements, and will be in a position to assist the citizens materially in the location of their allotments. If you will forward a description of the land for which you desire classification, you

Muskogee, Indian Territory, February 3, 1903.

O. J. Phagan,

Wilson, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January, 1903, in which you desire to know if W. C. Burns and his son, Louis Burns, are enrolled as either Choctaws or Chickasaws.

In reply to your letter you are advised that it appears from our records that Walter C. Burns has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation, and that his final right to such enrollment has not yet been determined.

It does not appear from our records that any application has been made to this Commission for the enrollment of Louis Burns, son of Walter C. Burns, as a citizen of the Choctaw Nation.

You are further advised that the lands upon which doubtful or contested claimants to citizens in the Choctaw and Chickasaw Nations have improvements, not in excess of lawful allotments, will not be allotted to any citizen until the rights of such doubtful claimants are finally determined.

Respectfully,

Acting Chairman.

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

REFERRED IN REPLY TO THE FOLLOWING

Choctaw D-646

(Copy)

Muskogee, Indian Territory, March 5, 1902.

Walter C. Burns,
Provence, Indian Territory.

You are hereby notified that the application of.....yourself.....
.....
for enrollment as a citizen.....of the Choctaw 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 15th day of April, 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
Choctaw 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,

Register.

Commissioner in Charge.

W. C. B. 2--

your white wife and also sufficient evidence showing that your Chickasaw wife was a recognized and enrolled citizen of the Chickasaw Nation by the authorities of that Nation. As above stated, however, no further attention can be paid to your application until you have personally appeared before the Commission for examination under oath.

Yours truly,

James S. Dixby
Acting Chairman.
3.

COMMISSIONERS
HENRY L. DAVIS,
TAMM BIRDY,
THOMAS B. NEEDLES,
C. R. BEECHERIDGE.

ALLISON L. AYLWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 27, 1900.

Walter C. Burns,
Conway, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of recent date in which you request information as to procedure to be enrolled as a citizen of the Chickasaw Nation. You state in your letter that you are a white man and were married to an Indian woman in 1875 and that after her death you married a white woman in 1885.

The Commission is led to believe from your letter that you desire to make application for enrollment as an intermarried citizen of the Chickasaw Nation. If this is true, it will be necessary for you to appear in person before the Commission for examination under oath the rules and regulations of the Department of the Interior and of this Commission requiring that each and every applicant for enrollment must present himself in person before the Commission at one of its appointments for examination under oath, his statements to be taken down by the Commission and upon which the Commission will determine the rights to enrollment and such record and the action of the Commission will be preserved and transmitted with the rolls to be considered by the Department when the rolls made by the Commission are submitted for the approval of the Secretary of the Interior.

Upon such personal appearance it would also be well for you to have either the original or certified copies of the marriage licenses and certificates, first to your Chickasaw wife and then to

Pickens County
Chickasaw Nation

Sept. 27th 1875

I do hereby certify

that I this day 24th Feb. 1887
do solemnly certify the receipt of
the money between Walter C. B.
(a white man) and Elizabeth
Johnson a native Christian

Given under my hand and
Seal on this day and date as
above.

J. O. Lewis P. S.

Chickasaw District - Indian
Mission Conference Methodist
E. C. South

I the undersigned
District & County Clerk in
and for the County of Pickens
Chickasaw Nation do hereby certify the
copy is a correct copy of the
original certificate that is now
in Record in this office on
page 9 of Volume A Personal
Account for Pickens County C.N.

Given under my hand and seal
of Office this the 21st day of Feb. 1887

J. O. Lewis
Clerk. D. C. S. C. N.

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

FILED

AUG 14 1901

 ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

12/21/04

[Handwritten signature]
S. S. MAN.

NOV 21 1874

RECEIVED AT THE OFFICE OF THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

Indian Territory,
Southern District.

Mrs. Sallie L. Davis _____, upon her oath says, I am 55 years of
age and my postoffice is Oakman, I.T. Indian Territory; I knew Eliz-
abeth Folsom when she was a girl and know she was never married until she
married Walter C. Burns.

Mrs. Sallie L. Davis

Subscribed and sworn to before me this 27 day of October, 1904.

W. Hugh Evans
Notary Public.

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

12/21/04

 CHAIRMAN.

Indian Territory,
Southern District,

Mr. Walter C. Burns, NP on his oath says, I am 55 years
of age, and my Postoffice is, Preysburg, I.T. Indian Territory,

I have never been married until I married, Elizabeth Tolson,
on September 24th, 1875,.

Walter C. Burns

Subscribed and sworn to before me this 27th, day of October 1904.

W. H. C. Thomas,

Notary Public,.

Seal

The State of Texas :
County of Grayson. :

I, P.F. Ellis, Clerk of the County Court in &
for Grayson County, Texas, hereby certify that

the instrument or writing which appears on the reverse hereof, is a true
and correct copy of the Marriage License and the return thereon, issued
to W.C. Barnes and Jennie Lundsten, as the same appears of record in my
Office in Vol. H page 178 of the Marriage Records of Grayson Co. Tex.

Given under my hand and official seal, on this the 3rd day of April,
A.D. 1902,

..... P.F. Ellis Clerk.

Presented to	189	days
By	W.C. Barnes	to
Witnessed by	189	days
By	Jennie Lundsten	to
Witnessed by	189	days
By	W.C. Barnes	to
Witnessed by	189	days
By	Jennie Lundsten	to
Witnessed by	189	days

Marriage License

W.C. Barnes

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 15 1902
ACTING CHAIRMAN



To any Judge of the District Court, Judge of the County Court, Ordained or Licensed Minister Jewish, Rabbi, or Justice of the Peace of Grayson County Greeting:

You are hereby Authorized to Celebrate the RITES OF MATRIMONY

Between W. G. Burns
 and Jennie Lunsden
 and make due return to the Clerk of said court within sixty days thereafter,
 certifying your action under this License:

Witness my Special Signature and Seal
 this 2nd day of February, 1885
S. C. Dickerman Clerk
 By _____ Deputy

I, S. C. Dickerman, certify that on the 2nd day of February, 1885
 I united in Marriage W. G. Burns
 and Jennie Lunsden the parties above named.
 Witness my hand this 2nd day of February, 1885
S. C. Dickerman Clerk

Returned and filed for record the 2nd day of February, 1885
 and recorded the 2nd day of February, 1885
 _____ Deputy County Clerk

S. V. D. 646

Marriage License

AND

Issued the _____ day of _____
1899

at _____
County _____
By _____ Deputy


Valid the _____ day of _____
1899

at _____
County _____
By _____ Deputy


Recorded in Book _____ Page _____ of Marriage Records

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

FILED
APR 15 1902


ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 14 1901

 ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, April 15, 1902.

.....
:: In the matter of the application ::
:: of Walter C. Burns for enrollment ::
:: as a citizen of the Choctaw Nation. ::
.....

D-646.

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw Nation were also notified by registered mail that the application of Walter C. Burns 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 Muskegee, Indian Territory, on the 15th day of April, 1902, for final consideration.

Now on this 15th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant appears by his attorney F. M. Fox, of Ardmore, Indian Territory, and offers in evidence a certified copy of the marriage license issued by the County Clerk of Grayson County, States of Texas, on the 2nd day of February, 1885, to W. C. Burns and Jennie Lumsden, together with a marriage certificate dated on the 17th day of March, 1885, and asks that the same be filed and considered as evidence in this case.

This case will now be considered upon the evidence and record as made up.

-----:-----
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 April 15, 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 April, 1902.

Subscribed and sworn to before me this 18 day of April, 1902.

Clara Mitchell Wood

Notary Public.

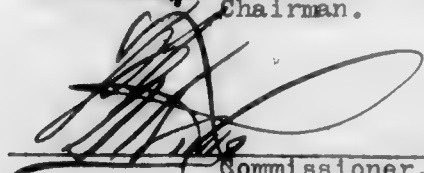
2.

(30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

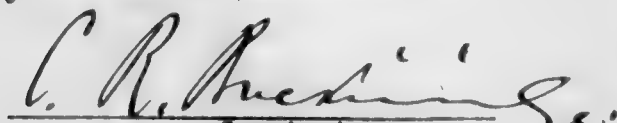
COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

MAR 25 1905

7-D-646.

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

In the matter of the application for the enrollment of Walter C. Burns as a citizen by intermarriage of the Chickasaw Nation.

--: D E C I S I O N :--

It appears from the record herein that the applicant Walter C. Burns, on September 24, 1875, was married under the then existing laws of the Chickasaw Nation to Elizabeth Folsom, a recognized citizen by blood of the Chickasaw Nation, the names of whose children by said marriage, Annie Crosbey and Alice Fussell, appear as numbers 128 and 172 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; that at the time of said marriage both the persons above mentioned were residents in good faith of the Chickasaw Nation; that said Elizabeth Burns, nee Folsom, died in the year 1881, and on February 8, 1885, the applicant was lawfully married to Jennie Lumsden, a white woman having no rights of Choctaw or Chickasaw citizenship by blood; that the applicant had been a resident in good faith of the Choctaw-Chickasaw country from the date of his said marriage to Elizabeth Folsom on September 24, 1875 up to and including September 25, 1902.

The application made to this Commission was for the enrollment of said Walter C. Burns as a citizen by intermarriage of the Choctaw Nation. It appears from the record herein that said Elizabeth Folsom was of part Choctaw and part Chickasaw blood. Her name, however, does not appear on any of the Choctaw tribal rolls, and inasmuch as her children by the applicant have been identified and placed on the final roll as citizens by blood of the Chickasaw Nation, and as she was a resident of said nation at the time of her death, the present application is considered as an application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

It is, therefore, the opinion of this Commission that Walter C. Burns 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

Department of the Interior
Commission to the Five Civilized Tribes
Arkansas, 14 October 1902

Choctaw D-846

In the matter of the application for enrollment as a citizen by
intermarriage of the Choctaw Nation of Walter C. Burns.

Walter C. Burns being first duly sworn testified as follows:

Examination by the Commission

- Q. What is your name? A. Walter C. Burns.
Q. How old are you? A. Fifty-one.
Q. Your post office address? A. Trosance.
Q. How long have you resided in the Choctaw Nation? A. Within the
exception of about six years I have been here about right at
thirty years.
Q. How long have you continuously resided here? A. Well I have been
here until up to '92 I believe it was, I went to the Choctaw
Nation.
Q. Have you lived in the Choctaw-Chickasaw Nations continuously for to
the past thirty years? A. Yes, sir.
Q. Never have made your home elsewhere? A. Only for two or three
months at Denison.
Q. You are a white man? A. Yes, sir.
Q. Claimant as an intermarried citizen of the Choctaw Nation? A.
Yes, sir.
Q. What is the name of your Choctaw wife? A. Elizabeth Felson.
Q. She is a recognized citizen by blood of the Choctaw Nation? A.
Yes, sir.
Q. You made application at the office of the Commission August 14,
1901 to be enrolled as an intermarried Choctaw? A. Yes, sir.
Q. Have you since that time resided continuously in the Choctaw
Nation? A. I have been here in this country.
Q. Have you married any other woman since that time? A. No, 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 on October 27, 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 *29* day of November 1902.

Notary Public.

Q In the case of the ...
A Yes, I was there.
Q Why did you not present yourself at the ... I was not able
to go there, I was sick.
Q You say that you have no documentary evidence of the action
taken by the ...
A I have no documentary evidence of the action taken by the ...
Q You think that action was made a matter of record in your ...
A That's what I think, yes.
Q You had better procure a certified copy of that action
file it with the Commission in support of your application.
A Alright.

Clara Mitchell Wood being duly sworn states that as
stenographer for the Commission to the Five Civilized Tribes,
she reported in full all proceedings had in the above entitled
cause on the 14th day of August, 1901 and that the above and
foregoing is a full true and correct transcript of her sten-
ographic notes taken in said cause on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 14th day of August 1901.

[Signature]
[Title]

the same time my other daughter was.

Q At what place? A Stonehill.

Q Under what name was she listed? A She was first listed under "Sandy" but he died and she married Matt and she was listed again at Stonehill.

Q These two children were by your Choctaw wife? A Yes sir.

Q Are you now married? A Yes sir.

Q To whom are you now married? A I am married to Jennie Lunsdel.

Q Is she a white woman? A Yes sir; she's a white woman.

Q She is not a citizen of either the Choctaw or Chickasaw Nations? A No sir.

Q When were you married? A I married in '85.

Q Is she still living? A Yes sir.

Q Where were you married? A I married in Texas.

Q Were you married under United States law? A Yes sir.

Q Have you a marriage license? A Yes; not with me.

Q Since you married your present wife where have you resided? A In the Indian Territory.

Q In what Nation? A Chickasaw Nation; part in the Choctaw Nation.

Q Since you married your present wife have you always been recognized as a citizen of the Choctaw Nation? A Yes sir.

Q Have you any children by your second wife? A Yes I have a boy.

Q How old is he? A He's fourteen years old last June -- the 11th.

Q Do you make application for his enrollment? A No sir. Don't suppose I could enroll him; his mother's a white woman and me a white man.

Q Did you ever make application for enrollment as an inter married citizen of the Choctaw Nation to the Choctaw tribal authorities? A No sir.

Q Does your name appear upon the tribal rolls of the Choctaw Nation as an intermarried citizen? A I can't tell you whether it does or not; it's on the tribal rolls of the Chickasaw Nation; we've always been considered Choctaw and Chickasaw.

Q Did you ever make application to the Chickasaw tribal authorities for enrollment as an intermarried citizen of the Choctaw Nation? A They cited me to appear before the council and I appeared before the council and made it satisfactory and they made a final decision and entered it on their book.

Q In what year was this? A It's about; -I don't remember what year it was about 13 years ago.

Q Have you any evidence of the action taken by the Chickasaw Legislature at the time you made appearance before them at Tishomingo? A No sir; I have't any; it was on file there at Tishomingo.

The records of the Choctaw and Chickasaw Nations now in the possession of the Commission have been carefully examined and the name of the applicant Walter C. Burns does not appear thereon as an intermarried citizen of either Nation.

Q Did you ever make application to the United States Court for admission as an intermarried citizen of the Choctaw or Chickasaw Nation? A No sir.

Q Where were you living in 1896? A I was living in the Choctaw Nation.

Q At what place? A I was working at the saw mill right in close to Tusakahom, Choctaw Nation as well as I remember now.

Q You knew at that time that the Commission were hearing applications for enrollment as citizens of the Choctaw Nation and Chickasaw Nation did you not? A No I did'nt- just after that when they was about through in the Chickasaw Nation was when I heard it.

Q Where were you living in 1899? A '99 - let's see; I was

W. C. Burns - 2.

Q A minister of the Gospel? A Yes sir.
Q Did you procure a marriage license? A No sir; there was no license at that time. I got a certificate; got it recorded.
Q You have the marriage certificate? A Yes sir.
Q Do you wish to file it with the records of the Commission?
A Yes sir.

There is offered in evidence, filed and made a part of the records in this case a certificate of marriage stating that Walter C. Burns, a white man and Elizabeth Polson, a Native Choctaw woman were lawfully married September 24, 1878 by W. C. Davis, Presiding Elder, Chickasaw District and Mission Conference, Methodist Episcopal Church South.

This marriage certificate appears to have been filed in the office of the District and county clerk of Pickens County, Chickasaw Nation on page 94 volume 1 General Records for Pickens County Chickasaw Nation February 27, 1880. Signed I. O. Lewis, Clerk Pickens County.

There is also filed and made part of the records in this case a certificate that Walter C. Burns is a recognized citizen of the Choctaw Nation. Signed I. O. Lewis, Clerk of Pickens County. The seal of the office of the county clerk being affixed thereto.

Q Have you always been a recognized citizen of the Choctaw Nation? A Yes sir.
Q Do you own a farm? A Yes sir.
Q In what Nation? A I own it in the Chickasaw Nation.
Q Is it carried on by yourself or by tenants? A By myself; I live on the place and I rent the land and work some of it myself.
Q Are you permitted to collect your rents? A Yes sir.
Q Have you any children? A I have one.
Q What is it - a girl or a boy? A It's a boy; that is a white child; I have two other children; I have one white child; I have two girls.
Q What is the name of your oldest girl? A Alice Malinda Fussell.
Q How old is she? A She's about 24 years old; born in '76.
Q Who was her mother? A Her mother was Elizabeth Burns.
Q Your daughter Alice is now married? A Yes sir.
Q To whom is she married? A She's married to James Edward Fussell.
Q Is your daughter listed for enrollment as a citizen by blood of the Chickasaw Nation? A Yes sir.
Q Do you know the time and place when the application was made for her enrollment? A She was enrolled at Stonewall, Chickasaw Nation.
Q Do you know what time? A I don't remember; I think it was about three years ago maybe; I don't know just what time it was.
Q Have you any other children by your Choctaw wife? A Yes sir.
Q What is her name? A Ann's Watts.
Q How old is she? A She was born in '80 - would make her 21 years old.
Q Is your daughter Anne married? A Yes sir.
Q To whom is she married? A To William A. Watts.
Q Is he a citizen of the Chickasaw Nation? A Yes sir.
Q Is your daughter Anne listed for enrollment as a citizen of the Chickasaw Nation? A Yes sir.
Q How was she listed? A I don't remember but I think it was the

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T. August 14, 1901.

In the matter of the application for enrollment as an intermarried citizen of the Choctaw Nation of Walter C. Burns.

Walter C. Burns being first duly sworn by Commissioner Needles testified as follows:

Examination by the Commission:

- Q What is your full name? A Walter Cochburns.
Q What is your age? A I am 50.
Q What is your post office address? A Prevnas, Chickasaw Nation.
Q What was the name of your father? A William A. Burns.
Q Is he living? A No sir.
Q What was the name of your mother? A Cynthia Burns.
Q Is she living or dead? A She's dead.
Q Were they both white people? A Yes sir.
Q Neither your father or mother ever claimed to be citizens of the Choctaw Nation? A No sir.
Q How long have you resided in the Chickasaw Nation? A With the exception of about six years I have been there ever since -- I been there about 28 years.
Q Where else have you resided? A I lived in the Choctaw Nation.
Q For how long? A Well I expect about six years - something near it, until last fall.
Q Have you resided continuously in the Indian Territory for the length of time mentioned? A Yes sir with the exception of about six months about 18 years ago.
Q You want to make application for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q How do you claim the right to make application as an intermarried citizen of the Choctaw Nation? A By marriage with a Choctaw woman.
Q A recognized citizen of the Choctaw Nation? A Yes sir.
Q What was her name? A Elizabeth Folsom- that was her name.
Q Is she living? A No sir.
Q When did she die? A She died in the fall of '81.
Q What was her father's name? A Dennis Folsom.
Q Is he living? A No sir.
Q What was her mother's name? A Melvina Folsom.
Q Is she living? A No sir.
Q Was your wife's father a Choctaw Indian? A Yes he was part Choctaw.
Q Was your wife's mother a Choctaw Indian? A Why it was my understanding that she was part Chickasaw and part Choctaw.
Q Was your wife's mother living at the time you were married? A No sir.
Q Was her father living at the time you married? A No sir.
Q You never knew either of them? A I never knew either of them; I have been told that and we have been recognized-- she was, at the time I was married.
Q When were you married? A I was married in 1875 - in September.
Q Where? A I was married at Park Valley in the Chickasaw Nation.
Q By whom? A By W. C. Davis.
Q Was he an officer of the Chickasaw Nation? A No sir he was a preacher.

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:

WALTER C. BURNS

7-D-646.

1812

9--1811
25--263

Muskogee, Indian Territory, September 7, 1906.

Henry Daily,

Blance, Indian Territory.

Dear Sir:

Your letter of August 29, 1906, addressed to the Secretary of the Interior, has been referred to this office for reply. Therein you request to be advised when your wife, Ellen Daily, and your child, Lena Daily, will be placed upon the final rolls.

Relative thereto you are advised that it does not appear from the records of this office that any formal application has ever been made for the enrollment of Ellen Daily as a citizen by intermarriage of the Chickasaw Nation.

Before further consideration can be given in the matter of the application for the enrollment of your minor child, Lena Daily, it will be necessary that you forward this office the marriage certificate showing your marriage to Ellen Daily.

Respectfully,

Acting Commissioner.

9-1811

Muskogee, Indian Territory, August 14, 1908.

Henry Dailey,

Blanco, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 8, 1908, stating that your wife's name is Ellen Dailey and that you were married to her on August 12, 1903, and you desire to have her enrolled as an intermarried citizen.

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 as an intermarried citizen of said Nations.

Respectfully,

Acting Commissioner.

9-1811

Muskogee, Indian Territory, June 12, 1905.

Wallace Wilkinson,

Attorney at Law.

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 8, 1905, asking if the enrollment of Epsie Dukes and Henry Dailey, et al., has been approved so that they can now file on their lands.

In reply to your letter you are advised that the names of Epsy Bacon, Henry, Jimmie, Elizabeth and Emma Dailey have been placed upon a schedule of citizens by blood 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, and pending their approval by him no selection of allotment could be made in their behalf.

Respectfully,

Chairman.

9-D-228

COPY.

Muskogee, Indian Territory, April 22, 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 April 22, 1905, granting the application for the enrollment of Esey Bacon, Henry Daily, Jimmie Daily, Elizabeth Daily and Emma Daily, 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 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-228

9-D-226

COPY.

Muskogee, Indian Territory, April 22, 1905.

Cobb & Hastain,
Attorneys at Law,
Tishomingo, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on April 22, 1905, rendered its decision granting the application for the enrollment of Epsay Bacon, Henry Daily, Jimmie Daily, Elizabeth Daily and Emma Daily, 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 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

Tams Bixby

Chairman.

Registered.

COPY.

Muskogee, Indian Territory, April 22, 1905.

McCurtain & Hill,
Attorneys at Law,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on April 22, 1905, rendered its decision granting the application for the enrollment of Epsy Bacon, Henry Daily, Jimmie Daily, Elizabeth Daily and Fema Daily, 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 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

James Pixey

Chairman.

Registered.

COPY.

Muskogee, Indian Territory, April 22, 1905.

Wallace Wilkinson,
Attorney at Law,
South McAlester, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on April 22, 1905, rendered its decision granting the application for the enrollment of Eusey Bacon, Henry Daily, Jimmie Daily, Elizabeth Daily and Emma Daily, 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 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

James Bixby

Chairman,

Registered.

9-D-228

COPY.

Muskogee, Indian Territory, April 22, 1905.

Epsy Bacon,

Blanco, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 22, 1905, granting the application for the enrollment of yourself and Henry Daily, Jimmie Daily, Elizabeth Daily and Emma Daily, 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

Tamm Bixby

Chairman.

Registered.

Incl. 9-D-228.

4-5-228

COPY,
McAlester, Indian Territory, April 22, 1906.

W. H. Redwine,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on April 22, 1906, rendered its decision granting the application for the enrollment of Eusey Bacon, Henry Daily, Jimmie Daily, Elizabeth Daily and Emma Daily 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 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

James Bixby

Chairman.

Registered.

9-2-20

Huskoga, Indian Territory, March 14, 1908.

McCurtain & Hill,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter without date enclosing the affidavits of Ellen Cole and Joseph Moore which you offer in support of the application of Epay Duke for enrollment as a citizen by blood of the Chickasaw Nation and the same have been filed with the records in support of this application.

Respectfully,

Chairman.

U. S. 72

mony to identify the persons above named upon the tribal rolls of the Choctaw and Chickasaw Nations in order that disposition may be made of their applications for enrollment as citizens by blood of the Chickasaw Nation.

Respectfully,

Commissioner in Charge.

9-2-226

Muskogee, Indian Territory, March 3, 1905.

Wallace Wilkinson,

Attorney at Law.

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 28, 1905, in which you ask relative to the enrollment of Henry Dailey, a full blood Choctaw Indian who lives near Blanco. You state that he has been on the rolls all his life, but a few years ago his mother married a Snake Indian and the step-father refused to appear before the Commission at the time it was there making up the final roll. You therefore ask what steps are necessary to get the matter straightened out.

In reply to your letter you are advised that it appears from our records that Henry Dailey is an applicant for enrollment as a citizen by blood of the Chickasaw Nation together with his mother Epy Duke and his brother Jimmie Dailey and his sisters Elizabeth and Emma Dailey, but his name has not been found on any of the tribal rolls of the Choctaw and Chickasaw Nations in the possession of the Commission.

The Commission now has a representative in the field for the purpose of securing additional evidence in Choctaw and Chickasaw enrollment cases, and an effort will be made to secure testi-

Chickasaw B 225

Waskagee, Indian Territory, December 24, 1944.

McCurtain & Hill,

Attorneys at Law,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of December 20, in the matter of the enrollment of Epsy Duke and her minor children, in which you ask if it is now too late to introduce evidence identifying Epsy Duke upon the rolls.

In reply to your letter you are advised that the matter of the application of Epsy Duke for the enrollment of herself and her minor children has not yet been passed upon and such additional evidence as can be secured should be submitted as early as possible.

Respectfully,

Chairman.

S-D-222

Muskogee, Indian Territory, November 19, 1904.

McCurtain & Hill,

Attorneys at Law.

South McAlester, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of November 17, 1904, in which you state that it is impossible to have Epay Duke procure the affidavits required to establish the right of herself and her children to enrollment as citizens of the Chickasaw Nation, and you do not see what further can be done in the matter.

Respectfully,

Chairman.

McC & H. #2

by the tribal authority of the Choctaw and Chickasaw Nation was taken in support of said application. There is also on file with the records of the case an affidavit signed by Epsy Daily relative to the enrollment of herself and children as citizens by blood of the Chickasaw Nation.

As stated in our letter of the 3rd instant, there is nothing contained in the evidence or testimony which has heretofore been furnished the Commission by which she or her minor children can be identified upon the tribal rolls of the Choctaw or Chickasaw Nation.

From an examination of the testimony already given by Epsy Duke it is not believed that anything further could be obtained by her personal appearance before the Commission at the present time. It appears from her affidavit filed June 2, 1904, that she has a brother residing at or near Stonewall, by the name of Eli Sealey and one aunt whose name is Emily or Emeline, whose surname and residence appears to be unknown. The above statement is made for your information in the matter.

You are further advised that the affidavits of reputable citizens of the Choctaw or Chickasaw Nations who are able to give any information whereby Epsy Duke and her minor children can be identified upon the tribal rolls of the Choctaw or Chickasaw Nation properly executed and forwarded to this office will receive due consideration.

Respectfully,

Commissioner in Charge

Muskogee, Indian Territory, October 27, 1904.

McCurtain & Hill,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 8th instant, referring to our letter of October 3, 1904, wherein you were advised that before the enrollment of Epsy Duke and her minor children as citizens by blood of the Chickasaw Nation could receive further consideration it would be necessary that evidence be furnished whereby said persons could be identified upon the tribal rolls of the Choctaw or Chickasaw Nation, and you request to be advised what sort of evidence the Commission will require in the matter stating that the parties are absolutely penniless and unable to defray the expense of a personal attendance before the Commission at Muskogee, Indian Territory.

You are informed it appears from our records that on March 20, 1899 application was made for the enrollment of citizens by blood of the Chickasaw Nation of Epsy Duke and her minor children Fannie, Henry, Jimmie, Elizabeth and Emma Daily. Subsequent thereto the testimony of Epsy Baken formerly Epsy Duke and that of Maytubee relative to her enrollment and that of her children Peter

November 17th 1904.

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

Dear Sirs:

Referring to the matter of Esby Duke and her minor children, it looks as if we will be unable to get these people to do anything. We explained fully the matter of securing affidavits required by the Commission, and we thought that the woman would endeavor to secure testimony satisfactory to the Commission, so that she and her children might be placed upon the rolls. It seems, however, that influences have been at work to keep her away from the Commission, or prevent her from making any effort to obtain this evidence. There is no question but what she and her children are full blood Indians, born and raised in the Choctaw and Chickasaw Nations, but we are unable to get her to take any steps to satisfy the Commission of this fact. This explains why the affidavits have not been sent you, and we do not see what further can be done in the matter.

Yours very truly,

McCurtain & Hill

EPH

9-D-128

Muskogee, Indian Territory, November 9, 1904.

Peter Maytubby,

Gado, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of November 6, 1904, in which you state that Epy Duke is a full blood Chickasaw woman and that you drew the leased district payment money for her, but do not know under what name she was registered, and this information has been made a matter of record in her case.

Respectfully,

Chairman.

9-D-325

Muskogee, Indian Territory, October 26, 1904.

McGurtain & Hill,

Attorneys at Law.

South McAlester, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of October 26, 1904, in which you state that you hope to secure affidavits and statements with reference to the enrollment of Epsy Duke and her children and forward them sometime next week.

In reply to your letter you are informed that they should be forwarded as early as practicable so disposition may be made of this case.

Respectfully,

Chairman.

9-D-238

Muskogee, Indian Territory, October 24, 1904.

Peter Maytubby,

Caddo, Indian Territory.

Dear Sir:

On December 22, 1902, you appeared before this Commission at South McAlester, Indian Territory, and testified relative to the identification of Epsy Duke, an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation.

You then stated that in 1893 you drew the Leased District money for her, but an examination of both the 1893 Choctaw and Chickasaw Leased District Payment Rolls does not disclose the fact that any person by that name drew any money at that time.

You will kindly inform the Commission at your earliest convenience under what name Epsy Duke was enrolled and under what name she drew her money at that time.

An envelope for reply is enclosed herewith.

Respectfully,

Enc. Nav.

Chairman.

V-D228

Muskogee, Indian Territory, September 23, 1904.

Dan Bacon,

P. O. Box 336,

South McAlester, Indian Territory.

Dear Sir :-

Receipt is hereby acknowledged of your letter of the 13th inst., requesting to be advised relative to the application of your wife, Epsie Duke, and her children, for enrollment as citizens of the Chickasaw Nation.

You are informed that additional testimony was taken in the matter of this application, at Atoka, Indian Territory, on September 6, 1904. The application is pending before the Commission, and as soon as a decision is rendered you will be furnished with a copy thereof.

Respectfully,

Chairman.

Chickasaw

Muskogee, Indian Territory, August 15, 1904.

Dear Russell,
South McAlester, Indian Territory,

Dear Sir:

Receipt is heraby acknowledged of your letter of August 5, asking if Epsie Dalley, and Henry, Jimmie, Elizabeth and Emma Dalley, are enrolled.

In reply you are advised that on August 12, 1904, a letter was addressed you giving full information relative to the status of the application of Epsie Duke for the enrollment of herself and her four minor children as citizens by blood of the Chickasaw nation.

Respectfully,

Commissioner in Charge.

Chickasaw D-228.

Muskogee, Indian Territory, August 12, 1904.

Dan Russell,

Box 336,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 8, in which you state that Epsie Dailey and her four children claim to be on the Chickasaw rolls, but when they went to file they say those in charge told them they would have to come to Muskogee to be approved. If this is true, you ask how many of the children will have to accompany their mother to Muskogee, and state that they are poor people and have not the money to come to Muskogee unless it is absolutely necessary.

In reply to your letter, you are informed that it will not be necessary for any of the children of Epsie Duke, who was formerly Epsie Dailey, to accompany their mother upon her appearance before the Commission. You are also advised that she may, if she desires, appear at the Choctaw Land Office, Atoka, Indian Territory, September 6 and 7, or at the Chickasaw Land Office, Tishomingo, Indian Territory, September 8 and 9, 1904.

Respectfully,

9-2-228.

Muskogee, Indian Territory, July 23, 1904.

Essey Duke,
Klewa, Indian Territory.

Dear Madam:

In the matter of the application for yourself and children as citizens by blood of the Chickasaw Nation, you are advised that your name cannot be found on the tribal rolls in the possession of the Commission, and that it will be necessary for you to appear before the Commission and give testimony in regard to your identity and the identity of your children.

For this purpose you can appear on September the 6th or 7th at the land office at Atoka, Indian Territory, or on September the 8th or 9th at the land office at Tishomingo, Indian Territory.

Respectfully,

Commissioner in Charge.

2-3-222

Muskogee, Indian Territory, June 2, 1904.

E. N. Roberts,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 24, 1904, enclosing the affidavit of Nancy Dailey, relative to her marriage and her residence in the Cherokee and Chickasaw Nations, and to the time and place she drew the 1898 loaned district money, and the same has been duly filed with the records of the Commission in the matter of the application for enrollment of Nancy Dailey and her minor children as citizens by blood of the Chickasaw Nation.

Respectfully,

Chairman

H. D., 2.

at the office of the Commission at Muskogee, Indian Territory.

Respectfully.

Chairman.

Chickasaw D-224

Kuskogee, Indian Territory, May 17, 1904.

Henry Daily,

Blanco, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 9, relative to the rights to enrollment of yourself and your brother and sisters.

In reply to your letter you are informed that it appears from our records that Spacy Duke and her children, Henry, Jimmie, Elizabeth and Emma Daily, are applicants to the Commission for enrollment as citizens of the Chickasaw Nation, but their final right to such enrollment has not yet been determined, for the reason that it does not appear from the records of the Chickasaw Nation in the possession of the Commission that these persons have been recognized and enrolled by the Chickasaw tribal authorities as citizens of said Nation.

If you can introduce testimony showing that your mother and her children had been enrolled as citizens of the Chickasaw Nation by the tribal authorities thereof, and the names under which they are enrolled, it would be well for you to present such testimony

W. M. R., 2.

asaw Nation, it would be well for her to present the same to the
Commission at its office at Muskogee, Indian Territory.

Respectfully,

Chairman.

Chickasaw D-228

Muskogee, Indian Territory, May 17, 1904.

W. B. Redwine,

Attorney-at-Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 3, in which you ask for the status of the case of Epsy Dailey and her minor children, Henry, Emma, Elizabeth and James Dailey.

In reply to your letter you are informed that it appears from our records that Epsy Duke and her minor children, Henry, Jimmie, Elizabeth and Emma Daily are applicants to this Commission for enrollment as citizens of the Chickasaw Nation, but their final right to such enrollment has not yet been determined.

From the records of the Chickasaw Nation in the possession of the Commission it has been impossible to identify Epsy Duke and her minor children, above named, as having been recognized and enrolled as citizens of said Nation by the tribal authorities thereof. If she can introduce testimony to show that she and her children had been recognized and enrolled as citizens of the Chick-

Chickasaw D 228

Muskogee, Indian Territory, May 2, 1904.

Wallace Wilkinson,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 23, asking the status of the citizenship claim of Epsie Dukes, Henry Dailey, et al.

In reply to your letter you are advised that the Commission has not yet passed upon the final right of Epsie Duke and her children, Henry, Jimmie, Elizabeth and Emma Daily to enrollment as citizens of the Chickasaw Nation. In the event further evidence is necessary to enable us to determine the rights of these applicants you will be notified.

Respectfully,

Chairman.

H D 2

man and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws."

Respectfully,

Commissioner-in charge

Chickasaw D 228

Muskogee, Indian Territory, March 31, 1904.

Henry Daily,

Blanco, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 25, relative to the right of your wife, Ellen Daily, and your child to enrollment.

In reply to your letter you are informed that the Commission has not yet passed upon your application for enrollment as a citizen of the Chickasaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

You are further informed that it does not appear from our records that any application has been made to this Commission by or on behalf of your wife, Ellen Daily, for enrollment as an intermarried citizen of the Chickasaw Nation, nor does it appear that application has been made for the enrollment of your child. In this connection, as you state your child is now only seven months old, your attention is invited to the following provision of the Act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902.

"Sec. 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; and no child born thereafter to a citizen or freed-

Chickasaw 2 222

Muskogee, Indian Territory, March 19, 1904.

Henry Daily,

Blanco, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 6, addressed to the Secretary of the Interior, which has been by him referred to this Commission for consideration and appropriate action. Therein you state that you have not been permitted to draw your money or file on your land and that your family is in extreme need.

In reply to your letter you are advised that the Commission has not yet passed upon the application of your mother, Epsy Duke, for the enrollment of herself and her children, Fannie, Henry, Jimmie, Elizabeth and Emma Daily, as citizens 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,

Commissioner in Charge.

Chickasaw D228

Muskogee, Indian Territory, November 24, 1903.

Cobb & Hastain,

Attorneys at Law,

Tishomingo, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of November 20, asking the status of the enrollment of Epsy Duke and her children, Emma, James and Elizabeth Daily, as citizens of the Chickasaw Nation.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Epsy Duke for the enrollment of herself and her children, Fannie, Henry, Jimmie, Elizabeth and Emma Daily, as citizens of the Chickasaw Nation. As soon as a decision is reached in this case the applicants will be duly notified of the action taken therein.

Respectfully,

Chairman.

9-D-228

Muskogee, Indian Territory, August 12, 1908.

Henry Daley,

Blanco, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 4, asking if you are enrolled as a citizen of the Choctaw or Chickasaw Nations, and stating that your mother's name is Dukes.

In reply to your letter you are informed that it appears from our records that Henry Daily, son of Epsay Duke and Allen Dalley has been listed among the doubtful claimants to enrollment as a citizen by blood 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 notified of the action

Respectfully,

Commissioner in Charge.

Chickasaw D 226

Muskogee, Indian Territory, March 7, 1903.

Henry Daley,

Blanco, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 24, giving the name of your post office and that of your mother, Epsie Dukes, as Blanco, Indian Territory, and this information has been made a matter of record with the Commission.

Respectfully,

Chairman.

Chickasaw
~~1228~~
D228

Muskogee, Indian Territory, February 3, 1903.

Peter Maytubby,
Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 26, in which you protest against the classification of certain lands described therein. You also state that you have been unable to ascertain the post-office address of Epsy Duke but that you hope to be able to do so before it is too late.

In reply to your letter you are advised that the appraisal of the lands of the Choctaw and Chickasaw Nations, heretofore made, is by the Commission considered final and your request can not, therefore, be granted.

You have the thanks of this Commission for your efforts to discover the post-office of Epsy Duke and it is hoped that you will succeed in obtaining this information at an early date.

Respectfully,

Acting Chairman.

Chickasaw D-226.

Muskogee, Indian Territory, January 12, 1903.

Spsey Duke,

Kiowa, Indian Territory.

Dear Madam:

On March 20, 1899, an application was made to this Commission for the enrollment of yourself and your minor children, Fannie, Henry, Jimmie, Elizabeth and Emma Daily, as citizens by blood of the Chickasaw Nation. You are requested to inform the Commission whether you or any of your children were ever enrolled in the Chickasaw Nation, and if so at what time and under what names; and whether you or any of your children drew the Leased District money in 1893; and also inform us what was your name in 1893 and whether you have ever been known as Spsey Allen.

Respectfully,

Acting Chairman.

Chickasaw D-236.

Muskogee, Indian Territory, January 12, 1903.

Peter Maytubby,

Gaddo, Indian Territory.

Dear Sir:

In your testimony given before the Commission at South McAlester, Indian Territory, on December 22, 1902, in regard to the application of Epsy Duke and her minor children for enrollment as citizens by blood of the Chickasaw Nation, you stated that you enrolled her at Atoka, Indian Territory, for the purpose of drawing the 1893 Leased District money, and that this money was turned over to G. B. Hester for her.

We are unable to find the names of Epsy Duke or any of her children upon the rolls in question. You are requested to inform the Commission, if possible, under what name this woman was placed on the roll and whether any of her children were at that time enrolled with her, and if so under what names; also any other facts that you may possess which will lead to the identification of this family.

Our last letter to Epsy Duke, sent to Kiowa, Indian Territory, was returned unclaimed, and we will ask that you send her present post-office address.

Respectfully,

Acting Chairman.

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

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES. | Chickasaw D-228

REFER IN REPLY TO THE FOLLOWING.

Muskogee, Indian Territory, March 19, 1902.

Epsy Duke,
Kiowa, Indian Territory

You are hereby notified that the application of yourself and your five minor children, Fannie Henry, Jimmie, Elizabeth and Emma Daily 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 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 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. Brackinridge

Commissioner in Charge.

Muskogee, Indian Territory, September 21, 1901.

Mr. W. H. Anderson,
 Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, requesting to be advised whether or not the names of Sam Duke, Epsy Duke, his wife, and Harry, James, Elizabeth and Emma Duke are listed for enrollment as citizens by blood of the Chickasaw Nation.

You are informed that the records of this office show that on October 11, 1898, Sam Duke, fifty years of age, of Kiowa, I. T., was listed for enrollment as a citizen by blood of the Chickasaw Nation. The records further show that Epsy Duke, thirty years of age, and her minor children, Fannie, Henry, Jennie, Elizabeth and Emma Daily, were listed for enrollment as doubtful claimants to citizenship in the Chickasaw Nation. It appears from the records that the first husband of Epsy Duke (and the father of the minor children named herein) was Allen Daily a full blood Choctaw Indian.

Yours truly,

Muskogee, Indian Territory,

August, 18th 1900.

Epsey Duke,

Kiowa, Indian Territory.

Dear Madam-

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filled with this Commission a notice of protest to your enrollment and to the enrollment of Fannie Daily, Henry Daily, Jimmie Daily, Elizabeth Daily and Emma Daily as citizens 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,

Acting Chairman.

9-D-288.

1811

Sam. Swann
No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

March 17th 1703

Mr Peter May tubbee

I will not write
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 With ~~Shute~~ and ~~Child~~
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 Dagon's ~~men~~ ^{men}
 and ~~men~~ ^{men}
 to and ~~live~~ ^{live} in ~~Cherokee~~ ^{Cherokee} Nation
 do not think you ~~ever~~ ^{ever} again
 and give my name
 Andrew ~~Almond~~
 address ~~Dagon~~ ^{Dagon} ~~Branch~~ ^{Branch}
 Branch

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

In the matter of the death of Fannie Daily
(Here insert name of deceased.)
a citizen of the Chickasaw Nation, who formerly resided at or near
Blanco (Here insert name of postoffice.), Ind. Ter., and died on the
January, 1902 day of

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Central DISTRICT.

I, Epsy Bacon, formerly Dak., on oath state that I am over 30
years of age and a citizen, by blood, of the Chickasaw Nation;
that my postoffice address is Blanco (Here insert name of postoffice.), Ind. Ter.; that I am
mother (State relationship as: the father; an uncle; a cousin, etc.) of Fannie Daily (Here insert name of deceased.)
who was a citizen, by blood, of the Chickasaw Nation;
and that said Fannie Daily (Here insert name of deceased.) died during or before
January, 1902 (Here insert name of deceased.) her day of
Epsy X Bacon mark

WITNESSES TO MARK:

(Must be Two Witnesses.) Robert E. Gruert
E. P. Hill

Seal

Subscribed and sworn to before me this 10th day of January, 1905

Hert Franklin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Central DISTRICT.

I, Daniel Bacon, on oath state that I am 38
years of age, and a citizen by blood, of the Choctaw Nation;
that my postoffice address is Blanco (Here insert name of postoffice.), Ind. Ter.;

that I was personally acquainted with Fannie Daily (Here insert name of deceased.)
who was a citizen, by blood, of the Chickasaw Nation;
and that said Fannie Daily (Here insert name of deceased.) died during or before
January, 1902 (Here insert name of deceased.) his day of
Daniel X Bacon mark

WITNESSES TO MARK:

(Must be Two Witnesses.) Robert E. Gruert
E. P. Hill

Seal

Subscribed and sworn to before me this 10th day of January, 1905

Hert Franklin
Notary Public.

9D228

IN RE

THE DEATH OF

Fannie Daily
a citizen of the

Chokasaw

Nation.

Approved Jan 23 1905

Thos Bixby

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes

Filed

Jan 23, 1905

Thos Bixby
Chairman

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

In the matter of the death of Fannie Daily
(Here insert name of deceased.)
a citizen of the Chickasaw Nation, who formerly resided at or near
Blanco (Here insert name of postoffice.) Ind. Ter., and died on the _____ day of
January, 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Central DISTRICT.

I, Epsy Bacon, formerly Dub, on oath state that I am over 30
years of age and a citizen, by blood of the Chickasaw Nation;
that my postoffice address is Blanco (Here insert name of postoffice.) Ind. Ter.; that I am
mother (State relationship as: the father, an uncle, a cousin, etc.) of Fannie Daily
(Here insert name of deceased.)
who was a citizen, by blood of the Chickasaw Nation;
and that said Fannie Daily (Here insert name of deceased.)
January, 1902, Epsy her X Bacon
died during or before mark
day of _____

WITNESSES TO MARK
(Must be Two Witnesses.)
Robert E. Summit
E. Heie

Subscribed and sworn to before me this 10th day of January, 1905.
Wirt Franklin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Central DISTRICT.

I, Daniel Bacon, on oath state that I am 38
years of age, and a citizen by blood of the Choctaw Nation;
that my postoffice address is Blanco (Here insert name of postoffice.) Ind. Ter.;
that I was personally acquainted with Fannie Daily
(Here insert name of deceased.)
who was a citizen, by blood of the Chickasaw Nation;
and that said Fannie Daily (Here insert name of deceased.)
January, 1902, Daniel his X Bacon
died during or before mark
day of _____

WITNESSES TO MARK
(Must be Two Witnesses.)
Robert E. Summit
E. Heie

Subscribed and sworn to before me this 10th day of January, 1905.
Wirt Franklin
Notary Public.

9D228

IN RE

THE DEATH OF

Fannie Daily
a citizen of the

Chickasaw

Nation.

Approved JAN 23 1905 190



Commissioner.

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

JAN 23 1905



CHAIRMAN.

that affiant and her children are full blood Chickasaw Indians, and have always been recognized as such by the Chickasaw Tribe, that their names should appear on the Tribal Chickasaw rolls,

Affiant further states that in the year ¹⁸⁷³ ~~1873~~ she and three of her children draw money of what is known as the Lease District Fund, that at the time said money was paid affiant went to Boggy Depot, and ~~Registered~~ ^{Registered} preparatory to draw said money, and that One J.B. Hester a white man who was a merchant at Boggy Depot, went to Tishomingo, and drew affiant's money for herself and children, and the same was paid over to her after the said J.B. Hester had deducted from said amount a store account which affiant owed him.

Affiant further states, that about the year 1898 or ~~1898~~ 1899, she and her said husband Sam Duke appeared before the Commission to the Five Civilized Tribes, at Atoka I.T. and made applicant to be enrolled as citizens of the Chickasaw Nation, and affiant thought she and her children were duly enrolled until about six months ago, when she was notified by said Commission that she must be further identified before said Commission,

Affiant further states that since her marriage with her present husband to wit Daniel Bacon, they have born to them as the issue of said marriage one child by the name of Louisa Bacon who is now about nine ^{months} ~~years~~ old.

Witness.

W. H. Redwine

Ed. J. Daily
Mark


Subscribed and sworn to before me this the 24th day of May, 1904.

C. B. Williams
Notary Public.

no 228
Chickasaw "D"
Elyse Daily et al
vs
Choctaw Chickasaw
Nation
Applicant of
Elyse Daily

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

JUN 2 1904

 CHAIRMAN

W. A. Redwine
Supt. McAlester I-7
Atty for Applicant

Department of the Interior,
Commission to the Five Civilized Tribes.
at Muskogee, I.T.

Epsy Dailey,
Henry Dailey,)
Rama Dailey,)
Elizabeth Dailey, and)
James Dailey, Applicants for Chickasaw D. No 228
citizenship in the Chickasaw Nation.)
)

Affidavit of Epsy Dailey.

Before me the undersigned Notary Public, within and for the Central District of the Indian Territory, personally appeared, Epsy Dailey, (now Epsy Bacon) and who after being duly sworn states, that she is the principal in this case, that she is a full-blood Chickasaw Indian and was born in the Chickasaw Nation near Stonewall I.T. about the year 1868, that she does not understand the English language, neither can she read or write, that she has lived and resided in the Choctaw and Chickasaw Nation all her life, that her maiden name was Epsy Sealey, that her

Fathers name was Ekeyokee Sealey and her Mothers name was ~~Rama~~ Sheontee Sealey, that both her Father and Mother were raised in the Chickasaw Nation and were full-blood Chickasaw Indians, and were duly enrolled Chickasaw Indians that affiants Father died when she was quite small, and affiants Mother died when she was about Eleven years old, that affiant has only one brother living whose name is Eli Sealey, and who lives and resides near Stonewall, and is duly enrolled as a Chickasaw Indian, affiant does not know any of her Uncles or Aunts, except one by the name of Emily or Mailine who married some person to whom she does not know, Affiant further ~~states~~ states, that when she was about Eighteen years old she married a full-blood Choctaw by the name Allen Dailey, and as the issue of said marriage she and her said husband Allen Dailey had born to them the following named Children to wit; Henry Dailey, age 20 years, James Dailey, 16 years, Elizabeth Dailey age 13 years, and Rama Dailey age 10 years, that all of said children are now living ~~and~~

that about the year 1894, Allen Dailey the husband of affiant died, and thereafter and about the year 1898 or 99 affiant was lawfully married ~~to~~ Sam Duke, a full-blood Chickasaw Indian, that about the year 1900, said Sam Duke departed this life, and thereafter affiant married Daniel Bacon a full-blood Choctaw Indian, with whom she now lives,

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Epsy Duke for the enrollment of herself and her five minor children, Fannie, Henry, Jimmie, Elizabeth and Emma Daily as citizens by blood of the Chickasaw Nation.

---D 228---

On the 19th day of May, 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, that the application of Epsy Duke, Fannie Daily, Henry Daily, Jimmie Daily, Elizabeth Daily, and Emma Daily for enrollment 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 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 applicants 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 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.

of them drew the money.

children drew \$102.00 for the herd from the Choctaws. I did not see any cows. I heard that Roney drew \$130.00 from the Chickasaws and that he drew money from the Chickasaws and not children drew money from the Choctaws.

I don't know about Roney drawing money, but I understand she goes. Roney was the eldest child and has been dead about three years and Rums. Allen Darteley was the father of Rums Darteley also, but she is Blood Choctaw. Allen Darteley was the father of Henry, Jimmie, Elizabeth Chickasaw Nation. I knew her first husband Allen Darteley. He was a full married. She is a full blood Chickasaw, and was born and raised in the known Roney Duke all the time. They called her just Roney before she was old. I am a full blood Chickasaw, but am on the Choctaw rolls. I have when I was about six years old and raised me. I am now forty three years I was raised by Allan Cole who has just given her certificate. She took me my name is Joseph Moore, my deaf office now in Blanco, T.T. before me the undersigned authority on this day personally appeared Joseph Moore

Confidential

Indian Territory,

Attest: Joseph Moore,
Chairman.

the matter of the enrollment of the children.

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

MAR 1 1905



In the matter of the enrollment of Epsy Duke and her minor children.

Indian Territory,
Central District.

Affidavit of Joseph Moore.

Before me the undersigned authority on this day personally appeared Joseph Moore, and being by me first duly sworn on oath states:

My name is Joseph Moore, my post office now is Blanco, I.T. I was raised by Ellen Cole who has just given her testimony. She took me when I was about six years old and raised me. I am now forty three years old. I am a full blood Chickasaw, but am on the Choctaw rolls. I have known Epsy Duke all the time. They called her just Epsy before she was married. She is a full blood Chickasaw, and was born and raised in the Chickasaw Nation. I knew her first husband Allen Dailey. He was a full blood Choctaw. Allen Dailey was the father of Henry, Jimmie, Elizabeth and Emma. Allen Dailey was the father of Fannie Dailey also, but she is dead. Fannie was the oldest child and has been dead about three years.

I dont know about Epsy drawing money, but I understood she drew money from the Chickasaws and her children drew money from the Choctaws. I heard that Epsy drew \$130.00 from the Chickasaws and that her children drew \$103.00 to the head from the Choctaws. I did not see any of them draw the money.

I knew Sam Duke, her second husband. He was a Chickasaw. He is dead, and Epsy is living with a Choctaw now named Daniel Bacon. They live near Blanco, I.T.

Witness my hand at South McAlester, I.T. this the 10th day of March 1905.

Witness:
Kirkby _____
Joseph Moore _____
Moore

Sworn to and subscribed before me this March 10th 1905.

Kirkby _____
Notary public.

My commission expires the 28 day of June 1905.

March 1902.

Witnesses in a group at South McVintevet, I.T. this the 10th day of
and they drew their money from the Choctaws.
new side, but that her children were repleated on the Choctaw side.

landed and thirty dollars. I heard that she got her money on the Chick-

I think it was about fourteen years ago. She told me that she drew one

I don't know when it was, but it was the same year I got mine at Krebs.

She told me that she drew Chickasaw money at Holly Dehor.

She lives near Blando.

now living with a full blood Choctaw by the name of Daniel Bacon, and

Duke. I knew Sam Duke and he has been dead about three years. She is

about his death she married a full blood Chickasaw by the name of Sam

She is a first husband, Allen Dittie, died several years ago.

who used to live in the Chickasaw Nation, but he died a long time ago.

the other is named Jane. Matty and Jane's father was named Edmund McGee

best storekeeper in the Chickasaw Nation. One of them is named Matty and

Mattie, but she never had any children. She is now in the same place as I live

about three years ago. I heard some one had been killed in the Chickasaw

remember the month when some one died, but I don't know it was in the spring.

In looking down across Holly creek south road

I.T. I don't

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 13 1902

~~CHAS. H. ...~~

CHAS. H. ...

in Locust Grove across Brushy creek south east of Blanco, I.T. I dont remember the month when Fannie died, but I think it was in the Spring about three years ago. I heard Fannie had been married in the Chickasaw Nation, but she never had any children. Epsy has got two aunts who live near Stonewall in the Chickasaw Nation. One of them is named Emily and the other is named Jane. Emily and Jane's father was named Edmund McGee who used to live in the Chickasaw Nation, but he died a long time ago.

Epsy's first husband, Allen Dailey, died several years ago. after his death she married a full blood Chickasaw by the name of Sam Duke. I knew Sam Duke and he has been dead about three years. Epsy is now living with a full blood Choctaw by the name of Daniel Bacon, and they live near Blanco.

Epsy told me that she drew Chickasaw money at Boggy Depot. I dont know when it was, but it was the same year I got mine at Krebs. I think it was about fourteen years ago. She told me that she drew One Hundred and thirty dollars. I heard that she got her money on the Chickasaw side, but that her children were registered on the Choctaw side and they draw their money from the Choctaws.

Witness my hand at South McAlester, I.T. this the 10th day of March 1905.

Ellen Cole

Subscribed and sworn to before me this March 10th 1905.

W. H. Patrick

Notary Public Central District.

My Commission expires the 29 day of June 1905.

IN THE MATTER OF THE ENROLLMENT OF EPSKY DUKES AND HER MINOR CHILDREN.

Indian Territory,
Central District.)

Affidavit of Ellen Cole.

Before me the undersigned authority on this day personally appeared Ellen Cole, and being by me first duly sworn on oath states:

I live in the Choctaw Nation and my post office is Blanco, I.T. I am a full blood Chickasaw Indian. I do not know just how old I am, but guess I was about 15 years old when the war commenced. I was about thirty years old when I took Joseph Moore to raise and he has been with me about thirty-seven years. He was about six yeras old when I took him.

I have known Epsey Dukes all her life. She was born in the Chickasaw Nation. She was always known just by the name of Epsey. I knew Epsey's mother and her grandmother. Epsey's grandmother was named Aley, but I dont know how it was spelled. Mrs. Aley was a niece of my father and my father's name in English was Jim Reed, and in Choctaw Ahenna. Epsey's mother was named Chetohe. Epsey's mother and grandmother have been dead a good while. I do not know the name of Epsey's father. They say he has been dead a long while. Epsey's father and mother were full blood Chickasaws and both died in the Chickasaw Nation. Epsey lived in the Chickasaw Nation ~~about seven~~ near Wapanucka until about seven years ago when she moved to the Choctaw Nation. I am kin to Epsey's family and have known about them all my life. I am a Chickasaw, but was born and raised in the Choctaw Nation and have always lived within a few miles of where I now live.


Epsey's first husband was Allen Dailey, a Choctaw. He was the father of her children Henry, Jimmie, Elizabeth and Fannie. Fannie was the name of the oldest, but she is dead. The other four children are living. I saw Fannie when she was sick in bed, and saw her when she was dead and buried. She was buried at the Choctaw church and school house


2.

that the application for the enrollment of Fannie Daily as a citizen by blood of the Chickasaw Nation should be dismissed and that Epsey Bacon, Henry Daily, Jimmie Daily, Elizabeth Daily and Emma Daily 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.


Commissioner.

Muskogee, Indian Territory,

APR 22 1905

215

9-D-228.

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

In the matter of the application for the enrollment of Epsey Bacon and her children Fannie Daily, Henry Daily, Jimmie Daily, Elizabeth Daily and Emma Daily as citizens 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 March 20, 1899 Epsey Bacon, formerly Duke, thirty years of age, appeared before the Commission and made personal application for the enrollment of herself and her children Fannie Daily, fourteen years of age, Henry Daily, thirteen years of age, Jimmie Daily, eight years of age, Elizabeth Daily, six years of age, and Emma Daily, three years of age, as citizens by blood of the Chickasaw Nation. Further proceedings were had in the matter of this application at South McAlester, Indian Territory on December 22, 1902, Tishomingo, Indian Territory, on July 7, 1903, Atoka, Indian Territory, on September 6, 1904, and at South McAlester, Indian Territory on January 10, 1905.

It further appears from the census card record and from the record herein that the principal applicant, Epsey Bacon, is a full blood Chickasaw Indian, and that the minor applicants herein are the offspring of the marriage of the said Epsey Bacon with one Allen Daily, deceased, a recognized citizen by blood of the Choctaw Nation.

Upon an examination of the tribal rolls in the possession of the Commission the principal applicant, Epsey Bacon, is identified upon the 1878 Chickasaw Annuity Roll, Pontotoc County, number 440, as Epsy.

It further appears from the record herein that all of the applicants in this case, with the exception of the applicant Fannie Daily, had resided continuously in the Choctaw-Chickasaw country since the date of their birth up to and including September 25, 1902, and that the applicant Fannie Daily died during or before January 1902.

It is, therefore, the opinion of this Commission

Epsy Duke et al. 6.

Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath states that he reported all the proceedings had in the above entitled case on the 10th day of January, 1905, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Robert E. Grunert

Subscribed and sworn to before me this 21st day of January, 1905.

Wirt Franklin
Notary Public.

My Commission expires
January 3, 1909.

Epsy Duke et al. 5.

- Q Then she must have died in January, 1900, five years ago, is that right? A She says she don't know but supposes about that time.
- Q Then do you want to correct your testimony as you gave it a while ago so as to make it appear that ~~she~~ Fannie Daily died in January, 1900, or 1901, instead of two years ago. A She says she don't know about the years and don't know how to give it.
- Q But are you positive that four summers have passed since Fannie Daily died? A She says she thinks there are four summers passed, she is pretty nearly certain.
- Q Are you positive that Fannie Daily died not less than three years ago? A She says she is pretty nearly certain.
- Q Is it over three years since she died? A She don't know anything about dates and kept no record of the years but says it has been over three years.
- Q Who made the coffin in which she was buried? A Robertson Watson and Wilson Frazier.
- Q What is their post office address? A Blanco, Indian Territory.
- Q Are they citizens? A Yes, they are Choctaws.
- Q Are they full bloods? A Yes.

Witness excused.

Daniel Bacon, recalled, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q You were not present were you when Fannie Daily died? A Says no, I was not present when she died.
- Q How did you learn of her death? A Said he was then living at Coalgate and when he came in that neighborhood he was told that she had died.
- Q Who told you? A He says he don't remember now who told him.
- Q Are you positive that Fannie Daily died not less than three years ago? A He says he is pretty sure that she died within the last three years.
- Q Are you sure that it was prior to the ratification of the Supplemental Agreement on September 25, 1902, was it the January before that? A Yes, he says he is sure that it was the January before the treaty was ratified.

Witness excused.

Epsy Bacon, recalled, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q Did you, or any one for you, ever appear before the Commission prior to this time in the matter of your enrollment and the enrollment of your children as citizens of the Chickasaw Nation? A She says she herself and Sam Duke appeared before the Commission at McAlester. It was in the summer time.

Witness excused.

Epsy Duke et al. 4.

The principal applicant has the appearance of a full blood Indian and cannot talk a word of English.

Mr. Hill, do you wish to examine the witness? A No, sir.

Witness excused.

Daniel Bacon being duly sworn and examined through Alfred W. McClure, sworn interpreter, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Daniel Bacon.
- Q How old are you? A About thirty-eight years.
- Q What is your post office address? A Blanco, Indian Territory.
- Q Are you the husband of Epsy Bacon? A Yes.
- Q Were you acquainted during her lifetime with Fannie Daily?
- A He says yes, I was acquainted with her.
- Q When did Fannie Daily die? A He says he seen her prior to her death. He was up on the head of Brushy and was not there at the time of her death, but he heard that she died about January but don't know what year.
- Q Was it January two years ago or three years ago that Fannie Daily died? A He says he believes it was three years ago.
- Q Do you remember the special election called by the governors of the Choctaw and Chickasaw Nations for the purpose of voting on whether to receive or reject the Supplemental Agreement between the United States and the Choctaw and Chickasaw Nations? A He says he remembers the time, but he says he don't know about when it was.
- Q Did you vote at that election? A He says he never failed to go to the elections. He guesses he voted.
- Q Now was it the January before this election that Fannie Daily died? A He says yes, it was the January before this election that Fannie Daily died.
- Q You are positive as to that? A He says yes.
- Q Is your wife Epsy Bacon a full blood Chickasaw Indian? A He says yes, she is a Chickasaw by blood.
- Q Is she a full blood? A Yes.
- Q Has she always been recognized as a citizen by blood of the Chickasaw Nation, she and her children? A He says yes, they have been recognized as Chickasaws.
- Q Did you ever know their citizenship as Chickasaws to be questioned?
- A He says he don't know that their citizenship has ever been questioned.

Mr. Hill, do you wish to examine the witness? A No, sir.

Witness excused.

Epsy Bacon, recalled, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q How many summers have passed since Fannie Daily has died? A She says she can't say positively. She says though about four summers.

- Emma, five in all, the last two born since the payment.
- Q Are all those children living at the present time? A She says they are all living except Fannie.
- Q When was it that Fannie Daily died? A About two years since Fannie died.
- Q What is the exact date of Fannie's death? A She says she don't know the day of the month, but it was the next month after Christmas was over. She died very shortly afterwards.
- Q That would be in January, would it not? A She says it was about in January.
- Q Was it January two years ago? A Yes, she thinks about that time, two years ago.
- Q Are you positive that it was two years ago this month that Fannie Daily died? A She says she is not certain as to it being that time. She says she don't know the years nor the months or anything like that.
- Q Do you remember the time all the citizens of the Choctaw and Chickasaw Nations voted on the ratification of the Supplemental Agreement with the Choctaws and Chickasaws? A She says she don't know.
- Q After the death of your husband Allen Daily did you live with any other man as his wife? A She says yes.
- Q With whom did you next live? A Sam Duke.
- Q How long after the death of Allen Daily before you began living with Sam Duke? A She says it was two years.
- Q Then it was before the 1896 Choctaw Census Roll was made that you began living with Sam Duke, and when that roll was made you were known by the name of Epsy Duke were you not? A She says she was known by the name of Epsy Duke at that time.
- Q Is Sam Duke living? A She says no, he is dead.
- Q When did he die, as near as you can tell? A She thinks it was three years last summer that he died.
- Q Did you live with him as his wife up to the time of his death? A Yes, she was living with him as his wife at the time of his death.
- Q Since the death of Sam Duke have you lived with any other man as his wife? A She says she has lived with Daniel Bacon.
- Q How long have you lived with him? A About three years.
- Q Since you have been living with him have you been known by the name of Epsy Bacon? A Yes, she is known now by the name of Epsy Bacon.
- Q You have been known by the name of Epsy Bacon, have you, since about January, 1902? A She says yes, that is what she is known as.
- Q Were you ever known by any other names than just plain Epsy, Epsy Daily, Epsy Duke and Epsy Bacon? A She says she has never been known by any other names than those three names given.
- Q Are any of your children married? A She says yes, Henry is married.
- Q Has Henry any children? A No, he has no children.
- Q Did you have any children by Sam Duke? A No, she had no children by Sam Duke.
- Q Did you have any children by Daniel Bacon born prior to September 25, 1902? A She says no, but she has since.
- Q In what county were you and your children living in 1896, at the time the 1896 Chickasaw Census Roll was prepared? A She says she was living in Atoka County

Epsy Duke, et al. 2.

- annuity money? A She says she don't know what age she was, but she had three children at the time she drew that money.
- Q Are you not mistaken when you say that you had three children in 1878 and that you drew the 1878 annuity money; do you not mean, in fact, that it was in 1893 when you drew the money, and had three children at that time? A She says she may have been mistaken, but she cannot remember which payment she did draw.
- Q Did you ever live in the Chickasaw Nation? A Says yes, she lived in the Chickasaw Nation near Stonewall.
- Q In what county did you live when you were in the Chickasaw Nation? A She says she don't know what county it was in.
- Q By what names have you been known and called all your life? A She says she has been known by the name of Epsy.
- Q Just plain Epsy? A That is all.

The applicant is identified upon the 1878 Chickasaw Annuity roll, Pontotoc County, No. 440 as Epsy.

- Q How many times have you been married? A She says she was only married one time, to Allen Daily.
- Q How many years ago, as near as you can tell, was it that you were married to Allen Daily? A She says as near as she remembers it must be some twenty-odd years ago. She was very young and so was the man. The first child they had was named Fannie. Henry came next, and he is over twenty.
- Q Did you live with Allen Daily as his wife up until his death? A Says yes, we were living together at the time of his death.
- Q When did he die? A Says she don't know how long it has been.
- Q About how many years ago was it that he died? A She says it was after the Chickasaws drew their annuity money.
- Q How long after the Chickasaws drew their payment was it that Allen Daily died? A Says within a year.
- Q Was Allen Daily a full blood Chectaw Indian? A She says yes, he was a Chectaw Indian.
- Q During the time you lived with him, in what county did you live? A She says they lived in Atoka county.
- Q Then at the time you drew the 1893 Chickasaw Leased District payment money you were the wife of Allen Daily and a resident of Atoka County, Chectaw Nation, were you? A Says yes, I was the wife of Daily at the time we drew the Chickasaw payment, and we lived in Atoka county.
- Q By what names were you known at that time? A She says she was only known by the name of Epsy.
- Q Were you ever known, during the time you lived with Allen Daily, by the name of Epsy Allen, did any one ever call you by that name? A She says she was never known by the name of Epsy Allen but Epsy Daily.
- Q Who drew the 1893 Chickasaw Leased District Payment money for you and your children, and for which of your children was the money drawn at that time? A She says a fellow by the name of G. B. Hester drew the money for her. She says she got the money and gave it to the children. For Henry, Jimmie and Fannie Daily.
- Q How many children did you have by Allen Daily, and what are their names? A She says those three first named and Klizabeth and

9-D-228.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
SOUTH WEAVER, I. T., January 10, 1906.

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In the matter of the application for the enrollment of Epsy Duke and her five children, Fannie Daily, Henry Daily, Jimmie Daily, Elizabeth Daily and Emma Daily, as citizens by blood of the Chickasaw Nation.

--oOo--

APPEARANCES:

McCurtain & Hill appear for the applicants.
No appearances on behalf of the Choctaw and Chickasaw Nations.

Epsy Bacon (formerly Duke) being duly sworn and examined through sworn interpreter, Alfred W. McClure, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Epsy.
Q What is your full name? A Epsy Bacon.
Q About how old are you? A She don't know but she thinks she is over thirty.
Q What is your post office address? A Blanco, Indian Territory.
Q What was your father's name? A Hekeycks Sealy.
Q What is your mother's name? A Sheyonte.
Q Are your father and mother both dead? A She says they are both dead.
Q Were they both full blood Indians? A She says she only knows her mother. Her father she don't know anything about. She was told her father was an Indian, but she knows her mother to be an Indian.
Q To what tribe or nation did your father and mother belong?
A Says they both belonged to the Chickasaw tribe.
Q Where have you been living all your life? A She says she used to live west of Ateka but she removed from there up to where she is living at the present time.
Q Where are you living now, in what county? A Tebuckay county.
Q When did you remove to Tebuckay county, Choctaw Nation, to make it your home? A She says she came to Gaines county the first time, lived near the line of Gaines and Tebuckay; lived in Gaines county when she first removed here, but has been living in Tebuckay county over three years.
Q Did you draw any money as a citizen of the Chickasaw Nation in 1878? A Says yes she drew her annuity money at that time.
Q Were you married at the time you drew that annuity money in 1878?
A Says yes, she was a married woman at that time.
Q What was your husband's name to whom you were married at that time? A Allen Daily.
Q How old were you at the time you received the 1878 Chickasaw

- Choctaw and she drew with the Chickasaw by herself.
- Q How much money did you get at that time? A She says she's forgot.
- Q Did you get that money from Captain Maytabby? A Got it from Hester.
- Q All of your children who were living at that time drew money with the Choctaw tribe did they? A Yes sir.
- Q Was their father a citizen of the Choctaw tribe? A Yes sir.
- Q Was your name ever placed on the 1896 Census roll of citizens of the Choctaw or Chickasaw Nation? A Never did enroll with the Choctaws she says.
- Q What name was she going under in 1895 when she drew this money? A She says Allen Daly was living at the time she drew that \$130.
- Q She registered at that time as Epsy Daly did she? A Yes sir.
- Q She had not yet married her husband named Duke? A No.
- Q Are Allen Daly and Sam Duke both dead? A Yes sir.
- Q Were they both citizens of the Choctaw Nation? A Yes sir..
- Q Sam Duke was a Chickasaw.
- Q So far as you know were your children ever recognized by the tribal authorities of the Chickasaw Nation as citizens of that tribe? A They were recognized, but when the father was living they drew money with the father on account of a ruling they had.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above proceedings on the 7th day of July 1903 and that the above and foregoing is a correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 8th day of July 1903.

J. D. Rodgers
Notary Public.

Chickasaw D. 228.

Department of the Interior
Commission to the Five Civilized Tribes
Chickasaw Land Office
Tishomingo, I. T.

In the matter of the application for the enrollment of
Epsy Duke and her minor children Fannie, Henry, Jimmie,
Elizabeth and Emma Daly as citizens by blood of the
Chickasaw Nation.

Epsy Baken being first duly sworn testified through Peter
Maytubby a duly sworn interpreter as follows:

Examination by the Commission:

- Q What is your name? A Epsy . Epsy Baken.
Q How old are you? A I don't know.
Q Do you know about how old you are? A She says she thinks
she's about forty; she dont know; she has children about
grown.
Q What is your post office address? A Blanco.
Q In the Choctaw Nation? A Yes.
Q What is the name of your husband? A Daniel Baken.
Q When were you married to him? A About a year ago.
Q What was your name before you married Daniel Baken.
A She says her first man was Allen Daly and the second time
Sam Duke.
Q Are you a full blood Chickasaw Indian? A Yes; her folks are
full blood Chickasaws.
Q What was your father's name? A Hisk-kee-o-kee Sealy
Q What was your mother's name? A She-he-ta.
Q Both of your parents were full blood Chickasaw Indians
were they? A Yes sir, she says her mother used to draw
annuities all the time.
Q Are both of your parents dead? A Yes been dead a long
while.
Q How many children have you? A Four besides this one.
Q What is the name and age of your oldest child? A Henry Daly.
Q How old is he? A She says he was in here a while ago. She
dont know his age.
Q What is the name of the oldest child? A She said the first
child was Fannie, she died, and Henry's the second. Jimmie
Daly is the third.
Q What is the name of the next one? A Elizabeth.
Q What is the name of the next one? A Emma Daly.
Q What is the name of the next one? A Louisa Baken.
Q How old is Louisa? A About 10.
Q Are all of your children living except Fannie Daly? A Yes sir.
Q When did Fannie die? A Been dead two years.
Q Have you always been recognized by the Chickasaw tribal
authorities as a member of that nation? A Yes.
Q Did you ever draw any money with the Chickasaw tribe?
A Yes.
Q When did you draw that money? A She drew money from me in
'93 she says.
Q Where were you living in 1893? A Atoka.
Q How many of your children did you draw for at the same time?
A The children did not draw with her; they drew with the

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

Atoka, Indian Territory, September 8, 1904.

In the matter of the application for the enrollment
of Epsy Duke and her children, as citizens by blood
of the Chickasaw Nation.

DANIEL BAKEN, having been called and duly sworn, tes-
tified as follows, to-wit:

(Jefferson D. Ward, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Daniel Baken.
Q How old are you? A About 35 years old.
Q Where do you live? A The other side of Kiowa.
Q How do you spell your name? A I can't spell it.
Q What is your wife's name? A Epsy Duke.
Q When were you married to Epsy Duke? A We have been married
about two years.
Q What was her maiden name? A I don't know.
Q She was married to a man named Sam Duke before her marriage to
you? A Yes, but her first marriage was to a man named Daily.
Q What was his first name? A Allen Daily.
Q Did you know Allen Daily? A No.
Q Did you know Sam Duke? A Yes.
Q Is Sam Duke dead? A Yes.
Q How many children has Epsy Duke? A Four.
Q What are their names? A Henry Daily, Jimmie Daily, Eliza-
beth Daily and Emma Daily.
Q Didn't she have one named Fannie? A Yes, she is dead.
Q When did she die? A It is now about three years.
Q Did you know about the death of Fannie Daily? A I saw her
once and I know of her death.
Q Did you vote at the time they voted on the treaty two years ago?
A Yes.
Q Was Fannie Daily dead at that time? A Yes, she was dead.
Q She died before the treaty? A Yes, sir.
Q How long have you known your wife, Epsy Duke? A I have known
her about three years.
Q Is your wife a full-blood Chickasaw? A Yes, sir.

Witness Examined.

Mary E. Rogers, having been by me first duly sworn, and her
oath states that the above and foregoing is a true and
correct transcript of her statement in this case on said date.

Subscribed and sworn to before me this 8th day of September, 1904.

Chickasaw D. #223.

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, Indian Territory.
December 22, 1903.

-1-

In the matter of the application of Epsay Duke and her minor children for enrollment as citizens by blood of the Chickasaw Nation.

Peter Maytubby being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Peter Maytubby.
Q How old are you Mr. Maytubby? A Sixty-six.
Q What is your post office address? A Caddo, Ind. Ter.
Q Do you know Epsay Duke and her minor children? A I know her but I don't know her children.
Q Do you know if her name appears upon any of the tribal rolls of the Chickasaw Nation? A Only by enrolling her to draw that \$130.
Q You enrolled her name for the purpose of drawing the 1893 Leased district money? A Yes, sir.
Q In what county? A Atoka, Choctaw Nation.
Q At what place was she living at the time you enrolled her? A I don't know I enrolled her at Atoka in Atoka.
Q Do you know if she received the money? A I drew the money and turned it over to G. B. Hester for her.
Q Did you sign the pay roll for her? A Yes, sir, I was treasurer at the time they paid out. I drew the money from the treasury by the order of Governor Wolf.
Q Is there any other statement you would like to make in regard to the matter? A No, sir.

-2-

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the foregoing case and that the above is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 6th day of January 1904.

Charles Hester

Notary Public.

1811

P. M.

H. O. B.

Should be more clearly
shown that Gen. W. Goldsby was
a Confederate Soldier

T.B.

OK. W. O. B.

OCT 1 1864

REGISTRY RECEIPT.

Post Office at

Furcell, D. T.

REGISTRY RECEIPT.

Post Office at Union, N. J.

Registered Letter } No. 117 Rec'd AUG 23 1897, 1897
Ransom }

of J. F. Sharp

addressed to Gov R M Harris
Iskhomungo I.

P. M.

7/10/97

REGISTRY RECEIPT.

Post Office at Swell, D. T.

Registered ^{Letter} ~~Parcel~~ No. 121 Rec'd SEP 1 1897, 189

of J. L. Sharp

addressed to Gov R M Harris
Lithamunga D T
B. L. Robertson

Muskogee, Oklahoma, May 18, 1908.

Martha Ross,

Purcell, Oklahoma.

Madam:

There is inclosed you herewith marriage certificate between Mr. Geo. W. Goldsby and Miss Mattie Mashburn which was filed with the records of this office in the matter of the application for the enrollment of Martha A. Ross as a citizen by intermarriage of the Chickasaw Nation, a certified copy thereof having been made for the files of this office.

Respectfully,

EB 1-15.

Commissioner.

9-D-200

Muskogee, Indian Territory, March 22, 1905.

Mrs. Martha A. Ross,

Purcell, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 22, 1905, asking if your name has yet been received at the land office; you also ask if township maps are furnished showing allotted lands and state that you would like to have maps of several townships as land is very hard to find.

In reply to your letter you are informed that your name has not yet been placed upon a schedule of intermarried citizens of the Chickasaw Nation prepared for forwarding to the Secretary of the Interior.

You are further advised that the Commission cannot furnish plats showing the unallotted lands to the extent requested by you, however, if you desire this information as to a few sections and will so state, naming the sections, you will be furnished a plat showing the land subject to allotment in those sections.

Respectfully,

Chairman.

Chickasaw D-200.

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 Martha A. Rowa, 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,

(SIGNED)

Chairman.

Registered,
Incl. C-D-200.

See Chickasaw 1793 for registry receipt for this letter.

Chickasaw D-200.

COPY.

Muskogee, Indian Territory, February 8, 1905.

J. F. Sharp,
Attorney at Law,
Purcell, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes on February 8, 1905, rendered its decision granting the application for the enrollment of Martha A. Ross, 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, 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)

Chairman.

Registered.

Chickasaw D-200.

COPY.

Muskogee, Indian Territory, February 8, 1905.

Cruce, Cruce & Cruce,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes on February 8, 1905, rendered its decision granting the application for the enrollment of Martha A. Ross, 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, 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)

Chairman.

Registered.

Chickasaw D-300.

COPY,

Muskogee, Indian Territory, February 8, 1905.

Martha A. Ross,

Purcell, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 8, 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

Chairman.

Registered.

Incl. D-D-300.

9-5-200

Muskogee, Indian Territory, January 19, 1905.

J. F. Sharp,

Attorney at Law.

Purcell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 8, 1905, enclosing the affidavit of Joe E. Colbert, which you offer in support of the application of Mattie A. Ross, formerly Goldsby, as an intermarried citizen of the Chickasaw Nation, and the same has been filed with the record in this case.

Respectfully,

Chairman.

9-3-200

Muskogee, Indian Territory, January 10, 1905.

Martha Ross,

Furcell, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the affidavits of William Bacon and John H. Mashburn relative to the citizenship of your former husband George W. Goldsby.

You are advised that these affidavits have been filed with the record in the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Chairman.

9-B-200

Muskogee, Indian Territory, January 9, 1906.

Martha Ross,

Parcell, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the affidavits of William H. Bacon and John H. Mashburn relative to the citizenship of your former husband George W. Goldsby.

In reply to your letter you are advised that these affidavits have been filed with the record in the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

W-D-200.

Muskogee, Indian Territory, November 22, 1904.

Martha A. Ross,
Purcell, 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 file with this Commission the affidavits of two or more citizens of the Chickasaw Nation who were acquainted with your husband, George W. Goldsby, setting forth whether or not he was a recognized Chickasaw by blood. This matter should receive your immediate attention. An envelope for reply is enclosed herewith.

Respectfully,

Encl.--Env.

Chairman.

Chickasaw D 200

Muskogee, Indian Territory, August 21, 1903.

J. F. Sharp,

Attorney at Law,

Purcell, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 17, asking when you may look for decisions in the following enrollment cases:

Mrs. Hattie Simpson Love	Chickasaw
Mrs. M. A. Ross	Chickasaw
V. L. Britton	Chickasaw
Mary E. McFadden	Choctaw
Mrs. Siefried, wife of Wm. Siefried	Choctaw
Mrs. Jennie Mae Dulin	Chickasaw.

In reply to your letter you are informed that the persons above named have been listed among the claimants to enrollment as intermarried citizens of the Choctaw and Chickasaw Nations, and no decisions relative to their rights to such enrollment have yet been reached. It is impracticable at this time to make any statement relative to when these cases will be taken up for consideration, but as soon as decisions are rendered the applicants will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

J 782

ried of the action taken by the Commission.

Respectfully,

Chairman.

Chickasaw D200
Chickasaw D21
Choctaw D4; D321.

Muskogee, Indian Territory, March 11, 1903.

J. F. Sharp,

Attorney at Law,

Purcell, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 5, asking the status of the applications for enrollment as citizens of the Chickasaw Nation of M. L. Brittain and Mattie A. Ross, and the applications for enrollment as citizens of the Choctaw Nation of W. D. Carpenter and Mary E. McFadden.

In reply to your letter you are advised that it appears from our records that M. L. Brittain and Martha Ross are applicants to this Commission for enrollment as intermarried citizens of the Chickasaw Nation, and that their final right to such enrollment has not yet been determined. As soon as decisions are reached in these cases you will be duly notified of the action of the Commission.

It further appears from our records that Walter D. Carpenter and Mary E. McFadden are applicants to this Commission for enrollment as intermarried citizens of the Choctaw Nation, and their final right to such enrollment has not yet been passed upon. As soon as decisions are reached in these cases the applicants will be noti-

Muskogee, Indian Territory, September 18, 1900.

Martha Sage,
Purdell, 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. Upon 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 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.

J. F. B. 2--

mission cannot attempt at this time to go into the merits of each individual case for the purpose of informing applicants as to what proof will be necessary for them to establish their rights to enrollment. The applicants should be well enough acquainted with the status of their case to understand why their rights to enrollment were questioned at the time they made application to the Commission.

Yours truly,

Acting Chairman.

9-D-200

Muskogee, Indian Territory, August 30, 1900.

Mr. J. E. Sharpe,
Attorney at Law,
Purcell, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 27th instant in which you state that Martha Ross of Purcell, has handed you notice from this Commission advising her that a protest has been filed by the Chickasaw Nation as to her enrollment as a citizen thereof and further advising her that the Commission will be in Session at Atoka beginning December 3rd for the purpose of hearing additional testimony in her case. You request on behalf of Mrs. Ross that the Commission furnish you with a copy of the notice of such protest.

You are informed that the Commission cannot at this time furnish you with such notice as you request. The Chickasaw Nation, through its attorneys, has up to this time only served on the Commission a general notice protesting the rights to enrollment of certain parties who have been listed for doubtful citizens of the Chickasaw Nation.

The Commission, however, has required of the attorneys for the Chickasaw Nation, that they serve notice prior to October 31st, 1900, on each of the parties against whom they have filed such protest, stating the ground on which they desire to contest their rights to enrollment as citizens of the Chickasaw Nation. The Com-

Muskogee, Indian Territory,

August, 18th 1900.

Martha Ross,

Purecell, 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 you application, such hearing to be final.

Yours truly,

9-D-200.

Acting Chairman.

J.P.S. 2.

at Muskogee, or at Atoka, Indian Territory, from June 4th to 8th, or
at Colbert, Indian Territory, from June 11th to 15th.

Yours truly,

Acting Chairman

In reply to this letter,
please refer to A-D-200.

Muskogee, Indian Territory, June 7, 1900.

Mr. J. P. Sharp,

Purcell, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 30th, in which you desire to be informed as to what disposition, if any, the Commission has made of the application of Mattie A. Ross to citizenship in the Chickasaw Nation.

You are informed that the records of the Commission show that Martha Ross, forty two years of age, of Purcell, Indian Territory, was listed for enrollment by the Commission October 21st, 1898, as a doubtful claimant to citizenship in the Chickasaw Nation. It appears that she was married to George W. Goldsby in 1882, lived with him until his death in 1890, and married L. M. Ross, a white man, in 1893. The Commission has not as yet rendered any decision as to her rights to enrollment, and, under a recent ruling of the Department, there is not sufficient evidence upon which the Commission can base a decision. Before a decision can be rendered in this case, it will be necessary for Mrs. Ross to again appear in person for examination, so that a sufficient statement may be taken under oath, upon which the Commission can base a decision and also for forwarding to the Secretary of the Interior, when the final rolls of the Chickasaw Nation are sent to him for review. She may appear at this office

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

Muskogee, I.T., September 24th., 1898.

Hon. Tomas Bixby,
Acting Chairman,
Tishomingo, I.T.

Dear Sir:

I am in receipt of your letter of September 22nd, re-
questing that there be forwarded to the Commission at Tishomingo
the following papers:

M.G. Moutrey - Chickasaw Nation	"	"
Ransom Moore	"	"
G.W. Seay, et al,	"	"
Mattie Ross	"	"
Edgar E. Shivers-Ghostaw	"	"

With the exception of the papers of M.G. Moutrey the docu-
ments asked for are enclosed herewith. I do not find that we have
any papers on file under the name of Moutrey.

Very truly yours,

Secretary.

Enc.

FILED
JUN. 19 1900
COMMISSION TO FIVE TRIBES

(Enter name)
CHICKASAW. (July - Nov. 1900) JUN 19 1900

Martha A. Ross (45)
Princeton, I. T.

(Chickasaw)
(1st Husband) George W. Goldsby
(2nd Husband) L. N. Ross (N.S.)

(Chickasaw 200)

CHICKASAW.

Personal appearance and
testimony at Colbert, I. T.
June 19, 1900.

United States of
America
Ind. Ter.
Central Dist.

I John H Washburn
on oath state that I am 59
years old and a citizen by
Inter-marriage of the Chickasaw
Nation my P. O. is Colbert Miss.
and that I was personally
acquainted with George W.
Golds (deceased) Husband
of Martha J Ross (ne. Golds)
and knew him to be a recog-
nized citizen of the Chickasaw
Nation

John H Washburn

Subscribed and sworn to before
me this 30 day of Dec. 1892

G. J. Ramsey
Notary Public

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

[Handwritten signature]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED NATIONS
FILED

JAN 9 1905

United States
of America
Ind. Ser.
Central Dist.

I, William H. Bacon
on oath state that I am
59 yrs old and a citizen
by blood of the United States
Nation my P. is Colbert
I. and that I was
personally acquainted with
George W. Goldsby (deceased)
Husband of Martha A. Ross
(ne Goldsby) and know
him to be, a recognized
citizen of the Chickasaw
nation

William H. Bacon

Subscribed and sworn to
before me this 25th Dec - 1904

W. J. Ramsey
Notary Public

(To be written as "Note" on face of card)

In the matter of the application of Martha Ross for enrollment as a Chickasaw citizen.

Married George W. Goldsby, a Chickasaw Indian, in 1882. Lived with him until his death in 1890. Married L.M. Ross, a white man, in 1896.

(George W. Goldsby was brother of John E. Goldsby (card 4,) who states that his mother was 1/16 Cherokee.)

Martha Ross

Indian Territory,
SS.
Southern District.

Joe E. Colbert of lawful age being first duly sworn, deposes and states; my name is Joe E. Colbert; my age is 47 years. I am a Chickasaw Indian by blood and reside near Purcell, Indian Territory. I know George W. Goldsby during his lifetime and had known him continuously for a period of about 17 or 18 years before his death. As boys we attended school together at Harley Institute at Tishomingo, Chickasaw Nation, Indian Territory. I knew that the said George W. Goldsby was reputed to be and considered a Chickasaw Indian by blood and never heard his rights of citizenship questioned until during the administration of Governor William Guy. Both the said George W. Goldsby and the members of his family including brothers and sisters were during all said years reputed and believed to be, in fact, considered by all, as citizens by blood of the Chickasaw Nation.

From my intimate acquaintance with and knowledge, I believe that the said George W. Goldsby was a Chickasaw Indian by blood. Further deponent saith not.

Subscribed and sworn to before me Joe E. Colbert
O. H. Morris
a Notary Public within and for the Southern District of the Indian Territory, this the 5th day of December, 1904.

O. H. Morris
Notary Public.

My Commission expires Nov. 17, 1908

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

JAN 10 1905

[Handwritten signature]
CHAIRMAN

Indian Territory)
Southern District)

~~Notary Public for the Southern District of the Indian Territory, this day personally appeared~~

J. W. Mashburn
after being by me first duly sworn deposes and states that on the 1st day of September, 1897, said affiant saw J. F. Sharp, attorney at law, deposit in the Post-office at Purcell, I.T. for registration addressed to the Governor of the Chickasaw Nation, R. M. Harris, Tishomingo, Indian Territory, a true and correct copy of the attached Marriage certificate of J. N. Moore as well as a full and true copy of the certified copy of the Marriage License issued by John W. Mashburn to Geo. W. Goldsby and Martha A. Goldsby October ^{25th} 22nd 1882, and which instruments are evidence in the case of Mattie Ross vs Choctaw Nation. That I am not related to the parties and have no interest in the subject of the action.

Witness my hand this the 1st day of September, A.D. 1897.

J. W. Mashburn

Subscribed and sworn to before me the day and year last above written.

Chas. Hatcher
Notary Public

Daves Gen. No. _____

U.S. Court No. _____

Before the Commission to the
Five Civilized Tribes of In-
dians, at Fort Gibson, I. T.

Mattie Ross,

-v-

Chickasaw Nation.

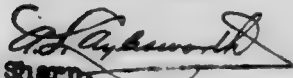
2-700

APPLICATION FOR CITIZENSHIP.

(P.O. Address: Purcell, F. T.)

FILED

OCT 16 1887


J. E. Sharp,
Purcell, I. T.,
W. I., A. C. & Lee Cruce,
Ardmore, I. T.,

Attorneys for applicants.

Office of National Secretary,

Chickasaw Nation,

Tishomingo, I.T., July 16th, 1897.

I, L.O. Burris, National Secretary of the Chickasaw Nation, hereby certify that by virtue of my office I am custodian of all the rolls of citizenship and records of the Chickasaw Nation, and that I have examined the rolls of citizens of 1892, and know the following names to be enrolled on said roll book as citizens of the C.N., and that they drew their annuity money, to-wit:

Dettie Goldsby,
Sallie Goldsby,
J.E. Goldsby,
S.C. Goldsby,
L.E. Goldsby,
Bessie Goldsby,
Mattie Goldsby,
F.W. Goldsby,
Minnie Goldsby,
F.W. Goldsby, Jr.

WITNESS My hand and official seal, this the 16th day of July, 1897.

--: SEAL --:

(Signed) L. O. Burris, National Secy., C.N.

United States of America,
Indian Territory,
Southern District.

I, *Charles L. Johnson*, a Notary Public within and for the Southern District of the Indian Territory,

DO HEREBY CERTIFY, that the above is a true, full and correct copy of a certificate made by L.O. Burris, National Secretary of the Chickasaw Nation, on the 16th day of July, 1897, - I having carefully compared the same with the original.

IN WITNESS WHEREOF, I hereunto set my hand and seal, this 26th day of August, 1897.

Charles L. Johnson Notary Public

Indian Territory, } The affiant, Mattie A. Ross, after being first
Chickasaw Nation. } duly sworn, on oath, states:

That she is plaintiff in the within styled action, and that
the statements made in the foregoing application are true.

Mattie A. Ross

Subscribed and sworn to before me by Mattie A. Ross, this the
28th day of August, 1897.

Chas. Hutchins

Notary Public, Southern District,
Indian Territory.

fact, that the last committee appointed by the Chickasaw authorities to revise its rolls, which committee met on the 9th day of August, 1897, and adjourned on the 15th day of August, 1897, left her name off of said roll, which was the first intimation she had that her name was stricken from said roll or was to be left off; that she was not notified, in any way, that said committee would scratch her name from said roll, and that her right was never disputed in any way up to that time, and that her cause of action herein did not accrue to her until said committee refused to enroll her, as above stated.

She says that she has lands improved, and has had ever since her marriage with the said Geo. W. Goldsby, and is holding same as a member of the Chickasaw tribe of Indians, and has had permits issued to hands working her said lands as a member of the Chickasaw tribe of Indians.

She says that in February, 1897, she was appointed by the Chickasaw courts administratrix of the personal estate of her deceased husband, Geo. W. Goldsby; that at that time the courts recognized her as a member of said tribe of Indians, and her husband as such, and took jurisdiction of said case and of her, and appointed her administratrix as above stated, the Chickasaw laws then in force forbidding the qualification and appointment of a United States citizen by said court, or, rather, said court had no jurisdiction to appoint a United States citizen administrator or administratrix of any estate of a deceased Indian.

That her residence is in Pontotoc County, Chickasaw Nation, Indian Territory, and that her post office address is Purcell, I.T.

She says that by reason of the facts herein alleged, this Commission should enroll her upon the final roll made out by it of members of the Chickasaw tribe of Indians.

WHEREFORE, she prays that she be enrolled as a member of the Chickasaw tribe of Indians by intermarriage and for all other proper relief.

John H. White & Co.
attorneys for applicant.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES OF INDIANS, AT
FORT WENSON, I.T.

Mattie Ross, Plaintiff,)
-vs-)
Chickasaw Nation, Defendant.)

APPLICATION FOR CITIZENSHIP.

Plaintiff says that she was duly and lawfully married, on the 25th day of October, 1852, to Geo. W. Goldsby; that the said Geo. W. Goldsby was a member of the Chickasaw tribe of Indians, and was recognized as such by the Chickasaw authorities until his death; that she lived with him as his wife until his death, which occurred on the 31st day of March, 1890.

She says that the license under which she was married to the said Goldsby was procured from Judge John Mashburn, the then County and Probate Judge of Panola County, Chickasaw Nation; that said license was sent to the Clerk of said County for record, and duly recorded, but she is informed that same have been lost or misplaced, so that she cannot now produce the same; that she has made diligent search for said license, but up to this time has been unable to find the same; that if said license can be found before this case is submitted, she will file a certified copy thereof with this Commission.

She says that from the time of her said marriage to the said Geo. W. Goldsby up to within the last few days she was always recognized by the Chickasaw authorities as a member of the Chickasaw tribe of Indians by intermarriage; that she drew her pro rata part of the lease district money in 1893, and that her name appears upon what is known as the "annuity roll" made out in 1893 as Mattie H. Goldsby, -she then being the widow of the said Geo. W. Goldsby.

She says that in October, 1896, she applied to the census committee, who were then taking the census of the Chickasaw citizens, and the said committee enrolled her as Mattie Ross, -she having in the meantime married L. M. Ross, and is now his wife.

She says that she is informed, and therefore charges it as @

UNITED STATES)
SOUTHERN DISTRICT)

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W. J. SHARP

J. E. SHARP being of lawful age and

first duly sworn according to law solemnly and states that on the
25th day of August, A.D. 1897, he saw J. P. Sharp, Attorney at Law,
agent for Registration, in the post-office at Chickasaw, Mississippi,
as the Governor of the Chickasaw Nation, Mississippi

copy of the attached Application for Citizenship of
Mathis A. Ross in the Chickasaw Nation,
together with a copy of Certificate of Approval of
L. L. Burris, National Secretary of the
Chickasaw Nation

That affiant compared said copies with the original hereto attach-
ed and that the same is in every respect a true copy thereof.

Affiant further states that he has no interest in said case
and is not in any way related to any of the parties thereto.

Witness my hand this the 28th day of August, A.D. 1897.

J. P. Sharp

Subscribed and sworn to before me this 28th day and year last afore-
said.

J. P. Sharp
Notary Public

Marriage Certificate of George
M. Goldsby & Martha Washburn
which is on record in this office of
the County Clerk & on page 50 in
book, &

Given under my hand and seal
of Office this the 30th day of
Aug A.D. 1891

J. G. Barber, Clerk.
of Santa Fe County,
Territory of New Mexico.

Geo W Goldsby

vs

Chickasaw Nation

Filed

Oct 16 1897

A. S. Sylesworth
clerk.

1852 Chickasaw Nation
Pawnee County

I am ordained Minister of the
Gospel. You are here authorized
and empowered to solemnize the
right of Matrimony between
George W. Goldsby a citizen of
the Chickasaw Nation and
Martha M. Washburn a citizen
of the United States and some
return making the same to be
the only and lawful contract
between the parties.

I do hereby give my special signature
this 2^d day of Oct. 1852.

John H. Washburn
Clerk, P. Judge, S. Co. C. H.

I hereby certify that I did on the 2^d
day of Oct 1852 join in holy matrimony
Geo. W. Goldsby and Martha Washburn
the parties here named

J. H. Moore
ordained Priest.
I do hereby take

I do hereby certify the above is a true &
a correct copy of the License and (over)

Geo W Goldsby

vs

Chickasaw Nation

Filed

Oct 16 1847

A. S. Ayresworth
Secy.

Aug 14 1891

Chickasaw Nation
Washington, D.C.

Marriage certificate of Geo. H. Goldsby &
Martha Mashburn which is on record in
my office in Turota county, N.C.

I give under my hand & official
signature this 19th of Oct 1888.

J. H. Mashburn

T. C. C. N.

I J. H. Mashburn hereby certify that I was
commissioned Probate Judge in 1882 and that
I issued licenses to Geo. H. Goldsby and
Martha A. Mashburn, and that they were
married in my presence by Rev. J. W. Mason on
the 27th day of October 1888.

Given under my hand this 19th day October 1888.

J. H. Mashburn

Indian Sec }
So Dist }

I was and subscribed
to before me, a Notary Public,
in and for the Southern Dist,
and I do so certify.

L. W. W. W. W.
Notary Public
So Dist. Ind Sec

John O'Connell
Lancaster County

I have examined the matter of the Gospel
and have found it to be a true and
correct copy of the original
and have signed the same as a true and
correct copy of the original
and have signed the same as a true and
correct copy of the original
and have signed the same as a true and
correct copy of the original

John O'Connell
Lancaster County

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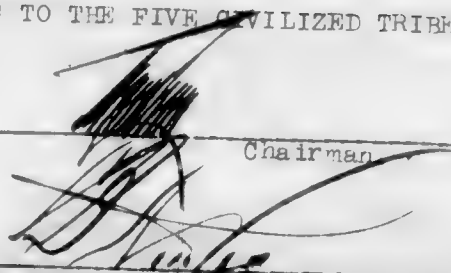
John O'Connell
Lancaster County

Alfred
Lancaster County

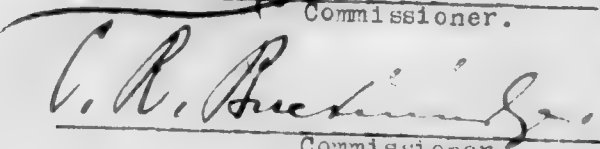
I have examined the matter of the Gospel
and have found it to be a true and
correct copy of the original
and have signed the same as a true and
correct copy of the original

1902, (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



 Chairman



 Commissioner.

Muskogee, Indian Territory,
FEB 8 1905

9-D-200.

O.L.J.

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

-oOo-

In the matter of the application for the enrollment of
Martha A. Ross 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 October 25, 1882, the applicant, Martha A. Ross, was married in accordance with the laws, customs and usages of the Chickasaw Nation to George W. Goldsby, a recognized citizen by blood of the Chickasaw Nation, whose full sister, Dettie Goldsby, appears as No. 3906 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 parties were residents in good faith of the Chickasaw Nation, and that they lived together continuously as husband and wife in said nation from the date of said marriage until the death of the said George W. Goldsby in the year 1890, and that thereafter in the year 1895 the applicant was married to L. M. Ross, a noncitizen white man.

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, No. 2, page 91.

It further appears from the evidence herein that the applicant has been a resident in good faith of the Chickasaw Nation from the date of her marriage to said George W. Goldsby up to and including September 25, 1902, excepting that she resided temporarily at Gainesville, Texas, but never abandoned her home in the Chickasaw Nation.

It is therefore the opinion of this Commission that Martha A. Ross 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,

Martha Ross-3

Q Your name is not on the 1898 Chickasaw census roll, is it? A I can't say.

Examination by Mr. J. F. Sharp, attorney for applicant.

Q Your husband, George W. Goldsby, always had been a recognized citizen of the Chickasaw Nation? A Yes sir.

Q Held office in the Chickasaw Nation? A Yes, used to be County Judge.

Q Of what County? A Panola County.

Q You stated a while ago that Indian Territory, or the Chickasaw Nation, had been your home generally; you lived out of the Territory a short time, did you? A Yes sir, when my husband was an engineer on the road.

Q And his run took him out of the Territory? A Yes sir.

Q And that caused you to temporarily stop in Gainesville, Texas?

A Yes sir.

Q You own your farm at this time? A Yes sir.

Q And never abandoned your home at the time you were in Gainesville?

A No sir.

Q You say he died in Temple--what caused his death? A Heart failure.

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 Pauls Valley, Indian Territory, October 21, 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 10 day of October, 1902.

[Signature]
Notary Public.

Martha Ross-2

- Q How long had you lived in the Chickasaw Nation when you married him? A Came here in '75 and married him in '82.
- Q Were you married to him under a Chickasaw license? A Yes sir.
- Q What did that license cost? A Fifty dollars.
- Q From whom was it procured? A Dr. Murray was the Judge.
- Q Were you ever married to him under a United States license? A No sir.
- Q Did you and George Goldsby live together as husband and wife continuously from the time of your marriage in '82 until his death in 1890? A Yes sir.
- Q You were living in the Chickasaw Nation during that period of time, were you? A Yes, but not when he died.
- Q But this was your home? A Yes sir.
- Q Where did he die? A At Temple, Texas; he was a delegate to a convention there.
- Q Were you ever married before you married him? A No, sir.
- Q Have you since his death remarried? A Yes sir.
- Q How many times? A Once.
- Q When did you marry a second time? A In '95.
- Q To whom? A L. E. Ross.
- Q A citizen of the United States? A Yes sir.
- Q Were you married to him under a United States license? A Yes sir.
- Q Are you living together as husband and wife now? A Yes sir.
- Q In the Chickasaw Nation? A Yes sir.
- Q And have been continuously since your marriage, have you? A Yes sir.
- Q Had he ever been married before he married you? A Yes sir.
- Q How many times? A Once.
- Q Was his first wife living at the time of your marriage to him? A No sir, dead.
- Q Was your first husband, George W. Goldsby, a recognized and enrolled citizen of the Chickasaw Nation? A Yes sir.
- Q Did he always participate in the Chickasaw payments? A Yes sir.
- Q His name was always carried on the rolls? A I think it was.
- Q Always exercised all the rights and privileges of a citizen of the Chickasaw Nation, did he? A Yes sir.
- Q Did you ever hear of his rights being questioned? A Not until recently.
- Q Did he have any Cherokee blood? A I don't know.
- Q Did you ever hear that he did? A No sir.
- Q Did he ever live in the Cherokee Nation? A No sir.
- Q Never claimed any rights there? A No sir.
- Q Have you since your marriage to him always enjoyed all the rights and privileges of an intermarried citizen of the Chickasaw Nation? A Yes sir.
- Q Your rights have never been questioned by the tribal authorities? A Not until since I've been before the Commission.
- Q Did you draw the 1893 leased district money? A Yes sir.
- Q How much? A One hundred and thirty, I think it was.
- Q Do you remember when the census takers were around here in 1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-2437-2438-2439-2440-2441-2442-2443-2444-2445-2446-2447-2448-2449-2450-2451-2452-2453-2454-2455-2456-2457-2458-2459-2460-2461-2462-2463-2464-2465-2466-2467-2468-2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-2509-2510-2511-2512-2513-2514-2515-2516-2517-2518-2519-2520-2521-2522-2523-2524-2525-2526-2527-2528-2529-2530-2531-2532-2533-2534-2535-2536-2537-2538-2539-2540-2541-2542-2543-2544-2545-2546-2547-2548-2549-2550-2551-2552-2553-2554-2555-2556-2557-2558-2559-2560-2561-2562-2563-2564-2565-2566-2567-2568-2569-2570-2571-2572-2573-2574-2575-2576-2577-2578-2579-2580-2581-2582-2583-2584-2585-2586-2587-2588-2589-2590-2591-2592-2593-2594-2595-2596-2597-2598-2599-2600-2601-2602-2603-2604-2605-2606-2607-2608-2609-2610-2611-2612-2613-2614-2615-2616-2617-2618-2619-2620-2621-2622-2623-2624-2625-2626-2627-2628-2629-2630-2631-2632-2633-2634-2635-2636-2637-2638-2639-2640-2641-2642-2643-2644-2645-2646-2647-2648-2649-2650-2651-2652-2653-2654-2655-2656-2657-2658-2659-2660-2661-2662-2663-2664-2665-2666-2667-2668-2669-2670-2671-2672-2673-2674-2675-2676-2677-2678-2679-2680-2681-2682-2683-2684-2685-2686-2687-2688-2689-2690-2691-2692-2693-2694-2695-2696-2697-2698-2699-2700-2701-2702-2703-2704-2705-2706-2707-2708-2709-2710-2711-2712-2713-2714-2715-2716-2717-2718-2719-2720-2721-2722-2723-2724-2725-2726-2727-2728-2729-2730-2731-2732-2733-2734-2735-2736-2737-2738-2739-2740-2741-2742-2743-2744-2745-2746-2747-2748-2749-2750-2751-2752-2753-2754-2755-2756-2757-2758-2759-2760-2761-2762-2763-2764-2765-2766-2767-2768-2769-2770-2771-2772-2773-2774-2775-2776-2777-2778-2779-2780-2781-2782-2783-2784-2785-2786-2787-2788-2789-2790-2791-2792-2793-2794-2795-2796-2797-2798-2799-2800-2801-2802-2803-2804-2805-2806-2807-2808-2809-2810-2811-2812-2813-2814-2815-2816-2817-2818-2819-2820-2821-2822-2823-2824-2825-2826-2827-2828-2829-2830-2831-2832-2833-2834-2835-2836-2837-2838-2839-2840-2841-2842-2843-2844-2845-2846-2847-2848-2849-2850-2851-2852-2853-2854-2855-2856-2857-2858-2859-2860-2861-2862-2863-2864-2865-2866-2867-2868-2869-2870-2871-2872-2873-2874-2875-2876-2877-2878-2879-2880-2881-2882-2883-2884-2885-2886-2887-2888-2889-2890-2891-2892-2893-2894-2895-2896-2897-2898-2899-2900-2901-2902-2903-2904-2905-2906-2907-2908-2909-2910-2911-2912-2913-2914-2915-2916-2917-2918-2919-2920-2921-2922-2923-2924-2925-2926-2927-2928-2929-2930-2931-2932-2933-2934-2935-2936-2937-2938-2939-2940-2941-2942-2943-2944-2945-2946-2947-2948-2949-2950-2951-2952-2953-2954-2955-2956-2957-2958-2959-2960-2961-2962-2963-2964-2965-2966-2967-2968-2969-2970-2971-2972-2973-2974-2975-2976-2977-2978-2979-2980-2981-2982-2983-2984-2985-2986-2987-2988-2989-2990-2991-2992-2993-2994-2995-2996-2997-2998-2999-3000-3001-3002-3003-3004-3005-3006-3007-3008-3009-3010-3011-3012-3013-3014-3015-3016-3017-3018-3019-3020-3021-3022-3023-3024-3025-3026-3027-3028-3029-3030-3031-3032-3033-3034-3035-3036-3037-3038-3039-3040-3041-3042-3043-3044-3045-3046-3047-3048-3049-3050-3051-3052-3053-3054-3055-3056-3057-3058-3059-3060-3061-3062-3063-3064-3065-3066-3067-3068-3069-3070-3071-3072-3073-3074-3075-3076-3077-3078-3079-3080-3081-3082-3083-3084-3085-3086-3087-3088-3089-3090-3091-3092-3093-3094-3095-3096-3097-3098-3099-3100-3101-3102-3103-3104-3105-3106-3107-3108-3109-3110-3111-3112-3113-3114-3115-3116-3117-3118-3119-3120-3121-3122-3123-3124-3125-3126-3127-3128-3129-3130-3131-3132-3133-3134-3135-3136-3137-3138-3139-3140-3141-3142-3143-3144-3145-3146-3147-3148-3149-3150-3151-3152-3153-3154-3155-3156-3157-3158-3159-3160-3161-3162-3163-3164-3165-3166-3167-3168-3169-3170-3171-3172-3173-3174-3175-3176-3177-3178-3179-3180-3181-3182-3183-3184-3185-3186-3187-3188-3189-3190-3191-3192-3193-3194-3195-3196-3197-3198-3199-3200-3201-3202-3203-3204-3205-3206-3207-3208-3209-3210-3211-3212-3213-3214-3215-3216-3217-3218-3219-3220-3221-3222-3223-3224-3225-3226-3227-3228-3229-3230-3231-3232-3233-3234-3235-3236-3237-3238-3239-3240-3241-3242-3243-3244-3245-3246-3247-3248-3249-3250-3251-3252-3253-3254-3255-3256-3257-3258-3259-3260-3261-3262-3263-3264-3265-3266-3267-3268-3269-3270-3271-3272-3273-3274-3275-3276-3277-3278-3279-3280-3281-3282-3283-3284-3285-3286-3287-3288-3289-3290-3291-3292-3293-3294-3295-3296-3297-3298-3299-3300-3301-3302-3303-3304-3305-3306-3307-3308-3309-3310-3311-3312-3313-3314-3315-3316-3317-3318-3319-3320-3321-3322-3323-3324-3325-3326-3327-3328-3329-3330-3331-3332-3333-3334-3335-3336-3337-3338-3339-3340-3341-3342-3343-3344-3345-3346-3347-3348-3349-3350-3351-3352-3353-3354-3355-3356-3357-3358-3359-3360-3361-3362-3363-3364-3365-3366-3367-3368-3369-3370-3371-3372-3373-3374-3375-3376-3377-3378-3379-3380-3381-3382-3383-3384-3385-3386-3387-3388-3389-3390-3391-3392-3393-3394-3395-3396-3397-3398-3399-3400-3401-3402-3403-3404-3405-3406-3407-3408-3409-3410-3411-3412-3413-3414-3415-3416-3417-3418-3419-3420-3421-3422-3423-3424-3425-3426-3427-3428-3429-3430-3431-3432-3433-3434-3435-3436-3437-3438-3439-3440-3441-3442-3443-3444-3445-3446-3447-3448-3449-3450-3451-3452-3453-3454-3455-3456-3457-3458-3459-3460-3461-3462-3463-3464-3465-3466-3467-3468-3469-3470-3471-3472-3473-3474-3475-3476-3477-3478-3479-3480-3481-3482-3483-3484-3485-3486-3487-3488-3489-3490-3491-3492-3493-3494-3495-3496-3497-3498-3499-3500-3501-3502-3503-3504-3505-3506-3507-3508-3509-3510-3511-3512-3513-3514-3515-3516-3517-3518-3519-3520-3521-3522-3523-3524-3525-3526-3527-3528-3529-3530-3531-3532-3533-3534-3535-3536-3537-3538-3539-3540-3541-3542-3543-3544-3545-3546-3547-3548-3549-3550-3551-3552-3553-3554-3555-3556-3557-3558-3559-3560-3561-3562-3563-3564-3565-3566-3567-3568-3569-3570-3571-3572-3573-3574-3575-3576-3577-3578-3579-3580-3581-3582-3583-3584-3585-3586-3587-3588-3589-3590-3591-3592-3593-3594-3595-3596-3597-3598-3599-3600-3601-3602-3603-3604-3605-3606-3607-3608-3609-3610-3611-3612-3613-3614-3615-3616-3617-3618-3619-3620-3621-3622-3623-3624-3625-3626-3627-3628-3629-3630-3631-3632-3633-3634-3635-3636-3637-3638-3639-3640-3641-3642-3643-3644-3645-3646-3647-3648-3649-3650-3651-3652-3653-3654-3655-3656-3657-3658-3659-3660-3661-3662-3663-3664-3665-3666-3667-3668-3669-3670-3671-3672-3673-3674-3675-3676-3677-3678-3679-3680-3681-3682-3683-3684-3685-3686-3687-3688-3689-3690-3691-3692-3693-3694-3695-3696-3697-3698-3699-3700-3701-3702-3703-3704-3705-3706-3707-3708-3709-3710-3711-3712-3713-3714-3715-3716-3717-3718-3719-3720-3721-3722-3723-3724-3725-3726-3727-3728-3729-3730-3731-3732-3733-3734-3735-3736-3737-3738-3739-3740-3741-3742-3743-3744-3745-3746-3747-3748-3749-3750-3751-3752-3753-3754-3755-3756-3757-3758-3759-3760-3761-3762-3763-3764-3765-3766-3767-3768-3769-3770-3771-3772-3773-3774-3775-3776-3777-3778-3779-3780-3781-3782-3783-3784-3785-3786-3787-3788-3789-3790-3791-3792-3793-3794-3795-3796-3797-3798-3799-3800-3801-3802-3803-3804-3805-3806-3807-3808-3809-3810-3811-3812-3813-3814-3815-3816-3817-3818-3819-3820-3821-3822-3823-3824-3825-3826-3827-3828-3829-3830-3831-3832-3833-3834-3835-3836-3837-3838-3839-3840-3841-3842-3843-3844-3845-3846-3847-3848-3849-3850-3851-3852-3853-3854-3855-3856-3857-3858-3859-3860-3861-3862-3863-3864-3865-3866-3867-3868-3869-3870-3871-3872-3873-3874-3875-3876-3877-3878-3879-3880-3881-3882-3883-3884-3885-3886-3887-3888-3889-3890-3891-3892-3893-3894-3895-3896-3897-3898-3899-3900-3901-3902-3903-3904-3905-3906-3907-3908-3909-3910-3911-3912-3913-3914-3915-3916-3917-3918-3919-3920-3921-3922-3923-3924-3925-3926-3927-3928-3929-3930-3931-3932-3933-3934-3935-3936-3937-3938-3939-3940-3941-3942-3943-3944-3945-3946-3947-3948-3949-3950-3951-3952-3953-3954-3955-3956-3957-3958-3959-3960-3961-3962-3963-3964-3965-3966-3967-3968-3969-3970-3971-3972-3973-3974-3975-3976-3977-3978-3979-3980-3981-3982-3983-3984-3985-3986-3987-3988-3989-3990-3991-3992-3993-3994-3995-3996-3997-3998-3999-4000-4001-4002-4003-4004-4005-4006-4007-4008-4009-4010-4011-4012-4013-4014-4015-4016-4017-4018-4019-4020-4021-4022-4023-4024-4025-4026-4027-4028-4029-4030-4031-4032-4033-4034-4035-4036-4037-4038-4039-4040-4041-4042-4043-4044-4045-4046-4047-4048-4049-4050-4051-4052-4053-4054-4055-4056-4057-4058-4059-4060-4061-4062-4063-4064-4065-4066-4067-4068-4069-4070-4071-4072-4073-4074-4075-4076-4077-4078-4079-4080-4081-4082-4083-4084-4085-4086-4087-4088-4089-4090-4091-4092-4093-4094-4095-4096-4097-4098-4099-4100-4101-4102-4103-4104-4105-4106-4107-4108-4109-4110-4111-4112-4113-4114-4115-4116-4117-4118-4119-4120-4121-4122-4123-4124-4125-4126-4127-4128-4129-4130-4131-4132-4133-4134-4135-4136-4137-4138-4139-4140-4141-4142-4143-4144-4145-4146-4147-4148-4149-4150-4151-4152-4153-4154-4155-4156-4157-4158-4159-4160-4161-4162-4163-4164-4165-4166-4167-4168-4169-4170-4171-4172-4173-4174-4175-4176-4177-4178-4179-4180-4181-4182-4183-4184-4185-4186-4187-4188-4189-4190-4191-4192-4193-4194-4195-4196-4197-4198-419

9-D-200

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Pauls Valley, Indian Territory, October 21, 1902.

In the matter of the application for enrollment of Martha Ross as a citizen by intermarriage of the Chickasaw Nation.

Appearances: J.F. Sharp, Attorney for applicant.

Said Martha Ross, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Martha A. Ross.
Q How old are you? A Forty-seven.
Q What is your postoffice address? A Purcell.
Q How long have you lived in the Chickasaw Nation? A About twenty-five years.
Q Have you lived here continuously for the past twenty-five years?
A I have visited away some.
Q But you have maintained your residence here? A Yes sir.
Q Have always considered this your home for the past twenty-five years? A This has been my home generally.
Q For the last twenty-five years? A Yes sir.
Q You have considered the Chickasaw Nation your bona fide home and place of residence for the past 25 years? A Since I've been married I have.
Q When were you married? A In '82.
Q Then you have for the past twenty years? A Yes, you might say I've made my home here for 25 years.

Examination by Chickasaw Commissioner Murray:

- Q You never left here after you married Goldsby? A We went to Gainesville for a little while.

By the Commission:

- Q You are a white woman? A Yes sir.
Q And an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation? A Yes sir.
Q What is the name of your Chickasaw husband through whom you claim your rights? A George W. Goldsby.
Q Is he living? A No sir.
Q When did he die? A In 1890.
Q When were you married to him? A In 1888.
Q Where were you married to him? A At Colbert.
Q Chickasaw Nation? A Yes sir.
Q Where did he live at the time of your marriage to him? A At Colbert.
Q How long had he lived in the Chickasaw Nation when you married him? A I don't really know, but it was a number of years.

Mattie A. Rode - 21

in the Chickasaw Nation? A Yes, sir.

Q Had you or your former husband ever been paid any Chickasaw annuities? A Yes, sir, I was paid an annuity in 1898.

Q Who drew this annuity for you, if any one? A J. E. Goldsby.

Q Do you remember where it was paid out? A Fishkingso.

Q Name some of your first husband's other brothers, if there were any besides John G. Goldsby.

A Walton F. Goldsby.

Q Any other brothers? A No, sir, there were only three brothers.

Q Were there any sisters? A Yes, sir, Lou Gilbert, now Winters is her present name, Sallie McCoy, Mavis Myrd, Bettie Goldsby, that is all.

Q Where were you married to your husband, George W. Goldsby?

A Down at my brother's, 5 miles below here, at J. N. Washburns.

Q He died I believe you say in 1898? A Yes, sir.

Q How did it come that you made no application during the year 1898 prior to September 10, at the time that your brothers in law and sisters in law made their application in the J. E. Goldsby case?

A I suppose we hadn't learned of the application, I didn't think but that the names were all on the roll.

Q When did you first learn that there might be some question as to your name being on the Chickasaw rolls? A I think it was in 1898.

Q Prior to that time you had supposed that your name was on the Chickasaw rolls as an intermarried Chickasaw citizen? A Yes, sir.

Q You knew it had been on there at one time? A Yes, sir, drawing the annuity.

Q That you had been drawing annuity and knew nothing as to the contrary until sometime after the 10th of September, 1898? A Yes, sir, 1898.

(Chickasaw pay-roll for 1898 No. 2, on page 91, name of Mattie Goldsby appears.)

Q This John E. Goldsby and W. F. Goldsby and their sisters about which you have testified are brothers and sisters of the full blood with your former husband, George W. Goldsby? A Yes, sir, the same father and the same mother.

Commissioner Birby: You stated to one of the first questions asked you by Mr. Sharp that the Goldsby family had always been recognized as Chickasaw Indians; do you mean by that they had been recognized by their friends and neighbors or by the tribal authorities? A They shared the school fund, I supposed they were recognized as citizens, we always shared with the Chickasaw school funds.

Q Do you know of your own knowledge that they shared in the school funds? A Yes, sir, I know they attended the Chickasaw schools.

Q All you know about it is the children attended the Chickasaw schools? A Yes, sir.

Q You don't know of your own knowledge that the tribal authorities recognized the Goldsby family as Indians? A No, sir, I don't know that I do, I only know that they shared in the schools, that is as far as I can say.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce G. Jones
Sworn to and subscribed before me this 25th day of June, 1900.

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 19, 1900.

—o—

In the matter of the application of Martha A. Ross for enrollment as a Chickasaw by intermarriage; being sworn and examined by Acting Chairman Bixby, she testified as follows:

- Q What is your name? A Martha A. Ross.
- Q How old are you? A 45.
- Q What is your post office address? A Purcell, I.T.
- Q How long have you lived at Purcell? A 5 years for the present, I have been there off and on for 14 years.
- Q Have you been there continuously for the past three years?
- A Yes, sir.
- Q Is your husband living? A No, sir.
- Q You were at one time married to a citizen of the Chickasaw Nation? A Yes, sir, George W. Goldsby.
- Q Is he now dead? A Yes, sir.
- Q Was his name on the tribal rolls of the Chickasaw Nation?
- A I suppose it was.
- Q Do you know whether it was or not of your own knowledge? A No, I don't know of my own knowledge whether it was or not.
- Q When did he die? A In 1890, in March.
- Q Have you any means of establishing that fact at all, have you a copy of your marriage license and certificate? A Yes, sir, it is on file with this Commission.
- Q You married Goldsby in 1862? A No, sir, in 1882.
- Q What day in 1890 did he die? A March 31.
- Q And you remained a widow, did you, until 1895? A Yes, sir.
- Q Then you married a white man named L. M. Ross? A Yes, sir.
- Q What was your father's name? A George L. Mashburn.
- Q What was your mother's name? A Martha A. Mashburn.
- Q Is she dead? A Yes, sir.
- Q Did you ever claim citizenship by blood in any of the Five Tribes? A No, sir.
- Q Do you know John E. Goldsby? A Yes, sir.
- Q Was he a brother of your former husband? A Yes, sir.
- Q Was John E. ever recognized by the tribal authorities as a Chickasaw? A Yes, sir, I suppose he was.
- Q You don't know that he was admitted to citizenship by a judgment of the United States Court, do you? A No, sir, I don't think that I can answer that question.
- (It appears from the record that John E. Goldsby was admitted by the Dawes Commission November 23, 1896, and appeal being taken to the United States Court for the Southern district, the decision of the Commission was sustained upon March 14, 1898— Court case No. 33.)
- By Mr. J. F. Sharp, attorney for applicant: Is it not a fact that the Goldsby family have always been recognized as Chickasaw Indians? A Yes, sir, it is!
- Q Do you know of them having held office in the Chickasaw National Government? A I don't know that I do.
- Q Did you know your husband's father, D. Goldsby? A No, sir, he was dead before I was in the family.
- Q You didn't understand me, your husband's father? A Yes, sir, I knew him.
- Q You didn't know of his having held an office in the Chickasaw Nation? A I can't answer that, I knew of him going to Tishomingo to the Court, but I don't know that he held an office.
- Q Do you know of their rights as citizens being questioned until during the year 1899? A I didn't hear of it.
- Q Is it not a fact that the entire family had always held land

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--

M A R T H A A. R O S S- - - -9-D-200.

-oOo-



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Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Commissioner of Indian Affairs.

1905
MUSKOGEE, IND. TER.

1-19500

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington. R

Lead
Allotments
100293-1910
J B C

Contract of
Thomas St. John
with Kappler and
Merillat.

Apr. 1, 1911.

The Commissioner

to the Five Civilized Tribes,
Muskegee, Oklahoma.

Sir:

There is transmitted herewith a copy of Office action dated February 17, 1911, approved by the Department on March 27, 1911, in the matter of a request for Departmental approval of the contract between Thomas St. John, a Chickasaw citizen by intermarriage and the law firm of Messrs. Kappler and Merillat, of Washington, D. C.

Respectfully,

C. F. Hauke,

Second Assistant Commissioner

3-HE-30

L-189293-3

extremities to which Mr. St. John has been reduced by the unscrupulous conduct of persons who pretended to be protecting his interests, it is respectfully recommended that the contract herein be not approved.

Respectfully,

(Stamped) (signed) E. H. Abbott,

Assistant Commissioner

Approved: Mar 27 1911

STAMPED (Signed) Frank Pierce

First Assistant Secretary.

2-HVP-13

L-10,295-2

In this particular case, it will be unnecessary to call upon the attorneys for this information, as they have informally agreed to make the showing required. Whatever proofs may be filed for that purpose will be referred to you for consideration and report:

and it was suggested that the views of the persons bound by said contract should be obtained.

The record in the case shows that Mr. St. John stoutly denies any knowledge of the agreement in question, but a searching investigation discloses the fact that after the terms of the contract had been fully explained to him, Mr. St. John did in fact, on February 22, 1904, sign the contract providing for the payment of 20 per cent of all annuities and moneys which he should receive from the funds of the Chickasaw Nation.

From reports on this subject, it appears that this illiterate and unfortunate man has been preyed upon by certain parties in the State of Oklahoma, whose every transaction with him was permeated with moral turpitude, and as a result thereof, he has suffered the loss of both his surplus lands and homestead with practically no compensation whatever.

It appears that Mr. St. John was restored to the roll of Chickasaw intermarried citizens by reason of the decision in the Goldsby case and since the record does not contain any specific data showing the character and amount of the services rendered by Messrs. Kappler and Merillat, and in view of the

Land-

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~~100495-1910~~

J D C

Contract of
Thomas St. John
with Kappler and
Merillat.

Feb 17 1911.

The Honorable

The Secretary of the Interior.

Sir:

The contract between Thomas St. John and the law firm of Kappler and Merillat et al., relating to services rendered in connection with the restoration of the name of Thomas St. John to the citizenship rolls of the Chickasaw Nation, together with several reports from the Commissioner to the Five Civilized Tribes relative thereto, are herewith transmitted for Departmental action.

In submitting this contract to the Department on July 14, 1909, it was recommended that it be not approved, pursuant to the Indian Appropriation Act of April 30, 1908 (35 Stat. L., 70), until the attorneys in whose favor it is made shall have submitted proof showing the amount, value, and kind of services rendered to Thomas St. John; but the Department in its letter of July 26, 1909 (D-8248), said

9-1809
D- 578

Muskogee, Oklahoma, February 10, 1909.

Mr. Thomas St. John,
Ada, 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,

WHA(CM)

Acting Commissioner.

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 Allison's 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 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.

1408	Morryman, Sarah	668	Sutherland, Henry
1315	Mitchell, Virginia P.	1470	Tucker, William W.
1519	Mitchell, Mattie S.		
1616	Moran, Mary	1460	Vincent, Charlie E.

Minor Cherokee Citizens.

<u>Roll No.</u>	<u>Name.</u>	<u>Roll No.</u>	<u>Name.</u>
724	Braudrick, Jennie Louise	791	Kiefer, Marana
4	Crowder, Rufus Clay	669	Long, Francis
790	Kiefer, Odie 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 traverse 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 10, 1909 (File 8-61)."

You will notify all persons, whose status on the rolls

Roll No.	Name	Roll No.	Name
15803	Crowder, William K.	15805	Long, Ferkis
15804	Crowder, Rosa	921	Long, Josephine LaFlora
15801	Crowder, Maggie	922	Long, Josephine LaFlora
15800	Crowder, Abigail	925	Peabworth, Henry
15899	Crowder, William J.	15923	Randall, Grover
16105	Crutchfield, Ida	16104	Ritter, David
16107	Crutchfield, Isa	15856	Robinson, Mary M.
16106	Crutchfield, Louvina	15951	Shelton, Daisy
16109	Crutchfield, William	15857	Trice, Mary A.

Couples by Marriage

1486	Beagles, Allen	1414	McClure, Madell
1537	Buckhalts, Jeannette H.	1614	McCahay, Martha J.
1559	Cheate, Amanda	1407	McCarthy, Lucy
1412	Crowder, Lydia Ann	1589	One, Julia
1523	Crowder, Josephine	1410	Parson, William B.
985	Foster, Mary A.	1408	Raben, Robert L.
1421	Freemy, Mattie	1490	Reding, Ella
1489	Gann, William Newton	1478	Rigney, Rosa M.
1518	Gray, John Calvin	1219	Roberts, George W.
1216	Gunter, Benjamin B.	1531	Robinson, Frederick R.
1480	Kelly, William F.	1555	Russell, Mattie M.
1476	Lewis, Vioey	1127	Smith, Ira L.
1159	Lindsay, Balton T.	1428	Staten, John T.

-7-

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 INSTITUTED SUITS PRIOR TO THE GOLDSBY DECISION BUT WHOSE CASES FALL INDUBITABLY UNDER THE PRINCIPLES OF THAT DECISION.

Chickasaw by Blood.

<u>Roll No.</u>	<u>Name.</u>	<u>Roll No.</u>	<u>Name.</u>
5013	Perry, Joe	5014	Perry, Dillard

Chickasaw by Marriage.

622	Archard, John W.	629	Shanks, Mary A.
626	Hargis, Sallie J.	514	Ramsay, Gustavus A.

Chestaw by Blood.

16103	Allen, Elizabeth	16110	Crutchfield, Louitia
16112	Bungarner, George A.	16106	Crutchfield, Everett
15925	Crowder, John A.	16111	Crutchfield, George W.
15924	Crowder, Pinkie B.	15450	James, Alice E.
15923	Crowder, Katie B.	15972	Jennings, Arthur
15921	Crowder, Eli V.	15973	Jennings, Clyde
15922	Crowder, James	15916	Kaifer, Ardella
15905	Crowder, Winnie Gertrude	15903	Long, James S.
15904	Crowder, John F.	16004	Long, Joseph

Shawnee by Blood.

<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.
31956	Allison, Ida B.	249	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 Golshby 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.

Bill No.	Name	Bill No.	Party
1543	Carter, Jenn W.	50834	S. C. D. C.
1444	Cummings, Henry A.	50033	S. C. D. C.
1524	O'ewder, Parles C.	50033	S. C. D. C.
1529	Harris, Galvia C.	49724	S. C. D. C.
1578	Howard, Carrie	50033	S. C. D. C.
1399	Kirk, J. W.	50364	S. C. D. C.
290	Klugh, August	50033	S. C. D. C.
1027	Perkins, Hattie A.	50353	S. C. D. C.
1492	Reishert, William	51026	S. C. D. C.
1400	Rice, Ambrose L.	374	S. C. U. S.
1423	Shalts (or Shalts) Fannie	51026	S. C. D. C.
1495	Shelton, John	50046	S. C. D. C.
1469	Smpton, Jacob D.	50033	S. C. D. C.
340	Travis, Robert A.	50948	S. C. D. C.
1403	White, Angelina	51026	S. C. D. C.
642	Woodward, Charles A.	49494	S. C. D. C.

Minor Changes
Act of Congress Approved April 24, 1904

367	Barnett, Myrie	50033	S. C. D. C.
457	Beaver, Hazel Calvin	50033	S. C. D. C.
458	Beaver, Glad D.	50033	S. C. D. C.
459	Herbert, Howard	50033	S. C. D. C.
674	Crowder, Nettie Myri	50033	S. C. D. C.
685	Green, Lee	49724	S. C. D. C.
263	Wright, Fannie Jane	50033	S. C. D. C.

Roll No.	Name	Roll No.	Grade
15400	James, Elia E.	50033	E.C.D.C.
15403	James, Anselmie	50033	E.C.D.C.
15404	James, Beulina	50033	E.C.D.C.
15401	James, Agnes	50033	E.C.D.C.
15394	Kirk, Gabriella	50355	E.C.D.C.
15393	Kirk, Sarah	50355	E.C.D.C.
15953	Kelton, Russ	51240	E.C.D.C.
15952	Kelton, Frank	51240	E.C.D.C.
15645	Supter, John	50033	E.C.D.C.
15646	Supter, Amanda Isabella	50033	E.C.D.C.
15647	Supter, Jim Andy	50033	E.C.D.C.
		51240	E.C.D.C.
15648	Supter, Scott Taylor	50033	E.C.D.C.
		51240	E.C.D.C.
15649	Supter, Dixon D.	51240	E.C.D.C.
15912	Wright, Estay	50033	E.C.D.C.
15913	Wright, Thomas R.	50033	E.C.D.C.
15914	Wright, Mary E.	50033	E.C.D.C.
15915	Wright, Lenard D.	50033	E.C.D.C.

Children by Marriage

1428	Allen, Andrew J.	50033	E.C.D.C.
1409	Atwood, Chester G.	50353	E.C.D.C.
1473	Beal, Andrew	50947	E.C.D.C.
1408	Bowling, Mary E.	51026	E.C.D.C.
		50033	E.C.D.C.

-3-
Shelton H. Hood.

<u>Roll No.</u>	<u>Name</u>	<u>Roll No.</u>	<u>Grade</u>
18927	Adams, Willy	80033	S. C. D. C.
18948	Astrey, Columbus E.	49722	S. C. D. C.
18940	Beaver, Gertrude	80033	S. C. D. C.
18941	Beaver, Clarence	80033	S. C. D. C.
18942	Beaver, Nellie	80033	S. C. D. C.
18943	Beaver, Myrtle	80033	S. C. D. C.
18917	Beagles, Nellie F.	80033	S. C. D. C.
18911	Crowder, Van	80033	S. C. D. C.
18920	Crowder, Willie	80033	S. C. D. C.
18909	Crowder, Edwood	80033	S. C. D. C.
18908	Crowder, Joe	80033	S. C. D. C.
18907	Crowder, Louisa	80033	S. C. D. C.
18906	Crowder, George W.	80033	S. C. D. C.
18990	Green, Teddy	49721	S. C. D. C.
18949	Green, Lamera	49721	S. C. D. C.
18933	Howard, Thomas J.	80033	S. C. D. C.
18934	Howard, Horace	80033	S. C. D. C.
18935	Howard, Lennie	80033	S. C. D. C.
18936	Howard, Harry	80033	S. C. D. C.
18937	Howard, Elmer	80033	S. C. D. C.
18938	Howard, Bettie Ferncy	80033	S. C. D. C.
18939	Howard, Dora Lee	80033	S. C. D. C.
18481	James, (or Richardson) Maggie H.	80033	S. C. D. C.

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 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.

Chickasaw by Blood

<u>Roll No.</u>	<u>Name.</u>	<u>Roll No.</u>	<u>Court.</u>
4984	Goldsby, John E.	348	U. S. S. C.
4985	Goldsby, Linniel E.	50033	S. C. D. C.
4986	Goldsby, Bessie	50033	S. C. D. C.
4987	Goldsby, Murray E.	50033	S. U. D. C.
4969	Vaughan, Edward A.	372	U. S. S. C.
4970	Vaughan, Grever C.	371	U. S. S. C.
4971	Vaughan, Oscar E.	371	U. S. S. C.

Chickasaw by Intermarriage

621	Adams, John Quincy	50033	S. C. D. C.
612	Leicester, William T.	50033	S. C. D. C.
606	McCoy, Clay	48358	S. C. D. C.
631	England, James W.	51025	S. C. D. C.
596	St. John, Thomas	50353	S. C. D. C.
605	Vaughan, Benjamin F.	373	U. S. S. C.

COPY

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Address only
The Secretary of the Interior.

G V W

January 19, 1909.

File 5-51.

The Commissioner to the
Five Civilized Tribes,
Muskegee, Oklahoma.

Sir:

November 30, 1908, 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 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 mandate shall issue in those 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 relators stand clearly in the

REFER IN REPLY TO THE FOLLOWING:

Chickasaw 1809

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

Muskogee, Indian Territory, March 29, 1907.

Thomas St. John,
Maxwell, 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.

-30-

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,

E. A. Ritchcock,
Secretary.

1 inclosure.

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 28, 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 3, 1907, and since the opinion of the

15655 and 15656, 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. 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 Batterfield, 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

by Department April 1, 1906 (I.T.D. 3126-1906).

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 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 Joe and Willard 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:

~~Sam~~ Mitchell and Allen Yates Mitchell, opposite Nos.

Action of the Commissioner of October 25, 1905, enrolling applicant affirmed by the Department January 9, 1906 (I.T.D. 17408-1905).

Thomas St. John, opposite No. 596, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Denied by Commission in 1894 in Choctaw case No. 1059; 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 Choctaw 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 Choctaw and Chickasaw Citizenship Court.

Clay McCoy, opposite No. 606, upon the final roll of citizens by intermarriage of the Chickasaw Nation. Admitted by Commission in 1896 in case No. 142; admitted by United States court for Southern district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Directed to be enrolled

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 F. 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. 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.

court for Southern District of Indian Territory; no appeal to the
Chester and Chickasaw Citizenship Court. Decision of Commission
of May 23, 1906, granting application affirmed by Department Octo-
ber 6, 1906 (I.T.D. 2146-1906).

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. 4984.

Joe Perry and Dillard Perry, opposite Nos. 6013 and 6014,
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. 18962-1906).
The names of these persons formerly appeared opposite Nos. 257 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. 608, upon the final
roll of citizens by intermarriage of the Chickasaw Nation. Ad-
mitted by Commission in 1896 in case No. 92; admitted by United
States court for Southern district of Indian Territory; no appeal

791, respectively, children of Ardella 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, 669, and 922, respectively, children of Verbis Long, opposite No. 16005, upon the final roll of citizens by blood of the Choctaw Nation, and Lummie Long, a non-citizen.

CHICKASAWS 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.

Sallie J. Hargis, opposite No. 626, upon the final roll of citizens by intermarriage of the Chickasaw Nation; denied by Commission in 1896 in case No. 281; no appeal.

John E. Goldsby, Linniel E. Goldsby and Bessie Goldsby, opposite No. 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

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Beth McLendon, opposite No. 706, child of Robert S. McLendon, opposite No. 16032, upon the final roll of citizens by blood of the Choctaw Nation, and Emma McLendon, a non-citizen.

Roy D. McLendon, opposite No. 266, child of Barrell F. McLendon, opposite No. 16025, upon the final roll of citizens by blood of the Choctaw Nation, and General McLendon, opposite No. 1577, upon the final roll of citizens by intermarriage of the Choctaw Nation.

Jennie Louise Brandrick, opposite No. 784, child of Mary A. Trice, opposite No. 15857, upon the final roll of citizens by blood of the Choctaw Nation, and William M. Brandrick, non-citizen.

Rachel Calvin Beaver, Cloud 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 Calvin Beaver, a non-citizen.

Effie Barnett, opposite No. 367, child of Amanda Isabelle Sumpter, opposite No. 15446, upon the final roll of citizens by blood of the Choctaw Nation, and A. F. Barnett, a non-citizen.

Odin A. Kiefer and Miriam Kiefer, opposite Nos. 790 and

February 14, 1901; son of 16049. Record transmitted to Department December 21, 1906, for consideration in case of Hesehiah Snech Astry.

CHOCTAW MINORS: ACT OF CONGRESS APPROVED
APRIL 26, 1906 (34 Stats., 137).

Nettie Myrl Crowder, opposite No. 674, child of George W. Crowder, opposite No. 15906, upon the final roll of citizens by blood of the Choctaw Nation, and Parlee C. Crowder, opposite No. 1524, upon the final roll of citizens by intermarriage of the Choctaw Nation.

Rufus Clay Crowder, opposite No. 4, child of William J. Crowder, opposite No. 15899, 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. 263, child of J. W. Wright, non-citizen, and Betsey 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.

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. 16025. Directed to be enrolled by Department April 6, 1906 (I.T.D. 6372-1904).

Corneal 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. 16025.

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, Ferbis 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 C. Thompson case. Ordered enrolled by Department January 19, 1905 (I.T.D. 3192-1905).

Columbus B. Autry, Lenora Green and Teddy 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 C. Thompson case. No. 16050 born

1354; no appeal. Directed to be enrolled by Department April 6, 1906 (I.T.D. 5364-1904).

Bettie Perney Howard and Dora Lee Howard, opposite Nos. 16038 and 16039, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1897 and 1899, respectively, children of Thomas J. Howard, opposite No. 16033.

Carrie Howard, opposite No. 1598, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1354; no appeal. Wife of Thomas J. Howard, opposite No. 16033.

Gertrude Weaver, Clarence Weaver, Nellie Weaver, and Myrtle Weaver, opposite Nos. 16040, 16041, 16042 and 16043, respectively, upon the final roll of citizens by blood of the Choctaw 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 Weaver, opposite No. 16040. Ordered enrolled by Department April 6, 1906 (I.T.D. 5364-1904).

Harrell P. McLendon, John B. McLendon, Thomas McLendon, Ida H. 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.

mission in 1898 in case No. 1239; no appeal. Directed to be enrolled by Department April 5, 1906 (I.T.D. 8913-1904).

Martha J. McGahey, opposite No. 1614, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1268; no appeal. Decision of Commissioner of June 5, 1906, granting application affirmed by Department October 20, 1906 (I.T.D. 21238-1906).

Mattie L. Armstrong, Layton B. Armstrong, and Bessie 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 1896 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. 13700-1906).

Rebecca K. Armstrong, opposite No. 16057, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1898 and child of Mattie L. Armstrong opposite No. 16054.

Thomas J. Howard, Morace Howard, Lennie Howard, Emery Howard and Elmer Howard, opposite Nos. 16033, 16034, 16036, 16036 and 16037, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No.

States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Ordered enrolled by Department April 1, 1905 (I.T.D. 3131-1905). 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 W. Carter, opposite No. 1543, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 982; no appeal.

Julia Omo, opposite No. 1550, 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.

Robert G. McLendon, opposite No. 16032, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Com-

citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1346; 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. 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 N. Buckholts, opposite No. 1537, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 243; no appeal.

Selden F. Lindsey, opposite No. 1180, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 25; denied by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court. Patents recorded.

Henry A. Cummings, opposite No. 1464, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 664; admitted by United

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 M. Russell, opposite No. 1553, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1116; no appeal.

Grover 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. 1600, upon the final roll of

Rosa S. 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. 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, 1903, on general demurrer, in case No. 3 upon the McAlister docket.

Fannie Shults, 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. 54; no appeal. Patents recorded.

John T. Staton, opposite No. 1426, 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.

Amanda Choate, opposite No. 1699, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by

Commission in 1896 in case No. 438; 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. 380; 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. 689; 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.

Mattie Freemy, opposite No. 1421, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 464; no appeal. Patents recorded.

Madell Bellamy, opposite No. 1438, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1895 in case No. 1120; no appeal.

Mary E. Robinson and Mary A. Jones, opposite Nos. 15856 and 15857, 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 Nos. 15856 recorded.

Lucy McMurtry, opposite No. 1497, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 1534; no appeal.

Eli W. Crowder, James Crowder, Katie B. Crowder and Minnie B. Crowder, opposite Nos. 15921, 15922, 15923, and 15924, 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. 15925, upon the final roll of citizens by blood of the Choctaw Nation. Born in 1897, and son of Eli W. Crowder, opposite No. 15921. Patents recorded.

Henry Sutherland, opposite No. 668, 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. 340, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by

States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Virginia F. 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 Neal, 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. 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.

Galvin 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.

Lucia Ann Crowder, opposite No. 1412, 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.

Aliso E. James, Maggie E. James, Ellis E. James, Amalinda James, and Evulena 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. 1031; no appeal. Patents for Nos. 18480, 18481, 18482 and 18484 recorded.

Chester C. Atwood, 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 D. Parton, opposite No. 1410, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 322; no appeal. Patents recorded.

Charles A. Woodward, opposite No. 862, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 822; denied by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court. Homestead patent recorded.

Frederick R. Robinson, opposite No. 1531, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 676; admitted by United

roll of citizens by blood of the Choctaw Nation. Born since 1896,
and child of the Choctaw, opposite No. 15100.

James F. Laird, opposite No. 1506, upon the final roll
of citizens by intermarriage of the Choctaw Nation. Denied by
Commission in 1896 in case No. 1225; affirmed by United States
court for the central district of Indian Territory; denied by the
Choctaw and Chickasaw Citizenship Court.

Robert L. Babon, opposite No. 1408, 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 Harvis, opposite No. 1008, upon the final roll of
citizens by intermarriage of the Choctaw Nation. Denied by Com-
mission in 1896 in case No. 545; no appeal.

Nellie F. Beagles, opposite No. 12917, 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 Klugh, 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 Padworth, opposite No. 9258, upon the final roll of
citizens by blood of the Choctaw Nation. Denied by Commission in
1896 in case No. 1275; no appeal. Patents recorded.

Mary H. Bowling, opposite No. 1408, upon the final roll
of citizens by intermarriage of the Choctaw Nation. Denied by

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Commission in 1896 in case No. 980; no appeal. Enrollment ordered by Department February 3, 1905 (I.T.D. 1150-1905).

David Ritter, opposite No. 15104, 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 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. 488; admitted by United States court for central district of Indian Territory; no appeal to Choctaw and Chickasaw Citizenship Court.

Hverat 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

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 Rading, 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. 15916, 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. 1403, upon the final roll of citizens by blood of the Choctaw Nation. Denied by

Betsy Wright, Thomas E. 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 H. Wright and Lenard Dale 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. 1638, upon the final roll of citizens by intermarriage 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 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. 483; admitted by United States court for central district of Indian Territory; no appeal to the Choctaw and Chickasaw Citizenship Court.

William W. Tucker, opposite No. 1470, upon the final roll of citizens by intermarriage of the Choctaw Nation. Admitted by Commission in 1896 in case No. 228; admitted by United States

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. 15399.

George W. Crowder, Louisa Crowder, Joe Crowder and Balmert 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 C. Crowder, opposite No. 1524; upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 699; 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. 740; 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. 652; no appeal. Patents recorded.

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by Commissioner October 1, 1900; affirmed by Department November 17, 1900 (I.T.D. 22524-1900).

J. W. Kirk, opposite No. 1399, upon the final roll of citizens by intermarriage of the Choctaw Nation. Denied by Commission in 1896 in case No. 948; appeal to United States district court dismissed.

Sarah Kirk and Gabriella Kirk, opposite Nos. 15393 and 15394, respectively, upon the final roll of citizens by blood of the Choctaw 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, Rena Crowder, William H. Crowder, and John F. Crowder, opposite Nos. 15899, 15900, 15901, 15902, 15903, and 15904, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by the Commission in 1896 in case No. 760; no appeal. Patents for No. 15899 recorded.

Winnie Gertrude Crowder, born June 6, 1901, opposite No. 15905 upon the final roll of citizens by blood of the Choctaw Nation. Daughter of William J. Crowder, who was denied by Commission in 1896 in case No. 760; no appeal.

1073; no appeal. Patents for No. 15646 recorded; homestead patent for No. 15647 recorded.

Dixen 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 1857.

Hattie 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. 12524-1906).

Eva Marguarite 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

John Calvin Gray, opposite No. 1519, 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. 15951, 15952, 15953, 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. 15951 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. Sumpter, opposite No. 1469, 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 Sumpter, Amanda Isabella Sumpter, Jim Andy Sumpter, and Scott Taylor Sumpter, opposite Nos. 15645, 15646, 15647, and 15648, respectively, upon the final roll of citizens by blood of the Choctaw Nation. Denied by Commission in 1896 in case No.

D.C. 17922
I.T.D. 7794-1907
L.R.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 28, 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.

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,

C. F. Larrabee,

Acting Commissioner.

EBH-LC.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON.

C O P Y

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Acknowledgement is hereby made of the receipt of Departmental letter of this date, (I.T.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 Hixby, 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

9-D-107

COPY.

Muskogee, Indian Territory, March 25, 1906.

Albert Rennie,
Attorney at Law,
Pauls Valley, 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 Thomas St. John 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. BIXBY

James Bixby

Registered.

Chairman.

8-D-107

COPY.

Muskogee, Indian Territory, March 25, 1905.

W. B. Thompson,
Attorney at Law,
Pauls Valley, 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 Thomas St. John 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:

James Bixby

Chairman.

Registered.

9-D-107

COPY.

Muskogee, Indian Territory, March 25, 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 March 25, 1905, granting the application of Thomas St. John for enrollment 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-107.

See 9-1794 for registry receipt for this letter.

W.C.B.

COMMISSIONERS:
TAMM HICKY,
THOMAS S. NEEDLES,
C. E. HERCKENRIDGE,
WM. O. BRALL,
Secretary.

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

NOTE IN REPLY TO THE FOLLOWING:
9-D-107

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 25, 1905.

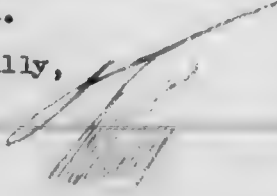
Thomas St. John,
Maxwell, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes rendered March 25, 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,



Registered.

Chairman.

Incl. 9-D-107.

Chickasaw D 107

Muskogee, Indian Territory, December 30, 1904.

Hybarger & Moore,

Pauls Valley, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of December 27, asking what action, if any, has been taken in the matter of the application of Thomas St. John for enrollment as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are advised that the Commission is now considering the application of Thomas St. John for enrollment as an intermarried citizen of the Chickasaw Nation, and when a decision is reached he will be notified of the action taken therein.

Respectfully,

Chairman.

7-D-269
9-D-107

Muskogee, Indian Territory, October 29, 1904.

H. M. Byfield,

Musgee, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of October 22, 1904, asking the status of the enrollment of Mary E. Parnell and Thomas St John.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Mary E. Parnell for enrollment as an intermarried citizen of the Choctaw Nation, or upon the application for enrollment of Thomas St John as a citizen of the Chickasaw Nation.

As soon as decisions are rendered in these cases, the applicants will be notified.

Respectfully,

Chairman.

Choctaw D 1
Chickasaw B 107

Muskogee, Indian Territory, October 10, 1904.

J. N. Perry,

Ada, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 7, asking the status of the enrollment of Thomas St. John, an intermarried citizen of the Chickasaw Nation and John B. Stewart, a Choctaw by blood.

In reply to your letter you are advised that the Commission has not yet passed upon the application for the enrollment of Thomas St. John as an intermarried citizen of the Chickasaw Nation, but will, as early as practicable, take up the same for consideration and determination. When a decision is reached the applicant will be notified of the action taken therein.

You are further advised that on July 20, 1903, the Commission rendered its decision granting the application for the enrollment of John B. Stewart as a citizen by blood of the Choctaw Nation, and on the same date notice thereof was forwarded the applicants.

On August 7, 1903, the record and decision in this case, together with the protest of the attorneys for the Choctaw and Chickasaw Nations to the action of the Commission in enrolling the applicant, were forwarded the Department. The Commission has not as yet

JMP

been advised of Departmental action in this case, but when such notice is received the applicant will be duly informed.

Respectfully,

Chairman.

9-3-107

Muskogee, Indian Territory, September 30, 1904.

J. B. Thompson,

Attorney at Law.

Pauls Valley, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 26th instant, enclosing brief and argument to be filed in support of the application for enrollment of Thomas St. John as a citizen by intermarriage of the Chickasaw Nation, and the same have been filed with the records in said case in accordance with your request.

Respectfully,

Chairman.

SHICKSAY 2-107.

Waskagee, Indian Territory, July 30, 1904.

Thomas St. John,

McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 25, in which you state that it is impossible for you to appear before the Commission at present, but that you will be at Tishomingo on the 8th and 9th of August, as you see the Commission will be at that place on those dates for the purpose of taking evidence in the matter of completing the rolls.

In reply to your letter, you are informed that the Commission will be at Tishomingo for the purpose of hearing testimony in undetermined enrollment cases, September 8 and 9 instead of August 8 and 9, 1904, and you may appear at that place on either of those dates for the purpose of testifying relative to your intermarried status on September 25, 1903.

Respectfully,

Commissioner in Charge.

9-D-107.

Muskogee, Indian Territory, July 9, 1904.

Thomas St. John,
Walker, 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 further 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, immediately, to testify as to your intermarried status on September 25, 1902.

Respectfully,

Chairman.

Chickasaw D 107

Muskogee, Indian Territory, February 8, 1904.

Thomas St. John,
Walker, 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-107

Muskogee, Indian Territory, October 1, 1903.

Thomas St. John,
Maxwell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 25, 1903, requesting to be advised relative to the status of your application for enrollment as an intermarried citizen of the Chickasaw Nation, and if it will be necessary for you to again appear before the Commission.

You are informed it appears from our records that you are an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation. Before your application can receive further consideration it will be necessary for you to 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, 1902, the date of the ratification by the citizens of the Choctaw and Chickasaw Nations of the Act of Congress approved July 1, 1902.

Respectfully,

Chairman.

Chickasaw D 107

Muskogee, Indian Territory, February 18, 1903.

S. J. Pruton,

Maxwell, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 5, in which you ask if Thomas St. John is on the roll.

In reply you are advised that it appears from our records that Thomas St. John 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 his case he will be duly notified of the action of the Commission.

Respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAVIS,
TAMM DIXBY,
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-107.

Muskogee, Indian Territory, March 17, 1902.

Thomas St. John,

Walker, 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 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

Kuskawm, Indian Territory, November 25, 1899.

Albert Rennie,
Attorney at Law,
Pauls Valley, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 25th instant in the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation of Thomas St. John.

You request that the records of the Commission in this case be examined and that you be informed if there is on file therewith, a copy of the testimony of Parson Burris, of Stancwall, on the subject of the abandonment by St. John of his wife.

You are informed that there is on file with the records of the Commission in this case, the testimony of C. A. Burris before the Commission at Ardmore, November 24th, 1898 and before the Commission at Atoka, Indian Territory, in August 1899.

There is enclosed you herewith carbon copy of the testimony of Mr. Burris upon both of these appearances which you are requested to return to the Commission as soon as they have served your purpose or you have made a copy thereof.

Yours truly,

W. H. H. H.

Enc. e

9-D-107

Muskogee, Indian Territory,

August, 1854 1890.

Thomas St John,

Walker, 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, 1890, 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-107

N. I. & C. 2.

power of the Commission in making rolls. The name of the father of Thomas St John, as it appears upon Chickasaw Card D 107, is Alfred St John, and the name of the mother, Caroline St John, both non-citizens.

Yours truly,

Acting Chairman.

In reply to this letter,
please refer to 9-D 107

Muskogee, Indian Territory, May 23, 1900.

Messrs Mansfield, McMurray & Cornish,

South McAlester, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of May 23th, in which you state that Thomas StJohn, Belle St John and James Houston St John have been enrolled as Chickasaw citizens, and request to be advised of the number of their cards, their post office addresses and the dates and places of enrollment. You also request to be informed as to what information appears upon the card upon which Belle St John is enrolled after her name, as to the name and nationality of her father and mother.

You are informed that a careful search of the records of the Commission shows that the only party of whom you inquire, who has been listed for enrollment is Thomas St John, forty five years of age, of Walker, Indian Territory, who was listed for enrollment by this Commission October 1, 1898, and appears on Chickasaw doubtful card, D 107.

There is, however, on file with this Commission, a petition for enrollment of Thomas St John, Belle St John, Houston A. St John Pleas St John and William St John, presented under the act of Congress of June 7th, 1897, and on which the Commission has never taken any action, for the reason that subsequent legislation has modified the

Muskogee, Indian Territory, October 5, 1898.

Wm. J. H. H. H. H., Acting Chairman,
Muskogee, Indian Territory.

Dear Sir:-

Your letter of the 3d inst., requesting that there be forwarded to the field marriage license of Thomas St. John, is received. As the marriage license cannot well be detached without mutilating the other papers with which it was filed, all the papers are forwarded herewith.

Very truly yours,

a. l. a.

Secretary.

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1900

This is to certify that
Thomas St John and Sarah Hays
were united in marriage by me
according to existing laws of the
Chickasaw Nation. Done this the
9th day of May A. D. 1875.

J. W. Collins
Supreme Judge
Chickasaw Nation

Recorded by me
May 10th 1875
H. Colbert
C. C. P. Clerk.

I J. P. Crawford do
solemnly swear that the above is a
true and correct copy of certificate of
marriage, as recorded in book of
Marriage Record of Chickasaw Nation
on page 29.

J. P. Crawford
Subscribed and sworn to before
me this 21st day of Sept. 1898.

J. M. Byrd
Notary Public

James Wolfe

1910.

(F. ...)

COLLECTOR OF PERMITS.

County, CHICKASAW NATION

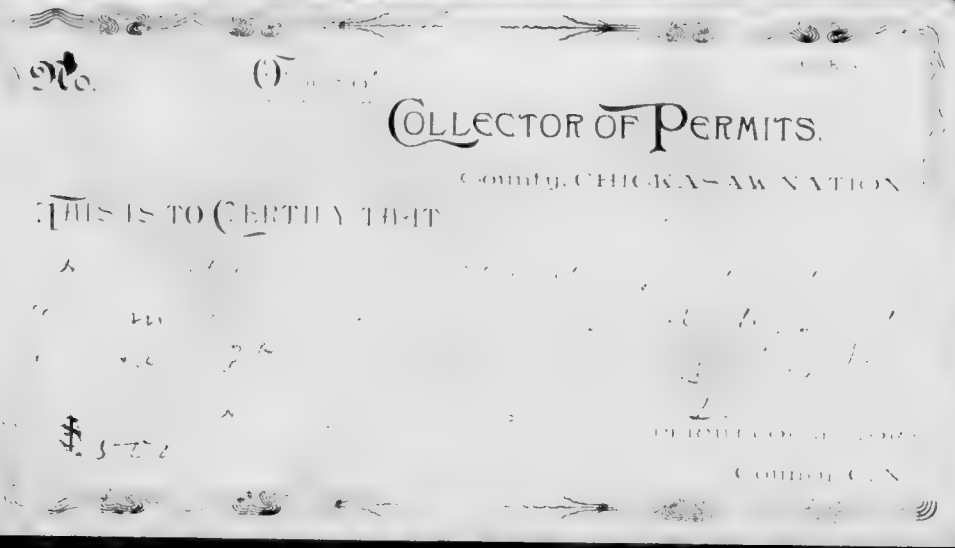
THIS IS TO CERTIFY THAT

[Faint, illegible handwritten text]

\$ 5.00

PERMIT NO. ...

CHICKASAW NATION



In the matter of the application of Thomas St. John for enrollment as an intermarried Chickasaw.

Thomas St. John being sworn says:

I live near Paul's Valley, Chickasaw Nation. I have lived there 15 years. I was first married in 1875 to Sarah Hays, a Chickasaw Indian.

I lived with her five or six months. She left me. I do not now know where she is. I have not seen her since 1890. I do not know whether she is living or dead. She got a divorce from me. I do not know the grounds.

I was not there when the divorce was procured. I had no notice of the trial. I do not know why she left me, but her father got mad at me. I was living on Bradford Johnson's place, near Stonewall. I always treated her well and provided the best I could. She went to her father's and he would not let her come back. I was living on a rented place. I tried to get her to come back, perhaps a dozen times. Her father would not let her come back. She said she would go back if her father would let her. I made a very strong effort to get my wife to come back. Several at Stonewall could tell you the same. Old man Burris could tell you about it.

In 1890 I next married Belle Blue. She claimed to be a Cherokee.

They made application twice but have not proved up their claim.

I first married under Arkansas law, but Governor Mosely told me that if I wanted to secure citizenship in the Chickasaw Nation I would have to procure license, from the county and pay \$50.00. I was married in August 1897 under Chickasaw law.

I do not now know where my Indian wife is. Her brother lives 10 miles north of Stonewall.

Over 207

Indian Territory :
Third Division as : I, William Nelson, Clerk of the United States
Court in the Indian Territory, do hereby
certify, that the within license was on the 11th. day of September
A. D. 1890, duly filed in my office for the 3rd. Division at Ardmore,
and recorded in marriage record A, page 118.

Witness my hand and the seal of said Court the day and year
aforesaid.

Wm. Nelson, Clerk.

(S E A L)

By A. D. Matthews, Deputy.

I do hereby certify that the above and the reverse side is a
true and correct copy of the original marriage license, certificate
of marriage and certificate of record now presented to me.

As witness my hand and seal this 14th. day of August 1897.

C. O. Patton

Notary Public.

Certificate of Record of Marriage

UNITED STATES OF AMERICA, }
The Indian Territory, } sct.
SOUTHERN DISTRICT.

I, JOSEPH W. PHILLIPS, Clerk of
the United States Court in the Territory and
District aforesaid.

DO HEREBY CERTIFY that the License
for, and Certificate of the Marriage of

Mr _____ and
M _____

were filed in my office in said Territory and Dis-
trict the _____ day of _____ A. D., 189
and duly recorded in Book _____ of Marriage
Record page _____

WITNESS my hand and seal of said Court,
at Ardmore, this _____ day of _____ A. D., 189

JOSEPH W. PHILLIPS, Clerk
By _____ Deputy.

No. [redacted]

70 74

Marriage License.

United States of America,)
The Indian Territory,)
~~Third Judicial District~~)
Southern District.) 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. Thomas H. Idm Nymewood
Chickasaw Nation I T aged 35 years and
Miss Belle Blue Nymewood
Chickasaw Nation I T aged 21 years

according to law and do you officially sign and return this License
to the Court there named.

WITNESS My hand and Official Seal, this 9 day of Sept A. D. 1890

Wm. Nelson
Clerk of the U.S. Court
by R. D. Matthews Deputy

Certificate of Marriage.

UNITED STATES OF AMERICA,)
The Indian Territory,)
~~Third Judicial District~~)
Southern District.) I. Wm. A. Monroe
U.S. Commissioner

DO HEREBY CERTIFY, that on the 9th day of September A. D. 1890
I did duly and according to law, as commanded in the foregoing License, solemnize the
Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 9th day of Sept. A. D. 1890.

My credentials are recorded in the office of the Clerk of the United States Court,
Indian Territory, ~~Southern District~~, at Ardmore, Book Page

Wm. A. Monroe
U.S. Comm.

NOTE. - This License and Certificate of Marriage must be returned to the Office of the Clerk
of United States Court in 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 Hun-
dred Dollars (\$100.)

Certificate of Record of Marriage

UNITED STATES OF AMERICA, }
The Indian Territory, } sct.
SOUTHERN DISTRICT. }

I, JOSEPH W. PHILLIPS, Clerk of
the United States Court in the Territory and
District aforesaid.

DO HEREBY CERTIFY that the License
for, and Certificate of the Marriage of
Mr _____ and
M _____
were filed in my office in said Territory and Dis-
trict the _____ day of _____ A. D., 189 _____
and duly recorded in Book _____ of Marriage
Record page _____

WITNESS my hand and seal of said Court,
at Ardmore, this _____ day of _____ A. D., 189 _____

JOSEPH W. PHILLIPS, Clerk
By _____ Deputy.

J. Guy Hill, Clerk of the County Court
of Pickens County C. N. J. hereby
certify the foregoing license was
filed for record and duly recorded
on Page 332 in Marriage Record,
for Pickens County C. N. J.
Given under my hand and seal
of office this 16th day of Aug. 1897.

- Guy Hill

County Clerk C. N. J.

~~J. Hill~~

I hereby certify the above and foregoing to be a true and
correct copy of the original marriage license, marriage certificate
and certificate of record now before me.

In witness whereof I have hereunto set my hand and seal this 16th day of August 1897.

C. W. Burt

Notary Public

I, Guy Keel, Clerk of the County Court
of Pickens County, C. N. I hereby
certify the foregoing license was
filed for record and duly recorded
on Page 332 in Marriage Record
for Pickens County, C. N. I.

Given under my hand and seal
of office the 16th day of Aug. 1897.

- Guy Keel.

County Clerk, T. C.

~~I hereby~~

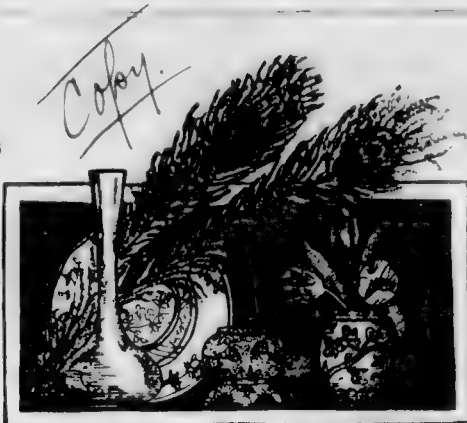
I hereby certify the above and foregoing to be a true and
correct copy of the original marriage license, marriage certificate
and certificate of record now before me.

As witness my hand this 20th day of August 1897.

Ed. Butler

Notary Public.

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. Thomas H. John And Mrs. Belle Bellue

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
the seventh 7th day of August, 1897

C. H. Colbert
Judge County Court, Pickens County

I, V. T. Dury hereby certify that on 10 day of Aug.
A. D. 1897 I United in Marriage Thomas H. John and Belle Bellue
the parties above-named.

WITNESS my hand this 10 day of Aug. 1897

V. T. Dury

Filed for Record 16th day Aug. 1897. Recorded 16 day of Aug. 1897.

Guy Hubbard County Clerk.

Seal

it would not be self-executing, and it certainly would have required the judgment of some court to deprave him of rights which he already had. But it has been held by the Choctaw & Chickasaw Citizenship Court in the case of John C. Bradshaw against the Choctaw & Chickasaw Nations, number three on the Tishomingo Docket, that there was nothing in this contention of the Nations. Therefore, the mere pleading of this fact by the Nations in their answer to the petition of applicant would not bring it within the meaning of the statute, when it refers to persons whose application has been denied or not acted upon. Applicant was upon the roll of 1878, and also on the roll of 1893, and these rolls were in specific language, confirmed by the Act of Congress of June 10, 1896, supra. It is the contention, therefore, of the petitioner that the Commission had no jurisdiction in so far as his application is concerned, and if a favorable judgment would not have added anything to his rights to citizenship, then a judgment against him could not take any of his rights from him.

I do not care to pursue a discussion of the law in this case further, because it has been so admirably passed upon and expressed by the Commission in the matter of the application of Wiley Adams for enrollment as a citizen of the Chickasaw Nation, which decision of the Commission was approved by the Commissioner of Indian Affairs on May 11, 1903, and by the Secretary of the Interior on May 21, 1903.

To pursue a discussion of the case further would be to simply repeat the ideas and arguments presented in these three decisions, and I do not feel that I could add anything to the position taken and so ably maintained. The contention of application is, that he comes squarely within the rule and reasoning of the rule in that case, and he respectfully submits that he is entitled to enrollment as a member of the Chickasaw Tribe of Indians by intermarriage.

Respectfully,


Counsel for Applicant.

of the United States, and that said second marriage was contrary to the laws of the Chickasaw Nation in forbidding the intermarriage of a Chickasaw Indian with any other person than a member of the Chickasaw Tribe of Indians, and that by reason of said second marriage the applicant forfeited his right as an intermarried citizen.

We think the statements contained in the petition, and the admissions contained in the answer filed before the Commission in 1896 were sufficient to oust the Commission of jurisdiction to hear and determine the application for admission.

The Act of June 10, 1896, supra, under which the Commission was acting at that time, provides:

"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 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 either of said nations or tribes, and shall give due force and effect to the rolls, usages and customs, of each of said nations or tribes; 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 said tribes, and whose rights thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of the 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."

Under the provisions of this act, the rolls of citizenship of the several tribes, as then existing, were confirmed, and the commission was given authority to add the name of any person who claimed to be entitled to citizenship in either of said tribes, and whose right thereto had either been denied or not acted upon. This applicant had never been denied citizenship, nor did he come within the class of persons whose right had been acted upon.

It is true that the Nation, in its answer, contended that by a second marriage, contrary to the Chickasaw Statute, the applicant forfeited his citizenship. But conceding that act was legal,

1893) that the applicant's name appears upon the census roll of the tribe taken in 1878, and again upon the roll taken in 1893, and that he drew the annuities paid at the respective dates to the members of the Chickasaw Tribe of Indians.

It also appears from the records of the Commission that the applicant filed his original petition with the Commission to the Five Civilized Tribes, for admission to citizenship in the Chickasaw Nation, under Act of June 10, 1896 (29 Stats., 321), and the same was denied by the Commission, and no appeal was taken therefrom. In 1896, at the time of the application to the Commission to the Five Civilized Tribes, the applicant was a recognized citizen, by inter-marriage, of the Chickasaw Nation, and his rights as such were undisputed by the tribal authorities.

In his petition filed before the Commission, he alleged that on the 9th day of May, 1875, he became a member of the Chickasaw Nation by inter-marriage with Miss Sarah Hayes, a member by blood of the Chickasaw Tribe of Indians, which marriage is evidenced by a certified copy of the license and marriage certificate accompanying the application. The Chickasaw Nation, through its attorneys at that time, filed before the Commission its answer, in which it set up:

"First.. The Chickasaw Nation admits that the said Thos. St. John was legally married, as alleged, and on the date named in said application, to one Sarah Hayes, who was A Chickasaw Indian by blood, and that they lived together as husband and wife until the said Sarah Hayes obtained a divorce from him, in the year 1876, as alleged in the application aforesaid; it admits that by said marriage the said Thos. St. John became an intermarried citizen of the Chickasaw Nation, and would be entitled to enrollment as such, had there been no divorce from said Sarah ~~Hayes~~ St. John, nee Hayes, and a subsequent marriage of the said applicant."

And further answering, the Chickasaw Nation alleged, that on September 9, 1890, the applicant married Bell Belew, a citizen

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

In the matter of the application of Thos. St. John for enrolment as a citizen of the Chickasaw Nation.

-----ooOoo-----

STATEMENT AND BRIEF ON BEHALF OF APPLICANT.

The record in this case shows that the applicant, Thos. St. John, appeared before the Commission at its session held at Ardmore, Indian Territory, on November 24, A. D. 1898, and made personal application for enrolment as a citizen of the Chickasaw Nation; and thereafter, and on August 28, 1899, further evidence was taken in the matter of said application.

The record also shows that the applicant, Thos. St. John, was united in marriage, according to the laws of the Chickasaw Nation, to Sarah Hayes, a regularly enrolled, duly identified, and admitted citizen of the Chickasaw Nation, on the 9th day of May, 1875, by J. D. Collins, the Supreme Judge of the Chickasaw Nation; that the marriage license was recorded on the 10th day of May, 1875, by H. Colbert, Clerk of the County Court, Pontotoc County, Chickasaw Nation, Indian Territory, in book "A," at page 29 of the Marriage Records of Pontotoc County.

The record also shows that the applicant since said marriage, and for six years prior thereto, has resided continuously and in good faith in the Chickasaw Nation, Indian Territory; that after said marriage, and until his application was rejected by the Commission to the Five Civilized Tribes, under Act of June 10, 1896, (29 Stats., 321) the applicant was recognized as a citizen of the Chickasaw Nation by the tribal authorities.


It also appears from the evidence and the records in the possession of the Commission (see testimony of Thos. St. John, and the census roll of the Chickasaw Tribe of Indians made in 1878 and

No. _____

In the matter of the application
of THOS. ST. JOHN, for enroll-
ment as a citizen by inter-
marriage of Chickasaw nation.

VS.

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


CHIEF

Brief and argument on behalf of
Applicant.

J. B. THOMPSON,
ATTORNEY AT LAW
PAULS VALLEY, I. T.

sir.

(By Mr. McClure) I expect then we had better ask for an attachment for this woman and have her come here. I thought Mr. Burris knew the circumstances of the separation.

(By Mr. Bixby) Where does she live?

(By Mr. McClure) Ten miles North of Stonewall.

(By Mr. Bixby) We could not get her here in time then.

Q (By Mr. McClure) Ask him if he knew anything about the quarrel and whether or not St. John tried to get her to return to him?

A (Interpreter) The quarrel?

Q Ask him if he knew anything about the efforts of St. John to get her to return to him? A. He don't know.

(By Mr. McClure) I suppose we will have to ask the Commission to continue this hearing until they meet at South McAlester.

(By Mr. Bixby) We will set it down for the third Monday in March at South McAlester.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

In the matter of the application of Thomas St. John for enrollment as a citizen of the Chickasaw Nation.

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

John A. McClure, Esq., Attorney for the applicant.

Peter Maytubby, Esq., Interpreter.

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

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

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

Rev. C. A. Burris, being duly sworn by Commissioner T. B. Needles, on his oath, testified on behalf of the applicant as follows:

Direct Examination by Mr. McClure:

Q Do you know this man? A. I have known him ever since he was a boy.

Q Ask him if he knew St. John's Indian wife? A. (Interpreter) He says she is Chickasaw woman, Opiatubby's daughter.

Q Ask him if he knew St. John and his Indian wife while they lived together? A. He said he only heard that they were married.

Q Ask him if he knows anything about the separation between them?

A He says she was at her father's and he was at his father's. The woman stayed at her father's house and he stayed at his father's house.

Q (By Mr. Needles) Ask him if he knows why they parted? A. No

Chickasaw D-107.

In the matter of the enrollment
of Thomas St. John as an inter-
married citizen of the Chicka-
saw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE UNITED TRIBES.
FILED

FEB 11 1904

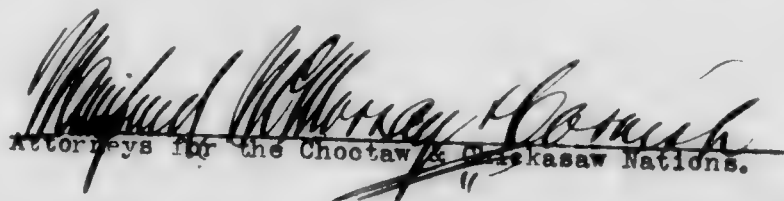
CHAIRMAN

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nations of Thomas St John; Chickasaw field number D-107.

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.

Department of the Interior.
Commission to the Five Civilized Tribes

In the matter of the application of
Thomas St. John for enrollment as an
intermarried citizen of the Chick-
asaw Nation.

-- D 109--

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 Thomas St. John 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 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 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 Risteen

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

[Signature]

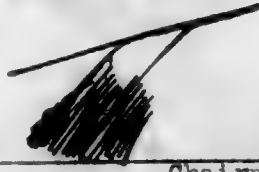
Notary Public.

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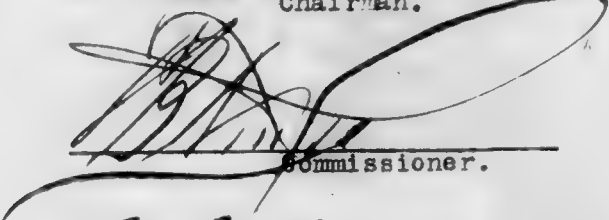
in the possession of the Commission that the applicant (as Tom St. John) is identified upon the 1878 Chickasaw Annuity Roll, Pontotoc County, number 120 and also (as Tom St. John) upon the 1893 Chickasaw Leased District Payment Roll, No. 2, page 201.

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 following the ruling of the Department in the case of Angeline White (I.T.D. 1130-1905), Thomas St. John 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,
MAR 25 1905

H. F.
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9-D-107.

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

In the matter of the application for the enrollment of Thomas St. John 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 May 9, 1875 the applicant Thomas St. John was married in accordance with the then existing laws, customs and usages of the Chickasaw Nation to Sarah Hays, a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name appears as number 341 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; 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 only a short period when they separated and were subsequently divorced; that thereafter in 1890 the applicant was lawfully married to Belle Blue, an alleged Cherokee by blood, and that the applicant had been a resident in good faith of the Chickasaw Nation from the date of his said marriage with the said Sarah Hays up to and including September 25, 1902.

It appears from the records of the Commission that on September 8, 1896 in the case entitled "Thomas St. John, et al., vs. Chickasaw Nation" (1896 Choctaw Citizenship Docket, case number 1059) the applicant Thomas St. John made original application 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 claiming his right thereto by virtue of his marriage with the said Sarah Hays; and on December 5, 1896 the said Thomas St. John was by this Commission denied admission to citizenship as a citizen by intermarriage of the Chickasaw Nation, from which decision of the Commission no appeal was taken.

It appears from an examination of the tribal rolls

Thomas St. John.--3.

Q You do not claim any rights at all through your wife, Belle Blue? A No sir.

Q Your name is not on any of the Rolls. You never drew any money did you? A Yes sir. Ever since '75 up to the last payment in '93, I have the '93 Roll Certificate; but did not bring it with me.

The name of the applicant is identified upon the 1893 Chickasaw Roll, number 2, on page 201.

Q Did you draw money in '78? A Yes sir.

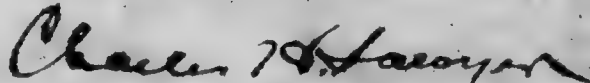
Q What County were you living in then? A Pontotoc County, living at Stonewall.

Attorney for the applicant is allowed thirty days in order to file Brief.

Daisy D. Daubin, stenographer to the Commission to the Five Civilized Tribes, states upon her oath that the above and foregoing is a true, full and correct transcript of her stenographic notes as taken in the above entitled cause at Muskogee, Indian Territory on August 22, 1904.



Sworn to before me this the 2 day of September, 1904.



Notary Public.

Thomas St. John.--2.

Marriage license on file.

Q When you married Sarah Hays where were you living? A I was living three miles north of Stonewall. I was living in the Chickasaw Nation.

Q Where was your wife living? A Residing in the Chickasaw Nation.

Q How long had you been living in the Chickasaw Nation when you married her? A I came to the Chickasaw Nation in '69. I have been there ever since.

Q You have resided in the Chickasaw Nation up to and including September 25, 1902? A Yes sir.

Q Made your home nowhere else? A No sir.

Q Were you Sarah Hays' first husband? A Yes sir.

Q Was she your first wife? A Yes sir.

Q How long did you and she live together? A About five months.

Q Then what took place? A Separated in '75.

Q And she obtained a divorce from you? A Yes sir.

Q Did you remarry? A Yes sir.

Q Who did you marry next? A Married Belle Blue.

Q What is she? A They claim to be Cherokee; but never did establish their right.

Q How long did you live with her? A She is my present wife now.

Q Did you and Sarah Hays lived together as husband and wife for five months in the Chickasaw Nation? A Yes sir.

Q You applied in 1896, did you not, Mr. St. John? A Yes sir I went before the Dawes Commission in 1896.

Q You applied then did you not as a citizen by intermarriage of the Chickasaw Nation? A Yes sir, intermarried citizen.

Q And you were rejected at that time? A Yes sir.

Q To which no appeal was taken. You did not take any appeal to the Federal Court? A No sir.

It appears from the records of the Commission that the applicant claims rights as an intermarried citizen under the act of June 10, 1896, by virtue of his marriage with Sarah Hays; at which time he also applied for his wife, Belle St. John, and two children, Jim Houston St. John and pleas St. John. 1896 Chickasaw Citizenship Case, number 1059. All were rejected and no appeal taken only in the case of Thomas St. John, et al. vs. Chickasaw Nation petition filed September 8, 1896.

Q This child, Daniel Hays, is your child by that marriage between you and Sarah Hays? A Yes sir.

Q You state, Mr. St. John, that you were married to Belle Blue, an alleged Cherokee, you were never married to her under the Cherokee Law were you? A Never was married under the Cherokee Law.

Q Just married under the United States law? A Yes sir.

9-D-107.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, AUGUST 22, 1904.

In the matter of the application for the enrollment of
Thomas St. John as a citizen by intermarriage of the Chickasaw
Nation.

J. B. Thompson of Pauls Valley, Indian Territory,
Attorney for the applicant.

Thomas St. John, being duly sworn testified as
follows:

Examination by the Commission.

Q What is your name? A Thomas St John.
Q What is your post office address? A Maxwell.
Q How old are you? A Fifty-one past.
Q White man? A Yes sir.
Q Claim no rights as an Indian by blood? A No sir.
Q Claim only through intermarriage? A Yes sir.
Q Through whom do you claim your rights as an intermarried
citizen? A Sarah Hays.
Q What was her maiden name? A Sarah Hays, name before
we were married.

Sarah Hays, through whom the applicant claims, is
identified upon Field Card, number 111 and is number 341 upon
final roll, approved December 12, 1902.

Daniel Hays, son of the applicant, by said Sarah Hays,
is identified upon the same card number as Sarah Hays and is
number 340 upon the final roll, approved December 12, 1902.

Q When were you married to Sarah Hays? A In '75.
Q Did you have license when you married her? A Well,
there was no license issued before the \$50.00 license was
issued, County Clerk recorded it in County Clerk's office.
Q Just had marriage certificate? A Yes sir.
Q When were you married, what month do you know? A 9th of
May, I think it was.

Thomas St. John, Colbert A. Burris witness, #2)

mained at his father's house all the time.

Did the woman get well? A Yes sir.

Q Did she procure a divorce? A I don't know, but I heard that the woman took sick, and Thomas didn't come to see her, but after she was better she got a divorce.

Q Was it your understanding that she procured the divorce on the ground that he has left her? A I don't know about that.

Thomas St. John remarried, a white woman? A Yes sir, that is what I hear; after the divorce he married.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to the said Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. J. Green

Commission to the Five Civilized Tribes,

Okla, Indian Territory.

In the enrollment of Thomas St. John as an intermarried Chickasaw; Colbert A. Burris being sworn and examined by Com'r McKeanon testifies as follows, to-wit:

Q What is your name? A Colbert A. Burris.

Q How old are you? A Seventy-two.

Examined by Chickasaw Atty Cornish.

Q You are a Chickasaw? A Yes sir.

Q Where do you live? A At Stonewall.

Q Do you know Thomas S. John? A Yes sir.

Q Did you know Sarah Hayes? A Yes sir.

Q Do you know that he married her? A Yes sir, I heard it.

Q That was several years ago? A Yes sir.

Q After the marriage was performed where did they go?

A I don't know.

Q They went first to the house of the father of Thomas St. John?

A Yes sir.

Q How long did they remain there? A I cannot tell.

Q Where did they go then? A They went home I reckon.

Q To the father of the woman? A Yes sir, to Old Man Hayes' house.

Q Did the woman take sick at that time? A Yes sir.

Q Did she lay sick a good while? A Yes sir, about two months I heard.

Q Did Thomas St. John remain with her during that sickness?

A No sir, he went to Old Man St. John's.

Q Did he return to his father's house immediately when the woman took sick? A Yes sir.

Q In your opinion did Thomas St. John ever live with this woman after he married her? A I don't know; I just heard that he re-

Department of the Interior,
Commissioner of the Five Civilized Tribes.

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

M. J. Green

Thomas St. John, Anos H. Hayes witness,

he never helped her when she was sick.

Q Did the court grant the divorce? A Yes sir.

Sarah Hayes being sworn by Com'r McKennon, and examined by
Chack. Atty Cornish, testifies:

(Capt. Peter Maytubby, Interpreter.)

Q What is your name? A Sarah Hayes.

Q How old are you? A About forty-five.

Q Are you a Chickasaw citizen? A Yes sir.

Q Ask her if she at one time married Thomas St. John? A Yes sir

Q Ask her if they ever lived together as husband and wife?

A No sir.

Q Ask her if Thomas St. John left her? A Yes sir.

Q Ask her if she took sick about the time they were married?

A Yes sir.

Q How long after they were married was it that she took sick?

A Two days.

Q How long did she lay sick? A Two months.

Q Ask her if Thomas St. John was with her during that time?

A No sir.

Q Ask her where he was during that time? A She don't know
where he was.

Q Ask her if he provided medicine and supplies and gave her any
supplies and attention during that time? A No sir.

Q Ask her if she applied to the court for a divorce after she
got well? A Yes sir.

Q What did she tell the court? A She said he didn't help
her any and she wanted a divorce from him.

Q Ask her if she told the court that he didn't live with her
after they were married? A Yes sir.

Q Ask her if Thomas St. John has since married a white woman?

A Yes sir.

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

Aug. 28, 1899.

In the application of Thomas St. John for enrollment as an intermarried Chickasaw; Amos H. Hayes being sworn and examined by Com'r McKenna et al; testifies as follows:

Q What is your name? A Amos H. Hayes.

Q How old are you? A Forty.

Examined by Coraish, Chickasaw Att'y:

Q Where do you live? A Near Ada.

Q You are a Chickasaw citizen? A Yes sir.

Q Is Sarah Hayes your sister? A Yes sir.

Q Do you know Thomas St. John? A Yes sir.

Q Were she and Thomas St. John married at one time? A Yes sir.

Q About when were they married? A I think it was in 1875.

Q State the circumstances that occurred immediately after their marriage, - did they ever live together as husband and wife, so far as you know? A No.

Q I will ask you if she took sick immediately after they married? A Yes sir.

Q About how long after their marriage? A About a day or two after they were married.

Q How long did she lay sick? A Something near about two months I think.

Q Was Thomas St. John present with her during that time?

A No sir.

Q Did he furnish her anything during that time? A No sir.

Q She was sick about two months? A Yes sir.

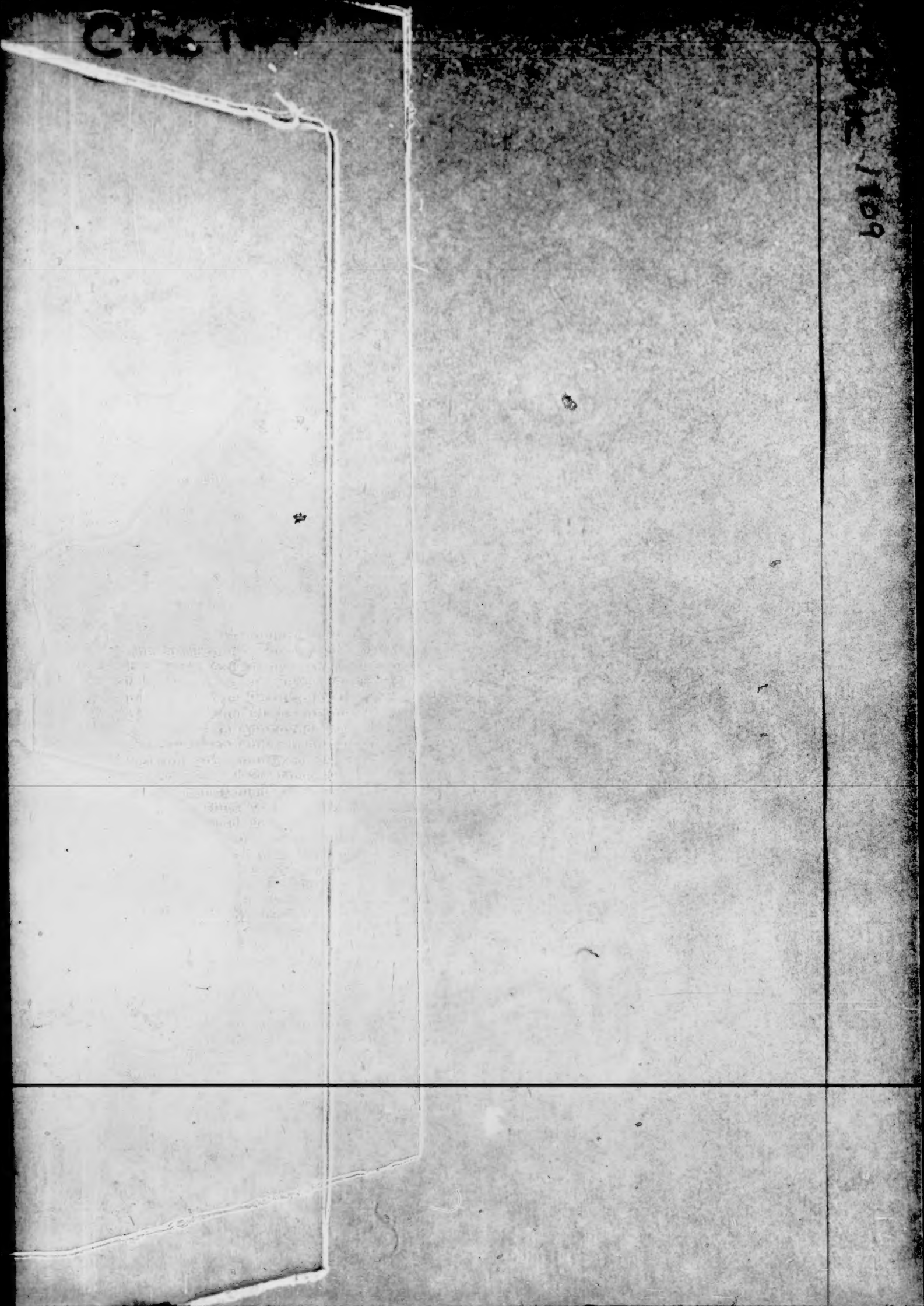
Q After she recovered did she apply for a divorce? A Yes sir.

Q Do you know what testimony was before the court? A No sir.

Q What was your understanding? A I think she applied because

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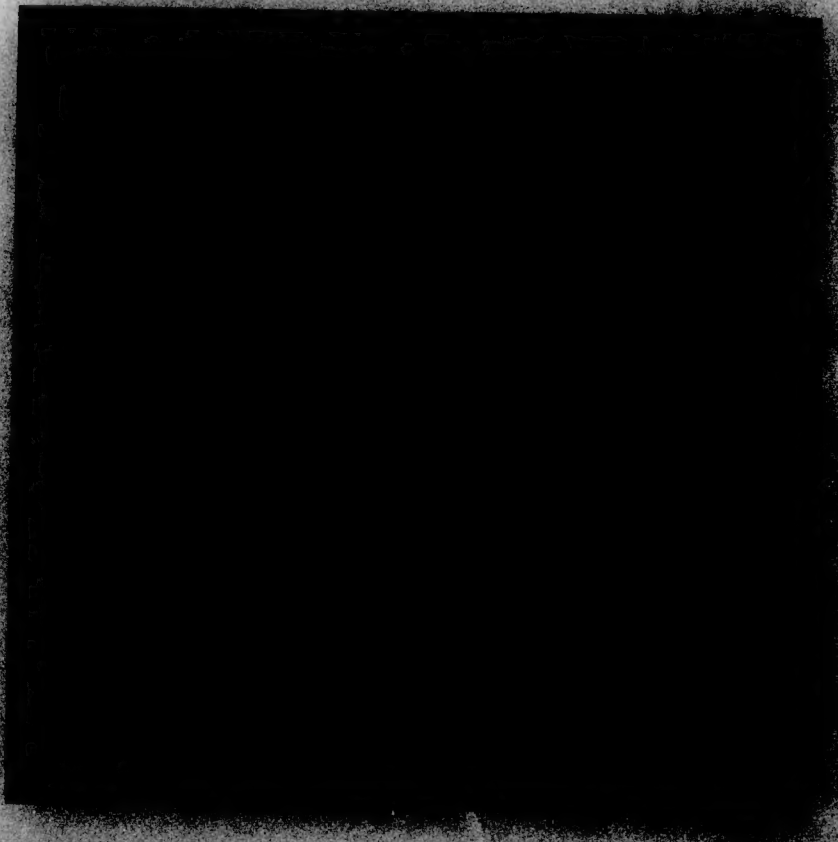
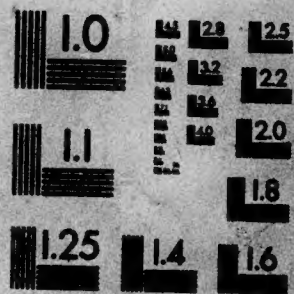
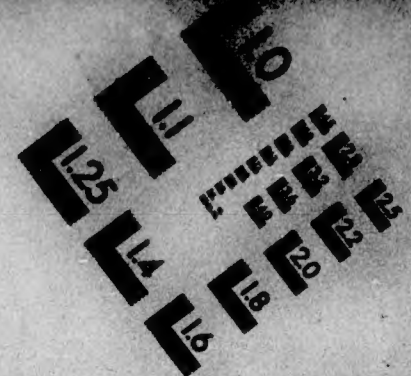
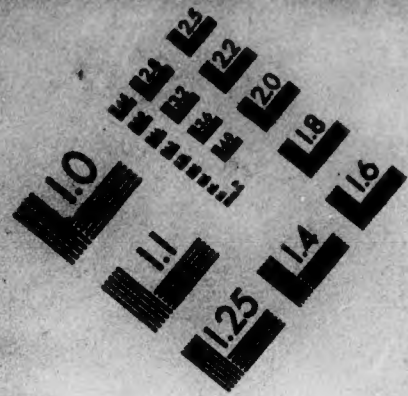
APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

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