

But counsel submit that applicants should be enrolled whether their names appear on said rolls or not, as they are undoubtedly of Choctaw blood, born to the allegiance of the Choctaw Nation, and lifelong residents thereof.

Those entitled to enrollment are: Amanda Coyle and James Robert Coyle.

Respectfully submitted.

BALLINGER & LEE.

ALECK BROWN ET AL., CHICKASAWS. DAWES COMMISSION, No. 87.

September 6, 1898. Application made at Stonewall, Ind. T., for enrollment of Aleck Brown.

January 22, 1906. Further testimony taken, in which it is shown that applicant is a citizen by blood of the Chickasaw Nation, and that he is a grandson of Kelo Brown, whose name appears at No. 4972 on the finally approved roll of citizens by blood of the Chickasaw Nation. It appears that the mother of this applicant is Temene, or Tamena, and that her name appears on the Chickasaw tribal rolls as a full-blood Chickasaw Indian, and that she died some time between 1890 and 1895.

Sibbie or Seber Johnson, half sister of claimant, made original application at Stonewall, Ind. T., September 6, 1898. Applicant was born and raised in Nation.

January 9, 1906. Further hearing before the commission, at which time it was alleged that Seber Johnson was entitled to enrollment as a citizen by blood of the Chickasaw Nation. The records show that the applicant appeared to be a full-blood Indian and that she testified through an interpreter. It appears that she is a half sister of Aleck Brown and that her mother and his mother was Temene or Tamena, that her father is Kaokubby Lewis, deceased. Her half sisters and brothers by the same mother, Kitty Smith, Holmes, Carrie, and Ebatabbby Johnson, appear opposite Nos. 4917, 4919, 4920, and 4921, respectively, upon the final approved roll of citizens by blood of the Chickasaw Nation.

February 26, 1907. Application for enrollment refused by commission; denied because applicant's name does not appear on the Chickasaw tribal rolls.

March 4, 1907. Action of commission was approved by the department.

Attorneys for claimant respectfully submit that as both Aleck Brown and Sibbie (or Seber) Johnson are children of Temene, or Tamena, a full-blood Chickasaw enrolled by the tribes, and as the other children of Temene or Tamena are duly enrolled on the final Chickasaw rolls by blood, that claimants are in equity and good conscience clearly entitled to enrollment. Copy of the decision and the examination records herewith attached.

Respectfully submitted.

BALLINGER & LEE.

RECORD OF EXAMINATION.

In the matter of the application of Aleck Brown and Seber Johnson for enrollment as Chickasaw freedmen.

Aleck Brown being sworn says (Stonewall, September 6, 1898): I am 25 years old. My mother's name was Temenece. I have a sister, Seber Johnson.

Becky Mukluntubby being sworn says (Stonewall, Sept. 6, 1898): I know Aleck Brown and Seber Johnson. Their mother, Temenece, belonged to Shoshee. They went north at the beginning of the war and returned in four or five years. They returned to Fort Gibson in 1865 and remained there until the fall of 1866.

Aaron Newberry being sworn says (Stonewall, Sept. 6, 1898): I know Aleck Brown and Seber Johnson. They returned to Fort Gibson in 1865 and remained there through the winter and until the fall, 1866.

Ashway Porter being sworn says (Stonewall, Sept. 6, 1898): I am 44 years old. I know Temenece the mother of Aleck Brown and Seber Johnson. She was a slave and was owned by a man by the name of Logan. He was the last one of the heirs of the family to whom she belonged. Logan died during the war. When he died they lived around with the people and went north into Kansas. They returned the year after the surrender. I can not tell whether it was the year of the surrender or the year after, but when the news of peace came, they returned. I do not know what time of the year it was. They remained at Fort Gibson about one year. They were there one winter and one summer. They were there the summer after the winter they came. The following winter they returned here.

Simon Wolf being sworn says (Stonewall, Sept. 7, 1898): I know Aleck Brown and Seber Johnson. I know their mother, Temenece. I have known her 40 years. She belonged to Logan. He died in Kansas in 1862. Temenece was then like an orphan and wandered around. Sometimes she was with me and sometimes with others that went to Kansas. They came back and stopped in the Creek Nation after peace was made, and remained there until 1867.

Some of those who went North returned here near Boggy, and one of them was killed. The others then went back North. It was said that they were going to kill all that had gone North, and for that reason they did not come down into this country. For that reason I did not come here myself.

This woman Temenece was the slave of Logan, who died in 1862. Her two children, Aleck Brown and Seber Johnson, are part Indian. It appears that she did not return to the Territory from Kansas, where they had gone during the war, until 1867.

[Undorsed: Aleck Brown and Seber Johnson. In re application for enrollment as Chickasaw freedmen.]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. T., January 9, 1906.

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

Applicant not represented by attorney.

No appearance on behalf of the attorneys for the Choctaw and Chickasaw Nations.

This testimony taken subject to protest of the attorneys for the Nations.

The applicant being a full blood, personally presents herself before the commissioner at his office at Muskogee, Ind. T., on this 9th day of January, 1906, being accompanied by John Finley.

The applicant, Sibbie Johnson, being first duly sworn through John Finley, duly qualified interpreter, testified as follows:

Examination by commissioner:

Q. What is your name?—A. Sibbie.

Q. Sibbie what?—A. Johnson.

Q. How old are you?—A. Thirty-five.

Q. Where do you live?—A. Choctaw Nation.

Q. What is your post office.—A. Citra.

Q. Where was you born?—A. Canadian.

Q. In the Choctaw Nation?—A. Chickasaw Nation.

Q. You mean you was born on the Canadian River?—A. On the Chickasaw side.

Q. What is your mother's name?—A. Ta-me-na.

Q. What is your father's name?—A. Scott Johnson.

Q. Is your father living?—A. Scott Johnson is my stepdaddy. My daddy is dead.

Q. What is your father's name?—A. I don't know, I never seen my daddy, I was little when my daddy died, but his name was Kaokubby Lewis.

Q. You say Scott Johnson is your stepfather; is that right?—A. Yes, sir.

Q. Is Holmes Johnson your half brother?—A. Yes, sir.

Q. Now what is the name of your other half brothers and sisters?—A. Kittie.

Q. What is her name now?—A. That's all I know.

Q. Don't she go by the name of Kittie Smith now?—A. Yes, sir.

Q. Who is Carrie Johnson?—A. Sister.

Q. Who is Ebantuby Johnson?—A. Brother.

Q. Have you ever made application to the Dawes Commission to be enrolled as a Chickasaw?—A. No, sir.

Q. Where was you living in 1898 when the Dawes Commission was enrolling the Chickasaws in the Chickasaw Nation?—A. Living in the Chickasaw Nation.

Q. And you didn't go to the Dawes Commission to be enrolled?—A. I been there.

Q. Where?—A. Went to Stonewall.

Q. Did you go to the Dawes Commission when they were at Stonewall?—A. I been there.

Q. What did they do when you was there?—A. I don't know what they said. Nobody there was old enough to tell anything. Said she didn't know what to say.

Q. You say you have lived in the Choctaw and Chickasaw Nations all your life?—A. Born from the Chickasaw Nation and raised in the Chickasaw Nation; father's back in the Choctaw Nation.

Q. Have you ever drawn any money that was paid to the Choctaws and Chickasaws?—A. No, sir.

Q. Ever try to draw any money?—A. No, sir.

Q. Was your mother, Ta-me-na, a Chickasaw Indian?—A. She was half Chickasaw.

Q. What else?—A. Daddy is a Chickasaw.

Q. Not talking about her daddy. (To interpreter.) She said her mother was half Chickasaw. What else was she?—A. Half Chickasaw, and in English I think they call it freedman; half freedman.

Q. Was you ever a slave?—A. I don't know nothing about that.

Q. Was your mother a slave?—A. I don't know.

Q. Who was your father?—A. Father was a Choctaw—full-blood Choctaw.

Q. Was you ever known by any other name than Sibbie Johnson?—A. No.

Q. Have you got any brothers and sisters that were enrolled as Choctaws, the children of Kaokubby Lewis?—A. That's all; hasn't got any more. I am the only daughter.

This applicant has every appearance of being a full-blood Indian; unable to speak the English language, and this examination has been conducted through a duly sworn Chickasaw interpreter.

Applicant claims that she is a full-blood Chickasaw Indian, born in the Chickasaw Nation, and has resided continuously in the Choctaw and Chickasaw Nations since the date of her birth. She alleges that she was never known by any other name than Sibbie Johnson, and a careful examination of the tribal rolls of the Chickasaw Nation in the possession of this office fails to disclose that she has ever been enrolled as a citizen by blood of the Chickasaw Nation.

While the applicant claims to have been before the Commission to the Five Civilized Tribes at Stonewall, Ind. T., in 1898, there is no record of any application ever having been made by her or on her behalf for enrollment as a citizen of the Chickasaw Nation prior to December 25, 1902.

Special reference is made in this matter to Chickasaw roll card, field No. 132, and to the name of Scott Johnson upon the final roll of Chickasaws by blood, opposite No. 390, and whom the applicant states is her stepfather, and to Kittie Smith, Holmes, Carrie, and Ebantuby Johnson, Chickasaw roll by blood, Nos. 4917, 4919, 4920, and 4921, respectively, the children of Scott Johnson and

Ta-me-na, deceased, and whom the applicant alleges are her half brothers and sisters by the same mother, Ta-me-na.

Ta-me-na appears upon the records of this office as having been a full-blood Chickasaw Indian and to have died some time between 1890 and 1895.

Albert G. McMillam, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above-entitled cause on the 9th day of January, 1903, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes thereof.

ALBERT G. McMILLAM.

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

MYRAN WHITE, Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, Ind. T., January 22, 1906.

In the matter of the application of Aleck Brown for enrollment as a Chickasaw freedman.

Applicant appears in person.

No proof of service of notice of the submission of testimony in the above-entitled cause on the attorneys for the Choctaw and Chickasaw Nations is presented.

Aleck Brown, being first duly sworn, testifies as follows through a duly sworn interpreter:

By the COMMISSIONER:

Q. What is your name?—A. Aleck Brown.

Q. How old are you?—A. Thirty-eight or thirty-nine.

Q. Where do you live?—A. Choctaw Nation.

Q. How long have you lived there?—A. I live there on the line of the Choctaw and Chickasaw Nations.

Q. How long have you lived there?—A. Born there and raised there.

Q. Have you a sister named Seber Johnson?—A. Yes, sir; Sibbie Johnson.

Q. Is she living?—A. Yes.

Q. How old is she?—A. We haven't got it down in years, but I think she is about 30.

Q. Is she younger than you?—A. Yes, sir.

Q. Where was she born?—A. In the Chickasaw Nation.

Q. Were you and your sister Seber or Sibbie Johnson both born after the slaves were freed?—A. Yes, long afterwards.

Q. What is your father's name?—A. Mitchell Brown.

Q. Is he living?—A. No.

Q. How long has he been dead?—A. He died when I was a little baby; I don't know when.

Q. What was Mitchell Brown?—A. I didn't see him; I was a little baby.

Q. Do you know anything about your father?—A. I heard the name, that's all.

Q. Don't you know anything about him?—A. No, sir.

Q. Who was the father of your sister Seber or Sibbie Johnson?—A. Scott Johnson.

Q. Then Sibbie Johnson is only your half sister?—A. Had a different father, but same mother.

Q. Who was your mother?—A. Tamence Johnson.

Q. Is she the mother of Sibbie Johnson, too?—A. Yes, sir.

Q. You and this half sister of yours, Sibbie Johnson, claim to be entitled to enrollment as Chickasaw freedmen, do you not?—A. We claim to be Chickasaws by blood.

Q. Have you or this sister of yours ever in any manner been recognized by the Chickasaws as Chickasaw Indians; ever drawn any money as Chickasaws?—A. No; we have not.

Q. Never been on any roll as a Chickasaw, have you?—A. I never drew any money.

Q. Was you ever enrolled with the Chickasaw Indians when they were making the roll?—A. Never was on the rolls.

Q. Now, you say you don't know anything about your father; is that correct?—A. I never seen him.

Q. Don't know who he was?—A. Don't know who he was—only just heard his name.

Q. Who was the father of your half sister, Sibbie Johnson?—A. He was named Johnson.

Q. Do you know anything about him?—A. I know him—Scott Johnson.

Q. Who was Scott Johnson?—A. Chickasaw.

Q. Where is Sibbie Johnson now?—A. She is living in the Choctaw Nation now.

Q. Did she ever draw any money?—A. No, sir.

Q. Was she ever enrolled as a Chickasaw—as a citizen. A. No, sir.

Q. Who was your mother?—A. Temenece Johnson.

Q. Was she a slave?—A. I don't know.

Q. Do you know anything about your mother?—A. I know my mother.

Q. Is she living?—A. Yes, sir.

Q. Where is she living?—A. Chickasaw Nation.

Q. Does she go by the name of Temenece Johnson now?—A. Yes, sir.

Q. Where is your mother living?—A. Chickasaw Nation.

Q. Has she ever made an application to be enrolled?—A. I don't know.

Witness excused.

This applicant, Aleck Brown, has the appearance of being an admixture of Indian and negro blood. He is unable to speak the English language, and the examination has been conducted through a Chickasaw interpreter. It appears that he has been a member of the so-called "Snake" faction in the Chickasaw Nation, of which his mother, Temenece Johnson, is also a member. It does not appear that any application has been made by Temenece Johnson for enrollment as a Chickasaw Nation or Chickasaw freedman.

Oлга 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 24th day of January, 1906.

MYRAN WHITE, Notary Public.

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

In the matter of the application for the enrollment of Alex Brown et al. as Chickasaw freedmen.

DECISION.

It appears from the record herein that on September 6, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of Aleck Brown and Seber (or Sibbie) Johnson as Chickasaw freedmen.

It further appears from the record herein that Aleck Brown was born in about the year 1867 and is the son of Mitchell Brown (now deceased) and Temenece (or Tamena) Johnson (now deceased); and that the applicant, Seber (or Sibbie) Johnson was born about the year 1870 and is the daughter of Kaokubby Lewis (now deceased), an alleged Chickasaw by blood, and Temenece (or Tamena) Johnson, above mentioned.

It is alleged on behalf of the applicants that Temenece (or Tamena) Johnson was during the War of the Rebellion the slave of a Chickasaw Indian. The evidence, however, shows that at the date of the treaty of Fort Smith she was not a resident of either the Choctaw or Chickasaw Nations.

It does not appear from the record herein or from the records in the possession of this office that either of said applicants has ever been recognized or

enrolled by the Chickasaw tribal authorities as a member of the Chickasaw tribe or admitted to Chickasaw citizenship by any duly constituted authority.

I am, therefore, of the opinion that the application of the enrollment of Aleck Brown and Seber (or Sibbie) Johnson as Chickasaw freedmen and as citizens by blood of the Chickasaw Nation should be denied, under the provisions of the act of Congress approved June 28, 1898 (30 Stats., 495), as it is so ordered.

_____, Commissioner.

MUSKOGEE, IND. T., February 26, 1907.

No. 16.

EDWARD J. HORNE ET AL.

Dawes Commission, No. 1410. United States court, No. 29, South McAlester. Citizenship court, No. 83.

September 9, 1896. Original application filed for enrollment of Edward J. Horne and wife, Joan Horne, Icy D. O. Horne, Victoria D. Horne, James O. Horne, Charles S. Horne, Commie E. Horne, Mary E. Horne, Sarah E. Horne, all claiming right to enrollment as Choctaws by blood, except Joan Horne, who claimed as a citizen by intermarriage.

September 19, 1896. Answer filed by attorneys for nations, objecting to the consideration of the case by commission, because "the evidence herein shows that claimant has applied for citizenship to the Choctaw tribunal and that his claim is still pending there."

Edward J. Horne in his petition alleges that he is of one-fourth Choctaw blood, derived from his mother, Mary Horne, formerly Mary Logan, daughter of Davis Logan, a full-blood Choctaw Indian; that he was born in the Indian settlement in Mississippi, came to the Indian Territory in 1892, and has been ever since a bona fide resident of the Choctaw Nation; that in 1892 he applied to the Choctaw council at Muskogee, Ind. T., for the enrollment of himself and family, and deposited \$100 with the national treasurer as required by law; that his claim was referred to a citizenship committee, which, after hearing his testimony, recommended that he be admitted and he and his children enrolled as members of the Choctaw tribe. Attached to the petition is a certificate reading as follows:

To all whom these presents shall come, greeting:

This is to certify that E. J. Horne et al., having had the case for citizenship before the committee on citizenship at Muskogee, Ind. T., at the October session, A. D. 1892, and the committee consist of L. H. Williams, chairman of the committee; D. A. Homer, Joseph Thompson, Noel James, C. H. Jones; and after hearing the evidence allowed the same favorably.

Given under my hand this 10th day of December, A. D. 1892.

HENRY BYINGTON,
Clerk Committee on Citizenship.

It appears from the record that a bill was drafted for the enrollment of claimants and introduced in the Choctaw council in 1892; that in the bill the names and ages of the children did not appear of record; that objection was made to it on this ground, and that it was passed over; that in 1895 a bill was drafted inserting the names of the children, but the council decided that all such unfinished cases