

~~No. 50~~  
No. 50 William E. Moore et al.

(68)

- + William E. Moore
- + William L. Moore
- + Lizzie Belle Moore, or Lizzie B. McMurtry
- + John Marshall Moore, or Marshall Moore
- + Abt. Lewis Moore, Abraham C. Moore
- + Jackson Moore
- Daisy Dean Moore, now Braun
- Carl D. Moore
- p Anna G. Moore
- 5 Maggie E. Moore
- Edgar B. Harper
- Victory Moore
- 68 + Catherine Moore, or Katherine Moore

2 Acres

No 68.

William E. Moore, et al.

vs.

C. & C. Nations

No 7.

Central District Court

No

Pawnee Commission

Harley & Lewis -

Attorneys -

See No. 50.

*Duplicati*

SUMMONS.

United States of America,  
INDIAN TERRITORY,  
Choctaw and Chickasaw Citizenship Court.

SS:

The President of the United States of America,

To the United States Marshal for the Indian Territory, Southern District,

GREETING:

YOU ARE COMMANDED TO SUMMONS P.S. Mosley, Governor  
of the Chickasaw Nation,

on behalf of said Nation,  
to answer in twenty days after the service of this summons upon him, as  
Governor of said Nation,

a complaint in Equity filed against The Choctaw and Chickasaw Nations,

in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, South Mc Alester

by William E. Moore et al and warn him that upon his failure to answer, the  
as said Governor, on behalf of said Nation, the  
complaint will be taken for confessed, and you will make return of the summons on the

~~XXXXXXXXXXXX~~ instanter, ~~Term of said Court~~

and you are further commanded to notify said P.S. Mosley, Governor  
aforesaid, that the files, papers and proceedings in the case of  
William E. Moore et al File No. 7, in the District  
Court, for the Civil District of the Indian Territory,  
have been transferred to the Choctaw and Chickasaw Citizenship Court,  
and that the certificate of the Clerk of said Court for said Civil  
District, Indian Territory, has been attached thereto.

WITNESS the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L.

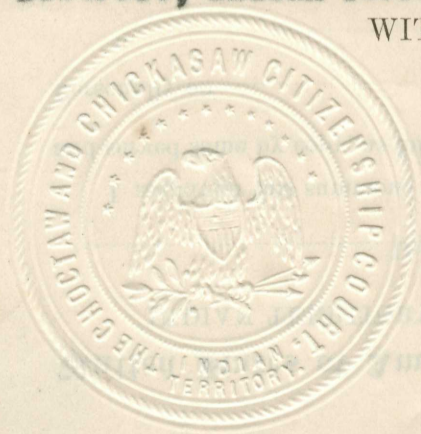
WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal

thereof, at South Mc Alester, I.T., aforesaid,

this 18<sup>th</sup> day of March, A. D. 1903.

James B. Cussasa  
Clerk.

By \_\_\_\_\_, Deputy.



MARSHAL'S RETURN.

United States of America,  
INDIAN TERRITORY,

DISTRICT.

ss:

I RECEIVED this summons this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 190\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m. and served same by copy, as follows:

Personally on \_\_\_\_\_ at \_\_\_\_\_ Ind. Ter. this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_\_ m.

" \_\_\_\_\_ at \_\_\_\_\_ Ind. Ter. this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_\_ m.

" \_\_\_\_\_ at \_\_\_\_\_ Ind. Ter. this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_\_ m.

" \_\_\_\_\_ at \_\_\_\_\_ Ind. Ter. this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_\_ m.

At Residence of \_\_\_\_\_ at \_\_\_\_\_ Ind. Ter. this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_\_ m.

" \_\_\_\_\_ at \_\_\_\_\_ Ind. Ter. this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_\_ m.

" \_\_\_\_\_ at \_\_\_\_\_ Ind. Ter. this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_\_ m.

" \_\_\_\_\_ at \_\_\_\_\_ Ind. Ter. this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_\_ m.

With a member of defendant's family over 15 years of age there residing.

And the other persons named in this Summons are "not found in this District."

By \_\_\_\_\_, Deputy

U. S. Marshal.

DUPLICATE.

No. 68 m-

SUMMONS  
IN EQUITY.

William E. Moon et al

vs.

Chactaw<sup>nd</sup> Chickasaw  
Nations

Summons issued the 18 day  
of March, 1908

Returnable instantly Term, 1908

Returned and filed \_\_\_\_\_, 190\_\_\_\_

Clerk.

By \_\_\_\_\_, Deputy.

MARSHAL'S FEES.

Services, - - - - \$ \_\_\_\_\_

Miles, - - - - \$ \_\_\_\_\_

Expense, - - - - \$ \_\_\_\_\_

TOTAL, - - - - \$ \_\_\_\_\_

Nalley & Lewis  
S. M. Lewis Attorney for Plaintiff.

*Duplicate*

SUMMONS.

United States of America, )  
INDIAN TERRITORY, ) ss:  
Choctaw and Chickasaw Citizenship Court.

The President of the United States of America,

To the United States Marshal for the Indian Territory, Northern District,

GREETING:

YOU ARE COMMANDED TO SUMMONS Green Mc Curtain, Principal Chief of the Choctaw Nation,

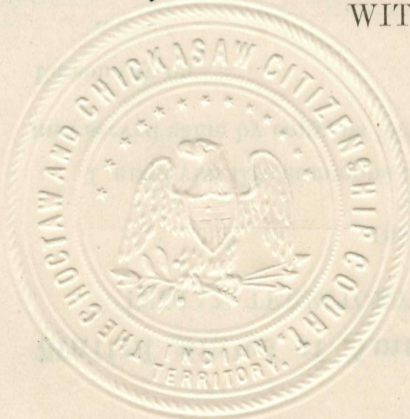
on behalf of said Nation, to answer in twenty days after the service of this summons upon him, as Principal Chief of said Nation, a complaint in Equity filed against the Choctaw and Chickasaw Nations,

in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, *So McAlester* by *William E. Moon et al* and warn him that upon his failure to answer, ~~the~~ as said Principal Chief, on behalf of said Nation, the complaint will be taken for confessed, and you will make return of the summons ~~on~~

~~instanter~~ ~~Term of said Court~~ and you are further commanded to notify said Green Mc Curtain, Principal Chief aforesaid, that the files, papers and proceedings in the case of William E. Moon et al File No. 7, in the District Court for the Civil District of the Indian Territory, have been transferred to the Choctaw and Chickasaw Citizenship Court, and that the certificate of the Clerk of said Court for said Civil District, Indian Territory has been attached thereto.

WITNESS the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L.

WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal thereof, at South Mc Alester, I.T, aforesaid, this 18 day of March, A. D. 1903



*James B. Cassada*  
Clerk.  
By \_\_\_\_\_, Deputy.

MARSHAL'S RETURN.

United States of America,  
INDIAN TERRITORY,  
DISTRICT. } ss:

I RECEIVED this summons this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 190\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m. and served same by copy, as follows:

Personally on	at	Ind. Ter. this	day of	190____	o'clock	m.
"	at	Ind. Ter. this	day of	190____	o'clock	m.
"	at	Ind. Ter. this	day of	190____	o'clock	m.
"	at	Ind. Ter. this	day of	190____	o'clock	m.
At Residence of	at	Ind. Ter. this	day of	190____	o'clock	m.
"	at	Ind. Ter. this	day of	190____	o'clock	m.
"	at	Ind. Ter. this	day of	190____	o'clock	m.
"	at	Ind. Ter. this	day of	190____	o'clock	m.

With a member of defendant's family over 15 years of age there residing.

And the other persons named in this Summons are "not found in this District."

By \_\_\_\_\_, Deputy  
U. S. Marshal.

No. 68- m  
SUMMONS  
IN EQUITY.

William E. Moore et al  
vs.  
Choctaw & Chickasaw  
Nations

Summons issued the 18 day  
of March, 1903

Returnable instantly Term, 190\_\_\_\_

Returned and filed \_\_\_\_\_, 190\_\_\_\_

\_\_\_\_\_  
Clerk.  
By \_\_\_\_\_, Deputy.

MARSHAL'S FEES.

Services,	-	-	-	-	\$	_____
Miles,	-	-	-	-	\$	_____
Expense,	-	-	-	-	\$	_____
TOTAL,	-	-	-	-	\$	_____

Haley & Lewis  
S. McArthur Attorney for Plaintiff.

Tushka Homma, I. T. Nov. 6th 1884.

To the General Council of the Choctaw Nation Assembled:

Your Committee on disputed citizenship would most respectfully report that fifty-two petitions were filed with the National Secretary and submitted to us for examination, petitioners appearing in their own persons and by attorney. All witnesses offered were sworn and testified behalf of petitioners and the Nation without regard to race or color and that upon a fair and full examination of the petitions of claimants to citizenship make the following report. The petitioners names:

No.	Names	Disposition	Remarks.
✓ 1	Harmon Mickle	Rejected.	White man and white family No residence in Nation since 1866.
2	A.F. & W.T. Ross,	Rejected.	
3	Wilson M. King,	"	
4	James M. Bragg,	"	
✓ 5	James Biddie,	"	
6	Elizabeth Grant,	Allowed.	
7	Nellie Sweeden,	Rejected.	
8	Mathews Jennings	Rejected.	
✓ 9	W. M. Moore,	Rejected.	Choctaw blood not proven.
10	J.W. Kilpatrick,	Rejected.	
11	John Whewlows,	Continued, Next Council.	
12	S. A. Donald,	Rejected.	
13	Wm Decker,	Continued Next Council.	
✓ 14	W. T. Stephens,	Rejected.	
15	H. Justice,	Rejected.	
✓ 16	Martha Carroll,	Rejected.	

17	E. Parnell,	Withdrawn	Living in adultry with white man.
18	Emily James,	Allowed.	
19	Chas Lewis,	Continued Next Council.	
20	R. D. Bell,	Allowed.	
✓ 21	John C. Glenn,	Rejected.	
22	James Turbow,	Rejected.	
23	J. M. Byrum,	Rejected.	
24	F. P. Morgan,	Allowed.	
25	Wm Dyer,	Continued.	
26	N. C. Berryman,	"	
27	Wiley Adams,	Allowed.	
28	Jessie George,	Continued.	
29	C. McNelly,	"	
30	James Lardon,	"	
31	C. Turnbaugh,	Withdrawn.	
32	Chas. Glenn,	Rejected.	
33	J. B. Tucker,	Rejected.	
34	Sarah Glenn,	Rejected.	
35	Cassie Chumminger	Rejected.	
36	Elizabeth Deaton,	Rejected.	
37	Joe Smith,	Rejected.	
38	Morris Smith,	Rejected.	
39	Kizzie Huse,	Rejected.	
40	Margaret Tucker,	Rejected.	
41	Fannie Barnes,	Rejected.	
42	Elisha Pate,	Rejected.	
43	Mary C. Barker,	Rejected.	
44	Wm Langford,	Rejected.	

45	James Langford,	Rejected.
48	Franklin Strube,	Rejected.
50	M & H. Morris,	Rejected.
53	J. A. McCormick,	Continued next Council.
✓ 54	E. Casey,	Rejected.
57	G. Rosenthall,	Allowed.
58	T. Ashford,	Allowed.
✓ 59	Mary Goddard,	Rejected.

Your committee to whom was refered the petitions on citizenship claims would beg leave to submit the following report and ask its approval.

William Robuck,  
Chairman, Committee.

Passed the Senate

Nov. 6, 1884.

Charles Wimston, President.

Passed the House,

Nov. 6, 1884.

J. W. Everidge, Spkr.

Approved Nov / 6, 1884.

Ed Mc Curtain,

Principal Chief, Choctaw Nation.

I, Edward H. Wilson, hereby certify that as National Secretary of the Choctaw Nation, I am the legal custodian of the records of the Choctaw Council and that the same are now in my possession; that the foregoing is a true and correct copy of a certain act of the General Council passed by the Senate and the House of Representatives and approved by the Principal Chief on the 6th day of November, 1884, as the



same appears of record.

In witness whereof I have hereunto set my hand and caused  
the Seal of my office to be affixed this 23rd day of November  
A. D. 1903.



*Edward H. Wilson*  
National Secretary of the  
Choctaw Nation.

Tushka Homma, I. T. Nov. 6th 1884.

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6	Elizabeth Grant,	Allowed.	
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50	M & H. Morris,	Rejected.
53	J. A. McCormick,	Continued next Council.
54	E. Casey,	Rejected.
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A. D. 1903.

*Edward H. Wilson*

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National Secretary of the  
Choctaw Nation.



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To the General Council of the Choctaw Nation Assembled:

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23	J. M. Byron,	Rejected.	
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25	Wm Dyer,	Continued.	
26	N. C. Berryman,	"	
27	Wiley Adams,	Allowed.	
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29	C. McNelly,	"	
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45	James Langford,	Rejected.
48	Franklin Strube,	Rejected.
50	M & H. Morris,	Rejected.
53	J. A. McCormick,	Continued next Council.
54	E. Casey,	Rejected.
57	G. Rosenthal,	Allowed.
58	T. Ashford,	Allowed.
59	Mary Goddard,	Rejected.

Your committee to whom was referred the petitions on citizenship claims would beg leave to submit the following report and ask its approval.

William Robuck,

Chairman, Committee.

Passed the Senate

Nov. 6, 1884.

Charles Winston, President.

Passed the House,

Nov. 6, 1884.

J. W. Eweridge, Spkr.

Approved Nov / 6, 1884.

Ed Mc Curtain,

Principal Chief, Choctaw Nation.

I, Edward H. Wilson, hereby certify that as National Secretary of the Choctaw Nation, I am the legal custodian of the records of the Choctaw Council and that the same are now in my possession; that the foregoing is a true and correct copy of a certain act of the General Council passed by the Senate and the House of Representatives and approved by the Principal Chief on the 6th day of November, 1884, as the



same appears of record.

In witness whereof I have hereunto set my hand and caused  
the Seal of my office to be affixed this 23rd day of November  
A. D. 1903.



*Edward H. Wilson*  
National Secretary of the  
Choctaw Nation.

Memoranda for use in investigation of W. E. Moore case:

~~xxxxxx~~ Claimants allege that they are the children of William McCagee Moore, and that he was the son of Nittuckache Moore, who was one of the signers of the treaty of 1830, and was a Choctaw Indian.

You will observe, from an examination of the testimony of William Elijah Moore ( one of the sons of William McC<sup>g</sup>ee Moore) that various brothers and sisters of William McCagee Moore now reside at or near Yazoo City, Miss; and also that various of his children reside there.

We think these people can be approached, and statements taken from them that will settle the case. ~~xxxxxx~~

It will be remembered that William McCagee Moore removed west with his family in the early seventies, and settled at Greenwood, Arkansas, and moved thence to the Choctaw Nation, where he died.

Have these relatives and other people, if possible, state that William McCagee Moore lived for many years there, that he was a white man and so considered, and also ascertain where he was born and where he lived before moving to the Yazoo country, and who his father was, and where he lived and died.

In other words make a general investigation, ~~by~~ through these relatives and others along the lines heretofore discussed.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT,  
Sitting at South McAlester, Indian Territory.

William E. Moore, et. al.--Petitioners

---VS---

Choctaw and Chickasaw }  
Nations or Tribes of } Respondents  
Indians. }

)} PETITION FOR APPEAL.

Your petitioners, William E. Moore, Katherine Moore, Absolen L. Moore, Jackson Moore, William L. Moore, Lizzie B. McMurtry who is the same person named as Lizzie B. Moore in the judgment herein appealed from, Marshal J. Moore, represent that they are of right citizens of the Choctaw Nation and members of the Choctaw Tribe of Indians, but that all of their rights, privileges and citizenship as members of the Choctaw Tribe of Indians are disputed and not recognized by the lawful authorities of the Choctaw Nation.

Your petitioners herein named represent that on the \_\_\_\_\_ day of September, 1896, and within the proper time required by law, filed their petition in due form and as required by law before the Commission to the Five Civilized Tribes, commonly known as the Dawes Commission, asking that they be enrolled as members of the Choctaw Tribe of Indians.

The said petition was thereafter acted upon by said Commission and petitioners' prayer therein contained denied and petitioners' enrollment as members of the Choctaw Tribe of Indians refused.

That thereupon petitioners appealed from said decision of said Commission, in proper time and in accordance with law, to the United States Court for the Central District of the Indian Territory, at South McAlester.

That the said cause was thereafter tried in the said United

States Court and judgment rendered directing that your petitioners be enrolled as members of the Choctaw Tribe of Indians.

That said cause of all the petitioners herein named was styled in the said United States Court, W. E. Moore, et. al. ---VS--- Choctaw Nation and numbered 2 on the Citizenship Docket of said Court.

Your petitioners respectfully pray an appeal to this Honorable Court, and that a writ of error be issued directing the Clerk of the United States Court for the Central District of the Indian Territory at South McAlester to certify and transmit to the Clerk of this Honorable Court all the records together with the original files of all papers in said cause in accordance with law, and that summons be issued and directed to the Choctaw and Chickasaw Nations or Tribes of Indians, according to law, to the end that this cause may be reviewed by this Honorable Court, and that justice may be done your petitioners. And your petitioners will ever pray.

*Harley & Lewis*  
Attorneys for petitioners.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP  
COURT, SITTING AT SOUTH McALESTER, NOVEMBER TERM, 1903.

William E. Moore, et al

vs. No. 68 November 13, 1903.

C. & C. Nations.

Harley & Lewis for plaintiffs.

M. M. & C. for Nations.

HARLEY:

In Our branch of the case we will offer Mr. Moore orally in addition to this.

CORNISH:

Both cases are set for today.

HARLEY: Yes sir.

HARLEY:

In this case, if the Court please I will state that there are certain parts of the record that I will ask to apply to this case. Certain parts of the oral testimony I will ask the Court to apply to this case.

HARLEY:

In case number 68, I will offer the original application of Letha A. Harper, et al vs. Choctaw Nation, dated August 24, 1896, and filed with the Commission to the Five Civilized Tribes in this cause in 1896, which we will ask to be made a part of the record and marked Exhibit "A".

HARLEY:

We next offer the original application of William Elijah Moore, et al vs. Choctaw Nation, dated August 28, 1896, and filed with the Commission to the Five Civilized Tribes in this case in 1896, which we ask to be made a part of the record and marked Exhibit "B".

HARLEY:

We next offer the original application of William Moore, et al vs. Choctaw Nation, dated August 31, 1896 and filed with the Commission to the Five Civilized Tribes in this cause

in 1896, which we ask to have marked Exhibit "C".

HARLEY:

We next offer the affidavit of Izora Hill, dated August 27, 1896, taken before L. L. Smith Notary Public, and filed with the Commission to the Five Civilized Tribes in this cause in 1896, which we ask to have marked Exhibit "D"?

HARLEY:

We next offer the affidavit of Bettie A. Lewis, taken before W. M. E. Green, Notary Public on the 29th day of August, 1896, and filed in this cause with the Commission to the Five Civilized Tribes in 1896, and ask to have the same marked "Exhibit "E".

HARLEY:

We next offer the original affidavit of Walter Beard, taken before W. M. E. Green, Notary Public, on the 29th day of August, 1896, and filed with the Commission to the Five Civilized Tribes in 1896, and ask to have the same marked Exhibit "F".

HARLEY:

We next offer certified copy of the marriage certificate of Victoria Pratt and John M. Moore, on the 24th day of November 1874, signed by F. S. Cogbill, together with the certificate of record signed by J. H. McClure, Clerk and ex-officio recorder, together with a certificate that the same is a copy of the record by C. H. Howe, County Clerk, and ask to have the same marked Exhibit "G".

HARLEY:

We next offer the original affidavit of F. S. Cogbill, taken before C. H. Howe, Clerk, on August 31, 1896, and ask to have the same marked Exhibit "H".

HARLEY:

We next offer a certified copy of the original affidavit

made by Robert Hancock , and taken before R. J. Ward, Clerk of the County Court of Skullyville County, Choctaw Nation, together with the certificate of J. B. Jackson, National Secretary of the Choctaw Nation, attested by the Great Seal of the Choctaw Nation, to the effect that the copy now offered is a correct copy of the original affidavit or deposition of Robert Hancock now on file in his office, said certificate being dated on the 18th day of October, 1896, signed by J. B. Jackson, National Secretary of the Choctaw Nation, which we ask to have made a part of the record and marked Exhibit "I".

HARLEY:

We next offer the affidavit of David Colbert, taken at the same time and under the same circumstances, which we ask to have marked Exhibit "J".

HARLEY:

We next offer the original affidavit of Thomas D. Seton, taken on the 26th or 27th day of ~~ago~~ August, 1896, which we ask to have made a part of the record and marked Exhibit "K".

HARLEY:

We next offer the original receipts of Stuart, Gordon & Hailey, to the effect that they received from Wallace & \_\_\_\_\_ papers purporting to be copies of the application of Letha Ann Harper, W. E. Moore, Victoria Moore for citizenship in the Choctaw Nation, and the affidavits of Izora Hill and Bettie A. Lewis, Robert Hancock, David Colbert, and others, and marriage certificate of Victoria Moore, receipt being dated South McAlester, I. R. 9/7/96, which we ask to have made a part of the record and marked Exhibit "L".

HARLEY:

We next offer the original answer of the Choctaw Nation signed by Stuart, Gordon & Hailey, attorneys for the Choctaw Nation in the matter of the claim of William E. Moore, et al

vs. Choctaw Nation, filed before the Commission to the Five Civilized Tribes in this cause in 1896, and ask to have the same marked Exhibit "M".

HARLEY:

We next offer a certified copy of the judgment of the Commission to the Five Civilized Tribes in cause number 355, W. E. Moore, et al ~~xxx~~ Letha Harper, et al vs. Choctaw Nation, signed by Henry Stroup, Acting Secretary, dated February 12, 1897, together with the ~~x~~ endorsements, certificates and other marks thereon, and ask to have the same marked Exhibit "N".

HARLEY:

We next offer the notice of appeal in the case of W. E. Moore, et al vs. Choctaw Nation, signed by Wallace & \_\_\_\_\_, attorneys for applicants together with the acceptance of service of same by J. H. Gordon, of the firm of Stuart, Gordon & Hailey, attorneys for the Choctaw Nation, and also all file marks on same showing the filing of same in the United States Court for the Central District of the Indian Territory at South McAlester, which we ask to have marked "Exhibit "O".

HARLEY:

We next offer appeal in the case of W. E. Moore, et al vs. Choctaw Nation, pending in the United States Court for the Central District of the Indian Territory at South McAlester, subscribed and sworn to on the 4th day of January, 1897, by N. W. Colbert, before W. E. Green, Notary Public, and ask to have the same marked Exhibit "P".

HARLEY:

We next offer judgment or notice of judgment by the Commission to the Five Civilized Tribes in the case of W. E. Moore, et al, vs. Choctaw Nation, number 355, dated at Ft. Smith, Arkansas December 1, 1896, showing applicants to have



been denied by the Commission, signed by H. M. Jacoway, Jr., Secretary, which we ask to have marked Exhibit "Q".

HARLEY:

We next offer answer filed in the United States Court for the Central District of the Indian Territory in the case of W. E. Moore, et al vs. Choctaw Nation, signed by Wm. M. Cravens and Stuart, Gordon & Hailey, attorneys for Choctaw Nation, and filed in said Court on February 6, 1897, together with the endorsements and file marks on same, which we ask to have marked Exhibit "R"

HARLEY:

We next offer a certified copy of the judgment rendered by the United States Court for the Central District of the Indian Territory at South McAlester dated ~~on the 4th~~ <sup>on the 24th</sup> day of March, 1903, in the case of W. E. Moore, et al vs. Choctaw Nation, together with the certificate to same executed on the 24th day of March, 1903, and signed by E. J. Farmin, Clerk by I. M. Dodge, deputy, which we ask to have marked Exhibit "S".

CORNISH:

The Choctaw and Chickasaw Nations object to the introduction of the various papers referred to by attorneys for applicants, and urge that they cannot be considered as competent evidence in this case, and in support of such objections state that as to all records and papers filed before the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, except affidavits, that such are incompetent for the reason that they are parts of a void proceeding had under said act, in which only one Nation was served and made a party, when both Nations were necessary and interested parties, secondly that the matters and things contained in them does not bear upon the two essential issues in this case, and it is therefore not competent aside from

the general objection. This objection is intended to apply to the application before the Commission the answer of the Choctaw Nation and the judgment of the Commission, except insofar as such judgment and application identify the present applicants as the person whose claims were passed upon by the Commission.

As to the affidavits filed before the Commission to the Five Civilized Tribes in support of said claim, the Nations urge that they are not competent as evidence in this case, and in support of such objection state, first that they are not such affidavits as in any event might have been made use before the Commission under the Act of June 10, 1896; second that they are parts of a void proceeding had before said Commission wherein only the Choctaw Nation was made a party, and wherein both the Choctaw and Chickasaw Nations were necessary and interested parties; third for the reason that it has not been shown that the persons who made the affidavits are dead; fourth for the reason that the matter contained in said affidavits is incompetent, for the reason that it does not bear upon the essential issues in this Court.

As to the affidavit of L. L. Smith we offer the special objection that it is not dated, and does not appear upon its face aside from the other objections that would warrant this Court in admitting it as evidence.

As to all papers filed before the United States Court for the Central District of the Indian Territory, the Nations object to their introduction upon the ground that they are incompetent as evidence as not bearing upon the essential issues in this case; in addition they object for the reason that they are a part of a void proceeding had under the Act of June 10, 1896 wherein only one Nation was served and made a party and wherein both Nations were necessary and interested parties; second for the reason that the case

was tried de novo, when the act of the United States Court should have been confined to a review view of the record made before the Commission to the Five Civilized Tribes.

These objections go to the judgment of the United States Court, except insofar as it identifies these persons as the persons before the United States Court.

( recess for dinner )

afternoon. session.

WILLIAM ELIJAH MOORE, being called as a witness in his own behalf took the stand.

DIRECT EXAMINATION BY MR. HARLEY:

Q. State your name?

A. William Elijah Moore.

Q. You are the W. E. Moore for whom this case is styled?

A. I am.

Q. Where do you live?

A. Wilburton, Indian Territory.

Q. How old are you?

A. Forty-five years old last March.

Q. Are you married?

A. I am.

Q. Have you any children?

A. I have.

Q. Is your wife living?

A. She is.

Q. What is her name?

A. Calhoun.

Q. What was her name before you married her?

A. Rose.

Q. State the names of your children in the order in which they were born; beginning with the oldest.

Q: William Leonard Moore, Lizzie D. Moore, Marshall J. Moore,

Absolem Louis Moore, Jackson Moore, Freda Gerturde Moore.

Q. Are any of your daughters married?

A. One.

Q. Which one?

A. Lilly B.

Q. Who did she marry ?

A. McMurta.

Q. Her husband is now McMurta?

A. Yes sir.

Q. Was she one of the applicants in this case originally before the Commission to the Five Civilized Tribes?

A. Yes sir.

Q. Was she married at that time?

A. No sir.

Q. Applied there under the name of Lilly B. Moore?

A. Yes sir.

Q. Do you children live in the Choc aw Nation?

A. Yes sir all live at Wilburton.

Q. What was your fathers name?

A. William McCagee Moore.

Q. What was your mother name?

A. Mayy E. Moore.

Q. If your fether living or dead?

A. Dead.

Q. Where did he die?

A. Near Kullychaha, Indian Territory.

Q. When?

A. 10th day of November, 1885

Q. Do you remember his age at the time of his death?

A. Can't call it. He was born in 1822, something over sixty-five years old.

Q. How many children did your father and mother have?

A. Eleven.

Q. Are any of these children living in the Choctaw Nation?

A. No one except myself.

Q. Do you know Bettie A. Lewis?

A. I do.

Q. Living or dead?

A. She is dead.

Q. You remember when she died?

A. She died in March 1898.

Q. Who was her husband?

A. W. A. Lewis.

Q. Where was she living at the time of her death.

A. Living about five miles West of Cameron, Indian Territory.

Q. Were you related to her in any way?

A. I was.

Q. In what way?

A. Brother.

Q. Were you full brother and sister?

A. We were.

Q. Has she any children?

A. She has.

Q. Name her children who are now living that you know.

A. Frank Lewis, Belle Lewis, now Morris, Annie Lewis, now Curtis, Winnie Lewis, Grady Lewis. I don't know the ~~name~~ baby's name.

Q? Do you know Mrs. Victoria Moore, the widow of John M. Moore?

A. I do.

Q. Who was John M. Moore?

A. He was the son of William McCagee Moore.

Q. Related to you?

A. Was a brother.

Q. Did you know Mrs. Harper, Letha A. Harper?

A. I do.

Q. Related to you?

A. My sister.

Q. What wa the name of your grand fathers name on your fathers side?

A. My father said it was Nitacha Moore.

Q. Your father said his father was named Nitacha Moore?

A. Yes sir.

Q. Don't know how he spelled it?

A. No sir.

Q. I wish you would state to the Court all your father told you about your relationship with Nitacha Moore. All that you know about Nitacha Moore from what your father told you.

A. Very little. Simply said that that was his fa her and it was my grand father and that he lived in Mississippi and was one of the Commissioners that signed the treaty of 1830.

Q. He was one of the men that signed the treaty of 1830?

A. Yes sir.

Q. Did he say whether he signed it as an Indian or w white person?

A. Didn't say.

Q. The yreaty of 1 30 between the United States and the Choctaw Nation was the one he referred to?

A. Yes sir, I belive he said Dancing Rabbitt Creek.

Q. What di you know about where your father and grand father lived in Mississippi?

A. Don't know where all they lived?

CORNISH:

The Choctaw and Chickasaw Nations wish to interpose the usual objection as to the production of any testimony by way of hearsay that tends to establish any specific fact except pedigree and family relationship, it being the contention of the Nations that only pedigree and family relationship can be proven by hearsay testimony, and then only after the relationship of the witness to the person whose statements are

sought to be reflected have been established by testimony other than his own, and that only when that condition exists is it competent to introduce hearsay testimony, and particularly is it incompetent to establish or tend to establish blood or racial status in this manner.

A. Told me that he lived in Pontotoc County, Leake County and Nashoba County.

HAREMY:

Q. Was that your father or Nitache?

A. My father told me that he lived in those Counties.

Q. Where were you born?

A. Nashoba.

JUDGE FOOTE:

Q. Did you ever hear your father say he lived in Yazoo County near Moore's ferry?

A. I don't know whose ferry it was.

Q. Down near the Southwestern end of Yazoo County, down near Madison?

A. When we went from Nashoba County we crossed Big Black near Canton, close to where we stopped. We stopped five miles after we crossed the river, at a farm called the Davis farm.

Q. Near Moore's ferry?

A. Don't know whose ferry it was.

Q. How old were you at that time?

A. When we left Nashoba County?

Q. Yes sir, when you crossed Big Black?

A. About eight years old, that was in '65.

Q. When did you leave Mississippi?

A. Left there in 1870.

Q. Where were you living in Mississippi at the time you left there?

A. About twelve miles from Yazoo City in Yazoo County, down the River toward Vicksburg.

Q. Did you yourself ever see Nitacha that you know of?

A. No sir.

Q. Know whether he was dead before you left Mississippi or not?

A. Never heard mt father say. My father asaid he came West with the Indians when we lived out here.

Q. Did you remember your grand mothers name?

A. No sir, not on my fathers side.

Q. Know what became of her?

A. No sir, I don't know nothing. I heard my father say she was dead.

Q. Ddd he tell you whether she was a white woman or an Indian?

A. White woman.

Q. Know whether she married anybody after Nitache came West?

A. Married a man named Barrett.

Q. White man or an Indian?

A. White man.

Q. Remember her first name?

A. No sir, I don't.

Q. I understood you a while ago to say that your father told you that his father Nitache was one of the persons who signed the treaty of Dancing Rabbitt Creek?

A. Yes sir.

Q. Mr. Moore, when did you first move to the Choctaw Nation?

A. In the winter of 1875, some time in the month of December.

Q. Been here ever since

A. I have with the exception of about six or seven months I lived in Ft. Smith.

Q. Your father also moved here??

A. Yes sir.

Q. At the same time?

A. Yes sir.

Q. Living with your father at the time?

A. Yes sir.



Q. Where did they stay when they came to the Choctaw Nation?

A. Two miles East of Kullychaha.

Q. Put in a farm?

A. They did.

Q. What became of that farm?

A. W. W. Harper is now living on it.

Q. Who is W. W. Harper?

A. He is the husband of my deceased sister.

Q. How did he come into possession of that farm?

A. After my father and mother died, the estate was closed up and she drew the hoke place.

Q. Now belongs to Mr. Harper?

A. Yes sir.

Q. Is he the father of Ewadd Harper, the man who testified here this morning?

A. He is.

Q. Did your father settle up and hold that place as an Indian or a renter?

A. Held it as a Choctaw citizen.

Q. Continued in the family, and has been since held ever since he put in the place?

A. Mr. Harper has not sold it out.

Q. Recently?

A. This last summer some time.

Q. Have your children attended school in the Choctaw Nation?

A. They have.

Q. What school did they attend?

A. Well they have attended several schools.

Q. I mean with reference to being the National schools of the Choctaw Nation?

A. They have attended the Choctaw National schools since 1895. Attended school at Poteau, I lived there from 94 to 99. I believe they attended the national school at Poteau.

Q. Attended at the expense of the Choctaw Nation?

A. Suppose so, never paid any tuition for them. The name were put in by the local trustee Mr. J. W. Sage, as national scollarsational scollars

Q. Were you ever requested by any school teacher to pay tuition?

A. No sir, not after 1895.

Q. Well did they attend school at any other places than Poteau.

A. Attended National aschool at Wilburton, since I have been there.

Q. Who was school trustee for the Choctaw Nation at Wilburton?

A. Louis Rockett.

Q. Attended that national school at Wilburton at the expense of the Choctaw Nation or at your expense?

A. Choctaw Nation, I presume.

Q. Know whether Mr. Rockett had been inserting any other names as National scollars?

A. Suppose he did. When I sent my children to the subscription school, it had not started up. We got together and got up enough scollars to get a National ~~xxx~~ school, and the same teach was appointed as National teacher.

Q. Your wife is still living ,

A. Yes sir.

Q. You live with her?

A. Yes sir.

CORNISH:AMINATION BY MR. CORNISH:

Q. The Choc aw and Chickasaw Nations wish to object to all the testimony of this witness which does not bear directly upon the two issues before this court, those issues, according to the contention of the Nations being that it is incumbent upon the applicants to show that they are Choctaw Indian by blood, and sec only such Choctaw Indians by blood as would entitle them to be admitted and enrolled, and that all evidence which does not bear upon these two essential issues is incompetent and should n t be considered as evidence.

HARLEY:

Q. Mr. Moore, I wish you would please state whether your father spoke the Choctaw language?

A. He did.

Q. Well and fluently?

A. Yes sir, I suppose he could, I don't understand the language myself. I heard him talking with the Choctaws, they seemed to understand him pretty well.

Q. Did he talk the Choctaw language before he left Mississippi or afterwards?

A. Before.

Q. What people did he have around him in Mississippi with reference to Indians or white people?

A. Mixed, Indians and white people both. Indians were in little town that they called Indian village.

Q. Did he associate with the Indians there?

A. Heard they went over with them, him and my oldest brothers.

Q. What did your father claim to be in Mississippi with reference to being a white man or an Indian?

A. Could not tell you that.

Q. What did he claim to be in Arkansas?

A. After he came to Arkansas he said he was coming to the Territory to prove up his citizenship, that he was a Choctaw Indian and that he was going to the Nation.

Q. Was that before he came to the Nation in 75?

A. Yes sir, while we lived at Greenwood.

Q. Didn't he continue to claim that he was a Choctaw?

A. Yes sir.

JUDGE FOOTE:

Q. Did he go with the Indians in Yazoo County?

A. No sir, in Nashoba County.

Q. Any Indians in Yazoo County?

A. Few Indians in Yazoo County.

Q. You mean to say that there was a few Indians in Yazoo County?

A. Yes sir.

CORNISH:

The general objection previously stated applies to the evidence brought out by Mr. Harley.

CROSS-EXAMINATION BY MR. CORNISH:

Q. How old were you when you started West, Mr. Moore?

A. Suppose about thirteen years old.

Q. How long did you live in Yazoo County before you started West?

A. About five years.

Q. Where did you live immediately before you went into Yazoo County?

A. Nashoba County.

Q. How long did you live in Nashoba County?

A. Suppose I lived there about eight years, born there.

Q. Then you were about eight years old when you left Nashoba County and went into Yazoo County?

A. Yes sir.

Q. When you started West, you stopped in Arkansas?

A. Yes sir. First stopped south from Ft. Smith about nine or ten miles.

Q. Sebastain County, Arkansas?

A. Yes sir.

Q. Down about Greenwood?

A. Yes sir.

Q. Your father bought a farm near Greenwood?

A. Yes sir.

Q. Farm of about one hundred acres?

A. Yes sir, about one hundred acres.

Q. In what year did your father purchase that land?

A. Seventy-two.

Q. Who did he buy it from?

A. Parson King.

Q. Lived between Greenwood and Ft. Smith?

A. No answer.

Q. Where did that land lie with reference to the town of Greenwood?

A. Right on the road going from Greenwood to Ft. Smith, right in the edge of the town.

Q. Out about the Eli \_\_\_\_\_ place?

A. Don't know.

Q. How far out?

A. Part of it adjoined the town.

Q. How much did he pay for it?

A. \$1300.00 was to pay.

Q. How much did he pay down?

A. \$800.00.

Q. How far was that land that he purchsed near Greenwood from the line of the Choctaw Nation?

A. Suppose twelve or fifteen miles.

Q. If your father was on his way to prove up his right why did he stop in Sebastain County Arkansas and but land and pay \$800.00 for it.

A. Cannot tell you that.

Q. How lond did he live on that land?

A. Lived on it from 72 to 75.

Q. Did you father sell the land?

A. No sir, he let it go back.

Q. After he had paid this \$800.00 on it he let is go back?

A. Yes sir.

Q. You remember Gilbert Thompson?

A. Yes sir.

Q. Remember seeing him about Greenwood?

Q. Remember seeing him about Greenwood?

A. Don't know.

Q. You know that Gilbert Thompson made a trip to Greenwood when the grand lodge met?

A. I don't know much about the grand lodge.

Q. Your father didn't start to move to the Choctaw Nation until after he had had a talk with Gilbert Thompson?

A. Never heard him talk about that.

Q. You say Mr. Moore that you understood from your father that he was coming into the Choctaw Nation to prove up his right?

A. Yes sir.

Q. What made him stop there?

A. He did come.

Q. What made him stop at Greenwood and buy land?

A. I didn't know that he started from Mississippi to prove up his right, never heard anything until we came to Greenwood.

Q. You stated a while ago that you started West to prove up your right?

A. I did not intend to state that.

Q. You didn't have any right in Mississippi to prove up did you?

A. No sir.

Q. You were thirteen years old when you got to Greenwood?

A. Yes sir.

Q. After your father sold that farm, or let it go back, he came on into the Choctaw Nation. You were staying with your father?

A. Yes sir.

Q. You had not married up to that time?

A. No sir.

Q. Where did you settle the first year?

A. About a mile and a half or two miles East of Kullychaha.

Q. What year was it that you lived on land belonging to Mr. Tom Wall?

A. 1880.

Q. How many years was that after you arrived in the Choctaw Nation?

A. Five years.

Q. After you had married?

A. Yes sir.

Q. Tom Wall is a citizen?

A. Yes sir.

Q. Lived on Tom Wall's place as a tennant?

A. No sir, didn't live on his place.

Q. Whose place did you live on ?

A. Davis James.

Q. Rent land?

A. No sir.

Q. Under what circumstances did you live on Davis James place?

A. My brother John M. Moore was vutting tombstones and he rented a house for the purpose of cutting tomb stones.

Q. Did you make a crop?

A. In the spring helped make a crop.

Q. Did you make a crop?

A. Yes sir.

Q. You made a crop for him under a contract?

A. My brother made this contract with James.

Q. The land you worked belonged to James?

A. Yes sir.

Q. Which member of this family was it that made a crop on the land of Mrs. Sillien Beard?

A. Cannot tell you.

Q. You know her?

A. Yes sir.

Q. Isn't it a fact that your brother made a crom on Mrs. Beard's place as a tennant?

A. If he lived there I do not know it.

Q. Do you state that he did not live on the land?

A. I think so.

Q. You make it as a positive statement?

A. She may have owned the land.

Q. When did your father die?

A. 1885.

Q. Now Mr. Moore you have made the statement that your father told you that his father was one of the signers of the treaty of 1830?

A. Yes sir.

Q. When did he made that statement to you, and under what circumstances?

A. After he came to the Territory.

Q. In what year was it that he made that statement yo you. Fix the time when you first heard him make that statement to you?

A. Somewhere along about 79 or 80.

Q. How old a man were you at that time?

A. Guess I was about twenty or twenty-one.

Q. You had never heard your father make that statement before that time?

A. No sir.

Q. You just after that had commenced to establish his citizens ip claim?

A. Yes sir.

Q. Had employed Choctaw lawyers to present his case to the Chactaw Council?

A. Employed a man named Ford.

Q. At the time x he made that statement to you your father had



began to establish his claim?

A. Yes sir.

Q. What other attorneys did your father have to push his claim?

A? Don't know.

Q. Your father did go to Council the time W. A. Lewis went?

A. Think it was in 82 when he went to Council.

Q. Lived with your father continuously?

A. Yes sir.

Q. Never heard him make a ny statement until in 79 or 80?

A. Somewhere about that time.

Q. What did he say about that treaty?

A. Didn't say anything more than it was the treaty of 1830 made at Dancing Rabbitt Creek.

Q. Didn't say where Dancing Rabbitt Creek was?

A. No sir. Mr. Ford was at his house and we were all talking the matter over and that is the first time I ever hear it.

Q. Did your father say that he had heard his father say who the other signers of the treaty were?

A. No sir.

Q. Did he say anything as to why the treaty was made in 1830, what it was made for?

A. No sir, didn't understand anything about what it was made for.

Q. You have stated that your father said that his father emigrated to the Choctaw Nation with the Choctaw Indians?

A. Yes sir.

Q. What did your father say as to why he did not come? on out here?

A. Said his mother would not come and that she staid in the old country and kept him.

Q. How many brothers and sisters did your father have?

A. I do not know that he had but one brother.

Q. What was his name?

A. Charles.

Q. What was the name of your fathers wife, your mother?

A. Her name was Mary E. Moore.

Q. This man Charles living or dead?

A. Suppose he is dead.

Q. You have heard of him?

A. Yessir.

Q. Heard your father speak of him?

AA. Yes sir. I saw all his children.

Q. Where are his children?

A. Two of them are living near Yazoo City.

Q. What is the name of some of those children?

Q. Is one of them named Josephine Moore?

A. Well I think so.

Q. What is the name of her husband?

A. I do not know.

Q. What is the name of some of their children?

A. One of them is named Jacob.

Q. What is his post office address?

A. Don't know.

Q. Where was he the last time you heard of him?

A. Yazoo City.

Q. What other?

A. Green Moore.

Q. What is his post office address?

A. Don't know.

Q. Where was he the last time you heard frim him?

A. Yazoo City.

Q. These people have never removed aWest?

A. No sir.

Q. Charles is your uncle?

A. Yes sir.

Q. Charles a full brother of your father?

A. I suppose so. Said it was his full brother

Q. What degree of blood do you claim?

A. One eighth.

Q. Then your father according to your understanding was one fourth?

A. yes sir.

Q. What do you understand the blood of his father was?

A. Presume it would be a half breed.

Q. Then your understanding is that this Nitache through whom you claim and through whom your father claimed is a half breed?

A. Yes sir.

Q. Do you understand that he was one of the chiefs of the Choctaw Nation?

A. Don't know if he was a chief or not.

Q. You understand that this ancestor through whom you claim is one of the signers of the old Choctaw treaty of 1830?

A. Yes sir.

Q. That is the basis of your claim as you understand it?

A. Yes sir.

Q. What is your understanding as to when this Nitache was born?

A. Don't know anything about that.

Q. What is your understanding as to when your father was born?

A. Born in 1822?

Q. Where was he born?

A. Born in Mississippi?

Q. What County?

A. Don't know.

Q. Then you have a family record of the birth of your father in 1822, but have no information as to where he was born?

A. No sir.

Q. The you are unable to give information upon that point or

from the records?

A. No sir.

Q. What have you heard your father say as to where his ancestors lived besides the state of Mississippi?

A. I don't think I ever heard him say anywhere outside of Mississippi.

Q. Then you say that you have not heard him say that they lived in other states?

A. I know I have not.

Q. You say your father had eleven children?

A. Yes sir.

Q. Name them?

A. Charles McCagee Moore, Mary F. Moore, Absolum Moore, John M. Moore, James Monroe Moore, W. E. Moore, Letha A. Harper, Bettie A. Lewis, Benjamin F. Moore, Izola, Moore, Mattie Moore.

Q. Is Charles M. Living or dead?

A. Living.

Q. Where does he live?

A. Yazoo City.

Q. Got a family and children?

A. Yes sir.

Q. Then Charles M. and his family, consisting of children and grand children live in the State of Mississippi and have never removed West.

A. Yes sir, they have removed West.

JUDGE FOOTE:

Q. Do you know Dr. Moore?

A. No sir, I have not been there since 1870, and then was not around Yazoo City very much.

Q. While you were there did you ever know Dr. Moore there?

A. No sir.

Q. What does your brother do in Yazoo City?

A. Justice of the peace.

Q. At Yazoo City, Mississippi?

A. Yes sir.

Q. With whom is your brother in partnership there in the  
\_\_\_\_\_ business.

A. He is alone.

Q. Did he go from the lower end of Yazoo County to Yazoo City?

A. No sir, he came from below Vicksburg and moved up to Yazoo City. He moved West and then went back.

Q. You lived down over the hill on the \_\_\_\_\_ and Sartosha road. Memphis was the little town between there and Sartosha?

A. No sir.

Q. You were living there where the Jackson road came across the ferry?

A. I was living there in 1870 .

CORNISH:

Q. Your brother Charles now resides there and is in business there?

A. Yes sir.

Q. Mary F. Living?

A. Yes sir.

Q. Married and got a family?

A. Yes sir.

Q. Where does she live?

A. About ten miles from Yazoo City

Q. Got children?

A. Yes sir.

Q. Grand children?

A. Yes sir.

Q. Then she and her children and grand children are now living in Yazoo County?

A. Yes sir.

Q. Absolum Moore living?

A. No sir.

Q. Married before he died?

A. Yes sir /

Q. Where do they reside?

A. Near Yazoo city.

Q. Then whatever living descendants there re of Absolum Moore are now residing near Yazoo City?

A. Yes sir that is the last new s I have of them.

Q. Children of John M. parties to this suit?

A. Yes sir.

Q. James living or dead?

A. Dead

Q. Marry before he died?

A. No sir.

Q. Benjamine F. living or dead?

A. Dead.

Q. Marry before he died

A. No sir.

Q. He have a family?

A. No sir.

Q Lezola living?

A. No sir .

Q. Married?

A. Yes sur.

Q. Have children?

A. One?

Q. Where is that child living?

A. With W. W. Harper.

Q. Party to this suit?

A. No sir.

Q. The only descendant of your sister Lezola is living in this Nation and has no citizenship claim pending in this Nation.

A. No sir.

Q. Mattie living?

A. No sir<sup>a</sup>.

Q. Married before she died?

A No sir.

Q. You were not enrolled and did not draw the "Leased District money in 1895?

A. No sir.

Q. Not enrolled by th4 Choctaw Nation in 1896?

A. No sir.

Q. Not enrolled by the Dawes Commission in 1896?

A. No sir.

Q. Your name was not placed on the 96 census roll of the Choctaw Nation?

A. I think it was but it was scratched off

Q. Your citizenship claim and your fathers has been opposed by the Choctaw Nation from first to last, you know that din't you?

A. I suppose so, Yes.

witness excused.

HARLEY:

Offer the treaty of perpetual friendship, cession and limits, entered into by John H. Eaton and John Coffee, for and in behalf of the government of the United States, and the Mingoos, Chiefs, Captains and Warriors of the Choctaw Nation, begun and held at Dancing Rabbit Creek, on the fifteenth of September, in the year 1830, together with the signatures appearing attached to it, particularly we offer the third signature, on behalf of the Choctaw tribe of Indians, namely the signature of Nittauchee, the same being found in the seventh volume of the United States Statutes at Large, commencing at page 333.

HARLEY:

We ask that the testimony taken in case number 50 of G. W. Dukes, Mrs. Victoria Moore, Judge G. W. Thompson, R.J. Ward, Harris James, Mrs. Bond, Mr. Bond and Edgar Harper, we would like to have the testimony of these witnesses transcribed and a copy filed in case number 68.

WEAVER:

Subject to the objections as they appear in case number 50.

HARLEY:

If the Court please I am compelled to present a motion for continuance in this matter to get a certified copy of the record in the case of Bettie A. Lews. The motion is short. I will read it.

"Reads Motion for continuance".

HARLEY:

I think that we will be able to get a copy of these papers. It gives the history of Nitache. Mr. Lewis went to Muskogee some days ago for the purpose of getting a certified copy of these rolls, but for some reason it was badly indexed and they could not be found. The rolls are in existence and we will be able to procure them. This witness at Har shore we only learned about recently. We sent a United States Marshal after him but he could not find him.

CORNISH:

We desire to state that the Nations object to the continuance of the case for the reasons set forth in the motion that the first proof and evidence to which they made reference is incompetent. If here and sought to be introduced at this time it would be incompetent as not bearing upon the two essential issues in this case. With reference to the witness Fannie Scott, we oppose it for the reason that we do not think a sufficient amount of diligence has been shown. With reference to securing a certified copy of the rolls and the filing of



it in this case, we have this to say They did not procure and were unable to procure a copy of the final enrollment of this person, that there has been no final enrollment; and that for the further reason that the Choctaw and Chickasaw Nations have applied to the Dawes Commission to withhold action on this case until this Court adjudicates the questions in this case and then the judgment of the Court in this case be applied in the Bettie A. Lewis case?

~~XXXXXXXXXX~~

HARLEY:

We are informed by Mr. W. A. Lewis that he has been to Muskogee and that some of the children of Bettie A. Lewis have been placed upon the final rolls.

WEAVER:

The application will be filed and considered by the court when all three of the judges are here. Matter may be called up by counsel at any time after that.

GRACE:

If the court please in number 50 we want the same motion.

CORNISH:

Same objection.

WEAVER:

Same order.

GRACE:

In number 50, we have not examined this man Moore, and we ask that a copy of his testimony go in number 50.

WEAVER:

Make the order.

In the Choctaw and Chickasaw Citizenship Court, sitting at  
South McAlester, in the Central District of the Indian Territory,  
March Term, 1904.

William E. Moore, et al.,                     :  
  :  
  :  
  :  
  :  
  :  
vs.   :  
  :  
  :  
Choctaw and Chickasaw Nations.            :  
  :

No. 50.

DECREE OF COURT.

On this 28th day of March, 1904, this cause coming on for final decision, the same having heretofore been submitted upon the law and the evidence, and the Court being well and sufficiently advised in the premises, doth find that the plaintiffs, Daisy Dean Moore (now Braun), Carl D. Moore, Anna G. Moore, Maggie E. Moore, Edgar B. Harper and Victory Moore, are not entitled to be deemed or declared citizens of the Choctaw Nation, or to enrollment as such, or to any rights whatever flowing therefrom.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition of the plaintiffs Daisy Dean Moore (now Braun), Carl D. Moore, Anna G. Moore, Maggie E. Moore, Edgar B. Harper and Victory Moore, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom.

.....  
Chief Judge.

.....  
Associate Judge.

.....  
Associate Judge.

In the Choctaw and Chickasaw Citizenship Court, sitting at South McAlester, in the Central District of the Indian Territory, in the Choctaw Nation, March Term, 1904.

William E. Moore, et al.,  
Appellants.

vs.

No. 68.

Choctaw and Chickasaw Nations,  
Appellees,

OPINION, by FOOTR, Associate Judge.

The cause was originally one wherein other parties were joined in the case below, which was number 7 in that Court, but this appeal is prosecuted by William E. Moore, Kathrine Moore, Absalom L. Moore, Jackson Moore, William L. Moore, Lizzie B. McMurtry who was in the Court below called Lizzie B. Moore, and Marshal J. Moore. These persons, as do those who are included in the appeal prosecuted here in case No. 50 of our Choctaw Docket, and styled Wm. E. Moore, et al., vs. Choctaw and Chickasaw Nations, claim that they are the descendants of a certain William McCagee Moore, and of his father a noted chief of the Choctaw Nation in the State of Mississippi, whose name appears signed to the treaty of 1830 as "Wittucachee". It also appears in the 15th article of that treaty as "Nutachachie". He was, according to the last ~~mentioned~~ mentioned article of that treaty, one of three chiefs, viz., Greenwood Leflore, Nutachachie and Mushulatubbe, who were each granted lands in Mississippi consisting of four sections as a reservation, two of which should adjoin their present improvements, and the other two located where they please, but upon unoccupied

unimproved lands; such sections shall be bounded by sectional lines, and with the consent of the President they may sell the same". Also to them was "to be paid two hundred and fifty dollars annually, while they shall continue in their respective offices" except Mushilatubbe "who having already an annuity of one hundred and fifty dollars was to have only one hundred dollars additional" and these same three when in military service by "authority of the United States and under and by selection of the President shall be entitled to the pay of Majors."

In the supplement to this treaty there is given to Henry Groves, son of the chief Nittichache one section of land to "adjoin his father's land, and the supplementary articles were signed, among other by "Nittuchee". The treaty was signed on the 27th of September, 1830, and the supplementary articles the next day.

Now from all this it appears that this Old Chief was a very noted man.

William M. Moore, that Chief's alleged son and the ancestor of these claimants, in his statement to the Choctaw council, at the time he was an applicant for citizenship in 1884, when he was rejected as the original record of that council is evidence here shows, being questioned by the attorney for the Nations, as the certified record here shows, said, among other things, that he was sixty years old. That he lived in the Choctaw Nation eight years; that previous to that time he had lived in Mississippi, in Noxubee county; that when he became a good sized boy in Noxubee County in that State, he moved to Yazoo county in that State; that he lived in Noxubee county until the close of the war. He states that his mother told him that his father's name was "Cagee Moore"; that his

mother was a white woman; he had seen his father when he was quite small but did not recollect him. His mother lived when his father left her, and this must have been, according to his former statement, in Noxubee county, Mississippi, until she married a white man on Noxubee River below where Macon now stands. (Macon is a well known town at this date in Noxubee County, Mississippi)

He says the name of his step-father was Barrett. He says his mother had two children, himself W. M. Moore, and Charles Moore, before she married Barrett, but that Charles Moore died leaving no children.

Thus according to W. M. Moore, the father of W. E. Moore one of the claimants here, it is shown that his father Cagee Moore never had but two children; and W. M. Moore never once stated in his evidence in his own behalf before the Choctaw council that his father had any other name than "Cagee Moore." That he had never seen any Indians who were related to his father. That his father went into the Chickasaw Nation and he does not know whether he ever came to the Indian Territory or not.

Now here is a great Chief whose name as an Indian must have been well known, leaving a white wife with two sons, as the claimants here would have us believe, leaving large tracts of land given him by the Government, going into the Chickasaw Nation and his alleged son, as these claimants now have it, not knowing when he went into the Chickasaw Nation, or whether he went to the Indian Territory. And yet W. M. Moore, when he set up a claim before the Choctaw Council, never once alluded to the fact, or even hinted, that his father "Cagee Moore" was the great Chief. This is a very significant fact in connection with other things appearing in these records. Of course if these statements made at that

time by W. M. Moore, are against the interests of the parties who claim now through him, they are competent against them.

Now upon an examination of volume 7, American State Papers, page 60, it is shown that ~~Ward~~ Nitachuchii was Chief of the Southern District of the Choctaw Nation; that he was provided with four sections of land under the treaty of 1830; that he owned 2,560 acres of land situated on the East side of Patkachi creek, 35 acres being under cultivation; that he had five male children over the age of 16 years, and 6 male and female children under the age of 10 years, and that the total number of his family was nineteen.

In this connection taking the supplementary treaty of 1830, which shows that a son of this old Chief named Henry Groves was granted, in that treaty, a section of land adjoining that of the old Chief, his father, and the fact of Henry Groves being his son, and that he had in all, so far as Ward's roll shows, eleven children, what becomes of ~~the~~ the claim of these people supported only by hearsay of William M. Moore, voiced by them, the applicants, and absolutely contradictory of, and rendering ludicrously absurd, the statements of William M. Moore before the Choctaw Council, and the claims of these people as now presented in their applications, affidavits and oral evidence.

As William M. Moore puts it his father Cagree Moore had two children only, himself and a brother named Charles Moore, when, according to his statement, this patriarch Nitachachii who is claimed to be identical with Cagree Moore and who had large tracts of land and a son named Henry Groves, who was given another section of land specially, left his wife, a white woman, in Noxubee County, Mississippi, with her two sons only as children and disappeared forever in the Chickasaw

Nation North of that, when his district, the Southern District of the Choctaw Nation, was located somewhere about Lauderdale County in South East Mississippi and which the map shows extended South West from said County. This, taken in connection with the other things just stated and the fact that Noxubee County is many miles North of Lauderdale County in Mississippi, shows conclusively that the claims of these people to be descended from the well known Chief above mentioned, are without any substantial, or even the least basis whatever.

And furthermore in addition to what I have just stated, it appears on page 38, Volume VII of American State Papers, that this same Choctaw Chief Nitschachee, on the 4th day of September, 1831, in the presence of William Ward, Agent of the Choctaw Nation, and John Pitchlynn, as interpreter of the United States, certified to a long list, some thirty in number, of his captains entitled to an additional half section of land under the 19th article of the treaty of 1830. In this connection it is interesting to note that at this time William M. Moore, who according to his testimony was born in 1824, and on the 4th of September, 1831 about seven years of age, if his father was this old Chief, had not yet lost him in the Chickasaw Nation, and he had not yet abandoned his family, and was still acting as Chief of the Southern District of the Choctaw Nation, and is nowhere shown to have ever been in Noxubee County, Mississippi, or to have ever gone by the name of Cagee Moore or of any other Moore whatsoever, and it would seem that if William M. Moore's father had been the old chief, he, W. M. Moore, ought to have had some better recollection of him than he saw fit to divulge when making his ineffectual effort to become a Choctaw citizen before the Council of that Nation.

Furthermore it appears in the record here that William E. Moore has positively sworn that William M. Moore, his father above mentioned, was admitted as a Choctaw citizen by the council of that Nation. This statement stamps Mr. W. E. Moore either as a man gifted with too vivid an imagination, or reckless swearing to what, he knew nothing about.

Again it is shown in the evidence before us here that there is a strong probability that the admission as a Choctaw citizen by the Choctaw Council, of Betty A. Lewis, a sister of William E. Moore, was obtained by the use of \$15 00.00 judiciously distributed, no doubt by her husband a man named Lewis who was engineering the affair, aided and assisted by a man named Wallace acting as promoter or attorney. And it appears that these claimants in their application for admission as citizens were claiming this fraudulent transaction as a bona fide reason why they should be admitted as citizens as relatives by blood of the said Betty A. Lewis.

A thorough investigation of the petitions originally filed by these applicants shows that they claimed through this old Chief whose name they there had written with some effort to assimilate it, but with poor success, with the name of the old Chief above mentioned, with the addition that they named him as Moore also, without stating Cages Moore.

There is not the least competent or reliable evidence in this whole case as presented, which even approaches in the remotest degree to the identification of Cages Moore of Noxubee County, Mississippi, with the Chief of the Southern District of the Choctaw Nation through whom these claimants now brazenly and falsely claim their Choctaw Indian blood.

It is apparent also that this Noxubee, Neshoba, Yazoo County, Mississippi, W. M. Moore and his descendants,



moving into Arkansas somewhere about 1874, undertook, and they are still continuing in their effort, by means of worthless ex parte affidavits, pretended appearance of Indian blood in their ancestor W. M. Moore (which last is contradicted by one of their own witnesses) and other fraudulent means, to obtain by such nefarious efforts the lands and property of the Choctaw Nation.

I do not deem it necessary to advert to many other circumstances which appear in this case, which color with badges of fraud the whole affair, but leave the case as exemplified by the facts which I have stated.

It is apparent to me that these people knew in the beginning, and know now, that they have no Choctaw blood in their veins; that they commenced their effort by fraudulent means to accomplish what Betty A. Lewis had succeeded in doing; that the scheme was hatched in the State of Arkansas, and then they came over a few years ago to the Choctaw Nation for the purpose of perfecting their ill founded and pretended claim.

I am, therefore, of opinion that they have no Choctaw Indian blood and are not entitled, any of them, to be declared citizens of the Choctaw Nation, either by blood or any other way, or to be enrolled as such, or to any rights or Privileges which might inure to them if their claims had been established, AND IT IS SO ORDERED.

(Signed) H. S. Foote,  
Associate Judge.

We concur:

(Signed) Spencer B. Adams,  
Chief Judge.

(Signed) Walter L. Weaver,  
Associate Judge.