

J- N^o 2.

Wm Quint Askes, et al,

vs

Choctaw Nation

N^o

Southern Dist. Court,

N^o

Dawes Commission.

See Cases N^{os} 1 + 68. 2 '89
and S-1114

Witnesses -

For Claimants.

M. Askes -----	Raw. S.T.
Bailey Askes -----	" "
Wm Quint Askes -----	Sebanon, S.T.
Lillis Howell -----	Rockwall, Tex.
Dora McKenzie -----	Sebanon, S.T.
J.L. Davidson -----	Raw S.T.

2
W. D. Askes
Statement

In the Choctaw and Chickasaw Citizenship Court,
Sitting at Tishomingo, I.T. May 2, 1904.

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Newt. Askew, et al, No. 1.

and

Wm. Quint Askew, et al, No. 2.

--vs--

The Choctaw and Chickasaw Nations,

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Present and presiding the Hons. Spencer B. Adams, Chief Judge,
Walter L. Weaver and Henry S. Foote, Associate Judges.

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Appearances,

Thos. Norman, for Plaintiffs,

Mansfield, McMurray & Cornish, for Defendants.

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MAY 2ND, 1904, This day this cause coming on further to be
heard, the following proceedings were had to-wit;

Mr. Norman;

In this case we have a motion to take evidence in Ala-
bama, Lauderdale County. This motion was filed April 20; may
I read the motion?

Judge Adams;

Yes, sir.

(Mr. Norman reads motion)

Judge Adams;

Has a copy been served on the other side?

Mr. Norman;

Yes, sir.

Judge Adams;

What time did your people or ancestors remove to this

country?

Mr. Norman; I think sometime in the eighties; I am not able to state positively, but it was before 1890, possibly about '87.

Judge Adams;

Have you any evidence you desire to offer today?

Mr. Norman;

We desire to take what we have today and then take this other, but before we proceed to that, permit me to make a motion, in case No. 2, William Quint Askew.

(Mr. Norman reads motion to consolidate case Nos. 1 and 2.)

Judge Adams;

Are the facts set out in the affidavit conceded by the Defendants?

Mr. Cornish;

I understand that to be true; and I may say that I think it is also true of the Ella Bennett Case, tried at South Mc Alester and which was transferred to this ~~Docket~~ Docket.

Judge Adams;

Who is attorney in the Ella Bennett Case?

Mr. Cornish;

Mr. Chambers; I also understand that this fact is true of cases 68 and 89, on this Docket.

Mr. Norman;

I think these people are also related to the Askews, but I do not represent them.

Mr. Cornish;

Still where the persons are related and spring from the same source, the Court has adopted the practice of having the testimony in one case apply in another.

Judge Adams;

We will make the order consolidating these two cases, but we would not desire to consolidate cases in the absence of Counsel, but you can file such a motion if you so desire.

Mr. Cornish;

This motion sets forth that this man desires these two cases,

consolidated, does the Court intend to try them under one title?

Judge Adams;

No, just let the evidence be applicable in both cases.

The titles of the cases will remain as they are.

Mr. Cornish;

We wish the rule applied to parties who are not parties to the suit.

(It was so ordered)

M. Askew,

a witness called by the Plaintiffs, being duly sworn, testified as follows;

Mr. Norman;

Q.- What is your name?

A.- E.M. Askew.

Q.- What is your age?

A.- Fifty one years, the 14th day of next June.

Q.- Where do you reside?

A.- Marietta.

Q.- Are you a citizen of any Indian Nation?

A.- Yes, sir.

Q.- What Nation?

A.- Choctaw Nation.

Q.- Are you a member of the Choctaw Tribe of Indians?

A.- Yes, sir.

Q.- Are you enrolled as such a member?

A.- Yes, sir.

Q.- Who was your father?

A.- Merrill Askew.

Q.- Who was your mother?

A.- Eliza Askew.

Q.- What was her name before marriage?

A.- Eliza Wright.

Q.- Through whom do you trace your Indian Blood, your father or your mother?

A.- My father.

Q.- Murrill Askew?

A.- Yes, sir.

Q.- What amount of Indian Blood did your father possess?

A.- A quarter, I believe.

Q.- A quarter Blood?

A.- Yes, sir.

Q.- Through whom did he trace his Indian Blood?

A.- Through his father.

Q.- What was his father's name?

A.- Aaron Askew.

Q.- What amount of Indian Blood did Aaron Askew have?

A.- He claimed to be a half breed?

Q.- Where is the father and mother of Aaron Askew now?

A.- They are dead.

Q.- All dead?

A.- Yes, sir.

Q.- When did your father die?

A.- In 1883, January, I believe it was.

Q.- When did your mother die.

A.- She died in 1898, June.

Q.- When did Aaron Askew die?

A.- I believe he died in 1862, October 1862.

Q.- Do you remember having seen Aaron Askew during his life time?

A.- Yes, sir.

Q.- How old were you at that time?

A.- Well, I could not say, he looked to be an old man.

Q.- Describe him to the Court.

A.- In what way.

Q.- Describe him, giving such things as will bring out his racial appearances.

A.- Well, he was a little bit taller than I am and he was very dark complected.

Q.- What was the color of his hair?

A.- Well, when I knowed him he was gray.

Q.- Was Aaron Askew or not, an Indian.

A.- Yes, sir, he claimed to be.

Mr. Cornish;

We interpose an objection to the question and the answer, for the reason that it is the production of evidence by way of hear say, to establish blood and racial status.

A.- (Con.) That is what he looked like, I don't know what he was.

Q.- From what particular Indian Tribe or family was he descendant

A.- He claimed to be a Choctaw.

Mr. Cornish;

The Nations interpose the same objection heretofore stated and set forth the same reasons.

Judge Adams;

Q.- Did he tell you he was a Choctaw Indian? A.- Yes, sir.

Mr. Norman;

Q.- Do you remember whether he spoke the Choctaw Language?

A.- No, sir.

Q.- Do you remember whether he did or not?

A.- Well, I cannot say he did; I know he did not talk good English, but I don't know Choctaw from any other Language.

Q.- But you did know he did not talk good English?

A.- Yes, sir.

Q.- How did he dress?

A.- Just common clothes as any body else; he usually wore a cap, I never saw him with a hat on.

Q.- Did you ever see him with a pair of shoes on?

A.- Not that I know of. Seen him in Moccasins.

There was no shoes in that country except what was made; if he had any that he made I don't remember it.

Q.- Is the Aaron Askew you are speaking about the same Aaron Askew that was Tax Collector in Lauderdale County, Alabama?

A.- Yes, sir; grandfather was tax collector for fifteen or twenty years.

Q.- Do you know any two persons by the name of Aaron Askew?

A.- Only know one.

Q.- That is the one you are speaking about.

A.- Yes, sir.

Q.- The parties in this suit are Newt. Askew and Murrill W. Askew, William Quint Askew, and their descendants, are they related to you in any way?

A.- I have always been taught that they were; I believe they are.

Q.- What is the relationship existing between you and them?

A.- Newt., Quint and Wash are my first cousins, according to my knowledge.

Q.- Who was their father?

A.- That is all hear say with me too, their father was Tom Askew, brother to my father.

Q.- Was he a full brother?

A.- Yes, sir, that is what I have been taught.

Q.- And he was a child of Aaron Askew.

A.- Yes, sir. They lived at my house when I was small and it was always taught me that they were my cousins and that is all I know.

Q.- They lived with you?

A.- Yes, sir; at my father's house.

Q.- How did it happen that they were living with your father?

A.- A fellow named Holden was their guardian and they did not get along well and father brought them over to his house a while, and two of them went to a man named Worle. Wash stayed there and was there when the War came up. Newt. and the other one went with Worle.

Q.- Were they always treated as members of your family?

A.- Yes, sir.

Q.- As members by blood?

A.- Yes, sir.

Mr. Norman;

I desire now to offer in evidence a certificate from J. Blair Shoenfelt, United States Indian Agent, as follows:
(Mr. Norman reads the certificate of Mr. Shoenfelt, U.S. Indian Agent, marked Ex. "A")

Mr. Cornish;

I presume you introduce this as the basis of secondary evidence?

Mr. Norman;

Yes, sir.

Mr. Cornish;

Upon what point?

Mr. Norman;

To show that the papers and records and affidavits offered by Mr. Askew in his case--- that these parties, who were non-residents of the Indian Territory in June 1896 and persons who at that time were dead, has all been destroyed and we ask to introduce the contents of these papers and affidavits.

Judge Adams;

Were they introduced in ~~this~~ case?

Mr. Norman;

No, this Askew was put on the roll by the United States
and
Indian Agent in 1896, and some of the parties were dead
and some were non residents of the Indian Territory.
I understand Congress made them competent evidence in these
cases. We were not able in 1896 to get this evidence and
we have never been able to find them.

Judge Adams;

Is Mr. Shoenfelt the custodian of these affidavits?

Mr. Norman;

I have some letters from the Commission about that.

Judge Adams;

Were the parties in this suit parties to the proceeding
in which these affidavits were filed?

Mr. Norman;

No, sir.

Judge Adams;

The parties in the present case were not parties to the
proceeding, when these affidavits were taken?

Mr. Norman;

Not at all.

Judge Adams;

It is true that the act of June 10, 1896, authorizes the
Dawes Commission to consider all affidavits taken ^{prior to} ~~at~~ that
time, where the witnesses were dead or beyond the limits of
the Territory, but you propose to show the contents of af-
fidavits used in another proceeding?

Mr. Norman;

Yes, sir. that were used in another proceeding.

Mr. Mansfield;

These affidavits can only be made competent in this
Court, by having been made competent before the Dawes Com-

mission, in 1896.

Mr. Norman:

As far as we are concerned in 1896, at the time we filed the application in this case, the case on trial, we filed with the papers in that case in 1896, a motion to compel the production of these papers; we did all we could; if they were not produced it certainly is not our fault, and ought not be charged against us. We did all we could. Now, we have never been able to locate them at any time; we show that the office has been destroyed and all its contents. We think that sufficient to introduce secondary evidence.

Mr. Mansfield:

The point we make is this: to be competent evidence in this Court it must have been made competent in 1896; the certificate itself shows that the office and records were destroyed in 1888, several years after 1896. He could not make proof now in this case in this way any more than he could say we instructed an Agent to have an affidavit made and filed in this case and he failed to do it and we cannot now find it. Whatever took place in this case, must have taken place in 1896.

Judge Adams:

The Attorney's position is that he has done everything he could to procure the affidavits, but the question is, are they competent at all. I don't think they are competent. In the first place I don't see how you could prove it in this way from the foundation that you have laid; in the second place if you had the affidavits here and they were taken in a different proceeding, I do not see how you could get them in this case. This Court has held that where the

affidavits were taken prior to ~~xxxx~~ the Act of June 10, 1896, in this proceeding, not just any proceeding, and filed with the Commission and passed on by the Commission, that this Court will consider them. Of course, we could not have decided that without the authority delegated in the statute.

Mr. Norman;

Q.- Are you related in any way to the Frazer family of Choctaw Indians?

A.- I have been taught that I am.

Q.- Are they full or mixed bloods?

A.- I understand they are full bloods.

Mr. Cornish;

We object to the question and answer, it seeks to establish by hear say, blood and racial status.

Mr. Norman;

Q.- In the case which you filed with the Indian Agent did you introduce any affidavits or evidence from a full blood Indian Campbell Frazer?

A.- No, sir, we took his testimony.

Q.- You filed his depositions?

A.- No, sir, we took his testimony before Council.

Q.- Is he living or dead?

A.- He is dead.

Q.- What did he say in reference to being related to you?

A.- He said he was my cousin.

Mr. Mansfield;

We object to that; this is trying to prove blood and racial status.

Judge Adams;

No, he is trying to prove family relationship.

Judge Foote;

Q.- You heard that statement made before Council?

A.- Yes, sir, he said he was a cousin. -10

Cross Examination.

Mr. Cornish;

Q.- You say you are fifty two years old?

A.- Yes, sir, no, I am in my fifty first year.

Q.- You will be fifty two your next birthday?

A.- Yes, sir.

Q.- You were born in Alabama?

A.- Yes, sir.

Q.- What county?

A.- Lauderdale.

Q.- That is the extreme north western county in the State of Alabama?

A.- Yes, sir.

Q.- It is north of the Tennessee River?

A.- Yes, sir.

Q.- It borders on the Tennessee Line?

A.- Yes, sir.

Q.- You were born in 1851 or 52?

A.- In 1853, I said.

Q.- When did your father die?

A.- He died in 1882.

Q.- How old was he when he died?

A.- Well, he was somewhere in the eighties, I don't know exactly.

Q.- Your father's name was named what?

A.- ~~Mary Askew~~ Murrill Askew.

Q.- He died in 1882 and was about 80 years old?

A.- Yes, sir.

Q.- Then he was born about 1802?

A.- Yes, sir, I think he was.

Q.- That is about correct?

A.- Yes, sir.

Q.- He was born somewhere about the beginning of the ~~century~~ century.

A.- Yes, sir.

Q.- Where was he born?

A.- I cannot tell you.

Q.- Well, you don't know that he was not born in Lauderdale County, where you first saw the light, do you?

A.- No, sir.

Q.- So far as you know he was?

A.- Yes, sir.

Q.- You have no knowledge, either through the family, or otherwise, that he was born any where else?

A.- No, sir.

Q.- Where did your father die?

A.- He died in the Chickasaw Nation, near Lebanon.

Q.- What year did you, and your father and his family, leave Lauderdale County?

A.- In 1831.

Q.- Where did you stop first when you left Alabama?

A.- I come right on to the Nation, but my father stepped in into Denton County, on old man Wilson's place.

Q.- What State?

A.- Texas.

Q.- What year did your father come from Alabama to Texas?

A.- In 1831.

Q.- In 1831, your father removed from Alabama to Denton County Texas?

A.- Yes, sir.

Q.- How long did your father live there?

A.- He went out there in January and left there in November,
and come to the Territory.

Q.- Did he move back to Texas at any time?

A.- No, sir.

Q.- Did he live in the Territory until his death a short time
after?

A.- Yes, sir.

Q.- What other members of your father's family went to Texas?

A.- Two brothers.

Q.- Who?

A.- A. Askew and Newt.

Q.- Did they buy land in Texas?

A.- No, sir.

Q.- What did they do the year they were there?

A.- Made a crop.

Q.- They rented land?

A.- Yes, sir.

Q.- Did any member of your father's family own land or buy land
in the State of Texas?

A.- No, sir. They come to the Territory and put in a claim
for their right.

Q.- When they first came from Texas?

A.- Yes, sir. Came over here and went to Council to do it.

Q.- Yes, sir,

Q.- Why did they go to Texas?

A.- I don't know. It was their intention to come here when
they left.

Q.- What is your explanation of the fact that they did go to
Texas?

A.- All I know is that they did go there, lived a year and came

to the Territory, and father and my brothers went to Council.

Q.- Your father came up from Texas and put in a claim?

A.- No, sir, my brother's put in a claim.

Q.- Who represented them before Council?

A.- Ainsworth was first at Tushkahomma, Green Mc Curtain,
and A. Tell.

Q.- Was not this man Campbell Fraser your lawyer?

A.- I didn't know he was a lawyer.

Q.- Do you mean to state that he wasnot a lawyer?

A.- I don't know.

Q.- Was not he employed to look after your claim?

A.- No, sir. If he was I don't know it.

Q.- You don't know much about the early history of the claim?

A.- No, sir.

Q.- Were you at Council?

A.- Yes, sir, but I don't remember him being a lawyer.

Q.- Now, what other members of the Askew family moved west from
Alabama about that time.

A.- That is all I remember of.

Q.- Just the descendants of Murrill Askew?

A.- Yes, sir.

Q.- These others did not come on until later?

A.- No, sir.

Q.- How many children did Aaron Askew have?

A.- I don't know.

Q.- Well you can name some, cannot you?

A.- I can name all I knew. Mose, Murrill, they were the only
boys I know. The girls were Tilda, Betsy, Eliza and Love.
I have been told that Tom Askew was a brother of my father,
but I never knew him.

Q.- Is mose dead?

A.- I suppose so, I never heard of him since he went to War.

Q.- To what War?

A.- The Civil War.

Q.- Did he have a family?

A.- Yes, sir.

Q.- Where are they living?

A.- In Arkansas.

Q.- Where in Arkansas?

A.- On White River, some place.

Q.- They have never moved to this Nation?

A.- No, sir.

Q.- They have no claim as far as you know?

A.- No, sir.

Q.- Murrill Askew was your father?

A.- Yes, sir.

Q.- What children did he have?

A.- He had Cleo, Bell, Aaron, E.M. D.B. Eliza, Mattie,
Tom, Julius, Dora, she is older than Julius.

Q.- Is that all?

A.- There is one dead.

Q.- Now, did all of these children of your father move out of
Alabama into Texas at the time you moved?

A.- No, sir.

Q.- There are some of them living back there now?

A.- No, sir.

Q.- Where is ^{the} ~~your~~ oldest sister?

A.- She is dead.

Q.- Where did she die?

A.- In Alabama?

Q.- Did she have a family?

A.- Yes, sir.

Q.- Her descendants now live in Alabama?

A.- No, sir; they are out here, one of them lives back there.

Q.- Has that one any claim for Choctaw Citizenship?

A.- Not that I know of.

Q.- What about Bell's descendants?

A.- They are all on the rolls.

Q.- Are all of the descendants of these children that you have named, all living in the Choctaw Nation?

A.- Yes, sir.

Q.- You say one descendant of Cleo is now living back there?

A.- Yes, sir.

Q.- Is that man, or woman, which ever it is, the only living descendant of your father, who does not live in this country?

A.- Why, of his individual family it is.

Q.- All of Bell's descendants are here?

A.- Yes, sir.

Q.- Did Aaron Askew have a family?

A.- Yes, sir.

Q.- Where do her children and grandchildren live?

A.- In the Territory?

Q.- And the descendants of Eliza?

A.- They are here.

Q.- And that is true of all these children of your father?

A.- Yes, sir. Every one that is alive, except that one oldest sister.

Q.- Your father's sister Mattie, did she have a family?

A.- Yes, are they living?

Q.- Part in the Choctaw Nation and part in Texas.
Have they a claim?

A.- Nothing more than a Court Judgement.

Q.- In this case?

A.- No, not in this case.

Q.- What Court judgment; is their name Hill?

A.- Yes, sir.

Q.- What about Aunt Betsy?

A.- I don't think she has any relations living except one grandson, his name is Holter.

Q.- Where is he living?

A.- Some where in the Choctaw Nation.

Q.- Has he a citizenship claim?

A.- Yes, sir.

Q.- What sort of a claim has he got?

A.- Got his in before the Council.

Q.- What about Aunt Love.

A.- I cannot tell you about her.

Q.- Did she have a family?

A.- Yes, sir.

Q.- Where are they living?

A.- I don't know where they live.

Q.- So far as you know they are now in Texas?

A.- If they are living at all, I guess they are in Texas; They come to Texas when they left Alabama.

Q.- So far as you know, they have not lived in the Choctaw Nation and have no claim for citizenship?

A.- Yes, sir.

Q.- What about Eliza?

A.- Living in Texas.

Q.- Did she have a family?

A.- Yes, sir.

Q.- Had children and grandchildren?

A.- I cannot say about the grandchildren; she had children.

Q.- None of them moved to the Choctaw Nation, so far as you know?

A.- No, sir.

Q.- And they have no claim pending so far as you know?

A.- No, sir.

Q.- Your grandfather Aaron Askew, you say he died about 1862?

A.- Yes, sir.

Q.- How old was he when he died?

A.- I don't know.

Q.- He was a very old man?

A.- Yes, sir.

Q.- Where was he born?

A.- I don't know.

Q.- You have no information as to where he was born?

A.- No, sir.

Q.- You have no information that he ever lived outside of Lauderdale County?

A.- No, sir.

Q.- He was a preacher, wasn't he?

A.- Yes, sir.

Q.- He preached to white people?

A.- Yes, sir.

Q.- Were there any Indians living in that country?

A.- Not that I know of.

Q.- He preached in the English language?

A.- Yes, sir.

Q.- He was a public official of that county for a great many years?

A.- Yes, sir.

Q.- He was Assessor and Tax Collector of Lauderdale County?

A.- Yes, sir.

Q.- He was a citizen of the State of Alabama?

A.- I guess he was.

Q.- He owned land?

A.- Yes, sir.

Q.- How much land did he own?

A.- I don't recollect.

Q.- How old were you when he died?

A.- Seven or eight years, may be nine.

Q.- You have been at his home place?

A.- Yes, sir.

Q.- That was about eight or nine miles from Florence?

A.- Yes, sir. More than that, about 12 or 15 miles.

Q.- Your father Merrill Askew moved to Texas in 1882, right about there, and then after he lived in Texas a while, moved to the Choctaw Nation and put in a claim?

A.- He never stayed in Texas quite a year?

Q.- Council rejected the claim?

A.- No, sir.

Q.- And he took an appeal to the Indian Agent?

A.- That was because we never got a decision.

Q.- Council did not admit him?

A.- No, sir.

Q.- And an appeal was taken to the United States Indian Agent?

A.- Yes, sir.

Q.- And there were admitted by the United States Indian Agent?

A.- Yes, sir.

Q.- Where was your father's residence when he applied to the Council for admission?

A.- He was living close to Denton town, in a mile of Denton.

Q.- In this Territory?

A.- No, sir, in Texas.

Q.- That is when he applied to Council?

A.- No, sir, he never did apply; my father never did apply.
My brothers and me put in a claim.

Q.- And applied to Council?

A.- Yes, sir.

Q.- Then he was living in Denton at the time the claim was made?

A.- Yes, sir.

R e - D i r e c t ,

Mr. Norman;

Q.- How long did your petition hang up before the Choctaw Council?

A.- I don't know, several years?

Q.- Remember how long it was before your family got a decision on it; remember in what year it was?

A.- Some time in the Eighties; it appears to me it was in '89.

Q.- You disremember the exact year?

A.- Yes, sir.

Q.- Was your father a preacher?

A.- Yes, sir.

Q.- Did he fill a ministry for a portion of a year in Texas, before he moved up here?

A.- Yes, sir; at Pilot's Point, Gainesville and Denton.

Q.- And afterwards he came on to the Territory?

A.- Yes, sir.

Q.- I want to ask you about Aunt Eliza, who did she marry?

A.- Joe Douglas.

Q.- Do you know whether or not her descendants are now on the roll?

A.- No, sir.

Q.- Do you know whether the ~~Holtens~~ are on the "Roll"?

A.- I heard they were?

Q.- They are not applicants in this case?

A.- No, sir.

Q.- If they are on the roll it was not in the same connection in which you was placed on the roll?

A.- No, sir.

Mr. Cornish;

Q.- Mr. Norman, asked you when your family got action, I understand you did not get action at all?

A.- It was before the United States Indian Agent, I did not say I got action before the Council at all.

Q.- When did you get action before the Council?

A.- After it was before the Indian Agent it was carried back to Council and we got action then; I don't remember what year it was, I think it was somewhere along about 1889.

Q.- You made application in 1882 and got action in 1889?

A.- Yes, sir.

Witness excused.

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D.B.Askew,

a witness called by the Plaintiffs, being duly sworn testified as follows:

Mr. Norman;

Q.- What is your name?

A.- D.B.Askew.

Q.- What is your age?

A.- 47.

Q.- Q.- Where do you live?

A.- Marietta, Chickasaw Nation.

--21--

Q.- Are you a member of any Indian Tribe?

A.- Yes, sir.

Q.- What Tribe?

A.- Choctaw.

Q.- Are you upon the roll as such?

A.- Yes, sir.

Q.- You have taken your allotment as a Choctaw Indian?

A.- Yes, sir.

Q.- Through whom do you trace your Indian Blood?

A.- Through my father?

Q.- What was his name?

A.- Askew, Murrill Askew.

Q.- Through whom did your father trace his Indian Blood?

A.- Through his father?

Q.- What was his name?

A.- Aaron Askew.

Q.- Are you old enough to remember anything of Aaron Askew?

A.- Yes, sir, I remember him very faintly.

Q.- You have no good recollection of him?

A.- I remember him at the time of his death.

Q.- Laying aside the fact that you have been enrolled, as an Indian, state to the Court what people or family of people you belong to, or are descendant from.

A.- I am of the Frazer Family.

Q.- What were they?

A.- Choctaws.

Q.- Choctaw Indians?

A.- Yes, sir.

Q.- Full Bloods?

A.- Yes, sir.

Q.- Laying aside the fact that you have been enrolled, are you an Indian, any way, a Choctaw you say?

A.- Yes, sir.

Q.- Did you ever see a man named Tom Askew?

A.- ^{No}~~Yes~~, sir.

Q.- Did you ever see his wife?

A.- No, sir.

Q.- You don't remember to have seen either of them?

A.- No, sir.

Q.- Where is your father?

A.- He is dead.

Q.- Where is your mother?

A.-~~He~~ She is dead.

Q.- Where is Aaron Askew?

A.- Aaron Askew is dead.

Q.- Have you heard your mother say anything about your connection with Tom Askew?

A.- I don't remember her saying about Tom Askew, she told me that those boys, that is Newt. and Quint., was kin folks of mine.

Q.- Did she say in what way?

A.- Some kin to my father, she said.

Q.- Kin by intermarriage or by blood?

A.- Kin by blood.

Q.- Kin on the white side or the Indian side?

A.- On the Indian side.

Q.- Did you know a party during his life time by the name of Campbell Frazer?

A.- Yes, sir.

Q.- Did you ever at any time hear him state or swear as to any relationship existing between him and you?

A.- Yes, sir.

Q.- What did he state or swear as the case may be.

A.- He stated that Murrill and Mose were kin folks of his.

Q.- Did he state what the connection was?

A.- I think he said they was cousins, I don't remember whether he said first or second.

Q.- Of what degree of Indian Blood was Campbell Frazer?

A.- Full Blood.

Q.- Full Blood what?

A.- Choctaw.

Q.- Did you know ~~xxxxx~~ ^{Leona} Holten?

A.- Yes, sir.

Q.- ~~Is~~ she related to you?

A.- Yes, sir.

Q.- In what way?

A.- First or second cousin, I don't know which.

Q.- Know whether she or her children are upon the Indian "Rolls"

A.- I declare I don't know.

Q.- You are not able to state?

A.- No, sir.

Q.- Whose child is that by you?

A.- That is my boy?

Judge Adams;

Q.- You married a white woman?

A.- Yes, sir.

Mr. Mansfield;

We would like the record to show that we object to the reflection of the testimony of Campbell Frazer as hear say.

Cross Examination,

Mr. Cornish;

Q.- How old are you?

A.- Forty seven years.

Q.- You were an applicant before the Council in '82 or '83.

A.- Eighty six, I think.

Q.- Then you didn't apply until 1886?

A.- I don't remember, I think it was in 1886.

Q.- Don't you know it to be a fact that Campbell Frazer was one of the Attorneys for your family and was employed for that purpose?

A.- No, sir.

Q.- Don't you know that he was a Choctaw Lawyer?

A.- I don't know.

Q.- Don't you know that he was a citizenship lawyer and was continuously engaged in the prosecution of citizenship cases?

A.- No, sir.

Q.- Don't you know that he was Attorney for Bettie A. Lewis?

A.- No, sir.

Q.- Don't you know that he was Attorney in the Richard R. Coleman Case?

A.- No, sir.

Q.- You state that Campbell Frazer said he was kin to your family?

A.- Yes, sir.

Q.- Where did he say that?

A.- At Tushkahomma in the trial.

Q.- What was the name of his father?

A.- I think he claimed the name of his father was Charles.

Q.- What was the name of his mother?

A.- He never stated.

Q.- Had he known your family before that?

A.- He had known Mose.

Q.- Well, you say that you are related to the Frazer Family?

A.- Yes, sir.

Q.- That statement is based entirely upon the statement, or information that comes through Campbell Frazer?

A.- Yes, sir.

Q.- You never heard of the ~~Campbell~~ Frazer Family until Campbell Frazer told you about it?

A.- Yes, sir.

Q.- When had you heard of it before?

A.- Several years before.

Q.- When was the first time?

A.- I don't remember exactly when; I heard of them very often.

Q.- Since you came to the Territory?

A.- Yes, sir.

Q.- You never heard of the Frazer Family while you were living in Alabama?

A.- No, sir.

Q.- You never heard of the Frazer family until you commenced to stir up the citizenship claim?

A.- I don't think I did.

Q.- Your first information about the relationship, direct or otherwise, came from Campbell Frazer?

A.- Yes, sir.

Q.- That is true?

A.- Yes, sir.

Q.- Are you related to the Frazers?

A.- He claimed, (there were several witnesses there,) that they were cousins of his.

Q.- How are you related to the man who was just on the stand?

M. Askew?

A.- He is a brother of mine.

Mr. Norman;

Q.- You say you are a brother of M. Askew?

A.- Yes, sir.

Q.- How old were you when you moved here from Alabama?

A.- Twenty three years.

Q.- You say that Mose was known to Campbell Frazer?

A.- Yes, sir.

Q.- And that Mose was your father's brother?

A.- Yes, sir.

Q.- Was he a full blood?

A.- Yes, sir.

Judge

Adams;

Q.- Did you ever see any of the Frazers, except Campbell?

A.- Yes, sir.

Q.- Where?

A.- At Tushkahomma there.

Q.- Were you related to them?

A.- Yes, sir.

Mr. Norman;

Q.- Green Mc Curtain was your Attorney?

A.- Yes, sir.

Q.- He is the present Governor of the Choctaw Nation?

A.- Yes, sir.

Witness excused.

Tom Askew,

a witness introduced by the Plaintiffs, being duly sworn, testified as follows in answer to the interrogatories propounded by

Mr. Norman;

Q.- What is your name?

A.- Tom Askew.

Q.- What is your age?

A.- Thirty five.

Q.- Where is your place of residence?

A.- A mile and a half east of Marietta.

Q.- What is the relationship existing between you and M. Askew and D.B. Askew?

A.- We are brothers.

Q.- Are you a member of any Indian Tribe?

A.- Yes, sir.

Q.- What tribe?

A.- Choctaws.

Q.- Have you allotted your land as such a member?

A.- Yes, sir.

Q.- Mr. Askew, laying aside the fact that you are on the roll as a Choctaw, state to the Court whether or not in truth and in fact you are descendant from any tribe of Indians, and if so, what one?

A.- If I am descendant of any tribe of Indians?

Q.- Yes, sir.

A.- What is it you mean?

Q.- What Tribe of Indians?

A.- Choctaws.

Q.- Laying aside the fact that you are on the roll, you are a Choctaw?

A.- Yes, sir.

Q.- Through whom do you trace your Indian blood?

A.- My father and grandfather.

Q.- What was your father's name?

A.- Murrill Askew.

Q.- Who did your father trace his through?

A.- His father, Aaron Askew.

Q.- What amount of Indian Blood have you?

A.- I cannot tell you.

Q.- Do you know how much your father was?

A.- I think he claimed to be a quarter.

Q.- A quarter blood?

A.- I think so.

Q.- How much was your grandfather?

A.- I think he claimed to be a half probably.

Q.- Was the Askew you speak about the same Aaron Askew that held the office of County Collector of Taxes for Lauderdale County?

A.- I think so, yes, sir.

Q.- Remember whether or not he was a preacher?

A.- No, sir.

Q.- Remember to have ever known him?

A.- No, sir.

Q.- He died before your birth?

A.- I think so.

Q.- What relationship, if any, exists between you and the applicants in this case, Newt., Murrill, William Quint and their descendants.

A.- I could not tell you, only what I have been taught.

Q.- State what you have been taught.

A.- I have been taught we are cousins.

Q.- Who taught you that?

A.- My mother.

Q.- Is your mother living or dead?

A.- My mother is dead.

Q.- Your mother has taught you that these people are your kin people?

A.- Yes, sir.

Q.- How does the kinship occur; in what way? Through whom do you trace the kinship?

A.- With those people?

Q.- Yes.

A.- I was taught that Tom Askew was my father's brother.

Q.- Was he a full brother?

A.- I think so, I cannot say for certain.

Q.- You know anything of the Holtons?

A.- Yes, sir.

Q.- Know whether they have been enrolled or not?

A.- Only just what I have been told.

C r o s s E x a m i n a t i o n ,

Mr. Cornish;

Q.- How are you and D.B. Askew related?

A.- Brothers.

Q.- You are a son of Murrill?

A.- Yes, sir.

Q.- And a grandson of Aaron Askew?

A.- Yes, sir.

Q.- Where were you born?

A.- In Alabama?

Q.- Where was your father born?

A.- Alabama, I guess.

Q.- Your father died in 1882, didn't he?

A.- '82?

Q.- That is, about that time?

A.- Father has been dead about Twenty years.

Q.- Your father was about Eighty some odd years old when he died?

A.- No, sir, father I think claimed to be Seventy six years old, the best I can recollect, may be Seventy eight.

Q.- Your father and his family applied to Council in the early Eighties and no action was taken until the late Eighties?

A.- I don't know, I was small, I don't think father made any application.

Q.- This Askew Family made application in the early Eighties and did not get action until the late Eighties?

A.- I could not tell, I was too young.

Mr. Norman;

I desire to introduce a certificate from the Commission to the Five Civilized Tribes showing that the names of Em Askew, B.B. Askew, and Tom V. Askew, appear upon the final rolls, of the Choctaw Nation. Exhibit "B".

Mr. Cornish;

In reference to this certificate and all certificates that may be introduced, I presume this certificate correctly reflects what the records of the Commission show at this time, but we hope that it will not be understood that we consider that these persons, whose names appear on these certificates, are citizens of the Choctaw Nation. We feel that these people should have the same status as the applicants, and in the event the applicants are denied, the Nations will do all in their power to have their names removed from the "Rolls".

Witness excused.

Bell Hendrix,

a witness called by the Plaintiffs, being duly sworn, testified as follows in answer to the interrogatories propounded by Mr. Norman;

Q.- What is your name?

A.- Hendrix.

Q.- What Hendrix?

A.- Bell Hendrix.

Q.- How old are you, Mrs. Hendrix?

A.- I was Fifty Two the 24th, of last January.

Q.- Where do you reside?

A.- In the Territory, near Roph (or Ropp), nine miles west of there.

Q.- What relationship exists between you and Tom Askew, D.B. and M. Askew.

A.- Brothers and sister.

Q.- What is the relationship existing ^{between} you and Eliza Alexander and Dora McKinscy.

A.- Sisters.

Q.- Are you upon the "Roll"

A.- Yes, sir.

Q.- Of what Tribe?

A.- Choctaw Tribe.

C r o s s E x a m i n a t i o n .

Mr. Cornish;

Q.- You say you are a sister of B.B. Askew?

A.- Yes, sir.

Q.- And a daughter of Murrill?

A.- Yes, sir.

Q.- And a granddaughter of Aaron Askew?

A.- Yes, sir.

Q.- How old are you?

A.- Fifty two or fifty three the 24th, of last January.

Q.- Are you older or younger than Em Askew?

A.- Older by two years, I think.

Q.- You were born in Alabama?

A.- Yes, sir.

Q.- In Lauderdale County?

A.- Yes, sir.

Q.- That is the extreme north west county of Alabama; it lies north of the Tennessee River?

A.- Yes, sir.

Q.- When did you leave Alabama?

A.- I don't remember.

Q.- Did you move to Texas?

A.- No, sir.

Q.- Where did you move to?

A.- The Territory.

Q.- Your father moved to Texas?

A.- Yes, sir.

Q.- Where were you while your father was in Texas?

A.- I had not yet left Alabama.

Q.- Then you did not leave Alabama until after your father had lived in Texas the greater part of a year?

A.- Yes, sir, on account of ill-health.

Q.- Your father was in ill-health?

A.- No, sir, I was.

Q.- You remained in Alabama while your father went to Texas?

A.- Yes, sir, I resided there a while?

Q.- You did not leave Alabama, until after your father had lived his time in Texas, and came on to the Territory, that is correct?

A.- Yes, sir.

Q.- How old was your father when he died?

A.- I don't know.

Q.- He was somewhere about eighty years old when he died in 1882?

He was a very old man?

A.- Yes, sir, he was getting along right there somewhere.

Q.- Somewhere about eighty years?

A.- I don't know, sir.

Q.- Where was your father born?

A.- I don't know.

Q.- Have you any knowledge of his having lived any where except in Lauderdale County, Alabama, where you first commence to remember?

A.- No, sir.

Q.- Where did your grandfather die?

A.- He is said to have died in 1861.

Q.- You were living there in that county in Alabama?

A.- Yes, sir.

Q.- Were you about when he died and when he was buried?

A.- Yes, sir, I was at the burial.

Q.- You were ten years old, about?

A.- I was a child, I can remember his burial.

Q.- How old a man was he when he died?

A.- A very old man?

A.- He looked to be.

Q.- Where was he born?

A.- I don't know.

Q.- Have you any information that he was born or ever lived any where except in Lauderdale County, Alabama?

A.- No, sir.

R e - D i r e c t .

Mr. Norman;

Q.- Are you related to William Quint and Newt. Askew.

A.- I don't know, sir, I cannot testify to that.

Q.- Have you heard your father and mother say anything about it.

A.- I have heard father and mother say we~~xx~~ were cousins.

Q.- Did they say how the kinship arose; in what way?

A.- Papa addressed those that you have referred to as "Nephews"
and they addressed him as Uncle.

Q.- In what way were they nephews?

A.- They were claimed to be his ~~xxxxxx~~ brother's children.

Q.- What was his name?

A.- Thomas.

Q.- Is your father and mother dead?

A.- Yes, sir.

Judge Weaver;

Q.- Did I understand you to say that you did not come west when
your father did?

A.- Yes, sir.

Q.- Why did you not go at that time?

A.- I was not able; I was in ill-health.

Mr. Norman;

Q.- I desire to introduce a certificate to the effect that
Bell Hendrix, Dora McKensie and Eliza Alexander are on
the "Rolls"

Mr. Cornish;

We wish to make the same statement as to this certificate
as to the certificate heretofore introduced.

J.H.Hill,

a witness called by the Plaintiffs, being duly sworn, testified as follows, to the interrogatories propounded to him by

Mr. Norman;

Q.- Where do you live?

A.- Marlow.

Q.- Indian Territory?

A.- Yes, sir.

Q.- What is your age?

A.- I don't know, just exactly.

Q.- About what?

A.- Somewhere about sixty years.

Q.- Do you know Newt. Askew, Quint and do you know Murrill Wash?

A.- Yes, sir.

Q.- How long have you known them?

A.- Ever since I was big enough to know any body.

Q.- Where did you form their acquaintance?

A.- In Alabama.

Q.- Are you acquainted with D.B. Em and Tom Askew?

A.- Yes, sir. Q.- How long have you known them?

A.- Ever since I was born, almost.

Q.- Did you know their father? A.- Yes, sir.

Q.- What was his name?

A.- Murrill Askew.

Q.- Did you know Murrill Askew's father?

A.- Yes, sir.

Q.- What was his name?

A.- Aaron Askew.

Q.- Who was the father of Newt. William Quit and Murrill Wash.
Askew?

A.- Tom Askew.

Q.- Did you know him?
A.- Yes, sir.
Q.- Who was Tom's father?
A.- Aaron Askew.
Q.- Were Tom and Murrill Askew brothers of the whole blood?
A.- Which?
Q.- Were they full brothers?
A.- Yes, sir.
Q.- Who did Aaron Askew marry?
A.- I cannot tell you.
Q.- Know whom Tom Askew married?
A.- Yes, sir, he married Bettie Blashingame.
Q.- Know Whom Murrill Askew married?
A.- Yes, sir, Eliza Wright.
Q.- Of what nationality were these three women, the wives of Tom, Murrill and Aaron?
A.- I don't know.
Q.- Were they or not, white?
A.- Which?
Q.- Those three ladies, were they white women?
A.- Yes, sir.
Q.- Did you know them all?
A.- Yes, sir.
Q.- All three of them?
A.- Yes, sir.
Q.- Do you remember when Tom Askew died?
A.- Yes, sir.
Q.- About what year was it?
A.- He died about Fifty one, two or three.
Q.- Where did he die?
A.- In northern Alabama?

Q.- Lauderdale County?

A.- Yes, sir.

Q.- Know any circumstance connected with his marriage to his wife?

A.- Only hear say.

Q.- Know whether or not he had to steal her and leave the state?

A.- I have heard them speak of it.

Q.- Where did he go to?

A.- To Missouri.

Mr. Cornish;
We object to the hear say testimony.

Mr. Norman;

Q.- After he was married to his wife, he then returned to Lauderdale County?

A.- I don't know; I never saw him until he came back.

Q.- He was gone three or four years, was it not?

A.- Yes, sir, I think it was.

Q.- Did you know from what race of people Tom, Murrill and Aaron descended from?

A.- Yes, sir.

Q.- What were they?

A.- Choctaw Indians.

Q.- You say you seen Aaron Askew?

A.- Yes, sir, many a time; worked with him many a day.

Q.- Describe his appearance, in so far as it reflects racial features, to the Court.

A.- He really looked to be about a full blood Indian in complexion.

Q.- Do you know whether he spoke the Choctaw Language, or not?

A.- Well, I could not testify positively, because I was too young; I was not more than fifteen years old when he died.

- Q.- Have you heard him use any Indian words?
- A.- I could hardly say about that; it has been so long.
- Q.- Why is it you cannot say whether you have heard him speak Indian?
- A.- I was young and it has been so long.
- Q.- Cannot you remember if you heard him speak?
- A.- I could not some things.
- Q.- Did you notice any peculiarity in his speech?
- A.- Yes, sir, he could not speak American; he spoke more like the Indians.
- Q.- Did he speak English like the Indians here do?
- A.- Yes, sir.
- Q.- He didn't speak good English?
- A.- No, sir.
- Q.- Was it such as to indicate that he might have spoken some other language?
- A.- I think so.
- Q.- Did you notice any peculiarity in his dress?
- A.- Yes, sir, never saw him have shoes on.
- Q.- What about his head dress?
- A.- He wore a cap.
- Q.- Is he the same Aaron Askew, who was collector of Taxes in Lauderdale County?
- A.- Yes, sir.
- Q.- Was he a minister?
- A.- Yes, sir.
- Q.- Of what denomination?
- A.- Hard Shell Baptist.
- Q.- Did you know any other Aaron Askew in that country, except the one you are testifying about?
- A.- Yes, sir, Uncle Murrill had a boy by that name.

Q.- He is dead?

A.- Yes, sir.

Q.- With the exception of the boy of your Uncle Murrill, did you know any other?

A.- No, sir.

Q.- Who was your mother?

A.- Mattie Askew.

Q.- Who was Mattie Askew, was she related in any way to Aaron Askew?

A.- She was a daughter of Aaron Askew.

Q.- You are an applicant for citizenship, are you not?

A.- Yes, sir.

Q.- Is your application now pending in Court?

A.- Yes, sir.

Q.- In what Court?

A.- In this Court.

Q.- You say Aaron Askew's wife was a white woman and Murrill's and Tom's were?

A.- Yes, sir.

Q.- Do you know whether or not Tom Askew is the father of Newt., Murrill Wash. and William Quint.

A.- So claimed all the time, never heard it disputed.

Cross Examination.

Mr. Cornish:

Q.- Now, Mr. Hill, how old are you?

A.- Somewhere close into Sixty.

Q.- You say that Aaron Askew was a Choctaw Indian; why do you say that; what is that knowledge based on?

A.- He said he was, and everybody else did, and he looked like one.

Q.- Your statement to the Court as to his being a Choctaw Indian, is based on what he told you?

A.- Yes, sir.

Q.- That is the extent of your knowledge, what he said?

A.- Yes, sir.

Q.- You heard others say that?

A.- Yes, sir.

Q.- Who else.

A.- Just like all the Indians, they said he was.

Mr. Cornish;

The Nations wish to interpose an objection to the testimony of this witness, which tends to establish by hearsay testimony, blood and racial status.

Q.- You were born about the year 1844?

A.- Somewhere along there.

Q.- You were born in Alabama, were you not?

A.- Yes, sir.

Q.- Your mother was Mattie Askew?

A.- Yes, sir.

Q.- Where was she born?

A.- I could not tell you?

Q.- Don't you know where she was born?

A.- She claimed she was born in Lauderdale County.

Q.- Your information from her and your family was that she was born in Lauderdale County?

A.- Yes, sir. That is my idea.

Q.- You never heard otherwise?

A.- No, sir.

Q.- How old was your mother when she died?

A.- About 60 or 65.

Q.- When did she die?

A.- About 1870.

Q.- And she was about sixty five years old?

A.- About sixty or sixty five, I think.

Q.- Then your mother was born between 1805 and 1810.

A.- I never figured on it.

Q.- That is about when she was born?

A.- I don't know anything about when she was born, I never saw the record myself.

Q.- It is a matter of figures, your mother was 60 or 65 when she died and she died about 1870?

A.- Yes, sir.

Q.- Then she must have been born 60 or 65 years before 1870?

A.- I don't know, I don't know any thing about her age.

She might not have been over 50; she died in Texas.

Q.- Your mother died in Texas?

A.- Yes, sir.

Q.- When did your mother and her family leave Lauderdale County, Alabama.

A.- I don't know what year they did leave, I think it was '69 or '70, and she died in about a year after she went there.

Q.- In about '69 or '70, the family of which your mother was a member, moved to Texas?

A.- Yes, sir.

Q.- What county did they come to?

A.- Kauffman.

Q.- Was your father living?

A.- No, sir.

Q.- Your mother was a widow?

A.- Yes, sir.

Q.- How long did you live there?

A.- Thirteen years.

Q.- Your mother died there about one or two years after she moved there?

A.- No, I think when she moved to Texas, she stopped in another County; I come out in the Spring and went down and brought her up in the fall and she died in about 30 days.

Q.- Your mother moved to Texas and died shortly after?

A.- Yes, sir.

Q.- When did you go to Texas?

A.- Before she died, about two years.

Q.- Were you married then?

A.- No, sir.

Q.- You married after that?

A.- Yes, sir.

Q.- Where did you settle the first year?

A.- Kauffman County.

Q.- Did you buy land?

A.- No, sir.

Q.- How long did you live there until you bought land?

A.- I lived there twenty years, I reckon.

Q.- How long did you live there before you bought land?

A.- About twenty years, in Texas, the first land I bought was in Wade County.

Q.- You lived in Kauffman County about twenty years?

A.- no, Thirteen years.

Q.- What did you do in Kauffman County for a living?

A.- Farmed.

Q.- Did you rent land?

A.- No, sir, I married a lady that owned a farm.

Q.- Well, you owned that land, after you were married to your wife, didn't you?

A.- Yes, sir.

- Q.- At the end of the thirteen years, when you left Kauffman County, did you sell that land?
- A.- Yes, sir.
- Q.- Where did you go?
- A.- To Coleman County.
- Q.- How long did you stay there?
- A.- Fifteen years, I think.
- Q.- How long did you live in Coleman County before you bought land?
- A.- I bought some school land before I moved there.
- Q.- You entered school lands, how much land did you get.
- A.- Twenty nine hundred and fifty acres.
- Q.- How long did you own that land?
- A.- Two or three years.
- Q.- What were the conditions under which you took up that land?
- A.- It was Wade County school land and they sold it.
- Q.- It was for the benefit of the school fund and they sold it?
- A.- Yes, sir.
- Q.- What did you give for it?
- A.- Fifteen hundred Dollars.
- Q.- You owned it two or three years?
- A.- Yes, sir.
- Q.- What was the next piece you owned?
- A.- Another piece.
- Q.- How much?
- A.- One hundred and sixty acres.
- Q.- How did you get it?
- A.- Bought it.
- Q.- Did you buy it or enter it as a homestead.
- A.- Another man entered it and I bought his claim?

Q.- How long did you own that?

A.- About fifteen or eighteen years.

Q.- That was your home during all that time?

A.- Yes, sir.

Q.- Did you sell it?

A.- No, sir. My wife has it now.

Q.- You bought it?

A.- Yes, sir.

Q.- The title was in you?

A.- Yes, sir.

Q.- And is still in you?

A.- No, sir. I sold it to my wife?

Q.- When?

A.- About 1896.

Q.- About the time you made application to the Dawes Commission?

A.- It was before that, but it might have been the same year.

Q.- You were living on that land when your application was made in 1896.

A.- No, sir, I was living in the Territory.

Q.- When did you come to the Territory?

A.- In the fall of 1895.

Q.- Your family still owns that land?

A.- No, sir.

Q.- You manage it?

A.- No, sir.

Q.- Where are your children now?

A.- In west Texas.

Q.- During all these years that you were in Texas, you were a citizen of the State of Texas, and voted in the State Elections.

A.- Sometimes I did.

Q.- You exercised the rights and privileges of a citizen of the State of Texas, like all other citizens?

A.- Yes, sir.

Q.- You paid taxes?

A.- Yes, sir.

Q.- You sent your children to the public schools?

A.- Not much, I did some.

Q.- Ever hold office?

A.- No, sir.

Q.- Were you a candidate for office?

A.- No, sir.

Q.- Were you present when Aaron ~~Askew~~ Askew died.

A.- No, sir.

Q.- You were living in the Country?

A.- Yes, sir.

Q.- He died about 1862, didn't he?

A.- Sixty one or two, yes, sir.

Q.- He had been a public official of the State of Alabama for many years?

A.- Yes, sir. He was tax collector.

Q.- How old a man was he when he died in 1862?

A.- I could not tell you.

Q.- He was a very old man?

A.- Yes, sir.

Q.- Where was he born?

A.- I could not tell you.

Q.- Have you any information that he was not born in Lauderdale County, Alabama?

A.- No, sir.

Q.- What was the name of his wife?

A.- I don't know.

Q.- Or his father and mother?

A.- I don't know. I could not call the names now.

Q.- Your mother was named Mattie?

A.- Yes, sir.

Q.- How many children did she have?

A.- Eight, I think.

Q.- Name them.

A.- Tom, Murrill ---

Mr. Norman;

We think this matter is all irrelevant.

Mr. Cornish;

Q.- Now, you say your mother was named Mattie, give your brothers and sisters.

A.- Tom, Mac, J.H., one dead, Quint, Darius, John, B.C.,
Angie,

Q.- Is that all your brother's and sisters?

A.- Yes, sir.

Q.- Is Tom living or dead?

A.- He is living?

Q.- Where?

A.- In Texas.

Q.- Has he got a family?

A.- Yes, sir.

Q.- Children and Grandchildren?

A.- I don't know whether he has any grandchildren.

Q.- But he has children?

A.- Yes, sir.

Q.- They all live in the State of Texas?

A.- Yes, sir.

Q.- They never moved here?

A.- No, sir.

Q.- They have no claim for citizenship?

A.- No, sir.

Q.- Is Mac living or dead?

A.- Dead.

Q.- Did he have a family when he died?

A.- No, sir.

Q.- He never married?

A.- Yes, sir.

Q.- J.H., that is you?

A.- Yes, sir.

Q.- Are all your children in this suit?

A.- Yes, sir, in this suit.

Q.- Is Quint living?

A.- No, sir.

Q.- Did he have a family?

A.- No, sir.

Q.- Darius?

A.- He is dead.

Q.- Did he have a family?

A.- No, sir.

Q.- Is John living?

A.- Yes, sir.

Q.- Where?

A.- Whitefield.

Q.- Is he before this Court with a claim for citizenship?

A.- I don't know.

Q.- You know, don't you?

A.- Yes, sir, I guess so, he had an application before the
Commission.

Q.- B.C.,

A.- He is an applicant.

Q.- Is Annie living?

A.- Yes, sir.

Q.- Has she a family?

A.- Yes, sir.

Q.- Where does she live?

A.- Marsden .

Q.- She is in this suit?

A.- Yes, sir.

Q.- With you?

A.- Yes, sir.

R e - D i r e c t ,

Mr. Norman;

Q.- These various parties that Mr. Cornish inquired about, who have not applied for citizenship, do they claim to be of Choctaw descent.

A.- Yes, sir.

Q.- The fact that they are not Choctaw applicants, does not signify that they disclaim Choctaw descent, does it.

A.- No, sir.

Q.- These persons then, do claim to be of Choctaw descent?

A.- Yes, sir, I think ^{one} ~~xxx~~ of them tried to make applications but did not get here in time.

Q.- What was his name?

A.- Tom.

Q.- Then, so far as you know, all of the people who have not applied, nevertheless, claim to be of Choctaw descent?

A.- All that I know of do; some I don't know anything about.

Q.- Mr. Hill, at the time your family lived in Alabama, what was the sentiment of the people there, towards parties who were of Indian Blood.

A.- Well, of course, they would throw it up to us.

Q.- What do you mean?

A.- They would put it at us.

Q.- Was it an honor to be an Indian?

A.- No, sir.

Q.- Was it the reverse?

A.- Of course it was.

Q.- Notwithstanding the sentiment of the people there toward those who claimed to be Choctaw at that time, did you all continue to claim at all times, your Choctaw descent?

A.- Yes, sir. And under all circumstances, so far as I am concerned. I never knew any of them to deny it.

Q.- What age was your mother when she died?

A.- I suppose 60 or 65, I have no record of it.

Q.- When did she die?

A.- I think about 1870. I came to Texas in '69 or '68 and she started after I did and stopped in another County and I went down in the fall and brought her up there, but she died that fall; she had come out in the Spring before that.

Q.- Was she older or younger than Murrill?

A.- She was the oldest one of the girls, but I don't know whether she was older than Murrill or not. I think she was, but I could not swear positively that it was a fact.

Mr. Mansfield;

Q.- Aaron Askew was a very popular man then, he was elected collector, notwithstanding the fact that he was an Indian, and the fact that he wore moccasins?

A.- I don't know. He was a very popular man from the fact that he was elected to office.

Mr. Norman-

Q.- I will ask you if they did not run it on him in the election?

A.- I don't know; I was too young.

Witness excused.

W. T. McDonald,

a witness called by the Plaintiffs, having been duly sworn testified as follows in answer to the interrogatories propounded to him by

Mr. Norman;

Q.- What is your name?

A.- W.T.McDonald.

Q.- Where do you reside?

A.- In the Creek Nation.

Q.- How old a man are you, Mr. McDonald?

A.- I will be 72 the 29th of November if the record is correct.

Q.- Where were you born and raised?

A.- Lauderdale County, Alabama?

Q.- When did you move away from there?

A.- In 1849, moved down in northern Mississippi.

Q.- How long did you stay in Mississippi.

A.- Until 1873 the latter part of 1873 and moved to Texas.

And from Texas to the Territory; been thirteen years in the Territory.

Q.- Did you make an affidavit in the Bennett case?

A.- Yes, sir.

Q.- Did you know a party in Alabama, in Lauderdale County, at the time you lived there, by the name of Aaron Askew?

A.- Yes, sir.

Q.- Was he, or not, a party who held office in that county?

A.- Yes, sir, my recollection is that he was either tax collector or assessor, for quite a number of yours.

Q.- Remember whether or not he was a minister?

A.- He was a Baptist Preacher.

Q.- Missionary or Hard Shell?

A.- Hard Shell.

Q.- Did you know anybody else in that County by the name of

Aaron Askew?

A.- I knew Murrill Askew and Mose Askew, said to be his sons.

Q.- Did you know any other party in that County named Aaron Askew?

A.- None but this man.

Q.- Of what race or family of people was Aaron Askew descendant?

A.- I always understood him to be a Choctaw Indian.

Mr. Cornish:

We object to the question and answer because it seeks to produce hear say testimony to establish blood and racial status.

Mr. Norman:

We desire to ask this witness to state from what he has heard the public generally, in Lauderdale County, Alabama, say as to the race or family of people this man Aaron Askew descended from, now, we don't just ask him if he is a Choctaw Indian.

Judge Adams:

I cannot see any distinction; if you have any authorities we would like to see them.

Judge Adams:

Q.- Did you derive this opinion about him from what the people said about him, or his appearance.

A.- From both; what I heard said and how he looked.

Judge Foote:

Q.- I understand your answer to be that in appearance he might be an Indian, that he was of Choctaw Blood was from hear say statements?

A.- Yes, sir, so far as I know.

Q.-The only way you had of learning of what Tribe he was descendant was from what you heard?

A.- Yes, sir, I never heard him say, I was a youth.

Q.- Did you hear Murrill Askew make that statement?

A.- No, sir, only knew of him as a young man in the community.

Q.- Have you ever heard any member of the Askew family state from what Tribe of Indians they were descendant?

A.- I think I have.

Q.- What members of the family have you heard say so?

A.- No, answer.

Witness excused.

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J.L.Davidson,

a witness called by the Plaintiffs, being duly sworn testified as follows;

Mr. Norman;

Q.- State your name?

A.- J.L.Davidson.

Q.- What is your age?

A.- I suppose about 62 years.

Q.- Where do you reside?

A.- In the Chickasaw Nation.

Q.- Where were you born and raised.

A.- Lauderdale County, Alabama.

Q.- When did you move from there?

A.- In '85; 1885.

Q.- Did you know a party back there by the name of Aaron Askew?

A.- Yes, sir.

Q.- Did he hold any official position that you know of, if so, what?

A.- He was tax collector there for a while, or at least he collected the taxes quite a time.

Q.- You know any of his children?

A.- Yes, sir.

Q.- What ones?

--52--

- A.- I knowed three or four girls and three boys that I remember.
- Q.- What boys do you remember?
- A.- Tom Murrill and one Mose.
- Q.- Is the Murrill Askew that you allude to the same identical party, who is the father of B.B. Askew, Em and Tom?
- A.- I reckon he is their father; he is buried here in Lebanon
- Q.- Was Tom Askew, you speak of, the father of Newt?
- A.- Yes, sir .
- Q.- He is the same party?
- A.- Yes, sir.
- Q.- There can be no question but that this is the same ~~xxxxx~~ man you are talking about?
- A.- I knew no others there.
- Q.- What do you know about Tom Askew?
- A.- I never knew Tom Askew until after he had a family; he had been married some time; I don't think he had any children born in his family after I knew him. He moved to Missouri and came back in bad health and I don't remember how long he lived after he came back from Missouri, but not a great while.
- Q.- Were you at his burial?
- A.- Yes, sir.
- Q.- Do you know whether Aaron Askew was at the burial?
- A.- Yes, sir.
- Q.- Do you know why he went away to Missouri?
- A.- There was some little disturbance about his marriage and they fell out about that and being a kind of a hard headed fellow, he pulled out where he could be his own man; that is what has always been taught me.
- Q.- Do you know of what race of people he was?

A.- They was Indians.

Q.- Was there anything peculiar about him to distinguish the tribe or family of Indians that they descended from?

A.- They looked much like the Choctaws and Chickasaws of this Country, since ⁺ have come here and got familiar with the Indians; they was copper colored; he was particularly, more so than his children. He was as dark as any man in this house that I see; he was more of a red caste than any man I see.

Q.- Do you know whether he spoke the Choctaw Language?

A.- He spoke something and said it was Choctaw; he claimed he could speak both.

Q.- What?

A.- Choctaw and Chickasaw.

Q.- Did you hear him?

A.- I have heard him say things but I don't know that I can remember them now.

Q.- Can you speak Choctaw yourself?

A.- I know a few words in Choctaw or Chickasaw, just a few words, but they are so scattering that I could not give them, sir.

Q.- Did you ever hear any member of the Askew Family state from what distinct tribe they had descended?

Mr. Cornish;
That is the same question over again.

Judge Adams;
Note the objection.

A.- They claimed to be Choctaw Indians.

Mr. Norman;
Q.- Is Aaron Askew dead?

A.- Yes, sir.

Q.- Is Murrill dead?

A.- I suppose so.

Q.- And Tom?

A.- Yes, sir.

Q.- Mr. Davidson, what was the feeling socially in that country, ~~in that country~~ towards parties that were of Indian Blood.

A.- It was not very good; it was thrown up to them in school like we would to a yellow boy or a mulatto; it is not popular to be an Indian in Alabama.

Q.- Do you know whether it was urged against Aaron Askew, that he was an Indian, when he ran for office.

A.- I don't remember just about this office business; I have seen him collecting taxes. Do you ^{mean} that it urged him on to run for office?

Q.- No, that it was urged against him, when he ran for office that he was an Indian.

A.- I don't know that; I know just exactly that they was Indian; he was considered very honest; he was not required to give a very heavy bond for these taxes in Lauderdale County.

Q.- What did he wear upon his feet?

A.- I have seen him wear moccasins, the same as I have these Indians here.

C r o s s E x a m i n a t i o n .

Mr. Cornish;

Q.- What is your name?

A.- J.L.Davidson.

Q.- How old are you?

A.- I reckon I am 62 years old, April past.

Q.- Now, if the members of Aron Askew's family say that he did not speak the Choctaw Language, they were mistaken?

A.- I think they would be, yes, sir.

Mr. Norman;

We object; It is for the Court to say who is mistaken.

Mr. Cornish;

Mr. Cornish;

Q.- You you say that Aaron Askew spoke Choctaw?

A.- Yes, sir.

Q.- And Chickasaw?

A - Yes, sir.

Q.- How are you able to say that Aaron Askew spoke either Choctaw or Chickasaw.

A.- I have heard him sometimes say words that I know now are Choctaw or Chickasaw.

Q.- What words?

A.- I have heard him use the word "Un---".^{He said take a chair, not to me but to a lady.}

Q.- And you have remembered it all these years?

A.- I remember it since I came to the Choctaw Nation and I remembered that I had heard it fifty five years ago.

Q.- What called that word to your mind as being the word you had heard?

A.- I don't know that I have heard that word over a dozen times since I have been ~~here~~ here.

Q.- He told you to take a chair??

A.- No, sir, it was a lady.

Q.- How do you know that is it?

A.- I heard him tell her and he said it was ~~Choctaw~~ the Indian language; he spoke both and I don't know whether it was Choctaw or Chickasaw.

Q.- Might it not have been Creek or Cherokee?

A.- It might have been?

Q.- You heard him say he spoke both languages.

A.- Choctaw and Chickasaw.

Q.- What did you hear him say about speaking other Indian Languages?

A.- I heard things, but I don't know what it was; I heard him

mumble like they do here, but I did not pay much attention to it. Q.- Well, you have heard him use that word to the lady, in what other connection have you heard him use Indian words, A.- He was a preacher and I have heard him talk by the Creek, but I don't believe I can remember what he said in the baptism, when he went to the creek to baptise; I have heard him talk Indian, or at least he claimed it was Indian, but I could not repeat it.

Mr. Mansfield;

Q.- Was it "Tidso"

A.- I don't know.

Q.- Was it something like that?

A.- I don't know.

Q.- Did you know any Indians in that Country?

A.- Yes, sir, there are Indians there; he lived in the Colbert Reservation.

Q.- What kinds of Indians there?

A.- Chickasaws.

Q.- In what county was that?

A.- Lauderdale County.

Q.- It is north of the Tennessee River?

A.- Yes, sir.

Q.- And adjoins the Tennessee Line?

A.- Yes, sir.

Q.- When did you leave there?

A.- In 1885.

Q.- You say that this man Aaron Askew served as tax collector and assessor quite a while?

A.- Yes, sir.

Q.- Well, you say it was not popular to be an Indian in that country.

A.- No, sir, it was not.

- Q.- Notwithstanding that, Aaron Askew, being a preacher got to be a popular man; the fact that he had Indian blood did not affect his popularity.
- A.- Not so much him, as his offspring in school.
- Q.- The fact that he was a preacher kept him from being unpopular?
- A.- I suppose he was considered a poor man and honest and that was about all the popularity there was about it.
- Q.- You say that when he was elected to this office he was not required to give a heavy bond.
- A.- I don't think they did; did not require it of anybody; that was ten years before the War.
- Q.- Did you mean to create the impression on the minds of the Court a while ago, that Aaron Askew was elected to office, that his bond was less than other men's?
- A.- No, sir, we had men who held the office who had as cheap a bond as he did.
- Q.- You stated a while ago that they did not make him give a very heavy bond, what did you mean by that?
- A.- I meant that he was considered an honest man.
- Q.- Did you mean that he was relieved from the operation of the law?
- A.- No, sir.
- Q.- What did you mean when you stated to the Court that he was not required to give a heavy bond?
- A.- His bond was light compared with the present date.
- Q.- How do you know that?
- A.- I have heard people say that Aaron Askew was not required to give more than a three hundred dollar bond and when I run for office myself, I found out that the bond was a good deal larger than that.

Q.- Did they reduce his bond?

A.- No, sir.

Q.- Did they make you give the full limit of the law?

A.- As it happened I got beat and the other man gave the bond.

Q.- Aaron Askew died about 1862?

A.- Yes, sir, I think so.

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

A.- I expect I was--- I was born in 1842 on the 15th day of April, so my father and mother said; you can count it up yourself.

Q.- Do you claim to be a citizen?

A.- No, sir.

Judge

Adams;

Q.- Were there many Indians in that Country?

A.- Not so many now.

Q.- Well, when you were there.

A.- There was a good many Indians in that country, in portions of it.

Q.- Do you know what kind?

A.- No, sir, There is the Mitchell Family, and one or two other families that are reckoned to be Indians there yet.

Q.- Are they Choctaws or Chickasaws?

A.- Some claim to be Chickasaws and some Choctaws; they are mixed.

Q.- Did they vote like other people?

A.- I don't know, some of them are reckoned to be citizens there I don't know, if all are, or not.

Q.- Did you ever know an Indian to hold office in Lauderdale County, except this man Aaron Askew?

A.- Yes, sir. Gull Mitchell has been tax collector since the War, but he is not so full as he was, he is a sixteenth or a thirty second.

Q.- What did he run for down there?

A.- Tax Assessor, not Tax Collector.

Witness excused.

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Holmes Willis,

a witness called by the Plaintiffs, being duly sworn, testified as follows in answer to the questions propounded to him by

Mr. Norman;

Q.- What is your name?

A.- Holmes Willis.

Q.- Where do you live?

A.- At Willis.

Q.- What is your age.

A.- Forty six years.

Q.- There is a name "Holmes Willis, attached to the Supplemental Treaty, are you that Holmes Willis?

A.- Yes, sir.

Q.- Have you held any other offices?

A.- Have been in the Legislature a few times and School Superintendent.

Q.- Have you held any other offices

A.- I don't know any others just now.

Q.- Did you ever know a man in this country by the name of Murrill Askew?

A.- Yes, sir. I knew him.

Q.- What was the extent of your acquaintance with him?

A.- It has been about twenty five years ago since he came here, I don't know how long he lived in our neighborhood; it might have been a year.

Q.- Did you know him well?

--60--

A.- As I said, he lived in our neighborhood about a year; I saw him frequently.

Q.- Was he, or not, an Indian.

A.- I don't know; he looked like an Indian; he was dark.

Q.- Was he treated by the Authorities here as an Indian?

A.- In what way do you mean?

Q.- Did the authorities of the Nation here treat him as an Indian?

A.- I don't know; does that mean to vote and hold office?

Q.- Did they recognize him?

A.- I don't think they did.

Q.- Do you know whether Gov. Overton took some interest in him and wrote back to find out what tribe he belonged to?

A.- Overton was a member of his church and wrote back there to find out what Tribe he belonged to.

Q.- Do you know whether Governor Overton signed his petition?

A.- No, sir, I don't know that.

Q.- You say he looked like an Indian; that he was dark?

A.- Yes, sir.

Q.- Where were you born and raised?

A.- On the north bank of the Red River.

Q.- You have lived among the Indians all your life?

A.- Yes, sir.

Q.- Is it possible for you, having lived among them all your life to say if a person is of Indian Blood?

A.- Yes, sir, I have seen people that are dark, I can tell whether they are Indians or not.

Mr. Cornish;
We object to that, of course.

Mr. Norman;
Q.- Did his general appearance indicate he was an Indian?

A.- He was dark and looked like an Indian, yes, sir.

Cross Examination.

Mr. Cornish;

Q.- Have you not seen people who were of other races, who were as dark as he was?

A.- Yes, sir.

Q.- Was there anything distinguishing between this man Askew and the others that you have seen?

A.- I never did study racial features.

Q.- You cannot tell from the personal appearance of this man, whether he was of Indian blood or some other foreign race? Mexican, Spanish or German?

A.- No, sir.

Q.- Where did Askew come from to this country?

A.- From Texas and Alabama.

Q.- You don't know anything about him before he showed up in the Nation?

A.- No, sir.

Q.- Gov. Overton was a Chickasaw by blood?

A.- Yes, sir.

Q.- And not a Choctaw?

A.- No, sir.

Q.- Did you say that Overton belonged to the same church that Askew did?

A.- Yes, sir.

Q.- And he took a great interest in him?

A.- Yes, sir.

Q.- He wrote back to ascertain what Tribe he belonged to?

A.- That is my understanding.

Q.- Then Overton did not know what Tribe he belonged to.

A.- No, sir. He wrote back to find out, but he never did find out.

Witness excused.

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Mr. Norman;

We desire to offer a copy of the Judgment of the Probate Court of Lauderdale County, Alabama, made January 3rd, 1853, to prove the time that Tom Askew died, and to prove that he was related to Murrill Askew.

Reads the paper. Exhibit "D".

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Henry Askew,

a witness called by the Plaintiffs, being duly sworn testified as follows in answer to the interrogatories propounded to him

By Mr. Norman;

Q.- What is your name?

A.- Henry Askew.

Q.- What is your age?

A.- Thirty three.

Q.- Where do you reside?

A.- Willis.

Judge Adams;

Q.- Willis where?

A.- Indian Territory.

Mr. Norman;

Q.- Are you one of the parties to this suit?

A.- Yes, sir.

Q.- Who was your father?

A.- Newt. Askew.

Q.- Who was your mother?

A.- Nancy Askew.

Q.- Have you any brothers and sisters, and if so, who are they and what are their names.

A.- Yes, sir. Willis, Mary Jackson, Viola Hefner, Dallas Alexander, and Dora Carter.

Q.- Is that all?

A.- Yes, sir.

Q.- How many of these are married, if any, and which ones?

A.- They are all married.

Q.- Your sister Mary Jackson, who did she marry?

A.- Tom Jackson.

Q.- Did they marry under the Indian Law?

A.- No, sir.

Q.- Have they any children by that marriage?

A.- Yes, sir.

Q.- What are the names of the children?

A.- Taylor Franklin, Alma, Roscoe, Ethel, and Charles.

Q.- Is the Mary Jackson you speak of, the same one in this application as Mary Ellen Jackson?

A.- Yes, sir.

Q.- Viola is in the petition as Elizabeth Viola Hefner?

A.- Yes, sir.

Q.- Who did she marry?

A.- Joe Hefner.

Q.- When did she marry?

A.- In 1897, I believe.

Q.- Have they any children?

A.- Yes, sir.

Q.- What are their names?

A.- Altha, Annie, and Lloyd.

Q.- What are the ages of the children of Mary Ellen Jackson.

A.- I could not tell exactly.

Q.- Were any of them born since September 25, 1902.

A.- Yes, sir, I think so.

Q.- Which one?

A.- Roscoe.

Q.- Born since 1902.

A.- No, sir, none of them.

Q.- Any of Viola Hefner's children born since September 1902?

A.- Yes, sir,

Q.- Which one.

A.- Lloyd.

Q.- Did you have a sister that married Carter?

A.- Yes, sir Roxey.

Q.- Have they children?

A.- One.

Q.- When was it born?

A.- I believe in March last.

Q.- Is your brother Will married?

A.- Yes, sir.

Q.- Who did he marry?

A.- Davie Wheat.

Q.- Have they any children?

A.- One.

Q.- When was that child born?

A.- I could not give the year.

Q.- Is it living or dead?

A.- It is dead.

Q.- When did it die?

A.- In 1902, I reckon, or 1903.

Q.- What was its name?

A.- Julius Edward.

Q.- Did it die after the passage of the Supplemental Treaty?

A.- Yes, sir.

Q.- Who did Dallas marry?

A.- Catherine Adgar.

Q.- When did he marry?

A.- In '99, I believe.

Q.- Have they any children?

A.- Yes, sir.

Q.- How many?

A.- One.

Q.- When was it born?

A.- I cannot tell you.

Q.- Since the passage of the Supplemental Treaty?

A.- Yes, sir, I guess it was, It is about one or two years old.

Cross Examination,

Mr. Cornish;

Q.- How old did you say you were?

A.- Thirty three.

Q.- When did you arrive in the Choctaw Nation?

A.- In 1890 arrived in the Chickasaw Nation.

Q.- Have you lived there since 1890?

A.- Yes, sir.

Q.- Where did you live prior to that time?

A.- In Arkansas.

Q.- When did you arrive in Arkansas?

A.- About 1875, I think.

Q.- Then you lived in Arkansas from 1875 to 1890?

A.- Yes, sir.

Q.- What County in Arkansas did you live in?

A.- Fulton County.

Q.- Of course you were just a boy, you were not married?

A.- No, sir.

Q.- You were living with your father?

A.- Yes, sir.

Q.- What was your father's name?

A.- Newt, Askew.

Q.- Your father moved from Lauderdale County, Alabama, to Fulton County, Arkansas in 1875 (1875)?

A.- I think so.

Q.- Did he buy land there?

A.- No, sir.

Q.- Did he own land in Fulton County Arkansas?

A.- No, sir.

Q.- How did he make a living?

A.- He rented land.

Q.- How long did he live in Fulton County?

A.- About fifteen or sixteen years, I think.

Q.- He rented land and paid rent during that time?

A.- Yes, sir.

Q.- He sent his children to the public schools?

A.- Yes, sir.

Q.- He voted in the State Elections?

A.- Yes, sir.

Q.- He paid taxes?

A.- Yes, sir.

Q.- Where did he go when he left Fulton County?

A.- To the Chickasaw Nation?

Q.- He made application in 1896?

A.- Yes, sir.

Q.- You were born in Alabama, were you?

A.- Yes, sir.

Witness excused.

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Will Askew,

a witness called by the Plaintiffs, being duly sworn, testified as follows in answer to the questions propounded to him

By Mr. Norman;

Q.- What is your name?

A.- Will Askew.

Q.- Where do you live?

A.- Near Willis.

Q.- What is your age.

A.- Thirty seven the 16th day of November.

Q.- How long have you lived at Willis?

A.- About seven or eight years.

Q.- Where did you come from when you came to the Indian Territory?

A.- Arkansas.

Q.- Remember what year you got to the Indian Territory?

A.- In 1890, I think it was.

Q.- What age were you when you got here, were you twenty one?

A.- Yes, sir, I was twenty one.

Q.- Did you ever homestead any land?

A.- No, sir.

Q.- Ever take up any land any where?

A.- No, sir.

Q.- Ever own any land outside of the Indian Territory?

A.- No, sir.

Q.- Why did you come to the Indian Territory?

A.- Come to get a home and be with my people.

Q.- What do you mean by being with your people?

A.- The Indian Tribe.

Q.- You understood you were of Indian extraction?

A.- Yes, sir.

Mr. Cornish;

We object to that, of course; upon the ground that it is hear say.

Mr. Norman;

Q.- Are you married or single?

A.- Married.

Q.- Who did you marry?

A.- Davie Wheat.

Q.- You were sitting there a while ago and heard Henry testify as to his brothers and sisters, and other relatives?

A.- Yes, sir.

Q.- His statements with reference to that were true?

A.- Yes, sir.

Q.- Your sister, one of them, is Mary Ellen, and she married Tom Jackson?

A.- Yes, sir.

Q.- Viola Elizabeth, she married a man named Hefner?

A.- Yes, sir.

Q.- Another one married a man named Carter?

A.- Yes, sir.

Q.- Newton Askew is your father?

A.- Yes, sir.

Q.- What was your mother's name?

A.- Nancy Askew.

Q.- Were you married under the Indian Law?

A.- No, sir.

Q.- Know whether your father was or not?

A.- I don't think he was.

Q.- Was your mother a white woman?

A.- Yes, sir.

Q.- What is your wife?

A.- She is a white woman.

Q.- Pure white or mixed.

A.- She is mixed; she claims part Indian

C r o s s E x a m i n a t i o n .

Mr. Mansfield;

Q.- How old did you say you were?

A.- Thirty seven.

Q.- How old were you when you came to the Indian Territory?

A.- I could not tell you just exactly.

Q.- About how old were you?

A.- About twenty one or two years.

Q.- You were born and raised in the State of Arkansas?

A.- No, sir.

Q.- Where were you born?

A.- In Alabama.

Q.- You came to Arkansas with your father in 1875 and remained there how many years?

A.- Between fifteen and sixteen years.

Q.- Now, your father and yourself were citizens of that state and exercised the rights of citizenship under the State Government? You voted there?

A.- I never voted in my life.

Q.- Your father did?

A.- Yes, sir.

Q.- You came here in 1890?

A.- Yes, sir.

Q.- Where did you go when you came here?

A.- Close to Lebanon.

Q.- Did you continue to live with your father?

A.- Yes, sir.

Q.- What did your father do for a living and what did you do?

A.- Farmed.

Q.- Who did you rent land from?

A.- Archer.

Q.- Was he a citizen?

A.- Yes, sir.

Q.- How long did you continue to rent land?

A.- Seven or eight years, may be longer.

Q.- When did you first put in an application for citizenship and exercise ownership over any property?

A.- I don't know hardly what you mean by that.

Q.- When did you first take steps to file a claim for citizenship.

A.- Before Council?

Q.- No, how many years after you came here?

A.- The next year, I believe.

Q.- You were not admitted by Council, were you ?

A.- No, sir.

Q.- Then you applied to the Commission?

A.- To the Dawes Commission.

Q.- Were you admitted by them?

A.- No, sir.

Q.- You were then admitted by the United States Court?

A.- Yes, sir.

Q.- Did you, or your father, ever own, or attempt to exercise ownership over land until after you had been admitted by the United States Court?

A.- No, sir.

Q.- You stated in response to a question a while ago, that you came from Arkansas in 1890 to get you a home and rejoin your Tribe; I want you to explain why you lived in Arkansas fifteen

years, before this Tribal impulse struck you?

A.- It was a poor country and I was too poor to come here.

Q.- You were more able to come when the impulse struck you?

A.- Yes, sir.

Q.- It took you sixteen years to get out of Arkansas?

A.- Yes, sir.

Q.- You came here to rejoin the Tribe; you found the tribe; why didn't you assert your rights as a tribesman, instead of going on paying rent; you were not much better off than you were in Arkansas, were you?

A.- I can hardly tell, just exactly.

Q.- You certainly know whether you came here and paid rent.

A.- I didn't own a place at that time; I had to rent.

Q.- That is your explanation; ^{you} got here and you could not get a place and you had to rent and you had to continue to rent for seven years?

A.- Yes, sir.

Q.- That is your answer?

A.- Yes, sir.

Q.- Don't you know that it is a fact that if a man was a member of the Chickasaw Tribe, he could go and take possession of this rich land and rent it out to non-citizens and get from Thirty six hundred to Four Thousand Dollars for it? Don't you know that to be a fact?

A.- No, sir.

Q.- Don't you know that to be a fact?

A.- No, sir.

Q.- You know some people that have no claim at all, claim this land?

A.- I was not able to get any of it.

Q.- You remained here seven years before you got hold of any?

A.- Yes, sir.

Q.- Did you know what tribe of Indians you belonged to when you left Arkansas?

A.- Yes, sir.

Q.- Do you know that to be a fact?

A.- Yes, sir.

Q.- Then it was never necessary for your family to make any inquiry as to what tribe they belonged to?

A.- No, sir.

Q.- Don't you know as a matter of fact that members of your family made inquiries ~~xxxx~~ of prominent Indians, with a view of finding out what tribe they belonged to?

A.- I don't know.

Q.- You don't know now what Tribe you belong to?

A.- Yes, sir.

Q.- You say you don't know what Tribe you belong to?
What Tribe was it?

A.- Choctaws.

Q.- You stated a while ago that your motive was to rejoin your people; why didn't you rejoin your people instead of going over into the Chickasaw; why didn't you rejoin the Choctaws; why was that?

A.- I had connection here.

Mr. Norman;

Q.- You stated in answer to Mr. Mansfield's question, that after you got here you tried to get a right before Council; what did you do?

A.- We put in a claim.

Q.- How did you put it in.

A.- We were told that all we had to do was to prove that we were blood relatives.

Q.- Who told you that?

A.- Davis and Nail.

Q.- Did Council ever act on your case?

A.- I don't think it did.

Q.- Were you ever at Tushkahomma, at the Council of the Choctaw Nation.

A.- No, sir.

Q.- Did any of your family carry a petition over there; do you know of any such thing?

A.- I could not tell for certain whether they did or not.

Q.- Mr. Mansfield asked you why you did not come here sooner, what age were you when you came here? When you came here from Arkansas?

A.- Twenty some.

Q.- Twenty five?

A.- Somewhere along there, I guess.

Q.- You don't know exactly what it was?

A.- No, sir.

Q.- Speaking about rent and lands here, don't you know on the contrary, that a man who is not a recognized citizen, cannot hold land in this country?

A.- Yes, sir.

Q.- You first have to secure recognition from the Tribe before you can hold land here?

A.- Yes, sir.

Witness excused.

Q.- You left Alabama, where did you expect to go before you stopped?

A.- To get to the Indian Territory.

Q.- Why did you come here?

A.- My people was here and we was looked down upon as a rather degraded family; I thought I would feel better out here.

Q.- Can you read?

A.- No, sir, I could not read my name in plain print.

Q.- Q.--Can you write?

A.- No, sir.

Q.- What was your age when your father died?

A.- I was about eight or nine years old; I cannot tell exactly.

Q.- How long before your father's death did your mother die?

A.- About one year.

Q.- Then you were left an orphan when you were about ten years old?

A.- Yes, sir.

Q.- After your father died and your mother, what became of you then?

A.- I was ~~drawn~~ ^{bound out to} with one of my uncles by marriage, named Holden.

Q.- That was Calvin C. Holden?

A.- Yes, sir.

Q.- In what capacity, as an apprentice?

A.- Yes, sir, bound to my uncle until I was twenty one years old.

Q.- How old were you when the War came up?

A.- I cannot tell you positively, about nineteen I suppose.

Q.- Did you ever know any party back there by the name of Aaron Askew?

A.- Yes, sir.

Q.- Of what race or nationality was he?

A.- He claimed to be of Choctaw descent and to belong to the Choctaw Tribe of Indians.

Mr. Cornish;

We object to the question and answer because it seeks to prove by hear say evidence, blood and racial status.

Mr. Norman;

Q.- Have you seen him frequently?

A.- Yes, sir, time and again.

Q.- State what his appearance was?

A.- From what I know of other Indians, he had the appearance of an Indian and he told me he was. he had an Indian Brogue in his conversation; he could not speak plain, I know that.

Q.- When you came here did you expect to come to the Choctaw Nation.

A.- Yes, sir.

Q.- Why did you settle in the Chickasaw Nation?

A.- Simply from this fact, I had relations here and I learned that it did not make any difference where I went and I felt better satisfied near my relatives and if I could hold land in the Chickasaw Nation, as well as in the Choctaw Nation I would rather live in the Chickasaw Nation.

Q.- Are you related to Leona D. Holten?

A.- Yes, sir.

Q.- In what way?

A.- I suppose her mother was my Aunt?

Q.- Do you know whether the ~~Hixson~~ Houghtons are on the roll or not?

A.- No, sir, I don't.

Q.- Are you related in any way to B.B., Tom, and ^{Em} ~~Mr~~ Askew
and Bell Hendrix?

A.- Yes, sir.

Q.- How are you related to them?

A.- Own cousins to them.

Q.- Through whom do you trace your relationship?

A.- ~~Through my father~~ Through my father.

Q.- What kin was your father to their father? A.- Brothers.

Q.- Full brothers.

A.- Yes, sir. That is what they always called one another.

Q.- You say that Mrs. Houghton's mother was your Aunt?

A.- Yes, sir.

Q.- Was she related to your father in any way?

A.- Sister.

Q.- What was her name?

A.- Elizabeth.

Q.- Whom did you marry?

A.- Nancy M. Basham.

Q.- When?

A.- On the 135h day of May 1866.

Q.- Is she a white woman?

A.- Yes, sir.

Q.- Did you have any children?

A.- Yes, sir, six.

Q.- What are their names?

A.- William Howard, Mary Ellen, Henry Edward, Elizabeth,
Dallas, and Roxey.

Q.- How old is Mary Ellen?

A.- Thirty five.

Q.- How old is Viola Elizabeth.

A.- Twenty four.

Q.- Roxey Cordelia?

A.- Nine or ten.

Q.- Dallas?

A.- Twenty one.

Q.- Where do these children of yours live?

A.- Near Willis.

Q.- In the Indian Territory?

A.- Yes, sir, Choctaw Nation.

Q.- Have they lived there all the time since they came to this country?

A.- Yes, sir, when we came to this country we stopped near Lebanon and then came down to Willis and have been there ever since.

Q.- Then all that family lived here when the application was filed in 1896.

A.- Yes, sir.

Q.- What are the names of Mary ^{Ellen's} ~~xxxxxx~~ children?

A.- Taylor Jackson, Alma, Chas. Roscoe, and Ethel.

Q.- Know whether any of these have been born since Sept. 25, 1902?

A.- I could not tell you for certain.

Q.- What are the names of Viola Elizabeth's children?

A.- Altha (or Alpha) , ~~xxxx~~ Amilia, Annie. I cannot tell the other one's name.

Q.- Know when the last one was born?

A.- No, sir.

Q.- Was it since Sept. 25, 1902?

A.- I think probably it has, I would not be positive about it.

Cross Examination,

Q.- Who was your father?

A.- Tom Askew.

Q.- Was he the son of Aaron Askew?

A.- Yes, sir.

Q.- Where did Aaron Askew die?

A.- In Alabama?

Q.- Lauderdale County?

A.- Yes, sir.

Q.- And he was buried there?

A.- Yes, sir.

Q.- When?

A.- I don't know that I could give you the date exactly.

I think it was in 1862.

Q.- When was your father born?

A.- I could not tell you.

Q.- Know about how old he was when he died?

A.- I was about eight or nine years old when he died.

Q.- You are about 59?

A.- Yes, sir.

Q.- How old was your father when he died; do you know that?

A.- No, sir.

Q.- Can you give any idea?

A.- No, sir, I cannot.

Q.- Lauderdale County is right on the Tennessee River in the northern part of Alabama?

A.- Yes, sir.

Q.- You lived there until you moved to Fulton County Arkansas?

A.- Yes, sir.

Q.- Your grandfather was elected to office in that county?

A.- Yes, sir.

Q.- And he was a Baptist Preacher?

A.- Yes, sir.

Q.- You stated that your reason for leaving was because you belonged to a despized race?

A.- Yes, sir.

Q.- They did not look down upon your grandfather, did they?

A.- I suppose they did to some extent.

Q.- You left there to rejoin your tribe where you would be among your own people?

A.- Yes, sir.

Q.- You were not among your people in Alabama?

A.- No, sir.

Q.- You had never maintained any tribal relations with them.

A.- I knew that we were Choctaw Indians.

Q.- You lived among white people?

A.- Yes, sir.

Q.- There were no Choctaw Indians there?

A.- No, sir.

Q.- Or Chickasaws?

A.- No, sir. A few scattered around there.

Q.- No considerable number of Choctaws and Chickasaws there; know any other family there that claimed Indian Blood?

A.- Not just in that country --

Q.- You were born there?

A.- Yes, sir.

Q.- Your people were voting and holding office there as far back as you can remember?

A.- Yes, sir.

Q.- That is as far back as you can remember?

A.- Yes, sir.

Q.- As far back as you can remember they were voting there and holding office?

A.- Yes, sir.

Q.- You voted there?

A.- Yes, sir.

Q.- When you moved to Fulton County, Arkansas, where did the rest of these Askews live?

A.- Some here in the Nation.

Q.- When you moved to Fulton County in 1875?

A.- Yes, sir.

Q.- What Uncle did you have that lived in the Territory in 1875?

A.- I don't know what years he lived here; Murrill Askew was here.

Q.- Where was Murrill Askew living when you left Alabama?

A.- Grayson County, Texas.

Q.- Did you have a single living relative in the Indian Territory in 1875?

A.- Why, I don't know whether I did or not.

Q.- Don't you know you didn't.

A.- No, sir.

Q.- Who were they, if here?

A.- Murrill Askew.

Q.- He lived in Grayson County, Texas, didn't he?

A.- I don't know.

Q.- You moved in 1875 to Fulton County, Arkansas, at that time, the Askew family was living in Texas and Alabama, is not that true?

A.- I don't know; I could not tell you what year; I tell you I don't know.

Q.- There were none of your people living in the Territory then?

A.- No, sir.

Q.- They were living in Alabama then?

A.- No, sir.

Q.- Well, where were they living?

A.- In Arkansas, I guess. I cannot keep up with the dates.

Q.- You know where your mother's and father's brothers and sisters and uncles and aunts were when you left Lauderdale County and went to Fulton County, Arkansas?

A.- No, sir.

Q.- Then you don't know?

A.- No, sir.

Q.- Then, if you don't know where they were, you don't know that they were in the Territory?

A.- They came before I did.

Q.- Tell the Court where they lived?

A.- Near Lebanon.

Q.- In 1875?

A.- I don't know it whether it was that time or not.

Q.- Is it not true that when you went to Fulton County, Arkansas that none of your people had come to the Territory, don't you know that is true?

A.- No, sir.

Q.- The only one that had left Alabama was Murrill?

A.- He was out west.

Q.- In Grayson County, Texas?

A.- He was when I first heard from him.

Q.- I see by looking at the map, you having left there because it was not pleasant to live there, and the only relatives you had out west were in Grayson County, Texas,

you started directly away from where your relatives lived and you started two hundred miles north of the Choctaw Nation. Didn't you start to Arkansas?

A.- Yes, sir, right through Arkansas.

Q.- You were going a hundred and fifty miles (am just estimating it from the map) to two hundred miles out of your way to the Territory.

A.- That was no body's business but my own.

Q.- You lived there sixteen years because your people had not come west and you had no intention of coming to the Territory?

A.- How do you know? I was intending to come to the Territory.

Q.- I find that if you had traveled ^{as far} in a straight line directly west from Alabama through Mississippi, as you did towards Arkansas to the point in Fulton County, from which you said you were too poor to go, and where you were still a hundred and fifty to a hundred and seventy five miles from the Choctaw Nation, --- if you had traveled directly west, you would have been within less than a hundred miles from the Choctaw Nation.

A.- I came through that part of the country because it suited me to come that way; my wife had some people in Arkansas and we wanted to see them. It was my business about which way I come to the Choctaw Nation.

Q.- You didn't have any body out here to rejoin at that time, did you?

A.- No, sir.

Q.- Fifteen years after that the rest of them had come out here and settled?

A.- Yes, sir.

Mr. Norman;

Q.- You talk about that map over there, would you know it if

you saw it?

A.- That table is just as much to me as that map.

Q.- You cannot read it?

A.- No, sir. I cannot keep up with dates.

Mr. Mansfield;

Q.- You know that Fulton County is in the extreme northern portion of the State and borders on Missouri?

A.- That is what I have heard.

Q.- You lived fifteen or seventeen years in Fulton County; you know it borders on Missouri, don't you?

A.- Yes, sir.

Judge Adams;

Q.- B.B. Askew and Em. Askew that testified here, what was their father's name?

A.- Murrill.

Q.- Did you know Murrill Askew in Alabama? You knew him when he left there; you know when he left there, don't you?

A.- Yes, sir, but I don't know what date.

Q.- You say when you left Lauderdale County, Alabama, you did so to come out here with your people?

A.- Yes, sir.

Q.- What did you mean by that?

A.- The Choctaw people.

Q.- You didn't mean Murrill and his family?

A.- Yes, sir, them included with the balance.

Q.- Did you have any communication after you got into Arkansas, with Murrill? Did they write to you?

A.- Yes, sir, I got one or two letters.

Q.- You knew at the time you left Arkansas and started for the Territory, that they had been admitted as citizens?

A.- No, sir, I did not know that. --35--

Geo. Brewer,

a witness called by the Plaintiffs, being duly sworn, testified as follows in answer to the questions propounded to him

By Mr. Norman;

Q.- What is your name?

A.- Geo. Brewer.

Q.- How old are you?

A.- Thirty seven.

Q.-Where do you live?

A.- Powell.

Q.- Are you married?

A.- Yes, sir.

Q.- Who did you marry?

A.- Catherine Askew, Wash. Askew's daughter.

Q.- Where is Wash. Askew?

A.- He is dead.

Q.- What was his full name?

A.- Murrill Askew.

Q.- Who did Murrill Washington marry?

A.- Becky Wright, if I am not mistaken.

Q.- Where is she?

A.- Dead.

Q.- When did she die?

A.- She died Oct. 25, 1903.

Q.- Has your wife any brothers and sisters living?

A.- One, John.

Q.- He is an applicant?

A.- Yes, sir.

Q.- Both you and your wife are applicants?

A.- Yes, sir.

Q.- Have you any children by your wife?

A.- Yes, sir.

Q.- State their names.

A.- Elma M., Elmer Washington, and Mary Bell.

Q.- What are the ages of these children?

A.- The oldest one is ten years; Elmer is eight and Mary Bell is five.

Q.- What is the age of John?

A.- John is twenty four, I believe it is.

No Cross Examination.
Witness excused.

--o--

William T. Askew,

a witness called by the Plaintiffs, being duly sworn, testified as follows in answer to the questions propounded to him

By Mr. Norman;

Q.- What is your name?

A.- William Thomas Askew.

Q.- How old are you?

A.- Forty five.

Q.- Where do you live?

A.- In the Choctaw Nation.

Q.- Who is your father?

A.- Quint Askew.

Q.- Is he living?

A.- Yes, sir.

Q.- Who is your mother?

A.- Martha Askew.

Q.- How many times has your father been married?

A.- Twice.

Q.- How many children did he have by his first marriage?

A.- Three living.

Q.- What are their names?

A.- Bell, William Thomas, George Askew and Sam.

Q.- How many children did he have by his last marriage?

A.- Three.

Q.- Give their names.

A.- Mattie, Ella, Tom.

Q.- Who did you marry?

A.- Bettie Tolbert.

Q.- Did you have any children?

A.- Yes, sir.

Q.- How many?

A.- Eight.

Q.- What are their names?

A.- Thane, Perry, Tom, Lilly, Joseph, Eliza and Ethel. And Robert.

Q.- Have you of these children been born since September 25, 1902.

A.- Yes, sir.

Q.- Which ones?

A.- Ethel and Robert.

Q.- Has your brother George any children?

A.- Yes, sir.

Q.- Who did he marry?

A.- A Talbert.

Q.- What is her first name?

A.- Dora.

Q.- What children has he?

A.- Three.

Q.- What are their names?

A.- Sophia --

Q.- Do you remember the others?

A.- His little boy's name is Quint.

Q.- Was he born since September 25, 1902?

A.- I think so.

Q.- Is your brother Sam married?

A.- Yes, sir.

Q.- Who did he marry?

A.- I cannot remember the lady's name; I never saw her but twice.

Q.- Are they living together?

A.- Yes, sir, I suppose so.

Q.- Have they any children?

A.- One.

Q.- What is its name?

A.- I don't know, sir.

No Cross Examination.

Witness excused.

--o--

Marshal Turner,

a witness called by the Plaintiffs, being duly sworn, testified as follows in answer to the questions propounded to him by

Mr. Norman;

Q.- What is your name?

A.- Marshal Turner.

Q.- What is your age?

A.- Thirty three.

Q.- Where do you live?

A.- Lone Island.

Q.- Were you ever married?

A.- Yes, sir.

Q.- Is your wife living or dead?

A.- She is dead.

Q.- How many times have you been married to your wife?

A.- Twice.

Q.- Under what laws?

A.- First under the United States Law and then under the Indian Law.

Q.- What Indian Law?

A.- The Chickasaw Law.

Q.- Whom did you marry?

A.- Mattha Etta Askew.

Q.- Who was her father?

A.- Murrill Wash. Askew.

C r o s s E x a m i n a t i o n .

Mr. Cornish;

Q.- Was she one of the original applicants in this case?

A.- Yes, sir.

Q.- She has died since then?

A.- Yes, sir.

Q.- Are you a claimant as a citizen by intermarriage?

A.- Yes, sir.

Q.- Your name is in this suit?

A.- Yes, sir.

Q.- When were you married the second time?

A.- Sixth of August 1899.

Q.- That was after your wife had been admitted by Judge Townsend at Ardmore.

A.- Yes, sir.

Q.- When did you marry the first time?

A.- The 15th day of January 1893.

Q.- Why didn't you marry under the Indian Law at that time?

A.- I knew they claimed it.

Q.- Why didn't you marry under the Indian Law at that time?

A.- I just didn't; that is the best I can explain it.

Mr. Norman;

I desire to offer a letter from the Dawes Commission, in regard to the enrollment of the Houghtons. Ex. "E".

I believe that is all the evidence we desire to submit this evening; there may be one other witness.

--o--

Copy.

Newt Askew, et al, and

No. 1 & 2.

William Quint Askew, et al.

vs.

Choctaw and Chicasaw Nations.

Testimony taken this 20th day of May, 1904 in the above styled cause before the Hon. Henry S. Foote, Associate Judge of the Choctaw and Chicasaw Citizenship Court to-wit: *at Florence, Ala.*

Hattie MacCarley was sworn as stenographer, and the following witnesses were sworn.

Direct examination.

Mr. P. D. Wright, a witness, testifies as follows to-wit:

By Mr. Norman-

Q. What is your name? A. P. D. Wright.

Q. What is your age? A. I am going on 72 years old.

Q. ~~Where~~ do you reside? A. In this county, far end of this county. I was born and raised in Lauderdale County, Alabama.

Q. Did you know a party, during his life time, who lived in this county and was named Aaron Askew? A. Yes sir.

Q. Do you know whether this Aaron Askew we are speaking about was an Indian? A. Yes sir he was an indian.

Q. What color eyes did he have? A. Eyes, well it has been so long I don't remember. He had tolerable high cheek bones.

Q. Do you know what the color of his skin was? A. Yes sir, it was a sort od brown.

Q. How long did you know him? A. I knew him ever since I was big enough to know people. I lived within two or three miles of him.

Q. Did you not bring with you a deed? A. Yes sir.

Let us have that if you please.

The following document a copy of which is marked Exhibit A, is hereby filed by agreement as evidence in this cause and made a part of this deposition.

Helenes

Exhibit A. - Offered by agreement and admitted in evidence.

The same being a true & exact copy of the original which was produced in Court.
H. S. Foote.

No. 1334. John Quincy Adams President of the United States of America.

To all whom these presents shall come, Greeting:

Know ye, that Aaron Askew of Lauderdale County, Alabama, having deposited in the General Land Office a certificate of the Register of the Land Office at Huntsville, whereby it appears that full payment has been made for the east half of the northeast quarter of section twenty seven in Township one of range Nine west, containing seventy nine acres and sixty-eight hundredths of an acre, of the lands directed to be sold at Huntsville, Alabama, in pursuance of the laws providing for the sale of the lands of the United States, in Mississippi and Alabama. There is granted by the United States unto the said Aaron Askew and his heirs the half quarter lot or section of land above described; To Have Have and To Hold the said half quarter lot or section of land, with appentences unto the said Aaron Askew and to his heirs and assigns forever.

In testimony whereof, I have caused these letters to be made Patent, and the seal of the General Land Office to be hereto affixed. Given under my hand at the City of Washington, the twenty-fifth day of April in the year of our Lord one thousand eight hundred and twenty five, and of the Independence of the United States of America the forty ninth.

(Signed) By the President, J. Q. Adams.

G. W. Gilham, Commissioner of the General Land Office.

(Seal.)

Recorded in Vol. NO. 14
Page-----257.

State of Alabama,
Lauderdale County.

I, S. W. Frierson, a Notary Public in and for said state and county do hereby certify that the foregoing is a true and exact copy of

a certain instrument in writing now in possession of one P. D. Wright of said county.

(Official Seal.)

S. W. Frierson/
Notary Public.

Cross Examination.

By Mr. Richardson-

- Q. Mr. Wright you also knew the sons of Aaron Askew? A. Yes sir.
- Q. Wasn't Aaron Askew your guardian during your minority? A. Yes sir.
- Q. Didn't Merle Askew and Washington Askew each marry a cousin of yours. A. Yes sir.
- Q. You saw a great deal of the Askews during their lifetime and residence here? A. Yes sir, I was acquainted with the whole family.
- Q. You were intimately associated with the Askews during their residence here? A. Yes Sir.
- Q. Did you ever hear Aaron Askew say that he was an indian? No, I did not.
- Q. Did you ever hear Merle Askew say that he was an indian. A. Yes sir.
- Q. You heard Merle Askew say that he had indian blood. A. Yes sir.
- Q. Did you ever hear Merle Askew or Aaron Askew or any body else say to what tribe of indians the Askews belonged? No sir, I did not.

Re-direct Examination.

By Mr. Norman-

- Q. Mr. Wright, what boys or sons of Aaron Askew were you acquainted with? A. I was acquainted with Merle, Tommie and Moses. Aaron askew only had three sons.
- Q. What daughters of Aaron Askews were you acquainted with? A. I was acquainted with Betsy, Liza, Lovie, and Matilda.
- Q. Who did Bettie marry? A. She married Joe Douglass.
- Q. Who did Tom marry? A. Well sir, I can't tell who he married.
- Q. Did you know any of Tom's children? A. Yes sir.
- Q. What ones? A. I knew Quint, Wash and Newt.

Re-cross Examination.

By Mr. Richardson.-

4

Q. Did Aaron Askew hold any office in this county? A. Yes sir, he was Tax Collector for over twenty years of Lauderdale County, Alabama.

Q. Wasn't Aaron Askew a preacher? A. Yes Sir.

Q. Wasn't Merle Askew a preacher and also a school teacher? A. Yes sir.

Q. Did you ever hear any of the family except Merle say that they had indian blood? A. No sir, I never did.

Q. Do you know where they came from to this county? A. No sir, I do not; they came to this county before my time.

Q. Did they own land, vote and pay taxes in this county? A. Yes sir.

Q. Were there any other indians living in this county? A. No sir.

Q. Were the Askews treated as respectable white people in this county? A. Yes sir.

Q. When Merle Askew left here did he not go to Texas? A. Yes sir, that is what they say, when he left here he went to Texas is my understanding?

Q. By Judge Foote-

Q. Mr. Wright, what was the church Aaron Askew preached to? A. He preached to the churches in my neighborhood, Pleasant Grove, Lexington, and BlueWater, Primitive Baptist Churches; sometimes called "Hard Shell" Baptists.

Q. Were the congregations to which he thus preached white people exclusively, or were there indian members, and if so what tribe of indians? A. He preached to white people exclusively, there were no indian members.

Re-re-direct Examination.

By Mr. Norman-

Q. Aaron Askew was treated like a white man; was it thought that he was a white man? A. No sir, it was thought that he was an indian by every body.

Objected to by counsel for the Chicasaw and Choctaw nation both as to question and answer, on the ground that it tended to show racial status by hearsay testimony. By Judge Foote, objection sustained.

Q. Was he treated as an indian or was he treated as white folk? A. Now explain what you mean by that. Well, he went to peoples houses and

slept with them and slept with them.

Q. What different treatment would he have received if he had been treated as part indian? A. Well I couldn't tell you how that would be.

Q. If he had been ~~xxxxxx~~ part indian would he have received different treatment from what he did receive? A. I can not answer that, I don't know whether they would or not.

Q. You are not able to say? A. No sir.

Direct Examination.

BY Mr. Norman-

Mr. A. T. Clemons, a witness, testifies as follows to-wit:

Q. What is your name? A. Clemmons, A. T. Clemons.

Q. What is your age? A. I am about 65 years old. I was born the 28th of July, 1838.

Q. What is your post office address? A. Arnot, Lauderdale County, Alabama.

Q. Did you know a man in his life time named Aaron Askew? A. Yes sir.

Q. What was his appearance? A. Well, his appearance was that of an indian.

Q. Did he have high cheek bones? A. Yes sir.

Q. What was his complexion? A. Dark, very dark.

Q. Was he not in fact part indian? A. He was said to be sir, and claimed it himself.

Defendants object to the answer, first on the ground that it is not responsive to the question; second that it is incompetent being hearsay testimony to prove racial status. Judge Foote sustains the objection.

Q. Was he treated as an indian? A. He was treated as any other citizen; respected so.

Q. Did you ever hear Aaron Askew say from what tribe of indians he was a descendant? A. I don't know that I ever did sir.

Q. Did you ever hear any of his children say from what tribe they had descended? A. Yes sir.

Q. Who told you and what did he say? A. Well I don't know that I can tell you just exactly, but I heard Merle Askew say that he descended from the Choctaw tribe.

Defendants object to both questions and answer on the ground that it is hearsay testimony attempting to prove racial status. Objection sustained by Judge Foote.

Q. Did you know any of Aaron Askews children except Merle? A. Yes sir. Name them. A. Name them, I knew Mose/ I have seen Tom but never was personally acquainted with Tom and Merle.

Q. Did you know any of the girls? A. Yes sir I was acquainted with one of them, but I don't remember her name. She has been dead many years. She married a man by the name of Hill.

Q. Did you ever hear any of the old citizens, who are now dead, state from what tribe Aaron Askew decended? A. Yes sir, they were called Choctaw, they were known as the Choctaw tribe.

Defendants object to the question and Answer on the ground that it is hearsay testimony attempting to prove racial status. Objection sustained by Judge Foote. Excepted to for the reason that we are not attempting to prove racial status but are attempting to prove pedigree as a fact and ^a circumstance from which the court may infer racial status.

Cross Examination.

By Mr. Richardson-

Q. Mr. Clemmons, you were born in this county? A. Yes sir.

Q. Mr. Clemmons, do you know where the Askews came from to this county?

A. No sir, I do not, they were here when I first remember.

Q. Did you say that you never heard Aaron Askew himself claim to be an indian? A. No sir, I never heard him say.

Q. Did Aaron Askew hold any office in this county? A. Yes sir, he was Tax Collector for several years.

Q. Did he own land, vote and pay taxes in this county? A. He owned land and of course paid taxes. I don't know that he ever voted, but I suppose he did.

Q. Are you related to the Askews in any way? A. None at all sir.

Q. Were their any other indians in this county during the time you knew the Askews? A. No I don't think there were any who would be called full bloods.

Q. Which one of the Askews did you ever hear say that he was an indian?

A. Merle. I was better acquainted with him than any of the others.

Q. Did you know Tom? A. I don't remember much about Tom. I knew him and that was all.

Q. Did you ever hear Tom claim to be an indian? A. No sir, I had no acquaintance with him, I merely knew him when I saw him.

Q. Did you know Mose Askew? A. Yes sir.

Q. Did you ever hear Mose claim to be an indian? A. I don't know that I ever did.

Q. How many of the girls did you know? A. One is all that I ever had any acquaintance with.

Q. Did you ever hear her claim to be an indian? A. Never did, as I was never in her company very much.

Q. Who did you ever hear say that Merle Askew was an indian? A. I have heard my father and my uncles say it, and have said it myself.

Q. How did your father and your uncles and you know that he was an indian? A. Because it was generally known by all the citizens that they were indians.

Q. That is the way you knew it then? A. Well I knew it from the appearance. They never denied it any of them.

Q. Can you tell, from their appearance, what tribe of indians they belonged to. A. No sir, I could not, I am not well enough acquainted with indians to do that. I suppose the Cherokees, Creeks, and Chicasaws all look about alike.

Q. Was Lauderdale County ever a part of the indian country? A. I think it was sir.

Q. Do you know to what tribe of indians Lauderdale county belonged?

A. I think Lauderdale county belonged to the Cherokees.

Q. Aaron and Merle Askew were preachers were they not? A. Yes sir.

Q. Were they treated in this country as respectable white people?

A. Yes sir.

Direct Examination.

By Mr. Norman.-

Mr. A. J. Walker, a witness, testifies as follows to-wit:

Q. What is your name? A. A. J. Walker.

Q. What is your age? A. 71.

Q. What is your post office address? A. Florence, Alabama.

Q. How long have you lived in Alabama? A. About 61 or 62 years. I came here in 1843.

Q. Did you know a man during his life time by the name of Aaron Askew?

A. Yes sir.

Q. The one who was a preacher and Tax Collector? A. Yes sir.

Q. Did you know any of his sons? A. Yes sir.

Q. What ones? A. I knew Merle Askew a son of his, and one called Moses; and then I knew one or two of his daughters: one that married Mr. Douglass and one that married Mr. William Atwell.

Q. What was the appearance of Aaron Askew so far as indicative of racial appearance? A. The old gentleman was very dark complected. He had the appearance of an indian to me, always. Of course, that is the way I understand it. I was raised partly in the Creek nation.

Q. What about his cheek bones? A. Well, as I have said before, he had the appearance of an indian in the face. His cheek bones were high and his hair black and straight.

Q. You remember anything about his beard? A. My remembrance is that he never wore a long beard; he was a man that shaved. It was not the custom in those days as it is now to wear beard.

Q. Do you remember what he wore on his feet? A. No sir, I do not.

Q. What did he wear on his head? A. He usually wore a cap. It made him very conspicuous to me. I met him often in cold weather and he had a role of the cap almost covering his eyes.

Q. What is your vocation? A. I have been a farmer all my life and am a minister of the gospel.

Q. What denomination? A. Southern Methodist.

Q. Aaron Askew was a minister of the Baptist church I believe? A. Yes sir, that was his position in the church.

Q. Can you say of what race of people Aaron Askew was? A. Well, no sir.

Q. Did you ever hear Aaron Askew or any of his family state from what

race of people they were descended? A. I think I heard Merle Askew refer to it once or twice saying that he was an indian, ~~ee~~- I was just trying to locate the place and time. He did not state to what tribe he belonged or from what race he was descended.

Defendants object to both question and answer on the ground that it is incompetent in that it is hearsay testimony attempting to prove racial status. Judge Foote sustains the objection. Same exception reserved as before.

Q. Have you ever heard any of the old citizens, who are now dead, state from what tribe these Askews were descended. A. Never did.

Q. Are you positive that they were indians of some kind? A. I think I could say truthfully that I am, from all appearances.

Q. Were they or not, treated by the people as if they were indians or of indian extraction? A. He was treated as white people in this section of the country as far as I know.

Q. Do you mean by that that they were understood by the people to be white people? A. No sir, I do not. So far as the rights to laws etc. I think they had equal rights with the white man. And then ^{from} the fact that the old gentleman was Tax collector for 16 years it looks like they were treated as white people.

Q. What was his reputation generally, I mean so far as it went to show to what race of people he belonged or was descended from? A. I have frequently heard men say, heard it right here in this town, heard old Mr. Butler say when Mr. Askew was a candidate for Tax Collector, that he was going to vote for the "old Choctaw" meaning Mr. Askew.

Defendants object to the question and answer on the ground that it is incompetent, in that it is hearsay testimony attempting to prove racial status. Objection sustained by Judge Foote.

We except to the ruling of the court for the reason that it is the declaration of a man made, which we are attempting to prove, and are not attempting to prove by hearsay.

Q. Can you recall the names of any others who you have heard make the same statement or similar statement? A. No sir, I could not recall any other names especially now but have heard it spoken of frequently.

The reason I remember Butler, he was here in town and was a man who drank a little, and it made an impression on me.

Cross Examination.

By Mr . Richardson-

Q. Mr. Walker, was Lauderdale County ever a part of lands belonging to indians? A. Yes sir, I suppose so, but that was before my day though.

Q. Do you know what tribe of indians owned the country now comprising Lauderdale County? A.. No sir, I do not. I have understood that this county was a part of the Chicasaw nation.

Q. During the time the Askews lived here were there any indians inhabiting this county? A. No sir, no full bloods that I know.

Q. Did you say that Aaron Askew was for 16 years tax collector for this county. A. That is my remembrance.

Q. He and Merle Askew were both preachers were they not? A. Yes sir.

Q. Merle Askew was also a school teacher was he not? A. He taught school at times I understand. I was never at his school.

Q. How did the man Butler of whom you spoke know that Aaron Askew was a Choctaw? A. Couldn't tell you.

Q. Do you know what country the Askews came from to this county? A. I do not.

Q. When the Askews left this county do you know where they went; do you know where they intended to go? A. Yes sir, they left here to go to Texas.

Question by Judge Foote.

Q. Did Merle Askew teach a white or an indian school? A white school. There were no indians here except them.

Re-direct Examination.

By Mr. Norman.-

Q. Where is Cane Creek ? A. It is on the south side of the Tennessee, about a mile or a mile and a half below Prides Station, on the Memphis and Charleston R. R.

Q. What Askews did you refer to as leaving here to go to Texas? A. I meant Merle Askew and family.

Q. Do you know whether they intended to go from there to the Territory or not. A. I think they did, yes sir.

Q. Did they leave here then with the intention to go to Indian Tet.? A. I couldn't say for certain; that was my understanding. I lived in about a mile of them and heard them talk frequently about it. That was what they said that they intended to go, and did go.

Re-cross Examination.

By Mr. Richardson-

Q. What was their object in going to Texas? A. I couldn't tell you what their idea was in going to Texas.

Direct Examination.

By Mr. Norman-

Mr. G. C. Thigpen, a witness testifies as follows:

Q. What is your name? A. G. C. Thigpen.

Q. What is your age? A. 65.

Q. Your post office address? A. Atlas, Lauderdale County, Alabama.

Q. Did you know a party in this county, during his lifetime, by the name of Aaron Askew? A. I did.

Q. Of what race of people was he? A. I couldn't positive answer that question sir, but he was always considered to be an indian; of what tribe I know not.

Defendants object to both question and answer on the ground that it is incompetent in that it is hearsay evidence attempting to prove racial status. Judge Foote sustains the objection.

To which Plaintiff excepts.

What was the color of his skin? A. He was a dark complected man sir, what I would call a copper color.

Q. Do you know whether his cheek bones were prominent? A. My recollection is that they were very prominent.

Q. What was the color of his eyes? A. I don't know sir.

Q. Was his hair straight or kinky? A. What hair the old gentleman

had sir, I think was straight. He was pretty near bald.

Q. Was he or not, of negro extraction? A. There was never a suspicion as far as I know that there was a drop of negro blood in the old gentleman. I never heard that question raised until recently.

Q. Do you know whether or not the attorneys of the Choctaw and Chickasaw nation or any one who has been employed has been trying to leave the impression that he was of negro extraction? A. I don't know sir.

Q. Have you ever heard Aaron Askew or any member of his family state what they were; what particular tribe they were descended from?

A. If I have I have no recollection what it is .

Q. Did you know any of the children of Aaron Askew? A. Yes sir.

Q. What boys of his did you know? A. I knew Merle and Mose personally never knew Tom but heard him spoken of as a brother.

Q. Do you know any of Tom's children? A. I know several that are reputed to be the children of Tom Askew.

Name them. A. Quinton, Washington, Newton, and Mary. They are all that I ever knew that are spoken of as the children of Tom Askew.

Q. Do you know whether or not, Aaron Askew was generally understood to be, by the people who knew him, to be an indian? A. He was so considered.

Defendants object to both question and answer. Objection sustained by Judge Foote.

Exception as before taken as to the ruling of the court.

Cross Examination.

By Mr. Richardson-

Q. Mr. Thigpen, when did you first become acquainted with Aaron Askew?

A. Well sir, I suppose that it was about 50 years ago that I knew Aaron Askew.

Q. Do you know where he came from to this county? A. I do not sir.

Q. Do you know who his father was? A. I do not.

Q. Do you know who his mother was? A. I do not.

Q. Do you know of any brothers or sisters of his who lived in this county? A. I do not. If he had any relations in this county outside of his family I know it not.

Q. Was he looked upon and generally treated in this community as a respectable white person? A. He was looked upon as a respectable man and a gentleman.

Q. He held public office for a number of years, did he not? A. He did, he held the office of Tax Assessor for quite a number of years.

Q. Do you know of your own knowledge or as a matter of history that Lauderdale County, Alabama was ever a part of indian country. A. I do not know.

Q. Do you know then as a matter of fact or as a matter of history what tribe of indians owned what is now known as Lauderdale County?

A. I do not.

Question by Judge Foote.

Q. Did I or did I not understand you to say that Aaron Askew, when you knew him last, was a man that was bald headed or a man who had lost his hair? A. I don't know what you understood me to say, but I did not say that. I did say that his hair was straight and he was considerably bald.

Q. Re-direct Examination.

By Mr. Norman-

Q. In reply to the question put by Mr. Richardson, state whether or not Aaron Askew was looked upon as an indian? A. He was.

Defendants object to question and answer. Objection sustained on the ground that the question and answer attempts to call for, and the question and answer attempts to show racial status.

To which we except on the ground that we are not attempting to prove racial status, and are not in this case attempting to prove racial status. As our opinion of the law is that racial status has nothing to do with the case, and that, we are now trying to secure racial status.

Direct Examination.

By Mr. Norman-

Mr. J. E. McDonald, a witness, testifies as follows to-wit:

Q. What is your name? A. J. E. McDonald.

Q. How old are you? A. My fathers record says that I was born

September 13, 1824, which will make me about 80 years old.

Q. Where do you live? A. Green Hill, Lauderdale county, Alabama.

Q. How long have you lived in the county of Lauderdale? A. My father moved to the neighborhood in Lauderdale county, in 1824, and I have lived there ever since.

Q. Were there any indians in this country when you first came here?

A. The indians were not in the country when I came here. There were some in Limestone county, but there wasn't any here unless those Askews were indians.

Q. You don't remember then when the indians went away from this country? A. I do not. They went away from here before I came here. I never saw them.

Q. Did you know a man, during his life time, by the name of Aaron Askew?

A. Aaron Askew, Yes sir, I knew him well.

Q. Did you know any of his sons? A. Yes sir.

Q. What were their names? A. Tom, Merle, and Mose.

Q. Name the daughters. A. Matilda, Liza, and Lovie; that is all the names that I know, but there were more of them than that, but that is all I know.

Q. You didn't know all of the girls then? A. The names have slipped my memory, but I suppose I did.

Q. Do you know who Tom Askew married? A. Well sir, I can not tell you at this time; I have known.

Q. Was she a white woman? A. I suppose she was.

Q. Do you know any of his children? A. Tom Askews children, I use to see a boy by the name of Quinton.

Q. Any other? A. No sir.

Q. Did you know Aaron Askews wife? A. She was as fair skin woman I think as I ever saw in my life. That is my recollection, she was a real fair skin woman.

Cross Examination.

By Mr. Richardson.-

Q. Mr. McDonald, do you know who Aaron Askews father was. A. No sir,

I do not.

Q. Do you know who his mother was? A. No sir I do not.

Q. Did he have any brothers or sisters in this county? A. If he had any at all I know nothing about it.

Q. Do you know where Aaron Askew came from to this county? A. No sir, I do not.

Q. Do you know whether or not this country originally comprised any indian country? A. No sir, I do not.

Counsel waives the certificate signing at this place, Florence, Alabama, and consents that it may be made at any time hereafter before the trial of this cause at Tishomingo, Indian Territory.

I, Henry S. Foote, Associate Judge of the Choctaw and Chicasaw Court of Citizenship, who by special order of said Court this the 20th day of May, 1904, sat to hear testimony as above set forth and transcribed; in the town of Florence, County of Lauderdale, State of Alabama. And that the foregoing testimony of witnesses set forth was taken and heard before me; the witnesses having all been first sworn according to law. And the stenographer, Hattie MacCarley, who transcribed this record was by me sworn to take down the same in shorthand and to transcribe it accurately, in longhand.

In testimony whereof I have hereto set my hand, this the 20th day of May, 1904.

Newt Askew, et al,

vs. No. 1.

Choctaw and Chickasaw Nation.

William Quint Askew, et al,

vs. No. 2.

Choctaw and Chickasaw Nations.

Thomas Norman, Attorney for plaintiffs.

Mansfield, McMurray & Cornish, for Defendants.

JUNE 17, 1904.

Mr. Cornish:

In the case of Newt Askew, et al, No. 1. and William Quint Askew, et al, No. 2. The Nations ask that all testimony taken in the case of L. F. Rhodes, et al, number 89 and J. H. Hill, et al, No. 68, and in the case of Ella Bennett, et al, be considered by the court in the consideration of these cases above referred to.

Mr. Norman:

In number one and two I have a copy of a judgment of the Dawes Commission, which I desire to have certified showing the enrollment of Leona D. Houghton by them, and in the case of William Q. Askew, I want to prove when they came here, and if they have resided here since.

ANDREW O. RHODES, being called as a witness on behalf of the plaintiffs, after being first duly sworn testified as follows.

DIRECT EXAMINATION.

Mr. Norman:

Q.--What is your name?

A.--Andrew O. Rhodes.

Q.--How old are you

A.--Thirty-three.

Q.--Where do you live?

A.--Near Marietta, Indian Territory.

Q.--Do you know Newt Askew, and George Askew and Sam Askew and Bill Askew?

A.--Yes sir.

Q.--Know about what time they moved to the Indian Territory?

A.--Well, I can't give a right definite answer, but some time about 1891.

Q.--Do you know whether or not they have lived in the Territory since that time?

A.--When I knew of them, I have met them here at different places, Sam I am positive has been here all the time, and as to the rest of them, it has not been under my observation to see.

Mr. Cornish:

Q.--Where did they live before they came here?

A.--I don't know, I was living at Lebanon.

Q.--They lived in Texas before they came here?

A.--I didn't know any of the parties until they came here.

Q.--Are they kin to you?

A.--They claim to be.

Witness excused.

Mr. Norman:

With the exception of that certificate in regard to Leona D. Houghton, we are ready to close.

JUDGE WEAVER:

We will mark the Rhodes case and the Hill case evidence on part of plaintiffs, with the understanding that the documentary evidence may be introduced.

Mr. Norman:

Yes sir, and in the Askew cases.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT,
SITTING AT TISHOMINGO, JUNE TERM, 1904.

Newt Askew, et al,

vs. No. 1

Choctaw and Chickasaw Nations,

William Quinton Askew, et al,

vs. No. 2.

Choctaw and Chickasaw Nations.

Present and presiding the Honorables Spencer B. Adams,
Chief Judge and Walter L. Weaver and Henry S. Foote,
Associate Judgew

JUNE 29, 1904. This day this cause coming on to
be further heard, both plaintiffs and defendants being
represented by Counsel, the following proceedings were
had, to-wit:

Mr. Sharp:

I have another paper I want to offer in the Askew
cases. I think it is on tomorrow's docket. Mr. Norman
when he was over here the other day asked permission
to introduce a certified copy of the judgment of the
Dawes Commission, admitting Leona D. Houghton, et al. The
court said we could put it in for what it is worth.
Marked Exhibit "AAA".

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT,
SITTING AT TISHOMINGO, JUNE TERM, 1904.

Newt Askew, et al,

vs. No. 1.

Choctaw and Chickasaw Nations.

Thomas Norman, for Plaintiff.

Melven Cornish, for Defendants.

Testimony taken before Spencer B. Adams, Chief
Judge of the Choctaw and Chickasaw Citizenship Court, at
Ardmore, in the above entitled cause, on July 6, 1904.

JUDGE LOVE, witness on behalf of the
defendants, after being first duly sworn, testified
as follows:

DIRECT EXAMINATION.

Mr. Cornish:

Q.--State your full name?

A.--Overton Love.

Q.--What is your age?

A.--I am going on eighty-one.

Q.--What is your citizenship?

A.--Citizen by blood of the Chickasaw Nation.

Q.--Where were you born?

A.--Mississippi, Marshall County.

Q.--When did you come from Mississippi to this Country?

A.--In forty-three.

Q.--Come at the time your parents emigrated from Mississippi
to the new Nation?

A.--I came a little ahead of them.

Q.--Did you know a man by the name of Murrell Askew?

A.--Don't recollect any name, I knew a man named Askew.

Q.--He the father of the Askews who are now claiming citizenship.

A.--Yes sir.

Q.--Where did you know him?

A.--I knew him on Red River.

Q.--In what year.

A.--I couldn't, tell you, it ~~xxxx~~ has been a good many years ago?

Q.--Where did he come from when he moved into the Territory?

A.--I can't tell you that of my own knowledge?

Q.--How long did he live in the Territory before he died?

A.--A number of years.

Q.--Did he live on your land?

A.--~~xxx~~ No sir.

Q.--On what place did he live?

A.--I don't know what place he lived on, but it was known as the Wellington land.

Q.--Who owned that?

A.--Frank Overton had a farm and Willis had a farm, and Wellington had a farm. I just knew him as a preacher. He has been at my house several times.

Q.--What statement did he make to you with reference to his nationality?

A.--I asked him the question, and he answered me he didn't know.

Q.--How long was that before he died?

A.--Not a great while, I can't give the time.

Q.--So far as you know did he make application for citizenship in any of the five tribes?

A.--yes sir.

Q.--What application?

A.--To be adopted by the Chickasaws.

Q.--Where did Governor Overton live at that time?

A.--he lived on this Wellington plat in this Nation at that time.

I think he did, but can't be positive.

Q.--Judge Love, what descendants are living now that you can name by name, who are the sons of this man you name?

A.--There is one that I know that is Balis Askew, and one them called M I don't know much about M.

Q.--Under what circumstances did this conversation occur?

A.--We were just in common conversation. I wanted to know.

Q.--Where did it occur?

A.--I can't tell you that.

Q.--Were you with him frequently?

A.--Yes sir, I knew him well.

Q.--Was he a preacher?

A.--Yes sir.

Q.--Do you remember what denomination?

A.--What they called Camel lits, I don't know, but the reason I spoke to him about his nationality was, he didn't look like our Indians. He was darker and looked more like a mexican.

CROSS-EXAMINATION.

Mr. Norman:

Q.--Judge, Do I understand you to say that the Askew you are talking about is the father of the applicants in this case?

A.--That is accepted.

Q.--Do you know the applicants in this case?

A.--I don't know that I do. I understand the Balis and his family are, and that there are several of them.

Q.--You understand that Balis, M. and Tom are applicants?

A.--I don't know Tom, I never knew Tom. I knew that man, but I didn't know that he was an Askew.

Q.--Your understanding is that he is an applicant in this case?

A.--I have not heard it further than that I heard the names of children, McKinzey, I think married one of the daughters, and I believe are named Alexander, I won't be certain.

Q.--your idea is that they are applicants here?

A.--Yes sir, that is my idea.

Q.--You say you knew this old man Askew?

A.--Yes sir, I was personally acquainted with him?

Q.--Did he look like an Indian?

A.--He was very dark, and looked like he was not white.

Q.--He is the one you and Holmes Willis and other prominent men signed a petition to the Choctaw Council to have him enrolled?

A.--I never did it.

Q.--Do you know whether your name appears on that petition or not?

A.--This is the first I ever heard of it.

Q.--To refresh your memory, you remember you raised this objection before the Dawes Commission at one time, against the enrollment of _____ Askew, Tom Askew and M. Askew at Lebanon?

A.--I was at Lebanon, one time, but didn't remain to hear all they did. I went around the Chickasaws and supervised making the rolls for the Dawes Commission.

Q.--Do you remember having raised this objection before the Dawes Commission?

A.--I do not remember it.

Q.--Do you remember Mr. Tom Askew when before the Dawes Commission referring to this paper, and finding your signature to this application?

A.--I don't recollect anything about it.

Q.--You can't say that it did not occur?

A.--Can't say positively that it did not, but am most cer-

it did not.

Q.--You can't say then whether that occurred or not?

A.--I don't think it did.

Q.--You can't say positively that it did not, but if it did it has slipped your memory, and you can't say?

A.--I don't think such a thing happened, if it did it has entirely slipped my memory.

Q.--Do you remember that Mr. Bixby, after you had raised the question stated to you that he didn't want you to raise any more useless objections of that kind?

A.--Never spoke such a thing to me.

Q.--Can you be positive about it?

A.--I think I can be.

Q.--Are you?

A.--I am as far as I have a mind.

Q.--I think it fair to you to say that the Askews you are talking about is not the father of the people who are applicants in this case. I think it fair to you to say that?

A.--They are as far as I know.

Q.--It is not claimed by them that Murrell Askew was their father?

A.--I don't recollect this man's given name.

Q.--You say the man that you are talking about applied to the Chickasaws for citizenship?

A.--Well his friend Governor Overton did for him. I think Overton is the one that made application.

Q.--What makes you think Overton was the man?

A.--I am pretty certain it was. It was a public matter before the Legislature.

Q.--If there was anything of that kind it would be in writing, and the records before the Commission would show?

A.--It was not before the Commission, it was before the legislature, I think they ought to have some record of it.

Q.--Were you present at the time?

A.--No sir, I don't think I was.

Q.--Whatever knowledge you have of the occurrence was something that was told you?

A.--I don't think it was. It was a public matter, and I can't say how, I got my knowledge, I may have got it from the records.

Q.--You knew Judge Overton?

A.--I knew Governor Overton.

Q.--He was Governor many years?

A.--Yes sir, number of years.

Q.--And he assisted Askew in getting this claim?

A.--Yes sir.

Q.--Your nephew Holmes Willis, also assisted?

A.--I can't say as to that.

Q.--Is it not a fact that all the prominent Indians were assisting this man?

A.--I don't know about that, he failed to get it and I would think from that that all were not interested in it, or they would have given it to him.

Q.--Your idea is that this man did not get to be a citizen or his people?

A.--I never heard of any other people except this preacher.

Q.--Did his children make application?

A.--I don't think they did.

Q.--Governor Overton was taking an interest in this old man's citizenship claim, and your idea is that he put in the claim with the Chickasaws for citizenship, but the only knowledge you have of that you think comes from what

somebody told you?

A.--I can't tell you just how I got it, it was a public matter and a matter I was somewhat interested in. I knew he was no Chickasaw, and remember speaking to Governor Overton and asking him why he wanted to get such people in, and I think his answer was he was a good man and he would like to have him in. I think he was a good man myself.

Q.--Your idea was he was a Choctaw and not a Chickasaw?

A.--My idea was he was some foreigner, I think Mexican.

Q.--You never knew him until he came to this country?

A.--No sir.

Q.--Know where he was born?

A.--No sir.

Q.--It was just an idea you formed that he was a Mexican.

A.--I heard he came from Georgia, I believe, I don't know anything about it.

Q.--Is there any record at Tishomingo to show that this man ever applied for citizenship as a Chickasaw?

A.--There ought to be, but I don't know.

Q.--To be fair with you, you remember ~~xxxxxx~~ whether anything of this kind ever occurred? Old man Askew went to ~~xxxx~~ see you and talked with you and in the conversation he spoke to you as to one of the leading Chickasaws, and asked you if it could be possible that he as a Choctaw could present his application to the Chickasaw legislature and have the Chickasaws adopt him as a Choctaw, and you in reply to that told him no, if he was a Choctaw, he would have to go to the Choctaw Council?

A.--I don't know of any such conversation. I think I would have had advised him that if he had asked me.

Q.--You can't say if anything of that kind occurred or not?

A.--I am positive there never was.

Q.--Are you just as positive he did put in an application to the Chickasaws?

A.--Yes sir.

Q.--And positive he put in that claim through Governor Overton?

A.--Yes sir.

Q.--And positive it was in writing?

A.--No, I suppose it was, it should have been.

Q.--Under your law it had to be?

A.--I think so.

Q.--And of course there would be a record to show that fact if it is true?

A.--If they had taken the proper care of them. Sometimes they didn't do that

Q.--You didn't leave Mississippi at the time the Indians left there did you?

A.--No sir.

Q.--You left some ten or fifteen years after that?

A.--They left in thirty-seven and I left in forty-three.

Q.--Six years?

A.--Yes sir.

Q.--This man Askew located down in your neighborhood?

A.--No.

Q.--How far from you was it?

A.--Around on the Nation side, I guess twenty-five miles.

Q.--You didn't travel that way. We traveled through Texas, and cut off, ten or twelve miles.

Q.--You say you saw him several times?

A.--Yes sir, a number of times.

Q.--How long did he live here in the Territory after he moved here?

A.--I can't tell you.

Q.--As much as ten years?

A.--I don't think he lived that long.

Q.--Five years?

A.--I can't tell you.

Q.--As much as two years?

A.--As much as two years, I am satisfied.

Q.--Where did he die?

A.--I don't know that, down in that neighborhood. I heard of ~~xxxx~~ his death, but can't say only by rumor that he is dead..

I didn't see him after he was dead.

Q.--You spoke about know that he had some kind of blood in him, if that should have been Indian blood, Choctaw or Chickasaw, about how much Indian blood would he have had?

A.--He was dark enough, good deal darker than our Indian full bloods.

Q.--Would he have had as much as quarter blood?

A.--As much as four quarters. Our Indians are not as dark as he was.

Q.--You think if he was an Indian he was as dark as a full blood Indian?

A.--He was darker than our full blood Indians.

Q.--Is it not a fact hat some Indians are darker than other Indians?

A.--That is a fact.

Q.--Take the same tribe, for instance, Mississippi Choctaws who are moving out here, they are much darker?

A.--Have not paid any attention to them. Some of them are very much darker among the same tribe, ~~xxxxxx~~

Q.--In the same family of half breeds, some are darker than

others. ~~xxx~~ Some are look like full bloods, and others are white?

A.--Yes sir.

Q.--This man Askew didn't know whether he was a Choctaw or Chickasaw, did he speak from his personal knowledge?

A.--He answered me he didn't know. He didn't claim to be an Indian, if he did, I have no recollection of his claiming ~~any kind of blood particularly. I just asked him what~~ any kind of blood particularly. I just asked him what ~~nationality, and he said he didn't know.~~ nationality, and he said he didn't know.

Q.--He said from what his people had taught him?

A.--No, I think not.

Q.--From what his father taught him?

A.--No.

Q.--His mother.

A.--No.

Q.--Further from his personal knowledge he didn't know anything about it?

A.--I don't know.

Q.--You know Judge whether the children of this man you speak about ever got to be placed upon the roll?

A.--Only from hearsay.

Q.--You know whether they ever got to be placed upon the rolls of the Choctaw Nation?

A.--only from hearsay.

Q.--Your idea has been all the time that his children were applying as Chickasaws?

A.--No, they didn't apply as Indians to the Chickasaw legislature. He applied there to be adopted.

Q.--As a white person?

A.--As a white person would have done.

Q.--That was your idea?

A.--Yes sir.

Q.--Didn't apply as Indians at all?

A.--Not at all.

RE-DIRECT EXAMINATION.

Mr. Cornish:

Q.--Judge Love you have referred to an old man by the name of Askew, an old Camel lit Preacher, and who lived down along Red River, in the neighborhood where Governor Overton lived?

A.--That is the man I have reference to.

Q.--And there are families of people down in there who are reputed to be descendants of this same family?

A.--yes sir.

Q.--This man was personally acquainted with and a friend of Governor Overton, the man you refer to?

A.--Yessir.

~~xxxx~~

Mr. Norman:

The applicants move now to expunge the evidence of Judge Love, with reference to the application for citizenship and adoption as members of the Chickasaws for the reason he says that he knows nothing personally about it. That whatever information he may have comes from an examination of the record, or from what people have told him. He knows nothing about it personally.

Second, for the reason that if any such application was made by Governor Overton for Askew, the record is the best evidence of it, and the record has not been produced. We also move to exclude the evidence of Judge Love, with reference to statements supposed to have been made by Askew, for the reason that if such statements ever were made to him, you cannot collaterally attack the judgment by which his children attained their citizenship in such a way. If their father should have made an statement it would have been sealed and merged into the judgment obtained by them before the United States

court admitting them to citizenship in the Choctaw Nation,
And we move to strike out that part of the evidence,
which relates to the application of Askew to the
Chickasaw Council. If any such application was made,
the application is the best evidence, and it is not
shown here that Governor Overton had any authority to
make such application.

Mr. Cornish:

In answer to the motion to strike out we wish to
state, that an examination of the records will not
show that Judge Love, in reference to the application
to the legislature, the record will not show he spoke
from hearsay, but the record will show that he spoke
from his personal knowledge. In reference to that part
of the motion, which seeks to strike out the statement
of Murrell Askew, our theory is that it would be object-
ionable on some grounds. It would be objectionable if
the applicants sought to prove racial status by hearsay.
Our theory is that it certainly is competent to reflect
hearsay, by reflecting statements made against interest
by way of contradiction. He is the ancestor of
these Askews, and our theory is that a statement made
by him would be in the nature of a declaration against
interest and provable by hearsay and competent in this
case.

- - - - -

In the Choctaw and Chickasaw Citizenship Court, sitting at
Tishomingo, Indian Territory. September Term, 1904.

William Quint Askew, et al., :
vs. : No. 2.
Choctaw and Chickasaw Nations. :

DECREE OF COURT.

On this 19th day of September, 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, William Quint Askew, Martha Askew, Mattie Askew, Ellen Askew, Tom Askew, William Thomas Askew, Bettie Askew, Perry Askew, Tommie Askew or Tommy Askew, Lily Askew or Lillie Askew, Gilbert Askew, Lizzie Askew, Thane Shipman or Thane Askew, George Washington Askew, Dora Askew, Sophia Askew, and Sam Askew, 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, William Quint Askew, Martha Askew, Mattie Askew, Ellen Askew, Tom Askew, William Thomas Askew, Bettie Askew, Perry Askew, Tommie Askew or Tommy Askew, Lily Askew or Lillie Askew, Gilbert Askew, Lizzie Askew, Thane Shipman or Thane Askew, George Washington Askew, Dora Askew, Sophia Askew, and Sam Askew, 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.

Department of Justice,
Choctaw and Chickasaw Citizenship Court,
Indian Territory,

....., 190.....

Writ Askew et al. No 1

Directors

- * Writ Askew
- ✓ Nancy Malinda Askew
- * William Howard Askew
- ✓ Dallas Alexander Askew
- ✓ Henry Edward Askew
- ✓ Rosie Cordelia Carter (nee Askew) or Rosie Cordelia Askew
- * Jemie Askew or John Askew
- * Mary Catherine Brewer, or May Catherine Brewer
- George Brewer
- ✓ Emma Brewer
- ✓ Elmer Brewer
- ✓ Mary Ellen Jackson
- Tom Jackson
- ✓ Taylor Franklin Jackson
- ✓ Alma Jackson
- ✓ Charlie Jackson
- ✓ Roscoe Jackson
- ✓ Elizabeth Viola Kefauver (nee Askew) or Elizabeth Viola Kefauver

J. L. Davidson,

Jesse Jordan

Ran

JJ

says this man

knows all about askews

Department of Justice,
Choctaw and Chickasaw Citizenship Court,
Indian Territory,

2

, 190...

Marshall Turners

~~J. [unclear]~~
✓ Rebecca Askew

William Quint Askew No 2

- ✓ William Quint Askew
- ✓ Martha Askew
- ✓ Walter Askew
- ✓ Ellen Askew
- ✓ Tom Askew
- ✓ William Thomas Askew
- ✓ Bettie Askew
- ✓ Perry Askew
- ✓ Tommie Askew, or Tommy Askew
- ✓ Lilly Askew, or Liller Askew
- ✓ Gilbert Askew
- ✓ Lizzie Askew
- ✓ Thane Shipman, or Thane Askew
- ✓ George Washington Askew

Department of Justice,
Choctaw and Chickasaw Citizenship Court,
Indian Territory,

....., 190.....

✓ Dora Askew
✓ Sophia Askew
✓ Sam Askew

State of Texas
County of Rockwall

My name is Willis Howell. My age is 74 years, My B.O. is Fate, Texas.

I was born & raised in Lauderdale Co. Alabama. There I knew Aaron Askev. He was tax collector of the County for about 20 years. He had Indian blood. I do not know how much. He showed it a great deal. I think he must have been about a half blood, I do not know what tribe he belonged to. He didn't seem to belong to any tribe. He and his boys were citizens of Alabama.

I never heard Aaron Askev say anything about his Indian blood. He used to stop at my father's house a great deal. Aaron was a Handshell Baptist preacher. He was recognized there by the whole community as an Indian. I do not know where he came from there. He was there when I first knew him. Aaron's boys showed Indian blood almost as much as Aaron himself. I have never heard the boys say anything about what tribe they belonged to.

J. H. Hill I know to be a grandson of Aaron Askev. His mother, Melinda, was a daughter of " " . I do not know S. E. Rhoades, nor do I know what kin he is to Aaron Askev.

Willis Howell

- Duplicate -

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

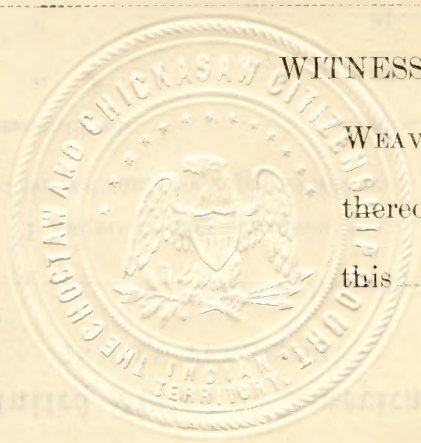
in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, So. McAlester

by Wm J. Ashew and warn him that upon his as said Governor failure to answer, ~~the~~

on behalf of said nation the

complaint will be taken for confessed, and you will make return of the summons on ~~the~~

~~first day of next xxxxxx~~ instanter ~~Term of said Court.~~



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

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

thereof, at So. McAlester, Ind. Ter., aforesaid,

this 9th day of February, A. D. 1903

James B. Cassada
Clerk.

By _____, Deputy.

MARSHAL'S RETURN.

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

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."

U. S. Marshal.

By _____, Deputy

DUPLICATE

No. 2-5
SUMMONS
 IN EQUITY.

Wm G. Astor, et al.
 vs.
Chickasaw & Chickasaw Nations

Summons issued the _____ day
 of *February*, 190*5*
 Returnable *instantly* Term 190*0*.

Returned and filed _____, 190____
 Clerk.
 By _____, Deputy.

MARSHAL'S FEES.	
Services,	\$ - - -
Miles,	\$ - - -
Expense,	\$ - - -
TOTAL,	\$ - - -

Thomas Norman
 Attorney for Plaintiff.
Anderson, et al.

- 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, Central District,

GREETING:

YOU ARE COMMANDED TO SUMMONS Green McCurtain

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

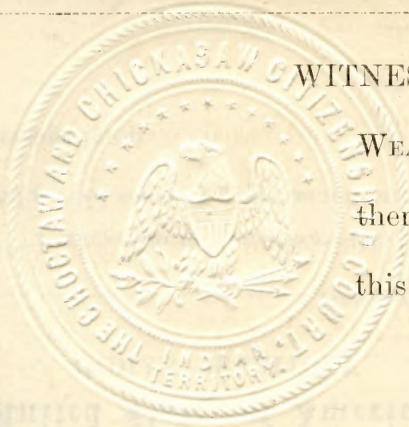
a complaint in Equity filed against the Choctaw and Chickasaw nations

in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, So. McAlester

by Wm G. Ashen and warn him that upon his failure to answer, the

on behalf of said nation the
complaint will be taken for confessed, and you will make return of the summons on the

XXXXXX XXXXXXXX instanter XXXXXX XXXXXXXX
first day of next Term of said Court.



WITNESS the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal thereof, at So. McAlester, Ind. Ter., aforesaid,

this 9th day of February, A. D. 1903

James B. Cassosa
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."

U. S. Marshal.

By _____, Deputy

No. 200-1

SUMMONS
 IN EQUITY.

Wm G. Ashru, et al.
 vs.
*Chualar of Chickasaw
 Nations*

Summons issued the *9th* day
 of *February*, 190*3*
 Returnable *in Indian* Term, 190

Returned and filed _____, 190

By _____, Deputy
 Clerk.

MARSHAL'S FEES.

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

Thomas Norman
 Attorney for Plaintiff.
Admors. v. C.

57625m10-02

*Summons on the
 the 2nd March
 1903*

*Recd. & spotted at Court Clerk's office
 10/10/03
 B. Medical W. Life side
 to be included in each case*

I N D E X.

List of applicants to Dawes Commission 1
Application to Dawes Commission 2
Affidavit of J.B. Jackson, Nat'l Sec. 5
Argument of Counsel 6
Affidavit of Mr. & Mrs. Bailey Askew 10
" " William Quint Askew 11
" " Willis Howell 14
" " Dora McKinzie 16
" " Eliza Askew 17
" " J.L. Davidson 19
" " Newton Jasper Askew 20
" " Murrell Washington Askew 21
" " George Washington Askew 22
" " William Thomas Askew 23
Motion before Dawes Commission that Choctaw
Nation be required to produce certain affidavits. 24
Affidavit of H.M. Jacoway as to copy of record . 25
Master's Report 26
Exceptions to Master's Report 28
Judgment of United States Court - 30
" " " " " 32

In re Citizenship Claim of
William Quint Askew, et al.

IN THE CHOCTAW NATION.

LIST OF PARTIES APPLYING FOR CITIZENSHIP HEREIN.

William Quint Askew, William Thomas Askew, George Washington Askew,
Sam Askew, Thane Askew, Perry Askew, Tommie Askew, Lillie Askew,
Gilbert Askew, Lizzie Askew, Sophia Askew, Mattie Askew, Ellen Askew,
Tom Askew, Martha Askew, Bettis Askew, Dora Askew.

WILLIAM QUINT ASKEW AND MARTHA ASKEW are the GRAND FATHER
and GRAND MOTHER RESPECTIVELY.

Their children are.

William Thomas Askew, and his wife Bettie Askew,
George Washington Askew and his wife Dora Askew, Sam Askew, Mattie
Askew, Ellen Askew, and Tom Askew.

The children of William Thomas Askew and his wife Bettie Askew
are.

Thane Askew, Perry Askew, Tommie Askew, Lily Askew, Gilbert
Askew and Lizzie Askew.

The children of George Washington Askew and his wife Dora
Askew are. Sophia Askew

(Signed)

Thos. Norman,
Atty. for applicants,

Ardmore, I . T.

IN RE CITIZENSHIP CLAIM, APPLICATION FOR CITIZENSHIP IN THE
OF WILLIAM QUINT ASKEW? ET AL. CHOCTAW NATION.

Before the Hon. Dawes Commission sitting at Vinita, Indian Ter. to determine the rights of citizenship of any applicant in any of the five tribes or nations.

No come your applicants herein namely, William Quint Aaskew, William Thomas Aaskew, George Washington Askew, Sam Aaskew, Thane Aaskew, Perry Aaskew, Tommie Aaskew, Lillie Aaskew, Gilbert Aaskew, Lizzie Aaskew, Sophia Aaskew, Mattie Aaskew, Ellen Aaskew, and Tom Aaskew Martha Aaskew, Betty Aaskew and Dora Aaskew, and respectfully state that they are all residents of the first judicial district of the Southern District of the Indian Territory, and reside nearer to Ardmore than to any other place of holding court in said Southern District.

They further respectfully state that they are Choctaw Indians by blood; and they hereby apply to said commission for the rights of citizenship in said Choctaw Nation alleging as grounds therefor the following statement of facts, to-wit:

They are all descendants of a common ancestor, namely Tom Aaskew, who was a Choctaw Indian by blood. This Tom Askew had two brothers, named Murrill Askew and Mose Aaskew; and all of these boys were full brothers and the son of Aaron Askew, who was a one half Choctaw Indian by blood. Aaron Askew was raised, lived and died in the State of Alabama. He married a white lady there, who was a United States citizen, and by her had the three sons mentioned above. Aaron Askew was not a citizen of the United States; he never was admitted to the right of citizenship in the Choctaw Nation; now did he or his ancestors ever accept or receive any lands or other proper from any source whatever, as was accepted by some of the Indian who remained back in the older states at the time of the removal of the Indians to their new home where they now reside, in lieu of their rights accruing to them as citizens of said Nation. All of these three children namely, Tom, Mose and Murrill are dead. Tom Aaskew married Betty

Blassingame who was a white lady and a citizen of the United States, and be her had four children, William Quint Aaskew, Wash Aaskew, Newt Aaskew, and Marry Aaskew. Tom Aaskew's oldest son, named William Quint Aaskew, married Martha Stuts, who was a white lady and a citizen of the United States. By her he had three children who are applicants herein, namely, William Thomas Aaskew, George Washington Aaskew, and Sam Aaskew.

Martha Aaskew the wife of the said William Quint Aaskew, died, and then William Quint Aaskew, in 1887 married Martha Barnwell, who was a white lay and a citizen of the United States. By her he had three children, who are applicants herein, namely:- Mattie Aaskew, Ellen Aaskew, and Tom Aaskew.

William Thomas Aaskew, the oldest son of William Quint Aaskew, married Betty Tolbert in 1881, who was a white lady and a citizen of the United States, and by her had six children who are applicants herein, namely Thane Aaskew, Perry Aaskew, Tommie Aaskew, Lille Aaskew, Gilbert Aaskew, Lizzie Aaskew.

George Washington Aaskew, the second son of William Quint Aaskew by his first wife, married Dora Talbert in 1890, who was a white lady and a citizen of the United States, and by her had one child who is an applicant herein, namely Sophia Aaskew. A chart showing the relationship of the several parties herein and their descent from Tom Aaskew, and; and also their relationship to Murrill Aaskew's children is herewith submitted.

Your applicants would further state that they have never applied for citizenship before this time. The children of Murrill Aaskew however have applied for citizenship in the Choctaw Nation, and by said nations duly authorized and acting officers, have been admitted to citizenship, a copy of the certified cate issued by said officers to the said children of Murrill Aaskew, is attached hereto and made a part of this application.

Aas is shown from the foregoing chart, William Quint is one eighth Choctaw by blood; William Thomas Aaskew, George Washington Aaskew, Sam Aaskew, Mattie Aaskew, Ellen Aaskew, and Tom Aaskew, are

all one sixteenth Choctaw Indian by blood;; whilst Thane Aaskew, Perry Aaskew, are all one thirty-second Choctaw Indian by blood.

Thane 13 years of age, Perry 12 years of age, Tmmie 9 years of age, Lillie 7 years of age, Gilbert 4 years of age, Lizzie 2 years of age, are children of William Thomas Aaskew, who is 37 years old. n Sophia, daughter of George Washington Aaskew, is 4 years of age, mattie 7 years of age, Ellen 5 years of age, Tom 4 years of age, are the Minor children of William Quint Aaskew, who is himself 66 years of age, Sam Aaskew is 22 years of age, George Washington Aaskew is 25 years of age.

Wherefore considering the above facts your petitioners respectfully pray that they be admitted to the right of citizens ip in the said Choctaw Nation, that their names be placed upon the roll of said Nations now being made by this Hon. Commission, and for all other proper and suitable relief.

Witness.

C. A. Scarfe.

L. L. Jackson.

(Signed) William Quint ^{his} X Aaskew
mark

William Tho mas ^{his} X Askew.

George Washinton ^{his mark} X Aaskew.
mark

Bettie Aaskew.

^{her} Martha X Askew.
mark

^{her} Dora X Askew.
Mark

Before me the undersigned notary public personally appeared the above William Quint Aaskew, William Thomas Aaskew, George Washington Aaskew, Bettie Aaskew, Martha Aaskew, and Dora Aaskew, on this the 15th day of August, 1896, and signed the above application in my presence, and swore that the facts and statements contained therein are true and correct.

(Signed) Jesse Turner/

Notary Public.

This is to certify that Dora McKenzie and Sam McKenzie are recognized as citizens of the Choctaw Nation.

Witness my hand and seal of office this the 18th day of October, 1895.

J. B. Jackson,
National Secretary, Choctaw Nation.

I hereby certify that the above is a true copy with the exception of the seal of the Choctaw Nation, which I am unable to make.

Witness my hand and seal of office this Aug. 22, 1896.

Jesse Turner,
Notary Public.

This is a copy of a certified copy made by the Notary, and the original will be found among the papers in the case of Murrill Washington Aaskew, et al, which is a companion case.

Thos. Norman,
Attorney for applicants,
Ardmore, Indian Territory.

IN THE MATTER OF THE CITIZENSHIP: CLAIM OF WILLIAM QUINT ASKEW, ET AL.

ARGUMENT OF COUNSEL IN ABOVE CASE.

STATEMENT.

This is a case in which a father and his children and his grand children have united in a joint application for citizenship in the Choctaw Nation. These parties allege in their application~~s~~ which properly subscribed and sworn to, that they and each of them are Choctaw Indians by blood. And the following facts show they are entitled to citizenship in the Choctaw Nation.

They show that they are descendants of a common ancestor, named Tom Askew, who was himself a 1/4 Choctaw Indian by blood. They also set forth that the said Tom Askew has a brother (Murrill Askew) and that this Murrill Askew having died, his children have been admitted to citizenship in the Choctaw Nation, and that the father William Quint Askew in this case is a first cousin of the said Murrill Askew. his 6 children are: William Thomas Askew, George Washington Askew, Samuel Askew, Mattie Askew, Ellen Askew, and Tom Askew. Three of these children viz: George Washington Askew, Samuel Askew, and William Thomas Askew, are full 21 years of age, and they have signed and subscribed their names to this application. The other three children however, are still minors, and their names do not appear subscribed to this application, nor have they sworn to same. The oldest of these children is William Thomas Askew, and his 6 minor children who are applicants herein, are Thane Askew, Perry Askew, Tommie Askew, Lillie Askew, Gilbert Askew, and Lizzie Askew, The second son, George Washington Askew has one child, Sophia Askew all of these parties of whom we have just mentioned are Choctaw Indian by blood.

There are in addition to these, three tother, who are applicants herein, but who are not Choctaw Indians by blood, but who

claim to be such by marriage. Martha, wife of William Quint Askew, Bettie wife of William Thomas Askew, and Dora, who is the wife of George Washington Askew. All of these ladies, Martha, Bettie, and Dora Askew are white ladies and ~~x~~ were married to the aforesaid parties under the laws of the United States.

ARGUMENT.

It will be seen by the foregoing statement of facts that these parties of all of a common ancestor, named Tom Askew, and as there are no rules of this Commission, that we know of which requires each applicant to put in a separate application for his or herself, these parties have all united in the same joint application. There are several reasons for their doing this. Among them it may be mentioned that it would be less trouble, some to this Honorable Commission, as the testimony which establishes one of their claims will also establish that of all the others. Besides it will lessen the expense of these parties, who are very poor people, and are not able to secure testimony that will substantiate their claims separately.

We desire to consider this question first: With reference to those parties who are lineal descendants of Tom Askew, afterwards to consider the claims of those who have intermarried with these families.

First:

The evidence is full, complete, positive, and direct that there lived in the State of Alabama a half blood Choctaw Indian, named Aaron Askew. Aaron Askew had three sons, named Mose, Murrell and Tom Askew. . The testimony is equally direct and positive that these three boys were full brothers and 1/4 Choctaw Indians.

The children of said Murrell Askew, have already established their claims as citizens of the Choctaw Nation. Now a child of the said Tom Askew and his lineal descendants apply to this Commission for citizenship in said Nation. Several of the children of the said Murrell Askew have made affidavits in this case to the effect that they are Choctaw Indians, and that William Quint Askew is their first cousin

justice to them and their husbands, in the only legal way possible. To say to be admitted to citizenship; they must have married their husbands under the laws of the Choctaw Nation, would be equivalent to saying that they must do something to be admitted to citizenship, which under the circumstances was impossible, as they could not marry them by the laws of the Choctaw Nation.

The right of citizenship; should be determined, by the validity of the marriage, and not by a marriage in accordance with any particular law; as for instance the law of the Choctaw Nation.

That this is the custom and law of the Choctaw Nation, see certificate above, which was issued to the husband of Dora McKenzie, as well as herself, and these parties were married when they applied for citizenship, just as the parties in this case are.

(Signed) Thomas Norman,

Attorney for
applicants, Ardmore, I. T.

Affidavit of Mr. and Bailey Askew.

IN RE CITIZENSHIP CLAIM
OF WILLIAM QUINT ASKEW , ET AL.

Before the Hon. Dawes Commission sittin at Vinita, Ind. Ter.
to determine the rights of citizenship of any applicant in any of the
frive tribes of nationa/

Names M. and Bailey Askew, 42 years of age, Bailey Askew is
40 years of age, and post office address is Ran, Indian territory,
know the parties that are applying for citizens ip and know they to
be relatives of ours. Our relationship is as follows: Our grand ~~father~~
father, named Asron Askew, wa s a half Choctaw Indian by blood. He
married and had three boys by his wife, named Tom, Mose and Murrill.
These byys are ful,l brothers. Our father whose name was Murrill
Askew, was one of the boys. Tom Askew had four vchildren. They were
Quint, Wash, Newt and Marry. Quint has been married twice and has
several children. Our father came to the Indian t rritory a number of
years before any of the rest of our family did.

In connection with my brothers and sisterx we prosecuted an
application for citizenship to a final hearing, and was admitted by
the authorities of the Choctaw Nation as a citizen and enrolled upon
their roll book as such. Me and our brother s and sisters are citi-
zens of the Choctaw Nation. We are positive that William Quint Askew
who is our first cousin, is like ourselves a one eighth Choctaw Indian
by blood. We do not know much about his children or his children's
children, though we understand that there are several f them.

(Signed) M. Askew B. B. Askew

Witness C. A. Scaife.

Subscribed and sworn to before me this the 14th day of Aug/
1896.

(Signed) Jesse Turner,

Notary Public.

AFFIDAVIT OF WILLIAM QUINT ASKEW.

In rec itizenship claim of
William X Quint Askew, et al.

Before the Honorable Dawes Commission sitting at Vinita,
Indian Territory to determine the rights of citizenship of any appli-
cant of the frie tribes or nations.

My name is William Quint Askew, I am 66 years of age, and
my post office address is Lebanon, Indian Territory;/ I am one of
the applicants for citizenship in the above entitled cau e.

I was born and partly ra sed near Florence, Alabama and
my father was Tom Askew and my mother was before marriage named
Betty Blassingame, my father always claimed to be a one fourth
Choctaw Indian by blood, whilst my mother, claimed to be a white
woman. I have heard x my fater often speak of his being an Indian,
and his intention of coming west and settling among them, but he never
did so, and on about 12 month of 1852 year he died in Alabama. I re-
mained in Alabama until the year 1891, when I moved to the Indian
Territory. My father had two brothers named Murrill and Mose whom I
knowwell. I have been to their houses often, and stayed with them.
When a boy I went to see my fathers father, that is to say my grand
father who was named Asaron Askew. BMy grand father was a half Choc aw
Indian by blood, and I lived with him for a considerable length of
time. He looked like an Indian and had most of the ways of an Indian.
He had long straight black hair and was of dark complexion. He
d aimed himself to be a one half Choctaw Indian, and all the people
in that community recognized him as such. Neither he nor his ancestors
accepted any lands or other property in the way of allotment, by reser-
vation, or otherwise, nor did he ever renounce his citizenship in the
Choctaw Tribe, nor has any of his descendants done so so that I know of.
Neither I nor y father have.

My uncle Murrill Askew moved away from Alabama in the Indian
Territory a number of years before I left Alabama. When I came out

here my uncle Murrill was dead. Prior to his death however, he had filed an application before the property authority of the Choctaw Nation for admission to citizenship in said Nation. Upon our arrival we assisted our uncle Murrill's children in prosecution their application to successful conclusion. They established their rights as a Choctaw Indians before the proper authorities of the Choctaw Nation, and were vested with all the rights and privileges of a Choctaw Indian by blood. I am a descendant of Asron Askew, a common ancestor or my uncle, and have the same amount of Indian blood as they have (Murrill Askews children). I am one eighth Choctaw Indian and so are they. I attach a copy of a certificate issued by the authorities of the Choctaw nation to my uncle Murrill's children admitting them to citizenship. I have been married twice, both of my wives being white ladies. By my first wife named Maetha Stuts, I had three children, namely- William Thomas Askew, George Washington Askew, and Sam Askew. My son William Thomas Askew, married a white lady named Bettie Talbert, and by her had 6 children, namely, Thane, Perry, Tommie, Lillie, Gilbert and Lizzie. My second son, George Washington Askew, married Dora Talbert and by her has one child named Sophia. By my second wife, whose name was Martha Barnwell I have three children, namely, Mattie, Ellen and Tom.

I am positive that Aaron Askew was my grand father and was a one half Choctaw Indian by blood. That Mose, Murrill and Tom were his legitimate children, and were one fourth Choctaw Indian by blood. That Tom Askew was my father, and that I am one eighth Choctaw Indian by blood. And that my uncle Murrill's children, namely, A. Askew, M. Askew, Ballus Askew, Tom Askew, Hulus Askew, Mrs. Mattie Sterritt, Mrs. Liza Alexander and Mrs. Dora McKenzie, are my first cousins. I know these children well.

(Signed) William Quint his
Askew

Attest.

Mark.

C. A. Scaife.

Subscribed and sworn before me this the 17th day of August,
1896.

(Signed) Jesse Turner,
Notary Public.

~~XXXXXXXXXXXX~~

In re citizenship claim
of Quint Askew, et al. Affidavit of Willis Howell.

Before the Hon. Dawes Commission, sitting at Vinita, Indian Ter. to pass up application of citizenship in any of the five tribes or nations.

My name is Willis Howell. My age is 66 years, and my post office address is Rockwall, Texas. I was raised in Alabama about (15) fifteen miles north of Florence, and lived there until I moved west. In my neighborhood back there, was a half blood Choctaw Indian named Aaron Askew, who was a prominent citizen and whom I knew well.

This Aaron Askew married a white lady who was a citizen of the United States, but whose name I do not remember, and by her had three children, namely, Tom Askew, Mose Askew, and Murrill Askew. Murrill Askew moved away from there and came West. He had married a United States citizen, named Liza Right, and by her had several children. After Murrill's death, I understand that his children applied for citizenship in the Choctaw Nation, and were admitted. Tom Askew, a brother of Murrill's married Betty Blassingame, a white woman, who was a United States citizen, and by her had four children, namely, Quint Askew, Wash Askew, Newt Askew, and Marry Askew. I know Tom Askew, and all of his children.

They have always been considered Indian by blood by those who know them and I know that they are legitimate descendants of Aaron Askew, and are one eighth Choctaw Indians by blood. Quint Askew married ~~X~~ Martha Stuts and by her had several children, but I do not know how many, or their ages or sexes. Tom, Mose, and Murrill are all dead, at least as I have been informed; but they were all full brothers and sons of the aforesaid Aaron Askew. I know that they ~~XXXX~~ were one fourth Choctaw Indian by blood. Quint, Wash, Newt, and Marry, are children of the said Tom Askew, and I know that they are one eighth Choctaw Indians by blood.

14

(Signed) Willis Howell.

Sworn to and subscribed before me this the 17th day of
August, 1896.

(Signed) L. L. Howell,
Notary Public for Rockwall Co. Tex.

IN RE CITIZENSHIP APPLICATION OF

Affidavit of Dora McKinzie.

WILLIAM QUINT ASKEW, ET AL.

Before the Hon. Dawes Commission at Vinita, Indian Territory, to determine the rights of citizenship of any applicant in any of the five tribes of Nations.

My name is Dora McKinzie, I am 29 years of age, and my post office address is Lebanon, Indian Territory. I know the parties that are applying for citizenship, and know them to be relatives of mine. Our relationship is as follows: My grandfather was named Aaron Askew, and was one half Choctaw Indian by blood.

He married and had three children by his wife named Tom, Mose and Murrell. These boys were all full brothers. My father, whose name was Murrell Askew, was one of those boys. Tom Askew had four children. They were Quint, Wash, Newt, and Marry.

Quint has been married and has several children. My father came to the Indian Territory a number of years before any of the rest of our family did. In connection with my brothers and sisters prosecuted the application for citizenship to a final hearing, and was admitted by the authorities of the Choctaw Nation as a citizen and enrolled upon their roll book as such ~~citizen~~, me and all my brothers and sisters are citizens of the Choctaw Nation. I am positive that William Quint Askew, who is my first cousin is, line myself a one eighth Choctaw Indian by blood. I do not know much about his children or his childrens though I understand that there are several of them.

Attest.

C. A. Scaife.

(Signed) Dora ^{her} X McKenzie
mark

Subscribed and sworn to before me this the 15th day of August, 1896.

(Signed) Jesse L. Turner,
Notary Public.

AFFIDAVIT OF ELIZA ASKEW.

In re Citizenship claim of
William Quint Askew, et al.

Before the Hon. Bawes Commission sitting at Vinita, Indian Territory to determine the right of citizenship of any applicant in any of the five tribes or nations.

My name is Eliza Askew, I am 73 years of age, and by Post office address is Ran, Indian Territory.

I know the parties that are applying for citizenship. Have known William Quint Askew since he was 8 years old. Have known his children, William Thomas, George Washington, Sam and Marry Askew from their birth. I know them to be relatives of my husband Murrell Askew, who was one fourth Choctaw Indian by blood. Their relationship is as follows: My husband Murrell Askew was a son of Aaron Askew, who was a half Choctaw Indian by blood. William Quint Askew father Tom Askew, was a full brother to Murrell Askew, who is also one fourth Choctaw Indian by blood. William Quit Askew is a first cousin of my children, M. Askew, Bailus Askew, Tom Askew, Julius Askew, Eliza Alexander, Mattie Storick and Dora McKenzie, who are enrolled on the books of the Choctaw Tribe of Indians, and have their certificate from the Council showing them to be one eighth Choctaw Indian, and allow them all the rights and privileges as such. Tom Askew had four children. They were William Quint, Wash, Newt andd Mary. William Q uint has been married twice. By his first wife was born William Thomas Askew, George Washington Askew and Sam Askew. By his second marriage he has several children, but I do not know them personally. I knew Tom Askew, William Quint Askew's father, in Alabama before they moved to the Indian Territory. He was known there as an Indian and was considered as such by all who kn w him. He was of the complection of an Indian, with straight black hair, and black eyes, and also had all the ways and ~~peculiarities~~ peculiarities of an Indian. William Quint is a first cousin of my children, and like them

is one eighth Choctaw by blood, and his children, William Thomas Askew, George Washington Askew and Tom Askew are one-sixteenth Choctaw Indians by blood.

(Signed) Eliza Askew.

Subscribed and sworn before me this the 14th day of August,
1896,

(Signed) Jesse Turner,
Notary Public.

AFFIDAVIT OF J. L. DAVIDSON.

My age is 55 years. I was born and raised in :anderdale County in the State of Alabama. I was personally acquainted with Aaron Askew, and his three sons, Murrell, Mose and Tom. I also knew Tom Askew's children, William Quint/ Murrill Washington, and Newt. I am not acquainted with Mary Tollison, but know of her. I know them to be grand children of Aaron Askew, who was a half Choctaw Indian, and who was x considered as such by wll who knew him.

I was raised in the same neighborhood and have known him ever since I was old enough to know anybody. I have been to his house often and I know Tom was his son. I knew him well in childhood days until he died. I attended his funeral.

I have known his children ever since. I have lived continually near the Askews x ever since I was born. I know that William Quint Murrell Washington and Newt Askew are first cousins of Murrell Askews children, namely M. Askew, Bailus Askew, A. Askew, Tom Askew, , Quint Askew, Mrs. Bell Hendrick, Mrs. Mattie Sterrett, Mrs. Aliza Alexander, and Mrs. Dora McKenzie, who have been admitted as citizens of the Choctaw Tribe of Indians, and who are considered as such by all who know them. They are to the best of my knowledge and belief one eighth Choctaw Indians by blood, and William Quint, Murrell Washington, and Newt are the same.

I am positive that both came and originated from old Aaron Askew, the old Choctaw Indian of Alabama.

(Signed) J. L. Davidson,

Sworn and subscribed before me this the 18th day of Aug^r. 1896.

(Signed) Jesse Turner, Notary
Public

The original of this will be found among the original papers in the case of Murrell Washington Askew, et al.

(Signed) Thos. Norman.

AFFIDAVIT OF NEWTON JASPER ASKEW.

IN RE CITIZENSHIP CLAIM OF
WILLIAM QUINT ASKEW, ET AL.

Before the Hon. Dawes Commission sitting at Vinita,
Indian Territory, to determine the right of citizenship of any appli-
cant in any of the five tribes or nations.

My name is Newton Jasper Askew. I am 51 years old. My post
office address is Willis, Indian Territory.

Know the parties that are applyinf for citizenship. Have known
William Quint Askew all my life. Have known his children all their
lives. His children are William Thomas, George Washington, Sam,
Mattie, Ellen and Tom.

I know them to be Choctaw Indians by blood, being des-
cendants of Aaron Askew, who was a half Choctaw Indian by blood.

William Quint Askew is a son ~~of~~ of Tom Askew. Tom Askew was a
son of Aaron Askew. Aaron Askew was therefore William Quint Askew's
~~grandfather~~ grandfater. Thomas Askew has four children, namely:
William Quint, Murrell Washington, Newt Askew, and Marry Askew.

William Quint Askew has been married twice. By his first
wife was born William Thomas, George Washington, and Sam. By his second
marriage was born Mattie, Ellen and Tom.

I know William Quint Askew and his father in Alabama before
they moved to the Indian Territory.

Tom Askew was known there as an Indian, and was considered as
such by all who knew him. He was the complection of an Indian with
dstraight black hair and black etes, and also has all the way and pecul-
iarities of an Indian. He was one fourth Choctaw Indian, and his son
William Quint Askew is one eighth Choctaw Indian by blood.

(Signed) ~~Newton Jasper~~ his
Newton Jasper X Askew.
Mark

Attest.

C.A.SCAIFE.

20
Subscribed and sworn to before me this 15th day of Agg. 1896.
(Signed) Jesse Turner, Notary Public

AFFIDAVIT OF MURRELL WASHINGTON ASKEW.

IN RE CITIZENSHIP CLAIM OF
WILLIAM QUINT ASKEW, ET AL.

Before the Hon. Dawes Commission sitting at Vinita, Indian Territory to determine the rights of citizenship of any applicant in any of the five tribes or nations.

My name is Murrell Washington Askew. I am 60 years of age. My post office address is Powel, Indian Territory.

I know the parties that are applying for citizenship. Have known William Quint Askew all my life. Hve known their children all their lives. His children William Thomas, George Washington, Mattie, Ellen and Tom. I know them to be Choctaw Indians by blood, being descendants of Aaron Askew, who was a half Choctaw Indian by blood.

William Quint is a son of Tom Askew. Tom Askew was a son of Aaron Askew. Aaron Askew was therefore William Quint Askew's grandfather. Thomas Askew had four children, William Quint, Murrell Washington, Newt Askew and Marry Askew.

William Quint Askew has been married twice. By his first wife was born William Thomas, George Washington and Sam. By his second marriage was born, Mattie Ellen, and Tom. I knew William Quint Askew and his father in Alabama before they moved to the Indian Territory.

Tom Askew was known there as an Indian and was considered as such by all who knew him. He was the complexion of an Indian with straight black hair and black ~~eyes~~ eyes, and also had all the way and peculiarities of an Indian. He was one fourth Choctaw Indian by blood.

(Signed) Murrell Washington ^{His} Askew.
Mak

Witness.

C. A. Scaife.

Subscribed and sworn to before me this the 15th day of

2/ August, 1896.

(Signed) Jesse Turner,
Notar Public

AFFIDAVIT OF GEORGE WASHINGTON ASKEW.
IN RECIPIZESHIP
CLAIM OF WILLIAM ASKEW, ET AL.

Before the Hon. Dawes Commission sitting at Vinita, Indian Territory to deterime the right of citizenship of any applicant in any of the five tribes or nations.

My name os George Washington Askew. I am 25 years of age. My post office is Regin, Indian Territory. I am one of the applicants for citizenship in the Choctaw Tribe of Indiass. I am second son of William Qxint Askew.

I have one child named Sophia Askew. My wife isa white ~~lady~~ lady.

(Signed) George Washington ^{his} X Askew
mark

Witness. C. S. Scaife.

Subscribe d and sworn to before me this the 15th day of August, 1896.

(Signed) Jesse L. Turner,
Notary Public.

AFFIDAVIT OF WILLIAM THOMAS ASKEW.

IN RE CITIZENSHIP CLAIM OF WILLIAM
QUINT ASKEW , ET AL.

Before the Hon. Dawes Commission sitting at Vinita, Indian Territory, to determine the right of citizenship of any applicant in any of the five tribes of nations.

My name is William Thomas Askew. I am 37 years of age. My post office is Lebanon, Indian Territory. I am one of the applicants for citizenship in the Choctaw Tribe of Indians. I am the eldest son of William Quint Askew. I have six children, Thane, Perry, Tommie, Lillie, Gilbert, Lizzy,.

My wife is a white lady.

(Signed)
his
William Thomas x Askew.
mark

Attest

C. A. Scaife.

Subscribed and sworn to before me this 15th day of August,
1896.

(Signed) Jesse Turner,
Notary Public.

In the Claim of
WILLIAM QUINT ASKEW, ET AL.

In the Choctaw Nation.

MOTION.

Now comes your applicants herein and respectfully state to this Hon. Commission that several years ago one Murrell Askew applied for citizenship in the Choctaw Nation, and that he filed the affidavits of himself and Frank Chism and Blue Allen therein, , all of whom are now dead. They further state that this Murrell Askew was a brother of one Tom Askew from whom your applicants have descended, and that the testimony introduced before the Choctaw Council, just alluded to is material and pertinent to the establishing of your applicants claim. Your applicants further state that the said Murrell Askew filed the affidavits of several other parties in his case, but your petitioners do not know their names, nor whether they are dead, or residing out of the Territory.

Wherefore considering the above they respectfully ask that the authorities of the Choctaw Nation be required to produce the affidavits of the three parties spoken of above, and that when the same are so produced, that this commission consider them in connection with the other affidavits on file herein.

(Signed) Thos. Norman,
Atty. for applicants.

Ardmore, I. T.

The Commission need no act on the above unless it should decide that the testimony already on file herein is insufficient, in which case we ask the said nations be required to produce said affidavits.

Thos. Norman.

Atty.

DEPARTMENT OF THE INTERIORS.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Fort Smith, Arkansas, Dec. 1st, 1896.

1
William Q. Askew, et al
Vs.
Choctaw Nation.

Filed Sept. 3, 1896. Answer filed
Application denied.

Thomas Norman, Ardmore, I. T.

I, H. M. JACOWAY, JR. Secretary, do hereby certify that the
above and foregoing is a true and correct copy of Choctaw Record "C"
page 200 of the Commission to the Five Civilized Tribes.

Given under my hand and official sig-
nature this the 5 day of Feby. 1897.

(Signed) H. M. Jacoway,
Secretary.

By Henry Stroup.

Act?

UNITED STATES COURT, SOUTHERN DISTRICT AT ARDMORE, INDIAN TERRITORY.

William Quint Askew, et al.

Vs. No. 71

Choctaw Nation.

Master's Report.

I find from the evidence in this case that there lived and died in the State of Alabama a half blood Choctaw Indian named Aaron Askew, that this Aaron Askew married a white lady and by her, as the issue of this marriage, he had several children, among whom were three boys named Tom, Mose and Murrell. Tom Askew (the son of Aaron Askew) married a white lady named Betty Blasingame, and had by her, as an issue of this marriage four children, to-wit: Wm. Quint Askew (one of the applicants herein) Murrell Washington Askew, Newt Askew and Mary Askew.

I further find that the William Quint Askew married a white lady named Martha Stuts, and by her as an issue of the marriage, had the following children, William Thomas Askew, George Washington Askew, and Sam Askew. This wife of the said William Quint Askew died and in 1887 he married a white ~~xxx~~ lady named Martha Marnwell, and by her he has the following children, to-wit: Mattie Ellen and Tom.

William Thomas Askew (a child of William Quint Askew) married a white lady by the name of Betty Tolbert, in the year 1881, and by her he has an issue of this marriage the following children; Thane Perry, Tommy, Lillie, Gilbert and Lizzie.

George Washington Askew (another son of said William Quint Askew) in the year 1890 married a white woman named Dora Tolbert, and by her, as an issue of this marriage, has one child named Sophia.

I find from the evidence in this case that the said William Quint Askew is a one eighth Choctaw Indian by blood, the rest being white blood; that all of his children are one sixteenth Choctaw Indian by blood; and his grand children are one thirty-second Choctaw Indian by blood, and all of them residents of the Indian Territory; and I therefore recommend that the following named parties be admitted

to enrollment and to citizenship in the Choctaw Nation, to-wit:
William Quint Askew, William Thomas Askew, George Washington Askew,
Sam Askew, Mattie Askew, Ellen Askew, Tom Askew, Thane Askew, Perry
Asjew, Tommy Askew, Lillie Askew, Gilbert Askew, Lizzie Askew, and
Sophia Askew.

I find further that all the marriages spoken of above occurred in the several states of the Union and under and by virtue of license issued by authorities of the Indian Nation; and further that said marriages were consummated since the year 1876; and I therefore recommend that the following named parties (who have intermarried with the Indians be blood) be denied enrollment to-wit: Martha Askew, Betty Askew, and Dora Askew.

(Signed) W. H. L. Campbell,
Master in Chancery.

In the United States Court in the Indian Territory, Southern District at Ardmore.

William Quint Askew, et al, applicants.

Vs. Exceptions to Masters Report.

Choctaw Nation, Defendant.

Now come the applicants in the above application and respect fully except to the Master's report herein, and say that the same is contrary to the law and the evidence in the respects hereinafter pointed out- to-wit:

In holding that Martha Askew, Betty Askew, and Dora Askew should be denied enrollment and citizenship upon the grounds that they married their husbands, who are Choctaw Indians, under and by virtue of a license issued by authority of one of the states of the Union, and not under and by one issued by the tribal authorities of the Choctaw Nation, and on the further ground that the marriage was consummated since the year 1876.

They further say that this ruling of the masters in these questions of law is wholly erroneous, because first, these applicants married their husbands lawfully and legally, and could not at the time of the marriage have secured a license from the Choctaw Nation, for they were not at that time citizens of said Nation.

Second because the treaties and laws of the United States gives these inter-married parties a right to citizenship.

Third, because the Choctaw laws give them a right to citizenship, and the evidence in this cause shows that fact.

Fourth, because under the Choctaw law, and ours as well, the wife would become a citizen, for she taken the citizenship of her husband.

Fifth, because the husbands herein of these parties would be citizens of one nation, the Choctaw, whilst their husbands would be citizens of another and different one, the United States.

They ask that it be confirmed as to all the other applicants in this application except as to Martha Askew, Bettie Askew, and

Dora Askew, and that as to these three parties it be so changed and amended as to allow them to enrollment and citizenship as inter-married citizens.

William Quint Askew, et al.

Vs. Judgment, Southern District Dec. 21st, 1898.

The Choctaw Nation.

This cause coming on to be heard upon the master's report herein and exceptions thereto and the pleadings and evidence, on this the 21st day of December, 1897 and it appearing to the court from said master's report and the evidence herein that a half-breed Choctaw Indian named Aaron Askew died in the State of ~~Alabama~~ Alabama; that said Aaron Askew married and had born to him among other children two boys Tom and Murrel; that Murrel Askew's descendants are now enrolled citizens of the Choctaw Nation. That the applicants herein are the descendants of Tom Askew. That Tom Askew married and had married unto to him four children, to-wit:

William Quint Askew, Murrel Washington Askew, Newt Askew, and Mary Askew.

It further appears that the said William Quint Askew is one of the applicants herein and that all the other applicants are his descendants.

It also appears that all of the applicants herein are boni-fide residents of the Chickasaw Nation, Indian Territory, and also that neither they nor their ancestors have received any lands of other property from either the Choctaw Nation or the United States, and also that they are of white and ~~an~~ Indian blood and are entitled to citizenship in the Choctaw Nation, and to enrollment as citizens thereof having complied with the law ~~in~~ in all respects in the prosecution of their application.

It is therefore ordered, decreed and adjudged the following named persons be and the same are hereby admitted to citizenship in the Choctaw Nation and ordered to be enrolled as citizens and members thereof. to-wit:

William Quint Askew, William Thomas Askew, George Washington

Askewm, Sam Askew, Mattie Askew, Ellen Askew, Tom Askew, Thomas Askew, Perry Askew, Tommy Askew, Lillie Aske, Gilbert Askew, and Lizzie Askew and ~~Sp~~ Sophia Askew.

And it is ordered, ~~xxxxxxx~~ decreed and adjudged that th possess and be permitted to enjoy all the rights privilehes and immunities of citizens and members of the said Choctaw ~~nation~~ nation ~~xxx~~ of Indians

It further appears that exception have been filed to that part of the Master's report have been filed relating to Martha Askew, Bettie Askew and Dora Askew, and it is hereby ordered that this cause stand open as to to these three parties, so that said exceptions may be considered hereafter, but in all other respects and in reference to all all other parties mentioned in the Master's report said Master's report is confirmed.

(Signed) Hosea Townsend,
Jdge.

William Quint Askew, et al.

Vs. No. 71

Judgment, March 12, 1898. Southern Dist.

Choctaw Nation.

This cause coming on to be heard on this 12th day of March, 1898, as to all those parties as to whom the judgment heretofore rendered on December, 21, 1898 was reserved and held open and the court being fully advised as to both the law and evidence, finds that Martha Askew, Bettie Askew, Dora Askew, are Choctaw Indians by marriage, and that they are entitled to citizenship in said Choctaw Nation and Tribe of Indians, and to be enrolled on the rolls of citizenship of said Nation.

It is therefore ordered, considered and adjudged that Martha Askew, Bettie Askew be and the same are hereby admitted to citizenship in the Choctaw Nation and to enrollment upon the rolls of said Nation. and they are hereby vested with and shall be permitted to exercise all the rights, privileges, immunities as citizens of said Nation. The Clerk is hereby ordered and directed to certify a copy of this judgment to the Dawes Commission, and the said Commission is hereby directed to enroll the above parties upon the rolls of the Choctaw Nation

WILLIAM QUINT ASKEW, ET AL.

Application states that petitioners are all Choctaw Indians by blood; that they are all descended from a common ancestor by the name of Tom Askew, who was a Choctaw Indian by blood. He had two ~~sons~~ ^{brothers}, Murrill Askew and Mose Askew. They were full brothers, and were the sons of Aaron Askew, who was one half Choctaw Indian by blood. Aaron Askew was raised and lived and died in the state of Alabama. His wife was a white woman. All of the three children are now dead. Aaron never held land in Alabama in lieu of his right of citizenship. Tom Askew married a white woman by the name of Betty Blassingame, and by her he had children who are the principal applicants herein. Gives the names of the applicants, their wives children and grandchildren. These applicants have never applied for citizenship before this time.

Application was denied by the Dawes Commission. Appealed to the United States Court for the Southern District. Applicants admitted by the Court.

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AFFIDAVITS BEFORE THE DAWES COMMISSION/

M. ASKEW and BAILEY ASKEW make a joint affidavit in which they say that they live at Ran, I.T. That the applicants are relatives of theirs; that they are all descended from Aaron Askew. The principal applicants herein are first Cousins of the affiants. Affiants have prosecuted their application for citizenship to a final hearing, and have been admitted by the authorities of the Choctaw Nation.

WILLIAM QUINT ASKEW says that he is 66 years old and lives at Lebanon, I.T. Was born and partly raised near Florence, Ala. His father was Tom Askew, and his mother before her marriage was Betty Blassingame. His father always claimed to be a Fourth blood Choctaw Indian. His father died in 1852 in Ala. Affiant remained in Ala/ until 1891, when he came to the Ter. His father had two brothers, Murrill and Mose. Affiant knew them well. Also knew his grandfather, Aaron Askew. He was a half Choctaw by blood. He looked like an Indian and had most of the ways of an Indian. Affiant's Uncle Murrill came to the Ter. before affiant did. The children of his Uncle Murrill have been admitted to citizenship by the Choctaw authorities

WILLIS HOWELL says that he is 66 years old and lives at Rockwall , Texas. Was raised in Ala. about 15 miles north of Florence. Aaron Askew a half blood Choctaw Indian lived there and was a prominent citizen. He had three sons, Tom, Mose, and Murrill. They have all been considered Indians by blood.

Dora McKenzie says that she is 29 years old and lives at Lebanon. The parties applying herein are relatives of hers. Her grandfather was named Aaron Askew. Gives the pedigree of the family. Affiant's father was Murrill Askew. She has been admitted to citizenship.

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The testimony in this case is in all respects the same as that in the NEWT SAKEW case; and the two cases should be consolidated. They claim from the same source, have the same witnesses, and the same testimony.

See Conclusion in the synopsis of that case.

Synopsis

Wm. Quint Askew, et al

vs.

Choctaw and Chickasaw Nations.

May 3, 1904.

Mr. Norman:

In number one and two, I neglected to introduce the various papers, records and proceedings and I would like to have permission this morning to introduce these.

JUDGE ADAMS:

Yes sir.

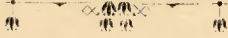
Mr. Cornish:

We wish to state the usual object to the introduction of the record. Object to all papers filed before the Commission to the Five Civilized Tribes under the Act of June 10, 1896, for the reason that they are a part of a void proceeding had before the Commission, wherein both the Choctaw and Chickasaw Nations were ~~xxxxxxxx~~ necessary and interested parties, and wherein only the Choctaw Nation was served and made a party. As to all papers filed before the United States Court the Nations object for the reason that they are a part of a void proceeding had in the United States Court wherein both the Choctaw and Chickasaw Nations were necessary and interested parties and wherein only the Choctaw Nation was served and made a party, and secondly for the reason that said case was tried de novo in said United States Court when it should have confined itself to a review of the proceedings of the Commission to the Five Civilized Tribes.

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MILLPORT HOTEL,

NEWLY FURNISHED.
FREE SAMPLE ROOM
FOR COMMERCIAL MEN.



N. L. TRULL, PROPRIETOR.

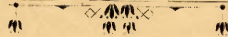
MILLPORT, ALA., 190

cases. Saw all of the claimants' few
witnesses, ^{in the Askeew case} except two, who could not
be found and were unknown in
Sanderdale Co. Not one of the remain-
ing 8 were able to say what tribe
old Aaron belonged to. Except one
man who said that he had heard
"people" say that he was a Choctaw.

I saw an original patent, ^{to 80 acres of land} issued
to Aaron Askeew in 1825 by John Q. Adams,
President, which recites that he
said Aaron had paid the U. S. Land Agent
at Huntsville, Ala. for the land, though
it does not state how much he paid.
The land is in Sanderdale Co., and the
patent states that it was land belong-
ing to the U. S. The man who ~~now~~
owns the land and has the patent was
in his minority a ward of Aaron
Askeew. He ^{has} never heard of what Tribe
Aaron was a member. I shall have

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N. L. TRULL, PROPRIETOR.

MILLPORT, ALA., 190.....

him summoned with a duces tecum
for the patent. He is named as one of
claimants witnesses, but I don't
think they will put him on the
stand - I regard that patent as a
good piece of evidence in our favor
as it shows that Baron Assew was in
Lauderdale Co. Ala in 1825; that he bought
land from the U. S. Government and paid for
it. The patent is the original one, on parch-
ment. I copied it, and had my Notary
Public certify it; but that of course is
incompetent as evidence.

Have finished the Assew + Stinnett