

Net Proceeds
Data

LAW OFFICES OF
MANSFIELD, McMEYER & BURNISH
SOUTH McALESTER, INDIAN TERRITORY.

Statement of ^{old}
Laudy Walker to
gather with man
register & exclude
possibility of
Sewasau ancestor

Sewasau case

Witnesses

For Claimants.

Tom York ----- ^{McAlester} Simpson, J.T.
Omassachetta --- Kiowa, J.T.
Alice Sewasau --- South McAlester.

For Nations.

Mrs. S. A. Harlan - Quanita, J.T.
J. E. Lewis - So McAlester
Gov. A. Corbani - Sans Bois
Jonah Gordon - McAlester
John Simpson - Corban

N^o 24.

Alice Sewasau, et al.
VA
Chectaw Nation.

N^o 178.
Central Dist. Court.

N^o
Dawson Commission.

To be signed Friday Jan 15, 1903

23-03
Continued indefinitely

Pass
with blood from Mother Walker
Alice Gordon in book

Revised

Emigration claim of Jardy Walker
1874

Self Emigration
and
Subsistence.

Scullyville C.N.

The Choctaw Nation

To Nandy Walker heir and legal
Representative of John Walker, dec'd Dr.

To Self-emigration of John Walker and family
consisting of himself and his wife Mary - and the
following children, viz, Nandy, William, Lewis,
Mary, Amelia and John - together with the following
persons members of his family, John Hill, Eliza-
beth Hill, Katharine Jones, old Choctaw woman,
Pohunah, Pisah and E.P. Folsom - with the
following negro slaves, viz, Edmund, Nancy
Margaret, Lucy, Bill, Polly, Daniel, Spencer,
Sarah, Phillip, Jane, Maniah, Rachael, Levi and
George. Thirty (30) persons at \$27.⁶⁰/₁₀₀ ea

828 00

To 1 year Subsistence for the above named
persons - 30 persons at \$36.⁵⁰/₁₀₀

1095 00

1095 00

Total

\$ 1923 00

Scullyville C.N.

June 29th A.D. 1875 } On this day, personally appeared
before me, Wm. B. Pitchlynn, associate Commissioner for the
Court of Claims for Masholabbe District, under and by virtue
of an Act of the General Council of the Choctaw Nation, passed
Nov. 6th 1872, creating a Court of Claims &c. Nandy Walker,
aged about sixty one years, who being first duly sworn according
to law, declares that the above and foregoing account and to which
his name is attached and against the Choctaw Nation is just and

Scueryville C.N.

Sept 9th 1875

The Court considered the
within claim and orders that
the sum of One ~~thousand~~
thousand nine hundred
and twenty three Dollars
be awarded to claimant
in satisfaction of the same.

Edmund Purgevin
Clerk

Rejected by the
Board of Commissioners
Sept 6th 1876

W. W. Hampton
Clerk

N^o 20

Claim of
Pandy Walker

heir and legal representative
of John Walker, dec^d.

\$ 1923.00

Filed in open Court this
29th day of June a.d. 1875
Edmund Purgevin
Clerk

Self Emigration
and
Subsistence

Act. Nov. 6th 1872

Lewisaw Claim

The statement of Tandy Walker in the matter of his emigration claim, or that of his father, Jno. Walker, mentions the names of all the children, eight in number, and states unqualifiedly that his father emigrated his family here, which would seem to exclude the possibility of another member remaining in Alabama, such as the Lewisaw would claim from.

Ward's register shows seven children of Walker family in 1831 which is not inconsistent necessarily with Walker's statement that there were eight in 1836, five years later. But both records seem to exclude possibility of Lewisaw ancestor.

DCW

SUMMONS.

Duplicate

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, Southern 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

in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, S. McCurtain

by Alice Susan et al, and warn him that upon as said Prin. Chief failure to answer, his 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 instanter Term of said Court.

and you are further commanded to notify said Green McCurtain, Principal Chief aforesaid, that the files, papers, and proceedings, in case of Alice Susan et al, file No. 128, in the District Court for the Curtis District of the Indian Territory, has been transferred to the Choctaw and Chickasaw citizenship court, and that the certificate of the Clerk of said Court for said Curtis District, Indian Territory, has been attached thereto.

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

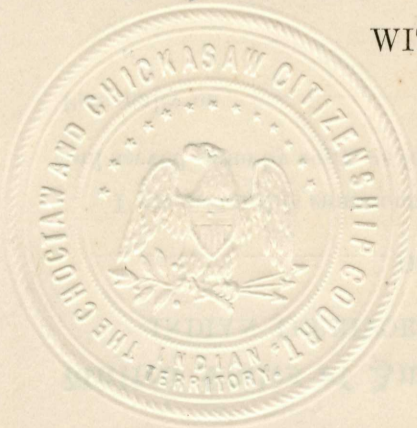
WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal

thereof, at South McAlester, I. T., aforesaid,

this 12th day of March, A. D. 1903

James B. Cassada
Clerk.

By _____, Deputy.



Duplicati

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, ~~Southern~~ District,

GREETING:

YOU ARE COMMANDED TO SUMMONS P. S. Moseley

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

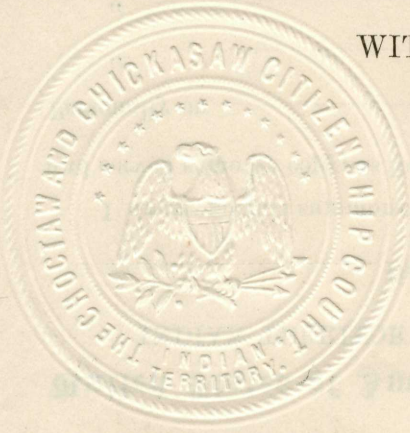
in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, So. McAlester

by Alice Susan et al and warn him that upon his failure to answer, the on behalf of said nation

complaint will be taken for confessed, and you will make return of the summons on the

first day of next instant Term of said Court.

and you are further commanded to notify said P.S. Moseley, Governor aforesaid, that the files, papers, and proceedings, in case of Alice Susan et al, file No. 128 in the District Court for the Central District of the Indian Territory, has been transferred to the Choctaw and Chickasaw citizenship court, and that the certificate of said Clerk for said Central District, Indian Territory, has been attached thereto.



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

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

thereof, at So. McAlester, Ind. Ter., aforesaid,

this 12th day of March, A. D. 1903

James B. Casson
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. 24-M

SUMMONS
 IN EQUITY.

Alice Lussan, et al,
 vs.
Madam of Chickasaw Nations

Summons issued the *17th* day

of *March*, 190*9*

Returnable *instantly* Term, *100*

Returned and filed _____, 190____

By _____, Deputy
 Clerk.

MARSHAL'S FEES.

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

Raywin & Jones,
 Attorney for Plaintiff.
S. McAuliffe, J. T.

576255m10-02

SUBPENA.

Choctaw and Chickasaw Citizenship Court,

INDIAN TERRITORY,

Central District

The President of the United States of America,

To Mrs. Sarah A. Harlan,

Greeting:

We command you, that all and singular business and excuses being laid aside, you, and each of you, appear and attend before the Judges of the Choctaw and Chickasaw Citizenship Court in the Indian Territory, Central District, at a Court to be held at its Court Room, at South McAlester, in the Indian Territory, on the 14th day of January, 1904, at 10 o'clock A. m., to testify and give evidence in a certain cause pending in said Court, then and there to be tried, between Alice Lewisaw, et al, Plaintiff, and Choctaw & Chickasaw Nations, Defendant, on the part of the defendants.

And this you, or any of you, are not to omit, upon the penalty upon you, and every one of you, of two hundred and fifty dollars.

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at South McAlester, Indian Territory, this 12th day of January, A. D. 1904.

James B. Cassada

By

E. K. Beritt, Deputy.

Clerk.

Indian Territory.
Central District.

I, S. Yoes, on oath state that I am of lawful age; that on the 12th day of January 1903 the within subpoena was handed to me for service; that on said day I went to Crowder City, T.T. for the purpose of serving the within subpoena upon Mrs. A. Harlan, and was informed at her home that she is now in the state of Florida.

U.S. Marshal.
Deputy.

Subscribed and sworn to before me this 30 day Of January 1904

W. A. Hunt

Notary Public.

W. Brown Kel

SUBPOENA.

MARSHAL'S RETURN.

I received this Subpœna at _____ o'clock _____ M. on the _____ day of _____, 190____, and served the same by reading it in the presence and hearing of _____ at _____ o'clock _____ M. on the _____ day of _____, 190____, at _____ o'clock _____ M. on the _____ day of _____, 190____, at _____ o'clock _____ M. on the _____ day of _____, 190____.

FEES.

Services, _____ \$ 3.00
_____ miles, at 6 cents per mile, \$ _____
Total, - - - \$ _____

By _____

52

No. _____

Alice Lewsaw

South McAlester, Indian Territory, March 26, 1903.

Mrs. Margaret Moncrief,

Rush Springs, Indian Territory.

Dear Madam:

As attorneys for the Choctaw and Chickasaw Nations we desire certain information which, we are informed, you will be able to give us. There is now pending before the Choctaw-Chickasaw Citizenship Court the application of a woman named Alice Lewsaw who claims to be a citizen by blood of the Choctaw Nation.

She claims that her father's name was William Scandlin and that his mother was a Choctaw Indian of the Walker family in Mississippi.

We understand from Judge Simon Lewis and others that you are of the Walker family and can give us full and complete information of the older members of the family in Mississippi and as they came to this Country.

Upon receipt of this letter we will thank you to write us giving us fully and completely the names and sexes of the Walker family in Mississippi and as they came to this country; please also state if any female member of the Walker family married a man of the name of William Scandlin.

This is a matter of considerable importance to the Choctaw and Chickasaw Nations and we will thank you to

#2 M M

write us at the earliest possible time.

For your convenience in replying we herewith enclose a self addressed stamped envelope.

Awaiting your early reply, we are,

Very truly yours,

env.

South McAlester, Indian Territory, March 26, 1903.

Honorable James Bower,
Oaklodge, Indian Territory.

Dear Mr. Bower:

There is now pending before the Choctaw-Chickasaw Citizenship Court a case in which a woman named Alice Lewsaw claims to be a citizen of the Choctaw Nation by blood.

She claims that her father was named William Scandlin and that her mother was of the Walker family in Mississippi. The name of her mother is not given.

We understand that Mrs. McCarthy now lives at Spiro and we understand further, from Judge Simon Lewis and others, that she is of the Walker family and will be able to state the names and sexes and also the relationship of the older members of the Walker family as living in Mississippi and as they came to this Country. Will you kindly see Mrs. McCarthy at your earliest convenience and take from her a sworn statement in the form of an affidavit of the names, sexes and relationships of the Walker family in Mississippi and as they came to this Country. Please also have her state if any female member of the Walker family married a man by the name of Scandlin.

Keep an account of your expenses in connection with this matter and figure your own time at a rate which will be satisfactory; and send the same to us with the

South McAlester, Indian Territory, March 26, 1903.

Honorable James Bower,
Oaklodge, Indian Territory.

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Keep an account of your expenses in connection with this matter and figure your own time at a rate which will be satisfactory; and send the same to us with the

73 N N
South McVester, Indian Territory, March 22, 1903

J. B. #2.

affidavit of Mrs. McCarthy and we shall be pleased to send you our check for the amount.

With best wishes and hoping that we may heard from you at an early date, we are,

Sincerely yours,

Oak Lodge, I. T.,

Apr. 7 1903.

Misses Mansfield, M. Maury Tomich
Is M. Elliott I. P.

Dear Sirs:

Your letter of the 26 ulto. relative to an
Affidavit from Mrs M. C. Contry, of the Sewsaw &
Saudlin families received only a day or so
ago, owing to my absence from home
I went to Mrs M. C. Contry & explained the
nature of the request & she informed me
that she knew nothing whatever of the
Sewsaw's & Saudlin's was altogether
ignorant concerning them, could throw
no light whatever on their personality

I tried to get some information from
her of some one that could tell me of
the families but to no avail -

Mrs M. C. Contry is not of the Walker family she
is a Broshens

If, upon further inquiry, you desire
more investigation, on this subject in this part
of the Country I will be more than pleased
to offer you my assistance and on any
other subject - You may command me, Yours truly,
H. B. Brown

South McAlester, Indian Territory, April 4, 1903'

Mr. W. F. Kelley,

Featherstone, Indian Territory.

Dear Sir:

Some days ago Judge Lewis came out to see Mrs. Harlan and took from her a statement about the descendants of the Walker family. He wrote out the statement and the understanding was that she was to swear to it as soon as you returned home and that it should be mailed to us at once.

We are anxious to receive the statement in connection with our work and you you will forward it to us by return mail.

For your convenience in replying we here with enclose a self addressed stamped envelope. With best wishes, we are,

Very truly yours,

enc. env.

Red ✓

REPORT ON THE PRESENT STATUS OF THE ALICE LEWSAW CASE.

The principal applicant, who lives, or did live, at Simpson, I.T., claims that her father was one William Scanlon; that he was a Choctaw Indian, and derived his Indian blood from his mother, _____ Scanlon, nee Walker.

Thomas York, of Simpson, I.T., swore in 1896 that he knew Alice Lewsaw, and knows of his own knowledge that she is a Choctaw Indian of at least the fourth blood. That from his personal acquaintance with her, his best judgment is that she is a half-breed Choctaw. That he was present at McAlester when Alice Lewsaw applied to the Indian Court of Tobucksey Co. for Citizenship; and that upon her failure to pay to the Court the sum of \$100.00 her application was not considered, although the court admitted that she was an Indian woman.

The Courts of the Chickasaw Nation once had power to admit to citizenship; but the courts of the Choctaw Nation have not had or exercised such power for 25 or 30 years.

The affidavit of Thomas York is of no importance, and has no bearing upon the case; otherwise he should be impeached.

Olassachubbe, of Kiowa, swore in 1896 that he has known Alice Lewsaw only a short time; believes that she is a Choctaw Indian of at least the fourth blood. From what she tells him and from what he knows of his own knowledge he believes her to be a descendant of the Walker family of Choctaw Indians. He says that Tandy and Jesse Walker had three sisters. That they lived in east Mississippi. That two of the sisters came west with the immigrant Indians, and that the other sister who did not come intermarried with a white man about the year 1830. Does not remember the white man's name, or the name of any of the three sisters. That Jesse Walker died just before the War, and Tandy Walker just after the War. Believes applicant to be a lineal descendant of these Walkers.

Olassachubbe should be impeached. The testimony of Tandy Walker, of Stonewall, should be taken in this case.

Mrs. Sarah A. Harlan, of Juanita, I.T., has ~~made~~ made an affidavit for Simon E. Lewis, in which she says that she knew the Walker family of Choctaw Indians before they came to this country; that they lived in Sumpter Co., Alabama, and not in Mississippi. That the head of the family was John Walker, a white man; and that his wife was a half-breed Choctaw. That he and his whole family moved west before affiant did. That she again knew them after she moved here. Affiant knew John Walker's three daughters, gives their names, and tells whom each one married. Says that none of them ever married a Scanlon.

Mrs. Harlan's testimony should be taken before the Court in this case.

The statement of old Tandy Walker in regard to his immigration claim, together with Ward's register, excludes the possibility of applicant's claim being a valid one. (See data in envelope among our papers.)

Alice Lewsaw testified in her own behalf before the Citizenship Court. She says that her father's name was William Scanlon, and her mother's maiden name was Alice Lindsay. Claims through her father. Does not know when or where he was born, or who his father or mother was. She says that her sister told her that she had Indian blood, and that she has no information from any other source in regard to it.

The record herein discloses the weakest case I have yet examined. Tom York and Olassachubbe, if they have not already been so, should be impeached generally. Our record evidence in regard to the Walker family is sufficient to beat the case.

The applicants cannot possibly be admitted even upon their own showing.

South McAlester, Indian Territory, March 25, 1903.

Sewsa
Alice ~~Incow~~, et al.,
vs No. 24. Central District No. 28.
Choctaw Nation.

LETTER OF INSTRUCTION.

To Honorable Simon E. Lewis:

The office files of the papers in this case are herewith delivered to you; and you are hereby directed to investigate the same, conforming in the main to this letter and return it with your written report and exhibits attached as soon as possible.

- - - - -

Sewsa It will appear that the principal applicant Alice ~~Incow~~ claims that her father was named William Scandlin; and that his mother was named Walker and that she was a Choctaw Indian in Mississippi.

- - - - -

We understand that Mrs. Sarah Harlan, who lives at Crowder City, is a descendant of the Walker family.

See her and take from her a sworn statement of the Walker family and the various members thereof and their relationships.

We feel sure that she will be able to state just who composed the Walker family and trace the family and its

members from Mississippi to this Country.

We think also that she will be able to state that no female member of the Walker family married a man by the name of Scandlin; and that she knows of her own personal knowledge of the history of the family that these people are not connected with the Walker family.

Yours very truly,



South McAlester, Indian Territory, March 26, 1903.

Alice Lewsaw, et al,

vs. Number 24 Central District No. 28.

Choctaw Nation.

R E P O R T

To Mansfield, McMurray & Cornish,

South McAlester, Ind. Ter.,

Complying with the directions contained in your letter of instructions dated March 5, 1903 requesting me to confer with witness Sarah Harland, and take from her a statement relative to claimants, I proceeded to Crowder City, and thence to the home of W. F. Kelly, where the witness resides.

I conferred with her as directed in your letter of instructions.

She was able to give the information which we desire, and I took the same in the form of an affidavit. The Notary Public being absent at the time, I wrote out the affidavit and left it to be sworn to on his return, and it will be mailed to the office in a day or two, and should be attached to this report, marked "Exhibit A".

The papers delivered to me are herewith returned.

Yours very truly,

H. E. Lewis

Alice Sawsaw, et al.
vs.

Choctaw Nation

Before me the undersigned a Notary Public in and for the Central District of The Indian Territory, personally appeared Sarah P. Harlan, who after being by me duly sworn, states, that she is 73 years old, my P.O. Juanita S. J. I am a Citizen by blood of the Choctaw Nation, I was born in Sumpter County Alabama, I lived there until 1850, when I moved to the Choctaw Nation, Indian Territory. I was well acquainted with John Walker and his wife Mollie Walker, and their children, their names were as follows, Jandy Walker, Judy Walker, Mary Walker, Amiea Walker, and 2 or 3 small boys, that I do not remember the names of. John Walker was a white man, and his wife Mollie was about a half blood Choctaw. As well as I can remember they moved west, when I was about 12 years old. The entire family moved west, if any of the family had remained, in Alabama, I could

have known it; as I remained there until
1850. The three girls were all single
when they left Alabama, but when I
came to the Choctaw Nation, Judy
had married Robert M Jones, and
had some children. But she and
her children were all dead. Mary
was living with a white man name
Blackburn, but she had been married
before and had some children by
her first husband. She died here
in the Choctaw Nation, after the
civil war was over. Amelia was
living with Edmond Krebs as his
wife, when I got to this Nation, she
died here in the Choctaw Nation
Several years ago.

~~Can you~~ As well as I
can remember, Fandy was the
oldest child of John and Mollie
Walker, and I think he was
about 18 or 20 years old, I do not
remember any boy name Jesse.
None of John Walker's children,
were married a man named Scandlin
or I would have known it;

The Walker family did not live in
~~Alabama~~

Mississippi, but in Sumpter County
Alabama.

~~David A. Harlan~~

Sworn to and signed before me this 5th
day of April 1903

" Commissioner of
June 19th 1905

W. F. Kelly
Notary Public



I N D E X.

Application to Commission	1
Affidavit of Witness <i>Thomas York</i>	3
Affidavit of Olasechubbie	5
Affidavit of Alice Lewsaw	7
Judgment U. S. Court	9

APPLICATION FOR ENROLLMENT.

Before the United States Commission to the Five Civilized Tribes of
Indians:

Alice Lewsaw, et al,
petitioner/

Vs.

Choctaw Nation, Indian Territory,
Respondent.

Application for admittance and enrollment.

To the above named Honorable Commission.

Your petitioner Alice Lewsaw states that Scanlin nee
Walker was a Choctaw Indian by blood was duly recognized by the proper
authorities as such in the old Choctaw Nation in Miss. and enjoyed
all the rights, privileges, and immunities of other Choctaw by blood
in the said Choctaw Nation or Tribe of Indians, and that the name of
said Scanlin nee Walker appears or should appear upon the authenti-
cated roll for the year 18__.

That the petitioner is a lineal descendant of the said
Scanlin E. Walker, to-wit: That she is about 51 years of age, that she
resides at South McAlester, Indian Territory that she is an admixture of
white and Choctaw blood and that she is at least one fourth Choctaw Indian
blood, and that she derives her Choctaw Indian blood from her father
and her grandmother. That her father was William Scanlin, and her
grandmother Walker and the mother of Wm. Scanlin was _____ Walker,
a Choctaw Indian woman, who lived in the old Choctaw Nation in Mississ-
sippi, about 17_____ and died about 18_____ that the said _____
Walker intermarried with one Scanlin, and by such marriage Wm. Scan-
lin was born, that Wm. Scanlin intermarried with Alice Lindsay,
and that by such marriage petitioner was born, and she is a lineal
descendant of the Scanlin (nee Walker) Choctaw Indian family.
Applicant has been seeking her rights to citizenship for the past

marriage children mentioned herein below were borned now living

Your said petitioner is entitled to be admitted and enrolled as
as a citizen and member of said Choctaw Tribe of Indians in
Indian Territory, and entitled to all the rights, benefits, privi-
leges and immunities of other Choctaw Indian by blood.

That there are now living legal descendant of your said
petition one persons follows to-wit:

John W. Lewsaw a male 11 years of age.

Wherefore the premises considered your petitioner prays
that her name with those of said descendant to-wit: John W. Lewsaw
and Alice Lewsaw be enrolled ~~and~~ and admitted to the rights, benefits,
privileges and immunities of other Choctaw Indian in and to the
Choctaw ~~at~~ Tribe of Indian in Indian Territory, and your
petitioner will ever pray.

And in support of said claim herewith submits the affidavits
deposition and record evidence namely.

and petitioner respectfully awaits the time and place when her applica-
tion shall be heard and tried and petitioner will ever pray, etc.

(Signed) Alice A. Lewsaw,

Attorney for petitioner.

~~The~~ The aforementioned petitioner Alice Lewsaw says that the
statements set forth in the above and foregoing petition and true
according to his best knowledge information ~~and~~ and belief.

(Signed) Alice A. Lewsaw

Subscribed and sworn to before me this 3rd day of Sept 1896.

(Signed) M. M. Winningham,

Notary Public.

Affidavit of Witness.

In the matter of petitionan memorial of Alice Lesaw
for admission to citizenship in the Choctaw nation.

Choctaw Nation.

County of Tobucksy.

United States of America,

Indian Territory, Central District

Before me a Notary public in and for the said District
and Territory, afresaid personally appeared Tom York who after being
by me duly sworn states. That he is 74 years of age and a resident
of the Choctaw Nation and County of Tobucksy and his post office address
is Simpson, I. T. That he is personally acquainted with Alice
Lewsaw of Simpson, I. T. whos is an applicant f for itizensho; in
the Choctaw Nation. Affiant further states that he is a full blood
Indian and isa citizen of Tobucksy County Choctaw Nation and a member
of the Choctaw Indian Tribe. Affiant further says that he was borne
in Leake County, Miss. In 1822, and lived in Miss. continuousoussly
1892 when affuant imigrated to the Choctaw Nation, I. T. where he
has resided continuously ever since. A ffiant fur her states that he
i personsay acquainted ith Alce Lewsaw who is an applicant for citi-
zenshi; in the Choctaw Nation and knows to his own knowledge that he
is a Choctaw Indian and that she is an admixture of Choctaw and white
blood and is at least one fourth Cjoctaw blood.

Affiant further syays that he knows a Choctaw Indian woman
when he sees her talks with her. That from her personal acquainted with
with Alice Lewsaw that his best judgment isthat she is one half in
Choctaw Indian blood.

Affiant further says that he was present at McAlester,
Tobucksy ourty, Choctaw Nation at an Indian Court held by Choctaw
judicia officers of some time where and when the said Alice Lewsaw
made application on for Choctaw citizenship, but failing to pay the
sum of \$100.00 her application was not co sidered but it was admitted
that she was a Choctaw Indian woman

Affiant further states that he has known the said Alice Lewsaw for the past 3 1/2 years and knows that she has been and is recognized by her neighbors, acquaintances and the public generally as having Choctaw Indian blood and that the complexion and physical appearance of the said Alice Lewsaw indicate that she is of Choctaw Indian blood and descent. Affiant further states that from the above facts and circumstances, and from what he has heard and knows of the family of the said Alice Lewsaw he believes the said Alice Lewsaw to be a descendant by blood of the Choctaw Indian tribe

Signed His
 Tom X York.
 Mark

Subscribed and sworn to before me this 18th day of August,
1896.

(Signed) M. M. Winningham/
Notary Public.

United States of America

Central District,
Indian Territory.

Personall appeared before me the undersigned a Notary Public in and for said district Allen Moore, personally known to me to be over the age of 21 and a citizen of the Choctaw Nation, who after being duly sworn states that he will ~~interpret~~ interpretent, the statements made by Olaseechabee. That the said Olaseechabee also personally appeared before me a Notary Public within and or said district, and who after being duly sworn deposes and says. That my name is Olscheeabee that I live in Tobucksy County, Choctaw Nation, that his post address is Kiowa, I. T. I am about 77 years o,d. I was born near the Tom Bigbee River Miss.. and liver there until I was 14 year old or about 1833 when I camewet with the Choctaw band of Indian, and have resided in the Choctaw Nation ever since. I am nowa member of the Choctaw Council in the senate, and am a full blood Choctaw.

I am personally acquainted with Alice Lew aw but have not known her long. My best judgment is that she is an admixture of white and Choctaw Indian blood, but cannot tell she ha of either. I believe she has got at least one fourth Choctaw blood and may have more. From what she tell me and from what I know of my own knowledge I believe she is a leniel descendant of the Walker Indian family.

I was personally acquainted with Tandy and Jesse Walker whom are Choctaw Indian by blood, and who emigrated wwest at the time the Choctaws emigrated West and that the time I emigrated west.

Tnady and Jesse Walker had three csisters. Two of the sisters came west with the emigrants and the sister that did not come inter-married with a white man in Miss. about 1830 or just a little while before we emigrated west.

It has been so long that I cannot remember the white man names neither can I remember the name of any of the three sisters. I have not met with any of the Walker Indian famiyl since a short time after the war. Jesse Walker died just before the way and Tandy ~~died~~ died just after the war. One of the sisters died at or near

Alderson, I. T. in 1872, and the other one died just before the late war, all of the five Walkers were older than myself, and the Walker sister that was left back there was the oldest of the family. She was about 20 years older than myself, and she having married was the reason that she ~~did~~ did not come out West.

The Walkers formerly lived in East Mississippi. I believe that Alice Lewisaww is leniel descendant of this Walker family.

I believe that she is entitled to citizenship in the Choctaw Nation, being a leniel descendant of the Walker Indian family.

(Signed) Olasechubbie

(Signed) Allen Moore,

Interpreter,

Subscribed and sworn to before me this 31 day of September, 1896

(Signed) M. M. Winingham.

Notary Public.

AFFIDAVIT OF WITNESS.

In the matter of petition and memorial of Alice Lewsaw
for admission to citizenship in the Choctaw Nation.
United States of America,
Indian Territory,
Central District.

Before me the undersigned a Notary Public in and for the said
District and Territory aforesaid personally appeared Alice Lewsaw
who after being by me duly sworn states, that she is between
45 and 51 years of age, and a resident of the Choctaw Nation, in
County of Tobucksy, and her post office address is South McAlester,
I. T. Alice Lewsaw who is an applicant for citizenship in the
Choctaw Nation. Affiant further states

She derives her Choctaw Indian blood from her father the
late William Scandlin. Affiant further says that she has been taught
from her earliest youth that her father was the late William
Scandlin, that he was a Choctaw Indian by blood and was born in Miss
about 1810, and that he intermarried with Alice Lindsay about 18__ and
by such marriage affiant was born, that her mother died when she was
about two weeks ago and her father died when she was about five years
of age. That affiant was raised up without any education and among
strangers, that she knows but little about her ancestors, but affiant
has been recognized by her neighbors ever since she can remember as a
Choctaw Indian woman and at least one fourth Choctaw Indian blood.
Affiant does not know when she was born, but has been told that she was
born in Miss. That she was brought to Ark. when she was small. She
intermarried with James M. Lewsaw about 1880, and by such marriage one
child has been born now living, namely John W. Lewsaw who is now about
11 years of age.

Affiant further says that she moved in the Choctaw Nation in
1889, where she has resided continuously. That she has been regarded
by her neighbors and all the Choctaw Indians by blood who have become
acquainted with her that she is of at least one fourth Choctaw blood and
that she is recognized as a Choctaw Indian woman. She has been permit-

ted to enjoy all the rights of a Choctaw citizen, but she has never been registered as an authenticated Indian citizen or permitted to draw money though she has been seeking to establish as a Choctaw Indian by blood for the past five years.

Affiant further states that she has been and is recognized by her neighbors, and the public generally as having Choctaw Indian blood, and that the physical appearance of affiant indicate that she is of Choctaw Indian blood and descent.

Affiant further says that from the above facts and circumstances and from what he has heard and knows of the family of the said William Scandlin she believes herself to be a descendant by blood of the Choctaw Indian Tribe and a leniel descendant of the said Scandlin (nee Walker) Choctaw Indian family.

(Signed) Alice A. Lewsaw.

Subscribed and sworn to before me this 3rd day of sept.

1896/

(Signed) M. M. Winingham,
Notary Public.

Alice Lusaw, et al.,

vs. No. 128, Judgment, Central District, September, 6, 1897.

Choctaw Nation.

The above entitled cause coming on to be heard, this 6th day of September, 1897, upon a report of the ³ Special Master in Chancery T. N. Foster, Esq., which said report is by the court confirmed and approved and exhibits therewith filed and the plaintiffs and defendant appearing by their respective attorneys and it appearing from the said master's report and the evidence filed in this cause that the allegations in the plaintiff's ~~application~~ petition are true, and the court being fully advised in the premises; it is therefore by the court considered, ordered and adjudged and decreed that the said plaintiffs Alice Lusaw and John W. Lusaw be and they are hereby admitted to citizenship in the Choctaw Nation, and that their names be placed upon the ~~xxx~~ rolls of said ~~Choctaw~~ Choctaw citizens prepared or to be prepared by the United States Commission to the Five Civilized Tribes of Indians; that said Commission are hereby directed to place the names of the said Alice Lusaw and John W. Lusaw upon said rolls and the clerk of this court is hereby directed to furnish under his hand and seal of office the said Commission with a true and perfect copy of this judgment, decree and order, and that the plaintiffs have and recover of and from the defendant Choctaw Nation all their costs herein laid out and expended.

Indian Territory
Central District,

In the Choctaw and Chickasaw Citizenship
Court. In the Central District of the Indian Terr-
itory.

Alice Luesaw et. al., Plaintiffs,

vs

The Choctaw and Chickasaw Nations, Defendants,

PETITION.

Comes your petitioners, Alice Luesaw and John W. Luesaw, who is a minor and sues by his next friend, Alice Luesaw, and they say that Alice Luesaw is a member of the Choctaw tribe of Indians and a citizen of the Choctaw Nation by blood and that the plaintiff, John W. Luesaw is the son of the said Alice Luesaw and also also a member of the Choctaw Tribe of Indians and a citizen of the Choctaw Nation by blood, he having born out of the lawful wedlock of the said Alice with J. M. Luesaw, the father of the said John W.- That your petitioners under and by virtue of an Act of Congress approved June 10th. 1896, entitled An Act Confering authority upon the ~~xxx~~ Commission to the Five Civilized Tribes to hear and determine rights of persons who claimed to be citizens of the Choctaw Nation of Indians, filed their application for citizenship before said Commission within ninety days from the approval thereof as required by law, which application was by *the file No. of same is 128* said Commission denied, whereupon and within the time required by law your petitions appealed said action to the United States Court at South McAlester I. T. where the same was duly tried by said Court on the 11th. day of Sept. 1897 and the judgment of the said Commission was reversed and your petitioners duly admitted to Citizenship in said Choctaw Nation by said United States Court, with all the rights, privileges, and immunities of

all other citizens of the Choctaw Nation of Indians.- Thereaf-
 ter and on and by an Act of Congress approved on the 1st. day of
 July 1902, this Hon. Court was created and duly empowered to hear
 hear and determine this action together with all other cases
 similarly situated, and on the 17th. day of December 1902, this
 Hon. Court did set aside, vacate, and annul the judgment of said
 United States Court in this action rendered as aforesaid.- Whe-
 refore your petitioners pray:- that this Hon. Court issue its
 writ of error to the Clerk of the United States Court at South
 McAles I. T., demanding and directing said Clerk to certify and
 transfer to this Hon. Court all papers, files, and proceedings
 heretofore
 had in this cause in said Court, and for general

relief.

Alice Pusey

By Resome Jones
 Attys for Petitioners.

[Handwritten notes and signatures in the left margin, including the word 'relief' and various illegible scribbles.]

Copy.

Ann Thompson, et al.,
vs.
Choctaw and Chickasaw Nations.

Lula McKinnon et al.,
vs.
Choctaw and Chickasaw Nations.

Thos. Brennan,
vs.
Choctaw and Chickasaw Nations.

√ Alice Luso, et al.,
vs.
Choctaw and Chickasaw Nations.

A. F. Cowling
vs.
Choctaw and Chickasaw Nations.

MOTION.

In consideration of the fact that there is now pending before the Supreme Court of the United States at Washington a proceeding in the nature of an application for a writ of prohibition in the case of U. S. Joins v Choctaw and Chickasaw Nations, the questions in which case are similar to those in the case at bar, due notice of which proceeding has been duly served on this Hon. Court, the office of which writ is to restrain this Hon. Court from exercising the jurisdiction therein asserted and from proceeding in said cause to a hearing of the same and that said proceeding is set down for hearing before said Court on the 19th day of October 1903 and will not be finally determined until some time thereafter, plaintiffs therefore move the Court that this cause be not now heard and that the same be passed until after the final hearing and determination of said application for said writ as the matters therein to be considered and determined with be determinate of similar matters by which the case at bar is effected. ~~This~~ ^{xx} this motion is entered as a protest against further proceedings until after the hearing and determination of the matters and questions as aforesaid.

(signed) Redwine & Jones

Attys.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT SITTING AT SOUTH
MC ALESTER, INDIAN TERRITORY, MAY TERM 1903.

Alice Lewsaw, et al.,Plaintiffs.

vs.

The Choctaw Nation and
the Chickasaw Nation : . Defendants.

MOTION TO MAKE MORE DEFINITE AND CERTAIN.

Come now the Choctaw and Chickasaw Nations, by Mansfield, McMurray & Cornish, their attorneys, and move this Honorable Court to require the plaintiffs herein, Alice Lewsaw, to make her "Application for enrollment" filed before the Commission to the Five Civilized Tribes under the act of Congress approved June 10, 1896, more definite and certain, in this; that she be required to state:

First. The full name or names of any and all ancestors through whom she claims the right to be admitted and enrolled as a citizen by blood of the Choctaw Nation; and if she, or any, or all of them have been recognized and enrolled as citizens of the Choctaw Nation, either in the old Choctaw Nation in the State of Mississippi or in the Choctaw Nation, Indian Territory; and if so, how she, or any, or all of them have been so recognized and enrolled.

Second. Whether she, or any, or all of her alleged ancestors through whom she claims the right to be admitted and enrolled as a citizen by blood of the Choctaw Nation complied with the requirements of article fourteen of the treaty of 1830 between the United States and the Choctaw Nation; and if she, or any, or all so complied by whom such compliance was made and how; and

Third. Whether she, or any, or all of her alleged ancestors emigrated to the Choctaw Nation, Indian Territory, with the Choctaw Indians residing in the old Choctaw Nation in the state of Mississippi under the provisions of article 3, of said treaty of 1830; and if so the name of names of person or persons who thus

emigrated.

THE CHOCTAW NATION,
THE CHICKASAW NATION,

BY

THEIR ATTORNEYS.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT SITTING AT SOUTH
MC ALESTER, INDIAN TERRITORY, MAY TERM 1903.

Alice Lewsaw Plaintiff.

vs.

The Choctaw Nation and
The Chickasaw Nation.. . . . Defendants.

D E M U R R E R .

Come the Choctaw and Chickasaw Nations by Mansfield,
McMurray & Cornish, their attorneys, and DEMUR to the "Application
for Enrollment" of the plaintiff and for cause state: that the
same does set forth facts sufficient, which if true, would
warrant this Honorable Court to admit the plaintiff to citizenship
in the Choctaw Nation.

THE CHOCTAW NATION

THE CHICKASAW NATION

BY _____
THEIR ATTORNEYS.

###

United States of America,
Indian Territory,
Central District,

In the Choctaw and Chickasaw Citizenship
Court for the Choctaw and Chickasaw
Nations, sitting at South McAlester, I.T.

Alice Luesaw et al . plaintiff,s)
VS)
The Choctaw and Chickasaw Nations,)
Defendants,)

Notice of Motion to reinstate
Lost papers.

To the Choctaw and Chickasaw Nations ~~for~~ Mansfield ,McMurry & Cernish
Attorneys for defendants herein, you and each of you are hereby notified
that on the 3rd day of November, 1903, or as soon thereafter as the
matter can be heard, the plaintiff,s in the above intitled action, will
present to the Honorable Choctaw and Chickasaw Citizenship Court to
reinststate the ~~the~~ original complaint, and the affidavits of Alice Luesaw,
Thomas Fork, and Ola Schubbie, and ask that the same be made of record
and considered as orignial papers in this action, a copy of said motion,
is herete attached and marked exhibit "A" and made part of this notice,
This the 31st day of October, 1903.

Alice Luesaw et al
By *Redwin Jones*
~~Redwin Jones~~ Atty for plaintiff

IN

United States of America,
Indian Territory,
Central District. }

Motion to reinstate.

In the Choctaw and Chickasaw Citizenship Court for the
Indian Territory, Sitting at South McAlester, I.T.

Alice Luesaw, ^{et al} plaintiff,

VS

The Choctaw and Chickasaw Nation,
defendant,

Comes Alice Luesaw and Jean W Luesaw by ~~his~~ next
friend Alice Luesaw, plaintiff, s herein, and allege and say that they are
citizen by blood of the Choctaw Nation, and have been duly admitted as
such by the United States Court at South McAlester, I.T.
Plaintiff, s say that on or about the 3rd day of September, 1896, they
made their application in writing before the Commission to the Five
Civilized Tribes, to be admitted to Citizenship in the Choctaw Nation as
citizens by blood, ~~that on or about the~~ and in support of said application
plaintiff, s filed the affidavits of ^{Alice Luesaw} Thomas Yerk, and Ola Schubbie,
After the filing of said application and on or about the _____ day of
~~1902~~ 1896. Thereafter ~~and on~~ said Commission passed upon the
applicatins of plaintiff, and denied them, and thereafter and on the
_____ day of _____ 1896. plaintiff, s appealed said ^{Court} ~~case~~ to the United
States Court at South McAlester, I.T. and thereafter and on the 6th day
of Sept 1897, said plaintiff, s were admitted to Citizenship in
the Choctaw Nation as citizens by blood by said United States Court at
South McAlester, I.T, and thereafter and on the 5th day of March
1898, this cause was appealed to this Court for futuer action, and all
papers and proceeding had in said United States Court and before the
Commission to the Five Civilized Tribes, ~~was~~ ^{will} orderd by this Honorable Court
to be sent to this Court from said United States Court at South McAlester
for futuer proceedings

That on the 12 day of March ~~1900~~ ¹⁹⁰², the Clerk of said United States Court at South McAlester, sent to this Honorable Court, the Judgment in the aforesaid action, the same being all Records of said action to be found in his Office, the following parts of said Records having been lost or destroyed and could not be found, to wit: the ^{affidavit and} Complaint of plaintiff, s. ^{and} affidavits of Thomas Verk, and Ola Schubbie, a correct copy of each is hereto attached and marked Exhibit, A, B, ~~C.~~ ^{"D"} and made part of this motion,

Wherefore plaintiff, s pray that the ~~correct~~ ^{marked & "A"} copy of said Complaint, and the affidavits marked exhibit "~~A~~", "B." ~~"C"~~ ^{+ "D"} to this Motion be reinstated and made of record in this Court in the aforesaid action, and the same be considered as original papers in this proceedings,

Alice Luesaw, et al
By Rudolph J. Jones
Attys for Plaintiff

Comes Alice Luesaw, the plaintiff herein and who after being duly sworn deposes and says that she ~~has~~ has heard read this Motion, and the exhibits attached thereto, and that the same are all true and correct,

Subscribed and sworn to before me this the _____ day of Oct, 1903.

Notary Public,

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT SITTING AT SOUTH McALE
TER, INDIAN TERRITORY, NOVEMBER TERM 1903, ----November 3, 1903.

Alice Lewsaw, et al.,

vs.

Choctaw & Chickasaw Nations.

Judges Adams & Foote present.

Redwine & Jones for the plaintiffs.
Mansfield, McMurray & Cornish for the Defendants.

The above cause coming on to be heard the following pro-
ceedings were had:

Mr. Jones:

In this case your honors the record became lost; it was
tried in the United States court but never could be found or
at least when it became necessary to transfer the record to
this court it could not be found. Part of the record has been
kept in the files of the Dawes Commission and we have procured
that and now desire to substitute it.

Judge Adams:

The record of the Dawes Commission?

Mr. Jones? A

Yes, sir.

Mr. Cornish:

We object to the consideration of the motion for the
reason that it does not comply with the rule of the court. It
makes reference to certain exhibits which are attached to it
and there are no copies of such exhibits attached to the copy
of the motion furnished us. We are not aware of what they are.

Judge Adams:

Read your motion.

Mr. Jones:

Reads motion, to substitute record.

Judge Adams:

Is that authenticated by the Dawes Commission?

Mr. Jones:

There can be no further authentication because the Dawes Commission refuses to authenticate anything. They simply allowed us to go there and make copies of the record.

Judge Adams:

Would they not give you a certificate showing that this is a correct copy.

Mr. Jones:

No, sir; they would not.

Mr. Cornish:

The objections which I urge at this time are to the consideration of the motion at all because it was not filed and served upon the opposing Counsel in accordance with the rules of the Court.

Judge Adams:

What rule do you refer to?

Mr. Cornish:

I understand the rule to be that copies of all papers offered in the court must be served upon the opposing counsel.

Mr. Jones:

The exhibits are here for inspection; there is no purpose in withholding them. I don't understand the rule to be that we have to serve copies of these exhibits.

Mr. Cornish:

It is not my idea to quibble over the matter. The rule is as broad as it can be written- that every paper filed before this court, a copy of it shall be first furnished the opposing counsel. I don't want to split hairs about it. My reason is a substantial one. We will not always be situated as we are in this case and we wish to keep our office files perfect. We insist that the rule be complied with. When that suggestion is acted upon then we will address ourselves to the motion.

Judge Adams:

I suggest that you furnish them with a copy of the exhibits.

Mr. Jones.

Alright.

Alice Lewsaw, a witness in her own behalf, after being duly sworn testified as follows:

Direct examination by Mr. Jones.

- Q Mrs. Lewsaw where do you now live? A In the Choctaw Nation.
Q How long have you lived in the Choctaw Nation, Indian Territory? A About fifteen or sixteen years.
Q What race of people do you claim to belong to Mrs. Lewsaw? A A White and Choctaw.
Q Choctaw Indian? A Yes, sir.
Q Where did you come from to the Choctaw Nation? A From Mississippi--from Arkansas to the Choctaw Nation,--I made a mistake there.
Q How long have you and Mr. Lewsaw been married? A Twenty-two or three years.
Q Have you got any children? A Yes; I have one boy.
Q What is his name? A John William Lewsaw.
Q Is he the one that you are making application for? A Yes; he was just four years old-
Q When you came to the Choctaw Nation? A Yes; he was five years old when we came to this town; I have been in this town ever since.
Q I will ask you to state whether the Choctaw Indians here ever recognized you as a member of their tribe? A They have never claimed any permit of me at all; I have sent my boy to the school.
Q Your boy has been going to Indian School? A Yes, sir.
Q Have they ever sought to collect any pay from you for his attending school? A No, sir.
Q I will ask you to state whether or not you have been living on the Choctaw lands here? A I have a home out here and am living there. I have been tending it for several years.
Q Have the Choctaw Nation ever required you to pay any permit? A No, sir.
Q I will ask you to state whose pictures these are? A My father and my sister--it has been badly abused--but I would not take the world for it.
Q Your father and your sister? A Yes, sir.

(Picture exhibited)

- Q What race of people did your father belong to? A He was a half Indian by blood?
Q Choctaw Indian? A Yes, sir.
Q What was your mother? A My mother was a white woman.
Q What was your father's name? A William Scanlon.
Q Where did you come from to the state of Arkansas? A I came from Mississippi.
Q Are your father and mother both dead? A Yes, sir.
Q How old were you when they died? A I was a little infant when my mother died--about two weeks old and I was about five years old when my father died.
Q With whom then did you live after that? A With my uncle until he died.
Q Where did your uncle live? A He came to Mississippi and brought me to Arkansas.
Q Did your uncle live in Arkansas? A Yes, sir.
Q I will ask you to state if after the death of your father your uncle came from Arkansas to Mississippi and got you and took you back to Arkansas? A Yes, sir.

- Q Was your uncle a white man or an Indian? A He was a white man--my mother's brother.
- Q What information have you with reference to your grandfather was he a white man or an Indian? A He was a white man.
- Q Your grandmother? A She was an Indian.
- Q How much Indian? A I think she was a full blood.
- Q Grandmother was a full blood Choctaw Indian? A Yes, sir.

Cross examination by Mr . Cornish.

- Q How old are you Mrs. Lewsaw? A I am fifty-seven.
- Q Fifty-seven you say? A Ues, sir.
- Q What is the name of your mother? A Alice Scanlon.
- Q The name of your father? A William Scanlon.
- Q Through which one of your parents do you claim Choctaw blood? A My father.
- Q William Scanlon? A Yes, sir.
- Q What was the name of his father? A His name was Scanlon too.
- Q What was his first name? A I don't know.
- Q Then you are unable to state the full name of your father's father? A Yes, sir.
- Q What is the name of your father's mother? A I could not tell you.
- Q Then you are unable to state the name of your father's mother? A Yes, sir.
- Q Through which one of his parents did your father claim his Choctaw blood? A His mother.
- Q But you are unable to state her name? A Yes, sir.
- Q Where was your father born? A I don't know.
- Q Then you are unable to state where your father was born? A I don't know that.
- Q When was he born? A I could not tell you that.
- Q Then you don't know, either personally or through family tradition or otherwise, when and where your father was born? A No, sir.
- Q Do you know anything about where your father's mother was born? A She was born in Mississippi.
- Q Well what do you know about it? A They told me so.
- Q Who told you so? A My sister.
- Q What is her name? A Her name was Scanlon.
- Q What did she say about when and where your father was born? A She did not tell me.
- Q Then you have no information personally, by family tradition, through your sister or otherwise as to when or where your father's mother was born? A No, sir.
- Q What do you know about being a Choctaw Indian? A My sister told me.
- Q What did she say? A That my father was a Choctaw Indian.
- Q What else did she say? A She said that if we would come out here we would get our Indian land and she died-----:
- Q When was it you moved to Arkansas---How long did you live in Arkansas before you moved to the Choctaw Nation? A I could not tell you.
- Q From the time you was small was it not? A Yes, sir.
- Q Until how long ago? AA I do n't know how long ago.
- Q How long have you lived in the Choctaw Nation? A Fifteen or sixteen years.

- Q Then you lived in Arkansas from the time you were a small girl until fifteen or sixteen years ago? A Yes, sir.
- Q Where did you live in Arkansas? A Jackson and Independence Counties.
- Q How old were you when you married? A I don't know.
- Q You were a grown woman? A Yes, sir.
- Q You have been married since you have been grown? A Yes, sir.
- Q You heard this sister tell about you being a Choctaw Indian from your earliest recollection? A Yes, sir.
- Q How long ago did your sister die? A I don't remember.
- Q Just state as best you can; if you don't remember say so? A I don't remember.
- Q Did she die in Arkansas before you came to the Choctaw Nation? A No; she died I think in Mississippi.
- Q Then your sister never moved to Arkansas? A No, sir; we was separated--she came to see me and told me to come out here before I came.
- Q She never came herself did she? A No, sir.
- Q She never came out here and claimed to be an Indian? A No, sir.
- Q You never came until sixteen years ago; you were never in the Choctaw Nation until 16 years ago? A No, sir.
- Q How many sisters did you have? A Just that one sister.
- Q Did you have any other sisters? A I had just one.
- Q Did you have any brothers? A No, sir.
- Q Had no brother's at all? A No, sir; none that I know of.
- Q You would know? A I was brought here when a baby to Arkansas.
- Q Who brought you? A My uncle.
- Q After the death of your mother? A Yes, sir.
- Q You know how many brothers or sisters you had, don't you? A I don't know anything about my people.
- Q Then you don't know whether you had any brothers or not? A No answer.
- Q How many brothers or sisters did your mother have? A I could not tell you.
- Q Did you ever make application for citizenship to the Choctaw Council? A Yes, sir.
- Q What was done with your application? A They told me that I would have to pay one hundred dollars to get my right and I did not have it to pay.
- Q You were not admitted by council? A They gave me my right.
- Q Who gave you your right? A The Indians.
- Q Did the council give you a right? A No; but--I don't know how the council does.
- Q You just stated that they required you to pay \$100.00 and you did not pay the hundred dollars? A I did not have the hundred dollars.
- Q You did not pay it? A No, sir.
- Q The council did not admit you; you speak of your children going to school; how many have you? A One.
- Q What is his name? A John William Lewsaw.
- Q How old is he? A Eighteen.
- Q What Choctaw school has he attended? A Out here at Mr. Pitchlyn's.
- Q Where is that school? A Right out here south of town.
- Q Is your son in school now? SA No, sir/ he is at home now.
- Q When did he go to school last? A He went to school last years.
- Q When was it he last attended school; was it last year or or the year before? A It was when Love teached.
- Q Was it last year or the year before? A I think it was last Winter. I don't remember, I am very forgetful; I have nervous headaches.

- Q Do I understand you to say to the Court that your citizenship right as a Choctaw Indian has not been objected to or contested by the Choctaw Indians; do I understand that to be your statement? A No, sir.
- Q What did you say? A I said that the Choctaws never had claimed permits or me and that they claimed that I was Indian --that I showed it and that I was.
- Q Certain individual Indians told you that? A Yes; and swore to it.
- Q Whoysworetoit; Olachubbie and Tom York? A Yes, sir.
- Q You don't mean to say that your citizenship claim has not been contested or objected to by the Choctaw Nation; you don't mean to say that? A No; I don't mean to say it that way.
- Q The Choctaw Nation opposed your claim before the Dawes Commission in 1896? A They let my boy go to school and they claimed I was Indian all along and I am Indian.
- Q The Choctaw Nation opposed your claim? A They opposed lots of claims.

Judge Foote:

- Q What did your sister say where you was born in Mississippi? A I could not tell you; I don't remember.
- Q She never told you where you were born in Mississippi? A She knows but I don't remember.

Mr. Jones:

- Q Did your sister live in Mississippi when she came to see you? A Yes, sir.
- Q Did she go back there after she came to see you? A I suppose she did.
- Q You know how long after she came to see you that she died? A No, sir.
- Q Did she die back in Mississippi? A Yes; all that I know I have stated.

Mr. Jones:

We have nothing further to offer than this record.

Mr. Cornish:

If the court see fit to take up the motion I will assume that Mr. Jones will furnish us the copies of the exhibits.

Judge Adams:

You can introduce them-introduce each paper separately and if he wants to object he can; that is the usual way we have adopted.

Mr. Jones:

The only thing here to be introduced coming from the court below is the judgment of the court and his certificate that is the only record in the case in his office. "Ex.A"

Mr. Cornish:

The Choctaw and Chickasaw Nations object to the introduction of the Judgment of the United States Court for the Central District of the Indian Territory except in so far as it identifies the present applicants as being the persons whose application was filed before and passed upon by that tribunal.

Mr. Jones:

We offer the motion to substitute the record.

Mr. Jones:

we next offer the application for enrollment.

Mr. Cornish:

The Choctaw and Chickasaw Nations object to the introduction of the paper referred to, the application for admission and enrollment alleged to have been filed before the Commission to the Five Civilized Tribes for the reason that the same bears no proper authentication; there is nothing attached to it to show, aside from other objections, that it is a true and correct copy of the original application filed before the Commission under the act of Congress approved June 10, 1896; the Nations further object for the reason that it is a part of a void proceeding had before the Commission to the Five Civilized Tribes under the act of Congress approved June 10, 1896, to which both the Choctaw and Chickasaw Nations were necessary and interested parties and to which the Choctaw Nation only was made a party.

Mr. Jones:

I next desire to introduce the affidavit of Alice Lewsaw taken before the Dawes Commission.

Mr. Cornish:

The Choctaw and Chickasaw Nations object to the introduction of the alleged affidavit of Alice Lewsaw referred to and in support of such objections state that it purports to be a copy of an original affidavit filed before the Dawes Commission under the act of June 10, 1896 but does not bear a proper authentication and no evidence that it is a true and perfect copy of the original; we object further to the introduction of the affidavit for the reason that it is a part of a void proceeding had before the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, to which both the Choctaw and Chickasaw Nations were necessary and interested parties and the Choctaw Nation only was made a party; the Nations object further for the reason that it has not been shown that the person who made the affidavit is dead; the Nations object further and state that in no event could this affidavit be made use of before the Commission to the Five Civilized Tribes under the express terms of the act of June 10, 1896.

Mr. Jones:

We next offer the affidavit of Olachubbie.

Mr. Cornish:

The Nations object and set forth the same objections.

Mr. Jones:

We next offer the affidavit of Thomas York.

Mr. Cornish.

The Nations object and set forth the same objections.

Mr. Jones:

With reference to supplying this record if the court pleases we would like to be permitted to get the affidavit of certificate from the Dawes Commission certifying that they will not certify any record and that they refuse to make a copy but permitted us to take our own stenographer and get the record ourselves; then the affidavit of the stenographer that this is a true and correct copy of the record filed in the Dawes Commission.

Judge Foote:

There is a specific statute of the United States that provides a method of procuring this record that should be followed; I merely offer that as a suggestion.

("Picture introduced and made a part of the record of certain of the applicants relatives.")

In the Choctaw and Chickasaw Citizenship Court,
Sitting at South Mc Alester, I.T., Dec. 3, 1903.

--o--

Alice Leusaw, et al,

--vs--

No. 24.

The Choctaw and Chickasaw Nations,

--o--

Present and presiding Hons. Spencer B. Adams, Walter
L. Weaver and Henry S. Foote, Judges of said Court.

--o--

This day this cause coming on further to be heard,
the following proceedings were had, to-wit.

--o--

Mingo Natonabe,

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

Mr. Jones:

Q.- What is your name? A. Mingo Natonabe.

Q.- How old are you? A. I think 77.

Q.- Where do you live now? A. Down here in the Chickasaw
Nation.

Q.- What tribe or race of people do you belong to? A. Choctaw.

Q.- Choctaw Indians? A. Yes, sir.

Q.- How long have you lived in the Indian Territory? A. One year.

Q.- Where did you come from to the Indian Territory? A. Mis-
sissippi; came over here to South Mc Alester.

Q.- How long since you came to South Mc Alester? A. A year
now.

Q.- Are you a full blood Mississippi Choctaw?

A.- Yes, sir.

Q.- Have you been entered on the roll here as a Mississippi Choctaw?

A.- Yes, sir.

Q.- Where have you lived all your life until you came to the Indian Territory.

A.- I have not lived but a year here; always lived in Mississippi before that.

Q.- I will ask you if you ever knew a man in Mississippi by the name of Scanlon?

A.- Yes, sir.

Q.- Have you seen since you came here a picture purporting to be that of William Scanlon?

A.- Yes, sir.

Q.- I will ask you if the picture you have seen is the same man you knew in Mississippi?

A.- Yes, sir.

Q.- Who showed it to you?

A.- I cannot call his name.

Q.- Was it the clerk of the Court here?

A.- No, sir.

Q.- Mr. Leusaw?

A.- Yes, sir.

Q.- What race of people did William Scanlon belong to?

A.- Choctaw or I think, or Chickasaw, sir.

Q.- Was he part white man, how much Choctaw or Chickasaw did he have?

A.- Half, I think.

Q.- Do you remember the time when the Indians emigrated from Mississippi to the Territory.

A.- Yes, sir.

Q.- How old were you at that time?

A.- I cannot tell you that; good big size.

Q.- Is William Scanlon now dead or living?

A.- He is dead.

Q.- How long has he been dead?

A.- About ~~£~~ 40 years.

Q.- How many children did he have?

A.- Two.

Q.- Were they boys or girls?

A.- Both girls.

Q.- Did you ever know William Scanlon's mother?

A.- Yes, sir.

Q.- What race of people did she belong to?

A.- Choctaw.

Q.- I will ask you to state if she was a full blood Choctaw woman?

A.- Yes, sir, full blood.

Q.- Do you remember whether or not she belonged to the Walker family in Mississippi?

A.-
Mr. Cornish;

We ask that the two preceding questions be excluded. My suggestion is that the questions are grossly leading, and should not be considered.

Q.- Did I understand you to say what race of people William Scanlon's ^{mother} belonged to?

A.- Choctaw.

Q.- Was she or not a full blood?

A.- A full blood.

Q.- I will ask you if you knew the Walker family in Mississippi?

A.- I do not understand.

Q.- I will ask you this then, to state if you know to what family of people William Scanlon's mother belonged? Do you know what William Scanlon's mother's name was before she married?

A.- Choctaw name was Ashtuma. I don't know what her name was after she came to the Territory.

Q.- Was there a family of Indians in Mississippi named Walker?

A.- Yes, sir,

Q.- Did you know that family?

A.- Yes, sir.

Q.- I will ask you to state whether or not William Scanlon's mother belonged to that Walker family that you knew? Do you know whether or not William Scanlon's mother was a Walker before she married?

A.- She was a Walker.

Q.- Do you know what became of William Scanlon's two children after he died; what became of them?

A.- All come to this territory, somewhere here.

Q.- Did the Indians in Mississippi recognize William Scanlon as an Indian and a member of the Choctaw Tribe?

A.- Yes, sir.

Q.- Did he live among them.

A.- Yes, sir, lived among them.

Q.- How did you happen to come to South Mc Alester this time. What business brought you to South Mc Alester? When did

you come to South Mc Alester.

A.- Last week.

Q.- Are you a witness here in a case?

A.- No, sir.

Q.- Did not a woman get cut and you came as a witness, now, in that case?

A.- Yes, sir.

Q.- Had you ever seen Mr. Leusaw before you came to South Mc. Alester this time?

A.- No, sir.

Q.- Have you seen his wife?

A.- I see her over there; that is all.

Q.- Had you ever seen his wife before?

A.- Not before this time.

Cross Examination,

Mr. Cornish;

Q.- How old a man are you?

A.- 77.

Q.- Now, where were you living in Mississippi when you started to come out here?

A.- Jasper County.

Q.- Did you live in Jasper county all your life?

A.- Yes, sir.

Q.- Now, close to what town did you live; what was the closest town?

A.- Paulding?

Q.- What was the county seat?

A.- That is, Paulding.

Q.- How far did you live from the county seat?

A.- About four miles.

Q.- Which way?

A.- West.

Q.- Did you own your place; did you live in a house; did you own a house?

A.- Yes, sir; lived in a house.

Q.- Now, had you lived right there always?

A. Yes, sir. I bought government land over there and stayed right there 20 years.

Q.- Where did you live before that?

A.- All around there where I could get a place to stay.

Q.- Where were you born?

A.- In ~~Russell~~ Jasper.

Q.- You lived in Jasper County all the time?

A.- Yes, sir, but before I bought the land I went everywhere.

Q.- Always in the same county?

A.- Yes, sir.

Q.- What year was it you knew this man Scanlon?

A.- It has been a long time.

Q.- Was it before or after the War; the War I am talking about is the War between the north and the South.

A.- Before that.

Q.- How long before?

A.- I have not paid any attention about that?

Q.- How long before that? The War was 40 years ago?

A.- Something like that.

Q.- How many years before the War?

A.- About nearly 20 years, I think.

- Q.- You say you knew William Scanlon about twenty years before the War?
- A.- Yes, sir. And before that too, I was a boy then.
- Q.- This man you are talking about is William Scanlon?
- A.- Yes, sir.
- Q.- Where were you living then?
- A.- I would just go ever where.
- Q.- Were you living in Jasper County, twenty years before the War when you knew Scanlon?
- A.- I could not say I lived no where.
- Q.- Then you were not living any where?
- A.- No, sir.
- Q.- I am trying to get you to state just where you were living; did you say you were not living any where? You lived in a house?
- A.- Lived in a house, and camped out.
- Q.- Where did you camp out?
- A.- Any place; had no place to stay.
- Q.- How far was the camp from the county seat?
- A.- Did not stay there; just go about; just go hunting.
- Q.- Then, I understand you to say that at the time you knew William Scanlon, you were not living anywhere; sometimes in a house and sometimes in a camp?
- A.- Yes, sir.
- Q.- Where was he living? You have stated that ~~he~~^{you} lived in
- A.- a house about four miles from the county seat?
- A.- Yes, sir.
- Q.- When you knew William Scanlon you were either living in a house or a camp and it was twenty years before the War,

now where was he living; I will ask you this question; you understand my question.

A.- I cannot make it out.

Q.- I will repeat the question, where was William Scanlon living, when you knew him twenty years before the War?

A.- Mississippi is all I know.

Q.- Well, what did William Scanlon do for a living?

A.- I don't know.

Q.- How old was William Scanlon when you knew him twenty years before the War.

A.- We were the same age.

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

A.- I am 77, we are the same age, I think.

Q.- How old were you then? You say you were 77 years old; I will ask you if you were not born in 1826?

A.- I think so.

Q.- How old were you when you knew William Scanlon?
How old were you when you knew William Scanlon twenty years before the War?

A.- About 15 or 16 somewhere.

Q.- That was his age?

A.- We are the same age.

Q.- He was about your age?

A.- Yes, sir,

Q.- You and he were about the same age?

A.- Yes, sir. Did not see him again then for a long time; He had babies then and was married.

Q.- Now, what was the name of William Scanlon's wife.

A.- Dustina.

Q.- What are the names of his children?

A.- The name of the oldest one was Josephine.

Q.- What was the name of the next one.

A.- Alice, I think.

Q.- What was the name of the next one?

A.- That is all I know.

Q.- Well, he had other children; did not he have three other children ?

A.- That is all I saw.

Q.- You saw only two?

A.- Yes, sir.

Q.- Where were they living when you saw them?

A.- Mississippi?

Q.- What county in Mississippi.

A.- I never paid any attention about the country?

Q.- You are unable to state what county?

A.- Yes, sir.

Q.- How far did he live from where you lived?

A.- About eight or nine miles.

Q.- Where did you live then?

A.- Around in Jasper County.

Q.- Did they live in Jasper County?

A.- He was there, in and out.

Q.- You say he lived eight or nine miles from you?

A.- Yes, sir.

Q.- When did William Scanlon die?

A.- When?

Q.- Yes.

A.- About 40 years ago.

Q.- Where did he die?

A.- In Mississippi.

Q.- Where in Mississippi did he die; in what county did he die?

A.- He died close to-- somewhere in there, but I don't recall.

Q.- Were you there when he died?

A.- I heard he died but I did not see him.

Q.- Who did you hear it from?

A.- A Choctaw.

Q.- What Choctaw.

A.- Heap of them.

Q.- You have told us about ~~kizoug~~ know~~ing~~ knowing William Scanlon about twenty years before the War and that he had a wife; who had an Indian name, which you have given, and that he had two children and was about your age, now I want to get you to say just exactly where he lived when you knew him; how many miles from the county seat and in what direction.?

A.- I don't know what the county seat was.

Q.- Then you did not know in what county he lived?

A.- No, sir.

Q.- You don't know the county seat of the county?

A.- I know about Jasper county.

Q.- Then did he live at that time in Jasper county?

A.- Yes, sir; They would be wandering there all the time.

Q.- Did he live in Jasper county at that time?

A.- Yes, sir.

Q.- You know the county seat of Jasper county?

A.- Yes, sir.

Q.- At the time you knew him and his family, how far did he live from the county seat of ~~Jasxxx~~ Jasper County?

A.- About 8 or 9 miles I believe, about the same county I cannot tell about the county seat.

Q.- Did he die in that county?

A.- I heard he died.

Q.- What did you hear as to where he died?

A.- Never heard; never asked where he died.

Q.- When was the last time you saw him?

A.- A long time ago.

Q.- How long before the War?

A.- A long time 40 years.

Q.- Do you mean that the last time you saw him was 40 years before the War?

A.- Yes, sir, I believe so. They all died.

Q.- All his family died; did William Scanlon and all his family die?

A.- Yes, sir.

Q.- Where did they die?

A.- Down there, I cannot recollect where; but they died.

Q.- Then you heard that he and his family died?

A.- Yes, sir.

Q.- Where; what county?

A.- ~~X~~ Jasper County.

Mr. Jones;

Q.- You remember hearing about William Scanlon dying, I believe you said; do you know how long it was from the time you last saw him until you heard he was dead?

A.- I never paid no attention.

Q.- What did you say the county seat of Jasper county was?

A. Paulding.

Q.- How far did William Scanlon live from Paulding when you knew him?

A.- I don't know where he lived he may have been camping.

Q.- Where did he camp; how far from the county seat?

A.- Eight or ten miles.

Q.- You heard he was dead?

A.- Yes, sir.

Q.- At the time you heard he was dead; how far were you living from him?

A.- I lived around Paulding there.

Q.- Do you know just where William Paulding was living at the time he died.

A.- I cannot say, It has been a long time.

Mr. Cornish;

We wish to state a general objection to all the testimony of this witness, which does not bear directly on the essential issues in this case and all the testimony that is hear say.

--o--

Mr. Leusaw.

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

Mr. Jones;

Q.- What relation are you ^{to} Alice Leusaw?

A.- Her husband.

Q.- How long have you been married?

A.- We have been married twenty three years.

Q.- Where were you married?

A.- In Arkansas.

Q.- Where do you live now?

A.- Five miles right due south of here.

Q.- Choctaw Nation, Indian Territory?

A.- Yes, sir.

Q.- How long have you lived there?

A.- I have been living there four years.

Q.- How long have you been living in the Indian Territory?

A.- About 16 years.

Q.- How long have you been living in the Choctaw Nation?

A.- Ever since I have been in the Territory.

Q.- What race of people does your wife belong to?

A.- She belongs to the Choctaw or Chickasaw Race?

Q.- Had she been married before you married her?

A.- Yes, sir.

Q.- How many children have you?

A.- One by her.

Q.- Boy or girl.

A.- Boy.

Q.- How old is he?

A.- 18.

Q.- What is his name?

A.- John William Leusaw.

Q.- What is he doing?

A.- Now?

Q.- Yes.

A.- Working there around the place, getting in wood and attending to things.

Q.- Has he been attending the Indian School in the Choctaw Nation?

A.- Yes, sir; three years.

Q.- When did he last attend school?

A.- Not since last Christmas.

Q.- Did he attend the Indian School in the Choctaw Nation up until last Christmas.

A.- Yes, sir.

Q.- Did the Nation ever object to his attending school?

A.- No, sir.

Q.- You never paid anything for him for attending the Indian school.

A.- No, sir.

Q.- Ever been called upon by the Choctaw Nation to pay anything?

A.- No, sir.

Q.- I will ask you what your occupation is now?

A.- Farmer.

Q.- Have you been farming the land of the Nation?

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

Q.- Has the Nation ever objected?

A.- No, sir.

Q.- Have you cultivated land in the nation each year since you have been here?

A.- No, sir, not every year, lived in South Mc Alester a good while.

Q.- Ever since you have been farming.

A.- Yes, sir, Been about four years now.

Q.- Did the Nation offer any objection to your occupying the

land and Cultivating it?

A.- No, sir, they never have.

Q.- Do you know your wife's sister?

A.- Yes, sir.

Q.- Did she ever pay you a visit since your marriage?

A.- Yes, sir.

Q.- Where were you living then?

A.- Independence County, Arkansas.

Q.- How long has it been since she came to see you?

A.- About 20 years ago.

Q.- Where was she living at the time?

A.- In Mississippi.

Q.- Is she now dead or living?

A.- She is dead.

Q.- Where did she die?

A.- In Mississippi.

Q.- Did you hear her state anything about your wife's people, or race to which she belonged, when she was here?

Mr. Cornish;

The Nations object and set forth the objections heretofore urged; that it is incompetent to prove racial status by hear say testimony.

A.- She told my wife to come out here and settle; that she knowed people in Mississippi and to tell her when we got settled and she would come out here and prove our right.

Q.- Who did she say her father was?

A.- William Scanlon.

Q.- What did she say William Scanlon was?

A.- It was in Mississippi close to the Tombigbee River.

Q.- Was William Scanlon living or dead at the time your wife's

sister paid you a visit.

A.- He was dead.

Q.- What did you hear about what race of people William Scanlon belonged to?

A.- Choctaw.

Q.- Choctaw Indian?

A.- Yes, sir.

Q.- What was his mother?

A.- A full blood.

Q.- How about his father?

A. A whiteman.

Q.- Did she say anything about what her mother's maiden name was; I mean what William Scanlon's mother's maiden name was?

A.- Walkers.

Q.- Was that an Indian family in Mississippi?

A.- Yes, sir.

Q.- Did she say anything as to why William Scanlon's mother remained in Mississippi; did she say anything about that?

A.- I don't know that she said anything about what caused her to stay there.

Q.- Do you know that William Scanlon's father was a white man?

A.- I never saw him.

Q.- Did you ever see William Scanlon.

A.- No, I never saw him.

Q.- Ever see any member of your wife's family, except your wife's sister?

A.- That is the only one I saw.

Q.- Did your wife's sister say how many there was of them?

A.- She and my wife.

Q.- Just the two of them?

A.- Yes, sir.

Q.- Do you know whether or not the Walker family came from Mississippi to the Indian Territory, what did your wife's sister say about that, if anything?

A.- She did not say anything about that except she knowed old people back there and she would come out here and prove up our rights; for us to come here and write her when we gpt settled.

Q.- Did you know Thomas York, a witness who gave an affidavit in this case?

A.- Yes, sir, he is dead.

Q.- Do you know Olatatubbe, who gave an affidavit in this case.

A.- Yes, sir.

Q.- Is he living or dead?

A.- He is dead.

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

Mr. Cornish;

Q.- You say you have been recognized by the Choctaws ever since you came here?

A.- Yes, sir.

Q.- You applied to the Dawes Commission?

A.- I wrote to the Court here; they gave my wife her right, and then we wrote to the Secretary --

Q.- You applied to the Dawes Commission in 1896?

A.- Yes, sir.

Q.- If you were recognized by the Choctaws and enjoyed all the rights of citizenship, why did you apply.

A.- Because they set that aside last Christmas.

Q.- My question is with reference to 1896; I don't want to know anything about this other until we get that. You applied to the Dawes Commission in 1896, now if you were recognized why did you apply.

A.- We were not recognized; they said we would have to pay \$200.00 to get up our witnesses and we never did anything more about it.

Q.- Then you were not recognized at that time?

A.- No, sir.

Q.- How do you reconcile that with your statement that you were recognized by the Choctaws.

A.- They never called on us for permits; they would just look at her face and appearance and go on.

Q.- You were not admitted by the Choctaw Council at Tushkahoma?

A.- Well, I don't know but what we was; we had all the rights.

Q.- You did not go down to Tushkahoma and go before the Choctaw Council?

A.- No, sir.

Q.- You applied to the Dawes Commission in 1896, yourwife did, you applied to be admitted?

A.- Yes, sir.

Q.- You were not recognized at that time by the Choctaw Nation?

A.- No, sir.

Q.- The Choctaw Nation contested your application before the Dawes Commission?

A.- I reckon they did?

Q.- The Dawes Commission rejected your application, didn't it, in 1896?

- A.- Yes, sir.
- Q.- And you appealed to the United States Court?
- A.- Yes, sir.
- Q.- The Choctaw Nation contested your case before the United States Court, didn't it?
- A.- Yes, sir, I guess they did.
- Q.- You were admitted by the United States Court?
- A.- Yes, sir.
- Q.- You understand that your judgment was set aside about a year ago?
- A.- Yes, sir.
- Q.- The Choctaw Nation had that done?
- A.- I reckon it did.
- Q.- Has been against you in that whole suit?
- A.- Yes, sir.
- Q.- The Nation is contesting your right now, you realize that, don't you?
- A.- Yes, sir.
- Q.- You did not draw \$103.00 for your wife and your son in 1893, did you?
- A.- No, sir, I did not know there was anything to draw.
- Q.- In view of this condition, how are you able to make the statement that you were recognized all these years.
- A.- Judge Schaffer was Judge for the Choctaws and the Court did not hold for three times and these old witnesses died and Lawyer Winningham went up there and called for a trial.
- Q.- Whereabouts?
- A.- In the Court of Judge Clayton, ^{he} gave us a trial and he

asked him if he was going against us in the trial and he said we have nothing against them and both of the old witnesses are dead and we cannot do anything but give it to her and she has been recognized ever since, until last Christmas.

Q.- What is this awful thing that happened last Christmas?

A.- It was about last Christmas.

Q.- There seems to have been some trouble last Christmas, what was it?

A.- They set our judgment aside.

Q.- Your son went to school after you had obtained a judgment in Judge Clayton's Court admitting her?

A.- Yes, sir,

By Judge Foote;

Q.- You never did have any idea of applying for her until after your wife's sister came out from Mississippi, did you?

A.- No, sir, did not want to come out here because the Indians were such bad people.

Q.- You understand from your wife and from your wife's sister that their family lived in Mississippi on the Tombigbee River?

A.- Yes, sir.

Q.- Did your boy attend the Indian school before you were admitted by Judge Clayton?

A.- No, sir.

Mr. Cornish;

Q.- When was that picture made that you have brought into Court?

A.- I cannot tell exactly when it was made.

Q.- About when?

A.- It was made about 20 years ago; it was drawn off an old daguerrotype, she left in Mississippi.

Q.- The picture you introduced in Court was made since you were married?

A.- Yes, sir.

Q.- Was it made the ^{by} Chicago Portrait Co.

A.- I don't think it was.

Mr. Jones: Did your wife have the original picture in Mississippi from which it was taken?

A.- Yes, sir.

Mr. Cornish: Mr/ Jones says he will have some more testimony.

Judge Adams: If he gets them in here in a reasonable time we will hear them. When can you get them here.

Mr. Jones: Tomorrow or next day.

In the Choctaw and Chickasaw Citizenship Court,

Sitting at South Mc Alester, I.T., Jan. 4th, 1904.

---o---

Alice Luesaw, et al,

--vs--

No. 24.

The Choctaw and Chickasaw Nations,

---o---o---

Present and presiding The Hons. Spencer B. Adams, Chief
Judge and Henry S. Foote, Associate Judge.

--o--

This day this cause coming on to be heard further, the
following proceedings were had to wit;

Judge Adams;

The next on the Docket is the case of Alice Luesaw vs.

The Nations.

)No response)

Judge Adams;

Are there any witnesses in the Luesaw case present?

(No answer)

Judge Adams;

Mark the case closed Mr. Clerk. upon the part of the
Plaintiff.

-o-

Before Judge Adams,

Dec. 21, 1903.

-o-

Mr. Jones:

The record in the case of Alice Leusaw vs. The Choctaw and Chickasaw Nations was lost and we have been able to find the record in the Dawes Commission, but the Dawes Commission refused not only to make a copy of the record, or to certify to a copy of it. But we got a Stenographer to make a copy of it and I wrote him to forward it to me with the proper affidavit, but he sent it without an affidavit and I returned it to him to have the affidavit attached and I had a letter from Mr. Jackson, in whose office the stenographer works, that the stenographer was away and would not be back for several days. so we would like to file this record on January 5th.

Judge Adams:

Alright.

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

Alice Luesaw et al

Appellants,

vs.

No. 24.

Choctaw and Chickasaw Nations,

Appellees.

The petitioner, Alice Luesaw, claims to be the daughter of William Scandlin, nee Walker, whose mother was named Walker, and that they were Choctaws by blood, and she likewise through them.

She is married to James M. Luesaw and had one son by said Luesaw, viz: John W. Luesaw, eleven years of age at the date of her application for citizenship and enrollment before the Commission to the Five Civilized Tribes, on the 3rd day of December, 1896. She claims to be one quarter Choctaw Indian blood, and asks the enrollment of herself and son &c.

In her evidence she states that she does not know where she was born, but has been told it occurred in the State of Mississippi; and that she was brought to the State of Arkansas, when she was small. She married James M. Luesaw in the State of Arkansas, he being a white man, about the year 1880. She came from Arkansas to the Choctaw Nation when her son was about four years of age; she married her husband about 22 or 23 years ago in Arkansas and lived there with him until she came to the Choctaw Nation with him and

her son as above set forth.

She exhibited an enlarged, coarsely made and colored photographic picture, which she says was that of her father, and it has the appearance of a man who might have had some Indian blood in his veins; and one also of a person she says was her sister. She says her father was a half breed Choctaw Indian and that his name was William Scandlin. Her father and mother are dead; her mother died when she was an infant; her father when she was five years old. That she was brought from Mississippi after her parents died there, to Arkansas, by an uncle who was a white man; that she lived with him until he died.

On cross examination, she knows nothing of her pedigree or blood, except what her sister told her and other persons, not relations, and knows not where she was born. All she knows is hearsay as to the above matters just mentioned.

She does not know how long she lived in Arkansas, but says she has lived in the Choctaw Nation sixteen years, and in Arkansas before that time from a small child. Does not know how old she was when she married. Her sister never moved from Mississippi, but told her in Arkansas, when on a visit there, to come to the Indian country and claim her rights; she had no other brother or sister. This is about the purport of her evidence.

The next witness is Mingo Natonabe who says he lives in the Chickasaw Nation; has lived in the Indian Territory one year and came from Mississippi, and that he is 77 years old at this time. He further testified he knew a man in Mississippi named William Scandlin, and being shown the picture Mrs. Lussaw exhibited in Court, said that it was that of the

man he knew there. He says that Scandlin was either a Choctaw or a Chickasaw, he thinks. Says Scandlin died in Mississippi 40 years ago; that he had two girls; that he knew Scandlin's mother and she was a full blood Choctaw woman. Says her Choctaw name was Ashtima; that she was a Walker; that he knows all William Scandlin's children came to the Indian Territory somewhere; never saw Mrs. Luesaw before this time; that he lived in Jasper County, Mississippi all his life before coming here. Says he bought land there; that he knew Scandlin before the Civil War; about 20 years before that war, and he, witness, was a boy then. He lived about from place to place in Mississippi. Says William Scandlin when he knew him 20 years before the war, was about his age and a boy. Did not see him again for a long time, then Scandlin had children; that Scandlin's wife was named Dustina; that the name of his oldest child was Josephine and the other Alice; that Scandlin died forty years ago in Mississippi; that he, Scandlin, and his family would be wandering about all the time in Mississippi. Then he testified that Scandlin and all his family died in Jasper _____ County, Mississippi, as he had heard. The witness was old and of feeble intellect.

The husband Luesaw testified:

That he married Mrs. Luesaw twenty years ago in Arkansas; that he has been living here in the Indian Territory 16 years, and now has a son 18 years old--John William Luesaw. He knew his wife's sister who came to Arkansas about twenty years ago to see him and his wife; that the sister was then living in Mississippi and is now dead. He says that she told his wife "to come out here and settle and

she would come out here and prove her right". (All of which and nearly the whole evidence being objected to on various grounds, hearsay and others). He understood from the said sister to Mrs. Luesaw, that her father's name was William Scandlin and that he was close to the Tombigbee River in Mississippi. William Scandlin was dead at that time. All evidence of this witness as to blood and pedigree of his wife was hearsay, derived from this alleged sister.

This is the evidence rather fully stated.

It appears that Mrs. Luesaw knows nothing of her pedigree or blood of her own knowledge. That her husband is equally ignorant; that the witness Mingo Watonabe contradicts himself in his statement about William Scandlin; that he says in one part of his testimony that Scandlin's children came to the Indian Territory somewhere, and then declares that so far as he knows by what he has heard, that they died in Mississippi, and that Scandlin was either a Choctaw or Chickasaw Indian, he thinks. He could not have been able to identify Mrs. Luesaw as the daughter of William Scandlin that he knew in Mississippi, as she was a small child if he ever saw her there, and he says he had not seen her since then until the day before he testified in this case. His evidence, if competent at all, is of not the least convincing force, and really shows, if he is to be credited, that he did not know if the Scandlin he knew was a Choctaw or a Chickasaw.

The case stands without sufficient evidence to show that Mrs. Luesaw has any Choctaw blood, by the testimony on the part of all the witnesses, and the fact that she married and lived in Arkansas for years thereafter, and all the attendant circumstances surrounding the case tend to that view.

There being no sufficient to show that she is a Choctaw, without considering any other questions in the case, impels me to the belief, that neither she or any other appellant claiming through her is entitled to citizenship in the Choctaw Nation, or to enjoy any rights flowing therefrom.

The judgment of the Court, therefore, should be, that none of the appellants here are entitled to citizenship in the Choctaw Nation, and IT IS SO ORDERED.

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

We concur:

(Signed) Spencer B. Adams,
Chief Judge.

(Signed) Walter L. Weaver,
Associate Judge.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP
COURT, SITTING AT SOUTH McALESTER, JAN-
UARY TERM, 1904.

Alice Luesaw, et al, Plaintiffs.

vs. 24.

The Choctaw and Chickasaw Nations, Defendants.

ORDER OF COURT.

On this January 21, 1904, this cause coming on for final decision, the same having been heretofore submitted upon the law and the evidence; and the Court being well and sufficiently advised in the premises doth find that the plaintiffs Alice Luesaw, and her son John W. Luesaw are not entitled to admission to enrollment as citizens of the Choctaw Nation and to participation in the distribution of the tribal property of the Choctaws and Chickasaws.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition of the plaintiffs Alice Luesaw and John W. Luesaw for admission to enrollment as citizens of the Choctaw Nation be denied.