

1894  
46  
1850d

from 1800

Marrid 1820  
Came to Terry, from  
Miss. in 1837,  
died in Fannin Co. Texas  
1848  
Had 6 or 8 children  
in 1836

born in 1820  
married in  
Texas 1842

born Texas 1846

John M. Hunter  
married  
Martha Doss

William F. Hunter → Mary L. May → 3 Mary child also  
Marion J. Hunter  
Mary J. Clements { children → John F. Clements  
Emily " "  
Pearl " "  
gas " "  
Alice E. Ross { children → Wm Ross  
John E. Hunter " "  
Sallie D. Hunter " "

from 1785

said to  
have been  
known at  
the time of  
emigration  
as  
Pisochabi

Wm P. Hunter  
(Cherokee)  
married  
Minerora Turner  
(white)

John F. Hunter  
married  
Mary Cameron

Geo. T. Hunter { ? Was Mary L. May his daughter

Hester Hunter  
married  
Haggle Simpson  
in 1830

Amanda Simpson { James Dorrigy  
William Dorrigy

1770x  
Kaaka  
Wahatona

Pisochabi  
(Visumant)  
Benahotta  
killed in  
Cherokee Nation  
about 1886

died in Fannin Co.  
Texas 1840

William P. Hunter

John T. Hunter { Geo. W. Hunter  
Katie Dickson { Mary Manel "  
Mattie Katherine "  
Jesse James "  
5 children as follow { Moses J. Hunter  
Lily May "  
Chas. Ruby "  
Lottie Lee "  
Frankie "

Joseph S. Hunter  
married  
Sarah Cameron

Gas. A. Hunter  
in 1840  
Sarah Oats

Mary Cunningham { Gas. Cunningham  
Wm O. Cunningham { Arthur "  
George "  
Gertrude "  
Joseph "  
Francis "

Hunter Boys

Applied to Cherokee tribal author. in 1889 still pending in 1896  
Oct. 1895.

Silas Hunter - son of Benahotta was lawyer  
Tom

John O. Hunter et al.

J. N° 49.

John T. Hunter, et al,

vs.

Choctaw Nation.

N° 73.

Southern Dist. Court.

N°

Dawes Commission.

J. N° 49  
Statement

Witnesses

For Claimants

John T Hunter

Joseph S Hunter

John M Hunter

Rodgers James

Gilbert Jones

Eastman Tehomba

Hornedy Williams

Patsy Hall

Gibson

W. A. Clements

Dr C McCoy

Silas Lawrence

Ardmore IT  
Coadyote JJ

Thompson Kawahoya. Hugo. D. T.

Nations

Simon Morris

Gullers JJ

Wm McKim

Ambridge JJ

Bobias Edwards

Do Mathon

H. Hornson

Bennington, V. T.

Wm. Vinson

Alma

Wm. Wilson

Lehigh

Wm. Mayhew

atc

Wm. Hunter

Coadyote JJ

Judge Lewis says that this woman will never apply  
again -

SYNOPSIS OF THE MINERVA SWADLEY, ET AL, CASE.

The applicants are Minerva Swadley and her husband W.T. Swadley, and their two children, J.N. Swadley and A. Rore Swadley, now Fulson.

Application states that Minerva Swadley is 42 years old and a citizen by blood of the Choctaw Nation; that she is a daughter of William Hunter and Martha Hunter, both citizens by blood of the Nation. Minerva was born in the Territory and has lived here nearly all of her life. She married her present husband, W.T. Swadley in Nov. 1881; Minerva says that is enrolled on the rolls of the Choctaw Nation. Was not allowed to draw Leased District Money.

Applicants were admitted by the Dawes Commission; Nation appealed to the United States Court for the Central District. Applicants were denied by the Court.

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AFFIDAVITS BEFORE THE DAWES COMMISSION.

BOB ROBERTS says that he is 93 years old and a citizen of the Choctaw Nation. He has known Mrs Minerva Swadleys people "from way back yonder". She is a daughter of William Hunter who was mostly Choctaw. His father was a full blood Choctaw named Hunter. Mrs. Swadleys father was an uncle of ###. young Thomas Hunters who lives near Caddo. Has known her all his life, and knows her and her husband to be Choctaws.

MRS. LEVINA FRANKLIN says that she has known Mrs. Swadley ever since she was a child; her fathers name was William Hunter. He was a half blood Chovtaw and lived near Caddo. Was an uncle of young Thomas Hunter who now lives at Caddo. The family has always been recognized as Choctaws, and they have many full blood relations.

SITOR LAWRENCE says that he is 56 years old and lives at Coal gate. Is a Choctaw citizen by blood. Has known Mrs. Minerva Swadley for 30 year. Was well acquanited with her father and mother, W. Hunter and Martha Hunter. They were both Choctaw citizens by blood. The Hunters were called Hontubb by the Indians and were called Hunters by the missionaries. J.R. Plummer wh who regisered Mrs. Swadley as a Choctaw told affiant that Wm. Harrison entered a protest against Mrs. Swad leys drawing the leased district mone owing to some trouble said applicants husbands had had with said William Harrison.

ELIZABETH HARRISON says that she knows Minerva Swadley; that she is the daughter of Billie Hunter, a full blood Choctaw Indian who lived and died in Jackson County, Choctaw Nation about 20 years ago. That said Minerva Swadley is also a niece of Bennie Hunter, a full blood Choctaw who died in Jackson County, Choctaw Nation. That the applicants have been living in Atoka County for the past six years. That the mother and the father of Minerva Swadley were married according to the Choctaw laws. That Minerva is a half blood Choctaw, and is entitled to be enrolled.

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#### DEPOSITIONS.

WILLIAM H. HARRISON says that he is 46 years old, a citizen by blood and lives at Atoka. He is National Agent of the Choctaw Nation. Was a member of the citizenship Committee of the Choctaw Council. There was no application of Minerva Swadley or W. T. Swadley presented while deponent was on the Committee. Deponent never had any trouble with Mr. Swadley. The statement that their names were stricken from the rolls because of trouble with the deponent is untrue. Has known Swadley since 1891; remembers that on one occasion Mrs. Swadley offered him \$25 to get her sons put on the Choctaw roll. This was about the time of the payment of the Leased District money. At that time she said nothing about the names of her daughter or grandchild, nor did she say anything about her own name. Deponent knows nothing about Mrs. Swadley nor her ancestors. Deponent has lived here for about 25 years. Knew a man by the name of Pisachibbi. He lived about 13 miles from deponent in the same county with him. Deponent has children, but does not remember their names. He was a full blood. His children were all full bloods. Don't know whether any of them are alive now or not. The man is now dead. Died about 20 years ago. Deponent never heard him called or spoken of by the name of Hunter.

MINERVA SWADLEY says that her father, Billie Hunter, was a full blood Choctaw Indian. She knew Bennie Hunter; he lived about 14 miles from her father. Her father is dead. He died on Red River in Jackson County, C. N. Deponent remembers visiting Bennie Hunter. He lived in a Cedar Log House. Bennie Hunter was her father's brother. She was enrolled in 1893. The Committee refused to enroll her children. She did not receive any money. She was born in Jackson County. Her mother's maiden name was Martha Moore. Her father and mother were married in the Choctaw Nation / Deponent claims

to be a half blood. During the year 1871 she lived near Sherman Texas with her present husband. They lived in Texas 7 or 8 years. Deponents father ~~mother~~ died when deponent was 7 or 8 years old. Deponent was married in Nov. 1871, and her mother died in the spring of 1873. Deponent never made application to the Council for admission, and she never knew of any of her family who did do so. Don't know how many brothers Bennie Hunter had. Cant remember that her father ever told her that he was a brother to Bennie Hunter. Deponent cant interpret much Choctaw (yet her father was a full blood.) She has forgotten most of it.

W. T. SWADLEY says that he is 47 years old and lives at Coal gate; that he has resided there for about six years and that he is the husband of Minerva Swadley. He was first married to her at Sherman Texas in 1871; from which marriage they have two children. Deponent first knew his wife down below the mouth of Blue some where "sorter north of Paris" over there among the Choctaws. About a year after that he married her. At that time the deponent was living in Grayson County Texas. They were married in Texas, and lived there for five or six years after their marriage. For the past five years they have been living in the Choctaw Nation. On the 7th day of Sept., 1896 they were remarried under a Choctaw license. His wife has been universally taken for an Indian; she talked Choctaw a little when they were married. Deponent held property, paid taxes, and voted in Texas. Never paid any permits in the Choctaw Nation. Deponent made application for citizenship in the Cherokee Nation. His wife knew nothing about his having made application for citizenship in the Cherokee Nation.

LEVINA FRANKLIN says that she is 63 years old and lives at Atoka. She is 1/8 Choctaw Indian and was raised in the Choctaw Nation. She became acquainted with Mrs. Minerva Swadley 32 years ago at Caddo. She was there with "Cousin Silas Hunter", and he told deponent that she was "Uncle Bi Billy's daughter". She looked to be about 13 or 14 years old. Silas Hunter was an Indian and a son of Bennie Hunter, and Bennie Hunter was a brother of Billy Hunter. Bennie was a full blood Choctaw. Silas is dead. After meeting Minerva at Caddo the same Silas told deponent that Minerva had married a man by the name of Swadley and had gone to Texas. The Hunters were recognized by the Choctaws as Choctaw Indians. Mrs. Swadley's looks indicate that she is of Indian blood.

Deponent did not know Minervas father or mother, but she has known the app  
cant for 32 years. She knew Silas and Bennie Hunter, but did not know  
uncle Billy Hunter. (Harrison says that there was no such person as Uncle  
Billy Hunter)

SILAS LAWRENCE says that he is 57 years old and lives at Coal gate.  
Is a brother of Mrs Levina Franklin. Gives the same testimony as Mrs. Fran  
lin. Says that The applicants name before her marriage was Minerva Hontubb  
Hontubbe; that her father was Billy Honyubbe or as the whites call it Hunter  
Deponent is blind.

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CONCLUSIONS/

THERE WAS no such person as Billy Hunter.

He had no Choctaw blood.

The applicant is not a daughter of Billy Hunter.

The testimony is false .

The applicant abandoned the tribe and went to Texas.

She was married in Texas under the Texas laws .

Her husband owned proprty in Texas, paid taxes, voted and exercised  
other rights of citizenship in that state.

*Handwritten signature*



APPLICATION FOR CITIZENSHIP

Indian Territory,

Atoka Cuntty.

Before me the undersigned, a Notary public for the state and county aforesaid this day personally appeared W. T. Swadly who after being duly sworn states as follows:

I am 47 years of age and a citizen of the Choctaw Nation by marriage. I married Minerva Hunter, a citizen of the Choctaw Nation by blood. We were first married in Sherman, Texas, November, 11, 1871 and afterwards remarried according to the law and custom of the Choctaw Nation. For proof of said second marriage, I herewith attach my Choctaw marriage license and certificate. My wife is a daughter of William Hunter and Martha Hunter, both citizens of the Choctaw Nation by blood. I am duly recognized as a Choctaw citizen by marriage and beg to be enrolled.

Witness my hand this 8th, day of September, 1896.

W. T. Swadly.

Sworn to and subscribed before me this 8th day of September, 1896.

H. T. V. Perry, N. P.

My commission expires 2nd month, 1899.

SEAL.

AFFIDAVIT OF WITNESS.

Indian Territory,

Atoka County.

Before me the undersigned a Notary public, for the State and County  
aforesaid, this day personally appeared Silas Lawrence who after being d-  
uly sworn, states as follows: I am \_\_\_ years of age, and a citizen of  
the Choctaw nation by blood. My Post office address is Coal Gate, Indian  
Territory. I am personally acquainted with the applicant. I further kn-  
ow that he married Minerva Hunter, according to the laws and customs of  
the Choctaw nation. Minerva Hunter is a citizen of the Choctaw nation by  
blood? She being a daughter of William Hunter and Martha Hunter, both  
Choctaw citizens by blood. I am personally acquainted with the parents  
of the wife of the applicant and know all the family.

Witness my hand this 8th day of September, 1896.

Victor Bey,

Jas. A. Bogy.

his

Silas X Lawrence.

mark

Sworn to and subscribed before me this the 8th day of September, 1896.

H. T. V. Perry, N. P.

My commission expires second month, 1899.

SEAL.

PERMIT.

CHOCTAW NATION,  
SS.  
COUNTY OF ATOKA.

TO ALL WHOM THESE PRESENTS SHALL COME GREETING:

KNOW YE, That I, J.M. Harrison, Judge of the County and Probate Court of said County, Choctaw Nation, by virtue of the authority in me vested by the laws of the Choctaw Nation, do hereby grant Robert Davidson, a citizen of the United States, a permit to reside in the Choctaw Nation as a renter in the employ of W. T. Swadly for the period of one year, from the 1st, day of January, 1897, to the 1st, day of January, 1898.

Given under my hand, and seal of the county, this 11, day of  
March, 1897.

Attest.

J. M. Self.

County Clerk.

J. M. Harrison,  
County and Probate Judge of said  
County Choctaw Nation.

COMMISSIONERS.

Henry L. Dawes,  
Frank C. Armstrong,  
Archibald B. Cabiniss,  
Alexander B. Montgomery.

H. M. Jacoway, Secretary.

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

Fort Smith, Ark., Dec., 4, 1896.

819.

W. T. Swadly,

Filed September, 7, 1896. Answer filed

V.

Applicant admitted a citizen by

Choctaw Nation.

intermarriage.

I, H. M. Jacoway, Jr., Secretary, do hereby certify that the above and foregoing is a true and correct copy of Choctaw Record "C", page 337, of The Commission to the Five Civilized Tribes.

Given under my hand and official signature this the  
13, day of February, 1897.

H. M. Jacoway, Jr., Secretary

By Henry Stroup.

IN THE UNITED STATES COURT FOR THE CENTRAL DISTRICT OF THE INDIAN  
TERRITORY, AT SOUTH McALESTER.

W. T. Swadly, Plaintiff,

vs.

Petition for appeal.

The Choctaw Nation, defendant.

The Choctaw Nation, your petitioner, represents that heretofore, to-wit, on the \_\_\_ day of \_\_\_ 1896, W. T. Swadly, presented his claim to the Dawes Commission to be admitted as a citizen of the Choctaw Nation; and thereafter, on the \_\_\_ day of December, 1896, said Dawes Commission, by its order, admitted the said W. T. Swadly as a citizen of the Choctaw Nation.

That applicant based his claim to citizenship upon the fact that on the 7th day of September/ 1896, he was married to Minerva Hunter, and claimed that Minerva Hunter is a citizen of the Choctaw Nation, but your petitioner would show that said Minerva Hunter is not a citizen of the Choctaw Nation, and that she has no Indian blood; and further that this plaintiff was first married to said Minerva Hunter many years ago, and since that time has lived with her as his legal wife. That on the 7th day of September, 1896, plaintiff obtained a license from the Choctaw authorities to marry the said Minerva Hunter, who was then his legal wife. That his first marriage to said Minerva Hunter, was not in accordance with the laws of the Choctaw Nation, and conferred no rights upon the plaintiff, and that said second marriage was void and of no effect. That said Dawes Commission erred in holding that said Minerva Swadly, nee Hunter was a Choctaw Indian by blood, and erred in holding that said second marriage of this plaintiff conferred upon him any rights in the Choctaw Nation.

Wherefore, your petitioner makes this its appeal, and prays that the order of the Dawes Commission, admitting said W. T. Swadly, to citizenship be set aside, and that he be declared to be a non-citizen of the Choctaw Nation.

WM. M. Cravens, Stuart, Gordon & Hailey,  
Attorneys for Choctaw Nation.

IN THE UNITED STATES COURT FOR THE CENTRAL JUDICIAL DISTRICT OF THE  
INDIAN TERRITORY, SITTING AT SOUTH McALESTER.

Minerva Swadly, et al, Plaintiff,

vs.

Motion in Arrest of Judgment .

Choctaw Nation, Defendant.

Comes now J. W. Swadly and Rose Fulson, nee Swadly, and move the Court here to arrest the judgment as to them in this action for the following reasons to-wit :

- 1st. As appears from the records herein they were both admitted to citizenship in the Choctaw Nation as members by blood, and there has been no appeal taken as to them from said action of the Commission to the Five Civilized Tribes, admitting them.
- 2nd. This Court has no jurisdiction of their persons and cannot enter any judgment herein as to either of them.
- 3rd. This Court has no jurisdiction of the subject matter and cannot render any valid judgment as to them in this action.

Wherefore, they pray that judgment herein be arrested as to them.

J. W. Swadly

Ross Fulson, by their attorneys

Ralls Bros.

IN THE UNITED STATES COURT FOR THE CENTRAL DISTRICT OF THE INDIAN  
TERRITORY, SITTING AT SOUTH McALESTER.

Minerva Swadly, et al, plaintiffs,

vs.

Motion for new trial.

Choctaw nation, defendant.

Come now, We Swadly and Rose Fulson, nee Swadly, and move the Court here to set aside the finding of the Court, as to them, in this action and dismiss the action herein as to them for the following reasons, to-wit:  
1st. The Court has no jurisdiction as to these persons and cannot make any finding as to them, because no appeal has been taken as to them from the action of the Commission to the Five Civilized Tribes.  
2nd, The records herein show that these persons were regularly and legally admitted to citizenship, as members by blood, in the Choctaw Nation on the 5th day of December, A. D. 1896, and that they were both of legal age.

Wherefore, they pray that the finding of the Court as to them be set aside and the case as to them be dismissed for want of jurisdiction.

J. W. Swadly,

Rose Fulson.

By Ralls Bros. their atty's

THE DEPOSITIONS OF, C. S. Vinson, Minerva Swadly, J. M. Self and J. C. Folsom, taken on the third and fourth days of September, 1897, between the hours of 8 o'clock in the forenoon and six o'clock in the afternoon, at the office of Telle & Chambers, in Atoka, Indian territory, within the Central Judicial District of the Indian Territory, to be read as evidence in an action between The Choctaw Nation, plaintiff and W. F. Swadly, et al, defendants, pending in the United States Court for the Central District of the Indian territory, at South McAlester.



In the United States Court for the Central District of the Indian Territory, at Suth McAlester.

The Choctaw Nation, Appellant,

Vs.

DEPOSITION.

W. T. Swadly, et al, Appellee.

C. S. Vinson being produced by the appellant, and duly sworn testifies as follows, to-wit:-

My name is C. S. Vinson, I live at Lehigh, Indian Territory, and I am fifty four years old, I am a Choctaw Indian by blood, and attorney General for the Choctaw Nation. I have resided in Blue County, Atoka and Kiamicha Counties all my life, these counties constitute what is known as the southwestern part of the Choctaw Nation.

I am acquainted with a Choctaw Indian by the name of Thomas W. Hunter, he lives at Armstrong Academy in Blue County; I was acquainted, during his lifetime, with his father; his father's name was Binahantubbee, he did not have any English name that he recognized, but that the white people in abbreviating his name got it into Benny Hunter; he died in Blue County where he lived during all the time I was acquainted with him. He had one brother, whose name was Pischabee. The name which I have spoken of as being abbreviated by the white people as Benny Hunter was as I have stated an abbreviation of the word Binahantubbee, which was the given name of this man commonly called Benny Hunter. I knew his father, whose name was Kaeha, he also resided in Blue County in the neighborhood of his son; I remember when Kaeha died which was about the year of 1848 or 1849. His brother Pischabee lived in Kiamicha County, near what is known as Mayhew, Indian territory, in Jackson County, then known as Kiamicha County.

I knew the children of Pischabee, knew his wife also, they did not have a daughter named Minerva. He had five daughters one of them died a number of years ago, whose name I do not now think of, the remaining four was known as Lucy, Melissa, Amy and Annie. The four girls or daughters of this man, whom I have just named are all dead now; they all died in the neighborhood where their father died, except one, I am not certain where that one died, she married a man by the name of Cornelius Wright and lived a part of the time at Caney Blue County, and part of the time in her father's neighborhood. I knew all the daughters and in fact all the children of this man Pischabee.

ren of this man Pisachabee and know that they are all dead, with the exception of one boy, I dont know whether he is alive or not. These people mentioned above were all full bloods Choctaws.

I was born in 1843, and my earliest recollectionis, I was acquainted with these parties, and lived within from one to ten miles from that time till I moved to Atoka County in 1894, sometime previous to the year, I moved to Atoka Gunty, these parties were all dead, except the son, whose name was Joseph Pischabee, and if alive lives in Blue County. In 1874, I was elected District Attorney and held this office for five years and during that time traveled all over the District of four counties, Atoka, Blue, Kiamascha and Jacksfort twice a year, then after the four counties were consolidated into one Court I was District Judge for eight years and met the people from all over the this District every six months, the District Courts for third Judicial District sits at Pushmataha Court ground and is about six miles to what is now known as Mayhew Post office, and about seven miles where Benny Hunter lived when he died, and about twelve miles from where Pischabee lived. During all my acquaintance in t the neighborhood I never knew a woman by the name of wartha H unter. I knew the wife of Pischabee, she was a full blood woman, w hose name I can't remember, but at that time it was a custom among the Choctaw people to speak of her as Joseph's mother, Joseph, being her eldest child. She died at the same place her husband died. This man Binhantubee was old enough to have several grandchildren before he was called Benny Hunter. At this time his brother Pisachabee must have been 60 or 70 years old, I mean at the time he was called and known as Benny Hunter. I never heard this man Pisachabee spoken of or called Hunter during his lifetime, Bina-hantubee had a son whom my mother named Nicholas, and when he went to school, the missionaries named him, as was their custom, Nicholas Moffit, after that the brothers taken that name(Hunter%).

#### Cross Examination.

I am not acquainted with either of the applicants in this case, I do not know where they lived only from hearsay, first I knew of them was when I went to the District Court in August, 1897. I have lived near Lehigh, Indian Territory, since 1894. I live about three miles west of Lehigh.

Bennie Hunter died about ten or twelve years ago in Blue County, Choctaw Nation and was about 70 years, or more old, his son Nicholas was about my age, The missionaries named his wife Fenicia, I never knew her Choctaw name. Benny Hunter (Binahanatubee) had a son named William Hunter, his son was born about 1860, I suppose he was known by this name from birth as he was known by this name in school.

All the parents and children and grandchildren took the name of Hunter except Pisachabee who was a brother to Benny Hunter. Pisachabee died some ten or twelve years ago; I knew his wife but did not know what her name was; neither of his daughters were named Minerva unless it was the one who died first. Pisachabee and Binahanatubee both married full-blood Choctaws. Thomas W. Hunter is the oldest son of Binahanatubee by his white wife, and is the present Supt., of Armstrong Academy near Caddo, Indian Territory. I do not know any thing about Mrs. Minerva Swadly at any time being on the Choctaw roll. I never knew a man by the name of William Hunter except the one I just mentioned. If a married woman had no children they usually call her certain man's wife, a man never named his wife. I do not know all the Indians in the Choctaw Nation, nor do I know all in my District. I was given my English name at my birth, I do not know anything about Minerva Swadly citizenship, not did I ever know her parents.

Re-direct.

I know all the older heads of families in this District, since 1874, but not their children, unless some have moved in since I quit traveling around. I was personally acquainted well with those whom I have been talking about in this deposition, in fact almost as well acquainted with them as I was with my father's family.

C. S. Vinson.

IN THE UNITED STATES COURT IN THE CENTRAL DISTRICT OF THE INDIAN  
TERRITORY, AT SOUTH McALESTER.

W. T. Swadly

vs.

The Choctaw Nation, and  
Minerva Swadly, et al,

vs.

Deposition of Minerva Swadly.

The Choctaw Nation.

Minerva Swadly, being duly sworn, upon her oath states as follows:

My age is 43, my residence Cal Gate, Indian Territory, and I have resided here for four years. I am the wife of W. T. Swadly. Mr. Swadly and I were first married in 1871 at Sherman, Texas. I was visiting a cousin of mine at Sherman is how I came to be married there. I lived prior to my marriage in Blue County, Choctaw Nation. My father's name was William Hunter and my mother's name was Martha Hunter, they lived on Red River, Choctaw Nation; my father was a Choctaw and my mother was a white woman. My father was recognized there as a full-blood? I had one brother and one sister named William and Harriet respectively. They died in the Choctaw Nation, they died when they were children. My father and mother are both dead. I cant tell just exactly how large I was when my father died. I guess I was six or seven years old. I was about nineteen when my mother died. I was between seventeen and eighteen years old when I married Mr. Swadly. My mother and father died on Red River in the Choctaw Nation. I attended the Choctaw schools. I knew Uncle Bennie Hunter. He lived in Blue County and was my uncle. he was my father's brother; he was also a full blood Choctaw. I know his children there is four of them dead; their names are Nicholson, Silas and Willie and there is a little girl whose name I cant remember. the ones living are Tommie, Jane, George and Emma. Emma and Jane are married; Emma married a man by the name of Dwight as did also Jane. Mr. Dwight that married Jane is now dead and she has since married a white man. Silas Hunter was killed at Caddo between eight and nine years ago. I know Mrs Franklin and Mr. Lawre-

nce, who have testified in this case. I remember meeting them at Caddo before I was married. My father lived about 25 miles from Caddo. After I married and went to Texas I remained there about six years, and then I went to Tishomingo County, Chickasaw Nation. I have two children, William aged 24 and Rosa 23 years. Rosa is married to David Folsom, who is a Choctaw, brother to John Folsom who lives at Atoka. David Folsom is a recognized Indian. After we came back to the Choctaw Nation and on the 7th day of September, 1896, we were married under a Choctaw license issued by the County Clerk of Atoka County. We were married here in Atoka County. We were remarried because we wanted to comply with the laws of the Choctaw Nation and Mr. Swadly wanted to make sure of his rights. The Choctaw people here in this country whom I meet take me to be a Choctaw from my looks. I used to talk Choctaw when I was growing up, but I have forgotten about all of it.

Cross examination by Mr. Hailey.

I was born in Blue County. My father was born in Mississippi. I know nothing about his ancestors there. I don't know when he came to this country. I was married in the state of Texas according to the laws of Texas, and resided there about 6 years and my children were both born in Texas. I am a half-breed Choctaw Indian. I do not know where my father and mother was married, but it was in the Choctaw Nation. My father was living on Red River about 35 miles below Caddo on Red River. He was a brother to Bennie Hunter; Bennie also lived on Red River in Blue County about 15 or 16 miles from my father. I never lived in the Cherokee Nation. I made application for a share of the "Leased District Fund" and it was protested and rejected on the ground that I was not a citizen. I have never received my Leased District money. I went to the Choctaw Nation to see about drawing my money and they said when I was re-instated I could have my money. I did not make application to the to be reinstated. I went to see about it but nothing was done. Uncle Bennie and Billy came from the same part of Mississippi.

Re-Direct by Mr. Ralls.

My children, one of them lives with me and the other lives in the Chickasaw Nation. Mr. Swadly is a white man. My father and mother lived together as husband and wife and were so regarded by the people there. I learned that my father and Uncle Bennie came from the same place in Mississippi from what Uncle Ben said. I was acquainted at Caddo when I was a girl.

Re-cross.

Tommie Hunter who is Principal of Armstrong Academy is my cousin.

Witness my mark \_\_\_\_\_

Re-re-direct by Mr. Ralls.

The protest was made without any notice to me and I have never been given an opportunity to meet it. I don't know whether any papers were filed or not, have never been able to find any. My name is still on the Atoka County book of the leased District roll. The Registers who made this roll were Joe Self, J. R. Plummer and Joe Homer. There was written under my name "No citizen, not entitled to draw", I do not know who had this entry made nor <sup>not</sup> who did it and was not notified of it. I am aware of any law that authorized any protest filed or authorized any protest proceedings. I was not notified of any protest when the Revisory Board met at Tushkahomma, and never received any notice from that Board that I was rejected. I think the above was written under my name after the Revisory Board had passed on it.

Re-re-cross .

I do not know whether there was any law authorizing the filing of this protest or not and do not know of any law directing that notice should be given in the event of rejection by the Revisory Board. I do not know whether or not the board in Atoka County had power to object and withhold payment for cause. Do you or do you not know that it is a fact that there was a board especially created? I knew that there was a board created and sitting in Tushkahomma for the purpose of hearing such cases, that is, for hearing and determining whether certain claimants who had failed to get their money at the regular payment, were entitled to receive the same. I was down there once or twice but failed to get before the Committee.

Witness to mark \_\_\_\_\_

The applicant, Mrs. Minerva Swadly, being produced by the appellant, and duly sworn states as follows to-wit:-

During the year of 1894, I presented myself and did apply for my portion of the leased District fund, which was then paid out to the Choctaw Indians by blood. I registered in the Town of Atoka, Indian Territory, before the registering board composed of J. R. Plummer, Jo Hommer and Jo Self. At that time I had two children. I made application for my two children but they were not present and they would not register them. Billy, my oldest child was twenty years old, and Rosa was 18 years old. At that time my son was in Atoka County and my daughter was at Tishomingo, Indian Territory. The first day after they moved to Atoka from Lehigh, I made application to them while they were in Lehigh. It is nine miles from this place to Lehigh, and five miles from Lehigh to Caolgate. I was never informed after that, that I was not on the rolls. The roll spoken of in my affidavit is the last roll prepared for the payment of the lease district money.

I was informed that I could not draw because I was not a citizen. I had one grandchild at the time I made application but did not ask to have it enrolled.

Witness.

J. H. Chambers.

her

Minerva X Swadly.

mark

J. M. Self, being produced by the appellant, and duly sworn states as follows to-wit :-

My name is J. M. Self, I reside at Lehigh, Indian Territory, and am 46 years old, I am a Choctaw citizen by intermarriage, I have been such a citizen since the year of 1883.

I was a clerk of the board of registration, who were authorized to enroll or register, Choctaw citizens by blood for the purpose of paying out the lease district money appropriated by the United States for the Choctaw and Chickasaw Indians. I remember Mrs. Minerva Swadly one of the applicants in this case, making application to that board. We enrolled her, but it was afterwards taken off by the revisary board at Tushk-homma, Indian Territory. My recollection is that she did not make application for anyone except for herself. I am confident she stated that she was a niece of Benny Hunter and from my knowledge of the family and their respectability I did not question further, nor did the board, we merely accepted her statements and enrolled her on the same. I was afterwards informed that she was not a citizen and her name was taken from the roll, and I afterwards saw on the book that this name with others was scratched off. I am acquainted with Silas Lawrence, have known him for 7 or 8 years, during which time he has been blind.

#### Cross examination.

The first time I remember of seeing Mrs. Swadly, was when she made application to the registration board/ I was only acting as clerk of the board but owing to the sickness of Mr. Hodges at that time, I was assisting the board and filling his place during his sickness.

I am a white man and only a citizen by intermarriage, and only Choctaw by blood were, by the law, eligible to sit on the board as commissioner. The registration board were instructed to enroll only citizens by blood. The board were supposed to satisfy themselves as to the applicants qualification for citizenship. The board did not enroll only when they thought that the applicant was a citizen by blood. We enrolled her on her statements and her appearance, she looked like a Choctaw Indian. She lived in Coal Gate at the time she was enrolled. I lived at Lehigh, and J. R. Plummer about 6 miles of Coal-Gate and Hodges lived About 3re



miles west of Lehigh, at the time of the enrollment. Jo Hommer, a full blood Choctaw was on the board also, and lived about 12 or 14 miles southeast of Atoka. She did not apply to me personally but to the board.

QUESTION. When a strange person applied for enrollment, would you enroll such person and his or her children on his or her statements in the absence of the Children? Objected to by CA. Pate attorney for the Choctaw Nation, because it is immaterial, since the witness say no application was made for children in this case. ANSWER. No.

QUESTION. Do you know of your knowledge on what ground the applicants name was scratched off the roll by the Revisory Board? ANSWER. I do not know. John Harrison and Will Harkins told me that they would go before the board and make a protest against Mrs. Swadly. I do not think John Harrison knew Mrs. Swadly. Silas Lawrence was a half-breed Choctaw Indian. He lived about 7 miles or 8 northwest of Coal Gate, Indian Territory. He has been living in that community for 8 or 10 years. The Lawrences were raised in Kiamisia, Blue County and Atoka Counties. Silas Lawrence was generally known near coal Gate, and also at Lehigh. All the people knew him around Lehigh and Coal Gate.

Silas Lawrence traveled around some yet, and is about 50 years old or more. All the members of the Board were satisfied that she was a citizen. I do not think that Harkins was personally acquainted with Mrs. Swadly. I do not remember her stating that her children were in Texas at the time of enrolling. I have lived in Lehigh 10 or 12 years, before that time I lived in Atoka and <sup>W</sup>ains County for 20 years.

Re-direct Ex.

I acted in the capacity of clerk of the Commission or Board of registers and as a substitute for D. W. Hodges when he was unable to attend. When the Board closed its work I was appointed by the board to take the roll books we had made to Tushkahomma where the revisory Board was to meet. My services were accepted and a check was drawn for the same for \$150 dollars the amount to be paid to each Commissioner. I divided this with Mrs. D. W. Hodges, her husband D. W. Hodges, having died before the rolls were completed. When Mrs. Swadly presented herself for registration she presented no witnesses in her behalf. Her statement was accepted and she was registered because the statement of her case seemed to be very plausible, the family to which she claimed to belong, being well known and not far away.

Re-cross.

The check above mentioned was drawn in favor of D. W. Hodges and delivered to me to turn over to his widow. The Nation never recognized me as a member of the Board; I was only clerk. Hodges told me that he would make my services all right, as did the other members of the Board, but Hodges was the only man that paid me any thing.

J. M. Self.

J. C. Folsom, being produced by the appellant, and duly sworn states as follows, to-wit:-

My name is J. C. Folsom, I am 66 years old and I live in Atoka, Indian Territory, I am a Choctaw citizen by blood. I am not acquainted with Mrs. Minerva Swadly, one of the appellees herein. I never heard of an Indian by the name of William Hunter. I was well acquainted with a Choctaw Indian by the name of Benny Hunter whose Choctaw name was Benahantubee. This Choctaw name was contracted to Benhonta. He was full-blood Choctaw Indian. He lived so far as I know near Mayhew, Indian Territory, the same being in Jackson County, at this time. I first became acquainted with him about the year 1851; I do not know whether he had a brother by the name of William Hunter or not, did not know much about the family. If Benhontubee had a brother by the name of William Hunter at the time, that I first became acquainted with him, his surname could not have been Hunter, as at that time the Choctaws had but one name. Some years after this I heard of a man called Benny Hunter, but I did not know for some time whom that man was, but I did find out afterwards that he was the man that I, in former years knew by the name of Benhontubee.

This man Benhontubee had one son by the name Nicholas and I knew another by the name of Thomas, who is now Su t. of Armstrong Academy. The oldest of these boys Nicholas when he went to the Missionary school had no name but Nicholas and the Missionaries did not know how to write his full name if he was to be called Nicholas Benhontubee, so they called him Nicholas Moffit, after one of the teachers. The younger generation of Benhontubee have assumed the name of Hunter, which is not a family name, but assumed. The surname Hunter in this family has been assumed by the younger members of the family, only of recent years, possibly since the war. I am well acquainted with Levina Franklin. When I first became acquainted with Levina Franklin it was in the Chickasaw nation, near Fort Washita, this was about the year of 1852. She afterwards moved near Boggy Depot, and have lived in this county (Atoka) ever since. I know Silas F<sup>y</sup> Lawrence, I have known him for about 30 years; he is now blind and has been so for about 25 years. when I first became acquainted with him he lived 5 or 6 miles east of Boggy Depot, in Blue County; he moved northwest and has lived in the upper country ever since.

Cross-examination.

I never knew Benchontubee's father or mother. The first time I ever saw or knew them to be called Benny Hunter was between 1860 and 1865; I do not know how long he had called by that name before I knew him; since the war this family has been known by the name of Hunter. I move away from that county in 1867 and moved to Atoka County. Mrs Levina Franklin was about 8 or 10 years older than myself. Silas Lawrence has lived near Coal Gate for ten or fifteen years, and is about 50 or 55 years old, and is called a half breed Indian, but I do not know how much Indian he is. Mrs. Levina Franklin is about of the same blood; she lives about six miles from Atoka at which place she has resided for 5 or 6 years.

J. C. Folsom.

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UNITED STATES OF AMERICA,

CENTRAL DISTRICT OF THE INDIAN TERRITORY.

I, J. H. Chambers, a duly appointed and qualified Notary Public, within and for the Central Judicial District of the Indian Territory, do hereby certify that the foregoing depositions of C. S. Vinson, Minerva Swadly, J. M. Self and J. C. Folsom, were taken before me, and were read to and subscribed by them in my presence at the time and place, and in the action mentioned in the caption, the said C. S. Vinson, Minerva Swadly, J. M. Self, and J. C. Folsom, having been first by me sworn that the evidence they should give in the action should be the truth, the whole truth and nothing but the truth and that their statements were reduced to writing by me in their presence, the plaintiff in person and by G. A. Pate, his attorney, and the defendant in person and by G. T. Ralls, attorney, being present at the examination, The depositions of C. S. Vinson and Minerva Swadly, were taken on the 3rd, day of September and the taking of said depositions, by agreement of said attorneys above named, were continued to the following day when the depositions of J. M. Self and J. C. Folsom were taken.

Given under my hand and seal at Atoka, Indian Territory, within the Central Judicial District of the Indian Territory, this 7th, day of September, 1897.

SEAL.

J. H. Chambers, Notary Public Aforesaid

The depositions of Peter Maytubbee, Thomas Hunter, Johnson Frazier, Henry Perkins, also Henry Byington and J. H. Nail, taken on the 11th, day of September, 1897, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, at the office of W. H. Butts, in Caddo within the Central Judicial District of the Indian Territory, to be read as evidence in an action, between W. T. Swadly, et al, Plaintiff and The Choctaw nation, defendants, pending in the United States Court for the Central Division of the Indian Territory.

UN THE UNITED STATES COURT FOR THE CENTRAL JUDICIAL DISTRICT, INDIAN  
TERRITORY.

W. T. Swadly, et als, Plaintiffs,

vs.

Choctaw Nation, Defendant.

To W. T. Swadly, et als, the above named plaintiffs:

You are hereby notified that the de positions of witnesses to be read in evidence on the part of the Defendant, will be taken in the town of Atoka, in said District, at the office of C. W. Dunstan, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, on the 10th day of September, 1897.

You are also further notified that the depositions of other witnesses will be taken in the town of Caddo in said Judicial District, to be read as evidence on the part of the defendant, at the post office on the 11th, day of September, 1897/between the hours of eight o'clock in the fore noon and six o'clock in the afternoon, and that the taking of depositions, if not completed at that time and place will be continued from day to day at same place and between same hours till completed.

Choctaw nation, By its  
Attorneys, Stuart, Gordon & Hailey.

September, 7th, 1897.

Office of U. S. Constable,  
Central District, Atoka District  
Indian Territory.

I hereby certify that I sent the within notice to take depositions, by leaving a true copy hereof, with W. T. Swadly, in Coal Gate, Indian Territoey, this 8th day of September, 1897.

A. D. Brown,  
U. S. Constable.

IN THE UNITED STATES COURT FOR THE CENTRAL DISTRICT OF THE INDIAN  
TERRITORY.

W. T. Swadly, et als.,

vs.

Choctaw Nation.

J. H. Nail a witness produced by the defendant after being first duly sworn states as follows: My name is J. H. Nail, my residence is eight miles west of Caddo, Indian Territory, Blue County, Choctaw Nation Age 47 years. I am not acquainted with the applicants for citizenship in this case. I have resided for 42 years at the present place where I now live. I came from Daoksville to that place. I knew a full blood Indian who resided near Mayhew and was known as Bena Hontubbee. I knew him as Billy or Bennie Hontubbee until I went off to school in the year of 1871, and became associated with his son Silas, who was near my age and saw him sign his name Silas Hunter, which was my first knowledge of the fact that he went by the name of Hunter. This man Silas Hunter was a son of the old man Benny Hontubbee, whom I had always known and resided east of Caddo. I never knew any other family of Hunters who were Choctaws.

Examined.

I did not know that Bennie Hontubbee had a brother. I did not know any but him. I never knew any other family of Hunters who were Choctaws.

J. H. Nail.



Henry Byington being produced by the defendant as a witness testifies as follows.

My name is Henry Byington, My age is 46 years, residence Caddo, Indian Territory, occupation Choctaw Attorney. I have resided in Blue County nearly all my life. I knew a Choctaw citizen a full blood by the name of Bennie Honotubbee, who resided near Mayhew, which was then in Blue County. He is now dead. He lived and died on his old homestead.

I knew his brother Pisachabee, who was a full blood Indian and resided in the same neighborhood or near his brother Bennie Honotubbee. I knew two sons of Pisachabee, who were known as Josie Pisachabee and Simpson Pisachabee, these two boys are dead. I will ask you to state whether or not you ever saw an applicant for citizenship by the name of Hunters or whether there was more than one applicant by this name that you ever saw at the Choctaw Council? Obj. Because it is leading, foreign to this case, therefore in complaint inadmissible.

I remember of seeing three old men at the Choctaw Council, who claimed that their names were Hunter. J. S. Hunter, William T. Hunter and the three men. I do not remember his initials but know that he called himself Hunter. This was in the year about 1890 or 1891. My recollection is that I filed their petition for citizenship. These parties claimed that they were related to the man Bennie Hunter, whom I know to be a full blood Choctaw Indian and resided east of Caddo, which was then Blue County, now Jackson County, and the same party of whom I have heretofore spoken of in this deposition. I have resided in the south eastern portion of Blue County in the neighborhood of what is now known as the Albany Post Office, about 25 miles from Mayhew. Obj. on the ground that it is privileged Communication between Client and Attorney.

I am well acquainted with Silas Lawrence, have known him for twenty years or more as near as I can state. He married from near the mouth of Allen Bayou to Atoka County, where he has been living since. I do not know that he ever lived in the same neighborhood of Bennie Hunter and his brother Pisachabee. I am a Choctaw Indian by blood and quite well acquainted with the language spoken by the Choctaw people. The word (Bena, means to camp and Honotubbee means to stay and kill it) If the applicant Mrs.

Swadly claims to have descended from Bena Honotubbee, or Hunter family herein spoken of, then she would be a descendant of the same family as the three applicants, or old men whose name was Hunter of whom I have heretofore spoken.

Examined.

I did not see W. T. Swadly at Council at the time the three Hunter applicants appealed for citizenship. In 1893, I saw Mrs. Swadly at Council trying to get her Leased District money. Mrs. Swadly's name was on the census Roll marked "doubtful". The Revisory Board left her name so, The Revisory Board was composed of the Principal Chief of the Nation, the National Auditor. As an attorney I filed an application for the three old men Hunters, above named. It was the custom among the Choctaws at that time to call each others brothers when they were second or third cousins or distinctly related to each other. I do not know of my own knowledge that Pisachabee was a brother to Bena Hunter, but he was known as his brother. Silas Lawrence has lived all over this country. I do not know his exact age but he is 8 or 10 years older than myself. I only knew two of Pisachabee's children their names were Josie and Simpson, the ones that I knew. I do not know how long Silas Lawrence has been blind, Simpson Pisachabee was known as Simpson Pisachabee, never known as Silas Hunter. Pisachabee had daughters but I never knew them. Mrs. Melvina Franklin lived on the Hickasaw line near the mouth of the bayou. She was an old settler in this country, she is a very old lady, probably sixty or seventy years of age. She lives at Atoka or Lehigh now.

Re-Direct.

I lost track of the application after I filed it, as they change lawyers and I am unable to state what action was taken of it. My recollection that I served as clerk to the citizenship committee in the year of 1892.

I was then elected in 1894 and served in fall 1893-1894 and 1895. I knew another family of Hunters, who called themselves the children of George Hunter, but they are now dead, they lived on Red River. Dixon Hunter was a Choctaw Indian and was killed in 1899. Eastman Hunter lived on Blue, he was killed about the time of the net proceed payment about 1889. Jesse Hunter, a Choctaw Indian died a long time ago. Jackson Hunter a Choctaw Indian died good while ago. These three, Eastman,

Jesse and Jackson Hunter, were all married men, do not know any other Choctaw Indians by the name of Hunter. Jackson Hunter was 50 years old when he died. His boys ranged from 20 to 30 years old when they died. I do not think they were any kin to BeaeHunter.

Henry Byington.

The taking of depositions in this action was adjourned until Monday, September, 13, 1897. one thirty P. M.

W. H. Bates.

Obj. by plaintiff for applicants. The taking of depositions in this action was resumed at 1.30, P. M. September, 13, 1897.

Caddo, Indian Territory, February, 22, 1897.

Mr. W. T. Swadly,

Coalgate, Indian Territory.

Dear sir:-

It is in compliance with your received request that I write you relative to an alleged relationship existing between your wife and my father

Personally I know nothing as to the relation. It has been claimed to my knowledge that the father of Minerva (your wife) was a full brother to my father, Ben Hunter, but just how far this claim has been justified I am unable to say. My father's original and true name was not Ben Hunter, but Benahanatubee. My father had only one brother I know of, his name, Pisachabe, aside from this I know no others. His claim of William Hunter, Minerva Swadly's father, has been submitted to Council and strenuous efforts put forth to establish it, but it had been unsuccessful.

Silas Hunter, my half brother, deceased, is said to have been employed to engineer the claim for William Hunter, but died before anything was affected.

Pardon me for not being able to assist further. The matter is a little too far back for my statement to be of worth to you.

Very respectfully,

T. W. Hunter.

Johnson Frazier, being produced by the defendant as a witness testifies as follows:

My name is Johnson Frazier, live in Blue County near Caney. My age is 50 years, full blood Choctaw Indian, I resided at Mayhew until 3 years after the war, at which time I moved to my present home near Caney. I was acquainted with Pisachabee, a full blood Choctaw who lives in the vicinity of Mayhew. I was acquainted with his family. I knew his children but have forgotten their names. The children are all dead now. I know his son Josie Pisachabe knew him by this name as long as he lived. I am acquainted with Silas Lawrence became acquainted with him in Blue County. He was living in Blar County when I first became acquainted with him, and was a blind man at that time. I never saw him in the vicinity of Mayhew previous, until after I became acquainted with him in Blue County Pisachabe is a Choctaw Indian full blood, and lived near Mayhew all the time that I knew him, which was about twenty years. He had 4 boys living when I left them. The oldest one was named Joseph Pisachabe one named Isiah Pisachabe another named Simeon Pisachabe another named Simpson Pisachabe. He had three Daughters Liza, Amy Pisachabe, I did not know one of his daughters by name of Minerva. I dont know, but did not know his wife, or her first name, she was a full blood Choctaw woman.

I resided in the same vicinity of Pisachabe and knew his family well. I never heard of any of his family being called Hunter. He lived on the line of Kiamicha and Blue Counties, which is now Jackson County.

his

Johnson X Frazier.

mark

Thomas W. Hunter, a witness produced by the defendant after being duly sworn testifies:

My name is Thomas W. Hunter, am 28 years of age, am a Choctaw by blood, residence Armstrong Academy, about 12 miles east of Caddo am Supt. of the Armstrong Academy. Born and raised in Blue County. I am acquainted with the applicant in this case. W. T. Swadly and Minerva Swadly, I have known Mrs. Swadly for about 5 years. I have known Mr. Swadly about one year. I first met Mrs. Swadly at Jones Academy, near Hartshorne I was teaching at Jones Academy when she came to where I was, and said she was a relative, and that she was endeavoring to establish her citizenship and had found out from Wm. Harrison that it was necessary to see me and secure an affidavit. I had been represented as a relative of her to secure the citizenship, I told her that if we were related in any way, I did not know it, that my knowledge of our family history was not very extensive, that I knew only our immediate circle of relations. I could not assist her in the way she desired, then she left, she stated that that she was a 1st, cousin to me, she stated her father's name was William Hunter and that he was a full brother to my father, Benne Hunter. It told her if there was any one by the name of Wm. Hunter related to me it was out of my knowledge. I told her that my father's name was originally Bena Honotubee, and not Bena Hunter. The Choctaw name of my father as stated herein means stay at the camp and kill. My father had one brother whose name was Pisachabee (which means see and kill).

He had also according to our family history, a half brother by the name of Joseph whose full name we have never been able to find out.

My father was a full blood Choctaw Indian, also Pisachabee. I knew all of Pisachabee children. He had two sons named Joseph Pisachabee and Simpson Pisachabee, he had some daughters whose names I do not remember, with the exception of one whose name is Melissa. The children of Pisachabee are all dead, they were all full bloods and could not speak a word of English. Obj. by plaintiff. I saw several applicants for citizenship at the Council by the name of Hunter, claimed to be related to me, there was one applicant by the name of Wm. Hunter about 75 years or 80 years old, claimed to be a brother of my father. He had all the appearances of a white man. Another by the name of John Hunter one of these part-

ies lived in the Chickasaw Nation and the other in Texas.. i did not see the applicants there at the time, these parties were there. Obj. by plntf At a subsequent Council, I saw them there they left their son to negotiate with me, to assist Davis Homer their attorney in their citizenship matter.

They all left and nothing was accomplished by any of them. I know the man William Hunter, who claimed to be a brother to my father, prior to the time I saw him at the Council, he came to our house during my fathers lifetime and represented himself as being a brother to my father and solicited my father's assistance in establishing his citizenship. My father became very angry and told him they were not related and that he would not tell a lie for any man. He remained there 3 or 4 yweeks. They afterwards employed my half brother Silas to engineer their case through the Council. He filed papers in the case for them. He afterwards died and that was the end of the case. I went to school in the town of Caddo, for several years, came here with my two sisters Janie and Emma. I never knew such a girl as Minerva Hunter while I was attending school at Caddo. there was an orphan girl staid with us while in Caddo by the name of Emily Hampton, a Choctaw who afterwards married Henry Perkins. My father lived and died at the old homestead at Bennington. He came from Mississippi, when he was twenty years of age.

Examined I do not know of my own knowlege whether my father had any other brothers that Pisachabee, my half brother Silas Hunter who took Hunter's case, was a full blood and would be about 40 years old at this time. Here witness is handed a letter, which he identifies as a letter written by him to W. T. Swadly, with reference to his citizenship, which letter is hereto attached and marked exhibit "A".

T. W. Hunter.

Peter Matabby being duly sworn testifies as follows:

My name is Peter Matatubby, live 5 miles north west of Caddo, known as Matatubby Springs. My age is 60 years. I am a Choctaw Indian by blood

I was acquainted with Bena Honatubbee, a full blood Choctaw Indian, who resided in Blue County up to the time of his death. I was acquainted with Pisachabe a full blood Choctaw who lived near where Mayhew Post Office is now. I was acquainted with Joseph Pisachabe, a son of Pisachabe who had no other name. Joseph enlisted in my Company at the beginning of the war, a company of Choctaws 1st, Regiment of Choctaws who went out as soldiers. He enlisted under the name of Joseph Pisachabe and was known by that name during his services in the war. I never heard Pisachabe or any of his children called by the name of Hunter. I have resided in Blue County for about 28 years during which time I have become extensively acquainted with the older heads of the Choctaw people. I became acquainted with Pisachabe while I lived in Kiamischa County, previous to my residence in Blue County. I never knew a family named Swadly in Blue County. I knew Bena Honatubbee, as the Choctaws called him, since the war I have known him as the man called Ben Hunter. I know Silas Lawrence, became acquainted with him about 30 years ago. He went blind about 25 years ago, as near as I can state. He was living near Boggy Depot when he went blind. I am acquainted with Mrs. Lavina Franklin, have known her brother, Silas Lawrence when I first became acquainted with her, she was the wife of Dixon Frazier and resided in the Chickasaw Nation; she afterwards moved to Atoka County, where she has resided ever since.

Examined.

I never knew Bena Honatubbee as a brother of Pisachabe; I only knew two children of Pisachabe's Joseph and one younger son. Joe was about my age. The younger son was about 35 years of age. I did not know Bena Honatubbee first wife. I did not know Pisachabe's wife. I did not know any thing about his girls. Mrs. Lavina Franklin lived only a short distance over the Choctaw line in the Chickasaw Nation. Mrs. Lavina Franklin and Silas Lawrence are both older than I am. I suppose they were pretty generally acquainted in that country; it was in the neighborhood of 8 miles of where Bena Honatubbee and Pisachabe lives.

Re-direct.



It is in my judgment of about 40 miles from the neighborhood of Mayhew to the Chickasaw line, where I said that I supposed Mrs. Franklin and Silas Lawrence was pretty well acquainted with the people down there.

I meant the neighborhood in which they lived and not the neighborhood of Pisachabe and Bena Hunter. I lived about 12 miles from Pisachabe and about 20 miles from Bena Honatatubbee in Kiamicha County. Silas Lawrence used to live around Boggy Depot, two or three years after the war.

Peter May tubby.

Henry Perkins being duly sworn for the defendant testifies as follows:

My name is Henry Perkins, Choctaw Indian by blood. My residence is Caney. My age is 57 years. I used to know a Choctaw citizen by the name of Pisachabe; he lived in the vicinity of Bennington. I knew a son of Pisachabe, who was known as Joseph Pisachabe this boy died about 3 years ago. I knew Pisachabe who was a full blood Choctaw, his wife was a full blood Choctaw. I was born in Blue County, have lived here all my life, am well acquainted with the people of this county, never knew a woman by the name of Martha Hunter in Blue County. I was well acquainted with the people who resided in the neighborhood of Pisachabe about 40 years ago, the time I left the neighborhood. I did not know a woman called Martha Hunter in that neighborhood, I knew Pisachabe's wife but do not recall her name. Obj. by plaintiff. I was approached by the attorney for the applicant in this case who states he was in search of evidence for a daughter of William Hunter, who claimed to be a brother of Bena Hunter and asked me if I knew any thing about it, I stated that I knew no such a man, I knew but one brother of Bena Hunter, and his name was Pisachabe. He then said that he was searching for evidence for Hunter's and that I would not be needed, I stated to him at the time what I now state, that I never knew but one brother to Bena Honatatubbe and this was Pisachabe, whom I never heard called Hunter.

his

Henry X Perkins.

mark

UNITED STATES OF AMERICA,  
CENTRAL DIVISION OF THE  
INDIAN TERRITORY.

I, W. H. Bates, a duly appointed and qualified Notary Public, within and for the Central Judicial Division of the Indian Territory, do hereby certify that the foregoing depositions of Peter Maytubbee, Thomas Hunter, Johnson Frazier and Henry Perkins--also Henry Bennington and J. H. Nail, were taken before me, and were read to and subscribed by them in my presence at the time and place and in the action mentioned in the caption, the said Peter Maytubbee, Thomas Hunter, Johnson Frazier and Henry Perkins, having been first sworn by me that the evidence they should give in the action should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me in their presence, the plaintiff in person and by G. T. Ralls, his attorney and the defendant in person and by G. A. Pate attorney, being present at the examination. The taking of Depositions was conducted in the office of W. H. Bates by consent of parties. The taking of depositions was adjourned on 11th of September, by agreement and resumed on the 13th, at same place.

Given under my hand and seal at Caddo, within the Central Judicial Division of the Indian Territory, this 14th, day of September, 1897.

W. H. Bates.

Notary Fees, taking depositions two days      Notary Public, Aforesaid.  
at \$5.00,-----\$10.00

Exhibit A  
J.E.Gresham N.)P

MARRIAGE LICENSE.

Choctaw Nation, Atoka County ss.

To any person authorized by law to solemnize marriages:

GREETING:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr.W.F.Swadley~~Swadley~~ of Colgate in the Choctaw Nation, aged \_\_\_\_\_ years a citizen of the United States and Miss Minerva Hunter a citizen of the Choctaw Nation, in the Choctaw Nation aged \_\_\_\_\_ according to law, and do you officially sign and return this license to the parties therein named.

Witness my hand and official seal this 7th day of Sept.A.D.,1896.

S.Downing  
Clerk of the county Court.

CERTIFICATE OF MARRIAGE

Choctaw Nation \_\_\_\_\_ County, ss.

I, G.T.Mathews a Minister of Gospel do hereby certify that on the 7 day of Sep A.D.,1896, I did duly and according to law as commanded in the foregoing license, solemnize the Rite and publish the Banns of matrimony between the parties therein named.

Witness my hand this 7 day of Sep. A.D.,1896.

G.T.Mathews.  
Minister of Gos.

Choctaw Nation.

Atoka County

I, Joseph M. Self, Clerk of Atoka County Choctaw Nation do hereby certify that the within marriage certificate are duly recorded on page 328 of book one of the records of Atoka county Choctaw Nation and same was recorded on the 30th day of September, 1896.

Joseph M. Self,

County Clerk of Atoka County, Choctaw Nation.

In the United States Court in the Indian Territory  
Central District at South McAlester

Depositions of witnesses Lavina Franklin, Silas  
Lawrence Minerva Swadley and W.T. Swadley taken at the residence  
of W.T. Swadley at the town of Coalgate, in the Central District  
of the Indian Territory, on the 13th day of July, 1897, between the  
hours of eight o'clock A.M. and six o'clock P.M. to be read as  
evidence in the consolidated cases of W.T. Swadley vs The Choctaw  
Nation and Minerva Swadley vs the Choctaw Nation, pending at South  
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Application of the following named persons to be enrolled as citizens of the Choctaw Nation:

John F. Hunter,	Wm. P. Hunter,	Jos. S. Hunter,
John T. Hunter	Clinton A. Hunter,	Jas. J. Hunter,
Sarah C. Oats,	Mary Cunningham,	Katy Dickson Hunter,
Geo. W. Hunter,	Mary Maud Hunter,	Mattie Katherine Hunter,
Jesse James Hunter	Mary C. Hunter,	Moses S. Hunter,
Lilly May Hunter,	Chas. Ruby Hunter,	Lottie Lee Hunter,
Frankie Hunter,	Lulu Hunter,	W. D. Cunningham,
Jas. Cunningham,	Arthur Cunningham,	Georgie Cunningham,
Gertrude Cunningham,	Joseph Cunningham,	Francis Cunningham,
Mary Dameron,	John M. Hunter,	George P. Hunter,
Martha Hunter,	Wm. F. Hunter,	Marion S. Hunter,
Mary S. Clements,	W. A. Clements,	Alice E. Ross,
Thos. T. Ross,	John E. Hunter,	Sallie D. Hunter,
John F. Clements,	Emily Clements,	Pearl Clements,
Jas: Clements,	Mary L Hunter,	Wm. T. Hunter,
Mary L. May,	Turner May,	Ella May,
Elvin May,	Amanda Isgrigg,	James Isgriss.



Vinita, I. T. Aug. 28th, 1896.

To the Hon. Henry Dawes, Archibald McKennon, Frank C. Armstrong,  
A. B. Montgomery and Thomas B. Cabiness, Commissioners:

The petitioners herein mentioned respectfully represent that they are citizens of the Choctaw Nation and entitled to be enrolled upon the rolls of citizenship of said nation, and that they are descendants of Wm. P. Hunter, who was a Choctaw Indian by blood.

Your petitioners respectfully represent that the said William P. Hunter, a Choctaw Indian by blood as aforesaid, lived with and was identified with the Choctaw Indians from the time of his birth in the old Choctaw Nation ~~about the year~~ in the State of Mississippi and that he came with the Choctaws to the Choctaw Nation in the Indian Territory about the year 1837, and a short time thereafter he moved to Fannin county in the State of Texas and died about five miles north of Bonham in Fannin County, Tex. about 1848; that the said William P. Hunter, before leaving the Choctaw county in Mississippi married Minerva Turner, a white woman, about the year 1820 and lived with her until her death in Fannin county, Tex about the year 1840; that she was killed by the wild Indians; that the said William P. Hunter and his wife, Minerva Hunter had five children whose names are as follows: John F. Hunter, Heriet Hunter, William P. Hunter, Joseph S. Hunter and Amanda Hunter, of whom only three are living, viz: John F. Hunter, William P. Hunter and Joseph S. Hunter and that they and the descendants of these three children are prosecuting this application:

The said Joseph S. Hunter, one of your petitioners herein is 71 years old and is a Choctaw Indian of the 1/4 blood; that he was married about the year 1851 to Sarah Damron in Fannin county, Tex. and that they lived together as husband and wife until her death about the year 1881 and the following children were born unto them: John T. Hunter, Clinton A. Hunter, Jas. J. Hunter, Sarah

C. Hunter, now the wife of Henry Oats and Mary Hunter now the wife of W. D. Cunningham, all of whom join in this application; that the said John T. Hunter was married to Katie Dickson about the year 1881, and as the result of said marriage, they have four children, viz: Geo. W. Hunter, Mary Maud Hunter, Mattie Katherine Hunter and Jesse James Hunter; that Clinton Hunter married Mary Cunningham about the year 1883 and five children have been born unto them as follows: Moses S. Hunter, Lily May Hunter, Chas. Ruby Hunter, Lottie Lee Hunter and Frankie Hunter; that James J. Hunter married Lulu Oats in the fall of 1895 and they have no children; that the said Mary Hunter, now Mrs. W. D. Cunningham, has six children as follows: Jas. Cunningham, Arthur Cunningham, Georgia Cunningham, Gertrude Cunningham, Joseph Cunningham, and Francis Cunningham; that the said John E. Hunter married Mary Dameron about the year 1842 in Fannin county, Tex. and that they had two children who are interested personally and whose descendants are interested in this application, as follows: John M. Hunter, Geo. T. Hunter; that the said John M. Hunter was born in Fannin county, Tex. about the year 1846, and in 1865 was married to Martha Doss and the following children were born unto them: William F. Hunter, Marion S. Hunter, Mary S. Hunter, now Mrs. W. A. Clements, Alice E. Hunter, now Mrs. Thos. T. Ross, John E. Hunter and Gallie D. Hunter, all of whom join in this application; that the said Mary S. Hunter married the said W. A. Clements, who joins in this application, about the year 1888, and that they have the following children: John F. Clements, Emily Clements, Pearl Clements and Jas. Clements; that said Alice E. Hunter married Thos. T. Ross who also joins in this application, about the year 1892 and that they have two children, viz: Wm. Ross and Jas. Ross.

Said Wm. T. Hunter married about the year 1863 Amanda Downing and there was born unto them a child, Mary L. Hunter, and the said Mary L. Hunter married Luther May about the year 1889, and the fol-

lowing children were born unto them: Turner May, Ella May and Elvin May; that the said Geo. T. Hunter died about 20 years ago and his daughter Mary L. Hunter and said Luther May and their three children join in this application.

That the said Harriet Hunter, daughter of William P. Hunter married Hugh Simpson about the year 1830 in the old Choctaw Nation in Mississippi, and one of their children was named Amanda Simpson, who died about 26 years ago; that the said Amanda Simpson married William Isgrigg about the year 1864 and they had one child, James Isgrigg, who joins in this application.

Wherefore, the above named applicants pray that they be enrolled as members and citizens of the Choctaw Nation and that they have all other relief to which they may be entitled.

Ledbetter & Bledsoe,  
Attorneys for Applicants.

We, Joseph S. Hunter and John M. Hunter, after being duly sworn, on oath, state that the allegations in the foregoing application are true as we verily believe.

his  
Jos. S. X Hunter  
mark

John M. X. hunter.

Subscribed and sworn to before me this 13 day of August, 1896.

Tom H. Sturgeon,  
Notary Public.

(SEAL)

Indian Territory,  
Southern District.

John T. Hunter, after being duly sworn on oath, says:  
That he is familiar with and has heard read the application for citizenship filed herein on behalf of the descendants of Wm. P. Hunter, and that all the allegations contained in said application are true; that a similar application was filed on behalf of himself John T. Hunter, Jos. S. Hunter, John M. Hunter and Wm. P. Hunter before the citizenship committee or court in the Choctaw Nation about the year 1889 and said application was recommended and passed upon as sufficient and the applicants therein named were recommended for citizenship but were never in fact enrolled; that the original papers connected with said application are now on file with the Choctaw authorities; that application has been made to the clerk of said committee or court for the original papers to be filed with this application, but so far, the petitioners in this application have not been able to procure the said original papers; that the copies of the affidavits of Roger James, Gilbert Cooper, Eastman Tahoma are in all respects true and correct copies of the original affidavits made by those parties on file with the Choctaw authorities. The said John T. Hunter further swears that the family history of the descendants of the said Wm. P. Hunter as contained in said application is correct and the said descendants of the said William P. Hunter as therein described are all living and in my opinion, entitled to citizenship.

John T. Hunter.

Subscribed and sworn to before me this 28 day of Aug., 1896.

T. H. Sturgeon,  
Notary Public.

(SEAL)

5-

Indian Territory,  
Chickasaw Nation.

Joseph S. Hunter, after being duly sworn, on oath, states that he is 71 years old and was born in the Choctaw Nation in the State of Mississippi; that his father was William P. Hunter who was a Choctaw Indian of the half blood; that he examined the application for citizenship in the Choctaw Nation <sup>filed herein</sup> by the descendants of said William P. Hunter, and says that he believes that all the allegations therein contained in reference to the citizenship of the several applicants therein named are true, and that the recital of the family history of said applicants as contained in said application is to the best of affiants knowledge true and correct, and that said application correctly states the relationship of each and all of the parties therein named of the said William P. Hunter; that from earliest boyhood he has understood from parties who were aware of the facts that the family history of the said Hunters, the applicants therein named, to be as alleged in said application, and that he believes the parties therein named are entitled to be enrolled as members and citizens of the Choctaw Nation.

his  
Jos. S. X Hunter  
mark

Subscribed and sworn to before me this 13 day of August, 1896.

Tom H. Sturgeon,  
Notary Public.

(SEAL)

6

Indian Territory,  
Chickasaw Nation.

John M. Hunter, being duly sworn, on oath, states that he is familiar with the allegations in the application of the descendants of William P. Hunter for enrollment as Choctaw citizens, and that from the best of his knowledge and belief the allegations therein contained are true; that he is 50 years old and is the grandson of William P. Hunter named in said application as the ancestor of said applicants, and that he has always understood from conversation with members of the family and from others that the said William P. Hunter was a half breed Choctaw Indian, and that the family history connecting the present applicants with said William P. Hunter is as alleged in said application and that he believes the applicants therein named as entitled to citizenship in the Choctaw Nation and to be enrolled as such.

J. M. Hunter.

Subscribed and sworn to before me this 13 day of August, 1896.

Tom H. Sturgeon,  
Notary Public.

(SEAL)

~~See Henry Hunter~~

Appeared before me the undersigned authority Rodgers James under oath and says, I have known these men ever since I can recollect; my grandfather Benahontta always that these men were his cousins, and were Choctaws by blood, and I do believe they are. I have no right to believe anything else. When these men lived in Texas my grandfather would go to see them. John F. Hunter, Joseph S. Hunter and W. P. Hunter. William Hunter came to my grandfather's house, so Joseph S. Hunter. I used to hear them say that they were grandfather's brother's children and were first cousins to my grandfather. I would go with my grandfather Benahontta to visit John T. Hunter, Joe S. Hunter and W. P. Hunter. I have known these men ever since I can recollect. I have been taught these men were Choctaws by blood.

Rodgers James.

Subscribed and sworn to before me this 25 day of October, 1895.

S. T. Hansley,

Clerk Tobuksy Co. C. N.

This is a true and correct copy of the original affidavit of Rodgers James.

J. A. Gregory,

Notary Public.

My commission expires Sept. 26th 1898.

(SEAL)

~~See Henry Ainsley as to  
residence of the man~~

Appeared before me the undersigned authority Gilbert Cooper under oath, and says I knowed Benahontta and his brother Piscochobbi. We started together on our emigration from the State of Mississippi. I am about 74 years old. When we started together there was an old woman by the name of Wehatona was their stepmother and she was with them, and we stopped at a place one time and several of the men fixed to go out on the Texas side a hunting, and Piscochobbi join the crowd and went with them, and it sometime afterwards there was another crowd started out to hunt on the Texas side, little south, for fear there were other(Indians wild) at that day and time they often came in contact with the wild Indians. So they started in the direction the first crowd went and they met or foud the first crowd was down in Texas somewhere, and this Piscochobi was a half breed, his mother was Benahontta's mother, same mother and different father Piscochobe's father was a white man. Benahontta father was a full blood Choctaw, so we used to call Piscochobi, "white Man" by his nickname. And after Piscochobi got on the Texas side they white people called him William, so when the rest of the crown returned to our old camp bu Piscochobi or William did not come but staid on Texas side, and afterwards they called him William Hunter on account that he came over on Texas a hunting. So then William Hunter married to a white woman so I was told. And now these men in my presence John F. Hunter, Joseph S Hunter and William P. Hunter, are his children so I am told. I am personally acquainted with the old man. He was a half breed Choctaw.

Gilbert Cooper.

Subscribed and sworn to before this 23rd, day of Oct 1895

W. H. Ainsley.

Co. Clerk Tobuksy Co. C. N.

This is a true and correct copy of the original testimony of Gilbert Cooper.

J. A. Gregory,  
Notary Public.

9  
My commission expires Sept. 16th 1898.  
(SEAL)



*Done*

Appeared before me the undersigned authority Eastman Tehomba under oath and says, I knowed Benahontta now deceased; I knowed William Hunter, and since then I got acquainted with John F. Hunter and Joseph S. Hunter, they are brothers. I used to work for Benahontta, and stayed at his house quite awhile and this William Hunter was there at Benahontta at the time, and old man told me one time that this William Hunter is a kinsman of him, and says he appears to be a full blood white but he is not, if could speak our language he would be alright but as he raised on Texas side, on account of brother being on that side for awhile. I knowed Benahontta, he was a full blood Choctaw, and lived in Blue County Choctaw Nation.

his  
Eastman X Tehomba  
mark

Sworn to and subscribed before me this 23rd day of Oct 1895

W. H. ~~H~~asley.

Co Clerk Tobucksy County C. N.

This is a true and correct copy of the original deposition of Eastman Tehomba.

J. A. Gregory,  
Notary Public.

My commission expires Sept 16th 1898.

(SEAL)

10

Chickasaw Nation, I. T.

Homedy Williams, after being duly sworn says, I was born in Mississippi on the Elohesho river about the year 1810 and was raised with the Choctaw Indians. I came to the teritorie two or three years after the Chctaws came. I was well acquainted with one Pischabbi up to the time of emigration of 1836, he was a half breed Choctaw and white man and was a brother to Benna Honter who was a full blood Choctaw. I did not know Pischabbi's wife but he had several boys, six or eight year before the emigration of 1836 I never seene Pischabbi or any of his boys after they left Mississippi.

his  
Homedy X. Williams  
mark

Sworn to before me this 22" day of March 1897.

D. J. Carpenter,  
Notary Public.

In and for Southern district, Ind. Ty.

(SEAL)

Choctaw Nation,  
Indian Territory.

Patsy Hall, after being duly sworn says: I am a Choctaw Indian by birth and blood and have lived among the Indians all my life and came to the Territory with the Choctaw Indians about the year 1836. I have known William P. Hunter nearly all my life. I knew him before he came to the Indian Territory under the name of Pischabbi, and up to the time he left the Choctaw Nation and went to the state of Texas. Afterwards he was called William Hunter. He was a half breed Choctaw and had a brother named Penahontta, or some similar name. They were both recognized as Choctaw Indians and enjoyed all the rights of Choctaw citizenship during their lifetime? I don't know just what year Pischabbi, or William Hunter, died, but think it was about the year 1848. I am well acquainted with Jos. S. Hunter, and know him to be a son of Pischabbi or William Hunter. I have known him nearly all my life. I am also acquainted with John M. Hunter, and have known him for many years, and from information in my possession, I know him to be the grandson of William P. Hunter. I have also known John F. Hunter from his boyhood to the present time, and know him to be a son of said Pischabbi or William Hunter. All of these Hunters have Indian blood in them and are entitled to be enrolled as Choctaw Indians. I don't know my age, but I was old enough to do house work before I left Mississippi.

her  
Patsy X. Hall  
mark

Subscribed and sworn to before me this 23 day of March 1897.

*See Counter Statement*

J. W. Childers,

Notary Public.  
in and for Southern District  
of Chickasaw Nation.

(SEAL)

Tuskahoma, Choctaw Nation,

October 17th 1895.

To the Honorable Members of the Senate and the House of Representatives of the Choctaw Nation in General Council of the Choctaw Nation assembled:

Your petitioners J. F. Hunter, J. S. Hunter, W. P. Hunter and their heirs most respectfully ask your honorable body to grant unto them by an act of the general council, all the rights, privileges and immunities of citizenship of the Choctaw Nation, and for the following reasons, to-wit:

1st. Because they are Choctaws by blood and lineal descendants of old man Pischabbi or William Hunter, who was a half brother of Benahontta deceased, late of Blue county, Choctaw Nation, their mother being a Choctaw full blood, and father of Pischabbi or William Hunter a white man, and your petitioners are  $\frac{3}{4}$  fourths Choctaws and their children  $\frac{1}{8}$  Choctaw, the following names are children of J. F. Hunter.

J. M. Hunter, J. C. Hunter, W. M. Hunter, R. E. Hunter, J. F. Hunter, M. F. Skaggs Hunter, M. F. Crunk Hunter, Tennessee Perry, E. M. Hunter, R. M. Hunter and one grandchild Mary L. S. May.

J. S. Hunter's children are as follows, viz.

J. T. Hunter, C. A. Hunter, J. J. Hunter, S. C. Hunter, and grandchildren of J. Cunningham, A. Cunningham, G. Cunningham, Viola Cunningham, Joe Cunningham and Frank Cunningham. And W. P. Hunter's children are as follows, viz, Harriet H. Hunter, Belle V. Hunter, Juny T. Hunter, Martha B. Hunter, W. W. Hunter and N. V. Hunter.

The above named persons are Choctaws by blood and therefore entitled to the rights and privileges above asked for.

All of which your petitioners are ready and willing to prove.

And in duty bound your petitioners will ever pray,

Your petitioner,  
J. F. Hunter.

13

J. S. Hunter

Wm. Hunter.

Attest:

Gilbert Cooper

Buck Hunter

Eastman Tehomba

T. W. Hunter.

Atty

D. A. Homer.

This is to certify that the foregoing is a true and correct copy from the original petition of J. F. Hunter et als for citizenship in the Choctaw N<sup>o</sup>tion, now on file in my office at Tuska-homa the Capital of the Choctaw Nation.

Witness my hand the Great seal of the Choctaw Nation, this the 9th day of November, A. D. 1895.

J. B. Jackson,  
National Secretary  
Choctaw Nation.

(SEAL CHOCTAW NATION)

Chickasaw Nation,  
Indian Territory.

ET  
7  
2

Patsy Hall, after being duly sworn, on oath, states as follows: I am a Choctaw Indian by birth and blood and have lived among the Indians all my life? I am 60 years of age and come to the Indian Territory with the Chickasaws and Choctaws about the year 1837. In the old Choctaw Nation in Mississippi, before coming to the Indian Territory, I knew William P. Hunter, a half breed Choctaw Indian intimately and came with him to the Indian Territory. A short time after coming to the Indian Territory he left and went to Texas where he died many years ago. I am well acquainted with J. S. Hunter who has made application to be enrolled as a Choctaw citizen and know him to be the son of said William P. Hunter. I have known him all my life. I am also acquainted with John M. Hunter and have known him for many years, and from information in my possession, I know him to be the grandson of the said William P. Hunter. I also know Jno. F. Hunter from his earliest boyhood until the present time. All of these Hunters have Indian Blood in them and are entitled to be enrolled as Choctaw citizens.

her  
Patsy X. Hall  
mark

Witness Wess Childers.

Subscribed and sworn to before me this 16 day of August, 1896.

\_\_\_\_\_  
Notary Public.

J. W. Childers  
Notary Public in and for the 3rd district  
of Indian Territory.

15  
(SEAL)

IN THE UNITED STATES COURT, IN THE INDIAN TERRITORY,  
SOUTHERN DISTRICT, AT ARDMORE.

John T: Hunter et al.                      Before W. H. L. Campbell, Esq., Master  
No. 73. v.                                      in Chancery, at Ardmore.  
Choctaw Nation.                              March, 17, 1897.

Appeared: W. A. Ledbetter, Esq., for the Plaintiff.

John T. Hunter a witness for the plaintiffs, after being  
duly sworn, testifies:

Direct examination by Mr. Ledbetter:

Q. How old are you?

A. Born in the year '20.

Q. Where?

A. Born in Mississippi, I reckon. I was young when I started from  
that country to the Choctaw country.

Q. Has it been your understanding from your parents that you were  
born in the State of Mississippi?

A. Yes sir.

Q. About how old were you when you came to the Territory?

A. I reckon I was 16 or 17.

Q. What kind of people were they that came?

A. Choctaws, most of them full bloods.

Q. Where did you stop at?

A. Kiomanche River, not more than 10 or 15 miles from Red River.

Q. What was your father's name?

A. They called him Wm. Hunter after he came to the Territory.

Q. Did he have an Indian name?

A. Yes sir, the Indians called him, -I don't know what they called  
it.

Q. You don't know his individual given name by the Indians?

A. No.

Q. When did he die?

A. I reckon '48, just at the close of the Mexican war.

Q. Are you of any Indian blood?

A. I have been taught that I am part.

Q. What has been your understanding?

A. Been my understanding; been called Indian John since I can recollect.

Q. Of what nation do you claim to be a member?

A. Choctaw.

Q. Did you know an Indian by the name of Benahoatta?

A. Yes sir, they called him old Benahontta.

Q. How long since he died?

A. I reckon it has been ten years since his horse killed him.

Q. Where did he die?

A. In the Choctaw nation.

Q. Was he related, in any way to Wm. Hunter?

A. They said he was; he came to our house and claimed to be related.

Q. Did you know him up to the time of his death?

A. Yes sir, I knew him up to the time of his death. He was killed.

Q. Do you know how he was related to your father?

A. No.

Q. What is your understanding?

A. My understanding was that he was related to my father.

Q. What is your understanding the relation was?

A. I don't know. Just kin folks.

Q. What degree of Indian blood was he?

A. He looked to be fully a full blood, or three fourths.

Q. You know any of his sons?

A. Ones called Silas and Tom.

Q. Where did they live?

Q. I don't know where they live, did live then with their father.

Q. Was Benahoatta killed you say 10 years ago?

A. I think, about 10 years.

Q. During all the time you were in this country he and you father claimed to be related?



A. Yes sir, and visit each other.

Q. Do you know whether or not Benahontta was recognized as a Choctaw Citizen?

A. Of course. My understanding. He lived and died in the Choctaw Nation.

Q. You understood all the time he was recognized as a Choctaw?

A. Yes sir.

Q. How long since you undertook to claim Choctaw. How long since you undertook to prove it?

A. Been about ten years, I reckon.

Q. Do you know whether your claim was ever recognized or not by the Choctaw Tribunals?

A. No sir.

Q. Do you know whether ever rejected or not?

A. No sir.

Q. How long have you claimed to be a Choctaw by blood?

A. Claimed it all my life and taught I was.

Witness Excused.

D. B. Holfurd, a witness for plaintiff, after being duly sworn, testifies:

Direct examination by Mr. Ledbetter.

Q. What is your name?

A. D. B. Holfurd, born in '52.

Q. Do you know the applicant, John F. Hunter?

A. Yes sir.

Q. Know his other brother Joe S. Hunter?

A. Yes sir.

Q. These are the Hunters that appealed for citizenship?

A. Yes sir.

Q. How long have you known them?

A. I don't know just how long, was a little boy.

Q. Where were you living then?

A. Texas.

Q. Did you know this old man Benahontta he speaks of?

A. Yes sir, Choctaw, and claimed to be a three fourths, or full blood.

Q. Did you know Silas Hunter?

A. Yes sir.

Q. Do you know where he is now?

A. Dead.

Q. Do you know what kin he was to Benahontta?

A. Was Benahontta's son.

Q. They claimed to be kin folks with Silas Hunter?

A. Yes sir.

Q. You know Tom Hunter.

A. Not well acquainted with him.

Q. Where is he now?

A. In the Choctaw Nation, las account I heard of him.

Q. He ever held any official position?

A. No sir. Silas did.

Q. Did Silas claim to be kin to these people?

A. Yes sir.

Q. What position did he hold?

A. Attorney General.

Q. Do you know whether he held any position at the ttime he was killed or not?

A. I think he was the prosecuting Attorney when he was killed.

Q. Do you know whether old man Benahontta claimed to be related to these people or not.

A. They visited one another alright. Don't know what relation they claimed to be.

Q. How old were you during the time you speak of?

A. Eight or ten.

Mr. \_\_\_\_\_ Gibson, a witness for the plaintiff, after being duly sworn, testifies:

Direct examination by Mr. Ledbetter:

Q. Mr. Gibson, how old are you?

A. 38

Q. Did you know a Choctaw Indian by the name of Benahontta?

A. Yes sir, used to know him when I was a little boy.

Q. Where?

A. Choctaw Nation.

Q. Was he recognized as a Choctaw Indian?

A. Yes sir, he was.

Q. Konow Silas Hunter?

A. No sir, was a little boy when I left the Choctaw Nation.

Q. Do you know these people John F. and Joe B. Hunter?

A. No, not at that time. Got acquainted with them since I have been in this nation. They used to call him Benahontta. He was a great hunter. He used to say that he didn't have any brother at all, but had some cousins, mighty near white, and I think they claimed kin.

Q. How long did he claim to be kin folks to that Hunter down in Texas?

A. Ever since I knew him? Must have been 12 years.

Q. Did you know Tom Hunter?

A. No. I didn't know him.

Q. Did you ever hear of him?

A. Yes sir, he lived in the Choctaw Nation.

Q. Do you know whether he was any kin of Benahontta?

A. Close relation some way, I don't know how.

Q. You say his name was Benahontta.

A. "Hontta."

Q. How long been since you left the Choctaw country?

A. Left when I was 12 years old.

By the Court:

Q. Are you a Choctaw?

A. Yes sir, full blood. And Benahontta, I think was a full blood.

Q. You think he was a full blood?

A. Yes sir.

W. A. Clements, a witness for the plaintiffs, after being first duly sworn, testifies:

Direct Examination by Mr. Ledbetter:

Q. How old are you

A. Born in '56.

Q. Did you know Benahontta?

A. Yes sir.

Q. Where?

A. In Blue County, Choctaw Nation.

Q. Did you know whether he was a Choctaw or not?

A. He looked to be, and claimed to be a Choctaw.

Q. Do you know whether he was related to these other Choctaws, or not?

A. He claimed to be.

Q. How long has he been dead?

A. I don't know exactly? Some 10 or 11 years, I guess.

By the Court:

Q. Did you know him well?

A. No sir, wasn't personally acquainted with him, saw him several times.

Q. Ever hear him speak about these people being relatives of his?

A. Yes sir, heard him speak of it.

Q. Under what circumstances?

A. Was at a Choctaw Council down there.

By Mr. Ledbetter:

Q. For what purpose?

A. For that purpose.

Q. What statement did he make to you?

A. He said they were relatives of his.

Q. He was there as a witness in this case?

A. Attended court on this case.

Mr. John Hunter, a witness in his own behalf, upon oath, testifies:

Direct Examination by Mr. Ledbetter.

Q. Did you know Benahontta?

A. I have seen him.

Q. When?

A. Must have been in '62 or '13.

Q. Where?

A. At old Boggy Depot.

Q. What nationality was he?

A. Choctaw, looked to be.

Q. Recognized as such?

A. Yes sir.

Q. Ever see him afterwards?

A. Never did.

Q. Do you know whether he had any sons or not?

A. I knew he had one, heard of another.

Q. Which one?

A. Tom.

Q. Where is he?

A. Choctaw Nation.

Q. What business is he in?

A. I can't tell.

Q. How long have you known him?

A. I reckon about four years.

Q. Do you know whether he is related to this old gentleman or not?

A. That has been my understanding.

~~That has been my understanding~~

Q. Since when?

A. Been taught that ever since I can recollect.

Q. What has been your understanding as to whether or not he was related to Benahontta?

A. Been my understanding that they were.

Q. Do you know how long they claimed to be Choctaws?

A. Ever since I recollect.

Q. How old are you?

A. 50.

Q. You one of the applicants?

A. Yes sir.

Q. You have examined this application and know about these different children, is that correct?

A. Yes sir, as far as I know.

Q. How long has Benahontta been dead?

A. 10 or 11 years.

Q. What became of your application before the Council?

A. Best I recollect there in the Council.

Q. Ever passed by any Commission?

A. Yes sir.

Q. What?

A. Came before the House and then the Seante, and then come to the Committee that examined it, and passed two and came to the third Committee.

Q. What became of it then?

Q. Rejected?

A. No sir, just wrote \_\_\_\_\_.

Q. Was your application pending at the time you made this application before the Dawes Commission?

A. Yes sir.

23 Q. How long your application been pending there?

A. Since the first application was made, been about some ten or 12 years.

Q. Have any of you been recognized as Choctaws?

A. I suppose so. Been holding land for the last 10 years, and had permits issued under me.

Q. Is that true with the other Hunter, who joins you in this application?

A. Yes sir.

Q. You got a town organized under you?

A. yes, Foster. But sold it.

J. S. Hunter, a witness for the plaintiff, after being duly sworn, testifies as follows:

Direct examination by Mr. Ledbetter.

Q. How old are you Mr. Hunter?

Q. Was born in '25.

Q. You know where you were born?

A. No sir, I don't.

Q. What has been your understanding?

A. I don't recollect, wasn't very old. Was in Mississippi I suppose.

Q. You a member of any of the Five Civilized Tribes of Indians?

A. Was taught so by my father.

Q. How long since you been taught that?

A. Ever since I can recollect.

Q. What kind of an Indian?

A. Choctaw.

Q. Leave with your father and come here?

A. No sir.

Q. Where did you go?

A. Louisiana.

Q. Where then?

A. Came back home, and father married again and I then went to Mexico and went into the Mexican army.

Q. Where do you live now?

A. Three or four miles from Daughery.

Q. How long have you lived there?

A. Four years.

Q. How long have you lived in the Territory?

A. I suppose 10 or 11 years.

Q. During that time has your citizenship been recognized in any way ?

A. Not more than this: they called on me to pay loyalty, and Harris McLane said he wrote some places and I was in litigation and I didn't pay any.

Q. It has been your understanding all your life that you were a Choctaw?

A. yes sir.

Q. Have you claimed to be a Choctaw all your life?

A. When it was spoken of by the Choctaws.

Q. Whenever the issue was raised you claimed to be a Choctaw?

A. yes sir.

Q. Did you know this man Silas Hunter?

A. yes sir.

Q. How long have you known him?

A. I knew him 15 or 20 years ago.

Q. You know what kin he is to Benahontta?

A. My understanding was that he is Bena's son.

Q. Do you know whether he was recognized as a Choctaw Indian by blood?

A. I suppose he was. He was an Attorney in their courts.

A. Choctaw lawyer.

Q. He presented your petition to the Choctaw Council?

A. yes sir.

Q. Do you know whether he was related to the Indian Benahontta or not?

A. Only what I was taught about it. My understanding was that they



were kin folks.

Q. How long have you understood that?

A. Pretty near ever since got acquainted with old Ben.

Q. About how long?

A. Been 20 years.

Q. Been your understanding since that time that you were kin to him?

A. yes sir.

Q. Do you know what degree of kin?

A. My understanding was, my father ewas a one-half brother to Benahontta.

Q. How did you get that understanding?

A. Been taught that.

Q. From members of the family?

A. Yes sir.

Witness excused.

Dr. C. McCoy, a witness for the plaintiff, upon oath, testifies:

Direct examination by Mr. Ledbetter:

Q. What is your name?

A. C. McCoy.

Q. Where do you live?

A. Ardmore.

Q. How long have you lived in the Indian territory?

A. Nearly 26 years.

Q. Did you ever live in the Choctaw Nation?

A. I did.

Q. Did you ever know a man down there by the name of Benahontta?

A. I did.

Q. How long did you know him?

A. Got acquainted with him about '79.

Q. How long did you know him?

A. Up to the time of his death.

Q. When did he die?

A. 10 or 11 years ago.

Q. You know what nationality he was?

A. Choctaw, full blood.

Q. Do you know whether he had any boys or not?

A. He did.

Q. What their names?

A. One son, the oldest, son was Silas Hunter, and another one Tom, half brother to him.

Q. Were they the same degree of Indian blood, the two boys?

A. Were not.

Q. Recognized as Indians?

A. They were.

Q. Hold any official position?

A. Silas, was Prosecuting Attorney.

Q. Do you know when he was killed?

A. I do.

Q. Who killed him?

A. My clerk killed him.

A. How long ago?

A. Nine years ago, to the best of my recollection.

Q. You know what this old man's name was. The origin of his name "Benahontta"?

A. Yes sir, he was a very wealthy man, and I transacted all his business. It Choctaw it was "Hontta" "Benahontta".

Q. What did his name come to be after that?

A. Benahonta.

Q. What name did his sons take?

A. Same as his.

Q. How spelled?

A. H u n t e r.

27 Q. Afterwards became to be Hunter, Honta was original name, in

John T. Hunter, et al.

vs. Southern District, Judgment, Nov. 15, 1897.

Choctaw Nation.

On this 17th day of January, 1898 ~~came on~~ to be heard the report of the Master in Chancery in the above entitled cause, and after duly considering said report and the evidence in support thereof the Court is of the opinion that said report ought to be confirmed.

Wherefore, it is adjudged and decreed by the Court that the report of the Master in Chancery, John Hinkle, in the above styled cause be and the same is hereby confirmed, and it is hereby ordered, adjudged and decreed that the following named applicants be and they ~~are~~ <sup>are</sup> ~~adjudged~~ <sup>adjudged</sup> and decreed to be citizens of the Choctaw Nation and entitled to be enrolled upon the rolls of Choctaw citizenship, to-wit:

John F. Hunter, John M. Hunter and Geo. T. Hunter, Jos. T. Hunter, Effie May Hunter and R. M. Hunter; Martha Doss Hunter, Wm. F. Hunter, Marrion S. Hunter, Mary S. Hunter, now Mrs. W. A. Clements, and Alice E. Hunter, now Mrs. Thos. T. Ross, and Sallie D. Hunter; John F. Clements, <sup>Mary</sup> ~~May~~ Clements, Pearl Clements and William Clements, Wm. Ross, Jos. Ross, Mary May, May May and Elvin May; Joseph S. Hunter, John T. Hunter, Clinton A. Hunter, Jas. J. Hunter and Mary Hunter, the wife of W. D. Cunningham, Kate Dickson, now the wife of John T. Hunter, Geo. W. Hunter, Mary Maud Hunter, Mattie Catherine Hunter ~~and~~ and Jesse James Hunter, Mary Hunter Moses S. Hunter, Lillie May Hunter, Chas. Ruby Hunter and Lottie Lee Hunter, Lula Hunter, James Cunningham, Arthur Cunningham, Georgie Cunningham, Gertrude Cunningham, Joseph Cunningham and Francis Cunningham, Jas. Isgrig.

It is further adjudged and decreed by the Court that the above named applicants do have and recover of and from the Choctaw Nation all costs of this proceedings. Hosea Townsend, Judge.

John. F. Hunter et al.

vs. No. 73. Southern District, Order, Dec. 4, 1899.

Choctaw Nation.

On this day comes on to be heard the motion of defendant to correct the judgment herein. The court after hearing said motion, and being fully advised in te premises, doth overrrule said motion, to which ruling of the court the defendant, by its attorney in open court duly excepts.

30

✓

30

Before me, E. F. Jeffries, a  
Notary Public, Central Division,  
Ind. Ter., personally appeared  
Patsy King, who being by me  
duly sworn, deposes and says:

My name is Patsy King.  
I am a member of the Choctaw  
Tribe of Indians, and a resident  
of Sans Bois County, I am  
about 65 years of age. I am  
well acquainted with (Benahan-  
tubbee) generally known as  
Ben Hunter. He is a first  
cousin of my mother.  
He had one brother named  
Pesachabee. He never had a  
brother named William  
Hunter. He lived in Blue  
and Jackson County, C. W. and  
died in one or the other  
Counties.

Patsy<sup>hr</sup> King  
Mark

(Attested  
E. F. Jeffries)

Sworn to and subscribed to before  
Me this 7 day of Dec 1897

Wm. E. Jeffries  
Sep 1st 1901

E. F. Jeffries  
Notary



No. 228.

Minerva Swadley et al.  
vs

The Choctaw station

Affidavit of Patsy King

Ref. by Martin  
in Chancery

~~Index list~~

No transcript



SUMMONS.

United States of America,

Indian Territory,

ss

Choctaw and Chickasaw Citizenship Court.

The President of the United States of America,

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

GREETING:

You are hereby Commanded to Summons Green McCurtain, Principal Chief of the Choctaw Nation, to answer on behalf of said nation, in twenty days after the service of this summons upon him, as Principal Chief of said Nation a complaint in Equity filed against the Choctaw and Chickasaw nation in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, at Leshouing, by John T. Hunter et al

and warn him that upon his failure as said Principal Chief to answer on behalf of said nation, the complaint will be taken for confessed, and you will make return of the summons instanter;

And you are further commanded to notify said Green McCurtain, Principal Chief aforesaid, that the papers, files and proceedings in the case of John T. Hunter et al File No. 73 in the District Court for the Southern 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 Southern 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, Indian Territory, aforesaid, this 23 day of March A. D., 1903.

James B. Greaser Clerk.

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



MARSHAL'S RETURN.

United States of America,  
Indian Territory,  
DISTRICT.

I received this summons this \_\_\_\_\_ of \_\_\_\_\_ A. D., 1903,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ m. and served same by copy, as follows:

Personally on Green McCurtain, at \_\_\_\_\_ Indian Territory,

This \_\_\_\_\_ day of \_\_\_\_\_, 1903, \_\_\_\_\_ m.

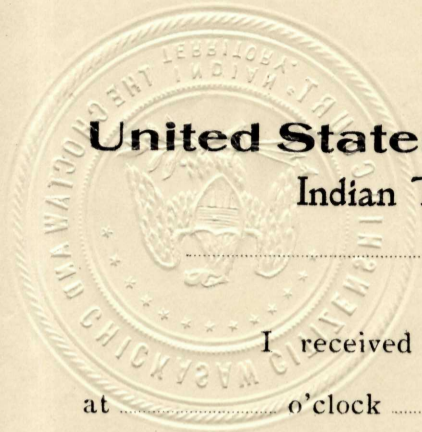
By \_\_\_\_\_ Deputy.

*Duplicate*  
No 4907  
**SUMMONS**  
**INEQUITY.**  
*John J. Mueller et al*  
vs.  
Choctaw and Chickasaw Nations.  
Summons issued 23 day of  
March, 1903. Returnable instanter.

Marshal's Fees.

Service	-	\$	.....
Miles	-	\$	.....
Expenses	-	\$	.....
TOTAL			\$.....

*Leahy & Blaine*  
Attorneys for Plaintiff.  
*Admiral D.T.*







for that man, because he knew  
 the white-man - and after he testified  
 he told me that he was paid \$100<sup>00</sup>  
 for that case - and for his payment he  
 (Casper) received one horse valued  
 about \$50 or more dollars + balance in  
 cash. This statement is read  
 and interpreted to him + Simon  
 Morris acknowledge the same to be  
 true + correct. Simon Morris

Subscribed and sworn to  
 before me the 24<sup>th</sup> day  
 of August 1903



F.M. Fuller  
 Notary Public

my Commissioner  
 at Jones April 3<sup>rd</sup> 1904

Indian Territory  
Southern District

My name is Patsy Peff.

It was formerly Patsy Hall. I am nearly 80 years  
old, and my Post Office is Foster, D.T. I am a  
half blood Choctaw Indian. I was born in Miss-  
issippi. I moved from there to the Indian Territory  
when I was five years old. I do not remember  
the names of any people whom I knew while  
I was in Mississippi. I knew old man Benahonta.  
I got acquainted with him after I came to the Territory.  
He was a full blood Choctaw. He was raised an  
orphan boy. He first married a full blood Choctaw  
woman whose name I do not remember. He had three  
children by her, but they all died before they were grown.  
His Choctaw woman died, and he then married a  
white woman, whose name I do not know. She  
was living between Baggy & Caddo the last time I  
heard of her. She was a large fat woman. ~~She~~  
is still living <sup>Benahonta was killed by a mule.</sup> on Benahonta's old place. Benahonta had  
three children by her, all girls; they were living the last  
time I heard of them. One of them married a full  
blood Indian. The others were unmarried. I never  
knew Wm P. Hunter. I have heard of him. He lives  
in Texas. I never knew or heard of anyone by the  
name of Picochubbi. I never knew or heard of  
Joseph S. Hunter. I never knew or heard of Jas. F.  
Hunter. There are some white people by the name of  
Hunter who claim to be children of a brother of  
Benahonta; but Benahonta's widow told me about  
8 years ago that Benahonta did not have any brothers.  
I signed & sworn to a printed affidavit in the Hunter  
case. I told them that I did not know anything about

(over)

the case; but they said they wanted me to sign the paper anyhow. Old man Childers swore me to it. They said it would never cause me any trouble. I never made the statements contained in what purports to be my affidavit, and those statements are not true. I never knew or heard of Jno. M. Hunter.

Patsy <sup>her</sup> Peff  
moss

Witness - Lida Hays.

The above statement was made by Patsy Peff in my presence. It was correctly read to her, & she said that it was true. She signed it by the above name.  
Lida Hays.

Statements of Patsy Peff -

Jno M Hunter

1 My name is Mrs Jane King; I am a half blood  
2 Choctaw Indian, the wife of John A. King and  
3 the daughter of Benahoutabby who was a full  
4 blood Choctaw Indian. Benahoutabby had  
5 one brother only and his name was  
6 Pisacharby. Benahoutabby because of the  
7 similarity of the names was called Benny  
8 Hunter by the white people and finally  
9 took that as his white name. I never knew  
10 my father's mother or father but my under-  
11 standing is that they died in Mississippi  
12 and never came to the Indian Territory. My  
13 father, Benahoutabby died in about 1887 at  
14 the age of about sixty five years. He was the  
15 father of ~~five~~ <sup>by his last wife</sup> children only, as follows: three  
16 sons and three daughters, namely: Tom, &  
17 George and ~~Silas Hunter~~, Emma Dwight,  
18 Jane King (this affiant) and Betsy. All  
19 of these are now living except Betsy. Tom  
20 Hunter and this affiant live at Boswell; George  
21 Hunter lives 12 miles east of <sup>Augustine</sup> ~~Jones~~ Academy,  
22 Bennington is his post office; Emma Dwight  
23 lives east of Jackson, S.T. ~~Silas Hunter lives~~  
24 ~~at~~

26 Pisacharby had five sons and five daughters  
27 all of whom are now dead. Pisacharby was  
28 never known as Hunter and neither were any  
29 of his children. As above explained my father  
30 adopted that name because it resembled  
31 his Indian name and we have no rela-  
32 tions of that name except his immediate fam-

ily all of whom are well known to us. None of our Hunter relations ever lived outside of the Indian Territory. I know of the family of Hunters who are claiming admission as Choctaw Indians and they have attempted to get us to recognize them as relatives, but it is entirely impossible that they could be related to my family.

My father was married twice and the children hereinbefore named were the children of his ~~first~~ second wife. By his first wife he had six children as follows: Nicholas, Silas, Agnes, Unis, Eden and Willie all of whom are now dead. Nicholas left no children; Silas left three children as follows Emma Frozier, & Lula, whose husbands name I forget and Silas. Silas has never married, is about 14 years old. Agnes married a man named Robinson and left one child named Rogers James. Unis married Elisha Smallwood and left three children one of whom only is living the others having died in childhood. The daughter is named Annie McLendon who formerly lived in Durant. Eden never married. Willie was the father of one child only. Willie's child died a baby.

Mary Jane King

Subscribed and sworn to before me this 22<sup>nd</sup> day of September 1903

at noon

Notary Public

My name is Thomas W. Hunter; my post office

Choctaw. The old man couldn't talk good English.

Q. He was an old resident of that country?

A. He was

Q. He been there always?

A. Ever since came from Mississippi, I attended to all of his business and knew him well.

Submitted.

(Copy)

INDIAN TERRITORY,  
CENTRAL DISTRICT:

My name is A. B. McCoy. My P. O. is Caddo, I. T.

I know Tobias Edwards of Burris, I. T. I have known him for 15 years. I am acquainted with his reputation for truth and varacity in this community and in the community in which he lives. That his reputation is bad.

He is a standing professional witness in citizenship cases. He will swear to any statement. He generally charges for his testimony. On one occasion he told me that he got paid from \$5.00 to \$25.00 for his testimony. I would not believe him on oath.

(Signed) A. B. McCoy.

Subscribed and sworn to before me this 29th day of July,  
1903.



I drove from Caddo <sup>to</sup> the residence  
of Tobias Edwards on July 29. He was  
not at home. A negro man who lives  
nearby told me that Tobias had not been at  
home for a week or more; that Henry  
Byington, a blackman lawyer who lives at  
Caddo, came to see Tobias something over  
a week ago, and that Tobias left that evening  
and has not been at home since. He says  
also that the daughter of lawyer McPherson  
of Caddo was with Henry Byington.

Indian Territory }  
Leah's district }.

My name is Joe Johnson.  
My age is 30 years. My B. O. is Smithville, T.  
I know Gilbert Cooper. He is a half-breed Cherokee  
Indian. He is also half-negro. He is dead.  
I do not know whether he got any money for  
swearing to a paper or not. I do not  
know anyone named Hunter. never heard  
of them. I never know Barchanta.

Witness will not sign it.

APPLICATION FOR CITIZENSHIP.

Indian Territory,

Atoka County.

Before me the undersigned a Notary Public, this day personally appeared Minerva Swodly, who after being duly sworn states as follows: I am 42 years of age, and a citizen of the Choctaw Nation by blood. I am a daughter of Wm. Hunter and Martha Hunter, both citizens of the Choctaw Nation by blood. I was born in the Indian Territory and have lived here nearly all my life. I married my present husband W. T. Swodly in November, 1871. I am enrolled on the rolls of the Choctaw Nation or a citizen I was entered as a Choctaw in the law rolls also when the Lease District Land money was paid on 1894. When I went to draw my money in Atoka, I was told I could not draw it as I was not a citizen and was shown the roll books, my name was there and under it was entitled: "No citizen not entitled to draw", I have tracked the matter up and find that the party who entered the protest against me was Wm. Harris, a citizen of the Choctaw Nation by blood and with whom my husband had trouble a short time before this. Wm. Harris was an influential man here at that time. For further proof that I am a Choctaw, I beg to refer to the certified copies of affidavit of Vina Franklin and Bob Roberts. Bob Roberts Indian name being, I. Kebusha. I am duly regarded as a Choctaw citizen and my right has never been disputed only by the son of Wm. Harris. I further beg that my children be also registered. Their names and ages are as follows:

J. N. Swodly, 23, years, Single.

A. Rore Swodly, now Fulson.

Witness my hand this the 5th day of September, 1896.

her  
Minerva X Swodly.  
mark

Witness .  
Victoria Bey.  
Jas. A. Bogy.

Sworn to and subscribed before me this the 5th day of September, 1896.

S. T. V. Perry .

My commission expires 2nd, month, 1899.

SEAL.

Atoka County,  
Choctaw Nation.

Bob Roberts, a citizen of Atoka County, Choctaw Nation, and of lawful age testifies as follows in reference to the citizenship of Mrs. Minerva Swedly, nee Miss Minerva Hunter. I am ninety-three years old. I have known her people from way back yonder. She is a daughter of Wm. Hunter, who was mostly all Choctaw. His father was a full blood Choctaw named Hunter in English. Mrs. Swedly's father was an uncle to young Thomas Hunter, who lives near Caddo. I have known this woman all her life and her husband to be a Choctaw.

his

Bob X Roberts.

mark

Sworn to and subscribed before me this the 30th, day of August, 1893.

B. S. Smiser,

County Clerk, Atoka County.

Entered and recorded in my office this the 30th, day of August, 1893.

B. S. Smiser,

County Clerk, Atoka County.

I Sam Danning, County Clerk of Atoka County do hereby certify that the above and is a true and correct copy as recorded in the Clerk's office of Atoka County, Choctaw Nation, Book 1, Page 534.

Sam Danning,

County Clerk, Atoka County.

SEAL.

In the matter of Petition and memory of Minerva Swodly, a citizen by blood of the Choctaw Nation.

Indian Territory,

Atoka County.

Before me the undersigned, a Notary public, this day personally appeared Sitor Lawrence, who after being duly sworn states as follows: I am 56 years of age and a citizen of the Choctaw Nation, by blood and duly registered and recorded as such. My Post Office address is Coalgate Indian Territory. I am personally acquainted with the applicant, Minerva Swodly, nee Hunter, have known her about 30 years. I was well acquainted with her father W. Hunter and Martha Hunter her mother, both citizens of the Choctaw Nation by blood. The Hunters were called Hontubby by the Indians and called Hunter by the missionaries. J. R. Plumar, one of the board who registered the applicant as a Choctaw told me Wm. Harrison had entered a protest against her drawing the Leased District land money in 1894, owing to some trouble said applicant's husband had had with said Wm. Harrison.

Witness my hand, this the 5th, day of September, 1896.

Witnesses.

Victor Bey,

Jas. A. Bogy.

his  
Sitor X Lawrence.  
mark

SEAL.

Sworn to and subscribed before me this the 5th, day of September, 1896.

S. T. V. Perry.

Notary public.

My commission expires 2nd month, 1896.

INDIAN TERRITORY, CHOCTAW NATION, ATOKA COUNTY.

Before me, W. W. Folsom, Clerk of the County Court of said Nation and County, Elizabeth Harrison, being duly sworn, says on oath that she is of lawful age and a Choctaw Indian citizen by blood; that she knows Minerva Swadly, who is 42 years old and a Choctaw Indian by blood, being the daughter of Billie Hunter, a full blood Choctaw Indian, who lived in Jackson on the Red River about 20 years ago; that said Minerva Swadly is also a niece by blood of Bennie Hunter, a full blood Choctaw, who died in Jackson County, Choctaw Nation; that she has been living in Atoka County for the past six years; that her mother and her said father, to-wit, Billie Hunter, were duly married according to Choctaw law and customs, and lived together as man and wife and were so living when said Minerva Swadly, nee Hunter, was born; that she, Minerva Swadly is a half Choctaw by blood and entitled to be enrolled as a Choctaw citizen by blood, that she has two children, to-wit: Agnes R. Swadly and John W. Swadly, all Choctaws by blood, entitled to be enrolled as such.

her

Elizabeth X Harrison.

mark

Subscribed and sworn to before me this the 12th, day of October, 1896.

W. W. Folsom,

County Clerk as aforesaid.

Attest, as to Elizabeth Harrison's word. R. L. Williams.

Entered and recorded in my office this 12, day of October, 1896.

W. W. Folsom.

All the members of the Board were satisfied that she was a citizen.

COMMISSIONERS.

Henry L. Dawes  
Frank C. Armstrong,  
Archibald S. McKennon,  
Thomas B. Cabaniss,  
Alexander B. Montgomery,

H.M. Jacoway, Secretary.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Forth Smith, Arkansas, Dec., 5, 1896.

1080.

Minerva Swadley, et al,

vs.

The Choctaw Nation.

Filed September, 7, 1896? Answer filed.  
Minerva Swadly an intermarried citizen &  
W. T. Swadly and Rosa Fulson, citizens by  
blood, Admitted.

H. T. V. Perry, Coal Gate, I. T

I, H.M. Jacoway, Jr., Secretary, do hereby certify that the above and foregoing is a true and correct copy of Choctaw Record "C". Page 380, of The Commission to the Five Civilized Tribes.

Given under my hand and official signature this  
the 13th, day of February, 1897.

Henry Stroup,

Secretary,

Act.

IN THE UNITED STATES COURT FOR THE CENTRAL DISTRICT OF THE INDIAN  
TERRITORY, AT SOUTH McALESTER.

Minerva Swadly, et al, Plaintiff,

vs.

PETITION FOR APPEAL.

The Choctaw nation, Defendant.

The Choctaw nation, your petitioner, represents that heretofore, to-wit: on the day \_\_\_ of \_\_\_\_\_, Minerva Swadly presented her claim to the Dawes Commission to be admitted as a citizen of the Choctaw nation and thereafter on the \_\_\_ day of December, 1896, said Dawes Commission, by its order, admitted said Minerva Swadly to citizenship in the Choctaw nation.

That said Minerva Swadly based her claim to citizenship upon the fact that she was descended from William Hunter and Martha Hunter; and alleged that said William and Martha Hunter were citizens of the Choctaw Nation by blood.

But your petitioner would show that it is not true that said William and Martha Hunter were citizens of the Choctaw Nation and alleges that they had no Choctaw blood.

That the Dawes Commission erred in holding that this plaintiff was of Choctaw blood and entitled to citizenship.

Wherefore, your petitioner makes this its appeal, and prays that the order of the Dawes Commission admitting said Minerva Swadly to citizenship be set aside, and that she may be declared by this Court to be a non-citizen of the Choctaw nation.

Wm. M. Cravens, Stuart, Gordon & Hailey,

Attorneys for Choctaw nation.



CAPTION.

THE DEPOSITION OF, William H. Harrison, taken on the tenth day of September, 1897, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, at the office of Dunstan & Wilkins, Atoka, in the Central District of the Indian Territory, to be read in evidence in an action between W. T. Swadly, et al, Plaintiff and The Choctaw nation, defendant, pending in the United States District Court for the Central District of the Indian Territory, at South McAlester.

TESTIMONY IN THE CASE OF W. T. SWADLY, ET AL, VS. CHOCTAW N.

William H. Harrison was introduced on the part of the defendant and after being duly sworn according to law, testified as follows: My name is William H. Harrison, I am a citizen of the Choctaw Nation by blood, my Post Office is Atoka, Indian Territory, and I am 46 years old.

I am National Agent of the Choctaw Nation. I was a member of the Choctaw Council in 1890 and 1891; in 1891 I was a member of the citizenship Committee, and acted as Chairman thereof. There was no application of W. T. Swadly and Minerva Swadly presented during the time I was on the committee. I remember seeing Swadly there during that Session of the Council. He had two old gentlemen with him. I saw one of these parties at Tushkahomma last winter, I heard that his name was Hunter.

I will ask if you remember any circumstance connected with or growing out of the duties of the citizenship Committee at the time you say that you were a member of the same touching applications of persons whose rights had not been recognized? If so state fully any information that might have come to you as a member of the Citizenship Committee.

)Plaintiff objects to the question for reason that it calls for hearsay evidence, and for the reason that it does not touch the case at issue and is wholly irrelevant, incompetent and immaterial)

A. As a member of that Committee, I was informed from a reliable source that there would be two gentlemen there by the name of Hunter to make application for citizenship, and that their evidence in the case was all bought evidence, and in remarking about the evidence of the case in a crowd that such cases as that would have my sever attention when they came before me, those parties that were above referred to as the two old men and also Mr. W. T. Swadly were present at the time. I did not hear any more of their application.

I never had any trouble that I know of with Mr. Swadly. The statement that their names were stricken from the rolls at my instance because of trouble with him is untrue. I have known Swadly since 1891. I remember

that on one occasion that Mrs. Swadly offered me \$25.00, to get her sons name put on the Choctaw roll. This was about the time of the payment of the Leased District money. At that time she said nothing about the names of her daughter and grandchild, nor did she say anything about her own name.

I was raised in Kiamichi County, lived there twenty five years. My new Post Office is about 18 miles from where I lived. I lived also about 25 miles from where Ex-Gov Jones lives. During the time that I lived there I became acquainted with a great many Indians in both the County I was living and the adjoining Counties. I knew a man by the name of Pisachibi; he lived about 13 miles S. W/ of where I lived, in the same County. I remember his having children but I don't remember their names. He was a full blood Choctaw Indian. I don't remember his wife; I remember that his children were full bloods. I don't know whether any of them are alive to-day or not. This man is now dead. He died about 20 years ago. During his lifetime I never heard him called or spoken of by the name of Hunter. I left that locality about 1877. I was mighty well acquainted with Pisachibi and he was living when I left.

I have known Cy Lawrence for about twenty years. He was a blind when I first became acquainted with him. During the time I became acquainted with him he was living at Boggy Depot. He lived there five or six years; he then moved up on Muddy Boggy and lived in the old Frazier neighborhood until a few years past, at which time he moved near Coal Gate in Atoka County where he is now living. When he lived at Boggy Depot he was about 45 miles from where Pisachaba lived, when he was up on Muddy Boggy he was about 60 miles off.

I have known Mrs. Melvina Franklin about 16 years, during which time she has lived near Atoka. She moved to Atoka from Blue River in Blue County. She did not live in the neighborhood of Pisachaba. What I have done in this matter has been for the interest of my people and Country.

Cross Examination, By Mr. Raklis.

I know nothing about Mrs. Swadly nor the family from whom she descended. I don't know who her ancestors are. Cy Lawrence is about 55 years old; he is a half blood Choctaw Indian. Melvina Franklin is about the same age, I don't know exactly, she is about a half blood Choctaw. I don't know whe-

re Mrs. Franklin now, think it is about 7 miles in a north western direction. Cy Lawrence lives about miles N. W. from Coal Gate. I don't know where Cy. Lawrence lived before he moved to Boggy Depot. I have nothing that I know of against Swadly. I entered my protest against the plaintiffs receiving any of the Leased District money to Green McCurtain who was Treasurer of the Choctaw Nation at that time.

RE-DIRECT---BY MR. PATES

Now Mr. Harrison if the applicants in this case base their claim for citizenship in the Choctaw Nation, by reason of the fact of Mrs. Swadly being a daughter of Pischaba, then in that event you are acquainted with the people from she claims to have descended?

A. Yes, I know them and know them all to be full blood Indians.

---

Re-Cross. By Mr. Ralls.

I don't know whether his wife was a full blood or not.

W. H. Harrison.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
CENTRAL DISTRICT.

I, Charles W. Dunstan, a duly appointed and qualified Notary Public, within and for the Central District of the Indian Territory, do hereby certify that the foregoing depositions of William H. Harrison, were taken before me, and were read to, and subscribed by them in my presence at the time and place, and in the action mentioned in the caption, the said parties having been first sworn by me that the evidence they should give in the action should be the truth the whole truth and nothing but the truth, and that their statements were reduced to writing by me in their presence. Also in the presence of the plaintiff in person and his attorney, G. T. Ralls, and the defendant by its attorney G. A. Pate.

Given under my hand and seal at Atoka, Indian territory  
within the Central District of the Indian territory  
this 10th day of September, 1897.

Chas. W. Dunstan,

Notary Public.

SEAL.

Atoka, Indian territory, Sep. 10, 1897.

Choctaw nation,

To Chas. W. Dunstan, Notary Public.

Dr.

To deposition of W.H. Harrison.

\$2.00

Received payment of \_\_\_\_\_  
\_\_\_\_\_

The depositions of Minerva Swadly taken on the 29th day of October, 1897, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, at the office of of Wm. Costigan in the city of South McAlester, Central District, Indian Territory, to be read as evidence in an action between Minerva Swadly, claimant and the Choctaw Nation defendant, pending in the United States Court for the Indian Territory.

Minerva Swadly being introduced and sworn deposes and says:- I am the identical Minerva Swadly who is the plaintiff in this case. I know Bobbie Roberts, he was a Choctaw Indian and lived below Boggy Depot. He is dead now. My father, Billy Hunter was a full blood Choctaw Indian. I knew Bennie Hunter, he lived about 14 miles from my father's. My father is dead. He died on Red River in Jackson County, Choctaw Nation. I remember visiting Bennie Hunter. He lived in a cedar log house. This was when I was small when I visited him. Bennie Hunter called me his daughter or his girl. Bennie Hunter was my father's brother. About 36 or 37 years ago the Choctaws did not have nephews and nieces, they called each the brother and sister among the kin folk. I am living at Coal Gate,

Indian Territory, and have lived there six years. In 1893, when the Choctaws were making up the Leased District Roll, J. R. Plummer, Joe Holmes and D. W. Hodges were the persons who prepared the roll for Atoka County, and Joe Self acted in place of D. W. Hodges. They are preparing a roll of Choctaws by blood only. I appeared before them and was enrolled as Choctaw By blood. The Choctaws with whom I meet regard me as a Choctaw by blood, from my appearance. They refused to enroll my children, because they were not present. I never received any notice after that in regard to any action that might be taken to take my name from the roll.

Green McCurtain, who is now Principal Chief of the Choctaw Nation, paid out the money. McCurtain had a roll of the citizens, my name was on the roll. I did not receive any money.

I know Chas. Vinson and have known him about four years. He lives near Lehigh, Indian Territory.

#### Cross-Examination.

I was born in what is now known as Jackson County, Choctaw Nation, in November, 1853. My mother's maiden name was Martha Moore. My father and mother were married in the Choctaw Nation. I claim to be a half-breed Choctaw.

During the year 1871, I lived near Sherman, Texas, with my present husband

When we came back we moved to the Chickasaw nation. We lived in Texas seven or eight years. My father died when I was 6 or 7 years old and my mother died next spring after I was married in November. I was married in November, 1871 and my mother died in the Spring of 1873. The place my father and mother lived on was only about one acre enclosed. In the latter part of the year 1873, I went on a visit to my Cousin Silas Hunter. Silas Hunter is the son of Bennie Hunter. At this time Bennie Hunter was living on his old ranch place in Jackson County, Choctaw nation. I never made any application to Council to be admitted as a citizen and I don't know of any of my people making application. I came to the Choctaw nation to live after my marriage about six years ago. I don't know how many brothers Bennie Hunter had. He was said to have four brothers. Pisachabee Ketumely Payton, William Hunter. I can remember that my father ever told me that he was the brother of Bennie Hunter. I was very small.

Silas Hunter was killed about twelve years ago. I never visited any relatives of mine by the name Hunter except Silas and I went to see Tommie twice. Bennie Hunter's Indian name was Benonontubbee. I can't tell what it means. I can't interpret much Choctaw. I have forgotten most of it. When we went to Cola Gate to live in 1891 we bought a place. We also bought a farm 536 acres, about 36 acres in cultivation. I did not go with Mrs. Franklin to Silas Lawrence to have Silas recognize me as a relative of Bennie Hunter's. I never heard of Mr. Swadly's making an application to Council for citizenship either for himself or for me. About 9 years ago I knew of Mr. Swadly going to Council with some men, said to be Hunters. There was two of them and they were old men.

her

Minerva X Swadly.

mark

Attest.  
Wm. Costigan.

Sworn and subscribed to before me this the 29th, October, 1897.

Wm. Costigan,  
Special Master.

IN THE UNITED STATES COURT FOR THE CENTRAL DISTRICT OF THE INDIAN  
TERRITORY, AT SOUTH McALESTER.

W. T. Swadly,

vs.

The Choctaw Nation, and

Deposition of W. T. Swadly.

Minerva Swadly, et al,

vs.

The Choctaw nation.

W. T. Swadly, being duly sworn, testifies as follows: My age is 47 and my residence is Coal Gate, Indian territory and I have resided here about six years and I am the husband of Minerva Swadly. I was first married to Minerva Swadly in 1871, in Sherman, Texas, from which marriage we have two children, named respectively William aged 24 and Rosa aged 23.

My son lives with me and has always lived with me. My daughter married an Indian and lives in the Chickasaw nation, her husband is a recognized member of the Indian Tribe. I first knew my wife down below the mouth of Blue somewhere south of Paris over in there with the Choctaws? Something like a year after that I married her. At that time I was living in Grayson County, Texas. The way I came to marry her, I took her and went to Texas and married her. I know her Aunt who lives in Texas.

We lived in Texas after we were married about six or seven years and then came back to the Choctaw Nation and afterwards moved to the Chickasaw nation and for the past five years we have been living in the Choctaw nation. I had never been married before. I am a white man. I knew Mrs. Swadly's mother and I took her to be a white woman. On the 7th day of September 1896, I was married under a Choctaw license (Witness is here handed a paper and says it is the marriage license, which is hereto attached and made a part hereof as Exhibit "A".)

Every where my wife has been since we have been married among the Indians, my wife has been taken for an Indian; she talked Choctaw a little when we were married.

Cross-examination by Mr. Hailey.

I was married according to the laws of the state of Texas in 1871. I held property and paid taxes, also voted in the state of Texas. Was married.



ed according to the laws of the Choctaw Nation in September, 1896. There has never been any legal separation between myself and wife since the first marriage in 1871, and previous to the alleged marriage in 1896. I never paid any permits in the Chickasaw or Choctaw Nation, I never made application for citizenship in either the Chickasaw or Choctaw Nations, but did make a formal application for citizenship in the Cherokee Nation, through an attorney named Welch. Welch got my money but I never got any citizenship.

Re-direct examination by Mr. Ralls.

My wife knew nothing about this application having been made. I do not know whether the application was ever really filed. I recieved a letter from Welch saying that he had filed the application but several persons went up there to see about it and found that the application were not made. Welch represented to me that I could hold citizenship in both the Choctaw and Cherokee Nations, is why the application was made.

This application was made four or five years ago and the papers were made out up at McDougal's store. That was the last that has been done about. When I found out that I could not hold in both Nations I let go.

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IN THE UNITED STATES COURT FOR THE CENTRAL DISTRICT OF THE INDIAN  
TERRITORY, AT SOUTH McALESTER.

W.T. Swadly,

vs.

The Choctaw Nation, and

Minerva Swadly, et al,

vs.

Deposition of Levina Franklin.

The Choctaw Nation.

Levina Franklin, of lawful age being duly sworn upon her oath, states  
My name is Levina Franklin, my age is 63, my Post office is Atoka Indian  
territory and I am one eighth Choctaw Indian. I was raised in the Choctaw  
Nation. I am acquainted with Mrs. Minerva Swadly, the applicant in this  
case. I first met her about thirty-two years ago at Caddo, Blue County  
Indian Territory. I was at Caddo trading and she came there with her  
cousin Silas Hunter and he told me that was old Uncle Billy's daughter.  
She looked to be about 13 or 14 years old, I did not ask and no one told  
me but she was small. Silas Hunter was an Indian and a son of Bennie Hun-  
ter and Bennie Hunter was a brother of Billy Hunter. Bennie Hunter was a  
full-blood Choctaw Indian. Silas Hunter is dead. After meeting Minerva  
Swadly at Caddo, about four or five years after, the same Silas Hunter  
told me that Minerva had married a white man and gone to Texas. The hun-  
ters were recognized by the Choctaws there as Choctaw Indians. I am pos-  
itive that Mrs. Minerva Swadly, the applicant here, is the same Indian  
girl that I met in Caddo as stated above. I have been raised here among  
the Indians. Judging Mrs. Swadly from her looks and general appearance  
I would judge her to be an Indian. I know Bob Roberts, he was an old man  
who looked to be about ninety years old and was a Choctaw. He is dead now  
I have no interest in this case.

Cross Examination by Mr. Hailey.

L. F. 2.

I did not know Mrs. Swadly's mother and father, but I have known Mrs. Swadly for 32 years. I knew Silas Hunter and Bennie Hunter but never knew Uncle Billy Hunter. Uncle Bennie and Billy Hunter were brothers. I know Bennie Hunter's children, their names are Silas, Nicholas, Tommie, Emma Jane and George, - they all live in the neighborhood of Caddo. Tommie Hunter is the eldest one living. I only know from hear say that Mrs. Swadly is Uncle Bill's daughter. Uncle Billy has no other children living except Mrs. Swadly. After Mrs. Swadly was married she went to Texas and staid awhile and then came back to Silas Hunter's and staid awhile and then went to the Chickasaw nation and then came back here. I do not know whether she married here or in Texas. All I know is that Silas Hunter told me she was married to a white man and went to Texas. It was in the neighborhood of 20 years ago that she married. I met the applicant first at Caddo, Indian Territory.

Re-Direct Examination by Mr. Ralls.

Where did Silas Hunter die? Close to Caddo, he got killed there. Nicholas Hunter is also dead. Emma Hunter is still alive and lives at Caddo. I do not know who Emma married, but he was a half-breed Choctaw. I do not know who Jane married. I do not know of my own knowledge that they are married, but just heard so. I know of my personal knowledge that they lived in the neighborhood of Caddo about four years ago. I learned that Uncle Bennie and Billy were brothers from Bennie, who is now dead, that was their reputation there in the neighborhood.

Re-cross examination by Mr. Hailey.

Mrs. Swadly once lived in the Chickasaw nation, but I have no idea how long she lived there. I don't know whether they lived in the Cherokee Nation.

Witness to mark \_\_\_\_\_

IN THE UNITED STATES IN THE INDIAN TERRITORY, CENTRAL DISTRICT? AT  
SOUTH McALESTER.

W. T. Swadly

V.

The Choctaw Nation, and

Minerva Swadly, et al,

Deposition of Silas Lawrence.

vs.

The Choctaw Nation.

Silas Lawrence, of lawful age, being duly sworn, states as follows:

I am fifty seven years old, my Post Office is Coal Gate, and I was born and raised in the Choctaw Nation. I am a brother to Mrs. Franklin. I know Mrs. Swadly, the applicant herein and have known her for thirty years. I first knew her in Blue County, Choctaw Nation. I got acquainted with her near Caddo, Silas Hunter told me she was a Cousin of his; Silas Hunter was a son of old Bennie Hunter, who is now dead. Bennie Hunter had a brother named RBilly Hunter, they always said he had; I never knew where Billy lived. I am positive that Mrs. Swadly here is the same girl that I met at Caddo thirty years ago. Her name before she married was Minerva Hontubbee, which is the white folks called Hunter. Bennie Hunter's name was properly Bennie Hantubbee. I speak the Choctaw language. When I met Minerva Swadly I would judge from her looks that she was a Choctaw. Bennie Hunter was a full-blood Choctaw Indian. I have no interest in this case. Silas Hunter is now dead; Nicholas Hunter is also dead. I did not know Emma and Jane Hunter, but I knew Tom Hunter. The Hunter's were recognized as members of the Choctaw Nation. I never met Mrs. Swadly's father or mother. The general understanding of the people there, was that Bennie had a brother by the name of Billy.

Cross Examination, by Mr. Hailey.

I did not know Mrs. Swadly's mother and never heard anything about her. I knew her father to be a full blood only from hearsay. During the time that I have known Mrs. Swadly, I lived a portion of the time in Blue

County and the balance of the time right here at Coal Gate. I have lived here in Coal Gate about 18 years, that is, in the neighborhood of Coal Gate. When I first knew Mrs. Swadly she lived in Blue Gunty. She went to Texas from there but I do not know how long since it was; I do not know whether it was before or after I moved from Blue County. I first knew of Mrs. Swadly here at this place after she married Swadly in 1892. I knew she was the same girl that I knew at Caddo by what my sister told me. It has been about twenty three or four years ago since I saw her last. At that time I knew her she was an Indian only by what Silas Hunter told me and by what Bennie Hunter said: He said, "This girl is my daughter" and afterwards said she was his brother's daughter. It is the rule among Indians/ or was a good many years ago, to claim nephews and nieces as sons and daughters, in other words, first cousins were considered the same as brothers and sisters. Bennie Hunter and Billy Hunter claimed to be brothers. I did not know Billy Hunter. I did not know Bennie Hunters children, or all of them, I knew Silas, Nicholas and Tommie. that is the same Tommie Hunter that is Principal of Armstrong Academy.

Re-Direct by Mr. Ralls.

I have talked with Mrs. Swadly since I have been blind and I think I recognize her voice, also from things that happened that we have talked about I think she is the same girl. Re-cross by Mr. Hailey.

I cultivate the faculty of recognizing people by their voices from the fact that I am blind and have no other means of distinguishing. I was not blind when Mrs. Swadly went to Texas. She must have been 12 years old or 13 at that time. That was the last I saw of her for 24 years, and I recognized her voice when I met her here.

Witness to mark \_\_\_\_\_

In the United States Court in the Indian Territory  
Central District at South McAlester.

W.T.Swadley

vs

The Choctaw Nation and Minerva

Swadley et al

Deposition of Minerva Swadley

vs

The Choctaw Nation.

Minerva Swadley being duly sworn upon her oath states as follows: My age is 43 years, my residence is Coalgate, I.T. and I have resided here four years. I am the wife of W.T.Swadley. Mr.Swadley and I first married in 1871 at Sherman Texas. I was visiting a cousin of mine at Sherman is how I came to be married there. I lived prior to my marriage in Blue County Choctaw Nation. My father's name was William Hunter and my mother's name was Martha Hunter, they lived on Red River Choctaw Nation; My father was a Choctaw and my mother was a white woman. My father was recognized there as a full blood. I had one brother and one sister ~~xxx respectivelyxxxx~~ named William and Harriet respectively. They died in the Choctaw Nation; they died when they were children. My father and mother are both dead. I cant tell just exactly how large I was when my father died. I guess I was six or seven years old. I was about 19 years old when my mother died. I was between 17 and 18 years old when I married Mr.Swadley My mother and father died on Red River in the Choctaw Nation. I attended the Choctaw schools. I knew uncle Bennie Hunter he lived in Blue county and was my uncle. He was my father's brother. He was also a full blood Choctaw. I know his children, there is four of them dead. Their names are Nicholas, Silas and Willie and there is a little girl whose name I cant remember. The ones living are

Tommie, Jane, George and Emma. Emma and Jane are married. Emma married a man by name of Dwight as did also Jane. Mr. Dwight that married Jane is now dead and she has since married a white man. Silas Hunter was killed at Caddo between 8 and 9 years ago. I know Mrs. Franklin and Mr. Lawrence who have testified in this case. I remember meeting them at Caddo before I was married. My father lived about 25 miles from Caddo. After I married and went to Texas I remained there about 6 years and then went to Tishimingo county Chickasaw Nation. I have two children, William aged 24 years and Rosa 23 years of age. Rosa is married to David Folsom who is a Choctaw, a brother to John Folsom who lives at Atoka. David Folsom is a recognized Indian. After we came back to the Choctaw nation on the 7th of September 1896, we were remarried under a Choctaw license issued by the county Clerk of Atoka County. We were married here in Atoka county. We were remarried because we wanted to comply with the Choctaw laws and Mr. Swadley wanted to make sure of his rights. The Choctaw people here in this country whom I meet take me to be a Choctaw from my looks. I used to talk Choctaw when I was growing up but have forgotten about all of it.

Cross examination by Mr. Hailey.

I was born in Blue County. My father was born in Mississippi. I know nothing about his ancestors there. I was married in the state of Texas according to the laws of Texas, and resided there about six years and my children were both born there in Texas. I am a half breed Choctaw Indian. I do not know where my father and mother married but it was in the Choctaw nation. My father was living on Red River about 35 miles below Caddo on Red River. He was a brother to Bennie Hunter. Bennie also lived on Red River in Blue County about 15 or 16 miles from my father. I never lived in the Cherokee Nation. I made application for a share of the leased district fund and it was registered but afterwards protested on the ground that I was not a citizen. I have never received my Leased District Money. I went to the Choctaw

Nation to see about drawing my money and they said when I was reinstated I could have my money. I did not make application to council but I went down there to see about it but nothing was done. Uncle Bennie and Billy came from the same part of Mississippi.

Redirect by Mr. Ralls

My children, one of them lives with me and the other one lives in the Chickasaw Nation. Mr. Swadley is a white man. My father and mother lived together as husband and wife and were so regarded by the people there. I learned that my father and Uncle Bennie came from the same place in Mississippi from what Uncle Ben said. I was acquainted at Caddo when I was a girl.

Re cross

Tommie Hunter who is principal of Armstrong Academy is my first cousin.

Witness to mark \_\_\_\_\_

Redirect by Mr. Ralls.

The protest was made without any notice to me and I have never been given an opportunity to meet it. I don't know whether my papers were filed or not, have never been able to find any. My name is still on the Atoka County book of the Leased District roll. The Registrars who made this roll were Joe Self, J.R. Plummer and Joe Homer. There was written under my name "No citizen, not entitled to draw"

I do not know who had this entry made nor who did it and was not notified of it. I am not aware of any law that authorized a protest or authorized any protest proceedings. I was not notified of any protest when the Revisory Board met at Tuskahoma and never received any notice from that board that I was rejected. I think the above was written under my name after the revisory board had passed on it.

Recross.



I do not know whether there was any law authorizing the filing of this protest or not and do not know of any law directing that notice should be given in the event of rejection by the Revisory Board. I dont know whether or not the board in Atoka county had power to object and withhold payment for cause. Do you or do you not know that it is a fact that there was a board especially created. I knew there was a board created and sitting in Tushka homa for the purpose of hearing such cases, that is, for hearing and determining whether certain claimants who had failed to get their money at the regular payment, were entitled to receive the same. I was down there once or twice but failed to get before the Committee.

Minerva he x mark Swadley

Witness to mark W.E. Hailey

IN THE UNITED STATES COURT, CENTRAL DISTRICT, INDIAN TERRITORY, AT  
SOUTH McALESTER.

Minerva Swadly, et al,

vs.

Report of Special Master.

Choctaw Nation.

Comes William Costigan, who has heretofore been appointed by this Honorable Court as special master in the above entitled cause, to examine into the same, and to report therein his findings of the facts, who begs to report therein, as follows:-

The claimants, Minerva Swadly and William T. Swadly filed their application for citizenship, before the Dawes Commission, on the 7th, day of September, 1896, and were afterwards, on December, 4th, 1896, admitted by said Dawes Commission to citizenship in the Choctaw Nation, the said Minerva Swadly as an Indian by blood, and the said William T. Swadly as a citizen by inter-marriage.

That afterward to-wit: on the 2nd day of February, 1897, a petition for appeal was filed in this court, by the Choctaw Nation, notice of said appeal was afterwards, on the 9th, day of February, 1897/mailed to these claimants.

That in the matter of the appeal of Minerva Swadly, who claims to be a Choctaw Indian by blood, your master finds the evidence in considerable conflict; there being a considerable quantity of evidence which tends to prove that she is of Choctaw blood, and also a considerable quantity of evidence tending to show that she is not of Indian blood; but upon the whole evidence, in this behalf, your master is constrained to find, and does so find, that the said Minerva Swadly, is a Choctaw Indian by blood, and is, and was, at the time of filing her said application, a bona fide resident of the Choctaw Nation.

That in the matter of William T/ Swadly, your master finds that applicant was married to his wife and co-appellee Minerva Swadly, in the City of Sherman, in the state of Texas, on the 11th day of November 1871, and that thereafter to-wit, on the 7th day of September, 1896, the said

William T. Swadly/ was married to his said wife and co-appellee, Minerva Swadly, in conformity with the laws of the Doctaw nation.

Your master finds further that as a result of said marriage there are two children now living, to-wit: William Swadly aged 24 years and Rosa Swadly, aged 23 years.

All of which findings of facts is respectfully submitted.

Wm. Costigan,  
Special Master.

October, 30, 1897.

By permission of the County this 18th day of January, 1898, given, in this report is amended to show that Minerva Swadly appeared in person before the Master, and that her appearance and petition were taken into consideration by the master in forming his opinion.

Respectfully submitted.

Wm. Costigan,  
Special Master.

Minerva Swadly,

vs.

Choctaw nation.

In the United States Court, Central District,  
Indian Territory.

Now comes the Choctaw Nation and excepts the Master's report herein filed and says that the findings of facts never in such report are not sustained by the proof, but are in conflict therewith, and that the facts so found by the Master are insufficient to support a judgment in proof of appellant, Minerva T. Swadly.

Stuert, Gordon & Hailey.

Attorneys for Choctaw nation.

IN THE UNITED STATES COURT FOR THE CENTRAL JUDICIAL DISTRICT OF THE  
INDIAN TERRITORY/ SITTING AT SOUTH McALESTER.

Minerva Swadly, et al, Plaintiffs.

No. 228. V.

Motion in Arrest of Judgment.

Choctaw nation, Defendant.

Come now the plaintiffs, Minerva Swadly and W. T. Swadly, and move  
the Court here to arrest the judgment herein for the following reasons, to-wit:

1st. This Court has no jurisdiction of the persons, plaintiff, for the  
reason that as appears from the records herein the plaintiffs were by the  
Commission to the Five Civilized Tribes, duly and legally admitted to  
citizenship as members of the Choctaw nation, and there has been no affi-  
davit for appeal from said action made by the defendant or any one for it,  
and there has never been any appeal allowed from said action or judgment of  
said commission.

2nd. Because this Court has no jurisdiction of the subject matter herein.

Wherefore the plaintiffs pray that judgment herein be arrested.

Minerva Swadly,

W. T. Swadly,

by their attorneys,

Ralls Bros.

IN THE UNITED STATES COURT FOR THE CENTRAL JUDICIAL DISTRICT OF THE  
INDIAN TERRITORY, SITTING AT SOUTH McALESTER.

Minerva Swadly, et al, Plaintiffs.

228. vs.

Motion for new trial.

Choctaw Nation, Defendant.

Come now the plaintiffs, Minerva Swadly and W. T. Swadly and move the Court here to set aside the judgment herein and the finding of the Court and grant to the said plaintiffs a new trial for the following reasons, to-wit:

1st. The finding of the Court is contrary to law.

2nd. The finding of the Court is against the weights of the evidence and is not supported by sufficient evidence.

3rd. The Court erred in referring this cause to a master in Chancery and requiring the evidence to be taken by depositions.

4th. The Court erred in refusing to submit the issues herein to a Jury.

5th. The Court erred in sustaining the defendant's exceptions to the Master's report.

6th. The Court Erred in setting aside the master's report.

7th. The Court erred in refusing to re-refer the case to a master after sustaining the exceptions to the master's report.

8th. The Court erred in refusing to submit the issues herein to a jury after the Court has set aside the Master's Report.

Wherefore the plaintiffs above named pray that the finding of the Court be set aside and held for naught and that a new trial be granted them and the issues submitted to a jury.

Minerva Swadly,

W. T. Swadly,

by their attorneys,

Ralls Bros.

Minerva Swadley, et al.

Vs. No. 228 Judgment, Cent. iDist. Jan.

Choctaw Nation.

On this 31st Day of January, 1898, the same being on of the days of the regular September, 1897 term of this court this cause came on for trial, cause number 235 on the docket of this court entitled W. T. Swadley vs. Choctaw Nation, having been by order of this court consolidated and made one with this cause.

And plaintiffs and defendant being present this cause is tried upon the report of the master in chancery filed herein on the 30th day of October, 1897 and the exceptions thereto filed by the defendant, and the court having heard all the evidence for plaintiff and defendant, and being well and fully advised in the premises doth sustain said exception to the report of the said Master and the same is hereby set aside.

And the court having heard and considered the evidence introduced herein, doth find the facts to be that the plaintiff Minerva Swadley is not a citizen of the Choctaw Nation and that she is not entitled to be ~~not~~ enrolled as such citizen. That the plaintiff ~~W~~ Minerva Swadley is not a citizen of the Choctaw Nation and that she is not entitled to be enrolled as such citizen. That the plaintiff W. T. Swadley did not become a citizen of the Choctaw Nation by reason of his intermarriage with said Minerva Swadley, and that the children of said W. P. Swadley and Minerva Swadley are not citizens of the Choctaw Nation.

It is therefore by the court considered adjudged and decreed that the plaintiff herein take nothing by their suit, and that their names, to-wit Minerva Swadley, William R T. Swadley, together with their children, William Swadley and Rose Swadley be excluded from the roll of Choctaw citizens prepared or to be prepared by the Commission to the Five Civilized Tribes and that the Choctaw Nation have and recover of ~~the~~ said plaintiffs all its costs in this action expended. It is further ordered that the clerk of this court

transmit to the said Commission to the Five Civilized Tribes a certified copy of this ~~xx~~ judgment.



John Edwards  
Birmingham D. T.  
Hunters Case

Ans W<sup>m</sup> McKim very short  
this returns

GEORGE A. MANSFIELD  
J. F. McMURRAY  
MELVEN CORNISH

LAW OFFICES OF  
MANSFIELD, McMURRAY & CORNISH.

GENERAL COUNSEL FOR  
THE CHOCTAW NATION  
THE CHICKASAW NATION

South McAlester, Indian Territory, May 7, 1904.

Mansfield, McMurray & Cornish,  
Tishomingo, Indian Territory.

Gentlemen:

We learned to day that there lives at Gainesville, Texas, one Lucian Hunter who is a blood relative of the John T. Hunter claimants. Lucian Hunter at Gainesville has consistently declined to have anything to do with the citizenship case of his kin folks and flatly denounced the whole scheme as a fraud from beginning to end. It is probable that this man will make a good witness for us.

Very truly yours,

*Mansfield, McMurray & Cornish*

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 hereby Commanded to Summons P. S. Moseley, Governor of the Chickasaw Nation, to answer on behalf of said nation, 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 nation in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, at *Tishomingo*, by *John F. Hunter et al*

and warn him that upon his failure as said Governor to answer on behalf of said nation, the complaint will be taken for confessed, and you will make return of the summons instanter;

And you are further commanded to notify said P. S. Moseley Governor aforesaid, that the papers, files and proceedings in the case of *John F. Hunter et al* File No. *73* - in the District Court for the *Southern* 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 *Southern* 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, Indian Territory, aforesaid, this *23* day of March A. D., 1903.

*James B. ...* Clerk.

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



~~18~~

John P. Hunter et al No 49

- ✓ John F. Hunter ✓
- ✓ John M. Hunter
- ✓ Geo. T. Hunter
- ✓ Jas. T. Hunter (or Jos. T. Hunter)
- ✓ Effie May Hunter
- ✓ R. M. Hunter
- ✓ Martha Doss Hunter
- ✓ Wm. F. Hunter
- ✓ Marion S. Hunter
- ✓ Mary A. Hunter (now Mrs. W. F. Clements)
- ✓ Alice E. Hunter (now Mrs. Thos. T. Ross)
- ✓ Sallis D. Hunter
- ✓ John F. Clements
- ✓ Mary Clements
- ✓ Pease Clements
- ✓ William Clements (or Wm. Ross)
- ✓ William Ross (or Wm. Ross)

Dmy All Choctaw

(2)

Ⓞ

✓ James Ross (or Jas. Ross)

✓ Mary May

✓ ~~May~~ May May

✓ Evin May

✓ Joseph S. Hunter

✓ John T. Hunter

✓ Clinton A. Hunter

✓ Jas. J. Hunter

✓ Mary Hunter (now Mrs. W. D. Cunningham)

✓ Kate Dickson (now Mrs. John T. Hunter)

✓ Geo. W. Hunter

✓ Mary Maud Hunter

✓ Mattie Catherine Hunter

✓ Jesse James Hunter (or Jessie James Hunter)

✓ Anne Hunter

✓ Moses S. Hunter

✓ Lillie May Hunter

✓ Chas. Ruby Hunter

✓ Lattie Lee Hunter

(3)

- ✓ Luca Hunter
- ✓ James Cunningham
- ✓ Anthony Cunningham
- ✓ Gorgia Cunningham (or Gorgia Cunningham)
- ✓ Fredrick Cunningham
- ✓ Joseph Cunningham
- ✓ Francis Cunningham
- ✓ James Isgrig (or Joseph Isgrig)

Indian Territory  
Central District

My name is Thompson  
Noahaya. I am going on 71 years old. My P.O.  
is Hugo, D.T. I live about six miles northwest  
of Hugo.

I knew Benahonta & Pisachobby. They were  
brothers. I think they were full brothers. They  
said that they were my uncles. I do not mean  
uncle as the white people use the term. They  
were members of the same clan my father was.  
The clan was <sup>called</sup> Inokusha. They had no other  
brothers. They were both full-bloods - I do not  
know <sup>who</sup> the father or the mother of Benahontubby &  
Pisachubby were. Benahontubby died about the year  
1887. He was about 65 years old when he died.  
It was thought that he was killed by a horse. He  
lived 12 miles east of Armstrong Academy at the time.  
His widow died about a year ago this August.  
Benahontubby had only ~~two~~ <sup>six</sup> children - ~~two~~ <sup>three</sup> boys & three  
girls: <sup>Siles Hunter,</sup> Tom Hunter & George Hunter, and Emma Dwight,  
nee Hontubby, Jane King, nee Benahontubby, and Betsy  
who died. All of these are living except Betsy. Tom  
Hunter lives at Caddo. George Hunter lives on Benahon-  
tubby's old place 12 miles east of Armstrong. His  
P.O. is Burlington. Emma Dwight lives about 2  
miles east of Jackson, D.T. Jane King is running a  
hotel at Beswell, D.T.

Pisachubby was a married man. He had five  
sons, Joseph Pisachubby, Asaiah Pisachubby, Sampson  
Pisachubby, Simeon Pisachubby, & Simpson  
Pisachubby. All of them are dead. He had five  
daughters - Mary Pisachubby, Melissa Pisachubby, Amy  
Pisachubby, Eliza Pisachubby, & one other whose name I  
do not remember. The daughters are all dead.

Pisochubby died about 20 years ago. He was very  
old when he died. He was older than Benchantubby.  
I do not think that Pisochubby ever lived in  
Texas.

I do not know, & have never heard of, the Hunters  
who are applicants for citizenship in the Choctaw  
Nation. If their name is Hunter they are not related  
to Benchantubby, for his name was not Hunter.  
Pisochubby died at Benchantubby's house - I know  
that Pisochubby did not have any sons by the name  
of Jas. T. Hunter, Joseph S. Hunter or Jas. M. Hunter.

Thompson <sup>his</sup> X Noachaya.  
mark

Sarah <sup>her</sup> X Noachaya.  
mark

Witness to marks - Wm. H. McKinney  
A. E. Noachaya

Subscribed & sworn to before me this 6<sup>th</sup> day of Aug., 1903 -  
D.A. Richardson



Thompson & Sarah  
Noachaya -





# THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

THOS. T. ECKERT, President and General Manager.

Receiver's No.

Time Filed

Check

**SEND** the following message subject to the terms on back hereof, which are hereby agreed to.

Misses  
Thompson Norwalk  
Aug. 27,

Knows Benvenuto  
& his mother

Princeton

knows all about  
Princeton & his  
family - when & where  
he lives & his

Just when papers

One in

John J. Norton Co

**THE WESTERN UNION TELEGRAPH COMPANY.**

INCORPORATED

**21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.**

THOS. T. ECKERT, President and General Manager.

Receiver's No.

Time Filed

Check

**SEND** the following message subject to the terms on back hereof, which are hereby agreed to.

Mr McKinney his  
says that  
Uncle Joe Johnson  
of Mitchell Mass  
that Gilbert Cooper  
was paid \$100 for his  
offer to assist in  
Earl Lewis Johnson  
was instrumental in  
his making of the  
See them  
Mr McKinney also  
proves

JOHN T. HUNTER, ET AL.

There are 51 applicants. They claim that they are Choctaws, being descendants of one Wm. P. Hunter, a Choctaw Indian by blood who lived in the Old Choctaw Nation in the State of Miss.; that he came with the Choctaws to the present Choctaw Nation about the year 1837; a short time after that he moved to Fannin Co., Texas, and died about 5 miles north of Bonham in said County about the year 1848. William P. Hunter married Minerva Hunter in Choctaw County, Miss about the year 1820 and he lived with her until her death in Fannin Co., Texas, about the year 1840. She was killed by the wild Indians. She was a white woman. She and Hunter had five children only three of whom are living, namely: John F. Hunter, William P. Hunter, and Joseph S. Hunter. These three and their children are prosecuting this claim. The three principal applicants claim to be Choctaws of the fourth blood, and they give the names of their children.

The judgment of the Commission is not shown, nor is the report of the Master in Chancery. All of the applicants were admitted by the United States Court for the Southern District of Texas.

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AFFIDAVITS BEFORE DAWES COMMISSION.

JOHN T. HUNTER says that he has read the application, and that all of its allegations are true. A similar application was made by these applicants to the Choctaw Council in 1889, and that said application was recommended to pass by the Committee having it in charge; but the applicants were never enrolled.

JOSEPH S. HUNTER says that he is 71 years old; was born in the Choctaw Nation in Miss. His father Wm. P. Hunter was a Choctaw Indian of the half blood.

JOHN M. HUNTER same as the above/ Is a grandson of Wm. P. Hunter. Has been taught that William was a half breed Choctaw.

RODGERS JAMES says that he has known the applicants ever since he can recollect. Affiant's grandfather, Benahontta, always said that these men were his cousins and were Choctaws by blood. When they lived in Texas, affiant's grandfather would go to see them. And the applicants used to return the visits. Affiant has been taught that the applicants are Choctaw Indians.

GILBERT COOPER says that he knew Benahontta and his brother Piscocho

Pisochohbi;affiant started with them on the emigration from Miss. Wehatona was their stepmother and she was with them. They all stopped at one place one day and several of the men prepared to go on the Texas side hunting, and E Pisochohbi went with them. Pisochohbi did not come back but remained in Texas. Afterwards they called him William Hunter because he went to Texas hunting. Affiant was told that Hunter then married a white woman. Affiant is told that these applicants are his children. Affiant knows that Hunter was a half breed Choctaw. ( NOTE- The applicants claim that his name was Hunter in Miss. and that he married his wife in Miss.)

EASTMAN TEHOMBA says that he knew Benahontta;he knew William Hunter. He has lately become acquainted with John F. and Joseph S. Hunter; they are Williams brothers. (NOTE-The applicants claim that they are Williams sons.) Affiant used to work for Benahontta;lived at his house for quite a while. William Hunter was there at the time, and Benahontta told affiant that William was related to him, Benahontta.;he said that William appeared to be a full blood white, but that he was not. That if William could speak Choctaw he would be all right; but that he was raised on the Texas side on account of having a brother on that side , and for that reason could not speak the Choctaw language. Benahontta was a full blood.

HUMADY WILLIAMS says that she was born on the Elohesho River in Miss about the year 1810, and was raised in the Choctaw Nation. Was well acquainted with Pisochohbi up to the time of the immigration of 1836; he was a half breed Choctaw and was a brother to Benahontta who was a full blood. Did not know Pisochohbi's wife but he had 6 or 8 boys before the year 1836. Has never seen him or his boys since he left Miss.

PATSY HALL says that she is a Choctaw full blood. Has known William P. Hunter nearly all of her life. Knew him in Miss under the name of Pisochohbi. He went to Texas. Afterwards he was called William Hunter. He was a half breed and had a brother named Benahontta. They were both recognized as Choctaw Indians. Knows the applicants to be descendants of William Hunter.

v

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#### DEPOSITIONS.

JOHN T. HUNTER says that he was born in 1820 in Miss. He was 16 or 17 years old when he started with the other Indians to the present Choctaw Nation. They stopped on the Kiomanche River at more than 10 or 15 miles

from Red River. Affiant's father was William Hunter. He had an Indian name but affiant does not know what it was. He died about 1848 at the close of the Mexican War. Affiant has been taught that he is part Choctaw Indian. People call him Indian John. Knew Benahontta; his horse killed him about 10 years ago. He came to affiant's father's house and claimed to be related to him. Affiant does not know that Benahontta was related to his father; understood that he was. Benahontta looked to be a full blood.

D.B. HOLFORD says that he has known the applicants ever since he was a little boy; knew them in Texas. Knew Benahontta; he claimed to be three-fourths or a full blood Choctaw Indian. He had two sons, Tom and Silas Hunter. Silas was attorney general of the Choctaw Nation. Benahontta and the Hunters visited each other; does not know what kin they claimed to be. Affiant was 8 or 10 years old then.

\_\_\_\_\_ GIBSON says that he is 38 years old; knew Benahontta. The latter said that he had no brothers, but that he had some cousins who were almost white; thinks that he claimed him with the Hunters. Affiant is a full blood Choctaw.

W.A. CLEMENTS knew Benahontta has heard him say at the Choctaw Council that he was related to the applicants.

#####

#### CONCLUSION.

This case is a fraud. The evidence of the applicants own witnesses is conflicting and confused.

It is doubtful if there was such a person as the one called William P. Hunter. A careful research will develop the fact that if there was such an Indian as Pischobbi, he was a separate person altogether from William P. Hunter.

The applicants try to show where Pischobbi got the name of "Hunter", and yet the evidence shows that his alleged brother, Bena-Hontta, had the name of Hunter all the time. Hontta means Hunter.

The evidence does not show even that William Hunter was a brother to Benahontta.

*Handwritten signature*

--: IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT :--

xxx

JOHN T. HUNTER, ET AL,  
Plaintiffs,

-VS-

CHOCTAW NATION,  
Defendant.

--: P E T I T I O N :--

Now come the petitioners, John F. Hunter, John M. Hunter, Geo. T. Hunter, Jas. T. Hunter, Effie May Hunter, R. M. Hunter; Martha Doss Hunter, Wm. F. Hunter, Marion S. Hunter; Mary S. Hunter (now Mrs. W. F. Clements); Alice E. Hunter (now Mrs. Thos. T. Ross); Sallie D. Hunter; John F. Clements, Mary Clements, Pearl Clements, William Clements; William Ross, James Ross; Mary May, May May, Elvin May; Joseph S. Hunter, John T. Hunter, Clinton A. Hunter, Jas. J. Hunter; Mary Hunter (the wife of W. D. Cunningham); Kate Dickson (now the wife of John T. Hunter); Geo. W. Hunter, Mary Maud Hunter, Mattie Catherine Hunter, Jesse James Hunter; Mary Hunter, Moses S. Hunter, Lillie May Hunter, Chas. Ruby Hunter, Lottie Lee Hunter, Lula Hunter; James Cunningham, Arthur Cunningham, Georgie Cunningham, Gertrude Cunningham, Joseph Cunningham, Francis Cunningham, and James Isgrig, joined herein by all other applicants for citizenship in said cause, and respectfully show to the court:

That on the.....day of September, 1896, and within the time prescribed by the Act of Congress approved June 10, 1896, conferring jurisdiction in citizenship cases upon the Commission to the Five Civilized Tribes, petitioners herein filed their application with the said Commission to the Five Civilized Tribes for citizenship and membership in the Choctaw tribe of Indians. That, in due course of time, said Commission heard said application and rejected the same and denied the claim of the petitioners herein to citizenship in the Choctaw Nation.

That hereafter, and within the time prescribed by law, petitioners herein appealed from the decision of the Commission to the Five Civilized Tribes to the United States Court for the Southern District of

the Indian Territory, at Ardmore; said petition being styled in said court "John T. Hunter, et al, vs. Choctaw Nation, No.73".

That thereafter, in said United States Court for the Southern District of the Indian Territory, at Ardmore, a full, complete and final trial was had of the claim of petitioners herein to citizenship in the Choctaw Nation; and by the judgment and decree of said court, entered on the 17th day of January, 1898, petitioners herein were adjudged to be citizens of the Choctaw Nation; and that petitioners herein, from and after said date, have been entitled to have their names enrolled on the official and final citizenship roll of the Choctaw Nation by said Commission to the Five Civilized Tribes.

Petitioners further show that, by its judgment rendered on the 17th day of **December** 1902, in a cause styled "THE CHOCTAW AND CHICKASAW NATIONS OR TRIBES OF INDIAN, PLAINTIFFS, VS. J.T.RIDDLE, ET AL, DEFENDANTS", this Court adjudged and decreed all the judgments and decisions of the United States Courts in the Choctaw and Chickasaw Nations, admitting persons to citizenship and enrollment as citizens of said Nations upon appeal from the Commission to the Five Civilized Tribes, to be null and void, both as to the defendants named in said cause and all other persons claiming citizenship in the Choctaw or Chickasaw Nations by virtue of judgments rendered in the United States Courts for the Southern and Central Districts of the Indian Territory, under the Act of June 10, 1896.

Your petitioners state that they were not parties to said cause of the "Choctaw and Chickasaw Nations or Tribes of Indians, plaintiffs, vs. J.T.Riddle, et al, defendants", and are not bound by the judgment rendered therein; and that this Court had no power or jurisdiction, under the pleadings and evidence in said cause, to set aside or vacate the judgment of the United States Court for the Southern District of the Indian Territory admitting them

to citizenship in the Choctaw Nation; and that said judgment of said United States Court for the Southern District of the Indian Territory is still in full force and effect.

But petitioners state that, in as much as this Court has entered its judgment and decree setting aside all the judgments of said United States Courts for the Southern and Central Districts of the Indian Territory, wherein persons not specially made parties thereto, but who were similarly situated to the defendants specially named in said suit of "The Choctaw and Chickasaw Nations or Tribes of Indians, plaintiffs, vs. J.T.Riddle, et al, defendants", and the said United States Commission to the Five Civilized Tribes is denying and will continue to deny the right of petitioners herein to be enrolled as members of said tribe of Indians, unless the files and proceedings in said cause No.73, styled "JOHN T. HUNTER, ET AL, VS. CHOCTAW NATION," in said United States Court for the Southern District of the Indian Territory, at Ardmore, be certified and sent to this court for further proceedings herein, and unless this Court should, by its decree, finally determine and adjudge said petitioners to be citizens and members of said Choctaw Nation, said Commission will refuse to enroll them as such citizens : - - -

N O W, T H E R E F O R E, said petitioners, still insisting upon their rights as members of said tribe and the validity and finality of said judgment of the United States Court for the Southern District of the Indian Territory admitting them to citizenship, and without waiving any of the rights adjudged and decreed to belong to them and conferred upon them by law under and by virtue of said judgment of the United States Court for the Southern District of the Indian territory, said petitioners most respectfully pray that an order be made, in the nature of a writ of error or otherwise, directing the Clerk of the United States Court for the Southern District of the Indian Territory, at Ardmore,



to certify and deliver to this Court all files, papers, documents, evidence and proceedings had in said cause "No.73 JOHN T. HUNTER, ET AL, VS. CHOCTAW NATION", heretofore pending in the United States Court at Ardmore; and that all proper and necessary writs, citations and otherwise be issued by the Clerk of this Court for service upon the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation, in order that said cause may be fully and completely transferred and lodged with this Court, for all proper and lawful proceedings therein.

JOHN T. HUNTER ET AL

CHOCTAW NATION

PETITION

APPOINTED ATTORNEYS FOR PETITIONERS

*Robert Bledsoe*  
ATTORNEYS FOR PETITIONERS.

In the Choctaw and Chickasaw Citizenship Court,  
Sitting at Tishomingo, I. T., May 9, 1904.

--o--

John T. Hunter, et al,

--vs--

No. 49-T.

The Choctaw and Chickasaw Nations,

--o--

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

--o--

Appearances,

Ledbetter, Bledsoe & Moore, for Plaintiffs,

Mansfield, McMurray & Cornish, for defendants.

--o--

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

Mr. Ledbetter;

In that case in the face of the view of the law taken  
by the Court, it would be impossible for us to make out a case,  
and we therefore ask the Court to dismiss the petition.

Judge Adams;

Have you any testimony to introduce?

Mr. Ledbetter;

No, sir.

Judge Adams;

In other words, you decline to offer any evidence.

Mr. Ledbetter;

Yes, sir, we do not think we could make out a case with  
the view the Court takes of the Law.

Mr. Cornish;

In the case of John T. Hunter, et al, which is the case in which Mr. Ledbetter, Attorney for the Applicants, has referred to, and in connection with which he does not offer any testimony in the trial of the case before this Court, we wish to state on behalf of the Choctaw and Chickasaw Nations, that we have carefully examined the papers, which were transferred to this Court, and which purport to be the record made before the Commission to the Five Civilized Tribes and the United States Court, and have thoroughly familiarized ourselves with the contentions of fact, as well as of law, which were originally alleged before these tribunals. We expected this case to be tried and have gone into the field and taken the most elaborate steps to make investigation as to the truthfulness and correctness of the statements alleged in the record which comes to this Court, and wish to state in submitting the case for the final consideration of the Court, in the affidavit and deposition which were originally filed in the former trials of this case there are facts alleged with reference to the facts in the case, with reference to the ancestry of these people and with reference to their Choctaw Blood, if those facts had been alleged or were attempted to have been alleged in the trial of the case before this Court, the Nations are prepared to introduce the most positive and conclusive evidence showing that the facts as alleged are not true, but are false and rest upon no solid foundation. We submit the case for the consideration and final decision of the Court.

In the Choctaw and Chickasaw Citizenship Court, sitting at  
Tishomingo, in the Southern District of the Indian Territory.

John T. Hunter, et al.,

vs.

No. 49.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this            day of            , 1904, this cause  
coming on for final decision, the same having heretofore been  
submitted upon the law and the evidence, and the Court being  
well and sufficiently advised in the premises, doth find that the  
plaintiffs, John F. Hunter, John M. Hunter, Geo T. Hunter,  
Jas. T. Hunter or Jos. T. Hunter, Effie May Hunter, R. M. Hunter,  
Martha Doss Hunter, Wm. F. Hunter, Marion S. Hunter, Mary S.  
Hunter (now Mrs. W. F. or W. A. Clements), Alice E. Hunter (now  
Mrs. Thos. T. Ross), Sallie D. Hunter, John F. Clements, Mary  
Clements, Pearl Clements, William Clements, William Ross or  
Wm. Ross, James Ross or Jas. Ross, Mary May, May May, Elvin May,  
Joseph S. Hunter, John T. Hunter, Clinton A. Hunter, Jas. J.  
Hunter, Mary Hunter (now Mrs. W. D. Cunningham), Kate Dickson,  
(now Mrs. John T. Hunter), Geo W. Hunter, Mary Maud Hunter,  
Mattie Catherine Hunter, Jesse James Hunter (or Jessie James  
Hunter) Mary Hunter, Moses S. Hunter, Lillie May Hunter, Chas.  
Ruby Hunter, Lottie Lee Hunter, Lula Hunter, James Cunningham,  
Arthur Cunningham, Georgie Cunningham (or Georgia Cunningham),  
Gertrude Cunningham, Joseph Cunningham, Francis Cunningham, and  
James Isgrig or Joseph Isgrig, are not entitled to be deemed or  
declared citizens of the Choctaw Nation, or to enrollment as such  
citizens, or to any rights whatever flowing therefrom.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition of the plaintiffs, John F. Hunter, John M. Hunter, Geo. T. Hunter, Jas. T. Hunter or Jos. T. Hunter, Effie May Hunter, R. M. Hunter, Martha Doss Hunter, Wm. F. Hunter, Marion S. Hunter, Mary S. Hunter (now Mrs. W. F. or W. A. Clements), Alice E. Hunter, (now Mrs. Thos. T. Ross), Sallie D. Hunter, John F. Clements, Mary Clements, Pearl Clements, William Clements, William Ross (or Wm. Ross), James Ross (or Jas. Ross), Mary May, May May, Elvin May, Joseph S. Hunter, John T. Hunter, Clinton A. Hunter, Jas. J. Hunter, Mary Hunter (now Mrs. W. D. Cunningham), Kate Dickson (now Mrs. John T. Hunter), Geo. W. Hunter, Mary Maud Hunter, Mattie Catherine Hunter, Jesse James Hunter (or Jessie James Hunter), Mary Hunter, Moses S. Hunter, Lillie May Hunter, Chas. Ruby Hunter, Lottie Lee Hunter, Lula Hunter, James Cunningham, Arthur Cunningham, Georgie Cunningham (or Georgia Cunningham), Gertrude Cunningham, Joseph Cunningham, Francis Cunningham, and James Isgrig or Joseph Isgrig, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom.

.....  
Chief Judge.

.....  
Associate Judge.

.....  
Associate Judge.

South McAlester, Indian Territory, June 17, 1903.

John T. Hunter, et al,

vs. T. No. 49. Southern District No. 73.

Choctaw Nation.

LETTER OF INSTRUCTIONS.

TO \_\_\_\_\_.

The office files of the papers in this case are herewith delivered and you are directed to make a thorough investigation of the case along the lines indicated in this letter, and return the same together with your written report and exhibits attached thereto at the earliest practicable date.

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The claimants in this case applied to the Dawes Commission under the Act of Congress approved June 10, 1896 and were denied citizenship in the Choctaw Nation, from such decision an appeal was taken to the United States Court for the Southern District of the Indian Territory, and that Court by a judgment of November 15, 1897 admitted forty-three persons to citizenship in the Choctaw Nation. The names of James T. Hunter, Effie May Hunter and R. M. Hunter included in

the judgment of the Southern District Court of November 15, 1897 are not found in the copy of the original petition made to the Dawes Commission on file with the papers in this case. The names of the persons included in the writ of error directed to the Choctaw and Chickasaw Citizenship Court are identical with the exception of a few typographical errors with the names included in the judgment of the United States Court for the Southern District

There was <sup>also</sup> presented to the <sup>aw</sup> ~~Dix~~ Commission in 1896 the applications of W. T. Swadley and Minerva Swadley, et al. <sup>for</sup> admission as citizens of the Choctaw Nation, (Dawes Commission 1896 Choctaw case 819 and 1080). The petitions in these cases were filed with the Commission September 7, 1896, and in the case of W. T. Swadley, et al, the Commission on December 4, 1896 admitted the applicant as a citizen by intermarriage of the Choctaw Nation, and in the case of Minerva Swadley, et al vs. Choctaw Nation, the Commission on December 5, 1896 admitted Minerva Swadley as an intermarried citizen of the Choctaw Nation and W. T. Swadley and Rose Folsom as citizens by blood of the Choctaw Nation. From this decision an appeal was taken to the United States Court for the Southern District of the Indian Territory by the Choctaw Nation, and that Court by a judgment of January 31, 1898 reversed the decision of the

Commission and denied admission as citizens of the Choctaw Nation to Minerva and Wm. T. Swadley and their children Wm. Swadley and Rose Folsom, nee Swadley. The~~x~~ Swadley family did not apply to the Choctaw and Chickasaw Citizenship Court, and their rights to citizenship are not discussed herein. The record however of the two Swadley cases is considered in connection with the claims of the applicants in the John T. Hunter case ~~case~~, for the reason that Minerva Swadley claims from the same ancestor as the parties applicant in the Hunter case, and the testimony adduced in the Swadley cases is applicable to the Hunter case.

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The applicants for enrollment <sup>and</sup>~~and~~ admission as citizens by blood of the Choctaw Nation claim their rights as such by reason of being the direct lineal descendants of one Wm. P. Hunter, whom it is alleged was a half blood Choctaw Indian and at the time of his emigration from Mississippi to the Indian Territory was known by the name of Pisachabee, (Pisochobi or Pisochabbi), alleged to have been the half brother of a full blood Choctaw Indian by the name of Benahontta, who was well known during his lifetime in the Choctaw Nation, Indian Territory, and was the father of Silas and Thomas W. Hunter, well known members of the Choctaw tribe of Indians in the Indian Territory.



Our theory of this case is that it is for the most part based upon a fabrication of unreliable and unsupported testimony, and that if these applicants are the descendants of any person by the name of Wm. P. Hunter, that he was never known or bore the name of Pisachabbee, who was a half brother of Benahontta. The record will show that the alleged ancestor of these applicants, Wm. P. Hunter, or Pisschabbee was married and the head of a family in 1830, and is alleged to have emigrated with the Choctaw Indians from Mississippi to the Indian Territory about the year 1837.

An examination has been made of the records of those persons who signified their intention to the Indian Agent to remain and become citizens of the States under the provisions of the fourteenth article of the treaty of 1830, and of those persons who were subsequently adjudicated beneficiaries thereunder by the United States Commissions of 1837 and 1842, and the name of Wm. P. Hunter or Pisachabbee (or Pischobi or Pischabbi) is <sup>NOT</sup> found thereon; neither does it appear that any person of this name owned any improvements in the State of Mississippi in 1830, or was in any manner a beneficiary under the provisions of the treaty of 1830. It is possible that there may have been a Choctaw Indian by the name of Pisachubbee. In fact this supposition is quite

likely, but it is our theory that he could not possibly have been identical with the Wm. P. Hunter from whom these applicants claim. As far as practicable to ascertain from the record Wm. P. Hunter, the ancestor of these applicants was born in Mississippi between 1795 and 1800, and in 1820 he was married to Minerva Turner, a white woman by whom he had six or eight children in the State of Mississippi prior to his removal therefrom in 1837; that he and his family left Mississippi in 1837, and located in Fannin County, Texas, where Minerva Hunter died in 1840, and Wm. P. Hunter died in 1848, and that from the time of their removal from the State of Mississippi in 1837 up to the time of their death they never maintained any residence in the Indian Territory. It would appear that the claimants have long been seeking admission as citizens of the Choctaw Nation, as ~~it would appear~~ they have continually been applicants to the Choctaw Council since 1889, and at the time of the submission of their applications to the Dawes Commission in 1896, they had an application pending before the citizenship committee of the Choctaw National Council.

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E V I D E N C E

In discussing the evidence in this cause a review will first be made of the evidence in the Hunter case, and afterwards in the Swadley cases above referred to.

The evidence in the Hunter case consists of the ex-parte affidavits of the applicants themselves and of unreliable and professional witnesses and certain immaterial depositions.

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John T. Hunter, Joseph S. Hunter, J. M. Hunter, in their exparte affidavits merely confirm the allegation<sup>p</sup> contained in the original petition. The affiants all being themselves applicants, their testimony is not considered of any materiality, and no investigation thereof is considered necessary.

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Rodger S. James in his affidavit of August 25, 1895 alleges that his grand father Benahontta was a cousin of John F., Joseph S. and Wm. P. Hunter, and that he, affiant, often went with his grand father Benahontta to visit the Hunter's while they were lving in Texas. Our theory of this affidavit is that it is entirely fraudulent; that the affiant if he did sign such an affidavit was not advised as

to the contents thereof, and that he is not the grand son of any Choctaw Indian by the name of Benahontta. <sup>TFD</sup> You are directed to ascertain if this witness is still living, and if so obtain from him a counter affidavit or statement as to the manner in which his testimony was originally procured, and a specific statement from him as to who his father and mother were, and his relationship to Benahontta; also as to where and when he first became acquainted with the applicants, and how h-e obtained the informations that they were cousins of Benahontta.

*Cooper*  
Gilbert Cooper in his affidavit of October-23, 1895 alleges that he is 74 years of age; knew Benahontta and his brother Pishachabbi at the time of the emigration from Mississippi; that there was a woman by the name of Wehotona, their step mother with them; that Pisachibbi left the emigrants and went with a party to hunt on the Texas side of Red River; that there he was known and called by the white people William and afterwards William Hunter "on account thã he came into Texas hunting".

The witness further alleges that Pisachubbi was a half breed, his mother being Benahontta's mother, and that his father was a white man. <sup>TFD</sup> There can be but one theory in regard to this affidavit and that is that it is entirely fraudulent. If the witness

*Deal*

is as alleged seventy-four years of age, he must have been born in 1822, and was at the time of the emigration in 1837 ~~have been~~ at least fifteen years of age. At this time the ancestor of these applicants had been married for seventeen years and had at least eight children. The witness would lead one to believe that the alleged change in name from Pisachubbinto Wm. Hunter did not take place until after the emigration of 1837. This is an absurdity as Wm. P. Hunter at that time was the head of a large family, and none of his <sup>D</sup> children in the application allege that they were ever known by any other name than Hunter. <sup>TD</sup> You will endeavor to secure from Gilbert Cooper a counter affidavit or statement, therein setting forth the manner in which his original testimony was procured, and his specific knowledge of the Pisachubbi, whom he is alleged to have known.

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The ex-parte affidavit of Eastman Teshomba of October 23, 1895 alleges that he knew Benahontta, deceased; also knew Wm. Hunter and his sons, Joseph and Joseph S. Witness alleges that he used to work for Benahontta, and William Hunter was there at the time; that Benahontta told him that Wm. Hunter was a kinsman of his; he appeared to be a full blood white man, but was not. The statements are vague, but it is to be presumed that it was the intention to connect Wm. Hunter, the ancestor of the applicants

Caney  
Deal

with the full blood Choctaw Indian, Benahontta. It is ~~is~~ more than probable that the affidavit if not fraudulent was procured without any knowledge by the affiant as to the contents thereof. <sup>TP</sup> You will ascertain if possible if Eastman Tehombe is living, and if so secure from him a counter affidavit or statement setting forth the manner in which his testimony was originally procured, and his specific knowledge of the Wm. Hunter whom he knew.

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Humady Williams in his affidavit of March 22, 1897 alleges that he was born in Mississippi in 1810 and raised with the Choctaw Indians; came to the Indian Territory about two or three years after the Indians emigrated, and was well acquainted with one Pishochabbi up to the time of the emigration in 1836; that he was a half breed Choctaw and the half brother of Benahonter, who was a full blood Choctaw; did not know Pishochabbi's wife, but he had six or eight boys before the emigration in 1836; has never seen Pishochabbi or any of the boys after leaving Mississippi. <sup>TP</sup> This affiant is a professional witness, and his testimony is not considered as being reliable. He is now dead however, and no further steps are necessary to be taken in regard to his affidavit. It is to be noted however that the affiant in no way attempt to connect the Pisha-

chabbi whom he alleges to have known in Mississippi prior to 1836 with the present applicants, the descendants of Wm. P. Hunter.

~~John F. Paul, Valley~~

Patsy Hall in her affidavit of March 23, 1897 states that she is a Choctaw and emigrated to the Choctaw Nation, Indian Territory about 1836; had known Wm. P. Hunter all his life ~~and~~, and knew him before he came to the Indian Territory under the name of Pishachabbi; that he was a half breed Choctaw, and had a brother named Benahontta; was well acquainted with Joseph S. Hunter, and knows him to be the son of Pishachibbi, or Wm. P. Hunter. <sup>TFP</sup> It is our opinion that this affiant has no knowledge of the facts testified to in this affidavit, and that if she ever did make such an affidavit, it was without any knowledge of the contents thereof. Patsy Hall, so far as we are informed has always lived in the Indian Territory, while it is not claimed by the applicants that Wm. P. Hunter ever lived in the Nation from the time of his emigration in 1837 up to the time of his death in Texas in 1848. Another notable fact in connection with this affidavit is that the affiant testifies to the change of name from Pishachabbi to Wm. Hunter, after the Pishachabbi that she knew removed from the Choctaw Nation to Texas. You will if practicable secure an

afi

affidavit from Patsy Hall setting forth the manner in which her testimony was originally procured, and any other facts that she may know that may be of material benefit to the Choctaw Nation on the retrial of this case.

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This concludes the ex-parte affidavits filed in the cause, and we now come to the deposition of witnesses before the Master in Chancery at the trial of the cause before the United States Court for the Southern District of the Indian Territory. This hearing was had at Ardmore, Indian Territory, March 17, 1897. At this hearing John T. Hunter merely attempts to connect the full blood Choctaw Indian Benahontta with his father Wm. P. Hunter.

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D. B. Holfurd testifies to knowing the Hunters, and that Benahontta visited these people. Does not state where they were living.

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A Mr. Gibson, whose age is given as 38 testifies relative to his knowledge of Benahontta.

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W. A. Clements testifies to being acquainted with Benahontta, and that he has heard that these applicants are related to him.

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John Hunter testifies to being acquainted with Benahontta and knew his son Tom. Always understood that Benahontta was related to the applicants. Witness then testifies to the presentation of applicants petition to the Choctaw Council.

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J. S. Hunter testifies that he was born in 1825, does not know where but supposes in Mississippi; that he is the son of Wm. P. Hunter and did not leave Mississippi with his father and come West, but went to Louisiana, and from there went to Mexico and enlisted in the Mexican army. <sup>HP</sup> The testimony of this witness is interesting inasmuch as being born in 1825, he would have been at least twelve or fourteen years of age at the time of the alleged change of his fathers name from Pisachabbi to Wm. P. Hunter. The witness herein does not state that he was every known by any other name than that of Hunter, and as he presumably went from Mississippi to Louisiana, it is not considered that he changed his name from the one that he was originally known by.

D. C. McCoy merely testifies to his acquaintance with Benahontta and the anglicizing of his name to Hunter, and his acquaintance with his two sons Silas and Thomas W. Hunter.

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Apparently all of the testimony at the trial of the case before the Master in Chancery was with the idea and purpose of by implication connecting the applicants with Benahontta, or Benny Hunter, the father of Silas and Thomas W. Hunter. It is to be noted however that aside from the testimony of the applicants themselves none of the witnesses in their depositions attempt to connect Wm. P. Hunter the alleged ancestor of applicants with the Choctaw Indian by the name of Bennahontta whom they knew. This concludes the testimony and evidence in the case of John T. Hunter, et al before the Southern District Court, and thereon the Court rendered its judgment admitting the applicants to Choctaw citizenship.

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We now come to the discussion of the testimony in the Swadley cases which consists principally of depositions taken on behalf of the Choctaw Nation. In the Swadley case, Minerva Swadley states that her maiden name was Minerva Hunter, and that she was the daughter of Wm. Hunter and Martha Hunter, both

citizens by blood of the Choctaw Nation, and that her father William Huntarr was the uncle of Thomas W. Hunter who lives near Caddo. The applicant then by several ex-parte affidavits attempts to substantiate this claim, but it appears that this applicant had numerous times before she applied to the Dawes Commission been refused recognition by the Choctaw tribal authorities.

The Choctaw Nation secured and presented the testimony of several witnesses in the Swadley case on file with the Commission.

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*Harrison*  
William H. ~~Hunter~~ of Atoka, Indian

Territory, 46 years of age testifies that he knew a Choctaw Indian by the name of Pisachaba; that he was not born until 1850, while the applicants allege that their common ancestor died in 1848. This would preclude any possibility of the Pisachaba whom Hunter knew as being the ancestor of the applicants.

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C. S. Vinson testifies that he is 54 years of age, a Choctaw Indian by blood and attorney general for the Choctaw Nation. Has resided in Blue, Atoka and Kiamitia Counties all his life; personally acquainted with T. W. Hunter of Armstrong Academy and also knew his father Benahontta; that it was anglicized into Benny Hunter; that he had one brother whose name was Pishachubbee, and that Pish-

*Thomas Edwards of Leaney  
will know about Benahontta by  
his family relations*

achubbee lived in Kiamitia County near what is <sup>now</sup> Mayhew, Indian Territory; also knew his children and his wife; that they had five daughters, one of whom died a number of years ago, and the remaining four were known as Lucy, Mellissa, Amy and Annie; that these persons were all full blood Choctaws, and are now dead with the exception of a son named Joseph Pishachubbee, who lived or did live in Blue County. This testimony as to the relationship existing between Benahontta and Pishachubbee is in direct contradiction to the claims and testimony of the applicants themselves.

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J. C. Folsom testifies to being 65 years of age and a resident of Atoka, Indian Territory; never knew of any Indian by the name of William Hunter, but was well acquainted with Benny Hunter, whose Choctaw name was Benahontubbe, which was contracted into Benahontta, who was a full blood Choctaw Indian, who had one son by the name of Nicholas and another by the name of Thomas, who is now superintendent of Armstrong Academy. It is to be noted that the anglization of the name to Hunter was not until long after the war.

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Peter Maytubby, Thomas W. Hunter, Johnson

Frazier, Henry Perkins, Henry Byington and J. H. Nail all testified <sup>to</sup> ~~of~~ their acquaintance and knowledge of Bennie Hontubbee or Bennahontubbee having a brother by the name of Pisachabee, who was a full blood Choctaw Indian and resided in the same neighborhood with Bennie Honatubbee. None of these witnesses never heard of the Hunter family who were applicants in any manner being connected or related to Pisachabee and Benna Honatubbee or Benny Hunter whom they knew. It is not necessary to take any steps to secure any additional affidavits or testimony from these persons as they will be used as witness<sup>es</sup> on behalf of the nations at the trial of the case.

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The only conclusion to reach in this case is that of fraud, as the applicants intended evidently to rely upon the claim that they were descendants of a Choctaw Indian named Pishachabee, who was a half brother to Benahontta. These affidavits filed in rebuttal thereof by the nations has demonstrated that the Pishachabee, who was the brother of Benahontta was a full blood Choctaw Indian and lived in the Choctaw Nation, Indian Territory long after the alleged ancestor of these applicants is claimed to have died in Fannin County, Texas.

Yours very truly,