

Nº 86.

Mrs. Eliza A. Alexander, et al

vs

C. & C. Nations.

Nº

Central Dist. Court.

Nº

Dawson Commission.

In Papers see

Ola May McPherson Case.
No 4

Witnesses -

See Osa May McPherson, et al

Eliza A Alexander et al No 86

- ✓ Eliza A Alexander,
- ✓ Willie Mary Deck (nee Alexander)
- ✓ Charles Alexander,
- ✓ John Edgar Alexander,
- ✓ James Menus Alexander, or James ^{Alexander} Minus
- ✓ Henry Alexander,
- George Dervey Alexander,
- 16. Mable Alexander,
- ✓ M. C. Stardin, or Bryants,
- ✓ John I Bryant,
- ✓ David C Bryant,
- ✓ Walter S Bryant,
- ✓ Fannie Lee Bryant,
- Myrtle L. Bryant,
- Gerald W. Bryants,
- Avalee Bryants,

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

=====

ELIZA A. ALEXANDER, ET AL.,

vs.

CHOCTAW AND CHICKASAW NATIONS.

MOTION TO MAKE MORE
DEFINITE AND CERTAIN.

Come now the Choctaw and Chickasaw Nations, by
Mansfield, McMurray & Cornish, their attorneys, and move this
Honorable Court they require the plaintiffs to make their ap-
plication, or petition, more definite and certain, in this,
to-wit, that they be required to state:

FIRST. Whether they, or any one, or all of their alleged
ancestors, through whom they claim a right to be admitted
and enrolled as citizens of the Choctaw Nation, complied
with the XIV Articles of the Treaty of 1830, between the
United States and the Choctaw Nation; and if any one, or
all, so complied, by whom such compliance was made and
how;

SECOND. Whether they, or any one, or all of their alleged
ancestors emigrated to the Choctaw Nation, Indian Territory
with the Choctaw Indians residing in the old Choctaw
Nation, in the State of Mississippi, in accordance with
Article III of the Treaty of 1830, and if so the name or
names of the person or persons so emigrating.

CHOCTAW NATION,
CHICKASAW NATION,

By _____
Attorneys.

INDIAN TERRITORY, ss.
CENTRAL DISTRICT.

I, W. H. Moore, on my oath state, that I this day mailed
a copy of the foregoing motion to plaintiffs' attorney of record

Sworn to and subscribed before me this _____ day of _____
1903.

Notary Public.

Notary Public.

1903.
Sworn to and subscribed before me this ____ day of _____

a copy of the foregoing motion to discontinue, attorney of record
I, W. H. Moore, on my oath state, that I this day mailed

CENTRAL DISTRICT,
INDIAN TERRITORY, as.

By _____
Attorneys.

CHICKASAW NATION,
CHOCTAW NATION.

names of the person or persons so emigrating.
Article III of the Treaty of 1830, and if so the name or
Nation, in the State of Mississippi, in accordance with
with the Choctaw Indians residing in the old Choctaw
ancestors emigrated to the Choctaw Nation, Indian Territory
SECOND. Whether they, or any one, or all of their alleged

S. No. 86.

Eliza A. Alexander, et al,
vs

Choctaw & Chickasaw Nations.

Motion to make these
Definite & certain.

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all; so complied, by whom such compliance was made and
United States and the Choctaw Nation; and if any one, or
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ancestors, through whom they claim a right to be admitted
FIRST. Whether they, or any one, or all of their alleged
to wit, that they proceeded to state:
petition, or petition, more definite and certain, in this,
Honorable Court the premises the plaintiffs to make their ap-
McMurry, McNair, their attorneys, and move this
come now the Choctaw and Chickasaw Nations, by
CHOCTAW AND CHICKASAW NATIONS.
vs.

DEFINITE AND CERTAIN.

MOTION TO MAKE MORE

ELIZA A. ALEXANDER, ET AL.,

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

✓ 11th.-- He also testifies in the Elizabeth A. Alexander case,
but his testimony in this case has been covered by the citations

in the Ola May McFerrin case.

My name is S. P. Perry; I am a Choctaw freedman going on 91 years of age. I was born in North Carolina the slave of Levi Perry. Moved with my Master to Mississippi when a small boy and lived there constantly until I came to the Indian Territory with the second immigration, with the exception of three or four years spent in Tennessee. I was next owned by Mamuel Epps Moody who lived in Mississippi and from him passed to Elizabeth Perry and belonged to her until her death in 1839 or 1840 near Doaksville, I.T. After her death I passed to her children and in 1857 was sold to James Pinkney Dumas who took me to Texas where I stayed until the breaking out of the War. I joined the Southern Army and served during the War and then returned to the Indian Territory in the fall of 1865.

I once knew a man named Bill Dyer; his appearance indicated about a quarter blood Indian. Knew him first in 1841 or 1842 near the present town of Emet, I. T. I never knew Bill Dyer's father, but his mother's name was Nellie. I do not know her maiden name. I do not know who Bill Dyer married and never knew any of his children. I only know his Indian blood by his appearance.

Witness
R. G. Bruce.

his
S. P. X Perry.
mark.

I hereby certify that I have read the foregoing affidavit to S. P. Perry and that he subscribed and swore to the same before me this 2nd day of April 1903.

Jno. P. Crawford.

Notary Public.

*original in ~~Jas R. Hays~~ folder
Old May McPherson*

Admitted in Court
~~John W. Berry~~
John W. Berry

Notary Public.

Geo. B. Crawford.

the same before me this 2nd day of April 1902.

dealt to G. B. Berry and that he subscribed and swore to

I hereby certify that I have read the foregoing affi-

R. G. Bruce.

Witness

Wm. K.

G. B. X. Berry.

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small boy and lived there constantly until I came to the

of West Berry. Moved with my master to Mississippi when a

and West of sea. I was born in North Carolina the slave

my name is G. B. Berry; I am a Choctaw freedman being

Elyz A. Alexander
Case

S. P. Perry
Affidavit

Duplicate

SUMMONS.

United States of America,

Indian Territory,

Choctaw and Chickasaw Citizenship Court.

SS

The President of the United States of America,

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

GREETING:

You are 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 Ter-

ritory, at So McAlester, by Eliza A Alexander 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 Eliza A Alexander et al File No. 41 in the District Court for the Central District of the Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that the certificate of the clerk of said court for said Central District, Indian Territory, has been attached thereto.

WITNESS the Honorable Spencer B. Adams, Chief Judge, Walter L. Weaver and Henry S. Foote, Associate Judges, and the Seal thereof, at South McAlester, Indian Territory, aforesaid, this 21 day of March A. D., 1903.

Gas B Bussadu Clerk.

By E L Berritt Deputy.



MARSHAL'S RETURN.

United States of America,
Indian Territory,
DISTRICT.

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

Personally on P. S. Moseley, at _____

Indian Territory,

This _____ day of _____, 1903, _____ m.

By _____ Deputy.

the certificate of the clerk of said court for said _____ District Indian Territory,
Indian Territory, has been transmitted to the Choctaw and Chickasaw Citizenship Court, and that
File No. _____ in the District Court for the _____ District of the

that the papers, files and proceedings in the case of _____
And you are further commanded to notify said P. S. Moseley, Governor of said
complaint will be taken and confessed, and you will make return of the summons instant.

Duplicate
No. 86-M

SUMMONS
IN EQUITY.

Eliza A Alexander et al
vs.
Choctaw and Chickasaw Nations.

Summons issued _____ day of
March, 1903. Returnable instant.

Marshal's Fees.

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

J. S. Ralls, Atoka, D. C.
Attorneys for Plaintiff.

Duplicate

SUMMONS.

United States of America,

Indian Territory,

SS

Choctaw and Chickasaw Citizenship Court.

The President of the United States of America,

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

GREETING:

You are 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 So McAlester, by E Eliza A Alexander 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 E Eliza A Alexander et al File No. 41 in the District Court for the Bentral 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 Bentral 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 21 day of March A. D., 1903.



Joe B. Bessard Clerk.
By E L Bessard 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 86-M

SUMMONS

IN EQUITY.

Eliza A Alexander et al

vs.

Choctaw and Chickasaw Nations.

Summons issued 21 day of
March, 1903. Returnable instant.

Marshal's Fees.

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

J. R. Allen Atoka
Attorneys for Plaintiff.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT, AT SOUTH Mc-
ALESTER, IN THE CENTRAL DISTRICT OF THE INDIAN TERRITORY.

ELIZA A. ALEXANDER, ET AL., - -Plaintiffs,)	
	(
vs)	Number
	(
CHOCTAW AND CHICKASAW NATIONS, -Defendants.)	

APPLICATION FOR TRANSFER OF CITIZENSHIP CASE.

Come now your petitioners, Eliza A. Alexander, Willie May Deck (nee Alexander) Charles Alexander, John Edgar Alexander, James Menus Alexander, Henry Alexander, George Dewey Alexander, Mable Alexander, M. C. Hardin, John T. Bryant, David C. Bryant, Walter S. Bryant, Fannie Lee Bryant, and *Myrtle S* Bryant, *Gerard W* Bryant and *Ava Lee* Bryant, and represent to this Honorable court that they are bona fide residents of the Choctaw Nation, Indian Territory, and that they were such residents at and prior to the 10th day of June, 1896, and have remained such residents ever since, and that they are members of the Choctaw Tribe of Indians and entitled to be enrolled as such.

Your petitioners further show that on the 7th day of September, 1896, they filed their joint application with the Commission to the Five Civilized Tribes, asking to be enrolled as members of the Choctaw Tribe of Indians, which application was made under the provisions of an Act of Congress approved June 10th, 1896; and your petitioners show that in said application your petitioner herein, Willie May Deck was at that time Willie May Bryant, but since said date, and since the judgment rendered in said cause she has been married to one Deck; and your petitioner, George Dewey Alexander and Mable Alexander have been born to your petitioner, Eliza A. Alexander, since said date; and your petitioner, M. C. Hardin, was at that time, M. C. Bryant, but since said date

has married one Hardin; and your petitioners, Myrtle E Bryant,
Grace W Bryant and Avalle Bryant, have been
born to your petitioner, John T. Bryant, since said date.

And your petitioners show that the Choctaw Nation appeared
and filed its answer to said petition, and thereafterward, to-wit:
on the 2nd day of December, 1896, said Commission rendered a deci-
sion upon said application; and thereafterwards, to-wit: on the
20th day of January, 1897, an appeal was taken from said decision
to the United States Court, at South McAlester, for the Central
District of the Indian Territory, and the Choctaw Nation was duly
notified, and appeared and answered; and thereafterwards, to-wit:
on the 24th day of August, 1897, said cause which was number ,
came on to be heard in said court, and upon a hearing, said court
rendered a judgment, declaring your petitioner to be entitled to be
enrolled as members of the Choctaw Tribe of Indians; that said judg-
ment remained in full force and effect, and from said judgment no
appeal was taken.

WHEREFORE, your petitioners pray that said cause be trans-
ferred from said United States Court to this Honorable Court, and
that on a hearing in this court they be adjudged to be members of
the Choctaw Tribe of Indians, and your petitioners will ever pray,
as in duty bound.

J. G. Ralls
Attorney for Petitioners.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
CENTRAL DISTRICT.

M. C. Hardin, having been by me first duly sworn
according to law, states on oath that is one of the
petitioners above named, and that the statements contained in said
petition are true, as affiant verily believes.

M. C. Hardin

Subscribed and sworn to before me on this the 9 day
of March, A. D., 1903.

H. H. Coleman
Notary Public.

To Mansfield, McMurray & Cornish, Attorneys of record
for the Choctaw and Chickasaw Nations:

YOU ARE HEREBY NOTIFIED That at the expiration of two
days from this date I will file in the office of the Clerk of the
Choctaw and Chickasaw Citizenship Court, at South McAlester, in the
Central District of the Indian Territory, an application in behalf
of *Elija A. Alexander* et al., to have transferred and
certified to said Citizenship Court, from the United States Court
at South McAlester for the Central District of the Indian Territory,
a certain citizenship case wherein judgment was rendered in favor
of said *Elija A. Alexander* et al., a copy of which application
is hereto attached.

J. H. Hall
Attorneys for Applicants.

Elija A Alexander, et al,
Plains.

Chelan & Chickasaw Nations,
Defds.

Application for transfer
of citizenship case

[Signature]
Attorneys for Applicants.

YOU ARE HEREBY NOTIFIED that at the expiration of the
for the Choctaw and Chickasaw Nations:

To Mansfield, McMurry & Cornish, Attorneys of record

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

=====

ELIZA A. ALEXANDER, ET AL.,

vs

DEMURRER.

CHOCTAW AND CHICKASAW NATIONS.

COME now the Choctaw and Chickasaw Nations, by
Mansfield, McMurray & Cornish, their attorneys, and DEMUR to
the application, or petition, filed herein by plaintiffs,
for the reason that the same does not state facts sufficient,
if true, to warrant this Honorable Court in enrolling them
as members of the Choctaw Nation.

THE CHOCTAW NATION
THE CHICKASAW NATION.

By _____
Attorneys.

INDIAN TERRITORY,
CENTRAL DISTRICT. ss.

I, W. H. Moore, on my oath state that I this day
mailed a copy of the foregoing demurrer to plaintiffs' attorney
of record.

Sworn to and subscribed before me this ____ day of _____
1903.

Notary Public.

Notary Public.

1903.

Sworn to and subscribed before me this ____ day of _____

of record.

mailed a copy of the foregoing demurrer to Districts, Attorney

I, W. H. Moore, on my oath state that I this day

CENTRAL DISTRICT.

as.

INDIAN TERRITORY.

By _____
Attorneys.

THE CHICKASAW NATION.
THE CHOCTAW NATION

as members of the Choctaw Nation.

It true, to warrant this Honorable Court in enrolling the
for the reason that the same does not state facts sufficient,

the application, or petition filed herein by Plaintiff,

Manfield, McMurry & Cornish, their attorneys, and DUBOIS to

COME now the Choctaw and Chickasaw Nations, by

CHOCTAW AND CHICKASAW NATIONS.

as

DE MURRE.

W. H. Moore
Attorney

ELIZA A. ALEXANDER, ET AL.,

NOVEMBER TERM 1903.

SITTING AT SOUTH WHEELER.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

S. No. 86

Eliza A. Alexander, et al,
vs

Choctaw Nations

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP
COURT, SITTING AT SOUTH McALESTER, INDIAN
TERRITORY, MARCH TERM,
1904.

Eliza A. Alexander, et al.,

vs.

No. 86.

Choctaw and Chickasaw Nations.

STATEMENT OF FACTS AND OPINION
BY ADAMS, CHIEF JUDGE.

On the 3rd day of September, 1898, a judgment was rendered by the United States Court for the Central District of the Indian Territory, admitting to citizenship and enrollment as Choctaw Indians the following persons: Eliza A. Alexander and her children, to-wit, Willie May, Charles, John Edgar, James Menus and Henry Alexander; Mrs. M. C. Bryant and her children, to-wit, John T., David C., Walter S., and Fannie Lee, upon an appeal from the findings of the Commission to the Five Civilized Tribes.

After the decision of this Court in the case of "Choctaw and Chickasaw Nations vs. J. T. Riddle, et al.," declaring said judgment void for certain irregularities therein pointed out, the following persons, to-wit: Eliza A. Alexander, Willie May Deck (nee Alexander) Charles Alexander, John Edgar Alexander, James Menus Alexander, Henry Alexander, George Dewey Alexander, Mable Alexander, M. C. Hardin, John T. Bryant, David C. Bryant, Walter S. Bryant, Fannie Lee Bryant, Myrtle L. Bryant, Gerald W. Bryant and Avalee Bryant, filed a petition in this Court in apt time

asking that their case be transferred from the United States Court for the Central District of the Indian Territory to this Court for adjudication.

The plaintiffs offered no evidence whatever in this case, but through their attorney, J. G. Ralls, asked that the evidence in No. 4, entitled Ola May McPherrren vs. Choctaw and Chickasaw Nations, be considered in this case, which is done, as the plaintiffs here and the plaintiff there claim to derive their Indian blood from the same common ancestor.

Plaintiffs offered in evidence several affidavits and depositions taken without notice to both nations, said affidavits and depositions being used in the United States Court for the Central District of the Indian Territory upon a trial of this cause de novo; and refused to submit further testimony. Among the affidavits and depositions offered there is an ex parte affidavit of James Franks, the said Franks making his mark thereto, and is supposed to have been sworn to before E. F. Chester, a Notary Public in Fannin county, Texas, in which the said Franks says that he knew Tobithia Powers, who was a Choctaw Indian by blood, and was the daughter of Bill Dyer, a full blood Choctaw Indian who lived in Mississippi; that Tobithia Powers, nee Dyer, had eight children, to-wit: Eliza A. Alexander, M. C. Bryant, Maggie Slayton, Fannie Adams, Martha Cash, Ellen Short, Hattie Shipley, whose maiden name was Powers, and J. T. Powers; that he knows Eliza Alexander to be the daughter of Tobithia Powers. The plaintiffs also introduce, and ask that the same be considered as evidence, the deposition of the principal applicant in this case, signed by her and sworn

to before J. C. Reedep, a Notary Public, on the 10th day of July 1897, and used before the United States Court for the Central District of the Indian Territory. In this deposition plaintiff Eliza Alexander says that she is a descendant of William or Bill Dyer, who was a full blood Choctaw Indian and whose family lived in Mississippi; that Tobithia Dyer, who was a daughter of Bill Dyer, was her mother, and married a man by the name of David Powers; that Tobithia, her mother, had eight living children, and then names them. Witness further says that she married a man by the name of James Alexander in 1882; that she has lived in the Indian Territory for eleven years, and has always held land here and holds land here now as a Choctaw Indian; that she sent her children to the Choctaw schools and their tuition was paid by the Choctaw Nation; that her citizenship in the Choctaw Nation has never been denied by the Choctaws; that she filed her claim before the Choctaw council for citizenship but that the council did not act upon it, etc.

After the introduction of this testimony and the refusal of plaintiff's attorneys to introduce further evidence, the defendants introduced as a witness James Franks, who says he now lives in Ellis county, Texas; that he is 63 years old; that he formerly lived in Tennessee, where he lived until 12 years ago; that he was born and raised in McMinn county, Tennessee; that he removed from there to Fannin county, Texas, where he remained for a year and then moved to the Territory where he lived for about two years and then moved back to Texas, Ellis county; that when he lived in the State of Tennessee he knew a woman by the name of Powers

who was the wife of David Powers and the mother of the principal applicant in this case, Eliza A. Alexander; that she lived in McMinn county; that he knew her from the time she was a little girl until 12 years ago; that she is now living in the State of Tennessee; that she had several children, among them besides Eliza A. Alexander, Harriet, and Caroline Bryant, that she had a son named John Powers. Witness is then shown the affidavit above referred to, purporting to have been made by this witness, and repudiates the statements made in said affidavit. Witness says that Caroline Bryant, who is a sister of Eliza A. Alexander and whose name appears in the judgment of the United States Court for the Central District of the Indian Territory, (having been admitted to citizenship and enrollment as a Choctaw Indian), came to witness' house and asked witness if he knew old Bill Dyer, and witness said "no", but he did know old James Dyer, whereupon Mrs. Bryant said to witness, "that don't make any difference", and asked witness if he did not remember that Dyer was her grandfather and witness told her he did not; that he was there all his life and never heard anything of it; that Mrs. Bryant then said to witness "you just make an affidavit that you know James Dyer, it don't make any difference about Bill". Witness then says that after that a man named Chester came to his house with an affidavit and tried to get witness to say it was Bill Dyer, but witness told him "no", it was Jim". Witness says he never heard of man by the name of Bill Dyer, but he did know a man back in Tennessee named Jim Dyer for many years; that Jim Dyer was the only Dyer who lived in

that county and witness never heard that he was a Choctaw Indian. Witness says that yhe cannot read or write but makes his mark, and that he did not make the affidavit offered by plaintiffs. Witness further says that he knew Eliza A. Alexander and Mrs. Bryant back in Tennessee, and if they are related to Jim Dyer witness doesn't know it and never heard that they had any Indian blood. Witness further says that John Powers, a brother of Mrs. Eliza Alexander and of Mrs. Bryant, lived near him in Texas, and that Powers told witness that he had some people up in the Territory who were trying to get rights and that they wanted him to come also, but that he did not have any Indian blood in him.

Mrs. L. M. Franks is then introduced as a witness for the nations, and says she knew these people back in Tennessee and they did not claim to be Indians; that she also knew Jim Dyer in Tennessee and never heard of him being an Indian.

William H. Ball is then introduced as a witness for the nations and says that he resides at Wapanucka, Indian Territory; that he has lived in the Indian Territory for a little over twenty years. Witness says that he was principally raised in McMinn county, Tennessee, but when he came to this country he came from Macon county, Tennessee. Witness says while in Tennessee he was well acquainted with David Powers; that he was a merchant; that he never heard David Powers or any of his people claim to be Indians. Witness further says that he knew a man in Tennessee by the name of Jim Dyer; that he was raised in about two miles of Dyer; that if James Dyer was in any way related to these applicants or to David Powers, he does not know it.

On January 7, 1904, the case having been continued until that date, the defendants introduced Mrs. Eliza A. Alexander, who is the principal applicant in this case. The witness is examined as to her deposition which is referred to heretofore, and after being cross examined as to her statements in said deposition, witness says that she though she was correct at the time she made the deposition; that she married in the State of Tennessee at about the age of seventeen. Witness further says that a short time ago her brother-in-law wrote her, and that she has learned from other members of the family, that her grandfather was not named Dyer, as stated in her deposition, but that her grandfather was named Howsley, and that was her mother's maiden name. That the reason witness had not been to tell the Court about it was that she had been sick; and says that this is all the explanation she cares to make. Witness says that she formerly claimed her Indian blood from a man named Dyer, but she has since become convinced that she was mistaken about it and that Dyer was not her grandfather. Witness now says that she does not know whether she has any Indian blood or not.

Witness further says that she does not know, without an investigation, whether she desires to prosecute her case further or not, whereupon the Court suggests to witness that she had better notify her attorneys of the discrepancies in the testimony, and of the information she had recently received with reference to her ancestry, assuring her that ample time would be given her to present such facts as she desired to the Court in support of her contentions, or in

explanation of these discrepancies. The case remained open for quite a while for this purpose, and nothing has since been heard from the plaintiffs or their attorneys with reference to this matter.

There is no evidence which tends to show that these applicants or any of them are Indians, but on the other hand the evidence shows that they are white people; that their ancestors lived in the State of Tennessee, that their mother, through whom they claim to derive their Indian blood, is still living there, and repudiates the statement that she or her children have any Indian blood. The allegation of these people that they are Choctaw Indians, in the light of this testimony, is remarkable to say the least of it. Their attorneys seem to have abandoned the case entirely when these facts were developed. The application of these plaintiffs, and the subsequent testimony of some of them at least, in support of their application, shows a ruthless disregard of the rights of others, and a morbid desire on the part of some one who has fostered and engendered the application of these people, to get upon the rolls of the Choctaw and Chickasaw nations, and thereby participate in the distribution of the property belonging to these two tribes without any meritorious foundation whatever, and presents a sad spectacle.

A judgment will be entered by this Court dismissing this appeal, etc.

(Signed) Spencer B. Adams
Chief Judge.

We concur:

(Signed) Walter L. Weaver
Associate Judge.

(Signed) H. S. Foote
Associate Judge.

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

Eliza A. Alexander, et al.,

vs.

No. 86.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this 18th day of April, 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, Eliza A. Alexander, Willie May Deck (nee Alexander), Charles Alexander, John Adgar Alexander, James Menus Alexander or James Minus Alexander, Henry Alexander, M. C. Hardin or Bryant, John T. Bryant, David C. Bryant, Walter S. Bryant, Fannie Lee Bryant, are not entitled to be deemed or declared citizens of the Choctaw Nation, or to enrollment as such, or to any rights whatever flowing therefrom; and the Court doth further find that it has no jurisdiction over the petitioners George Dewey Alexander, Mable Alexander, Myrtle L. Bryant, Gerald W. Bryant and Avalee Bryant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition of the plaintiffs, Eliza A. Alexander, Willie May Deck (nee Alexander), Charles Alexander, John Edgar Alexander, James Menus Alexander or James Minus Alexander, Henry Alexander, M. C. Hardin or Bryant, John T. Bryant, David C. Bryant, Walter S. Bryant and Fannie Lee Bryant, 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; and as to the petitioners George
Dewey Alexander, Mable Alexander, Myrtle L. Bryant, Gerald W.
Bryant and Avalee Bryant, the Court having no jurisdiction,
their petition is dismissed.

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Chief Judge.

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Associate Judge.

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Associate Judge.