

Witnesses.

For Claimants.

Mitchell Nelson	Blue Co.	Dead
W. E. Davis ---	"	" Dead
✓ Sarah A. White ---	"	"
Jessie H. Richardson	"	"
Mary W. Whaley ---	Durant	
W. F. Whaley ---	"	
Joseph Nelson	Robertson, J. C.	Dead
Jessie Nelson	Durant or Robertson	
Catherine Whittle	Blue Co	
Marion Whittle	"	"
Robinson Anderson	"	"
✓ John E. Nelson ✓	"	" Durant
John Holden ✓	Blue Co	Wise

For Nations.

No 93.

Mary W. Whaley, et al

vs

Choctaw Nation

No 66.

Central District Court

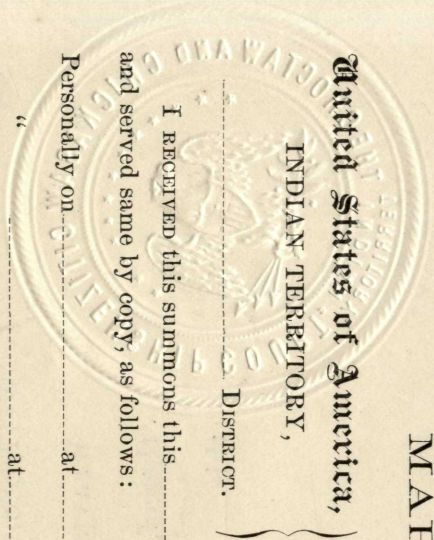
No

Dawson Commission

Rejected

March 21/1894

MARSHAL'S RETURN.



United States of America,
INDIAN TERRITORY,
DISTRICT.

ss:

I received this summons this _____ day of _____, A. D. 190____, at _____ o'clock _____ m.
and served same by copy, as follows:

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

With a member of defendant's family over 15 years of age there residing.
And the other persons named in this Summons are "not found in this District."

U. S. Marshal.

By _____, Deputy

Duplicate

No. 93 m

SUMMONS IN EQUITY.

May W Whaley et al
vs.
Chetaw & Chickasaw Nations

Summons issued the 18 day
of March, 1903

Returnable instant Term, 190

Returned and filed _____, 190

Clerk.

By _____, Deputy.

MARSHAL'S FEES.

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

James Atoka
Attorney for Plaintiff.

SUMMONS.

Duplicate

United States of America,)

INDIAN TERRITORY,)

SS:

Choctaw and Chickasaw Citizenship Court.

The President of the United States of America,

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

GREETING:

YOU ARE COMMANDED TO SUMMONS Green Mc Curtain, Principal

Chief of the Choctaw Nation,

on behalf of said Nation,

to answer in twenty days after the service of this summons upon him, as

Principal Chief of said Nation,

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

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

by Mary W Whaley et al

and warn him that upon his failure to answer, the

as Principal Chief of said Nation, on behalf of said Nation, the

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

first day of next instant.

Term of said Court

and you are further commanded to notify said Green Mc Curtain, Principal

Chief aforesaid, that the files, papers and proceedings in the case of

Mary W Whaley et al File No. 66 in the District

Court for the Central District of the Indian Territory/

have been transferred to the Choctaw and Chickasaw Citizenship Court, and

that the certificate of the Clerk of said said 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

South Mc Alester, I.T.

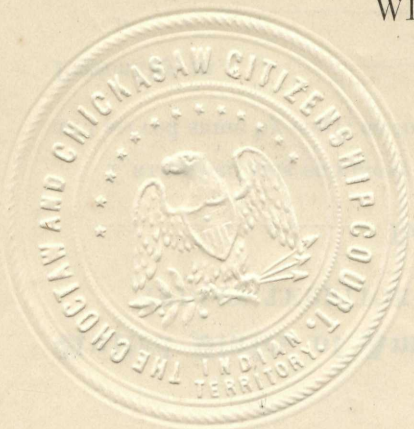
thereof, at _____, aforesaid,

this 18 day of March, A. D. 1903

Gas B. Bassada

Clerk.

By E. L. Berritt, Deputy.



is the daughter of Ellen L.
Davis, who lived at Workington,
Tenn. who was the daughter
of Mary Hester who lived in
Virginia who was the daughter
of Solomon Anderson who
lived in Miss " ^{Mary W. Whaley}
Application p. 1

Officiant of Mary W. Whaley " 2
" " W. E. Davis " 4
+

Application of John A. Davis " 8
" " Mitchell Nelson " 10
" " W. E. Davis " 11
" " J. E. Snider " 12
" " Jincy Richardson " 13

In Examining Mary W. Whaley,
take her own applications
at Tenn - Va &
other witnesses wherein
they state that they know

No 93. Mary W. Whaley

- + Mary W. Whaley
- + Mary Ellen Whaley, or Mary Whaley
- + Winnie Whaley
- + E. K. Whaley, or Earnest K. Whaley
- + Walter Whaley
- + Ruby Whaley, or Rubie Whaley
- + A. R. Whaley

Burnial Whaley

1 No. 93

MARY W. WHALEY, ET AL/

The applicants are Mary W. Whaley and her four children; John A. Davis, ^{his wife} M. L. Davis, and their three children. Julia E. Snider and her seven children.

The three principal applicants, Mary W. Whaley, John A. Davis, and Julia E. Snider are brothers and sisters. The applications state that they are the children of Ellen P. Davis who lived at Washington, Tenn. That the mother of Ellen P. Davis was Mary Hoser, who lived in Virginia, and who was the daughter of Solomon Anderson, who lived in Miss. and was a Choctaw Indian by blood. That the petitioners have been taught by their ancestors that they are an admixture of white and Choctaw blood. They have always been considered by their friends and acquaintances as being at least 1/8 Choctaw Indians by blood.

Applicants were rejected by the Dawes Commission. Appealed to the United States Court for the Central District. Referred to W. B. Rutherford, Special Master, who found for the plaintiffs, Mary W. Whaley and her children, and John A. Davis and his children; but did not mention Mrs. Snider and her children in his findings.

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AFFIDAVITS BEFORE THE DAWES COMMISSION.

MITCHELL NELSON says that he is 80 years old and lives in Blue County. He has known Mary W. Whaley for the past ten years; she was the daughter of Ellen P. Davis who was the daughter of Mary Houser, who was the daughter of Solomon Anderson which last was a full blood Choctaw Indian. Mary W. Whaley is recognized etc. Her complexion and appearance indicates, etc.

W. E. DAVIS says that he is 37 years old and lives in Blue County. Has known Mary W. Whaley for the last five years; knows that she is recognized, etc. Her complexion, appearance, etc., indicates, etc. She was the daughter of Ellen P. Davis who was the daughter of Mary Houser who was the daughter of Solomon Anderson. (Does not say how he knows this.)

MITCHELL NELSON makes the same affidavit for John A. Davis that he made for Mary W. Whaley.

SARAH A. WHITTLE says that she is a citizen of the Choctaw Nation, Blue County. That she is a relative by blood of the applicants; that their kinship is on the Indian side; that they are descendants from Solomon Anderson of Miss. who was a Choctaw Indian. Affiant says that she was admitted

to citizenship last Oct. (NOTE- Applicants have hired this woman who was admitted to swear that she is related to them.)

JINCY RICHARDSON says that she is 48 years old and lives in Blue County. Knows Mary W. Whaley and knows her to be the daughter of Ellen P. Davis who was the daughter of Mary Houser who was the daughter of Solomon Anderson who was a full blood Choctaw Indian. She is recognized, etc.

MARY W. WHALEY and her husband W.F. WHALEY say that they were married in Rhea County, Tenn. in Dec, 1865.

#####

DEPOSITIONS.

MARY W. WHALEY says that she is 48 years old and lives about 12 miles southeast of Durant. She was married to W.F. Whaley in 1865 in Rhea County Tenn. according to the laws of Tenn. In 1866 they came to the Ter. and located near Marietta. They stayed there about 18 months; then went to Texas. They came back to the Ter. in 1875, and located near Rock Springs. They lived there 2 years and then moved back to Texas. In 1890 they came back to the Ter. and located upon the farm they now own. Deponent was raised in Tenn. Gives her pedigree as it has already been given. Says that Solomon Anderson was her great grandfather and lived and died in Clark Co. Miss. He was a full blood Choct w. Deponent has two sisters who are now living in Texas.

W.F. WHALEY gives the same testimony as his wife.

There are one or two other witnesses such as Jennie Nelson John and Joseph Nelson, children of Mitchell Nelson, all standing witnesses

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CONCLUSION.

The Nations deny that there was any such person as Solomon Anderson. They deny that Solomon Anderson had any Choctaw blood.

They deny that he was an ancestor of the applicants.

The fact that part of the ancestors lived in Tenn., a part in Virginia, and a part in Miss. is not explained.

Nearly all of the witnesses are professional witnesses, and the others are applicants.

The application is a ~~mere~~ attempt to get through a claim in which there is not a particle of merit.

not appearing themselves is that they
knew their claim to be not well founded
and fear to submit themselves and their
witnesses to the ordeal of the witness
stand

Having utterly failed to sustain
their claim to the right to be
enrolled and to participate in the
distribution of tribal property their
application should be refused

Respectfully submitted

Atty for I & C Nations

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

Mary W. Whaley, et al.,

Plaintiffs,

vs.

Choctaw and Chickasaw Nations.

Defendants.

:
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:
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:
:

No. 93.

MEMORANDUM OF ARGUMENT FOR NATIONS.

Applicants have seen fit to submit their case on the record as made up before the Commission to the Five Civilized Tribes and the United States Court. This record consists of the usual collection of affidavits and depositions which bear on their face the evidence of their own falsity. Many of the witnesses who testified have appeared before this Court and more we have investigated and know to be living, and the only possible excuse applicants can have for not presenting them to the Court and for not appearing themselves, is that they know their claim to be not well founded, and fear to submit themselves and their witnesses to the ordeal of the witness stand.

Having utterly failed to sustain their claim to the right to be enrolled and to participation in the distribution of tribal property, their application should be refused.

Respectfully submitted,

.....
Attorneys for Choctaw and Chickasaw Nations.

In the Choctaw and Chickasaw Citizen-
ship Court. Sitting at South M^c -
Alester & A.

Mary W. Whaley et al

Plaintiffs

No 93

Choctaw and Chickasaw Nations

Defendants

Memorandum of Argument for Nations

Applicants have seen fit to submit their case on the record as made up before the Commission to the Five Civilized Tribes and the United States Court. This record consists of the usual collection of affidavits and depositions which bear on their face the evidence of their own falsity. Many of the witnesses who testified ~~are still~~ have appeared before this court and now we have investigated and know to be living and the only possible excuse applicants can have for not presenting them to the court and for

Mary W. Whaley, No 93.

Submit and ask for judgment on record.

No evidence offered by applicants.

Affidavits of Jennie Nelson, Joseph E. Nelson and John Holden appear in record. Call attention to testimony taken in cases of J. H. Demack, et al, No 17, as to Joe & Jennie Nelson, and Mary M. Harvey, et al, No 67, as to John Holden, bearing upon their credibility as witnesses.

There are also other five affidavits in the record.

Submitted

EP: 1000, 1000, 1000, 1000

EP: 1000, 1000, 1000, 1000

Feb 27

EP: 1000, 1000, 1000, 1000

EP: 1000, 1000, 1000, 1000

EP: 1000, 1000, 1000, 1000

EP: 1000, 1000, 1000, 1000

EP: 1000, 1000, 1000, 1000

MARSHAL'S RETURN.

United States of America,
INDIAN TERRITORY,

ss:

DISTRICT.

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

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

With a member of defendant's family over 15 years of age there residing.
And the other persons named in this Summons are "not found in this District."

U. S. Marshal.

By _____ Deputy

Duplicate

No. 93-m

SUMMONS
IN EQUITY.

many w w haley et al
vs.
choctaw + cheekaw nation

Summons issued the 18th day
of march, 190____ 3
Returnable instanten Term, 190____ 3

Returned and filed _____, 190____

Clerk.

By _____, Deputy.

MARSHAL'S FEES.

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

g & Ralls Atoka 25
Attorney for Plaintiff.

SUMMONS.

Duplicate

United States of America, }

INDIAN TERRITORY, }

SS:

Choctaw and Chickasaw Citizenship Court.

The President of the United States of America,

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

GREETING:

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

the ~~Choctaw~~ Chickasaw Nations

on behalf of said Nation,

to answer, in twenty days after the service of this summons upon him, as

Governor of said Nation,

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

in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, South McAlester

by Mary W Whaley et al and warn him that upon his failure to answer, the ~~xxx~~

as said Governor, on behalf of said Nation, the complaint will be taken for confessed, and you will make return of the summons ~~xxxxxx~~

~~xxxxxx~~ instanter.

and you are further commanded to notify said P.S. Mosley, Governor aforesaid, that the papers, files and proceedings in the case of

Mary W Whaley et al, File No. 66, in the District Court, for the Central District, of the Indian Territory, have been transferred to the Choctaw and Chickasaw Citizenship Court, and that the certificate of the Clerk of said Court for said 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 25, aforesaid,

this 18 day of March, A. D. 1903

gas B Leussan

Clerk.

By E D B Witt, Deputy.



My name is Sarah Whittle; my
post office is Utica; I am the wife
of John Whittle and I am a Choctaw
Indian by blood. I am the same
Sarah Whittle who made an
affidavit in the Whaley citizen-
ship case when it was originally
tried.

My maiden name was Harger
my mother was an Anderson and
~~at I had an aunt, my mother's sister, who~~
~~her mother's name was Davis,~~
married a Davis.

I first met the Whaleys in
the Indian Territory in 1894
and they claimed kinship with
me saying Mrs Whaley's maiden
name was Davis and that her
father was a cousin of mine and
that her grandmother was my
aunt above referred to who married Davis.

All of the facts that would con-
nect Mrs Whaley with the Davis fam-
ily ~~referred to above~~ so long as with which
I am connected happened so long
ago that I have no recollection
of them, any more than what Mrs
Whaley said.

At the time the affidavit re-
ferred to above ~~made~~ was given
me to sign I told them I could
not sign it as I did not know
whether or not Mrs Whaley was



Mary Whaley
case

Affidavit of Mrs
Sarah Whittle

really connected to the Davis family
as she claimed, but the Notary who
took the affidavit told me it
would be too much trouble to change
it and that I could make it to
the best of my knowledge and be-
lief and if any thing ever came
up about it he would testify
I had not claimed to know. The
Whaleys may be relatives of mine
but if so I don't know it.
The Notary who took my former af-
fidavit was Sam Barker of
Ubi. The Affidavit was already
prepared before we went to the
Notary. Sarah Whittle

Subscribed and sworn to before me this
7th day of April 1903.

W. H. Moore
Notary Public

My name is Joseph Nelson; ~~a full blood~~
am a $\frac{3}{4}$ blood Chectaw; born and
raised in Indian Territory, am 53 yrs
of age. I first knew Mrs Mary W. Whaley
after she came to the Indian Territory
in about 1892; Got acquainted with
John J Davis and A R. Whaley at
about the same time; I do not
know who their father or mother was;
was not acquainted with either of their
their parents; All I know about
their connection with the Anderson family
is from what the Whaleys have told
me, I know Ruben Anderson, and his
sons William, Wesley, John and per
haps others, Ruben's father was a
white ^{named John} man, and died in Mississippi as
~~I have been told by my father~~
I also knew a man named Solomon
Anderson who was a brother of Ruben
I never knew ^{anyone} by the name of Homer
I never knew a woman named Ellen
P. Davis

Joseph E Nelson

Subscribed and sworn to before me this March 31
1903,

W. H. McLean
Notary Public

2nd.-- In the case of MARY W. WHALEY, under date of July 13th., 1897, witness testifies:

Am 40 years old. Am acquainted with Mary W. Whaley, John A. Davis, and A. R. Whaley. I am an enrolled citizen of the Choctaw Nation. Was enrolled by the Choctaw Council. I am about three quarters Indian blood and one quarter white. Am acquainted with the Anderson family of Choctaw Indians; decendents of Solomon Anderson, who was a full blood Mississippi Choctaw. I have talked with his son, Reuben, the grand father of Robertson Anderson, who testified in this Court and was a member of the Choctaw Council and who is now dead. He had several brothers and sisters. One of his sisters was named Mary and she married a man by the name of Houser, but dont remember his christian name, but think it was Samuel. I am acquainted with Ellen P. Davis, the mother of Mary W. Whaley. Said Ellen P. Whaley is the daughter of Mary Houser.

South McAlester, Ind. Ter., March 21st., 1903.

In the matter of JOSEPH NELSON, of Roberta, Ind. Ter.,
standing witness.

LETTER OF INSTRUCTIONS TO

The above named, JOSEPH NELSON, is a son of Mitchell Nelson, who was a standing witness in many of these cases, and is himself a witness in three (3) cases now pending. You will see him in regard to his knowledge of the facts, and report the result of the same back to this office.

A short statement of his testimony in each of the cases in which he figures, follows:

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

Mary W. Whaley ET AL., Plaintiffs,)
-vs-) Number
CHOCTAW NATION AND CHICKASAW NATION,)
Defendants.)

APPLICATION FOR TRANSFER OF CITIZENSHIP CASE.

Come now your petitioners *Mary W. Whaley, Mary Ellen Whaley, Winnie Whaley, E. K. Whaley, Nellie Whaley, Ruby Whaley, A. R. Whaley, Burnell Whaley,*

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 the Choctaw Nation appeared and filed its answer to said petition, and thereafterwards, to-wit: on the 2nd day of December, 1896, said Commission rendered a decision 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 66, came on to be heard in said court, and upon a hearing, said court rendered a

judgment declaring your petitioners to be entitled to be enrolled as members of the Choctaw Tribe of Indians; that said judgment remained in full force and effect, and from said judgment no appeal was taken.

WHEREFORE, your petitioners pray that said cause be transferred 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.

_____, 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.

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

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
Mary W. Whaley 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 *Mary W. Whaley*, et al., a copy of which application is hereto
attached.

J. H. Ralls.
Attorney for Applicants.

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

MARY W. WHALEY, 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 to require the plaintiffs to make their appli-
cation, 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 the right to be admit-
ted and enrolled as citizens of the Choctaw Nation, com-
plied with the XIV Article 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 Terri-
tory, with the Choctaw Indians residing in the State of
Mississippi, old Choctaw Nation, in accordance with
Article III of the Treaty of 1830, and if so the name or
names of the person or persons so emigrating.

THE CHOCTAW NATION
THE 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.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT,
SITTING AT SOUTH McALESTER.
NOVEMBER TERM 1903.
No. 93.

MARY W. WHALEY, ET AL.,
vs
CHOCTAW AND CHICKASAW NATIONS.

DEMURRER.

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,
ss.
CENTRAL DISTRICT.

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.

Mary W. Whaley, et al,

--vs--

No. 93.

The Choctaw and Chickasaw Nations.

--o--

J. G. Ralls, Attorney for Plaintiffs.

Mansfield, McMurray & Cornish, for Defendants.

--o--

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

NOVEMBER 25, 1903. This day this cause coming on to be heard, both Plaintiffs and Defendants, being represented

by Counsel, the following proceedings were had, to-wit:

JUDGE ADAMS: Are you Ready.
Mr. Ralls.

No sir. I have not heard from them. Mr. Whaley who had charge of the case was killed last summer and his oldest boy was the same as killed, one arm shot off. I do not know why I have not heard from them. They have farmed there and have lived there for some time. They have relatives at Gainesville, and I understood that those relatives would arrange to help pay the fee. I unders and they have not paid Judge Foster anything. They have not paid me, but that does not stop me. The family is in rather bad condition down there, and think they do not know just what they ought to do about the matter. I was not in the case before the Dawes Commission or before the Court. I am not in a condition to make a motion for a continuance.

JUDGE ADAMS:

We will mark the case closed to be considered on the record. If they come in afterwards, we will consider a motion to reopen.

In the Choctaw and Chickasaw Citizenship Court,

Sitting at South Mc Alester, I.T., February 27, 1904.

--o--

Mary W. Whaley, et al,

--vs--

No. 93.

The Choctaw and Chickasaw Nations,

--o--

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

Mr. Cornish;

In this case we ask for a judgment upon the record; no testimony has been offered by the applicants bearing upon the essential issues in the case, or any other issues.

Mr. Ralls.

We stand upon the record.

Judge Adams;

The case will be marked submitted.

--o--

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

March Term, 1904.

Mary W. Whaley, et al.,

vs.

Choctaw and Chickasaw Nations.

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:
:
:
:

No. 93.

DECREE OF COURT.

On this 21st day of March, 1904, this cause coming ^{on} for final decision, the same having heretofore been submitted upon the law and the evidence, and the Court being well and sufficiently advised in the premises, doth find that the plaintiffs Mary W. Whaley, Mary Ellen Whaley or May Whaley, Winnie Whaley, E. K. Whaley or Earnest K. Whaley, Walter Whaley, Ruby Whaley or Rubie Whaley, and A. R. Whaley, 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 petitioner Burneal Whaley.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition of the plaintiffs Mary W. Whaley, Mary Ellen Whaley or May Whaley, Winnie Whaley, E. K. Whaley or Earnest K. Whaley, Walter Whaley, Ruby Whaley or Rubie Whaley, and A. R. Whaley, 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 petitioner Burneal Whaley, the Court having no jurisdiction,

the petition is dismissed.

.....
Chief Judge.

.....
Associate Judge.

.....
Associate Judge.

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

MARY W. WHALEY, ET AL.,

VS.

NO. 93.

CHOCTAW AND CHICKASAW NATIONS.

STATEMENT OF FACTS AND OPINION

BY ADAMS, CHIEF JUDGE.

On the 13th day of March, 1903, the plaintiffs Mary W. Whaley, Mary Ellen Whaley, Winnie Whaley, E. K. Whaley, Walter Whaley, Ruby Whaley, A. R. Whaley and Burneal Whaley, filed a petition in this Court, in which they allege that they are Choctaw Indians by blood, and as such entitled to citizenship and enrollment, and ask that their case be transferred to this Court where a trial of their cause may be had.

In 1896 the Commission to the Five Civilized Tribes denied the plaintiffs citizenship and enrollment, and in 1897 the plaintiffs, as well as several other persons who seem not to have appealed their case to this Court, were admitted to citizenship and enrollment as Choctaw Indians by the United States Court for the Central District of the Indian Territory.

When the case came on to be heard in this Court on the 25th day of November, 1903, the plaintiffs' attorney offered no oral evidence, but did offer as evidence a lot of ex parte affidavits, with no proof whatever as to whether the persons making such affidavits were dead or beyond the limits of the Territory; and as far as this Court is able to determine from the record, the witnesses may still be living.

There is no competent evidence in this case which tends to support the allegations contained in the petition of plaintiffs, that they or either of them are Choctaw Indians or any other kind of Indians.

I am, therefore, of the opinion that the plaintiffs are not entitled to citizenship and enrollment as Choctaw Indians, and a judgment will be entered by this Court in accordance with this opinion.

(Signed) Spencer B. Adams
Chief Judge.

We concur:

(Signed) Walter L. Weaver
Associate Judge.

(Signed) Henry S. Foote
Associate Judge.

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Application for Choctaw Citizenship.

To the Honorable Dawes Commission.

Vinita Ind. ^{Ter.}

The undersigned respectfully petition and _____ your honorable body for readmission to the rights and privileges of citizenship in the Choctaw Nation and under the treaties and laws of said Nation as was formerly held and enjoyed by her ancestors your petitioner states that her immediate family consist of the following named persons for whom she asks the privilege of citizenship with petitioner to wit:

Full name of applicant	age	Occupation	Postoffice.
Mary W. Whaley	45	Farmer	Utica, I.T.
A.R. Whaley	22		
E.K. Whaley	12		
M.E. Whaley	7		
A.R. Whaley	3		

Your petitioner further states as grounds for asking readmission to Choctaw citizenship that she is the daughter of Ellen P. Davis who lived at washington Tenn who was the daughter of Mary Hoser who lived in Virginia who was the daughter of Solomon Anderson who lived in Mississippi who was a Choctaw Indian by blood and a member of the tribe That the petitioner has been taught by her ancestors and relations that she is an admixture of white and Choctaw Indian blood and has always been recognized and considered by the intimate friends and acquaintances of the family and that she is at least one 8th Choctaw blood.

Petitioner also files herewith affidavits of persons acquainted with her family and its history to show that petitioner is a blood descendant of the Choctaw tribe of Indians and as such is entitled to be admitted to the rights of citizenship in the Choctaw Nation very respectfully submitted,

Mary W. Whaley.

Indian Nation
County of Blue

On this the 8th day of June 1894 personally appeared before me the undersigned a Notary Public within and for the County and Territory aforesaid Mary W. Whaley who after being duly sworn by me says that the statement set forth in the foregoing petition and memorial for Choctaw citizenship are true as she verily believes. And I do certify that I am personally acquainted with Mary W. Whaley and know she is a credible person and that I have no interest directly or indirectly in the prosecution of the claim of Mary W. Whaley for Choctaw Indian citizenship and I am not related to said Mary W. Whaley by blood or marriage.

Affidavit of witness

In the matter of the petition and memorial of Mary W. Whaley for admission to citizenship in the Choctaw Nation, Indian Territory of Blue.

Before me the undersigned a Notary Public in and for the County and Territory aforesaid personally appeared Mitchell Nelson who after being by me duly sworn states that he is 80 years of age and a resident of the Indian Territory and County of Blue, Choctaw Nation and that he is personally acquainted with Mary W. Whaley who is an applicant for citizenship in the Choctaw Nation affiant further states that the said Mary W. Whaley is the daughter of Elen P. Davis who is the daughter of Mary Houser who is the daughter of Solomon Andersen and was a full blood Choctaw.

Affiant further states that he has known the said Mary W. Whaley for the past 10 years and knows that she has been and is recognized by her neighbors acquaintances and the public generally as a having Choctaw Indian blood and that the complexion and physical appearance of the said Mary W. Whaley indicates that she is of Indian blood and descent. Affiant further says that from the above facts and circumstances and from what he has heard and knows of the fam-

ily of the said Mary W. Whaley he believes the said Mary W. Whaley to be a descendant by blood of the Choctaw Indian tribe.

Affiant further states that he had no interest whatever in the prosecution of the claims for citizenship of the said Mary W. Whaley.

Mitchell Nelson.

Subscribed and sworn to before me this 7 day of Jun 1894 and I further certify that I am well acquainted with the said Mitchell Nelson and know him to be a credible person.

H. J. Robinson

(SEAL)

Notary Public.

Affidavit of witness.

Choctaw Nation
Blue County

Before me the undersigned a Notary Public in and for the county and territory aforesaid personally appeared W.E. Davis who after being duly sworn states that he is 27 years of age and a citizen of Blue County Choctaw Nation and that he is personally acquainted with Mary W. Whaley who is an applicant for citizenship in the Choctaw Nation and affiant further states that the said Mary W. Whaley is the identical person she represents herself to be in the application for citizenship in said Nation and that the said Mary W. Whaley is the daughter of Ellen P. Davis who is the daughter of Mary Houser who is the daughter of Solomon Anderson who was a full blood Choctaw Indian. Affiant further states that he knows the said Mary W. Whaley for the past 5 years and knows that she has been recognized and treated by her neighbors acquaintances and the public generally as a person having Choctaw Indian blood. and that the complexion physical appearance language and manners of the said Mary W. Whaley is of Indian blood that from the above facts and circumstances and from the statements to me by the said Mary W. Whaley----affiant further states he has every reason to believe and does believe that the said Mary W. Whaley of Choctaw Indian blood affiant further states that he has no interest whatever in the prosecution of the claim of the said Mary W. Whaley to citizenship in the Choctaw Nation I T and that he is not related by blood or marriage to the said Mary W. Whaley.

W.E. Davis

Subscribed and sworn to before me this 14 day of July A.D. 1894 and I further certify that I am well acquainted with the said W.C. Davis and know him to be a person of credibility and of truth and veracity.

(SEAL)

H.M. Roberson

Notary Public.

Given under my hand and seal the day and date first above written.

H.J. Roberson
Notary Public.

I hereby certify that the above and foregoing is a true and correct copy of the original petition for citizenship of Mary W. Whaley now on file in my office.

Given under my hand and Great seal of the Choctaw Nation at Tuskhahoma this the 15th day of October A.D. 1894.

J.B. Jackson
National Sec'y.

(SEAL)

Choctaw Nation.

I the undersigned a Notary Public do hereby certify that I am well acquainted with E.F. Whaley and Mary W. Whaley and know them to be honorable citizens of Blue County Choctaw Nation and I further state that I am acquainted with the witness that accompany their application for citizenship to wit Mitchell Nelson W.C. Davis Jinsey Richerson and Sarah Whittee and I know them to be honorable and truthful people whose veracity has never been questioned.

W.A. Durant
Notary Public.

Central Judicial District
Indian Territory.

Affadavit of witness.

Before me the undersigned a Notary Public in and for the Central
Judicial
District of the Indian Territory personally appeared Mary W.

Whaley and Eliza J. Pearce who after being by me duly sworn
states that they are sisters of Julia E. Snider whose applica-
tion accompanys this for enrollment for citizenship in the Choc-
taw Nation Ind. Ter. and that the said Julia E. Snider claims
citizenship under the same chain of evidence as Mary W. Whaley and
J.A. Davis and request that her application be placed in con-
nection the said Mary W. Whaley & J.A. Davis.

Mary W. Whaley

Eliza J. Pearce.

Subscribed and sworn to before me this the 14 day of August 1896.

W.A. Drant.

(SEAL)

Notary Public.

Application for Choctaw Citizenship.

To the Honorable Dawes Commission.

Vinita, Ind. Ter.

The undersigned respectfully petition and memorialize your honorable body for re-admission to the rights and privileges of citizenship in the Choctaw Nation, under the treaties and laws of said Nation, as was formerly held and enjoyed by his ancestors. Your petitioners states that his immediate family consists of the following named persons, for whom he asks the privileges of citizenship, to wit:

Full name of applicant	age	occupation	post O. address
John A. ^u _n Davis	31	Farmer	Utica, I.T.
M.L. Davis wife name			
names of children			
S.H. ^u _n Davis	8		
W.B. Davis	6		
F.P. Davis	3.		

Your petitioner further states as grounds for asking readmission to Choctaw Cⁱizenship; that he is the son of Ellen P. Davis who lived at Washington Tenn. who was the daughter of Mary H^uuser, who lived in Virginia, who was the daughter of Solomon Anderson, who lived in Mississippi, and who was a C^hctaw Indian by blood and a member of the tribe.

That the petitioner has been taught by his ancestors and relatives that he is an admixture of white and Choctaw Indian blood and has always been considered by the intimate friends and acquaintances of the family, and that he is at least one 8th C^hoctaw blood.

Petitioner also files herewith affidavits of persons acquainted with his family and its history, to show that petitioner is a blood descendant of the Choctaw tribe of Indians and as such is entitled to be admitted to the rights of citizenship in the

Very respectfully submitted,

Choctaw Nation

Indian Ty.

County of Blue, C.N.

On this 8th day of June 1894 personally appeared before me the undersigned a Notary public within and for the County and Territory aforesaid John A. Davis who after being duly sworn by me says: That the statements set forth in the foregoing petition and memorial for Choctaw Citizenship are true, as he verily believes and I do certify that I am personally acquainted with John A. Davis and know he is a credible person and that I have no interest, directly or indirectly, in the prosecution of the claim of John A. Davis, for Choctaw Indian citizenship and I am not related to the said Davis by blood or marriage.

Given under my hand and seal the day and date last above written.

(signed) H.J. Robinson

(L.S.)

Notary Public.

Affadavit of witness.

In the matter of petition and Memorial of John A. Davis, for admission to citizenship in the Indian Territory, Choctaw Nation.

Indian Territory

County of Blue, C.N.

Before me, the undersigned, a Notary Public, in and for the County and State aforesaid, personally appeared Litchell Nelson who after being being by me duly sworn states: That he is 80 years of age and a resident of the Indian Territory and County of Blue, Choctaw Nation, and that he is personally acquainted with John A. ^uDavis, who is an applicant for citizenship in the Choctaw Nation. Affiant further states:

(Here set out all that witness knows about claimants family and ancestors of Choctaw blood)

That John A. Davis is a son of Ellen P. ^{Tenn}Davis who was a daughter of Mary H^user ^{va} who was a daughter of Solomon [^]Anderson, who was a full blood Choctaw.

Affiant further states: That he has known the said John A. ^uDavis for the past _____ years, and knows that he has been and is recognised by his neighbors, acquaintances and the public generally as having Choctaw ^TIndian blood, and that the complexion and physical appearance of the said John A. ^uDavis, indicate that he is of Indian blood and de scent, affaint says that from the above facts and circumstances and from he has heard and knows of the family of the said John A. ^uDavis he believes the said John A. ^uDavis to be a descendant by blood of the Choctaw ^TIndian tribe. Affiant further states that he has no interest wh atever in the prosecution of the claim for citizenship of the said John A. ^uDavis.

(signed)

his
Mitchell X Nelson
mark

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subscribed and sworn to before me this 8th day of June 1894, and I further certify that I am well acquainted with the said Mitchell Nelson and know him to be a credible person.

Affadavit of Witness.

In the matter of the petition and memorial of John A. and William B. Davis for admission to citizenship in the Choctaw Nation.

Choctaw Nation
County of Blue ss.

Before me, the undersigned, a Notary Public, in and for the county and State aforesaid, personally appeared W.C. Davis who, after being by me duly sworn states: That he is 27 years of age and a resident of the Choctaw Nation and County of Blue, and that he is personally acquainted with John A. and Wm. B. Davis who are applicants for citizenship in the Choctaw Nation.

Affiant further states:

(Here set out all that witness knows about claimants family and ancestors of Choctaw blood.)

That the said John A. and Wm. B. Davis are brothers, That they are the sons of Ellen P. Davis, who is the daughter of Mary Houser, who is a daughter of Solomon Aderson, who was a full blood Choctaw Indian.

Affiant further states: That he has known the said John A. and Wm. B. Davis for the past _____ years, and knows that they have been and are recognized by their neighbors, acquaintances and the public generally, as having Choctaw Indian blood, and that the complexion and physical appearance of the said John A. and Wm. B. Davis, indicate that they are of Indian blood and descent, affiant says that from the above facts and circumstances, and from what he has heard and knows of the family of the said applicants, he believes the said John A. and Wm. B. Davis to be a descendant by blood, of the Choctaw Indian tribe.

Affiant further states: that he has no interest in the prosecution of the claim for citizenship of the said John A. and Wm. B. Davis.

Subscribed and sworn to before me this 14th day of July 1894- and
I further certify that I am well acquainted with the said W.C.
Davis, and knowhim to be a credible person.

(signed)
H.J. Robinson.

(SEAL)

N^otary Public.

To the Honorable Dawes Commission.

Vinita, Ind. ^{Ter.}

Affidavit of witness.

Before me the undersigned a Notary Public in and for the County of Archer Texas personally appeared Julia E. Snider who after being by me duly sworn states that she is a sister of Mary W Whaley & J.A. Davis whose application for citizenship in the Choctaw Nation is now on file with the Dawes Commission at Vinita Ind. Ter. Affiant further states that immediate family consist of the following named persons for which she asks admission to citizenship. to wit:

Names	Age	Occupation.
Henry Waker	19	
Ritta Ellen Snider	16	
Gallie Leona Snider	13	
Charles Robertson Snider	10	
Jesse Mayfield Hill Snider	7	
Cleo Snider	4	
William Alfred Snider.	5 mos.	

Affiant further states that she is the daughter of Ellen P. Davis who was the daughter of Mary Houseer who was the daughter of Solomon Anderson who was a Choctaw Indian of Mississippi Affiant further states that P.F. Snider is her husband that she was married in the state of Texas in the year of 1875.

J.E. Snider

Sworn to and subscribed before me by Julia E. Snider on this 10th day of August A.D. 1896.

T.H. Marberry

Notary Public in & for
Archer County Texas.

(SEAL)

Affidavit of witness.

In the matter of the petition and memorial of Mary W. Whaley & J.A. Davis for admission to citizenship in the Choctaw Nation Indian Territory County of Blew Before me the undersigned a Notary Public in and for the Southern Judicial District Indian Territory personally appeared Sarah A. Mitchell who after being by me duly sworn states that he is a citizen of the Choctaw Nation, County of Blew. Affiant further states that she is a blood relative relative of the said Mary W. Whaley and J.A. Davis and that the blood comes from the Indian side that we are descendants from Glomon Anderson of Mississippi who was a Choctaw Indian and affiant further states that she was admitted to citizenship last October.

Sarah A. Whittle.

Subscribed and sworn to before me as Notary Public in and for the third Judicial Division of the Indian Nation this August the 1st 1896.

(SEAL)

T.S. Barker N.P.

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Affadavit of witness.

In the matter of the petition and memorials of Mary W. Whaley and J.A. Davis for admittance to citizenship in the Choctaw Nation Indian Territory before me the undersigned Notary Public in and for the aforesaid Territory personally appeared Mary W. Whaley and J.A. Davis who after being duly sworn states that they are brother and sister and that the evidence furnished herewith to establish their right in the said Territory is true.

J.A. Davis.

Mary W. Whaley

Subscribed and sworn to before me a Notary Public in and for the 3 Judicial District of the Indian Territory this the 1st day of August 1896.

(SEAL)

T.S. Barker
N.P.

Affadavit of witness.

In the matter of the petition and memorel of Mary W. Whaley for application to citizenship in the Choctaw Nation Ind. Ter. County of Blue.

Before me the undersigned a Notary Public in and for the Central Judicial District and Indian Territory aforesaid personally appeared Jincy Ritherson who after being by me duly sworn states

that she is 48 years old and a citizen of the Choctaw Nation County of Blue and that she is personally acquainted with Mary W. Whaley who is an applicant for citizenship in the Choctaw Nation Affiant further states that the said Mary W. Whaley is the daughter of Elen P Davis who is the daughter of Mary Hosher who is the daughter of Blomon Anderson who was a Choctaw Indian.

Affiant further states that she knows the said Mary W. Whaley has been and is recognized by her neighbors, acquaintances and the public generally as having Choctaw Indian blood and that the complexion and fisical aperance of the said Mary W. Whaley indicate that she is of Indian blood and descent.

Affiant states that from the above facts and circumstances and from what she has heard and known of the family of the said Mary W. Whaley to be a descendant by blood of the Choctaw Indian tribe. Affiant further states that she has no interest in the prosecution whatever of the claim for citizenship in the said Mary W. Whaley.

Jincy Richardson

Subscribed and sworn to before me this the 25th dg of July 1896.

W.A. Durant

(SEAL)

Notary Public.

To the Honorable Lawes Commission

Vinita Ind Ter.

Affadavit of witness and application for citizenship, in the
Choctaw Nation Ind. Ter.

Before me the undersigned a Notary Public in and for the Central
Judicial District of Ind. Ter. personally appeared Mary W. Whaley
and W.F. Whaley who being by me duly sworn states that they are
husband and wife that they were married in the holy banns of
matrimony on the 21 day of Dec. A.D. 1865 in Rhea County Tennessee
Affiant further states that they have grand-children and a daugh-
ter in law that were not places on the original application for
citizenship in the Choctaw Nation Ind. Ter. the same is as
follows Hatty Whaley age 24 wife of A R Whaley who is the son of
Mary W Whaley & W.F. Whaley and their children Winey Whaley age 3
years Walter Whaley age 18 months for which we ask their names to
be placed on the roll as citizens of the Choctaw Nation Ind Ter.
and that W.F. Whaley be admitted as he is the husband of Mary
W. Whaley.

Mary W. Whaley

(SEAL)

W.F. Whaley.

In the United ^States Dist. Court

Cent. Jud. Dist. Ind. Ter.

John A. Davis et al

Mary W. Whaley et al,

A.R. Whaley et al-----appellants.

V.-----^{TI}P E T I O N.

Choctaw ⁿation.

For petition and grounds of appeal the appellants state:
Henry Davis That the appellants Mary W. Whaley and J.A. ^uDavis
are each one fourth Choctaw Indian by blood being son and daughter
of one _____ That appellant A.R. Whaley is a one fourth ⁿChoctaw
Indian by blood being the son of appellant Mary W. Whaley, that
each of the above petitioners are over the age of 21 years and
were at the time of presenting their petition to the Dawes Com-
mission hereinafter mentioned.

That the said Mary W. Whaley is the mother of the following
children to wit:

The appellant A.R. Whaley and E.K. Whaley and Mary Whaley the last
two being minors.

That appellant J.A. Davis is the father of the following chil-
dren to wit: Samuel William and Frank all of whom are minors.

That the said A.R. Whaley is the father of Winnie, Walter and
Dollie all of whom are minors.

That on the ____ day of ____ 1896 the appellants presented their
petition to the ^uDawes Commission and gave notice to the appellee
as required by law. that they presented in support of their
application for citizenship to said commission the evidence of
Mitchell Nelson, Mrs. Richardson, W.C. Davis and Sarah A. Whittle
That upon the hearing of said petition, the said commission over-
ruled and denied their said rights to citizenship in said

Choctaw ⁿation. That appellants are informed and believe and charge

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the facts to be the said petition was denied on the alleged ground that the evidence so presented was not sufficient to warrant a finding in their favor.

They therefore say that said decisions so made and the order denying their said petition was contrary to law and evidence and pray the decree of their court, that said ^uJames ^cCommission and the appellee be required to produce in court all evidence, papers documents and orders made, had or entered in said case, or a certified transcript thereof, and that upon the final hearing of this cause they be declared citizens of the Choctaw Nation and enrolled as such and for all proper orders and decrees and equitable relief.

Horton & Castleberry

Sols. for appellants.

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C. H. Castleberry
J. H. Horton
Attorneys

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

-----o-----
Mary W. W^haley et al-----plaintiff.

vs-----A N S W E R.

The C^hoctaw Nation-----defendant.
-----o-----

Comes now the Choctaw ^Nation, by its attorneys, and for
answer to the petition for appeal filed by the plaintiff herein,
says,

That it is not true that the applicants are entitled to
citizenship in the Choctaw ^Nation. And that it is not true that
the Dawes Commission erred as alleged in said petition.

Further answering the Choctaw Nation says that it has here-
tofore filed its answer to the application of this plaintiff
before the Dawes Commission, which said answer is hereby referred to,
and made part hereof, and having fully answered, appellee ~~forthwith~~
prays that the judgment of the Dawes Commission be in all things
affirmed.

Wm. M. Gravens

Stuart, Gordon & Hailey.

Attorneys for the Choctaw Nation.

In United States Dist Court cent. Jud. Dist. Ind. Ter.

John A. Davis et al

Mary W. Whaley et al (Com. No. 323)

A. R. Whaley et al-----Appellants.

V.-----Petition.

Choctaw Nation-----Appellee.

For petition and grounds of appeal the appellants state:
Henry Davis That the appellants Mary W. Whaley and J.A. Davis
are each one fourth Choctaw Indian by blood, being son and
daughter of one_____. That appellant A.R. Whaley is one fourth
Choctaw Indian by blood, being the son of appellant Mary W. Whaley
That each of the above petitioners are over the age of 21 years and
were at the time of presenting their petition to the Dawes
Commission hereinafter mentioned.

That the said Mary W. Whaley is the mother of the following
children, to wit: The appellant A.R. Whaley and E.K. Whaley and
Mary Whaley, the last two living minors.

That appellant J.A. Davis is the father of the following children
to wit: Samuel William, William and Frank all of whom are minors
That on the____ day of____ 1896 the applicants presented their
petition to the Dawes Commission and gave notice to the appellee
and required by law. That they presented in support of their
application for citizenship to said Commission the evidence of
Mitchell Nelson Mrs. Richardson W.W. Davis and Sarah A. Wittie.
That upon the followingxxx hearing of said petition, the said
Commission overruled and denied their said right to citizenship
in said Choctaw Nation.

That appellants are informed and believe and charge the
facts to be that said petitions was denied on the alleged ground
that the evidence so presented was not sufficient to warrant a
finding in their favor.

They therefore sayd that said decision so made and the order denying their said petition was contrary to law and evidence and pray the decree of this court, that said paves Commission and the appellee be required to produce in Court all evidence, papers, documents and orders made, had or entered in said case, or a certified transcript thereof, and that upon the final hearing of this cause they be declared citizens of the Chectaw Nation and enrolled as such and for all equitable relief.

Herton & Castleberry

Sols/ for Appellants.

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

-----o-----

Mary W. Whaley et al-----Plaintiff.

vs-----A N S W E R.

The Choctaw Nation-----Defendant.

-----o-----

Comes now the Choctaw Nation, by its attorneys, and for answer to the petition for appeal filed by the plaintiff herein, says,

That it is not true that applicants are entitled to citizenship in the Choctaw Nation. And that it is not true that the Dawes Commission erred as alleged in said petition.

Further answering, the Choctaw Nation says that it has heretofore filed its answer to the application of this plaintiff before the Dawes Commission, which said answer is hereby referred to and made part hereof, and having fully answered, appellee prays that the judgment of the Dawes Commission be in all things affirmed.

Wm. M. Gravens

Stuart, Gordon and Hailey

Attorneys for the Choctaw Nation.

In the United States District Court

Central Judicial Dist. ¹/₂nd. ter.

Mary W. Whaley et al.-----appellants

vs Notice to take depositions.

Choctaw Nation-----Appellee.

To the Choctaw Nation. The above named appellee. You are hereby notified that depositions of witness are to be taken and read as evidence on the part of the appellants in the above entiyled cause

(The remainder of this sheet is destroyed)

L.

Indian Ter.

Central Jud. Dist.

Before me W.L. Poole a Notary Public in and for Central Judicial Dist. Ind. Ter. this day personally appeared Charles M. Clark, who being duly sworn, deposes and says:

That true and exact copies of all papers filed with the Dawes Commission, in the claims of Mary W. Whaley & J.A. Davis, W.F. Whaley Eliza J. Pearce & S.W. Pearce and Julia E. Sider for citizenship in the Choctaw Nation Ind. Ter. have this 25th day of August 1896, been mailed to Governor Gardner at Hagletown I.T. in Reg. letter No. Forty four. The papers mentioned are specified as follows :

Application of John A. Davis, with affidavits of Mitchell Nelson and W.C. Davis and certificate of J.B. Jackson Sec. C.N. Application of Mary W. Whaley with certificate of J.B. Jackson not Sec. C.N. and affidavits of Mitchell Nelson and W. C. Davis and certificate of W.A. Durant, N.P.

Affidavits of Sarah A. Whittle, and affidavits of J.A. Davis and Mary W. Whaley (jointly) affidavit of Wiley Richardson and joint affidavit of Mary W. Whaley and Eliza J. Pearce, affidavit of Mary W. Whaley, as to her being sister E.J. Pearce, affidavit of J.A. Davis as to E.J. Pearce being his sister. joint affidavit of S.W. Pearce and Eliza J. Pearce, also application and affidavit of Julia E. Sider.

C.M. Clark

Subscribed and sworn to before me this 25th day of August 1896.

W.L. Poole

(SEAL)

N.P.

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

Mary W. Whaley et al-----appellants

vs-----Notice to take depositions.

Choctaw Nation-----appellee.

To the Choctaw Nation the above named Appellee.

You are hereby notified that deposition of witnesses to be read in evidence on the part of the appellants in the above entitled cause will be taken at the office of J.P. Hasey a Notary Public in town of Utica in Blue County, Central Judicial District, Choctaw Nation, Indian Territory on the 13th day of July 1897, between the hours of 8 o'clock in the forenoon and 6 o'clock in the afternoon and that the taking of said deposition, if not completed on that day will be continued from day to day at the same place and between the same hours until completed.

Mary W. Whaley et al

By Horton & Castleberry and

Wilkinson & Wilkinson.

Their Attorneys.

P.S. Utica is about 12 miles south of west from Durant Ind. Ter.

Central Judicial District

Indian Territory

This is to certify that I have this day 9th day of July 1897, duly served the within notice by delivering a true copy thereof to James Gordon, a member of the firm of Stewart Gordon and Hailey, Attorneys for the Choctaw Nation and stating the substance thereof to him at Durant I.T.

Jas. Harborough
U.S. Constable.

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

Mary W. Whaley et al.-----appellants.

vs-----CAPTION.

The Choctaw Nation-----appellee.

The depositions of Mary W. Whaley, Caroline Whittle, Marion Whittle, Robinson Anderson, Joseph E. Nelson, John E. Nelson, W.F. Whaley and John Holden were taken on the 13th day of July 1897, between the hours of 8 o'clock A.M. and 6 o'clock P.M. at the office of J.P. Hasey a Notary Public, in the town of Utica Blue County, Central Judicial District, Indian Territory, to be read in evidence in an action now pending in the United States District Court at Guthrie, wherein Mary W. Whaley and her children, John A. Davis and his children, A.R. Whaley and his children appealed in the name of Mary W. Whaley et al. are appellants and The Choctaw Nation is appellee.

Mary W. Whaley being duly sworn deposes and says. My name is Mary W. Whaley, I am forty eight years old, I live about twelve miles S.E. of Durant I.T. I was married to Wilbur F. Whaley Dec. 20, 1865 in Ray Co. Tennessee, our marriage was celebrated according to the laws of Tennessee, being a descendant of Choctaw Indian ancestors and desiring to avail myself of my rights in the Indian Territory we came in 1866 to the Indian Territory, and located near where the town of Marietta in the Chickasaw Nation now is and remained there about eighteen months there were but few settlers at that time in that country, and the Comanche and Kiowa Indians made so many raids and committed so many depredations that we were afraid to stay and went to the settlements in Tex. In 1875 we again came back to the Ind. Terr. and located at Rock Springs Chickasaw Nation. We staid there about two years and my health failed to such an extent that under the advise of my doctors we moved back to Tex. In 1890 we came back to the Ind. Terr. and located on the farm we now own and upon which we have made improvements to the amount of about twelve hundred dollars. I was raised in Tennessee. I am a sister to John A. Davis who is an applicant for citizenship with me, I remember my mother well. We left her in Tennessee when we moved out here in 1866. She was the daughter of Mary Houser by her husband Samuel Houser, Mary Housers maiden name was Anderson being the daughter of Samuel Anderson who according to our family history was a Choctaw Indian of the full blood and lived and died in Clark Co. Mississippi John A. Davis and I are the only ones of my mothers children who have undertaken to establish their citizenship here so far as I know, except two sisters who applied with us & live in Texas, John A. Davis is now living near Marietta, in the Chickasaw Nation. He has been living in the Choctaw and Chickasaw Nation continuously for about 10 years. He is married man and the father of four children

the names and ages are as follows. Samuel 10 years old, William about 8- Frank 5--Pearl 1 year old . his wife's name is Mary I am the mother of the appellant A.R. Whaley. ^{He} is 25 years old is married and the father of the following children. Winnie 5 years Walter 3 years and Rubie 9 monthsold. ^{He} has been living here since 1890 and assisted in putting in a part of our place and owns a small tract of his own adjoining us. ^I don't remember to have seen any of my mother's A^unts but do remember her having told me of them and especially of her telling me of her Aunt Clara Anderson & also her uncle Robt. or Ruben Anderson who were the son & daughter of Solomon Anderson above mentioned. This Clara Anderson I am informed by mother married John B. Harger. ^{They} lived in Mississippi and are the father and mother of Mrs. ^Sarah Whittle who is an enrolled citizen of the Choctaw Nation, and also of Catharine Whittle who is recognized by the local Indian authorities of Blue Co. These two sisters Sarah & Catharine Harger married John & Marion Whittle who are brothers.

I am the mother of the following children issue of my marriage with Wilbur F. Whaley viz. the appellant A.R. Whaley above mentioned also Ernest K. aged 15 yrs. and May 9 years who are living with me.

My father Henry Davis was a white man my mother's name is Ellen P. Davis.

Mary W. Whaley

Catharine Whittle being duly sworn deposes and says

My name is Catharine Whittle I am 37 years old I live in Blue County Choctaw Nation I am the wife of Marion Whittle. Am the sister of Mrs. Sarah Whittle who is recognized and enrolled as a citizen of the Choctaw Nation. I presented my application to the Dawes Commission it was not in proper form and was returned to me and I did not get it in time to file a new application before the time expired. I am the daughter of Clara Harger who was the daughter of Solomon Anderson a full blood Mississippi Choctaw Indian of course I never saw him but my mother & others and of the family now dead told me these facts. Solomon Anderson above mentioned was my grandfather. All the appellants and their children bear strong traces of Indian blood.

Catharine Whittle.

MARION WHITTLE being duly sworn deposes and says

My name is Marion Whittle my age is 42 years. I live in Blue Co. I.T. and am the husband of Catharine Whittle who has testified in this matter. I am acquainted with Mary W. Whaley and John A. ^u_navis & A.R. Whaley. I have been among the Choctaw Indians as long as I can remember & am familiar with their general appearance, all of the appellants & their children show strong traces of Indian blood especially the older ones. My wife and I were married in Mississippi about seven years ago I was in Mississippi I hunted up the record of my wife's family, I found it in possession of one of my wife's sisters it had been kept in the family as I was informed for a number of years and was badly mutilated it was kept in a Bible they informed that it was the old record coming down from the Andersons. It was so faded I could make out no names. It has always been my information that my wife is a direct descendant of Solomon Anderson and that Mrs. ^m_{ary} W. Whaley is a cousin of my wife and also a descendant from the same Solomon Anderson a Mississippi Choctaw This information I have gathered from my wife's people for the last 23 years. especially her mother and father who are now dead.

his
Marion X Whittle
mark

witness mark

J.P. Hosey.

Robinson Aderson being duly sworn deposes and says.

My name is Robinson Anderson I live in Blue Co? Ind T.
I am 37 years old, I speak the English language, I am a half blood
Choctaw Indian, I am a son of Charley Anderson. Charley Anderson
my father was a son of Reuben Anderson and Reuben Anderson was the
son of Solomon Anderson and Solomon Anderson was a half blood Choctaw
Indian of Mississippi. I am acquainted with Mrs. Mary W. Whaley, who
is a daughter of Ellen P. Davis, who is a daughter of Mary Houser
who was a daughter of Solomon Anderson.

Robinson Anderson.

JOSEPH E. NELSON being duly sworn deposes and says.

My name is Joseph E. Nelson, I live in Blue County Ind. T. I am 40 years old. I am acquainted with Mary W. Whaley, John A. Davis and A.R. Whaley. I am enrolled citizen of the Choctaw Nation was enrolled by the Choctaw Council, I am about 3/4 Indian blood & 1/4 white. I am acquainted with the Aderson family of Choctaw Indians. descendants of Solomon Aderson who was a full blood Mississippi Choctaw Indian. I have talked with her son Reuben. The grandfather of Robinson Anderson who hastestified in this court. He was a member of the Choctaw Council and is now dead. He had several brothers & sisters one of his sisters was named Mary and she married a man named Houser, but do not remember his Christian name but think it was Samuel I am acquainted with Ellen P. Davis the mother of Mary W. Whaley Ellen P. Davis above named is the daughter of Mary Houser.

Joseph E. Nelson.

JOHN E. NELSON being duly sworn deposes and says.

My name is John E. Nelson, I am 21 years old, I live in Blue County Ind. T. I am acquainted with Mary W. Whaley, John A. Davis and A.R. Whaley, I am about 3/4 Choctaw Indian blood. The appellants in their general appearance & features resemble persons of mixed Choctaw blood. I am a brother of Joseph E. Nelson who has testified in this case & from what he has told me and have heard from other Indians I take them to be about 1/8 Choctaw Indians.

John E. Nelson.

W.F. WHALEY being duly sworn deposes and says.

My name is W.F. Whaley, I am 49 years old, I live in Blue County Ind. T. The appellants, Mary W. Whaley and myself were married in Ray Co Tenn. Dec. 20/ 1865 moved to Ind. T. in 1866 and settled in Chickasaw Nation near where the town of Marietta now stands, but on account of the depredations of the Kiowa and Comanche Indians moved to settlements in Texas returned to Rock Springs in Chickasaw Nation in 1875, remained two years on account of my wife's health removed again to Texas for medical aid, came back to Ind. T/ in 1890 and settled on the farm on which I now live in Blue Co Choctaw Nation. The improvements thereon placed by me amounting to upwards of \$1200. My son A.R. Whaley who is married and is the father of three children came here with me and has since lived here John A. Davis my wife's brother who lives near Marietta I.T. has been living in the Chickasaw and Choctaw Nations about 10 or 15 years. He is married and has 4 children The reason we came here in 1866 was, we had been informed that my wife was a descendant of Solomon Anderson, a full blood Choctaw Indian of Mississippi & was entitled to a right in the Ind. T. In 1894 the appellants applied to the Choctaw Council to be enrolled as citizens of said Nation, but I am informed by members of the Choctaw

Council Messers Roebuck and Folsom that the Council refused to vote on our application, because our evidence so conclusive that they could not afford to deny our citizenship we afterwards applied to the Dawes Commission presenting our petitions as evidence, which they passed upon & refused our application, about 10 Dec. 1896 by due course of mail I received from P.O. at Durant Ind. T. a letter or notice from H.M. Jaoway Jr., Sec'y of the Dawes Commission dated at Ft. Smith Ark. Dec. 1, 1896 and addressed to me stating that the application of John A. Davis and others had been by said Commission denied said letter or notice is hereto attached as Exhibit "A" hereto as part of the deposition I do not know how it happened that this appeal was taken in the name of Mary W. Whaley & others instead of John A. Davis & others unless it was mistake of our attys. My wife's mother name is Ellen P. Davis and looks to be at least 1/4 Indian. ALL the applicants show strong traces of Indian blood During all my stay in the Ind. Ter. I have not been called upon to pay a permit & my family and that of John A. Davis have been recognized by the Local Indian authorities or citizens.

W.F. Whaley.

John Holden being duly sworn deposes and says

My name is John H^olden, I am 55 or 60 years old. I live in Blue Co. Ind. T. I am acquainted with Charley Anderson the father of Robinson Anderson who has testified in the matter Charley Anderson was the son of Reuben Anderen It is my understanding that the Andersons I speak of spring from a family of Mississippi Choctaw Indians of the name of Andersons. I have seen Catharine Whittle and Mary W. W^haley and they resemble persons of Indian blood.

his
John X H^olden
mark

Witness mark

J.P. H^osey.

Central Judicial District
Choctaw Nation
Indian Territory

CERTIFICATE.

I, J.P. Hosey, a duly qualified and acting Notary Public within and for the Central Judicial District of the Indian Territory, do certify that the foregoing depositions of Mary W. Whaley, Caroline Whittle, Marvin Whittle, Robinson Anderson, Joseph E. Nelson, John E. Nelson, W.F. Whaley and John Holden were taken before me and were read to and subscribed by them at the time and place and in the action mentioned in the caption and the said Mary W. Whaley, Caroline Whittle, Marion Whittle, Robinson Anderson, Joseph E. Nelson, John E. Nelson, W.F. Whaley and John Holden having been first duly 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 appellants, Mary W. Whaley being present in person & by attorney.

Given under my hand and seal this the 13th day of July 1897.

J.P. Hosey (seal)

Notary Public.

I have my commission issued June 16 1897 & have ordered a seal which has not arrived.

Notary fees five dollars

Witness fees nine dollars

Pd.

C A P T I O N.

The depositions of Mrs. Jennie Nelson and W.F. Whaley taken on the 24th day of July 1897 at the office of J.P. Hosey in the town of Utica Ind. ter. between the hours of 8 o'clock A.M. and 6 o'clock P.M. to be read as evidence in an action between Mary J. Whaley et al. appellants and the Choctaw Nation appellee.

On this day personally appeared before me Mrs. Jennie Nelson and it being made to appear to me that she could not speak or understand the English language and it further appearing that Jno. Nelson could speak and write both Chocaw and English and understand said language said Nelson was duly sworn by me as interpreter for Mrs. Jennie Nelson, to well and truly put to said witness all questions put to him by the attys. and a true interpretation give of all answered given by said witnesses and to truly interpret said deposition and read the same to her the said Mrs. Jennie Nelson before signing by her.

Given under my hand and seal this 24th day of July 1897.

W.H. Ritchey.

Notary P.

Exhibit A.

W.H. Ritchy

N P.

Masitta I.T. July the 16 1897

Mrs. W.F. Whaley ,

Dear Brother, we received your letters through the request of John I will answer for him he sed tell you he could not ome now the children ar all sick with the feavre and he cant leav home now he sed tell you to do the best you could he has not got any money now he sed let him hear from by return mail and if ya still thot best he would come if all was so he could leav ~~it~~ will close love to all

You sister Mollie Davis

On this day personally appeared W.F. Whaley who after being duly sworn deposes and says:

My name is W.F. Whaley my age is 40 my postoffice is Utica Ind. ^{er.}

I testified in this case last week.

These appellants applied to the Choctaw Council of the Choctaw Nation for citizenship in 1894--~~in~~ that proceedings we used the sworn affidavits of Mitchell Nelson a Choctaw Indian about 87 years old.. Said affidavit was taken before H.J. Robinson a Notary Public in and for the Central Dist. I.T. at Durant I.T. He said Nelson was old and feeble and not able to go to Council

Application was afterwards made to the Dawes Commission for citizenship in the proceedings before the Dawes Commission we used a certified copy of the same affidavit certified by the Nat. Sec. of the Nation Council of the Choctaw Nation; his name was Jacob Jackson.

Mitchell Nelson the said witness above mentioned is now dead and has been dead since about Oct. 1895.

J.A. Davis, my wife's brother has not testified in this case because it was impossible for him to get here. I wrote him a letter at Marietta Ind. ^{er.} over two weeks ago asking him to be present and I received from his wife Mollie Davis a letter about one week ago by due course of mail that the condition of his family was such that he could not come which letter is hereto attached and marked exhibit "A":

W.F. Whaley

Subscribed and sworn to before me this 24th day of July 1897.

W.H. Ritchey
N.P.

(SEAL)

On this day personally appeared Mrs. Jennie Nelson who after being duly sworn by me deposes and says:

My name is Jennie Nelson, my age is 57 years old, my postoffice is Utica Ind. Ter. I am well acquainted with Mary W. Whaley and her brother J.A. Davis and their families. Mary W. Whaley and A.J. Davis are descendants of the Anderson family of Choctaw Indians. I am acquainted with Mrs. Sarah Whittle and Mrs. Catherine Whittle who are the wives of Jno. and Marion Whittle.

These two Whittle women are the descendants of the same Anderson family of Choctaw Indians as Jas. A. Davis and Mrs. Whaley, they are the daughters of Clara Anderson who was the youngest daughter of Solomon Anderson.

Mary W. Whaley and Jno. A. Davis are the son and daughter of Ellen P. Davis who was the daughter of Mary Howser who was the oldest daughter of said Solomon Anderson.

her
Jennie X Nelson
mark

witness to mark.

John Nelson.

Subscribed and sworn to before me this 24th day of July 1897.

(SEAL)

U.S. of America

Centra Dist.

Indian Territory.

I, W.H. Ritchey, a duly appointed and qualified Notary Public in and for the Central Dist. Ind. Ter. do certify that the foregoing depositions of W.H. Whaley and Jennie Nelson were taken before me and read to and subscribed by them the said witnesses in my presence at the time and place and between the hours and in the action mentioned in the caption the said W.F. Whaley Jennie Nelson 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 their statements were reduced to writing by me in their presence the plft. alone being present at the examination. I further certify that Mrs. Nelson could not speak English and that Jno. Nelson was employed by me as interpreter and duly sworn to truly put all questions to the witness put to him by the attys. and true interpretation give all of all answers and statements made by said witnesses and to truly read and interpret her deposition before signing by her.

W.H. Ritchey

Notary Public.

Given under my hand and seal this 24th day of July 1897.

(SEAL)

Indian Ter.

Cent. Jud. Dist.

Before me W.L. Poole a Notary Public in and for
Central Judicial Dist. Ind. Ter. this day personally appeared
Charles M. Clark, who being duly sworn deposes and says:

That true and exact copies of all the papers filed with
the Dawes Commission, in the claims of Mary W. Whaley & J.A. Davis
W.F. Whaley, Eliza J. Pearce & S.W. Pearce and Julia E. Snider
for citizenship in the Choctaw Nation Ind. Ter. have this 25th
day of August, 1896, been mailed to Governor Gardner at Magletown
I.T. in Reg. Letter No. Forty four. The papers mentioned are speci-
fied as follows:

Application of John A. Davis, with affidavits of Mitchell Nelson
and W.C. Davis and certificate of J.B. Jackson Sec. C.N.

Application of Mary Whaley with certificate of J.B. Jackson Nat.
Sec. C.N. and affidavits of Mitchell Nelson and W.C. Davis and
certificate of W.A. Durant N.P.

Affidavits of Sarah A. Whittle and affidavits of J.A. Davis and
Mary W. Whaley (jointly) affidavit of Juicy Richardson and joint
affidavit of Mary W. Whaley & W.F. Whaley.

Also joint affidavit of Mary W. Whaley and Eliza J. Pearce
affidavits of Mary W. Whaley as to her being sister to E.J. Pearce
affidavit of J.A. Davis as to E.J. Pearce being his sister joint
affidavit of S.W. Pearce and Eliza Pearce, also application and
affidavit of Julia E. Snider.

C.M. Clark.

Subscribed and sworn to before me this 25th day of August 1896.

W.L. Poole N.P.

In the United States Court in the ^Andian Territory central
district at Guthrie, Oklahoma.

Mary W. Whaley et al ----- Plaintiffs.

vs

The Choctaw Nation-----Defendant.

This cause was duly filed before the ^Uawes Commission on
the _____ day of ^September, 1896, the plaintiffs claiming citizenship
as Choctaw ^Andian by blood. The defendant answered, or pleaded
denying the jurisdiction and authority of the Dawes Commission to
hear and determine the cause, and denying the legality of the rule
and procedure of the Dawes Commission, and denying that the
evidence adduced by plaintiffs was sufficient to establish their
claim to citizenship.

The Dawes Commission gave judgment for defendant on the _____
day of _____ 189____ from which the plaintiffs appealed.

I find from the evidence that plaintiff Mary W. Whaley is a
one eighth blood Choctaw ^Andian; that she and her family, who are
joint applicants with her have lived in the Choctaw Nation
continuously since 1890, her eldest child being now 25 years old;
That plaintiff John A. Davis is a one eighth blood Choctaw Indian;
that he and his family have lived in the Choctaw Nation continuous-
ly for about ten years; that all of his children who are joint
applicants with him are minors; the eldest being about 12 years o
old; that applicants J.A. Davis and Mary W. Whaley are natives of
Tennessee; that their great grand father Solomon ^Anderson was a
full blood Choctaw ^Andian and has lived and died in the state of
Mississippi.

Respectfully submitted this 27 day of Aug. 1897.

W.B. Rutherford.
Special Master in Chancery.

45-

In the case of Mary W. Whaley, et al., S-93,
the applicants claim that Mary W. Whaley is the daughter
of Ellen P. Davis who lived at Washington, Tennessee, and
who was the daughter of Mary Hoser, who lived in Virginia;
that Mary Hoser was the daughter of Solomon Anderson
who lived in Mississippi and who was a Choctaw Indian
by blood. The principal applicant claims to be at least
one-eighth blood Choctaw Indian.



John E. Nelson, of Durant, gave immaterial
testimony in the above case. You are directed to see
him, and, if possible, secure some positive evidence
of advantage to the nations.

Attended to

In the case of Mary W. Whaley, et al I was directed to see John Nelson of Durant, who had - previously testified in the case I saw the said John Nelson and took from him the affidavit hereto appended. From this affidavit it will be seen that the said John Nelson knows nothing about the blood of the applicants.

Indian Territory }
Central District }

My name is John Nelson.
I am a citizen by blood of the Choctaw Nation,
and am 27 years old. My Post Office is Smart,
T.S.

I am acquainted with Mary W. Whaley & her
children. I do not know who the father or
the mother of Mary W. Whaley was, nor where
they lived; neither do I know of what blood
they were.

Mary W. Whaley & her sons have not
the appearance or the characteristics of
Indians. ~~They have~~ The boys have light
complexion, light hair & blue eyes. Mrs.
Whaley has brown hair & light complexion.
I know nothing about their race except
from their appearance, and judging from
that they are white people of unmixed
blood.

John Nelson

Subscribed & sworn to before me this 8th day of June, 1903,

A. A. Richardson

Notary Public

"



(Witnessed and
signed)

under the seal of the court
I certify that the above is a true and correct
copy of the original as the same is now
in my possession.

Attest my hand and seal of office
this 1st day of June 1880.

John Nelson

Notary Public for the State of New York

My commission expires on the 1st day of June 1881



Mary W. Mahaley

Affidavit of John Nelson

South McAlester, Ind. Ter., March 21st., 1903.

In the matter of JENNIE NELSON, of Durant or Roberta, standing witness.

LETTER OF INSTRUCTIONS TO

The above named, Jennie Nelson, is a witness in three (3) citizenship cases. The office files of the cases in which she testified are herewith delivered to you, and you are instructed to see her in regard to the same. She is a full blood Indian, does not speak english, and you are therefore instructed to arrange with Rev. Wesley Jones (Shimpala), of Utica, to go with you as an interpreter.

The cases in which she testified are:

1st.-- In the Mary W. Whaley case, under date of July 24th., 1897, she testified as follows: Am 57 years of age; my post-office is Utica, Ind. Ter. Am well acquainted with Mary W. Whaley, and her brother, J. A. Davis, and their families. Mary W. Whaley and A. J. Davis are decendents of the Anderson family of Choctaw Indians. I am acquainted with Mrs. Sarah Whittle and Mrs. Catherine Whittle, who are the wives of John and Marion Whittle. These two Whittle women are decendents of the same Anderson

family of Choctaw Indians as J. A. Davis and Mrs. Whaley. They are the daughters of Clara Anderson, who are the youngest daughters of Solomon Anderson. Mary Whaley and J. A. Davis are the son and daughter of Ellen P. Davis, who is the daughter of Mary Houser, who is the oldest daughter of Solomon Anderson.

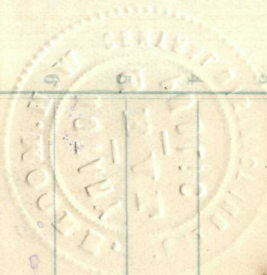
My name is Jennie Nelson, I am a full
blood Choctaw Indian, do not not speak
English and make this affidavit through
Joseph Nelson, my husband, as an in-
terpreter. I became acquainted with
Mary W. Whaley, and her brother J. A.
Davis, after they came to the Indian Ter-
ritory in about 1892. I do not know
anything about about their family re-
lations except as they told me. I
know nothing of their being related to
the Andersen family. I know Sarah
Whittle and Catherine Whittle, but
I got acquainted with them after
they came to the Indian Territory and
all I know of them is what they
have told me. I know nothing of their
being related to the Andersens except
what they say. I know nothing as to
the blood of either of the women or their
husbands. I never knew Ellen J. Davis
I never knew Mary Hansen and ~~not~~
know nothing of either woman.

Jennie ^{her} Nelson
Witness Joseph E. Nelson mark.

Subscribed and sworn to before me this March 31, 1903

W. H. Allen

Notary Public



Mary W. Whaley
Case

Affidavit of Jennie
Nelson