

Witnesses -

For Claimants -

Lige Colbert	Wagawamucka Wiley, J.T.
J. E. Leonard	
S. P. Perry	Wiley, J.T.
Daniel Underwood	Emet, J.T.
Mollie Tracy	
Samuel W. Caroll	
Thomas R. Caroll	
S. C. Tomerlin	Baggy ^{Paid} Papat, J.T.
Frederick Emerson	" " J.T.
Samuel H. Caroll	Allen, J.T.
L. B. Flowers	.....
W. W. Barnett	.....

For Nations -

J. C. Felson	Atoka
Charles Lefox	Limestone Gap
L. B. Flowers	Allen, J.T.
W. W. Barnett	" "
J. W. Caroll	Cameron, J.T.

No. 97.
James Commission

No. 23.
Central District Court

No. 78.
at
Shoemaker Station.

No. 98.
J. H. Carroll, et. al.

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

S. H. Carroll, et al.,

Plaintiffs.

vs.

No. 98.

The Choctaw and Chickasaw Nations,

Defendants.

MEMORANDUM OF ARGUMENT FOR NATIONS.

Applicant Samuel H. Carroll applied to the Commission to the Five Civilized Tribes, seeking the enrollment of himself and descendants as Choctaw Indians by blood, alleging that his father, Wm. C. Carroll, was a one-half blood Choctaw Indian.

The case is similar in all essentials to many other cases which have been before this Court and the record made up before the Commission and the Court is the usual aggregation of ex parte affidavits and depositions which this Court declared to be incompetent in the case of A. H. Nail, et al., No. 74.

As these affidavits and depositions were offered by applicants they can be considered for the purpose of impeachment.

Samuel H. Carroll, the principal applicant, in his application says his father was William C. Carroll who was the son of Richard Carroll who was a full blood Choctaw Indian.

This application says that Samuel H. Carroll was born in the Choctaw Nation, Indian Territory.

Our old friend Lige Colbert gave an affidavit and deposition for applicants, in which he says he knew both W. C.

and his son Samuel H. Carroll in Mississippi.

Samuel P. Perry, of infamous reputation, also gave a deposition for applicants, in which he claimed to know Samuel H. Carroll and his father, Wm. C., in Mississippi. We note in passing the remarkable fact that this witness' recollection brightens with time. In his affidavit of August 26, 1896, he says "when he (W. C. Carroll) came to this country he had a family of children. Their names and ages I do not remember", and yet in his deposition of July 10, 1897, he testifies as above noted.

Daniel Underwood also gave an affidavit and deposition for applicants. In the former he claims to have known Wm. C. Carroll in Mississippi, but in the latter he goes back one generation and claims to have known Richard Carroll and his son William C. Carroll who "came to this country about the time or before the late war".

Samuel H. Carroll, the principal applicant gave a deposition in 1897 in which he says that his father, Wm. C. Carroll, was born in Mississippi and came west "about the time the Indians were brought over"; that his grandfather was Richard Carroll; that witness has lived in the Indian Territory since he was a boy; that his grandmother's name was Phoebe Carroll, a white woman; that he supposes his Indian blood comes through his grandfather.

The most remarkable part of his testimony, however, is that in which he says the testimony of S. P. Perry, Lige Colbert and Dan Underwood is correct to the best of his knowledge, and the further statement that he has had a slight acquaintance with all of his witnesses since he was a boy, thus corroborating their statements that they knew him in Mississippi. Therefore, when we show, as we shall, that the

statements of these witnesses cannot be true, as we shall, we will thereby effectually impeach applicants' good faith.

Applicant Samuel H. Carroll does not in his deposition say he was born in Mississippi, but he plainly implies it and by endorsing the testimony of his witnesses he practically says it. That he was so understood is shown by the fact that the Master in Chancery so found.

J. E. Leonard gave an affidavit in 1896 in which he says he knew W. C. Carroll in Choctaw Nation, I. T., in 1862 and later, in 1872 he knew W. C. Carroll in Groesbeck, Texas, at which time his son Sam was with him.

This evidence was evidently considered of great importance by applicants, for it appears from the record that this witness died before the hearing in the U. S. Court and considerable trouble was taken to prove his death, evidently with the view of rendering his affidavit competent. While such proof does not validate the affidavit, it shows the importance of the testimony as viewed by applicants.

This is practically the case for applicants when it reached this Court.

The evidence before this Court is a contradiction of every important statement made before the Commission or the United States Court, and the story as told here is no more convincing than the one in the affidavits.

P. T. Bearden, an aged white man living near Antlers, Indian Territory, says that between 1859 and 1860 he was in the Choctaw Nation for four or six months and became acquainted with one W. C. Carroll. He was asked "What race of people did he (W. C. Carroll) belong to?" and replied "It appears to me like he was a Choctaw and everybody looked upon him as being a Choctaw Indian". Witness further states that he never knew

the approved type for citizenship witnesses, testified about a horse race, which we see no reason to think was ever run, but which does not affect the issues. Catherine says this race was run a long time before the war, while Joe says just about the time of the war, but both of them show by their cross examination that they know nothing about Samuel H. Carroll or his ancestors. Joe says W. C. Carroll was known as Choctaw Billy and was a drinking, gambling, fiddling fellow. The day before he testified in this case he was on the stand and told of one William Bottoms who was a horse racer, and a drinking, gambling, fiddling fellow and who was known as Choctaw Billy.

The truth is, Joe has this evidence ready at all times and any applicant who wants it can get a Choctaw Billy to fit his case.

The evidence in this case shows that S. H. Carroll was born in some state other than Mississippi, possibly in Indian Territory, of non-citizen parents; that while still a boy he removed to Texas where he lived until his removal to Indian Territory just prior to his application to the Dawes Commission. While in Texas he owned land, voted and patronized the public schools exactly as any other citizen of that state; that on his reaching Indian Territory he rented land, sometimes in the Choctaw and sometimes in the Creek Nations and in all things considered himself as a non-citizen of the Choctaw Nation. The testimony of L. B. Flowers, offered by the Nations, shows that, instead of Samuel H. Carroll being an Indian who as a boy ran off into Texas from the Indian Territory, his father was a resident of said state and that Samuel H. inherited land from him in that state. This evidence is corroborated by witness Leonard, introduced by applicants, who says he saw W. C. Carroll and his son Sam in Texas in 1872.

The proof utterly fails to prove the possession of Choctaw blood by applicants.

There is no allegation or attempt to prove a compliance by applicants or their ancestors with the requirements of the treaty of 1830 and their application must be denied on that account.

Respectfully submitted,

ATTORNEYS FOR CHOCTAW & CHICKASAW NATIONS.

J. H. Carroll case

South McAlester, Indian Territory, February 20, 1904.

Mr. W. W. Barnett,

Allen, Indian Territory.

Dear Sir:

We herewith enclose subpoenas in duplicate for Mr. L. P. Flower who lives with you as we understand. We wish to take his testimony in the Carroll citizenship case on February 27, 1904. Please serve the subpoena upon him by delivering him the copy and make your return on the back of the original by affidavit and return it to us.

Mr. Flowers fees and expenses will be paid at our office at South McAlester. Please attend to this matter and see that Mr. Flowers comes here at the time mentioned in the subpoena.

Very truly yours,

I N D E X.

Receipt of Stuart, Gordon & Hailey	1
Application to Commission	2
Affidavit of Lige Colbert	5
Affidavit of J. E. Leanard	6
Affidavit of S. P. Perry	6
Affidavit of Daniel Underwood	7
Affidavit of Mollie Tracey	8
Affidavit of Samuel H. Carroll	9
Affidavit of Samuel H. Carroll	10
Judgment of Commission	11
Notice of Appeal	12
Petition for appeal	13
Answer	15
Caption to Depositions	16
Notice to Take Depositions	16
Deposition of S. P. Perry	17
Deposition of Lige Colbert	17
Certificate of R. F. French Notary Public to Depositions	18
Depositions Samuel H. Carroll	18
Notice to take Depositions	19
Affidavit of E. E. McCarty	19
Deposition of S. C. Tomerlin	19
Deposition of Frederick Emerson	20
Deposition of Dan Underwood	20
Deposition of Samuel H. Carroll	21
Certificate of L. M. Maurer to depositions	22
Caption to depositions	23
Notice to Take Depositions	24
Deposition of S. C. Tomerlain	25
Deposition of Frederick Emerson	25
Deposition of Dan Underwood	26

Before the Commission to the Five Civilized Tribes.

In the matter of the application
of Samuel H. Carroll, and his wife
Elizabeth Carroll and their eight
Children, Samuel W., George R., Thomas R.,
Margaret A., Joseph A., John E., Walter C.,
Hattie B., and the wife of Thomas R., Nancy C.
and the child of Samuel W. and his wife, Mary G.,
Applicants for citizenship and membership by blood
of the Choctaw Tribe of Indians.

Your applicants Samuel H. Carroll, for himself and his wife
Elizabeth Carroll and his eight children above named, and the wives of
his children Samuel W. and Thomas R. and for the child of Samuel W.,
respectfully represent to this honorable Commission that he is a Choctaw
Indian by blood, being one fourth Indian and is the son of William
C. Carroll and Wife Classy Carroll and a grand son of Richard Carroll
and wife and that William C. Carroll was a Choctaw Indian by blood,
being one-half Indian, and that his grandfather, Richard Carroll, was a
full blood Choctaw. That your applicant, Samuel H. Carroll, was born
in the Choctaw Nation and is now a resident of the Choctaw Nation and
that his father and grand-father were old time residents of the Choctaw
Indian Country in the State Mississippi and afterwards your petitioner's
father moved to the Choctaw Nation in the Indian Territory, where, in
18___, he died.

That on the 17th day of May, 1866, your petitioner, Samuel
H. Carroll and Elizabeth Carroll, were legally married to each other
in Madison County in the State of Texas, a copy of the marriage license
and marriage certificate is hereto attached and marked exhibit "A".

That since said marriage there has been born to your
petitioner Samuel H. Carroll and his wife, Elizabeth Carroll, eight
children, all of whom are residents of the Choctaw Nation and are now

living and are named and of the ages as follows, to-wit: Samuel W. Carroll, twenty-six years old, Georbe B. Carroll, twenty-one years old, Thomas R. Carroll, eighteen years old, Margaret A. Carroll, fifteen years old, Joseph A. Carroll, twelve years old, John E. Carroll, eight years old, Walter C. Carroll, five years old, Hattie B. Carroll, two years old.

That on the day of 18 Samuel W. Carroll was lawfully married to Mary Greerer, a white woman, and on the day of 1896 there was born to said Samuel W. Carroll and wife a female child, named Bell, now six months old. A copy of the marriage license and certificate is hereto attached and marked exhibit "B".

That on the day of 1896/ Thomas R. Carroll was legally married to Mary C. Hinchey, a white woman, a copy of said marriage license and certificate is hereto attached and marked exhibit "A".

That the petitioner, Mrs Elizabeth Carroll, was, before her marriage, a Miss Adams, and a white woman and all the petitioners herein named are now living and residents of the Choctaw Nation.

That samuel H. Carroll is fifty-eight years old and his wife, Mrs. Elizabeth Carroll, is forty-five years old.

Your applicants further show to this Honorable Commission that they are poor persons and are not possessed of sufficient means to prosecute their claim before the general Council of the Choctaw Nation and ever since their residence in the Choctaw Nation have been unable to prosecute their claim before said Council, on account of a certain law of the Choctaw Nation, requiring each applicant applying to be adopted, to pay into the National Treasury of the Choctaw Nation, the sum of One Hundred Dollars for each person asked to be adopted and further providing that no petition such be entertained by the citizenship committee unless accompanied by the National Treasurer's receipt, showing that the one hundred dollars had been deposited.

Your petitioners further represent that under the laws and the customs of the Choctaw Nation white persons having married Indians before the adoption of such Indian are entitled to be adopted together with their husbands or wives, as the case may be, as members of the Choctaw Nation and are thereby entitled to full membership in the Choctaw Tribe of Indians.

Wherefore your petitioners pray that they and each of them be admitted to citizenship and membership in the Choctaw Tribes of Indians of the Choctaw Nation of the Indian Territory, and that they be accorded all rights, privileges and immunities, as enjoyed by members by blood of said tribe of Indians.

(SIGNED) Samuel h Carroll
(SIGNED) Elizabeth Carroll
(SIGNED) S. W. Carroll
(SIGNED) t. r. Carroll.
(SIGNED) g. r. Carroll
(SIGNED) M. a. Carroll.
(SIGNED) j. a. Carroll
(Signed) j. E. Carroll.
(SIGNED) W. a. Carroll.
(Signed) h. b. Carroll.
(SIGNED) bell Carroll.

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

Samuel H. Carroll, having been by me first duly sworn, according to law, states on his oath that he has read the above and foregoing petition and that the statements therein made are true and correct and that he is the Samuel H. Carroll above named as an applicant.

(SIGNED Samuel H. Carroll.

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

(SIGNED) B. S. Smiser
Notary Public Ind. Ter.

Southern District.

Ind. Ter.

On this 26th day of August, 1896 personally appeared before me a Notary Public for the above named district Lige Colbert who being first duly sworn on oath by me made the following statement. That He first knew W. C. Carroll in the state of Miss. and he was a One half breed Choctaw Indian. He moved from Miss. to this country and located on Boggy Creek south of Mayhew, I. T. I knew One Son of W. C. Carroll whose name was name was ~~San~~ San Carroll, and that W. C. Carroll was recognized as a citizen of the Choctaw Nation, Ind. Ter. I knew Sam Carroll when he was a boy a son of W. C. Carroll. My P O address Wiley Ind. T. I am 75 years of age. I am in no way interested in the application for citizenship.

Witness T. C. Nance

his
Lige X Colbert.
mark

Sworn and subscribed to before me This 26th day of Aug. 1896.

(SIGNED)

J. T. Gardner
Notary Public.

My official term expires 22
day of Jan, A. D. 1900

52

Souther District

Ind. T.

Emet, Ind. T.

On This 25th day of Aug. A. D. 1896 personally appeared before me a Notary Public for the above XDistrict J. E. Lennard, having been duly sworn by me made the following statement.

I knew W. C. Carroll in t he year A. D. 1862 On Boggy Creek in the Choctaw Nation who was a Choctaw Indian by blood. He had three sons one by the name of Sam Carroll. In 1872 I met W. C. Carroll in GROse Beck Tex, and his son Sam Carroll was with him there. I knew nothing of Sam Carroll from that time until 1895 and then Sam Carroll recognized me being the same Lennard that he met at GROsebeck Tex. And I know him to be the same Sam Carroll whom I met in the year A. D. 1862.

(SIGNED) J. E. Leonard

Sworn to and subscribed to before me this 25th day of Aug 1896.

(SIGNED J. T. Gardner
Notary Public.

My Official Term expire 24
day of Jan A. D. 1900

Southern District

Ind. Ter.

On This 26th day of Aug. 1896 personally appeared before me a Notary Public for the above named district and Ind. Ter. S. P. Perry having first been duly sworn on oath by me made the following statement. My age is Eighty four years. P O is Wiley Ind T. Sam Carrell's father was a One half blood or breed Choctaw Indian. When I first knew Sam Carroll's father who was William Carroll, was in the Old Choctaw country in Miss. about the year 1830 He was known as Choctaw Billy among the Indians. Afterwards he moved to this country, and lived On Boggy Creek about 20 miles south of Mayhew I. T. When he came to this country he had a family of children Their names and ages I do not remember.

William C. Carroll and his wife both died in this country William C. Carroll was recognized as a citizen of the country.

The affiant further states that he is in no way interested in the application.

(SIGNED)

his
S. P. X Perry.
mark

Witness

J. D. Sharp.

Sworn to and subscribed to before me this 26 day of Aug. 1896

(SIGNED) J. T. Gardner
Notary Public.

My Official Term expire
24 day off Jan. A. D. 1900

6

Southern District,

Ind. Ter.

And the application of Samuel H. Carroll for citizenship
in the Choctaw Nation Indian Ter.

Personally appeared before me a Notary Public for the
above named District Danill UnderWood and whom after being duly sworn
by me made the following statement.

That I am a full blood Chickasaw Indian my P O address is Emet Ind Ter.
I am Eight ~~x~~ year of age and came from Miss. with the second immigra-
tion of Indian To This country. I knew One William C? Carroll in Miss.
He was one half breed Choctaw Indian He was known as Choctaw Billey
among the Indian He was recognized there as an Indian. He moved to
this country from Miss. I knew him in this country he lived on Bogy
Creek in the Choctaw Nation south of Mayhew Ind Ter. I knew a son of
his be the name of Sam H. Carroll. Sam Carroll was a son of William
C? Carroll William C. Carrell was regarded as an Indian in the country
I am in no way interested in the application.

Dan'ill UnderWood ^{his} X
Sowrn and subscribed to before me this 5th ~~day~~ of Sep. 1896.

(SIGNED) J. T. Gardner
Notary Public.

68

7

In the Matter of the application of
Samuel H. Carroll, et al, for membership
in the Choctaw Tribe of Indians.

Mrs. Mollie Tracy having been by me first duly sworn according to law states on her oath that she is 18 years old and is personally acquainted with Samuel H. Carroll, and his wife Elizabeth A. Carroll and their eight children, Samuel W. , George R., Thomas R., Margaret A., Joseph A., Joh E., Walter C., and Hattie B. and that she is acquainted with the wife of Samuel W. and Mary G. and knows them to be husband and wife, and that they have one child now six months old, named Bell.

Affiant further states that she has no interest in the prosecution of this claim and is not related to any of the applicants.

(SIGNED) Mollie Tracy.

Subscribed and sworn to before me on this 3rd day of September A. D.
1898.

(SIGNED) E. J. Ball,
Notary Public for the Central
District of the Indian Territory.

BEFORE THE DAWES COMMISSION.

In the matter of the application of
Samuel H. Carroll, et al, for citizenship
in the Choctaw Tribe of Indians.

Samuel W. Carroll, having been by me sworn states
on his oath that he is 27 years old and is a son of the applicant Sam-
uel H. Carroll and that he is the applicant named in the petition as
Samuel W. Carroll, that on the ninth day of January, 1895 he was legally
married to Miss Mary Greer, a white woman, a copy of his marriage li-
cense is in words and figures as follows, to-wit: "certificate of marri-
age, this is to certify that I have this day joined in marriage S. W.
Carroll of Boggy Depot, Indian Territory and Mary Greer or Boggy Depot
Indian Territory according to the laws of the State of Texas and that
there were present as witnesses T. W. Hudson, of Sherman and G. A. Dick-
erson of Sherman. Witness my hand & seal dated January 9th 1895. J. H.
Wood, County Judge, Grayson County, Texas."

That he is now living with his wife in the Choctaw Nation
of the Indian Territory and that there has been born to them of said
marriage one child, named Bell, aged six months.

(SIGNED) Samuel W. Carroll.

Subscribed and sworn to before me this the 4th day of September
A. D. 1896.

(SIGNED) Jos. G. Ralls,
Notary Public for the Central
District Ind. Ter.

7 10

9

Before the Dawes Commission.

In the Matter of the application of
Samuel H. Carroll, et al for
Applicants for Citizenship in the
Choctaw Tribe of Indians.

Thomas R. Carroll having been by me duly sworn according to law states on his oath that he is 18 years old and that he is a son of Samuel H. Carroll and is one of the applicants named in the petition. That on the 20th day of August A. D. 1896, he was legally married to one Mary C. Hinchey, a white woman, That his marriage license and certificate of marriage were sent by him to the Clerk of the United States Court at South McAlester to be recorded and have not yet been returned and he is unable to attach a copy of either.

Affiant further states that he and his wife are now living together in the Choctaw Nation of the Indian Territory.

(SIGNED) Thomas R. Carroll.

Subscribed and sworn to before me this 4th day of September, A. D.
1896.

(SIGNED) Jos. G. Ralls,
Notary Public for the Central
District of the Indian Territory

7 10 1/2

COMMISSIONERS.

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

DEPARTMENT OF THE INTERIOR
Commission to the Five Civilized Tribes

H. M. Jacoway, Secretary

Fort Smith, Ark. Dec 5 1896

938

	1	
	1	Filed Sept. 8, 1896. Answer filed
	1	
Samuel W. Carroll	1	Application denied.
	1	
V	1	
	1	
Choctaw Nation	1	
	1	
	1	
E	1	Ralls Bros Atoka I. T.

I, H. H. JACOWAY, Jr., Secretary, do certify that the above and foregoing is a true and correct copy of Choctaw Record C" page 303, of The Commission to the Five Civilized Tribes.

Given under my hand and official signature this 6 day of Feby 1897

(SIGNED) H. M. Jacoway, Jr.

By Henry Stramp
Ac s

7-18-11

In the United States Court for the Central Judicial District
of the Indian Territory.

Samuel W. Carroll et al Appellants :
vs No. 23 : Notice of Appeal
Choctaw Nation, Appellee :

TO Honorable Green McCurtain, as Governor of the Choctaw Nation:

You are hereby notified that in the case of Samuel W. Carroll et al plaintiff, against the Choctaw Nation defendant, an appeal has been taken by the Plaintiff, the above named Appellant, from the Judgment of the Commission To The Five Civilized Tribes, to the United States Court for the Central Judicial District of the Indian Territory, and that said appeal is docketed in the office of the Clerk of the said Court at South McAlester in the said district and Territory.

(SIGNED) Ralls Bros.
Attorneys for the Appellant.

Service of the above notice is hereby waived and appearance entered this the 1st day of February 1897.

(SIGNED) Wm. M. Cravens

(SIGNED) Stuart, Gordon & Hailey,
Attorneys for the Appellee.

8 12 11

In the United States Court for the Central Judicial District
of the Indian Territory. At South McAlester, Ind. Ter.

Samuel H. Carroll, Elizabeth Carroll, :
Samuel W. Carroll, George R. Carroll, :
Thomas R. Carroll, Margret A. Carroll, :
Joseph A. Carroll, John E. Carroll, :
Walter C. Carroll, Hattie B. Carroll, :
Nancy C. Carroll, and Mary C. Carroll, :

Appellants

vs

Petition for appeal

Choctaw Nation, Appellee.

Your petitioners, the above named appellants, respectfully show that they are each entitled to citizenship and Membership in the Choctaw Nation and to be placed upon the rolls as such members, and that all of your said petitioners claim their said rights to citizenship and membership to said Nation by virtue of being the lineal descendants of the same person, who was a Choctaw Indian by blood and a member of the Choctaw Nation.

Your petitioners show that on the 7th day of September and within the time prescribed by law they filed their joint application for such Citizenship and membership and enrollment as members of the said Choctaw Nation, with the Commission for the Five Civilized Tribes, and filed there with good and sufficient proof of their rights and caused to be served the notice as required to be served on the appellee.

Your petitioners state that after the time prescribed by law for filing the answer and proof on the part of the appellee, had expired the Said Commission over the objections and without notice to the Appellants permitted said appellee to file its answer and proof.

permitted the said Choctaw Nation to file its answer and certain affidavits.

That after said answer and affidavits in support thereof had been filed said Commission refused to permit your petitioners to inspect said answer and affidavits and refused to permit your petitioners to file their reply to said answer and affidavits and proof in rebuttal

That on the trial of said cause said Commission refused to permit your petitioners to be present in person or by attorney and refused to submit the issues therein to a jury, and refused to permit your petitioners to file a motion to strike the said answer of the Choctaw Nation from the files of said cause, and refused to require the said answer to be verified.

Your petitioner saw that the testimony in the said cause demanded a judgment in favor of your petitioners, but that on the 3rd day of December, 1896 the said Commission rendered a judgment against all of your petitioners and denied them enrollment as members of the Choctaw Nation and denied them admission as citizens and members of the Choctaw Nation

Your petitioners say that said Commission erred in said cause in the following respects to-wit:

I.

Said Commission erred in permitting the Choctaw Nation to file its answer after the time prescribed by law for filing same had expired.

II.

Said Commission erred in permitting the said Choctaw Nation to file affidavits and other testimony after the time prescribed by law for filing same had expired.

III.

Said Commission erred in not striking said answer from the files as the same had not been verified as required by law.

IV.

Said Commission erred in refusing to submit the issues in said cause to a jury.

V.

Said Commission erred in refusing to permit your petitioners to

7 13

to be present in person and by attorney at the trial of said cause.

VI.

Said Commission erred in receiving in evidence on said trial the answer and affidavits filed by the Choctaw Nation after the time for filing same had expired.

VII.

The judgment of the said Commission was rendered by less than three members thereof, and by a less number of said commissioners as constitute a quorum.

VIII.

The said judgment of said Commission is contrary to law.

IX.

The judgment of Said Commission is against the weight of evidence Wherefore your petitioners pray that their appeal be allowed and that an order issue commanding said Commission to forward to the Clerk of this Court all the pleadings and evidence in said cause and a transcript of the proceedings had therein by said Commission, and that this cause be placed upon the law docket of this Court and transferred to Atoka where the petitioners all reside conveniently thereto, and your petitioners will ever pray etc.

(SIGNED) Samuel H. Carroll et al by
their attorneys Ralls Bros.

The United States of America Central SS
Judicial District, Indian Territory.

J. G. Ralls having been by me first duly sworn states on his oath states that he is attorney for the plaintiffs and appellants, and that he has read the above and foregoing petition for appeal and that the statements therein made are true and correct. At that said petitioners are absent from the Choctaw Nation at this time.

(SIGNED) J. G. Ralls.

Subscribed and sworn to before me on this 19th day of Jany. 1897.

14
Appeal allowed Jany. 21, 1897

(SIGNED) B. S. Smiser
Notary Public for the
above district and territory.

(SIGNED) Yancey Lewis
Judge.

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

-----o-----

Samuel H. Carroll, et al, Plaintiffs.

vs.

The Choctaw Nation, Defendant

A N S W E R.

-----o-----

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

That it is not true that the plaintiffs are entitled to be placed upon the rolls as members of the Choctaw Nation.

That it is not true that they are the lineal descendants of any person who is a Choctaw Indian by blood, and a member of the Choctaw Nation.

That it is not true that the Dawes Commission erred as alleged in plaintiff's petition.

Appellee further shows to the Court that it has heretofore filed its answer to the application of plaintiffs before the Dawes Commission, which said answer is hereby referred to and made a part hereof; and prays that the judgment of the Dawes Commission be in all things affirmed.

(SIGNED) Wm. M. Cravens

(SIGNED) Stuart, Gordon & Hailey,
Attorneys for Choctaw Nation.

15

Send for Dan. Underwood near Sandy Creek Church

(I)

Caption to deposition.

Deposition of S.P.Perry and Lize Colbert taken on the 10 day of July, 1897, between the hours of eight oclock in the forenoon and six oclock in the afternoon, at the office of R.F.French in the town of Emit in the Southern Judicial District of the Ind.Ter. to be read as evidence in an action between Sammel H.Colbert, plaintiff and the Choctaw Nation, defendant, pending in the United States court, at South McAlester, in the Central Judicial District of the Ind.Ter.

In the United States court for the Central Judicial District of the Indian Territory, April, 1897, term at South McAlester. I.T.

Samuel H.Carroll et al.

vs

Notice to take depositions.

Choctaw Nation. Defendant.

To the Choctaw Nation the above named defendant, and Stuart Gordon and Hailey and Wm.M.Cravens, attorneys of record for the said above named defendant. You are hereby notified that the depositions of witnesses to be read as evidence in the above entitled cause on the part of the plaintiffs will be taken at the office of R.F.French, N.P. in Emit, in the Southern Judicial District of the Indian Territory, between the hours of eight oclock in the forenoon and six oclock in the afternoon, on the 10th. day of July, A.D. 1897, and that the taking of said depositions if not completed on that day, will be continued from day to day, at the same place and between the same hours until complete

Ralls Bros. Attorneys for the plaintiffs.

South McAlester, INd.Ter. July 5th. 1897. Service of the above notice is hereby accepted. Stuart Gordon and Hailey. Attorneys for defendant.

S.P.Perry having been introduced as a witness on the part of the plaintiffs, after having been by me first duly sworn according to law deposes and says; My name is S.P.Perry, I am eighty five (85) years old. My post office is Wiley, Ind.Ter. I was born in N.C. and when about ten years old was taken by the Indians into the Choctaw Indian settlement in Miss. and resided there until I finally came to the

(2)

present Choctaw Nation. I was owned by Jimson Perry who was a Choctaw Indian by blood. I came to this country with the second immigration of the Choctaw Indians to look at the country and then returned and to Miss. and afterwards about 1842 finally moved to this country and the Choctaw and Chickasaw Nation has been my home ever since.

I am personally acquainted with the applicant Samuel H. Carroll, I knew him in Miss. he is 1/4 Choctaw Indian by blood. His father was a 1/2 breed Choctaw Indian by blood, he was known as Choctaw Billy, his correct name was Wm.C. Carroll. Choctaw Billy was his nick name. Sam Carroll and his father lived there in Miss among the Choctaw Indians ~~and~~ and were recognized by the Choctaws as being members of their Tribe. I left them there in Miss. when I came out here, and several years ago. I next met him in the Choctaw Nation. His looks showed that he is a Choctaw Indian, one of same boys looked to be almost a full blood.

Sam is married and has several children and they all reside in the Choctaw Nation. I have no interest in this case and have not ~~xxx~~ been paid any thing to testify in the case.

Witness. Ludie Johnson.

S.P.Perry. X his mark.

Lige Colbert having been introduced as a witness on the part of the plaintiffs, after having been by me first duly sworn according to law deposes and says: My name is Lige Colbert, I am seventy six (76) years old. My post office is Wiley, I am a Chickasaw freedman. I was first owned by old Jim Colbert, I was born in Miss. among the Choctaw Indians. I was acquainted with Wm.C. Carroll who was a half breed Choctaw Indian, his nickname was Choctaw Billy.

I knew Samuel H. Carroll, the applicant in this case. I knew them both in Miss. and know that they were recognized by the Choctaws as members of their Tribe. They came to the Choctaw Nation and located on Blue. Sam Carroll married and has several children and he and all of them reside in the Choctaw Nation. Sam has one child that looks to be almost a full blood Choctaw Indian. Sam Carroll by his looks and general appearance shows that he is a Choctaw Indian by blood. I am not in-

13
17

(3)

terested in this case and have not been paid to testify in this case. I remember these things distinctly and cannot be mistaken about them. I know J.E.Leonard who made an affidavit in this case he is now dead.

Witness. R.L.McClain.

Lige Colbert. X His mark.

United States of America,
Southern Judicial District.
Indian Territory.

I, R.F.French, Notary Public, within and for the Southern Judicial District of the Indian Territory, do hereby certify that the foregoing deposition of S.P.Perry and Lige Colbert was taken before me and was read and subscribed by them in my presence at the time and place and in the action mentioned in the caption. The said S.P.Perry and Lige Colbert having been by me first duly sworn that the evidence they should give in the action should be the truth the whole truth and nothing but the truth and that their statements were reduced to writing by me, in their presence, no one of the plaintiffs in said action being present except by his attorney, at the said examination.

Given under my hand and official seal in the town of Emit in the Central Judicial District of the Indian Territory, this the 10 day of July A.D.1897.

Seal.

R.F.French. Notary Public.

The depositions of Samuel H.Carroll, Dan Underwood, Frederick Emerson, S.C.Tomerlin taken on the 14 and 15 days of July, 1897, between the hours of 8 oclock A.M. and 6 oclock P.M. at the residence of Wm.Buckholts in Boggy within the Central Judicial District of the Indian Territory, to be read as evidence in an action between Samuel H. Carrall et al, plaintiffs and Choctaw Nation, defendant, pending in the United States court for the Central District of the Indian Territory,

14
R

(4)

at South McAlester.

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

Samuel H. Carroll, plaintiff.

against.

Notice to take depositions.

Choctaw Nation. Defendant.

To the Choctaw Nation, the above named defendant, and Stuart
Gordon and Hailey and Wm.M.Cravens, attorneys of record for said defen-
dant; You are hereby notified that the deposition of witnesses to
be read in evidence in the above entitled cause on the part of the plai-
ntiff will be taken at the residence of Wm.Buckholts in the town of Bog-
gy, in the Central District of the Indian Territory, on the 14th. day
of July, 1897, between the hours of eight oclock in the forenoon and
six oclock in the afternoon of that day; and that the taking of said
depositions, if not completed on that day will be continued from day to
day at the same place and between the same hours, until completed.

Ralls Bros. Attorneys for plaintiff.

Indian Territory,

Central District.

E.E.McCarty, having been by me duly sworn state on oath that
he served the above and foregoing notice on the 12th. day of July, 1897
at South McAlester, Indian Territory, by then and there delivering a
true copy thereof to J.H.Gordon, one of the attorneys of record for the
above named defendant. Affiant further states that he has no interest
in this act on, and is over 21 years old.

E.E.McCarty.

Subscribed and sworn to before me this 12th. day of July 1897

J.G.Ralls. Notary Public.

S.C.Tomerlin.

13
19 My name is S.C.Tomerlin, I am 20 years old, my post office is
Boggy Depot. I am a farmer, I am a citizen of the United States; I live

(5)

at this place about one years. I met J.E.Leonard last spring a year ago we moved in about one half mile of his place and live there at this time. Mr.Leonard died some time last spring I dont remember the exact date, I sat up with him the night after his death. I am not related to either of the parties of this suit and have no interest in same.

S.C.Tomerlin.

My name is Frederick Emerson, I am 27 years old, my post office is Boggy Depot, I have lived in the I.T. ~~14~~ 14 years, I am a married man. I knew J.E.Leonard during his life time, I knew Mr.Leonard about one year before his death, said Leonard died some time this last spring and I was at his burial at Center Hill Church, he was long in 60 years at his death. I knew him personally about one year prior to his death. I worked for him just a day or two before he died, hauling ties I am not related to the plaintiff in this case and have no interest in same.

Witness.

Frederick Emerson. X his mark.

L.M.Maurer.

G.T.Ralls.

Dan Underwood being introduced and sworn as a witness on the part of the plaintiff in this case of Samuel H.Carroll vs Choctaw Nation testifies as follows; My name is Dan Underwood. I am about 90 year old. I live in the I.T. Chickasaw Nation. I knew Richard Carroll in the old Choctaw Nation Miss. when I was only a boy he was a full blood Choctaw Indian and was recognized as such in Miss. I knew his son Wm.C.Carroll who was about one half Choctaw Indian and he was so recognized by the Choctaw people in Miss. The Choctaw people called him Choctaw Billy He came to this country about the time or before the late war, and located about Doaksville, Choctaw Nation, he then moved up on Boggy Creek where he lived until he died. I used to know all of Wm.C.Carrolls children he had a son by the name of Samuel H.Carroll, said Samuel H.Carroll looks like the family I have just testified about. I know said applicant Samuel H.Carroll to be the son of Wm.C.Carroll, said S.H.Car-

(6)

roll is Choctaw Indian, but how much blood I dont know. I am a full blood Chickasaw and live in the I.T. about forty years. I took S.H. Carroll to be the son of W.C. Carroll before before any thing was said to me about his parents.

Witness.

Dan Underwood. X his mark.

L.M. Maurer.

G.T. Ralls.

The taking of depositions in this case is continued until tomorrow morning at eight oclock A.M. at the same place and between the same hours.

L.M. Maurer. Notary Public.

July 15th. 1897, 8 oclock A.M, the taking of the depositions in this case having been continued till this day the taking of same is resumed.

L.M. Maurer. Notsry Public.

Samuel H. Carroll being introduced and sworn as a witness on the part of the plaintiff in this case of Samuel H. Carroll et al vs Choctaw Nation testifies as follows; My name is Samuel H. Carroll, my age is 58 years. I live near Allen, I.T. My fathers name was Wm. C. Carroll he came from Miss. to the Choctaw Nation about the time the Indians were brought over, he was about a half breed Choctaw Indian, he was known as Choctaw Billy here in the Territory: His fathers name was Richard Carroll. I have lived in the I.T. since I was a boy. I made a few trips to Texas and lived there awhile. I have been in the I.T. all the time since about 3 years ago. I am a one quarter Choctaw Indian. I knew J.E. Leonard whose affidavit is on file in this case he died some time last spring. I know S.P. Perry and Lige Colbert who have testified in this case and what they swore to is correct to the best of my knowledge; I also know Dan Underwood who has testified in this case and his evidence is correct to the best of my knowledge. I have had slight acquaintance with all of my witnesses who have testified in this case since I was a boy there would be as many as four years at a time that I

15
21

(7)

would not see any of them. In 1866 I married Elizabeth Carroll nee Adams and by her I have eight children to-wit; Samuel W. 26 or 7 years old. G.R. 22 years old; T.R. 19 years old; Margarette A. 16 years old, Joseph A. 12 or 13 years old. John E. 10 years old; Walter A. 6 years old; Hattie B. 3 years old: S.W. Carroll married a white woman and to them were born one child Bell, 2 years old. Thomas R. Carroll married a white woman, Margarette A. married a white man named Farris. All the above named children and grand children are now living here in the I.T. for the past 3 years. My grand mothers name was Phoebe Carroll, a white woman. I suppose I get my Indian blood from my grand father.

Sam H. Carroll.

United States of America,

Central District of the Indian Territory.

I, L.M. Maurer, a duly appointed and qualified Notary Public, within and for the Central Judicial District of the Indian Territory, do hereby certify that the foregoing depositions of Samuel H. Carroll, S.C. Tomerlin, Frederick Emerson, Dan Underwood were taken before me, and were read to and subscribed by them in my presence at the time and place, and in the action mentioned in the caption, the said Samuel H. Carroll, S.C. Tomerlin, Frederick Emerson and Dan Underwood having been first sworn by me that the evidence they should give in the action should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me in their presence, the plaintiff in person and by G.T. Ralls his attorney being present at the examination, I further certify that all of said depositions were taken on the 14th. day of July, 1897, except the deposition of Samuel H. Carroll whose deposition was taken on the 15th. of July 1897, taking of depositions being continued from the 14th. to the 15th. July, 1897.

Given under my hand and seal at Boggy within the Central Judicial District of the Indian Territory, this 15th. day of July 1897.

Seal.

L.M. Maurer. Notary Public, aforesaid

1622

The depositions of Samuel H. Carroll, Dan Underwood, Frederick Emerson, S. C. Tomerlain.
taken on the 14 & 15 days of July, 1897, between the hours of 8 O8clock A. M. and 6 o'clock P. M., at the residence of Wm. Buckholts in Boggy within the Central Judicial District of the Indian Territory, to be read as evidence in an action between Samuel H. Carroll et al plaintiff, and Choctaw Nation defendants, pending in the United States Court for the Central District of the Indian Territory, at South McAlester.

1923

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

Samuel H. Carroll
Plaintiff,
against
CHOCTAW NATION, Defendant.

NOTICE TO TAKE DEPOSITIONS.

To the Choctaw Nation, the above named defendant, and Stuart, Gordon
& Hailey and Wm. M. Cravens , attorneys of record for said defend-
ant;

YOU are hereby notified that the depositions of witness es to
be read in evidence in the above entitled cause of the part of the
plaintiff will be taken at the residence of Wm. Buckholts in the town
of Boggy, in the central district of the Indian Territory, on the 14th
day of July, 1897, between the hours of eight o'clock in the forenoon
and six o'clock in the afternoon of that day; and that the taking of
said depositions, if not completed on that day, will be continued
from day to day at the same place and at the same hours, until completed.

(SIGNED) Ralls Bros.
Attorneys for plaintiff.

INDIAN TERRITORY,
CENTRAL DISTRICT.

E. E. McCarty having been by me duly sworn states on his oath
that he served the above and forgoing notice on the 12th day of July,
1897, at South McAlester, Indian Territory, by then and there deliver-
ing a true copy thereof to J. H. Gordon, one of the attorneys of
record for the above named defendant. Affiant further states that he
has no interest in this action, and is over 21 years old.

(SIGNED) E. E. McCarty .

SUBSCRIBED and sworn to before me? this 12th day of July, 1897.

(SIGNED) J. G. Ralls,
Notary Public.

1894

S. C. Tomerlain.

My name is S. C. Tomerlain. I am twenty years old my Post Office is Boggy Depot. I am a farmer. I am a citizen of the United States. I lived at this place about one year.

I met J. E. Leonard last Spring a year ago. We moved in about One half mile of his place and live there at this time. Mr. Leonard died some time last Spring I don't remember the exact date. I sat up with the night after his death. I am not related to either of the parties of this suit and have no interest in same.

(SIGNED)

S. C. Tomerlain.

#4 25

My name is Frederick Emerson. I am 27 years old. my Post Office is Boggy Depot. I have lived in the I. T. 14 years. I am a married man I knew J. E. Leonard during his life time. I knew Mr. Leonard about One year before his death said Lenonard died some time this last Spring and I was at his burial at Center Hill church he was long in 60 years at his death. I knew him personally about One year prior to his death I worked for him just a day or two before he died hauling ties. I am not related to the plaintiff in this suit and have no interest in same.

(SIGNED) his Emerson.
Frederick X
mark

Witness

L. M. Maurer

G. T. Ralls.

~~20~~ 204

Dan Underwood being introduced and sworn as a witness on the part of the plaintiff in the case of Samuel H. Carroll vs. Choctaw Nation Testifies as follows:

My name is Dan Underwood. I am about 90 years old I live in the I. T. Chickasaw Nation. I knew Richard Carroll in the old Choctaw Nation Miss. when I was only a boy he was a full blood Choctaw Indian and was recognized as such in Missi

I knew his son Wm. C. Carroll who was about one half Choctaw Indian and he was so recognized by the Choctaw people in Miss. The Choctaw people called him Choctaw Billy. he came to this country about the time or before the late war and located about Doaksville Choctaw Nation he then moved up on Boggy Creek where he lived until he died. I used to know all of Wm. C. Carróll's children. He had a son by the name of Samuel H. Carroll looks like the family I have just testified about. I know said applicant Samuel H. Carroll to be the son of Wm. C. Carroll and said S. H. Carroll is Choctaw Indian but how much blood I don't know I am a full blood Chickasaw and lived in the I. T. about forty years. I took S. H. Carroll to be the son of W. C. Carroll before anything was said to me about his parents.

(SIGNED) Dan Underwood.

his
x
mark

Witness

L. M. Maurer
G. T. Ralls.

The taking of depositions in this case is continued until tomorrow morning at eight o'clock A. M. at the same place and between the same hours.

(SIGNED) L. M. Maurer
Notary Public.

26
July 15th 1897 8 o'clock A. M. The taking of the depositions in this cause having been continued until this day the taking of same is

resumed.

(SIGNED) L. M. Maurer
Notary Public.

22 27

Samuel H. Carroll being introduced and sworn as a witness on the part of the plaintiff in the case of Samuel H. Carroll et al vs. Choctaw Nation testifies as follows:

My name is Samuel H. Carroll my age is 58 yrs. I live near Allen, I.T. My father's name was William C. Carroll he came from Miss. to the Choctaw about the time the Indians were brought over, he was about a half breed Choctaw Indian; he was known as Choctaw Bill herein the Territory. His fathers name was Richard Carroll I have lived in the I. T. since I was a boy I made a few trips to Texas and lived there awhile I have been in the I. T. all the time since about 3 years ago. I am a quarter Choctaw Indian. I knew J. E. Leonard whose affidavit is on file in this case he died sometime last Spring. I know S. P. Oerry and Lige Colbert who have testified in this case and what they swore to is correct to the best of my knowledge; I also know Dan Underwood who has testified in this case and his evidence is correct to the best of my knowledge I have had a slight acquaintance with all of my witnesses who have testified in this case since I was a boy there would be as many as four years at a time that I would not see any of them. In 1866 I married Elizabeth Carroll nee Adams and by her I have eight children, to-wit

Samuel W., 26 or 7 years old. G. R. 22 years old. T. R. 19 years old. Margarette A. 16 years old Joseph A. 12 or 13 years old, John E. 10 years old. Walter A. 6 yrs. old, Hattie B. 3yrs. old.

S. W. Carroll married a white woman and to them were born one child Bee 2 yrs. old.

Thomas R. Carroll married a white woman. Margarette A. married a white man named Farris all the above named children and grand children are now living here in the I. T. for the past three years.

My grandmother's name was Pheobe Carroll a white woman. I suppose I get my Indian blood from my grandfather.

(SIGNED) Sam. H. Carroll.

22 28

UNITED STATES OF AMERICA.
CENTRAL DISTRICT OF THE INDIAN TERRITORY.

I, L. M. Maurer, a duly appointed and qualified Notary Public, within and for the Central Judicial District of the Indian Territory, do hereby certify that the foregoing depositions of Samuel H. Carroll, S. C. Tomerlain, Frederick Emerson, Dan Underwood were taken before me and were read to and subscribed by them in my presence at the time and place, and in the action mentioned in the caption, the said Samuel H. Carroll, S. C. Tomerlain, Frederick Emerson and Dan Underwood 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 palintiff in person and by G. T. Ralls his attorney being present at the examination, I further certify that all of said depositions were taken on the ~~14~~ 14th day of July, 1897 except the deposition of Samuel H. Carroll whose deposition was taken on the 15th day of July, 1897, the taking of depositions being continued from the 14th to the 15th July, 1897.

Given under my hand and seal at Boggy within the Central Judicial Districy of the Indian Territory, this 15th day of July, 1897.

Notary Fees
Taking depositions \$5.00

(SIGNED) L. M. Maurer
Notary Public Aforesaid.

(SIGNED) L. M. Maurer
Notary Public.

24 29

In the United States Court for the Central Judicial District
of the Indian Territory. April, A.D. 1897, Term sitting
at South McAlester, Ind. Ter.

Samuel H. Carroll, plaintiffs.
No. 23 vs. Report of Special Master, T.N. Foster
Choctaw Nation, defendant.

To Hon. William H. H. Clayton, judge of the above court:

Having been appointed Special Master in the above case, and having examined the evidence and pleadings in this case, I beg to report the following facts as found herein by me, to-wit:

That The applocant Samuel H. Carroll is a one fourth blood Choctaw Indian and was borned in the State of Mississippi and was there recognized as a member of the Choctaw Tribe of Indians, and was a son of William C. Carroll who was also a recognized member of the Choctaw Nation there in Mississippi and was a one half blood Choctaw Indian. And that said applicants moved to the Choctaw nation was a boy and during the last three years he had his children have been bona fide residents of the Choctaw Nation.

That said applicants was in 1866 lawfully married to a white woman named Elizabeth Adams and that she is still living and that by said marriage there have been born to them, and now living the following children, to-wit: Samuel W. G. R., T. R., Margret A. Joseph A. John E. Walter A. Hattie B.

That the son ~~of~~ S. W. Married a white woman, legally, named Mary Greerer, and by said marriage they have ~~one~~ living one child named Belle.

That the son Thomas R. was legally married to a white woman named Mary C. Hinchey.

25
30
That said Samuel H. Carroll is one fourth Choctaw by blood and the other blood is white, and his children are one eighth Choctaw by blood and the other blood is white and his grand children are one sixteenth

choctaw by blood and the other x blood is white, and the applicants Mary Carroll, wife of Samuel W. Carroll and Mary C. Carroll, wife of Thomas R. carroll are both white women, and that all the applicants are now and have been ever since before the filing of their application before the Commission to the Five Civilized Tribes, bona fide residents of the Choctaw Nation.

That the defendant, Choctaw Nation, has not taken any testimony in this case.

All of which I herewith respectfully submit.

(SIGNED) T. N. Foster

Special Master.

Master's fee \$5. paid by Plffs.

(SIGNED) T. N. Foster
Special Master.

2631

Samuel H. Carroll et al, plaintiffs

No. vs

Precedent for Judgment.

Choctaw Nation, defendant.

On this day this cause came on to be heard upon the report of the Special master, T. N. Foster, heretofore appointed to report his findings on the facts in this case, and the Court having examined said report and the evidence submitted therewith and the pleadings herein, does confirm said report in all respects

It is therefore ordered and decreed and adjudged by the Court that the plaintiffs, Samuel H. Carroll, Elizabeth Carroll, Samuel W. Carroll, G. R. Carroll, T. R. Carroll, Margaret A. Carroll, Joseph A. Carroll, John E. Carroll, Walter A. Carroll, Hattie B. Carroll, Belle Carroll, Mary C. Carroll and Mary Carroll

are members by blood of the Choctaw Nation, and that all of the said plaintiffs be placed upon the rolls as such members of the Choctaw Nation, that the defendant, ~~the~~ Choctaw Nation, recognize the rights of the plaintiffs herein and in no way abridge, infringe or attempt to limit the rights of the said plaintiffs; and that the Commission to the five civilized tribes place the names of these plaintiffs upon the rolls as members of the Choctaw Nation as herein adjudged, and the said Commission be furnished with a certified copy of this judgment, by the Clerk of this Court; and that the plaintiffs have and recover of and from the said defendant all their costs herein laid out and expended, for all of which let execution issue.

OK

(SIGNED) Gordon.

32

Samuel H. Carroll, et al

vs. No. 23 Judgment, Cent. Dist. Aug. 26, 1897.

Choctaw Nation.

On this day this cause came on to be heard upon the report of the Special Master T. N. Foster, heretofore appointed to report his findings upon the facts in this case, and the Court having examined such report and the evidence submitted therewith and the pleadings herein, doth confirm said report in all respects.

It is therefore ordered and decreed and adjudged by the Court that the plaintiffs, Samuel H. Carroll, Elizabeth Carroll, Samuel W. Carroll, G. R. Carroll, P. R. Carroll, Margaret A. Carroll, Joseph A. Carroll, John B. Carroll, Walter, A. Carroll, Hattie B. Carroll, Belle Carroll, Mary C. Carroll and Mary Carroll are members by blood of the Choctaw Nation, and that all the said plaintiffs, be placed upon the rolls as such members of the Choctaw Nation, and that the defendant, Choctaw Nation, recognize the rights of the plaintiffs herein and in no way abridge, infringe or attempt to limit the rights of the said plaintiffs; and that the Commission to the Five Civilized Tribes place the names of these plaintiffs upon the rolls as members of the Choctaw Nation as herein adjudged, and the said Commission be furnished with a certified copy of this judgment, by the Clerk of this court; and that the plaintiffs have and recover of and from the said defendant all their costs herein added and expended, for all of which let execution issue.

In the Choctaw and Chickasaw Citizenship
Court, sitting at South McAlester, Okla.

S. H. Carroll et al

Plaintiffs

No 98

v

The Choctaw and Chickasaw Nations

Defendants

Memorandum of Argument for Nations

Applicant Samuel H. Carroll applied to the Commission for the Five Civilized Tribes, seeking the enrollment of himself and descendants as Choctaw Indians by blood, alleging that his father was Carroll was a one half blood Choctaw Indian

The case is similar in all essentials to many other cases which have been before this court and the record made up before the Commission and the Court is the usual aggregation of ex parte affidavits and depositions which this court declared to be incompetent in the case of A. H. Nail et al, No. 74

As these affidavits and depositions

were offered by applicants they can be considered for the purpose of impeachment.

Samuel H. Carroll, the principal applicant, in his application says his father was William C. Carroll who was the son of Richard Carroll who was a full blood Choctaw Indian. ~~F~~

This application says that Samuel H. Carroll was born in the Choctaw Nation, Indian Territory.

Our old friend Lege Colbert gave an affidavit and deposition for applicants in which he says he knew both W.C. and his son Samuel H. Carroll in Mississippi.

Samuel P. Perry, ~~former~~ of infamous reputation, also ~~says~~ gave a deposition for applicants in which he claimed to know Samuel H. Carroll and his father W.C. in Mississippi. We note in passing the remarkable fact that this witness's recollection brightens with time. In his affidavit of Aug 26 1896 he says "when he (W.C. Carroll) came to this country he had a family of children, their names and ages, I do not remember," and yet in his deposition of July 10, 1897 he testifies as above noted.

Daniel Underwood also gave an affidavit and deposition for applicants in the former he claims to have known Wm C Carroll in Mississippi, but in the latter he goes back one generation and claims to have known Richard Carroll and his son William C. Carroll who "came to this country about the time or before the late war"

~~The genuineness of this deposition is vouched for by G. F. Ralls who signs as a witness~~

Samuel H. Carroll, the principal applicant gave a deposition in 1897 in which he says that his father Wm C Carroll was born in Mississippi and came west "about the time the Indians were brought over"; that his grand father was Richard Carroll; that witness has lived in the Indian Territory, since he was a boy; that his grand mothers name was Phoebe Carroll, a white woman; that he supposes his Indian blood comes through his grand father.

The most remarkable part of his

~~affidavit~~ testimony, however, is that in which he says the testimony of S. J. Perry, Lige Colbert and Dan Underwood is correct to the best of his knowledge and the further statement that he has had a slight acquaintance with all of his witnesses since he was a boy, thus corroborating their statements that they knew him in Mississippi. Therefore, when we show as we shall that the statements of these witnesses cannot be true, as we shall, we will ^{thereby} effectually, ~~thereby~~ impeach applicants' good faith.

~~The~~ Applicant, Samuel H. Carroll does not in his deposition say he was born in Mississippi, but he plainly implies it and by endorsing the testimony of his witnesses he practically says it. That he was so understood is shown by the fact that the Master in Chancery so found.

J. E. Leonard gave an affidavit in 1896 in which he says he knew W. C. Carroll in Choctaw Nation & ↑ in 1862 and later, in

1872 he knew Carroll in Grobeck Tex, at which time his son Sam was with him.

This evidence was evidently considered of great importance by applicants, for it appears from the record that this witness died before the hearing in the U. S. court and considerable trouble was taken to prove his death, evidently with the view of rendering his affidavit competent, while such proof does not validate the affidavit, it shows the importance of the testimony as viewed by applicants.

This is practically the case for applicants when it reached this court.

The evidence before this court is a contradiction of every important statement made before the Commission or the United States Court and the story as told here is no more convincing than the one in the affidavits.

J. A. Beard, an aged white man living near Antlers, T. T., says

that between 1859 and 1860 he was in the Choctaw Nation for four to six months and became acquainted with one W C Carroll. He was asked "What race of people did he ^(W C Carroll) belong to?" and replied "It appears to me like he was a Choctaw and everybody looked upon him as being a Choctaw Indian." Witness further states that he never knew W C Carroll's father, mother, wife or children.

When first asked about the age of W C Carroll he said he was 50 or 60 years of age, then corrected himself and said he was not over 35 or 40. If he was 40 in 1859 he was born in 1819 and was 11 years old in 1830 and yet ~~several~~ of the witnesses ~~Legg Colbert~~ and S J Perry who says he came west with the second immigration knew W C Carroll and his son S H Carroll before his removal.

Samuel H Carroll, discredits all of his witnesses, however, for he says he supposes he was born in the Indian Territory near Mayhew, to be sure

He says he cannot be positive but his own supposition is that he was born in the west.

When on the stand witness professes not to know through which line of his grand parents his alleged Choctaw blood is derived, but if he will refresh his mind by a reference to his deposition of 1897 he will see that he there stated that his grandmother was a white woman and that he claimed to derive his Choctaw blood from his ~~father~~ grandfather.

Now since he says his grandfather was born in North Carolina it is impossible that he should have been of Choctaw blood. Witness father was born in the first decade of the century which would put the birth of his grandfather at a date long prior to the break up of the tribal settlement in Mississippi and at a time when there is no reason for supposing that

a full blood Choctaw would be
in that part of the country.
We further submit, that
there is no proof that any
of this family ever lived
in Mississippi. The witnesses
who testified to knowing WC Carroll
there also testified to knowing
Samuel H. there and are
known to be in worthy of belief.
Neither is there any reason
for believing that WC Carroll
ever lived in Indian Territory.

Catherine Franklin and Joe Freeman
both negroes of the approved type
for citizenship witnesses testified
about a horse race, which we
see no reason to think was ever
run, but which does not affect
the issues. Catherine says this
race was run a long time be-
fore the war while Joe says
just about the time of the
war but both of them show
by their cross examination
that they know nothing about
Samuel H. Carroll or his ancestors.
Joe says WC Carroll was known
as Choctaw Billy and was a

drinking, gambling, feeding fellows
The day before he testified in
this case he was on the stand
and told of one William Bottoms
who was a horse racer, and a
drinking, gambling feeding fellow
and who was known as Choctaw
Billy.

The truth is, Joe ~~will~~ has
this evidence ready at all times
and any applicant who wants
it can get a Choctaw Billy
to fit his case.

The evidence in this case shows
that S. H. Carroll was born in
some state other than Mississippi
of non-citizen parents; that while
still a boy he removed to Texas
where he lived until his removal to
Ind. Ter. just prior to his ap-
plication to the Dawes Commission
While in Texas he owned land,
voted and patronized the public
schools exactly as any other cit-
izen of that state; that on
his reaching Indian Territory he
rented land, some times in
the Choctaw and sometimes in
the Creek Nations and

possibly in Ind. Ter.

in all things considered himself as a
non citizen of the Choctaw Nation. The
testimony of L. B. Flowers offered by the
Nation shows that, instead of Samuel
H. Carroll being an Indian who as
a boy ran off into Texas from
the Indian Territory, his father was
a resident of said state and that
Samuel H. inherited land from him
in that state. This evidence
is corroborated by witness Leonard,
introduced by applicants, who says
he saw W. C. Carroll and his son
Sam in Texas in 1872.

The proof utterly fails to prove the
possession of ~~the~~ Choctaw blood by
applicants

There is no allegation or attempt
to prove a compliance by applicants
or their ancestors with the require-
ments of the treaty of 1830 and their
application must be denied on that
account.

Respectfully Submitted

Atty f c r Flowers

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

Samuel H. Carroll ET AL., - - -Plaintiffs,)
)
 -vs-) Number
)
 CHOCTAW NATION AND CHICKASAW)
 NATION, - - - - - Defendants.)

APPLICATION FOR TRANSFER OF CITIZENSHIP CASE.

Come now your petitioners *Samuel H. Carroll, Thom. R. Carroll, John E. Carroll, Belle Carroll, Samuel W. Carroll, Margaret A. Carroll, Walter C. Carroll, George R. Carroll, Joseph A. Carroll, Hattie B. Carroll, Elizabeth Carroll, Nancy C. Carroll, Mary G. Carroll,*

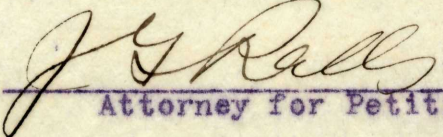
and represent to this Honorable Court that they are bona fide residents of the Choctaw Nation, Indian Territory, and that they were such residents at and prior to the 10th day of June, 1896, and have remained such residents ever since; and that they are members of the Choctaw Tribe of Indians, and entitled 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 23, 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.


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 6 day
of March, A. D., 1903.

Notary Public.

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

=====

SAM'L H. CARROLL, 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 application, 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 admitted and enrolled as citizens of the Choctaw Nation, complied 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 was such compliance 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.

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. 98.

SAM'L H. CARROLL, 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 _____

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.

BEFORE THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT SITTING AT
SOUTH McALESTER, INDIAN TERRITORY, NOVEMBER TERM 1903.

November 30, 1903.

S. H. Carroll, et al.,

vs.

Choctaw & Chickasaw Nations.

All Judges sitting.

J. G. Ralls for the plaintiffs.

Mansfield, McMurray & Cornish for the defendants.

Now on this day this cause coming on to be heard and both sides having announced ready the following proceedings were had:

Monroe Black, called as a witness on behalf of the plaintiffs after being duly sworn testified:

Direct examination by Mr. Ralls

- Q What is your name? A Monroe Black.
Q How old are you? A Thirteen.
Q Did you know J. E. Lennon? A Yes, sir.
Q How long did you know him? A About three years.
Q Where is he now? A He is dead.
Q Where did he die? A He died about six years ago.
Q Did you see him after he was dead? A Yes, sir.
Q Was he an old man or a young man? A Old man.

Cross examination by Mr. Cornish

- Q Was this man related to you? A No, sir.
Q You were present when he died? A Yes, sir.
Q Were you present when he was burried? A No, sir.
Q You were at the house where he died? A Yes, sir.
Q How old a man was the man you were telling us about? A I don't know.
Q How hold do you think he was? A About seventy years old I guess.

Witness excused.....

P. J. Bearden, called as a witness on behalf of the plaintiffs and after being duly sworn testified:

Direct examination by Mr. Ralls

- Q What is your name? A P. T. Bearden.
Q How old are you? A Sixty years old.
Q Where do you live? A Antlers.
Q Choctaw Nation? A Yes, sir.

- Q Are you acquainted with Samuel H. Carroll? A Yes, sir.
- Q How long have you known him? A About seven years.
- Q Where did you first see him? A At Oil S Springs here near Colbytown--no Elmore, I got acquainted with him
- Q Did you ever live in the Choctaw Nation near Mayhew? A Yes, sir
- Q I will ask you if you met any persons there named Carroll?
A Yes, sir, I did.
- Q You remember the name of the man? A Yes; W. C. Carroll.
- Q What race of people did he belong to? A It appears to me like he was a Choctaw and everybody looked upn him as being a Choctaw Indian.
- Q What did he do in that country? A He did several things; he was pretty much of a rounder and horse racer and trader.
- Q Do you know whether he spoke the Choctaw language? A I don't know sir; why he could do it of course but I don't know whether it was Choctaw or Chickasaw or what it was.
- Q Did he speak some Indian language? A I heard him talk like a full blood and he was about a half-blood.
- Q How old a man was he when you saw him? A He was somewhere I expect near fifty or sixty years old.
- Q Was that before or since the War? A No, he was not over thirty five or forty. I got acquainted with him between 1859 and 1860, right along there somewheres.
- Q How near did you live to him? A Not very far from him. I got acquainted with him near Mayhew; Mr. Pitchlyn, Thomas and the Folsoms were all Indians around together.
- Q You know what became of W. C. Carroll? A No, sir; the War came up and I did not stay there more than six or eight months and went back east.
- Q Back East to what place? A Arkansas.
- Q Then you never saw W. C. Carroll anymore? A No, sir; he died in that country.
- Q You say about seven years ago you met a son of this man? A Yes; C. R. Carroll; he came down to where I lived, he stayed with me a pretty long time; the time he was there with me we got into a conversation about his grandfather.
- Q After that did you meet Samuel H. Carroll? A At Elmore.
- Q Do you know whether W. C. Carroll was a married man or whether he had any children? A No, sir; I don't know--Yes, he was a married man and had children; I got acquainted with him about five years ago at Elmore.
- Q You remember seeing any of the children of W. C. Carroll? A A He was the only one I got acquainted with, I think that he was the one, I don't know.
- Q You did get acquainted with the boy? A Yes; the boy.
- Q Since you have seen Mr. Carroll here have you talked the matter over with him about W. C. Carroll? A Yes; I made inquiry of him if he was any kin to W. C. Carroll and he said it was his father.
- Q From the conversations you have had with him in regard to where his father lived and of the curr unding circumstances I will ask you if this information was imparted to you by such persons as had actual knowledhe of the facts? A Yes, sir.

Mr. Mansfield:

I think it is only competent for him to state that he knows that this man is the son of this man; he certainly cannot say that he had certain conversations and that that is conclusive in his mind, because that is for the court to say.

Judge Adams:

Q Can you state from your own knowledge that this man is a son of this man you knew? A No, sir; not entirely but from the conversation with his father.

Mr. Ralls:

Q You are not related to Mr. Carroll in any way are you? A No, sir.

Q How long have you lived in the Choctaw Nation, since the War?

A I have been in the Choctaw Nation but a short time; I have been in the Chickasaw Nation all the time.

Q How long did you live in the Chickasaw Nation? A About six or seven years.

Q Where did you live prior to that? A I lived on Warrior Springs and then the balance of the time I have lived out at Elmore.

Q Prior to your return to the Nation, after you went to Arkansas, did you remain in Arkansas how long? A I stayed there until the War was over and then went to Texas and after that left Texas and came to the Chickasaw country.

Cross examination by Mr. Cornish

Q How old are you? A I am about seventy-two.

Q How long did you live in the Choctaw Nation prior to the War?

A Not more than four or five or six months.

Q What was your home at that time? A In Arkansas.

Q What were you doing in the Choctaw Nation at that time? A I started through her for a home and this man wanted me to rent some land here and then I went back to Arkansas.

Q You came in about Mayhew you say? A Yes, sir.

Q You were a married man at that time? A Yes, sir.

Q Have your family with you? A Yes; I aimed to stay in this country to get a home at that time.

Q Did you make a crop there? A Yes, sir.

Q Did you go to Texas or back to Arkansas? A Back to Arkansas.

Q Now you stated a while ago that when you were in that country you knew a man named Carroll? A Yes; I got acquainted with him and two or three others? A

Q How old a man was Carroll at that time? A 35 or 40 years old.

Q You say he was a horse trader? A Yes, sir.

Q What else did he do? A He gambled and horse raced and fiddled

Q What other habits did he have, did he drink whiskey? A If he would get it he would.

Q What was your business at that time? A I did not do much of anything.

Q How did you make a living? A In had a living with me while I stayed in the country.

Q How did you make a living before you came here? A I was a farmer.

Q Did you make crops before you came to the Choctaw Nation? A Yes, sir.

Q Every year? A Yes, sir.

Q Have you been in that Mayhew country since? A I have not, No sir.

Q You have never seen the man Carroll that you saw there since? A No, sir.

Q You know the name of his father, the man Carroll that you knew at ~~the~~ Mayhew? A No, sir.

Q Did you know the name of his mother? A No, sir.

- Q Did you know the name of his wife? A No, sir.
- Q Did you know the name of any of his children? A No, sir; only this man.
- Q Do you know that this man is his son of your own personal knowledge? A No, sir.
- Q After you were there three or four months you knew this man who was a gambler, horse racer and trader, fiddler and whiskey drinker? A Yes, sir.
- Q You passed on out and never saw him since? A No, sir.
- Q What became of you? A The War came up and I went to the army.
- Q Then where did you go? A I came back to Arkansas and then went to Texas.
- Q In what county in Arkansas did you live? A Saline County.
- Q When did you go to Texas? A About fourteen years ago.
- Q Are you a claimant for Choctaw or Chickasaw citizenship? A No, sir.
- Q Have you ever had a claim pending anywhere? A No, sir.
- Q You have never claimed to be an Indian yourself? A No, sir.
- Q Ever claim to be any other kind of an Indian than Choctaw or Chickasaw? A No, sir.
- Q Have you ever given testimony in this case before? A No, sir; I never have.

Mr. Ralls:

- Q You know whether this W. C. Carroll had a nickname? A Yes; they called him Choctaw Billy, pretty well all the time.

Witness excused.....

Samuel H. Carroll called as a witness in his own behalf and on behalf of the other plaintiffs after being duly sworn testified as follows:

Direct examination by Mr. Ralls

- Q What is your name? A Samuel Carroll.
- Q Have you any middle name? A "H".
- Q How old are you? A Sixty-five.
- Q Where do you live? A Near Elmore, Chickasaw Nation.
- Q How long have you lived there? A Five or six years.
- Q Where did you live before that? A I lived near Boggy Depot.
- Q In the Choctaw Nation? A At a place called Ego.
- Q How long did you live there? A Three or four years.
- Q Where did you live prior to that? A I lived in Texas a while.
- Q How long did you live in Texas? A Why I lived there several years; I married in Texas.
- Q Did you ever live in the Choctaw Nation prior to living in Texas? A Yes, sir.
- Q Where? A Near Mayhew and Doaksville, they called it.
- Q What was the name of your father? A William C. Carroll.
- Q You know where you were born? A No, sir; I do not.
- Q Where were you that you first have any recollection of? A A I was near Mayhew and Doaksville when I was a good sized boy.
- Q To what race of people did your father belong? A He claimed to be Choctaw.
- Q Do you know whether he spoke the Choctaw language? A I have heard him talk it a good deal.
- Q Whom would he talk it to? A With other Indians.

- Q Did he have a nickname that you know of? A Yes; they called him Choctaw Billy.
- Q How old were you when he died? A I was not at home when he died; he went off when I was quite a small boy with a man by the name of Chisholm-some time in fifty-nine or sixty my father died; I was away from home there, I was away from home from one to four years at a time.
- Q Do you know where he died? A Not very far from Doaksville.
- Q Is your mother living or dead? A She has been dead a long time.
- Q Did she die before or after your father? A Before.
- Q Where did she die? A Down in that country somewhere.
- Q Have you any brothers? A I have two but they are dead.
- Q How long have they been dead? A They have been dead a good many years, one died I believe in the time of the late War and the other just before the War.
- Q Have you any sisters? A I have one but I don't know where she is.
- Q Have you made an effort to find her? A Yes; I found her a few years ago and she was going to move back up in my country and she went off and I have never seen her from that date to this; we have had information that she is dead.
- Q Are you a married man? A Yes, sir.
- Q What is the name of your wife? A Elizabeth.
- Q Is she a white woman? A Yes, sir.
- Q Have you any children? A Yes, sir.
- Q You think you could give us the names of the children? A I have got their names here; some three or four years ago I had a bible with their names and ages but my house and everything got burned up.
- Q Have you any grandchildren? A Yes; I can't read I am about blind.
- Q When were you married? A I was married in 1866.
- Q What is the name of your oldest child? A Samuel W. Carroll.
- Q How old is he? A Why I think he is thirty-four years old.
- Q Is he married? A Yes, sir.
- Q What is the name of his wife? A Mary Greer.
- Q What race of people does she belong to? A She is a white woman.
- Q Have they any children? A Yes, sir.
- Q What are their names? A One is named Belle, one Easter and one Lyddie and I don't remember what the oldest ones name is.
- Q One named Annie? A Yes, sir.
- Q They have four children? A Yes, sir.
- Q Are they all living? A Yes, sir.
- Q Where does this son of yours and his wife and children live? A Up in the Chickasaw Nation.
- Q How long have he and his wife resided in the Choctaw and Chickasaw country? A About ten or twelve years.
- Q Who is Joseph A. Carroll? A He is one of my boys.
- Q How old is he now? A I think he is 19.
- Q Is he married? A No.
- Q He is living now? A Yes, sir.
- Q Who is Walter A. Carroll? A One of my boys.
- Q How old is he? A Going on twelve.
- Q Is he living? A Yes, sir.
- Q Who is Hattie B. Carroll? A That is a girl of mine.
- Q How old is she? A Eleven.
- Q Is she living? A Yes, sir.
- Q How old is your wife? A She is forty-four.

- Q Is she living? A Yes, sir.
Q You state here on this paper that your wife is born in 1850; do you mean that she is forty-two or fifty-two years old? A I mean fifty-two.

Mr. Mansfield:

We object to the examination going on in this manner.

Judge Weaver:

Go on.

Mr. Ralls:

- Q Is his wife a white woman? A Yes, sir.
Q Have they any children? A No, sir.
Q He and his wife are living now? A Yes, sir.
Q Who is Margaret A. Standfield? A A daughter of mine.
Q What is the name of her husband? A T. H.
Q He a white man? A Yes, sir.
Q What children have they if any? A Yes, sir.
Q What are their names? A One is named Lydia and Myrtle.
Q How many have they? A Three.
Q They are all living are they? A Yes, sir.
Q Who is G. R. Carroll? A Son of mine.
Q Married? A Yes, sir.
Q What is the name of his wife? A Lydie.
Q Is she a white woman? A Yes, sir.
Q Have they any children? A Two.
Q What are their names? A Joseph and Jesse.
Q Who is Mary C. Carroll? A That is his wife, they call her Mary Carroll and then she goes by the name of-----.
Q Are all of your children and grandchildren living in the Chickasaw Nation? A Yes; near Elmore.
Q And you and your family have lived in the Choctaw and Chickasaw Nations for some ten years? A Yes, sir.
Q Did you know J. E. Lemon? A Yes, sir.
Q You know where he is now? A The report is that he died.
Q You know this young man who was here as a witness a while ago? A Yes, sir.
Q You know where he lives? A He lives near there with a fellow by the name of Hitchie, he raised this boy.
Q You know Mr. Bearden who testified here a while ago? A Yes, sir.
Q Have you any recollection of seeing him prior to a few years ago? A Why I seen him once; he just stopped, he had'nt settled down in here about Mayhew.
Q Was that before or after the War? A Before the War.
Q You and your children and daughters-in-law and your grandchildren applied to the Dawes Commission in 1896? A Yes, sir.
Q And an appeal was taken to the United States court? A Yes, sir.
Q At that time you were living in the Choctaw and Chickasaw Nations were you? A I was living in the Choctaw Nation.
Q Have you resided here ever since? A Yes, sir.

Cross examination by Mr. Mansfield

- Q How much Indian blood do you claim to have? A I claim about one-fourth.
Q What sort of Indian blood? A Choctaw.

- Q How are you able to state that you are 1/4 Choctaw? A That is what I have been taught by my father.; I don't know what I am only what I have been taught.
- Q You get that from your father? A Yes, sir.
- Q Where were you born? A I am not able to tell you, I don't know whether I was born in Mississippi or in this country.
- Q What proportion of Indian blood did your father have? A Half-blood.
- Q You stated that he claimed to be a half-blood? A Yes, sir.
- Q From whom did he derive his Indian blood? A Well I could not tell you unless he got it from his father or mother or something like that.
- Q Which did he get it from? A I don't know.
- Q What was the name of his father? A His father was Richmond Carroll.
- Q What was the name of your grandmother? A I could not tell you but I believe they called her Phoebe.
- Q You don't know which one of them claimed to be Choctaw.
- Q Do you know where your grandfather lived? A No, only from what I was taught,--I think from North Carolina.
- Q What place in Carolina? A I could not say but I think that is where they originated from.
- Q Where was your grandmother born? A I could not tell you.
- Q You know where your grandfather and grandmother was married? A I never saw them.
- Q Your mother was a white woman? A Yes, sir.
- Q You know where your father and mother married? A I reckon they was married in Mississippi, that is what he always taught me.
- Q You say your father was raised in North Carolina? A No not my father, my grandfather.
- Q Where was your father raised? A In Mississippi.
- Q What part of Mississippi? A I could not tell you.
- Q What county? A I think the name of the county was Pontotoc to the best of my knowledge.
- Q You talked with him about where he came from? A Yes but when I was a boy like I never paid much attention to anything. I have heard him talk about living in Pontotoc county.
- Q Did he state near what town? A No, sir.
- Q Did he have any brothers or sisters? A Not that I ever heard of.
- Q Mr. Carroll where were you born? A Well sir, I suppose I was born here in this country; not far from Mayhew or in there somewhere.
- Q I thought I understood you to say that you did not know where you were born? A I could not tell you exactly where I was born.
- Q The first you remember you were in the Indian Territory near Mayhew? A Yes, sir.
- Q How long were you at Mayhew? A I stayed there several years.
- Q Did your father have a home there? A He had a stopping place.
- Q Did he have a home? A A kind of Washout or dugout arrangement.
- Q You know what I mean, did he have a farm? A Yes; he had a little farm.
- Q Your father did not have any farm? A He had a little patch.
- Q How much? A At that time there were no farms in there very much.
- Q What sort of a dug out did he have? A I think two or three logs high and a whole dug in the ground.

- Q Who were your Choctaw neighbors, who lived near you there?
A John Pitchlyn; Tom Pitchlyn.
- Q Neither of them are now alive? A I don't know, and Folsoms.
- Q What Folsom? A Sim Folsom I think; then there was a fellow there Colbert.
- Q Did you know a Choctaw woman by the name of Rhoda Howell? A I don't remember.
- Q A sister of the Pitchlyns? A No, I don't know that I do; I know one by the name of Letha Kemp.
- Q What year according to your recollection did you leave the Territory and go to Texas? A I left there when I was about fifteen years old.
- Q Wait a minute; you left there when you were fifteen or sixteen years old? A Yes, sir.
- Q You mean to say that you lived near Mayhew from the time of your birth until you were fifteen or sixteen years old? A No, I lived at different places.
- Q Did your father live there in that dugout for fifteen years? A No, sir.
- Q Was your postoffice Mayhew? A No, sir.
- Q You remember just where he lived? A Certainly between the Boggy and Mayhew and some times at Doaksville.
- Q Could you back to where you lived then? A No, sir.
- Q When did you first live there? A When I was quite a boy I went with this man to Texas, he was a beef driver.
- Q How old were you when you left Mayhew and went down there? A A Between 12 and fifteen years I guess.
- Q Where did you live in the Indian Territory until you left; you lived in the Territory fifteen years? A Yes, sir.
- Q Where did you live? A We lived in there and we lived further up on Boggy, I could not tell you really the names of the places; we just stopped most anywhere.
- Q How long did you live in any one place? A From two to three years.
- Q Your father was a horse racer and drinking sort of a man and just drove around the country? A Yes; and when I was a small boy here at Mayhew I rode races some and John Pitchlyn had a horse and a negro boy named Tony rode John Pitchlyn's iron-gray ~~XXXXX~~ horse and he had a good deal of trouble and I left there.
- Q On account of the trouble? A Yes, sir.
- Q Your father had no fixed place to live? A He died somewhere in this country but I don't know where.
- Q Don't you know where he died? A The report came to me that he died near Mayhew.
- Q Where did your mother die? A She died in that country too but I don't know where.
- Q When you were fifteen years old you went to Texas? A I don't remember, I was twelve or fifteen.
- Q You don't remember what year it was? A No, sir, I don't.
- Q How old a man was your father in sixty? A He was an old man.
- Q About how old? A I suppose about sixty-five or seventy years old.
- Q Were you the oldest boy? A I have a brother older than me.
- Q Where is your brother? A He is dead.
- Q Where did he die? A In Texas.
- Q When did you go to Texas before or after the War? A Before the War.
- Q How long before the War? A Just at the opening of the War.
- Q You had lived in Mayhew several years before that? A I had lived at Mayhew before.

Note
See to form
previous
minutes

- Q What year did you hire to this man Chisholm to drive cattle?
A I don't know it was before the War.
- Q Where were you living the first year before the War, for the twelve months before the War broke out? A I can't tell you, I was in Texas then I think.
- Q How long were you in Texas before the War broke out? A I must have been there in '60 or '61, I want be positive which.
- Q Where did you live in '60 and '61 if you can remember? A in '61 I was in Limestone County and Leon County and all over them counties.
- Q Now how long had it been in 1861 since you were at Mayhew? A I could not tell you? A
- Q You had hired to Chisholm before that time? A Yes, sir.
- Q How long before that time had you been at Mayhew living with your father? A I could not say--it had been several years.
- Q Where did you live in Limestone county? A I lived not far from a town called-----.
- ~~Q What was your business there? A~~
- Q What was your business there? A I was with this stock man.
- Q With this man Chisholm? A Yes, sir.
- Q How long did you work for him? A For a good many years.
- Q About how many years? A Four or five years right straight along.
- Q Then what did you do? A I went back to Texas? A
- Q What part of Texas? A I was at pallengar Texas and at Madisonville Texas.
- Q What were you doing there all that time? A I was just like any other man, bumming around a good deal.
- Q You was not married? A I married in 1866.
- Q What did you do for a living at that time? A I always had a little money; some times I would do a job of work.
- Q Well what did you do for a living? A Well I bought cattle every now and then and then sell again and I stayed a while in Madison county.
- Q Did you farm any while you were in Texas? AA Yes, sir.
- Q Where did you farm? A In Leon County and then I farmed in Limestone county.
- Q After you married you farmed in Limestone county? A Yes; I bought a place there.
- Q Whereabouts? A I bought it about three or three and a half miles from Rossback Texas.
- Q What year did you buy that farm? A I don't remember what year
- Q You remember what you paid for it? A No, I do not.
- Q How long did you live there Mr. garroll? A I bought two little tracts of land there, I gave six hundred dollars for the second place.
- Q How long did you live there? A Several years.
- Q Can you tell how long? A No, sir.
- Q Did you live there until you moved back to the Territory? A Yes, sir.
- Q What year did you move to the Territory? A I moved back to the Territory I think ten or eleven or twelve years ago.
- Q I would like to have you fix that as near as you can? A I can't be positive.
- Q Had you hear that they were going to try to allot the lands here before you came back? A No, sir.
- Q Did you sell your place there? A Yes, sir.
- Q While you lived in Texas did you vote and exercise other rights of citizenship as a citizen of Texas? A No, sir; I don't remember of voting there but once.
- Q You know whether you voted? A Maybe I voted twice; I voted there once against local option and then I voted for President there once.

see testimony of Beards

- Q You lived near what town in Texas? A I lived near Rosebeck and near Centerville.
- Q When you owned that farm? A Right at Rosebeck.
- Q I want you to state if you did not vote there as any other citizen of the state of Texas? A I have, I voted there but twice.
- Q Did you consider yourself a citizen of Texas? A No, sir; I never did consider myself a citizen of Texas.
- Q Did your children attend school there? A I have a blind boy that I have at Austin Texas.
- Q Attending the blind school? A Yes, sir.
- Q They don't allow Choctaw Indians to go to that? Only citizens of the state of Texas go to that school? A Yes, sir.
- Q You made application to the school as a citizen of Texas? A Yes, sir.
- Q Did not your children go to school at Rosebeck? A Yes, sir.
- Q Where was your father all of that time? A He was dead then.
- Q Did you know a man by the name of Flowers down there-where you lived in Texas? A I don't remember whether I did or not.
- Q You lived in Limestone County, Texas then-you lived about Reynolds? A Yes, sir.
- Q Where did you live in Reynolds county? A In the Western part.
- Q Did you not live in Reynolds county until the year 1885? A I lived out there about that time.
- Q Where did you live in Reynolds county, near what place? A About fifteen miles I reckon of Ballinger.
- Q Owned a farm there? A I bought a farm there, a little ranch.
- Q Did you know a man named Flowers there? A No, sir; I don't remember that I did.
- Q Mr. L. B. Flowers? A It seems to me that there was a man there by that name but I don't know whether I am acquainted with him or not.
- Q I want to ask you Mr. Carroll in that community where he lived, near this town called Ballinger, did you ever claim to be a Choctaw Indian? A I did in fact.
- Q You claimed to the community there to be a Choctaw Indian? A Yes, sir.
- Q And passed among the people there as a Choctaw Indian? A I don't know that many of them took me to be that.
- Q I will ask you on the contrary if you did not claim to be a Choctaw Indian at all but just claimed to be a citizen of the United States? A I claimed I was--.
- Q You remember this man Flowers? A I don't remember, it seems like I knew a man named Flowers somewhere.
- Q When did you move to the Territory? A When I left Reynolds county I came right to the Territory.
- Q You don't know what year you came here? A No, I don't.
- Q Whose place did you live on the first year you came here? A Pittman.
- Q He was a Citizen of the Chickasaw Nation? A He claimed to be.
- Q Did you rent land from him? A Yes, sir.
- Q Paid him rent? A Yes, sir.
- Q Where did you live the second year? A I lived on the place of Joe Myers who ran a store at Boggy.
- Q Paid him rent? A Yes, sir.
- Q Where did you live the third year? A I bought out a mill and gin at a place called Ego.
- Q Did you make a crop anywhere else while you ran that gin? A

Yes; on Francis' place.

- Q Paid him rent? A Yes, sir.
- Q Where did you live the next year? A I rented a place right on this side of the Canadian, right in the bottoms of the Creek Nation.
- Q In the Creek Nation? A Yes, sir.
- Q Whom did you rent from? A I don't recollect his name.
- Q Where did you make a crop the next year? A The next year I made a crop seven miles west of Allen.
- Q Whom did you rent from? A I don't recollect; I bought a claim out.
- Q What year was that? A A year after I left the Creek Nation.
- Q You stated you came here in 1885 or 1886? A Yes, sir.
- Q You made five crops before you made a crop in the Creek Nation? A Yes; somewhere along there.
- Q That would bring you up to 1890 or 1891; now then what year was it that you first bought out this Indian claim? A I could not tell you.
- Q How long after you applied to the Dawes Commission; you had applied to the Dawes Commission? A It was after I had done applied to them.
- Q How long after that? A I reckon it was in 1898 when I bought that little lease out there west of Allen.
- Q That was after you had been admitted by Judge Clayton as a Choctaw Indian? A Yes, sir.
- Q When you left Texas you sold your lands? A Yes, sir.
- Q How much did you sell it for? A I sold it for three-thousand dollars.
- Q You had some property when you came to the Territory? A Yes; I had some means.
- Q You had some two or three thousand dollars in money? A No, sir; they beat me out of it.
- Q How much did you have? A They beat me out of all but about seven hundred dollars.
- Q Why did you rent land around over in the Choctaw and Creek Nations with money and means in your possession until after you were admitted by the court without asserting your rights to citizenship? A I had never farmed very much myself and after I left there I was worked down and the only way I could make a living was to go to work myself.
- Q That is your explanation of why you rented land in the Choctaw and Chickasaw and Creek Nations for eleven years without asserting your rights? A No, I did not pay that every year only I would buy out a little lease.
- Q You held it as a non-citizen? A No, sir.
- Q You earn now that you want to change your testimony that you rented land from year to year? A No, sir; I rented it alright.
- Q Why did you rent land instead of asserting your right to citizenship? A At that time I had some kind of stomach trouble and I could not work but I had some little boys to work.
- Q You had no stomach then for Choctaw citizenship? A Yes; I had the stomach.
- Q How far is it from Mayhew to Doaksville? A I could not tell you-not far though.
- Q You lived there until you were fifteen years old and don't know the distance from Mayhew to Doaksville? A I was a boy.
- Q State your best judgment as to how far it is? A Fifteen or twenty or thirty miles. I don't know, I could not answer that question.
- Q You don't know what direction it is from Mayhew to Doaksville? A sort of South-east.

- Q You swore here in your direct examination that you had seen this man, this man that had testified here a while ago, this man Bearden, that your recollection was that you saw him at Mayhew? A I did say that.
- Q What year did you see him at Mayhew? A When I was a boy; my father run a race there with a man named John Pitchlyn and I rode the mare and a little negro run against me by the name of Tony.
- Q What year was that? A I don't know what year.
- Q How long before the War? A Not very long before the War.
- Q How long before the War, can you remember? A No, sir; I can't.
- Q Mr. Carroll you have heard this man Bearden testify? A Yes, I heard him.
- Q You heard him say that he was there only a few months and that he went back to Arkansas before the War; you have just stated that you were in Limestone County, Texas at that time; how do you explain your statement that you saw this man at your father's house? A I think he was there.

Mr. calls:

- Q You say you never saw either one of your grandparents? A No, sir.
- Q You understood from your father that they came from Pontotoc County, Mississippi? A Yes, sir.
- Q You don't know whether it was your grandfather or grandmother that had the Choctaw blood or both of them? A Know I don't know they might both have had it.
- Q Have you been in the Mayhew country to see if you could find this old people and see if they are there? A No, sir.
- Q Have you made any inquiry whether any of these old people are living or dead? A No, sir.
- Q You say that you think Doaksville is Southeast of Mayhew? A I think it is.
- Q You remember seeing anybody when you were at Doaksville? A No, I got acquainted there with some few men around where my father was stoppin at when I was a boy.
- Q You know this man J. T. Lennon that testified before the Da was Commission in your case? A Yes, sir.
- Q When did you first see him if you remember? A The first time I saw him after I was big enough to recollect was after I was in Texas; the next time I saw him I was near Ego in the Choctaw Nation.
- Q Did you ever see him at the time you was in Texas? A I had this last son of mine.
- Q Who was J. E. Lennon? A He was a white man.
- Q How old was he? A I don't know how old he was; he was an old man, he was gray and old, I expect '75 or 80 years old.
- Q You know Daniel Underwood? A Yes, sir.
- Q Where is he? A He is up here by a little place called Ravia, it is about three-quarters of a mile from Ravia.
- Q Did you try to get him here? A Yes, sir.
- Q What is his condition? A He is sick and could not get out of bed only if he is lifted out and they would set him in a chair by the fire, I stayed tere with him an hour or two.
- Q You remember when you first saw him, Underwood? A I saw Underwood when I was a boy, I reckon he is the same one, I saw him passing there at Mayhew several times.

- Q To what race of people does he belong? A He claims Chickasaw.
- Q Where did he live in 1896? A He lived in 1896 where he lives now near Ravia.
- Q You know whether or not he was acquainted with your father? A Yes, sir.
- Q Have you talked with him in regard to your father? A Why I did some years ago, he use to go to our mill at Ego; he would come to our mill and talk around a good deal about it. He would talk to others and they would talk it back to me.
- Q Through an interpreter? A Yes, sir.
- Q You know a Notary Public named J. T. Gardner? A Yes, sir.
- Q Where does he live? A Why I think he lives at Emet.
- Q You had the affidavit of Daniel Underwood before the Dawes Commission in 1896? A Yes, sir.
- Q In talking through an interpreter what did Underwood say he knew about your father?

Mr. Cornish:

We object; Underwood is living and within the jurisdiction of the court; the questionxx seeks to have him state what Underwood knew about his father?

Mr. Ralls:

We are trying to prove that the man knew about his parents. An old man might come to you and tell you what he knew of your parents; from that conversation we might be in a position to know that he knew these things as well as if we had been there and knew the man ourselves. It is family history. The conversation necessarily discloses whether he knew the things he speaks of or not.

Judge Foote:

I can't see why it is competent.

Judge Adams:

Are you trying to corroborate what is in the affidavit?

Mr. Ralls:

It might be a corroboration to some extent.

Judge Adams:

It might be competent to corroborate the old man's testimony but you cannot anticipate his death.

Judge Foote:

- Q Did you say that your father was sixty-five or seventy years old when you left here? A No, sir; I did not.
- Q What did you say about that? A I said he was some where in sixty, sixty or sixty-five, somewhere in about that.
- Q When you left here to go to Texas? A No, sir.
- Q What did you say about that? A I left here when I was 12 or fifteen.
- Q How old was your father at that time according to your recollection? A I can't tell you, he was getting up in years.

T. C. Bearden, called testified:

Direct by Mr. Ralls

- Q What are your initials? A T. C. Bearden.
Q I will ask you if you know anything of a horse race that took place between Pitclyn and Carroll? A I heard of it; It was a year or two after I came into the country.

Mr. Cornish:

We object to that on the ground that it is hearsay, and is not competent.

Witness excused.....

Catherine Franklin, called as a witness on behalf of the plaintiffs after being duly sworn testified as follows:

Direct examination by Mr. Ralls

- Q What is your name? A Catherine Franklin.
Q How old are you? A I was sixteen when I left the old Nation with the Indians.
Q You came with the first emigration? A Yes, sir.
Q You have testified in this case before? A No, sir.
Q Were you not a witness here? A No, sir.
Q Have you got a sister? A No, si; I have no sister.
Q You have never been a witness in this case? A Before now.
Q You have been a witness then in other cases besides this one? A No, sir.
Q Did you ever live at Doaksville? A Ever live there?
Q Yes? A Yes, sir.
Q When did you go there? A I came from the old Nation there.
Q What old Nation? A Way back in Mississippi.
Q How did you come there, who brought you? A Levi Kemp.
Q What was he? A Indian.
Q What kind of an Indian? A He was a Chickasaw.
Q What was his wife? A His wife was a Choctaw.
Q Did your mother ever live about Mayhew? A I never was there but I know where it is.
Q Did you ever live about Boggy? A Yes; I know where that is.
Q I will ask you if you ever knew a fellow they called Carroll, Choctaw Billy? A Yes, sir.
Q Where did you know him? A M I knew him back in the old Nation and after I came here.
Q Did he come here before or after you? A After.
Q You know what became of the old man? A The last time I heard of him they said he died near Mayhew.

Mr. Mabsfield:

He is suggesting to this witness about Mayhew, and asked her about Choctaw Billy.

Judge Adams:

He asked the question and you did not object to it?

Mr. Ralls:

I certainly have a right to ask her if she knew Choctaw Billy.

Mr. Ralls:

- Q I will ask you if you knew anything about a horse race that occurred down there in your neighborhood? A I did.
- Q Where did it occur? A Occured at Doaksville.
- Q Who was the race between? A The race was between Choctaw Billy and Mr Pitchlyn and lets' see who else there was--there was three of them I forget what the other name was.
- Q You know who owned the horses? A Choctaw Billy owned one of the horses and his own boy rode the horse.
- Q You know who rode Pitchlyn's horse? A A colored boy but I have forgotten his name.
- Q You remember Pitchlyn's first name? A They called him Pitchlyn
- Q Is there anything that causes you to remember this race in particular? A I remember it since you asked me about it.
- Q You remember what kind of horses were in the race? A Choctaw Billy's horse was a gbay horse.
- Q You remember who won the race? A I can't call the man by name now.
- Q Did you know Choctaw Billy by any other name? A That is all that we ever called him, Choctaw Billy. --Mr. Pitchlyn won the race.
- Q Is Mr. Pitchlyn living or dead? A He is dead.
- Q Is your old master living? A My masters are both of them dead --one died about five months ago.
- Q When did you leave down there near Doaksville and Maynew? A Long before the War, and moved down on Red River.
- Q You say you knew Choctaw Billy in Mississippi, where in Mississippi did you know him? A I knew him at Talahachie and a place called Tuscombá.
- Q Did you see him often there; how did you happen to get acquainted with him? A At the Ball playing and dances I use to go to with My Mrs to all of the Indian dances, I use to go to the frolicks--Choctaw Billy use to be a leader.
- Q You remember about when it was that he came to this country? A My master landed here at a place called Fort Coffee and from there we moved to-----, there is where I saw Choctaw Billy.
- Q How long was it after you got here before he came? A He came there in March.
- Q You know a colored man named Joe Freeman? A Yes, sir.
- Q Did you ever see him about Doaksville? A Yes, sir.
- Q Who owned him? A I forget his master's name.
- Q To what race of people did Choctaw Billy belong? A I don't know but they called him the Choctaw.
- Q You know whether or not he could talk the Choctaw language? A Yes; many times he told me -----.
- Q You talked Choctaw? A Yes, sir.

Cross examination by Mr Mahsfield

- Q Now you say you left Doaksville long before the War and went where? A Down to Red River.
- Q How long before the War? A I could not say.
- Q About how long before the War was it? A Why I could not tell you; it was so long before the War I can't remember it.

- Q You belonged to Jackson Kemp? A Yes, sir.
- Q Did you move away when he did? A Yes, sir.
- Q He took you as his slave? A Yes, sir.
- Q I will ask you if Jackson Kemp did not move away from Doaksville and move to Colbert's Ferry in 1853, seven years before the War? A Yes; I guess so.
- Q What is your recollection about that? A I don't know.
- Q How many crops before the War; does it strike you that that is about the time he moved, in 1853; that would be seven years before the War? A It was along about that.
- Q When did this horse race occur? A That was before that.
- Q How long before that? A Way back yonder.
- Q How long before Jackson Kemp moved away from Doaksville did they have the horse race? A If I can guess at it about four years.
- Q So that would make it about 1849 that the horse race occurred? A Yes, sir.
- Q How old was this boy that rode the horse in the race? A I don't remember how old but he was a good big boy, I guess about ten or fifteen years old.
- Q Did you ever know a man down there called Choctaw Billy? A No, sir only the one, any other.
- Q There was but one Choctaw Billy? A But one Choctaw Billy.
- Q You are not the woman that testified here about a man called Choctaw Billy a day or two ago? A I reckon I am the same woman.
- Q Did you not testify that you knew a man named Choctaw Billy Bottoms that traveled back and forth from Doaksville to Texas? A I don't know.
- Q How old a man was Choctaw Billy when he ran this horse race and Pitchylin beat him? A I don't know but he was a settled man. Them days I never thought about peoples ages.
- Q Was this boy that rode the race the youngest or the oldest boy? A He was the oldest boy.
- Q How many children did he have? A I don't know I never saw but this one.
- Q Can you tell us about how old a man he was? A No, sir; I could not tell you.
- Q How long has it been-you never thought about this horse race until just here lately since that has been called to your mind? A When we old folks get together at home we talk over old times.
- Q Who have you been talking to about old times that called this up? A I was talking to my husband at home and other old folks.
- Q Have you not been talking to some body today about Choctaw Billy? A No, sir.
- Q Nobody talked to you today about Choctaw Billy and the horse race? A No, sir.
- Q You did not talk to anybody about Choctaw Billy and the horse race out in that room? A Perhaps I did.
- Q Well who was it whom did you talk to about Choctaw Billy and the horse race and about Choctaw Billy being beat and his boy riding the race? A It might have been him.
- Q You say who it was; who was it that talked with you about it? A I think it was Joe Freeman.
- Q Anybody else? A Well there was two or three in there.
- Q Don't you know who they were; was that old gentleman across the table in there? A No, sir.

- Q You don't know who it was then. You knew this man Choctaw Billy in Pontotoc County, Mississippi? A Yes, sir.
- Q Did I understand you to say that Choctaw Billy lived in the town of Pontotoc in the old Choctaw Nation? A Yes, sir.
- Q How far from the town did he live there? A I could not say now how far; I guess about six miles.
- Q Which direction from the town? A South.
- Q Live near any Creek or River or anything of that sort? A A There was a Creek by the name of---
- Q What was the name of the Creek? A I forget.
- Q How old was Choctaw Billy when you knew him near Pontotoc town in the old Choctaw Nation in Mississippi? A He was a grown man.
- Q Did he have a family? A Yes, sir.
- Q How many children did he have? A I saw this one that is all.
- Q You saw this one child with him near the town of Pontotoc in the old Choctaw Nation? A Yes, sir.
- Q That was before the first emigration in 1830 you saw him there? A Yes, sir.
- Q When did you come to this Nation; when did you emigrate here? A I could not tell.
- Q I understand you to say that you came with the first emigration? A Yes, sir.
- Q Did you come with the first emigration with the Choctaws? A Yes; This boy was with him in the old Nation; I said that.
- Q Yes; you stated that? A I made a mistake.
- Q You say that that you did not know this boy in the old Nation; what do you remember about Choctaw Billy and his family living near Pontotoc town? A I remember Choctaw Billy back in Pontotoc county; he Dickson Frazier and Winchester Colbert use to run together, that was way back in the old Nation-Dickson Frazier and Choctaw Billy use to run together and a colored man named uncle Sinece, he was a great fiddler. These boys use to play against him in the Dancing Room.
- Q Dickson Frazier was a Choctaw? A No, sir; he is a Choctaw.
- Q Your master was a Chickasaw? A He is a Chickasaw Yes.
- Q Winchester Colbert was a Chickasaw? A He is a Choctaw.
- Q How old was this Choctaw Billy when you knew him back there? I could not say but he was a grown man.
- Q Did he have a family? A Back in the old Nation.
- Q Yes? A Yes, sir.
- Q How many children did he have? A He did not have any children there.
- Q You knew John Pitchlyn well did you not? A I did.
- Q You have testified that this horse race took place about four years before you moved away with Jackson Kemp from Doaksville and you testified that you moved in 1853 and that this race took place in 1849? A As near as I can get at it.
- Q How old was John Pitchlyn when this race was run? A He was a man.
- Q Grown man? A Yes, sir.
- Q Was he married? A Yes; his wife was named Susan.
- Q And he owned one of the race horses that got beat? A Yes, sir.
- Q Or did he win? A John Pitchlyn won.
- Q You remember that just as distinctly as you do anything else? A Yes, sir.
- Q I want to ask you if you don't know as a matter of fact that John Pitchlyn in 1849 was a school boy, going to school? A John Pitchlyn?
- Q Yes in 1849? A Not that John Pitchlyn.
- Q Did you ever know any other John Pitchlyn that lived about Doaksville? A I know ed old John Pitchlyn.

- Q That is old John Pitchlyn you were talking about? A That is the only John Pitchlyn I know; his wife was named Lina.
- Q Who told you that? A She died only about a month ago.
- Q What kind of a house did Choctaw Billy live in; log house or a frame house? A I don't know.
- Q You don't know where he lived? A I have been there but I never knew the house but it was a pretty good house.
- Q You have been there with your mistress visiting? A Yes, sir.
- Q Who would she visit? A She visited this man and his wife.
- Q How long would she stay at a time? A Some times two or three days.
- Q Did Choctaw Billy have a pretty good farm? A I never noticed the farm.
- Q What kind of a house was it? A Log house.
- Q A hued log house? A Yes, sir.
- Q Two big room and a porch in between? A I forget about that.
- Q Have a rock chimney and porch around it? A They had a porch but I forget about the rock chimney.

Mr. Ralls:

- Q You say that John Pitchlyn's wife just died a short time ago? A Yes; she married again.
- Q You know where she was when she died? A She lived close to Wylie.
- Q You know the gentlemen sitting there at the end of the table? A No, sir; I can't see no way.
- Q You don't know him from where you are sitting? A No, sir.
- Q You know Simon Lewis? A If I knowed I have forgotten it.
- Q Lives up here on the Canadian? A No, sir.
- Q You say this had been a long time ago-you don't read nor write? A No, sir.
- Q You ever go to school any? A No, sir; I never went to school in my life.
- Q How long have you known Joe Freeman? A I can't say.

Judge Foote:

- Q You said something about Tuscomba; did you say this man Choctaw Billy at Tuscomba; where was that? A That is way back in Alabama.
- Q You saw Billy there? A Yes; he would go back and forth.
- Q What was you doing there? A Following my mistress.
- Q Went over to Alabama to a place where Choctaw Billy came? A Following my mistress and master.
- Q You recollect how far it was from Pontotoc to Tuscomba? A No, sir.
- Q Was it a days journey or one and half days on horse back? A You could get there in a day and a half.

Mr. Mansfield:

- Q Which way was it from Choctaw Billy's house to Dpaksville? A I don't know.
- Q You don't know what direction it was? A No, sir.

Witness excused.....

Joe Freeman, called as a witness on behalf of the plaintiffs, after being duly sworn testified as follows:

Direct examination by Mr. Ralls

- Q What is your name? A Joe Freeman.
- Q How old are you? A I am about 82 years old.
- Q Where do you live? A Up at Boggy Depot.
- Q Did you ever live about Doaksville or Mayhew? A Yes, I lived there a long time.
- Q Were you a slave? A Yes, sir.
- Q Whom did you belong to? A A man by the name of Brit Willis.
- Q What was he? A He was a white man but his wife was a Chickasaw.
- Q You remember about when it was that you went down to Doaksville? A I use to live there,--I came from Mississippi, the first place I stopped was right there. My master had a farm and I stayed there all during the War.
- Q You remember about how long it was before the War that you came over from Mississippi? A No, sir; I know it was a long time.
- Q I will ask you if while you were down there you ever knew a fellow by the name of Carroll? A Yes, sir.
- Q I will ask you if you know anything of a horse race between him and a fellow named Pitylyn? A I know about him and John Pitylyn running a horse race.
- Q Was you there? A Yes, sir.
- Q Where was the race run? A On the East side of Doaksville on the big Prairie.
- Q What is the name of that prairie? A They always called it the Doaksville prairie.
- Q Did that man Carroll have any other name that he was called by? A Yes; they called him Choctaw Billy.
- Q Who called him that? A Everybody around there.
- Q You know what race of people he belonged to? A He belonged to the Choctaws.
- Q You know whether he spoke the Choctaw language? A Yes; he could talk just as good Choctaw as anybody.
- Q Do you understand Choctaw? A I understand it but I can't talk it good.
- Q You can talk it some? A Yes, sir.
- Q You know what became of the man that they called Choctaw Billy? A I think he died. I have heard them say that he died.
- Q You did not see him after he was dead? A No, sir.
- Q Do you know whether he had a family? A No, sir.
- Q Did he have a wife? A Yes, sir.
- Q You know what became of her? A No, sir; I have seen her though.
- Q You know whether he had any daughters or sons? A I think he did but I am not certain about it. He had one son that lived up at Armstrong academy and I lived down at Doaksville; he followed horse racing and gambling and was a great fiddler with the Indians.
- Q You remember about when it was that the horse race was run? A No, sir; I don't know; I know it was about the time of the War ---or before the War--I know it was.
- Q You know what became of Choctaw Billy's family? A I really do not.
- Q You know what became of the boy? A I know what became of the boy.

- Q What became of him? A He went off and was gone a long time and then I myself was gone and the first time I seen him after his father's death was around here.
- Q You know what became of him? A The next time I saw him was at Ego attending to the mill.
- Q What was the boy's name? A His name was Carroll, John Carroll I believe.
- Q Have you seen him since you was at Ego? A Yes, sir.
- Q Where is he now? A He is here now.
- Q Can you see pretty well? A Not over good.
- Q Look across the table over here? A Yes; that is the one.
- Q That is the one you have reference to? A Yes, sir.
- Q You say you can talk the Choctaw language? A Yes; I can talk it some; any trade I want to make with them I can make.
- Q You were a witness here the other day and counted for us in Choctaw? A Yes, sir.

Cross examination by Mr. Cornish

- Q You testified in a case here a few days ago did you not Uncle Joe? A Yes, sir.
- Q You testified about a man named Billy Bottoms? A Yes, sir.
- Q You told us about him running horse races did you not? A A When?
- Q When you were before the Court the other day? A I testified it now.
- Q Did you not testify the other day that Billy Bottoms ran horse races also? A Yes, sir.
- Q Did you not testify also that he was a powerful fiddler? A Yes sir.
- Q Did you not call him Choctaw Billy? A Yes, sir.
- Q That is what you called him to? A Yes, sir.
- Q Then they were pretty much the same kind of fellows; both powerful fiddlers? A Yes, sir.
- Q And horse racers? A Yes, sir.
- Q Whiskey drinking me? A Yes, sir.
- Q And both had the name of Choctaw Billy? A Yes, sir.
- Q How long before the War was it that you came into that country? A It was a good while before the War; I was about 18 years old when I came from Mississippi and I am now about 80 years I reckon
- Q When was it that this Choctaw Billy, this Choctaw Billy ran his horse races? A Pretty much the same time.
- Q When was it that the horse race you now tell us about was run? A A little before the War.
- Q About the time they run the other race? A No, not the same time.
- Q This Choctaw Billy that is in this case how old man was he? He was a tolerable old man.
- Q How old? A I could not tell you.
- Q You know about how old he was? A I could not tell you.
- Q You know about how old he was; you know how old a man his son looks to be, sixty years, how old would you say this man Choctaw Billy was when he run this horse race? A About thirty or forty years old.
- Q That was just before the War? A Yes, sir.
- Q Where did he live? A He lived down about Wheelock.
- Q I want the Choctaw Billy that is in this case; the Choctaw Billy that you are now telling us about; who did you come her for to testify in this case? A Sam Carroll I think.

- Q Are you testifying for Sam Carroll today or were you testifying for him the other day? A No, sir; I was not testifying for him then.
- Q Who were you testifying for then? A You have got my mind tore up now.
- Q Who did you testify for the other day? Do you want to answer that question or don't you know? A If I can think I would like to say it.
- Q Then you are unable to say what case you testified in the other day? A I could by studying.
- Q If the names were called over to you you would know them would you not? A Yes, sir.
- Q If the name was called over to you you would know it would you not? A I think I would.
- Q I will ask you if it was not a man by the name of Benight? A No, sir; I don't know.
- Q Was he a man named Johnson? A I don't think of that name.
- Q You testified about Billy Bottoms? A Yes, sir.
- Q How did you say that Billy Bottoms was kin to the people that you testified about? A This Billy Bottoms went by an Indian name and his Indian name--.
- Q Wai did you say that Billy Bottoms was kin to in your testimony the other day?

Mr. Ralls:

Q ~~xxxxxxx~~

We object. That is irrelevant and incompetent.

Judge Adams:

✱ I think it is competent to test his memory.

Mr. Cornish:

- Q Where did the Choctaw Billy in this case live? A I told you that one lived up there about Wheelock.
- Q Which one was that? A The one I testified about the other day this one I am testifying about now lived at Mayhew.
- Q How far is that from Doaksville? A About forty miles.
- Q You lived at Doaksville? A Yes, sir.
- Q You said right there with your master on the road to Doaksville? A Yes; right there but I have been to Mayhew.
- Q What kind of a place did this man live on? A Just a piece off the road.
- Q This man Choctaw Billy? A I never have been to his house but I went by there.
- Q He had a good big farm did he not? A Yes, sir.
- Q He was a good liver? A Yes; like all the rest of the Indians there.
- Q It was a good big farm? A Yes, sir.
- Q What kind of a house did he live in? A Log house.
- Q Was it like other log houses in that country? A No, sir.
- Q But it was a good log house? A Yes, sir.
- Q Was it a hewed log house? A Yes, sir.
- Q Was it a good big house? A I don't know; I never took much pains; I never lived in a log house.
- Q How long after the War did you keep on living at Doaksville? A I lived there from the time I came to the Nation until 18 years ago.

- Q This man Choctaw Billy did he die at that place? A They say he did.
- Q Uncle Joe who has talked to you about this case? axsince dinner yesterday? A

Mr. Ralls:

We object it is irrelevant and immaterial as to who talked to him about it. I did not get to talk to the old man, it is an insinuation--.

Witness:

A Nobody.

Judge Adams:

Have you any further evidence in this case ?

Mr. Ralls:

Nothing but the evidence of this man Underwood. We have his affidavit here but I don't want to introduce it until he dies.

In the Choctaw and Chickasaw Citizenship Court,

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

--o--

Sam'l H. Carroll, et al,

--vs--

No. 98.

The Choctaw and Chickasaw Nations,

--o--

Present and presiding the Hons. Walter L. Weaver, and
Henry S. Foote, Associate Judges of said Court.

--o--

Appearances;

J.G. Ralls, for Plaintiffs,

Manfield, McMurray & Cornish, for Defendants.

--o--

February 27, 1904, This day this cause coming on to be
heard, the following proceedings were had, towit;

In case No. 98, the record contains the affidavit of Dan'l Underwood, which is part of the record transferred to this Court for the United States Court for the Central District.

We refer to his testimony in the Louis Hill Case. There is also an affidavit of Sam Ferry, and we call attention to his impeachment in the Harvey case, No. 67 and the Newton case, No. 71. There is also an affidavit of Lige Colbert and we called attention to the testimony in the Petty case.

This is done to show the conduct of the applicants in resorting to this character of testimony, as bearing upon their credibility as witnesses in their own behalf.

L.B.Flowers,

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

Mr. Cornish:

Q.- What is your full name?

A.- L.B.Flowers.

Q.- Where do you live?

A.- Allen.

Q.- Choctaw Nation?

A.- Yes, sir.

Q.- What is your age?

A.- Sixty two, the twenty seventh day of February.

Q.- Are you acquainted with Sam'l H. Carroll?

A.- Yes, sir.

Q.- When did you first become acquainted with him?

A.- In 1883.

Q.- In what State?

A.- Limestone County, Texas.

Q.- Where did he live and where did you live?

A.- He was living about four miles south of the County Seat,
and I lived on the place adjoining his.

Q.- On whose land was he living?

A.- On his land; what was his father's.

Q.- You know he was living on land which he owned and which
came to him from his father?

A.- Yes, sir.

Q.- Your farm adjoined his?

A.- Yes, sir.

Q.- How long did you continue to know him personally?

A.- Until --well, must have been eight or nine years, at least

that, I moved away.

Q.- Where did he go and where did you go?

A.- He went to Austin, Texas, and I went close to Marble Falls.

Q.- He moved when you did?

A.- No, sir.

Q.- Was he there when you moved away?

A.- Yes, sir.

Q.- Where did you next know him?

A.- Never have met the man since.

Q.- He is the man, who is now claiming Choctaw Citizenship?

A.- I suppose so; if it is Sam'l H. Carroll. The way I found him here after I came to this country, they were talking about his son; they had a blind boy and I knew him at hoem home.

Q.- Now, Mr. Flowers, from the time you first became acquainted with Sam'l H. Carroll, say in 1883, up through the seven, eight or nine years that you knew him, when you were living on adjoining farms, did you ever hear any claim by him, or any one in his behalf, that he was a Choctaw Indian?

A.- I don't remember hearing Indian spoken of.

Q.- When did you first hear of it.

A.- When I came to this country and found him here; found he was on the rolls.

Q.- What year was that?

A.- Four years ago.

Q.- You spoke of a blind boy; did Mr. Carroll have a blind boy?

A.- He had one when he lived in Limestone County; he was taken to Austin.

Q.- To the Texas Asylum for the Blind?

A.- Yes, sir.

Q.- What did he do, what was his profession?

A.- I don't know that he had any.

Q.- I understood you to say he was a preacher.

A.- That was so, he is a preacher.

Q.- Did he, all these years you knew Carroll in Texas, did he exercise the rights and privileges of a citizen of the State of Texas?

A.- Yes, sir, so far as I know; if he had claimed to be an Indian, I would certainly have heard of it.

Cross Examination.

Mr. Ralls.

Q.- I understand you to say that the land he lived on was land which came from his father?

A.- That is my understanding. That was the talk from the entire family.

Q.- There is a record of the transaction; of the transfer of the land there?

A.- Yes, sir.

Q.- That record will show how he got the land?

A.- Yes, sir.

Q.- You never examined the record?

A.- No, sir.

Q.- You never saw his father that you know of?

A.- I am satisfied I did not.

Q.- Never saw his mother?

A.- Yes, sir, saw her, she lived there two years or a year, after I went there.

Q.- Were the records burned before you went there?

A.- Yes, sir.

Q.- The County seat was then at Groesbeck?

A.- Yes, sir

Q.- Mr. Carroll was there when you went there?

A.- Yes, sir.

Q.- And stayed there seven or eight years.

A.- Yes, sir.

Witness excused.

Mr. Cornish;

Upon this evidence and the facts developed upon cross-examination of the witnesses, we submit the case/

Mr. Ralls;

We desire to move to strike out all of the testimony of this witness, as to where the land came from. The only thing that I see that this witness has said was that the land came from his father. We move to strike that out of the case, as the record would be the best evidence.

Judge Weaver;

The motion will be considered.

Mr. Ralls;

We will ask for time to get a certified copy of the record, showing from whom the land was purchased.

Judge Weaver;

How long do you want.

Mr. Ralls; We will get it as soon as we can.

March 8, 1904.

Present: same as on Feb. 27, 1904.

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

Mr. Ralls: I would like to file two deeds, certified copies of two deeds, showing from whom the land was purchased.

Mr. Cornish: We object to their introduction annot being material in this case.

Mr. Ralls: My client testified in his examination in chief, from whom he purchased this land, and it has been stated that he got the land from his father, and I now introduce the deeds, showing from whom he got it.

End.

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

SAMUEL H. CARROLL, ET AL.,

VS.

NO. 98.

CHOCTAW & CHICKASAW NATIONS.

STATEMENT OF FACT AND OPINION,

BY ADAMS, CHIEF JUDGE.

On the 26th day of August, 1897, a judgment was rendered by the United States Court for the Central District of the Indian Territory, sitting at South McAlester, upon an appeal from the decision of the Commission to the Five Civilized Tribes denying their application, admitting Samuel H. Carroll, Elizabeth Carroll, Samuel W. Carroll, G. R. Carroll, T. B. Carroll, Margaret A. Carroll, Joseph A. Carroll, John E. Carroll, Walter A. Carroll, Hattie B. Carroll, Belle Carroll, Mary C. Carroll and Mary Carroll as members by blood of the Choctaw Nation, and ordering the Commission to the Five Civilized Tribes to place the above named persons upon the rolls as Choctaw citizens by blood.

After the decision of this Court in the case of the "Choctaw and Chickasaw Nations vs. J. T. Riddle, et al.," in which it was declared that said judgment, as well as all other judgments similarly situated, was void by reason of certain irregularities therein pointed out, to-wit: On the 11th day of March, 1903, Samuel H. Carroll, Thom. N. Carroll, John E. Carroll, Belle Carroll, Samuel W. Carroll, Margaret

A. Carroll, Walter C. Carroll, George R. Carroll, Joseph A. Carroll, Mattie E. Carroll, Elizabeth Carroll, Nancy C. Carroll, Mary C. Carroll, filed a petition in this Court, asking that this case be transferred from the United States Court for the Central District of the Indian Territory to this Court, here to be tried. In accordance with said petition the same was transferred to this Court and came on to be heard on the 30th day of November, 1903.

Plaintiffs introduced several ex parte affidavits as evidence, and also several witnesses whose testimony I deem it unimportant to set out in full here.

Plaintiff, Samuel H. Carroll was introduced in his own behalf and testified that he is 65 years of age; that he was either born in the Indian Territory or Mississippi; that when he could first remember he was living in the Indian Territory with his father; that he remained here until he was 12 or 15 years of age, when he went to the State of Texas, moving there in either 1860 or 1861; that he remained in Texas until ten or eleven years ago, when he moved back to the Indian Territory and has been here since that time; that he married a white woman in the State of Texas, and had by this marriage a blind boy; that he made application to the authorities of the State of Texas, as a citizen of that State, for the admission of this boy to the asylum at Austin. Witness further says that since returning to the Territory he has rented land from citizens of the Nation and paid rent until he was admitted to citizenship by the United States Court. Witness further says that his fathers name was William C. Carroll who, he has been taught, was a half-breed Choctaw Indian; that his father was a horse racer and went from place to place; that his grand-

father was named Richard Carroll; that his grandfather moved from the State of North Carolina to the State of Mississippi; that he does not know from whom he derives his Indian blood, whether from his grandfather or grandmother. This witness claims to be one-fourth Choctaw Indian by blood.

I find in the record as introduced by ^{the} plaintiffs the application of these plaintiffs filed with the Commission to the Five Civilized Tribes on the 3rd day of September, 1896, and sworn to by the principal applicant, Samuel H. Carroll, whose testimony is set out above. In this petition Samuel H. Carroll swears that he is a son of William C. Carroll and a grandson of Richard Carroll; that his grandfather, Richard C. Carroll, was a full blood Choctaw Indian. It will be noted that this witness now swears that he does not know from whom he derives his Indian blood; that he does not know whether his grandfather Richard Carroll was an Indian or not; and that his grandfather came from the State of North Carolina; while in his original application he swore that his grandfather, Richard Carroll, was a full blood Choctaw Indian.

There are many discrepancies in the testimony.

The Nations introduced testimony of witnesses who knew this applicant in the State of Texas, and that he never claimed to be an Indian there, but was always regarded as a white man, and a citizen of the State of Texas.

If Richard Carroll originated in the State of North Carolina I am at a loss to see how he was a Choctaw Indian, for it is a well known fact that the Choctaw tribe of Indians did not inhabit that part of the country, certainly not as a tribe.

Upon an examination of this testimony I do not think it is sufficient to warrant the Court in declaring

as a fact that the applicants, or any of them, are Choctaw Indians. A judgment will be entered by this Court denying the rights of these applicants as Choctaw citizens, or to enrollment as such.

(Signed) Spencer B. Adams,
Chief Judge.

We concur:

(Signed) Walter L. Weaver,
Associate Judge.

(Signed) Henry 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.

Samuel H. Carroll, et al.,

vs.

No. 98.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this 26th 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, Samuel H. Carroll, Thom H. Carroll or T.R. Carroll,
John E. Carroll, Belle Carroll, Samuel W. Carroll, Margaret A.
Carroll, Walter C. Carroll or Walter A. Carroll, George R.
Carroll or G. R. Carroll, Joseph A. Carroll, Hattie B. Carroll,
Elizabeth Carroll, and Mary G. Carroll or Mary C. Carroll, 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 that the Court has no jurisdiction over the
petitioner, Nancy C. Carroll.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the
petition of the plaintiffs, Samuel H. Carroll, Thom H. Carroll or
T. R. Carroll, John E. Carroll, Belle Carroll, Samuel W. Carroll,
Margaret A. Carroll, Walter C. Carroll, or Walter A. Carroll,
George R. Carroll or G. R. Carroll, Joseph A. Carroll, Hattie
B. Carroll, Elizabeth Carroll, and Mary G. Carroll or Mary C.
Carroll, 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, Nancy C. Carroll, the Court having no

jurisdiction, the petition is dismissed.

.....
Chief Judge.

.....
Associate Judge.

.....
Associate Judge.

BEFORE THE COMMISSION FOR THE FIVE CIVILIZED TRIBES.

Hattie Ethel Carroll, by her father :
Samuel W. Carroll-----plaintiff :
vs : Petition for enrollment.
Choctaw Nation-----defendant :
:

Comes now the above named plaintiff, Hattie Ethel Carroll, an infant, by her father Samuel W. Carroll, and represents to this Honorable Commission that she is entitled to be enrolled as a member by blood of the Choctaw Nation, for the following reasons, to-wit:-

That on the 16th day of September 1897 she was born in the Choctaw Nation and that at that time her said father, Samuel W. Carroll, was a duly recognized member by blood of the Choctaw Nation and her mother, Mary Carroll, was also such recognized citizen and then and now reside in the Choctaw Nation.

Plaintiff further shows that her said father and mother were legally married and were duly admitted to citizenship on the 30th day of August 1897, by virtue of a judgment rendered in the case of Samuel H. Carroll et al vs Choctaw Nation in the U. S. Court at South McAlester for the Central Judicial District of the Ind. Ty., and that a certified copy of said judgment has been forwarded by the Clerk of said Court to this Honorable Commission and the person appearing therein as Samuel W. Carroll is the identical person who is the father of this plaintiff and is a Choctaw Indian by blood.

Wherefore, your petitioner attaches the affidavit of the attending physician showing the birth of your petitioner and marks said affidavit "exhibit A", and asks that it be made a part of this petition, and refers this Honorable Commission to the judgment above mentioned, and asks that her name be placed on the roll as a member by blood of the Choctaw Nation.

Hattie Ethel Carroll

by her attorneys,

Ralls Bros.

Atoka I. T.

Samuel W. Carroll having been by me first duly sworn according to law states on his oath, that he has read the above and foregoing petition and that the statements therein made are true and correct, and that he is the father of the said Hattie Ethel Carroll, and that she is now living, and was born in lawful wedlock on the 16th day of September 1897.

S. W. Carroll

Subscribed and sworn to before me this 17th day of Nov. 1897.

Jos. G. Ralls.

Notary Public.

BEFORE THE COMMISSION FOR THE FIVE CIVILIZED TRIBES.

Hattie Ethel Carroll, by her father :

Samuel W. Carroll-----plaintiff :

vs

: Affidavit of Dr. C. M. Means

Choctaw Nation-----defendant :

Dr. C. M. Means having been by me first duly sworn according to law states on his oath that he is a regularly practicing physician, and that as such he was called to attend the wife of Samuel W. Carroll in a case of confinement, and that on the 16th day of September a child was born to them which is now living and is named Hattie Ethel Carroll.

Affiant further states that he is not related to the plaintiff and has no interest in the prosecution of their claim.

Dr. C. M. Means

Subscribed and sworn to before me this _____ day of Nov. 9th, 1897.

John T. Gilmore

Notary Public.

WORTHINGTON

WORTHINGTON, P. M.

Dr. C. M. Wells

550
11/10/10
1100

Hathi Carroll
vs
Choctaw Nation

By her father Dr. Carroll

Dr. C. M. Wells

87

RECEIVED THE COMMISSIONER OF THE GENERAL LAND OFFICE

15th.-- In the case of S. H. Carroll, under date of July, 1897, witness testifies that he is 85 years of age; was born in North Carolina; when about ten years old was taken by the Indians to the Choctaw Nation in Mississippi; resided there until he came to the present Choctaw Nation. I was owned by Jimson Perry, who was a Choctaw Indian by blood. I returned to Mississippi, and afterwards finally located in the Territory in 1842, and have

lived here ever since. Am personally acquainted with Samuel H. Carroll, the applicant. Knew him in Mississippi. He is a one quarter blood Choctaw Indian. His father was a one half breed, and was known as "Choctaw Billy", his correct name being William C. Carroll. Sam Carroll and his father lived in Mississippi among the Choctaw Indians, and was recognized as members of their tribe. I left him in Mississippi and next met him in the Choctaw Nation.

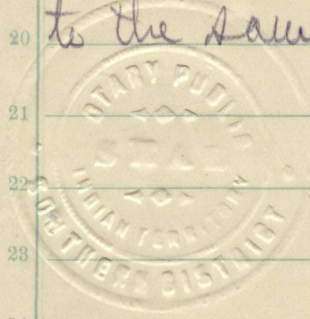
My name is S. P. Perry, I know Samuel H. Carroll, knew him first on Blue Spring Prairie between Boggy Depot and Wylie on Blue. ~~He~~ He looks like a white man. If he is any part Indian it is very slight.

He told me old Billy Choctaw Carroll was his father, but I only have his word for it.

I knew Choctaw Billy, well in Mississippi. He was a blacksmith. Never knew his father or mother and I do not know whether or not he was ever married.

Witness
R. B. B. B. *S. P. Perry*

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



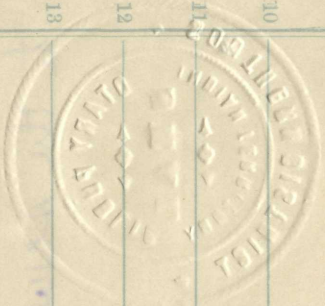
J. P. Crawford
Notary Public

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Samuel H. Carroll

Case

Affidavit of J. P. Perry



Witness my hand and seal of office this 14th day of July 1862

[Faint, mostly illegible handwritten text in blue ink, likely bleed-through from the reverse side of the page.]

Mr. J. W. Correl, a merchant of Cameron, D.T.,
told me, not knowing my business, that his
uncle Sam. H. Correl, didn't have a drop of Indian
blood in him. That Sam. H. Correl, after he was
admitted, told him, J.W. Correl, that he had no Indian
blood, and ~~that~~ he laughed very much about
having gotten through the Council. That he said
that he told his attorney that he had no Indian
blood; that the attorney said, "that makes no
difference; just give me \$5000 and I'll get
you through." To which Sam. H. Correl replied,
"Get me through, and I'll give you \$10000."

J.W. Correl is a wealthy man, a large land
owner of Benton Co. Ark., and has a store at
Cameron, D.T. He does not claim, and has never
claimed Indian blood.

He says that getting an Indian right was a great
joke with his uncle Samuel H. Correl. He says
that his uncle is dead now.

D. A. Richardson.

Samuel H. Carroll, et al.

Evidence for Nations.

Take testimony of L. B. Flowers along lines of
letter of W. W. Barnett.

Call attention to testimony of Daniel Under-
wood taken before Judge Weaver in the case of
Louis Hill, et al, No 87.

Call attention to testimony taken in cases
of Mary M. Harvey, et al, No 67, & Helen V.
Keeton, et al, No 71, impeaching S. P. Perry.

Call attention to testimony of Lige Colbert
in case of _____ to show his impeachment.

Call attention to facts developed in cross-
examination of principal applicant, Sam-
H. Carroll; and submit case.

Submit

Allen Ind Tex

7 / 20 / 1903

Mansfield Wmurray & Bonish

To Mr. Clester Ind Tex

Sirs Yours of the 18
to hand will say that
Mr L. B. Flowers is here
at Allen with me he says
the Carrolls was raised in
Limestone Co Texas sold a
farm there and moved to
Reynolds Co and bought a
Ranche The records in
Limestone Co will show the
transfer of the place he

Sold, the place is 4 mi
South of Groesbeck
Mr Flowers dont remember
The name of the man he sold to
he says there is several old
settlers there that can give
you all the evidencing you need
Mr Flowers says he was considered
a hard Citizene
you can find Mr. Flowers here
Any time, you will find him
reliable

Yours Truly
W. V. Barnett

South McAlester, Indian Territory, July 18, 1903.

Mr. W. W. Barnett,

Allen, Indian Territory.

Dear Sir:

On December 9, 1900, you wrote us with reference to the Samuel H. Carroll "Court Claimant" citizenship case. At that time you advised us that a certain man of the name of L. B. Flowers had valuable information for the Nations. You further stated that Mr. Flowers was a resident of Austin, Texas.

The purpose of this letter is to ask that you kindly advise us of the present whereabouts of Mr. Flowers.

If you have any other information with reference to the Carroll case we should be glad to hear from you and also the names of other persons who have a knowledge of the facts in connection with this case.

We enclose a self addressed stamped envelope for your convenience in replying.

Very truly yours,

envelope-

S-98:

W. W. Barnett

Allen Ind Tex

12/9 1908

Wmmy Cornish & Co

To Mr. W. A. W. Austin Ind Tex

Sirs The man I spoke to you about at
Atoka is still here he says he knew
the Carrol family in Limestone
County Texas and that they
moved to Reynolds county Texas
in and lived there up to 4 or 5
years ago Carrols Atoka told me
that old man Carrol had lived
in the Choctaw nation for ten
years, he lived in Limestone Co
in 1894 and moved to Reynolds
Co about that time, Mr. L. B. Flowers
will testify to the above and that
they did not claim to be ~~the~~ ~~owners~~
Indians there.

if Mr. Flowers goes back to Austin
Texas I will send you his address

Yours Truly

W. W. Barrett

Allen Ind Tex

over

3rd.-- In the S. H. Carroll case, witness testified, under date of July, 1897: I am 76 years of age. My post office is Wiley. Am a Choctaw freedman. I was first owned by Jim Colbert. Was born in Mississippi among the Choctaws. Am acquainted with William C. Carroll, a half breed Choctaw, who was nicknamed "Choctaw Billy". I knew Samuel H. Carroll, the applicant, in this case. I knew them both in Mississippi, and know that they were recognized by the Choctaws as a member of the tribe. They came to the Choctaw Nation and located at Blue. Sam Carroll married; had several children; all resided in the Choctaw Nation. Samuel Carroll shows by his looks that he is an indian.

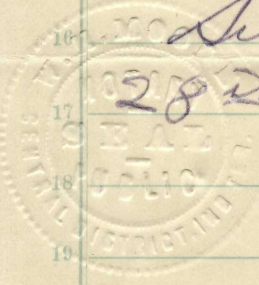
I Elyah Colbert being duly sworn on
my oath say I know ~~was~~ Carrol
in Mississippi he went as an Indian
lived in Marshall County near Hollow
Springs; Did not know ~~who~~ his father
~~or~~ mother; He was not a married
~~time~~ man at that time; I never
knew his wife; I never knew any of his
children; and do not know whether
he ever married or not

Witnesses
James Hall
Thom Brown

his
Elyah X Colbert
mark

Subscribed & sworn to before me this
28th day of March 1903

W. H. Moore
Notary Public





D. H. Carroll

Affidavit of Elijah Colbert

Faint, mostly illegible handwritten text on lined paper, possibly containing a deposition or affidavit. The text is written in blue ink and spans across the lines of the page.

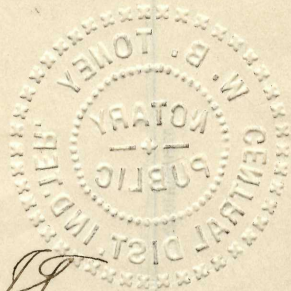
SUBPENA.

Original

Choctaw and Chickasaw Citizenship Court,

INDIAN TERRITORY,

Central District



The President of the United States of America,

To L. B. Flowers, Co W. W. Bennett, Allen J. J.

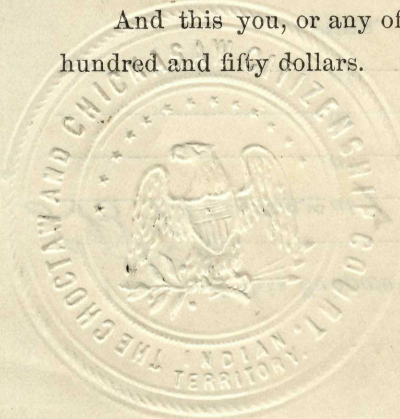
Greeting:

We command you, that all and singular business and excuses being laid aside, you, and each of you, appear and attend before the Judges of the Choctaw and Chickasaw Citizenship Court in the Indian Territory, Central District, at a Court to be held at its Court Room, at Paul McAlester, in the Indian Territory, on the 27th day of February, 1904, at 10 o'clock a.m., to testify and give evidence in a certain cause pending in said Court, then and there to be tried, between S. H. Carroll et al, Plaintiff, and Choctaw & Chickasaw Nations, Defendant, on the part of the defendants.

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

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at Paul McAlester, Indian Territory, this 11th day of February, A. D. 1904.

James B. Cassady, Clerk. By _____, Deputy.



MARSHAL'S RETURN.

I received this Subpoena at 5 o'clock P. M. on the 22 day of Feb, 1904, and served the same by reading it in the presence and hearing of L.B. Flowers at 7 o'clock P. M. on the 22 day of Feb, 1904, at Allen St.

FEES.

Services 0.50
Notary Fee 0.25
miles at 6 cents per mile, 0.75

W.W. Barnett
U. S. Marshal.

Indian Territory: 0.75
Central District. By _____, Deputy.

Came before me the undersigned, a Notary Public, within and for the Central District of the Indian Territory, W. W. Barnett, and upon his oath stated that he had served the within subpoena, upon the with in named W. W. Barnett by delivering him a copy as set out in the above return.

W. B. Toney
Notary Public.

My Com. Exp May 12th 1906.

SUBPOENA.



No. _____

us.

S. H. Carroll, et al. S. No. 98.

In accordance with instructions I called on Daniel Underwood now living at Rhea and took from him the statement which appears among the papers.

W. H. Meen

W. H. Meen

1
2 My name is Daniel Underwood and
3 I am a Chickasaw full blood and about
4 94 years of age. I came from Mississippi
5 when 19 yrs of age.

6 I knew Wm A. Carroll in Mississippi.
7 He was a short, heavy set, hard drinking
8 full blood Choctaw Indian. I never
9 knew either of his parents. Carroll was
10 a married man, but I never knew his
11 wife. Carroll married shortly before I
12 left Mississippi and had no children
13 when I left. If he had children after
14 words I don't know anything about
15 it.

16 I do not know whether Carroll ever
17 came to the Indian Territory or not
18 I never saw him after leaving
19 Mississippi.

20 Daniel ^{his} Underwood
21 ^{mark}

22 I hereby state that I correctly interpreted
23 the questions asked Daniel Underwood and
24 that the above is a correct interpretation
25 of the statement made by him on this
26 6th day of July 1903 *Jacob Jacob*

Saul H. Carrall

Case

Statement of
Daniel Underwood

32

31

30

29

28

27

26

25

24

23

22

21

20

19

18

17

16

15

14

13

12

11

10

9

8

7

6

5

4

3

2

1

[Faint, mostly illegible handwriting in the left margin]

[Faint, mostly illegible handwriting in the middle section]

[Faint, mostly illegible handwriting in the right margin]

[Faint, mostly illegible handwriting in the bottom section]

South McAlester, I. T., May 12th., 1903.

LETTER OF INSTRUCTIONS IN REGARD TO CITIZENSHIP WITNESSES
LIVING AT ATOKA.

To _____:

There are a number of witnesses in various citizenship cases living at Atoka, and you are instructed to see them and wherever possible obtain a statement from them in the form of an affidavit along the lines of their previous testimony. From past experience it is presumed that in most cases you will find the witnesses unable to duplicate their previous testimony.

A short statement of the testimony of each witness follows:

In the case of S. H. Carroll et al, S. #93.

J. C. Folsom is supposed to have information that will be of benefit to the Nations. We are not able to state what this information is, but you will see him and take from him any statement that will be of benefit to the Nations.

attended to

South McAlester, Indian Territory, June 10, 1903.

REPORT OF D. A. RICHARDSON IN THE MATTER OF
"COURT CLAIMANT" CITIZENSHIP WITNESSES
LIVING AT ATOKA, INDIAN TERRITORY.

In the case of S. H. Carroll, et al, I was directed to see J. C. Folsom and take from him such testimony as I could get relative to the aforesaid case. I saw said J. C. Folsom and took from him the affidavit hereto appended.

Indian Territory
Central District

My name is J. C. Folsom. I am a citizen of the Choctaw Nation, 72 years of age, & live at Atoka.

I am, & during my lifetime have been, well acquainted with the Choctaw Indians, and know practically all the Choctaw families. I never heard of any Choctaws by the name of Correll. There is no family of Choctaw Indians by the name of Correll.

J. C. Folsom

Subscribed & sworn to before me this 5th day of June, 1903,

D. A. Richardson

Notary Public



S.H. Correll, et al.

Affidavit of
J.C. Tolson



[Faint, mostly illegible handwritten text, likely bleed-through from the reverse side of the page.]

Allen J. H.

Feb 23 1904

Mansfield W. Merry & Conish
Gentlemen

Enclosed find subpoena
which I served. I will
have Mr Flowers here
Please send my fees by
him

Yours Truly
W. H. Barnett

See J. C. Falsom of Alaska -

" Charles De Flow of Limestone Gap.

SYSOPSIS OF THE S. W. CARROLL, ET AL, CASE.

Applicants are Samuel H. Carroll, his wife, Elizabeth Carroll, their eight children, sons-inlaw, daughters-inlaw, and their grandchildren.

Application states that S. H. Carroll in one quarter Choctaw Indian by blood; is a son of Wm. C. Carroll and Classy Carroll, and a grandson of Richard Carroll. That Wm. C. Carroll was a Choctaw Indian of the half blood, and that Richard Carroll was a full blood Choctaw. Applicant was born in the Choctaw Nation and is now a resident thereof. His father and grand father were old time residents of the Choctaw Nation in the State of Miss, and afterwards applicant's father moved to the Choctaw Nation of the Indian Territory, and lived there until his death in the year 18____. In 1866 S. H. Carroll and Elizabeth Carroll were married to each other in Madison County , Texas, and their co-applicants are the fruit of that marriage.

Application denied by the Dawes Commission. Appealed to the United States Court for the Central District. Referred to T.N. Foster, Special Master, who reported for the applicants. Judgment rendered accordingly.

#####

AFFIDAVITS BEFORE DAWES COMMISSION.

LIGE COLBERT says that he knew Wm. C. Carroll in the state of Miss. He was half blood Choctaw Indian. He moved from Miss. to the Territory and settled on Boggy Creek. Affiant knew one son of Wm. C. Carroll; his name was Sam. Wm. C. Carroll was recognized as a citizen of the Choctaw Nation.

J. E. LEONARD says that he knew Wm. C. Carroll in 1862 on Boggy Creek in the Choctaw Nation; that Carroll was a Choctaw Indian by blood. Carroll had three sons one of whom was named Sam. In 1872 affiant met Wm. C. Carroll in Grosebeck, Texas; Sam was with

him there. Affiant knew nothing of Sam Carroll from that time until 1895, when Sam met him and recognized him as the same Leonard he had met at Grosebeck, Texas.

S. P. PERRY, of Wiley, I.T. says that Sam Carroll's father was a half blood Choctaw Indian; affiant first knew him in Miss. about the year 1830. He was known as Choctaw Billy among the Indians. Afterwards he moved to this country and settled on Boggy Creek. He had a family of children; their names and ages affiant does not remember.

DANIEL UNDERWOOD, a full blood Chickasaw Indian of Emet, I.T. says that he is 86 years of age; that he knew Wm. C. Carroll in Miss. He was a half blood Choctaw and was known as Choctaw Billy. Was recognized there as an Indian. He moved to this Country and settled on Boggy Creek. He had a son by the name of Samuel H. Carroll.

#####E#####

DEPOSITIONS.

S. P. PERRY, Deposition same as his affidavit.

LIGE COLBERT, Deposition same as his affidavit.

DANIEL UNDERWOOD, Deposition same as his affidavit.

SAMUEL H. CARROLL, principal applicant, says that he lives near Allen, I.T. His fathers name was Wm. C. Carroll: he came from Miss. to the Choctaw Nation during the emigration; he was about half blood Choctaw and was known as Choctaw Billy while in the Territory. Wm. C. Carroll's father was Richard Carroll. Applicant has lived in the Territory since he was a boy. Made a few trips to Texas and lived there a while. Has been in the Territory all the time since about three years ago. Is about one qyarter Choctaw Indian. Applicant's grand mother's name was Phoebe Carroll, a white woman. Applicant thinks that he gets his Indian Blood from his Grand Father.

him there. Affiant knew nothing of Sam Carroll from that time until 1895, when Sam met him and recognized him as the same Leonard he had met at Grosebeck , Texas.

S. P. PERRY, of Wiley, I.T. says that Sam Carroll's father was a half blood Choctaw Indian; affiant first knew him in Miss. about the year 1830. He was known as Choctaw Billy among the Indians. Afterwards he moved to this country and settled on Boggy Creek. He had a family of children; their names and ages affiant does not remember.

DANIEL UNDERWOOD, a full blood Chickasaw Indian of Emet, I.T. says that he is 86 years of age; that he knew Wm. C. Carroll in Miss. He was a half blood Choctaw and was known as Choctaw Billy. Was recognized there as an Indian. He moved to this Country and settled on Boggy Creek. He had a son by the name of Samuel H. Carroll.

#####E#####

DEPOSITIONS.

S. P. PERRY, Deposition same as his affidavit.

LIGE COLBERT, Deposition same as his affidavit.

DANIEL UNDERWOOD, Deposition same as his affidavit.

SAMUEL H. CARROLL, principal applicant, says that he lives near Allen, I.T. His fathers name was Wm. C. Carroll: he came from Miss. to the Choctaw Nation during the emigration; he was about half blood Choctaw and was known as Choctaw Billy while in the Territory. Wm. C. Carroll's father was Richard Carroll. Applicant has lived in the Territory since he was a boy. Made a few trips to Texas and lived there a while. Has been in the Territory all the time since about three years ago. Is about one qyarter Choctaw Indian. Applicant's grand mother's name was Phoebe Carroll, a white woman. Applicant thinks that he gets his Indian Blood from his Grand Father.

#####

CONCLUSION

LIGE COLBERT and S. P. Perry are both negro freedmen, and are standing witnesses. Aside from their testimony, and the statements of the applicants themselves, there is no evidence to show that the applicants have any Indian blood

S. H. CARROLL admits that he lived in Texas, and that he was married there. The probability is that he exercised the rights of citizenship there.

Handwritten scribble

#####

Faint, illegible text, possibly bleed-through from the reverse side of the page.

Faint, illegible text, possibly bleed-through from the reverse side of the page.

Synopsis.

citizenship there.

married there. The probability is that he exercised the rights of
S. H. CARROLL admits that he lived in Texas, and that he was
the applicants have any Indian blood
of the applicants themselves, there is no evidence to show that
standing witnesses. Aside from their testimony, and the statements

LIGE COLBERT and S. P. Perry are both negro freedmen, and are

CONCLUSION



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, Southern District,

GREETING:

You are hereby Commanded to Summons P. S. Moseley, Governor of the Chickasaw Nation, to answer on behalf of said nation, in twenty days after the service of this summons upon him, as Governor of said Nation a complaint in Equity filed against the Choctaw and Chickasaw nation in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, at *So. Mc Alester*, by *Samuel H. Carroll 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 *Samuel H. Carroll et al* File No. *23* 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.

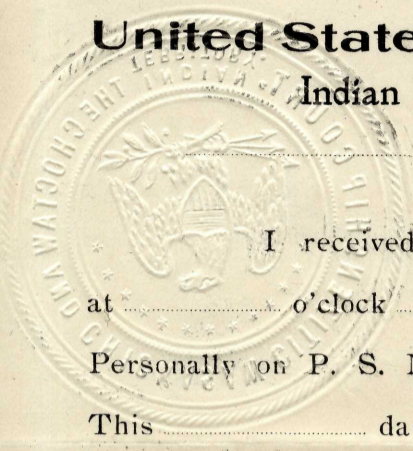


James B. Cassada Clerk.

By _____ Deputy.

MARSHAL'S RETURN.

United States of America,
Indian Territory,
DISTRICT.



I received this summons this _____ of _____ A. D., 1903,
at _____ o'clock _____ m. and served same by copy, as follows:
Personally on P. S. Moseley, at _____ Indian Territory,
This _____ day of _____, 1903, _____ m.

By _____ Deputy.

DUPLICATE

No 98-M

SUMMONS
INEQUITY.

Samuel H. Cornell et al

vs.

Choctaw and Chickasaw Nations.

Summons issued 2 day of
March, 1903. Returnable instant.

Marshal's Fees.

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

Attorneys for Plaintiff.

J. S. Ralls, Attorney

Choctaw and Chickasaw Citizenship Court

Indian Territory,

United States of America,

SUMMONS.

Handwritten signature

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 Ter-

ritory, at *So McAlester*, by *Samuel N. Cornell 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 *Samuel N. Cornell et al* File No. *23* 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.

James B. Cassady Clerk.

By _____ Deputy.



MARSHAL'S RETURN.

United States of America,
Indian Territory,
DISTRICT.

I received this summons this of A. D. 1903,
at o'clock m. and served same by copy, as follows:
Personally on Green McCurtain, at Indian Territory,
This day of 1903, m.

By Deputy.

No. *98-M*

SUMMONS
IN EQUITY.

Samuel H. Cornell et al

vs.
Choctaw and Chickasaw Nations.

Summons issued day of
March, 1903. Returnable instanter.

Marshal's Fees.

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

J. G. Ralls, atokn S.T.
Attorneys for Plaintiff.

Choctaw and Chickasaw Citizenship Court,
Indian Territory,
United States of America,
SUMMONS.