

Net Proceeds
Data.

Immigration Claim
of heirs of John
Riddle and testimony
of Wm B. Pitchlynn
in which he states
that he knows ^{of} no
other heirs than those
herein mentioned.

S. B. Riddle Case

LAW OFFICES OF
MANSFIELD, McMURRAY & CORNISH
SOUTH McALESTER, INDIAN TERRITORY

OFFICE
NET PROCEEDS COMMISSION
CHOCTAW NATION.

Case 15-2

210⁰⁰

Levis, Bond & Co

3/18-89

(John)
Geo Riddle

Certificate 79

Doctel

Allowed by the Court
Edmund Burgerin
Clerk

claim of No 152
George Riddle et al.
heirs of John Riddle dec'd
\$ 210.00

Confirmed
Sept - 27th 1876
E. W. Johnson
acting clerk

Lost Property
allowed by C. Sen Council Oct 8th 1832
Filed in my Office this 24th day
of August a. d. 1875
Edmund Burgerin
Clerk

Act Nov. 6th 1872

Scullyville C.N.

The Choctaw Nation

To George Riddle - Martha Edmonds,
William, A. Riddle, Sarah Cooper-
Douglas Riddle, Heirs of Margerite
Trail dec^d and heir of Susan Cheadle dec^d

Children and heirs of John Riddle, deceased, Dr.

To 5 Horses lost by John Riddle while emigrating
to this Nation in the year 1831 and approved
by Choctaw General Council Oct. 8th 1837

\$ 210.00

Scullyville C.N.

August 24th A.D. 1845 } Personally appeared before me Sandy
Walker, Chief Commissioner of the Court of Claims for Moshulatubbe
District of the Choctaw Nation, Wm. B. Pitchlynn, who being
duly sworn deposes and says that he well knows the parties
whose names appear at the head of the above accounts - Knows
them to be the children and heirs to John Riddle, deceased,
to whom was allowed the sum of two hundred and ten Dollars
for five horses lost by him emigrating to this nation in the year
1831 and approved by Choctaw General Council Oct. 8th 1837 as appears
upon the Rolls now in possession of the Court of Claims and that he knows
of no other heirs.

Wm B Pitchlynn

Sworn and subscribed to before me

Sandy Walker

Chief Com. of the Court of claims for
Moshulatubbe District of the C.N.

JB Riddle case

Mrs B. Pitchlynn, who was a step son of John Riddle, testifies as to knowing the claimants to net proceeds - George Riddle, Martha Edwards. Mrs. A. Riddle, Sarah Cooper Douglas Riddle, heirs of Margerite Nail and heirs of Susan Chaddle, all of whom claimed under their father John Riddle. Pitchlynn says that he well knew these claimants but knew of no other heirs of John Riddle. Pitchlynn's testimony is valuable in that he is ^{older} ~~was~~ half brother of the net proceeds claimants named by a former marriage of his mother, i.e., before her marriage to Riddle, and would, therefore, have been pretty apt to know of other heirs of John Riddle had there been any. Mrs. R. O. Edmund would make good witness in this case, daughter of Mrs. Riddle.

JB Riddle Case

why did not applicants here apply for net proceeds as heirs of Mrs. Riddle?

Don

Commissioner's Office,

Net Proceeds Claims,

Choctaw Nation, I. T.

Case No 152

188

To M^cCartaw & Co

Commission orders that a certificate
amounting to \$240 be issued to
said Co for the use and benefit
of George Riddle et al heirs of
John Riddle.

Del. Walker

In the Choctaw and Chickasaw Citizenship Court in the Indian Territory, Central District.

S. B. Riddle, et al, Plaintiffs,

vs.

Choctaw Nation and
Chickasaw Nation,

Defendants.

Petition for Transfer and
Certification or Appeal.

Come now your petitioners herein L. A. Riddle, Jenny Riddle, an intermarried white woman, Eva Riddle, Marvin Riddle, Floy Riddle, Flora Riddle, Lem Riddle; D. S. Riddle, Jenny G. Riddle, an intermarried white woman, Willie E. Riddle, Jenny E. Riddle, Martha Riddle, Claud D. Riddle, Joe T. Riddle, Ruby Riddle; J. T. Riddle; Tinsie E. Riddle, Josie Killian, M. P. Riddle, Rosetta Gardner, Nancy Wallace, Marian, Jenny, Grover, Russell, and S. B. Riddle, Junior, and represents to this honorable court that heretofore, to-wit, on the day of 1897, your petitioners on appeal, from the Commission to the Five Civilized Tribes, in pursuance of a certain Act of Congress approved June 10th, 1896, to the United States Court for the Indian Territory, Central District at South McAlester, in the above styled cause, secured a decree upon the trial of the said cause of the said court adjudging your petitioners herein to be Choctaw Indians by blood and intermarriage as appears in the said decree and in this petition, and entitled to enrollment, and all the rights, immunities, privileges and benefits of such Choctaw Indians.

That thereafterwards, to-wit, on the 1st day of July, 1902, Congress enacted a Law creating this honorable court and providing in Section 31 of the said Act that a test suit might be filed by the nations in this court to test and adjudicate the validity of certain citizenship judgments or decisions rendered in the said United States Court in Choctaw and Chickasaw Citizenship cases described, and for reasons stated, therein; and further providing that in the event such judgments or decisions were for one or both of the said reasons annulled or vacated in the above described test suit, any person or party thereto deprived of a favorable judgment might upon written application have the files, papers and proceedings transferred and certified to this court for full hearing and review; that your petitioners herein are by the decision of your honorable court, heretofore on the 17th day of December, 1902, rendered by authority of the said Act of Congress, and for the reasons named in the said act, annulling and vacating the said judgments of the United States Court aforesaid in the Choctaw and Chickasaw citizenship cases, deprived of a favorable judgment or decision as above stated upon their claims to citizenship and enrollment as Choctaw Indians by blood and intermarriage; your petitioners herein being parties to the said suit.

Wherefore your petitioners pray that the files, papers and proceedings in the case of S. B. Riddle et al, vs. The Choctaw Nation, No. , now in custody and control of the Clerk of the United States Court, Central District at South McAlester be transferred and certified to this court; that this court issue proper order for such transfer and certification; that your petitioners herein be granted a full hearing of their cause herein and be adjudged entitled to enrollment as Choctaw Indians and members of the Choctaw Tribe and as such entitled to all rights, immunities and benefits of such Indians.

L. A. Riddle

D. S. Riddle

J. T. Riddle

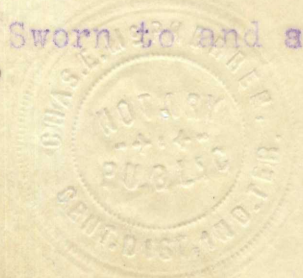
M. P. Riddle

For themselves and above named applicants.

Sworn to and subscribed before me this the 9th day of March, 1903.

Chas. Mathews

Notary Public.



No. ----.

U. S. Court No. ----.

S. B. Riddle et. al.

vs.

Choctaw and Chickasaw Nations
Defendants.

Copy

Petition for Transfer &
Certification or Appeal.

Chas. E. McPherran,
Atty. for Petitioners.

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

S. B. Riddle, et al.,

Appellants,

vs.

No. 108.

Choctaw and Chickasaw Nations,

Appellees.

OPINION, by POOTE, Associate Judge.

This appeal is from the United States Court of the Central District of the Indian Territory. It comes here under the provisions of the Act of July 1, 1902.

The appellants were denied admission by the Commission to the Five Civilized Tribes and took an appeal to the United States Court for the Central District of the Indian Territory, where they were granted enrollment as citizens of the Choctaw Nation, the report of the Master in Chancery, whoever he was, on which that judgment was based, not having even been signed, as appears, from the typewritten paper filed in the record. The judgment therein being set aside by this Court, in what is called the Riddle or test suit, they are now here on appeal as above set forth.

The record evidence consists of ex-parte affidavits taken as depositions on a trial de novo in the Court below in 1897, and are therefore incompetent evidence here; but there are some features connected with one of them, and statements in others, which require some notice.

S. P. Perry was one of the persons who deposed for these parties, and he has been shown before this Court to have been an affidavit maker, for many other parties in other cases of the same nature as this, and to be utterly unworthy of belief. The bad faith of the claimants is thus shown in presenting this man's sworn statement, to bolster up their claim.

I have examined the whole oral evidence given before us in open Court, and looking at that and the record, I can perceive plainly, that at the inception of this claim, the parties claim and do now claim, that their Grand father's name was Jack Riddle, as they say a half breed Choctaw Indian from somewhere in the State of Mississippi about the Tombigbee River, who removed to the Indian Territory about 1833, and that their father Hampton Riddle, his son, left his father, and went off to North Carolina, where he married a white woman, and then moved to North Eastern Alabama, where he was a blacksmith on Look Out Mountain until 1861 when he was killed, and that his wife and some of his children moved to Texas, lived and married there; had children born to them, and about or after 1896, removed to the Indian Territory with a view to making claim, which they did, to Choctaw citizenship.

In the affidavits or depositions filed here, they have attempted, by hearsay evidence, and neighborhood talk, to prove that their father was a quarter breed Choctaw Indian, living for many years after his supposed emigration from Mississippi and North Carolina, in North Eastern Alabama, in what was once the old Creek Nation, but from which they have long emigrated.

There is but little doubt that Hampton Riddle was not a full blooded white man, but of what his blood consisted is not established, by proper or reliable testimony. He may have had

Cherokee blood, as he was, when any witnesses first knew him, located in North Eastern Alabama where the Cherokees first lived, and near a part of the old Cherokee Nation, or he may have been part Creek Indian.

The attempt is made in the original claim, to show that the father of these claimants was the son of a Jack Riddle, a half breed Choctaw Indian who moved to the Indian Territory in 1833, from Mississippi, or from Sumpter County, Alabama, and died here, and who is proved by Mrs. Edmonds, his daughter, to be her father. This effort proved a failure for Mrs. Edmonds, one of the most respectable ladies of mixed Choctaw and white blood of the Choctaw Nation, a daughter of the Jack Riddle who was a Choctaw Indian, intermixed with white blood through his father Jack Riddle a white man, shows from the family bible of her father Jack Riddle and from her indisputable evidence, that the alleged father of Hampton Riddle had no such child, and that her grandfather could not have been the Jack Riddle these people claim under, for he was a white man, and these people claim that their ancestor Jack Riddle was a half breed Choctaw Indian. Mrs. Edmonds was born in the Choctaw Nation, her father and grandfather having come to the Indian Territory about 1832 or 1833, and her evidence is clear that these people are no relations of hers, and never even approached her to claim such relationship or to seek the assistance of her or her brother, who testified before us, as to establishing any claim to relationship or citizenship.

The whole case, taking into consideration all the facts, indicates to me that these people, relying on the fact that their father may have had some Indian blood, came into the Indian Territory, most of them probably from their own evidence, after 1896; that some of them knew a man named Riddle down about

Caddo, and had rented land from him, he being a Choctaw Citizen, and they talked with him to see if he would aid them in claiming relationship to him, who was a descendant of the Jack Riddle they now claim through. They do not seem to have enlisted his efforts in their behalf. Then Sam Perry was resorted to, to fix up the missing link by positive statements, which from his known character must be presumed to be false, as to the descent of these people from a Jack Riddle he claims to have known in Mississippi, the father of Mrs. Edmonds, a well known Choctaw. And Sam Perry among other things, swore that Jack Riddle left a wife in Mississippi with one child, when he came to the Indian Territory in 1833, whose name he did not know, and that he knew that some of these claimants were the grandchildren of that wife left behind in Mississippi in 1833.

Yet in the face of that statement these parties come here and appear to shift their ground and claim that they are the grand children of a white man, the father of the man who Sam Perry says was their grand-father, and which man Mrs. Edmonds shows to have been her father, and that in no way are these people descended from either of the Jack Riddles they claim as their ancestor.

To conclude I will say that there is not a particle of any kind of even persuasive evidence in this record, to show the rightfulness of the claim of these people.

I forbear to comment on the complexion of the whole case from any moral standpoint, or in the way of severe condemnation as to the methods employed by them in their efforts to obtain the land and property of others. The facts in the record speak emphatically for themselves.

I am, therefore, of opinion that the appellants are not entitled to be declared citizens of the Choctaw Nation, or any of them, or to enrollment as such or to any rights flowing therefrom, AND IT IS SO ORDERED.

(signed) H. S. Foote
Associate Judge.

We concur:

(signed) Spencer B. Adams
Chief Judge.

(signed) Walter L. Weaver
Associate Judge.

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

S. B. Riddle, et al.,	:	
	:	
vs.	:	No. 108.
	:	
Choctaw and Chickasaw Nations.	:	

DECREE OF COURT.

On this 21st day of March, 1904, this cause coming on for final decision, the same having been heretofore submitted upon the law and the evidence, and the Court being well and sufficiently advised in the premises, doth find that the plaintiffs

L. A. Riddle, Eva Riddle, Marvin Riddle, Floy Riddle, Flora Riddle, Lem Riddle, D. S. Riddle, Willie E. Riddle or Wm. E. Riddle, Jenny E. Riddle or Jennie Riddle, Martha Riddle, Claud D. Riddle, Joe T. Riddle or Joe Riddle, J. T. Riddle, Josie Killian or Josie Riddle, M. P. Riddle, Rosetta Gardner or Rosetta Riddle, Nancy Riddle and Russell Riddle, are not entitled to be deemed or declared citizens of the Choctaw Nation, or to enrollment as such, or to any rights whatever flowing therefrom; and the Court doth further find that it has no jurisdiction over the petitioners Jenny Riddle, Jenny G. Riddle, Ruby Riddle, Tinsie Riddle, Wallace Riddle, Marian Riddle, Jenny Riddle, Grover Riddle and S. B. Riddle Jr.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition of the plaintiffs L. A. Riddle, Eva Riddle, Marvin Riddle, Floy Riddle, Flora Riddle, Lem Riddle, D. S. Riddle, Willie E. Riddle or Wm. E. Riddle, Jenny E. Riddle or Jennie

Riddle, Martha Riddle, Claud D. Riddle, Joe T. Riddle or Joe Riddle, J. T. Riddle, Josie Killian or Josie Riddle, M. P. Riddle, Rosetta Gardner or Rosetta Riddle, Nancy Riddle and Russell Riddle, be denied and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners Jenny Riddle, Jenny G. Riddle, Rudy Riddle, Tinsie Riddle, Wallace Riddle, Marian Riddle, Jenny Riddle, Grover Riddle and S. B. Riddle Jr., the Court having no jurisdiction, their petition is dismissed.

.....
Chief Judge.

.....
Associate Judge.

.....
Associate Judge.

Q.- Who did Susan Marry?

A.- William Hall.

Q.- Who did Mollie Marry.

A.- Joe Walker.

Witness excused.

--o--

Mr. George W. Riddle,

a witness called by the Defendants, being duly sworn, testified as follows:

Mr. Cornish:

Q.- What is your full name?

George W. Riddle.

Q.- Where do you live?

A.- Wilburton.

Q.- How old are you?

A.- 63.

Q.- How are you related to Mrs. Edmonds, who was just one the stand?

A.- She is a sister of mine.

Q.- Full sister?

A.- Yes, sir.

Q.- What was the name of your father?

A.- John Riddle.

Q.- Was he sometimes called by any other name?

A.- Sometimes called Jack.

Q.- Where was he born?

A.- In Mississippi, I reckon. I was born here.

Q.- Did he emigrate to this country with the Indians when they came here?

A.- Yes, sir.

Q.- Where did he die?

A.- On the place where I live.

No Cross examination.

Mr. O'mish:

We wish to call attention to the fact that there is an affidavit of S.P.Perry filed in this case and we call attention to the testimony in the Mary M. Harvey case and the Hanen V. Newton case, impeaching him.

We have a subpoena out for a woman who lives in Texas who could throw some light on this case, but unless she arrives here today, we will consider the case closed.

---o---o---

Q.- What relation is Dolph Riddle to you?

A.- He is a cousin.

Q.- Then you have no information as to the brothers and children that your grandfather John ~~Half~~ had?

A.- Only what I have given out here.

Q.- You don't know whether any of them remained back there or not?

A.- No, sir.

Q.- You know that the record shows that your father was born in 1809.

A.- Yes, sir.

Q.- And that John Riddle his grandfather came out to this country together with his family; your father and grandfather came out to this country in 1832 with the Choctaws.

A.- Yes, sir.

Q.- You were born after that time in the Choctaw Nation?
In the Choctaw Nation here?

A.- Yes, sir.

Mr. Cornish;

Judge Adams;

Q.- Do you claim that these are the same people?

Mr. McPherran;

Yes, sir.

Mr. Cornish;

Q.- Your grandfather came out to this country also as you understand it?

A.- Yes, sir.

Q.- What was the blood of your grandfather John Riddle?

A.- I know what my father said he was.

Q.- What was your grandfather, a white man or an Indian.

A.- He was a white man.

Q.- What was the name of his wife?

A.- Katie.

- Q.- What children did he have by her? Besides your father?
- A.- My father's brothers and sisters?
- Q.- Yes.
- A.- William, Joe, Susan, Mollie.
- Q.- Then your statement is that your grandfather was a white man, and had the children, which you now name, by his wife Katie?
- A.- Yes, sir.
- Q.- Your understanding is that all of the members of the family emigrated together?
- A.- Yes, sir.
- Q.- Have you any understanding that any member of the family remained back there?
- A.- No, sir.
- Q.- It was your understanding at all the people of the Riddle family emigrated together?
- A.- Yes, sir.
- Q.- Whom did your father's brothers and sisters marry; what became of William?
- A.- He died?
- Q.- Where?
- A.- In Skullyville, Choctaw Nation.
- Q.- Did he marry?
- A.- Yes, sir, a full blood Choctaw Indian.
- Q.- Any of his descendants living in the Nation now?
- A.- None but his wife that I know of.
- Q.- Where did Joe die?
- A.- In Skullyville, too.
- Q.- I will ask you if Martin Chettle (or Cheetle) is not a descendant of your uncle Joe?
- A.- Yes, sir.

A.- No, sir.

Q.- Refer to the record and state the fourth wife of your father?

A.- Susan Pusley.

Q.- When did he marry her?

A.- 1859.

Q.- Did he have any children by her?

A.- No, sir.

Q.- Did your father have another wife?

A.- Yes, sir.

Q.- What was her name?

A.- Tisha Ward.

Q.- When did he marry her.

A.- Married her-- it is down here I think, Married her in Arkansas.

Q.- Did he have any children by his last wife?

A.- No, sir.

Q.- What living descendants are there of your father; what other living children has your father?

A.- None but myself and my brother?

Q.- What is his name?

A.- George W.

Q.- Then yourself and your descendants and your brother George and his descendants, are the only living descendants of your father?

A.- My sister has children.

Q.- What is their names?

A.- Sarah.

Q.- Only one?

A.- Yes, sir.

Q.- Then there are only three living children of your father?

A.- She is dead; her child is living.

Q.- Mrs. Edmonds, I will ask you if you know a man by the name
of S.B.Riddle?

A.- No, sir.

Q.- Know J.T.Riddle?

A.- No, sir.

Q.- Know D.S. Riddle?

A.- Yes, sir.

Q.- I will ask you if you know an Indian family, which moved
into this country some seven or eight years ago and claimed
to be descendants of the Riddle family?

A.- No, sir.

Q.- Have they ever talked to you about the relationship of the
Riddle Family?

A.- No, sir, never saw any of them or heard of them until
recently.

Cross Examination.

Mr. McPherrren;

Q.- You state your father was born in 1809?

A.- It is there.

Q.- John Riddle born the first day of January 1809?

A.- Yes, sir.

Q.- When were you born?

A.- 1833.

Q.- Were you born out here in the Choctaw Nation?

A.- Yes, sir.

Q.- What was your grandfather's name?

A.- John Riddle.

Q.- How many children did your grandfather have?

A.- I know four.

Q.- Name them.

A.- John Riddle, Joe, William,, Susan, Makikka, Mollie.

Q.- Is that all the children he had?

A.- Yes, sir.

Q.- Have you any family record as to them?

A.- No, sir, I have not.

Q.- That is all the children your grandfather, whose name was Jack Riddle had?

A.- Yes, sir, they all emigrated to the Choctaw Nation together.

Q.- Did your grandfather John Riddle come out here?

A.- Yes, sir, he died here.

Q.- Of course, you were not born then?

A.- No, sir.

Q.- Five of his children came with him out here?

A.- Yes, sir.

Q.- That is all you heard of?

A.- Yes, sir.

Q.- Do you know whether or not any of his children did not come here?

A.- No, sir, I never heard anything about that.

Q.- Is it not a fact that some of John Riddle's grandchildren did not come out here?

A.- I don't know.

Q.- You never heard any talk about it?

A.- No, sir, never heard a word about it.

Q.- You don't know anything about it. A.- No, sir.

Q.- You never heard of any of the children that were dead?

A.- No, sir.

Q.- You never heard much talk about that?

A.- No, sir.

Q.- You just knew those that came?

A.- That is all.

Q.- Did you ever hear them talk about any that you don't know?

A.- No, sir.

Q.- Did you ever have occasion to talk with them about the family?

A.- No, sir.

Q.- Then your father's name was John Riddle and your grandfather's name was John Riddle?

A.- Yes, sir.

Q.- Now, when did your grandfather John Riddle die?

A.- I don't remember; I don't remember, that is too far back.

Q.- Was not your grandfather married twice?

A.- I think not.

Q.- What is your information on that; did you ever talk to him about it.

A.- I know he was not married twice.

Q.- He was married only once?

A.- Yes, sir.

Q.- Did you ever hear him state how many children he had had already?

A.- I don't remember, as I was small.

Q.- How many Riddle families are there in this country?

A.- My sister's and my brother's families.

Q.- I mean to ask you, is the family the only Riddle family in your kin folks? Is it the only Riddle family in the Choctaw Nation?

A.- No, sir.

Q.- Do you know any others who are citizens?

A.- No, sir.

Q.- Jack or John Riddle's?

A.- Yes, sir.

Q.- I will ask you if the entries which are made in that book, with reference to his birth and the births of the children and of marriages; were these entries made in his own hand writing?

A.- Yes, sir.

Q.- How did you come into possession of the Bible?

A.- When father died he gave it to me.

Q.- Since his death the Bible has been in your possession?

A.- Yes, sir.

Q.- I will ask you to examine that Bible and state to the Court what it shows as to the date of his birth.

A.- Born on the First day of January 1809.

Q.- Now state to the Court when he was married, to his first wife, and who she was as shown by the entry in that Bible.

A.- John Riddle married Eve Fulsom 23th of January 1830, in Alabama, Sumpter County.

Q.- How old was your father at the date he married Eve Fulsom, according to this.

A.- Twenty or twenty one years.

Q.- How many children did he have by his first wife?

A.- Six.

Q.- By his first wife?

A.- Yes, sir.

Q.- What was the name of his oldest child.

A.- Susan.

Q.- His oldest child by his first wife?

A.- Yes, sir.

Q.- When was Susan born?

Mr. McPherran;

I object to this testimony for the reason that they have

shown by their own witness that this John Riddle could not have been the John Riddle, testified about by the applicants in this case. This John Riddle was born in 1809, while the testimony of the applicants shows that their father was born in 1814. They have failed to identify their John Riddle with the father of these people.

Mr. Cornish:

I rather anticipated that an objection of that kind would be made.

Q.- My question is as to the name of your father's first child and when she was born, according to that book?

A.- Born December 16, 1831, at Point Pleasant.

Q.- Where do you understand that birth to have occurred?

A.- On the road.

Q.- Do you understand that birth to have occurred on the road to this Nation, when the emigration was being made?

A.- Yes, sir.

Q.- What is the second child?

A.- Martha Jane.

Q.- When were you born?

A.- 28th of October 1833.

Q.- Born in this country?

A.- Yes, sir.

Q.- Is his next child shown on that?

A.- Yes, sir.

Q.- What was that?

A.- Sarah Ann, Riddle, third daughter of John Riddle born 21st September 1835.

Q.- When was the next child born.

A.- "Margaret, fourth daughter of John Riddle, born 9th, October 1837"

Q.- When was the next child born?

A.- "Andrew John, first son of John Riddle, born 10, Oct. 1839."

Q.- As I understand you, all of the children born before that were daughters?

A.- Yes, sir.

Q.- That is your father's first son, born October 11, 1839?

A.- Yes, sir.

Q.- What was your father's next child by Eve?

A.- George W. 25th of October 1841.

Q.- As I understand, you have now mentioned all of your father's children by his first wife?

A.- Yes, sir, by my mother.

Q.- This George W. is now living in the Territory?

A.- Yes, sir.

Q.- Refer to the record and state to the Court the second wife of your father; her name and when the marriage occurred?

A.- Emiline Cheetel, ~~George W. Riddle~~

Q.- Did he have children by his second wife?

A.- Yes, sir.

Q.- You may just name them from your knowledge of them?

A.- Silas, Henry, Elizabeth, William, Mary, Kate, Eliza.

Q.- Those were children by his second wife?

A.- Yes, sir.

Q.- Any of them living?

A.- No, sir.

Q.- Refer to the record and state to the Court, the children by his third wife.

A.- Puss Newson, a white woman.

Q.- When did he marry her?

A.- In 1851.

Q.- Did he have any children by her?

Civilized Tribes?

A.- It was near---

Q.- How long was this application made to Council before you made application to the Commission to the Five Civilized Tribes?

A.- Two or three years.

Q.- Then you made application to Council in ~~1892~~¹⁸⁹³ or 94?

A.- Yes, sir, I suppose so.

Judge Adams:

Q.- I understood you to say that your father and grandfather left Mississippi about 1833?

A.- I suppose it was; I don't know.

Q.- They both left about the same time?

A.- I suppose so.

Q.- Your grandfather came here and your father went to North Carolina?

A.- Yes, sir; they had trouble in some way.

Q.- How long did he stay in North Carolina?

A.- I don't know.

Q.- Any of his children born there?

A.- Yes, sir. I think so.

Q.- How many?

A.- I don't know.

Q.- Have you any idea how long he lived in North Carolina?

A.- No, sir; he had ten children; I don't recollect where they were born.

Q.- What place did he live in North Carolina?

A.- I cannot tell you.

Q.- Is your mother dead?

A.- Yes, sir.

Q.- How long has she been dead?

A.- She died in 1871.

Q.- You were a grown man when she died?

A.- No, sir.

Q.- How old were you?

A.- I was somewhere about 15 or 16 years old.

Q.- You never heard your mother say what place she came from?

A.- No, sir.

Q.- She never got letters from relatives back there?

A.- I suppose she did, but they was destroyed.

Q.- You have no idea where in North Carolina, she came from?

A.- No, sir.

Witness excused.

Mr. McPherrren;

That is all we have.

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Defendants Evidence.

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Mr. Cornish;

It would appear from an examination of the allegations of the plaintiffs before the Dawes Commission and the United States Court and the testimony taken there and the testimony taken here, that they claim descent from John or Jack Riddle, who was a Choctaw Indian of recognized status in the old Choctaw Nation and lived near the Tombigbee River and who emigrated to this country with the Choctaw Indians. We have present in the Court a daughter of John or Jack Riddle, who was one of the most prominent Indians in this Country, and we wish to take her testimony.

Martha Jane Edmonds,
a witness called by the Defendants, being duly sworn testified as follows;

Mr. Cornish;

Q.- What is your name?

A.- Present name is Martha Jane Edmonds.

Q.- Where do you live?

A.- Sans Bois County, on Caney.

Q.- How old are you?

A.- 70.

Q.- You are a Choctaw Indian by blood?

A.- Yes, sir.

Q.- What was the name of your father?

A.- John Riddle, or Jack they called him.

Q.- Where was your father born, Mrs. Edmonds?

A.- In Alabama.

Q.- What part of Alabama?

A.- In Sumpter County.

Q.- That is in the old Choctaw Nation?

A.- Yes, sir, where he came from.

Q.- When did your father remove from that country to this country?

A.- In 1832, I think.

Q.- I will ask you, if you removed from the old Choctaw Nation to the new Choctaw Nation at the time the Indians emigrated here?

A.- No, sir.

Q.- When did your father die?

A.- In 1862 or 63, I disremember; it was during the War.

Q.- I will ask you to examine and state to the Court what this book is which you now hold in your hands?

A.- It is a Bible.

Q.- What is the history of that Bible?

A.- It was myfather's Bible.

Q.- Say how long he lived in Mississippi?

A.- No, sir.

Q.- Say when he left Mississippi?

A.- ~~Max, six~~. Yes, sir.

Q.- When?

A.- When the Indians left there.

Q.- Your father?

A.- Yes, sir.

Q.- Then your father left Mississippi at the time the Indians left there?

A.- Yes, sir.

Q.- What year was that?

A.- I don't know exactly the year; about 1833.

Q.- What year was your father born.

A.- I think he was born, I don't know the exact date, but I think in 1814, as well as I remember, I would not be positive.

Q.- Then ~~he~~ he left there about 1833?

A.- I didn't keep any dates.

Q.- That is nearly correct?

A.- I suppose it is something near it.

Judge Foote;

Q.- Did you ever hear your father say where he learned the blacksmith trade?

A.- No, sir, I never heard him say; he learned it though after he left his people, somewhere in North Carolina, I suppose, I would not be positive, because I don't know.

Mr. Cornish;

Q.- What did he say as to why he left Mississippi?

A.- Well, he and his people fell out in some way or other.

Q.- He was 19 years old and he and his people fell out and

they went west with the Indians and he went to North Carolina?

A.- That is what I was taught; I don't know whether he went right at that time or not; he did not give us many particulars about it.

Q.- Then he did not give you many particulars about it?

A.- No, sir, and it is hard to remember.

Q.- Said his father was John or Jack?

A.- Yes, sir.

Q.- And he lived near the Tom Bigtie River?

A.- Yes, sir.

Q.- He moved to this country with the Indians when they emigrated here?

A.- Yes, sir.

Q.- What did he say the name of his mother was?

A.- I don't know.

Q.- You are unable to state the given name of his mother?

A.- She died when he was a boy.

Q.- What is the contention of the family as to whether she was an Indian or a white woman.

A.- I suppose she was an Indian; I never heard him say.

Q.- Why do you say that?

A.- I don't know.

Q.- Then you don't know whether she was an Indian or not?

A.- No, sir.

Q.- Then you cannot suppose anything about it?

A.- I suppose not .

Q.- When did you first get into the Choctaw Nation here?

A.- I hardly remember the date.

Q.- When did you first get into the Choctaw Nation here?

A.- Some ten, eleven, or twelve years ago.

- Q.- Whose place did you first move on.
- A.- Dolph Riddle's.
- Q.- How long did you live there?
- A.- Several years.
- Q.- Did you pay rent?
- A.- Yes, sir.
- Q.- Did you and Dolph Riddle talk about your kin folks?
- A.- Yes, sir.
- Q.- You figured it out pretty thoroughly that you were kin folks?
- A.- No, sir, never figured it out.
- Q.- How long after you got acquainted with Dolph Riddle did you file your citizenship claim?
- A.- Right immediately.
- Q.- You had Dolph Riddle for a witness?
- A.- No, sir.
- Q.- You talked to him about being a witness?
- A.- I never did.
- Q.- Who talked to Jesse Riddle over here?
- A.- I don't know; didn't know there was a Jesse Riddle in the Choctaw Nation until a few months ago.
- Q.- Did you make application to Council?
- A.- Yes, sir, sent it in; suppose it was in.
- Q.- What witnesses did you have before Council?
- A.- None.
- Q.- How long after you got acquainted with Dolph Riddle did you send your application to Council.
- A.- The first year.
- Q.- What year was that?
- A.- I don't remember the date.
- Q.- How long before you applied to the Commission to the Five

residence in Mississippi or North Carolina, other than you have already stated

A.- Yes, sir.

Witness excused.

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D. S. Riddle,

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

Mr. Mc Pherron:

Q.- What is your name?

A.- D.S. Riddle.

Q.- What is your age?

A.- Forty nine.

Q.- What is your postoffice?

A.- Caddo, Indian Territory.

Q.- Are you an applicant for enrollment as a citizen in this case

A.- Yes, sir.

Q.- What is your family history or tradition as to the residence or place of birth and name of your grandfather?

A.- In Mississippi.

Q.- What was his name?

A.- Jack or John; that is what I was taught by my father and my mother.

Q.- Jack or John what?

A.- Riddle.

Q.- Did he live and die in Mississippi.

Question withdrawn.

Q.- Where did he live?

A.- Mississippi, Choctaw Nation.

Q.- Where did he die?

A.- I suppose he died in the Choctaw Nation here, in this Choctaw Nation.

Q.- This present Choctaw Nation?

A.- Yes, sir.

Judge Adams;

Q.- Your grandfather died here?

A.- Yes, sir, that is my information from my father and mother.

Mr. McPherrren;

Q.- When did he leave Mississippi?

A.- About the time the Indians left; I think he moved with the Indians.

Q.- Where was your father born?

A.- Mississippi, Choctaw Nation.

Q.- Did he move to this country?

A.- No, sir.

Q.- Where did he go to when he left Mississippi?

A.- He went to North Carolina when he left Mississippi?

Q.- What was your information as to when he left Mississippi, your father.?

A.- It was about the time the Indians moved from there; that is my information.

Q.- Where did your father go when he left Mississippi?

A.- To North Carolina; that was my information.

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

Mr. Cornish;

We wish to interpose the usual objection to all that part of the testimony of this witness, which tends to establish any facts by way of hear say, except pedigree and family relationship; it being our contention that such evidence is not competent for that purpose; and particularly is it not competent to prove any specific fact.

Cross Examination,

Mr. Cornish;

Q.- Where were you born?

A.- In Alabama.

Q.- Where in Alabama?

A.- In Cherokee County; Cherokee County now; De Kalb County then.

Q.- What year were you born?

A.- 1855.

Q.- Your father died in what year?

A.- 1861.

Q.- What year did you move to Texas?

A.- In 1871.

Q.- Let us see what these statements are that you get from your mother; you say they lived in ^{North Carolina} ~~Alabama~~ before they lived in Alabama, where was it they lived in North Carolina?

A.- I cannot tell you.

Q.- When did she say they went to North Carolina.

A.- I cannot tell you.

Q.- How long did he live in North Carolina?

A.- I cannot tell you; he married there?

Q.- Where did he say he went from in Mississippi; where did he live in Mississippi?

A.- Somewhere on the Tombigbee River.

Q.- Did he say in what county?

A.- No, sir.

Q.- Say what community?

A.- No, sir.

Q.- Say what town he lived near?

A.- No, sir.

A.- I think four or five years.

Q.- Did you pay him rent?

A.- Yes, sir.

Q.- Then you applied to the Commission in 1896?

A.- Yes, sir.

Q.- And then to the United States Court? And were admitted in 1898?

A.- We were admitted in '97, as well as I remember.

Q.- You were the only member of this family that was living here in 1896?

A.- No, sir.

Q.- You had a family then?

A.- Yes, sir.

Q.- You married a citizen?

A.- Yes, sir.

Q.- Who is your wife?

A.- Judge Gardner's daughter.

Q.- You claim as an intermarried citizen?

A.- No, sir.

Q.- You never made any claim to the Dawes Commission as an intermarried citizen?

A.- No, sir, we were married in Texas.

Q.- How many children did you have living when your application was filed in 1896?

Judge Foote:

Q.- I understand you were married in Texas?

A.- Yes, sir.

Q.- When?

A.- In 1896.

Q.- How comes you were married in Texas?

A.- We went over there and were married at Bonham.

Mr. Cornish;

How many members of the Riddle Family were living here in 1896, when the application was filed with the Dawes Commission.

A.- Four.

Q.- Name them.

A.- D.S.Riddle, L.A.Riddle, S.B.Riddle and myself.

Q.- Do you mean to say---

A.- I think they was here in 1896; it seems to me it was in 1897 that they came here; I think it was in 1897.

Q.- They were here in 1897?

A.- Yes, sir.

Q.- I mean in 1896; on the 10th day of June 1896, were they living here, the other members of the family; they were living in Texas at that time?

A.- I don't remember.

Q.- Then you are not able to make a positive statement about that?

A.- No, sir.

Q.- Do you know Jesse Riddle, who lives out east of here?

A.- No, sir.

Q.- Well, you talked with this Choctaw Riddle family about being witnesses for you?

A.- Once, yes, sir.

Q.- Who did you talk with?

A.- Dolph.

Q.- You wanted him to be a witness for you?

A.- I wanted to know if he know anything.

Q.- Who talked to Jesse Riddle?

A.- I don't know.

Mr. McPherrren;

Q.- You stated that you came in 1896; who did you mean by that?

A.- Why, the boys.

Q.- What boys?

A.- L.A. and S.B.

Q.- Who came here prior to 1897?

A.- D.S.

Q.- Did he have his family with him?

A.- Yes, sir.

Q.- You and D.S. and family came here ten or twelve years ago?

A.- Yes, sir.

Q.- Have you resided in this country ever since?

A.- Yes, sir.

Q.- In the Choctaw and Chickasaw Nations?

A.- Yes, sir.

Q.- L.A. and S.B. and his family came here in 1897?

A.- Yes, sir, as well as I remember in 1897.

Judge Adams;

Q.- You stated that your father lived in North Carolina, do you know in what place?

A.- No, sir, I don't.

Q.- How long did he live there?

A.- I don't know.

Q.- Who was your mother; he married her in North Carolina?

A.- Yes, sir.

Q.- At what place?

A.- I don't know.

Q.- What was her name?

A.- Nancy Daniels.

Mr. Cornish;

Q.- Then, you are unable, either from your father's statements or any other information, to give any information of his

Q.- Where did you go then?

A.- To Ellis County.

Q.- Did you buy land there?

A.- Yes, sir.

Q.- The children went to the public schools?

A.- I don't know, I don't remember.

Q.- How long did you live in Ellis County?

A.- As well as I remember five or six years.

Q.- Where did you go then?

A.- To the Chickasaw Nation.

Q.- Where did you live first year in the Chickasaw Nation?

A.- On Mud Creek.

Q.- In what year was that?

A.- I don't remember dates.

Q.- How many years ago?

A.- It has been about sixteen years ago.

Q.- You mean that you, yourself, went to the Chickasaw Nation?

A.- Just me and my brother.

Q.- Whose place did you live on?

A.- Roebuck's.

Q.- Was he a citizen?

A.- Yes, sir.

Q.- Did you rent land?

A.- Yes, sir.

Q.- Pay rent?

A.- Yes, sir.

Q.- Where did you live the next year?

A.- Oakland?

Q.- Whose place?

A.- Ed. Sacia's.

Q.- Did you pay rent?

A.- Yes, sir.

Q.- Where did you live the next year?

A.- On his place.

Q.- The next year?

A.- Same place.

Q.- How long did you live on Sacia's place?

A.- Four or five years.

Q.- Then, for four or five years, you lived on land owned by Ed. Sacia, a citizen of the Choctaw Nation and paid him rent.

A.- Yes, sir.

Q.- Then where did you go?

A.- To the Choctaw Nation.

Q.- That brought you up to what year?

A.- I don't know.

Q.- Where did you live the first year in the Choctaw Nation?

A.- Down here below Caddo?

Q.- Whose place?

A.- Dolph Riddle's.

Q.- Is he a citizen of the Choctaw Nation?

A.- Yes, sir.

Q.- Is he a recognized citizen?

A.- Yes, sir.

Q.- Did you rent land?

A.- Yes, sir.

Q.- Did you pay rent?

- A.- Yes, sir.
- Q.- Did you claim to be kin to him?
- A.- Yes, sir, talked it over with him?
- Q.- You understood that you were of the same blood as Dolph Riddle?
- A.- Yes, sir, we have talked some about it.
- Q.- How are you kin to Dolph Riddle?
- A.- I don't know.
- Q.- After you learned that you were related in some way to Dolph Riddle, that gave you the idea that you might become a citizen, didn't it.
- A.- No, sir.
- Q.- That strengthened the idea?
- A.- Yes, sir, strengthened it some, of course.
- Q.- Shortly after that time you filed a claim?
- A.- Two or three years after.
- Q.- Then two or three years after you came to the Choctaw Nation and got acquainted with Dolph Riddle, you filed a claim? That is a statement of the fact? That two or three years after you came to the Choctaw Nation and rented land of Dolph Riddle and figured out that you were kin to him, you filed a claim?
- A.- Yes, sir, we never did get that settled.
- Q.- That was the idea?
- A.- Of course, it was in the start, but we never did get that settled.
- Q.- Then you got onto Dolph Riddle's place in about '93 or '94.
- A.- I reckon it was?
- Q.- How long did you live on his place?

Q.- How old were you when your father died?

A.- I was about three, or four, or five, I don't remember.

Q.- Are you an applicant for citizenship in this case?

A.- Yes, sir.

Q.- What Indian Tribe do you claim to belong to?

A.- Choctaw Tribe.

Q.- How much Indian Blood do you claim?

A.- One eighth.

Q.- Do you claim that through your mother or through your father?

A.- Through my father.

Q.- What was your father's father's, that is your grandfather's, name.

A.- Jack or John Riddle, so I was taught, I don't know anything about it, only what I was told.

Q.- Where did he live?

A.- In Mississippi.

Q.- What part of Mississippi?

A.- I don't know.

Q.- What is your family history, or tradition, as to where he resided in the State of Mississippi?

Mr. Cornish:

We object to any testimony, which establishes or tends to establish, any specific fact by hear say, our contention is that it is competent to prove by hear say evidence only pedigree and family relationship and it is not competent to prove any specific fact, except family relationship and pedigree.

A.- I don't know what county he lived in; told us that he moved from Mississippi; that is all I know; that he moved from

Mississippi to North Carolina and moved from there to
Alabama.

Judge Adams:

Q.- Your father, or your grandfather?

A.- My father.

Mr. McPherran:

Q.- I was asking you as to your grandfather?

A.- I don't know anything about that.

Q.- Well, as to your father?

A.- That was my father I was talking about; I don't remember
much about what was said about grandfather.

Q.- Well, do you remember as to being taught anything about
as to whether or not, he ever left Mississippi; that is your
grandfather?

A.- No, sir, I don't remember.

Q.- You are the youngest one of the boys?

A.- Yes, sir. I don't remember.

Q.- Are you a married man?

A.- Yes, sir.

Q.- Your wife is a citizen, is she?

A.- Yes, sir.

Q.- You are the only member of your family that is an applicant
in this case?

A.- Yes, sir.

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

Mr. Cornish:

Q.- What is your name?

A.- J.T.Riddle.

Q.- Where were you born?

A.- Alabama.

Q.- What county in Alabama?

A.- Cherokee County.

Q.- What year were you born?

A.- Eighteen and Fifty nine.

Q.- When did your father die?

A.- About 1861.

Q.- The family continued to live there until what year?

A.- Until 1871, I think.

Q.- And then removed to the State of Texas?

A.- Yes, sir.

Q.- Where did you land in Texas?

A.- Lamar County.

Q.- How long did you live in Lamar County?

A.- Well, we lived there, I disremember how many years.

Q.- Did you buy land there?

A.- No, sir.

Q.- Did not own land in the State of Texas at all?

A.- No, sir.

Q.- How old were you when you got to Texas?

A.- If I remember right, I was along about ten or eleven years old.

Q.- How did you all make a living?

A.- Farmed.

Q.- Did you rent land?

A.- Yes, sir.

Q.- Pay rent?

A.- Yes, sir.

Q.- You lived several years in Lamar County, renting land from year to year?

A.- Yes, sir.

where he was born?

A.- No, sir.

Q.- Nor where his father was born?

A.- No, sir.

Q.- When did he go to North Carolina, according to this statement of his?

A.- I don't know when he went there.

Q.- You have stated all that you can about what he said about that, have you?

A.- Yes, sir.

Q.- You were born right there in Cherokee County, were you?

A.- Yes, sir.

Q.- That is where you first saw this man?

A.- Yes, sir.

Q.- That was in the Cherokee Nation?

A.- Yes, sir.

Q.- You know also that the Creek Nation was north of you, upon in the southern part of Tennessee and the extreme northern part of Georgia?

A.- Yes, sir.

Q.- Then the only place you ever knew this family was in a part of the country that was originally included in the old Cherokee Nation?

A.- Yes, sir.

Q.- There were not any Choctaw Indians there, were there?

A.- Not there.

Q.- Were there any kind of Indians there?

A.- No, sir, not then, they had all moved out before that?

Q.- This man was a blacksmith?

A.- Yes, sir.

Q.- He worked like anybody else?

A.- Yes, sir.

Q.- Where did he live, in the country or in a little town?

A.- Out on the Mountain.

Q.- Did he have a shop up there?

A.- Yes, sir.

Q.- Did he own land?

A.- Yes, sir.

Q.- How much?

A.- Forty acres.

Q.- Did he farm some along with his shop?

A.- I think he farmed a little.

Q.- He voted in state elections and exercised the rights and privileges of a citizen of the State of Alabama, didn't he?

A.- I suppose he did.

Q.- Did he say where he lived in North Carolina?

A.- No, sir.

Q.- Are you a claimant for citizenship; do you claim to be an Indian?

A.- No, sir.

Q.- You came out from Alabama to testify in this case?

A.- Yes, sir.

Mr. McPherson:

Q.- You know whether Hampton Riddle ever voted or not?

A.- I don't know whether he ever voted or not.

Q.- You know whether he was ever a citizen of the State of Alabama?

A.- I know he lived there.

Q.- But you don't know whether he was a citizen of the State or

not?

A.- No, sir, I don't.

Witness excused.

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J.T.Riddle,

a witness called on behalf of the Plaintiffs,
being duly sworn, testified as follows:

Mr. McPherrren;

Q.- What is your name?

A.- J.T.Riddle.

Q.- What is your age?

A.- Forty five if I live to June 23rd.

Q.- Where do you live?

A.- Bokchito.

Q.- Bokchito where?

A.- Choctaw Nation.

Q.- How long have you resided in the Choctaw Nation.

A.- I have been here about ten years.

Q.- Where were you born?

A.- I was born in Alabama.

Q.- Who was your father?

A.- Hampton Riddle.

Q.- What was your mother's name.

A.- Nancy.

Q.- Nancy Riddle?

A.- Yes, sir.

Q.- What race did your father, Hampton Riddle, belong to?

A.- Why, mother claimed he belonged to the Choctaw Race.

Q.- You first knew him in about 1850?

A.- Yes, sir.

Q.- That is right?

A.- Yes, sir.

Q.- Where did you move from into that country?

A.- I lived in that country there; was born and raised there.

Q.- You got acquainted with him about that time?

A.- Yes, sir.

Q.- Now, let us find out just what it was he said about where he lived before that time. You say you knew him in 1850 and he died about 1861; is that right?

A.- Yes, sir.

Q.- How old were you in 1850; when were you born?

A.- I cannot tell you.

Q.- You can get close ~~it~~ to it.

A.- I am about sixty two years old now.

Q.- This is 1904, then you were born in 1844, that is right?

You were born sixty two years ago. Then you were six years old at the time you first got acquainted with him.

A.- Yes, sir, I knew him up until I was eighteen years old?

Q.- You were about eight years old when you first saw this man, and he lived eleven years after that time?

A.- Yes, sir.

Q.- How far did you live from him?

A.- About half a mile.

Q.- When did you first talk about -- when did you first hear him talk about where he came from and under what circumstances; just where was he and where were you?

A.- Along just about when I was fifteen or sixteen years old,

Q.- Where was he and where were you when that conversation occurred?

A.- At his house.

Q.- Who else was present?

A.- Nobody but his family.

Q.- How did the conversation start.

Q.- We just got to talking about it.

Q.- About what.

A.- About his Indian Blood.

Q.- That is not what I am talking about; where did he live?

How did the conversation as to where he had lived before he came to Alabama; Did you ask the question?

A.- I have heard him say where he came from.

Q.- I know, but where was this conversation had, what did he say and what did you say? That is what I want, What was first said?

A.- No, answer.

Q.- What have you to say to that?

A.- Just heard that and talked about it.

Q.- Who did the talking?

A.- The old lady.

Q.- Then it was not the old man at all?

A.- The old man did too?

Q.- What did the old man say?

A.- Just told where he came from.

Q.- Telling whom?

A.- Us boys.

Q.- What boys?

A.- I cannot tell.

Q.- What boys now, you say us boys, but you are unable to say what boys, is that true? What do you mean to say, when you say he was telling us boys?

Well, then, you are unable to state what boys? Well, what did he say?

A.- He just said he come from Mississippi and North Carolina. Then I have heard father say it.

Q.- You are unable to state who was present at the time, or just what he said at the time he was doing this talking?

A.- No, sir, I cannot state that.

Q.- What did he say as to where he came from in Mississippi?

A.- He didn't say.

Q.- What did he say as to when he left Mississippi?

A.- Just said he left Mississippi and went to North Carolina and married.

Q.- What did he say as to when he left Mississippi?

A.- Didn't say.

Q.- What did he say as to where he lived in Mississippi?

A.- Didn't say.

Q.- What did he say as to who his father was?

A.- Didn't say anything about his father.

Q.- He didn't say he was born in Mississippi?

A.- No, sir.

Q.- What did he say about Mississippi?

A.- Didn't say he was born there.

Q.- Did he say he was born in some other state?

A.- No, sir.

Q.- Then you have no information, even by way of hear say, as to

A.- Yes, sir.

Q.- Go on.

A.- Bartis. Bolesman, Lemiel.

Q.- Is Lemiel living?

A.- Yes, sir.

Q.- When did you last see Lemiel?

A.- This morning. Dumas.

Q.- Is Dumas living?

A.- And Turner

Q.- Are Dumas and Turner living?

A.- Yes, sir.

Q.- When did you last see them?

A.- This morning.

Q.- They are applicants in this case, are they?

A.- Yes, sir.

Q.- Were there any more of them?

A.- There was not any more boys that I know of.

Q.- Any girls?

A.- Yes, sir.

Q.- Can you name them?

A.- Yes, sir.

Q.- Name them.

A.- Tisha, Londie, Wencis, Allie.

Q.- What race, if you know, did Hampton Riddle claim to be?

A.-

Mr. Cornish:

If the Court please we object to that upon the ground that it is incompetent as being the reflection of a hearsay statement, and as being the reflection of self serving declarations, because while Hampton Riddle is not a party,

these people are claiming through him.

Judge Adams;
Proceed, subject to the objection.

Mr. McPherrren;

Q.- What race did he claim to belong to, if you know.

A.- Choctaw.

Q.- Did he claim to be Indian?

A.- He claimed to be about one fourth, I think.

Q.- One fourth Choctaw?

A.- Yes, sir.

Q.- What race was he regarded as belonging to by the people among whom he lived there on Look Out Mountain in Alabama?

Mr. Cornish;
The Nations object for the reason that it is not competent to prove racial status in that manner.

Mr. McPherrren;

Q.- Answer the question.

A.- Well, all the old people living there said he had Indian Blood in him.

Q.- Do you remember his ~~parents~~ appearance?

A.- He was a dark complected fellow.

Q.- Describe him as near as you can.

A.- Black headed, dark eyes, high cheek bones.

Q.- How did his appearance compare with the appearance of the Choctaw Indians.

A.- He favored them right smart to me.

Q.- Did you ever see any Choctaw Indians in that country?

A.- Never seen none there; seen some said they had Choctaw Blood in them.

Q.- Did he look like he had Choctaw Blood in him?

A.- Yes, sir.

Q.- Did you get acquainted with Hampton Riddle when he first came to Look Out Mountain, or did he come before you did?

A.- He come before we did.

Q.- He was there when you came?

A.- Yes, sir.

Q.- You don't know when he came?

A.- No, sir.

Q.- Did he die there?

A.- Yes, sir.

Q.- How long did his family live there, if you know, after his death?

A.- He died in 1861; I think-- I cannot tell-- think it has been about thirty three or thirty four years since his family left there?

Q.- Do you know anything about where they went when they left there; have you any knowledge as to where they went?

A.- No, sir, they said they was going west.

Q.- After they left there, when was the first time you saw them?

A.- Never seen them until here about a week ago.

Cross Examination,

Mr. Cornish;

Q.- You say they came into that country about 1861?

A.- No, sir.

Q.- You came in there about 1861?

A.- No, sir.

Q.- What did you say about 1861?

A.- Said the old man died then.

would like to use them.

Judge Adams:

It may necessitate the other side asking for more time
but go on, we want all the light on the facts possible.

--o--

John Whittle,

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

Mr. McPherrren,

Q.- What is your name?

A.- John Whittle.

Q.- What is your age?

A.- Sixty two.

Q.- Where do you live?

A.- De Kalb County, Alabama.

Q.- How long have you lived in DeKalb County, Alabama.

A.- I was raised there in that County and Cherokee County;
Been there ever since.

Q.- Where were you born?

A.- Cherokee County.

Q.- Alabama?

A.- Yes, sir.

Q.- Did you know a man by the name of Hampton Riddle that
lived in that Country?

A.- Yes, sir.

Q.- Where did he live?

A.- He lived on Look Out Mountain, in Cherokee County.

Q.- In what state?

A.- Alabama.

Q.- What was his occupation, if you know?

A.- He run a blacksmith shop and wood shop.

Q.- When did you first know him?

A.- Well, I got acquainted with him when I was a small boy about nine or ten years old, and knowed him up until 1861.

Q.- Well, how long did you know him prior to 1861; before 1861? In other words what year, or about what year did you become acquainted with him?

A.- I was about ten years old, nine or ten.

Q.- You stated that before, but I wanted to know about what year it was.

A.- Along about 1850, as near as I can give it.

Q.- What was your information as to where Hampton Riddle came from?

Mr. Cornish;

We of course object to that; that of course would be hear say. The question is "What is his information."

Judge Adams;

Q.- Do you know where he came from?

A.- I know where he said he came from.

Mr. Cornish;

Our objection would apply to that.

Mr. Mc Pherren;

I think it is competent to show that he stated and was generally reputed to have come from North Carolina, Georgia, or Tennessee, or Mississippi, or where ever else he gave out as having come from.

Judge Adams;

Let it go in, subject to the objection and we will see what there is in it.

Mr. McPherrren;

Q.- What was your information as to where Hampton Riddle came from to Look Out Mountain.

A.- I heard him say he come from Mississippi to North Carolina and he married there and then came to Look Out Mountain.

Q.- In Alabama?

A.- Yes, sir.

Q.- Then your information was he went from Mississippi to North Carolina and from there to Alabama?

A.- Yes, sir.

Q.- You did not know him before you knew him in Look Out Mountain?

A.- No, sir.

Q.- Were you acquainted with his family?

A.- Yes, sir.

Q.- Was he a married man?

A.- Yes, sir.

Q.- Did you know his wife?

A.- Yes, sir, I went to see her.

Q.- Do you know his family and his children?

A.- I knowed all of his children.

Q.- Can you give his children's names?

A.- I guess so.

Q.- Name those that you can.

A.- Mac Curran.

Q.- Is he the oldest one?

A.- Yes, sir.

Q.- Is he living?

A.- No, sir.

Q.- Is he dead?

mmc

In the Choctaw and Chickasaw Citizenship Court,
Sitting at South Mc Alester, I.T., February 3, 1904.

--o--

S.B. Riddle, et al,

--vs--

No. 108.

The Choctaw and Chickasaw Nations,

--o--

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

--o--

Appearances:

Chas. E. McPherrren, for Plaintiffs,

Mansfield, McMurray and Cownish, for Defendants.

--o--

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

Mr. McPherrren;

In this case we have some witnesses we desire to intro-
duce before the Nations go on with their testimony, and we would
like to introduce them now. Judge Weaver was inquiring about
some points in the case and we have our men here now and we

Q.- When you moved to the Choctaw Nation, that was after you had been admitted to citizenship by Judge Clayton, was not it?

A.- I could not say for certain.

Q.- That was your understanding, that you had been admitted to citizenship?

A.- My understanding was that we moved here because that was the limit of time for us to come.

Q.- Then at the time you made application to the Commission to the Five Civilized Tribes, you were lived in Texas?

A.- Yes, sir.

Q.- All of them were living in Texas?

A.- No, sir, they were all here except Pa's family.

Q.- Your father's family was living in Texas in 1896?

A.- Yes, sir.

Judge Adams;

Q.- At the time the application was filed?

A.- Yes, sir.

Mr. McPherrren;

Q.- You say the balance were living here except your father's family?

A.- Yes, sir.

Mr. Cornish;

Q.- Now, let us see about that; Now, L.A.Riddle, Jennie Riddle, the mother of his family, Eva, Marvin, Floy, Flora, and Lem; they are all the members of L.A.Riddle's family?

A.- Yes, sir.

Q.- Where was Lem Riddle living in 1896?

A.- In Texas.

Q.- When did he move here?

A.- The same fall we did.

Q.- D.S.Riddle, that is Dumas?

A.- Yes, sir.

Q.- Jennie G. Riddle, Willie E., Jennie E., Martha, Claude D.,
Joe T. and Ruby, are members of his family?

A.- I suppose so.

Q.- Where was D.S. Riddle living in 1896?

A.- In the Choctaw Nation.

Q.- Where?

A.- On Delph Riddle's place.

Q.- He is a citizen?

A.- Yes, sir.

Q.- This man D.S. Riddle was renting land ~~xxx~~ from Delph Riddle?

A.- I suppose he was.

Q.- This man did not claim to own the land he lived on?

A.- I don't suppose he did.

Q.- Who is Tinsie?

A.- That is my step-mother.

Q.- Rosetta, Nancy, Wallace, Marian, Jennie, Grover, Russell
are members of your father's family?

A.- One more.

Q.- That is all that is here; these people were living in
Texas in 1896?

A.- Yes, sir.

Witness excused.

A.- She is living.

Q.- Where.

A.- Down about Durant the last I heard.

Q.- Has she any children?

A.- ~~No, sir.~~ Yes, sir.

Q.- Is she a party to this suit?

A.- No, Sir.

Q.- Then Ellen and her children are not parties to this suit and have no citizenship claim pending so far as you know?

A.- No, sir.

Q.- Your father lived until about a year or so ago?

A.- Yes, sir.

Q.- He died in 1902?

A.- Yes, sir.

Q.- Where was your father living when you can first remember in Texas?

A.- When I can first remember was in Lamar County.

Q.- He owned land there, didn't he?

A.- No, sir.

Q.- Did he not own the place he lived on?

A.- No, sir.

Q.- He rented land?

A.- Yes, sir.

Q.- Whose place did he rent?

A.- Smiley's place.

Q.- He rented land and paid rent?

A.- Yes, sir.

Q.- How long did he live there?

A.- Several years.

Q.- Then he was living when you can first remember in Lamar

County, Texas, on land owned by Smiley, for which he was paying rent and he continued to live there several years?

A.- Yes, sir.

Q.- Did you go to the public schools in Texas?

A.- No, sir, never went to school in Texas?

Q.- Where did you go to school?

A.- Never went to school very much; went to school some in Arkansas.

Q.- When?

A.- When father lived in Arkansas when I was small.

Q.- Then your father lived in Arkansas?

A. Yes, sir.

Q.- Was that before you lived on the place owned by Smiley?

A.- Yes, sir.

Q.- But you said you lived on Smiley's place when you can first remember?

A.- No, sir, I did not say that.

Q.- Then when you first remember you were living in Arkansas?

A.- Yes, sir,

Q.- Where?

A.- In Pike County.

Q.- How long had your father been living in Pike County?

A.- Why, he lived there, I don't remember just how long, 13 or 14 years.

Q.- Then, prior to the removal of your father to the state of Texas, he lived in Pike County, Arkansas.

A.- Yes, sir.

Q.- Did your father own land in Pike County, Arkansas?

A.- Yes, sir.

Q.- Did he buy it?

A.- No, sir, he homesteaded it; homesteaded 160 acres.

Q.- Where was that located in the County of Pike?

A.- In the southern part.

Q.- How much did he homestead?

A.- 160 acres.

Q.- He lived on it some 13 or 14 years and sold it and moved to Texas?

A.- Not that long?

Q.- How long?

A.- I don't know.

Q.- Several years?

A.- A right smart while.

Q.- Then he sold it and moved to Texas?

A.- I don't think he sold it.

Q.- What did he do with it?

A.- Moved away and left it.

Q.- How many years did he live on it?

A.- I don't know; I was too young?

Q.- Fix it as near as you can.

A.- I said 13 or 14 years.

Q.- Then your father took up a homestead and lived on it 13 or 14 years?

A.- Not any longer than that.

Q.- Then he moved to Texas?

A.- Yes, sir.

Q.- After he finished living on Smiley's place; where did he go?

A.- He came here?

Q.- That brought him up to 1898; that was after he had been admitted by Judge Clayton?

A.- I don't know.

Q.- What is their nationality? And what is yours?

A.- Why, I have always been taught that I was a Choctaw Indian.

Q.- From whom do you get your Choctaw Blood, your father or mother?

A.- From my father.

Q.- Was your mother an Indian or white woman?

A.- No, sir, she was a white woman.

Q.- Were all your father's wives white women?

A.- All white.

Q.- How much Choctaw Blood have you?

A.- Why, I claim one sixteenth myself.

Q.- How much did your father claim?

A.- One eighth.

Q.- How long do you know your family has claimed to be Choctaw Indians?

A.- Ever since I was large enough to hear them talk.

Q.- Where were you born?

A.- In Texas.

Q.- Where did your father die?

A.- Caddo, Indian Territory.

Q.- Where do your brothers and sisters live?

A.- Why they all live ---

Q.- What Nation do they live in?

A.- Choctaw Nation.

Cross Examination.

Mr. Cornish;

Q.- You were born in Texas, you say?

A.- Yes, sir.

Q.- How old are you?

A.- 27.

Q.- When did you remove to the Choctaw Nation?

A.- In 1897, I guess.

Q.- That is the time all of these people removed; the entire family moved here then?

A.- Yes, sir.

Q.- You lived in Texas before that?

A.- Yes, sir.

Q.- How many brothers and sisters did your father have?

A.- He had 11.

Q.- Name them.

A.- Lemiel, Dumas, Tumer, Tisha, Londa, Wincie; that is all, I know two more brothers that died in Alabama. Mack and Botis.

Q.- That is only eight; you spoke of 11.

A.- I don't know them, sir.

Q.- You don't know their names?

A.- No, sir.

Q.- Are they living or dead?

A.- I don't know.

Q.- Then you say that your father had 11 brothers and sisters?

A.- I can name one more, Ellen.

Q.- You say your father had 11 brothers and sisters?

A.- No, sir, I did not say he did.

Q.- There were 11 in the family including your father?

A.- I don't remember saying it.

Q.- How many brothers and sisters did your father have?

A.- I have named all I know.

Q.- Are there any he had whose names you don't now remember?

A.- I don't know.

Q.- Are these the only ones you have heard of?

A.- Yes, sir.

Q.- Lemuel and Dumas are parties to this suit?

A.- Yes, sir.

Q.- Is Tumer dead or living?

A.- Living.

Q.- Where?

A.- Pocahontas.

Q.- Name in this suit?

A.- Yes, sir.

Q.- Are his children in this suit?

A.- No, sir, not his children; he did not have any when
this suit was brought.

Q.- Is Tisha living?

A.- No, sir.

Q.- Did she have any children before she died?

A.- ~~No,~~ six Yes, sir.

Q.- Where are her children now living?

A.- I cannot tell you.

Q.- Where were they the last time you heard of them?

A.- Herbert City.

Q.- Texas?

A.- Yes, sir.

Q.- Not in the Territory?

A.- No, sir.

Q.- They never claimed to be Choctaw Indians in this case
so far as you know?

A.- No, sir.

Q.- Is Londa living?

A.- No, sir.

Q.- Have any children?

A.- Yes, sir.

Q.- Where are they living?

A.- In the Chickasaw Nation.

Q.- Then the descendants of your father's sister Londa, are not parties ^{to} this suit and have not claimed citizenship so far as you know?

A.- Not that I know of.

Q.- Is Wincie living?

A.- Yes, sir.

Q.- Has she any children?

A.- One.

Q.- Where is she and her child living?

A.- The last I heard in the Chickasaw Nation.

Q.- Are they parties to this suit?

A.- No, sir.

Q.- Then Wincie and her child have no claim pending so far as you know.

A.- They have a claim pending or did have.

Q.- Where?

A.- I don't know.

Q.- They are not in this suit?

A.- No, sir.

Q.- Is Mack living?

A.- No, sir.

Q.- Did he leave any children?

A.- No, sir.

Q.- How about Bottis?

A.- He is dead and had no children.

Q.- How about Ellen?

Mc. Pherren,

Q.- You don't know the exact distance?

A.- No, sir.

Judge Adams;

Q.- When was the first time you knew this man Hampton Riddle?

A.- In 1858.

Q.- You say he was then living in De Kalb County, Alabama?

A.- Yes, sir.

Q.- On Look Out Mountain.?

A.- It was right about the line of De Kalb County, I don't

know whether they had changed the line then or not. Look
Out Mountain runs up into Tennessee.

Q.- You are certain he was living in the State of Alabama?

A.- Yes, sir.

Q.- You know that?

A.- Yes, sir.

Q.- How far was he living from the Tennessee line?

A.- Well it was 57 miles from Chattanooga.

Q.- How far would that be from the Tennessee Line? How far
was it from where this man lived to the Tennessee Line.

A.- Well, Tennessee, Georgia and Alabama corner up there right
at Sand Mountain, near Trenton Ga. I suppose it would be
35 miles from the corner.

Q.- That would make this man live at least 35 miles from the
Tennessee Line?

A. Yes, sir.

Witness excused.

Melvin Riddle,

a witness called on behalf of the Plaintiffs, being duly sworn, testified as follows;--

Mr. Mc Pherran,

Q.- State your name?

A.- Melvin ~~Garr~~ Riddle.

Q.- What is your age?

A.- 27.

Q.- Where do you reside?

A.- Caddo.

Q.- Who was your father?

A.- S.B.Riddle.

Q.- Is S.B.Riddle living or dead?

A.- Dead.

Q.- When did he die?

A.- August '92. (This is what he said, subsequently it developed he meant '02.)

Q.- Was he a married man?

A.- Yes, sir.

Q.- What was his wife's name?

A.- Tinsey Riddle.

Q.- Is she living?

A.- Yes, sir.

Q.- Is Tinsey Riddle your mother, or step-mother?

A.- Step-mother.

Q.- How many times was your father married?

A.- Three times.

Q.- Did he have three sets of children?

A.- Yes, sir.

Q.- What was the first wife's name?

A.- Samantha?

Q.- Was she your mother?

A.- Yes, sir.

Q.- How many children did your father have by Samantha?

A.- Five.

Q.- What are their names?

A.- The oldest one is Eva, Josie Lee, Polly, myself and Samantha is the youngest one; she was named after her mother.

Q.- Who was his second wife?

A.- Martha Riddle.

Q.- Did he have children by Martha?

A.- Yes, sir.

Q.- How many ?

A.- Four.

Q.- What are their names; are they living?

A.- Yes, sir, all but one.

Q.- Name those that are living.

A.- Nancy, Wallace and Marion.

Q.- His first and second wives are dead, are they?

A.- Yes, sir.

Q.- Did he have any children by Tinsey, his last wife?

A.- Yes, sir.

Q.- Is she still living?

A.- Yes, sir.

Q.- What are her children's names?

A.- Jinny, or Virginia, Grover, Russell and Sam'l B.

Q.- That is the youngest?

A.- Yes, sir.

A.- No, Alabama, the adjoining county.

Q.- Your understanding was that Hampton Riddle, a blacksmith, who had a shop five miles from where you lived, came to De Kalb County from Cherokee County?

A.- Yes, sir.

Q.- Which way was Cherokee County from De Kalb County.

A.- South.

Q.- It is on the Georgia Line also?

A.- Yes, sir.

Q.- How long had they lived in Cherokee County?

A.- I don't know.

Q.- The only knowledge you have of this man personally was in De Kalb County, which was in the old Creek Nation?

A.- Yes, sir.

Q.- And your information was he came from Cherokee County?

A.- Yes, sir.

Q.- Have you any information as to where they lived before they went to Cherokee County?

A.- No, sir.

Q.- Now, Mr. Walker, this man Riddle died in 1861, you say?

A.- Yes, sir.

Q.- Then you knew him three years?

A.- Yes, sir.

Q.- He was a blacksmith during that time?

A.- Yes, sir.

Q.- What became of his family after he died?

A.- They lived there at the same place until 1871, when the widow brought the children to Texas.

Q.- They lived there until 1871, when the widow took the children and moved to Texas?

- A.- Yes, sir; one or two of the children came in 1870. One son and one daughter; they were married.
- Q.- What have you heard this old man say about being a Choctaw Indian.
- A.- Well, sir, he just told me there in the shop he was a Choctaw Indian.
- Q.- Did you ever see any other Choctaw Indians in that country?
- A.- No, sir.
- Q.- If he was a Choctaw Indian, he was the only Choctaw Indian you ever saw in that part of the country?
- A.- Yes, sir.
- Q.- How was it he did not tell you where he came from?
- A.- I don't know.
- Q.- Did he tell you that he came from ~~the~~ Cherokee County?
- A.- No, sir.
- Q.- Judging from his appearance, and assuming he had Indian Blood, you could not tell him from any other Indian; if he had Indian blood, you could not tell whether he was a Choctaw Chickasaw, Cherokee or Creek?
- A.- I never had saw any Indians at all.
- Q.- If you had just seen this man, and he had Indian Blood, you could not tell the difference between Cherokee, Creek or Choctaw?
- A.- No, sir.
- Q.- Who did you ever hear say he was a Choctaw?
- A.- I don't recollect.
- Q.- Name the first man you ever heard say he was a Choctaw Indian.
- A.- I could not do that, because I don't recollect that: I don't know that I ever heard anybody call him a Choctaw;

they called him Indian.

Q.- Let us see if you can find one man who called him a Choctaw Indian, so far as you know, who he was, where and when he said it and all about it?

A.- No, sir, I could not.

Q.- Then you are unable to name a single man who said he was a Choctaw Indian?

A.- No, sir, they just said he was an Indian.

Q.- How could you make the statement a while ago that he was a Choctaw Indian?

A.- Did I say he was a Choctaw?

Q.- Did you mean to say he was a Choctaw.

A.- I meant to say he was Indian.

Q.- Then you did not mean to say he was ^{regarded} ~~regarded~~ as a Choctaw?

A.- No, he was regarded as an Indian and they claimed to be of that tribe.

Mr. Mc Pherren;

Q.- You do state he was generally recognized as an Indian and he claimed himself to be a Choctaw?

A.- Yes, sir.

Q.- The people did not know what he was but thought he was Indian

A.- Yes, sir.

Judge Foote;

Q.- Don't you know that the north eastern corner of Alabama is more than a hundred miles from the Mississippi Line?

A.- It may be; it is only 90 miles from where I lived to Birmingham, and that is getting pretty close to Mississippi.

Q.- I am talking about right straight across to Mississippi; directly west on the same line as De Kalb County, clear across the State?

A.- Of, course, I cannot tell the distance exactly. It would be somewhere in there.

Q.- They were satisfied he was an Indian; the people all around there generally took him for an Indian.

Judge Adams;

Q.- What sort of an Indian?

A.- Choctaw, that is what he claimed to be.

Q.- What were his features?

A.- Dark swarthy complected; black hair and black eyes.

Mr. Mc Pherren;

Q.- Describe his appearance.

A.- Black hair, and black beard, a very little beard on the end of his chin; little burnsides; a little mustache; and full cheek bones.

Q.- You have seen Choctaw Indians?

A.- Yes, sir.

Q.- Was his appearance that of a Choctaw Indian?

A.- Yes, sir; he resembled them very much to me.

Q.- Was his wife an Indian woman or a whitewoman?

A.- I believe she was a white woman, nothing was ever said about it.

Q.- About how much Choctaw Blood did Mr. Hampton Riddle look like he had?

A.- He looked like it might be at least one fourth.

Q.- He looked like at least a quarter blood?

A.- Yes, sir.

Q.- Were you acquainted with the families of S.B. Riddle, J.T. Riddle and L.A. Riddle?

A.- Well, I have seen two of their families, the others were all young when they left that country; some of them left in 1870, the married ones, and in 1871 they all left the country and I never seen but one since.

A.- (Con) Saw Lemiel in Texas in 1887.

Q.- Do ~~you~~ you know whether S.B.Riddle is living or dead.

A.- They told me he is dead.

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

Mr. Cornish;

Q.- Your name is R.M.Walker?

A.- Yes, sir.

Q.- What is your age?

A.- Sixty four in June, if I live to see it, I was born in 1840?

Q.- You were born in Alabama?

A.- Yes, sir.

Q.- What county?

A.- De Kalb.

Q.- That is in the north eastern part of the State, is it a corner county?

A.- Yes, sir. It joins Georgia.

Q.- It joins Tennessee on the north and Georgia on the east?

A.- Yes, sir, it is a middle county.

Q.- You were born in 1841, were you?

A.- In 1840.

Q.- Now, how old were you when you left DeKalb County?

A.- I left there in 1866.

Q.- You grew to manhood there?

A.- Yes, sir.

Q.- Then moved to Texas?

A.- Yes, sir. Lived there all the time until I left; I got on the train within two hundred feet of where I was born, when I went to Texas.

- Q.- What Indian land was De Kalb County in; what Indian land was it carved out of?
- A.- I think it was the Creek Nation.
- Q.- It is your understanding the Creek Nation was in Southern Tennessee and North Eastern Alabama?
- A.- Yes, sir, it was the Creek Nation when my father moved there in 1829; he helped to move the Creeks from that country; I have heard him tell about it; I was not born then; I only know what I was taught.
- Q.- The Cherokee Nation was in Northern and Western Georgia?
- A.- Yes, sir. I think so.
- Q.- You understand that to be the fact?
- A.- Yes, sir.
- Q.- You have seen Creek Indians yourself?
- A.- No, they left there before I was born.
- Q.- Did you ever see any Cherokees?
- A.- No, sir, they had left; there was some Indians down in the Southern part of Alabama.
- Q.- You first got acquainted with these Riddles in 1858, you say?
- A.- 58.
- Q.- This man Hampton Riddle was a blacksmith?
- A.- Yes, sir.
- Q.- How far was his shop from where you were born and raised?
- A.- Five miles.
- Q.- How is it you did not know him earlier than that?
- A.- He came in there.
- Q.- Where did he come from?
- A.- I think Cherokee County.
- Q.- Cherokee County, Georgia?

R.M.Walker,

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

Mr. Mc Pherren;

Q.- Your name is R.M.Walker?

A.- Yes, sir.

Q.- What is your age?

A.- ~~N~~ Sixty four in June, if I live to see it.

Q.- Where do you reside?

A.- Southern Texas, Harris County.

Q.- In Harris County?

A.- Yes, sir.

Q.- How long have you lived in Texas ?

A.- Eighteen years the last day of this month.

Q.- Where did you come from to Texas?

A.- Alabama.

Q.- What part of Alabama?

A.- North eastern part.

Q.- What county?

A.- De Kalb County.

Q.- How long had you lived in Alabama?

A.- 45 years.

Q.- Where did you go from to Alabama?

A.- I was born and raised there.

Q.- In De Kalb County?

A.- Yes, sir.

Q.- Were you acquainted in Alabama with a man by the name of
Riddle?

A.- Yes, sir,

Q.- What was his first name?

A.- Hampton.

Q.- Where did he live?

A.- On Look Out Mountain.

Q.- In Alabama?

A.- Yes, sir, five miles from where I lived.

Q.- How far was that from the Line between Mississippi and Alabama?

A.- Well, I guess it was a hundred miles.

Q.- When did you know Hampton Riddle?

A.- I first got acquainted with him in March 1858. Went to his shop to get some work done; he was a blacksmith.

Q.- How long did you know him?

A.- Until he died in 1861.

Q.- Did you know his family?

A.- Yes, sir.

Q.- Was he married man?

A.- Yes, sir, had a wife and ten children.

Q.- Know any of his children?

A.- Knowed them all,

Q.- What were their names.

A.- The oldest one was Mack, Barthol, S.B., D.S.

Q.- That is Dumas?

A.- Yes, sir. He was the youngest one; he was small.

Q.- J.T.?

A.- Yes, sir.

Mr. Cornish;

We object to that question; it is grossly leading.

Mr. McPherran;

I was just refreshing his memory.

Judge Adams;

You asked him if he knew the children and he said yes, and you asked him if he knew the names and he was proceeding

to give them.

Q.- Have you seen any of his children here in the Indian Territory?

A.- Yes, sir.

Q.- In the Choctaw Nation?

A.- Yes, sir.

Q.- What ones.

A.- D.S., and Lemiel.

Q.- What are Lemiel's initials?

A.- I don't know; that is the way I knew him.

Q.- Where do they live?

A.- At Caddo.

Q.- Were they the same people that you knew in Alabama?

A.- The same ones.

Q.- Who was their father?

A.- Hampton Riddle.

Q.- What was Hampton Riddle's nationality.

A.- Why, he was a farmer.

Q.- What was his nationality?

A.- Well, sir, he told me he was a Choctaw Indian.

Mr. Cornish;

We object to that as being ⁱⁿincompetent both by way of hear say and in the nature of a self serving declaration and we ask that it be ruled out.

Mr. Mc Pherren;

I think it is competent as showing that this man always claimed to be a Choctaw?

Judge Adams;

Let it go in and we will see what is in it.

Mr. Mc Pherren;

Q.- What nationality was Hampton recognized as being among the people with whom he lived?

- Q Was he a citizen? A No, sir.
- Q Did he have the land leased from some citizen? A Yes, sir.
- Q You sub-leased from him? A Yes, sir.
- Q You made a crop on that land? A Yes, sir.
- Q Paid this man rent? A Yes, sir.
- Q Where did you move the next year? AA Near Oakland, in the Chickasaw Nation.
- Q How long did you continue to rent land and pay rent on it? A I continued until I was admitted by the court to rent land.
- Q How long after your admission by the court before you got some land? A I think it was the same year or the next year.
- Q How did you get that land? A I settled it.
- Q Now you applied to the Dawes Commission in 1896? A I first applied to the Council.
- Q They did not take any action? A They never took any action.
- Q You then applied to the Dawes Commission in 1896? A Yes, sir.
- Q And were admitted or rejected? A Rejected I suppose.
- Q Then you appealed to the court? A No, sir.
- Q You did not claim that your name was on any of the tribal rolls? A No, sir.
- Q You did not claim that the name of your father was on any tribal roll? A No, sir; I did not claim that my father was.
- Q The statements that you have made set forth fully all that you know about your case? A Yes; I have about stated all I know.

Mr. McPherron.

When this case was before the court, the United States Court, why the record as it came from the Dawes Commission was destroyed in the office of Stewart & Gordon. I believe until now that they had supplied the record, I think the janitor burned them up, several were destroyed through mistake and I find that in this case the record has not been supplied. They had at that time in their possession copies of the testimony in this case that was before the Dawes Commission. As I understand it these copies are now in the hands of the attorneys for the Nations. Now I would like to ask the permission of the court that these copies be taken and considered as evidence.

Judge Adams:

Had you not first better make proof that they are destroyed and that search has been made.

Mr. Mansfield:

I don't know anything about it; I don't even know that we have these copies.

Mr. McPherron.

I desire to file a motion for further time in this case. One of the applicants in this case, J. T. Riddle is sick and unable to be here and the other witness Mrs. Cunningham lives way down in Texas and they did not have time to get her here. I will ask that the same order be made in this case as in the case just preceding. I think my clients could get them here some time before the 21st.

Mr. Mansfield:

I desire to enter an objection to all of the testimony of D. S. Riddle which attempts to establish the racial status of his father by hearsay testimony; or the racial status of his grandfather by such hearsay testimony.

(The court gives the applicants until the 21st day of December 1903, for the purpose of producing such other witnesses in their behalf as they may desire.)

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In the Choctaw and Chickasaw Citizenship Court,
Sitting at South Mc Alester, I.T., Jan. 26, 1904.

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S.B.Riddle, et al,

--vs--

No. 108.

The C. & C. Nations,

-o-

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

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Chas. E. McPherrren and T.N.Foster, Attorneys for Plaintiffs, Mansfield, McMurray & Cornish, for Defendants.

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

Mr. Mc Pherren,

This is the case in which my client failed to get his witnesses here within the time fixed by the Court; we have some witnesses here now and what we have will be all that we will offer in this case, and I will ask permission of the Court to introduce it now.

Judge Adams;

Very well, sir.

BEFORE THE CHOCTAW AND CHICKASAW CITIZENSHIP COURTSITTING AT
SOUTH MC ALESTER, INDIAN TERRITORY, DECEMBER TERM 1903.

December 5, 1904.

S. B. Riddle, et al.,

vs.

Choctaw & Chickasaw Nations.

All judges present.

McPherrren for the plaintiffs.

Mansfield, McMurray & Cornish for the defendants.

This cause coming on to be heard on this day the following proceedings were had:

Mr. McPherrren:

I offer the transcript containing the deposition of L. A. Riddle, S. B. Riddle and D. S. Riddle, J. T. Riddle and P.H. Cunningham.

Mr. Mansfield:

The Choctaw and Chickasaw Nations object to the introduction of the depositions just referred to on the ground that the same are a part of a void proceeding had in the United States Court to which both the Choctaw and Chickasaw Nations should have been parties and to which only one Nation was made a party and upon the further ground that under the law the United States Court had no power to try said cause de novo and therefore no power to cause said depositions to be taken and to be received as evidence in said cause. The Choctaw and Chickasaw Nations further object upon the ground that the matter contained in said depositions is irrelevant and immaterial.

The Choctaw and Chickasaw Nations object to the introduction of the affidavits of P. H. C. Cunningham and Harriet C. Cunningham offered with the record in this case because the same are ex parte affidavits taken before a Notary Public without notice to the Nations and therefore cannot be considered as evidence in this case. For the information of the court I will state that these last two appear to be merely the statements of witnesses taken before a Notary Public in the state of Texas and filed in the United States Court.

We also object to the introduction of all of these papers on the ground that it has not been shown that witness who made the affidavits and gave the depositions are dead.

D. S. Riddle, called as a witness after being duly sworn testified, as follows:

Direct examination by Mr. McPherrren

Q What is your name? A D. S. Riddle.
Q What is your age? A I am nearly forty-nine.

- Q What is your citizenship, are you a citizen of the Choctaw Nation? A Yes, sir.
- Q How long have you resided in the Choctaw Nation? A About ~~ix~~ 12 years-about between 15 or 16 years in the Territory but not all the time in the Choctaw Nation.
- Q Where did you reside before that? A In the Chickasaw Nation.
- Q Where were you born? A In Alabama.
- Q Through whom do you claim your Choctaw blood? A My father.
- Q What was your father's name? A James Hampton Riddle.
- Q Where did he live? A He lived in ~~xxxxxxx~~ Alabama.
- Q Did he ever live in Mississippi? A Yes, sir.
- Q When did he die? A About sixty-one I reckon, right at the first of the Civil War.
- Q How much Choctaw blood did your father have? A He claimed one-quarter.
- Q How much Choctaw blood do you claim? A I claim one-eighth.
- Q Have you any brothers? A Yes, sir.
- Q What are their names? A J. T., S. A., and L. A.
- Q Where do these brothers live? A Caddo and Bechito in the Choctaw Nation.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Jennie Gaines.
- Q Jennie Gaines Riddle? A No, just Jennie
- Q Gaines was her maiden name? A Yes, sir.
- Q Is she a Choctaw or white woman? A She claims to be a white woman, I reckon she is part Chickasaw but she don't claim it.
- Q Are you all lawfully married? A Yes, sir.
- Q Have you any children? A Yes, sir.
- Q What are their names? A The oldest one is Willie E., Jennie E., and Martha, Claud, Joe and Ruby.
- Q Is your brother J. T. married? A Yes, sir.
- Q Do you know the name of his wife? A Yes, sir.
- Q Is she a white woman or a Choctaw? A She is a Choctaw Indian.
- Q What was her maiden name? A Gardner.
- Q What was her mother's name? A Moore.
- Q Is your brother L. A. Riddle married? A Yes, sir.
- Q Is his wife a white woman or a Choctaw? A She is a white woman.
- Q What is her name? A Jennie.
- Q Has he children? A Yes, sir.
- Q Can you name them? A I guess I can, the oldest one is Ebbie, Marvin, Floye and Floyd, they are twins and Flem.
- Q The other S. B. Riddle is dead? A Yes; he is dead.
- Q You are the identical S. B. Riddle that was admitted? A Yes, sir.
- Q By the United States Court as a citizen of the Choctaw Nation together with your brothers S. B., L. A., and J. T. Riddle? A Yes, sir.
- Q And their children; were your father and mother lawfully married? A Yes; I suppose so.
- Q Did they live together as man and wife? A Yes, sir.
- Q Is your mother dead? A Yes, sir.
- Q How long have you claimed to be a Choctaw Indian; how long have you known you were a Choctaw? A All my life, ever since I can remember I was thought that.
- Q When did you move to the Choctaw Nation with the intention of residing here as a citizen? A It has been fifteen or sixteen years. I first went to the Chickasaw Nation.

Cross examination by Mr. Mansfield

- Q You claim to be a descendant Of whom Mr. Riddle? A Hampton Riddle.
- Q That was your father? A Yes, sir.
- Q You claim your Choctaw blood through your father? A Yes, sir.
- Q Whom did your father claim his Choctaw blood through? A I could not tell you; I don't know--I don't remember.
- Q Is your father living or dead? A Dead.
- Q How old were you when he died? A I was seven years I believe.
- Q Your father died whereabouts? A In Alabama.
- Q Near what town, or at what place in Alabama? A When he died where he lived there was no town; the country was not settled--on what they called Lookout mountain, he was assassinated there.
- Q He was killed during the War? A He was killed in the time of the War but not in the War.
- Q Did he live on Lookout mountain? A Yes, sir.
- Q What was his business? A He was a smith and wagon worker.
- Q Was there any village where he lived? A No, sir.
- Q Did he have a blacksmith shop at the forks of the road some place? A Yes; you might call it that, it was not in a village
- Q Did he farm any? A Yes; his boys farmed.
- Q Did he own some land there? A Yes, sir.
- Q Did he belong to either one of the armies? A No, sir.
- Q Your contention is that he was a quarter blood Choctaw? A That is what he told me.
- Q Your mother was a white woman? A Yes, sir.
- Q How long has your mother been dead? A She died I think somewhere about seventy-one or two? Xx
- Q How old were you then? A I was something like fifteen years old.
- Q When your mother died? A Yes, sir.
- Q Where did she die? A Way in Texas, in Lemar County.
- Q All of the information that you have received about your Choctaw blood you claim to have received from your father and mother? A Yes, sir.
- Q Do you know through whom your father claimed his Choctaw blood? A From his father, he claimed it from his father, I suppose; I don't know whether it was on his father's side or his mother's
- Q You could not state who he claimed it from? A No, sir; I don't know but I suppose from his father, that what I drew from the way they talked.
- Q What was his father's name? A He went by two names; some times Jack and some times John.
- Q Who are you talking about calling him John and Jack? A My father and mother.
- Q Where did he die? A I don't know; I suppose in the Choctaw Nation.
- Q Did your father have any brothers and sisters? A I suppose he did, but I never saw none of them.
- Q How when he died in Alabama your mother and yourself left and came to what place? A We came to Texas, we started to the Choctaw Nation but did not make it here, she died before she came here.
- Q You say you started for the Choctaw Nation? A Yes; my father was fixing to come here when he died.
- Q To what point did you come to Texas? A Part of the way on water and part of the way on a wagon.
- Q You left Lookout mountain in the state of Tennessee by what train? A I don't know; we took the train there and came to Memphis, Tennessee --from there we took water and came to Shreveport, Louisiana and from there we came up to Bayou Jefferson.
- Q On your way to the Territory? A Yes, sir.
- Q You settled at Jefferson Texas? A No, sir we came from there to Lemar County, Texas and stopped there and my mother died.

- Q Your mother died there how long after you got there? A Just a short time.
- Q How many children were in the family at that time, any older than yourself? A Yes, sir.
- Q How many were in the family at that time? A I think there were six children with her.
- Q How old were the children when your father died and you all came out here? A I was seven or eight years old and two were younger and the balance older.
- Q How old was the oldest one? A I could hardly tell you.
- Q Was he a grown man? A He was dead.
- Q The oldest one that was with you? A He was two years older than I was.
- Q You settled in Lemar County? A Yes, sir.
- Q Your mother died there? A Yes, sir.
- Q And you boys farmed there? A A little while.
- Q You lived in Texas until what year? A It has been about fifteen or sixteen years ago when she died and we scattered and ~~lived~~ lived in Texas from place to place, until we came to the Nations.
- Q How old a man were you when you moved to the Nation about fifteen years ago? A I am forty-nine now and it has been about fifteen years ago.
- Q You were about thirty-four years old when you moved to the Nation? A Something like that.
- Q You married in Texas? A Yes; I ~~stix~~ stayed one year in Texas after I married.
- Q You lived in Hill County quite a while? A I was right on the line of Hill and Ellis Counties for four years.
- Q You were a citizen of the state of Texas? A I suppose so.
- Q You exercised the rights of citizenship? A Yes; I paid taxes there and worked the roads.
- Q You voted there? A Yes, sir.
- Q And did you own land in the state of Texas or did you rent lands? A No, sir; I rented land.
- Q You farmed most of the time? A Yes, sir.
- Q You lived in Hill County? A No, sir; I don't think I lived in Hill County--It was right close to the line.
- Q Did you know a man by the name of P. H. Cunningham in Hill County, Texas? A Yes; but he is in Ellis County.
- Q He did not live in the same neighborhood that you lived? A Yes; he lived in the same house.
- Q Now Mr. Riddle you remember what year you came to the Territory? A No, I never did pay any attention to it.
- Q When you moved to the Territory, how did you go, where from? A I moved from Montague County in a wagon.
- Q You started for the Territory? A Yes, sir.
- Q What year was that? A I guess it must have been about seventy-one or two, that we left Alabama.
- Q I mean from Texas? A 1868 or nine, somewhere along there.
- Q What was your object in coming to the Territory at that time? A After I married I got to thinking on this thing and I knew I had the blood and I thought I would come here and see if I could get it.
- Q See if you could get what? A A right here.
- Q What year was that? A That was 1868 or 1869; that is the first effort that I made to do anything towards a right.
- Q Where did you strike the Territory? A To the Chickasaw Nation.
- Q What point? A It is up near Ardmore--going West from Ardmore, to on what is known as Mud Creek.
- Q What did you do there? A Rented land.
- Q Who from? A A fellow by the name of Darling I believe.