

Choctaw MCR 1559

Andrew J. Daughety

MCR 1559

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I. T., April 4, 1902.

In the matter of the application for identification as
Mississippi Choctaws, of :

Andrew J. Dougherty, et al.,	M.C.R. 1559
William E. Dougherty, et al.,	M.C.R. 1561
John Dougherty,	M.C.R. 1562
George W. Dougherty, et al.,	M.C.R. 1563
Susan Hime, et al.,	M.C.R. 1560

J. O. Pool, Attorney of Record representing all of the
above named applicants has asked that said applications be dis-
missed and that no further action or consideration be had in same
by the Commission to the Five Civilized Tribes.

Said request is refused for the reason that it is not
apparent from the motion heretofore made by the attorney for the
several applicants herein, that said applicants desire their
applications dismissed because they are not possessed of Choctaw
blood and entitled to identification as Mississippi Choctaws,
descendants of Choctaw Indians who resided in the old Choctaw Nation
in Mississippi and Alabama and complied or attempted to comply with
the provisions of article fourteen of the treaty of "Dancing Rabbit
Creek", and for the further reason that no cause whatsoever is shown
why said applications should be dismissed, and the status of the
applicants before the Commission will remain unaltered.

Commissioner in Charge

Muskogee, Indian Territory, April 4, 1902.

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I. T., April 5, 1902.

In the matter of the application of Andrew J. Dougherty
et al., M.C.R. 1559

W. H. C. Greer, representing himself to be the agent of the applicants in the above named cause, has asked that the testimony of Morris Mihuff, taken before the Commission to the Five Civilized Tribes at Meridian, Mississippi, January 18, 1902, in the above named cause, be stricken from the record, for the reason that said witness testified relative to the ancestor of the applicants in this cause and stated that said ancestor was named Billy Dougherty and was the grand-father of the principal applicant herein and was possessed of negro blood, while the applicants herein claim that the alleged grand-father of the principal applicant was possessed of Choctaw and white blood. Said request is refused for the reason that it is not shown by competent testimony that Billy Dougherty referred to in the testimony of Morris Mihuff, is not the grand-father of the principal applicant herein, said statement simply being made by the said W. H. C. Greer in the form of a motion and being unsupported by evidence.

Commissioner in Charge

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 ATOKA, INDIAN TERRITORY, MARCH 28, 1901.

In the matter of the application for identification as Mississippi Choctaws of Andrew J. Daughety and his minor children. Andrew J. Daughety, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Andrew J. Daughety.
 Q What is your age? A Fifty one.
 Q What is your post office address? A Sherman, Texas.
 Q How long have you lived at Sherman? A Twelve years.
 Q Where were you born? A In Kentucky.
 Q Where in Kentucky? A Butler County.
 Q When did you remove from Kentucky? A Twelve years ago.
 Q Where did you go to from Kentucky? A To Texas.
 Q And have lived there since? A Yes sir.
 Q What is your father's name? A Andrew J. Daughety.
 Q Is he living? A No sir.
 Q What is your mother's name? A Sallie E. Daughety.
 Q Is she living? A No sir.
 Q Through which one of these parents do you claim Choctaw blood?
 A My father.
 Q How much do you claim? A One quarter.
 Q Did you ever make application for citizenship or enrollment as a Choctaw Indian to the Choctaw tribal authorities? A No sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation?
 A No sir.
 Q Were you ever admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from either the decision of the Dawes Commission or the Choctaw tribal authorities? A No sir.
 Q Were you ever admitted to citizenship in the Choctaw Nation upon application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
 Q Did you ever seek to be enrolled by the Dawes Commission under that act? A No sir.
 Q Is this the first application you have ever made of any kind?
 A Yes sir.
 Q You now seek to be identified as a Mississippi Choctaw? A Yes sir.
 Q Under what treaty? A Eighteen and thirty.
 Q Under the whole treaty? A Yes sir.
 Q What is the name of your ancestor who lived in Mississippi in 1830?
 A William Daughety.
 Q Was he a full blood Choctaw Indian? A That is what they told me.
 Q Family history, is it? A Yes sir.
 Q Have you any documentary evidence of that fact? A No sir, I haven't any.
 Q Did he, within six months after the ratification of that treaty tell the United States Indian Agent then living in Mississippi that he intended to stay in Mississippi and take land there and become a citizen of that state? A I don't know.
 Q Did he come from Mississippi to the Indian Territory in the years 1833 to 1837? A I don't know.
 Q Was he a beneficiary under article fourteen of the treaty of 1830?
 A I don't know that.
 Q Did he comply with any of the provisions of that article article?

- A I can't tell you.
Q Did he ever claim or receive any land from the United States Government, under article fourteen of that treaty? A I don't know.
Q Are you married? A Yes sir.
Q What is your wife's name? A Sarah E.
Q Do you make any claim for her? A No sir.
Q Have you children? A Yes sir.
Q Want to make application for your children? A Yes sir.
Q What is the name of the oldest, unmarried and under twenty one?
A Alice C.
Q How old? A Seventeen.
Q The next? A James G.
Q How old? A Fifteen.
Q Next? A Texanna.
Q Girl? A Yes sir.
Q How old? A Twelve.
Q Next? A Lulu.
Q How old is Lulu? A Eleven.
Q Next? A Ethel.
Q How old is Ethel? A Eight.
Q Is that all? A Yes sir.
Q Is Sarah E. the mother of these children? A Yes sir.
Q Are you their father? A Yes sir.
Q Are you and she living together as husband and wife? A Yes sir.
Q Are these children living with you at your home? A Yes sir.
Q Have you any documentary evidence you want to introduce? A Yes sir.
Q Application, is it? A Yes sir.

Application of Andrew J. Daughety presented by applicant, received, filed, marked Exhibit "A" and made a part of the record in this case.

- Q Have you your marriage license and certificate? A I haven't them with me.
Q Have you any other documents? A No sir.
Q Would you like time? A Yes sir, I would like time.

Twenty days' time is allowed applicant in which to file documentary evidence in support of his application; also marriage license and certificate or certified copy of same.

The decision of the Commission in regard to this application for identification as Mississippi Choctaws which you make for yourself and children will be mailed to you at your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on March 28, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 4 day of April, 1901.

Charles H. Sawyer

Notary Public.

Andrew J. Daugherty, et al., 2.

Q Can you understand the Choctaw language? A No, sir.

Q You don't know whether they were talking Choctaw, or not? A I know they were talking it.

Q How much Choctaw blood did this old man Daugherty have? A Well, I couldn't exactly say how much; but he had a great deal of it in him.

Q How could you tell? A From experience - I looked at him.

Q How did he look? A He looked like the others - sorter red.

Q Did he have a Choctaw name? A No, sir; I guess he had no Choctaw name.

Q Did he associate with the white folks or the Indians? A With the white folks.

Q Did you ever see his wife? A No, sir.

Q She was a white woman? A No, sir, she was an Indian.

Q You know what I asked you, do you? I asked you whether this woman was a white woman, or Indian? A She must have been an Indian; I wasn't acquainted with her.

Q Then, you don't know anything about it? A No, sir; I don't know anything about her; just know him.

Q Do you remember when the Indians were moved away from this country by the Government a long time ago? A Yes, sir.

Q Did he leave before or after these Indians went out there? A I saw him after they went out.

Q Well, now, they made two different moves; do you remember both of them? A No, I don't remember about the two; I only know one when they first moved them.

Q You are sure he didn't go out with them? A No, sir.

Q How long was it after that that he went away from here? A I don't know, bodd, what time he disappeared, for when he went I was quite young, but I don't know what time, but he lived around our town down there.

Q Did you ever hear of the treaty of Dancing Rabbit Creek? A No, sir.

This treaty, called the treaty of Dancing Rabbit Creek, was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians. At the time the treaty was made, some of these Indians were unwilling to leave this country occupied by them here in Mississippi and Alabama and go out west to the new country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and not move out to the Territory might do so, and might receive land here in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six

Andrew J. Daugherty, et al., 3.

months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That's the 14th article of the treaty of Dancing Rabbit Creek. Do you know whether any of ~~you~~ the ancestors of the applicant, Andrew J. Daugherty, ever complied or attempted to comply with the provisions of this 14th article, of the treaty of Dancing Rabbit Creek? A No, sir.

Q Or whether any of them ever received any benefits under this article? A No, sir.

Q Were any of his ancestors - you know what I mean by ancestors, don't you? A Yes, sir.

Q Did any of his ancestors live here in the old Choctaw nation, in Mississippi and Alabama, in 1830, seventy one years ago, that was, when this treaty was made? A I don't know about that.

Q Were any of them ever recognized members of the Choctaw tribe of Indians? A No, sir, I don't know about that.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't think they did, sir. I remember when I seed them when they was moving them; I know when they went off; they were in our town, five or six hundred of them, so far as I know, way back; I was right there.

Q But you don't think that any of the ancestors of this applicant went out there? A No, sir.

Q Well, this old man, Billy, didn't go? A No, sir; he didn't go, because I know I saw him after I come up. I know his son, Andrew very well; he lives out from town there. He was up there a good deal, and then he went out in Jasper County.

Q When the Indians were moved, how old a man was this man, Andrew J. Daugherty, the son of Billy Daugherty? A I don't know; me and him were about the same pretty well.

Q Nearly grown were you? A Yes, sir, just boys. When I first come here to this country, they were thick as hops here.

Q Did this man, Billy Daugherty, within six months after this treaty was ratified, let the agent of the Government, here in Mississippi for the Choctaws know he wanted to stay here in Mississippi and become citizens of the States? A No, sir; I don't know. I know I saw him here after they was all gone.

Q You are sure of that, are you? A Yes, sir, I am sure of that.

Andrew J. Daugherty, et al., 4.

- Q How are you sure of that? A He didn't claim any, because I think he was half way under bondage.
- Q He was part negro and part Choctaw? A That's so.
- Q He was a slave wasn't he not? A Yes, sir; that's what he was, you know.
- Q Did he ever get any land here from the Government that you know of? A No, sir, not that I know of.
- Q Did he ever get any money from the Government? A No, sir, not to my appearance.
- Q Was he ever a recognized member of the Choctaw tribe? A No, sir, I think not; he just naturally wasn't.
- Q Billy Daugherty's wife was a slave, was she not? A Yes, sir.
- Q The mother of Andrew J.? A Yes, sir, that's so.
- Q Do you know whether she had any Choctaw blood, in her? A No, sir, I don't know.
- Q And young Andrew J., whom the applicant claims as his father, was a slave also? A Yes, sir.
- Q Who did he belong to? A I just remember to the Daugherties is all I know.
- Q You don't remember the other name of the man he belonged to? A No, sir, I don't know that, but he was a Daugherty.
- Q Where did he live? A I think they were bred and born at the lower edge of Alabama, and they come up here, and I used to go up on the Mobile and Ohio, and I used to see them frequently.
- Q Did the master of these people have any Choctaw blood? A No, sir.
- Q He was a white man? A Yes, sir.
- Q No Indian blood? A No, sir, he owned them as Injuns; they were Injuns but slaves, and after the surrender they come on up to my town..

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under article 14 of the treaty. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know they wanted to stay here and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress

Andrew J. Daugherty, et al., 5.

under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of the Commission, they were unable to dispose of but a comparatively small number of cases. It, therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed, which was approved on the 23rd day of August, 1842, providing for the appointment of a commission to come down here to Mississippi and finish up the hearing of these cases. This commission was appointed by the President of the United States and the commissioners came down here to Mississippi in the 40's and heard a great many more of these Choctaw cases.

Q Did Billy Daugherty or any of his ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Did his son, Andrew, appear before either one of these commissions?

A No, sir.

This Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did Billy Daugherty, or any of his ancestors, get any of this scrip from the Government under this Act of Congress? A No, sir.

Q Not that you know of? A No, sir.

Q You don't know whether the applicant, in whose behalf you are testifying, is the descendant of the Billy Daugherty, about whom you are testifying, do you? A No, sir.

Q Did Billy Daugherty have any white blood? A I don't think he had any white blood; it was most Injun and African.

Q Which did he have the most of? A Most Indian.

Q You are certain about that? A Yes, sir, certain about that.

Q Are you related in any way to the applicant, Andrew J. Daugherty?

A No, sir.

Q Are you interested in any way in the result of this application?

A No, sir.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 18th day of January, 1902, and that the above

Andrew J. Daugherty, et alda

and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Strick

Subscribed and sworn to before me at Meridian, Mississippi,
this 20th day of January, 1902.

L. B. Maschey

Clerk U.S. Circuit Court,
Southern District of Mississippi,

By

[Signature]

Deputy.

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 28, 1902.

In the matter of the application for identification as Mississippi Choctaws of Andrew J. Daugherty, et al., M.C.R. 1559.

W. H. C. Greer, Agent, appearing for applicants.

Now comes W. H. C. Greer, an Agent of record, before this Commission and asks that the testimony of Morris Mihuff, taken before the Commission, at Meridian, Mississippi, on January 18, 1902, in the matter of the application for identification as Mississippi Choctaws of Andrew J. Daugherty, et al., M.C.R. 1559, be stricken from the record for the reason, that this witness, Morris Mihuff, at that time, testified relative to the ancestor of the applicants in this case, Billy Daugherty, but in the examination it developed that the Billy Daugherty the witness referred to was a part Negro and a slave and belonged to a man by the name of Daugherty. In view of the fact that the applicants in this case are white people and have no trace of Negro blood and that there can be no doubt but what the Billy Daugherty referred to by this witness cannot be the grandfather of the applicant Andrew J. Daugherty Agent asks that the testimony of this witness Morris Mihuff be expunged from the records of the Commission and further states that at the time of the hearing of the testimony of Morris Mihuff, taken at Meridian, Mississippi, January 18, 1902, he requested that said testimony for the reason above given be expunged from the record and if it appears from the proceedings in this case that said motion was not granted he now makes this motion as an Agent duly qualified before said Commission and duly authorized to make this motion herein.

By the Commission.

This motion will be taken under advisement by the Commission.

Examination by the Commission.

Reuben Orr having been first duly sworn testified as follows:

- Q What is your name? A Reuben Orr.
Q What is your age? A I was born in 1828 April 16th.
Q What is your post office address? A Sherman, Texas.
Q How long have you lived in Sherman, Texas? A Thirteen years.
Q Did you formerly live in the state of Mississippi? A I lived in Mississippi until I came over.
Q Were you a slave at one time? A Yes, sir.
Q You have Negro blood have you? A I don't know whether I have or not I think I am Negro.
Q You have testified in several cases that you had Negro blood and now you don't know; you had better state the same thing in all of your applications had you not? A Alright sir.
Q You can state what you are I don't care what you are? A That is right.
Q Well now, what do you say you are? A A Negro; Judge would you say that I am a Negro?
Q I don't know what you are? A Well they always call me a Negro.

- Q Were you born in Mississippi? A Yes, sir.
- Q Where in Mississippi were you born? A I can't tell you Judge whether it was in Noxchubbee County or Lawrence County.
- Q Do you know Andrew J. Daugherty? A Yes, sir.
- Q Where does he live? A In Sherman.
- Q What is his business? A Wagon yard I believe.
- Q Is he a white man or Indian? A He is a white man but he is a mighty dark white man.
- Q Has he any Indian blood? A He says he has.
- Q Do you know anything about it except what he says? A No, sir.
- Q How old is he do you know? A Well I judge him to be a man of about forty years old. Somewhere close to that I think.
- Q Do you know where he was born? A No, sir; I don't know where he was born.
- Q When he testified at Atoka, Indian Territory, March 28, 1901, upon his original application for identification as a Mississippi Choctaw, he stated, his age was fifty-one? A It might be that.
- Q How do you know? A No, sir; I don't know.
- Q Did you know the name of the father of Andrew J. Daugherty? A I heard him say.
- Q What was his father's name? A Billy I believe.
- Q Are you sure about that? A I think that is what he said.
- Q Are you sure about that? A Yes, I think that is it.
- Q I asked you if you are sure about it and you say that you think; are you sure it was Billy? A Yes, sir.
- Q Well he testified himself that his father's name was Andrew J. Daugherty when he appeared before the Commission at Atoka, Indian Territory, March 28, 1901; now how about Billy? A I don't know.
- Q Did you know his mother's name? A No, sir; I did not.
- Q Through which of his parents did he claim Choctaw blood? A Through his daddie and grandfather.
- Q How much Choctaw blood do you think Andrew J. Daugherty the claimant has? A Well I could not tell you much more than when I look at him I think he is about---he looks almost like all Indians to me.
- Q Full Indian? A Yes, nearly like a full Indian.
- Q A little while ago you said he looked like a dark white man? A He has coal black hair.
- Q Well he claims to be about one-quarter Choctaw blood? A Yes, sir.
- Q He don't claim as much as you do? A Yes, sir; he walks like an Indian.
- Q How does an Indian's walk differ from a white man? A They drag their feet.
- Q Some white men drag their feet? A White men generally step mighty clear.
- Q What are the color of Andrew J. Daugherty's eyes? A They are not bluenor black but they are a sort of a deep snuff color.
- Q Sort of brown? A Yes, sir.
- Q Do you know the name of his ancestor who lived in Mississippi in 1830? A No, sir; I don't believe I knows the name of his ancestor except old man Billy.
- Q You knew old man Billy who? A Old man Billy Daugherty.
- Q You knew such a man in Mississippi did you? A Yes, sir.
- Q Tell me about this man Billy Daugherty whom you knew in Mississippi, what was his business? A He made baskets, beads and rings.
- Q Did he live in a house or tent? A In a tent.
- Q Did you know his wife? A No, sir.
- Q Know any of his family, any of his children? A No, sir.

- Q Whereabouts in Mississippi did this old man Billy live? A Close to Enterprise, right up above Meridian.
- Q Did the old man speak Choctaw? A Yes, he talked Indian I could not understand nothing what he said.
- Q Well he might have been talking some other Indian for all you know? A Well he talked like all the other Indians out here talk.
- Q Do you know that he was the ancestor of Andrew J. Daugherty? A No, sir.
- Q Do you know whether he was a grandfather, Uncle or cousin or what relative he was? A No, sir; I seen them together.
- Q You saw who together? A Then Indians.
- Q Did you see Andrew J. Daugherty this claimant with Billy Daugherty whom you knew in Mississippi? A No, sir; if I did I don't know him by that name.
- Q You know these claimants do you? A Yes, sir.
- Q Do you know whether you ever saw him in Mississippi? A No, sir; I never did see him there.
- Q Did you know old man Billy Daugherty or William Daugherty in Mississippi in 1830? A No, sir.
- Q You were too young then were you not? A Yes, sir.
- Q When was the first time you ever knew Billy Daugherty? A I don't know exactly when I did see Uncle Billy.
- Q Forty-five or fifty? A I believe about forty five or may be furth r back than that.
- Q Do you know whether he ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No, sir; I don't know.
- Q Did you ever hear that he within six months after the ratification of the treaty of 1830 went to the United States Indian Agent whose name was Colonel Ward and told him that he wanted to stay in Mississippi, take land there and become a citizen of the United States? A No, sir.
- Q Do you know anything about the treaty of 1830? A No, sir.
- Q Do you care to give any testimony as to whether or not Billy Daugherty complied with article fourteen of the treaty of 1830? A No, sir; I don't nothing about that
- Q If you answered anything in reference to that it would be what you have been told by someone else? A Yes, sir.
- Q Well did you ever hear this, that in 1837 this man Billy Daugherty whom you knew in Mississippi went to the Commission that was appointed under an act of Congress of March 3rd 1837 or before the Commission appointed by an act of Congress of August 23, 1842 and claimed benefits under article fourteen of the treaty of 1830; did you ever hear anything about that? A No, sir; if I did I have done forgotten.
- Q You never heard Andrew J. Daugherty say then what the name of his ancestor was who lived in Mississippi? A Yes, I heard him say.
- Q What have you heard him say? A I heard him say they was Choctaw Mississippi Indians.
- Q What did you hear him say the name was? A I think Billy/
- Q You stated he told you that his father's name was Billy but he says his father's name is Andrew J.; now this Billy, who was he? A He was Billy.
- Q What relation to Andrew J? A I don't know.
- Q You don't care to try to explain that? A No, sir; I don't care to try to explain anything only what I know.
- Q Then as a matter of fact this Billy daugherty whom you knew in Mississippi might or might not have been related to this claimant Andrew J. Daugherty? A Yes, sir.

#4

This witness has the appearance and physical characteristics of being descended from Negro parentage, which he claims to be. He may have other blood which the Commission is unable to say. He has no knowledge of the Choctaw language and does not know whether Billy Daugherty whom he says he knew in Mississippi was the ancestor of this applicant Andrew J. Daugherty and knows nothing about whether the Billy Daugherty whom he knew in Mississippi ever complied with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 28, 1902, and that the above, and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 31st day of March 1902.

Charles Mitchell Wood
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Andrew J. Daughety, et al., for identification as Mississippi Choctaws, consolidating the records of

Andrew J. Daughety, et al.,	M.C.R. 1559
Susan Hime, et al.,	M.C.R. 1560
William E. Daughety, et al.,	M.C.R. 1561
John H. Daughety,	M.C.R. 1562
George W. Daughety, et al.,	M.C.R. 1563

List of papers forwarded to the Secretary of the Interior with the record in the above consolidated case, together with the page occupied by each in said record.

	Page
Original application of Andrew J. Daughety before the Dawes Commission for identification as a Mississippi Choctaw	1
Written petition of Andrew J. Daughety addressed to the Dawes Commission	3
Certified copy of the marriage record between Andrew J. Daughety and Sarah E. Beesley	5
Original application of Susan Hime, before the Dawes Commission for identification as a Mississippi Choctaw	6
Written petition of Susan Hime, addressed to the Dawes Commission	8
Original application of William E. Daughety, before the Dawes Commission for identification as a Mississippi Choctaw	10

Written petition of William E. Daughety, addressed to the Dawes Commission	12
Original application of John H. Daughety before the Dawes Commission for identification as a Mississippi Choctaw	14
Written petition of John H. Daughety addressed to the Dawes Commission	16
Original application of George W. Daughety before the Dawes Commission for identification as a Mississippi Choctaw	18
Written petition of George W. Daughety Addressed to the Dawes Commission	20
Transcript of the proceedings had at the office of the Commission at Meridian, Mississippi, January 18, 1902, in the application of Andrew J. Daughety	22
Transcript of the proceedings had at Muskogee, I. T. February 28, 1902 in the application of Andrew J. Daughety, et al., including the motion of W.H.C. Greer to expunge the testimony taken at Meridian, Miss on January 18, 1902	28
Motion of J. O. Pool as Attorney of Record in the consolidated application of Andrew J. Daughety, et al., asking that said applications be dismissed and that no further consideration be had of them	32
Transcript of the proceedings had at Muskogee, I.T. on April 4, 1902 in which the motion of J. O. Pool above referred to was refused.	33
Transcript of the proceedings had at Muskogee, I.T. on April 5, 1902, in which the motion of W. H. C. Greer above referred to was refused.	34
Copy of letter of the Commission to J. O. Pool, notifying him of the over-ruling of his motion	35
Copy of letter of Commission to W.H.C. Greer notifying him of the over-ruling of his motion	36
Final decision of the Commission refusing the applications embraced in the consolidated case of Andrew J. Daughety et, al., for identification as Mississippi Choctaws	37

W.H.
E. v. W.
W.C.B.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Andrew J. Daughety, et al., for identification as Mississippi Choctaws, consolidating the applications of

Andrew J. Daughety, et al.,	M.C.R. 1559
Susan Hime, et al.,	M.C.R. 1560
William E. Daughety, et al.,	M.C.R. 1561
John H. Daughety	M.C.R. 1562
George W. Daughety, et al.,	M.C.R. 1563

-----D E C I S I O N -----

The record in the above consolidated case shows that there were originally five applications made separately by the parties named, at the times and places herein set forth, to wit:

In the matter of the application of Andrew J. Daughety for the identification of himself and his five minor children, Alice C., James G., Texanna, Lulu and Ethel Daughety, as Mississippi Choctaws, taken at Atoka, Indian Territory, March 28, 1901.

In the matter of the application of Susan Hime for the identification of herself and her minor child George Hime, as Mississippi Choctaws, taken at Atoka, Indian Territory, March 28, 1901.

In the matter of the application of William E. Daughety for the identification of himself and his minor child Randolph L. Daughety, as Mississippi Choctaws, taken at Atoka, Indian Territory,

March 28, 1901.

In the matter of the application of John H. Daughety for the identification of himself as a Mississippi Choctaw, taken at Atoka, Indian Territory, March 28, 1901.

In the matter of the application of George W. Daughety for the identification of himself and his two minor children, Ernest B. and Agnes L. Daughety, as Mississippi Choctaws, taken at Atoka, Indian Territory, March 28, 1901.

While these several applications have been consolidated and are to be considered together as a whole, yet in view of the varied proceedings had in each, it will be necessary to consider them, in a measure, separately.

Taking them in the order above named, we find from the record in the case of Andrew J. Daughety, et al., that on March 28, 1901, the said Andrew J. Daughety appeared before the Commission at Atoka, Indian Territory and there made personal application for the identification of himself and his five minor children, Alice C., James G., Texanna, Lulu and Ethel Daughety as Mississippi Choctaws claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Andrew J. Daughety (Senior) an alleged Choctaw, (degree of blood not given), who married Sally E. Daughety, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Andrew J. Daughety, and his five minor children for whom application is made, have never been enrolled by the tribal

authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896(29 Stats., 321.)

The evidence offered in support of this application consists solely of the oral statement of the principal applicant and a certified copy of the marriage record between Andrew J. Daughety and Sarah Beesley. By the oral statement of the principal applicant it is attempted to be shown that he was born in the state of Kentucky in about the year 1850, and that he is possessed of one quarter Choctaw blood. At the time of the making of his original application he was a resident of the state of Texas and it does not appear from his testimony that he ever resided in Indian Territory. He attempts to trace his alleged Choctaw descent to one William Daughety, who, he alleges, was his Choctaw ancestor who lived in Mississippi in 1830, but he does not state what relationship the said William Daughety bore to him, nor can it be determined from his testimony whether the said William Daughety was a recognized Choctaw Indian in Mississippi in 1830, or whether he complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, although the principal applicant alleges that he was a full blood Choctaw. The certified copy of the marriage record filed herewith is simply proof of the marriage of the principal applicant and his wife, and of the legitimacy of the issue of said marriage. There is filed herewith the written petition of the principal applicant, but it cannot be considered in evidence as it

is simply a statement of the facts expected to be proven by him.

Note. According to the written petition of the principal applicant it appears that the William Daughety mentioned by him in his oral examination, was his grandfather.

The next in order of the above applications is that of Susan Hime, et al., and the record therein shows that on March 28, 1901, the said Susan Hime appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself and her minor child, George Hime, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek". The principal applicant claims descent from Andrew J. Daughety, an alleged Choctaw (degree of blood not given) who married Sarah E. Daughety, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Susan Hime, and her minor child for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896, (29 Stats. 321.)

The evidence offered in support of this application is simply the oral statement of the principal applicant, wherein she

attempts to show that she was born in the state of Kentucky in the year 1878 and is possessed of one eighth Choctaw blood. It cannot be ascertained from her testimony that she ever resided in Indian Territory. She attempts to trace her alleged Choctaw descent through her father to one William Daughety, who, she claims, was her great grandfather and was a full blood Choctaw, and a resident of the old Choctaw Nation in Mississippi in 1830, but it cannot be ascertained from her testimony whether any of her alleged Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi and Alabama, or whether they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

There is filed herewith the written petition of the principal applicant but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by her.

The next in order of the above applications is that of William E. Daughety, et al., and the record therein shows that on March 28, 1901, the said William E. Daughety appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of himself and his minor child Randolph L. Daughety as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek". The principal applicant claims descent from Andrew J. Daughety, an alleged Choctaw (degree of blood not given) who married Sarah Daughety, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, William E. Daughety and his minor child, for whom

application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896 (29 Stats. 321)

The only evidence offered in this application is the unsupported oral statement of the principal applicant, wherein he attempts to show that he was born in the state of Kentucky in about the year 1870, and is possessed of one eighth Choctaw blood. From his testimony it would appear that he never was a resident of Indian Territory. He attempts to trace his alleged Choctaw descent through his father to his great grandfather, William Daughety, who he claims was a full blood Choctaw and a resident of Mississippi in 1830. It cannot be determined from his testimony whether any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in that state, or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the principal applicant, but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by him.

The next in order of the above applications is that of John H. Daughety and the record therein shows that on March 28, 1901 the said John H. Daughety appeared before the Commission at Atoka, Indian Territory and there made personal application for the

identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek". He claims descent from Andrew J. Daughety, an alleged Choctaw Indian, (degree of blood not given) who married Sarah E. Daughety, a white woman and who are the parents of this applicant.

The record in this case further shows that the applicant John H. Daughety, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has he ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896(29 Stats.321)

The only evidence offered in this case is the unsupported oral statement of the applicant, wherein he attempts to show that he was born in the state of Kentucky in about the year 1871, and that he is possessed of one eighth Choctaw blood. From his testimony it would appear that he has never been a resident of Indian Territory. He attempts to trace his alleged Choctaw descent through his father, to one William Daughety, who, he alleges, was a full blood Choctaw and was his ancestor who lived in Mississippi in 1830, but it does not appear from his testimony what relationship there was between the said William Daughety and himself, neither can it be determined from his testimony whether any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in Mississippi and

Alabama as members of the Choctaw tribe of Indians, or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the applicant, but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by him

The last in order of the above applications is that of George W. Daughety, et al., and the record therein shows that on March 28, 1901, the said George W. Daughety appeared before the Commission at Atoka, Indian Territory and there made personal application for the identification of himself and his two minor children, Ernest L. and Agnes L. Daughety, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek". The principal applicant claims descent from Andrew J. Daughety, an alleged Choctaw (degree of blood not given) who married Sarah E. Daughety, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, George W. Daughety, and his two minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896, (29 Stats. 321.)

The only evidence offered in this case is the unsupported oral statement of the principal applicant, wherein he attempts to show that he was born in the state of Kentucky in about the year 1873 and that he is possessed of one eighth Choctaw blood. From his testimony it appears that he has never been a resident of Indian Territory. He attempts to trace his alleged Choctaw descent through his father to one William Daughety who he alleges was a full blood Choctaw Indian and a resident of the state of Mississippi in 1830, but it cannot be determined from his testimony what relationship existed between the said William Daughety and himself, neither is it shown whether any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in Mississippi and Alabama as members of the Choctaw tribe of Indians, or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the principal applicant, but it cannot be considered in evidence as it is simply a statement of facts expected to be proven by him.

The record in this case shows that on January 18, 1902, at Meridian, Mississippi, the applicant Andrew J. Daughety offered in evidence the testimony of one Morris Mihuff, a negro, claiming to be eighty years of age and a resident of Mississippi, in which state he claims to have resided since he was ten years of age. By the testimony of this witness it is attempted to be shown that he was acquainted with one William or Billy Daughety in Mississippi and that he became acquainted with him during his childhood and at that time the said Billy Daughety had a son named Andrew J. Daughety, who the witness claims was about the same age as himself. It further appears from said testimony that the Andrew J. Daughety

whom the witness claims to have been acquainted with in Mississippi removed from there sometime subsequent to the general removal of the Choctaw Indians from Mississippi to the Choctaw Nation, Indian Territory, but the witness is unable to state positively where the said Andrew J. Daughety removed to. It also appears from certain portions of this witness's testimony that the applicant Andrew J. Daughety was living in Mississippi with his father, prior to their removal from that state, as is shown from the following questions and answers: " Q. Are you acquainted with the applicant Andrew J. Daughety? " A. "Oh- I was acquainted with Andrew, he is down at the lower end of the county." Q. "I am talking of the applicant Andrew J. Daughety who lives in Texas." A. " Well I was acquainted with him here and he went from here to Texas; he went off-- I don't know where he went to; he was in my town for some time." From the testimony of this witness it also appears that the Billy Daughety whom he claims to have known in Mississippi, was part negro and part Choctaw and that prior to the war was a slave, and that he was married to a negro woman, also a slave, and that neither of them were possessed of any white blood. It also appears that Andrew J. Daughety, father of the applicant herein, was a slave and belonged to a white family named Daughety, who resided in the "lower edge of Alabama". There is nothing in the testimony of this witness which would tend to show that any of the alleged Choctaw ancestors of the applicant Andrew J. Daughety were ever recognized by the Choctaw tribal authorities in Mississippi as members of the Choctaw tribe of Indians or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

It further appears from the records of this consolidated case that on February 28, 1902, at Muskogee, Indian Territory one

W. H. C. Greer appeared before the Commission to the Five Civilized Tribes and represented himself to be the agent of the applicant Andrew J. Daughety, and filed a motion on behalf of the said applicant praying that the testimony of the witness Morris Mihuff, taken at Meridian, Mississippi on January 18, 1902, be expunged from the records in said application for the reason that it developed upon examination of said witness that the Billy Daughety whom the witness referred to in his testimony was part negro and a slave, and that the applicant herein claimed to be solely of white and Choctaw blood, and that therefore the Billy Daughety mentioned by the witness could not be the grandfather of the applicant Andrew J. Daughety. At that time the Commission took said motion under advisement. On the same day and immediately following the presentation of the within motion, there was offered in evidence in support of the application of Andrew J. Daughety, the testimony of Reuben Orr, a negro, residing in the state of Texas, who claims to have been born in the year 1828 in the state of Mississippi and to have resided there until thirteen years prior to the giving of his testimony in this application, and by said testimony it is attempted to be shown that he is acquainted with the applicant Andrew J. Daughety having become acquainted with him in the state of Texas, and that from conversations had with said applicant, he believes him to be a son of one Billy Daughety whom the witness claims to have known in the state of Mississippi and who he states was possessed of Choctaw blood, but witness is unable to trace the relationship of the applicant to the said Billy Daughety, inasmuch as he states that he never knew any of the children of Billy Daughety, neither does it appear from his testimony that the said Billy Daughety was recognized by the Choctaw tribal authorities in Mississippi as a member of the

Choctaw tribe of Indians in that state or that he complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The record further shows that on March, 19, 1902, J. O. Pool, representing himself to be the attorney of record for all the applicants in this group of consolidated cases, filed a motion in their behalf asking that these applications be dismissed by the Commission to the Five Civilized Tribes and that no further consideration be had of same, and on April 4, 1902, this motion having been carefully considered by the Commission, was denied, for the reason that it was not apparent from said motion that the applicants desired their applications dismissed because they were not possessed of Choctaw blood, and entitled to identification as Mississippi Choctaws, descendants of Choctaw Indians who resided in the old Choctaw Nation in Mississippi and Alabama and who complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek", and for the further reason that no cause whatsoever was shown in said motion why said applications should be dismissed, and in conclusion the Commission stated that the status of the applicants before the Commission to the Five Civilized Tribes would remain unaltered.

On April 5, 1902, the Commission denied the motion made by W. H. C. Greer on February 26, 1902, in which he requested that the testimony of Morris Mihuff taken at veridian, Mississippi, January 18, 1902, in the application of Andrew J. Daughety, be expunged from the record, for the reasons set up in his motion. Said motion was refused for the reason that the statement made by W. H. C. Greer setting forth his reasons for desiring to have the testimony of the

witness Morris Mihuff stricken from the record, was unsupported by proper evidence.

Note---It appears from the records in this case that at the time of the making of each of the applications herein the surname of the applicants was spelled "Daughety" and that at the proceedings had on January 18, 1902 at Meridian, Mississippi, said name was spelled "Daugherty", as was also done at the proceedings had on February 28, 1902, at Muskogee, Indian Territory. It appears from the motion filed by J. O. Pool as attorney for these applicants, and also in the proceedings had on April 4th and 5th, 1902 at Muskogee, Indian Territory, that said name was spelled "Daugherty". From an examination of the petitions filed by the several applicants herein which are signed by them, it appears that the name should be Daughety, and therefore in the preparation of this decision the name "Daughety" has been used.

In accordance with the instructions of the Commissioner of Indian Affairs of June 10, 1901 and July 25, 1901, the several applications herein were consolidated under the head of Andrew J. Daughety, et al., as claimants from the same common ancestor, and in considering the testimony offered in support of these several applications it appears that the principal applicant, Andrew J. Daughety, is the father of all the principal applicants in the other applications herein consolidated and that they derive their alleged Choctaw blood from the said Andrew J. Daughety, who himself claims to derive his alleged Choctaw blood from his father, also Andrew J. Daughety, who is alleged to have been the son of one William Daughety, an alleged full blood Choctaw Indian, who was a resident of the state of Mississippi in 1830. As will appear from the testimony of the several applicants, they all claim to have been born in the state of Kentucky, the oldest of them having been born in 1850. It cannot be determined from their evidence whether the father of the principal applicant was born in Mississippi or when he left that state, but it does appear that the grandfather of the principal applicant was a resident of Mississippi in 1830. From the

testimony offered by these applicants, or rather by the applicant Andrew J. Daughety, on January 16, 1902, same being the testimony of one Morris Mihuff, it would appear that the applicant Andrew J. Daughety himself, was born in Mississippi, but inasmuch as he claims to have been born in Kentucky and never to have resided in Mississippi, it is reasonable to suppose that the witness was mistaken and that said error arose from the fact that the father of the applicant was also named "Andrew J. Daughety". It is at least conclusively shown by the testimony of this witness that he was acquainted with William Daughety and his son Andrew J. Daughety in Mississippi as early as 1832, and continued to know these persons for some years thereafter, and he claims that they were possessed of Choctaw and negro blood. It also appears from the testimony of Reuben Orr, taken on February 28, 1902 in the application of Andrew J. Daughety, that he was acquainted with one William Daughety in Mississippi in about the years 1845 and 1850, but it cannot be positively determined from the testimony of either of these witnesses, that the William Daughety whom they knew in Mississippi is the identical William Daughety who these applicants claim, was their Choctaw ancestor who resided in Mississippi in 1830 and even if this fact were conclusively shown there is not a scintilla of evidence tending to show that the said William Daughety was recognized by the Choctaw tribal authorities in Mississippi as a member of the Choctaw tribe of Indians, or that he complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and from an examination of the records in the possession of the Commission of those persons who did comply or attempted to comply with the provisions of article fourteen, that any person by the name of William or Billy Daughety, ever signified his intention to Colonel Wm. Ward

Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented his claim as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims.

The motions heretofore made by the several applicants having been overruled, the status of the applicants is unchanged and in view of the fact that these applicants have had sufficient time allowed them in which to present their testimony, the Commission considers this case as closed.

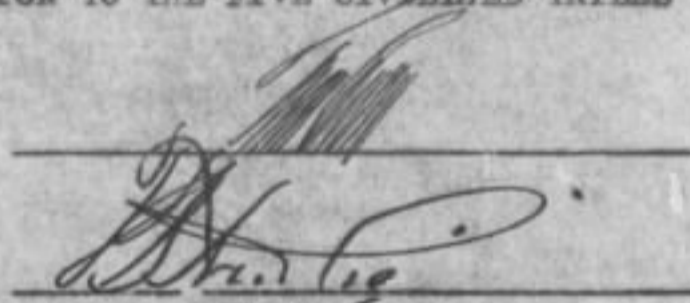
The authority vested in the Commission by the twentyfirst section of the act of Congress of June 26, 1898(30 Stats. 495) is as follows:

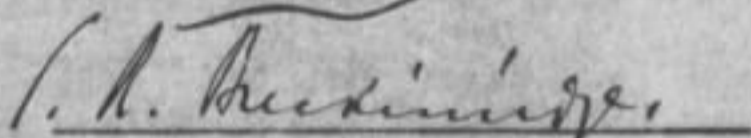
"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twentyseventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Daughety, Alice C. Daughety, James G. Daughety, Texanna Daughety, Lulu Daughety, Ethel Daughety, Susan Hime, George Hime, William E. Daughety, Randolph L. Daughety, John H. Daughety, George W. Daughety Ernest L. Daughety and Agnes L. Daughety as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law

above quoted, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES





Commissioners

Muskogee, Indian Territory

MAY 13 1902

(COPY)

Land.
30, 743-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, May 31, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, an unsigned report, dated May 19, 1902, evidently from the Commission to the Five Civilized Tribes, transmitting the record in the consolidated Mississippi Choctaw case of Andrew J. Daughety, et al.

The applicants in this consolidated case apply for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of Article 14 of the treaty of September 27, 1830.

The parties to this case are

Andrew J. Daughety, et al.

Susan Hime, et al.

William E. Daughety, et al.

John H. Daughety,

George W. Daughety, et al.

Andrew J. Daughety, the record shows, is the father of the other principal applicants to this consolidated case and they attempt to trace their descent from an alleged Choctaw named Andrew J. Daughety, the father of the principal applicant, Andrew J. Daughety.

The original ancestor, Andrew Daughety, it is alleged, was not the son of William Daughety. Daughety is spelled in the record Daugherty and Daugherty.

May 13, 1902, the commission found that the applicants were not entitled to identification.

The office does not consider the evidence sufficient to warrant the identification of said parties and a careful search of its records relating to the parties who complied with the provisions of said treaty has been made and no record has been found showing that the alleged common ancestor complied or attempted to comply with the provisions of said treaty. This being true, the decision of the commission should be affirmed.

Very respectfully,

Your obedient servant,

A.C. Tonner,
Acting Commissioner.

(G.A.W.)
P.

DEPARTMENT OF THE INTERIOR.
Washington.I.T.D. 3424-1902.
L.R.S.

June 19, 1902.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 19, 1902, you transmitted the consolidated case embracing the applications for identification as Mississippi Choctaws, of Andrew J. Daughety for himself and his five minor children, Alice C., James G., Texanna, Lulu, and Ethel Daughery; of Susan Hime for herself and her minor child, George Hime; of William E. Daughety for himself and his minor child, Randolph L. Daughety; of John Daughety for himself; and of George W. Daughety for himself and his two minor children, Ernest L. and Agnes I. Daughety.

Andrew J. Daughety, Jr. traces descent through his father Andrew J. Daughety, Sr., to his grandfather, William (Billy) Daughety, an alleged full blood Choctaw Indian. The other principal applicants are the children of the said Andrew J. Daughety, Jr. Daughety is spelled in the record "Daugherty" and "Dougherty."

May 13, 1902, you refused the applications and the acting Commissioner of Indian Affairs forwarded your decision on May 31, 1902, recommending that the same be approved.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestors, above named, ever complied

or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the acts of March 3, 1837 (5 Stat., 180), and August 23, 1848 (5 Stat., 513).

The Department, upon review of the whole case, approves your action, and your decision is affirmed.

A copy of the Acting Commissioner's report is inclosed.

Respectfully,

F.L. Campbell
Acting Secretary.
E.M.D.

1 inclosure.

1559

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Andrew J. Dougherty

Et al

Consolidated

Andrew J. Daugherty, Et als.

vs

The Choctaw Nation.

Comes now J. O. Pool attorney for Plaintiffs or applicants Andrew J. Daugherty Et als, Williams Daugherty Et als, John Daugherty Et als, George W. Daugherty Et als, Marth D. Davis Et als, Mary E. Stanley Et als, Susan Hime Et al ; and Prays the Court or Commission to the Five Civilized Tribes To Dismiss all the aboe Titled cases; and that no further action be taken nor Consideration had in Said Causes.

J. O. Pool

Attorney for Plaintiffs.

Muskogee, Indian Territory, May 23, 1901.

Mr. Andrew J. Daughety,
Sherman, Texas,

Dear Sir:

The Commission is in receipt of certified copy of marriage license and certificate between Andrew J. Daughety and Sarah E. Beesley, offered for filing in support of the application of Andrew J. Daughety for the identification of himself and his minor children as Mississippi Choctaws. The same has been filed and made a part of the record in this case.

Yours truly,

Acting Chairman.

MC 1559

Muskogee, Indian Territory, December 7, 1901.

A. J. Daughety,
Sherman, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of the fifth instant, in which you ask if any evidence has been filed in support of your application for identification as a Mississippi Choctaw.

In reply to your letter you are advised that it appears from our records that at the time you applied for the identification of yourself and your minor children as Mississippi Choctaws, March 28, 1901, at Atoka, Indian Territory, your written application was filed in this case; that on May 23, 1901, a certified copy of the marriage license and certificate of Andrew J. Daughety and Sarah E. Beesley was filed with the record in your case. No other evidence has been submitted in support of your claim to identification as a Mississippi Choctaw.

If you wish to offer any evidence in support of your application, the Commission will hear the testimony of such witnesses as may present themselves at its office at Muskogee, Indian Territory; if your witnesses live in Mississippi, they may be heard at the office of the Commission at Meridian, Mississippi, between January 15

A.J.D. 2

and February 15, 1902. If you cannot secure the personal attendance of your witnesses, their depositions will be considered, if taken in accordance with the rules and regulations of the Commission of November 4, 1901 governing the taking of depositions in support of applications for identification as Mississippi Choctaws. A copy of said rules is inclosed herewith for your information.

Yours truly,

Commissioner in Charge.

MC 1559

Miss. Choct. 1559,
1560, 1561, 1562,
1563.

Muskogee, Indian Territory, March 19, 1902.

J. O. Pool,

Attorney at Law,

Nocona, Texas,

Dear Sir:

Receipt is hereby acknowledged of motion to dismiss the applications of Andrew J. Daugherty, et al., William Daugherty, et al George W. Daugherty, et al., Martha D. Davis, et al., Mary E. Stanley et al., Susan Hime, et al. for identification as Mississippi Choctaws, signed by you as attorney for the applicants.

You are advised that it does not appear from our records that applications for identification as Mississippi Choctaws have been made by Martha D. Davis and Mary E. Stanley. Please advise the Commission with reference to these parties. The motion to dismiss has been filed with the other cases mentioned above, and will receive consideration.

Yours truly,

Commissioner in Charge.

Miss. Choct. 1559,
1560, 1561, 1562,
1563.

Muskogee, Indian Territory, March 19, 1902.

J. O. Pool,
Attorney at Law,
Nocona, Texas,

Dear Sir:

Receipt is hereby acknowledged of motion to dismiss the applications of Andrew J. Daugherty, et al., William Daugherty, et al George W. Daugherty, et al., Martha D. Davis, et al., Mary E. Stanley et al., Susan Hime, et al. for identification as Mississippi Choctaws, signed by you as attorney for the applicants.

You are advised that it does not appear from our records that applications for identification as Mississippi Choctaws have been made by Martha D. Davis and Mary E. Stanley. Please advise the Commission with reference to these parties. The motion to dismiss has been filed with the other cases mentioned above, and will receive consideration.

Yours truly,

Commissioner in Charge.

Miss. Choct. 1859,
1860, 1861, 1862,
1863.

Muskogee, Indian Territory, March 19, 1902.

J. O. Pool,

Attorney at Law,

Nocona, Texas,

Dear Sir:

Receipt is hereby acknowledged of motion to dismiss the applications of Andrew J. Daugherty, et al., William Daugherty, et al George W. Daugherty, et al., Martha D. Davis, et al., Mary E. Stanley et al., Susan Hise, et al. for identification as Mississippi Choctaws, signed by you as attorney for the applicants.

You are advised that it does not appear from our records that applications for identification as Mississippi Choctaws have been made by Martha D. Davis and Mary E. Stanley. Please advise the Commission with reference to these parties. The motion to dismiss has been filed with the other cases mentioned above, and will receive consideration.

Yours truly,

Commissioner in Charge.

Miss. Choct. 1559,
1560, 1561, 1562,
1563.

Muskogee, Indian Territory, March 19, 1902.

J. O. Pool,
Attorney at Law,
Nocona, Texas,

Dear Sir:

Receipt is hereby acknowledged of motion to dismiss the applications of Andrew J. Daugherty, et al., William Daugherty, et al George W. Daugherty, et al., Martha D. Davis, et al., Mary E. Stanley et al., Susan Hime, et al. for identification as Mississippi Choctaws, signed by you as attorney for the applicants.

You are advised that it does not appear from our records that applications for identification as Mississippi Choctaws have been made by Martha D. Davis and Mary E. Stanley. Please advise the Commission with reference to these parties. The motion to dismiss has been filed with the other cases mentioned above, and will receive consideration.

Yours truly,

Commissioner in Charge.

Miss. Choct. 1559,
1560, 1561, 1562,
1563.

Muskogee, Indian Territory, March 19, 1902.

J. O. Pool,
Attorney at Law,
Nocona, Texas,

Dear Sir:

Receipt is hereby acknowledged of motion to dismiss the applications of Andrew J. Daugherty, et al., William Daugherty, et al George W. Daugherty, et al., Martha D. Davis, et al., Mary E. Stanley et al., Susan Hime, et al. for identification as Mississippi Choctaws, signed by you as attorney for the applicants.

You are advised that it does not appear from our records that applications for identification as Mississippi Choctaws have been made by Martha D. Davis and Mary E. Stanley. Please advise the Commission with reference to these parties. The motion to dismiss has been filed with the other cases mentioned above, and will receive consideration.

Yours truly,

Commissioner in Charge.

M.C.R. 1559

Muskogee, Indian Territory, April 5, 1902

J. O. Pool,
Attorney at Law,
Nocena, Texas.

Dear Sir:-

It appears from the records of the Commission that on March 19, 1902, a motion was filed by you as attorney in the following applications: Andrew J. Dougherty, et al., William E. Dougherty, et al., John Dougherty, George W. Dougherty, et al., and Susan Hime, et al., praying that said applications be dismissed and no further action be taken in them.

After a careful consideration of said motion the request therein made has been refused and a copy of the action of the Commission refusing said application is herewith enclosed you.

Yours truly,

Commissioner in Charge

Enc. G. H. 107

Registered

M.C.R. 1561

Muskogee, Indian Territory, April 5, 1902

J. O. Pool,
Attorney at Law,
Nocona, Texas.

Dear Sir:-

It appears from the records of the Commission that on March 19, 1902, a motion was filed by you as attorney in the following applications: Andrew J. Dougherty, et al., William B. Dougherty, et al., John Dougherty, George W. Dougherty, et al., and Susan Hime, et al., praying that said applications be dismissed and no further action be taken in them.

After a careful consideration of said motion the request therein made has been refused and a copy of the action of the Commission refusing said application is herewith enclosed you.

Yours truly,

Commissioner in Charge

Enc. G. H. 107

Registered

M.C.R. 1562

Muskogee, Indian Territory, April 5, 1902

J. O. Pool,

Attorney at Law,

Necona, Texas.

Dear Sir:-

It appears from the records of the Commission that on March 19, 1902, a motion was filed by you as attorney in the following applications: Andrew J. Dougherty, et al., William E. Dougherty, et al., John Dougherty, George W. Dougherty, et al., and Susan Hime, et al., praying that said applications be dismissed and no further action be taken in them.

After a careful consideration of said motion the request therein made has been refused and a copy of the action of the Commission refusing said application is herewith enclosed you.

Yours truly,

Commissioner in Charge

Enc. G. H. 107

Registered

M.C.R. 1563

Muskogee, Indian Territory, April 5, 1902

J. O. Pool,
Attorney at Law,
Necona, Texas.

Dear Sir:-

It appears from the records of the Commission that on March 19, 1902, a motion was filed by you as attorney in the following applications: Andrew J. Dougherty, et al., William E. Dougherty, et al., John Dougherty, George W. Dougherty, et al., and Susan Hims, et al., praying that said applications be dismissed and no further action be taken in them.

After a careful consideration of said motion the request therein made has been refused and a copy of the action of the Commission refusing said application is herewith enclosed you.

Yours truly,

Commissioner in Charge

Enc. G. H. 107

Registered

Muskegee, Indian Territory, May 19, 1902.

Andrew J. Daughety,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Daughety, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Daughety, et al.,	M. C. R. 1559
Susan Hime, et al.,	M. C. R. 1560
William E. Daughety, et al.,	M. C. R. 1561
John H. Daughety,	M. C. R. 1562
George W. Daughety, et al.,	M. C. R. 1563.

Said decision after a review of the evidence submitted concludes as follows:

'The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (50 Stats. 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twentyseventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of

A J D-2

Andrew J Daughety, Alice C. Daughety, James G. Daughety, Texanna Daughety, Lulu Daughety, Ethel Daughety, Susan Hime, George Hime, William E. Daughety, Randolph L. Daughety, John R. Daughety, George W. Daughety, Ernest L. Daughety and Agnes L. Daughety as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted,, and that the application for their identification should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

M. C. R. 1559.

Muskogee, Indian Territory, May 19, 1902.

W. H. C. Greer, Agent,
P. O. Box 157,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Andrew J. Daughety, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Daughety, et al.,	M. C. R. 1559
Susan Hine, et al.,	M. C. R. 1560
William B. Daughety, et al.,	M. C. R. 1561
John H. Daughety,	M. C. R. 1562
George W. Daughety, et al.,	M. C. R. 1563

Said decision after a review of the evidence submitted concludes as follows:

*The authority vested in the Commission by the twentyfirst section of the act of Congress of June 28, 1896, (30 Stats. 495) is as follows:

†Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twentyseventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report

W H C G-3

to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Daughety, Alice G. Daughety, James G. Daughety, Texanna Daughety, Lulu Daughety, Ethel Daughety, Susan Hime, George Hime, William E. Daughety, Randolph L. Daughety, John H. Daughety, George W. Daughety, Ernest L. Daughety and Agnes L. Daughety as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

M. C. R. 1559.

Muskogee, Indian Territory, May 19, 1903.

J. G. Pool,
Attorney at Law,
Wacona, Texas.

Dear Sir:

You are hereby advised that on the 13th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Daughety, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Daughety, et al.,	M. C. R. 1559
Susan Hime, et al.,	M. C. R. 1560
William N. Daughety, et al.,	M. C. R. 1561
John H. Daughety,	M. C. R. 1562
George W. Daughety, et al.,	M. C. R. 1563

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twentyfirst section of the act of Congress of June 28, 1898, (30 Stats. 495) is as follows:

"Said Commission shall have the authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twentyseventh eighteen hundred and thirty, and to that end may administer oaths, examine

J O P-2

witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Daughety, Alice C. Daughety, James G. Daughety, Texanna Daughety, Eulu Daughety, Ethel Daughety, Susan Hime, George Hime, William E. Daughety, Randolph L. Daughety, John H. Daughety, George W. Daughety, Ernest L. Daughety and Agnes L. Daughety as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

Muskogee, Indian Territory, May 19, 1902.

Messrs. Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Daughety, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Daughety, et al.,	M. C. R. 1559
Susan Hime, et al.,	M. C. R. 1560
William E. Daughety, et al.,	M. C. R. 1561
John H. Daughety,	M. C. R. 1562
George W. Daughety, et al.,	M. C. R. 1563.

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats. 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twentyseventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

H. C. R. 1559.

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Andrew J. Daughety, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 13th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Andrew J. Daughety, et al.,	M.C.R. 1559
Susan Hime, et al.,	M.C.R. 1560
William E. Daughety, et al.,	M.C.R. 1561
John H. Daughety,	M.C.R. 1562
George W. Daughety, et al.,	M.C.R. 1563

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nation have been duly advised by letter of the action of

The Honorable Secretary of the Interior-2

the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

1 enclosure.

Miss. Choctaw R1559

Muskogee, Indian Territory, June 11, 1902.

Joseph L. Cobb,
Attorney at Law,
Sherman, Texas,

Dear Sir:

Your letter of May 30, addressed to the Secretary of the Interior, has been referred to this Commission for consideration and appropriate action. Therein you state that the evidence in this consolidated case has been held insufficient and the application therefore refused, and you ask if you cannot proceed to procure additional evidence, which you can get, and which you believe will be material the case.

You are advised that on May 13, 1902, the commission, after an examination of the evidence submitted in support of these applications for identification as Mississippi Choctaws, refused the same for the reason that there was no evidence of any compliance having been made on the part of the ancestors of the applicants with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

There is nothing in the evidence submitted that in any way sets forth that any of the ancestors of the applicants were at any time recognized or enrolled by the Choctaw tribe as citizens of that Nation nor does it appear that any attempt has been made to show any compliance on the part of their ancestors with the provisions of the fourteenth article of the treaty of 1830.

The legislation vesting this Commission with authority to determine the applications of persons claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830, is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Under this legislation the Commission requires of such applicants that they reasonably demonstrate that they are descendants of Choctaw ancestors who resided in Mississippi in 1830 and whose claims as beneficiaries under the fourteenth article of the treaty of 1830 were favorably adjudicated.

The record in this case is now before the Secretary of the Interior, and the applicants will be duly advised of such action as may be taken by him. The letter inclosed by you is herewith returned

Yours truly,

-- --C O P Y ----

Meridian, Mississippi, January 27th, 1902

Commission to the Five Civilized Tribes

Muskogee, Indian Territory.

Gentlemen:-

The next day after our arrival at Meridian one William H. C. Greer of Sherman, Texas, who is an applicant before the Commission for identification as a Mississippi Choctaw, called upon me and stated that he had been here in Mississippi for several weeks, endeavoring to find evidence on the question of a compliance by some of his ancestors with the 14th article of the treaty of Dancing Rabbit Creek. He further stated that before leaving home several of his acquaintances near Sherman, who are also applicants before the Commission, requested him to look out for similar evidence in their cases and that he would probably want to submit some evidence in these different cases. I stated to him that he could not appear in these cases, in behalf of the applicants, unless he had been admitted to practice before the Commission but that if the witnesses presented themselves and stated in which cases they desired to give in their testimony, they would be examined by us. Within the next day or two, at the instance of Mr. Greer, witnesses in two or three different cases appeared before us and were examined. On the 18th of this month Mr. Greer brought to the court room one Morris Mihuff, a negro, claiming to be eighty years old, who lives at Enterprise, Clark County, Mississippi, and who gave his testi-

mony in support of the application of Andrew J. Daugherty et al vs. The Choctaw Nation, M.C.R. 1559. The testimony of the witness was to the effect that he at one time, in Mississippi, knew a man by the name of Billy Daugherty who had a son by the name of Andrew J.

Daugherty. As to whether Andrew J. Daugherty, the applicant, is a son of the Andrew J. Daugherty referred to in the testimony of the witness, he was unable to say. The examination however, developed that Billy Daugherty, referred to by the witness, was part negro and a slave and belonged to a man by the name of Daugherty. The applicants in this case, so Mr. Greer informs me, are white persons and have no trace of negro blood and if that be true there can be no doubt that the Billy Daugherty referred to by the witness was not the grandfather of the applicant Andrew J. Daugherty. Mr. Greer stated that in talking the matter over with this Mihuff he did not offer any suggestions to the effect that said Billy Daugherty was a negro and that inasmuch as the names of Billy Daugherty and his son Andrew J. Daugherty were the same as those of the father and grandfather of the applicant Andrew J. Daugherty and they lived in the same locality as the father and grandfather of the applicants did, he assumed that they must be the same persons. Mr. Greer asked that I expunge this testimony from the records of the Commission but I informed him that I did not feel that this could be done without the consent and instructions of the Commission. I promised, however, that I would make this a special matter and address a communication to the Commission explaining the circum-

Com'n Muskogee-----3

stances, hence this letter. I have no recommendations whatever to make with reference to this matter.

Yours truly,

(Signed) Guy L. V. Emerson

Muskogee, Indian Territory, January 31, 1902.

Guy L. V. Emerson,
Clerk in Charge,
Meridian, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th instant, transmitting the original and three carbon copies of the testimony of Morris Mihuff, a witness introduced at Meridian, Mississippi, January 18, 1902, in support of the application of Andrew J. Daugherty, et al., applicants for identification before this Commission as Mississippi Choctaws.

In your letter of the 27th instant you call attention to the fact that one William H. C. Greer of Sherman, Texas, who introduced this witness in behalf of the application of Andrew J. Daugherty now desires to have the same expunged from the record in this case for the reason that the witness testified that Andrew J. Daugherty and Billy Daugherty were negroes and slaves and belonged to a man in the state of Mississippi by the name of Daugherty, while the applicant, Andrew J. Daugherty is a white man and has no trace of negro blood.

We cannot comply with the request of Mr. Greer for the expunging of this testimony from the record in this case but have

GLVER 2

filed therewith a copy of your letter containing such request.

Yours truly,

Acting Chairman.

M. C. R. 1559

COPY.

V.C.R. 1559.

Muskogee, Indian Territory June 27, 1902.

Andrew J. Daugherty,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 19th day of June 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Daugherty, et al., of which decision you were advised by registered mail on the 19th day of May 1902.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

COPY

H.C.P. 1559.

Muskogee, Indian Territory June 27, 1902.

J. O. Pool, Attorney at Law,
Nacoma, Texas.

Dear Sir:

You are hereby advised that on the 19th day of June 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Daugherty, et al., of which decision you were advised by registered mail on the 19th day of May 1902.

Yours truly,

(SIGNED) *I. B. Needles.*

Commissioner in Charge.

COPY

H.C.R. 1559.

Muskogee, Indian Territory June 27, 1902.

W.H.C. Greer, Agent,
P.O. Box 157,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 19th day of June 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Daugherty, et al., of which decision you were advised by registered mail on the 19th day of May 1902.

Yours truly,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

COPY.

H.C.R. 1559.

Muskogee, Indian Territory June 27, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen: -

You are hereby advised that on the 19th day of June 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Daugherty, et al., of which decision you were duly advised by mail on the 19th day of May 1902.

Yours truly,

SIGNED

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, October 16, 1902.

George W. Davis,
Oklahoma City, Oklahoma,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 11, asking what disposition, if any, has been made of the application of A. J. Daughety, et al. for identification as Mississippi Choctaws. You state that you are the father of Lealand Davis, a grandson of A. J. Daughety, and ask what you should do to establish the claim of your son.

In reply to your letter you are advised that it does not appear from our records that any application has been made to this Commission for the identification of Lealand Davis as a Mississippi Choctaw. It does appear, however, that Andrew J. Daughety, et al., Susan Hine, et al., William E. Daughety, et al., John H. Daughety, and George W. Daughety, et al., have made application to this Commission for identification as Mississippi Choctaws and that their applications have been consolidated with the case of Andrew J. Daughety, et al., for the reason that all claim descent from the same common ancestor. On May 13, 1902, the Commission rendered its decision, refusing the several applications included in the consolidat

G.M.D. 2

ed case of Andrew J. Daughety, et al., and on May 19, 1902, the applicants in this case were notified of the decision of the Commission and the record in the case was forwarded to the Secretary of the Interior. On June 19, 1902, the decision of the Commission refusing the several applications in the consolidated case of Andrew J. Daughety, et al., was affirmed by the Secretary of the Interior, and on June 27, 1902, the applicants were advised of the action of the Secretary of the Interior in affirming the decision of the Commission.

Respectfully,

11925-1909.

Muskogee, Oklahoma, May 21, 1909.

Stuart & Bell,
Attorneys at Law,
Gainesville, Texas,

Gentlemen:

Receipt is hereby acknowledged of your letter of May 10, relative to the claim of Leland B. Davis, grandson of A. J. Daughety, in which you state that you note in the letter from this office of May 5, 1909, that the claim of A. J. Daughety was refused, but that you understand that Mr. Daughety appealed his case to the Supreme Court and that it was finally allowed, and the question now is whether his grandchildren would be entitled to a claim in case his claim was allowed.

In reply you are advised that this office has no further information relative to the claim of Andrew J. Daughety, et al. for identification as Mississippi Choctaws than that given in the letter of the fifth instant, viz: that the application for the identification of himself and his children as Mississippi Choctaws was refused by the Commission to the Five Civilized Tribes May 19, 1902, and that this action was approved by the Secretary of the Interior June 19, 1902. If the claim was appealed to the Supreme Court of the United States this office was not advised of that fact.

S & B 2

You are further advised that it does not appear from the records of this office that application was made for identification as Mississippi Choctaws by or on behalf of Effie Davis, and her son, Leland B. Davis, and the time within which the Commission to the Five Civilized Tribes could receive applications for identification as Mississippi Choctaws expired March 25, 1903.

Respectfully,

Commissioner.

AB

Washington D.C. 3-31-1912
Commission to the Five Civilized Tribes

Reuts

Yours relative to case of Andrew J
Daugherty in which you fail to
find applications of Martha & Davis
and Mary, E. Stanley, by reference
& find that all the applicants appeared
before the Commission except those
two, that I wrote up their applications
and sent them to them, with instructions
to come before the Commission
and file same, I suppose they
never did do, is the reason you
can not find them - if they are not there,
as to the Boyds I hope to get through
here in time to and get them and
bring them before the Commission
will endeavor to do so in time

Yours
J. H. [Signature]

INDEXED.

COMMISSION TO FIVE TRIBES.

No.

Received

ANSWERED

5234

1902 APR 3 1902

Book Page

Pool, J. O.,
Washington, D. C.,
March 31, 1902.

CHOCTAW

Says he will be back and
will bring Martha D. Davis
and Mary E. Stanly before
the Commission.

R-1559- Daugherty

For Identification as a Mississippi Choctaw.

Date *Feb 28, 1901*

Name *Andrew J. Haugherty*

Age *5'* Blood *1/4*

Post Office, *Sherman, Texas,*

Father: *Andrew J. " d*

Mother: *Sellie A. " d*

Claims through *father*
wife

Sarah E.

Children:

Alicia C. 17

James H. 15

Tefana (girl) 12

Lula 11

Ethel 8

for self &
children

Plenographer
Anna Bell.

Andrew

REFUSED.

R. 155

Miss. Choctaw Chickasaw

DECISION RENDERED. **MAY 13 1902**

NOTICE OF DECISION MAILED APPLICANT.

MAY 19 1902

NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANTS.

MAY 19 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 19 1902

RECORD FORWARDED DEPARTMENT.

MAY 19 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 19 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 27 1902

REFER TO M. C. R.

1560, 1561, 1562 & 1563.

CREEK NATION.

TRIBAL ENROLLMENT

YEAR

TOWNS

No.

SLAVE OF

NAME

FATHER

DUN

REFER TO M. C. R. 1559

*Andrew J. Waugherty
et al*

Consolidated Case

William Daugherty

Andrew J Daugherty
wife
Sallie E Daugherty

Andrew J Daugherty 51 1/2
wife
Sarah E Daugherty

William E. Daugherty 31 1/8
wife
Lula Daugherty

Randolph L. Daugherty 2

John A. Daugherty 30 1/8
wife
Lillie Daugherty

George W. Daugherty 28 1/8
wife
Laura Daugherty

Ernest L. Daugherty 6
Agnes Daugherty 1

Martha D. Davis 27
husband
David

Mary E. Stanley 25
husband
Stanley

Susan Daugherty 22 1/2
married
George Hines

George Hines 1

Abbie C. Daugherty 17

James G. Daugherty 15

Jessie Daugherty 12

Lula Daugherty 11

Abbie Daugherty 8

Randolph L.