

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 18th 1900.

In the matter of the application of Benjamin F. McPherson for the enrollment of himself, wife and children as Cherokee citizens. He being sworn before Commissioner Needles, testified as follows-

- Q What is your name? A. Benjamin F. McPherson.
Q What is your age? A. 40.
Q What is your post office address? A. Pryor Creek.
Q What district do you live in? A. Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. Yes sir.
Q Who is it that you want to have enrolled? A. Myself and family
Q What is your wifes name? A. Ida. She is a white woman.
Q Have you a certificate of marriage? A. No sir.
Q What was her name before she married you? A. Brown.
Q How old is she? A. 19.
Q When were you married to her? A. In 1897
Q What are the names of your children? A. Carlos Vera.
Q How old? A. 12.
Q Next child? A. Lewis.
Q How old? A. 11.
Q Next child? A. Beatrice.
Q How old? A. 2.
Q Next child? A. John W.
Q How old? A. Two weeks old.
Q Got any proof of birth as to these children? A. Yes sir.
Q Were you married once before this time? A. Yes sir.
Q What was your first wife's name? A. Hallie Cloud.
Q Was she a Cherokee by blood? A. Yes sir.
Q Is she dead? A. Yes sir.
Q What was her age when she died? A. 23.
Q What was her fathers name? A. Jim.
Q Is he living? A. Yes sir.
Q What is her mothers name? A. Martha.
Q Is she living? A. Yes sir.
Q Is she the mother of Carlos? A. Yes sir the mother of the two oldest ones.
Q Your first wife was an Indian by blood? A. Yes sir.
Q Have you a certificate of marriage to your second wife? A. I have it at home.
Q Are these children alive and living with you? A. Yes sir.
Q Have you lived here ever since 1880? A. Yes sir all my life.

By Cherokee Representative W. W. Hastings-

- Q Have you any other name? A. Yes sir.
Q What is it? A. Unce.

By the Commission-

1880 roll, page 142 No 1960,	Ulee McPherson,	Cooweescoowee district
1880	355	251, M. (H) E. Cloud, Flint district.
1896	208	3082 Ben McPhearson Cooweescoowee district.
1896	208	3083 Vernan McPhearson "
1896	208	3084 Lewis McPhearson "

- Q Was your first wife living when you married your second wife? A. No sir she was dead.

The name of Benjamin F. McPherson appears on the authenticated roll of 1880 as Ulee McPherson, he avers that he was married to his present wife, Ida Brown, a non-citizen in 1897. He also avers that he was formerly married to Hallie Cloud a Cherokee citizen by blood

whose name appears on the authenticated roll of 1880 as M. (H) E. Cloud, and by whom he has two children, Carlos Vera and Lewis, whose names appear on the census roll of 1896. He avers that be the marriage to his second wife Ida, he has two children, Beatrice and John W., whose names are not on said roll, having been born since same was compiled. He makes no proof of marriage to his second wife, Ida, the mother of his two youngest children. He and his said children are identified according to the page and number of the roll, consequently the said Benjamin F. McPherson and his children, Carlos Vera, Lewis, Beatrice and John W. will be duly listed for enrollment as Cherokee citizens by blood, but in order to complete the enrollment of his youngest two children, Beatrice and John W., it will be necessary for him to produce satisfactory proof as of marriage to his present wife, Ida, and proof of birth as to said two children Beatrice and John W. The applicant also applies for the enrollment of his wife Ida. He avers that he was married to her in 1897, which is too late under the laws of the Cherokee Nation to entitle her to enrollment as an inter-married citizen, consequently the application for the enrollment of his wife Ida will be rejected.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the for going is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 11th of January, 1901.

[Handwritten Signature]

Commissioner.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

(Copy)
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 509.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mrs. Ida McPherson,
Pryor Creek, Indian Territory.

Madam:

On the 16th day of December, 1900, your husband, Benjamin T. McPherson, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same;"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you are a white person; that you were married in 1897 to your said husband, Benjamin F. McPherson, a citizen by blood of the Cherokee Nation, but such marriage was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.

Register.

By _____ (Signed) _____

~~Acting Chairman.~~

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Ida McPherson, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 509, it is entitled Ida McPherson, and is known as a Cherokee rejected application.

Respectfully,

(SIGNET) *T. B. Needles.*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Encl. C-R. 509.

RESIDENCE: Lower Cove DISTRICT.

POST OFFICE: Lower Cove, Ga.

Cherokee Nation. Cherokee Roll.

(Not including Delawares, Shawnees, or Freedmen.)

CARD No. _____

FIELD No. 6935

Dawes' Roll No.	NAME.	Relation-ship to Person first Named.	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.					
						Year.	District.	No.	Name of Father.	Year.	District.	Name of Mother.	Year.	District.
16543	Theron Benjamin	son	40	M	1/4	1880	X000	1960	J. W. McPhearson		G. Snake	Benjamin McPhearson	ded	G. Snake
16543	Charles W.	son	13	M	3/16	1896	X000	3083	Stol			Allie E McPhearson	"	X000
16544	Harris	son	11	M	3/16	1896	X000	3084	Stol			"	"	X000
16545	Beatrice	daughter	9	F	1/8				Stol			Sda McPhearson		New City
16546	John W.	son	2	M	1/8				Stol			"	"	"
6								#1	DIED PRIOR TO SEPTEMBER 1, 1902					
7	CITIZENSHIP CERTIFICATE ISSUED FOR NO. <u>4-5</u> MAR. 16 1903		CITIZENSHIP CERTIFICATE ISSUED FOR NO. <u>2-3</u>					No. <u>1</u>	HEREON DISMISSED UNDER ORDER OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES OF MARCH 31, 1905.					
8														
9									No. 1 died January 28, 1901; affidavit filed Feb. 4, 1903					
10									Stol on 1880 roll as Allie McPhearson					
11									Stol " 1896 " " James McPhearson					
12									Stol " 1896 " " Harris					
13									Stol " 1896 " Page 208 No 3082 as Ben McPhearson,					Coo. Dist.
14									Evidence of marriage of Stol to present wife, Sda, to be supplied.					
15														
16														
17									Nos 4 and 5. Affidavits as to births filed					
18									Dec 18, 1900.					

Date of Application for Enrollment.
DEC 18 1900