

Choctaw MCR 6809
Samuel N. McGee
See MCR

7247, 7248, 7249, 7299
7300, 6839, 6750, 6751, 6752
6753, 6754, 7200, 6832, 6757
6833, 6762, 6758, 6759, 6760
6834, 6761, 6836, 6837, 6840
6835

MCR 6809

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ft. 3/23/03

Received of the Commission to the
Five Civilized Tribes, are copy
of testimony in Mississippi
Choctaw case of Nelson Megee
et al.

J. P. Lowery

#6809.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory,
March 3, 1903.

In the matter of the application of Samuel Nelson McGee for
the identification of himself as a Mississippi Choctaw.

Samuel Nelson McGee being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Samuel Nelson McGee.
- Q What is your age? A Somewheres about 70 I think; I dont know exactly; somewheres along there.
- Q What is your post office address? A Linton down here in the nation below Antlers.
- Q In the Indian Territory? A Yes sir.
- Q Choctaw Nation? A Yes sir.
- Q How long have you lived there? A Been there about two years.
- Q Where did you live before that? A I lived part of the time in Mississippi, Panola County, then moved from there to Holly Springs, Mississippi, sorter up on the line of Mississippi and Tennessee, was up there during this last civil war.
- Q Where did you live just before you went to the Indian Territory? A I never knowed no other place but the state of Mississippi.
- Q Were you born in Mississippi? A Yes sir, I was born somewhere there in Mississippi, but my parents is all dead a long time ago.
- Q Is your father living? A No sir.
- Q Is your mother living? A No sir.
- Q What was your father's name? A Walker.
- Q Full name? A Walker McGee I guess is what he went by.
- Q What was your mother's name? A Louisa Phelps I think before she married.
- Q Then she married McGee? A Yes sir.
- Q Do you claim your Choctaw blood through your father or mother or both? A Both, so I have been told.
- Q How much Choctaw blood do you claim? A Well, I couldn't tell you sir.
- Q How much Choctaw blood did your father have? A I guess he was about half.
- Q How much did your mother have? A My mother said to be full Choctaw.
- Q Now if your father was one half and your mother was full how much would you be; you would be one half of your father? A About one half.
- Q Well, one half of one half is one quarter, and if your mother was a full blood you would be one half from her, and now if you add one half and one quarter, - one half equals two quarters, and added to one quarter makes three quarters; now, do you claim you are three quarter's Choctaw? A I believe I am a full blood.
- Q No, you are not a full blood; you dont look it? A Maybe one half.
- Q You dont know how much you are, do you? A No sir.
- Q You dont know really how much your father was? A No sir.
- Q Nor your mother? A No sir.
- Q Was your father part negre? A Yes sir, I reckon so.
- Q He was a slave wasn't he? A He mought have been.
- Q Do you know? A I suppose he mought have been a slave.

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- Q Do you think he was? A He was part slave I reckon.
- Q He couldn't be part slave; he had to be all slave or not any; you know he was a slave dont you before the war? A He acted as a kind of a workman(?).
- Q Dont you know he was a slave? A He must have been by that, you know.
- Q Now, was your mother, Louisa, also a slave? A Yes sir.
- Q You were a slave yourself, were you not? A Yes sir, I was a slave.
- Q Your father and mother and you were all slaves, and were liberated during the war, were you not? A Yes sir.
- Q Have your parents ever been recognized or enrolled as Choctaw Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I dont know sir.
- Q Your father and mother were not married according to United States laws? A I dont know sir how that was.
- Q You dont know anything about their marriage? A No sir.
- Q Were they living after the war was over? A My father lived a while after the war was over and got killed pretty soon after the war by a mule.
- Q Are you married? A yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Maria McGee.
- Q Is she a negro? A Yes sir, a white man was her father, but she goes for a negro.
- Q You dont make any claim for her then? A No sir.
- Q How many children have you under age and unmarried? A All of mine are married; I have got five boys but all of them are married; I had six but one got died.
- Q Then you make application just for yourself? A Yes sir, the boys they come for themselves.
- Q None of your relatives have been before the Commission have they? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A None as I know of sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir, not yet until now; I did speak to a lawyer to go to see after it for me, but never made any application to him.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir, not any at all.
- Q Do you come before the Commission now to identify yourself as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830, or dont you understand that article? A No sir, I dont understand that article.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty, and in order to protect the interests of those Indians who stayed

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back in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830. That article 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 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 Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No sir, I dont know.
- Q Whom do you claim your right to be identified through now? A A Through my father and mother.
- Q Dont you go back any further than that? A No sir.
- Q What was your father's name? A Walker.
- Q You dont know anything about his father or mother? A Samuel McGee I think they said was his father.
- Q Then your father Walker's father's name was Samuel McGee? A Yes sir.
- Q That is your grandfather? A Yes sir.
- Q Was he a slave? A I dont think he was sir.
- Q How much Choctaw blood did Samuel have? A I dont know sir.
- Q He had Choctaw blood did he? A Thats what I was told.
- Q Do you know anything about what was Samuel McGee's wife's name? A No sir.
- Q Through whom do you claim on your mother's side; go back as far as you can? A Her name I think was Phelps.
- Q Full name? A ~~As of my mother?~~
- Q Of your mother's mother? A I dont know any further than Phelps.
- Q Do you know your mother's father's name? A No sir.
- Q Do you know her mother's name? A No sir.
- Q Who was this Phelps whose name you have given? A Her name was Louisa Phelps before she married.
- Q Then her mother's name was Phelps? A Yes sir.
- Q But you dont know any other name? A No sir.
- Q That was your grandmother on your mother's side? A Yes sir.
- Q Did she have Choctaw blood? A I guess she did.
- Q Do you know how much? A No sir.
- Q Now, you have given the name of Samuel McGee, your grandfather on your father's side? A Yes sir.
- Q And you give the name of Phelps as your grandmother on your mother's side? A Yes sir.
- Q And you get your Choctaw blood through them? A Yes sir.
- Q But you dont know how much Choctaw blood they had? A No sir.
- Q Was your grandmother, Phelps, a slave at any time? A I dont know that.
- Q How did your father and mother happen to be slaves if their people

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- were not slaves? A They were slaves some way or another by traders.
- Q Stolen were they? A I was told my mother was stolen.
- Q Did any of your Choctaw ancestors live in Mississippi and have a family there in 1830? A I dont know sir.
- Q Did any of them go to Colonel Ward within six months after the treaty of 1830 was ratified and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states? A I dont know sir.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation either in Mississippi or Alabama for five years and then get a patent from the government for that land? A I dont know sir.
- Q Did any of them claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A I dont know sir, they may.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know sir.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I dont know.
- Q Did any of them go before the commission of 1837 or the commission of 1842 and claim any benefits under article 14 of the treaty of 1830? A Not as I know of.

These commissions were appointed, one in 1837 by an act of Congress approved March 3rd of that year, and the other in 1842 by an act of Congress approved August 23rd of that year, to hear the complaints of Choctaw Indians who went before Colonel Ward within six months from the ratification of the treaty of 1830 and attempted to register under article 14 of that treaty, but were refused registration by Colonel Ward, and as a result of this refusal the land they held in the old Choctaw Nation was taken from them by the government and sold at its public land sales.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 23rd, 1842.

- Q Do you understand or speak the Choctaw language? A No sir.
- Q Have you a lawyer? A No sir, I haven't employed anybody at all.
- Q Have you any other evidence you want to present in this case? A I have a cousin, said to be, that lives up in the northern states, and a sister.
- Q But you have no evidence here? A No sir.
- Q No witnesses here? A No sir, none at all.

This applicant is allowed time for the introduction of other proof in this case to and inclusive of the 24th day of March, 1903.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry; his father and mother were slaves, and he also was a slave. He has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 3rd

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day of March, 1903, and that the within and foregoing is a full,
true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 17 day of March, 1903.

Edward Maxwell
Notary Public.

Muskegee, Indian Territory, March 17, 1903.

Nelson McGee,
Lenton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you state you appeared before the Commission the first week in March and applied for citizenship; that at that time you failed to ask if you could take up a piece of land and improve it, and you now desire to be advised relative thereto.

In reply to your letter you are informed that it does not appear from our records that any person by the name of Nelson McGee is listed for enrollment as a citizen or freedman of either the Choctaw or Chickasaw Nation. Our records do show, however, that Samuel N. McGee, seventy-years of age, residence Lenton, Indian Territory, on March 3, 1903, submitted to this Commission his application to be identified as a Mississippi Choctaw. The Commission has not rendered any opinion or decision relative to his right to such identification. As soon as a decision is rendered he will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

If you are identical with the person named in the above application, you are requested to explain whether your name is

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Samuel N. McGee or Nelson McGee. Relative to the right of Samuel N. McGee to hold lands in the Choctaw-Chickasaw country, your attention is invited to the following provision of the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time ~~within~~ six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

It is not believed that the benefits of this legislation will in any manner accrue to applicants until duly identified by the Commission as Mississippi Choctaws entitled to allotment, and that you are not at this time entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.