

Choctaw MCR 7247

Robert McGee

MCR 7247

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Muskogee, Indian Territory, April 22, 1903.

Robert McGee,

Lenton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, enclosing certified copy of marriage license and certificate between J. A. McGee and Anna Short, offered in support of the application made by John McGee for the identification of himself and minor children as Mississippi Choctaws.

Also certificate of marriage between R. W. McGee and Mollie Roff, offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

Also certified copy of marriage license and certificate between G. A. McGee and Ella Bird, offered in support of the application made by George McGee for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of marriage license and certificate between Thomas McGee and Mary Duffington, offered in support of the application made by Thomas McGee for the identification of himself and minor children as Mississippi Choctaws.

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The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

Department of the Interior
 Commission to the five civilized Tribes.
 Muskogee, I.T. March 23, 1903.

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In the matter of the application of Robert McGee for the identification of himself and his six minor children, Aaron, Birdie, Odell, Ida, Lena and Georgie McGee, as Mississippi Choctaws.

J. C. Lowery attorney.

Robert McGee being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Robert McGee.
 Q What is your age? A Thirty-nine years old.
 Q What is your post office address? A Linton, Indian Territory.
 Q What nation is that in? A Choctaw Nation.
 Q How long have you resided in the Indian territory? A Two years.
 Q Where did you live before that? A I lived ten years in Texas.
 Q Where before that? A Mississippi.
 Q Born in Mississippi? A Yes, sir.
 Q Do you claim to be a Mississippi Choctaw? A Yes, sir.
 Q How much Choctaw blood do you possess? A I don't know sir.
 Q Do you possess any Choctaw blood? A Said to have.
 Q How much Choctaw blood are you? A A I would suppose about three-eighths.
 Q What is your father's name? A Nelson McGee.
 Q Is your father living? A Yes, sir.
 Q White, negro or Indian? A I expect his race is mixed.
 Q You derive your blood from your father? A Yes, sir.
 Q What is your mother's name? A Maria.
 Q Is your mother living? A Yes, sir.
 Q Your mother is a negro? A Yes, sir.
 Q Possessed of no Choctaw blood? A No, sir.
 Q You claim your right as a Mississippi Choctaw through your father? A Yes, sir.
 Q Is your father living? A Yes, sir.
 Q Where? A Linton.
 Q Has he ever made application to be identified as a Mississippi Choctaw? A Yes, sir.
 Q When? A Third of this month.
 Q Were your father and mother ever married? A I suppose so.
 Q When were they married? A Before the war.
 Q Was your father a slave? A Yes, sir.
 Q Was your mother a slave? A Yes, sir.
 Q Your father and mother were both slaves? A Yes, sir.
 Q Who did they belong to? A My mother belonged to a man named Callahan.
 Q Who did your father belong to? A McGee.
 Q Were your father and mother owned by white people? A I don't know.

- Q Where were they held in slavery? A In Mississippi.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Mollie.
- Q Is your wife living? A Yes, sir.
- Q Is she a negro? A Yes, sir.
- Q Do you make any claim for her? A No, sir.
- Q Have you any children? A Yes, sir.
- Q How many? A Six.
- Q Are they all under age? A Yes, sir.
- Q Give the names and ages of your children beginning with the oldest
A Aaron.
- Q How old? A sixteen years.
- Q Next? A Birdie.
- Q How old? A Fourteen.
- Q The next one? A Odell.
- Q How old? A Twelve.
- Q Next? A Ida.
- Q How old? A Ten.
- Q Next? A Lena.
- Q How old? A Eight.
- Q Next? A Georgie.
- Q How old? A Six.
- Q These children are all living with you at your home? A Yes,
sir.
- Q Mollie is the mother of all of them? A Yes, sir.
- Q When were you married to Mollie McGee? A 1883 I believe.
- Q Have you a marriage license and certificate? A No, sir.
- Q You lived at Holly Springs, Mississippi? A That was our county
seat.
- Q Have you or these six minor children ever been recognized in any
manner as citizens of the Choctaw Nation in Indian Territory? A
No, sir.
- Q Has any application ever been made by you or on your behalf for
you and these children for recognition as Members of the Choctaw
tribe of Indians in Indian Territory? A No, sir.
- Q Have you ever been recognized by any authority as citizens of the
Choctaw Nation? A No, sir.
- Q Have you or your six minor children ever been admitted to citizen-
ship in the Choctaw Nation by the Commission to the Five Civilized
Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Have you with your six minor children ever been admitted to citi-
zenship in the Choctaw Nation by the United States court in
Indian Territory? A No, sir.
- Q Do you claim the right for yourself and these children under the
provision of article fourteen of the treaty of 1830? A Yes,
sir.
- Q Are you acquainted with the fourteenth article? A Not exactly.

In 1830 a treaty was entered into by the United States government and the Choctaw Nation. The Choctaw tribe of Indians were then residing in the old Choctaw Nation east of the Mississippi River and this treaty provided for their removal to the Choctaw Nation Indian Territory. A number of the tribe refused to accept the provision as originally drafted, providing for their removal to the Indian Territory, and for their protection there was inserted article fourteen, and on September 27, 1830 it was signed. Article fourteen reads 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 What is the name of your Choctaw ancestor who complied with the provisions of article fourteen of the treaty of 1830? A Samuel McGee.
- Q What relation was he to you? A He was great grandfather.
- Q Was he a resident of the state of Mississippi in 1830? A I don't know.
- Q In order to derive any benefit as a Mississippi it will be necessary for you to denote that you are descended from a Choctaw Indian who resided in Mississippi in 1830 and who was a beneficiary under article fourteen of the treaty of 1830. Have you any testimony to that effect? A I don't know.
- Q Have you any evidence showing that any of your ancestors were at any time recognized members of the Choctaw tribe in the Choctaw Nation in Mississippi or Indian Territory? A Nothing except what I have learned from my father's side.
- Q You said you derived your Choctaw blood through your father? A Yes, sir.
- Q What is his name? A Nelson.
- Q How old is he? A I think he is about sixty-six or seven.
- Q You say you claim your right through your great grandfather? A Yes, sir.
- Q What was your father's father's name? A Walker McGee.
- Q Do you claim through him? A Yes, sir.
- Q What was your grandmother's name? A Louisa.
- Q Was she a Choctaw Indian or negro? A Said to be Choctaw.
- Q How much Choctaw blood? A Full blood.
- Q What was her name? A Louisa.
- Q How many brothers and sisters did your father have older than he? A I don't know, he had one brother and sister older and there were seven children, most of the children died in infancy.
- Q His grandfather and grandmother were the head of a family in 1830, seventy-three years ago, they were living together as husband and wife and had a family? A I couldn't say cause I don't know sure.
- Q Did either your grandfather or grandmother comply with the provisions of article fourteen of the treaty of 1830? A I don't know never heard grandfather say.

By an act of Congress approved March 3, 1837 and another act approved August 23, 1842 commissions were authorized to adjudicate the claims of Choctaw claimants.

- Q Did any of your grandparents Walker McGee or Louisa McGee present claim to either of these commissions and were they ever adjudicated beneficiaries under article fourteen of the treaty of 1830?
 A I don't know.
- Q Do you speak the Choctaw language? A Not much only a few words.

This applicant has none of the appearances of a Choctaw Indian he has the characteristics of a negro, testifies to the fact of being descended from negro parentage; both he and his parents were slaves and he has no knowledge of the Choctaw language.

Thirty days time allowed this applicant to submit testimony, after which time the Commission will render a decision in this case.

By attorney:

- Q How old do you say your father is? A Something like sixty-seven
 Q Is he an illiterate man or one one able to read and write? A No, sir.
- Q From who do you claim Choctaw blood from? A Father.
 Q And from his mother? A Yes, sir.
- Q Now Mr. McGee did your father own any property down there in Mississippi? A Yes, sir.
- Q Do you ever remember seeing your grandfather? A Yes, sir.
 Q Now describe him as for nationality relations whether Indian or otherwise? A He resembles the Indians I see here in this country - the last time I remember seeing him I was nine years old.
- Q Was your grandfather a slave or your father? A My father was a slave, if my grandfather was a slave I don't know it, he was a freeman.
- Q Do you inherit any Choctaw blood except through your father? A Yes, sir, mother and father.
- Q Well what was she? A Said to be Choctaw.
- Q Well now you want your case consolidated with your father's case? A Yes, sir.
- Q Who made application some time ago about March 1903? A Yes, sir.
- Q Well now isn't it a fact that that on account of the illiteracy of your father and him not knowing how to read and write he don't just exactly know what occurred relative to your grandfather? A You mean his father?
- Q Yes, sir? A I don't know that he would because he can't recollect it now because his mind is not very good now.
- Q How old was you at the time your grandfather got killed? A Ten or eleven years old.
- Q Well did you ever have a talk with him about your rights? A No, sir, didn't talk with him, when he use to come to our house

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he would take me in his lap and tell my mother I showed his blood

- Q Just one more question: did your father own any improvement in Mississippi on land? A Yes, sir, he owned land there.
- Q Well did he inherit it? A I don't know, he had it when I first recollect.
- Q And to the best of your knowledge it come through his father? A Yes, sir, when grandfather died he went to where he died to wind up the estate but he had land prior to that time.
- Q Well now you speak about your grandfather never being a slave? A My grandfather was a free man all the same if he ever was a slave & I never heard anything about it.

By Commission:

Reference is made to the case of Nelson McGee M.C.R. 6809 for the purpose of consolidation.

This applicant appeared before Commissioner Bixby and the Commissioner states that he presents the appearance of having mixed blood, possible part negro and part Indian, he has high cheek bones and straight black hair.

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Chas. Diffendaffer being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 23, 1903 and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 9th day of May 1903.

Charles W. Sawyer

Notary Public.

M. C. R. 7247

Muskogee, Indian Territory, August 14, 1905.

Robert McGee,

Lenton, Indian Territory,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.