

SUMMONS.

United States of America,

INDIAN TERRITORY,

Choctaw and Chickasaw Citizenship Court.

SS:

The President of the United States of America,

To the United States Marshal for the Indian Territory, *Central* District,

GREETING:

YOU ARE COMMANDED TO SUMMONS *Green McArthur*
Principal Chief of The Choctaw nation

on behalf of said nation
to answer in twenty days after the service of this summons upon *him as*

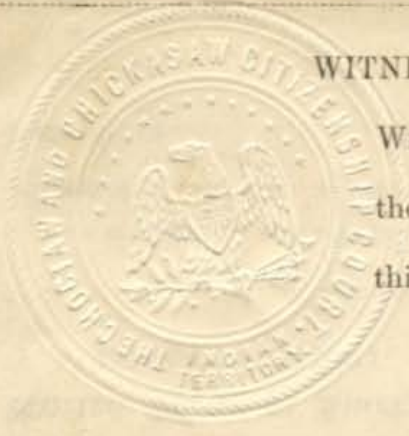
Principal Chief of said nation
a complaint in Equity filed against *The said The Choctaw and*
Chickasaw Nations

in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, *at So. Medulla*

by *P. D. Durant et al* and warn *him* that upon *his* *as said chief* failure, to answer, ~~the~~

on behalf of said nation
~~the~~ complaint will be taken for confessed, and you will make return of the summons ~~on the~~

~~first day of next~~ *instant* Term of said Court.



WITNESS the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L.

WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal

thereof, at *So. Medulla, Ind. Terr.*, aforesaid,

this *3rd* day of *January*, A. D. 190*3*.

James B. Cassan
Clerk.

By _____, Deputy.

MARSHAL'S RETURN.

United States of America,
INDIAN TERRITORY,

ss:

DISTRICT.

I RECEIVED this summons this _____ day of _____, A. D. 1903, at _____ o'clock _____ m. and served same by copy, as follows:

Personally on _____ at _____ Ind. Ter. this _____ day of _____ 190 _____ o'clock _____ m.
 " _____ at _____ Ind. Ter. this _____ day of _____ 190 _____ o'clock _____ m.
 " _____ at _____ Ind. Ter. this _____ day of _____ 190 _____ o'clock _____ m.
 " _____ at _____ Ind. Ter. this _____ day of _____ 190 _____ o'clock _____ m.
 At Residence of _____ at _____ Ind. Ter. this _____ day of _____ 190 _____ o'clock _____ m.
 " _____ at _____ Ind. Ter. this _____ day of _____ 190 _____ o'clock _____ m.
 " _____ at _____ Ind. Ter. this _____ day of _____ 190 _____ o'clock _____ m.
 " _____ at _____ Ind. Ter. this _____ day of _____ 190 _____ o'clock _____ m.

With a member of defendant's family over 15 years of age there residing.
 And the other persons named in this Summons are "not found in this District."

U. S. Marshal.

By _____, Deputy

No. 2407

No. 8
 SUMMONS
 IN EQUITY.

P. D. Surant, et al.,
 vs.
 Chas. E. Chickman
 Plaintiff

Summons issued the _____ day
 of January, 1903
 Returnable in Indian Territory, 1903
 Returned and filed _____, 1903

Clerk.
 By _____, Deputy.

MARSHAL'S FEES.

Services,	-	-	-	-	-	-	-	-	-
Miles,	-	-	-	-	-	-	-	-	-
Expense,	-	-	-	-	-	-	-	-	-
TOTAL,	-	-	-	-	-	-	-	-	-

J. G. Pallas
 Attorney for Plaintiff.

Bridges 1370

Billy Jones says Jefferson Donnot was
35 or 40 yrs old in 1844; and
that he had a girl named
Nancy who was 13 yrs old.

Vol 1, "Mrs. Chic Nation"
page 407 shows Jefferson
Donnot to have been 11
yrs old in 1831 - He was
born therefore in 1820 -

He was therefore 24 yrs
old in 1844 + could not
have had a girl 13
yrs old.

South McAlester, Indian Territory, May 14, 1903.

P.D. DURANT, ET AL.,
 versus
THE CHOCTAW AND CHICK-
ASAW NATIONS.

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)

R E P O R T O F . D . A . R I C H A R D S O N

To Mansfield, McMurray & Cornish.

In the P.D. Durant case I had no written instructions. I carried the papers with me, however, in connection with the James A. McLellan case. Mr. ~~Henry~~ McBride, of Minco, knows something of this case and I took a statement from him which is appended hereto and marked Exhibit "A". I also took the statement of Frank Plato, of Chickasha, which statement is appended hereto and marked Exhibit "B".

From there I went to Mills County, Texas. An inspection of the record in this case shows that G.H. Dalton, a Justice of the Peace in Mills County, Texas, took the affidavits of P.D. Durant in this citizenship case and that M.C. Kirkpatrick, a notary public of the same county, took several affidavits of P.D. Durant and others in this case. I saw Mr. Kirkpatrick, who lives at Mullin, Texas, and from him I took the statement appended hereto marked Exhibit "C". I also took the statement of Judge G.H. Dalton hereto attached marked Exhibit "C". It will be seen from both

of these statements that Dalton and Kirkpatrick have always known applicants by the name of Duren and have never known them by the name of Durant. At Goldthwaite, I saw the County Clerk of Mills County and took from him an affidavit appended hereto marked Exhibit "D". This affidavit is to the effect that the copy of marriage license of Lou Durant given in the record of the case is not a true and perfect copy as shown by the records of his office, also that the affiant knew P.D. Duren and his family, has known them for a long time and knows that their name is Duren and not Durant. I also took the affidavit of M.C. Humphries, Ex-County Clerk of Mills County; his affidavit is attached hereto and marked Exhibit "E". I took certified copies of the marriage license of Mr. H.F. Butts and Miss Lou Duren and of Mr. James Q. Ward and Miss Maggie E. Duren, which certified copies are appended hereto and marked Exhibits "F" and "G" respectively. I also took certified copy of a guardian's bond in which P.D. Duren is guardian and to which his name was signed in his own proper person. This is marked Exhibit "H". I also took certified copy of "The Final Account and Petition for Discharge" of P.D. Duren as guardian in Cause No. 105 in the County Court of Mills County. This copy is hereto attached and marked "Exhibit "I". Proceeding from Mills County, Texas, to Houston County, I found that P.D. Duren and Nancy Lee Cundiff were brother and sister, that their father was Jesse Duren, that he lived and died in Houston

County, that he was a large land owner in that County and he has numerous relatives now living there. I took the statement of J.E. Downs hereto attached marked Exhibit "J", in which Mr. Downs says that he knew Jesse Duren and knew all of his descendants and that he never heard of any of them being called Durant. I also took the affidavit of N.E. Allbright, County Clerk of Houston County, to the same effect. This affidavit is hereto appended marked Exhibit "K". I took certified copy of the orders of the County Judge made in 1867 relative to the estate of Jesse Duren, deceased, and find that William H. Cundiff, the husband of Nancy Lee Cundiff, was the administrator of the estate of Jesse Duren. This certified copy is marked Exhibit "L". I also took a certified copy of a judgment rendered in the County Court of Houston County in favor of W.H. Cundiff, the administrator of Jesse Duren, deceased, against Donley & Anderson. This copy is marked Exhibit "M". I also took a certified copy of the petition of Jesse Duren, a grandson of old Jesse Duren and a nephew of P.D. Duren in which he seeks to reopen the administration of the estate of Jesse Duren, Sr. and in which he recites that William H. Cundiff was the administrator. This petition was filed in the Clerk's office February 14, 1901; the copy hereto attached is marked Exhibit "N".

The proof in the P.D. Durant case is without doubt

very clear that the applicants name is not Durant, and that they are not related to the Indian family of Durants, in any way.

Respectfully submitted.

Testimony for Nations

Applicants claim name of father "Jefferson Donant"

His real name was "Jesse Doren" -

See Cross Examination of P.D. Doren & Nancy Lee Condiff
Introduce:

Marriage license, H.F. Batts & Miss Lea Doren, Ex "A"

" " James L. Word & Miss Maggie E. Doren, Ex "B"

Bond of P.D. Doren, as guardian, in 1898, Ex "C"

Petition for discharge as guardian, in 1901, Ex "D"

Order for Clerk to deliver to Wm. Condiff, papers
in estate of Jesse Doren, Dec'd Ex "E"

Decree in favor of Wm. Condiff as to papers pertain-
ing to Est. of Jesse Doren, Dec'd Ex "F"

Application of J.H. Doren, grandson of Jesse Doren
for removal of Wm. Condiff as Admin of Est of
Jesse Doren - Filed 1901 Ex "G"

Page 30 of Record in U.S.Ct.:

Marriage license, H.F. Batts & Miss Lea Donant, Oct 13, 1891
By M.B. Humphries, clk by Ed. Marshall, Deputy

Cert. Copy of Record:
H.F. Batts & Miss Lea Doren, Oct 13, 1891
By M.B. Humphries, clerk

Page 42 of Record in U.S.Ct.:

James L. Word & Miss Maggie E. Donant, Jan 22, 1890
By M.B. Humphries, clerk by John S. Chesser, Dep.

Cert Copy of Record:
James L. Word, & Miss Maggie E. Doren, Jan 22, 1890
By M.B. Humphries, clerk

P. D. Donau (or Donant) testified that he had been a
bona fide resident of Indian Territory since 1896
Bond as guardian in 1898 &
Petition for discharge as guardian in 1901

Mrs. Condiff testified in 1903 that she was 42
years old & born in 1831, & that her father
had one child older than she
Vol 1, W. M. Choe Nation P. 407 shows Jefferson
Donant to have been 11 years old in 1830

Testimony of P. D. Donau (or Donant) & Nancy Lee
Condiff that their father emigrated alone,
with ~~of~~ his family & started from Tishomingo
Co. Miss

Testimony of Ricky Jones, (witness for applicants)
that the ~~family~~ Jefferson Donant & his family, to-
gether with various other families of Choctaws
~~emigrated~~ (including the family of the mother of witnesses)
were emigrated by Gen. Hulet, U. S. Emigration
Agent

SYNOPSIS OF P. D. DURANT CASE.

P. B. Durant, et al, with W.H.Cundiff, et al, all claiming their right of citizenship from the same source. The cases were consolidated before the Dawes Commission and denied. Upon appeal to the United States Court, for the Central District, P.D.Durant and those claiming under him were denied on the ground that they were nonresidents. All the others were admitted. P. D. Durant et al, having applied to Citizenship Court.

The Applicant bases his right to citizenship on the fact that he is a brother to Nancy Lee Cundiff (nee Durant) who, with her two children, was admitted to citizenship in the Choctaw Nation by Act of the Choctaw Council approved Nov. 8, 1895.

Applications do not state through what source either Petitioners or Nancy Lee Cundiff derived their Indian blood. Among our papers there are no papers or affidavits to show whether citizenship was conferred upon Nancy Lee Cundiff as a matter of right or as a ~~matter of~~ gratuity.

There is no testimony to show that P. D. Durant and those claiming under him have any indian blood whatever. Their applications appear to be based solely upon their relationship to Nancy Lee Cundiff.

It appears also that P. D. Durant is a resident of the state of Texas.

B.H.Colbert, of Tishomingo, in a letter in regard to the McClellan case says that the Durants were from Bosque County Texas. That they were admitted under the name of Durant, when, in fact, their name was Duran. That they paid old man Durant \$900.00 to swear they were his relatives.

Judge Lewis says that Nancy Lee Cundiff + Armstrong, her son-in-law, of Chickasha, paid H.W.Dukes \$1600 to get their case through the council, and also put up a slush fund of \$1400. Joe. W. Edwards of Grant, D.T. knows about it.

SYNOPSIS OF P. D. DURANT CASE.

P. D. Durant, et al, with W.H. Gumbert, et al, all claiming their right of citizenship from the same source. The cases were consolidated before the Texas Commission and denied. Upon appeal to the United States Court, for the Central District, P.D. Durant and those claiming under him were denied on the ground that they were nonresidents. All the others were admitted. P. D. Durant et al, having applied to Citizenship Court.

The Applicant bases his right to citizenship on the fact that he is a brother to Nancy Lee Gumbert (nee Durant) who, with her two children, was admitted to citizenship in the Choctaw Nation by Act of the Choctaw Council approved Nov. 8, 1895.

Applications do not state through what source either Petitioners or Nancy Lee Gumbert derived their Indian blood. Among our papers there are no papers or affidavits to show whether citizenship was conferred upon Nancy Lee Gumbert as a matter of right or as a matter of gratuity.

There is no testimony to show that P. D. Durant and those

claiming under him have any Indian blood whatever. Their applications appear to be based solely upon their relationship to Nancy Lee Gumbert. It appears also that P. D. Durant is a resident of the state

of Texas.

B.H. Gilbert, of Tahomango, in a letter in regard to the McGehee case says that the Durants were from Bosque County Texas. That they were admitted under the name of Durant, when, in fact, their name was Durant. That they paid old man Durant \$900.00 to swear they were his relatives.

Handwritten note: Gilbert

Handwritten notes at bottom:
W. Gumbert of Texas, C. D. Durant of Texas, et al.
The commission, and also one up a check for \$1000. for
in favor of Gilbert, said to be \$1000. for their case through
Gilbert's name says that they were Gumbert & Durant, but have

P. D. Dorant
Cone

Jefferson Dorant

Page 407

Choc Not no. M.S.

Free

Durant Contd

- + William Fisher Arledge
 - + Walter Arledge (or Walter W Arledge)
 - + Margaret C. Shornaker, ~~or Mrs Mary Arledge~~
 - + A. L. O. Shornaker
 - + Alvis Shornaker
 - + Mary Laurin Shornaker
-

No. 8

P. D. Durant et al.

+ P. D. Durant

+ Leticia C. Durant

+ Jessie May Green (nee Durant), or Jessie May Durant,

+ Sarah Francis Comen (nee Durant), or Sarah F. Durant.

+ Robert Comen Durant

+ Ernest A. Durant, or Earnest A. Durant

+ Mary Butts or ~~Miss Mary Butts~~

+ Horace F. Butts (~~Intermarried~~)

+ Vera Butts

+ Sarah C. Daley, ~~Miss Sarah C. Daley~~

+ James Daley (~~Intermarried~~)

+ Margaret J. Black

+ William V. Black (~~Intermarried~~)

+ Maggie E. Ward, or ~~Mrs. Maggie E. Ward~~

+ James Q. Ward, (~~Intermarried~~)

+ John P. Ward

+ James E. Ward, or James Q. Ward.

+ Sydney J. Cundiff

+ Idress J. Cundiff (~~Int. married~~)

P. D. Durant, et al, No 8.
Verna D. Potts, et al, No 99.

Submit case for final decision of Court
upon evidence already taken.

Submitted

July 27

Pop, 10 to 15, 1000 ft. 1899
Pop, 10 to 15, 1000 ft. 1899

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

5014

In the matter of the application for identification as a
Mississippi Choctaw of Sidney J. Cundiff.

Applicant not represented by attorney.

Sidney J. Cundiff being first duly sworn testified as follows.

Examination by the Commission.

- Q What is your name? A Sidney J. Cundiff.
Q What is your age? A Thirty-three.
Q What is your post office address? A Decatur, Texas.
Q How long have you lived there? A Well I have been there about
a year the last time. I moved from there to the Choctaw Nation
and stayed there two years and then moved back there.
Q You have been in Texas now for a year? A Yes, sir.
Q Where were you born? A Texas.
Q Did you always live in Texas except when you lived in the
Indian Territory? A Yes, sir.
Q You lived in the Territory two years? A Yes, sir.
A For the last year you have been in Texas? A Not all the time,
partly in the Chickasaw Nation.
Q How long have you lived in Texas now last past? A It has been
about five months since I went back there.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father name? A William Henry Cundiff.
Q What is your mother's name? A Nancy Lee Cundiff.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A I reckon it is about
one-eighth.
Q Has your mother ever been recognized in any manner or enrolled
as a member of the Choctaw tribe of Indians by the Choctaw
tribal authorities or the United States authorities in Indian
Territory? A Yes I think her name was on the roll of ninety-
six.
Q Is she a member of the Choctaw tribe of Indians now? A No,
sir; I will have to explain that to you I reckon if you want
an explanation of it.
Q We certainly do? A Well they enrolled her and her name was on
the roll of ninety-six and ninety seven and when they came to
Durant to make the final enrollment the Commission claimed
that she had not complied with the Curtis act and they would
not enroll, the last time when they came to Durant because she
had not complied with the Curtis act. The last time they enrolled
at Durant they did not enroll her. This lawyer Ralls that I was
telling you about if I mistake not got out an injunction
forcing the Dawes Commission to enroll her through Clayton some-
way.

#2

- Q At what date did your mother appear before the Commission at Durant, Indian Territory? A I guess it was August 14, or 18th, somewhere right along there.
- Q 1899? A Yes, sir.
- Q And was refused enrollment by the Commission on what account? A Because she had not complied with the Curtis Bill.
- Q By not having come from Texas and made her residence in Indian Territory I suppose? A Yes, sir.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Idress J. Cundiff.
- Q Is she living? A Yes, sir.
- Q She is a Choctaw Indian or white woman? A White woman.
- Q You make any application for her? A No, sir.
- Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A No, sir.
- Q You claim for yourself alone then? A That is all.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir; I don't think they are.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A Now, I could not tell you, because that J. G. Ralls and my father was doing all that work.
- Q What was your father's name? A William Henry Cundiff.
- Q Do you know whether he made application for himself and you at that time to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir; I don't know whether he did or not.

Application was made to the Commission on September 7, 1896, for Sidney J. Cundiff as a citizen by blood of the Choctaw Nation and for his wife Idress J. Cundiff as a citizen by intermarriage of the Choctaw Nation; they were denied by the Commission in Choctaw case number 225; case appealed United States Court, Central District, Indian Territory, and the decision of the Commission sustained, Court case Number 109. This case was consolidated with Dawes Commission cases No. ., 49, 50, 206, 207, 208, 209, 332, 343, 514, 515, 595, 603, 604, 749 and 1179. See Dawes Commission Docket Number "C". An appeal was prayed for and granted to the United States Supreme Court and on October 24, 1898, the said Court did render its decision sustaining the judgment below.

- Q After this did you make application to be admitted as a citizen of the Choctaw Nation, by blood, to the Commission to the Five Civilized Tribes at any time? A Yes, I applied to them in Durant.
- Q Can you tell what year you applied at Durant to be made a citizen of the Choctaw Nation? A I would judge from the way everything showed up now it was in ninety-nine.
- Q Who was acting Commissioner at that time? A McKennon.
- Q What was done with that application? do you know? A No, I don't know.
- Q Do you remember that at that time you made the statement that you had never been enrolled as a citizen of the Choctaw Nation? A Yes, sir.
- Q And that you stated that your mother's name was Nancy Lee Cundiff? A Yes, sir.
- Q You remember Commissioner McKennon at that time stated you not being on the rolls we have no jurisdiction to enroll you and that your enrollment be refused? A Yes, sir.

- Q Then you understood of course that your application was denied at that time? A Yes, sir.
- Q You have received no other formal notice from the Commission that your application was refused at that time? A No, sir.
- Q But you understood in making application that you were refused at that time? A Yes, sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized tribes, or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q I will ask you with reference to this application which you made before Commissioner McKennon and which was refused by him at that time when you appeared at Durant if you want this application considered and made a part of the present application; you want to have it all considered together? A Yes, sir.
- Q Do you understand the provisions of article fourteen of the treaty of 1830? A Well not any more than that I heard it talked by my cousin.
- Q You do not understand it thoroughly? A No, sir.
- Q You understand what a treaty is? A Yes, sir.

A treaty is a compact in writing made between two or more Nations instead of people. The latter would be a contract in writing or agreement but when the parties are made Nations instead of people it is called a treaty. Such a treaty was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830. The object of the treaty was the removal of the Choctaw Indians who lived in the old Choctaw Nation at that time from that old Choctaw Nation to the Choctaw Nation Indian Territory, West of the Mississippi River. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory under that treaty and in order to protect the interest of those who stayed back there in the old Choctaw Nation article fourteen was put into the treaty. That article 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 Now do you know of any of your Choctaw ancestors who complied or attempted to comply with any of the provisions of that treaty?
A Yes, sir; I think my grandfather lived in the Choctaw Nation but I don't know how long though and I have an uncle who lived here and died in the Choctaw Nation.
- Q Yes, but did any of your Choctaw ancestors comply with article fourteen of the treaty of 1830 in Mississippi; did they do these things that are mentioned in article fourteen necessary to be done to comply with that article? A I don't know sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A The Durant and Pitchlyn families.
- Q Well give me the ancestor through whom you claim who, lived in Mississippi? A I don't know the names.
- Q Can you give the name of any ancestor who lived in Mississippi and who was a Choctaw Indian? A No, sir; I don't believe I could.
- Q Do you know whether any of your Choctaw ancestors did live in the state of Mississippi or the state of Alabama in the old Choctaw Nation? A I think they did.
- Q Have you any idea who lived there, what ancestor or what relation? A Well there was old Dickson Durant.
- Q Was he your grandfather? A Second cousin of my mother.
- Q He is not an ancestor; you claim through your mother Nancy Lee Cuddiff, do you not? A Yes, sir.
- Q Did she ever live in the state of Mississippi? A Yes, sir.
- Q How old is she now? A Seventy-three I think.
- Q Was she born in Mississippi? A She said she was born right on the line of Mississippi and Alabama; she don't know where, she thinks though in Mississippi.
- Q But she is not positive whether it is Mississippi or Alabama?
A No, sir.
- Q Now was it in the old Choctaw Nation which was partly in Mississippi and partly in Alabama? A I don't know that.
- Q Did you ever hear anybody say in the family that she lived and was born in the old Choctaw Nation? A No, sir.
- Q You are not able to say then whether that place where she was born near the line was either in Mississippi or Alabama or in the old Choctaw Nation? A No, sir.
- Q She was born there seventy-three years ago? A I believe she was.
- Q Now did she claim through her father or mother? A I guess she claimed through her father.
- Q What was her father's name? A Brothers.
- Q What was the full name? A I don't know.
- Q This would be your grandfather? A Yes, sir.
- Q He was living then there at that time was he not, when your mother was born? A Yes, sir.
- Q What was his wife's name? A I don't know sir.
- Q Do you know whether your grandfather Brothers claimed through his father or mother? A No, sir.
- Q You are not able to go back further than that in your line of ancestry? A No, sir.
- Q Did your grandfather Brothers live there on the line between Mississippi and Alabama and have a family there at that time; he must have had a family because your mother was living at that time, in 1830? A Yes, I guess he did.
- Q In other words, your grandfather was the head of a family there then was he not? A Yes, sir.

- Q Did your mother have any older brothers or sisters? A Yes, sir.
- Q Could you give the names? A My mother's brothers and sisters?
- Q Yes; older than she? A She has a brother named William Durant, Phillip Durant, Frank Durant.
- Q Their father's name was Brothers? A I don't know anything about it.
- Q How does it happen that their names are Durant when your mother's father's name was Brothers; explain this as well as you can as is important? A Her name was Durant, my grandfather's name was Durant.
- Q Well you gave the name as Brothers? A I thought you meant great grandfather.
- Q No, I said grandfather? A His name was Durant.
- Q What was his full name? A Jefferson Durant.
- Q Jefferson Durant then was the father of Nancy Lee Cundiff? A Yes, sir.
- Q He lived in Mississippi or Alabama in 1830? A Yes, sir.
- Q And had a family there then? A Yes, sir.
- Q Who was this man Brothers that you have been speaking of? A Great grandfather or great grandmother on one of the sides I don't know which.
- Q You claim your Choctaw blood then from Jefferson Durant your grandfather on your mother's side who lived in Mississippi or Alabama in 1830 and was the head of a family there then? A Yes, sir.
- Q How much Choctaw blood did he have? A I suppose from the way they claimed it that he was one-half.
- Q You have heard that in the family? A Yes, sir.
- Q How old would your grandfather Jefferson Durant be if living now? A Eighty or ninety years old I reckon.
- Q Well he would be over eighty would he not because his daughter your mother was born seventy-three years ago? A I guess he would.
- Q You could not tell just how old he would be? A No, sir.
- Q Can you tell where he was born? A In Mississippi I reckon.
- Q Where in Mississippi? A I don't know.
- Q How long did he live in Mississippi? A He left Mississippi in forty-six.
- Q Where did he go to? A He came to Doaksville on the Red River.
- Q In Indian Territory? A Yes, sir.
- Q Did he live afterwards in the Indian Territory? A He lived a while in the Indian Territory and a while in Texas.
- Q Did he die in Texas? A Yes, sir.
- Q You know when and where he died? A He died in Southern Texas, Houston County, I think.
- Q Can you tell where in Mississippi your mother was born? A No, sir.
- Q How long did she live in Mississippi? A Sixteen years.
- Q Did she marry there? A No, sir.
- Q Then she removed to where? A She came to Doaksville.
- Q Indian Territory? A Yes, sir.
- Q Lived here until she went with her father to Texas? A Yes, sir.
- Q Where has she been living now? A Texas.
- Q Did she ever live in Indian Territory? A Yes, sir.
- Q Since that time she came here after coming from Mississippi? A Yes, sir; since ninety-eighth.
- Q She is not living here now is she? A No, sir; she is in Texas now.
- Q She went back again? A Yes, sir.
- Q How long has she been living in Texas since she went back there the last time? A Ever since August 1899.

- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.
- Q You say your father came to the Indian Territory in 1846? A My grandfather.
- Q Your grandfather; did not your mother come? A Yes sir.
- Q And your grandfather also? A Yes, she was born in Mississippi in 1830 she says; she thinks in Mississippi right on the line; she left there when she was sixteen years old.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors own any land or claim any under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know sir.
- Q Did they ever claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No, sir; not that I know of.

The Indians who remained in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent whose name was Colonel Ward within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure to do so caused a good many Choctaw Indians who held land in Mississippi upon which they had improvements to, lose them both, both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians and as the result of these complaints, Congress in 1837, by act approved March 3rd of that year, appointed a Commission which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23rd of that year and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did you ever hear that any of your Choctaw ancestors appeared before either the Commission of 1837 or the Commission of 1842 and claimed benefits as Choctaw Indians under article fourteen of that treaty? A No, sir; I did not.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also further appeared that he had had land in Mississippi which the government had taken from him and sold at its public land sales that he should be entitled to select land, either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that scrip should be given to him authorizing him to make this selection.

- Q Did any of your Choctaw ancestors select any land under that act of Congress do you know? A No, sir; I don't know.

#7

- Q Have you any documentary evidence of any kind that you want to introduce or any other witnesses that you want to call in support of this claim? A Well I have all the evidence.
- Q You want time in which to introduce anything further? A Yes, sir.
- Q How much time do you think you would like? A A couple of weeks I guess would be enough.

15 days time is allowed this applicant in which to furnish other evidence if he desires in support of this application.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is your brother's name Robert J. Cundiff? A Yes, sir.
- A Did he have a child named Robert Sidney Cundiff? A Yes, sir.
- Q Who is Mattie Lee Armstrong? A Sister.
- Q Who is Rena Davis Potts? A Sister.
- Q Do they all live in Indian Territory? A Yes, sir.
- Q Have they been admitted to Choctaw citizenship by any of the Federal Courts in Indian Territory? A Yes, sir.
- Qc Your mother has also? A I don't know whether she was admitted or not.
- Q She was refused was she not when she appeared before the Commission at Durant? A Yes, sir.
- Q Because she had not lived in the Indian Territory and established her rights by residence? A Yes, sir.
- Q You don't claim any rights yourself by virtue of the fact that any relatives of yours have been admitted by judgments of the Court; you stand on this application don't you? A I don't know whether I understand you exactly.
- Q The question is do you rely on your rights to be identified as a Mississippi Choctaw wholly upon this application irrespective of what was done with the applications of your relatives; how can they help you? A Their evidence might help me.
- Q It might it might not; I want to know whether you stand on this application? A I guess so.
- Q Is there anything further you want to say in support of this claim? A No, sir; I reckon not.

This applicant has the appearance and physical characteristics of being descended from white parentage; black hair; brown eyes; dark complexion; mustache is medium dark brown. He does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of 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 March 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 April 1902.

Subscribed and sworn to before me this 21st day of April 1902.

G. Rosenwinkel
Clara Mitchell Wood

Notary Public.

SUMMONS.

United States of America,)
INDIAN TERRITORY,) SS:
Choctaw and Chickasaw Citizenship Court.

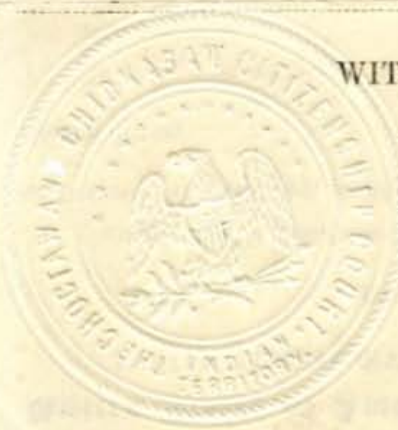
The President of the United States of America,

To the United States Marshal for the Indian Territory, ~~South~~ District,

GREETING:

YOU ARE COMMANDED TO SUMMONS *Palmer S. Masley*
Governor of The Chickasaw Nation.

on behalf of said nation
to answer in twenty days after the service of this summons upon *him as*
Governor of said nation
a complaint in Equity filed against *The said The Choctaw and*
Chickasaw Nations
in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, *at So. McAlester*
by *P. D. Swant et al.* and warn *him* that upon *his* ^{*as said Governor*} failure to answer, ~~the~~
on behalf of said nation
the complaint will be taken for confessed, and you will make return of the summons ~~on the~~
~~first day of next~~ *instant* ~~Term of said Court.~~



WITNESS the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal thereof, at *So. McAlester, Ind. Terr.*, aforesaid, this *3rd* day of *January*, A. D. 190*3*.

James B. Cassada
Clerk.

By _____, Deputy.

MARSHAL'S RETURN.

United States of America,)
 INDIAN TERRITORY,) ss:
 DISTRICT.

I RECEIVED this summons this _____ day of _____, A. D. 190____, at _____ o'clock _____ m. and served same by copy, as follows:

Personally on _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.
 " _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.
 " _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.
 " _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.
 At Residence of _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.
 " _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.
 " _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.
 " _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.

With a member of defendant's family over 15 years of age there residing.
 And the other persons named in this Summons are "not found in this District."

U. S. Marshal.

By _____, Deputy

DUPLICATE

No. *8-*

SUMMONS
 IN EQUITY.

P. D. Swann, et al.
 vs.
Chadler & Chickman
Partners

Summons issued the *3rd* day _____ of *January*, 190*2*.
 Returnable *instantly* Term, 190*2*.

Returned and filed _____, 190____

By _____, Deputy
 Clerk.

MARSHAL'S FEES.

Services,	-	-	\$
Miles,	-	-	\$
Expense,	-	-	\$
TOTAL,	-	-	\$

Attorney for Plaintiff.

REPORT ON THE PRESENT STATUS OF THE P.D.DURANT CASE.

The record of the Dawes Commission and of the U.S.Court in this case contains no testimony showing primarily the race, blood, and genealogy of these claimants, and they appear to have relied altogether upon the admission of Nancy Lee Cundiff by the Choctaw Council, and their proof of relationship to her.

The evidence introduced in the Citizenship Court by these applicants, however, is intended to show primarily the race, blood, and genealogy of the applicants. They claim that their names are Durant; that they are directly descended from one Jefferson Durant, whom they allege to have been a Choctaw Indian emigrant from the state of Mississippi, Tishomingo County. They nowhere state or attempt to state what degree of Indian blood Jefferson Durant had.

As a matter of fact, Jefferson Durant was approximately a full blood Choctaw; and P.D.Durant, if his son, would have to be at least a half blood. His appearance indicates no Indian blood whatever; whereas according to his contention, he could not but have enough Indian blood to be distinctly noticeable.

When our testimony is offered to the court, if any of the applicants are present, they should be put on the stand and made to state what degree of Indian blood their alleged ancestor, Jefferson Durant, had; and what degree they themselves claim. They cannot say that he was a full blood; nor can P.D.Durant claim to be more than an eighth, on account of his appearance. We should then prove by Billy Jones, of Bennington, and by Dixon Durant, of Durant, and by any other parties conversant with the facts, that the real Jefferson Durant was a full blood Choctaw, and could not therefore have been the ancestor of these people.

Nancy Lee Cundiff, in her testimony before the Citizenship Court on June 17, 1903, says that she is 72 years old, and that her father had one child older than she. She was according to her

statement, born in 1831.

Volume I. of "The united States vs. The Choctaw Nation", page 407, shows Jefferson Durant to have been about 11 years old in 1831. According to Nancy Lee Cundiff's testimony, therefore, he must have been sexually and progenerally an unusually precocious youth, begetting his first child when he was about nine years of age.

We should introduce as testimony the record in the case of the "United States vs. The Choctaw Nation", connecting same with Mrs. Cundiff's testimony.

Bill Jones, of Bennington, I. T., in an affidavit recently taken and in testimony given before the Citizenship Court, describes the removal of Jefferson Durant from Mississippi, giving the time, place and manner of such removal, and naming those who accompanied him. This evidence is inconsistent with that of P. D. Durant and Nancy Lee Cundiff describing the removal of their father from Mississippi upon any other theory than that their father and Jefferson Durant were different persons, moved from Mississippi at different times, from different places, and in company with different people.

This fact should be shown in evidence.

Our investigation of this case has developed the fact that these applicants names are not Durant as they claim; and that their father, instead of being named Jefferson Durant, was named Jesse Duren. In proof of this we have several certified copies of court records of different counties in Texas.

A certified copy of the marriage license of H. F. Butts and Miss Lou Duren is among our papers, marked "Exhibit F", and should be introduced as evidence in this case.

Also a certified copy of the marriage license of James Q. Ward and Miss Maggie E. Duren, marked "Exhibit G".

In introducing the above, the fact should be brought directly to the notice of the court, not only that they prove the claimants names to have been Duren, but that they also prove the alleged cer-

tified copies of these same licenses heretofore used before the Commission and in the United States Court to be false and forged.

We have also a certified copy of a guardian's bond, the original of which was signed in two places by P.D.Duren in propria persona. The copy is marked "Exhibit H".

Also a certified copy of P.D.Duren's final settlement and petition for discharge as such guardian. ~~XX~~ It is marked "Exhibit I".

(In this connection it is to be noticed that P.D.Duren swore in the Citizenship Court that he has been a bona fide resident of the Indian Territory ever since 1896. This guardian's bond was filed in the State of Texas, Mills County, in 1898, and his petition for final settlement in 1901. He was guardian not only of the person, but also of the estate of the minors, and under the law he had to be a resident of that state and under the jurisdiction and control of its courts so long as he held the guardianship. Moving out of the state would have worked a forfeiture of his guardianship. That is the law in every state.)

Also we have three certified copies of the Court records of Houston County, Texas, relative to the estate of Jesse Duren, deceased, showing that his name was not Durant, and also showing W?H?Cundiff's connection with him. All these should be introduced as evidence in this case.

In addition to the above I will testify that I spent some time both in Mills County and in Houston County, Texas; that I talked with many people who have known well P.D.Duren and Nancy Lee Cundiff for a great many years, and who were well acquainted with Jesse Duren in his lifetime.; and I did not find one single person who had ever heard of these people by the name of Durant; had ever heard of their father's given name being Jefferson, or had ever heard of theirs being any In^dian blood in the family.

1 H. G. McBride of Mines says that he was at the School
2 Council when the Nancy Lee Candiff case was put through,
3 and he knows that money was used with the Council
4 in securing their admission. Armstrong, one of the
5 applicants and the husband of one of Nancy Lee
6 Candiff's daughters, told McBride that he, Armstrong,
7 paid Julius Felson, who was president of the
8 Senate, \$350 to help get the claim through.

Exhibit A.

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Armstrong told Mr. Frank Plato that he married a
daughter of Nancy Lee Cundiff, who was a daughter of Jesse
Dunant who was a son of John Dunant
When they proved up, they claimed that Nancy Lee Cundiff
was a daughter of Jesse Dunant who was a son of John
Dunant.

Frank Plato.

Exhibit B

1 State of Texas
2 County of Mills }

Exhibit C.

3 My name is M. C. Kirkpatrick
4 my age is 46 years. My Post office is Mullins,
5 Texas. I have known B. D. Duren since the
6 year 1886. I always knew him by the name of
7 Duren, and never heard him called by any
8 other name; and never heard of his claiming
9 any other name until about the year 1896.

10
11 M. C. Kirkpatrick
12 Notary Public for
13 Mills County, Tex

W.H. Cundiff died July 3rd 1901.

W.H. Cundiff died July 3rd 1901. court records
with papers

W.H. Cundiff died July 3rd 1901. court records
with papers
it seems that P.D. Durant was
the one that put out the
papers but he had never been
in the case. The trial was
in 1881.

Statement of M.C. Kirkpatrick.

P.D. Durant Case.

W.H. Cundiff died
July 3rd 1901.
The trial was
in 1881.

1 State of Texas,
2 County of Mills.

3 My name is G. H. Dalton. My age is
4 36 years. My Post office is Mullen, Texas. I am Ex-
5 County Judge of Mills County, Texas. I have known
6 Phillip David Duran for 18 years. He always
7 spelled his name as Duran, was always so
8 called, and I never knew him as Durant or
9 heard of that as being his name. I have Ex-
10 amined the copies of some affidavits purported
11 to have been made before me by Phillip David Durant.
12 I recollect taking the affidavits of Phillip David
13 Duran in some citizenship matters, but I did not
14 write the name in the affidavit as Durant, and
15 my recollection is that he did not so sign it. As
16 Justice of the Peace I performed the marriage
17 ceremony between James O. Ward and Maggie E. Duran.
18 She was a daughter of P. D. Duran, and the marriage
19 license did not contain the name Durant.
20 After P. D. Duran had made a trip or two to the Indian Territory
21 he told me that his old family name was Durang, that
22 it was a French name, and that he was going to petition
23 the legislature to change his name back to Durang. He did
24 not say what his purpose was. I never heard of his
25 claiming to have Indian blood until after he had gone
26 to the Indian Territory.

27 G. H. Dalton
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Exhibit C.

Statement of

~~Affidavit~~, H.H. Dalton

P.D. Durant, et al.

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Exhibit K.

State of Texas }
County of Houston }

I, N.E. Albright, Clerk of the County Court in and for the County and State aforesaid, do solemnly swear that I have known Mrs. Nancy Lee Cundiff and her brother, Phillip David Duren, for twenty-five years. Mrs. Cundiff's maiden name was Nancy Lee Duren; I have always heard and understood, and it is a matter of common reputation in this County, that Nancy Lee Duren and Phillip David Duren were children of Jesse Duren, deceased, who was once a citizen and large land owner of this County. Nancy Lee Duren married W^m H. Cundiff; and the records of this office which survived the burning of the Houston Co. Court House in 1882 show that after the death of Jesse Duren the said W^m H. Cundiff, his son-in-law, was appointed administrator of said Jesse Duren's estate.

I never knew Nancy Lee Duren or P. D. Duren by the name of Durant, nor have I ever heard of Jessie Duren by the name of Durant. I have never known any of the descendants of Jesse Duren to sign their names as anything else than Duren, and I have never heard of their claiming any other name to be theirs. There is at this present time one B. J. Duren, a son of Jesse Duren and a brother of Nancy Lee Cundiff and P. D. Duren, living in Crockett, this city, in Houston Co. I have never heard of such a person as Jefferson Duren or Jefferson Durant. I have lived in this County forty-five years.

N. E. Albright

Sworn to and subscribed before me
This the 8th day of May 1903

J. B. Stanton Clerk
Dist. Court Houston Co.

affidavit of N. E. Albright

W. S. Clark

P. O. Duane case.

Witness

I am to certify

to the contents of the above

affidavit of N. E. Albright
made and sworn to before me
this 1st day of June 1864
at the City of New York
in the County of New York
State of New York
I, W. S. Clark, a Justice of the Peace
for the County of New York
do hereby certify that the
above affidavit was made and
sworn to before me on the
1st day of June 1864
at the City of New York
in the County of New York
State of New York
I, W. S. Clark, a Justice of the Peace
for the County of New York

I, N. E. Albright, do hereby
affirm and swear that the
above is a true and correct
copy of the original
affidavit made and sworn to
before me on the 1st day of
June 1864 at the City of
New York in the County of
New York State of New York
I, N. E. Albright, do hereby
affirm and swear that the
above is a true and correct
copy of the original
affidavit made and sworn to
before me on the 1st day of
June 1864 at the City of
New York in the County of
New York State of New York



W. S. Clark
Justice of the Peace
for the County of New York
State of New York

STATE OF TEXAS,
COUNTY OF MILLS.

I, Whit Smith, Clerk of the County Court in and for the County and State aforesaid, solemnly swear that I have this day examined what purports to be a copy of the original marriage license of Mr. Horace F Butts and Miss Lou Durant, and that said purported copy is not a true and correct copy. In the first place it is made upon a form hereto attached ^{marked Exhibit "A"} and made a part of this affidavit, which form was not in use in 1891, and was not in use in this State until the year 1893, a Jewish Rabbi not being authorized to perform a marriage ceremony until the last named year. In the next place the license purports to have been issued by Ed Marshall, ^{Exhibit B,} Deputy Clerk, whereas the records show that the license was issued by M. C. Humphries in his own proper person, M. C. Humphries being at that time the clerk of the County Court for Mills County. In the next place the certificate of the minister is in a wholly different form from that shown by the records, and says that he performed the ceremony on the 14th day of October, whereas the records show that the ceremony was performed on the fifteenth. The copy of the license purports to have been issued to H. F. Butts and Miss Lou Durant, whereas the records show that the license was issued to H. F. Butts and Miss Lou Duren. I further say that I have known Phillip David Duren ^{about} twenty years, I have never known him as Durant, he has never signed his name as Durant so far as I know, he has signed his name as Duren, and has always claimed that Duren was his name. I also knew Miss Loy Duren, know that she was P. D. Duren's daughter, and that she was never known here as Durant.

Whit Smith

Subscribed and sworn to before me this 7th day of May, 1903.

*Phil H. Clements,
Notary Public, Mills
Co. Texas.*





To any Regularly Licensed or Ordained Minister of the Gospel, Jewish Rabbi, or District
 or County Court, or any Justice Peace in and for _____ County Greeting:

You are hereby Authorized to Solemnize the
RIES OF MATRIMONY

Between Mr. _____ and
Ms _____

and make due return to the Clerk of the County Court
 of said County, within sixty days thereafter, certifying
 your action under this License.

Exhibit
 "A"

Witness my official signature and seal of office,
 at office in _____ the day of _____ 189__

Clerk of County Court _____ County _____

By _____ Deputy _____

I _____ hereby certify that on the _____ day of _____ 189__
 I united in Marriage _____

and _____ the parties above named.

Witness my hand, this _____ day of _____ 189__



Returned and filed for record the _____ day of _____ 189__
 and recorded the _____ day of _____ 189__

Deputy _____ County Clerk _____

Affidavit of Whit Smith.

P. A. Durant Case

No _____

Marriage License.

AND

Issued the _____ day of _____

189 _____

Clerk County Court _____ Co

By _____ Deputy.

Filed the _____ day of _____

189 _____

Clerk County Court _____ Co

By _____ Deputy.

Recorded in Book _____ Page _____ of Marriage Records



STATE OF TEXAS,
COUNTY OF MILLS.

I, M. C. Humphries, Ex-County Clerk in and for the County and State aforesaid, solemnly swear that I have this day examined what purports to be a copy of the original marriage license of H. F. Butts and Miss Lou Durant, the said copy appearing in the printed transcript of the records in the case of W. H. Cundiff, et al, versus The Choctaw Nation in the Supreme Court of the United States. I further swear that said purported copy is not a true and correct copy of said license as recorded in this office and as issued by me. In the first place it is made upon a form that was not used in this state at that time, and was not used in this state under its laws until the year 1893.

Exhibit E, In the next place, the license purports to have been issued by Ed Marshall, Deputy Clerk, whereas I issued said license in my own proper person, ~~they were~~ ^{it was} signed by me, and the signature of no deputy was attached to said license. The records show this to be true.

The certificate of the Minister who performed the ceremony is in a form wholly different from that prescribed by the law in Texas at that time, and is wholly different from that shown by the records.

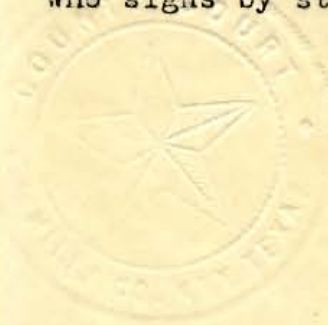
Further, the license as given in the transcript purports to have been issued to H. F. Butts and Miss Lou Durant, whereas the records show that the license was issued to H. F. Butts and Miss Lou Duren.

I further say that I have known Phillip David Duren for about fifteen years. I have never known him as Durant, and he has never signed his name as Durant so far as I know. He always signed his name as Duren and always claimed that Duren was his name. I also knew Miss Lou Duren who married H. F. Butts, and know that she was P. D. Duren's daughter, and that she was never known here as Durant.

M. C. Humphries

Subscribed and sworn to before me this 7th day of May, 1903, by M. C. Humphries, Ex-County Clerk in and for Mills County and State of Texas, who signs by stencil-being at this time totally blind.

M. C. Smith
County Clerk Mills County Texas.



I, M. C. Humphreys, Ex-County Clerk in and for the County and State aforesaid, solemnly swear that I have this day examined what purports to be a copy of the original marriage license of H. P. Bute and Miss Lou Durant, the said copy appearing in the printed transcript of the records in the case of M. C. Humphreys, of aforesaid, the check below in the report of the Court of the United States. I further swear that said purported copy is not a true and correct copy of said license as recorded in this office and as issued by me. In the first place it is made upon a form that was not used in this state at that time, and was not used in this state until the year 1893.

*Affidavit of
M. C. Humphreys
P. D. Durant Case*

In the next place, the license purports to have been issued by Marshall, Deputy Clerk, whereas I issued said license in my proper non, the said signed by me, and the signature of my deputy attached to said license. The records show this to be true.

The certificate of the Minister who performed the ceremony is in a form wholly different from that prescribed by the laws of this state, and is wholly different from that shown by the records.

Further, the license as given in the transcript purports to have been issued to H. P. Bute and Miss Lou Durant, whereas the records show that the license was issued to H. P. Bute and Miss Lou Durant.

I further say that I have known Phillip David Durant for about fifteen years. I have never known him as Durant, and he has never signed his name as Durant so far as I know. He always signed his name as Bute and always claimed that Durant was his name. I also know Miss Lou Durant who married H. P. Bute, and know that she was P. D. Durant's daughter, and that she was never known here as Durant.

Subscribed and sworn to before me this 7th day of May, 1903, by M. C. Humphreys, Ex-County Clerk in and for Mills County and State of Texas, and also attested-being at this time located in Texas.

[Signature]
County Clerk Mills County Texas.



INDIAN TERRITORY,
CENTRAL DISTRICT.

W. H. Moore, being first duly sworn,
upon his oath states that on this ^{May 11, 1903} day he had a conver-
sation with D. D. Durant, an Indian residing at Durant,
Indian Territory, who was in South McAlester for the
purpose of attending the Choctaw and Chickasaw Cit-
izenship Court as a witness in the P. D. Durant case.

That in company with Judge Simon K. Lewis
he had a conversation with Mr. D. D. Durant in re-
gard to the P. D. Durant citizenship claim; that
said D. D. Durant stated to him that he had no infor-
mation in regard to the family connection of P. D.
Durant, except such as he obtained from said P. D.
Durant himself.

He further stated that his grand father's
name was Pere Durant; that among other children he
had two sons, one named Jefferson Durant, from
whom P. D. Durant claims to have descended, and
Fisher Durant, who was the father of said D. D.
Durant.

He further stated to me that he came to
the Indian Territory in 1841 from Mississippi, and
that he left Jefferson Durant still living in Miss-
issippi, that he has never seen him from that date,
and that he has no information as to whether Jeffer-
son Durant is dead or living; whether or not he was
ever married, and if so whether or not he had any
children, and that he has no reason to believe the
statement of claimants that the applicants in the
P. D. Durant case are descended from said Jefferson
Durant, or any other member of his family.

Subscribed and sworn to before me this 12th day of
May, 1903.

W. H. Moore
E. C. ...
Notary Public.



Official Report.

Nov. 1902.
Transcribed and sworn to before me this 12th day of
November



Durant, or any other member of his family.
B. D. Durant case was heard upon from said telephone
statement of statement that the substance in the
children, and that he had no reason to believe the
ever married, and if, no matter of how he had and
son Durant to deny of that; mother of not he was
and that he had no information as to whether tele-
phone, that he had never been with from that date,
that he tele- telephone Durant at all time in his-
the Indian Territory in 1897 from Hutchinson, and

He further stated to me that he came to
Durant.
Edward Durant, who was the father of said B. D.
upon B. D. Durant claim to have descended, and
had two sons; one named Joseph Durant, whom
name was John Durant; that some other children he
He further stated that his family included

Admitted & sworn
to statement of
Durant

P. D. Durant
Case

Durant himself.
Durant, except any other from said B. D.
nation in relation to the connection of B. D.
said B. D. Durant again to him that he had no infor-
mation to the B. D. Durant statement that that
he had a conversation with B. D. Durant in Le-
land that in connection with said John K. Temple
statement could be a matter of the B. D. Durant case.
vidence of statement of Durant and statement of
Indian Territory, and was in South Webster, Tex. the
action with B. D. Durant, as Indian Territory of Durant,
upon the oath stated that on this day he had a conver-
sation with ^{John K. Temple} Durant

A. H. Moore, judge of said court.

DEPARTMENT OF JUSTICE,
INDIAN TERRITORY.

In the Choctaw & Chickasaw Citizenship Court,
sitting at South McAlester, March Term, 1904.

P. D. Durant, et al,

vs.

Choctaw & Chickasaw Nations.

Thomas D. Potts, et al,

No. 8.

vs

No. 99.

et al, Nations.

Memorandum of Argument for Nations.

In our opinion this is one of the greatest ~~frauds~~ ~~and~~ ~~boldest~~ ~~frauds~~ ever attempted to be perpetrated upon any Indian Nation. We have known many instances of persons making false allegations & oaths as to who their ancestors were, but it has remained for the applicants in this case ^{alone} to go boldly and audaciously into court and carry the matter to the fearless extreme of going boldly and audaciously into court and there making false allegations and false oaths as to who they themselves are, not only in the matter of their race, blood and parentage, also as to their very names.

They claim that their names are Durant, and that their father's name was Jefferson Durant. As to how much Choctaw blood Jefferson Durant, their father, had, they do not pretend to state. Page 407 of the "Choctaw Nation vs. the United States", a Court of Claims record, shows

~~that Jefferson Durant, the only Jefferson
 Durant ever known, was about 11 years
 of Pierre Durant, and was about 11 years
 old in 1830; whereas Mrs. Nancy Lee Cundiff,
 who claims to be a daughter of Jefferson Durant,
 testified before this court that she herself was born
 in 1831.~~

Page 407 of the "Choctaw Nation vs The United States", a Court of Claims record, shows that Jefferson Durant, the only Jefferson Durant ever known, was only about 11 years of age in 1830; whereas Mrs. Nancy Lee Cundiff, who claims to be the daughter of Jefferson Durant, testified before this court that she herself was born in 1831.

They claim that they are Choctaw Indians, and yet the ^{only} evidence they ~~can~~ ^{are able to} adduce as to a residence in Mississippi puts them in Ishomings Co. in the Chickasaw Nation.

They claim that their father and his family moved from Mississippi alone, & that no other people accompanied them, whereas Bill Jones, plaintiffs witness, testified ~~that~~ in the Varnad. Potts branch of this case that Jefferson Durant and his family, ~~is~~ Pierre Durant & his family, George Durant and his family, and this witness's mother, were all moved to the Choctaw Nation in one party by an emigration agent named Fletcher, about the year 1846. Jefferson Durant

County clerk's office in Mills Co., Tex., what-
purports to^{be} the original licenses ~~are~~ have
been filed by the claimants with their other
papers in this case, and are now a part
of the records in this court. In the purports
originals, ^{as they are now on file in this court} the names appear as Durant,
but even a slight examination of them
will show that an "a" has been made over
the "e" in the ~~word~~ name Duren, and that
a "t" ~~has been~~ added; this has been done
in a clumsy way, in a handwriting different
from the original and with ink of a color
different from that in which the remain-
der is written. We invite the court's attention
to these ^{purports} original ^{licenses} ~~for marriage license of~~
~~Harriet Butler & Miss Lou Durant & of James~~
~~A. Ward & Maggie E. Duren~~. A felonious
alteration of these documents appears upon
their face. The certified copies of these
licenses which we have introduced show
that the alterations were made after the
licenses were recorded. The conclusion is
obvious.

Also we have introduced a certified copy
of a guardian's bond made by P. D. Duren
and signed by him in his own proper person
as P. D. Duren, as guardian of the person &
estate of Minnie D., Essie C., Robert C., and
Ernest A. Duren, all of whom are now co-ap-

plicants with him here under the names of
 Minnie Davis Durant, Estella Caroline Durant,
 Robert Connor Durant, and Ernest Alexander
 Durant. This bond was made ~~in 1846~~, two
 years after they had applied to the Dawes
 Commission calling themselves Durant, and
 a year after they had been admitted by the
 United States Court. ~~and yet they were still~~

Also we have introduced a certified copy
 of the petition of P. D. Duren filed before the
 County Court of Mills County, Texas on the
 6th day of Aug. ~~1846~~¹⁸⁴⁷, asking that he be dischar-
 ged as guardian of the person & estate of the
 above mentioned minors. This is signed by
 him as P. D. Duren, five years after his
 application to the Commission wherein he
 claimed his name to be Durant.

We have also introduced certified copies
 of the County Court records of Houston Co.
 Texas, showing that W^m H. Cundiff, the husband
 of Mrs. Nancy Lee Cundiff, was the administrator
 of the estate of Jesse Duren; and showing
 that the ~~children~~^{partner} of these people was named
Jesse Duren & not Jefferson Durant. We
 invite the court's attention to all of these
 certified copies, which have been filed &
 marked as Exhibits.

We respectfully submit that the ~~petition~~^{petitioners}
~~are not Choctaw Indians, and are not~~

~~entitled to admission and enrollment
as citizens of the Choctaw Nation.
have committed wilful willful wilful
perjury & forgery; that they are not Choctaw
Indians and are not entitled to ad-
mission and enrollment as citizens
of the Choctaw Nation.~~

~~The respectability to trust~~

~~The applicants have been guilty of
conduct which, aside from the
violation of statutes made and
provided for the punishment of those
guilty~~

It is merciful to applicants to dismiss
their misconduct ~~and~~ and their viola-
tion of the criminal statutes with the
statement that they are unworthy
of belief as witnesses in their own
behalf - Not only are they impeached
by reason of their own misconduct
to the extent that no issue of fact
could be decided upon their
testimony but their allegations
of fact are affirmatively disproven
by testimony ~~and~~ offered by
the Nation - (over)

No compliance with either one or
the other of the requirements of the
Treaty of 1830 is alleged or attempted
to be shown - ~~There is~~ The
evidence here offered is in-
sufficient to show that appli-
cants are possessed of Choctaw
Blood

They have therefore failed
upon both the essential
issues in the case and
~~and~~ ~~that~~ we respectfully
submit that their ~~app~~
petition should be denied -

Attorneys for Choctaw & Chickasaw
Nations

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

P. D. Durant et al,	:	
Plaintiffs,	:	
vs.	:	No. 8.
Choctaw and Chickasaw Nations,	:	
Defendants.	:	

Verna D. Potts, et al.,	:	
Plaintiffs,	:	
vs.	:	No. 99.
Choctaw and Chickasaw Nations.	:	
Defendants.	:	

MEMORANDUM OF ARGUMENT FOR NATIONS.

In our opinion this case is one of the greatest and boldest frauds ever attempted to be perpetrated upon any Indian Nation. We have known many instances of persons making false allegations and oaths as to who their ancestors were, but it has remained for the applicants in this case alone to carry the matter to the fearless extreme of going boldly and audaciously into Court and there making false allegations and false oaths as to who they themselves are, not only in the matter of their race, blood and parentage, but also as to their very names.

They claim that their names are Durant and that their father's name was Jefferson Durant. As to how much Choctaw

blood Jefferson Durant, their father had, they do not pretend to state.

Page 407 of the "Choctaw Nation vs. the United States", a Court of Claims Record, shows that Jefferson Durant, the only Jefferson Durant ever known, was only about 11 years of age in 1830; whereas, Mrs. Nancy Lee Cundiff, who claims to be the daughter of Jefferson Durant, testified before this Court that she herself was born in 1831.

They claim that they are Choctaw Indians, and yet the only evidence they are able to adduce as to a residence in Mississippi, puts them in Tishomingo County, in the Chickasaw Nation.

They claim that their father and his family moved from Mississippi alone and that no other people accompanied them, whereas Bill Jones, plaintiffs' witness, testified in the Verna D. Potts branch of this case that Jefferson Durant and his family, Pierre Durant and his family, George Durant and his family, and this witness' mother, were all moved to the Choctaw Nation in one party and by an emigration agent named Fletcher, about the year 1846. Jefferson Durant, therefore, who was a Choctaw Indian, the son of Pierre Durant, could not have been these applicants father.

In addition to the foregoing, we think that we have shown that these claimants names are not Durant at all; that they were never known or called by that name in Texas; that they never thought of so calling themselves until they conceived the idea of defrauding these Indians of a large body of land. Their names are Duren, and their father's name was Jesse Duren, with the accent on the first syllable. We could bring into this Court a thousand people who have known these plaintiffs and their father all their lives in Cherokee, Houston, Leon and Mills Counties, Texas, and who would swear that they never heard of

their being called or of them calling themselves anything but Duren, and never heard of their being or claiming Indian blood. But we shall content ourselves with referring the Court to the cross examination of P. D. Durant (?) and Mrs. Nancy Lee Cundiff. The cross examination of P. D. Durant (?) is pitiful. He was evidently surprised and bewildered.

Also to show that these peoples names are Duren and not Durant, we have introduced certified copies of the marriage license of two of P. D. Duren's daughters, viz: Miss Lou Duren and Miss Maggie E. Duren. These are certified copies of the licenses as they were recorded in the County Clerk's Office in Mills County, Texas. What purports to be the original licenses have been filed by the claimants with their other papers in this case, and are now a part of the records in this Court. In the purported originals, as they are now on file in this Court, the names appear as Durant, but even a slight examination of them will show that an "a" has been made over the "e" in the name Duren, and a "t" added; this has been done in a clumsy way, in a handwriting different from the original and with ink of a color different from that in which the remainder is written. We invite the Court's attention to these purported original licenses. A felonious alteration of these documents appears upon their face. The certified copies of these licenses which we have introduced show that the alterations were made after the licenses were recorded. The conclusion is obvious.

Also we have introduced a certified copy of a guardian's bond made by P. D. Duren and signed by him in his own proper person as P. D. Duren, as guardian of the person and estate of Minnie D., Essie C., Robert C., and Ernest A. Duren, all of whom are now co-applicants with him here under the names of Minnie Davis Durant, Estelle Caroline Durant, Robert Connor

Durant and Ernest Alexander Durant. This bond was made two years after they had applied to the Dawes Commission calling themselves Durant, and a year after they had been admitted by the United States Court.

Also we have introduced a certified copy of the petition of P. D. Duren filed before the County Court of Mills County, Texas, on the 6th day of August, 1901, asking that he be discharged as guardian of the person and estate of the above mentioned minors. This is signed by him as P. D. Duren, five years after his application to the Commission wherein he claimed his name to be Durant.

We have also introduced certified copies of the County Court records of Houston County, Texas, showing that Wm. H. Cundiff, the husband of Mrs. Nancy Lee Cundiff, was the administrator of the estate of Jesse Duren; and showing that the father of these people was named Jesse Duren and not Jefferson Durant. We invite the Court's attention to all of these certified copies, which have been filed and marked as exhibits.

It is merciful to the applicants to dismiss their misconduct and their violation of the criminal statutes, with the statement that they are unworthy of belief as witnesses in their own behalf. Not only are they impeached by reason of their own misconduct, to the extent that no issue of fact could be decided upon their testimony, but their allegations of fact are affirmatively disproven by testimony offered by the Nations.

No compliance with either one or the other of the requirements of the treaty of 1830, is alleged or attempted to be proven. The evidence here offered is insufficient to show that applicants are possessed of Choctaw blood.

They have, therefore, failed upon both the essential

issues in the case, and we respectfully submit that their petition should be denied.

.....
Attorneys for Choctaw and Chickasaw Nations.

Indian Territory,)
Central District,)

File: P.D. Durant Case

A F F I D A V I T.

My name is Bill Jones. I am a citizen by blood of the Choctaw Nation; reside at Bennington, and am seventy-four years old. I make this statement in addition to my testimony given today (June 17, 1903) in the case of P.D. Durant, et al, and am ready to appear before the Choctaw and Chickasaw Citizenship Court to give oral testimony in regard to these additional facts at any time.

Pierre Durant lived about eight miles from my home. He had lived on that place as far back as I can remember and never lived anywhere else so far as I know until his removal to the Choctaw Nation, Indian Territory. His son Jefferson lived two miles from his father, Pierre Durant, and was married when I can first remember, and never lived anywhere else except in that immediate vicinity. Sylvester and George, other sons of Pierre Durant, lived in that immediate vicinity. George had a family and lived about three miles from his father; Sylvester was not married and was still living with his father.

As I stated in my testimony today, all of these Durant families, and also my mother and her family, emigrated to the Choctaw Nation, Indian Territory, about one year before I came out. In other words, I came in about 1847 and they came about 1846. As stated today, Jefferson Durant had a family of about four children, as I now recall, the oldest being a girl; and Jefferson

Durant and his family consisting of his wife and four children emigrated to the Choctaw Nation, Indian Territory, with the families of his father and his brothers and my mother's family.

These people were all emigrated by an emigration agent named Jim Fletcher, who was assisted by a white man. This man Fletcher who emigrated the Durant families and my mother's family (including the family of Jefferson Durant) was afterwards ^{of the 2nd district} ~~Governor~~ ^{Chief} of the Choctaw Nation in Indian Territory. I never knew Jefferson Durant or his family at any place except in this vicinity which was between Kosciusko on the north and Jackson on the south and near Big Black River. I know that the family of Jefferson Durant never lived in any other part of the State of Mississippi; and I know personally that they emigrated to the Choctaw Nation, Indian Territory, along with the other Durant families as here stated. As stated in my testimony today, after all the Durant families and my mother's family had emigrated to the Choctaw Nation, Indian Territory, Jefferson Durant himself returned to Mississippi and I saw him once there within the year preceding my coming out. He remained a very short while and returned to the Choctaw Nation, as I understood.

Jefferson Durant

*Witness
not taken*

Bill Jones
Might

Subscribed and sworn to before me this 10th day of June 1903.

Simon E. Lewis
Notary Public.



Write

J. C. Folsom, Atoka
Frank Plato, Chick
H. J. W. White, Mingo
H. W. Collier, Red

—

In the case of Nancy Lee Condiff, she and her family moved to the Territory in October 1898. Wm. H. Condiff is her husband. She was accepted by the Dawes Commission, but enrollment is now refused on the ground that she was a non-resident until October last.

Chickasha, I. T., 190

I can prove were adopted by the Choctaw Council through fraud. They came from Bosque County Texas. And were admitted under the name of Durant, ~~when~~ their names were Durson. They paid old man Durant \$900⁰⁰ to swear they were Durant relatives.

Man Julius Folsom was President of the Senate at the time they were put through.

Frank Plato, of Chickasha is one of our witnesses and H. J. Mc Bride of Maize, I. T. another. If you think it a good idea to get after them, I can get up the

NEWLY FURNISHED THROUGHOUT,

(4)

Chickasha, I. T., 190

Evidence of every small

estimation

South McAlester, Indian Territory, March 12, 1903.

Mr. H. Y. McBride,

Minco, Indian Territory,

Dear Sir:

Mr. B. H. Colbert advise us that you will be able to give valuable information relative to the citizenship rights of the persons known as the Conduff's.

As you perhaps know many of these persons are now applicants for Choctaw citizenship in the new Choctaw and Chickasaw Citizenship Court.

Mr. Colbert advises us of the fact that some of these persons were admitted by the Choctaw Council several years ago upon the theory that they were of the Durant family, when in fact they came from some County in Texas, and the name of their ancestor was not Durant, but "Durand".

We mention these circumstances in order that this may identify the case in your mind.

You will understand that the time has now come for us to make a supreme effort on behalf of the Choctaw and Chickasaw Nations in these matters, and we would thank you to write us immediately on receipt of this letter giving us all the facts and circumstances about which you know, and also the names of such other persons as will have such a knowledge of the case as will enable us to take

You will understand that this is a matter of much importance to the Choctaws and Chickasaws, and we will thank you for a full and immediate reply. We will also ask that you consider this inquiry confidential in order that our enemies may not be informed as to the methods we are pursuing in protecting the interests of the Nations.

With best wishes and awaiting you very early reply we are,

Sincerely yours,

Dictated.

Mr. Colbert advises us of the fact that some of these persons were admitted by the Choctaw Council several years ago upon the theory that they were of the Choctaw family, and that their ancestor was the late "Durand".

You will understand that the name of Durand is a name for us to make a request of you to send the Choctaw and Chickasaw Nations in these matters and we would thank you to return the receipt of this letter to us with the name and circumstances about the persons mentioned in this letter.

South McAlester, Indian Territory, March 12, 1903.

You will understand that this is a matter
of the Choctaw and Chickasaws,
Chickasha, Indian Territory, in immediate reply.

Dear Sir:

Mr. B. H. Colbert advises us that you will
be able to give valuable information relative to
the citizenship rights of the persons known as the
Cundiffs. With best wishes and awaiting your very
early reply.

As you perhaps know many of these persons
are now applicants for Choctaw citizenship in the
new Choctaw and Chickasaw Citizenship Court.

Mr. Colbert advises us of the fact that some
of these persons were admitted by the Choctaw Coun-
cil several years ago upon the theory that they
were of the Durant family, when in fact they came
from some County in Texas, and the name of their
ancestor was not Durant, but "Durand".

We mention these circumstances in order
that this may identify the case in your mind.

You will understand that the time has
come for us to make a supreme effort on behalf of
the Choctaw and Chickasaw Nations in these matters,
and we would thank you to write us immediately on
receipt of this letter giving us all of the facts
and circumstances about which you know, and also the
names of suther other persons as will have such a
knowledge of the case as will enable us to take
testimony on behalf of the Choctaw and Chickasaw

Nations.

You will understand that this is a matter of much importance to the Choctaws and Chickasaws, and we will thank you for a full and immediate reply. We will also ask that you consider this inquiry confidential in order that our enemies may not be informed as to the methods we are pursuing in protecting the interests of the Nations.

With best wishes and awaiting your very early reply we are,

Sincerely yours,

Dictated.

South McAlester, Indian Territory, March 12, 1903.

PERSONAL.

Honorable B. H. Colbert,
Ardmore, Indian Territory,

Dear Ben:

The time has come for us to begin to get ready to investigate into the "Court Claimant" citizenship cases. Some time ago you wrote us about the people who were admitted by the Choctaw Council upon the theory that they were related to the Durants, when in fact their ancestors were named "Durand".

We think this is an outfit of people known as the Cundiff's. Upon receipt of this letter please write us making a full statement of all you know about the facts in the case; and also giving us the names of other persons who will be able to give testimony on behalf of the Choctaw and Chickasaw Nations.

We suggest that you consider this letter confidential except among our friends, as we are anxious that the enemy should not learn the methods we are pursuing to protect the Nations.

Your friends,

Dictat ed.

South McAlester, Indian Territory, March 12, 1903.

Honorable J. C. Folsom,

Atoka, Indian Territory,

Dear Sir:

Mr. B. H. Colbert advises us that you will be able to give valuable information relative to the citizenship rights of the persons known as the Cundiff's.

As you perhaps know many of these persons are now applicants for Choctaw citizenship in the new Choctaw and Chickasaw Citizenship Court.

Mr. Colbert advises us of the fact that some of these persons were admitted by the Choctaw Council several years ago upon the theory that they were of the Durant family, when in fact they came from some County in Texas, and the name of their ancestor was not Durant but "Durand".

We mention these circumstances in order that this may identify the case in your mind.

You will understand that the time has now come for us to make a supreme effort on behalf of the Choctaw and Chickasaw Nations in these matters, and we would thank you to write us immediately on receipt of this letter giving us all of the facts and circumstances about which you know, and also the names of such other persons as will have such a knowledge of the case as will enable us to take testimony on

behalf of the Choctaw and Chickasaw Nations.

You will understand that this is a matter of much importance to the Choctaws and Chickasaws, and we will thank you for a full and immediate reply. We will also ask that you consider this inquiry confidential in order that our enemies may not be informed as to the methods we are pursuing in protecting the interests of the Nations.

With best wishes and awaiting your very early reply we are,

Sincerely yours,

Dictated.

Chickasha Mar 15 1903

Messrs Mansfield M^cMurry and Cornick

So McAlester I.T.

Gentlemen

Yours of 12th was received yesterday Eve in which you ask for information in the Candiff Citizenship case. in reply will say. in ¹⁸⁹⁴ 1896. Mr. W. B. Armstrong, then of Okmulgee O.T. but now living in Chickasha. came to Chickasha to employ me. to assist him in proving his Indian rights before Council claiming Choctaw blood. through the Durand Family. I went in time to procure Evidence. I saw Dixon Durant. and the Crowder Family. but gained nothing, that would do the case any good. in Oct. I had James Brown. of Scullville to present the case before the Citizenship Committee it was left as unfinished business until the next Oct. then I had no more to do with the case A. R. Durant had charge of the case and the then judge now Ex Gov. Gilbert S. Dukes. assisted him with the case. you can perhaps get

the information you desire from James
Brown of Oak Lodge, or Ex Gov Dukes.
if I can be of any use to the Choctaw
Atty. or to the Nations let me know you
would half to let me know several days in advance
as I live 8 miles in the country, and don't
go to town every day, hoping this will be
satisfactory. I remain

Yours Resly

Francis Plais

Given letter of inquiry relative
to the rights of W. H. Cundiff, W. G. Armstrong and a
Lady named Durand received. The above named parties
appeared as strangers at Tuskegee Capital on or about
Oct 1895 and made application to the Choctaw Council
praying for adoption the bill introduced was passed by
the Senate but cannot say whether the lower house passed the
bill for adoption or not. If they were adopted the Choctaw
Act of 1895 or 1896 (a pamphlet) will give a detail
they were strangers to me and other persons, but their
witnesses were Dixon Durant of Durant I. T. and Alex
Durant woodcase, but the Lady did not give the name
Durand, they talked freely about Dix as a thin
hired, after this W. G. Armstrong, one of the Durand
family gave his post office address El Reno O. T.
this is the extent of my knowledge

Respectfully
J. Johnson

~~W. H. Cundiff~~
March 16 1893

J. A. G. 92.

South McAlester, Indian Territory, March 17, 1903.

Mr. J. A. Gillette,

Meridian, Texas.

Dear Sir:

We took your name from Martindale's American Law Directory and write you for information about certain people who lived in your County some years ago and some of whom we think are living there at this time.

These people were all related and the following are the names of some of the branches of the family: Condiff, Arledge, Shumaker, Black, Ward and Potts. We think you will have no trouble in locating these people as living or having lived somewhere in your County.

They are descended or claim to be descended from an ancestor of the name of Durand, or Durant or Duran.

What we wish to know is certainty as to how this name was spelled and what it really was. Our information is that it was Durand or Duran; and if such is the fact we think it can be clearly established by you out of the knowledge of persons now living there or from the records of the County; as these people no doubt passed title to lands and other property and placed instruments on file for record.

We think this gives you the point which we are striving to have made clear; and we request that you look carefully and promptly into the matter and write us the result of your

J. A. G. #2.

March 29 1913

investigation at the earliest possible time.

If the facts are as we here suggest it is our purpose to take testimony in the near future; and in that even we shall wish to avail ourselves of your services. In the meantime of course we shall be please to compensate you for your services for making this preliminary investigation.

Awaiting your early reply, we are,

Very truly yours,

and if they are as here indicated, please furnish us

Mass

True Love

Manfred M. Murray Cornish 3/19 1903
So M. Alcock

Gentlemen:

About the year 1895 - I was
 in Mexico City and met a Mr Armstrong
 at M) - (I believe) He wanted me
 to take some family papers that he
 had giving the history of his family
 to Alooka with me and have them
 translated - these papers were written
 in Choctaw - I talked with him
 over his claims and took his
 papers to Mr Robb of Alooka and
 got him to translate them for him
 These papers were made out and
 wrote up by a Mr Servant a brother
 to Alex Servant - Mr Armstrong
 went to Choctaw Council in
 October and asked me to meet
 him there and help him

get his claims through - before
going down there I met Mr
Frank Photo of Chickoska I
who was working for Mr Armstrong
to get this claim through Choctaw
Council - we talked about the case
and he told me the whole history
of the deal - it was in this way -
Mrs Armstrong and her mother were
the Choctaw claimants - they were of
a family by the name of Sureau
French people - had lived at
Tahedega Ala - they were French
traders they - never lived in Miss
Mrs Armstrong was to give Frank Photo
\$1,000 - one thousand dollars to get his
claim through - after going to Council
he changed lawyers - and
employed Mr Alex Sureau to
put the case through - so the papers
were written up - by Alex Sureau's

written. (Pore servant I believe was his ^{name})
true in giving the family history of
the Servants - they added a p. to
the name and made them Servants
Mr Armstrong ^{paid} Miss Henderson seven
900⁰⁰ for doing the writing - then he
got to Council - I was down
there - Mr Armstrong took care himself
that he paid the President of the Senate
350 Three Hundred & Fifty dollars
to put the Claim through the Senate
then Council the House - this cost
him about 250⁰⁰ and some to
outside lobbyist - Making he said
in all - about sixteen Hundred
and Fifty dollars - but he got
his Claim through Council -
Frank Photo of Chesapeake knows
all about the whole transaction
and could give you more
information than I can - but

a letter or side to the name
I hope the letters will find
you in time and that of
May be some help to you
I am Respectfully yours

J. M. B. B. B.

Whitson
Graham

Talladega

territory, March 2, 1903.

the names of two or three reliable

Messrs. Whitson & Graham,
Talladega, Alabama,

Dear Sirs:

We take your name from Martindales
American Law Directory.

We understand that there lived many years
ago at or near your city a French family of the
name of Duran or Durand; and that they removed
therefrom to the State of Texas.

There is a proceeding pending in the Courts
of this country wherein it will be very necessary
to show the nationality of these people, and the
correct spelling of the name when they lived in
that country.

Please make inquiry in and about your
city of these people; and we hope and believe
you will have no particular difficulty in getting
information in regard to them.

We wish to be able to show that they were
French, and their name as given at the time was
Duran or Durand.

If these are the facts we shall wish to
take the testimony in the near future, and in that
event we wish you to represent us in the matter.

Please make inquiry, develop the facts,
and if they are as here indicated, please furnish us

the names of two or three reliable who will be able
to testify as to the nationality of these people
as claimed by them and the manner in which their
names were spelled.

MERCER, TEXAS

March 28

100 3

We shall be pleased to pay you for this
preliminary investigation and also for services ren-
dered later on in taking testimony.

Awaiting your early reply we are,

Yours very truly,

Dictated.

Yours truly

P. S. Hoare

*Mr. J. L. ... to Mr. J. L. ...
who now resides in Houston, was sent to
Mr. H. S. Dillard of this place with request
that he ascertain and communicate to
me the facts inquired for in regard to
persons claiming to be descendants of one
Durant, Durant or Duran. Mr. Dillard
brought your letter over to me with request
that I notify you, and that I assist
him in procuring the information sought.
I will this day under-
take to locate the parties named. You might
facilitate the search by informing me
as to where Durant? lived, and from
what locality Condiff et al. hailed from.*

March 28 1903

Mayfield, McMurray & Cornish,
South McAlester Ind, Ok.

Gentlemen:

Your letter of 17th inst. to Mr. J. Albright
who now resides in Houston, was sent to
Mr. H. S. Dillard of this place with request
that he ascertain and communicate to
you the facts inquired for in regard to
persons claiming to be descendants of one
Durand, Durant or Durau. Mr. Dillard
turned your letter over to me with request
that ~~you~~ I notify you, and that I assist
him in procuring the information sought.
Hence this letter. I will this day under-
take to locate the parties named. You might
facilitate the search by informing me
as to where Durant? lived, and from
what locality Condiff et al. hailed from.

Yours truly,

P. S. Heale

Mr. P. S. Hale,
Medidian, Texas.

Messrs. Hale,
80 Dear Sir:

Gentlemen:-- We are in receipt of your letter of March 28, stating that Mr. J. A. Gillette has referred to you our letter of recent date asking that inquiry be made as to certain people of the name of Durand or Duran and Cundiff who lived some years ago in that County and removed thence to the Indian Territory. not been able to ascertain. There are not few of our people who have lived here during the thirties and up until the present time who were large land dealers and speculators. Further referring to the matter we note your reference to the names of these people as "Durand, Durant or Duran". The very point that we desire to develop is that these people were not named Durant. Durant is a Choctaw Indian name and they thus call themselves by that name since their removal to the Choctaw Nation when in truth and fact they were always theretofore of the name of Duran or Durand. We know of a fact that these people lived in Boskue County many years before they came to the Choctaw Nation but do not know in just what part of the County they lived.

Please refer to our letter to Mr. Gillette which you now have assstating the lines along which we desire to have the investigation made and let us hear from you at your earliest convenience.

Yours very truly,

Talladega, Alabama, 3/31/03

Messrs. Mansfield, McMurray & Cornish,
SOUTH McALLISTER, I.T.

Gentlemen:--

Your letter of the 23rd inst. received.

We learn that many years ago there resided in this County a man by the name of "Jesse Duren". He lived here during the thirties and up until about 1840, and was a large land dealer and speculator. Where he went to from here we have not been able to ascertain. There are but few of our old settlers living now. If we can learn anything further we will write you.

Our information is that there is a large family by the name of "Duran" who live in Shelby county in this State, and we suggest that you write to Mr. D. R. McMillan, an attorney at Columbiana, Shelby county, Alabama who was Probate Judge of that County for several years, for information as to that family in Shelby County. We do not know of any people living in this county by the name of puran or Durand.

Yours truly,

W/B

W. B. Mansfield and McMurray

D. K. McN South McAlester, Indian Territory, April 4, 1903.

Mr. D.R. McMillan,

Columbiana, Shelby County, Alabama.

Dear Sir:

We understand that there lived in your County some years ago a French family of the name of Duran or Durand and that they removed there from the state of Texas.

There is pending in the Courts of this country a suit wherein it will be very necessary to show the nationality of these people and the manner in which their names was spelled and pronounced when they lived in that Country.

Please make inquiry in your County about these people; and we hope and believe you will have no considerable difficulty in getting information in regard to them.

We wish to be able to show that they were French and that their name as given at the time was Duran or Durand; and that they removed from there to the state of Texas.

If these are the facts we shall wish to take testimony in the case in the near future and in that event we shall wish you to represent us. Please make inquiry and develop the facts and if they are as herein indicated please furnish us the names of two or three reliable people who will be able to testify as to the nationality of these people as claimed by them, and the manner in which their names

April 17 1903

Mansfield, McMurry & Co. Inc.
 South McAlester Ind. Ter.

Gentlemen:

Since receiving your favor of March 30, ult., I have made enquiries as to Duran and Cundiff. On the record of deeds, I find only one Duran and one Cundiff. The former's full name was Jesse Duran who is alleged to have resided in Houston Co., Texas, and I found one man here who knew him. He never lived in this County, and was a very wealthy man and large holder of real estate in various Counties in Texas. I find that one Mary Bell Cundiff of McMurray Co., Texas, in 1888, as a minor, by her guardian appointed in said County, released a ~~note~~ lien on certain lands in this County. I have been unable to find any one here who knew her or anything about the transaction. If you will communicate with Correspondent at Waco, you might trace the facts sought. If you could give me some of the Christian names of the Harde, Blacks, Alred, etc., I might find a clue to the information sought. There are so many of these names (except Alred) that the task is difficult. Give all data possible, and I will continue to search for the parties. — Yours truly P. S. Hall

D. R. McMILLAN,
W. F. THETFORD, JR.

LAW OFFICE OF
McMILLAN & THETFORD.

File: P. D. Dorant

COLUMBIANA, ALA.

Apr. 17/03.

Mess. Mansfield, McMurray & Co. Inc.,
South McAlester, Ind. Ter.

Gentlemen:

The enclosed letter explains it-
self - You will remember you wrote
me some - days ago about the Duran
family - I referred your letter to Mr.
W. H. Duran of Okham, & the enclosed
is his reply - I am making inquiries in

other directions also -

Yours truly

L. R. Mearns

TO BE KEPT IN OFFICE
OF THE SECRETARY OF THE
TREASURY

...AJA JAHIMMUGO

NOTICE: ALL CONTRACTS MADE SUBJECT TO DELAYS CAUSED BY STRIKES, MOBS, FIRES, TRANSPORTATION ACCIDENTS AND ALL OTHER CAUSES BEYOND OUR CONTROL.
ALL ORDERS AND CONTRACTS MADE BY SALESMEN ARE SUBJECT TO APPROVAL OF THE COMPANY.

J. ROSS HANAHAN,
PRESIDENT
GEO. H. MOFFETT,
SOLICITOR
PEYRE G. HANAHAN,
1ST V.-P. & GEN. MGR.
FRANK C. FORD,
2D V. P. & ASST. MGR.
J. S. HANAHAN, JR.,
SEC. & TREAS.

STOCKS OF CEMENT, ETC., AT FOLLOWING PORTS
CHARLESTON, PENSACOLA, NORFOLK,
WILMINGTON, NEW ORLEANS, SAVANNAH,
JACKSONVILLE, GALVESTON, MOBILE,
ATLANTA, GA.

BOARD OF DIRECTORS:
J. ROSS HANAHAN,
GEO. H. MOFFETT,
PEYRE G. HANAHAN,
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FRANK C. FORD,
LOUIS DUNNEMANN

CAROLINA PORTLAND CEMENT COMPANY

SOLE SELLING AGENTS
SOUTHERN CEMENT COMPANY'S
CELEBRATED BRANDS:

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"MAGNOLIA BRAND" } HYDRAULIC CEMENT
"ROSENDALE BRAND" }

"KEYSTONE BRAND, WHITEST OF LIMES."
"BEST COOPERAGE, BEST QUALITY."

BIRMINGHAM, ALA. *Apr 13th* 1903

*Mr L.R. McMillan
Columbiana Ala*

*Dear Sir - I have letter of Mansfield
McMurray Esq. written to
Father states for some information
regarding my Grand Father he will
write you freely in a day or two.
With regard I am*

*Very truly
W. H. Duran*

CAROLINA PORTLAND CEMENT COMPANY
SOUTHERN CEMENT COMPANY'S
CELEBRATED BRANDS:
"ALABAMA BRAND"
"SOUTHERN CROSS BRAND"
"MACON BRAND"
"ROSENBERG BRAND"

40
"Breitenburger Hercules"

German

"Saturn" German

"Germania" German

"Old Dominion" American

"Phoenix American"

"Clover Leaf" American

"Toltec" American

"Hand" Brand Belgian

"English" Brand "

Best Portland Cement

King's New York Calcined Plaster
White Rock Calcined Plaster
Acme Brand Hard Wall Plaster
Acme Brand Calcined Plaster



PORTLAND CEMENT,
ROSENDALE CEMENT,
CALCINED PLASTER,
HARD WALL PLASTER,
LIME, ETC.

HAIR SAND,
T. C. PIPE,
ROOFING PAPER,
FIRE BRICK,
AND CLAY.

PORTLAND CEMENT

CODE ADDRESS "PEYRE" CHARLESTON.
USE A. B. C. CODE 4TH EDITION.

Birmingham, Ala. May 7th, 1903.

W. P. Parsons

Hon. D. R. McMillan,
Columbiana, Ala.

Dear Mr. McMillan:-

I am returning you herewith letter of Mansfield, McMurray & Cornish, South McAlester, Indian Territory, dated April 4th.

I have deferred writing you regarding the matter in question, until I could hear from my father's sister who is the only party I know of that is in a position to give me the desired information; but up-to-date I have been unable to hear from her, as she lives considerable distance from the Post Office. However, I have written the Post Master to see that my letter was delivered, and will make an effort to get a reply promptly, and I hope to have a letter within the next few days, which I will mail to you as a supplement to this letter.

The only information I am able to give you, is that my family are of French descent as you are no doubt aware, and I am under the impression that my father's father left Alabama years ago for the west; but outside of this, I am unable to give you any definite data.

I will keep this matter before me, and as soon as I can locate the party referred to above, I am sure that I can give you some more specific information, and in the meantime, if you have an opportunity of seeing grandmother, possibly she can give you more information than I

Mr. D. R. McMillan, #2.

can, as my father went to her home to live when quite a boy.

If I can serve you additionally in the matter, let me know.

With regards to your family, and with best wishes, I remain,

Very truly yours,

W. H. Duran

WHD/J

Copy to m. m. 459

South McAlester, Indian Territory, May 9, 1903.

Mr. J. G. Ralls,

Atoka, Indian Territory,

Dear Sir:

In compliance with the rules of the Citizenship Court, we herewith enclose you a copy of a motion, which we shall file in the case of P. D. Durent, et al, vs. Choctaw and Chickasaw Nations.

Yours very truly,

Dictated.
Enclosure.

3

Fays

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and

much

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crans

here

then

as,

would doubtless know at least his wife
would remember their names.

(over)

Simon E. Lewis says that at
time Nancy Lee Candiff act was
passed in 1895 Armstrong
(the son in law of Nancy Lee Candiff)
promised to put up "shush fund"
of \$1400⁰⁰ to put act through
Council - G. W. Dukes and A. R.
Dunant were attorney, and
that Council was about to
pass act, before money was put
up and that J. E. Gairidge was
appointed to hold it up until
money was paid - This was
done. Money paid & act
passed - J. E. Gairidge
G. W. Dukes
will show

May 19

Manfield, McMurray & Cornish,
 South McAlester, Ind. Ter.
 Gentlemen;

Your Mr. Richardson was here some two weeks ago, and we investigated the matter in hand from a local standpoint.

I have since learned from N. M. Hill, Meridian Tex, that he knew slightly personally, but by reputation a great deal of Jesse Duran who then lived over the Neaces river, in Houston Co. Tex. Mr. ~~A. J.~~ J. Hill of Crawford, Texas, is the father of N. M. Hill and knows personally much about Jesse Duran of Cherokee or Houston Co., Texas about 1870. From J. Hill, Crawford Tex. & his wife, you will learn much you desire concerning Jesse Duran and the Cundiffs. One Cundiff, so Mr. Hill says, was Jesse Duran's son-in-law. Jesse Duran had three children, one girl and two boys - one named Bill. Mr. Hill here does not recollect the names of the girl and other boy; but Mr. J. Hill of Crawford, Texas, would doubtless know at least his wife would remember their names.

(over)

Your Mr. Richardson said for me
to present to you my bill or
draw on you for same, for
services in his behalf, and
same would be paid.

I therefore submit to your firm
my claim for \$10⁰⁰ which
you will kindly send me
at your earliest convenience
and call on me for further
services if needed and acceptable
in this locality.

Yours Truly

P. S. Felt

South McAlester, Indian Territory, May 21, 1903.

Mr. P.S. Hale,
Attorneys Meridian, Texas.

Dear Sir:

We have just received your letter dated
May 19, 1903, furnishing us further information
relative to Jesse Duran and his descendants.

We herewith enclose our check for \$10.00
in payment for your services in this behalf.

We also herewith enclose receipt, which we
ask you to sign and return to us at once in order
that we may make use of it in our expense account.

Yours very truly,

Dictated. *W. F. and W. M. Arledge*

Enc. to this Commission for enrollment as citizens

Commissioner in Charge.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 26, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

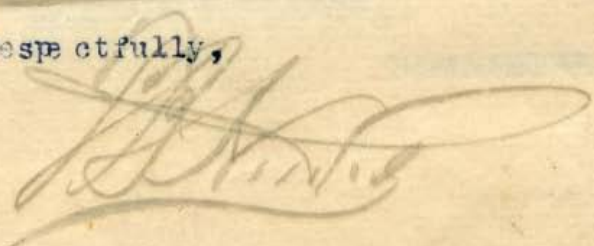
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of
 May 19, in which you ask if Nancy Lee Cundiff and her family
 have been placed upon the final rolls of citizens by blood
 of the Choctaw Nation, and if so, if such enrollment has
 been approved by the Secretary of the Interior.

In reply to your letter you are informed that it
 appears from our records that Nancy Lee Cundiff, her husband,
 William H. Cundiff, and grandchildren, W.F. and W.W. Arlege
 are applicants to this Commission for enrollment as citizens
 of the Choctaw Nation, but their final right to such enrollment
 has not yet been determined.

Respectfully,


 Commissioner in Charge.

PORTLAND CEMENT,
ROSENDALE CEMENT,
CALCINED PLASTER,
HARD WALL PLASTER,
LIME, ETC.



HAIR SAND,
T. C. PIPE,
ROOFING PAPER,
FIRE BRICK,
AND CLAY.

PORTLAND CEMENT

CODE ADDRESS "PEYRE" CHARLESTON,
USE A. B. C. CODE 4TH EDITION.

Birmingham, Ala. Aug, 24/03.

Mansfield McMurray & Cornish,

South- McCallister I.T.

File; Hold for P.D. Duvant papers

Gentlemen.

Some months ago I received a letter from Mr D.R. McMillan
Attourney at Columbiana Ala enclosing a letter from you asking for
information regarding my family. I was unable to give him any specific
information and wrote to a sister of my Fathers but never heard from
her. If you think it is worth the while to persue the matter further
let me know and I will go to see my Aunt and get the desired information.
Awaiting your reply.

Very truly yours.

Walter H. Duran,
2209 Morris Avenue.

Birmingham, Ala.

South McAlester, Indian Territory, September 5, 1903.

CAROLINA PORTLAND CEMENT
SOLE SELLING AGENTS
SOUTHERN CEMENT COMPANY
CELEBRATED BRAND

Mr. Walter H. Duran,
2209 Morris Avenue,
Birmingham, Alabama,

"KEYSTONE BRAND, WHITEST OF LINES."
"BEST QUALITY."

Dear Sir:

We duly received your letter dated August 24, 1903, referring to our inquiry with reference to the history of your family.

There lived in the State of Texas from about 1835 to about the time of the war a man by the name of Jesse Duren. He was a very wealthy man and a large land owner, and had a son named Phillip David Duren, and a daughter named Nancy Lee, who married a man named Cundiff. The father, Jesse Duren died some time about the time of the war, and we have understood that he moved to the state of Texas from Alabama, and in the community where you and your family lived.

We have thought it very probable that this man was of your family, and that you or your old relatives would be able to identify him as such.

We would be pleased to have you forward this letter to your aunt, with the request that she write us, giving us all the information she may have along these lines.

We shall be pleased to compensate you for any trouble or expense to which you may be put in this matter.

Trusting that this matter may have your early attention, and thanking you for the interest you have taken in the matter, we are,

Yours very truly,

Dic.

2209 Morris Ave

CAROLINA PORTLAND CEMENT COMPANY

SOLE SELLING AGENTS
SOUTHERN CEMENT COMPANY'S
CELEBRATED BRANDS

"ALABAMA BRAND"
"SOUTHERN CROSS BRAND"

PORTLAND
CEMENT.

"MAGNOLIA BRAND"
"ROSENDALE BRAND"

HYDRAULIC
CEMENT.

"KEYSTONE BRAND, WHITEST OF LIMES."
"BEST COOPERAGE, BEST QUALITY."

BIRMINGHAM, ALA. Sept. 8th, 1903.

File: P. P. Duran Case

Messrs. Mansfield, McMurray & Cornish,
South McAlester, Ind. Ter.

Gentlemen:-

Your favor of September 5th was duly received, and contents very carefully noted.

The only person that I know of who could give me specific information regarding the matter in question is my aunt, Mrs. Nancy Rasberry, formerly Miss Nancy Duran. She lives considerable distance from the R. R. in the country, and I am writing her by this mail sending her a copy of your letter, and if I do not get the desired information by mail, I will go in person to see her. Her name is Nancy Lee, and it looks as though she might have taken her name from the family of Jesse Duran you refer to.

I hope to have this information for you within the next 10 days, and as soon as I receive same, will promptly communicate with you.

Yours very truly,

W. H. Duran

2209 Merrill Ave

WHD/J

"Breitenberger Hercules"
German

"Porta" German

"Saturn" German

"Germania" German

"Old Dominion" American

"Phoenix" American

"Clover Leaf" American

"Toltec" American

"English" Brand "

Portland Cement

King's New York Calcined Plaster

White Rock Calcined Plaster

Acme Brand Hard Wall Plaster

Acme Brand Calcined Plaster.

I hope to have this information for you within the next 10 days,
and as soon as I receive same, will promptly communicate with you.

Yours very truly,

Handwritten signature and scribbles

1/11/11

PORTLAND CEMENT

CODE ADDRESS "PEYRE" CHARLESTON,
USE A. B. C. CODE 4TH EDITION.

Birmingham, Ala. Nov, 22/03.

Messrs Mansfield, McMurray & Cornish,

South-McCalister, I.T.

Gentlemen. Pardon delay in writing you, but I have been unable until this time to secure any information regarding my Grand Father which was authentic. I have just learned through an old Family Servant of my Fathers who lived in our Family about Sixteen years, that my Grand-Father left Alabama when my Father was quite a child and nothing definite was ever known of his whereabouts. This old party is thoroughly reliable and she says that my Grand Mother often talked to her about her husband and his manner of leaving home, and from the details which she possesses I do not question for a minute its authenticity.

I have ascertained his place of residence at the time, which is in Tallapoosa County in this state near Alexander City and if you suggest I will go there and look up some old residents and have this matter confirmed and communicated to you in such form as you suggest.

My Fathers name was James Hiram Duran, and his brothers were named William, and Frank, and his Sister were named Martha and Nancy Lee, all of which are dead except the latter.

I will await a letter from you and act in accord with your instructions in the premises.

Very truly yours.

Walter. H. Duran.

South McAlester, Indian Territory, December 3, 1903.

Mr. Walter H. Duran,

Birmingham, Alabama,

Dear Sir:

We are in receipt of your letter dated November 22, 1903, replying to our letters of some time ago, inquiring into your family history. We thank you for the information therein contained, and note your statement that you will go to Tallapoosa County, Alabama, to further investigate the matter, if we so direct.

Replying thereto we have to advise you that we would not direct you to do so at this time. We are making some further investigations, and in the event we conclude that a trip by you is necessary, we shall advise you at a later date.

Thanking you for your interest in the matter, we are,

Very truly yours,

Dictated.

Very truly yours,

Walter H. Duran.

PORTLAND CEMENT,
ROSENDALE CEMENT,
CALCINED PLASTER,
HARD WALL PLASTER,
LIME, ETC.



HAIR SAND,
T. C. PIPE,
ROOFING PAPER,
FIRE BRICK,
AND CLAY.

PORTLAND CEMENT

CODE ADDRESS "PEYRE" CHARLESTON.
USE A. B. C. CODE 4TH EDITION.

Birmingham, Ala. Dec, 3/03.

Mansfield McMurray & Cornish,

South-McCallister, Ind Ter.

Gentlemen.

On the 22nd, I wrote you advising that I had conclusive evidence that the party by my name who had died out there was a relative of mine, and asked that you let me know what shape you wished the information put in and I would get it up. Since this I have heard nothing from you. Please let me hear from you regarding the matter, and if necessary I will pay you a visit regarding same.

Awaiting your pleasure.

Very truly yours.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Walter H Duran.

Mr. Walter H. Duran,
Birmingham, Alabama,

Dear Sir:

We are just in receipt of your letter dated December 3rd, and presume it was written before the receipt of our letter replying to your other letter.

We note your statement that you have conclusive evidence that the party of your name, who died out here was a relative of yours.

As we remember we advised you by letter some time ago, that the particular person about whom we inquired was one Jesse Duren, who died about the year 1899 in Houston County, Texas. He was a large land owner, and our information was that he came from Alabama; and if he is in fact related to you and your family, and we can make proof thereof, such is what we wish to do.

He had a son named Phillip David Duren and a daughter named Nancy Lee, who afterwards married a man named W. H. Cundiff.

Upon receipt of this letter kindly advise us just what you have, and we can then give you further information as to how the matter shall be proven.

Yours very truly,

Dictated.

Very truly yours,

Walter H. Duran.

PORTLAND CEMENT,
ROSENDALE CEMENT,
CALCINED PLASTER,
HARD WALL PLASTER,
LIME, ETC.



HAIR SAND,
T. C. PIPE,
ROOFING PAPER,
FIRE BRICK,
AND CLAY.

PORTLAND CEMENT

CODE ADDRESS "PEYRE" CHARLESTON,
USE A. B. C. CODE 4TH EDITION.

Birmingham, Ala. Dec 6/03.

Mansfield McMurray & Cornish,

South McCallister, Ind Ter.

Gentlemen.

I am in receipt of your letter of the 2nd. and contents noted carefully. If you can consistently do so I would like for you to write me some of the particulars regarding the matter in question.

I of course do not know your relations to this matter, and if you can not furnish me with this information without a breach of your professional relations thereto I would like to know and will seek the information through other sources.

I would like to know the name and age of party and when he died, also the amount of assets left and present status of same.

Before asking this of you gentlemen I have made investigation as to your standing as Attorneys and have satisfactory assurance that it is of the very best and I feel that I can rely on what you tell me.

If you care to write as above indicated I will properly appreciate and as soon as I hear from you I will go to Tallapoosa and put the data in proper form.

Awaiting your early reply.

Very truly yours,

Walter H Duran.

Mr. I. D. Ware,
Meridian, Texas,

File: 110 Normal

Please examine record of deed conveying
one league land to Jesse Doren, examined
some months ago by you and also

Mr. Richardson and advise date
of ~~the~~ ^{deed} - Wire answer - Depotero -

Wesley McMoray & Corwin

RECEIVED at

22.D.D.R.M.

Mansfield McMurray, Wash.

Deed to Jesse Duran is dated

File P.S. Hale 490 Charge

Meridian Texas Dec 23rd, 1903
Via Station

Sol Alester I.T.

any twenty fourth 1854.

P.S. Hale,

610M.

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APPLICATION FOR CITIZENSHIP.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKeanen, Thomas B. Cabiness, and Alexander B. Montgomery, United States Commissioners. Authorized by an act of Congress of June 4th, 1896, to hear and determine Claims for Citizenship in the Choctaw Nation.

Gentlemen:-

The undersigned, Varina Davis Potts, nee Cundiff, born 15th Feb. A.D. 1866, now the wife of W. G. Potts, makes this application for citizenship in the Choctaw Nation, and for the purpose of being placed upon the rolls of Choctaw Indians, and of those entitled to share in the distribution of ~~xxxxx~~ funds and allotment of lands in the Choctaw Nation by virtue of her Choctaw blood. This application is also made for my two children, Mary Elizabeth Potts, born Nov. 5th, 1888, and William Edw ard Potts, born Dec. 31st, 1892. William Guthrie Potts is my husband and father of my two children.

This application is predicated upon the fact that I am the daughter of Nancy Lee Cundiff, nee Durant, who was by an act of the Choctaw Council, from the proof made at the said Council in Atoka, in A. D. 1895, recognized as a Choctaw Indian, and placed on the rolls of said Nation as also an act of said Council, recognizing her to be of Choctaw blood. A certified copy of said act is hereto attached, to prove my and my children's Choctaw blood, as this claim is made on the fact that I am of Choctaw blood, through and by virtue of my mother, Nancy Lee ~~XXXXXXXXXX~~ Durant, now Nancy Lee Cundiff, having been declared a Choctaw ~~XXXXXXXXXX~~ Indian by said Council in 1895, a copy of which is hereto attached, and referred to in and for proof of this application for myself and children in support of said claim, and respectfully await the time when this application shall be heard and tried; all of which is respectfully submitted this 11th day of August, 1896.

(SIGNED) VARINA DAVIS POTTS.

STATE OF TEXAS,

WISE COUNTY.

This day personally came and appeared before me, the undersigned Notary Public duly commissioned and qualified, Mrs. Varina Davis Potts, to me well known, who, upon her oath says:---

The facts set forth in the foregoing application for citizenship and enrollment in the Choctaw Nation are true and correct.

Sworn to and subscribed before me this the 11th day of August

A. D. 1896.
SEAL.

(SIGNED) A. J. CLEIDEMEN,
Notary Public, Wise Co., Texas,

23

THE STATE OF TEXAS.

CO. OF MILLS.

Before me, M. C. Kirkpatrick, a Notary Public duly commissioned and qualified in and for said county, State of Texas, this day personally ~~appeared~~ came and appeared J. T. Ward, and A. N. Perkins, both to me well known, and who, after being by me duly sworn, did depose and say:--

that they ~~did~~ both and each of them have known personally and familiarly known Philip David Durant for thirty years, and know him to be a brother of Mrs. Nancy Lee Cudiff, nee Durant.

(SIGNED) J. T. WARD.

" A. N. PERKINS.

SEAL.

Sworn to and subscribed before me. Witness my hand and seal of office, in Mullin, Texas, this 29th day of July, A.D. 1896.

(SIGNED). M. C. KIRKPATRICK,

Notary Public in and for Mills
County, Texas.

APPLICATION FOR CITIZENSHIP.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. Mc
Kennon, Thomas B. Cabiness, and Alexander B. Montgomery, United States
Commissioners, Authorized by an act of Congress of June 4th 1896, to hear
and determine claims for citizenship in the Choctaw Nation.

Gentlemen: The undersigned, your petitioner, A. R. Durant, for and on
behalf of Philip David Durant and heirs; this day makes this their appli-
cation to you for the purpose of being placed on the roll of Choctaw

Indians and of those entitled to share in the distribution of funds and
allotments of lands in the Choctaw Nation by virtue of their Choctaw
blood, and herewith submit the grounds of claim: He is a brother of Nan-
cy Lee Cundiff, recognized citizen pr act of General Council of the Choctaw
Nation of Nov. 8", 1895. Proff, affidavits of J. T. Ward and A N. Per-
kins and Nancy Lee Cundiff attached to this petition -- in support of said
claim, and respectfully await the time when Philip David Durant's appli-
cation shall be heard and tried.

Respectfully submitted,

A. R. Durant.

Enrollment of family with relationship attached, as follows:--

Philip David Durant,	Age,	58,	Head of Family.
Miss Sarah Francis Durant,	Age,	20,	Daughter of applicant.
Miss Jessie May Durant,	"	16,	" " " .
Miss Minnie Davis Durant,	"	13,	" " " .
Miss Estela Carolina Durant,	"	11,	" " " .
Robert Comer Durant,	"	9,	Son " " .
Earnest Alexander Durant,	"	5,	" " " .

SEAL.

In witness of which I here unto set my hand on this day
of 189 .

(SIGNED) P. D. DURANT.

sworn to and subscribed before me this 20th day of July, 1896.

(SIGNED) J. C. KIRKPATRICK,

N. P. for Cent. Dist.
Indian Territory.

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THE STATE OF TEXAS?

COUNTY OF MILLS. Before me, M. C. Kirkpatrick, a Notary Public duly commissioned and qualified in and for said County, State of Texas, this day personally came and appeared J. T. Ward and A. N. Perkins, both to me well known, and who, after being by me duly sworn, did depose and say:-

That we both and each one of us have known since their birth (Miss) Sarah Francis Durant, Miss Jessie May Durant, Miss Minnie Davis Durant, Miss Estella Carolina Durant, Robert Comer Durant, Ernest Alexander Durant, and know them to be the minor children of Philip David Durant.

(SIGNED) J. T. WARD.

" A. N. PERKINS.

Sworn and subscribed to before me. Witness my hand and seal of office, in Mullin, Texas, this the 29th day of July, A.D. 1896.

SEAL.

(SIGNED) M. C. KIRKPATRICK.

Notary Public in and for Mills
County, Texas.

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APPLICATION FOR CITIZENSHIP

To the Honorable Henry L. Daves, Frank C. Armstrong, Archibald S. McJannet, Thomas B. Cabiness, and Alexander B. Montgomery, United States Commissioners. Authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Choctaw Nation.

Gentlemen. The undersigned your petitioners A. R. Durant for and on behalf of Mary Lou Butts this day makes this their application to you for the purpose of being placed on the roll of Choctaw Indians and of those entitled to share in the distribution of funds and allotments of land in the Choctaw Nation, by virtue of their, his or her Choctaw blood and herewith submit the grounds of claim. She is a daughter of Philip David Durant a brother of Nancy Lee Cundiff a recognized citizen of the Choctaw Nation per act of the General Council of the Choctaw Nation Oct 18, 1896. Proff. Affidavits of J. T. Ward and A. N. Perkins attached to this petition. in support of said claim and respectfully await the time when Mary Lou Butts application shall be heard and tried.

Respectfully submitted
(SIGNED) A. R. Durant.

Enrollment of family with relationship attached, as follows:

Names	Age	Relationship
Mary Lou Butts	27	Daughter of Philip David Durant.

In witness of which I have hereunto set my hand on this 29th day of July, 1896.

(SIGNED) Mary Lou Butts.

STATE OF TEXAS

COUNTY OF MILLS This day personally came and appeared before me the undersigned a Notary Public in and for Mills County, Texas July

commissioned and qualified, Mary Lou Butts nee Durant a woman to me well and favorably known who upon her oath says that the facts as set forth in the foregoing application for citizenship are true and correct.

Subscribed and sworn to before me this the 29th day of July A. D. 1896.

(SIGNED) M. C. Kirkpatrick

Notary Public in and for
Mills County, Texas.

I, M. C. Kirkpatrick a Notary Public in and for Mills Co unty, Texas before whom the affidavit to the above and foregoing application was made, to hereby certify that this is a true and correct copy of same.

(SIGNED) M. C. Kirkpatrick

Notary Public in and for Mills Co.
Texas.

STATE OF TEXAS

COUNTY OF MILLS

Before me M. C. Kirkpatrick a Notary Public duly commissioned and qualified in and for said County, State of Texas, this day personally came and appeared J. T. Ward and A. N. Perkins both to me well known, and who, after being by me duly sworn, did depose and say. That we both and each one of us have known Mrs. Nancy Lou Butts "Nee" Durant since her birth and know her to be the daughter of Philip David Durant.

(SIGNED) J. T. Ward,

(SIGNED) A. N. Perkins.

Sworn to and subscribed before me. Witness my hand and seal of office, in Mullen, Texas this the 29 day of July, 1896.

(SIGNED) M. C. Kirkpatrick

Notary Public in and for Mills

County, Texas.

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APPLICATION FOR CITIZENSHIP

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabiness and Alexander B. Montgomery United States Commissioners authorized by an act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Chocta Nation.

Gentlemen:- The undersigned, your petitioner, A. R. Durant, for and on behalf of Phillip David Durant and heirs; this day makes this application to you for the purpose of being placed on the roll of Chocta

Indians and of those entitled to share in the distribution of funds and allotments of land in the Choctaw Nation, by virtue of their Choctaw blood, and herewith submit the grounds of claim. He is a brother of Nancy Lee Cundiff, recognized citizen pr act of General Council of the Choctaw nation Oct 18, 1895 Prof. Affidavits mpx of J. T. Ward and A. N. Perkins and Nancy Lee Cundiff attached to this petition.

in support of said claim and respectfully await the time when Philip David Durant application shall be heard and tried.

Respectfully subkitted.

A. R. Durant.

Enrollment of family with relationshi; attached, as follows:

Names	Age	Relationship.
Philip David Durant	58	Head of family
Miss Sarah Francis Durant	20	daughter of applicant
" Jesse May Durant	16	" " "
" Estella Caroline Durant	13	" " "
" Robert Conner Durant	9	son " "
Ernest Alexander Durant	5	" " "

In witness whereof I hereunto set my hand on this _____ day of _____, 189_____

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(SIGNED) P. D. Durant

Sworn to and subscribed before me this 20th day of July, 1896.

(SIGNED) J. C. Kirkpatrick
Notary Public Central District
Indian Territory

The State of Texas.

County of Mills.

BEFORE ME, M. C. Kirkpatrick a Notary

Public duly commissioned and qualified in and for said County, State of Texas, this day personally came and appeared before me I. T. Ward and A. N. Perkins both to me well known, and who, after being duly sworn, did depose and say That we both and each one of us have known since their birth (Miss) ~~Suzanne~~ Sarah Francis Durant Miss Jessie May Durant Miss Nellie Davis Durant, Miss Estella Caroline Durant Robert Conner Durant, Ernest Alexander Durant and know them to be the minor children of Philip David Durant.

(SIGNED) I. T. Ward

(SIGNED) A. N. Perkins.

Sworn to and subscribed before me. Witness my hand and seal of office, in Muller, Texas this the 29th day of July, 1896.

(SIGNED)
M. C. Kirkpatrick,
Notary Public in and for
Mills Co. Texas.

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The State of Texas.

County of Mills.

BEFORE ME M. C. Kirkpatrick a Notary Public duly commissioned and qualified in and for said County, State of Texas, this day personally came and appeared I. T. Ward and A. N. Perkins both to me well known, and who, after being duly sworn/ did depose and say That they ~~are~~ both ~~a~~ and each of them have personally and familiarly known Philip David Durant for thirty years and know him to be a brother of Mrs. Nancy Lee Cundiff "nee" Durant.

(SIGNED) I. T. Ward

A. N. Perkins.

Sworn to and subscribed before me. Witness my hand and seal of office in Mullen, Texas on this the 29 day of July, A. D., 1896.

(SIGNED) M. C. Kirkpatrick
Notary Public in and for
Mills Co. Texas.

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APPLICATION FOR CITIZENSHIP.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McEnnon, Thomas B. Cabiness and Alexander B. Montgomery, United States Commissioners. Authorized by an Act of Congress of June 4th 1896, to hear and determine claims for citizenship in the Choctaw nation.

Gentlemen: The undersigned your petitioner A. R. Durant for and on behalf of Margaret Elizabeth Ward and heirs; this day makes this their application to you for the purpose of being placed on the roll of Choctaw Indians and of those entitled to share in the distribution of funds and allotments of land in the Choctaw nation, by virtue of their, his, her Choctaw blood and herewith submit the grounds of claim, she is a daughter of Philip Davis Durant a brother of Nancy Lee Cundiff a recognized citizen of the Choctaw nation, Pr Act of General Council of the Choctaw nation Oct. 18, 1895. proof affidavit of Philip David Durant and attached to this petition.

In support of said claim and respectfully await the time when Marycock Elizabeth Margaret Elizabeth Ward's application shall be heard and tried.

Respectfully submitted.

(SIGNED) A. R. Durant.

Enrollment of family with relationship attached, as follows:

NAES	AGE	RELATIONSHIP
Margaret Elizabeth Ward	25	Daughter of P. D. Durant
James Erick Ward	2	son of applicants
John Philip Ward	5 mos.	" " "

In witness of which I have herunto set my hand on this 13th day of August, 1896.

(SIGNED) Margare Elizabeth Ward

Sworn to and subscribed before me this 13th day of August, 1896.

(SIGNED) S. J. Black

Notary Public in and for Stonewall Co

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THE STATE OF TEXAS.

County of Mills.

BEFORE ME M. C. Kirkpatrick a Notary

Public in and for said County, State of Texas, this day personally
came and appeared J. T. Wood and A. N. Perkins to me well known and
who, after being by me duly sworn, did depose and say that we both and
each one of us have known Mrs. Margaret Elizabeth Ward nee Durant,
since her birth and know her to be the daughter of Philip David Durant.

(SIGNED) I. T. Wood

(SIGNED) A. N. Perkins

Sworn to and subscribed before me. Witness my hand and

Seal of office, in Hullen Texas, this the 15th

day of August, A. D., 1896.

(SIGNED) M. C. Kirkpatrick

Notary Public in and

for Mills County, Texas.

APPLICATION FOR CITIZENSHIP

To the Honorable Henry L. K Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabiness, and Alexander B. Montgomery, United States Commissioners. Authorized by an act of Congress of June 4, 1896, to hear and determine claims for citizenship in the Choctaw Nation.

Gentlemen: The undersigned, your petitioner A. R. Durant for and on behalf of Horace F. Butts this day makes this their application to you for the purpose of being placed on the roll of Choctaw Indians and of those entitled to share in the distribution of funds and allotments of land in the Choctaw Nation, by virtue of his intermarriage with Choctaw by blood and herewith submit the ground of his claim. He married Miss Mary Lou Durant daughter of Philip David Durant a brother of Nancy Lee Cudiff who is a recognized citizen of the Choctaw Nation, by Act of General Council of the Choctaw Nation Oct 18, 1895. Proof affidavits of Philip David Durant and marriage certificate in support of said claim and respectfully await the time when Horace F. Butts application shall be heard and tried.

~~Respectfully submitted~~
Respectfully submitted.
(SIGNED) A. R. Durant.

Enrollment of family with relationship attached, as follows:

Names	Age	Relationship.
Horace F. Butts.	34	Husband of Mary Lou Butts Daughter of Philip David Durant.

In witness of which I have hereunto set my hand on this the 6th day of August, 1896.

~~(SIGNED)~~ (SIGNED)
Horace F. Butts.

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The State of Tex.

County of Mills. Before me G. H. Dalton, J. P. & Ex officio Notary Public in and for said County, State of Texas this day personally came and appeared Philip David Durant, to me well known, and who after being by me duly sworn, did depose and say. That he has known Horace F. Butts for the past 15 years, and know him to be the husband of my daughter Mary Lou.

(SIGNED) Philip David Durant.

Sworn to and subscribed before me

Witness my hand and seal of office, in Mullen this the 6th day of August, 1896.

(SIGNED) G. H. Dalton, J. P. & Ex officio Notary Public in and for Mills Co. Texas.

S-worn to and subscribed before me this _____ day of _____
1896.

(SIGNED) G. A. Dalton

J. P. & Ex officio Notary

Public in and for

APPLICATION FOR CITIZENSHIP

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabiness, Alexander B. Montgomery, United States Commissioners, Authorized by an act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Choctaw Nation.

gentlemen: The undersigned, your petitioner A. R. Durant for and on behalf of William N. Black this day makes his application to you for the purpose of being placed upon the rolls of the Choctaw Indians and of those entitled to share in the distribution of funds and allotments of lands in the Choctaw Nation, by virtue of his intermarriage with Choctaw blood and herewith submit the grounds of claim. He married Margaret J. Black sister of Nancy Lee Cundiff a citizen of the Choctaw Nation Act of Council Nov 8, 1895. Proof affidavits of P. D. Durant and W. A. Cundiff in support of said claim and respectfully await the time when ~~the same~~ ^{William N. Black} application shall be heard and tried.

Respectfully submitted.

(SIGNED) A. R. Durant.

Enrollment of family with relationship attached, as follows:

Names	Age	Relationship.
Horace P. Durant	32	husband of Mrs. J. Black Black's daughter of Philip Black
William N. Black.	32	Husband of Mrs. J. Black sister of Nancy Lee Cundiff.

In witness of which I hereunto set my hand on this 3rd day of September 1896.

(SIGNED) William N. Black
Subscribed and sworn to before me this 3 day of September, 1896.

(SIGNED) D. M. Self
Notary Public for the Central Division of the Ind. Territory.

Indian Territory, Central Judicial

District.

Before me, J. C. Kirkpatrick, a Notary Public in and for the Central District Indian Territory duly commissioned qualified and sworn in and for the Central District of the Indian Territory on this day personally appeared William H. Cundiff and P. D. Durant to me well known who after being by me duly sworn according to law depose and say. Our names and ages are as follows: Wm. H. Cundiff 73 years P. D. Durant 58 years. we are personally acquainted with Wm. H. Black the husband of Margaret Black nee Margaret Jane Durant that she married Wm. H. Black in or about the year 1856 and they are now living together as man and wife and have been as such ever since their marriage.

(SIGNED) Wm. H. Cundiff

(SIGNED) P. D. Durant/

Subscribed and sworn to before this 4th day of October, A. D. 1896

(SIGNED) J. C. Kirkpatrick

Notary Public in and for the
Central Judicial District,
Ind. Ter.

APPLICATION FOR CITIZENSHIP

To the Honorable Henry L. Dawes, Fran C. Armstrong, Archibald S. McKennon, Thomas B. Cabiness and Alexander B. Montgomery, United States Commissioners. Authorized by an Act of Congress of June 4th 1896, to hear and determine claims for citizenship in the Choctaw Nation.

Gentlemen: The undersigned, your petitioner A. R. Durant for and on behalf of James Quincy Ward this daye makes theit their application to you for the purpose pf being placed on the roll of Choctaw Indians and of those entitled to share in the distribution of funds and allotments of land in the Choctaw Ntion, by virtue of their, his, her intermarriage with a Choctaw by blood and herewith submit the grounds of claim , he the claimants married Margaret Elizabeth Durant daughter of N Philip David Durant bother of Nancy Lee Cundiff citizen by blood pr Act of Council of Octm 18, 1895. Proof affidavits of David Durant and attached to this petition. in support of said claim and respectfully await the time when James Quincy Ward's application shall be heard and tried.

Respectfully submitted.

(SIGNED) AR. DURANT

Enrollment of family with relationship attached, as follows:

Names	Age	Relationship.
James Quincy Ward	27	Husband of Margaret Elizabeth Ward daughter of Philip Davis Durant.

In witness whereof I have hereunto set my hand on this 13th day of August, 1896.

(SIGNED) James Quincy Ward

Sworn to and subscribed before me this 13th day of August, 1896.

(SIGNED)
S. J. Black
Notary Public in and for
Greenville Co.

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STATE OF TEXAS

COUNTY OF MILLS Before me J. H. Dalton, J. P. & Ex officio Notary
Public -----

in and for said County, State of Texas this day personally came and
appeared Philip Davis Durant, to me well known and who, after being
by me duly sworn, did depose and say. That he has known James Q.
Ward, for the past 18 years and know him to be the husband of my
daughter Margaret Elizabeth.

(SIGNED) Philip Davis Durant.

Sworn to and subscribed before me

Witness my hand and seal of office in Mullen this the 6th day of
August, A. D. 1896.

(SIGNED) G. H. Dalton, J. P. &
Ex officio Notary Public.
in and for Mills Co. Texas.

NATIONAL #_# SECRETARY #_# CHOCTAW #_# NATION.

An Act admitting certain persons herein mentioned to citizenship.

Sec.1 Be it enacted by the General Council of the Choctaw Nation assembled;---

That Nancy Lee Cundiff and her daughter Mattie Lee Armstrong, also her children, Bonnie Durant Armstrong age 9 years, and Layton Burford Armstrong, age 7 years, all members of the Pitchlynn and Durant families of Choctaws, be, and the same are hereby admitted to all the rights and privileges of citizenship in the Choctaw Nation, and this act shall take effect and be in force from and after its passage.

Approved, Nov. 8th, 1895.

(SIGNED). JEFF GARDNER,

P.C.CU.

This is to certify that the foregoing is a true and correct copy from the original act of the General Council of the Choctaw Nation passed and approved by the regular session of the Council in 1895, now on file in the office of National Secretary at Tashka Homma, the capital of the Choctaw Nation.

Witness my hand and the great seal of the Choctaw Nation this the 13th day of August, A.D. 1895.

SEAL.

(SIGNED)

J. B. JACKSON,
National Secretary,

Choctaw Nation

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes.

Ft. Smith, Arkansas, December 28th, 1896.

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Sidney J. Cundiff, et al.
vs
Choctaw Nation.

Filed September , 7th, 1896.
Answer filed.
Application denied.

(Certificate of Secretary. February 6th, 1897.

H.M.Jacoway.)

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ian Territory, Sitting at South McAlester.

W. H. Cundiff, et al., Plaintiffs,

No. 109. vs. Petition for Appeal and Order granting
same.

Choctaw Nation, Defendant.

Come now, W. H. Cundiff, Sydney J. Cundiff, Idress J. Cundiff,
W. G. Potts, William Fisher Arledge, Walter Arledge, Margaret C.
Shoemaker, A. L. A. Shoemaker, Alvis Shoemaker, Mary Laurin Shoemaker,
P.D. Durant, Sarah Durant, Jesse May Durant, Minnie Davis Durant,
Robert Conner Durant, Earnest A. Durant, Mary Butts, Horace F. Butts,
Sarah C. Daley, James Daley, Margaret Black, William N. Black,
Maggie E. Ward, James Q. Ward, and his children, John P. Ward and
James Q. Ward, and show that they are of the plaintiffs in the above
entitled and numbered cause, and that in said ~~cause~~ cause they were
applicants for membership in the Choctaw Nation and enrollment as
such, and that on the 24th day of August, A. D. 1897, a final judg-
ment and decree was rendered against each of the above named plaintiffs
denying to each of them the right to membership and enrollment as
aforesaid, by the above court, and deeming themselves each aggrieved
by said judgment and decree made and entered against them ~~the~~ on the
said 24th day of August, A. D. 1898, hereby appeal from said decree
and judgment, to the Supreme Court of the United States of America,
and file herewith their assignment of errors and base their appeal
upon the errors therein assigned, but neither of the herein named
plaintiffs appeals from the said judgment and decree as to any
plaintiff therein except the plaintiffs herein specifically named.

Wherefore plaintiffs pray that their appeal be allowed as to

the plaintiffs herein mentioned, and that a transcript of the record, proceedings and papers, upon which said judgment and decree was made, properly authenticated, may be sent to the Supreme Court of the United States of America,

This 24th day of October, A. D. 1898.

J. G. RAILS,

Attorneys for the plaintiffs
herein named.

The foregoing claim for appeal is allowed, and bond for costs fixed at One Hundred Dollars.

This Oct. 24th, 1898.

WM. H. H. CLAYTON,

Judge of the United States
Court for the Central Dis-
trict of the Ind. Ter.

In the United State Court for the Central District, sitting at
South McAlester.

W. H. Cundiff, et al., Plaintiffs,
No. 109. vs. Assignment of Errors.
Choctaw Nation, Defendant.

The plaintiffs, herein appealing, in connection with their petition for appeal, make the following assignment of errors, which they aver occurred upon the trial of this cause, and in the decree of the court therein, to-wit:

First. The court erred in rendering a judgment or decree against these plaintiffs, because such was against the evidence and law in this case, and there is no evidence to sustain same.

Second. The court erred in rendering a judgment or decree against the plaintiffs, William Fisher Arledge and Walter Arledge, for the reason that at the time of said judgment or decree, there had not been filed in the office of the Clerk of this Court, the petition or application which was filed before the Commission to the Five Civilized Tribes, and there is not, at this time, any such papers on file in the office of the Clerk of said Court, and said Court had no jurisdiction to render any judgment as to said plaintiffs.

Third. The court erred in declaring the law to be that the plaintiff W. G. Potts, was not entitled to membership in the Choctaw Nation, because of his failure to comply with the marriage laws of the Choctaw Nation.

Fourth. The Court erred in declaring the law to be that the plaintiffs W. H. Cundiff, and all the other plaintiffs herein appeal-

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ing, were not entitled to membership in the Choctaw Nation, by reason of the fact that they were all non-residents of the Indian Territory.

Fifth. The Court erred in affirming the judgment of the Commission to the Five Civilized Tribes, as to the plaintiffs herein appealing.

This October 24th, 1898.

J. G. RAILS,

Attorney for the plaintiffs
herein appealing.

indicated the above styled cases and appealed the same to this ~~court~~
 mon ancestor, to-wit: Jefferson Durant, wherefore they have consoli-
 by blood, or by marriage, which said blood is derived from one com-
 and each of them claim to be members of the Choctaw Tribe of Indians,
 Your petitioners would most respectfully represent that they

JAMES G. WARD, et al.,	V.	CHOCTAW NATION,	NO. 515.
MAGGIE M. WARD,	V.	CHOCTAW NATION,	NO. 514.
WILLIAM H. BLACK,	V.	CHOCTAW NATION,	NO. 40.
MARGARET J. BLACK,	V.	CHOCTAW NATION,	NO. 49.
JAMES DAILY,	V.	CHOCTAW NATION,	NO. 332.
SARAH C. DAILY,	V.	CHOCTAW NATION,	NO. 1179.
HORACE P. BUTTS,	V.	CHOCTAW NATION,	NO. 604.
MARY BUTTS,	V.	CHOCTAW NATION,	NO. 603.
P. D. DURANT, et al.,	V.	CHOCTAW NATION,	NO. 595.
A. L. A. SHOMAKER, et al.	V.	CHOCTAW NATION,	NO. 208.
MARGARET C. SHOMAKER, et al.	V.	CHOCTAW NATION,	NO. 207.
ALBIDGE,	V.	CHOCTAW NATION,	NO. 749.
AND WALTER WHEATFIELD,			
WILLIAM FISHER ALBIDGE			
WILLIAM G. POTTS,	V.	CHOCTAW NATION,	NO. 209.
ROBERT F. GUNDIFF, et al.,	V. C.	CHOCTAW NATION,	NO. 206.
SIDNEY J. GUNDIFF, et al.,	V.	CHOCTAW NATION,	NO. 225.
VERNON D. POTTS, et al.,	V.	CHOCTAW NATION,	NO. 343.
W. H. GUNDIFF	V.	THE CHOCTAW NATION,	NO. 210.

APPLICATION FOR A PRIZE AND ASSIGNMENTS OF PRIZE.

CENTRAL DISTRICT, OF SOUTH CAROLINA.

IN THE UNITED STATES COURT, IN THE INDIAN TERRITORY,

court as one case, as authorized by the rules of this court.

Your petitioners would most respectfully ~~re~~ represent that heretofore, to-wit: On or about the 8th day of November 1896, the proof was made to the Council of the Choctaw Nation, or their committee on citizenship of the Indian blood of Jefferson Durant, from whom your petitioners claim to be Choctaw citizens. That said committee recommended, and said Council passed a Bill, or Act, recognizing the citizenship of the following named descendants of the said Jefferson Durant;

Nancy L. Cundiff, his daughter, and her child, Mattie L. Armstrong, and the children of Mattie L. Armstrong, Bonnie Durant, and Leston Burford Armstrong, thereby recognizing that the proof of his said citizenship or Choctaw blood was sufficient and conclusive; that a certified copy of the said Act is hereto attached, marked "Exhibit A", and made a part of this petition.

Your petitioners further represent that they and each of them are entitled to be enrolled as members of the said Choctaw Tribe of Indians, and in support thereof would most respectfully show; that Nancy L. Cundiff has been, and is now recognized as a member of the Choctaw Tribe of Indians; that, heretofore, to-wit: On the 8th day of November, 1896, the Council of the Choctaw Nation passed an Act, acknowledging her Indian blood and granting her citizenship in said Nation.

Your petitioners further represent that heretofore, to-wit: On the _____ day of _____, 1896, the said Nancy L. Cundiff made application to the Commission from the United States to the Five Civilized Tribes of Indians, to be enrolled by said Commission as a member of said Tribe; that said application was granted, and

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the said Nancy L. Cundiff enrolled as a member of the Choctaw Tribe of Indians.

Now, your petitioner, W. H. Cundiff, would most respectfully represent; that he is the husband of the said Nancy L. Cundiff, whereby and by reason whereof he is entitled to be enrolled as a member of said Tribe.

Your petitioners, Verena D. Potts, Sidney J. Cundiff and Robert J. Cundiff are the children of Nancy L. Cundiff and her husband, W. H. Cundiff, and are of Indian blood, and entitled to be enrolled as members of said tribe.

That Luella B. Cundiff is the wife of Robert J. Cundiff, and entitled to be enrolled as a member of the Choctaw Tribe of Indians, by intermarriage; and Robert S. Cundiff, the son of Robert J. Cundiff and Luella B. Cundiff, is a Choctaw Indian by blood, and entitled to be enrolled as a member of said tribe.

That Idres J. Cundiff, is the wife of Sidney J. Cundiff, and entitled to be enrolled as a member of the Tribe of Choctaw Indians by marriage. That William G. Potts is the husband of Verena P. Potts, and is, therefore, entitled to be enrolled as a member of the Choctaw Tribe of Indians by intermarriage. That Mary J. and Edward Potts are the Children of Verena D. and William G. Potts, and as a consequence, are Choctaw Indians by blood, and entitled to be enrolled as members of the said tribe.

That William F. and Walter W. Arledge are grandchildren of the said Nancy L. Cundiff, being the children of her daughter, Margaret E. , by her husband, John W. Arledge, who are now deceased, and are consequently of Choctaw blood, and entitled to be enrolled as members of said tribe.

That P. D. Durant was also a son of Jefferson Durant and a brother of Nancy L. Cundiff; that the said P. D. Durant has five children, whose names are as follows: Sarah Francis, Jessie May, Minnie Davis, Robert Conner, and Ernest Alexander Durant, all of whom are of Choctaw blood, and entitled to be enrolled as members of the said Tribe.

That Mrs. Mary Butts was also a daughter of Jefferson Durant, and is a sister of Nancy L. Cundiff, and that her and her husband, Horace F. Butts, are members of the Choctaw Tribe of Indians and entitled to be enrolled as such.

That Sarah Caroline Daly is also a daughter of Jefferson Durant and a sister of Nancy L. Cundiff, and her and her husband, William W. Black, are entitled to be enrolled as members of said Tribe.

That Mrs. Maggie F. Ward is also a daughter of Jefferson Durant, and consequently of Indian blood, and that her and her husband, James Q. Ward, and their children, John Philip and James O. Ward, Jr., are entitled to be enrolled as members of said tribe.

That Margaret C. Shoemaker is a daughter of Mrs. _____ McGill, who was a daughter of Jefferson Durant, and a ~~half~~ sister of Nancy L. Cundiff, and that her and her husband, A. L. A. Shoemaker, and their children, Alvis and Mary L. Shoemaker, are entitled to be ~~en~~ enrolled as members of the Choctaw Tribe of Indians.

Now, your petitioners say; that under the laws and treaties of the said Choctaw Tribe of Indians, that they and each of them are entitled to be enrolled as members of said Tribe and they would point out as an assignment of error to the judgment of the Commission of the United States to the Five Civilized Tribes of Indians, that it erred in denying citizenship to them, for the reason that said judgment was against the law and the evidence.

Now, Now, wherefore your petitioners pray that they be granted an appeal to this court, that the defendant be notified of said appeal, as is required by the rules of this court, and that upon final trial, they have judgment declaiming them to be citizens of the Choctaw Tribe of Indians, and in duty bound will ever pray.

FURMAN & PERBERT,

Attorneys for Plaintiffs.

Jesse Hill, being by me first duly sworn, upon ~~my~~ oath states;

That he is one of the attorneys for the plaintiff in this action, and that the statements set forth in the foregoing petition are true, as he verily believes.

JESSE HILL.

Subscribed and sworn to before me, this the 28th day of January,
A. D. 1897.

JAMES H. MATHERS,

Notary Public, Southern

(Seal)

District, Indian Territory.

J. B. JACKSON,
NATIONAL SECRETARY, CHOCTAW NATION.

_____, I. T., _____ 189

An Act admitting certain persons herein mentioned to citizenship.

Sec. 1st. Be it enacted, by the General Council of the Choctaw Nation, assembled:

That Nancy Lee Cundiff and her daughter, Mattie Lee Armstrong, also her children, Bonnie Durant Armstrong, aged 9 years, and Dayton ~~Buford~~ Buford Armstrong, aged 7 years, all members of the Pitchlynn and Durant families of Choctaws, be, and the same are hereby admitted to all the rights and privileges of citizenship in the Choctaw Nation, and this Act shall take effect and be in force from and after its passage.

Approved, Nov. 8th, 1895.

JEFF GARDNER,

P. C. C. N:

This is to certify that the foregoing is a true and correct copy from the original Act of the General Council of the Choctaw Nation, passed and approved by the regular ~~session~~ session of the Council, in 1895, now on file in the office of National Secretary at Tashka Homma, the capital of the Choctaw Nation.

Witness my hand, and the great seal of the Choctaw Nation, this the 13th day of August, A. D. 1896.

J. B. JACKSON,

National Secretary, Choctaw Nation.

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(Seal)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
CENTRAL DISTRICT, AT SOUTH McALESTER.

W. H. Cundiff, et al.,

vs. Assignment of Error.

The Choctaw Nation.

Now comes the plaintiff in the above entitled cause, and says that the Commission from the United States to the Five Civilized Tribes of Indians erred in denying their application to be enrolled as members of the Choctaw Tribe of Indians, because, First. Said judgment is contrary to the law and evidence.

FURMAN & HERBERT,

Attorneys for Plaintiffs.

IN THE UNITED STATES COURT FOR THE CENTRAL DISTRICT, OF THE
INDIAN TERRITORY, AT SOUTH WEALESTER.

W. H. Candiff, et al., Plaintiffs,

vs.

ANSWER.

The Choctaw Nation

Defendant.

Comes now the Choctaw Nation, by its attorneys, and for answer to the petition for appeal filed by the plaintiff herein, says;

That it is not true that applicants are entitled to citizenship in the Choctaw Nation. And that it is not true that the Dawes Commission erred as alleged in said petition.

Further answering, the Choctaw Nation says that it has heretofore filed its answer to the application of this plaintiff before the Dawes Commission, which said answer is hereby referred to and made a part hereof, and having fully answered, appellee prays that the judgment of the Dawes Commission be in all things affirmed.

W. M. CRAVENS,

STUART, GORDON & HAILEY,

Attorneys for Choctaw Nation.

W.H.Cundiff, et al/

vs.

No/ 109, Judgment, Central District, August 24, 1897.
Choctaw Nation.

At this time come on to be heard, upon appeal from the decision of the commission from the United States to the Five Civilized Tribes of Indians, the applications, (which were heretofore consolidated by order of this court) W. H.Cundiff and others to be enrolled as members of the Chickasaw Tribe of Indians. And it appearing to the court that the petition of applicants herein for appeal, and the assignment of error have been filed according to and within the time required by law, and the rules of this court, and that their appeal to this court has been perfected. And it further appearing to the court that the Choctaw Nation has appeared and filed its answer to the petition of said applicants, and both parties having appeared, by attorney and submit all questions of law as well as of fact to the court, it is the opinion of the court that Mrs. Verena Davis Petts, daughter of Nancy Lee Cundiff, and her two minor children, viz. Mary E. Petts, and Edward Petts and Robt. J. Cundiff and his minor son, Robert S. Cundiff, are members of the tribe of Choctaw Indians by blood and that each of them are bona fide residents of the Choctaw Nation and are entitled to enrollment as members of said tribe of Choctaw Indians.

It is therefore considered, adjudged and decreed by the court, that the decision of said Commission be reversed, and it is adjudged and decreed that said applicants Verena Davis Petts, Mary E. Petts, Edward Petts, Robert J. Cundiff and Robert S. Cundiff be enrolled as members of the Choctaw Tribe of Indians by blood and that the application of W. G. Petts, husband of Verena D. Petts, be and the same is hereby denied because his marriage to Verena D. Petts (nee Cundiff) was not in conformity with the marriage laws of the Choctaw Nation.

And it appearing to the court that the applicants, W. H. Cundiff, Sydney J. Cundiff and wife, Idress J. Cundiff, William Fisher Arledge, and Walter W. Arledge, Mrs. Margaret C. Shoemaker and her children,

Alvis Shoemaker and Mary Laurin Shoemaker, P.P.Durant, Sarah F. Durant, Jessie May Durant, Minnie Davis Durant, Robert Connor Durant, Ernest A.Durant, Mrs.Mary Butts and her husband, Horace F.Butts, Mrs.Sarah C.Daley and husband, James Daley, Mrs.Margaret J.Blank and husband, William N.Black, and Mrs.Maggie E.Ward and husband, James Q.Ward and their children John P.Ward, and James Q.Ward are all non-residents of the Indian territory.

it is considered and adjudged by the court that the decision of said Commission as to the non-resident applicants, last named, be and the same is hereby approved, and that their applications to be enrolled as members of the tribe of Choctaw Indians be and the same is hereby denied.

JUDGMENT.

United States of America.
Indian Territory.
Central District.

IN THE UNITED STATES COURT, IN THE INDIAN TERRITORY, CENTRAL DISTRICT,
ata term thereof begun and held at South McAlester, in the Indian Terri-
tory, on the thirteenth day of April, 1897,

Present, the Honorable Wm. H. H. Clayton.

The following orderis made and entered of record, towit:-

April term, Aug. 24, 1897; Tuesday.

W.H.Cundiff, et al,-----Plaintiffs. |

vs

Judgment. |

Choctaw Nation,-----Defendant. |

At this time came on to be heard upon appeal from the decision of the Commission of the United States to the Five Civilized Tribes of Indians, the applications (which wrre heretofore consolidated by order of this Court) of W. H. Cundiff, et al, to be enrolled as members of the Chickasaw Tribe of Indians, and it appearing to the Court that the Petition of the Applicants, herein, for Appeal, and the assignment of error have been filed according to and within the time required by law and the rules of this Court, and that their appeal to this Court has been perfected; and it firther appearing to the Court that the Choctaw Nation have appeared and filed its answer to the petition of said Applicants, and both parties having appeared by attorneys and submitted all questions of law as well as of fact to the Court, it is the opinion of the Court that Mrs. Varina Davis Potts, daughter of Nancy Lee Cundiff, and her two minor children, Mary J. Potts and Edward Potts, and Robert J. Cundiff and his minor son Robert S. Cundiff, are members of the Tribe of Choctaw Indians by blood, and that each of them are bona fide residents of said nation and that each of them a e entitled to enrollment as members of said Tribe of Choctaw Indians.

It is therefore considered, adjudged and decreed by the Court that the decision of the said Commission be reversed, and it is adjudged and decreed that the Applicants above mentioned be enrolled as members of the Choctaw Tribe of Indians, by blood; and that the application of W. G. Potts, husband of Varina D. Potts, be and the same is hereby denied, because his marriage to Varina D. Potts was not in conformity with the marriage laws of the Choctaw Nation.

And it appearing to the Court that the Applications of W. H. Cundiff and wife, Idress J. Cundiff, Wm. Fisher Arledge, Walter W. Arledge, Mrs. Margaret C. Shoemaker and her children Alvis Shoemaker and Mary L. Shoemaker, P. D. Durant, Sarah F. Durant, Jessie May Durant, Minnie Davis Durant, Robert Connor Durant, Earnest A. Durant, Mrs. Mary Butts, her husband Horace F. Butts, Mrs. Sarah C. Daley, her husband James Daley, Mrs. Margaret J. Black, her husband Wm. N. Black, Mrs. Maggie Ward, her husband James S. Ward, and their children John P. Ward and James Q. Ward are all nonresident of the Indian Territory.

It is considered and adjudged by the Court that the decision of said Commission as to the non-resident applicants, last named, be, and the same is, hereby approved, and that their applications to be enrolled as members of the Tribe of Choctaw Indians be, and the same is, hereby denied.

And Whereas, on the 24th day of October, 1898, the following proceedings were had, to-wit:-

W. H. Cundiff, et al, -----Plaintiffs,

vs

Choctaw Nation, -----Defendant.

On this 24th day of October, 1898, this cause came on to be heard, in open Court, upon a motion of the Plaintiffs to correct the record herein, so as to show that the name of A.L.A. Shoemaker was one of the plaintiffs herein who was rejected in the judgment of the Court heretofore rendered, and, it appearing to the Court from his note on his bench docket that said judgment was rendered against the said A.L.A. Shoemaker, and that by some clerical error his said name was omitted from the record in entering said judgment, it is therefore ordered that said re-

cord be corrected so as to read as follows, towit:- and that the same
be entered nunc pro tunc now for the 24th of August, 1897.

(Judgment same as above except that A.L.A.Shoemaker's name is
included among the list of applicants denied.)

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT, SITTING AT SOUTH McALPSTER
IN THE CENTRAL DISTRICT OF THE INDIAN TERRITORY.

P. D. Durant, et al,-----Plaintiffs.

vs

Petition for Appeal

Choctaw and Chickasaw Nations, Defendants.

Now come P.D.Durant, Estella C. Durant, Jessie May Green, (nee Durant), Sarah Francis Connor (nee Durant), Robert Connor Durant, Earnest A. Durant, Mary Butts, Horace F. Butts, Vera Butts, Sarah C. Daley, James Daley, Margaret J. Black, Wm. N. Black, Maggie E. Ward, James G. Ward, John P. Ward, James E. Ward, Sidney J. Cundiff, Idress J. Cundiff, Wm. Fisher Arledge, Walter Arledge, Margaret C. Shoemaker, A.L.A. Shoemaker, Alva Shoemaker, and Mary Lauria Shoemaker, and show to this honorable court that, heretofore, to wit:- on the 24th day of August, 1897, a judgment or decree was rendered against each of them, in the consolidated case, denying to each of them the right to be enrolled as members of the Choctaw Tribe of Indians; That such judgment is still in full force and effect.

Your petitioners further show that said judgment was rendered upon a transcript filed in said court on an appeal from the decision of the Commission to the Five Civilized Tribes, upon the application of the petitioners to be enrolled as Choctaws; which application was filed with said Commission, under the provisions of an act of Congress approved June 10th, 1896. Your petitioners show that they are entitled to be enrolled as members of the Choctaw Tribe of Indians, and that under and by virtue of an act of Congress, approved July 1st, 1902 which act is commonly known as an act to ratify an agreement between the United States and the Choctaw and Chickasaw Nations, it is provided that these Plaintiffs may appeal to this Honorable Court; and that the papers and proceedings in said United States Court shall be transferred to this Court and that the case here shall be set for trial anew.

Wherefore, your petitioners pray that their appeal be allowed; that citation issue to the Clerk of said Court ordering him to transmit all papers in said case, to this court, together with a transcript of the proceedings in said court; and that citation issue to the executive of the Choctaw and Chickasaw Nations, as the law directs; and that, on a final hearing, your petitioners shall have their names added to the roll of the Choctaw Nation: and your petitioners will ever pray as in duty bound.

(Signed)

J. G. Ralls,

Attorney for Plaintiffs.

UNITED STATES OF AMERICA; INDIAN TERRITORY; CENTRAL DISTRICT.

P. D. Durant, having been, by me, first duly sworn, according to law, states, on his oath, that he is one of the applicants in the above entitled action; that he has read the above and foregoing petition and that the statements therein made and contained are true and correct as he verily believes.

P. D. Durant.

Subscribed and sworn to before me on this the 18th day of December, 1902.
B. S. Johnson,
Notary Public.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT SITTING AT
SOUTH MC ALESTER, INDIAN TERRITORY.

MAY TERM 1963.

P. D. Durant, et al.....Plaintiffs.

vs.

The Choctaw Nation and
The Chickasaw Nation.....Defendants.

MOTION TO MAKE MORE DEFINITE AND CERTAIN.

Come now the Choctaw and Chickasaw Nations, by Mansfield, McMurray & Cornish, their attorneys, and move this Honorable Court to require the plaintiff, P. D. Durant, to make his "Application for Citizenship", filed before the Commission to the Five Civilized Tribes under the act of Congress approved June 10, 1896, more definite and certain, in this; that he be required to state:

First. The name or names of any and all of his ancestors through whom he claims the right to be admitted and enrolled as a citizen of the Choctaw Nation by blood; and whether he, or any or all of them, were recognized and enrolled as citizens of the Choctaw Nation, either in the old Choctaw Nation in the State of Mississippi or in the Choctaw Nation, Indian Territory; and if so, how.

Second. Whether he, or any, or all of his alleged ancestors through whom he claims the right to admitted or enrolled as a citizen of the Choctaw Nation complied with the requirements of article fourteen of the treaty of 1830 between the United States and the Choctaw Nation; and if any or all so complied by whom such compliance was made, and, how; and whether he, or any or all, of his alleged ancestors emigrated to the Choctaw Nation, Indian Territory, with the Choctaw Indians residing in the old Choctaw Nation in the State of

Mississippi when the treaty of 1830 was entered into, under article 3 of said treaty; and if so the name or names of the person or persons who thus emigrated.

THE CHOCTAW NATION,
THE CHICKASAW NATION;

BY _____
THEIR ATTORNEYS.

P.D. Durant,

being sworn in his own behalf, testified as follows;--

Mr. Farmer;

Q.--What is your name?

A.--P.D. Durant.

Q.--Where do you reside?

A.--Near Durant.

Q.--Indian Territory ?

A.--Yes sir.

Q.--What is your age?

A.--64.

How long have you resided in the Choctaw Nation.

A.--Since 1896.

Q.--Where did you reside prior to 1896?

A.--In Mississippi and Texas.

Q.--Where were you born Mr. Durant?

A.--In Mississippi?

Q.--When did you leave the State of Mississippi?

A.--In 1845 or 46, I do not remember the exact date.

Q.--How old were you when you left the State of Mississippi?

A.--Seven or eight.

Q.--Where did you come to when you left the State of Mississippi?

A.--To the Territory.

Q.--How long did you live in the Territory?

A.--About a month.

Q.--Where did you go to from the Territory?

A.--To Texas.

Q.--How long did you stay in Texas?

A.--Until 1896.

Q.--Do you know Estella C. Durant?

A.--Yes sir.

Q.--What relation does Estella C. Durant bear to yourself?

A.--She is my daughter.

Q.--Do you know Jessie May Green?

A.--Yes sir.

Q.--What relation does she bear to you?

A.--Daughter.

Q.--Do you know Sarah Francis Conner?

A.--Yes sir.

Q.--What relation does she bear to you?

A.--She is my daughter.

Q.--Do you know Marry Lee Butts?

A.--Yes sir, she is my daughter.

Q.--Do you know Robert Conner Durant?

A.--He is my son.

Q.--Do you know Earnest A. Durant?

A.--He is my son.

Q.--There is one other; what is her name?

A.--Margaret E.

Q.--Do you know Horace F. Butts?

A.--Yes sir, he is my son-in-law.

Q.--Who did he marry?

A.--Marry Lee Durant.

Q.--Are you acquainted with Sarah C. Daly?

A.--Yes sir.

Q.--What relation is she to you?

A.--My sister.

Q.--Do you know James Daly?

A.--Yes sir.

Q.--What relation does he bear to you?

A.--Brother-in-law.

Q.--Are you acquainted with Margaret J. Black?

A.--Yes sir.

Q.--What relation is she to you?

A.--My sister.

Q.--Are you acquainted with William N. Black?

A.--Yes sir.

Q.--What relation is he to you?

A.--Brother-in-law.

Q.--Are you acquainted with Maggie E. Ward?

A.--Yes sir. She is a daughter.

Q.--Daughter of whom?

A.--A daughter of mine.

Q.--Are you acquainted with James Q. Ward?

A.--Yes sir.

Q.--What relation is he to you?

A.--Son-in-law.

Q.--Are you acquainted with Jome P. Ward?

A.--Yes sir.

Q.--What relation is he to you?

A.--Grandson.

Q.--Are you acquainted with James E. Ward?

A.--Yes sir, he my grandson.

Q.--These are children of Maggie E. Ward, are they not, and
and James Q. Ward?

A.--Yes sir.

Q.--Are you acquainted with Sidney J. Cundiff ?

A.--Yes sir.

Q.--What relation is he to you?

A.--Nephew.

Q.--Are you acquainted with Idress J. Cundiff?

A.--Yes sir.

Q.--What relation is she to you?

A.--She is the wife of Sidney J. Cundiff.

Q.--Are you acquainted with William Fisher Arledge?

A.--Yes sir.

Q.--What relation is he to you?

A.--He is a nephew.

Q.--Are you acquainted with Walter Arledge?

A.--Yes sir. He is a nephew.

Q.--Are you acquainted with Margaret C. Shoemaker?

A.--Yes sir.

Q.--What relation does Margaret C. Shoemaker bear to you?

A.--She is a niece.

Q.--Are you acquainted with A.L. Shoemaker?

A.--Yes sir.

Q.--What relation is he to you?

A.--He is the husband of Margaret C. Shoemaker.

Q.--Are you acquainted with Alvis Shoemaker?

A.--Yes sir, that is one of her children.

Q.--What relation does she bear to you?

A.--She was my niece and that is her daughter; A.L. Shoemaker was her husband.

Q.--Are you acquainted with Mary L. Shoemaker?

A.--She is a daughter of Margaret Shoemaker.

Q.--Estella C. Durant, Jessie May Green, (Nee Durant), Sarah Francis Conner, nee Durant, Robert Conner Durant, Earnest A. Durant, Mary Butts, Vera Butts, Horace F. Butts, all of these Durants mentioned in this petition or appeal are your children?

A.--Yes sir, and grand children.

Q.--Sarah C. Daley is your sister?

A.--Yes sir.

Q.--James Daley is the husband of Sarah C. Daley?

A.--Yes sir.

Q.--Margaret J. Black, you say she was your sister?

A.--Yes sir.

Q.--William N. Black is her husband?

A.--Yes sir.

Q.--And Maggie E. Ward?

A.--She is my daughter.

Q.--James Q. Ward?

A.--He is her husband.

Q.--Sidney J. Cundiff; who is he?

A.--He is my nephew.

Q.--What was his mother's name?

A.--Mary Lee Cundiff.

Q.--What relation does she bear to you?

A.--Sister.

Q.--Idress J. Cundiff, what relation does she bear to you?

A.--She is the wife of Sidney J. Cundiff; she is my niece by marriage.

Q.--Were you acquainted with your father during his life time?

A.--Yes sir.

Q.--What was your father's name?

A.--Jefferson Durant.

Q.--Do you know where he died; is he dead?

A.--Yes sir, he is dead.

Q.--Where was he living at the time of his death?

A.--In Texas.

Q.--I will ask you if your father came west at the time mentioned, when you were about seven years old?

A.--Yes sir.

Q.--Did he locate in the Territory?

A.--No sir, he only stopped here about a month.

Q.--You say your father died in Texas?

A.--Yes sir.

Q.--Did he ever live in the Territory after he came west, longer than the time you mentioned?

A.--No sir, not that I know of.

Q.--Were you acquainted with any of your father's brothers or sisters?

A.--No sir, I never saw them.

Q.--Do you know your grandfather's name on your father's side?

A.--Only just from hear say, they called him Piere.

Q.--Who did you learn this of?

A.--From my father and mother.

Q.--Did you learn the names of your Uncles and Aunts, through the traditional history of your family?

A.--I have heard them call some of them.

Q.--Can you name any of them?

A.--George Sylvester and Joe Fisher, I believe that is all.

Mr. Cornish;

Q.--Do I understand these to be the names of your father's brothers and sisters?

A.--Yes sir.

Mr. Farmer.

Q.--Do you know where they were living at the time you left the State of Mississippi?

A.--No sir.

Q.--Do you know where they lived during their life time?

A.--Well, father said his brothers all lived in the Territory.

Mr. Cornish;

We object to this character of testimony; the Choctaw and Chickasaw Nations object to the introduction of any hearsay testimony, which shows, or tends to show any specific fact except pedigree or family relationship, the contention of the Nations being that hear say testimony, even if competent, can be offered only to establish pedigree and family relationship, and not then, until his relationship to the ^{person} whose statements he seeks to reflect, has been established by testimony other than his own.

Q.--Mr. Durant, the persons mentioned in this application, that I have called your attention to, where do they live at this time, if you know?

A.--Estella Durant, Jesse May Green, Sarah Francis Conner, -- they all live in Texas with the exception of three.

Q.--They all live in Texas at this time except Estella, Robert and Earnest?

A.--Yes sir.

Q.--Estella and Robert, where do they reside?

A.--At Durant with me.

Q.--Name the ones that reside at Durant.

A.--Estella, Robert and Earnest.

Q.--They all reside at Durant?

A.--Near Durant, about six miles from Durant.

Q.--Where does Sidney J. Cundiff reside?

A.--In Texas.

Q.--Idress J. Cundiff?

A.--Same place.

Q.--William Fisher Arledge?

A.--He is in business at Tyler Texas.

Q.--The Shoemakers, where do they reside?

A.--Decatur.

Q.--In what state?

A.--Texas.

By Judge Foote.

Q.--Do I understand you to say that these applicants and their children, that you speak of, all live in Texas?

A.--Yes sir, if I understand the question right.

Cross Examination.

Mr. Cornish;

Q.--Now, Mr. Durant, do I understand you to say that all the persons, who are parties to this suit, reside in Texas, except yourself and these three people?

A.--Yes sir.

Q.--Name the persons who live in the Territory.

A.--Myself, Estella, Robert and Earnest.

Q.--And the balance all reside in Texas?

A.--Yes sir,

Q.--How old are you, Mr. Durant?

A.--64.

Q.--What was the year of your birth?

A.--1836.

Q.--Where were you born?

A.--In Mississippi?

Q.--In what county?

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

Q.--You were seven years old when you left Mississippi?

A.--Yes sir.

Q.--You have heard also about being born and raised in the State of Mississippi?

A.--Yes sir.

Q.--What county.

A.--Probably several counties, I don't know.

Q.--What is your information.

A.--I know we once lived in Tishomingo County.

Q.--Where were you born?

A.--Mississippi.

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

A.--A year or a half a year.

Q.--Where were you born?

A.--In Mississippi.

Q.--Is that your answer to the question?

A.--I don't know what county.

Q.--Your answer is that you are unable to state where you were born, except that you were born in Mississippi?

A.--Yes sir.

Q.--You were seven years old when you left there?

A.--Yes sir.

Q.--Do you remember living there?

A.--Yes sir.

Q.--Where did you live.

A.--In Tishomingo County.

Q.--What place?

A.--I don't know.

Q.--Where was your father born?

A.--I don't know.

Q.--You have no information on that point?

A.--No sir.

Q.--Then you are unable to state when or where your father was born?

A.--No sir.

Q.--You have no information on that point?

A.--No sir.

Q.--What was the name of your father?

A.--Jefferson Durant.

Q.--Is your father now dead?

A.--Yes sir.

Q.--How long has he been dead?

A.--He has been dead a good while, I think since '64 or '65.

Q.--Where did he die?

A.--Leon County, Texas.

Q.--Did you live in Texas continuously until you moved to the Choctaw Nation in 1896?

A.--Yes sir.

Q.--You made your home here since that time?

A.--Yes sir.

Q.--In what counties do these other people live?

A.--Some live in Houston, Mills, Sterling, Wise, I believe that is all.

Q.--Those counties cover the residences of these people?

A.--Yes sir.

Q.--Your father's name was Jefferson Durant and he died during the War?

A.--Yes sir.

Q.--What year?

A.--I think it was in 1864.

Q.--Have you correctly given the name of your father?

A.--Yes sir.

Q.--That was Jefferson Durant?

A.--Yes sir.

Q.--You have given your father's name correctly?

A.--Yes sir, just as it was given to me.

Q.--Your father never gave you any other name?

A.--No sir.

Q.--Spell the name.

A.--D-u-r-a-n-t.

Q.--That has always been your name?

A.--Yes sir.

Q.--Spell the given name of your father.

A.--J-e-f-f-e-r-s-o-n-, He sometimes called himself Jeff.

Q.--His correct name is Jefferson?

A.--Yes sir.

Q.--You say he was sometimes known as Jeff?

A.--Yes sir.

Q.--He was never known by any except these two?

A.--No sir.

Q.--You have no knowledge of your father going by any other names than these two?

A.--Duren sometimes, I have letters that way, but he told me Durant.

Q.--Is it, or is it not a fact that you were known by the name of Duren?

A.--No sir.

Q.--Is it not a fact that from the time you first came to the State of Texas, up to the time you left there, that you were known by the name of Duren?

A.--I think not.

Q.--Did you not, up until the time you left the State of Texas to come to the Indian Territory and file a claim for Choctaw Citizenship, sign yourself Duren?

A.--Some of my business is signed that way.

Q.--Is it not a fact that you signed all your business that way?

A.--No sir.

Q.--Was that not your name?

A.--I don't think so.

Q.--Did not the people call you Duren?

A.--No sir.

Q.--Did anybody call you Durant?

A.--Yes sir.

Q.--Name a man, a resident of the State of Texas, who prior to 1890 called you that.

A.--Mr. Durant.

Q.--Does he live in the Choctaw Nation?

A.--No sir, he is another one, he lived in the State of Texas.

Q.--Who was he?

A.--I don't recollect his given name.

Q.--Is he living or dead?

A.--He is dead.

Q.--Name a man, who is now living, who prior to 1890 ever called you by anything except Duren.

A.--I think this man, Mr. Lewis.

Q.--Do you know a man, who now lives in Texas, who prior to 1890 ever called you anything but Duren?

A.--I don't know that I do.

Q.--That is your answer to the Court that you cannot name one man?

A.--Yes sir.

Q.--Can you name one man who called you anything but Duren until you started for the Choctaw Nation; name one man?

A.--No answer.

Q.--I am waiting.

A.--I don't know as I could think right now.

Q.--I will give you plenty of time to think.

A.--A man named Ward.

Q.--Where does he live and what is his name.

A.--I.T.Ward.

Q.--What is his Post Office.

A.--Mullen.

Q.--How old a man is he.

A.--He is about 70 years old.

Q.--Where and under what circumstances did he call you Durant.

A.--Always called me that.

Q.--Did he call you that before 1890?

A.--Yes sir, called me that during the War.

Q.--Now, Mr. Durant, answer me this question, is it not a fact that you were known by the name of Duren in Texas and that your father had the same name and that you signed the name and transacted business under the name of Duren?

A.--Yes sir, most of the time.

Q.--Is it not a fact that you signed your own name Duren until you came to the Nation?

A.--Yes sir, most of the time.

Q.--Did you ever sign the name Durant?

A.--Yes sir.

Q.--When?

A.--In business.

Q.--Did you ever sign business papers Durant?

A.--Yes sir.

Q.--When?

A.--I cannot recollect.

Q.--Are you positive you did?

A.--Yes sir.

Q.--Can you name one occasion when you did sign your name
Durant?

A.--I don't know that I can.

Q.--Is it not a fact that your father's name was Jesse Duren?

A.--I cannot tell you?

Q.--Is it not a fact that there are now proceedings in the
State of Texas, showing your father's name to be Duren?
Jesse Duren?

A.--I don't know.

Q.--You don't know that?

A.--I don't know it.

Q.--Do you mean to say you don't know that?

A.--Yes sir.

Q.--Who is the administrator of your father's estate?

A.--W.H.Cundiff.

Q.--Who is J.F.~~son~~ Duren?

A.--He is a nephew.

Q.--He is a son of your brother?

A.--Yes sir.

Q.--What was his father's name?

A.--**Frank.**

Q.--He was your brother and a son of Jesse Duren?

A.--Yes sir.

Q.--Who are Moore & Newman?

A.--I don't know that.

Q.--Are they not a firm of Lawyers?

A.--I don't know.

Q.--Is it not a fact that J.F.Duren has now applied to the County Court of Houston County Texas, to have set aside W.H.Cundiff as administrator ?

A.--Yes sir.

Q.--Is it not a fact that in these proceedings the name of your father appears as Jesse Duren?

A.--Not Duren.

Q.--Do you state to the Court that the name of your father does not appear as Jesse Duren?

A.--It may appear that way.

Q.--Is it not a fact that you know it does appear that way?

A.--No sir.

Q.--You are interested in those proceedings?

A.--Yes sir.

Q.--Who did you want to be appointed administrator?

A.--Cundiff was appointed first.

Q.--Is it not a fact that you know that W.H.Cundiff was appointed administrator and you know the name of your father appeared as Jesse Duren?

A.--Yes sir.

Q.--You know that?

A.--I say he did not sign the name Duren.

Q.--Don't you know that W.H.Cundiff was appointed administrator of Jesse Duren and that your father's name appeared that way?

A.--No sir.

Q.--You have seen the papers?

A.--No sir.

Q.--You have signed some papers with reference to the appointment of Cundiff as administrator of your father's estate?

A.--I don't think I have.

Q.--Who is J.H.Wilson?

A.--I don't know.

Q.--Who is Carl Washaman?

A.--I don't know for certain.

Q.--Do you know J.H.Wilson?

A.--I know one.

Q.--Is it not a fact that J.H.Wilson and Carl Washaman were your surities on a guardianship bond, when you were guardian for Minnie D., Jessie and Earnest Duren?

A.--Yes sir.

Q.--You made that bond before the county court in the State of Texas in November 1898?

A.--I think so.

Q.--You signed that bond?

A.--Yes sir.

Q.--And you signed your name P.D.Duren?

A.--Yes sir, because I went by that name part of the time.

Q.--You signed that bond in the State of Texas, Duren, did you not?

A.--Yes sir.

Q.--In Aug. 1901 you made application to the Court to be permitted to file your final report as guardian of that estate?

A.--Yessir.

Q.--You were sworn to that petition by E.B.Anderson?

A.--Yes sir.

Q.--You signed your name P.D.Duren to that?

A.--Yes sir.

Q.--Who were your lawyers in 1896?

A.--In this citizenship case, Judge Durant.

Q.--Alexander Durant?

A.--Yes sir.

Q.--Is he living or dead?

A.--He is dead.

Q.--He is the only lawyer that represented you before the Dawes Commission?

A.--I think he is the only one.

Q.--Did he prepare the papers?

A.--Yes sir.

Q.--He had no assistance from any other lawyers that you know of?

A.--No sir, not that I know of.

Q.--Who is H.F. ~~Butts~~ Butts?

A.--My son-in-law.

Q.--He married your daughter?

A.--Yes sir.

Q.--Her name was Lou?

A.--Yes sir.

Q.--He married her in 1891?

A.--Before that.

Q.--What year?

A.--I don't think I can recall just now. Yes sir, right about 1891.

Q.--Where did they procure their license?

A.--In Mills County, Texas.

Q.--Who was the County Clerk at that time?

A.--I am not certain.

Q.--A certified copy of that marriage license was filed before the Dawes Commission for use in this case?

A.--Yes sir, I suppose it was.

Q.--Why do you say you suppose it was.

A.--I don't know that it was, it might have been.

Q.--You saw the license when they were married?

A.--I cannot say that I did.

Q.--Is the certified copy of the marriage license filed before the Dawes Commission a correct copy of the marriage license of Lou Durant, issued in 1891?

A.--I cannot say.

Q.--Who went to the Clerk to procure a copy of the license?

A.--I don't know.

Q.--Do you know who got that?

A.--No sir, they got many that were sent on after Judge Durant filed the papers.

Q.--Was the name shown in the license issued by M.C.Humphreys the name by which your daughter was known at that time?

A.--Yes sir.

Q.--She was known by the name of Lou Duren at that time?

A.--Yes sir.

Q.--How do you account for the fact that the paper which purports to be a certified copy of the license has the name spelled D-u-r-a-n-t-?

A.--I don't know.

Q.--You have no knowledge of the circumstances under which that paper was procured in the State of Texas?

A.--No sir.

Q.--Then she was married under the name of Miss Lou Durant?

A.--I think so.

Q.--Who was James Q. Ward?

A.--A son-in-law of mine.

Q.--He married your daughter Maggie?

A.--Yes sir.

Q.--When?

A.--In 1889.

Q.--Was it not in 1890, on the 22nd. of January?

A.--I believe it was.

Q.--She was married under the name of Maggie E. Duren?

A.--Yes sir.

Q.--How do you account for the fact that what purports to be a certified copy of the marriage license, which has been filed before the Dawes Commission and this Court in support of this claim, that her name appears as Durant?

A.--I don't know, the copies was forwarded to Judge Durant.

Q.--You don't know how that change came to be made?

A.--No sir.

Q.--She was known and married under the name of Mary E. Duren, was she not?

A.--Yes sir.

Q.--Do you know G.H. Dalton?

A.--Yes sir.

Q.--Who was he; an official of Mills County?

A.--Yes sir.

Q.--He was a well known man?

A.--Yes sir.

Q.--He is now dead?

A.--Yes sir. (He is living in Millen, Mills Co. Tex.)

Q.--How long has he been dead?

A.--Ten or twelve years.

Q.--Did he ever call you Durant?

A.--I don't remember.

Q.--As far as you remember he called you Duren?

A.--I don't know whether he called me that or not.

Q.--You knew him?

A.--Yes sir.

Q.--Did you know J.E. Down ?

A.--Yes sir.

Q.--How long have you known him?

A.--Twenty years and more.

Q.--Did he ever call you anything except Duren?

A.--I don't know.

Q.--He did call you that?

A.--I think so; very likely.

Q.--Do you know N.E. Albright.

A.--Yes sir.

Q.--What is his official position?

A.--I think he is County Clerk.

Q.--Of Houston County?

A.--Yes sir.

Q.--You know him?

A.--Yes sir.

Q.--Where did your father live from the year 1830 to 1840?

A.--I could not tell you?

Q.--What do you know from him?

A.--In Mississippi and Texas.

Q.--What is your information from your father as to where he lived from 1830 to 1840?

A.--My information is that he lived in the Territory one year before I was born.

Q.--What are you prepared to state as to where your father lived during those years?

A.--He stayed here one month and moved to Red River County.

Q.--When your father first moved to Texas you were seven years old?

A.--Yes sir.

Q.--What county did he move to?

A.--Red River.

Q.--How long did he live there?

A.--Not quite a year.

Q.--Did he own land?

A.--No sir, I think he rented land.

Q.--Where did he go from there?

A.--To Cherokee County.

Q.--How long did he stay there?

A.--Just about a year.

Q.--Did he buy land there?

A.--I think so.

Q.--How much?

A.--I don't know.

Q.--Do you understand he owned some?

A.--He bought some.

Q.--Where did he go from Cherokee County?

A.--To Houston County.

Q.--How long did he stay there?

A.--Eight or ten years.

Q.--Did he live there until he died?

A.--No sir.

Q.--Did he own land?

A.--I think so.

Q.--How much.

A.--I don't know.

Q.--Did he buy and sell land as any other citizen of Texas?

A.--Yes sir.

Q.--Where did he go from Houston County?

A.--Back to Cherokee County.

Q.--How long did he live there?

A.--A year or two, or three years.

Q.--Did he own land in Cherokee County that time?

A.--Yes sir.

Q.--Are you able to state how much?

A.--No sir.

Q.--He bought and sold land in Cherokee County?

A.--Yes sir.

Q.--Where did he go from Cherokee County?

A.--Leon County.

Q.--He died there?

A.--Yes sir.

Q.--How long before he died?

A.--Two or three years.

Q.--Did he own land there?

A.--I don't know; that was during the War.

Q.--Where did you first own your first piece of land in Texas?

A.--In Cherokee County.

Q.--That is the first piece of land you owned?

A.--No sir, I owned a piece in the west somewhere, I don't know what county.

Q.--Did you sell that?

A.--Yes sir.

Q.--Did you ever homestead land in Texas?

A.--No sir.

Q.--Well, you owned your first piece of land out west and sold that and bought land in Cherokee County?

A.--Yes sir.

Q.--How much?

A.--920 acres.

Q.--Did you sell that?

A.--Yes sir.

Q.--Then where did you go.

A.--Went to Mills County; no, went to Brown County first.

Q.--How long did you live there?

A.--Went there in 1876.

Q.--How long did you live there?

A.--Until 1896.

Q.--You lived in that County from 1876 to 1896; have you owned other tracts of land in the State of Texas?

A.--I owned a tract of land in Mills County?

Q.--How much.

A.--About 300 acres.

Q.--What land do you now own in the State of Texas?

A.--I have that same land.

Q.--You now own 300 acres in Mills County Texas?

A.--Yes sir.

Q.--How long have you owned that?

A.--Bought it in 1877.

Q.--And have owned it up to this time?

A.--Yes sir.

Q.--You own it all now?

A.--Yes sir.

Q.--You pay taxes ?

A.--Yes sir.

Q.--You voted in the State of Texas?

A.--Yes sir.

Q.--In all state elections?

A.--Not in all of them.

Q.--You voted in the ordinary elections that come on from year to year?

A.--Yes sir.

Q.--Your father voted before he died?

A.--I think he did.

Q.--These other people, whom you have mentioned, the ones who are grown, did they own land and pay rent in the State of Texas?

A.--Of course, some of them did.

Q.--Practically all of them who are old enough owned land or paid rent?

Q.--Yes sir; very few own land.

A.--Then these people who don't own land, rent land and pay rent?

A.--Yes sir.

Q.--Do you remember leaving the State of Mississippi and coming to Texas?

A.--Yes sir.

Q.--You left Tishomingo County and came to Texas?

A.--I think it was Tishomingo County.

Q.--Your father and his family?

A.--Yes sir, that is my recollection.

Q.--How many brother and sister were living with the family at that time, what was the size of the family?

A.--Seven or eight.

Q.--Name them.

A.--Elizabeth, Nancy, Susan, B.F., W.H., P.D., Margaret, Caroline and Lavinia; all except the last one were born in Mississippi and moved to Texas, that last one may have been born in Texas.

Q.--All except the last one were born in Mississippi and moved to Texas?

A.--Yes sir.

Q.--Is Elizabeth living or dead?

A.--She is dead.

Q.--When did she die?

A.--In '62 I believe.

Q.--In Texas?

A.--Yes sir.

Q.--Was she married and had a family before she died?

A.--Yes sir.

Q.--Any of her descendants living at this time?

A.--Yes sir.

Q.--Are they parties to this suit?

A.--One of them is.

Q.--Are there any who live in Texas and who are not parties to this suit?

A.--Yes sir.

Q.--Is Nancy living or dead?

A.--She is here.

Q.--Is she a party to this suit?

A.--No sir.

Q.--Is Susan living?

A.--No sir.

Q.--Was she married and did she have a family?

A.--No sir.

Q.--She is dead you say?

A.--Yes sir.

Q.--Is B.F. dead?

A.--Yes sir. *(He is living in Crockett, Tex.)*

Q.--Did he have a family?

A.--Yes sir.

Q.--Are they parties to this suit?

A.--No, sir.

Q.--Where does he live?

A.--Houston County.

Q.--How many children had he.

A.--Three.

Q.-- Are they grown and have children?

A.--Yes sir.

Q.--Then B.F. has children and grandchildren, who are living in Texas and who have lived their continuously and who are not parties to this suit?

A.--Yes sir. They were parties, but were not appealed from

Q.--the Commission to this Court.

Q.--Is W.H. living or dead.

A.--He is living.

Q.--Has he a family?

A.--Yes sir.

Q.--Do they live in Texas?

A.--Yes sir.

Q.--And they are not parties to this suit?

A.--Yes sir.

Q.--Is Margaret living or dead?

A.--She is living.

Q.--Is she a party to this suit?

A.--Yes sir.

Q.--In this case?

A.--Yes sir.

Q.--Has she children and grandchildren?

A.--She has no children.

Q.--Is Caroline living?

A.--Yes sir.

Q.--Is she or any of her children parties to this suit?

A.--No sir.

Q.--Is Levinia living or dead?

A.--She is dead.

Q.--Has she a family?

A.--Yes sir.

Q.--Are they parties to this suit?

A.--No sir.

Q.--Where are they living?

A.--North west Texas.

Q.--The descendants, the Children and Grandchildren of
Levinia, are now living in the State of Texas and are
not parties to this suit?

A.--No sir.

Q.--Now, when your father and his family left the State of
Mississippi to come to Texas, what other family came
along at the same time ?

A.--I don't recollect whether there was any.

Q.--Your father came alone?

A.--I think so, I may have heard but I am not certain.

Q.--

Witness excused.

Mr. Jones,

a witness called on behalf of the Plaintiffs, who having
been duly sworn, testified as follows:--

Mr. Farmer,

Q.--What is your name?

A.-- Jones.

Q.--Where do you reside, Mr. Jones?

A.--Close to Bennington.

Q.--Choctaw Nation?

A.--Yes sir.

Q.--What is your age?

A.--Seventy three, going on seventy four.

Q.--Where were you born?

A.--In Mississippi.

Q.--Are you a recognized citizen of the Choctaw Nation?

A.--Yes sir.

Q.--Are you an Indian by blood?

A.--Yes sir.

Q.--A Choctaw Indian by blood?

A.--Yes sir.

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

A.--I cannot tell you about that; I have no education and never
supposed such things as these would come up.

Q.--You say you are 73 years of age?

A.--Yes sir.

Q.--About how old were you when you left the State of Mis-
sissippi?

A.--Near 17, I think.

Q.--Where have you resided since you left the State of Mississippi?

A.--I first came to Skullyville.

Q.--Where is Skullyville?

A.--In the Choctaw Nation; this side of Ft. Smith.

Q.--Have you resided in the Choctaw Nation ever since you left the State of Mississippi?

A.--I have been here ever since I left Mississippi.

Q.--Who came with you when you came to the Territory from Mississippi?

A.--I came by myself.

Q.--What county did you live in in the State of Mississippi?

A.--I don't think they knew anything about counties at that time, I know I did not.

Q.--Did you know Piere Durant in his life time, who lived in the State of Mississippi?

A.--Yes sir.

Q.--How long did you know him?

A.--I knowed him I reckon, ever since I can recollect until I was sixteen and then they all came here.

Q.--What became of Piere Durant and his family, if you know?

A.--He died.

Q.--Did they leave Mississippi at any time?

A.--They emigrated over here.

Q.--When they left the State of Mississippi, do you know where they came?

A.--To the Choctaw Nation.

Q.--They came before you came to the Choctaw Nation?

A.--Yes sir.

Q.--I will ask you, if after you emigrated to the Choctaw Nation, you met Piere Durant and his family?

A.--Yes sir.

Q.--Where did you see them?

A.--At Durant.

Q.--Choctaw Nation?

A.--Yes sir.

Q.--Where did they live; Durant, Choctaw Nation?

A.--Yes sir.

Q.--Is Piere Durant living or dead?

A.--He is dead.

Q.--Where did he die?

A.--He died right close to Durant there.

Q.--I believe you stated that you were acquainted with his family?

A.--Yes sir.

Q.--Did he have any children, boys or girls?

A.--Yes sir. Seven boys and two girls.

Q.--Do you remember the names of any of them?

A.--Yes sir.

Q.--Name those that you can remember now.

A.--Jefferson Durant, ^{George,} Fisher, Sylvester, Joe, Iron and Elba Durant; there were two girls but I do not remember their names.

Q.--You remember Jefferson, George, Sylvester, Fisher and Joe?

A.--Yes sir.

Q.--Do you know which one of them was the oldest of the Durant boys?

A.--Oldest one was Jeff; Jefferson.

Q.--Did he ever go by another name besides Jefferson?

A.--No sir.

Q.--Were you acquainted with Piere and his sons when they lived in the Choctaw Nation, Indian Territory?

A.--After they left Mississippi, I never saw Jefferson any more.

Q.--Do you know when they emigrated from Mississippi to the Choctaw Nation, about when?

A.--I don't know.

Q.--Do you remember the occasion?

A.--Yes sir, I remember that.

Q.--Do you know whether Jefferson came west prior to the time the other members of the family emigrated or not; do you know whether or not Jefferson came west first?

A.--He came west first; they all emigrated here together.

Q.--I will ask you whether he came west first and then came back to the State of Mississippi?

A.--He came west once and then came back.

Q.--You never saw him after he came west the second time?

A.--No sir.

Q.--You did say you knew Piere Durant and his sons?

A.--Yes sir, knew them back in Mississippi.

Q.--And you knew them here in the Territory?

A.--Yes sir, them that are living.

Q.--Which ones did you see and know in the Choctaw Nation.

A.--Piere Durant, the father, Fisher Durant, Sylvester,

George and Joe. They are the only ones I have seen.

Q.--Are they living or dead now?

A.--They are all dead.

Q.--Do you know where any of them were living when they died?

A.--Fisher died in Durant; Sylvester died in Bennington.

Q.--Choctaw Nation?

A.--Yes sir.

Q.--Any of the others?

A.--Joe Died in Bennington.

Q.--Do you know where they were living when the others died?

A.--No sir.

Q.--Was Piere Durant an Indian or a white man?

A.--As far as I can tell you, a half breed Frenchman.

Q.--The other half was what?

A.--His mother was a Choctaw.

Q.--Did you know his mother?

A.--I knew her, but did not know her name.

Q.--Was she an Indian by blood?

A.--Yes sir.

Q.--A half breed or --

A.--A full blood.

Q.--Then Piere Durant was a half breed Choctaw Indian?

A.--Yes sir. (*Aixon Durant is a full blood.*)

Q.--Did you know his wife?

A.--Yes sir, she was a relation of the Pytchlins.

Q.--Was she an Indian by blood or a white woman?

A.--Yes sir, she was an Indian by blood.

Q.--Now then as to Jefferson Durant, do you know to what place he came after he left the State of Mississippi for the last time.

A.--No, I don't.

Q.--Did you know any of the members of his family?

A.--I knew some of the children; but I cannot remember their names.

Q.--Can you remember any of them?

A.--One girl named Nancy; I can recollect her.

Q.--Where did you see her?

A.--Back in Mississippi.

Q.--Was he a married man when he emigrated from Mississippi?

A.--Yes sir, had several children.

Q.--You don't remember the names of the children?

A.--No sir.

Q.--About what age was Nancy?

A.--Well, I reckon she was about so high.

Q.--About how old would she have been at that time?

A.--May be three, may be 13 years old.

Q.--You do not remember the names of any of the other children?

A.--No, Sir.

Q.--Remember about how many he had?

A.--I cannot tell you; I seen three boys and one girl; he told me there was two girls.

Q.--Do you know P.D. Durant, one of the applicants in this case; the man over there?

A.--No sir, I don't know, only he told me he was one of Jefferson Durant's sons, that is all I know about it.

Q.--Do you know Nancy Lee Cundiff?

A.--Yes sir, knowed her name before she left there?

Q.--You knew her before she left the State of Mississippi?

A.--Yes sir.

Q.--But you don't know the names of any of the other children?

A.--No sir.

Q.--Piere and his sons Sylvester, Fisher and all the others that you have mentioned, are they recognized citizens of the Choctaw Nation?

A.--Yes sir.

Cross Examination.

Mr. Cornish;

Q.--You are 73 years old?

A.--Yes sir.

Q.--You were born in 1830?

A.--Yes sir.

Q.--You were how old when you left Mississippi to come to this country?

A.--Nearly seventeen years old when I came to this country.

Q.--You left Mississippi to come to this country in 1847?

A.--Yes sir, about that time.

Mr. Farmer:

Q.--Do you know whether or not Jafferson Durant, the father of P.D. Durant, the applicant in this, is the same person that you knew in Mississippi?

A.--Sylvester Durant told me -----

Mr. Cornish;

We object to anything any body told him.

Mr. Farmer;

Q.--Do you know of your own knowledge where Jefferson Durant resided after he came west?

A.--Only what Sylvester told me.

Mr. Cornish;

We object to that.

Mr. Cornish;

Q.--You left Mississippi to come out here in 1847, as best as you can place it?

A.--Yes sir.

Q.--Where was Jefferson Durant when you left Mississippi?

A.--He was over here, I guess.

Q.--You know that?

A.--He moved here and came back.

Q.--You never saw Jefferson Durant in this country?

A.--No sir.

Q.--Where was he when you left Mississippi to come here; you don't know where he was?

A.--No sir.

Q.--How long before you left Mississippi in 1847 that you saw Jefferson Durant in Mississippi?

A.--I have seen him off and on.

Q.--How long before you left had you seen him the last time?

A.--Been two or three years.

Q.--How long was that before you left to come out here.

A.--I think about three years.

Q.--Then the last time you saw Jefferson Durant was about ---?

A.--No he went back.

Q.--You said the last time you saw him was three years before you came here, that would be in 1844, was that the last time you saw him?

A.--Yes sir.

Q.--Now, when you last laid eyes on Jefferson Durant, how old was he?

A.--I reckon he was 34 or 40 years old.

Q.--35 or 40?

A.--Yes sir.

Q.--In 1844?

A.--No answer.

Q.--The Jefferson Durant you knew and last saw in 1844, as being a man of 35 or 40 years, is the Jefferson Durant, who was the son of Piere Durant and a brother of George Durant and Sylvester Durant.

A.--Yes sir.

Q.--That is the man you know of?

A.--Yes sir.

Q.--Now, Mr. Jones, do you mean to say that you have any knowledge of your own, that this man is the man that you knew?

A.--No sir.

Q.--Do you mean to say that you have any knowledge that the woman now before the Court, calling herself Nancy Lee Cundiff, is the girl Nancy you knew in Mississippi.

A.--Well, No.

Q.--You left that country in 1844, how old was she.

A.--13 or 14.

Q.--In 1844, the last time you saw that family, the girl named

- Nancy was 13 years old?
- A.--Yes sir.
- Q.--Then she would have been born in 1831?
- A.--I don't know.
- Q.--She was a girl about 13 years old?
- A.--Yes sir.
- Q.--This girl that you refer to as having the name of Nancy and as being the daughter of Jefferson Durant.
- A.--Yes sir.
- Q.--Now, you have not seen her since that time?
- A.--Yes sir.
- Q.--You ~~was~~ knew the woman, who came into this country in 1895 or 96 from Texas, calling herself Nancy Lee Cundiff?
- A.--Yes sir.
- Q.--I will ask you if it is your impression that that girl is the same as this woman; you had not seen her from 1844 to 1895?
- A.--No sir.
- Q.--Did you ever give testimony in this case before?
- A.--No sir.
- Q.--You were not a witness before the Dawes Commission or the United States Court.
- A.--No sir.
- Q.--Now when you last saw Jefferson Durant in Mississippi in 1844, he had several children?
- A.--Yes sir.
- Q.--Some of them grown?
- A.--No sir.

Q.--Was this girl the oldest?

A.--I don't know, she was the biggest.

Q.--Then the girl Nancy, who was, as you state, a child of the Jefferson Durant you knew, appeared to be the largest child of the family?

A.--Yes sir.

Q.--About how many were there younger than her?

A.--I don't know how many there were, I saw Nancy and three boys.

Q.--Were the boys smaller than Nancy?

A.--Yes sir, quite small.

Q.--Where did you live in Mississippi.

A.--40 miles north east of Jackson.

Q.--What was the nearest place to you?

A.--On the Pearl River a town named Cascasco.

Q.--How far?

A.--About 25 miles.

Q.--What direction?

A.--Still east.

Q.--East from where you lived?

A.--Yes sir.

Q.--You were west of there?

A.--Yes sir.

Q.--You were 25 miles west of Cascasco?

A.--Yes sir.

Q.--Due west or a little north?

A.--A little south.

Q.--West and a little South?

A.--Yes sir.

Q.--What other places around there?

A.--I don't think there was any towns around except those two.

Q.--Cascasco was the nearest town?

A.--Yes sir.

Q.--You had lived there all your life?

A.--Yes sir.

Q.--On one place?

A.--Yes sir.

Q.--What creek was the closest to you?

A.--A small creek called Sunnyash.

Q.--Was that the Choctaw name?

A.--Yes sir.

Q.--They said something about Big Black Creek or River.

A.--That was a river.

Q.--How far was that from you?

A.--Not so very far?

Q.--How far.

A.--About the same distance as the Pearl River.

Q.--What direction was the Big Black River from you?

A.--West of me.

Q.--Then you were about mid-way between the two?

A.--Yes sir.

Q.--Black River or Big Black River, which is it?

A.--That was Big Black River.

Q.--Then the Big Black River was about 40 or 50 miles west of the Pearl River and you lived about mid-way between the two?

A.--Yes sir.

Q.--About 25 miles east of Cascasco? on the Bearl River?

A.--Yes sir.

Q.--Have you ever been back since you left there in 1847?

A.--No sir.

Q.--Do you know what county you lived in?

A.--No sir.

Q.--Who is your father?

A.--William Jones.

Q.--Did he remove to this country?

A.--No sir.

Q.--He died in Mississippi ?

A.--Yes sir.

Q.--What was the name of your mother?

A.--Jennie.

Q.--She came to this country?

A.--Yes sir.

Q.--At the same time you did?

A.--No sir, before.

Q.--When did she come?

A.--At the same time the Durants came.

Q.--When did they come?

A.--I could not tell you.

Q.--How old were you?

A.--16.

Q.--How long before you came was it that your mother and the Durants came?

A.--A little over a year.

Mr. Farmer;

Q.--Mr. Jones, do you know whether the Jefferson Durant that you

knew, do you know whether or not he talked Choctaw,
talked the Indian Language?

A.--He talked Choctaw and English too.

Witness Excused.

---o---

Nancy Lee Cundiff,

a witness produced on behalf of the Plaintiffs, who having
been duly sworn testified as follows;--

Mr. Farmer;

Q.--What is your name?

A.--Nancy Lee Cundiff.

Q.--What is your age?

A.--72.

Q.--Where do you now reside?

A.--Well, I am at present living in Texas.

Q.--What point?

A.--Not far from Decatur.

Q.--Where were you born?

A.--I was born in Mississippi.

Q.--What was your father's name?

A.--I think they called him Jesse or Jeff, Jesse I think.

Q.--Do you know which?

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

Q.--Jesse or Jeff what?

A.--Duren or Durant, and he received letters the same way.

Q.--Do you remember when your father left Mississippi, Mrs. Cundiff?

A.--I think I do, I think he left there in 1846.

Q.--Do you remember the occasion of your father emigrating from Mississippi to the west?

A.--Before we moved here?

Q.--Do you remember the time and occasion; how old were you when he left Mississippi and came west?

A.--I was 15.

Q.--Then you remember the time he left?

A.--Yes sir.

Q.--Do you remember whether or not he came to the Choctaw Nation prior to the time he left there and moved his family?
~~to the Choctaw Nation~~

A.--I heard my mother say he came three times.

Q.--Do you know of your own personal knowledge?

Mr. Cornish:--

I desire to interpose this object^{ion} to the hear say testimony, which tends to establish any specific thing, until it has been shown by testimony other than that of this witness that he is related to the party whose statements he seeks to reflect and after this has been established it would be competent to establish only family relationship. We particularly object to any statement which tends to establish blood or racial status.

Mr. Farmer:

Q.--Do you know of your own personal knowledge that your father came to the Choctaw Nation prior to the time he moved from the State of Mississippi?

A.--I just know one time when he came back and said he had been to the Choctaw Nation.

Q.--How long before was that before you all came?

A.--I don't know.

Q.--About how long?

A.--I cannot tell you.

Q.--You say that you remember the occasion your father left Mississippi and you all coming west; to whatplace did you go?

A.--Dokesville.

Q.--Where?

A.--In the Choctaw Nation.

Q.--How long did you live there?

A.--I think about five or six weeks, a short time.

Q.--Where did you go then?

A.--Close to Clarksville, in Red River County.

Q.--Texas?

A.--Yes sir.

Q.--How long did you live there?

A.--I think we lived there about a year.

Q.--Where did you go then?

A.--Went down to Cherokee County.

Q.--Did your father, at any time after he left Dokesville, ever live in the Choctaw Nation to your knowledge?

A.--No sir.

Q.--Where did he live from the time he left the Choctaw Nation up until the time of his death? In what State?

A.--In Texas.

Q.--Do you know her?

A.--Yes sir.

Q.--Have you lived close to your brother in Texas?

A.--Lived a distance a part, lived close to him in Durant.

Q.--Then you don't know much about his children?

A.--No sir.

Q.--Did you have any sisters?

A.--Yes sir.

Q.--Give their names.

A.--One named Elizabeth Susan.

Q.--What was the others names.

A.--Margaret Black.

Q.--She married William N. Black?

A.--Yes sir.

Q.--Any others?

A.--One named Carolina.

Q.--Did she marry?

A.--She married Daley.

Q.--Have you any other sisters?

A.--Yes sir, one named Lou.

Q.--Who did she marry?

A.--Mr. Jones.

Q.--Any others?

A.--Yes, sir, another but she died.

Q.--Was she married before she died?

A.--Yes, sir, but she did not have any children.

Q.--Are you a citizen of the Choctaw Nation?

A.--Yes sir.

Q.--Are you the identical person named in the Act of the
Choctaw Council?

A.--Yes sir, three.

Q.--What are their names?

A.--Bonnie and Layton, and Rebecca.

Q.--Is Mattie L. Armstrong, Layton and Bonnie the persons ---
is that your daughter and her children, whose names are
mentioned in the Act of the Choctaw Council of 1895?

A.--Yes sir, all but one.

Q.--When was Rebecca born?

A.--Since then.

Q.--I believe you stated that your father sometimes went by the
name of Durant and sometimes by Duren? Do you know why he
went by these two names?

A.--I don't know, some said one thing and some another.

Q.--Know of your own knowledge?

A.--No sir.

Cross Examination.

Mr. Cornish.

Q.--How old were you when your father left the State of
Mississippi?

A.--I think I was 15, going on 16.

Q.--How many children did your father have at that time?

A.--I don't know, I believe he had eight.

Q.--How many of them were older than you?

A.--One.

Q.--You were the next to the oldest?

A.--Yessir.

Q.--How many between you and Phillip David?

A.--Four.

Q.--You were 15 years old when your father left Mississippi to

come west and that was in 1846?

A.--Yes sir. I told you I thought I was in my 16th year.

Q.--Where was your father living in Mississippi when he started west?

A.--I think he came from a place called Tishomingo.

Q.--Tishomingo County?

A.--I don't know.

Q.--Where did you go to school?

A.--About ten places.

Q.--You knew where your father was living when you were 15 years old?

A.--I told you Tishomingo.

Q.--He was living in Tishomingo County, what part of the county, what neighborhood and what town.

A.--He did not live close to any town.

Q.--What was the closest town.

A.--Jocinta.

Q.--How far was Jocinta?

A.--I think 20 miles.

Q.--In what direction?

A.--I think east.

Q.--You say you were away to school two or three years before you left?

A.--Yes sir.

Q.--Where did you go?

A.--In that neighborhood and 10 or 15 miles away.

Q.--You lived away from home?

A.--I boarded.

Q.--What was the school you went to last and where?

A.--They did not name the schools then.

Q.--Who did you board with?

A.--Lawrence.

Q.--How long did you board with Lawrence and go to that school?

A.--Early in the Spring until the last of October or the first of November.

Q.--You went there in the Spring, Summer and Fall?

A.--I don't know exactly when I commenced in the Spring, I was sent for the last of October to start here.

Q.--Then you were at that school several months before you started; what school did you go to before that?

A.--I cannot tell you.

Q.--Is that the only school you went to where you boarded away from home.

A.--Yes sir.

Q.--Now, what school did you go to just before this school that you boarded away from home.

A.--Just before that, I don't know, not far from home.

Q.--How far?

A.--About a mile.

Q.--Did you board away from home?

A.--No sir.

Q.--How long did you go to that school?

A.--I don't know, sometimes they would not last long.

Q.--How long did this one last?

A.--Four or five months.

Q.--What school did you go to just before that one?

A.--I don't remember.

Q.--Did you ever go to school when you boarded away from home besides the time you boarded with Lawrence?

A.--Yes sir.

Q.--Where.

A.--I was small and boarded with some of my mother's kin folks.

Q.--We have two schools, one where you boarded with Lawrence and the one a mile from home, what school did you go to before that?

A.--I told you that I did not remember the names of the schools.

Q.--How many schools did you go to?

A.--I don't know, I went to so many.

Q.--How many schools did you go to when your father was living on the place he was living on when he started west?

A.--Several more little schools.

Q.--Little schools, two or three months a year?

A.--Yes sir, would not last long.

Q.--You were living there in that county when you can first remember?

A.--Yes sir.

Q.--How long did your father live in that country before he started west?

A.--I don't think he lived there a great while?

Q.--How old were you when you can first remember about your father and mother and all of that? You were five or six years old?

A.--Yes sir.

Q.--How old were you when you commenced to go to school?

A.--I always rode.

Q.--Tell us all you can remember about riding to school.

A.--I was so small I had to be sent.

Q.--You rode to school horse back?

A.--Yes sir.

Q.--How old were you then?

A.--First started when I was seven or eight.

Q.--How far was that from where your father lived?

A.--Not very far.

Q.--How long did your father live in Tishomingo County before he came west?

A.--I don't know, may have lived there two years.

Q.--Was he not living there when you can first remember?

A.--I cannot tell you, I never had any memory.

Q.--You attended several schools in Tishomingo County and boarded away once; how many years did your father live in Tishomingo County before he loaded up and went west?

A.--I cannot remember.

Q.--How far from this place he moved from did he live before that?

A.--I cannot tell you.

Q.--How many miles.

A.--Fifteen miles.

Q.--When he moved to this last place he moved from another place fifteen or twenty miles away?

A.--Yes sir, in Mississippi there.

Q.--In the same county?

A.--I don't know; it don't seem like it was.

Q.--How long did he live in that place that he moved from; that is the place that was fifteen miles from the last place?

A.--I don't think he lived there more than a year.

Q.--What do you know about it?

A.--I don't know much about it.

Q.--You can remember when you were seven years old?

A.--I can remember some things.

Q.--You can remember when you were seven or eight years old?

A.--Yes sir.

Q.--That was eight years before you left the State of
Mississippi?

A.--I don't know.

Q.--You were in your sixteenth year when you left?

A.--Yes sir.

Q.--And you were seven or eight years old when you went on that
horse to school?

A.--I cannot say for certain.

Q.--The nearest you can remember?

A.--^Yes sir.

Q.--How many different places did you live during that time?

A.--I don't know; just roved.

Q.--Where was he living when you attended school on horse back?

A.--I don't know.

Q.--You were 15 or 16 when you moved from Mississippi to the
west?

A.--That is what I told you.

Q.--Your father first settled in Red River County, Tex.

A.--He went to Dokesville first?

Q.--He stayed there five weeks?

A.--I would not swear to that.

Q.--Where did he go from Red River County.

A.--To Cherokee County?

Q.--Where did he go from there?

A.--I think he went---- he died there.

Q.--He lived continuously in these various counties in Texas

from the time he went there until the time of his death?

A.--Yes sir.

Q.--Did he not own land in every county he lived in in Texas?

A.--I don't know, he may have.

Q.--What was your father's name?

A.--Durant sometimes and sometimes Duren.

Q.--When you can first remember he called himself Duren?

A.--I reckon he did.

Q.--From the time you can first remember to the time of his death
your father called himself Duren?

A.--I reckon he did.

Q.--Up to the time you were married you called yourself
Duren?

A.--Yes sir.

Q.--You have no knowledge of any member of that family calling
themselves anything but Duren up until the year 1891?

A.--I think some of them had kind of a feeling that it was not
that.

Q.--You were first told that by Alexander Durant in the Choctaw
Nation.

A.--No sir, we were told that before.

Q.--By whom.

A.--A man came there and told all of us that that was not our
name.

Q.--That was what you called yourself?

A.--Yes sir.

Q.--The neighbors and every body else called you Duren?

A.--Of course the neighbors did.

Q.--You remember when the application was made to the Choctaw

Q.--What have you heard him say about it?

A.--I never heard him say.
Council in 1895?

Q.--Yes sir. have you heard about it?

Q.--Mr. Armstrong was there?

A.--Yes sir. on you to pay anything?

Q.--Armstrong is your son-in-law?

A.--Yes sir. husband paid?

Q.--Mr. Armstrong had charge of it?

A.--Yes sir.

Q.--Mr. Armstrong attended to the business before Council?

A.--Yes sir. heard that talked of in the family?

Q.--Were you before Council when the act passed? Did you go down to Council?

A.--I was there three times. say a word about it?

Q.--When were these three times?

A.--I don't know exactly; I went down there and they said that they could not do anything; I went back in two weeks after that; I reckon it must have been in 1895.

Q.--And the Act was then passed?

A.--No sir. no he was not living in Texas.

Q.--When was it passed? say it cost?

A.--In 1896. him say?

Q.--Then you were there two or three times before the act passed?
Dickson Durant; Mr. Jones was one?

A.--I was there three times; the act was passed in 1896.

Q.--Alexander Durant represented you before Council?

A.--Yes sir, and another.

Q.--Who else.

A.--I cannot think of his name.

Q.--What did it cost you to secure the passage of that Act.

A.--I do not know anything about that.

A.--That was all.

Q.--Now, you were 15 years old when you left Mississippi, what relations did you have in Mississippi besides your immediate family?

A.--I don't know, they did not live where we did?

Q.--You said you left your Uncles and Aunts in Mississippi when you came west?

A.--I said I reckon they were left?

Q.--Do you remember anything about it?

A.--No sir,

Q.--You don't know, either through your own knowledge or from having heard your father talk about it, the names of your his brothers and sisters or relations.

A.--Well, no sir, people dont tell children everything.

Q.--Did you ever hear of a man named Durant, or Duren, was there anybody in your family named

A.--I don't know.

Q.--Is it not a fact that the testimony before the Council showed your fathers name to be ?

A.--I don't know, may be Alexander Durant may have told him that?

Q.--Remember about hearing that Mr. Alexander Durant saying that; what do you remember about that?

A.--I don't know.

Q.--You have no recollection now of having heard him say it?

A.--No sir. But if it is on those papers I guess I must have heard it.

Q.--Something Mr. Cundiff may have fixed up, but I don't know; he might have fixed it up with Mr. Alexander Durant. I don't know.

Q.--Do you remember seeing this man in the State of Mississippi,
this Mr. Jones?

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

Q.--You have met him here?

A.--No sir.

Q.--You have no recollection of meeting him in Mississippi?

A.--No sir.

Witness excused.

Mr. Scarbor,
a witness produced on behalf of the Plaintiffs, who having been
duly sworn testified as follows;--

Mr. Farmer.

Q.--What is your age?

A.--78.

Q.--Where do you reside.

A.--Durant, Choctaw Nation.

Q.--How long have you lived in Durant?

A.--About 10 years.

Q.--Where did you reside prior to your taking up your residence
at Durant?

A.--Trinity County, Texas.

Q.--How long did you live in Trinity County Texas?

A.--Well, I have lived in Houston and Trinity Counties since
1846.

Q.--From what place did you go to Houston and Trinity Counties;
where did you move from?

A.--Alabama.

Q.--How old were you when you left Alabama?

A.--I was 30.

Q.--Do you know P.A. Durant and Mrs. Cundiff?

A.--Yes sir.

Q.--How long have you known P.D.Durant and Mrs. Cundiff?

A.--30 years.

Q.--Know their father?

A.--Yes sir.

Q.--Where did you know him?

A.--Houston County, Texas.

Q.--About when did you first get acquainted with them?

A.--I reckon about 57 or 8 I got acquainted with the old man.

Q.--Who do you refer to? The father of this man here?

A.--Yes sir.

Q.--Do you know Margaret J. Black?

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

Q.--Know any of the other children of this P.D.Durant's father?

A.--Yes sir, I knew his brother.

Q.--What was his brother's name?

A.--Frank.

Q.--Know any of his sisters outside of Mrs. Cundiff?

A.--No sir.

Q.--When did you first get acquainted with Mrs. Cundiff and P.D.Durant?

A.--I cannot tell exactly, been fully 30 years.

Q.--I will ask you what was the name of the father of this applicant and Mrs. Cundiff?

A.--His father's?

Q.--Yes sir, what was the name of P.D.Durant's father?

A.--Jefferson.

Q.--Jefferson what?

A.--Durant.

Q.--Did he ever go by any other name?

A.--Yes sir.

Q.--What was it.

A.--He was called Duren by some.

Q.--Called Duren and Durant by some?

A.--Yes sir.

Q.--Were you intimately acquainted with him?

A.--Not much, he did not live close to me. We would meet occasionally.

Q.--What was his general appearance; did he have the appearance of being an Indian or a white man?

A.--It was the general understanding that he was of mixed blood, part Indian.

Q.--Know anything about who his father was or his brothers and sisters?

A.--No sir.

Q.--Are you a white man or an Indian?

A.--I have some Indian blood.

Q.--Are you a citizen of the Choctaw Nation?

A.--Not recognized.

Cross Examination.

Mr. Cornish.

Q.--You have known this man some 30 odd years?

A.--Yes sir/

Q.--You know his name to be Duren?

A.--It has been called Duren?

Q.--You know they were called Duren by a good many people?

A.--Good many.

Q.--You know they were called Durant by no people until in very late years, since this claim has been started?

A.--When I first knew them they were called Durant, and when they

got to Texas they left the "T" off.

Q.--Who told you that?

A.--Dan Daley.

Q.--Who was he?

A.--He is in the real estate business.

Q.--Did he tell you why they did that?

A.--Because they were Indians.

Q.--In order to avoid being classed as Indians they left the "T" off, is that your statement of it?

A.--Yes sir.

Q.--Is Mr. Daley living?

A.--No sir, he is dead.

Q.--You say that the father of this man was named Jefferson Durant or Duren?

A.--Yes sir.

Q.--How long did you know him before he died?

A.--May be 45 or 6 years.

Q.--Don't you know as a matter of fact that he was called and called himself, Jesse Duren?

A.--I don't know.

Q.--Is it not a fact that you heard his name was Jesse Durant Duren?

A.--I don't know but that he used to be called Jefferson or Jesse, either one.

Q.--You don't know much about it?

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

Q.--You have known this man quite well?

A.--Yes sir.

Q.--Did he not always call himself Duren in Texas?

A.--I don't know what he called himself, the people always called him Durant.

Mr. Farmer.

Q.--This man Daley you spoke of, I will ask you if he was related to the father of this man you spoke of?

A.--No sir, I don't think he was.

Mr. Cornish.

Q.--You are a claimant yourself?

A.--Yes sir.

Q.--What kind of a claim have you got?

A.--Mississippi Choctaw.

Witness excused.

P. D. Durant, et al,

--vs-- No. 8

Choctaw and Chickasaw Nations.

J. G. Ralls, Attorney for Plaintiffs.

Mansfield, McMurray & Cornish, For Defendants.

Present and presiding the Honorables Spenser B. Adams Chief Judge, Walter L. Weaver and Henry S. Foote, associate Judges.

JANUARY 7, 1904. This day this cause coming on to be heard, both Plaintiffs and Defendants, being represented by Counsel, and ~~both~~ ^{defendants} having announced ready for trial the following proceedings were had, to-wit.

Mr. Foster:

I have a letter from Mr. Ralls this morning with reference to this case, saying that he is unable to make the trip here, and a telephone message has reached me this morning that he is confined to his room by sickness.

JUDGE ADAMS:

He has submitted his evidence.

Mr. Foster:

It is for the Nations now.

JUDGE ADAMS:

Have you people got any evidence?

Mr. Cornish:

Yes sir. If the Court please our evidence in this case is made up entirely of certified copies and certain reference to the records of the Government of the United States, and in addition our cross examination heretofore had.

Applicants allege that their father was Jefferson Durant. The theory of the Choctaw and Chickasaw is that the name of the father of this applicant was not Jefferson Durant, but that his name was Jesse Duren. We first re-

fer to the cross examination of this applicant and of his sister Nancy Lee Cundiff.

In addition we offer first a certified copy of a marriage license, issued by M. C. Humphries, Clerk of the County Court of Mills County, Texas on the 13th day of October, 1891, authorizing any minister of the Gospel to join in matrimony H. F. Butts and Miss Lou Duren, which we introduce and ask to have marked "Exhibit AAA". I will state that the identity of this person as the daughter of the present applicant has already been established.

Mr. Cornish:

We also introduce a certified copy of a marriage license issued by M. C. Humphries, Clerk of the County Court of Mills County, issued on the 22nd day of June, 1890, authorizing any minister of the Gospel or other person qualified, to join in matrimony James Q. Ward and Miss Maggie E. Duren, and as to have the same marked Exhibit "BBB".

Mr. Cornish:

We also offer in evidence a certified copy of a bond of guardianship, which was entered into and made by the present applicant himself, wherein it appears that his name is P. D. Duren, and which he signed in his own proper person as P. D. Duren. Will state that this bond was made two years after his application to the Commission to the Five Civilized Tribes for citizenship, and something over a year after the rendition of a judgment in the cause by the United States Court for the Central District of the Indian Territory, in which cause he represented his name to be Durant. Marked Exhibit "CCC"

Mr. Cornish:

We also introduce the petition of P. D. Duren, filed before the County Court of Mills County, Texas, on the 6th day of August, 1898, asking that he be discharged as guardian of the estate of certain minors. This paper was signed by

him as P. D. Duren, five years after his application to the Commission, wherein he claimed his name to be Durant. We ask that this paper be marked Exhibit "DDD".

Mr. Cornish:

We next offer in evidence a certified copy of a order of court, entered on the 28th day of October, 1867, ordering the County Clerk of Leon County to deliver to Wm. H. Cundiff, as the administrator of the estate of Jesse Duren deceased, all the papers on file in the County Clerk's office of Leon County belonging to the administration of the estate of Jesse Duren deceased. Jesse Duren is the father of the present applicant, as will be shown by his own testimony. Marked Exhibit "EEE".

Mr. Cornish:

We next offer in evidence a decree of court, in favor of William H. Cundiff, administrator of the estate of Jesse Duren, deceased, which order of Court was entered on the 31st day of January, 1868. The person therein mentioned is Jesse Duren, deceased is the father of the present applicant, as shown by his own testimony. Marked Exhibit "FFF".

Mr. Cornish :

We next offer in evidence a certified copy of the petition of J. F. Duren, the grand son of Jesse Duren, in which he prays that William H. Cundiff, administrator of the estate of his grand father, be removed and another administrator be appointed. This paper was filed on the fourteenth day of February, 1901, and we ask that it be marked Exhibit "GGG"

In addition to that we shall go back and call attention to the two marriage licenses heretofore filed in evidence.

Mr. Foster:

I have been instructed by Judge Ralls to to offer a

a general objection to the admissability of these papers, unless they are identified as signed by P. D. Durant. There is no evidence here that the papers offered were signed by this applicant, or any of these applicants. For that reason they are objected to. They would be incompetent, irrelevant and immaterial unless there was actual proof that the applicants signed these particular papers.

Mr. Cornish:

I will state that in the cross examination of the applicant himself, these proceedings were referred to, and stated by him that he was connected with the proceedings to which these papers refer.

JUDGE ADAMS:

The evidence tends to show that he was the man who signed them.

Mr. Cornish:

His examination stated that he was connected with these proceedings.

Mr. Mansfield:

He testified on cross examination that he was the man who signed these papers.

Mr. Cornish:

I wish to call particular attention to the certified copy of the marriage license, wherein H. F. Butts was authorized to marry Lou Duren. In the record which comes to this Court from the United States Court for the Central District of the Indian Territory, appears to be what purports to be a certified copy of that marriage license. In the paper which was filed in the United States Court, it appears that H. F. Butts was authorized to Miss Lou Durant. The date of what purports to be a certified copy, as it appears with the court papers and the date of this license are identical, the persons are identical and the person who issued them are identical, but in the

a general objection to the admissability of these papers, unless they are identified as signed by P. D. Durant. There is no evidence here that the papers offered were signed by this applicant, or any of these applicants. For that reason they are objected to. They would be incompetent, irrelevant and immaterial unless there was actual proof that the applicants signed these particular papers.

Mr. Cornish:

I will state that in the cross examination of the applicant himself, these proceedings were referred to, and stated by him that he was connected with the proceedings to which these papers refer.

JUDGE ADAMS:

The evidence tends to show that he was the man who signed them.

Mr. Cornish:

His examination stated that he was connected with these proceedings.

Mr. Mansfield:

He testified on cross examination that he was the man who signed these papers.

Mr. Cornish:

I wish to call particular attention to the certified copy of the marriage license, wherein H. F. Butts was authorized to marry Lou Duren. In the record which comes to this Court from the United States Court for the Central District of the Indian Territory, appears to be what purports to be a certified copy of that marriage license. In the paper which was filed in the United States Court, it appears that H. F. Butts was authorized to Miss Lou Durant. The date of what purports to be a certified copy, as it appears with the court papers and the date of this license are identical, the persons are identical and the person who issued them are identical, but in the

certified copy which we introduce, then appears Duren, which shows that the paper wheretofore introduced in evidence, and which comes to this Court is a forgery.

JUDGE WEAVER:

Does the paper which was filed in the United States Court purport to be a certified copy.

Mr. Cornish:

Purported to be a certified copy of this document, bears an identical date.

Mr. Cornish:

We also make particular reference to a paper heretofore filed as a certified copy of a marriage license authorizing James C. Ward to marr Miss Maggie E. Duren. The paper on file in this Court, which came to this Court from the United States court for the Central District of the Indian Territory contains the name of Miss Maggie Durant, and the date of that paper which purports to be a certified copy is identical, the parties are ixentical, with the exception of the spelling of the name, and we suggest that the copy now in this Court is a forgery, insofar as the name is concerned.

Mr. Cornish:

We also wish to make particular reference to the paper introduced by us as a bond for certain minors. In his testimony he recites that he has been a resident in good faith of the territory since 96, and also suggest as to the execution of that bond of guardian was in a proceeding in the State of Texas, which shows that he was a resident of the State of T xas and not of the Indian Territory.

JUDGE ADAMS:

Does the law of of the State of Texas not authorize a ~~xxxxxxxxxxxxxxxxxxxx~~ foreign guardian.

Mr. Cornish:

I do not know.

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JUDGE ADAMS:

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Mr. Cornish:

I do not know.

Mr. Foster:

That law is general throughout the Southwest. They must be within the reach of the Court. Be within the jurisdiction of the Court, where the arm can reach him at any time.

Mr. Cornish:

If the laws of the State of Texas does not apply to this suggestion it would not apply, but we make the suggestion at this time.

Mr. Foster:

I state to the court that I am endeavoring to to make all objections. I object to the use of the printed copy of the record here in place of the original or a certified copy.

Mr. Mansfield:

We are not referring to the printed copy. The identical copy is on file in the Court, and he is simply using this for his convenience, and Mr. Cornish refers to the record and not to the printed copy he is using.

Mr. Foster:

I that event I withdraw the objection.

Mr. Cornish:

Passing to another branch of the testimony, Mrs. Nancy Lee Cundiff, the sister of the present applicant testified a few weeks ago that she was seventy-two years old, and that 1831 was the date of her birth. In that connection she and this applicant state that they are the children of Jefferson Durant. We introduce volume one of the printed record of the Choctaw Nation vs. The United States, which was printed for the Court of claims, and make particular reference to page 407 thereof, from which it appears that in the year 1830, Jefferson Durant, the son Pierre Durant in that year was eleven years old. Pierre Durant, the father of this child--

Judge Adams:

What record is that.

Mr. Cornish: Printed copy of the Choctaw Nation vs. United States, in the "Net Proceeds" suit.

It appears that Pierre Durant is the father of these children. That four were over ten years of age and two were under ten years of age. The first over ten years old was Jefferson and the first under ten years old was nine years old.

JUDGE ADAMS:

Claim to be descendants of Jefferson.

Mr. Cornish:

According to their witnesses statements, the Jefferson Durant, who was a son of Pierre Durant.

JUDGE FOSTER:

I understand some testimony from some of those parties that they went by the name of Duren and Durant both in Texas.

Mr. Cornish.

That was what they alleged.

Passing to another branch of the testimony. From the testimony of this applicant and from his sister, Nancy Lee Cundiff, it appeared that their father and his immediate family emigrated alone from Tishomingo County in the State of Mississippi, through the Choctaw Nation and on to Texas. That is their theory of their emigration from East of the Mississippi to West of the Mississippi. We refer to the testimony of their own witness, Bill Jones that Jefferson Durant was emigrated to this country along with the families of six or seven choctaw families, among them being the family of this Bill Jones, under emigration agent, Jim Fletcher, and that they located in the neighborhood of Skullyville.

Will state to the Court that with the proofs that we have introduced as evidence and with the references to this

this evidence, we close the case on behalf of the Choctaw and Chickasaw Nations, and submit it to the Court for final decision.

Mr. Cornish:

I think in the trial of the Verna D. Potts case, we asked that a duplicate of the testimony in that be transferred to this case.

JUDGE WEAVER:

I that that that was done.

Mr. Cornish:

I now wish to request that a duplicate of the testimony heretofore taken in the Verna D. Potts be transferred to this case, and that the proceedings this morning be considered in the Verna D. Potts case.

Mr. Foster

I will ask upon that information, that this case be set down for argument with that case.

JUDGE ADAMS:

I don't know that you will want to argue it.

Mr. Foster:

I will ask that it be continued until that time for rebuttal.

JUDGE ADAMS:

The evidence is closed now.

Judge Foster:

They might have some evidence that they want to introduce

JUDGE ADAMS)

I don't like to set it down. If he want to reopen the case, let him come in in the proper way and ask that it be done, and the Court will pass upon it. I don't know that they want to introduce any further evidence..

,Mr. Mansfield:

They were cross examined about these records at the time.

JUDGE ADAMS:

This case will not be disposed of until the Pott's case is.

~~XXXXXXXXXX~~

Mr. Foster:

What I am after is to get Judge Ralls here and let him

JUDGE ADAMS:

If there is anything in that record he can point it out and the Court will pass upon it.

JUDGE FOSTER:

I see no reason why this case should go on.

JUDGE ADAMS:

Evidence on part of ~~xxxxxxx~~ defendants closed.

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

P. D. Durant, et al.,

Appellants,

vs.

Choctaw and Chickasaw Nations,

Appellees.

.....

No. 8.

OPINION, by FORTS, Associate Judge.

This cause comes here in the regular way on appeal from the United States Court for the Central District of the Indian Territory.

The parties named in the petition to this Court are as follows: P. D. Durant, Estella C. Durant, Jessie May Green (nee Durant), Sarah Francis Comer (nee Durant), Robert Comer Durant, Ernest A. Durant, Mary Butts, Herace F. Butts, Vera Butts, Sarah C. Daley, James Daley, Margaret J. Black, William N. Black, Maggie E. Ward, James Q. Ward, John P. Ward, James E. Ward, Sidney J. Cundiff, Idress J. Cundiff, William Fisher Arledge, Walter Arledge, Margaret C. Shoemaker, A. L. A. Shoemaker, Alvis Shoemaker and Mary Laurin Shoemaker.

In the Court below the cause was consolidated with that of Vera B. Potts, et al., vs Choctaw Nation, but in this latter cause a separate opinion will be rendered by this Court, and I will here deal with those persons only who are parties to this appeal, although the evidence so far as applicable is to be used in both cases.

The application of all parties to this appeal was denied by the United States Court for the Central District of the Indian Territory, on the 24th day of August, 1897, upon the ground that they were non-residents of the Indian Territory, supposedly at the time of their application for citizenship.

The applicants in this case as well as in the case of Verna D. Potts, et al., above mentioned, claim to be members of the Choctaw tribe of Indians, by blood or marriage, which said blood they allege, is derived from one common ancestor, to wit, Jefferson Durant.

It is further claimed that on or about the 8th day of November, 1895, proof was made to the Choctaw Council, of the Indian blood of the said Jefferson Durant, and that pursuant to an Act of said Council, Nancy Lee Cundiff, a daughter of said Jefferson Durant, and her child Mattie L. Armstrong, and the children of said Mattie L. Armstrong, namely, Donnie Durant and Layton Barford Armstrong, were recognized as descendants of said Jefferson Durant and as Choctaw Indians by blood.

It is also claimed that Nancy L. Cundiff, P. D. Durant, Mrs. Mary Babbs, Sarah Caroline Daley, Margaret Jane Black and Maggie E. Ward, are children Jefferson Durants; that Margaret C. Shoemaker is his grand-daughter, through her mother Mrs. Elizabeth McGill, and the other claimants are descended from or related to some one of these by consanguinity of affinity.

The record which comes to us from the Court below, even if the ex parte affidavits and other evidence had therein, are entitled to be considered by the Court, and we do not decide that they are, in favor of appellants, throws little or no light upon the one question of fact involved in this case. It

consists of marriage licenses issued to various members of this family in Texas, and a large number of petitions for enrollment before the Commission to the Five Civilized Tribes, and ex-parte affidavits in support thereof. Practically all of these petitions and affidavits are made by the different applicants, and set forth merely that they are related to each other in one way or another, and that they are relatives or descendants of Nancy Lee Cundiff, a citizen of the Choctaw Nation by virtue of the Act of the Choctaw Council. So far as I am able to ascertain there is not a single particle of evidence in this record, competent or incompetent, which connects these people in any way, with their alleged ancestor Jefferson Durant, nor is there even an effort made to do so. They confine their entire efforts to establishing their relationship with Nancy Lee Cundiff, who they claim was recognized in 1895, by the Choctaw Council as a daughter of said Jefferson Durant. Even the application for enrollment of F. D. Durant, for himself and his six children and their families, merely alleges as a ground of his claim "That he is a brother of Nancy Lee Cundiff, recognized citizen per act of the General Council of the Choctaw Nation" etc., and there is attached thereto the affidavits of I. T. Ward and A. N. Perkins, to the effect that they knew Phillip David Durant; that he is a brother of Nancy Lee Cundiff, and that they know his children, naming them, to be his children. Of the same character is all the other evidence in the record which comes here from the Court below.

There is no doubt in my mind that the applicants here are all members of one family. The question involved is, (aside from ~~the~~ other questions which need not, for the purposes of this case, be discussed in this opinion), are they the descend-

unts of Jefferson Durant, a Choctaw Indian?

The applicant P. D. Durant testified before this Court that all of these applicants except himself, Estelia, Robert and Ernest Durant, live in the State of Texas. He also testifies that he was born in Mississippi in 1836, and that he is 64 years of age. He does not know in what County he was born, and says that he probably lived in several counties in Mississippi, among them being Talhoochee, where he lived a year or a half a year. That he left Mississippi with his father in 1845 or 1846, when he was seven or eight years old, and they came to the Indian Territory, where they resided for one month, and then went to Texas where he remained until 1896, when he came to the Choctaw Nation. That all of the applicants here are his relatives by blood or marriage. That his father's name was Jefferson Durant; that he died in 1864 or 1865 and was living in Texas at the time of his death, and was never in the Indian Territory but one month. That he never saw any of his father's brothers or sisters; that he learned from his father and mother that his grandfather on his father's side was called Piere, and that he heard from them that his uncles and aunts were called George, Sylvester, Joe and Fisher. He swears positively on cross examination that his father spelled his name "Jefferson Durant", and that he was never known by any other name except Jeff or Jefferson Durant. In the next breath he admits that his father sometimes went by the name of Duren, and he had letters from him in that way, but that his father told him Durant. He further admits that most of the time in Texas, he transacted business and signed his name as Duren; that sometimes he signed it Durant, but cannot recollect a particular occasion. He cannot tell as a fact whether his father's name was Jesse Duren. He and his

father lived and bought and sold land in various counties in Texas, as did other members of the family. He voted at the Texas elections. He thinks his father and family moved to Texas alone and that no other family accompanied them.

His statement that he only came to the Indian Territory as a claimant in 1896 is not accompanied by particular mention of what day or month of that year, hence I cannot say where his residence was when he made his application originally. He does not know where his father was born and often swears that his father's name was Durant. He says in answer to this question on cross examination:

"Q. You have no knowledge of your father going by any other names than these two. (Meaning Jeff or Jefferson Durant)?

A. Duren sometimes, I have letters that way, but he told me Durant".

He then admits that some of his business is signed as Duren. He knows of but one man now living, who prior to 1890, ever called him anything but Duren, and that man, a Mr. Lewis; then he mentions a man named Ward. Then he is asked this question.

"Q. Now Mr. Durant answer me this question, is it not a fact that you were known by the name of Duren in Texas and that your father had the same name and that you signed the name and transacted business under the name of Duren? He answers:

"Yes sir, most of the time". And when asked if he had ever signed business papers as Durant, cannot recollect that he ever **had**. He afterwards admits that a certain bond as guardian, a copy of which was shown him, was signed by him in Texas before the County Court in the State of Texas in 1896, (after he had applied for citizenship under the name of Durant) and by the

signature of P. D. Duren on the bond. That he signed a petition to the Court in Texas in the same way, for letters of Guardianship and swore to it, and signed the affidavit as P. D. Duren, before E. B. Anderson, a Notary Public for Mills County, Texas.

When asked about a marriage license procured in Texas for one of his daughters and her prospective husband, where in she was named Lou Duren, he admits that such was the fact, yet in the original license itself, filed by his attorney or himself in this case below, the name has been changed by some one from "Lou Duren" as it was originally written when the license was issued to "Lou Durnt". This forgery is glaring and appears to the unaided eye at a single glance. In the body of the document an "a" has been made over the "e" and a "t" has been added to the "n" in the word Duren. The forger, however, has neglected to complete his work. He failed to notice the endorsement on the back of the license and to make the necessary changes therein. The said endorsement still reads "Marriage License, H. F. Batts to Miss Lou Duren." The identical bungling forgery has been committed in another original license, introduced by applicants in the case below, which license was issued by the County Clerk of Mills County, Texas, on the 22d day of January, 1890, to James Q. Ward and Miss Maggie Duren, as further **proof** of these forgeries the appellees have introduced in this Court, certified copies of these licenses, as they appear on the records of Mills County, Texas, and in these certified copies, the name is Duren.

When asked on cross examination concerning these licenses, the witness P. D. Durnt says, he does not know how these changes took place. He says the copies (meaning these licenses) were forwarded to his attorney Judge Durnt, in the Indian Territory. He admits that one daughter was married in Texas as

Miss Lou Duren and the other as Miss Maggie E. Duren, and the names of these licenses changed afterwards.

As bearing upon the name of these applicants and their ancestor, the appellees have introduced in this Court, certified copies of the following Texas records: A certified copy of the petition of J. F. Duren for temporary letters de bonis non, of the estate of his grand-father Jesse Duren; a certified copy of an order of the County Court of Houston County, Texas, made January 31st, 1868, in a case of W. H. Cundiff, administrator of the estate of Jesse Duren, deceased, vs. Donley and Anderson; a certified copy of an order of the same Court, made August 27, 1867, directing certain papers to be delivered to W. H. Cundiff, administrator of the estate of Jesse Duren; a certified copy of the bond of P. D. Duren as guardian of the person and estate of Minnie D., Essie C., Robert C., and Ernest A. Duren, and a certified copy of the Final account and Petition for discharge of P. D. Duren as such guardian, verified by the said P. D. Duren. In none of these papers does the name Durant anywhere appear.

The contradictory statements of this man P. D. Durant, his evasions and evident insincerity, utterly destroys the force of his evidence, and not to speak of other facts, which show clearly, by Court documents introduced in evidence here by the appellees, and the many admissions the witness made that his father was one Jesse Duren and his own real name was P. D. Duren, and that he was not descended from Jefferson Durant, a Choctaw Indian.

Then an Indian, as he claims to be, is introduced as a witness for the claimants, named Jones, and he says that he never knew the claimant (meaning P. D. Durant) was a son of Jefferson Durant, except that the claimant told him so; and on

cross examination he does not know where Sylvester Durant, a brother of Jefferson Durant, lived, except from hearsay. This witness' testimony as to his knowledge of Nancy Lee Cundiff, the sister of P. D. Durant, is utterly worthless. He admits he has no knowledge that Mrs. Cundiff is the girl Nancy he knew in Mississippi, and the witness is 75 years old.

Mrs. Nancy Lee Cundiff, the sister of the claimant P. D. Durant, as a witness for him, thinks her father's name was Jesse or Jeff, "Jesse, I think" but does not know which; "Jesse or Jeff Duren or Durant", and that he received letters that way. She does not know her grandfather's name, not even by family tradition. Does not know of her own knowledge why her father went sometimes by the name of Duren and sometimes Durant.

It is not necessary to discuss the evidence further.

After an examination of all the competent evidence in this record, documentary and otherwise, it is clear to me and beyond doubt, that P. D. Durant, as he now calls himself, who has to me none of the personal appearance of an Indian of any kind, because of the fact, and based on the fact that his sister had by some means unknown to this Court, but in the light of the evidence here, unjustly obtained admission to citizenship before the Choctaw Council, a year or so before, the claimant commenced his efforts to be a citizen of the Choctaw Nation, and that he undertook, most of his family always remaining in Texas and never coming to the Indian Territory, to get a claim through the Commission to the Five Civilized Tribes. That he failed there, and failed before the United States Court, because he and most of the other claimants were non-residents of the Indian Territory. His efforts on appeal here, relying on his ability

as he thought perhaps, to show himself a son of Jefferson Durant, a recognized Choctaw Indian, have proved that he is not the son of Jefferson Durant, but of a man named Jesse Daren, and I forbear to say more, except that it is shocking thing to see an effort made and in such a manner, to obtain property and property rights.

I am of the opinion, therefore, that none of the appellants here, all depending for their rights as having the blood of Jefferson Durant, are entitled to citizenship in the Choctaw Nation, or to enrolment as such, or to any rights flowing therefrom, AND IT IS SO ORDERED.

(Signed) H. S. Foote,
Associate Judge.

We concur:

(Signed) Spencer B. Adams,
Chief Judge.

Walter L.

Walter L. Weaver,
Associate Judge.

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

March Term, 1904.

P. D. Durant, et al., :
vs. : No. 8.
Choctaw and Chickasaw Nations. :

DECREE OF COURT.

On this 21st day of March, 1904, this cause coming on for final decision, the same having heretofore been submitted upon the law and the evidence, and the Court being well and sufficiently advised in the premises, doth find that the plaintiffs, P. D. Durant¹, Jessie May Green (nee Durant), or Jesse May Durant², Sarah Francis Conner (nee Durant) or Sarah F. Durant³, Robert Connor Durant⁴, Ernest A. Durant or Earnest A. Durant⁵, Mary Butts⁶, Horace F. Butts⁷, Sarah C. Daley⁸, James Daley⁹, Margaret J. Black¹⁰, William N. Black¹¹, Maggie E. Ward¹², James Q. Ward¹³, John P. Ward¹⁴, James E. Ward or James Q. Ward¹⁵, Sydney J. Cundiff¹⁶, Idress J. Cundiff¹⁷, William Fisher Arledge¹⁸, Walter Arledge or Walter W. Arledge¹⁹, Margaret C. Shoemaker²⁰, A. L. A. Shoemaker²¹, Alvis Shoemaker²² and Mary Laurin Shoemaker²³, are not entitled to be deemed or declared citizens of the Choctaw Nation, or to enrollment as such, or to any rights whatever flowing therefrom; and the Court doth further find that it has no jurisdiction over the petitioners Estella C. Durant and Vera Butts.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition of the plaintiffs P. D. Durant¹, Jessie May Green (nee Durant) or Jesse May Durant², Sarah Francis Conner (nee Durant) or Sarah F. Durant³, Robert Connor Durant⁴, Ernest A. Durant or

Earnest A. Durant⁵, Mary Butts⁶, Horace J. Butts⁷, Sarah C. Daley⁸,
James Daley⁹, Margaret J. Black¹⁰, Maggie E. Ward¹¹, William N. Black¹²,
James Q. Ward¹³, John P. Ward¹⁴, James E. Ward or James Q. Ward¹⁵,
Sydney J. Cundiff¹⁶, Idress J. Cundiff¹⁷, William Fisher Arledge¹⁸,
Walter Arledge or Walter W. Arledge¹⁹, Margaret C. Shoemaker²⁰, A. L.
A. Shoemaker²¹, Alvis Shoemaker²² and Mary Laurin Shoemaker²³, be
denied and that they be declared not citizens of the Choctaw
Nation, and not entitled to enrollment as such citizens, and
not entitled to any rights whatever flowing therefrom; and as to
the petitioners Estella C. Durant and Vera Butts, the Court
having no jurisdiction, their petition is dismissed.

.....
Chief Judge.

.....
Associate Judge.

.....
Associate Judge.