

Department of the Interior Commission to the Five Civilized Tribes. Atoka, Indian Territory, August 28, 1901 #3375 In the matter of the application of Elizabeth Coplen for identification of herself and her five minor children as Mississippi Choctaws. Application represented by John London, Attorney. Elizabeth Coplen, being first duly sworn, testified as follows: -Examination by the commission-

Q. What is your name?

A. Elizabeth Coplen

Q. How do you spell that Coplen?

A. C-o-p-l-e-n.

Q. What is your age?

A. Thirty-eight

Q. What is your Post office address?

A. Stigler.

Q. Indian territory?

A. Yes, San Bois County

Q. How long have you lived in the Indian Territory?

A. Ten years.

Q. Where did you live before you lived in the Indian Territory?

A. Texas.

Q. How long did you live in Texas?

A. I was born and raised in Texas.

Q. What is your father's name?

A. Wesley Jones.

Q. Is he still living?

A. No.

Q. What is your mothers name?

A. Kizzie.

Q. Is she still living?

A. No.

Q. Through which one of your parents do you claim your Choctaw blood?

A. Father.

Q. How much Choctaw blood do you claim?

A. One-fourth.

Q. Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians, by the Choctaw Tribal Authorities or the Authorities of the United States?

A. No.

Q. Have you any evidence of your Fathers and Mother's marriage?

A. No.

Q. It will be necessary for the Commission to be supplied with evidence of that marriage in support of the application you made for identification as a Mississippi Choctaw.

A. Yes.

-By Attorney-

A. I believe she can supply the evidence. It will be sufficient if she supplies affidavits?

-By the commission-

Yes.

-By Attorney-

What number?

-By the commission-

Two or three.

Q. Are you married?

A. Yes. I been married twice. My first husband was Brown.

Q. Have you any children by both marriages?

A. Yes, have one by my first husband and four by my last one.

Q. Is your first husband dead?

A. Yes.

Q. What is the name of your present husband?

A. Lac Coplen.

Q. Is he still living?

A. Yes.

Q. Do you make application for your husband?

A. No.

Q. He is a white man and makes no claim to Choctaw blood?

A. No.

Q. Give the name and age of your child by your first husband.

A. William Henry Brown, age sixteen.

Q. What is the name of his father?

A. Pleas Brown.

Q. He is dead?

A. Yes.

Q. He was a white man and made no claim to Choctaw blood?

A. Yes, he was a white man.

Q. Give the names and ages of your other children.

A. Geo. W. Coplen, twelve. Gid Woodston.

Q. Do you know how to spell that?

A. Woodston, Gid Woodston. No I couldn't spell it. I can't write.

Q. How old is he?

A. Ten years of age.

Q. Next?

A. He is eight. Wesley Cleburn.

Q. Next?

A. Willie Ann.

Q. Is that a girl?

A. Yes.

Q. How old.

A. Four years of age.

Q. These are your children?

A. Yes.

Q. What is the name of the father of the last four?

A. What is the name of the children's father?

Q. Yes.

A. Lac Coplen and Pleas Brown.

Q. I said of the last four.

A. Oh! Lac Coplen

Q. When and where were you married to him?

A. Been married fourteen years.

Q. Is the name or the names of your children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory?

A. No.

Q. Have you ever applied to the Choctaw Tribal Authorities in the Indian Territory to have yourself or your children enrolled as members of that Tribe.

A. No.

Q. Did you, or anyone for you or for your children, in 1896, apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896?

A. No.

Q. Have you or your children been admitted to citizenship in the Choctaw Nation by the Tribal Authorities, or by the Dawes Commission?

A. No.

Q. Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on Appeal from the Tribal Authorities or the Dawes Commission?

A. No.

Q. This is the first application of any kind that you have ever made?

A. Yes.

Q. What do you claim now?

A. I claim a Choctaw.

Q. Do you claim to be a Mississippi Choctaw?

A. Yes.

Q. Do you claim under any of the treaties between the United States and the Choctaw Indians?

A. My father lived in Mississippi in sixty.

Q. Well I asked you if you claimed under any of the treaties between the United States and the Choctaw Indians.

A. I can't understand that.

Q. Do you know what a Treaty is?

A. I know what it is but I can't understand how it comes in there.

Q. You understand that a Treaty is a written agreement between Nations?

A. Yes.

Q. But you don't know whether you claim under any of the Treaties which have been made between the United States and the Choctaw Indians or Not?

A. No.

Q. The law under which the Commission is acting at this time in hearing these applications is found in Section Twenty-one of the Act of Congress of June 28, 1898, commonly known as the Curtis Act, which is as follows:- "Said Commission shall have Authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witness, and perform all other acts necessary thereto and make report to the Secretary of the Interior" Under this Act the Commission has the right to determine the identity of Indians who claim under the fourteenth article of the Treaty of 1830. In 1830 the United States wanted to make a treaty, that is an agreement in writing, with the Choctaw Indians Who lived in Mississippi and Alabama, in order to give them land West of the Mississippi River in exchange for the lands in those two states, and move them to the country west of the river, but some of the Indians didn't want to come away and the others wouldn't sign any treaty until some provision was made for those Choctaws who to stay in Mississippi, so article fourteen was put into the treaty for the benefit of those Choctaws who wanted to stay in Mississippi. Article fourteen of the treaty of 1830 provides that:- "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 attention 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 lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity." Under this article those Choctaws who didn't want to come west could go to the Indian agent there in Mississippi within six after the treaty was ratified, and tell him they wanted to stay, and they would get land from the government for themselves and for their children, and if they lived on that land five years they would get a title to it, and in doing that they would not lose the privilege of Choctaw citizens, but if they ever removed were not to have any part of the Choctaw yearly payments of money. Within six months after this treaty was ratified a great many Indians went to the Indian agent there and told him they wanted to stay in Mississippi, but when an agent was sent down by the government to locate the land for the Indians, he found that there was a great many who claimed they had gone to the agent and told him they wanted to stay whose names were not on the list which the Indian agent had made. So under Acts of Congress of March 3rd, 1837 and August 23rd, 1842, men were appointed as Commissioners and sent down into Mississippi to look into this matter and find out which of these Indians really had a right to land there in Mississippi under the fourteenth article of the Treaty. These commissioners took up and passed on several hundred cases; some of them were allowed and some of them were refused; in those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the land which the Indians claimed had not already been sold it was given to them. If the land had been sold they were given scrip with which they could locate land on any of the public lands in Mississippi, Alabama, Arkansas, and Louisiana. What was the name of your ancestor who was a Choctaw Indian and lived in the old Choctaw Nation in 1830?

A. My Grand-father and Great-Grand-father?

Q. What was their names?

A. Oliver Jones and Sy Jones.

Q. Oliver Jones was your Grand-father?

A. Yes.

Q. Your fathers father?

A. Yes.

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

A. Peggy.

Q. Was you Grand-father a married man and the head of a family in 1830?

A. Yes.

Q. Did he live in Mississippi at that time?

A. No, he died in Arkansas.

Q. Was he living in Mississippi in 1830?

A. He left Mississippi in 1830.

Q. Was Sy Jones living in Mississippi in 1830?

A. Yes.

Q. Did Oliver Jones go to the Indian agent there in Mississippi within six months after that treaty was ratified, and tell him that he wanted to stay?
A. No, not as I know of.

Q. You don't know about that?
A. No, I don't know.

Q. Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to show that your grand-father Oliver Jones, was living in the old Choctaw nation in 1830, was a recognized Choctaw Indian, and that you are his lineal descendant. Also that he went to the Indian agent there within six months after that treaty was ratified and signified his intention of remaining in Mississippi, or tried to do so. Have you any evidence on either of those points?
A. No, Not at the present.

Q. You expect to secure such evidence do you?
A. Yes.

Q. Have you any papers you want to file at this time?
A. No.

Q. Anything else you would like to say?
A. No.

Q. If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be allowed to do so and same will be made a part of the record in your case.

-To Attorney- Q. Do you want to make any statement or ask any questions?
A. No, not in her case. It was on another case.

-To applicant- Q. You say you live in the Indian Territory?
A. Yes.

Q. Do you own any land?
A. No, never owned any land, here. Never proved up my right.

Q. You just rent?
A. Yes, I just rent. I thought I had a right.

This applicant has brown hair, brown eyes, and dark complexion. Her features and general appearance resemble those of a white woman, though she may possibly show traces of a small amount of Indian Blood. She does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the Treaty of 1830, although she states that her ancestors lived in Mississippi in 1830. Hal Belford, 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 in the above entitled cause on August 28th, 1901, and that the above is a full, true and correct transcript of his stenographic notes in said cause on the said day of August, 1901. Signed: Hal Belford. Subscribed and sworn to before me this 10th day of Sept. 1901

C.C.R. 3375. Muskogee, Indian Territory, July 15, 1902.

Elizabeth Coplen: Stigler, Indian Territory. Dear Madam:

You are hereby advised that on the 15th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidation case of Weltha Cole, et al, embracing the following applications for identification as Mississippi Choctaws: Weltha Cole, et al, M.C.R. 3374 Elizabeth Coplen, et al, " 3375 These applications were made under the provision of the act of congress of June 28, 1898 (30 States. 495) which is as follows: "Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior." Said decision concludes as follows: "It is, therefore, the opinion of this commission that the evidence herein is insufficient to determine the identity of Weltha Cole, James Cole, John W., Cole, Bertha L. Cole, Edna Cole, Mary P. Cole, Lillie M. Cole, Edgar F. Cole, Stella E. Cole, Elizabeth Coplen, William Henry Brown, Geo. W. Coplen, Gid Woodston Coplen, Weley Cleburn Coplen, Willie Ann Coplen as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered." You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him. Yours Truly Acting Chairman Registered. M.C.R. 3375 Muskogee, Indian Territory, September 15, 1902. Elizabeth Coplen, Stigler, Indian Territory Dear Madam: You are hereby advised that on the 3rd day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Weltha Cole, at al., of which decision you were advised by registered mail on the 15th day of July, 1902.

Yours Truly,

James Bixby Acting Chairman.

M C R 3374 M C R 3375 Muskogee, Indian Territory, February 26, 1903.

Mrs. Weltha Cole Stigler, Indian Territory. Dear Madam:

Receipt is hereby acknowledged of the joint letter of yourself and Elizabeth Copelin, of the 18th instant, relative to the decision of the commission refusing the applications made by you for the identification of your selves and families as Mississippi Choctaws. On July 15th, 1902, the Commission rendered its decision refusing said application and you were notified on the same date by registered mail of the action of the Commission and of the forwarding of the record to the Secretary of the Interior. The Secretary of the Interior, on September 3, 1902, approved the decision of the Commission refusing your applications for identification as Mississippi Choctaws, and the Commission now considers these cases as closed. Respectfully Chairman. Information on the Mississippi Choctaw rejected rolls. Choctaw Nation, Stigler, I.T. Field No R. 3375 1. Elizabeth Coplen, age: 38, Sex: F, Choctaw blood: ¼ , Father: Wesley Jones, dead, claim Choctaw, Mother: Kizzie Jones, Dead now citizen; 2. William Henry Brown, Son, age: 16, Sex: M, Choctaw blood: 1/8, Father: Pleas Brown, dead, now citizen, Mother: #1 3. George W. Coplen, Son, Age: 12, Sex: M, Choctaw blood: 1/8, Father: Lac Coplen, now citizen, Mother: #1 4. Gid Woodstone Coplen, Son, Age: 10, Sex: M, Choctaw blood: 1/8, Father: Lac Coplen, now citizen, Mother: #1 5. Wesley Cleveland Coplen, Son, Age 8, Sex: M, Choctaw blood: 1/8, Father: Lac Coplen, now citizen, Mother #1 6. Willie An Coplen, Dau. Sex: F, Choctaw blood: 1/8, Father Lac Coplen, now citizen, Mother: #1. Refer to M.C.R. 3374 is the application of Weltha Cole sister to Elizabeth Coplen. It was also rejected.