

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microfilm Publication M1104

EASTERN CHEROKEE

APPLICATIONS OF THE

U.S. COURT OF CLAIMS

1906-1909

Roll 1

Roll of Eastern Cherokees
General Index to Eastern Cherokee Applications
Application Nos. 1-45

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1980

INTRODUCTION

On the 348 rolls of this microfilm publication are reproduced the applications submitted for shares of the money that was appropriated for the Eastern Cherokee Indians by the Congress on June 30, 1906. The Eastern Cherokee applications, August 29, 1906-May 26, 1909, are part of the Guion Miller Enrollment Records that are among the records of the U.S. Court of Claims. This publication also includes a general index to Eastern Cherokee applications (two vols.).

History

Before the U.S. Court of Claims was established in 1855 there was no procedure by which claims arising against the U.S. Government could be enforced by suit. Consideration of claims was provided for when the Treasury Department was established in 1789; later acts of the Congress authorized the Department to settle all claims by or against the Government. If a claim was rejected by the Treasury Department, the claimant's only course of action was to appeal directly to the Congress. Petitions to that body for relief had become so numerous by the middle of the 19th century that the Congress was beginning to find it impossible to make the proper and necessary investigations for actions on the claims.

The U.S. Court of Claims was established by an act of February 24, 1855, to hear claims against the United States including those referred to the court by the Congress, based on any law of the Congress, any regulation of an executive department, or any contract with the Government, whether explicit or implied. Under this act the court served only as a factfinding agency, and its conclusions were submitted to the Congress for approval and for the granting of awards. In 1863 the Congress enlarged the court's jurisdiction and gave it authority to render judgments against the Government, with the right of appeal to the Supreme Court. An act of 1925 abolished appeals from the Court of Claims to the Supreme Court and substituted writs of certiorari.

An act approved July 1, 1902 (32 Stat. 726), gave the Court of Claims jurisdiction over any claim arising under treaty stipulations that the Cherokee Tribe, or any band thereof, might have against the United States and over any claims that the United States might have against any Cherokee Tribe or band. Suit for such a claim was to be instituted within 2 years after the act was approved. As a result, three suits were brought before the court concerning grievances arising out of the treaties:

(1) *The Cherokee Nation v. The United States*, General-Jurisdiction Case No. 23199; (2) *The Eastern and Emigrant Cherokees v. The United States*, General-Jurisdiction Case No. 23212; and (3) *The Eastern Cherokees v. The United States*, General-Jurisdiction Case No. 23214.

On May 18, 1905, the court decided in favor of the Eastern Cherokees and instructed the Secretary of the Interior to identify the persons entitled to participate in the distribution of funds for payment of the claims. On June 30, 1906, the Congress appropriated more than \$1 million for this purpose. The task of compiling a roll of eligible persons was begun by Guion Miller, special agent of the Interior Department. In a decree of April 29, 1907, the court (1) vacated that part of its earlier decision that had given the Secretary of the Interior responsibility for determining the eligibility of claimants and (2) appointed Miller as a special commissioner of the Court of Claims.

The same decree also provided that the fund was to be distributed to all Eastern and Western Cherokee Indians who were alive on May 28, 1906, who could establish the fact that at the time of the treaties they were members of the Eastern Cherokee Tribe or were descendants of such persons, and that they had not been affiliated with any tribe of Indians other than the Eastern Cherokee or the Cherokee Nation. The decree further provided that claimants should already have applications on file with the Commissioner of Indian Affairs, or should file such applications with the special commissioner of the Court of Claims on or before August 31, 1907. Additionally, applications for minors and persons of unsound mind were to be filed by their parents or persons having their care and custody, and applications for persons who had died after May 28, 1906, were to be filed by their children or legal representatives.

In his report of May 28, 1909, Miller stated that 45,847 separate applications had been filed, representing a total of about 90,000 individual claimants, 30,254 of whom were enrolled as entitled to share in the fund--3,203 residing east and 27,051 residing west of the Mississippi River. On June 10, 1909, the court confirmed and approved the roll, submitted by Miller in his report, of Eastern Cherokees who were entitled to a share of the fund except "so much as shall be expected (excepted) to on or before August 30, 1909." After the exceptions had been filed and investigated, Miller submitted a supplemental report and roll to the court on January 5, 1910. In this report he stated that about 11,750 exceptions had been made, that the names of 610 persons (238 east and 372 west of the Mississippi) had been added to the roll, and that the names of 44 persons (5 east and 39 west of the Mississippi) had been stricken from the roll because clerical errors in enrollment had been discovered. Thus the final figure on the total number of persons entitled to share in the fund was 30,820, of which 3,436 persons

resided east and 27,384 resided west of the Mississippi River. On March 15, 1910, the court finally decreed that the rolls be approved and that, after certain deductions for expenditures, payments were to be made equally among the Eastern Cherokees who were enrolled. The court also authorized the Secretary of the Treasury to issue a warrant in favor of each person.

In certifying the eligibility of the Cherokees, Miller used earlier census lists and rolls that had been made of the Cherokees by Hester, Chapman, Drennen, and others between 1835 and 1884. Copies of some of these rolls and the indexes to them are filed with the Miller records (filmed as M685). Other enrollment records used by Miller are among the classified subject files of the Bureau and are designated as "33931-11-053 Cherokee Nation."

Records

The applications contain sworn evidences of identity and were filed with the Interior Department's Office of Indian Affairs until April 29, 1907 (the last application was No. 22268), after which the applications were filed directly with the court. The application required each claimant to state fully his or her English and Indian names, residence, age, place of birth, name of husband or wife, name of tribe, and names of children. It further required the English and Indian names of the claimant's parents and grandparents, place of their birth, place of their residence in 1851 if they were living at that time, dates of their death, and a statement as to whether any of them had ever before been enrolled as Indians for annuities or other benefits and, if so, with what tribe. Each claimant was also to furnish the names of all brothers and sisters, with their ages and residences, and the names and residences of all uncles and aunts. Applications were required to be made under oath and to be supported by affidavits of two witnesses who were well acquainted with the applicant. With each application is a card showing final action taken and the reasons therefore. Filed with many of the applications are inquiries concerning the status of the cases, requests for further evidence, protests about unfavorable actions, form letters that had been sent by the special commissioner to the applicants as notices of rejection of their applications and returned by the Post Office Department as unclaimed, affidavits and statements of witnesses, powers of attorney, and last wills and testaments. The applications are arranged by the number assigned at the time the application was received. There are some gaps in the application numbers; these are explained on insert sheets at the appropriate places on the film. The index is arranged alphabetically by name (either English or Indian) of claimant.

Many of the files contain a cross-reference card to other applications. This cross-reference card often refers to the EX file, the report on exceptions filed by Miller on January 5, 1910.

Related Records

The records reproduced in this microfilm publication are part of the records in the custody of the National Archives and Records Service (NARS) designated as Records of the U.S. Court of Claims, Record Group (RG) 123. Among related records in this record group are additional records relating to Miller's enrollment of the Eastern Cherokees. These include receipts for Treasury warrants and miscellaneous correspondence, 1906-11. The original of these records is in RG 123; a copy is in RG 75.

Some related records in Records of the Bureau of Indian Affairs, RG 75, have been reproduced as NARS Microfilm Publication T496, *Census Roll, 1835, of the Cherokee Indians East of the Mississippi and Index to the Roll*. Also in RG 75 are the classified subject files of the Bureau.

Records Relating to Enrollment of Eastern Cherokees by Guion Miller, 1908-10, M685, contains the general index to Eastern Cherokee applications, 2 volumes; the report submitted by Guion Miller, May 28, 1909, 10 volumes; the roll of Eastern Cherokees, May 28, 1909; the report on exceptions filed, January 5, 1910; the supplemental roll of Eastern Cherokees, January 5, 1910; transcripts of testimony, February, 1908-March 1909, 10 volumes; various indexes and rolls of Eastern Cherokee Indians, 1851, 1854, and 1884; and miscellaneous notes and drafts.

Additional records relating to the enrollment of Eastern Cherokee Indians are in Records of the Office of the Secretary of the Interior, Record Group 48.

These records were prepared for filming by Jestine Turner and William D. Grover, who also prepared these introductory remarks.

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

CONTENTS

<u>Roll</u>	<u>Description</u>	<u>Application Numbers</u>
1	Roll of Eastern Cherokees	
	General Index to Eastern Cherokee Applications Volumes 1 and 2	
	Applications	1-45
2	do.	46-136
3	do.	137-224
4	do.	225-331
5	do.	332-420
6	do.	421-514
7	do.	515-596
8	do.	597-681
9	do.	682-778
10	do.	779-859
11	do.	860-964
12	do.	965-1082
13	do.	1083-1175
14	do.	1176-1267
15	do.	1268-1362
16	do.	1363-1455
17	do.	1456-1545
18	do.	1546-1642
19	do.	1643-1735
20	do.	1736-1820
21	do.	1821-1910
22	do.	1911-2001
23	do.	2002-2113
24	do.	2114-2229
25	do.	2230-2339
26	do.	2340-2432
27	do.	2433-2534
28	do.	2535-2637
29	do.	2638-2743
30	do.	2744-2841
31	do.	2842-2947
32	do.	2948-3049
33	do.	3050-3147
34	do.	3148-3250
35	do.	3251-3342
36	do.	3343-3442
37	do.	3443-3540
38	do.	3541-3647
39	do.	3648-3747
40	do.	3748-3847

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

<u>Roll</u>	<u>Description</u>	<u>Application Numbers</u>
41	Applications	3848-3949
42	do.	3950-4057
43	do.	4058-4157
44	do.	4158-4228
45	do.	4229-4327
46	do.	4328-4426
47	do.	4427-4555
48	do.	4556-4661
49	do.	4662-4771
50	do.	4772-4879
51	do.	4880-4984
52	do.	4985-5089
53	do.	5090-5189
54	do.	5190-5289
55	do.	5290-5394
56	do.	5395-5492
57	do.	5493-5591
58	do.	5592-5690
59	do.	5691-5789
60	do.	5790-5889
61	do.	5890-5989
62	do.	5990-6089
63	do.	6090-6189
64	do.	6190-6289
65	do.	6290-6391
66	do.	6392-6481
67	do.	6482-6580
68	do.	6581-6683
69	do.	6684-6787
70	do.	6788-6888
71	do.	6889-6991
72	do.	6992-7091
73	do.	7092-7202
74	do.	7203-7302
75	do.	7303-7403
76	do.	7404-7504
77	do.	7505-7604
78	do.	7605-7704
79	do.	7705-7804
80	do.	7805-7904
81	do.	7905-8006
82	do.	8007-8115
83	do.	8116-8216
84	do.	8217-8316
85	do.	8317-8416
86	do.	8417-8516
87	do.	8517-8617
88	do.	8618-8720

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

<u>Roll</u>	<u>Description</u>	<u>Application Numbers</u>
89	Applications	8721-8818
90	do.	8819-8918
91	do.	8919-9019
92	do.	9020-9119
93	do.	9120-9219
94	do.	9220-9317
95	do.	9318-9416
96	do.	9417-9515
97	do.	9516-9615
98	do.	9616-9715
99	do.	9716-9815
100	do.	9816-9900
101	do.	9901-10000
102	do.	10001-10100
103	do.	10101-10200
104	do.	10201-10300
105	do.	10301-10400
106	do.	10401-10500
107	do.	10501-10600
108	do.	10601-10700
109	do.	10701-10800
110	do.	10801-10900
111	do.	10901-11000
112	do.	11001-11100
113	do.	11101-11200
114	do.	11201-11300
115	do.	11301-11400
116	do.	11401-11500
117	do.	11501-11600
118	do.	11601-11700
119	do.	11701-11806
120	do.	11807-11900
121	do.	11901-12000
122	do.	12001-12100
123	do.	12101-12200
124	do.	12201-12350
125	do.	12351-12500
126	do.	12501-12650
127	do.	12651-12800
128	do.	12801-12950
129	do.	12951-13100
130	do.	13101-13250
131	do.	13251-13400
132	do.	13401-13550
133	do.	13551-13700
134	do.	13701-13850
135	do.	13851-14000
136	do.	14001-14150
137	do.	14151-14300

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

<u>Roll</u>	<u>Description</u>	<u>Application Numbers</u>
138	Applications	14301-14450
139	do.	14451-14600
140	do.	14601-14750
141	do.	14751-14900
142	do.	14901-15050
143	do.	15051-15200
144	do.	15201-15350
145	do.	15351-15500
146	do.	15501-15650
147	do.	15651-15800
148	do.	15801-15950
149	do.	15951-16100
150	do.	16101-16250
151	do.	16251-16400
152	do.	16401-16550
153	do.	16551-16700
154	do.	16701-16850
155	do.	16851-17000
156	do.	17001-17150
157	do.	17151-17300
158	do.	17301-17450
159	do.	17451-17600
160	do.	17601-17750
161	do.	17751-17900
162	do.	17901-18050
163	do.	18051-18200
164	do.	18201-18350
165	do.	18351-18500
166	do.	18501-18650
167	do.	18651-18800
168	do.	18801-18950
169	do.	18951-19100
170	do.	19101-19250
171	do.	19251-19400
172	do.	19401-19550
173	do.	19551-19700
174	do.	19701-19850
175	do.	19851-20000
176	do.	20001-20150 ¹ / ₂
177	do.	20151-20300
178	do.	20301-20450
179	do.	20451-20600
180	do.	20601-20750
181	do.	20751-20900
182	do.	20901-21050
183	do.	21051-21200
184	do.	21201-21350
185	do.	21351-21500

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

<u>Roll</u>	<u>Description</u>	<u>Application Numbers</u>
186	Applications	21501-21650
187	do.	21651-21800
188	do.	21801-21950
189	do.	21951-22100
190	do.	22101-22250
191	do.	22251-22400
192	do.	22401-22550
193	do.	22551-22700
194	do.	22701-22850
195	do.	22851-23000
196	do.	23001-23150
197	do.	23151-23300
198	do.	23301-23450
199	do.	23451-23600
200	do.	23601-23750
201	do.	23751-23900
202	do.	23901-24050
203	do.	24051-24200
204	do.	24201-24350
205	do.	24351-24500
206	do.	24501-24650
207	do.	24651-24800
208	do.	24801-24950
209	do.	24951-25100
210	do.	25101-25250
211	do.	25251-25400
212	do.	25401-25550
213	do.	25551-25700
214	do.	25701-25850
215	do.	25851-26000
216	do.	26001-26150
217	do.	26151-26300
218	do.	26301-26450
219	do.	26451-26600
220	do.	26601-26750
221	do.	26751-26900
222	do.	26901-27050
223	do.	27051-27200
224	do.	27201-27350
225	do.	27351-27500
226	do.	27501-27650
227	do.	27651-27800
228	do.	27801-27950
229	do.	27951-28100
230	do.	28101-28250
231	do.	28251-28400
232	do.	28401-28550

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

<u>Roll</u>	<u>Description</u>	<u>Application Numbers</u>
233	Applications	28551-28700
234	do.	28701-28850
235	do.	28851-29000
236	do.	29001-29150
237	do.	29151-29300
238	do.	29301-29450
239	do.	29451-29600
240	do.	29601-29750
241	do.	29751-29900
242	do.	29901-30050
243	do.	30051-30200
244	do.	30201-30350
245	do.	30351-30500
246	do.	30501-30650
247	do.	30651-30800
248	do.	30801-30950
249	do.	30951-31100
250	do.	31101-31250
251	do.	31251-31400
252	do.	31401-31550
253	do.	31551-31700
254	do.	31701-31850
255	do.	31851-32000
256	do.	32001-32150
257	do.	32151-32300
258	do.	32301-32450
259	do.	32451-32600
260	do.	32601-32750
261	do.	32751-32900
262	do.	32901-33050
263	do.	33051-33200
264	do.	33201-33350
265	do.	33351-33500
266	do.	33501-33650
267	do.	33651-33800
268	do.	33801-33950
269	do.	33951-34100
270	do.	34101-34250
271	do.	34251-34400
272	do.	34401-34550
273	do.	34551-34700
274	do.	34701-34850
275	do.	34851-35000
276	do.	35001-35150
277	do.	35151-35300
278	do.	35301-35450
279	do.	35451-35600

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

<u>Roll</u>	<u>Description</u>	<u>Application Numbers</u>
280	Applications	35601-35750
281	do.	35751-35900
282	do.	35901-36050
283	do.	36051-36200
284	do.	36201-36350
285	do.	36351-36500
286	do.	36501-36650
287	do.	36651-36800
288	do.	36801-36950
289	do.	36951-37100
290	do.	37101-37250
291	do.	37251-37400
292	do.	37401-37550
293	do.	37551-37700
294	do.	37701-37850
295	do.	37851-38000
296	do.	38001-38150
297	do.	38151-38300
298	do.	38301-38450
299	do.	38451-38600
300	do.	38601-38750
301	do.	38751-38900
302	do.	38901-39050
303	do.	39051-39200
304	do.	39201-39350
305	do.	39351-39500
306	do.	39501-39650
307	do.	39651-39800
308	do.	39801-39950
309	do.	39951-40100
310	do.	40101-40250
311	do.	40251-40400
312	do.	40401-40550
313	do.	40551-40700
314	do.	40701-40850
315	do.	40851-41000
316	do.	41001-41150
317	do.	41151-41300
318	do.	41301-41450
319	do.	41451-41600
320	do.	41601-41750
321	do.	41751-41900
322	do.	41901-42050
323	do.	42051-42200
324	do.	42201-42350
325	do.	42351-42500
326	do.	42501-42650

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

<u>Roll</u>	<u>Description</u>	<u>Application Numbers</u>
327	Applications	42651-42800
328	do.	42801-42950
329	do.	42951-43100
330	do.	43101-43250
331	do.	43251-43400
332	do.	43401-43550
333	do.	43551-43700
334	do.	43701-43850
335	do.	43851-44000
336	do.	44001-44150
337	do.	44151-44300
338	do.	44301-44450
339	do.	44451-44600
340	do.	44601-44750
341	do.	44751-44900
342	do.	44901-45050
343	do.	45051-45200
344	do.	45201-45350
345	do.	45351-45500
346	do.	45501-45650
347	do.	45651-45750
348	do.	45751-45857