

No. 35

Action: *Rejected*

Name *Elijah Eares* and *✓* children. Residence: *Day, Mo*

Reasons:

*Gavin Mrs. Alex. Gurne and his children
See special report.*

No. 35

EASTERN CHEROKEES.

See letter of affidavit herein.
APPLICATION

OF

Eljah James

For share of money appropriated for the Eastern Cherokee Indians by the Act of Congress approved June 30, 1906, in accordance with the decrees of the Court of Claims of May 18, 1905, and May 28, 1906.

6-624

EASTERN CHEROKEES.

Rec 4 1906

No.

35

Commissioner of Indian Affairs,

Washington, D. C.

SIR:

I hereby make application for such share as may be due me of the fund appropriated by the Act of Congress approved June 30, 1906, in accordance with the decrees of the Court of Claims of May 18, 1905, and May 28, 1906, in favor of the Eastern Cherokees. The evidence of identity is herewith subjoined.

Elizah Earne

1. State full name—

English name:

Elizah Earne

Indian name:

Hambelton

2. Residence:

Day County Missouri

3. Town and post office:

Day County Missouri

4. County:

Day

5. State:

Missouri

6. Date and place of birth:

in Green County Missouri

Oct. 12/63

7. By what right do you claim to share? If you claim through more than one relative living

in 1851, set forth each claim separately:

*Through my Mother
Viletty K. Hambelton
the Grand daughter
of Alexander Brown.*

8. Are you married?

yes But Wife is dead

9. Name and age of wife or husband:

Emmie Earne

Born Feb. 17. 1865. died August. 17. 1899.

10. Give names of your father and mother, and your mother's name before marriage.

Father—English name:

James B. Earne

Indian name:

Mother—English name:

Viletty K. Earne

Indian name:

Viletty K. Hambelton

Maiden name:

Viletty K. Hambelton.

11. Where were they born?

Father:

State of Georgia Georgia

Mother:

State of Pennsylvania

12. Where did they reside in 1851, if living at that time?

Father:

in Webster County Missouri

Mother:

in Polk County Missouri

13. Date of death of your father and mother—

Father:

28. of February, 1899.

Mother:

November, 22. 1902.

14. Were they ever enrolled for annuities, land, or other benefits? If so, state when and

where: *Was Not Except Same Proof*
Was Not put in about 12 years ago

15. Name all your brothers and sisters, giving ages, and if not living, the date of death:

	NAME.	BORN.	DIED.
(1)	<i>Elmer D. Eames</i>	<i>Oct. 1860.</i>	
(2)	<i>William Eames</i>	<i>June 1868.</i>	
(3)	<i>Lidayan Eames</i>	<i>Dec. 1875.</i>	
(4)			
(5)			
(6)			

16. State English and Indian names of your grandparents on both father's and mother's side, if possible:

FATHER'S SIDE.	MOTHER'S SIDE.
<i>Patrice Eames</i>	<i>Elizah Hambliton</i>
<i>Fallie Eames</i>	<i>Hetty Hambliton</i>
	<i>Brown</i>

17. Where were they born?

i do not know

18. Where did they reside in 1851, if living at that time?

i do not know

19. Give names of all their children, and residence, if living; if not living, give dates of deaths:

(1) English name:	<i>Jacy Hambliton</i>
Indian name:	<i>Brown</i>
Residence:	<i>(dead)</i>
(2) English name:	<i>John Hambliton</i>
Indian name:	<i>Brown</i>
Residence:	<i>about 12 years ago</i>
(3) English name:	<i>Hetty Hambliton</i>
Indian name:	<i>Brown</i>
Residence:	<i>about 12 years ago</i>
(4) English name:	<i>Jane Hambliton</i>
Indian name:	<i>Brown</i>
Residence:	<i>(dead)</i>
(5) English name:	<i>Lidiah Hambliton</i>
Indian name:	<i>Brown</i>
Residence:	<i>(dead)</i>

20. Have you ever been enrolled for annuities, land, or other benefits? If so, state when and

where: *have Not. Except application made*
and same proof about 12 years ago

21. To expedite identification, claimants should give the full English and Indian names, if possible, of their paternal and maternal ancestors back to 1835:

Vitelly K. Nambultun 13
Vitelly K. Nambultun Was the
Grand Daughter of Elizabeth Brown

REMARKS.

(Under this head the applicant may give any additional information that he believes will assist in proving his claims.)

i Made Proof 12 or 15 years ago
and proved to be the Son of
Vitelly Eames and ~~the~~ Elizabeth Brown
Was my Great Grandfather
on my Mother's Side

NOTE.—Answers should be brief but explicit; the words "Yes," "No," "Unknown," etc., may be used in cases where applicable. Read the questions carefully.

I solemnly swear that the foregoing statements made by me are true to the best of my knowledge and belief.

(Signature.) Elijah Eames

Subscribed and sworn to before me this 30th day of August, 1906.

My commission expires
Nov. 27, 1907

Nelson L. Murray
Notary Public.

AFFIDAVIT.

(The following affidavit must be sworn to by two or more witnesses who are well acquainted with the applicant.)

Personally appeared before me J. K. Perry and
O. E. Sewell, who, being duly sworn, on oath depose and
say that they are well acquainted with Elijah Eames, who makes the
foregoing application and statements, and have known him for years and years,
respectively, and know him to be the identical person he represents himself to be, and
that the statements made by him are true, to the best of their knowledge and belief, and
they have no interest whatever in his claim.

Witnesses to mark.

Signatures of witnesses.

J. K. Perry
O. E. Sewell

Subscribed and sworn to before me this 30th day of August, 1906.

My commission expires
Nov. 27, 1907

Nelson L. Murray
Notary Public.

NOTE.—Affidavits should be made, whenever practicable, before a notary public, clerk of the court, or before a person having a seal. If sworn to before an Indian agent or disbursing agent of the Indian service, it need not be executed before a notary, etc.

EASTERN CHEROKEES.

Appn. #35:

September 11, 1906.

Mr. Elijah Dames,
Day, Taney County,
Missouri.

Sir:-

Relative to your application for participation in the fund arising from the judgment of the Court of Claims in favor of the Eastern Cherokees, please state the date of your birth.

If you cannot give the exact year, please give approximately your age.

Very respectfully,

Commissioner.

GM-NLC.

INDIAN OFFICE
EASTERN CHEROKEES.
Rec SEP 28 1906

No. 109. 35.

GM.
REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR,
EASTERN CHEROKEES. OFFICE OF INDIAN AFFAIRS,
Appn. #35: WASHINGTON.

September 11, 1906.

Mr. Elijah Eanes,
Day, Taney County,
Missouri.

Sir:-

Relative to your application for participation in the fund arising from the judgment of the Court of Claims in favor of the Eastern Cherokees, please state the date of your birth.

If you cannot give the exact year, please give approximately your age.

Letter dated July 28, 1906
Very respectfully,

J. E. Leupp

Commissioner.

GM-NLC.

September 24, 1906
Day, Taney County, Missouri

Hon. F. E. Leupp, Commissioner
of Indian Affairs.

Washington, D. C.

Dear Sir,

In answer to your enclosed
letter, in regard to my birth.
I will say that heretofore I gave
the date of my birth from
my memory. But after you
called my attention to the
matter, I went to the Family
Record, and I found from the
family ^{Record} that I was born
October the 12 - 1863.

Yours Truly,
Elijah Eanes.

COURT OF CLAIMS
EASTERN CHEROKEES.

Rec. MAY 17 1907

No.

35 A

File

Elijah Eames
Claims No. 85

May 11th 1857

Union Millen
District Commissioner

I am in answer to yours of
the 1st. I say I have been
winning children & their
claims now being filed
separate and the claims as
before

Coy. Eames, No. 507.
Felix. Eames, No. 507.
Haid. Eames, No. 509.
Leslen. Eames, No. 506.

if any thing further
Please let me know
at once

Elijah Eames

COURT OF CLAIMS
EASTERN CHEROKEES.

Rec. AUG 26 1907

No.

Claim No. 34 } 8 28 }
Day Mo.

Sir Will you please
enquire for as to when
the Eastern Cherokee
fund will be paid

in regard to Eliza-
Eames. Claim No. 34.

Please tell me if these
Cherokees is entitled
to land and if so will
you please tell me how
to proceed for same
and oblige

Eliza
Eames

No. 35

August 28, 1907.

Mr. Elijah Eanes,

Day, Taney County, Mo.

Dear Sir:-

Replying to your letter of August 23, 1907, you are advised that the applications for participation in the Eastern Cherokee fund have not been taken up for final consideration, and we cannot state at the present time whether or not you are entitled to participate in this fund, or how much each successful claimant will receive.

As there are already over 36,000 applications on file and the claimants are widely scattered through the United States, it will necessarily take considerable time to have all of these cases adjudicated, and until they are so determined no money can be distributed.

There will be no allotments of land in connection with this payment.

If there is any further information required in connection with your application you will be notified.

Very respectfully,

Special Commissioner.

AIL

November 16, 1907.

Eliza Eanes,
Day, Taney Co., Mo.

Madam:

Relative to your application for participation in the fund arising from the judgment of the Court of Claims in favor of the Eastern Cherokees, please state whether your father or mother were recognized members of the Eastern Cherokee tribe in 1851, and where they resided at that time. Were your parents married in 1851?

Can you furnish us with evidence tending to establish the fact that your parents or grandparents were recognized members of the Eastern Cherokee tribe of Indians at the date of the Treaty of 1835-36 and 1846? If so, please state what the evidence is, and send us the names and correct addresses of any witnesses who will testify to that effect.

Very respectfully,

Special Commissioner.

CHB/ALS

COURT OF CLAIMS EASTERN CHEROKEES.	
Rec.	NOV 23 1907
No.	35

November 19, 1907.
Day, P.O., Taney Co., Missouri.
Hon. Guin Miller.

Special Commissioner of the
Eastern Cherokee Enrollment. Et of. Cls.,
601 Oway Building, Washington, D.C.
Dear Sir,

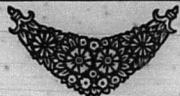
I have just received your letter of
November 16, 1907. that has the number
of my claim in the Cherokee Enrollment
Case, now in your hand for settlement.
My number 12335. Same as your letter
gives it. But you give my name
Wrong. In your letter you give my
name. Elija Eanes. While you will
see on all papers in your possession that I
have signed. that my name is
Elijah Eanes, ELIJAH. EAVES.
and if your letter aimed for me.
Please inform me at once.
and I can then make the proof.
called for in your letter. in regard
to my claim. number 135.

yours With Respect.
Elijah Eanes.

Day, P.O.,
Taney County,
Missouri

COURT OF CLAIMS
EASTERN CHEROKEES.
Rec. DEC 3 1907
No.

BANK OF MORRISVILLE,



Morrisville, Mo.,

Nov. 23, 1907

I hereby Certify that I was acquainted with Sallie Brown, Grand parent of Elijah Eaves, who married Elijah Hamblton and whose daughter Violette R. Hamblton married James B. Eaves, and who was the mother of Applicant (Elijah Eaves). And that his Grand Parents came to this country about the year 1835, or 1836, and that they were always considered to be recognized as belonging to the Cherokee tribe of Indians.

Joseph Blaker

Subscribed and sworn to
before me, this the 23. day of Nov,
1907-

Thomas C. Mitchell

Notary Public

my Com. Ex Nov. 6, 1909

COURT OF CLAIMS
EASTERN CHEROKEES.
Rec. DEC 3 1907
No.

Morrisville, Mo.

Nov. 23, 1907

I hereby certify that I was
acquainted with Sallie Brown,
(daughter of Alexander Brown) who was
married Elijah Hambleton, who
was the mother of Violette S. Hambleton
who married James B. Eaves, who
was the mother of Elijah Eaves

And that his Grand Parents
came to this country about the years
1835-36. And were recognized as
members of the Cherokee tribe of
Indians, at the date of the Treaty
of 1835-36.

B. W. Appleby

Subscribed and sworn to
before me, this 23. day of Nov. 1907

Thomas C. Mitchell

My Comm. Ex. Nov. 6, 1909 Notary Public

Appl. 35

November 23, 1907.

Elijah Hayes,
Day, Mo.

Sir:

We beg to acknowledge the receipt of your communication of the 19th inst. relative to one from this office addressed to Elijah Hayes, Day, Mo. This communication was intended for you, and we will be obliged if you will furnish us with the information requested therein.

Very respectfully,

Special Commissioner

CHB/ALS

COURT OF CLAIMS
EASTERN CHEROKEES.
Rec. DEC 3 1907
No.

#75
OKB
November 29, 1907

Day, P.O. Taney Co. Missouri

Hon. Edwin Miller.

Special Commissioner.

Of the Court of Claims, Eastern Cherokee
601 O'Gray Building, Washington, D.C.

Dear Sir,

Please find Enclosed affidavits
as Required in your Enclosed letter.
In support of my Claim (No 35)
also in regard to the marriage
of my Parents I don't think they
was married in 1851. I think they
was married after that date.
and if any more proof is
necessary in my claim please
inform me at once.

Yours Truly,
Elijah Eareps.

Alex.

COURT OF CLAIMS EASTERN CHEROKEES.	
Rec.	APR 30 1908
No.	35

circ. let.
APR 30 1908

Day, Missouri,

4

25

1908

Hon Commissioner Sir
Will you please Enquire Me
if the Eastern Cherokee Claim
has Been taken up ^{for} final
consideration. if it has, Will you
Please Enquire Me as to
Application No. 35

And Oblige Elizabeth Canna,

No. 1515

Matilda A. Courtney, after being first duly sworn,
deposes and says:

~~I will~~ I am 66 years of age; was born in Volk County,
Mo. I claim Cherokee Indian blood through my mother, Dycey
Brown. I have never gotten any Indian money from the
government. My mother lived in Missouri about three years
before I was born. She was married when she came to Missouri.
I saw my mother's parents when I was small. They had come
from Tennessee to Missouri. ~~My grandfather, Alexander Brown,~~
~~had Cherokee Indian blood through his mother, Dycey~~ I do not remember him.
I think he was enrolled in Georgia in 1835. I am not a Cherokee
allotee. I never tried for any land or money prior to this
time. We have lived in the Territory about twenty years.
I never tried to get any land. My grandfather and grandmother were
married. My mother was born in Georgia. My grandfather went
from Georgia to Virginia and then he went back to Georgia and was
enrolled there. I have heard of my Indian blood ever since I
can remember. My mother always taught us that we had Cherokee
blood.

Matilda A. Courtney

SUBSCRIBED and sworn to before me at Bartlesville, Okla.,
this twenty-eighth day of August, 1908.

Assistant to Special Commissioner of
the Court of Claims.

COURT OF CLAIMS EASTERN CHEROKEES.	
Rec.	JUN 10 1909
No.	35

noted
6/10

2-11-10

May 11th 1869
Office of Indian Affairs
Washington D.C.
Chief Clerk
Sir

in the Eastern Cherokee Claim
35 Elijah Eaves Will you
Please Write me if there is any
thing same in the case as
E. Eaves Part to Perfect his
claim also Please Write Me When
you think two hundred will be paid
and advise R. H. Bearden

In Re
Alec Brown
Hammill

Report

Specimen Report

Alec Brown

In Re
Alex. Brown

(Alchemist)

Report

Special Report

Alex. Brown

IN RE APPLICANTS CLAIMING THROUGH ALEXANDER BROWN AND HIS

CHILDREN, THOMAS, JOHN, ISOM, ANNIS, SALLIE AND

DICIE BROWN.

35

Applicants herein claim to be descendants of the Alexander Brown whose name appears on the roll of 1835, enrolled at Oostennolles River, Ga. The Alexander Brown on the roll was enrolled with two others, making a family of three, 2 males under 18, and one male over 18, being Alexander Brown himself, all half breeds. No reservees or descendants of reservees.

The substance of the evidence in the case contained in affidavits, and testimony is given below:

Nancy M. Seadley, appl. #39591, misc. test., Page 2232, states she claims through her father, John Brown, son of Isom Alexander Brown, and her father was born in Virginia in 1814. Isom Alexander Brown was probably the son of Alexander Brown, the original ancestor. She states that her grandfather, Brown lived with the Cherokees in Virginia, and that her father lived with the Cherokees in Virginia.

Michael A. Fender, appl. #2242, misc. test. page 2016, states that he was born in Monroe Co., Tenn. in 1829; that he claims through his mother, Dicie Boyd, nee Brown, and that his mother was born in Virginia; that his mother got her Indian blood from her father, Alexander Brown; does not know where the latter was born; that he died in 1838 in Polk Co., Mo. that he had been two years in Missouri before his death; that his grandfather, Alexander Brown was living during the fall and winter of 1835 in Illinois near St. Louis, Mo.; that the wife of Alexander Brown was a white woman; that neither he nor any of his ancestors have received any money or land, and were never enrolled with the exception of Alexander Brown, whom he states was enrolled in Tennessee in 1835 in Monroe Co. That neither he nor his mother ever lived with the Cherokee Indians as a member of the tribe and he does not know of his grandfather ever living with the Cherokee Indians as a member of the tribe; that his grandfather lived as a white settler in Missouri, among white people; does not know how much Indian blood his grandfather had; that in 1851 he and his mother were living in Polk Co., Mo. In 1835 they were living in Illinois, and came from Tennessee with his grandfather, Alexander Brown.

Samuel T. G. Anglen, appl. #2658, misc. test. page 2017, states that he was born in Polk Co., Mo. in 1850, and that his mother was born in the same place in 1832; that his mother got her Indian blood through her father, Thomas Brown, who was a son of Alexander Brown; claims that Alexander Brown lived with the Cherokees as a member of the tribe in Tennessee; does not know whether his grandfather, Thomas Brown, ever lived with the Cherokees as a member of the tribe or not; states that neither he nor his mother nor his grandfather, Thomas Brown, were ever enrolled or ever received any money or land from the Government on account of Indian blood; he claims that his great grandfather, Alexander Brown, was enrolled; does not know on what roll. That his great grandfather, Alexander Brown, was 1/2 Cherokee.

James Harralson, age 80 states in an affidavit of July 30, 1906, that he was acquainted with Alexander Brown; that he came from McMinn or Monroe Co., Tenn. and settled in Polk Co., Mo. on or about the year 1836 or 1837; that when he first knew Alexander Brown he lived in Tennessee; that he heard he came from Georgia to Tennessee. He states that he has "a very clear and distinct recollection of hearing the said Alexander Brown say that he was registered or that his name was on the roll of Cherokee Indians prior to his leaving Tennessee, and I have heard him tell this both before he left Tennessee and after he came to Missouri". That Alexander Brown was 1/2 Cherokee Indian. He states that Alexander Brown had the following children: "Thomas, Isom, John, Jack, Sarah (Hambleton), Dicie, Elizabeth (Ruth), Susan (Proctor), Annis (Pace) and Violet (Ruth)

Russell Stokes, age 86, in his affidavit of July 31, 1906, states that he was acquainted with Alexander Brown after he came to Polk Co., Mo. which was about the year 1835 or 1836; that Alex. Brown told him that he was half Cherokee and that he came to Missouri from Tennessee. He further states that "he told him that he had his papers showing his Indian rights, and that his name was on the roll of Cherokee Indians; the said Alexander Brown has always claimed to be 1/2 blood Cherokee Indian, and he has children claiming to be part Indian and were recognized and reputed to be such by all who knew them". This affiant and others state that Alexander Brown was a tall man, broad shouldered, rather slim with dark hair and eyes and dark complexion.

Michael Fender in his affidavit of August 6, 1906 states that he is 77 years old; that he was well acquainted with Alex. Brown, who was his grandfather; that he came from McMinn Co., Tenn. and that he lived about 4 or 5 miles from his father's residence in Tenn., and that he can remember his being in his father's house several times. That when Alexander Brown left Tennessee and came to Missouri "there were about 6 families came together, including my father's family and Alexander Brown's family, said families were all related to each other. We left Tennessee in the fall of 1833, and came to a place in Illinois 15 or 18 miles east of St. Louis, and stopped there over the winter and in the spring coming on to what is now known as Brighton, Polk Co., Mo., arriving there May 10, 1836. I was with them during their journey from Tenn." That Alexander Brown was 1/2 blood Cherokee; that he was enrolled as a Cherokee Indian on the roll of 1835; that he died in 1838.

From the above, it appears that it is unknown when Alex. Brown was born - that there is contradiction in the evidence as to where he was living in 1835, the weight of it being to the effect, however, that he was in Illinois or Missouri at that time. There is some also to the effect that he was in Tenn. The weight of the evidence is that Alexander Brown lived in Tennessee prior to moving west, - only one person, James Harralson in his affidavit stating that he "heard he (Alex. Brown) came from Ga. to Tenn." The Alexander Brown on the 1835 roll was enrolled in Georgia. He was enrolled with two males under 18 years. Alexander Brown, ancestor of applicants herein had several children, at least six, and most of them must have been over 18 years of age in 1835.

Michael Fender testified that he was born in Monroe Co., Tenn. in 1829, and that his mother, Dicey Boyd, who was a daughter of Alexander Brown was born in Virginia. The name of Boyd or Fender does not appear on 1835 roll. If Dicey Boyd was a daughter of the Alexander Brown on the 1835 roll, why was she not enrolled at that time. If she were not enrolled because she had

gone west prior to 1835, she could not be considered as a member of the Eastern Cherokee tribe at that time or her descendants be beneficiaries under the decree of the Court of Claims herein.

Nancy M. Seadley states that her father who was a grand son of Alexander Brown was born in Virginia in 1814, and that her father and grandfather lived with the Cherokees in Virginia. It would thus appear that applicants ancestor, Alexander Brown, originally came from Virginia and lived with some Indians there - not the Cherokees as they, as is well known, never lived in Va.

If applicants ancestor, Alexander Brown, had left Tenn. prior to 1835, to which effect is the weight of evidence, he could not have been enrolled in Tennessee or Georgia in 1835, and the Alexander Brown on the 1835 roll could not be applicants ancestor.

The statements of affiants to the effect that Alexander Brown told them that he was enrolled with the Cherokee Indians prior to his leaving Tennessee, should be discounted when considering the age of affiants at that time. ~~that~~ Such statements would have hardly made such an impression upon a child.

In consideration of the premises, the applications of all persons claiming through Alexander Brown and his children, Thomas, Dicey, Ison, Zach, Sarah, Susan, Annie and Violet are hereby rejected.

See misc. test. pages 2016, 2017 and 2022.

Alexander Brown Roll 1835

Alexander Brown

Children of

Thomas Brown
John Brown
Isom Brown
Zachariah Brown
Sarah or Sallie Brown (Hamblin)
Dixie Brown (Fender)
Elizabeth Brown (Ruth)
Susan Brown (Proctor)
Aunice Brown (Pace)
Violette Brown (Ruth)