

No. 7.

Action: Reject.

Name Richard Burgess and 4 children. Residence: Andrews, N. C.

Reasons:

It does not appear that any ancestor was a party to the treaties of 1835-36 or 1846 - nor does it appear that any ancestor was ever enrolled. Shows no real connection with the Eastern Cherokees.

Misc. Test. 1555.

Field, N. C.
No. 7 Cherokee Co.

Name Richard Burgers

With No.

Remarks:

Groups with 746
on father's side
Write to app. for further
information with regard
to his father Benz. Burgers
who is not enrolled - find
out why he was not - &
whether it can be established
that he was a Cherokee of
required status.

See letter herein in
which applicant gave name
and address of certain
persons who will testify that
applicant is in Cherokee
of required status.

Examine

W. F. Walker } Andrews
Hugh Callitt } N. C.
D. Dierckx } Cherokee Co.
D. S. Kinsell }

No. 7

Name Richard Burgess

With No.

Remarks:

See file

Suppl.
No. 17

EASTERN CHEROKEES.

APPLICATION

OF

Richard Burgess
of Andrews, Ark.

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

INDIAN OFFICE EASTERN CHEROKEES. Rec SEP 1 1906 No.
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Filed by
Belva A. Lockwood
619, N. St. N. W.
Wash.
D. C.

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.

1. State full name—
English name: Richard Burgess
Indian name: Richard Burgess
2. Residence: Near Andrews
3. Town and post office: Andrews
4. County: Cherokee
5. State: N.C.
6. Date and place of birth: June 10th 1866 Maryville Tenn
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: I claim under my father "Benjamin Burgess" a one half Blood Indian.
8. Are you married? Yes
9. Name and age of wife or husband: Altha Burgess. 35 years of age
10. Give names of your father and mother, and your mother's name before marriage.
Father—English name: Benjamin Burgess
Indian name: Benjamin Burgess
Mother—English name: Mariah Burgess
Indian name: Mariah Burgess
Maiden name: Mariah Toole
11. Where were they born?
Father: Morganton Ga
Mother: Bradley County, Tenn.
12. Where did they reside in 1851, if living at that time?
Father: North Carolina
Mother: "
13. Date of death of your father and mother—
Father: 1878 Mother: Living

14. Were they ever enrolled for annuities, land, or other benefits? If so, state when and where: Graham County North Carolina

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

	NAME.	BORN.	DIED.
(1)	<u>Belle Jones</u>	<u>1875</u>	
(2)	<u>Benjamin Burgess</u>	<u>1877</u>	
(3)	<u>Almyar Mobney</u>	<u>1879</u>	
(4)	<u>Arthur Burgess</u>	<u>1881</u>	
(5)	<u>Alsey McKiney</u>	<u>"Don't Know"</u>	
(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.
<u>Don't Know</u>	
<u>"</u>	
<u>"</u>	
<u>"</u>	

17. Where were they born? Don't Know

18. Where did they reside in 1851, if living at that time? Don't Know

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

(1)	English name: _____
	Indian name: _____
	Residence: _____
(2)	English name: _____
	Indian name: _____
	Residence: _____
(3)	English name: _____
	Indian name: _____
	Residence: _____
(4)	English name: _____
	Indian name: _____
	Residence: _____
(5)	English name: _____
	Indian name: _____
	Residence: _____

20. Have you ever been enrolled for annuities, land, or other benefits? If so, state when and where: No

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

REMARKS.

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

I hereby appoint Belva A. Lockwood, of Washington, D. C., my true and lawful attorney for me, and in my name place and stead, and allow her a commission of ten (10) per cent.

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.)

Richard Dinges
his mark

Subscribed and sworn to before me this 29 day of Aug, 1906.

My commission expires

Oct 14th, 1906

D. S. Russell

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 *L. W. C. Pierce* and

W. B. Fisher

_____, who, being duly sworn, on oath depose and say that they are well acquainted with *Richard Dinges*, who makes the foregoing application and statements, and have known him for 16 years and 16 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.

L. W. C. Pierce
W. B. Fisher

Subscribed and sworn to before me this 29 day of Aug, 1906.

My commission expires

Oct 14th, 1906

D. S. Russell
Notary Public

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.

Richard B. Lockwood
Gas at Bristol
Subscribed and sworn to before me this *20* day of *May*, 1907.
R. B. Lockwood
Notary Public.
My commission expires *Oct 13*, 1908.

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

No. *7*

EASTERN CHEROKEES.

SUPPLEMENTAL APPLICATION

OF

Richard B. Lockwood
FOR MINOR CHILDREN.

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.

COURT OF CLAIMS.
EASTERN CHEROKEES.
MAY 24 1907
Rec.
No.

BELVA A. LOCKWOOD,
Attorney and Solicitor,
616 F STREET, NORTHWEST,
WASHINGTON, D. C.

Supplemental Application for Minor Children

Special Commissioner of the Court of Claims,
601 Ouray Building, Washington, D. C.

SIR:

I hereby make application for such share as may be due my minor children of the fund appropriated by the Act of Congress approved June 30, 1906, in accordance with the decree of the Court of Claims of May 18, 1905, and May 28, 1906, in favor of the Eastern Cherokees, and I ask that this be made part of my original application No. 7.

1. State your full name: Richard Burgess
2. Residence and post office: Andrews
3. County: Cherokee
4. State: N C
5. Date and place of birth: June 10 1866
6. Are you married? Yes
7. Name and age of wife or husband: Altha Burgess 35
8. To what tribe of Indians, if any, does he or she belong? Cherokee
9. Names of all your children who were living on May 28, 1906:

	NAME.	AGE.	BORN.
(1)	<u>Hyatt Burgess</u>	<u>17</u>	<u>Apr 17th 1890</u>
(2)	<u>George Burgess</u>	<u>15</u>	<u>Nov 6th 1892</u>
(3)	<u>Fred Burgess</u>	<u>13</u>	<u>Feb 18 1894</u>
(4)	<u>Lela Burgess</u>	<u>10</u>	<u>Aug 10 1897</u>
(5)			
(6)			

10. Were they ever enrolled for money, annuities, land, or other benefits? If so, state when and where, and with what tribe of Indians:

REMARKS

(Under this head the applicant may give any additional facts which will assist in proving his claim.)

I hereby appoint Belva A. Lockwood
Attorney for the above minor children,
fee of 10 per cent.

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

(Signature) Richard Burgess

Subscribed and sworn to before me this 20th day of May, 1907.

D. S. Russell
Notary Public.

My Commission expires

Oct 13, 1908.

AFFIDAVIT

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

Personally appeared before me D W Buchanan and J A Bristol, who, being duly sworn, on oath depose and say that they are well acquainted with Richard Burgess who makes the foregoing application and statement, and have known him for 17 years and 17 years, respectively, and know him to be the identical person he represents himself to be, and that on May 28, 1906, him had the children living as above set forth, and that the statements made by him are true, and they have no interest whatever in his claim.

Witnesses to Mark.

Signatures of Witnesses.

Subscribed and sworn to before me this 10 day of May, 1907.

D W Buchanan
J A Bristol
D J Russell
Notary Public.

My commission expires Oct 13, 1908.

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

No. 7

EASTERN CHEROKEES.

SUPPLEMENTAL APPLICATION

OF

FOR MINOR CHILDREN

Richard Burgess

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.

COURT OF CLAIMS.
EASTERN CHEROKEES.
Recd. MAY 24 1907
No.

BELVA A. LOCKWOOD,
Attorney and Solicitor,
610 F STREET, NORTHWEST.

Appl. #7

November 16, 1907.

Richard Burgess,
Andrews, N. C.

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, we beg to inform you that your father's name does not appear on either the roll of 1835 or the rolls of 1851. Please state his Indian name.

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 1835-6 or 1846, or were descendants of such persons, and were not affiliated with any other tribe of Indians other than the Eastern Cherokees or the Cherokee Nation. 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 25 1907

No.

6
F
H B

Andrew N.C.

For the 17th
22

I will write you my
father Indian Blood my
father was a Member of the
Eastern Cherokee Tribe of Indian
and he was affiliated with
no other tribe of Indians
other than the Eastern Cherokees
my father Indian name
was the Cat and those
who is knowing to my
over

8

6
Father Being of the
Cherokee Tribe of Indians

Mr W P Walker all of
Mr Frank Callett Andrews etc
Mr D Percy
Mr D S Russell

all of Andrews etc

Yours Respectfully

Richard Briggs

Richard Burgess being first duly sworn, deposes and says:

That I am 40 years of age and claim my Indian descent through my father; my mother is a full blooded colored woman. My father was born in Fannin Co., Ga. and raised in that county and in Tenn. I am a half-brother to Alsie Mc Kinney (746) on my father's side. My father was not held in slavery. He claimed to be 1/2 Indian. My father was on the roll I think but I don't know what roll. He was recognized as an Indian in the councils in Graham Co., N.C. My father never lived in the west. Never heard of him receiving any money from the government. He received rations. I am recognized as a colored man in the community. Never heard of my father making application to the government. My mother Mariah Young has filed application for some of her ~~xxxx~~ children. Her number is 31132. My mother has no children by Ben Burgess who are under age, the youngest being about 26 years of age and the oldest about ~~26 years of age~~ 44 years old.

Richard X Burgess
Signature of Witness.

Subscribed and sworn to before me at Murphy, N. C. this 14th day of July 1908.

FDR

Asst to Special Commissioner of
the Court of Claims.

31132 is the mother of Alvis Appel and is evidently of fraud as she has no children and is a full blooded colored woman. This witness's claim should be adjudicated with 746 as they claim through same father. Looks like a negro.