

No.

5

Action:

Rejected

Name

William Waters, deceased

and

X children.

Residence:

Madison, Ga.

Reasons:

Maria Waters wife

Claimant died Nov. 6 '06. He was a colored man but it is said was not a slave. He was born in 1826. He was not enrolled in 1851, & cannot name his parents or grand-parents - There is nothing in the case to justify his enrollment.

Tenn. Madison Co.

No. 5

Name William Waters

With No (Has died since
filing application)

Remarks:

Wife Mariah

Applicant born in 1826 but
does not appear on roll.
or was
is evidently a negro but
it is denied that he was a
slave.

Boyer & Boyer of Madison
Ga. are the attorneys.

Filed

Go

See letter from Atty

No. 5

EASTERN CHEROKEES.

APPLICATION

OF

William Waters

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 AUG 31 1906

No.

*Chas. P. G. Atty.
1416 F.
S. Kellogg Bldg. City*

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:

William Waters dead

Indian name:

Unknown

2. Residence:

Madison

3. Town and post office:

Madison

4. County:

Morgan

5. State:

Georgia

6. Date and place of birth:

Forsyth County Ga. Date 1826

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:

By my own right

8. Are you married?

No

9. Name and age of wife or husband:

Maria Waters age 85

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

Father—English name:

Unknown

Indian name:

Unknown

Mother—English name:

Unknown

Indian name:

Unknown

Maiden name:

Unknown

11. Where were they born?

Father:

Unknown

Mother:

Unknown

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

Father:

Unknown

Mother:

Unknown

13. Date of death of your father and mother—

Father:

Unknown

Mother:

Unknown

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

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

	NAME.	BORN.	DIED.
(1)	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
(2)	<u>Tamara</u>	<u>"</u>	<u>"</u>
(3)	<u>Betty</u>	<u>"</u>	<u>"</u>
(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.
<u>Unknown</u>	<u>Unknown</u>

17. Where were they born? Unknown

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

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

(1) English name:	<u>Unknown</u>
Indian name:	<u>"</u>
Residence:	<u>"</u>
(2) English name:	<u>"</u>
Indian name:	<u>"</u>
Residence:	<u>"</u>
(3) English name:	<u>"</u>
Indian name:	<u>"</u>
Residence:	<u>"</u>
(4) English name:	<u>"</u>
Indian name:	<u>"</u>
Residence:	<u>"</u>
(5) English name:	<u>"</u>
Indian name:	<u>"</u>
Residence:	<u>"</u>

20. Have you ever been enrolled for annuities, land, or other benefits? If so, state when and where: 260

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

Unknown

REMARKS.

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

I was born in Georgia in 1836 and my parents left me when quite a small boy therefore I am unable to give but little information as to my relatives. I was too small to remember names and dates.

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.)

William M. Stater

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

My commission expires _____, 190

C. H. Baldwin Clerk
Morgan Super Court 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 *Jasper M. Griggs* and

_____, who, being duly sworn, on oath depose and say that they are well acquainted with *William M. Stater*, who makes the foregoing application and statements, and have known him for *31* years and *45* 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.

Jasper M. Griggs
Jasper Cohen

Jasper M. Griggs
R. L. Baerck

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

My commission expires _____, 190

C. H. Baldwin Clerk
Morgan Super Court 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.

INDIAN OFFICE
EASTERN CHEROKEES
Rec JAN 31 1907
No. 5 app

FOSTER & FOSTER

Attorneys at Law

MADISON, - GEORGIA

January 28th 1907.

In re: application of W^m Waters for participation in fund arising from judgment of Court of Claims in favor of Eastern Cherokees.
Application # 5

Am. W^m M. Howard M.C.
Washington, D.C.

Dear Mr. Howard:

Some several months ago W^m Waters, - a Cherokee Indian resident in this County - filed his application for participation in fund arising from judgment of Court of Claims in favor of Eastern Cherokees. Waters died on November 6th 1906 and his widow, Maria Waters - has employed me to look after the claim for her. She has rec^d an acknowledgment - addressed to W^m Waters - from the Office of Indian Affairs, Dept^t of the Interior - of the receipt of his application, and the information that it had been made

FOSTER & FOSTER

Attorneys at Law

MADISON, - GEORGIA

"Application #5" and would be considered
in its order. Will you kindly take
up this application with the office of
Indian Affairs and write me what is
its present status and what is the amount
due Waters up to Nov. 6-1906? also if
his wife could draw any pension after his
death. I have told her it was my opinion
that she could not but it seems that
some one has told her she could.

Hoping to hear from you at your earliest
convenience I am

Truly Yours,
A. G. Foster

Enclosed I have your receipt of application

EASTERN CHEROKEES.

App. No. 5.

January 31, 1907.

Hon. Wm. M. Howard,
House of Representatives,
Washington, D. C.

Sir:-

In response to your personal inquiry of today, relative to the letter of Mr. A. G. Foster of Madison, Georgia, bearing date of January 28, 1907, and addressed to you, in which he asks for information relative to the Eastern Cherokee application of William Waters, I have the honor to state that said application was duly filed in this Office on August 31, 1906, and the letter of Mr. Foster will be filed with the same for reference.

Mr. Foster calls attention to the fact that the said William Waters died on November last, and wishes to know whether or not his widow will be entitled to a portion of the share that the said William Waters would have been entitled to.

The claim of the said William Waters has not yet been adjudicated but if it is found to be good his share would go to his legal representatives under the terms of the decree of the Court of Claims, and therefore, his widow would be entitled to her portion under the law. At this

#2--Hon. Wm. M. Howard:

time it would not be necessary for her to take out letters of Administration, but it would be well for her to file a letter setting forth the date of the death of her husband, and the names and post office addresses of his children, if he had any. This letter would be filed with his application and she will be notified if any further proofs are required.

For your further information an Eastern Cherokee poster is, herewith, inclosed.

Very respectfully,

Acting Commissioner.

GM:NLC.

1 inclosure.

8

INDIAN OFFICE
EASTERN CHEROKEES.
No. FF 224007
5 ap

FOSTER & FOSTER

Attorneys at Law

MADISON, GEORGIA

February 19th 1907.

Department of the Interior,

Office of Indian Affairs, Washington, D.C.

Mr. C. F. Larrabee, Acting Commissioner,

Dear Sir:-

In re: Application of William Waters for participation in fund arising from judgment of Court of Claims in favor of Eastern Cherokees
Application #5

On Jan. 28th last I wrote Hon. Wm. M. Howard, representative of this the 8th Ga. Congressional Dist., in regard to the status of the above stated application. In his reply under date of Feby. 2nd. he enclosed yours of Jan. 31st addressed to him in which you advise that it would be well for Mariah Waters, the widow of William Waters, to file a letter setting forth the death of her husband, and the names and post office addresses of his children, if any, with the further statement that this letter would be filled with the application of William Waters and that she would be notified if any further proofs were required.

Mariah Waters has employed me to look after this claim for her. She is now in my office and informs me that William Waters died on Nov. 6th 1906 and that William Waters left no children. The author has information that William Waters had an illegitimate daughter, now dead, but he never recognized her legally. He married Mariah Waters in slavery time and recognized and lived with her as his wife to the day of his death and from this alliance no child was ever born.

Will you kindly advise me when this application will be adjudicated and if approved what amount will his estate be entitled to? Mariah Waters

88

Frederick C. Foster

Albert G. Foster

FOSTER & FOSTER

Attorneys at Law

MADISON, - GEORGIA

is in distressed financial circumstances and if this application of her deceased husband is just and right, is there anything I can do to hasten its adjudication?.

Hoping for a reply at your earliest convenience, I am,

Respectfully Yours,

A. G. Foster.

EASTERN CHEROKEES.

App. No. 5.

February 25, 1907.

Mr. A. G. Foster,
Madison,

Georgia.

Sir:-

Your letter of February 19, 1907, relative to the Eastern Cherokee application of Hariah Waters, on behalf of her husband, William Waters, is at hand.

In reply you are advised that it is impossible for this Office to tell at this time what share claims will be finally exemplified, or just what each share will amount to, if approved.

A number of legal questions have been referred to the Court of Claims for further adjudication and until that court has disposed of these questions nothing definite can be stated.

Very respectfully,

Chief Clerk.

GM:MLC.

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Appl. \$5.

November 16, 1907.

William Waters,
Madison, Ga.

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 name does not appear upon either the roll of 1835 or the rolls of 1851. Please state the names of your parents. Were they living in 1851? If so, where did they reside? Do you claim through your father's or mother's side. Was your father or mother a slave? Were you a slave?

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.

CEB/ALS

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App. #5

February 25, 1908.

Messrs. Foster & Foster,
Madison, Ga.

Sirs:-

Relative to the application filed by William Waters, who you state in your letter of February 19, 1907 died on November 6, 1906, please state whether the said Waters was a slave of white people or of the Cherokees. Who was he owned by in 1851? Please state whether William Waters' wife is living at the present time, and whether she is the only one entitled to share in his estate.

An early reply will be appreciated.

Very respectfully,

Special Commissioner.

CHB/LJC

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COURT OF CLAIMS
EASTERN CHEROKEES.
Rec. MAR 10 1908
No. 5

Green
H. C. L.

FOSTER & FOSTER

Attorneys at Law

MADISON, - GEORGIA

C.F. B

App. #5.

March 7th 1908.

Mr. Guion Miller, Special Commissioner,
#601 Ouray Bldg., Washington, D.C.

Dear Sir:-

Our circuit court has been in session for the past week and engagements in it has delayed an earlier reply to your esteemed favor of the 26th of Feby., in re: application William Waters.

Replying to your several inquiries I beg to inform you that Mariah Waters, the widow of William Waters, tells me, and her information is correct so far as I am able to learn, that William Waters was neither a slave of white people or of the Cherokee Indians. Mariah Waters, the legal and lawful wife of William Waters, is living in this County and is the only person entitled to share in his estate. She is aged and very feeble and if she is justly entitled to any money in accordance with the decision by the Court of Awards, we, as her representatives in this matter, will appreciate any effort you may deem proper to make to put her into possession of it at an ^{early a} earlier date as possible. This old woman has nothing that we know of, and we are informed by a reliable and trustworthy negro, of this County, that he affords her small sums of money from time to time to feed and maintain her.

Any further information that we can afford you in the premises please call upon us, and thanking you in advance, we are,

Very Respectfully,

Foster & Foster
per A. G. Foster

HOUSE OF REPRESENTATIVES.

WASHINGTON

March 21, 1908.

Hon. Guion Miller,

601 Ouray Building,

Washington, D. C.

Dear Sir:

I inclose herewith a letter from Mr. Alber G. Foster of Madison, Georgia, on the subject of the present status of claim #5 of William Waters, deceased, and represented by his widow, Mariah Waters.

I shall be greatly obliged for such reply as you are to make to the inquiry.

Respectfully,

Wm A Howard

(Dictated.)
(Inclosure.)

M. C., Eighth District of Georgia.

March 25, 1908.

Honorable Wm. M. Howard,
House of Representatives,
Washington, D. C.

Sir:

Your letter of March 21, 1908, inclosing a letter from Mr. A. G. Foster, of Madison, Georgia, relative to the application of William Waters, deceased, is at hand.

You are advised that from the evidence we have been able to gather, by correspondence, we are unable to connect William Waters, deceased, with the Eastern Cherokees. From information received we are inclined to believe that this party was a negro and not a Cherokee Indian, but his widow, Mariah Waters, states that he was never a slave.

This case has been marked for the field and will be given further consideration when our field party reaches Georgia.

Before this application can be approved it will be necessary for evidence to be furnished tending to establish the fact that the parents or grandparents of William Waters were recognized members of the Eastern Cherokee Tribe of Indians at the date of the Treaty of 1835-6 and 1846, or, are descendants of such persons.

When this application is reached for final examination

8

#2--W.M.H.

in the field Mariah Walters, or her attorney, will be notified.

Mr. Foster's letter is returned to you, herewith.

Very respectfully,

Special Commissioner.

By

Chief Clerk.

NLC.

1 inclosure.

COURT OF CLAIMS
EASTERN CHEROKEES.
Rec. JUN 21 1909
No. 5

notice
6/10

8

FOSTER & FOSTER

ATTORNEYS AT LAW

MADISON, GA., June 19th 1909.

Mr. Guion Miller,

Special Commissioner,

Washington, D.C.

Dear Sir:-

In re:- Application #5 William Waters.

In this afternoon's Atlanta Journal is an article which says that some thirty odd thousand applicants claims for participation in the Eastern Cherokee fund had been approved and that quite a number of these applicants lived in this State. I write to inquire concerning the claim of William Waters #5.

I have your letter under date of March 23-1908 before me. This letter is addressed to Congressman Wm.M.Howard and forwarded by him to me. In this letter you say:- "From information received we are inclined to believe that this party was a negro and not a Cherokee Indian, but his widow, Mariah Waters, states that he was never a slave. This case has been marked for the field and will be given further consideration when our field party reaches Georgia. ***** When this application is reached for final examination in the field Mariah Waters, or her attorney, will be notified."

I have never heard anything of this claim since your letter above referred to and quoted from. I am told by the oldest citizens of this County, where William Waters lived all his life, that he was a full blooded Cherokee Indian. I knew him myself and he certainly looked like an Indian and bore the reputation of

FOSTER & FOSTER

ATTORNEYS AT LAW

MADISON, GA..

being one. His widow- Mariah Waters- is almost reduced to penury and is cared for by relatives and friends. If there is any flaw upon the title of Waters to participate in this fund I feel assured that it can be removed upon investigation. I devoutly believe that his claim of being a Cherokee Indian is grounded in truth and fact. If the claim has not been approved if you will kindly write me what is necessary for it to pass muster I will do my level best to obtain it.

I could myself make affidavit that Waters was not a negro. Whether or not he was a full blooded Cherokee I do not personally know as I am entirely too young. My father who is 63 years of age says that he has known or did know Waters all his life and he was never a slave and that he always regarded him as a full blooded Cherokee Indian.

Will you kindly let me hear from you at your earliest convenience.

Very truly yours,

