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RECORDS RELATING TO ENROLLMENT OF EASTERN CHEROKEE
BY GUION MILLER, 1908-1910

On the 12 rolls of this microfilm publication, M685, are reproduced the report and related records of Special Commissioner Guion Miller. In 1906 Mr. Miller was appointed by the U.S. Court of Claims to determine who was eligible for funds under the treaties of 1835-36 and 1845 between the United States and the Eastern Cherokee. Mr. Miller submitted his report and roll on May 28, 1909, and submitted a supplementary report and roll on January 5, 1910.

An act of Congress 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. These suits were (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 ascertain and identify the persons entitled to participate in the distribution of more than \$1 million appropriated by Congress on June 30, 1906, for use in payment of the claims. The task of compiling a roll of eligible persons was begun by Guion Miller, then special agent of the Interior Department. In a decree of April 29, 1907, the court vacated that part of its earlier decision that gave the Secretary of the Interior responsibility for determining the eligibility of claimants and appointed Mr. Miller as a special commissioner of the Court of Claims.

The 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 of Indians or were descendants of such persons, and that they had not been affiliated with any tribe of Indians other than the Eastern Cherokees 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. According to the decree, 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 representative.

In his report of May 28, 1909, Guion Miller stated that 45,847 separate applications had been filed, representing a total of about 90,000 individual claimants, of which 30,254 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 of Eastern Cherokees who were entitled to share in the distribution of the fund as submitted by the special commissioner of the Court of Claims with his report of May 28, 1909, except "so much as shall be expected [excepted] to on or before August 30, 1909." After the exceptions had been filed and investigated, Mr. 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 names of 610 persons, of which 238 resided east and 372 resided west of the Mississippi, had been added to the roll; and that names of 44 persons, 5 residing east and 39 residing west of the river, had been stricken from the roll because of 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, Mr. 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 Guion Miller records and are filmed as part of this publication. Other enrollment records used by Mr. Miller are among the classified fields of the Bureau and are designed as "33931-11-053 Cherokee Nation."

The records reproduced in this microcopy are in the National Archives and are part of Record Group 75, Records of the Bureau of Indian Affairs, with the exception of the Supplemental Roll of Eastern Cherokee, January 5, 1910, and Supplemental to the Siler Roll, Act of Congress, July 31, 1854, which are part of Record Group 123, Records of the United States Court of Claims. A Census Roll, 1835, of the Cherokee Indians East of the Mississippi and Index to the Roll, which have been reproduced on microcopy T-496, are also part of Record Group 75. Other records relating to the enrollment, including applications submitted by claimants, are in Record Group 123.

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