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Affidavit in the matter of Freedman John Reese, former slave of Henry Dobson Reese, by Roddy A. Reese, brother of Henry Dobson Reese, 25 September 1901.

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SUPPLEMENTAL, C.F. D-422

Department of the Interior
Commission to the Five Civilized Tribes
Fort Gibson, I.T. Sept. 25 1901

In the matter of the application of John Reese for enrollment as a Cherokee Freedman.

TESTIMONY ON PART OF THE CHEROKEE NATION

Appearances:

Mr. Smith, of Melletts & Smith, for applicant;

Mr. W.W. Hastings, for the Cherokee Nation

RODDY A. REESE, being sworn by Commissioner Needles, testified as follows:

BY MR. HASTINGS

Q. What is your name?

A. Roddy A. Reese

Q. What is your age?

A. 59, near about I guess.

Q. What is your post-office?

A. Menard.

Q. What is your father's name?

A. Charles Reese.

Q. What was your mother's name?

A. Nellie.

Q. Did you know Dobson Reese?

A. Yes sir, he was my oldest brother.

Q. How far do you live from him before the war?

A. I lived about a mile, sometimes I was at the house and a good many times I was back and forth.

Q. How far was that from Tahlequah?

A. I lived on the Doctor Fite place and he lived on the hill at the Barnes place.

Q. You know this applicant here, John Reese?

A. Yes sir.

Q. Did he belong to any of your family?

A. He belonged to Dobson Reese and lived on the hill.

Q. Did he belong to Dobson Reese at the time the war broke out?

A. I think not; I was off at school in '57 or '58 and when I come back they told me they sent him down to Van Buren, sold him to a man named Rainey.

BY MR. SMITH: I object to what was told him.

Q. Who told you that?

A. My brother, Dobson.

Q. Were you about your brother's place after that, between that time and the time the war came up?

A. Yes sir, I was there every day.

Q. Was this man there?

A. No sir.

Q. Now after you came back did you after that time and up to the beginning of the war hever see this applicant John Reese at your brother's place.

A. I never saw him there. I saw him about '60 or '61.

Q. Where?

A. Down at Park Hill.

Q. But you never saw him at your brother's?

A. I never saw him at brother's after I come back from school.

Q. Were you about your brother's very much after you came back?

A. Yes, there all the time, nearly all the time. Was there when the war come up, and left that place, me and him left together.

Q. You and your brother left together?

A. Yes sir.

Q. Were you acquainted with your brother's property?

A. Yes sir, some.

BY COM'R NEEDLES:

Q. What brother was that?

A. H.D. Reese, Dobe Reese, the oldest brother I had.

MR. HASTINGS:

Q. Who told you the man was sold?

A. His wife and him of both of them, when I come back from school I asked where was John, they said they let him go down to Van Buren with Mr. Rainey. See Bill Ross first raised this man and he let brother have him, was my understanding. And they got into a wrangle about some money and I think Mr. Rainey took him off of his hands; I don't know whether he went to Van Buren or where, but I never saw him no more until '60 or '61 he come up there with a pass, I understood he had a pass, I never saw it; he stayed around there until everything got pretty hot here, then he pulled for Kansas or somewhere else; I never saw him no more until '71, come to my house in '71.

Q. You know where he came from then?

A. Come from up the country somewhere, I don't know whereabouts.

Q. Is Dobson Reese's wife dead?

A. Yes sir.

Q. None of his immediate family living?

A. No sir.

Q. No children?

A. No sir, he had no children.

Q. You lived with him before the war?

A. Yes sir, stayed with him.

Q. Where had you been to school to?

A. Went to school at Mayesville in Arkansas, not Arkansas, up there in the Nation, Honey Creek.

Q. Close to Mayesville?

A. Yes sir.

Q. You came back in '58 or '59?

A. Somewhere along there, I don't remember the year, but somewhere along there.

Q. You were married before the war?

A. No sir, I wasn't married until '68.

BY MR. SMITH

Q. Now you say you saw John Reese, the applicant here, in '71, at your place?

A. Yes sir.

Q. What do you mean when you said he came from up the country, what part of the country?

A. I don't know, he lived up above there somewhere in Cooweescoowee I reckon; he come to my house and got breakfast.

Q. In the Cherokee Nation?

A. Yes sir, I reckon so, I never asked him where he come from; he was on his road to Fort Smith then.

Q. It is a fact that he at one time belonged to your brother, Dobson Reese, is it?

A. Yes sir.

Q. An Indian by blood was he not, Mr. Reese?

A. Yes sir.

Q. Can you tell me where John Reese was at the time your brother, Dobson Reese, bought him?

A. I guess he was living with Colonel Bill Ross, right there in the neighborhood.

Q. You know whether he was out in the woods or not?

A. No sir, I do not.

Q. Which is the oldest, you or John?

A. John is the oldest.

Q. How much?

A. I guess he must be 10 years older than I am.

Q. Do you remember of your own individual recollection when your brother, Dobson Reese bought him?

A. No sir, I don't, he must have been a boy about 18 or 19 years old when he bought him I guess, maybe not so old.

Q. I am just asking you if you remember yourself, where were you?

A. I was living right there at Tahlequah when he bought him, with my mother.

Q. Don't you know whether John Reese was at Dobson Reese's house or whether he was out in the woods or not?

A. No sir, I know when he bought him; next time I went there he was there.

Q. Do you know whether or not he was at Ross' house when he bought him?

A. No sir, I don't know.

Q. Didn't he run away a time or two, North?

A. I don't know.

Q. Didn't Ross get him from a Cherokee named Melton?

A. I think he got his mother there. I don't know whether he was born at Ross' or Melton's.

Q. Didn't you know of him running away from these people that owned him before the war?

A. Didn't run away from us.

Q. I am not talking about you, but the others?

A. I don't know about that; he was always pretty wild, I know that much.

Q. You can't recollect whether he ran away from any of them?

A. No sir.

Q. He was at your brother's when you went off to school?

A. Yes sir.

Q. How long were you away at school?

A. I was away about a year I guess.

Q. How many slaves did you brother own?

A. Well he had, he only had him and another family, I reckon there was 4 or 5 of them, three or four in the family, old aunt Jude and her children is all I know of.

Q. How long did he live with your brother before you went off to school?

A. I don't recollect.

Q. Several years?

A. Yes, he was there several years I guess.

Q. Did you see him there?

A. Yes sir.

Q. Did you visit your brother?

A. Yes, I saw him there and again.

Q. Now when you came back from school you saw that John was now there?

A. No sir.

Q. You never saw him anywhere outside of the Cherokee Nation?

A. No I never had been outside of the Cherokee Nation only during the war.

Q. You don't know whether John ever was outside of the Cherokee Nation or not, of your own personal knowledge?

A. No, only what they told me that they sent him out; I don't know whether they carried him out or not, but they told me they took him out.

Q. They didn't claim to carry him out?

A. Rainey sent him out, I understood that Rainey, the merchant, bought him and carried him to Van Buren.

Q. You don't know anything about that except what you were told?

A. No.

Q. It was your brother's wife who told you wasn't it?

A. Yes sir, she first told me that; she spoke up and said she was sorry we had to dispose of John, said he was getting so bad couldn't do anything with him.

Q. As a matter of fact the only time after you ever came back when you saw John he was there close to your brother's in '60 or '61?

A. Yes sir, he was there in Park Hill in the neighborhood.

Q. He had a pass, who was that from?

A. I don't know, I never saw it; I was told he had a pass. Because if he didn't have any pass he couldn't have stayed there.

Q. Who gave him that pass?

A. Don't know that.

Q. Didn't you hear?

A. I heard his old boss give it to him.

Q. Who?

A. I didn't hear the name.

Q. It must have been Dobson?

A. No, it wasn't him.

Q. How do you know?

A. Because he didn't have no right to give him a pass.

Q. He was staying there in that country in '60 or '61 near your brother's.

A. Somewhere in '60 or '61.

Q. As a matter of fact did your brother have the right to sell him?

BY MR. HASTINGS: That is a legal question.

BY COM'R NEEDLES: I think so.

MR. SMITH:

Q. Did he own him? Did he belong to him?

A. Yes sir, he bought and paid for him.

Q. You mentioned something in your testimony about there being some money transaction between Ross and Dobson Rees?

A. Well I didn't understand what it was, but there was a money wrangle some way or another and I never could get hold of how it was.

Q. Did Dobson own him or did Ross own him?

A. Dobson owned him of course; he had a bill of sale of him.

Q. Did you ever see it?

A. Yes sir.

Q. Bill of sale?

A. Yes sir.

Q. You know where it is now?

A. No sir, I don't, it may be with his old papers; one he got from Bill Ross.

Q. Who was it from this bill of sale?

A. From William Ross.

Q. From William Ross to Dobson?

A. Yes sir, to H.D. Reese.

Q. Your understanding from your brother and sister-in-law that John had gotten pretty wild and they couldn't handle him and they had to let him go, is that right?

A. Yes sir.

Q. Do you know whether William Ross ever sold John to anybody besides your brother or not?

A. No sir, I don't.

Q. You know whether he ever sold him to a man here in Fort Gibson or not?

A. No sir.

Q. Didn't your brother Dobson let William Ross have some money and take this man as an equivalent?

A. I don't know, there was a wrangle about some money; I never did get at what it was; whether he let this man go for the money or not.

Q. Now Mr. Reese, if Mr. Ross had sold this man to your brother Dobson, and had delivered him to Dobson what was there to wrangle about?

A. I don't know; I didn't pay much attention to things them days, such as that; I just heard them talking.

Q. Now it was so mixed up there that you don't know how in the world it was, ain't that right?

A. I knew this much about it, I knew that Dobson bought John and paid for him.

Q. You knew that he let William Ross have some money?

A. He paid for him, at least he said so, and he was a man that always came up to time.

Q. What about William Ross getting him back?

A. He never got him back.

Q. Did he have a right to pay this money back and get him back?

A. I don't know.

Q. So you can't state then who this John Reese belonged to when the war came up?

A. Belonged to somebody down the river, didn't belong to our folks; belonged to somebody down about Van Buren; I didn't hear the name.

Q. It was in the Cherokee Nation?

A. I don't know whether it was.

Q. In '60 or '61 he was down there about Tahlequah?

A. Yes sir, somewhere down there.

Q. You can't say who he belonged to?

A. A man by the name of Rainey took him away from our house.

Q. Were you there?

A. No sir.

Q. That's all, what was told you?

A. Yes sir.

BY MR. HASTINGS

Q. That was told to you by your brother and his wife upon your return?

A. Yes sir, when I come from school.

Q. You know Dobson Reese didn't own him at the beginning of the war?

A. Yes sir.

BY MR. SMITH

Applicant moves to strike out the testimony of this witness bearing upon who owned the supplicant at the beginning of the war, for the reason that it is shown to be purely hearsay and offered without regard to the rule of admission of hearsay testimony.

BY MR. HASTINGS

The Representatives of the Cherokee Nation desire to make this statement: That that is the only way that the property interest can possibly be proved, is by what people who own property tell them, and it is the only possible way of proving the ownership of property.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes the re of.

3 October 1901