

J- N° 18

Triphena E. Percy, et al,

vs

Shoshone Nation.

N° 134.

Southern Dist. Court.

N°

Dawes Commission.

No record.



Triphena E. Teary et al. No. 18

- ✓ Triphena Elizabeth Teary
- ✓ John Wesley Teary
- ✓ Joseph A. Teary
- ✓ Martha Ellen Teary (nee Becker) (or  
Martha Ellen Becker nee Teary)
- ✓ William Atoka Teary
- ✓ Thomas Wesley Teary (or James Wesley Teary)
- ✓ Joseph Anderson Teary
- ✓ John Franklin Teary
- ✓ Lavinia Elizabeth Teary
- ✓ Elijah Teary
- ✓ Ida May Teary
- ✓ Mary Ellen Teary
- ✓ Addie Teary
- ✓ Blanch Teary
- ✓ William Earl Teary
- ✓ Maria Evelyn Teary No jurisdiction
- ✓ Rosa Belle Teary

Dmy - Choctaw



~~John Samuel Leary~~  
Betty Leary

No jurisdiction.



*Duplicate:*

SUMMONS.

United States of America, )  
INDIAN TERRITORY, ) ss:  
Choctaw and Chickasaw Citizenship Court. )

The President of the United States of America,

To the United States Marshal for the Indian Territory, ~~Southern~~ District,

GREETING:

YOU ARE COMMANDED TO SUMMONS P. S. Moseley

Governor of the Chickasaw nation

on behalf of said nation  
to answer in twenty days after the service of this summons upon him as

Governor of said nation

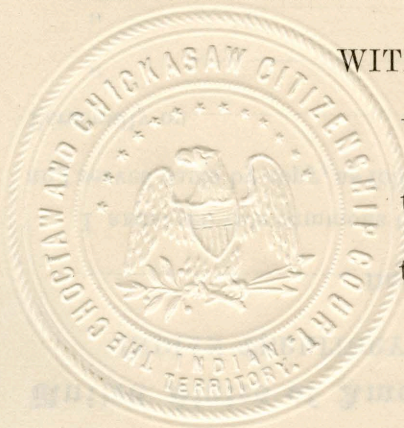
a complaint in Equity filed against the Choctaw and Chickasaw nations

in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, Leshoning, S.T.

by Liphman & Percy, Attys. and warn him that upon his as said governor failure to answer, the

on behalf of said nation the  
complaint will be taken for confessed, and you will make return of the summons on the

first day of next instant Term of said Court



WITNESS the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L.

WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal

thereof, at Le Mcalister S.T., aforesaid,

this 3<sup>rd</sup> day of March, A. D. 1906

James B. Cassada  
Clerk.

By \_\_\_\_\_, Deputy.



*Duplicate*

SUMMONS.

United States of America, )  
INDIAN TERRITORY, ) ss:  
Choctaw and Chickasaw Citizenship Court.

The President of the United States of America,

To the United States Marshal for the Indian Territory, Central District,

GREETING:

YOU ARE COMMANDED TO SUMMONS Green McCurtain

Principal Chief of the Choctaw nation

on behalf of said nation

to answer in twenty days after the service of this summons upon him as

Principal Chief of said nation

a complaint in Equity filed against the Choctaw and Chickasaw nations

in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, So McAlester

by Liphman & Prany, et al. and warn him that upon his failure to answer xxx

on behalf of said nation the complaint will be taken for confessed, and you will make return of the summons on xxx

first day of next xxxxxxxx instanter xxxxxx of said Court

WITNESS the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L.

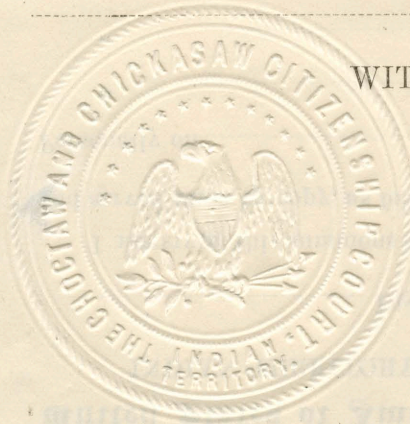
WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal

thereof, at South McAlester, Ind. er. er. aforesaid,

this 3<sup>rd</sup> day of March, A. D. 190-3

James B. Cassen  
Clerk.

By \_\_\_\_\_, Deputy.





United States of America,  
INDIAN TERRITORY,  
DISTRICT.

ss:

I RECEIVED this summons this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 190\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m.

and served same by copy, as follows:

Personally on \_\_\_\_\_ at \_\_\_\_\_

Ind. Ter. this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_ o'clock \_\_\_\_\_ m.

at \_\_\_\_\_ Ind. Ter. this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_ o'clock \_\_\_\_\_ m.

at \_\_\_\_\_ Ind. Ter. this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_ o'clock \_\_\_\_\_ m.

at \_\_\_\_\_ Ind. Ter. this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_ o'clock \_\_\_\_\_ m.

at \_\_\_\_\_ Ind. Ter. this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_ o'clock \_\_\_\_\_ m.

at \_\_\_\_\_ Ind. Ter. this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_ o'clock \_\_\_\_\_ m.

at \_\_\_\_\_ Ind. Ter. this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_ o'clock \_\_\_\_\_ m.

With a member of defendant's family over 15 years of age there residing.

And the other persons named in this Summons are "not found in this District."

U. S. Marshal.

By \_\_\_\_\_ Deputy

SUMMONS  
IN EQUITY.

No. 18-77-

*Stephen E. Percy, etc.,*  
vs.  
*Choctaw & Chickasaw Nations*

Summons issued the *3<sup>rd</sup>* day  
of *March*, 190*3*

Returnable *immediately* ~~Term, 190~~

Returned and filed \_\_\_\_\_, 190\_\_\_\_

Clerk.

By \_\_\_\_\_, Deputy.

MARSHAL'S FEES.

Services,	-	-	-	\$
Miles,	-	-	-	\$
Expense,	-	-	-	\$
TOTAL,	-	-	-	\$

*Thompson & Brown*  
Attorney for Plaintiff.  
*Adkins, J. S.*



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IN THE CHOCTAW AND CHICKASAW CITIZENSHIP  
COURT, SITTING AT TISHOMINGO, INDIAN TERRI-  
TORY, MAY TERM, 1904.

Triphena E. Pearcy, et al.,

vs.

No. 18.

Choctaw & Chickasaw Nations.

The Honorables, Judges Walter L. Weaver and Henry S. Foote  
present.

Plaintiffs not represented by counsel.

Mansfield, McMurray & Cornish, for defendants.

May 12, 1904. This day this cause coming on to be heard the fol-  
lowing proceedings were had:

Mr. Cornish:

I will state on behalf of the Choctaw and Chickasaw Na-  
tions that in this case neither the plaintiffs nor their attorneys  
are present and no testimony is offered on behalf of applicants.  
We deem it proper to state that on behalf of the Nations have made  
a very careful examination of the papers transferred to this court  
which purport to be the record made before the Commission and  
the United States Court and after an examination into the facts  
therein alleged we do not find that any competent evidence has been  
offered along those lines necessary for the plaintiffs to prove  
their case. The case has no solid foundation and with this statement  
we submit the case for final decision of the Court.

Mr. Brown one of the attorneys for the plaintiffs stated  
to me yesterday that he would not be here to appear in this case  
today.

Judge Weaver:

The case will be passed. The Clerk will be directed to  
write to Thompson & Brown. The Court desires a statement from them  
for the purpose of having the record show that the parties do not  
offer any testimony.

Judge Foote:

We will set this case for one week from today, May 19th,  
and the Clerk will write to Messrs. Thompson & Brown stating that  
they were not present when the case was called today and that the  
case has been reassigned on the calendar for the 19th and if they  
do not respond by that time the court will understand that they  
decline to introduce any further testimony or prosecute their case.

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IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT,  
SITTING AT TISHOMINGO, MAY TERM, 1904.

Triphena Pearcy, et al,

vs. No. 18

Choctaw and Chickasaw Nations.

H. H. Brown, Attorney for Plaintiffs.

Mansfield, McMurray & Cornish, for Defendants.

Present and presiding the Honorable Walter L. Weaver,  
Associate Judge.

MAY 17, 1904. This day this cause coming on to  
be heard, both plaintiffs, and defendants being represented  
personally, the following proceedings were had, to-wit:

Mr. Brown:

In that case the plaintiffs do not care to take any  
evidence, or to offer any further proof .

JUDGE WEAVER:

Let the record show that the Counsel for the plaintiffs  
appeared in open Court and stated that the plaintiffs  
did not ~~xxx~~ intend to offer any testimony or to make any  
proof whatsoever to sustain the allegations.

Mr. Brown:

It will save me the trouble of being here on the 19th

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In the Choctaw and Chickasaw Citizenship Court, sitting at  
Tishomingo, in the Southern District of the Indian Territory.

Triphena E. Percy, et al.,

vs.

No. 18.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this            day of            , 1904, this cause  
coming on for final decision, the same having heretofore been  
submitted upon the law and the evidence, and the Court being well  
and sufficiently advised in the premises, doth find that the  
plaintiffs, Triphena Elizabeth Percy, John Wesley Percy,  
Joseph A. Percy, Martha Ellen Percy (nee Belcher) (or Marth  
Ellen Belcher, nee Percy), William Atoka Percy, Thomas Wesley  
Percy or James Wesley Percy, Joseph Anderson Percy, John  
Franklin Percy, Louisa Elizabeth Percy, Elijah Percy, Ida May  
Percy, Mary Ellen Percy, Addie Percy, Blanch Percy, William  
Fred Percy, Rosa Bell Percy, and Betty Percy, are not entitled  
to be deemed or declared citizens of the Choctaw Nation, or to  
enrollment as such, or to any rights whatever flowing there-  
from; and the Court doth further find that it has no jurisdiction  
of the plaintiffs Nora Evelyn Percy and John Daniel Percy.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the  
petition of the plaintiffs, Triphena Elizabeth Percy, John  
Wesley Percy, Joseph A. Percy, Martha Ellen Percy (nee  
Belcher) (or Marth Ellen Belcher nee Percy), William Atoka  
Percy, Thomas Wesley Percy or James Wesley Percy, Joseph  
Anderson Percy, John Franklin Percy, Louisa Elizabeth Percy,



Elijah Percy, Ida May Percy, Mary Ellen Percy, Addie Percy, Blanch Percy, William Fred Percy, Rosa Bell Percy, and Betty Percy, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners Nora Evelyn Percy and John Daniel Percy, the Court having no jurisdiction, their petition is dismissed.

.....  
Chief Judge.

.....  
Associate Judge.

.....  
Associate Judge.



In the Citizenship Court for the Choctaw and Chickasaw

Nations, Sitting at South McAlester, I. T.

Triphena E. Percy, et al, .....Petitioners, )  
vs )  
The Choctaw & Chickasaw Nations, ..... Defendants. )

Petition for Appeal or Writ of Error.

The plaintiffs in an action of Triphena E. Percy and others against the Choctaw Nation, number 134, in the United States Court for the Southern District of the Indian Territory at Ardmore, for an order or writ of error from this citizenship court to the United States court for the Southern District of the Indian Territory, directing and commanding the transfer and certification to this court of the papers, proceedings, orders, filed, depositions and evidence in said case in the United States court for the Southern District of the Indian Territory to this court.

The plaintiffs herein, Triphena Elizabeth Percy, John Wesley Percy, Joseph A. Percy, Martha Ellen Percy, nee Belcher, William Atoka Percy, now dead, Thomas Wesley Percy, Joseph Anderson Percyn, John Franklin Percy, Louisa Elizabeth Percy, Elijah Percy, Ida May Percy, Mary Ellen Percy, Addie Percy, now dead, Blanch Percy, William Fred Percy, Nora Evelyn Percy, children of William Atoka Percy, Rasa Bell Percy, John Daniel Percy, Mrs. Betty Percy, by intermarriage.

All the above named plaintiffs in said suit show to the court that they are the lineal descendants of Triphena Elizabeth Taylor, who was a onehalf Choctaw Indian by blood; that Triphena



Eliabeth Taylor was married to William McGinniss, and the applicant herein, Triphena Percy, is the daughter of Triphena McGinniss, nee Taylor, and William McGinniss, and all the other applicants herein are children and grand-children of Triphena Percy, nee McGinniss, and Williamson Percy, except William Fred Percy, Nora Evelyn Percy, Rosa Bell Percy, and John Daniel Percy, who are great-grand-children; that all the parties above mentioned made application to the Commission to the Five Civilized Tribes under Act of June the 10th, 1896, for enrollment as citizens of the Choctaw Tribe of Indians, and duly and properly filed said application as to all of these petitioners and acted upon same adverse to the applicants herein and rejected them; That after said Commission to the Five Civilized Tribes rejected your petitioners, they duly and properly appealed said case above referred to to the United States court for the Southern District of the Indian Territory, at Ardmore, and said case was duly docketed on the citizenship docket of said court for the Southern District of the Indian Territory, at Ardmore, styled Triphena E. Percy, and others, against the Choctaw Nation, number 134; that said case was tried before the United States court for the Southern District of the Indian Territory, and your petitioners were duly admitted to citizenship by said court and judgment entered upon the citizenship docket of said court, admitting them to citizenship, and that said term of court finally adjourned, and said judgment became final, and remained a valid judgment until the 17th of December, 1902; that in the case of the Choctaw and Chickasaw Nations or Tribes against J. T. Riddle, and others, tried in this court, under the provisions of sections 31-2 of the Supplementary Treaty between the United



States and the Choctaw and Chickasaw Indians, the judgment of the United States court for the Southern District of the Indian Territory was vacated, annulled and declared void, and judgment in this case of said United States court for the Southern District of the Indian Territory was, by said action of this court, set aside.

*That all your petitioners are bona fide residents of the Choctaw & Chickasaw Nations, and have been for the past 8 years*

WHEREFORE, your petitioners ~~XXXX~~ ask to be allowed to prosecute this appeal an writ of error in the name of Triphena E. Percy, et al, plaintiffs, against the Choctaw and Chickasaw Nations, defendants, and that they have an order or writ from this court to the said United States court for the Southern District of the Indian Territory, at Ardmore, ordering and commanding the transfer and certification to this court of the files, papers, evidence, proceedings and records in said court, styled Triphena E. Percy, et al, against the Choctaw Nation, number 134, to this court, and that the Choctaw and Chickasaw Nations be summoned to answer herein, and for all other proper relief to which they may, in equity and justice, be entitled.

Thompson & Brown  
Attorneys for Petitioners.

Martha Ellen Belcher, being duly sworn, on oath states that the facts above set forth are true and correct, as she verily believes.

Martha Ellen Belcher

Subscribed and sworn to before me this 25th day of February,

A. D. 1903.

*(Seal)*

J. C. Williams  
Notary Public.



Chickasaw Nation,  
Indian Territory.

On this day, before me, the undersigned authority, personally appeared J. E. Williams, who, being by me duly sworn, on oath states:

That he is ~~xxx~~ stenographer for Thompson & Brown, and that he did, on the 26 day of February, 1903, address to Mansfield, McMurray & Cornish, attorneys for the Chickasaw and Choctaw Nations, at South McAlester, I. T., a letter, containing a ~~carbon~~ <sup>copy of</sup> true copy of the foregoing petition of Triphena E. Percy, et al, against the Choctaw and Chickasaw Nations, and that he sealed said letter, containing said carbon copy so addressed, and registered the same to the said Mansfield, McMurray & Cornish, at South McAlester, Indian Territory, as shown by <sup>copy of</sup> register receipt hereto attached and made a part of this affidavit.

J. E. Williams  
Subscribed and sworn to before me this 26 day of February,

A. D. 1903.

(Seal)

J. R. Mason  
Notary Public.



No

Triphena C Pearcey  
et al

vs

The Choctaw and  
Chickasaw Nations

Copy of  
Petition for appeal

Original  
received

DeWitt

DeWitt



In the United States Court for the Indian Territory Southern  
District at Ardmore

Triphena Elizebeth Percy et al,

vs

REPORT OF MASTER IN CHANCERY

Choctaw Nation

To The Honorable Hosea Townsend, Judge:

This case is referred to me by an order of your Honorable Court for my finding and report:

I find from the evidence in this case that a Choctaw Indian woman named Triphena Taylor married William McGinniss, and as an issue of said marriage there was born unto them Triphena Elizebeth Percy, nee McGinnis, and that Triphena Elizebeth Percy nee McGinnis, was married to Williamson Percy, now deceased, and as an issue of this marriage there was born John Wesley Percy, Joseph A. Percy and Martha Ellen Belcher, nee Percy.

And that Joseph A. Percy was married to Bettie Dixon in the year of 1873 in the state of Texas, County of Hood, and unto them have been born William Atoka Percy, James Wesley Percy, Joseph Anderson Percy, John Franklin Percy, Mary Ellen Percy, Addie Percy and Blanche Percy.

That John W. Percy was married to Elizabeth Clifton. That William Atoka Percy was married to Tennie McKellar in Parker County Texas about the year 1892; that unto them have been born William Fred Percy and Nora Eveline Percy.

That James Wesley Percy was married to Bertie Wellington in 1894 and that unto them have been born Rosa Bell Percy and John Daniel Percy.

That Martha Ellen Belcher, nee Percy, by a former marriage with Isaac Dove, had one child, named Melinda Piatta Dove.

I find that the said Triphena Elizabeth Percy is a Choctaw Indian woman by blood and that her and her descendants heretofore mentioned constitute the applicants in this case and are all Choctaw Indians by blood, and are now residents of the Indian Territory, and that the same are entitled to enrollment as citizens by blood



of the Choctaw Tribe of Indians.

And that the following named person intermarried hereto  
mentioned  
fore, to wit: Mrs. Bettie Percy, wife of Joseph A. Percy, is entitled  
to enrollment as an intermarried citizen of the Choctaw Tribe of  
Indians.

I therefore recommend that all of the parties hereinbefore  
mentioned be admitted to citizenship in said Choctaw Tribe of Indians  
and duly enrolled as such with all the rights privileges and immu-  
nities as such.

John Hinkle

Master in Chancery.



No. 18 T

X

Truphena E. Pearcy Eval

rs  
Choctaw & Chickasaw Nation

John Hinkle

Master in Chancery.

(22)

of the Choctaw Tribe of Indians.

And that the following named person intermarried hereto

fore, to-wit: Mrs. Bettie Pearcy, wife of Joseph A. Pearcy, is entitled

to the same rights and privileges as such with all the rights privileges and immu-

to the same rights and privileges as such with all the rights privileges and immu-

I therefore recommend that all of the parties hereinbefore

mentioned be admitted to citizenship in said Choctaw Tribe of Indian

and as such entitled to all the rights privileges and immu-

it is as such.

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Triphena Elizabeth Percy, et al.

Vs. Judgment, Southern District. Feb. 1, 1898.

Choctaw Nation.

This cause coming on to be heard upon the pleadings, evidence, and Master's report herein Court being in session. It appearing to the Court that the applicants herein have complied with the laws in the prosecution of their claims to citizenship and met every requirement of the law. And it further appearing to the court therefrom the the parties hereinafter named are entitled to citizenship in the Choctaw Nation of Indians and to have their names enrolled on the rolls of the said Nation as members thereof. It is therefore ordered, decreed and adjudged that the Master's report herein be confirmed in all respects, and that the following named parties be and the same are hereby admitted to citizenship in the Choctaw Nation of Indians as citizens thereof by blood and that their names be enrolled on the rolls of the said Nation, to-wit:

Triphena Elizabeth Percy, John Wesley Percy, Joseph A. Pearcey, Martha Ellen Belchear (nee Percy), William Atoka Percy, James Wesley Percy, Joseph Anderson Percy, John Frankoin Percy, Louvisa Percy, Elizabeth Percy, Elijah Percy, Ida May Percy, Mary Ellen Percy, Addie Percy, and Blanche Percy, William Fred Percy, Nora Eveline Percy, Rosa Belle Percy, and John Daniel Percy, and the following named persons <sup>by</sup> ~~xxx~~ intermarriage, to-wit: Mrs. Bettie Percy.

It is further ordered, decreed and adjudged that all the said parties possess and be permitted to exercise and enjoy all the rights privileges and immunities as citizens and members of said Choctaw Tribe of Indians.

7 And the Clerk of this Court is hereby ordered and directed to furnish to the Dawes Commission a certified copy of this judgment, for enrollment. It is further ordered that the Choctaw Nation pay all costs herein expended for which let execution issue. Dated this 1st day of February, 1898.



Tryphena Piearcy, et al.

Vs. No. 134 Judgment Southern District. March 3, 1899  
Choctaw Nation.

On this the 3rd day of March, A. D. 1899, H. H. Brown attorneys for the applicants in the above entitled action, ask leave to file this, his motion to correct the judgment nunc pro tunc entered of record in this action. It appearing from the records in this action that the names of Nora Evalina Piearcy John Daniel Piearcy, are found in the judgment recorded in this action while the names of said parties do not appear in the original application for citizenship before the Dawes Commission. Attorney for applicants therefore requests that the judgment herein be corrected so as to exclude the names of Nora Evalina Piearcy and John Daniel Piearcy from said judgment as ~~xxxxxx~~ recorded and now appears of record. It is therefore ordered, decreed and adjudged that the clerk of this court is hereby directed and ordered to correct said judgment herein rendered so as to exclude the names of Nora Evalina Piearcy and John Daniel Piearcy from the judgment as now recorded.