

J- N^o 35.

H. J. Sorells -

vs

Cherokee Nation.

N^o 130.

Southern Dist. Court.

N^o

Dawson Commission.

Law

Question of Law.

Query,

1. Was Nancy Morris, Cherokee.
 2. Was marriage of June, 8, 1861 according to Cherokee Law.
- Pass,

W. B.

Witnesses for
Claimants

Edward Piggott-Kiowa
Annie Piggott - Kiowa

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, Northern District,

GREETING:

You are hereby Commanded to Summons Green McCurtain, Principal Chief of the Choctaw Nation, to answer on behalf of said nation, 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 nation in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory,

at Leihomings, by N. J. Smalls

and warn him that upon his failure as said Principal Chief to answer on behalf of said nation, the complaint will be taken for confessed, and you will make return of the summons instanter;

And you are further commanded to notify said Green McCurtain, Principal Chief aforesaid, that the papers, files and proceedings in the case of N. J. Smalls

File No. 130 in the District Court for the Southem District of the

Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that

the certificate of the clerk of said court for said Southem District, Indian Territory,

has been attached thereto.

WITNESS the Honorable Spencer B. Adams, Chief Judge,

Walter L. Weaver and Henry S. Foote, Associate

Judges, and the Seal thereof, at South McAlester,

Indian Territory, aforesaid, this 21-

day of March A. D., 1903.

James B. Cassada Clerk.

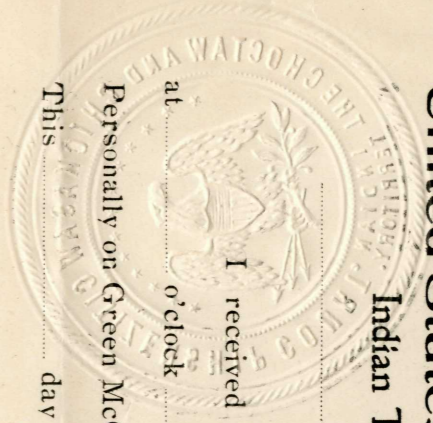
By _____ Deputy.



MARSHAL'S RETURN.

United States of America,
Indian Territory,
DISTRICT.

James G. ...
Clerk



I received this summons this of A. D. 1903,
at o'clock m. and served same by copy, as follows: aforesaid, this 21st
Personally on Green McCurtain, at Indian Territory,
This day of 1903, n.

WITNESS the Honorable Spencer B. Adams, Chief Judge

By Deputy.

Duplicate
No 3 5- 71

SUMMONS
IN EQUITY.

S. J. Smalls
vs.
Choctaw and Chickasaw Nations.

Summons issued 21 day of
March, 1903. Returnable instant.

Marshal's Fees.

Service	-	-	-	\$
Miles	-	-	-	\$
Expenses	-	-	-	\$
TOTAL				\$

Herbert, Miller & Connor
Attorneys for Plaintiff.
Adams J. T.

Choctaw and Chickasaw Citizenship Court,
Indian Territory,
United States of America,
SUMMONS.

SUMMONS.

United States of America,

Indian Territory,

Choctaw and Chickasaw Citizenship Court.

SS

The President of the United States of America,

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

GREETING:

You are hereby Commanded to Summons P. S. Moseley, Governor of the Chickasaw Nation, to answer on behalf of said nation, 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 nation in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, at Teshomingo, by N. J. Smalls

and warn him that upon his failure as said Governor to answer on behalf of said nation, the complaint will be taken for confessed, and you will make return of the summons instanter;

And you are further commanded to notify said P. S. Moseley Governor aforesaid, that the papers, files and proceedings in the case of N. J. Smalls File No. 130 in the District Court for the Southern District of the Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that the certificate of the clerk of said court for said Southern District, Indian Territory, has been attached thereto.

WITNESS the Honorable Spencer B. Adams, Chief Judge, Walter L. Weaver and Henry S. Foote, Associate Judges, and the Seal thereof, at South McAlester, Indian Territory, aforesaid, this 21 day of March A. D., 1903.

James B. Carson Clerk.

By _____ Deputy.



MARSHAL'S RETURN

MARSHAL'S RETURN.

United States of America,
 Indian Territory,
DISTRICT.

I received this summons this _____ of _____ A. D. 1903,
 at _____ o'clock _____ m. and served same by copy, as follows:
 Personally on P. S. Moseley, at _____ Indian Territory,
 This _____ day of _____, 1903, _____ m.

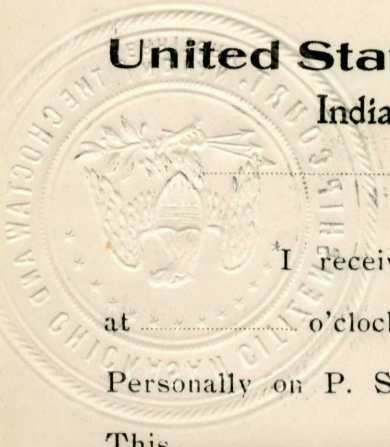
By _____ Deputy.

Duplicate
 No 35-7
SUMMONS
INEQUITY.
P. S. Moseley
 vs.
 Choctaw and Chickasaw Nations.
 Summons issued 21 day of
 March, 1903. Returnable instantler.

Marshal's Fees.

Service	-	\$
Miles	-	\$
Expenses	-	\$
TOTAL			\$.....

Robert Walker of Choctaw
 Attorneys for Plaintiff.
Adrian O.T.



H. J. Sorrells. } T. No. 35., Sov. Dist. No. 130.
v. }
Choctaw Nation)

Henry J. Sorrells, a white man, was married to Mary Norris, an alleged Choctaw by blood at Paris, Texas, June, 8th, 1861. They lived together until her death in 1870, and then in 1874 the applicant married Elva P. Moody, a white woman.

Henry J. Sorrells, is the only party applicant.

Dec. 4, 1896. Denied by Dawes Commission.

Nov. 15, 1897. Admitted by U. S. Court, Sou. Dist.

Query:

1. Was Mary Norris, a Choctaw by blood.
2. Was marriage of June, 8th, 1861 according to Choctaw laws.

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

H. J. Sorrells,
Plaintiff,
vs.
Choctaw and Chickasaw Nations,
Defendants.

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MEMORANDUM OF ARGUMENT FOR NATIONS.

H. J. Sorrells is an applicant for enrollment as a member of the Choctaw Nation by inter-marriage.

He alleges that on June 21st, 1861, in Lamar County, Texas, he was married to Mary Countee, whom he alleges in his original application filed before the Commission, to have been of one-eighth Choctaw blood; and that she was at the time a resident of the Choctaw Nation, near Doakesville.

The record in this case is very brief and a careful examination of it will disclose the fact that there is not one word of oral evidence competent to prove the Choctaw citizenship of applicant's alleged wife.

The Choctaw citizenship of the Countee woman was sought to be proved by showing her connection to certain persons enrolled by the Commission in pursuance of the Act of June 10, 1896. As we have so often had occasion to remark, such evidence if admitted would place on the roll some of the most notoriously fraudulent cases which have

been tried before this Court. The duty of passing on the evidence of Choctaw citizenship is placed by the law on this Court, without reference to the adjudications of the Commission or other tribunals.

The applicant frankly admits that there was no compliance by him with the tribal marriage laws, and therefore on the authority of the opinion of this Court, as stated by Judge Foote in the case of James T. Leard vs. Choctaw and Chickasaw Nations, No. 16, on the South McAlester Docket, the petition of applicant must be denied, even had he proved, which we do not concede, the Choctaw Citizenship of his wife.

Respectfully submitted,

ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

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Respectfully submitted,

ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

Department of Justice,
Choctaw and Chickasaw Citizenship Court,
Indian Territory,

....., 190.....

H. J. Sorrells

No 35

✓ H. J. Sorrells

Prny. Intermarried.

Choctaw

Department of Justice,
Choctaw and Chickasaw Citizenship Court,
Indian Territory,

....., 190.....

H. J. Sorrells

No 35

✓ H. J. Sorrells

Prny. Intermarried.

Choctaw

In the Choctaw and Chickasaw Citizenship Court, sitting at
South McAlester, Indian Territory, _____ Term _____

Petition of party plaintiff in an action in the United States
Court for the Southern District of the Indian Territory, at Ard-
more, styled, H. J. Sorrells, plaintiff, versus the Choctaw Nation, De-
fendant, No. 130, for an order and Writ of Error from this court to said
court for the said Southern District of the Indian Territory, directing
and commanding the transfer and certification of the files, papers, pro-
ceedings, records and all matters and things pertaining thereto, in said
action in said court to this court:

H. J. Sorrells,	oooooOooooo	
Plaintiff,		
versus		Number _____
The Choctaw and Chickasaw		
Nations, Defendants.		
	oooooOooooo	

Comes now the plaintiff and petitioner herein, H. J. Sorrells,
and respectfully states to this Honorable Court, that proceeding under
an Act of Congress, of June the tenth, 1896, he filed a written applica-
tion, and on to wit: the tenth day of September, 1896, with the Commis-
sion to the Five Civilized Tribes, wherein he showed that he was entit-
led to citizenship as member of the Tribe of Choctaw Indians by inter-
marriage and entitled to have his name enrolled upon the rolls of citi-
zenship prepared by said Commission to the Five Civilized Tribes and
as ground for said application showed that on the 8th day of June, 1861,
he was married to Mary Worriss, a Choctaw Indian by blood. That the
application of your petitioner was, by said Commission rejected and he
was not enrolled upon the rolls prepared by said Commission. That
your petitioner has continuously resided in the Indian Territory and
does so yet reside.

And your petitioner, after being rejected, as aforesaid, by said
Commission to the Five Civilized Tribes, perfected his appeal to the
United States Court for the Southern District of the Indian Territory
which said case was duly docketed upon the Indian Citizenship Docket of

said Court, styled, H. J. Sorrells, plaintiff, versus The Choctaw Nation defendant, No. 130, and which said Court in its judgment of December 21, 1897, admitted said applicant as a member and citizen of the Choctaw Tribe of Indians by intermarriage.

That thereafter, on or about the 17th day of December, 1902, this Honorable Court, proceeding under the provisions of the Supplemental Treaty made with the Choctaw and Chickasaw Nations, in an action styled, "The Choctaw and Chickasaw Nations, plaintiffs, versus J. T. Riddle et al, Defendants," annulled and vacated the judgment obtained by your petitioner in said court in said Southern District, and held the same for naught.

WHEREFORE, the premises considered, your petitioner respectfully prays that he have an order and Writ of Error from this Court, directing and commanding the United States Court for the Southern District of the Indian Territory to transfer and certify the papers, files, proceedings, records and all matters and things pertaining thereto as a part thereof, in said case in said court to this court, and for all other relief to which he may be entitled in equity and good conscience.

Harbert Walker Cannon
Attorneys for Petitioner.

H. J. Sorrells, the petitioner above mentioned, upon his oath states that he is familiar with the matters and things therein set out and to his own personal knowledge the same is in all things correct and true.

H. J. Sorrells

Subscribed and sworn to before me this the 6th day of March, 1903.

J. A. Cox
Notary Public So. Dist. Ind. Terr.

(Seal)

H. G. Correll.

^{or}
Cherokee Chickasaw
Nation

Petition for
Writ of Error

(3)

1834

1834

1834

In the Choctaw and Chickasaw Citizenship Court,

Sitting at Tishomingo, Indian Territory, May 24, 1904.

--o--

H.J. Sorrells, Plaintiff,

--vs--

No. 35.

The Choctaw and Chickasaw Nations, Defendants.

--o--

Present and presiding the Hons. Walter L. Weaver and
Henry S. Foote, Associate Judges of said Court.

--o--

Appearances,

Herbert, Walker & Cannon, for Plaintiffs, and
Mansfield, McMurray & Cornish, for Defendants.

--o--

May 24, 1904: This day this cause coming on to be heard
the following proceedings were had to wit;

Mr ---

The Sorrells case is set for trial today, this is a case in
which my partner, Mr. Herbert, of Ardmore is Counsel; he is very
familiar with the case and I am very unfamiliar with it, and I
would like to have the Court pass the case until this afternoon
to give Mr. Herbert time to get here.

Judge Weaver;

We will call it the last case today, we have several,
and if he is not here, we will call it tomorrow morning.

--o--

May 24th, 1904.

Present same as this morning.

This day this cause coming on further to be heard the following proceedings were had to wit;

Mr. Herbert;

I understand that affidavits taken ex parte have been excluded under the ruling of the Court.

Judge Weaver;

Yes, sir.

Mr. Herbert;

Then I will detach and offer this marriage license. Same is marked Ex. "AA"

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H.J. Sorrells,

a witness called by the Plaintiff, being duly sworn testified as follows;

Mr. Herbert;

Q.- Where were you married?

A.- The 21st day of June 1861.

Q.- Where and to whom were you married?

A.- In Lamar County, Texas, to one Mary Norris; her real name was Countee, but I did not know it at the time; her step father's name was Norris.

Q.- Where was she living then?

A.- In the Choctaw Nation, one mile west of what is called old Doaksville, with her step father.

Q.- Where were you living?

A.- A half a mile still further west, with one S-- Fulsom, was working for him.

Q.- Did you or not obtain a marriage license?

A.- Yes, sir.

--2--

Q.- How long after your marriage did you and she reside in the Choctaw or Chickasaw Nations?

A.- I remained there --- was married in 1861 and my recollection is in '67 or 8 we removed from there to on the Washita, near Pauls Valley. She lived some two or three years, as well as I remember, after we moved there and then she died.

Q.- How many children had you by this woman?

A.- Four.

Q.- State their names please.

A.- Francis Asberry,

Q.- F.A. Rubottom?

A.- No, sir, Sorrells.

Q.- What is the next one.

A.- Henry Jackson.

Q.- The next?

A.- Matilda Elizabeth. She lives down here on Mud Creek now.

Q.- Whom did Matilda marry?

A.- William P. Rubottom.

Q.- The other child.

A.- Hanna Mariah, that makes four; she died when she was two years old. The other one, Henry Jackson he died when he was eight or nine months old.

Q.- Had Matilda any children by this man Rubottom?

How many children did she have by him?

A.- My recollection is eight on the roll and she has some since: two died and two are not on the roll; I am not positive whether there is one or two not on the roll.

Q.- Examine those names and state in what way you are related to those people.

A.- Matilda E. Rubottom that is my daughter.

Mary Francis Sorrells, that is a grand daughter of mine.

She married a cousin of mine.

Calcie Lee Langley, is also a grand daughter of mine.

Rosebelle Rubottom is also another grand daughter of mine.

Ruthie Ruer Rubottom is another of my grand daughters, all Matilda's children. Minnie Viola Rubottom is also an other.

Jesse Andrew is also another; Ella Evelyn Rubottom is also another; Ethel Lee Sorrells, is a daughter of Mary Frances Sorrells, that makes it my great grandchild. Matilda Sarah Langley that is another grandchild; Matilda P. Rubottom, that is another great grandchild of mine. She is a daughter of --

Q.- Then all those children ---

A.- Are either ^{grand} children or great grandchildren.

Q.- Of your Choctaw Indian wife?

A.- Yes, sir.

Q.- How long did she survive after you married her?

A.- My recollection is she died in 1871; we were married in 1861.

Q.- Were you living with her as your wife when she died ?

A.- Yes, sir.

Q.- I believe you say you have not resided anywhere except in the Choctaw and Chickasaw Nations since your marriage to this woman?

A.- No, sir.

Q.- You make no application for enrollment other than ^{for} yourself ?

A.- Only myself.

Mr. Herbert;

In that Connection I offer the marriage license. Ex. "AA" above referred to.

Mr. Herbert;

We also offer in evidence a certificate from Mr. Marr, certifying that the names of these people appear on the roll as citizens by blood of the Choctaw Nation. Ex. "A".

Q.- You are the Henry Sorrells referred to as the father of Mrs. Rubottom, in that certificate, are you?

A.- Yes, sir.

C r o s s E x a m i n a t i o n ,

Mr. Cornish;

Q.- Mr. Sorrells, you are a white man?

A.- Yes sir.

Q.- You were living in the country in 1896, and remember the time when the Act of Congress was passed; the Act of June 10th, 1896, vesting the Dawes Commission with citizenship jurisdiction?

A.- Yes, sir.

Q.- Were any of these people applicants before the Dawes Commission in 1896, the people mentioned in this paper?

A.- Mrs. Rubottom and some of the children; I don't remember just which ones; some of the children were born since then.

Q.- Then Mrs. Rubottom and her children were admitted by the Dawes Commission in 1896 as citizens by blood?

A.- Yes, sir.

Q.- That is the basis of their citizenship?

A.- Yes, sir.

Q.- Then, the adjudication of their claim by the Dawes Commission in 1896, is the basis of their claim?

A.- Yes, sir.

Q.- You married this woman in 1861?

A.- Yes, sir.

Q.- You married her in Lamar County, State of Texas?

A.- Yes, sir.

Q.- On the 21st, day of June, 1861?

A.- Yes, sir.

Q.- The certified copy of a marriage license which you have introduced is evidence of that marriage?

A.- Yes, sir.

Q.- You had never married her before?

A.- No, sir.

Q.- Or any other time?

A.- No, sir.

Q.- This is the only marriage ever ~~consumated~~ consummated between you and this woman?

A.- Yes, sir.

Q.- You were living at the time in what county in the Choctaw Nation?

A.- In Towson County.

Q.- Choctaw Nation?

A.- Yes sir.

Q.- At the time of your marriage?

A.- Yes, sir.

Q.- You continued to live in that county until the death of your wife?

A.- No, sir, she died at Pauls Valley.

Q.- You were living in Towson County, ^{Choctaw Nation,} at the time of your married, which occurred down in Texas.

A.- Yes, sir.

Mr. Cornish;

I will state to the Court that the certificate, which is introduced, having the knowledge which we possess, that the certificate is not conclusive of the citizenship of

this woman, because the only basis of the adjudication of the claim of these people is the judgment of the Dawes Commission in 1896; if that was the issue in the case, we should go further and address ourselves to that issue, but since it appears conclusively from the evidence of this man, that there was no compliance with the tribal laws of the Choctaw Nation, we submit the case to the Court, asking that the rule of the Court in the James T. Leard case be applied to this case.

Mr. Herbert; My information has been that there was no law in the Choctaw Nation prior to 1876.

Mr. Cornish; You will find that there was, long prior to that.

Mr. Herbert;
Q.- Do you know whether your wife was or not, recognized prior to your marriage?

A.- She was recognized as a Choctaw, at least that was always my understanding.

Mr. Cornish;
We object to his understanding.

Mr. Herbert;
Q.- How were you recognized after your marriage?

A.- I was recognized as a Choctaw; an intermarried citizen.

Q.- You may state what acts of recognition you have received at the hands of the Choctaw people, as an intermarried Choctaw after your marriage to this Choctaw woman?

A.- In the first place, I was allowed to vote; I voted twice and on one occasion I was appointed as clerk of the election at Old Doaksville. After I moved here to the Chickasaw Country there was permits issued under me for men I had employed.

I also was appointed to places of trust in the way of appraising property as a Choctaw citizen and also was ap-

pointed administrator under the Chickasaw Law.

Q.- You may state, if you know, when your right as an inter-married citizen was first questioned by the authorities of the Choctaw Nation.

A.- Not until we came before the Dawes Commission.

Q.- That is the first evidence you had that you were questioned as a citizen of the Choctaw Nation.

A.- Yes, sir.

Mr. Cornish:

We object to the latter part of the testimony of this witness and urge that it is incompetent, our view being that there are three essential issues in this case;

1st; Was the woman this applicant married a citizen of the Choctaw Nation, duly recognized as such.

2nd. Were the intermarriage laws observed in such marriage;

3rd. That there was no abandonment or separation through the ~~fact~~ fault of this applicant.

All testimony which does not bear upon these ~~three~~ three essential issues is incompetent and should not be considered in the case.

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In the Choctaw and Chickasaw Citizenship Court, sitting at
Tishomingo, Indian Territory. September, Term, 1904.

H. J. Sorrells,

vs.

No. 35.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this 19th day of September, 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 plaintiff, H. J. Sorrells, is not entitled to be deemed a citizen by intermarriage of the Choctaw Nation, or to enrollment as such, or to any rights whatever flowing therefrom.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition of the plaintiff, H. J. Sorrells, be denied, and that he be not deemed a citizen by intermarriage of the Choctaw Nation, and that he is not entitled to enrollment as such, or to any rights whatever flowing therefrom.

.....
Chief Judge.

.....
Associate Judge.

.....
Associate Judge.

which was all satisfactory. I am living at Sen. Pickens Co., Chickasaw
Kiowa, Choctaw Nation, Indian Territory, August 31", 1896.

To the Hon. Dawes Commission :

(SIGNED) HENRY SARRELLS

Gentlemen:- Subscribed and sworn to before me this 1st day of Sept.

I herein submit to your kind consideration my application to be placed on the rolls of citizens of the Choctaw Nation, and place before you the following facts, to sustain my application. To wit:

I, Henry Sarrells, a citizen of the United States, and of the Choctaw Nation was married to Mary Norriss, a Choctaw by blood, a daughter of John Norriss and Marinda Norriss, of Ola Dokesville, Choctaw Nation,

I was married on the 8th day of June, 1861, in Paris, Texas, by Rev. Farre, M. G., my wife's brother, Charles Norriss, who witnessed our marriage, is dead, and I got no marriage certificate, owing to neglect, or custom, however, I can make affidavit that I was lawfully married,

and can furnish plenty of evidence that my wife was a Choctaw by blood, and that we lived together as man and wife, and that three children were born to us in said wedlock. My wife's Indian blood came from her mother, Marinda Norriss, whose maiden name was Hall, the late Perry Hall, Choctaw by blood, was my wife's Uncle. Mr. Green Gardner, Choctaw by blood, is still living is my wife's second cousin. Mrs. Annie Pigott, Choctaw by blood, is still living and is my wife's sister. There were three children born to us in said wedlock, to wit:

Frank Sarrells, Lizzie Sarrells, Hannah Sarrells, My youngest daughter Hannah Sarrells died in 1871. My wife died in 1870, my son Frank went to Dakota and is still living there. My daughter Lizzie married Mr. William Rubottom, who, with their family, are living in the Nation.

I have been living in the Choctaw and Chickasaw Nation ever since my marriage to Mary Norriss, and have always been recognized as a citizen of the Choctaw Nation- have voted in the Choctaw Nation as a recognized Choctaw at their elections, I was recognized as a citizen of the Choctaw Nation by Jas. Gardner at Tuskahoma a few years ago, where I went before a Board to straighten up my childrens identity

which was all satisfactory, I am living at Leon, Pickwms Co., Chickasaw
Nation, Ind. Ter., Chickasaw Nation, United States, August 21, 1898.

To the Hon. James Commission: (SIGNED) HENRY SARRELLS

Subscribed and sworn to before me this the 1st day of Sept,
189--.

(Signed) A. C. Blackwood,

SEAL. Notary Public

I have seen the following: the marriage of witness Notary Public
of the Chickasaw Nation, I have seen the marriage certificate for
Henry Sarrells and his wife, Mary Sarrells, who is a
member of the Chickasaw Nation, and I have seen that his wife, Mary Sarrells, was a
member of the Chickasaw Nation, and we believe that the statements in their petition are
true to the best of our knowledge and belief.

I was married to the said Henry Sarrells in Leon, Chickasaw Nation, Ind. Ter.,
on the 1st day of Sept, 1898, by Charles Currier, Notary Public,
and I have seen the marriage certificate, which is attached
to this report.

or seeing, however, I can only say that on this 1st day of Sept, 1898,
and was furnished plenty of evidence, and I believe that the statements in their
petition are true to the best of our knowledge and belief.

(Signed) A. C. Blackwood,
Notary Public,

and I believe that the statements in their petition are true to the best of our
knowledge and belief. My wife's father was John Sarrells, who was born
in Leon, Chickasaw Nation, Ind. Ter., and his mother was Mary Sarrells, who was
born in Leon, Chickasaw Nation, Ind. Ter. My wife's father, John Sarrells, was
born in Leon, Chickasaw Nation, Ind. Ter., and his mother was Mary Sarrells, who
was born in Leon, Chickasaw Nation, Ind. Ter. My wife's father, John Sarrells,
was born in Leon, Chickasaw Nation, Ind. Ter., and his mother was Mary Sarrells,
who was born in Leon, Chickasaw Nation, Ind. Ter. My wife's father, John Sarrells,
was born in Leon, Chickasaw Nation, Ind. Ter., and his mother was Mary Sarrells,
who was born in Leon, Chickasaw Nation, Ind. Ter.

Frank Sarrells, John Sarrells, Mary Sarrells, and I believe that the statements in
their petition are true to the best of our knowledge and belief. My wife's
father, John Sarrells, was born in Leon, Chickasaw Nation, Ind. Ter., and his
mother was Mary Sarrells, who was born in Leon, Chickasaw Nation, Ind. Ter.
My wife's father, John Sarrells, was born in Leon, Chickasaw Nation, Ind. Ter.,
and his mother was Mary Sarrells, who was born in Leon, Chickasaw Nation, Ind. Ter.

I have seen living in the Chickasaw and Choctaw Nations and believe that the
statements in their petition are true to the best of our knowledge and belief.
My wife's father, John Sarrells, was born in Leon, Chickasaw Nation, Ind. Ter.,
and his mother was Mary Sarrells, who was born in Leon, Chickasaw Nation, Ind. Ter.
My wife's father, John Sarrells, was born in Leon, Chickasaw Nation, Ind. Ter.,
and his mother was Mary Sarrells, who was born in Leon, Chickasaw Nation, Ind. Ter.

2

which was all satisfactory, I am living at home, Wilkerson Co., Chickasaw
County, Ind. Ter.,

(SIGNED) HENRY SARRELLS

Witnessed and sworn to before me on the 31st day of August,

Henry L. Dancy Kiowa, Choctaw Nation, Ind. Ter., Aug. 31", 1896.

To the Hon. Dawes Commission:

DEPARTMENT OF THE INTERIOR,

We, the undersigned witnesses, citizens
of the Choctaw Nation, testify that we have known Henry Sarrells for
a number of years, and we know that his wife, Mary Sarrells was a Choc-
taw by blood, and we believe that the statements in this petition are
true to the best of our knowledge and belief.

Edward Pigott,
Annie Pigott.

Answer Filed.
Application Denied

Subscribed and sworn to before me this the 1st day of Sept., 1896.

SEAL (Signed) A. C. Blackwood,
Notary Public,

I, H. M. JACWAY, JR., Secretary, do hereby certify that the above
is a true and correct copy of the original as filed in my office
of the Commission to the Five Civilized Tribes.

Given under my hand and official signature, this the 18th day
of February, 1897.

H. M. Jacway, Jr.

BY: Henry Stroup,

Act.

3

COMMISSIONERS.

Henry L. Dawes
Frank C? Armstrong,
Archibald S. McKennon,
Thomas B. Cabiness,
Alexander B. Montgomery, Commission to the Five Civilized Tribes.

H. M. Jacoway, Sec'y.

Fort Smith, Ark., Dec. 4", 1896.

Filed Sept. 10- 1896.

H. J. Sorrels
V.

Answer Filed.

The Choctaw Nation.

Application Denied.

LEON, I. T.

I, H. M. JACOWAY, JR., Secretary, do hereby certify that the above
and foregoing is a true and correct copy of Choctaw Record C, page 338,
of the Commission to the Five Civilized Tribes.

Given under my hand and official signature, this the 18" day
of February, 1897.

H. M. Jacoway, Jr.,
secretary,

BY Henry Stroup,

Act.

(Signed) U. H. L. Campbell,

Master in Chancery.

Record is entered as follows:-

Filed June 23", 1897.

Dec. 4, 1896.

2142.

Handwritten notes and signatures in the bottom right corner, including a large signature that appears to be "H. M. Jacoway, Jr." and other illegible markings.

IN THE UNITED STATES COURT, IN THE DISTRICT OF COLUMBIA
DISTRICT OF COLUMBIA

COMMISSIONERS

Henry L. Dawes
Frank C. Armstrong
Archibald S. McKennon
Thomas B. Gabness
Alexander B. Montgomery
Commissioner to the Five Civilized Tribes

H. M. Jacoway, Sec'y.

Fort Smith, Ark., Dec. 4, 1897

Filed Sept. 10-1898

The Choctaw Nation
Application Denied

LEON, I. T.

I, H. M. JACOWAY, JR., Secretary, do hereby certify that the above
and foregoing is a true and correct copy of Choctaw Record G, page 338,
of the Commission to the Five Civilized Tribes, and this application
was filed for the purpose of establishing the land
of February, 1897.

BY Henry Strong,
Secretary,

Act.

H. J. Jarves
Choctaw Nation

#133

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IN THE UNITED STATES COURT, IN THE INDIAN TERRITORY, SOUTHERN
DISTRICT, AT ARDMORE.

H. J. SORRELS

No. 130 vs.

Report of W. H. L. Campbell, Master in Chancery.
Choctaw Nation.

Before me, the undersigned authority this day personally appeared Edward Pigott, who, after being by me first duly sworn, To the Hon. C. B. Kilgore, Judge of said Court:-

From examining the record in this case, I find the following facts; that applicant filed his application with the Commission from the United States to the Five Civilized Tribes of Indians on the 10th day of Sept., 1896.

I find, from the evidence, that H. J. Sorrels, the applicant, was duly and legally married to Mary Norriss, a Choctaw Indian by blood on the 8th day of June, 1861, in the State of Texas, by an ordained Minister of the Gospel. Applicant alleges divers and sundry acts of recognition by the Choctaw authorities; that as a result of said marriage there was born unto applicant and his wife, three children, but this application was filed for the benefit of applicant, H. J. Sorrels, only.

I think the evidence is sufficiently strong to establish the fact that his wife was an Indian by blood, a member of the Choctaw tribe.

I, therefore, recommend that applicant be enrolled as a member of said Tribe of Choctaw Indians.

(Signed) W. H. L. Campbell.

Master in Chancery.

Foregoing is endorsed as follows:-

Filed June 23", 1897.

Jos. W. Philips,

Clerk.

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IN THE UNITED STATES COURT IN THE INDIAN TERRITORY
SOUTHERN DISTRICT, AT ARDMORE.

H. J. SORRELS,

VS.

THE CHOCTAW NATION?

Report of W. H. E. Campbell, Master in Chancery.

Before me, the undersigned authority this day personally appeared Edward Pigott, who, after being by me first duly sworn, deposes and says:-

That he is a resident of the Choctaw Nation, Indian Territory, and resides near the town of Kiawa, in said Nation and Territory; that he knew Mary Sorrels, and knew that she was the wife of H. J. Sorrels, and that his wife, the half sister of the said Mary Sorrels, is now living, and is today recognized as an Indian by the Choctaw Tribe of Indians.

(Signed) E. A. Pigott.

Subscribed and sworn to before me this March 9th, 1897.

(Signed) A. C. Blackwood,

Notary Public.

SEAL.

(Signed) W. H. E. Campbell.

Master in Chancery.

Witness my hand and seal this 9th day of March, 1897.

Filed June 23rd, 1897.

W. H. E. Campbell,

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
SOUTHERN DISTRICT, AT ARDMORE.

H. J. Sorrels,

NOTARY PUBLIC

vs

Citizenship Case.

The Choctaw Nation.

Before me, the undersigned authority this day personally appeared Annie Pigott, who after first being by me duly sworn, upon oath states that she is the wife of Edward Pigott, and that her maiden name was Anni Nerriss, that she is a half-sister of Mary Countee, who married H. J. Sorrels in 1861. That she knows that the said Mary Countee was a Choctaw Indian by blood, being of the same Indian mother, by a former marriage.

Affiant further states that she is a Choctaw Indian by blood, and that she has always and is now acknowledged and recognized as a Choctaw Indian by the Choctaw Tribe .

(Signed) Annie Pigott.

Subscribed and sworn to before me this the March 8th, 1897.

(Signed) A. C. Blackwood,

Notary Public/

SEAL.

- Q. To what town were you first married?
- Ans. Married Sorrels, her correct name was Corries.
- Q. When did you marry Mary Nerriss?
- Ans. 1861.
- Q. Where did this marriage occur?
- Ans. Lawrence County, Texas.
- Q. There was a brother then?
- Ans. Close to Lawrenceville, Choctaw Nation, Indian Territory.
- Q. Was she living with her parents?
- Ans. With her mother and step father, his name was Nerriss.
- Q. I will ask you, Mr. Sorrels, where were you living when you married her?
- Ans. There once by working for a Choctaw by the name of Folsom.
- Q. How came you to marry in Lawrence County?

IN THE UNITED STATES COURT? IN THE INDIAN TERRITORY,

SOUTHERN DISTRICT, AT AEDMORE?

H. J. SORRELS,

NO. 130, Vs.

Citizenship Cases.

Choctaw Nation.

W. H. L. Campbell, Esq., Master in Chancery.

Appeared: Mr. C. L. Herbert, for plaintiff.

Mr. Herbert: We ask leave to amend our petition. Which ~~xxx~~ request was granted by the Court .

H. J. Sorrels, petitioner, a witness for the plaintiff, testifies:

Direct examination by Mr. Herbert.

Q. State your age ?

A. 58 years.

Q. Are you a married man ?

Ans. Yes sir

Q. How often have you been married ?

Ans. Twice.

Q. To whom were you first married ?

Ans. Married Norriss, her correct name was Cortee.

Q. When did you marry Mary Norriss ?

Ans. 1861.

Q. Where did this marriage occur ?

Ans. Lamore County, Texas.

Q. Where was she living then ?

Ans. Close to Dokesville, Choctaw Nation, Indian Territory.

Q. Was she living with her parents ?

Ans. With her mother and step father; his name was Norriss.

Q. I will ask you, Mr. Sorrels, where were you living when you married her?

Ans. There close by, working for a Choctaw by the name of Folsom.

Q. How came you to marry in Lamore County ?

Ans. No law at that time that I considered I could be lawfully married in the Territory. I spoke to Folsom about the matter; he was an Indian Lawyer, and he told me to take her and go to Lamore Co., Texas.

Q. Did you return to the Choctaw Nation after your marriage?

Ans., Yes sir:

Q. How long did you live with her there after your marriage?

Ans. That was in 1861, I left in 1867 or '68, come to close to Paul's Valley, Chickasaw Nation, and lived there one or 2 years, and she died there.

Q. Where was that?

Ans. Near to Pauls Valley.

Q How long after her death did you reside in the Chickasaw Nation?

Ans. Ever since.

Q. Since 1891 have you continuously resided in the Choctaw and Chickasaw Nations?

Ans. Yes sir.

Q. State what was her nationality?

A. Choctaw Indian, about one-eighth, by blood.

Q. Do you know as a fact, whether she was a recognized Choctaw?

Ans. I do.

Q. How do you know that fact?

Ans. From her mother and relatives that was recognized as Choctaws.

Q. How many children were there as a result of that marriage?

Ans. Four. One died in infancy, about 8 months old, and one died at two years old. Two living now.

Q. State the names of the living ones?

Ans. Matilda Elizabeth and Francis Asberry.

Q. Matilda is Mrs. Reubottom?

Ans. Yes sir.

Q. Where does Mrs. Reubottom live?

Ans. On Mud Creek, this side of Courtney Flat.

Q. Can you state whether or not she is recognized as a member of the tribe by blood?

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Ans. She is.

Q. What evidence have you of that fact ?

Ans. I have some evidence here.

Q. Who is W. P. Reubottom ?

Ans. My son-in-law, -- her husband.

Mr. Herbert: In this connection I introduce a statement from the Dawes Commission, dated Fort Smith, Dec. 3, 1896, concerning the case of W. P. Rubottom et al vs. Choctaw Nation.

"In compliance with the provisions of Act of Congress, Approved June 10th, 1896, the Commission to the Five Civilized Tribes has considered this application, with proof, and the same has been granted by the Commission

Respectfully,

H. M. Jacowar, Jr.,
Secretary"

In August, '94, Mr. Rubottom and his family and myself went to the Choctaw Nation in the interest of this annuity, this Lease District Fund, and we went before the Board of Revisors, as the law required two witnesses, and we struck up with Judge Gardner, Judge was a relative of my wife's cousin and he had my right, as he was an Indian Attorney, and he put our case in, and the law required another witness, I went then to get a full blooded Chickasaw. The witness was examined, and they passed on the case, and accepted me and my daughter and her child, and she drew her money, \$103.00, each, in all, \$515.00, and the check was cashed here in Ardmore.

Q. Did you get a check ?

Ans. No sir. Didn't give to the inter-married citizen.

Q. Did they then recognize you as an inter married citizen ?

Ans. Yes sir.

Q. And your daughter as a full blooded Indian ?

Ans. Yes sir.

Q. Have you a second wife ?

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Ans. Yes sir.

Q. Children ?

Ans. Yes Sir.

Q. Make any claim for them ?

Ans. No sir.

Witness excused.

Mrs. Rubottom, being duly sworn as a witness for the plaintiff, testifies :

Direct examination by Mr. Herbert :

Q. Do you remember your mother ?

Ans. I was very little.

Q. Do you recognize this gentleman here, Mr. Sarrells, what relation to you is he ?

Ans. He is my father .

Q. Have you always been taught that she was a Choctaw citizen by blood ?

Ans. Yes sir.

Q. Where do you live ?

Ans. Close to the mouth of Mud Creek.

Q. How long have you lived in the Territory ?

Ans. About 20 or 21 years

Q. You was born in the Territory ?

Ans. Yes sir.

Q. And went away a while, and came back and have been here 20 odd years ?

Ans. Yes sir Since my mother died, father let Mr. and Mrs. Taters take us to school in Iowa, and I came back.

Q. Where is your brother now ?

Ans. South Dakota.

Q. You don't know whether or not he ever applied to have his name put on the roll ?

Ans. No sir, I do not.

Witness excused.

Mr. Sorrells, being recalled, testifies : By Mr. Herbert :

Q. Do you know a man named Laury Taters ?

Ans. Yes sir, Tatem, that I can recollect.

Q. In the year '62 ?

Ans. Yes.

Q. What was his business at that time ?

Ans. Indian Agent at Fort Sill.

Q. He is the man that took your children to Iowa to school with your consent

Ans. Yes sir.

Q. Did he execute a written statement to that effect ?

Ans. Yes sir.

Q. And how did you come into possession of that ?

Ans. He gave it to my daughter.

Mr. Herbert : I now offer the statement made by Mr. Tatem to prove the truth of the statement of Mrs. Rubottom that she and her brother were taken to Iowa to school, when they were children, from the Indian Territory. Which reads as follows, to-wit :

"Francis Asberry Sorrells, born April 6th, 1862, and
----- Sorrells, born Jan. 18", 1866. Both of the above are children of H. J. Sorrells and Mary Sorrells, citizens of the Choctaw Nation of Indians, with the approbation of the said H. J. Sorrells, his said wife having deceased, my wife and I take said children to the Kiowa school of Iowa, that they might be brought up in a religious community.

Signed, Laury Tatem."

Mrs. Rubottom, being recalled, testifies :

By Mr. Herbert:

Q. How long did you go to school there ?

Ans. Five years.

Q. How old were you when you left there ?

Ans. 12 years.

Q. Then where did you go ?

Ans. Came back to Paw.

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Mr. Sorrells, being recalled, testifies : By Mr. Herbert :

Q. Where was he living ?

Ans. On Red River.

Q. Ever since you can recollect, where has he lived ?

Ans. In the Nation, ever since I can recollect.

Q. Have you, as Indian by blood, drawn annuities for yourself and children ?

A. Yes sir;

Q. Has your husband, as an intermarried citizen ?

A. No sir, they wouldn't allow his.

Q. Since the Dawes Commission was created, did he and you apply to have your names put on the rolls ? Did he apply to be put on the Dawes Commission to be put on the roll ?

Ans. Yes sir.

Q. He claims citizenship as an Indian by blood ?

Ans. Yes sir.

Case sub,itted, with the exception of some additional evidence, which may be introduced at any time within the next thirty days.

Case sub,itted, with the exception of some additional evidence, which may be introduced at any time within the next thirty days. Samuel Hays, N. S. ...

Q. How long did you go to school there ?

Ans. Five years.

Q. How old were you when you left there ?

Ans. 15 years.

Q. How long did you go to school there ?

Ans. Five years.

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Henry J. Sorrells,
267 to
Mary Norriss.

Be it remembered, that on the 19th day of

June, 1861, the following marriage license was issued, to-wit:
Texas, to-wit, Lamore County. SS.

To all who shall see these presents, Greeting :

Know ye that any person legally authorized to celebrate the rites
of matrimony is hereby licensed to join in marriage as husband and wife,
Henry J. Sorrells and Mary Norriss, and for so doing this shall be his
sufficient authority.

In testimony whereof, I Jacob Long, Clerk of the
Lamar County Court, hereunto subscribe my name and affix the seal of
said Court this 19th day of June, 1861.

J. Long, Clerk.

Be it further remembered that on this 4th day of July, 1861,
the following certificate was filed in my office, to wit:
Texas, to-wit,
Lamar County. This certifies that I joined in marriage as husband and
wife Henry J. Sorrells and Mary Norriss, on the 21st day of June, 1861.

Samuel Phars, M. G.

THE STATE OF TEXAS,
COUNTY OF LAMAR, SS

Be it remembered, that on the 22nd day of

June, 1891, the following marriage license was issued, to-wit:
I, W. A. Roach, clerk of the County court of
Lamar County, Texas, do hereby certify that the foregoing is a true and
correct copy of the original record of Marriage license as recorded in
book B, page 133, Marriage records for Lamar Co., Texas, now on file in
said Court.

Given under my hand and the seal of the said Court at office in
Paris, Texas, this 22nd day of March, 1897.

SEAL.

W. A. Roach,

Clerk, County Court, Lamar Co., Texas.

In testimony whereof, I have hereunto set my hand and the seal of the

Lamar County Court, at Paris, Texas, this 22nd day of March, 1897.

W. A. Roach, Clerk.

Be it further remembered that on this 22nd day of June, 1891,

the following certificate was filed in said office, to-wit:

Paris, Texas,

Lamar County, Texas, do hereby certify that I joined in marriage on the 22nd day of June, 1891,
the said Harry S. Reynolds and Mary Morris, at the 22nd day of June, 1891.

Witness my hand, this 22nd day of June, 1891.

H. J. Sorrells,

vs. Southern Dist . Judgment, Nov. 15, 1897.

The Choctaw Nation.

At this time came on to be heard the report of the Master filed herein June~~23~~ 23, '97 and it appearing to the Court that no exceptions had been filed to said report and that the said Master in his report finds that the applicant H. J. Sorrells was duly and legally married to Mary Norris, a Choctaw Indian by blood on the 8th day of June, 1861, and is therefore a member of the Tribe of Choctaw Indians by intermarriage: and it appearing to the Court that the application of the said H. J. Sorrells to be enrolled as a member of said Tribe of Choctaw Indians was by the Commission from the United States to the five civilized tribes denied and from which decision he has appealed to this Court. It is considered adjudged and decreed by the Court that the report of the Master in Chancery ~~Excessively~~ be, and the same is in all things approved and confirmed. And it is considered, adjudged and decreed by the Court that the applicant H. J. Sorrells is a member of the Tribe of Choctaw Indians by intermarriage and as such is entitled to have his name enrolled as a member of said Tribe of Choctaw Indians . It is further considered, adjudged and decreed by the Court that the defendant, the Choctaw Nation , pay all costs in this behalf expended and incurred for which execution may issue.

It is further ordered by the Court that this judgment be certified by the Clerk of the Court to said Commission of the United States to the Five Civilized Tribes of Indians for its observance.

To which judgment of the Court the defendant, the Choctaw Nation, in open Court duly excepted.

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Indian Territory,)
Southern Judicial District.)
-----)

To the Honorable Commission of the United States to the
Five Civilized Tribes of Indians:

Application of H. J. Sorrells to Have ^{wife} His Children ^{and grandchildren} Enroll-
ed as Members of the Tribe of Choctaw Indians.

Your petitioners, Mrs. Lillie Garrett, Mrs. Callie Marley, and
Mary S., Josephine, James A., Emma C., Rufus P. and Jessie May Sor-
rells, all children of H. J. Sorrells ^{by H. J. Sorrells and} and his wife, Elva P. Sorrells
~~by and through their father H. J. Sorrells~~ and the said Elva P.
^{and their grand children Emilee May Gomez Henry Edwanda Morley}
Sorrells, wife of said H. J. Sorrells, would most respectfully rep-
resent and show to this honorable commission that they and each of
them are members of the tribe of Choctaw Indians and of right are
entitled to be enrolled as members of such tribe, because they say:
That on the 21st day of June, 1861, the said H. J. Sorrells, who then
resided near Doaksville, in the Choctaw Nation Indian Territory, in
the County of Lamar, in the State of Texas, by virtue of a marriage
license duly issued to him by an ordained minister of the gospel/
was duly and legally married to Mary Countee, a one-eighth Choctaw
Indian by blood, who, herself, then resided with her mother and
step-father near said town of Doaksville, and that by reason of said
marriage the said H. J. Sorrells became and was and ever since said
date has been a member of said Choctaw tribe of Indians as much so
as if he were a native born ~~Choctaw~~ Choctaw; that after their mar-
riage the said Sorrells and ~~the~~ ^{his} said wife lived together near said
town of Doaksville, in the Choctaw Nation, until about the year
1868 when they removed to the Chickasaw Nation and settled on the ~~XX~~

CONFIDENTIAL DISTRICT
INDIAN TERRITORY

Washita River, near White Bead Hill where he and his said wife re-
sided continuously until about two years thereafter when ~~she~~ died;
that said Sorrells ever since the death of his wife has in good faith
resided in the Chickasaw Nation, Indian Territory; that since the
death of his wife, in March, 1874, at Saddler's Bend, Cook County,
Texas, the said Sorrells was again duly and legally married to
Elva P. Moody, by an ordained minister of the gospel, and continuously
since then he and the said Elva P., have resided in the Chickasaw
Nation, Indian Territory; that as a result of his first marriage
there was born unto the said Sorrells and his said wife four children
two of whom died in infancy and two are now living, namely: Matilda
Elizabeth, now married to William P. Ruebottom, and who lives on
Mud creek, near Keltner, in the Chickasaw Nation, Indian Territory,
and who, together with her children and husband, are recognized
members of the tribe of Choctaw Indians and ~~their~~ ^a son, Francis
Sorrells Asbury who for years has resided and yet resides in South Dakota;
that as a result of said second marriage there was born unto the
said Sorrells and his said wife eight children, all living, whose
names and ages are as follows: Lillie D., aged 22 years, now married
to John Garrett, Callie, aged 19 years, now married to J. T. Marley,
Mary S., aged 17 years, Josephene, aged 12 years, James A., aged
10 years, Emma C., aged ~~in~~ 7 years, Rufus P., aged 5 years, and
Jessie May, aged 2 years, all of whom, except the first two named,
are minors and reside with the said H. J. and Elva P. Sorrells, and
the said Lillie D. resides with her parents, and said Callie Marley
resides with her husband, near Leon, in the Chickasaw Nation,
Indian Territory; that as a result of said marriage of Lillie D. to
John Garrett there was born unto them one child now living, aged
two years, ^{whose name is Emilee May Garrett} and as a result of the ~~marriage~~ of the marriage of Callie
to the said Marley there was born unto them one child, now seven
months of age, ^{whose name is Henry Edw and Mosley} wherefore, your petitioners pray that the
said Elva P. Sorrells, and their children, to wit: Mrs. Lillie D.
Garrett, Mrs. Callie Marlev. Mary S. Sorrells. Josephene Sorrells.

James A. Sorrells, Emma G. Sorrells, Rufus D. Sorrells, and Jessie May Sorrells, and the child ~~of~~ of Lillie D. Garrett, namely; Unice May Garrett, and the child of Callie Marley, Henry Edwards Marley, be duly and legally enrolled as members of the tribe of Choctaw Indians, and in duty bound will ever pray.

In support of the statements in the foregoing petition the petitioners hereto attach copy of a marriage license between H. J. Sorrells and Mary Norris, the said Mary Countee having married said H. J. Sorrells under the name of her step-father, whose name was Joshua Norris, and copy of the marriage license between the said H. J. Sorrells and the said Elva P. Moody and the affidavits of ^{di-} ~~ad-~~ verse persons, showing that the said Mary Countee was a member of the tribe of Choctaw Indians by blood, and that the said Sorrells, since his marriage to her, has in good faith continuously resided in the Choctaw and Chickasaw ~~Nations~~ Nations, and now resides in the Chickasaw Nation, and that his children and grand-children and wife now reside in said Chickasaw Nation.

(Signed) Furman & Albert Hill
Attorneys for petitioner.

H. J. Sorrells, being duly sworn, deposes and says: that he has read over the foregoing petition and is acquainted with the contents thereof and that the statements contained therein are true.

(Signed) H. J. Sorrells
Subscribed and sworn to before me this, 27th day of July, 1897.

(Signed) C. Ed. Luman
Notary Public, Southern District,
Indian Territory.

(Seal)

and she lives on Mad Creek, near Madras Post-Office, Chickasaw
Nation, Indian Territory, and she together with her children and her
husband are recognized members of the tribe of Choctaw Indians, and
the son, named Francis Asbury Sorrells, who for years had resided
in South Dakota; that the said wife of his said wife affiant
was married the second time to Miss P. M. Moody, at Saddler's Bend,
Indian Territory, by an ordained minister of the gospel, in
and by virtue of a marriage license issued by the
Court of Cook County, Texas, and ever since said

AFFIDAVIT
of H. J. Sorrells.

Indian Territory, }
Chickasaw Nation. }
- - - - - }

Before me, the undersigned authority, personally appeared H. J. Sorrells, who after being by me duly sworn deposes and says: That affiant is 58 years of age and resides in the Chickasaw Nation Indian Territory, near Leon; that on the 19th day of June, 1861, affiant resided near Doaksville, in the Choctaw Nation, Indian Ter. and that on said day and date he procured a marriage license, in Lamar County, Texas, and on the 21st day of June, 1861, he was duly and legally married to Miss. Mary Countee, a member of the tribe of Choctaw Indians by blood; that the said Mary Countee then went by the name of Mary Norris, her said mother having married a man named Joshua Norris and the said Mary went by the name of her step-father and that said license were issued to affiant to marry a Mary Norris, but he states that the true and real name of the said Mary was Mary Countee; that after his marriage to the said Mary Countee he continued to live and reside with her at the same place in the Choctaw Nation until about the year 1868, when he and she removed to the Chickasaw Nation and settled near White Bend Hill, on the Washita river, where they continued to reside and live together until the death of his said wife which occurred about two years thereafter; that continuously since the death of his said wife this affiant has in good faith resided in the Chickasaw Nation; that as a result of his said marriage to the said Mary Countee there was born unto them four children, two of whom died in infancy and two are yet living namely: Matilda E. Ruebottom, who is married to W. P. Ruebottom, at

part of his said claim, and that after said wife's death

and she lives on Red Creek, near Matina Post-Office, Chickasaw
Nation, Indian Territory, and she together with her children and her
husband are recognized members of the tribe of Choctaw Indians, and
the son, named Francis Asbury Sorrells, who for years had resided
in South Dakota; that after the death of his said wife affiant

AFFIDAVIT
of H. J. Sorrells.

Indian Territory, }
Chickasaw Nation. }
- - - - - }

Before me, the undersigned authority, personally appeared H. J. Sorrells, who after being by me duly sworn deposes and says: That affiant is 58 years of age and resides in the Chickasaw Nation Indian Territory, near Leon; that on the 19th day of June, 1861, affiant resided near Doaksville, in the Choctaw Nation, Indian Ter. and that on said day and date he procured a marriage license, in Lamar County, Texas, and on the 21st day of June, 1861, he was duly and legally married to Miss. Mary Countee, a member of the tribe of Choctaw Indians by blood; that the said Mary Countee then went by the name of Mary Norris, her said mother having married a man named Joshua Norris and the said Mary went by the name of her step-father and that said license were issued to affiant to marry x Mary Norris, but he states that the true and real name of the said Mary was Mary Countee; that after his marriage to the said Mary Countee he continued to live and reside with her at the same place in the Choctaw Nation until about the year 1868, when he and she removed to the Chickasaw Nation and settled near White Bear Hill, on the Washita river, where they continued to reside and live together until the death of his said wife which occurred about two years thereafter; that continuously since the death of his said wife this affiant has in good faith resided in the Chickasaw Nation; that as a result of his said marriage to the said Mary Countee there was born unto them four children, two of whom died in infancy and two are yet living namely: Matilda E. Ruebottom, who is married to W. P. Ruebottom, at

part of his said claim, and that after said divorce was dissolved

VALDVALE

and who lives on Mud Creek, near Keltna Post-Office, Chickasaw Nation, Indian Territory, and who together with her children and her husband are recognized members of the tribe of Choctaw Indians, and ^a ~~the~~ son, named Francis Asbury Sorrells, who for years had resided in South Dakota; that after the death of his said wife affiant was married the second time to Elva P. E. Moody, at Saddler's Bend, in Cook County, Texas, by an ordained minister of the gospel, in March, 1874, under and by virtue of a marriage license issued by the clerk of the County Court of Cook County, Texas, and ever since said date he, and his said wife, have continuously resided in the Chickasaw Nation, Indian Territory, where he and his wife and children ^{yet} ~~do~~ reside; that as a result of said second marriage there was born unto him and his said wife eight children, now living, namely: Lillie D., Callie, Mary S., Josephene, James S., Emma C., Rufus P., and Jessie May; that the said Lillie D. was married to man named John Garretand by him had one child named M. Eunice P. Garrett, age two years, and the said Callie was married to J. T. Marley and by him had one child named Henry Edwards, aged 7 months; that he, his said wife and children and grand-children all reside in the Chickasaw Nation, Indian Territory.

Affiant further states that ^{since he learned} his first wife ^{he} was always recognized as a member of the tribe of Choctaw Indians by intermarriage until about one year ago, and that after he learned his right ~~as~~ of citizenship as a Choctaw was disputed he applied to the Dawes Commission to be enrolled as a member of the said tribe, and that said commission passed upon his application adversely, as he believes for the reason that said application was crudely drawn and was not prepared and presented in such a way as to advise said commission of the true status of his ~~claim~~ claim; that he appealed from said decision to the United States Court, for the Southern District ~~of~~ ^{of} the Indian Territory, and the said claim was referred to the Master in Chancery of said Court, who, under the ruling and practice of said court, allowed the applicant to introduce further evidence in support of his said claim, and that after said evidence was submitted

...and the ...
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to said Master the said Master passed upon his said claim and report
ed to said Court that the said H. J. Sorrells is a member of the
tribe of Choctaw Indians by intermarriage, and that said report is
now on file with the clerk of said Court awaiting the decision of
the judge of said court.

A copy of said report is hereto attached and marked "exhibit A"
and made a part of this affidavit.

(Signed) H. J. Sorrells

Subscribed and sworn to before me this, 27 dayx of July, 1897.

(Signed) W. G. ...
Notary Public.

(Seal)

IN THE UNITED STATES COURT, IN THE INDIAN TERRITORY,
SOUTHERN DISTRICT, AT ARDMORE.

H. J. Sorrells,

No. 130. vs.

Choctaw Nation.

Report of W. H. L. Campbell, Master in
Chancery.

To the Honorable C. B. Milgore, Judge of said Court:-

From examining the record in this case I find the following facts: that applicant filed his application with the Commission from the United States to, the Five Civilized Tribes of Indians on the 10 day of Sept., 1896.

I find from the evidence that H. J. Sorrells, the applicant was duly and legally married to Mary Norriss, a Choctaw Indian by blood, on the 3 day of June, 1861, in the State of Texas, by an ordained minister of the gospel. Applicant alleges diverse and sundry acts of recognition by the Choctaw authorities; that as a result of said marriage there was born unto applicant and his said wife three children, but this application was filed for the benefit of applicant, H. J. Sorrells, only.

I think the evidence is sufficiently strong to establish the fact that his wife was an Indian by blood, a member of the Choctaw Tribe.

I, therefore, recommend that applicant be enrolled as a member of said Tribe of Choctaw Indians.

(Signed.)

W. H. L. Campbell,

Master in Chancery.

The foregoing is indorsed as follows: "Filed June 23, 1897.

Joseph W. Philips, Clerk."

AFFIDAVIT
of A. H. Law.

Indian Territory, }
Southern District. }
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Before me, the undersigned authority, personally appeared A. H. Law, who, after being by me duly sworn, deposes and says:

That he is a member of the tribe of Chickasaw Indians by inter-marriage; that he is licensed ^{to} practice in the tribal courts of said Nation as an attorney; ^{that} he has held office in the Chickasaw Nation as a member of said tribe; that he is personally well acquainted with H. J. Sorrells and has known him for about 22 years and knows that the said Sorrells during that period of time has resided in the Chickasaw Nation, Indian Territory with his family; that in the year 1875 affiant was clerk of the county court of Pickens County, in said Nation and as such clerk it was his duty under the law then to issue permits to tenants of members of the ~~tribe~~ tribe of Chickasaw or Choctaw Indians residing in said Pickens County; that as such he knows the said Sorrells was then a recognized member of the Choctaw Indians by intermarriage, and that he issued to him for his tenants permits.

Affiant further states that the said Sorrells is of good moral character and has resided in said Nation and has been engaged in farming since he first knew him, and not until recently did he ever hear that the citizenship of said Sorrells as a member of said tribe of Choctaw Indians was questioned.

(Signed) A. H. Law.

Subscribed and sworn to before me this, 27 day of July, 1897.

(Signed) J. P. Law.

(Seal) Notary Public, Southern District, Indian Terr'ty

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
SOUTHERN DISTRICT, AT ARDMORE.

H. J. Sorrells,

vs.

Choctaw Nation.

Before me the undersigned authority this day personally appeared Annie Pigott, who after first being by me duly sworn, upon oath states that she is the wife of Edward Pigott, and that her maiden name was Annie Norris; that she is a half-sister of Mary Countee who married H. J. Sorrells in 1861. That she knows that the said Mary Countee was a Choctaw Indian by blood, being of the same Indian mother, by a former marriage.

Affiant further states that she is a Choctaw Indian by blood and that she has always and is now acknowledged and recognized as a Choctaw Indian by the Choctaw tribe.

(Signed.)

Annie Pigott.

Subscribed and sworn to before me this March 9th 1897.

(Signed.)

A. C. Blackwood.

(Seal.)

Notary Public.

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
SOUTHERN DISTRICT, AT ARDMORE.

H. J. Sorrells,

vs.

Choctaw Nation.

Before me the undersigned authority this day personally appeared Edward Pigott, who after being by me first duly sworn, deposes and says: that he is a resident of the Choctaw Nation, Indian Territory and resides near the town of Kiawa, in said Nation and Territory; that he knew Mary Sorrells and knew that she was the wife of H. J. Sorrells and that his wife, the half sister of the said Mary Sorrells, is now living and is today recognized as an Indian by the Choctaw Tribe of Indians.

(Signed.)

E. A. Pigott,

Subscribed and sworn to before me this March 9th 1897.

(Signed.)

A. C. Blackwood.

Notary Public.

(502)

In the Matter of the Application of H. J. Sorrells to have his wife, Children and Grandchildren enrolled as members of the Choctaw Tribe of Indians.

Indian Territory,
Southern District.

Before me, the undersigned authority, on this day personally appeared Jesse Hill, who, after being by me first duly sworn, on oath states : That he is a member of the firm of Furman, Herbert & Hill, attorneys of Ardmore, Indian Territory, who represent applicants herein. Affiant states that he has this day

registered a letter addressed to Green ~~McCurtain~~ McCurtain, governor of the Choctaw Nation, at Muskogee, Indian Territory, at the Post-office in the Town of Ardmore, Chickasaw Nation, Indian Territory, which said letter contains a true and literal copy of the application herein; of an affidavit of H. J. Sorrells, a copy of the report of W. H. L. Campbell, Master in Chancery in the case of H. J. Sorrells vs. the Choctaw Nation now on appeal in the United States Court Southern District of the Indian Territory, a true and literal copy of an affidavit made by A. H. Law, and true and literal copies of affidavits made by E. A. Pigott and Annie Pigott.

Affiant hereto attaches the registry receipt for said letter and marks the same "Exhibit A".

Subscribed and sworn to before me on this 23 day of Aug., 1897.

Notary Public, Southern District, Indian Territory.

No
H. J. Somers for
his wife, children
and grand children
vs

The Choctaw Nation
Application & Evidence
A True Copy

Chickasaw Nation
Applicant
P. O. address
Applicants, Low St.
Tennant Street
City for Applicants.
Andrew
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