

1-Nº 54.

Thompson, J. W. et al,

v

Chickasaw Nation.

Nº 54.

Southern Dist. Court.

Nº

Dawes Commission.

Question of law.

2nd marriage.

Query.

1. Is Minnie Lee Green, Chickasaw
2. Was marriage of July, 31, 1891
under a Chickasaw license,

Pass.

U. S. B.

Witnesses

For Claimants.

Jesse Reeves,	Pauls Valley, <u>T.</u>
J. J. Nichols	" " "

Nations

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT, SITTING
AT SOUTH MCALESTER, IN THE INDIAN TERRITORY.

-----O-----

J. W. Thompson, :
 :
 Plaintiff, :
 :
 vs. :
 :
 The Chickasaw and Choctaw Nations, :
 Defendants. :

- - - --O - - - -

PETITION TO THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT REQUESTING THAT A WRIT OF ERROR BE ISSUED TO THE UNITED STATES COURT FOR THE SOUTHERN DISTRICT OF THE INDIAN TERRITORY, REQUIRING SAID COURT TO TRANSFER AND CERTIFY TO THE SAID CHOCTAW AND CHICKASAW CITIZENSHIP COURT THE FILES, PAPERS AND PROCEEDINGS IN CITIZENSHIP CASE NO. 54, AND STYLED J.W.THOMPSON, ET. AL., VS. THE CHICKASAW NATION.

-----O-----

Now comes the petitioner, J. W. Thompson, and respectfully shows the court that under the act of Congress of June 10th, 1896, and within the time prescribed in said act, he applied by written application to the Commission to the Five Civilized Tribes for enrollment as a citizen and member by intermarriage of the Chickasaw tribe of Indians; that said written application was filed with said Commission within the time prescribed by law; that in due course of time said Commission heard and decided said application, and admitted said petitioner to citizenship in said Chickasaw Tribe of Indians; that thereafterwards and within the time prescribed in said act, the Chickasaw Nation and tribe of Indians appealed from the decision of the Commission to the Five Civilized Tribes, to the United States Court for the Southern District of the Indian Territory, at Ardmore, where said case was styled J.W. Thompson, vs The Chickasaw Nation, number 54, that thereafterwards, to-wit, on the 12th day of March, 1898, a full, complete and final hearing and trial was had of the claim of the petitioner, J. W. Thompson, and that by the judgment and decree entered in said cause on said date, the petitioner herein was adjudged to be a citizen of the Chickasaw tribe of Indians by intermarriage.

Petitioner respectfully states that on the 29th day of March, 1890, he was regularly and lawfully married to Miss. Minnie Lee Green, a member and citizen of the Chickasaw tribe of Indians by blood, who was then residing with said tribe of Indians in the Chickasaw Nation, Indian Territory; that said marriage ceremony was performed in the state of Texas under and by virtue of the laws of said State; that afterwards, and on the 31st day of July, 1894, he was regularly and lawfully married to the said Minnie Lee Green in accordance with the laws and requirements of the Chickasaw Nation, Indian Territory, by the County and Probate Judge of Pontotoc County, Chickasaw Nation, Indian Territory; that by reason of said marriages, and each of them, the petitioner became a citizen and member of the Chickasaw Tribe of Indians, and is entitled to all the rights, privileges and immunities as such; that the petitioner herein, prior to said marriage, was a citizen of the United States, and not a member or citizen of any tribe or Nation of Indians; and that said Minnie Lee Green was and is a citizen of the Chickasaw tribe of Indians residing in the Indian Territory; the applicant W. J. Thompson, since his last marriage, to-wit, in 1894, has always been recognized as being a citizen of the Chickasaw tribe or Nation of Indians.

Your petitioner further states that since his said marriage with the said Minnie Lee Green, he and she have continuously lived together as husband and wife in the Chickasaw Nation, Indian Territory.

The petitioner further shows that by its judgment rendered on the 17th day of December, 1902, in the case of the Choctaw and Chickasaw Nation or Tribe of Indians, vs. J. T. Riddle, et al., this court adjudged and decreed all judgments and decisions of the United States Courts in the Choctaw and Chickasaw Nations admitting persons to citizenship and enrollment as citizens of said Nations

upon appeal from the Commission to the Five Civilized Tribes and the citizenship committees of said tribes, to be null and void both as to the defendants named in said cause, and all other persons claiming citizenship in the Choctaw and Chickasaw Nations by virtue of the judgments rendered in the United States Court for the Southern and Central Districts of the Indian Territory under act of June 10th, 1896.

Your petitioner states that he was not a party to said case of the Choctaw and Chickasaw Nations vs. J. T. Riddle, et al., and are not bound by the judgment rendered therein, and that said court had no jurisdiction or power under the pleadings and evidence of said case to set aside or vacate the judgment of the United States Court for the Southern District of the Indian Territory admitting him to citizenship in the Chickasaw Nation, and that said judgment of the United States Court for the Southern District of the Indian Territory is still in full force and effect.

But your petitioner further states that should this court hold that he is bound by the judgment rendered in the said case of the Choctaw and Chickasaw Nations vs. J. T. Riddle, et al., and that the judgment rendered by the United States Court for the Southern District of the Indian Territory admitting him to citizenship in the Chickasaw Tribe Of Indians, is null and void and of no effect whatever, then the effect of said decision would be only to annul and vacate the judgment rendered by the United States Court Court for the Southern District of the Indian Territory, and would leave in full force and effect the original judgment of the Commission to the Five Civilized Tribes admitting this petitioner to citizenship in the said Chickasaw Tribe of Indians.

Your petitioner therefore states that he insists that this court has no jurisdiction whatever, and the authority is not conferred upon it under the provisions of sections 31 and 32 of the act of Congress entitled "AN ACT TO RATIFY AND CONFIRM AN AGREEMENT

)§)

WITH THE CHOCTAW AND CHICKASAW TRIBES OF INDIANS, AND FOR OTHER PURPOSES," to pass upon, or in any way interfere with any judgment rendered by the said Commission to the Five Civilized Tribes. And that the decision of this Court, annulling and vacating the judgments of the United States Courts in and for the Southern and Central Districts of the Indian Territory, which had been appealed by said Nations from the judgments rendered by the said Commission to the Five Civilized Tribes admitting applicants to citizenship, has the effect of leaving said favorable judgments by the said Commission in full force and effect.

Now, therefore, said petitioner, still insisting upon his rights as member of said tribe, and for the validity of said judgment of the United States Court for the Southern District of the Indian Territory, and the Commission to the Five Civilized Tribes, admitting him to citizenship, and without waiving any of the rights adjudged and decreed to belong to and conferred upon him by law and by virtue of said judgment of the United States Court for the Southern District of the Indian Territory and the Commission to the Five Civilized Tribes, said petitioner most respectfully prays that an order be made in the nature of a writ of error or otherwise, directing the clerk of the United States Court for the Southern District of the Indian Territory, at Ardmore, to certify and deliver to this Court all the files, papers, dockets evidence and proceedings had in this cause number 54, and styled J.W.Thompson, vs. The Chickasaw Nations, heretofore pending in the United States Court for the Southern District of the Indian Territory, at Ardmore, and the Commission to the Five Civilized Tribes, and that all proper writs or otherwise be issued upon the principle chief of the Choctaw Nation and the Governor of the Chickasaw Nation, in order that said case may be fully and properly lodged in

this court for all lawful and proper proceedings therein.

(signed) Blanton & Andrews

Attorney for Petitioner.

Service of a copy of the within on us as attorneys for the Choctaw and Chickasaw Nations is hereby acknowledged this 9th day of March 1903.

(signed) Mansfield, McMurray & Cornish.

We have received a copy of the within petition on this 9th day of March 1903.

(signed) Mansfield, McMurray & Cornish.

Blanton & Andrews,

ATTORNEYS-AT-LAW,

PAULS VALLEY, I. T.

January 23, 1904.

Mansfield, McMurray & Cornish,

Attorneys and Counselors,

South McAlester, I. T.

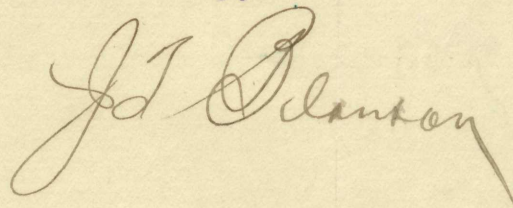
Gentlemen:

There is a cause pending there wherein J. W. Thompson appears as appellant and the Choctaw & Chickasaw Nations as appellee and as we note that other parties in his condition have been admitted by the Commission and the Secretary we write to know, if there is to be any further contest in his case.

The only question involved is the second marriage question and you can verify this statement by reference to the record there. He was married to Minnie Lee Green, an Indian by blood of the Chickasaw tribe and she and the children, excepting one which for some reason has been omitted thus far, have been approved by the Secretary.

I would be glad to hear from you in reference to this matter and I write you because I wish to be frank about it and if there is to be a fight I wish to know it in advance.

Yours truly,

A handwritten signature in cursive script, appearing to read "J. J. Blanton". The signature is written in dark ink and is positioned below the typed name "Yours truly,".

South McAlester, Indian Territory, January 30, 1904.

Mr. J. T. Blanton,

Pauls Valley, Indian Territory.

Dear Sir:

We are in receipt of your letter of recent date referring to the citizenship case of J. W. Thompson vs. Choctaw and Chickasaw Nations.

Upon examination of the records we find that this case is on the Tishomingo Docket. It is expected that the Tishomingo docket will be reached early in the Spring and we see no reason why this case should not be tried and disposed of at an early date after the Tishomingo docket is reached.

You will understand that notwithstanding the facts in any particular case it will be necessary to take testimony before the Court, in order that the court may have before it competent and conclusive evidence of the facts and be in a position to render a judgment thereon.

The only information we have with reference to the case is the record which was made up before the Commission to the Five Civilized Tribes and the United States Court, and in view of our contention that such record is incompetent as evidence we would not be able to state, from an examination thereof, what our contentions would be.

We should say, from your statement, that it would not be difficult for your clients to present such evidence before the court

Mr. J. T. Blanton--2

as will enable it to understand the case and render such judgment,
without delay, as will do justice to the applicant and the Nations.

Very respectfully,

I N D E X.

Application to Dawes Commission 1
Marriage Record 2
Affidavit of Jesse Reeves 3
" " J.J. Nichols 4
Marriage Record 5
Judgment of the United States Court 6
" " " " 7

Application of J. W. Thompson for himself and child, Charles
William Thompson.

To the Hon. Dawes Commission at Vinita, Indian Territory.

Your applicant, J. W. Thompson for himself and his child, Charles William Thompson, would respectfully represent that he was a citizen of the United States up till the 31st day of July A. D. 1894 when he became a citizen by marriage of the Chickasaw Nation, Indian Territory by intermarriage with Miss Minnie Lee Green a citizen by blood of said Nation. That he secured a licence from the proper authorities of the Chickasaw Nation to marry the said Minnie Lee Green as will appear from a certified copy of the said marriage accompanying this application. That he is now thirty years old; that his wife, Minnie Lee Thompson, is twenty two years old. That by the marriage aforesaid there has been born to him and his wife Minnie Lee Thompson three children of the following names and ages to-wit:- Mamie Francis Thompson, age five years, Robert Lee Thompson, age three years and two months and Charles William Thompson, age one year old. That his said wife and his children (excepting Charles William Thompson) have all been enrolled on the Chickasaw Rolls ~~for~~ to which Rolls reference is hereby made, for citizenship. That they received their prorata of the "Annuity" paid to the Chickasaws in the Year A.D. 1893. That he now lives near Pauls Valley in Pontotoc County, Chickasaw Nation, Indian Territory., and has lived in the said Nation with the said Minnie Lee Thompson as his wife ever since their marriage according to the laws of the State of Texas in the year of A. D. 1890, which marriage is evidenced by a certified copy of same accompanying this application.

Wherefore, application and evidence considered, your applicant J. W. Thompson, would respectfully ask, that his child, Charles William Thompson be enrolled on the roll for citizens of the Chickasaw Nation and that he be enrolled on the roll for intermarried citizens of the Chickasaw Nation or such roll as he may be from this application and evidence entitled to.

Signed J. W. THOMPSON.

Subscribed and sworn to before me at my office in Pauls Valley, Ind.
Ter. on this the 29th day of August A.D. 1896.

J. M. DORCHESTER
Notary Public, Southern Dist.
Indian Territory.

C. W. BARNETT,
Atty. for Applicant.

STATE OF TEXAS

COOKE COUNTY

To any Judge of the County or District Court, regularly licensed or ordained minister of the Gospel, of Justice of the Peace in and for said County of Cooke--

GREETING:

YOU ARE HEREBY AUTHORIZED TO SOLOMIZE THE RITES OF MATRIMONY

Between, Mr. J. W. Thompson, and Miss Minnie Green, and make due return to the Clerk of the County Court of said County within sixty days thereafter, certifying your action under this License.

(S E A L)

WITNESS my official signature and seal of office at office in Gainsville this 29th day of March A. D. 1890.

By Tom Perry, Deputy.

E. C. Perry, Clk Co. Court Cooke Co.

I. M. H. Neely hereby certify that on the 29th day of March A. D. 1890 I united in Marriage J. W. Thompson and Miss Minnie Green the parties above named.

Witness my hand this second day of April A. D. 1890. M. H. Neely, Minister

Returned and filed for record the 2nd day of April A. D. 1890 and recorded the 2nd day of April 1890. E. C. Perry, Clerk. By J. E. Hayworth, Deputy

The State of Texas.

SOUTHERN JUDICIAL DISTRICT
PICKENS COUNTY SS
CHICKASAW NATION IND. TER

I Jessee Reeves do solomnly swear that I am forty two years old and am a citizen of the United States; that my present post office of Pauls Valley, Ind/ Ter. That I am personally acquainted with J. W. Thompson and Minnie Lee Thomsopm his wifea. That I have known both parties about eight years; that they were married in the year A.D. 1890. That they have lived together as man and wife in the Chickasaw Nation ever since their marriage as aforesaid. That they now live near Pauls Valley, Indian Territory, in said Nation. That Iam personally acquainted with the mother of the said Minnie Lee Thompson and that she and her mother are noth recognized as citizens by blood of the Chickasaw Nation. That by the marriage aforesaid there has been born to the said J. W. Thompson and Minnie Lee Thompson three children and that all three of said children are now living.

Signed. Jesse Reeves.

Subscribed and sworn to before metat my office in the Town of Pauls Valley on this the 26th day of August A.D. 1890.

J. M. DORCHESTER
Notary Public, So. District
Indian Territory.

UNITED STATES OF AMERICA

SOUTHERN DISTRICT SS

INDIAN TERRITORY.

I, J. J. Nichols, do solemnly swear that I am 54 years old and that I am a citizen of the United States. That I am personally acquainted with J. W. Thompson and Minnie Lee Thompson his wife. That they now live in Pontotock County Chickasaw Nation near the town of Pauls Valley Indian Territory. That the said Minnie Lee Thompson's maiden name was Minnie Lee Green. That she is recognized as a member by blood of the Chickasaw Tribe of Indians. That I knew the mother of the said Minnie Lee Thompson; that she was and is recognized as a member by blood of the Chickasaw Tribe of Indians. That the said Indian Right of the Said Minnie Lee Thompson has never been denied by the authorities of the Chickasaw Nation. That my Post Office is Pauls Valley Indian Territory.

Signed. J. J. ^{his} x Nichols
mark

Witness to Mark. W. Barnett

Subscribed and sworn to before me at my office in the town of Pauls Valley, I.T. on this the 29th day of August A.D. 1896.

J. M. Dorchester

Notary Public, Southern Dist.

Indian Territory.

4

This is to certify that by virtue of office, I have this day performed the marriage ceremony between J. W. Thompson and Minnie Lee Green according to the laws of the Chickasaw Nation.

Given under my hand, this the 31st day of July, 1894.

Witness.

C. J. Burris

E. E. Burris

I. A. Burris

Co. & Probate Judge

Pontotock County.

I hereby certify that this marriage certificate of J. W. Thompson and Minnie Lee Green was duly recorded on the marriage record of Pontotoc County, Chickasaw Nation on the 18th day of August 1894.

W. Columbus

Co. & Probate Clerk

C. N.

Stonewall, I.T. Aug. 19th, 1896.

I do hereby certify that the above copy of the marriage certificate of J. W. Thompson and M. L. Green is a true and correct copy of the marriage in my office.

George Colbert

Co. Clerk.

J. W. Thompson, et al.

Vs. No. 54 Judgment, Southern District March 12, 1898.

Chickasaw Nation.

This day this cause coming on to be heard, upon the pleadings, exhibits, proof, master's report and the exception filed thereto; and the court being sufficiently advised:

Orders and adjudges that the exceptions filed by the defendant to the master's report be, and the same are hereby overruled, and that said report be, and the same is hereby, in all other respects confirmed.

And the Court being sufficiently advised upon the whole case:

Doth order, adjudge and decree that the applicant, J. W. Thompson, be and he is hereby admitted as a member of the Chickasaw Tribe of Indians by intermarriage, and that he have all the rights, privileges and immunities as such.

And the court being further advised, it is ordered adjudged and decreed that the applicant, Charles William Thompson, be and he is hereby admitted as a member of the Chickasaw tribe of Indians by blood and that he have all the rights privileges and immunities as such. And the Clerk of this court is hereby ordered to transmit a certified copy of this judgment to the Commission to the Five Civilized Tribes of Indians, which said Commission is hereby directed to enroll each and both of the above named applicants upon the rolls made out by it for the Chickasaw Nation as members of the Chickasaw Tribe of Indians, in the way and manner as herein indicated.

To this judgment the Chickasaw Nation excepts.

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:

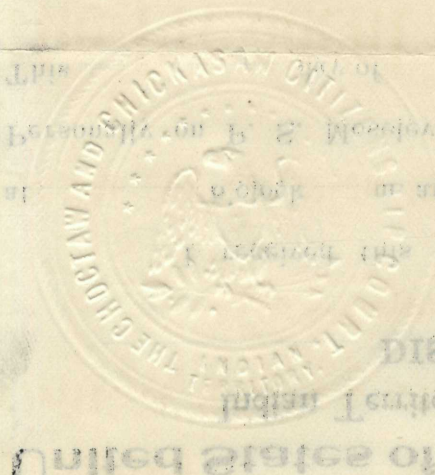
You are hereby Comanded to Summons P. S. Moseley, Governor of the Chickasaw Nation, to answer on behalf of said nation, in twenty days after the service of this summons upon him, as Governor of said Nation a complaint in Equity filed against the Choctaw and Chickasaw nation in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, at Tishomingo, by J. W. Chapman

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 J. W. Chapman File No. 54 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 23 day of March A. D., 1903.

J. B. Bassada Clerk.
E. L. Bevirt Deputy.



MAKSHAT'S RETURN

MARSHAL'S RETURN.

United States of America,
Indian Territory,
DISTRICT.

Ed. Barrett Deputy
Joe B. Parsons Clerk

I received this summons this 23 day of March 1903, A. D., 1903,
at 12 o'clock m. and served same by copy, as follows:

Personally on P. S. Moseley, at Indian Territory,

This 23 day of March, 1903, 12 m.

WITNESS the Honorable Spencer B. Adams, Chief Judge,

By Ed. Barrett Deputy.

the certificate of the clerk of said court for said Samuel District Indian Territory,
Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that
file No. 24 in the District Court for the Samuel District of the
that the papers, files and proceedings in the case of Joe Chapman

And you are further commanded to notify said P. S. Moseley, Governor aforesaid,
complaint will be taken for confessed, and you will make return of the summons instantly;

Copy

No. 54-5

SUMMONS
IN EQUITY.

J. W. Chapman
vs.

Choctaw and Chickasaw Nations.

Summons issued 23 day of
March, 1903. Returnable instanter.

Marshal's Fees.

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

Blanton & Andrews
Attorneys for Plaintiff.
Admors

Choctaw and Chickasaw Citizenship Court.

Indian Territory.

United States of America.

SUMMONS.

W. Thompson. }
vs. } T. No. 54, Sov. Dist. No. 54.
Chickasaw Nation }

J. W. Thompson, a white man was married under a Texas license to Minnie Lee Green, an alleged Chickasaw by blood at Gainesville, Texas March, 29, 1890.

Were remarried "according to the laws of the Chickasaw nation" July, 31, 1894.

Applicant and his wife are now living together.

Applicant, together with an infant child, was admitted by Deaves Commission. Appeal was only as to J. W. Thompson. Admitted by judgment, U. S. Court, Sov. Dist., March, 12, 1898.

Question of 2nd marriage.

Query.

1. Is Minnie Lee Green Chickasaw by blood.
2. Was marriage of July, 31, 1894 under a Chickasaw license.

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,

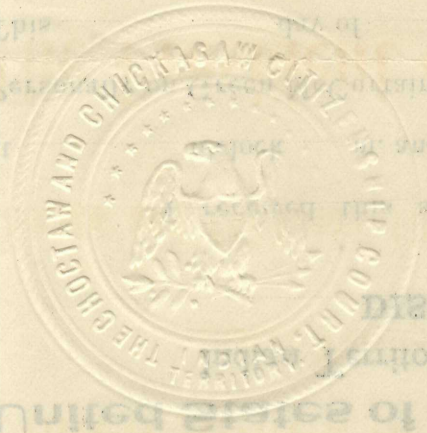
GREETING:

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 Sashomings, by J W Simpson

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 J W Simpson File No. 54 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 23 day of March A. D., 1903.



Jas B Bassett Clerk.
By E D Berritt Deputy.

MARSHAL'S RETURN.

United States of America,
Indian Territory,
DISTRICT.

J. S. Jones Deputy

I received this summons this 13th day of March A. D. 1903,
at 10 o'clock m. and served same by copy, as follows: *to J. S. Jones*
Personally on Green McCurtain, at *his residence* Indian Territory,
This 13th day of March, 1903, *at 10 o'clock* m.

By *J. S. Jones* Deputy.

Witness the Honorable Spencer B. Adams, Chief Judge
the certificate of the clerk of said court for said *honorable* District, Indian Territory,
Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that
File No. *24* in the District Court for the *honorable* District of the
that the papers, files and proceedings in the case of *Green McCurtain*
and you are further commanded to notify said Green McCurtain, Principal Chief aforesaid.

copy
No 54-5

SUMMONS
IN EQUITY.

J. W. Simpson
vs.
Choctaw and Chickasaw Nations.

Summons issued 23 day of
March, 1903. Returnable instanter.

Marshal's Fees.

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

Blanton + Andrews
Attorneys for Plaintiff.
Admore

DS

210

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

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT, SITTING
AT SOUTH McALESTER, IN THE INDIAN TERRITORY

J. W. Thompson, Plaintiff

vs

The Chickasaw and Choctaw Nations.
Defendants.

PETITION TO THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT REQUESTING THAT WRIT OF ERROR BE ISSUED TO THE UNITED STATES COURT FOR THE SOUTHERN DISTRICT OF THE INDIAN TERRITORY, REQUIRING SAID COURT TO TRANSFER AND CERTIFY TO THE SAID CHOCTAW AND CHICKASAW CITIZENSHIP COURT THE FILES, PAPERS AND PROCEEDINGS IN CITIZENSHIP CASE No. 54, AND STYLED; J. W. THOMPSON, ET AL VS THE CHICKASAW NATION.

Now comes the petitioner J. W. Thompson, and respectfully show the court that under the act of Congress of June 10, 1896, and within the time prescribed in said act, ~~xx~~ he applied by written application to the Commission for the Five Civilized Tribes for enrollment as a citizen and member by intermarriage of the Chickasaw Tribes of Indians; that said written application was filed with said commission within the time prescribed by law; that in due course of time said Commission heard and decided said application, and admitted said petitioner to citizenship in the said Chickasaw tribe of Indians; that thereafter and within the time prescribed in said act, the Chickasaw Nation and tribe of Indians appealed from the decision of the Commission to the Five Civilized tribes, to the United States Court for the Southern District of the Indian Territory, at Ardmore, wherein said case was styled J. W. Thompson vs The Chickasaw Nation, number 54; that thereafterwards, to-wit, on the 12th day of March 1898, a full, complete and final hearing and trial was had of the claim of this petitioner, J. W. Thompson, and that by the judgment and decree entered in said case on said date, the petitioner herein was adjudged to be a citizen of the Chickasaw Tribe of Indians by intermarriage.

Petitioner respectfully states that on the 29th day of March, 1890, he was regularly and lawfully married to Miss Minnie

Lee Green, a member and citizen of the Chickasaw Tribe of Indians by blood, who was then residing with said tribe of Indians in the Chickasaw Nation, Indian Territory; that said marriage ceremony was performed in the State of Texas under and by virtue of the laws of said state; that afterwards, and on the 31st day of July, 1894, he was regularly and lawfully married to the said Minnie Lee Green in accordance with the laws and requirements of the Chickasaw Nation, Indian Territory, by the County and Probate Judge of Pontotoc County, Chickasaw Nation, Indian Territory; that by reason of said marriages and each of them, the petitioner became a citizen and member of the Chickasaw Tribe of Indians, and is entitled to all the rights, privileges and immunities as such; that the petitioner herein, prior to said marriages, was a citizen of the United States, and not a member or citizen of any tribe or nation of Indians; and that the said Minnie Lee Green was and is a citizen of the Chickasaw tribe of Indians residing in the Indian Territory; the applicant W. J. Thompson, since his last marriage, to-wit, in 1894, has always been recognized as being a citizen of the Chickasaw Tribe or Nations of Indians.

Your petitioner further states that since his said marriage with the said Minnie Lee Green, he and she have continuously lived and resided together as husband and wife in the Chickasaw Nation Indian Territory.

Petitioner further shows that by its judgment rendered on the 17th day of December, 1902, in the case of The Choctaw and Chickasaw Nations or Tribes of Indians vs J. T. Riddle et al, this court adjudged and decreed all judgments and decisions of the United States Courts in the Choctaw and Chickasaw Nations admitting persons to citizenship and enrollment as citizens of said Nations upon appeal from the commission to the Five Civilized Tribes and the citizenship committees of said tribes, to be null and void both as to the defendants named in said cause, and all other persons claiming citizenship in the Choctaw and Chickasaw Nations by virtue of the judgments

2

rendered in the United States Courts for the Southern and Central Districts of the Indian Territory, under the act of June 10, 1896.

Your petitioner states that he was not a party to said case of the Choctaw and Chickasaw Nations or Tribes vs J T Riddle et al and are not bound by the judgments rendered therein, and that said court had no jurisdiction or power under the pleadings and evidence of said case to set aside or vacate the judgment of the United States Court for the Southern District of the Indian Territory admitting him to citizenship in the Chickasaw Nation, and that said judgment of the United States Court for the Southern District of the Indian Territory is still in full force and effect.

But your petitioner further states that should this court hold that he is bound by the judgment rendered in said case of the Choctaw and Chickasaw Nations vs J. T. Riddle et al, and that the judgment rendered by the United States Court for the Southern District of the Indian Territory admitting him to citizenship in the Chickasaw Tribe of Indians, is null and void and of no effect whatever, then the effect of said decision would be only to annul and vacate the judgment rendered by the United States Court for the Southern District of the Indian Territory, and would leave in full force and effect the original judgment of the Commission to the Five Civilized Tribes admitting this petitioner to citizenship in the said Chickasaw Tribes of Indians.

Your petitioner therefore states that he insists that this court had no jurisdiction whatever, and the authority is not conferred upon it under the provisions of section 31 and 32 of the Act of Congress entitled "AN ACT TO RATIFY AND CONFIRM AN AGREEMENT WITH THE CHOCTAW AND CHICKASAW TRIBES OF INDIANS, AND FOR OTHER PURPOSES" to pass upon, or in any way interfere with any judgment rendered by the said Commission to the Five Civilized Tribes. And that the decision of this Court, annulling and vacating the judgments of the United States Courts in and for the Southern and Central Districts of the Indian Territory, which had been appealed by the said Nations

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from the judgments rendered by the said Commission to the Five Civilized Tribes admitting applicants to citizenship, has the effect of leaving said favorable judgments by the said Commission in full force and effect.

Now, therefore, said petitioner, still insisting upon his rights as a member of said tribe, and for the validity and finality of the said judgment of the United States Court for the Southern District of the Indian Territory, and the Commission to the Five Civilized Tribes, admitting him to citizenship, and without waiving any of the rights adjudged and decreed to belong to him and conferred upon him by law and by virtue of said judgment of the United States Court for the Southern District of the Indian Territory and the Commission to the Five Civilized Tribes, said petitioner most respectfully prays that an order be made in the nature of a writ of error or otherwise, directing the clerk of the United States Court for the Southern District of the Indian Territory at Ardmore, to certify and deliver to this court all files, papers, dockets, evidence and proceedings had in this cause number 54, styled J. W. Thompson vs the Chickasaw Nation heretofore pending in the United States Court for the Southern District of the Indian Territory at Ardmore, and the Commission to the Five Civilized Tribes, and that all proper writs ^{or} ~~and~~ otherwise, be issued upon the Principal chief of the Choctaw Nation and the Governor of the Chickasaw Nation, in order that said case may be fully and properly lodged in this court for all lawful and proper proceedings therein.

(Signed) Blanton & Andrews,

Attorneys for Petitioner.

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

J. W. Thompson,

vs. No. 54.

Choctaw and Chickasaw Nations,

Blanton & Andrews, Attorneys for Defendants.

Mansfield, McMurray & Cornish, for Defendants.

Present and presiding the Honorables Spencer B. Adams,
Chief Judge and Walter L. Weaver and Henry S. Foote, Asso-
ciate Judges.

JUNE 1, 1904. This day this cause coming on to be
hears, both plaintiffs and defendants being represented by
counsel and both having announced ready for trial, the
following proceedings were had, to-wit.

Mr. Blanton:

There appears two marriage certificates. One is a mar-
riage license and the other is a marriage certificate, and
I took it to be a marriage license and certificate. "Reads
marriage certificate of marriage under laws of Chickasaw
Nation". I wish to say to the Court that I am going to
put in all my proof, and if Mr. Cornish, the attorney for the
Nations insists that the certificate is not sufficient, I
want to make a search of the Pontotoc County records. It
shows that Judge Burris is a very influential citizen and an
honorable man. If Mr. Cornish insists, I will get that, but
I take it that this ought to be sufficient, as he knows Judge
Burris.

Mr. Cornish:

However we desired to facilitate matters, we would
require that you have the best evidence.

Mr. Blanton:

All right.

Mr. Cornish:

If the original license cannot be found, you can introduce secondary-evidence.

Mr. Blanton:

We desire to introduce a certificate from the Chairman of the Dawes Commission, showing that Minnie Lee Thompson is an enrolled citizen by blood of the Chickasaw Nation.

"Reads certificate.

JUDGE ADAMS:

Wife of J. W. Thompson.

Mr. Blanton:

Yes sir. Marked Exhibit A"

J. W. THOMPSON, being called as a witness in his own behalf, after being first duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Blanton:

Q.--State your name?

A. J. W. Thompson.

Q.--Did you know Minnie Lee Green before she was married?

A.--Yes sir.

Q.--You know whether or not she drew the Leased District money in 1893.

A.--Yes sir, I drew it for her. I didn't do it personally but her half brother did.

Q.--Will ask you if you were married to her first according to the laws of the State of Texas? in 1890.

A.--Yes sir.

Q.--Is this the marriage license as well as the record of it?

A.--Seems to be so.

Mr. Blanton:

I desire to introduce it in evidence. Suppose I just detach it and introduce it as an exhibit.

JUDGE ADAMS:

No use in detaching it.

Mr. Blanton:

Offer it in evidence as Exhibit B.

Q.--Were you subsequently married to this woman again?

A.--Yes sir.

Q.--Who married you that time?

A.--Judge Burris.

Mr. Blanton:

I desire to introduce in evidence a marriage certificate attested by Judge Burris, and certified to by the County Clerk of Pontotoc County. Marked Exhibit C"

Q.--Are you still living with and have you continuously lived with Minnie Lee Green since you were originally married to her?

A.--Yes sir.

Q.--Know what part Chickasaw she is?

A.--Yes sir.

Q.--What part Chickasaw blood has she?

A.--She is one fourth, supposed to be.

Q.--Where did you get the license that you were married under the last time?

A.--Married under the license made by Judge Burris. Got that at Judge Burris house.

Q.--What was Judge Burris, an official of the Chickasaw Nation or the United States?

A.--Probate Judge.

Q.--Of what?

A.--Chickasaw Nation.

Q.--What County?

A.--Pantotoc.

CROSS-EXAMINATION.

Mr. Cornish:

Q.--You are a white man?

A.--Yes sir.

Q.--When were you first married to your wife.

Mr. Blanton:

I object to the question, the record is the best evidence.

JUDGE ADAMS:

The marriage license has already been introduced.

Mr. Cornish:

It is not for the purpose of proving the marriage license.

Mr. Blanton:

I withdraw the objection.

Mr. Cornish:

Q.--What is your recollection as to when you first married?

A.--The last of Eighty.

Q.--Married under a license issued by the authorities of Cook County, Texas in 1890?

A.--Yes sir.

Q.--Where were you living at that time?

A.--Living in Mayer.

Q.--Where was your wife living?

A.--Right there.

Q.--Had she lived there always?

A.--Born there.

Q.--Then you were remarried under the Chickasaw law in what year. Remember the year, was it in 1894?

A.--Yes sir, I believe it was, I am not sure. I believe it was in ninety-four. I moved in ninety three up there, and married in ninety-four.

Q.--Procured a license under the Chickasaw law?

A.--Yes sir.

Q.--Who issued the license?

A.--Judge Isaac Burris.

Q.--Pay any money for the license?

A.--Yes sir.

Q.--How much?

A.--Fifty dollars for the license and a dollar for marrying us.

Q.--What became of the license.

A.--I am unable to produce it hear.

Q.--What became of it?

A.--Give it to the County Clerk at Stonewall?

A.--For what purpose?

A.--To record and send me a certified copy. I don't know whether he did x x or not.

Q.--Have any recollection of what became of the paper after you gave it to the Clerk to be recorded?

A.--No sir. I got witnesses to our marriage.

Q.--Mr. Thompson, you don't understand my question. This paper is the marriage certificate, this is not the license?

A.--I went down there after that me and Kerraw Pauls Valley went down one night, when the Dawes Commission came around to enroll us.

Q.--What did you go for?

A.--For a certified copy.

Q.--Of what?

A.--License.

Q.--Did you get it?

A.--Yes sr.

Q.--Is this the paper?

A.--No sir.

Q.--Did you get another paper besides that. Did you get one paper or two?

A.--These ain't the paper. These are the first ones I got, and then I got some besides them.

Q.--Is it your statement that you dd at one time secure a certified copy of the license?

A.--Yes sir.

Q.--What did you do with it?

A.--Turned it over to Mr. Blanton. I don't know what he did with it.

Mr. Blanton:

Q.--My former partner, Mr. Barnett represented you in ninety-six did he?

A.--Yes sir.

Mr. Cornish:

The records are still intact in that County.

Mr. Blanton:

Q.--Will ask you if you didn't go after that certified copy of the marriage ~~xxxxxxx~~ record ~~xxxxxxx~~ for the Commission when they were at ~~xxxx~~ Paul's Valley in ninety-seven, and furnish them that certified copy when you applied to them in ninety-seven, didn't you leave that certificate with the Dawes Commission when they were there in September, ninety-seven?

A.--No sir.

Q.--Is that the reason you went at night, they were going to leave there?

A.--Yes sir.

Q.--Will ask you if it is a fact that you filed your original license with the Dawes Commission with your original application in ninety-six, and if they were transferred to

the United States Court at Ardmore, and if they were destroyed by the fire subsequent to that time?

A.--They might have been.

Q.--Understand they were burned up there. Have any knowledge of where the original is?

A.--No sir.

JUDGE ADAMS:

Any question about this man getting license to marry this woman.

Mr. Cornish:

I don't know. His own testimony discloses that there is a record of his license.

JUDGE FOOTE:

I understand that you xxx stated in answer to a question of Counsel for the Nations that you got a license and paid fifty dollars for it?

A.--Yes sir.

Q.--Where to the Judge?

A.--Yes sir. Judge right up here.

Q.--You were married in pursuance of that marriage?

A.--Yes sir.

Q.--Have you lived continuously with that person from that time to this?

A.--Yes sir.

Q.--As her husband?

A.--Yes sir.

Q.--In the Chickasaw Nation?

A.--Yes sir.

Q.--Never abandoned her since your first marriage?

A.--No sir, lived continuously with her.

JUDGE ADAMS:

Any question about this. Did he say that it was a matter

of record.

Mr. Blanton:

The judges in this nation are elected, and one of them will live here one year and the other somewhere else the next, and they will move the records, and some of them keep them in barrels and boxes.

JUDGE ADAMS:

This is not a precedent. If there is any question about the matter the Court would require it.

Mr. Cornish:

After application has been made to the proper custodian of these records, if a search is made and upon application, cannot be procured, it would be proper to consider secondary evidence.

JUDGE ADAMS:

That is the rule of evidence. No question about the man's being married and just because he has not got his marriage license, and he has got his certificate.

Mr. Cornish:

The license itself would be the best evidence.

JUDGE ADAMS:

What did you say about the license.

Mr. Cornish:

I stated that we have no doubt as to the facts? I can't say that this man is not telling the truth, but I don't know.

JUDGE ADAMS:

You want them to prove every link in the chain, but we are sitting here to get at the right of the matter, and I see no use, when the thing is established beyond a question in putting it off. Let a judgment admitting this man to citizenship be entered. You are right Mr.

Cornish. You want all these things prove, but when about the matter--.

Mr. Cornish:

I am unable to say that this man is not telling the truth. The testimony is not sufficient from the standpoint of the Nations. I do not consider the facts sufficiently established by the testimony.

JUDGE WEAVER:

The fact that the Judge of the County certifies that he performed the marriage in accordance with the laws of the Chickasaw Nation, the law presumes that the ~~judge~~ officers perform their duty.

Mr. Cornish:

Our view is that the mere act of an official would not bind the Nation.

JUDGE ADAMS:

He didn't bring that out, and then you brought the fact that he got a license.

JUDGE FOOTE:

This man introduced evidence here which was secondary, and before it was competent it had to be shown that the record could not be found. Counsel for the Nations brought out the facts that he had complied with the law, and the specific manner in which he complied with it, and that he paid fifty dollars for the license and a dollar for marrying him. The other side didn't attempt to do anything of that kind; and therefore it seems to me that the absence of any testimony of the other side, that there is no doubt about it, and the fact that the evidence was brought out by the Nations, while agree with Judge Adams that this is not to be admitted a precedent, because if Counsel for the Nations should say that they would controvert the facts, but here the evidence which is material ~~the~~

was brought out on the other side.

Mr. Cornish:

Following the course that we have always followed in these cases, I brought out this evidence while the witness was on the stand, so that in the event the license could not be procured the secondary evidence would be in the record, and the Court is aware that in these cases we have gone out of our way to bring out the facts, and to make the applicants as little expense and trouble as possible.

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In the Choctaw and Chickasaw Citizenship Court, sitting at
Tishomingo, in the Southern District of the Indian Territory,
June Term, 1904.

J. W. Thompson,

vs.

No. 54.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this 1st day of June, 1904, this cause coming 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, J. W. Thompson, is entitled to be deemed a citizen by intermarriage of the Chickasaw Nation, and to enrollment as such, and to all the rights, privileges and immunities, personal to himself, which flow therefrom.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff, J. W. Thompson, is entitled to be deemed a citizen by intermarriage of the Chickasaw Nation, and to enrollment as such citizen, and to all the rights, privileges and immunities, personal to himself, which flow therefrom.

.....
Chief Judge.

.....
Associate Judge.

.....
Associate Judge.