

No. 169.

A. W. Cape

vs

Choctaw Nation

No. 167.

Central Dist - Court

No.

Dawes Commission

A

Ready for witnesses
of Nations

Witnesses.

For Claimants.

S. E. Lewis-----

Stihalahi-----

So M^ealester, IT

For Nations.

Wile J. Walker - Canadian.

Chas. Henderson - "

Judge B. W. Choate - Choate, IT.

South McAlester, Indian Territory, March 7, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sirs:

We understand that the name of Cillis Cope, or Cellice Cope, appears upon the 1893 Leased District Pay-roll for Tobucksy County.

If so, please furnish us a certificate setting forth that fact, in order that the same may be made use of as evidence before the Choctaw and Chickasaw Citizenship Court. Trusting that we may receive the same at an early date, we are

Very respectfully,

REGISTRY RECEIPT.

Post Office at

South McAlester, Ind. Ter.

Registered Letter
Parcel

No. 449 Rec'd 11-14, 1900

of

Box 319

addressed to

A. W. Cope
Fitzhugh, I. T.
M. Noble, P. M.

#5

South McAlester, Ind. Ter., November 10, 1900.

Alv. Boppe,
Fitzhugh, J.D.

You are hereby advised, in compliance with the direction of the Commission to the Five Civilized Tribes that the Choctaw and Chickasaw Nations object to your enrollment upon the ground of Forfeiture of right by marriage to non-citizen and that such testimony as may be necessary on behalf of the Choctaw and Chickasaw Nations will be taken at an appointment of the said Commission to the Five Civilized Tribes at Atoka, Indian Territory, beginning December 3, 1900.

THE CHOCTAW AND CHICKASAW NATIONS.

By Mansfield, McMurray & Cornish, Attorneys.

Card D-112

Name Cope, A. H.

Postoffice Fitzhugh

Statement Ad. by Devers Com. 730 - no appeal
taken. Married to a white woman since being
admitted by Devers Com.

Married out. On 1896 1000 as
~~A. H. Cope~~

South McAlester, Indian Territory, November 19, 1900

Clerk, United States Court,
Pauls Valley, Indian Territory.

Dear Sir:

Mr. A. W. Cope, of Fitzhugh, Indian Territory,
has married within the last four years. We are not able to
fix the date, but think you will have no trouble in locating
the record of it. We desire a certified copy of his marriage
license and certificate.

Please prepare and forward same to us so that we may re-
ceive it not later than November 25, if possible. Accompany
same with your bill, and we shall take pleasure in promptly
remitting the amount.

Very truly yours,

Wm. Campbell

Dictated.
Choctaw 51-51-

I have made a careful examination
of the records since April 1895
and fail to find the record
of any license issued to A. W. Cope
in the Chickasaw Nation
Wm Campbell

South McAlester, Indian Territory, November 19, 1900

Clerk, United States Court,
Pauls Valley, Indian Territory.

Dear Sir:

Mr. A. W. Cope, of Fitzhugh, Indian Territory,
has married within the last four years. We are not able to
fix the date, but think you will have no trouble in locating
the record of it. We desire a certified copy of his marriage
license and certificate.

Please prepare and forward same to us so that we may re-
ceive it not later than November 25, if possible. Accompany
same with your bill, and we shall take pleasure in promptly
remitting the amount.

Very truly yours,

Dictated.
Choctaw 51-

I have made a careful examination
of the records since April 1895
and fail to find the record
of any license issued to A. W. Cope
in the Chickasaw Nation
M. Campbell Clerk

Mr Cornish & Mansfield
So Maclester

To E. R. Cheadle, Dr.

... Dealer in...

Lumber, Shingles and Building Material.

Gentlemen your letter
 have my attention and
 not find the facts given
 however I find that
~~you are a business man~~
 this statement is about
 correct - as to this
 I am sorry I can't
 help you - you yesterday
 but can't get your
 voice on the phone
 away from me I can
 do please command
 Mr.
 R. Cheadle
 E. R. Cheadle

South McAlester, Indian Territory, November 28, 1900.

Mr. A. W. Cope,

Pittsburg, Indian Territory.

Dear Sir:

You are hereby notified that no testimony will be taken on behalf of the Choctaw and Chickasaw Nations at the appointment of the Daves Commission at Atoka, beginning December 3rd., 1900, in the matter of your application for enrollment as a Choctaw citizen.

It will, therefore, not be necessary for you to appear at that time and place, unless you should desire to do so in your own behalf.

Yours truly,

Dictated.

Choctaw 51.

Riddle et al, defendants," this court adjudged and decreed all the judgments and decisions of the United States Court 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, 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 judgments rendered in the United States Courts for the Central and Southern Districts of the Indian Territory, under the Act of June, 10th, 1896.

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

But the petitioner states, that, inasmuch as this Court has entered its judgment and decree setting aside all the judgments of said United States Courts for the Central and Southern Districts of the Indian Territory, wherein persons not specially made parties thereto, but who were similarly situated to the defendants specially named in said suit of The Choctaw and Chickasaw Nations or Tribes of Indians, Plaintiffs vs J T Riddle, et al, defendants, and the said United States Commission to the Five Civilized Tribes is denying and will continue to deny the right of petitioner herein to be enrolled as a member of said Tribe of Indians, unless the files, records, and proceedings had in said cause No. 167, styled A. W. Cope vs Choctaw Nation, in said United States Court for the Central District of the Indian Territory, at South McAlester, be certified

and sent to this Court for further proceedings herein, and unless this court should by its decree finally determine and adjudge said petitioner to be a citizen and member of said Choctaw Nation said Commission will refuse to enroll him as such citizen.

NOW, THEREFORE, said petitioner still insisting upon his rights as a member of said Tribe and the validity and finality of said judgment of the United States Court for the Central District of the Indian Territory admitting him to citizenship, and without waiving any of the rights adjudged and decreed to belong to ~~him~~ him by law under and by virtue of said judgment of the said United States Court for the Central District of the Indian Territory, 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 Central District of the Indian Territory, at South McAlester, to certify and deliver to this court all files, papers, documents, evidence and proceedings had in said cause No. 167, styled A. W. Cope vs Choctaw Nation, heretofore pending in the United States Court for the Central District of the Indian Territory, at South McAlester; and that all proper and necessary writs, citations and otherwise be issued by the Clerk of this Court for service upon the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation, in order that said cause may be fully and completely transferred and lodged with this court, for all proper and lawful proceedings therein.

Ledbetter & Bledsoe

Attorneys for ^{e.} **Petitioners**
Chickasaw Nations.

We, Mansfield, McMurray & Cornish, Attorneys for Choctaw and Chickasaw Nations do hereby accept and acknowledge service of a copy of the within this 13th day of March 1903.

C O P Y.

No. _____

A. W. Cope, Plaintiff,

vs

The Choctaw & Chickasaw Nations,
Defendants.

IN THE CHOCTAW & CHICKASAW
CITIZENSHIP COURT.

PETITION FOR WRIT OF ERROR.

Ledbetter & Bledsoe, Attorneys,
Ardmore, I. T. for Petitioner.

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

OCTOBER TERM 1 9 0 3 . . .

A. W. Cope, Plaintiff.

vs. No. 69.

Choctaw and
Chickasaw Nations Defendants.

D E M U R R E R .

Come the Choctaw and Chickasaw Nations by Mans-
field, McMurray & Cornish, their attorneys, and
D E M U R to the application of the plaintiff herein
for citizenship by intermarriage in the Choctaw
Nation and in support thereof state that the
plaintiff does not set forth facts sufficient to
entitledhim to such citizenship by intermarriage.

THE CHOCTAW NATION

THE CHICKASAW NATION

BY _____
ATTORNEYS.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT SITTING AT SOUTH
McALESTER, INDIAN TERRITORY, OCTOBER TERM 1903.

October 5, 1903.

A. W. Cope, et al.,

vs.

Choctaw & Chickasaw Nations.

All Judges present.

Ledbetter & Bledsoe for the plaintiff.

Mansfield, McMurray & Cornish for Defendants.

This cause coming on to be heard on this date the following proceedings were had:

Mr. Ledbetter:

With permission of the court I will introduce the record I have here.

Mr. Mansfield:

I believe it is the custom that that be introduced each separately so that we can state our objections separately. I will make a note of the different documents introduced and state the objections to all at the end of the introduction.

Mr. Ledbetter:

We offer the original application of A. W. Cope before the Commission to the Five Civilized Tribes and ask to have it marked exhibit "A".

I offer next a document in the Choctaw language which I believe to be a marriage certificate, I can't read it and have no one here to interpret it. I find it in the record and offer it for what it is worth, and ask to have it marked exhibit "B".

I offer next what purports to be a copy of the marriage license written in the English language and ask to have it marked exhibit "C" between A. W. Cope and Cecelia Willis

I offer next the affidavit of S. E. Lewis dated August 28, 1896, originally filed before the Commission to the Five Civilized Tribes. Exhibit "D".

I offer next the answer of the Choctaw Nation in this case and call attention particularly to the fact that they recite in the answer that there is no evidence that the claim to Choctaw citizenship of A. W. Cope is disputed.

Mr. Mansfield:

Is that the answer before the court or the Commission?

Mr. Ledbetter:

It is before both--it has both file marks on it. Let that be marked exhibit "E".

We offer the next the order or the judgment of the Dawes Commission rendered on the 6th day of February 1897 admitting A. W. Cope to citizenship by intermarriage. Exhibit "V".

We offer next the notice of appeal on the part of the nation to the United States court at South McAlester and acceptance of service by counsel for A. W. Cope. Ex "G".

Also the petition for appeal from the Dawes Commission to the United States Court at South McAlester. Exhibit "H".

We offer next under the seal of the Nation the certificate of Green McCurtain, Principal Chief of the Choctaw Nation, showing the name of A. W. Cope appears on the roll of the Choctaw Nation as a citizen by intermarriage.

Mr. Mansfield:

What is the date of that certificate?

Mr. Ledbetter:

It is dated June 19, 1897. Exhibit "J".

We offer next the judgment of the United States Court at South McAlester rendered on the first day of July 1897, admitting Mr. Cope to citizenship.

A. W. Cope, a witness in his own behalf, after being duly sworn testified as follows:

Direct by Mr. Ledbetter.

- Q Mr. Cope you are the applicant in this case? A Yes, sir.
Q How long have you lived in the Chickasaw and Choctaw Nation? A About since '81.
Q Did you marry a member of the tribe? A Yes, sir.
Q What was her name? A Cillis Willis.
Q What was her maidenname? A Cillis Anderson.
Q What was her father's name? A Daniel Anderson.
Q What race did she belong to? A Choctaw tribe of Indians.
Q You married her under a Choctaw license did you not? A Yes, sir.

Mr. Mansfield:

We object.

- Q Where is that license? A I suppose it is with the Dawes Commission.
Q When did you give it to them? A In '99 I think, --March '99.
Q At South McAlester? A Yes, sir.
Q Do you know where S. E. Lewis is? A Yes; he lives near McGee I saw him at Tishomingo a few years ago.
Q Where is Cillis Willis now? A She is dead.
Q Where did she die? A Near South Candian.

- Q What year did she die in? A '94.
Q Have any children by her? A Yes, sir.
Q How many children did you have by her? A Four.
Q They are on the roll? A Yes, sir.
Q Do you know Mr. Cope whether or not she was recognized as an Indian? A Yes, sir.
Q Name on the roll? A Yes, sir.
Q Father's name on the roll? A I suppose so,--I never saw it there but he is an Indian. She has five or six brothers over at Tishomingo.

Mr. Mansfield:

We desire to object to the testimony as to whether or not his deceased wife was on the roll on the ground that there is a certain method by which this can be determined--by applying to the Dawes Commission and by the introduction of a proper certificate..

Cross examination by Mr. Mansfield.

- Q Mr. Cope, what did you say the name of this deceased wife is?
A She was a widow, Cillis Willis, was her name.
Q I believe you testified that she is dead? A Yes, sir.
Q Since her death have you married again? A Yes, sir.
Q Whom did you marry? A I married Mrs. Wagoner.
Q When did that marriage take place? A In '95--fall of '95.
Q Was your last wife a white woman? A Yes, sir.
Q Did she have or claim any right to Choctaw citizenship or Chickasaw citizenship? A No, sir.

The Choctaw and Chickasaw Nations object to the introduction of the original application to the Commission to the Five Civilized Tribes marked exhibit "A" and to the affidavit of S. E. Lewis taken before the Commission to the Five Civilized Tribes marked exhibit "D"; the answer of the Choctaw Nation before the Commission to the Five Civilized Tribes marked exhibit "E" because the same were taken and introduced in a proceeding before said Commission which only the Choctaw Nation was a party and to which both the Choctaw and Chickasaw Nations were indispensable parties; that the proceeding was therefore void and that the documents and affidavits are not proper evidence in this case.

The Choctaw and Chickasaw Nations further object to the introduction of the affidavit of S. E. Lewis upon the ground that the same was taken and made use of without notice to the Choctaw and Chickasaw Nations and that it has not been shown that the said S. E. Lewis is dead or that it was without the power of the plaintiff herein to produce him before this court.

The Choctaw and Chickasaw Nations further object to the introduction of the answer of the Choctaw Nation filed in the United States court, marked exhibit "E"; the notice of appeal, marked exhibit "G"; the petition for appeal from the Dawes Commission to the United States Court marked exhibit "H"; the report of the special master in Chancery, marked exhibit "J" and the judgment of the United States Court marked exhibit "K" on the ground that all of said proceedings and papers were part of a proceeding to which only the Choctaw Nation was a party and in which both the Choctaw and Chickasaw Nations were indispensable parties; that said proceeding was therefore void and that said matters and

things are not proper evidence in this case and upon the same ground the Choctaw and Chickasaw Nations object to the order and judgment of the Dawes Commission, marked exhibit "F".

The Choctaw and Chickasaw Nations object to the introduction of the certificate of Green McCurtain, that the applicant Cope appears upon the roll of the Choctaw Nation as a citizen by intermarriage said affidavit being marked exhibit "I", upon the ground that no such roll was authorized by law at that time and that no such roll was legally in existence; and that Green McCurtain, as custodian of such roll at the time the same was given, had no legal power to give such certificate and no power to, by said action, bind the Choctaw and Chickasaw Nations.

Q When did you say you were married to your first wife? A In '82.

Q How long had you been living in the Choctaw Nation at that time? A One year.

Mr. Ledbetter:

I have not got the certificate of the Dawes Commission but will introduce it later.

Witness excused.....

In the Choctaw and Chickasaw Citizenship Court,

Sitting at South McAlester, I.T., February 9, 1904.

--O--

A.W.Cope,

--vs--

The Choctaw and Chickasaw
Nations,

)
)
)
)
)
No. 69.

--O--

Mr. Cornish;

In case No. 69, A.W.Cope, the applicant claims by
intermarriage, and the facts have heretofore been established
It is a question of applying the law to the facts. We
have no evidence.

Judge Adams;

Very good, sir, I will mark the case submitted.

--O--

1000

W. O. B.

Cope

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 10, 1904.

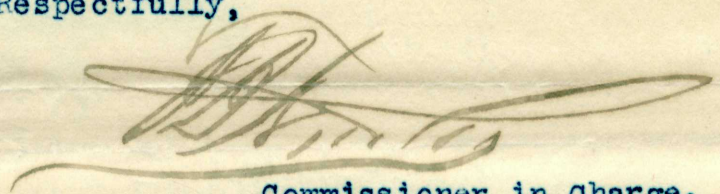
Mansfield, McMurray & Cornish,
South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of March 7,
asking, if the name of Cillis or Cellice Cope appears upon the 1893
Leased District Pay roll for Tobucksy County that you be furnished
a certificate of that fact.

In compliance with your request there is inclosed you here-
with a certificate showing the enrollment of Cillis Cope upon the
1893 Leased District payment roll, Tobucksy County, Choctaw Nation.

Respectfully,



Commissioner in Charge.

AB 7-10

Certificate filed with
C x R C Court 3/22/04
LH

In the Choctaw and Chickasaw Citizenship Court, sitting at South McAlester, in the Central District of the Indian Territory,
March Term, 1904.

A. W. Cope, :
 :
 vs. : No. 69.
 :
 Choctaw and Chickasaw Nations. :

DECREE OF COURT.

On this 28th day of March, 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, A. W. Cope, is entitled to be deemed a citizen by intermarriage of the Choctaw 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, A. W. Cope, is entitled to be deemed a citizen by intermarriage of the Choctaw 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.

In the Choctaw and Chickasaw Citizenship Court, sitting at South McAlester, in the Central District of the Indian Territory, in the Choctaw Nation. March Term 1904.

W. W. Cope,

Plaintiff,

vs.

No. 69.

Choctaw and Chickasaw Nations.

Defendants.

Opinion by Foote, Associate Judge.

This was originally an application to the Commission to the Five Civilized Tribes, on or about the 26th day of August 1896, on the part of A. W. Cope, the claimant, a white man, petitioning for recognition as an intermarried citizen of the Choctaw Nation, and enrollment as such.

This application was granted by the said Commission on or about the 6th day of February, 1897. Afterwards an appeal was taken to the United States Court for the Central District of the Indian Territory. It that tribunal, on the first day of July, 1897, judgment was rendered in favor of the applicant, and this judgment, for certain irregularities, was set aside by this court in what is called the test suit, provided for in the Act of July 1, 1902, wherefore the applicant presented an appeal to this Court.

According to the provisions of the Act of Congress for appropriations for Indian Tribes and for other purposes, of date March 3, 1903, this cause is tried in the mode described under Section 32 of the Act of 1902.

It appears from the evidence that the applicant intermarried, according to the laws of the Choctaw Nation, on or about the 12th day of April, A. D. 1882, with one Cillis Willis, whose maiden name was Cillis Anderson, her first husband being dead, and that she was a Choctaw woman by blood, and that since that time

A. W. Cope has intermarried with a white woman, his Indian wife having died before his re-marriage.

The question to be determined here is whether the claimant, once duly and regularly married under the Choctaw laws, to his Choctaw wife, and continuing to reside with her in the Choctaw Nation until her death, is to be held to have forfeited his rights to citizenship by intermarriage with a white woman, under section 38 of the treaty of 1866, and the Act of the Choctaw Legislature.

This case appears to me to involve the same questions as existed in the cases of Thomas Brinnon vs. Choctaw and Chickasaw Nations, and of Louis Rockett vs. Choctaw and Chickasaw Nations, in which latter case it appeared that Rockett had married a Choctaw woman and lived with her as her husband until her death on October 2nd, 1893, and then afterwards intermarried, on September 25th, 1895, with Miss Ida B. Moore, a white woman.

On the authority of the cases of Brinnon, No. 23, and of Louis Rockett, No. 36, Choctaw Docket, I am of the opinion that the claimant A. W. Cope, is entitled to be deemed a citizen of the Choctaw Nation by intermarriage, and to enrollment as such, and to all the rights which flow to him personally therefrom, and
IT IS SO ORDERED.

H. S. Foote,
Associate Judge.

We concur:

Spencer B. Adams,
Chief Judge.

Walter L. Weaver,
Associate Judge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Indian Territory, December 5, 1900.

The Choctaw Nation :
: :
vs. : D-115.
A. W. Cope :
: :

A P P E A R A N C E S .

For the Choctaw Nation, Melvin Cornish, Esq.
For the Applicant: J. G. Ralls, Esq.

By Mr. Ralls: We want to show that the second marriage by which they claim citizenship, was prior to his admission to citizenship by the Dawes Commission in 1896.

By Mr. Cornish: There is no contention in this case. Our information was that his marriage was subsequent to the admission by the Dawes Commission, and our late information is that it was not confirmed.

Simon E. Lewis, being first duly sworn by Acting Chairman Bixby testified as follows:

By Mr. Ralls:

- Q Your name is Simon E. Lewis? A Yes sir.
Q You live at South Canadian? A Yes sir.
Q How long have you lived there? A Since '86.
Q Are you acquainted with the applicant, Cope? A Yes sir.
Q How long have you known him? A I knew him longer than that; I knew him before I moved to Canadian 10 or 12 years.
Q Do you know of his marriage to his second wife at South Canadian?
A Yes, I was living close by him when he married.
Q Was that in '95? A To the best of my recollection it was in '95. I was present when Judge Connor made out his papers in '96, and it is my best recollection. Judge A. T. Connors made the papers out.

By J. F? Mackee

- Q Do you remember whether Cope was engaged in business at South Canadian at that time? A Yes sir.
Q Do you remember when he went out of business? A No, I don't remember. I lived out on my ranch that year.
Q You don't remember when he went out of business? A No, it was after that he went out of business.

A. W. Cope, being first duly sworn, by Acting Chairman Bixby, testified as follows:

By Mr. Ralls:

- Q You are the applicant in this case? A Yes sir.
Q State to the Commission the date of your second marriage?
A December 15, 1895.

By Mr. Bixby:

- Q Have you your marriage certificate? A Yes, I guess I have; the original was given by the minister to Judge Connors to put on

record, and through his neglect it was never recorded. When I went to get it yesterday Judge Connors was gone to Texas; I went to the minister and he gave me a copy. I wrote to Connors this evening about it.

By Mr. Ralls:

Q Is this the copy of the certificate you procured from the minister who married you? A Yes sir.

Q This is not the original, but another? A Yes sir.

Certificate offered in evidence, marked and duly filed.

Q You were admitted in 1896 by the Dawes Commission? A Yes sir.

Q There was an appeal to the United States Court? A Yes sir.

By Mr. Mackee: We have obtained a certified copy of the judgment in this case which we will offer in evidence.

Certified copy marked, and duly filed.

-----o-----
Certified copy of marriage license and certificate ~~xxxx~~ offered in evidence, filed, and made a part of this record.

Frances R. Brown, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings in the above entitled cause and that the foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 6th day of December, 1900.


Acting Chairman.

A. W. Cape case

This is an intermarried case
Applicant married Indian
wife in 1882. From infor-
mation with papers it appears
to be true that she was a
recognized Indian & was married
under tribal license

Lived with Choctaw wife
until her death, then married
white woman in 1895-

Subject case see record

Duplicate

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 COMMANDED TO SUMMONS P. S. Moseley

Governor of the Chickasaw nation

~~on behalf of said nation~~

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

as Governor of said nation

a complaint in Equity filed against the Choctaw and Chickasaw nations

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

as said Governor

by AW Hope and warn him that upon his failure to answer, ~~the~~
~~on behalf of said nation the~~

complaint will be taken for confessed, and you will make return of the summons ~~on the~~

~~first day of next~~

instantly

Term of said Court.

and you are further commanded to notify said P.S. Moseley, Governor

aforesaid that the files, papers and proceedings in the case of AW Hope

File No. 167

Central

District of the Indian Territory, have been transferred to the Choctaw
and Chickasaw citizenship court, and that the certificate of the clerk
of said court for said Central 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, I. T., aforesaid,

this 18 day of March, A. D. 1903

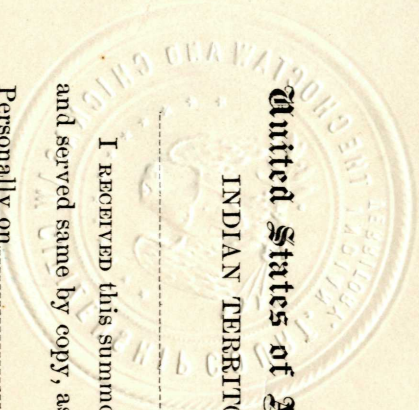


Gas B. Bassady
E. S. Bennett

Clerk.

By _____, Deputy.

MARSHAL'S RETURN.



United States of America,
INDIAN TERRITORY,
District. } ss:

I RECEIVED this summons this _____ day of _____, A. D. 190____, at _____ o'clock _____ m. and served same by copy, as follows:

Personally on _____	at _____	Ind. Ter. this _____ day of _____	190____	o'clock _____ m.
"	at _____	Ind. Ter. this _____ day of _____	190____	o'clock _____ m.
"	at _____	Ind. Ter. this _____ day of _____	190____	o'clock _____ m.
"	at _____	Ind. Ter. this _____ day of _____	190____	o'clock _____ m.
At Residence of _____	at _____	Ind. Ter. this _____ day of _____	190____	o'clock _____ m.
"	at _____	Ind. Ter. this _____ day of _____	190____	o'clock _____ m.
"	at _____	Ind. Ter. this _____ day of _____	190____	o'clock _____ m.

With a member of defendant's family over 15 years of age there residing. And the other persons named in this summons are "not found in this District."

By _____, Deputy
U. S. Marshal.

Duplicate

No. 64

SUMMONS
IN EQUITY.

aw hope
vs.
Choctaw & Chickasaw
Nations

Summons issued the 18th day
of March, 1903
Returnable instantly Term, 190____
Returned and filed _____, 190____

By _____, Deputy.
Clerk.

MARSHAL'S FEES.

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

Leabettee Bledsoe
Attorney for Plaintiff.
Adams



WILL T. WALKER,
 County Clerk and Treasurer of
 TOBUCKSY COUNTY,
 CHOCTAW NATION, I. T.

Canadian, I. T., 3-5-1901

For, J. C. McCurtain,
 Friend of
 B. McArthur,

Replying to yours of 3-1-1901
 will say that this man
 A. W. Cope was married
 to his Indian wife several
 years since the act of 1875
 became a law.
 Judge Choud says he
 knows he is not entitled to
 enrollment.

your friend,
 Will T. Walker,



WILL T. WALKER,
County Clerk and Treasurer of
TOBUCKSY COUNTY,
CHOCTAW NATION, I. T.

Canadian, I. T., 2-15-1901

Hon. J. C. McCurtain,
St. Maulest, I. T.
Dear Friend,

I desire to file an objection
with you against one Wm Cope
an intermarried-citizen formerly of
this place and now in the
Chickasaw Nation, being enrolled as
a citizen of this nation as said
William Cope has married out
of our Nation, having married
Mrs. Jennie Wagon of this
city on 15th day of December 1895.

I will furnish your office
with a certified copy of his bogus
Marriage Certificate, which is
recorded in this office, which states
that he is a member of the Choctaw
Tribe of Indians, but is not so.
your friend,

Will T. Walker,

No. 69

A. W. Lope,

{Admitted by intermarriage}

{Leave out facts}

I N D E X.

Application to Commission	1
Affidavit of S. E. Lewis	2
Affidavit of A. W. Cope	3
Marriage license	4
Judgment Commission	5
<i>Certificate of Green M^c Curtain</i>	<i>5 1/2</i>
Petition for appeal	6
Report of Special Master in Chancery	7
Judgment, U. S. Court	8

BEFORE THE COMMISSION FOR THE FIVE CIVILIZED TRIBES.

A.W.Cope, applicant for enrollment as a member of the Choctaw Tribe of Indians.

Your Applicant, **A.W.Cope** respectfully represents to this Honorable Commission that he is a regularly recognized member of the Choctaw Tribe of Indians of the Indian Territory, and is a bona fide resident of the Choctaw Nation, and is entitled to be placed upon the rolls being prepared by this Honorable Commission, as a member of said Choctaw Tribe or Nation, for the following reasons, to-wit:

1st. There is no correct and perfect roll of the members of the Choctaw Tribe of Indians, and no law or authority for the Choctaw Nation to make such rolls.

2nd. Your applicant was on the 12th day of April 1882, a citizen of the United States and a white man and resident of the Choctaw Nation and was on said date legally and in compliance with the laws of the Choctaw Nation married to Mrs. Cillis Cope nee Cillis Willis nee Cillis Anderson, who was then and is now deceased a regularly recognized member by blood of the said Choctaw Tribe of Indians, a copy of the marriage license and the certificate of marriage is hereto attached and marked exhibits "A" and "B" and made part hereof.

3rd. By virtue of said marriage your applicant became a member of the said tribe of Indians, and has ever since been so recognized by the other members of the said nation and his membership has never been denied or forfeited except by death of said Cillis Cope, and remarriage to a white woman.

Your applicant files herewith the affidavit of S.E.Lewis. As additional proof of the membership of his wife Cillis Cope nee Cillis Willis nee Cillis Anderson, And asks that his name be placed upon the roll as a member of the Choctaw Tribe of Indians.

A. W. Cope.

Subscribed and sworn to before me this the 28th day of August, 1896.

G.W.Newton,

Notary Public for the Central District of the Indian Ter

BEFORE THE COMMISSION FOR THE FIVE CIVILIZED TRIBES.

In the matter of the application of
A.W.Cope, Applicant for
Enrollment as a member of the Choctaw Tribe of Indians.

On this the 28th day of August, 1896, personally appeared before me the undersigned authority, S.E.Lewis, who, having been by me first duly sworn according to law states on his oath as follows to wit:

"I am 55 years old, am a resident of Tobucksy County of the Choctaw Nation and am a member of the Choctaw Nation. I am acquainted with the applicant, A.W.Cope, and have known him during the last past 10 years. I know his wife, Cillis Cope from her infancy, and have known her for -----years. I knew her father and mother and know them and her to be members, by blood, of the Choctaw Tribe of Indians and they are so recognized by other members of the said Tribe. Ever since the applicant married said Cillis Cope he has been recognized as a member of the said Choctaw Tribe, and his right has never been disputed.

Mrs. Cillis Cope was before her marriage to the applicant a Cillis Willis nee Cillis Anderson, being the daughter of Daniel Anderson and -----Anderson.

The applicant is now a resident of the Choctaw Nation. And the only question as to his citizenship is the fact of his recent marriage to a white woman since the death of his Choctaw wife with whom he lived until her death, and by whom he has four living children.

S. E. Lewis.

Subscribed and sworn to before me this the 28th day of August, 1896.

G. W. Newton.

Notary Public for the Central District of the
Indian Territory.

April 12, 1882.

Gaines County ,

Choctaw Nation.

Winsti nitak

Chahta Yakni.

Oma himak nitak ilapa katokama kenno kaunti Anunkaka yo hatak A.W.Cope hochifo ituput micho ohoyo Mrs.Celice Willis hochifs itatoklo ilapat ahahta yakni shalita okla isht aholitopa kanstitushan in tunla hatokama Aiakaiyut nanaulhpisa namikaiahaiya hatukmako ishtaitimait hinla shko. Yohmika nitak himak pilla mahaiya ka hataktakchi itatuklo, ohoyo ihatak itatukla hochifo hash chahta yakmi ya hinla chimako. Ama sia James Williams alampumpa ishtata chahta yakni atta sia hosh. hattak tekchi ittaluklo. Olwy ihatak itatuklo ho hochifotamumpa aiahli anichititihalulichit athlopoli-chili ehke witness ut asha achukama okla lanat pisa ho itihalali holitopa ilapat ahlopoli shka.

Gaines County

Choctaw Nation.

Witness.

S.P.Nelson

T.J.C.

itihalali

A. W. Cope

Cellice Willis

8cf.
8cf.

Itihalalichi

Rev. Jas. Williams Chahta Yakin Atta.

(Recorded on page 172 & 173,

G.W.Colbert, Clerk.)

The Choctaw Nation,
The County of Tobucksey

} Office of the Clerk of the Circuit
Court of the said Co. & Nation.

To all and to singular to whome these shall come. Know ye all men by these present that whereas A.W.Cope, a citizen of the United States of America has this day personally appeared before me G.W.Colbert, Clerk of the Circuit Court in and for the County of Tobucksy and Nation aforesaid, with a proper recommendation signed by the required Choctaw Citizen of the said Nation for the purpose of obtaining a lawful marriage license to be legally joined in the bonds of matrimony with one widow, Mrs. Cellice Willis, a Choctaw citizen therefore by virtue of the authority of law in me vested, I do hereby issue this license to be joined in wedlock with one widow Mrs. Cellice Willis, In testimony whereof I have hereunto set my hand and cause the official seal of the said Court to be hereto atached.

This the 5th day of April, 1882.

George W. Colbert.

Circuit Clerk of Tobucksy Co.

C.N.

Commissioners

DEPARTMENT OF THE INTERIOR.

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

H. M. Jacoway, Secretary.

Ft. Smith, Arkansas, Dec, 3, 1896

730

A. W. Cope

v

Choctaw Nation.

} Filed Sept. 5, 1896. Answer filed.

} Applicant admitted as an intermarried
} citizen.

} Ralls Bros., Atoka, 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 322, of The Commission to the Five Civilized Tribes.

Given under my hand and official signature this

the 6th day of Feby, 1897.

H.M. Jacoway, Jr.,

Secretary.

By Henry Stroup,

Act.

52

Choctaw Nation,
Indian Territory.

I, Green McCurtain, Principal Chief of the Choctaw Nation ,
do hereby certify that I am custodian of the rolls of the citizens
of the Choctaw Nation compiled in pursuance of the act of the
Choctaw Council entitled "An act creating three Commissions to
make and complete a roll of the citizens of the Choctaw Nation"
approved on the 30th day of October 1896, and that the name of

A. W. Cope,

appears on said rolls as a citizen by intermarriage on page 383
of the book of said rolls containing the names of citizens by
intermarriage.

WITNESS my hand and seal at Sansa Bois in the Choctaw Nation
on this the 19th day of June A. A. 1897.

Signed)

Wallace Bond
Private Secretary.

Green McCurtain
Principal Chief of the
Choctaw Nation.

S E A L attached.

5 1/2

IN THE UNITED STATES COURT FOR THE CENTRAL DISTRICT OF THE INDIAN TERRI-
TORY, AT SOUTH MCALESTER.

A. W. Cope, Plaintiff

vs.

The Choctaw Nation, Defendant.

The Choctaw Nation, your petitioner, represents that heretofore, to-wit, on the -----day of-----1896, A. W. Cope, who was then a white man, and not a Choctaw Indian, presented his claim to the Dawes Commission to be admitted as a citizen of the Choctaw Nation; ; and therefore on the---day of December, 1896, said Dawes Commission by its order admitted said A.W.Cope to citizenship in the Choctaw Nation.

That said A.W.Cope based his claim to citizenship upon the fact that he had married a Choctaw Indian by blood. But your petitioner represents that the applicant A.W.Cope, forfeited all rights in the Choctaw Nation by his subsequent marriage with Mrs.Wagner, on the day of ---- 1895.

WHEREFORE, your petitioner makes this appeal, and prays that the order of the Dawes Commission admitting said to citizenship in the Choctaw Nation be set aside, and that he may be declared by this Court to be a non-citizen of the Choctaw Nation.

Wm. M. Cravens,

Stuart, Gordon & Hailey,
Attorneys for Choctaw Nation.

In the United States Court for the Central District
of the Indian Territory.

A. W. Cope,

Plaintiff

vs.

Report of Special Master in Chancery.

The Choctaw Nation,

Defendant.

This cause was duly filed before the Dawes Commission September 8, 1896, the plaintiff claiming citizenship by virtue of intermarriage with a Choctaw woman.

The defendant answered, or pleaded, denying the jurisdiction and authority of the Dawes Commission to hear and determine the cause, and denying the legality of the rules and procedure of the Dawes Commission, and denying that the evidence adduced by plaintiff was sufficient to establish his claim to citizenship.

The Dawes Commission gave judgment for plaintiff, December 3, 1896, from which judgment the defendant appealed Feb. 1st, 1897, assigning as error that the Dawes Commission erred in their judgment, because plaintiff forfeited all rights of citizenship in the Choctaw Nation by a subsequent marriage to a white woman after the death of his Choctaw wife. Plaintiff filed no answer to the petition for appeal.

From the evidence adduced in the case I find that the plaintiff was married on the 12th day of April, 1882, in the Choctaw Nation, according to the laws of the Choctaw Nation, to a Choctaw woman who was a recognized member by blood of the Choctaw Tribe or Nation; and that plaintiff resides in the Choctaw Nation; that subsequently thereto after the death of his Choctaw wife plaintiff had married a white woman and non-citizen of the Choctaw Nation.

Respectfully submitted this 22nd day of June, 1897.

W. B. Rutherford,

Special Master in Chancery.

I also find from additional evidence filed in the case, since the Judgment of Dawes Commission, that the plaintiff has been duly enrolled as an intermarried citizen of the Choctaw Nation.

A.W.Cope, Plaintiff,

vs. No. 167, Judgment, Central District? July, 1, 1897.

Choctaw Nation, Defendant.

On this day this cause came on to be heard in open court, the same being the 1st day of July, A.D. 1897, and one of the judicial days of the April, A.D. 1897, term of this court, both plaintiff and defendant announced ready for trial, and the court having heard the evidence and argument of counsel, finds that the plaintiff is a member and citizen of the Choctaw Nation by intermarriage, he having heretofore and in compliance with the laws of the Choctaw Nation, married to a Choctaw woman by blood; and the court further finds that this plaintiff was by the duly ~~authorized~~ constituted authorities of the Choctaw Nation placed upon the last rolls of the citizens and members of the Choctaw Nation, and that his name now appears upon the last compiled roll of said Nation as a member and citizen of said Nation by intermarriage.

It is therefore ordered, adjudged and decreed by the court that the plaintiff, A.W.Cope, is a citizen and member by intermarriage of the Choctaw Nation and entitled to, all the rights, privileges, immunities and benefits in said Nation as such intermarried citizen and member.

It is further ordered, decreed and adjudged by the court that the defendant Choctaw Nation, recognize said rights, privileges, benefits and immunities to their full extent and recognize and treat said plaintiff, A.W. Cope, as such citizen and member of the Choctaw Nation, in all respects.

It is further ordered, decreed and adjudged by the court that the clerk of this court transmit a certified copy of this judgment to the Commission to the Five Civilized Tribes, and that said Commission place the name of this plaintiff, A.W. Cope, upon the rolls prepared or to be prepared by them of the members and citizens of the Choctaw Nation.

8 It is further ordered, decreed and adjudged by the court that the plaintiff, A.W.Cope, have and recover of and from the defendant, Choctaw Nation, all his costs herein laid out and expended (and that

the defendant Choctaw Nation, pay to the Special Master, W.B. Rutherford, the sum of five dollars for his services as such Special Master) for all of which let execution issue.

Duplicate

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, Northern District,

GREETING:

YOU ARE COMMANDED TO SUMMONS Green Mc Curtain,

~~Principal Chief of the Choctaw Nation,~~

~~on behalf of said Nation,~~

to answer, in twenty days after the service of this summons upon him
~~as Principal Chief of said Nation,~~

a complaint in Equity filed against the Choctaw and Chickasaw Nations,

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

by A W Cope and warn him that upon his ~~as said Principal Chief~~ failure to answer, ~~the~~

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

~~first day of next~~ instant ~~Term of said Court~~

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

A W Cope file No. 167, in the district Court, for the Central DISTRICT of the Indian Territory have been transferred to the Choctaw and Chickasaw Citizenship Court, and that the certificate of the Clerk of said Court for said Central district, Indian Territory, has been attached thereto.

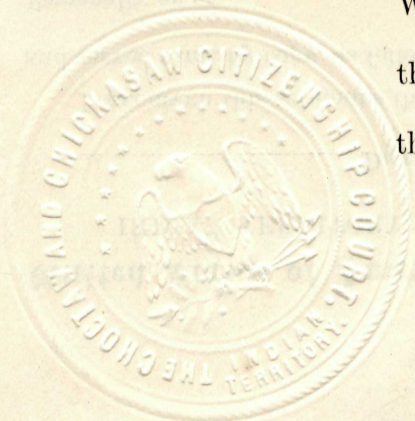
WITNESS the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L.

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

thereof, at South McAlester, I.T., aforesaid,

this 18 day of March, A. D. 1903

J B Cassada Clerk.
E L Berrett, Deputy.



MARSHAL'S RETURN.

United States of America,
INDIAN TERRITORY,

DISTRICT.

ss:

I received this summons this _____ day of _____, A. D. 190____, at _____ o'clock _____ m. and served same by copy, as follows:

Personally on _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.

" _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.

" _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.

" _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.

" _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.

At Residence of _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.

" _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.

" _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.

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

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

By _____, Deputy
U. S. Marshal.

Duplicate

No. *69-m*

SUMMONS
IN EQUITY.

aw b ope
vs.
Bheetaw + Bluekaraw Muteras

Summons issued the *18* day
of *March*, 190*3*.
Returnable *Instantly* Term, 190____

Returned and filed _____, 190____
Clerk.
By _____, Deputy.

MARSHAL'S FEES.

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

Ledbetter + Bledsoe
Admone ds Attorney for Plaintiff.