

Supreme Court of the United States.

OCTOBER TERM, 1898.

---

No. 473.

---

THE CHICKASAW NATION, APPELLANT,

vs.

WILLIAM P. THOMPSON ET AL.

---

Appeal from the District Court in the Chickasaw  
Nation.

---

BRIEF FOR THE APPELLANT.

---

HALBERT E. PAINE,

*Att'y for Chickasaw Nation.*

---

WASHINGTON, D. C. :  
GIBSON BROS., PRINTERS AND BOOKBINDERS.  
1899.



Supreme Court of the United States.

OCTOBER TERM, 1899.

---

No. 473.

---

THE CHICKASAW NATION, APPELLANT,

v.

WILLIAM P. THOMPSON, ET AL.

---

*Appeal from the District Court in the Chickasaw Nation.*

---

**BRIEF FOR APPELLANT.**

HALBERT E. PAINE,  
*Atty. for Chickasaw Nation.*

---

STATEMENT.

I.

On the 8th of August, 1896, the appellees presented their petition for enrolment. The petition contained in substance the following averments: (Record, pp. 3, 4, 5.)

Tom Thomas, a white man, and a citizen of the United States, married Susan Love, a Chickasaw woman, and, after her death, married Martha Jones, a white woman.



Tom Thomas and Martha Thomas had two white children, Virginia and Edward Thomas. Tom Thomas died, and his widow, Martha, married William P. Thompson, a white man. William P. Thompson and Martha Thompson had six white children, Lizzie Myrtle, Aley, Josie, Benjamin F., Annie M., and Mabel C. Thompson. Said Virginia Thomas married William J. Cook, a white man. William J. Cook and Virginia Cook had three white children, William E., Mattie and Ida Cook.

Said Edward Thomas married Beula Walling, a white woman.

By reason of the above marriages, William P. Thompson, Martha Thompson; their children, Lizzie M., Aley, Josie, Benjamin F., Annie M., Mabel C.; and also William J. Cook, Virginia Cook, Edward Thomas and Beula Thomas became citizens of the Chickasaw nation.

## II.

The answer of the Chickasaw nation was filed October 23, 1896. (Rec., p. 6.)

## III.

On the 4th of February, 1897, the Dawes Commission rendered the following judgment: (Rec., p. 7.)

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINETA, INDIAN TERRITORY, Nov. 10, 1896.

WILLIAM PERRY THOMPSON, for Benefit of Martha Thompson,  
Lizzie Myrtle Thompson, Alyce Thompson, Josie Thompson,  
Benjamin Franklin Thompson, Annie May Thompson,  
Mabel Clara Thompson, Virginia Cook, William J. Cook,  
William Ernest Cook, Nettie Cook, Ida Cook, Edward and  
Beula Thomas, } ss.

vs.  
CHICKASAW NATION. }

Filed Aug. 8th, 1896. Answer filed.

Application of William Perry Thompson, Martha Thompson, his wife, and their children, Lizzie Myrtle Thompson, Aley Thompson, Josie

Thompson, Benjamin Franklin Thompson, Annie May Thompson, and Mabel Clara Thompson, denied; Virginia Cook, *née* Thomas, her husband, Wm. J. Cook, and their children, Wm. Ernest Cook, Mattie Cook, & Ida Cook, denied; Edward Thomas & his wife, Beula Thomas, denied citizenship. Potter & Potter.

I, H. M. Jacoway, Jr., secretary, do hereby certify that the above and foregoing is a true and correct copy of Chickasaw Record C, page 16, of the commission to the five civilized tribes.

Given under my hand and official signature this 28 day of Jan'y, 1897.

H. M. JACOWAY, Jr., Secretary,  
By HENRY STROUP.

## IV.

The master's report was filed December 22, 1897, as follows: (Rec., p. 10.)

WILLIAM P. THOMPSON ET AL. } No. 19. Report of the Master in Chan-  
vs. } cery.  
CHICKASAW NATION. }

Now comes the master in chancery and begs to make the following report in this case:

One Tom Thomas, a white man and citizen of the United States, did, in the year 1864, marry a Miss Susan Love, a Chickasaw Indian by blood. In the year 1869 the said Mrs. Susan Thomas, *née* Love, died.

In the year 1871 the said Tom Thomas married Martha Jones, a white woman and citizen of the United States. In 1875 the said Tom Thomas died, leaving two children by said Martha Thomas, a girl named Virginia, now Virginia Cook, and a boy named Edward Thomas: that afterwards the said Martha Thomas married the applicant, William P. Thompson, by whom she had a number of children.

For the reasons stated in my report in the Wiggs case, I recommend that Mrs. Martha Thompson and Virgie Cook and Edward Thomas be admitted to citizenship, but I recommend that all the balance of the applicants be rejected.

W. H. L. CAMPBELL,  
Master in Chancery.

## V.

The judgment of the District Court was rendered December 22, 1897 (Rec., pp. 16-17) as follows:

WILLIAM P. THOMPSON ET AL. }  
vs. }  
CHICKASAW NATION. }

Now, came on to be heard this cause upon the report of the master in chancery, as well as upon the entire record and all the evidence contained



therein, and the court, being fully advised in the premises, is of opinion from the law and the evidence that the said master's report should be corrected, in so far as it attempts to exclude from citizenship in the Chickasaw nation any of the parties named in the application herein, and, as thus corrected, the court is of opinion that the master's report should be in all things confirmed, and it is so ordered. It appears to the court that in the year 1864 one Tom Thomas, a white man and a citizen of the United States, was lawfully married to Susan Love, a native Chickasaw Indian by blood; that said marriage was solemnized according to the laws of the Chickasaw nation; that from and after said marriage said Tom Thomas continued to reside in the Chickasaw nation and claimed to be a citizen thereof; that in the year 1869 the said Susan died, and that afterwards, in the year 1871, the said Tom Thomas was married according to the laws of the Chickasaw nation to Martha Jones, who was a white woman and a citizen of the United States; that from and after said marriage the said Martha Jones resided in the Chickasaw nation; that in January, 1875, the said Tom Thomas died; that during her coverture with the said Tom Thomas the said Martha Thomas had two children: Virginia, a girl, born in 1871, and Edward, a boy, born in 1875; that in the year 1881 the said Martha Thomas married William P. Thompson, the applicant herein, according to the laws of the Chickasaw nation, said Thompson being a white man and a citizen of the United States; that since their said marriage the said Martha and the said William P. Thompson have continued to reside in the Chickasaw nation and claim the rights of citizenship therein; that there have been born unto the said William P. Thompson and the said Martha the following children: Lizzie Myrtle Thompson, Aley Thompson, Josie Thompson, Benjamin Franklin Thompson, Annie May Thompson, and Mabel Clare Thompson; that the said Virginia Thomas, the daughter of said Martha and said Tom Thomas, was duly married, but not according to the laws of the Chickasaw nation, on the 25th day of July, 1889, to William J. Cook, a white man and citizen of the United States, and there have been born unto the said William J. Cook and the said Virginia the following children: William Ernest Cook, Mattie Cook, and Ida Cook; that the said Edward Thomas, son of said Tom and Martha Thomas, was married in August, 1895, but not according to the laws of the Chickasaw nation, to Beulah Walling, a white woman and citizen of the United States. The court finds that all of said persons above named are entitled to be enrolled as citizens of the Chickasaw nation except William J. Cook and Beulah Thomas.

It is therefore considered, ordered, and decreed by the court that the said William P. Thompson and his wife, Martha Thompson, and their children, the said Lizzie Myrtle Thompson, Aley Thompson, Josie Thompson, Benjamin Franklin Thompson, Annie May Thompson, and Mabel Clare Thompson, and the said Virginia Cook and her said children, William Ernest Cook, Mattie Cook, and Ida Cook, and the said Edward Thomas and his — be, and they are hereby, admitted to citizenship in the Chickasaw nation and to enrollment as members of the tribe of Chickasaw Indians, with all the rights and privileges appertaining to such relation.

And it is further ordered that this decree be certified to the Dawes commission for their observance.

And it is further ordered that the plaintiffs do have and recover of the said Chickasaw nation all costs in this behalf expended.

To all of which defendant excepts.

## VI.

The assignment of errors will be found on pages 19 and 20 of the record.

## ARGUMENT.

## I.

The judgments rendered, in this case, by the "Commission to the Five Civilized Tribes," known as the Dawes Commission, and by the district court in the Chickasaw nation, were both void for want of jurisdiction. The grounds on which this proposition is based are explained on pages 59 to 65 of the accompanying "General Brief."

1. Congress has no power to invest any tribunal with jurisdiction to determine who are citizens of the Choctaw and Chickasaw nations.

(1) The only power over the Indian tribes, vested in congress, by the constitution, is conferred by the following clauses of article I, section 8:

The congress shall have power,—3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

The congress shall have power,—To make all laws which shall be necessary and proper for carrying into execution the foregoing powers.

These provisions do not empower congress to invest any tribunal with jurisdiction to determine who are citizens of foreign nations or of the several states or of the Indian tribes.

(2) The reason why foreign nations and Indian tribes are placed on the same footing, in the first of the foregoing clauses of the constitution, appears in the opinion delivered by Chief Justice Marshall, in *Worcester v. Georgia*, 6 Pet. 515, as follows:

The constitution, by declaring treaties already made, as well as those to be made, to be the supreme law of the land, has adopted and sanc-



tioned the previous treaties with the Indian nations, and, consequently, admits their rank among those powers who are capable of making treaties. The words "treaty" and "nation" are words of our own language, selected, in our diplomatic and legislative proceedings, by ourselves, each having a definite and well understood meaning. We have applied them to Indians, as we have applied them to the other nations of the earth. They are applied to all in the same sense.

(3) No treaty has ever authorized either the United States or congress to invest any tribunal with jurisdiction to determine who are citizens of the Chickasaw and Choctaw nations.

2. The exclusive power of the Choctaws and Chickasaws to determine who are citizens of those nations has been in effect recognized and confirmed in the following treaties: 1830, art. 4; 1832, art. 1; 1834, art. 2; 1855, art. 7; 1866, arts. 10, 45.

These treaty stipulations cannot be repealed by acts of congress, for the following reasons:

(1) A treaty stipulation cannot be repealed by a void provision in an act of Congress.

(2) No power to invest any tribunal with jurisdiction of citizenship cases, in the Choctaw and Chickasaw nations, has been conferred upon congress by the constitution.

(3) If any provisions of acts of congress purport to invest the Dawes Commission and the district court with the power to determine who are citizens of the Choctaw and Chickasaw nations, those provisions are void.

## II.

The statutory enactment of June 28, 1898, authorizing these appeals is constitutional and valid. Its constitutionality is denied on two grounds:

1. It is contended that the enactment is an invasion of the judicial department of the government by the legislature.

2. It is contended that it disturbs vested property rights.

1. But the provision is not an invasion of the judiciary by the legislature.

(1) The act which the legislature performs, when it authorizes appeals, is not, in itself, a judicial act, like the act performed when a new trial is granted; it is a legislative act. It is only a judicial act when and so far as it vacates the judgment from which an appeal is taken. The statute under consideration vacates no judgments.

(2) If the granting of these appeals were a judicial act, it would not be an invasion of the federal judiciary by the federal legislature; for the Dawes Commission and the district court in the Chickasaw nation are not component parts of the constitutional judiciary of the United States; but are mere "legislative courts," like the tribunals so characterized by Chief Justice Marshall, in *Ins. Co. v. Canter*, 1 Pet. 513, 546.

The grounds on which my answer to this contention of the appellees is based are stated at length on pages 8 to 20 of the accompanying brief in opposition to the motion to dismiss the appeals.

2. The act authorizing these appeals does not disturb vested rights.

The law conferred upon the district judge no power to vest any property rights in anybody. It purported to authorize him to decide who were citizens; but it did not purport to authorize him to decide what rights the citizen possessed, and, thereby, vest in him those rights. There are three classes of Chickasaw citizens—citizens by blood, citizens by marriage, and citizens by adoption. The law purported to empower the judge to find, as he did erroneously find, that the appellees in this case were citizens by marriage. But it did not authorize him to decide that



the rights of citizens by marriage were the same as those of citizens by blood, and, by such decision, vest in citizens by marriage all the property rights of citizens by blood. Having found that the appellees were "*citizens by marriage*," he proceeded to decree that they were "*citizens*," and thereupon accorded to them "all the rights and privileges appertaining to such relation," meaning all the rights and privileges of citizens by blood. His decision that these persons had this or that property right was a nullity. It vested no property right in either of the appellees. Their status, so far as vested property rights are concerned, is fixed, not by the decision of the district judge,—nor by his construction of the treaties and laws,—but by the treaties and laws themselves. That the treaties and laws vest in neither of them any property rights whatever I have endeavored to show, in my General Brief, on pages 37 to 45.

### III.

On pages 20 to 36 of my General Brief, I have attempted to show that the appellees, in this and similar cases, are not entitled to be enrolled as citizens by marriage.

HALBERT E. PAINE,  
*Atty. for Chickasaw Nation.*



# TRANSCRIPT OF RECORD.

---

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1898.

No. 473.

---

THE CHICKASAW NATION, APPELLANT,

*vs.*

WILLIAM P. THOMPSON ET AL.

---

APPEAL FROM THE UNITED STATES COURT IN THE INDIAN  
TERRITORY.

---

FILED OCTOBER 28, 1898.

(17,058.)



(17,058.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1898.

No. 473.

THE CHICKASAW NATION, APPELLANT,

*vs.*

WILLIAM P. THOMPSON ET AL.

APPEAL FROM THE UNITED STATES COURT IN THE INDIAN  
TERRITORY.

INDEX.

	Original.	Print.
Rules in citizenship appeals.....	1	1
Application to Dawes commission.....	7	3
Exceptions to application to Dawes commission.....	11	5
Answer to Dawes commission.....	12	6
Judgment of Dawes commission.....	14	7
Petition for appeal to United States district court and order granting same.....	15	7
Citation to Dawes commission.....	16	8
Plea to jurisdiction.....	17	8
Report of master in chancery.....	18	9
Order to substitute pleadings.....	20	10
Opinion of court (Townsend, J.).....	21	11
Judgment of United States district court.....	30	16
Motion for a new trial.....	31	17
Order overruling plea to jurisdiction and motion for new trial.....	32	18
Order of substitution.....	33	18
Application for appeal to United States Supreme Court.....	33	18
Assignment of errors.....	34	19
Bond on appeal.....	37	21



	Original.	Print.
Order granting appeal and ninety days to file bill of exceptions.....	38	21
Order granting extension of time for return day.....	38	22
Original citation.....	39	22
Affidavit for substitution.....	40	23
Bill of exceptions.....	41	23
Exceptions to master's report.....	42	24
Testimony of John B. Criner.....	43	25
Affidavit of R. Hathaway and M. T. West.....	44	26
Exceptions of defendant.....	46	26
Judge's certificate.....	47	27
Clerk's certificate.....	48	27

1-3 Be it remembered that at the stated term of the United States court in the Indian Territory, southern district, at Ardmore, begun and holden at Ardmore on the 5th day of October, 1896, and on the 40th day of said term, to wit, the 8th day of December, 1896—present and presiding, the Hon. Constantine B. Kilgore, judge—the following, among other, proceedings were had, to wit:

*In re cases of citizenship appeal.*

It is ordered by the court that the following rules be, and the same are hereby, adopted as rules of practice and procedure in appeals to this court from the decision of the tribal authorities or the United States commission to the five civilized tribes, appointed to treat with said tribes, which are provided for by act of Congress upon questions arising upon applications made by persons to be enrolled as citizens of the respective tribes of Indians.

The party desiring to appeal from the decision of any such tribunal or commission may, within sixty days after notice of the rendition of the decision thereon, file with the clerk of this court an application or petition, duly verified, setting out the style of such case; that the same has been decided adversely to the party filing the application for appeal, and praying that the said commission or tribunal be notified of said appeal and ordered to forward the papers to the clerk of this court, together with a duly certified transcript of all judgments and entries made and rendered by said tribunal or commission in said cause; whereupon the clerk shall issue a notice to said tribunal or commission notifying that an appeal has been taken, and to immediately forward all papers in said cause, together with a duly certified copy of all judgments and entries made and entered by said tribunal, to the clerk of this court.

The application for citizenship, amendments thereto and answer thereto, and amendments thereto, shall constitute the pleadings of all of the parties in this court, and no pleadings shall be held invalid for want of form. In accordance with the practice before the commission, any party aggrieved may present and prosecute an appeal herein for the use and benefit of the entire family, including the wife, lineal descendants, and collateral kindred, to the United States court for the southern district of the Indian Territory. Where one or more of the applicants for citizenship reside in the southern district of the Indian Territory, the appeal shall be taken to the United States court for the southern district, and if all the applicants are non-residents of the Indian Territory, then said appeal shall be taken to the United States court held in the division in this Territory wherein the nation of the tribe to which said applicants claim to belong is situated. The clerk of the court shall file said papers and docket the case in a separate book to be kept for that purpose, and known as the "Citizenship docket," and the clerk shall also keep a separate record book, in which shall be recorded the proceedings of this court in reference to citizenship cases, to be known as the "Citizenship rec-



ord." The party desiring to appeal from any decision rendered by an Indian tribunal or the commission shall, at the time he files his notice of appeal with the clerk of the United States court, also lodge with said clerk evidence of the fact that notice of some kind has been served upon the opposite party, or his attorney in the case, that said application would be made. The notice need not be formal, but shall be required to be only so drawn as to inform the opposite party of the intention to appeal from said decision. After the expiration of the ten days after such service, waiver of appearance or the filing of such papers with the clerk, where notice of appeal is given before the commission, the case shall stand ready for trial, and the court shall be deemed open at all times for the purpose of hearing and determining such cases, and either party to said action may introduce such other evidence as they may have in support of their cause of action or defense, regardless of whether the same was presented to the commission or not.

The court may, in its discretion or when agreed to by the parties, refer all papers in these cases to a special master, with instructions to take the testimony and report upon the law and facts presented in the record, pleadings, and service. Such reports shall be made at the earliest time practicable, not exceeding thirty days from the time each cause is referred to said master, and either party shall have ten days after the report of said master is filed to file exceptions thereto, both as to questions of law and fact, and after five days from the filing of the exceptions to said report the cause shall stand ready for trial before this court on the exceptions presented to the master's report and may be taken up and finally passed upon by the court.

The special master shall be allowed as compensation \$5 for each cause heard, provided not more than one day's time is devoted to said cause, and in case more than one day's time is consumed he shall have \$10 and no more as his compensation for hearing the same.

Should the United States commission or the tribunal created by the tribal authorities refuse to permit any party to a proceeding to establish citizenship and desiring to appeal from the decision of such tribunal or commission to withdraw the original papers for the purpose of filing the same in this court, such party may, upon petition to this court setting forth the fact of such refusal, obtain an order of the court commanding such commission or tribunal or the clerk or the secretary thereof to surrender such papers and a transcript of the entries made therein, as heretofore provided.

Appeals in citizenship cases must be taken only at Ardmore, and for the purpose of hearing and determining such cases the court at that place shall be deemed open at all times.

Any case when submitted as required by these rules may, in the discretion of the court, be transferred by the court, on the application of either party, to either Ryan, Chickasha, Purecell, or Paul's Valley for hearing and determining, when the court is in session at such places, but the decision of the court, when rendered,

and all papers in the case shall be filed with the clerk at Ardmore (Court Journal 9, page- 283, '4, '5).

7 And thereafterwards, on the 4th day of February, 1897, was filed with the clerk of this court an application for citizenship in said cause; which application is in words and figures as follows, to wit:

WM. PERRY THOMPSON, for Benefit of  
Martha Thompson, Lizzie Myrtle  
Thompson, Aeley Thompson, Josie  
Thompson, Benjamin Franklin  
Thompson, Annie May Thompson,  
Mabel Clare Thompson, Virginia Cook,  
Wm. J. Cook, Wm. Ernest Cook, Mattie  
Cook, Ida Cook, Edward Thomas, and  
Beula Thomas,

vs.

CHICKASAW NATION.

No. 19. Application for  
Citizenship before the  
Commission to the Five  
Civilized Tribes.

To the honorable commission:

Your applicant, Wm. Perry Thompson, respectfully represents that he is a resident citizen of Pickens county, Chickasaw nation, and he further shows that in about the year 1864 one Thomas Thomas, commonly called Tom Thomas, a white man and citizen of the United States, was lawfully married according to the laws of said Chickasaw nation to Susan Love, who was a native-born Chickasaw Indian; that after said marriage the said Tom Thomas continued to reside in and claim citizenship in the Chickasaw nation; that the said Susan Thomas, *née* Love, died in about 1869; that in the year 1871 the said Tom Thomas was lawfully married in the said Chickasaw nation and according to the laws thereof to Martha Jones, a white woman and citizen of the United States; that after said marriage the said Tom Thomas and the said Martha Thomas, *née* Jones, continued to reside in the said Chickasaw nation and claim their citizenship therein; that the said Tom Thomas died in January, 1875; that his widow, the said Martha Thomas, continued to reside in the said Chickasaw nation and to claim her citizenship therein until she married Wm. Perry Thompson, your applicant, in 1881; which said marriage was solemnized in the said Chickasaw nation and in accordance with the laws of said nation, and that your applicant and his said wife, Martha Thompson, have since their marriage continued to reside in said Chickasaw nation and to claim the right of citizenship therein; that there were born unto the said Tom Thomas and his second wife, the said Martha, two children—a girl, name- Virginia, born December 5th, 1871, and Edward, a boy, born July 19th, 1875; that there has been born unto this applicant and the said Martha, his wife, the following children: Lizzie Myrtle, a girl, age near fourteen (14) years; Aley, a girl, age twelve (12) years; Josie, a girl, age ten (10) years; Benjamin Franklin, a boy, age near seven (7) years; Annie May, a girl, age five (5) years; Mabel Clare, a girl, age one (1) year.



Third. For further special exceptions the Chickasaw Nation shows that said application is insufficient, in that it shows that said applicant has not complied with the laws of said nation, and therefore is not entitled to any of the rights, privileges, and immunities as such citizen.

Wherefore it prays that said application be dismissed.

THE CHICKASAW NATION,  
By Its Attorneys.

12 And thereafterwards, to wit, on the 4th day of February, 1897, was filed with the clerk of this court the original answer in this cause; which said answer is as follows:

Before the Honorable Commission to the Five Civilized Tribes.

In the Matter of the Application of WILLIAM P. THOMPSON *et al.* for Enrollment in the Chickasaw Nation.

Now comes The Chickasaw Nation, by its attorneys, and, without waiving any exception heretofore taken to the application filed herein and without consenting to, but denying, the jurisdiction of this honorable commission to pass upon a question of citizenship in the Chickasaw tribe of Indians, presents this its answer to said application, and respectfully represents:

First. The Chickasaw Nation admits that Susan Love, a Chickasaw, married Tom Thomas on the date alleged, and that the said Tom Thomas was a United States citizen. It denies that the marriage was in conformity with the Chickasaw laws, and it admits that Tom Thomas, a United States citizen, married Martha Jones, another United States citizen, as alleged, but denies that it was according to the laws of the Chickasaw nation. It admits that the said Tom Thomas died, and that his widow, Martha Thomas, a United States citizen, who had previously married Tom Thomas, another United States citizen, married the said William Perry Thompson, another United States citizen, who is the applicant herein, but denies that they were married according to the laws of the Chickasaw nation. The Chickasaw Nation is not advised as to the number and names of the children of the said William Perry Thompson and Martha Thompson, *née* Thomas, but alleges the fact to be that none of said applicants are Chickasaws either by blood or marriage, and

13 denies that they are entitled to any of the rights, privileges, and immunities as members of said tribe. It alleges the fact to be that the said Susan Love was the only person, either indirectly or directly connected with these applicants, who was a citizen of the Chickasaw nation; that since her death all the marriages and remarriages and supplemental marriages were between citizens of the United States, and that none of them have rights as citizens in the Chickasaw nation.

Wherefore the Chickasaw Nation prays that the application herein be rejected and will ever pray, etc.

THE CHICKASAW NATION,  
By Its Attorneys.

Indorsed: "No. 19. Before the honorable commission to the five civilized tribes. In the matter of the application of William P. Thompson *et al.* for enrollment in the Chickasaw nation. Answer. Filed Oct. 23rd, 1896. A. S. McKennon, com'r. Filed February 4th, 1897. Joseph W. Phillips, clerk."

14 And thereafterwards, to wit, on the 4 day of Feb'y, 1897, was filed in the office of the clerk of the United States court, southern district of Indian Territory, at Ardmore, the following judgment from the Dawes commission:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, INDIAN TERRITORY, Nov. 10, 1896.

WILLIAM PERRY THOMPSON, for Benefit of Martha Thompson, Lizzie Myrtle Thompson, Alyce Thompson, Josie Thompson, Benjamin Franklin Thompson, Annie May Thompson, Mabel Clara Thompson, Virginia Cook, William J. Cook, William Ernest Cook, Nettie Cook, Ida Cook, Edward and Bula Thomas, } 88.

vs.

CHICKASAW NATION.

Filed Aug. 8th, 1896. Answer filed.

Application of William Perry Thompson, Martha Thompson, his wife, and their children, Lizzie Myrtle Thompson, Aley Thompson, Jossie Thompson, Benjamin Franklin Thompson, Annie May Thompson, and Maybel Clara Thompson, denied; Virginia Cook, *née* Thomas, her husband, Wm. J. Cook, & their children, Wm. Ernest Cook, Mattie Cook, & Ida Cook, denied; Edward Thomas & his wife, Beula Thomas, denied citizenship. Potter & Potter.

I, H. M. Jacoway, Jr., secretary, do hereby certify that the above and foregoing is a true and correct copy of Chickasaw Record C, page 16, of the commission to the five civilized tribes.

Given under my hand and official signature this 28 day of Jan'y, 1897.

H. M. JACOWAY, JR., *Secretary*,  
By HENRY STROUP.

The above and foregoing judgment is indorsed in words and figures as follows, to wit: Wm. P. Thompson *et al.* vs. Chickasaw Nation. Filed Feb'y 4th, 1897. Jos. W. Phillips, clerk.

15 In the United States Court for the Southern District of the Indian Territory, at Ardmore.

WM. P. THOMPSON ET AL., Plaintiff, } Petition for Appeal to the U.S.  
vs. } Dist. Court for the Southern  
CHICKASAW NATION, Defendant. } Dist., Ind. Ter.

To the Honorable C. B. Kilgore, judge:

Comes now the applicants herein, —, feeling themselves aggrieved



by the decision of the Dawes commission in the above cause, hereby prays an appeal from said decision to this honorable court.

POTTER & POTTER,  
*Attorneys for Applicants.*

The foregoing appeal is allowed this 30 day of Dec., 1896.

C. B. KILGORE, *Judge.*

16 In the United States Court in the Indian Territory, Southern District, at Ardmore.

WM. P. THOMPSON ET AL. }  
*vs.* } Notice of Appeal.  
CHICKASAW NATION. }

To the Hon. Henry L. Dawes, chairman of the commission of the United States to the five civilized tribes of Indians.

SIR: You are hereby notified that an appeal has been granted in the matter of the application of Wm. P. Thompson *et al.* to be enrolled as members of the Chickasaw tribe of Indians from your commission to the United States court for the southern district in the Indian Territory, at Ardmore. You are therefore notified and ordered to immediately forward to the clerk of this court all of the original papers filed, used, and considered in said cause by your commission, together with a duly certified copy of all orders, judgments, and entries made and entered by you in the trial and consideration of said cause.

Witness the Hon. C. B. Kilgore, judge of said court, and the seal thereof, at Ardmore, Indian Territory, this 30 day of Dec., 1896.

[SEAL.]

JOS. W. PHILLIP, *Clerk.*

17 And thereafterwards, to wit, on Friday, Jan. 21st, 1898, present and presiding aforesaid, the following further proceedings in said cause were had, to wit:

WM. P. THOMPSON ET AL., Plaintiff, }  
*vs.* } No.—. Plea to Jurisdiction.  
CHICKASAW NATION, Defendant. }

Comes now the defendant, The Chickasaw Nation, and respectfully avers that this court has no jurisdiction to hear this cause, for the reason that the act creating the Dawes commission and the right of this court to pass upon causes appealed to it from said commission, determining the question of citizenship in the Chickasaw nation, is unconstitutional and void; that said act gives this defendant no right to cross-examine the witnesses of the applicant and the same is contrary to the treaty of 1866 entered into by the United States Government and the Chickasaw nation, by which said Chickasaw nation reserved the right to pass upon all matters concerning said tribe and all civil and political rights of the individual members thereof; that said treaty is still in full force and

effect and was at the time of the act of Congress creating the commission to the five civilized tribes and authorizing this court to pass upon appeals from the same was enacted.

II.

Because said act deprives the Chickasaw nation and the individual members thereof of property without due process of law.

III.

Because said act is class legislation, in that the same deprives either party of an appeal, as in other cases, to the higher courts of the Territory and of the United States.

IV.

Because the jurisdiction extended to this court has been limited to controversies between citizens of different tribes or between citizens or members of the tribe of Indians and a United States citizen, and expressly reserving to the Indians controversies arising between themselves.

V.

Because, if this court determines that the applicant is a member of said nation, it is then passing upon rights between citizens of the same tribe of Indians, and no judgment thereon can be entered for want of jurisdiction in this court.

Wherefore the defendant prays that said cause be dismissed for the above reasons, and that it go hence without day, etc.

\_\_\_\_\_  
*Attorney for Chickasaw Nation.*

The above and foregoing is indorsed in words and figures as follows, to wit: "Wm. P. Thompson *et al.*, plaintiff, *vs.* Chickasaw Nation, defendant. Plea to jurisdiction. Filed in open court, *nunc pro tunc*, Dec. 20, 1897. C. M. Campbell, clerk."

18 Be it remembered that at a regular term of the United States court in the Indian Territory, southern district, at Ardmore, begun and holden on Monday, the 15th day of November, 1897, and on the 33rd day of said term, to wit, Wednesday, December 22nd, 1897—present and presiding, the Hon. Hosea Townsend, judge—the following, among other, proceedings were had, to wit:

WILLIAM P. THOMPSON ET AL. }  
*vs.* } No. 19.  
CHICKASAW NATION. }

Comes now the applicants herein, by their attorneys, and, after leave of the court first being had, file substituted master's report herein; which said report is in words and figures as follows, to wit:



WILLIAM P. THOMPSON ET AL. } No. 19. Report of the Master in  
 vs. } Chancery.  
 CHICKASAW NATION. }

Now comes the master in chancery and begs to make the following report in this case:

One Tom Thomas, a white man and citizen of the United States, did, in the year 1864, marry a Miss Susan Love, a Chickasaw Indian by blood. In the year 1869 the said Mrs. Susan Thomas, *née* Love, died.

In the year 1871 the said Tom Thomas married Martha Jones, a white woman and citizen of the United States. In 1875 the said Tom Thomas died, leaving two children by said Martha Thomas, a girl name- Virginia, now Virginia Cook, and a boy name- Edward Thomas; that afterwards the said Martha Thomas married the applicant William P. Thompson, by whom she had a number of children.

19 For the reasons stated in my report in the Wiggs case, I recommend that Mrs. Martha Thompson and Virgie Cook and Edward Thomas be admitted to citizenship, but I recommend that all the balance of the applicants be rejected.

W. H. L. CAMPBELL,  
*Master in Chancery.*

Indorsed: "No. 19. William P. Thompson *et al.* vs. Chickasaw Nation. Substituted master's report. Filed December 22nd, 1897. C. M. Campbell, clerk."

20 Be it remembered that at a regular term of the United States court in the Indian Territory, southern district, at Ardmore, begun and holden on Monday, the 15th day of November, 1897, and on the 32nd day of said term, to wit, Tuesday, December 21st, 1897—present and presiding, the Hon. Hosea Townsend, judge—the following, among other, proceedings were had, to wit:

*In re* Order of Court Allowing Substitution of Papers in Citizenship Cases.

*Order.*

The papers in a majority of the citizenship cases pending in this court having been burned and destroyed by fire on the morning of the 16th inst., it is ordered that the applicants in each and all of the said cases have until the 10th day of January, A. D. 1898, to substitute all their papers in the various cases, and that W. B. Johnson, attorney for the Chickasaw nation, have until February 1st, 1898, to substitute the papers of said nation (vol. A, Citizenship Record, pages 128 and 129).

21

*Opinion by the Court.*

In the Southern District, Indian Territory.

TOWNSEND, J.

*In re* INDIAN CITIZENSHIP CASES.

COURT: I have examined with some care the treaties between the United States Government and the Choctaws and Chickasaws in order that I might become familiar with all the negotiations. The first treaties were made in 1786 separately with each tribe or nation, as they were called. Not, however, until 1820 was the subject mentioned of taking any land west of the Mississippi river. On October the 18th, 1820, near Doak's Stand, on the Natchez road, a treaty was entered into between the Choctaws and the Government of the United States, in which it was stated in the preamble the purpose was "to promote the civilization of the Choctaw Indians, by the establishment of schools amongst them; and to perpetuate them as a nation, by exchanging, for a small part of their land here a country beyond the Mississippi river, where all who live by hunting and will not work may be collected and settled together." Whereupon in part consideration of the ceding of a part of their reservation then existing the Government ceded "a tract of country west of the Mississippi river, situate between the Arkansas and Red rivers," and by its boundaries being substantially the country now embraced in the Choctaw and Chickasaw nations. In 1825 another treaty was entered into between the Choctaw nation and the Government, by which the Choctaws ceded to the Government all the land ceded to them in 1820, "lying east of a line beginning on the Arkansas, one hundred paces east of Fort Smith, and running thence due south to Red river;" in consideration for which the Government undertook to remove certain settlers, citizens of the United States, from the west to the east side of said line and to pay certain money consideration for a series of years and certain other provisions not material for consideration in this connection.

On September 27th, 1830, another treaty was entered into between the Choctaws and the Government, in the preamble to which it is recited that "the State of Mississippi has extended the laws of said State to persons and property within the chartered limits of the same, and the President of the United States has said that he cannot protect the Choctaw people from the operation of these laws. Now, therefore, that the Choctaws may live under their own laws in peace with the United States and the State of Mississippi they have determined to sell their lands east of the Mississippi."

It is provided that in consideration that the United States "shall cause to be conveyed to the Choctaw nation a tract of country west of the Mississippi river, in fee-simple to them and their descendants, to inure to them while they shall exist as a nation and live on it," they "cede to the United States the entire country they own and



Choctaws and Chickasaws might come in and obtain the benefits of the allotment, and absentees were to be allowed five years to occupy and commence improvements, and all that was necessary was to satisfy the register of the land office that that was their intention. The allotment did not take place, but if they had not come in they were only to lose their allotment of land; it did not make them any the less Choctaws or Chickasaws or members of the Choctaw and Chickasaw tribes.

It has been said that they could not be put upon the roll as citizens and members of those tribes unless they lived upon the land within the Choctaw or Chickasaw nation. I submit that the action of the Choctaw and Chickasaw nations themselves, when making the treaty of 1866, don't bear out that view; and if they were Choctaws and Chickasaws in 1866, what has occurred to change their relations to those tribes? I have heard of nothing whatever.

It is said that the land was held in common, and certainly some of the tenants in common in possession could hold the possession for all their cotenants in common. The bulk of the nation living in the territory ceded and maintaining the tribal government or nation certainly met every requirement of residence, and was a compliance in all respects with the treaty stipulations of living on the land.

I shall hold that non-resident Choctaws and Chickasaws who have properly filed their application and established their membership of the tribes shall be admitted to the roll as citizens.

Who is an intermarried citizen and who is an adopted citizen of the Choctaw and Chickasaw nations?

Article 38 of the treaty of 1866 is as follows:

"Every white person, who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw nations, or who has been adopted by the legislative authorities, is to be deemed a member of said nation, and shall be subject to the laws of the Choctaw and Chickasaw nations, according to his domicile, and to prosecution and trial before their tribunals, and to punishment according to their laws in all respects, as though he was a native Choctaw or Chickasaw."

Does this article apply to future marriages and adoptions or only those prior to its adoption? By article 26 of said treaty it is provided, in regard to the rights to take land in severalty, as follows:

Article 26.

"The right here given to Choctaws and Chickasaws respectively shall extend to all persons who have become citizens by adoption or intermarriage of either of said nations or who may hereafter become such."

Under section 7 of the general provisions of the Chickasaw constitution, adopted August 16th, 1867, both as originally adopted and as amended, said sections can have but one construction, and that, that they regarded the said 38th article as binding on their

future action, and if this is so it would not be within the power of either the Choctaw or Chickasaw nations to pass or adopt any constitution or law in violation of said article, or that would take away the rights, privileges, or immunities that has attached to any white person under and by virtue of its provisions.

Under the constitution of the Chickasaws, above referred to, section 10 of the general provisions gives the legislature power to admit or adopt as citizens of said nations "such persons as may be acceptable to the people at large."

This authority had been exercised frequently by the legislature of both nations, as I am informed, prior to the adoption of said treaty as well as subsequent to its adoption.

On October 19th, 1876, the legislature of the Chickasaws passed an act in relation to marriage between citizens of the United States and a member of the Chickasaw tribe or nation of Indians. The second section, among other things, provides: "Hereafter no marriage between a citizen of the United States and a member of the

Chickasaw nation shall confer any right of citizenship, or any right to improve or select lands within the Chickasaw nation, unless such marriage shall have been solemnized in accordance with the laws of the Chickasaw nation."

This act was amended September 24th, 1887, in some particulars, but the above-quoted provision was retained.

Amongst all civilized nations it is conceded to be a right that each nation, and in the United States that each State, can exercise and determine by their laws the requirements to be observed in solemnizing marriages; but marriage among civilized nations does not confer citizenship. Under the Choctaw and Chickasaw law it does; besides, it is supposed to carry with it certain property rights. The general rule among civilized nations is that a marriage good where solemnized is good everywhere, but in some States, where marriage is prohibited between certain races of people, they have not been recognized, though they were lawful where solemnized. I think it is within the power of the Choctaw and Chickasaw nations to say by legislation that before a white person shall become one of their citizens, with all the privileges of one, they shall be married according to the forms and requirements of their laws, and that such legislation is not in violation of the 38th article of the treaty of 1866; but when a white person has married a Choctaw or Chickasaw according to their laws, and resides in the Choctaw or Chickasaw nations, he is in all respects "as though he was a native Choctaw or Chickasaw," and his rights under the treaty attaches, and it is not within the power of the Choctaw or Chickasaw nation to take the same away by legislation or otherwise. It has been said that when adoption takes place by an act of their legislature, the same power that granted can take away. I doubt this proposition, if by the adoption treaty rights have attached, and I am firmly of the opinion that property rights that have attached under the treaty cannot be taken away, and that only political rights could thus be abrogated.



28 Along the lines herein indicated the citizenship cases pending in this court will be disposed of.

HOSEA TOWNSEND, *Judge*.

29 Be it remembered that at a regular term of the United States court in the Indian Territory, southern district, at Ardmore, begun and holden on Monday, November 15th, 1897, and on the 33rd day of said term, to wit, Wednesday, December 22nd, 1897—present and presiding, the Honorable Hosea Townsend, judge—the following, among other, proceedings were had, to wit:

30 WILLIAM P. THOMPSON ET AL. }  
*versus*  
 CHICKASAW NATION. }

Now, came on to be heard this cause upon the report of the master in chancery, as well as upon the entire record and all the evidence contained therein, and the court, being fully advised in the premises, is of opinion from the law and the evidence that the said master's report should be corrected, in so far as it attempt- to exclude from citizenship in the Chickasaw nation any of the parties named in the application herein, and, as thus corrected, the court is of opinion that the master's report should be in all things confirmed, and it is so ordered. It appears to the court that in the year 1864 one Tom Thomas, a white man and a citizen of the United States, was lawfully married to Susan Love, a native Chickasaw Indian by blood; that said marriage was solemnized according to the laws of the Chickasaw nation; that from and after said marriage said Tom Thomas continued to reside in the Chickasaw nation and claimed to be a citizen thereof; that in the year 1869 the said Susan died, and that afterwards, in the year 1871, the said Tom Thomas was married according to the laws of the Chickasaw nation to Martha Jones, who was a white woman and a citizen of the United States; that from and after said marriage the said Martha Jones resided in the Chickasaw nation; that in January, 1875, the said Tom Thomas died; that during her coverture with the said Tom Thomas the said Martha Thomas had two children: Virginia, a girl, born in 1871, and Edward, a boy, born in 1875; that in the year 1881 the said Martha Thomas married William P. Thompson, the applicant herein, according to the laws of the Chickasaw nation, said Thompson being a white man and a citizen of the United States; that since their said marriage the said Martha and the said William P. Thompson have continued to reside in the Chickasaw nation and claim the rights of citizenship therein; that there have been born unto the said William P. Thompson and the said Martha the following children: Lizzie Myrtle Thompson, Aelcy Thompson, Josie Thompson, Benjamin Franklin Thompson, Annie May Thompson, and Mabel Clare Thompson; that the said Virginia Thomas, the daughter of said Martha and said Tom Thomas, was duly married, but not according to the laws of the Chickasaw nation, on the 25th day of July, 1889, to William J. Cook, a white man and citizen of the United States, and there have been born unto the said William J.

Cook and the said Virginia the following children: William Ernest Cook, Mattie Cook, and Ida Cook; that the said Edward Thomas, son of said Tom and Martha Thomas, was married in August, 1895, but not according to the laws of the Chickasaw nation, to Beulah Walling, a white woman and citizen of the United States. The court finds that all of said persons above named are entitled to be enrolled as citizens of the Chickasaw nation except William J. Cook and Beulah Thomas.

It is therefore considered, ordered, and decreed by the court that the said William P. Thompson and his wife, Martha Thompson, and their children, the said Lizzie Myrtle Thompson, Aelcy Thompson, Josie Thompson, Benjamin Franklin Thompson, Annie May Thompson, and Mabel Clare Thompson, and the said Virginia Cook and her said children, William Ernest Cook, Mattie Cook, and Ida Cook, and the said Edward Thomas and his — be, and they are hereby, admitted to citizenship in the Chickasaw nation and to enrollment as members of the tribe of Chickasaw Indians, with all the rights and privileges appertaining to such relation.

And it is further ordered that this decree be certified to the Dawes commission for their observance.

And it is further ordered that the plaintiff do have and recover of the said Chickasaw nation all costs in this behalf expended.

To all of which defendant excepts.

31 And thereafterwards, to wit, on Wednesday, December 22nd, 1897, present and presiding aforesaid, the following further proceedings in said cause were had, to wit:

WM. P. THOMPSON ET AL., Plaintiff, } No. 19. Motion for a New  
*vs.* } Trial.  
 CHICKASAW NATION, Defendant. }

Now comes the defendant, Chickasaw Nation, and respectfully moves the court to set aside the judgment heretofore rendered in this cause for the following reasons, to wit:

First. Because the judgment was contrary to law.

Second. Because the same was contrary to the evidence.

Wherefore it prays that said judgment be set aside and held for naught.

CHICKASAW NATION.

The above and foregoing is indorsed in words and figures as follows, to wit: "Wm. P. Thompson *et al.* vs. Chickasaw Nation." "Motion for a new trial." "Filed in open court Dec. 22, 1897." "C. M. Campbell, clerk."

32 And thereafterwards, to wit, on Monday, March 7th, 1898, present and presiding aforesaid, the following further proceedings in said cause were had, to wit:



WM. P. THOMPSON ET AL., Plaintiff, } No. —. Order Overruling  
*vs.* } Plea to the Jurisdiction and  
 CHICKASAW NATION, Defendant. } Motion for a New Trial.

On this 7th day of March, 1898, came on to be heard the defendant's plea to the jurisdiction of the court herein and its motion for a new trial, and the court, after hearing said plea and motion, is of the opinion that the same should be and is in all things overruled and denied; to which judgment of the court the defendant duly excepted.

33 And at the April, 1898, term of said court, to wit, on the 11th day of July, 1898—present and presiding, the Hon. Hosea Townsend, judge—the following, among other, proceedings were had, to wit:

WM. P. THOMPSON ET AL. }  
*vs.* } No. 19. Order of Substitution.  
 CHICKASAW NATION. }

It appearing to the court by the affidavit of William B. Johnson, attorney for the Chickasaw nation, that some of the papers in the hereinafter-styled cause were destroyed by fire, and that the same were not substituted prior to the judgment rendered in this court, it is ordered that the said record be supplied in order that the record of appeal may be in all things complete.

(Signed) HOSEA TOWNSEND, *Judge.*

(Court Journal, vol. 11, pp. 114, 115, and 116.)

WM. P. THOMPSON ET AL. }  
*vs.* } No. 19. Application for Appeal.  
 CHICKASAW NATION. }

Thereupon the said defendant in said cause, the said Chickasaw Nation, deeming itself aggrieved by the said decree made and entered of record on the 22 day of Dec., 1897, appeals from said order and decree to the Supreme Court of the United States for the reasons specified in the assignment of errors filed herewith, and it prays that this appeal may be allowed and that a transcript of the record, proceedings, and papers upon which said order was made, duly authenticated, may be sent to the Supreme Court of the United States.

(Signed) W. B. JOHNSON,  
*Solicitor for Defendant.*

This 11th day of July, 1898.

34 And thereafterwards, on the 50th day of said term, to wit, on the 11th day of July, 1898, was filed with the clerk of this court the assignment of errors in this cause; which assignment of errors is in words and figures as follows, to wit:

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

WM. P. THOMPSON ET AL., Plaintiff, }  
*vs.* } Assignment of Errors.  
 CHICKASAW NATION, Defendants. }

The defendant in this action, in connection with *his* petition for appeal, makes the following assignment of errors which *he* avers occurred upon the trial of the cause, to wit:

First. The court erred in holding that the act of Congress creating a commission to pass upon the citizenship of applicants in the Chickasaw nation and their right to appeal to said court was constitutional.

Second. The court erred in overruling the plea to the jurisdiction of the Dawes commission and said court to pass upon the citizenship of the applicants herein.

Third. The court erred in holding that the laws, customs, and usages of the Chickasaw nation did not control and govern the admission of the applicants to citizenship.

Fourth. The court erred in holding that the Chickasaw nation did not have a right to pass a law relative to the citizenship in the Chickasaw nation when said law in any way modified or changed a treaty of said Chickasaw nation with the United States.

35 Fifth. The court erred in holding that the applicant herein, who had failed to comply with the laws of the Chickasaw nation regulating his citizenship therein, was still entitled to be enrolled as such.

Sixth. The court erred in holding that it was unnecessary for the applicant in order to retain his citizenship in the Chickasaw nation, which he acquired by the laws of said nation by marriage into the said tribe, to further comply with the laws of said nation by not again marrying any United States citizen.

Seventh. The court erred in holding that a United States citizen could marry a Chickasaw by blood according to their laws and become a citizen thereof, and after the death of said Chickasaw Indian that the said United States citizen could marry another United States citizen according to the laws of the Chickasaw nation and thereby confer the right of citizenship in the said Chickasaw nation upon the second spouse and the issue thereof, and so on to all succeeding issue.

Eighth. The court erred in holding that the United States citizen acquiring citizenship in the Chickasaw nation did not forfeit his right to citizenship by again marrying a United States citizen.

Ninth. The court erred in holding that a United States citizen who had married a Chickasaw Indian and acquired citizenship in said nation by reason of said marriage did not forfeit the same when he had been divorced from his Indian wife.

Tenth. The court erred in holding that any United States citizen divorced from an Indian wife had the right to confer citizenship in the said Chickasaw nation upon the second wife, who was a United States citizen, and the issue thereof.



Eleventh. The court erred in holding that where a United States citizen had married an Indian citizen according to the laws of the Chickasaw nation and the Indian citizen died the United States citizen could confer the right of citizenship in the Chickasaw nation on the issue of the second marriage with a United States citizen not in accordance with the laws of the Chickasaw nation.

36 Twelfth. The court erred in holding that when a United States citizen whose Chickasaw Indian wife had either died or been divorced from him and he had then married a United States citizen that the issue of said second marriage by marrying according to the Chickasaw law could confer citizenship upon the spouse and children of said issue.

Thirteenth. The court erred in that after the papers in this case were destroyed an order was made that such papers be substituted within a certain date during the same term of court in which said order was made.

Fourteenth. The court erred in overruling defendant's exceptions to the report of the master in chancery.

Fifteenth. The court erred in granting this decree upon the substituted pleadings and evidence of the plaintiff alone, the pleadings and evidence of both plaintiff and defendant having been destroyed.

Sixteenth. The court erred in granting a decree upon the report of the master in chancery alone.

Seventeenth. The court erred in overruling the motion of the defendant for a new trial.

Eighteenth. The court erred in holding that a United States citizen who married an Indian woman, who afterwards died, could marry another United States citizen and confer citizenship on her, and after his death the wife could marry another United States citizen and confer citizenship upon the husband and the issue of such marriage.

Nineteenth. The court erred in referring this cause to a master in chancery.

Twentieth. The court erred in granting a decree for the plaintiff herein.

WILLIAM B. JOHNSON,  
*Atty for the Chickasaw Nation.*

Indorsed: "No. 19. Wm. P. Thompson *et al.* vs. Chickasaw Nation. Assignment of errors. Filed in open court July 11th, 1898. C. M. Campbell, clerk."

37 And thereafter, to wit, on the 11th day of July, 1898, there was filed in the clerk's office of the United States court, southern district, at Ardmore, the following appeal bond; which bond is in words and figures as follows, to wit:

WM. P. THOMPSON ET AL., Plaintiff, }  
*vs.* } No. —. Bond on Appeal.  
CHICKASAW NATION, Defendant. }

Know all men by these presents that we, the Chickasaw Nation, as principal, and R. M. Harris, gov., and Richard McLish and Walter Colbert, as sureties, are held and firmly bound unto the plaintiff; Wm. P. Thompson *et al.*, in the full and just sum of 100 dollars, to be paid to the said plaintiff, their certain attorneys, executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this 11th day of July, in the year of our Lord one thousand eight hundred and ninety-eight.

Whereas lately, at a court of the United States for the southern district of the Indian Territory, in a suit pending in said court between Wm. P. Thompson, plaintiff, and The Chickasaw Nation, defendant, a decree was rendered against the said Chickasaw Nation, and the said Chickasaw Nation having obtained an appeal and filed a copy thereof in the clerk's office of the said court to reverse the decree in the aforesaid suit, and a citation directed to the said Wm. P. Thompson, citing and admonishing — to be and appear at a session of the Supreme Court of the United States, to be holden at the city of Washington, in the month of October next:

Now, the condition of the above obligation is such that if the said Chickasaw Nation shall prosecute said appeal to effect and answer all damages and costs if *he* fail to make this said plea good, then the above obligation is to be void; otherwise to remain in full force and effect.

CHICKASAW NATION.  
R. M. HARRIS, *Gov.*  
RICHARD McLISH.  
WALTER COLBERT.

Sealed and delivered in the presence of—  
FRED C. CARR.  
PHIL BARRETT.

Approved by—  
HOSEA TOWNSEND,  
*Judge of the United States Court for the Southern  
District of the Indian Territory.*

The above and foregoing bond is indorsed in words and figures as follows, to wit: "Wm. P. Thompson *et al.* vs. Chickasaw Nation. Defendant's bond. Filed in open court July 11th, 1898. C. M. Campbell, clerk."

38 The foregoing claim of appeal is allowed and bond for costs fixed at \$100.  
(Signed) HOSEA TOWNSEND, *Judge.*

This 11th day of July, 1898.

(Court Journal, vol. 11, pp. 114, 115, and 116.)



Wm. P. THOMPSON ET AL. }  
 vs. } No. 19. Order.  
 CHICKASAW NATION. }

Thereupon, upon motion of William B. Johnson, attorney for the Chickasaw Nation, it is ordered that the defendant have ninety days in which to prepare and file its bill of exceptions.

(Signed) HOSEA TOWNSEND, *Judge.*

(Court Journal, vol. 11, pp. 114, 115, and 116.)

Wm. P. THOMPSON ET AL. }  
 vs. } No. 19. Order Granting Extension of  
 CHICKASAW NATION. } Time for Return Day.

Thereupon comes William B. Johnson and moves the court that the return day of the citation in this cause be extended sixty days, and it appearing to the court that owing to the great number of cases to be appealed by the Chickasaw Nation it would be impossible to immediately perfect the appeal by said nation in all of said cases, it is ordered that the return day of said citation be extended sixty days.

(Signed) HOSEA TOWNSEND, *Judge.*

(Court Journal, vol. 11, pp. 114, 115, and 116.)

## 39 THE UNITED STATES OF AMERICA, ss.:

To Wm. P. Thompson *et al.*, Greeting:

Whereas the Chickasaw Nation has lately appealed to the Supreme Court of the United States from a decree lately rendered in the United States court for the southern district of the Indian Territory, made in favor of you, the said Wm. P. Thompson *et al.*, and has filed the security required by law:

You are, therefore, cited to appear before the said Supreme Court, at the city of Washington, on the first day of the fall term next, to do and receive what may appertain to justice to be done in the premises.

Given under my hand, at the city of Ardmore, in the southern district of the Indian Territory, this 11th day of July, in the year of our Lord one thousand eight hundred and ninety-eight.

HOSEA TOWNSEND,  
*Judge of the United States Court for the  
 Southern District of the Indian Territory.*

Original.

I hereby, this 21st day of July, 1898, accept due personal service of this citation on behalf of Wm. P. Thompson *et al.*, appellees.

POTTER & POTTER,  
*Solicitors for Appellees.*

[Endorsed:] #19. Wm. P. Thompson *et al. v.* Chickasaw Nation. Citation. Original. Filed — open court Jul-11, 1898. C. M. Campbell, clerk.

40 And thereafterwards, on the 11th day of July, 1898, was filed with the clerk of the United States court for the southern district of the Indian Territory the following affidavit for substitution of papers, to wit:

Wm. P. THOMPSON ET AL., Plaintiff, }  
 vs. } Affidavit for Substitution of  
 CHICKASAW NATION, Defendant. } Papers.

Comes now William B. Johnson, attorney for the Chickasaw nation, who, being duly sworn, upon oath deposes and says:

That in the above numbered and styled cause a great many of the papers were destroyed by fire and have not been substituted, and that said record is incomplete, and the appeal cannot be perfected without the same are supplied.

WM. B. JOHNSON.

Subscribed and sworn to before me this 9th day of July, 1898.

[SEAL.] PHIL BARRETT,  
*Notary Public.*

The above and foregoing affidavit is endorsed in words and figures as follows, to wit: "No. 19. Wm. P. Thompson *et al. vs.* Chickasaw Nation. Affidavit for substitution of papers. Filed in open court July 11th, 1898. C. M. Campbell, clerk."

41 And thereafterwards, to wit, on the 29 day of Sept., 1898, was filed with the clerk of this court the bill of exceptions in said cause; which said bill of exceptions is in words and figures as follows, to wit:

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

WILLIAM PERRY THOMPSON ET AL., Plaintiffs, }  
 vs. } Bill of Exceptions.  
 CHICKASAW NATION, Defendant. }

Be it remembered that on the 8 day of August, 1896, William Perry Thompson *et al.* filed with the Dawes commission, at Vinita, Indian Territory, their application for citizenship in the Chickasaw nation.

That thereafter, to wit, on the 23rd day of October, 1896, the said Chickasaw Nation filed with the said Dawes commission its answer to the application of William Perry Thompson *et al.*, in which the said Chickasaw Nation, after objecting to and denying the jurisdiction of said Dawes commission to pass upon a question of citizenship in the Chickasaw tribe of Indians, did answer in detail the allegations of the applicants.

That thereafter, to wit, on the 10 day of November, 1896, the said Dawes commission denied the application of the said William Perry Thompson *et al.* for citizenship in the Chickasaw Nation.

That thereafter, to wit, on the 15 day of Dec., 1896, the said ap-



plicants, William Perry Thompson *et al.*, did appeal from the judgment of the said Dawes commission to the United States court for the southern district of the Indian Territory, at Ardmore, said appeal being duly perfected upon notice to the Chickasaw Nation.

Be it further remembered that on the 8 day of Dec., 1896, an order was made referring said cause to a master in chancery; to which order of the court the defendant objected, and, said objection being overruled, the defendant then and there in open court duly excepted and still excepts.

Be it further remembered that on the 15 day of *Juny*, 1897, this cause, having been referred as aforesaid to a master in chancery, came on to be heard before said master in chancery in the town of Ardmore, and after hearing the same the said master in chancery found Mrs. Martha Thompson and her two children by her second husband, Virginia Cooke and Edward Thomas, to be citizens of the Chickasaw nation, but denied the application of the other applicants herein; to which finding of the master admitting said applicants above named the Chickasaw Nation at the time excepted; said exceptions to the master's report are in words and figures as follows, to wit:

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

WILLIAM PERRY THOMPSON ET AL.,	} Exceptions to Master's Report.
Plaintiffs,	
<i>vs.</i>	
CHICKASAW NATION, Defendant.	

Comes now the Chickasaw Nation, by its attorney, and respectfully excepts to the report made by the master in said cause, because:

First. Same is not supported by the evidence.

Second. The decision is not in conformity with the law in force governing such cases in the Chickasaw nation, Indian Territory.

Wherefore it prays that said report be disapproved and the applicants rejected.

W. B. JOHNSON,  
*Attorney for Chickasaw Nation.*

That thereafter, to wit, on the 22 day of Dec., 1897, when said exceptions came on to be heard by the court the same were overruled; to which the defendant then and there objected, and, said objection being overruled, the defendant at the time in open court duly excepted and still excepts.

Be it further remembered that on the 20 day of Dec., 1897, the defendant filed its plea to the jurisdiction of the Dawes commission and of this court to pass upon this cause upon appeal from said Dawes commission; which plea was overruled by the court; to which the defendant objected, and, said objection being overruled by the court, the defendant then and there duly excepted and still excepts.

Be it further remembered that on the 22 day of Dec., 1897, this cause came on to be heard before the Honorable Hosea Townsend, judge of the above court; whereupon came the plaintiffs, by their attorneys, and the defendant, by its attorney, and the following, among other, proceedings were had, to wit:

The plaintiffs introduced the following testimony:

43 INDIAN TERRITORY, }  
Chickasaw Nation. }

Personally appeared before me, the undersigned authority, John B. Criner, who on oath deposes and says, *each for himself*:

I am a citizen of Pickens county, Chickasaw nation, and a member of the Chickasaw tribe of Indians. I further state that I knew Susan Love in her lifetime. She was a daughter of Judge Overton Love and a native-born Chickasaw Indian. I further state that about the year 1864 she was lawfully married in the Chickasaw nation to Thomas Thomas, commonly called Tom Thomas, a white man and citizen of the United States. I further swear that Susan Love died in about the year 1869. I further state that the said Tom Thomas, in about the year 1871, married Martha Jo-es, a white woman and citizen of the United States. The said marriage was solemnized in the Chickasaw nation and in accordance with the laws thereof. I further state that there *was* born to said Tom Thomas and Martha Thomas, *née* Jones, two children—Virginia, a girl, born about 1871 or 1872, and Edward, a boy, born about 1875. I further state that the said Tom Thomas died in about the year 1875, and that his widow, the said Martha Thomas, in about the year 1881, married William Perry Thompson, who resides in Pickens county, Chickasaw nation, near the town of Bob. I further state that after the marriage of said Tom Thomas to Susan Love he resided in the Chickasaw nation all the time up to his death, and claimed to be a citizen of said Chickasaw nation, and that he exercised the rights of citizenship in said nation; that he held the office of sheriff of Pickens county, and served in the legislature of said Chickasaw nation, and that after his marriage with the said Martha Thomas he continued to exercise the rights of citizenship that he did when he was the husband of the said Susan Love. He was generally recognized as a citizen by the Chickasaw authorities, and his rights as such were never disputed as far as I know.

(Signed)

J. B. CRINER.

44 Sworn to and subscribed before me this 5th day of Aug., 1896.

(Signed)

J. M. DILLINGHAM,

[SEAL.]

*Notary Public.*



INDIAN TERRITORY, }  
*Chickasaw Nation.* }

Before me personally appeared R. Hathaway and Dr. West, who each for himself on oath deposes as follows:

I know William Perry Thompson and his wife, Martha Thompson, who reside in the town of Bob, in Pickens county, Chickasaw nation, Indian Territory. I further state that I am well acquainted with the family of the said William Perry Thompson and his wife. I further state that they have the following children: A girl about fourteen (14) years old, named Lizzie Myrtle; a girl about twelve (12) years old, named Alley; a girl aged ten, named Josie; a boy about seven (7) years old, named Benjamin Franklin; a girl about five (5), named Annie May; a girl about one (1) year old, named Mabel Clare. I further state that Mrs. Thompson had two children prior to her marriage with William Perry Thompson. They were reputed in the family to be the children of a former husband, Thomas Thomas, who was said to have died many years ago. Their names were Virginia, a girl, and Edward, a boy. Edward married in 1895 to Buella Walling, and they have no children. Virginia was married in 1889 to William J. Cook, and they have the following children: William Ernest Cooke, a boy, aged six (6) years; Ida Cook, a girl, aged two (2) years; Mattie Cooke, age 5 years.

(Signed)

M. T. WEST, M. D.

his

R. HATHAWAY.

mark.

Given under my hand and seal of office this 3rd day of August, 1896.

(Signed)

D. G. BARTLETT,

[SEAL.]

*Notary Public, Southern District Ind. Ter.*

45 Plaintiffs here closed their testimony and rested their case. Whereupon the defendants introduced no testimony, but presented to the court the following exceptions. Said exceptions having been heretofore presented before the aforesaid Dawes commission and being by said commission overruled, the defendant excepted:

46 Before the Honorable Commission to the Five Civilized Tribes.

In the Matter of the Application for Enrollment in the Chickasaw Nation of Wm. P. THOMPSON *et al.*

Now comes the Chickasaw Nation, by its attorneys, and respectfully shows to this honorable commission that the application herein is insufficient in law.

Wherefore it prays that said application be dismissed.

Second. For further special exception the Chickasaw Nation respectfully shows to this commission that the evidence produced by the applicant is insufficient to show any claim of citizenship in the Chickasaw tribe of Indians.

Wherefore it prays that said application be dismissed.

Third. For further special exceptions the Chickasaw Nation shows that said application is insufficient, in that it shows that said applicant has not complied with the laws of said nation, and therefore is not entitled to any of the rights, privileges, and immunities as such citizen.

Wherefore it prays that said application be dismissed.

THE CHICKASAW NATION,

*By Its Attorneys.*

Which exceptions being by the court overruled, the defendant then and there in open court duly excepted and still excepts.

47 This being all the testimony introduced upon the trial of the cause by either plaintiffs or defendant, the court rendered its decree in favor of the plaintiff; to all of which decree and the rendition thereof the defendant in open court then and there excepted and still excepts.

Be it further remembered that on the 22 day of Dec., 1897, the defendant presented its motion for a new trial to the court for reasons set forth in said motion; which motion was, on March 7, 1898, by the court overruled and denied; to which judgment of the court in overruling said motion the defendant at the time in open court duly excepted and still excepts.

And now comes the defendant on this 29 day of Sept., 1898, and within the ninety days allowed by the judge of this court for filing this bill of exceptions, and prays that the same be allowed, signed, sealed, and made a part of the record in this cause, which is accordingly done.

{ Seal United States Court in the Indian Territory, }  
 Southern District.

HOSEA TOWNSEND,

*Judge of the United States Court for the  
 Southern District of the Indian Territory.*

48 UNITED STATES OF AMERICA, }  
*Indian Territory, Southern District.* }

I, C. M. Campbell, clerk of the foregoing district and Territory, do hereby certify that the foregoing 47 pages contain full, true, and complete copies of all the pleadings, proceedings, and record entries, including the opinion of the said court, in the case of The Chickasaw Nation, appellant, *vs.* Wm. P. Thompson *et al.*, appellee, No. 19, as the same remain upon the files and records of the United States court, Indian Territory, southern district, at Ardmore.

I further certify that the original citation in said cause, with the admission of service thereon, is hereto attached and herewith returned.



In testimony whereof I hereunto subscribe my name and affix the seal of said court, at the city of Ardmore, this 29th day of September, 1898.

{ Seal United States Court in the Indian Territory, }  
Southern District.

C. M. CAMPBELL,  
*Clerk of the United States Court,  
Southern District Indian Territory.*

Endorsed on cover: Case No. 17,058. Indian Territory U. S. court. Term No., 473. The Chickasaw Nation, appellant, vs. William P. Thompson *et al.* Filed October 28th, 1898.



J. N<sup>o</sup> 12.

Thompson, J<sup>m</sup> P. et al,

vs

Chickasaw Nation.

N<sup>o</sup> 19.

Panhandle Dist. Court.

N<sup>o</sup>.

Dawson Commission.

Question of Law.

Query.

1. Was Susan Love Chickasaw

2. Were any marriages under  
Chickasaw Law.

Pass.

W. H. H.



Witnesses

For Claimants.

J. B. Criner ----- Pickens Co. S. T.  
R. Hathaway -----  
Dr. West -----

For Debtors -



Onokanon Dray

William P Thompson et al No. 12

- + William P Thompson
- + Martha Thompson
- + Lizzie Myrtle Thompson
- + Aelcy Thompson or Arelcy Thompson
- + Jessie Thompson
- + Benjamin Franklin Thompson
- + Annie May Thompson
- + Mabel Claire Thompson or Mabel Claire <sup>Thompson</sup>
- + Virginia Cook
- + William Ernest Cook
- + Mattie Cook
- + Ida Cook
- + Edward Thomas



William P. Thompson et al. } T. No. 13., Sov. Dist. No. 19.  
 vs. Chickasaw Nation

Susan Love (Chickasaw) married in 1864 } Virginia Thomas<sup>++\*</sup> William Earnest Cook<sup>++\*</sup>  
 Tom Thomas (white) } William J. Cook<sup>+</sup> } Mathie Cook<sup>++\*</sup>  
 he then in 1871 married } Edward Thomas<sup>\*o</sup> } Ida Cook<sup>++\*</sup>  
 Martha Jones<sup>++\*</sup> (white) } Bentah Walling<sup>+</sup>  
 and she in 1881 married } Lizzie Myrtle Thompson<sup>++\*</sup>  
 William P. Thompson<sup>++\*</sup> (white) } Adey Thompson<sup>++\*</sup>  
 } Josie Thompson<sup>++\*</sup>  
 } Benj. Franklin Thompson<sup>++\*</sup>  
 } Annie May Thompson<sup>++\*</sup>  
 } Mabel Elare Thompson<sup>++\*</sup>

All applicants are white persons.  
 + named in original application to Dawes Commission  
 \* " " " judgment U. S. Court, Sov. Dist.  
 o " " " petition for writ of error to Choct. Chic. citizenship court.

Susan Love, an alleged Chickasaw indian, was married to Thomas Thomas, a white man in 1864; she died in 1869, and Thomas in 1871 married Martha Jones, a white woman, by whom there were two white children, the applicants, Virginia Cook and Edward Thomas.

Thomas Thomas died in January 1875, and his widow Martha Thomas, married applicant William P. Thompson, in 1881, by whom there were the six minor applicants, the Thompson children.

Query. 1. Was Susan Love a Chickasaw.  
 2. Were any marriages under Chickasaw law.



Padri J T Mar 28<sup>th</sup> 04  
Messrs Mansfield M<sup>o</sup> Marry  
and Co. v. v.

To M<sup>o</sup> Alistair J T  
Gentlemen

Will you please  
inform me if The  
Citizenship of Wm J  
Thompson has been decided  
by The Citizenship Court,  
if not when is it to  
be tried and where,  
you will remember  
The case styled Wm J  
Thompson vs Wm Morgan  
and Rott Morgan,  
was made a test



Case before Judge  
John R. Thomas at  
Pauls Valley. I am  
still in Law with him  
and the case will be  
called at Pauls Valley  
this April Term &  
This is the reason I  
am anxious to <sup>to</sup> about  
his standing as a  
litigant any infamot  
ion you can give  
me will be gladly recd  
and duly appreciated  
Yours Truly  
Robt A. Morgan.



*W. J. Thompson v  
L. T.*

South McAlester, Indian Territory, March 29, 1904.

Mr. Robert A. Morgan,  
Paoli, Indian Territory.

Dear Sir:

Replying to your letter of March 28th, we have to advise that the case of William J. Thompson vs. Choctaw and Chickasaw Nations is on the Tishomingo docket of the Choctaw and Chickasaw Citizenship Court and will not be reached for some time. It is expected that the Court will begin its sessions sometime early in the month of May.

Very truly yours,



*Duplicate*

SUMMONS.

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

The President of the United States of America,

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

GREETING:

YOU ARE COMMANDED TO SUMMONS P. S. Moseley

Governor of the Chickasaw nation

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

as Governor of said nation a complaint in Equity filed against the Choctaw and Chickasaw nation

in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, *Jishomingo I.T.*

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

first day of next instanter Term of said Court.

and you are further commanded to notify said P.S. Moseley, Governor *Wm. J. Thompson* of the Chickasaw Nation, file No. 19, 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.

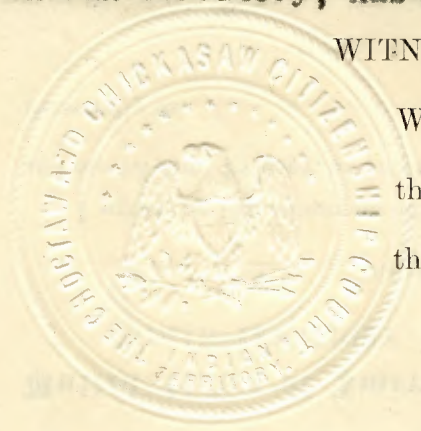
WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal

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

this 10 day of March, A. D. 1903.

*James B. Cassada*  
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.
"	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. 12-7

SUMMONS  
IN EQUITY.

Wm P Thompson, et al  
vs.  
Choctaw & Chickasaw  
Natives

Summons issued the 10<sup>th</sup> day  
of March, 1903

Returnable ~~instantly~~ \_\_\_\_\_, 190\_\_\_\_

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

Clerk.

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

MARSHAL'S FEES.

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

Patton and Patton  
Attorney for Plaintiff.  
Lainesville, Texas.



Duplicate

SUMMONS.

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

The President of the United States of America,

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

GREETING:

YOU ARE COMMANDED TO SUMMONS Green McCurtain

Principal Chief of the Choctaw nation

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

as Principal Chief of said nation

a complaint in Equity filed against the Choctaw and Chickasaw nations

in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, Tishomingo I.T.

by Wm P. Thompson et al 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 instanter Term of said Court

and you are further commanded to notify the said Green McCurtain, Principal Chief aforesaid, that the files, papers, and proceedings, in case of Wm P. Thompson et al v. Chickasaw Nation, file No. 19, 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 has been attached thereto.

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

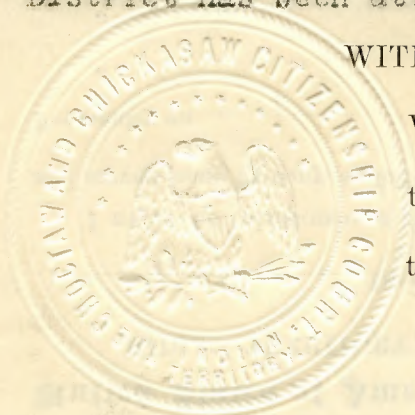
WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal

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

this 10 day of March, A. D. 1903

James B. Cassada  
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.
"	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.

No. 12 - 7

SUMMONS  
IN EQUITY.

*Wm. P. Thompson, et al*  
vs.  
*Choctaw & Chickasaw Nations*

Summons issued the 10 day  
of March, 1903

Returnable instantly Term 1903

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

Clerk.

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

MARSHAL'S FEES.

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

*Patten & Patten*  
Attorney for Plaintiff.  
*Gainesville Tex.*



William P. Thompson, et al.,

vs. No. 19, Judgment, Southern District, December 22, 1897.

Chickasaw Nation.

Now came on to be heard this cause upon the report of the Master in Chancery, as well as upon the entire record and all the evidence contained therein; and the court being fully advised in the premises is of opinion from the law and the evidence that the said Master's report should be corrected insofar as it attempts to exclude from ~~xxxx~~ citizenship in the Chickasaw Nation any of the parties named in the application herein, and, as thus corrected, the court is of opinion that the Master's report should be in all things confirmed, and it is so ordered. It appeared to the court that in the year 1864, one Tom Thomas, a white man and a citizen of the United States, was lawfully married to Susan Love, a native Chickasaw Indian by blood; that said marriage was solemnized according to the laws of the Chickasaw Nation. That from and after said marriage said Tom Thomas continued to reside in the Chickasaw Nation, and claimed to be a citizen thereof. That in the year 1869 the said Susan died, and that afterward, in the year 1871 the said Tom Thomas was married according to the laws of the Chickasaw Nation to Martha Jones who was a white woman and a citizen of the United States. That from and after said marriage the said Martha Jones resided in the Chickasaw Nation.

That in January, 1875, the said Tom Thomas died, That during ~~xx~~ her coverture with the said Tom Thomas, the said Martha Thomas had two children: Virginia, a girl, born in 1871, and Edward, a boy,

born in 1875. That in the year 1881, the said Martha Thomas married William P. Thompson the applicant herein, according to the laws of the Chickasaw Nation, said Thompson being a white man, and a citizen of the United States. That since their said marriage the said Martha and the said William P. Thompson have continued to reside in the Chickasaw Nation, and claim the rights of citizenship therein.

That there have been born unto the said ~~xxxxxx~~ William P. Thompson, and the said Martha, the following children: Lizzie Myrtle



Thompson? Aelcy Thompson, Josie Thompson, Benjamin Franklin Thompson, Annie May Thompson and Mabel Clare Thompson. That said Virginia Thomas, the daughter of said Martha and said Tom Thomas, was duly married but not according to the laws of the Chickasaw Nation, on the 25th day of July, 1889, to William J. Cook, a white man and Citizen of the United States, and there have beorn unto the said William J. Cook and the said Virginia the following Children: William Earnest Cook, Mattie Cook and Ida Cook. That the said Edward Thomas, son of said Tom and Martha Thomas, was married in August, 1895, but not according to the laws of the Chickasaw Nation, to Beulah Walling, a white woman and citizen of the United States. The court finds that all of said persons above named are entitled to be enrolled as citizens of the Chickasaw Nation, except William J. Cook and Beulah Thass Thomas.

It is therefore considered, ordered and decreed by the court that the said William P/ Thompson, and his wife Martha Thompson, and their children, the said Lizzie Myrtle Thompson, Aelcy Thompson, Josie Thompson, Benjamin Franklin Thompson, Annie May Thompson and Mable Clare Thompson; and the said Virginia Cook and her said children, William Earnest Cook, Mattie Cook and Ida Cook, and the said Edward Thomas and his, be and they are hereby admitted to citizenship in the Chickasaw Nation and to enrollment as members of the Tribe of Chickasaw Indians, with all the rights and privileges appertaining to such relation.

And it is further ordered that this decree be certified to the Dawes Commission for their observance.

It is further ordered that the plaintiff do have and recover of the said Chickasaw Nation all costs in this behalf expended.

To all of which defendant excepts.



WILLIAM P. THOMPSON, ET AL.

The applicant is Wm. Perry Thompson for the benefit of Martha Thompson, Lizzie Myrtle Thompson, Aelcy Thompson, Josie Thompson, Benjamin Franklin Thompson, Annie May Thompson, Mabel Clare Thompson, Virginia Cook, Wm. J. Cook, Wm. Ernest Cook, Mattie Cook, Ida Cook, Edward Thomas, and Beulah Thomas.

Application states that W. P. Thompson is a resident citizen of Pickens County, Chickasaw Nation. That about the year 1864 one Thomas Thomas, commonly called Tom Thomas, a white man and a citizen of the United States, was lawfully married according to the laws of the Chickasaw Nation to Susan Love who was a Chickasaw Indian woman; that after said marriage said Thomas continued to live in the Chickasaw Nation and to claim citizenship therein; that the said Susan Love, nee Thomas, died about the year 1869; that in the year 1871 thereafter Thomas married Martha Jones, a white woman and a citizen of the United States; said marriage was performed in the Chickasaw Nation and according to the laws thereof. Said Thomas and his wife continued to live in the Chickasaw Nation and to claim citizenship therein. Said Tom Thomas died in January 1875. His widow, Martha Thomas continued to live in the Nation, and to claim her citizenship therein, and in 1881 she married the applicant Wm. P. Thompson. The marriage was performed in the Chickasaw Nation and according to the laws thereof. The applicant and his wife have continued to live in the Nation and to claim the rights of citizenship.

The Dawes Commission denied all of the applicants. Applicants appealed to the United States Court for the Southern District. Referred to W. H. L. Campbell, Master in Chancery, who recommended the admission of Mrs. Martha Thompson, Virgie Cook, and Edward Thomas; reported against all of the others. The Court admitted all of the applicants except Beulah Thomas and William J. Cook. Nation appealed to the Supreme Court of the United States.

#####

TESTIMONY.

J. B. CRINER says that he lives in Pickens County, Chickasaw Nation; and is a member of the Chickasaw Tribe of Indians. Knew Susan Love in her lifetime. She was a daughter of Judge Overton Love and a native born Chickasaw Indian. About the year 1864 she was lawfully married in the Chickasaw Nation to Tom Thomas, a white man and a citizen of the United States. Susan



died about the year 1869. Tom Thomas about the year 1871 married Martha Jones, a white woman and a citizen of the United States. The marriage was solemnized in the Chickasaw Nation and according to the laws thereof. They had two children, Virginia, a girl, and Edward a boy. Tom Thomas died about the year 1875. In 1881 his widow married W.P. Thompson, who lives near Bob Pickens County, Chickasaw Nation. Tom Thomas ~~married~~ exercised all the rights of citizenship after his marriage, held the office of sheriff of Pickens County, and served in the legislature. He was recognized as a citizen of the Chickasaw Nation.

R. HATHAWAY and Dr. WEST make a joint affidavit in which they say that they know W.P. Thompson and his wife Martha, who live at Bob in Pickens County. They know Thompsons family and know that it consists of his wife and children which they name. Also know that Mrs. Thompson had two children prior to her marriage to Thompson. They were reputed to be the children of Tom Thomas who died many years ago.

Susan Love could not confer citizenship upon any of the applicants.

*2/10/1910*

*[Faint, mostly illegible text follows, appearing to be a continuation of a legal document or report.]*



## Synopsis

Grass Love could not confer citizenship upon any of the applicants.

Green of Tom Thomas who died many years ago.  
Green prior to her marriage to Thompson. They were reputed to be the child-  
and children which they name. Also know that Mrs. Thompson had two child-  
ren. They know Thompsons family and know that it consists of his wife  
they know W.P. Thompson and his wife Martha, who live at Bob in Pickens

R. HATHAWAY and Dr. WEST make a joint affidavit in which they say that  
of the Chickasaw Nation.

and County, and served in the Legislature. He was recognized as a citizen  
rights of citizenship after his marriage, held the office of sheriff of Pick-  
ens County, Chickasaw Nation. Tom Thomas married exercised all the  
the year, 1872. In 1881 his widow married W.P. Thompson, who lives near  
had two children, Virginia's Girl, and Edward a boy. Tom Thomas died about  
solemnized in the Chickasaw Nation and according to the laws thereof. They  
Jones's white woman and a citizen of the United States. The marriage was  
died about the year 1883. Tom Thomas spent the year 1871 married Martha



IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT

AT SOUTH MC ALESTER, INDIAN TERRITORY.

William P. Thompson et als, Plaintiffs, )  
vs )  
The Choctaw and Chickasaw Nations, Defendants. )

Now comes William P. Thompson, and his wife, Martha Thompson, who appear in their own right, and the said William P. Thompson as next friend for Lizzie Myrtle Thompson, Aeloy Thompson, Josie Thompson, Benjamin Franklin Thompson, Annie May Thompson, and Mabel Claire Thompson. *minors*  
Also comes Virginia Cook in her own right, and as next friend for William Ernest Cook, Mattie Cook, and Ida Cook, *minors* and also comes the plaintiff Edward Thomas, and they show to this honorable court that on the 22nd day of Dec. 1897, they obtained a valid judgement against the Chickasaw nation in the United States Court for the Indian Territory at Ardmore, *in Cause No 19* admitting all these petitioners to citizenship and enrollment as members of the said Chickasaw tribe of Indians, from which judgement an appeal was taken to the Supreme Court of the United States, in which court said judgement was affirmed and in all things approved. That said judgement is yet a valid and subsisting judgement. But plaintiffs show that on the 17th day of Dec., 1902, this honorable court rendered a decision and judgement in the case of the Choctaw and Chickasaw nations vs J.T. Riddle et als, to which suit none of these plaintiffs were parties, by which this honorable court attempted and seeks to set aside and nullify their said judgement as obtained by them in the United States Court for the Indian Territory as aforesaid. And for that reason these plaintiffs seek to bring their said cause into this honorable court by appeal, and plaintiffs further show that they are entitled to enrollment as members of the Chickasaw tribe of Indians by reason of said judgement, and by reason of the following facts, to wit: One Tom Thomas, then being a white man and a citizen of the United States, did in the year 1864 lawfully and in accordance with the laws of the Chickasaw nation, marry one Susan Love, a native Chickasaw Indian by blood. That from and after said marriage the



said Tom Thomas continued to reside in the Chickasaw nation and claimed to be a citizen thereof. That in the year 1869 the said Mrs. Susan Thomas died; that in the year 1871 the said Tom Thomas was married in and according to the laws of the Chickasaw nation to Martha Jones, the present plaintiff who is now the wife of William P. Thompson, who was then a white woman and a citizen of the United States. That from and after said marriage the said Martha resided in the Chickasaw nation, and claimed her rights as a citizen therein. That in Jan. 1875 the said Tom Thomas died. That during her coverture with the said Tom Thomas the said Martha had two children, Virginia, a girl, now Virginia Cook and plaintiff herein, and Edward Thomas, plaintiff herein. That in the year 1881 the said Martha Thomas married William P. Thompson, the applicant herein, in accordance with the laws of the Chickasaw nation. Said Thompson then being a white man and a citizen of the United States. That since their said marriage the said Martha and the said William P. Thompson have continued to reside in the Chickasaw nation and to claim the rights of citizenship therein. That there have been born unto the said William and the said Martha Thompson the following children: Lizzie Myrtle Thompson, Aaley Thompson, Josie Thompson, Benjamin Franklin Thompson, Annie May Thompson, and Mabel Claire Thompson. That the plaintiff, the said Virginia Thomas, daughter of the said Martha and the said Tom Thomas, was duly married, but not in accordance with the laws of the Chickasaw nation on the 25th day of July, 1889 to William J. Cook, a white man and a citizen of the United States, and there have been born unto the said William J. Cook and the said Virginia Cook the following children: William Ernest Cook, Mattie Cook, and Ida Cook.

Wherefore these plaintiffs pray that an appeal be granted them in the above cause, and they pray that writs of error and summons issue as provided by the rules of this honorable court.



leave as provided by the rules of this honorable court.

Wherefore these plaintiffs pray that an appeal be granted  
next Cook, Mattie Cook, and Ida Cook.

That Cook and the said Virginia Cook the following children: William  
son of the United States; and there have been born unto the said William  
on the 20th day of July, 1880 to William V. Cook, a white man and a white  
day married, but not in accordance with the laws of the Chickasaw Nation  
Eliza Thomas, daughter of the said Martha and the said Tom Thomas, son  
Thompson; and Isabel Eliza Thompson. That the plaintiff, the said Vir-  
ginia Thompson, Joseph Thompson, Benjamin Franklin Thompson, Annie Lee  
the said Martha Thompson the following children: Dixie Virgie Thompson,  
children: therein. That there have been born unto the said William V. and  
continued to reside in the Chickasaw Nation and to claim the rights of  
that said Martha and the said William V. Thompson have  
then said a wife to be and a child of the United States. That since  
accordance with the laws of the Chickasaw Nation. Said Thompson  
the Thompson married with the said Thompson, the applicant herein, in 1884  
and the said Thomas, Benjamin Franklin Thompson. That in the year 1887 the said Mar-  
tha Thompson, Benjamin Franklin Thompson, Virginia Cook and plaintiff herein,  
two children, Benjamin Franklin Thompson, Virginia Thompson, Annie Lee  
said Tom Thomas the said Martha had  
in Jan. 1888 the said Tom Thomas died.  
the Chickasaw Nation, and claimed her  
wife was and a child of the United States. That Tom and after said  
plaintiff who is now the wife of William V. Thompson, who was then a  
according to the laws of the Chickasaw Nation to Martha Thomas, he present  
he died; that in the year 1871 the said Tom Thomas was married in and ac-  
to be a citizen thereof. That in the year 1889 the said Mrs. Sarah Thom-  
said Tom Thomas continued to reside in the Chickasaw Nation and claimed

to  
Wm V Thompson  
et al  
vs  
Chickasaw and  
Chickasaw Nation  
Copy of Petition  
for appeal



In the Choctaw and Chickasaw Citizenship Court,  
Sitting at Tishimongo, Indian Territory, May Term, 1904.

-----o-----

William P. Thompson, et al,

--vs--

No. 12-T.

The Choctaw and Chickasaw Nations;

-----o-----

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

-----o-----

Appearances;

Potter & Potter, for Plaintiffs,

Mansfield, McMurray & Cornish, for Defendants.

-----o-----

May 13, 1904. This day this cause coming on to be  
heard, the following proceedings were had to wit;

Martha Thompson,

a witness called by the Plaintiffs, being duly sworn, testified  
as follows in answer to the questions propounded to her

By Mr. Potter:

Q.- What is your name?

A.- Martha Thompson.

Q.- Where do you reside?

A.- Five miles south of Marietta?

Q.- In the Chickasaw Nation?

A.- Yes, sir.



Q.- What was your maiden name, Mrs. Thompson?

A.- Jones.

Q.- Were you ever married before you were married to W.P. Thompson?

A.- Yes, sir.

Q.- To whom?

A.- Tom Thomas.

Q.- Had he been previously married?

A.- Yes, sir.

Q.- To whom had he been married?

A.- Susan Love. Judge Love's daughter.

Q.- Was Tom Thomas a white man?

A. Yes, sir.

Q.- He had been previously married to Susan Love, a daughter of Judge Overton Love?

A.- Yes, sir.

Q.- She died?

A.- Yes, sir.

Q.- Did you know her in her life time?

A.- Yes, sir.

Q.- After she died, you and Tom Thomas were married?

A.- Yes, sir.

Q.- When?

A.- On the 23rd of February 1871?

Q.- Where?

A.- On this side of the River at Judge Love's house by Judge Boyd, County Judge of Pickens County.

Q.- How long did you and Tom Thomas live together as husband and wife?

A.- Until 1876; he died in 1876. We were married in 1871.



Q.- Were you present at the marriage of Tom Thomas and Susan Love?

A.- No, sir.

Q.- Do you know they lived together as husband and wife?

A.- Yes, sir; I had two sisters there, but I was not there.

Q.- Did you have any children by Tom Thomas?

A.- I had three.

Q.- How many are now living?

A.- Two.

Q.- Give the name of the first one that is living.

A.- Virginia Cook.

Q.- She is a girl?

A.- Yes, sir.

Q.- About how old is she?

A.- She was thirty two years old her last birthday.

Q.- Is she married?

A.- Yes, sir.

Q.- Whom did she marry?

A.- Will Cook.

Q.- Are any other of the Thomas children living?

A.- Ed. Thomas is living.

Q.- You have a son by Thomas named Ed?

A.- Yes, sir.

Q.- Is he living?

A.- Yes, sir.

Q.- How old is he?

A.- Twenty eight the 19th day of this coming June.

Q.- Where did Mrs. Cook marry, do you know?

A.- In the Territory.

Q.- Do you know whether under a Chickasaw License or a United States License.



A.- A United States License, she did not have a Chickasaw License.

Q.- Did she have any children by Cook?

A.- Yes, sir.

Q.- Can you give their names?

A.- Yes, sir, I can, she has seven.

Q.- How many did she have before this proceeding was filed?

A.- Six, no five.

Q.- Give the names and ages of each one of her children?

A.- I could not give the ages; Earnest Cook, Mattie Cook, Ida Cook, Buella and Edna,

Q.- Is that the five born before this proceeding was filed?

A.- Yes, sir.

Q.- Do they live in the Territory?

A.- Yes, sir.

Q.- After your marriage to Tom Thomas, where did you live?

A.- In the Territory, I never lived out of the Territory, since I was here the first time.

Q.- You lived in the Chickasaw Nation?

A.- Yes, sir.

Q.- After Mr. Thomas died, did you marry again?

A.- Yes, sir.

Q.- Whom?

A.- W.P. Thompson.

Q.- Where did you and he marry?

A.- At my house in the Territory.

Q.- Did you have a license to marry?

A.- Yes, sir.

Q.- Where is that license, do you know?

A.- He has got it in his pocket.



Q.- Did you and W.P. Thompson have any children?

A.- Yes, sir.

Q.- I wish you would give their names and about their ages.

A.- Lizzie, twenty two. the third day of September.

Aeley, will be twenty the 4th day of July.

Josie was 18 the 25th day of April past.

Frank will be 15 the 30 day of October.

Annie, twelve the 19th day of June.

May will be 11 the 5th day of February.

Q.- Where are your sisters that were present at the marriage of Tom Thomas and Susan Love?

A.- Wichita Falls, Texas. one is and the other is in the Comanche Country.

Q.- Is there any witness here, that you know of, that was present at the marriage.

A.- Well, I don't know.

Q.- You don't know of any one?

A.- Judge Love was at the wedding.

#### Cross Examination,

Mr. Cornish;

Q.- You are a white woman?

A.- Yes, sir.

Q.- Your first husband was a white man?

A.- Yes, sir

Q.- Your children Virginia Cook and Edward Thomas, are your children by your first husband?

A.- Yes, sir.

Q.- They are white children and have no Chickasaw Blood in their veins?

A.- No, sir.



Q.- Is your present husband, W.P:Thompson, also a white man?

A.- Yes, sir.

Q.- All of your children by him are white children and possess no Chickasaw blood in any degree?

A.- No, sir.

Judge Foote;

Q.- Did you marry any man, at any time, that had Choctaw or Chickasaw Blood?

A.- Not by blood, no, sir.

Mr. Cornish;

Q.- As I understand, you are the wife of a man that was at one time the husband of a Chickasaw woman?

A.- Yes, sir.

Q.- And your present husband, is the husband of a woman, who was at one time the wife of a man, who was once the husband of an Indian woman?

A.- Yes, sir.

Judge Foote;

Q.- Who was the husband who at one time had an Indian wife?

A.- That was Tom Thomas.

Q.- Who was the Indian woman?

A.- Susan Love.

Q.- She was a Choctaw Indian?

A.- She was a Chickasaw.

Q.- That was his first wife, who was his second wife?

A.- Martha Jones.

Q.- You are his third wife?

A.- I am Martha Jones.

Judge Weaver;

Q.- Your present husband never married an Indian, did he.

A.- No, sir.

Witness excused.



Judge Potter;

I will claim the indulgence of the Court, until I can get Judge Love, or some one here, to testify to that marriage.

Judge Weaver;

The case will be left open for the introduction of such testimony, until the 1st of July.



M A R

In the Choctaw and Chickasaw Citizenship Court,  
Sitting at Tishomingo, I.T., June 20, 1904.

--o--

William P: Thompson,

--vs--

No. 12.

The Choctaw and Chickasaw Nations,

--o--

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

--o--

June 20, 1904; This day this cause coming on to be heard  
and both sides being represented by Counsel the following  
proceedings were had to-wit.

Mr.

All the testimony in this case has heretofore been submitted  
except the proof of one marriage and we now have Mrs.  
Hodges here now.

Caroline Hodge,

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

Mr.

Q.- Where do you reside?

A.- Wichita County, on the Wichita River 20 miles above Wichita  
Falls, in Texas.

Q.- Did you know Susan Love in her life time?

A.- No, sir, not until the day she married.

Q.- Did you see her married?

A.- I did.

Q.- Who did she marry?

--1--



A.- Tom Thomas.

Q.- Who was Susan Love?

A.- The daughter of old "Sob" Love.

Q.- Where was the marriage celebrated.

A.- In Love's Valley, at old Judge Love's.

Q.- In the Indian Territory?

A.- Yes, sir.

Q.- You were present?

A.- Yes, sir.

Q.- Do you recollect the name of the minister who married them?

A.- No, sir, I do not.

Q.- Did you know these people after they were married?

A.- Yes, sir.

Q.- You knew him and his wife until she died?

A.- Yes, sir.

Q.- Did she pass as the wife of Tom Thomas until she died?

A.- Yes, sir.

Q.- They lived together as husband and wife?

A.- Yes, sir.

Cross Examination.

Mr. Cornish;

Q.- You are a sister of the applicant?

A.- Yes, sir.

Q.- What was the occasion of your being at the wedding?

A.- I was invited to the wedding.

Q.- This Mrs. Love was the daughter of Overton Love; she was the wife of Tom Thomas, who was the husband of this applicant here, who is the wife of William P. Thompson.

A.- Yes, sir.

Q.- In other words Judge Love's daughter married Thomas?

A.- Yes, sir.



Q.- This Thomas married your sister?

A.- Yes, sir.

Q.- Then Thomas died?

A.- Yes, sir.

Q.- Then your sister married William P. Thompson?

A.- Yes, sir.

Judge Foote;

Q.- Nobody that you mentioned here are Indians except Susan Love, are they?

A.- No, sir.

Witness excused.

--0--



IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT, SITTING AT  
TISHOMINGO IN THE INDIAN TERRITORY,  
NOVEMBER TERM, 1904.

William P. Thompson, et al.,

vs. No. 12.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this the 29th day of November, 1904, this cause coming on for final decision, the same having been heretofore submitted to the Court upon the law and the evidence, and the Court being well and sufficiently advised in the premises doth find that the plaintiffs, William P. Thompson, Martha Thompson, Lizzie Myrtle Thompson, Aelcy Thompson or Arley Thompson, Josie Thompson, Benjamin Franklin Thompson, Annie May Thompson, Mabel Claire Thompson or Mabel Clare Thompson, Virginia Cook, William Ernest Cook, Mattie Cook, Ida Cook and Edward Thomas/ are not entitled to be deemed or declared citizens of the Chickasaw Nation, or to enrollment as such or to any rights whatever flowing therefrom.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition of the plaintiffs, William P. Thompson,<sup>1</sup> Martha Thompson,<sup>2</sup> Lizzie Myrtle Thompson,<sup>3</sup> Aelcy Thompson or Arley Thompson,<sup>4</sup> Josie Thompson,<sup>5</sup> Benjamin Franklin Thompson,<sup>6</sup> Annie May Thompson,<sup>7</sup> Mabel Claire Thompson or Mabel Clare Thompson,<sup>8</sup> Virginia Cook,<sup>9</sup> William Ernest Cook,<sup>10</sup> Mattie Cook,<sup>11</sup> Ida Cook,<sup>12</sup> and Edward Thomas,<sup>13</sup> be denied, and that they be declared not citizens of the Chickasaw Nation, and not entitled to enroll-



ment as such citizens, and not entitled to any rights whatever  
flowing therefrom.

.....  
Chief Judge.

.....  
Associate Judge.

.....  
Associate Judge.