No. 18.

Mrs. K. Le Flore

vs

Choctaw Nation.

No. 55.

Central District Court.

No.

Dawes Commission

Attorneys

Filed May 18, 1903

May 18-1903

I N D E X.

BEFORE THE COMMISSION FOR THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mrs. Keturah LeFlore Applicant for enrollment as a member of the Choctaw Tribe of Indians.

Your applicants Mrs. Keturah LeFlore, respectfully represents to this Honorable Commission that she is a regularly recognized member of the Choctaw Tribe of Indians of the Choctaw Nation and is entitled to be placed upon the rolls, to be prepared by this Honorable Commission as a member of the Choctaw Tribe of Indians on the following grounds, to wit:

1st. There is no true and perfect roll of the members of the Choctaw Tribe of Indians and no law or authority for the Choctaws to make such a roll.

2nd. On the 6th day of Sept. 1882 your applicant was a white woman and a citizen of the United States and on said day was legally married to L.C. LeFlore, who was then adopted by act of Council and is now a regularly recognized member by blood of the Choctaw Tribe of Indians, a copy of the marriage certificate is hereto attached and marked exhibit "A" and made a part hereof; That there wasnot then nor is there now, any law of the Choctaw Nation authorizing the issuing of a marriage license and it was and now is the established custom for Choctaw men to marry white women without license from the Choctaw Nation and by such marriage white women become members of the Choctaw tribe of Indians and are so recognized by the Choctaw authorities.

Your applicant files herewith the affadavit of Abbott Leflore as additional proof of the citizenshi of said L.C. LeFlore and the custom among the Choctaws and asks to be placed upon the rolls as a member of the Choctaw Tribe of Indians.

Keturah Leflore

Subscribed and sworn to before me this the second day of September A.D. 1896.

Wm. M. Spitler

(SEAL) Notary Public for Burnet County Texas.

BEFORE THE COMMISSION FOR THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mrs. Keturah LeFlore, applicant for enrollment as a member of the Choctaw Tribe of Indians.

----------oOo----------

Abbott LeFlore, of lawful age, being by me first duly sworn according to law, states on his oath, that he is 38 years old, is a resident of Blue County, Choctaw Nation and a member by blood of the Choctaw Nation. That he has known L.C. LeFlore for 36 years, that he knows him to be the husband of the applicant Mrs. Keturah LeFlore and that he further knowssaid ~~Abbott~~ LC LeFlore to be the same person as named in the act of the General Council of the Choctaw Nation adopting said ~~Abbott~~ LC LeFlore. Further that he knows said ~~Abbott~~ LC LeFlor to be a Choctaw Indian by blood and so recognized by the members of the said Nation.

Abbott Leflore.

Subscribed and sworn to before me this 4 day of Sept. 1896.

J.L. Rappollee

(SEAL) Notary Public.

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An Act conferring citizenship on certain persons named:

Be it enacted by the general Council of the Choctaw Nation assembled: That Abbott LeFlore, Felicie Landers, Louis C. LeFlore and his three children, Rosa, Michael and Josephine, all late of Mississippi, are hereby recognized as citizens of the Choctaw Nation, and entitled to all the rights, privileges and immunities of citizens of this Nation, and this act shall take effect and be in force from and after its passage.

W.N. Jones
P.C. C.N.

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The State of Texas

County of Frio

Before me , John A. Franklin County Judge in and for Frio County in the State of Texas in this dg came and personally appeared Mrs. M.B. Durbin, Ed Coleman and J.L. Burden to me well known credible resident citizens of said Frio County in the said State and being by me duly sworn upon their oaths depose and say and each of them deposes and says that they were on the 6th day of September A.D. 1882 resident citizens of Frio County in the State of Texas, that they affiants and each of them were personally acquainted with L.C. LeFlore and Keturah Coleman who were at the said date of September 6th, 1882 also residents citizens of said County and state, and that the said L.C. LeFlore and Keturah Coleman were lawfully united in marriage in Frio County in the State of Texas on the said date of september 6th A.D. 1882.

Adna ffaint says further under their oaths that they and each of them were present personally as invited guests at the said marriage and personally witnessed the soleminization thereof on the said date of September 6th, 1882 in the County and state aforesaid.

M.B. Durben

Ed Coleman

J.L. Burden.

Sworn to and subscribed before me this 22nd day of August 1896.

Jno. A. Franklin

(SEAL) County Judge Frio County Texas.

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

Mrs. Keturah LeFlore, Appellant: vs No. 55 Choctaw Nation, appellee	Notice of Appeal.

To Honorable Green McCurtain, as Governor of the Choctaw Nation:

You are herebu notified that in the cause of Mrs. Keturah LeFlore, plaintiff, against the Choctaw Nation, defendant, an appeal has been taken by the plaintiff, the above named appellant from the judgment of the Commission To the Five Civilized Tribes to the United States Court for the Central Judicial District of the Indian Territory, and that said appeal is docketed in the office of the Clerk of the said Court at South McAlester in the said district and Territory.

Ralls Bros

Attorneys for the appellant.

Service of the above notice is hereby waived and appearance entered this the 1st day of February 1897.

Wm. M. Gravens

Stuart, Gordon & Hailey

Attorneys for the Appellees.

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

----------oOo----------

Mrs. Keturah Leplore, appellant.

vs Petition for appeal.

Choctaw Nation Appellee

Your petitioner, the above named appellant, states that she is entitled to membership in the Choctaw Nation and to be placed upon the rolls as such member of said Choctaw Nation, for the following reasons, to wit:

That in the time and manner prescribed by law she filed with the Commission to the Five Civilized Tribes her application for membership and enrollment as a member of the Choctaw Nation and filed therewith good and sufficient proof, and caused to be served on the said Choctaw Nation the notice as required by law.

That prior to the filing of said application your petitioner was a white woman and a citizen of the United States and was duly and legally and in compliance with the laws of the Choctaw Nation and the United States married to a Choctaw man; that said petitioners husband is a Choctaw by blood and is so recognized by the authorities of the Choctaw Nation.

That your petitioner has not forfeited her citizenship or membership in said nation.

Your petitioner further states that the said Commission on th the 3rd day of December, 1896 rendered a final judgment in said case against your petitioner in which said Commission denied the rights of your petitioner as a member of said Choctaw Nation, and refused to admit her to citizenship and membership therein and to place her name upon the rolls as a member of said Nation. Your petitioner says that in the trial of this cause the said commission erred in various rulings, erred in refusing her to be present

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in prson or by attorney, and received illegal and improper evidence and considered pleadings filed by the Choctaw Nation after time prescribed by law had expired, and there were not assmany as three of said commissioners composing said Commission presiding at the trial of said cause. Your petitioner assigns as part of the errors committed by said Commission in the trial of said cause the following, to wit:

I.

Said commission erred in permitting the Choctaw Nation to file its answer, after the time for filing the same had expired.

II.

Said commission erred in permitting the Choctaw Nation to file and intriduce proof after the time for the introduction of same had expired.

III.

Said commission erred in refusing to permit your petitioner to be present in person at the trial of said cause.

IV.

Said commission erred in refusing to permit your petitioners to be heard either in person or by attorney at the trial of sid cause.

V.

Said commission erred in refusing and failing to submit the issues in said cause to the determination of a jury.

VI.

Said commission erred in considering the answer and proof filed by the Choctaw nation after the time for filing same had expired.

VII.

Said commission erred in not giving your petitioner a public trial.

VIII.

7 Said commission erred in not rendering judgment in said cause by a less number than three of said Commission.

IX.

IX.

Said commission erred in rendering judgmentagainst your petitioner

X.

The judgment of said commission is contrary to law and against the weight of the evidence.

Wherefore your petitioner prays that this his appeal be allowed and that an order issue commanding the said Commission to transmit to this court all papers in said case and a certified transcript of the proceedings and judgment therein, and that this cause be docketed on the law docket of this court, and that on a trial thereof your petitioners have and recover judgment admitting her to membership in the Choctaw nation and that her name be placed upon the rolls as such member and that she be entitled all the rights privileges etc as members of the Choctaw Nation by blood, and your petitioner will ever pray.

Kiturah Leflore.

United States of America,
Central District,
Indian Territory

Kiturah LeFlore having been by me first duly sworn according to law stateson his oath that she is the above named appellant and that the statements made in the foregoing application or petition for appeal are true and correct.

Kiturah LeFlore.

Subscribed and sworn to before me this the 22nd day of Jany. A.D. 1897.

J.S. Hancock
Notary public for the above district and territory.

(SEAL)

The foregoing petition for appeal is this day allowed.
This 26 day of January 1897.

Yancy Lewis
Judge of the U.S. Court
Central Dist. Ind. Ter.

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In the United States Court for the Central Judicial District of the Indian Territory, at South McAlester, Ind. Ter.

Mrs. Keturah LeFlore, plaintiff

No. 55. vs Deposition of Keturah LeFlore and A.A. Lombart

Choctaw Nation, defendant

" Mrs. Keturah Leflore the above named plaintiff, having been duly sworn according to law deposes and says:

"My name is Keturah Leflore, I am 30 years old, and reside at Caddo in the Choctaw Nation. I am a white woman. On the 6th day of Sept. 1882 I was legally marrued to L.C. LeFlore, a recognized member by blood of the Choctaw Nation. We are still living together By this marriage we have five children, Rosa, Michael, Josephine, Helen and Capbell. My husband and all my children and myself are on the last roll prepared by the Choctaw Commissioners that is the roll prepared by the commissioners appointed by Governor McCurtain in 1896. My husband's locks shows that he is a Choctaw Indian. MY husband has a brother hthat lives 8 miles from Caddo and he is also recognized as a member by blood of the Choctaw Nation. The Mannings are cousins of my husband and live in Blue County and are recognized members by blood of the Choctaw Nation. My husband is a nephew of Campbell LeFlore, and my husbands middle name is Campbell, being named for the old Campbell LeFlore"

Keturah Leflore.

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Mrs. A A. Lombard having been duly sworn states on her oath as follows

"I am 76 years old, my name is A.A. Lombart, I live in Skullyville County, Choctaw Nation, but am visiting here at Atoka at this time I am a Choctaw Indian by blood and so recognized by the Choctaws I know Mrs. Veturah LeFlore and her husband. I have known her ten years and him all his life. He is my nephew He is a Choctaw Indian by blood and so recognized by the Choctaw authorities. They have five children, Mrs. LeFlore is a white woman. They were married about 1882. I have no interest in this case. Mrs. LeFlore lives at Caddo Choctaw Nation."

A.A. Lombart

United States of America
Indian Territory ss
Judicial District thereof.

I, R.M. Moore, a Notary Public within and for the Central Judicial district of the Indian Territory, do hereby certify that the depositions of the witnesses, Mrs. Veturah LeFlore, A.A. Lombart, were taken by me at the time and place and in the action mentioned in the caption, and that each of said witnesses were by me duly sworn, before testifying, that the testimony they should give in this action should be the truth, the whole truth and nothing but thetruth; and eah of their statements were reduced to writing in their presence and was read to and subscribed by them in my presence; and the plaintiff in person and by J.C. Ralls her attorney, and no attorney representing the Choctaw Nation were present at the taking of these depositions.

R.M. Moore
Notary Public as aforesaid.

Fees for taking depositions
of two witnesses $4.00

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R.M. Moore
Notary public

Mrs. Keturah Leflore, plaintiff

No. 55 vs Precedent for judgment.

Choctaw Nation, defendant.

On this day this cause came on to be heard and the plaintiff and defendant announced ready for trial and the court having heard the evidence and argument of counsel finds that the plaintiff is a member by intermarriage, of the Choctaw Nation as such is entitled to be placed upon the rolls as such member.

It is therefore ordered adjudged and decreed that the plaintiff is amember of the Choctaw Nation by intermarriage,, and that his name be placed upon the rolls as such member, and that he be entitled to all the rights, privileges, immunities and benefits as such member; and that the defendant, Choctaw Nation recognize all of said rights to their full extent; that the commission to the Five Civilized Tribes place the name of this plaintiff upon the rolls as a membe, by intermarriage, of the Choctaw Nation and that said Commission be furnished a certified copy of this judgment by the clerk of his court. And that the plaintiff have and recover of and from the defendmt Choctaw Nation, all costs herein laid out and expended, for all of which let execution issue.

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Mrs. Keturah Leflore,

Vs. No. 55 Judgment, Cent. Dist. Aug. 24, 1897.

Choctaw Nation.

On this day this cause came on to be heard, and the plaintiff and defendant announced ready for trial and the court having heard the evidence and argument of counsel finds that the plaintiff is a member by intermarriage, of the Choctaw Nation, asnd as such entitled to be placed upon the rolls as such member.

It is therefore, ordered, adjudged and decreed that the plaintiff is a member f the Choctaw Nation, by intermarriage, and that her name be placed upon the rolls as such member, and that she be entitled to all the rights, privileges, immunities and benefits as such member; and that the defendant, the Choctaw Nation, recognize all of said rights to the full extent, and that the Commission to the Five Civilized Tribes place the names of this plaintiff upon the rolls as a member by intermarriage of the Choctaw Nation, and that said Commission be furnished with a certified copy of this judgment by the Clerk of this Court, and that the plaintiffhave and recover of and from this defendant, the Choctaw Nation, all costs herein laid out and expended, for all of which let execution issue.

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In the Choctaw andChickasaw Citizenship Court Sitting at South McAlester, Indian Territory, May Term 1903.

Keturah Leflore,. .....Plaintiff.

vs.

Choctaw and Chickasaw
Nations . . . . . .Defendants.

D. H. Linebaugh on behalf of Plaintiff.
Mansfield, McMurray & Cornish for Defendants.

The above entitled cause coming on to be heard on this May 18, 1903, and both sides having announced ready, the following proceedings were had to wit:

Mr. Linebaugh:

The plaintiff here was an applicant before the Commision to the Five Civilized Tribes for enrollment in 1896 as a citizen by intermarriage of the Choctaw Nation claiming her right thereto by virtue of her marriage to a Choctaw Indian by blood, Lewis C. Leflore, her present husband. Her application was denied by the Commission and from the decision of the Commission she appealed to the United States Court for the Central District of the Indian Territory and there she obtained a judgment.

The testimony will show that on the 6th day of September 1883, she was married to Lewis C. Leflore; that since her marriage there has been no abandonment, separation or divorce and that she is at present living qith Lewis C. Leflore as his wife and is a resident of the Choctaw Nation. There will be introduced the certificate of the Minister who performed the marriage ceremony; we will also offer in evidence the certificate of the Dawes Commission showing the citizenship of Lewis C. Leflore. We take it

that if these two points are proven to the satisfaction of the Court that she is entitled to enrollment.

Katurah Leflore, called as a witness in her own behalf, after being duly sworn testified as follows:

Direct examination by Mr. Linebaugh.

Q What is your name; age and postoffice address? A Katurah Leflore; I am thirty-six years old; Caddo is my postoffice address.
Q What is your citizenship; Mrs. Leflore, are you an Indian or white woman? A I am a white woman.
Q Do you claim rights in the Choctaw Nation as an intermarried citizen? A Yes,sir.
Q What is the name of your husband through whom you claim these rights? A Lewis C. Leflore.
Q When were you married to Lewis C. Leflore? A September 6, 1883.
Q Who performed the marriage ceremony? A James C. Russell.
Q What was he? A Minister of the Gospel.
Q Since your marriage Mrs. Leflore, have you and Lewis C. Leflore lived together continuously as husband and wife? A Yes,sir.
Q There has been no abandonment, separation or divorce? A No,sir
Q Have you been a continuous resident of the Choctaw Nation? A Yes,sir.
Q Do you now reside in the Choctaw Nation? A Yes,sir.
Q Are you at present living with lewis C. Leflore as his wife? A Yes,sir.
Q You live in the Choctaw Nation? A Yes,sir.
Q At what point? A At Caddo.
Q Have you any children Mrs. Leflore? A Yes,sir.
Q What are their names? A Rosa, Michael, Jos ephine, Helen and Campbell.
Q I believe you stated that J. C. Russell was the man who performed the marriage ceremony? A Yes,sir.
Q After that marriage ceremony was performed did he issue to you and your husband a marriage certificate? A Yes,sir.
Q I will ask you Mrs. Leflore to state whether or not that is the certificate that was issued to you? A Yes,sir. (submitted to witness)
Q At the time of your marriage? A Yes,sir.

The Court:

Do you offer the certificate in evidence?

Mr. Linebaugh:

Yes,sir.

The Court:

Hand it to the stenographer to be marked an exhibit.

Mr. Linebaugh:

Certificate of marriage between L. C. Leflore and Katurah Coleman offered in evidence marked exhibit "A" and filed with the Court.

Q Mrs. Leflore, is the L. C. Leflore mentioned in the marriage certificate the identical person of Lewis C. Leflore, your present husband? A Yes,sir.
Q What was your maiden name? A Katurah Coleman.

Mr. Cornish:

Cross- examination.

Q You have lived together continuously as husband and wife from the time of your marriage to the present time? A Yes,sir
Q And are now so living together? A Yes,sir.

Judge Foote:

Q You moved from Texas to the Indian Territory with your husband? A Sir.
Q You were married in Texas? A Yes,sir.
Q How long was it after your marriage that you removed to the Indian Territory to the Choctaw Nation? A About eight years
Q You have lived about eight years at Caddo? A Yes,sir.
Q You came to Caddo after you were married about eight years ago? A Yes,sir.
Q You lived before that in Texas eight years? A Yes,sir.
Q When did you come to Caddo to live? A When did we come to Caddo?
Q Yes; when did you take up your residence at Caddo---I want to know how long you have been living at Caddo? A I have been living there eight years.

Mr. Linebaugh:

Q How long have you been a resident of the Choctaw Nation? A About eight years.

Mr We desire to offer in evidence a certificate from the Commission to the Five Civilized Tribes signed by Thomas B. Needles, as Commissioner, showing the citizenship of the husband of the plaintiff, Lewis C. Leflore.

Certifictae of the Commission to the Five Civilized Tribes showing that the name of Lewis C. Leflore appears upon the final schedule of citizens by blood of the Choctaw Nation opposite number 14378, and that said enrollment was approved by the Secretary of the Interior on April 11, 1903, is offered in evidence, marked exhibit "B" and filed with the Court.

Mr. Linebaugh;

That is all--that is our case.

Mr. Cornish:

I think the certificate might be criticized. I don't think it is as fully as it might be. I think the Commission in furnishing this Court with these certificates might make them more fully.

The Court:

It is admitted by the Nations that that is the record:

Mr. Cornish:

I don't make any admissions as to that

Mr. Linebaugh:

Q Your husband Lewis C. Leflore has been recognized by the tribal authorities of the Choctaw Nation as a citizen of the Choctaw Nation? A Yes,sir.
Q I will ask you if you have been recognized by the tribal authorities of the Choctaw Nation as an intermarried citizen of the Choctaw Nation? A No,sir.

Lewis C. Leflore having been duly sworn as a witness by request of the Court testifies as follows:

Examination by Judge Foote.

Q What is your name? A Lewis C. Leflore.
Q Where were you born? A In Leake County, Mississippi.
Q Are you a son of Mr. Leflore who use to live on the Okonokee River there? A Yes,sir.
Q Are you a Choctaw by blood ? A Yes,sir.
Q How long have you lived in this Countyy? A Since 1892.
Q This is your wife? A Yes,sir.
Q Were you married in Texas? A Yes,sir.
Q You are now living in the Indian Territory? A Yes,sir.
Q Are you the identical Leflore mentioned in this certificate that has just been offered from the Dawes Commission? A Yes,sir.
Q You are on the roll? A Yes,sir.

Mr. Linebaugh.

Q You are the identical person mentioned in that marriage certificate? A Yes,sir.
Q Since you have been living in the Choctaw Nation have you and your wife been recognized by the tribal authorities of the Choctaw Nation? A Yes,sir.

Mr. Cornish.

Q Who was your father? A Lewis Leflore a son of Benjamin Leflore.
Q Does the names of your father or grandfather or both of them appear upon the rolls of the Choctaw Nation made in pursuance of the treaty of 1830; have you ever examined into that? A I don't know that.
Q For instance on the list in volume 7 of the American State Papers? A I saw a Book that Henry Byington had and my grandfather and his children appear on that
Q Well that is volume 7 of the American State Papers? A I don't know.

Judge Foote

Q How far was that from Red Oak Road? A The old Red Oak road ran right by my grandfather's house.
Q You are a son of that Mr. Leflore that lived there on the ferry? A I am a grandson of Benjamin Leflore; my father was his youngest son.

The Court:

Have you any testimony to offer Mr. Cornish?

Mr. Cornish:

No,sir: The Court will understand that as we have heretofore stated in similar cases of intermarried claimants we think that they must show two things: first, that the person through whom such intermarried rights are claimed has been duly enrolled as a citizen by blood under existing laws; and secondly, that there was such a marriage as contemplated by the tribal laws. If that has been shown to the satisfaction of the Court then they are entitled to enrollment.

The Court:

The matter will be taken under consideration and if Counsel desires to file briefs in the matter they will be allow ed ample time to do so.

Mr. Linebaugh:

How much time will we be allowed.

The Court:

Well usually thirty days.

Mr. Linebaugh:

We will furnish our brief and submit a copy thereof to the Counsel for the Nations.

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

--- oOo ---

KETUARH LEFLORE - - - - - - - - - - - - - - PLAINTIFF.

-VS-

CHOCTAW AND CHICKASAW NATIONS - - - - - - DEFENDANTS.

- - - - oOo - - - -

J U D G E M E N T.

- - - - oOo - - - -

Now on this the ____ day of _____, A.D.1903, the same being one of the regular days for holding Court of the CHOCTAW AND CHICKASAW CITIZENSHIP COURT, this cause came on to be heard: Plaintiff appeared in her own proper person, and by her attorneys Linebaugh Brothers, and the defendants, the Choctaw and Chickasaw Nations, appeared by their attorneys, Mansfield, McMurray and Cornish, and both parties announcing ready for trial, whereupon a trial in said cause was had. And the Court, after hearing all the evidence adduced by both the plaintiff and the defendant, and being well and sufficiently adivsed in the premises, doth find;

FIRST:

That Louis C.Leflore is a member by blood of the Choctaw Tribe of Indians, and duly enrolled as such under existing laws:

SECOND:

That the Plaintiff, Keturah Leflore, is a white woman and was duly and legally, and in conformity with the uses, customs and laws of the Choctaw Nation, married to Louis C.Leflore on the _____ day of _____, _____;

THIRD:

That since said marriage of the plaintiff to the said

Louis C.Leflore they have lived to-gether continously as husband and wife, and there has been no abandonment,seperation or divorce and they are now living to-gether as husband and wife.

IT IS THEREFORE,BY THE COURT,ordered,adjudged and decreed that the Plaintiff,Keturah Leflore, is a member by inter-marriage of the Choctaw Nation or Tribe of Indians and is entitled to enrollment as such, and to all the rights,priviledges and immunities thereunto in any wise belonging.

_____
Chief Judge.

_____
Associate Judge.

_____
Associate Judge.

I,James B.Cassada,Clerk of the Choctaw and Chickasaw Citizenship Court in the Indian Territory, do certify that the above and foregoing is a true,complete and correct copy of a judgement rendered by the Choctaw and Chickasaw Citizenship Court, in the case of Keturah Leflore versus Choctaw and Chickasaw Nations.

Witness my hand and official seal as the Clerk of said Court, at South McAlester, Indian Territory, this the ____ day of _____ _____, A.D.1904.

_____
Clerk of the Choctaw and Chickasaw Citizenship Court.

Duplicate

SUMMONS.

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

The President of the United States of America,

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

GREETING:

YOU ARE COMMANDED TO SUMMONS P. S. Moseley Governor of the Chickasaw Nation on behalf of said nation to answer in twenty days after the service of this summons upon ~~him as~~ said Governor a complaint in Equity filed against ~~the Choctaw and Chickasaw nations~~ in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, Sulphur by Kelusah Lefloar and warn him that upon his as said Governor failure to answer, ~~the~~ complaint will be taken for confessed, and you will make return of the summons on behalf of said nation the ~~first day of next~~ instanter ~~Term of said Court.~~

WITNESS the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal thereof, at Sulphur, I. T., aforesaid, this 6th day of March, A. D. 1903.

James B Cassoa
Clerk.

By ....., *Deputy.*

THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT. INDIAN TERRITORY.

MARSHAL'S RETURN.

United States of America,
INDIAN TERRITORY, } *ss:*
_____ DISTRICT.

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."

_____
U. S. Marshal.

By _____, *Deputy*

DUPLICATE

No. 18

SUMMONS
IN EQUITY.

Lulinah Sappington
vs.
Choctaw & Chickasaw Nations

Summons issued the 6th day of December, 190~~0~~3
Returnable ~~ninth~~ Term, ~~190~~
Returned and filed _____, 190___

_____ *Clerk.*
By _____, *Deputy.*

MARSHAL'S FEES.

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

S. V. Stuckey & Bro.
Atoka, I. T. *Attorney for Plaintiff.*

5762b5m10-02

In the Choctaw and Chickasaw citizenship Court, sitting at south McAlester, in the Central District of the Indian Territory, in the Choctaw Nation.

Keturah Leflore,

Appellant,

vs. No.18.

The Choctaw and Chickasaw Nations,

Appellees.

This matter comes here on appeal from the United States Court for the Central District of the Indian Territory.

The facts are these: Keturah Leflore, a white woman, intermarried with Louis C. Leflore, a male citizen by blood of the Choctaw Nation, in the State of Texas; she thereafter removed with her husband to the Choctaw Nation and has continued to reside with him as his wife ever since.

The question involved in this case was decided by this Court in the case of Lula B. Trahern vs. The Choctaw and Chickasaw Nations, being case No. 40 of the Choctaw docket, in which we held that her husband's admission to the rolls as a male Choctaw Indian by blood, after the marriage, in any State or Territory lawfully had, accompanied by her living with him in the Choctaw Nation thereafter and continuously, entitled her to the right personally to be deemed an intermarried citizen of said Nation, and entitled to enrollment as such, and all the personal rights which by law flowed to her by reason of such right of citizenship so obtained.

Therefore I am of opinion that under the facts of this case, Keturah Leflore is entitled to be deemed and declared an

intermarried citizen of the Choctaw Nation, and to be enrolled as such, and to all such rights as pertain to her personally flowing from such citizenship; AND IT IS SO ORDERED.

(Signed) Henry S. Foote
Associate Judge.

We concur:

(Signed) Spencer B. Adams,
Chief Judge.

(Signed) Walter L. Weaver
Associate Judge.

BEFORE THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT,
SITTING AT SOUTH McALESTER, INDIAN TERRITORY,
FEBRUARY TERM, 1904.

Keturah Leflore

vs. No. 18.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this February 1, 1904, this cause coming on for final decision, the same having heretofore been submitted upon the law and the evidence, and the court being well and sufficiently advised in the premises doth find that the plaintiff, Keturah Leflore, is entitled to admission to citizenship and to enrollment as a citizen by intermarriage of the Choctaw Nation.

IT IS THEREFORE ordered, adjudged and decreed that the application of the plaintiff, Keturah Leflore, be granted and that she be admitted to citizenship and to enrollment as a citizen by intermarriage of the Choctaw Nation and to all rights and privileges as such.

JNO. H. LINEBAUGH D. H. LINEBAUGH

Linebaugh Brothers

Attorneys and Counselors at Law

Atoka, Indian Territory

Janurary 29, 1904.

Mansfield, McMurray & Cornish,

Attys Choctaw & Chickasaw Nations,

So. McAlester, I. T.

Gentlemen:-

Beg to advise that we are to day mailing to the Clerk of the Citizenship Court certificate of the Commission to the Five Civilized Tribes, showing the enrollment of Louis C. LeFlore as a citizen by blood of the Choctaw Nation, and asking that it be filed in the case of Keturah LeFlore against the Choctaw-Chickasaw Nations.

We hope that this will be satisfactory, and that the Court will make the order in the near future entitling Mrs. LeFlore to enrollment, as Mr. LeFlore is anxious to have the case settled, if possible, at this time.

Please let us hear from you, and oblige,

Yours very truly,

Linebaugh Bros.

Dict. DHL.

JNO. H. LINEBAUGH D. H. LINEBAUGH

Linebaugh Brothers

Attorneys and Counselors at Law

Atoka, Indian Territory

January, 22, 1904.

Mansfield, McMurray & Cornish,

So. McAlester, Indian Territory.

Gentlemen:

Beg to acknowledge receipt of your favor of January 21 advising me of decision of Citizenship Court in Lula B. Trahern case and also of the fact that proof of citizenship of Louis C. Leflore, in the Keturah Leflore case, had not been filed.

I was under the impression that I filed the Certificate from the Commission showing L.C. Leflore's enrollment but as I did not will do so immediatly. Am writing the Commission on this mail.

I thank you very much for this suggestion and appreciate your many kind favors to me.

As soon as I receive the certificate from the Commission will forward to the Clerk to be filed in the case or, if you will, would prefer sending to you and ask you to file for me. If not asking too much could you do this and save me another trip to So. McAlester.

If you think best however will bring the Certificate there and file same.

Please let me hear from you and oblige.

Yours very truly,

D. H. Linebaugh

Dict. DHL.

JNO. H. LINEBAUGH D. H. LINEBAUGH

Linebaugh Brothers

Attorneys and Counselors at Law

Atoka, Indian Territory

February, I, 1904.

Mansfield,McMurray & Cornish,

Attorneys at Law,

So.McAlester, I.T.

Gentlemen:

Pursuant to the suggestions contained in your favor of January,30, we beg to hand you herewith carbon copy of order of Court that we are to-day mailing to the Clerk of the Citizenship Court for filing in the Keturah Leflore case.

Will you please advise us when this order is entered and oblige.

We thank you very much for your kindness in this case and shall be glad to reciprocate when ever opportunity offers.

Yours very truly,

Linebaugh Bros.

D.H.L.

South McAlester, Indian Territory, January 30, 1904.

Messrs. Linebaugh Brothers,

Atoka, Indian Territory.

Dear Sirs:

We are in receipt of your letter dated January 29th further referring to the matter of the citizenship case of Mrs. Keturah Leflore. We note that you have mailed to the Clerk of the Court a certificate showing the enrollment of Mrs. Leflore.

We would suggest that you draw an order of court, to be entered of record, and mail same to the Clerk of the Court, furnishing us a copy thereof. Upon receipt of same we shall call the matter to the attention of the Court and see that the order is duly entered.

Very truly yours,

Duplicate

SUMMONS.

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

The President of the United States of America,

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

GREETING:

YOU ARE COMMANDED TO SUMMONS Green McCurtain Principal Chief of the Choctaw Nation on behalf of said nation to answer in twenty days after the service of this summons upon him as Principal Chief of said nation a complaint in Equity filed against the Choctaw and Chickasaw nations in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, So McAlester by Kelusah Tobbose 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.~~

WITNESS the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal thereof, at South McAlester, Ind. Ter., aforesaid, this 6 th day of March, A. D. 1903

James B. Cassada
Clerk.

By ....., *Deputy.*

THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT INDIAN TERRITORY

No. 18

SUMMONS

IN EQUITY.

Kalunah Saflon

vs.

Choctaw & Chickasaw Nations

Summons issued the 6th day

of March, 1903

Returnable ~~instanter~~ ~~Term, 190~~

Returned and filed ....., 190....

.....

Clerk.

By ....., *Deputy.*

MARSHAL'S FEES.

Services, - - - - - $.....

Miles, - - - - - $.....

Expense, - - - - - $.....

TOTAL, - - - $.....

D. N. Limbaugh & Bro.

Atoka, I. T.

Attorney for Plaintiff.

5762b5m10-02

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."

.....

U. S. Marshal.

By ....., *Deputy*

REPORT ON THE PRESENT STATUS OF THE KATURAH LEFLORE CASE.

There seems to be no controversy as to the facts in this case. L.C.Leflore,the husband of the petitioner,is a bona fide citizen of the Choctaw Nation,born in Leake Co.,Miss. It appears that he moved from Miss.to Texas,where he married the petitioner;that he lived in Texas eight years;that he then moved to the Choctaw Nation,Indian Territory,where by Act of Council (date not given) he and his three children therein named were admitted to citizenship. The name of his wife does not appear in said act.

The nation's defense to this action is the fact that Leflore was not a citizen of the Nation at the time of his marriage to petitioner;and therefore conferred no right of citizenship on her by said marriage. He acquired his citizenship subsequently by Act of Council;and only those named in the act acquired citizenship by it. It is to be noticed that the act names his three children, and confers citizenship upon them;and the presumption of law is that if the Council had intended to grant the right of citizenship to his wife,they would have named her also in said act. "Inclusio unius est exclusio alterius".

Now,if Leflore had been a single man when admitted by Council,and had afterwards married in accordance with the laws of the Choctaw Nation,that marriage would ipso facto have conferred citizenship upon his wife;for he would then have had a citizenship to confer. But she married him when he was not a citizen,and the Act of Council cannot be made to relate back to that time without express words to authorize it. The courts hold that a law cannot be retroactive in its operation,unless the intention of the legislature to make it so clearly appears from the act itself.

Waiving all the above,however,the marriage,whether solemnized before or after the passage of the act,was not such a marriage as could confer citizenship upon the petitioner;for it is admitted

that it was solemnized in the State of Texas,and not in accordance with the laws of the Choctaw Nations.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT, IN

THE INDIAN TERRITORY, AT SOUTH McALESTER.

KETURAH LEFLORE - - - - - - - - - - -PLAINTIFF.)

-VS- (PETITION FOR APPEAL.

CHOCTAW AND CHICKASAW NATIONS - - -DEFENDANT.)

Comes now your petitioner, Keturah Leflore, and states that she is a citizen of the Choctaw Tribe of Indians, by inter--marriage and entitled to be placed upon the rolls of the said tribe, or Nation of Indians, for the following reasons, to-wit;

That heretofore, to-wit; on the ___ day of _____, _____, she was duly and legally married to Louis C. Leflore a Choctaw Indian man, who was a Choctaw Indian By blood, and therefore petitioner became entitled to rights as a member, by inter-marraige, of the Choctaw Nation.

That heretofore, to-wit; on the ____ day of _____, 1896 she filed her petition before the Commission to the Five Civilized Tribes to be enrolled as an inter-married citizen of the Choctaw Nation and that on the 3rd day of December, 1896 she was advised by said Commission that they had rendered a judgement refusing to en--roll her as a citizen.

That afterward, to-wit; on the ____ day of _____, _____, your petitioner appealed from said judgement to the United States Court for the Central District of the Indian Territory, at South McAl--ester; that upon the 24th day of August, A.D. 1897 said United States Court for the Central District of the Indian Territory, at South McAlester, rendered a judgement admitting your petitioner to citi--zenship in the Choctaw Nation.

Your petitioner further shows that under an Act of Congress entitled " An act to ratify and confirm an agreement with the Choctaw and Chickasaw Tribe of Indians, and for other purposes" passed and approved July,Ist,I902, and ratified by the Choctaw and Chickasaw Tribe of Indians on the 25th day of September,I902, there was created a Court known as the Choctaw-Chickasaw Citizenship Court with full power and authority to hear and determine the rights f citizenship of what is commonly known as "Court Claimants"; that on the I7th day of December,I902, this Honorable Court, in pursuance of said authority, rendered judgement annuling and vacating all ~~citizenship~~ judgements in citizenship cases rendered by United States Courts in the Indian Territory on appeal from the decision of the Commission to the Five Civilized Tribes, and declaring the same to be null and void.

Your petitioner further shows that since said time she has in no manner forfeited her rights to be enrolled as a member of the Choctaw Tribe of Indians, by inter-marraige and that she is now entitled to be so enrolled.

W H E R E F O R E your petitioner prays an appeal to this Honorable Court from the said United States Court in the Central District of the Indian Territory, at South McAlester, and that an order be made by the Clerk of this Court commanding the Clerk of the said United States Court at South McAlester to transfer and certify to this Court all files, papers and proceedings as are on file in said Court, and that this Court shall docket said cause and proceed to hear and determine the same as if no judgement or decision had been rendered therein and your petitioner prays that upon a final hearing she be, by this Court, adjudged a member by inter-marraige of the Choctaw Nation or Tribe of Indians.

_____

By _____
Attorneys.

Keturah Leflore having been by me duly sworn sates on her oath that she is the above named petitioner and that the statements contained in the above and foregoing petition are true and correct.

_____

Subscribed and sworn to before me this the ____ day of _____ _____, A.D.1903.

_____
Notary Public.