

Witnesses

For Claimants

H. Bates	Caddo I.P.
N. E. Walker	Leake Co., Miss.
C. A. Bilbo	Caddo I.P.
John T. Boyd Sr.	
L. L. Blake	Admore.

For Nations

J. N° 36.

John T. Boyd, et al,

vs

Choctaw Nation.

N° 113.

Southern Dist. Court.

N°

Dawes Commission.

Question of Law.

- 1st. Were children included in act admitting mother.
- 2d. Was Boyd ever married to recognized Choctaw.
- 3d. Did Boyd "marry out."

Pass.  
W. O. B.



John T. Boyd, a white man was married to Anna Bilbo, in Mississippi, March, 4<sup>th</sup>, 1869.

Two children were born of said marriage { John T. Boyd Jr.  
Louis H. Boyd.

Mrs. Anna Boyd, specifically admitted by act of Choctaw Council, approved April, 8<sup>th</sup>, 1891. Act also includes the words "and their descendants."

Mrs. Anna Boyd died in Sept. 1893.

John T. Boyd, remarried in Mississippi, Mrs. A. E. Todd, presumably a white woman who is now also dead.

### Query.

1. Did Boyd ever remarry under Choctaw license after the admission by Anna Boyd.
2. When were John T. Jr. and Louis H. Boyd born.
3. Are the words "and their descendants" in the act to be construed as to include minors then living, descendants, irres-



pective of age, or children born after date of admission?



SUMMONS.

United States of America,

Indian Territory,

SS

Choctaw and Chickasaw Citizenship Court.

The President of the United States of America,

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

GREETING:

You are hereby Commanded to Summons Green McCurtain, Principal Chief of the Choctaw Nation, to answer on behalf of said nation, in twenty days after the service of this summons upon him, as Principal Chief of said Nation a complaint in Equity filed against the Choctaw and Chickasaw nation in the Choctaw and Chickasaw Citizenship Court, in the Indian Ter-

ritory, at Tishomingo, by John T Boyd et al

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

And you are further commanded to notify said Green McCurtain, Principal Chief aforesaid, that the papers, files and proceedings in the case of John T Boyd et al

File No. 113 in the District Court for the Southern District of the

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

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

has been attached thereto.

WITNESS the Honorable Spencer B. Adams, Chief Judge,

Walter L. Weaver and Henry S. Foote, Associate

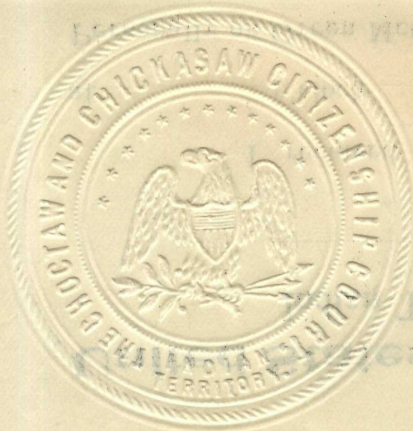
Judges, and the Seal thereof, at South McAlester,

Indian Territory, aforesaid, this 21

day of March A. D., 1903.

Gas B Bassada Clerk.

By Ed Berritt Deputy.





MARSHAL'S RETURN.

United States of America,  
Indian Territory,  
DISTRICT.

I received this summons this \_\_\_\_\_ of \_\_\_\_\_ A. D. 1903,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ m. and served same by copy, as follows:

Personally on Green McCurtain, at \_\_\_\_\_ Indian Territory,

This \_\_\_\_\_ day of \_\_\_\_\_, 1903, \_\_\_\_\_ m.

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

SUMMONS  
IN EQUITY.

*John T. Boyd et al*  
vs.  
Choctaw and Chickasaw Nations.

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

Marshal's Fees.

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

TOTAL \$.....

*Herbert Walker & Barnes*

Attorneys for Plaintiff.

*Admore*



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Aug. 1<sup>st</sup>, 1898

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I have this day forwarded copy of this application to Jefferson  
Walker, Principal Chief of the Choctaw Nation, by registered letter.

Respectfully submitted,

John T. Boyd, Sr.

The within of John T. Boyd, Sr.,

The said J. T. Boyd appears before me, the under-  
signed Notary Public, and swears that the facts set up in the affidavit  
are true and correct.

(Signed)

J. L. Koppeler,

Notary Public.



Caddo, I. T., Aug. 5", 1896

To the Hon. Dawes Commission:-

Gentlemen:-

I herewith make application to be enrolled as a citizen of the Choctaw Nation, Indian Territory, See Certified Copy of Act. No. 8 of the General Council of the Choctaw Nation, approved Apr. 8", 1891, admitting certain Mississippi Indians therein named to citizenship, and marked "Exhibit A"; Also see Article of the treaty of 1866.

I was the husband of ~~the said~~ Mrs. Anna Boyd at the time of the passage of said Act, and remained so until the time of her death in 1893, see enclosed affidavit of C. A. Bilbo and H. Bates, marked "Exhibit B".

Respectfully,

John T. Boyd, Sr.

I also ask that John T. Boyd, Jr. and Louis H. Boyd the only two lineal descendants of Mrs. Anna Boyd, mentioned in the above recited Act, be enrolled as citizens of said Nation, by blood.

I have this day forwarded copy of this application to Jefferson Gardner, Principal Chief of the Choctaw Nation, by registered letter.

Respectfully submitted,

John T. Boyd, Sr.

The written affidavit of John T. Boyd, Sr.,

The said J. T. Boyd ~~appears~~ appears before me, the undersigned Notary Public, and swore that the facts set up in the affidavit are true and correct, this the 5" day of August, 1896.

(Signed)

J. L. Reppoler,

Notary Public.



COMMISSIONERS.

Henry L. Dawes,  
Frank C. Armstrong,  
Archibald S. McKennon,  
Thomas B. Cabiness,  
Alexander B. Montgomery,

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes.

H. M. Jacoway, Sec'y.

Fort Smith, Ark., Dec. 2", 1896.

365.

John T. Boyd, Sr.,

John T. Boyd, Jr.,

Louis H. Boyd,

Filed Sept. 7", 1896. Answer Filed.

VS.

Application denied.

The Choctaw Nation

Caddo, I.T.

I, H. M. JACOWAY, JR., Secretary, do hereby certify that the above and foregoing is a true and correct copy of Choctaw Record C, page 244, of the Commission to the Five Civilized Tribes.

Given under my hand and official signature this

the 5" day of Feb'y, 1897.

(Signed) H. M. Jacoway, Jr.,

Secretary.

John B. Briggs, Clerk.

H. L. Wallace Seal.

The witness my hand at Fort Smith, Ark.,

(Signed)

J. L. Rogers.

Notary Public.



MARRIAGE BOND

THE STATE OF MISSISSIPPI.

LEAKE COUNTY.

Know all men by these presents. That we, John T. Boyd and Robert L. Wallace, of said County, are held and ~~bound~~ firmly bound unto the State of Mississippi in the sum of TWO HUNDRED DOLLARS, lawful money of said State, to which payment, well and truly to be made to the <sup>said</sup> State of Mississippi, we bind ourselves, our heirs, executors and administrators, each and every of us and them, jointly and severally by these presents.

SEALED with our seals, and dated this 1st day of March, eighteen hundred and sixty nine.

THE CONDITION OF THIS OBLIGATION IS SUCH, That, whereas, a marriage is shortly intended to be celebrated between the above bound John T. Boyd, and Anna Bilbo. Now, if there is no lawful cause to obstruct the said marriage, then this obligation to be void; otherwise to remain in full force and virtue.

SIGNED, sealed and delivered in presence of--

John T. Boyd Seal

John B. Grigsby, Clerk.

R. L. Wallace Seal.



State of Mississippi,

Leake County.

I, J. F. Bowie, Clerk of the Circuit Court in and for said County and State, do hereby certify that the above and foregoing Marriage Bond is a true and correct copy of the record of the Marriage Bond of John T. Boyd and Anna Bilbo, taken and subscribed to before John B. Grigsby, the then Clerk of the Probate Court of Leake County, Mississippi, as appears of record in my office.

Given under my hand and official seal this Sept. 24<sup>th</sup>, A. D. 1896.

SEAL.

F. P. Bowie, on the 4th day of March,

Circuit Clerk, John T. Boyd and Anna Bilbo.

that the said matrimony was performed in Leake County.

of the Gospel, duly authorized to celebrate the same, ceremony, etc.,

and that the said John T. Boyd and Anna Bilbo lived together as man and

wife after the said ceremony, and were not separated by any decree of the Court.

Witness my hand and official seal this Sept. 24<sup>th</sup>, 1896.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

N. E. Walker.

Witness my hand and official seal this Sept. 24<sup>th</sup>, 1896.

Subscribed and sworn to before me this Sept. 24<sup>th</sup>, A. D. 1896.

John T. Boyd

Anna Bilbo

J. F. Bowie

Circuit Clerk,

SEAL.

Leake County, Miss.

4



State of Mississippi,

Leake County:

SS.

Personally appeared before me, F. P. Bowie, Clerk of the Circuit Court in and for said County and State, N. E. Walker, well known to me, to be a reputable witness, who, being by me first duly sworn, deposes and says :--

That he is well acquainted with John T. Boyd and Anna Bilbo, and knew them prior to March 1st, 1869.

Affiant would state that on the 4th day of March, 1869, he was at the marriage of the said John T. Boyd and Anna Bilbo, that the rites of Matrimony was performed by R. E. Sherrell, a minister of the Gospel, duly authorized to celebrate the rites of matrimony, etc., and that the said John T. Boyd and Anna Bilbo lived together as man and wife after the 4th day of March, 1869.

This, Sept. 24", 1896.

N. E. Walker.

Subscribed and sworn to before me, this Sept. 24", A. D. 1896.

F. P. Bowie, Jackson,

SEAL.

Circuit Clerk, and Secretary,

Leake County, Miss.



An Act admitting certain Mississippi Indians to Citizenship .

Be it enacted by the General Council of the Choctaw Nation assembled, taht (Mrs. Anna Boyd, Mrs. Lena Sutherland, Mrs. Ozie Travis, Mrs. M. Williams, lately from the State of Mississippi, and full sisters of C. A. Bilbo, who has been heretofore admitted, and their descendants be, and they are hereby declared citizens of the Choctaw Nation.

Be it further enacted that this act take effect and be in force from and after its passage.

Approved: April 8th, 1891.

W. N. Jones,

P.C.C.N.

Filed in my Office this 8th day of April, A.D., 1891.

J. B. Jackson,

SEAL.

National Secretary

This is to certify that the foregoing is a true and correct copy of the Act of the General Council of the Choctaw Nation, now on file in my office at Tuska Humma.

Witness my hand and the great seal of the Choctaw Nation this the 20th day of April, A. D. 1891.

(Signed), J. B. Jackson,

SEAL.

National Secretary,

Choctaw Nation.



CADDO, I. T., AUGUST, 1896.

This is to certify that I am acquainted with John T. Boyd, Sr., and that he was the lawful husband of Mrs. Anna Boyd at the time of a ~~re~~ passage of a certain Act of the General Council of the Choctaw Nation approved April 8<sup>th</sup>, 1891 admitting certain Mississippi Indians to citizenship of said Nation; and that he remained her said lawful husband up to the time of her death in Sept., 1893.

I also know John T. Boyd, Jr., and Louis H. Boyd to be the only lineal descendants of the said Mrs. Anna Boyd mentioned in the above recited Act.

(SIGNED) H. BATES.

Subscribed and sworn to before me on this the 5<sup>th</sup> day of Aug., 1896.

(signed) J. L. Reppoler,

Notary Public.



Caddo, I. T., Aug. 5", 1896.

This is to certify that I am acquainted with John T. Boyd, Sr., and that he was the lawful husband of my sister, Mrs. Annie Boyd, at the time of the passage of a certain Act of the General Council of the Choctaw Nation, approved April 8", 1891, admitting certain Mississippi Indians therein named to citizenship of said Nation, and that he remained her said lawful husband up to the time of her death in 1893.

I also certify that I know John T. Boyd, Jr., and Louis H. Boyd to be the only two lineal descendants of Mrs. Anna Boyd, mentioned in said act, and that they are Choctaws by blood.

(Signed) C. A. Bilbo.

Subscribed and sworn to before me this the 6" day of Aug., 1896.

(Signed) J. L. Rappolen, John T. Boyd as an intermarried

Notary Public.

Notary Public,  
Master in Chancery.



John J. Bay & Son

V.

Chatham National

# 113

Notary Public

John T. Bayden, (Signed)

Subscribed and sworn to before me this 2nd day of Aug., 1888.

(Signed) C. V. Blyden.

mentioned in said act, and that they are Chosema by proxy.

H. Bay to be the only two trustees named of Mrs. Annie Bay.

I also certify that I know John T. Bay, Jr., and Annie

and said lawful husband up to the time of her death in 1888.

These trustees named to citizenship of said nation, and that he remained

was nation, approved April 8, 1881, submitting certain Massachusetts Ind-

time of the passage of a certain act of the General Council of the Groc-

and that he was the lawful husband of my sister, Mrs. Annie Bay, at the

This is to certify that I subscribed with John T. Bay, Jr.,

Cedro, I. T., on 2nd, 1888.



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

John T. Boyd, et al,

Vs. 113

Choctaw Nation.

The applicant herein, John T. Boyd, was duly and legally married to Annie Billbo in Mississippi March 4", 1869; that said Annie Billbo was a duly recognized member of the Choctaw Tribe of ~~Indians~~ Indians; that they moved to the Choctaw Nation in March, 1888 and have resided in the Indian Territory ever since. That as a result of said Union, there were born two children, John T. Boyd, Jr., and Lewis H. Boyd. All the applicants live in the Indian Territory. I therefore recommend that these applicants be admitted; John T. Boyd as an intermarried citizen and his two sons as citizens by blood, of the Choctaw Tribe of Indians by blood.

W. H. L. Campbell,

Master in Chancery.

Was a Choctaw Indian.

Was you ever related to her?

March 4", 1869, in Mississippi.



IN THE UNITED STATES COURT, IN THE INDIAN TERRITORY,

SOUTHERN DISTRICT, AT ARDMORE.

JOHN T. BOYD ET AL

No. 113 v.

Citizenship Case.

Choctaw Nation.

Q. After you moved to the Choctaw Nation, State what recognition was

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

Monday, Mch. 8<sup>th</sup>, 1897.

Appeared C. L. Herbert, Esq., for Plaintiffs.

Capt. John T. Boyd, being duly sworn, as a witness in behalf ~~xxx~~  
of the plaintiffs, testifies:-

Direct Examination by Mr. Herbert.

Q. Captain, your name is John T. Boyd?

Ans. Yes, sir, Senior, my son is the same initials.

Q. How many children have you?

Ans., Two. M. Williams, Choctaw, Chickasaw Nation, State of Mississippi, and

Q. Give their names.

A. John T. Boyd, Jr., and Lewis H. Boyd, both living in this town.

Q. How long have you lived in the Chickasaw Nation?

Ans., Since March, 1888, and settled in the Choctaw Nation that year.

Q. Who was the mother of your boys?

Ans. Mrs. Anna Boyd.

Q. What was her maiden name?

Ans., Billbo.

Q. Can you state whether or not she was a member of any Tribe of Indians?

Ans. Was a Choctaw Indian.

Q. When were you married to her?

Ans., March 4<sup>th</sup>, 1869, in Mississippi.

WITNESSED by me and the great seal of the Choctaw Nation, this the

10<sup>th</sup> day of April, A. D., 1897.

J. B. Jackson, National Secretary,

Choctaw Nation.

10



By Mr. Herbert :- We here introduce in evidence a certified copy of their marriage certificate.

Q. This marriage certificate was under and by virtue of which you and her were married ?

Ans., Yes, sir.

Q. After you moved to the Choctaw Nation, State what recognition was made by the authorities as to your wife ?

Ans. In April '91, we made application to the Choctaw Council at a call session to be recognized as citizens. They did so by special Act, naming my family and her sisters.

By Mr. Herbert :- We now offer this Act in evidence, which reads as follows:-

"An Act admitting certain Mississippi Indians to Citizenship.

Be it enacted by the General ~~Council~~ Council of the Choctaw Nation assembled, that Mrs. Anna Boyd, Mrs. Lena Sutherland, Mrs. Ozie Travis,

Mrs. M. Williams, Choctaws, lately from the State of Mississippi, and full sisters of C. A. Billbo, who has been heretofore admitted, and their descendants, be, and they are hereby declared to be citizens of the Choctaw Nation.

Be it further enacted that this Act take effect and be in force from and after its passage.

Approved: April 8th, 1891. W. N. Jones.

P.C.C.N.

Filed in my Office this 8th day of April, A.D., 1891.

J. B. Jackson,

Nat. Sec'y".

"This is to certify that the foregoing is a true and correct copy of the act of the General Council of the Choctaw Nation, now on file in my office at Taslika Humma.

WITNESS my hand and the great seal of the Choctaw Nation, this the 20th day of April, A. D., 1891.

J. B. Jackson, National Secretary,

L.S.

Choctaw Nation."



Q. After that were you recognized as an intermarried citizen ?

Ans., Yes sir:

Q. Your wife a citizen by blood ?

Ans. Yes sir:

Q. Do you know whether your name is upon the roll this Dawes Commission has been making up to turn over ?

Ans. I don't know definitely. When the enrolling committee were here last summer they enrolled me and my sons, and one of the Committee insisted on writing after my name "doubtful" and they left here that way.

Q. They were travelling around making up a list of the Choctaws ?

Ans., Yes sir.

Q. You went down to see them to get them to put your name --

Ans., Yes sir, only one of the committee wanted "doubtful" after my name.

Q. Did you see them write doubtful; they told you they were going to write "doubtful" ?

Ans. One of them did, Mr. Ensworth, who was a full cousin to my wife, was at the council, and I wrote him stating that the committee had written my name that way, and called his attention to it, and he wrote me back it wasn't, and give myself no further trouble, your name is on the roll, and will be when submitted to the Dawes Commission. I gave myself no further trouble about the matter.

Q. It is a fact, however, it wasn't on the roll when you made this application ?

Ans. No sir, my wife and two sons drew their annuities in '93.

Q. You married again ?

Ans. Yes Sir.

Mrs. Anna Boyd, whose name is mentioned in the act above referred to, was the wife of John T. Boyd, who died in 1893, in the town of Ardmore, Indian Territory. I was subsequently married in Mississippi to Mrs. A. E. Todd, and since then she has departed this life.

Witness excused.

Mr. L. L. Blake, a witness for the plaintiff, testifies:-

Direct Examination by Mr. Herbert:-



Q. Did you see that Choctaw Indian Commission, who were around making up the roll of citizenship?

Ans. Yes sir.

Q. Do you know how many kinds of rolls they made up?

Ans. They made up what is called three rolls. First, had blooded roll, second, intermarried citizenship roll, third, what is known as the doubtful roll, and the negro roll.

Q. Did you have any conversation with this Committee, or any members of it, concerning the status of Captain Boyd's claim?

Ans. I had; Judge Lewis.

Q. What roll was his name on?

Ans. Doubtful roll; they said.

Q. Said why?

Ans. Forfeited his right under second marriage.

Witness excused.

Case respectfully submitted.

Q. It is further alleged that the roll was made up by the committee of the Choctaw Indian Commission, who were around making up the roll of citizenship?

Ans. Yes, sir.

Q. The record said:

Ans. Yes, sir.

It is further alleged that the roll was made up by the committee of the Choctaw Indian Commission, who were around making up the roll of citizenship?

Ans. Yes, sir.

Witness excused.

13 Mr. E. L. Blake, a witness for the plaintiff, testifies:-

Direct examination by Mr. Herndon:-



John T. Boyd, et al.,

*December 21,*

vs. No. 113, Judgment, Southern District, ~~November 15,~~ 1897.

The Choctaw Nation.

At this time came on to be heard the report of the Master in Chancery in the above cause, filed herein June 23, 1897, .

And it appearing to the court from said Master's report and the evidence filed herein, that the applicant, John T. Boyd, Jr., and Louis M. Boyd are children of the said John T. Boyd and his wife, Anna Boyd and are therefore members of said Tribe by blood. And there being no ~~exceptions~~ ceptions to said report, it is considered, adjudged and decreed

by the court that the decision of the Commission of the United States to the Five Civilized Tribes denying the application of the Applicants for Choctaw citizenship, be and the same is hereby reversed; and the report of the Master in Chancery be and the same is hereby confirmed.

It is therefore considered, adjudged and decreed by the court that the applicant, John T. Boyd, is a member of the Choctaw Tribe of Indians by ~~blood~~ intermarriage, and that the applicants, John T. Boyd, Jr., and Louis H. Boyd are members of said Tribe of Indians by blood and that each of them are entitled to have their names enrolled as members of the Tribe of Choctaw Indians.

It is further adjudged and decreed by the court that the defendant, the Choctaw Nation, pay all costs in this behalf expended and incurred, for which let execution issue.

It ~~is~~ is further ordered by the court that this judgment be certified by the clerk of this court to said Commission of the United States to the Five Civilized Tribes for its observance. To which judgment of the court, the defendant, The Choctaw Nation, in open court duly excepted.



SUMMONS.

United States of America,

Indian Territory,

ss

Choctaw and Chickasaw Citizenship Court.

The President of the United States of America,

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

GREETING:

You are hereby Commanded to Summons P. S. Moseley, Governor of the Chickasaw Nation, to answer on behalf of said nation, in twenty days after the service of this summons upon him, as Governor of said Nation a complaint in Equity filed against the Choctaw and Chickasaw nation in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, at Sis hemingo, by John S Boyd et al and warn him that upon his failure as said Governor to answer on behalf of said nation, the complaint will be taken for confessed, and you will make return of the summons instanter;

And you are further commanded to notify said P. S. Moseley Governor aforesaid, that the papers, files and proceedings in the case of John S Boyd et al File No. 113 in the District Court for the Southern District of the Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that the certificate of the clerk of said court for said Southern District, Indian Territory, has been attached thereto.

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



Joe B. Leussora Clerk.  
By E. L. Berritt Deputy.



MARSHAL'S RETURN.

United States of America,  
Indian Territory,  
DISTRICT.

*John P. Boyd* Deputy,  
*John P. Boyd* Clerk.

I received this summons this 21 day of March 1903 A. D., 1903,  
at 11 o'clock m. and served same by copy, as follows:

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

This 21 day of March, 1903, 11 m.

WITNESS the Honorable Spencer B. Adams, Chief Judge,

By John P. Boyd Deputy.

the certificate of the clerk of said court for said Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that  
file No. 113 in the District Court for the Choctaw and Chickasaw District of the  
that the papers, files and proceedings in the case of John P. Boyd et al  
and you are further commanded to notify said P. S. Moseley, Governor aforesaid,  
complaint will be taken for confessed, and you will make return of the summons instanter;

*Copy*  
No. 36-T  
**SUMMONS**  
IN EQUITY.

John T. Boyd et al  
vs.  
Choctaw and Chickasaw Nations.

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

**Marshal's Fees.**

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

Herbert Walker & Cannon  
Attorneys for Plaintiff.  
Admore D.

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



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

Petition of parties plaintiffs, in an action in the United States Court  
for the Southern District of the Indian Territory, at Ardmore, styled,  
John T. Boyd et al., plaintiffs, versus Choctaw Nation, defendant, for an  
order and Writ of Error from this Court to said court for the said South-  
ern District of the Indian Territory, directing and commanding the trans-  
fer and certification of the files, papers, proceedings, records, and all  
matters and things pertaining thereto, in said action in said court to this  
court.

John T. Boyd et al., Plaintiffs,  
versus  
Choctaw Nation, Defendant.  
*and Chickasaw Nation*  
Number \_\_\_\_\_

Comes now the plaintiffs and petitioners herein, John T. Boyd, Jr., and  
Louis H. Boyd, and respectfully state to this Honorable Court, that pro-  
ceeding under an Act of Congress, of June the tenth, 1896, they filed a  
joint written application, and on to wit: the fifth day of <sup>10th</sup> ~~August~~ <sup>Sept.</sup>, 1896,  
with their father, who since the filing of said application has died, with  
the Commission to the Five Civilized Tribes, wherein they show that they  
and each of them are entitled to citizenship as members of the Tribe of  
Choctaw Indians and entitled to have their names enrolled as such upon  
the rolls of citizenship prepared by said Commission to the Five Civilized  
Tribes and as grounds for said application show:

That their mother Mrs. Anna Boyd, was a member of the Choctaw Tribe  
of Indians by blood, and duly admitted as such by General Council of  
the Choctaw Nation through its Act approved April 8th 1891, and that your peti-  
tioners are the direct lineal descendants of the said Anna Boyd.

That the application of said petitioners was, by the Commission to the  
Five Civilized Tribes, rejected, and none of them enrolled upon the rolls  
prepared by said Commission to the Five Civilized Tribes for said Nations.



That all of said persons herein set out have resided have resided in the Indian Territory continuously and do yet so reside.

And your petitioners after being rejected as aforesaid, by said Commission to the Five Civilized Tribes, in due time, perfected their appeal to the United States Court for the Southern District of the Indian Territory *wherein said case was duly docketed upon Indian Citizenship Act of said court styled John T. Boyd et al v. Choctaw Nation No. 413 and which said court in its judgment of December 2--1897, admitted the said* John T. Boyd, Jr., and Louis H. Boyd as members and citizens of the Choctaw Tribe of Indians by blood.

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

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

Arthur Walker Cannon  
Attorneys for Petitioners.

Louis H. Boyd, one of the parties petitioners in the above and foregoing petition upon his oath states that he is familiar with the matters and things therein set out and to his own personal knowledge the same is in all things correct and true.

Louis H. Boyd

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

(Seal)

J. R. Best  
Notary Public



John T. Boyd et al  
vs. plffs  
Choctaw Nation  
Defth.

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Petition for  
Writ of Error

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John T. Boyd et al  
vs. Choctaw Nation  
Defth.

(202)



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

John T. Boyd, et al,

vs. No. 36

Choctaw and Chickasaw, Nations,

Herbert, Walker and Cannon, attorneys for Plaintiffs.

Mansfield, McMurray & Cornish, for Defendants.

Present and presiding the Honorables Walter L. Weaver and  
Henry S. Foote, Associate Judges.

MAY 25, 1904. This day this cause coming on to be  
heard, both plaintiffs and defendants being represented by  
counsel and both having announced ready for trial, the follow-  
ing proceedings were had, to-wit:

CHARLES A. BILBO, being called as a  
witness on behalf of the plaintiffs, after being first du-  
ly sworn testified as follows:

DIRECT EXAMINATION.

Mr. Herbert:

Q.--State your name and residence to the Court?

A.--Charles A. Bilbo, Caddo, Indian Territory, Choctaw Nation.

Q.--Were you acquainted with Mrs. Anna Boyd during her life  
time?

A.--Yes sir, she was my sister.

Q.--Are you acquainted with Mrs. Lena Sutherland?

A.--Yes sir she was a sister of mine.

Q.--Were you acquainted with John T. Boyd, Jr. and Lewis Boyd?

A.--Yes sir, nephews of mine.

Q.--What relation did they sustain to Mrs. Anna Boyd?

A.--Children of hers.

Q.--How long have you lived in the Choctaw Nation?

A.--Since eighty-six.



Q.--You may state if you were readmitted by Act of the *Choctaw*  
Council after you came to the Choctaw Nation?

A.--Yes sir, 1887.

Q.--State if you know anything about the readmission of Mrs.  
Lena Sutherland and Mrs. Anna Boyd, was it before or sub-  
sequent to your re-admission?

A.--Ninety-one I think.

Mr. Herbert:

In that connection I want to offer these certificates,  
that they were identified with this man Bilbo.

Mr. Cornish:

Act admitting these boys.

Mr. Herbert:

Mother and sister. Offer them in evidence. Marked  
exhibit "A".

Q.--You stated your name is Charles A. Bilbo?

A.--Yes sir.

Q.--Duly enrolled as a Choctaw by blood by the Dawes Commis-  
sion?

A.--Yes sir.

Q.--And Mrs. Lena Sutherland is also enrolled?

A.--Yes sir.

Mr. Herbert:

We offer certificate of Mr. Marr, showing these facts.  
Marked Exhibit "B".

#### CROSS-EXAMINATION.

Mr. Cornish:

Q.--When did these boys move to the Territory?

A.--Eighty-eight.

Q.--They were here when the "Leased District" money was paid  
out?

A.--Yes sir.



Q.--Did they draw the Leased District money?

A.--Yes sir.

Mr. Cornish:

Have you any evidence of that fact.

Mr. Herbert:

That roll is at Muskogee.

Mr. Cornish:

Q.--Do you know of your own personal knowledge that they drew the Leased District money?

A.--Yes sir, I drew it for them.

JUDGE POOTE:

Q.--What relation are you to Captain Leflore?

A.--My mother was a first cousin of old Mrs. Leflore.

Q.--Son of William H. Bilbo?

A.--Yes sir.

Q.--Are ~~these~~ ~~these~~ ~~these~~ these girls, they were there when I was there in seventy-nine?

A.--Yes sir.

Q.--They were born there in Leake County?

A.--Yes sir.

Q.--Living?

A.--Two boys.

Q.--I mean the girls?

A.--No sir, died in ninety-two after the payment.

witness excused.

Mr. Herbert:

I introduce Mr. Boyd simply to show his relation to Mrs. Anna Boyd.

JOHN T. BOYD, JR/? being called as a witness in his own behalf testified as follows:

DIRECT EXAMINATION.

Mr. Herbert:



Q.--State your name and residence to the Court?

A.--John T. Boyd, Jr.

Q.--Where do you reside?

A.--Chickasha, Indian Territory .

Q.--Can you state how long you have resided in the Indian Territory?

A.--Since eighty-eight.

Q.--In what Nations have you resided?

A.--In the Chickataw and Chickasaw.

Q.--What relation are you to Mrs. Anna Boyd, the sister of Mr. C. A. Bilbo?

A.--She was my mother.

Q.--What brother or sisters have you?

A.--Only one, Lewis H. Boyd.

Q.--Where does he reside?

A.--Ardmore.

Q.--How long has he resided in the Territory?

A.--Since eighty-eight.

Q.--In the same Nations as yourself?

A.--Yes sir.

Q.--When did your mother die?

A.--September 24, 1893.

Q.--You may state if you know whether your mother and you and you and your brother drew the annuity money in ninety three?

A.--We did, drew it two weeks before her death.

Witness excused.

Mr. Herbert:

That is our case.

Mr. Cornish:

The Nations submit the case for the final decision of



the Court on that evidence. We have made an investigation and have found that the facts are as stated in the evidence.

JUDGE WEAVER:

The Court is of the opinion that the applicants are entitled to the decree as prayed for. Any question to any of the parties.

Mr. Cornish:

Just the two boys to the suit.

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

John T. Boyd, et al.,

vs.

No. 36.

Choctaw and Chickasaw Nations,

DECREE OF COURT.

On this 25th day of May, 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  
plaintiffs, John T. Boyd, Jr., and Louis H. Boyd or Lewis H.  
Boyd, are entitled to be declared citizens of the Choctaw  
Nation by blood, and to enrollment as such citizens, and to all  
the rights, privileges and immunities flowing therefrom.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that  
the petition of the plaintiffs, John T. Boyd, Jr., and Louis H.  
Boyd or Lewis H. Boyd, be granted, and that they be declared  
citizens of the Choctaw Nation by blood, and entitled to  
enrollment as such citizens, and entitled to all the rights,  
privileges and immunities flowing therefrom.

.....  
Chief Judge.

.....  
Associate Judge.

.....  
Associate Judge.