

J- No 41.

Watkins, Nannie, et al,

VA

Chickasaw Nation.

No 76.

Danbury Dist. Court.

No

Dawson Commission.

Question of Law.

Query.

1. Was Elizabeth Tyson, Chickasaw by blood.
2. Was marriage of 1865 according to Chick. Law.
3. Was Watkins marriage to Nannie Hignite with a Chickasaw license.
4. Is William R. Watkins living.

Pass.

W. H. W.

Witnesses

For Claimants.

C. W. Master (Mr or Miss)

Nations.



Nannie Watkins et al. } T. No. 41, Sov. Dist. No. 76.  
vs. Chickasaw Nation }

William R. Watkins, a white man, was in 1865 married to Elizabeth Tyson, an alleged Chickasaw Indian by blood, with whom he lived until her death in 1881.

Watkins then married Nannie Hignite, a white woman by whom he had five children:

Almorne Watkins  
Robert Watkins  
Grant Watkins  
Ben F. Watkins  
William Watkins

Application to Dawes Commission is for Nannie Watkins and the five white children.

Judgment of Dawes Commission not shown.  
All were admitted by judgment of U. S. Court,  
Sov. Dist., March, 10, 1898.

All included in petition for writ of error.

Query.

1. Was Elizabeth Tyson, a Chickasaw by blood.
2. Was marriage of 1865 according to Chickasaw Law.
3. Was Watkins marriage to Nannie Hignite under a Chickasaw license.
4. Is William R. Watkins living.



SUMMONS.

United States of America,

Indian Territory,

ss

Choctaw and Chickasaw Citizenship Court.

The President of the United States of America,

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

GREETING:

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

And you are further commanded to notify said Green McCurtain, Principal Chief aforesaid, that the papers, files and proceedings in the case of Nannie Watkins et al File No. 76 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 E. D. Beritt 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.

Mammie Watkins et al

vs.

Choctaw and Chickasaw Nations.

Summons issued \_\_\_\_\_ day of  
March, 1903. Returnable instant.

Marshal's Fees.

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

Leubetter & Blewsoe

Attorneys for Plaintiff.

Admire D.S.



~~XXXX~~  
Nannie Watkins et al. No 41.

- ✓ Nannie Watkins
- ✓ Almoreine Watkins
- ✓ Robert Watkins
- ✓ Grant Watkins
- ✓ Ben Watkins
- ✓ William Watkins

click reject



I N D E X.

Application to Commissi on	1
Answer of Chickasaw Nation	3
Master's report	5
Sffidavit of C. W. Masters	6
Judgment of U. S. Court	7



Vinita, I.T. August\_\_\_\_\_, 96.

To the Hon. Henry L. Dawes, Archibald McKennon, Frank Armstrong,  
Thos. B. Cabiness and A. B. Montgomery; Commissioners:

Your petitioners, hereinafter mentioned respectfully allege that they are citizens of the Chickasaw Nation and entitled to have thier names placed upon the roll of Chickasaw ccitizenship; that William R. Watkins, a white man and a citizen of the United States about the \_\_\_ day of \_\_\_\_\_, 1865 married Elizabeth Tyson and that under and by virtue of the laws and constitution of and the treaties made between the Choctaw and Chickasaw Nations and the Chickasaw Nations and the United States, the said W. R. Watkins by virtue of said marriage became entitled to all the rights, privileges and immunities of a native born Chickasaw Indian; that said Elizabeth Watkins died about the year 1881, and afterwards the said W. R. Watkins married Nannie Hignite, and in all respects complied with the laws of the Chickasaw Nation relating to the marriage of c itizens of the Chickasaw Nation with citizens of the United States, and that under and by virtue of said marriage the said Nannie Watkins became a citizen of the Chickasaw Nation and entitled to all the rights, privileges and immunities accorded to Chickasaw citizens by intermarriage under the laws and constitution of the Chickasaw N<sub>A</sub>tion, and that as a result of the marriage of the said W. R. Watkins and the said Nannie Hignite, five children were born whose names are as follows: Almorine Watkins, Robert Watkins, Grant Watkins, Ben F. Watkins and William Watkins, who are also citizens of the Chickasaw Nation.

Wherefore, your petitioners pray that their names be  
Chickasaw  
placed upon the rolls of citizenship and that they have all other relief to which they may be entitled.

Ledbetter & Bledsoe,  
Attorneys for Applicants.



I, Nannie Watkins, being duly sworn, on oath, state that the allegations in the foregoing application are true as I verily believe.

Nannie Watkins

Subscribed and sworn to before me this 13 day of August, 1896.

Tom H. Sturgeon,  
Notary Public.



BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nannie Watkins, et al.

v

Answer.

Chickasaw Nation.

Now comes the Chickasaw Nation by its attorneys, and without waiving any exception heretofore taken to the application filed in this cause, and without consenting to, but denying the jurisdiction of this Honorable Commission to pass upon a question of citizenship in the Chickasaw ~~nation~~ tribe of Indians, presents this its answer to the application of plaintiffs.

First: The Chickasaw Nation admits that Elizabeth Tyson, through whom these applicants claim, by virtue of the marriage of Wm. R. Watkins to the said Elizabeth Tyson, was a Chickasaw Indian by blood, and that she and the said Wm. R. Watkins married in 1866 and before the adoption of the treaty between the United States and the Chickasaw and Choctaw Indians known as the treaty of 1866.

Second: The Chickasaw Nation further admits that the said W. R. Watkins ~~was~~ resided in the Chickasaw Nation since 1866 except during a short time when he was a resident of the state of Texas.

Third: The Chickasaw Nation also admits that the said W. R. Watkins married the applicant Nannie Watkins in the year 18\_\_ in the Chickasaw Nation, Indian Territory, after having complied with the laws of the Chickasaw Nation regulating the issuance of marriage license and the execution thereof, and that said marriage by and between the said W. R. Watkins and the said Nannie Hignite, who was a citizen of the United States was made in accordance with the laws of the Chickasaw Nation.

Fourth: But the Chickasaw Nation denies that the said Nannie Watkins and the other applicants herein, the children of the second marriage of said W. R. Watkins are citizens of the Chick-

3



asaw Nation, and denies that the said W. R. Watkins had the right to confer citizenship upon his said second wife and the children of his said second marriage.

The Chickasaw Nation further denies that the said Nannie Watkins and the other applicants herein who are the children resulting from said marriage with the said Wm. R. Watkins are citizens of the Chickasaw Nation by blood or by intermarriage.

Chickasaw Nation,

By its Attorneys.

I, W. B. Johnson, attorney for the Chickasaw Nation, on oath state that the original answer in this cause was either lost or destroyed, and that the foregoing is a substantial copy of the original.

W. B. Johnson.

Subscribed and sworn to before me this 15 day of Aug. 1898.

Phil Barrett,

Notary Public.



Nannie Watkins, et al

vs

Master's Report

Chickasaw Nation,

To the Honorable Hosea Townsend, Judge.

In this case I find that Wm. Watkins was lawfully married to Elizabeth Tyson, whom I find from the evidence to be a Chickasaw Indian by blood. That after the death of the said Elizabeth Tyson, he married the second time, his second marriage being to Nannie Hignite, and that the issue of said marriage consisted of the children named in the application.

I find that said second marriage was performed according to the law of the Chickasaw Nation.

I therefore recommend the admission to citizenship in the said Chickasaw Nation, all of the applicants in this cause.

~~John Hinkle~~ Campbell

Master in Chancery.

I, W. B. Johnson, attorney for the Chickasaw Nation, on oath state, that the original masters report in this cause, was either lost or destroyed, and that the foregoing is a substantial copy of said original.

W. B. Johnson,

Subscribed and sworn to before me this 15 day of August 1898.

Phil Barrett

Notary Public.

(SEAL)

4-



Indian Territory,

Chickasaw Nation.

Before me on this day personally appeared C. W. Masters, who after being sworn, on oath says:

That she knew Betty Tyson's mother and knew that she passed as an Indian and lived in the Indian Territory when she knew her; that she knew Bettie Tyson when she attended school in Sherman, Tex. and she passed there as an Indian and was always understood to be an Indian; that she (Bettie Tyson) lived in the Indian Territory when she attended school in Sherman; that she always understood that Bettie Tyson's mother was a niece of Bob Love, who was an Indian by blood.

C. W. Masters.

Subscribed and sworn to before me this 1st day of Sept., 1898.

T. H. Sturgeon,

Notary Public.



Nannie Watkins et al.

Vs. No. 76 Judgment, Southern District March 10, 1898.  
Chickasaw Nation.

On this day this cause come on to be heard and after duly considerin the ~~xxxxxx~~ same, it appearing thatt he appl cants had complied with the law, and under the evidence, are entitled to be admitted to citizenship in the Chickasaw Mation.

It is hereby ordered, adjduged and decreed that the said Nannie Watkins, Almorine Watkins, Robert Watkins, Grabt Watkins, Ben Watkins, and William Watkins be and each of them are hereby adjudged to be citizens of the ~~xxxxxx~~ Chickasaw nation and to be enrolled as citizens thereof.

To all of which the Chickasaw nation excepts .



--: IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT :--

-0-

Nannie Watkins, et al,  
Plaintiffs,

vs.

Chickasaw Nation,  
Defendant.

--: P E T I T I O N :--

Now come the petitioners, Nannie Watkins, Almorine Watkins, Robert Watkins, Grant Watkins, Ben Watkins and William Watkins, and joined herein by all other applicants for citizenship in said cause, and respectfully show to the court:

That on the.....day of.....,1896, and within the time prescribed by the Act of Congress approved June 10, 1896, conferring jurisdiction in citizenship cases upon the Commission to the Five Civilized Tribes, petitioners herein filed their application with the said Commission to the Five Civilized Tribes for citizenship and membership in the Chickasaw tribe of Indians. That, in due course of time, said Commission heard said application, and rejected the same and denied the claim of the petitioners herein to citizenship in the Chickasaw Nation.

That thereafter, and within the time prescribed by law, petitioners herein appealed from the decision of the Commission to the Five Civilized Tribes to the United States Court for the Southern District of the Indian Territory, at Ardmore; said petition being styled, in said court, "Nannie Watkins, et al, vs. Chickasaw Nation, No.76".

That thereafter, in said United States Court for the Southern District of the Indian Territory, at Ardmore, a full, complete and final trial was had of the claim of petitioners herein to citizenship in the Chickasaw Nation; and that by the judgment and decree of said court, entered on the 10th day of March, 1898, petitioners herein were adjudged to be citizens of the Chickasaw Nation, and that petitioners herein, from and after said date, have been entitled to have their names enrolled on the official and final citizenship roll of the Chickasaw Nation by said Commission to the Five Civilized Tribes.



Petitioners further show that, by its judgment rendered on the 17th day of December, 1902, in a cause styled "The Choctaw and Chickasaw Nations or Tribes of Indians, plaintiffs, vs. J.T.Riddle, et al, defendants," this Court adjudged and decreed all the judgments and decisions of the United States Courts in the Choctaw and Chickasaw Nations, admitting persons to citizenship and enrollment as citizens of said Nations upon appeal from the Commission to the Five Civilized Tribes to be null and void, both as to the defendants named in said cause and all other persons claiming citizenship in the Choctaw and Chickasaw Nations by virtue of judgments rendered in the United States Courts for the Southern and Central Districts of the Indian Territory, under the Act of June 10, 1896.

Your petitioners state that they were not parties to said cause of "The Choctaw and Chickasaw Nations or Tribes of Indians, plaintiffs, vs. J.T.Riddle, et al, defendants," and are not bound by the judgment rendered therein; and that this Court had no power or jurisdiction, under the pleadings and evidence in said cause, to set aside or vacate the judgment of the United States Court for the Southern District of the Indian Territory, admitting them to citizenship in the Chickasaw Nation; and that said judgment of said United States Court for the Southern District of the Indian Territory is still in full force and effect.

But petitioners state that, in as much as this Court has entered its judgment and decree setting aside all the judgments of said United States Courts for the Southern and Central Districts of the Indian Territory, wherein persons not specially made parties thereto, but who were similarly situated to the defendants specially named in said suit of "The Choctaw and Chickasaw Nations or Tribes of Indians, plaintiffs, vs. J.T.Riddle, et al, defendants", and the said United States Commission to the Five Civilized Tribes is denying and will continue to deny the right of petitioners herein to be enrolled as members of said tribe of Indians, unless the files and proceedings in said cause No.76, styled "Nannie Watkins, et al, vs. Chickasaw Nation", in said United States Court for the Southern District of the Indian Ter-



ritory, at Ardmore, be certified and sent to this Court for further proceedings herein, and unless this Court should by its decree finally determine and adjudge said petitioners to be citizens and members of said Chickasaw Nation, said Commission will refuse to enroll them as such citizens:---

NOW, THEREFORE, said petitioners, still insisting upon their rights as members of said tribe and the validity and finality of said judgment of the United States Court for the Southern District of the Indian Territory admitting them to citizenship, and without waiving any of the rights adjudged and decreed to belong to them and conferred upon them by law under and by virtue of said judgment of the United States Court for the Southern District of the Indian Territory, said petitioners most respectfully pray that an order be made, in the nature of a writ of error or otherwise, directing the Clerk of the United States Court for the Southern District of the Indian Territory, at Ardmore, to certify and deliver to this Court all files, papers, documents, evidence and proceedings had in said cause No. 76, styled "Nannie Watkins, et al, vs. Chickasaw Nation", heretofore pending in the United States Court at Ardmore; and that all proper and necessary writs, citations and otherwise be issued by the Clerk of this Court for service upon the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation, in order that said cause may be fully and completely transferred and lodged with this Court, and for all proper and lawful proceedings therein.

*Rodger T. Bleck*

Attorneys for Petitioners.



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

Nannie Watkins, et al,

vs. No. 41.

Choctaw and Chickasaw Nations.

Ledbetter and Bledsoe, Attorneys for Plaintiffs.

Mansfield, McMurray & Cornish/ for Defendants.

Present and presiding the Honorable Henry S. Foote,  
Associate Judge.

May 27, 1904. This day this cause coming on to  
be heard, defendants being represented by counsel, and  
the following proceedings were had-to-wit:

JUDGE FOOTE:

This cause was duly called on this the 27th day of  
May 1904. The plaintiffs in this cause and their attor-  
neys, mess. Ledbetter and Bledsoe, not appearing in Court  
at the hour of one thirty, P. M., at which time the case was  
set for trial, and said parties being duly called by the  
baliff of this Court to come into court, came not, and it  
further appearing from the statement of the Clerk of this  
Court, Mr. James B. Cassada, that at the request of H. S.  
Foote, Judge presiding, he had notified Mr. Ledbetter of  
counsel prior to the calling of the cause that the case would  
be called at the said hour of one thirty, P. M., and the  
said Ledbetter having informed said Cassada that he had  
nothing to offer or did not intend to appear in said cause,  
and there being nothing before the court to hear in their  
behalf, said cause was closed as to the taking of testimony  
on behalf of the plaintiffs, subject to the further order  
of this court.



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

Nannie Watkins, et al.,

vs.

No. 41.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this            day of            , 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, Nannie Watkins, Almorine Watkins, Robert Watkins,  
Grant Watkins, Ben Watkins, and William Watkins, 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, Nannie Watkins, Almorine Watkins,  
Robert Watkins, Grant Watkins, Ben Watkins and William Watkins,  
be denied, and that they be declared not citizens of the  
Chickasaw Nation, and not entitled to enrollment as such  
citizens, and not entitled to any rights whatever flowing  
therefrom.

.....  
Chief Judge.

.....  
Associate Judge.

.....  
Associate Judge.



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 Ter-

ritory, at Cishomingo, by Mamie Watkins 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 Mamie Watkins et al File No. 76 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.

Jas B Bassada Clerk.  
By E L 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 P. S. Moseley, at \_\_\_\_\_ Indian Territory,  
This \_\_\_\_\_ day of \_\_\_\_\_, 1903, \_\_\_\_\_ m.

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

the certificate of the clerk of said court for said \_\_\_\_\_ District, Indian Territory,  
Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that  
File No. \_\_\_\_\_ in the District Court for the \_\_\_\_\_ District of the  
that the papers filed and proceedings in the case of \_\_\_\_\_

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

Copy

No. 41-5

SUMMONS  
IN EQUITY.

Mannie Watkins et al

vs.

Choctaw and Chickasaw Nations.

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

Marshal's Fees.

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

Leabetter + Bledsoe

Attorneys for Plaintiff.

Admire J. S.

Choctaw and Chickasaw Citizenship Court.

Indian Territory,

United States of America,

SUMMONS.