

Nº 64.

Preston Early, et al.,

vs

O. & C. Nations

Nº

Central Dist. Court.

Nº

Powers Commission.

See Zora P. Lewis Case.

Continued until decision  
is rendered in Zora P.  
Lewis case, 9/29/03.



SUMMONS.

*Duplicate*

United States of America, )

INDIAN TERRITORY, )

Choctaw and Chickasaw Citizenship Court. )

SS:

The President of the United States of America,

Northern

To the United States Marshal for the Indian Territory, 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,

by *Preston Early et al* and warn him that upon his failure to answer, ~~the~~

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

~~first day of next~~ instanter,

~~Term of said Court~~

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

*Preston Early et al* File No. 101 in the District  
Court for the *Civil* District of the Indian Territory, have  
been transferred to the Choctaw and Chickasaw Citizenship Court, and that  
the certificate of the Clerk of said Court, for said *Civil*  
District, Indian Territory, has been attached thereto.

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

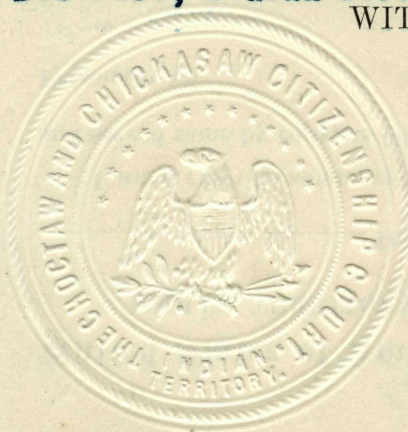
WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal

thereof, at South Mc Alester, I.T., aforesaid,

this 19 day of March, A. D. 1903.

By *James B. Cassada*, Deputy.

Clerk.





## 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

No. *64-m*

SUMMONS  
IN EQUITY.

*Preston Ealey et al*  
vs.

*Choctaw & Chickasaw*  
*Nations*

Summons issued the *19* day  
of *March*, 190*3*

Returnable *instant* Term, 190\_\_\_\_

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

Clerk.

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

## MARSHAL'S FEES.

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

*Ealey & Lewis*  
*S. M. Lewis* Attorney for Plaintiff.



Preston Earley et al  
No 64

choctaw-Denied

---

- + Preston Earley,
- + Joseph M. Edwards,
- + Samuel Pryor,
- + H. C. Robert,
- + George W McKibbin or McKibben
- + Sherman Tabor
- + George Clark or Clerk
- + Gus Adams

J. Denied



SUMMONS.

*Supplicat*

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. Mosley, Governor of  
the Chickasaw Nation,

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

Governor of said Nation,  
a complaint in Equity filed against The Choctaw and Chickasaw Nations,

in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, S. McAlister  
by Preston Easley et al and warn him that upon his failure to answer, ~~the~~  
as said Governor, 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~~ instant, ~~Term of said Court~~  
and you are further commanded to notify said P.S. Mosley, Governor  
aforsaid, that the papers, files and proceedings in the case of

Preston Easley et al, File No. 101, in the District  
Court, for the Civil District of the Indian Territory, have  
been transferred to the Choctaw and Chickasaw Citizenship Court, and  
that the certificate of the Clerk of said Court for said Civil  
District, Indian Territory, has been attached thereto.

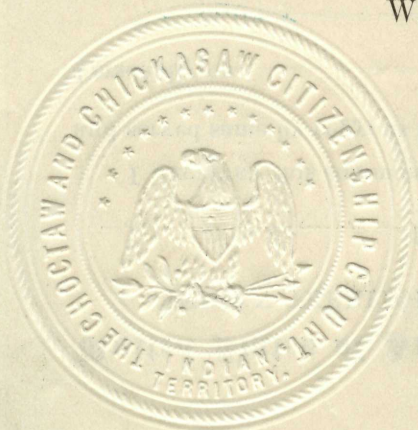
WITNESS the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L.

WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal  
thereof, at S. McAlister S.T., aforsaid,

this 19 day of March, A. D. 1903

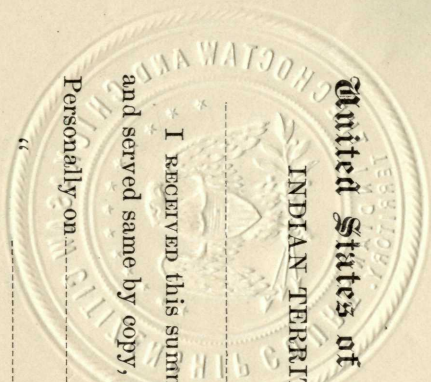
By James B. Canada, Deputy.

Clerk.





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

34437  
DUPLICATE.

No. 64-m

SUMMONS  
IN EQUITY.

*Oriston Easley, et al*  
vs.  
*Choctaw & Chickasaw Nations*

Summons issued the 19 day  
of March, 1903

Returnable instant Term, 190\_\_\_\_

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

Clerk.

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

MARSHAL'S FEES.

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

*Easley & Lewis*  
*So m & Lewis* Attorney for Plaintiff.



IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT,

Sitting at South McAlester, Indian Territory.

*Preston Earley*  
~~Joseph P. Lewis~~, et. al. ---petitioners

---VS---

The Choctaw Nation and  
Chickasaw Nation or  
Tribes of Indians  
..... } --Respondents

PETITION FOR APPEAL.

Your petitioners, Preston Earley, Joseph M. Edwards, Samuel Pryor, H. C. Roper, George W. McKibbin, Sherman Tabor, George Clark and Gus Adams, represent that they are of right citizens of the Choctaw Nation and members of the Choctaw Tribe of Indians, but that their rights, privileges and citizenship in the Choctaw Nation are denied by the lawful authorities of the Choctaw Nation.

Your petitioners state that they, together with others, on the 9th. day of September, 1896 filed their petition according to law before the Commission to the Five Civilized Tribes, commonly known as the Dawes Commission, asking that they be enrolled as members of the Choctaw Tribe of Indians.

That thereafter said Commission acted upon the said petition and refused to enroll your petitioners as members of the Choctaw Tribe of Indians.

That from the said decision of the said Commission your petitioners, together with others, appealed to the United States Court for the Central District of the Indian Territory at South McAlester, within the proper time and according to law.

That thereafter said Court rendered judgment on said appeal affirming the said decision of the said Commission and denying to petitioners their right to be enrolled as members of the Choctaw Tribe of Indians.



That said cause was, in said Court, styled Zora P. Lewis, et. al.-----  
VS-----The Choctaw Nation, and numbered 101 on the Citizenship Dock-  
et of said Court.

Wherefore:

your petitioners pray an appeal from the United States Court for the Central District of the Indian Territory, at South McAlester to this Honorable Court, and that a writ of error be issued according to the law directing the clerk of the United States Court for the Central District of the Indian Territory, at South McAlester, to transmit to the Clerk of this Court all the records, together with the original files of all papers in this cause, and that summons be issued and directed to the Choctaw and Chickasaw Nations or Tribes of Indians, according to law, to the end that this cause may be reviewed by this Honorable Court, and that justice may be done your petitioners. And your petitioners will ever pray.

*Harley Lewis*  
Attorneys for petitioners.



IN THE CHOCTAW AND CHICKASAW CITIZENSHIP  
COURT, SITTING AT SOUTH McALESTER, SEP-  
TEMBER TERM, 1903.

Preston Early, et al, ..... Plaintiffs

vs.

The Choctaw Nation and the  
Chickasaw Nation, ..... Defendants.

MOTION TO MAKE MORE DEFINITE AND CERTAIN.

Come now the Choctaw and Chickasaw Nations, by Mansfield,  
McMurray & Cornish, their attorneys and move this Honorable Court  
to require plaintiffs, Preston Early, et al, to make their appli-  
cation for admittance and enrollment, filed before the Commission  
to the Five Civilized Tribes, under the Act of June 10, 1896,  
more definite and certain in this:

That they be required to state:

FIRST: Whether they, or any or all of their alleged  
ancestors, through whom they claim the right to be admitted and en-  
rolled, as citizens of the Choctaw Nation complied with article  
fourteen of the treaty of 1830, between the United States and the  
Choctaw Nation; and if any or all so complied, by whom such com-  
pliance was made and how; and

SECOND: Whether they or any or all of their alleged  
ancestors emigrated to the Choctaw Nation, Indian Territory  
with the Choctaw Indians residing in the old Choctaw Nation in the  
State of Mississippi in accordance with the provisions of article  
three of said treaty of 1830, and if so the name or names of  
the person or persons so emigrating.

THE CHOCTAW NATION  
THE CHICKASAW NATION

BY

ATTORNEYS.



THE CHICKASAW NATION  
THE CHOCTAW NATION

the person or persons so designated.  
 rules of 1831 to 1830, and it is the name of names of  
 State of Mississippi in accordance with the provisions of article  
 with the Choctaw Indians residing in the old Choctaw Nation in the  
 accordance with the Choctaw Nation, Indian Territory

SECOND: That they of any or all of them alleged  
 justice was made and now, and  
 Choctaw Nation; and it is so combined, by whom such com-  
 bination of the treaty of 1830, between the United States and the  
 rolled, as citizens of the Choctaw Nation combined with article  
 ancestors, through whom they claim the right to be admitted and en-  
 titled: That they of any or all of them alleged

That they be admitted to state:

more definite and certain in this:

to the State of Mississippi, under the act of June 10, 1830,

section for evidence and enrollment, filed before the Commission  
 to receive the Choctaw Nation, to make the  
 National & County, they, attorneys and more this Honorable  
 Come from the Choctaw and Choctaw Nations, by

*Prison Early*  
*C. E.*

MOTION TO HAVE MORE DEFENDANTS AND COUNSEL

Choctaw Nation, ..... Defendants  
 The Choctaw Nation and the

42

Prison Early, et al, ..... Defendants

THE CHICKASAW NATION  
 COURT, SITTING AT SOUTH HOUSTON, SEP-  
 IN THE CHOCTAW AND CHICKASAW NATIONS



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

Preston Early, et al,-----Plaintiffs,  
vs.

The Choctaw Nation and  
The Chickasaw Nation,-----Defendants.

D E M U R R E R .

Come now the Choctaw and Chickasaw Nations and demur to the  
petition for citizenship filed by plaintiffs and for cause state that it  
does not state facts which, if true, would warrant this Honorable Court  
in admitting them as citizens of the Choctaw nation.

The CHOCTAW NATION,

The CHICKASAW NATION,

By \_\_\_\_\_  
Their Attorneys.

Indian Territory,  
SS.  
Central District.

I, W. H. Moore, on my oath, state that on this day  
10th day of September, 1903, I mailed a copy of the above demurrer to  
Messrs. Harley & Lewis, plaintiffs' attorneys of record.

Subscribed and sworn to before me this \_\_\_\_\_ day of September, 1903.

\_\_\_\_\_  
Notary Public.



Monthly Bulletin

Subscribed and sworn to before me this \_\_\_\_\_ day of September, 1903.

Witness: Harvey S. Lewis, District Attorney of Leokoy.

10th day of September, 1903, I mailed a copy of the above mentioned to  
I, W. H. Moore, on my own, where sent on this day

County District

Indian Territory, ss.  
Inquis "ellysoly, ss."

They Afforded

BY

Democracy

Preston Early, et al,  
as  
b. ob. Nations

DEMONSTRATE

The Chickasaw Nation, and  
The Choctaw Nation and

as.

Preston Early, et al, and

NOVEMBER, INDIA TERRITORY, SEPTEMBER, 1903.  
IN THE CHOCTAW AND CHICKASAW CITIES, WHERE COME, STANDING AT SOUTH



Preston S. Early, et al,

vs. No. 64.

The Choctaw and Chickasaw Nations.

February 4, 1904.

Mr. Harley:

Same case.

JUDGE ADAMS:

59, 58 and 64, the same.

Mr. Harley:

Yes sir. Testimony will be indántical and  
questions will be identical.



In the Choctaw and Chickasaw Citizenship Court, sitting at  
Tishomingo, Indian Territory. December Term, 1904.

Preston Early, et al.,

vs.

No. 64.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this 3rd day of December, 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, Preston Early, Joseph M. Edwards, Samuel Pryor, H. C. Roper, George W. McKibbin or McKibben, Sherman Tabor, George Clark or Clerk, and Gus Adams, are not entitled to be deemed or declared citizens of the Choctaw 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, Preston Early, Joseph M. Edwards, Samuel Pryor, H. C. Roper, George W. McKibbin or McKibben, Sherman Tabor, George Clark or Clerk and Gus Adams, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom.

.....  
Chief Judge.

.....  
Associate Judge.

.....  
Associate Judge.