

No. 70.

George H. Cook

vs

Charles Nation

No. 169.

Central Dist. Court

No.

Davis Commission

Admitted

Witnesses.

For Claimants.

George Nelson-----

Wilburton

Gibson Ballist-----

Wister

George Nelson-----

For Nations.

Frank Battles-----

Gowan, Jr.

South McAlester, Indian Territory, March 18, 1903.

Honorable James W. Culberson,
Leflore, Indian Territory.

Dear Mr. Culberson:

One George H. Cook is an applicant for admission to citizenship by intermarriage in the Choctaw Nation; and his case is now pending before the Choctaw-Chickasaw citizenship Court.

We understand the facts to be, that in 1892, near Leflore, Indian Territory, he married, according to Choctaw laws, one Mary M. McCurtain, a full blood Choctaw Indian; that thereafter there was a separation, and that a divorce was granted to the wife.

Upon receipt of this letter we will thank you to kindly write us fully such information as you have relative to this separation and the names of other persons in that community who have a knowledge of the facts.

You will understand that under the laws of the Choctaw Nation if the conduct of the husband was such as that the marriage relation could not be continued in harmony or if the husband abandoned the wife he thereby forfeited his citizenship; and such question will arise and will have to be decided by the Court at this time.

It is for the purpose of intelligently presenting the

J. W. C. #2.

matter to the Court, with a view of protecting the interest of the Choctaw and Chickasaw Nations, that we desire this information and we await your early reply and thank you in advance for the same.

For your convenience in replying there is enclosed herewith a self addressed stamped envelope.

Very truly yours,

NY

NYEQ

Choctaw Nation.

JAMES CULBERSON,
National Attorney.

Leflore, I. T.,

3/25

190...

Mansfield M. Murray & Carnish
Sirs:

I myself knew nothing of the facts in the case of George H. Cook who is an applicant for Inter-married rights and of whom you wrote me some time ago but think possibly some one here may know something of the case and will inquire and let you know result seen.

At the time this divorce was granted Cook and his family lived west of Wilbusten about four miles and possibly you might get information by writing to Frank Battles Ex-County Judge Gaives Co at Wilbustee.

Yrs
James Culbertson
Leflore
I.T.

South McAlester, Indian Territory, March 26, 1903.

Mr. Frank Battles,

Wilburton, Indian Territory.

Dear Sir:

One George H. Cook is an applicant for admission as a citizen by intermarriage of the Choctaw Nation in a case now pending before the Choctaw-Chickasaw Citizenship Court.

We understand the facts to be that in 1892 he married, according to Choctaw law, one Mary M. McCurtain, a full blood Choctaw Indian; and that thereafterwards there was a separation and that a divorce was granted the wife.

Upon receipt of this letter we will thank you to kindly write us fully such information as you have relative to the separation and the names of other persons who have a knowledge of the facts.

You will understand that under the law of the Choctaw Nation if the conduct of the husband was such that the marriage relations could not be continued in harmony or if the husband abandoned the wife he thereby forfeited his citizenship, and such questions will arise and will have to be decided by the Court at this time.

It is for the purpose of intelligently presenting the matter to the Court with a view of protecting the interest of the Choctaw and Chickasaw Nations that we desire

FB-2

this information and we await your early reply and thank you
in advance for the same.

For your convenience in replying we herewith
enclose a self addressed stamped envelope.

Yours very truly,

1
2
3
4
5
6

I saw Judge Louis Battles of Lawan in the
best, best case. He says that he knows nothing
about it.

Geo. H. Cook, Case

27

28

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Geo. H. Cook, inter-married; divorced.

Wilburton, I.T.

Witness: S.E. Lewis.

#

SUMMONS.

Duplicate

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, Northern District,

GREETING:

YOU ARE COMMANDED TO SUMMONS *Green Mc Curtain, 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. Mc Alester*

by *George N. Cook et al* and warn *him* that upon *his* failure to answer, ~~the~~

as said Principal Chief, on behalf of said Nation, 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

George N. Cook et al, File No. *169* in the District Court for the *Central* District of the Indian Territory, have been transferred to the Choctaw and Chickasaw Citizenship Court, and that ~~and~~ the certificate of the Clerk of said Court for said *Central* District, Indian Territory, has been attached thereto.

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

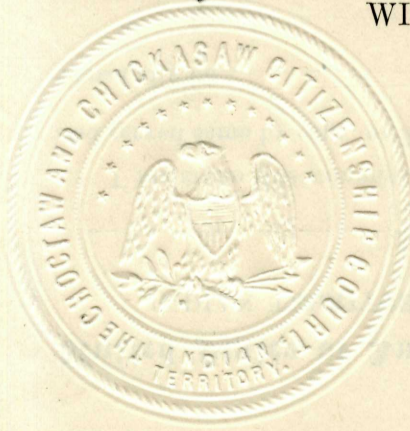
WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal

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

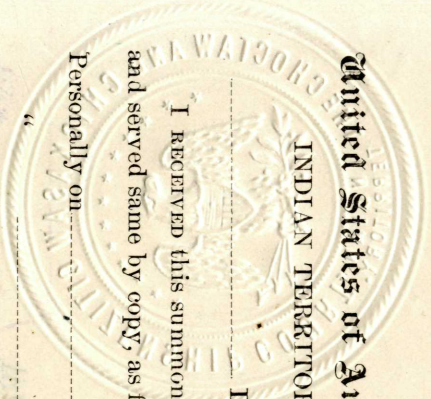
this *19th* day of *March*, A. D. 190*3*

James B. Cassady
Clerk.

By _____, Deputy.



MARSHAL'S RETURN.



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

I received this summons this _____ day of _____, A. D. 190____, at _____ o'clock _____ m. and served same by copy, as follows:

Personally on	at	Ind. Ter. this	day of	190____	o'clock	m.
"	at	Ind. Ter. this	day of	190____	o'clock	m.
"	at	Ind. Ter. this	day of	190____	o'clock	m.
"	at	Ind. Ter. this	day of	190____	o'clock	m.
At Residence of	at	Ind. Ter. this	day of	190____	o'clock	m.
"	at	Ind. Ter. this	day of	190____	o'clock	m.
"	at	Ind. Ter. this	day of	190____	o'clock	m.
"	at	Ind. Ter. this	day of	190____	o'clock	m.

With a member of defendant's family over 15 years of age there residing.

And the other persons named in this Summons are "not found in this District."

By _____, Deputy
U. S. Marshal.

No. 70-M
SUMMONS
IN EQUITY.

George H. Cook et al
vs.
Christian of Chisaman
Natives

Summons issued the 19 day
of March, 1903

Returnable instantly Term, 190____

Returned and filed _____, 190____

Clerk.
By _____, Deputy.

MARSHAL'S FEES.

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

Wm. Castilian
Attorney for Plaintiff.
So. Inc. District J. T.

2010

SUMMONS.

Duplicate

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,

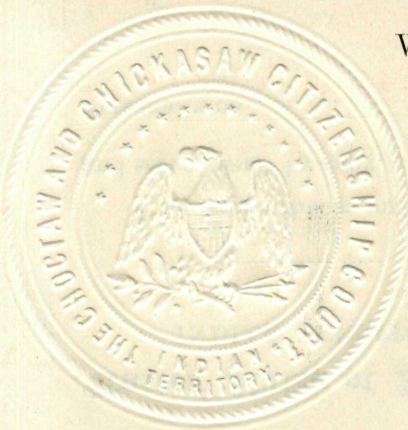
GREETING:

YOU ARE COMMANDED TO SUMMONS: P.S. Mosley, Governor of
the ~~Choctaw~~ Chickasaw Nations

on behalf of said Nation,
to answer, in twenty days after the service of this summons upon him, as
Governor of said Nation,
a complaint in Equity filed against The Choctaw and Chickasaw Nation,

in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, Some Austin
by George N. Cook 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 instanter. Term of said Court
and you are further commanded to notify said P.S. Mosley, Governor
aforesaid, that the papers, files and proceedings in the case of
George N. Cook et al, File No. 169, in the District
Court, for the Central 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 Central
District, Indian Territory, has been attached thereto.

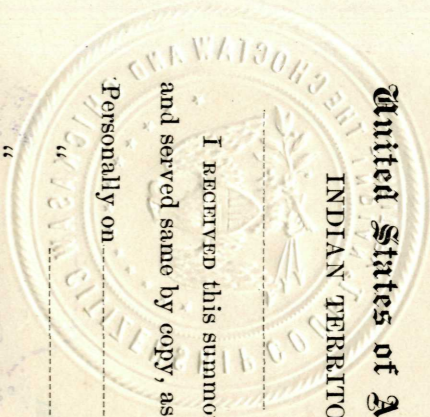


WITNESS the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L.
WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal
thereof, at Some Austin, aforesaid,
this 19 day of March, A. D. 1903

James B. Cassada
Clerk.

By _____, Deputy.

MARSHAL'S RETURN.



United States of America,
INDIAN TERRITORY,
District.

ss:

I RECEIVED this summons this day of, A. D. 190..., at o'clock m.
and served same by copy, as follows:

Personally on at Ind. Ter. this day of 190..., o'clock m.
 " at Ind. Ter. this day of 190..., o'clock m.
 " at Ind. Ter. this day of 190..., o'clock m.
 " at Ind. Ter. this day of 190..., o'clock m.
 " at 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 Ind. Ter. this day of 190..., o'clock m.
 " at Ind. Ter. this day of 190..., o'clock m.

With a member of defendant's family over 15 years of age there residing.
And the other persons named in this Summons are "not found in this District."

By Deputy

U. S. Marshal.

DUPLICATE.

No. *70-m*

SUMMONS
IN EQUITY.

George H. Coon et al
vs.
Chodain & Chisawun Nations

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

Returnable *instantly* Term, 190...

Returned and filed, 190...

Clerk.

By, Deputy.

MARSHAL'S FEES.

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

Wm Castigan
Attorney for Plaintiff.
S. M. Clarke J.T.

(2)

Choctaw Nation all his costs herein laid out and expended for which
let execution issue.

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Geo. H. Cook,

vs. No. 169. Judgment, Central District, July 13, 1897.

Choctaw Nation.

On this 13th. day of July 1897, this cause came on to be heard in open court, and one of the regular judicial days of the April 1897 term of court, both plaintiff and defendant announced ready for trial and the court having heard the evidence finds that the plaintiff Geo. H. Cook is a citizen and member of the Choctaw Nation by intermarriage, he having haretofore benn, legally and in compliance with the laws of the Choctaw nation, married to a Choctaw woman by blood, and the court further finds that this plaintiff was, by the duly constituted authorities of the Choctaw Nation, placed upon the last rolls of the members and citizens of the Choctaw Nation and that his name now ap ears upon the last compiled roll of said Nation as a member and citizen of said Nation by inter-marriage.

It is therefore ordered, adjudged and decreed by the court that the plaintiff Geo. H. Cook is a citizen and member, by inter-marriage, of the Choctaw Nation, and entitled to all the rights, privileges, benefits and immunities in said Nation as such inter-married citizen and member.

It is further ordered, adjudged and decreed by the court that the defendant, Choctaw Nation, recognize said rights, privileges, benefits and immunities to their full extent, and recognize and treat said Geo. H. Cook as such citizen and member of the Choctaw Nation in all respects.

It is further ordered and dedreed by the court that the clerk of this court transmit a certified copy of this Judgment to the Commission to the Five Civilized Tribes, and that said Commission place the name of the plaintiff Geo. H. Cook upon the roll pre ared or to be prepared by them of the members and citizens of the Choctaw Nation.

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It is further ordered and decreed by the court that the plaintiff Geo. H. Cook have and recover of and from the defendant

Before the Hon. The Commission to the Five Civilized Tribes.

In the matter of the application of Geo. H. Cook
for enrollment as a member of the Choctaw Tribe of Indians. } Petition for Enrollment.

Comes now your petitioner, Geo. H. Cook, and makes this his application to be enrilled as a member of the Choctaw tribe of Indians, and as grounds for this application says:

That he is 49 years old, and that up to the 24th day of August, 1892 he was a citizen of the United States:

That on said 24th day of August, 1892, near Leflore, I.T., County of Sugar Loaf, Choctaw Nation, Ind. Ter., he was lawfully married, according to the laws of the Choctaw Nation governing the intermarriage of citizens of the United States with native Choctaw Indians, to Mary Ann McCurtain, a full blood Choctaw Indian, and an acknowledged and recognized member of the Choctaw tribe of Indians as such;

That he has never abandoned his said wife, nor remarried, although his said wife abandoned him, and has gotten a divorce from him;

That he has lived continuously in the Choctaw Nation, Ind. Ter., since his said marriage, and now resides in Gaines County, Choctaw Nation, Indian Territory.

That he is recognized by the Choctaw Nation as an intermarried man and votes regularly in Choctaw elections.

That the Choctaw Nation has not enrolled him as a member of the Choctaw Tribe of Indians.

That your petitioner has two minor children by his said wife, namely: Lucy Jane Cook, born March 6, 1893, and Thos. Walker Cook, born Sept. 1st, 1894. That your petitioner's elder child, Lucy Jane Cook, participated in the Choctaw payment of 1893, known as the Lease District payment of the United States to the Choctaw Tribe of Indians, and drew one hundred and three dollars, the per capita that each Indian received.

Wherefore, the premises considered, your petitioner prays that he be enrolled as a member of the Choctaw Tribe of Indians, and that his said minor children be also enrolled if their names do not appear on the rolls by act of the Choctaw Nation.

Geo. H. Cook.

Geo. H. Cook, the above petitioner, being duly sworn, says that the matters and things set forth and contained in the above and foregoing petition are true.

Geo. H. Cook.

Subscribed and sworn to before me this---day of Aug. 1896

Wm. G. Baird, Notary Public.

My Commission expires Mar. 10th, 1896.

Before the Hon., The Commission to the Five Civilized Tribes.

In matter of the application of Geo. H. Cook for enrollment as a member of the Choctaw Tribe of Indians.

Affidavit of Geo. Nelson

The affiant, Geo. Nelson, says he is a full blood Choctaw Indian, and an acknowledged and recognized member of the Choctaw Tribe of Indians, as such; that he is 25 years old, and a resident of Gaines County, Choctaw Nation, Indian Territory.

The affiant further says that he is personally and well acquainted with Geo. H. Cook, who is an applicant for enrollment as a member of the Choctaw tribe of Indians.

That said Geo. H. Cook was a citizen of the United States when he married his former wife, Mary Ann Cook, nee Mary Ann McCurtain;

That affiant has known said Mary Ann Cook, nee Mary Ann McCurtain all her life; that she is a full blood Choctaw Indian, and an acknowledged member of the Choctaw tribe of Indians as such; and is about 22 years of age.

That the said Geo. H. Cook has never abandoned his said wife, Mary Ann Cook, nee Mary Ann McCurtain, nor remarried since his said marriage with her, although the said Mary Ann Cook abandoned her said husband and has obtained a divorce from him.

That the said Geo. H. Cook has resided continuously in the Choctaw Nation, Ind. Ter., since his said marriage to his said former wife, Mary Ann Cook, and now resides in Gaines County, Choctaw Nation, Ind. Ter.

That the said Geo. H. Cook is recognized by the Choctaw Nation as an intermarried man, and is allowed to vote in Choctaw elections; and affiant knows of his own knowledge that said Geo. H. Cook does and has voted in Choctaw elections.

That said Geo. H. Cook has two minor children by his said marriage, namely: Lucy Jane Cook and Thos. Walker Cook.

George Nelson.

Subscribed and sworn to before me this 27th day of Aug., 1896.

Wm. G. Baird,
Notary Public.

My Commission expires Mar. 10, 1897.

Central District, }
Indian Territory. }

Before the Hon. The Commission to the Five Civilized Tribes.

In the matter of the application of)
Geo.H.Cook, for enrollment as a member)Affidavit of Gibson Battiest.
of the Choctaw Tribe of Indians.)
)

The affiant, Gibson Battiest, says he is a full blood Choctaw Indian and an acknowledged and recognized member of the Choctaw Tribe of Indians as such; and that he is a regularly ordained minister of the Gospel; that he is---years old, and a resident of Sugar Leaf County, Choctaw Nation, Ind. Ter.

Affiant further says that he is personally well acquainted with Geo.H.Cook, who is an applicant for enrollment as a member of the Choctaw tribe of Indians.

That on the 24th day of August, 1892, near Leflore, in the County of Sugar Leaf, Choctaw Nation, Indian Territory, affiant united in marriage, according to the laws of the Choctaw Nation governing the intermarriage of citizens of the United States with native Choctaw Choctaw Indians, the said Geo.H.Cook, then a citizen of the United States, and Mary Ann McCurtain, a Choctaw Indian;

That affiant has known the said Mary Ann Cook, nee Mary Ann McCurtain, all her life; and that she is a full blood Choctaw Indian, and an acknowledged and recognized member of the Choctaw Tribe of Indians as such.

Gibson^{his} Battiest.
mark.

Subscribed and sworn to before me this 24th day of August, 1896.

James Culberson,

County Clerk,
Sugar Leaf County, Choctaw Nat.

Choctaw Nation,
Sugar Loaf County.

To any person authorized by law to solemnize marriage.

You are hereby commanded to solemnize the rite and publish the bans of matrimony between Mr. George H. Cook and Miss Mary A. McCurtain according to law, and officially sign and return this license to the parties named therein.

Witness my hand and official seal this 15th day of August, 1892.

R. C. Welch,
County Clerk.

I, Gibson Battiest, a minister, do hereby certify that on this 24th day of August, A.D., 1892, I did duly and according to law solemnize the rites of matrimony between the parties therein named.

Witness my hand this 24th day of August, 1892

24, 1892.

Gibson Battiest.

Akres 24, 1892.

(he is full blood Choctaw)

Witness

James Darden

H.H. Leflore.

Commissioners.

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

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes.

H.M. Jacoway, Secretary.

Fort Smith, Arkansas, Dec. 1, 1896

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George H. Cook et al
v
Choctaw Nation.

} Filed Sept. 5, 1896. Answer filed.
} Admit George H. Cook as an intermarried citi-
} zen. Lucy Jane Cook and Thomas Walker Cook
} as citizens by blood admitted.

Rutherford & Jackson Whitefield.

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 210, of The Commission to the Five Civilized Tribes.

Given under my hand and official signature this
the 6th day of Feb'y, 1897.

H.M. Jacoway, Jr.,
Secretary.

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IN THE UNITED STATES COURT FOR THE CENTRAL DISTRICT OF THE INDIAN
TERRITORY, AT SOUTH MCALESTER.

Geo. H. Cook, Plaintiff,

vs

The Choctaw Nation, Defendant.

The Choctaw Nation, your petitioner, represents that heretofore, to-wit, on the ___ day of -----1896, Geo. H. Cook who was then a white man, and not a Choctaw Indian, presented his claim to the Dawes Commission to be admitted as a citizen of the Choctaw Nation; and thereafter on the ___ day of December, 1896, said Dawes Commission, by its order, admitted said Geo. H. Cook to citizenship in the Choctaw Nation.

That said Geo. H. Cook based his claim to citizenship upon the fact that he had married -----a Choctaw Indian by blood. But your petitioner represents that said right was forfeited by divorce.

Wherefore, your petitioner makes this its appeal, and prays that the order of the Dawes Commission admitting said Geo. H. Cook to citizenship be set aside, and that he may be declared by this Court to be a non-citizen of the Choctaw Nation.

Wm. M. Cravens,

Stuart, Gordon & Hailey,

Attorneys for Choctaw Nation.

Application to Commission	1
Affidavit of Gibson Battiest	3
Marriage License	4
Marriage certificate	4
Judgment of Commission	5
Petition for Appeal	6
Judgment U. S. Court	7

BEFORE THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT, SITTING AT
SOUTH MC ALESTER, CENTRAL DISTRICT, INDIAN TERRITORY.

.....

PETITION OF APPEAL

.....

George H. Cook,-----Appellant,

vs

Choctaw and Chickasaw Nations,-----Appellees.

Your petitioner, George H. Cook, respectfully shows to the court that on the 24th day of August, 1892, he was a citizen of the United States of America residing in the Indian Territory; that on the 15th day of August, 1892 he filed with the County Judge of Sugar Loaf County, Choctaw Nation, a petition in proper form, signed by ten citizens of the Choctaw Nation by blood, asking that he be granted a license to marry Mary Ann Mc Curtain who was then and there a citizen of the Choctaw Nation, registered and enrolled as such; and that thereupon license was granted this petitioner by R. C. Welch who was the duly qualified and acting Clerk of the County Court of Sugar Loaf County, Choctaw Nation permitting petitioner to intermarry with the said Mary Ann Mc Curtain; and that on the 24th day of August, 1892, your petitioner was duly and legally married according to the laws and customs of the Choctaw Nation, by Gipson Battiest, a minister of the Gospel, to the said Mary Ann Mc Curtain.

That your petitioner at all the times aforesaid, and continuously since the date of his said marriage has been residing and now resides near Alleson in the Choctaw Nation, Indian Territory

That on the 5th day of Sept. 1896, petitioner filed

with the Commission to the Five Civilized Tribes his application for the enrollment of himself as an intermarried citizen of the Choctaw Nation, for the enrollment of his children, Lucy Jane Cook and Thomas Walker Cook, issue by his said marriage with Mary Ann Mc Curtain, as aforesaid, as citizens by blood.

That on the 1st day of Dec. 1896, the said Commission admitted your petitioner to citizenship as an intermarried citizen of the Choctaw Nation, and his said children as citizens by blood of the Choctaw Nation.

That on the 1st day of Feb. 1897, the Choctaw Nation filed its appeal from the decision of said Commission as to this petitioner; that said appeal was duly filed in the United States Court for the Central District of the Indian Territory sitting at South McAlester and was docketed as George H. Cook vs the Choctaw Nation and numbered 169.

That on the 13th day of July, 1897, said case appealed and numbered as aforesaid, was duly heard and considered by said court and a judgment rendered in favor of petitioner, admitting him to citizenship in the Choctaw Nation by intermarriage.

Wherefore your petitioner respectfully prays that this Honorable court issue its writ of error to the United States Court for the Central District of the Indian Territory, commanding it to transmit all the papers and records filed in said case to this court, for such other and further action in the premises as may be right and proper, and for such other orders and decrees as your petitioner may be entitled to and that upon final hearing your petitioner be ordered enrolled as an intermarried citizen of the Choctaw Nation.



Attorney for Petitioner.

UNITED STATES OF AMERICA
INDIAN TERRITORY
CENTRAL DISTRICT

GEROGE H. COOK, the Petitioner, who being first duly
sworn on his oath states that the matters and things set forth
in the above and foregoing petition are true.

George H Cook

Subscribed and sworn to before me this 9th day of March, 1903.

B. F. Morman

Notary Public.



George H Cook
Appellant

Christaw^{rs} and Christensen
Utens appellees

Petition for Appeal

Copy

W. Cortigan
for Appellant

IN THE CHOCTAW & CHICASAW CITIZENSHIP COURT.

IN RE

GEORGE H. COOK,

VS.

CHOCTAW NATION.

Comes now the plaintiff in the above styled matter and moves the Court to continue this cause until about the 1st day of December 1903, for the following reasons, to-wit,

That Wm. Costigan was employed as attorney for plaintiff and had the preparation of this cause for trial in charge. That plaintiff was not informed of the death of the said Wm. Costigan until it was too late for him to secure counsel and prepare for trial on the date for which this cause is set.

That the business matters of Mr. Costigan were by his wife turned over to Arnote & Eubanks and that they were not informed that this cause was pending before this Court until upon the day the same was set down for trial. Immediately after they learned of the cause they begun correspondence to locate plaintiff, his whereabouts being unknown to Mrs. Costigan and to Arnote & Eubanks.

That at the time plaintiff received the notice of the case being set for trial he was physically unable to attend to the matter and has not been able to come here to attend to the same until on the 1st of Oct. 1903.

That plaintiff's witnesses are at a distance from here and he can not procure their attendance on the day set for the trial hereof. That the minister who performed the marriage ceremony between plaintiff and his wife is now somewhere in Red River County near Doaksville and at a distance from any rail road. That the father his wife who was a witness to the ceremony and who knows the plaintiff never abandoned his wife is at Allison, Ind. Ter., and the plaintiff is neither physically or financially able to secure the attendance at this Court on the date for which this cause is set for trial.

Geo H Cook

Sworn to and subscribed before me this
2nd day of October 1903.

J C Humphrey

Notary Public.

Arnote & Eubanks
Attys.

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

OCTOBER TERM 1908 . . .

George H. Cook Plaintiff.

vs. No. 70

Choctaw & Chickasaw
Nations Defendants.

D E M U R R E R .

Come the Choctaw and Chickasaw Nations by
Mansfield, McMurray & Cornish, their attorneys,
and D E M U R to the application of the plaintiff
herein for citizenship by intermarriage in the
Choctaw Nation and in support of such demurrer state
that the plaintiff does not set forth facts suf-
ficient to entitle him to such citizenship by
intermarriage.

THE CHOCTAW NATION

THE CHICKASAW NATION

BY _____
ATTORNEYS . .

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT,
SITTING AT SOUTH McALESTER.
NOVEMBER TERM 1903.
No. 70.

=====

GEO. H. COOK,

vs

DEMURRER.

CHOCTAW AND CHICKASAW NATIONS.

COME now the Choctaw and Chickasaw Nations, by Mansfield, McMurray & Cornish, their attorneys, and DEMUR to the application, or petition, of plaintiff, filed herein, for the reason that the same does not state facts sufficient, if true, to warrant this Honorable Court in enrolling him as a member of the Choctaw nation.

THE CHOCTAW NATION

THE CHICKASAW NATION.

By _____

Attorneys.

INDIAN TERRITORY,

ss.

CENTRAL DISTRICT.

I, W. H. Moore, on my oath state that I this day mailed a copy of the foregoing demurrer to plaintiff's attorney of record.

Sworn to and subscribed before me this ___ day of _____

1903.

Notary Public.

IN THE CHOCTAW AND CHICASAW CITIZENSHIP COURT.

GEO. H. COOK, PLAINTIFF,
VS.

THE CHOCTAW & CHICASAW NATIONS, DEFENDANTS.

Comes now the plaintiff in the above styled matter and moves the Court to hold open and continue this cause for the reasons hereinafter stated and for the production of the evidence herein set forth:-

That plaintiff before coming to Court at this time arranged with Joshua McCurtain, the father of plaintiff's wife, to come here to attend Court and paid to him the said McCurtain, money to defray his expenses on the trip and the said McCurtain agreed to meet plaintiff here for the purpose of this trial. That the said witness has not appeared nor has he notified plaintiff of any reason for his so doing. That plaintiff expects to have him present to give evidence in this matter within a short time from this date.

That the said McCurtain if present will swear that he is the father of the said Mary Ann McCurtain, wife of plaintiff, that she was married to plaintiff at the home of the said Joshua McCurtain, that said ceremony was duly performed by Gibson Baptist, a Choctaw Minister; that plaintiff lived with his said wife and never did desert her, or abandon her in any way. That this plaintiff has since his said marriage with the said Mary Ann Cook been recognised as a citizen of the Choctaw Nation, and that the said Mary Ann Cook is dead.

Arate Eubank

I, Geo. H. Cook, do solemnly swear that the matters and things set forth in the foregoing motion are true.

Sworn to and subscribed before me this 13th day of November 1903.

Clerk.

Clerk.

day of November 1903.

Sworn to and subscribed before me this 13th

are true.

I, Geo. H. Cook, do solemnly swear that the mat-

ters and things set forth in the foregoing motion

Geo. H. Cook

Mary Ann Cook is dead.

as a witness of the Choctaw Nation, and that the said marriage with the said Mary Ann Cook been recognized in any way. That this plaintiff has since his said his said wife and never did desert her, or abandon her eldest, a Choctaw Minister; that plaintiff lived with that said ceremony was duly performed by Gibson plaintiff at the home of the said Johnus McGurstein, Christain, wife of plaintiff, that she was married to swear that he is the father of the said Mary Ann McGurstein. That the said McGurstein if present will this date. evidence in this matter within a short time from that plaintiff asks to have him present to give

Geo H Cook
vs
Geo H Johnson

of any reason for his so doing. meet the said McGurstein here for the purpose of this trial. of plaintiff with Johnus McGurstein, the father of plaintiff before coming to Court at his time. To come here to attend Court and said McGurstein, money to defray his expenses of the said McGurstein, the father of plaintiff. Plaintiff before coming to Court at for the purpose of the evidence herein set forth:-- matter and moves the Court to hold open and continue

comes now the plaintiff in the above styled

THE CHOCTAW & CHICKASAW NATIONS, DEMANDANTS.

vs.

Geo. H. Cook, Plaintiff.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP
COURT, SITTING AT SOUTH McALESTER, NOVEMBER TERM, 1903.

George H. Cook, Plaintiff.

vs. November 13, 1903.

C. & C. Nations, Defendants.

ARNOTE AND EUBANKS, for plaintiff.

M. M. & C. for Nations.

JUDGES WEAVER AND FOOTE, PRESENT.

EUBANKS:

We are ready except one witness.

WEAVER:

Do you know why he is not here

EUBANKS:

No sir.

FOOTE:

Desire to proceed at far as you can.

Eubanks.

Yes sir.

GEORGE H. COOK, being called as a witness in his own
behalf took the stand.

DIRECT EXAMINATION BY MR. EUBANKS.

Q. What is your name?

A. George H. Cook.

Q. Are you the plaintiff in this cause?

A. Yes sir.

Q. By what right do you claim citizenship?

A. By marriage.

Q. Marriage to whom?

A. Mary E. McCurtain.

Q. When were you married to your wife?

A. August 92, 24th of August.

Q. Do you know whether she was a member of the Choctaw Nation?

A. Yessir.

CORNISH:

At this point we desire to interpose the objection which we have heretofore made, and the manner of proof which we have urged should be accepted and accepted only in cases of this character. We have some private information as to the facts in this case, but without reference to what the facts are we shall ask that the questions conform to law, and that the right of this person, if he have a right be proven by competent evidence. That in cases where persons are claiming before this court as citizens by intermarriage, there are three requisites, and three only. The first requisite is was or is the person through whom he claims the right to be admitted as an intermarried citizen, a duly enrolled and recognized citizen of the Choctaw Nation. Second, did you comply with the tribal laws of the Choctaw Nation. Third, has the relation thus formed continued to this time without interruption or being forfeited, and that any testimony which does not bear upon these three essentials is incompetent and should not be considered. Addressing myself
As to his compliance with the tribal laws, particularst requisite, we urge that the court should hear and try this case under the rules of evidence. As to the first requisite as to whether this woman was a Choctaw, there is just one way by which this can be proven, and that is by the record.

RUBANKS:

Offer certified copy of the "Leased District payment roll, certified to by Tams Bixby, Chairman of the Commission to the Five Civilized Tribes, marked "Exhibit A".

RUBANKS:

Then also original license and certificate of marriage, marked Exhibit "B".

Q. If your wife now living?

A. No sir.

Q. Did you ever desert or abandon your wife?

A. No sir.

Q. Never at any time?

A. No sir.

CROSS-EXAMINATION BY MR. CORNISH:

Q. When did you marry this woman?

A. Married her 24th day of August 92.

Q. Had you been married prior to that time?

A. Yes sir.

Q. To whom had you been married prior to that time?

A. Been married ~~x~~ to a Smith. A woman named Smith.

Q. Where did you marry her?

A. Sebwestain County.

Q. Arkansas?

A. Yessir.

Q. When did you marry her?

A. Married her in 84.

Q. Was she dead at the time you married this woman?

A. Yes sir.

Q. Live with her until her death?

A. Yes sir.

Q. Had you been married at any other time?

A. Yes sir.

Q. To whom had you been married prior to your marriage with the Smith woman?

A. Woman by the name of Belle Dickson.

Q. Where did you marry her?

A. Arkansas.

Q. What county?

A. Don't know as I can tell you.

A. Yes sir I am. Know the county seat. Salem is the county seat.

Q. Her name was Belle Dickson?

A. Yes sir.

Q. In what year .

A. Some time in 70.

Q. Living or dead?

A. Dead.

Q. Were you living together as husband and wife at the time she died?

A. Yes sir.

Q. Lived with her continuously from your marriage until her death.

A. Yes sir.

Q. Had you been married at any other time?

A. Yes sir.

Q. Who did you marry.

A. Married to Rebecca Lane.

Q. Where did you marry her?

A. Missouri.

Q. In what year?

A. 67.

Q. That was your first marriage?

A. Yes sir.

Q. Is she living or dead?

A. Living.

Q. Divorced from her?

A. Yes sir.

Q. Then where and on what exact date were you married to her?

A. Third of July, 67.

Q. In what County in Missouri?

A. Laclede.

Q. How long did you live with her?

A. Nine or ten years.

Q. Where was the divorce granted dissolving the bonds of matrimony between you and this woman?

A. Cameron County.

Q. Now what was the name of this Indian woman you married?

A. Mary Ann McCurtain.

Q. What was the name of her father?

A. Joshua McCurtain.

Q. Joshua McCurtain living?

A. Yes sir.

Q. Where does he live?

A. Blue County, Choctaw Nation.

Q. What was the name of her mother?

A. Don't know.

Q. How long did you live with her?

A. Something over four years.

Q. Is she living or dead?

A. Dead.

Q. Live with her up until the time of her death?

A. No sir.

Q. There was a separation between you?

A. Yes sir, she went away, I staid at home.

Q. Where did she go?

A. She went to the District Court.

Q. What did she go there for?

A. Went there and applied for a divorce.

Q. What did she allege as grounds for divorce?

A. Cannot tell you.

Q. Did she procure a divorce?

A. Yes sir.

Q. Did she remarry?

A. Yes sir.

Q. After her divorce from you she re-married?

A. That is what I learned.

Q. And then died?

A. Yes sir.

Q. You have been remarried since your marriage to this Indian

A. No sir.

Q. How living as a widower?

A. Yes sir.

Q. Have any children by her?

A. Two.

Q. Living with you?

A. Yes sir.

Q. Have these children been enrolled by the Commission to the Five Civilized Tribes and enrollment been approved?

A. Cannot tell you about approval.

Q. Have you been notified for them that their names have been placed upon the approved roll in order that you might select their lands.

A. No answer.

Q. You have not selected the lands of these children?

A. Yes sir.

Q. Have not been to the land office at Atoka or Tahlequah?

A. No answer.

Q. You make the selection?

A. Yes sir, but cannot file.

CORNISH:

The Nation suggest at this time that the only competent evidence of the enjoyment by the deceased wife of her status is record evidence within this court at this time of the adjudication by the Commission to the Five Civilized Tribes and the Honorable Secretary of the Interior of the status of the children, who were the children of the women. In order to be frank we will state that the children of this woman are enrolled, but that the only competent evidence of the status of the mother, is record evidence of the adjudication of the status of her children.

Witness excused.

EUBANKS:

We offer certificate of the Commission to the Five Civil-

ized tribes. Marked Exhibit "C".

RUBANKS:

Q. Do you know any reason why your wife went away?

A. No sir, nothing more than that I was quite an old man, and she didn't seem to be satisfied. The young people would talk to her and devil ~~xxx~~ her about me being old.

Q. Did you treat her as a husband should his wife?

A. Yes sir.

Q. About what time was it she went away?

A. It was about six or seven years ago, in March.

witness excused.

RUBANKS:

We next offer in evidence certificate of Gibson Battieste, sworn to before James Culberson, County Clerk of Sugar Loaf County, Choctaw Nation on the 24th day of August, 1896, marked Exhibit "D".

CORNISH:

The Nations object to the introduction of the affidavit of Gibson Battieste, and in support of such objection state that it is not such an affidavit as could have been made use of before the Commission to the Five Civilized Tribes, second that it is a part of a void proceeding had before the Commission to the Five Civilized Tribes to which both Nations were necessary and interested parties and to which only the Choctaw Nation was served and made a party, third for the reason that the person who made the affidavit has not been shown to be dead, fourth that the substance of such affidavit is not competent, not bearing upon the essential issues in this case.

MR. COOK recalled, in his own behalf, took the stand.

DIRECT EXAMINATION BY MR RUBANKS.

Q. Mr. Cook were you within the boundaries of the Choctaw Nation when the divorce in the Choctaw Court was obtained by your wife from yourself?

A. Yes sir.

Q. State to the Court why you did not appear and answer that complaint?

A. The reason I did not appear was I had the two children and no one to take care of them, and the little one was sick and I could not on account of the children being sick.

Q. Did you appear during that term of Court?

A. Yes sir.

Q. What was done with this case by the time you got to Court?

A. She had done procured a divorce and her to claim the children, and I went to court to deliver them ~~in~~ into her possession.

witness excused.

GEORGE NELSON, a witness on behalf of plaintiffs, next took the stand.

DIRECT EXAMINATION BY MR. EUBANKS.

Q. What is your name?

A. George Nelson?

Q. Where do you live?

A. South McAlester.

Q. Do you know George H. Cook?

A. Yes sir.

Q. You knew his wife?

A. Yes sir.

Q. Did you know them when they were living together as husband and wife?

A. Yes sir.

Q. Where was that?

A. Wilburton, I. T.

Q. How far did you live from them at that time?

A. About four or five blocks.

Q. Do you know anything about their relations, how he treated his wife?

A. I went to his house several different times, and it was all right, I didn't see anything wrong.

Q? You say them together?

A. Yes sir.

Q. You say them together pretty d ten?

A. Yes sir.

Q. He treated her in a kind and affectionate manner?

A. Yes sir.

CROSS-EXAMINATION BY MR. CORNISH:

Q. How far did you live from these people?

A. Five or six blocks.

Q. Q. In the town of Wilburtojn?

A. Yes sir.

Q. The time of the seperation?

A. Yes sir.

Q. Who are you speaking about?

A. George Cook.

Q. What is the name of his wife?

A. Don't know.

Q. Know who she was?

A. McCurtain, understood.

Q. Have children?

A. Yes sir, two children.

Q. You know the circu stances under which they seperated?

A. No sir, do not.

Q. You don't know whose fault it was or under what circumstance

A. No sir.

Witness excused.

_____ MARSHAL, being called as a witness for the
plaintiff, took the syand.

DIRECT EXAMINATION BY MR. RUBANKS.

Q. Mr. Marshall do you know Mr. Cook?

A. Yes sir.

Q. Do you know of his marriage to maryAnn McCurtain?

A. Vez sir. at his wedding.

Q. See the ceremony performed?

A. Yes sir, saw the ceremony performed. It was in Choctaw, Indian interpreted it.

Q. Who performed the ceremony?

A. Batteste, the preacher Gibson Batteste.

Witness excused.

EUBANKS:

We want to present particularly a little further evidence as to his treatment of his wife, and for that purpose I have prepared a motion to hold this case up to introduce the witness Joshua McCurtain, the father of his wife.

WEAVER:

He was to be here today.

EUBANKS:

Yes sir.

WEAVER:

If we should postpone it you had not better depend upon his coming without a subpoenae.

EUBANKS:

He promised to be here on yesterday.

"Reads motion for continuance".

The particular part of the evidence we want to introduce is that he gave no cause for divorce.

WEAVER:

Have any objections.

CORNISH:

Nothing special. If he is entitled the Choctaw Nation is as anxious as he is that he be admitted. We have nothing to say. The Choctaw and Chickasaw Nations that the case be proven by affirmative and conclusive testimony.

WEAVER:

Filed and taken under advisement until the return of Judge Adams.

George H. Cook,

--vs--

No. 70.

The Choctaw and Chickasaw Nations.

--o--

Arnots and Eubanks, Attorneys for plaintiff.

Mansfield, McMurray & Cornish, for Defendants.

--o--

Present and presiding the Honorables Spencer B. Adams,
Chief Judge, Walter L. Weaver and Henry S. Foote, Associate
Judges.

NOVEMBER 27, 1903. 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
following proceedings were had, ~~xxx~~-to-wit:

J O SH UA M c CURTAIN,

Being sworn as a witness on behalf of plaintiffs, testi-
fied as follows:

Mr. Mr. Eubanks.

Q.--What is your name?

A.--My name Joshua McCurtain.

Q.--You know George H. Cook?

A.--Yes sir.

Q.--How long have you know him?

A.--About fifteen years.

Q.--Is he the man that ma ried your daughter?

A.--Yes sir.

Q.--Where was he married?

A.--Sugarloaf County.

Q.--Married at your home?

A.--Yes sir.

Q.--Who married them?

A.--Named Batieste. Choctaw preacher named Gibson Batieste.

Q.--How long ago was this?

A.--I guess about seven years.

Q.--Then did they live t here near you after that?

A.--Yes sir.

Q.--How long did he live there near you?

A.--After they married?

Q.--Yes sir.

A.--About seven years.

Q.--His wife dead?

A.--Yes sir..

CROSS) EXAMINATION.

Mr. Cornish:

Q.--There was a seperation was there not between these people?

A.--Yes sir.

Q.--They lived together about two years and then seperated?

A.--Yes sir.

Q.--How old was your daughter when she married this man?

A.--First married little over fifteen years old, going on sixteen.

Q.--Your daughter applied to the Choctaw Court for a divorce did she not?

A.--Yes sir.

Q.--And that divorce was granted her?

A.--Yes sir.

Mr. Eubanks.

We think that that is inadmissable. The fact that they granted the divorce from him. If they did, it ought to be shown by the record.

Mr. Cornish:

Q.--Had your daughter been married prior to her marriage to this man?

A.--No sir.

Judge Adams:

Q.--On what grounds did your daughter obtain the divorce?

A.--No answer.

Q.--Upon what grounds, what did she allege?

A.--Never been with her much. Don't know.

witness excused.

Mr. Eubanks.

We want to ask time to introduce a certified copy of
this divorce.

Judge Adams:

You get that evidence here and we will then see about
it.

In the Choctaw and Chickasaw Citizenship Court,
Sitting at South Mc Alester, I.T., January 9, 1904.

--o--

George H. Cook, et al,

--vs--

No. 70.

The Choctaw and Chickasaw Nations?

--o--

Present and presiding the Hons. Spencer B. Adams, and
Walter L. Weaver, Associate Judge, of said Court.

--o--

Arnote and Eubanks, Attorneys for Plaintiffs,
Mansfield, McMurray & Cornish, for Defendants.

--o--

This day (February 9, 1904) this cause coming on to be heard
further, the following proceedings were had, towit;

--o--

Mr. Eubanks,

This case was left open so that the Plaintiffs, could
get further evidence relative to the two divorce proceedings
in this case. The this case the question of a divorce
arises in two places. One is the divorce between him
and his first wife and the other is ~~between~~ between
him and his second wife, through whom he claims citizenship.

Judge Adams;

The first question is as to whether he was competent
to contract the second marriage; and the second question is
as to whose fault it was; it that it?

Mr. Eubanks;

Yes, sir.

Mr. Eubanks (Con.) Mr. Cook wrote to the Clerk of the Court for a certified copy of the proceedings granting him a divorce from his first wife and he received the following letter in reply, "All of ~~our~~ Circuit Court record were burned Jan. 29, 1902, so that we cannot tell whether any such record was made or not. It will be a matter of proof for you. If you know of any living witnesses you can get there affidavits and have them recorded and restore the record in this way." I desire to introduce that in evidence. (Ex. "AA").

I had written to the Clerk before this arrived for a certified copy of the record, or a certificate showing why he could not furnish it, if he could not do so, and I would now like to introduce Mr. Cook, relative to the divorce proceedings in Missouri.

Judge Adams;

Let us hear what he has to say.

Geo. H. Cook,

a plaintiff, being duly sworn in his own behalf,
testified as follows;

Mr. Eubanks,

Q.- Were you divorced from your first wife Rebecca Jane Cook, in Missouri?

A.- Yes, sir.

Q.- At what time?

A.- In October 1878, I think.

Q.- Mr. Cook, did you have a certificate from the Court to this effect?

A.- Yes, sir.

Q.- Where is that certificate?

A.- It got burned up down in Blue County, when my house got burned.

Q.- When was it burned?

A.- In July 1898.

Q.- Relative to the other divorce Mr. Cook, you have already testified about the divorce between you and your last wife?

A.- Yes, sir.

Q.- Did you ever give her any cause for divorce?

A.- No, sir.

Q.- How did you treat her Mr. Cook?

A.- Just as kind as I could.

Q.- Did she ever make any complaint to you of the way in which you treated her?

A.- No, sir.

Q.- Have you made any search to find the reason she alleged for a divorce?

A.- Yes, sir.

Q.- Have you been able to find any of her witnesses?

A.- No, sir, I have not. She only had two witnesses I think, and one of them is dead and the other one I don't know where the other one is.

Q.- Did you know at the time of any reason for her divorce?

A.- No, sir. She had no reason. She had one but I was not to blame for it. She was young and I was old and she liked to go around with young people, and sometimes they would tease her about her husband being old.

Mr. Eubanks.

If that certificate of the Clerk reaches here, I want to introduce that also.

Mr. Cornish;

Q.- Did you state in your testimony before what country that was in Missouri?

A.- Camden County.

Q.- In '78 or '79?

A.- Yes, sir.

Q.- Did you have an attorney?

A.- Yes, sir.

Q.- Who represented you?

A.- Winfrey?

Q.- What was his other name?

A.- Joseph.

Q.- Where did he live?

A.- In the county.

Q.- What was ^{his} ~~your~~ postoffice; what town?

A.- Lynn.

Q.- Is he living?

A.- I think so.

Q.- Did you apply for the divorce or she?

A.- I did.

Q.- Upon what grounds.

A.- Upon the grounds that I caught a man in bed with her in my house.

Q.- Adultery?

A.- Yes, sir.

Q.- Did you establish that fact?

A.- Yes, sir.

Q.- And the divorce was granted you?

A.- Yes, sir.

Judge Adams;

Q.- Is your second wife living?

A.- No, sir.

Q.- Is she dead?

A.- Yes, sir.

Q.- ~~Was~~ she ^{was} an Indian? No question about that?

A.- No, sir.

Q.- Did she sue you for a divorce?

A.- Yes, sir.

Q.- Did you leave her or she leave you?

A.- She left me.

Q.- Sued you in the Choctaw Courts and got a divorce?

A.- Yes, sir.

Q.- You had two children by her?

A.- Yes, sir.

Q.- They are with you now?

A.- Yes, sir.

Q.- You have not since remarried?

A.- No, sir.

Q.- You have already made proof that you made an effort to secure the license?

A.- Yes, sir.

Mr. Eubanks;

We would like a little time to get a certificate of the County Clerk showing that the marriage records have been burned.

Mr. Cornish; You wish to postpone the final decision of the case until you can get that certificate.

Mr. Eubanks; Yes, sir.

Judge Adams; Alright.

In the Choctaw and Chickasaw Citizenship Court,
Sitting at South Mc Alester, February 18, 1904.

--o--

Geo. H. Cook, et al,

--vs--

The Choctaw and Chickasaw Nations.

Associate
Present and presiding The Hon. Walter L. Weaver, Judge of
said Court.

**** *

Appearances;

Arnote & Eubanks, for Plaintiffs,

Mansfield, McMurray and Cornish, for Defendants.

This day this cause coming on to be heard, the following
proceedings were had, towit;

Mr. Eubanks,

I desire to introduce in evidence the certificate
of the Clerk of Camden County, Missouri, to the effect that
the records of the Court were burned.

Judge Weaver;

It can be done.

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

GEORGE H. COOK, Plaintiff.

vs.

THE CHOCTAW AND CHICKASAW
NATIONS, Defendants.

NO. 70.

ARNOTE & EUBANKS,
for Plaintiffs.

MANFIELD, McMURRAY & CORNISH,
for Defendants.

By WEAVER, J.

This cause comes to this Court on appeal from the decision of the United States District Court for the Central District of the Indian Territory.

The plaintiff, a white man, claims to be a citizen of the Choctaw Nation, by reason of intermarriage with one Mary E. McCurtain, a Choctaw citizen by blood.

The evidence discloses the facts to be that he was married to said Choctaw Indian Woman on the 24th day of August, 1892, in accordance with the marriage laws of said tribe and that there was no lawful impediment to said marriage. He lived with her as her husband until she obtained a divorce from him some years later; that she was a recognized and enrolled Choctaw citizen; and that their children have likewise been recognized and enrolled as such.

There is no evidence tending to show that he ever abandoned her, but on the contrary, the proof is that she abandoned him.

I am therefore of the opinion that the said George H. Cook is entitled to all the personal rights of a Choctaw citizen by reason of said intermarriage.

Judgment will be rendered accordingly.

(Signed) Walter L. Weaver,
Associate Judge.

We concur:

(Signed) Spencer B. Adams,
Chief Judge.

Henry S. Foote,
Associate Judge.