

J-Nº70.

A.B. Hill, et al,

vs

G. + G. Nations

Nº16.

Southern Dist. Court.

Nº

Powers Commission.

For papers, see J.C. Hill,
et al.

A. B. Hill et al. No. 70

✓ John Calvin Hill

✓ Sallie Hill

✓ James Wiley Baethrop

✓ John Wiley Baethrop

✓ William Marvin Baethrop

✓ Thomas Clark Baethrop, or Thos. Clark Baethrop

✓ Nora Belle Baethrop

✓ Zora Adeline McCarty, or Zora Adeline Baethrop

✓ James Monroe Baethrop

✓ A. P. Baethrop

✓ Mary Leona Gertrude Baethrop

✓ Linnie Baethrop

✓ Mollie Ester Baethrop

✓ W. W. Baethrop

✓ Clarence Murry

✓ John Calvin Baethrop

✓ Cynthia Adeline Drake

✓ Allen R. Drake

Chickasaw Rejoice

- ✓ Sallie Muncey
- ✓ John Marvin Drake
- ✓ Lomir Drake
- ✓ Lonie Drake
- ✓ Emma Drake
- ✓ Lee Drake
- ✓ Willie Drake
- ✓ Eula Drake
- ✓ Mary Jane Balthrop
- ✓ Andrew B. Hill
- ✓ John C. Hill, Jr.
- ✓ Lou A. Hill
- ✓ Caledonia Hill
- ✓ Robert B. Hill
- ✓ Abbie M. Hill
- ✓ L. T. Hill
- ✓ Nora L. Mills
- ✓ William T. Hill or W^m T. Mills
- ✓ Alonzo T. Hill

✓ Clyde Hill

✓ Otto M. Mills

✓ M. E. Everett

✓ Jessie Everett

✓ Andy Everett

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 Tishomingo, by A.B.Hill, 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 A.B.Hill, et al, File No. 16 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 31st day of March A. D., 1903.

 James B. Cassada Clerk.
By Deputy.

MARSHAL'S RETURN.

United States of America,
Indian Territory,
DISTRICT.

I received this summons this 27th day of March A. D. 1903,
at 10 o'clock a. m. and served same by copy, as follows:

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

This 27th day of March, 1903, m.

WITNESS the Honorable Spencer B. Adams, Chief Judge,

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. 70 in the District Court for the District of the

that the habeas' body and proceedings in the case of

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 instant.

DUPLICATE.

No 70 T

SUMMONS
IN EQUITY.

A. B. Hill et al

vs.

Choctaw and Chickasaw Nations.

Summons issued 3 / day of
March, 1903. Returnable instant.

Marshal's Fees.

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

Cruce and Cruce

Attorneys for Plaintiff.

Adams S. T.

United States of America,
SUMMONS.

Choctaw and Chickasaw Citizenship Court.

Indian Territory,

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

A. B. HILL, et al.,	Petitioners,)	
vs.)	PETITION.
CHOCTAW and CHICKASAW)	
NATIONS,	Defendants.)	

Come now the petitioners, John Calvin Hill, Sallie Hill, James Wiley Balthrop, John Wiley Balthrop, William Marvin Balthrop, Thomas Clark Balthrop, Nora Belle Balthrop, Zora Adeline McCarty, James Monroe Balthrop, A. P. Balthrop, Mary Leona Gertrude Balthrop, Linnie Balthrop, Mollie Ester Balthrop, Neva Balthrop, Clarence Muncy, John Calvin Balthrop, Cynthia Adeline Drake, Allen R. Drake, Sallie Muncy, John Martin Drake, Lonnie, Lonie Drake, Emma Drake, Lee Drake, Willie Drake, Eula Drake, Mary Jane Balthrop, Andrew B. Hill, John C. Hill, Jr., Lou A. Hill, Caledonia Hill, Robert B. Hill, Abbie M. Hill, L. T. Hill, Nora D. Mills, William T. Hill, Alonzo T. Hill, Clyde Hill, Otto M. Mills, M. E. Everett, Jessie Everett and Andy Everett, and respectfully represent and show to the court that they, and each of them are now, and have been at and since all the dates and times hereinafter mentioned, residents of the Chickasaw Nation, Territory; that they are each and all citizens and members of the Chickasaw Nation, or Tribe of Indians; that they each and all applied to the Commission to the Five Civilized for enrollment and citizen~~a~~ and members of the Chickasaw Nation or Tribe of Indians, on the 9th day of September, 1896; that said Commission heard said application, and these petitioners were by the judgment of said Commission denied citizenship and enrollment as members of said Chickasaw Tribe or Nation of Indians.

That thereafter, and within the time prescribed by law, these petitioners appealed from the judgment of the said Commission to the Five Civilized Tribes to the United States Court for the Southern District of the Indian Territory, at Ardmore, wherein said appeal was docketed in a cause styled, A. B. Hill et al., vs. Chickasaw Nation, and numbered 16.

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 said cause No. 16, styled as aforesaid, A. B. Hill et al., vs. Chickasaw Nation, and said court therein determined, adjudged and decreed these petitioners, each and all, to be citizens and members of the Chickasaw Nation or Tribe of Indians, and ordered and directed the said Commission to the Five Civilized Tribes to place the names of petitioners upon the roll of citizenship of said Chickasaw Nation, or Tribe of Indians, as members thereof; which said judgment was rendered by and entered of record, in said court on the 10 day of March, 1898.

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 Court in the Indian Territory, admitting to citizenship and enrollment as citizens of the Choctaw and Chickasaw Nations upon appeal from the Commission to the Five Civilized Tribes the ten defendants named in said cause in this court, as well as those who had come in and made themselves parties to said cause, and all judgments rendered in favor of all persons similarly situated, null and void.

These petitioners state that they were not parties to said suit or cause of The Choctaw and Chickasaw Nations, or Tribes of Indians, plaintiffs, vs. J. T. Riddle et al., defendants.

That this court did not have the power or jurisdiction under the pleadings and evidence in said cause, to set aside or vacate the judgment theretofore rendered in the United States Court for the Southern District of the Indian Territory adjudging and establishing the citizenship and membership of these petitioners, as members of said Chickasaw Nation or Tribe of Indians; and that said judgment of the said said United States Court for the Southern District of the Indian Territory at Ardmore, declaring and adjudging these petitioners to be citizens and members of said Chickasaw Nation or Tribe of Indians, was not in any way affected, set aside or avoided by the said judgment of this court.

These petitioners state, however, that inasmuch as this court has entered its judgment and decree setting aside all the judgments of said United States Court for the Southern District of the Indian Territory, where the parties thereto are similarly situated to the ten defendants named in said cause of the Choctaw and Chickasaw Nations or Tribes of Indians, plaintiffs, vs. J. T. Riddle, et al., defendants, the Commission to the Five Civilized Tribes is denying and will deny to these petitioners all the rights and privileges of such members of said Chickasaw Nation or Tribe of Indians; and petitioners will be denied and deprived of all the rights and privileges of members of said Chickasaw Tribe or Nation of Indians, unless the files, papers and proceedings in said cause, No. 16, styled A. B. Hill, et al., vs. Chickasaw Nation, in the said United States Court for the Southern District of the Indian Territory, at Ardmore, be cer-

tified and sent to this court for further proceedings therein:

Now, therefore, these petitioners, still insisting upon their rights as members and citizens of said Chickasaw Tribe of Indians, and without waiving any of their rights adjudged and decreed to belong to them under and by virtue of said judgment of said United States Court for the Southern District of the Indian Territory, at Ardmore, in said cause No. 16, styled A. B. Hill et al., vs. Chickasaw Nation, most respectfully pray this court for an order or writ of error, ordering and directing the clerk of the United States Court for the Southern District of the Indian Territory, to certify and transfer to this Honorable court all the files, papers, and proceedings in said cause, No. 16, styled A. B. Hill et al., vs. Chickasaw Nation, in said Court; that the principal chief of the Choctaw Nation and the Governor of the Chickasaw Nation be cited and served with process herein, to the end that these petitioners may be established in and not deprived of their rights as members and citizens of said Chickasaw Nation, or Tribe of Indians, and for all other just and proper relief in the premises.

Crace & Crace

Attorneys for petitioners.

Petition for Appeal.

W. H. Hill, et al.

Just and proper relief in the premises,
said Chickasaw Nation, or Tribe of Indians, and for all other
in and not deprived of their rights as members and citizens of
said Nation, so that these petitioners may be established
Governor of the Chickasaw Nation be cited and served with pro-
Court; that the principal chief of the Chickasaw Nation and the
16, styled A. B. Hill et al., vs. Chickasaw Nation, in said
court all the files, papers, and proceedings in said cause, No.
the Indian Territory, to certify and transfer to this Honorable
clerk of the United States Court for the Southern District of
court for an order or writ of error, ordering and directing the
Hill et al., vs. Chickasaw Nation, most respectfully pray this
Indian Territory, at Ardmore, in said cause No. 16, styled A. B.
of said United States Court for the Southern District of the
agreed to belong to them under and by virtue of said judgment
of Indian, and without waiving any of their rights adjudged and
their rights as members and citizens of said Chickasaw Tribe
Now, therefore, these petitioners, still insisting upon
filed and sent to this court for further proceedings therein:

W. H. Hill
Attorneys for petitioners.

IN THE CHICKASAW AND CHOCTAW CITIZENSHIP COURT, SITTING
ST TISHOMINGO.

A. B. Hill et al, Plaintiffs,

vs.

The Chickasaw and Choctaw Nations

Defendants.

Come now the plaintiffs and without entering their appearance to this cause, except for the purposes of this motion, and without waiving any rights that they have under the law, but still insisting upon same, and without submitting this case upon the record, but especially protesting against the submission of same, upon the record, and move the court to dismiss this cause.

~~Plaintiffs show to the court that the Choctaw Nation has not been served with process, and plaintiffs do not desire that said Choctaw Nation should be so served. Plaintiffs protest against the service of said Nation should be so served. Plaintiffs protest against the service of said Nation, or the entering by said Nation of its appearance herein, and state that this court has no jurisdiction over this cause except for the purpose of dismissing same.~~

A B Hill et al

By *Cm + Cm*

attys

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

A. B. Hill, et al.,

vs.

No.70.

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, John Calvin Hill, Sallie Hill, James Wiley Balthrop,
John Wiley Balthrop, William Marvin Balthrop, Thomas Clark
Balthrop or Thos. Clark Balthrop, Nora Belle Balthrop, Zora
Adeline McCarty or Zora Adeline Balthrop, James Monroe Balthrop,
A. P. Balthrop, Mary Leona Gertrude Balthrop, Linnie Balthrop,
Mollie Ester Balthrop, Neva Balthrop, Clarence Muncy, John Calvin
Balthrop, Cynthia Adeline Drake, Allen R. Drake, Sallie Muncy,
John Marvin Drake, Lonnie Drake, Lonie Drake, Emma Drake, Lee
Drake, Willie Drake, Eula Drake, Mary Jane Balthrop, Andrew B.
Hill, John C. Hill, Jr., Lou A. Hill, Caledonia Hill, Robert B.
Hill, Abbie M. Hill, L. T. Hill, Nora D. Mills, William T. Hill
or Wm. T. Mills, Alonzo T. Hill, Clyde Hill, Otto M. Mills, M. E.
Everett, Jessie Everett, and Andy Everett, 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, John Calvin Hill, Sallie Hill, James Wiley Balthrop, John Wiley Balthrop, William Marvin Balthrop, Thomas Clark Balthrop or Thos Clark Balthrop, Nora Belle Balthrop, Zora Adeline McCarty or Zora Adeline Balthrop, James Monroe Balthrop, A. P. Balthrop, Mary Leona Gertrude Balthrop, Linnie Balthrop, Mollie Ester Balthrop, Neva Balthrop, Clarence Muncy, John Calvin Balthrop, Cynthia Adeline Drake, Allen R. Drake, Sallie Muncy, John Marvin Drake, Lonnie Drake, Lonie Drake, Emma Drake, Lee Drake, Willie Drake, Eula Drake, Mary Jane Balthrop, Andrew B. Hill, John C. Hill, Jr., Lou A. Hill, Caledonia Hill, Robert B. Hill, Abbie M. Hill, L. T. Hill, Nora D. Mills, William T. Hill or Wm. T. Mills, Alonzo T. Hill, Clyde Hill, Otto M. Mills, M. E. Everett, Jessie Everett, and Andy Everett, 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.

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Chief Judge.

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Associate Judge.

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Associate Judge.