

Witnesses.

For Claimants.

Mrs. Sarah Jones	Dishamings, S.T.
S. M. Chappie		
Jennie Simms	
Henry Hodge	
Philip Meranson		Connersville, I.T.
Tom Polan	
J. Shoals	
Betsy Myers		Bee I.T.
Susan Alexander		

For Nations.

Judge J. M. Wilson		<i>Coalgate</i> Marion , I.T.
" Overton Lane		" "
E. J. Morris		Gainesville Tex
Lizzie Shoppe		Daugherty, I.T.
J. M. Perry		Ada, I.T.
Dr. Blasingame		Sandusky Tex
Dr. Armstrong		" "
Lucas Gull		Dexter, Tex
J. F. Marshall		" "
Bland Bennett		Whiteston, "

J. N^o 74.

Jones, Sarah, et al,

vs

Chickasaw Nation .

N^o 78

Southern Dist. Court .

N^o

Dawson Commission

(17,106.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1898.

No. 521

THE CHICKASAW NATION, APPELLANT,

vs.

SARAH JONES ET AL.

APPEAL FROM THE UNITED STATES COURT IN THE INDIAN
TERRITORY.

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1 Be it remembered that at the stated term of the United States court in the Indian Territory, southern district, at Ardmore, begun and holden at Ardmore on the 5th day of October, 1896, and on the 40th day of said term, to wit, the 8th day of December, 1896—present and presiding, the Hon. Constantine B. Kilgore, judge—the following, among other, proceedings were had, to wit:

In re Cases of Citizenship Appeal.

It is ordered by the court that the following rules be, and the same are hereby, adopted as rules of practice and procedure in appeals to this court from the decision of the tribal authorities or the United States commission to the five civilized tribes, appointed to treat with said tribes, which are provided for by act of Congress, upon questions arising upon applications made by persons to be enrolled as citizens of the respective tribes of Indians.

The party desiring to appeal from the decision of any such tribunal or commission may, within sixty days after notice of the rendition of the decision thereon, file with the clerk of this court an application or petition, duly verified, setting out the style of such case; that the same has been decided adversely to the party filing the application for appeal, and praying that the said commission or tribunal be notified of said appeal and ordered to forward the papers to the clerk of this court, together with a duly certified transcript of all judgments and entries made and rendered by said tribunal or commission in said cause; whereupon the clerk shall issue a notice to said tribunal or commission, notifying that an appeal has been taken, and to immediately forward all papers in said cause, together with a duly certified copy of all judgments and entries made and entered by said tribunal, to the clerk of this court.

2 The application for citizenship, amendments thereto and answer thereto, and amendments thereto shall constitute the pleadings of all of the parties in this court, and no pleadings shall be held invalid for want of form. In accordance with the practice before the commission, any party aggrieved may present and prosecute an appeal herein for the use and benefit of the entire family, including the wife, lineal descendants, and collateral kindred, to the United States court for the southern district of the Indian Territory. Where one or more of the applicants for citizenship reside in the southern district of the Indian Territory the appeal shall be taken to the United States court for the southern district, and if all the applicants are non-residents of the Indian Territory, then said appeal shall be taken to the United States court held in the division in this Territory wherein the nation of the tribe to which said applicants claim to belong is situated. The clerk of the court shall file said papers and docket the case in a separate book to be kept for that purpose and known as the "Citizenship docket," and the clerk shall also keep a separate record book, in which shall be recorded the proceedings of this court in reference to citizenship cases, to be known as the "Citizenship record." The party desiring

to appeal from any decision rendered by an Indian tribunal or the commission shall, at the time he files his notice of appeal with the clerk of the United States court, also lodge with said clerk evidence of the fact that notice of some kind has been served upon the opposite party or his attorney in the case that said application would be made. The notice need not be formal, but shall be required to be only so drawn as to inform the opposite party of the intention to appeal from said decision. After the expiration of the ten days after such service, waiver of appearance, or the filing of such papers with the clerk where notice of appeal is given before the commission, the case shall stand ready for trial, and the court shall be

3 deemed open at all times for the purpose of hearing and determining such cases, and either party to said action may introduce such other evidence as they may have in support of their cause of action or defense, regardless of whether the same was presented to the commission or not.

The court may, in its discretion or when agreed to by the parties, refer all papers in these cases to a special master, with instructions to take the testimony and report upon the law and facts presented in the record, pleadings, and service. Such reports shall be made at the earliest time practicable, not exceeding thirty days from the time each cause is referred to said master, and either party shall have ten days after the report of said master is filed to file exceptions thereto, both as to questions of law and fact, and after five days from the filing of the exceptions to said report the cause shall stand ready for trial before this court on the exceptions presented to the master's report and may be taken up and finally passed upon by the court.

The special master shall be allowed as compensation \$5 for each cause heard, provided not more than one day's time is devoted to said cause, and in case more than one day's time is consumed he shall have \$10 and no more as his compensation for hearing the same.

Should the United States commission or the tribunal created by the tribal authorities refuse to permit any party to a proceeding to establish citizenship and desiring to appeal from the decision of such tribunal or commission to withdraw the original papers for the purpose of filing the same in this court, such party may, upon petition to this court setting forth the fact of such refusal, obtain an order of the court commanding such commission or tribunal or the clerk or the secretary thereof to surrender such papers and a transcript of the entries made therein, as heretofore provided.

4 Appeals in citizenship cases must be taken only at Ardmore, and for the purpose of hearing and determining such cases the court at that place shall be deemed open at all times.

Any case when submitted as required by these rules may, in the discretion of the court, be transferred by the court, on the application of either party, to either Ryan, Chickasha, Purcell, or Paul's Valley for hearing and determining when the court is in session at such places, but the decision of the court, when rendered

and all papers in the case shall be filed with the clerk at Ardmore (Court Journal 9, page- 283, '4, '5).

5 Be it remembered that at a regular term of the United States court in the Indian Territory, southern district, at Ardmore, begun and holden on Monday, the 15th day of November, 1897, and on the 33rd day of said term, to wit, Wednesday, December 22nd, 1897—present and presiding, the Honorable Hosea Townsend, judge—the following, among other, proceedings were had, to wit:

SARAH JONES ET AL.	}	No. 78.
<i>vs.</i>		
THE CHICKASAW NATION.		

Comes now the plaintiffs herein and, after the leave of the court first being had, files their substituted application herein, together with 4 exhibits thereto.

Which said substituted application is in words and figures as follows, to wit:

Before the Honorable Dawes Commission.

<i>In re</i> SARAH JONES, ARMSTEAD JONES and LUCY JONES, His Wife;	}
Isam Jones, James Jones and Alma Jones, His Wife; Tom Jones, Henry Jones and Maggie Jones, His Wife; Ida Jones, Mary Powell and Jesse Powell, Her Husband; Rosa Powell, Their Child; Edward Jones and Birdy Jones, Children of Armstead Jones; Hubbetecker Jones, Child of James Jones; Alfred Jones, Child of Henry C. Jones,	
<i>versus</i>	
THE CHICKASAW NATION.	

Application.

6 The applicants would respectfully represent and show to this honorable commission that the applicant Mrs. Sarah Jones is a full-blood Chickasaw Indian, and that she was duly and lawfully married on the — day of —, 18—, to one James Jones and had by said marriage seven children, whose names are Mary Jones, Armstead Jones, Isam Jones, James Jones, Tom Jones, Henry C. Jones, and Ida Jones, all of whom are now living in the Indian Territory, Chickasaw nation, and are one-half Chickasaw Indians by blood.

They say that the said Mary Jones was duly and lawfully married to the applicant Jesse Powell, and have by said marriage one child, whose name is the applicant Rosa Powell, and that Rosa Powell is now living in the Indian Territory, Chickasaw nation, and is one-fourth Chickasaw Indian by blood.

Armstead Jones was duly and lawfully married in the Indian Territory, Chickasaw nation, to Lucy Simms, and have by said marriage two children, whose names are the applicants Edward Jones and Birdy Jones, both of whom are now living in the Indian

Territory, Chickasaw nation, and are one-fourth Chickasaw Indians by blood.

That James Jones was duly and lawfully married in the Indian Territory, Chickasaw nation, to Alma Clemmons, and have by said marriage one child, whose name is the applicant Hubbetecker Jones, who is now living in the Indian Territory, Chickasaw nation, and is a one-fourth Chickasaw Indian by blood.

That Henry C. Jones was duly and lawfully married in the Indian Territory, Chickasaw nation, to Maggie Morton, and have by said marriage one child, whose name is the applicant Alfred Jones, who is now living in the Indian Territory, Chickasaw nation, and is a one-fourth Chickasaw Indian by blood.

That by reason of the facts herein alleged and the blood therein existing all of the applicants herein are members of the Chickasaw tribe of Indians by blood and marriage and are entitled to be enrolled as such.

7 Wherefore they pray that they and each of them be enrolled as members of the Chickasaw tribe of Indians, and for all other proper relief.

A. C. CRUCE,
CLARENCE B. DOUGLASS,
Attorneys for Applicants.

INDIAN TERRITORY, }
Chickasaw Nation. }

The affiant, Sarah Hughes, says that she is one of the applicants herein, and that the statements made in the foregoing application are true.

her
SARAH JONES.
mark.

Subscribed and sworn to before me by Sarah Jones this the 4th day of September, 1896.

[SEAL.] T. B. JOHNSON,
Notary Public, Southern District, I. T.

Indorsed: "No. 78. Application of Sarah Jones *et al.*, before the Hon. Dawes commission, *vs.* Chickasaw Nation. Filed Dec. 22, 1897. C. M. Campbell, clerk."

8 Before the Honorable Commission to the Five Civilized Tribes.

In the Matter of the Application for Enrollment in the Chickasaw Nation of SARAH JONES *et al.*

Exception- to Application Filed before Dawes Commission.

Now comes the Chickasaw Nation, by its attorneys, and respectfully shows to this honorable commission that the application herein is insufficient in law.

Wherefore it prays that said application be dismissed.

Second. For further special exception the Chickasaw Nation respectfully shows to this commission that the evidence produced by the applicant is insufficient to show any claim of citizenship in the Chickasaw tribe of Indians.

Wherefore it prays that said application be dismissed.

Third. For further special exceptions the Chickasaw Nation shows that said application is insufficient, in that it shows that said applicant has not complied with the laws of said nation, and therefore is not entitled to any of the rights, privileges, and immunities as such citizen.

Wherefore it prays that said application be dismissed.

THE CHICKASAW NATION,

By Its Attorneys.

9 And thereafterwards, to wit, on the 17th day of August, 1898, was filed with the clerk of this court the substituted answer in said cause; which said answer is in words and figures as follows, to wit:

Before the Honorable Commission to the Five Civilized Tribes.

SARAH JONES ET AL.	} Answer.
vs.	
CHICKASAW NATION.	

Comes now the Chickasaw Nation, by its attorney, and without waiving any exception heretofore taken to the application filed herein and without consenting to, but denying, the jurisdiction of this honorable commission to pass upon a question of citizenship in the Chickasaw nation or tribe of Indians, presents this its answer to said application, and respectfully represents:

First. The Chickasaw Nation denies that any of the applicants in this cause are of Chickasaw Indian blood.

Second. The Chickasaw Nation avers the truth to be that Sarah Jones, the applicant herein, through whom the other applicants claim, is a negro, and was a slave, and is therefore not entitled to any rights as a citizen of the Chickasaw nation.

Wherefore, the premises considered, the Chickasaw Nation prays that all of the applicants herein be denied citizenship in said Chickasaw nation, and will ever pray, &c.

THE CHICKASAW NATION,

By Its Attorneys.

I, W. B. Johnson, attorney for the Chickasaw Nation, on oath state that the original answer in this cause has been 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 Aug., 1898.

[SEAL.]

PHIL BARRETT,

Notary Public.

Indorsed: "No. 78. Sarah Jones *et al.* vs. Chickasaw Nation. Substituted answer. Filed Aug. 17, 1898. C. M. Campbell, clerk."

10 And thereafterwards, to wit, on the 8 day of Jan'y, 1897, was filed in the office of the clerk of the United States court, southern district of Indian Territory, at Ardmore, the following judgment from the Dawes commission:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, INDIAN TERRITORY, — —, 1896.

SARAH JONES ET AL. }
vs. } Application Denied.
CHICKASAW NATION. }

I, H. M. Jacoway, Jr., secretary, do hereby certify that the above and foregoing is a true and correct copy of Chickasaw Record —, page —, of the commission to the five civilized tribes.

Given under my hand and official signature this — day of —, 1897.

H. M. JACOWAY, JR., *Secretary*,
By HENRY STROUP.

The above and foregoing judgment is indorsed in words and figures as follows, to wit: Sarah Jones *et al.* vs. Chickasaw Nation. Filed Jan. 8th, 1897. Jos. W. Phillips, clerk.

11 In the United States Court for the Southern District of the Indian Territory, at Ardmore.

SARAH JONES ET AL., Plaintiff, }
vs. } Petition for Appeal to the U. S.
CHICKASAW NATION, Defendant. } Dist. Court for the Southern
Dist., Ind. Ter.

To the Honorable C. B. Kilgore, judge:

Comes now the applicants herein, —, feeling themselves aggrieved by the decision of the Dawes commission in the above cause, hereby prays an appeal from said decision to this honorable court.

W. I. CRUCE,
Attorney for Applicants.

The foregoing appeal is allowed this 8 day of Jan., 1897.

C. B. KILGORE, *Judge.*

12 In the United States Court in the Indian Territory, Southern District, at Ardmore.

SARAH JONES ET AL. }
 vs. } Notice of Appeal.
 CHICKASAW NATION. }

To the Hon. Henry L. Dawes, chairman of the commission of the United States to the five civilized tribes of Indians.

SIR: You are hereby notified that an appeal has been granted in the matter of the application of Sarah Jones *et al.* to be enrolled as members of the Chickasaw tribe of Indians from your commission to the United States court for the southern district in the Indian Territory, at Ardmore. You are therefore notified and ordered to immediately forward to the clerk of this court all of the original papers filed, used, and considered in said cause by your commission, together with a duly certified copy of all orders, judgments, and entries made and entered by you in the trial and consideration of said cause.

Witness the Hon. C. B. Kilgore, judge of said court, and the seal thereof, at Ardmore, Indian Territory, this 8 day of Jan'y, 1897.

[SEAL.]

JOS. W. PHILLIP-, *Clerk.*

13 And thereafterwards, to wit, on Tuesday, February 1st, 1898, present and presiding aforesaid, the following further proceedings in said cause were had, to wit:

SARAH JONES ET AL., Plaintiff, }
 vs. } No. —. Plea to Jurisdiction.
 CHICKASAW NATION, Defendant. }

Comes now the defendant, The Chickasaw Nation, and respectfully avers that this court has no jurisdiction to hear this cause for the reason that the act creating the Dawes commission and the right of this court to pass upon causes appealed to it from said commission, determining the question of citizenship in the Chickasaw nation, is unconstitutional and void; that said act gives this defendant no right to cross-examine the witnesses of the applicant-, and the same is contrary to the treaty of 1866, entered into by the United States Government and the Chickasaw nation, by which said Chickasaw nation reserved the right to pass upon all matters concerning said tribe and all civil and political rights of the individual members thereof; that said treaty is still in full force and effect, and was at the time of the act of Congress creating the commission to the five civilized tribes and authorizing this court to pass upon appeals from the same was enacted.

II.

Because said act deprives the Chickasaw nation and the individual members thereof of property without due process of law.

III.

Because said act is class legislation, in that the same deprives either party of an appeal, as in other cases, to the higher courts of the Territory and of the United States.

IV.

Because the jurisdiction extended to this court has been limited to controversies between citizens of different tribes or between citizens or members of the tribe of Indians and a United States citizen, and expressly reserving to the Indians controversies arising between themselves.

V.

Because if this court determines that the applicant is a member of said nation it is then passing upon rights between citizens of the same tribe of Indians, and no judgment thereon can be entered for want of jurisdiction in this court.

Wherefore the defendant prays that said cause be dismissed for the above reasons, and that it go hence without day, etc.

Attorney for Chickasaw Nation.

The above and foregoing is indorsed in words and figures as follows, to wit: "Sarah Jones *et al.*, plaintiff, *vs.* Chickasaw Nation, defendant. Plea to jurisdiction. Filed in open court M'ch 3rd, 1898. C. M. Campbell, clerk."

14 Be it remembered that at a regular term of the United States court in the Indian Territory, southern district, at Ardmore, begun and holden on Monday, the 15th day of November, 1897, and on the 57th day of said term, to wit, March 8th, 1898—present and presiding, the Honorable Hosea Townsend, judge—the following, among other, proceedings were had, to wit:

SARAH JONES ET AL., Plaintiffs, <i>vs.</i> CHICKASAW NATION, Defendants.	}	Report of Master in Chancery Filed.
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The undersigned master in chancery, to whom the above-styled cause was referred, begs leave to report:

That this is an application of Sarah Jones and her children and grandchildren, sons-in-law, and daughters-in-law for citizenship in the Chickasaw nation.

The application alleges that Sarah Jones is a full-blood Chickasaw Indian, and that her children and grandchildren are one-half and one-fourth Chickasaw Indians by blood respectively, and that her sons and daughters in law are members of the Chickasaw tribe of Indians by intermarriage.

The answer of the nation contends that Sarah Jones is a negro and was a slave, and, if an Indian at all, is a Choctaw and not a Chickasaw. The proof in the case shows:

That Sarah Jones was born in the Chickasaw nation, and that her father and mother were both Chickasaw Indians, and that her mother died when Sarah was very young, and that her father, while Sarah was still very young, was killed while acting as a Chickasaw officer; that she was then given to one Parson Couch, who had charge of one of the Chickasaw seminaries; that the said Couch kept her at said seminary, and she attended school and Sunday school, as did other Indian children, until she was some ten or twelve years old, when Couch left the Indian Territory and took Sarah with him to the State of Texas. This was before the war, and the proof shows that Couch treated her, after locating in Texas, as a slave. The proof also shows that Sarah was of weak mind, so much so that she was never able to learn to read or, in fact, to learn anything of any consequence. The proof also shows that while she was living in Texas with Couch she gave birth to the applicant Henry C. Couch, or Jones, and that said Henry C. is a bastard and his father was a white man. Sarah was only about sixteen years of age at the time of his birth. After the birth of Henry C., the proof shows that Sarah was married in the State of Texas to one James Jones, who was a negro, and had by him the applicants Mary Powell, *née* Jones; Armstead Jones, Isam Jones, James Jones, Tom Jones, and Ida Jones. The proof shows that her husband, James Jones, is now dead, and that after his death Sarah Jones and all of her children came back and settled in the Indian Territory, Chickasaw nation, and have been living here for seven or eight years.

I find from the proof in this case that Sarah Jones is nearly, if not quite, a full-blood Chickasaw Indian. I find, as a matter of law, that her son, Henry C., being a bastard, partook of the nationality of his mother, that of an Indian. I also find, as a matter of fact, from the evidence that Sarah Jones, Mary Powell, *née* Jones; Armstead Jones, Isam Jones, James Jones, Tom Jones, Henry C. Jones, and Ida Jones are each and all Chickasaw Indian by blood. I find that Mary Jones, daughter of Sarah Jones, is married to the applicant Jesse Powell and have as the issue of said marriage the applicant Rosa Powell; that Armstead Jones is married to the applicant Lucy Jones, and have as the issue of said marriage the applicants Edward Jones and Birdy Jones; that the applicant James Jones is married to the applicant Alma Jones, and have as the issue of said marriage one child, the applicant Hubbetecker Jones; that Henry C. Couch, or Jones, is married to the applicant Maggie Couch, or Jones, and have as the issue of said marriage the applicant Alfred Couch, or Jones.

I therefore find that each and all of the applicants, viz., Rosa Powell, Edward Jones, Birdy Jones, Hubbetecker Jones, and Alfred Couch, or Jones, are Chickasaw Indians by blood.

I therefore recommend that Sarah Jones, Mary Powell, Rosa Powell, Armstead Jones, Edward Jones, Birdy Jones, Isam Jones, James Jones, Hubbetecker Jones, Tom Jones, Ida Jones, Henry C. Couch, or Jones and Alfred Couch, or Jones, each and all be admitted and enrolled as Chickasaw Indians by blood.

I find that none of the marriages heretofore referred to were in

compliance with the Chickasaw laws, and I therefore recommend that Jesse Powell, Lucy Jones, Alma Jones, and Maggie Jones, who apply for citizenship by intermarried, be rejected for the reason that they have not complied with the law in regard to marriages.

All of which is respectfully reported.

— — — — —
Master in Chancery.

Indorsed: "No. 78. Sarah Jones vs. Chickasaw Nation. Substituted master's report. Filed in open court March 8, 1898. C. M. Campbell, clerk."

17 Be it remembered that at a regular term of the United States court in the Indian Territory, southern district, at Ardmore, begun and holden on Monday, the 15th day of November, 1897, and on the 32nd day of said term, to wit, Tuesday, December 21st, 1897—present and presiding, the Hon. Hosea Townsend, judge—the following, among other, proceedings were had, to wit:

Order.

In re Order of Court Allowing Substitution of Papers in Citizenship Cases.

The papers in a majority of the citizenship cases pending in this court having been burned and destroyed by fire on the morning of the 16th inst., it is ordered that the applicants in each and all of the said cases have until the 10th day of January, A. D. 1898, to substitute all their papers in the various cases, and that W. B. Johnson, attorney for the Chickasaw Nation, have until February 1st, 1898, to substitute the papers of said nation (vol. A, Citizenship Record, pages 128 and 129).

18

Opinion by the Court.

In the Southern District, Indian Territory.

TOWNSEND, J.

In re INDIAN CITIZENSHIP CASES.

COURT: I have examined with some care the treaties between the United States Government and the Choctaws and Chickasaws in order that I might become familiar with all the negotiations. The first treaties were made in 1786 separately with each tribe or nation, as they were called. Not, however, until 1820 was the subject mentioned of taking any land west of the Mississippi river. On October the 18th, 1820, near Doak's Stand, on the Natchez road, a treaty was entered into between the Choctaws and the Government of the United States, in which it was stated in the preamble the purpose was "to promote the civilization of the Choctaw Indians by the establishment of schools amongst them, and to perpetuate them as a nation by exchanging for a small part of their land here

a country beyond the Mississippi river, where all who live by hunting and will not work may be collected and settled together;” whereupon, in part consideration of the ceding of a part of their reservation then existing, the Government ceded “a tract of country west of the Mississippi river, situate between the Arkansas and Red rivers,” and by its boundaries being substantially the country now embraced in the Choctaw and Chickasaw nations. In 1825 another treaty was entered into between the Choctaw nation and the Government, by which the Choctaws ceded to the Government all the land ceded to them in 1820 “lying east of a line beginning on the Arkansas, one hundred paces east of Fort Smith, and running thence due south to Red river,” in consideration for which the Government undertook to remove certain settlers, citizens of the United States, from the west to the east side of said line and to pay certain money consideration for a series of years and certain other provisions not material for consideration in this connection.

On September 27th, 1830, another treaty was entered into between the Choctaws and the Government, in the preamble to which it is recited that “the State of Mississippi has extended the laws of said State to persons and property within the chartered limits of the same, and the President of the United States has said that he cannot protect the Choctaw people from the operation of these laws. Now, therefore, that the Choctaws may live under their own laws in peace with the United States and the State of Mississippi, they have determined to sell their lands east of the Mississippi.”

It is provided that in consideration that the United States “shall cause to be conveyed to the Choctaw nation a tract of country west of the Mississippi river in fee-simple to them and their descendants, to inure to them while they shall exist as a nation and live on it” they “cede to the United States the entire country they own and possess east of the Mississippi river, and they agree to remove beyond the Mississippi river.”

Under the 14th article it is provided that each head of a family who desires to remain shall have a reservation, and then states that “persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.”

On the 22nd day of June, 1855, a treaty was entered into between the Choctaws, Chickasaws, and the Government, and this was the first treaty at which all three were represented. Its purpose was declared to be “a readjustment of their relations to each other and to the United States,” and for a relinquishment by the Choctaws of “all claim to any territory west of one hundredth degree of west longitude.” In the first article of said treaty it is provided that “pursuant to act of Congress approved May 28th, 1830, the United States do hereby forever secure and guarantee the lands embraced within the said limits to the members of the Choctaw and Chickasaw tribes, their heirs and successors, to be held in common.”

On the 28th of April, 1866, another treaty was entered into between the Choctaws, Chickasaws, and the United States. This

treaty seems to have been necessitated by the changed condition of affairs that resulted from the war of the rebellion and attempts to arrange civil government for the Choctaws and Chickasaws and an allotment of their lands in severalty. It provides for the survey and platting of the lands, and that when completed the maps, plats, etc., shall be returned to a land office that was to be established at Boggy Depot for the inspection by all parties interested, and that a notice shall be given for a period of ninety days of such return by the legislative authorities of said nations, or, upon their failure, by the register of the land office; and in article 13 it is provided that the notice shall be given not only in the Choctaw and Chickasaw nations, "but by publication in newspapers printed in the States of Mississippi and Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw nations may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws: Provided, that before any such absent Choctaw or Chickasaw shall be permitted to select for him or herself or others, as hereinafter provided, he or she shall satisfy the register of the land office of his or her intention, or the intention of the party for whom the selection is to be made, to become *bona fide* residents in the said nation within five years from the time of the selection, and should the said absentee fail to remove into

21 said nation and occupy and commence an improvement on the land selected within the time aforesaid, the said selection shall be cancelled, and the land thereafter shall be discharged from all claims on account thereof."

This is the last treaty entered into between the Choctaws and the Chickasaws and the United States; but as late as December 24th, 1889, the council of the Choctaw nation passed a resolution calling upon Congress to defray the expense of moving the Choctaws in Mississippi and Louisiana to the Choctaw nation.

It was not until 1832 that the Chickasaws took any steps by treaty to move west. On October 20th, 1832, a treaty was entered into between the Chickasaws and the United States. In the preamble it is set forth that "being ignorant of the language and the laws of the white man, they cannot understand or obey them. Rather than submit to this great evil they prefer to seek a home in the West, where they may live and be governed by their own laws."

In the first article of said treaty it is provided that "the Chickasaw nation do hereby cede to the United States all the land which they own on the east side of the Mississippi river, including all the country where they at present live and occupy."

It is provided by said treaty that their lands shall be surveyed and sold and the proceeds held for their benefit and they would hunt for a country west of the Mississippi river, and in the 4th article it is provided: "But should they fail to procure such a country to remove to and settle on, previous to the first public sale of their country here, then, and in that event, they are to select out of the surveys a comfortable settlement for every family in the Chickasaw nation, to include their present improvements," and in the supple-

mentary articles entered into October 22nd, 1832, it is provided
"that whenever the nation shall determine to move from their
present country, that every tract of land so reserved in the
22 nation shall be given up and sold for the benefit of the nation."

On May 24, 1834, another treaty was entered into between
the Chickasaws and the United States, making some different provisions about the sale of their lands, but no change in the general purpose.

On January 17, 1837, a convention and agreement was entered into between the Chickasaws and the Choctaws, subject to the approval of the President of the United States, by the terms of which the Chickasaws agree to pay the Choctaws the sum of \$530,000.00 for the territory that they now occupy. Excepting a treaty between the Chickasaws and the United States, adopted June 22nd, 1852, in regard to the disposition of their lands east of the Mississippi river, we are brought down in the history of the treaties of the Chickasaws to the treaty of 1855, heretofore mentioned, between the Choctaws, Chickasaws, and the United States.

In all these various treaties, solemnly entered into, there is not one line or word to indicate that the Choctaws and Chickasaws who did not remove to the western country were not Choctaw or Chickasaw citizens and members of their respective tribes. On the other hand, in the treaty of 1830 between the Choctaws and the United States it is expressly provided that those who remained should "not lose the privilege of the Choctaw citizen," "but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

When it was supposed that the lands would be allotted in severalty under the treaty of 1866, it was expressly provided that notice should be published in the papers of several States that absent Choctaws and Chickasaws might come in and obtain the benefits of the allotment, and absentees were to be allowed five years to occupy and commence improvements, and all that was necessary was to satisfy the register of the land office that that was their intention.

The allotment did not take place, but if they had not come
23 in they were only to lose their allotment of land. It did not make them any the less Choctaws or Chickasaws or members of the Choctaw and Chickasaw tribes.

It has been said that they could not be put upon the roll as citizens and members of those tribes unless they lived upon the land within the Choctaw or Chickasaw nation. I submit that the action of the Choctaw and Chickasaw nations themselves when making the treaty of 1866 don't bear out that view, and if they were Choctaws and Chickasaws in 1866 what has occurred to change their relations to those tribes? I have heard of nothing whatever.

It is said that the land was held in common, and certainly some of the tenants in common in possession could hold the possession for all their cotenants in common. The bulk of the nation, living in the territory ceded and maintaining the tribal government or nation, certainly met every requirement of residence, and was a com-

pliance in all respects with the treaty stipulations of living on the land.

I shall hold that non-resident Choctaws and Chickasaws who have properly filed their application and established their membership of the tribes shall be admitted to the roll as citizens.

Who is an intermarried citizen and who is an adopted citizen of the Choctaw and Chickasaw nations?

Article 38 of the treaty of 1866 is as follows :

“ Every white person, who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw nations, or who has been adopted by the legislative authorities, is to be deemed a member of said nation, and shall be subject to the laws of the Choctaw and Chickasaw nations, according to his domicile, and to prosecution and trial before their tribunals, and to punishment according to their laws in all respects, as though he was a native Choctaw or Chickasaw.”

24 Does this article apply to future marriages and adoptions or only those prior to its adoption? By article 26 of said treaty it is provided, in regard to the rights to take land in severalty, as follows :

Article 26.

“ The right here given to Choctaws and Chickasaws respectively, shall extend to all persons who have become citizens by adoption or intermarriage of either of said nations, or who may hereafter become such.”

Under section 7 of the general provisions of the Chickasaw constitution adopted August 16th, 1867, both as originally adopted and as amended, said sections can have but one construction, and that that they regarded the said 38th article as binding on their future action, and if this is so it would not be within the power of either the Choctaw or Chickasaw nations to pass or adopt any constitution or law in violation of said article, or that would take away the rights, privileges, or immunities that *has* attached to any white person under and by virtue of its provisions.

Under the constitution of the Chickasaws above referred to section 10 of the general provisions gives the legislature power to admit or adopt as citizens of said nations “ such persons as may be acceptable to the people at large.”

This authority had been exercised frequently by the legislature of both nations, as I am informed, prior to the adoption of said treaty as well as subsequent to its adoption.

On October 19th, 1876, the legislature of the Chickasaws passed an act in relation to marriage between citizens of the United States and a member of the Chickasaw tribe or nation of Indians. The second section, among other things, provides: “ Hereafter no marriage between a citizen of the United States and a member of the

25 Chickasaw nation shall confer any right of citizenship, or any right to improve or select lands within the Chickasaw nation, unless such marriage shall have been solemnized in accordance with the laws of the Chickasaw nation.”

This act was amended September 24th, 1887, in some particulars, but the above-quoted provision was retained.

Amongst all civilized nations it is conceded to be a right that each nation, and in the United States that each State, can exercise and determine by their laws the requirements to be observed in solemnizing marriages; but marriage among civilized nations does not confer citizenship. Under the Choctaw and Chickasaw law it does; besides, it is supposed to carry with it certain property rights. The general rule among civilized nations is that a marriage good where solemnized is good everywhere, but in some States, where marriage is prohibited between certain races of people, they have not been recognized, though they were lawful where solemnized. I think it is within the power of the Choctaw and Chickasaw nations to say by legislation that before a white person shall become one of their citizens, with all the privileges of one, they shall be married according to the forms and requirements of their laws, and that such legislation is not in violation of the 38th article of the treaty of 1866; but when a white person has married a Choctaw or Chickasaw according to their laws, and resides in the Choctaw or Chickasaw nations, he is in all respects "as though he was a native Choctaw or Chickasaw," and his rights under the treaty attaches, and it is not within the power of the Choctaw or Chickasaw nation to take the same away by legislation or otherwise. It has been said that when adoption takes place by an act of their legislature the same power that granted can take away. I doubt this proposition if by the adoption treaty rights have attached, and I am firmly of the opinion that property rights that have attached under the treaty cannot be taken away, and that only political rights could thus be abrogated.

26 Along the lines herein indicated the citizenship cases pending in this court will be disposed of.

HOSEA TOWNSEND, *Judge.*

27 Be it remembered that at a regular term of the United States court in the Indian Territory, southern district, at Ardmore, begun and holden on Monday, the 15th day of November, 1897, and on the 57th day of said term, to wit, March 8th, 1898—present and presiding, the Honorable Hosea Townsend, judge—the following, among other, proceedings were had, to wit:

SARAH JONES ET AL.	} No. 78. Judgment.
vs.	
CHICKASAW NATION.	

This day this cause coming on to be heard upon the pleadings, exhibits, proof, master's report and exceptions filed thereto, and the court, being sufficiently advised, is of opinion that said report should be confirmed.

It is, therefore, ordered, adjudged, and decreed by the court that the applicants, Sarah Jones, Mary Powell, Rosa Powell, Armstead Jones, Edward Jones, Birdy Jones, Isam Jones, James Jones, Hubbetecker Jones, Tom Jones, Ida Jones, Henry C. Couch, and Alfred

Couch, each and all be admitted and enrolled as members of the Chickasaw tribe of Indians by blood, and that they have all the rights, privileges, and immunities as such.

The clerk of this court is hereby ordered to transmit a certified copy of this judgment to the commission to the five civilized tribes of Indians, which said commission is hereby directed to place upon the rolls made out by it for the Chickasaw nation each and all the names herein enumerated, and that they have all the rights and privileges of Chickasaw Indians by blood, they being admitted as members of said tribe by blood.

To thus judgment the Chickasaw Nation, by attorney, excepts.

28 And thereafterwards, to wit, on Wednesday, December 22nd, 1897, present and presiding aforesaid, the following further proceedings in said cause were had, to wit :

SARAH JONES ET AL., Plaintiff,	}	No. 78. Motion for a New Trial.
<i>vs.</i>		
CHICKASAW NATION, Defendant.		

Now comes the defendant, Chickasaw Nation, and respectfully moves the court to set aside the judgment heretofore rendered in this cause, for the following reasons, to wit :

First. Because the judgment was contrary to law.

Second. Because the same was contrary to the evidence.

Wherefore it prays that said judgment be set aside and held for naught.

CHICKASAW NATION.

The above and foregoing is indorsed in words and figures as follows, to wit: "Sarah Jones *et al.* vs. Chickasaw Nation." "Motion for a new trial." "Filed in open court M'ch 8th, 1898." "C. M. Campbell, clerk."

29 And thereafterwards, to wit, on Monday, March 7th, 1898, present and presiding aforesaid, the following further proceedings in said cause were had, to wit :

SARAH JONES ET AL., Plaintiff,	}	No. 78. Order Overruling Plea to the Jurisdiction and Motion for a New Trial.
<i>vs.</i>		
CHICKASAW NATION, Defendant.		

On this 7th day of March, 1898, came on to be heard the defendant's plea to the jurisdiction of the court herein and its motion for a new trial, and the court, after hearing said plea and motion, is of the opinion that the same should be and is in all things overruled and denied ; to which judgment of the court the defendant duly excepted.

30 And at the April, 1898, term of said court, to wit, on the 11th day of July, 1898—present and presiding, the Hon. Hosea Townsend, judge—the following, among other, proceedings were had, to wit :

SARAH JONES ET AL. }
 vs. } No. 78. Order of Substitution.
 CHICKASAW NATION. }

It appearing to the court by the affidavit of William B. Johnson, attorney for the Chickasaw Nation, that some of the papers in the hereinafter-styled cause were destroyed by fire, and that the same were not substituted prior to the judgment rendered in this court, it is ordered that the said record be supplied in order that the record of appeal may be in all things complete.

(Signed) HOSEA TOWNSEND, *Judge*.

(Court Journal, vol. 11, pp. 114, 115, and 116.)

SARAH JONES ET AL. }
 vs. } No. 78. Application for Appeal.
 CHICKASAW NATION. }

Thereupon the said defendant in said cause, the said Chickasaw Nation, deeming itself aggrieved by the said decree made and entered of record on the 8 day of M'ch, 1898, appeals from said order and decree to the Supreme Court of the United States for the reasons specified in the assignment of errors filed herewith, and it prays that this appeal may be allowed and that a transcript of the record, proceedings, and papers upon which said order was made, duly authenticated, may be sent to the Supreme Court of the United States.

(Signed)

W. B. JOHNSON,
Solicitor for Defendant.

This 11th day of July, 1898.

31 And thereafterwards, on the 11th day of July, 1898, was filed with the clerk of the court the assignment of errors in said cause; which said assignment of errors is in words and figures as follows, to wit:

SARAH JONES ET AL., Plaintiffs, }
 vs. } Assignment of Errors.
 CHICKASAW NATION, Defendant. }

The defendant in this action, in connection with *his* petition for appeal, makes the following assignment of errors, which it avers occurred upon the trial of the cause, to wit:

First. The court erred in holding that the act of Congress creating a commission to pass upon the citizenship of the applicants in the Chickasaw nation and the right to appeal to said court was constitutional.

Second. The court erred in overruling the plea to the jurisdiction of the Dawes commission and said court to pass upon the citizenship of the applicants herein.

Third. The court erred in holding that the laws, customs, and usages of the Chickasaw nation did not control and govern the admission of the applicants to citizenship.

Fourth. The court erred in holding that the Chickasaw nation did not have a right to pass a law relative to citizenship in the Chickasaw nation when said law in any way modified or changed a treaty of the Chickasaw nation with the United States.

Fifth. The court erred in holding that the applicants herein, who had failed to comply with the laws of the Chickasaw nation regulating *his* citizenship therein, *was* still entitled to all the rights and immunities of a citizen- and entitled to be enrolled as such.

Sixth. The court erred in making a general order requiring the substitution of all papers in the Indian citizenship cases
32 during the same term of court at which said papers had been destroyed by fire.

Seventh. The court erred in making a general order requiring the substitution of papers in all citizenship cases by the plaintiff- and defendant within sixty days after the destruction of same.

Eighth. The court erred in permitting the substitution of papers in this cause at the next term of court after the destruction of the same without thirty days' previous notice of the application to the defendant.

Ninth. The court erred in holding that hearsay testimony to prove nationality was admissible as pedigree testimony, which testimony was introduced and in substance tended to show the Indian citizenship of the plaintiff-.

Tenth. The court erred in holding that the hearsay testimony of a witness was admissible as to pedigree when the party whom the witness had heard speak was still alive, which said testimony was introduced as tending to show the Indian citizenship of the plaintiff-.

Eleventh. The court erred in admitting as pedigree testimony the hearsay evidence of persons not intimately acquainted, by either relationship or association, with the persons whom the said witness claim- to have heard speak, which evidence was introduced as tending to show the Indian citizenship of the plaintiff-.

Twelfth. The court erred in holding as pedigree testimony hearsay evidence of a witness who was not related or intimately associated with the speaker, who was himself not shown to be so connected with the parties whom he had heard speak of their Indian ancestry, which evidence was introduced as tending to show the Indian citizenship of the applicant-.

Thirteenth. The court erred in making a general rule that new evidence could be introduced upon appeal from the Dawes commission, which character of evidence was introduced and in substance tended to show the Indian citizenship of the plaintiff-.

Fourteenth. The court erred in granting a decree upon insufficient evidence.

33 Fifteenth. The court erred in holding that all the inter-married applicants herein are entitled to Indian citizenship by virtue of marriage with the applicants herein who claim by blood.

Sixteenth. The court erred in referring this cause to a master in chancery.

Seventeenth. The court erred in overruling the defendant's exceptions to the master's report.

Eighteenth. The court erred in granting this decree upon the substituted pleadings and evidence of the plaintiff alone, the pleadings and evidence of both the plaintiff and defendant having been destroyed.

Nineteenth. The court erred in granting a decree upon the substituted report of the master in chancery alone.

Twentieth. The court erred in overruling the defendant's motion for a new trial.

Twenty-first. The court erred in holding that these plaintiffs, if they ever had any rights as citizens of the Chickasaw nation, could reside in one of the States of the United States, intermarry with United States citizens, exercise the right of suffrage as a citizen of the United States, claim all privileges due such citizens, and not thus utterly expatriate themselves from citizenship in the Chickasaw nation.

Twenty-second. The court erred in admitting these applicants who have never resided in the Indian Territory and who were not so residing at the time of their application to the Dawes commission.

Twenty-third. The court erred in entering a decree for the plaintiff in this cause.

W. B. JOHNSON,

Attorney for Chickasaw Nation.

Indorsed: "No. 78. Sarah Jones *et al.* vs. Chickasaw Nation. Assignment of errors. Filed Jul- 11th, 1898. C. M. Campbell, clerk."

34 And thereafterwards, to wit, on the 11th day of July, 1898, there was filed in the clerk's office of the United States court, southern district, at Ardmore, the following appeal bond; which bond is in words and figures as follows, to wit:

SARAH JONES ET AL., Plaintiff,	}	No. 78. Bond on Appeal.
<i>vs.</i>		
CHICKASAW NATION, Defendant.		

Know all men by these presents that we, the Chickasaw Nation, as principal, and R. M. Harris, gov., and Richard McLish and Walter Colbert, as sureties, are held and firmly bound unto the plaintiff, — — —, in the full and just sum of 100 dollars, to be paid to the said plaintiff, — certain attorneys, executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this 11th day of July, in the year of our Lord one thousand eight hundred and ninety-eight.

Whereas lately, at a court of the United States for the southern district of the Indian Territory, in a suit pending in said court between Sarah Jones *et al.*, plaintiff, and The Chickasaw Nation,

defendant, a decree was rendered against the said Chickasaw Nation, and the said Chickasaw Nation having obtained an appeal and filed a copy thereof in the clerk's office of the said court to reverse the decree in the aforesaid suit, and a citation directed to the said ———, citing and admonishing — to be and appear at a session of the Supreme Court of the United States, to be holden at the city of Washington, in the month of October next:

Now, the condition of the above obligation is such that if the said Chickasaw Nation shall prosecute said appeal to effect and answer all damages and costs if *he* fail to make this said plea good, then the above obligation is to be void; otherwise to remain in full force and effect.

CHICKASAW NATION.
R. M. HARRIS, *Gov.*
RICHARD McLISH.
WALTER COLBERT.

Sealed and delivered in the presence of—

FRED C. CARR.
PHIL BARRETT.

Approved by—

HOSEA TOWNSEND,
*Judge of the United States Court for the
Southern District of the Indian Territory.*

The above and foregoing bond is indorsed in words and figures as follows, to wit: "Sarah Jones *et al.* vs. Chickasaw Nation. Defendant's bond. Filed in open court July 11th, 1898. C. M. Campbell, clerk."

35 The foregoing claim of appeal is allowed and bond for costs fixed at \$100.

(Signed)

HOSEA TOWNSEND, *Judge.*

This 11th day of July, 1898.

(Court Journal, vol. 11, pp. 114, 115, and 116.)

—————
vs. } No. 78. Order.
CHICKASAW NATION.

Thereupon, upon motion of William B. Johnson, attorney for the Chickasaw Nation, it is ordered that the defendant have ninety days in which to prepare and file its bill of exceptions.

(Signed)

HOSEA TOWNSEND, *Judge.*

(Court Journal, vol. 11, pp. 114, 115, and 116.)

—————
vs. } No. 78. Order Granting Extension of Time
CHICKASAW NATION. } for Return Day.

Thereupon comes William B. Johnson and moves the court that the return day of the citation in this cause be extended sixty days;

and it appearing to the court that owing to the great number of cases to be appealed by the Chickasaw Nation it would be impossible to immediately perfect the appeal by said nation in all of said cases, it is ordered that the return day of said citation be extended sixty days.

(Signed)

HOSEA TOWNSEND, *Judge.*

(Court Journal, vol. 11, pp. 114, 115, and 116.)

36 THE UNITED STATES OF AMERICA, ss :

To Sarah Jones *et al.*, Greeting :

Whereas the Chickasaw Nation has lately appealed to the Supreme Court of the United States from a decree lately rendered in the United States court for the southern district of the Indian Territory, made in favor of you, the said Sarah Jones *et al.*, and has filed the security required by law :

You are therefore cited to appear before the said Supreme Court, at the city of Washington, on the first day of the fall term next, to do and receive what may appertain to justice to be done in the premises.

Given under my hand, at the city of Ardmore, in the southern district of the Indian Territory, this 11th day of July, in the year of our Lord one thousand eight hundred and ninety-eight.

HOSEA TOWNSEND,

*Judge of the United States Court for the
Southern District of the Indian Territory.*

Original.

I hereby, this 16 day of July, 1898, accept due personal service of this citation on behalf of Sarah Jones *et al.*, appellees.

W. I. CRUCE,
Solicitors for Appellees.

[Endorsed:] 78. Sarah Jones *et al. v.* Chickasaw Nation. Citation. Original. Filed in open court Jul-11, 1898. C. M. Campbell, clerk.

37 And thereafterwards, on the 11th day of July, 1898, was filed with the clerk of the United States court for the southern district of the Indian Territory the following affidavit for substitution of papers, to wit :

SARAH JONES ET AL., Plaintiff,	} Affidavit for Substitution.
vs.	
CHICKASAW NATION, Defendant.	} of Papers.

Comes now William B. Johnson, attorney for the Chickasaw Nation, who, being duly sworn, upon oath deposes and says :

That in the above numbered and styled cause a great many of the papers were destroyed by fire and have not been substituted, and

that said record is incomplete and the appeal cannot be perfected without the same are supplied.

WM. B. JOHNSON.

Subscribed and sworn to before me this 9th day of July, 1898.

[SEAL.]

PHIL BARRETT,

Notary Public.

The above and foregoing affidavit is endorsed in words and figures as follows, to wit: "No. 78. Sarah Jones *et al.* vs. Chickasaw Nation. Affidavit for substitution of papers. Filed in open court July 11th, 1898. C. M. Campbell, clerk."

38 And thereafterwards, to wit, on the 29th day of Sept., 1898, was filed with the clerk of this court the bill of exceptions in said cause; which said bill of exceptions is in words and figures as follows, to wit:

United States Court for Sputhern District of Indian Territory, at Ardmore.

SARAH JONES ET AL., Plaintiffs,	}	Bill of Exceptions.
<i>vs.</i>		
CHICKASAW NATION, Defendant.		

Be it remembered that on the 1 day of September, 1896, Sarah Jones *et al.* filed with the Dawes commission, at Vinita, Indian Territory, their application for citizenship in the Chickasaw nation.

That thereafter, to wit, on the 15 day of Sept., 1896, the Chickasaw Nation filed with the said Dawes commission its answer to the application of the said Sarah Jones *et al.*, in which the said Chickasaw Nation, after objecting to and denying the jurisdiction of said Dawes commission to pass upon a question of citizenship in the Chickasaw tribe of Indians, did answer in detail the allegations of the applicants.

That thereafter, to wit, on the 15 day of Nov., 1896, the said Dawes commission denied the application of the said Sarah Jones *et al.* for citizenship in the said Chickasaw nation.

That thereafter, to wit, on the 15 day of Dec., 1896, the said applicant, Sarah Jones *et al.*, did appeal from the decision of said Dawes commission to the United States court for the southern district of the Indian Territory, at Ardmore, said appeal being duly perfected upon notice to the Chickasaw Nation.

Be it further remembered that on the 8 day of Dec., 1896, an order was made referring said cause to a master in chancery.

39 And when said cause came on to be heard before said master the defendant, The Chickasaw Nation, objected to said hearing and the authority of the master to pass upon this cause, and then and there excepted to the action of said master.

Be it further remembered that on the 1 day of Aug., 1898, this cause, having been referred, as aforesaid, to a master in chancery, came on to be heard before said master in chancery in the town of

Ardmore; and, after hearing the same, the said master recommended the admission of the said Sarah Jones and her descendants as citizens by blood, but denied the same to the applicants who had intermarried with said descendants; to all of which report recommending the admission of the above applicants the defendant then and there excepted. Said exceptions to the master's report are in words and figures as follows, to wit:

In the United States Court for Southern District of Indian Territory,
at Ardmore.

SARAH JONES ET AL., Plaintiffs,	}	Exceptions to Master's Report.
<i>vs.</i>		
CHICKASAW NATION, Defendant.		

Comes now the Chickasaw Nation and respectfully excepts to the report made by the master in said cause because:

First. Same is not supported by the evidence.

Second. The decision is not in conformity with the law in force governing such cases in the Chickasaw nation, Indian Territory.

Wherefore it prays that said report be disapproved and the applicants rejected.

W. B. JOHNSON,

Attorney for Chickasaw Nation.

That thereafter, to wit, on the 8 day of March, 1898, when said exceptions came on to be heard by the court, the same were overruled; to which the defendant objected, and, said objection being overruled, the defendant then and there in open court duly excepted and still excepts.

40 Be it further remembered that on the 1 day of Aug. 18, 97, when said cause came up before the aforesaid master in chancery for hearing, certain testimony was introduced which had not been introduced before the Dawes commission, but was taken after appeal was perfected from the decision of said Dawes commission; to the introduction of which testimony for the above reason the defendant objected, and, said objection being overruled, the defendant then and there excepted and still excepts.

Be it further remembered that on the 8 day of M'ch, 1898, the defendant filed its plea to the jurisdiction of the Dawes commission to pass upon a question of citizenship in the Chickasaw tribe of Indians and of this court to pass upon this cause upon appeal from said Dawes commission for reasons stated in said plea; which plea was by the court overruled; to which the defendant objected, and, said objection being overruled, the defendant then and there excepted and still excepts.

Be it further remembered that on the 8 day of M'ch, 1898, the above cause came on to be heard before the Honorable Hosea Townsend, judge of the above court; whereupon came the plaintiffs, by their attorneys, and the defendant, by its attorney, and the following, among other, proceedings were had, to wit:

Plaintiffs introduced the following testimony :

41 INDIAN TERRITORY, }
Chickasaw Nation. }

The affiant, Mrs. Sarah Jones, after being first duly sworn, says: That she is about 55 years of age and was born at Tishomingo, Chickasaw nation, Indian Territory, where she has lived all her life, except a brief residence in Texas, and that she is a full-blood Chickasaw Indian. She says that she was duly and lawfully married to James Jones, who was a colored man, about 38 years ago, and that she had by her marriage with said James Jones seven children, all of whom are now living in the Indian Territory, Chickasaw nation, and whose names are Mary Jones, Armstead Jones, Isam Jones, James Jones, Tom Jones, Tennessee Jones, and Ida Jones. She says that her daughter Mary Jones was duly and lawfully married in the Indian Territory, Chickasaw nation, to Jesse Powell, and have by said marriage one child, whose name is Rosa Powell.

That her son Armstead Jones was duly and lawfully married in the Indian Territory, Chickasaw nation, to Lucy Simms, and have by said marriage two children, whose names are Edward Jones and Bertie Jones; that her son James Jones was duly and lawfully married in the Indian Territory, Chickasaw nation, to Alma Clemmons, and have by said marriage one child, whose name is Hubbetecker Jones.

That her son Henry C. Jones was duly and lawfully married in the Indian Territory, Chickasaw nation, to Maggie Morton, and have by her said marriage one child, whose name is Alfred Jones. She says that she has been known and recognized all her life as a full-blood Chickasaw Indian and has lived in the Chickasaw nation ever since she was born and now so resides, and that all of her children above named are now living in the Indian Territory, Chickasaw nation, and have so lived all their lives.

(Signed)

her
SARAH x JONES.
mark.

42 Subscribed and sworn to before me by Sarah Jones this 4th day of September, 1896.

(Signed)
[SEAL.]

T. B. JOHNSON,
N. P., Southern Dist., I. T.

INDIAN TERRITORY, }
Southern District. }

E. M. Cheoppe, being duly sworn, on oath says:

I am a citizen of the Chickasaw nation, Ind. Ter., by blood. I know Mrs. Sarah Jones, and know that she is a member of the Chickasaw tribe of Indians by blood and has been recognized as such. I am familiar with the family history of Mrs. Sarah Jones, and have known her for a period of forty years, during which time she has resided in the Indian Territory.

(Signed)

M. CHEOPPE.

Subscribed and sworn to before me, a notary public in and for the southern judicial district, Indian Territory, this 31st day of August, 1896.

(Signed)

T. B. JOHNSON,
Notary Public, Southern District, Indian Territory. [SEAL.]

43 INDIAN TERRITORY, }
Chickasaw Nation. }

The affiant, Fannie Simms, after being first duly sworn, says:

I am 56 years of age and live in the Indian Territory, Chickasaw nation, and have so lived for four years, and am a citizen of the United States. I am acquainted with Mrs. Sarah Jones and have known her for years. She is a full-blood Chickasaw Indian, and has been known and recognized as such all her life. She was duly and lawfully married to — Jones, and has by said marriage seven children, whose names are Mary Jones, Armstead Jones, Isam Jones, James Jones, Tom Jones, Henry C. Jones, and Ida Jones, all of whom are now living in the Indian Territory, Chickasaw nation, and are one-half Chickasaw Indian by blood. The said Mary Jones was duly and lawfully married to Jesse Fowler, and they have by said marriage one child, *one child*, Rosa Powell, who is a one-fourth Indian by blood. Armstead Jones was duly and lawfully married to Lucy Simms, and has by said marriage two children, whose names are Edward Jones and Bertie Jones, who are about one-fourth Chickasaw Indians by blood.

That the said James Jones was duly and lawfully married — Alena Clemmons, and has by said marriage one child, Hubbetecker Jones, who is a one-fourth Chickasaw Indian by blood.

Henry C. Jones was duly and lawfully married to Maggie Mor-ton, and has by said marriage one child, whose name is Alfred Jones, and who is a one-fourth Chickasaw Indian by blood; that all of said parties are now living in the Chickasaw nation, Indian Territory.

(Signed)

her
FANNIE x SIMMS.
mark.

Subscribed and sworn to before me, a notary public, this the 3rd day of September, 1896.

(Signed)

T. B. JOHNSON,
Southern District, Indian Territory. [SEAL.]

44 INDIAN TERRITORY, }
Chickasaw Nation. }

The affiant, Henry Hodge, after first being duly sworn, says: I am 25 years of age and live in the Indian Territory, Chickasaw nation, and have so lived for $2\frac{1}{2}$ years and am living there now. I am acquainted with Mrs. Sarah Jones and have known her for two and one-half years. She is a full-blood Chickasaw Indian, and has been known and recognized as such all her life. She was duly and

lawfully married to — Jones, and has by said marriage seven children, whose names are Mary Jones, Armstead Jones, Isam Jones, James Jones, Tom Jones, Henry C. Jones, and Ida Jones, all of whom are now living in the Indian Territory, Chickasaw nation, and are one-half Chickasaw Indians by blood. The said Mary Jones was duly and lawfully married to Jesse Powell, and they have by said marriage one child, Rosa Powell, who is a one-fourth Indian by blood.

Armstead Jones was duly and lawfully married to Almond Clemmons, and has by said marriage two children, whose names are Edward Jones and Burney Jones, who are one-fourth Chickasaw Indians by blood.

That the said James Jones was duly and lawfully married to — —, and has by said marriage one child, Hubbetecker Jones, who is a one-fourth Chickasaw Indian by blood.

That Henry C. Jones was duly and lawfully married to — —, and has by said marriage one child, whose name is Alfred Jones, and who is a one-fourth Chickasaw Indian by blood.

That all of said parties, except Henry C. Jones and his son, Alfred Jones, are now living in the Chickasaw nation, Indian Territory.

(Signed)

HENRY HODGES.

Subscribed and sworn to before me this the 3rd day of September, 1896.

(Signed)

T. B. JOHNSON,

Notary Public, Southern District, Ind. Ter. [SEAL.]

45 The plaintiffs here offer in evidence the following testimony, which had been heretofore introduced before the master in chancery over the objection of the defendant, and now, at the time of offering said testimony before the court, the defendant objected for the reason that the same had not been used before the Dawes commission and was now introduced for the first time upon appeal; which objection the court overruled; the defendant then and there excepted and still excepts.

It is agreed that the following testimony was taken before the master in chancery, in the town of Ardmore, but which said testimony was destroyed by fire, and it is agreed that the following shall be substituted in lieu thereof.

(Signed)

CRUCE, CRUCE & CRUCE,

Attorneys for Applicants.

W. B. JOHNSON,

Attorney for Chickasaw Nation.

— — testified that she was of African descent and was — years of age, and that she knew the applicant Sarah Jones when she was a girl and knew her while going to school to Parson Couch, at — academy, in the Chickasaw nation, Indian Territory; that affiant was a servant at said academy at said time, and that Sarah Jones was ten or eleven years of age; that Sarah Jones was going

to school at said academy as an Indian, was recognized and known as an Indian, and attended the Sunday school for Indian children, and that she staid there until Parson Couch left the academy and went to the State of Texas, when Sarah Jones went with him.

46 ——— testified that she is — years of age; that she knew Sarah Jones when she was a girl, and knew her father and mother, and was at the burial of her father and mother, and that her father and mother were both Chickasaw Indians, and that her father was killed by a negro man while acting as an Indian officer, and was buried in the Chickasaw nation.

Mrs. ——— says she is — years of age and a member of the Chickasaw tribe of Indians by blood, and is on the rolls, and that she is a sister of Mrs. D. C. Carter; that she is well acquainted with Sarah Jones, and has known her since she was a small girl; that Sarah Jones is a Chickasaw Indian, and is nearly, if not quite, a full-blood; that her father and mother were both Chickasaw Indians by blood.

It is agreed that the following testimony was taken before the master in chancery, in the town of Ardmore, but which said testimony was destroyed by fire, and it is agreed that the following shall be substituted in lieu thereof.

(Signed) CRUCE, CRUCE & CRUCE,
Attorneys for Applicants.
W. B. JOHNSON,
Attorney for the Chickasaw Nation.

——— testified that she was — years of age and of African descent, and that she knew the applicant Sarah Jones when she was a girl and knew her while going to school to Parson Couch, at ——— academy, in the Chickasaw nation, Indian Territory; that affiant was a servant at said academy at said time, and that Sarah Jones was ten or eleven years of age; that Sarah Jones was going to school at said academy as an Indian, was recognized and known as an Indian, and attended the Sunday school for Indian children, and that she stayed there until Parson Couch left the academy and went to the State of Texas, when Sarah Jones went with him.

47 The plaintiffs here closed their testimony and rested their case.

Whereupon the defendant introduced the following testimony, to wit:

On the part of the defendant, The Chickasaw Nation.

The affiant, ———, says that he is — years of age and is the editor of a newspaper in Gainesville, Texas; that he knew the applicant, Sarah Jones, and knew her up until she was 18 or 19 years of age, and that during the time her knew her she was living with Parson Couch, in the State of Texas; that this affiant was about her

at Parson Couch's frequently and was well acquainted with her, and that she was treated by said Couch as a slave; that she was married in the State of Texas to — Jones, who was a negro, but that she had one child before she married Jones, which was a bastard.

48 This being all the testimony introduced upon the trial of the cause by either plaintiffs or defendant, the court rendered its decree in favor of the plaintiffs herein; to all of which decree and the rendition thereof the defendant in open court then and there duly excepted and still excepts.

Be it further remembered that on the 8th day of March, 1898, the defendant presented to the court its motion for a new trial for reasons set forth in said motion; which motion was by the court overruled and denied; to which judgment of the court in overruling said motion the defendant then and there in open court duly excepted and still excepts.

And now comes the defendant, Chickasaw Nation, on this 28th day of September, 1898, and within the ninety days allowed by the judge of this court for filing this bill of exceptions, and presents and tenders this its bill of exception to the court, and prays that the same be allowed, signed and sealed, and made a part of the record in this case.

To the approval and signing of said purported bill of exceptions the appellees object:

First. Because, under the act of Congress of June 10, 1896, the claim of appellees to Chickasaw citizenship has been inquired into, passed upon, and adjudicated by the final judgment of this court duly rendered and entered herein, and because the act of July 1, 1898, does not confer upon the Supreme Court the power or jurisdiction to revise or review said final judgment, and confers upon said Supreme Court appelland jurisdiction only to inquire into and pass upon the constitutionality or validity of said act of June 10, 1896.

Second. Because the final judgment herein was duly rendered and entered prior to the passage of the act of July 1, 1898, and by the rendition thereof the appellees, *ipso facto*, were invested with the vested and valuable rights of Chickasaw citizenship, which carried with it the vested and valuable rights of property, and for that reason the said act of July 1, 1898, which purports to confer upon the said Supreme Court appelland jurisdiction of this cause, is unconstitutional and void.

But the court, after being advised in the premises, overrules said exception and objection to the filing of said bill of exceptions, and hereby allows, signs, and seals the same and directs that the same be made a part of the record in this case.

{ Seal United States Court in the Indian Territory, }
Southern District. }

HOSEA TOWNSEND,
*Judge of the United States Court in and for the
Southern District of the Indian Territory.*

49 UNITED STATES OF AMERICA, }
Indian Territory, Southern District. }

I, C. M. Campbell, clerk of the foregoing district and Territory, do hereby certify that the foregoing 48 pages contain full, true, and complete copies of all the pleadings, proceedings, and record entries, including the opinion of the said court, in the case of The Chickasaw Nation, appellant, vs. Sarah Jones *et al.*, appellee, No. 78, as the same remain upon the files and records of the United States court, Indian Territory, southern district, at Ardmore.

I further certify that the original citation in said cause, with the admission of service thereon, is hereto attached and herewith returned.

In testimony whereof I hereunto subscribe my name and affix the seal of said court, at the city of Ardmore, this 29th day of September, 1898.

{ Seal United States Court in the Indian Territory, }
 Southern District. }

C. M. CAMPBELL,
*Clerk of the United States Court,
 Southern District, Indian Territory.*

Endorsed on cover: Case No. 17,106. Indian Territory U. S. court. Term No., 521. The Chickasaw Nation, appellant, vs. Sarah Jones *et al.* Filed October 28, 1898.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

I, A. S. McKennon, a member of the Commission to the Five Civilized Tribes, do hereby certify that the case of Sarah Jones, and others, was never placed upon the docket of citizenship cases by the Commission under the Act of Congress, June 10th, 1896, because they were found to be negroes, and not Chickasaw Indians, and no judgment was therefore entered upon the docket of said Commission at that time, the Commission having no authority under said Act to consider or pass upon applications of Freedmen for enrollment.

Witness my hand as such Commissioner this January 2nd, 1900.

A S McKennon
Commissioner.

Faint handwritten notes and signatures are visible in the lower right quadrant of the page.

Certificate of James Cow
+
No Judgment of
Cow.
+

Commissioner

Witness my hand as such Commissioner this 14th day of July, 1880.

enrollment.

and yet to consider of laws upon applications of Bleedmen for
Commission at that time, the Commission having no authority under
and no judgment was therefore entered upon the docket of said
case they were found to be null and void. And not only so, but
by the Commission under the act of Congress: June 10th, 1880, re-
and others, was never entered upon the docket of said case
Civilized Liberia, do hereby certify that the case of Salsby Jones,
I. V. S. McKinnon, a member of the Commission to the Liberian

Commission to the Liberian
DEPARTMENT OF THE INTERIOR.

South McAlester, Indian Territory, August 17, 1903.

LETTER OF INSTRUCTIONS.

IN THE CASE OF SARAH JONES, ET AL, VS. CHOCTAW AND CHICKASAW NATIONS.

You are directed to proceed to Ardmore, Indian Territory, and confer with Mrs. B. W. Carter. Do so, if possible in the absence of her son, Charles D. Carter, as he is unfriendly to us.

It will be remembered that the principal applicant, Sarah Jones claimsto be an Indian, and that she was turned over by her father, upon the death of her mother, (both of whom were full bloods) to Rev. Couch, who was the manager of an Indian school; and that she went to school and associated with the other Chickasaw Indians children while there; and afterwards that she was taken to Texas by Rev. Couch.

Our theory is that she is a negro; that she was bought as a slave by Rev. Couch, and considered and treated as such; and that she was taken to Texas by him, and there held and considered by him as a slave. This claimant has the undoubted personal appearance of a negro; and our theory is supported by the testimony of Mrs. Sheappe, of Dougherty, Indian Territory, and J. M. Wilson of Coalgate, Indian Territory, both of whom knew her while she was owned by Couch in the Indian Territory, and also by various other persons who knew her from the time she arrived in Texas, up to a few years ago, and know that she was considered as a negro and a slave, and so considered herself.

Mrs. Betsy Myers, a Chickasaw Indian gives testimony on behalf of the applicants, in which she states that she was acquainted with her, and various other things tending to show that she was an Indian.

Mrs. Carter, the witness you are to see is either the sister or a near relative of Mrs. Sheoppe that she attended school at that time, and we think she will be able to give definite and complete information relative to the applicants, corroborating the testimony of Mrs. Sheoppe, J. M. Wilson, and others.

Take from her a full and complete statement of all she knows of these applicants, from her first knowledge of her, to the present time. Also have her state what she knows with reference to the attendance at this school of Betsy Myers, and also as to Betsy Myers reputation for truth and veracity.

Statement of J.M.Wilson of Coalgate, I.T.

About the middle of May, 1903, I saw J.M.Wilson of Coalgate, I.T. in regard to the Sarah Jones citizenship case. I took a statement from him in that case; but an examination of the papers shows that said statement has been lost or misplaced.

Mr. Wilson said that when he was a boy sixteen or seventeen years of age he lived with his father in the Indian Territory near an old Missionary by the name of Ezekiel Couch; that Ezekiel Couch was a preacher and also taught one of the National Schools. He said further that Ezekiel Couch owned a colored girl by the name of Sarah; that he has heard Ezekiel Couch say that she was a negro, that he had bought her and that she was his slave. A few years before the war Couch moved to Grayson county, Texas, and settled close to where the affiant Wilson lived at that time. He said that Couch carried Sarah with him, and kept her as his slave, and paid taxes on her in Grayson County. Wilson further says that a hired hand on Couch's place by the name of Ing got Sarah in a family way; that she had a child by him, and that the child's name was Henry, commonly called Hal. He now calls himself Hal Couch. Wilson saw Sarah many times in Texas and knew that she was the slave of Rev. Couch. She was considered a negro by all who knew her. She finally married a negro.

D.A. Richardson.

D. V. B. Chapman.

negro by all who knew her. She finally married a negro and knew that she was the wife of Rev. Conch. She was considered a now called himself Nat Conch. Wilson saw Gerry many times in Texas him, and that the child's name was Henry, commonly called Nat. He by the name of Ing got Gerry in a family way; that she had a child by Grayson County. Wilson further says that a child was born on Conch's place Gerry with him, and kept her as his slave, and being taken on her in the district Wilson lived at that time. He said that Conch carried Conch moved to Grayson County, Texas, and settled close to where bought her and that she was his wife. A few days before the war he was being Ezekiel Conch and that she was a negro, that he had that Ezekiel Conch owned a colored child by the name of George; that Brescher, and also taught one of the National Schools. He said further, that Wilson by the name of Ezekiel Conch; that Ezekiel Conch was a slave lived with his father in the Indian Territory near an old Mr. Wilson said that when he was a boy sixteen or seventeen years of age statement has been lost or misplaced.

From him in that case; but on examination of the books shows that in regard to the Gerry Jones citizenship case. I took a statement about the middle of May, 1902, I saw J. M. Wilson of Coalgate, I. T.

Statement of J. M. Wilson of Coalgate, I. T.

Statement of J. M. Wilson

SARAH JONES, ET AL.

Application states that Mrs. Sarah Jones is a full blood Chickasaw Indian; that on the _____ day of _____ 18____ she was lawfully married to one James Jones, and had by said marriage seven children, whose names she gives, and all of whom she says are now living in the Chickasaw Nation, and are 1/2 blood Chickasaws. Gives the names of her children the persons whom they married together with their issue. Ask for enrollment.

Application was denied by the Dawes Commission. Appealed to the United States Court for the Southern District. The report of the Master in Chancery is signed in blank. It finds that Sarah Jones is a full blood Chickasaw Indian; that her mother died when Sarah was very young; that her father was killed while acting as a Chickasaw officer. That Parson Couch in charge of one of the Chickasaw Seminaries took her and kept her in the seminary until she was ten or twelve years old; that he left the Territory and took Sarah with him to the State of Texas. After locating in Texas Couch treated her as a slave. When 16 years old she had a bastard child, Henry C. Couch or Jones. After that she was married in the State of Texas to a negro James Jones, and had by him a number of children whose names are given. A The master finds that Sarah is a full blood; that Henry C. Jones being a bastard takes the nationality of his mother. Finds for the admission of all the applicants who claim by blood; that those who claim by intermarriage did not comply with the marriage laws of the Chickasaw Nation; recommends that the last named be rejected. Judgment accordingly.

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AFFIDAVITS BEFORE DAWES COMMISSION.

MRS. SARAH JONES says that she is about 55 years old; that she was born at Tishomingo where she has lived all her life except a brief residence in Texas. That she is a full blood Indian. That she was lawfully married to James Jones, a colored man, about 38 years ago, and that she had by him 7 children, all of whom are now living in the Indian Territory.

E. M. CHEOPPE says that he is a Chickasaw Indian by blood. That he knows Mrs. Sarah Jones, and knows that she is a recognized member of the Chickasaw Tribe of Indians. Has known her for forty years during which time she has resided in the Indian Territory.

FANNIE SIMMS says that she is 56 years old and lives in the Chickas

Chickasaw Nation. Has known Mrs. Sarah Jones for years. She is recognized as a full blood Chickasaw Indian. She was lawfully married to James Jones and had by said marriage 7 children, who are one half Chickasaw Indians by bld

HENRY HODGE says that he is 25 years old and lives in the Chickasaw Nation. Has known Mrs. Sarah Jones for 2 and 1/2 years. She is a full blood Chickasaw Indian and has been recognized as such all of her life. She was lawfully married to James Jones and has had by him 7 children whose names affiant gives. (Yet affiant has known her for only two and a half years)

All of the other testimony is that of negroes and is signed in blank.

No testimony is exhibited in the record to warrant the facts stated by the Master in Chancery in his report.

The applicant is no doubt a negro woman. There is no testimony to show who her ancestors were, or to prove that she is a Chickasaw Indian if in fact she is an Indian at all. j j

Handwritten signature

Mrs. Betsey Myers, being sworn testifies as follows:

Examination by Mr. Cruce:

Q. What is your given name?

A. Betsy Myers.

Q Are you an Indian, full-blood:

A I am three-quarters Indian by blood, Chickasaw.

Q Did you know one Parson Couch, who lived in the Territory a number of years ago?

A Yes sir.

Q. I will get you to state whether you were acquainted with a girl who lived with Parson Couch, by the name of Sarah?

Q Yes sir, I knew her when she lived with Parson Couch and went to school at Colbert's Institute. I went to school with her there.

Q. I will get you to state whether or not that Sarah is the same Sarah who is living in Ardmore now, and is known as Sarah Jones?

A Yes sir, she is the same woman; the same person.

Q Who was she living with at the time you first knew her?

A With Parson Couch, the manager of the school; she was living with him.

Q Was she there going to school?

A Yes sir.

Q I will get you to state whether or not she was known as recognized as an Indian?

A Yes sir, as a Chickasaw Indian. She must have been, or she would not have been allowed to go to school there.

Q Did she look like an Indian?

A Yes sir, she looked like a full-blood.

Q. How long did you go to school there?

A I went to school there one year.

Q Was Sarah there all that time going to school?

A Yes sir.

Q. Do you know who brought here there?

~~XXXXXXXXXXXXXXXXXXXX~~

A Who brought her there and gave her to Parson Couch? A man by the name of Lucu, who claimed to be her father.

Q. Do you know what became of him afterwards?

A. He got killed; that is all I know about him.

Q. Did you understand her mother to be dead at the time he brought Sarah there?

A Yes, Mr. Couch told me her mother was dead. Mrs. Couch said they had taken her to raise.

Q. When you left the school did you leave her there with the Couches?

A Yes sir.

Q. You understood they took her off to the Choctaw Nation, and from there to Texas?

A I never knew of that until she came back to Ardmore, and she told me where they took her.

Q You recognized her here as the same Sarah who went to school, with you?

A. Yes sir. She did not know me, until I went up to her and talked to her and asked her about it.

Q You are not related to her in any way are you.

A No sir.

Q Do you know what kind of a preacher Couch was, Methodists, Baptist, or what?

A No sir.

Q You were just a girl then yourself?

A Yes sir, but I can recollect back to those days well. I remembered Sarah. I knew her the first time I saw her/ I knew then she went to school at the Academy with us.

Susan Alexander, being sworn testifies as follows:

Examination by Mr. Cruce:

Q. Are you acquainted with Sarah Jones?

A Yes sir.

Q. How long have you been acquainted with her?

A Ever since we were children.

Q You were children together?

A Yes sir. I knowed her as quick as I seen her. I went up to her and asked her if she was'nt Sarah Couch, and she said yes.

Q. She was known as Sarah Couch?

Q Yes sir.

Q Who did she live with?

A Mr. Couch, a preacher.

Q Who was Couch

A Superintendent of the Academy.

Q Was he a preacher?

A Yes sir, he was a preacher.

Q. Do you know what became of Sarah when she left the academy, whether she was taken to the Choctaw nation, and then to Texas?

A The next time I heard from Mr. Couch, it was the second year of the war and he was living in Texas, then.

Q Moved from the Choctaw Nation?

A Yes sir, he had moved to the Choctaw Nation, and then went to Texas.

Q. Was Sarah at the time you knew her when she lived with Parson Couch known and recognized as a Chickasaw Indian?

A Yes sir.

Q Was she treated like other Indian girls at the school?

A Yes sir.

Q. Do you know how Couch came to have her?

A I suppose her father gave her to Mr. Couch to raise. I heard he gave Mr. Couch fifty dollars, said it was all the money he had, but it would help to raise his child.

You know she was treated like the other Couch children?

A Yes sir, and like Mr. Robertson's children; they had two orphan children they was raising, Mr. Robinson did.

Q. Did Couch take her around like he did the other children? Like the other members of his family?

A. Yes sir, she would go with him in the buggy on visits.

Q. Did you know her mother?

A No sir.

Q. Did you ever see her father?

A No sir, just heard talk of him. If I seen him I do'nt remember it. I heard her father was sheriff.

Q. What kind of an Indian was Sarah, Choctaw or Chickasaw?

A They always called her a Chickasaw.

Q. Do you know this Sarah Jones to be the same person as the Indian girl who lived with Couch known as Sarah?

A. Yes sir, she is the same one. I walked up to her and asked her if she was'nt Sara Couch. I knowed her right away, but she did know methen

Q Are you related to her in any way?

A No sir.

Indian Territory,
Southern District 3

Statement of J. M. Berry
History Public

My name is J. M. Berry - I am a History
Public for the Southern District of the
Indian Territory and as such was re-
quested by the Governor of the Chick-
saw Nation to accompany a repre-
sentative of the Chickasaw Nation
in taking testimony in certain "Shem-
petest" Cases which under the Act
of May 31, 1900 -
in the discharge of my duties. I found
at the house of Lewis Reed, a Chickasaw
Citizen, near Keogan, Indian Territory,
a Chickasaw woman named Betty
Myers, who resides at Ardmore,
Indian Territory, and with whom I
have been acquainted the greater part
of my life -

The representative of the Chickasaw
Nation who accompanied me recog-
nized her as the principal witness
for certain Citizenships Elements
who had been admitted to Chickasaw

(7)

beginning by a denial of the Shutts
Atter Chart for the Seatham Substant
of Admore in the case of Seam James
et al vs. the Chickensaw Wetton -

He discussed the claims of these people
fully with her, in my presence, and the
latter testimony given by her and the
in emotives under which it was
given - Her statement of what she
knew about Seam Ford, the beating
applicant and the mother of the others,
was in substance as follows:

That before the war she attended an
Indian school at Shenandoah, run by a
missionary named Rev. Beach; that while
there for man who belonged to some
tribe of Indians the name of whom she
not now remembers by who was not, as
particularly stated by her a Chickensaw,
brought a girl there, denied by
him to be his, and gave her out to
the control of Rev. Beach; that she
saw this girl and knew her very
while at school; that she had no
knowledge of the mother of this
girl or of any of her substance
parents -

She stated further that when she
gave her testimony in the case

she intended to state only this; and that if it was whether seems apparently it was a mistake and was done without her permission or authority -

The representative of the Chickasaw Nation asked and begged her to make this statement under oath in the form of an affidavit, and she refused to do so stating that ~~she~~ would comply with her evidence already given and that she would get into trouble. This statement is made by me on my official signature and under my official seal and oath.

J. M. Dent
Notary Public
Jackson, Tenn.
June, 1891



1
2 My name is ~~the~~ Mrs. ~~the~~ Carter & am
3 the widow of Benj. W. Carter. I am a
4 Chockaw by blood

5 I first knew Sarah Jones about ten
6 years ago when she came to my house
7 to nurse my daughter who was ill. At
8 that time Sarah Jones told me that
9 she was part Creek Indian and part
10 Negro. She said that a party of Creek
11 Indians were passing through the
12 country she said that Sarah Couch
13 who had a school for girls near Creek
14 raised her, & suggested to her that
15 if she were an Indian she should
16 show up her claim and then she
17 connected my husband who was a
18 partner of J. D. Little with her. She also
19 claimed to have some Choctaw blood
20 & her claim was prepared to be presented
21 to that tribe; she never claimed to have
22 any Chockaw blood until later

23 Judge J. M. Wilson of Coalgate lived
24 near Indian Couch & will perhaps
25 know about her Choctaw Couch

26 While I knew Gracker Couch
27 I was too young to attend his school
28 and was six feet high at his school
29 Sarah Jones was married to a Negro born
30 in the Negro settlement and is counted a
31 negro by her neighbors and acquaintances
32 in Anderson Mrs. J. G. Learler

Signed in my presence this 19th day of August 1883

When in my former situation I was engaged in

in the same manner as I have done in

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Sarah Jones

Statement of Mrs J Carter

32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

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2 My name is Susan Alexander; I am a
3 Protestant Presbyterian; I am 56 years of
4 age (looks older)

5 I have known Sarah Jones ever since
6 she was a child - I don't remember
7 what her name was when I first knew
8 her but it was a "talking" of some
9 kind. After her mother's death she was
10 brought by her father to the Academy
11 near Stoneham and given to Governor Bowditch
12 to ~~be~~ raise. He spoke nothing but ~~English~~
13 Chockmah when she first came. My mother
14 looked at the Academy and I used to go
15 over to see her. Her father gave Charles
16 \$50.00 to raise her, I have heard

17 Mrs Carter, Stanley Carter's mother went
18 to school with her; she ate and slept
19 with the other Indian girls like ~~some~~
20 she was one of them and was so considered
21 by them. Sarah was about eight years old
22 when she came to the academy and I knew
23 her until she was about 16 yrs old, she left
24 the country then and I didn't see her again
25 until she was a grown woman and had a
26 family. I recognized her as soon as I saw
27 her but she did not remember me. Her
28 memory is not very good. Sarah's father
29 was an Indian chief and I remember
30 when he was killed.

31 Sarah's husband is a colored man and
32 she associates entirely with colored people

Wrote in my frame the Susan Alexander
Aug 8, 1903
W.A. Mason

T-74

Sarah Jones

Statement of
Susan Alexander

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Conf 8/1/18
Index in sub folder

Index to records

Indian Writing
Southern District,

My name is Dandem Sove, My age
is 80 years, My B.O, is Mandel, S.T.

I knew Parson Ezekiel Connel who was a
missionary to the Indians in the Territory, & he
lived where I first knew him at Post Salt Creek,
near the present town of Ennet. He often went
here at different points. I have been to his
house many a time, & was on intimate terms
with him. He owned a negro girl by the name
of Parak. I do not know just when he got her,
but think it was in the forties sometime. When I
first knew her she was 12 or 13 years old, she
was his slave, he owned her, and treated her as
such.

Parson Connel moved from here to Texas before
the war, he lived on Brushy Creek near the line between
Ct & Vermont Territory, I frequently visited him
at his house there, and have always see night
with him many times. He and his wife carried
Parak with them when they moved there. She
was freed there on the end of the Civil War, she
married a negro in Texas, and has seven or 8
children by him. I do not know what her husband's
name was. I never heard of Parak Connel having
any Indian ^{cast} her manners, habits, and appearance
were wholly those of a negro. I do not know where
Parson Connel got her. Owen Tom Stone

Subscribed & sworn to before me this Dec. 9, 1903.

J. J. Bartlett

Notary Public
St. Louis, Mo.

My name is Anna Jarvis; I am a Catholic -
and I read your and about 56 or 57 years
old (looks much older)

I have known Sarah Jones ever since
she was a child; she went by the name
of Sarah Couch, but I never knew her
father's name. I never knew her
to raise when I first knew her. She
always was considered as an Indian. I
never knew what tribe she belonged to.

Sarah Jones was attending the Reading
and either I never knew or I'm brother got
Sarah in a delicate condition and there
being talk of presenting him to look
for his best interests to give as

I am a sister of Susan Alexander,

and I know Mr. Stephens who lives close
to Mr. Jones' house. Sarah's father

Anna X Jarvis
wrote

Signed in my presence this August 8, 1903
W. A. Moore

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Sarah Jones

Statement of Harma
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My name is Estey Myers; my father often is
known as V. I. I am a Chickens Indian by blood
I first knew Sarah Jones when I was
about seven years of age and was a student
at the Standard academy, known as Col-
berts institute. The mother of Sarah Jones
lived close there and I remember her when
she died I attended her funeral and
a short time after that Jones was
brought to Mr. Couch superintendent of the
Academy by her father. He could not speak
English and I acted as interpreter. He
said he gave her to Mr. Couch to be raised right
as one of his own children and not as a Negro
Sarah Jones could not speak English at all
when she came there. Paul told me the man
with whom she spoke Chick Indian
He was in the Academy when I left. I was
in the Academy with her about a year and a
half, I never spoke her again until after she
was an old woman and had come to live in
Ordmore, I knew her when I first cast her but
she did not remember me. She is considerably
older than I am. When I first cast her I
called Susan Alexander who lives near Soapfords
if that wasn't Sarah Jones and she said
yes. Hanna Lee who lives near Soapfords
also knows about Sarah Jones.

Bethie E Myers

Signed in my presence this 7th day of August 1903
Ordmore

T-74

Sarah Jones

Statement of
Betsey Myers

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BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment in the Chickasaw Nation of Sarah Jones, et al.

Now comes the Chickasaw Nation, by its attorneys, and, without waiving any exceptions heretofore taken to the application filed herein; and without consenting to, but denying the jurisdiction of this Honorable Commission to pass upon a question of citizenship in the Chickasaw Tribe of Indians, presents this, its answer to said application, and respectfully represents:

The Chickasaw Nation alleges that none of the applicants herein are entitled to enrollment in the Chickasaw Nation by blood or otherwise, and says that each and all of them are now, and have at all times been citizens of the United States; and that none of the applicants herein have any evidence which shows to this Commission that they are entitled to enrollment in said Nation; it further alleges the fact to be that the petition of the applicants herein is entirely without foundation in proof and fact. The Chickasaw Nation offers, in support of the allegations herein contained, the exhibits hereto attached, and ask that they be considered as a part of this answer.

WHEREFORE, it prays that the application herein be dismissed, and will ever pray, etc.,

THE CHICKASAW NATION

By Its Attorneys.

In the matter of the application of Sarah Jones, et al., for enrollment in the Chickasaw Nation:

Indian Territory)
Chickasaw Nation)

AFFIDAVIT OF CHARLES D. CARTER.

Before me, the undersigned authority, on this day personally appeared Charles D. Carter, who being first duly sworn, on oath deposes and says: My name is Charles D. Carter; I am 28 years of age, and am a Chickasaw Indian by blood; I was born and raised in the Indian Territory; my present residence is Ardmore, Ind. Ter., Chickasaw Nation; have been Superintendent of Public Instruction for the Chickasaw Nation, and have held other positions of trust in the Chickasaw Nation. About two or three years ago, the applicant Sarah Jones came to me, and wanted me to represent her in establishing her right to citizenship in the Indian Territory; I asked her what Nation she claimed to be a citizen of, and she stated that she was a citizen of the Creek Nation; that, a good while ago, the Indians used to intermarry with the negroes, and that she was the issue of one of such marriages. I explained to her that the Chickasaws never intermarried with negroes, but that I understood that the Creeks had; she said ~~yes~~ yes that was the Nation that she was a citizen of.

(Signed) C. D. Carter.

Subscribed and sworn to before me on this the 23rd day of October, 1896.

G. W. Adams,

Notary Public.

(SEAL)

State of Texas)
County of Cooke)

The affiant J. M. Wilson, after being duly sworn says:

I am fifty four years of age, live in Cooke County, Texas; have lived in said County twelve years.

I am acquainted with Sarah Jones of Ardmore, I. T., have known hersince 1855. I first saw her at Perryville, Choctaw Nation. She was then held as a slave by Ezekial Couch, who was running an Indian School at said Perryville. Said Couch was a missionary to the Indians. About two years afterwards Rev. Couch moved to Grayson County, Texas, and brought this woman with him. She was about fourteen years old when I first knew her. She was a slave until she was freed in 1865, and belonged to said Couch up to said time. Said Sarah Jones looked like an Indian, and was generally reputed to be a half breed Choctaw Indian. This was claimed by her master who owned her from childhood. She has ~~lived~~ lived in Cooke and Grayson Counties, Texas, ever since she came to Texas, and has removed from Texas only recently.

(Signed) J. M. Wilson.

Sworn to and subscribed before me this the 4th day of November, A. D., 1896.

R. R. Bell,

(SEAL)

Notary Public in and for Cooke County, Texas.

Chickadee Registry

- Sarah Jones et al No. 74
- ✓ Sarah Jones
 - ✓ Armstead Jones
 - ✓ Isaac Jones, or Isom Jones
 - ✓ James Jones
 - ✓ Tom Jones
 - ✓ Henry C Jones or Henry C. Couch
 - ✓ Ida Jones
 - ✓ Edward Jones
 - ✓ Birdie Jones or Birdy Jones
 - ✓ Hubbeteer Jones
 - ✓ Alfred Jones, or Alfred Couch
 - ✓ Mary Powell
 - ✓ Rosa Powell

BEFORE THE COMMISSION TO THE
FIVE CIVILIZED TRIBES.

SARAH JONES, ET AL.,

-VS-

CHICKASAW NATION.

MOTION TO HAVE RECORD ENTRY CANCELLED.

Come the Chickasaw Nation and the Choctaw Nation, by Mansfield, McMurray & Cornish, attorneys, and move that certain entries appearing upon the 1896 Citizenship Docket purporting to deny Chickasaw citizenship to Sarah Jones, et al, be cancelled, and for cause, state:

That Chickasaw citizenship was not denied such persons by the Commission to the Five Civilized Tribes under the Act of June 10, 1896; that the only record of any consideration of the applications of such persons is a pencil memorandum thereof as follows: "Negro was never owned by Chickasaws"; that the Commission has no power at this time, and had no power on May 15, 1900 to deny Chickasaw citizenship to such persons, and to enter the same upon the 1896 Citizenship Docket, nunc pro tunc, or otherwise.

A copy of such entries entered nunc pro tunc on May 15, 1900, as of September 9, 1896, is hereto attached and marked "Exhibit A".

THE CHICKASAW NATION.

THE CHOCTAW NATION.

By _____

A t t o r n e y s .

THE CHOCTAW NATION.
THE CHICKASAW NATION.

"Exhibit A."

1800, as of September 9, 1836, is hereto attached and marked
A copy of such entries entered into pro tunc on May 19,
the 1836 Citizenship Booklet, into pro tunc, or otherwise.

Chickasaw citizenship to such persons, and to enter the same upon
no power at this time, and had no power on May 19, 1836 to deny
Negro was never owned by Chickasaws; that the Commission has

options of such persons in a pencil memorandum thereof as follows:

To, 1836: that the only record of any consideration of the applica-
the Commission to the Civilized Tribes under the Act of June

and for census, stated
deny Chickasaw citizenship to Sarah Jones, et al, be cancelled,

entries appearing upon the 1836 Citizenship Booklet purporting to
Manfield, & certain attorneys, and move that certain

come that Chickasaw Nation and the Choctaw Nation, by

NOTION TO HAVE RECORD BERRY CANCELLED.

CHICKASAW NATION.

SAVING JONES, ET AL
VI
CHICKASAW NATION
COMMISSION

Read Motion

+
Refer to applica-
tion and answer
Nov 4 - Nov 23
affidavits

Read Copy M K

More for time entry

What action: "Negro"
Never owned by
Chickasaw

Saw - 1896 +
General doctrine

No information -
Testimonies

Motion to
strike from
1896 docket

My name is William Blessingame
my post office is Dexter ~~Tex~~ I am a
physician by profession, I have lived
in this part of Texas since May 1865
When I first came here Parson Couch
was living near where Sandusky
Tex now is located, I knew Parson
Couch well, He was a man of the
very highest character, He had
lived with him an ex slave
named Sarah, she lived with him
until his death, she married a negro
named Jones who formerly belonged
to Dr J R Armstrong, Sarah had at
least one child before she married
Jones who goes by the name of Hal
Couch, Parson Couch had a nephew
by the name of Couch who was a
worthless fellow and it may be
Hal is his child, Parson Couch was
never suspicious of being its
father, knowing Parson Couch as I
do I could not believe he was ever
intimate with Sarah, Sarah was
of such bad character that I doubt
if she knows who the father of her
children was W. Blessingame

T-74

Sarah Jones

Statement of
William Blossingame

BEFORE THE COMMISSION TO THE
FIVE CIVILIZED TRIBES.

SARAH JONES, ET AL.,

-VS-

CHICKASAW NATION.

MOTION TO HAVE RECORD ENTRY CANCELLED.

Come the Chickasaw Nation and the Choctaw Nation, by Mansfield, McMurray & Cornish, attorneys, and move that certain entries appearing upon the 1896 Citizenship Docket purporting to deny Chickasaw citizenship to Sarah Jones, et al, be cancelled, and for cause, state:

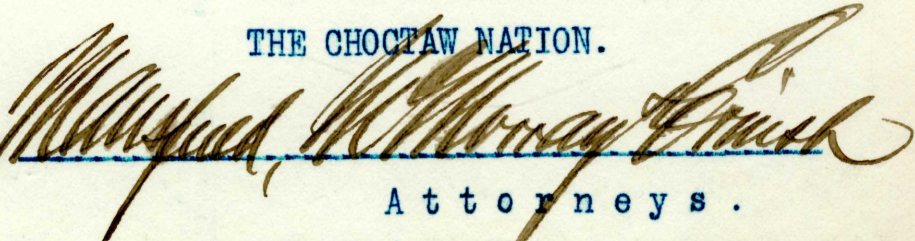
That Chickasaw citizenship was not denied such persons by the Commission to the Five Civilized Tribes under the Act of June 10, 1896; that the only record of any consideration of the applications of such persons is a pencil memorandum thereof as follows: "Negro was never owned by Chickasaws"; that the Commission has no power at this time, and had no power on May 15, 1900 to deny Chickasaw citizenship to such persons, and to enter the same upon the 1896 Citizenship Docket, nunc pro tunc, or otherwise.

A copy of such entries entered nunc pro tunc on May 15, 1900, as of September 9, 1896, is hereto attached and marked "Exhibit A".

THE CHICKASAW NATION.

THE CHOCTAW NATION.

By


A t t o r n e y s .

Set for June 3, 1901

" E X H I B I T A " .

No. 284

Sarah Jones, et al.,
(Cruce, Cruce & Cruce).

vs

Chickasaw Nation.

Sept. 8, 1896: Original application filed.

Sarah Jones, Armstead Jones, and Lucy Jones, his wife; Tom Jones, Henry Jones, and Maggie Jones, his wife; Ida Jones, Maggie Powell, and Jesse Powell, her husband; Rosa Powell, their child; Edward Jones, Armstead Jones, Hubbetecker Jones, child of James Jones, child of Henry C. Jones.

Answer filed.

Nov. 23, 1896: application denied, and endorsed: "Negro was never owned by Chickasaws".

Appealed.

March 8, 1898: Judgment reversed and Sarah Jones, Mary Powell, Rosa Powell, Armstead Jones, Edward Jones, Birdy Jones, Isam Jones, James Jones, Hubbetecker Jones, Tom Jones, Ida Jones, Henry C. Couch, and Alfred Couch, were admitted as citizens of the Chickasaw Nation ~~was~~ by judgment of the U. S. Court, Southern District, Indian Territory.

January 15, 1900: Judgment heretofore rendered set aside by order of court for want of jurisdiction.

May 15, 1900: Docketed and entered nunc pro tunc, as of September 9, 1896.

Tams Bixby,
Commr.

No. 284.

Sarah Jones, et al., Sept. 8, 1896. Original application filed
(Cruce, Cruce & Cruce).

vs

Chickasaw Nation.

Sarah Jones, Armstead Jones, and
Lucy Jones, his wife; Tom Jones,
Henry Jones, and Maggie Jones, his
wife; Ida Jones, Maggie Powell, and
Jesse Powell, her husband; Rosa
Powell, their child; Edward Jones,
Armstead Jones, Hubbetecker Jones,
child of James Jones, child of Henry
C. Jones.

Answer filed.

Nov. 23, 1896. Application denied and
endorsed "Negro was never owned by
Chickasaw".

Appealed.

March 8, 1898. Judgment reversed, and
Sarah Jones, Mary Powell, Rosa Powell
Armstead Jones, Edward Jones,
Birdy Jones, Isam Jones, James Jones
Hubbetecker Jones, Tom Jones, Ida
Jones, Henry C. Couch and Alfred
Couch were admitted as citizens of
the Chickasaw Nation by judgment of
U. S. Court, Southern District,
Indian Territory.

Jan. 15, 1900. Judgment heretofore ren-
dered set aside by order of Court,
for want of jurisdiction.

May 15, 1900. Docketed and entered
nunc pro tunc as of Sept. 9, 1896.

Tams Bixby,

Commr.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

I, Tams Bixby, Acting Chairman of the Commission to the Five Civilized Tribes, do hereby certify that the foregoing and attached paper is a true, accurate and correct copy of the docket entry as it appears upon the citizenship Docket of this Commission.

Witness my hand and seal this 8th day of June, 1900.

Tams Bixby,
Acting Chairman.

Handwritten notes:
+ 2 +
+ 1 +
+ 1 +
+ 1 +
+ 1 +

Acting Chairman.

I. T. Bixby.

Witness my hand and seal this 8th day of June, 1896

at St. Paul.

entry as it appears upon the citizenship Docket of this Commission. I certify that the same is true, accurate and correct copy of the original attached paper in a true, accurate and correct copy of the original attached paper. I hereby certify that the foregoing and

I, I. T. Bixby, Acting Chairman of the Commission to the

COMMISSION TO THE FIVE CIVILIZED TRIBES.
DEPARTMENT OF THE INTERIOR

Copy of orders of June
+
1896
+

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 Sishomingo, by Sarah Jones 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 Sarah Jones et al File No. 78 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 23 day of March A. D., 1903.

Gas B. Bassada Clerk.
By E. L. Berwick Deputy.



MARSHAL'S RETURN.

United States of America,
Indian Territory,
DISTRICT.

I received this summons this 7th day of March 7th 1903
at 10 o'clock m. and served same by copy, as follows:

Personally on P. S. Moseley, at
This day of 1903, m. A. D., 1903,
Witness the Honorable Spencer B. Adams, Chief Judge,
Indian Territory,

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. 72 in the District Court for the District of the
that the papers, files and proceedings in the case of
And you are further commanded to notify said P. S. Moseley Governor aforesaid.

copy
No. 74-5

SUMMONS
IN EQUITY.

Sarah Jones et al
vs.
Choctaw and Chickasaw Nations.

Summons issued 23 day of
March, 1903. Returnable instanter.

Marshal's Fees.

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

Spencer B. Adams
Attorneys for Plaintiff.
Admone

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

BEFORE THE HONORABLE DAWES COMMISSION.

Sarah Jones, et al.,.....Plaintiffs.)
vs
Chickasaw Nation,Defendant.)

CLAIM TO CITIZENSHIP.

I N D E X .

Affidavit of Wm. W. Arnold, serving copy on Governor, ... 1
Application,2- 3
Affidavit of Mrs. Sarah Jones, 4
" of E. M. Cheoppe, 5
" of Fannie Sims, 6
" of Henry Hodge, 7

A. C. CRUCE,
Attorney for Applicants.

Indian Territory)
Chickasaw Nation)

The affiant, Wm. W. Arnold, says that he is over 21 years of age, and is not related to any of the applicants in the application of Sarah Jones, et al., for citizenship vs the Chickasaw Nation, nor is he in any way interested in the prosecution of said claim; and that he did on the 5th day of September, 1896, deliver to P. S. Moseley, Governor of the Chickasaw Nation, a true copy of the application of Sarah Jones, et al., vs the Chickasaw Nation; a true copy of the affidavit of Mrs. Sarah Jones, taken on the 4th day of September, 1896; a true copy of the affidavit of E. M. Cheoppe, taken on the 31st day of August, 1896; a true copy of the affidavit of Fanny Simms, taken on the 3rd day of September, 1896, and a true copy of the affidavit of Henry Hodge, taken on the 3rd day of September, 1896.

(SIGNED) W. W. Arnold.

Subscribed and sworn to before me this the 7th day of September, 1896

(SIGNED) T. B. Johnson,

Notary Public Southern
District, I. T.

(SEAL)

BEFORE THE HONORABLE DAWES COMMISSION.

IN RE

Sarah Jones, Armstead Jones, and Lucy Jones, his wife,
Isom Jones, James Jones, and Alma Jones, his wife,
Tom Jones, Henry Jones, and Maggie Jones, his wife,
Ida Jones, Mary Powell, and Jesse Powell, her husband,
Rosa Powell, their child, Edward Jones and Birdy
Jones, children of Armstead Jones, Hubbetecker Jones,
child of James Jones, Alfred Jones, child of Henry
C. Jones.

versus

T H E C H I C K A S A W N A T I O N .

A P P L I C A T I O N .

The applicants would respectfully represent and show to this Honorable Commission, that the applicant, Mrs. Sarah Jones, is a full blood Chickasaw Indian, and that she was duly and lawfully married on the ___day of _____, 18___, to one James Jones, and had by said marriage seven children, whose names are: Mary Jones, Armstead Jones, Isom Jones, James Jones, Tom Jones, Henry C. Jones, and Ida Jones; all of whom are now living in the Indian Territory, Chickasaw Nation, and are one-half Chickasaw Indians by blood.

They say that the said Mary Jones was duly and lawfully married to the applicant Jesse Powell, and have by said marriage one child, whose name is the applicant Rosa Powell, and that Rosa Powell is now living in the Indian Territory, Chickasaw Nation, and is a one fourth Chickasaw Indian by blood.

Armstead Jones was duly and lawfully married in the Indian Territory, Chickasaw Nation, to Lucy Simms, and have by said marriage two children, whose names are the applicants Edward Jones and Birdy Jones; both of whom are now living in the Indian Territory, Chickasaw Nation, and are one fourth Chickasaw Indians by blood.

That James Jones was duly and lawfully married in the Indian Territory, Chickasaw Nation, to Alma Clemons, and have by said marriage one child, whose name is the applicant Hubbe-

tecker Jones, who is now living in the Indian Territory, Chickasaw Nation, and is a one fourth Chickasaw Indian by blood.

That Henry C. Jones was duly and lawfully married in the Indian Territory, Chickasaw Nation, to Maggie Morton, and have by said marriage one child, whose name is the applicant Alfred Jones, who is now living in the Indian Territory, Chickasaw Nation, and is a one fourth Chickasaw Indian by blood.

That by reason of the facts herein alleged, and the blood therein existing, all of the applicants herein are members of the Chickasaw Tribe of Indians by blood and marriage, and are entitled to be enrolled as such.

WHEREFORE, they pray that they and each of them be enrolled as members of the Chickasaw Tribe of Indians, and for all other proper relief.

(Signed) A.C.Cruce and C.B.Douglas,
Attorneys for Applicants.

Indian Territory)
Chickasaw Nation)

The Affiant Sarah Jones, says that she is one of the applicants herein, and that the statements made in the foregoing application are true.

(Signed) Sarah X Jones.
her
mark

Subscribed and sworn to before me ~~this~~ by Sarah Jones, this the 4th day of September, 1896.

(SEAL)

T. B. Johnson,
Notary Public.
Southern Dist. I. T.

Indian Territory)
Chickasaw Nation)

The affiant Mrs. Sarah Jones, after being first duly sworn, says:

That she is about 65 years of age, and was born at Tishomingo, Chickasaw Nation, Indian Territory, where she has lived all her life, except a brief residence in Texas, and that she is a full blood Chickasaw Indian.

She says that she was duly and lawfully married to James Jones, who was a colored man, about 38 years ago, and that she has had by her marriage with said James Jones, seven children all of whom are now living in the Indian Territory, Chickasaw Nation, and whose names are: Mary Jones, Armstead Jones, Isom Jones, James Jones, Tom Jones, Henry C. Jones, and Ida Jones.

She says that her daughter Mary Jones was duly and lawfully married in the Indian Territory, Chickasaw Nation, to Jesse Powell, and have by said marriage one child, whose name is Rosa Powell.

That her son Armstead Jones was duly and lawfully married in the Indian Territory, Chickasaw Nation, to Lucy Simms and have by said marriage two children, whose names are Edward Jones, and Birdy Jones.

That her son James Jones was duly and lawfully married in the Indian Territory, Chickasaw Nation, to Alma Clemons, and have by said marriage one child, whose name is Hubbetecker Jones.

That her son Henry C. Jones was duly and lawfully married in the Indian Territory, Chickasaw Nation, to Maggie Morton and have by said marriage one child, whose name is Alfred Jones.

She says that she has been known and recognized all her life as a full blood Chickasaw Indian, and has lived in the Chickasaw Nation ever since she was born, and now so resides, and that all of her children above named are now living in the Indian Territory, Chickasaw Nation, and have so lived all their lives.

(SIGNED) Sarah X Jones
her mark-

Subscribed and sworn to before me by Sarah Jones, this the 4th day of September, 1896.

T. B. Johnson,
Notary Public.

Indian Territory)
Southern District)

E. M. Scheoppe, being duly sworn, on oath says:

I am a citizen of the Chickasaw Nation, Ind. Ter., by blood. I know Mrs. Sarah Jones, and know that she is a member of the Chickasaw Tribe of Indians by blood, and has been recognized as such. I am familiar with the family history of Sarah Jones, and have been for a period of forty years, during which time she has resided in the Indian Territory.

(Signed) C. M. Cheoppe.

Subscribed and sworn to before me a Notary Public in and for the Southern District, Indian Territory, this the 31 day of August, 1896.

T. B. Johnson,

(SEAL)

Notary Public Southern Dist. I. T

Indian Territory)
Chickasaw Nation)

The affiant Fannie Sims, after being first duly sworn, says:

I am 56 years of age, and live in the Indian Territory Chickasaw Nation, and have so lived for four years, and am a citizen of the United States. I am acquainted with Mrs. Sarah Jones, and have known her for 25 years; she is a full blood Chickasaw Indian, and has been known and recognized as such all her life. She was duly and lawfully married to _____ Jones, and has by said marriage seven children, whose names are: Mary Jones Armstead Jones, Isom Jones, James Jones, Tom Jones, Henry C. Jones, and Ida Jones; all of whom are now living in the Indian Territory, Chickasaw Nation, and are one half Chickasaw Indians by blood.

The said Mary Jones was duly and lawfully married to Jessie Powell, and they have by said marriage one child, Rosa Powell, who is a one fourth Indian by blood.

Armstead Jones was duly and lawfully married to Lucy Sims, and has by said marriage two children, whose names are: Edward Jones and Birdy Jones, who are about one fourth Chickasaw Indians by blood.

That the said James Jones was duly and lawfully married to Alma Clemons, and has by said marriage one child, Hubbetecker Jones, who is a one fourth Chickasaw Indian by blood.

That Henr C. Jones was duly and lawfully married to Maggie Morton, and had by said marriage one child, whose name is Alfred Jones, and who is a one fourth Chickasaw Indian by blood.

That all of said parties are now living in the Chickasaw Nation, Indian Territory.

her
Fanny X Sims
mark

Subscribed and sworn to before me a Notary Public this the 5th day of September, 1896.

(SEAL)

T. B. Johnson,
Notary Public Southern Dist. I. T.

Indian Territory)
Chickasaw Nation)

The affiant Henry Hodge, after first being & duly sworn, says: I am 25 years of age and live in the Indian Territory, Chickasaw Nation, and have so lived for 2-1/2 years, and am living there now.

I am acquainted with Mrs. Sarah Jones, and have known her for 2-1/2 years. She is a full blood Chickasaw Indian, and has been known and recognized as such all her life. She was duly and lawfully married to ___ Jones, and has by said marriage seven children, whose names are: Mary Jones, Armstead Jones, Isom Jones, James Jones, Tom Jones, Henry C. Jones and Ida Jones; all of whom are now living in the Indian Territory, Chickasaw Nation, and are one half Chickasaw Indians by blood.

The said Mary Jones was duly and lawfully married to Jesse Powell, and they have by said marriage one child, Rosa Powell, who is a one fourth Indian by blood.

Armstead Jones was duly and lawfully married to ____, and has by said marriage two children, whose names are Edward Jones, and Birdy Jones, who are one fourth Chickasaw Indians by blood.

That the said James Jones was duly and lawfully married to Almond Clemons, and has by said marriage one child, Hubbetecker Jones, who is a one fourth Chickasaw Indian by blood.

That Henry C. Jones was duly and lawfully married to _____ and has by said marriage one child, whose name is Alfred Jones, and who is a one fourth Chickasaw Indian by blood.

That all of the said parties except Henry C. Jones and his son Alfred Jones, are now living in the Chickasaw Nation Indian Territory.

Henry Hodge.

Subscribed and sworn to before me this the 3 day of September, 1896

T. B. Johnson,

Notary Public Southern District I. T.

(SEAL)

(25A1)

Notary Public Southern District I. T.

T. B. Johnson,

Subscribed and sworn to before me this the 3 day of September, 1888
Territory.
Henry Hodge.

son Alfred Jones, she now living in the Chickasaw Nation Indian
tribe all of the said parties except Henry C. Jones and his
and who is a one fourth Chickasaw Indian by blood.

and her by said marriage one child, whose name is Alfred Jones,
that Henry C. Jones was duly and lawfully married to _____
Jones, who is a one fourth Chickasaw Indian by blood.

Almond Clemens, and her by said marriage one child, Hubert Eckel
that the said James Jones was duly and lawfully married to
and Birdy Jones, who are one fourth Chickasaw Indians by blood.

her by said marriage two children, whose names are Edward Jones,
Armstead Jones was duly and lawfully married to _____, and
who is a one fourth Indian by blood.

Powell, and they have by said marriage one child, Ross Powell,

The said Mary Jones was duly and lawfully married to Jesse
and she one half Chickasaw Indians by blood.

of whom she now living in the Indian Territory, Chickasaw Nation,
Jones, James Jones, Tom Jones, Henry C. Jones and Ida Jones: said
children, whose names are: Mary Jones, Armstead Jones, Isaac
and lawfully married to _____ Jones, and her by said marriage seven
been known and recognized as such all her life. She was duly
for S-I-S years. She is a full blood Chickasaw Indian, and her

I am acquainted with Mrs. Betsy Jones, and have known her
ing there now.

Chickasaw Nation, and have so lived for S-I-S years, and am liv-
ing: I am 25 years of age and live in the Indian Territory.

The affiant Henry Hodge, after first being duly sworn,

Chickasaw Nation }
Indian Territory }

Original Affiant

James C. Powell

1896

Indian Territory
Central District

In the case of Sarah Jones, et al, I was instructed to see J.M. Wilson of Coalgate. I saw Mr. Wilson and took from him the affidavit appended hereto. I regard him as our most important witness in that case.

1854-1855
I came acquainted with the Rev. Ezekiel Couch,
missionary to the Choctaws who was

Indian dwelling }
Central District }

My name is J.M. Wilson.

I live at Coalgate, S.S. In the fall of 1854 or 1855 I became acquainted with the Rev. Egypical Cuck, who was a missionary to the blacks who was Superintendent of the Indian School at Perryville. At that time he owned a negro girl by the name of Suet or Saeie. Her need to care for Parak Cuck. She was somewhere between 13 & 16 years of age at that time. I once heard my father say the Rev. Cuck if Parak was not a free blood Indian, his reply was she was not, that her mother was a negro & that her father was an Indian. My impression is that he said her father was a Creek Indian. His sister said Creek or Choctaw. I do not remember which. He said that she was a slave that he had bought her from some party when I do not remember. In the summer of 1855 the Rev. Cuck moved to Trayson Co. Ga. and settled within a mile of my father's house. He bought Suet with him & kept her and paid her wages upon her as a slave until the slave war broke at the end of the Civil war. The records at Sherman well show this I have known Sarah up until five years ago. She married a negro named James Jones. She had an illegitimate child by an English man by the name of Richard Juy. This child was by the name of Hal Cuck. I know him well.

J. M. Wilson

Subscribed & sworn to before me this June 30, 1903

D. A. Richardson
Notary Public



South McAlester, Indian Territory,
June 26, 1903.

Sarah Jones, et al.,

vs.

No. T-74. Southern District, 78.

Chickasaw Nation.

LETTER OF INSTRUCTION.

To _____.

Papers in the above entitled cause are herewith delivered and you are directed to make an investigation thereof along the lines indicated and return the same with your written report and exhibits attached thereto at the earliest possible date.

--:--

QUESTION OF JURISDICTION.

There is now pending disposition before the Commission to the Five Civilized Tribes a motion of the Attorneys for the Choctaw and Chickasaw Nations to have certain entries made upon the 1896 Chickasaw Citizenship Docket cancelled.

The theory upon which this motion is presented to the Commission is that the application of Sarah Jones, et al., for citizenship in the Chickasaw

Nation was never acted upon by the Dawes Commission, and that the alleged endorsement of November 23, 1896, upon the face of the application, "Negro was never owned by Chickasaws", was not a valid judgment, but was equivalent to a dismissal of the application for want of jurisdiction.

The case of Sarah Jones, et al., versus the Chickasaw Nation was never placed upon the Citizenship Docket of the Dawes Commission of applications received under the provision of the act of Congress approved June 10, 1896, until May 15, 1900, when the following entry was made;

"Docketed and entered, nunc pro tunc, as of September 9, 1896. Tams Bixby, Commissioner."

--:--

PROCEDURE BEFORE U.S. COURT, SOUTHERN DISTRICT OF INDIAN TERRITORY.

On January 8, 1897, W.I. Cruce, Attorney for Sarah Jones, et al., prayed an appeal from the decision of the Dawes Commission in this case to the United States Court for the Southern District of Indian Territory, which prayer was on the same day allowed and the Commission directed to transmit to the Clerk of the Court all of the original papers filed, used and considered by the Commission in the trial and consideration of said cause.

In accordance with the above order of the Court, the Dawes Commission transmitted the original petition and exhibits in the case of Sarah Jones, et al., versus Chickasaw Nation, endorsed: "Negro was never owned by Chickasaw," and which case did not appear upon the Chickasaw Citizenship Docket of the Dawes Commission.

The alleged notice of denial by the Dawes Commission is undated and no page or case number is referred to, the notice being signed: "H.M. Jacoway, Jr., Secretary, By Henry Stroup."

From this alleged decision of the Commission the appeal was taken to the United States Court and on March 8, 1898, judgment was rendered reversing the decision of the Dawes Commission and admitting to Chickasaw citizenship the parties included in the original application.

On January 15, 1900, upon motion made by the attorneys for the Chickasaw Nation in open court, and after due notice to the applicants, an order was entered vacating and setting aside and expunging from the records of the court the judgment theretofore rendered March 8, 1898, on the theory that the court had never acquired jurisdiction in the case on appeal from a decision of the

Dawes Commission.

May 2, 1900, the attorneys for the applicants in this case filed their motion with the United States Court to have the original papers in the case and the judgment of the Dawes Commission certified to the court. This motion was allowed and the Dawes Commission was directed to transmit the application, answer, proof, judgment and all papers and orders that may have been made in said cause.

On May 15, 1900, the Commission did transmit all papers in the case, together with a certificate of the Acting Chairman of the Commission showing that on May 15, 1900, the following entry was made upon the 1896 Chickasaw Citizenship Docket, "Docketed and entered, nunc pro tunc, as of September 9, 1896."

A new trial of the case was subsequently had before the United States Court and on May 2, 1901, judgment was rendered admitting Sarah Jones, and the other parties applicants for citizenship in the Chickasaw Nation.

This latter judgment was vacated by the decree of the Choctaw-Chickasaw Citizenship Court of December 17, 1902 in the Riddle case.

Parties named in the petition for writ of error to the Choctaw-Chickasaw Citizenship Court are identical with the names appearing in the judgments of the United States Court of May 2, 1901.

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CLAIM OF APPLICANTS.

The applicants in this case are Sarah Jones and her direct lineal descendants in the first and second generations. The applicant, Sarah Jones, claims that she is a full blood Chickasaw Indian, 65 years of age, born at Tishomingo, Indian Territory, and was raised by a missionary in the Chickasaw Nation by the name of Couch, and was known by the name of Sarah Couch; that about the time of the beginning of the civil war Couch removed from the Indian Territory to the State of Texas and carried the applicant with him; that she so remained in Texas until her return to the Chickasaw Nation a short time prior to the submission of her application.

While the applicant does not herself set up any such claim, the testimony of witnesses in her behalf is to the effect that she is the grand daughter of a Chickasaw woman by the name of Betsy Blackwater.

CONTENTION OF THE CHICKASAW NATION.

Now the theory of this case is that the applicant, Sarah Jones, was a negro slave bought in northern Texas by a missionary named Couch, and by him brought to the Indian Territory; that she is not possessed of any Chickasaw blood and if having any Indian blood at all, it is impossible to determine from what tribe she derived the same, as her mother and father are unknown. We are of the further opinion that such testimony as has been submitted by the applicant is fraudulent and that where affidavits and depositions were obtained the witnesses had no knowledge of the facts testified to, or their testimony was secured by misrepresentation.

-:-

THE EVIDENCE.

SARAH JONES, the principal applicant, in her exparte affidavit of September 4, 1896, alleges that she was born at Tishomingo, Indian Territory, where she has lived all of her life except a brief residence in Texas; that 38 years ago she was married to James Jones, a colored man, by whom she had the children who are applicants in the case.

No investigation of the testimony of this applicant is necessary, as her affidavit is but a reiteration of the allegation in the original petition.

E.M. SCHOEPPPE, in her ex parte affidavit of August 31, 1896, alleges that she is a citizen by blood of the Chickasaw Nation, knows Sarah Jones, and knows that she is a Chickasaw Indian by blood and has been recognized as such; is familiar with the family history of Sarah Jones and has known her for forty years, during which time she has resided in the Indian Territory.

Our theory that this affidavit is fraudulent is confirmed by a statement recently secured by our Mr. Richardson from Elizabeth M. Schoeppe, wherein she states that Sarah Jones is a negro, was a slave when she first knew her and was known as Sarah Couch; that she belonged to Parson Couch, a missionary, who bought her from an Indian. Mrs. Schoeppe then states that various attempts have been made to secure her testimony to the effect that Sarah Jones was a Chickasaw Indian. We believe the statement heretofore secured is sufficient to rebut the original affidavit of this witness and no further investigation is therefore necessary.

FANNIE SIMMS, in her ex parte affidavit of September 3, 1896, alleges that she is 56 years of age, lives in the Chickasaw Nation, is a citizen of the United States, and has been a resident of the Indian Territory for four years.

She is acquainted with the applicant, Sarah Jones, whom she has known for years. Sarah Jones is a full-blood Chickasaw Indian and has been known and recognized as such all her life. The affiant then recites the marriage of Sarah Jones and gives the names of her descendants.

Our theory of this affidavit is that it is fraudulent in so far as the witness alleges that she knows Sarah Jones to be a full blood Chickasaw Indian and has known her for years and that she has been recognized as a Chickasaw all of her life. The affiant only claims to have resided in the Indian Territory four years. The applicant, Sarah Jones, alleges she has lived in the Chickasaw Nation all of her life with the exception of a short time spent in Texas. We believe that if the affiant has known the applicant nearly all of her life that the acquaintance must have been in the State of Texas where Sarah Jones was owned by Couch and held in slavery. In the absence of the residence of the affiant, it is impracticable to advise you of her present location; you will, however, endeavor to ascertain the present location of Fannie Simms and obtain from her a statement or counter-affidavit setting forth the manner in which this original affidavit was procured, and specifically setting forth the time and place that

she first became acquainted with the applicant, and how and where she first obtained the information that "she is a full blood Chickasaw Indian."

It is probable that this affiant lives somewhere in the neighborhood of Ardmore as her affidavit in 1896 was executed in the Southern District of the Indian Territory, before T.B. Johnson, a Notary Public.

HENRY HODGES in his ex parte affidavit of September 3, 1896, alleges that he is 25 years of age and has been a resident of the Chickasaw Nation for two and a half years, during which time he has known Mrs. Sarah Jones; that she is a full blood Chickasaw Indian and has been known and recognized as such all her life; the affiant then gives the names of the children and other descendants of Sarah Jones.

The testimony of this witness is so absurd as not to warrant any investigation. How a man 25 years of age and who has only known a woman two and a half years can testify as to how she has been recognized and considered all of her life is impossible of comprehension. There is only one theory in regard to this affidavit; that whatever the witness knows in regard to the applicant is entirely hearsay and has been gathered by him during his residence in the Indian Territory subsequent to 1894. We do not consider the affi-

davit of sufficient materiality to warrant any investigation.

G. BRUNER in his deposition of January 28, 1901, testifies that he is 66 years of age and has lived in the Indian Territory all of his life; knew a missionary who ran an academy school near Stonewall, whose name was Couch; that he had living with him an Indian girl named Sarah; that Couch went to Texas and carried the girl with him.

The deposition of this witness is only of value to the applicant in so far as he testifies that Sarah was an Indian girl, as he does not allege that she was a Chickasaw and merely states that she looked like an Indian, and we do not consider the testimony of sufficient value to warrant any investigation.

PHILLIP STEVENSON in his deposition of January 20, 1901, testifies that he is 73 years of age, came from Mississippi when about five years old and has lived in the Indian Territory ever since; knew Parson Couch when he was living at Pleasant Grove, and at that time he had living with him a Chickasaw girl by the name of Sarah; that he got Sarah from an old lady named Betsy Blackwater,

a full blood Chickasaw who was the grandmother of the applicant, Sarah Jones.

This deposition was entirely an ex parte procedure and it is our theory that the witness knew absolutely nothing in regard to the facts testified to; the questions are all leading, and we do not see how the witness is able to identify Betsy Blackwater as the grandmother of the applicant when he confesses entire ignorance as to her parentage. You will, however, endeavor to secure from this witness a counter-affidavit or statement as to his specific knowledge of Sarah Jones and her relationship to the alleged Chickasaw woman, Betsy Blackwater.

TOM POLAN, on January 28, 1901, testified that he was 60 years of age and knew a Parson Couch who ran a school before the war; that he had living with him an Indian girl by the name of Sarah, who was the grand daughter of a full blood Indian named Betsy Blackwater.

The testimony of this witness is practically the same as that of Phillip Stevenson and you will secure a statement from him along the lines indicated in the Stevenson investigation.

J. SHOALS on January 28, 1901, testified that he was 80 years of age, came from Mississippi with the Indians and has lived in the Chickasaw Nation ever since; knew Parson Couch who taught school and knew that he had a girl living with him by the name of Sarah, who was the grand daughter of Betsy Blackwater, a full blood Chickasaw Indian; that at the close of the war Parson Couch went to Texas and carried Sarah with him.

The testimony of this witness is practically the same as that of two foregoing witnesses, and in the investigation thereof you will proceed as heretofore indicated.

SUSAN ALEXANDER on February 6, 1901, testified that she had been acquainted with Sarah Jones since they were children; that she lived when a child with a preacher named Couch, and was at that time known and recognized as a Chickasaw Indian; affiant has heard that applicant's father gave Mr. Couch \$50.00 to help raise the child, but is in ignorance as to who her father was; Sarah was carried to Texas with Couch during the civil war, but apparently lost trace of her from that time until her application for citizenship.

Our theory of this testimony is that it was procured without any knowledge by the witness of the facts testified to; that she had been previously coached; the questions are all leading and the procedure entirely

ex parte. You will endeavor to locate this witness and obtain from her a counter-affidavit or statement specifically setting forth her knowledge of Sarah Jones and especially how she is able to identify the present applicant as the girl that she knew forty years ago.

MRS. BETSEY MYERS testifies that she is a three-quarters blood Chickasaw Indian and knew Parson Couch, who lived in the Territory a number of years ago; knew a girl that lived with him by the name of Sarah, who was a Chickasaw Indian and had the appearance of a full blood; witness testifies that she went to school to Parson Couch with Sarah; that Sarah was brought to Couch by a man named Lucu, who claimed to be her father; that Lucu was afterwards killed and witness also understood that Sarah's mother was dead at the time Lucu brought her to Couch; that when she left school Sarah was still living with Couch, but never knew of her again until she recently saw her in Ardmore where she recognized her as the same girl that she went to school with forty years ago.

The fraudulency and unreliability has heretofore been demonstrated by a statement of J.M. Perry which will be found with the papers in this case. Mr. Perry states that he recently saw Betsey Myers in Ardmore

in company with a representative of the Chickasaw Nation and that the witness then made the following statement in regard to the citizenship claim of Sarah Jones:

"That before the war she attended an Indian school at Stonewall run by a missionary named Couch; that while there a man who belonged to some tribe of Indians the name of which I do not now remember, but who was not a Chickasaw, brought a girl there claimed by him to be his and gave her over to the control of Rev. Couch; that she saw this girl and knew her only while at school; that she had no knowledge of this girl or of any of her maternal ancestors."

Mrs. Myers then stated that these were the only facts that she knew in the case and all that she intended to testify to, and that if her testimony as transcribed is different it was a mistake, and done without her permission or authority. The witness absolutely refused to make an affidavit to this effect, and it is presumed it will be useless to attempt to secure any such at this time. No further investigation is therefore necessary.

The most remarkable feature of the entire case is the entire silence of the record in regard to the parentage of the applicant, Sarah Jones. Our theory, as heretofore expressed, is that the applicant is a negro and was held by Couch as a slave during his residence in the Chickasaw Nation and the State of Texas.

We are informed that this theory can be substantiated by competent witnesses who knew the applicant in the State of Texas. You will, therefore, secure from the following named persons residing in Grayson and Cook Counties, Texas, affidavits as to their specific knowledge of the applicant, Sarah Jones;

Dr. Blasingame,	Sandusky, Texas,
Dr. Armstrong,	" "
Lucas Butts,	Dexter, "
J.F. Marshall,	" "
Bland Bennett,	Whitesboro, "

--:--

In the making of this investigation, you will bear in mind the oral and written instructions heretofore given you, and direct your attention specifically to the question of the negro blood and the holding in slavery of the applicant. It is possible that in the course of the investigation information will be obtained which will warrant your seeing additional witnesses. You are, therefore, authorized and directed to further proceed in the investigation without first returning to or reporting to this office for further and more specific directions.

Very truly yours,

Indian Territory
Southern District

LETTER OF INSTRUCTIONS.

Elizabeth M. Schoeppe

I am 67 years of age, and my P.O. is Berwyn.

Relative to Citizenship witnesses at Daugherty, Indian Territory.

I have known Sarah Jones since she was a child. She is a negro and was a slave when I first knew her, and she was married to a white man who was a missionary, and she was brought here from an Indian. Sarah Jones

South McAlester, Indian Territory, May 20, 1903.

Sarah Jones, et al.,

vs.

Choctaw and Chickasaw Nations.

To. M. F. Tredwell:

The name of Lizzie Shoeppe of Daugherty, Indian Territory appears upon our list as a probable witness for the Nations, in the above styled case but it does not appear who furnished us the name of this witness. We find the testimony of one witness for the applicants by the name of E. M. Cheoppe and it may be that Mrs. Shoeppe is the relative of the other witness and that the name of Mrs. Shoeppe has been misspelled. You are directed to see her at Daugherty and take any testimony she may have to offer in the case of Sarah Jones, et al.,

Yours truly,

There is an affidavit in the printed record signed "M. Cheoppe" which purports to be the affidavit of this person - The one informed that this affidavit does not state the facts that she was imposed on and will so state

In the case of Sarah Jones, et al.:

I was directed to see Mrs. E.M. Schoeppe, of Dougherty, Indian Territory. I went to Dougherty and there learned that Mrs. Schoeppe lives near Berwyn, Indian Territory. I saw her and took from her the statement hereto appended.

Indian writing
Southern Districts.

My name is Elizabeth M. Schaeffer.

I am 67 years of age, and my P. O. is Petersburg.
I have known Sarah Jones ever since she was a
child. She is a negro, and was a slave when I
first knew her, and she was known as Sarah,
Parson Cook, who was a missionary, owned
her. His daughter had been an Indian. Sarah Jones
is not a faithful woman.

Sarah Jones has tried five times to get me
to say that she was an Indian; and they have
tried to get me to testify in their behalf. But I
have always refused to do so.

J. B. Johnson came to my home to get some
testimony for Sarah Jones. I told him that
she was an Indian negro, and that she was
born & raised in the S. S. I. That was all I
told him, and he used the paper to me, and
that was all he need. If they say that I said
that she was an Indian, they do not state the
truth. Sarah Jones has often claimed to be a
free negro, that is part negro & part Creek Indian.
She has also claimed that in the presence of my
sister, Mrs. B. W. Carter, of Anderson.

Elizabeth M. Schaeffer

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Sarah Jones Case

Elizabeth Sheppe

In the United States Court, for the Southern District,
of the Indian Territory, at Ardmore.

Sarah Jones, plaintiff,

vs

TESTIMONY.

Choctaw Nation, defendant.

Testimony of G. Bruner,

taken on this the 28th day of January, 1901, before the Honorable Jno. Hinkle, Master in Chancery, for the United States Court, for the Southern District, of the Indian Territory, at his office in Ardmore.

Appered:

W. I. Cruce for the Plff,

and

 Brown, for the .

Direct examination by W. I. Cruce.

Q. Bruner, what is your age, and how long have you lived in the Indian Territory ?

A. I have lived here always.

Q. Well what is your age ?

A. I am going on 66 -- going on 66 years old.

Q. Did you ever know a man -- a mission man by the name of Crouch -- or Couch ?

A. Yes sir; every body knowed him.

Q. What school did he run ?

A. The accadamy school.

Q. Where is the school -- close to Stonewall ?

A. Yes sir close to Stonewall.

Q. In the Chicksaw Nation ?

A. Yes sir.

Q. Indian Territory ? A. Yes sir.

Q. Did he have living with him an Indian girl by the name of Sarah ?

A. Yes sir there was a girl lived with him --- an indian girl, or she looked like it.

Q. Do you know whether or not her name was Sarah ?

A. Yes sir I guess so -- her name -- well she is the only girl that ever lived with him, that I know off.

Q. Do you know what became of Couch ?

A. Yes sir he went to the Choctaw Nation and from there to Texas.

Q. Well did he take this girl with him when he left Stonewall ?

A. Yes sir he did -- she went.

Q. He took her with him ?

A. Yes sir she went with him -- she was a orphan girl.

Q. Did she look to be an indian ?

A. Yes sir you could tell that she was an indian she looked like it.

Q. Do you know whether or not this is the same girl ?

A. I could not swear to it positive -- but I am almost sure it is through. There was no other girl that stayed there that I knowed off and I was there several times -- I stopped there one or two times.

Witness excused:

PHILLIP STETENSON, being first duly sworn, testifies as follows:

Mr. Cruce:

Q How old are you?

A. I am seventy-three years old.

Q. How long have you lived in the Indian territory?

A. I have lived here almost all my days. I came from Mississippi when I was five years old about, and been here with them ever since.

Q You came here with the Indians?

A Yes sir, came with them from Mississippi.

Q. Were you acquainted with Parson Couch?

A Yes sir.

Q. Did you know him when he was running a school up here in the territory?

A Yes sir.

Q Where was he living?

A. On Blue, Pleasant Grove.

Q. I will get you to state whether or not at that time he had an Indian girl living with him by the name of Sarah?

A Yes sir, he had an Indian girl living with him by the name of Sarah.

Q What tribe of Indians was she a member of?

A She was a Chickasaw.

Q. Do you know where he got her?

A From an old lady that lived on Blue by the name of Betsy Blackwater.

Q What kind, if any was Betsy Blackwater to Sarah?

A She was her grand daughter.

Q Sarah was the grand daughter of Betsy Blackwater?

A. Yes sir.

Q. Where did Parson Couch go to when he left the Chickasaw Nation?

A. I understood he went to the Choctaw nation when he left the Chickasaw Nation.

Q. Did he take Sarah with him?

A Yes sir.

Q. Where did he go from the Choctaw Nation, if you know?

A He went to Texas.

Q. And he took her from there to Texas?

A Yes sir.

Q. Did you say that Sarah was known as a Chickasaw Indian at that time?

A Yes sir.

Q And Old aunt Betsy Blackwater, what was she?

A Chickasaw.

Q A full-blood?

A Yes sir.

Q. She was the grand mother of Sarah?

A Yes sir she was Sarah's grand mother.

The Master: How much Indian blood did Sarah have in her?

A. Sarah had the Indian blood; I think it was a little mixed. I always understood that her father was part colored.

Mr. Vruce: You have always understood that her father was part Indian and part colored, and her mother was a full blood Chickasaw Indian

A. Yes sir.

TOM POLAN, being sworn, testifies as follows:

Mr. Cruce:

Q. How old are you?

A Sixty years old.

Q. Did you know old Parson Couch who ran a school down on Blue?

A Yes sir.

Q. Was that before the war?

A Yes sir.

Q. Did he have a girl living with him, an Indian girl, by the name of Sarah?

A Yes sir.

Q Do you know where he got her?

A No sir I do'nt know where he got her; I think they said she was an orphan girl he was raising.

Q Did you know the old woman there, her grand mother?

A Yes sir.

Q What was her name?

A Betsy Blackwater.

Q Was she a full blood Indian?

A Yes sir.

Q. Did you know Sarah's father?

A No sir I did not know him.

Q. Do you know what became of Sarah?

A I suppose she went off with Couch.

Q. Do you know where Mr. Couch went when he left there?

A. He was over in the Choctaw Nation next and went from there to Texas.

Q. You understood he took Sarah with him?

A Yes sir.

Q You knew Sarah at that time did you?

A Yes sir.

Q. How big was she, a small girl?

A. Yes sir, she was a girl at the time.

Q Did she show to be an Indian?

A Yes sir.

J. Shoals, being duly sworn, testifies as follows:

Mr. Cruce:

Q How old are you?

A Eighty some odd years.

Q How long have you lived in the Indian Territory?

A. I have been with them all my life.

Q Came from Mississippi with the Indians, did you?

A Yes sir.

Q. Did you know Parson ^{Couch} who lived on Blue and taught school?

A Yes sir.

Q. Did you know a girl that lived with him at that time by the name of Sarah?

Q Yes sir.

Q Did you know her father?

A No sir I did not know her father.

Q Did you know her grand mother?

A Yes sir.

Q. What was her name?

A Betsy Blackwater.

Q State whether petsy Blackwater was an Indian?

A Yes sir she was an Indian.

Q. What kind of an Indian?

A Chickasaw Indian, full blood.

Q. Do you know what became of Parson Couch?

A Yes sir, right at the close of the war he left and went to Texas from the Choctaw Nation.

Q Did you know him in the Choctaw Nation?

A Yes sir, I knew him in the Choctaw Nation.

Q It was then in the Choctaw Nation that you knew him?

A Yes sir.

Q. What business was he in?

A He was preaching when I knew him.

Q He had this girl with him in the Choctaw Nation?

A Yes sir.

Q. How big was the girl?

A She was a small girl; pretty good size too.

Q About how old?

A About ten years old.

Q. He took her from there to Texas?

A Yes sir.

Q. So then you did not know him in the Chickasaw nation?

A It was in the Choctaw Nation when I first got acquainted with him

Q Do you know whether he brought the girl from the Chickasaw Nation?

A. It was my understanding.

Q. And took her to the Choctaw Nation?

A Yes sir, she was an orphan child.

Q Was Sarah Indian or not?

A She was Indian yes sir, a little mixed.

Q Have you seen Sarah since?

A Yes sir.

Q. How long since you have seen her?

A No long since. I have seen her pretty near every day. I seen her to-day. I seen her pretty near every day for the last three or four years.

Q. Did you keep up with her while she was in Texas.

A Yes sir.

Q Is that the same person sitting there (Pointing to woman)

A. Yes sir.

Q Is she the same Sarah you knew in the Choctaw Nation who was with Parsons on Couch?

A Yes sir she is the same one.

This cause is here adjourned by the master until February 6th, to allow the production of additional testimony.

Miss Mansfield McMurray Cornish;

My bill for above testimony is \$300.

Please remit same and other

H. P. Pleasant

RECEIPT

Post Office at

South Rochester, Ind. Ter.

Registered Letter Parcel No.

19

Rec'd

1-2-189

of manifested to: M. A. Paell

addressed to Mrs. Sarah Jones
Admission - 5.5

P. M.

M. A. Paell

No. 75
Book for or Quick Return

Subjunct. (Mar 8, 1898)

Gen. Brock Auburn
Gen. Gray Putnam

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Kirk

Gen. Armistead ~~Putnam~~ Putnam
Gen. ^{Putnam} Edwards

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Edwards

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Birdie

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Sam

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James Putnam

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Putnam

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Tom

Putnam

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John

Gen. Henry Putnam

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Reynolds

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Sarah Jones et al.

Court No. 78

vs

Dawes No.

Chickasaw Nation.

Notice of appeal by applicants was issued by the Clerk of the Court Jan. 8, 1897.

No papers in the case were ever received from the Dawes Commission, by the Clerk, in response to the order of Court therefor, and the case does not appear on the docket of the Dawes Commission.

On Dec. 22, 1897, there was filed in the Clerk's office what purports to be a carbon copy of the original application to the Dawes Commission, which copy contains the names of the thirteen parties admitted to citizenship by judgment of the Court rendered March 8, 1898.

The substituted answer of the Chickasaw Nation to the suit before the said Commission avers that the applicants are of negro blood, but the Court did not so find.

The case has been appealed to, and is now pending in, the United States Supreme Court.

*Gucc, Gucc and Davidson + Carter
Applied as Freedmen - Page 288*

IN THE UNITED STATES COURT FOR THE
SOUTHERN DISTRICT OF THE INDIAN
TERRITORY SITTING AT ADMORE.

SARAH JONES, ET AL, PLAINTIFFS.

VS

CHICKASAW NATION DEFENDANT.

NOTICE OF MOTION TO SET ASIDE JUDGMENT.

To Griggs & Griggs,

Attorneys for Sarah Jones, et al :

You are hereby notified that we will, on
Monday, January 15, 1900, present a motion asking that the
judgment heretofore rendered in said cause be vacated and set
aside.

Attorneys for Chickasaw Nation.

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

SARAH JONES, ET AL.

PLAINTIFFS.

vs -

CHICKASAW NATION,

DEFENDANT.

NOTION TO SET ASIDE JUDGMENT.

Comes the Chickasaw Nation by its attorneys, Messrs. Field, McMurray & Cornish, and respectfully represents to the Court, that on March 8, 1898, a judgment was rendered declaring the Plaintiffs herein to be members of the Chickasaw Tribe of Indians; and

That said judgment was procured by fraud of the said Plaintiffs;

WHEREFORE, the Defendant, the Chickasaw Nation, prays that said judgment be set aside.

South McAlester, Indian Territory, June 16, 1900

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

AT ARDMORE.

--o-o-o-o-o-o-o-o-o-o--

Sarah Jones, et al. --- Plaintiffs,

-vs-

) Notice.

Chickasaw Nation, ---- Defendant. -

To the above named defendant the Chickasaw Nation their
attorneys at record, McKinsey, Mausfield,
McMurray & Co., you are hereby notified that the above cause,
is set for hearing before me at my office in the town of Ardmore, I. T.,
Chickasaw Nation, on Friday the 22 day of June 1900, at which time and
place you are notified to be present.

Given under my hand on this the 13th day of June, A. D. 1900.

John Hinkle
Master in Chancery.

South McAlester, Indian Territory, June 16, 1900

Hon. John Hinkle,
and C. A. Ardmore, Indian Territory.

Dear Sir: Please consider these objections, and let me hear from you. We are in receipt of your favor of recent date enclosing notice that the case of Sarah Jones, et al vs The Chickasaw Nation has been set for hearing at your office on Friday, June 22nd 1900.

Not having taken up any of these matters before you heretofore, we are not familiar with your practice in connection therewith. Are we to understand from this notice that you expect all testimony in this case to be taken at the time indicated, and that you will make your report on the case immediately thereafter?

The witnesses whose testimony we desire to take in connection with this case live in the South eastern part of the Choctaw Nation and at Parris, Texas. It was our idea that this testimony would be taken in the form of depositions on due notice to all parties interested, and that such depositions would be filed with you, to be considered by you, together with such testimony as may be taken orally, in making up your report of the case.

As this case cannot now be tried before Judge Townsend before the December Term, it was our idea that there would be no disposition to hurry your report. It will be impossible for us to have our witnesses appear before you at the time indicated. We presume only witnesses for the plaintiff will be present. It was

our idea to have a stenographer present and procure a copy of what ever testimony might be taken, and that thereafter we would give notice and take the testimony of our witnesses above referred to, and file same with you.

Please consider these suggestions, and let us hear from you at your earliest convenience.

Very truly yours,

For Charles citizenship, and the testimony.

You will understand that these papers were filed with the Commission in 1896, and were transmitted to the United States Court when opened. We want only a copy of the original application, and the testimony, filed with the Commission in 1896, which papers are now on file in the Clerk's office, having recently been transmitted by the Commission.

Certain proof in this case will be taken on behalf of the plaintiff before the Master in Chancery on Friday, June 22. We will ask that you make a copy of this testimony, and forward to us immediately after it shall have been taken. Accompany same with your bill, and we shall be pleased to remit.

Very truly yours,

Dictated.

over. For your information we have had the papers prepared and ready to be
sent to you for your use. We have also had the papers prepared and ready to be
sent to you for your use.

South McAlester, Indian Territory, June 16, 1900

Mr. James Mathers,
Arkmore, Indian Territory.

Dear Sir:

We write to request that you make a copy of the follow-
ing papers, and forward to us at your earliest convenience:

"The original application of Sarah Jones, et al., Court No. 78
for Chickasaw citizenship, and the testimony".

You will understand that these papers were filed with
the Commission in 1896, and were transmitted to the United States
Court upon appeal. We want only a copy of the original applicat-
ion, and the testimony, filed with the Commission in 1896, which
papers are now on file in the Clerk's office, having recently
been transmitted by the Commission.

Certain proof in this case will be taken on behalf of
the Plaintiff before the Master in Chancery on Friday, June 22.
We will ask that you make a copy of this testimony, and forward
to us immediately after it shall have been taken.

Accompany same with your bill, and we shall be pleased
to remit.

Very truly yours,

Dictated.

RECEIVED at

16D.H.

Sarah Jones

1/28

11\$N&On

Ardmore, I.T

Mansfield McMurray & Cornish,

South Mcalester. I.T

The Court says this case must be disposed of this term will hold
open for answer,

John Hinkley,

1004AM

RECEIVED at

13SG&ON

Ardmore, L. T

Mansfield McMurray & Cornish,

Sarah Jones case continued to Feby 6 deposition be forwarded this evening,

John Hinckle,

100PM

13Collect

46 Charge

2/2

South McAlester, Indian Territory, February 4, 1901.

Mr. W. R. Blakemore,

Armore, Indian Territory,
So. McAlester, Indian Territory.

Gentlemen:-

We herewith enclose our check for \$5.00 in payment for carbon copy of testimony in Sarah Jones case.

Please say to Mr. W. I. Oruce, for us, to advise the Master that the taking of further testimony in the case of me you

Sarah Jones vs The Chickasaw Nation, has been postponed by agreement of counsel, and that we will write him later on and fix a time that will suit the convenience of all parties.

Very truly,
respectfully,

John H. ...

Dic tated,
Inc-check-

Ardmore, I. T., Feby. 7, 1901.

Mansfield, McMurray & Cornish,
So. McAlester, Indian Terry.

Gentlemen:-

In Re. Sarah Jones, vs Choctaw Nation, is continued for the purpose of taking testimony, until the first day of May, 1901, at which time the testimony should all be in.

My fee for the present is ten dollars. You wrote me you would pay the same, when I informed you of the amount.

The stenographer, informs me that you have paid him for the testimony taken and he will furnish you a copy at once.

Respectfully,

John H. Hinkle

Master.

Ardmore, I. T. March 2, 1901.

Mansfield, McMurray & Cornish,

South McAlester, I. T.

Gentlemen:

Will you kindly inform me of the day the case of Sarah Jones was set for final hearing before me at this place, as the same appears from the notice which I heretofore mailed to you. I neglected to make a minute of this setting on my docket, and I desire this information in order that I may be shure and be here on the date set.

Yours truly,

John Hinkle

Master in chancery.

500
300
400
400
1200
800

3600

5.000

Enclosure.

Law Offices of
MANSFIELD, McMURRAY & CORNISH.

South McAlester, Indian Territory, March 4, 1901.

Hon. John Hinkle,

Dear Sir: Ardmore, Indian Territory.

Dear Sir:

Replying to your letter of March 2, 1901, we have to advise

you that under date of February 7, 1901, you advised us by letter
that the case of Sarah Jones vs. Chickasaw Nation has been con-
sidered and is now pending upon the docket
of the Court of the Indian

Yours respectfully,

Dictated. Testimony before John Hinkle, Master in Chancery, we
will ask that you notify the court of the pendency of this action,
and of the time fixed for its consideration, in order that no further
action may be taken there pending its disposition.

Messrs. Gruce, Gruce & Gruce are attorneys for Sarah Jones,
and we will notify them of the filing of the motion, and supply
them with a copy thereof, upon receipt of information from you of
the time fixed for its consideration.

It is requested that we may receive this information at the earli-
est date possible, in view of the situation above mentioned,

we are,

Very respectfully,

Dictated.
Inclosure.

South McAlester, Indian Territory, April 17, 1901.

Commission to Five Civilized Tribes,

Muskogee, Indian Territory, April 28, 1901.

Dear Sirs:

We herewith enclose a motion to correct the record in the case of Sarah Jones, et al vs Chickasaw Nation.

Please file the motion, and fix a time for its consideration. Inasmuch as this case is now pending upon the docket of the United States Court for the Southern District of the Indian Territory, and that May 1, 1901 has been fixed as the time for the taking of testimony before John Hinckle, Master in Chancery, we will ask that you notify the court of the pendency of this motion, and of the time fixed for its consideration, in order that no further action may be taken there pending its disposition.

Mess. Cruce, Cruce & Cruce are attorneys for Sarah Jones, and we will notify them of the filing of the motion, and supply them with a copy thereof, upon receipt of information from you of the time fixed for its consideration.

Trusting that we may receive this information at the earliest date possible, in view of the situation above mentioned,

we are,

Very respectfully,

Dictated.
Enclosure.

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY.

Muskogee, Indian Territory, April 26, 1901.

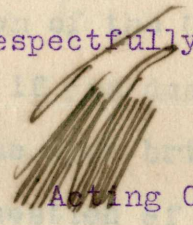
Messrs. Mansfield, McMurray & Cornish,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 17th enclosing a motion to correct the record in the case of Sarah Jones, et al, vs the Chickasaw Nation. Said motion was filed in this office on April 18th. I have to-day advised John Hinckle, Master in Chancery at Ardmore, of the filing thereof, and of the fact that the Commission has fixed as a date for hearing arguments on said motion, June 3, 1901, at 10 o'clock, A. M.

Very respectfully,


Acting Chairman.

2.
South McAlester, Ind. Ter., April 27, 1901.

If there are any costs in connection with the case, advise us
Mess. Cruce & Cruce,
and we shall be pleased to remit.

Ardmore, Ind. Ter.,

Very respectfully,

Dear Sir:

Dictated.

In re the case of Sarah Jones et al vs. The Chickasaw Nation:

We have filed with the Dawes Commission a motion to cancel the
nunc pro tunc entry of the case, upon the 1896 docket. The hearing
upon the motion has been set for June 3.

We have undertaken to notify you thereof, and such is the purpose
of this letter.

The Commission has advised Hon. John Winkle, master in
chancery of the pendency of the motion and of the time set for hear-
ing, so that no further action may be taken pending the disposition
of the same.

Immediately after the motion is disposed of, we shall furnish
the master with a certified copy of the action of the Commission.

We would be pleased to have you advise us if you desire to
argue the motion orally, or to submit the same upon briefs. You
will understand that the motion raises the question of the power to
render a judgment, and enter the same upon the docket, after the
expiration of the time fixed by the act of June 10, 1896; and
directly involves the jurisdiction of the United States
court upon appeal.

We would suggest that we have no particular desire to argue the
motion orally, and will submit it upon briefs, if that arrangement
is satisfactory with you.

Very truly yours,

Dictated.

South-Western, Ind. Ter., April 27, 1901.

If there any any costs in connection with the case, advise us and we shall be pleased to remit.

Hon. John Hinkle,

Very respectfully,

Dictated. Master in Chancery,

Armore, Indian Territory.

Dear Sir:

In the matter of Sarah Jones vs. The Chickasaw Nation, pending before you, and set for the taking of testimony on May 1:

We herewith enclose copy of letter of the Commission to the Five Civilized Tribes which is self explanatory.

The motion raises the question of what judgment, if any, was rendered in this case in 1886, and of course involves the jurisdiction of the United States Court upon appeal.

It will be observed that the hearing upon this motion has been set for June 3. The Commission has advised you of this proceeding.

Immediately after the disposition of this motion, we will have the Commission furnish you a certified copy of their action so that, any further consideration of the case, either before you or the court, may conform thereto.

We have notified Messers Grace & Cruse of the pendency of the motion, and of the date set for hearing the same, and in view of this situation we shall, of course, not be present on May 1, or give the case any further attention there, until the motion shall have been disposed of.

Grace & Cruse

South McAlester, Ind. Ter., April 27, 1901.

Hon. John Hinkle,

Ardmore, I. T. April 29, 1901.

Master in Chancery,

Messrs. Mansfield, McMurray & Company,
Ardmore, Indian Territory,

Dear Sir:

Gentlemen:- Your letter advising us of the motion in the Sarah Jones case, before the Dawes Commission, is at hand, and in answer will say that we shall insist upon the master passing upon this matter May 1:

We herewith enclose copy of letter of the Commission to the Five Civilized which is self explanatory.

The motion raises the question of what judgment, if any, was rendered in this case in 1896, and of course involves the jurisdiction of the United States Court upon appeal.

It will be observed that the hearing upon this motion has been set for June 3. The Commission has advised you of this proceeding,

Immediately after the disposition of this motion, we will have the Commission furnish you a certified copy of their action so that, any further consideration of the case, either before you or the court, may conform thereto.

We have notified Messrs. Cruce & Cruce of the pendency of the motion, and of the date set for hearing the same; and in view of this situation we shall, of course, not be present on May 1,

or give the case any further attention there, until the motion shall have been disposed of.

Cruce Cruce - Cruce

Ardmore, I. T. April 29, 1901.

Mess. Mansfield, McMurray & Cornish,

South McAlester; I.T.

Gentlemen:- Your letter advising us of the motion you had made in the Sarah Jones case, before the Dawes Commission, is at hand; and in answer will say that we shall insist upon the master passing upon this matter on the day it is set, to-wit, May 1st. You will remember that your Mr. Cornish was here during the last term of court, and was not then ready to submit the case. We agreed with him then that if the court would permit the master to withhold his report, you might have until the first day of April to take your proof; and after seeing the judge and knowing the court would not convene until the 6th of May, we agreed that the master give you until the first day of May, in order to allow you all the time possible to get in your proof. And it is passing strange to us that we should be met at this late hour with such a proposition. In the first place we do not think the Commission has any jurisdiction whatever in this matter now, for the reason that it is in this court on appeal, and besides we do not believe the commission would undertake to change what it has done, as the entering of the nunc pro tunc judgment was nothing more than making the record speak the truth.

Yours truly,

Cuce Cuce - Cuce

Ardmore, Indian Territory,

April 30, 1901.

Mansfield, McMurray & Cornish,

So. McAlester, I. T.

Gentlemen:- Your communication of April 27th also notice from the Dawes Commission, In Re. Sarah Jones's application for citizenship, were received in due time. The case was brought up this morning at motion hour, before the court in my interest, that I might know what course to proceed on in the matter. The court refused to take any action, or to recognize the Daes Commission, it therefore becomes my duty, under the order of referance to report this case, as heretofore ordered.

Yours very truly,

John Hinkle

Master in Chancery.

Ardmore, I. T. May 2, 1901.

Mansfield, McMurray & Cornish,

South McAlester, I. T.

Gentlemen:

I herewith enclose you copy of master's report in the case of Sarah Jones et. al. vs. Chickasaw Nation.

Yours respt.

John Hiickle

Master in Chancery.

South McAlester, Indian Territory, May 14, 1901.
South McAlester, Indian Territory,
May 14, 1901.

Mess. Cruce & Cruce,
Hon. Hosea Townsend,
Arkmore, Indian Territory,
Arkmore, Indian Territory,

Dear Sirs:

Dear Sir:

We write to ask when the report of the master in
In re Sarah Jones et al vs. The Chickasaw Nation:

At the last term of your court this case was referred
to the master in chancery for taking testimony. The master
has now rendered his report.

We write to ask that you kindly advise us when the
report of the master in chancery will be considered,
order that we may be present.

We have not filed exceptions to the report, for the
reason that we desire to move a re-reference of the case
to the master in chancery, in order that we may take
testimony on behalf of the Chickasaw Nation.

The reasons why the testimony on behalf of the Chick-
asaw Nation has not been heretofore taken will be this
full stated to the court, upon the discussion of our con-
motion to re-refer the case, above referred to.

Very respectfully,

Dictated.

If no time has been fixed, kindly suggest a time to
the court, and upon his approval, advise us.

Very truly,

South McAlester, Indian Territory, May 14, 1901.

South McAlester, Indian Territory, June 5, 1901.

Mess. Cruce & Cruce,

Ardmore, Indian Territory,

Dear Sirs:

We write to ask when the report of the master in chancery in the case of Sarah Jones et al vs. The Chickasaw Nation will be heard before the court.

We have not filed exceptions for the reason that we have a motion to re-refer the case to the master in chancery, for taking testimony on behalf of the Chickasaw Nation.

As we have heretofore advised you, we have a motion pending before the Dawes Commission to correct the nunc pro tunc entry of the alleged judgment of the Dawes Commission, which is set for June 3.

We desire to have the court re-refer the case to the master, to await the disposition of our motion pending before the Dawes Commission; and as to whether this can or cannot be done will be discussed, upon the consideration of our motion to re-refer, which can only be considered in connection with the report of the master.

If no time has been fixed, kindly suggest a time to the court, and upon his approval, advise us.

Very truly,

Muskogee, Indian Territory, June 8, 1901.

South McAlester, Indian Territory, June 5, 1901.

Mansfield, McMurray & Cornish,

Commission to Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sirs:

We herewith enclose Motion to Cancel Record Entries
in the case of Sarah Jones, et al vs The Chickasaw Nation.

We have furnished a copy of this motion to Mess. Cruce,
Cruce & Cruce, of Ardmore, Indian Territory, opposing counsel, with
notice that the same would be presented to the Commission to the
Five Civilized Tribes at its general offices at Muskogee, on
Monday, June 10, 1901.

Very respectfully,

Dictated.
Enclosure.

Muskogee, Indian Territory, June 8, 1901.

Mansfield, McMurray & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 5th instant, enclosing a motion to cancel the record entries made by this Commission upon its 1896 docket of citizenship cases in the case of Sarah Jones et. al versus the Chickasaw Nation.

Yours truly,



Acting Chairman.

Wm. O. O.

South McAlester, Indian Territory, July 23, 1901.
South McAlester, Indian Territory, July 23, 1901.

Commission to Five Civilized Tribes,
The Muskogee, Indian Territory.

Dear Sirs:

In the case of Sarah Jones, et al vs The Chickasaw Nation, we have a motion pending to cancel what purports to be an entry made pursuant to a judgment on the 1896 citizenship docket, for the reason that the same was entered upon the application of claimants, without any notice to the Chickasaw or Choctaw Nations, the interested parties.

This matter was submitted some weeks ago, and we write to inquire if the Commission has rendered a decision; and if not, to request that a decision be rendered at the convenience of the Commission.

For the information of the Commission we herewith enclose a certified copy of a statement, the original of which is on file in our office, and will be submitted to the Commission if desired. While this statement does not directly affect the motion pending before you, and above referred to, we take the liberty of filing it in support of our general contention with reference to the character of these cases, and the methods employed to procure testimony upon which the decrees of the court were rendered.

Very respectfully,

Dictated.
Enclosure.

South McAlester, Indian Territory, July 25, 1901.

Muskogee, Indian Territory, July 25, 1901.

The Commission to the Five Civilized Tribes,

Wagon, Mansfield, Muskogee, Indian Territory,

Dear Sirs: Attorneys at law,

We herewith enclose statement of J. M. Perry, Notary Public, in regard to case of Sarah Jones et al vs. The Chickasaw Nation.

This enclosure should have been sent with our letter of July 23rd referring to the case of Sarah Jones et al. vs. the Chickasaw Nation, and in which you Very truly yours, the fact that you, Dictated.

Enclosure. cancel what purports to be an entry "nunc pro tunc" of the judgment of the Commission on the 1896 citizenship docket, for the reason that the same was entered upon the application of the claimant without notice thereof to the Choctaw or Chickasaw Nation, parties in interest. You desire to be informed if the Commission has up to this time acted upon such motion. You are informed that no action has been taken relative thereto up to this time.

You further state in your letter that you enclose a certified copy of a statement, which you desire to have filed as a part of the record in the case of Sarah Jones et al. vs. the Chickasaw Nation. Your letter was received without such enclosure.

Yours truly,

Commissioner in Charge.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 25, 1901.

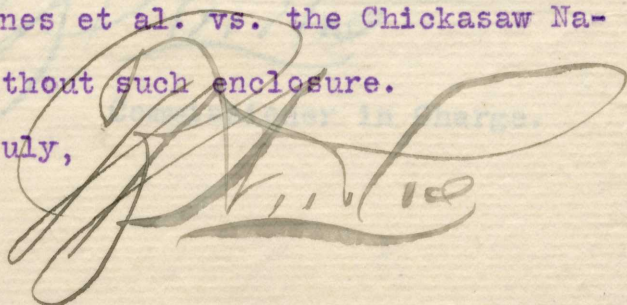
Messrs. Mansfield, McMurray & Cornish,
Attorneys at Law,
South McAlester, I. T.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 23rd instant, referring to the case of Sarah Jones et al. vs. the Chickasaw Nation, and in which you call attention to the fact that you, as attorneys for the Chickasaw Nation, have before this Commission a motion to cancel what purports to be an entry "nunc pro tunc" of the judgment of the Commission on the 1896 citizenship docket, for the reason that the same was entered upon the application of the claimant without notice thereof to the Choctaw or Chickasaw Nation, parties in interest. You desire to be informed if the Commission has up to this time acted upon such motion. You are informed that no action has been taken relative thereto up to this time.

You further state in your letter that you enclose a certified copy of a statement, which you desire to have filed as a part of the record in the case of Sarah Jones et al. vs. the Chickasaw Nation. Your letter was received without such enclosure.

Yours truly,



Commissioner in Charge.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 27, 1901.

Messrs. Mansfield, McMurray & Cornish,
Attorneys at Law,
South McAlester, I. T.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 25th instant, enclosing certified copy of a statement of J. M. Perry, Notary Public for the Southern District of the Indian Territory, which, in your letter of July 23rd you referred to, and desired to submit to the Commission in the matter of the case of Sarah Jones et al. vs. the Chickasaw Nation.

While the same will not be filed with the records of this case at this time, it will be retained in this office and presented to the Commission at its next meeting for such action as may be considered necessary.

Yours truly,

A large, ornate handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the typed name. The signature is highly stylized with loops and flourishes.

Commissioner in Charge.

Sarah Jones, et al.

Vs. No. 78 Judgment, Southern District. May 2, 1901.

Chickasaw Nation.

This day this cause coming on for trial upon the pleadings ~~and~~ and proof and the report of John Hinkle, Master in Chancery of this court, to whom this cause was referred to take proof and report the same; and it appearing that said Master in Chancery filed his report herein, reporting the facts on the second day of May, 1901, and that said report has been filed for ~~2~~ more than four days and that no exceptions have been filed or made thereto, it is therefor, considered, ordered and adjudged, that said report be, and the same is ~~is~~ in all things sustained and confirmed.

And it appearing from said report that Sarah Jones and other applicants hereinafter named, filed their application before the Commission to the Five Civilized Tribe, on the ninth day of September, A. D. 1896 asking to be enrolled as members by blood of the Chickasaw ^{Tribe} ~~Tribe~~ of Indians; and it appearing that the Chickasaw Nation; through its authorized attorneys filed its answer before said Commission, together with affidavits in support thereof, and it appearing that on the 23rd day of November, 1896, said Commission passed upon said application, and rendered a judgment denying the said applicants enrollment as members of said Tribe, and denying their rights to enrollment as such; and it appearing that said applicants in due time prosecuted and perfected their appeal from said judgment to this court and that the same was regularly filed, with the papers from said Commission in this court; and that this cause was duly referred to the Master in Chancery to take further proof and report the facts to this court as to the citizenship and Indian blood of said applicants. And it further appearing that said Master set this cause for hearing before him on the 28th day of January, 1901, and notified applicants and said Chickasaw Nation ~~thereof~~ thereof, and that thereafter adjourned the hearing of the same over to the 6th day of February, 1901 and then adjourned the further taking of testimony by agreement of attorneys representing the applicants and the Chickasaw Nation, over to the 1st

day of May, 1901:

And the Court being well and sufficiently advised in the whole premises doth find that the applicants, Sarah Jones, Armstead Jones, Isaw Jones, James Jones, To, Jones, Henry C. Jones, Ida Jones, Edward Jones, Berdy Jones, Hubbetecker Jones, Alfred Jones, Mary Powell, and Rosa Powell are each and all Chickasaw Indians by blood.

It is therefore considered, ordered and adjudged by the Court that they, the said Sarah Jones, Armstead Jones Isaw Jones, James Jones, Tom Jones, Henry C. Jones, Ida Jones, Edward Jones, ~~ExBird~~ Birdy Jones, Hubbetecker Jones Alfred Jones, Mary Powell and Rosa Powell are each and all members of the Chickasaw Tribe of Indians by blood and are entitled to all the rights, privileges and immunities of Chickasaw Indians by blood, and that they and each of them are entitled to enrollment as Chickasaw Indians by blood and should be enrolled upon the final roll of the Chickasaw Nation or the Chickasaw Indians as Chickasaw Indians and members of the Chickasaw Tribe by blood, and to share in the allotment and distribution of lands, moneys and all the ~~the~~ benefits of Chickasaw Indians.

It is further adjudged that the applicants ~~ExBird~~ Lucy Jones, Alma Jones, Maggie Jones and X Jesse Powell be denied enrollment as members of the Chickasaw Tribe of Indians, for the reason that they are not Indians by blood, and have not complied with the marriage laws of the Chickasaw Nation.

It is further ordered and adjudged ~~x~~ that a certified copy of this judgment be transmitted by the Clerk of this Court to said Commission to the Five Civilized Tribes, for its observance, in making up the rolls of the Chickasaw Nation of Indians and that this is the last and final judgment in this case.

Sarah Jones, et al.

Vs. No. 78 Judgment, Southern District, May 2, 1900.

Chickasaw Nation.

~~xxxxxx~~ Now on this 2nd day of May, 1900 came on to be heard the motion of the plaintiffs to have sent up from the Commission to the Five Civilized Tribes the original papers, and the judgment therein rendered by said Commission to this Court; and the court being sufficiently advised in the premises, doth order said papers,; that is all of the original papers in this cause, now on file in the office of the Commission to the Five Civilized Tribes, together with the application, answer, proof, judgment, and any and all other papers, and orders that may have been made in said cause be and the same are hereby ordered to be forthwith transmitted by said commission to this Court. And the Clerk of this Court is hereby directed to send a certified copy of this order to said Commission.

Sarah Jones, et al.

Vs. No. 78 Judgment, Southern District, Jan. 15, 1900.
Chickasaw Nation.

Now on this day this cause coming on to be heard upon the motion of the defendant the Chickasaw Nation to set aside the judgment herein rendered, and it appearing that due notice has been given to plaintiffs herein of said motion and the court being well and sufficiently advised in the premises doth find that no judgment as ever rendered against plaintiffs by the Commission to the Five Civilized Tribes. Therefore this court has never acquired jurisdiction of said case, and had no power to render said judgment, the same having been entered of record upon the representation of plaintiffs that a judgment had been rendered against them by said Commission, from which an appeal had been taken to this court. It is therefore ordered and decreed that judgment be vacated, set aside and expunged from the record of this court transmit a certified copy of this order to the Commission to the Five Civilized Tribes. It is further ordered that the Chickasaw Nation have and recover all its costs in this behalf laid out and expended. And this judgment be entered nunc pro tunc to all of which the plaintiff excepts.

Sarah Jones, et al.

Vs. No. 78 Judgment, Souther, Dist. March 8, 1898.

Chickasaw Nation.

This day this cause coming on to be heard upon the pleadings exhibits, Master's report, and exceptions filed thereto; and the court being sufficiently advised, is of the opinion that said report should be confirmed. It is therefore ordered adjudged and decreed by the court that the applicants, Sarah Jones, Mary Powell, Rosa Powell, Armstead Jones, Edward Jones, Birdy Jones, Isaw Jones, James Jones, Bubbetecker Jones, Tom Jones, Ida Jones, Henry C. Couch, A.A.; Fred Couch, and all be admitted and enrolled as members of the Chickasaw Tribe of Indians by blood, and that they have all the rights privileges and immunities as such. Clerk of this court is hereby ordered to transmit a certified copy of this judgment to the Commission of the Five Civilized Tribes of Indians, which said Commission is hereby directed to place upon the rolls made out by it for the Chickasaw Nation and all of the names herein enumerated, and that they have all the rights of Chickasaw Indians by blood, they being admitted as members of said Tribe by blood.

To this judgment the Chickasaw Nation by its attorneys excepts.

South McAlester, Indian Territory, September 4, 1903.

Mess. Mansfield, McMurray & Cornish,

South McAlester, Indian Territory,

Dear Sirs:

In accordance with your letter of August 17th, I went to Ardmore, and interviewed Mrs. Carter in regard to the Sarah Jones citizenship case. I took from her a statement which is hereto attached.

It seems that Mrs. Carter's husband, now deceased, who was a partner of Herbert & Ledbetter is responsible for the Sarah Jones case, and for that reason I think that little is to be expected from Mrs. Carter.

Very respectfully,

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

Sarah Jones, et. al.)
 Plaintiffs,)
 vs.) MASTER'S REPORT.
The Chickasaw Nation,)
 Defendant.)

The above styled cause having been referred to me, as master in chancery, to take proof and make report thereon, I beg leave to submit the following:

I find that the applicants, Sarah Jones, Armstead Jones, Lucy Jones, Isam Jones, James Jones, Alma Jones, Tom Jones, Henry Jones, Maggie Jones, Ida Jones, Mary Powell, Jesse Powell, Rosa Powell, Edward Jones, Birdy Jones, Hubbetecker Jones, and Alfred Jones, filed their application for enrollment as citizens of the Chickasaw Tribe of Indians before the Dawes Commission on the 9th day of September, 1896, claiming to be members of the Chickasaw Tribe of Indians by blood; that to this application the Chickasaw Nation filed its answer. That on November 23rd, 1896, the said commission rendered the following judgment: "Negroes; never owned by Indians." That in due time said applicants prosecuted an appeal to this court from said judgment.

That after the order of reference to me, on, to-wit, December 31st, 1900, I served notice on Cruce, Cruce & Cruce, attorneys representing the applicants, and upon Mansfield, McMurray & Cornish, attorneys representing the Chickasaw Nation, notifying them that on the 28th day of January, 1901, in my office in the town of Ardmore, I would hear any proof that might be offered by either side in said cause; at which time the applicants appeared and introduced certain proof; but that the attorneys representing the Chickasaw Nation failed to appear. I then adjourned the taking of

testimony herein until the 6th day of February, 1901; at which time the applicants appeared and took further testimony; but the attorneys for the Chickasaw Nation failed to appear.

I afterwards, by agreement of counsel for both plaintiff and defendant set this cause for final hearing before me on May 1st, 1901; on which day applicants appeared by their attorneys, but the attorneys representing the Chickasaw Nation failed to appear.

I have carefully investigated all the testimony in this cause, both for the plaintiffs, and the affidavits filed with the answer of the Chickasaw Nation.

I find that the applicant, Sarah Jones, is the grand daughter of Betsey Blackwater; that said Betsey Blackwater was a fullblood Chickasaw Indian; that the mother of Sarah Jones was a fullblood Chickasaw Indian, and that her father was of mixed blood, part Chickasaw Indian and part negro.

I find that the parents of Sarah Jones died while she was a small child; and that she was given to a missionary, by the name of Couch, to raise; that said Couch took charge of her in the Chickasaw Nation, where she resided with him as a member of his family for some time; that said Couch afterwards went to the Choctaw Nation and took Sarah with him; that he thereafter, and shortly before the war, removed from the Choctaw Nation to the State of Texas, and ~~took~~ said Sarah Jones with him; that after his removal to the state of Texas, he treated Sarah as a slave.

I further find that while in the State of Texas Sarah Jones married a negro, and by him had the following named children: Mary Jones, Armstead Jones, Isam Jones, James Jones, Tom Jones, Henry C. Jones, Ida Jones, all of whom were living in the Indian territory at the time of the filing of the application aforesaid.

I find that the applicant, Lucy Jones, is the wife of said Armstead Jones; that said Alma Jones is the wife of said James Jones; that Maggie

Jones is the wife of Henry C. Jones; and that Jesse Powell is the husband of the applicant Mary Powell (nee Mary Jones); but I find that neither said ~~Lucy~~ Lucy Jones, Alma Jones, Maggie Jones nor Jesse Powell, were married under the Indian law, and therefore cannot be termed or treated as inter-married citizens.

I find that the said Mary Powell has one child, whose name appears in said application as Rosa Powell;

That said Armstead Jones has two children, whose names appear in said application, Edward Jones and Birdy Jones;

That said James Jones has one child, whose name appears in said application, Hubbetecker Jones;

That said Henry (C) Jones has one child, whose name appears in said application, Alfred Jones.

It appears from the above state of facts that the applicants, Sarah Jones, Armstead Jones, Isam Jones James Jones, Tom Jones, Henry C. Jones, Ida Jones, Edward Jones, Birdy Jones, Hubbetecker Jones, Alfred Jones, Mary Powell and Rosa Powell, should each and all be admitted as members of the Chickasaw Tribe of Indians by blood; and that applicants, Lucy Jones, Alma Jones, Maggie Jones and Jesse Powell, should not be admitted.

All of which is respectfully submitted.

Master in Chancery.

All of which is respectfully submitted.

Sarah Jones
vs.
Chickasaw Nation
Masters Report

That said Henry (C) Jones has one child, whose name appears in said

That said James Jones has one child, whose name appears in said

That said Edward Jones and said James

That said Amanda Jones has two children, whose names appear in said

I find that the said Mary Powell has one child, whose name appears

as inter-related citizens.
married under the Indian law, and therefore cannot be formed or created
neither said **F**red Jones, Alma Jones, Maria Jones nor Jesse Powell, were
part of the applicants Mary Powell (nee Mary Jones); but I find that

Jones is the wife of Henry G. Jones; and that Jesse Powell is the hus-

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

SARAH JONES, et al.,	Plaintiffs,)	PETITION.
vs.)	
CHOCTAW and CHICKASAW NATIONS,	Defendants.)	
)	

Come now the petitioners, Sarah Jones, Armstead Jones, Isam Jones, James Jones, Tom Jones, Henry C. Jones, Ida Jones, Edward Jones, Birdie Jones, Hubbetecker Jones, Alfred Jones, Mary Powell and Rosa Powell, and respectfully represent and show to the court that they, and each of them, are now, and have been since prior to September 9th, 1896, residents of the Chickasaw Nation, Indian 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 Tribes for enrollment as citizens and members of said Chickasaw Nation or Tribe of Indians; 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 of Indians.

That thereafter, and within the time prescribed by law, these petitioners appealed from the judgment of the 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 Sarah Jones et al., vs. Chickasaw Nation, and numbered 78.

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 numbered 78, styled as afore said, Sarah Jones 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 these petitioners upon the roll of citizenship of the Chickasaw nation or Tribe of Indians, as members thereof; which said judgment was rendered by, and entered of record in said on the _____ day of _____, 1901.

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, plaintiff, 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 states 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 judgments theretofore rendered in the United States Court for the Southern District of the Indian Territory, at Ardmore, 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 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

the said Chickasaw Nation or Tribe of Indians, was not in any way affected, set aside, or avoided by 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 the 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 their rights and privileges as such members of the said Chickasaw Tribe of Indians; and petitioners will be denied and deprived of all the rights and privileges of members of the said Chickasaw Nation or Tribe of Indians, unless the files, papers and proceedings in said cause No. 78, styled Sarah Jones et al., vs. Chickasaw Nation, in the said United States Court for the Southern District of the Indian Territory, at Ardmore, be certified and sent to this court for further proceedings therein.

Now, therefore, these petitioners, still insisting upon their rights as citizens and members of the said Chickasaw Tribe of Indians, and without waiving any of the rights adjudged and decreed to belong to them under and by virtue of said judgment of the United States Court for the Southern District of the Indian Territory at Ardmore, in said cause No. 78, styled Sarah Jones et al., vs. Chickasaw Nation, most respectfully pray this court for an order or writ, ordering and directing the Clerk of the United States Court for the Southern District of the Indian Territory, at Ardmore, to certify and transfer to this

honorable court all the files, papers and proceedings in said cause, No. 78, styled Sarah Jones 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 citizens and members of the said Chickasaw Nation or Tribe of Indians, and for all other just and proper relief in the premises.

Cruce & Cruce
Attorneys for petitioners.

Sarah Jones et al.
petition for relief

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

Sarah Jones 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, 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.~~

Sarah Jones et al
By *C. C. C.*
attys

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

Sarah Jones, et al.,

vs.

No. 74.

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, Sarah Jones, Armstead Jones, Isam Jones or Isom
Jones, James Jones, Tom Jones, Henry C. Jones or Henry C. Couch,
Ida Jones, Edward Jones, Birdie Jones or Birdy Jones, Hubbetecker
Jones, Alfred Jones or Alfred Couch, Mary Powell and Rosa
Powell, 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, Sarah Jones, Armstead Jones, Isam
Jones or Isom Jones, James Jones, Tom Jones, Henry C. Jones or
Henry C. Couch, Ida Jones, Edward Jones, Birdie Jones or Birdy
Jones, Hubbetecker Jones, Alfred Jones or Alfred Couch, Mary
Powell, and Rosa Powell, 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.

BEFORE THE COMMISSION TO THE
FIVE CIVILIZED TRIBES.

SARAH JONES, ET AL.,

-VS-

CHICKASAW NATION.

MOTION TO HAVE RECORD ENTRY CANCELLED.

Come the Chickasaw Nation and the Choctaw Nation, by Mansfield, McMurray & Cornish, attorneys, and move that certain entries appearing upon the 1896 Citizenship Docket purporting to deny Chickasaw citizenship to Sarah Jones, et al, be cancelled, and for cause, state:

That Chickasaw citizenship was not denied such persons by the Commission to the Five Civilized Tribes under the Act of June 10, 1896; that the only record of any consideration of the applications of such persons is a pencil memorandum thereof as follows:

"Negro was never owned by Chickasaws"; that the Commission has no power at this time, and had no power on May 15, 1900 to deny Chickasaw citizenship to such persons, and to enter the same upon the 1896 Citizenship Docket, nunc pro tunc, or otherwise.

A copy of such entries entered nunc pro tunc on May 15, 1900, as of September 9, 1896, is hereto attached and marked "Exhibit A".

THE CHICKASAW NATION.

THE CHOCTAW NATION.

By _____

A t t o r n e y s .

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

I, A. S. McKennon, a member of the Commission to the Five Civilized Tribes, do hereby certify that the case of Sarah Jones, and others, was never placed upon the docket of citizenship cases by the Commission under the Act of Congress, June 10th, 1896, because they were found to be negroes, and not Chickasaw Indians, and no judgment was therefore entered upon the docket of said Commission at that time, the Commission having no authority under said Act to consider or pass upon applications of Freedmen for enrollment.

Witness my hand as such Commissioner this January 2nd, 1900.

A. S. McKennon
Commissioner.

Handwritten notes:
The Freedmen
to be enrolled
to be enrolled

Certificate of James Cowe
+
No Judgment of
Cove.
+

James Cowe

Witness my hand at New York, this 1st day of July, 1830.

Attest:

and yet so considered, as been upon applications of Messrs. Tol
Commission of that time, the Commission having no authority under
any of the laws then in force, entered upon the docket of said
cause the same being found to be null and void, and not sufficient
by the Commission under the act of Congress, June 10th, 1830, re-
spectively, and never placed upon the docket of said Commission
Commissioned Messrs. Tol, Messrs. Tol, Messrs. Tol, Messrs. Tol,
I. V. G. McKim, a member of the Commission to the said

Commission to the said Commissioned Messrs.
DEPARTMENT OF THE INTERIOR

In the United States Court for the Southern District
of the Indian territory at Ardmore.

Sarah Jones, et. al.)
Plaintiff,)
vs.) N O T I C E
The Chickasaw Nation,)
Defendant.)

The above styled cause having been referred to me,
by the Hon. Hosea Townsend, Judge of the Southern District of the
Indian territory, for my report thereon; Therefore,
Cruce, cruce & Cruce, Attorneys for Sarah Jones and others, and
Mansfield, McMurray & Cornish, Attorneys for the Chickasaw Na-
tion,

Are hereby notified that said cause is set down for hearing
before me in my office in the town of Ardmore, on the 28th day of
January, 1901; at which time you and each of you may produce such
testimony as you may desire.

December 31st, 1900.

John Hinsel
Master in Chancery.

Master in Chancery.

John W. Fisher

December 21st, 1901.

testimony as you may desire.

January, 1901) at which time you and each of you may produce such

before me in my office in the town of Ardmore, on the 28th day of

Are hereby notified that said cause is set down for hearing

tion ~~annals~~field, McMurry & Cornish, Attorneys for the Chickasaw Na-

Orce, & Oruce, Attorneys for Sarah Jones and others, and
territory, for my report thereon; therefore,

Hon. Moses Townsend, Judge of the Southern District of the

The above styled cause having been referred to me,

Notice to take
testimony
Jan 28, 1901

The Chickasaw Nation,
vs.
Defendants.

Sarah Jones, et al.
Plaintiff,

NOTICE

of the Indian Territory at Ardmore.

In the United States Court for the Southern District

Applied to Dawes Commission in 1896.

Denied by Dawes Commission

Admitted U. S. Court, March, 8, 1898.

Judgment vacated, Jan. 15, 1900.

May, 2, 1900, Order of Court to Dawes Com.

May, 2, 1901, Judgment of U. S. Court.

Sarah Jones et al

vs

Chas. N.

Excluded all applicants

So that judgt instead of ad -
should show objection for
lack of jurisdiction because
no application to D. Com.

ny:

Sarah Jones	Ida Jones
Mary Pawell	Henry Couch
Rosa	Alford
Armistead Jones	
Edward	"
Birdy	"
Isaac	"
James	"
Hubbster	"
Pom	"

Sarah Jones, et al)
vs) No. 78
Chickasaw Nation)

Now on this day, this cause coming on to, be heard upon the ~~max~~ motion of the defendant , the Chickasaw Nation, to vacate and set aside the judgement rendered herein, and it appearing that due notice has been given plaintiffs herein of said motion, and the Court being well and sufficiently advised in the premises, doth find, that no judgement was ever rendered against plaintiffs by the Commission to the Five Civilized Tribes, because said plaintiffs were found to be negroes, and said Commission held that it had no power at that time to enroll freedmen, therefore this Court has never acquired jurisdiction of said cause, and had no power to render said judgement, the same having been entered of record upon the representation of plaintiffs that a judgement h"ad been rendered against them by said Commission, from which an appeal had been taken to this Court.

It is therefore ordered and decreed that said ~~order~~ judgement be vacated, set aside and expunged from the records of this court, and that the Clerk of this court transmit a certified copy of this order to the Commission to the Five Civilized Tribes.

It is further ordered that the Chickasaw Nation have and recover all its ~~the~~ costs in ~~its~~ behalf layed out and expended.

No. 78

Israh Jones et al
vs.

The Chickasaw Nation

(Precedent)

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Precedent

No. 78

In the United States Court
for the Southern District
of the Indian Territory
Sitting at Ardmore

Sarah Jones et al.

vs. ^{Eq Motion to set aside decree and refer to Master}
The Chickasaw Nation

Comes the Chickasaw Nation, by Mansfield,
McMurray & Cornish and moves the Court to
set aside the decree heretofore rendered at
this term of this Court admitting plaintiffs
to citizenship in the Chickasaw Nation; and
to refer this Cause to the Master in Chancery
for the taking of additional testimony

The Chickasaw Nation,

By Mansfield, McMurray & Cornish,
Attorneys

No. 78

24 Sarah Jones et al.
vs.
23 The Chickasaw Nation

22 Motion to set aside
21 decree and be refer to
20 Master in Chancery

~~FILED
COURT.
MAY 23 1901
C. M. CAMPBELL, Clerk.~~

19 Mansfield W. Moray, Jr.,
18 Attorney for
17 The Chickasaw Nation

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[Faint handwritten notes on the left margin, including "The Chickasaw Nation" and "Mansfield W. Moray, Jr."]

Sarah Jones

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Charles Nathan

Witness

Dr. Blasingame

Sam. Parkey, Jr.

Dr. Armstrong

Sam. Parkey

Lucas Bates

Deputy

J. G. Marshall

Deputy

Bland Bennett

Whitehorse

Betsy Blackwater

born at Tishomingo
James fur blood
15.

Lucas
father
part colored

Sarah Jones +
married

James Jones +
negro

has own
Sons & Couch

live & work
Couchs

went to Texas about
time of war
gave Court \$50.

Mary Jones +
^{in dress of}
Jesse Powell

Rosa Powell +

Armstead Jones +
^{married}
Lucy Simms

Edward Jones +
Birdy Jones +

Isom Jones +

James Jones +
^{married}
Alma Clemons

Habbetecker Jones +

Tom Jones +

Henry C. Jones (Couch) +
^{married}
Maggie Morton

Alfred Jones (Couch) +

Ida Jones +

Witness:
E. M. Schopp
Fannie Sims
Henry Hodge

G. Bruner, Philip Stevenson

Tom Polun, J. Shoals, Susan Alexander, Betsy Myers.

Denied by James Court.
Admitted U. S. Court, Mar. 8, 1896

T# 83 Mary A. Laglin

- 1) Report of case
- 2) affidavit - Susan Alexander
- 3) " - Betsey Myers
- 4) " - Hanna Harrow
- 5) " - Elizabeth Seligge
- 6) " - Mrs. J. Carter
- 7) " - O. M. Wilson
- 8) " - L. M. Perry
- 9) " - Covertan Love
- 10) motion - Mansfield McMurray
- 11) Precedent -
- 12) genealogy - Wm Blasingame
- 13) affidavit -