

In Cl annants

C. E. Rooks
J. S. Deak - -

Duncan - J. T.
" "

J- No 78.

Duncan, Sallie.

vs

Chickasaw Nation

No 48.

Auction Dist. Court.

No

Davis Commission

See William Duncan.

T. No. 102.

Question of Law.

Questions of fact.

1. Was Bradford Johnson, Chickasaw
2. Was marriage of May 27, 1872 according to Chickasaw laws.
3. Was applicant ever divorced from Bradford Johnson.

Pass.

W. C. B.

UNITED STATES OF AMERICA
INDIAN TERRITORY, CHICKASAW NATION,
PICKENS COUNTY.

APPLICATION FOR CITIZENSHIP IN THE
CHICKASAW NATION

To the Honorable Henry L. Dawes, Chairman of the Dawes
Commission at Vinita, Ind. Ter.

The undersigned, your petitioner, being duly sworn on her oath res-
pectfully states that her name is Sallie Duncan, wife of William Dun-
can, that she is fifty years of age, that she is a resident of the Ind
Ter. Chickasaw Nation, Pickens County, and her Post office address
is Duncan Ind. Ter. and that she is entitled to citizenship in
the Indian Territory for the following reasons.

That on the 27th day of May, 1872, A.D. she (then Sallie
Littall) was married to Bradford Johnson, at Stonewall, I.T. by J.S.
Morrow.

That said Bradford Johnson was at least $3/4$ a full blood
Chickasaw Indian and so recognized as a citizen by being at differ-
ent times elected to the Chickasaw Council.

That said marriage was strictly according to law then
in force in the Chickasaw Nation.

That she has always been recognized as an Indian Citizen
since such marriage, by being paid her prorata part of all annuities
that has been paid since such marriage with the said Bradford John-
son.

That on the 26th day of May, A.D. 1878, she was married to
William Duncan at Stonewall, I.T. by Willis Burns.

That said marriage with William Duncan was strictly ac-
cording to law of the Chickasaw Nation.

That by reason of said marriage to the said Bradford John-
son, she became an Indian to all intents and purposes and is entitled
to citizenship in the Chickasaw Nation, among the Chickasaw Tribe
of Indians and respectfully prays your honorable body to investi-

gate her application, and that she be enrolled as a citizen of the Chickasaw Indians, and entitled to all the rights and privileges pertaining to said citizenship in accordance with the laws and treaties governing said Tribe of Indians.

Sallie Duncan

26
10
1
X
Sworn to and subscribed to before me, the undersigned authority, on this the 20th day of August, A.D. 1896, and I certify that she the said Sallie Duncan is well known to me and that she is a responsible and creditable person worthy of belief, and that I am not interested in the matter to which this application relates.

Witness my hand and seal of office on this the 20th day of August 1896.

U.G. Wilkinson.
Notary Public in and for the
Southern District of the

Indian Territory.

Indian Territory.

Southern District of the
Notary Public in and for the
U.C. Wilkerson.

of August 1888.

No 78 T x

Ellie Duncan

Chickasaw Nation

Witness my hand and seal of office on this the 30th day
anted to the matter to which this application relates.

ple and credible person worthy of belief, and that I am not inter-
said *Ellie Duncan* is well known to me and that she is a responsi-
this the 30th day of August, A.D. 1888, and I certify that she the
Sworn to and subscribed to before me, the undersigned authority, on

Ellie Duncan

trustee governing said Tribe of Indians.

pertain to said citizenship in accordance with the laws and
Chickasaw Indians, and entitled to all the rights and privileges
state her application, and that she be enrolled as a citizen of the

;;;BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for enrollment in the Chickasaw Nation of Sallie Duncan.

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 the question of citizenship in the Chickasaw Tribe of Indians, presents this, its answer, to said application, and respectfully represents:

First---The Chickasaw Nation, while not admitting the marriage of the applicant to Bradford Johnson, denies that they were married according to law; and avers that the applicant was a United States Citizen, and that if she was married to Bradford Johnson, as claimed, she abandoned him, and they were divorced, which was in violation of its laws, and she forfeited any she may have acquired by such marriage.

Second--- It admits that afterward, she married William Duncan, her present husband, and avers that he is a United States Citizen, and could confer no rights, as a Chickasaw, upon this applicant.

W H E R E F O R E, It prays that said application be dismissed.

THE CHICKASAW NATION

By its Attorneys.

Indian Territory
Southern District

Affidavit,

(Original)

Before me the undersigned authority personally appeared C.E. Rooks of Duncan Indian Territory, well known to me and known to be a responsible person and credible and worthy of belief and states that she is 59 years of age; that she is now a resident of the Chickasaw Nation, Indian Territory, and has been a resident of said Chickasaw Nation, Indian Territory for life; that she well knew Bradford Johnson at Stonewall, Indian Territory and knew him to be at least 3/4 a fullblood Indian of the Chickasaw Tribe, and knew of him serving in the Chickasaw Council as a member of said Council; that she knew Sallie Duncan now of Duncan, Indian Territory to be married to the said Bradford Johnson and knew them to live together as husband and wife and that the said Sallie Duncan ever since said marriage with the said Bradford Johnson has been recognized by the public as a citizen of the Chickasaw Nation and that she has ever since said marriage exercised the rights of citizenship among said tribe of Indians; that she has known the said Sallie Duncan for 27 years; that the said Sallie Duncan is the identical person she represents herself to be in her application for citizenship in the Chickasaw Nation

That she is not in any way interested in the prosecution of her claim as a citizen among said Chickasaw Tribe of Indians nor is she interested in the decision, judgment or final determination of said claim/

C.E. Rooks

Sworn to and subscribed to this the 25th day of August

A.D., 1896.

U.G. Wilkinson Notary Public in and for the
Southern District of Indian Territory

Indian Territory
Southern District

Affidavit

Before me the undersigned authority personally appeared ,J.T.Doak, of Duncan Ind. Ter. well known to me and known to be a responsible and creditable man and worthy of belief and states that he is 38 years of age; that he is now a resident of the Chickasaw Nation, I.T. and has been a resident of said Nation 30 years; that he well knew Bradford Johnson, whose Indian name was Ta-ishtubbee, at Stonewall, Ind. Ter. and knew him to be at least 3/4 a full blood Chickasaw Indian and knew of his serving in the Chickasaw Council as a member of said Council, that he knew Sallie Duncan, now of Duncan, I.T. to be married to the said Bradford Johnson and knew them to live together as husband and wife and that the said Sallie Duncan, ever since said marriage with the said Bradford Johnson, has been recognized by the Public as a citizen of the Chickasaw Nation and that she has ever since ~~said~~ marriage exercised the rights of Citizenship among said Tribe of Indians.

That he has known the Sallie Duncan for 26 years.

That the said Sallie Duncan is the identical person she represents herself to be in her application for citizenship in the Chickasaw Nation.

That he is not in any way interested in the prosecution of her claim as a citizen ^{Chickasaw} among said Tribe of Indians nor is he interested in the decision, judgment or final determination of said application.

J.T.Doak.

Sworn to and subscribed to this the 2nd day of August 1896 A.D.

U.G.Wilkinson, Notary Public in and for the Southern District of the Indian Territory

Indian Territory
Southern District

Before the Dawse Commission for the Five Civilized
Tribes.

We would not make an argument, nor would we have put in an application for Mrs. Sallie Duncan were it not for the fact that it is public rumor and the prevailing impression that there would be an effort made by the Indian authorities to hold roll of citizens till last minute and that there would be many, if not all, the inter-married citizens stricken from it, which would give rise to civil and court proceedings, which would be avoided by the application being made.

Secondly, that of Mr. Duncan being dependant on his wife we put the two in.

All we wish to call the Commission's attention to in Mrs. Duncan's claim is that in 1872 she was married, according to Chickasaw law, to a Chickasaw Indian, Bradford Johnson, and futher for the last 24 years she has enjoyed the rights, privaleges and immunities of citizenship and been so recognized by Chickasaw authorities as such.

(see evidence)

Respectfully submitted,
Wolverton & Marck,
Atty's for Claimants.

IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY SOUTHERN DISTRICT AT ARMORE

Sallie Duncan
vs
Chickasaw Nation)

}
Master's Report

I find that the applicant, Sallie Duncan, whose maiden name was Sallie Little, married Bradford Johnson, a full blood Chickasaw Indian the 27th day of May, 1872, under and in accordance with the Chickasaw laws.

That after said Johnson's death said Sallie Johnson married William Duncan, a United States Citizen, under and in accordance with the Chickasaw laws on the 26th day of May, 1888.

I therefore recommend that said Sallie Duncan be admitted to membership and be enrolled as a member of the Chickasaw Tribe of Indians.

W. H. L. Campbell

Master in Chancery.

(Copy)

Indian Territory

Southern District

Before me the undersigned authority, a Notary Public in and for the Southern District of the Indian Territory, personally appeared Mrs. C.E. Reeks and states upon oath that she is 61 years of age, that she has been a resident of the Indian Territory 61 years, that she has known Sallie Duncan 29 years, that she knew her to be the wife of Bradford Johnson, a Chickasaw Indian.

She further states that she has known William Duncan 27 years, that she knew the said William Duncan and Sallie Johnson (now Duncan) widow of Bradford Johnson, were married in 1878 according to Chickasaw marriage laws, and knows that they are now, and have been continuously since 1878, living together as husband and wife.

She further states that is not connected with either Sallie Duncan or William Duncan by affinity or consanguinity and is not interested in the termination of his application for citizenship in the Chickasaw Nation.

Mrs. C.E. Reeks.

Sworn to and subscribed to before me on this the 11th day of ~~the~~ August, 1897.

H.M. Welverten.
Notary Public

(Seal)

This is to certify that I have this day united in marriage, at their request and by their mothers consent, and in the presence of witnesses, Bradford Johnson, citizen of the Chickasaw Nation, and Sallie Little, of Texas.

This the 27th day of May, A.D. 1872,

J.S. Murrow,
Missionary.

Attest.

B.F. Perry,
Clerk of Pentatec County, C.N.

(Seal)

This is to certify that the marriage certificate of Mr. Bradford Johnson and Miss Sallie Little, a citizen of Texas, is a true and correct copy of the original as found recorded in the marriage record of Pentatec county, Chickasaw Nation, in the Clerks office.

This the 23rd day of August, A.D., 1897.

George Colbert,
County and Probate Clerk of Pentatec
County, Chickasaw Nation, I.T.

(Seal)

Sallie Duncan,

Vs. No. 48 Judgment, Southern District. Dec. 22, 1897.

Chickasaw Nation.

Now on this 22nd day of December, 1897, came on to be heard the above cause upon the application, evidence, exhibits, master's report and exceptions to Master's report, and the entire record in the case, and the court being well and truly advised in the premises is of the opinion that the master's finding of facts, that the applicants Sallie Duncan, whose maiden name was Sallie Little married Bradford Johnson, a full blood Chickasaw Indian on the 22 day of May, 1872 under and in accordance with the Chickasaw laws: that after said Johnson's death said Sallie Johnson married William Duncan, a United States citizen under and in accordance with the laws of the Indian Territory is correct and said report is hereby confirmed. And the court is of the opinion that said facts entitled said Sallie Duncan to membership in the Chickasaw Tribe of Indians. It is therefore ordered, adjudged and decreed that Sallie Duncan be and she is hereby admitted to citizenship in said Chickasaw Nation, and to membership in said Chickasaw Tribe of Indians. And it is ~~xx~~ ordered that she be enrolled as such with all the rights appertaining to such relation. It is further ordered that the clerk of this court certify a true copy of this decree to the Commission to the Five Civilized Tribes for their observance, and that said Commission duly enter the names of above named applicants, Sallie Duncan on the roll of citizenship on the Chickasaw Nation, to all of which the defendant excepts.

Sallie Duncan No 78

✓ Sallie Duncan

Admit - Check as to Inter-marriage

Sallie Duncan

vs.

T. No. 78. Sov. Dist. No. 48.

Chickasaw Nation.

The applicant, (maiden name, Sallie Littall), married Bradford Johnson, an alleged Chickasaw by blood, May, 27, 1872.

May, 26, 1878, applicant married William Duncan, a white man, United States citizen.

Admitted by Dawes Commission.

Admitted by U. S. Court, Sov. Dist., Dec. 22, '97.

Query:

1. Was, or is, Bradford Johnson, a Chickasaw by blood.
2. Was the marriage of May, 27, 1872 in accordance with the laws of the Chickasaw nation.
3. How long did applicant live with Bradford Johnson, and was there any separation or divorce.

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 Sis Hemings, by Sallie Duncan 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 Sallie Duncan File No. 48 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.

Jas B. Bassada Clerk.
E. L. Berritt Deputy.

MARSHAL'S RETURN.

United States of America,
Indian Territory,
DISTRICT.

I received this summons this of A. D. 1903,
at o'clock m. and served same by copy, as follows:
Personally on P. S. Moseley, at Indian Territory,
This day of 1903, m.

By Deputy.
has been attached thereto.

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. 48 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,
complaint will be taken for confessed, and you will make return of the summons instant.

Lo ofry

No. ⁷⁸~~78~~ - 5

SUMMONS
IN EQUITY.

Sallie Duncan

vs.

Choctaw and Chickasaw Nations.

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

Marshal's Fees.

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

Bruce & Bruce

Attorneys for Plaintiff.

Admon ds

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

I N D E X.

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IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

Sallie Duncan,)
Plaintiff,)
vs.) PETITION.
The Chickasaw Nation, *and*)
Choctaw Nation Defendant.)

Comes now the petitioner, Sallie Duncan, and respectfully represents and shows to this Honorable Court, that she is a resident of the Chickasaw Nation, where she has resided since the year 1872, and is a citizen and member of the Chickasaw Tribe of Indians; that heretofore, to-wit, on the 7th day of September, 1896, she made application to the Commission to the Five Civilized Tribes for enrollment as a member and citizen of said Chickasaw Nation or Tribe of Indians; that upon a hearing before said Commission petitioner was adjudged to be a member of said tribe by inter-marriage, and was admitted by the judgment of said Commission to citizenship and enrollment as a member of said Chickasaw Nation or Tribe of Indians;

That thereafter the said Chickasaw Nation appealed from the judgment of said Commission to the Five Civilized Tribes to the United States Court for the Southern District of the Indian Territory, at Ardmore, wherein said appeal was docketed in a cause numbered 48, styled Sallie Duncan vs. The Chickasaw Nation.

That thereafter, in said United States Court for the Southern District of the Indian Territory, a full, complete and final hearing was had of said cause No. 48, styled as aforesaid, and said court therein adjudged and decreed this petitioner to be a citizen and member of said Chickasaw Tribe of Indians, and ordered and directed the Commission to the Five Civilized Tribes to place her name upon the rolls of said tribe of Chickasaw

Indians as a member thereof; that said judgment was rendered and entered of record on the 22 day of December, 1897.

This petitioner further shows that by its judgment rendered on the 17th day of December, 1902, in a cause styled The Choctaw and Chickasaw Nations, or Tribes of Indians, plaintiffs, vs. J. T. Riddle, et. al. defendants, this court adjudged and decreed all the judgments and decisions of the United States Courts in the 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.

This petitioner states that she was not a party to said cause entitled 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, adjudging and establishing the citizenship of this petitioner as a member of said Chickasaw Tribe or Nation of Indians; and that said judgment of said United States Court for the Southern District of the Indian Territory, at Ardmore, declaring and adjudging this petitioner to be a citizen and member of said Chickasaw Nation or Tribe of Indians, was not in any way affected, set aside or avoided by said judgment of this court.

This petitioner, states, however, that inasmuch as this court has entered its judgment and decree setting aside all the judgments of the said United States Court for the Southern District

of the Indian Territory, where the parties thereto were similarly situated to the ten defendants named in said cause of The Choctaw and Chickasaw Nations, or Tribes, plaintiffs, vs. J. T. Riddle et al., defendants, the members of the Commission to the Five Civilized Tribes are denying and will deny to this petitioner all the rights and privileges as such members of said Chickasaw Tribe of Indians, unless the files, papers and proceedings had in said cause No. 48, styled Sallie Duncan vs. The Chickasaw Nation, in said United States Court for the Southern District of the Indian Territory at Ardmore, be certified and sent to this court for further proceedings;

This petitioner, still insisting upon her right as a member of said Chickasaw Tribe of Indians, and without waiving any of the rights adjudged and decreed to belong to her under and by virtue of said judgment on said United States Court for the Southern District of the Indian Territory, at Ardmore aforesaid, most respectfully prays this court for an order, 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 had in said cause No. 48, styled Sallie Duncan vs. The 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 notice or process herein, to the end that this petition be established in, and not deprived of her rights as a member of said Chickasaw Nation of Indians, and for all other proper relief in the premises.

Cruce, Cruce & Blakemore
Attorneys for Petitioner

Indian Territory,
Southern District.

Sallie Duncan being sworn says that she is
the petitioner named in the foregoing petitioner; that she
knows the contents thereof, and believes the same to be true
and correct.

Subscribed and sworn to before me this the 27th day of February
1903.

James A. [unclear]
Notary Public

Petition for Appeal.

Sallie Duncan.

1893.

and collected.

known the contents thereof, and released the same to the

the destination named in the foregoing destination, that she

Sallie Duncan being known when said she is

known the contents thereof.

known the contents thereof.

In the Choctaw and Chickasaw Citizenship Court,

Sitting at Tishomingo, I. T. , June 24, 1904.

--O--

---O--O--O---

--O--

Sallie Duncan, et al,

--vs--

No. 78.

The Choctaw and Chickasaw Nations,

-----O-----

JUNE 24, 1904; This day this cause coming on to be heard, before the Hons. Spencer B. Adams, Walter L. Weaver and Henry S. Foote, Judges of said Court, the Defendants being represented by their Attorneys, Mansfield, McMurray & Cornish, the following proceedings were had to-wit;

Mr. Cornish;

We submit the case for the final consideration of the Court.

---O---

In the Choctaw and Chickasaw Citizenship Court, sitting at
Tishomingo, in the Southern District of the Indian Territory,
June Term, 1904.

Sallie Duncan,

vs. No. 78.

Choctaw and Chickasaw Nations,

DECREE OF COURT.

On this 30th day of June, 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 plaintiff, Sallie Duncan, is entitled to be
deemed a citizen by intermarriage of the Chickasaw Nation,
and to enrollment as such, and to all the rights, privileges
and immunities, personal to herself, which flow therefrom.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that
the petition of the plaintiff, Sallie Duncan, be granted,
and that she be deemed a citizen by intermarriage of the
~~Chick~~kasaw Nation, and entitled to enrollment as such
citizen, and entitled to all the rights, privileges and
immunities, personal to herself, which flow therefrom.

.....
Chief Judge.

.....
Associate Judge .

.....
Associate Judge .

SUMMONS.

United States of America,

Indian Territory,

SS

Choctaw and Chickasaw Citizenship Court.

The President of the United States of America,

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

GREETING:

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

and warn him that upon his failure as said Principal Chief to answer on behalf of said nation, the complaint will be taken for confessed, and you will make return of the summons instanter;

And you are further commanded to notify said Green McCurtain, Principal Chief aforesaid, that the papers, files and proceedings in the case of Sallie Duncan File No. 48 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.

Jas B. Bassada Clerk.

By E. L. Beville Deputy.

MARSHAL'S RETURN.

United States of America,
Indian Territory,
DISTRICT.

I received this summons this _____ of _____ A. D. 1903,
at _____ o'clock _____ m. and served same by copy, as follows:

Personally on Green McCurtain, at _____ Indian Territory,

This _____ day of _____, 1903, _____ m.

By _____ Deputy.

SUMMONS
IN EQUITY.

Sallie Duncan

vs.

Choctaw and Chickasaw Nations.

Summons issued _____ 23 _____ day of
March, 1903. Returnable instant.

Marshal's Fees.

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

Bruce & Bruce

Attorneys for Plaintiff.

Admore D.S.