

Witnesses for  
Claimants

Frank Plato-----Chickasha  
Joe Cawdell-----Chickasha  
Joe C Henderson--  
Ed S. Burney Chickasha

Nations

T- N° 80.

Alexander W. V.

vs.

Chickasaw Nation.

N° 36.

Danbury District Court.

N°

Powers Commission

Question of Law:  
Citizenship of Rebecca  
Pollert, deceased, should be  
proven. Pass.

W. O. B.



IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

|                                |             |   |           |
|--------------------------------|-------------|---|-----------|
| W. V. ALEXANDER,               | Petitioner, | ) |           |
|                                | vs.         | ) | PETITION. |
| CHOCTAW AND CHICKASAW NATIONS, |             | ) |           |

Comes now the petitioner, W. V. Alexander, and respectfully represents and shows to the court that he is now, and for more than thirty years prior to, and continuously since, all the dates and times hereinafter mentioned, he has been a resident of the Indian Territory, and Chickasaw Nation; that he is a citizen and member of the Chickasaw Nation or Tribe of Indians; that on the 7th day of September, 1896, he applied to the Commission to the Five Civilized Tribes for enrollment as a citizen and member of said Chickasaw Nation or Tribe of Indians; that said Commission heard said application, and this petitioner was by the judgment of said Commission admitted to citizenship and enrollment as a citizen and member of said Chickasaw Tribe of Indians.

That thereafter, said cause was 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 styled W. V. Alexander et al., vs. Chickasaw Nation, and numbered 36.

That thereafter, in said United States Court for the Southern District of the Indian Territory, at Ardmore, a full, complete and final trial was had of said cause No. 36, styled as afore-



said therein, and said court in said cause determined, adjudged and decreed this petitioner to be a citizen and member of the said Chickasaw Nation or Tribe of Indians, and ordered and directed the said Commission to the Five Civilized Tribes to place the name of this petitioner upon the roll of citizenship of the said Chickasaw Nation or Tribe of Indians, as a member thereof, which said judgment was rendered by and entered of record in said court on the 22nd day of December, 1897.

This petitioner further shows that by its judgment rendered on the 17th day of December, 1902, this court, in a cause styled The Choctaw and Chickasaw Nations, or Tribes of Indians, plaintiffs, vs. J. T. Riddle, et al., defendants, 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 he was not a party to said suit or cause of of The Choctaw and Chickasaw Nations, or Tribes of Indians, plaintiffs, vs. J. T. Riddle, et al., defendants.

That this court did not have the power or jurisdiction under the pleadings and evidence in said cause to set aside or vacate the judgment theretofore rendered in the United States Court for the Southern District of the Indian Territory, at Ardmore, establishing and adjudging the citizenship and membership of this petitioner as a citizen and member of said Chickasaw 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 this petitioner to be a citizen and member of said Chickasaw Tribe or Nation of Indians, was not in any way affected, set aside or avoided by the 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 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 of Indians, plaintiffs, vs. J. T. Riddle, et al., defendants, the Commission to the Five Civilized Tribes is denying and will deny to this petitioner all his rights and privileges as such citizen and member of said Chickasaw Nation or Tribe of Indians; and this petitioner will be denied and deprived of all his rights and privileges as a member and citizen of said Chickasaw Tribe of Indians, unless the files, papers and proceedings in said cause No. 26, styled W. V. Alexander, et al., vs. 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 therein:

Now, therefore, this petitioner, still insisting upon his rights as a member and citizen of the said Chickasaw Nation and Tribe of Indians, and without waiving any of the rights adjudged and decreed to belong to him under and by virtue of the judgment and decree of said United States Court for the Southern District of the Indian Territory, at Ardmore, in said cause No. 26, styled W. V. Alexander et al., vs. Chickasaw Nation,



most respectfully prays this honorable court for a writ or 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 in said cause No. 36, styled W. V. Alexander, 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 ~~this petitioner~~ this petitioner be established in, and not deprived of his rights as a citizen and member of said Chickasaw Nation or Tribe of Indians, and for all other just and proper relief in the premises.

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Attorneys for petitioner.



IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT,

|                                |   |          |
|--------------------------------|---|----------|
| W. V. ALEXANDER et al.,        | ) |          |
| Petitioners,                   | ) |          |
| vs.                            | ) | PETITION |
| CHOCTAW AND CHICKASAW NATIONS. | ) |          |

Come now the petitioners herein Mattie E. Alexander, Perry D. Alexander, Bert Alexander, Sheb W Alexander, Leslie Alexander and Robert Alexander, and respectfully represent and show to this court:

That one W. V. Alexander, then a citizen of the United States, on the 15th day of April, 1886, was a resident of the Choctaw Nation of Indians; that on said day, in compliance with the laws of said Nation, he was duly and legally married to Rebecca Colbert, a citizen and member of the Chickasaw Nation or Tribe of Indians, by blood, duly recognized and enrolled as such; that under and by virtue of the laws of the Chickasaw Nation said W.V. Alexander thereby became and was a citizen and member of said Chickasaw Tribe of Indians, entitled to all the rights and privileges of a Chickasaw Indian and member of said Tribe by blood; that he, the said W. V. Alexander was recognized and enrolled as a member of said Nation by the proper and lawful authorities, was permitted to vote, serve as a juror, and the courts of said Chickasaw Nation assumed jurisdiction over his person and property, and he was tried in said courts and his property rights adjudicated therein, etc. That the said Rebecca Alexander, (nee Colbert) died; and said W.V Alexander, on the 24th day of February, 1894, was duly and lawfully married under



the laws of, and within the Choctaw Nation, Indian Territory to one Mattie E. Davis, who is your petitioner herein, Mattie E. Alexander; that after her said marriage to the said W. V. Alexander this petitioner, Mattie E. Alexander was recognized by the tribal authorities of the Chickasaw Nation as a member of said Nation or Tribe, annuities were paid her, and she exercised all the rights and privileges of a member of said Tribe. That as the issue of said Marriage of W. V. Alexander and Mattie E. Alexander there was born the petitioners Perry D Alexander, Bert Alexander, Sheb W. Alexander, Leslie Alexander, and Robert Alexander, all of whom have resided in the Choctaw and Chickasaw Nations all of their lives;

That these petitioners, together with the said W. V. Alexander, on the 7th day of September, 1897, each and all applied to the Commission to the Five Civilized Tribes for enrollment as members and citizens of the Chickasaw Nation of Indians; that said Commission heard said application, and these petitioners were each and all denied enrollment as members of said Chickasaw Tribe or Nation of Indians;

That thereafter said cause was appealed by the Chickasaw Nation to the United States Court for the Southern District of the Indian Territory, at Ardmore;

That thereafter in said cause on the 22nd day of December, 1897, a final trial was had, and said United States Court for the Southern District of the Indian Territory, adjudged and decreed each and all of these applicants to be citizens and members of the said Chickasaw Nation or Tribe of Indians;

But that, thereafter, on the 4th day of December, 1899, said at a subsequent term, vacated and set aside its judgment declaring these petitioners to be members of said Chickasaw Tribe or Nation of Indians.



These petitioners state that they are each and all citizens and members of said Chickasaw Nation or Tribe of Indians, as entitled to all the rights and privileges of members of said tribe.

Petitioners further state that this court, by its judgment rendered on the 17th day of December, 1902, in the suit or Cause of The Choctaw and Chickasaw Nations, or Tribes of Indians, plaintiffs, vs. J. T. Riddle, et al., defendants, vacated, set aside and held for naught all the judgments and decisions of the United States Courts in the Indian Territory, wherein parties were similarly situated to the ten defendants named in said cause in this court, and in which ~~proceedings~~ an appeal had been taken from the judgment of the Commission to the Five Civilized Tribes to said United States Courts.

These petitioners further state that unless the files, papers, and proceedings in in said United States Court, on appeal from said Commission to the Five Civilized Tribes, are certified and sent to this Honorable Court for review and further proceedings therein;

That in said United States Court for the Southern District of the Indian Territory, at Ardmore, said appeal was styled W. V. Alexander, et al., vs. Chickasaw Nation, and numbered 36.

Wherefore, These petitioners pray that a writ of error or order be issued by this court ordering and directing the Clerk of the United States Court for the Southern District of the Indian Territory, to certify and transfer to this Honorable Court all the papers, files and proceedings in said cause in said Court No. 26, styled W. V. Alexander, et al., vs. Chickasaw Nation, that the principal chief of the Choctaw Nation and



the Governor of the Chickasaw Nation be served with process and cited as by law provided; and that upon a hearing of this cause by this court, these petitioners be adjudged and decreed to be citizens and members of said Chickasaw Nation or Tribe of Indians, and entitled to all the rights and privileges as such, and for such other and further relief as they may be entitled to in the premises.

*Cruise & Cruise*

Attorneys for petitioners.



Petition for Appeal.

W.D. Alexander, etc.

the Governor of the Commonwealth be served with process  
and cited as by law provided; and that upon a hearing of this  
cause by this court, these petitioners be admitted and allowed  
to be citizens and members of said Commonwealth or to be  
admitted and entitled to all the rights and privileges as  
such, and for such other and further relief as they may be en-  
titled in the premises.

Wm. D. Alexander  
Attorneys for Petitioners.



IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT,  
SITTING AT TISHOMINGO, JUNE TERM, 1904.

W. V. Alexander, et al,

vs. No. 80.

Choctaw and Chickasaw Nations,

Cruce & Cruce, attorneys for Plaintiffs.

Mansfield, McMurray & Cornish, for Defendants.

Present and presiding the Honorable Walter L. Weaver,  
Associate Judge.

JUNE 17, 1904. This day this cause coming on to  
be heard, both plaintiffs, and defendants being represented  
by Counsel, and both having announced ready for trial, the  
following proceedings were had, to-wit:

W. V. ALEXANDER, recalled.

Mr. Cruce:

Q.--You are the Mr. Alexander that testified on yesterday,  
I believe?

A.--Yes sir.

Q.--Some thing said yesterday, you testified yesterday, about  
your marriage to your first wife in the Choctaw Nation,  
I will get you to state again what her name was?

A.--Rebecca Colbert.

Q.--Believe you stated that you married her in the Choctaw  
Nation in 1865?

A.--Yes sir.

Q.--Will get you to tell the Court in your own way, just  
what you did and who married you, and what you did to-  
ward procuring a license, what you got and what you did?

A.--Well in the first place, her brother went with me.

Q.--What was his name?

A.--Jim Colbert.



Q.--Go ahead?

A.--We didn't know how at that time, in time of the war, said he didn't know how to marry according to the law, so we got a petition up, five men that was to testify as to my character, whether I was a law abiding citizen or not.

Q.--Know the names of any of them?

A.--Pitchlyn was one and John Turnbull was another, I think they are all dead.

Q.--Only two you now remember?

A.--Yes sir. Pitchlyn was the Clerk of the Court so my brother inlaw told me, and he went with me to this Clerk, and he didn't know how to fix it, so he went with me to the Judge, the Judge of the Court, who was Judge Burris, and he didn't know, but he said he would give me a paper that I could take to the preacher that he could marry me under. Preacher couldn't marry me without I had some kind of a showing, and he gave me an order to take to this preacher, A. P? Stark, authorizing him to marry me.

Q.--Don't know whether that was a license or what it was?

A.--No sir. That is just the way it was.

Q.--You then took that paper to Stark, who was he?

A.--Missionary there.

Q.--One of the old missionaries?

A.--Yes sir.

Q.--He married you under that?

A.--Yes sir.

Q.--You say you were married in the Choctaw Nation, what County?

A.--Kiamitchia County.

Q.--Those papers that they did give you, what did you do with them?



A.--Turned over to the preacher.

Q.--You don't know what the preacher did with them?

A.--No sir. This preacher give me a certificate of marriage and that has been misplaced, long time ago, and I don't know where it is.

Q.--How long had you lived in the Indian Territory when you married this woman?

A.--Ever since fifty-nine, married in sixty-five.

Q.--How long after was it, after you married her before you moved to the Chickasaw Nation?

A.--Moved to the Chickasaw Nation in seventy-eight.

Q.--You lived with her there in the Choctaw Nation until she died?

A.--Yes sir. Q.--And then remained for a time in the Choctaw Nation?

A.--Yes sir, that was in Skullyville County, in seventy-four.

#### CROSS-EXAMINATION.

Mr. Cornish:

Q.--How long did you live in the Nation prior to that time, how long had you lived in that country before you intermarried to your Indian wife?

A.--Fifty-nine to sixty-five.

Q.--What was your intention with reference to complying with the law?

A.--I did all that the people could tell me, that is what I wanted to do, and her mother and her brother wanted me to comply with the law.

Q.--Were you aware of the existence of the law requiring certain things to be done?

A.--Only what they told me.

Q.--You were informed that there was a law?



A.--Yes sir.

Q.--Was it for the purpose of a compliance with the law that you procured this petition?

A.--Yes sir.

Q.--Petition was signed by how many citizens?

A.--Five citizens to recommend me.

Q.--That petition was first presented where?

A.--Clerk of the Court.

Q.--What did the Clerk say?

A.--Said that he didn't know what to do, what to advise me to do, and he went with me to this Judge.

Q.--Did you present that petition to the Clerk for the purpose of having a marriage license issued?

A.--Yes sir.

Q.--Clerk was doubtful of his authority to act, and went with you to the County Judge?

A.--Yes sir.

Q.--Who was the County Judge?

A.--Burris.

Q.--Where did he live with reference to where the Clerk lived?

A.--About four or five miles.

Q.--He took you to the County Judge?

A.--Yes sir.

Q.--That paper which the County Judge gave you, you presented to the minister as to a basis of his authority to marry you?

A.--Yes sir.

Q.--Were you married in pursuance of the paper which you presented to the minister?

A.--Yes sir.

Q.--What was the minister's name?

A.--A. P. Stark.



Q.--Is the Clerk living at this time?

A.--No sir.

Q.--What was his name?

A.--Ebenezer Pitchlyn.

Q.--The Judge living?

A.--No sir.

Q.--Is there anyone living at this time who has a knowledge of what you did prior to the time you went to the Clerk, and what was done by the Clerk and the Judge. Anyone living that has a knowledge of that?

A.--No one but Peter Maytubbe, I don't know whether he does or not.

Q.--Was he present when you got up the petition?

A.--No sir.

Q.--Wasn't present when the Judge acted?

A.--No sir.

Q.--Wasn't present when you married?

A.--No sir.

Q.--Lived right there near you?

A.--Yes sir.

Q.--Has no knowledge of what occurred on any of those occasions?

A.--No sir.

Witness excused.

PETER MAYTUBBE, being called as a witness on behalf of the plaintiffs, after being first duly sworn, testified as follows:

DIRECT EXAMINATION.

Mr. Cruce:

Q.--You are the Mr. Maytubbe that testified yesterday, I believe?

A.--Yes sir.



A.--You testified as to who Mr. Alexander's first wife was, and his living in the Choctaw Nation and marrying down there?

A.--Yes sir.

Q.--You know what County he married in?

A.--Kiamitia County.

Q.--Know who the County Clerk of the County was at that time?

A.--Ebenezer Pitchlyn.

Q.--Know who the Judge was?

A.--Gabriel Burris.

Q.--Know whether either one of those men are living now?

A.--Neither one living.

Q.--Both dead?

A.--Yes sir.

Q.--Did you see Mr. Alexander, or with you with him and know what effort he made to get a license?

A.--No sir, I wasn't with him.

Q.--Do you know whether he got up a petition before he applied for the license or not?

A.--No sir, I don't.

Q.--You know of his living down there with the woman?

A.--Yes sir.

Q.--Lived with her until she died?

A.--Yes sir.

Q.--Lived in that County

A.--Yes sir.

Q.--You were acquainted with her, with his wife?

A.--Yes sir, knew her ever since she was seven years old.

Q.--I believe you stated yesterday that she was a Chickasaw Indian?

A.--Yes sir.



Q.--Her name was Rebecca Colbert?

A.--Yes sir.

Q.--Know about what year it was that this marriage occurred ?

A.--Between sixty-four or sixty-five.

Q.--Somewhere about the close of the war?

A.--Yes sir.

Witness excused.

Mr. Cornish:

I will state to this Court in this case, as I stated on yesterday, upon this testimony the case is submitted for the final decision of the Court. The question that arose in the testimony offered yesterday, as to whether or not the intermarriage laws of the Choctaw Nation, the Nation of his domicile had been complied with at the time of his marriage. . That was the question and we did not wish to submit the case at this time.

Mr. Cruce:

The petition just contains his name. I thought yesterday that it contained his children. That is a question that will be considered hereafter.

JUDGE WEAVER:

The case is marked on the callender, W. V. Alexander, et al.

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

W. V. Alexander,

vs.

No. 80.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this 20th 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, W. V. Alexander, 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 himself, which flow therefrom.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the  
plaintiff, W. V. Alexander, is entitled to be deemed a citizen by  
intermarriage of the Chickasaw Nation, and to enrollment as  
such citizen, and to all the rights, privileges and immunities,  
personal to himself, which flow therefrom.

.....  
Chief Judge.

.....  
Associate Judge.

.....  
Associate Judge.



IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT, SITTING AT  
TISHOMINGO IN THE INDIAN TERRITORY,  
NOVEMBER TERM, 1904.

W. V. Alexander, et al.,

vs. No. 80.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this the 29th day of November, 1904, this cause coming on for final decision, the same having been heretofore submitted to the Court upon the law and the evidence, and the Court being well and sufficiently advised in the premises, doth find that it has no jurisdiction over the petitioners, Mattie E. Alexander, Perry D. Alexander, Bert Alexander, Sheb W. Alexander, Leslie Alexander and Robert Alexander.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition of the plaintiffs, Mattie E. Alexander, Perry D. Alexander, Bert Alexander, Sheb W. Alexander, Leslie Alexander, and Robert Alexander be dismissed, the Court having no jurisdiction over them.

.....  
Chief Judge.

.....  
Associate Judge.

.....  
Associate Judge.



W. V. Alexander

vs

Alex. J.

Chickasaw Nation.

Notice of appeal

of the Court Jan. 4,

Original applica

Dawes Commission and

Papers, lost or

Dec. 22, 1897.

The seven parties

Court, rendered Dec.

final application to t

ties of the Chickasaw

The Chickasaw Na

only applicant admitt

no cross appeal filed

sion the Court could

six persons, viz: Mattie B. Alexander, Perry D. Alexander, Bert Alexander, Sheb W. Alexander, Leslie Alexander and Robert Alexander.

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

W. V. Alexander et al vs. Chick Nation

cf. 36  
D. 4

Feb 3, 1899: On Judge's Order "Some order as in No 20" which is <sup>authentic copy of this date & sustained</sup> that, <sup>he</sup> excluded from judgment to which <sup>excepts</sup>

Record, Ordered that Motion to correct judgment & record be set for hearing May 15, 1899



35 W. V. Alexander

vs

*Alex. J. T.*

Chickasaw Nation.

Court No. 4  
Dawes No. 4

Notice of appeal by Chickasaw Nation was issued by the Clerk of the Court Jan. 4, 1897.

Original application and other papers were received from the Dawes Commission and filed in the Clerk's office Feb. 3, 1897.

Papers, lost or destroyed, were substituted, by leave of Court Dec. 22, 1897.

The seven parties admitted to citizenship by judgment of the Court, rendered Dec. 22, 1897, are named in the copy of the original application to the Dawes Commission filed with the authorities of the Chickasaw Nation in 1896.

The Chickasaw Nation appealed as to W. V. Alexander, the only applicant admitted by the Dawes Commission, and as there was no cross appeal filed by those denied citizenship by said Commission the Court could not have had jurisdiction of the following six persons, viz: Mattie E. Alexander, Perry D. Alexander, Bert Alexander, Sheb W. Alexander, Leslie Alexander and Robert Alexander.

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



W. V. Alexander     )  
          vs                )     No. 36.  
Chickasaw Nation    )

Now on this day, this cause coming on to be heard upon the ~~mat~~ motion of the defendent, thâ Chickasaw Nation, to correct the judgement herein, and it appearing to the Court, that due notice of said motion has been given to the plaintiff, and the Court being well and sufficiently advised in the premises, doth sustain said motion.

It is therefore ordered, adjudged and decreeded, that the judgement in said above entitled cause, as the same now appears of record, be corrected so as to speak the truth, by striking therefrom the names of Mattie E. Alexander, Perry D. Alexander, Bert Alexander, Sheb W. Alexander Leslie Alexander and Robert Alexander, who were erroneously embraced in said judgement.

It is further ordered that the Clerk of this Court, transmit a certified copy of this judgement to the Commission of the Five Civilized Tribes.



Thickens. ~~Long~~  
No immediate

Mattie E. Alexander  
Fanny H. Alexander  
Best Alexander  
Mabel W. Alexander  
Lealie Alexander  
Robert Alexander

W. V. Alexander et al. No. 80.



SUMMONS.

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

The President of the United States of America,

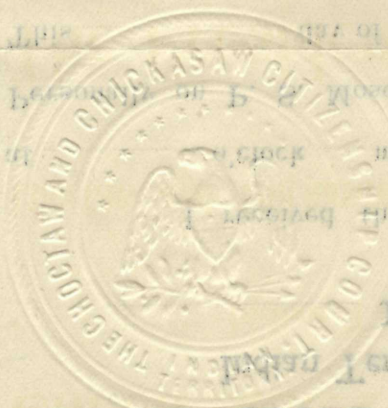
To the United States Marshal for the Indian Territory, Southern District,

GREETING:

You are hereby Commanded to Summons P. S. Moseley, Governor of the Chickasaw Nation, to answer on behalf of said nation, in twenty days after the service of this summons upon him, as Governor of said Nation a complaint in Equity filed against the Choctaw and Chickasaw nation in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, at Tishomingo,, by W.V.Alexander, 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 W.V.Alexander, et al, File No. 36 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 24th day of March A. D., 1903.



James B. Bassada Clerk.  
E. L. Berrett Deputy.

MARSHAL'S RETURN



MARSHAL'S RETURN.

United States of America,  
Indian Territory,  
DISTRICT.

I received this summons this 24th day of March, 1903, A. D., 1903,

at 10 o'clock m. and served same by copy, as follows: *Witness this*

*Stacy*

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

This 24th day of March, 1903, *Witness this*

*Witness the Honorable Spencer B. Adams, Chief Judge*

By *Deputy.*

*has been attached thereto.*

the certificate of the clerk of said court for said *Southern* District Indian Territory,

Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court and that

File No. *2c* in the District Court for the *Southern* District of the

that the papers, files and proceedings in the case of *W.V. Alexander, et al.*

And you are further commanded to notify said P. S. Moseley, Governor aforesaid,

command will be taken for contested, and you will make return of the summons instant.

and warn him that upon failure as said Governor to answer on behalf of said nation, the

*Copy*

No. *80-5*

SUMMONS  
IN EQUITY.

*W V Alexander et al*

vs.

Choctaw and Chickasaw Nations.

Summons issued *24* day of  
March, 1903. Returnable instant.

Marshal's Fees.

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

*Bruce & Bruce*

Attorneys for Plaintiff.

*Arduine*

*D.S.*

Choctaw and Chickasaw Citizenship Court.

Indian Territory,

United States of America,

SUMMONS.



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 W.V.Alexander, et al,

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 instant;

And you are further commanded to notify said Green McCurtain, Principal Chief aforesaid, that the papers, files and proceedings in the case of W.V.Alexander, et al, File No. 36 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, 24th Indian Territory, aforesaid, this day of March A. D., 1903.

jas B. Bassada Clerk.  
E. S. Berritt Deputy.

MARSHAL'S RETURN



MARSHAL'S RETURN.

United States of America,  
Indian Territory,  
DISTRICT.

*E. J. Jones* Deputy,  
*John B. Brown* Clerk

I received this summons this 24 day of March A. D., 1903,  
at 6 o'clock m. and served same by copy, as follows:  
Personally on Green McCurtain, at Walter L. McCurtain and Henry S. Poole, Associates,  
This 24 day of March, 1903, m. Indian Territory,

WITNESS the Honorable Spencer B. Adams, Chief Judge.

By Walter L. McCurtain Deputy.

the certificate of the clerk of said court for said Southern District, Indian Territory,  
Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that  
File No. 28 in the District Court for the Southern District of the  
that the papers, files and proceedings in the case of W. V. Alexander, et al.

And you are further commanded to notify said Green McCurtain, Principal Chief aforesaid,  
complaint will be taken for confessed, and you will make return of the summons instant;

*1397 B copy*

No 80-5

SUMMONS  
IN EQUITY.

W. V. Alexander et al  
vs.  
Choctaw and Chickasaw Nations.

Summons issued 24 day of  
March, 1903. Returnable instant.

Marshal's Fees.

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

Bruce & Bruce  
Attorneys for Plaintiff.  
Admire 25

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



United States of America,  
Southern District,  
Indian Territory

## INDEX.

To Honorable Henry H. Daves, Chairman of the

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and that on said day he was legally, and in compliance with the laws of the Chickasaw Nation, duly and legally married to Rebecca Alexander, nee Rebecca Colbert, by virtue of a marriage license issued by Judge Daves of the Chickasaw Nation; that the marriage ceremony was performed by W. F. Clark, a regularly ordained minister, and the marriage license was duly recorded by the Clerk of Henrich County, Chickasaw Nation. That the said Rebecca Colbert was at the time of your marriage with your applicant a regular recognized member by blood of the Chickasaw Tribe of Indians, and that ever afterward until her death she was recognized as a Chickasaw Indian by blood by the other members of the Chickasaw Tribe of Indians.

SECOND By virtue of your applicant's marriage with the said Rebecca Alexander, nee Colbert she has ever since been recognized as a member of the Chickasaw Tribe of Indians by other members of said Tribe of Indians and has enjoyed all the rights and all privileges of other Indians of the full blood. That he has drawn annuities, voted, sat on the jury, and been tried in the Court of the said Chickasaw Nation, as other



United States of America,  
Southern District  
Indian Territory

To Honorable Henry M. Dawes, Chairman of the  
Dawes Commission to the Five Civilized Tribes,  
at Vinita, Indian Territory.

In-Re. application of W. V. Alexander, et al.

For enrollment as members of the Chickasaw Tribe of Indians

Now comes your applicant, W. V. Alexander and respectfully represents to your Hon. Commission that he is a Chickasaw Indian by intermarriage, and that he is a bona fide resident of the Chickasaw Nation, Indian Territory, and is entitled to be placed on the roll now being prepared by your Hon. Commission, as a member of said Chickasaw Tribe of Indians, for the following reasons, to-wit:

FIRST That your applicant was on the 15th day of April 1865, a white man, and a resident of the Choctaw Nation, Indian Territory, and that on said day he was legally, and in compliance with the laws of the Choctaw Nation, duly and legally married to Rebecca Alexander, nee Rebecca Colbert, by virtue of a marriage license issued by Judge Burse of the Choctaw Nation; that the marriage ceremony was performed by O.T. Stark, a regularly ordained minister, and the marriage license was duly recorded by the Clerk of Kiamisha County, Choctaw Nation. That the said Rebecca Colbert was at the time of your marriage with your applicant a regular recognized member by blood of the Chickasaw Tribe of Indians, and that ever afterward until her death she was recognized as a Chickasaw Indian by blood by the other member of the Chickasaw Tribe of Indians.

SECOND By virtue of your applicant's marriage with the said Rebecca Alexander, nee Colbert, she has ever since been recognized as a member of the Chickasaw Tribe of Indians by other members of said Tribe of Indians and has enjoyed all the rights and privileges of other Chickasaws of the full blood. That he has drawn annuities, voted, set on the jury, and been tried in the Court of the said Chickasaw Nation, as other



2.

members of the Chickasaw Nation by blood.

That on the 24th day of Feb. 1874, your applicant was duly and legally married to Mattie E. Davis, a white woman, in the Choctaw Nation, by Rev. Scales, and the marriage license was regularly recorded in the office of the County Clerk of Scullyville County, Choctaw Nation. That ever since his said marriage with Mattie E. Alexander, nee Mattie E. Davis, she has been recognized as a member of the Chickasaw Tribe of Indians by the other members of said Tribe. That she has drawn annuities, and exercised all the rights of a member of the full blood of said Chickasaw Nation. That they have had born to them the following children who are now living, legal descendants of your applicant, and the said Mattie E. Alexander, nee Mattie E. Davis.

|                          |                        |
|--------------------------|------------------------|
| Perry D. Alexander,      | Nineteen years of age  |
| Bert                   " | Seventeen years of age |
| Sheb W.               "  | Twelve years of age    |
| Leslie Alexander,        | Eight years of age     |
| Robert               "   | Four years of age.     |

That Perry D. Alexander has drawn annuities and that his name appears or should appear on the regular roll of the members of the Chickasaw Tribe of Indians, and that he is, with each of the other children named, aforesaid, entitled to be enrolled on the regular roll being prepared by your Hon. Commission, as members of the Chickasaw Tribe of Indians. That your applicant's name, together with the name of his wife, Mattie E. Anderson, appears or should appear upon the regular roll of the members of the Chickasaw Tribe of Indians and that they are both entitled to be enrolled on the regular roll being prepared by your Hon. Commission, as members of the Chickasaw Tribe of Indians.

WHEREFORE, your petitioner prays that the names of himself and wife, aforesaid, Mattie E. Alexander, together with their five chil-



Before the Dawes Commission to the Five Civilized Tribes.

children aforesaid, be enrolled on the regular roll being prepared by your Hon. Commission, as members of the Chickasaw Tribe of Indians.

Personally appeared before me the Undersigned authority in and for the Southern District of the Indian Territory, W. V. Alexander, personally well known to me as the applicant herein, who on oath states that the matters and statements set forth in the foregoing application are true.

W. V. Alexander.

Subscribed and sworn to before me this 3rd day of Sept. 1896.

F. E. Riddle,

Notary Public.

and know them to be members by blood of the Chickasaw Tribe of Indians, and that they are so recognized by the members of said Tribe. Ever since the applicant married the said Rebecca Gilbert he has been recognized as a member of said Tribe of Indians, and his right has never been disputed. Mrs. Rebecca Alexander, was before her marriage to applicant, a Miss Rebecca Gilbert, being the daughter of Henry Gilbert and Caroline Gilbert. The applicant is now a resident of the Southern District of the Indian Territory, Chickasaw Nation, enrolled on the regular roll being prepared by your Hon. Commission (Said regular roll of members of Indians. That your applicant's name, together with the name of his children aforesaid, be enrolled on the regular roll being prepared by your Hon. Commission, as members of the Chickasaw Tribe of Indians.



Before the Dawes Commission to the Five Civilized Tribes.

Before the Dawes Commission to the Five Civilized Tribes.

On the 2nd day of Sept. 1896, personally appeared before me the undersigned authority, Frank Plato, who having been first duly sworn, according to law, states on oath as follows, to wit;

In re application of W. V. Alexander for

Enrollment as member of the

Chickasaw Tribe of Indians.

Chickasaw Tribe of Indians.

On the 2nd day of Sept. 1896, personally

appeared before me the undersigned authority, Frank Plato, who having

been first duly sworn, according to law, states on oath as follows, to wit;

I am 44 years old and am a resident of Pickens County of the

Chickasaw Nation and am a member of the ~~Chickasaw~~ Choctaw Tribe of

Indians of Nation. I am acquainted with the applicant and have known

him during the last 15 years. I know his wife, Mrs. Rebecca Alexander, nee Rebecca

Colbert, and have known her for 15 years. I knew her father and mother

and knew them to be members by blood of the Chickasaw Tribe of Indians,

and that they are so recognized by the members of said Tribe. Ever

since the applicant married the said Rebecca Colbert he has been recog-

nized as a member of said Tribe of Indians, and his right has never been

disputed. Mrs. Rebecca Alexander, was before her marriage to applicant,

a Miss Rebecca Colbert, being the daughter of Henry Colbert and Caroline

Colbert. The applicant is now a resident of the Southern District, of

the Indian Territory, Chickasaw Nation.

(Signed) Frank Plato.

Subscribed and sworn to before me this 2nd day of Sept. 1896.

(Signed) Joe Hurdall,

F. E. Riddle,

My Commission expires Dec. 4th, 1896.

Notary Public.

My Commission expires Dec. 4, 1896.

Notary Public.

Copy

4



Before the Dawes Commission to the Five Civilized Tribes.

In re Application of W. V. Alexander

For enrollment as member of the

Chickasaw Tribe of Indians.

On the 2nd day of Sept. 1896, personally appeared before the undersigned authority, Joe Cawdell, who having first been duly sworn according to law states on oath as follows, to-wit:

I am 43 years old, and am a resident of Pickens County, of the Chickasaw Nation, and am a member of the Chickasaw Tribe of Indians or Nation. I am acquainted with the applicant and have known him during the last ~~half~~ <sup>past</sup> of 16 years. I knew his wife, Mrs. Mattie E. Alexander and have known her for 16 years. I knew her father and mother and knew them and her to be members by blood of the \_\_\_\_\_ Tribe of Indians, and that they are so recognized by the members of said Tribe.

Ever since the applicant married the said Mattie E. Davis he has been recognized as a member of said Tribe of Indians, and his right has never been disputed. Mrs. Mattie (Davis) Alexander was, before her marriage to applicant, a Miss Mattie E. Davis, being the daughter of ~~the applicant, since his marriage to his first wife~~ \_\_\_\_\_

\_\_\_\_\_. The applicant since his marriage to his first wife has been recognized as a Indian by blood and his present wife has also. The applicant is now a resident of the Southern District of the Indian Territory, Chickasaw Nation.

(Signed) Joe Cawdell.

Subscribed and sworn to before me this 2nd day of Sept. 1896.

F/ .E. Riddle,

My Commission expires Dec. 4, 1896.

Notary Public

Copy



Before the Dawes Commission to the Five Civilized Tribes.  
In re application of W V. Alexander  
For enrollment as member of the  
Chickasaw Tribe of Indians.

On the 2nd day of Sept. 1896, personally appeared  
before the undersigned authority, Joe C. Henderson, who having first  
been duly sworn according to law states on oath as follows: to-wit:

I am \_\_\_\_\_ years old and am a resident of Pickens County of  
the Chickasaw Nation and am a member of the Choctaw Tribe of Indians or  
Nation. I am acquainted with the applicant and have known him during  
the past 42 years. I know of his wife, Mrs. Rebecca (Colbert) Alexander  
and have known of her for 15 years. I knew her father and mother and  
knew them and her to be members by blood of the Chickasaw Tribe of  
Indians and that they are so recognized by the members of said Tribe.

Ever since the applicant married the said Rebecca Colbert  
he has been recognized as a member of said Tribe of Indians and his right  
has never been disputed. Mrs. Rebecca Colbert, was before her marriage  
to applicant  
a Miss Rebecca Colbert, being the daughter of James Colbert, and Mrs.  
Caroline Colbert.

The applicant is now a resident of the Souther District of the  
Indian Territory, Chickasaw Nation.

Jos. E. Henderson.

Subscribed and sworn to before me this 2nd day of Sept. 1896.

F. E. Riddle,

Notary Public

My Commission expire De c. 4 1896.

Copy

My copy expires Dec. 4th, 1896. Notary Public.

My Commission expires Dec. 4, 1896.

Notary Public



Before the Dawes Commission to the Five Civilized Tribes.

In Re application of W. V. Alexander for enrollment as member of the Chickasaw Tribe of Indians.

On the 2nd day of September, 1896, personally appeared before the undersigned authority, Ed S. Burney, who having first been duly sworn according to law states on oath as follows, to-wit: I am 35 years old, and am a resident of Pickens County of the Chickasaw Nation, and am a member of the Chickasaw Tribe of Indians or Nation. I am acquainted with the applicant and have known him during the last past 10 years. I know the applicant, since my acquaintance with him, has enjoyed all the rights exercised by other Chickasaws by blood. I know his wife Mrs. \_\_\_\_\_ and have known her for \_\_\_\_\_ years. I knew her father and mother and knew them and her to be members by blood of the \_\_\_\_\_ Tribe of Indians, and that they are so recognized by the members of said Tribe. Ever since the applicant married the said Mrs. Rebecca (Colbert) Alexander, he has been recognized as a member of said Tribe of Indians and his right has never been disputed. Mrs. Rebecca (Colbert) Alexander was, before her marriage to to applicant a Miss Rebecca Colbert, being the daughter of ~~JamxxxColbert and Mxx.xxxxxxxColbert~~.

The applicant is now a resident of the Southern District of the Indian Territory, Chickasaw Nation.

(Signed ) Ed S. Burney.

Subscribed and sworn to before me this 2nd day of Sept. 1896

F. E. Riddle,

My com. expires Dec. 4th, 1896. Notary Public.

Co y



W. V. Alexander has forfeited all rights as an intermarried citizen  
BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT IN THE CHICKASAW  
NATION OF W. V. ALEXANDER, ET AL. which the Chickasaw

Comes now the Chickasaw Nation, by its attorneys, 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 represent:

F I R S T      The Chickasaw Nation admits that the said W. V.  
Alexander was lawfully married on the date alleged in said application,  
to one Rebecca Colbert, who was a Chickasaw Indian by blood, and that  
they lived together until her death.

S E C O N D      The Chickasaw Nation avers that after the death  
of the said Rebecca Colbert, as alleged by him in his application,  
he was, on the 24th day of February, 1874, married to Mattie E. Davis,  
who was a United States Citizen. It admits that by said U. S. Citizen  
as the fruits of said marriage he has living the children alleged in the  
application; but the Chickasaw Nation alleges that said marriage was con-  
trary to its laws forbidding the intermarriage of an intermarried Chick-  
asaw citizen with another white person, and that the fruits of said  
marriage together with the said second wife, have acquired no rights in  
the Chickasaw Nation as citizens by said marriage, but are now, and have  
at all times been U. S. Citizens.

It also alleges that by reason of said Second marriage the said



W. V. Alexander has forfeited all rights as an intermarried citizen of the Chickasaw Nation under the laws in force at the date of said second marriage and which have been in force ever since said date.

Section 3rd, of an act, Approved in 1876, which the Chickasaw Nation here pleads and relies upon, reads as follows:

"BE IT FURTHER ENACTED, That no marriage heretofore solemnized, or which may hereafter be solemnized, between a citizen of the United States and a member of the Chickasaw Nation, shall enable such citizen of the United States to confer any right or privilege, whatever, by again marrying another citizen of the United States, or upon such other citizen of the United States or of their issue; and in case any citizen of the United States shall have married a member of the Chickasaw Nation and shall have heretofore abandoned here, or should hereafter voluntarily abandon or separate from such member of the Chickasaw Nation, such citizen of the United States shall forfeit all rights acquired by such marriage in this nation, and it shall be liable to removal as an intruder from the limits thereof."

WHEREFORE, The premises considered, the Chickasaw Nation prays this Hon. Commission to reject each and all of the applicants herein and will ever pray.

The CHICKASAW NATION.

By its Attorneys.

I find that each and both of the marriages of the said W. V. Alexander were prior to the act of the Chickasaw Legislature in regard to marriages passed in 1876.

I, therefore, find that the said W. V. Alexander became a member of the Chickasaw Tribe of Indians by intermarriage with his first



IN THE UNITED STATES COURT FOR SOUTHERN DISTRICT OF INDIAN TERRITORY

AT ARDMORE

W. V. Alexander, et al

vs. No. 36 Master's Report.

Chickasaw Nation.

To the Hon. C.B. Kilgore, Judge of said Court:-

The application was filed with the Commission from the United States to the Five Civilized Tribes of Indians Sept. 9th, 1896, and this case now comes up on appeal from the decision of said Commission/

The evidence in this case discloses the fact that W. V. Alexander, a white man and citizen of the United States, was, on the 15 day of April, 1865, duly and legally married, in accordance with the laws of the Chickasaw Nation, to Rebecca Alexander, (nee Colbert); that at the time of said marriage the said Rebecca Alexander (nee Colbert) was a member of the Chickasaw Tribe of Indians by blood, and that thereafter and until her death she was recognized as a member of said Tribe.

I find that on the 24th day of February 1874, after the death of the said Rebecca Alexander (nee Colbert) the said W. V. Alexander was duly and legally married to one Mattie E. Davis, a white woman and citizen of the United States, and that the said Mattie E. Alexander, (nee Davis) is an applicant herein.

I find that there was born to the said W. V. Alexander with his last union with Mattie E. Alexander, (nee Davis) the applicants Perry D. Alexander, Bert Alexander, Sheb W. Alexander, Leslie Alexander, and Robert Alexander.

I find that each and both of the marriages of the said W. V. Alexander were prior to the act of the Chickasaw Legislature in regard to marriages passed in 1875.

10 I, therefore, find that the said W. V. Alexander became a member of the Chickasaw Tribe of Indians by intermarriage with his first



AT THE UNITED STATES COURT FOR THE DISTRICT OF COLUMBIA  
wife, Rebecca Colbert, and that by the law then existing, the said  
Mattie E. Davis, became a member of the Chickasaw Tribe of Indians by  
her Union with the said W. V. Alexander, and that the issue of said  
Marriage are members of the Chickasaw Tribe of Indians.

I, therefore, recommend that the applicants, W. V. Alex-  
ander, Mattie E. Alexander Perry ED. Alexander, Bert Alexander, Sheb  
W. Alexander, Leslie Alexander, and Robert Alexander, each and all be  
enrolled as members of the Chickasaw Tribe of Indians.

All of which is respectfully reported.

(Signed) W. H. L. Campbell,  
Master in Chancery.

A white man and citizen of the United States, who, on the 1st  
day of April, 1873, duly and legally married, in accordance with the  
laws of the State of Mississippi, the said Rebecca Colbert, (nee Colbert);  
that at the time of said marriage the said Rebecca Colbert (nee Colbert)  
was a member of the Chickasaw Tribe of Indians by blood, and that  
thereafter and until her death she was recognized as a member of said  
tribe.

I find that on the 24th day of February 1874, after the  
death of the said Rebecca Colbert (nee Colbert) the said W. V. Alex-  
ander was duly and legally married to the said Mattie E. Davis, a white woman  
and citizen of the United States, and that the said Mattie E. Alexander,  
(nee Davis) is an applicant herein.

I find that said W. V. Alexander was married to the said Mattie E. Alexander with  
his last union with Mattie E. Alexander, (nee Davis) the applicants Perry  
E. Alexander, Bert Alexander, Sheb W. Alexander, Leslie Alexander, and  
Robert Alexander.

I find that each and every one of the applicants of the said  
W. V. Alexander were prior to the day of the said marriage in accordance with  
the laws of the State of Mississippi.

I, therefore, find that the said W. V. Alexander became a  
member of the Chickasaw Tribe of Indians by intermarriage with his first



W. V. Alexander, et al.

Vs. No. 36 Judgment, Southern Dist. Dec. 22, 1897.

Chickasaw Nation.

This day this cause came on to be heard upon the pleadings exhibits, proof, Master's report, and exceptions filed thereto, and it appearing to the court that the applicant, W. & V. Alexander, was on the 15th day of April, 1865, a United States citizen, and that he was on said date in compliance with the laws of the Chickasaw Nation then in force married to Rebecca Colbert a Chickasaw Indian by blood, and that he lived with her until her death; that afterwards and on the 24th day of February, 1874 he was married in compliance with the Chickasaw laws then in force to Mattie E. Davis, a United States citizen, with whom he is now living, and that they have as the issue of this last marriage, the applicants, Perry D. Alexander, Bert Alexander, Sheb W. Alexander, Leslie Alexander, and Robert Alexander,

It is therefore adjudged by the court that the applicants W. V. Alexander, was made a member of the Chickasaw Tribe of Indians by intermarriage with Rebecca Colbert by the treaty entered into between the Chickasaw and Choctaw Nations and the United States in 1866, and that the applicant, Mattie E. Alexander was made a member of the Chickasaw Tribe of Indians by her marriage with the applicant W. V. Alexander on the 24th day of February, 1874, and that the applicants Perry D. Alexander, Bert Alexander, Sheb Alexander, Leslie Alexander, and Robert Alexander, the issue of this last marriage became and are members of the Chickasaw Tribe of Indians by reason of their birth as aforesaid.

It is therefore adjudged by the court that each and all of the above named parties be and they are hereby admitted as members of the Chickasaw Tribe of Indians in the way and manner as above indicated and that they have all the rights privileges, and immunities, of the members of the Chickasaw Tribe of Indians .



The clerk of this court is directed to forward a certified copy of this judgment to the proper authorities for their enrollment as such, which said authorities are hereby ordered to place their said names upon the rolls made out by it as members of the Chickasaw Tribes of Indians.

To this judgment the Chickasaw Nation excepts.

W. E. Johnson

Motion to modify and correct judgment

Chickasaw Nation

Comes now, the Chickasaw Nation, and respectfully prays the Court that an order be entered modifying and correcting a judgment entered in said court on the 22nd day of Dec. 1897, for the following reasons, to-wit:

Because said local parties have been added after an appeal had been taken from the Dawes Commission and this Court has no jurisdiction over said parties.

Because said judgment was fraudulently obtained, by representing to the Court that certain parties had appeal said action from the Dawes Commission, when, in truth and in fact, no such appeal had been prosecuted.

Wherefore, the Chickasaw Nation prays that said judgment be corrected and modified so as to speak the truth and conform to the records in this case.

W. E. Johnson,

Atty for the Chickasaw Nation



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

No. 36

M. V. Alexander

vs

Motion to modify and correct Judgment.

Chickasaw Nation.

Comes now, the Chickasaw Nation, and respectfully prays the Court that an order be entered modifying and correcting a Judgment entered in said cause on the 22nd day of Dec. 1897, for the following reasons, to-wit:-

Because additonal parties have been added after an appeal had been taken from the Dawes Commission and this Court has no jurisdiction over said parties.

Because said Judgment was fraudulently obtained , by representing to the Court that certain parties had appeal said Action, from the Dawes Commission, when, in truth and in fact, no such appeal had been prosecuted.

WHEREFORE, the Chickasaw Nation prays that said Judgment be corrected and modified so as to speak the truth and conform to the records in thiscase.

W. B. Johnson,

Atty for the Chickasaw Nation



Vs. No. 36 Judgment, Southern Dist. Jan. 15, 1900

Chickasaw Nation.

It is further ordered that the Clerk of this Court transmit a certified copy of this judgment to the Commission to the Five Civilized Tribes.

[illegible]

of the United States, when said Judgment was there affirmed: that said  
W. B. Morgan,  
then and now in this Court at the time said last Order was made, was

the law is more strict.

It is the law of the United States, and affirmed by the Supreme Court of the United States, and should not be attacked collaterally as was done in this case, and could only be attacked for fraud as was attempted to be alleged in the motion attacking same, or for the want of the jurisdiction of this Court, and no other ground could be attacked upon either of said grounds, as action had



IN THE UNITED STATES COURT FOR THE SOUTHERN DISTRICT OF THE

INDIAN TERRITORY, AT ARDMORE.

W. V. Alexander, et al Plaintiffs,

vs

M O T I O N

Chickasaw Nation, Defendant.

Comes now the plaintiff in the above styled cause and moves the Court to vacate and set aside the order made by this Court on the 17th day of Jan. 1900, vacating and setting aside the judgments rendered herein at a former term of this Court, and grant them a new hearing upon the same for the following reasons, to-wit:

F I R S T Because said order or judgment of the Court is contrary to the law and is without any law or authority

S E C O N D Because a judgment was rendered by this Court in this Cause in March, 1898, adjudging the plaintiffs to be citizens of the Chickasaw Tribe of Indisn and the order made on the 17th day of Jan. 1900, was an order made annulling their said rights as such citizens and vacating and setting aside the judgment made at the March Term, 1898, and made long after the March Term, 1898, had adjourned: There being no authority of he Court to do so said last named order of Jan. 17, 1900 is void.

T H I R D Because said Judgment rendered at the March Term 1898, was duly appealed from by the Chickasaw Nation to the Supreme Court of the United States, which said Judgment was there affirmed; that said Cause was not in this Court at the time said last order was made; this Court had lost its jurisdiction over the same and have no authority under the law to make same.

F O U R T H Because said Judgment rendered at the March Term, 1898, and affirmed by the Supreme Court of the United States should not be attacked collaterally as was done in this case, and could only be attacked for fraud as was attempted to be alleged in the motion attacking same, or for the want of the jurisdiction of this Court; and before same could be attacked upon either of said grounds, an action had



to be filed in this Court and process served thereon upon the Plaintiffs, as is provided by the Statute in such cases made and provided; none of which was ever done.

WHEREFORE, they say that if said Judgment of March, 1898, is to be opened up at all, it should be done in the way and manner embodied by the Statute and not otherwise.

Cruce Cruce & Cruce  
Attys for Plaintiffs.

P I E S T Because said order or judgment of the Court is contrary to the law and is without any law or authority.

Jan. 1900, was an order and compelling their said rights as such persons and compelling and setting aside the judgment made at the March Term, 1898, and made soon after the March Term, 1898, and affirmed. There being no authority of the Court to do so said order was void as made on Jan. 19, 1900 is void.

P I E S T Because said Judgment rendered at the March Term, 1898, was only reported from by the Clerk of the Court to the Supreme Court of the United States, which said Judgment was there affirmed, and was not a final judgment at the time said order was made, and was not a final judgment at the time said order was made, and was not a final judgment at the time said order was made.

P I E S T Because said Judgment rendered at the March Term, 1898, and affirmed by the Supreme Court of the United States should not be attacked collaterally as was done herein, and could only be attacked for error as was attempted to be alleged in the motion submitted, or for the want of the jurisdiction of this Court; and where said order was attacked upon either of said grounds, no action had