

J-N° 85.

Law, Joe N.

VP

Chickasaw Nation

N° 100.

Daubert Dist. Court.

N°

Dawson Commission

Question of Law.

Are illegitimate children
of male citizens entitled to
enrollment as members of
the tribe to which their
fathers belong.

If

Joe N. Law Admitted

Witnesses

For Claimants

Ann E. Misaal	Limn, J. T.
G. Nichols	Arduone, J. T.
Susan M. Nichols	Arduose J. T.
Mary J. Beard	Simon, J. T.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

JOE N. LOVE,)
Plaintiff,)
vs.)
CHICKASAW NATION, and Choctaw) PETITION.
Nation : Defendant.)

Comes now the petitioner, Joe N. Love, and respectfully represents and shows to the court that he is now, and has all the times hereinafter mentioned been a resident of the Chickasaw Nation, Indian Territory; that he is a citizen and member of the Chickasaw Nation or Tribe of Indians; that he applied to the Commission to the Five Civilized Tribes, for enrollment and citizenship in said Chickasaw Tribe of Indians, on the 10th day of september, 1896; that said commission heard said application, and this petitioner was by the judgment of said Commission denied citizenship and enrollment as a member of said Chickasaw Tribe of Indians.

That thereafter, and within the time prescribed by law, your petitioner 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 Jone N. Love vs. Chickasaw Nation, and numbered 100.

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. 100, styled Joe N. Love, vs. Chickasaw Nation, and said court therein determined and adjudged your petitioner to be a citizen and member of the 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 Chickasaw Nation or Tribe of Indians, as a member thereof; which said judgment was rendered and entered of record in said court on the 7th day of March, 1898.

Your petitioner further shows that by its judgment rendered on the 17th day of December, 1902, in a cause styled Chickasaw and Choctaw 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 members 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 parties similarly situated, null and void.

Your petitioner states that he was not a party to said suit or cause of the Choctaw and Chickasaw Nations, or Tribes of Indians, plaintiffs, vs. J. T. Riddle, et al., defendants.

That this court did not have the power or jurisdiction under the pleadings and evidence in said cause to set aside or vacate the judgment theretofore rendered in the United States Court for the Southern District of the Indian Territory, at Ardmore, adjudging and establishing the citizenship and membership of your petitioner as a member 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 your 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.

Your petitioner, states, however, that inasmuch as this court has entered its judgment and decree setting aside all the

judgments of said United States court for the Southern District of the Indian Territory, where the parties thereto are similarly situated to the ten defendants named in said cause of The Choctaw and Chickasaw Nations, or Tribes of Indians, plaintiffs, vs. J. T. Riddle, et al., defendants, the Commission to the Five Civilized Tribes is denying and will deny to your petitioner all the rights and privileges of a member and citizen of said Chickasaw Nation or Tribe of Indians under said judgment; and your petitioner will be denied and deprived of all the rights and privileges as a member of said Chickasaw Nation or Tribe of Indians, unless the files, papers, and proceedings in said cause No. 100, styled Joe N. Love 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.

Wherefore, your petitioner, still insisting upon his rights as a member and citizen of said Chickasaw Nation or Tribe of Indians, and without waiving any of the rights adjudged and decreed to belong to him 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. 100, styled Joe N. Love vs. Chickasaw Nation, most respectfully prays this court for an order or writ, ordering and directing the clerk of the United States Court for the Southern District of the Indian at Ardmore to certify and transfer to this honorable court all the files, papers and proceedings in said cause No. 100, styled Joe N. Love 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 your petitioner may be established in and not deprived of his

rights as a member and citizen of said Chickasaw Nation, or tribe
of Indians, and for all other just and proer relief in the prem-
ises.

Cruce, Cruce & Blackmore
Attorneys for petitioners.

For N. Jones

Copy of exhibits

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 Wishomingo, by Joe M Love

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 Joe M Love
File No. 100 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. S. Berritt Deputy.

MARSHAL'S RETURN.

United States of America,
Indian Territory,
DISTRICT.

I received this summons this 23rd of March A. D. 1903,
at 6 o'clock m. and served same by copy, as follows:
Personally on Green McCurtain, at Indian Territory,
This 23rd day of March, 1903, m.

By _____ Deputy.

The certificate of the clerk of said court for said _____ District, Indian Territory,
Indian Territory, has been transmitted to the Choctaw and Chickasaw Citizenship Court, and that
File No. 100 in the District Court for the _____ District of the
that the papers filed and proceedings in the case of Joe M Love

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.

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

SUMMONS
IN EQUITY.

Joe M Love
vs.
Choctaw and Chickasaw Nations.

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

Marshal's Fees.

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

Bruce & Bruce
Attorneys for Plaintiff.
Admore

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 Bushemingo, by Joe M Love 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 Joe M Love File No. 100 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 32 day of March A. D., 1903.

By

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

United States of America,

DISTRICT.

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

This day of _____, 1903, m.

and having been ordered for consideration and vote with entire report of the summons instilled

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

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No 85-3

SUMMONS

IN EQUITY.

Joe n Love

VS.

Choctaw and Chickasaw Nations.

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

Marshal's Fees.

Service - - - - \$

Miles - - - - \$.....

Expenses - - - - \$

TOTAL \$.....

Bruce & Bruce

Attorneys for Plaintiff.

And more

25.

Joe N. Love,

vs. No. 100? Judgment, Southern District, March 7, 1898.

Chickasaw Nation.

This day this cause came on to be heard upon the report of the Master in Chancery, W. H. L. Campbell, and the exceptions thereto, and the court having heard the report and the evidence in support thereof and the defendant's exceptions to the same, and the defendant's plea to the jurisdiction of this court to try and determine this cause, and having heard the argument of counsel thereon is of the opinion that the plea to the Jurisdiction is not well taken and the same is hereby overruled, and is of the further opinion that the report of the Master in Chancery finding that Joe N. Love, Plff., "is a member of the Chickasaw Tribe of Indians by blood", is correct and supported by the evidence: Said report is in all things confirmed, and said exceptions are hereby overruled.

It is therefore considered and adjudged and decreed by the court that Joe N. Love is a member of the Chickasaw Tribe of Indians by blood and that his name be enrolled as a member of said Tribe.

To all of which the deft. in open court excepts.

Hosea Townsend?

Judge.

Joe N. Love
vs.
Chickasaw Nation } T. No. 85. Sov. Dist. No. 100.

The applicant, Joe Nituchachae Love, is the illegitimate child of Robt. N. Love, a Chickasaw male Indian by a white woman named Anna E. Gribble (now Missal.).

The facts are sufficiently conclusive to admit of the premises, the determination of the case being purely a question of law. viz.

The recognition of the illegitimate children of male citizens as members of the tribe to which their fathers belong.

(NOTE: The Secty. of Interior in analogous Cherokee enrollment cases before the Department have held that such children should be enrolled).

Applicant denied by Dawes Commission
Admitted by U. S. Court, Sov. Dist., March, 7, 1898.

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

Mrs. A. J. Love,

vs.

No. 51.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this 24th 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, Mrs. A. J. Love (now Mrs. A. J. Craig) 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
plaintiff, Mrs. A. J. Love (now Mrs. A. J. Craig) is entitled
to be deemed a citizen by intermarriage of the Chickasaw Nation,
and entitled to enrollment as such, and entitled to all the rights,
privileges and immunities, personal to herself, which flow
therefrom.

.....
Chief Judge.

.....
Associate Judge.

.....
Associate Judge.

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

Joe N. Love,

vs.

No. 85.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this 16th 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, Joe N. Love, is entitled to be declared a citizen
of the Chickasaw Nation by blood, and to enrollment as such
citizen, and to all the rights, privileges and immunities
flowing therefrom.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the
petition of the plaintiff Joe N. Love, be granted, and that he
be declared a citizen of the Chickasaw Nation by blood, and
entitled to enrollment as such citizen, and entitled to all the
rights, privileges and immunities flowing therefrom.

.....
Chief Judge.

.....
Associate Judge.

.....
Associate Judge.

①

I N D E X.

Application to Commission	1
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Affidavit Susan N. Nichols	4
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TO THE DAWES COMMISSION,

Vinita, Ind. Ter.

Gentlemen:-

Your petitioner Joe Nituchachae Love of Linn, Pickens Co., Chickasaw Nation, hereby makes application and prays that his name be enrolled by your honorable Commission as a citizen of the Chickasaw Nation, and claims this right by blood.

My name is Joe Nituchachae Love. I reside at Linn, Pickens Co., Chickasaw Nation, Ind. Ter. I am 17 years of age and was born and raised in this county. I am a son of Robt. H. Love, who was a Chickasaw Indian by blood, and who was always recognized as such by the Chickasaw Nation. Said Robt. H. Love died in 1886 near Thackerville, said County. I was born out of wedlock, but was acknowledged and adopted by my father Robt. H. Love, in Novr. 1884.

I submit herewith and attach hereto, a certified copy of the said acknowledgment and adoption of record in the Indian Courts of the Chickasaw Nation _____ together with the depositions of Ann E. Misel, and A. Nichols and Susie M. Nichols and Mary J. Beard and certificate of the Clerk of Pickens Co., C.N., in support of same.

(Signed)

Joe Nituchachae Love .

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

(Signed)

H.M. McCoy.

Notary Public,

Southern District Ind. Ter.

Indian Territory,)
Chickasaw Nation)
Pickens County.)

Before me the undersigned authority, on this day personally appeared Mrs. Ann E. Misal, who being by me first duly sworn, on her oath makes the following declaration in the matter of the application of Joe Nituchachae Love for enrollment as a citizen of the Chickasaw Nation. My name is Ann E. Misal, age 43 years, I reside at Linn, Pickens Co., Chickasaw Nation, I am the mother of said applicant. Said applicant was born out of wedlock and under promise of marriage. Robt. H. Love was his father and in November, 1884, acknowledged and adopted said Joe Nituchachae Love as his son. Said Robert H. Love was a Chickasaw Indian by blood and was always recognized as such by the Chickasaw Nation. He has been dead for about ten years, he died near Thackerville, in said County. Said applicant was born in the County of Pickens, Chickasaw Nation, and has continuously resided here since his birth. I have since married a citizen of the United States.

her
Ann E. Misal, x
mark.

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

N. H. McCoy Notary Public,

Southern District, I. T.

Indian Territory,)
Chickasaw Nation, } ss.
Pickens County.)
)

Before me the undersigned authority, on this day personally appeared Mr. A. Nichols who being first duly sworn by me, on his oath declares as follows:-

My name is A. Nichols, age 70 years. I reside at Ardmore, said County. I am a citizen of the Chickasaw Nation by inter-marriage. I was well acquainted with Robert H. Love, who died in 1886 near Thackerville, in said County. He was my wife's own uncle.

I know that said Robert H. Love was a Chickasaw Indian by blood, and was always recognized as such by the Chickasaw Nation.

(Signed) A. Nichols.

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

(Signed) N. H. McCoy, Notary Public,
Southern District, I. T.

Indian Territory)
Chickasaw Nation) SS.
Pickens County.)

Before me the undersigned authority, on this day personally appeared Susan M. Nichols, of Ardmore, Ind. Ter., and being by me first duly sworn, on her oath declares as follows:

My name is Susan M. Nichols, age 59 years. I reside at Ardmore, said County. I am a Chickasaw Indian by blood. I was well acquainted with Robert H. Love who died in 1886 near Thacker-ville, said County. He was my uncle. I knew that he was a Chickasaw Indian by blood, and was always recognized as such by the Chickasaw Nation.

(Signed) Susan M. Nichols.

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

(Signed) N. H. McCoy,
Notary Public.
Southern Dist. I. T.

Indian Territory,)
Chickasaw Nation,) SS.
Pickens County.)

Before me the undersigned authority, on this day personally appeared Mary J. Beard, of Simon, said County, who being by me first duly sworn, on her oath declares as follows:

My name is Mary J. Beard, age 50 years. I reside at Simon, in Pickens County, Chickasaw Nation. I am a Choctaw Indian by blood, I was acquainted with Robert H. Love who died near Thackerville, in 1886. I know that he was a Chickasaw Indian by blood, and was always recognized as such by the Chickasaw Nation.

(Signed) Mary J. Beard.

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

(Signed) N. H. McCoy, Notary Public,
Southern District. I 'T'

ACKNOWLEDGEMENT and ADOPTION of JO NITUCHACHAE LOVE, by his
Father R.H.LOVE.

Pickens County

Chickasaw Nation

Nov. 17th, 1884.

I do give and bequeath to my son Jo Nitchuchachae
Love born June 22nd, 1879, at the Oil Spring, Pickens County, C.N.
my son and of my blood a Chickasaw Indian my homestead on Walnut
Bayou. Made by the County Record Oct. term. the above farm contains
640 acres six hundred and forty acres and the legal surrounding
444 yards.

U.S. District attorney of the Western District of Ark.
W.H. Clayton on the 12th of Nov. 1884 in the Fort Smith said my
status was an untaxed Indian from my continual residence with the
Chickasaws and have power to adopt before and after 28th of April
1866. This farm on Walnut Bayou is the Z.T. Addington Ranch and I
reserve and agency for Jo Nituchachae.

(Signed) R.H. Love.

I hereby certify that the aboe is a correct copy of the original
filed for record and duly received on this 29th day of January, 1887

A.H. Law, Clk P.C., C.N.

I hereby certify that the above is a true and correct copy of the
original. This 31 day of August, 1896.

Guy Keel, County Clerk,
Pickens County, Chickasaw Nation.

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

Joe N. Love, Plaintiff.

No. 100. v.

March 25, 1897.

Chickasaw Nation, Defendant.

Before W.H.L. Campbell, Esq., Master in Chancery, Southern
District, at Ardmore.

Appeared: Judge West and Mr. Pfeuffer.

Mrs. Ann E. Misal, a witness for the plaintiff, after being duly
sworn, testifies:

Q. Mrs. Misal, where do you live?

A. Four miles of Linn.

Q. How old are you?

A. 49.

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

A. Since about '73.

Q. Were you acquainted with one R.H. Love during that time?

A. Yes Sir.

Q. How long have you known him?

A. Since '74.

Q. Did you ever live with him?

A. Not before then.

Q. State, if you know, when it was and the circumstances that led
up to your living with him.

A. I went to his home, his daughter sent for me and I went
up there, and on July 5th, we were engaged to be married.

Q. How long did he live with you?

A. Up to his death.

Q. When did it occur?

A In 1886.

Q During the time that he lived with you were there any children born to you?

A Yes sir.

Q What is his name?

A Joe Nituchachae Love.

Q Is he present in court?

A This is him.(pointing)

Q State to the court whether he was born in ~~xx~~ or out of wedlock.

A Out-side.

Q State, Mrs. Misal, when your child was born.

A June 22nd, 1879, at the Oil Springs.

Q From the time of his birth until his father died, did you and his children and that child live together?

A we did.

Q Did Robert H. Love support him?

A He did.

Q He recognized him as his child?

A He did.

Q Were you present during the last sickness of Robert H. Love?

A I was.

Q At that time did he say anything in regard to how the boy should be educated?

A He did. He said give him a thorough education, was his whole aim and desire. To give him a thorough education. And wanted me to send him to school.

Q You consider yourself engaged to Mr. Love?

A I did.

Q State the circumstances of that engagement?

A We were engaged as anyone else. He asked me to marry him.

Q How long was that after ypu had met him?

A Next day after I went there, fifth day of July, 1877, and his daughter begged me to stay and keep house for her father, until she went to school a year, and I did so.

By Judge West.

Q Anything ever said between you and he with reference to this marriage?

A Nothing, only he said he would marry me and pleaded it all of the time.

Q Ever tell you anything about the promise between you and he was a valid marriage?

A He said it was just as much a marriage as the other. That we were as much devoted as if the ceremony was said. Just a law of society. And he was mighty devoted to me all of the time and his child. He said that is the way the Indians used to marry.

Q Do you know Tom Love?

A I do.

Q Whose child is Tom Love ?

A R.H.Love's. He claimed him as his son.

Q He an Indian?

A Yes sir.

Q His mother and Indian?

A They said she was almost a full blooded Indian.

Q Any resemblance between your son Tom and Joe?

A I think there is. Great many people say there is a great deal of resemblance between the two.

Q State to the court whether the Indian authorities has ever issued any permits under him?

A Yes sir, issued permits under him, and did all of the business in his name, and when he died, they issued permits under his son's (Joe) name, and they told me to have the cattle marked and branded in his name, and I did so.

Q They filed and recorded your papers?

A Yes sir, they did.

Q How long has permits been issued under him?

A All the time, ever since '86.

Joe N. Love, a witness in his wown behalf, after being duly sworn, testifies:

Q How old are you ?

A 17 years old 22nd of June.

Q Do you rember your father, R.H.Love?

A Yes sir, I do.

Q Do you remember as to what he ever stated to you in regard to your education?

A No sir, I don't. Was rather small when he died.

Q Has he always treated you kindly, recognized you as his son, and introduced you as such?

A Yes sir, he did.

Q You have heard your mother's testimony, haven't you ?

A Yes sir.

Q Anything additional that you can state?

A No sir.

Q You also know of the issuance of the permits and recognition by the Indian authorities?

A Yes sir, have some permits under the authorities now, at home in my trunk.

By the Court (Mrs.Misel.)

Q Had he ever been married before?

A Yes sir.

Q How many children did he have?

A Three. Lee King's wife, Jerry Washington's wife, and Lee Nicholas'.

Q Was he ever married to her ?

A I don't know.

Q How long had she been dead when you went to live with him ?

A I don't know.

Q Did he always treat you as his wife?

A Just as kind as he could.

Q Did he represent you as being his wife?

A Not publicly. He never introduced me as his wife.

By Mr. Pfeuffer:

Q Did he leave any money with you for his son?

A Yes sir, he said spend no money on his burial, but leave it all to his son. But I gave him a nice burial.

Excused.

Judge A.H. Law, a witness for the plaintiffs, after being duly sworn, testifies:

Direct examination.

Q How long have you lived in the Chickasaw Nation, Judge Law?

A Since 1870.

Q What is your profession?

A I was official for 10 or 15 years.

Q Have you any profession?

A I practiced law in the Indian Courts.

Q How long did you practice law in the Indian Courts?

A I think some time about the year '81, I got my license.

Q What office did you hold?

A Office of County Clerk and County Judge.

Q Are you familiar with the Chickasaw laws?

A Yes sir, reasonably so.

Q Do you know what the rule of the Chickasaw courts have been heretofore as to children born of Indian parents out of wedlock?

A There has never been but one case of that kind and I am perfectly familiar with that. It was before the District Court, and Sam Love was District Judge then. It was a case in which Bob Love and Joe Roff was involved about some lands. Bob Love took the grounds that Roff was not any citizen, and therefore, was not entitled to hold lands and asked for judgment. The father of Mrs. Roff was a Choctaw, Dave Wall, and he left Mississippi and came to this country and married the mother of Joe Roff's wife, and still had a living wife back in Mississippi where he came from. Love denied that Mrs. Roff was a legitimate child and she was not entitled to citizenship. The district Judge, to the best of my recollection, was Sam Love, full brother to Bob Love. He said the rule was, didn't make any difference how they were Indians, whether by lawful marriage or not if they proved up any Indian blood were entitled to all of the rights of citizens and over-ruled Bob Love's motion and went on to trial.

By the Court.

Q Has that rule ever been followed or not ?

A To my knowledge I don't know of any other case ever coming up like that.

By Judge West.

Q You know Tom Love?

A Yes sir.

Q Son of Bob Love?

A Yes sir.

Q You know Joe Love ? Did they have any resemblance?

A I would take them to be brothers. I didn't want to be a willing witness in this case. Uncle Bob Love and I was connected by marriage. And he lived right across from me on my road, and I had to pass there once a month, and always stopped there and Uncle Bob Love always called this boy his son and he lived there and he provided for him and he was generally considered by everybody as his son, and so recognized by his other children.

By Judge West: We offer the Chickasaw laws in evidence.

Case Submitted.

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

Joe N.Love, Plaintiff,)
vs. #100) Substitute report of the Master.
Chickasaw Nation, Defendant.)

I find that the applicant Joe N.Love is a natural son of Robert H.Love. a Chickasaw Indian by blood, and A.E.Gribble a white woman.

I find that in 1877 Robert H.Love who had a living lawful wife who is still living and never divorced a Chickasaw Indian by blood was then living apart from his wife and that he and A.E.Tribble a white woman lived together at Oil Springs, Chickasaw Nation from 1877 to 1887, when Robert H.Love died.

That during that time the applicant Joe N.Love was born, and that Robert H.Love acknowledged Joe N.Love as his son during his life at all times, and that Joe N.Love resembled Robert H.Love and other members of Robert H.Love's family, and has the appearance of Indian by blood.

That Robert H.Love died in 1887 and made a will, in which will ~~xxx~~ he recognized Joe N.Love as his child and made him his heir, and willed to him certain property, some of which was real estate.

That the Probate Court of the Chickasaw Nation admitted said will to probate; that permits have been issued by the Chickasaw Government to white people leasing land from Joe N.Love.

That Joe N.Love has attended school at the expense of the Chickasaw Nation as a member of the tribe for one year.

That Joe N.Love is an illegitimate child of Robert H.Love a Chickasaw Indian who lived and died in the Chickasaw Nation, and

A.E.Tribble .

That Joe N.Love now lives in the Chickasaw Nation and has occupied land as a member of the tribe, and has lived in the Chickasaw Nation all of his life.

I find that Joe N.Love is eighteen years of age. I find that he is a member of the Chickasaw tribe of Indians and entitled to enrollment as such.

Master in Chancery.

It is hereby agreed that the above shall be substituted for the original report of the Master filed in this cause.

(Signed) Robt.H.West.
Atty.for Joe N.Love.

W.B.Johnson,
Atty.for the Chickasaw Nation.