

Witnesses

For Claimants.

Thomas Smart - Deceased.

Emma F. Recla - Deceased.

R. W. Moore -

For Nations.

T- N^o 88

Cornish, John H.

vs

Chickasaw Nation

N^o 29.

Denton Post, Cont.

N^o

Dawson Commission

John H. Cornish
admitted

Question of Law.

Query: Was Maria Garrison
a citizen of the Chickasaw
Nation.

Pass.

W. O. B.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

JOHN CORNISH

Plaintiff,

vs.

CHOCTAW AND CHICKASAW

NATIONS, - - - - Defendants.

PETITION.

Comes now the petitioner, John Cornish, and respectfully represents and shows to the court, that he is now, was long prior to and has been at all the times hereinafter mentioned continuously, a resident of the Chickasaw Nation, Indian Territory; that he is a citizen and member of the said Chickasaw Nation or Tribe of Indians; that he applied to the Commission to the Five Civilized Tribes on the 7th day of September, 1896, for citizenship and enrollment as a member of the said Chickasaw Tribe or Nation of Indians; that said said Commission heard said application, and this petitioner was by the judgment of said Commission denied enrollment as a citizen and member of said Chickasaw Tribe or Nation of Indians.

That thereafter, and within the time prescribed by law, this petitioner appealed from the judgment of the said Commission to the Five Civilized Tribes, to the United States Court for the Southern District of the Indian Territory, at Ardmore, wherein said appeal was docketed in a cause styled John Cornish vs. Chickasaw Nation, and numbered 29.

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. 29, styled

as aforesaid, and said court therein 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 names of this petitioner upon the roll of citizenship of said Chickasaw Nation or Tribe of Indians as a member thereof; which said judgment was rendered by and entered of record in said United States Court for the Southern District of the Indian Territory at Ardmore, on the 22nd day of December, 1897.

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 Court in the Indian Territory, admitting to citizenship and enrollment as citizens and members of the Choctaw and Chickasaw Nations upon appeal from the Commission to the Five Civilized Tribes, the ten defendants therein 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 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 annul or vacate the judgment theretofore rendered in the United States Court for the Southern District of the Indian Territory, adjudging and establishing the citizenship and membership of this

petitioner as a member and citizenship of said Chickasaw Tribe or Nation of Indians; and that said judgment of the 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 the 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 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 this petitioner all of 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 such citizen and member of said Chickasaw Tribe or Nation of Indians, unless the files, papers, and proceedings in said cause No. 29, styled John Cornish vs. Chickasaw Nation, in the said United States Court for the Southern District of the Indian Territory, at Ardmore, be certified and sent to this court for further proceedings therein:

Now, therefore, this petitioner, still insisting upon his rights as a member and citizen of said Chickasaw 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

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said judgment of the United States Court for the Southern District of the Indian Territory, at Ardmore, in said cause, No. 29, styled John Cornish 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 Territory, at Ardmore, to certify and transfer to this honorable court all the files, papers, and proceedings in said cause No. 29, styled John Cornish 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 be established in, and not deprived of any of his rights as a citizen and member of the said Chickasaw Nation or Tribe of Indians, and for all other just and proper relief in the premises.

Cruce & Cruce

Attorneys for petitioner.

*copy of proceedings
petition for relief*

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

John Cornish,

vs.

No. 88.

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, John Cornish, 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, John Cornish, 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.

John H. Cornish

Plaintiff,

vs.
Chas. W.

Defendant,

(struck out)

Lelia Cornish, ✓

John H. Cornish

Plaintiff,

vs.
Ch. N.

Defendant,

(struck out)

Lelia Cornish, ✓

No 29

John H. Crouch.
vs

G. H.

—

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John H. Cornish
vs Cornish
Chickasaw Nation.

Notice of appeal
4, 1897.

Papers, lost or
Court, Dec 22, 1897,
with, and is similar
the authorities of the

John H. Cornish
judgment of the Court
1897 Term of Court. A
28, 1898, at the Spec
Lelia Cornish.

Both parties are
inal application but
appeal from the Dawes
or that the defendant
re-opening of the case and the revising of the judgment after the
expiration of the term of Court at which the original judgment
was rendered.

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

John H. Cornish vs Chickasaw Nation
et. 29
D. 30

Feb 3, 1899:

"Some order as
made in No 20" which is
that Dept file motion to
correct judgment ~~as to~~ to
be filed of this date +
motion was turned to ex-
clude _____ by Name
pro tunc order to which
_____ excerpts
/

Chickasaw

Cruce + Cruce

John H. Cornish

vs

Cornish, J.T.

Chickasaw Nation.

Court No. 29

Dawes No. 30

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

Papers, lost or destroyed, were substituted by leave of the Court, Dec 22, 1897, and the substituted application corresponds with, and is similar to, the copy of said application filed with the authorities of the Chickasaw Nation in 1896.

John H. Cornish was admitted as an intermarried citizen by judgment of the Court, rendered Dec. 22, 1897, at the November 1897 Term of Court. A supplemental judgment was rendered Sept. 28, 1898, at the Special September 1898 Term of Court, admitting Lelia Cornish.

Both parties are named in the above mentioned copies of original application but there is nothing in the record to show that appeal from the Dawes Commission had been taken as to Lelia Cornish or that the defendant ^{Chickasaw} Nation, had any notice of the re-opening of the case and the revising of the judgment after the expiration of the term of Court at which the original judgment was rendered.

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

John H. Cornish) No. 29.
 vs)
Chickasaw Nation)

Now, on this day, this cause coming on to be heard upon the motion of the defendent, the Chickasaw Nation, to correct the judgement herein, and it appearing to the Court, that due notice of said motion, had been given the plaintiff herein, 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 entilted cause, as the same now appears of record be corrected so as to speak the truth, by striking therefrom the name of Lelia Cornish, which was 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 to the Five Cicilized Tribes.

SUMMONS.

United States of America,

Indian Territory,

Choctaw and Chickasaw Citizenship Court.

SS

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 Wichita, by John Barnish

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 John Barnish File No. 24 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.

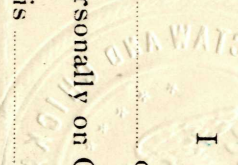


Gar B. Bassett Clerk.
By E. D. Bennett Deputy.

MARSHAL'S RETURN.

United States of America,
Indian Territory,
DISTRICT.

James B. Brown Deputy Clerk



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.

the certificate of the clerk of said court for said
Indian Territory, has been transferred to the Choctaw and Chickasaw
Chickasaw
District, Indian Territory,
File No. *23* 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 Green McCurtain, Principal Chief
complaint will be taken for confessed, and you will make return of the summons
and warn him that upon his failure as said Principal Chief to answer on behalf of said nation,

copy
No. *88-5*

SUMMONS
IN EQUITY.

John Cornish
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.
Admire
D.S.

Choctaw and Chickasaw
Indian Territory,
United States of America,
SUMMONS

SUMMONS.

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

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 Washomings, by John Bernish 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 John Bernish File No. 27 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.



Jan B. Bassard Clerk.
By E. S. Bewitt Deputy.

MARSHAL'S RETURN.

United States of America,
Indian Territory,
DISTRICT.

John B. Bruce }
John B. Bruce }
Debit: Chief

I received this summons this 23 day of March of 1903 A. D., 1903,
at 10:00 o'clock am and served same by copy, as follows: at Muskogee file 23
Personally on P. S. Moseley, at 10:00 and the next thereof at Indian Territory,
This 23 day of March, 1903, 10:00 am.

WITNESS the Honorable Spencer B. Adams, Chief Judge

By *John B. Bruce* Deputy.

the certificate of the clerk of said court for said John B. Bruce District Indian Territory,
Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that
file No. 2 in the District Court for the Choctaw and Chickasaw District of the
that the labels, files and proceedings in the case of John B. Bruce
And you are further commanded to notify said P. S. Moseley, Governor, respecting

copy
No. 88-0

**SUMMONS
IN EQUITY.**

John B. Bruce
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.

Admore
25.

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

The President of the United States of America

John H. Cornish, white man, married Mollie Garland, an alleged Chickasaw by blood, April, 30, 1890, under a Chickasaw tribal license; lived with her until her death Oct. 7, 1890.

On ~~the~~ day of April, 1894 was married under a United States license to Annie Lewis, a citizen of the United States, and one child was born of this marriage, Lelia Cornish.

Applicant applied to Waves Commission for himself, present wife and child. All applicants were denied by Commission.

Case was apparently appealed to U. S. Court, Sou. District as to John H. Cornish only.

Dec. 22, 1897. Judgment U. S. Court admitting John H. Cornish.

Sept. 28, 1898. Supplemental judgment admitting Lelia Cornish.

Jan. 15, 1900. Order correcting judgment by striking therefrom name of Lelia Cornish.

Appeal to Civ. - Chic. citizenship court is to John H. Cornish only.

Query:- Was Mollie Garland a citizen of the Chickasaw nation?

John H. Cornish, exx

Vs. No. 29, Judgment Southern District. Dec. 22, 1897.

Chickasaw Nation.

This day this cause coming on to be heard upon the pleadings, exhibitam proof, Master's ~~proceedings~~ report and exceptions filed thereto; and it appearing to the court that the applicant John H. Cornish was on the 30th day of April, 1890 a United States citizen, and that he was on said date married in compl inace with the Chickasaw laws then in force to Miss Mollie Garland and liver with her as man and wife until her death in October, 1890, and the said Mollie Garland was a Chickasaw Indian by blood, that after her death and in April, 1894 he was married to Miss Annie Little, a United States citizen and under the United States Laws:

It is therefore ordered and adjudged by the court that the plaintiff John H. Cornish is a member of the Chickasaw Tribe of Indians by reason of his intermarriage with Mollie Garland, a Chickasaw Indian by blood; and adjudged that he be admitted and enrolled as such and that he have all the rights privileges and immunities of a Chickasaw Indian.

It is adjudged by the court that he did not forfeit his right as such citizen by reason of his second marriage and that he is now a member of the Chickasaw Tribe of Indians by intermarriage.

And the Clerk of this Court is hereby ordered and directed to forward a certified copy of this judgment to the proper authorities for his enrollment and that he be enrolled by the said authorities as a member of the Chickasaw Tribe of Indians by intermarriage.

To this judgment the Chickasaw Nation excepts.

John H. Cornish,

Vs. No. 29 Judgment, Southern Dist. Jan. 15, 1900.

Chickasaw Nation.

Now on this day this cause coming on to be heard upon the motion of the defendants, the Chickasaw Nation to correct the judgment herein and it appearing to the Court that due notice of said motion has been given to plaintiffs herein and the court being well and sufficiently advised in the premises doth sustain said motion. It is therefore ordered, adjudged and decreed that the judgment in said above entitled cause as the same now appears of record be corrected so as to speak the truth by striking ~~x~~ therefrom the name of Jela Cornish, because this court never acquired jurisdiction and that said judgment be entered now for then. It is further ordered that the clerk of this court transmit a certified copy of this judgment to the Commission of the Five Civilized Tribes, to all of which the plaintiff expects.

John H. Cornish, et al.

Vs. No. 29 Judgment, Southern Dist sept 28, 1898.

Chickasaw Nation.

It appearing to the Court that the judgment heretofore entered in this cause only admits to citizenship John H. Cornish, and that judgment was rendered admitting the child of John H. Cornish, to-wit: Lela Cornish, as a citizen of the Chickasaw Tribe of Indians but that by mistake or oversight the ~~name of the said Lela Cornish~~ name of the said Lela Cornish was omitted from the said judgment. It is therefore ordered adjudged and decreed by the court that the plaintiff, the said Lela Cornish is a member of the Chickasaw Tribe of Indians, and as such is entitled to all the rights and benefits of a member of the Chickasaw Tribe of Indians and is entitled to be enrolled as a member of said Tribe of Indians. And the Clerk of this Court is hereby ordered and directed to forward a certified copy of this judgment to the proper authorities for the enrollment of the said Lela Cornish and that she be enrolled by said authorities as a member of said Chickasaw Tribe of Indians. It is further ordered that this judgment be entered by the Clerk nunc pro tunc, as of the date of the original judgment filed herein.

I N D E X.

Application to Dawes Commission 1
Exceptions to Application 2
Joint affidavit of Emma F. Rector and R.W. Moore . . . 5
Marriage license and certificate 7
Affidavit of Thomas Smoot 8
Appeal to Supreme Court of the United States 9
Assignment of Errors 10

Application for citizenship before the Commission to the
Five Civilized Tribes.

John H. Cornish,

VS. 29

Chickasaw Nation.

Your petitioner, after being duly sworn, states that his name is John H. Cornish; his age 38 years; postoffice address is Cornish, I. T. That he is entitled to citizenship in the Indian Territory, for that on the 30th. day of April, 1890, he was married under and in accordance with the laws of the Chickasaw Nation, to Miss Mollie Garland (as per exhibit "A" and asked to be made a part of this application) who was a duly enrolled Chickasaw, and was a Chickasaw by blood and so recognized; that they lived together in the Chickasaw Nation until the death of the said Mollie, which occurred on the 7th. of October, 1890; that there was no issue of this marriage; that this applicant has lived in the Chickasaw Nation ever since his marriage, in fact, for the past 18 years. That on the _____ day of April, 1894, he was married to Miss Annie Little, a United States citizen, under and in accordance with the laws of the United States. That of this marriage there is one child, Lelia Cornish, a girl aged one year.

Wherefore, and upon the above lawful ground, this applicant asks that he, together with his wife, Annie, and his child, Lelia, after his claim is duly investigated, be adjudged and enrolled as a citizen of the said Chickasaw Nation, with all the rights, privileges and immunities pertaining to such citizenship, in accordance with the laws and treaties made with said Nation.

(Signed) Gilbert & Smart,

Atty for Applicant.

REPORT BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter for the application for enrollment in the Chickasaw Nation of J. H. Cornish.

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

FIRST-- The Chickasaw Nation admits that the said John H. Cornish was lawfully married on the date alleged in said application to one, Molly Garland, who was a Chickasaw Indian by blood, and that they lived together until her death.

SECOND-- The Chickasaw Nation avers that after the death of the said Molly Garland, as alleged by him in his application, he was, on the _____ day of April, 1894, married to Annie Little, who was a United States citizen. It admits that by said United States 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 contrary to its laws, forbidding the intermarriage of ~~xxx~~ an intermarried Chickasaw 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 United States citizens.

It also alleges that by reason of said second marriage, the said J. H. Cornish 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 hereafter may 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 other issue; and, in case any citizen of the United States shall have married a member of the Chickasaw Nation, and shall have heretofore abandoned her, or should hereafter voluntarily abandon or separate from such member of the Chickasaw Nation, such citizen of the United States shall forfeit all right acquired by such marriage in this Nation, and shall be liable to removal as an intruder from the limits thereof".

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

THE CHICKASAW NATION,

By its attorneys.

STATEMENT OF AFFIDAVIT

I, J. H. CORNISH, do solemnly swear that the matters and facts set forth in the above petition are true.

(Signed) J. H. Cornish.

Subscribed and sworn to before me,

This the 29th. day of August, 1896.

(Signed) Thos. M. Smart,

Notary Public.

AFFIDAVIT OF WITNESSES.

State of Ind. Ter.

County of Pickens.

Before me the undersigned, a Notary Public, in and for the County and State aforesaid personally appeared, Emma F. Rector, who, after being duly sworn, states that she is 49 years of age, and is a citizen of Pickens County, and State of Indian Territory, and a Choctaw by blood, and that she is personally acquainted with J. H. Cornish, who is an applicant for citizenship in the Chickasaw Nation, I. T., and affiant further states that the said J. H. Cornish is the identical person he represents himself to be in his application for citizenship in said Nation, and the said J. H. Cornish was sometime in the year 1890 married to Miss Mollie Garland, who was both Chickasaw and Choctaw by blood, her father being Chickasaw and her mother being Choctaw.

That they lived together as man and wife in the Chickasaw Nation during the married life of Mollie G. Cornish. That Mollie died sometime in 1890. That J. H. Cornish has lived in the Chickasaw Nation ever since and has been recognized and is recognized as an inter-married citizen.

Affiant further states that she has known the said J. H. Cornish for the past ten years and know that he is and has been recognized and treated by his neighbors, acquaintances and the public generally as a person having Indian rights.

Affiant further states that she has no interest whatever in the prosecution of the claim of the said J. H. Cornish to citizenship in the Chickasaw Nation, I. T.

Signed-- Emma F. Rector.
" R. W. Moore.

NOTARY PUBLIC, STATE OF VERMONT,
THOMAS SMOOT,

Subscribed and sworn to before me, this the 29th. day of August, A.D., 1896, and I further certify that I am well acquainted with the said Emma F. Rector, and know to be a person of credibility, and of truth and veracity.

(Signed) Thos. M. Smoot,
Notary Public.

[Faint, illegible text, likely bleed-through from the reverse side of the page]

Signed—
T. M. Smoot.

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Chickasaw Nation,

ss.

Pickens County.

There was a man representing himself to be the person bearing name of J. H. Cornish, and he has this day presented a petition, setting forth all the requirements of law, asking that a license be granted to Mr. J. H. Cornish, a United States citizen, to enter into marriage with Miss Mollie Garland, a citizen of the Chickasaw Nation, so represented by Chas. McOilly, Wm. Tucker, Simon Parker, A. T. Parker, and I. O. Lewis. Therefore by virtue of authority in me vested, I hereby grant unto Mr. J. H. Cornish and Miss Mollie Garland license to consummate said marriage.

(Signed) W. H. Duncan,

County & Probate Judge.

I hereby certify that I have this day joined in the holy bonds of matrimony, Mr. J. H. Cornish and Miss Mollie Garland, agreeable to the constitution and laws of the Chickasaw Nation.

Witness my hand, this ____ day of April, 1890.

Signed- W. H. Duncan,

County & Probate Judge.

I, Isaac O. Lewis, Clerk of the County Court of Pickens County, Chickasaw Nation, I. T., do hereby certify that the foregoing was duly filed for record and correctly recorded on Page 195 and 196 in the marriage records of Pickens County, this 14th. day of May, 1890.

Signed-- Isaac O. Lewis,

County Clerk, Pickens County.

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United States of America, :
Indian Territory. :-- ss.
Pickens County. :

Personally appeared, September 1st., 1896,
before me, Thos. Smoot, who, upon oath states that his age is
38 years; his post office address is Duncan, I.T.; that he is a
United States citizen and a resident of Pickens County, C. N. I. T.

That he is acquainted with J. H. Cornish, the applicant
for citizenship in the Chickasaw Nation, I. T.; that he knew
both the applicant and his former wife prior to their marriage.
They were both pupils of mine in school work up to one week prior
to their marriage. Mollie Garland was a Chickasaw Indian and
so recognized, being the daughter of Mrs. Mary Beard, of Simon,
I. T. by her former husband.

Mrs. Beard is an indian. John H. Cornish and Mollie
Garland were married according to the Chickasaw laws. I re-
member that it struck me forcibly (not having been in the terri-
tory long) that a man had to be recommended by so many indians
and pay fifty dollars for his license.

Judge Duncan married them; he was County and Probate
Judge at that time of Pickens County.

John H. Cornish and his wife lived together as man and
wife from the time of their marriage to the time of Mollie's
death. I was at her burial. John H. Cornish has since married
Miss Little, and has one child by her.

Signed- Thos. Smoot,

Subscribed and sworn to before me,

This the 1st. day of Sept., 1896.

John H. Fowles,

Notary Public.

(Seal)

United States of America, :
Indian Territory, :-- ss.
Flankers County, :

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

John H. Cornish, Plaintiff,

VS. #_____.

Chickasaw Nation, Defendant.

The above named defendant, deeming its self agrieved
by the decree made and entered in the above entitled cause on
the 22nd. day of December, 1897, hereby appeals from said order
and decree to the Supreme Court of the United States, for the
reasons specified in the assignment of errors filed herewith,
and it prays that this appeal may be allowed and that a trans-
cript of the record, proceedings and papers upon which said
order was made, duly authenticated, may be sent to the Supreme
Court of the United States.

W. B. Johnson,

Solicitor for Defendant.

This the 11th day of July, 1898.

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

(Signed) Hosea Townsend,

Judge.

This the 11th day of July, 1898.

Subscribed and sworn to before me,

This the 1st. day of Sept., 1898.

John H. Nowles,

Notary Public.

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

John H. Cornish,
Plaintiff.

VS.

Assignment of Errors.

Chickasaw Nation.
Defendant.

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

First,- The Court erred in holding that the act of Congress creating a commission to pass upon the citizenship of the applicants herein.

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

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

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

Seventh
~~Sixth~~, - The Court erred in holding that a United States citizen could marry a Chickasaw Indian by blood according to their laws and become a citizen thereof, and after the death of said Chickasaw Indian, that the said United States citizen could marry another United States citizen according to the laws of the

Chickasaw Nation and thereby confer the right of citizenship in the said Chickasaw Nation upon the second spouse and the issue thereof, and so on to all succeeding issues.

Sixth,- The Court erred in holding that it was unnecessary for the applicant in order to retain his citizenship in the Chickasaw Nation, which he acquired by the laws of said nation by marriage into the said tribe to further comply with the laws of said Nation by not again marrying any United States citizen.

Eighth,- The Court erred in holding that the United States citizen acquiring citizenship in the Chickasaw Nation did not forfeit his right to citizenship by again marrying a United States citizen.

Ninth,- The Court erred in holding that a United States citizen who had married a Chickasaw indian and acquired citizenship in said Nation by reason of said marriage, did not forfeit the same when he had been divorced from his Indian wife.

Tenth,- The Court erred in holding that any United States citizen divorced from an indian wife had the right to confer citizenship in the said Chickasaw Nation upon the second wife who was a United States citizen and the issue thereof.

Eleventh,- The Court erred in holding that where a United States citizen had married an Indian citizen according to the laws of the Chickasaw Nation and the Indian citizen died the United States citizen could confer the right of citizenship in the Chickasaw Nation on the issue of the second marriage with a United States citizen not in accordance with the laws of the Chickasaw Nation.

Twelfth,- The Court erred in holding that when a United States citizen whose Chickasaw Indian wife had either died or been divorced from him, and he had then married a United States citizen, that the issue of said second marriage by marrying according to the Chickasaw laws could confer citizenship upon the spouse and children of said issue.

Thirteenth,- The Court erred in that after the papers in this case were destroyed, and order was made that such papers be substituted within a certain date during the same term of Court in which said order was made.

Fourteenth,- The Court erred in overruling defendant's exceptions to the report of the Master in Chancery.

Fifteenth,- The Court erred in granting this decree upon the substituted pleadings and evidence of the Plaintiff alone, the pleadings and evidence of both plaintiff and defendant having been destroyed.

Sixteenth,- The Court erred in granting a decree upon the report of the Master in Chancery alone.

Seventeenth,- The Court erred in overruling the motion of the defendant for a new trial.

Eighteenth,- The Court erred in referring this cause to a Master in Chancery.

Nineteenth,- The Court erred in granting a decree for the Plaintiff in this cause.

(Signed) Wm. R. Johnson,

Atty. for Chickasaw Nation

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