

Witnesses.

For Claimants.

Jackson D. Wright.
Geo. W. Colbert

Conroy, Deab

For Nations.

Green Walker
Sick Crowder
Sick Peckack

Nelson 17
Soper 17
Hugo 27

No. 90.

John Skaggs.

vs

Choctaw Nation

No. 13.

Central District Court

No.

Daves Commission

1896
45
1851
16

Deemed

out
July 27, 1904

No. 90 John Skaggs,

John Skaggs admitted by marriage

File John Skaggs

South McAlester, Indian Territory, December 9, 1903.

Mr. J. B. Sherrard,
c/o Choctaw and Chickasaw Citizenship Court,
City.

Dear Sir:

The purpose of this letter is to request that you make a copy of the testimony of John Skaggs, which was taken before Judge Weaver at the home of John Skaggs on December 5, 1903, in the case of John Skaggs vs Choctaw and Chickasaw Nations, #90 of the South McAlester Docket.

Please furnish this copy at the earliest possible time, and make a note of your services and add the same to your bill.

Very respectfully,

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 South McAlester, by John Skaygo

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 Skaygo File No. 3 in the District Court for the Civil 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 Civil 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 3 day of March A. D., 1903.

James B. Cassada Clerk.

By _____ Deputy.

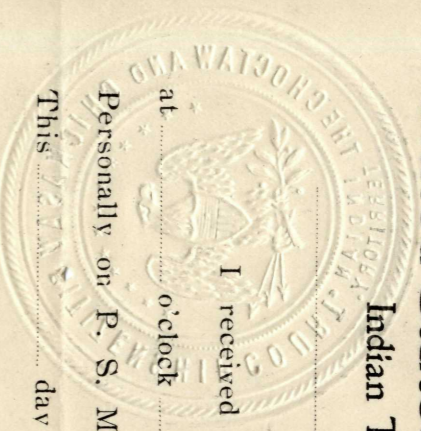


MARSHAL'S RETURN

MARSHAL'S RETURN.

United States of America,
Indian Territory,
DISTRICT.

James G. ...



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

Personally on R. S. Moseley, at ... Indian Territory,
This ... day of ... 1903, ... m.

WITNESS the Honorable Spencer B. Adams, Chief Judge

By ... Deputy.

the certificate of the clerk of said court for said ... Indian Territory, has been transmitted to the Choctaw and Chickasaw Citizenship Court, and that
File No. 3 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 R. S. Moseley, Governor aforesaid,
complaint will be taken for confessed, and you will make return of the summons instanter.

Supplicants
No. *90-m*

SUMMONS
IN EQUITY.

John Shays
vs.
Choctaw and Chickasaw Nations.

Summons issued *21* day of
March, 1903. Returnable instanter.

Marshal's Fees.

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

August Easton
Attorneys for Plaintiff.
August S.T.

Choctaw and Chickasaw Citizenship Court,
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, 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 South McAlester, by John Skayys

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 Skayys File No. 13 in the District Court for the Civil 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 Civil 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 21 day of March A. D., 1903.

James B. Cassada Clerk.

By Deputy.



MARSHAL'S RETURN

MARSHAL'S RETURN.

United States of America,
Indian Territory,
DISTRICT.

I received this summons this 21st day of March A. D., 1903,
at 10 o'clock m. and served same by copy, as follows:
Personally on Green McCurtain, at
This day of March, 1903, m.

Witness the Honorable Spencer B. Adams, Chief Judge
of the District of the Indian Territory,

By _____ Deputy.

The contents of the clerk of said court for said Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that the papers, files and proceedings in the case of _____ in the District Court for the _____ District of the _____ 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 instantler;

Duplicate
No. 90 m

SUMMONS
IN EQUITY.

John Skaygo
vs.
Choctaw and Chickasaw Nations.

Summons issued 21 day of
March, 1903. Returnable instantler.

Marshal's Fees.

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

Eugene Easton
Attorneys for Plaintiff.
Arthur S. T.

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

--: IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT :--

oOo

.....
: John Skaggs, Plaintiff, :
: :
: vs. :
: :
: Choctaw Nation, Defendant. :
:.....

P E T I T I O N .

Now comes the petitioner, John Skaggs, applicant for citizenship in said cause, and respectfully shows to the Court:

That on the 9th day of September, 1896, and within the time prescribed by the Act of Congress, approved June 10, 1896, conferring jurisdiction in citizenship cases upon the Commission to the Five Civilized Tribes, petitioner herein filed his application with the said Commission to the Five Civilized Tribes for citizenship and membership in the Choctaw Tribe of Indians. That in due course of time said Commission heard said application and admitted the claim of petitioner herein to citizenship in the Choctaw Tribe of Indians, and that on the 3rd day of December, 1896, the Commission to the Five Civilized Tribes duly mailed to the said John Skaggs notice, that his claim to citizenship in the Choctaw Tribe of Indians had been rejected and denied.

That hereafter, and in persuance of the notice of denial of citizenship, and within the time prescribed by law, petitioner herein appealed from the decision of the Commission to the Five Civilized Tribes to the United States Court of the Central District at South McAlester: said petition being styled in said Court "John Skaggs, vs. Choctaw Nation, No. 13", and that said appeal was taken because of the erroneous notice notifying petitioner that his claim had been denied.

That thereafter, in said United States Court of the Central District, at South McAlester, a full, complete and final trial was had of claim of petitioner herein to citizenship in the Choctaw Nation: and by the judgement and decree of said Court, entered on the 24th day of August, 1897, petitioner herein was adjudged to be a citizen of the

(2)

Choctaw Nation, thereby confirming the decision of the Commission to the Five Civilized Tribes, rendered on Dec. 3, 1896, admitting said Skaggs to Citizenship in said Nation, and that petitioner herein from and after said date has been entitled to have his name enrolled on the official and final citizenship roll of the Choctaw Nation by said Commission to the Five Civilized Tribes.

Petitioners further show that, by its judgement 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 judgements and decisions of the United States Courts in the Choctaw and Chickasaw Nations, admitting persons to citizenship and enrollment as citizens of said Nations upon appeal from the Commission to the Five Civilized Tribes, to be null and void, both as to defendants named in said cause and all other persons claiming citizenship in the Choctaw or Chickasaw Nations by virtue of judgements rendered in the United States Courts for the Southern and Central Districts of the Indian Territory, under the Act of June 10, 1896.

Your petitioner states that he was not a party to said cause of the "Choctaw and Chickasaw Nations, or Tribes of Indians, Plaintiffs, vs. J. T. Riddle, et al, Defendants", and are not bound by the judgement rendered therein, and that this Court had no power or jurisdiction, under the pleadings and evidence in said cause, to set aside or vacate the judgement of the United States Court for the Central District of the Indian Territory, or the decision of the Commission to the Five Civilized Tribes, rendered^{ed} Dec. 3, 1896, admitting petitioner to citizenship in the Choctaw Nation; and that said judgement^s of said United States Court for the Central District of the Indian Territory and of the Commission to the Five Civilized Tribes, rendered Dec. 3, 1896 are still in full force and effect.

(3)

But petitioner states that, in as much as this Court has entered its judgement and decree setting aside all the judgements of said United States Courts for the Southern and Central~~s~~ Districts of the Indian Territory, wherein parties not specially made parties thereto, but who are similiarly situated to the Defendants specially named in said suit of "The Choctaw and Chickasaw ~~Nations~~ Nations, or Tribes of Indians, Plaintiffs, vs. J. T. Riddle, et al, Defendants", and the said United States Commission to the Five Civilized Tribes is denying and will continue to deny the right of petitioner herein to be enrolled as a member of said tribe of Indians, unless the files and proceedings in said cause No. 13, styled "John Skaggs, vs. Choctaw Nation", in said United States Court for the Central District of the Indian Territory, at South McAlester, and the files and proceedings of the Commission to the Five Civilized Tribes in said cause, be certified and se^x to this Court for further proceedings herein, and unless this Court should, by its decree, finally determine and adjudge said petitioner to be a citizen and member of said Choctaw Nation, said Commission will refuse to enroll him as such citizen.

NOW THEREFORE, said petitioner, still insisting upon his rights as a member of said tribe and the validity and finality of said judgement of the United States Court for the Central District of the Indian Territory, and the judgement of the Commission to the Five Civilized Tribes, rendered Dec. 3, 1896, admitting him to citizenship, and without waiving any of the rights adjudged and decreed to belong to him and conferred upon him by law under and by virtue of said judgement of the United States Court for the Central District of the Indian Territory and the judgement of the Commission of the Five Civilized Tribes, rendered Dec. 3, 1896, said petitioner most respectfully prays that an order be made, in the nature of a writ of error or otherwise, directing the Clerk of the United States Court for the Central District of the Indian Territory, at South McAlester to

(4)

certify and deliver to this Court all files, papers, documents, evidence and proceedings had in said cause "No. 13, John Skaggs, vs. Choctaw Nation", heretofore, pending in the United States Court at South McAlester; and that all proper and necessary writs, citations and otherwise be issued by the Clerk of this court for service upon the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation, in order that said cause may be fully and completely transferred and ~~###~~ Lodged with this court for all proper and lawful proceedings therein.

Handwritten notes:
3/2
6/2
3/6
writ of certiorari

Handwritten notes:
3/2
6/2
3/6
writ of certiorari

Eugene Easton
Attorney for Petitioner.

wherein.
and ~~was~~ lodged with this court ~~and~~ all proper and lawful proceedings
Nation, in ~~the~~ that ~~and~~ cause ~~may~~ be fully and completely preferred
Principal ~~of~~ the Choctaw Nation and the Governor ~~of~~ the State of Mississippi
and otherwise be issued by the Clerk of this court for ~~recognition~~ upon the
South McAlester; and that all proper and necessary writs, citations
Choctaw Nation", heretofore, pending in the United States Court at
evidence and proceedings had in said cause "No. 12, John Skaggs, vs.
certify and deliver to this Court all files, books, documents,

(4)

John Skaggs,
vs.
Choctaw Nation.

Petition

Eugene Easton
attorney for Petitioner

Attorney for Petitioner.

Eugene Easton

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT SITTING AT
SOUTH McALESTER, INDIAN TERRITORY, NOVEMBER TERM,

1903

John Skaggs,

vs.

No. 90.

Choctaw & Chickasaw Nations.

DEMURRER.

Come the Choctaw and Chickasaw Nations, by Mansfield, McMurray & Cornish, their attorneys, and Demur to the petition or application of the plaintiff for citizenship by intermarriage of the Choctaw or Chickasaw Nation and in support of such demurrer state that the same does not set forth facts sufficient, if true, to warrant this Honorable Court in admitting him to such citizenship by intermarriage in the Choctaw or Chickasaw Nations.

THE CHOCTAW NATION,

THE CHICKASAW NATION,

BY _____

Their Attorneys.

Indian Territory.
Central District.

Melven Cornish on oath states that a copy of the above has this day been mailed to Eugene Easton the attorney of record of the applicant herein.

Subscribed and sworn to before me this _____ day of November 1903.

Notary Public.

copy

John Skaggs. Plaintiff.

vs

Cause pending in

Choctaw & Chickasaw Nations Defts.

the Citizenship Court at

South-McAlester I T,

To The Hon. Citizenship Court.

File

Petitioner John Skaggs, Plaintiff in

the above styled cause, respectfully asks that your Honors set a day and date to take this Petitioners testimony in the above case, and that the same be taken at the residence of said Plaintiff. That the testimony of Plaintiff is material, that he seeks, and has been admitted as a member of the Choctaw tribe of Indians by virtue of his marriage with and to a woman of both Choctaw and Chickasaw blood, that he was legally married to said woman under and in accordance with the laws of the said Nation at the date of said marriage that Plaintiff will testify that he has lived in the Choctaw and Chickasaw Nations for the past years and that he has held and occupied land, voted in the tribal elections, and served on the juries in the Choctaw Courts, that the above facts are material to the issues in said case, that it is impossible for this Plaintiff to appear before the Court at South-McAlester, as he is now sick, and unable to leave his bed, that he has been sick and confined to his bed for the past month. Plaintiff further states that he can prove the substance of the above set out facts by one Jack Wright who resides in Kiametia County Choctaw Nation about 5 miles from plaintiffs home, that he has been informed that said Wright would not leave home to attend Court on account of the sickness of his wife, and Plff asks that said wrights evidence be taken at the same time and place. Wherefore Plff prays that an early date be named for the taking of said testimony that justice may be done in the premises.

Subscribed and sworn to before me this 13 day of Nov A D 1902

John Skaggs

My Commission Expires May 1906

E A Brown J P

A true Copy of the above application has been send to McMurrey-Mansfield & Cornish Defendants Attorneys of Record. *This Nov 14 - 1903*

Copy

John Skaggs Plaintiff
vs

Affidavit of Dr W N John

Choctaw & Chickasaw Nation,s Defts,

I W N John on oath state that I am a Practising Physician ,and that in such capacity I am attending on the Plaintiff John Skaggs ,and have been attending on him for the past _____ months ,that I know of my own personal knowledge that said John Skaggs is now confined to his bed ,and is totally unable to make the trip to South-McAlester ~~ter~~ or even to leave his room to testify in this case. That I give it as my ~~myxxxxxx~~ opinion that said Skaggs will not recover as his disease is consumption ,and I find that he is gradually growing weaker each day, it is possible that he may live some weeks longer ,but ~~for~~ his Condition and the nature of the disease it is not at all probable that he will live any great length of time.

Subscribed and sworn to before me this the ^{*12*} day of ^{*March*} A D 1903

E A Brown
N.P. Central Dist

*My copy is
May 5th 1904*

*Dr. W. N. John
1000
1000*

*Dr. W. N. John
1000*

Subscribed and sworn to before me this the 12 day of A D 1903

W. N. John

probably he will live any great length of time.

from his condition and the nature of the disease it is not at all

or each day it is possible that he may live some weeks longer, but

and I find that he is gradually growing weaker

and I find that said Skaggs will not recover as his

to his bed and he is unable to make the trip to South-McAlister

of my own personal knowledge that said John Skaggs is now confined

has been attending on him for the past months, that I know

in such capacity I am attending on the Plaintiff John Skaggs, and

I W N John on oath state that I am a practicing physician, and that

Choctaw & Chickasaw Nations, Depts.

John Skaggs Plaintiff

as

Affidavit of Dr W N John

W. N. John

*Copy No
John Skaggs*

Cholera & Cholera Intermittens

*Application for order
to take testimony*

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT SITTING AT SOUTH
McALESTER, INDIAN TERRITORY, NOVEMBER TERM 1903.

November 21, 1903.

John Skaggs, et al.,

vs.

Choctaw and Chickasaw Nations.

All Judges present.
Eugene Easton for the plaintiffs.
Mansfield, McMurray & Cornish for the defendants.

This cause coming on to be heard the following proceedings were had.

Mr. Easton:

I have an application to take testimony in the case, shall I read it.

Judge Adams:

Yes, sir.

Mr. Easton.

Reads motion.....

Mr. Mansfield:

Now he sets out certain facts-we don't know whether the court would want to hear that or not. I don't know whether that would be competent; we understand that the man is sick and so far as that is concerned we do not want to enter a formal objection. I call the court's attention to this. He don't really set out in his application that he wants to prove facts that are material that he wants to prove by him.

Judge Adams:

Where is his residence.

Mr. Easton:

Ten miles South of Antlers.

Judge Adams:

Supposing we take his testimony a week from to-day, the 28th. Take the testimony of Wright and Skaggs.

Mr. Easton.

I want to introduce the marriage license of John Skaggs to Fannie Moore.

Mr. Easton:

Now the affidavit of G. W. Colbert who is dead.

The Judgment of the Dawes Commission making him a citizen by intermarriage.

The Judgemnet of the District Court at South McAlester.

The judgment of the Supreme court.

Mr. Mansfield:

We will ask that the record show the same objections stated in other cases to the documentary evidence offered.

BEFORE THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT, SITTING AT
SOUTH McALESTER, INDIAN TERRITORY, FEBRUARY TERM, 1904.

John Skaggs

vs.

No. 90.

Choctaw & Chickasaw Nations.

Eugene Easton, attorney for plaintiff.

Mansfield, McMurray & Cornish, for defendants.

Judges present and presiding, the Honorables Walter L. Weaver and Henry S. Foote.

February 19, 1904. This day this cause coming on to be heard and both plaintiff and defendant being represented by counsel and having announced ready for trial, the following proceedings were had, to-wit:

Mr. Cornish:

If the court please in this case I will state this, as we have heretofore stated, the policy and purpose and practice of the nations is to meet these cases fairly and squarely and endeavor to locate the issue and to submit this issue in such manner as we think will ~~think~~ bring a decision in justice to the applicant and the nations. There are three issues in this case. They are not raised by the pleadings. No facts are alleged in the pleadings and therefore we cannot address ourselves to what is alleged in the pleadings. But as we understand this, and other parallel cases, the issues in this case are three.

First. Was the woman to whom the applicant was originally married a Choctaw Indian by blood and duly recognized and enrolled as such.

Second. Did he marry her legally, in accordance with the tribal laws, customs and usages.

Third. Did he live with her and not abandon or separate from her.

Now our view is that if the court is convinced by competent and conclusive evidence offered by the applicant that those three issues should be decided in his favor, then he is entitled to be admitted, otherwise not. Now as we understand the testimony that has been offered, no direct, positive, competent and conclusive evidence is offered on either one of these questions. If as I said competent and conclusive evidence upon the three issues is offered and if it is suffi-

cient to convince the court that these three issues should be decided in his favor, the Nations is just as anxious that he should be admitted as he is. But we contend that such testimony has not been offered. Upon the question of the citizenship of the woman through whom he claims, we have only the unsupported and uncorroborated statement of the applicant himself. That

would certainly not be sufficient. That is our view.

Mr. Easton.

We take this view of it, your honor; that we have more testimony than Mr. Cornish says we have. We have got the statement of our witnesses that this woman was a part Choctaw.

Mr. Cornish:

As I understand, ~~xxxxxxxxxxxxxxxxxxxx~~ the only oral evidence you have taken before this court is the oral evidence of the applicant himself.

Mr. Easton:

We have the affidavit of Mr. Colbert.

Mr. Cornish:

We contend that that evidence is not competent.

Judge Weaver:

When was that evidence taken--is there proof made that Mr. Colbert is dead?

Mr. Easton:

Yes sir, its in the Skagg's testimony, I think. I have never received a copy of that testimony.

Judge Weaver:

I mailed that testimony to you in my own hand Judge Easton.

Mr. Easton:

It may have reached my office and been mislaid.

Mr. Easton:

In answer to Mr. Cornish in this matter, we have the testimony of Mr. Skaggs and his information was derived from his wife. He tells the court in his deposition that this woman that he married was born and raised in this country--that that he knew her family. I think there is sufficient reason why the testimony of her two brothers have not been taken in this case; these people have not the means to pay for the attendance of witnesses here at this court. We show from all of this testimony that she is a citizen. It is the only way that it can be shown.

Judge Weaver:

There is another way. If her brothers--having proved relationship--if her brothers have been recognized and enrolled by the Dawes Commission a certified copy of the record from the Dawes Commission would be evidence to this court--it would be competent evidence.

Mr. Cornish:

It would be such evidence which if not rebutted would be conclusive.

Mr. Easton:

I have requested twice of the Dawes Commission certificates of the registration of people and they have every time refused it.

Judge Weaver:

Other people have got them.

Mr. Easton:

I have written twice to Mr. Bixby.

Judge Weaver:

Not deciding anything about the case, I wish to state that this court is just as anxious to have people admitted to citizenship who are entitled to it as they are to have people refused who are not entitled to it. And I suggest in this case and will give you the opportunity to obtain from the Dawes Commission and present to this court a certificate of the enrollment of one or more of the brothers of the late Mrs. Skaggs.

Mr. Easton:

I will get that and file it here with the papers.

Mr. Cernaish:

I would suggest that our view would be that it will not only be necessary to file a proof of enrollment of a certain man but there will have to be some evidence showing that the man whose name appears on the certificate is the brother of Mrs. Skaggs.

Mr. Easton:

I will ask for a subpoena for one of the brothers of this woman to come here and testify on the 27th, if that is agreeable.

Judge Weaver:

Yes sir, what this court wants is to have all the evidence possible on both sides.

Judge Weaver:

Then this Skaggs case is left open until the 27th.

m m m

John Skaggs, et al,
--vs-- No. 90.
The Nations.

March 1, 1904.

Present and presiding the Hons. Walter L. Weaver and Henry S. Foote, Associate Judges of said Court.

Appearances:

Eugene Easton, for Plaintiffs,
Mansfield, McMurray and Cornish, for Defendants.

This day this cause coming on further to be heard, the following proceedings were had to-wit:

--o--

L. C. Moore,

a witness called on behalf of the Plaintiffs, after being duly sworn, testified as follows:

Mr. Easton:

Q.- Mr. Moore, give your name and place of residence to the stenographer.

A.- I live at Sterrett, Choctaw Nation.

Q.- Your name now, please.

A.- L.C.Moore.

Q.- Is it Lemiel Cable Moore?

A.- Yes, sir.

Q.- What is your citizenship?

A.- Chickasaw.

Q.- You are a member of the Chickasaw Tribe of Indians?

A.- Yes, sir.

Q.- Were you born and raised in this country?

A.- No, sir, born and raised in Mississippi.

Q.- How long since you have been in Mississippi?

A.- Since 68.

Q.- You are a recognized member of the tribe?

A.- Yes, sir.

Q.- Did you know the Plaintiff in this case? John Skaggs?

A.- I used to know him, It has been 20 or 25 years ago since I seen the ~~man~~ man.

Q.- State whether you ever had a sister named Fannie Moore?

A.- Yes, sir.

Q.- Who did she marry?

A.- She married Skaggs.

Q.- John Skaggs?

A.- Yes, sir.

Q.- Do you know about when?

A.- It has been something about 30 years ago; I cannot tell the date, but it has been about 30 years ago.

Judge Foote;

Q.- Did you state where she married him?

A.- Down about Goodland, about three miles east of old Goodland and a little west of the new Goodland.

Mr. Easton;

Q.- In the Choctaw Nation?

A.- Yes, sir.

Q.- Do you know whether they lived together as husband and wife?

A.- Yes, sir, until she died.

Q.- How long has she been dead?

A.- Well, I could not tell you.

Q.- But you do know that they lived together?

A.- Yes, sir, until she died; at that time she was living with my sister and died there of consumption.

Q.- Mr. Moore, are you related in any way with any of the Choctaw People.

A.- I have some connection with some that ~~the~~ are part Choctaw, the Colberts; they are part Choctaw and Chickasaw.

Q.- Chickasaws and Choctaws?

A.- Yes, sir.

Q.- What relation do you bear to them.

A.- A half sister of my mother married a Choctaw man named Colbert.

Q- Skaggs and your sister were married in the Choctaw Nation?

A.- Yes, sir.

Q.- They lived in the Choctaw Nation most of the time?

A.- Yes, sir, up close to Cale, a while before she died; I don't know how many years. A year or two.

Q.- Mr. Moore, here is a certificate--

A.- I cannot read without without my specs"

Mr. Easton reads certificate of enrollment of L.C.Moore.

Q.- Are you the person named there?

A.- Yes, sir and I have filed on my land.

Q.- You are the person named in this certificate?

A.- Yes, sir.

Q.- Will you state how you claim your Chickasaw Blood?

A.- Through my mother.

Q.- Your mother was a Chickasaw Indian?

A.- Yes, sir, by blood.

Cross Examination.

Mr. Cornish;

Q.- Are you related in any way to the Moores living in the neighborhood of Sterrett; of Jos. C. Moore?

A.- He is a cousin of mine.

Q.- Of Harvey Moore?

A.- He is a cousin of mine.

Q.- How are they cousins of yours?

Q.- (Con) You say your father is a white man?

A.- There wather was.

Q.- You claim your blodd through your mother?

A.- Yes, sir.

Q.- With what family was your mother connected?

A.- Her name was Mitchell. She is related to Jim Colbert and all the Colberts.

Q.- Are you related to Sol Lowe (or Love)

A.- Cousin.

Q.- Then you are related to these Moores through your mother's side?

A.- Yes, sir.

Judge Foote;

Q.- You said that your sister was married to this man Skaggs; you know how?

A.- I did not see them married.

Mr. Cornish;

Q.- You say that your sister and Skaggs were married in the Choctaw Nation, near Goodland, about Thirty years ago.

A.- Yes, sir.

Q.- Where were you living at the time of the marriage?

A.- My mother and sister were living down there.

Q.- And you were living in the Chickasaw Nation, were you?

A.- I had no home at that time, I was single.

Q.- You were not married then?

A.- No, sir.

Q.- How long did your sister live after she was married to Skaggs?

A.- Three or four years.

Q.- Do you know how the marriage was consumated?

A.- No, sir.

Q.- You were not present?

A.- No, sir.

Q.- Have you any knowledge as to whether or not the Choctaw Law was complied with, in reference to the marriage of a white man to an Indian?

A.- No, sir.

Q.- You have no knowledge on that point?

A.- No, sir.

Q.- Either from your self or others?

A.- No, sir.

Q.- This man Skaggs, where was he living when you last knew him?

A.- He was living out in the Chickasaw Nation on a Creek they call Sugar Creek; I never have heard from him.

Q.- Where was he living when you last heard from him?

A.- Down on a Creek about ten or twelve miles from the Frisco Railroad.

Q.- On which side of the railroad?

A.- The west side.

Q.- Is he living or dead now?

A.- This gentlemen says that he is dead.

Q.- Do you know personally?

A.- No, sir.

Q.- Did he remarry? A.- Yes, sir. Q.- Who?

A.- I don't know, I heard he did.

Q.- What other brothers have you that are recognized in the Choctaw Nation?

A.- Luke Moore and Joe Moore.

Q.- They are children of your own mother?

A.- Yes, sir.

Q.- Didn't I have you as a witness at Atoka, three or four

years ago?

A.- Yes, sir.

Judge Foote;

Q.- Your sister was a Chickasaw?

A.- Yes, sir.

Judge Weaver;

Q.- But you say there was some Choctaw Blood in her?

A.- No, sir.

Witness excused.

Mr. Easton;

That is my case.

Mr. Cornish;

I think that the evidence introduced is sufficient to enable the Court to intelligently decide the case, when it is reached and we will offer no further evidence. If we have any views to furnish, we will do so in writing and furnish the other side a copy.

In the Choctaw and Chickasaw Citizenship Court, sitting at South McAlester, in the Central District of the Indian Territory,
March Term, 1904.

John Skaggs, :
 :
 vs. : No. 90.
 :
 Choctaw and Chickasaw Nations. :

DECREE OF COURT.

On this 28th day of March, 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 Skaggs, is entitled to be deemed a citizen by intermarriage of the Choctaw 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 Skaggs, is entitled to be deemed a citizen by intermarriage of the Choctaw 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 SOUTH McALESTER,
INDIAN TERRITORY, MARCH TERM,
1904 /

JOHN SKAGGS,

VS.

NO. 90.

CHOCTAW AND CHICKASAW NATIONS.

STATEMENT OF FACTS AND OPINION
BY ADAMS, CHIEF JUDGE.

In the year 1896 the plaintiff, John Skaggs, was admitted as a Choctaw citizen by intermarriage by the Commission to the Five Civilized Tribes. The Choctaw nation appealed the case to the United States Court for the Central District of the Indian Territory, when on the 24th day of August, 1897, said Court entered a judgment affirming the finding of the Commission to the Five Civilized Tribes, and admitting John Skaggs as a citizen of the Choctaw nation by intermarriage.

After the judgment of this Court in the case of Choctaw and Chickasaw Nations vs., J. T. Riddle, et al., had declared said judgment of the United States Court for the Central District of the Indian Territory void, John Skaggs appealed his case to this Court, where the same came on regularly to be heard.

The evidence in this case shows that John Skaggs,

John AKaqq Case.

Testimony for Indians.

Not proven that wife was Choctaw
Indian.

No Testimony as to tribal marriage.

Call attention to fact that case is
not proven & submit upon record.

In the Choctaw & Chickasaw letters

I N D E X.

Application to Commission	1
Marriage license	2
Certificate of marriage	2
Affidavit of Jackson D. Wright	3
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Judgment, U. S. Court	10

Choctaw Nation
Jacksfork County.

Central Judicial District of the Indian
Territory.

To Hon. H.L. Dawes, Chairman of the Dawes Commission.

Your petitioner, John Skaggs, who resides in the County of Kiametia Choctaw Nation, Represents that he is a white man and was, at one time a citizen of the United States of America. That on the 16th day of December A.D. 1873 he was lawfully married to Fannie Moore who was at that time a Choctaw and Chickasaw woman, and a member of the Choctaw tribe of Indians. That a true copy of the license of himself and Fannie Moore to be joined in wedlock is hereto attached, and made a part of this application, as well as the certificate of the minister of the Gospel who performed the marriage ceremony. Petitioners avers that ever since said marriage as aforesaid that he has resided in the Choctaw Nation and has without restraint exercised all the rights and privileges accorded to any other member of said tribe of Indians. Have voted in their or our tribal elections, and held property in common as it is held by other members of said tribe. That he now uses and occupies valuable property under his rights as such citizen.

Petitioner herewith files the affidavits of Jackson D Wright and Geo. W. Colbert, two citizens of the Choctaw Nation which said affidavits are here made a part of this application. Petitioner further avers that a true copy of this petition and copies of affidavits and marriage certificate and marriage licenses has been duly forwarded to Jeffersons Gardner, Governor of the Choctaw Nation, and directed to him at Eagle-town Choctaw Nation with postage prepaid.

Whereupon the premises considered he prays that his name be enrolled as a citizen and member of the Choctaw Tribe of Indians and in duty bound will ever pray.

(SEAL)

JOHN SKAGGS

(Copy)

Kiametia County, Choctaw Nation, Dec. 15, 1873.

To any Judge or Minister of the Gospel of the Choctaw Nation
Greeting

You are hereby authorized to solemnize the rights of Matrimony
between John Skeggs and Mrs. Fannie Moore.

Given under my hand this the 15th day of Dec'r. 1873.

J.W. Evridge,

Supreme Judge 3d. Judicial Circuit
C.N.

Copy,

Kiametia County, C.N. Dec. 16th 1873.

This to certify that I have this day joined together as husband
and wife John Sleggs and Fannie Moore.

Jesse H. Walker M.G.

The within is filed in Book of general Records page 82.

Wm. P. Worthington, Clerk.

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Jack sfork County

Central Judicial District of the Indian Territoy
Choctaw Nation

Before me, the undersigned, authority, this day personally appeared Jackson D. Wright, who upon oath says that he is a citizen and a member of the Choctaw tribe of Indians. That he is personally acquainted with John Skaggs, and that he knows that said Skaggs and Fannie Moore were married, and lived together as man and wife, and that he of his own knowledge knows that said Fannie Moore was an Indian and a member of the Chickasaw tribe of Indians, and that she resided in the Choctaw Nation at the time of her marriage to said Skaggs.

That the said Fannie Moore was a sister to my first wife
That he knows of his own knowledge that the said Fannie Moore was related by blood to members of the Choctaw Tribe of Indians.

Jackson D. Wright.

Subscribed and sworn to be fore me this the 17th day of August
A. D. 1896.

A. J. Arnote

(SEAL)

Notary public.

Choctaw Nation
Jacksfork County

Central Judicial District of the Indian Territory.

Before me the undersigned authority this day personally appeared Geo. W. Colbert who up on oath says that he is a citizen and a member of the Choctaw Tribe of Indians, and that he is personally acquainted with John Skaggs, a that he knows of his own knowledge that the said John Skaggs and Fannie Moore lived together as man and wife, that he did not see them married, but that it was generally known in the Country here where they lived that they were husband and wife. That he knows that the said Fannie Moore was an Indian of Choctaw and Chickasaw blood, and that she was a member of the Choctaw tribe of Indians at the date of her marriage with said Skaggs.

Geo. W. Colbert

Subscribed and sworn to before me this 18th day of Aug. 1896.

A. J. Arnote

(SEAL)

Notary Public.

*upheld L. H. W.
- 25
- note N. W. B. L.*

W. H. Hallings⁵
vs.
Choctaw Nation.

(SEAL)

Notary Public.

A. J. Arnote

Subscribed and sworn to before me this 18th day of Aug. 1898.

Geo. W. Gilbert

date of her marriage with said Skaggs,
and that she was a member of the Choctaw tribe of Indians at the
the said Fannie Moore was an Indian of Choctaw and Chickasaw blood,
they lived that they were husband and wife. That he knows that
married, but that it was generally known in the Country here where
Moore lived together as man and wife, that he did not see them
knows of his own knowledge that the said John Skaggs and Fannie
and that he is personally acquainted with John Skaggs, and that he
he is a citizen and a member of the Choctaw tribe of Indians,
has personally appeared Geo. W. Gilbert who up on oath says that

Before me the undersigned authority this

Texas County

Choctaw Nation

General Judicial District of the Indian Territory.

John Skaggs

Appellant.

vs

Appeal from the Dawes Commission made on Dec. 3d.
1896.

The Choctaw Nation

Appellee

To H^{on}. Yancy Lewis, Judge:

petitioner, John Skaggs, represents that he in compliance with the act of Congress filed his application for citizenship and membership in the Choctaw tribe of Indians with the Dawes Commission within the time required by law. That thereafter on the 3d day of 1896 said Commission heard and determined his said application and as appellant is informed decided against him, and declared that he was not entitled to citizenship or membership in said tribe of Indians. Appellant cannot state what grounds the decision was made on as neither appellant or his attorneys have been notified why such decision was rendered against him by said Commission. Appellant relies on the following facts to establish his right to membership in said Choctaw Tribe of Indians. viz; 1st that on the 16th day of December 1872, he was legally married to Fannie Moore, who was then a member of the Choctaw and Chickasaw Tribes of Indians by blood, that they were legally married and in accordance with the laws of the Choctaw Nation at that time existing relating to the marriage of a white man to an Indian woman. That he and his said wife were thereafter recognized as members of said tribes. That after his said marriage he lived in the Chickasaw Nation, and owned property in common with the other members of said tribe, that he as a member of said tribe drew the annuities paid them by the government, and exercised all right and privileges accorded to any citizen of said Tribes of Indians.

2nd That as such member of said tribes of Indians he has voted and done all things legal required of him as a citizen and member of said tribes of Indians.

3d. That he has held land and improved the same by and with the consent of the said Choctaw tribe of Indians for the past 25 years, that he now resides in Kiametia County Choctaw Nation in said Central Judicial District, and has made valuable improve-

ments on the land that he has held as a member of the tribe of Choctaw Indians for the past 20 years.

Appellant states that his Indian wife died on Sept. 4th 1876, and that thereafter on the 1st day of March 1881, he married a white woman, not a member at the time of their marriage of any tribe of Indians. That before he married the white woman he consulted the Chief Justice (Sam Love) of the Chickasaw Nation and was by said Chief Justice of the Chickasaw Supreme Court told that it was not illegal or in violation of any Tribal law of said Chickasaw or Choctaw Nation for him to marry a white woman.

Appellant says that he has no idea of the grounds of the decision against him by the Dawes Commission unless it was the fact that he had again married, and married a white woman. If Appellant is right in his surmise as to the reason his claim was disallowed then he alleges and relies on the law that he was once recognized member of said tribe of Indians, and that he could not be disfranchised, and declared not a member of said tribe of Indians by doing a lawful act. viz: marrying again.

That he has been recognized by the legal authorities of the Choctaw Nation since his second marriage as a member of said tribe, that he had held land and voted in Choctaw elections.

That Appellant has been recognized by the Indian Agent of the United States as a member of the Choctaw tribe of Indians. Appellant further says that if the Choctaw tribe of Indians ever passed a law making it illegal for a member of their tribe to marry a white woman that the said law is void and unconstitutional, and it is in restraint of the relation that is upheld by the law, and made one of the highest privileges known to our institutions and to the institutions of Civilization. Honorable marriage can under no circumstances be made a crime by which any man should forfeit any just and legal right.

Wherefore he prays that this appeal be granted, and that service be had on the proper authorities, and upon final trial hereof that he have judgment declaring said Appellant to be a member of the Choctaw and Chickasaw Tribes of Indians, and for all such other

relief that he may be entitled to, and as in duty bound will ever pray.

Everton and Hodge

Attys. for appellant.

I, J^ohn Skaggs, appellant do hereby state on oath that the facts set forth in the foregoing Petition for Appeal are within my knowledge true and correct.

J^ohn Skaggs

Subscribed and Sworn to before me this 18th d y of January A.D. 1897.

J.V. Schenck

Notary public.

John Skaggs

Appellant

vs Appeal from a decision rendered by the Dawes
Commission on Dec. 3d. 1896.
The Choctaw Nation Appellee

To Hon. Charles S. Vinson, Attorney general of the
Choctaw Nation.

Lehigh. Indian Territory.

Dear Sir.

You are hereby notified that I have filed with the
Clerk of the U.S. District Court for the Central Judicial Dist-
rict of the Choctaw Nation my petition Appealing the above enti-
tled cause to said Court at South McAlester. Said appeal is from
a judgment rendered by the Dawes Commission disallowing my claim
as a member of the Choctaw Tribe of Indians, you will therefore
take notice, and file such contest as you may deem right.

Respectfully &c.

John Skaggs Appellant.

I, B.F. Cornelius, on oath state that I am a citizen of the Choctaw Nation and a member of said Tribe of Indians. That I am in no way interested in the result of this suit, and am not related to the parties appellant or in any way connected with this appeal. That I also swear that I mailed to Hon. Charles S. Vinson A^{ty}. Genl. of the Choctaw Nation a true copy of this notice that the same was directed to said Vinson at Lehigh Indian Territory, and I had said letter registered him to the above address and all postage and registration fees were prepaid.

B.F. Cornelius.

Subscribed and sworn to before me this the 18th day of Jan'y.
1897.

J.V. Schenck

(SEAL)

N^otary public.

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IN THE UNITED STATES COURT FOR THE CENTRAL DISTRICT OF THE
INDIAN TERRITORY, AT SOUTH McALESTER.

-----o-----

John Scaggs,

Plaintuff

vs

A N S W E R.

The Choctaw Nation

Defendant.

Comes now the Choctaw Nation by its attorneys, and for answer to the petition for appeal filed by the plaintiff herein, says,

That it is not true that on the 16th day of December, 1872 the appellant was married to Fannie Moore. That it is not true that said Fannie Moore was a member of the Choctaw tribe of Indians

And the said Choctaw Nation further answering says that if said appellant was married to the said Fannie Moore, and if was a citizen of the Choctaw Nation, nevertheless the said appellant forfeited all rights which he may have had as a member of the Choctaw tribe by his subsequent parriage to a white woman on the first day of March, 1881.

That said subsequent marriage divested appellant of any right he may have had as a citizen, as provided by the laws of the Choctaw Nation passed November 9th, 1875, and to be found on page 226 of Durant's Code of Choctaw Laws.

Appellee further says that it has heretofore filed an answer in this because before the Daves Commission, which said answer is hereby referred to, and made part hereof; and now having fully answered prays that the said appellant be declared a non-citizen of the Indian Territory.

Wm. M. Cravens

Stuart, Gordon and Hailey,

Attorneys for the Choctaw Nation.

John Skaggs,

vs. No.13, Judgment, Central District, August 24, 1897.

Choctaw Nation.

On this 24 day of AUG., 1897, the above styled action coming on regularly for trial and both plaintiff and defendant announcing ready, and the matter of law and fact being submitted to the court and the court after hearing the evidence for both plaintiff and defendant, and the argument of counsel, doth find that the plaintiff, John Skaggs, is a citizen of the Choctaw Nation and Tribe of Indians by intermarriage and as such is entitled to all the rights, benefits privileges ~~and immunities~~ and immunities as a citizen by intermarriage of the Choctaw Nation and Tribe of Indians.

It is therefore ordered, adjudged and decreed by the court that the plaintiff, John Skaggs, be admitted to and granted all the rights, privileges, immunities and benefits of a citizen by intermarriage of the Choctaw Nation, and that his name be placed upon the legal citizenship rolls of the Choctaw Nation, now being, or to be prepared by the Commission to the Five Civilized Tribes, or hereafter otherwise prepared.

It is further ordered that the clerk of this court transmit to the commission to the Five Civilized Tribes, a certified copy of the judgment and decree herein, and an order that said Commission place the name of the above named plaintiff, upon the rolls as herein commanded.

It is further ordered, adjudged and decreed that the plaintiff, John Skaggs, have and recover of and from the defendant, the Choctaw Nation, all his costs in this action laid out and expended, for all of which let execution issue.