

J-K^o100.

J. E. Parks, et al.

45

C. + C. Nations.

N^o 133.

Southern Dist. Court.

N^o

Powers Commission

See T. No. 115.

March, & Cruise, Cruise, & Bladenmore,

Attorney -

See No 115.

Witnesses
For Claimants

K.C. Parks	Marlow I.T.
J.B. McNabb	Helma I.T.
E.H. Brummett	Marlow I.T.
Palmer	Fox I.T.
William Piles	Hope I.T.

Charters

Dining

- + J. E. Parks
- + Athie Leonard
- + Clara Leonard
- + Preston Leonard
- + Perry Leonard
- + W. J. Parks
- + Joseph Parks
- + Selma Parks
- + Bettie Hallie
- + Thomas Ward
- + Cora Ward
- + Willie Ward
- + Alvis Woods, or Allie Woods
- + Sam Parks, Jr
- + Willard Parks, or Williard Parks
- + Jessie Parks
- + Nora Parks
- + K. C. Parks
- + Maggie Harbott
- + Harry Harbott
- + Edgar Harbott
- + Deola Harbott
- + Perry Parks
- + George W. Parks
- + Roder Parks, ~~or~~
- + Spencer Lewis Parks
- + Joe Parks
- + Jessie A. Parks

- + Martha Parks
- + Nancy Parks
- + Sam Parks

~~Harriet Rosa Tapp st. al. No 108~~

~~Choctaw
Drum + ~~Harriet Rosa Tapp~~
+ Albert Tapp
+ Ashley Tapp or Amy Tapp~~

~~Checked~~

~~Harriet Gordon st. al. No 106.~~

~~Choctaw
Drum + Harriet Gordon, or Harriet Gordon
+ James McFetridge
+ Florence Lawrence, or Florence Lawrence,
+ William McFetridge,
+ Jane Davenport,
+ George Gordon,~~

~~William Sledge st. al. No 127~~

~~James ^{and} McPhetridge st. al. } ~~No 106.~~~~

~~Choctaw
Drum + James McPhetridge
+ Eliza McPhetridge
+ Maud McPhetridge, or Maud McPhetridge
+ Albert McPhetridge
+ William Sledge,
+ Mattie Sledge,
+ Louisa Sledge, or Louisa Sledge~~

persona South McAlester, Indian Territory, April 11, 1903.

Donaho was a full blood Choctaw Indian; and that William

Donaho and the other members of his family associated with

in a settlement of Indians and was so regarded; that he was

I. E. Parks; et al., William Donaho was a three-quarter

a three-quarter Choctaw; that in 1847 William Donaho and his

Choctaw Indian a T-100-----Southern Dist. No. 133 1/2 in

other Indians emigrated to south-eastern Texas; that the

Choctaw Nation. Choctaw Nation. Choctaw Nation.

witnesses emigrated with them; that Donaho had various chil-

Indians and moved to Trinity County, Texas; That William had

born one of whom was named Rebecca; that Rebecca married

various children born to them one named Rebecca; that they

William Parks; that was a suitor for her hand himself

herewith delivered to you and you are hereby directed to

investigate the same conforming in the main to the instruc-

tions contained in this letter; and to return it together

with your written report and exhibits attached thereon at the

earliest possible time. and we think by pursuing the

methods heretofore suggested in regard to dealing with

witnesses An examination of the papers will disclose that

the principal applicant, I. E. Parks, claims to be the

son of William Parks and Rebecca Parks; that the maiden

name of Rebecca Parks was Rebecca Donaho; that she was the

daughter of William Donaho and that he was a three-quarter

blood Choctaw Indian; that William Donaho and his daughter

Rebecca were born in what is known as the Choctaw Purchase

in Mississippi and lived there until 1847 when he removed

to Texas.

William Parks, of Indian Territory, gave

J. E. McNabb of Velma, Indian Territory gave

an affidavit for applicants in 1896. He states that William

was born in the Choctaw Purchase in Mississippi; that he lived

as stated, then as above stated, you are to address yourself

personally knew William Donaho; that the father of William Donaho was a full blood Choctaw Indian; and that William Donaho and the other members of his family associated with the Indians; that William Donaho was a three-quarter Choctaw Indian and spoke the Choctaw language; that in 1847 William Donaho left Mississippi with a colony of Indians and moved to Trinity County, Texas; That William had various children among them one named Rebecca; that they showed Indian blood; that they were three-eighths Indian and looked to be more; that Rebecca married William Burks in Trinity or Cherokee County Texas.

This affidavit has every appearance of being fixed up to fit the case and we think by pursuing the methods heretofore suggested in regard to dealing with witnesses of this character that it can and will be developed that the affidavit is a reflection of what has been told him and that it was signed and sworn to by the witness without any knowledge on his part of what it contained. Conform as nearly as may be to oral and written instructions heretofore given and take from him an affidavit that will destroy the effect of his testimony and will be of advantage to the Nations.

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William Piles, of Hope, Indian Territory, gave affidavit for applicants wherein he stated that he was born in Mississippi in 1840; that he got acquainted with William Donaho on the Choctaw Purchase in Mississippi; that he lived

in a settlement of Indians and was so regarded; that he was a three-quarter Choctaw; that in 1847 William Donaho and other Indians emigrated to south-eastern Texas; that the witness emigrated with them; that Donaho had various children one of whom was named Rebecca; that Rebecca married William Burks; that he was a suitor for her hand himself but was not permitted to marry her by his family on account of her Indian blood and thus the engagement was broken off.

It would seem from this affidavit that the witness has a personal knowledge of these people and their physical relationships and the particular thing to which you are to address yourself is as to his knowledge of their recognition as Choctaw Indians.

Our suggestion is to first pursue the methods suggested in written and oral instructions heretofore given you by taking him step by step along the line of ancestry of these people and their relationships and thus determine whether or not it is a fact that he knows of them and their relationships as stated in the affidavit. It may be that he has not the knowledge of them that he claims and that it can be thus developed and you are directed to develop his ignorance of their relationships if possible.

If he withstands your assaults from this quarter and really knows of these people and their relationships as stated, then as above stated, you are to address yourself to breaking down his statement that he knows of them to be

to breaking down his statements that he knew them to be recognized Choctaw Indians. This can be done by pressing him to state how they were recognized and how other Choctaw Indians were recognized; and what degree of knowledge he has of the affairs of the Choctaws in those days and the manner in which Choctaw Indians were recognized.

Take from him a statement that will destroy the effect of his testimony and be of advantage to the Nations.

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It is not expected that you shall be governed entirely by the instructions conatined in this letter. It may be that these witnesses and others may know of other persons having information of value and you are directed to exercise your best judgment as to whether or not you shall proceed to obtain it without first returning to the office for further instructions.

Yours truly,

I.E. Parks, et al.,

vs. No. 133, Judgment, Southern District, January 20, 1898.

Choctaw Nation.

On this the 20th day of January, 1898, came regularly on to be heard the above entitled cause, on the application, evidence, exhibits, Master's report, exceptions to Master's report and the entire record in the cause

xxxx cause, and the court having heard the evidence and being well and truly advised in the premises finds that I. E. Parks, Athie Leonard, Bert Leonard, Clara Leonard, Preston Leonard, Perry Leonard, W. J. Parks, Joseph Parks, Selma Parks, Bettie Hollis, Thomas Ward, Ora Ward, Willie Ward, Ruby Hollis, Allie Woods, Sam Parks, Jr., Willard Parks, Jessie Parks, Nora Parks, K.C. Parks, Maggie Harbolt, Harvey Harbolt, Edgar Harbolt, Deola Harbolt, Perry Parks, George W. Parks, Reltu Parks, Spencer Lewis Parks, Joe Parks, Mary Stout, James A. Parks, Sam Parks, Sarah Hartman, are Choctaw Indians by blood, and are entitled to be admitted and enrolled as such. That Martha Parks and Nancy Parks are members of the Choctaw Tribe of Indians by Inter-marriage. It is therefore by the court considered, adjudged and decreed that I.E. Parks, Athie Leonard, Bert Leonard, Clara Leonard, Preston Leonard, Perry Leonard, J. Parks, Parks, Selma Parks, Bettie Hollis, (Thomas Ward, Ora Ward, Willie Ward, Ruby Hollis,) Allie Woods, Sam Parks, Jr., Willard Parks, Jessie Parks, Nora Parks, K. C. Parks, Maggie Harbolt, Harvey Harbolt, Edgar Harbolt, Deola Harbolt, Perry Parks, Geo. W. Parks, Reltu Parks, Spencer Lewis Parks, Lewis Parks, Joe Parks, Mary Stout, James A. Parks, Sam Parks, Sr., Sarah Hartman, Martha Parks, and Nancy Parks be and the same are hereby admitted and enrolled as members of the Choctaw Nation and as members of the Choctaw Tribe of Indians, with all the rights, privileges and immunities pertaining to such relation. And it is further ordered that the clerk of this court certify a true copy of this decree to the Commission to the Five Civilized Tribes, and the said Commission is hereby directed to enroll the

above named parties as members of the Choctaw Tribe of Indians.

(Signed)

Hosea Tensend,

Judge.

I. E. Parks, et al.,

vs. No. 133, Judgment nunc pro tunc, Jan'y. 20th, 1898.

Choctaw Nation.

On this day came on to be heard the motion of plaintiffs by their attorneys, Wolverton & March, and C. C. Potter, to have the judgment heretofore rendered in this cause, corrected so as to exclude the names of Bert Leonard, Selma Leonard, Ruby Hollis, Mary Stout, James H. Parks, Sr., and Sarah Hartman. The court being advised in the premises, doth grant said motion, wherefore it is ordered, adjudged and decreed that the names of said parties be and they are hereby stricken out from said judgment.

It is considered and adjudged that this order shall not prejudice the rights of said parties in any proceeding they may hereafter adopt to obtain their rights as citizens of the Choctaw Nation if any such rights they may have.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

I.E.Parks et al.,-----Plaintiffs,

*

vs.

* PETITION.

Choctaw and

Chickasaw Nations,----Defendant.

*

Come now the petitioners, I.E.Parks, Athie Leonard, Clara Leonard, Preston Leonard, Perry Leonard, W.J.Parks, Joseph Parks, Selma Parks, Bettie Hallis, Thomas Ward, Cora Ward, Willie Ward, Alvis Woods, Sam Parks Jr., Willard Parks, Jessie Parks, Nora Parks, S.K.C.Parks, Maggie Harbolt, Harry Harbolt, Edgar Harbolt, Deola Harbolt, Perry Parks, George W.Parks, Roltu Parks, Spencer Lewis Parks, Joe Parks, Jessie A.Parks, Martha Parks, and Nancy Parks and Sam Parks and respectfully represent and show to the court, that they and each of them are now, and have been at all the times hereinafter mentioned, residents of the Chickasaw Nation, Indian Territory; that they are each and all citizens and members of the Choctaw Nation or Tribe of Indians; that on the 9 day of September 1896, they each and all applied to the Commission to the Five Civilized Tribes for enrollment as citizens and members of said Choctaw Nation or Tribe of Indians; that said commission heard said application, and these petitioners were by the judgment of said Commission denied citizenship and enrollment as members of said Choctaw Tribe of Indians.

That thereafter, and within the time prescribed by law, these petitioners 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 "I.E.Parks et al. plaintiffs, vs. Choctaw Nation, defendant, and numbered one hundred & thirty-three (133).

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.133, styled as aforesaid, I.E.Parks et al, vs.Choctaw Nation, and said court therein determined, and adjudged these petitioners, each and all, to be citizens and members of the Choctaw Nation or tribe of Indians, and ordered and directed the said Commission to the Five Civilized Tribes to place the names of petitioners upon the roll of citizenship of the Choctaw Nation

or Tribe of Indians, as members thereof; which said judgment was rendered by and entered of record in said court on the 20th day of January 1898.

Petitioners further show that by its judgment rendered on the 17th day of December, 1902, in a cause styled The Choctaw & Chickasaw Nations, or Tribes of Indians, plaintiffs, vs. J.T. Riddle et al., defendants, this court adjudged and decreed all the judgments and decisions of the United States Courts in the Indian Territory, admitting to citizenship and enrollment as citizens~~ship~~ of the Choctaw & Chickasaw Nations upon appeal from the Commission to the Five Civilized Tribes, the ten (10) defendants named in said cause in this court, as well as those who had come in and made themselves parties to said cause, and all judgments rendered in favor of all persons similarly situated, null and void.

These petitioners state that they were not parties to said suit or cause of the Choctaw and Chickasaw Nations, vs. J.T. Riddle et al.

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, Indian Territory, adjudging and establishing the citizenship and membership of these petitioners as members of said Choctaw Nation of Indians; and that said judgment of said United States Court for the Southern District, Indian Territory, at Ardmore, declaring and adjudging these petitioners to be citizens and members of said Choctaw Nation of Indians, was not in any way affected, set aside or avoided by said judgment of this court.

These petitioners, state however, that inasmuch as this court has entered its judgment and decree setting aside all the judgments of said ~~court~~ United States Court for the Southern District, Indian Territory, where the parties thereto are similarly situated to the ten (10) defendants named in said cause of the Choctaw & Chickasaw Nations of Indians, vs. J.T. Riddle et al., the Commission to the Five Civilized Tribes are denying and will deny to these petitioners all the rights and privileges as members of said ~~Choctaw~~ ~~Chickasaw~~ Choctaw Nation of Indians, unless the files, papers and proceedings in said cause number 133 styled I.E. Parks et al. vs. Choctaw Nation, in said United States Court for the Southern District, Indian Territory, at Ardmore, be certified and sent to this court for further proceedings therein.

WHEREFORE, these petitioners, still insisting upon their rights as members and citizens of said Choctaw Nation of Indians, and without waiving any of the rights adjudged and decreed to them under and by virtue of said judgment of said United States Court for the Southern District, Indian Territory, at Ardmore, in said cause No. 133, styled I. E. Parks et al. vs. Choctaw Nation, most respectfully pray this court for an order or writ, ordering and directing the Clerk of the United States Court for the Southern District, Indian Territory, to certify and transfer to this honorable court all the files, papers and proceedings in said cause No. 133, styled I. E. Parks, vs. Choctaw 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 these petitioners may be established in, and not deprived of their rights as members and citizens of said Choctaw Nation of Indians, and for all other just and proper relief in the premises.

R. L. March and
Cruce, Cruce & Bleakmore
Attorneys for Petitioners.

In the Choctaw and Chickasaw Citizenship Court, sitting at
Tishomingo, Indian Territory. October Term, 1904.

I. E. Parks, et al.,

vs.

No. 100.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this 20th day of October, 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 plaintiffs, I. E. Parks, Athie Leonard, Clara Leonard, Preston Leonard, Perry Leonard, W. J. Parks, Joseph Parks, Selma Parks, Bettie Hallis, Thomas Ward, Cora Ward, Willie Ward, Alvis Woods or Allie Woods, Sam Parks Jr., Willard Parks or Williard Parks, Jessie Parks, Nora Parks, K. C. Parks, Maggie Harbolt, Harry Harbolt, Edgar Harbolt, Deola Harbolt, Perry Parks, George W. Parks, Roltu Parks, Spencer Lewis Parks, Joe Parks, Jessie A. Parks, Martha Parks, Nancy Parks, and Sam Parks, are not entitled to be deemed or declared citizens of the Choctaw Nation, or to enrollment as such, or to any rights whatever flowing therefrom.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition of the plaintiffs, I. E. Parks, Athie Leonard, Clara Leonard, Preston Leonard, Perry Leonard, W. J. Parks, Joseph Parks, Selma Parks, Bettie Hallis, Thomas Ward, Cora Ward, Willie Ward, Alvis Woods or Allie Woods, Sam Parks Jr.,

Willard Parks or Williard Parks, Jessie Parks, Nora Parks,
K. C. Parks, Maggie Harbolt, Harry Harbolt, Edgar Harbolt,
Deola Harbolt, Perry Parks, George W. Parks, Rolta Parks,
Spencer Lewis Parks, Joe Parks, Jessie A. Parks, Martha Parks,
Nancy Parks, and Sam Parks, be denied, and that they be
declared not citizens of the Choctaw Nation, and not entitled
to enrollment as such citizens, and not entitled to any rights
whatever flowing therefrom.

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Chief Judge.

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Associate Judge.

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Associate Judge.

Willard Parks or Williard Parks, Jessie Parks, Nora Parks,
K. C. Parks, Maggie Harbolt, Harry Harbolt, Edgar Harbolt,
Decla Harbolt, Perry Parks, George W. Parks, Rolta Parks,
Spencer Lewis Parks, Joe Parks, Jessie A. Parks, Martha Parks,
Nancy Parks, and Sam Parks, be denied, and that they be
declared not citizens of the Choctaw Nation, and not entitled
to enrollment as such citizens, and not entitled to any rights
whatever flowing therefrom.

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Chief Judge.

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Associate Judge.

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Associate Judge.