

J- N° 102.

Duncan, William

vs

Chickasaw Nation.

N° 98.

Southern Dist. Court.

N°

Davis Commission.

*See Lullie Duncan.*

*T. No. 78.*

*\_\_\_\_\_*

*Question of Law.*

*Pass.*

*W. C. B.*

Witnesses  
For Claimants

Mr C. E. Cook's Duncan, J. P.

J. Doak Duncan J. P.

Gallie Duncan

~~A. D.~~

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J. N<sup>o</sup> 101.

Nattie Howell,

do

Choctaw Nation.

N<sup>o</sup> 147.

Deunion Dist., Cont.

N<sup>o</sup>

Dawes Commission.

No record.

Burris & Bauland,  
Attorneys -

See N<sup>o</sup> 121,

SUMMONS.

United States of America,

Indian Territory,

SS

Choctaw and Chickasaw Citizenship Court.

The President of the United States of America,

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

GREETING:

You are hereby Commanded to Summons Green McCurtain, Principal Chief of the Choctaw Nation, to answer on behalf of said nation, in twenty days after the service of this summons upon him, as Principal Chief of said Nation a complaint in Equity filed against the Choctaw and Chickasaw nation in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, at Tishomingo, by Mellie Howell

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 Mellie Howell File No. 147- in the District Court for the Southwestern 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 Southwestern 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.

James B. Casada Clerk.

By \_\_\_\_\_ Deputy.

MARSHAL'S RETURN

MARSHAL'S RETURN.

United States of America,  
Indian Territory,  
DISTRICT.

Deputy.

Clerk.

I received this summons this \_\_\_\_\_ day of March 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.

WITNESS the Honorable Spencer B. Adams, Chief Judge

By \_\_\_\_\_ Deputy.

the certificate of the clerk of said court for said \_\_\_\_\_ District, Indian Territory,  
Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that  
File No. \_\_\_\_\_ 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 aforesaid,  
complaint will be taken for confessed, and you will make return of the summons instanter;

*Duplicate*  
No 101-7

SUMMONS  
IN EQUITY.

*Willie Howell*  
vs.  
Choctaw and Chickasaw Nations.

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

*March 23*

Marshal's Fees.

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

*Burnis & Pauland*  
Attorneys for Plaintiff.  
*Libonurgo J. T.*

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

SUMMONS.

United States of America,

Indian Territory,

SS

Choctaw and Chickasaw Citizenship Court.

The President of the United States of America,

To the United States Marshal for the Indian Territory, 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 Leihorungo, by Willie Howell

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 Willie Howell File No. 147 in the District Court for the Southem 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 Southem 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.

James B. Cassela Clerk.

By Deputy.

UNITED STATES OF AMERICA  
INDIAN TERRITORY

MARSHAL'S RETURN

MARSHAL'S RETURN.

United States of America,  
Indian Territory,  
DISTRICT.

*James B. Green*  
Clerk

I received this summons this 9th of March A. D. 1903  
at 10 o'clock m. and served same by copy, as follows:  
Personally on P. S. Moseley, at Indian Territory,  
This day of 1903, m.

WITNESS the Honorable Spencer B. Adams, Chief Justice

By *W. H. Adams* Deputy.

the certificate of the clerk of said court for said Indian Territory,  
Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that  
file No. 147 in the District Court for the District of the  
that the papers filed and proceedings in the case of  
and you are further commanded to notify said P. S. Moseley, Governor of  
complaint will be taken for confessed, and you will make return of the summons instant.

*Duplicate*  
No. 101-7

SUMMONS  
IN EQUITY.

*Walter Howell*  
vs.  
Choctaw and Chickasaw Nations.

Summons issued 7<sup>th</sup> 3 day of  
March, 1903. Returnable instant.

Marshal's Fees.

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

*Borris & Baulauf*  
Attorneys for Plaintiff.  
*Lehmanns S. T.*

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

Nettie Howell,

vs. No. 147, Judgment, Southern District, ~~November, 15, 1897.~~

March 11, 1898

Choctaw Nation.

On this day this cause come on to be heard upon the report of the Master in Chancery, W. H. L. Campbell, and the court after being fully advised in the premises is of the opinion that said report should be confirmed.

It is therefore hereby adjudged and decreed by the court that said said report be and the same is hereby in all things confirmed, and the said Nettie Howell is hereby adjudged to be a citizen of the Choctaw Nation, and entitled to be enrolled as a citizen thereof.

To all of which the Choctaw Nation excepts.



SUMMONS.

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

The President of the United States of America,

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

GREETING:

You are hereby Commanded to Summons P. S. Moseley, Governor of the Chickasaw Nation, to answer on behalf of said nation, in twenty days after the service of this summons upon him, as Governor of said Nation a complaint in Equity filed against the Choctaw and Chickasaw nation in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, at Tishomingo, by Nettie Howell,

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 Nettie Howell, File No. 147 in the District Court for the Southern District of the Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that the certificate of the clerk of said court for said Southern District, Indian Territory, has been attached thereto.

WITNESS the Honorable Spencer B. Adams, Chief Judge, Walter L. Weaver and Henry S. Foote, Associate Judges, and the Seal thereof, at South McAlester, Indian Territory, aforesaid, this 24th day of March A. D., 1903.



By Jas B Bassada Clerk.  
E S Berritt Deputy.

MARSHAL'S RETURN

MARSHAL'S RETURN.

United States of America,  
Indian Territory,  
DISTRICT.

*J. B. ...*  
Deputy  
Clerk

I received this summons this 24 day of March A. D. 1903,  
at 10 o'clock am and served same by copy, as follows:

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

This 24 day of March, 1903, 10 m.

WITNESS the Honorable Spencer B. Adams, Chief Judge

By Deputy Deputy.

the certificate of the clerk of said court for said Indian Territory, District of the Indian Territory, and that  
the papers, files and proceedings in the case of Nettie Howell, District of the Indian Territory,

and you are further commanded to notify said P. S. Moseley, Governor aforesaid,  
complaint will be taken for confessed, and you will make return of the summons instanter.

*copy*  
No. 121-2

**SUMMONS**  
IN EQUITY.

Nettie Howell  
vs.  
Choctaw and Chickasaw Nations.

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

**Marshal's Fees.**

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

B. G. Kean  
Attorneys for Plaintiff.  
Wynnewood

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

In the Honorable United States Citizenship Court for the Choctaw and Chickasaw Nations, Sitting at Tishomingo, Chickasaw Nation, Indian Territory.

Nettie Howell,  
Appellant,

Vs.  
Choctaw & Chickasaw Nations,  
Appellees.



Petition in Appeal.

Now comes your petitioner, Nettie Howell, who would respectfully represent and show unto the Court as follows; towit:

1. That she, the said Nettie Howell, was formerly a citizen of the United States and was under a license according to and as required by the Chickasaw Laws in the premises, united on the 9th day of November, A.D., 1887, in marriage to Thomas P. Howell, a Choctaw by blood and a Chickasaw citizen by intermarriage; that a record of said marriage was duly made, according to the Chickasaw law, on the books of the Clerk of Pickens County, Chickasaw Nation; but that all the records of the said county have since such recording been entirely destroyed by fire; that she was, at the time of her marriage, a resident of the Chickasaw Nation, then in the County of Pickens, and has continuously resided in the said Nation and now resides in the same.

2. That immediately after such recording of the said marriage in the said county, the said license was forwarded by registered mail to the Daws Commission at Muskogee, Indian Territory, in order that the said Nettie Howell's name might be ~~enrolled~~ listed for enrollment as a Choctaw citizen; that her name was rejected by said Commission.

3. That the said Nettie Howell, excepting to the said Commission's decision, appealed the case in due time to the United States Court for the Southern Judicial District of the Indian Territory, sitting at Ardmore; and that on the 11th day of March, A.D., 1898,

a decision was rendered by the said District Court, adjudging the said Nettie Howell entitled to enrollment as a Choctaw citizen; that in pursuance to an order from said Court, the said Commission did ~~not~~ list the name of the said Nettie Howell for enrollment as a Choctaw citizen.

4. That the Citizenship Court for the Choctaw and Chickasaw Nations, created by act of Congress, approved by the President on the 1st day of July, A.D., 1902, and ratified by the Choctaw and Chickasaw Nations on the 25th day of September, A.D., 1902, sitting at South McAlester, Indian Territory, in December, 1902, heard the case of J.T. Riddle et Als. Vs. the Chickasaw and Choctaw Nations, the said case including ten persons of the number of those admitted by judgments of the United States Courts for the Central and Southern Judicial Districts, Indian Territory, to citizenship in said Nation; and that the judgment of the said Nettie Howell was among others annulled and vacated by the said Citizenship Court by a decision rendered on the 17th day of December, A.D., 1902.

5. That the said Thomas P. Howell, as set forth in the premises, first married a Chickasaw by blood, and by reason of such marriage, he, the said Thomas P. Howell, under the Chickasaw Law, acquired all the rights, privileges and immunities of a Chickasaw citizen by blood, the right to vote and hold office in the said Chickasaw Nation not excepted, as in the case of intermarried citizens other than members of the Five Civilized Tribes; that he therefore became to all intents and purposes a Chickasaw citizen by blood; that as such citizen, upon his marriage to the said Nettie Howell, he conferred upon her the status of an intermarried citizen of the Chickasaw Nation; or at any rate, <sup>of</sup> an intermarried citizen of the Choctaw Nation.

Wherefore, premises considered, your petitioner, the said Nettie Howell, comes now and prays this Honorable Court for the issuance of a writ of error upon the Court below, for a transfer of a transcript or record of this case, whose docket# number in the said District Court is I47; and that this court cause a due and sufficient summons to be issued to each of the appellees, to appear and answer or reply to the representations herein before set forth; and finally, the Honorable Court is asked to issue an order, upon the hearing of this cause, commanding the said Daws<sup>E</sup> Commission to list for enrollment, as a Chickasaw citizen by intermarriage, the name of the said Nettie Howell, the appellant; but if it be adjudged by the Court that the appellant cannot under the law become a citizen of the Chickasaw Nation by reason of her said marriage to said ~~Nettie~~ Howell, an intermarried citizen of the Chickasaw Nation and a Choctaw by blood, it <sup>is</sup> further prayed of the court to issue an order commanding the said Commission to list for enrollment, as a Choctaw citizen by intermarriage, the name of the said Nettie Howell.

*James V. Daurland*  
Attorneys for Appellant.

Petition in Appeal -

Nette Howell,  
Appellant

vs.

Choctaw and Chicka-  
saw Nations,  
Appellees.

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Before the Choctaw-  
Chickasaw Citizenship  
Court.

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