

Witnesses

For Claimants,

Sam Love	Colbert (Deed) Lawson Co
Frank Colbert	Colbert J.T.
Jane Bean	Beef Creek J.T.
David Mays	
J.F. Gooding	Colbert J.T.
G.R. Bourland	McAlester J.T.
Ada Carson	
Susan E. Mays	Mayville J.T.
Charles Smith	Colbert J.T.
David Mays	Mayville J.T.

Nations

Robt Ames	Chickasha J.T.
Frank Gooding	
David Mays	

J- N° 113.

Corson, M. D., et al,

v s

Chickasaw Nation.

N° 114.

Panhandle Dist. Court,

N°

Powers Commission

Pass.

Question of Law:

Was Law Mitchell (see Tax-  
rison) specifically adopted  
by Chickasaws?

What payments referred  
to were drawn?

M. D. Carson, who married  
a woman by the name of  
Mitchell, who was adopted  
by some Missionaries, and it  
seems does not claim to be  
an Indian at all, but I think  
was on the roll.

I am getting along  
fine in the collections.

I N D E X.

Substituted petition to Dawes Commission . . . . . 1

Exception to application by Chickasaw Nation . . . . . 3

Answer to application by Chickasaw Nation . . . . . 4

Affidavit of Sam. Love . . . . . 5

    "    "    B.F. Colbert . . . . . 6

    "    "    Mrs Jane Bean . . . . . 8

Marriage License, Certificate & Certificate of Record 10

Affidavit of David Mays . . . . . 11

    "    "    J.F. Gooding . . . . . 12

Letter of Robert Ames to Gov. Harris . . . . . 13

Affidavit of R.R. Bourland . . . . . 14

    "    "    Ada J. Carson . . . . . 15

Petition for Appeal from decision of Commission . . . 16

Notice of Appeal to Atty. for Chickasaw Nation . . . 17

Testimony of Davis Mays before Master in Chancery . . 18

    "    "    Mr. Carson    "    "    "    "    . . . 20

    "    "    Susan E. Mays    "    "    "    "    . . . 23

Interrogatories to R.R. Bourland and others . . . . . 25

Cross    "    "    "    "    "    "    . . . . . 26

Deposition of R.R. Bourland . . . . . 27

Certificate of Wm. Costigan, N.P. as to Deposition . 28

Substituted report of the Masters . . . . . 29

Replication . . . . . 31

Interrogatories to Charles Smith and others . . . . . 33

Cross    "    "    "    "    "    "    . . . . . 35

Interrogatories to Charles Smith and others . . . . . 37

Cross    "    "    "    "    "    "    . . . . . 38

Additional testimony of Charles Smith . . . . . 39

Affidavit of L.P. Beavert, Notary Public . . . . . 40

Affidavit of L.P. Beavert, N.P., . . . . . 41  
Judgment of the United States Court . . . . . .42

In the United States Court in the Indian Territory  
Southern District at Ardmore.

M.D. Carson et al,

vs 114

Substituted petition.

Chickasaw Nation.

TO THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioners, M.D. Carson and wife Ada J. Carson would represent that about the year 1828 in the Chickasaw District in the state of Mississippi, one Jane Garrison a white woman married Joe Mitchell a Chickasaw Indian by blood, according to the law rules and customs of the Chickasaw Indians then in force, and that shortly thereafter the said Jane Mitchell nee Garrison was duly ~~an~~ legally and formally adopted into the Chickasaw tribe of Indians as a member thereof according to the laws and customs then in force; that she and her husband Joe Mitchell removed from Mississippi to the Indian Territory with the Chickasaws when they emigrated to the country. That about the year 1843 Joe Mitchell died and about 1844 Jane Mitchell his widow married John Bean a white man by whom she had one child, Alfred Bean in the year 1848, and about 1868, said Alfred Bean married one Ellen Cotton and one of the children of said marriage was Ada J Bean, one of the petitioners, who on the 26 day of February, 1891 married M.D. Carson a white man which marriage was ~~an~~ in accordance with the Chickasaw law.

That Jane Bean nee Mitchell nee Garrison was recognized by the Chickasaw authorities during her entire life as a member of said tribe and drew her prorata portion of the Chickasaw lands in the state of Mississippi as such, and also drew annuity and held and occupied lands as a member thereof in the Chickasaw Nation during her entire life, and died in the Chickasaw Nation.

That Alford Bean during his entire life was recognized by the Chickasaw authorities as a member of said tribe and held lands and drew annuities as such. That petitioner Ada J. ~~Bean~~ Carson, nee Bean has been recognized as a member of said Tribe and has drawn annuity as such. That M.D. Carson has been recognized as a member of said Tribe by the authorities thereof. That petitioners reside in the Chickasaw Nation, Indian Territory. That petitioners have been enrolled as members of said Tribe but that their names have been improperly erased from said roll of membership.

Wherefore they pray that they be enrolled as members of said tribe.

M.D. Carson, and Ada J. Carson,  
By Robt H. West, Their atty.

We agree that the above and foregoing shall be substituted for the original petition in this cause.

Robt H. West,  
Atty for plaintiffs.

BEFORE THE HONORABLE DAWES COMMISSION:

Ex Parte M.D. Carsen at al

Now comes the Chickasaw Nation, by its Attorneys, and respectfully excepts to the application filed herein, and says that the same is insufficient in law.

W H E R E F O R E, It prays that the said application be dismissed.

Second--- For special exception, the Chickasaw Nation respectfully shows to this Commission that the evidence produced by the applicant is insufficient to show any claim of citizenship in the Chickasaw Tribe of Indians.

W H E R E F O R E, It asks that the said application be dismissed.

Third---For further special exception, the Chickasaw Nation says that the application is insufficient in that it shows that the applicant has not complied with the laws of said Nation, and, therefore, is not entitled to any of the rights and privileges as a Citizen.

W H E R E F O R E, It prays that said application be dismissed.

THE CHICKASAW NATION,

By its Attorneys.

There are U.S. Citizens, see evidence of David Mays herete attached.



BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES;

-----  
In the matter of the application for enrollment in  
the Chickasaw Nation of M.D. Carson et al.

-----  
Now comes the Chickasaw Nation, by its Attorneys, and,  
without waiving any exception heretofore taken to the applica-  
tion filed herein; and without consenting to, but denying the jur-  
isdiction of this Honorable Commission to pass upon a question  
of Citizenship in the Chickasaw Tribe of Indians, presents this, i  
its answer, to said application, and respectfully represents:

First----The Chickasaw Nation alleges that a license  
was granted to the said M.D. Carson and Ada J. Bean, upon their  
representation the said Ada J. Bean was a daughter of Joe Mitch-  
ell, whom they recognized and knew to be a Chickasaw, that after  
investigation, it ascertained the said Ada J. Bean was a daughter  
of the widow of said Mitchell, who had married another white  
person, and who was not entitled to any of the rights and priv-  
ileges of a Chickasaw; that a fraud was perpetrated upon it by  
the said M.D. Carson, who was endeavoring to become a Chickasaw  
by fraudulent means, and by an imposition practiced upon its  
officials.

Second---It alleges that neither of the applicants are  
Chickasaw Indians by blood or marriage, and respectfully refers to  
the attached exhibits to establish such fact.

W H E R E F O R E, It prays that the said application  
be rejected, and will ever pray, etc.

THE CHICKASAW NATION  
By its Attorneys.

Chickasaw Nation,  
County of Pickens  
Indian Ter.

Before me A.H.Law, a Notary Public within and for the  
Third Judicial Division of the United States Court for the  
Ind Ter at Ardmore, personally appeared Samuel Love and upon his  
his oath states in substance.

That he is a Chickasaw Indian by blood; that he resides  
in Panola County, Chickasaw Nation.

That he was acquainted with Joe Mitchell about the year  
1844, who was a Chickasaw Indian; knew him in Panola County  
Chickasaw Nation. Know that was married or was living with a  
woman by the name of \_\_\_\_\_ whom he claimed as his wife,  
and after the death of Joe Mitchell, she the widow of said Joe  
Mitchell, married a white man by the name of \_\_\_\_\_ ~~Beanxxxx~~  
~~zbxzxxzxxzxxzxxzxxzxx~~ She had a son by Bean by the name of  
Alf Bean, at least he was claimed to be Bean's son by the widow of  
Joe ~~Mitthxxxx~~ Mitchell

Sam Love.

Subscribed and sworn to before me this 20th day of Oct., 1891.

A.H.Law,  
Notary Public,  
3rd Division U S Court,  
Indian Territory.

Indian Territory

Third Judicial Division

Before me L.P. Beavert a Notary Public within and for the third judicial division United States Court in the Indian Territory, duly appointed and commissioned as such, by said Court, personally appeared Frank Colbert, a creditable person well known to me to be the person he represents himself to be and after being duly sworn by me testifies as follows, to-wit:

My name is Frank Colbert; I am a member of the Chickasaw Tribe of Indians by blood and I now reside near Colbert in Panola County, Chickasaw Nation, Indian Territory and am now about 67 years old.

Affiant further states that he is well acquainted with Jane B. Bean who now resides in Pickens County, Chickasaw Nation; first knew her in the state of Mississippi, United States of America. Knew her after marriage, her name was Jane Garrison before marriage about the year 1828 or 1829. Jane Garrison was married to Joe Mitchell ~~being well acquainted~~ in said State of Miss, the Joe Mitchell being well known to me to be a member of the Chickasaw Tribe of Indians by blood; said Joe Mitchell and his wife removed to this country the Chickasaw Nation about the year 1842, and about the year 1846 Joe Mitchell died and his wife after his death moved to the state of Texas, and about the year 1847 married a man named John Bean who was a citizen of the United States; said Jane Mitchell after her marriage with John Bean had born to her by virtue of said marriage one son his name was Alford Bean; said Jane Bean and her son Alford Bean has resided in the Chickasaw Nation for a number of years prior to the death of Alford Bean, and she Jane Bean has always been recognized as a citizen of the Chickasaw Nation with all of the rights and privileges as such.

6

Affiant further states that Jane Bean has always been recognized as a citizen of the Chickasaw Tribe since her marriage with Joe Mitchell and that said Jane Bean drew land in the old Nation in the state of Mississippi and that ~~xxxx~~ Jane Bean has always and at divers times drew annuity from the Chickasaw Government.

signed            B F Colbert.

Subscribed and sworn to before me this the 6th day of March 1893

L.P.Beavert,

Notary Public

(SEAL)

Chickasaw Nation,  
County of Pickens, ss  
Indian Territory .

Before me, A.H. Law, a Notary Public within and for the third judicial District of the United States Court for the Indian Territory, at Ardmore, personally appeared Mrs. Jane Bean, a creditable person and well known to me as being the person whom she represent herself to be, and upon her oath states in substance as follows:

My name is Jane Bean. I am a citizen of the Chickasaw Nation by intermarriage and by adoption; I now reside with my daughter Susie Mays at Beef Creek Pickens County Chickasaw Nation, Indian Territory. I am now about 83 year of age My maiden name was Jane Garrison. About the month of May A.D., 1828 I was lawfully married to Joe Mitchell in the State of Mississippi one of the United States of America. Said Joe Mitchell being a member of the Chickasaw Tribe or Nation of Indians by blood. And shortly after our marriage my husband informed me that he had me adopted by the Chickasaw Council, in order to doubly protect my future rights and privileges as a member of said tribe or nation of Indians. There was born to us, that is my marriage with Joe Mitchell four children, namely Thomas F. Mitchell, Marcus W. Mitchell, Jane C. Mitchell and Susan E. Mitchell, all of said children are now dead except Susan E. who is now the wife of David M. Mays. After the death of my husband Joe Mitchell I was lawfully married to John Bean who was a white man and a citizen of the United States Said marriage with John Bean was consummated in the state of Texas about the year 1844. There was but one child born to me

with my marriage with John Bean. His name was Alford Bean and was born the 17th day of April, A.D., 1848. And about the year A.D., 1868 my son Alford Bean was married to a Miss Ellen Cotton and as the results of said marriage there was born to my said son Alford Bean three children to-wit Ada J Bean aged 22 years John W.Bean aged 20 years, and Walter Bean aged 17 years, of which number all are now living and are my lawful grandchildren Ada J.Bean my granddaughter is now the lawful wife of M.D.Carson Alford Bean my son and the father of Ada J W and Walter Bean was killed about the year A.D.1876.

Affiant further states that she drew land in the old nation in the state of Mississippi; was always recognized as a member of the Chickasaw Tribe or nation of Indians. My son Alford Bean was also always recognized as a member of said Chickasaw Tribe or Nation of Indians; he lived in the Chickasaw nation and enjoyed all the rights and privileges as a member of said Tribe; improved land and enjoyed the benefits therefrom; he also drew annuity money from the Chickasaw Treasury as other Chickasaw Indians did.

Jane her x Mark Bean

Witness Susan E.Mays  
David Mays

Sworn to and subscribed before me this 30th day of October, A.D., 1891

A.H.Law,  
Notary Public  
3rd Judicial Division U.S.Court  
for Indian Territory at Ardmore.

(SEAL)

9

Indian Territory  
Chickasaw Nation  
County of Pickens.  
Ardmore, Feb. 26, 1891.

TO ANY PERSON AUTHORIZED BY LAW TO  
SOLEMNIZE MARRIAGE:

You are hereby commanded to solemnize the rights and publish the bans of matrimony between Mr. M. D. Carson a United States citizen age twenty eight years, and Miss Ada J. Bean a Chickasaw citizen, age twenty-two years, according to law, and do you officially sign and return this license to the parties herein named.

Witness my hand officially this the 26th day of February A. D., 1891.

Richard McLish,  
County and Probate Judge Pickens County, C. N. I. T.

County of Pickens  
Chickasaw Nation  
Indian Territory

I do hereby certify that on the 26th day of Feby, A. D., 1891, I did duly and according to law as commanded in the foregoing license, solemnize the rites and publish the bans of matrimony between the parties therein named

Witness my hand this the 26th day of \_\_\_\_\_ A. D., 1891.

Jno. B. Smith, M. G.

CERTIFICATE OF RECORD.

United States of America  
Indian Territory  
Third Judicial Division ss.

I, Marshal L. Bragdon, clerk of the United States Court in the Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 22 day of February A. D., 1893, at 8:45 oclock A. M. and duly recorded in Book D. "Miscellaneous Record mortgages and liens page 99

Witness my hand and seal of said Court at Ardmore in said Territory this 22 day of February A. D., 1893.

Marshal L. Bragdon, Clerk  
By Laura P. Mathews, Deputy.

In the matter of the application of M.D.CARSON et al for enrollment in the Chickasaw Nation.

-----o-----  
Indian Territory) )  
Chickasaw Nation ) ss ----;Affidavit of David Mays:--

Before me, the undersigned authority, on this day personally appeared David Mays, who, being first sworn, deposes and says:

My name is David Mays; I am 57 years of age; I am a Chickasaw intermarried citizen; I am acquainted with the applicants, and know that they are white persons; Ada J. Carson, nee Bean, is my wife's half Brother's daughter; my wife's father was a Chickasaw; her mother was a white woman; after his death, my wife's mother married Bean, who was a white man, and this is one of his daughters.

David hax mark Mays

Subscribed and sworn to before me on this the 26 day of October, A.D., 1896.

W.M.Lucas,  
Notary Public.

(Seal)



In the matter of the application for enrollment in the  
Chickasaw Nation of M.D. Carson et al.

-----o-----

Indian Territory

ss

---Affidavit of J.F. Gooding---

Chickasaw Nation

Before me, the undersigned authority, on this day personally appeared J.F. Gooding, who being first sworn, deposes and says: My name is J.F. Gooding; I am 37 years of age, and am a Chickasaw Indian by blood; I came to the Chickasaw Nation from Tennessee, and have lived here nearly all my life; my home is near Colbert, Indian Territory; I have been a member of the legislature of the Chickasaw Nation and also County Judge and Sheriff, and Constable; I have never heard of Ada J. Bean, who, it is claimed, is a Chickasaw Citizen by blood and is said to have been raised near Colbert; nor of her husband, M.D. Carson,

I am satisfied that if any such Chickasaw Citizens had lived near Colbert, or in Panola County, Chickasaw Nation, I would have known of them or at least have heard of them.

J.F. Gooding.

Subscribed and sworn to before me on this the 23rd  
day of October, A.D., 1896.

G.W. Adams,  
Notary Public.

(Seal)

123

Chickasha, Ind. TerY/

Oct.12th,1896

Hon. Governor Harris,  
Tishimingo, I.T.

Dear Sir:

The enrolling Commissioner, Mr. Miller, while enrolling at Minco on the 9th, registered the name of Mr. M.D. Carson and wife, who are not legally citizens of the Chickasaw Nation, as his wife is not an Indian by blood, but is a white woman, and they are not entitled to have any part of the final division of the county. If you will investigate this you will find it as true.

Frank Gooding knows them and so does his mother and any one else that lives down there at Colbert where her mother used to live. I do not want to see any one who is an Indian be left out, neither do I want to see a lot of frauds let in hence I write you and ask you as Gov. to prevent frauds. Her mother and father were white people and her mother afterwards married an Indian but not until after her girl was born.

Hoping that you will take steps in this matter, I, am,

Respectfully, Yours,

Robert Ames.

INDIAN TERRITORY  
CENTRAL DISTRICT/

Affiant, R.R. Bourland, on his oath states that he resides at McAlester, I.T. and that he is 77 years old.

Affiant further says that during the year 1842 and for a long number of years afterwards, he was personally acquainted with Joe Mitchell, a Chickasaw Indian by blood. That the said Joe Mitchell was a duly recognized member of the Chickasaw Tribe of Indians and enjoyed all the rights and privileges of the Tribe; That the said Joe Mitchell was married to a white woman whose name was Jane, and that the said Joe Mitchell was the father of four children, two boys and two girls, by his said wife Jane; Affiant further states that the said Jane was adopted into the Chickasaw Tribe of Indians as a citizen thereof, by the method then a mode of adoption.

After Joe Mitchell's death his widow Jane married a white man by the name of Bean, and according to my best knowledge and belief there was one child by said marriage, a boy I believe, I do not know his name.

Affiant further says that the time Joe Mitchell and his wife moved from Mississippi and came to the Chickasaw Nation Indian Territory and lived at Colbert I.T. afterwards the said Mitchell and his wife separated and she moved to Texas and lived there. A few years after said separation Joe Mitchell died.

R.R. Bourland.

Subscribed and sworn to before me this the 22nd of March, 1897.

Wm. Costigan  
Notary Public

14  
(Seal)

I, Ada J. Carson upon oath state as follows. I am 28 years old. I am the wife of M.D. Carson. My fathers name was Alford D. Bean. He was the son of Jane Bean who married Joe Mitchell a Chickasaw Indian before the Indians moved to this country and came here with the Indians and remained the wife of Joe Mitchell until his death.

After Joe Mitchell's death she married John Bean a white man and their child was my father.

I have heard my grandmother Jane Bean state often that she was adopted as a member of the Chickasaw Tribe of Indians before moving to this country and that she drew her part of the Indian lands back in Mississippi before coming here.

She died about three years ago.

Ada J. Carson.

Sworn and subscribed to before me this March 23, 1898.

F. E. Clayton,

Notary Public Third Judicial Division, Ind. Tery

My Commission expires Oct. 31, 1900.

(SEAL)

15-  
16

In the United States Court in the Indian Territory, Southern District at Ardmore.

M.D.Carson and Ada J.Carson,  
his wife,

Plaintiffs

vs

The Chickasaw Nation.

Defendant

Petition for Appeal from  
Decision of the Commission  
to the Five Civilized Tribes  
of Indians known as the Dawes  
Commission.

Now comes the petitioner M.D.Carson and Ada J.Carson his wife and alleges that heretofore on or about the 7 day of September, A.D.,1896, they filed their application supported by evidence before the Honorable Commission of the United States to the Five Civilized Tribes known as the Dawes Commission, for enrollment as members of the Chickasaw Tribe or Nation of Indians and that said application was duly received and filed by said Commissioned and numbered 189 on their docket for application in said Tribe or Nation and that on the 30 th day of November 1896, said Commission mailed a notice to your petitionersm intending, no doubt to notify them their said application for enrollment had been rejected by said Commission; that said notice failed to show what action had been taken on said application by said Commission; that your petitioners have since learned that their application has been rejected.

That these petitioners believe that the decision of said Commission was erroneously made and that they are under the law and evidence justly entitled to be enrolled a members of the Chickasaw Tribe or Nation of Indians, and therefore they pray this appeal, and that said Commission be notified of this appeal and ordered to forward the paperz in this cause to the Clerk of this court, together with a duly certified transcript of all judgments and entries made and ~~entered~~ rendered in said cause.

Robert H.West, Attorney for petitioners

16

M.D.Carson one of the petitioners in the above cause upon oath says. that the facts in the foregoing petition are true as he really believes.

M.D.Carson

Subscribed and sworn to before me this 26th day of Jany 1899.

Cornelius Hardy,

Notary Public.

In the United States Court in the Indian Territory Southern  
District at Ardmore

M.D.Carson and Ada J Carson,  
his wife,  
Plaintiffs

vs  
Chickasaw Nation,  
Deft.

I, W.B.Johnson attorney for the Chickasaw  
Nation, hereby accept ~~service~~ notice that the claimants  
in the above stated action have appealed to the United  
States court at Ardmore, I.T. from the decision rendered  
against them by the Commission of the United States to the  
Commission to the Five Civilized Tribes, not waiving any excep-  
tions as to time and manner of appeal.

this Jan. 27, 1897. W.B.Johnson,

" " 27th, 1897.

Appeal allowed  
C.B.Kilgore,  
Judge.

17  
filed Jan. 27, 1897,  
Jos.W.Phillips, Clerk.

In the United States Court in the Indian Territory  
Southern District at Ardmore.

Before W.H.L.Campbell, Esq., Master in  
Chancery Southern District, at Ardmore, March 26, 1897.

M.D.Carson et al,

No.114, vs.

Chickasaw Nation.

Appeared Judge R.H.West,

Davis Mays a witness for the plaintiff after  
being duly sworn testifies as follows.

Direct examination by Judge West.

Q. Give your name to the stenographer.

A David Mays

Q You acquainted with Mrs.M.D.Carson and Mr.Carson

A yes sir

Q How long have known Mrs.Carson.

A Ever since her birth

Q What was her maiden name

A Ada Bean.

Q Where was she born

A Grayson County Texas

Q Is she living in the Chickasaw Nation.

A yes sir

Q How long has she been living here

A About 20 years

Q Do you know her father

A yes sir

Q What was his name

A Alfred Bean

Q His grandmother

A Jane Bean. Q Are you related in any way to Ada Bean A Yes sir

18

Q State what it is

A My wife and Ada Bean's father were half brothers and sisters

Q Your wife a daughter of Jane Bean and Alfred Bean a son of Jane Bean

A Yes sir

Q Do you know who was your wife's father

A Joe Mitchell

Q Who was he

A A Chickasaw Indian.

Q Do you know whether Alfred Bean was recognized by the Indian authorities or not

A A yes sir and drew annuities

Q Do you know whether Ada Bean, wife of the plaintiff, ever drew any annuities

A I think she did, wouldn't be positive, am satisfied s he did.

Q Where is Alfred Bean, dead or living.

A Dead

Q Where did he die

A Running cattle in Texas

Q Where was his home.

A Living on his mother's place in Texas at that time.

~~XXXXXXXXXX~~ Q Did he have any place in the Chickasaw Nation at that time

A yes sir

Q Whereabouts

A On Washita

Q Jane Bean his mother      A Yes sir, Aflred's

Q She living or dead      A Dead

Q How long been dead      A Two years

Q Where was she living at the time she died.



A Purcell with me

Q When did Ada Bean marry Mr. Carson.

A I cant tell the date

Q Who was she living with at the time she married

A ~~w~~ith me.

Q Your wife a Chickasaw by blood

A Yes sir

Excused.

Mr. Carson a witness for the plaintiff after being  
duly sworn testifies

Direct examination by Judge West

Q You are the husband of Ada Bean

A ye sir

Q Did you know Jane Bean during her lifetime

A Yes sir in her later days.

Q She your wife's grandmother.

A Yes sir

Q Did you ever meet Frank Colbert

A Yes sir

Q Who was he

A Chickasaw Indian by blood

Q Did you ever have any conversation with Frank Colbert with  
reference to this adoption.

A Yes sir.

Q State what it was

A I asked Colbert if he knew <sup>whether</sup> Jane Bean was adopted in the  
old country before she came here and he told me she was,  
and I asked him if he was certain, positive of it, and he said he  
was and told me the certin council in Mississippi that she  
was adopted by, and that he was present, and that he knew her  
all his life and came to this country with Jane Bean.

By the Court.

Q Did he say how she was adopted back there.

A No sir, said certain Council in Mississippi and he was present and I told him I would take his affidavit and he said very well.

Q He since died.

A Yes sir.

By Judge West.

Q How long have you been married.

A Six years. 26th of last February.

Q Did you ever apply for any permits under the Chickasaw Government

A I did.

Q Who to.

A I made application to Henry Johnson. He was issuing permits in 1891 at the time Boyd had his ~~militia~~ militia out putting intruders out of the country, and I had a couple of men working for me. And I asked him for a permit and I wrote to the Governor and he sent me an order on one of the permit collectors and when I went back the permit collector had sent his books in.

Q Is that the order and letter from Gov. Byrd (handing witness papers)

A Yes sir.

By Judge West:

We introduce this in evidence.

Letter from Dick McClish we introduce in evidence. Also the notification from the Dawes Commission.

Q In the fall of 1896 did you and your wife make application to be enrolled as members of the Chickasaw Tribe of Indians.

A Yes sir.

Q Did the enrolling officer enroll you

A Yes sir both of us.

Q Did you represent to the Clerk that she was a daughter of Joe Mitchell when you made the application.

A No sir, when I made the application for license it required a petition signed by the citizens of the country in order to get a license, and a man by the name of Ed Cotton went with me over to McClish, he was county clerk, and I presented him the petition and he looked at it, and asked Cotton if he knew the lady was a citizen of the Nation, and Cotton told him he did, and he said I will grant you the license and he went into the other room and wrote out the license and I paid him for them.

Q Who is Ed ~~Mock~~ Cotton.

A He is an Indian by blood.

Q Are you living in the Chickasaw Nation and your wife and have you lived here ever since you married.

A Yes sir, and I improved farm here. And when the enrolling officer came up to enroll us he advertised to bring their papers, so I presented him a copy of my marriage license, - had sent the original to the Dawes Commission, and he said according to my instructions I will have to enroll you, and he said is your wife a citizen by blood, and I said, personally, that is the only document I have, and he said the license stated that she was a citizen by blood, and I will enroll her as a citizen by blood. I said I have heard that my wife's right had been disputed, but if ever officially disputed I never knew anything about it. The postmaster was present.

Witness excused.

Susan E.Mays a witness for the plaintiff  
after being duly sworn testifies

Direct Examination by Judge West

Q/ You are a Chickasaw by blood are you not

A Yes sir

Q Where were you born Mrs.Mays

A In Mississippi, right on the line near Mississippi  
and Tennessee

Q Who was your father

A Joseph Mithcáll

Q Who was your mother

A Jane Bean.

Q Do you recollect coming to this country from there.

A I wasn't but 18 months old

Q Do you recollect either from your own knowledge or what  
was told you by your parents about what year they moved to this  
country.

A In the year '41 they came, I was born in 1840.

Q Do you know from what was told you whether your mother was  
adopted as a member of the Chickasaw Nation.

A She was adopted as a Natige soon after she first married

Q Was you living with your father when he died

A No sir, I wasn't

Q Was your mother living with your father when he died

Q They just had separated but hadn't been divorced, he was  
up at the Washita, he was sick, and my mother was living in Texas

Q Was she there with him when he died

A Yes sir

Q They had separated before that and she had gone back to him

A Yes sir, he sent for her and she went back.

Q Was she there when he died

A yes sir

Q You know Mr. Carson here (pointing)

A Yes sir

Q Know his wife

A Yes sir

Q You related to his wife

A Yes sir

Q You know who his wife's father was

A My half brother Alfred Bean.

Q He a son of Jane Bean who was your mother.

A Yes sir

Q Do you know whether or not Alfred Bean was recognized as a Chickasaw or not.

A Yes sir, he drew annuities and had a place

A His life ever been questioned during his lifetime.

A Never was

Q Do you know whether Ada Bean wife of Carson drew annuities or not.

A I dont remember.

Q Her father ever draw any annuities for her.

A I dont remember, I believe he did one time.

BY THE COURT:

Q Alfred was a half brother of yours A Yes sir

Q He older or younger than you.

A He is older

Q Your mother was again married A Yes sir.

Q Your father was a Chickasaw by blood A Yes sir

Q When was Alfred Bean born

A he is 3 years older, 38, I think. My mother never was barred and her rights never was questioned by the Indians.

(Submitted)

In the United States Court in the Indian Territory

Southern District at Ardmore.

M.D.Carson, et al,  
plffs

vs

Interrogatories to R.R.Bourland  
and others.

Chickasaw Nation,  
Defendant

Interrogatories to R.R.Bourland and others.

Interrogatory 1st.

Did you know Joe Mitchell and Jane Mitchell his wife during their lifetimes, and if year, state when you first knew them and also state of what nationality they were and state where they lived during the time that you knew them

Robt.H.West,  
Atty for plaintiffs.

In the United States Court for Southern District of Indian  
territory at Ardmore.

M.D.Carson,

Plaintiff

vs

Cross Interrogatories to R.R.Bourland

Chickasaw Nation,  
Defendant

Cross Interrogatory No.1.

Where did Mrs.Mitchell live after the  
death of Joe Mitchell her husband

Cross Interrogatory No.2

Do you remember when she married Mr.  
Dean. If so, state where that occurred, how long she lived  
in Texas and when she returned to the Indian territory to live

Wm.B.Johnson,

Attorney for Chickasaw Nation.

The deposition of R.R.Bourland taken on the 17th day of February ,1898, between the hours of 8 oclock A.M. and 6 oclock P.M. at the residence of T J. Phillips in the town of McAlester Central District, Indian Territory, to be read in evidence in an action between M.D.Carson et al, plaintiffs, and Chickasaw Nation, defendat, pending in the United States Court in Indian Territory, Southern District.

Answer of R.R.Bousland to Int.1.

I knew Joe Mitchell and his wife Jane Mitchell during their lifetime. I first knew Joe Mitchell in the year 1842. I first knew Jane Mitchell in the year 1843 or 1844. I knew Joe Mitchell up until his death. I knew Jane Mitchell for a number of years. Joe Mitchell was a Chickasaw Indian . He was one sixteenth blood. Hismother was one eighth Chickasaw Indian and his father was a white man. Jane Mitchell was a white woman. Joe Mitchell and his wife Jane lived on Red River on what is now Colbert Bridge, Chickasaw Nation, Indian Territory. They lived there until Joe died.

Cross Int. 1.

After Joe Mitchell's death his wife Jane Mitchell lived in Texas. She lived there about one year before his death

Cross Int.11.

Mrs.Mitchell married Mr.Bean about one year after the death of Mr.Mitchell. I do not know where this marriage occurred, but I think it was in Texas. A few years after the second marriage she came back to the Chickasaw Nation. I heard of her living on the Washita River Chickasaw Nation. I do not remember what year this was

R.R.Bourland



Indian Territory

Central District

I, Wm. Costigan, a Notary Public within and for the Central District do certify that the foregoing deposition of R.R. Bourland was taken before me and was read to and subscribed by him in my presence at the time and place and in the action mentioned in the caption, the said R.R. Bourland having been first sworn by me that the evidence he should give in the action should be the truth the whole truth and nothing but the truth, and that his statements were reduced to writing by me in his presence, neither party, in person or by attorney, being present at the examination.

Given under my hand this 17th day of February 1898.

Wm. Costigan,  
Notary Public

(SEAL)

In the United States Court for the Indian Territory Southern  
District, at Ardmore.

M. D. Carson et al Plaintiff,

vs

Substituted report of the

Chickasaw Nation, Defendant

Masters.

I find that Jane Garrison, a white woman, was married to Joe Mitchell, a Chickasaw Indian by blood, in May, 1828, in the state of Mississippi; That they lived together as man and wife until Joe Mitchells death, which occurred near Colbert in the Indian Territory and about 1843 and that they moved from the state of Mississippi to the Indian Territory with the Chickasaw Tribe of Indians when they came to the Indian Territory;

That they had four children, Thomas Mitchell, Marcus Mitchell, Jane C. Mitchell, and Susie Mitchell, all of whom are now dead but Susie E Mitchell, who is now living in the Indian Territory near Purcell, and is the wife of David M. Mays.

That in 1844 Jane Mitchell, nee Garrison, married Jno. Bean, a white man, and had one child by Jno Bean named Alfred Bean, born on the 17th day of April, 1848.

That Jane Bean, nee Mitchell, nee Garrison, lived in the Chickasaw Nation up until the time of her death which occurred about the year of 1892 or '93; that during her life she was recognized as a member of the Chickasaw Tribe of Indians and held lands as such and drew her part of the annuities as such, and drew her part of the annuities and moneys arising from the sale of the Chickasaw lands in the state of Mississippi as such member of the Tribe.

I find that Albert Bean, about the year of 1868, married Allen Cotton, who was a white woman, and lived with her in the Chickasaw Nation until his death about the year of 1876.

29

ed as a member of ~~the~~ Chickasaw Tribe of Indians by the Chick-  
asaw authorities and held lands as such and drew his part of the  
annuities . I find that Ada J.Bean was the daughter of Albert  
Bean by his wife Cotton; and that she drew annuities as a mem-  
ber of the Chickasaw Tribe of Indians.

I find that in 1891 Ada J.Bean was married to M.D.Car-  
son, a white man and that they were married according to laws  
of the Chickasaw Nation.

I find that permits were issued by the Chickasaw  
authorities to white people holding leases under M.D.Carson and  
his wife Ada.J.~~Bean~~ Carson.

I find that M.D.Carson and his wife Ada/ J Carson are  
members of the Chickasaw Tribe of Indians and are living in  
the Chickasaw Nation Indian Territory.

I therefore recommend that they be enrolled as mem-  
bers of the Chickasaw Tribe of Indians.

W.H.L.Campbell,  
Master in Chancery.

It is agreed that the above shall be substituted for  
the report of the Master in Chancery.

Rob. H. Webb.  
Atty's. for M.D.Cars  
on

-----  
Attorney for the Chic? Nat

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

M.D. Carson & Ada J. Carson, Plaintiff,

vs

Replication,

Chickasaw Nation

Defendant .

Now comes the Plaintiffs, and say that the allegation in defendants answer that the Plaintiff M.D. Carson represents to the County Clerk of Pickens County, Chickasaw Nation, that Ada J. Bean was a daughter of Joe Mitchell, a Chickasaw Indian, when he procured license to marry said Ada J. Bean is not true and it is not true that said M.D. Carson presented any fraud whatever upon said County Clerk to obtain said license all of which allegation in said answer plaintiffs hereby deny.

Plaintiffs allege the facts to be as follows: That Joe Mitchell a Chickasaw Indian by blood was married to Jane Garrison in Mississippi about 1828, and that shortly thereafter said Jane Mitchell, nee Garrison, was adopted by the Chickasaw Tribe of Indians as a member of said Tribe of Indians and that said marriage and adoption conferred upon her all of the rights and privileges of a Chickasaw by blood, and from that time she became a Chickasaw: That she drew her part of the land belonging to the Chickasaws in the state of Mississippi; That she come to the Chickasaw Nation with the Chickasaw Indians and lived here until the day of her death a few years ago; That after Joe Mitchell died said Jane Mitchell married a white man, John Bean, and by him had one child whose name was Alfred Bean; That said Alfred Bean lived in the Chickasaw Nation until his death and was always recognized as a Chickasaw by the Chickasaw Nation, and drew his part of the Chickasaw annuities; That said Alfred Bean had three children, one of whom is plaintiffs wife, to wit: Ada J. Carson, nee Bean, who was married to M.D. Carson in accordance with the laws of the Chickasaw Nation: That plaintiffs have been re-

cognized as members of the Chickasaw Nation and permits ordered issued under them by the Governor of the Chickasaw Nation.

MD. Carson

Subscribed and sworn to before me this the 26 day of  
March, A.D. 1897 .

W.H.L. Campbell,

In the United States Court in the Indian Territory

Southern District Ard Ardmore

M.D. Carson et al,

vs

Chickasaw Nation.

Interrogatories to Charles Smith and others  
to be used on behalf of plaintiff

Interrogatory 1: State your age place of residence and Nationality, and where you have lived principally during your life.

Answer to Interrogatory first. I am 79 years old, I reside near Cobbert, I.T. My nationality is negro. I have lived since 1837 with the Chickasaw Indians.

Interrogatory 2nd: Did you ever know Joe Mitchell and if so state what his nationality was and whether he is living or dead.

Answer to Interrogatory 2. I know Joe Mitchell; his nationality was Chickasaw Indian. He is dead.

Interrogatory 3rd. If ~~xxxxxx~~ if answer to Int 2 you state that you knew Joe Mitchell and that he was a Chickasaw Indian and that he is dead, then state whether he was married or single and if married state whether or not

his wife was an Indian or a white woman and state who she was.

Ans to Int.3rd. He was married; his wife was a white woman  
her maiden name was Jane Garrison

Int 4th If in answer to Interrogatory 3rd you state that Joe Mitchell is dead and that he was married and that his wife was a white woman, then state when and where he was married and his wife's maiden name and state also whether or not his wife was ever adopted into the Chickasaw Tribe of Indians, and if yes, when and where she lived during her lifetime and whether or not she was recognized by the Chickasaw authorities as a member of their tribe and if yes, in what way.

Answer to Interogatory 4th. I do not know the date he  
was married . He was married in the state of Mississippi;  
His wife's maiden name was Jane garrison. I cannot answer as to  
her being adopted into the Chickasaw Tribe of Indians. She  
lived with the chickasaw Indians, up to the time of Joe Mitchells  
death as a member of their tribe. She and her children always  
drew annuities with and the same as other Ch~~ick~~asaw Indians.

Signed by mark

Charles his x mark Smith.

Subscribed and sworn to before me this the 19th day of Feb. 1898

L.P.Beavers

Notary Public

(SEAL)

In the United States Court for the Southern District of Indian  
Territory at Ardmore.

M.D. Carson,

Plaintiff

Chickasaw Nation,  
Def't.

Cross Interrogatories to Charles Smith et al.

Interrogatory 1

Was Joe Mitchell a Chickasaw Indian by blood; if you state that you knew him state when he died and where he lived and when he died and how long he had been living there prior to his death

Answer to Interrogatory 1st.

Joe Mitchell was a Choctaw Indian by blood; he died about the year 1846; he lived before and up to his death in the Chickasaw Nation in Panola County near Colbert Station. He had been living there about four years prior to his death.

Interrogatory 2nd

Do you know the widow of Joe Mitchell, if so state where she lived after his death and how long she lived there; whom she married, if any one, and when, if at all, she returned to the Indian Territory.

Answer to Interrogatory 2nd.

I knew the widow of Joe Mitchell; she lived in the Chickasaw Nation up to the time of his death after his death she moved to Texas; cant answer how long she lived there. She married a man by name John Bean about the year 1847. Dont know whether or not she ever returned to the Chickasaw Nation to make it her home; saw her at different times visiting since her marriage with John Bean

Interrogatory 3rd.

Did you know Mr. Bean whom the widow Mitchell married



in Texas, if so state whether ~~xxxx~~ or not he was a United States citizen when she married him; when she married him; how long they lived in Texas; whether or not they had any children and when Mrs.Bean returned to the Territory, if at all

Answer to Interrogatory 3rd.

I knew John Bean that married the widow Mitchell. He was a United States citizen when she married him. She married him in the state of Texas. They lived together til his death; dont remember just how many years, my recollection is about four or five years. They had one child a boy, his name was Alfred Bean. Dont know whether or not Mrs.Bean ever returned to the Indian Territory to live at all

Signed by mark

Charles his x mark Sith.

Sworn to and subscribed before me this the 19 day of Feb.1898.

L.P.Beavert,

Notary Public.

(SEAL)

In the United States Court in the Indian Territory

Southern District at Ardmore.

M.D. Carson et al,

vs

Chickasaw Nation.

Interrogatories to Charles Smith and others  
to be used on behalf of plaintiff.

Interrogatory 1st:

State your age, place of residence and nationality and where you have lived principally during your life.

Interrogatory 2nd.

Did you ever know Joe Mitchell and if yea, state what his nationality was and whether he is living or dead.

Interrogatory 3rd

If in answer to Interrogatory 2nd you state that you knew Joe Mitchell and that he was a Chickasaw Indian and that he is dead, then state whether he was married or single and if married, state whether or not his wife was an Indian or a white woman and state who she was.

Interrogatory 4th

If in answer to Interrogatory 3rd you state that Joe Mitchell is dead and that he was married and that his wife was a white woman, then state when and where he was married and his wife's maiden name, and state also whether his wife was ever adopted into the Chickasaw Tribe of Indians, and if yea, where and when she lived during her lifetime and whether or not she was recognized by the Chickasaw authorities, as a member of their tribe and if yea, in what way.

Robert H. West, Atty for Plffs.

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

M.D.Carson,  
Plaintiff

vs Cross interrogatories to Chas. ~~Stock~~ Smith et al.

Chickasaw Nation,  
Defendant.

Cross Interrogatory No.1.

Was Joe Mitchell a Chickasaw Indian by blood: If you say that you knew him, state when he died and where he lived when he died and how long he had been living there prior to his death?

Cross Interrogatory No.2.

Do you know the widow of Joe Mitchell If so, state where she lived after his death and how long she lived there; whom, if any one, she married; and when, if at all, she returned to ~~the~~ the Indian Territory.

Cross Interrogatory No.3.

Did you know Mr. Bean whom the widow Bean married in Texas. If so, state whether or not he was a United States citizen when she married him, where she married him, how long they lived in Texas, whether they had any children or not, and When Mrs.Bean returned to the Indian Territory, if at all.

Wm.B.Johnson,  
Attorney for Chickasaw Nation.

In the United States Court in the Indian Territory  
Southern Dist at Ardmore/

M.D. Carson et al,

vs

Chickasaw Nation.

Additional testimony of Charles Smith to be  
used on behalf of plaintiff

Interrogatory 1.

State if you know whether Jo Mitchell and his wife drew  
lands as other Chickasaw Indians in the State of Mississippi.

Ans to Int 1.

Yes, they drew land in Mississippi the same as  
other Indians.

Signed Charles his x Mark Smith.

Sworn to and subscribed before me at my office in Colbert, this  
the 4th day of March 1898.

L.P. Beavert.

(SEAL)

United States of America

Indian Territory

Southern District

I, L.P.Beavert, a duly appointed and qualified Notary Public within and for the Southern Dist, I.T. do hereby certify that the foregoing depositions of Charles Smith were taken by me and were read to and subscribed by him in my present at the time and place and in the action mentioned in the caption, the said parties having been first sworn by me that the evidence he should give should be the truth the whole truth and nothing but the truth, and that his statements were reduced to writing by me in his presence, and that neither one of the parties to the suit were present when I taken the depositions of Charles Smith.

Given under my hand and seal at Colbert within the Southern Dist, I.T. this 19 day of Feb:, 1898.

L.P: Beavert.

Notary Public

To L.P.Beavert Notary Public, Dr.,

\$6.50

Received payment of Robert H. West,  
L.P.Beavert.

United States of America  
Indian Territory.

Southern District.

Additional testimony of Charles Smith to be  
used in the United States court at Ardmore in the suit M.D. Carson  
et al vs Chickasaw Nation.

*Vol 113  
T x*

I, L.P. Beavery a duly appointed and qualified Notary Public  
within and for the above stated Dist do hereby certify that  
the foregoing depositions of Charles Smith were taken before me  
and were read and subscribed by them in my presence at the time  
and place and in the action mentioned in the caption, the said  
parties having been first duly sworn by me that the evidence they  
should give ~~in~~ in the action should be the truth the whole  
truth and nothing but the truth, and that their statements  
were reduced to writing by me in their presence, and that neither  
of the parties to the suit were present when I taken Charles  
Smith's evidence.

Given under my hand and seal at Colbert, within the  
Southern District, this 3rd day of March, 1898

L.P. Beavery,

Notary Public

Received payment of R.H. West, L.P. Beavery.

77

Received payment of R.H. West, I.P. Beavert.

Notary Public

I.P. Beavert,

Southern District, this 5th day of March, 1899

Given under my hand and seal at Colbert, within the Smith's evidence.

of the parties to the suit were present when I taken Charles were reduced to writing by me in their presence, and that neither truth and nothing but the truth, and that their statements should give exact in the action should be the truth the whole parties having been first duly sworn by me that the evidence they and blame and the action mentioned in the caption, the said and were read to and subscribed by them in my presence at the time the above deposition of Charles Smith were taken before me with in and to the above appeared Dist do hereby certify that I, I.P. Beavert a duly appointed and qualified Notary Public at the Chickasaw Nation.

used in the United States Court at Vicksburg in the suit M.D. Carson

Additional testimony of Charles Smith to be

Southern District.

Indian Territory.

United States of America

No 113 T x

M.D. Carson  
Choctaw

Chickasaw Nation

40

M. D. Carson et al.

Vs. No. 114, Judgment Southern Dist. March 17, 1898.

Chickasaw Nation.

This da this cause came on to be heard upon the report of the Master In Chancery W. H. L. Campbell and the exceptions of the defendant filed thereto and also defendants plea to the jurisdiction of the Court to hear and determine this cause; and the court having heard said report and the evidence in support of the same, and the exceptions thereto, and argument of counsel thereon is of the opinion that defendants plea to the jurisdiction is not well taken, doth overrule and disallow the same; and is of the further opinion that the report of the Master in Chancery finding that plaintiffs M. D. Carson and Ada J. Carson, are members of the Chickasaw Tribe of Indians, is in all things correct, and supported by the evidence, and the same is hereby in all things confirmed, and the exceptions thereto overuled and disallowed.

It is therefore considered and so adjudged and decreed by the court that the plaintiffs, M. D. Carson and Ada J. Carson are members of the Chickasaw Tribe of Indians and entitled to be enrolled as such. To all of which in open court excepts.

Hosea Townsend Judge.



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

-0-

M.D.CARSON, ET AL,  
Plaintiffs,

VS.

THE CHOCTAW AND  
CHICKASAW NATIONS,  
Defendants.

---: P E T I T I O N :---

Come now the petitioners, M.D.Carson and Ada J.Carson, and respectfully represent and show to the court:

That they and each of them are now, and have been at and since all the dates and times hereinafter mentioned, residents of the Chickasaw Nation, Indian Territory. That they, and each of them, are citizens and members of the Chickasaw Nation or Tribe of Indians.

That on the 7th 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, petitioners herein filed their application with said Commission to the Five Civilized Tribes for citizenship and membership in the Chickasaw Nation or Tribe of Indians.

That, in due course of time, said Commission heard said application and rejected the same and denied the claim of petitioners herein to citizenship in the Chickasaw Nation.

That thereafter, and within the time prescribed by law, petitioners herein appealed from the decision 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 appealed cause was docketed and styled "M.D.Carson, et al, vs. Chickasaw Nation, No. 114".

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.114, styled as aforesaid, M.D. Carson, et al, vs. Chickasaw Nation, and said court therein determined and adjudged these petitioners and each of them to be citizens and members of the Chickasaw 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 Chickasaw Nation or Tribe of Indians, as members thereof, which said judgment was entered by and entered of record in said court on the 7th day of March, 1898.

Petitioners further show 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 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 the defendants named in said cause and all other persons claiming citizenship in the Choctaw and Chickasaw Nations by virtue of judgments rendered in the United States Courts for the Southern and Central Districts of the Indian Territory, under the Act of June 10, 1896.

Your petitioners state that they were not parties 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 judgment 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 judgment of the United States Court for the Southern District of the Indian Territory, at Ardmore, admitting them to citizenship in the Chickasaw Nation, and that said judgment of said United States

Court for the Southern District of the Indian Territory is still in full force and effect.

But petitioners state that, inasmuch as this court has entered its judgment and decree setting aside all the judgments of the United States Court for the Southern and Central Districts of the Indian Territory, wherein persons not specially made parties thereto, but who were similarly situated to the defendants specially named in said suit of "The Choctaw and Chickasaw Nations or Tribes of Indians, plaintiffs, vs. J.T.Riddle, et al, defendants", the said United States Commission to the Five Civilized Tribes is denying and will continue to deny the right of petitioners herein to be enrolled as members of said Tribe of Indians, unless the files, and proceedings, in said cause No.114, styled M. D. Carson, et al, vs. Chickasaw Nation, in said United States Court for the Southern District of the Indian Territory, at Ardmore, be certified and sent to this court for further proceedings herein, and unless this court should by its decree finally determine and adjudge said petitioners to be citizens and members of said Chickasaw Nation, said Commission will refuse to enroll them as such citizens : - - - -

N O W, T H E R E F O R E, said petitioners, still insisting upon their rights as members of said tribe and the validity and finality of said judgment of the United States Court for the Southern District of the Indian Territory, at Ardmore, admitting them to citizenship, and without waiving any of the rights adjudged and decreed to belong to them ~~xxxx~~ and conferred upon them by law under and by virtue of said judgment of said United States Court for the Southern District of the Indian Territory, at Ardmore, said petitioners most respectfully pray 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 Southern District of the Indian Territory, at Ardmore, to certify and deliver to this court all files, papers, documents, evidence and proceedings had in said cause No.114, M.D.Carson, et al, vs.

Chickasaw Nation, heretofore pending in said United States Court, at Ardmore; 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.

*Albert Gilbert*

ATTORNEYS FOR PETITIONERS.

NO.....

IN THE CHOCTAW AND CHICKASAW  
CITIZENSHIP COURT.

M. D. Carson, et al,  
vs.  
The Choctaw and  
Chickasaw Nations.

PETITION FOR WRIT OF ERROR.

Gilbert & Gilbert,  
Duncan, I.T.,  
Attorneys for Petitioners.

In the Choctaw and Chickasaw Citizenship Court,  
Sitting at Tishomingo, I.T., June 28th, 1904.

---o---

M. D. Carson, et al,

--vs--

No. 113.

The Choctaw and Chickasaw Nations,

-----o-----

JUNE 28, 1904; This day this cause coming on to be heard before the Hons. Spencer B. Adams, Chief Judge and Walter L. Weaver and Henry S. Foote, Associate Judges of said Court, the Plaintiffs, being represented by their Attorneys, Gilbert & Gilbert and Mr. Bond and the Defendants by their Attorneys, Mansfield, McMurray & Cornish, the following proceedings were had to-wit;

--o--

Judge John T. Potts,  
being duly sworn as a witness on behalf of the Plaintiffs,  
testified as follows;

Mr. Gilbert;

Q.- You may state your name to the Court?

A.- John Taylor Potts.

Q.- Did you know B.F.Colbert in his life time?

A.- Yes, sir.

Q.- Do you know when he died?

A.- I cannot tell the exact time.

Q.- You know about what year?

A.- Sometime before 1896.

--1--

Q.- You are certain he was dead in 1896?

A.- O, Yes.

Q.- Did you know Sam Love?

A.- Yes, sir.

Q.- Is he living or dead?

A.- Dead.

Q.- You know when he died?

A.- No, sir, I don't know, but sometime before 1896, they both died before 1896.

Q.- Were you at their funerals?

A.- Saw old uncle Sam Love lying a corpse, but was at Colbert's burial.

C r o s s E x a m i n a t i o n .

Mr. Cornish;

Q.- When did they occur?

A.- I don't know what year it was, but I know it was before 1896.

Q.- How long before 1896?

A.- Well, I cannot state.

Q.- Then you are not able to state definitely what year it was?

A.- No, sir.

Mr. Gilbert;

We now desire to offer the affidavit of Sam Love, subscribed and sworn to before A.H.Law on the 20th day of ~~xxxx~~ October 1891., and ask that it be marked exhibit "A".

Mr. Cornish;

We object to the introduction of the paper referred to as evidence in this case and state in support of such objection that it is not such a paper as might have been made use of before the Commission to the Five Civilized Tribes under the specific terms of the Act of June 10, 1896, and secondly

there is no evidence that it was used before the Commission,  
there is no file mark on it.

Mr. Gibbert;

We desire to state in reply that the record offered here is a part of the record offered before the Dawes Commission and used before the United States Court, and transferred to this Court under this Court's Writ of Error.

Mr. Gilbert;

We now desire to offer the affidavit of B.F.Colbert, sworn to before S.P.Beavert in 1893. Ex "B".

This affidavit is to the effect that the grandmother of this applicant was adopted by the Chickasaw Authorities in Mississippi in 1828, I think, I do not remember the exact date.

Mr. Cornish;

The Nations set forth the same objection urged to the papers previously offered.

Mr. Gilbert;

We now desire to offer a certified copy of the records of the office of the Commissioner of Indian Affairs. Ex."C".



Susan E. Maze,

being duly sworn, on behalf of the Plaintiffs, testified  
as follows;

Mr. Gilbert;

Q.- Do you know Joseph Mitchell?

A.- That was my father.

Q.- Where did he live at the time you were born?

A.- In Mississippi near Tennessee, and then the line  
was run and they was in Tennessee.

Q.- Your father was an Indian?

A.- Yes, sir, One eighth Indian.

Q.- What was your mother's maiden name?

A.- Garrison.

Q.- She married Joseph Mitchell?

A.- Yes, sir.

Q.- He was duly enrolled as an Indian?

A.- Yes, sir.

Q.- Subsequent to that time, was your mother, adopted by the  
Tribal Authorities?

A.- Yes, sir, in the old Nation.

Mr. Cornish;

We object to that and ask that it be stricken out. The  
record would be the best evidence.

Q.- How many children did your father have by this first  
marriage?

A.- Four.

Q.- Give their names please.

A.- Thomas L. Mitchell, Marcus Mitchell. Mary Jane and  
Susan E.

Q.- When was Mary Jane Born? Do you know?

A.- I was born in 1840 and that would make her in 1838.

She is three years older than I am.

Q.- That would make her born in 1837, then?

A.- Yes, 1837.

Q.- Your family then consisted of six?

A.- Yes, sir.

Q.- You and your sister were both born subsequent to 1835?

A.- Yes, sir.

Q.- Have you a certificate from the Interior Department, showing the allotment of the family; of Joseph Mitchell's family, four in number?

A.- Yes, sir.

Q.- Will you tell me please, who they were?

A.- My two brothers and father and mother.

Q.- Your mother then was allotted in Mississippi at the same time your father and two brothers were?

A.- Yes, sir. They relinquished their rights back there and took up rights in this country, when they moved here in 1841.

Q.- They left this land, then?

A.- Yes, sir.

Q.- When did your father die, Joseph Mitchell?

A.- In the Spring of 1845.

Q.- Did your mother remarry?

A.- Yes, sir. She married a man by the name of John Bean.

Q.- Did they have any children?

A.- One boy.

Q.- What is its name?

A.- Alfred Bean.

Q.- He was your half brother?

A.- Yes, sir.

Q.- What relation does Alfred Bean bear to the wife of the present applicant, Ada Carson?

A.- She washis daughter.

Q.-Do you know whether your half brother and his child have been recognized as citizens of the Chickasaw Nations and have held land as such?

A.- Yes, sir, my brother moved here and was recognized here and drew annuity for several years.

Mr. Cornish;

We object to that; this case does not parallel the cases where the parties claim by blood, in which cases such things might be competent as circumstances. This case is entirely a question of law and any recognition by individuals or the tribal authorities would not be competent. If there was an adoption of these people the record would be the best evidence.

Mr. Gilbert;

Q.- Jane Bean was your mother?

A.- Yes, sir.

Q.- When did she die?

A.- In 1894, April 10, 1904.

Mr. Gilbert;

We now offer the affidavit of Jane Bean, signed and sworn to before A.H.Law, the 30 day of October, showing that she was adopted by the Chickasaw Council.

Ex. "D".

Mr. Cornish;

In addition to the general objection heretofore urged to affidavits introduced in this case, we wish to object to the facts set out in the face of the affidavit; our view being that the record would be the best evidence of the adoption.

Judge Adams;

Would there be a record of that.

Mr. Cornish;

I will state that there is ample record of all proceedings.

Mr. Gilbert;

The testimony of this lady shows that there were four children born to Joseph Mitchell by his wife, who was after Mrs. Bean, and that two were born subsequent to 1835. This certificate shows four allotments granted to Jos. G. Mitchell in 1835 and she says that those four were her father and mother and two brothers. I don't believe it would be the policy of this Court to require us to produce these records. The certificate from the Interior Department shows the status of these people in 1835. If there is any further question about it, we would desire time in which to procure these records.

Mr. Cornish;

If your record shows anything, it shows that this woman was the wife of Jos. Mitchell, and to that extent, she becomes an intermarried citizen, and that that condition existed, there is no controversy, and therefore her rights parallel those of the other intermarried citizens, if she establishes that she was adopted, our contention will be that that was a personal right.

Cross Examination.

Mr. Cornish;

Q.- What is your age?

A.- I will be sixty four the 24th of next month.

Q.- You were born in what year?

A.- 1840.

Q.- In the State of Mississippi in the old Nation?

A.- Yes, sir.

Q.- You were quite young when you were brought here?

A.- Yes, sir, moved to the Territory in 1841.

Q.- What year did your father die?

A.- 1845 or 1846.

Q.- Just two or three years after you came here?

A.- Yes, sir.

Q.- Then your mother -- what year did she remarry this man  
Bean?

A.- In 1847.

Q.- Your father died in 1845 you think and she remarried in  
1847?

A.- Yes, sir.

Q.- She has lived in Texas a great many years?

A.- Yes, sir.

Q.- When did she move to Texas?

A.- We moved after my father died.

Q.- What year did your mother move to Texas?

A.- In 1846.

Q.- Before she married Bean?

A.- Yes, sir.

Q.- Your father died in about 1845?

A.- Yes, sir.

Q.- And in 1847 she married Bean?

A.- Yes, sir.

Q.- In what county?

A.- Grayson County?

Q.- How long did she continue to live in Texas?

A.- I cannot tell the years, but I can tell how long ago it  
hasbeen; twenty seven years.

Q.- Moved back to the Territory twenty seven years ago?

A.- Yes, sir.

Q.- You have reference to your mother?

A.- Yes, sir.

Q.- How long after she moved back, was it she died?

A.- She died in 1894.

Q.- Now, you are a Chickasaw Indian by blood?

A.- Yes, sir.

Q.- You get your blood from your father, Joe Mitchell?

A.- Yes, sir.

Q.- After his death your mother remarried a white man named Bean?

A.- Yes, sir.

Q.- All the parties in this case are white people?

A.- Yes, sir.

Q.- There is no Chickasaw Blood in them?

A.- No, sir, they claim through adoption.

Q.- You mean that is their claim?

A.- Yes, sir; they was always recognized.

Mr. Cornish;

I did not ask that and I wish it to go out.

Mr. Gilbert;

Let the record show it was asked for by us.

Mr. Cornish;

Q.- These people were living here in 1893, were not they; the applicants?

A.- Yes, sir.

Q.- You drew the "Leased District Money" in 1893?

A.- Yes, sir.

Q.- They did not draw it, did they?

A.- My mother drew her money, I don't know whether these parties did or not.

Q.- Your mother was the wife of your father, an Indian?

A.- Yes, sir.

Q.- Did this white child draw this money?

A.- I don't know.

Q.- You don't know of your own personal knowledge that this child ever drew any money?

A.- I am satisfied he did.

Q.- Your mother was living then?

A.- Yes, sir.

Q.- He drew money for your mother?

A.- No, he drew his separate and she drew hers and I drew mine.

Q.- When did that occur?

A.- When we were in Texas.

Q.- Your mother was then living in Texas?

A.- Yes, sir. We drew annuity after I was married the last time.

Q.- These white children were not put on the '93 pay roll?

Mr. Gilbert;

We object to that, the roll would be the best evidence.

A.- I cannot say because the roll would show that.

Witness excused.

--o--

M. D. Carson,

being duly sworn on behalf of the Plaintiff, testified as follows;

Mr. Gilbert;

Q.- State your name?

A.- M.D. Carson.

Q.- Are you acquainted with Ada Carson?

A.- She is my wife?

Q.- When were you married?

A.- In February, 1891.

Q.- Where were you married?

--10--

A.- Ardmore.

Q.- Did you procure a license?

A.- Yes, sir.

Q.- I will get you to examine that and see if it is a copy of your marriage license?

A.- That is the original license?

Mr. Gilbert;

We desire now to offer in evidence the original license granted by Richard McLish, County and Probate Judge of Pickens County, Chickasaw Nation. Ex. "E".

Q.- Did you have any issue of that marriage?

A.- Yes, sir; we have got one boy.

Q.- What is his name please?

A.- J. Milton Carson.

Q.- That is the little boy here, is it?

A.- Yes sir.

Q.- Your family then, consists of yourself, your wife and one child?

A.- Yes, sir.

Q.- I will ask you to tell the Court whether you have ever exercised the privileges of a citizen of the Chickasaw Nation since you were granted that license by the Chickasaw Nation?

A.- Yes, sir, in this way; had the use and benefit of a farm; put in a farm.

Q.- Did you hold land?

A.- Yes, sir.

Q.- Did you pay for that license?

A.- Yes, sir.

Q.- How much?

A.- Fifty Dollars.

Q.- You paid it to Mr McLish for the benefit of the Chickasaw



Nation?

A.- I paid him \$50.00 for the license; he told me that is what it cost.

Cross Examination.

Mr. Cornish;

Q.- You are a white man?

A.- Yes, sir.

Q.- Your wife is a white woman?

A.- Yes, sir.

Q.- Your children -- have you more than one?

A.- Just one.

Q.- You are all white people; there is no contention that you are possessed of Chickasaw blood in any degree?

A.- Not a bit.

Q.- In what year did you marry?

A.- In 1891.

Q.- Then you were a married man in 1893?

A.- Yes, sir.

Q.- Your wife didn't draw the leased district money in 1893?

A.- I went up to Purcell where they were paying it out; they didn't come where we were living; when we got there the party just went away and I didn't make application.

Q.- The fact is she didn't draw the money.

A.- No, sir.

Q.- The names of your wife and child were not placed on the rolls of 1893?

Mr. Gilbert;

We object to that.

Mr. Cornish;

Q.- Did you make application to the Commission for the placing of your name upon the roll?

A.- No, sir, no one came in our part of the country.

Q.- The name of your wife was not placed on the '96 Census Roll by the Indian Commission that made the Roll of 1896?

A.- No, she was rejected.

Q.- You made application to the Dawes Commission in 1896?

A.- Yes, sir.

Q.- Why did you make application to the Dawes Commission in 1896?

A.- They sent out notices; circulars.

Q.- You made application that your citizenship might be passed on?

A.- Yes, sir.

Mr. Gilbert;

We offer the record certified to this Court for such purposes for which it can be used under the rulings of the Court.

Mr. Cornish;

We object to the record offered except so much of it as may be competent under the rulings of the Court.

Mr. Gilbert;

That is all the testimony we will have, except the applicants desire to have the case held open until they can make an investigation and try and locate the <sup>record of</sup> adoption by the Chickasaw Nation.

The Court;

How much time would you want?

Mr. Gilbert;

I should think thirty days would be sufficient.

The Court;

All right.

Mr. Cornish;

So far as we are concerned the case may be closed.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT, SITTING AT  
TISHOMINGO IN THE INDIAN TERRITORY,  
NOVEMBER TERM, 1904.

M. D. Carson, et al.,

vs. No. 113.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this the 29th day of November, 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, M. D. Carson and Ada J. Carson, 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, M. D. Carson and Ada J. Carson, 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.

.....  
Chief Judge.

.....  
Associate Judge.

.....  
Associate Judge.

COMMISSIONERS  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BEECKINRIDGE,  
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Chickasaw 415

ALLISON L. AYLESWORTH,  
SECRETARY

South McAlester, Indian Territory, August 20, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 24, 1903.

The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Dear Sirs:

Mansfield, McMurray & Cornish,

Will you kindly give us the present post office address,  
South McAlester, Indian Territory,

as shown by the records of the Commission of David Mays and Susan  
Gentlemen:

Mays, citizens of the Chickasaw Nation.

Awaiting your early reply, we are,

Very respectfully,  
asking the present post office address of David Mays and Susan Mays,  
citizens of the Chickasaw Nation.

Dictated. In reply thereto you are advised that the last known post  
T.113.

office address of David and Susan E. Mays, as shown by our records  
is Beef Creek, Indian Territory.

Respectfully,

*David Mays*  
415

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 24, 1903.

Mansfield, McMurray & Cornish,  
South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of August 20,  
asking the present post office address of David Mays and Susan Mays,  
citizens of the Chickasaw Nation.

In reply thereto you are advised that the last known post  
office address of David and Susan E. Mays, as shown by our records  
is Beef Creek, Indian Territory.

Respectfully,

*August B. B. B.*

Chairman.

~~Commissioner in Charge.~~

*aka*

In the case of M.D.Carson,et al,I was instructed to see Sam Love of Colbert,I.T. At Colbert I learned that Sam Love is dead.

In the same case I was instructed to see J.F.Gooding of Colbert, I.T. At Colbert I learned that J.F.Goodning is at Sulphur Springs, I.T.For his health.

In the same case I was instructed to see Old Uncle Charley Smith of Colbert,I.T. At Colbert I learned that Charley Smith has gone to Tishomingo perhaps to spend the summer

M.D.CARSON, ET AL.

The applicants are M.D. Carson and his wife Ada J. Carson.

Application states that in the Chickasaw District in Mississippi one Jane Garrison, a white woman, married Joe Mitchell, a Chickasaw Indian by blood about the year 1828; that said marriage was performed according to the laws and customs of the Chickasaw Indians then in force; and that Jane Mitchell, nee Garrison, was duly and legally adopted into the Chickasaw Nation as a member thereof. ; that she and her husband moved from Miss to the Indian Territory with the Chickasaws when the tribe left Miss. That about the year 1843 Joe Mitchell died; and that about the year 1844 Jane Mitchell, his widow, married John Bean, a white man, by whom she had one child, Alfred Bean, born about the year 1848; that in 1868 Alfred Bean married Ellen Cotton, and Ada J. Carson, nee Bean, was one of the children of that marriage. That Ada married M.D. Carson, a white man, which marriage was performed in accordance with the laws and customs of the Chickasaw Nation. That Jane Garrison was recognized by the Chickasaw authorities during her whole lifetime. She drew her prorata share of lands in the Chickasaw District of Mississippi as a Chickasaw Indian. She drew annuity money and held and occupied lands as a member of the tribe. That Alfred Bean during his lifetime was recognized by the Chickasaw authorities as a member of the tribe, and held land and drew annuity money. That the petitioner, Ada J. Carson, has been so recognized; has held lands and drawn annuity money. That M.D. Carson has also been recognized as a member by intermarriage. Petitioners were on the rolls of the tribe; but their names have been improperly erased from the rolls.

The Chickasaw Nation answering says that a <sup>Marriage</sup> license was granted to M.D. Carson and Ada J. Bean upon the representation that Ada J. Bean was a daughter of Joe Mitchell whom the authorities recognized and knew to be a Chickasaw Indian; but the Nation now says that it has ascertained that Ada J. Bean was not a daughter of Joe Mitchell, but that she was the daughter of the widow of Joe Mitchell who had married another white person; and that said Ada was not a Chickasaw Indian either by blood or adoption; and that neither she nor M.D. Carson are entitled to any of the rights and privileges of the members of said Nation.

*the applicants were denied by*

The judgment of the Dawes Commission, ~~is not shown~~. The case was appealed to the United States Court for the Southern District. Referred to W.H.L. Campbell, Master in Chancery, who found the facts to be as stated in the application. Applicants were admitted by the court.

#####

SAM LOVE says that he lives in Panola County, Chickasaw Nation. That he knew Joe Mitchell in Panola County about the year 1844; that Joe Mitchell was a Chickasaw Indian. That he was married to a woman by the name of \_\_\_\_\_; that after Joes death his widow married a man by the name of Bean. She had a son by Bean by the name of Alf Bean.

B.F. COLBERT says that he is 67 years old; is a Chickasaw by blood and lives near Colbert in Panola County. He is well acquainted Jane Bean First knew her in Miss. Her name was Jane Garrison before her marriage in 1828 or 1829. She married Joe Mitchell in Mississippi. Joe Mitchell was a Chickasaw by blood. Joe and his wife came to the present Territory about the year 1842, and in the year 1846 otr thereabouts Joe died. After his death his wife moved to the State of Texas. In 1847 she married a man by the name of John bean who was a white man and a citizen of the U.S. Alfred Bean was the issue of said marriage. Jane Bean and her son Alfred lived in the Chickasaw nation for a number of years prior to the death of Alfred, and Janr has always been recognized as a citizeh of the Nation and ~~all~~ <sup>all</sup> enjoyed the rights and privileges of such. Jane Bean always drew annuity from the Chickasaw Government...

MRS. JANE BEAN says that she is 83 years old and lives at Beef Creek in Pickens County. Her maiden name was Jane Garrison. In May, 1828 she was lawfully married to Joe Mitchell in Mississippi. Joe was a Chickasaw Indian by blood. Shortly after her marriage her husband told her that he had had her adopted by the Chickasaw Council in order to doubly protect her future rights as a member of the tribe. (This is a lie outright.) She had four children by Joe, of whom Jane was one. After Joe Mitchells death she was lawfully married to John Bean, a white man and a citizen of the United States. Said marriage was made in the State of Texas about the year 1844. She had one child by John Bean; his name was Alfred. In 1868 Alfred married Ellen Cotton and he had by her 3 children of whom Ada J. Bean was the oldest. Ada Bean married M.D. Carsq Affiant further s ys that she drew land in the old state of Miss. and was



always recognized as a member of the tribe. Alfred Bean was also recognized by the tribe as a member of it. He drew money, and held and improved lands.

DAVID MAYS says that he is 57 years old; is a Chickasaw intermarried citizen. He is acquainted with the applicants and know that they are white people. Ada J. Carson, nee Bean, is the daughter of affiant's wife's half brother. The father of affiant's wife was a Chickasaw; her mother was a white woman. After the death of his wife's father his wife's mother married a man by the name of Bean, a white man, and Ada is one of his daughters.

J. F. GOODING says that he is 37 years old and is a Chickasaw Indian by blood. Lives near Colbert, I. T. Names the various offices he has held. Has never heard of Ada J. Bean nor of her husband, M. D. Carson. Is sure that if any such Chickasaws had lived near Colbert affiant would have known them.

R. R. BOURLAND says that he is 77 years old and lives at McAlester. He was personally acquainted with Joe Mitvhell, a Chickasaw Indian by blood. Joes wife, Jane, was adopted into the Chickasaw tribe as a member thereof by the method of adoption then customary. After Joes death Jane married a man named Bean. They had one boy but affiant does not remember his name. After Joe and his wife came to this country they separated and his wife went to Texas. A few years after that Joe died.

ADA J. CARSON says that she is 28 years old ; is the wife of M. D. Carson. Her fathers name was Alford D. Bean. He was a son of Jane Bean who married Joe Mitchell. After Joe Mitchells death Jane married John Bean a white man; Alford was the son of Jane and John Bean. Has heard her grabdmother say that she was adopted by the Chickasaw Tribe before shexmoved to this Country Also that she drew her part of the Indian lands back in Miss before coming here.

#####

DAVID MAYS says that he has known Mrs Carson ever since her birth. Her maiden name was Ada Bean. She was born in Grayson Co., Texas. She has been living in the Chickasaw Nation for about 20 years. Alfred bean was her father. Jane Bean was her grandmother. Deponent's wife and Ada Bean's father were half brother and sister. Deponent's wife was a daughter of Jane Bean and Joe Mitchell; and Alfred Bean was a son of Jane Bean and John Bean. Joe Mátchell was a Chickasaw Indian. Alfred Bean was recognized by the tribe and drew annuities. Thinks that Ada drew annuities, but cannot be positive.

Alfred Bean died at his mother's place in Texas. He owned a place in the Chickasaw N<sup>n</sup>tion on Washita at the time.

M.D. CARSON, husband of Ada, says that B.F. Colbert told him that Jane Bean was adopted by the Chickasaw Council in Mississippi; that he, Colbert was present at the time and saw it done; that he Colbert, had known her all his life, and came to this country with her. Affiant has had orders for permits from Governor Byrd, but does not seem to have obtained any permits. In the fall of 1896 the enrolling officer of the Chickasaws enrolled deponent and his wife as members of the tribe. No representation was made that Ada was related to Joe Mitchell. Neither was such a representation made when deponent procured license to marry Ada.

SUSAN E. MAYS says that Joseph Mitchell was her father and that Jane Bean was her mother. Knows from what has been told her that her mother was adopted by the Chickasaw Nation immediately after her marriage with Joe Mitchell. Her father and mother separated after they came to this country, and her mother went to Texas. Her father continued to live on Washita and died in a few years. Knows carson and his wife., Ada. Ada's father was Alfred Bean. He drew annuities and held land.

2  
- 1896

R.R. BOURLAND says that he knew Joe Mitchell and his wife Jane during thier lifetime. Joe was a sixteenth blood Chickasaw Indian.

CHARLES SMITH says that he is a negro, 79 years old and lives near Colbert. Knew Joe Mithhell, a Chickasaw Indian by blood. Does not know whether Joes wife was ever adopted into the tribe or not. She and her children drew annuities the same as other members of the tribe. They also drew land.

#####

CONCLUSION.

From this testimony, assuming that Joe Mitchell's wife was never formally adopted by the Chickasaw Tribe, the case is one of law. The evidence is conclusive as to all of the ~~###~~ other facts. Did the marriage of a citizen by blood at that time confer <sup>citizenship on the</sup> ~~the right of~~ wife? If so the right became a vested one.; for the marriage was consummated prior to the passage of the marryingout laws. There is no evidence to show that Jane was adopted by the tribe.

M. N. Brown

Joe Mitchell  
(Chief Justice)

James  
Harrison  
(white)

claims to have  
been adopted

M. N. Brown

John Brown  
(white)

John Brown  
(white)

M. N. Brown

John Brown  
(white)

claims to have been  
sworn and sworn  
emitting that adopted.

M. N. Brown  
(white)

M. N. Brown

John F. Carson  
(John Brown)  
(white)

Grand alleged

John W. Brown

Walter Brown

Purely a question of law.

Applicants admit they are white  
persons and facts are probably  
as testified to.

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 Sishonings, by M. D. Corson et al

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 M. D. Corson et al File No. 114 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 24 day of March A. D., 1903.

James B. Curran Clerk.

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



MARSHAL'S RETURN

MARSHAL'S RETURN.

United States of America,  
Indian Territory,  
DISTRICT.

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

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

*Duplicate*  
*No. 113-7*

**SUMMONS  
IN EQUITY.**

*M. D. Cannon et al*

vs.  
Choctaw and Chickasaw Nations.

Summons issued *24* day of  
March, 1903. Returnable instantler.

**Marshal's Fees.**

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

*Gilbert and Gilbert*

Attorneys for Plaintiff.

*Seaman J. T.*

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 Comanded 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 Sehoinung, by M. D. Corson et al 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 M. D. Corson et al File No. 114 in the District Court for the Sauichee 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 Sauichee 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 24 day of March A. D., 1903.

James B. Cassady Clerk.

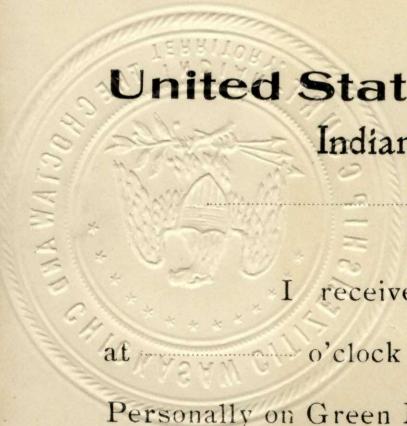
By \_\_\_\_\_ Deputy.



MARSHAL'S RETURN

MARSHAL'S RETURN.

United States of America,  
Indian Territory,  
DISTRICT.



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.

*Duplicate*  
No 113-7

**SUMMONS**  
IN EQUITY.

*M & Carson et al*

vs.  
Choctaw and Chickasaw Nations.

Summons issued *24* day of  
March, 1903. Returnable instant.

**Marshal's Fees.**

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

*Gilbert and Gilbert*

Attorneys for Plaintiff.

*Lawman S. J.*

Choctaw and Chickasaw Citizenship Court,

Indian Territory,

United States of America,

SUMMONS

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT, SITTING AT  
TISHOMINGO.

M. D. CARSON, et al., :  
 :  
 Plaintiffs, :  
 :  
 vs. :  
 :  
 CHOCTAW AND CHICKASAW NATIONS, :  
 :  
 defendants. :

MEMORANDUM OF ARGUMENT FOR NATIONS.

The applicants in this case are M. D. Carson and Ada Carson, his wife, and they allege that Jane Garrison, a white woman, married Joe Mitchell, a Chickasaw Indian, in the State of Mississippi in 1828, with whom she lived until his death in 1845; that in 1847 in Grayson County, Texas, said Jane Mitchell, nee Garrison, married one Bean, a white man, by whom she became the mother of one son named Alfred Bean, the father of Ada J. Carson and the father-in-law of M. D. Carson.

It will be seen that neither of the applicants claims to possess any degree of Chickasaw blood, neither does either claim to have ever been married to any person claiming such blood.

The questions presented are, therefore, identical with those in the Samuel C. Wall and Dick Randolph cases, Nos. 26 & 27, and we respectfully ask that our brief in



those cases be considered herewith.

There is some vague reference in the record to an alleged adoption of Jane Garrison by the Chickasaw Nation in Mississippi after her marriage to her Indian husband. There is not a syllable of competent testimony in the record tending to prove such an adoption, but had it been conclusively proved, the rights thus conferred would have been personal to the beneficiary and would certainly not have extended to an indefinite number of descendants.

The most that applicants can claim is, if their allegations are true, that Jane Garrison by her marriage to Joe Mitchell, became an intermarried citizen and acquired a status which if she had lived with the tribe to 1866, would have been "deemed" an intermarried citizen with "personal" rights as such. Intermarried and adopted rights are personal rights and this woman, the ancestress of these applicants, if living, would come within the provision of the decision of this Honorable Court in the Thomas Brennon case.

The question of what rights, if any, she could confer upon a white husband and white children has been fully presented by us in the Joanna Mickle case, No. 37, on the South McAlester Docket.

The record further shows that Jane Mitchell, nee Garrison, had surrendered any personal tribal rights which she may ever have possessed prior to her marriage with Bean, by an abandonment of her tribe in 1846, which abandonment continued until 1877 or for 31 years. The right of citizenship by intermarriage is conditioned upon continuous residence with the tribe. If Jane Garrison ever acquired personal rights of citizenship by intermarriage such rights

were forfeited by abandonment.

Believing that applicants have failed to establish facts sufficient under the laws and treaties in force to entitle them to enrollment, the Choctaw and Chickasaw Nations ask that their petition be denied.

Respectfully submitted,

ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

*Handwritten signature*

Brief

ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

Respectfully submitted,

ask that their petition be denied.

entitled them to enrollment, the Choctaw and Chickasaw Nations  
facts sufficient under the laws and treaties in force to

Believing that applicants have failed to establish  
were forfeited by abandonment.

M. D. Carson et al.

No. 113.

+ M. D. Carson

+ ada J. Carson

Denny

Chickasaw.

1 My name is Charles Smith; I am a Negro  
2 and will be 85 years of age at my next  
3 birthday. I was born in ~~Mississippi~~ Alabama  
4 ~~where~~. Isaac Love bought me in 1837  
5 and took me to Mississippi where I  
6 lived until 1844. Joe Mitchell was a  
7 nephew of Isaac Love and his mother  
8 was a one eighth Chickasaw Indian.  
9 Joe Mitchell came to the Indian Territory  
10 in 1843 and Isaac Love brought me out  
11 one year later. Joe Mitchell was married  
12 to a white woman named Jane Garrison  
13 by whom he had four children two boys  
14 and two girls, named Tom and Mark and  
15 Mary and Susan. Tom, Mark and Mary  
16 are dead. Mark and Mary never lived to  
17 have families. Tom married but at his  
18 death his wife a white woman returned to  
19 <sup>taking with her their only child, a girl & Frank</sup>  
20 Mississippi. Susan's first husband was  
21 a man named Wilson. I do not know  
22 her present husband's name.

23 Joe Mitchell had an overseer working  
24 for him named John Bean. Mitchell  
25 thought his wife was too intimate  
26 with Bean and ran him off. Later  
27 Mitchell's wife left him and went to  
28 Texas and married Bean by whom  
29 she had one child, a boy, who died  
30 before growing up. Bean lived with her  
31 about 14 or 15 years until his death  
32 Joe Mitchell only lived about two

years after coming west

Joe Mitchell lived in Marshall County and near How Lake in DeSoto County, Miss. before coming west.

After the marriage with Mrs Mitchell Bean lived near Sherman, Tex. Neither Bean nor his wife ever returned to the Indian Territory <sup>to live</sup> I visited her in Texas. The child by Bean died before Mrs Bean did. I ~~have~~ saw Mrs Bean a number of times after the child's death

witness:

Charles <sup>his</sup> X Smith  
mark

Chancy Lee

Subscribed and sworn to before me this 24<sup>th</sup> day of September 1903

W. H. Mason

Notary Public

32  
31  
30  
29  
28  
27  
26  
25  
24  
23  
22  
21  
20  
19  
18  
17  
16  
15  
14  
13  
12  
11  
10  
9  
8  
7  
6  
5  
4  
3  
2  
1

T-113

Mr. Conner

Officer of Class Swift

*[Faint, mirrored handwriting from the reverse side of the page, including phrases like "The water was in the..."]*