

J-N^o 118.

J. M. Crabtree, et al,

vs

C. & C. Nations.

N^o

Southern District Court

N^o 203

Dawes Commission.

See

Joseph C Moore et al F-14
Geo. S. Layman et al F-124
Walter L. Beavers et al F-114

Law case

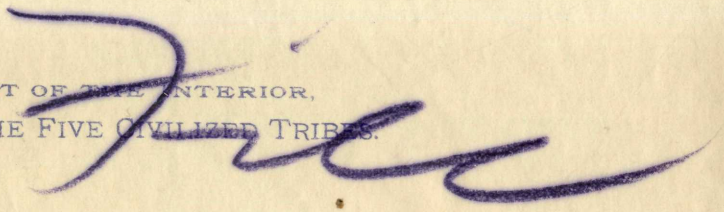
Original style of case

Fannie Moore, et al
vs
Chickasaw Nation

93

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

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



ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory July 13, 1903.

Mansfield, McMurray & Cornish,
Attorneys at Law,
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 18, asking for a copy of the original application, filed before the Commission under the act of Congress of June 10, 1896, in the case of J. M. Crabtree, et al., vs. the Choctaw Nation, or if the original record is not in the possession of the Commission a copy of the duplicate, which was served upon the Principal Chief of the Choctaw Nation.

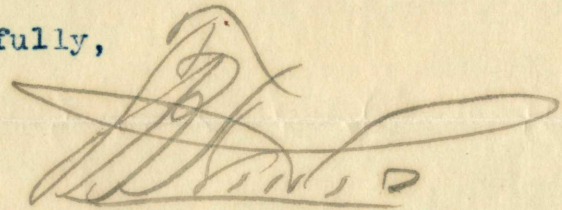
In reply to your letter you are informed that it appears from our records that J. M. Crabtree was an applicant to this Commission in 1896 for citizenship in the Chickasaw Nation, in the case of Fannie Moore, et al., vs. the Chickasaw Nation, No. 203, and that appeal was taken from the decision of the Commission in this case to the United States court for the Southern District of Indian Territory, and all the original papers in said case were forwarded to said court.

It further appears from our records that the duplicate papers which were served upon the governor of the Chickasaw Nation

M M & C-2

in the case of Fannie Moore et al., are not in the possession of the Commission. It is therefore impossible to comply with your request.

Respectfully,

A handwritten signature in dark ink, appearing to be "J. H. [unclear]", written in a cursive style. The signature is positioned above the typed name of the Commissioner in Charge.

Commissioner in Charge.

Chickens Dry.

J. M. Crabtree et al No. ~~117~~ 118.

- + J. M. Crabtree
- + Mattie A. Driver or Mattie Crabtree
- + Wesley Crabtree
- + Nora Crabtree
- + Ed Crabtree or Eddie Crabtree
- + Charlie Crabtree, or Charley Crabtree
- + L. D. Crabtree
- + Lee Crabtree
- + Bertie Crabtree
- + Gertie Crabtree
- + Ben Allen Crabtree
- + Wm Frank Crabtree
- + Abbie Carlisle or abbie Crabtree
- + ~~John~~ Allie May Carlisle
- + Jonathan L. Crabtree or J. L. Crabtree
- + Louvina C. Crabtree, or Louvina C. Crabtree
- + Juanita Crabtree
- + Allie Bula Crabtree, or Allie B. Crabtree
- + Laura E. Crabtree
- + Emma Crabtree or Emma A. Crabtree
- + Clara Myrtle Crabtree
- + Mary Mildred Harris, or Mary M. Parker
- + Lucy Ann Harris
- + David A. Parker or D. A. Parker
- + Samuel A. Parker or Samuel H. Parker
- + Robt C. Parker or Robert C. Parker

- + Chas E. Parker or Charles E. Parker
- + Agnes S. Parker
- + Douglas A. Parker
- + May Parker ~~or May M. Parker~~

IN THE CHOCTAW-CHICKASAW CITIZENSHIP COURT AT TISHOMINGO IN THE
SOUTHERN JUDICIAL DISTRICT OF THE
INDIAN TERRITORY.

Joseph H. C. Moore et al

James M. Crabtree, et al.,

vs

Choctaw and Chickasaw Nations)

BRIEF ON BEHALF OF APPLICANTS.

STATEMENT OF FACTS.

The uncontradicted evidence in this case shows that all of the applicants herein except those claiming by intermarriage are the lineal descendants of Francis C. Moore, a Chickasaw Indian by blood, and her husband, Colbert Moore, a white man, and that Francis C. Moore was a recognized member of the Chickasaw tribe of Indians residing in Mississippi at the date of the treaty between the United States and the Chickasaw Nation concluded May 24, 1834, and in accordance with the provisions of the 5th article of that treaty Francis C. Moore became entitled to three and one-half sections of land and the government of the United States issued to her a patent for lands described in said patent as Sections 19, 20 and 22, and the N 1/2 of Section 30, all in Township 4 of Range 3 W, containing 2247.52 acres.

Not a recognized treaty under

The patent recites the fact that by virtue of the 5th article of the treaty she became entitled to this land, and recites the further fact that the land therein described was in the district of land subject to sale at Pontotoc, Mississippi. The patent is dated 1840, and is signed by Martin Van Buren, president of the United States. A copy of the patent is part of the record in this case. There is a record from the Department of the Interior on file in this case showing that Francis Moore sold Section 19 of the identical land described in the patent to hereto one William Jones, and that the deed executed by her and her husband, Colbert Moore, to William Jones was approved by John Tyler, president, upon certi-

ificates of competency made by Ishtahotaga, the king, and James A. Colbert. A. M. M. Upshaw, Chickasaw agent, makes his certificate to the effect that he considers the consideration paid for the lands a fair consideration. That is made by him in pursuance of article 4 of the treaty above referred to, and he certifies that the certificates of Ishtahotaga and James Colbert are true. Article seven of that treaty provides that the patent to the reservation should be in the name of the Indian woman where she was married to a white man and was still living, and before a sale of such reservation could be made the agent had to certify that the consideration was a fair one. The sales of the balance of the land were made in the same way but to different people as shown by the certified copies of the deeds which are a part of the evidence in this case.

This true copy here of my application made

A great many of the applicants were born in either the Choctaw or Chickasaw Nation, and in 1884, 1885 and 1886 the applicants came to this country, and in 1886 we believe, were presenting their claim to the legally constituted tribunal of the Chickasaw Nation, and were by that tribunal admitted to citizenship and have since then enjoyed the privileges of citizens .

The applicants connect themselves with the old records and do not leave any doubt whatever in regard to their being Chickasaws by blood, and descendants of Francis C. Moore, who in the records is sometimes called Francis Moore. They are descendants of the Chickasaw Indians by blood, and as such are entitled to their rights as much as any other descendant of a Chickasaw Indian. In the treaty between the United States and the Chickasaws there was no provision whereby the Chickasaws were required to remove from their country but it was expected that they would remain there, and the government maintained an agency and kept an Indian agent there for them.

Article 13 of the treaty provides among other things, as follows:

"If the Chickasaws shall be so fortunate as to procure a home within the limits of the United States it is agreed with the consent of the president and the Senate so much of their invested stocks as may be necessary to the purchase of the country for them to settle in shall be permitted by them to be sold

but the United States will advance the necessary amount upon a guarantee and pledge of an equal amount of their stocks."

The stocks therein referred to are provided for in Section 11 of the treaty and are the result of the sales of the surplus lands of the Chickasaws. Following that treaty the Chickasaws on the 17th day of January, 1837, made a treaty with the Choctaws whereby they purchased from the Choctaws what is now known as the Chickasaw Nation, and as a consideration paid the Choctaws \$330,000. That consideration was taken out of the funds of the Chickasaws derived from the sale of the Chickasaw's surplus lands. There are no provisions in any of the treaties that attempt to in any manner restrict the rights of the Chickasaws or to forfeit their interests in the Chickasaw Nation.

In stating the facts we have omitted going into details for the reason that there is no controversy to the facts that we have above stated. By referring to the township map of the state of Mississippi the Court will notice that Township 4 and Range 3 W, places the land in Marshall County Southwest of and not a great ways from Holly Springs. In referring to the map of the state of Mississippi the Court will notice that the survey for the Northern part of Mississippi is based upon the Chickasaw Meridian, and the base line that runs through Penola, Pontotoc and other counties. The townships are numbered commencing at the North of the state, and the ranges West are numbered commencing at the Chickasaw Meridian. The map may be found on page 126 of an atlas prepared by Rand-McNally & Company.

ARGUMENT.

As to an argument on the facts of the case we deem it wholly unnecessary because there is no controversy as to the facts. The evidence shows beyond all controversy that the applicants, except intermarried citizens, are descendants of Francis C. Moore whose name has sometimes been written Francis Moore, and that she was a Chickasaw Indian by blood, and a recognized member of the Chickasaw tribe of Indians at the time the treaty of 1834 was made between the Chickasaw tribe of Indians and the United States. Her lands were located in Marshall County which is shown to be in the old Chickasaw Nation, and one of her sons, Joseph C. Moore states that he was born on the land, and that it was Southwest of Holly Springs, Mississippi. The map shows that the land is located about six or seven miles Southwest of Holly Springs. There appears a statement in the record made by Mr. Cornice to the effect that applicants will be required to show their compliance with the treaties. The statement is rather broad, and we have not been able to find any place where the Chickasaws were required to do anything except to take their land which has been done in this case. The provisions of the treaty between the Choctaw Nation and the United States could not be held to restrict the Chickasaws for the Chickasaws were not a party to that treaty, and after the Choctaws had taken possession of the present Choctaw Nation, including the present Chickasaw Nation, the Chickasaws purchased the present Chickasaw Nation from the Choctaws and took the money that belonged to the members of the Chickasaw tribe and paid for it. The money in which Mrs. Moore and her descendants were interested was used to pay for this land, and she and her descendants got as much right by the transaction as any other Chickasaw. It seems to us that it is a waste of time to say that the Chickasaws should comply with article 14 of the treaty of 1830, between the Choctaws and the United States for that treaty provided that compliances with that article should be made within six months

after its ratification, and that six months had expired several years before the Chickasaws bought their interests from the Choctaws. The Choctaws had the land in their possession and were selling it to the Chickasaws, and no compliance with any provisions of the treaty of 1830 could be involved in the trade between the Choctaws and Chickasaws. In article one of the treaty of 1837, between the Choctaws and Chickasaws there is a provision that the Chickasaws shall hold the Chickasaw District "on the same terms that the Choctaws now hold it" hence we might inquire on what terms the Choctaws then held the lands that they were conveying to the Chickasaw Nation. The terms on which they held it are expressed in the patent to the land and in the treaty of 1830 which provide that the lands should be ceded to the Choctaws and their descendants so long as they should exist as a nation and live upon it. There were no other terms imposed, and it had nothing to do with the compliance with any provisions of article 14 of the treaty of 1830. Perhaps if the Chickasaw Nation had ceased to exist as a nation and occupy the lands then the whole would belong to the Choctaws, but that contingency has never arisen and can never arise.

There has never been any attempt to limit the rights of the Choctaws or Chickasaws in these nations as to when they removed here, except as found in the Curtis Bill which was approved June 23, 1898, and in section 1 of that bill it provides that the Commission shall not enroll persons who had not prior to the 25th day of June, 1898, removed to and settled in good faith in the Choctaw or Chickasaw Nation, but the applicants have been here many years prior to that time, and have been ever since their removal in 1835, actual and bona fide residents of the Choctaw and Chickasaw Nations.

Limitation here removed

There can be no question as to the good faith of the applicants in this case and as to their rights. It appears that each tribunal that has passed upon their rights has found that they were Chickasaws, and in the case before this court there is no evidence offered to contradict that fact. We do not know of any law to be

cited by the attorneys for the Nations that would effect our clients in the least. It seems to us that the test of a right in the Chickasaw Nation is whether or not the applicants are descendants of the Chickasaw Indians or intermarried citizens. The fact that the applicants have been here only about twenty years is nothing against them for a great number of the members of the Choctaw and Chickasaw tribes have come here within that time. When they were breaking up and leaving their old nations in Mississippi they wandered through Tennessee, Arkansas, Louisiana and Texas, and that the absent Indians were entitled to their rights in this country is evidenced by the treaty entered into between the United States and the Choctaws and Chickasaws in 1866. Article 13 of that treaty provides as follows:

"The notice required in the above article shall be given not only in the Choctaw and Chickasaw Nations, but by publication in news-papers particularly in Mississippi, Tennessee, Louisiana, Texas, and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw Nations may be informed and have an opportunity to exercise the rights now given to resident Choctaws and Chickasaws, provided that before any such absent Choctaw or Chickasaw shall be permitted to select for himself or herself or others as hereinafter provided, he or she shall satisfy the registerer of the land office of his or her intention or the intention of the party for whom the selection is to be made to become bona fide residents within the said nation within five years from the time of selection.
....."

It is quite clear from the above provision that at the time that treaty was entered into it was the understanding between the United States and the Choctaws and Chickasaws that the absent Chickasaws had the right to come here and select allotments the same as those who were actually here, and as before stated there has been no other attempt to restrict that right except by the Curtis Bill approved June 28, 1898. We would like, if there is a provision requiring it, for the attorneys to point out to us the one that required a Chickasaw Indian to remove to and settle in good faith in the Choctaw or Chickasaw Nation. It will not do to say that because nothing is said about removing here they should therefore come be-

cause forfeitures are not favored in law, and a forfeiture can not be worked unless the statute or treaty specially prescribes it. The Chickasaws had rights in the property and one part of the members could not deprive the others of their rights without the consent of such persons and the United States.

In conclusion we with satisfaction can say that we are fortunate in that there is still living and has testified one son of Francis C. Moore who has a recollection of the matters about which he testifies and his statements are corroborated by the Bible record, the records of the Government, the maps of the state of Mississippi and by all of the other witnesses who testified to any of the material facts. The persons signing the certificates of competency are persons who are well known to be connected with the Chickasaws in Mississippi and in the present Indian Territory, and they are so named in article 4 of the treaty between the United States and the Chickasaws. The Court is not left in doubt as to any fact in this case, and we think can not possible have any doubt as to our position in regard to the law of the case. Being firmly convinced that our clients are in the right in this matter, and that this court will make a finding in their favor and render judgment accordingly, we have refrained from going into great detail in our brief.

Very respectfully submitted,

J. G. Ralls
E. J. Smith
 T. J. Vaughan

John P. ...
John P. ...
John P. ...

Brief of applicants

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The U.S. Court style of this case is not given, nor is the United States Court number. We do not find a case with this title among our files, nor a case in which these applicants' names appear.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT, AT SOUTH Mc-
A ALESTER, IN THE CENTRAL DISTRICT OF THE INDIAN TERRITORY.

J. M. Crabtree et al Plaintiffs,

-vs-

CHOCTAW AND CHICKASAW NATIONS, Defendants.

Number

APPLICATION FOR TRANSFER OF CITIZENSHIP CASE.

Come now your petitioners *Mattie A. Driver, Wesley Crabtree, Nora Crabtree, Ed. Crabtree, Charly Crabtree, L. D. Crabtree, J. M. Crabtree, Lu Crabtree, Bertie Crabtree, Bertie Crabtree, Ben Allen Crabtree, Mrs. Frank Crabtree, Albion Carlisle, Carlisle, Ola May Carlisle, J. L. Crabtree, Louvina Crabtree, Juanita, Juanita Crabtree, Allie Buelah Crabtree, Laura E. Crabtree, Emma Crabtree, Clara M. Crabtree, Mary M. Harris, Lucy A. Harris,* and represent to this Honorable Court that they are bona fide residents of the *Chickasaw* Nation of the Indian Territory, and that they were such residents at and prior to the 10th day of June, 1896, and have remained such residents ever since; and that they are members of the ~~Choctaw~~ ^{*Chickasaw*} Tribe of Indians, and entitled to be enrolled as such.

Your petitioners further show that on the 7th day of September, 1896, they filed their joint application with the Commission to the Five Civilized Tribes, asking to be enrolled as members of the *Chickasaw* Tribe of Indians, which application was made under the provisions of an act of Congress approved June 10th 1896. And your petitioners show that the Choctaw Nation appeared and filed its answer to said petition; and thereafterwards, to-wit: on the 2nd day of December, 1896, said Commission rendered a decision upon said application; and thereafterwards, to-wit: on the 20th day of January, 1897, an appeal was taken from said decision to the United States Court, at ~~South McAlester~~ ^{*Arduone*}, for the ~~Central~~ ^{*Southwest*}

District of the Indian Territory, and the ~~Chectaw~~ Nation was duly notified and appeared and answered; and thereafterwards, to-wit: on the 24th day of August, 1897, said cause which was number _____, came on to be heard in said court, and upon a hearing, said court rendered a judgment declaring your petitioners to be entitled to be enrolled as members of the ~~Chectaw~~ ^{Chokaw} Tribe of Indians; that said judgment remained in full force and effect, and from said judgment no appeal was taken.

WHEREFORE, your petitioners pray that said cause be transferred from said United States Court to this Honorable court, and that on a hearing in this court they be adjudged to be members of the Chectaw Tribe of Indians, and your petitioners will ever pray, as in duty bound .

J. G. Ralk.

Attorney for Petitioners.

UNITED STATES OF AMERICA,
CENTRAL DISTRICT,
INDIAN TERRITORY.

_____, having been by me first duly sworn according to law, states on _____ oath that _____ is one of the petitioners above named, and that the statements contained in said petition are true, as affiant verily believes.

Subscribed and sworn to before me on this the _____ day of March, A. D., 1903.

Notary Public.

Amite

In the Choctaw and Chickasaw Citizenship Court,
Sitting at Tishomingo, I.T., June 30, 1904.

--o--

J.L.Crabtree, et al,

--vs--

No. 118.

The Choctaw and Chickasaw Nations,

--o--

Present and presiding the Hons. Spencer B. Adams, Chief
Judge, Walter L. Weaver and Henry S. Foote, Associate
Judges of said Court.

--o--

Appearances;

J.R.Ralls and T.J.Bond, for Applicants,
Mansfield, McMurray & Cornish, for Defendants.

--o--

June 30, 1904, This day this cause coming on to be heard,
the following proceedings were had to-wit;

Mr. Ralls,

(Having called Mr. J.C.Moore to the witness stand)

Before proceeding, I will state to the Court, that in another
case, No. 14, Jos. C. Moore, et al, against the Choctaw
and Chickasaw Nations, the parties claim through the same
source, and the witness we have just called was and still
is a party to that case, I would like to ask that the
evidence taken in that case be considered as offered in this
case and that the cases be consolidated for that purpose,
and we will confine ourselves to the identification of the
parties.

Judge Adams;

Let the order be made, for the evidence in No. 14 to be
considered in No. 118, so far as it is applicable.

Jos. C. Moore,

a witness called by the Plaintiffs, being duly sworn, testified as follows;

Mr. Ralls;

Q.- State your name?

A.- Joseph C. Moore.

Q.- How old are you, Mr. Moore?

A.- Sixty nine years old.

Q.- What is your post office address?

A.- ~~Stax~~ Sterrett, Indian Territory.

Q.- In the Choctaw Nation?

A.- Yes, sir.

Q.- How long have you lived in the Choctaw Nation?

A.- Since '85; 1885.

Q.- Do you know J.M.Crabtree?

A.- Yes, sir.

Q.- And did you know his father J.L.Crabtree?

A.- Yes, sir.

Q.- What relation is J.M.Crabtree to you, if any?

A.- My nephew.

Q.- Well, in what way?

A.- My sister's son.

Q.- What was the name of your mother?

A.- Francis C. Moore.

Q.- What was the name of your father?

A.- Colbert Moore.

Q.- You know of the marriage of your sister to J.L.Crabtree?

A.- Yes, sir.

Q.- J.M.Crabtree and his family are both here today?

A.- Yes, sir.

Q.- They claim their rights through the same source as you claim yours, except J.L. Crabtree is a white man?

A.- Yes, sir, I suppose so.

Q.- His sister was your full sister?

A.- His wife was my full sister.

Q.- What was his wife's name?

A.- Mildred.

Q.- Is she living or dead?

A.- She is dead.

Q.- How long has she been dead?

A.- She died in --- I don't know whether the latter part of '85 or the early part of 1886. The first of '86, I think it was.

Q.- Where did your mother die?

A.- She died in Arkansas.

Q.- Where were you born?

A.- In Mississippi.

Q.- Do you remember the date of your mother's death?

A.- Yes, sir.

Q.- What time was it.

A.- She died the latter part of the year 1884.

Q.- You say you have lived here since 1885?

A.- Yes, sir.

Q.- Where has Mr. Crabtree been living since 1885?

A.- He has been here too.

No Cross Examination.

Mr. Cornish;

Q.- Is it your contention that the rights of these applicants were passed upon by the United States Court for the Southern District of the Indian Territory?

Mr. Ralls; Yes, sir.

Mr. Cornish; In what case?

Mr. Ralls; In the Fannie C. Moore case. There are some children in this case that were born since the application to the Dawes Commission.

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J.L.Crabtree,

a witness produced by the Plaintiffs, being duly sworn, testified as follows;

Mr. Ralls;

Q.- State your name.

A.- Jonathan L. Crabtree.

Q.- How old are you?

A.- I will soon be seventy one.

Q.- What is your post office.

A.- Wapnucke.

Q.- In the Choctaw Nation?

A.- Yes, sir.

Q.- How long have you lived in the Choctaw Nation?

A.- I come here in June 1885.

Q.- Are you a white man?

A.- Yes, sir.

Q.- What was the name of your wife?

A.- Mildred Moore.

Q.- Are you acquainted with Jos. C. Moore, who just left the stand?

A.- Yes, sir.

Q.- Was he your wife's brother?

A.- Yes, sir.

Q.- What was the name of her father and her mother.

A.- Francis Moore and Colbert Moore.

Q.- By that marriage have you any children?

A.- Yes, sir.

Q.- Give their names.

A.- Allen, James M.

Q.- Is Allen B., living or dead?

A.- He is dead.

Q.- How long has he been dead?

A.- Two years.

Q.- Did he marry before his death?

A.- Yes, sir.

Q.- Whom?

A.- Mattie Smith.

Q.- By that marriage are there any children?

A.- Yes, sir.

Q.- Do you remember how many?

A.- Six or seven.

Q.- Is his wife here?

A.- Yes, sir.

Q.- Is James M. Crabtree married?

A.- Yes, sir.

Q.- Has he any children?

A.- Yes, sir.

Q.- He is here also?

A.- Yes, sir.

Q.- Did these children come to this country with you, or were they born here?

A.- They come a little before I did.

Q.- When were you married?

A.- I was married in 1853.

Q.- Where were you when you were married?

A.- In Prairie County, Arkansas.

Q.- How long were you in Arkansas?

A.- I was there from that time on until I came to this country.

Q.- What time did you come to this country?

A.- In 1835.

Q.- Where did you first become acquainted with your wife?

A.- In Prairie County.

Q.- You were a resident of the State of Arkansas from the time you were married until 1835, were you?

A.- Yes, sir.

Q.- Were you born in Arkansas?

A.- No, sir; I am a Tennessean.

Q.- You are in this case as an applicant for enrollment as an intermarried citizen, are you?

A.- Yes, sir.

Q.- Were you before the Chickasaw Council or the Chickasaw Court as an applicant?

A.- Yes, sir, I think so.

Q.- remember whether or not you were admitted there?

A.- I think so, sir.

Cross Examination.

Mr. Cornish;

Q.- You moved here in 1835?

A.- Yes, sir.

Q.- You know Colbert Moore?

A.- Yes, sir.

Q.- When did you first get acquainted with him?

A.- In 1851.

Q.- In Prairie County, Arkansas?

A.- Yes, sir.

Q.- Did you ever know him before that time?

A.- No, sir.

Q.- How long did he live in Prairie County, before he moved into another county in that state?

A.- I don't remember exactly.

Q.- Did he live in another part of Arkansas besides Prairie County?

A.- Yes, sir.

Q.- Where did he go from Prairie County?

A.- I think Saline County, about Benton.

Q.- Did you know him at the time of his death?

A.- Yes, sir.

Q.- When did he die?

A.- I think 1868.

Q.- What was the name of his wife?

A.- Frances Moore.

Q.- When did she die?

A.- In 1884, I think.

Q.- In Saline County, Arkansas.

A.- Yes, sir.

Q.- At the time you first knew Colbert Moore; he was a resident of what county?

A.- Prairie County.

Q.- Did he own land; did he own his home?

A.- No, sir.

Q.- Did you ever know him to own land in Prairie County?

A.- No, sir.

Q.- Did he ever own a home in Saline County?

A.- No, sir.

Q.- Did he live in the town of Benton?

A.- Yes, sir.

Q.- From the time of your marriage to your present wife, you lived in Arkansas until your removal to this country in 1885

A.- Yes, sir.

Q.- Are all the parties to this suit your descendants?

A.- Yes, sir.

Q.- All the parties to this suit are your ~~deaf~~ descendants?

A.- All of the Crabtree name.

Q.- There are some Harrisses?

A.- That is my grandchildren?

Q.- And some Carlisles?

A.- My grand-daughter.

Mr. Ralls;

Q.- There are some Crabtrees also that are your grandchildren?

A.- Yes, sir.

Q.- And some Parkers, are they your grandchildren?

A.- No, sir.

Q.- Who are the Parkers?

A.- Parker's wife is my wife's niece.

Q.- In what way is she your wife's niece? Through her father or her mother.

A.- Through her mother.

Witness excused.

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Cross examination

J.M.Crabtree,

a witness called by the Plaintiffs, being duly sworn,
testified as follows;

Mr. Ralls;

Q.- State your name?

A.- J.M.Crabtree.

Q.- How old are you?

A.- Forty four; I was born in 1859.

Q.- The Crabtree, who just left the stand is your father?

A.- Yes, sir.

Q.- What was the name of your mother.

A.- Mildred A. Moore, Mildred A.Crabtree after she married.

Q.- Are you married?

A.- Yes, sir.

Q.- When were you married?

A.- I have been twice married.

Q.- When were you married first.

A.- In 1883.

Q.- To whom were you married?

A.- Elizabeth Busby.

Q.- Was she a white woman?

A.- Yes, sir.

Q.- Did you have any children by her?

A.- Yes, sir, two.

Q.- Are they living?

A.- One is.

Q.- What is its name.

Q.- Mary Mildred.

Q.- Is she married?

A.- Yes, sir.

Q.- What is her name now?

A.- Mary Mildred Harris.

Q.- Is she here?

A.- No, sir.

Q.- Has she any children?

A.- Two children.

Q.- What are their names?

A.- Lucy Ann.

Q.- How old is Lucy Ann.

A.- I think she was born in December 1902.

Q.- What is the name of the other child?

A.- I don't know its name; I heard it, too; it is a young child.

Q.- It is just a small child?

A.- Yes, sir.

Q.- Then neither one of these children were parties to the suit in the United States Court.

A.- No, sir.

Q.- When did your other child by your first marriage die?

A.- I don't remember the month exactly.

Q.- What year.

A.- It was in --- several years ago.

Q.- Then that child--- there is no claim for that child?

A.- No, sir.

Q.- How old is Mrs. Harris now?

A.- She was born in September 1884.

Q.- Is her husband a white man?

A.- Yes, sir.

Q.- When was she married?

A.- She was married in 1901.

Q.- Then her husband is not an applicant in this case?

A.- No, sir.

Q.- What became of your first wife?

A.- She died.

Q.- You married another woman did you?

A.- Yes, sir.

Q.- Did you live with your first wife until she died, or were you divorced from her?

A.- Was divorced from her.

Q.- You remarried before her death or afterwards?

A.- Before her death.

Q.- To whom were you married?

A.- Levina C. Harris.

Q.- Have you any children by that marriage?

A.- Yes, sir.

Q.- What is the name and age of the oldest child?

A.- ~~xxxxxxx~~ Juanita Marish is the oldest; her age is sixteen.

Q.- Is she single or married?

A.- Single.

Q.- Give us the name and age of the next one?

A.- Albeulah, age 14.

Q.- She is single?

A.- Yes, sir.

Q.- Give us the name and age of the next.

A.- Laura E., I will declare, I cannot remember her age.

Q.- She is about eleven?

A.- Yes, sir, I think she is eleven; I have a list of the months they were born in in the Bible.

Q.- What is the next.

A.- Emma A.

Q.- How old is Emma A.?

A.- She is eight; seven.

Q.- She was born May 6, 1896?

A.- Yes, sir.

Q.- What is the name of the next?

A.- Clara M.

Q.- She was born November 9, 1898?

A.- Yes, sir.

Q.- That is all?

A.- That is all in this case, I have another child.

Q.- Are all of these children that you have just mentioned living?

A.- Yes, sir.

Q.- They were all born in the Chickasaw Nation?

A.- All but one; that oldest girl, Mrs. Harris, was born in Hot Springs, Arkansas.

Q.- Where were you living at the time she was born?

A.- In Hot Springs, Arkansas.

Q.- How old is Mrs. Harris.

A.- She was born in 1884.

Q.- Were you a party to the proceedings in the Chickasaw Court, or Council, whichever it was, to be admitted as a citizen, or do you remember.

A.- My mother was.

Q.- When did you come to this country?

A.- I came here in March, 1885.

Q.- Well, since the admission of your mother here by the Chickasaw authorities, state whether or not you have enjoyed the rights of a citizen of the Chickasaw Nation.

A.- I have been enjoying the rights of the Territory; I have been living in the Choctaw Nation most of the time, but I have been a voter in the Choctaw Nation continuously ever since I have been here.

Q.- You voted in the Choctaw Elections?

A.- Yes, sir.

Q.- Do you own a farm there?

A.- Yes, sir.

Q.- Send your children to the Choctaw Schools?

A.- I did to the Choctaw Schools until they changed the law there.

Q.- Were permits issued to you as a citizen?

A.- Yes, sir.

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

Mr. Cornish;

Q.- Where were you born?

A.- I was born near old Charleston, Arkansas, Franklin County.

Q.- What year.

A.- In 1859.

Q.- You lived in Arkansas continuously to what year?

A.- Until 1885.

Q.- You lived here since 1885.

A.- Yes, sir.

Q.- What year did you marry?

A.- I married, as well as I remember in 1883.

Q.- You were living in Arkansas when you married?

A.- When I first married, yes, sir.

Witness excused.

--o--

Mattie ~~Ruxer~~ Duver.

a witness produced by the Plaintiffs, being duly sworn,
testified as follows:

Mr. Ralls:

Q.- What is your name?

A.- Mattie Duver.

Q.- How old are you?

A.- Forty three years old.

Q.- Have you any children, who are claiming rights to Chickasaw
citizenship in this suit?

A.- Yes, sir.

Q.- Were you married prior to your marriage to Duver.

A.- Yes, sir.

Q.- What was the name of your first husband?

A.- Crabtree.

Q.- What was his first name?

A.- Allen B. Crabtree.

Q.- What children did you have by that marriage?

A.- Lee, Able, Nora. Wesley, Eddie.

Q.- State the full names of the two oldest children by Mr.
Crabtree and their ages?

A.- James Lee, twenty five years old.

Q.- Married or single?

A.- Married.

Q.- Is he here today?

A.- Yes, sir.

Q.- What is the name of his wife?

A.- May.

Q.- Has he any children?

A.- Yes, sir, four.

Q.- What is the name and age of the oldest.

A.- She had two pair of twins. The two oldest are Albert
Gertie.

Q.- How old are they?

A.- Three years old.

Q.- Are they parties to this suit?

A.- No, sir.

Q.- Name the next child and its age?

A.- My next child?

Q.- Yes.

A.- Anna ~~Mary~~.

Q.- How old is she?

A.- Twenty one.

Q.- Is she married or single?

A.- Married.

Q. Is she here?

A.- No, sir.

Q.- Is her husband?

A.- No, sir.

Q.- Is her husband a white man?

A.- Yes, sir.

Q.- Have they any children?

A.- One.

Q.- She had been married twice?

A.- Yes, sir.

Q.- Has she any children by her first husband?

A.- Yes, sir.

Q.- What is the name and age of that child?

A.- Name is Carlisle; age is 4 years.

Q.- What is its given name?

A.- Olie May.

Q.- What is the name of your next child?

A.- Nora Alberta.

Q.- How old is she?

A.- seventeen.

Q.- Is she married or single?

A.- Married.

Q.- What is her name now?

A.- Hare.

Q.- What is her husband's name.

A.- Jim Hare.

Q.- Is he a white man?

A.- Yes, sir.

Q.- What is the name of your next child by Mr. Crabtree?

A.- The next one is named John Wesley.

Q.- How old is John?

A.- 20 years next January.

Q.- Is he married or Single?

A.- Single.

Q.- What is the name of the next one?

A.- Eddie.

Q.- How old is he?

A.- Fifteen.

Q.- Has Eddie any middle name?

A.- His name is William Edward.

Q.- What is the name and age of the next one?

A.- He is twelve years old; Chas. A.

Q.- What is the next one?

A.- L. D.

Q.- What is the L.D. for?

A.- Just L.D., that is all we ever named him.

Q.- How old is he?

A.- Nine years old.

Q.- Give the name and age of the next?

A.- That is all.

Q.- All these children are living?

A.- Yes, sir.

Q.- Do they live in the Choctaw Nation?

A.- Yes, sir.

Q.- Where were they born?

A.- All in the Nation, but three Lee, Abi, and Wesley; they were born in Arkansas.

Q.- You are a white woman?

A.- Yes, sir.

Q.- Your last husband is white man?

A.- Yes, sir.

Q.- No children by this other marriage?

A.- No, sir.

Q.- When did you come to the Choctaw Nation?

A.- I come here in 1885.

Q.- You have lived here ever since?

A.- Yes, sir.

Q.- Mr. Crabtree died here, did he?

A.- Yes, sir.

No Cross Examination.

--o--

David A. Parker,

a witness called by the Plaintiffs, being duly sworn, testified as follows;

Mr. Ralls;

Q.- What is your name?

A.- David A. Parker.

Q.- How old are you?

A.- Forty eight.

Q.- Are you a white man?

A.- Yes, sir.

Q.- What is the name of your wife.

A.- Elizabeth Caper.

Q.- What was her maiden name?

A.- Caper.

Q.- What relation was she to J.C.Moore and J.M.Crabtree?

A.- She was a niece of J.C.Moore and a cousin of J.M.Crabtree.

Q.- What was the name of her mother?

A.- Elziria.

Q.- What was her name?

A.- Caper. Her maiden name was Moore has always been my understanding; I never saw her.

Q.- Your understanding was that your wife's mother was a sister of Jos. C. Moore?

A.- Yes, sir.

Q.- Where were you married?

A.- Benton, Arkansas.

Q.- When?

A.- In 1876.

Q.- Have you any children by that marriage?

A.- Yes, sir.

Q.- Give us the names and ages of your children.

A.- The oldest one's name is Mollie May, she was born in 1878, as well as I recollect.

Q.- Is she living or dead?

A.- She is living.

Q.- Is she married or single?

A.- Married.
Q.- What is her name?
A.- Murray.
Q.- She is not a party in this part of the case?
A.- No, sir.
Q.- Where does she live?
A.- Near Colbert.
Q.- What is the name of your next child.
A.- Sam'l A.
Q.- He was born August 10, 1880.
A.- Yes, sir.
Q.- Is he married or single?
A.- Married.
Q.- What is the name of his wife?
A.- Sallie A., I believe.
Q.- He is here today?
A.- Yes, sir.
Q.- What is the name of the next child?
A.- Robert C.
Q.- He was born Jan. 8, 1883?
A.- Yes, sir.
Q.- Is he married or single?
A.- Single.
Q.- What is the name of your next child?
A.- Chas. E.
Q.- Born June 26, 1886?
A.- Yes, sir.
Q.- Married or single?
A.- Single.
Q.- What is the name of your next child?
A.- Agnes G.
xxl

Q.- She was born March 11, 1889?

A.- Yes, sir.

Q.- Is she married or single?

A.- Single.

Q.- The next?

A.- Douglas A.,

Q.- Born Feb. 16, 1893?

A.- Yes, sir.

Q.- Are all of these children living that you have mentioned?

A.- Yes, sir.

Q.- Where do they live?

A.- Well, one of them ~~them~~ is in the Chickasaw Nation, well, I guess two of the boys are in the Chickasaw Nation and the other three are up with me.

Q.- Living at home with you?

A.- Yes, sir.

Q.- You live in the Choctaw Nation?

A.- Yes, sir.

Q.- When did you come to the Choctaw Nation?

A.- I have been-- I don't know the exact date, I have been in the Choctaw about six years; I come to the Territory, the Chickasaw Nation, in 1886, I believe. Yes.

Q.- After you came to the Chickasaw Nation, you may state to the Court, whether or not you were recognized as a member of the Tribe; that is your family, and in what way.

Q.- Were we entitled to all of the privileges here, all of us, until the distribution of the Leased District Money, and since that we have been refused; but since that I have sent my children to the Chickasaw Schools and voted in the Choctaw Nation.

Q.- Were permits issued to you for your tenants?

A.- Yes, sir.

Q.- By the Choctaw Authorities?

A.- Yes, sir.

Q.- How was that when you lived in the Chickasaw Nation?
Did you own a farm there?

A.- Yes, sir.

Q.- Were permits issued to you for tenants in the Chickasaw
Nation?

A.- I didn't have tenants in the Chickasaw Nation until
just before I left.

Q.- You have owned farms in the Choctaw Nation?

A.- Yes, sir.

Q.- Is your wife dead?

A.- Yes, sir.

Q.- How long has she been dead?

A.- I think about six years.

Q.- She died in the Choctaw Nation, didn't she?

A.- Yes, sir.

Q.- Have you, and your children that came here with you, have
you continued to reside in the Choctaw or Chickasaw Na-
tions since 1886?

A.- Yes, sir.

Q.- And the others were born in the Nations here?

A.- Three of them.

Q.- You and your family were parties to the proceedings in the
Dawes Commission in 1896, and in the United States Court,
were you?

A.- Yes, sir.

Q.- I believe you were all admitted by the Dawes Commission
in 1896, were you?

A.- Four of my family was not.

Q.- Four were not and the others were?

A.- Yes, sir.

Q.- Admitted some of your children and rejected some?

A.- Yes, sir.

Q.- They admitted your wife?

A.- Yes, sir.

Q.- They admitted your wife and her children that were born after the judgment of the Chickasaw Court, and those that were born before that they rejected them?

A.- Yes, sir.

Q.- You were all admitted by the Court?

A.- Yes, sir.

Cross Examination.

Mr. Cornish;

Q.- You say you moved into the Indian Territory in 1886?

A.- Yes, sir.

Q.- None of these people made application in the Chickasaw Nation until 1886, did they?

A.- Yes, sir.

Q.- Then it was in 1884 was it; What year was it when application was first made by members of this family in the Chickasaw Nation.

A.- It was a year and a half, or two years before I moved here?

Q.- Then it was in 1884?

A.- Somewhere along there.

Q.- That was the first application made in the Chickasaw Nation by members of this family?

A.- That was the first I knowed.

Q.- Prior to that time all the members of this family had

resided in Arkansas? That was the time they moved into this country from Saline County and other portions of Arkansas?

A.- I don't know about the other portions of the State of Arkansas.

Q.- Well, then from Saline County?

A.- Yes, sir, I think they was all from Saline County.

Q.- You say that you were recognized as a citizen of the Nation; you didn't draw the leased district money?

A.- No, sir, up to that time.

Q.- That consisted of your taking possession of land?

A.- Yes, sir, I held land.

Q.- Certain members of this family, some thirteen in number, made application to the Chickasaw Council and were admitted in 1834?

A.- I don't know how many names there was. I know they made application.

Q.- You know there was some thirteen or fourteen?

A.- Yes, sir, somewhere along there. I don't know the number.

Q.- You were not enrolled in 1896 by the Chickasaw Authorities, were you?

A.- In 1896; I don't understand you about that.

Q.- You made application to the Dawes Commission in 1896, in order that your claim and the claim of others similarly situated, might be passed on?

A.- Yes, sir, that is my understanding.

--o--

Sam Parker,

a witness called by the Plaintiffs, being duly sworn testified
as follows;

Mr. Ralls;

Q.-What is your name?

A.- Sam Parker.

Q.- What is your age?

A.- 23 years old.

Q.- The Mr. Parker, who just left the stand is your father?

A.- Yes, sir.

Q.- Are you married?

A.- Yes, sir.

.- What is the name of your wife?

A.- Sallie.

Q.- Is she a white woman?

A.- Yes, sir.

Q.- Have you any children?

A.- Yes, sir.

Q.- Give the name and age of the oldest child.

A.- The oldest child is ^{Wilhelmina} ~~William~~ A. Parker.

Q.- What is her age ?

A.- I don't know; I know when she was born; she was born Decem-
ber 29th.

Q.- What year?

A.- I believe it was in '92.

Q.- 1892 or 1902?

A.- 1902, I believe.

Q.- It is just a young child?

A.- Yes, sir.

Q.- Is your wife still living?

A.- Yes, sir.

Q.- Where.

A.- Lehigh Postoffice.

Q.- Was your wife living near there when you married her?

A.- Right near there.

Q.- Have you continued to reside in the Choctaw and Chickasaw Nations ever since you came here with your father, or were you born here?

A.- Yes, sir; No, sir, I was born here.

No Cross Examination.

Witness excused.

--o--

Mr. Ralls;

The records ~~show that~~ in Mississippi show that part of the land which was ceded to Francis Moore was sold to Wm. Jones; before making any transfer of land the Indians under the

Treaty had to have the certificate of the Commissioners appointed under the Treaty, that they were competent to transact business, we have a letter from the Clerk, which shows that such a certificate signed by Benj. and Henry Love was filed, and we desire to get a certified copy of it. It is already in evidence in this case that the land ceded to Francis Moore is the north half of sections 30, 19, 29 and 32, all of which is situated in Township 4, Range 3, west, and this is the identical land sold to Wm. Jones. The deed is signed by Francis Moore and Colbert Moore.

Judge Adams;

How much time do you want?

Mr. Ralls;

We can get it in twenty days.

Judge Adams;

Anything else?

Mr. Ralls, No, sir.

Judge Adams;

Have you gentlemen anything to offer?

Mr. Cornish;

No, sir, this case is consolidated with the Jos. C. Moore, case which has been already tried and submitted.

Judge Adams;

Plaintiffs, have twenty days in which to file certain documentary evidence; when that is filed the case is to be submitted.

Mr. Falls;

We would like to have to August 1st. in which to file a brief in the Crabtree case.

Judge Adams;

Applicants will have to the first of August to file a brief.

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

J. M. Crabtree, et al.,

vs. No. 118.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this the 28th 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, J. M. Crabtree, Mattie A. Driver or Mattie Crabtree, Wesley Crabtree, Nora Crabtree, Ed Crabtree or Eddie Crabtree, Charlie Crabtree, or Charley Crabtree, L. D. Crabtree, Lee Crabtree, Abbie Carlisle or Abbie Crabtree, Jonnothan L. Crabtree or J. L. Crabtree, Louvina C. Crabtree or Louvinia C. Crabtree, Juanita Crabtree, Allie Bula Crabtree or Allie B. Crabtree, Laura E. Crabtree, Emma Crabtree or Emma A. Crabtree, Mary Mildred Harris or May M. Parker, David A. Parker or D. A. Parker, Samuel A. Parker or Samuel H. Parker, Robt. C. Parker or Robert C. Parker, Chas. E. Parker or Charles E. Parker, Agnes G. Parker and Douglas A. Parker, are not entitled to be deemed or declared citizens of the Chickasaw Nation, or to enrollment as such, or to any rights whatever flowing therefrom; and the Court doth further find that it has no jurisdiction over the petitioners, Bertie Crabtree, Gurtie Crabtree, Ben Allen Crabtree, Wm. Frank Crabtree, Ollie May Carlisle, Clara Myrtle Crabtree, Lucy Ann

Harris and May Parker.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiffs, J. M. Crabtree, Mattie A. Driver or Mattie Crabtree, Wesley Crabtree, Nora Crabtree, Ed Crabtree or Eddie Crabtree, Charlie Crabtree or Charley Crabtree, L. D. Crabtree, Lee Crabtree, Abbie Carlisle or Abbie Crabtree, Jonnothan L. Crabtree or J. L. Crabtree, Louvina C. Crabtree or Louvinia C. Crabtree, Juanita Crabtree, Allie Bula Crabtree or Allie B. Crabtree, Laura E. Crabtree, Emma Crabtree or Emma A. Crabtree, Mary Mildred Harris or May M. Parker, David A. Parker or D. A. Parker, Samuel A. Parker or Samuel H. Parker, Robt: C. Parker or Robert C. Parker, Chas. E. Parker or Charles E. Parker, Agnes G. Parker and Douglas A. Parker, be denied, and that they be declared not citizens of the Chickasaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom; and as to the petitioners, Bertie Crabtree, Gurtie Crabtree, Ben Allen Crabtree, Wm. Frank Crabtree, Ollie May Carlisle, Clara Myrtle Crabtree, Lucy Ann Harris and May Parker, the Court having no jurisdiction, their petition is dismissed.

.....
Chief Judge.

.....
Associate Judge.

.....
Associate Judge.

South McAlester, Indian Territory, June 18, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On the 1896 Choctaw docket will be found the case of J.M. Crabtree, et al., versus the Choctaw Nation.

Will you kindly furnish us a copy of the original application filed before the Commission under the act of June 10, 1896; or, if you have not the original, a copy of the duplicate of the original which was served upon the Principal Chief of the Choctaw Nation, as required by the rules of the Commission?

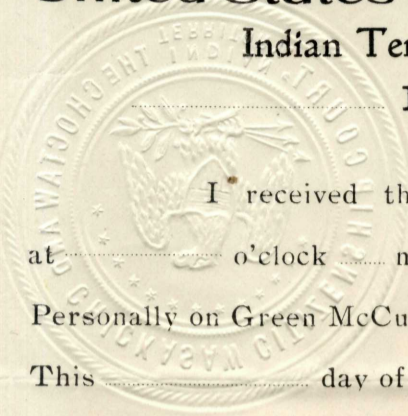
Thanking you in advance, we are,

Very respectfully,

Dictated.

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.

the certificate of the clerk of said court for said District, Indian Territory,
Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that
file No. _____ in the District Court for the District of the
that the papers, files and proceedings in the case of
And you are further commanded to notify said Green McCurtain, Plaintiff, Chief, addressed,
complaint will be taken for confessed, and you will make return of the summons instant:

No 118-7

SUMMONS
INEQUITY:

J. M. Cobble et al
vs.

Choctaw and Chickasaw Nations.

Summons issued _____ day of
March, 1903. Returnable instant.

Marshal's Fees.

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

J. B. Ralls
Attorneys for Plaintiff.
Alton J. T.

Choctaw and Chickasaw Citizenship Court,

Indian Territory,

United States of America,

SUMMONS.

SUMMONS.

United States of America,

Indian Territory,

SS

Choctaw and Chickasaw Citizenship Court.

The President of the United States of America,

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

GREETING:

You are hereby Commanded to Summons Green McCurtain, Principal Chief of the Choctaw Nation, to answer on behalf of said nation, in twenty days after the service of this summons upon him, as Principal Chief of said Nation a complaint in Equity filed against the Choctaw and Chickasaw nation in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, at Sichonings, by J. M. Crockett 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 J. M. Crockett et al File No. 83 in the District Court for the South 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 South 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 7 day of April ~~March~~ A. D., 1903.



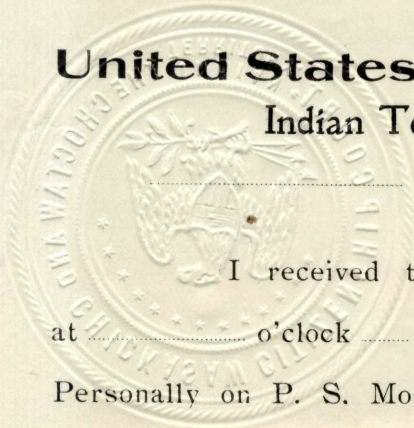
James B. Cassady Clerk.

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 P. S. Moseley, at _____ Indian Territory,
This _____ day of _____, 1903, _____ m.

By _____ Deputy.

DUPLICATE

No. 1187

SUMMONS
INEQUITY.

J. M. Crabbin et al

vs.

Choctaw and Chickasaw Nations.

Summons issued _____ day of
~~March~~ ⁷ ~~March~~, 1903. Returnable instantler.

apx.

Marshal's Fees.

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

TOTAL

\$

J. B. Ralls
Attorneys for Plaintiff.

SUMMONS.

United States of America,

Indian Territory,

ss

Choctaw and Chickasaw Citizenship Court.

The President of the United States of America,

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

GREETING:

You are hereby Commanded to Summons P. S. Moseley, Governor of the Chickasaw Nation, to answer on behalf of said nation, in twenty days after the service of this summons upon him, as Governor of said Nation a complaint in Equity filed against the Choctaw and Chickasaw nation in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, at Leshouing, by J. M. Crabtree 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 J. M. Crabtree et al File No. 83 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 7 day of April March A. D., 1903.

James B. Cassie Clerk.
By _____ Deputy.



MARSHAL'S RETURN