

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

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Nettie Howell,
Plaintiff,

vs.

The Choctaw and
Chickasaw Nations,
Defendants.

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

Now comes the petitioner, Nettie Howell, and respectfully shows to the court:

That on the day of September, 1896, and within the time prescribed by ~~the~~ Act of Congress approved June 10, 1896, conferring jurisdiction in citizenship cases upon the Commission to the Five Civilized Tribes, petitioner herein filed her application with the said Commission to the Five Civilized Tribes for citizenship and membership in the Choctaw Tribe or Nation of Indians. That, in due course of time, said Commission heard said application and rejected the same and denied the claim of your petitioner to citizenship in said Choctaw Nation.

That thereafter, and within the time prescribed by law, petitioner herein appealed from the decision of said Commission to the Five Civilized Tribes to the United States Court for the Southern District of the Indian Territory, at Ardmore; said petition being styled in said court "Nettie Howell, vs. Choctaw Nation, No.147".

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 the claim of petitioner herein to citizenship in the Choctaw Nation, and by the judgment and decree of said court, entered on the 11th day of March, 1898, petitioner herein was adjudged to be a citizen of the Choctaw Nation and entitled to all the rights and privileges pertaining thereto, and that your petitioner, from and after said date,

has been entitled to have her name enrolled upon the official and final citizenship roll of the Choctaw Nation by said Commission to the Five Civilized Tribes.

Petitioner further shows 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, plaintiff, 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 that case to set aside or vacate the judgment of the United States Court for the Southern District of the Indian Territory, at Ardmore, admitting her to citizenship in the Choctaw 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 petitioner states that, in as much as this court has entered its judgment and decree setting aside all the judgments of said United States Courts 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 Indian, plaintiff, 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 Choctaw Indians, unless the files and proceedings in said cause No.147, Nettie Howell vs. Choctaw 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 your petitioner to be a citizen and member of said Choctaw Nation or Tribe of Indians, said Commission will refuse to enroll her as such citizen : - - -

N O W, T H E R E F O R E, Your petitioner, still insisting upon her rights as a member 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, and without waiving any of the rights adjudged and decreed to belong to her and conferred upon her 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 petitioner most respectfully prays that an order be made, in the nature of a writ of error or otherwise, directing the Clerk of the United States Court for the 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.147, Nettie Howell vs. Choctaw Nation, heretofore pending in the 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 lodg-
ed with this court, for all proper and lawful proceedings
therein.

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ATTORNEY FOR PETITIONER.

No.....

IN THE CHOCTAW AND CHICKASAW
CITIZENSHIP COURT.

Nettie Howell,

vs.

The Choctaw and
Chickasaw Nations.

PETITION FOR WRIT OF ERROR.

C. G. KEAN,
WYNNEWOOD, I.T.,
Attorney for Petitioner.

In the Choctaw and Chickasaw Citizenship Court, sitting at
Tishomingo, in the Southern District of the Indian Territory,
June Term, 1904 .

Nettie Howell,
vs. No. 121.
Choctaw and Chickasaw Nations.

ORDER OF DISMISSAL.

On this June 30th, 1904, this cause coming on for
decision, and it appearing to the Court that the appli-
cant herein, Nettie Howell is the identical person whose
rights were passed upon and finally adjudicated in the
case of Nettie Howell, vs. Choctaw and Chickasaw Nation,
number 101, it is the opinion of the Court that the pe-
tition in this cause should be dismissed, AND IT IS SO
ORDERED.

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Chief Judge.

.....
Associate Judge.

.....
Associate Judge.

In the Choctaw and Chickasaw Citizenship Court, sitting at
Tishomingo, in the Southern District of the Indian Territory,
June Term, 1904.

Nettie Howell,

vs.

No. 101.

Choctaw and Chickasaw Nations,

DECREE OF COURT.

On this 22nd Day of June, 1904, this cause coming on
for final decision, the same having heretofore been submitted
upon the law and the evidence, and the Court being well and
sufficiently advised in the premises doth find, that the
plaintiff, Nettie Howell, is entitled to be deemed a citizen
by intermarriage of the Choctaw Nation, and to enrollment as
such citizen, and to all the rights, privileges and immunities,
personal to herself, flowing therefrom.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the
plaintiff, Nettie Howell, is entitled to be deemed a citizen
by intermarriage of the Choctaw Nation, and to enrollment as such
citizen, and to all the rights, privileges and immunities,
personal to herself, which flow therefrom.

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Chief Judge.

.....
Associate Judge.

.....
Associate Judge.

J. N° 121.

Katie Howell,

vs

C. + C. Nations.

N° 147.

Southern District Court.

N°

Daves Commission.

C. W. Kean.

~~J. W. Ralls.~~

Attorney -

See N° 101.