

J-N<sup>o</sup> 124.

Jos. S. Jayman, et al.

vs

C. & C. Nations.

N<sup>o</sup> 83.

Southern Dist. Court.

N<sup>o</sup>

Dawes Commission

Law case.

See record in

Joseph C. Moore et al.

vs.

Chickasaw Nations,

T. No. 14

Fannie Moore, et al.

original style of case.

also

J. M. Crabtree et al J-118

Walter L Beavers et al J-114

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 *Wichita*, by *P. S. Moseley 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 *P. S. Moseley et al*

File No. *83* in the District Court for the *Smithson* 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 *Smithson* 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.

Clerk.

By *James B. Cannon* Deputy.



MARSHAL'S RETURN

MARSHAL'S RETURN.

United States of America,

Indian Territory,

DISTRICT.

*J. S. Layman et al*  
Clerk

I received this summons this ..... of ..... A. D., 1903,

at ..... o'clock ..... m. and served same by copy, as follows: aforesaid this .....

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

This ..... day of ..... 1903, ..... m.

WITNESS the Honorable Spencer B. Adams, Chief Judge

By ..... Deputy.

has been attached thereto

the certificate of the clerk of said court for said ..... District, Indian Territory,

Indian Territory, has been transmitted to the Choctaw and Chickasaw Citizenship Court, and that

File No. 83 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 P. S. Moseley, Governor aforesaid,

complaint will be taken for confessed, and you will make return of the summons instantly;

Duplicate

No. 124-T

SUMMONS  
IN EQUITY.

*J. S. Layman et al*  
vs.

Choctaw and Chickasaw Nations.

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

Marshal's Fees.

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

*Cecil H. Guel*

Attorneys for Plaintiff.

*Admission 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 *Debarningo*, by *J. S. Stigman 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. S. Stigman et al* File No. *83* in the District Court for the *Southem* District of the Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that the certificate of the clerk of said court for said *Southem* District, Indian Territory, has been attached thereto.

WITNESS the Honorable Spencer B. Adams, Chief Judge,

Walter L. Weaver and Henry S. Foote, Associate Judges, and the Seal thereof, at South McAlester, Indian Territory, aforesaid, this *24* day of March A. D., 1903.

*Samuel B. Cannon* Clerk.

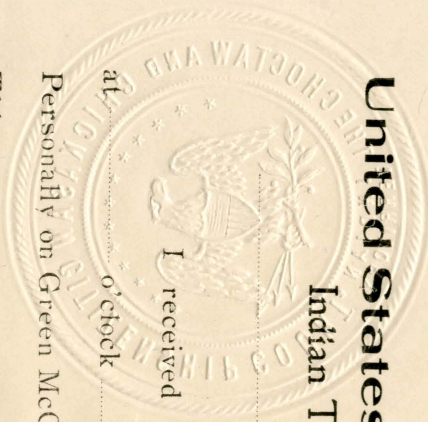
By *Samuel B. Cannon* Deputy.



MARSHAL'S RETURN

MARSHAL'S RETURN.

United States of America,  
Indian Territory,  
DISTRICT.



I received this summons this 24<sup>th</sup> day of March A. D. 1903  
at 5 o'clock m. and served same by copy, as follows:

Personally on Green McCurtain, at Indian Territory,  
This 24 day of March, 1903, at 5 o'clock 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  
this No. 89 \_\_\_\_\_ in the District Court for the \_\_\_\_\_ District of the  
that the papers, files and proceedings in the case of \_\_\_\_\_  
And you are further commanded to notify said Green McCurtain, Principal Chief aforesaid,  
complaint will be taken for confessed, and you will make return of the summons instant.

Duplicate

No 1247

SUMMONS  
IN EQUITY.

J. S. Luyman et al  
vs.

Choctaw and Chickasaw Nations.

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

Marshal's Fees.

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

Cruce and Cruce

Attorneys for Plaintiff.

Aedman O. T.

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

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

John S. Layman, et al.,  
Petitioners,  
vs.  
Choctaw and Chickasaw  
Nations, Defendants. }  
} PETITION.  
}

Come now the petitioners, John S. Layman, Lillian Layman and Fannie T. Layman, 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 are each and all citizens and members of the Chickasaw Tribe or Nation of Indians; that on the 9th day of September, 1896, they applied to the Commission to the Five Civilized Tribes for citizenship and enrollment as members of said Chickasaw Tribe or Nation of Indians; that said commission heard said application, and these petitioners were by the judgment of said commission denied enrollment as members of said Chickasaw Tribe of Indians.

That thereafter, and within the time prescribed by law, petitioners appealed from the judgment of said commission to the United States Court for the Southern District of the Indian Territory, at Ardmore, wherein said appeal was docketed in a cause styled Fannie Moore, et al., vs. Chickasaw Nation, and numbered 83. 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. 83, styled as aforesaid and said court adjudged and decreed these petitioners, each and all to be citizens and members of said Chickasaw Tribe or Nation of Indians, and ordered and directed the Commission to the Five Civilized Tribes to place the names of these petitioners upon the roll of citizens and members of said Chickasaw Nation of Indians;

which said judgment was rendered on the 27th day of May, 1899.

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 Court in the Indian Territory, admitting to citizenship and enrollment as citizens of the Choctaw and Chickasaw Nations upon appeal from the Commission to the Five Civilized Tribes, the ten defendants named in said cause in this court, as well as those who had come in and made themselves parties to said cause, and all judgments rendered in favor of parties similarly situated, null and void.

These 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.

That this court did not have the power or jurisdiction, under the pleadings and evidence in said cause, to set aside or vacate the judgment theretofore rendered in the United States Court for the Southern district of the Indian Territory at Ardmore, adjudging and established the citizenship and membership of these petitioners and members of said Chickasaw Tribe or Nation of Indians; and that said judgment of said United States Court for the Southern District of the Indian Territory, at Ardmore, in said cause No. 83, was not in any way affected, set aside or avoided by the judgment of this court.

Petitioners state, however, that inasmuch as this court has entered its judgment and decree setting aside all the judgments of the United States Court for the Indian Territory, Southern District, where the parties thereto were similarly situated to the ten defendants named in said cause of The Choctaw and Chickasaw Nations, or Tribes of Indians, plaintiffs, vs. J. T. Riddle,

et al., defendants, the Commission to the Five Civilized Tribes is denying and will deny to these petitioners all the rights and privileges as such members of the Chickasaw Tribe or Nation of Indians, and petitioners will be denied and deprived of all rights as such members and citizens of said Chickasaw Tribe or Nation of Indians, unless there files, papers and proceedings in said cause No. 83, styled Fannie Moore, et al., vs. Chickasaw Nation, be certified and set to this court for further proceedings therein;

Now, therefore, these petitioners, without waiving any of the rights adjudged and decreed to belong to them under and by virtue of said judgment of the United States Court for the Southern District of the Indian Territory, at Ardmore in said cause No. 83, Fannie Moore et al., vs. Chickasaw Nation, most respectfully pray that this court issue an order, ordering and directing the clerk of the United States Court at Ardmore, to certify and transfer to this court the files, papers and proceedings in said cause No. 83, styled as aforesaid, Fannie Moore et al., vs. Chickasaw Nation; that all proper writs issue herein, and be served, to the end that these petitioners be established in and not deprived of their rights as members of said Chickasaw Tribe of Indians, and for all of proper relief in the premises.

*Luce of Moore*

Attorneys for petitioners.



In the Choctaw and Chickasaw Citizenship Court,

Sitting at Tishomingo, I.T., September 19, 1904.

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J.S.Layman, et al,

--vs--

The Choctaw and Chickasaw Nations,

--0--

September 19, 1904, This day this cause coming on to be heard before the Hons. Spencer B. Adams, Walter L. Weaver and Henry S. Foote, Judgesof said Court, and both Plaintiffs and Defendants being represented by their counsel, the following proceedings were had to wit;

Mr. Cruce;

This case was left open for me to make some proof as to the identity of parties. The main body of the evidence was taken in the Jos. C. Moore case, of which this is a branch. Permission was given Mr. Layman and Mrs. Womack to make this proof and all I want is to prove the identity of these parties.

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John S. Layman,

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

Mr. Cruce;

Q.- What is your name?

A.- John S. Layman.

Q.- How old are you, Mr. Layman.

A.- Near 60 years old.

Q.- Where do you live?

A.- At present at South Mc Alester.

Q.- How long have you lived in the Indian Territory.

A.- Must have been for about twenty years.

Q.- What was your first wife's name.

A.- Hattie Moore, originally she was Hattie Holton when I married her. She was born Hattie Moore and married George M. Holton and he died and I married her.

Q.- Who was her father?

A.- Colbert Moore.

Q.- Are you the same John S. Layman that is mentioned in this petition.

A.- I suppose I am.

Q.- You filed your application before the Dawes Commission for citizenship?

A.- Yes, sir.

Q.- And the case was appealed to the United States Court.

A.- Yes, sir.

Q.- By whom?

A.- By the Nation.

Q.- Then you had it transferred to the United States Court.

A.- Yes, sir.

Q.- So you are the same man mentioned in these papers all the way through?

A.- Yes, sir.

Q.- Have you a certificate of marriage to this woman?

A.- Yes, sir, a certified copy.

Same is offered in evidence and marked Ex. "AAA"

Q.- Are you the same John S. Layman who was admitted to citizenship by the Chickasaw Council?

A.- In 1884?

Q.- Yes.

A.- Yes, sir.

Q.- What members of your family were admitted then?

A.- Myself and Lillian Layman, who is now Mrs. Womack, and Fannie T. Layman, who is now dead.

Q.- Fannie T. Layman is dead?

A.- Yes, sir.

Q.- Did she leave any children?

A.- ~~Yes~~, No, sir.

Q.- You say Lillian Layman is now Mrs. Womack, when did she marry Womack?

A.- I believe it was in Ninety one or two, probably February ninety two, I am now sure.

Q.- Were you admitted by that judgment as a citizen by inter-marriage or blood?

A.- I don't know how the judgment reads.

Q.- You don't claim by blood?

A.- I do not, no, sir, I have no Indian blood in me that I know of.

Q.- You don't know how they wrote up the judgment?

A.- No, sir, I don't remember the wording of the judgment.

Q.- This Mrs. Womack you say is your daughter; you know how many children she has?

A.- Four, I believe.

Q.- Know their names?

Mr. Cornish;

Are they mentioned in that petition?

Mr. Cruce,

I don't believe they are, but I would like to prove that anyway.

Mr. Cornish;

We object to any evidence as to parties who are not in this suit.

Judge Adams;

This Court has held that several times I believe.

CROSS EXAMINATION.

Mr. Cornish:

Q.- You were married to your wife in 1872, that is true?

A.- Yes, sir.

Q.- This license was issued to marry Hattie Holton in 1872 in Saline County, Arkansas?

A.- Yes, sir.

Q.- That was in 1872?

A.- Yes, sir.

Q.- Her name was Holton then?

A.- Yes, sir.

Q.- She had been married before her marriage to you?

A.- Yes, sir.

Q.- What had become of Mr. Holton?

A.- He was killed during the Rebellion

Q.- She was a widow?

A.- Yes, sir.

Q.- At the time you married her she was in Saline County, Arkansas?

A.- Yes, sir.

Q.- She had been there since 1852?

A.- Yes, sir, I think so.

Q.- She is a full sister to Jos. C. Moore, who lives at Sterrett?

A.- Yes, sir.

Q.- Colbert Moore was her father?

A.- Yes, sir.

Q.- You married her under a license issued by the authorities of Saline County Arkansas?

A.- Yes, sir.

Q.- Had you ever married her before?

A.- No, sir.

Q.- Have you ever been married to her since then?

A.- No, sir.

Q.- You moved into the Indian Territory in about 1884?

A.- Yes, sir.

Q.- When did your wife die?

A.- She died in 1893; she died before my removal to this country.

Q.- She died before your removal to this country?

A.- Yes, sir. She died in 1883, I mean.

Q.- She was not living at the time of your application to the Chickasaw Legislature?

A.- Yes, sir, she was dead then.

Q.- At the time of your application to the Chickasaw Legislature you were still living in Saline County?

A.- Yes, sir.

Q.- You didn't move here until after that time?

A.- No, sir. Well, the truth is I came here at that time.

Q.- You came the same time Jos. C. Moore came?

A.- Yes, sir. We did not come at the same time, but there was not a great while between.

Q.- This other person in the application is your daughter?

A.- Yes, sir.

Q.- There are two, they are both your daughters?

A.- Yes, sir.

Q.- What are their names?

A.- Lillian and Fannie T. Fannie T. is dead.

Q.- Was she living at the time the application was made to the Dawes Commission in 1896?

A.- I think not.

Q.- Lillian was living at the time the application was made to

the Dawes Commission in 1896?

A.- Yes, sir.

Q.- When did she die?

A.- She is still living.

Q.- Fannie T. is dead?

A.- Yes, sir.

Q.- Was she living in 1896?

A.- No, sir, I think not.

Q.- Then she was dead before the application was made to the Dawes Commission in 1896?

A.- I think so. My application was not made out by me in person.

Q.- Then the only persons who are living now, who were living in 1896, when the application was made, are you and your daughter Lillian, now Mrs. Womack?

A.- Yes, sir. Except her two children I spoke of.

Q.- They are not mentioned in this proceeding, there are three persons mentioned in the petition, and of these yourself and your daughter Mrs. Womack are the only ones that are living now?

A.- Yes, sir.

Judge Foote:

Q.- Do you claim to have married a Choctaw woman?

A.- No, sir, a Chickasaw woman.

Q.- And you married her in Arkansas, according to the Arkansas laws?

A.- Yes, sir. But we were married before any license law, or marriage law, or law regarding licenses, or establishing any rules for the marriage of citizens to citizens of the United States, was passed.

Q.- I only wanted to know if you were married in Arkansas.

A.- Yes, sir, that is right.

Mr. Cornish;

Q.- Neither you or your wife had ever lived in the Choctaw or Chickasaw Nations at the time you were married?

A.- No, sir.

Witness excused.

Mr. Cruce;

That closes the case.

Judge Adams;

Have you anything to offer?

Mr. Cornish;

No, sir, the evidence has already been submitted in the  
Jos. C. Moore Case.

Judge Adams;

Mark the case submitted.

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

John S. Layman, et al.,  
vs. No. 124.  
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, John S. Layman and Lillian Layman or Lillian Womack or Mrs. J. C. ~~Moore~~<sup>Womack</sup>, 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 petitioner, Fannie T. Layman.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition of the plaintiffs, John S. Layman and Lillian Layman or Lillian Womack or Mrs. J. C. ~~Moore~~<sup>Womack</sup>, 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 petitioner, Fannie T. Layman, the Court having no jurisdiction, her petition is dismissed.

.....  
Chief Judge.

.....  
Associate Judge.

.....  
Associate Judge.



Chickasaw Drury

John S. Chapman, Secy.

No 124

+ John S. Chapman  
+ William Chapman  
+ William Chapman

Fannie T. Chapman

original & return  
William Chapman