

esses:

Deimants.

set.

Pall	---	Owl, S.T.
Sand	hell---	Coalgate, S.T.
Lydia	Colbit---	Stonewall, ..
E.M.	Coppedge---	Owl, S.T.
Miss	Coppedge---	" , "

Indications.

Nelson Colbit.
 Lydia Colbit--- Stonewall. S.T.

No. 2

C. M. Coppedge

vs

Choctaw Nation

No. 177.

Central District Court.

No. 705.

Daves Commission.

Appeal dismissed

1. ...
 2. ...
 ...

Set for April 13 1903

Hand for May 11 - 1903

I N D E X.

Application to Commission	1
Affidavit of Nelson Colbert	2
Affidavit of Polly Black	3
Answer before Commission	4
Judgment of Commission	5
Notice of Appeal	6
Petition for Appeal	7
Summons	8
Motion to dismiss appeal	9
Caption to depositions	10
Notice to Take depositions	10
Deposition of Sarah Carroll	11
Deposition of Nelson Colbert	11
Deposition of Lydia Colbert	13
Deposition of C. M. Coppedge	14
Deposition of Alice Coppedge	16
Certificate of James E. Gesham to depositions	17
Petition for appeal and order allowing same	18
Assignment of errors	19
Citation	20
Bond on Appeal	20
Judgment of Supreme Court	21
Answer to Rule Court	23
Judgment, U. S. Court	24
Writ of Error	27
Certificate of E. J. Fainnin to papers	28
Letter of Fannin to Cassada	29
Synopsis	31
Judgment U. S. Court	32

Application for enrollment.

Indian Ter.
Atoka County.

Before me the undersigned a Notary Public for the County and State aforesaid this day personally appeared C. M. Coppedge who after being duly sworn states as follows:

I am 42 years of age and a citizen of the Choctaw Nation by marriage. I married Mrs. Alice Gardner nee Carroll a citizen of the Choctaw Nation by blood. I am married by Judge Everidge Supreme Judge of the Choctaw Nation. I beg to refer to attached marriage certificate for further proof. For some reason unknown to me my marriage license was sent for record but never returned. I have been living in this County every since I was married and am regarded as a Choctaw citizen and beg to be so enrolled.

Witness my hand this 5th day of September, 1896.

(SIGNED) C. M. Coppedge.

Sworn to and subscribed before me this 5th day of September, 1896.

(SIGNED) H. T. V. Perry,
My Commission expires 2nd March, 1899.

Coppedge further states as follows. My family consist of myself and wife Alice Coppedge and the following children. Lula Ru

Lula Rushing Coppedge

" \$ az 2 children.

Grandchild Roy Rushing 2 yrs. old

" " Rummel " 2 month old.

Anna Coppedge 14 years old.

Thurman " 8 " "

Ipsonia " 4 " "

Alfy " 2 " "

Witness my hand this 5th day of September, 1896.

(SIGNED) C. M. Coppedge.

Sworn to and subscribed before me this 5th day of September, 1896.

(SIGNED) H. T.V. Perry.

AFFIDAVIT OF WITNESS.

In the matter of Petition and Memorial of C. M. Coppedge
for enrollment as a Choctaw citizen.

Indian Ter.
Atoka County.

Before me the undersigned a Notary Public for the County and
State aforesaid this day personally appeared Nelson Colbert who after
being suly sworn states as follows.

I am 69 years of age and a citizen of the Choctaw Nation by
blood. I am personally acquainted with the applica~~nt~~ also his wife and
know she is a Choctaw by blood deriving said bloof from her mothers
side. I am also acquainted with her grand parent back in Mississippi
the Peden and her great grand parents the Kemps who ~~are~~ are all Indian s
by blood.

Witness my hand ~~and~~ this 5th day of September, 1896.

his
(SIGNED) Nelson X Colbert
mark

Witness

Jos. A. Bogy
Fanny Reed.

Sworn to and subscribed before me this 5th day of September,
1896.

(SIGNED) H. T. V. Perry.

My Commission expires March 2, 1899.

In matter of petition and memorial of C. M. Coppedge for enrollment as a Choctaw citizen.

Indian Ter.
Stoka County.

before me the undersigned a Notary Public for the County and state aforesaid this day personally appeared Pollie Black who after being suly sworn states as follows:

I am 70 years of age and a Chickasaw by blood . My Post Office address is Owl, I. T. I am personally acquainted with Alice Coppedge, wife of the applicant. I know she is a Choctaw by blood being a daughter of Sarah Carroll a citizen by blood. I am also acquainted with said Alice Coppedge grand mother Peden and her great grand parents the Kemps down in Mississippi; and know they are Chickasaw and Choctaw by blood.

~~Xixx~~ Witness my hand this 5t h day of Septembe r, 1896.

(SIGNED) Pollie XBlack.
her
mark

Witness
Jos A. Bogy
Fanny Reed.

Sworn to and subscribed before me this 5th day of September, 1896.

(SIGNED) H. T. V. Perry,

My commission expires 2 march 1899.

IN THE MATTER OF THE CLAIM OF C. M. Coppedge.

for citizenship in the Choctaw Nation.

Now comes the Choctaw Nation by its lawful attorneys and says:

FIRST: That this Honorable Commission has no power and jurisdiction to hear and determine the issues herein involved because the law creating such commission is unconstitutional and void.

SECOND. The Choctaw Nation enters its protest against the hearing of this cause because the methods of procedure adopted by this Commission are unjust, unfair, and productive of great fraud and wrong and the form and method of trial prescribed by said Commission are contrary to the constitution and laws of the United States.

THIRD. The Choctaw Nation protests against a hearing and determination of this cause for the reason that the time prescribed by said Commission within which this Nation must answer and adduce its proof is so limited as to amount to a denial of justice.

FOURTH. The Choctaw Nation further says that this Commission ought not to entertain this cause for the reason that it does not appear that the applicant herein has applied for citizenship to the legally constituted tribunal designated by the Choctaw Nation for the trial of questions of disputed citizenship.

FIFTH. Defendant says that the evidence adduced by the claimant in this case is not sufficient to establish his citizenship in the Choctaw Nation.

SIXTH. Defendant says that this Commission has no power to enroll the applicant herein because it appears that said applicant claims to be a citizen of the Choctaw Nation by inter-marriage and it does not appear that his rights as such inter-married citizen have been disputed by the Choctaw Nation.

SEVENTH. Defendant says that the applicant herein should not be enrolled he has not shown by his evidence that he has not forfeited his rights as such citizen by abandonment or remarriage.

EIGHTH. And not waiving the defenses heretofore set out, defendant for further answer herein says:

No marriage license or certificate of marriage, nor copies thereof, have been filed in this case, and there is no proper proof of marriage, and no proof of marriage according to Choctaw Laws.

C. M. Coppedge.

(SIGNED)

The Choctaw Nation.
by. Stuart, Gordon & Hailey
Its Attorneys.

COMMISSIONERS.

Henry L. Dawes,
Frank C. Armstrong, DEPARTMENT OF THE INTERIOR
Archibald S. McKennon,
Thomas B. Cabaniss, COMMISSION TO THE FIVE CIVILIZED TRIBES.
Alexander B. Montgomery,

H. M. Jacoway, Secretary.

Fort Smith, Arkansas Dec 3 1896.

705

C. M. Coppedge

Filed Sept. 7, 1896. Answer filed
applicant admitted as intermarried citizen.

Vs

Choctaw Nation.

H. T. V. Pery, Coalgate? I.
I.T.

I, H. M. JACOWAY, JR., Secretary, do hereby certify that the above
and foregoing is a true and correct copy of Choctaw Record C page 317
of the Commission to the Five Civilized Tribes.

Given under my hand and official
signature this the 6 day of
Feby, 1897

H. M. Jacoway,
Secretary

by Henry Stroup
act.

57

IN THE UNITED STATES COURT FOR THE CENTRAL DISTRICT OF THE
INDIAN TERRITORY, AT SOUTH McALESTER.

-----O-----

C. M. Coppedge Plaintiff

vs.

NOTICE OF APPEAL.

The Choctaw Nation, Defendant.

-----O-----

To C. M. Coppedge the above named plaintiff:

You are hereby notified that an appeal has been taken from the judgment of the Dawes Commission in the above entitled cause, and petition for said appeal has been filed in the United States Court at South McAlester.

T H E C H O C T A W N A T I O N

By Wm. M. Cravens,

and Stuar, Gordon & Hailey,

Its Attorneys.

INDIAN TERRITORY,

CENTRAL DISTRICT.

James Elliott being first duly sworn, states upon oath that he is not interested in this cause; that he was present and saw a true copy of the above notice sent by registered mail from South McAlester to the above named plaintiff at Coalgate, Post Office, on the 9 day of February, 1897.

(SIGNED) Jas. Elliott.

Subscribed and sworn to before me on this 9th day of February, 1897.

(SIGNED) Joe Hillman,
Notary Public.

56

IN THE UNITED STATES COURT FOR THE CENTRAL DISTRICT OF THE
INDIAN TERRITORY, AT SOUTH McALESTER.

C. M. Coppedge, Plaintiff.

vs.

PETITION FOR APPEAL.

The Choctaw Nation Defendant.

-----o-----

The Choctaw Nation, your petitioner, represents that heretofore, to-wit, on the _____ day of _____ 1896, C. M. Coppedge, who was then a white man, and not a Choctaw Indian, presented his claim to the Dawes Commission to be admitted as a citizen of the Choctaw Nation; and thereafter on the _____ day of December, 1896, said Dawes Commission, by its order, admitted said C. M. Coppedge to citizenship in the Choctaw Nation.

That said C. M. Coppedge based his claim to citizenship upon the fact that he had married _____ a Choctaw Indian by blood.

But your petitioner represents that said _____ was not a Choctaw Indian by blood, and that said marriage was in no wise in accordance with the laws of the Choctaw Nation, and nor right to citizenship was conferred upon said C. M. Coppedge.

Wherefore, your petitioner makes this its appeal, and prays that the order of the Dawes Commission admitting said C. M. Coppedge to citizenship in the Choctaw Nation be set aside, and that he may be declared by this Court to be a non-citizen of the Choctaw Nation.

(SIGNED) Wm. M. Cravens,

(SIGNED) Stuart, Gordon & Hailey,
Attorneys for the Choctaw Nation.

7

S U M M O N S.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) ss.
CENTRAL DISTRICT,)

THE PRESIDENT OF THE UNITED STATES OF AMERICA,
TO THE UNITED STATES MARSHAL FOR THE INDIAN TERRITORY, Central District:

You are commanded to summons C. M. Coppedge
to answer within thirty days from this date at South McAlester, I. T.
a complaint filed against him in said Court by the Choctaw Nation,
on appeal from the decision of the Dawes Commission in the matter of
his claim for citizenship in the Choctaw Nation.
and warn him that upon his failure to answer, the complaint will be
taken for confessed, and you will make due return of this summons.

WITNESS the Honorable Yancey Lewis, Judge of said Court,
and the Seal thereof, at South McAlester, Indian Territory, this 31st
day of March, A. D. 1897.

(SIGNED) P. B. Stoner
Clerk.

REVERSE SIDE.

MARSHALS RETURN

UNITED STATES OF AMERICA)
INDIAN TERRITORY,) ss.
..... DISTRICT,)

~~Executed~~ this summons Returned not served. Not found in Ind.
Ter.

(SIGNED) J. J. McAlester
U. S. Marshal for the Indian
Territory.

By. E. H. Doyle
Deputy.

8

In the United States Court for the Central District
of the Indian Territory at S. McAlester.

C. M. Coppedge et al, ---- plaintiff

vs.

Motion to dismiss appeal.

Choctaw Nation, --- defendant.

The above named plaintiff appears for the purpose of this motion and for nomother purpose and moves the ~~xxx~~ court here to strike from the docket and dismiss the above entitled action and to dismiss the appeal herein sought and to remand the papers herein to the Commission to the Five Civilized Tribes, with a certified copy of the Court's order herein, for the following reasons to-wit:-

No petition or application for appeal was filed in the office of the Clerk of the Court within the time ~~is~~ fixed by law for taking appeals from the decisionsof the said Commission.

2nd. No appeal has been allowed within the time fixed by law for taking appeals from the judgment of the said Commission to the Five Civilized Tribes to the United States Court for the Indian Territory.

(SIGNED) Ralls Bros.

Attorneys for plaintiff below.

(1)

In the United States court in the Indian Territory,

Central District at South McAlester.

C.M.Coppedge et al.

vs

Caption.

The Choctaw Nation.

Depositions of Sarah Carroll, Nelson Colbert, Lydia Colbert, C.M.Coppedge and Alice Coppedge, taken before me on the 13th. day of July 1897, between the hours of 8 o'clock A.M. and 6 o'clock P.M. at the office of H.T.V.Perry, in the town of Coal Gate, Central District of the Indian Territory, to be read as evidence in an action wherein C.M.Coppedge et al are plaintiffs and the Choctaw Nation is defendant pending at South McAlester in the Central District of the Indian Territory.

In the United States court for the Central Judicial

District of the Indian Territory, April 1897 term at So.McAlester.

ter.

C.M.Coppedge, et al.

vs

Notice to take depositions.

Choctaw Nation, defendant.

To the Choctaw Nation, the above named defendant, and Stuart Gordon and Hailey and Wm.M.Cravens, attorneys of record for the said above named defendant. You are hereby notified that the depositions of witnesses to be read in evidence in the above entitled cause on the part of the plaintiffs, will be taken at the office of H.T.V.Perry, Notary Public in the town of Coal Gate, in the Central Judicial District of the Indian Territory, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, on the 13th. day of July 1897, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

Ralls Bros. Attorneys for plaintiffs.

10
South McAlester, Ind.ter. July 6th. 1897.

(2)

Service of the above notice is hereby waived. Stuart Gordon and Hailey.
Attorneys for the defendant.

In the United States court in the Indian Territory,
Central District at South McAlester.

C.M. Coppedge et al.

vs

Deposition of Sarah Carroll.

The Choctaw Nation.

Sarah Carroll of lawful age, being first duly sworn, states;
My age is 67, I live 12 or 13 miles from Coal Gate, where I have been
living nine years. I have been in the Choctaw Nation off and on for thir-
ty years. I was born in Alabama. My fathers name was Jim Osborn. My
mothers name was Mamie Peddard before she was married to my father Jim
Osborn. They lived there a good many years and then came to Arkansas.
My mother had Choctaw and a little Chickasaw Indian blood in her. John
Peddard and Caroline Kemp before she was married to my grand father Ped-
dard was my mothers parents. Mrs. Coppedge, the applicant herein is 39
years old and is my daughter. She lives up there with me and has lived
there for nine years. C.M. Coppedge is my daughters husband. Ever since
they were married they have been living in Kiamitia County and here I
reckon. They were married according to the Choctaw laws by Judge Ever-
idge. I lived with my father and mother in Alabama. I dont remember when
it was I left there. I was about three years old. My great grand mother
was a Homer and a Choctaw. There are some relatives in Kiamitia County.
I have been taught that my great grandmother was recognized as a Chottaw
Indian. My husband is a white man. My daughter is a mixture of white and
Indian, that is all the blood there is in her. My mother was about 3/4
Indian, that was composed of C hoctaw and Chickasaw together.

Cross examination by Mr. Hailey.

// I am not on the rolls of the Choctaw Nation. I moved to Arkan-
sas from Alabama. I lived in Arkansas from the time I was three years old
until about twenty years ago. I have been in the Territory off and on
for the past thirty years. I have but one child living. She was born in

(3)

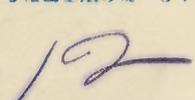
Arkansas on the line, that is Mrs. Coppedge. I was married in Arkansas to a white man. My mother was an Indian and my father was a white man. I do not remember my grand mother and grand father. My grand father was a white man and my grand mother was an Indian. My mother told me that my great grand father and great grand mother were Indians. The information I have on this point comes wholly from my mother and that is all the information I have. I know that my daughter was married in the Nation but I dont know whther she was married according to the Choctaw laws or not. She was married to a white man. My husband is living. He has never been recognized as an Indian. I dont know what degree of Indian blood I have but I was taught that my mother was a half breed.

J.E.Gresham. Wit. to mark.

Sarah Carroll. X her mark.

Deposition of Nelson Colbert.

Nelson Colbert being duly sworn, upon his oath states; I am about 68 or 69 years old. I live up here in the Chickasaw Nation and have been living out there about 20 odd years. I have been in this country since the Indians first moved out here from Mississippi and I came with them. I was not with the first Chickasaws that came. I came from Monroe County, Mississippi. I was owned by Daugherty Colbert. I am about one half Indian and the other half is negro. I was held as a slave in the state of Mississippi. I know the Kemps and know some of them in Mississippi. I also know the youngest of them here. They were Chickawaw Indians in Mississippi and were recognized as such. I did not know the Osborns there. I did not know Caroline Kemp there but I knowed Levi Kemp and some of his children, I knew Jackson Kemp, Joel Kemp and Billy Kemp, also Rueben Kemp, they were the boys. I did not know the Homers back there I did not know Judge Everidge back there. I have known Mrs. Carroll about fourteen years. The first I knew of her was up here about Stonewall. I dont know of my own personal knowledge that she is an Indian, but she has always claimed ever since I have known her to be a Choctaw and Chickasaw both.



(4)

Cross examination by Mr. Hailey.

I lived in the eastern part of the Choctaw Nation when I first came out here but I did not get acquainted with Mrs. Carroll the mother of Mrs. Coppedge until I came up here, to the Chickasaw Nation. I don't know whether the Kemps are related to them only what they said. I never knew them in Mississippi. I never heard any body excepting themselves say they were Indians. I don't think they do consider the Coppedges and Carrolls as Indians in the community where they live. I don't know the Homers.

Re-direct by Mr. Ralls.

I never heard any one say any thing about what they were.

Witness to mark. J.E. Gresham.

Nelson Colbert. X his mark.

Deposition of Lydia Colbert.

Lydia Colbert being duly sworn upon her oath states; I am 66 years old and live at Stonewall, I.T. I have been in the Indian Territory, ever since I could remember. I was a slave in Mississippi and was owned by Jeezy Perry. He was a half breed Choctaw. I was raised among the Choctaws. I knew one Homer family, it was Bill Homers family, they were Choctaws and were so recognized by the Choctaw people. I knew the Kemps and they were recognized by the people as Chickasaws, I also knew Caroline Kemp and she was a Chickasaw. I have known Mrs. Carroll 15 years. I got acquainted with her at Stonewall. She claimed to be part Choctaw and part Chickasaw by blood. She has claimed that ever since I have known her. I would say from her general appearance that she has Indian blood in her veins. I know Polly Black, she lives upon Red Fork, she is married now and her husband is named Dick. Her post office is Stonewall. I have not seen her but twice since last September.

Cross Examination.

I have known Mrs. Carroll and Mrs. Coppedge about fifteen years.

B

(5)

I know the Homers and it is the same family that Wiley belongs to. Wiley Homer is not a negro. He lives at San Bois. I know Bill Homer and he is a white man. I know the Kemps. They say they are related to the Coppedges and Carrolls. I only know they are related by what Mrs. Carroll and cousin Polly says. (cousin Polly is Polly Black) The Kemps I only know to be Indians by hearsay. I have seen white women a good many of them that looked more like Indians than Mrs. Carroll. I did not know anything about any of the Carrolls or Coppedges until they came to my community.

Re-direct examination.

Tandy Walker and other Indians up where we live recognize Mrs. Carroll as an Indian.

Recross examination by Mr. Hailey.

I never heard Tandy Walker say she was an Indian.

Re-direct.

I heard Tandy Walker say that Mrs. Carroll looked just like his grand mother and his grand mother was an Indian.

Witness to mark. J.E. Gresham.

Lydia Colbert. X/ hermark.

Deposition of C.M. Coppedge.

C.M. Coppedge, being duly sworn upon his oath states; My age is 43 years, I live three miles west of Owl, in the Choctaw Nation. I have lived in the Choctaw Nation I believe 19 or 20 years. I am a white man and Alice Coppedge is my wife, whom I married on the 15th/ day of August 1880, we were married by Judge Everidge under license procured from the Clerk of the third District of the Choctaw Nation. He was an Indian (witness is here handed paper which he says is the marriage certificate procured on the above occasion) I mailed the marriage license back to the clerk from whom I got it. I do not know what became of the marriage license. It has never been returned to me. (Here the certificate of marriage is introduced as evidence and attached to this deposition marked

(6)

exhibit A.) My wife was a garner when I married her. She had been married before and before she married Mr. Garner she was a Carroll. I got a Choctaw license to get married under because all the Indians down there recognized my wife as a Choctaw. I have lived in the Choctaw Nation ever since I was married with the exception of two years I lived in the Chickasaw Nation. I have lived in the Choctaw Nation 19 or 20 years. I am now living in the Choctaw Nation and have five children, named Lula, Anna, William, Saphronia and Alfey. Lula is married to B.P. Rushing and they are residing in the Choctaw Nation and have two children named Roy and Raymond. Rushing is a white man. I have met a great many Indians since I have lived here with my wife and they always take her to be an Indian and often ask her if she is a Choctaw or Chickasaw. I think from my wifes looks and general appearance that she shows to be an Indian and it has always been my understanding that she is such, and the clerk of the Choctaw Courts for the Third District issued the license and one of the Supreme Judges married us.

Cross Examination by Mr. Hailey.

I got my license in Kiamitia County. My wife had not been living in that neighborhood more than a year when I asked for a license. I did not have a petition signed by the requisite number of citizens, I just went to them and asked them for the license and then I took that license to Judge Everidge and he married us without asking any questions at all. I do not know what became of the records in that case. My wife had been married once before to a man by the name of Garnet but her former husband was dead. I lived in the Chickasaw Nation 2 years. My children were all born there. I have paid a permit in the Choctaw Nation, two I think. They have not called on me lately.

Re-direct.

15
When I got this license from the clerk I am not positive whether I took the oath or not. I dont remember whether he asked me any

(7)

questions more than the name of the girl. I think he issued the license to me without administering the oath. This clerk was the one that held the office just before George Oaks.

C.M.Coppedge.

Exhibit A.

This is to certify that I have this day united in the bonds of matrimony Mr.C.M.Coppedge and Miss Alice Garner according to law. This the 15th. day of Aug. 1880. Joel W.Everidge. Supreme Judge, 3rd. Judicial Dist. C N

Deposition of Alice Coppedge.

Alice Coppedge being duly sworn states on oath; My age is 39 years, and I was going by the name of Alice Garner on the 15th. day of August, 1880. Joe Garner, a white man was my first husband and he was dead at the time of my marriage to Mr.Coppedge. I remember the time Mr. Coppedge went to the clerk of the county and got the license. The Indians recognized me as an Indian at the time of my marriage to Mr.Coppedge. all the Indians I meet take me to be an Indian. I heard Mr.Coppedge s testimony about my grand children and it is correct. I have always understood that I was an Indian and always have been a Choctaw and Chickasaw. I got this from my mother that is all I know about it just what my mother told me and what the Indians did by my looks. I dont know why they do it, but they do do it.

Cross examination by Mr. Gailey.

I was born near the line on the Arkansas side. I dont know whether I was married according to the Choctaw laws or not. I dont know any thing about it only what you have heard from my husband. Myself nor none of my children drew no money from the late payment because we did not try. We had always been very poor and had no money and did not try to draw any money. Myself nor husband never made application to counsel for admission and all I know about being an Indian is what my mother said I never have participated in any Indian payment.

Alice Coppedge.

16

(8)

In the United States court in the Indian Territory.

United States of America,

Central District.

I, James E. Gresham, a Notary Public, within and for the Central District of the Indian Territory do hereby certify that the depositions of the witnesses Sarah Carroll, Nelson Colbert, Lydia Colbert, C.M. Coppedge and Alice Coppedge were taken before me at the time and in the place and in the action mentioned in the caption and that before testifying each of said witnesses was duly sworn that the evidence they should give in this cause should be the truth, the whole truth and nothing but the truth, and that each of their statements were reduced to writing by me in their presence and was read to and subscribed by them in my presence and that the plaintiff was present in person and by attorney, J.G. Ralls and the defendant was represented by W.E. Hailey, at the taking of said depositions.

Given under my hand and official seal this 13th. day of July 1897.

Seal.

James E. Gresham. Notary Public.

In the United States Court for the Central District of the
Indian Territory. Sitting at South McAlester.

C. M. Coppedge, Plaintiff.

No. 177 vs. Petition for appeal and order allowing
Choctaw Nation, Defendant. same.

Comes now the above named plaintiff and shows that he was plaintiff in the above entitled action and in said action was an applicant for membership, by intermarriage, in the Choctaw Nation, and that on the 19th day of January, 1898 a final judgment and decree was rendered against him in said action, denying him the right to membership in the said Choctaw Nation, and deeming himself aggrieved by said decree and judgment hereby appeals from said decree and judgment, to the Supreme Court of the United States, and files herewith his assignment of errors upon which he bases his right of appeal.

Wherefore plaintiff prays that his appeal be allowed, and that a transcript of the record, proceedings and papers upon which said decree and judgment was made, duly authenticated, may be sent to the Supreme Court of the United States of America.

This 20th day of October A. D. 1898.

(SIGNED) Joseph G. Ralls

Attorney for the plaintiff.

The foregoing petition for appeal is allowed, and bond for costs fixed at One hundred dollars.

This Oct. 20th, 1898.

(SIGNED) Wm. H. H. Clayton,

Judge of the United States Court
for the Central District of the Ind. Ter.

18

In the United States Court for the Central District of the
Indian Territory, Sitting at South McAlester.

C. M. Coppedge, plaintiff

No. 177 vs.

Bond on appeal.

Choctaw Nation, defendant.

Know all men by these presents that we C. M. Coppedge as principal and _____ and L. W. Bryan as sureties, are held and firmly bound unto the Choctaw Nation, the above named defendant, in the full and just sum of One Hundred dollars, to be paid to the Choctaw Nation, its certain attorneys, administrators and executors: to which payment well and truly to be made we bind ourselves, our heirs, executors and administrators, jointly and severally by these presents.

Sealed with our seals and dated this the 20th day of October in the year of our Lord one thousand eight hundred and ninety eight.

Whereas, lately at the court of the United States Court for the Central District of the Indian Territory, in a suit depending in the said Court, between C. M. Coppedge plaintiff against the Choctaw Nation defendant a decree was rendered against the said C. M. Coppedge and the said C. M. Coppedge having obtained an appeal and filed a copy thereof in the Clerk's office of said Court, to reverse the said decree in the aforesaid suit, and a citation directed to the said Choctaw Nation, citing and admonishing it to be and appear at a session of the Supreme Court of the United States of America to be holden at the City of Washington on the _____ day of November A. D. 1898.

Now the condition of the above obligation is such, that if the said C. M. Coppedge shall prosecute his appeal to effect, and answer all damages and costs, if he fails to make his said plea good, then the above obligation to be void, otherwise to remain in full force and virtue.

(SIGNED) C. M. Coppedge
by his attorney

Sealed and delivered in the presence of

(SIGNED) Joseph G. Ralfe.

(SIGNED) M. M. Lindly

(SIGNED) L. W. Bryan.

Approved by

(SIGNED) Wm. H. H. Clayton

Judge of the United States
Court for the Central District
of the Ind. Ter.
this 25th day of Oct. 1898

20

In the United States Court for the Central District of the
Indian Territory, Sitting at South McAlester.

C. M. Coppedge, plaintiff

No. 177 vs.

Assignment of errors.

Choctaw Nation, defendant.

The plaintiff in this action, in connection with his appeal, makes the following assignment of errors, which he avers occurred upon the trial of this cause and the rendition of the decree.

First. The Court in rendering a decree against the plaintiff.

Second. The Court erred in rendering any judgment herein for the reason that there had never been filed any appeal allowed from the judgment of the Commission to the Five Civilized Tribes, and this court had no jurisdiction to render any judgment in the absence of such appeal.

Third. The Court erred in declaring the law to be that the failure of the plaintiff to take the oath of allegiance to the Choctaw Nation and file a petition signed by ten Choctaw citizens by blood, at the time he obtained his marriage license from the Choctaw Nation, debarred him of the right to membership in the Choctaw Nation, by inter-marriage and enrollment as such member. To which action of the Court in so declaring the law the plaintiff then and there duly excepted in open Court and still excepts.

Fourth. The Court erred in not submitting the issues herein to a jury.

(SIGNED) Joseph G. Ralls,

Attorneys for the plaintiff.

In the United States Court for the Central District of the
Indian Territory. Sitting at South McAlester.

C. M. Coppedge, plaintiff

no. 177 vs Citation.

Choctaw Nation, defendant.

The United States of America:SS

To the Choctaw Nation, Greeting:

WHEREAS, C. M. Coppedge.

lately appealed to the Supreme Court for the United States of America
from a decree and judgment lately entered in the United States Court for
the Central District of the Indian Territory, made in favor of you,
the said Choctaw Nation, and have filed the security required by law:

YOU ARE THEREFORE, cited to appear before the Supreme Court of the
United States of America, at the City of Washington within thirty days
from this date.

Witness my hand this the 25th day of October, A. D. 1898.

2

(SIGNED) Wm. H. H. Clayton

Judge of the United States Court
for the Central District of the Ind. T
Ter.

service of the above citation is hereby waived this Oct. 25th, 1898

Choctaw Nation,

By. James H. Shackelford
its Attorney

UNITED STATES OF AMERICA, SS:

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To The Honorable Judges of the United States
Court in the Indian Territory.

GRANTING:

WHEREAS, lately in the United States Court in the Indian Territory before you, or some of you, in a cause between C. M. Coppedge, plaintiff, and the Choctaw Nation, defendant, wherein the decree of the said United States Court, entered in said cause on the 19th day of January, A. D. 1898 was in favor of the said defendant, The Choctaw Nation, and against the said plaintiff.

(INSIDE)

as by the inspection of the transcript of the record of the said United States Court, which was brought into the Supreme Court of the United States by virtue of an appeal agreeably to the act of Congress, in such case made and provided, full and at large appears.

AND WHEREAS, in the present term of October, in the year of Our Lord one thousand eight hundred and ninety eight, the said cause came on to be heard before the said Supreme Court, and on the said transcript of record, and was argued by counsel:

ON CONSIDERATION WHEREOF, It is now here ordered, and decreed by this Court that the decree of the said United States Court in this cause be, and the same is hereby affirmed with costs: and that the said defendant, The Choctaw Nation, recover against the plaintiff, C. M. Coppedge, Twenty dollars for its costs herein expended and have execution therefor. May 15, 1899.

(Reverse Side)

You, therefore, are hereby commanded that such execution and proceedings be had in said cause, as according to right and justice, and the laws of the United States, ought to be had, the said appeal notwithstanding.

WITNESS the Honorable MELVILLE W. FULLER, Chief Justice of the United States, the 16th day of August, in the year of our Lord one

21

thousand eight hundred and ninety nine.

COSTS OF defendant
Clerk Paid

Attorney $\frac{\$20.00}{\$20.00}$

(SIGNED) James H. McKinney
Clerk of the Supreme Court of the
United States.

273

C. M. Coppedge

Plff.

vs.

Answer to Rule.

Choctaw Nation

deft.

Comes now J. H. Gordon, one of the attorneys for defendant and in answer to the rule by this Court made on the 17th day of January 1898 upon respondent, and J. G. Ralls and the Clerk of this Court the production of the original depositions in this cause says upon oath That he has not seen said depositions since the 1st day of November 1898. That he has no knowledge of the present whereabouts of said depositions. That he has made diligent search for said depositions in his office and room since the issuance of the order herein and has been unable to discover them. Affiant further shows to the Court that he is open to inspection as are his apartments.

(SIGNED) J. H. Gordon.

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

23

United States of America,
Indian Territory,
Central District.

In the United States Court in the Indian Territory, Central District at a term thereof begun and held at South McAlester, in the Indian Territory, on the 25th day of August, 1897, present the Hon. Wm. H. H. Clayton, judge of said Court:

Whereupon the following proceedings were had, to-wit:

C. M. Coppedge

vs.

No. 177

The Choctaw Nation.

It is order by the Court that the plaintiff and defendant be allowed 30 days in which to take testimony herein.

And whereas, -

On the 19th day of January, 1898, the same being a regular day of said term of Court, the following proceedings were had, to-wit:

C. M. Coppedge

vs.

Judgement.

No. 177

The Choctaw Nation.

On this 19th day of January, 1898, this cause came on to be heard and the Court having heard all the evidence for plaintiff and defendant and having seen and heard the pleadings and being well and sufficiently advised in the premises, finds, - 1st. That the plaintiff, C. M. Coppedge, applied to the Commission to the Five Civilized Tribes to be admitted as an intermarried Choctaw citizen, and that he was by said Commission admitted as such, and the defendant, Choctaw Nation, took its appeal from said decision of said Commission to this Court in due time and appealed as to the said C. M. Coppedge alone. 2nd. That said C. M. Coppedge has resided in the Choctaw Nation for the past twenty years, and is a white man, and now residing herein the Choctaw Nation. That on the 15th day of August 1890, he was married to one Mrs. Alice Gardner, nee Alice Carroll, by Judge Everidge, who was a duly authorized officer of the Choctaw Nation to perform said marriage ceremony.

24

3rd. That prior to said marriage said C. M. Coppedge procured a Choctaw Marriage License from the duly authorized officer to issue same. And that said C. M. Coppedge was a single man at the time of said marriage as was said Alice Gardner, nee Alice Carroll. 4th.- That said Alice Gardner, nee Carroll was and is a Choctaw Indian by blood, and residing in the Choctaw Nation, and said Coppedge is still living with her. 5th.- That said C. M. Coppedge at the time he procured the said marriage license did not file with the officer issuing the same, and had no petition to his good moral character, and said C. M. Coppedge has never taken the oath of allegiance as required by the laws of the Choctaw Nation. Whereupon the Court declares the law to be that by reason of his failure to procure the said petition and to take the said oath of allegiance, as required by the laws of the Choctaw Nation said marriage did not confer citizenship in the Choctaw Nation upon the said C. M. Coppedge and that by reason of said facts is not entitled to be enrolled as a member by intermarriage of the Choctaw Nation. To which declaration of law, the defendant there and there in open Court duly excepted.

It is therefore ordered, decreed and adjudged by the Court that the plaintiff, C. M. Coppedge, is not a member of the Choctaw Nation, and that he take nothing by this suit, and that the judgment of the Commission to the Five Civilized Tribes, be and is reversed, and that the defendant, Choctaw Nation, have and recover of the said plaintiff, C. M. Coppedge, its cost herein laid out and expended, for all of which let execution issue, to which judgment, the plaintiff then and there in open Court duly excepted.

And whereas,-

On Monday, Oct. 24, 1898, the same being a regular day of said term of Court, the following proceedings were had, to wit) C. M. Coppedge et al.

vs.

No. 177

Choctaw Nation.

On this day comes the claimants herein by their attorney and present a petition praying an appeal in this cause to the Supreme Court of

the United States, which petition is ordered filed, and the same is hereby granted. Also at the same time presents his assignments of error which is ordered filed.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT, IN
THE INDIAN TERRITORY, AT SOUTH McALESTER.

C. M. COPPEDGE, ----- Plaintiff.)

-vs-

CHOCTAW NATION &
CHICKASAW NATION, ----- Defendant.)

(Writ of Error.

To Edward J. Fannin, Clerk of the United States Court,
for the Central District of the Indian Territory.

WHEREAS On the 2nd day of Oct., 1902, a petition for appeal
was filed in this Court, by C. M. Coppedge, as plaintiff against the
Choctaw and Chickasaw nations, as defendant; and,

WHEREAS: By the allegations of said petition it appears that
a judgment was rendered in the United States Court, at South
McAlester, on the 10 day of January, 1898, rejecting the said C. M. Cop-
pedge, and denying his right to be enrolled as a member by intermarriage
of the Choctaw Tribe of Indians; and,

WHEREAS: By virtue of section 32 of a certain Act of Cong-
ress entitled, "An Act to ratify an agreement with the Choctaw and
Chickasaw Tribe of Indians, and for other purposes,"
approved July 1, 1902, this Court was given jurisdiction over such
judgments, and the right of appeal was therein given to persons against
whom judgments were rendered in citizenship cases.

You are, therefore, hereby commanded to forward, under your
proper certificate and official seal, a copy of said judgment, together
with all files, papers and proceedings in said cause, with your return
of this cittation, and this you will do within ten days from this
date.

WITNESS the Honorables, Spencer B. Adams, Henry S. Foote
and Walter L. Weaver, Judges of the Choctaw and Chickasaw Citizenship
Court, on this the 2nd day of October, 1902.

(SEAL)

(SIGNED) James B. Cassada
Clerk

United States of America.
Indian Territory,
Central District.

I, Edward J. Fannin, Clerk of the United States Court for the Central District of the Indian Territory, do hereby certify that the papers hereto attached are the papers that were filed in my office as such clerk, the the cause of C. M. Coppedge vs. the Choctaw and Chickasaw Nations, and the copy of the judgment and proceedings hereto attached is a true and correct copy of th judgment and proceedings rendered in said cause~~m~~, and that this is my return to the above and foregoing writ of error, service of which is hereby waived.

Witness my hand and official seal at South McAlester,
Indian Territory, on this the 9 day of October, 1902.

(SIGNED) E. J. Fannin,
Clerk of United States Court.

28

DEPARTMENT OF JUSTICE.

OFFICE OF CLERK, UNITED STATES COURT.

Central District of Indian Territory.

So. McAlester, Oct. 13th, 1902.

Hon. James B. Cassada,

Clerk Choctaw and Chickasaw

Citizenship Court,

South McAlester, I. T.

Dear Sir:--

Enclosed herewith I hand you the following original papers in case No. 177, C. M. Coppedge Vs. the Choctaw Nation, together with a transcript of the record entries as follows to-wit:--

1. Application for enrollment before the Commission to the Five Civilized Tribes.
2. Answer of Choctaw Nation to claim of C. M. Coppedge for Choctaw Citizenssship.
3. Decision of the Commission.
4. Notice of appeal to the United States Court by the Choctaw Nation.
- 5 Petition for appeal by Choctaw Nation from decision of the Commission.
- 6 Summons.
- 6 1/2 Motion of Coppedge to dismiss appeal.
- 7 Depositions.
- 8 & 9 Answer of Ralls and Gordon to rule of Court to produce Depositions.
- 10 Petition for appeal by C. M. Coppedge to Supreme Court of the United States.
- 11 Assignment of errors.
- 12 Citation.
- 13 Bond for Appeal.
- 14 Mandate from Supreme Court of the United States.
- 15 Transcript of the proceedings had in the United States Court for the Central District of the Indian Territory.

I also return writ of error issued out of your court with my return

accepting service.

Kindly acknowledge receipt of above papers and oblige.

Very respectfully,

(SIGNED) E. J. Fannin, Clerk,
Cent. Dist. I. T.

*To the
Hon. J. H. ...
of the
Court of Appeals
at ...*

F

30

30

X

to M Coppedge

Choctaw Nation

Manuscript

(SIGNED) Genl. Dir. I. T. E. J. Romain, Clerk,

Very respectfully,

Kindly acknowledge receipt of above papers and office.

accepting service.

C. M. Coppedge,

vs. No. 177 Dawes Com. No. 705.

Choctaw Nation.

The original application, in this case, was for C. M. Coppedge alone, as an intermarried citizen, and the decision of the Dawe Commission as to him, alone, admitting him as an intermarried citizen. The appeal was taken by the defendant, the Choctaw Nation, as to C. M. Coppedge only, whereas there is filed with the papers what purports to be an amended petition praying for the admission to citizenship of C. M. Coppedge, as an intermarried citizen, and the following as citizens by blood:

"His wife, Ollie Coppedge, and his children, Lula Rushing, nee Coppedge, Anna Coppedge, Thomas Coppdge, Sephona Coppedge and Affy Coppedge, and his two gand children, Roy Rushing and Raymond Pushing."

The first paper in the case in which "et al" is added to the name of C. M. Coppedge, making it read making it reas "C. M. Coppedge, et al", is the above mentioned petition. There is, however, a pencil endorsement, "C. M. Coppedgem et al. vs Choctaw Nation, " on what purports to be the appplication made to the Dawes Commission, but , as it has the Central District Court number above it, there can be no contention that the case was originally designated in this manner.

From an examination of the duplicate application and ~~the~~ judgment of the Court herein, it is hard to reconcile the statements above with the facts as shown by said duplicate application and judgment.

C. M. Coppedge,

~~xxxxxxx~~ vs. No. 177, Judgment, Cent. Dist. Jan. 19, 1898.

Choctaw Nation.

On this 19th day of January, 1898 this cause came on to be heard and the Court having heard all the evidence for plaintiff and defendant and having seen and heard the pleadings and being well and sufficiently advised in the premises finds.

First. That the plaintiff, C. M. Coppedge applied to the Commission to the Five Civilized Tribes to be admitted as an inter-married Choctaw citizens, and that he was by said Commission admitted as such, and the defendant, the Choctaw Nation took its appeal from the decision of said Commission to this court in due time, and appealed as to said C. M. Coppedge alone.

Second. That said C. M. Coppedge has resided in the Choctaw Nation for the ~~past~~ last past 20 years and is a white man and now residing in the Choctaw Nation. That on the 15th day of August, 1890 he was married to one Mrs. Alice Gardner, nee Alice Carroll, by a Judge Everidge, who was duly authorized officer of the Choctaw Nation to perform said marriage ceremony.

Third. That prior to the said marriage C. M. Coppedge procured his Choctaw Marriage license from the duly authorized officers to issue same, and that C. M. Coppedge was a single man at the time of said marriage, as was said Alice Gardner, nee Alice Carroll.

Fourth. That said Alice Gardner, nee Alice Carroll was and is a Choctaw Indian by blood, and residing in the Choctaw Nation, and said Coppedge is still living with her.

Fourth. That C. M. Coppedge at the time he procured the said marriage license did not file with the officer issuing the same and had no petition as to his good moral character, and said C. M. Coppedge has never taken the oath of allegiance as required by the laws of the Choctaw Nation.

32 Whereupon, the court declares the law to be that by reason of his failure to procure said petition and take the said oath of

allegiance as required by law of the Choctaw Nation, said Marriage did not confer citizenship in the Choctaw Nation upon the said C. M. Coppedge and that he by reason of said facts is not entitled to be enrolled as a member by intermarriage, of the Choctaw Nation.

To which declaration of law the defendant then and there is open court duly excepted.

It is therefore ordered, decreed and adjudged by the court that the plaintiff C. M. Coppedge is not a member of the Choctaw Nation, and that he take nothing by this suit, and that the judgment of the Commission to the Five Civilized Tribes be and is reversed, and that the defendant, the Choctaw Nation have and recover of said plaintiff, C. M. Coppedge its costs herein laid out and expended for all of which let execution issue, to which judgment the plaintiff then and there is open court duly excepted.

LAW OFFICES OF
MANSFIELD, McMURRAY & CORNISH.

South McAlester, Indian Territory, October 31, 1902.

Mr. James B. Cassada,
Clerk Choctaw and Chickasaw Citizenship Court,
South McAlester, Indian Territory,

Dear Sir:

Please inform us whether in the cases of J. T. Marshal vs. the Choctaw Nation, Eliza A. Alexander vs. the Choctaw Nation and C. M. Coppedge vs. the Choctaw Nation, summons has been issued in each case to be served upon both Green McCurtain, Principal Chief of the Choctaw Nation and Palmer S. Mosely, Governor of the Chickasaw Nation, and also whether the summons if issued against both have been returned served in all cases.

Very respectfully,

Mansfield, McMurray & Cornish

Dictated.

South McAlester, Indian Territory, January, 6th, 1903.

Honorable J. G. Ralls,
Atoka, Indian Territory.

Dear Sir:-

We herewith register ^t you, by today's mail, copies of
our demurrers to appellants' petitions in the cases of
Ola May McPherrera, Josiah T. Marshall, and C. M. Coppedge.

Very respectfully,

Dictated.
Enclosure.

South McAlester, Indian Territory, February 26th, 1903.

Hon. T. C. Walker,

Stonewall, I. T.

Dear Sir:-

In the C. M. Coppedge case--which has been transferred to the Citizenship Court for trial--Nelson and Lydia Colbert gave testimony in the shape of affidavits and depositions, copies of which I enclose you. Any information you can give us in regard to these two witnesses, their reputation for truth and veracity, their means of knowing that about which they have testified, and any other facts of which you may be in possession in regard to the witnesses, will be greatly appreciated by us, and will no doubt be of service to the Nation. If you know any facts about the case we would also be glad to have you communicate the same to us.

Thanking you in advance for an early reply, we are as always,

Your friends,

OFFICE OF
CRAWFORD & McKEOWN,

ROLLOW BUILDING.

ADA, IND. TER.

ATTORNEY'S NATIONAL CLEAR-
ING HOUSE.
MARTINDALE,
MERCANTILE ADJUSTER.
R. G. DUNN & CO.
WILBER MERCANTILE AGENCY.

Mch. 3, 1903.

NO. _____ \$ _____

Mansfield, McMurray & Cornish, Attys.
South Mc Calister I. T.

Gentleman:-

Enclosed you will find the affidavits of Nelson and Lydia Colbert in the matter of C. M. Coppedage claimant as Choctaw Citizen. We had to go to their place I took a Notary with me there and you will see what they~~xs~~ said in the matter and stated futher that they were willing to go on and swaer that that they had never made any such affidavits as Coppedage claimed that they made at any time and place that you might desire them to I think what we have here will be ~~wx~~ about what you want. They made this statement before several disinterasted parties, I took an Atty. with me w who is a Notary, we had poor means at the place where we were to take the affidavits but think they will answer your purpose. When I can assist you call on me.

Your Friend,

J. G. McKee

Per. J. D. C.

South McAlester, Indian Territory, March 5, 1903.

Honorable T. C. Walker,

Stonewall, Indian Territory,

Dear Sir and Friend:

We are just in receipt of your letter of March 3, 1903, enclosing affidavit from Lydia Colbert and Nelson Colbert in the matter of the application of C. M. Coppedge for citizenship in the Choctaw Nation.

We assure you your prompt attention to this matter is appreciated in the highest measure, and will be of much service to the Chickasaw and Choctaw nations.

The purpose of this letter is to request that you send us a statement of expenses involved in connection with this work, and we shall send you our check promptly. Let the statement of expenses include everything, including livery hire, horse feed, hotel bills and Notary fees, as well as your own time.

Please send us this at once and we shall pay it out of the funds set aside for that purpose.

With very best wishes, we are,

Your friends,

South McAlester, Indian Territory, March 19, 1903.

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

Dear Sirs:

The purpose of this letter is to request that you advise us by letter if either Sarah Carroll or Alice Coppedge, or both, are applicants for enrollment as citizens of the Choctaw or Chickasaw Nations.

The particular information we desire in making this inquiry is as to whether or not the names of either one, or both, of these persons appear upon any of the tribal rolls of the Choctaw Nation in your possession.

Trusting that we may have your early reply furnishing us the information, we are,

Very respectfully,

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

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

Choctaw 3441.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 20, 1903.

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

Gentlemen:

Receipt is hereby acknowledged of your letter of March 17, asking if either Sarah Carroll or Alice Coppedge, or both, are applicants for enrollment as citizens of the Choctaw and Chickasaw Nations and whether their names appear upon any of the tribal rolls of said nations in the possession of the commission.

In reply to your letter you are advised that it appears from our records that a Sarah Carroll, about ten years old, daughter of Condry and Adeline Carroll, was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, rendered August 30, 1897, in court case number 75 on the citizenship docket of said court. It further appears that application was subsequently made for the enrollment of this child as a citizen of the Choctaw Nation. It does not appear that the name of this child is found on any of the tribal rolls of the Choctaw Nation in the possession of this Commission.

It does not appear that the name of Alice Coppedge is found on any of the tribal rolls of the Choctaw or Chickasaw Nation in the possession of the Commission, nor does it appear that any application

M McM & C 2

has been made to this Commission for her enrollment in either of said nations.

Respectfully,



Chairman.

South McAlester, Indian Territory, March 24, 1903.

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

Dear Sirs:

We are in receipt of your letter of March 20, 1903, which is in reply to our letter of March 17, 1903, in which you state that neither the name of Sarah Carroll nor Alice Coppedge appear upon the tribal rolls of the Choctaw or Chickasaw Nations in your possession; and that Alice Coppedge is not an applicant for citizenship before your Commission at this time in either the Choctaw or Chickasaw Nations; and that the only Sarah Carroll who is an applicant is the daughter of Ganley and Adeline Carroll, is ten years old, and claims through admission by judgment of the United States Court rendered at South McAlester on August 30, 1897 in case number seventy-five.

The purpose of this letter is to request that you kindly prepare and forward to us the certificate of the Commission stating these facts, for use before the Choctaw and Chickasaw Citizenship Court.

Very respectfully,

Dictated.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 26, 1903.

Mansfield, McMurray & Cornish,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of March 24, acknowledging receipt of our communication of March 20, stating that the names of Sarah Carroll and Alice Coppedge do not appear upon the tribal rolls of the Choctaw and Chickasaw Nations in the possession of this Commission; that Alice Coppedge is not an applicant for enrollment to this Commission in either the Choctaw or Chickasaw Nation and that the only Sarah Carroll who is an applicant for enrollment in either of said nations is the daughter of Condry and Adeline Carroll, ten years old, who was admitted to such citizenship by virtue of a judgment of the United States Court rendered at South McAlester, on August 30, 1897, in court case number seventy five. In conclusion you ask that a certificate of these facts be prepared and forwarded to you for use before the Choctaw and Chickasaw Citizenship Court.

In reply to your letter you are advised that while it does not appear from our records that any Sarah Carroll except the one above referred to, is an applicant for enrollment in the Choctaw or Chickasaw Nation, nor that Alice Coppedge is an applicant to this

Commission for enrollment in either of said nations; neither does it appear that the names of either of these persons are found on the tribal rolls of the Choctaw and Chickasaw Nations in the possession of the Commission, it does appear that Sarah Carroll, daughter of Robert and E. D. Bell, and Annie Coppedge, daughter of William and Elizabeth Howell, were applicants to this Commission for identification as Mississippi Choctaws, and their applications have been refused by the Commission and its decision affirmed by the Secretary of the Interior.

You are advised, however, that the Commission cannot make certificate of these facts as requested by you.

Respectfully,



Chairman.

General letter of inquiry as to
how testimony will be
furnished and how

Mar 28, 1903

South McAlester, Indian Territory, May 1, 1903.

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

Dear Sirs:

Under date of March 20, 1903, you advised us by letter that an examination of the tribal rolls of the Choctaw and Chickasaw Nations showed that the name of Alice Coppedge did not appear thereon; and that no application for Choctaw or Chickasaw citizenship had been made to the Commission to the Five Civilized Tribes under the act of June 10, 1896.

You also advised us in the same letter that an examination of the tribal rolls of the Choctaw and Chickasaw Nations showed that the name of Sarah Carroll did not appear thereon and that the only person of this name who had made application to the Commission to the Five Civilized Tribes for enrollment as a citizen either of the Choctaw or Chickasaw Nation was Sarah Carroll, ten years of age, daughter of Condey and Adeline Carroll, admitted to citizenship by a judgment of the United States Court, for the Central District, Indian Territory, on August 3, 1897, case number 75.

The purpose of this letter is to kindly request that you prepare a certificate stating these facts and furnish the same to us for use before the Choctaw and Chickasaw citizenship Court in the case of G. M. Coppedge vs. Choctaw and Chickasaw Nations.

This case will be called on next Monday, May 4th, and

#2

this proof must be made and we respectfully urge that the certificate be furnished us to that end by to-morrow night May, 2nd, if possible.

Very respectfully,

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 8, 1903.

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

Receipt is hereby acknowledged of your letter of the first instant, in which you state that under date of March 20, 1903, the Commission advised you that from an examination of the tribal rolls of the Choctaw and Chickasaw Nations in the possession of the Commission that the name of Alice Coppedge did not appear thereon; neither did it appear that any application for citizenship in the Choctaw or Chickasaw Nation had been made to this Commission by any person of this name, under the provisions of the act of Congress of June 10, 1896; and further, that in the same letter you were advised that the name of Sarah Carroll did not appear on the tribal rolls of the Choctaw and Chickasaw Nations in the possession of the Commission and that the only person of this name who had made application to the Commission to the Five Civilized Tribes for enrollment in either the Choctaw or Chickasaw Nation was Sarah Carroll, ten years of age, daughter of Condey and Adeline Carroll, admitted to citizenship by a judgment of the United States Court for the Central District of Indian Territory, on August 3, 1897, in court case number 75.

In concluding your letter your request that the Commission prepare a certificate stating these facts and furnish the same for your use before the Choctaw-Chickasaw Citizenship Court in the case of C. M. Coppedge against the Choctaw and Chickasaw Nations, which will be called on Monday May 4, 1903.

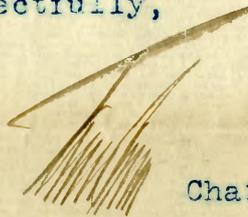
The Commission is unable to understand from your letter just the character of the certificate you desire; whether to the effect that the names of Alice Coppedge and Sarah Carroll are not found upon the rolls of the Choctaw or Chickasaw Nation in the possession of this Commission, or a certificate to the extent of the statements contained in your letter.

You are further advised that your letter was not delivered at this office until the afternoon of May 4, 1903, and it was therefore impracticable to prepare any certificate to be delivered within the time requested in your letter.

The Commission has to advise that it is adverse to the issuance of any certificates showing that the names of certain persons are not found upon the tribal rolls of the Choctaw and Chickasaw Nations, and examination of these rolls for this purpose requires considerable time, and as you are probably aware, it is often the case that a person is identified on the tribal rolls under some other name than the one given. We can appreciate your position in your desire to obtain this information for use before the Choctaw-Chickasaw

Citizenship Court and would suggest, as a more expeditious method, that you delegate some person to this office authorized to examine the tribal rolls, which will be furnished for inspection.

Respectfully,

A handwritten signature in dark ink, consisting of a long, sweeping horizontal stroke followed by several vertical lines of varying lengths, creating a stylized, somewhat abstract mark.

Chairman.

JOSEPH G. RALLS,
Attorney and Counselor,
ATOKA, IND. TER.

April 10th., 1903.

Messrs. Mansfield, McMurray & Cornish,
Attorney-at-law,

South McAlester, I. T.

Dear Sirs:-

I have just received a letter informing me that the children of Mr. C. M. Coppedge are down with the small-pox in the same house where he is. The letter was from Mr. Coppedge himself, and he wanted to know if he would better come to trial. I did not hold the letter in my hands long enough to give it a second reading, but have written him that we do not want him around us or the court, until he can give a Doctor's certificate, showing that there is no danger of smallpox. I am writing the court, by this mail, that Mr. Coppedge will not be able to be there.

I received your notice with regard to making the complaint more definite and certain, and as soon as Mr. Coppedge can be reached with safety I will undertake to furnish you the information by way of a more specific petition.

Very respectfully,



you are to proceed and approach those from whom you are
South McAlester, Indian Territory, April 13, 1903.
to get the information you are to exercise your own best
judgment having in mind the accomplishment of the most
C. M. Coppedge, et al.,
direct and beneficial results.

Vs.

We enjoin the utmost secrecy in your operations
Choctaw Nation.
as the consideration involved is a most delicate one; which
you will understand.

To G. Rosenwinkel,

Yours very truly,

This case was set for trial on Monday April 13,
1903. Two days before this date we received a letter from
Mr. Ralls and the Court also received a like letter stating
that he was in the possession of a letter from Mr. C. M.
Coppedge, who lives at Owl, Indian Territory, (some ten
or twelve miles Northwest from Coalgate) that four of his
children were ill with small-pox, and that he was in the
room with them.

In this letter Mr. Ralls suggested that the
case be continued until Coppedge would be able to furnish
a certificate of a physician that it would be safe for
him to appear in Court.

While we have no information other than that
contained in Mr. Rall's letter we believe his statements
are untrue and that there is not small-pox in the family;
and that the statement is made simply because Mr. Ralls
does not wish the case to come to trial.

You are directed to proceed to Coalgate, Indian
Territory, this afternoon April 13, and proceed to the
residence of C. M. Coppedge and ascertain the facts. As to how

you are to proceed and approach those from whom you are to get the information you are to exercise your own best judgment having in mind the accomplishment of the most direct and beneficial results.

We enjoin the utmost secrecy in your operations as the consideration involved is a most delicate one; which you will understand.

Yours very truly,

Wesley M. Mornay & Cornish

that Dr. Gardner would be sure to know if small-pox existed anywhere in Lehigh.

I next saw Mr. C. Sturdivant who is a grocery salesman in Lehigh. He is a citizen by intermarriage of the Choctaw Nation and has every appearance of being a reputable and truthful man. Mr. Sturdivant informed me that he had made a delivery of groceries at the Coppedge home on yesterday morning, April 13; that the family was well acquainted with him; that he has seen Mr. Coppedge frequently during the past several weeks; that he knew that the Coppedge family did not have small-pox, etc., I took from him an affidavit which is attached hereto and marked exhibit "A".

I next proceeded to the residence of the Coppedge family. I found the family absent from home Mrs. Coppedge having gone to visit a former neighbor, a Mrs. Herman. I called on Mrs. Eunice Ross, who lives in the next door house and spoke to her about the Coppedge small-pox situation. She was very much surprised to think that the report was current that the Coppedges had small-pox. She stated that some five or six weeks ago two of the Coppedge girls had a slight breaking out which she described as being somewhat similar to ezema but that it left the children within a few days and that neither the Coppedges nor their neighbors thought anything of it. That somewhat later the boy "Bud" had the same breaking out but that the two girls continued to attend school and that the boy continued to work without intermission

and that the entire family continued to intermingle with the neighbors and friends. Mrs. Ross further stated that she herself was very much afraid of small-pox but that it never occurred to her that these children had small-pox; that she buys her milk from the Coppedges and that she continued to do so; that the children had no fever at all and that in fact the whole illness was not worthy of even notice. She also stated that she was positive that no physician had called at the Coppedge home at any time lately.

I next saw Miss. Scotta Davis who teaches the private school where the Coppedge children are in attendance. Here I found Alpha and Frona Coppedge, two little girls of more than average intelligence, and spoke to them about their small-pox. They denied vehemently that they had had small-pox; they stated that they had a breaking out a number of weeks ago but that it was not small-pox; that they were not at all sick when they had it; and one of the little girls said that she did lay down on a pallet for a short while one day. They corroborated other statements made in this connection and if anything made stronger and more positive statements showing that small-pox has never existed in the Coppedge family and that it was never believed by any one that it did exist. I secured an affidavit from their teacher, Miss. Davis, which is conclusive in this respect. The same is attached to this report and marked exhibit "B".

I then proceeded to the house of Mrs. Herman

where I found Mrs. Coppedge, the wife of C. M. Coppedge. Her statements were very conflicting as she would change her tenor as the occasion demanded it in the course of the conversation. She first stated that she did not think the children had small-pox and that at any rate they were all well now; she then said they were quite sick for a few days and that she and her husband supposed it was small-pox; she however admitted that the girls continued to attend school and the boy continued with his work without interruption; she also stated that "Dr. Gardner said it was small-pox and told my husband to fumigate the house" and then frankly stated that Dr. Gardner had never been at their house and had never seen the children. When I asked her to harmonize these statements she stated that she supposed "Coppedge had seen Dr. Gardner and he told him what to do" . She also admitted that she did not have a physician at any time.

I finally asked her if it was a fact that she or her husband had represented to the "Court at South McAlester through their lawyer Mr. Ralls, that they had four cases of violent small-pox at their home" she stated, that she did not know. I then asked if her husband had written any letter at all to Mr. Ralls whereto she replied that her husband did write Mr. Ralls a letter on last Friday or Thursady, she did not remember just when, wherein he stated that he did not want to go South McAlester as he had children ill with small-pox and was in the room with them. She was

sure that her husband had written a letter to this effect. When questioned as to what else the letter contained she stated she did not know and stated further that she had had no conversation with her husband as to the contents of the letter; did not read it and had never read a letter of her husband's.

She stated that her husband was afraid to come to South McAlester as he understood the quarantine regulations were very strict up her and that he feared he might be detained here.

In view of the statements made by Mrs. Coppedge I did not deem it necessary to find C. M. Coppedge as no doubt he would have said practicably the same things that Mrs. Coppedge did and as it would have necessitated my staying away from the office for another day I returned as soon as possible deeming the results above sufficient in every respect for present purposes.

There is no doubt in my mind but the whole affair is a conivery out and out. The fact that some very few cases of small-pox do exist in the vicinity of Lehigh and Coalgate probably caused the intigator of this fraud to hit upon this scheme as a good one.

Respectfully,

Samuel K. L.

"A"

1 My name is C. Sturdivant; I am
2 42 years of age; reside at Lehigh, Ind. Ter.;
3 I am a citizen by intermarriage of the
4 Choctaw Nation; and am engaged in
5 the grocery business at Lehigh as salesman.

6 I am well acquainted with C. M.
7 Cophedge and his family who reside
8 at Lehigh. These people deal with me
9 and I have seen Mr Cophedge a number
10 of times at my store and around. This
11 morning I delivered groceries at
12 the home of Mr Cophedge; I saw Mrs
13 Cophedge, two of the children and two
14 grand children of C. M. Cophedge. The
15 entire members of the family seemed
16 to be in good health. Mr C. M. Cophedge
17 was away from home employed in
18 the mines. I am reasonably sure
19 that there is no small-pox existing
20 in Mr Cophedge family. I know that
21 Mr. Cophedge would caution me
22 if such did exist and I have not
23 heard it said in the community
24 that small-pox existed in said
25 family. - neither is the customary
26 "yellow flag" displayed at the residence
27 of Mr C. M. Cophedge. C. Sturdivant

28
29 subscribed and sworn to before me this
30 14th day of April 1903

31
32 Done at Lehigh Tl.

33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

W.P.



"B"

1 My name is Scotta Davis; I am of
2 lawful age; I reside at Lehigh, I. T.
3 I am at present engaged in teaching
4 ~~the~~ a private school at this city.

5 Alpha and Frona Coppedge, the chil-
6 dren of C. M. Coppedge are pupils
7 in my school and have been
8 in attendance for the past week
9 (ending Friday April 8th) and have
10 attended said school this week
11 (April 13, & 14) and are to the best
12 of my knowledge in good ~~health~~
13 health. These two children have
14 been ~~to~~ visiting at my home
15 almost daily for the past three
16 weeks and so far as I know
17 have not been afflicted with
18 small-pox.

19 Scotta Davis

20
21 Subscribed and sworn to before me
22 this 14th day of April 1903 at
23 Colgate Ind. Ter.

24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

W.



No 2.

C. M. Coppedge

vs.

Choctaw & Chickasaw Nation

Report on
Application for Continuance

C. M. Coppedge,

vs

Choctaw Nation.

On August fifteenth 1880, married Mrs. Aliée Garner.
Some proof of license but not conclusive. Certificate of marriage
by Joel W/ Everidge, Supreme Judge, Third District, Choctaw Nation .

Mrs. Garner was daughter of Sarah Carroll. Neither
Sarah Carroll, nor Alice (Garner) Coppedge were ever enrolled by
Choctaws nor drew money.

C. M. Coppedge made application to Dawes Commiassion
in 1896 and was admitted as citizen by inter-marriage.

Nation appealed and he was rejected.

Affidavits of Nelson Colbert and Polly Black were
filed in 1896 in support of application.

Depositions of Sarah Carroll, Nelson Colbert, Lidia Col-
bert, C. M. Coppedge, Alice Coppedge were taken and filed in Court

Affidavits and depositions attempt to show that Sarah
Carroll and her daughter Alice Coppedge were Choctaw or Chickasaw
Indians. Were never recognized or enrolled. Born in Alabama
and lived in Arkansas until a few years ago. Married by J. W.
Everidge, Supreme Judge, Third District, but norecord proof
of license.

First; Wife of CCM. Coppedge is not Choctaw Citizen.

Second: Choctaw Inter-marriage laws not complied with.

Application to Dawes Com. filed Sept. 7, 1896.

Application itself shows that -

Lidie J. L. Walker, of Stearns, ex to Nelson Colbert and Lidia Colbert, who are negroes.

2
Coppedge

2
for Chief of the Nation

United States of America,

Indian Territory,

In the Choctaw and Chickasaw Citizenship Court, }

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal of the Central District, Greeting,

WHEREAS, In a case lately pending in the United States Court for the Central District of the Indian Territory, wherein C.M. Coppedge was plaintiff and the Choctaw Nation and the Chickasaw Nation were Defendants, judgment was rendered against said C.M. Coppedge, and he has prayed an appeal to the Choctaw and Chickasaw Citizenship Court, setting as a Court of appeals at South McAlester in the Indian Territory, returnable instanter.

It is therefore hereby commanded that you summon Green McCurtain, Principal Chief of the Choctaw Nation, to appear before the Choctaw and Chickasaw Citizenship Court, sitting at South McAlester in the Choctaw Nation, Indian Territory, within Twenty days of the service of this summons, to defend in said cause.

Hereof fail not, and make due return of this writ, and certify your execution thereof.

In testimony whereof, I hereunto set my hand and affix the seal of the said Citizenship Court, at my office in the town of South McAlester, this 15th. day of October, 1902.

James B. Cassada, Clerk,

By E. L. Beville
Deputy Clerk.



Copy for Principal Chief McCurtain



By J. B. Casada
Deputy Clerk.

South McAlester, this 15th day of October, 1908.

Seal of the said Citizenship Court, at my office in the town of
In testimony whereof, I hereunto set my hand and affix the
your execution thereof.

Hereof fail not, and make due return of this writ, and certify
of the service of this summons, to defend in said cause.

McAlester in the Choctaw Nation, Indian Territory, within Twenty days
the Choctaw and Chickasaw Citizenship Court, sitting at South
McCurain, Principal Chief of the Choctaw Nation, to appear before

It is therefore hereby commanded that you summon Green
Territory, returnable instant.

G. M. Coppedge
vs.
Choctaw Nation

Summons

THE UNITED STATES OF AMERICA,
has prayed an appeal to the Choctaw and Chickasaw Citizenship Court,
reference, judgment was rendered against said G. M. Coppedge, and the
and the Choctaw Nation and the Chickasaw Nation were
District of the Indian Territory, wherein G. M. Coppedge
of the National of the Central District, Greening,
THE UNITED STATES OF AMERICA,

Indian Territory,
United States of America,

John Peddard }
Caroline Kemp } Maunie Peddard

Jim Osborne }
Maunie Peddard } Sarah ~~Osborne~~ ^{Osborn}

— Corrae }
Sarah Osborne } Alice Corrae

— Garner }
Alice Corrae } Garner duis

Alice Garner (nee) Corrae }
C. M. Cappedge } Chickburn

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

United States of America,
Indian Territory,
In the Choctaw and Chickasaw Citizenship Court,)

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal of the Southern District, Greeting,

WHEREAS, In a case lately pending in the United States Court for the Central District of the Indian Territory, wherein C.M. Coppedge was Plaintiff and the Choctaw Nation and the Chickasaw Nation were Defendants, judgment was rendered against said C.M. Coppedge, and he has prayed an appeal to the Choctaw and Chickasaw Citizenship Court, sitting as a Court of Appeals at South McAlester in the Indian Territory, returnable instant.

It is therefore hereby commanded that you summon Palmer B. Mosley, Governor of the Chickasaw Nation, to appear before the Choctaw and Chickasaw Citizenship Court, sitting at South McAlester in the Choctaw Nation, Indian Territory, within twenty days of the service of this summons, to defend in said cause.

Hereof fail not, and make due return of this writ, and certify your execution thereof.

In testimony whereof, I hereunto set my hand and affix the seal of the said Citizenship Court, at my office in the town of South McAlester, this 15th. day of October, 1902.

James B. Cassada, Clerk,

By E. D. Berritt
Deputy Clerk.





Deputy Clerk.

By E. A. Burt
James B. Cassady, Clerk.

Now master, this 15th day of October, 1902.

of the said Citizenship Court, at my office in the town of South

In testimony whereof, I hereunto set my hand and affix the seal
your execution thereof.

Hereof fail not, and make due return of this writ, and certify
service of this summons, to defend in said cause.

in the Choctaw Nation, Indian Territory, within twenty days of the
Choctaw and Chickasaw Citizenship Court, sitting at South McAlester
Mosley, Governor of the Chickasaw Nation, to appear before the

It is therefore hereby commanded that you summon Palmer B.
in the Indian Territory, returnable instant.

Citizenship Court, sitting as a Court of Appeals at South McAlester
Coppedge, and he has prayed an appeal to the Choctaw and Chickasaw
Nation were Defendants, judgment was rendered against said C.M.
Coppedge was Plaintiff and the Choctaw Nation and the Chickasaw
for the Central District of the Indian Territory, wherein C.M.

WHEREAS, in a case lately pending in the United States Court

To the Marshal of the Southern District, Georgia.

THE PRESIDENT OF THE UNITED STATES OF AMERICA.

In the Choctaw and Chickasaw Citizenship Court,

Indian Territory.

United States of America.

Copy for
Gov Mosley

South McAlester, Indian Territory, March 12, 1903.

she knew a person in Mississippi, who was the grand
C. M. Coppedge
mother of applicant Alice Coppedge. It is almost
Vs. No. 2 Central District No. 177.
invariably developed that an old Indian witness would
Choctaw Nation.

perhaps know a certain old person many years ago
in Mississippi, but LETTER OF INSTRUCTIONS would be
unable to connect such person with the applicants at
TO _____

this time by several generations. A close exam-
ination of this witness we think it will appear that
The office files of the papers in this
case are herewith delivered to you, and you are
either this condition exists or she has in fact no
hereby directed to investigate this case in accord-
knowledge of the ancestry of applicants whatever.
ance with the instructions contained in this letter;
It is not expected that you shall be gov-
and return the papers and also this letter with your
erned absolutely by the instructions contained
written report and exhibits attached at the earl-
in this letter, as our friends in the field wish
iest possible time. The counter affidavits of
whom you may confer about this case, as well as the
Nelson and Lydia Colbert have already been procured
witness may be able to suggest other persons who
and will be found with the files referred to.
have a knowledge of the real facts, and in that

The only witness necessary to be seen at
event you are to exercise your best judgment as to
this time is Polly Black of Owl, Indian Territory.
wheather or not you shall proceed along the lines
This post office is some twelve or fifteen miles
first suggested without first returning to the
North West from Atoka. Go to Atoka and first confer
office for further instructions.
with Honorable William H. Harrison, who knows all
yours very truly,
of the Indian people in this vicinity. You will be
able to learn from him wheather this witness is liv-
ing or dead. If she is a full blood Indian it would
be well to have Mr. Harrison accompany you, in order
that the confidence of the woman may be gained, and
her testimony properly interpreted.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT, IN THE
INDIAN TERRITORY, AT SOUTH MCALESTER.

C. M. COPPEDGE, ----- PLAINTIFF, |

-VS-

| PETITION FOR APPEAL.

CHOCTAW NATION and
CHICKASAW NATION,----- DEFENDANTS. |

Your petitioner, C. M. Coppedge, represents to this Honorable Court that heretofore, to-wit:- on the 7th day of September, 1896, he filed his petition before the Commission to the Five Civilized Tribes to be admitted and enrolled as an inter-married citizen citizen of the Choctaw Nation; that prior to filing his said application he had married a Choctaw Indian Woman who was a recognized Choctaw Indian by blood, that said marriage was in compliance with the laws, customs and usages of the Choctaw Nation, and thereby your petitioner became entitled to rights as a member, by inter-marriage of the Choctaw Nation.

Your petitioner further shows that on the 3rd day of December, 1896, said Commission rendered a judgment admitting him to citizenship; and that thereafterward, to-wit: on the 1st day of February, 1897, the Choctaw appealed from said judgment, to the United States Court at South McAlester, for the Central District of the Indian Territory. That upon a trial de novo in said United States Court at South McAlester, for the Central District of the Indian Territory, the trial court refused to admit to citizenship your petitioner, and denied his right to be so admitted. (That said court found, as a matter of fact, that your petitioner had married a recognized Choctaw Indian woman in the Choctaw Nation, and that he resided therein, and that said marriage was under and by virtue of a marriage license issued by the proper Choctaw authorities.)

Your petitioner further shows that said judgment was erroneous, and was contrary to the law and the evidence in said case.

Your petitioner shows further that on the first day of July, 1902, Congress enacted a law, granting to your petitioner the right of appeal from said judgment to this Court, and by the terms of Section thirty-two (32) of said provision, the provision in regard to a Choctaw and Chickasaw Court became effective immediately after the passage of said act by Congress.

Your petitioner further shows that since said time he has, in no manner, forfeited his right to be enrolled as a member, by inter-marriage, of the said Choctaw Tribe of Indians, and that he is now entitled to be so enrolled.

W H E R E F O R E: Your petitioner prays an appeal to this Honorable Court, from the said United States Court at South McAlester, in the Central District of the Indian Territory; and that an order be made by this court commanding the Clerk of said United States Court at South McAlester to transfer and certify to this court such files, papers and proceedings as are on file in said court, and that this court consider, review and revise said judgment, both as to finding of facts and conclusions of law, and that your petitioner be by this court adjudged a member by inter-marriage of the Choctaw Tribe of Indians.

(SIGNED) C. M. Coppedge.

BY _____

His Attorney.

C. M. COPPEDGE, having been by me first duly sworn, states on his oath that he is the above named petitioner and that he has read the above and foregoing petition and that the statements therein made are true and correct.

(SIGNED) C. M. Coppedge.

Subscribed and sworn to before me on this the 16 day of August, A. D., 1902.

n

(SIGNED) Jno. H. Linebaugh,
Notary Public.

(SEAL)

(SEAL)

Notary Public,
Jno. H. Rinebaugh,

(SIGNED)

A. D. 1903.
Subscribed and sworn to before me on this the 16 day of August,

(SIGNED) C. M. Cobbedge.

are true and correct.

the above and foregoing petition and that the statements therein made on his oath that he is the above named petitioner and that he has read C. M. COBBEDGE, having been by me first duly sworn, states

His Attorney.

BY

(SIGNED) C. M. Cobbedge.

Tribe of Indians.

By this court adjudged a member by inter-marriage of the Choctaw finding of facts and conclusions of law, and that your petitioner be that this court consider, review and revise said judgment, both as to files, papers and proceedings as are on file in said court, and Court at South McAlester to transfer and certify to this court such be made by this court commanding the Clerk of said United States in the Central District of the Indian Territory; and that an order Honorable Court from the said United States Court at South McAlester, W H H H O R E: Your petitioner prays an appeal to this not entitled to be so enrolled.

C. M. Cobbedge
Choctaw Nation
Petition for Appeal
in no manner, forfeited his right to be enrolled as a member, by Your petitioner further shows that since said time he has, after the passage of said act by Congress.

regard to a Choctaw and Chickasaw Court became effective immediately terms of Section thirty-two (32) of said provision, the provision in the right of appeal from said judgment to this Court, and by the July, 1903, Congress enacted a law, granting to your petitioner Your petitioner shows further that on the first day of neons, and was contrary to the law and the evidence in said case.

Your petitioner further shows that said judgment was erro-

C. M. Coppedge
vs
W. M. Woodard
W. M. Woodard
W. M. Woodard

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT IN THE INDIAN TERRITORY, SITTING AT SOUTH McALESTER.

C. M. Coppedge, Plaintiff.

THE CHOCTAW NATION AND THE CHICKASAW NATION, / Defendants.

MOTION TO EXTEND TIME FOR FILING ANSWER.

Comes the Choctaw and Chickasaw Nations, or tribes of Indians, defendants herein and move this Honorable Court to make an order extending the time for filing the answers of said Nations herein until the 20th day of December, 1902, and for cause say that they are now engaged in making preparations to try a suit filed by them under the provisions of Section thirty-one of the Act of Congress of July 1, 1902, contained in what is known as the Supplemental Agreement; that the issues involved in said action are of great importance, involving the validity of all of said Court judgments attacked in said action and will involve a discussion of nearly all of the questions raised by plaintiff in the above entitled action under the provisions of section thirty-two of said Act; and defendants state that the extending of said time for filing answers in said suit filed under the provisions of section thirty-two of said Act will better enable their counsel to prepare for a thorough trial of the issues involved in the suit hereinbefore filed under the provisions of Section thirty-one of said Act, and will thus expedite the business of this Court.

THE CHOCTAW AND CHICKASAW NATIONS

BY _____ ATTORNEYS.

C. M. Cappedge

vs.

Choctaw Nation

Motion to extend

time of filing answer

BY

PLAINTIFFS.

THE CHOCTAW AND CHICKASAW NATIONS

will thus expedite the business of this Court.

Filed under the provisions of Section thirty-one of said Act, and for a thorough trial of the issues involved in the suit heretofore thirty-two of said Act will better enable their counsel to prepare for filing answers in said suit filed under the provisions of section of said Act; and defendants state that the extending of said time in the above entitled action under the provisions of section thirty-two involve a discussion of nearly all of the questions raised by plaintiff of all of said Court judgments attacked in said action and will involve in said action one of great importance, involving the validity in what is known as the Supplemental Agreement; that the issues involved in Section thirty-one of the Act of Congress of July 1, 1903, contained in making preparations to file a suit filed by them under the provisions South day of December, 1903, and for cause say that they are now engaged in the time for filing the answers of said Nations herein until the defendants herein and move this Honorable Court to make an order extending Cases the Choctaw and Chickasaw Nations, or tribes of Indians.

MOTION TO EXTEND TIME FOR FILING ANSWER.

Defendants.

Plaintiff.

AT SOUTH WESTERN COURT IN THE INDIAN TERRITORY, SITTING IN THE CHOCTAW AND CHICKASAW CITIES.

REGISTRY RETURN RECEIPT.

Form No. 1548.

Received from the Postmaster at

Stokely I.Y.

Registered Letter No.

545

from

(Office of origin.)

Addressed to

J. G. Ralls

(Name of addressee.)

Date

(Date of delivery.)

When delivery is made to an agent of the addressee, both addressee's name and agent's name must appear in this receipt.

J. G. Ralls

(Signature or name of addressee.)

W. K. D. S.

(Signature of addressee's agent.)

A registered article must not be delivered to anyone but the addressee, except upon the addressee's written order. The above receipt must be properly signed, it must be postmarked with name of delivering office, and actual date of delivery, and attached to the article, but envelope.

VS.

Choctaw and Chickasaw Nations, Defendants.

MOTION TO MAKE MORE DEFINITE AND CERTAIN.

Come the Choctaw and Chickasaw Nations and move this Honorable Court to require plaintiff to make his "application for enrollment", filed before the Commission to the Five Civilized Tribes under the Act of Congress approved June 18, 1898, more definite and certain, in this:

FIRST: If the name of his alleged wife, Alice Coppedge appears upon the tribal rolls of the Choctaw Nation as a citizen by blood of the Choctaw Nation; and if she has been enrolled as a citizen by blood of the Choctaw Nation by the Honorable Commission to the Five Civilized Tribes under the Acts of Congress of June 28, 1898 and July 1, 1902, and if so if such enrollment has been approved by the Honorable Secretary of the Interior, as required by said Acts

SECOND: If, in marrying his said alleged wife, he complied with the requirements of the inter-marriage laws of the Choctaw Nation, and if so how.

THE CHOCTAW NATION
THE CHICKASAW NATION

BY _____ ATTORNEYS.

Mr. J. G. Ralls,

Atoka, Indian Territory,

Dear Sir:

In compliance with the rules of the
Choctaw and Chickasaw Citizenship Court we herewith
enclose a copy of a motion which we shall file
two days hence in the case of C. M. Coppedge vs.
Choctaw and Chickasaw Nations.

Yours very truly,

Dictated.
Enclosure.

COURT FOR JUSTICE AND EQUITY OF
SOUTH CAROLINA, SITTING AT SOUTH
CAROLINA, MAY TERM, 19 04.

O. K. Gage,Plaintiff

vs.

Cherokee and Chickasaw Nations,Defendants.

REPORT TO JURY.

Case the Cherokee and Chickasaw Nations, by
Kearfield, McFarmer & Garnish their attorneys, and
were this Honorable Court to dismiss this cause for
want of prosecution, and for cause state:

That it was regularly set for trial on
Monday, April 14, 1904; that on that date J. G.
Balle, attorney for plaintiff represented to the
Court that it was impossible for plaintiff O. K.
Gage to attend upon the Court for the reason
that his children were ill with small pox; that
thereupon the case was continued; that such repre-
sentation that there was small pox in the family of
said plaintiff was untrue, and not the fact; and
that by reason of such misrepresentation, and for
no other reason the case was continued and not tried.

WHEREFORE, the Cherokee and Chickasaw
Nations ask that the case be dismissed.

THE CHEROKEE NATION

THE CHICKASAW NATION

BY _____

ATTORNEYS,

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP
COURT, SITTING AT SOUTH HAVESFER,
MAY TERM, 1903.

C. K. Coppedge, Plaintiff.

VS.

Choctaw and Chickasaw Nations, Defendants.

PRECEDENT FOR ORDER OF DISMISSAL.

On this May 11, 1903, this cause came on to be heard, J. G. Ralls appearing for plaintiff and Mansfield, McMurray & Cornish for defendants.

J. G. Ralls in open court moved that the appeal of plaintiff to this Court from the decision of the United States Court for the Central District of the Indian Territory, under the Act of Congress approved July 1, 1902, be dismissed; and the Court being well and sufficiently advised in the premises sustains said motion and it is so ordered.

Copy of Affidavits as they appear in the original papers.

In the matter of petition of C.W. Coppedge for enrollment as a Choctaw citizen.

Indian Territory,
Atoka County.

Be fore me the undersigned, a Notary Public for the County and State aforesaid, this day personally appeared Nelson Colbert, who after being duly sworn, states as follows.

I am 69 years of age and a citizen of the Choctaw Nation by blood, I am personally acquainted with the applicant; also his wife, and know she is a Choctaw by blood deriving said blood from her mother's side. I am also acquainted with her grandparent back in Mississippi the Peden and her great-grandparents the Kemps who are all Indians by blood.

Witness my hand this 5th day of Sept., 1896.

(SIGNED) Nelson X Colbert.
^{his}
mark

Witness.

Jos. A. Boggy
Fanny Reed.

Sworn to and subscribed before me this 5th day of Sept., 1896.

(SIGNED) H. T. V. Perry.

My commission expires March 2, 1899.

Lydia Colbert makes a deposition in which she says that she was a slave in Miss.; was owned by Jerry Perry; that she knew the Homer and the Kemp family in Miss. and that they were Choctaws by blood.

Nelson also in his deposition says that he was a slave, and was owned by Daugherty Colbert.

In the matter of Public Law 9 C.S. Copyright
for establishment is a Christian citizen.

Quaker Society

Whittier Station, Potters, Co.

Before me the undersigned, Attorney
Public for the County and State of New York, this
day personally appeared Lydia Johnson Colburn
who after being duly sworn, states as follows:

I am about sixty five years old
my name is Lydia Colburn, being post office
in Canaan, N.Y. I have personally acquainted
with Mr. Coppage and his wife, ^{where} Coppage
the applicant for establishment as citizen of
the Republication, I know that G. B.

Coppage is not a Christian Quaker and
I also know that his wife this Coppage
is not a Christian, I never know any of
Mr. Coppage's or his wife this Coppage
~~is~~ is relation, ^{with} were Christian citizens;
also if any one has an objection in
which I believe that the said C. B. Cop-
page or his wife this Coppage were
Christian the said applicant was never
or said need to me.

Witness my hand this
10th day of
Lydia Colburn

Seems to me subscribed by me
a Quaker Public this the 9th day March 1853



J. W. Crawford
Secretary Public

Commenced this week 9-1853
J.W.C.

ADULT TERRITORY
Business and Advertising to appear
in the Western Public this the 3rd day of
August, 1889.

Geo. Crawford
and by Public

Commission Expires on March 5 1893.

G. W. E.

are the matter of patenting of C. S. Copyright
for an establishment as a Christian citizen

question Territory.

Whipple and Putnam Protective Co.

Official: of Nelson Coburn.

Before me the undersigned, a
Notary Public for the County and State of
Ohio, this day personally appeared Nelson
Coburn, who after being duly sworn stated
as follows:

I am about 74 years and my
name is Nelson Coburn, my birthplace
is Cambridge, O. I am a Quaker, and was
a slave before war, I am acquainted
with C. S. Copyright act his wife. His Copyright
and the one that C. S. Copyright is that
a Christian citizen by blood, and I do not
know whether his wife's Copyright is
a Christian or not? I never know any of
her relatives were Christians or not? all I
know is what they tell me, also if my
name has an equivalent in which I know
that C. S. Copyright were Christian
the same has been passed in his name



to certify
Nelson Coburn
his

Notary

of 24 July

may