

Witnesses -

For Claimants

Polly Fisher - Fishertown, D.T.
Robert Tucker -
John C. Glenn -
N.F. Krebs - Sullyville Co
Kizzie Hughie -
Catherine Clonner -
James J. Barber -
Geo. Washington - Sullyville -
Andrew McGee - "
Johnathan Barber - St. Smith -
Mary Barnes -
Francis Barnes - Sullyville Co.
Edward W. Tucker, Sr. Sugar Leaf Co.

For Nations -

Dr. B. G. Harrison -
Nancy S. A. Harrison
~~Mrs. Jane Baker of H. Webster~~
B. F. Wall - War, D.T.
Mrs. Jane Pags - P. a. D.T.
Mrs. B. F. Wall - War, D.T.

No 7

Glean Tucker, et al,

vs

Choctaw Nation -

No 93: (See 61)

Central Dist. Court,

No

Debris Commission.

Proceeding in

Citizenship Court.

Trial Concluded

April 30, 1903

COMMISSIONERS:
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY.

Recd
Muskogee, Indian Territory, March 13, 1901.

Mansfield, McMurray & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Filed with the Commission under the act of Congress of June 10th, 1896, for citizenship in the Choctaw Nation, Choctaw case 201 was the application of Joe B. Glenn et. al vs the Choctaw Nation, September 7th, 1896. The answer of the Choctaw Nation filed and the following notation placed on the docket relative to this case: "Ordered that this case be consolidated with the case of Glenn-Tucker et. al vs the Choctaw Nation and the records of the Interior department be filed as evidence to be considered in these cases. On the hearing of these cases it is adjudged that all the applicants in the several applications filed in these cases be rejected."

From the decision of the Commission an appeal was taken in this case to the United States Court for the Central District of the Indian Territory and on January 26th, 1897 the Commission was in receipt of the order from P. B. Stoner, Clerk of the said Court, for the transmission of the transcript of all the entries on the Commission's docket together with the original papers, depositions and testimony taken in said application.

On February 22nd, 1897, the Commission received from the Clerk of the United States Court for the Central District of the Indian Territory, his receipt for two applications, judgment and

two affidavits and argument in the case of J. B. Glenn et. al vs the Choctaw Nation.

From the report of the Commission on cases pending in the United States Court for the Central District of the Indian Territory, dated January 14th, 1898, it appears that there is nothing to show the names of the parties in the original application to the Commission in this case and that the same is not on file with the other papers in the office of the Clerk of the United States Court for the Central District of the Indian Territory.

This case is entitled on the docket of the United States Court for the Central District of the Indian Territory, Joseph B. Glenn et. al vs the Choctaw Nation, No. 61.

On February 15th, 1899, by agreement of parties and permission of the court, there were filed substitute papers in this case as of the 26th day of January, 1897.

There is also included with the papers in this case which are now in the possession of the Commission a precedent for a judgment dated January 13th, 1899 and prior to the filing of the substituted papers February 15th, 1899; The Commission has never received any certified copy of a judgment in this case and is of the opinion that none has ever been entered upon the docket of the United States Court for the Central District of the Indian Territory.

Case No. 202 of original applications heard under the act of Congress of June 10th, 1896 on the Commission's docket is entitled Glenn-Tucker et al versus the Choctaw Nation. The original application filed September 7th, 1896. Answer of the Choctaw Nation filed and it was then noted upon the docket as follows:

"Ordered that this cause be consolidated with the cause of Joe B. Glenn et. al vs the Choctaw Nation and that the records of the Interior Department be filed as evidence to be considered in these cases. In the hearing of these cases it is ordered and adjudged that all the applicants in the several applications filed in these cases be rejected."

From the decision of the Commission, an appeal was taken to the United States Court for the Central District of the Indian Territory and on January 29th, 1897, the Clerk of the United States Court for the central District of the Indian Territory, ordered the transmission of the docket entries and the original papers in this application to the said court.

On the 22nd of february, 1897 the Clerk of the said court receipted for the application, two answers, judgment and bundle of papers from Interior Department too numerous to mention, in this case.

In the report of the Commission of January 14th, 1898 of cases pending in the United States Court for the central District of the Indian Territory it appears that this case is entitled upon the docket of the said court as Glenn-Tucker et. al vs the Choctaw Nation, No. 93.

In the papers received by the Commission on February 23rd, 1901, from the Clerk of the United States Court for the Central District of the Indian Territory, there is no record of any papers in Dawes Commission case No. 202 court case No. 93 and the appeal taken in this case would appear to still be pending upon the docket of that court.

The Commission has to request that you make an examination of the docket of the court in cases No. 81 and 93 and also any

original papers that may be on file in the Clerk's office relative
to these two cases.

Thanking you in advance for your trouble in this matter,

I am,

Yours truly,

James P. Bishop

Acting Chairman.

aka

South McAlester, Indian Territory, March 15, 1901.

Commission to Five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sirs:

Complying with the request contained in your letter of March 13, we have examined the Judgment Docket of the United States Court at South McAlester, and have to report the following:

As to No. 61, Jos. B. Glenn, et al vs. The Choctaw Nation, it appears from Citizenship Record A, page 267, that all applicants were rejected by judgment dated December 7, 1897. On April 1, 1898 this judgment was set aside, such order appearing upon page 36 of Citizenship Record B. On January 13, 1899, another judgment rejecting all applicants was rendered, and the same appears upon page 62 of Citizenship Record B.

As to No. 95, Glenn-Tucker, et al, vs. The Choctaw Nation, it appears that on December 7, 1897, a judgment was rendered rejecting all applicants, and that the same is entered on page 269 of Citizenship Record A. There must have been subsequent to this time, an order setting this judgment aside, as was done in case No. 61, above referred to, but we find no record of such order. This theory is conclusive, however, for, on January 13, 1899, another judgment was rendered rejecting all applicants, and reciting that upon a previous date the first judgment of rejection was set aside. This judgment of rejection appears upon page 59 of Citizenship

Record B. We would suggest that it is not difficult to account for the fact that no certified copies of these judgments have been furnished the Commission, as the applicants were rejected, and they would hardly have sufficient interest in the proceeding to furnish the Commission with certified copies of such rejection.

If we can render any farther service in this, or any other connection, we shall be pleased to have you command us.

Very respectfully,

Dictated.

South Mc Alester, I. T. Feb. 7, 1903. , 190

Mansfield, McMurray & Cornish,

Attorneys-at-Law,

South Mc Alester, I. T.

Gentlemen;--

The Court directs me to advise you that they will pass on the demur to the Bill in the Glenn Tucker Case, Monday Morning Feb. 9th.

Very truly yours,

James B. Cassada

Clerk.

Mess. Vaught & Autry,
Black Springs,
Montgomery County, Arkansas,

Wm. Jackson

M.

Khoc Not.

Dear Sirs:

We wrote to inquire if there is yet living
at that place, or in that community and County a
woman of the name of Mahaly King. We desire to take
her testimony in a matter of some importance, and
will thank you for an immediate reply with the infor-
mation here requested, after which we shall communi-
cate with you further.

Yours very truly,

Ditated.

GEORGE A. MANSFIELD
J. F. McMURRAY.
MELVIN CORNISH.

LAW OFFICES OF
MANSFIELD, McMURRAY & CORNISH.
South McAlester, Indian Territory, March 12, 1903.

Mr. H. H. Henney,
County Clerk,
Hartwood, Arkansas.

Dear Sirs:

We write you to request you to inform us if there lives in that County, at or near Rock Creek post office, a man by the name of G. P. Baker. He lived there several years ago, and we are not informed as to whether or not he is still living.

We desire to take the testimony of this man in a matter of considerable importance, and it may be that we will have need for your services in the matter, in which event we shall of course be pleased to pay you therefor.

We herewith enclose self addressed stamped envelope for reply and will ask that you kindly furnish us the information at your earliest convenience.

Thanking you in advance we remain,

Yours very truly,

George A. Mansfield, J. F. McMurray, Melvin Cornish

Dictated.
Enclosure.

GEORGE A. MANSFIELD.
J. F. McMURRAY.
MELVEN CORNISH.

LAW OFFICES OF

MANSFIELD, McMURRAY & CORNISH.

South McAlester, Indian Territory, March 12, 1903.

Mr. M. M. Manney,
County Clerk,
Murfreesboro, Arkansas,

Dear Sirs:

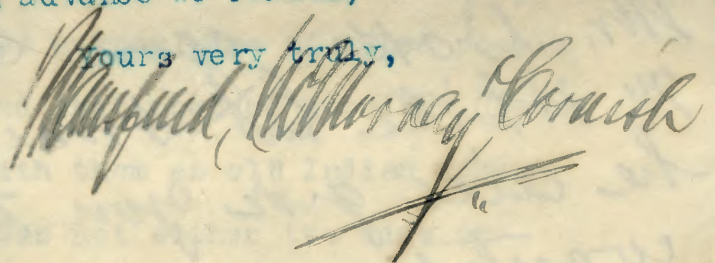
We write you to request you to inform us if there lives in that County, at or near Rock Creek post office, a man by the name of S. P. Baker. He lived there several years ago, and we are not informed as to whether or not he is still living.

We desire to take the testimony of this man in a matter of considerable importance, and it may be that we will have need for your services in the matter, in which event we shall of course be please to pay you therefor.

We herewith enclose a self addressed stamped envelope for reply and will ask that you kindly furnish us the information at your earliest convenience.

Thanking you in advance we remain,

Yours very truly,



Dictated.
Enclosure.

South McAlester, Indian Territory, March 12, 1903.

Mr. M. M. Manney,
County Clerk,
Murtreesboro, Arkansas.

Dear Sir:

We write you to request you to inform us
if there lives in that County, at or near Rock Creek

In reply to written will say
I am not certain who Mr. P. Baker
is if he was the old man he has
been dead some 10 or 15 years
if you get one he still lives
we desire to take the testimony of this
man in a matter of considerable importance, and it
may be that we will have need for his services

in the matter, in which event we shall of course be
pleased to pay you therefor.

P. N. Baker lives at Rock Creek
he is manufacturing there if you
will write him he will give
you the information

convenience. Thanking you in advance we remain,
If you do not wish to write

Mr. Baker you can write John
M. White at some place and
he will give you the information
wanted.

I am not clerk now.

Yours Very Respectfully
M. M. Manney

4 Nov 27th 1903

P. H. B. South McAlester, Indian Territory, March 24, 1903.

Mr. P. H. Baker, if he knows the statements contained herein to be Rock Creek, Fike County, Arkansas. Glenns along the
Dear Sir: suggested.

We desire to locate Mr. S. P. Baker, if he is living; but we have information which leads us to believe that he is your father and that he is dead. lived through him. Please also There is a suit pending in the Courts of this country wherein it is very necessary to have his testimony.

As we understand it he lived many years ago in the state of Mississippi, between 1830 and 1840; that within this time there lived near him some families of people of the name of Glenn who afterwards came to the Choctaw Nation, Indian Territory, alleging that they were Choctaw Indians. We do not know whether or not your father gave testimony in this case but we understand from an examination of the testimony of Mr. J. J. Baker, who lived at Greenwood, Arkansas, that your father had a knowledge of these people and of their relationship; and that when he knew the Glenns in Mississippi there lived with them an old Indian woman named Abigail; but that she was not either the wife or mother of any of them; but was simply living with them for the time.

If Mr. S. P. Baker is living in that community please show him this letter and talk these matters over with
enc. stamped env.

General Merchandise and Plantation Supplies.

Highest Cash Price Paid for Cotton and Country Produce.

Rock Creek, Arkansas, March 28th 1903

Mess Mansfield McMurray & Cornish
Gentlemen.

Yours of 28th Inst
received. Enquiring about
S. P. Baker. He has been
dead 18 years. He lived in
Mississippi from 1830 to 1850. I am
his oldest son. I never heard
him speak of the parties you
ask information about. His
wife is still living remembers
about hearing him talk about
the Indians. But does not rem-
ember the Glenn Family.
Miss Jane Baker wife of J. J. Baker
lives in Greenwood Ark
you might get some information
from her. Yours very respectfully
P. H. Baker

South McAlester, Indian Territory, April 13, 1903.

Mr. T. N. Foster,

South McAlester, 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 at the proper time in the case of Glenn-Tucker, et al vs.

Choctaw and Chickasaw Nations.

Yours very truly,

Dictated.
Enclosure.

Respect, &c.

S. H. Mackey

Messrs Menfield, McMurray & Cornish.

South McAlester. I. T.

as I was driving home this evening. I Stopped at W. S. Holson's. and talking

with W. S. Holson about the Glen Tucker Case.

Mr W. S. Holson informed ^{me} that Some time in the 70's he thinks it was about 1876. or 1877.

however. he Says it was at the begining of the

Glen and Tuckers Claiming and attempting to

prove their Choctaw blood. and Mr Holson

Says he was in the Scheme. and helped to

plan the first Fraud. and Mr Holson Says

the first proof was fraud. and Says he will testi-

fy to that fact. if called upon.

and thinking you might use Mr Holson. is

why I inform you this. as I told Mr Holson

that I would at once inform our Nations Atty.

and he said all right. and Mr Holson lives on

the road from here to So. McAlester about three miles

from here. is easily found.

Respect, &c.

S. H. Mackey.

These was girl. staying at my house
by the name of ~~Betty~~ ^{Bessie} Cright - but
sence. he's married. her name is Bessie
Thurman, ^{now} and the said Bessie
Thurman, goes and tell Greens & Tucker
that she heard Ward Folsom tell my
wife - that the Tucker & Greens were
Choclaws. Not a word of it. so, all
a fraud. Now the Tucker & Greens
has got the said Bessie Thurman
affidaved to that effect and now I
will leave the matter for your
Consideration please let me hear from
you at once. as the time is near at
hand. I know it is our duty to
beat them if we can.

Your Friend as ever

B. F. Wall.

South McAlester, Indian Territory, May 5, 1903.

South McAlester, Indian Territory, March 2nd, 1903.

Judge T.N. Foster, Groves,

South McAlester, I.T., Mississippi.

Dear Sir:- Sir:

We enclose you copy of a motion to make more definite and certain which we shall file in the Glenn Tucker, et al, case with the Clerk of the Citizenship Court on the fourth day of March, 1903.

many years ago.

Very respectfully,

A number of prominent Choctaw citizens who reside in this country know you personally and have referred us to you and requested that we write you to ascertain if we may secure your services in co-operating with us.

DICTATED.

We wrote you some weeks ago but have not received a reply to our letter.

In addition to the information which we then desired we now very much desire information about a family of people who are said to have lived somewhere in that country, in the old Choctaw Nation in the state of Mississippi in the years 1835 and up to 1840.

There is said to have been a woman of the name of Abigail whose maiden name was Rogers and who married a man named John Glenn; and that she had children as follows: Jim Glenn, Dave Glenn, and Joe Berry Glenn. These people are said to have moved into the Chickasaw Nation about Pontotoc in the late thirties, thence into Tennessee and thence West into Missouri and Arkansas.

Respectfully,
Very truly,

South McAlester, Indian Territory, May 5, 1903.

-2-

Hon. Presley Groves,

A vast number of people claim to be descended from
Ofahoma, Mississippi.

these people and are now asserting claim to Choctaw citizen-
Dear Sir:

ship, claiming that their ancestors in the old Choctaw Nation
As attorneys for the Choctaw and Chickasaw Nations
were Indians. We have information that they are not Choctaw
in matters of much importance we desire your assistance in
Indians and that they drifted into the Choctaw and Chickasaw
securing information about persons who resided in that country
Nations about the time of the opening of the land offices in
many years ago.

that Country and when the excitement was over they drifted
A number of prominent Choctaw citizens who reside in
out again and came on West.

this country know you personally and have referred us to you

Will you kindly write us immediately upon receipt of
and requested that we write you to ascertain if we may secure
this letter if you have any knowledge of these people; and if
your services in co-operating with us.

so, the extent of such knowledge and whether or not they were
We wrote you some weeks ago but have not received
white people or Indians. In addition to your own knowledge
a reply to our letter.

can you point us to old people who are still living who knew

In addition to the information which we then desired
them and who will be able to state that they were white people
we now very much desire information about a family of people
who drifted in among the Indians at that time, if such are
who are said to have lived somewhere in that country, in
the facts.

the old Choctaw Nation in the state of Mississippi in the

We herewith enclose a self addressed stamped envelope
years 1835 and up to 1840.

for your convenience in replying and will thank you to let us

There is said to have been a woman of the name of
hear from you by the earliest possible mail; and to also inform
Abigail whose maiden name was Rogers and who married a man

us if you can and will co-operate with us in other matters
named John Glenn; and that she had children as follows: Jim
about which we may wish information from time to time.

Glenn, Dave Glenn, and Joe Berry Glenn. These people are said

We shall of course be pleased to pay you for any
to have moved into the Chickasaw Nation about Pontotoc in the
expense incurred and for services rendered in this connec-
late thirties, thence into Tennessee and thence West into
tion.

Missouri and Arkansas.

Awaiting your early reply, we are,

Very truly,

Messrs. [unclear]
Gentlemen
Yours of the 6th
here, [unclear]
in reply
no [unclear]
in the [unclear]
away [unclear]
a man [unclear]
of Glen [unclear]
he was [unclear]
and his [unclear]
Indian [unclear]
settled [unclear]
a white [unclear]
no [unclear]
him - [unclear]

A vast number of people claim to be descended from these people and are now asserting claim to Choctaw citizenship, claiming that their ancestors in the old Choctaw Nation were Indians. We have information that they are not Choctaw Indians and that they drifted into the Choctaw and Chickasaw Nations about the time of the opening of the land offices in that Country and when the excitement was over they drifted out again and came on West.

Will you kindly write us immediately upon receipt of this letter if you have any knowledge of these people; and if so, the extent of such knowledge and whether or not they were white people or Indians. In addition to your own knowledge can you sight us to old people who are still living who knew them and who will be able to state that they were white people who drifted in among the Indians at that time, if such are the facts.

We herewith enclose a self addressed stamped envelope for your convenience in replying and will thank you to let us hear from you by the earliest possible mail; and to also inform us if you can and will co-operate with us in other matters about which we may wish information from time to time.

We shall of course be pleased to pay you for any expense incurred and for services rendered in this connection.

Awaiting your early reply, we are,

Very truly,

Oakona dep 5-11-13

Messrs Mansfield et al
Gentlemen

Yours of the 5th ult is
here, contents noted,
in reply, will say, that
no Gleem family live
in this part of the Co.,
away back in ^{the} fortys
a man by the name
Gleem lived here
he was an old Bachelor
and lived among the
Indians or in their
settlement, he was
a white man, with
no mixed blood about
him - peculiar in

his life, living
a hermit, and
died here - I am
not well up as to his
ancestors, but
will look up this
point closely at my
earliest opportunity, and
will advise you further
of their identity. I am
a grand Nephew of
Greenwood Septon
the Chief that negotia-
ted the Canoeing Treaty,
Treaty with the Gov, in
1830 - I will aid
you in any matters

3
possible, along the
line indicated in
your letter, call on
me and I will honor
your commands
as far as I can,
very Respectly

Pres Groves

Opatoma, Okla

Seake Co - dipping
city at hand }

South McAlester, Indian Territory, May 15, 1903.

Please push the matter vigorously, incurring whatever expenses may be necessary, and let us have your report at the earliest possible time.

Honorable Pres Groves,

Okahoma, Mississippi.

Dear Sir:

We are just in receipt of your letter dated May 11th responding to our letter of a few days ago making inquiry about the Glenns and Tuckers, who are at this time applicants for enrollment as citizens of the Choctaw Nation.

We are pleased to receive the information set forth in your letter; and the purpose of this letter is to urge that you pursue the matter and furnish us accurate information concerning this man Glenn about whom you write. Our former letter sets forth the present alleged ancestry of these people, and you can refer to it for information relative to them in pursuing your investigations.

We think the man Glenn to whom you refer as being an old bachelor, and who lived in that country in the forties, is either a member of this family; or that an investigation of him will lead you to information relative to the people about whom we inquire.

We are in July after corresponding with Mr. Washburn and will in these records. It is probable that we may locate the Glenns and secure other valuable information.

Yours truly,

South McAlester, Indian Territory, June 3, 1903.

Please push the matter vigorously, incurring whatever expenses may be necessary, and let us have your report at the earliest possible time.

Mansfield, Murray & Corning

Yours very truly,

Gentlemen: Chickasaw Nation.

In the matter of Glenn-Tucker et al., vs Choctaw and Chickasaw Nations.

Dictated.

Replying with your letter of June 1, 1903, hereto attached, I went to Tahlequah, Indian Territory, and consulted all available records of Cherokee citizenship applications but failed to find any trace of the Glens and Tuckers referred to in this application for Choctaw citizenship.

It was impossible for me to make a search of the old records without a very great delay of time. All Cherokee citizenship matters prior to 1886 were handled by committees of the Senate and house of representatives and such of their records applying to citizenship transactions as are still in existence are stored away in the vault in the office of the Clerk of the Senate. This gentleman is one Mr. E. K. Washburn who lives at Eucha, Indian Territory, some thirty or forty miles North of Tahlequah, Indian Territory.

I had no means of ascertaining the condition of these records but would suggest that some one of our office go to Tahlequah some time in July after corresponding with Mr. Washburn and search these records. It is probable that we may locate the Glenn-Tucker outfit and secure other valuable information.

Yours truly

[Handwritten signature]

South McAlester, Indian Territory, June 5, 1903.

Mansfield, McMurray & Cornish,

vs South McAlester, Indian Territory.

Gentlemen: Chickasaw Nations.

In the matter of Glenn-Tucker et al., vs Choctaw and Chickasaw Nations. LETTER OF INSTRUCTIONS.

Complying with your letter of June 1, 1903, hereto attached, I went to Tahlequah, Indian Territory, and consulted all available records of Cherokee citizenship applications but failed to find any trace of the Glenns and Tuckers referred to in this application for Choctaw citizenship.

It was impossible for me to make a search of the old records without a very great delay of time. All Cherokee citizenship matters prior to 1886 were handled by committees of the

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I had no means of ascertaining the condition of these records but would suggest that some one of our office go to Tahlequah some time in July after corresponding with Mr. Washburn and search these records. It is probable that we may locate the Glenn-Tucker outfit and secure other valuable information.

Yours truly

Yours truly

G. Rosewick
May Cornish

WASHINGTON, D. C.,

December 26, 1903.

ADDRESS ONLY THE
COMMISSIONER OF THE GENERAL LAND OFFICE.

Melven Cornish Esq.,

South McAlester,

Indian Territory.

Sir:-

In reply to your letter of December 22, 1903, received by reference from Mr. A.C. Shaw, you are advised that David Glenn made private case entry No. 417, October 28, 1833, for $W\frac{1}{2}NW\frac{1}{2}$, Sec. 27, T. 25 N.R. 4 E., that Wm. Tucker, made private cash entry No. 1261, Nov. 11, 1833, for Lots 2 and 3 Sec. 3, T. 26, N.R. 7 W., that Joseph B. Glenn, made private cash entry No. 1623, for $SE\frac{1}{2}SE\frac{1}{2}$, Sec. 30, T. 25 N.R., 4 E., and that Edward Tucker made private case entry No. 2224, for $SW\frac{1}{2}SW\frac{1}{2}$, Sec 14, T. 23 N., R. 4 E., all at Chocchuma, Miss.

These entries were all made under the act of April 24, 1820, (3 Stat 566).

There is nothing in any of the papers in the cases to indicate whether the parties were citizens of the U.S. or not as Act of 1820, supra did not require such evidence to be furnished.

Very respectfully,



LKM.

Commissioner

South McAlester, Indian Territory, December 30, 1903.

We wish to have you appear in court, not only the character and
Hon. Green McCurtain, witnesses, but we wish to have you make
state Kintah, Indian Territory, employed to take affidavits of
persons of this character, and also the methods employed, shown
Dear Governor: matters. Your statement would impress the
court. The Glenn-Tucker case is to be finally closed on next Mon-
day and we wish to make the very best possible showing on be-
half of the Nations. The only testimony they have is the affi-
davits of George Washington and Andrew McGee, two well know
notorious standing witnesses. These witnesses are also makers
of affidavits in many other cases; and we wish to impeach them
by the most thorough and sweeping testimony, both in the Glenn-
Tucker case and in the other cases, in connection with which
they have made affidavits.

It is with much hesitation that we request that you come
to South McAlester to give testimony in the case. We know that
it will be an uncomfortable trip, but we can make one trip do
for the Glenn-Tucker case and the other cases and we do not
think it will be necessary for you to come again. The case is
set for trial on Monday, but realizing that you would not care
to be away from home over Sunday, it will be alright for you to
come Monday arriving here Monday night; and you can give your
testimony Tuesday morning.

The importance of the showing we make in this case cannot
very well be over estimated; and we are firmly of the opinion
that the case should not be closed without taking your testimony

Washington, D.C.

Dec. 30, 1903.

We wish you to state to the court, not only the character and reputation of these witnesses, but we wish to have you make statements as to the methods employed to take affidavits of persons of this character, and also the methods employed, shown in citizenship matters. Your statement would impress the court in a way that the statement of no one else would do, and

we respectfully and earnestly urge you to be present at this time and we will try not to give you any further trouble along this line.

Hoping that you and family are well and with best wishes, we remain,

Yours very truly,

As you have already been advised by Mr. Shain, the application to purchase lands formerly belonging to the Mississippi blockaders did not require any particular qualification as to citizenship. Hence the record would be of little or no value to you.

Wm. F. Shaw,
D. C. M. L. L. L.
1415 Chapin St.

Washington, D.C.

Dec. 30, 1903.

Mausfield, M. Murray & Cornish,
South M. Alester, Ind. Ty.

Dear Friends:-

Your letter of a recent date, in regard to the matter of certain record evidence you wanted in the Glenn Tucker case, was duly received.

As you have already been advised by Mr. Shan, the application to purchase lands formerly belonging to the Mississippi Choctaws did not require any particular qualification as to citizenship. Hence the record would be of little or no value to you.

Yours friend,
D. C. M. Curtin,
1415 Chapin St.

Hon. D. C. McCurtain
Care Metropolitan Hotel,
Washington, D. C.

Important letter mailed you to day care Metropolitan Hotel. It
will reach you Friday.

which is self-explanatory. Mansfield, McMurray & Cornish.

night and we have just learned that you will be at the Met-
ropolitan Hotel for a few days and that it can reach you
at the same time the letter reaches Mr. Shaw.

You will see at a glance just what the situation
is and the necessity for getting results.

Mr. Shaw is a personal friend of our Mr. Cornish
and he will take right hold of the matter and be able to put
his finger on whatever the records of the Land Office con-
tain.

While the Alex. Tucker case is safe as we think,
we have just made the discovery of a reference to these
records; and they would be so entirely conclusive that we
must have them if it is possible to obtain them.

Please stay with the matter and dig out whatever
can be obtained and let us have your report with certified
copies of all that will bear upon our point, by the first
or second of January, if possible; and at all events let us
have your report before January 4th.

Yours friends,

Dictated.
Enclosure.

Honorable D. C. McCurtain,
Metropolitan Hotel,
Washington, D. C.,

Dear D. C.:

Hon. We herewith enclose letter press copy of a letter which is self-explanatory. This letter was prepared last night and we have just learned that you will be at the Metropolitan Hotel for a few days and that it can reach you at the same time the original reaches Mr. Shaw.

You will see at a glance just what the situation is and the necessity for getting results. Mr. Shaw is a personal friend of our Mr. Cornish and he will take right hold of the matter and be able to put his finger on whatever the records of the Land Office contain.

While the Glenn-Tucker case is safe as we think, we have just made the discovery of a reference to these records; and they would be so entirely conclusive that we must have them if it is possible to obtain them.

Please stay with the matter and dig out whatever can be obtained and let us have your report with certified copies of all that will bear upon our point, by the first or second of January, if possible; and at all events let us have your report before January 4th.

Yours friends,

Dictated.
Enclosure.

Henry J. ...
South McAlester, Indian Territory, January 5, 1904. *Charge*

Hon. Alexander C. Shaw,
Chief-Public Lands Division,
General Land Office--Interior Department,
Washington, D.C.

My Dear Mr. Shaw:

I duly received your letter dated December 26, 1903, and on the same day we received the communication of the Commissioner of the General Land Office referring to the matter about which I wrote you some days ago.

We sincerely thank you for your prompt attention to the matter.

While we did not get what we hoped your records contained our obligation to you is as deep as if the outcome had been otherwise; and we hope at some time to be in a position to serve you in return. Again thanking you and with very best wishes, I am

Sincerely yours,

Dear Mr. Corrish: Yours of
23rd inst. received and
answered officially to-day.
It gives me pleasure
to serve you always.

There is no charge whatever.

I had the pleasure of meeting
Judge Adams and your
partner Mr. Mansfield
a few weeks ago here and
was glad to hear many
nice things of you.
With kind regards & compliments
of the season I am
yours &c., A. Shaw.

RECEIVED at

7.DA.FN.M.

30th Dec, 11 9 7 Charge

C meron I.T. Jan 2nd 1904.

Mansfield McMurray & Cornis,

S McAlester I.T.

Jessie riddle and fannie riddle can get andy Magee and George Washington asde wire them at this place at once if needed and they will come with me tomorrow .

T.J.Wall.

1023 AM.

Paid-Charge.

January 2, 1904.

T. J. Wall,

Cameron, Ind. Ter.

Can use Jessie Riddle. Bring him along. Come tomorrow.

Mansfield, McMurray & Cornish.

Yours Sir

Very Respectfully,
J. S. Jackson

1/18, 1903.

Messrs Messfield, W Murray & Corrish
Attorneys for the Choctaw & Chickasaw Nation.

Sirs:

Through my negligence I
have failed to send the subpoena up to
this date. And now, I have send it
to you, hoping you will get it without
fail.

I am Sir

Very Respectfully,
J. B. Jackson

Tucker

Bokoshe, I. T., March 2nd 1904

Mansfield Mamray and Corbush
So. McAlester I.T.

Sir - How many case court citizen
in Scullyville County Ok. look over your
Book and found out and whate name
made applection Before united States
Court Ind Ter - and I have hole lot on hand
Sworn Statement - in Scullyville County.

But I dont know whate name in
Court. &c -

Some name - B. F. Thompson - married citizen
White Girl 15 years old Nora Powell " "

J. Laert " "

And Tucker's Claims Bonus I have no Statement
&c I have nothing more to say for this time
When you get this letter you must
write to me let me hear from you
at Once

Yours Respectfully
S. W. James

David Glen, page 420

Edward Tucker page 447

Joseph B. Glenn, 438
vo 7 American State Papers

Indian Territory,

Tishomingo, Indian Territory, Sept. 9, 1904. , 190

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

Genrlemen:-

On page 13 of your brief in the Glenn-Tucker case, No. 7, on the Choctaw Docket of this Court, you mention the purchase of certain lands in Mississippi by two of the Glens and one William Tucker, and refer to "American State Papers, Volume Seven, Public Lands Section". Kindly refer me to the page or pages of the volume, and send me the book, and also send me the volume containing the record of the Choctaw Nation vs. the United States.

I realize that these books are in constant use in your office, but they are so often cited that they become almost indispensable to me in the examination of cases.

Very respectfully,

Henry C. Foote

Associate Judge etc.,

South McAlester, Indian Territory, September 14, 1904.

Honorable Henry S. Foote,
Associate Judge of the Citizenship Court,
Tishomingo, Indian Territory.

Dear Sir:

Your letter of September 9, asking for further information relative to certain matters referred to in our brief in the Glenn-Tucker case, has been duly received.

The schedule of purchasers of lands from the Government of the United States in Mississippi and Alabama begins on page 377 of VOLUME 7 of the AMERICAN STATE PAPERS. On that page you will find the title to the schedule showing just what it is.

On page 432 of the same book and on the schedule referred to will be found the name of William Tucker; on page 420 the name of David Glenn; on page 447 the name of Ed Tucker; on page 438 the name of Joseph B. Glenn. All of these appeared thereon as purchasers of land from the Government of the United States in public sales. The book referred to, together with the printed record to the U. S. suit of Choctaw Nation vs United States were brought you by our Mr. Cornish for use in a further consideration of cases pending in your court.

Yours very truly,

For certified copy of act rejecting claimants in this
case (before Choctaw Council) see papers in the case of

W. H. MOORE, ET AL

Pally Fisher - 83.

Robert Tucker - 83-84-85-

J.C. Hulsey - 85-

John C. Glenn - 86-

W. S. Krebs - 87

Kizzie Hughes - 88

Catherine Clumner - 89

Gas. J. Baker - 90

Geo Washington - 91

Andrew McFar - 92

Johathan Baker - 93

Mary Barnes - 94

Francis Barnes 100

Apprentice of W. S. Thomas - "18"

Dr Harrison - 104

Edw W Tucker, A 107

"E"

unclassified

7017 Index of Witnesses in
"13"

Confederate

Joseph B Glenn	-18-	9
Margaret Abigail Edmiston	21-	"
Hayden Collins	27-	"
Lilly Ann Stephens	30-	"
L. D Martindale	32	"
Julia Baker	34	"
Wm Sapington	36	"
John D Glenn	38	"
Margaret O Baggs	41	"
Mary E Brown	44	"
A Frank Glenn	47	
C. A Glenn	49	
Wm Tucker	51	
Jas Haggard	54	
Margaret M Baker	58	

Appraisers of Estreases - "A"

Endy Bailey — 61

Jane Tucker — 63

Lafayette Barnes — 66

Louizie J. Mathews — 68

~~Gas Tucker~~ } 71
~~Edward W Barnes~~ }

Kyzzie Hughes — 71

Joseph Tucker — 73

Catherine Clonnes — 83

Carah E. Barnes — 87

Robert L. Williams — 94

13 Index of witnesses
in - "A"

65 - [illegible]

68 - [illegible]

~~71 - [illegible]~~
~~72 - [illegible]~~

71 - [illegible]

73 - [illegible]

83 - [illegible]

87 - [illegible]

94 - [illegible]

Fort Smith, Arkansas.

Dec. 4th/86.

Reynolds, duly sworn, on his oath says: I am a United
Citizen adopted by the Choctaw Nation; I well know the gen-
eral reputation of George Washington and Andrew McGee- It is bad
& have the general reputation of being professional witnesses-
And got their money & whiskey in that manner, I have known them
since 1869, by character.

Jas. E. Reynolds.

Sworn to and subscribed by & before me on this day by J.E.
Reynolds to me well known as a man of high standing.

Robt. L. Owen.

U.S. Ind. Agent.

Joseph McGee

Gov. B. Glenn et al

vs
C. M.

Proceedings before
Commission

5 Civilized
Tribes

No. 61-A

JOSEPH B. Glenn

vs.

Choctaw
at Indians

U.S. Ind. Affs.

Expt. G. Owen.

Beanotha to me well known as a man of high standing
known to and respected by & before me on this day 1. E.

188. E. Beanotha.

since 1888, by character.

and got their money & taken in that manner, I have known them
& have the General reputation of being professional witnesses -

and reputation of George Washington and Andrew Jackson - It is not

then adopted by the Choctaw Nation; I well know the Sen-

Beanotha, only among, on his own says: I am a United

Dec. 4th 88.

of the U.S. Arkansas.

Report to Baker's testimony

1 Edward Tucker, sr, testified in 1881
2 that he was 100 yrs of age at that
3 time which would put his birth in
4 1781. U.S Agent Corn after a careful
5 review of the testimony puts the
6 birth of Abigail Rogers ~~at~~ in
7 ~~earlier than~~ 1760 so that Edward
8 Tucker, sr, was 21 yrs younger than
9 his another in law, who he says lived
10 and died in the Old Chectaw Nation
11 while all other witnesses including those
12 who claim to have seen her buried
13 say she died in Arkansas

14 He further say he married Margaret
15 Glenn in Tennessee in 1800 or
16 when he was 19 yrs old. and that she died in 1840

17 He differs from all the witnesses
18 except Washington & W. G. in
19 saying she drew money and accounts
20 as ~~she~~ and was under the super-
21 visory control of the U.S. Ind. Agents.

22 This is the precise language used
23 in Washington's testimony and was
24 probably prepared by the same hand
25
26
27
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Gas J Baker

Gas J Baker says the Glenns
first came to Pentec in 1834
- 3 families Dave, Jim, + Joe
Bery - they had an old squaw
with them named Abigail - they
started west with the Deakins in
1837

~~This is the first witness
not of him to claimants~~

Knew the Glenns in Chickasaw
Nation -

They were teamsters and
gamblers and came into the
Chickasaw Nation ~~from~~ at
the opening of the Chickasaw
land office -

1
2 Johnathan Baker, testifies he
3 knew John Glenn, had heard
4 his wife called Ab and Abigail
5 looked like an Indian. Does
6 not know her blood - Does not
7 connect applicants to John Glenn
8 he knew in Mississippi

9
10 Not related to applicants

11
12 Knew Andrew McGee well. He
13 was an interpreter at the
14 blackhead land office
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Kizzie Hughes

1824
1760
64

1 Kizzie Hughes - born 1824 - grand
2 daughter of Abigail and John Glenn
3 Mother died when witness was young
4 and witness lived several years with
5 Abigail until Abigail started
6 west and when they got to
7 Tennessee, where her mother's people
8 lived, witness + her father stopped
9 and witness never again saw Ab-
10 igail. This witness connects Joe
11 Berry and Davy Glenn of whom
12 Baker speaks as belonging to her
13 family - She had heard Abigail
14 was "raised, or lived or came from
15 the Cherokee Country
16 witness does not state when
17 she reached the territory, but
18 was 20 yrs of age when she came
19 to Arkansas (1844)
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Robert Tucker
(This witness ought to know)

Robert Tucker - grandson of Abigail -
born in Mississippi - not certain of
Abigail's maiden name - Her father
was said to have been Rogers - His
testimony was taken in 1886 at which
time he said he was 65 yrs of age
which would put his birth in 1821
which would have made him 9 yrs
of age at the time of the treaty of
1830 and if Abigail did not
die earlier than 1840 as Baker's
testimony would indicate he would
have been 19 at the time of her
death. He testifies further that after
the death of John Glenn, Abigail
lived part of the time with his mother
and that her fatal illness began
in his mother's house. It would
seem that he of all others should
be able to give definite testimony in
regard to her

~~He did not reach the
territory until 1870~~

This witness also tells of looking
for witnesses in the Cherokee nation

John C Glenn

(This witness ought also to know)

John C Glenn - grandson of Abigail and John Glenn - 64 yrs of age at time of giving affidavit in 1886 which would put his birth in 1822 - was born in Tennessee - was carried as an infant to Mississippi and ^{when 10 or 12 (1832)} back to Tennessee when he lived with his father until his fathers death when witness was 14 ⁽¹⁸³⁸⁾ yrs of age - Remained in Tennessee until he was a married man.

Never received any money or property as an Indian; Don't know whether my father or grandfather did or not. No Indians in part of Tennessee where witness lived.

~~Reached Choctaw Nation in 1881~~

~~Witness never found any Choctaw relations outside of his own family.~~

ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS:

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THOS. T. ECKERT, President and General Manager.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

THOS. T. ECKERT, President and General Manager.

Receiver's No.	Time Filed	Check
----------------	------------	-------

SEND the following message subject to the terms on back hereof, which are hereby agreed to.

James J. Baker 90
Jonathan Baker 93

Thos. D. Amundson
(last page had copy of key)

Dr. Harmon

Miss Harmon
104, 105 + 106

John Lewis Armstrong

1
2 Dr. Harrison testifies to the employment
3 of attorneys to prosecute their claims before
4 the Cherokee authorities - ~~His wife~~
5 ~~gives similar testimony.~~

6 Witness further testifies that three
7 years later in talking to Uncle Jack
8 Turner, said Turner, told him they
9 found their Cherokee blood was
10 too thin, but that they had found
11 out that they were Choctaws also

12
13 Mrs Nancy Harrison, wife of Dr
14 Harrison, and whose daughter mar-
15 ried into the Tucker family, confirms
16 the testimony of her husband and
17 tells further of them stopping at
18 her house on their road to the
19 Cherokee Council and that it
20 was three years later before she
21 heard they claimed ~~Indian~~
22 Choctaw blood

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In 1896 Joseph B Glenn, grandson of
Abigail + John Glenn was 52 yrs old
which would put his birth in 1844. ~~He~~
came to Indian Territory in 1885. His
father died in Arkansas in 1868 so
that it was 17 yrs after the death of
his father and 44 after the death of
his grand mother before he reached here
and he names a number of his relatives
who died or are now living in Arkansas

1
2 Margaret Abigail Edmiston - born 1844
3 and grand daughter of Abigail and
4 John Glenn - lived in Chestnut Na-
5 tion since 1865 - was married in 1863
6 never saw her grandmother who she
7 says died in 1842 but was taught
8 she was an Indian - Chestnut - Her
9 father told her they drew annuities
10 in old nation
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5 William Tucker - 60 yrs old - father of
6 George and grand father of William
7 Tucker. George Tucker is 32 and
8 William Tucker 12 yrs of age
9 and have lived in Choctaw Nation
10 40 yrs
11 ==

12
13 James Haggard - 58 yrs old - son
14 of Pally Haggard (nee Glenn) and
15 grandson of Abigail Rogers has
16 lived in Choctaw Nation 40 yrs
17
18
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John Lewis - Dennis

(How old) Registered to swap land in that
Country for land in this
Country - Only remembering play-
ing Vaud dancing - I was
just a boy - Was not big
enough for old enough to
play ball - I knew Abigail
Rogers - She was there with
the other women having a
quad time - She was a
half breed Choctaw - Was
living around there with the
Choctaws - Was recognized
as a Choctaw woman - Was
living with a man called "Frenchie" -

Cross Ex

Don't remember names until
they one called - About 50
years old - (See see had agreed
as to when she was born)

(also affidavit of Baker)
Remembers Negro woman named
Kessiah who went around and
waited on her - $\frac{1761}{1830}$
 $\frac{69}{-}$

Abigail had only one child -
did not know its name -
(all her children were born then
see Indian Agent's decision)

The representative of Government
was ~~the~~ Lord - $\frac{\text{did not take name}}{\text{of husband (Bakers)}}$

but word was there when the
treaty was made and told them
they could exchange land there for
land here - $\frac{\text{(word did not}}{\text{make treaty)}}$

Cross Ey (Cont'd)

Memory is bad - Half his
sense is gone - ~~1~~

Knew Reginald Brashear - She
half breed Choctaw - Do
not know father - named
know none if it was called -
Father was ~~Lambrochee~~ (Tom
Thomas - was full blood -

(Testimony before Commission
was that father was Frenchman - he
heard him talk French)

Senses going + coming - Don't know
Brashears first talked to
him about Obigail Papers -
(Just asked about testimony for Reggie
Brashears)

Chassid (Coul'd)

Begging paper - Saw lots
of Indians there - Cannot
name another one - This
is the only one -

Says ~~to~~ dancing Rabbi
Cack was mess of Yala-
kasha river +

Their names then were
different from now then
they had all Indian names -
Did not see anyone named

McBurtam +

Evidence of Rosenwable - Refer to list 4

South McAlester, Indian Territory, December 22, 1903.

Honorable Alexander C. Shaw,
Chief Public Lands Division,
General Land Office,
Interior Department,
Washington, D. C.,

My Dear Mr. Shaw:

We are in very urgent need of certain information for use in the trial of a proceeding before the Choctaw and Chickasaw Citizenship Court, which we think may be obtained from the records in the General Land Office; and inasmuch as we must have this information before January 4, 1904, if it is available, I take the liberty of writing you direct, and requesting that you render us the service, or place it in the hands of someone who can give it immediate attention, and furnish us certified copies of such portions of the record as may be found suited to the purpose.

It appears from page four hundred and twenty, of Volume seven of the American State Papers, Public Lands Section, that David Glen was the purchaser of 80.11 acres of land for one dollar and fifty-one cents per acre, he being upon the list of purchasers of land at Columbus and Chocchuma in Mississippi in 1833 and 1834, which list was communicated to the Senate on December 15, 1834, in pursuance of a resolution, and that the said David Glen assigned the land so purchased by him to one John S. Rhea.

It also appears from page four hundred and thirty two of the same book and schedule, that William Tucker pur-

88.02 acres of land at one dollar and twenty-five cents per acre, and that the same was unassigned.

It also appears from page four hundred and thirty-eight of the same book and schedule that Joseph B. Glenn purchased 80.29 acres of land at one dollar and twenty-five cents per acre, and that the same was unassigned.

It also appears from page four hundred and forty-seven of the same book and schedule that Edward Tucker purchased 40.10 acres of land at one dollars and twenty-five cents per acre.

We are not informed as to the laws under which these purchases were made, further than that these lands were originally a part of the Choctaw reservation in the State of Mississippi, conveyed to the government of the United States by the Choctaw Indians under the provisions of the treaty of 1830; and that these lands were purchased by these parties after title had passed to the government of the United States.

It is our idea that it was necessary for these people to represent that they were citizens of the United States and desirous of purchasing these lands, in order to take advantage of the laws as they existed at that time relative to their purchase, and we wish ~~information made~~ ~~from~~ all records in your office pertaining to these purchases; and we wish certified copies of any portion thereof, which shows or tends to show that these purchasers were citizens of the United States, and not Choctaw Indians, and so asserted

at the time, in order to acquire benefits under existing laws.

This is a matter of considerable importance to us, and as above stated the information will be of no value to us unless it reaches us before January 4th; and I realize that this request is out of the ordinary, but the kindness and courtesy with which you have always honored me is my only excuse for calling upon you in this spasmodical manner.

You will understand that we shall be pleased to compensate you or anyone to whom you may refer this matter for services rendered; and we trust that we may received the records desired, if they are obtainable by not later than the first or second of January.

With best wishes and hoping you and your family a happy Christmas, I am,

Sincerely yours,

Dictated.

Data on John Lewis:-----

Testified in Scott S. Dumas case which embraces between 150 and 200 original applications and 490 odd persons.

In this testimony Lewis states that he knew Kizziah Brasher four years before she was married, that he never knew her except in Mississippi-----The Commission is in the possession of the marriage record of this woman to Flemming Thompson which shows that these parties were married in Kentucky in the year 1818.

Lewis further testified in the following cases:

Enoch P. James, et al

x	William H. Yarborough,	3419.
x	Martha F. Taylor, et al.,	3995
x	Margaret E. Johnson, et al.,	897
x	Mary Stuart,	1201
	John R. Wright,	1264
x	Lorena A. Kirby, et al.,	895
x	John C. Robinson, et al.,	899

(Matilda Glenn also testified in this case)

x	Mahala D. Shaw,	68
x	Malinda A. Taylor,	67
x	James W. Kelley,	69
x	May Shirley,	460
x	John L. Kelley,	463.
x	Ellen Kelly	70.
x	Lottie Acrey, et al.,	93
	Ada Pitchford, et al.,	432
	Estella Cora Jacobs, et al.,	549
	Otis E. Acrey, et al.,	556.
x	Sarah Willard, et al.,	50
	Barbara A. Tissington, et al.,	653.

x	John P. Benson, et al.,	407
x	Fannie Moore,	402
x	Orval Benson,	403
x	William C. Benson, et al.,	404
x	Effie Burleson et al.,	405
x	Mattie Benson, et al.,	406
x	Lucetta Benefield,	410
x	Frankie Benson,	411
x	Tome Benefield, et al.,	412
x	Braxton C. Benson, et al.,	413
x	Dora Williams, et al.,	415
x	Nancy Howell, et al.,	416
x	Minnie Benson, et al.,	417
x	Thomas E. Benson,	419
x	Mary Hogan Mary Hogan, et al.,	421
x	Nannie Benson,	422
x	Bettie Ashcraft, et al.,	423
x	Austin A. Benson,	427
x	Bruce Benson, et al.,	636
x	John Benson	637
x	Ellis Benson,	638

Original affidavit of Lewis filed in Original case of John P. Benson, et al.,----copies in other cases.

knowledge and belief. He states further in his affidavits that these Gleens were gamblers, teamsters and speculators.

We believe the facts to be and we believe a close examination into them will develop that the Gleens came into the Choctaw Nation in Mississippi, at the time the Indians were being paid and their lands were being disposed of, and that while there they lived with them an old Indian squaw (as stated by Baker); but that she is not their ancestress, nor was she related to them.

While a great length of time has elapsed since the period mentioned we believe there yet lives in this community old persons who have a knowledge of the facts, and who will be able to state them as here suggested. If in fact this old woman was not a Choctaw Indian they will know it. Furthermore if she was a Choctaw Indian and was simply living around and with the Gleens, and was not the wife of any of them or related to them they will know it. It appears from the best information obtainable from the record that she must have been seventy or eighty years old at the time.

It is not possible to give definite instructions for your guidance in this matter, and it is expected that you shall use your best judgment on the ground in locating such testimony, as will enable us to develop the facts along the lines here stated or otherwise in the interest of the Choctaw

and Chickasaw Nations in defeating the claims of these people.

When persons are found who have a knowledge of the facts along these lines you are instructed to take affidavits from them, if their knowledge is of advantage to the Nations, and to attach the same to your written report; in order that their depositions may be taken in the regular way at a later time.

Yours very truly,

1 State of Arkansas,
2 County of Sebastian, I,

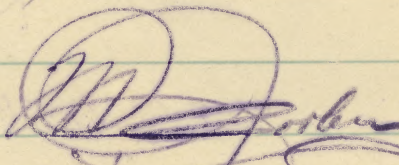
3 ~~I am~~ My name is Dr.
4 H. W. Jamieson. My age is 77 years. My P. O. is
5 Hackett City, Arkansas.

6 I knew Dr. Benjamin George Harrison & his
7 wife. They used to live here. They are both dead
8 now. Dr. Harrison died about the year 1895, and
9 his wife died a few years after. They Doctor died
10 in this community, and his wife died somewhere
11 near Jenny Lind, Arkansas.

12 Dr. H. W. Jamieson

13 County of Sebastian
14 State of Arkansas

15 Sworn and subscribed to before
16 me this the Twenty Seventh (27) Day
17 of December 1903. to be true
18 and correct to best of his
19 (Dr. H. W. Jamieson) knowledge &
20 belief.

21  W. P.
22 My Commission Expires Nov 22 1906.
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Affidavit of Dr.

H.W. Jamieson as to
death of Dr. Harrison
wife

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Glenn-Tucker case.

The following information is taken from Volume 7, American State Papers, page 377 and continueing, the same being entitled:

"List of the purchases at Culumbus and Chocchuma in Mississippi in 1833 and 1834. Communicated to the Senate December 15, 1834."

This is taken from a list as indicated above made in obedience of a resolution of the U. S. Senate passed on December 4th, 1834, and the information herein contained is taken from the records of the Land office at Chocchuma, in Mississippi. *communicated to the Senate December 15, 1834.*

All land from John S. Shea 80.11 1.57

PAGE 432.

Name of original purchaser.	Name of the assignee.	Quantity purchased. Acres.	Price per acre.
William Tucker	None	88.02	1.25
438			
Joseph B. Glenn	None	80.29	1.25
447			
Edward Tucker,	None	40.10	1.25

The above land was sold and entered between the first of October 1833 and the 31st of December of the same year.

(Mr. Farmer, you appear for Mr. Ralls, who is unable to come?
 A. Yes sir.
 Well you may take the witness and examine him further in
 the matter of these applications and find out what he knows
 in regard to them.)

(By Mr. Farmer)

Q Ask him whether or not he has a retentive memory, that is, whether he remembers well things that occurred when he was a boy? A He says he has, that he may forget sometimes some of the things but he knows pretty much all.

Q Ask him the year that he came from the old Choctaw Nation in Mississippi and Alabama? A He says he don't know the day, the year, he don't know just what year he came, but he came with the second emigration.

Q Ask him if he lived in what was termed the Choctaw Nation in Mississippi? A Yes sir.

Q Ask him if he remembers anything about the treaty of 1830 or the treaty of Dancing Rabbit Creek? A Yes sir.

Q How long after the treaty of Dancing Rabbit Creek was made until he came to the Indian Territory? A About two years after the treaty.

Q Ask him if while he lived there in the State of Mississippi in the old Choctaw Nation if he knew a Choctaw woman by the name of Keziah Brasher? A Yes sir I knowed her.

Q Have him state about what Choctaw blood she showed to be, whether she was a half, quarter or full blood? A Half breed woman.

Q Did she have any brothers or sisters, if so, did he know them? A Yes sir.

Q Have him give their names? A He says he will have to study a little before he can recollect the names.

Q Ask him if he remembers if Keziah Brasher had a deaf and dumb brins brother? A Yes sir.

Q What was his Indian name if he had any Indian name? A HAKSI, it means deaf in Indian and he was commonly known by that name, that was given him because he could not hear anything.

Q Ask him if he remembers a Choctaw woman by the name of Lucy Brasher? A Yes sir.

Q At the time he knew these people, ask him about how old or how large he was? A He says that when he first came to know these people he was he thinks somewhere about ten or over.

Q Ask him if these people at that time were about his age and size or were they older and larger? A They were older than he was.

Q Ask him if they were grown young ladies or not, or if they were young children when he first knew them? A One of them was quite grown he says when he first knew them.

Q Ask him if he knew the mother and father of Keziah and Lucy Brasher? A I knowed their names a few moments ago but I have forgotten them now.

Q Ask him if he knows if Keziah Brasher ever married? A Yes sir.

Q Ask him if he knew her husband? A He says he used to know them, he thinks the man she married was named Thompson.

Q Ask him if he knows his given name? A He says the given name was kind of a hard name for him to pronounce and he can't remember it right now, but he remembers the name Thompson very well.

Q Ask him if Keziah Brasher and her husband Thompson lived in what was called the Choctaw Nation in Mississippi and Alabama? A Yes sir

Q Ask him whether or not Keziah Brasher and Lucy Brasher could talk the Choctaw language? A Yes sir.

Q Ask him if they lived any where near a place called Dancing Rabbit

Creek? A Yes sir they lived close around in there.

Q Ask him if he knows whether or not Keziah Brasher and her husband Thompson came to the Indian Territory after the treaty of 1830 was made or did they stay in Mississippi? A They were there when he left he says.

Q Ask him if this Keziah Brasher had a sister named Elizabeth, or does he know? A Yes sir she had.

Q Ask him if she ever married, that is Elizabeth? A Yes sir, she married a white man.

Q Does he know the name of the white man to whom she was married?

A He says he knows she was married to a white man but he can't call his name.

Q Ask him if he remembers Colonel Ward back there, the United States Indian agent? A Yes sir he was the one that after the treaty of 1830 he registered all those that wanted to take land in Mississippi.

Q Ask him if he went before the Indian Agent, Col. Ward, there and made application to become a citizen of the United States and take land under the provisions of the fourteenth article of the treaty of 1830? A Yes sir he says he did, and that there is an old record at Gaddo now that shows that he recorded in Mississippi.

Q Did he get any lands there in Mississippi himself? A No sir.

Q Ask him what was the reason that he didn't get any lands there?

A He says that they self-emigrated and didn't get any.

Q Ask him if when he went before Colonel Ward to register, were there a great many people there, that is Choctaw Indians? A Yes sir

Q Ask him if he saw this man Thompson and his wife Keziah Brasher there at that time? A Yes sir.

Q Ask him whether or not he knows if Keziah Brasher and her husband Fleming Thompson went before Colonel Ward and made application for land there in Mississippi? A Yes sir they registered, they were there for that purpose.

Q Ask him if Keziah Brasher's husband was a white man or a Choctaw citizen? A Yes sir a white man.

Q Was her mother a Choctaw—Keziah Brasher's mother? A Yes sir.

Q Did she talk the Choctaw language? A Yes sir.

Q Ask him if Keziah Brasher's father was an Englishman or a Frenchman? A Frenchman.

Q Ask him if he ever heard him talk the French language? A Yes sir he says he used to hear him talk French, but he didn't understand him.

Q Ask him what Colonel Ward told them when they went there to get land? A He never said anything to him, he says,

Q What did he say to any of the other people that were there? A He said, that as far as the other people there were concerned, Colonel Ward told them that there was no more land and that he would not register any more of them.

(By the Commission)

Q You say your name is John Lewis? A Yes sir.

Q How old did you say you were John? A 87.

Q When were you born? A Somewhere along— he says that he was told that he was born in the month of October, and that according to the time he was told that he was born in, that last October he was 87 years old.

Q Does he know what year he was born in? A He says that in those days people never wrote down the months and the year when a child was born, but that the way they counted the years was that if a child was born in the summer, then the next summer he was called a year old and for every summer that come he was another year old, but as for keeping the days and months and years he does no anything about it.

Q Well if he does not know when he was born how does he know that he is 87 years old now? A He says that he remembers what his people told him, that he was told that until he was old enough to remember it himself and that since then he has kept count of it himself.

Q Is that how he has an idea that he is 87 years old? A Yes sir.

- Q Do you remember the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Were you born then? A Yes sir and was present there when it was being made.
- Q How old were you at that time? A He says he was over ten, he was somewhere between ten and fifteen and remembers of all the old Choctaw Chiefs, such names as Greenleaf LeFlore and others who signed the treaty.
- Q Where were you living at the time the treaty was made? A I was living close to Dancing Rabbit Creek.
- Q In what county in Mississippi? A He says that they had no counties at that time but he says that at that time they went by Clans and town settlements.
- Q How did he happen to be present at the making of the treaty of Dancing Rabbit Creek? A Every Choctaw man, woman and child, all were there together at the time of the treaty because it was reported that they were going to cut the Chief's head off.
- Q What Chief was it that they were going to cut his head off? A There were three of them, Greenleaf LeFlore, Mosholettudewa and Postamataha.
- Q How old a man was Greenleaf LeFlore then? A He was about a middle age man.
- Q What other names did he give with LeFlore? A Mosholettudewa and Postamataha.
- Q Were there any others that he remembers? A He says he remembers those very well.
- Q Ask him how he happens to know these three so well? A Because they were Chiefs.
- Q Is that why he happens to remember them in connection with the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Does he remember the names of any of the representatives of the United States Government who signed the treaty? A He says he dont remember them.
- Q Ask him if he remembers of having heard of the name of John Eaton or John Coffey? A He said "Were they Choctaws?"
- Q I will ask him if he can tell me if they were or not? A He says he remembers the Choctaw names but when it comes to the English names he can't remember them so well.
- Q Tell him that John Eaton and John Coffey were the representatives of the United States Government who signed the treaty of 1830 on behalf of the United States Government, that they were as big men as any of the Chiefs of the Choctaws, now ask him if he remembers of them being there at Dancing Rabbit Creek in Mississippi when the treaty was made and signed? A He says he dont remember them, that there were so many men there speech making that he cant tell who were the treaty makers and who were just speaking.
- Q Ask him if Colonel Ward was there, the United States Indian Agent? A Yes sir.
- Q Does he remember seeing Colonel Ward there himself? A He says "I think I do."
- Q What kind of a looking man was he? A The man that he says he saw and that he thought was Colonel Ward, was not a very large man and not a very tall man, and as far as his recollection goes he cant tell anything about his features.
- Q About how old a man was Colonel Ward at that time? A He was not very old.
- Q Can he say if he was a very young man or a middle aged man? A He says that he thinks he was a middle aged man.
- Q Did he know Fleming Thompson very well? A Yes sir.
- Q Did he know Keziah Brasher very well? A Yes sir.
- Q Was Fleming Thompson a Choctaw Indian? A He was a white man.
- Q Didn't he first state that he was a Choctaw Indian? A He says ~~yes~~ yes sir he said that.
- Q He first said that Fleming Thompson was a white man? A That is what he said he said first.
- Q Does he say now that he was a white man or a Choctaw Indian? A He

was a white man.

Q Ask him why he said first that he was a Choctaw Indian? A He says that he thought you meant his wife.

Q He now says that Flemming Thompson was a white man? A Yes sir.

Q What was Flemming Thompson's wife? A A Choctaw woman.

Q And her name was what? A He says he can't tell now what her name was, it was a pretty hard name for him to remember.

Q Don't he know who Flemming Thompson married? A He says he can't recall the name now.

Q Who was Keziah Brasher? A He says he thinks that is the one Thompson married.

Q Don't he remember? A Yes sir, he says he remembers now.

Q Does he know positively that Keziah Brasher was the wife of Flemming Thompson? A Yes sir.

Q Does he know when they were married? A He says he don't know whether they were married or not.

Q Does he know if they were married in Mississippi or not? A He says he don't know, but he thinks they were married, that the white people were marrying at that time, but that the Choctaws didn't.

Q Ask him if he knows whether they were married or not and if they were married did they marry in Mississippi? A He says he don't know if they were married or not.

Q When did he first know Flemming Thompson and his wife? A When he first knew them it was before the treaty.

Q How long before the treaty? A He says " When I first knowed them I was a small boy, I must have been under ten years of age when I first knowed them. "

Q Does he know about the time when they were married or first began living together? A He thinks it was just before the treaty of 1830 that they were living together.

Q Then he knew them before they were married did he? A He says that he don't know if they were married, but they were living together.

Q I asked him he he knew them before they were married or commenced living together? A He says " I knowed his wife before that were living together. "

Q He knew Keziah Brasher before she commenced living with her husband Thompson? A Yes sir.

Q How long a time did he know him before she married Flemming Thompson? A It wasn't ever many years.

Q About how many, if he knows? A He says " I don't think it was quite ten years. "

Q Did he know her ten years before she married Thompson? A About four years.

Q Did he know her in the state of Kentucky? A He says " Beaver" In Choctaw the word that sounds like Kentucky means Beaver.

Q Well did he ever know them in any other state except the state of Mississippi? A That is all he ever knew her in he says, in the State of Mississippi.

Q And he says he knew the woman Keziah Brasher four years before she married Flemming Thompson? A Yes sir.

Q What was Keziah's deaf and dumb brother's name? A He don't know what his right name was, that he went by the name RAKSI, that meant in Choctaw that he couldn't hear; they called him by that name.

Q Ask him to give the names of all the brothers and sisters of Keziah Brasher that he knows, if he remembers them? A He says that she had brothers and sisters but that he can't think of the names just now.

Q How long did he know the Brashers, Keziah and her other brothers and sisters in Mississippi, one year or ten years or how long a time?

Q He says that ever since he could remember anything about them was about ten years before the time the treaty was made, back to ten years from the time the treaty was made he says he was small and don't think he can remember anything further back than that.

Q Does he recollect of Keziah Brasher and her brothers and sisters and the other members of the family before the treaty for ten years is that what he means? A He says he knew them before the treaty.

Q Can he tell how long before the treaty? A It was between ten years

inside of ten years .

Q I believe he said that he knew Keziah Brasher went to the United States Indian agent Colonel Ward, and had an interview with him about staying in Mississippi and taking land there? A Yes sir.

Q How does he know that? A He says he was there present.

Q Where was this? A It was somewhere near Dancing Rabbit Creek.

Q Was this interview at the time of the making of the treaty of Dancing Rabbit Creek or afterwards? A I think it was about six months after the treaty of 1830, somewhere along about there.

Q How old was he at that time, if he remembers? A He says that he was just a small boy, he don't exactly remember how old he was, he was not over ten he says, he knows he wasn't twenty, but don't know exactly how old he was.

Q How many people were there at that time before Colonel Ward? A There was a good many.

Q About how many? A There was several hundred.

Q Was it in doors or out doors or was it in a tent that Colonel Ward enrolled these names? A In a tent, and the people was there camped out.

Q Did he go there with any one or did he go by himself? A He says he went there with his uncle and his grand mother.

Q What was his uncles name? A Elapachyah.

Q What was his grandmother's name? A Shupholee.

Q What did Colonel Ward say to Keziah Brasher at that time and place? A "I guess he registered her, I don't know," is what he says. "I don't know if he said anything to her or not".

Q Tell him I don't want him to guess. A He says it has been so long that he can't help himself.

Q Ask him, if it was so long ago, if he remembers distinctly all these things he has been telling, and if he remembers that they are ~~as~~ so, or if he can be mistaken about them because it has been so long ago? A As far as my knowledge is concerned I am testifying what I know and have seen, but there are lots of things I have forgotten, and I am doing the best I can.

Q Ask him if he remembers Colonel Ward--if he remembers what Colonel Ward said to anybody at the time he was there, and at the time that Keziah was there before him? A He says that he remembers of hearing Colonel Ward telling some Choctaws there that he could not register any more of them as there ~~was~~ was not any more land for them, that he had to find out if there ~~was~~ was enough land left before he could register any more.

Q Was that all he remembers hearing Colonel Ward say? A Yes sir that is about all.

Q Was Colonel Ward talking a long time to these people? A He says "I was young at that time, and when these things was going on I never paid much attention to them, but my older folks paid attention to it and knew, but I was young and didn't care much, just staid around there off and on.

Q When did he come to the Choctaw Nation Indian Territory from Mississippi? A "I don't know just what year it was, but I come with the second emigration" is what he says.

Q How many Indians were in that party when he came? A There were a good many people started, they had their different leaders, and one of the leaders, old Thomas Jefferson lead some of them into Texas and we come to the Choctaw Nation in the Indian Territory.

Q Where did Keziah go, did she go to Texas or did she come here?

A I don't know where she went, she was there when we left.

Q In Mississippi? A Yes sir.

Q He don't know anything about here after that does he? A No sir, he says when he left her there that was the last time he ever saw her.

Q When he left her there in Mississippi, it was how many years after

the treaty of Dancing Rabbit Creek? A Not very long after the treaty of 1830, I don't remember exactly how long it was, I think it was about two years or a little over.

Q He remembers that pretty well, now can't he remember how many years Keziah Brasher had been married to her husband before he left Mississippi? A They had been living together for some time.

Q Does he know how long before he left Mississippi? A He says that he don't know if they were married or not.

Q Well, before they come together? A From the time that they were first living together and up to the time he left Mississippi, all put together must have been about eight years.

Q Do you understand what the fourteenth article of the treaty of Dancing Rabbit Creek is, what it means? A No sir.

Q What was Keziah Brasher's father's name? A He says he does not know.

Q Didn't he know him in Mississippi when he knew Keziah Brasher?

A He says he can't recollect his first name.

Q How long a time did he know Keziah Brasher's father in Mississippi?

A He says " I knowed the whole family, I knowed them inside of ten years, not quite ten years.

Q Was it one year, or five years, or six years or eight years? A He says " I can't say, six or seven years "

Q Did he know Keziah's mother? A It was a Choctaw name, I can't think of it now.

Q How much Choctaw blood did Keziah Brasher have? A Half breed woman.

Q Was Keziah Brasher's mother a full blood Choctaw woman? A Yes sir.

Q And her father was what? A Frenchman.

Q White man? A Yes sir.

Q Now John, can't you remember the names of any of the family of Keziah Brasher, either her father or mother, or her brothers and sisters, can't you remember any of them except just Keziah Brasher?

A He says " I used to know them all well, but I can't call them now "

Q Is it a fact that it is a long time ago and it is hard for him to remember all these folks and the names of these people? A He says

" I can't tell all of them, but I might tell some of them if I study "

Q How do you know that Keziah Brasher, the one that you are talking about, and whose father and mother you don't remember, and whose brothers and sisters you can't name, is the same Keziah Brasher who is the ancestor from whom these people are descended, in whose behalf you are now a witness, in their effort to be identified as Mississippi Choctaws? A "I forgot, I used to know them well, I used to know them all and know they were Choctaws, but the names I get troubled on and I can't call them now.

Q Then he is not able to tell if these descendants, for whom he is testifying, are all descendants of the Keziah Brasher whom he is testifying about? A He says " If they are descendants of Keziah Brasher they are bound to be Choctaws.

Q That is all he knows about it? A Yes sir.

=====

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings and that the foregoing is a full, and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 21st of November, 1901.

Clara Mitchell Wood
Notary Public.



SUBPÆNA.

Choctaw and Chickasaw Citizenship Court,

INDIAN TERRITORY,

Central District

The President of the United States of America,

To John Taylor

Greeting:

We command you, that all and singular business and excuses being laid aside, you, and each of you, appear and attend before the Judges of the Choctaw and Chickasaw Citizenship Court in the Indian Territory, Central District, at a Court to be held at its Court Room, at South McAlester, in the Indian Territory, on the 4th day of January, 1904, at 10 o'clock A. m., to testify and give evidence in a certain cause pending in said Court, then and there to be tried, between Glenn Tucker et al, Plaintiff, and Choctaw & Chickasaw Nations, Defendant, on the part of the defendants.

And this you, or any of you, are not to omit, upon the penalty upon you, and every one of you, of two hundred and fifty dollars.

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at South McAlester, Indian Territory, this 26th day of December, A. D. 1903.

James B. Cassada

Clerk.

By E. L. Bennett, Deputy.

SUBPÆNA.

Choctaw and Chickasaw Citizenship Court,

INDIAN TERRITORY,

Central District

The President of the United States of America,

To J. J. Wall

Greeting:

We command you, that all and singular business and excuses being laid aside, you, and each of you, appear and attend before the Judges of the Choctaw and Chickasaw Citizenship Court in the Indian Territory, Central District, at a Court to be held at its Court Room, at South McAlester, in the Indian Territory, on the 11th day of January, 1904, at 10 o'clock A. m., to testify and give evidence in a certain cause pending in said Court, then and there to be tried, between Glenn Tucker et al, Plaintiff, and Choctaw & Chickasaw Nations, Defendant, on the part of the defendants.

And this you, or any of you, are not to omit, upon the penalty upon you, and every one of you, of two hundred and fifty dollars.

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at South McAlester, Indian Territory, this 26th day of December, A. D. 1903.

James B. Cassada

Clerk.

By E. L. Bennett, Deputy.

MARSHAL'S RETURN.

I received this Subpœna at _____ o'clock _____ M. on the _____

_____, 190____, and served the same by reading it in the presence and hearing of _____

FEES.

Services, _____ \$ _____

_____ miles, at 6 cents per mile, \$ _____

Total, - - - \$ _____

By _____

Subscribed and sworn to before me this Dec. 31, 1903.

Indian Territory, Central District, D.A. Richardson on oath says that he is more than 21 years of age and that he duly served the within subpoena on T.J. Wall at three o'clock on the 27th day of Dec, 1903, within the Central District of the Indian Territory, by delivering into the said T.J. Wall's hands a true and perfect copy thereof.

U.S. Marshal, Deputy.

D.A. Richardson

E. Beaman Boyd
Notary Public.

SUBPœNA.

Choctaw & Chickasaw Nations

vs.

Glenn Tucker, et al.

No. *7.*

MARSHAL'S RETURN.

I received this Subpœna at _____ o'clock _____ M. on the _____

_____, 190____, and served the same by reading it in the presence and hearing of _____

FEES.

Services, _____ \$ _____

_____ miles, at 6 cents per mile, \$ _____

Total, - - - \$ _____

By _____

Subscribed and sworn to before me this Dec. 31, 1903.

Indian Territory, Central District, D.A. Richardson on oath says that he duly served the within subpoena on John Taylor at eleven o'clock on the 26 day of December, 1903, by delivering into his hands a true and perfect copy thereof.

U. S. Marshal, Deputy.

D.A. Richardson

E. Beaman Boyd
Notary Public.

SUBPœNA.

Choctaw and Chickasaw Nations.

vs.

Glenn-Tucker, et al.

No. *7.*

SUBPCENA.

Choctaw and Chickasaw Citizenship Court,

INDIAN TERRITORY,

The President of the United States of America,

To

J. B. Jackson

Greeting:

We command you, that all and singular business and excuses being laid aside, you, and each of you, appear and attend before the Judges of the Choctaw and Chickasaw Citizenship Court in the Indian Territory, Central District, at a Court to be held at its Court Room, in South McAlester, in the Indian Territory, on the 4th day of January, 1904, at 10 o'clock A. M., to testify and give evidence in a certain cause pending in said Court, then and there to be tried, between Glenn Tucker, et al, Plaintiff, and Choctaw and Chickasaw Nations, Defendant, on the part of defendant.

And this you, or any of you, are not to omit, upon the penalty upon you, and every one of you, of two hundred and fifty dollars.

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at South McAlester, Indian Territory, this 26th day of December, A. D. 1903.

James B. Cassada

Clerk.

By

E. L. Beville, Deputy.

SUBPCENA.

Choctaw and Chickasaw Citizenship Court,

INDIAN TERRITORY,

The President of the United States of America,

To

R. J. Wood

Greeting:

We command you, that all and singular business and excuses being laid aside, you, and each of you, appear and attend before the Judges of the Choctaw and Chickasaw Citizenship Court in the Indian Territory, Central Dist., at a Court to be held at its Court Room, at South McAlester, in the Indian Territory, on the 4th day of January, 1904, at 10 o'clock A. M., to testify and give evidence in a certain cause pending in said Court, then and there to be tried, between Glenn Tucker, et al, Plaintiff, and Choctaw & Chickasaw Nations, Defendant, on the part of defendant.

And this you, or any of you, are not to omit, upon the penalty upon you, and every one of you, of two hundred and fifty dollars.

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at So. McAlester, Indian Territory, this 26th day of December, A. D. 1903.

James B. Cassada

Clerk.

By

E. L. Beville, Deputy.

MARSHAL'S RETURN.

Indian Territory, Central District, D.A. Richardson on oath says that he duly served the within subpoena on R.J. Ward at 5 o'clock on the 25th day of Dec., 1903, within the Central District of the Indian Territory, by delivering into the said R.J. Ward's hands a true and perfect copy thereof.

Subscribed and sworn to before me this Dec. 31, 1903.

U. S. Marshal, Deputy

D.A. Richardson

E. Allan Boyd Notary Public.

I received this Subpoena at _____ o'clock _____ M. on the _____ day of _____, 190____, and served the same by reading it in the presence and hearing of _____ at _____ o'clock _____ M. on the _____ day of _____, 190____, at _____ o'clock _____ M. on the _____ day of _____, 190____, at _____ o'clock _____ M. on the _____ day of _____, 190____, at _____ o'clock _____ M. on the _____ day of _____, 190____, at _____ o'clock _____ M. on the _____ day of _____, 190____.

FEES.

Services, \$ _____ miles, at 6 cents per mile, \$ _____ Total, - - \$ _____

By _____

SUBPOENA.

No. 7. Glenn-Tucker, et al, vs. Choclaw Chickasaw Nations.

MARSHAL'S RETURN.

Indian Territory, Central District, D.A. Richardson on oath says that he duly served the within subpoena on J.B. Jackson, at two o'clock on the 26th day of Dec. 31st, 1903, within the Central District of the Indian Territory, by delivering into the said J.B. Jackson's hands a true and perfect copy thereof.

Subscribed and sworn to before me this Dec. 31, 1903.

U. S. Marshal, Deputy

D.A. Richardson

E. Allan Boyd Notary Public.

I received this Subpoena at _____ o'clock _____ M. on the _____ day of _____, 190____, and served the same by reading it in the presence and hearing of _____ at _____ o'clock _____ M. on the _____ day of _____, 190____, at _____ o'clock _____ M. on the _____ day of _____, 190____, at _____ o'clock _____ M. on the _____ day of _____, 190____, at _____ o'clock _____ M. on the _____ day of _____, 190____, at _____ o'clock _____ M. on the _____ day of _____, 190____.

FEES.

Services, \$ _____ miles, at 6 cents per mile, \$ _____ Total, - - \$ _____

By _____

SUBPOENA.

No. 7. Glenn-Tucker, et al, vs. The Choctaw and Chickasaw Nat's.

SUBPCENA.

Choctaw and Chickasaw Citizenship Court,
INDIAN TERRITORY,

The President of the United States of America,

To Thomas D. Buswell

Greeting:

We command you, that all and singular business and excuses being laid aside, you, and each of you, appear and attend before the Judges of the Choctaw and Chickasaw Citizenship Court in the Indian Territory, Central Dist, at a Court to be held at its Court Room, at So. McAlester, in the Indian Territory, on the 11th day of January, 1904, at 10 o'clock A. m., to testify and give evidence in a certain cause pending in said Court, then and there to be tried, between Glenn Tucker, et al, Plaintiff, and Choctaw & Chickasaw Nations, Defendant, on the part of defendant.

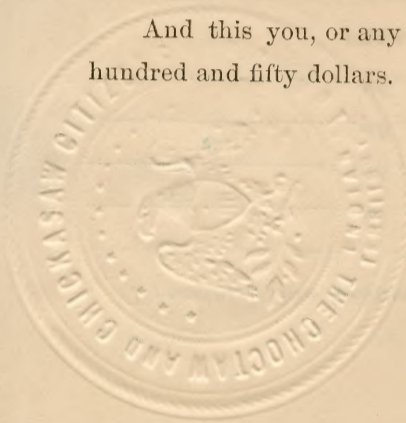
And this you, or any of you, are not to omit, upon the penalty upon you, and every one of you, of two hundred and fifty dollars.

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at So. McAlester, Indian Territory, this 25th day of December, A. D. 1903.

James B. Cassada

Clerk.

By E. L. Berritt, Deputy.



SUBPCENA.

Choctaw and Chickasaw Citizenship Court,
INDIAN TERRITORY,

The President of the United States of America,

To Capt. W. A. Welch

Greeting:

We command you, that all and singular business and excuses being laid aside, you, and each of you, appear and attend before the Judges of the Choctaw and Chickasaw Citizenship Court in the Indian Territory, Central Dist, at a Court to be held at its Court Room, at So. McAlester, in the Indian Territory, on the 4th day of January, 1904, at 10 o'clock A. m., to testify and give evidence in a certain cause pending in said Court, then and there to be tried, between Glenn Tucker, et al, Plaintiff, and Choctaw & Chickasaw Nations, Defendant, on the part of defendant.

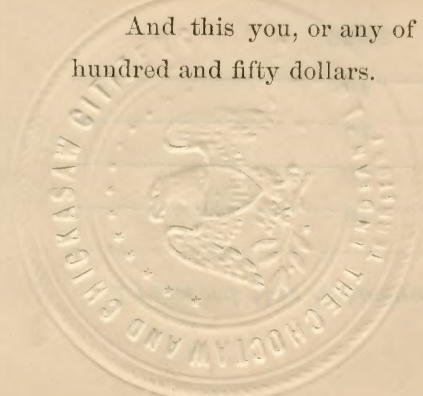
And this you, or any of you, are not to omit, upon the penalty upon you, and every one of you, of two hundred and fifty dollars.

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at So. McAlester, Indian Territory, this 28th day of Dec., A. D. 1903.

James B. Cassada

Clerk.

By E. L. Berritt, Deputy.



Indian Territory,
Central District.

D.A. Richardson on oath says that he duly served the within subpoena on W.A. Welch, at ten o'clock on the 28th day of December, 1903, with the Central District of the Indian Territory, by delivering into the said W.A. Welch's hands a true and perfect copy thereof.

Subscribed and sworn to before me this Dec. 31, 1903.

U. S. Marshal
D. A. Richardson
Deputy

D.A. Richardson

E. Beaman Boyd
Notary Public.

MARSHAL'S RETURN.

I received this Subpoena at _____ o'clock _____ M. on the _____ day of _____, 190____, and served the same by reading it in the presence and hearing of _____ at _____ o'clock _____ M. on the _____ day of _____, 190____ at _____ o'clock _____ M. on the _____ day of _____, 190____ at _____ o'clock _____ M. on the _____ day of _____, 190____

FEES.

Services, _____ \$ _____
_____ miles, at 6 cents per mile, \$ _____
Total, - - - \$ _____

By _____

SUBPOENA.

Wm. Tucker, et al.
vs.
Choctaw Chickasaw Nations.

No. 7.

Indian Territory,
Central District.

D.A. Richardson on oath says that he duly served the within subpoena on W.A. Welch, at ten o'clock on the 28th day of December, 1903, with the Central District of the Indian Territory, by delivering into the said W.A. Welch's hands a true and perfect copy thereof.

Subscribed and sworn to before me this 31 day of Dec., 1903.

U. S. Marshal
D. A. Richardson
Deputy

D.A. Richardson

E. Beaman Boyd
Notary Public.

MARSHAL'S RETURN.

I received this Subpoena at _____ o'clock _____ M. on the _____ day of _____, 190____, and served the same by reading it in the presence and hearing of _____ at _____ o'clock _____ M. on the _____ day of _____, 190____ at _____ o'clock _____ M. on the _____ day of _____, 190____ at _____ o'clock _____ M. on the _____ day of _____, 190____

FEES.

Services, _____ \$ _____
_____ miles, at 6 cents per mile, \$ _____
Total, - - - \$ _____

By _____

SUBPOENA.

Wm. Tucker, et al.
vs.
Choctaw and Chickasaw Nations.

No. 7.

SUBPCENA.

Choctaw and Chickasaw Citizenship Court,

INDIAN TERRITORY,

Central District

The President of the United States of America,

To W. Watkins

Greeting:

We command you, that all and singular business and excuses being laid aside, you, and each of you, appear and attend before the Judges of the Choctaw and Chickasaw Citizenship Court in the Indian Territory, Central District, at a Court to be held at its Court Room, at South McAlester, in the Indian Territory, on the 4th day of January, 1904, at 10 o'clock a.m., to testify and give evidence in a certain cause pending in said Court, then and there to be tried, between Wm. Tucker et al, Plaintiff, and Choctaw and Chickasaw Nations, Defendant, on the part of the defendants.

And this you, or any of you, are not to omit, upon the penalty upon you, and every one of you, of two hundred and fifty dollars.

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at So. McAlester, Indian Territory, this 28th day of December, A. D. 1903.

James B. Cassada

Clerk.

By E. B. Berritt, Deputy.

SUBPCENA.

Choctaw and Chickasaw Citizenship Court,

INDIAN TERRITORY,

Central District

The President of the United States of America,

To J. B. Jackson

Greeting:

We command you, that all and singular business and excuses being laid aside, you, and each of you, appear and attend before the Judges of the Choctaw and Chickasaw Citizenship Court in the Indian Territory, Central District, at a Court to be held at its Court Room, at South McAlester, in the Indian Territory, on the 11th day of January, 1904, at 10 o'clock a.m., to testify and give evidence in a certain cause pending in said Court, then and there to be tried, between Wm. Tucker et al, Plaintiff, and Choctaw and Chickasaw Nations, Defendant, on the part of the defendants.

And this you, or any of you, are not to omit, upon the penalty upon you, and every one of you, of two hundred and fifty dollars.

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at So. McAlester, Indian Territory, this 26th day of December, A. D. 1903.

James B. Cassada

Clerk.

By E. B. Berritt, Deputy.

MARSHAL'S RETURN.

I received this Subpœna at _____ o'clock _____ M. on the _____ day of _____, 190____, and served the same by reading it in the presence and hearing of _____ at _____ o'clock _____ M. on the _____ day of _____, 190____, at _____ o'clock _____ M. on the _____ day of _____, 190____, at _____ o'clock _____ M. on the _____ day of _____, 190____, at _____ o'clock _____ M. on the _____ day of _____, 190____, at _____

FEES.

Services, _____ \$ _____
_____ miles, at 6 cents per mile, \$ _____
Total, - - \$ _____

U. S. Marshal.

By _____, Deputy.

No. _____

U.S.

SUBPœNA.

5710-10-02

MARSHAL'S RETURN.

I received this Subpœna at _____ o'clock _____ M. on the _____ day of _____, 190____, and served the same by reading it in the presence and hearing of _____ at _____ o'clock _____ M. on the _____ day of _____, 190____, at _____ o'clock _____ M. on the _____ day of _____, 190____, at _____ o'clock _____ M. on the _____ day of _____, 190____, at _____ o'clock _____ M. on the _____ day of _____, 190____, at _____

FEES.

Services, _____ \$ _____
_____ miles, at 6 cents per mile, \$ _____
Total, - - \$ _____

Indian Territory, Central District, D.A. Richardson on oath says that the above is more than 21 years of age and that he duly served the within subpoena on W. Watkins at 6 o'clock on the 25 day of Dec., 1903, within the Central District of the Indian Territory, by delivering into the said W. Watkins, hands a true and perfect copy thereof.
Subscribed and sworn to before me this Dec. 31, 1903.

U. S. Marshal.

Deputy.

SUBPœNA.

No. 7

U.S.

Wm. Tucker, et al
Chester & Chickasaw Nations

D.A. Richardson
Notary Public.

In The Choctaw and Chickasaw Citizenship Court at South McAlester.

Glenn and Tucker, et, al.

Vs.

Brief In Reply.

Choctaw and Chickasaw Nations.

Replying to the brief of Counsel for the Nations.

The evidence adduced by witnesses recently before the Court is as follows.

By Ex Sherriff Barnes.

That he was formerly sheriff of the Supreme Court of the Cherokee Nation at the time when its jurisdiction included citizenship matters and that it was his duty to call out at the front door of the Court house the names ~~of~~ of citizenship cases, and that for several days he called Glens and Tuckers. He did not remember that any such case was ever in fact tried and knew nothing of the names of any of the parties ,Glens and Tuckers except Martha Tucker who died there. That he had a wide acquaintance in the Cherokee Nation and knew of no such people living there nor did he know that they were in any wise conected with the plaintiffs herein.

That his court was a court of record and that in all such cases there was filed a written statement or complaint upon which the cases were tried.

By Rev. Mr. Robinson, of the Cherokee Nation, that he had heard his brother inlaw say that there was such a case upon the docket of the court at Talequah. That he had a wide acquaintance among the residents of the Cherokee Nation and knew of no such people there.

By Mr Rosenwinkel, Stenographer for defendants Council, that he had been sent out to investigate for the Nation . That he went to the Dawes Commission and subsequently to Talequah but could find no record of the Glenn and Tucker case whatever upon the docket or elsewhere. That he did find a Glenn case which was marked upon the docket as doubtful, but that he learned upon investigation that those Glens were admitted to citizenship and are now living near Vinita and were not connected with this case in any way.

By Jesse Riddle and wife, that on a certain accasion 18 or 19 years ago , Johnathan Glenn at their house said, " that they were trying to induce him to go to council but that he had to die and meet his maker and if he had a drop of Indian blood in him he did not know it and he would not go with them to the council and make the ~~xxx~~ claim".

Johnathan Glenn died in 1881 ,had accompanied claimants to council and was one of the most ~~enthusiastic~~ enthusiastic of the claimants , had removed to the Indian Territory from the state of Arkansas to urge his claim and died before the trial was had at council and had been dead three or four years at the time fixed by Riddle and wife. (see testimony of Freeman who made his coffin and assisted in his funeral: :-.

In addition to the foregoing the following have been contributed to this case.

The opinion of Assistant Attorney General Shields, by the "competant testimony " of the plaintiffs (naming them :- it is shown that Abigail Rogers was a one half breed Choctaw the child of Rogers a Cherokee and a Choctaw woman name unknown. No reason appears to the learned Assistant General why the witnesses whose names are given and who are decendants from that marriage may not state who and what their grandmother was.

Attorney General Shields finds that Abigail Rogers was a half breed Choctaw and married a white man named John Glenn and overruling U.S. vs. Sanders, Hempsteads Report, and not being advised of the custom of the Choctaw Nation holds that the decendants of that marriage are white persons and not Indians.

Mr Adkins, Commissioner off Indian Affairs makes his finding in his order of removal that plaintiffs are of Indian blood undoubtedly part Choctaw and orders them removed from the Indian Terriotry (see plea of Res Adjudicata and Exhibits filed in the case of Joe. B. Glenn et, al,

These conclusions were fully born out by the evidence at the time which is now before this court.

There is no evidence whatever before this Court which is admissible in a Court of law to prove that there was any case of Glenn Tucker et, al, on the docket of the Cherokee Court. The idea of proving a record by a witness who says that his brother in law told him that there was such a case on the docket needs no comment.

This was a Court of Record possessing a seal a clerk and a sheriff. The method of proving the fact of the existence of a particular proceeding in that Court is well known.

This testimony falls far short of the requirement.

It is true that Mrs. King testified that many years ago when she was a widow and living upon the Arkansas River, a wagon load of men passed her house stopping to get water, and said that they were Glens and Tuckers going up into the Cherokee Nation, to prove their right, and that there were more behind, and they were going to found a colony and that in about a week she saw them going back. She did not know them, knew none of their names nor if any of them were parties in this case.

The significant fact is to be found in the testimony of Mr Rosenwinkel. There was a docket in that Court and on that docket he found a Glenn case marked doubtful, but that they were in fact Cherokees subsequently admitted and now residing near Vinita, and as he said not connected with this case.

It is respectfully submitted that the findings of Attorney General Shields of Assistant Secretary Chandler and of Mr Adkins Commissioner of Indian Affairs, that these people were Choctaws was well supported by the evidence and should be the finding of this Court.

There is no pretence on the part of the Nations that Abigails birth and parentage are not correctly stated. She was the child of a Cherokee father and Choctaw mother. If it were true that some of her descendants did attempt to claim under Rogers Cherokee blood (and the proof of this is in no sense sufficient:-: she would under the Indian customs ~~xxxxxxx~~ be the child of her mother and take her status.

Respectfully submitted .

Townsend N. Foster ,

Attorney for Plaintiffs.

AFFIDAVIT FOR BIRTH

LOUISIANA, Parish of ...

Wherefore I certify that the child of her mother and father...

Plaintiff's Brief in Reply

The Choctaw and Chickasaw Nations.

Glenn Tucker, et al,

vs.

The Choctaw and Chickasaw Nations.

Plaintiff's Brief in Reply

Glenn Tucker, et al,

vs.

The Choctaw and Chickasaw Nations.

Plaintiff's Brief in Reply

Glenn Tucker, et al,

vs.

The Choctaw and Chickasaw Nations.

Plaintiff's Brief in Reply

Glenn Tucker, et al,

vs.

The Choctaw and Chickasaw Nations.

Plaintiff's Brief in Reply

Glenn Tucker, et al,

vs.

The Choctaw and Chickasaw Nations.

Plaintiff's Brief in Reply

Glenn Tucker, et al,

vs.

The Choctaw and Chickasaw Nations.

Duplicate

SUMMONS.

United States of America, }
INDIAN TERRITORY, } ss:
Choctaw and Chickasaw Citizenship Court.

The President of the United States of America,

To the United States Marshal for the Indian Territory, So. Maleski District,

GREETING:

YOU ARE COMMANDED TO SUMMONS

P. S. Masley
Governor of the Chickasaw nation

on behalf of said nation
to answer in twenty days after the service of this summons upon him as
Governor of said nation
a complaint in Equity filed against The said the Choctaw and
Chickasaw nations

in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, at So. Maleski

by Wm. Tucker et al and warn him that upon his as said Governor failure to answer, the

The on behalf of said nation complaint will be taken for confessed, and you will make return of the summons on the
first day of next instanter Term of said Court.

WITNESS the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L.

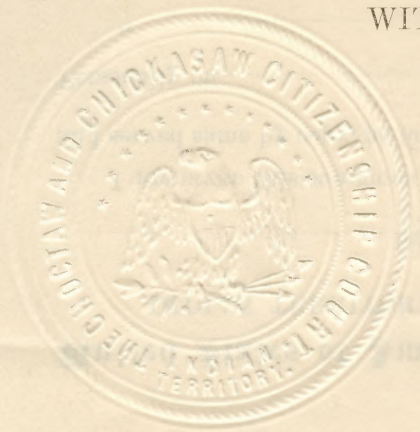
WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal

thereof, at So. Maleski, Ind. Terr., aforesaid,

this 11th day of December, A. D. 1902

James B. Leavada
Clerk.

By _____, Deputy.



MARSHAL'S RETURN.

United States of America,)
 INDIAN TERRITORY,) ss:
 DISTRICT.

I RECEIVED this summons this _____ day of _____, A. D. 190____, at _____ o'clock _____ m. and served same by copy, as follows:

Personally on _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.
 " _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.
 " _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.
 " _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.
 At Residence of _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.
 " _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.
 " _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.
 " _____ at _____ Ind. Ter. this _____ day of _____ 190____, _____ o'clock _____ m.

With a member of defendant's family over 15 years of age there residing.
 And the other persons named in this Summons are "not found in this District."

U. S. Marshal.

By _____, Deputy

DUPLICATE

No. 7-

SUMMONS
 IN EQUITY.

Shon Tucker, et al.

vs.

*The Choctaw and
 Chickasaw Nations*

Summons issued the *11th* day
 of *December*, 190*2*

Returnable _____ Term, 190____

Returned and filed _____, 190____

By _____, Deputy
 Clerk.

MARSHAL'S FEES.

Services,	-	-	-	\$
Miles,	-	-	-	\$
Expense,	-	-	-	\$
TOTAL,	-	-	-	\$

S. N. Foster
 Attorney for Plaintiff.

Duplicate

SUMMONS.

United States of America,)
INDIAN TERRITORY,) ss:
Choctaw and Chickasaw Citizenship Court.

The President of the United States of America,

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

GREETING:

YOU ARE COMMANDED TO SUMMONS Sam McKeurlain
Principal chief of the Choctaw nation

on behalf of said nation
to answer in twenty days after the service of this summons upon him as
Principal chief of said nation
a complaint in Equity filed against the said the Choctaw and
Chickasaw nations

in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, at So. McAlester
by Sam Sweeney and warn him that upon his or said principal chief failure to answer, the
on behalf of said nation complaint will be taken for confessed, and you will make return of the summons on the
first day of next instant Term of said Court.

WITNESS the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L.

WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal

thereof, at So. McAlester Ind. Ter., aforesaid,

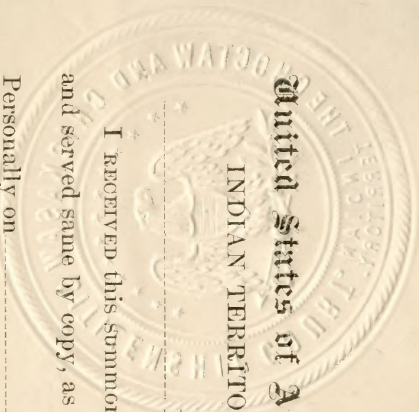
this 11th day of December, A. D. 1902

James B. Cassada
Clerk.

By _____, Deputy.



MARSHAL'S RETURN.



United States of America,
INDIAN TERRITORY,
DISTRICT.

ss:

I RECEIVED this summons this _____ day of _____, A. D. 190____, at _____ o'clock _____ m.
and served same by copy, as follows:

Personally on _____	at _____	Ind. Ter. this _____ day of _____	190____	_____ o'clock _____ m.
"	at _____	Ind. Ter. this _____ day of _____	190____	_____ o'clock _____ m.
"	at _____	Ind. Ter. this _____ day of _____	190____	_____ o'clock _____ m.
"	at _____	Ind. Ter. this _____ day of _____	190____	_____ o'clock _____ m.
At Residence of _____	at _____	Ind. Ter. this _____ day of _____	190____	_____ o'clock _____ m.
"	at _____	Ind. Ter. this _____ day of _____	190____	_____ o'clock _____ m.
"	at _____	Ind. Ter. this _____ day of _____	190____	_____ o'clock _____ m.
"	at _____	Ind. Ter. this _____ day of _____	190____	_____ o'clock _____ m.

With a member of defendant's family over 15 years of age there residing.

And the other persons named in this Summons are "not found in this District."

U. S. Marshal.

By _____ Deputy

2250

No. 7-

SUMMONS
IN EQUITY.

Wm Lucker, et al.

vs.
*The Choctaw and
Chickasaw Nations*

Summons issued the *11th* day
of *December*, 190*2*

Returnable _____ Term, 190____

Returned and filed _____, 190____

Clerk.

By _____, Deputy.

MARSHAL'S FEES.

Services, - - - - \$ _____

Miles, - - - - \$ _____

Expense, - - - - \$ _____

TOTAL, - - - - \$ _____

J. N. Foster

Attorney for Plaintiff.

In The Choctaw And Chickasaw Citizen ship Court At South McAlester I.T.

Glenn Tucker Et. Als.

Vs. Appellants

Appeal from The United States Court for

The Choctaw Nation

The Central District of the Indian Territory

Appellee

At South McAlester.

The Petitioners: Margerett Goldsborough, for herself and for Agnes Livinia Goldsborough, Wm. Alexis Goldsborough, Una Pauline Goldsborough, Ema Viola Goldsborough, and Nana Yarbry Goldoburrugh, her children and lawful heirs, Elisa J. Glenn, widow of John C. Glenn, Joseph B. Tucker, for himself and for Elisabeth Tucker his wife, and Edward Tucker Wm. N. Tucker, Oscar tucker, Joseph S. Tucker, Ocie Harris (Wee Tucker) and Robert P. Tucker, Lawful children and heiro at law of said Joseph B. Tucker and his said wife, James C. Glenn, for himself and ~~XXX~~ Mary Ida Glenn his wife, and for Pettis L. Glenn Walter J. Glenn, Hubert L. Glenn and James W. Glenn, lawful children and heirs at law of said James C. Glenn and his said wife; Mrs. Tamzy Parkerson for herself and Wm. Day Parkerson, Minerva R. Parkerson, Andrew J. Parkerson, Tisha B Parkerson, Melvin Parkerson and John P. Parkerson, Her children and heirs at law; Fanny Chapman, for herself and for Wm. B. Chapman her husband, and for Mattie Chapman, Wm. Chapman, Otis Chapman, Frank Chapman and Beulah Chapman, lawful children and heiro at law of said Fanny Chapman and her said husband; Lillie Barnes; Viola Lightle, for herself and for J.W. Lightle her husband and for Elisabeth Lightle, lillie Barnes, Della Ray Lightle and Charles R. lightle lawful children and heirs at law of said Viola Lightle and J.W. Lightle her husband; Catherine Hill for herself and for ~~Ckaxaxx~~ Clementha E. Hill, Este M. Hill, Elmer Hill, Augusta Hill, Eunice Hill, Leonidus W. Hill, Lawrence M. Hill, lawful children and heirs at law of said Catherine Hill; Margaret J. Goforth, for herself and W. B. Goforth her husband and for Flora Champion,

Beulah Campion, Floyd Campion, Esley M. Goforth, lawful children and heirs at law of Margaret J. Goforth; Margaret E. Choate, herself and for Wm. B. Choate her husband and for Oscar Choate, Arthur Choate and Ethel Choate lawful children and heirs at law of Margaret E. Choate and Wm. B. Choate her husband; Edward Tucker, for himself and for Amanda Tucker his wife, and for Marshal Tucker, Melvin Tucker and Thomas Tucker lawful children and heirs at law of said Edward Tucker and his wife Amanda Tucker; Letitia D. Adams, for herself and Julius H. Adams her husband and for Maude L. Adams Grace P. Adams, Letitia B. Adams and Joseph M. Adams Children and heirs at law of said Letitia D. Adams and Julius H. Adams her husband; Sarah E. Barnes, for herself and for Daniel M. Barnes her lawful child and heir at law; James B. Barnes and for his wife and for J. R. Barnes, J. A. Barnes, Lillie E. Loyd, Nora B. Barnes, J. E. Barnes, John R. Barnes, James C. Loyd, lineal decedents and heirs at law of the said James B. Barnes and his wife; Margaret A. Hulsey for herself and for H. C. Hulsey, C. B. Hulsey, Wm. J. Hulsey, Almedia A. Thompson, (Nee Almedia A. Hulsey), Cora Hulsey, Harles Hulsey, Lineal decendants of the said Margaret A. Hulsey; Mary Barnes for herself and for Joseph B. Barnes, Ira Barnes, Eva Barnes, Charles Barnes and Robert Barnes, their Lineal decendants and heirs at law of the said Mary Barnes; Robert Barnes for himself and for his wife, and for Robert M. Barnes, Emma Barnes, Mary Wells Barnes, Wm. Edward Barnes, Joseph Martin Barnes, Maomi Ethel Barnes lawful children and heirs at law of said Robert Barnes and his said wife; Nancy Dyer for herself and for Wm. Dyer her husband and Joseph Goforth, Maude Dyer, Donie Dyer, Roy Dyer and Wille Dyer, lawful children and heirs at law of said Nancy Dyer and her husband;

Amanda McAll, for herself and for Robert Mc All her husband and for Ida A. McAll and Ella V. McAll, lawful children and heirs at law of the said Amanda McAll and Robert McAll her husband ; Mary E. Wolfington, for herself and for Alfred R. Wolfington her husband, and for Bertha Wolfington her lawful child and heir at law; Josephine Davis for herself and for Lee Davis her husband, and for Alice Davis and Amanda Davis, lawful children and heirs at law of the said Josephine Davis and her husband Lee Davis; Appelants herein respectfully show.

That they are of right citizens of the Choctaw Nation, and entitled to all of the rights, privileges and immunities of such citizenship, but that their said right of Citizenship is denied by the lawful authorities of the said Choctaw Nation.

That on the 7th. day of ^{Sept.} ~~Oct.~~ 1896 your Petitioners together with others not named herein made their application in due form to the United States Commission to the Five Civilized Tribes, commonly known as the Dawes Commission, to be enrolled as such citizen according to law.

That thereafter said application was by said Commission denied.

That from the decision of said Commission, denying said application, that the then applicants, in apt time, according to law, appealed to the United States Court, for the Central District of the Indian Territory, at So. McAlester,

That said Court thereafter rendered Judgment upon said Appeal affirming the decision of said Commission and denying the right of said Applicants to be enrolled.

That said Case was upon the Citizenship Docket of the said Court Numbered 93.

The Premises Considered, Petitioners Respectfully Pray, an Appeal

from the Judgment of said Court in said Cause, And that a Writ of Error and
Summons, in due form, issue according to law, to the end that said Cause
may be reviewed in this Honorable Court as to Petitioners, only, and that
Justice may be done.

And your Petitioners will ever Pray Etc.

Atty. for Petitioners.

Wm. J. Hulsey being First duly sworn says that he is one of the
Petitioners herein and knows the contents of the fore-going Pition, and
that the matters and things therein alleged are true as stated.

Subscribed and sworn to before me this 1902.

My Com. Ex.

190

Notary Public.

[Handwritten signatures and notes in the left margin]

Wm. Tucker et al
vs.
Choctaw Nation

Petition for Appeal

1808.

Notary Public.

That the facts and circumstances therein alleged are true as stated.

Wm. J. Albee being first duly sworn says that he is one of the

Attys. for Petitioners.

That your Petitioners will ever stay etc.

Justice has been done.

may be relieved in this honorable Court as to petitioners, only; and that
summons, in due form, issue according to law, to the end that said cause
from the judgment of said Court in said cause, and that a writ of Error and

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

Glem-Tucker, et al, Appellants.

Vs. No. 7.

Choctaw Nation and Chickasaw Nation, Appellees.

D E M U R R E R.

Come the defendants, the Choctaw Nation and Chickasaw Nation and demur to the petition of plaintiff herein, and for cause of demurrer state.

That said petition does not state facts sufficient to entitle the appellants to the relief prayed for.

CHOCTAW AND CHICKASAW NATIONS

BY Mansfield, McMurray & Lousish ATTORNEYS.

Handwritten notes:
D. Tucker
Choctaw Nation
Chickasaw Nation
No. 7

1. Petition states original made on Oct. 7, 1896, after expiration of time limit.

2. Does not conform to Rule 3.

34th, April, 1881, 5.100 no whom
- kind suit for
E drafted manuscript from work E

Apr, 29 81, 5.100 no whom

No 7

Glenn Tucker et al
vs
Chas. & Christ. Nations

~~Demurrer~~

D E M U R R E R

CHAS. & CHRIST. NATIONS, DEFENDERS, vs. GLENN TUCKER ET AL, PLAINTIFFS.

As No. 7.

Filed for record this 29th day of April, 1881.

WITNESSES
JAMES M. HARRIS, CLERK OF COURT,
AND JOHN W. HARRIS, CLERK OF COURT.

BEFORE THE CHOCTAW AND CHICKASAW
CITIZENSHIP COURT, SITTING AT SOUTH
MOALESTER, APRIL TERM, 1903.

Glenn-Tucker, et al, Plaintiffs.

vs. No. 7.

Choctaw and Chickasaw
Nations, Defendants.

MOTION TO MAKE MORE DEFINITE AND CERTAIN.

Come the Choctaw and Chickasaw Nations
by Mansfield, McMurray & Cornish, their attorneys
and move this Honorable Court to require the plain-
tiff herein, Joseph B. Glenn to make his "applica-
tion for enrollment", filed before the Commission
to the Five Civilized Tribes under the Act of Con-
gress approved June 10, 1896, more definite and
certain in this; that he be required to state:

FIRST: Whether he, his alleged father David
Glenn, or his alleged grandmother, Abigail Glenn
(nee Rogers), complied with the requirements of the
fourteenth article of the treaty of 1830, between
the United States and the Choctaw Nation; and

SECOND: Whether he, his alleged father,
David Glenn, or his alleged grandmother, Abigail
Glenn, (nee Rogers), immigrated to the Choctaw
Nation, Indian Territory with the Choctaw Indians
then residing in the old Choctaw Nation in the
State of Mississippi, under the provisions of Arti-
cle three of said treaty of 1830.

THE CHOCTAW NATION AND
THE CHICKASAW NATION

BY

ATTORNEYS.

BEFORE THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT SITTING
AT SOUTH MC ALESTER, INDIAN TERRITORY.
APRIL TERM 1903.

Glenn-Tucker, et al.Appellants.

vs. No. 7.

The Choctaw Nation and
the Chickasaw NationAppellees.

MOTION TO EXCLUDE TESTIMONY.

Come the Choctaw and Chickasaw Nations by Mansfield, McMurray & Cornish, their attorneys, and renew their motion heretofore orally made before this honorable Court to exclude: first,

All affidavits, depositions or other testimony taken or filed before the Commission to the Five Civilized Tribes under the act of Congress approved June 10, 1896, and now offered in this Court for the reason that notice thereof was not served upon the Chief Executives of both the Choctaw and Chickasaw Nations and that therefore such testimony is void and of no force and effect and should not be considered as evidence by this honorable Court.

Second. All testimony taken or filed before said Commission, under said act, for the reason that it has not been shown that the witnesses who gave such testimony are dead.

Third. All hearsay testimony taken or filed before said Commission under said act, as to pedigree or family relationship, where the legal relationship of the witnesses

to the persons interested and to the person or persons whose statements are quoted has not first been established by testimony other than his own, for the reason that the same is incompetent.

Fourth. All hearsay testimony taken or filed before said Commission under said act, which tends to establish the racial status, blood, or any fact or facts other than pedigree or relationship of the parties, for the reason that the same is incompetent.

Fifth. All testimony taken or filed before said Commission under said act which is hearsay of hearsay testimony, for the reason that the same is incompetent.

THE CHOCTAW NATION.
THE CHICKASAW NATION.

BY _____

Their Attorneys.

Wm Jackson

vs,
606 Nations

Motion to Exclude
Testimony

is incompetent,
testimony other than his own, for the reason that the same
whose statements are quoted has not first been established by
to the persons interested and to the person or persons

Commissioner of the General Land Office, for the reason
said act, which tends to establish
All hearsay testimony taken or filed before
is incompetent.

THE CHICKASAW NATION,
THE CHOCTAW NATION.

By _____
Their Attorneys.

IN THE CHOCTAW-CHICKASAW CITIZENSHIP COURT SITTING AT
SOUTH MC ALISTER? INDIAN TERRITORY.

Gæenn-Tucker, et al.,Appelants.

vs.

The Choctaw and Chickasaw Nations..... Defendants.

ANSWER OF THE CHOCTAW & CHICKASAW NATIONS.

Come now the Choctaw and Chickasaw Nations
and for answer to the petition for appeal of the appelants
say:

That it is not true as stated in said petition
that the petitioners named therein are of right citizens
of the Choctaw Nation and entitled to all the rights, privi-
leges and immunities of such citizens.

The Choctaw Nation

The Chickasaw Nation

By _____

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT, SITTING AT SOUTH McALESTER, APRIL TERM, 1903.

Glenn-Tucker, et al, Plaintiff.

vs. No. 7a.

Choctaw and Chickasaw Nations, Defendants.

Glenn Tucker
vs.
Choctaw and Chickasaw Nations
13
NOTION FOR DECLARATION OF LAW.

Now on this day come the Choctaw and Chickasaw Nations by Mansfield, McMurray & Cornish, their attorneys, and move the Court to declare the law to be, that under the law and the evidence the plaintiffs in this case cannot recover, and that judgment must be entered for the defendants.

Attorneys.

Attorneys.

Judgment must be entered for the defendants.

plaintiffs in this case cannot recover, and that law to be, that under the law and the evidence the their attorneys and more the Court to declare the Chickasaw Nation, ~~the~~ ~~Field~~, McIntire & Company,

Now on this day come the Choctaw and

~~NOTION OR DEPENDENT~~ LAW.

~~Choctaw and~~ ~~plaintiffs~~, Defendants.

vs. No. vs.

Glenn-Tucker, et al, Plaintiff.

APRIL TERM, 1903,
SHIP COURT, BILLING AT SOUTH McALESTER,
IN THE CHOCTAW AND CHICKASAW CITIES.

Gleen Tucker, et al.

Vs.

Choctaw Nation.

Application of the alleged descendants of Abigail Gleen, (nee) Rogers, who was alleged to have been one half Choctaw Indian, and during the year 1833 and prior thereto, lived with said Indians in Mississippi.

There are some three or four hundred applicants, alleged descendants of Abigal Gleen, of the second, third, fourth, and even fifth generations.

Application was first made to the Choctaw Council for enrollment as citizens by these applicants on November 6, 1884, and was rejected. Was then submitted to Indian Agent Owens December 21, 1884. The cases were consolidated, and by him rejected in August, 1887. The papers were transmitted to the Commissioner of Indian Affairs who first approved the decision of Indian Agent Owens, ^{and} who turned the papers over to the Interior Department, but subsequently withdrew them and on March 5, 1889, reversed ^{his} ~~its~~ former decision and sustained the appeal of the applicants. The cases were then referred to the Attorney general, who ~~gave~~ an opinion adverse to claimants. The matter rested then for some time. But in October 1896 claimants made application for citizenship to the Dawes Commission. Denied.

Appealed to the United States Court for the Central District, Judge Clayton being disqualified was tried before Judge Springer of the Northern District. Application denied. Appealed to Citizenship Court.

The testimony consists almost wholly of affidavits and depositions of the applicants themselves, and they are so nearly alike that the affidavit of one with the change of the name might well be taken for the affidavit of any and all.

They state their belief from what they have been told that

Handwritten notes in the top right corner, including the name 'B. F. Wells' and other illegible scribbles.

Abigail Glenn (nee) Rogers & was of Choctaw blood, in some degree not clearly known, and that they are leniel descendants of said Abigail Glenn.

That said Abigail Glenn resided in the State of Mississippi was never in the Choctaw Nation, and that the applicants themselves have lived in various States, voted, paid taxes, and exercised other acts of citizenship in those States. It is no where shown that Abigail Glenn drew money or annuities or exercised any other acts of Choctaw citizenship.

George Washington and Andrew McGee are the principal witnesses besides the applicants themselves, by which the facts alleged are attempted to be proven; and their testimony has been impeached.

CONCLUSIONS.

FIRST: It is no where satisfactorily shown that Abigail Glenn was a Choctaw.

SECOND: Even if she had Choctaw blood it is not shown what degree she had it; and it is shown that her descendants for several generations severed their connection with the Choctaw Nation, and exercised acts of citizenship as United States citizens, thereby forfeiting all right in the Choctaw Nation.

THIRD: It is admitted by the majority of the claimants themselves that if they have any Indian blood at all, it is less than one eighth.

FOURTH: The Choctaw Nation through their Council have refused the applicants enrollment, and have refused to recognize them as citizens.

Fifth - They have never been heard and nor drawn payments in the Choctaw Nation.

Sixth - Abigail was not on the Choctaw roll in Miss.

Note - The applications to the Dawes Com. do not show when they were filed; but the affidavits appended to the applications were sworn to before notaries on the 4th, 5th & 6th of Sept, 1896.

See W.B. Linnworth & George McLain - B.F. Wells, of Wells, J.T. has. wellington & Andrew McGee, the latter a negro & a standing witness. see book.

Handwritten note on the right margin: '2nd witness'.

GLENN-TUCKER CASE.

Statement for Nations' Attorneys.

The test suit filed and tried by the Nations in the Citizenship Court was against certain claimants who had secured favorable judgments in the United States Courts for the Indian Territory; and the decision of the Citizenship Court declaring the judgments of the United States Courts admitting certain persons to citizenship in the two Nations to be null and void affected only such persons as were situated similarly to those who were parties to the test suit; that is, those who had been admitted by the United States Courts in the Indian Territory. All persons who had been rejected by the United States Courts in the Indian Territory are not similarly situated with respect to the parties to the test suit, and the judgment of the United States Courts as to them remains valid. The fact that notice was served upon only one nation cuts no figure in their case, since they can not be heard to complain of their own fault. Only the nations can take advantage of that irregularity. That being true the Glenn-Tucker case and all others like it must be appealed to the Citizenship Court in accordance with section 32 of the Supplementary Treaty; and must be tried in accordance with the provisions of that section. The Court shall consider, review, and revise the judgment of the lower court, both as to findings of fact and conclusions of law. If the Citizenship Court finds error in the decisions of the lower Court, it may revise said decisions and make them conform to the facts and the law. But until that is done the judgments denying applicants are still valid, having never been vacated or declared null and void.

The Glenn-Tucker claimants were denied by the Choctaw Council, and upon appeal were again denied by the Indian Agent, and the latter's decision was approved by the Commissioner of Indian Affairs and by the Secretary of the Interior. The claimants some years after that applied to the Dawes Commission and were by said Commission denied. They appealed to the U.S. Court where their case was dismissed by Judge Springer, the Court holding that the applicants having carried their case through all the channels provided for it at the time they made their application to the Choctaw Council and at the time it was finally decided by the Interior Department, it

was res adjudicata, and the Court refused to hear it further.

The Citizenship Court's first duty will be to determine whether or not the trial Court committed an error in holding the case to be res adjudicata, whether or not the Choctaw Council, the Indian Agent, and the officials above him through whose hands the case passed are such officials as that their decision of the matter can properly be held to be res adjudicata. They will also have to decide whether or not the Act of June 10th 1896, wiped out all former decisions of the administrative officers, and gave the claimants to Indian citizenship the right to have their cases again passed upon by the Dawes Commission and the Courts. If the Citizenship Court finds that the trial Court was right in holding that the case was res adjudicata, it will be the duty of the Court to affirm the decision and dismiss the appeal. If they find that said decision was not in accordance with the law, it will be the duty of the Court to reverse the same and itself try said case de novo.

self say said case de novo.

Memoranda
Res Adjudicata

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judicial, whether or not the Choctaw Council, the Indian Agent, and the of-
ficials of the trial Court committed an error in holding the case to be res ad-
judicata. The Citizenship Court's first duty will be to determine whether or
not the trial Court committed an error in holding the case to be res ad-
judicata, and the Court refused to hear it further.

Pally Fisher

1 Pally Fisher is the only one of
2 the witnesses who gives the name ^{of the mother}
3 of Abigail Glenn (nee Rogers) and she
4 named her mother as Abigail Rogers
5 #

6 Pally Fisher was born in ~~Massachusetts~~
7 ~~Alabama~~ Alabama, moved to Mississ-
8 sippi and from there in 1853
9 moved to the Creek nation
10 where she lived until the
11 time her testimony was taken
12 before R. L. Owen, U.S. agent
13 #

14 Pally Fisher states Abigail Glenn
15 died between 1830 and 1840 and
16 that John Glenn died in 1831 or
17 1832

18 James Baker places Abigail
19 an old squaw with the Glenns
20 in Mississippi as late as 1834
21 or 1836

22 She states Abigail died on
23 White River, ~~Arkansas~~ in Ark
24 and John Glenn died on the
25 Mississippi river in the same state

26 Pally Fisher married twice, both
27 times with errors and never claimed
28 Choctaw citizenship
29
30
31
32