

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP
COURT, SITTING AT TISHOMINGO, INDIAN TER-
RITORY; MAY TERM, 1904.

C. C. Passmore

vs.

No. 7.

Choctaw & Chickasaw Nations.

C. C. Potter, attorney for plaintiff.

Mansfield, McMurray & Cornish, for Defendants.

May 4, 1904. This day this cause coming on to be heard the following proceedings were had:

Mr. Potter:

The judgment of the United States Court for the southern District of Indian Territory in this case is as follows:

(Judgment read)

C. C. Passmore, witness in his own behalf, being first duly sworn, testified as follows:

Direct examination by Mr. Potter.

Q What is your name?

A Christopher C. Passmore.

Q Where do you live?

A Near Morrow, Chickasaw Nation.

Q Were you ever married to Eliza Gibson?

A Yes sir.

Q When were you married to her?

A '86, the 25th day of June, I think.

Q Where were you married to her?

A At Silas James' house, he was the Judge of the County of the Choctaw Nation, 15 miles from Stringtown. At his house, Judge James.

Q Who was Eliza Gibson?

A She was a daughter of Calvin Gibson.

Q Was she an Indian?

A Yes sir, she was three-quarter Indian--one-quarter Choctaw and one-half Chickasaw and the other was American blood.

Q She was both Choctaw and Chickasaw?

A Yes sir, her mother was a Chickasaw--that's the way they explained it to me.

Q Did you have a license?

A Yes sir, I got a license from this Judge.

Q That was in the Choctaw Nation?

A Yes sir.

Q Did you file any petition with him or recommendation?

A Yes sir, I filed a recommendation; I don't know what the law required but either five or six citizens testified and I filed the

application.

Q What became of your license?

A I turned them through the mail to you Judge, Judge Potter.

Q You don't know anything about them further than that?

A No sir, I sent them to you by mail.

Q Where did you live at the time you married Eliza?

A Lived at Velma, Chickasaw Nation.

Q After you married her where did you take her to?

A Home at Velma.

Q How long did you keep her?

A Kept her until she abandoned me.

Q How long after your marriage?

A She quit me I think something like 15 days or two weeks.

Q What was the trouble?

A She claimed that she didn't want to remain with white people; she said she didn't love me and didn't desire to remain with white people.

Q Did you have a house of your own at that time?

A No sir, my father and mother was away from home at Hot springs for their health and I was at my father's house. I was taking care of things there.

Q Did you take her to your father's house?

A Yes sir.

Q Were any members of your father's family there at that time?

A Yes sir, a single sister. Two or three other smaller children.

Q Was there any unkindness upon the part of any of them towards your wife?

A No sir, they tried to get her to continue to live with me.

Q Did you make any effort to keep her with you?

A Yes sir, I tried to get her to stay and stated to her that if she was homesick I would bring her back.

Q Where was her father at the time?

A He was there with me; he come home with me, he and her. We married and her father come home with me and her father was away from my house at the time the separation taken place, some two or three miles in the neighborhood. He used to live near there. The time she told me she was going to quit me he was not present but he come the next day, I think, and I told him that Eliza said she was going to quit me and I told him he must talk to her to get her to become reconciled, but she wouldn't hear to him.

Q Have you resided in the Chickasaw Nation ever since you married Eliza?

A Yes sir.

Q Who performed the ceremony for you and her?

A Judge Isaac James, in the Choctaw Nation.

Q Where is she living now?

A I don't know; I haven't seen or heard from her for some time; the last I heard she lived west of Pauls Valley.

Q Had she married again?

A Yes sir, this is the second time; she was living with her third husband the last I heard.

Q What is his name?

A I think its Bell.

Q Do you know a place by the name of Foster in that country?

A Yes sir.

Q Is that in the neighborhood of where she lives?

A Yes sir, that's near where she lives, near Pauls Valley.

Mr. Potter:

That's all.

Cross-examination by Mr. Cornish.

Q How long had you known this woman before you married her?

A I knew her ever since she was a little child.

Q How many years?

A I don't remember, she was just a little child, it must have been seven or eight years.

Q How old was she when you married her?

A Something like fourteen or fifteen years old; I believe she said she was going on fifteen.

Q You lived together about two weeks, you say?

A Yes sir, I think that's about the time she stayed with me. She stayed in the house about five days after we separated. I told her she could stay there though she wouldn't live with me.

Q Did you make any effort after the separation to have her live with you?

A Yes sir, a month or two after--

Q Where was she then?

A In the Choctaw Nation, at her home.

Q You were married in the Choctaw Nation?

A Yes sir.

Q Your father's family was living there?

A No sir, in the Chickasaw country.

Q Had you ever lived up there?

A No sir, not in the Choctaw; she lived at Velma and then moved to the Choctaw and I followed her up and married her.

Q You married in the Choctaw Nation?

A Yes sir.

Q Did you bring her immediately after the marriage to the Chickasaw Nation to your father's home?

A Yes sir.

Q Where did she go after the separation?

A In the Choctaw Nation.

Q How did she go?

A Her father had a horse with him and she went on the horse.

Q What was her father doing in the Chickasaw Nation?

A He come here with us.

Q Have you since re-married?

A Yes sir.

Q How long after the separation was it that you married your present wife?

A It was in '90.

Q When was the separation?

A The separation taken place in '86.

Q Married something like four years after that?

A Yes sir.

Mr. Cornish:

That's all.

Mr. Potter:

Q Was her father willing for her to marry you?

A Yes sir; they were both present, he and her mother.

Judge Adams:

Anything further?

Mr. Potter:

Nothing except I want to introduce that license if I have it and my papers will be here today. If its among them I want to introduce it and if not I want time to get a copy of the record.

Tishomingo, Indian Territory, June 1, 1904.

C. C. Passmore,

vs. No. 7.

Choctaw and Chickasaw Nations.

LETTER OF INSTRUCTIONS.

To William H. McKinney:

C. C. Passmore is an applicant before the Citizenship Court for admission as a citizen by intermarriage, claiming that in 1886 he married Eliza, the daughter of Calvin Gibson; that the Gibson family were then living fifteen miles from Stringtown in the Choctaw Nation; and that the marriage was performed by Silas James, then Judge of the County, under a license issued by him.

It is also stated by the applicant that his wife and her father accompanied him from near Stringtown over into the Chickasaw Nation; that she lived with him about two weeks and abandoned him, giving as her only reason that she did not want to live with white people. The applicant further alleges that he induced his father-in-law to urge her to continue to live with him, but that she would not do it and that she and her father left and went back to their home in the Choctaw Nation.

The applicant states that his former wife is now the wife of a man named Bell, and that her present name is

Eliza Bell, and that she lives near Foster, which is somewhere in the Paul's Valley country.

You are directed to proceed to that country and locate this woman, and to talk with her fully and completely over the facts and circumstances relative to her marriage and separation, and the treatment of her by Passmore.

We believe the facts to be and we believe she will so state, that the marriage was not in good faith on the part of Passmore; that he simply wished a Choctaw wife, and that her father was a party to the transaction; that after she was taken into the Chickasaw Nation to the home of Passmore that she was mistreated by him and that she left him only because he mistreated her and misused her; and she will state further that she would have continued to live with him if he had treated her properly as a wife.

Write out her statement full and completely, setting forth all of the facts along these lines, and attach your written report to this letter of instructions and return it to the office.

Yours very truly,

C.C. Passmore

vs No.7.

Choctaw and Chickaaw Nations.

Report of Wm.H.McKinney of the above case: -

I have located Mrs. Eliza Bell (nee Gibson) that she is now living near Calvin, Choctaw Nation, Indian Territory and she stated as follows:- Her name is Eliza Bell and that her Post Office is Stuart, Indian Territory: she is 30 years old her birth day is 25rd day of may so that she was thirty years old last month, and that her mother was a full blood Chickasaw and her father was 1/2 Choctaw and that she was 12 twelve years old when she married a white man by the name of Columbus Passmore, she does not know where or at what place she married and does not know who performed a marriage ceremony she think that he did not get the license to marry: two or three days after they were married she found it out that Columbus and others want her to go away and they commenced to mistreated her and would not stop in abusing her that she says she could not stand it that she could not stay with him, they were living on old man Passmore's house at that time and that she found out that it was made up thing between Columbus and his father and his mother and his sisters for them to mistreated her so that she could not live with them and leave that place, all that they care was that for Columbus to marry a Chickasaw or Choctaw woman because Old man Passmore had over Two thousand head of cattle and they were about losing that cattle and for the Columbus Passmore to marry an Indian woman in order to hold the cattle for his father what they want was to get the rights for his son in marrying to an Indian woman and in that view Old man Passmore the father of Columbus Passmore and his son Columbus Passmore proceeded to the Choctaw Nation and came to Jim Gibson a grand father of Eliza Gibson and offered to give Jim Gibson the sum of One Hundred Dollars if Jim Gibson would go and persuade Eliza Gibson to marry Old man's son Columbus Passmore and if Eliza would not marry Jim was to use his influence as her grand father to make her marry that man: Eliza's mother object for Eliza to marry and Eliza herself did not want to marry that man and Columbus Passmore never talk to

her but that old man Jim Gibson told her to marry that man and she refused and he made her to marry that man by standing by her and compel her to marry Columbus Passmore and as her father was not present at marriage and her mother did not consent her daughter to marry : after they had arrived at Old man Passmore's house they began to abuse her and when her father was ready to go back to the Choctaw Nation she told the sisters of Columbus Passmore that she was going home and they told him and said " Eliza is going home ", and he answered " Let her go I don't care " and he never tried her to live with him again : and she says that if they had treated her kindly and be kind to her as she was only a child that she would have staid with him but she was mistreated and they cut off her hair to disfigure her and did every thing to make her unpleasant for her to stay with the m so when her father started back to the Choctaw Nation she followed him, her father is the only one tried to persuade her to go back to Columbus and live with him but she told him that they mistreated her and that she could not stand it : when she got back when Jim Gibson saw her condition she that she been abused he was very mad. Bud Passmore can tell that she was mistreated Bud is brother to Columbus Passmore.

She further says that she never said she do not want to live with white folks or she do not want to live with him because he was a white man , or she says that she never said that she would rather with Indian than white man: Some 7 or 8 years ago Columbus Passmore came to where she was and tried to get her to sign some paper she says that after she found it out he married her for her right and that she couldn't live with him because he did not care for her and that he did not marry her in good faith and that he did not treat her as his wife. Mrs. Nicy Gibson they , Stuart, I.T. can tell about Old man Passmore gave to Jim Gibson that One hundred dollars Mrs. Nicy Gibson is the widow of Ruben Gibson brother to Calvin Gibson.

NOTE BENEI

Eliza was not of age only 12 years old her parents never give their consents to her marriage and her father was not present at

the wedding and therefore the marriage was not legal.
She Eliza being a Chickasaw woman it would have proper to get a
license form the Chickasaw Nation and as he claimed that he got
a Choctaw license his license is not legal.

He Columbus Passmore claims that he got a divorce from her in the
Chickasaw Court which had no jurisdiction because chickasaw Cour
has no jurisdiction over the Choctaw s . there fore it was all ill
legal transaction .

Wm H McKinney

Witnesses.

In Claimants.

Fausta Sellers.

James A. Sellers.

Oscar White... Pickens Co.

Bryant Passmore, Sr. Velma. J. J.
Gibson

In Claimants.

J-N^o 7.

Passmore, C. C.

vs

Chickasaw Nation.

N^o 23.

Lawson Dist. Court.

N^o

Dawson Commission.

Question of separation and
abandonment.

Query:

1. Was Oly. Simon, Chickasaw.
2. Was marriage of June 25, 1886
according to Indian law.
3. Cause of separation of 1886
4. Who offered divorce.
5. Has Passmore remarried.

Pass

W. J. B.

C. C. PASSMORE.

The application states that Passmore is a resident of Pickins county; that he is a white man; that on the 25th day of June 1886 he was lawfully married to Eliza Gibson who then resided in the Choctaw nation but who had been raised in the Chickasaw nation; that said Eliza was both a Chickasaw and Choctaw Indian by blood. Her mother was a full blood Chickasaw Indian and her father was 1/2 blood Choctaw Indian. The marriage was performed according to the law of the Choctaw nation. Applicant and his wife lived together only about fifteen days when she abandoned him and returned to her home; applicant says this was without any fault on his part; that he married her in good faith and desired to live with her, and that it was over his protest that she abandoned him and has never since returned. About the year 1890 applicant obtained a divorce from her in the Courts of the Chickasaw nation; that he has ever since lived in Pickins county; has claimed to be a citizen and has been so recognized and treated by the authorities. Asks enrollment. Decision of the Dawes Commission not given. Case was appealed to the United States Court, Southern District. Referred to W. H. L. Campbell, Master in Chancery, who found that C. C. Passmore was lawfully married to Eliza Gibson; that said Eliza was a Chickasaw Indian by blood. Recommends the admission of Passmore to citizenship. Judgment accordingly.

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AFFIDAVITS BEFORE DAWES COMMISSION.

FARETTA SELLERS says that she lives in Pickins county; has known Passmore for a number of years; that in 1886 he married Eliza Gibson an Indian woman said to be a mixture of both Choctaw and Chickasaw blood; they lived together not more than fifteen or twenty days; that during that time affiant was at their house frequently and they seemed to get along very agreeably. At the

end of that time Eliza voluntarily abandoned C. C. Passmore. Eliza told affiant a day or two before she abandoned her husband that she had rather live with the Indians than with white folks, and that she was going to quit her husband and return to the Indians, she asked affiant to tell her husband. Soon after that the father of Mrs. Passmore visited Passmore and his wife, and affiant heard said father tried to persuade said Eliza to continue to live with her husband, but Eliza expressed her intention on not doing so, and in a day or so she left him. Affiant was present when she left and heard Passmore tell her he had married her in good faith and protested against her leaving.

JAS. A. SELLERS says he lives in Pickins county; is acquainted with C. C. Passmore. (Testimony is the same as that of Faretta Sellers)

OSCAR WHITE says that he lives in Pickins county; that he knows C. C. Passmore; that in 1886 Passmore married Eliza Gibson; that they lived together for only a few weeks when she left him and returned to her people. On her way to her father's she stopped at affiant's house and talked to him about the separation; she said there was no cause for it except she preferred to live with the Indians than with white people and was going back to her father's. She made some charges against her husband but said he was not to blame for the separation and had been good to her.

BRYANT PASSMORE, SR., says he is the father of C. C. Passmore; knows that the latter married Eliza Gibson in 1886; that Eliza was one-half Chickasaw and one-fourth Choctaw Indian; that they lived together only a few weeks. Knows of no reason for the separation. After said separation, at the request of C. C. Passmore, affiant

went to see Eliza and tried to get her to return to her husband; she refused to return, however, simply stating she did not want to live with white people.

_____ GIBSON says he is a Choctaw Indian by blood; that he is the father of Eliza Gibson who in 1886 married C. C. Passmore. Eliza is one-half blood Chickasaw and one-fourth blood Choctaw. Some fifteen or twenty days after her marriage she abandoned Passmore and returned to affiant's; she made no charge against her husband; said that he had treated her well; she refused to return to him, however, saying that she had rather live with the Indians than with white people.

CONCLUSIONS.

A careful investigation of this case will likely disclose the fact that the applicant did not marry Eliza Gibson in good faith, and that there were reasons for the separation not disclosed in the testimony.

Handwritten signature or initials

C. C. Passmore - No. 1

Take testimony of Eliza Bell, if after
being interviewed by McKinney it is developed that
her testimony is of value to the Nation.

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, Southern District,

GREETING:

YOU ARE COMMANDED TO SUMMONS P. S. Moseley
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 Choctaw and Chickasaw nations~~

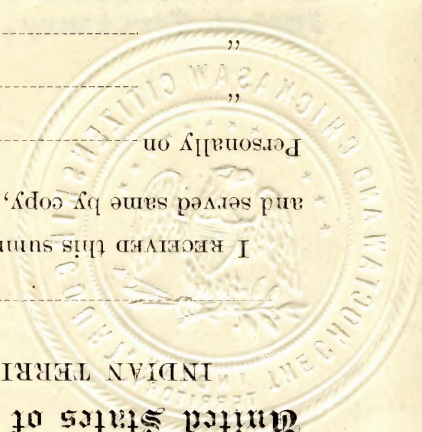
in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, Leshoningo St.
by C. C. Passmore and warn him that upon his ~~as said Governor~~ failure to answer ~~the~~
~~on behalf of said nation the~~ complaint will be taken for confessed, and you will make return of the summons ~~on the~~
~~first day of next~~ instanter ~~term of said Court~~

and you are further commanded to notify said P.S. Moseley, Governor, aforesaid, that the files, papers, and proceedings, in the case of C. C. Passmore vs. Chickasaw Nation, file No. 23 in the District Court for the Southern District of the Indian Territory, has been transferred to the Choctaw and Chickasaw citizenship court, and that the certificate of the Clerk of said Court for said Southern District, Indian Territory, has been attached thereto.

WITNESS the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal thereof, at South McAlester, I. T., aforesaid, this 10 day of March, A. D. 1903



By James B. Cassada Clerk.
Deputy.



United States of America,
INDIAN TERRITORY,
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 _____ 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 _____ 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."

By _____ U. S. Marshal,
Deputy

DUPLICATE.

No. 77

SUMMONS IN EQUITY.

L. S. Pastmore

vs.

Walter Sherman Miller

Summons issued the 10 day
of March 190____

Returnable _____ Term, 190____

Returned and filed _____, 190____

By _____, Clerk,
_____, Deputy.

MARSHAL'S FEES.

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

[Signature]

Attorney for Plaintiff,
[Signature]

5762hsn10-02

MARSHAL'S RETURN.

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, Northern District,

GREETING:

YOU ARE COMMANDED TO SUMMONS Green McCurtain

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 Choctaw and Chickasaw nations

in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory,

Johanning & Co.

by C. C. Possmore and warn him that upon his failure to answer, as said Prin. Chief ~~the~~ on behalf of said nation the 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~~

and you are further commanded to notify said Green McCurtain, Principal Chief aforesaid, that the files, papers, and proceedings, in case of C. C. Possmore vs. Chickasaw Nation, file No. 23, in the District Court for the Southern District of the Indian Territory, has been transferred to the Choctaw and Chickasaw citizenship court, and that the certificate of the Clerk of said Court for said Southern District, Indian Territory, has been attached thereto.

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

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

thereof, at South McAlester, Ind., aforesaid,

this 10 day of March, A. D. 1903

By James B. Cassada Clerk.
Deputy.



IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT

AT SOUTH MC ALESTER, INDIAN TERRITORY.

C. C. Passmore, Plaintiff,)

vs)

Choctaw and Chickasaw Nations, Defendants.)

Now comes C. C. Passmore and shows to the court that on the 22nd day of Dec. 1897, he obtained a valid judgement against the Chickasaw Nation in the United States Court for the Indian Territory at Ardmore in cause number 23, admitting him to citizenship and enrollment as a member of the said tribe of Chickasaw Indians, from which judgement an appeal was taken to the Supreme Court of the United States, and which judgement was confirmed and fully approved by said court. That said judgement is yet a valid and subsisting judgement. But plaintiff shows that on the 17th day of Dec., 1902, this honorable court in the cause of the Choctaw and Chickasaw Nations vs J.T. Riddle et als, to which cause this plaintiff was not a party, this honorable court rendered a judgement and decision by which it attempted and seeks to set aside and nullify the said judgement rendered by the United States Court for the Indian Territory as aforesaid; and for that reason this plaintiff prays and appeal in this cause. This plaintiff shows that by reason of this judgement he is entitled to enrollment as a citizen and member of said Chickasaw tribe of Indians, and he is further entitled to be enrolled for the reason that he, the said C. C. Passmore, then being a white man and a citizen of the United States, was, on the 25th day of June, 1886, lawfully married in and according to the laws of the said Chickasaw nation to Eliza Gibson, a native Chickasaw Indian by blood, and that every since said marriage the plaintiff has lived in the Chickasaw nation and claimed the rights of citizenship therein.

Wherefore plaintiff prays that appeal be allowed him in this cause, and he prays that writs of error and surmons be issued herein in accordance with the rules of this honorable court.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT

AT SOUTH MOBILE, INDIAN TERRITORY.

C. C. Passmore, Plaintiff,

vs

Choctaw and Chickasaw Nations, Defendants.

No

L. L. Passmore

vs

Choctaw and Chickasaw Nations

Plaintiff

Defendant

In support of

the following facts and shows to the court that on the 2nd day of June, 1888, the said Plaintiff was born in the Indian Territory at Chickasaw Nation, and that he is a member of the Chickasaw Nation, from which judgment as a member of the said Nation, from which judgment an appeal was taken to the United States Court of the United States, and which judgment was confirmed by the said court. That said judgment is yet valid and subsisting judgment. But plaintiff shows that on the 17th day of Dec., 1902, this honorable court in the case of the Choctaw and Chickasaw Nations vs J. T. Riddle et al, to which cause this plaintiff was not a party, this honorable court rendered a judgment and decision by which it attempted and seeks to set aside and nullify the said judgment rendered by the United States Court for the Indian Territory as aforesaid; and for that reason this plaintiff prays and appeals in this cause. This plaintiff shows that by reason of this judgment he is entitled to enrollment as a citizen and member of said Chickasaw tribe of Indians, and he is further entitled to be enrolled for the reason that he, the said C. C. Passmore, then being a white man and a citizen of the United States, was, on the 20th day of June, 1888, lawfully married in and according to the laws of the said Chickasaw Nation to Miss Gibson, a native Chickasaw Indian by blood, and that every since said marriage the plaintiff has lived in the Chickasaw nation and claimed the rights of citizenship therein. Therefore plaintiff prays that appeal be allowed him in this case, and he prays that writs of error and summons be issued herein in accordance with the rules of this honorable court.

C.C.Passmore,

-vs--

No. 7.

The Choctaw and Chickasaw Nations.

--o--

Present and Presiding the Hons. Walter L. Weaver and Henry S. Foote
Associate Judges of said Court.

--o--

Appearances;

Potter & Potter, for Plaintiffs.

Mansfield, McMurray & Cornish, for Defendants.

--o--

May 13, 1904. This day this cause coming on to be heard, the
following proceedings were had to-wit;

Mr. Potter;

This is the case in which it was testified that the license
were lost; that he had sent them to me and that they could not
be found; that was true, but here is a certified copy. Ex. "B"

--o--

In the Choctaw and Chickasaw Citizenship Court,
Sitting at Tishomongo, I.T., June 24, 1904.

--o--

C. C. Passmore,

--vs--

No. 7.

The Choctaw and Chickasaw Nations,

---o---

JUNE 24, 1904; This day this cause coming on to be heard, before the Hons. Spencer B. Adams, Chief Judge, Walter L. Weaver and Henry S. Foote, Associate Judges, of said Court, the Defendants being represented by their Counsel, Mansfield, McMurray & Cornish, the following proceedings were had to-wit;

Mr. Cornish;

We wish that case set for the 29th, if the Court sees fit to make the order.

Judge Adams;

The case will be set on the part of the Nations for June 29th.

--o--

In the Choctaw and Chickasaw Citizenship Court, sitting at
Tishomingo, in the Indian Territory.

C. C. Passmore,

vs.

Choctaw and Chickasaw Nations.

:
:
:
:
:
:

No. 7.

DECREE OF COURT.

On this 12th day of September, 1904, this cause
coming on for final decision, the same having heretofore
been submitted upon the law and the evidence, and the Court
being well and sufficiently advised in the premises doth
find that the plaintiff, C. C. Passmore, is entitled to be
deemed a citizen by intermarriage of the Chickasaw Nation,
and to enrollment as such, and to all the rights, privileges
and immunities, personal to himself, which flow therefrom.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED
that the petition of the plaintiff, C. C. Passmore, be
granted, and that he be deemed a citizen by intermarriage
of the Chickasaw Nation, and entitled to enrollment as such
citizen, and entitled to all the rights, privileges and
immunities, personal to himself, which flow therefrom.

.....
Chief Judge.

.....
Associate Judge.

.....
Associate Judge.

C. C. Passmore }
vs. } T. No. 7. Sov. Dist. No. 23.
Chickasaw Nation }

C. C. Passmore, a white man, married Oliza Gibson, an alleged Chickasaw by blood, June, 25th, 1886, with whom he lived some 15 to 20 days when he claims she abandoned him, and he, Passmore, obtained a divorce in 1890.

Admitted by Dawes Commission in 1896.
Admitted by judgment U. S. Court, Southern District, Dec. 22d, 1897.

- Query.
1. Was Oliza Gibson, a Chickasaw by blood.
 2. Was marriage of June, 25, 1886, according to tribal law.
 3. Cause of separation of 1886.
 4. On whose petition was divorce of 1890 granted.
 5. Has Passmore remarried since 1890.

I N D E X.

Application to the Dawes Commission 1
Affidavit of Farretta Sellers 3
" " James A. Sellers 5
" " Oscar White 6
" " Bryant Passmore, Sr. 7
" " _____ Gibson (father of Eliza Gibson) . . . 8
Answer of Chickasaw Nation to Application 9
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C. C. PASSMORE, :
 :
 VS. :-- Application for citizenship
 : Pending before the Commission
 : To the Five Civilized Tribes.
 CHICKASAW & CHOCTAW NATIONS. :

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TO THE HONORABLE COMMISSION:--

Your applicant shows that he is a resident citizen of Pickens County, Chickasaw Nation. That he is a white man and was a citizen of the United States prior to the 25th. day of June, 1886, though he had then lived in the Chickasaw Nation for a number of years. That on the 25th. day of June, 1886, he was lawfully married to Eliza Gibson, who then resided in the Choctaw Nation, but who had been raised in the Chickasaw Nation. That said Eliza Gibson was both a Chickasaw and Choctaw Indian by blood. That she was one half Chickasaw, her mother being a Chickasaw Indian of full blood. That she was one fourth Choctaw, her father being one half Choctaw. That said marriage was contracted and celebrated under and according to the laws of the Choctaw Nation. That immediately after said marriage this applicant carried his wife to his home in Pickens County, Chickasaw Nation. This applicant further states that he and his wife, Eliza, lived together only for a short while, about fifteen (15) days, when she made up her mind to abandon him and return to her home. That this was without any fault on the part of this applicant. That he gave his wife no cause at all for the said separation. That he married her in good faith and sought to make her his wife. That he was as kind to her as he knew how to be. That he was not only willing but anxious to reside with her, but soon after their marriage she conceived an antipathy for him, or at least an over-weening desire to go back to her

people, and over the protest of this applicant and that of her father she abandoned this applicant and his home and has never since returned. That afterwards, in about the year 1890, this applicant obtained ⁴a divorce from the said Eliza in the Courts of the Chickasaw Nation, and ever since his marriage this applicant has lived in the Chickasaw Nation, in Pickens County, claiming to be a citizen by reason of his said marriage, and he has been recognized and treated as a citizen by the authorities of said Nation, but he is advised and believes that his name does not appear upon the roll of citizenship of either of said tribes of Indians. This applicant further shows that he had rather be admitted to citizenship in the Chickasaw Nation, if, in the opinion of this Honorable Commission, he is entitled to such, but if not, he would like to be admitted to citizenship in the Choctaw Nation.

WHEREFORE, he makes this application, and upon final hearing he prays that the same be granted and that this applicant's name be enrolled upon the roll of citizenship kept by the Chickasaw Nation, but if this is denied, he prays in the alternative that his name be enrolled upon the roll of the Choctaw Nation.

POTTER & POTTER,
Attorneys for Applicant.

I, C. C. Passmore, do on oath state that the matters and things set forth in the above and foregoing application are true, and that my Post-Office address is Velma, Indian Territory.

C. C. PASSMORE.

Sworn to and subscribed before me,
This the 28th. day of August, 1898.

William T. Gibbs, Notary Public.

My Commission expires April 14th., 1898.

INDIAN TERRITORY, :
:--
SOUTHERN DIVISION. :

Personally appeared before me, the undersigned authority, Faretta Sellers, who, on oath, deposes and says:

I am well acquainted with C. C. Passmore, who lives near Velma, Indian Territory. I reside in Pickens County, Chickasaw Nation. I have known the said Passmore for a number of years, and know that in the year 1886 he married Eliza Gibson, an Indian woman, said to be Chickasaw and Choctaw Indian mixed. They lived together after their marriage for some fifteen (15) or twenty (20) days. During that time I was at their house frequently and they seemed to get along very agreeably together. Soon after their marriage the said Eliza voluntarily left the home of the said C. C. Passmore and abandoned him. She told me a day or two before she left him, when we were in the garden together, that she would rather live with the Indians than with the white folks and that she was going to quit living with her husband and wanted me to tell her husband that she was going to quit him and go back to the Indians. Soon after this the father of Mrs. Passmore was at the house of the said Passmore and I heard him try to get his daughter, the said Eliza, to continue to live with her husband and not to quit him, and he told her that her husband provided well for her, and that she ought not to leave him, but the said Mrs. Passmore continued to express her intention of leaving her husband, and a few days later she did quit him. I was present when she left, and when she went to her husband, he told her that he had married her in good faith and wanted her to be his wife and protested against her leaving, but she said that she was going to leave

him and tried to get him to leave her and told him if he did not leave her that she would leave him.

FARRETTA SELLERS.

Sworn to and subscribed before me,

This the 23th. day of August, 1896.

WILLIAM T. GIBBS,

Notary Public.

My Commission expires April 1st., 1898.

INDIAN TERRITORY, :
:--
SOUTHERN DIVISION. :

Personally appeared before me, the undersigned authority, James A. Sellers, who, being duly sworn, upon his oath deposes and says:

I reside in Pickens County, Chickasaw Nation. I am well acquainted with C. C. Passmore, who lives near Velma, Indian Territory. I know that in the year 1886 he married Eliza Gibson, an Indian woman, who was said to be Chickasaw and Choctaw Indian mixed. After their marriage they lived in Pickens County, Chickasaw Nation, and I lived in the same house with them. They got along very agreeable together and Mr. Passmore treated his wife well and seemed to be very kind to her. I further state that the said Passmore did not abandon his wife or voluntarily leave her, but that she did voluntarily separate from him and abandon his home, and when she was talking of leaving him she said that she had nothing to charge against him. That he had been kind to her, but that she would rather live with the Indians than with him, and that she was going back to her folks, and after the said Eliza abandoned her husband I went at his request to try to induce her to go back to her home and I had quite a talk with her father about it, but she told her father that she would not do so. She did not claim that her husband had caused her to leave home, but on the contrary said she had nothing to charge against him, that he was good to her, that she would rather live the Indians than with white folks, and she refused to go back.

his
JAMES A. X SELLERS
Mark.

Witness to signature:

T. L. Hough.
R. B. Selmer.

Sworn to and subscribed before me, this 28th. day of August, '96.

William T. Gibbs, Notary Public.

INDIAN TERRITORY :
: -
SOUTHERN DIVISION. :

Personally appeared before me, the under-
signed authority, Oscar White, who, after being duly sworn,
on his oath deposes and says:

I reside in Pickens County, Chickasaw Nation. I am well
acquainted with C. C. Passmore, who lives near Velma, Indian
Territory. In about the year 1886, the said C. C. Passmore,
married Eliza Gibson, Chickasaw Indian, and they lived together
as husband and wife for only a few weeks, when she left him and
went back to her people. On her way to her fathers when she left
her husband, she stopped at my house and I had a conversation
with her in reference to the separation. She said that there
was no cause for it except that she preferred to live with the
Indians than the white people and was going back to her fathers.
She made kind of charge against her husband, but said that
he was not to blame for her separation and had been good to
her.

OSCAR WHITE.

sworn to and subscribed before me,

This the 28th. day of August, 96.

William T. Gibbs,

Notary Public.

INDIAN TERRITORY, :
SOUTHERN DIVISION.:

Personally appeared before me, the undersigned authority, Bryant Passmore, Sr., who, being duly sworn, on his oath deposes and says:

I am a resident of the Chickasaw Nation. I am the father of C. C. Passmore, who lives near Velma, Indian Territory. I know that in the year 1886 he married Eliza Gibson, an Indian woman. She was one half Chickasaw and one fourth Choctaw Indian. They lived together only a few weeks, during which time that got along very agreeably together, and I know of no reason for their separation, but after the separation at the request of the said C. C. Passmore, I went to see his wife, the said Eliza, and tried to get her to return to him and I had considerable conversation with her and persuaded her all I could to return, but she absolutely refused to return to him, making no charge against him, simply alleged that she did not want to live with white folks but wanted to go back with the Indians.

Sworn to and subscribed before me,

This _____ day of _____ 1896.

INDIAN TERRITORY, :
: ---
MIDDLE DIVISION. :

Personally appeared before me, the undersigned authority, _____ Gibson, who, on oath, states that he is a Choctaw Indian by blood and now resides in the Choctaw nation. That he is the father of Eliza Gibson, who, in the year 1836, was married to C. C. Passmore, who now lives near Velma, I. T. Said Eliza, my daughter is one half Chickasaw Indian, one fourth Choctaw, and one fourth white. Her mother, _____ was a full blood Chickasaw Indian, and I, myself, am one half Choctaw. The said Eliza was raised in the Chickasaw Nation but she was married to C. C. Passmore in the Choctaw Nation where I then resided. Some fifteen or twenty days after my daughter was married to Passmore she abandoned him and came to her home and refused to longer to live with him. In conversation with her I learned that he husband, the said Passmore had treated her well and was making her a good husband, and I tried to persuade her to continue to live with her, but she refused to do it stating that she would rather live with the Indians than with the white folks and she returned to her home and never afterwards lived with the said Passmore.

Sworn to and subscribed before me,

This _____ day of _____ 1896.

8

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED
TRIVES.

In the matter of the application for enrollment in the
Chickasaw Nation of C. C. Passmore.

Now comes the Chickasaw Nation, by its attorneys, and re-
spectfully shows to this honorable Commission that the appli-
cation herein is insufficient in law.

WHEREFORE, it prays that said application be dismissed.

Second- for special exception, the Chickasaw Nation
respectfully shows to this Commission that the evidence pro-
duced by the applicant to show any claim of citizenship in the
Chickasaw Tribe of Indians.

WHEREFORE, it prays that said application be dismissed.

Third, for further special exceptions, the Chickasaw
Nation says that the application is insufficient in that it
shows that the applicant has not complied with the laws of the
said Nation, and, therefore, ~~it~~ is not entitled to any of the
rights, privileges and immunities as such citizen.

WHEREFORE, it prays that said application be dismissed.

THE CHICKASAW NATION,

By its Attorneys.

BEFORE THE HONORABLE COMMISSION
TO THE FIVE CIVILIZED
TRIBES.

In the matter of the application of C. C. Passmore for enrollment in the Chickasaw Nation.

Now comes the Chickasaw Nation, by its attorneys, and, without waiving any exception heretofore taken to the application filed herein; and without consenting to, but denying the jurisdiction of this Honorable Commission to pass upon a question of citizenship in the Chickasaw Tribe of Indians, presents this, its answer to said application, and respectfully represents:

FIRST- The Chickasaw Nation denies that Eliza Gibson was a Chickasaw Indian by blood when she was married to the Plaintiff who was a United States citizen, and the Chickasaw Nation further shows that after the marriage of the Plaintiff to Eliza Gibson, he voluntarily abandoned her, and has never lived with her as his wife since, and he thereby forfeited all the rights of citizenship, if any, acquired by reason of said marriage.

WHEREFORE, the Chickasaw Nation prays that the application herein be rejected.

THE CHICKASAW NATION,

By its Attorneys.

IN THE UNITED STATES COURT FOR THE SOUTHERN JUDICIAL
DISTRICT FOR THE INDIAN TERRITORY, AT ARDMORE.

C. C. Passmore, :
vs. : : APPLICATION FOR CITIZENSHIP.
The Chickasaw Nation. :

Report of the Master in Chancery.

Now comes the Master in Chancery, and begs to make the following report in the above entitled cause:

In 1836, C. C. Passmore, a white man and a citizen of the United States was lawfully married to Eliza Gibson, a Chickasaw Indian by blood.

I therefore recommend that he be admitted to citizenship in said Nation.

W. H. L. Campbell,
Master in Chancery.

I, C. C. POTTER, do on oath state that I am one of the attorneys for the applicant in the above cause and that the above and foregoing are substantil copies of the original papers in said cause.

(Signed.) C. C. POTTER.

Sworn to and subscribed before me,
This 24th. day of December, 1897.

C. D. POTTER,
Notary Public.
In and for Cook Co.,
Texas.

It is hereby agreed that the above and foregoing statements may be substituted for the original papers in the above cause, which were destroyed in the fire which burned the Court House at Ardmore. It is also agreed that the case was properly appealed from the Daves commission by the Chickasaw Nation.

(Signed) POTTER & POTTER,
Attorneys for Applicant

(Signed) W. B. JOHNSON,
Attorney for the Chick-
asaw Nation.

C. C. Passmore,

Vs. No. 23 Judgment, Southern District. Dec. 22, 1897.

Chickasaw Nation.

Now at this time this cause came on to be heard upon the report of the Master in Chancery as well as upon the entire record, with all the evidence therein contained. And the court being fully advised in the premises, is of the opinion that said report should be in all things confirmed, and it is so ordered.

It further appears to the court that the plaintiff, C. C. Passmore, then being a white man and citizen of the United States, was on the 25th day of June, 1886 lawfully married according to the laws of the Chickasaw Nation, to Eliza Gibson, a native Chickasaw Indian by blood.

And that ever since said marriage plaintiff has lived in the Chickasaw Nation and claimed to be a citizen thereof. It is therefore ordered, adjudged, and decreed by the court that the plaintiff, C. C. Passmore, be and he is hereby admitted to citizenship in said Chickasaw Nation, and to membership in said Chickasaw tribe of Indians, and privileges appertaining to such relation. It is further ordered that this decree be certified to the Dawes Commission, for its observance.

And it is further ordered that the plaintiff do have and recover of the Chickasaw Nation all his costs in this behalf expended.

To all of which defendant excepts.