T- No- 9.

Bounds, Edward H.

vs

Chickasaw Nation.

No- 6.

Southern Dist. Court.

No-

Dawes Commission.

Applicants are all white persons
do not claim any Chickasaw blood.
Principal applicant Edward H.
Bounds claims to have been mar-
ried to Mary Rebecca Fisher, a
Chickasaw citizen.
No evidence of Chickasaw marriage
Was Mary Rebecca Fisher a Chick-
asaw citizen.
Question of law.
Pass.

U.S. 03

Witnesses.

For Claimants.

R. E. Wiggs --- Oakland, Cal.
Ed Sacra --- " "

For Nations.

E. H. Bounds et al No 9

E. H. Bounds

Admit - Chickasaw - Intermarriage

Other parties not found on

E. H. Bounds et. al. No. 9.

Chickasaw Dry

+ Bessie Eugenia Bounds,
+ Willie Bounds,
+ Georgie Bounds or Georgia Bounds,
+ Fannie Bounds
+ Guy Bounds
+ Louise Bounds

Edward H. Bounds
white man
married
Bessie Eugenia Grenstead
white woman

Willie Bounds.
Georgia Bounds.
Fannie Bounds.
Guy Bounds.
Louie Bounds.

Applic and Edward H. Bounds, a white man claims to have married a Chickasaw Indian named Mary Rebecca Fisher in 1886. Lived with her one year until her death; then married Bessie Eugenia Grenstead. Applicants are all white.

No proof of marriage under Chickasaw laws to either Mary Rebecca Fisher or Bessie Eugenia Grenstead.

Was Mary Rebecca Fisher a Chickasaw?

All admitted by U. S. Court. Sou. District

Duplicate

SUMMONS.

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

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, Sitting at Ardmore I.T. by E. H. Bounds et al and warn him that upon his failure to answer, as said Governor 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 case of E. H. Bounds et al vs. Chickasaw Nation file No. 6, 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

James B. Cassaday
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*

DUPLICATE.

No. 9-77

SUMMONS
IN EQUITY.

E. B. Reynolds, etc.
vs.
Appalachian & Chesapeake Mutuals

Summons issued the 10 day of March, 1903

Returnable first Monday in June, 1903

Returned and filed ____, 190__

_____ *Clerk.*
By _____, *Deputy.*

MARSHAL'S FEES.

Services, - - - - $ ____
Miles, - - - - - $ ____
Expense, - - - - $ ____
TOTAL, - - - $ ____

Pollard & Pollard
Complainant's
Attorney for Plaintiff.

5.62b5m10-02

Duplicate

SUMMONS.

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

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

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

in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, Tishomingo I.T.

by E. H. Bounds et al and warn him that upon his failure as said Prin. Chief 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 Green McCurtain, Principal Chief aforesaid, that the files, papers, and proceedings, in case of E. H. Bounds et al v. Chickasaw Nation, file No. 6 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. Ter., aforesaid, this 10 day of March, A. D. 1903

James B. Cassada
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*

No. 9-77

SUMMONS
IN EQUITY.

E. N. Barnes, et al
vs.
Choctaw & Chickasaw Nations

Summons issued the 10 day of March, 1903

Returnable ~~instanter~~ ~~Term, 190~~

Returned and filed ....., 190...

..... *Clerk.*

By ....., *Deputy.*

MARSHAL'S FEES.

Services, - - - - - $.....
Miles, - - - - - $.....
Expense, - - - - - $.....
TOTAL, - - - $.....

Patton & Patton
Gainesville Tex
Attorney for Plaintiff.

5762b5m10-02

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

E. H. Bounds, et al.,

Plaintiff. Chickasaw Docket No.9.

vs.

Choctaw and Chickasaw Nations,

OPINION, BY FOOTE, Associate Judge.

This cause comes here in the usual way under the statute, on appeal from the United States Court for the Southern District of the Indian Territory.

One of the parties plaintiff herein, namely, E.H. Bounds, has been declared by the judgment of this Court heretofore given and made, to be entitled to the rights and priveleges of a citizen of the Chickasaw Nation, personal to himself alone.

The matter now comes up for determination as to what rights, if any, are conferred by this marriage with a Chickasaw Indian by a white man in the first instance, upon a white woman a second wife and a citizen of the United States, and her white children, by him begotten in that second marriage of E. H. Bounds, his first and Indian wife, having died before his second marriage, with a white woman as aforesaid.

I have given this matter careful and profound attention, and my views of the matter I now proceed to declare.

In the original patent, a special grant, following the language of the second article of the treaty of 1830, of the United States with the Choctaw Nation, there occurs this terse and significant language.

"Now know ye that the United States of America in consideration of the premises, and in the execution of the agreement and stipulation in the aforesaid treaty, have given and granted and by these presents do give and grant unto the Choctaw Nation, the aforesaid 'tract of country West of the Mississippi'; to have and to hold

the same with all the rights, privileges and immunities, and appurtenances of whatsoever nature thereunto belonging, as intended 'to be conveyed' by the afore said article, 'in fee simple to them and their descendants to inure to them while they shall exists as a nation and live on it 'liable to no transfer or alienation, except to the United States, or with their consent."

Here we find no mention as beneficiaries of any but the Choctaw Indian Nation, and their descendants as Indians and Choctaw Indians alone,not even any other Indianam, much less white people; the latter of whom (who had by their encroachments and threatenings to subject them to the laws of the State of Mississippi,) forced them, the said Choctaws, and pursuaded the general government to induce these Indians to leave their beloved home and country and remove to a wilderness beyond the Mississippi River. And further this tribe of Indians could confer no vested right on any one, except the United States, or with thexx consent of the United States.

Can any legal mind be it ever so sagacious or ingenious, torture any of that language into a right of the Indians to give any vested right in that land of any kind, to any one, white, black or yellow, at the time, save as expressed in the grant, "to the United States, or with their," the United States' consent". I think not, and the intermarried white person got no right then. And considering all the sur roundings no fair minded man can say as I think, that the Nation would have granted any at that time. They were getting out of the way of the white men, who had virtually forced them from the land of their birth.

Then came the treaty of 1837, by which the Chickasawx Nation was given certain rights in this tract of land, co-extensive with that of the Choctaws, the original grantees of the patent under the treaty of 1830.

There was not one word in that instrument, giving any right to white persons, by intermarriage or in any other way.

Then came the treaty of 1855, which reads in Article 1.: "And pursuant to an act of Congress, approved May 28, 1830, the United States do hereby forever secure and guarantee the lands embraced within the said limits to the members of the Choctaw and Chickasaw tribes, their heirs and successors, to be held in common; so that each and every member of either tribe shall have an equal, undivided interest in the whole: Provided, however, no part thereof shall ever be sold without the consent of both tribes; and that said land shall revert to the United States if said Indians and their heirs become extinct or abandon the same".

Did any right accrue in this article, either directly or indirectly, to any but these tribes, as Indians and their heirs as Indians, or was any power given to these tribes to grant any vested right, of the joint property, by ~~xxx~~ the act of either tribe acting alone? I think not.

And in that treaty there is not one word about the right of intermarried white people.

So up to 1866 there was no authority given even to the tribes themselves to give any one a status making him to have any vested right in the joint ~~xxxxxxxxx~~ or common ownership of this land.

Thus stood the solemn treaties with these tribes and the Government until 1866.

Then came section 38 which reads thus:

"Every white person who having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation" &c.

Now then where is there any right conferred on any one except the individual white person, intermarrying with a Choctaw or Chickasaw, or when he is adopted by the legislative authorities ? The grant of the government is to the Indians and their descendants and heirs, in apt and pointed language, in the patent and treaties

before that. If this treaty designed to give intermarried, not only white persons, and adopted white persons, but also their purely white descendants, any rights, why did it not declare to them in 1866, in that treaty that such further rights as claimed now, were conferred, by adding the words "and their heirs and descendants? This would have made it clear to the Indians and these white persons and the heirs and descendants as well, were included in the privilege given and interest vested in section 38.

Now then can it be said that the Government, dealing with its wards so to speak, as a guardian would intend that this vested interest, should go to descendants and heirs of these people, intermarried and adopted, without using the words "and their heirs and descendants" in the treaty so that it would be plain to them and the Indians?

Again section 43 of the same treaty shows plainly that no white person was a specially desirable citizen from the Indian standpoint, and could not be naturalized under this very treaty itself, except by the joint action of both tribes.

Now any one, considering the relative position of the government and these Indians, could draw from the language of section 38 of the treaty of 1866, that the Government or the Indians, t thought it would confer vested rights on all the heirs and descendants of these white persons, intermarried and adopted members of the tribes, I can not see.

It seems to me that in the interpretation of a treaty with Indians, it should be construed in the light o what the Indians "thought it meant" at the time it was made.

Now did or did not the Indians, considering all the surroundings, and their dread of white domination shown in a thousand ways, think that they were donating in this treaty their lands and their property not only to the persons intermarring them, but also to their heirs and descendants forever, by other white women or men? One reason, in addition to what I have already said, why I do not

believe that they did, is that this treaty had in view, as is shown by an examination of it, the almost immediate allotment of these lands in severalty to the then members of the tribe. It is true that part of the treaty was not agreed to, but it was a part of the treaty when proposed. Now is it not a reasonable thing that an immediate allotment would appear not to look forward to a long line of descendants and heirs of people who were then in person, about at that time, to get lands in severalty, when no words extending the right to their heirs and descendants were used.

To put in interpretation asked for on this 38th section, would be, in my opinion, to convict the government of the United States of using a deception on these tribes, and having an intention, without their understanding it, to bind them to turn a large part of the lands of themselves and their descendants over to white people and their heirs. It was liberal enough to protect the white persons, adopted or intermarried, and the child of an Indian spouse would be protected, without refernece to whether its father or mother was white, so only one was white; and to say that the Indians intended to give the children of parents both white the same rightsashchildren of Indian blood on one side had, or all Indians had, is to be absolutely incomprehensible, and the light of history, treaties, customs, traditions and facts, unthinkable.

What has been done by these tribes as to these matters since then can throw no light on what was intended by the Indians and the government in 1866.

If the government intended such insiduous and destructive innovation of the former rights of these people, it was but just and right to declare it as they had in 1830, and in 1837 and in 1855, by saying so; by saying that the right was to be vested in "heirs and descendants" as well as the individual, personally given the vested right. We must presume the government intended only what a construction most favorable to the Indians and their

rights and their understanding was, of the meaning of the words, used in section 38 above mentioned.

It is a fair and reasonable and just interpretation that we are to give to the language of a treaty by the United States with its wards. One that will comport with what it has already said in other treaties about their lands, in making agreements with Indians; one that must suppose the Indians understood it in that way. This is construction of an agreement between two men of legal age, and sound mind, making an agreement for the first time. It is an agreement made by a guardian with his ward, or a father with his least favored children, for the benefit in that section of the treaty of a superior race, in intellect and power. It was a taking away of the rights formerly given to a child, so to speak, by the father, and giving it to another more favored child, and the Indian child we are ~~xxkxxxkxxkxkxx~~ asked to declare is supposed to know all this, and yet is further supposed to confer on the distrusted white man's heirs and descendants, all the right his Indian heirs and descendants had; and yet he could not know it at all clearly from the language of the treaty, by which it is now sought to tear from him, by <u>implication</u>, a large part of his patrimony.

Construction of language in treaties with Indians are not to be made by implication; are not favored even to the extent such would be favored if occuring between great powers.

I have taken up all these treaties. I have read and re-read them in detail, and I see nothing in them, or to be drawn from any facts or circumstances surrounding the matter, and throwing any light on what was intended by the parties, considering their relative positions, that <u>tends</u> <u>even</u> to show that section 38 had in view by the consent of these Indian tribes, the overrunning of a large part of their country with white people and diminution, in a large measure, of the lands they had obtained in exchange for the ~~xxxxx~~ homes they had virtually been compelled to relinquish to

these same kind of people, namely white people.

The whole argument to me, in favor of such a forced construction, such an unjust construction of the language of a treaty, against virtually a helpless people, now almost pressed to the wall, and trying in all reasonable ways to gratify and obey the wishes of the government of the United States, and that for which the applicants insist here, is without any persuasive force whatever. It is the same old idea that has pervaded the mind of the white man greedy for land, that has pressed the Indians back from the east to the west, and which now makes its last assault here.

I cannot adopt it as right in law or fact, either for myself as the expounder of the meaning of the laws and treaties of the government, or for the United States.

In order to show that in addition to the reasons which I have heretofore stated, what should be decisive of the proper way to construe the language of treaties made by the United States with Indians, I will quote from a printed volume entitled the "Choctaw Nation of Indians vs. the United States", and which contains the record of a case, No. 12742 of th Court of Claims. This volume contains fac similes in printed form of some of the most instructive and important documents from the government archives at Washington City. From a report therein contained of J.H.F.Claiborne, one of the Choctaw Commissioners to settle the laims of those Indians who claimed that thex misconduct of Col. Ward, the Indian Agent in 1830-1831, and thereafter, had prevented their registration, which report is made to the Secretary of War in January 1843, at Hopahka, Mississippi, when he was then engaged in the duties of his office, and is to be found on pages 354 and 359 of that printed record. He writes:

"The great object in construeing contracts, whether public or private, is to get at the intention of the parties. This treaty (that of 1830) is a contract between the United States and the Choctaws. The main point is to ascertain the understanding or intention with which they made the contract. It should be remembered

that the instrument was drawn by the whites, and in their language. It is presumed that it read most favorably to them. The superiority of the whites in knowledge, sagacity and use of their own language must necessarily leads us to conclude that the rights of the United States are better secured and more strongly protected in this instrument than the rights of the Indians. The rules of legal construction, then, as well as the dictates of justice and equity would prompt, in all cases of doubt, a construction favorable to the weaker and more ignorant party. Indeed, so conscious were the framers of the treaty of the propriety of equalizing, in some degree, the two parties, that they incorporated, as a rule of construction, in the 18th article of the treaty itself, the very principle alluded to. The language used is as follows: 'And further, it is agreed that in the construction of this treaty, wherever well founded doubt shall arise, it shall be construed most favorably towards the Choctaws'. This is not a mere idle provision, but a rule of construction resorted to in construeing the treaty, in all cases where reasonable doubt arises. It is recognized as such by the highcourt of errors and appeals of this State (meaning the state of Mississippi) in the case of Newman vs. Harris, 4 Howard, 559."

Mr. Claiborne was at one time a distinguished member of Congress from that State, and a man of great repute as an able lawyer.

And on page 299 of that volume Mr. Wilkins, the then Secretary of War (and that Department then had control of Indian affiars, in December 1844) makes a report to the then President Tyler, and among other things says, referring to the treaty of 1830 and its application to the Choctaws and their claims;

"The obligationsof the treaty entitle them to a patient hearing, to a liberal construction of all irs stipulations and a full and prompt redress of every error and wrong of which they justly complain."

In the light of the views of the high officers of the United States Government entertained at that time, only a few years after the treaty of 1830 was made, when its objects were fully understood, I think that the true method of construction of the treaty of 1866, and of all the treaties thereafter made with the Choctaws and other Indian nations, the "wards" of the government as distinguished judges of our highest courts have termed them, warrant me in entertaining the view I have above expressed.

When it comes to construeing doubtful passages in treaties of this sort, when the rights of whites and Indians are treated of, and especially when a class of white people claim as against the Indians, the doubt, if any, must always be resolved in favor of the Indians. An in this case I think that the language of the treaty itself solves the whole matter at issue in favor of the preservation of the original granting words or the treaty of 1830 and the patent from President Tyler, as against any implication of repeal by the treaty of 1866, above referred to.

On the same line of reasoning as to the proper construction of treaties with Indians, I find the late distinguished Attorney General of the United States, Mr. Knox, agrees with the views I have here presented, in an opinion rendered by him on the 19th day of June 1903, where he writes:

"The Choctaw Indians, by entering into an agreement giving certain rights to their full blood brethren, cannot be conclusively presumed to have extended thereby the same rights to part blood children of such brethren, when the terms of the agreement do not clearly include the children; and especially would it be improper, by construction or presumption, to bring about such a result, when the language of the agreement itself shows the contrary intent was in the minds of the contracting partiesX X X X. The special privileges granted X x x x x by the agreement in question were at least, in the nature of gifts by the Choctaws; and because of favors extended and expressly limited to a father, a purpose to bestow the same privileges on his child cannot xxxproperly be presumed.

The pole star by which we are to be guided, as I think I have heretofore shown, in determining the meaning of the language of Indian treaties, is that we must put ourselves in the place of the Indians, and interpret according to the conditions that surround ed

them at the time of making a treaty and the natural results of their mental impressions and conclusions.

In the first place there is no recognition by law of any rights of an intermarried citizen until 1840. There was no right then given except to him personally. He was given that right under certain conditions. His children by his Indian wife were protected by the treaty of 1830, as her Indian children, not by the act of 1840. This shows that the Choctawx mind had not contemplated any further rights for the white men or their descendants by white women. The right conferred was to them personally, and went no further.

So that up to the treaty of 1866, no rights such a s those here contended for by the appelants were thought of. When that treaty was made such was the evident condition of the Indian understanding of the treaties before that.

We are now asked, tc suppose that a complete revolution on that subject in 1866, pervaded the Indian mind; and that as it was stated in the treaty that every white person who having married a Choctaw or Chickasaw Indian, resides in the said Choctaw or Chickasaw Nation, x x x xx is to be deemed a member of said Nation, that from that time every white person that married or had married a Choctaw or Chickasaw, is to be deemed a citizen &c. Now I can not see anything else givwn, except that both sexes were included in this treaty as having the right personally to obtain the rights of citizenship under certain conditions. There is no mention whatever of the white persons' <u>descendants' rights.</u> It was, of course, still supposed that the blood of the Indian spouse man or woman, would protect the rights of the children and descendants of that marriage, and that being so, the fact that no rights whatever were explicitly given to their descendants, shows conclusively, that none except those who had Indian blood, were thought of or alluded to.

There is nothing in the word "deemed" that gives anything to any one but the white person personally. It is not said that his or her "descendants" were to be "deemed" citizens. That word was ex industria left out from the treaty of 1866.

As I have shown by the decision of the Supreme Court of Mississippi and by the opinion of the Attorney General Knox, nothing, as against Indian rights, is to be presumed, or determined by implication. It must be plainly expressed to have any force, and must be so plain that the untutored Indian mind must, as that of a ward so to speak, be bound to have understood it fully. It being supposed that the language of the treaty being that of the white man, is most strongly expressed in his favor, and nothing is to be implied from that language, beyond its plain meaning on the face of the treaty.

The trouble with the argument in favor of this deadly expansion theory as affecting Indian rights is, that it is the white man's reasoning from self interest. He refuses to take the Indian standpoint or the Indian habitude of thought. But this Court must construe an Indian treaty from the standpoint of an Indian and most favorable to his interests, he being, so to speak, a minor and under the tutelage, care and protection of the United States Government.

It will not do to take the white' man's standpoint, and construct a theory on the basis of his argument alone. It is stated somewhere that an Indian and a white man went hunting together--they killed a turkey and a hawk. The white man said to the Indian, "you take the hawk and I will take the turkey, or I will take the turkey and you take the hawk". The Indian perceived that in this division of the game, the white man always got the advantage, but he could not understand how it was fair.

So now, it is sought to take from the Indian much of his land, by the artful reasoning of the white man, based on the construction

of the English language, and an implied but not expressed construing thereof.

I can never get my mind to agree to such an unfair and forced construction of the treaty of 1866, from the Indian standpoint, and evident thought and belief in the matter.

By the 38th section of the treaty of 1866, the rights of intermarried persons was definitely fixed and determined, and this section applies to all intermarried white persons who had yp to that time intermarried with the Choctaws and Chickasaws or married thereafter. Whatever the rights of any intermarried white person may have been before that time they were fixed then and have never been changed since. And it was in the power of the United States Government and the Choctaws and Chickasaws to that thing, even if it conflicted with and swept away any right which had existed before that time either by treaty, or law, usage or custom, it was, neverhtless,valid.

And as the right then given was purely ~~xxxxxxxix~~ given to to the particular person thus, having intermarried" &c., it cannot reasonably be held under any rule of construction applicable to Indian Treaties, that the Indian or the United States Government understood or intended that any but this restricted right in favor of an individual of a particular class, was ever given. The word "descendants" is not used; the words "wife or husband" is not used, even by implication, as referring to any but parties to the original marriage between white persons and Choctaw and Chickasaw Indians, either male or female.

And under the 45th section of the treaty of 1866, while all "rights and privileges and immunities" theretofore existing under former treaties and legislations were preserved, so far as consistent with the treaty of 1866, those not inconsistent were not preserved, and the 38th article shows, as I have before written, that no right was given to the children of intermarried white persons

or to the white wife or white husband of an intermarried white person after the death of the Indian spouse of such intermarried white person; and such right would be clearly inconsistent with the limited and personal right conferred by the 38th article supra.

And it can hardly reasonable be presumed, in the light of all the dealings by treaty and otherwise, of the treaty making and political and legislative branches of the United States Government, with these tribes of Indians, that it would have taken away what believed was a vested right under a patent, for no good and sufficient reason. And this shows what I believe, that no such right as claimed was supposed to exist until 1866, and if it was so supposed, then it must be presumed that both the contracting parties deemed it best either that the right existing under the treaty of 1830, was an unfair and unjust provision never intended or understood to exist at the making of that treaty and should be abrogated, or it was not supposed or believed to exist, and the latter I believe to have been the true state of the matter; that the supplement to the treaty of 1830 was a mere gift or gratuity, and invested the donees with nothing except what it in plain terms stated.

And furthermore if the 38th section of the treaty of 1866, gives the right to a white man to confer citizenship on a white woman and her children ad infintum as as white wives die and new ones are taken, then the same right would exist in favor of a white woman, after her Indian husband has died, to confer citizenship on white men, as many as she may marry, after the death of the one preceding the one she may in succession marry, and the white children of these white spouses. Does it not seem unreasonable to suppose this? And yet such must be the result of the contention of the appellants is correct, for that section of the treaty of 1866 using the words "white persons" includes both male and female. And I know of no rule that has heretofore existed, even in civilized countries, which bestows on the wife, as it is claimed this treaty

does, by implication but not in express language, the right to confer status as a citizen on the husband. This is to me a most astounding proposition, that the United States Government and the Indians intended so startling a thing as has never before been done before by any Nation. It is true the rights of the wife formerly under coverture, by the common law merged mainly with th t of the husband, have been enlarged so far as property and other rights have been given her by the statutes of the states, that she had not before possessed, but never so far as I know, has the Husband's rights to citizenship been conferred by the wife.

The whole contention in favor of the Intermarried citizen having any rights by the language of section 38 of the treaty of 1866, to convert his or her white progeny by whire wives or white husbands, into Indians, is without the least force in my judgment. I see nothing in the language of the treaty of 1866, construeing it with reference to the foregoing treaties, and in the light of the surrounding facts and circumstances, when the treaty was made, which warrants any doubt whatever of its reasonable construction in favor of the views I have herein stated.

I am, therefore, clearly of the opinion, that none of the parties plaintiff to this appeal, save and except, E. H. Bounds, whose rights to citizenship in the Chickasaw Nation have already been adjudicated, are entitled to be admitted to citizenship or enrollment as members of the Chickasaw tribe of Indians, or to any rights and privileges flowing therefrom, and it is accordingly so ordered, adjudged and decreed.

Henry S. Foote,
Associate Judge.

I concur:
Spencer B. Adams,
Chief Judge.

I dissent and will file dissenting opinion.
Walter L. Weaver,
Associate Judge.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT

AT SOUTH MC ALESTER, INDIAN TERRITORY.

E. H. Bounds et als, plaintiffs,)
)
vs)
)
The Choctaw and Chickasaw Nations, defendants.)

Now comes E. H. Bounds, and Bessie Eugenia Bounds in their own right, and E. H. Bounds as next friend for Willie Bounds, Georgie Bounds, Fannie Bounds, Guy Bounds, and Louise Boundsminors, and respectfully shows to the court that on the 22nd day of Dec. 1897 they obtained a valid judgement in the United States Court for the Indian Territory at Ardmore, in cause number 6 on the docket of said court, admitting these plaintiffs to citizenship and enrollment as members of the Chickasaw tribe of Indians, from which judgement an appeal was thereafter allowed to the Supreme Court of the United States, and said judgement was in all things affirmed and approved, and is still a valid and subsisting judgement. But petitioners show that this honorable court on the 17th day of Dec. 1902 in the cause of the Choctaw and Chickasaw nations vs J.T. Riddle et al to which these plaintiffs were not parties, rendered a decision, in which the court attemps and seeks to nullify and set aside the plaintiffs said judgement in the United States Court for the Indian Territory, and that on account of said decision and judgement of this court the Honorable Commission of the Five Civilized Tribes refused to place the names of these plaintiffs upon the rolls of citizenship of said tribes; and for this reason these plaintiffs pray and appeal in said cause to this honorable court. Plaintiffs show that they are entitled to enrollment as citizens of the said Chickasaw nation by reason of said judgement, and by reason of the fact that the plaintiff E.H. Bounds, then being a white man and a citizen of the United States, did in the year 1880 lawfully marry in and according to the laws of the Chickasaw Nation, Miss Mary Rebecca Fisher, who was a native Chickasaw Indian by blood, and that from and after said marriage the said E. H. Bounds resided in the Chickasaw Nation, and claimed to be a citizen thereof. That in about one year after said marriage, the said Mrs. Mary Rebecca Bounds died. That in the year

I883 the said E. H. Bounds was lawfully married in and according to the laws of the said Chickasaw Nation to Miss Bessie Eugenia Greenstead, who was a white woman, and a citizen of the United States. That from and after said last marriage the said plaintiffs continued to reside in the Chickasaw nation, and claimed to be citizens thereof, and have every since so resided. That their citizenship was for many years recognized by the public authorities of the said tribe, and was never disputed untill about the year I893. That there have been born unto these plaintiffs the following children, to wit: Willie Bounds, Georgie Bounds, Fannie Bounds, Guy Bounds, and Louise Bounds.

Wherefore these plaintiffs pray for and appeal in said cause to this honorable court, and they pray that writ of error and summons issue herein as provided by the rules of said court.

E H Bounds et al

vs

Choctaw & Chickasaw nations

Copy of Petition for appeal

In the Choctaw and Chickasaw Citizenship Court,

Sitting at Tishomingo, I.T. May Term, 1904.

--o--

E.H.Bounds, et al,

--vs-- No. 9-T.

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;
The Bounds case was continued from the other day until today and I would like to take it up next.

Judge Weaver;
Very good sir.

Judge Potter;
The judgment in this case rendered by the United States Court for the ~~Central~~ Southern District, is as follows;

(Reads Judgment)

E.H.Bounds,

a witness called by the Plaintiffs, being duly sworn, testified as follows in answer to the questions propounded to him by Mr. Potter;

Q.- What is your name?

A.- E.H.Bounds.

Q.- Are you the applicant in this case?

A.- Yes, sir.

Q.- When were you first married Mr. Bounds.

A.- In 1880.

Q.- To whom were you married?

A.- Mary Rebecca Fisher.

Q.- Who was she; was she a member of any tribe of Indians?

A.- She was a member of the Chickasaw Tribeof Indians and I think of the Choctaw; her mother was Chickasaw was my understanding.

Q.- Is her motherliving or dead?

A.- Dead.

Q.- Has she any brothers and sisters living?

A.- She hassome half sisters living.

Q.- What are their names?

A.- One of them is married; her present name is Muldrow; the other one is the wife of Chief Marshal, Ben Colbert.

Q.- Ben Colbert's wife is herhalf sister?

A.- Yes, sir.

Q.- What is Mrs. Colbert's name?

A.- Agnes.

Q.- Was she a child by the same mother as your wife or by the same father?

A.- Same father.

Q.- Was their father an Indian?

A.- Yes, sir.

Q.- Of what tribe was he?

A.- He was a Choctaw.

Q.- The mother was Chickasaw?

A.- That is my understanding.

Q.- Where were you married to her?

A.- In the Chickasaw Nation; Pickens County.

Q.- Did you procure any license to marry?

A.- Yes, sir.

Q.- Have you got the license?

A.- Yes, sir.

Q.- After you married, where did you live?

A.- In the Chickasaw Nation.

Q.- Is your wife living or dead?

A.- Dead.

Q.- How long after her marriage to you until she died?

A.- I was married in 1880, February, I think; the 5th of February, 1880, and she died in March 1881.

Q.- A little over a year after her marriage?

A.- Yes, sir.

Q.- After that, were you ever married to any one else?

A.- Yes, sir.

Q.- To whom?

A.- Bessie Eugenia Grinstead.

Q.- Was she a white woman or an Indian.

A.- She was a white woman.

Q.- Where did you marry her?

A.- In the Chickasaw Nation, Pickens County.

Q.- Did you procure a Chickasaw License to marry her?

A.- Yes, sir.

Q.- Have you got that license?

A.- Yes, sir.

Q.- Were both of the marriage ceremonies that you testify about celebrated inthe Indian Territory?

A.- Yes, sir.

Q.- By your second wife, have you any children?

A.- Yes, sir.

Q.- What is the name of the oldest one?

A.- Willie.

Q.- Is it a girl or boy.

A.- It is a girl.

Q.- How old is Willie?

A.- She is about twenty.

Q.- What is the name of the next one?

A.- Georgia?

Q.- Is it a girl?

A.- Yes, sir.

Q.- How old is she?

A.- Eighteen.

Q.- What is the name of the next one?

A.- Fannie.

Q.- How old is Fannie?

A.- Sixteen, about.

Q.- What is the name of the next one?

A.- Guy.

Q.- Is that a boy?

A.- Yes, sir, a boy.

Q.- How old is he?

A.- Fourteen.

Q.- What is the next one.

A.- Louise.

Q.- Girl or boy?

A.- Girl.

Q.- How old is Louise?

A.- She is twelve.

Q.- That is all the children you had born at the time the original application was filed?

A.- Yes, sir.

C r o s s E x a m i n a t i o n ,

Mr. Cornish;

Q.- Mr. Bounds, you are a white man?

A.- Yes, sir.

Q.- Your present wife is a white woman?

A.- Yes, sir.

Q.- You have no living children by your first wife?

A.- No, sir.

Q.- These children that you have named are the children of your white wife and are white children?

A.- Yes, sir.

Q.- There is no contention that they are possessed of Chickasaw blood in any degree?

A.- No, sir.

Judge Foote;

Q.- Where did you procure the license to marry Mrs. Fisher.

A.- Chickasaw Nation, Pickens County.

Q.- Have you got that license?

A.- Yes, sir.

Q.- Did you say that these Fisherpeople were Indians by blood?

A.- Yes, sir.

Q.- Of what tribe?

A.- Chickasaw was my understanding.

Q.- You don t know anything about it, except what you heard?

A.- No, sir.

Q.- What is the blood of the wife of Ben Colbert?

A.- White woman.

Q.- Which was the lady that you spoke of as Mrs. Fisher that had Chickasaw blood.

A.- That was her father's first wife.

Q.- Was her father marriedtwice?

A.- Yes, sir.

Q.- Your wife was the daughterof his first wife?

A.- Yes, sir.

Q.- Who w s a Chickasaw Indian?

A.- Yes, sir.

Mr. Cornish;

Q.- Are there any persons living, who are descendants of the first Mrs. Fisher?

A.- None that I know of.

Q.- Did your first wife have any brothers and sisters?

A.- None living.

Q.- Are there any living descendants of your wife's brothers and sisters?

A.- No, sir; let me see, I really don't know; Joe Fisher is dead, but I don't know whether he has any living children or not.

Q.- What brothers and sisters did your first wife have.

A.- Joe, there was another brother, but I cannot call his name now.

Q.- Then, as I understand you, you are not able to state positively whether there are any children of Joe living.

A.- No, sir.

Q.- Mr. Fisher, the father of your first wife, was the father of the present wife of Colbert and Muldrow?

A.- Yes, sir. I think Judge Kemp is a brother to my first wife's mother.

Q.- She was a Kemp?

A.- I think she was a Kemp.

Mr. Potter;

I now offer in evidence the first license under which Mr. Bounds married. (License read) Ex. "A".

I now offer the license under which he was married the second time. Ex. "B".

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Benj. F. Kemp,

a witness called bythe Plaintiffs, being duly sworn, testified as follows in answer to the questions propounded to him by Mr. Potter;

Q.- What is your name?

A.- Benj. Franklin Kemp.

Q.- Where do you reside.

A.- Tishomingo, I.T.

Q.- Judge, did you know E.H.Bounds' first wife?

A.- Yes, sir, I knew her.

Q.- Was she related to you in any way?

A.- Yes, sir, she is my niece.

Q.- Are you related to her mother?

A.- She was my sister.

Q.- She married a man named Fisher, did she?

A.- Yes, sir.

Q.- You are a member of the Chickasaw Tribe of Indians, are you?

A.- Yes, sir.

Judge Foote;

Q.- Your sister was a lady of Chickasaw blood?

A.- Yes sir?

Q.- You know that as a fact?

A.- Yes, sir.

Q.- This lady who was her daughter was also of the same blood.

A.- Yes, sir, I will explain in this way, of course she had some Choctaw blood in her; our mother was a Chickasaw.

Q.- She had Choctaw blood in her?

A.- Yes, sir, our father was mixed Choctaw and Chickasaw.

Mr. Potter;

I will introduce a certified copy of Judge Kemp's enrollment, and with that I will close the case.

Mr. Cornish;

I will state that upon the evidence offered and that which is proposed to be offered, we submit the case for the final decision of the Court.

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In the Choctaw and Chickasaw Citizenship Court, sitting at Tishomingo, Indian Territory. November Term, 1904.

E. H. Bounds, et al.,

vs. No. 9.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this 29th day of November, 1904, this cause coming on for final decision, the same having heretofore been submitted upon the law and the evidence, and the Court being well and sufficiently advised in the premises, doth find that the plaintiffs, Bessie Eugenia Bounds, Willie Bounds, Georgie Bounds or Georgia Bounds, Fannie Bounds, Guy Bounds, and Louise Bounds, are not entitled to be deemed or declared citizens of the Chickasaw Nation, or to enrollment as such, or to any rights whatever flowing therefrom.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition of the plaintiffs, Bessie Eugenia Bounds, Willie Bounds, Georgie Bounds or Georgia Bounds, Fannie Bounds, Guy Bounds, and Louise Bounds, be denied, and that they be declared not citizens of the Chickasaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights whatever flowing therefrom.

.....
Chief Judge.

.....
Associate Judge.

.....
Associate Judge.

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

E. H. Bounds, et al,

vs. No. 9.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this 30th day of June, 1904, this cause coming on for 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, E. H. Bounds, 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, E. H. Bounds, 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; and that the petition of the other parties to this cause is not passed upon in this decree.

.....
Chief Judge.

.....
Associate Judge.

.....
Associate Judge.

I N D E X.

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EDWARD H. BOUNDS, FOR THE BENEFIT OF BESSIE EUGENIA BOUNDS, WILLIE, GEORGIE, FANNIE, GUY, & LOUISE BOUNDS.

---VS---

CHICKASAW NATION.

: Application for Citizenship before The Commission to the five civilized Tribes.

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TO THE HONORABLE COMMISSION : -

Now comes your applicant, Edward H. Bounds, and respectfully represents that he is a resident citizen of Pickens County, Chickasaw Nation. That on the 5th. day of February, 1880, he was lawfully married to Mary Rebecca Fisher, who was a native Chickasaw Indian. That said marriage was consumated under and according to the laws of the said Chickasaw Nation. That the said Mary Rebecca, the wife of this applicant, diedin the early part of the year 1881. That afterwards on the 10th. day of October, 1882, this applicant was lawfully married to Bessie Eugenia Grenstead, who is a white woman and who is a citizen of the United States. That said marriage was solemnized under and according to the laws of the Chickasaw Nation. That this applicant and the said Bessie Eugenia have since their marriage had born unto them five (5) children, to-wit: Willie, a girl 12 years old, Georgia a girl ten years old, Fannie, a girl, age eight years, Guy, a boy six years old, and Louise a girl four years old. That by reason of the marriage of this applicant with the said Mary Rebecca Fisher, his first wife as aforesaid, he became a citizen of the said Chickasaw Nation and a member of the said Chickasaw Tribe of Indians. That ever since said marriage he has resided in the said Chickasaw Nation and has asserted his rights as a citizen of said nation

and the same has never been disputed or denied to him except in the denial of the citizenship of his second wife and his children. That since the marriage of this applicant and the said Bessie Eugenia they have continued to reside with their children in said Pickens County, Chickasaw Nation, desiring and claiming to be citizens of said Chickasaw Nation, but he shows that the said Chickasaw Government has denied the said Bessie Eugenia, the wife of this applicant, and their said five children the rights and priviliges of citizenship in said Chickasaw Nation, and have refused to enter their names upon the roll of citizenship kept by said Nation.

WHEREFORE, he makes application to have them so enrolled and he prays that upon the hearing of this application the same may be granted and that the names of his said wife and children be entered upon the roll of citizenship kept by said Nation.

_____

_____

I, Edward H. Bounds, do on oath state that the matters and things set forth in the above and foregoing application are true.

_____

Sworn to and subscribed before me

This the _____ day of _____ 1896.

_____

_____

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EDWARD H. BOUNDS, :
: APPLICATION FOR CITIZENSHIP PENDING
VS. :--- BEFORE THE COMMISSION TO THE FIVE
: CIVILIZED TRIBES.
CHICKASAW NATION. :

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TO THE HONORABLE COMMISSION:

Your applicant, Edward H. Bounds, respectfully shows that he is a resident citizen of Pickens County, Chickasaw Nation. That this applicant is a white man, and prior 1880 he was a citizen of the United States. That on the 5th. of February, 1880, he was lawfully married to Mary Rebecca Fisher, a native Chickasaw Indian. That said marriage was performed in said Nation and under and according to the laws thereof. That Mary Rebecca, the wife of this applicant, died in the early part of the year 1881. This applicant further shows that from the date of his marriage with the said Mary Rebecca he has constantly lived in Pickens County, Chickasaw Nation, and has continually claimed and asserted his rights and participated in their annuities, and his rights as a citizen of said Nation have never been denied or questioned, so far as he knows, and for this reason, when he recently made application before this Honorable Commission to have his present wife and children admitted to citizenship, he did not apply for himself. But this applicant shows that the long delay on the part of the Chickasaw Nation in furnishing this Honorable Commission with a roll of its citizens has caused this applicant to fear that said roll may not be presented at all, and, if presented, his name may not appear upon it, and for this reason he now applies to this Honorable Commission to be admitted as a citizen of said Chickasaw Nation, and in support of this application he

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refers to the evidence now on file before this Honorable Commission in support of the application heretofore made by this applicant for the benefit of his present wife and children.

WHEREFORE, this applicant prays that said application be granted and that his name be enrolled upon the roll of citizenship to be made out by this Honorable Commission.

(Signed) Potter & Potter,
Attorneys for Applicant

I, Edward H. Bounds, do on oath state that the matters and things set forth in the above and foregoing application are true, and that my postoffice address is Kingston, Indian Territory.

(Signed) Edward H. Bounds.

Sworn to and subscribed before me,
This the 29th. day of August, 1896.

(Signed) R. C. Wiggs,
Notary Public, Third
Division, Ind. Ter.

(Seal)

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INDIAN TERRITORY, :
:
CHICKASAW NATION. :

Personally appeared before me, the undersigned authority, R. C. Wiggs and Ed. Sacra, who, after being duly sworn, each for himself deposes and says:

I am a citizen by marriage of the Chickasaw Nation. I further state that I have known Edward H. Bounds, who lives near Kingston, Pickens County, Chickasaw Nation, for about eighteen (18) years or more. That I knew his first wife, Mary Rebecca Fisher. She was a native Chickasaw Indian. She was married to the said Edward H. Bounds in about the year 1880 according to the laws of the said Chickasaw Nation. I further state that the said Rebecca lived but a little more than a year after she married the said Edward H. Bounds, and she died sometime in the year 1881. I further state that the said Edward H. Bounds in about the Fall of 1883, was married to Miss Bessie Eugenia Grenstead in the said Chickasaw Nation and in accordance with the laws thereof. I further state that the said Edward H. Bounds has by his last wife, the said Bessie Eugenia, five (5) children, to-wit: Willie, a girl, age about twelve (12), Georgia, a girl, age about 10 years, Fannie, a girl age about 8 years, Guy, a boy, age about 6 years, and Louise, a girl about 4 years old. I further state that I have no interest in the result of the application of the said Edward H. Boundsto have his said second wife and children admitted to citizenship in the Chickasaw Nation.

_____

_____

Sworn to and subscribed before me,

This ____ day of -_____, 1896.

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R. C. Wigg is himself an applicant in the Richard C. Wigg case.

--:BEFORE THE HONORABLE COMMISSION OF THE FIVE CIVILIZED TRIBES:-

------oOo------

In the matter of the application for enrollment in the Chickasaw Nation of Edward H. Bounds.

------oOo------

Now comes the Chickasaw Nation, by its attorneys, and respectfully shows to this Honorable Commission that the application 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 produced by the applicant is insufficient to show any claim of citizenship in the Chickasaw Tribe of Indians.

WHEREFORE, It prays that said application be dismissed.

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

WHEREFORE, it prays that said application be dismissed.

THE CHICKASAW NATION,

By its Attorneys.

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BEFORE THE HONORABLE COMMISSION

TO THE FIVE CIVILIZED

TRIBES.

In the matter ofthe application of Edward H. Bounds, et. al. for enrollment in the Chickasaw Nation.

---------oOo---------

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 the 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 admits that Miss Mary Rebecca Fisher was a native Chickasaw Indian, but it shows that the alleged marriage between her and the applicant, Edward H. Bounds, was not solemnized according to the laws of the Chickasaw Nation, and for that reason the said Edward H. Bounds could acquire no right of citizenship in the Chickasaw Nation by reason of said marriage.

Second: The Chickasaw Nation shows that the said Bessie Eugenia Grenstead was at the time of her pretended marriage to the said Edward H. Bounds, a white woman, and a citizen of the United States, and could acquire no right of citizenship in the Chickasaw Nation by reason of her marriage with the said Edward H. Bounds. That the said marriage was not solemnized according to the laws of the Chickasaw Nation, and

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that by reason of said second marriage the said Edward H. Bounds lost and forfeited whatever rights in the Chickasaw Nation that he may have acquired by reason of his said first marriage. Neither could the said Edward H. Bounds confer any rights of citizenship on his children born to him by his said second marriage.

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

THE CHICKASAW NATION,

By its Attorneys.

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In the United States Court for the Southern Judicial District for the Indian Territory, at Ardmore.

Edward H. Bounds, et al,	:	
VS.	:	Application for Citizenship.
The Chickasaw Nation.	:	

REPORT OF THE MASTER IN CHANCERY.

Now comes the Master in Chancery, and makes the following report in the above entitled case:

E. H. Bounds, a white man and a citizen of the United States, in the year 1880, was lawfully married to Miss Mary Rebecca Fisher, who was a Chickasaw Indian by blood. She afterwards died without issue.

The said E. H. Bounds then married his present wife, who is a white woman and a citizen of the United States, and they have several children. She is a white woman and citizen of the United States.

For the reasons stated in my report in the Wiggs' case, I recommend that E. H. Bounds be admitted to citizenship in the Chickasaw Nation, and that all the balance of the applicants be rejected.

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

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I, C. C. Potter, one of the Attorneys of the applicants in the foregoing case, do, on oath, state that the above and foregoing papers are substantial copies of the original papers in said case.

(Signed) C. C. Potter.

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

C. B. Potter,
Notary Public in and for Cooke Co., Texas.

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

(Signed) Potter & Potter,
Attorneys for Applicants.

(Signed) W. B. Johnson,
Attorneys for the Chickasaw Nation.

E. H. Bounds, et al.

Vs. No. 6. Judgment, Southern District. Dec. 22, 1897.

Chickasaw Nation.

Now this day xxxx came on to be heard upon the report of the Master in Chancery as well as upon the entire record and the evidence contained therein; and the Court, being fully advised in the premises, is of the opinion that the said Master's report should be corrected in so far as it attem ts to eclude from citizenship in the Chickasaw Nation any of the applicants herein, and as thus corrected the court is of the opinion that said Master's report should be in all things confirm4d, and it is so order. The Court finds that the applicant, E. H. Bounds, then being a whi e man and citizen of the United States did in the ye ar 1880, lawfully marry according t the laws of the Chickasa3 Nation Miss/ Mary Rebecca Fisher, who was a native Chickasaw Indian by lood and htat from and after said marriage the said E. H. Bounds, continuously resided in the Chickasaw Nation and claimed to be a citizen thereof. That in about one year after said marriage the said Mrs. Mary Rebecca Bounds deied; and that in the year 1883 the E said E. H. Bounds was marr ed according to the laws of the Chickasaw Nation to Miss Bessie Eugenia Grenstead, who was a white woman and a citizen of the United States. That from and after said marriage the said parties have continuously resided in the Chickasaw Nation chaimed to be citizens thereof. That there have been born unto the said E. H. Bounds an Bessie Eugenia Boubds Willie Bounds, , Georgia Bounds, Fannie Bounds, Guy Bounds, and Louise Bounds, and the Court finds that they are all entitled to be enrolled as citizens of the Chickasaw Tribe of Indians.

It is therefore considered, ordered ordered and decreed that the said xxx E. H. Bounds, Bessie Eugenia Bounds and their children the said Eugenia Bounds, Georgia Bounds, Fannie Bounds, Guy Bounds and Louise Bounds be and they are hereby ad itted to citizenship in the Chickasaw Nation and to enrollment as members of the Tribe of

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Chickasaw Indians with all the rights and privileges appretaining to such relations.

And it is further ordered that this decree be certified to the Dawes Commissi on for their observance. It is further ordered that the plaintiff do have an d recover of the said Chickasaw Nation all costs in this behalf expended.

To all of which defendant excepts.