

T-13.

Woody, John S. et al,

vs

Chickasaw Nation.

N^o 28.

Eastern Dist. Court,

N^o

Dawes Commission.

Question of Law.

Query.

1. Was Martha Gamble, Chickasaw
2. Was marriage of Aug. 19, 1883 under Chickasaw laws
3. Cause of separation

Resp.

W.C.P.

Witnesses

For Claimants.

A. H. Traw,	Woodford H.
H. H. Hamm	Jasper, Ark.

G. M. D. Holford,	Oakland I.T.
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Nations.

Ellen Love	Oakland I.T.
------------	--------------

T-13 J. S. Woody
 1) statement - matter - Sacra

SUMMONS.

Duplicate

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, Tulahoma, I. T.

by John L. Woody et al and warn him that upon his 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 case of John L. Woody et al
B. Chickasaw Nation, file No. 28, in the District Court for the
Southern District of the Indian Territory, has been trans-
ferred 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.

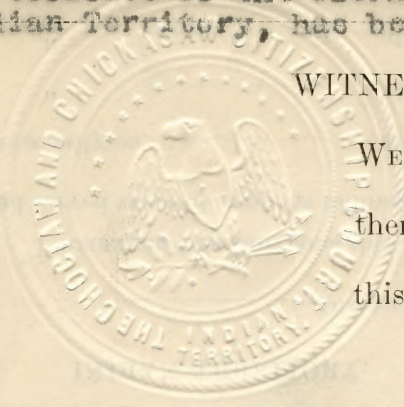
WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal

thereof, at South McAlester, I. T., aforesaid,

this 10 day of March, A. D. 1903

James B. Cassada
Clerk.

By _____, Deputy.



MARSHAL'S RETURN.

United States of America,
INDIAN TERRITORY,

District,

ss:

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

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

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

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

By _____, Deputy

U. S. Marshal.

3325
DUPLICATE

No. 137

SUMMONS
IN EQUITY.

John L. Nooky, et al
vs.
*Choctaw & Chickasaw
Natives*

Summons issued the 10 day
of March, 1900

Returnable instantly Term, 1900

Returned and filed _____, 190____

Clerk.

By _____, Deputy.

MARSHAL'S FEES.

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

Patten & Patten
Attorney for Plaintiff.
Lansville Tex

SUMMONS.

Duplicate

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, Dishamingo, Id.

as said Prin. Chief

by John L. Woody, et al and warn him that upon his 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 the said Green McCurtain, Principal Chief aforesaid, that the files, papers, and proceedings, in case of John L. Woody et al v. Chickasaw Nation, file No. 28, 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.

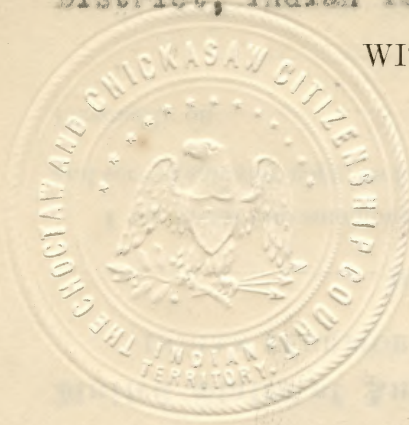
WEAVER and HENRY S. FOOTE, Associate Judges, and the Seal

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

this 10 day of March, A. D. 1903

James B. Cessada
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."

By _____, Deputy

U. S. Marshal.

No. 37

SUMMONS
IN EQUITY.

John L. Woody et al
vs.
Choctaw & Chickasaw Nations

Summons issued the 10 day
of Feb., 1903

Returnable instantly Term, 190____

Returned and filed _____, 190____

Clerk.

By _____, Deputy.

MARSHAL'S FEES.

Services, - - - - \$ _____

Miles, - - - - \$ _____

Expense, - - - - \$ _____

TOTAL, - - - - \$ _____

Patten & Patten
Attorney for Plaintiff.
Sauersville, Tex.

John L. Woody et al. No. 13.

Deeny

+ Arsnow Woody
+ John L. Woody Jr.

Chickasaw

John L. Woody et al No 13

John L. Woody

Admit- Chickasaw- Intermarriage
Other parties not passed on

SUBPCENA.

Choctaw and Chickasaw Citizenship Court,

INDIAN TERRITORY,

Southern District

Copy

The President of the United States of America,

To Ellen Love, Oakland, & A

Greeting:

We command you, that all and singular business and excuses being laid aside, you, and each of you, appear and attend before the Judges of the Choctaw and Chickasaw Citizenship Court in the Indian Territory, at a Court to be held at its Court Room, in the Indian Territory, on the day of June 1904

at 10 o'clock a. m., to testify and give evidence in a certain cause pending in said Court, then and there to be tried, between John L. Woody Plaintiff, and Choctaw and Chickasaw Nations Defendant, on the part of Defendants

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

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at Muskogee, Indian Territory, this 2nd day of June, A. D. 1904

Clerk.

By Deputy.

MARSHAL'S RETURN.

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

FEES.

Services, _____ \$ _____

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

Total, - - \$ _____

U. S. Marshal.

By _____, Deputy.

No. _____

vs.

SUBPœNA.

SUBPCENA.

Choctaw and Chickasaw Citizenship Court,

INDIAN TERRITORY,

Southern District

The President of the United States of America,

To *Ellen Love, Oklauda, & A*

, Greeting:

We command you, that all and singular business and excuses being laid aside, you, and each of you, appear and attend before the Judges of the Choctaw and Chickasaw Citizenship Court in the Indian Territory, _____, at a Court to be held at its Court Room, *Pishomings* _____, in the Indian Territory, on the _____ day of *June*, 190*4*,

at *10* o'clock *A*. m., to testify and give evidence in a certain cause pending in said Court, then and there to be tried, between *John L. Woody* Plaintiff, and *Choctaw and Chickasaw Nations* defendant, on the part of *Defendants*

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

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof at *Pishomings*, Indian Territory, this *2nd* day of *June*, A. D. 190*4*

Clerk.

By _____, Deputy.

MARSHAL'S RETURN.

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

FEES.

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

U. S. Marshal.

By _____, Deputy.

No. _____

vs.

SUBPŒNA.

SUBPCENA.

Copy

Choctaw and Chickasaw Citizenship Court,

INDIAN TERRITORY,

Southern District

The President of the United States of America,

To Mattie Sacra, Oakland, I. T.

Greeting:

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

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

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at Tishomingo, Indian Territory, this 2nd day of June, A. D. 1904.

Seal

(Signed)

James B. Cassada

(Signed)

By E. D. Bevirt, Deputy.

Clerk.

MARSHAL'S RETURN.

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

FEES.

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

U. S. Marshal.

By _____, Deputy.

No. _____

vs.

SUBPŒNA.

SUBPENA.

Original

Choctaw and Chickasaw Citizenship Court,

INDIAN TERRITORY,

Southern District.

The President of the United States of America,

To Mattie Saera, Oakland, I.T.

Greeting:

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

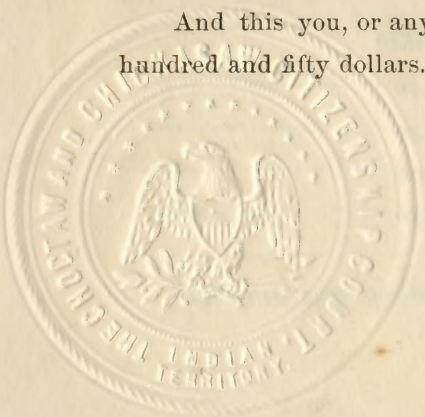
And this you, or any of you, are not to omit, upon the penalty upon you, and every one of you, of two hundred and fifty dollars.

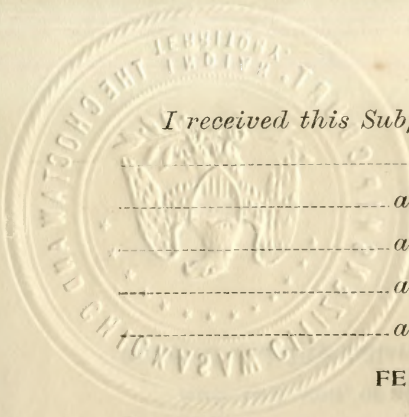
Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at Tishomingo, Indian Territory, this 2nd day of June, A. D. 1904.

James B. Bessada
E. D. Berritt, Deputy.

Clerk.

By





MARSHAL'S RETURN.

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

FEES.

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

U. S. Marshal.

By , Deputy.

No.

U.S.

SUBPœNA.

SUBPCENA.

Choctaw and Chickasaw Citizenship Court,

INDIAN TERRITORY,

Southern District

The President of the United States of America,

To *John Orr Leannon, D A*

, Greeting:

We command you, that all and singular business and excuses being laid aside, you, and each of you, appear and attend before the Judges of the Choctaw and Chickasaw Citizenship Court in the Indian Territory, at a Court to be held at its Court Room, *Pishomings*, in the Indian Territory, on the *June* day of *June* 190 *4* at *10* o'clock *A*.m., to testify and give evidence in a certain cause pending in said Court, then and there to be tried, between *John L. Weady*, Plaintiff, and _____, Defendant, on the part of _____

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

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at *Pishomings*, Indian Territory, this *2nd* day of *June*, A. D. 190 *4*

Clerk.

By _____, Deputy.

MARSHAL'S RETURN.

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

FEES.

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

U. S. Marshal.

By _____, Deputy.

No.

vs.

SUBPŒNA.

THE WESTERN UNION TELEGRAPH COMPANY,
INCORPORATED
21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

THOS. T. ECKERT, President and General Manager.

Receiver's No.

Time Filled

Check

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

Mr. E. L. L...
Dobland St.

Shows facts

READ THE NOTICE AND AGREEMENT ON BACK.

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

To guard against mistakes or delays, the sender of a message should order it REPEATED ; that is, telegraphed back to the originating office for comparison. For this, one-half the regular rate is charged in addition. It is agreed between the sender of the following message and this Company, that said Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery of any UNREPEATED message, beyond the amount received for sending the same ; nor for mistakes or delays in the transmission or delivery, or for non-delivery of any REPEATED message, beyond fifty times the sum received for sending the same, unless specially insured, nor in any case for delays arising from unavoidable interruption in the working of its lines, or for errors in cipher or obscure messages. And this Company is hereby made the agent of the sender, without liability, to forward any message over the lines of any other Company when necessary to reach its destination.

Correctness in the transmission of a message to any point on the lines of this Company can be INSURED by contract in writing, stating agreed amount of risk, and payment of premium thereon, at the following rates, in addition to the usual charge for repeated messages, viz, one per cent. for any distance not exceeding 1,000 miles, and two per cent. for any greater distance. No employee of the Company is authorized to vary the foregoing.

No responsibility regarding messages attaches to this Company until the same are presented and accepted at one of its transmitting offices ; and if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the agent of the sender.

Messages will be delivered free within the established free delivery limits of the terminal office. For delivery at a greater distance, a special charge will be made to cover the cost of such delivery.

The Company will not be liable for damages or statutory penalties in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

THOS. T. ECKERT, President⁺ and General Manager.

SUBPCENA.

Choctaw and Chickasaw Citizenship Court,

INDIAN TERRITORY,

Southern District

Copy

The President of the United States of America,

To

John Orr Leannon

Greeting:

We command you, that all and singular business and excuses being laid aside, you, and each of you, appear and attend before the Judges of the Choctaw and Chickasaw Citizenship Court in the Indian Territory, at a Court to be held at its Court Room, Tishomingo, in the Indian Territory, on the day of June, 1904, at 10 o'clock a. m., to testify and give evidence in a certain cause pending in said Court, then and there to be tried, between John S. Weedy, Plaintiff, and Choctaw and Chickasaw Nations, Defendant, on the part of Defendants

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

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at Tishomingo, Indian Territory, this 2nd day of June, A. D. 1904

Clerk.

By Deputy.

MARSHAL'S RETURN.

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

FEES.

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

U. S. Marshal.

By _____, Deputy.

No. _____

U.S.

SUBPŒNA.

SUBPCENA.

Choctaw and Chickasaw Citizenship Court,

INDIAN TERRITORY,

Southern District

Copy

The President of the United States of America,

To *Jerome Whitwell, Lesnon & A*

, Greeting:

We command you, that all and singular business and excuses being laid aside, you, and each of you, appear and attend before the Judges of the Choctaw and Chickasaw Citizenship Court in the Indian Territory, at a Court to be held at its Court Room, *Tushomingo*, in the Indian Territory, on the *June* day of *June*, 190*4*, at *10* o'clock *A*. m., to testify and give evidence in a certain cause pending in said Court, then and there to be tried, between *John L. Woody* Plaintiff, and *Choctaw and Chickasaw Nations* Defendant, on the part of *Defendants*

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

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at *Tushomingo*, Indian Territory, this *2nd* day of *June*, A. D. 190*4*

Clerk.

By _____, Deputy.

MARSHAL'S RETURN.

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

FEES.

Services, _____ \$_____

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

Total, - - \$_____

U. S. Marshal.

By _____, Deputy.

No.

vs.

SUBPOENA.

SUBPCENA.

Choctaw and Chickasaw Citizenship Court,

INDIAN TERRITORY,

Southern District

The President of the United States of America,

To *Jerome Whitwell, Lebanon T.D.*

, Greeting:

We command you, that all and singular business and excuses being laid aside, you, and each of you, appear and attend before the Judges of the Choctaw and Chickasaw Citizenship Court in the Indian Territory,

at a Court to be held at its Court Room, *Tushomingo*, in the Indian Territory, on the *June* day of *June*, 190*4*,

at *10* o'clock *a* m., to testify and give evidence in a certain cause pending in said Court, then and there to be tried, between *John L. Woody* Plaintiff, and *Choctaw and Chickasaw Nations*, Defendant, on the part of *Defendants*

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

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at *Tushomingo*, Indian Territory, this *2nd* day of *June*, A. D. 190*4*

Clerk.

By _____, Deputy.

MARSHAL'S RETURN.

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

FEES.

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

U. S. Marshal.

By , Deputy.

No.

v.s.

SUBPŒNA.

SUBPÆNA.

Original

Choctaw and Chickasaw Citizenship Court,

INDIAN TERRITORY,

Southern District.

The President of the United States of America,

To Penes Archer, Lebanon, I.T.

Greeting:

We command you, that all and singular business and excuses being laid aside, you, and each of you, appear and attend before the Judges of the Choctaw and Chickasaw Citizenship Court in the Indian Territory, at a Court to be held at its Court Room, at Tishomingo, in the Indian Territory, on the June day of June, 1904, at 10 o'clock A. m., to testify and give evidence in a certain cause pending in said Court, then and there to be tried, between Geo. L. Woody, et al., Plaintiff, and Choctaw + Chickasaw Nations, Defendant, on the part of the defendants.

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

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at Tishomingo, Indian Territory, this 2nd day of June, A. D. 1904.

Clerk.

By Deputy.

MARSHAL'S RETURN.

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

FEES.

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

U. S. Marshal.

By _____, Deputy.

No. _____

U.S.

SUBPœNA.

SUBPENA.

Copy

Choctaw and Chickasaw Citizenship Court,

INDIAN TERRITORY,

Southern District.

The President of the United States of America,

To Penes Archer, Lebanon, I.T.

Greeting:

We command you, that all and singular business and excuses being laid aside, you, and each of you, appear and attend before the Judges of the Choctaw and Chickasaw Citizenship Court in the Indian Territory, at a Court to be held at its Court Room, at Tishomingo, in the Indian Territory, on the June day of June, 1904, at 10 o'clock A. m., to testify and give evidence in a certain cause pending in said Court, then and there to be tried, between Jno. L. Woody, et al, Plaintiff, and Choctaw + Chickasaw Nations, Defendant, on the part of the defendants

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

Witness, the Honorable SPENCER B. ADAMS, Chief Judge, WALTER L. WEAVER and HENRY S. FOOTE, Associate Judges of said Court, and the Seal thereof, at Tishomingo, Indian Territory, this 2nd day of June, A. D. 1904.

Clerk.

By Deputy.

MARSHAL'S RETURN.

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

FEES.

Services, _____ \$ _____

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

Total, - - \$ _____

U. S. Marshal.

By _____, Deputy.

No. _____

vs.

SUBPœNA.

1
2 My name is Mottie Sacra, my post office
3 is Oakland, V. T., and I am the wife of
4 Ed Sacra and I am a Chechaseaw Indian
5 by blood. I was acquainted with Martha
6 Gamble while she was a student at the
7 Orphans Home at Lebanon and afterwards
8 as the wife of John L. Weedy. They were
9 married near Lebanon and afterwards
10 lived in that neighborhood. They lived to-
11 gether for about four months when he
12 left her. Prior to the separation she told
13 me that she ~~did not~~ believed Weedy
14 was going to leave her, she cried and said
15 she loved him and wanted to live with him
16 and afterwards told me she believed he
17 would live with her if it were not for his
18 folks. She seemed to grieve for him greatly
19 after he left.

20 She told me that Weedy went to Texas on
21 a round up and sent her to G. M. D. Holford's
22 to stay until he got back. That when he got
23 back he did not send for her and when
24 he was at the place branding he came into
25 the dining room when she was waiting on
26 the table and eat his dinner and left
27 without noticing her. Mrs Ellen Love was living
28 a near neighbor at the time of the separation
29 and knows the facts. Her address is Oakland

30
31 Mottie Sacra,
32 Subscribed in my presence this July 8
1903
W. H. Mason

T-13
~~T-12~~

John L. Weady
Case

Statement of
Mettee Quera

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John L. Woody et al. } T. No. 13., Sov. Dist. No. 28.
vs. }
Chickasaw Nation }

John L. Woody, a white man, was married on August, 19th, 1883 to Martha Gamble, an alleged Chickasaw by blood: it is claimed she abandoned him without cause in three or four months, and later, upon her application a divorce was granted.

John L. Woody then on April, 6th, 1887 married Miss Arnow Wood, a white woman by whom he has one child John L. Woody, Jr. Application in 1896 is for John L. Woody, Arnow Woody and John L. Woody, Jr. all white.

Judgment of Dawes Commission not shown.
Judgment by U. S. Court, Sov. Dist., No. 28, 1897 admitted all three applicants.
Petition to Chic. Chic. citizenship court includes all three.

- Query 1. Was Martha Gamble, a Chickasaw,
2. Was marriage of Aug. 19, 1883, according to Chickasaw law,
3. Cause of separation and abandonment.

John L. Woody case
+ 1

Witness to facts of separation:

John Orr, Lebanon
Jerome Whitcomb, Lebanon
Pence Orchard,

John L. Wadley

Declarator to

Witnesses

—

Jno. L. Woody, et al. No 13.

Take testimony of Mattie Saena, Oakland; Ellen
Love, Oakland; Jno. Orr, Lebanon; Jerome Whitesell,
Lebanon; Peneo Archer, Lebanon; as to facts of
separation.

JOHN L. WOODY, ET AL.

The applicants are John L. Woody, Mrs Arsnow Woody, and John L. Woody, Jr.

Application states that John L. Woody is a resident of Pickens Co. That on the 19th day of August, 1883 he married Miss Martha Gamble, a native Chickasaw Indian who resided in the Chickasaw Nation. That said marriage was celebrated in accordance with the laws of the Chickasaw Nation. Applicant has resided in the Chickasaw Nation since 1875. Applicant continued to live with his wife, and to treat her in all respects as his wife, until about four months after their marriage when she voluntarily abandoned applicant without any cause and refused to return to him. That she soon after sued applicant in the Chickasaw Court and obtained a decree of divorcement. That on the 6th day of April, 1887 the applicant married Miss Arsnow Wood who was a white woman and a citizen of the United States. Said marriage was celebrated according to the laws of the Chickasaw Nation. That there has been born to the applicant and his wife one child, John L. Woody, Jr. Applicant and his last wife have lived together in the Chickasaw Nation and have always claimed to be citizens thereof, and have always been so recognized until the time of the payment of the last annuity when the authorities unlawfully erased the name of applicant from the roll. Since applicant's last marriage applicant has sat on juries in the Chickasaw Courts, has held the office of permit collector under the Chickasaw government and has served as a militiaman. Asks enrollment for himself, his wife and child.

The Nation answering, admits that Martha Gamble was a Chickasaw Indian but says that John L. Woody did not marry her according to the laws of the Chickasaw Nation. Also that John L. Woody himself abandoned his wife instead of the reverse being true. Also that applicant's second marriage was not performed in accordance with the laws of the Chickasaw Nation; and that by virtue of said marriage the applicant forfeited all right of citizenship which he might have had otherwise.

Decision of the Dawes Commission is not shown; it is shown however that both the Nation and the applicants appealed to the United States Court for the Southern District; the case was referred to W. H. L. Campbell, Master in

Chancery, who found the facts as stated above, and recommended that John L. Woody be admitted as an intermarried citizen; but that his wife and child be rejected. The Court admitted all of the applicants.

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AFFIDAVITS BEFORE THE DAWES COMMISSION.

A.H.LAW says that he is a citizen of Pickens County; that he has known John L. Woody for about 20 years. He was lawfully married to Martha Gamble in 1883 in accordance with the laws of the Chickasaw Nation; that they separated soon after their marriage. That Martha left his home and refused to return; does not know the cause of the separation. His wife soon after obtained a divorce from Woody in the Indian Courts, and soon after she died.

In 1887 Woody married Miss Arsnow Wood; affiant believes that the last marriage was also performed according to the Chickasaw laws. Woody and his last wife have continued to live together in the Chickasaw Nation, and that have constantly claimed the rights of citizenship in said Nation. Woody has held the office of permit collector of the Chickasaw Nation.

~~Parchard says that he has known John L. Woody for about 20 years.~~

He married Martha Gamble, a Chickasaw Indian in 1883; affiant was frequently at Woodys house, and knows that Woody treated his wife well. They seem to get along well together. Martha left him after they had been married about four or five months. She did not claim that Woody had mistreated her, but simply said that she was tired of living with John L. Woody.

~~###D.HOLFORD SAYS THAT HE HAS KNOWN JOHN L. WOODY FOR ABOUT 20 YEARS. TELLS OF HIS SECOND MARRIAGE; SAYS THAT SINCE HIS SECOND MARRIAGE HE HAS BEEN DEPUTY PERMIT COLLECTOR AND HAS SERVED ON JURIES AND VOTED AT THE CHICKASAW ELECTIONS.~~

G.M.D.HOLFORD says that he has known Woody for 20 years. Tells of his marriage with Martha Gamble, and of their separation. When Martha left Woody she went to affiants house where she remained a short time. She said that Woody had not mistreated her in any way; but that he did not suit her, and that she was going to leave. Affiant knows of no cause for a separation.

Tells of Woodys second marriage; says that since his second marriage he has been deputy permit collector and has served on juries and voted at the Chickasaw elections.

There is no further testimony.

There is nothing in the testimony to show that Woodys first marriage was in accordance with the Chickasaw laws.

It is hardly probable that the separation was without cause on the part of

the applicant as contended.

There isv nothing to show that the second marriage was per ormed in accordance with the laws of the Chickasaw Nation.

In marrying a white woman the second marriage, the applicant married out.

Shubert

said John L. Woody, and without just cause, voluntarily left the home of the said John L. Woody, and abandoned him and refused to longer live with him as his wife. That afterward the said parties were duly divorced by the court of the Chickasaw nation. That in the year 1887 the said John L. Woody was lawfully married in and according to the laws of the Chickasaw nation, to Miss Arsnow Wood, a white woman and a citizen of the United States. That since their marriage they have continuously resided in the Chickasaw nation, and claimed to be citizens thereof; that there have been born unto them since their said marriage one child, John L. Woody Jr.

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

J. L. Woody et al

v7

Chetani & Christman

Notice

Copy of Petition

for appeal

Mr. Mife

In the Choctaw and Chickasaw Citizenship Court,

Sitting at ~~Stark~~ Tishomingo, I.T., May, 13, 1904.

--o--

John L. Woody, et al,

--vs--

No. 13.

The Choctaw and Chickasaw Nations,

--o--

Present and presiding the Honorables ~~Samuel R. Adams~~
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;

John L. Woody,

the Plaintiff, being sworn in his own behalf, testified as follows
in answer to the questions propounded to him by

Mr. Potter;

Q.- Where do you live?

A.- In the Chickasaw Nation, at Oakland.

Q.- Are you an applicant in this case?

A.- Yes, sir.

Q.- How many times have you been married?

A.- Twice.

Q.- What was the name of your first wife?

A.- Martha Gamble

--1--

Q.- Was she a Chickasaw Indian?

A.- Yes, sir.

Q.- Where did you marry her?

A.- Chickasaw Nation, Lebanon, Pickens County.

Q.- When were you married?

A.- August 1883.

Q.- Did you procure a license to marry her?

A.- Yes, sir.

Q.- Who from?

A.- Judge Law.

Q.- Who was Judge Law.

A.- A citizen of the Chickasaw Nation.

Q.- Did he hold any office?

A.- He was County Judge.

Q.- Do you know where that license is?

A.- Yes, sir.

Q.- Where?

A.- I have it.

Q.- What did you say the name of your first wife was?

A.- Martha Gamble.

Q.- What Indians was she related to.

A.- To the Harris's.

Q.- Has she any brothers and sisters?

A.- No, sir.

Q.- Her father and mother living?

A.- No, sir.

Q.- How near is her nearest relative?

A.- Tip Harris is her cousin.

Q.- He is the Clerk of this county?

A.- Yes, sir.

Q.- He is a cousin of hers?

A.- Yes, sir.

Q.- How long did you and she live together?

A.- Seven or eight ~~years~~ months.

Q.- Where did you live?

A.- Lebanon.

Q.- Did you live in the Choctaw Nation?

A.- No, sir.

Q.- Have you lived in the Chickasaw Nation ever since you were married to her?

A.- Yes, sir.

Q.- You lived together about how long?

A.- Seven or eight months.

Q.- Why did you cease to live together?

A.- She left me.

Q.- Where had you been living, on a place of hers?

A.- No, sir, I had no place, I was living with my father.

Q.- Why did she leave you?

A.- Said she did not want to live with me; said I did not suit her.

Q.- Did you mistreat her in any way?

A.- No, sir.

Q.- Did you do anything to make her leave?

A.- No, sir.

Q.- How did she leave; did she go off by herself?

A.- Mr. and Mrs. Holford came over and she went off with them.

Q.- Did you know she was going to leave?

A.- No, sir, not until she came and told me.

Q.- How soon did she tell you?

A.- The same day she left.

Q.- Had there been any trouble between you and her before that?

A.- No, sir.

Q.- How old was she?

A.- Eighteen.

Q.- She was an orphan girl before you married her?

A.- Yes, sir. She was raised at the Orphan's Home.

Q.- After she left, did you make any effort to get her to come back?

A.- Yes, sir.

Q.- How long after she left?

A.- Something like a month.

Q.- Would not she do it?

A.- No, sir.

Q.- Where did she go?

A.- To Col James'.

Q.- Who was he?

A.- I don't think he was related to her.

Q.- After ~~you and~~ she left you, were you and she divorced?

A.- Yes, sir.

Q.- Who obtained the divorce?

A.- She did.

Q.- Were you present?

A.- No, sir.

Q.- Do you know on what grounds she obtained it?

A.- No, sir.

Q.- You were married in 1833, you say?

A.- Yes, sir.

Q.- Did you afterwards marry?

A.- Yes, sir.

Q.- How long after?

A.- Four years, in 1887.

Q.- Who did you marry the last time.

A.- Arsnow Wood.

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

A.- White woman.

Q.- Is she still living?

A.- Yes, sir.

Q.- Where did you marry her?

A.- In the Chickasaw Nation, down near Oakland.

Q.- Did you marry her under a Chickasaw License?

A.- Yes, sir.

Q.- Have you that license also?

A.- Yes, sir.

Q.- Are you and her still living together?

A.- Yes, sir.

Q.- Did you have any children previous to your application to the Dawes Commission.

A.- Yes, sir.

Q.- How many?

A.- One.

Q.- What is its name?

A.- John L.

Q.- It is a boy?

A.- Yes, sir.

Q.- How old is he now?

A.- Must be ten years old.

Cross Examination.

Mr. Cornish;

Q.- You are a white man?

A.- Yes, sir.

Q.- Your present wife is a white woman?

A.- Yes, sir.

Q.- Your child, John L. Woody, ~~is~~ Jr., is a white child, and does ~~not~~ not possess Chickasaw Blood in any degree?

A.- No, sir.

Q.- You say you were married in what year to your first wife?

A.- 1883.

Q.- Well, where did you live immediately after your marriage?

A.- Near Lebanon.

Q.- On Whose place.

A.- On Simon James Place.

Q.- How long did you live there before the separation occurred.

A.- Seven or eight months; I had been living there several years before I married.

Q.- You lived in a house to yourselves?

A.- No, sir.

Q.- Did you live in a house with another family?

A.- Yes, sir, with my father's family.

Q.- You did not have a house of your own?

A.- No, sir.

Q.- You did not keep house?

A.- No, sir.

Q.- How long had you known this woman before you married her.

A.- I don't know.

Q.- About how long?

A.- A year may be.

Q.- You procured a license to marry her?

A.- Yes, sir.

Q.- You were recommended by a number of citizens?

A.- Yes, sir.

Q.- What names were signed to your petition?

A.- I could not tell you the names of them.

Q.- Were they Chickasaw citizens?

A.- I don't know. I think so.

Q.- Are you able to state whether or not your petition was signed.

A.- Yes, sir.

Q.- By how many?

A.- Five.

Q.- You cannot give the names of any of them?

A.- I think Col. James was one, and Simon James another.

Q.- Are they living?

A.- No, sir.

Q.- Do you state positively that they signed it.

A.- Yes, sir.

Q.- That petition was filed with the Clerk of the Court--
the Judge of the County?

A.- Yes, sir.

Q.- Have you ever seen the petition since you ~~found~~^{filed} it?

A.- No, sir.

Q.- During your married life, while you were living with this woman, you were living in a house with your father?

A.- Yes, sir.

Q.- Just what was the cause of the separation?

A.- I don't know; she said I did not suit her.

Q.- How long did she live after the separation? She is dead now?

A.- Yes, sir.

Q.- Did she marry again?

A.- I don't know; she went out of the neighborhood.

Q.- Didn't you make any inquiry?

A.- I did hear, but I have forgotten.

Q.- How long after the separation did she marry?

A.- I suppose some five or six years.

Q.- Who did she live with after she lived with Geo. M.D.Holford?

Is he living?

A.- Yes, sir.

Q.- Who did she live with after she lived with him?

A.- She went from there to Col. James'.

Q.- What members of Col. James' family are living now?

A.- His daughter-in-law.

Q.- What persons are living now, who were members of Col. James' family, when your wife went there?

A.- Geo. Holford, Watt Holford.

Q.- What members of Col. James' family are living now?

A.- They are members of his family; they are the husbands of his daughters.

Q.- Col. James had a second wife and Holford's wife was Col. James' wife's daughter?

A.- Yes, sir.

Q.- Is Col. James living now?

A.- No, sir.

Q.- What effort did you make to get your wife to continue to live with you?

A.- I met her after that and asked her if she would live with me. She said she would not.

Q.- How long after the Separation was that?

A.- About a month.

Q.- Didn't you go down into Texas on a round up about that time?

A.- No, sir.

Q.- Didn't you send your wife away, to be away until you got back from that round up?

A.- No, sir.

Q.- Didn't you make a trip to Texas about that time?

A.- No, sir; not that I remember of, I was working on a farm.

Q.- Didn't you go to Texas about that time?

A.- No, sir.

Q.- Didn't you go to Texas at any time, either before that time, on a round up?

A.- I was working on a farm then.

Q.- Do you know Mattie Sacra, of Oakland?

A.- Yes, sir.

Q.- Does she know of the facts of the separation of and of your marriage relations?

A.- I could not tell you.

Judge Foote;

Q.- I don't understand how many times you have been married?

A.- Two.

Q.- You say this girl was about eighteen years old when you married her?

A.- Yes, sir.

Q.- You lived with her seven or eight months?

A.- Yes, sir.

Q.- She left you without assigning any reason?

A.- She said I did not suit her?

Q.- She gave no other reason?

A.- No, sir.

Mr. Cornish;

Q.- You say she applied for a divorce?

A.- Yes, sir.

Q.- Where was that application made?

A.- Here.

Q.- In Tishomingo?

A.- Yes, sir.

Q.- What ground did she allege?

A.- I don't know.

Q.- You did not appear and defend the suit?

A.- No, sir.

Q.- Have you not made inquiries since as to those proceedings?

A.- No, sir.

Q.- Do you know who represented her as Attorney?

A.- I think Col. James did.

Q.- He is now dead?

A.- Yes, sir.

Q.- Do you know who the witnesses were?

A.- No, sir.

Q.- Is that all the information you have with reference to the divorce proceeding?

A.- Yes, sir.

Judge Foote;

Q.- That is all the information you ever tried to get, isn't it?

A.- Yes, sir.

Q.- You never took enough interest to find out, did you?

A.- No, sir.

Judge Potter;

Q.- How long after the separation was the divorce granted?

A.- About two years.

Witness excused.

Geo. M.D.Holford,

a witness called on behalf of the Plaintiffs, being duly sworn,
testified as follows in answer to the questions asked him

By Mr. Potter.

Q.- What is your name?

A.- G.M.D.Holford.

Q.- Did you know John Woody's first wife?

A.- Yes, sir.

Q.- What was her name?

A.- Martha Gamble?

Q.- How long did you know her?

A.- I don't know; quite a bit, though. She used to go to the
Academy.

Q.- What Academy?

A.- The Orphan's Academy.

Q.- You lived close to her?

A.- Yes, sir?

Q.- You knew her before John Woody married her?

A.- Yes, sir.

Q.- Do you know anything about their separation?

A.- Yes, sir, a little bit.

Q.- Just state what it is you know about it.

A.- I went there after John was married; he lived with his
father and Martha told me --

Mr. Cornish;

(Interrupting) We object to that character of evidence, it is
hear say. Question withdrawn.

Mr. Potter;

Q.- Did you know of any trouble between them until you were there
on that occasion?

A.- No, sir.

Q.- She left that day?

A.- Yes, sir, she left with me.

Q.- Did you take her away with you of your own accord or did you take her away at her request?

A.- She asked to go with me.

Q.- Did she ever live with John Afterwards?

A.- No, sir, not to my knowledge.

Q.- Where did she go to?

A.- To my house.

Q.- How long did she stay there?

A.- I reckon she stayed there about two months; stayed there until my wife died.

Q.- Where did she go then.

A.- My wife died and she went to Col. James'.

Q.- How long did she reside there?

A.- I cannot say for certain; I don't recollect; been quite a little bit ago.

Q.- Did she tell you at the time why she would not live with John?

Mr. Cornish;

We object to that as hear say.

Judge Foote;

Q.- Was that stated in his presence?

A.-She never did give me a reason for leaving John, in his presence or out.

Q.- Did you know when she went away with you, that she was leaving John?

A.- She told me she was going to leave.

Q.- Did you ask her why?

A.- No, sir. It was a family matter and I did not try to pry into it at all.

Q.- You did not ask her if she had any complaint to make against John.

A.- No, sir.

Q.- How long did you stay at Woody's house that day?

A.- I don't know, it was quite a little bit, two or three hours
I reckon.

Q.- How long before you left was it she told you she wanted to
go with you?

A.- I cannot recollect that.

Q.- Did you speak to John about it?

A.- I don't recollect whether John was there or not; I talked
to old man Woody about it; he was living with his father.
I told old man Woody --- (Interrrupted)

Judge Foote;

Q.- Was your wife there with you?

A.- Yes, sir.

Q.- She went off with you and your wife?

A.- Yes, sir.

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

By Mr. Cornish;

Q.- How long had you know this girl before she married?

A.- Well, I cannot recollect.

Q.- Several years?

A.- Two or three years.

Q.- She was an inmate of the Orphan's Home?

A.- Yes, sir.

Q.- You say she was related to Col. James family?

A.- No, sir.

Q.- How long did she remain at your house?

A.-Something like a month or two months.

Q.- Then she went to James'?

A.- Yes, sir.

Q.- How long did she remain there?

A.- I cannot say.

Q.- Did you know her up to the time of her death?

A.- I did not know that she was dead.

Q.- You have no information about her after she passed from your place?

A.- The only thing I know about her after she left Col. James, she went from there to Gov. ^{Cyrus} Harris'; that was two or three years after the separation, and they wanted me to go up there and get her again; Col James did, and I went up there and was up there quite a good while.

Q.- What members of Gov. Harris' family are living now that were living ~~xxxx~~ then.

A.- Tip Harris, + believe.

Q.- When was that?

A.- I reckon that was along about the latter part of 1883 or '84.

Q.- Tip Harris; where is he living.

A.- I don't know; I don't believe I was at Gov. Harris place since that day.

Q.- Are you well acquainted with Gov. Harris' family?

A.- I was when a boy.

Q.- You are not able to state the names of any grown people members of his family, that are now living?

A.- No, sir.

Q.- You are pretty well acquainted with the James Family?

A.- Yes, sir.

Q.- This woman applied for a divorce?

A.- Yes, sir.

Q.- How long after the separation?

A.- I don't know.

Q.- Where did she make the application?

A.- I don't know.

Q.- Here at Tishomingo?

A.- I don't know.

Q.- Col James represented her?

A.- That is what I have understood.

Q.- Know what grounds were alleged?

A.- No, sir; I think she made the application for divorce after she left Col James'.

Q.- While she was at Harris'?

A.- I think so.

Q.- Know what witnesses she had before the Court?

A.- No, sir.

Q.- Did she marry after that?

A.- I understand she did.

Q.- How long after?

A.- I don't know.

Q.- Several years?

A.- I think so.

Judge Foote;

Q.- Was this woman an Indian woman?

A.- Yes, sir.

Q.- Did she look like an Indian?

A.- Yes, sir nearly like a full blood.

Q.- You know how they were married

A.- Yes, sir.

Q.- Judge Law married her?

A.- Yes, sir.

Q.- And issued the license?

A.- I would not say that, I don't know.

Mr. Potter;

Q.- You know what relation she was to the Harris's?

A.- She claimed Gov. Harris was her Uncle.

Q.- You know whether she called him uncle in his presence?

A.- Yes, sir.

Q.- Tipton Harris, the County Clerk of this county now, is a son of Governor Harris?

A.- Yes, sir, I think so.

Judge Foote;

Q.- Do you know anything about the parentage of this woman?

A.- No, sir.

Q.- Your first acquaintance with her was when she was going to school?

A.- Simply knew her there and at the Orphan's School. You see Col. James was kin to me, he was my step-grandfather, and he was running the Academy.

Q.- You knew when she was married and you took her away?

A.- Yes, sir and she stayed with me until my wife died and then she went to Col. James.

Witness excused.

--o--

Jane Tussie,

a witness called by the Plaintiffs being duly sworn testified as follows;

Mr. Potter;

Q.- What is your name?

A.- Jane Tussie.

Q.- Are you a member of any Indian Tribe?

A.- Yes, sir.

Q.- What tribe?

A.- Chickasaw.

Q.- Did you know Martha Gamble in her life time?

A.- Yes, sir.

- Q.- Was she an Indian woman?
- A.- Yes, sir.
- Q.- Did she marry John Woody?
- A.- That is what she said; I never seen her after the marriage.
- Q.- How long have you know her?
- A.- I have knowed her a long time; knowed her --
- Q.- (Interrupting) Who was her mother?
- A.- Martha Gamble.
- Q.- What was her name before she married?
- A.- Nelson.
- Q.- Has Martha Gamble any kin folks in the ~~the~~ Indian Territory?
- A.- Yes, sir.
- Q.- Who.
- A.- Mrs. White is a cousin at the Academy.
- Q.- Any others.
- A.- She has an Uncle living up here on ~~the~~ Washita, Columbus Nelson.
- Q.- Was she kin to the Harris's in any way?
- A.- This Nelson was Martha's grandmother; she was a Thompson and she married Nelson; she was a half sister to old Gov. Harris' wife.
- Q.- What kin was Marth's mother to Gov. Harris.
- A.- She was a sister; His wife's sister.
- Q.- Gov. Harris' wife and Martha's mother were half sisters?
- A.- No, Martha's grandmother. Martha's mother was a Clemantine.
- Q.- This Mrs. White --
- A.- She is a cousin of Martha's.
- Q.- These are Indian woman?
- A.- Yes, sir.
- Q.- What is Mrs. White's name?

A.- Now?

Q.- Yes.

A.- Melissa ~~Smith~~ White.

Q.- Her Uncle lives at Washita; his name was what?

A.- Columbus Nelson.

A.- Is he an Indian man?

A.- Yes, sir. I reckon so, he is claimed to be. I don't know.

Mr. Carnish;

Q.- Do you know anything about this marriage between this Martha and John Woody?

A.- No, sir, only heard they was married.

Q.- They were divorced afterwards?

A.- I suppose so.

Q.- You know anything about that?

A.- No, sir, only heard it.

Q.- Where did she get the divorce.

A.- I don't know; here at Tishomingo, I reckon.

Q.- You know what witnesses she had before the ~~Courts~~ Court?

A.- No, sir.

Q.- Who was Judge then?

A.- I could not tell you, I did not live here then.

Witness excused.

--0--

Mr. Potter;

We now offer in evidence the license issued for this marriage. (License read) Ex "A".

We also offer the certificate of enrollment of Tip Harris.

Ex. "B"

This closes the case so far as we are concerned.

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

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John L. Woody, et al,

--vs--

No. 13.

The Choctaw and Chickasaw Nations.

-----o-----

June 24, 1904: This day this case coming on to be heard before the Honrs. Spencer B. Adams, Walter L. Weaver and Henry C. Bate, Judges of said Court, the Defendants being represented by their Attorneys, Mansfield, McMurray & Cornish, the following proceedings were had to-wit;

Mr. Cornish;

to conduct the case.

-----o-----

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

John L. Woody, et al.,

vs.

No. 13.

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, John L.
Woody, 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, John L. Woody, 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,
flowing therefrom; and the petition of the other parties to
this cause is not passed upon in this decree.

.....
Chief Judge.

.....
Associate Judge.

.....
Associate Judge.

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

John L. Woody, et al.,

vs. No. 13.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this the 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, Arsnow Woody and John L. Woody Jr., 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, Arsnow Woody and John L. Woody Jr., be denied, and that they be declared not citizens of the Chickasaw Nation, and not entitled to enrollment as such and not entitled to any rights whatever flowing therefrom.

.....
Chief Judge.

.....
Associate Judge.

.....
Associate Judge .

I N D E X.

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JOHN L. WOODY, Sr., FOR HIMSELF AND FOR THE BENEFIT
OF MRS. ARSNOW WOODY AND JOHN L. WOODY, JR.,

VS.

CHICKASAW NATION.

: Application for
: citizenship Pending before the
: Commission to the
: Five Civilized Tribes.

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TO THE HONORABLE COMMISSION:

Your applicant, John L. Woody, Sr., respectfully represents that he is a resident citizen of Pickens County, Chickasaw Nation. That his name is John L. Woody. That he is frequently called John Woody, and often signs his name J. L. Woody. He represents that on the 19th. day of August, 1863, he married Miss Martha Gamble, who was a native Chickasaw Indian and who resided in the said Chickasaw Nation. That said marriage was celebrated in and according to the laws of the Chickasaw Nation. He further shows that he has resided in the said Chickasaw Nation since 1875. That after his said marriage with Miss Gamble he continued to reside in said Chickasaw Nation. That some four (4) months after their said marriage, his said wife, Martha, voluntarily left his bed and board and abandoned this applicant without any cause and without any wrong or fault on the part of this applicant. That she soon after sued this applicant in the Courts of the Chickasaw Nation and obtained a decree of divorce in said Courts. That this applicant made no resistance to said suit, because he had no desire to compel his said wife to reside with him against her wishes. That after said separation and said divorce this applicant did, on the 6th. day of April, 1867, lawfully marry Miss Arsnow Wood, who was a white woman and a citizen of the United States. That

said marriage was celebrated in and according to the laws of the Chickasaw Nation. That there has been born unto this applicant and his said second wife, one child, applicant, a boy, about two (2) years old, named John L. Woody, Jr. That this applicant's last wife has lived with him in said Chickasaw Nation ever since their marriage and they have always claimed to be citizens of said Nation. That this applicant has ever since his marriage with the said Martha Gamble been recognized by the authorities of the Chickasaw Nation as a citizen as a citizen of said Nation and as a member of said Chickasaw Tribe of Indians until the time arrived for the payment of the last annuity due and paid to said Indians, when the authorities of said Nation, without lawful authority, erased the name of this applicant from said roll. That since the said marriage of this applicant with the said Martha Gamble he has served on juries in the Indian Courts of said Chickasaw Nation. He has also held the office of Permit Collector of said Chickasaw Government. He has also served as militiaman under authority of said government, and to all intents and purposes has been recognized and treated by the authorities of said Chickasaw Nation as a citizen thereof, and his rights as such were never disputed or denied until the payment of the said last annuity. That the said Chickasaw Nation has refused and failed to recognize this applicant's second wife, the said Mrs. Arsenow Woody, as a member of said tribe of Indians and a citizen of said Nation, and they have also failed to recognize the said John L. Woody, Jr., their said son, as such citizen.

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WHEREFORE, this applicant makes application to this Honorable Commission to have himself and his said wife and son admitted to citizenship in said Chickasaw Nation, and upon hearing of this application he prays that the same be granted and

that the name of his second wife and his said child and that of himself be enrolled upon the roll of citizenship kept by said nation.

Attorneys for Applicants.

I, JOHN L. WOODY, 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 Oakland, Indian Territory.

Sworn to and subscribed before me,

This the _____ day of _____ 1896.

INDIAN TERRITORY, :
 :
CHICKASAW NATION. :

Personally appeared before me, the undersigned authority, A. H. Law and Parohard, who, being duly sworn, on oath, deposes and says:

I am a citizen of Pickens County, Chickasaw Nation. I have known John L. Woody, Sr., who lives in Pickens County, Chickasaw Nation, near the town of Oakland, for about twenty (20) years. I know that in 1882 he was lawfully married, in and according to the laws of the Chickasaw Nation, to one, Miss Martha Gamble, who was a native Chickasaw Indian. The said Woody and his said wife, Martha, separated soon after their marriage, she, the said Martha Woody, leaving the home of the said John L. Woody, but I know nothing as to the cause or excuse of such separation. I am informed and believe it to be true that the said Mrs. Martha Woody afterwards obtained a divorce from the said John L. Woody in the Courts of the Indian Territory, and that she afterwards died. Afterwards, in about the year 1887, the said John Woody married Miss Arsenew Wood, a white woman. I believe that said marriage was performed in the Indian Territory and according to the laws of the Chickasaw Nation. The said Woody and his last wife have continued to live in the said Chickasaw Nation ever since their marriage, and the said Woody has constantly claimed the rights of citizenship in the said Nation. The said Woody and his said second wife have a son about two years old whom they call John L. Woody, Jr. I further state that since the marriage of the said John L. Woody with the said Martha Gamble he has constantly resided in said

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Chickasaw Nation and has constantly claimed and exercised the rights of a citizen of said Nation. He held the office of Permit Collector for some time. He has also served in the militia of said Nation, and he has voted at their elections, and in fact exercised all the rights of citizenship in said Nation, and I never heard of his citizenship being disputed until the payment of the last annuity due the Chickasaw Indians.

Sworn to and subscribed before me,

This the _____ day of _____, A. D., 1896.

INDIAN TERRITORY, :
: :
CHICKASAW NATION. : :

Personally appeared before me, the undersigned authority, _____ who, each being duly sworn, for himself, deposes and says:

I am personally acquainted with John L. Woody, who resides near Oakland, Pickens County, Chickasaw Nation. I have known him for about twenty (20) years. I know that he married Martha Gamble, a native Chickasaw Indian, in about the year 1888, and separated from her in a few months. I was frequently about the house of said John L. Woody while he was living with the said Martha and know that he treated her well, and they seem to get along very well together, but soon after their marriage, some three, four or five months, the said Martha voluntarily left the house and home of the said John L. Woody and never returned. She did not claim that Woody had mistreated her in any way or that she had any cause for leaving more than she was simply tired living with the said John L. Woody.

Sworn to and subscribed before me,
This the _____ day of _____ 1890.

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INDIAN TERRITORY, :
CHICKASAW NATION. :

Personally appeared before me, the undersigned authority, G. M. D. Holford, who, on his oath, deposes and says:

I am acquainted with John L. Woody, who resides in Pickens County, Chickasaw Nation, near Oakland, I. T. I have known the said John L. Woody for about twenty years. In August, 1863, the said Woody lawfully married Martha Gamble, whom I knew. She was a native Chickasaw Indian. They were married in and according to the laws of the Chickasaw Nation. I further know that some three or four months after the said John L. Woody and the said Martha Gamble were married they separated. I came by the house where the said John L. Woody and his wife lived. She asked me to carry her to my house, which I did, where she remained a short time. She stated to me that she was going to leave Woody and did not expect to live with him any more as his wife. She said that Woody had not mistreated her in any way, but that he did not suit her and that he was going to leave. They never lived together after that. There appeared to be no disturbance between Woody and his wife, and I knew no cause for separation, nor did there appear to be any except her desire to quit living with him. I further state that after the said Martha had obtained a divorce from the said John L. Woody and in about the year 1867 he married Miss Arsnor Wood, a white woman. They were married in and according to the laws of the Chickasaw Nation. They have one child, a boy, about two years old, whom they call John L. Woody, Jr. That ever since the said John L. Woody married the said Martha Gamble he has resided in Pickens County, Chickasaw Nation. He has been residing in said County

for a number of years before he married Martha Gamble, and since he married her he has continuously claimed and exercised the rights and duties of citizenship in said Chickasaw Nation, and until within the last two or three years he has been recognized by the Chickasaw authorities as a citizen of said nation. He has served as Deputy Permit Collector. He has also served on the juries in the Courts of the said Chickasaw Nation, he has voted at their elections and has served in the militia of said Chickasaw Nation, and he has done these things since he married his present wife.

Sworn to and subscribed before me,

This the _____ day of _____, 1896.

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BEFORE THE HONORABLE COMMISSION OF THE FIVE CIVILIZED TRIBES:

-----oOo-----

In the matter of the application for enrollment in the Chickasaw Nation of John L. Woody et al.

-----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 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, privileges 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 of the application of John L. Woody, 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 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 admits that Martha Gamble was a Chickasaw Indian. The Chickasaw Nation shows that the said John L. Woody is a white man, and a citizen of the United States, and that he did not marry the said Martha Gamble according to the laws of the Chickasaw Nation, and thereby acquired no right of citizenship in the Chickasaw Nation. And the Chickasaw Nation further shows that soon after the said pretended marriage, the said John L. Woody separated from his said wife, and voluntarily abandoned her, and refused to longer live with her, and thereby the said John L. Woody forfeited whatever rights of citizenship he may have acquired by reason of said marriage.

Second. The said Chickasaw Nation shows that the alleged marriage between said John L. Woody and Miss Arnow Wood

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was not solemnized according to the laws of the Chickasaw Nation. That the said Arsnaw Wood was a white woman, a citizen of the United States, and could not acquire rights of citizenship in the Chickasaw Nation by reason of her pretended marriage with the said John L. Woody. Neither could their children acquire any rights of citizenship in the Chickasaw Nation.

W H E R E F O R E, the Chickasaw Nation prays that the application herein 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.

John L. Woody, 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 cause:

In the year 1862, John L. Woody, a white man an citizen of the United States, was lawfully married to Miss Martha Gamble. She afterwards left the said Woody, and they were duly divorced, and the said John L. Woody then married Miss Arsnow Wood, who was a white woman and citizen of the United States. As a result of said marriage, they had one child born, to-wit: John L. Woody, Jr.

For the reasons set forth in my report in the Wiggs case, I recommend that John L. Woody be admitted to citizenship, but that his wife and child be rejected.

W. H. L. Campbell,

Master in Chancery.

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

(Signed) C. C. POTTER.

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

(Signed) C. B. Potter,
Notary Public in and for Cooke
County, 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.

Potter & Potter,
Attorneys for Applicants.
W. B. Johnson,
Attorneys for Chickasaw
Nation.

John L. Woody, et al.

Vs. No. 28 Judgment Southern Dist.

Dec. 22, 1897.

Chickasaw Nation.

Now ~~xxx~~ 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 contained therein, and the court being ~~x~~ fully advised in the premises is of the opin that said Master's report should be corrected in so far as it attempted to exclude 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 confirmed, and it is so ordered. The Court finds that John L. Woody is a white man and citizen of the United States, did on the 19th day of August, 1883 lawfully marry according to the laws of the Chickasaw Nation Miss. Martha Gamble who was a native Chickasaw Indian by blood/ That after said marriage the said John L. Woody resided in the Chickasaw Nation and claimed to be a citizen thereof. That about five months after said marriage the said Mrs. Woody, without any fault of the said John L. Woody, and without and just cause voluntary left the home of the said John L. Woody, and abandoned him and refused to longer live with him as his wife. That afterwards the said parties were duly divorced by the courts of the Chickasaw Nation. That in the year 1887 the said John L. Woody was lawfully married according to the laws of the Chickasaw Nation to Miss Arsnow Wood, a white woman and citizen of the United States. That since said marriage the said parties have continuously resided in the Chickasaw Nation, and claimed to be citizens thereof. That there has been born unto to them one child, John L. Wood, Jr..

It is therefore considered, ordered and decreed by the court that the said John L. Wood, and his present wife Mrs. Arsnow Woody and their son John L. Woody Jr., be and they are hereby admitted to citizenship in the Chickasaw Nation, and to enrollment as members of the Tribe of Chickasaw Indians with all the rights, privileges

appretaining to su h relation. And It is further ordered that this decree be certified to the Dawes Commissio n for their observance.

It is further ordered that the plaintiffs do have and recover of the said Chickasaw ^{ation} all costs in this be half expended. To all of which defendandt excepts.