

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

GLENN-TUCKER ET AL

VS.

THE CHOCTAW NATION

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PETITION IN APPEAL

To the Honorable Yancy Lewis
Judge of Said Court

Your petitioners John C. Glenn and Margaret Goldsborough for themselves and for Agnes Levinia Goldsborough, Wm. Alexis Goldsborough, Una Pauline Goldsborough, Emma Viola Goldsborough and Narcissus Yarbery Goldsborough, children of Margaret Goldsborough and grandchildren of John C. Glenn and for Eliza J. Glenn, wife of John C. Glenn; and

Joseph B. Tucker for himself and for Elizabeth Tucker, his wife, and Edward Tucker, Wm. N. Tucker, Oscar I. Tucker, Joseph S. Tucker, Ocie Harris (nee Tucker) and Robert P. Tucker, lawful children and heirs at law of said Joseph B. Tucker and his said wife.

James C. Glenn and Mary Ida Glenn, his wife, and for Pettis L. Glenn, Walter J. Glenn, Hubert L. Glenn and James W. Glenn, lawful children and heirs at law of said James C. Glenn and his said wife.

Mrs. Tanzy Parkinson for herself and William Ivy Parkinson, Minerva R. Parkinson, Andrew Jackson Parkinson, Tisha B. Parkinson, Melvin Parkinson, John J. Parkinson.

Fanny Chapman for herself and for her husband Wm. B. Chapman and for Mattie Chapman, Wm. Chapman, Otis Chapman, Frank Chapman and Beulah Chapman, lawful children and heirs at law of said Fanny Chapman

and her said husband.

Jim Barnes and _____

Mattie Carr for herself and John Carr, her husband, and Oscar Carr, Otis Carr and Nicey Carr, lawful children and heirs at law of Mattie Carr and John Carr, her husband.

Annie M. Freeman, for herself and James Freeman, her husband and for Alma G. Freeman, Ivy J. Freeman, Homer Freeman, Rolla Freeman and Jewel Freeman, lawful children and heirs at law of Annie ____ Freeman and James Freeman, her husband.

Samuel P. Glenn, for himself and for John W. Glenn, Lillian E. Esque, Claude Glenn, Edward Glenn and Della Glenn, his lawful children and heirs at law.

Lafayette Corrigan, Samuel Corrigan, and for Bertha Wolfington, his lawful child and heir at law and Josephine Davis for herself and for Lee Davis, her husband and for Alice Davis and Amanda Davis, lawful children and heirs at law of said Josephine Davis and Lee Davis her husband.

Appellants herein respectfully show that they are all Choctaw Indians by blood and are of Choctaw Indian and white blood only and entitled to all the rights, privileges and immunities of members and citizens of the Choctaw Nation or Tribe of Indians and except Annie M. Freeman, Lafayette, Samuel and Fred Corrigan, have continuously resided in the Choctaw Nation of the Indian Territory for many years, in fact for periods varying from 17 years to 60 years according to the ages of the parties.

That Abigail Rogers, their ancestor was a half breed Choctaw

woman and a member of the Choctaw Tribe of Indians and residing in the Old Choctaw Nation in Mississippi and was fully recognized as such by the proper authorities therein about the year 1830 and long before then.

That Abigail rogers married John Glenn, a white man, and that appellants are lineal descendants of said Abigail Rogers and issue of said marriage and as such are citizens of the Choctaw Nation and members of the Choctaw Tribe of Indians and tenants in common of right of the Territory ceded to the Choctaw Tribe of Indians in the year 1830 by Treaty between the United States and the Choctaw Tribe of Indians there residing in the old Choctaw Nation in Mississippi and conveyed to said Nation and to their descendants in fee simple to issue to them "while they shall exist as a nation and live on it," pursuant to said Treaties by grant specially made in 1842 by John Tyler then President of the United States. That appellants under and by virtue of the rights inuring to them under said treaties and recognized and guaranteed to them by all subsequent Treaties between the United States and the Choctaws and Chickasaws as Choctaws by blood and members of that Tribe, removed from the State of Mississippi, where they and their ancestors resided at the time of said Treaty and cession, to the Tract of land so ceded and conveyed, wherever they have since continuously resided as aforesaid.

That their just rights in said property and the various funds of the Choctaw Nation and their political rights as citizens of said Nation having been denied them a part of these Appellants in the year 1884 were by order of the then Commissioner of Indian Affairs

required? to and did appear before the National Council of the Choctaw Nation and then made application to be recognized and enrolled as Citizens of the Choctaw Nation.

That said application was denied.

That thereafter on the 7th day of September 1896 Appellants made application to the United States Commission to the five Civilized Tribes for admission and enrollment as citizens of said Nation being thereto required and compelled by the Act of Congress approved June 10th 1896 in which Act the Congress of the United States assumed and attempted to confer upon said Commission the power and authority to __ and determine the applications of all persons who should apply to them for citizenship in any of the Civilized Tribes then existing, to-wit on said June 10th, 1896.

That said Act further provides that any person aggrieved by the decision of the Commission may appeal to the United States District Court.

That said Application fully states the descent and relationship of Appellants as lineal descendants of Abigail Rogers aforementioned. Appellants further state that on the 3d day of December, 1896 the said Commission denied the application of Applicants at Fort Smith, Arkansas.

And these Appellants desiring to appeal from the decision of the said Commission and being thereto required by rule of this Honorable Court in such case made and provided assign as grounds for said Appeal the following errors committed by said Commissioner in passing upon their said Application.

1st.

First. The said Commission erred in adopting a rule to govern their proceedings which rule was to the effect that no applicant would be allowed to examine the answers made by the respondent Nation or to offer any rebuttal evidence to such evidence as might have been presented or offered before said Commission by said Nation and denying the right to Applicants to file a replication to the answer made by the Nation to their Application.

2d.

Second. The Commission erred in refusing these Applicants the right to be present in person and by Attorney during the trial and determination of their claim before said Commission.

3d.

Third. The said Commission erred in deciding against the right of these Appellants to be enrolled as Citizens of the Choctaw Nation.

4th.

Fourth. The said Commission erred in refusing the Appellants the right and privilege of examining the proof submitted by Appellants in support of Answers filed by Appellants and denying Appellants the right of filing replication to Appellee's Answer or providing proof in rebuttal of the same.

5th.

Fifth. The said Commission erred in denying the Appellants the right of a trial of their claim by a competent jury as guaranteed to them by Constitution and laws of the United States.

6th.

Sixth. the said Commission erred in refusing to issue process for witnesses and to send for persons and papers when requested to do so by Appellants under the aforesaid Statute of June 10, 1896.

7th.

Seventh. The said Commission erred in not entering upon docket or record the grounds upon which Appellants' claims were denied and refusing to notify Appellants of the grounds of denial.

8th.

That the Act of Congress approved June 10th, 1896 aforesaid was and is unconstitutional so far as the same attempted to confer upon the said Commission the power to hear and determine the rights of Appellants herein and said Commission erred in determining and denying the same to Appellants.

Wherefore, the Appellants in this cause pray an appeal to this Court herein and that a trial de novo be granted to Appellants that Appellants be permitted to introduce new testimony. That an order be made requiring said Commission to send all pleadings, papers and records filed before them in this Cause. That Appellee be cited to appear before the Court and plead and defend herein and that Appellants be by the order and decision of this Court adjudged to be Citizens of the Choctaw Nation and be admitted and enrolled as such.

And your petitioners will ever pray, etc.

(Signed) T. N. Foster
Attorney for Appellants

Laura Corrigan and Fred Corrigan

Lillie Barnes and Viola Lightle for herself and for J. W. Lightle, her husband and for Elizabeth Lightle, Lily Barnes, Della Ray Lightle and Charles R. Lightle, lawful children and heirs at law of said Viola Lightle and J. W. Lightle, her husband.

Frank Tucker and George Tucker; and

Margaret Tucker, for herself and for Charles Wren, Sherman Wren, John Martindale, Altie Martindale, Matthew Martindale, Willie Griffith, Charley Sappington, Bain Sappington, Matilda Ann Smedley, Henrietta Smedley, Walton Smedley, Mertie Smedley, Jennie Smedley, Kate Smedley, Charles Smedley, Angeline Smedley, Margaret Ann Tiffiee, Elizabeth Tiffiee, John B. Tiffiee, Joseph Tiffiee, lineal descendants and heirs at law of said Margaret Tucker and

Katherine Hill for herself and Leonidus R. Hill her husband and for Clementha E. Hill, Esther M. Hill, Elmer Hill, Augusta Hill, Eunice Hill, Leonidus V. Hill, Lawrence M. Hill, lawful children and heirs at law of said Katherine Hill and Leonidus R. Hill, her husband; and

Margaret J. Goforth for herself and W. B. Goforth her husband and for Flora Campion, Beulah Campion, Floyd Campion, lawful children and heirs of Margaret J. Goforth and _____ Campion, formerly her husband now deceased and for Esley M. Goforth, lawful child and heir at law of Margaret J. Goforth and Wm. B. Goforth, her husband; and

Margaret E. Choate for herself and for Wm. B. Choate her husband and for Oscar Choate, Arthur Choate, and Ethel Choate, children and heirs at law of Margaret E. Choate and Wm. B. Choate her husband.

Edward Tucker for himself and for Amanda Tucker, his wife, and for Marshall Tucker, Melvin Tucker and Thomas Tucker, lawful children and heirs at law of said Edward Tucker and Amanda Tucker, his wife; and

Amanda Coker for herself and for Mary Spain (nee Coker), Myrtle Spain, Columbus Coker, John Coker, Goldy Coker, Lucy Coker, Robert Coker, Evey Coker, Edward Coker, Gertrude Coker, Troy Coker, Pearl _____ Sallie Dean, Cleary Dean, Claude Dean, Maggie Stanfield, Willard Stanfield, Fannie Stanfield, Eddie Stanfield, Richard Lawrence, lineal descendants and heirs at law of said Amanda Coker; and

Letitia D. Adams for herself and Julius H. Adams, her husband and for Maud L. Adams, Grace P. Adams, Letitia B. Adams, Joseph M. Adams, children and heirs at law of said Letitia D. Adams and Julius H. Adams, her husband; and

Sarah E. Barnes for herself and for David M. Barnes, her lawful child and heir at law; and

James B. Barnes for himself and for _____ Barnes, his wife, and for J. R. Barnes, J. A. Barnes, Lily E. Loyd nee Barnes, Norah B. Barnes, J. E. Barnes, John R. Barnes, James C. Loyd, and Alfred B. Barnes, lineal descendants and heirs at law of James B. Barnes, aforesaid; and

Margaret A. Hulsey for herself and for James C. Hulsey her husband and for Caroline Moore (nee Hulsey), Henry(sp?) Hulsey, Charles Hulsey, Arizona Smith (nee Hulsey), Joseph Hulsey, Almedia Hulsey, Samuel Moore, Charles Moore, Cora Hulsey, Harliss Hulsey, Lafayette Smith and Mary Smith, lineal descendants and heirs at law of Margaret A. Hulsey and James C. Hulsey, her husband; and

Mary Barnes for herself and for Joseph Barnes, Ira Barnes, Eva Barnes, Charles Barnes and Robert Barnes, children and heirs at law of Mary Barnes; and

Robert Barnes, for himself and for _____ Barnes his wife, and for Robert M. Barnes, Emma Barnes, Mary Wells Barnes, William Edward Barnes, Joseph Martin Barnes, Naomi Ethel Barnes, lawful children and heirs at law of said Robert Barnes; and

Emily J. Martin for herself and Charles L. Martin her husband and for Minnie Bell Martin, Claud B. Martin, Lula M. Martin and Arthur L. Martin, lawful children and heirs at law of said Emily J. Martin and Charles L. Martin, her husband; and

Nancy Dyer for herself and for William Dyer her husband and for Joseph Goforth, Maud Dyer, Donie Dyer, Roy Dyer, Willie Dyer, lawful children and heirs at law of said Nancy Dyer; and

Amanda McCall for herself and for Robert McCall her husband and for Ida A. McCall and Ella V. McCall, lawful children and heirs at law of said Amanda McCall and Robert McCall her husband; and

Mary E. Wolfington for herself and for Alfred R. Wolfington her husband.