

In the United States Court,  
IN THE INDIAN TERRITORY,  
Southern District, at Ardmore.

*M. W. Askew*

No. *2* vs.

*Choctaw*  
CHICKASAW NATION.

NOTICE OF APPEAL.

To the HON. HENRY L. DAWES, *Chairman of the Commission of the United States to the Five Civilized Tribes of Indians—*

SIR: You are hereby notified that an appeal has been granted in the matter of the application of *M. W. Askew* to be enrolled as members of the *Choctaw* Chickasaw Tribe of Indians, from your Commission to the United States Court, for the Southern District in the Indian Territory, at Ardmore. You are therefore notified and ordered to immediately forward to the Clerk of this Court all of the original papers filed, used and considered in said cause by your Commission, together with a duly certified copy of all orders, judgments and entries made and entered by you in the trial and consideration of said cause.

Witness the HON. C. B. KILGORE, Judge of said Court, and the Seal thereof, at Ardmore, Indian Territory, this *7* day of *Jan* December, 1896.

*Joseph Phillip*

Clerk.

RECEIVED of H. M. Jacoway, jr., Secretary to The Commission to the

Five Civilized Tribes, the original papers, in the cause of

*M. W. Askew* vs. *Choctaw* Nation, as follows:

*Application & Evidence*

*Answer*      *vs*      *vs*

*Certified Copies Entire*

*& Judgment*

*2 Exhibits*

WITNESS my hand and official seal at

*Aspen*

this the *22* day of

*Feb*

189*7*

*Jose W. Phillip*

*Clerk*

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

*John*

*Murrel As Kew et al*

VS.

NO. *2*

CHOCTAW

Nation.

DEC 1ST

FORT SMITH, ARK., ..... 1896.

SIR:

In compliance with the provisions of Act of Congress,  
Approved June 10, 1896, the Commission to the Five Civilized Tribes  
has considered this application, with proof, and the same has been

***DENIED*** ..... by the Commission.

Respectfully,

H. M. JACOWAY, JR.,

Secretary.

Muskegee, Indian Territory. February 16th, 1901.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is enclosed you herewith a copy of the Commission's letter of February 6th, 1901, to Clerk U. S. Court Southern District Indian Territory, and the reply of Mr. Thos. Norman thereto, dated February 9th, 1901, relating to the citizenship case of Murrell Washington Askew et al., v. The Choctaw Nation.

You will note that on account of certain exceptions having been filed to the part of the Master's report referring to George Brewer, Marshall Turner and Tom Jackson, the judgment rendered December 21st, 1897, recites: "This cause stands open as to these three parties, so that said exceptions may be considered hereafter; but in all other respects, and with reference to all other parties mentioned in said report, said Master's report is confirmed."

From Mr. Norman's letter it appears that there was a decision of the court denying the citizenship of these parties, but of this there is no record.

The matter is referred to you that you may take such action in the premises as you may desire.

Yours truly,

Muskogee, Indian Territory. February 6th, 1901.

Clerk U. S. Court,

Southern District Indian Territory,

Ardmore, Indian Territory.

Dear Sir:

By a certified copy of the judgment of the United States Court Southern District, Indian Territory, in the possession of the Commission, rendered December 21st, 1897, in the case of Murrell Washington Askew, et al., v. The Choctaw Nation, Court No. 72, it appears that on account of certain exceptions having been filed to the part of the Master's report relating to George Brewer Marshall Turner and Tom Jackson, it was ordered that "this cause stand open as to these three parties, so that said exceptions may be considered thereafter; but in all other respects, and with reference to all other parties mentioned in said report, said Master's report is confirmed."

Will you kindly advise the Commission whether this judgment still stands open, and if not what further entries have been made.

Yours truly,

Acting Chairman.

1896 Cit. Case. No. 2.

Ardmore, Ind. Ter. Feb. 9th, 1901.

Hon. Commission to the five civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

Being the attorney who represented the applicants in the case of Murrell Washington Askew et al. vs. The Choctaw Nation, the clerk of the court here handed me your letter to him, and requested that I answer same, and give you the information desired by you. In reply to same, I will say that the judgment of the court was as you state in your letter, but subsequent to that the court took up the case so far as related to George Brewer, Marshall Turner and Tom Jackson, and denied them rights of citizenship. The case was left open as to these three parties as you will see from the judgment. They were white men who had married blooded Choctaw women before the application was filed, and the court was at that time undecided as to their rights to citizenship; but he afterwards decided they were not entitled to citizenship. All the rest of the parties in the judgment were admitted to citizenship.

The clerk of the court tells me the order denying citizenship to George Brewer, Marshall Turner and Tom Jackson cannot be found in the records. The fact is he did, and if you desire it, an order nunc pro tunc can now be entered to this effect. If I can be of any assistance to you in the matter, I will take pleasure in doing what I can.

Very respectfully yours,

Thos. Norman.