

J. N<sup>o</sup> 50.

David Davis, et al,

vs

Choctaw Nation.

N<sup>o</sup> 74.

Southern Dist. Court.

N<sup>o</sup>

Davis Commission.

For Claimants.

William Roby Witey <sup>Dead</sup> J. G.  
Walker Martin <sup>Dead</sup> Snowood. H.

Calway Davis  
married  
Ann  
Cris

born in Miss  
died in Ark. 1860

Calway Davis  
killed by wild in-  
dians in S. T. Cho.  
Nation; also died  
near Hot Springs  
Ark and killed  
by federal soldiers  
in 1864

married

(Cris) Davis

Rachel Davis  
married  
Felix Roberts

+ 44  
David Davis  
married  
Mary Burch  
+  
(Blucher Davis)

4 other children  
un-named

Elizabeth Davis  
married  
A. J. Owens

Mary Adeline Ford  
married  
S. E. Ford

Wm Davis +  
Joseph " +  
Lucy " +  
Mary " +  
Noah " +  
Edith " +

Gas Owens married Eppie Owens  
Annie Mays  
Maggie Owens married Hattie Stewart  
R. L. Stewart  
Robert Owens  
Andrew J " John Owens  
William " Jefferson "  
Rachel " Reuben "  
Artemus " Martin "  
Felix "

William Ford +  
Benue " +  
Eva " +  
Henry " +  
Fred " +  
Sidney Ernest " +  
Joseph " +  
Samuel " +  
Leather " +

W. H. article or  
Treaty status.

Witness:  
William Roby  
Walker Martin  
David Davis

--: IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT :--

o-o

David Davis, et al,  
Plaintiffs,

vs.

--: P E T I T I O N :--

Choctaw Nation,  
Defendant.

Now come the petitioners, David Davis, Mary Burch, William Davis, Joseph Davis, Lucy Davis, Mary Davis, Noah Davis and Edith Davis; Adeline Ford, William Ford, Bence Ford, Eva Ford, Sidney Ernest Ford, Joseph Ford, Samuel Ford, Henry Ford, Fred Ford and Luther Ford, and respectfully show to the court:

That on the.... day of September, 1896, and within the time prescribed by the Act of Congress approved June 10, 1896, conferring jurisdiction in citizenship cases upon the Commission to the Five Civilized Tribes, petitioners herein filed their application with the said Commission to the Five Civilized Tribes for citizenship and membership in the Choctaw tribe of Indians. That, in due course of time, said Commission heard said application, and rejected the same, and denied the claim of the petitioners herein to citizenship in the Choctaw Nation.

That thereafter, and within the time prescribed by law, petitioners herein appealed from the decision of the Commission to the Five Civilized Tribes to the United States Court for the Southern District of the Indian Territory, at Ardmore; said petition being styled, in said court, David Davis, et al, vs. Choctaw Nation, No. 74.

That thereafter, in said United States Court for the Southern District of the Indian Territory, at Ardmore, a full, complete and final trial was had of the claim of petitioners herein to citizenship in the Choctaw Nation; and by the judgment and decree of said court, entered on the 17th day of January, 1898, petitioners herein were adjudged to be citizens of the Choctaw Nation; and that petitioners herein, from and after said date, have

been entitled to have their names enrolled on the official and final citizenship roll of the Choctaw Nation by said Commission to the Five Civilized Tribes.

Petitioners further show that, by its judgment rendered on the 17th day of **December, 1902**, in a cause styled "The Choctaw and Chickasaw Nations or Tribes of Indians, plaintiffs, vs. J.T.Riddle, et al, defendants", this Court adjudged and decreed all the judgments and decisions of the United States Courts in the Choctaw and Chickasaw Nations, admitting persons to citizenship and enrollment as citizens of said Nations upon appeal from the Commission to the Five Civilized Tribes, to be null and void, both as to the defendants named in said cause and all other persons claiming citizenship in the Choctaw or Chickasaw Nations by virtue of judgments rendered in the United States Courts for the Southern and Central Districts of the Indian Territory, under the Act of June 10, 1896.

Your petitioners state that they were not parties to said cause of "The Choctaw and Chickasaw Nations or Tribes of Indians vs. J.T.Riddle, et al", and are not bound by the judgment rendered therein; and that this court had no power or jurisdiction, under the pleadings and evidence in said cause, to set aside or vacate the judgment of the United States Court for the Southern District of the Indian Territory, admitting them to citizenship in the Choctaw Nation; and that said judgment of said United States Court for the Southern District of the Indian Territory is still in full force and effect.

But, petitioners state, that, inasmuch as this Court has entered its judgment and decree setting aside all the judgments of said United States Courts for the Southern and Central Districts of the Indian Territory, wherein persons not specially made parties thereto, but who were similarly situated to the defendants specially named in said ~~xxxxx~~ suit of The Choctaw and Chickasaw Nations of Tribes of Indians, plaintiffs, vs. J.T.Riddle, et al, defendants, and the said United States Commission to the Five Civilized Tribes are denying and will continue to deny the right of petitioners herein to be enrolled as members of said tribes of Indians, unless the files and

proceedings in said cause No.74, styled David Davis, et al, vs. Choctaw Nation, in said United States Court for the Southern District of the Indian Territory at Ardmore, be certified and sent to this Court for further proceedings herein, and unless this Court should by its decree finally determine and adjudge said petitioners to be citizens and members of said Choctaw Nation said Commission will refuse to enroll them as such citizens:-

NOW, THEREFORE, said petitioners, still insisting upon their rights as members of said tribe and the validity and finality of said judgment of ~~said~~ the United States Court for the Southern District of the Indian Territory admitting them to citizenship, and without waiving any of the rights adjudged and decreed to belong to them and conferred upon them by law under and by virtue of said judgment of the United States Court for the Southern District of the Indian Territory, said petitioners most respectfully pray that an order be made, in the nature of a writ of error or otherwise, directing the Clerk of the United States Court for the Southern District of the Indian Territory at Ardmore to certify and deliver to this Court all files, papers, documents, evidence and proceedings had in said cause No.74, styled David Davis et al, vs. Choctaw Nation, heretofore pending in the United States Court at Ardmore; and that all proper and necessary writs, citations and otherwise be issued by the Clerk of this Court for service upon the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation, in order that said cause may be fully and completely transferred and lodged with this Court, for all proper and lawful proceedings therein.

*Robert B. Reddon*

Attorneys for Petitioners.

In the Choctaw and Chickasaw Citizenship Court,

Sitting at Tishomingo, I.T., May 9, 1904.

--o--

David Davis, et al,

--vs--

No. 50.

The Choctaw and Chickasaw Nations,

--o--

Present and presiding the Hons. Spencer B. Adams, Chief Judge, Walter L. Weaver and Henry S. Foote, Associate Judges of said Court.

--o--

Appearances,

Ledbetter & Bledsoe, for Plaintiffs,

Mansfield, McMurray and Cornish for Defendants.

--o---

This day this case coming on to be heard the following proceedings were had to-wit;

Mr. Ledbetter;

That case is in the same condition; we do not think in view of the holding of this Court on the law that we can make out a case.

Judge Adams:

In other words you decline to offer any evidence?

Mr. Ledbetter;

Yes, sir.

Mr. Cornish;

In case No. 50, David Davis, et al, vs. The Choctaw and Chickasaw Nations, I wish to state in behalf of the Choctaw and Chickasaw Nations, that I have heard the statements made by Mr. Ledbetter, representing the applicants, that for reasons, sufficient to himself, he has seen fit not to offer any

evidence, and I wish to state in behalf of the Choctaw and Chickasaw Nations that we have made a careful examination of the papers which have been certified to this Court by the United States Court and which purport to be the record made before the Commission to the Five Civilized Tribes and the United States Court and have made a most elaborate investigation as to the truth and correctness as to the statements made as to the ancestry of these people, but since the applicants have not introduced any testimony before this Court, the Nations do not care to offer any, but had the facts set out in the record been alleged or attempted to have been alleged, the Nations are amply prepared to introduce the most positive and conclusive testimony, showing that these allegations are not true, but are false and rest on no solid foundation; but since no testimony has been offered we submit the case for the final decision of the Court.



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

David Davis, et al.,

vs.

No. 50.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this            day of            , 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, David Davis, Mary Burch, William Davis, Joseph  
Davis, Lucy Davis, Mary Davis, Noah Davis, Edith Davis, Adeline  
Ford, William Ford or Wm. Ford, Bence Ford, Eva Ford, Sidney  
Ernest Ford, Joseph Ford, Samuel Ford, Henry Ford, Fred Ford and  
Luther Ford, are not entitled to be deemed or declared citizens  
of the Choctaw 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, David Davis, Mary Burch, William  
Davis, Joseph Davis, Lucy Davis, Mary Davis, Noah Davis, Edith  
Davis, ~~Adeline Ford~~ William Ford or Wm. Ford, Bence Ford,  
Eva Ford, Sidney Ernest Ford, Joseph Ford, ~~Samuel Ford~~ Henry  
Ford, Fred Ford and Luther Ford, be denied, and that they be  
declared not citizens of the Choctaw Nation, and not entitled to  
enrollment as such citizens, and not entitled to any rights  
whatever flowing therefrom.

.....  
Chief Judge.

.....  
Associate Judge. ....  
Associate Judge. ....

David Davis Cal No 50

✓ David Davis

✓ Mary Bunch

✓ William Davis

✓ Joseph Davis

✓ Lucy Davis

✓ Mary Davis

✓ Noah Davis

✓ Elizabeth Davis

✓ Abeline Ford

✓ William Ford (on West Ford)

✓ Renee Ford

✓ Eva Ford

✓ Sidney Ernest Ford

✓ Joseph Ford

✓ Samuel Ford

✓ Henry Ford

✓ Fred Ford

✓ Esther Ford

Denny - ~~Chapman~~  
Choctaw

SUMMONS.

United States of America,  
Indian Territory,  
Choctaw and Chickasaw Citizenship Court. } ss

The President of the United States of America,

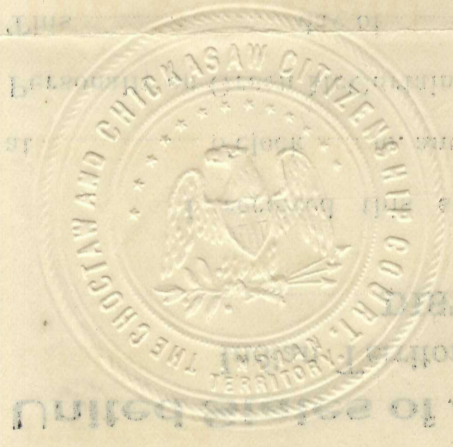
To the United States Marshal for the Indian Territory, Northern District,

GREETING:

You are hereby 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 nation in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, at Tushomingo, by David Davies et al and warn him that upon his failure as said Principal Chief to answer on behalf of said nation, the complaint will be taken for confessed, and you will make return of the summons instanter;

And you are further commanded to notify said Green McCurtain, Principal Chief aforesaid, that the papers, files and proceedings in the case of David Davies et al File No. 74 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, Indian Territory, aforesaid, this 21 day of March A. D., 1903.



Gas B Bassada Clerk.  
E L Bewitt Deputy.

MARSHAL'S RETURN

MARSHAL'S RETURN.

United States of America,  
Indian Territory,  
DISTRICT.

*John B. ...*

I received this summons this \_\_\_\_\_ of \_\_\_\_\_ A. D., 1903,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ m. and served same by copy, as follows:

Personally on Green McCurtain, at \_\_\_\_\_ Indian Territory,

This \_\_\_\_\_ day of \_\_\_\_\_, 1903, \_\_\_\_\_ m.

By \_\_\_\_\_ Deputy.

*copy*

No. *50-5*

**SUMMONS  
INEQUITY.**

*Lewis Davis et al*  
vs.

Choctaw and Chickasaw Nations.

Summons issued *21* day of  
March, 1903. Returnable instant.

**Marshal's Fees.**

Service	-	\$	.....
Miles	-	\$	.....
Expenses	-	\$	.....

TOTAL \$.....  
*Leabette & Blalock*

Attorneys for Plaintiff.  
*Admore*

Choctaw and Chickasaw Citizenship Court,  
Indian Territory,  
United States of America,  
SUMMONS

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 hereby Commanded to Summons P. S. Moseley, Governor of the Chickasaw Nation, to answer on behalf of said nation, 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 nation in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, at

*Oshomingo*, by *David Davis et al*

and warn him that upon his failure as said Governor to answer on behalf of said nation, the complaint will be taken for confessed, and you will make return of the summons instanter;

And you are further commanded to notify said P. S. Moseley Governor aforesaid, that the papers, files and proceedings in the case of *David Davis et al* File No. *74* 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, Indian Territory, aforesaid, this *21* day of March A. D., 1903.

*Gas B. Cassada* Clerk.

By *E. L. Bevirt* Deputy.



MARSHAL'S RETURN.

United States of America,  
Indian Territory,  
DISTRICT.

*J. B. ...*  
Deputy  
Clerk

I received this summons this \_\_\_\_\_ of \_\_\_\_\_ A. D., 1903,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ m. and served same by copy, as follows:  
Personally on P. S. Moseley, at \_\_\_\_\_ Indian Territory,  
This \_\_\_\_\_ day of \_\_\_\_\_, 1903, \_\_\_\_\_ m.

By \_\_\_\_\_ Deputy.

the certificate of the clerk of said court for said \_\_\_\_\_ District, Indian Territory,  
Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that  
file No. \_\_\_\_\_ in the District Court for the \_\_\_\_\_ District of the  
that the papers, files and proceedings in the case of \_\_\_\_\_  
And you are further commanded to notify said P. S. Moseley Governor thereof.

*de copy*

No. 509

SUMMONS  
INEQUITY.

*David Davier et al*

vs.

Choctaw and Chickasaw Nations.

Summons issued *21* day of  
March, 1903. Returnable instanter.

Marshal's Fees.

Service	-	\$	.....
Miles	-	\$	.....
Expenses	-	\$	.....
TOTAL	\$	.....	

*Leabette + Bledsoe*  
Attorneys for Plaintiff.  
*Adman 13*

Choctaw and Chickasaw Citizenship Court,  
Indian Territory,  
United States of America,  
SUMMONS.

Applicatiton to Commission	1
Applicatiton to Commission	3
Applicatiton to Commission	4
Affidavit of William Roby	6
Testimony of Martin Walker	7
Testimony of David Davis	10
Report of Master in Chancery	11
Judgment of U. S. Court	12

Application of the following named persons to have their names placed upon the Choctaw Citizenship Rolls:

Mary Adaline Ford	S. E. Ford,	William Ford,
Bence Ford,	Eva Ford,	Henry Ford,
Fred Ford,	Sidney E. Ford,	Joseph Ford,
Samuel Ford,	Luther Ford,	
David Davis,	William Davis	
Lucy Favis,	Mary Davis,	Joseph Davis,
Edith Davis,	Elizabeth Owens,	Noah Davis,
Robert Owens,	William Owens,	Andrew J. Owens,
Arthur Owens,	Felix Owens,	Jas. Owens,
Jefferson Owens,	Reuben Owens,	John Owens,
Maggie Stewart,	Hattie Stewart,	Martin Owens,
		Effie Owens.



Vinita, I. T. Sept, 9, 1896.

To Hon. Henry L. Dawes, Archibald McKennon, Frank Armstrong,  
Thos. B. Cabiness and Alexander B. Montgomer, Commissioners:-

Your petitioner, Mary Adeline Ford, respectfully alleges that she is a citizen of the Choctaw Nation by blood; that she is a granddaughter of Calaway Davis, a onefourth Choctaw Indian who was killed by the Wild Indians in the Choctaw Nation; that said Calaway Davis was married, and as a result of said marriage, had seven children, among the rest being Racheal Davis, the mother of this applicant, who married Felix Roberts, a white man, and as a result of such marriage, 7 children were born, among the rest being this applicant; that this applicant has always understood and been informed by her parents and members of the family that she was a Choctaw Indian by blood and that she believes she is entitled to be enrolled as a citizen of the Choctaw Nation; that this applicant married S. E. Ford in the year 1892 and as a result of such marriage had 9 children, whose names are as follows: William Ford, Bence Ford, Eva Ford, Henry Ford, Fred Ford, Sidney Ernest Ford, Joseph Ford, Samuel Ford and Luther Ford, all of whom are living and on whose behalf this application is made as well as on behalf of the other parties herein named, and the said S. E. Ford joins in this application.

Wherefore, these applicants respectfully ask that they be placed upon the rolls as citizens of the Choctaw Nation.

Ledbetter & Bledsoe,  
Attorneys for Applicants.

I, Mary Adeline Ford, on oath, state that the allegation in the foregoing application are true as I verily believe.

Mary Adeline Ford.

Subscribed and sworn to before me this 31st day of August 1896.

T. H. Sturgeon, Notary Public.

Vinita, I. T. Sept. 7, 1896.

To Hon. Henry L. Dawes, Archibald McKennon, Frank Armstrong, A. B. Montgomery and Thos. B. Cabiness, Commissioners:

Your petitioner, David Davis, on behalf of himself and his children hereinafter mentioned respectfully show that he is a citizen of the Choctaw Nation by blood; that he is the son of Calaway Davis, a Choctaw Indian of 1/4 blood; that said Callaway Davis had 7 children, among the rest being Racheal Davis and this applicant David Davis; that this applicant married Mary Burch about the year 1881 and by her had 6 children as follows: Wm. Davis, 14 years old, Joseph Davis 12 years old, Lucy Davis 10 years old, Mary Davis 5 years old, Noah Davis 2 years old and Edith Davis 6 months old; all of whom join in this application; that the said Callaway Davis died near Hot Springs in the State of Arkansas many years ago; that this petitioner has always understood and been informed by his relatives that he was a Choctaw Indian by blood, and believes that his name and that of all of his children should be placed on the roll of Choctaw citizenship.

Wherefore, he prays that his name and the names of his children be so enrolled.

Ledbetter & Bledsoe.

Attys. for Applicants.

I, David Davis, after being duly sworn, on oath do say that the allegation in the foregoing application are true as I verily believe.

Witness: Hugh A. Ledbetter.

his  
David X Davis  
mark

Subscribed and sworn to before me this 2 day of Sept., 1896.

T. H. Sturgeon,

Notary  
Public.

Vinita, I. T. \_\_\_\_\_, 1896.

To the Hon. Henry L. Dawes, Archibald McKennon, Frank C. Armstrong, Thos. B. Cabiness and Alexander B. Montgomer, Commissioners:

Your petitioners, Andrew J. Owens and Elizabeth Owens, on behalf of themselves and their <sup>12</sup> children Jas. Owens, Robert Owens, Andrew J. Owens, William Owens, Racheal Owens, Arthur Owens, Felix Owens, John Owens, Jefferson Owens, Rueben Owens, Martin Owens, and Maggie Owens, and their two grandchildren, Effie Owens and Hattie Stewart, respectfully allege that all your petitioners herein, except the said A. J. Owens are citizens by the blood of the Choctaw Nation; that the said Elizabeth Owens' maiden name was Elizabeth Davis and that she was the daughter of Calaway Davis, a Choctaw Indian of the 1/4 blood; that the said Calaway Davis was born in the old Choctaw Reservation in the State of Mississippi and lived with the Indians in said reservation up to the time they came to the Indian Territory, and that he lived in the Indian Territory and in the State of Arkansas to the time of his death, about the year 1860; that the said Calaway Davis had 7 children among the rest being your petitioner herein, Elizabeth Davis, David Davis, Racheal Davis, mother of Adeline Ford, who applications for citizenship is herewith presented and filed before said commission; that the said Elizabeth Davis married your petitioner, A. J. Owens on the 28th day of April 1870, and by him had the 12 children above mentioned; that Jas Owens married Annie Mays in November, 1894 and by her had 1 child, the above named Effie Owens, and that Maggie Owens, one of the children of the said Andrew J. Owens and Elizabeth Owens, married R. L. Stewart in November 1895, and by him had one child, whose name is Hattie; that your petitioners have always understood and been informed that they were of Choctaw Indian blood and have always asserted their rights to citizenship in the Choctaw nation

Wherefore, they pray that their names be placed upon the

7

citizenship rolls of the Choctaw Nation.

Ledbetter & Bledsoe  
Attorneys for Applicants.

I, Elizabeth Owens, after being duly sworn, on oath, do say  
that I believe the allegations in the foregoing application are  
true.

Elizabeth Owens.

Subscribed and sworn to before me this \_\_\_ day of September, 1896.

T. H. Sturgeon,  
Notary Public.

Before the Commission for the Five Civilized Tribes.

In Re Application of Adeline Ford for  
Citizenship in the Choctaw Nation, Ind. Ter.

This day came before me the undersigned authority, William Roby, and after being duly sworn by me, deposes and says: My postoffice address in Wiley, Ind. Ter. I am about 60 years of age. I have lived in the Indian Territory all my life. I knew \_\_\_\_\_ (Cribbs) Davis. I knew her at Doaksville, Ind. Ter. I knew her to be a full blood Choctaw Indian. I knew her husband, Calaway Davis. He was killed during the war. The Cribbs family were always recognized as Choctaw Indians. I am an adopted Chickasaw Indian, and my rights as such have never been called in question. I have no interest in the claim of any of the above named parties.

Attest:

his  
William X Roby  
mark

Hattie French.

Subscribed and sworn to before me this the 7th day of September,  
1896.

R. F. French,  
Notary Public.

My Commission expires Nov. 16, 1896.

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

David Davis, et al,

vs.

Choctaw Nation.

Testimony taken before Hon. John Hinkle, Master in Chancery,  
on the 11th day of Januray, 1898.

Walker Martin being sworn on part of plaintiffs, testified  
as follows:

Direct examination by W. A. Ledbetter.

Q. Did you ever know a man by the name of Galaway Davis.

A. I did.

Q. When did you first get acquainted with him?

A. In 1854.

Q. Where was he at that time?

A. On what is known as the Colbert ferry road two miles and a half  
south of Blue River. He lived there.

Q. What was his occupation at that time?

A. He was making chairs and spinning wheels. He had a shop right  
on the road.

Q. How long were you acquainted with him after that time?

A. I was acquainted with him from that time up till the time of  
his death.

Q. Was he a white man or an Indian?

A. He was a white man. He had an Indian wife.

Q. How many times had he been married?

A. Twice.

Q. Was either or both of his wives Indians?

A. Both of them.

Q. Of what nation were they citizens?

A. Both Choctaws.

Q. Know whether he had any boys or not?

A. Yes sir, he did.

Q. K<sup>ow</sup> how many?

A. He had one boy by his first wife.

Q. K<sup>ow</sup> whether he had any other boys by his first wife or not?

A. No sir, I don't know.

Q. Do you know how many children he had by his second wife?

A. I do not. Two or three, I don't remember.

Q. Do you know the name of either of his wives, their Indian name?

A. His first wife I was not acquainted with her, but my information is that she was a Cribbs.

Q. Please state how you know her name was Cribbs?

A. Gallaway Davis and his son Blucher both joined our company in the Confederate army. The Chickasaw Battalion and the Choctaw regiment we were camped on Bushy Creek in the Choctaw Nation. Callaway Davis come to me and wated to getwa transfer to Alfred Cribbs Company. He was captian of the company, and stated his reason for it that Col. Walker who was Col. of the first Choctaw Regiment and that Alfred Cribbs a captain in the first Choctaw regiment, and he thought as Alfred Cribbs was his brother-in-law, and also, Col. Walker, he thought they would fare better there than he would in the Chickasaw battallion. Johnson Nail was captain of the company and he wouldn't grant the transfer.

Q. If you know the time and place under which Gallaway Davis died, please state it?

A. In 1864 the Chickasaw battallion was on camp at Boggy Depot. Gen. Cooper was there with his troop. He got word that the Federals werecoming. He ordered me to draw three days rations, 10 rounds of ammunition and go until I found out whether the Federals werecoming or not, and I went with 20 men. We met the Federals this side of the mouth of Little River, we had a fight with their advance guard. I lost four men out of the 20. One of the four was Gallaway Davis. We fell back, got more men, went up there and found Gallaway Davis dead, with both of his ears and nose

cut off. I think I was the last man seen him before he was killed, and one of the first men who found him after he was killed. The four men that we had killed their bodies were all mutilated.

Q. State whether or not you know a family of Choctaw Indians by blood by the name of Cribs?

A. I did and was well acquainted with them. Joe Cribs was the oldest one, Alfred Cribs was the next one; Ed Cribs next and Nat Cribs was the youngest one of the four boys.

Q. State whether or not Blucher Davis or his father Galaway Davis could speak the Choctaw language?

A. I don't know whether the old man could or not, but I know that Blucher could.

Q. Do you know where Blucher Davis is now?

A. He was in Bosque County Tex the last time I knew of him.

Q. Do you know when he left the Chickasaw Nation and what caused him to leave?

A. Yes sir, he left about the close of the war. When Col. Battle's regiment left this country, Blucher Davis went with him.

Walker Martin.

Sworn to and subscribed before me on this 11th day of January 1898.

John Hinkle,

Master in Chancery.



David Davis, et al

vs.

Choctaw Nation.

Testimony taken before Hon. John Hinkle, Master in Chancery  
on the 12th day of January, 1898.

Q. Please state your name, age and residence.

A. Name, David Davis, age 44, residence, Berwyn, I. T.

Q. What was your father's name?

A. Callaway Davis.

Q. What was your grandfather's name on your father's side?

A. His name was Callaway Davis.

Q. Was your grandfather a white man or an Indian?

A. He was a white man.

Q. What was your grandmother?

A. She was a full blood Choctaw Indian.

Q. Do you know what her name was?

A. Her name was Cribbs.

Q. What was your mother?

A. She was a white woman.

Q. How many children did your father and mother have?

A. There were ten.

Q. How are you related to Rachael Davis?

A. Racheal Davis is my sister.

Q. How is she related to Mrs. S. E. Ford?

A. Racheal Davis was Mrs. Ford's mother.

his  
David X Davis  
mark

Witness

T. H. Sturgeon.

Subscribed and sworn to before  
me this 12th day of January, 1898.

John Hinkle,  
Master in Chancery.

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

David Davis, et al

v

Choctaw Nation.

On this day came on to be heard before me, John Hinkle, master in chancery of this court, the application of David Davis, et al for enrollment as citizens of the Choctaw Nation, and after hearing said application and the evidence offered in support thereof, I am of the opinion that the testimony abundantly shows that one, Callaway Davis, a white man, married Amanda Cribbs a full blooded Choctaw Indian, and that they had a number of children among the rest being Callaway Davis, Jr.; that said Callaway Davis was a half breed Choctaw Indian, and that David Davis is the son and entitled to citizenship of said Callaway Davis; that said Callaway Davis also had a daughter by the name of Rachael Davis, and another daughter by the name of Elizabeth Davis, who were also Indians by blood.

David Davis married Mary Burch about the year 1881, and by her has six children, and she and the six children, whose names are as follows, are in my opinion, entitled to enrollment as Choctaw Indians William Davis, Joseph Davis, Lucy Davis, Mary Davis, Noah Davis and Edith Davis.

I further find that said Rachael Davis had a number of children, among the being Adeline Ford; that said Rachael Davis is dead, but that said Adeline Ford and her nine children whose names are as follows, are entitled to enrollment as Choctaw Indians: Wm. Ford, Bence Ford, Eva Ford, Sidney Ford, Joseph Ford, Samuel Ford, Henry Ford, Fred Ford, and Luther Ford. I further find that said Adeline Ford married S. E. Ford about the year 1882, but that said marriage was not solemnized according to the laws of the Choctaw Nation, and the said S. E. Ford is not entitled to enrollment as a Choctaw citizen.

John Hinkle,  
Master in Chancery.

11

1-2-11

David Davis et al.

Vs. Judgment, Southern District, Nov. 15, 1898.

Choctaw nation.

On this 17th day of January, 1898, come on to be heard in open Court the report of the Master in Chancery in the above styled cause, and after duly considering said report and the evidence in support thereof, the Court is of the opinion that said report ought to be confirmed.

It is therefore adjudged and decreed by the Court that the said report be and the same is hereby confirmed, and it is hereby adjudged and decided that the following applicants for citizenship in the Choctaw nation are citizens of the Choctaw nation and entitled to be enrolled as citizens of the Choctaw nation and to have their names upon the rolls of Choctaw citizens ip.

David Davis, Mary Burch, William Davis, Joseph Davis, Lucy Davis, Mary Davis, Noah Davis, and Edith Davis, Adeline Ford, Wm. Ford, Bence Ford, Eva Ford, Sidey Ernest Ford, Joseph Ford, Samuel Ford, Henry Ford, Fred Ford, and Luther Ford.

It is further adjudged and decreed by the Court that all of the above named applicants do have and recover of and from the Choctaw nation all costs in this proceeding.

Hosea Townsend,

Judge .

South McAlester, Indian Territory, June 29, 1903.

David Davis, et al,

vs. T. No. 40. Southern District No. 74.

Choctaw Nation.

LETTER OF INSTRUCTIONS.

The office files of the papers in this case are herewith delivered, and you are directed to make an investigation thereof, along the lines indicated, conforming in the main to the instructions contained in this letter, and to return the same together with your written report and exhibits attached thereto at the earliest practicable date.

---

This case is the consolidation of three separate applications made to the Dawes Commission under the Act of Congress of June 10, 1896, viz: Mary Adeline Ford, et al, David Davis, et al, and Andrew J. Owens, et al. The applicants were all denied by the Dawes Commission and the three causes appealed to the United States Court for the Southern District of the Indian Territory. Judgment was rendered November 15, 1898, reversing the decision of the Commission in the Mary Adeline Ford and David Davis cases, and admitting as citizens of the Choctaw Nations the parties applicant in these two cases.

The Court does not seem to have disposed of the Andrew J. Owens case, and it is questionable if the appeal was ever perfected to the federal court as to these applicants.

The petition for writ of error to the Choctaw and Chickasaw Citizenship Court includes all of the applicants in the Mary Adeline Ford and David Davis cases. None of the applicants in the A. J. Owens case are included in the petition, nor are they apparently parties litigant before the Citizenship Court.

---

CLAIM OF APPLICANTS.

The applicants in this case claim their right to admission, recognition and enrollment as citizens by blood of the Choctaw Nation by reason of being the direct lineal descendants of a Calloway Davis, whom they allege was a one fourth blood Choctaw Indian, and subsequently amend this claim by the allegation that Calloway Davis was the son of Calloway Davis, a white man, who was married to a full blood Choctaw Indian by the name of Cribbs.

---

Our theory of this case is that it is the grossest fraud; that there is absolutely no founda-

tion to the claim, and this view is corroborated by the allegations of the applicants in their several petitions.

When they first presented their applications to the Dawes Commission they alleged that Calloway Davis, the father of David Davis, Rachael Davis and Elizabeth Davis was a one fourth blood Choctaw Indian, and apparently died in several different places at several different times.

---

Mary Adeline Ford alleges that he was killed by wild Indians in the Choctaw Nation. David Davis alleges that he died near Hot Springs, Arkansas many years ago. Elizabeth Owens alleges that he died in Arkansas about the year 1860. William Roby testifies that he was killed during the war, and Walter Martin alleges that he was killed by federal soldiers at the mouth of Little River, Choctaw Nation, Indian Territory.

Based as this entire case is upon a fabrication of untruths, we cannot but conclude that there never was any such woman as Amanda Cribbs, or a Choctaw Indian by the name of Calloway Davis. It is possible that the principal applicants in this case may be the children of a Calloway Davis, but that if so he was not possessed of any Choctaw blood, or ever a recognized member of the Choctaw Nation in Indian Territory.

An examination has however been made of the records of persons who were beneficiaries under the fourteenth article of the treaty of 1830, or who were participants in the distribution of the "Net Proceed" fund, and who were members of the Choctaw tribe in Mississippi at the time of the ratification of the treaty of 1830, and we do not find the names of Galloway Davis, or Amanda Cribs.

---

EVIDENCE.

The evidence consists of the ex-parte affidavit of William Roby, and the depositions of Walker Martin and David Davis, taken before the Master in Chancery at the trial of this cause before the United States Court for the southern District of the Indian Territory.

---

Walker Martin, who formerly lived at Durwood, Indian Territory is now dead. David Davis is himself one of the applicants, and the only witness who can be approached is William Roby.

---

*Dead*

William Roby in his affidavit of September 7, 1896 alleges that he is sixty years of age, and

lives at Wiley, Indian Territory; knew \_\_\_\_\_  
(Cribs), Davis; knew her at Doakesville, Indian  
Territory;, she was a full blood Choctaw Indian;  
also knew her husband Calloway Davis; he was killed  
during the war; the Cribs were always recognized as  
Choctaw Indians.

Our theory of this affidavit is that it  
is entirely fraudulent; that if the affiant ever did  
execute the same, it was without any knowledge or  
explanation to him of the contents thereof. You  
are accordingly directed to see this witness and ob-  
tain from him a statement or counter affidavit.

Examine him first as to the applicants in  
this case; have him trace their ancestry as far back  
as possible, and then specially examine him as  
to the Cribs family of Choctaws that he alleges  
to have known.

---

Walker Martin testified before the  
Master in Chancery that he knew Calloway Davis;  
first became acquainted with him in 1854; I  
knew him from that time up until his death; he  
was a white man and had two wives, both of whom  
were Indians; had one boy by his first wife and  
two or three children by his second wife; was not  
acquainted with his first wife, but has been  
informed that her name was Cribs. Testifies  
that Galloway Davis was killed at the mouth of



Little River in an engagement between the Confederate and federal soldiers in 1864; witness was acquainted with the Choctaw family of the name of Cribbs.

The majority of the testimony of this witness is entirely hearsay, as his information as to Calloway Davis's wife being a Choctaw is gathered entirely from conversations had with Calloway Davis himself.

Our Mr. Richardson has heretofore been directed to secure a counter affidavit from this witness, but reports that he is now dead, having committed suicide near Durwood, Indian Territory.

---

The applicant Davis Davis testifies that his father and grand father were both named Calloway Davis; that his grand father was a white man who married a full blood Choctaw Indian by the name of Cribbs.

The most noteworthy fact about the testimony of this witness is the contradictions to the allegations in the original petition. He himself being an applicant no investigation of his testimony can be made.

---

It is probable that these people are now residing in the <sup>Chickasaw</sup> ~~Choctaw~~ Nation, Indian Territory,

possibly in the immediate vicinity of Durwood,  
and it may be that you will be able to secure some  
information as to their antecedents from citizens  
of the Choctaw and Chickasaw Nations living in that  
locality.

Proceeding on the theory of fraud, you  
will make your investigation of this case as facts  
may come to your knowledge, without first returning  
to or reporting to this office for further and more  
specific directions.

Yours very truly,