

LOULA WEST CASE *b. 23*

Neta Crum, (nee Davis)

See Case No. 12.

*On motion of Commissioner
Case consolidated with
that of Anna J. Mason No. 12.*

SP 10/15/06

DECISION RENDERED. NOV - 9 1906

REFUSED. NOV - 9 1906

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. NOV - 9 1906

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.
NOV - 9 1906

COPY OF DECISION FORWARDED
APPLICANT
NOV - 9 1906

RECORD FORWARDED DEPARTMENT.
NOV - 9 1906

*See 7-4448 also
for recaps
(over) C-12-17-20
21-22 & 24*

MAR - 1 1907

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAY - 7 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDING ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAY - 7 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAY - 7 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

7-4448
4446
4447
R-558
4445
R-482
4444

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Anna Krebs, et al., as citizens of the Choctaw Nation.

D E C I S I O N

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that on September 2, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Anna Krebs (now Anna J. Mason) as a citizen of the Choctaw Nation; That on September 2, 1899, application was made for the enrollment of Alonzo M. Davis as a citizen of said nation; that on September 2, 1899, application was made for the enrollment of Clara Standifer (now Clara Travel) as a citizen of said nation; that on July 27, 1901, application was made for the enrollment of Georgena Ethel Travel as a citizen of said nation; that on June 8, 1900, application was made for the enrollment of Willie Gertrude Standifer as a citizen of said Nation; that on September 2, 1899, application was made for the enrollment of Robert M. Davis as a citizen of said nation; that on June 4, 1900, application was made for the enrollment of Cera Delvina Davis as a citizen by intermarriage of said nation; and that on September 2, 1899, application was made for the enrollment of Rhoda L. Davis as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of her six minor children, Clarence, Neta, Arthur, Mamie, Virgin and James Davis, as citizens of said nation.

The right of the applicant, Anna Krebs, (now Anna J. Mason) to enroll as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to one Henry Krebs, an alleged Choctaw by blood, was denied by the Commission to the Five Civilized Tribes on May 6, 1905, and is now pending before the Department. Her rights as a citizen by intermarriage of the Choctaw Nation will, therefore, not be passed upon herein.

It further appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "J. B. Davis, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 317), original application was made to said Commission under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), for admission to citizenship in the Choctaw Nation of the applicants, Anna Krebs, Clara Standifer, Robert M. Davis, Rhoda L. Davis, Clarence Davis, Neta Davis, Arthur Davis, Virgil Davis, Mamie Davis and James Davis, as citizens of said nation; and that on December 2, 1896, said Commission rendered its decision therein denying said application.

It further appears from the records of the Commission to the Five Civilized Tribes that on September 7, 1896, in the case entitled "Alonzo M. Davis, vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 325), original application was made to said Commission under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), for admission to citizenship in the Choctaw Nation of the applicant, Alonzo M. Davis, as a citizen by intermarriage of the Choctaw Nation, said applicant claiming his right thereto by virtue of having married a citizen by blood of the Choctaw Nation; and that on December 2, 1896, said Commission rendered its decision therein admitting said applicant as an intermarried citizen of the Choctaw Nation.

Thereafter appeals were taken in the above cases to the United States Court for the Central District of the Indian Territory, where on July 15, 1897, the court ordered that the above cases be consolidated under the style of "A.M. Davis, et al., vs. Choctaw Nation" (Central District Court Case No. 174). On August 25, 1897, said court rendered its decision therein decreeing that all of the above named applicants "be enrolled as Members of the Choctaw Nation and entitled to all the privileges of such citizens."

On December 17, 1902, the Choctaw and Chickasaw Citizenship court, created under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641) "set aside, annulled and vacated and held for naught" the aforesaid judgment of the United States Court for the Central District of the Indian Territory.

Subsequently, said case was certified to said Choctaw and Chickasaw Citizenship Court for a trial de novo, and on November 29, 1904, said court, in the case entitled "Viney Davis, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case No. 100, McAlester Docket), rendered its decision therein, wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs, Viney Davis, or Mrs. R. L. Davis, Clarence Thomas Davis, or Clarence Davis, Jaunita Levina Davis, or Meter Davis Arthur Earl Davis, or Arthur Davis, Marie Ethel Davis, or Mamie Davis, Virgie Jerome Davis, or Vergie Davis, James Russell Davis, or James Davis, Alonzo McConnell Davis, or Alonzo L. Davis, Anna James Mason, or Annie Krebs (nee Davis), Clara Louise Davis Travel (or Trowel) or Clara Standifer, and Robert Murrow Davis, or Robert M. Davis, 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; and as to the petitioners, Willie Gertrude Standifer and Georgina Ethel Travel (or Trowel), the court having no jurisdiction their case is dismissed."

January 21, 1905, the Commission to the Five Civilized Tribes entered of record orders dismissing the applications for the enrollment of Georgina Ethel Travel and Cora Delivina Davis as citizens of the Choctaw Nation for the reason that the persons through whom they claimed their said right were denied by the Choctaw and Chickasaw Citizenship Court.

On April 1, 1903, the Commission to the Five Civilized Tribes denied the application for the enrollment of Willie Gertrude Standifer as a citizen of the Choctaw Nation, which decision was on January 16, 1905 (I. T. D. 370-1905), affirmed by the Department.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there was filed in January, 1906, petitions praying for the enrollment of Anna J. Mason, Alonzo M. Davis, Clara L. Travel, Willie G. Standifer, Georgenia E. Travel, Kathrena A. Travel, Robert M. Davis, Gertrude M. Davis, Cora D. Davis, Rhoda L. Davis, Arthur Davis, James Davis, Virgil Davis, Mamie (or Minnie) Davis, Neta Crum (nee Davis), and Clarence Davis, as citizens of the Choctaw Nation.

Hearings were had in the matter of said petitions at Muskogee, Indian Territory, on March 6, 1906.

The applicants, Anna Krebbs, (now Anna J. Mason), Alonzo M. Davis, Clara Standifer and Robert M. Davis, claim their right to enrollment as citizens of the Choctaw Nation by reason of being the children of J. D. Davis, a white man, who is alleged to have been a citizen by intermarriage of the Choctaw Nation, and Mattie Davis, a non-citizen white woman; that the applicants, Clarence Davis, Neta Davis (now Crum), Arthur Davis, Mamie Davis, Virgil Davis and James Davis, claim their right to enrollment as citizens of said nation by reason of being the children of the said J. D. Davis (above mentioned), and the applicant, Rhoda L. Davis, a white woman; that Cora Delvina Davis claims her right to enrollment as a citizen by intermarriage of said nation by reason of her marriage to the applicant, Robert M. Davis; that Rhoda L. Davis claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by virtue of her marriage to J. D. Davis (now deceased), an alleged citizen by intermarriage of the Choctaw Nation; and Alonzo M. Davis also claims his right to enrollment as a citizen of said nation by virtue of his marriage in 1890 to Lorena Davis a recognized citizen by blood of the Choctaw Nation, whose name appears as number 12321 upon the final roll of citizens by blood of the Choctaw Nation approved by the Secretary of the Interior March 6, 1903, Willie Gertrude Standifer is the minor daughter of the applicant, Clara Standifer, and Robert Standifer, a non-citizen white man; Georgenia Ethel Travel and Kathrena A. Travel are the minor daughters of said Clara Standifer and one Travel, a non-citizen white man; and Gertrude M. Davis is the daughter of the applicants, Robert M. Davis and Cora Delvina Davis.

The record in this case shows that Alonzo M. Davis was not married to his Choctaw wife by virtue of a license issued by the tribal authorities of the Choctaw Nation.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office it appears that the applicants, Rhoda L. Davis, Alonzo M. Davis, Clara Standifer (now Travel), Robert M. Davis, Clarence Davis and Neta Davis (now Crum) are identified upon the 1885 Choctaw Census Roll, Atoka County, opposite numbers 630, 631, 632, 633, 635, and 636, respectively.

The applicant, Anna Krebs, (now Mason), is identified upon the 1896 Choctaw Census Roll, Atoka County, No. 14421.

I am of the opinion that the orders of the Commission to the Five Civilized Tribes of January 21, 1905, dismissing the applications for the enrollment of Georgena Ethel Travel and Cora Delvina Davis as citizens of the Choctaw Nation should be rescinded, and it is so ordered.

I am further of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, the application and petition for the enrollment of Anna Krebs (now Mason), Alonzo M. Davis, Clara Standifer, Georgena Ethel Travel, Robert M. Davis, Clarence Davis, Neta Davis, (now Crum), Arthur Davis, Mamie Davis, Virgil Davis, and James Davis, as citizens of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that the petition for the enrollment of Willie Gertrude Standifer as a citizen of the Choctaw Nation should be dismissed, and it is so ordered.

I am further of the opinion that the application and petition for the enrollment of Alonzo M. Davis and Cora Delvina Davis as citizens by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that following the ruling of the Department in the case of Emma McMenamin (I.T.D. 11582-1904), the application and petition for the enrollment of Rhoda L. Davis as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that the petition for the enrollment of Katherena A. Travel and Gertrude M. Davis as citizens of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), as amended by the Act of Congress approved June 21, 1906 (Public No. 258), and it is so ordered.

Signed Tams Bixby,
Commissioner.

Muskogee, Indian Territory,
Nov. 9, 1906