

D-27
Inclusion
Jones

August 5, 1963

Mr. Philleo Nash, Commissioner
Bureau of Indian Affairs
Department of the Interior
Washington 25, D.C.

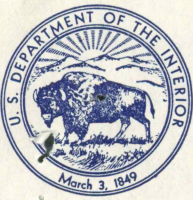
Dear Commissioner Nash:

I am attaching hereto a resolution and a proposed bill relative to the transfer of 80 acres of land formerly owned by George Jones, full blood Creek Indian, Roll No. 7821, to his heirs. I am advised that the resolution was adopted unanimously by the Creek Indian Council on July 27.

I have been requested to introduce legislation which would bring about this transfer and clear the title. Your comments relative to this matter would be appreciated. I would also appreciate knowing if there might be other means whereby this could be accomplished without the proposed legislation.

Sincerely,

DMcB:cs



IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON 25, D. C.

Real Prop. Mgmt.
Acq. & Disp.
5721-63
5774-63

Hon. Mike Monroney
United States Senate
Washington 25, D. C.

SEP - 51963

Dear Senator Monroney:

This relates to your correspondence of August 5 enclosing a proposed bill and a resolution from the Creek Indian Tribal Council wherein it is proposed to transfer 80 acres of land formerly owned by Adam Jones, unenrolled Creek Indian, to his heirs.

By warranty deed dated December 1, 1941, Mr. George Jones, a full blood Creek Indian, Roll No. 7821, conveyed this land to the United States in trust for his son, Adam Jones, during his life time, then in trust for the Creek Tribe of Oklahoma until such time as the use of the land is assigned by the Secretary of the Interior to a cooperative group organized under the Act of June 26, 1936 (49 Stat. 1967), or to an individual Indian, then in trust for such group or individual. Adam Jones therefore owned what amounted to a life estate in this property and upon his death title vested in the United States for the Creek Tribe of Oklahoma.

Even though the Creek Tribe desires to convey title to the heirs of Adam Jones, unfortunately there is no authority at this time for the sale or disposal of this land. This same situation exists with respect to certain other Indians of the Five Tribes, except the Choctaw Tribe. The Act of August 25, 1959 (73 Stat. 420), provides among other things that land so acquired by members of the Choctaw Tribe shall be conveyed to the tenant, his heirs, devisees, successors, or assigns in an unrestricted status. That act, however, has no application to the Creek Indians. Indeed, the only means by which title could be transferred to the heirs of Adam Jones would be through legislation.

The resolution and proposed bill enclosed with your letter are returned.

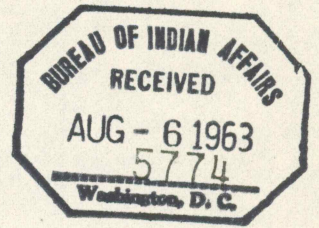
Sincerely yours,

Assistant

Commissioner

Enclosures

*Mr. Morris L. W. Allen
Indian Operations Office
B.I.A.
Monroney*



RESOLUTION

WHEREAS, George Jones, full blood Creek Indian, Roll No. 7821, was the owner of approximately 80 acres of restricted Indian land, described as

The South Half of the Northwest Quarter
(S $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 5, Township 10 North,
Range 15 East of Indian Base and Meridian,

and wished to convey said land to his son, Adam Jones, full blood Creek Indian, nonenrolled, in such manner that the land would be restricted and tax exempt; and

WHEREAS, George Jones was informed in writing by an employee of the Bureau of Indian Affairs that this could be accomplished by conveying his land to the United States of America in trust for Adam Jones and his heirs; and

WHEREAS, George Jones, pursuant to said advice, did on the 1st day of December, 1941, execute a Special Warranty Deed to Adam Jones, said deed being approved by the Department of the Interior on the 7th day of March, 1942, and containing therein the following, to wit:

"The United States in trust for Adam Jones, an Indian of the Creek Tribe, during his lifetime, then in trust for the Creek Tribe of Oklahoma, until such time as the use of the land is assigned by the Secretary of the Interior to a cooperative group organized under the Act of June 26, 1936 (49 Stat. 1967), or to an individual Indian, then in trust for such group or individual," and

WHEREAS, Adam Jones took possession of said real property and expended approximately the sum of \$5,000.00 of his restricted funds in permanent improvements, i.e. remodeling, renovating and reconditioning said premises; and

WHEREAS, had Adam Jones known the legal effect of the granting clause in said deed, then said funds would not have been expended for such improvements; and

WHEREAS, the total amount of money expended by the United States of America in this transfer of title was \$53.00 for abstracting and recording fees; and

WHEREAS, said Adam Jones died on or about November 14, 1961, and his heirs were judicially determined by the County Court of McIntosh County, Oklahoma, Case No. 5375, to be Hattie Jones, his surviving spouse, 5/16 blood Creek nonenrolled, Bobby R. Jones, son, 21/32 blood Creek nonenrolled, Tommy Leon Jones, son, 21/32

blood Creek nonenrolled, Carrie Lee Jones, daughter, 21/32 Creek nonenrolled, Adam Jones, Jr., son, 21/32 blood Creek nonenrolled, and Marietta Elciea Jones, granddaughter, 21/64 blood Creek nonenrolled, and these heirs, upon learning the correct legal status of said property, now desire that said title be corrected and the fee simple title be vested in them; and

WHEREAS, the Creek Tribe of Oklahoma on being advised of the true facts and circumstances of said conveyance, and of its legal effect, does not wish to hold the use of said land until said use is determined; and

WHEREAS, it is believed that the Secretary of the Interior does not anticipate assigning said above described real property to a cooperative group organized under the Act of June 26, 1936 (49 Stat. 1967), or to an individual Indian, or to create a trust for such group or individual; and

WHEREAS, the Creek Tribe of Oklahoma desires to convey any right, title or interest said Tribe may now have in said above described real property to the heirs of Adam Jones as determined by the County Court of McIntosh County, State of Oklahoma; and

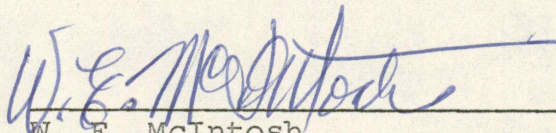
WHEREAS, the Creek Tribe of Oklahoma recommends to the Secretary of the Interior and the Congress of the United States that proper legislation be enacted to correct the injustice done to Adam Jones and his heirs above listed:

NOW, THEREFORE, BE IT RESOLVED by the Creek Tribe of Oklahoma, through its duly selected council in regular meeting duly assembled, that the Principal Chief of this Tribe is hereby authorized and directed to execute the necessary legal instruments to disclaim any right, title or interest said Tribe may have in said above described lands to the heirs of Adam Jones as above determined; and

BE IT FURTHER RESOLVED, that said Creek Tribe of Oklahoma does hereby further recommend that appropriate steps be taken for the enactment of necessary legislation authorizing the Secretary of the Interior to convey to the heirs of Adam Jones as shown above the full fee simple title in the land above described; and

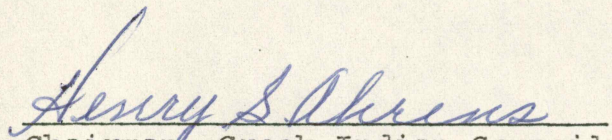
BE IT FURTHER RESOLVED, that authenticated copies of this Resolution be transmitted to the Honorable Stewart L. Udall, Secretary of the Interior, Phileo Nash, Commissioner, Bureau of Indian Affairs, Virgil N. Harrington, Area Director, Muskogee Area, United States Senators A. S. (Mike) Monroney and J. Howard Edmondson, all the members of the House of Representatives from the State of Oklahoma, and the Chairmen of the Committees on the Department of the Interior of the House of Representatives and the United States Senate.

Dated this 27th day of July, 1963, at Okmulgee, Oklahoma.




W. E. McIntosh
Principal Chief

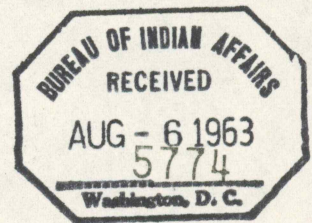
Attest:



Chairman, Creek Indian Council



Secretary



A N A C T

To provide for conveyance to heirs of Adam Jones, Creek Not Enrolled,
approximately 80 acres of land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That the Secretary of the Interior be authorized and directed to convey all of the right, title and interest of the United States and of the Creek Tribe of Indians of Oklahoma in the land herein described, being the South Half of the Northwest Quarter ($S\frac{1}{2}$ NW $\frac{1}{4}$) of Section 5, Township 10 North, Range 15 East of Indian Base and Meridian, to the heirs of Adam Jones, Creek Not Enrolled, in the proportions as determined by the County Court of McIntosh County, Oklahoma, Case No. 5375, as follows:

Wife, Hattie Jones, 5/16 blood Creek Not Enrolled	1/3
Son, Bobby R. Jones, 21/32 blood Creek Not Enrolled	2/15
Son, Tommy Leon Jones, 21/32 blood Creek Not Enrolled	2/15
Daughter, Carrie Lee Jones, 21/32 blood Creek Not Enrolled	2/15
Son, Adam Jones, Jr., 21/32 blood Creek Not Enrolled	2/15
Granddaughter, Marietta Elciea Jones, 21/64 blood Creek Not Enrolled	2/15