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IN REPLY REFER TO:

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

July 17, 1963

*Int. -  
Indians*

Mr. Charles F. Burns  
Attorney at Law  
P. O. Box 551  
Miami, Oklahoma

Dear Mr. Burns:

Through the Departmental Solicitor, your letters of May 28, 1963, addressed to Senator Monroney, and to the Attorney General, have been referred to this Bureau for reply. Both letters relate to the present status of Kansas Reserve No. 206, originally allotted to Newton McNeer.

According to our records, a restricted fee patent was issued to Mr. McNeer on December 28, 1859, pursuant to the provisions of the Act of March 3, 1859 (11 Stat. 430). A good many years subsequent to the death of the allottee (approximately in the year 1860) a Departmental heirship hearing was held and on April 13, 1920, the Secretary found the heirs of the said Newton McNeer, and of his deceased wife, Nancy McNeer, and their respective shares of the estate, to be as follows:

John Todd	300/720
R. H. Crotzer	150/720
Nanny Sparkman	25/720
Phoebe Cooley	25/720
Lottie Ballinger	25/720
Sybil Crotzer	25/720
Iva Crotzer	25/720
Reba Crotzer	25/720
Ben Hall	60/720
Benjamin Hall, Jr	12/720
Laura Hall Brannan	12/720
Frank Hall	12/720
Amelia Blair	12/720
Edith Smith Hall	6/720
Garlie Hall	2/720
Hallie Hall	2/720
Ernestine Hall	2/720

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At the time of this finding, the remaining unsold portion of said Kansas Reserve No. 206 consisted of the  $N\frac{1}{2}SE\frac{1}{4}$  and the south 14 acres of the  $SE\frac{1}{4}NE\frac{1}{4}$ , sec. 25, T. 12 S., R. 22 E., sixth principal meridian, Johnson County, Kansas.

On March 31, 1921, pursuant to hearing, the Secretary determined that Frank Hall, one of the McNeer heirs, had died on or about October 4, 1918, and that his sole heir at law, entitled to his 12/720 interest in this estate, was his father, Ben Hall.

On June 10, 1927, in the case entitled United States v. William T. Stephenson, et al., Equity No. 631-N, in the District Court of the United States, District of Kansas, First Division, title to the lands described as above, was quieted in the heirs of the said Newton McNeer, as determined by the Secretary in the Newton McNeer and the Frank Hall Heirship determinations. We understand that a copy of this decree already has been furnished you by the Attorney General.

Subsequent probate proceedings affecting the lands in question, of which this Office has a record, are as follows:

- (1) The estate of Benjamin Hall, Jr., deceased Delaware unallottee, wherein, on October 7, 1953, his widow, Myrtle Hall Seibert, a White woman, was determined to be the sole heir to his 12/720 interest.
- (2) The estate of Annie (Nannie) Sparkman, deceased Cherokee-Shawnee unallotted, wherein, on October 7, 1953, the heirs to her 25/720 interest, and their respective shares were determined to be:

Augustus Henry Sparkman (White)	8/16
Pansy Sparkman Oyler (Cherokee-Shawnee)	1/16
Gilbert Reid Sparkman (Cherokee-Shawnee)	1/16
Edna May Sparkman Marshall (Cherokee-Shawnee)	1/16
Ferol Sparkman Jingst (Cherokee-Shawnee)	1/16
Myrtle Sparkman Roberts (Cherokee-Shawnee)	1/16
Herbert H. Sparkman (Cherokee-Shawnee)	1/16
Kenneth D. Sparkman (Cherokee-Shawnee)	1/16
Alma Sparkman Hershman (Cherokee-Shawnee)	1/16

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- (3) The estate of Lottie Ballinger, deceased Shawnee unallotted, wherein, on October 6, 1953, the heirs to her 25/720 interest, and their respective shares, were determined to be:

Reuben Richard Ballinger (Shawnee unal.)	1/4
Fannie Alice Ballinger Jenkins (Shawnee unal.)	1/4
Mildred Naydeen Ballinger LaDuke (Shawnee unal.)	1/4
Thelma Marie Ballinger Murphy (Shawnee unal.)	1/4

- (4) The estate of Iva Crotzer Currey, deceased Shawnee unallotted, wherein, on October 6, 1953, the heirs to her 25/720 interest, and their respective shares, were determined to be:

W. F. Currey (Cherokee)	4/8
Dick Currey (Shawnee-Cherokee unal.)	1/8
Bill Currey (Shawnee-Cherokee unal.)	1/8
Mary Ann Currey (Shawnee-Cherokee unal.)	1/8
Jimmy Currey (Shawnee-Cherokee unal.)	1/8

- (5) The estate of Sybil Crotzer Elrod, deceased Shawnee unallotted, wherein, on October 6, 1953, her surviving husband, J. Gerald Elrod, a White man, was determined to be the sole heir to her 25/720 interest.

- (6) The estate of John Todd, deceased Cherokee-Shawnee unallotted, wherein, on July 16, 1954, the heirs to his 300/720 interest, and their respective shares, were determined to be:

Mary Marcella Todd Wilcox (Cherokee-Shawnee unal.)	1/7
Florence E. Todd Scott (Cherokee-Shawnee unal.)	1/7
Lois L. Todd Wagner (Cherokee-Shawnee unal.)	1/7
Robert S. Todd (Cherokee-Shawnee unal.)	1/7
Paul F. Todd (Cherokee-Shawnee unal.)	1/7
George W. Todd (Cherokee-Shawnee unal.)	1/7
Charles H. (Dick) Todd (Cherokee-Shawnee unal.)	1/7

On the basis of this record it is evident this land is in a highly complicated heirship status and is owned by both Indian and White heirs. There is the liklihood that others of the heirs listed above may also now be deceased, of which fact this Office has no notice.

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Because of the claim of Phoebe Cooley as an heir of John Todd, your attention is invited particularly to the finding in his estate that his sole heirs at law, entitled to his interest in the McNeer tract, were his seven children, as herein shown.

This Office is unable to give you any information as to the matter of present possession of the property. It may be that either our Anadarko Area Office, or the Agency having jurisdiction over these lands, will be able to do this. We are therefore forwarding a copy of your inquiry to Mr. Will J. Pitner, Area Director, Federal Building, Anadarko, Oklahoma, with the request that he write you directly.

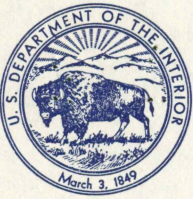
Sincerely yours,

/s/ Paul Hand  
Deputy Assistant

Commissioner

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

IN REPLY REFER TO:

Real Prop. Mgmt.  
Records  
CR 4794-63  
5314-63

JUL 23 1963

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

Dear Senator Monroney:

We have your communication of July 12 with which you enclosed a letter from Mr. Charles F. Burns, an attorney for the estate of Newton McNear and Phoebe Cooley, deceased.

Enclosed is a copy of a letter to Mr. Charles F. Burns dated July 17 concerning this matter.

If we can be of further assistance, please do not hesitate to let us know.

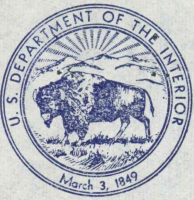
Sincerely yours,

Assistant

Commissioner

Enclosures





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Sincerely yours,

(SGD) E. REESEMAN FRYER  
ASSISTANT Commissioner

Enclosures



July 12, 1963

Mr. Charles F. Burns  
Box 551  
Miami, Oklahoma 74354

Dear Mr. Burns:

This is to acknowledge receipt of your letter with further reference to the estate of Newton McNear, deceased Shawnee Indian.

You state that since the Department of Justice wrote me about this case on June 11, 1963, Phoebe Cooley, who believed she had an interest in the McNear estate, has died.

I am calling this information to the attention of the Solicitor, Department of the Interior, since that Department is responsible for the administration of Indian affairs, with a request for a prompt reply.

With best regards and good wishes, Ham

Sincerely yours,

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