

Law-Heirship-
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F V S

General Harrison

Approval of Heirship,
Estate of General Harrison,
Seneca, Oklahoma.

MAR -8 1915

Quapaw Indian Agency
Wyandotte, Okla.

Rec'd. MAR 26 1915

No. 3043

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith report on heirship and accompanying papers in the matter of the determination of the heirs to the estate of General Harrison, deceased Quapaw allottee No. 186, of the Seneca School and Quapaw Agency, Oklahoma, for the consideration of the Department.

This allottee had received, in accordance with the Act of March 2, 1895 (28 Stat. L. 507), land described as Lots 3 and 4 of the SW $\frac{1}{4}$, Lots 1 and 2 of the NW $\frac{1}{4}$ Sec. 2, and Lots 1 and 2 of Sec. 11, T. 28 N., R. 23 E., E.M., Oklahoma. The restricted patent for this land was issued September 26, 1896.

It appears from the evidence adduced at the hearing that the allottee died intestate October 3, 1893, at the age of 25 years. At the time of the death

of this allottee the law of Arkansas was in force among the Quapaw Indians. In accordance with this law his wife, Isabelle Harrison, now Johnson (McGoone), was entitled to a dower right in his estate consisting of the use of 1/3 thereof during her lifetime. This decedent left no issue and the heirs to his estate were his half sister, Mah-shing-tah-nah (Xavier), and sister, Mary J. Calf, and his nephew, Robert Lottson, son of a prior deceased half brother, Jim Crow, entitled each to a 1/3 interest.

It further appears that on June 24, 1907, Robert Lottson, nephew of the original decedent, died intestate, leaving surviving his wife, Lucy Lottson, now Lewis, entitled to dower in ^{the part of} his interest in this estate, ^{not already subject to dower right} and his son, Louis Lottson, who was the heir to his 1/3 interest, in accordance with the law of Arkansas then in force among the Quapaw Indians.

On July 1, 1915, Louis Lottson, son of Robert Lottson, died intestate at the age of 17 years, unmarried and without issue, or father. In accordance with the law of Oklahoma then in force his entire interest in this estate descended to his mother, Lucy Lottson, now Lewis, in whom the dower right and the right by inheritance thus merged.

It further appears that on October 10, 1910, the Secretary of the Interior approved a deed from Mah-shing-tah-nah (Xavier), et al, heirs of General Harrison, conveying to R. J. Edwards, Lots 3 & 4 of Sec. 2, T. 28 N., R. 23 E., I.M., Oklahoma. This land was sold for a consideration of \$1728.00. Of this amount the half sister Mah-shing-tah-nah (Xavier) received \$1265.00 and Isabelle Harrison, now Johnson (McCoonse), wife, received \$463.00, as part satisfaction of her dower.

This action was taken in pursuance of a decree of the District Court for the Second Judicial District of the State of Oklahoma, which, on January 30, 1908, partitioned this land giving 1/3, as described above, to Mrs. Xavier, 1/3 to Mary J. Calf, and 1/3 to Louis Lettsen. To the widow, Isabelle Harrison, now Johnson (McCoonse), was given a life interest in lots 1 and 2, Sec. 11, and Lot 4, Sec. 2, T. 28 N., R. 23 E., I.M., Oklahoma.

At the same time the Department approved a deed from Mary J. Calf and Isabelle Harrison, now Johnson (McCoonse), conveying to C. N. Harvey, Lots 1 & 2, Sec.

11, T. 23 N., R. 22 E., T.M., Oklahoma, for a consideration of \$1656.72. Of this amount \$1000.00 went to Isabelle Harrison, nee Johnson (McCormack), and \$656.72 to Mary J. Galt, sister.

It thus appears that the sister and half sister have sold their shares in this estate and that the dower right of the wife has been satisfied out of the proceeds of such sale. The share remaining unsold therefore is that originally belonging to Robert Lotson, which rightfully belongs to his widow, Lucy Lotson, as above shown.

I therefore have the honor to recommend that the court proceedings and sales as outlined above be formally approved, and that it be declared that the sale held to the unsold portion of this estate is Lucy Lotson, mother of subsequently deceased son of the subsequently deceased property of the original decedent.

Respectfully,

(Signed) E. B. Merritt

Assistant Commissioner.

2-As-37
Inv. 9935.

MAR 20 1915

Approved:

(Signed) BO SMOGNEY

Assistant Secretary.

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