

Land-Allotments.
60871-1916
- W-A N-

Bishop, California.

Louis B. Murphy case.

June 24th 1916.

THE DISTRICT FORESTER,

San Francisco, California.

Dear Sir:

Some time during the first of May, you wrote a letter to Louis B. Murphy, an Indian, rejecting his application to have listed for him a certain tract of land described as the S/2 NW/4 and W/2 NE/4 of Sec. 17, T. 1 S., R. 36 E. N. D. M.

This matter was taken up on Murphy's request with the Indian Office, Washington, D. C. and I have been instructed to request you to forward the application through the usual channels to the Department of Agriculture, so that the Bureau in Washington may get a chance to consider the matter.

Thanking you for your consideration in this matter,

Very respectfully,

Ross L. Spaulsury
Superintendent.

Land-Allotments
60871-1918
W A H

Bishop, California.

Allotment of
Louis B. Murphy.

June 24, 1915.

THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D.C.

Sir:

Your letter of the 6th instant has been received, and as suggested I have taken this matter up with the District Forest Officials with the idea of getting them to submit the case to Washington so that the Bureau interested might get action on it.

The information you desire is as follows:

Louis B. Murphy's present allotment is described as SE/4 SW/4 & SW/4 SE/4m of Sec 26 and the NE/4 NW/4 Eos, 35 of township 1 North, Range 26 east, Mount Diablo Base & Meridian. This was filed on December 24, 1904 and trust patent issued September 28, 1907. It is not located within the National forest. He has not lived on this place, and has done but very little work on it in the way of improvements, due to the fact that he is an Indian from another section and the local Indians are more or less antagonized to his having this land. For this

same reason he probably never will do much with his present place.

He has no improvements on the place he has applied to have listed for him, but simply made his application as a white man would do to have the land listed so that he could place a homestead filing on it. He should certainly be assisted in his efforts.

Very respectfully,

Ross L. Spalsbury
Superintendent.

REFER IN REPLY TO THE FOLLOWING:
Land-Allots,
72870-15
H V O

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS
WASHINGTON

Bishop Indian School
RECEIVED
JUL 16 1915

Allotment of
Louis B. Murphy.

JUL 12 1915

Mr. Ross L. Spalsbury,
Supt. Bishop School.

My dear Mr. Spalsbury:

The Office has considered your letter dated June 24, 1915, concerning the application of Louis B. Murphy for certain land in the Mono National Forest which application, it appears has been rejected by the local forest officers, partly for the reason that the greater part of the land applied for is needed in connection with the grazing administration of the forest, and partly because the lands are not considered adapted to cultivation. Receipt is also acknowledged of your letter dated July 2, 1915, reporting that the case had been forwarded to Washington for the consideration of the Forester. The records of this Office have been examined and it is found, as reported by you that a trust patent was issued to Mr. Murphy on September 23, 1907, for his allotment application No. 95, embracing lands on the public domain. The Office is not satisfied from your report that it will be to the best interests of Mr. Murphy to relinquish the lands for which he has already received a patent with a

view to applying for other land either in a national forest or elsewhere. If he is competent to manage his own affairs he may apply for a patent in fee and thereafter dispose of the lands as he may see fit. Or, if incompetent he may petition for the sale of his allotment under Departmental regulations. If the first course is followed, he would then be in a position to file upon other lands, either in a national forest or upon the public domain, as any other citizen.

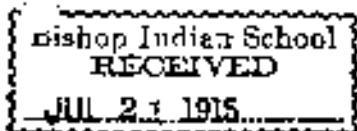
You will please advise Mr. Murphy of the views of this Office and submit such further report and recommendations as may be necessary, without regard to the action that may be taken on his application by the Forest Service.

Very truly yours,


Chief Clerk.

7-JK-9

DEPARTMENT OF THE INTERIOR
UNITED STATES INDIAN SERVICE



How Lake, July 20 1915

Supt R. J. Spalding
Brick, Cal.

Dear Mr. Spalding,

Louis Murphy was in to see me yesterday about the land he wants to take up. He decided to take up the ~~SW~~ SW 1/4 of NW 1/4 and NW 1/4 of SE 1/4 of sec 4 T15, R26. The same being the two northern 40's of the four you shown as vacant. The two southern 40's are a little too steep for him.

We hope to finish him in a week or two days and leave this sandy country for Big Pine.

Yours truly
H. K. Palmer
Asst. Coy.

Bishop, California.

July 24, 1916.

Mr. H. E. Palmer,
Assistant Engineer,
Mono Lake, California.

Dear Sir;

We have received your letter of the 20th instant and note what you say about Louis B. Murphy. I am in receipt of the following communication from Washington.

"The Office is not satisfied from your report that it will be to the best interests of Mr. Murphy to relinquish the lands for which he has already received a patent with a view of applying for other land either in a national forest or elsewhere. If he is competent to manage his own affairs he may apply for a patent in fee and thereafter dispose of the lands as he sees fit. Or, if incompetent he may petition for the sale of his allotment under Departmental regulations. If the first course is followed, he would then be in a position to file on other lands; either in the national forest or upon the public domain as any other citizen."

I am a little doubtful about the correctness of the last statement. I am further instructed to so advise Murphy. Will you tell him about this.

I saw Mr. Hiram a few days ago and stirred him up a little on that Hamman case. Mr. Moody will arrive today. I expect to start for the other side next Wednesday via Taoga and will be gone about one month.

The Red Mountain Fruit company, 10 miles south of Big

Pine has a quantity of water to sell, their deal with that irrigation district having fallen through. I was talking with the secretary of the company the other day and they are going to make us a proposition for our Indian land on Tinnemaha and Taboose creeks. If the proposition is reasonable I would favor accepting it certainly. I told Mr. Marvin the secretary that you were going to be in Big Pine soon and that I would ask you to look over the situation. Brett is familiar with it having mapped that section for the United States Attorney to use in a lawsuit with the water users on behalf of the Indians in Westervelt. Mr. Marvin will be there for two or three weeks yet and wishes to see you before he leaves.

In the case of the Big Pine Indians, the water situation there is in process of friendly solution. Over 90% of the water users have signed agreements to enter into a mutual water association on the famous Eaton plan. This is a good thing and the Indians and the government want to get in on it. I have already reported the matter to the Office and it has been referred to Olberg and you will probably be instructed to make the arrangements on behalf of the Government. See Mr. Eaton as soon as you arrive in Big Pine and it will probably save you a great deal of trouble.

Your engine is being shipped today and will probably reach you before this letter.

Yours truly,
Wess L. Sparrow
Superintendent,

INDIAN ALLOTMENT APPLICATION FOR LANDS OUTSIDE OF ANY INDIAN RESERVATION.

Act February 8, 1887 (24 Stat. L., 388), as amended by acts of February 28, 1891 (26 Stat. L., 794), and June 25, 1910 (36 Stat. L., 855-859).

DEPARTMENT OF THE INTERIOR, UNITED STATES LAND OFFICE,

Bishop, California

April 15, 1916. 191

I, Louis Murphy, being an Indian of the Paute tribe, and having made actual bona fide settlement¹ on the lands described herein, do hereby apply to have allotted² to me, as the head of a family, aged about 50 years

under the provisions of section 4 of the act of Congress, approved February 8, 1887 (24 Stat. L., 388), as amended by act of February 28, 1891 (26 Stat. L., 794), and section 17 of the act of June 25, 1910 (36 Stat. L., 855-859), the NW/4 of SW/4 and SW/4 of NW/4, Sec. 4, T₂S., R. 26 E., E. D. M.

containing 80 acres acres.

Witnesses:

Name: Louis B. Murphy

P. O. Address: Benton, California

Ruth Lee

J. Shrock

¹ Insert "on the lands described herein," or if application is for a minor child, "on the public domain."

² Insert "to me, as the head of a family, aged — years," or "to me, as a single person — years of age," or "to my minor child" (giving the name and age of the child), as the case may be. The same blank may be used in making application in the case of an orphan child, the name of the natural guardian being inserted in place of the parent's, and the phraseology changed to suit the case.

³ Insert description of the land, if surveyed, by legal subdivisions; if unsurveyed, by metes and bounds, beginning with some object that may be easily identified, or a permanent artificial monument or mound set for the purpose, or in such other manner as to admit of its being readily identified when the official survey comes to be extended. If the application is for grazing land, it should be stated in the application that the lands are "only valuable for grazing purposes."

UNITED STATES LAND OFFICE,

191

I, _____, Register of the Land Office, do hereby certify that the above application is for _____ lands and that there is no prior valid adverse right to the same.

Register.

The Register and Receiver will examine proofs carefully to see that they are correct and properly executed.

¹ Insert "surveyed" or "unsurveyed," and "irrigable," "agricultural," or "grazing," as the case may be.

INDIAN ALLOTMENT AFFIDAVIT.

I, Louis Murphy, Indian _____, having filed my application No. _____, for an allotment of land for myself, as the head of a family _____, under the provisions of section 4 of the act of February 8, 1887 (24 Stat. L., 388), as amended by act of February 28, 1891 (26 Stat. L., 794), and the act of June 25, 1910 (36 Stat. L., 855-859), do solemnly swear that ² I an Indian of the Painte _____ tribe, born in the United States; that I am ³ the head of a family _____; that ⁴ no reservation has been provided for my tribe by treaty, act of Congress or Executive order that I have made actual bona fide settlement⁵ on the lands described in said application for the exclusive use and benefit of myself _____; and that ⁶ I have not heretofore had the benefit of said fourth section. ⁷ and the lands applied for are valuable for grazing purposes principally _____

Sworn to and subscribed before me this _____ day of _____, 191 _____

[See note on following page.]

¹ Insert "myself, as the head of a family," or "myself, as a single person over eighteen years of age," or "my minor son" (or daughter), giving the name of the child, as the case may be. The same blank may be used in the case of an orphan child, the agent making the affidavit for such child, and changing the phraseology to suit the case.

² Insert "I am," or "he is," or "she is," as the case may require.

³ Insert "the head of a family," or "a single person _____ years of age," or "the father (or mother) of said child, which is aged _____ years and is now living under my care and protection."

⁴ Insert "no reservation has been provided for my tribe by treaty, act of Congress, or Executive order," or "I was not residing upon a reservation on February 8, 1887," or "there was not sufficient land on the reservation provided for my tribe to give each Indian entitled thereto, an allotment" (if for a child born prior to February 8, 1887, insert "neither I nor my child was residing upon a reservation on February 8, 1887").

⁵ Insert "on the lands described in said application," or if the applicant is a minor, "on the public domain."

⁶ Insert "myself," or "my above-named minor child." Minor children are not required to settle on the lands applied for. But, unless the parent (or natural guardian where the parents are dead) has made settlement on the public domain, his minor children will not be given allotments.

⁷ Insert "I," or "he," or "she."

⁸ If the applicant is for grazing lands, insert "and the lands applied for are only valuable for grazing purposes."

CORROBORATIVE AFFIDAVIT.

We, and
do solemnly swear that we are well acquainted with
....., and know that is an
Indian of the tribe; that was born in the
United States, and that actual *bona fide* settlement has been made by the applicant
..... in the foregoing application No.

Sworn to and subscribed before me this day of, 191

[See form below.]

¹ Insert name of beneficiary, thus: "....., the head of a family," or "....., a single man," or "....., minor son (or daughter) of," or "....., wife of," as the case may be.

² Insert "he," or "she," as the case may be (meaning the beneficiary).

³ Insert "on the land described," or if the applicant is a minor, "on the public domain."

⁴ If the application is for grazing lands, add: "and that said lands are only valuable for grazing purposes."

NOTE.—The affidavits may be made before either the Register or Receiver of the land district in which the land is situated, or before the judge or clerk of any court of record having a seal; also before any agent, special agent, or inspector of the Indian Department, or before any officer authorized to administer oaths and having a seal, in the land district where the land is situated. United States court commissioners must attach their seal, and notaries public or justices of the peace, besides their seal, must attach to each application at least one certificate by the clerk of the proper court that they are duly qualified to administer oaths.

[Extract from the act of Congress approved February 8, 1857.]

Sec. 4. * * * And if any conveyance should be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned (twenty-five years or longer, in the discretion of the President), such conveyance or contract shall be absolutely null and void. * * *

NONMINERAL AFFIDAVIT.

[To accompany Indian allotment application for lands outside of any Indian reservation, except in the States of Michigan, Wisconsin, Minnesota, Missouri, Kansas, and Alabama, to which the mineral statutes are not applicable.]

I, do solemnly swear
that I am well acquainted with the character of the land described in the foregoing application,
No., and with each and every legal subdivision thereof, having frequently passed
over the same; that my personal knowledge of said land is such as to enable me to testify
understandingly with regard thereto; that there is not, to my knowledge, within the limits
thereof any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead,
tin, or copper, or any deposit of coal; that there is not within the limits of said land, to my
knowledge, any placer, cement, gravel, or other valuable mineral deposit; that the land contains
no salt springs or deposits of salt in any form sufficient to render it valuable therefor; that no

DEPARTMENT OF THE INTERIOR

UNITED STATES INDIAN SERVICE

BISHOP, CALIFORNIA

April 17, 1916.

Register, Land Office

Independence, California.

Dear Sir:-

I am enclosing herewith application for allotment signed by Louis Murphy, Indian. Please fill out and sign the certificate of the Land Office on the second page, if, after examination of your records it is found that this land is open to entry.

Very respectfully,

Dale H. Reed

Superintendent.

BISKOP, CALIFORNIA April 18, 1916.

Registrar, U. S. Land Office
Independence, California.

Dear Sir:-

After making examination and inquiry relative to application of Louis B. Murphy, Indian, for allotment on the public domain, which was forwarded to you in yesterday's mail I find that Louis has already been allotted 160 acres the description of which is :

SW/4 of the SE/4 and the SE/4 of the SE/4, Sec. 26, and the NE/4 of the SE/4, Sec. 35. Twp. 1 N., R. 26 E., N. D. M.

This land was patented to him September 23, 1907, but he informs me that he has lost the original trust patent which he received. He now wishes to relinquish the above described land in order that he may file on that covered by the application which I forwarded to yesterday.

Please advise what action on Louis' part will be necessary and if you have a relinquishment blank to be used for this purpose kindly furnish me with same in order that I may prepare it/^{and} have Louis sign it. I presume that his relinquishment must first be prepared before he can legally apply for the new tract, in which case will you simply hold the application pending the receipt of a relinquishment.

Very respectfully,

Superintendent.