

LAW OFFICES OF
T. G. NEGRICH
717-718 HUMBOLDT BAY BUILDING
SAN FRANCISCO, CALIF.
TELEPHONE GARFIELD 1953

SUBJECT

October 22, 1926.

United States Dep't. of Indian Affairs,
Washington, D. C.

Gentlemen:-

In the 60's, the United States parted with title to certain lands in Amador County, California, known as the "Fitzsimmons Ranch" which is located near Buena Vista.

For years, several Indians have lived on a portion of the ranch. Mr. James Fitzsimmons, now an old man and son of the original purchaser of the land, advises that the Indians were there merely by permission of his father, and that it was always understood they would depart when asked to.

A few years ago, Mr. James Fitzsimmons sold the ranch to my client, who ever since has been trying peaceably to procure the Indians to take their shack and move onto the Indian reservation, but they stoutly decline to do so, and threaten violence to the tenant in possession. The Indians occupy about seven acres of the whole ranch, which contains about 359 acres. The Indians have never tilled any soil and merely reside in their shack when not away picking hops or working on ranches.

About two years ago, the two Indians on the premises, engaged in an affray with the then owners and severe personal injury resulted to one of the Indians. Continued violence is threatened and will probably occur if something is not done.

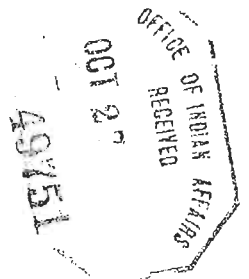
A few years ago, the United States purchased a tract of land near by for the benefit of the Indians, and nearly all of them took advantage of the arrangement and moved onto the reservation, but the two Indians in question decline to so move.

The two Indians in question are not old men, and there is no excuse for them not going to the reservation and join the others. They maintain that the land, including the entire ranch, belongs to the Indians and that they have been "robbed" of the land by the Whites; their local representative is encouraging them in this belief.

Can your department do anything to bring about a peaceable disposition of these two Indians and cause them to vacate the ranch? You may be assured of our equitable assistance if you wish it.

Thanking you for a reply, I am
Yours truly

T. G. Negrich



Q-1
49751-24
T B B

Handwritten signature

Mr. T. G. Negrish,
717 Humboldt Bank Building,
San Francisco, California.

NOV -3 1926

Dear Sir:

The receipt is acknowledged of your letter of October 23, relative to the refusal of two Indians to remove from the Fitzsimmons ranch near Buena Vista and locate on the reservation nearby.

We have requested Mr. L. A. Dorrington, Superintendent in charge of the Sacramento Agency, to investigate this matter and submit his report and recommendation in the premises. Upon receipt of Mr. Dorrington's report you will be further advised with regard to the matter.

Very truly yours,
(Signed) E. B. Meritt

Assistant Commissioner.

10 74 29

Initialing Copy - For File

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49751-23
T B B

Handwritten signature

Mr. L. A. Dorrington,
Supt. Sacramento Agency.

NOV -3 1926

My dear Mr. Dorrington:

There is enclosed copy of letter from T. G. Negrich, of San Francisco, California, with copy of our reply, relative to the refusal of two Indians to leave the privately owned land on which they have been living and locate on the reservation in Amador County near Buena Vista.

Please investigate this matter. If the facts are as stated in Mr. Negrich's letter, the Indians should be told that they have no right to trespass on private property and advised to locate on the reservation with the other members of the band. If they refuse to do this you should inform them that all the Indians are now citizens and subject to the state law when off the reservation. Such being the case, if necessary, the owner of the property could have them ejected therefrom by taking the necessary steps to this end in the local court. We are sure, however, that he would regret to do this and would invoke the law only as a last resort.

Please give this matter your prompt attention, take the action indicated, and report the result thereof at the earliest practicable date with such further comment or recommendation as you may deem advisable in the premises.

FILED BY J. M.

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Very truly yours,

(Signed) E. B. Meritt
Assistant Commissioner.

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F B B

Mr. L. A. Dorrington,
Supt. Sacramento Agency.

JAN 25 1927

Went

Dear Mr. Dorrington:

Again we find it necessary to direct your attention to delinquency in replying to Office correspondence. I find that on November 3, 1926 the Office wrote you in regard to the complaint of F.G. Negrich of San Francisco relative to the refusal of two Indians to leave the privately-owned land on which they have been living and locate on the reservation in Amador County near Buena Vista; and that apparently you have not replied thereto. You are, therefore, directed to give this matter your immediate and personal attention and explain the delay.

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Sincerely yours,

(Signed) Chas. H. Burke

Commissioner.

1-MSS-20

Call Up

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DEPARTMENT OF THE INTERIOR
UNITED STATES INDIAN FIELD SERVICE

A-I
49751-26

SACRAMENTO INDIAN AGENCY
SACRAMENTO-CALIFORNIA

307.3
Buena Vista

March 2, 1927.

308,2

File

OFFICE OF INDIAN AFFAIRS
RECEIVED
MAR 7 1927
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Commissioner of Indian Affairs,
Washington, D.C.

My dear Mr. Commissioner:

Reference is made to Office letter of November 3-1926 in which there was enclosed copy of a letter received from Mr. T. G. Negrich of San Francisco, with copy of Office reply relative to refusal of two Indians to leave the privately owned property near Buena Vista, on which they or their ancestors have been living for over one-hundred years.

Since receipt of your letter, the writer has had several personal conferences with Mr. Louis Alpers, the owner of the property in question and the client of Mr. Negrich. Kindly be advised that through these conferences the writer has come to an understanding with the Indians and Mr. Alpers and is now making arrangements to secure an option on this property in order that same may be purchased with a portion of the funds appropriated for the present fiscal year for the purchase of land for homeless Indians, and the controversy will thereby be settled for all time. The proposed purchase will affect twenty or more Indians.

Very truly yours,

LAF. A. DORRINGTON
SUPERINTENDENT

By *Edwin H Hooper*
Edwin H. Hooper,
Clerk.

Written at direction of
Supt. Dorrington, who is
now absent in the field.

RECEIVED

UNITED STATES
DEPARTMENT OF THE INTERIOR
Indian Field Service

Sacramento Indian Agency,
Sacramento, California.

March 22, 1927.

Commissioner of Indian Affairs,

Washington, D.C.

My dear Mr. Commissioner:

This has further reference to your letter of November 3, 1926, with above citation and pertaining to certain Indians residing on privately owned land near Buena Vista, Amador County, California, from which they have refused to move and have been complained of by Mr. T. J. Negrich, Attorney, San Francisco.

This matter has received earnest consideration. It is found that the land in question is none other than an old rancheria which is part of the land known as the Fitzsimmons Ranch and on which Indians have resided for many many years - probably one hundred years, at least it is so claimed by the Indians now residing there.

An effort was made on two different occasions to meet and confer with Mr. Negrich in his office at San Francisco and on another occasion on the land in question when it was understood he was to visit same in company with his client Mr. Alpers also of San Francisco, and who owns the land. Hence, it has become necessary to confer with Mr. Alpers, who, by the way, has been found very considerate and cordial. It is probably better for all concerned that we are negotiating with him direct.

Mr. Alpers informed me that he had not complained about the Indians nor desired to have them removed from the rancheria, but that he had objected to their claiming that certain tract embraced in his ranch known as the Indian Rancheria; otherwise Mr. Alpers expressed and showed a friendly attitude.

The leading Indians now residing on the said rancheria and who represent all belonging thereon (about twenty in number) displayed real concern and feeling as to their present and future

status and appealed to us for assistance, stating that they wanted to remain on the land where they and their forefathers for several generations had been born and lived during their whole life. They claim, as before stated, that for more than one-hundred years only members of their band had occupied and made use of the said rancheria. The tract claimed by them was gone over carefully and a tentative survey made. Mr. Alpers, the present owner, was then seen and negotiations for the purchase of the said rancheria were entered into. He was somewhat reluctant at first to discuss the matter, but after being assured of our good faith and the suggestion that the sale of the said rancheria to the United States for use by said Indians would remove forever all doubt and contention and give notice to the world that the land was owned by the United States and had been set aside for the use of the Indians and that they belonged there, he consented to sell the land embraced in the said rancheria and suggested a price of about \$70 per acre. But after careful consideration, taking account of all phases of the situation and the fact that the tract asked for was in one corner of his ranch and could be disposed of without injury or detriment to the remaining part, Mr. Alpers accepted our offer of \$3,000.00 for same, which consists of about seventy acres, and gave us the attached option on same.

It is found that the Indians concerned and those who will probably occupy and make use of the said land after the title has been settled and no longer live in fear of being ejected, will number at least twenty.

Policy of Title Insurance which includes the land in question, is submitted for your consideration in connection with the negotiations. It will be observed that there is a mortgage of \$10,000 on the whole ranch belonging to Mr. Alpers. It is understood, however, that same as affects the rancheria may, and will be, satisfied and released if purchase is approved. Mr. Alpers also agrees to pay the taxes.

It is therefore recommended that the option be approved and necessary steps for the purchase of the said rancheria be continued to the end that same may be acquired.

Very sincerely,

L. A. DOORINGTON

Superintendent.

LAD-E
Encl.

UNITED STATES
DEPARTMENT OF THE INTERIOR
INDIAN FIELD SERVICE

A-I
49751-26

SACRAMENTO INDIAN AGENCY
SACRAMENTO-CALIFORNIA

March 22, 1927.

Commissioner of Indian Affairs,
Washington, D. C.

My dear Mr. Commissioner:

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The leading Indians now residing on the said rancheria and who represent all belonging thereon (about twenty in number) displayed real concern and feeling as to their present and future status and appealed to us for assistance, stating that they wanted to remain on the land where they and their forefathers for several generations had been born and lived during their whole life. They claim,

OFFICE OF INDIAN AFFAIRS
RECEIVED
MAR 26 1927
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*Received in
Law Division
Office of
S. J. Jones
Attorney
W. J. M.*

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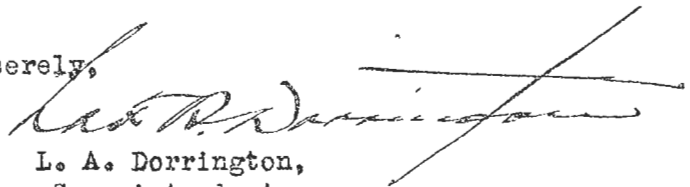
as before stated, that for more than one-hundred years only members of their band had occupied and made use of the said rancheria. The tract claimed by them was gone over carefully and a tentative survey made. Mr. Alpers, the present owner, was then seen and negotiations for the purchase of the said rancheria were entered into. He was somewhat reluctant at first to discuss the matter, but after being assured of our good faith and the suggestion that the sale of the said rancheria to the United States for use by said Indians would remove forever all doubt and contention and give notice to the world that the land was owned by the United States and had been set aside for the use of the Indians and that they belonged there, he consented to sell the land embraced in the said rancheria and suggested a price of about \$70 per acre. But after care consideration, taking account of all phases of the situation and the fact that the tract asked for was in one corner of his ranch and could be disposed of without injury or detriment to the remaining part, Mr. Alpers accepted our offer of \$3,000.00 for same, which consists of about seventy acres, and gave us the attached option on same.

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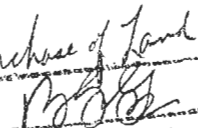
It is therefore recommended that the option be approved and necessary steps for the purchase of the said rancheria be continued to the end that same be acquired.

Very sincerely,


L. A. Dorrington,
Superintendent.

LAD-E

Encl.

a-1 Approved for purchase of Land

Administrative Division

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MAY

The Honorable

The Secretary of the Interior.

APR 11 1927

Sir:

Submitted herewith are papers in the proposed purchase of 70 acres of land located in Sec. 19, T. 8 N., R. 10 E. of the W. D. M. near Buena Vista, Amador County, California, from Louis Alpers, for \$3000. Accompanying the papers is an option executed by Mr. Alpers and running to the United States.

This land is a part of Mr. Alpers' ranch, a portion of which the Indians claim has been used by them and their ancestors for at least one hundred years. It is reported that a band of not less than 20 individuals are located at this point and refuse to leave the premises. The Superintendent of the Sacramento Agency has investigated the matter and recommends that the Government purchase the land for a permanent home site for these homeless California Indians. The purchase can be made under authority contained in the act of May 10, 1926 (44 Stat. 481).

This Office respectfully recommends that the option herewith be approved, and payment of the consideration in the amount of \$3000 from the appropriation "Purchase of land for landless Indians in California, 1927" be authorized. However, the funds will not be recommended for disbursement until deed and abstract of title or satisfactory policy of title insurance have been obtained from the grantor and formally accepted by the Department.

Respectfully,



Commissioner.

DEPARTMENT OF THE INTERIOR
Office of the Secretary

APR 13 1927

The foregoing recommendation and option are approved.

(signed) E. C. [unclear]

First Assistant Secretary.

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*Marshall
 Jolley*

Mr. LaFayette A. Dorrington,
 Supt., Sacramento Agency.

APR 20 1927

My dear Mr. Dorrington:

Referring to your letter of March 22, this is to inform you that on April 13 last, the Department approved the proposal of Louis Alpers to sell to the United States approximately 70 acres of his land located in Section 19, Township 5 North, Range 10 East of the M. D. M., California, for \$3,000. This land is to be purchased as a home for the present Indian occupants.

You may proceed to obtain from the grantor deed and abstract of title or title insurance policy. The deed must be of a date not later than June 30, 1927. The instrument of conveyance and title insurance policy must run to the United States of America.

Enclosed is a copy of the form of policy accepted by the Department in the Gobbi purchase which has just been completed. If this form is followed it is believed that such policy would be accepted in this case.

Please give this matter your prompt attention and submit the necessary papers at an early date for examination.

Mr. Alpers' policy of title insurance is returned herewith.

Very truly yours,

(Signed) E. B. Meritt

Assistant Commissioner.

4 MC 18

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Call Up

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MAY

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Haule
Sept

AUG 25 1927

The Honorable

The Secretary of the Interior.

Sir:

Reference is made to Departmental act^{ion} of April 13, 1927, approving an option from Louis Alpers in the proposed purchase by the Government of 70 acres of land for the Menix band of California Indians. Authority to make the purchase is contained in the act of May 10, 1926 (44 Stat. 461).

The land to be purchased is located in Sec. 19, T. 5 N., R. 10 E., of the S. D. E., Amador County, California, and the sale price is \$3000.

There are inclosed deed and sample policy of title insurance. As the Title and Guaranty Insurance Company will not issue a policy direct to the United States until the deed is recorded on the proper county records, a sample policy, containing all the provisions to appear in the final policy, has been furnished for examination.

It is respectfully recommended that the deed and sample policy of title insurance be referred to the Solicitor for the Interior Department for examination and expression of opinion as to their acceptability.

Respectfully,

E. P. Smith
Assistant Commissioner.
DEPARTMENT OF THE INTERIOR
Office of the Secretary
SEP - 1 1927

Referred to the Solicitor for examination and expression of an opinion as requested by the Indian Office.

(Sgd.) JOHN H. EDWARDS

Assistant Secretary.

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SEP 28 1928

The Honorable

The Secretary of the Interior.

My dear Mr. Secretary:

Reference is made to the proposed purchase of 70 acres of land in Sador County, California, from Louis Alpers, at a cost of \$3,000. In this connection, attention is invited to the Solicitor's opinions of September 21, 1927, and February 14, 1928 (M. 23381), upon the case.

This purchase has not been completed because of the existence of a contract dated December 18, 1923, providing for the sale of minerals underlying the 70 acres mentioned and other lands. The Solicitor in his opinion of February 14, 1928, approved by the Department on the same date, requested that an effort be made to secure from the purchaser of the minerals a relinquishment to the United States of such rights as they may have in the land included in this proposed purchase. This matter was taken up with the Superintendent of the Sacramento Agency, and we are now in receipt of a report explaining the present status of the case, to which your attention is invited. It will be observed that Mr. Alpers does not own the minerals, and that another long term mineral lease has been executed.

We wish to again invite attention to the fact that the Indians for whose benefit the purchase is to be made have lived on the land for a long period of years; that the 70-acre tract has been investigated for minerals and found not worthy of mining; and that operations with respect to this land have been abandoned. Therefore, the possibility that mining operations will prevent undisturbed use of the land by the Indians is extremely remote. As it is now apparent that the minerals cannot be acquired with the land, and as the Indians have constantly occupied the surface without any known disturbance through mining activities, it is the belief of this Office that the purchase should be completed, notwithstanding the minerals do not accompany the land. There are twenty or more Indians

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FOR FILE

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on this tract, and it is greatly to their interest to have the land established as a permanent home for them. As the matter now stands, they are on privately owned property and are subject to removal at any time by the owner thereof.

The matter is therefore being resubmitted for further consideration in connection with the additional facts recently reported. If completion of the purchase embracing surface rights only is satisfactory to the Department, matters relating to policy of title insurance and recording of the deed will be promptly taken up in the field.

Respectfully,

9-LW-20-1

EMB

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY

OCT -2 1928

Completion of the purchase of 70 acres of land referred to in the foregoing letter from the Office of Indian Affairs is hereby authorized, it being understood that the same title as now held by the grantor is to be transferred to the Government.

(Sgd.) JOHN H. EDWARDS

Assistant Secretary.

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49751-26
M A P

Handwritten signature

*Meritt
Busher*

FEB 27 1929

The Comptroller General
of the United States.

My dear Mr. Comptroller General:

This is in reply to your letter of January 30, 1929 (A-25696), referring to the claim of Louis Alpers for \$3,000, representing the consideration for 70 acres of land he has deeded to the United States for use by landless Indians of California.

This purchase is being made under authority contained in the act of May 10, 1926 (44 Stat. 461). During the early part of the year 1927, it was brought to the attention of this Department that there were twenty or more Indians living on land owned by Mr. Alpers, who claimed that they and their ancestors had made their homes thereon for more than a hundred years. Investigation disclosed that it was to the interest of this small band of Indians to acquire for them the only land which they have ever recognized as home, and they are clearly of the class of landless California Indians for whose relief Congress has been making small appropriations annually.

There are enclosed for your information, copies of reports from the Superintendent of the Sacramento Indian Agency, Sacramento, California, relating to occupancy of the land by the said Indians and advisability of purchasing the tract for their use. We also wish to mention that during the two years that this purchase has been under consideration, Mr. Alpers has gone to considerable expense to clear the title and furnish policy of title insurance.

With respect to the fact that minerals do not accompany the land, it may be said that in so far as the Indians are concerned, they are interested in the surface alone; while the reports from the Superintendent, copies herewith, disclose that the prospects of mining operations under the area being purchased for the Indians are very remote. The fact that the mineral leases have had another lease executed in their favor, operating from December 19, 1928, cannot be accepted as being especially applicable to the 70 acres in question

*J.O. Alpers 3/13/27 submitted 12/20/28
not return 4/12/29*

*Copy of this letter &
copy of Comptroller
favorable opinion to
Sacramento 3/1/29
map*

INITIALING COPY - FOR FILE

because attempts were made to mine this land some time ago, but owing to the presence of water, and mineral of a paying quantity was not found, operations were abandoned.

It is realized that the foregoing is particularly a statement of the reasons for making the purchase, however, it is believed that with such facts before you it might be concluded that purchase of this land without the minerals is justified.

It is clearly understood from your decision of December 19, 1933, in the matter of purchasing land for the Alabama and Coushatta Indians of Texas, that in the absence of legislation to the contrary, purchase of land in fee by the United States must include also the timber and all minerals. If, in view of the facts recited above and the long standing of this case, your Department should see fit to give Mr. Alpers' claim favorable consideration, such action will be recognized as being strictly for the purpose of meeting the exigencies in this particular case, and shall not be accepted as authority for departure in the future from the rule contained in your decision of December 19, 1933, supra.

Should it be decided that the claim cannot be accepted for settlement in its present form, as it is clearly to the interest of the Indians to purchase this land for them, and as Mr. Alpers' deed has already been recorded upon the records of the county in which the land is located and the land therefore stands of record as being the property of the United States, it will be necessary to ask Congress for authority to complete the purchase exclusive of the mineral contents of the land.

Very truly yours,

(Sgd.) JOHN H. EDWARDS

Assistant Secretary.

2 EMB 23

Copy to Sacramento Agency.

Enclosure 1883

L-A
49751-26
MAP

Handwritten signature

APR 17 1929

Memorandum for Secretary Edwards:

Reply is made to your memorandum of April 17, accompanied by a letter from the Title Insurance and Guaranty Company of San Francisco, California, relating to the purchase of 70 acres of land from Louis Alpers from landless California Indians.

The purchase of land from Mr. Alpers for the Mewuck band of California Indians at a cost of \$3,000, subject to outstanding mineral interests was authorized by the Department on October 2, 1928. Mr. Alpers' claim for payment of the consideration was submitted to the General Accounting Office December 28, 1928, for settlement. By letter of January 30, 1929, the Comptroller General informed the Department, in substance, that Mr. Alpers' claim had been suspended and referred to the matter as follows:

"By decision of this office dated December 15, 1928, A-25156, you were advised that under an appropriation providing for the purchase of land for, and industrial assistance to, certain Indians, there was no authority for the purchase of land subject to reservations of the timber thereon and mineral interests in the land.

The same principle is applicable in the present case and payment of the claim for the purchase price of the land is not authorized unless a relinquishment of the mineral rights shall have been obtained, or such facts, not now before this Office, are presented, as will justify an exception to the rule as set forth in the decision of December 15, 1928, supra.

Final action on the claim will await your further administrative report in the matter."

On February 27, 1929, Departmental reply was submitted to the Comptroller General presenting additional information and papers relating to the purchase, for use in connection with further consideration of the claim.

No further word has been received from the Comptroller General or the General Accounting Office, and this Office has not been advised that the claim has been allowed or rejected. Steps will be taken to ascertain the present status of the matter.

Handwritten signature
Assistant