

JAN 1928

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The Honorable

The Secretary of the Interior.

Sir:

This is in reference to the opinion of the Solicitor for the Interior Department dated September 21, 1927, upon the proposed purchase of 70 acres of land from Louis Alpers for landless California Indians (See Departmental file M. 23331).

On page 3 of the opinion reference was made to an agreement of December 18, 1923, providing for the sale of minerals underlying the Fitzsimons Ranch which included the 70 acres mentioned. In accordance with the suggestion contained in the opinion, a copy of the agreement has been obtained and is inclosed.

Apparently the contract runs to Dec. 16, 1928. It is provided therein that no part of the surface shall be used for other than mining purposes. As to the extent of mining operations, there is herewith a report dated Jan. 16, 1928, from the Superintendent of the Sacramento Indian Agency upon the subject. It is apparent that such operations have been discontinued, and it is not expected that the Indians will be interfered with from this source in the use of the lands to be purchased for them. It is also reported that all taxes have been satisfied.

It is respectfully recommended that the certified copy of agreement as to the sale of minerals and the report from the Superintendent as to mining operations, be referred to the Solicitor for the Interior Department for examination and expression of an opinion as to whether there is now any condition that may be regarded as objectionable to the extent that the purchase should not be consummated.

Respectfully,

Commissioner.

Department of the Interior
Office of the Secretary

JAN 30 1928

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

OSCAR JOHN H. EDWARDS

Assistant Secretary.