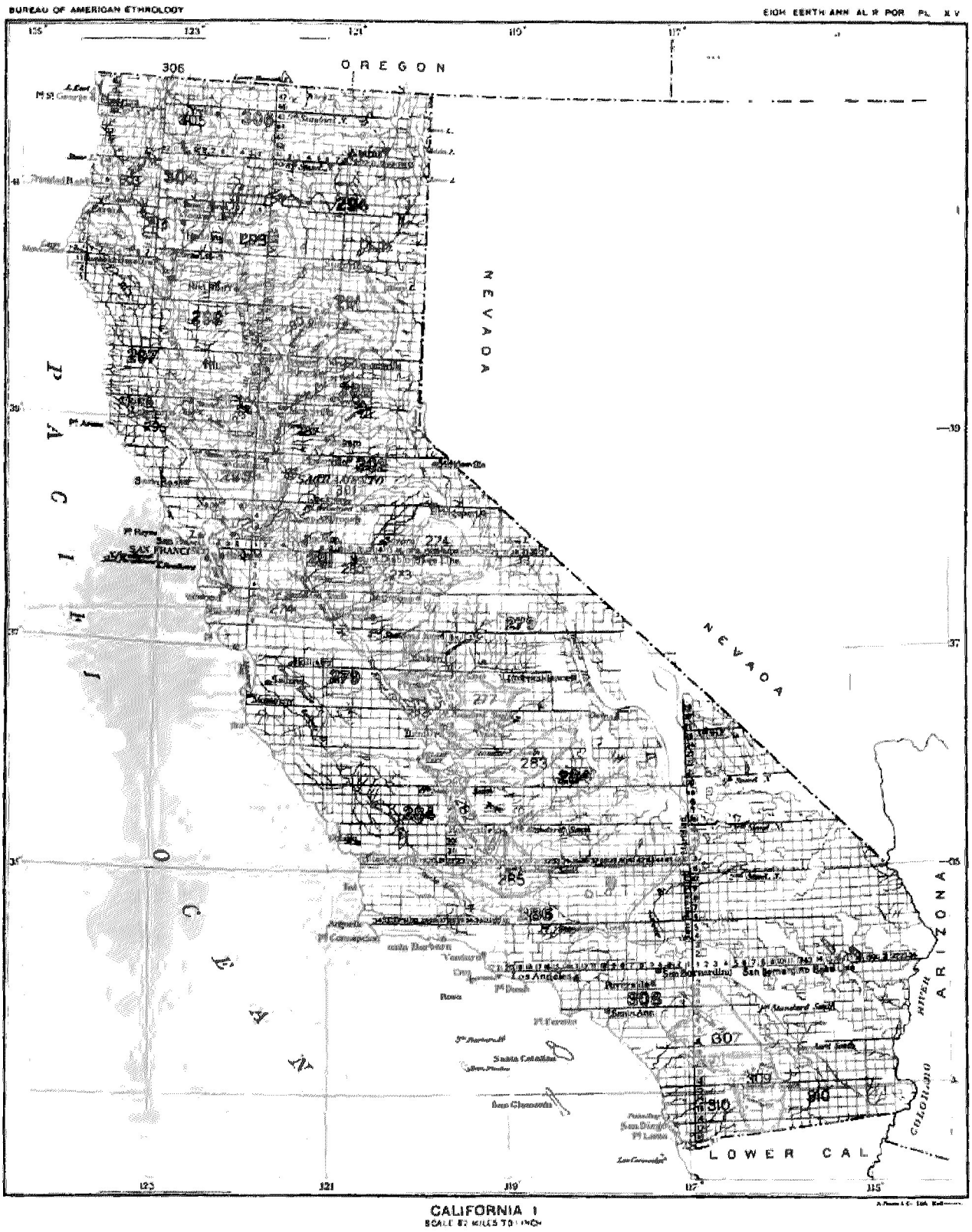
2nd Submission

received on

9/19/2006

00037414-AS-IA-BATCH003-DOC0022-COR-20240 Page 1 of 35

[rec'vd sept 9 2006]



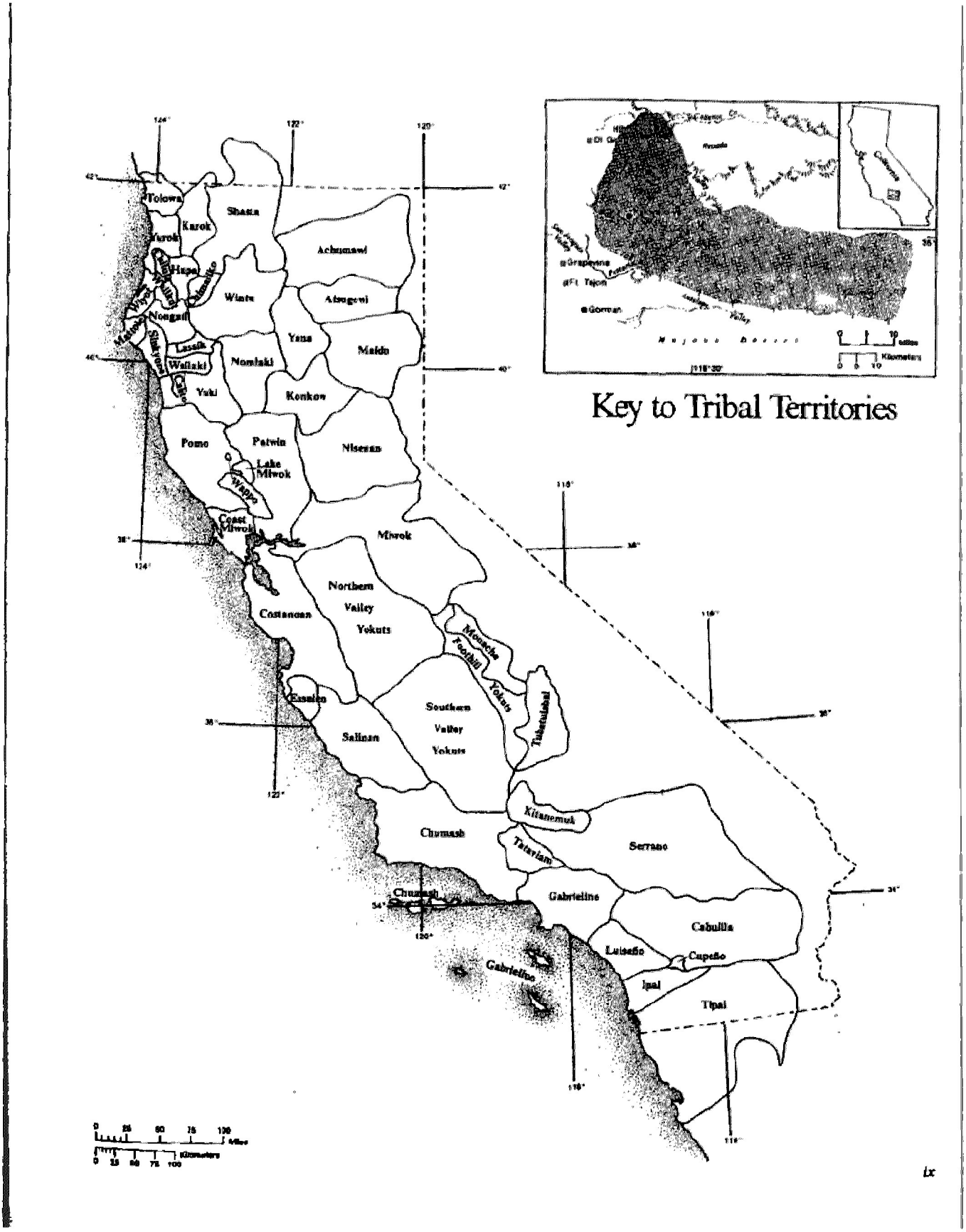
CHARLES C. ROYCE MAP DEPICTING LAND CEDED IN 1851 TREATY WITH TEJON AND OTHER TRIBES (AREA 286) AND LANDS RESERVED TO THE TRIBES IN THE 1851 TREATY (AREA 285)

SCHEDULE OF INDIAN LAND CESSIONS—Continued.

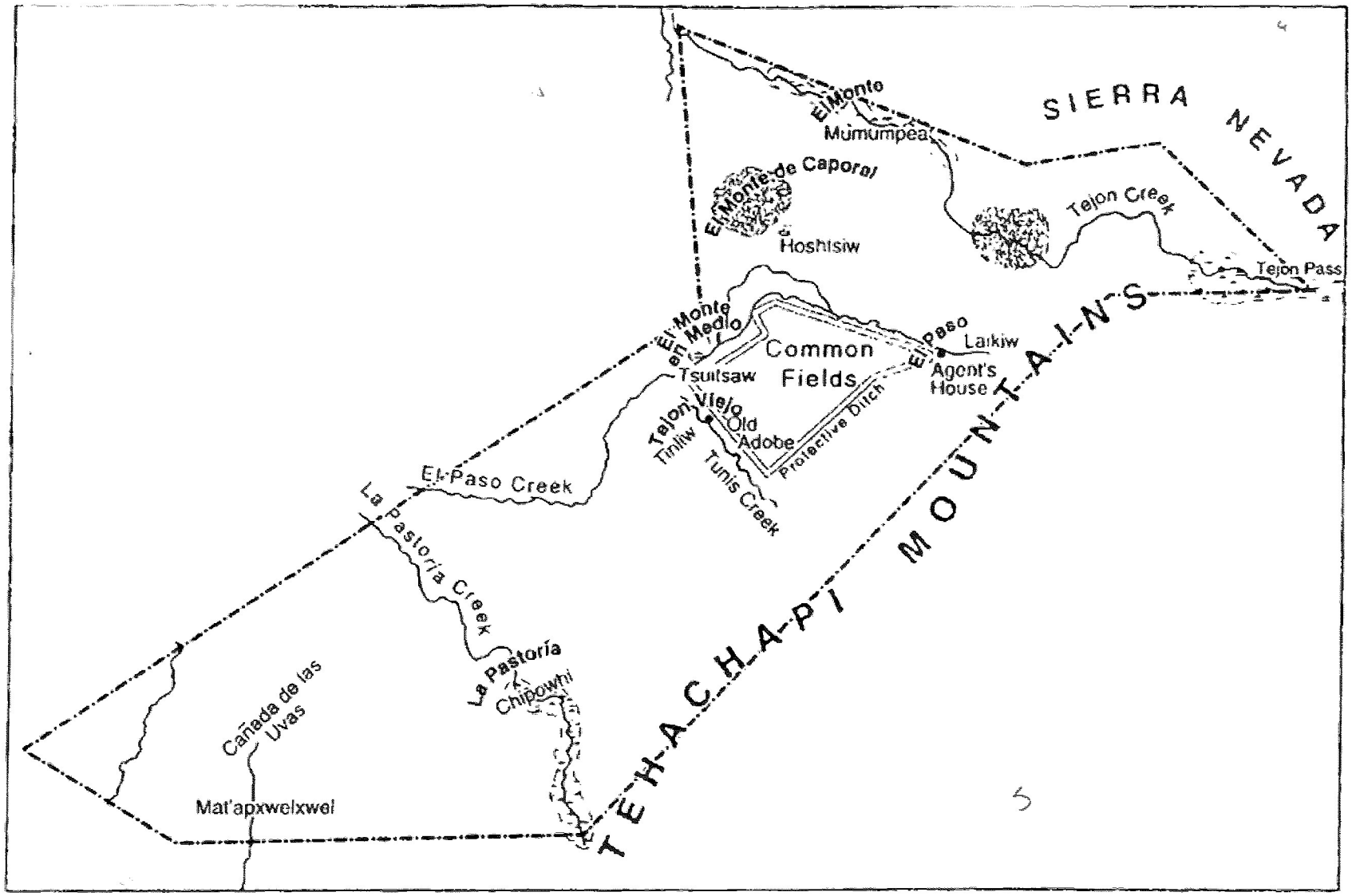
Date	Where or how concluded	Reference	Tribe	Description of cession or reservation	Historical data and remarks	Designation of cession on map: Number	Designation of cession on map: Location
1851 Apr. 29			Hew-sch-ee, Choew-chanee, Chow-chill-lie, Po-ho-nee-chee, Nook-chee, Pit-cat-chee, Cas-son, Toom-na, Tall-in-chee, Pas-ke-se, Wa-che-et, I-tach-ee, Cho-e-nem-nee, Cho-ki-men-a, We-mel-che, and No-to-no-to.	Reserve a tract between Chowchilla and Cah-wia rivers		275	
May 13			Ta-che, Cah-wia, Ye-kol, Yo-lum-ne, Wic-chum-ne, Hal-cu-ma, Te-e-ne-che, Tu-hue-mach, In-tim-peach, Choi-nock, We-mil-che, and No-to-no-to.	Reserve a tract between Cah-wia and Chowchilla rivers		276	
May 30			Ko-ye-ta, Wo-la-si, New-chow-we, Wack-ca-che, Pal-wis-ha, Po-ken-well, and Ya-wil-chine.	1. Reserve a tract between Cah-wia and King's rivers 2. Reserve a tract on King's river Parties to treaties of Apr. 29, May 13, and May 30, 1851, cede all territory not reserved by said treaties.		277 278 279	California 1.
May 28			I-o-no-hum-ne, We-chil-la, Su-ca-ch, Co-to-plan-e-nee, Chap-pah-sim, and Sage-wom-nee.	Reserve a tract on Stanislaus river Cede all claim to territory outside of reserve		280 281	
June 3			Chu-nuts, Wo-wol, Yo-lum-ne, and Co-ye-tie.	1. Reserve a tract for Chu-nute and Wo-wol tribes between Tulare and Buena Vista lakes. 2. Reserve a tract for Yo-lum-ne and Co-ye-tie tribes between Tule river, Paint creek, Emigrant road, and Sierra Nevadas. Cede all claims to territory outside of reserved tracts		282 283 284	
June 10			Cas-take, Te-jon, San Im-iri, Uva, Car-i-ee, Buena Vista, Se-na-hu-ow, Ho-le-cla-me, Se-ho-nut, Te-ci-a, and Hol-mi-uk.	Reserve a tract between Tejon pass and Kern river Cede all claim to territory outside of reserved tract		285 286	

CHARLES C. ROYCE TABLE OF INDIAN LAND CESSIONS PROVIDING REFERENCE NUMBERS OF AREAS CEDED AND RESERVED IN 1851 TEJON TREATY

00037414-AS-IA-BATCH003-DOC0022-COR-20240 Page 3 of 35



SMITHSONIAN HANDBOOK OF NORTH AMERICAN INDIANS MAPS DEPICTING KITANEMUK TERRITORY. MAIN MAP IS FOUND AT IX, INSET MAP IS FOUND AT 564.



Sebastian Military Reserve and Indian Villages

MAP OF THE TEJON (SEBASTIAN) MILITARY RESERVATION FROM GEORGE HARWOOD PHILLIPS, BRINGING THEM UNDER SUBJECTION: CALIFORNIA'S TEJON INDIAN RESERVATION AND BEYOND, 1852 – 1864.

00037414-AS-IA-BATCH003-DOC0022-COR-20240 Page 5 of 35

11322 4

[illegible]
112333-1916
P B W

Copy sent to Comm Bureau Nov 10/16

NOV -7 1916

The Honorable

FOR FILE

the Secretary of the Interior.

Sir:-

The Office has the honor to recommend that the S/2 NW/4, the SW/4 SW/4 Sec. 2; the NW/4 NE/4 Sec. 12, S/2 S/2 Sec. 26; the SE/4 SE/4, and the SW/4 SW/4 Sec. 28; the E/2 Sec. 34, and the W/2 W/2 Sec. 34, T. 11 N., R. 17 W., of the San Bernardino Meridian, containing 880 acres, be temporarily reserved and set aside for the use of the El Tejon band of Indians, Kern County, California.

In this connection attention is invited to the enclosed letter dated September 21, 1916, from Special Commissioner J. J. Terrell, setting forth in detail the land condition and need of these Indians, and suggesting that if possible certain lands be set aside at the earliest possible date.

Attention is also invited to the letter of the Department dated October 25, 1916, to the Attorney General, recommending the institution of a suit to protect these Indians in the lands now occupied by them.

Posted NOV 13 1916

FOR FILE

However, should the United States be unsuccessful in this suit, the Office believes it would be advantageous to have the foregoing lands reserved for the use of the Indians. Since it is not now certain that they will be ejected, the Office believes that at present only a temporary withdrawal is necessary.

A letter, dated October 26, 1916, from the Assistant Commissioner of the General Land Office shows that the lands above described are vacant.

Respectfully,
(Signed) C. F. Hauke

11-PS-4.

Chief Clerk.

NOV -9 1916

Approved and referred to the Commissioner of the General Land Office for action in accordance with the foregoing recommendations.

(Sgd.) BO SWEENEY.
Assistant Secretary.

1916 SECRETARIAL ORDER TEMPORARILY RESERVING LANDS FOR THE EL TEJON BAND OF INDIANS

FOIA6

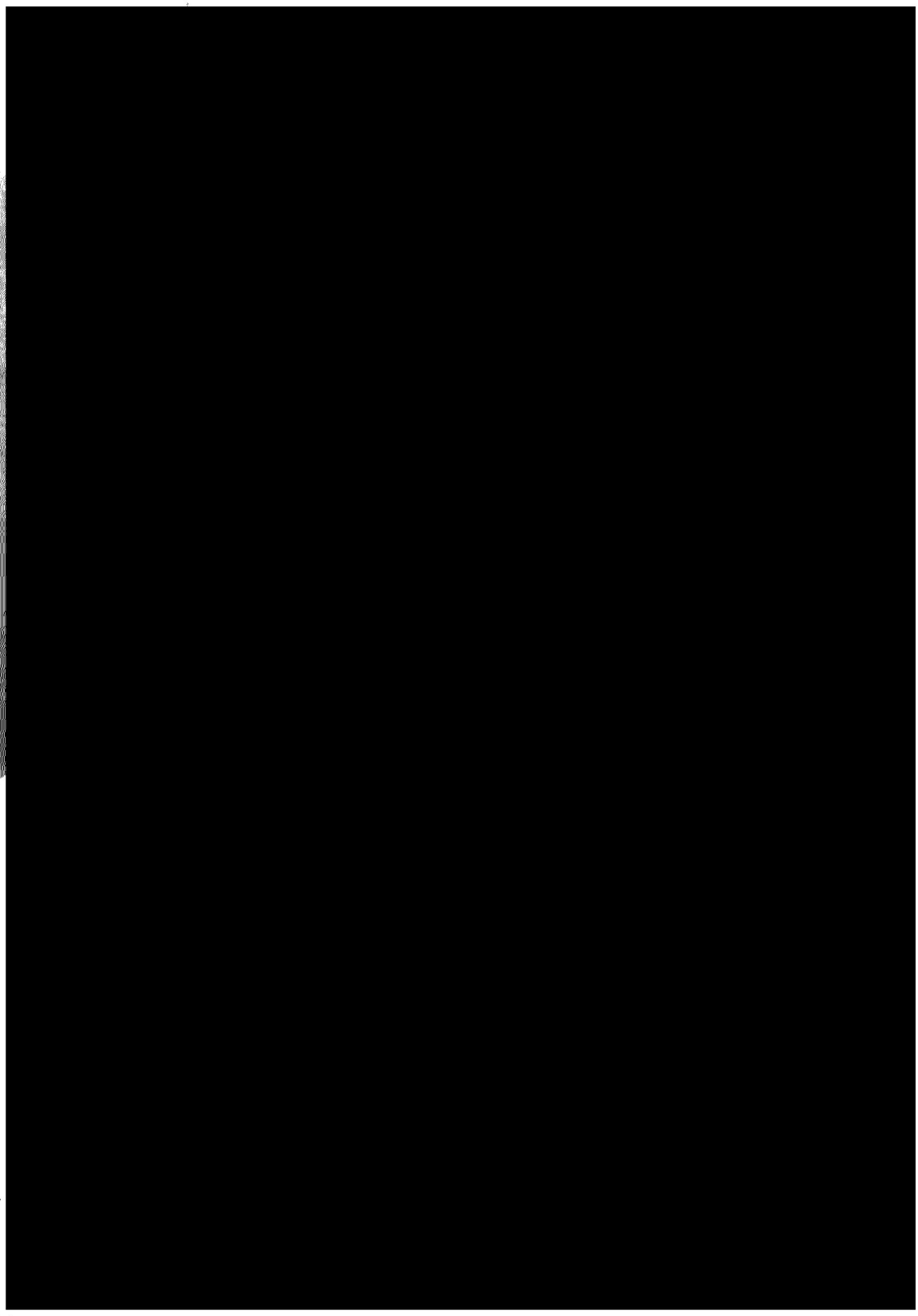
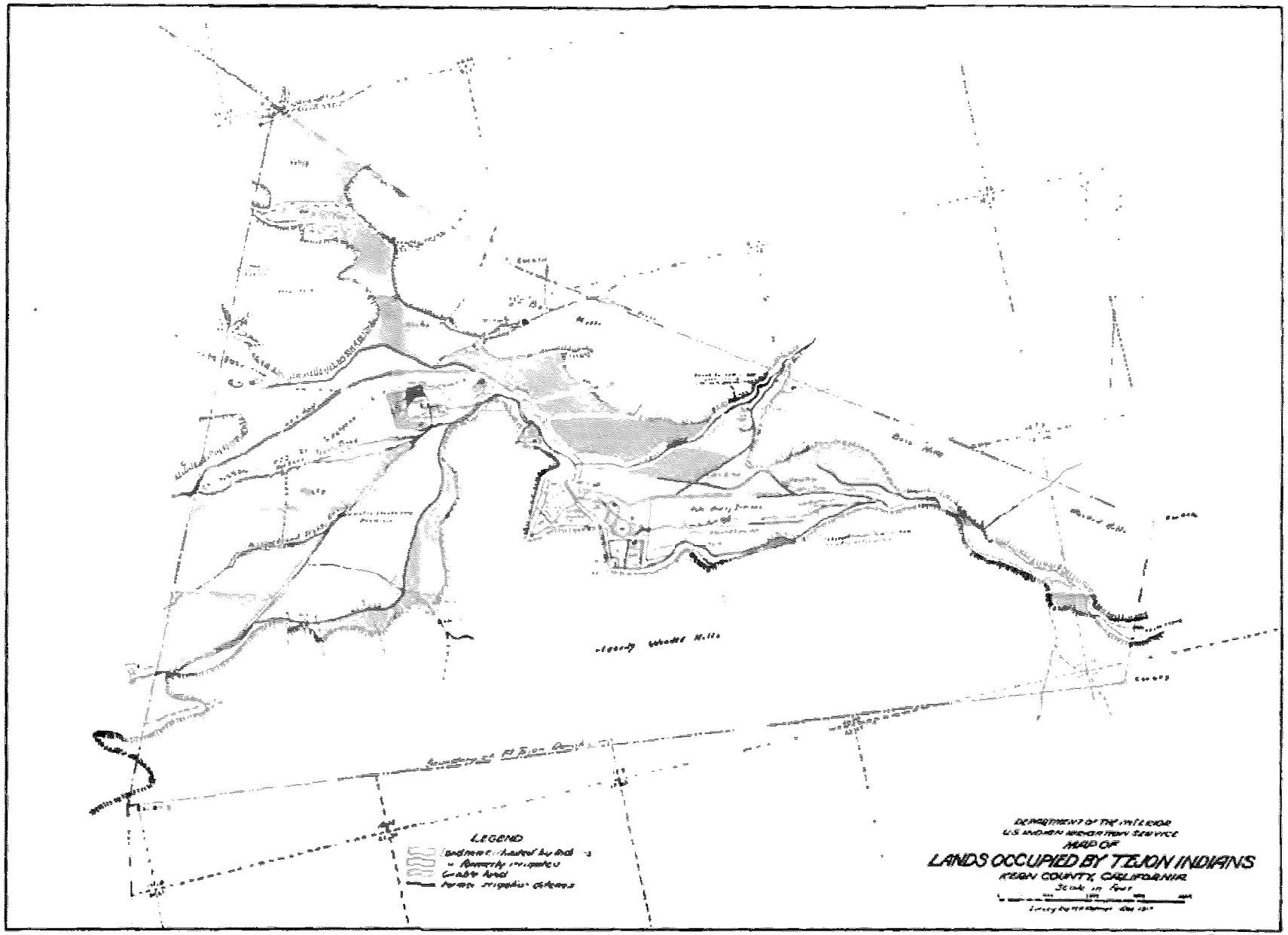


PHOTO OF [redacted]
TAKEN BY EDWARD S. CURTIS, ABOUT 1916



US INDIAN IRRIGATION SERVICE MAP OF TEJON TRIBAL LANDS FILED BY THE UNITED STATES IN UNITED STATES SUPREME COURT LITIGATION

00037414-AS-IA-BATCH003-DOC0022-COR-20240 Page 8 of 35

1 *Names and addresses of attorneys.*

For plaintiff and appellant: Joseph C. Burke, Esq., United States district attorney, and George A. H. Fraser, Esq., special assistant to the Attorney General, Federal Building, Los Angeles, Calif.

For defendants and appellees: O'Melveny, Millikin & Tuller, Title Insurance Building, Los Angeles, Calif.

3 [Citation and service omitted in printing.]

4 United States of America, Southern District of California, Northern Division, in the District Court, SS. No. B-68, in Equity.

[Title omitted.]

Bill of complaint.

Filed Dec. 20, 1920.

Comes now the plaintiff above named, by its attorneys, and complaining of defendants alleges and says:

I.

This suit is brought under the authority and by the direction of the Attorney General of the United States at the request of the Secretary of the Interior, and is brought by plaintiff in furtherance of its Indian policy and also in its capacity, and to discharge its obligations, as guardian for sundry Indians known as the Tejon Band or Tribe of Indians now and from time immemorial residing on
6 certain premises hereinafter described, in what is now Kern County, California; that said Indians are and from time immemorial have been tribal Indians, and at all times since July 7, 1846, have been and now are wards of the United States and at all times herein mentioned were and still are incompetent to manage their own affairs; that at all of said times they were and still are what are commonly called Mission Indians.

II.

That defendant Title Insurance & Trust Company is a corporation organized and existing under and by virtue of the laws of the State of California, and that its principal office and principal place of business are in the city of Los Angeles, in said State;

That defendant Security Trust and Savings Bank is a corporation organized and existing under and by virtue of the laws of the

XII.

That by reason of the appropriation and use by defendants of portions of said premises from which said Indians were excluded by defendants' predecessors in title, and the continued exclusion of said Indians therefrom by defendants as above set forth, said Indians have been damaged in the sum of $75,000.

That by reason of the further expulsion and exclusion of
10 said Indians by defendants from other portions of said premises, and the continued appropriation and use thereafter by defendants of such other portions as above set forth, said Indians have been damaged in the further sum of $2,500.

That by reason of the molestation of said Indians by defendants and the restrictions and limitations placed by defendants on said Indians in the use and enjoyment of those portions of said premises still occupied by them as above set forth, said Indians have been damaged in the further sum of $50,000.

Wherefore, plaintiff prays

1. That defendants be required to make full disclosure and discovery of the matters aforesaid, and especially as to nature of the right, title, interest, estate, claim or demand of defendants Harry Chandler, O. P. Brant, M. H. Sherman, and E. P. Clark in or to said premises or to the possession or control thereof, or any part thereof, according to the best of their knowledge and information, and full, true, direct and perfect answers make to the matters hereinbefore charged.

2. That the Indian title of occupancy, possession and use of and to the premises hereinabove described, including said described water rights, and said rights of way, and every part and portion thereof, be quieted in said Indians as against the fee title, and any and every title, possessory or otherwise, of defendants herein, and each and all of them: and decreed to be superior to and free from
11 the lien of the deed of trust hereinbefore referred to; and that said Tejon Indians, including all living members of said band heretofore driven or forced from said premises by defendants or their predecessors, and the descendants of any and all of said Indians be held, adjudged and decreed to have full and perpetual right and title to occupy, possess, use and enjoy said premises and all thereof, including the rights in the waters of said Tejon and Cedar Creeks as above described, and all other waters to which said premises are riparian, and including all the natural products of said premises, whether by agriculture, horticulture, irrigation, cattle raising, or any other ordinary method of use, without interference, restriction or molestation of any sort, nature or description, by or from defendants herein or any of them, or any person or persons claiming under or through them or any of them, as long as any of said Indians or any of their children or descendants continue to occupy or dwell upon said premises; but without any right to sell, dispose of or encumber said title to said premises, or any part thereof, except to or in favor of or with the consent of the United States.

0003741 4-AS-IA-BATCH003-DOC0022-COR-20240 Page 9 of 35

EXCERPTS FROM UNITED STATES' COMPLAINT ASSERTING TRIBAL LAND AND WATER RIGHTS FOR THE BENEFIT OF THE TEJON TRIBE

Tejon Indian Reservation, Kern County

FOIA6

PHOTOGRAPH OF TEJON INDIAN SCHOOL
TAKEN ABOUT 1922

00037414-AS-IA-BATCH003-DOC0022-COR-20240 Page 10 of 35

In the Supreme Court of the United States.

OCTOBER TERM, 1923.

THE UNITED STATES OF AMERICA, appellant,
v.
TITLE INSURANCE AND TRUST COMPANY et al. } No. 358.

APPEAL FROM THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT.

BRIEF FOR THE UNITED STATES.

STATEMENT.

This case originated in the District Court for the southern district of California, northern division. The United States was plaintiff and the present appellees were defendants. After complaint was filed, defendants interposed a motion to dismiss, in the nature of a general demurrer; the motion was sustained; plaintiff elected to stand on its complaint; a final decree of dismissal was entered; plaintiff appealed to the Circuit Court of Appeals for the Ninth Circuit; that court, on April 16, 1923, affirmed the judgment below; and from that decision this appeal is taken.

The suit is analogous to a suit to quiet title. In it the United States, as guardian for the surviving remnant of a tribe of Indians from time immemorial living on a certain described tract of land, seeks to have their original title of occupancy and possession, which is fortified by a provision for their protection found in the grant whereby the fee title passed from the Mexican government, confirmed and established as a species of easement or use, to which all rights and titles now belonging to defendants are subject. Compensation is also asked for various acts of wrong and oppression committed by defendants, and an injunction to prevent further molestation of the Indians.

The complaint may be thus summarized:

1. The suit is brought by authority of the Attorney General of the United States at the request of the Secretary of the Interior in furtherance of the Indian policy of the Government, which is here acting as guardian of a band or tribe of Mission Indians, wards of the United States, and incompetent to manage their own affairs, known as Tejon Indians, and from time immemorial residing on a described tract in Kern County, California. The above mentioned officials in bringing the suit are acting not only in the general line of their duty and in defense of the general Indian title of occupancy and use, but also under the specific requirements of the Act of January 12, 1891, 26 Stat. 712, directing them to protect Mission Indians residing within any confirmed private grant in the rights secured to them both by the original grant and by the Act of the State of California of April 22, 1850 (hereinafter quoted), which provides that proprietors of land on which Indians reside must not interfere with their possession, although they may by judicial procedure obtain a segregation of a sufficiency of land for their separate occupancy, including their home or village.

EXCERPTS FROM UNITED STATES' SUPREME COURT BRIEF ASSERTING LAND AND WATER RIGHTS CLAIMS ON BEHALF OF THE TEJON TRIBE

00037414-AS-IA-BATCH003-DOC0022-COR-20240 Page 11 of 35

L-A
51105-30
J S

JUN 26 1930

Hon. Charles Curtis,

The Vice President's Chamber.

Dear Mr. Vice President:

I have your communication of June 19, 1930, with enclosures, from Mr. G. W. Burley, of Bakersfield, California, relative to certain lands in California.

The odd numbered sections in township 30 south, ranges 31, 32, and 33 east, M. D. M., California, mentioned by your correspondent, are within the place limits of the Main Line Grant, Southern Pacific Railway Company, Act of July 27, 1866 (14 Stat., 292). Maps of the road, as constructed (no maps of definite location having previously been filed), were filed June 12, 1874, and February 13, 1875. Patents were issued to the railroad company in due course for those sections except as to the land in the patented Rancho El Tejon and in a few mining claims and tracts formally adjudged to be mineral in character.

Substantially all the land in the even numbered sections in these townships, not within the limits of the Rancho El Tejon, have been patented to individual entrymen or have passed by grant to the State.

The mineral rights in the land passed to the railroad company and to the other patentees, except in those cases in which the mineral rights were reinlaid by the United States, as in patents issued on stock growing homestead entries. No Federal appropriation is available for financing the building of reservoirs in California.

In regard to purchasing some of these lands for the El Tejon Indians it may be said that by a decision of the United States Supreme Court June 9, 1924, in the case of United States of America, Appellant, v. Title Insurance and Trust Company, et al. (265 U. S., 472), the court held that title to the land occupied by those Indians was in the Title Insurance and Trust Company, et al., and that the Tejon Indians had no legal or valid title thereto or occupancy thereof. The company did not care to sell any of its lands.

Initialing Copy-for File

However, the owners have been leasing to the Tejon Band the particular tracts, it is assumed, occupied by the Indians, for a nominal consideration of $1.00 per year. This procedure is, of course, merely for the purpose of having the Indians recognize the lessors as owners of the property.

Correspondence in our files indicates that the Indians of the Tejon Rancho are free to do as they please without let or hindrance in regard to the privately owned lands which they occupy. As the situation in this case is viewed these Indians are generally industrious, self-supporting and contented under present conditions, and have not made any request or demand that lands be purchased for them or that conditions be changed, consequently, I question the wisdom of disturbing them in their present occupancy of the privately owned lands or in any way disrupting their evident orderly and peaceful mode of living.

We do not have an appropriation available that could be used in purchasing section 18, township 30 south, range 32 east, Kern County, for the especial use of Charles M. Burt and Juan B. Lozada, who are mentioned by Mr. Burley.

Your enclosures are returned herewith.

Very truly yours,

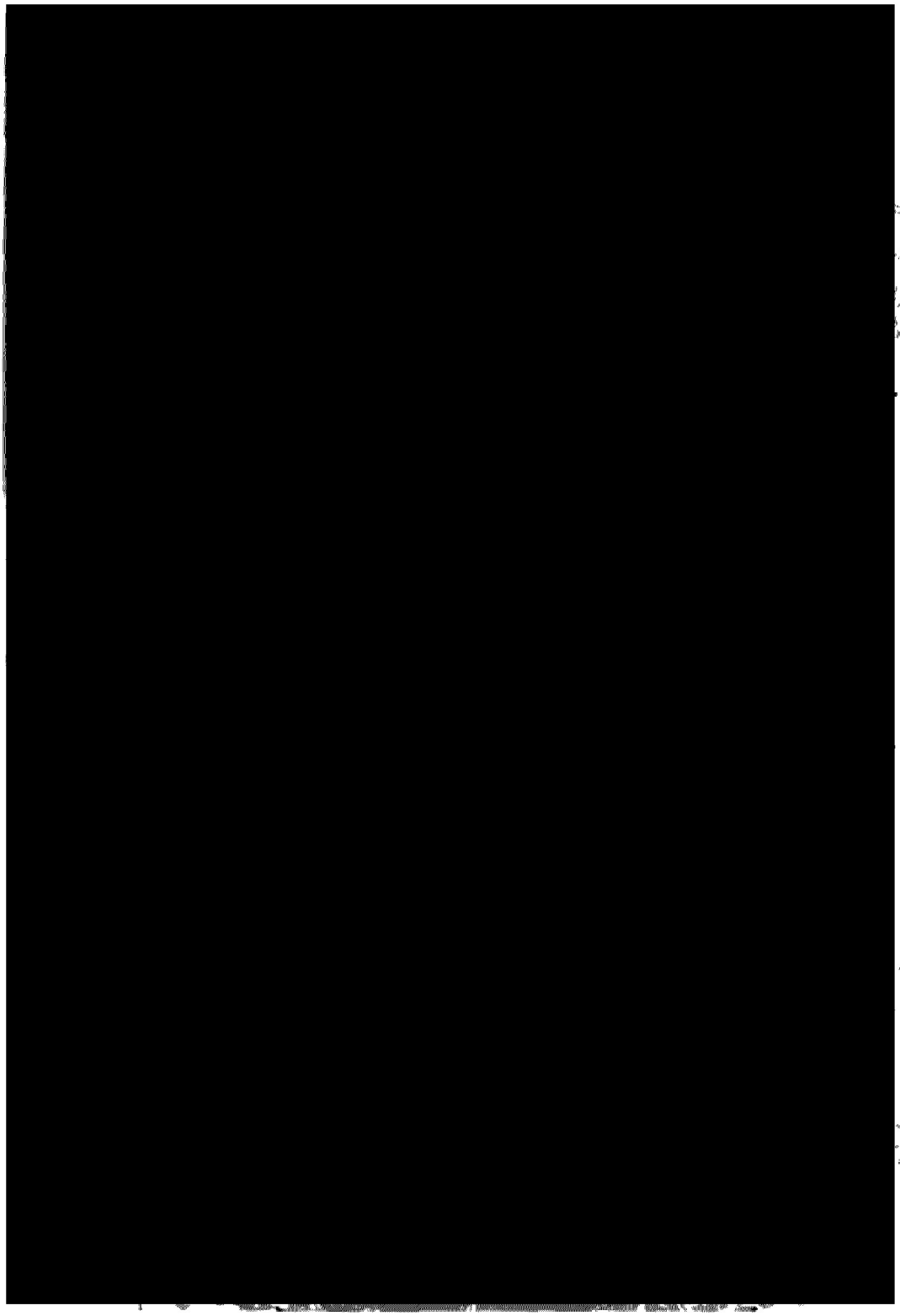
6-MS-24

(Sgd.) RAY LYMAN WILBUR

Enclosures 8761.

1930 LETTER FROM SECRETARY OF THE INTERIOR WILBUR TO VICE PRESIDENT CURTIS REGARDING TEJON TRIBE

00037414-AS-IA-BATCH003-DOC0022-COR-20240 Page 12 of 35



FOIA6

YESTERYEAR IN KERN. Here is a rare shot of the Tejon Indian School and attending students taken during a visit of the county superintendent of schools in 1942. The adults in rear are [redacted], [redacted] and [redacted] county superintendent. The school which was attended by children from the so-called Tejon Indi...

PHOTOGRAPH OF TEJON INDIAN SCHOOL IN 1942

FOIA6

00037414-AS-IA-BATCH003-DOC0022-COR-20240 Page 14 of 35

[Public Land Order 3738]

CALIFORNIA

Revoking Departmental Order of November 9, 1916

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and as Secretary of the Interior, it is ordered as follows:

1. The departmental order of November 9, 1916, temporarily reserving and setting aside the following described lands for use of the El Tejon Band of Indians, is hereby revoked:

SAN BERNARDINO MERIDIAN

T. 11 N., R. 17 W.,
Sec. 2, W½NW¼, SW¼SW¼, (lot 5);
Sec. 12, NW¼NE¼;
Sec. 26, S½S½;
Sec. 28, SE¼SE¼, SW¼SW¼;
Sec. 34, E½, W½W½.

Containing 865.82 acres.

2. The lands which have never been used and are not needed by the Indians for any purpose, are in scattered tracts about 14 to 16 miles southwest of the town of Tehachapi. They are accessible only by foot, and are steep and rough in topography.

3. The lands are hereby restored to the operation of the public land laws, subject to any valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided, that until 10:00 a.m. on January 26, 1963, the State of California shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

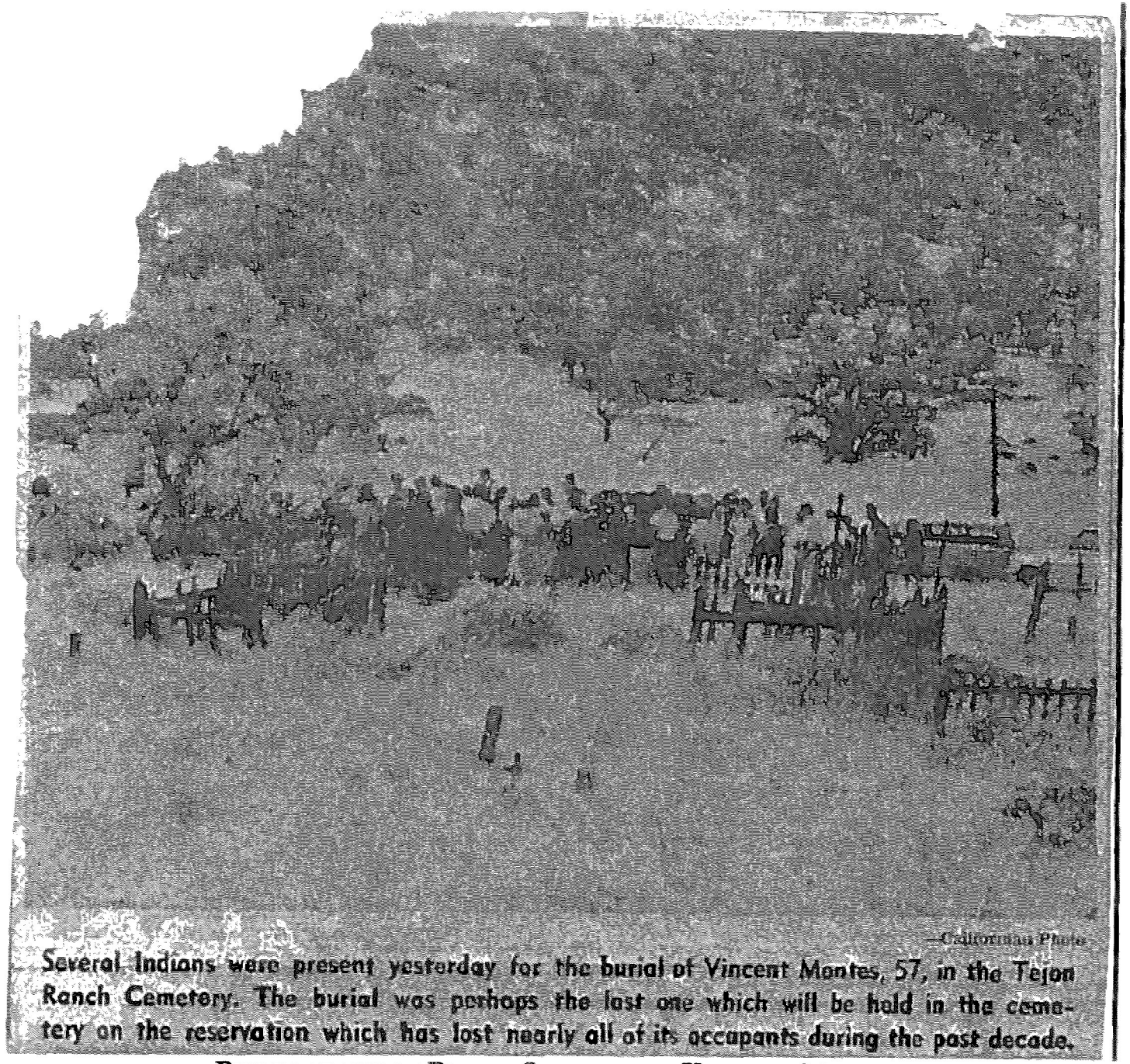
4. The lands shall be open to applications and offers under the mineral leasing laws and to location under the United States mining laws, beginnng at 10:00 a.m. on Janaury 26, 1963. Lease applications received prior thereto will be considered as filed at that time.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Riverside, California.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

July 27, 1962.

1962 PUBLIC LANDS ORDER RESTORING LANDS TO THE PUBLIC DOMAIN THAT WERE TEMPORARILY RESERVED IN 1916 FOR THE TEJON TRIBE



—California Photo

Several Indians were present yesterday for the burial of Vincent Montes, 57, in the Tejon Ranch Cemetery. The burial was perhaps the last one which will be held in the cemetery on the reservation which has lost nearly all of its occupants during the past decade.

PHOTOGRAPH OF BURIAL SERVICE FOR VINCENT MONTES

00037414-AS-IA-BATCH003-DOC0022-COR-20240 Page 16 of 35

ARTICLE ACCOMPANYING ABOVE PHOTOGRAPH RELATING TO BURIAL SERVICE FOR VINCENT MONTES

FOIA6

Last Piute Put to Rest in Old Indian Cemetery

Vincent Montes 57 last Indian resident the ese tion on Tejon Ranch buri d in the Indian reserva tion cemetery there yesterday clad in his green cowbo s and Levi s. Mr. M s rved the ranch many ye as a cowboy, di last day at his r ch h e

With the th and burial of Mr. Montes so p obably came the last occup on the In dians n Te on Ranch.

His widow [redacted] **and her six** daughters plan on leaving the area which was first mapped out for the Piute tribe 1853 y Ge Truxtun B ale. The government even pr ed the Indians Fort T on for protec tion.

The Rev. Edward Fagan, of St. Augustine's Church, Lamont, officiated at the funeral and said the Roman Catholic graveside rites.

B fore his death, Mr. Montes m e a request that he be b led in his green wboy shirt and a pair of Levi's His wish was granted.

His uneral as the rst the reservati n in which a hearse and coffin were used f transportation and burial.

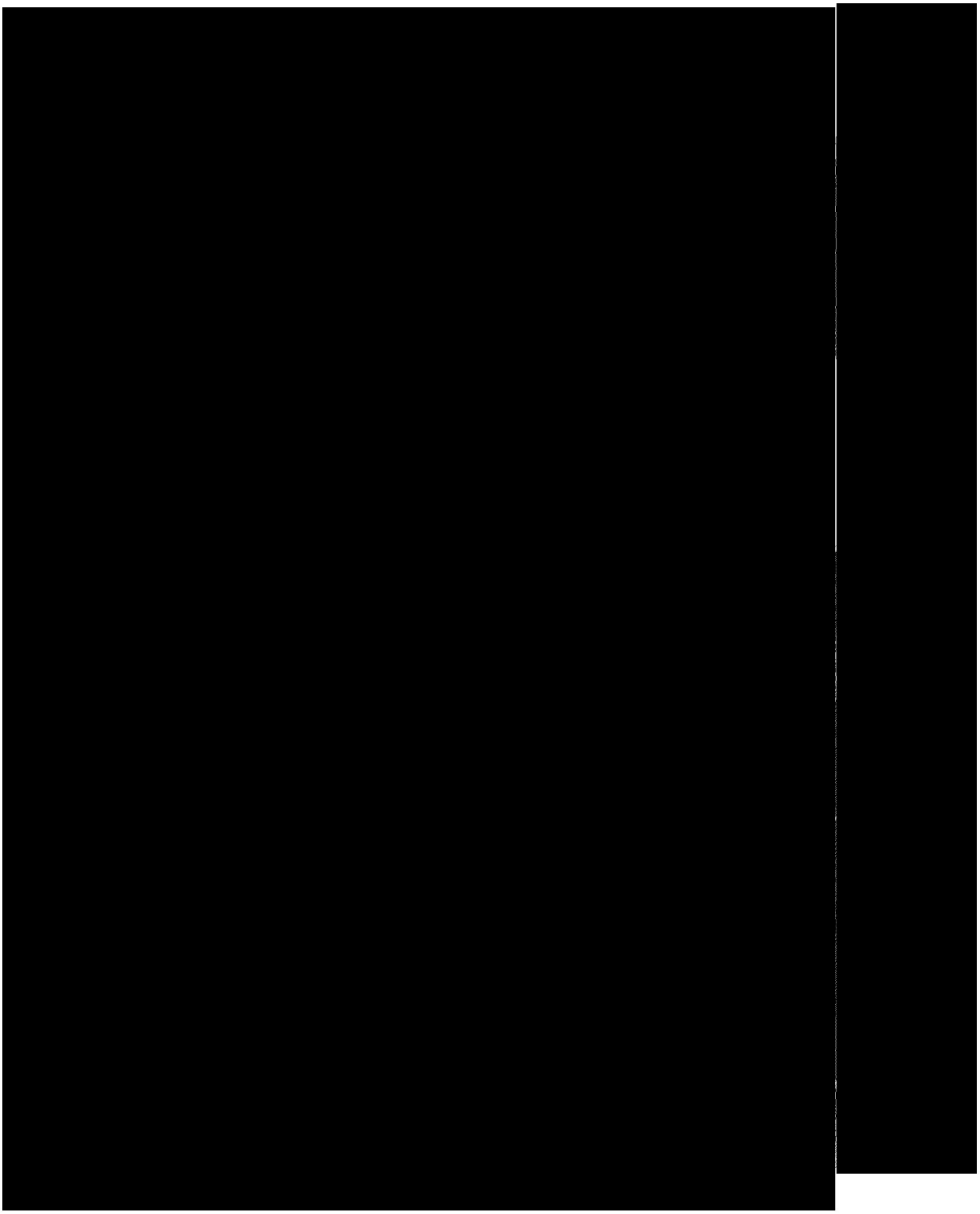
When he died at his ran h home [redacted] his y a old daughter, ran barefoo across six miles of rugged terr to get help t the ran h h dquar ters.

One man at the funeral said, 'I m ry f r the pl ce looks ut w h e mo and no on is h t look th em ery

Ove the ast decad all th younger Indians have migr ed to v lley cities to find work and establish homes. At e tim 1 to 12 famil occ ed th reservation.

TEJON SCHOOL HOUSE
TAKEN SUMMER 2006

00037414-AS-IA-BATCH003-DOC0022-COR-20240 Page 18 of 35

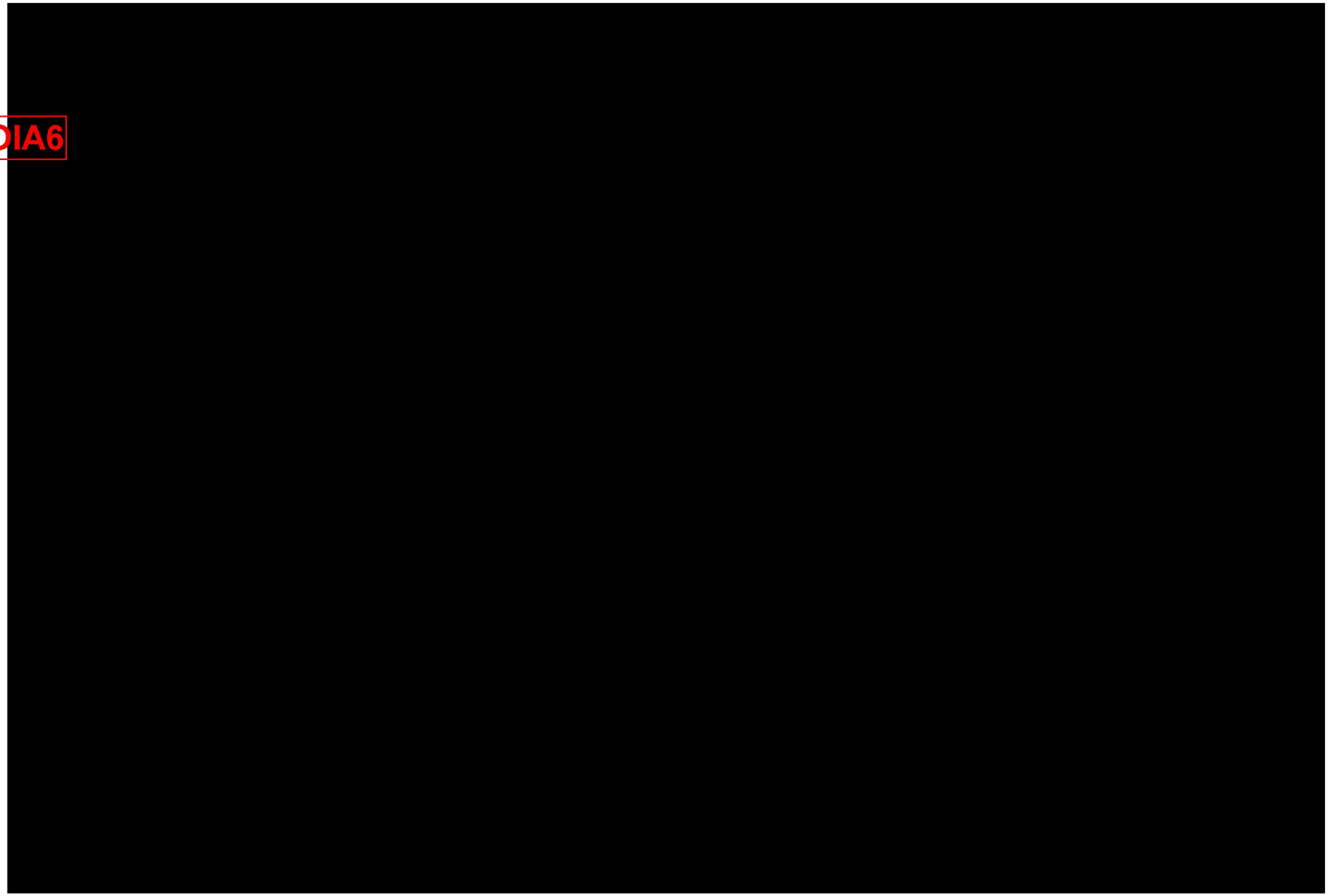


FOIA6

[redacted]

FOIA6

FOIA6



CURRENT TRIBAL MEMBER [redacted] IN BACKGROUND AT TEJON RANCH

FOIA6

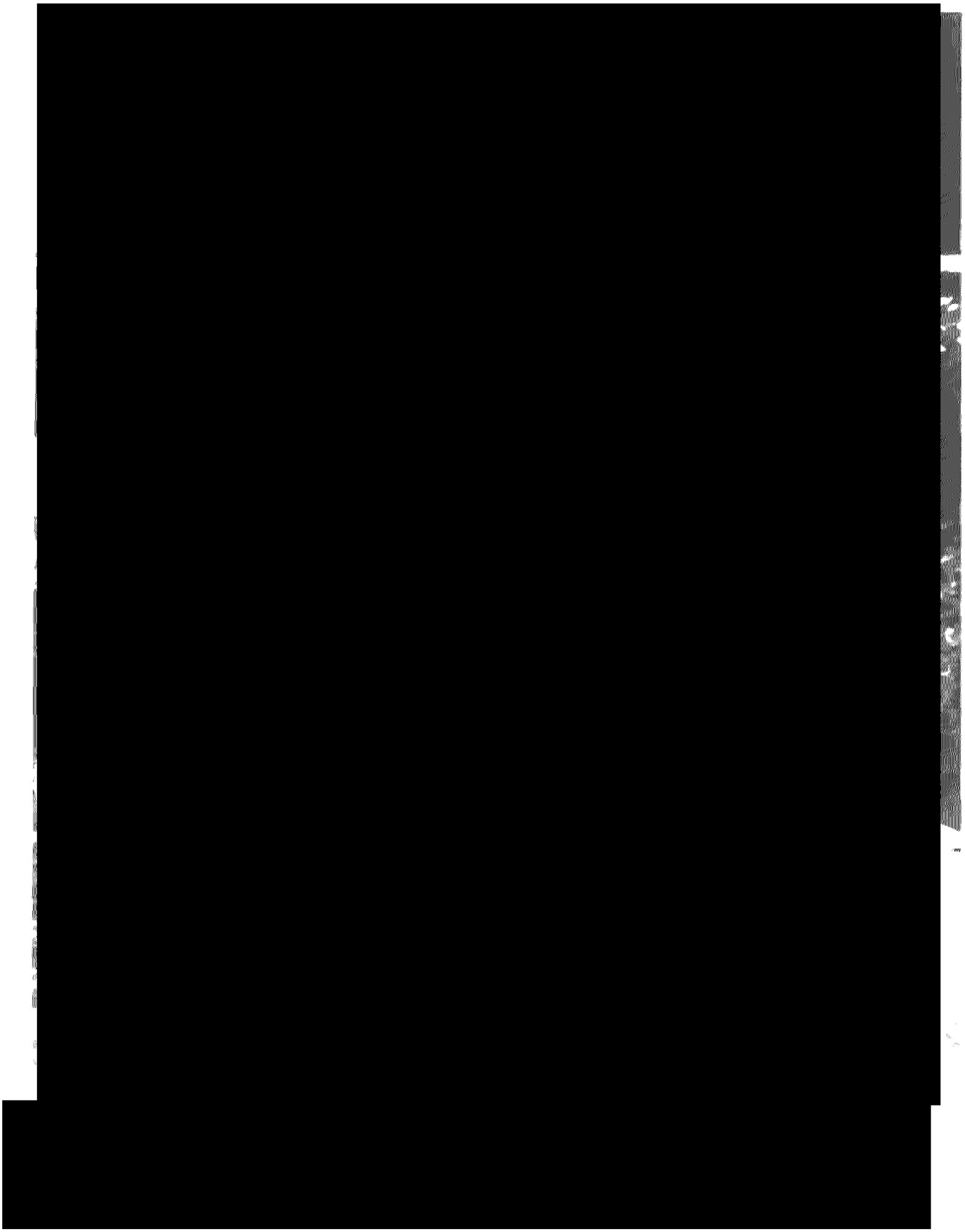
FOIA6

[redacted]

[redacted] AT TEJON RANCH

00037414-AS-IA-BATCH003-DOC0022-COR-20240 Page 23 of 35

FOIA6



TRIBAL MEMBER'S HOME AT TEJON RANCH AFTER EARTHQUAKE OF 1953

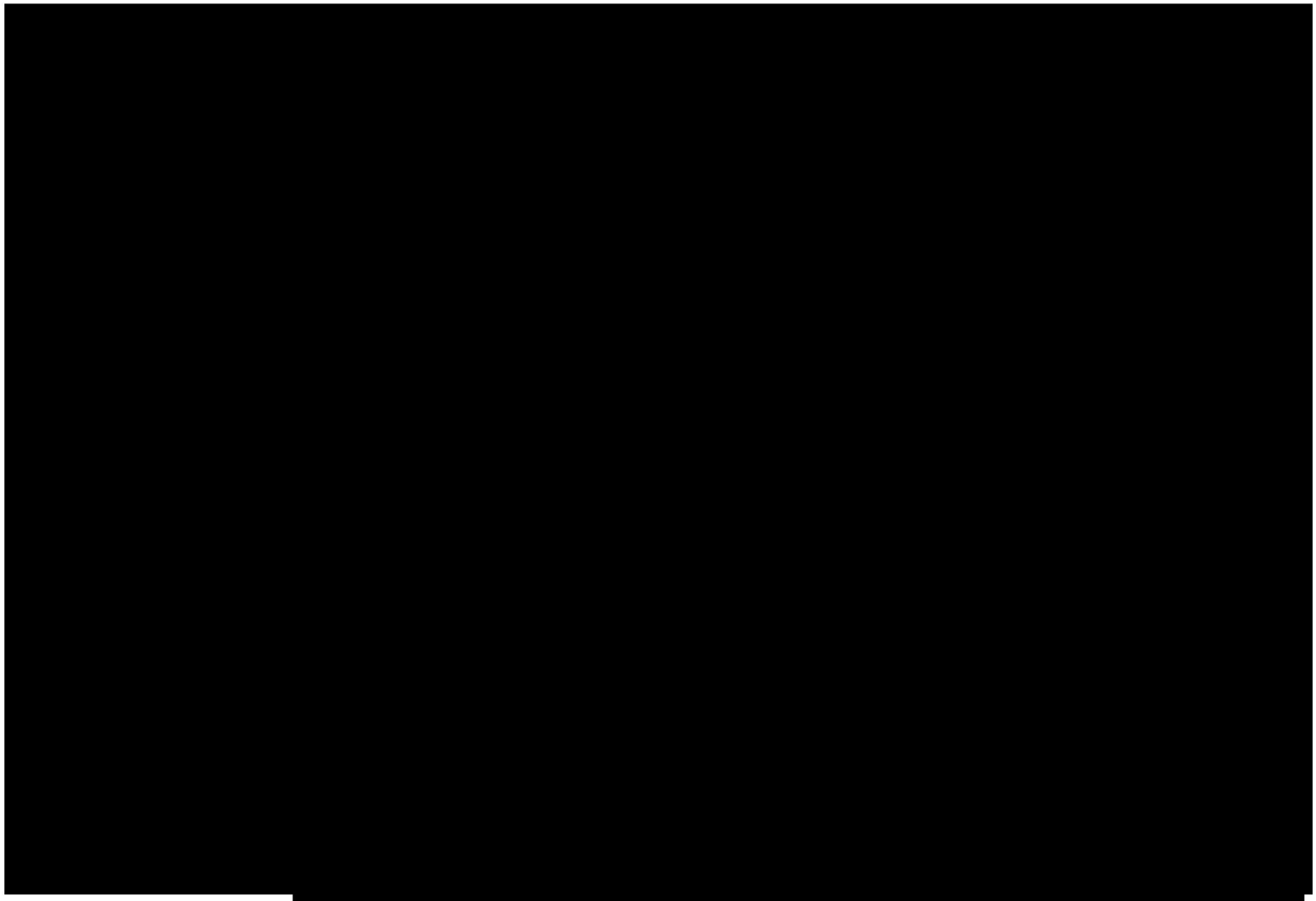
00037414-AS-IA-BATCH003-DOC0022-COR-20240 Page 25 of 35

CHIEF LOZADA'S HOME AT TEJON RANCH AFTER 1953 EARTHQUAKE

TRIBAL MEMBER'S HOME AT TEJON RANCH AFTER 1953 EARTHQUAKE

TRIBAL MEMBER'S HOME AT TEJON RANCH AFTER 1953 EARTHQUAKE

FOIA6



PHOTOGRAPH (FROM LEFT

TEJON RANCH

00037414-AS-IA-BATCH003-DOC0022-COR-20240 Page 29 of 35

[redacted]

FOIA6

1998 GATHERING

AUGUST 1998 - @ HART PARK. Bakersfield CA

[redacted]

FOIA6

TEJON TRIBAL CEMETERY AT TEJON RANCH

FOIA6

[redacted]

ANNUAL TRIBAL GATHERING AND MAINTENANCE
OF TEJON TRIBAL CEMETERY

FOIA6

[redacted]

[redacted]

ANNUAL TRIBAL GATHERING AND MAINTENANCE
OF TEJON TRIBAL CEMETERY

FOIA6

TEJON INDIAN TRIBE AND GUESTS (2005)

00037414-AS-IA-BATCH003-DOC0022-COR-20240 Page 35 of 35