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DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON

May 14, 1914.

ADDRESS ONLY THE COMMISSIONER OF THE GENERAL LAND OFFICE

Report on withdrawal of lands for Indians.

Hon. A. A. Jones,

First Assistant Secretary,

My dear Mr. Jones:

You have had transmitted to this office with a request for an expression of views on the matter, a letter addressed to the Department by the Commissioner of Indian Affairs, in which recommendation is made that there be temporarily withheld from all forms of settlement and entry all vacant public lands in fractional townships 11 and 12 N., Ranges 16 and 17 W., S.B.M., California, until the report that 100 Indians domiciled for years on the adjoining El Tejon Ranch, are about to be ejected from the ranch, may be investigated and the lands actually needed to protect the Indians ascertained. There is also with the papers an expression of opinion by the Assistant Attorney General for the Department of the Interior, that the proposed action is in accordance with law.

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An examination of the tract books in this office containing the townships in question, shows that the odd sections in each township are [illegible] the twenty mile limits of the withdrawal for the Southern Pacific Railroad Company.

In Tp. 12 N., R. 16 W., there are but 3745.54 acres of land, all but 40 acres of which have been disposed of or are covered by existing entries. In Tp. 12 N., R. 17 W., there are, outside of the El Tejon Ranch, 2504.02 acres. All of this land has been disposed of except 285.92 acres in Secs. 28 and 34.

About one half of Tp. 11 N., R. 17 W., is within the patented limits of the El Tejon Ranch; of the remainder 2,220.28 acres are vacant as shown by the records of this office. This acreage includes 640 acres in Sec. 36, which, by office letter "G" of February 2, 1900, was declared to be public land.

Only 1[illegible] acres in T. 11 N., R. 16 W., is contained in the El Tejon Ranch. Of the remainder, [illegible] acres are vacant, according to the tract book of this office.

It is believed that the temporary withdrawal of [illegible] lands for purposes of investigation as to the need of a permanent withdrawal by the President, for Indian purposes, [illegible] within the scope of the supervisory power over the dis[illegible]

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of the public lands with which the Secretary of the Interior is charged.

This right of temporarily reserving public lands for Indian purposes has been frequently exercised in the past, and it is believed may [illegible] being performed in behalf of the President, preliminary to formal and permanent withdrawal, if the following investigation proves it necessary for public good.

The withdrawal from entry of lands actually occupied by Indians, has long been the practice of the Department. (See circular of October [illegible], 1887, 6 L.D., 341, reissued in 52 L.D., [illegible]).

The withdrawal of lands in the vicinity of the patented El Tejon Ranch for the purpose of providing homes for a band of Indians, wards of the Government, about to be ejected from [illegible] ranch, and who would otherwise be without a place of residence, seems clearly to come within the power of the President, not necessarily under the provisions of the act of June [illegible], [illegible] (38 Stat., [illegible]), as the second section of [illegible] constant exploration for minerals of the lands so withdrawn might destroy its value as an Indian reservation, but [illegible] the broad power of the President over the public lands, [illegible] right of the Secretary of the Interior to act for the [illegible] so as to make such permanent withdrawal possible, if [illegible]

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needed, by a temporary withdrawal, pending investigation of the permanent needs of the Indians, seems certain.

The right of the President to [illegible] withdraw public lands from settlement and entry was considered, and a number of decisions of the Supreme Court cited, in a decision of the Department found in 31 L.D., page 195.

In view of the facts stated by the Commissioner of Indian Affairs, this office will interpose no objection to the proposed temporary withdrawal of lands, but before any formal and permanent reservation is made of specified tracts, it is urged that thorough investigation be had not only of the needs of this band of Indians, but also of the rights of homestead settlers in the vicinity and the effect on their interests of the establishment of an Indian reservation in their midst.

I return the papers transmitted.

Very respectfully,

signed Clay Tallman

Commissioner.

Enclosure [illegible].

[illegible]