

TND-92 - Cloutier, John

T.P.

Sacramento Area Office

Vol. 13 Page 51

File No. 312

State of California)
County of Inyo) ss

In re Estate of John Cluette
Indian. Deceased.

On November 9th, 1903 John Cluette made Indian allotment application No. 92, Independence Series, for the S $\frac{1}{2}$ S $\frac{1}{2}$, Section 24, the NE $\frac{1}{2}$ NE $\frac{1}{2}$, Section 25, and the E $\frac{1}{2}$ NE $\frac{1}{2}$ Section 26; Township 1 north, Range 26 east, Mount Diablo Base and Meridian, containing 160 acres.

This application was approved by the Secretary of the Interior May 20th, 1907 and patent issued September 23rd, 1907.

John Cluette died during the month of July or August, 1907, just prior to the issuance of the patent.

He was a married man and left his widow ^{Hannie} Nellie Cluette and five children, to wit:

Ed Cluette
Alec Cluette
Mark Cluette
Sadie - ~~Shirley~~ Shirlee Cluette and
Rosa Cluette.

Ed Cluette the eldest son was married. He is now dead leaving his widow, Daisy B. Cluette and two children, to wit:

Rosa Cluette and a baby unnamed.

Now located at Mono Hills, Mono County, California.

No contacts or adverse claims recorded.

Land 7872-1908
312

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,

Bishop, Calif. May 26th, 1908.

Office of Indian Affairs,
Washington, D. C.

Through the Superintendent of Carson School,
Stewart, Nevada.

Sir:-

In answer to Office letter of Feb. 13, 1908 referring to trust patents which I had received from the local Land Office at Independence, Calif. to be delivered to Indians, whom I would had died, would say that not until the present time have I been able to report specifically as the families of two of the allottees live at a distance, one of them over sixty miles away.

Let in referring to patents would call your attention to " Independence No. 92", John Cluette allottee, who died about Aug. 1907 at Mono Mills, Mono Co., Calif. and who was employed in the lumber mills of that place at time of his death. He left a wife, Mollie Cluette, and five children who are now living on the land. Their names and ages are as follows:

Ed. Cluette	son	age about	24	years,
Fussie Cluette,	daughter	age about	20	years,
Alice Cluette	"	"	17	"
Hank Cluett	son	"	10	"
Sissy Cluette	daughter	"	4	"

They have fenced the entire 160 acres and have built a small lumber house. Have four acres in potatoes, two in wheat, one in barley and 1/2 acre in garden. There is plenty of water and astorage so that they are able to take the horses of other Indians to pasture. There is also plenty of willow wood for fuel on the place and the family

are anxious to remain in possession. I have inquired of whites who know the family and who say that they are capable of managing their own affairs.

2nd " Independence 91" refers to the patent of Dick Mallory who died near Bishop, Calif. March 1897. His family are now living upon the allotment which is at Round Valley fifteen miles from Bishop. His family consists of wife, Lottie Mallory, sometimes known as Lottie Baker, and five children as follows:

Emma Mallory	aged	13	years.
Jack	"	11	"
May	"	8	"
Ella	"	6	"
Dave	"	20	months.

They have had the land resurveyed within the past months so as to know their exact corners in order that they might fence the land and have commenced to build the fence. There is a small lumber house on the place and they have an interest in an irrigating ditch taking water from Pine Creek. Have planted about 30 fruit trees besides locust, cottonwood, and Lombardy trees. Have 2 1/2 acres in alfalfa, a plot of strawberries and a small field of potatoes and watermelons. Their white nephews inform me that Lottis is competent to take care of the place.

3rd. " Independence No. 86" will refer you to Tom Bourland's allotment. Tom Bourland died near Bishop about five years ago leaving but one heir, son, Dan Thomas Bourland, a young man about twenty four years of age, who has a wife and three children. The land is some twenty five or thirty miles from Bishop and Dan is not living upon it and has never known much about it as Tom Bourland had separated from Dan's mother and had another wife. Dan always having lived

(3)

near Dinkap with his mother. Neither of the wives are now living. Dan is anxious to have possession of the land and I think would be capable of taking care of it.

Very respectfully,

(signed) Minnie C. Randolph,

Field Matron.

(Submit this report in triplicate.)

REPORT ON CASH SALE OF ALLOTTED INDIAN LAND WHEN PATENT IN FEE IS TO BE ISSUED TO THE PURCHASER.

Name of allottee **John Cluette** No. **92** Agency **Walker River Bishop Sub-Ag**
 Description **SW 1/4 of the SW 1/4, Sec. 24, and the NW 1/4 of the NW 1/4 of Sec. 25, and the E 1/2 of the SE 1/4 of Sec. 25, Tp. 1 North, Range 25 N. M.D.M. in California.**
 Area **160 a.** Appraised value **\$3500** No. of bids **Bidding inapplicable** Purchase price **\$5400** Price per acre **\$40.00**

Name of purchaser **Sierras Construction Company**
 Allotment was made under the act of **February 3, 1887** (Stat. L. **24** **388**)
June 25, 1910 (Stat. L. **26** **656**)

Sale made under act of _____ (Stat. L. _____)
 If inherited, name heirs and relationship to decedent and amount to which each is entitled in dollars and cents:
Nancy Cluette **Wife** **1/2** **Nancy B. Cluette** **Grand-daughter** **1/20**
Henk Cluette **Son** **1/10** **Rosa Cluette** **Grand-daughter** **1/40**
Sadie Cluette **Daughter** **1/10** **Jessie (Baby) Cluette** **Grand-daughter** **1/40**
Margie Cluette (daughter deceased) **1/10** **Aleck Cluette (son deceased)** **1/10**
Walker River Agency **Sept. 19, 19** **28**
 AGENCY, _____, 19 _____

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

Heirs of John Cluette

SIR: There are transmitted herewith the papers in the sale from **Sierras Construction Co.**

to _____ covering land above described, and I submit my answers to the several interrogatories herein:

Did you make a personal appraisement of the land, and does it represent the full value? **Yes.**
 Is the land described leased? If so, to whom, and what is the amount of the annual rental, and when does the lease expire? **So.**

State how many bids were received, giving names of bidders and amount of each bid. (The original bids should be transmitted with this report.)
Bidding was inapplicable owing to but one concern being interested in the purchase of the land for its water value.

In case but one bid was received, why, in your opinion, was there no competition? Would the rejection of the sale and a readvertisement of the land be for the best interest of the Indian? **See foregoing answer**

How long and in what manner was the land advertised? (Give dates of first and last advertisement.)

Not applicable

Has the petition for sale been approved? If so, give file number of case ~~XXXXXXXXXXXXXXXXXXXX~~
Petition accompanies this report. **XXXXXX**

How far is the land from an established town site? **about 5 1/2 miles**

How far is the land from a line of railroad? **7 1/2 miles**

Is the land available for town-site purposes; and, if so, what consideration was given such fact in making the appraisement?

is not available for townsite purposes

If the land is west of the 100th meridian, has the purchaser been notified that the patent will contain the following provision: "And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by authority of the United States"? **Yes.**

Has the consideration been paid in full? **Yes.**

Where is the consideration deposited? **With the Federal Reserve Bank, San Francisco**

In case the sale covers inherited land, has there been a hearing after due notice, as provided by the regulations, and does all the evidence adduced accompany this report? **Hearing has been held, and approval given by Secretary of the Interior.**

If the heirs have been determined by the Department, give the date and file number of case **"Law-Heirship 9736 13 X H O"**

In case the sale covers inherited lands, who of the heirs are competent to care for their own affairs? **All of the heirs except the widow, Harry Cluette, who is in need of support.**

If the sale is made by the original allottee, give age, whether married or single, and what is the physical condition of the petitioner? **Not applicable**

If married, has the husband or wife of the allottee signed the petition and acceptance? **Not applicable.**

In case homestead rights are involved, is an agreement or statement of the homestead tenant included with the papers? **Not applicable**

I respectfully request that the sale be approved and the Commissioner of the General Land Office be directed to issue a patent in fee to the purchaser **Sierras Construction Company**; that I be authorized and directed to place the purchaser in possession and to deposit the proceeds to the credit of the **heirs** as follows: **Individual Indian Money for support, improvement, and general welfare purposes.**

Expenditures not to exceed \$ 100.00 to be made from such deposits under the supervision of the Superintendent **heirs in their individual interests** for the purposes mentioned in the petition; any remainder to be subject to the checks of said / approved by the Superintendent, when authorized by the Commissioner of Indian Affairs.

.....
Ray H. Parrott,
.....
Superintendent.

OFFICE OF INDIAN AFFAIRS
WASHINGTON

....., 19
Respectfully forwarded to the Secretary of the Interior (through the Commissioner of the General Land Office) recommending approval as requested by the Superintendent.

.....
Chief Clerk.

GENERAL LAND OFFICE
WASHINGTON

....., 19
There are no reservations or withdrawals covering the land above described, and there are no reasons appearing in the records of the General Land Office why a patent in fee should not be issued to the purchaser thereof as recommended.

.....
Assistant Commissioner.

DEPARTMENT OF THE INTERIOR
WASHINGTON

....., 19
Approved as recommended.
The Commissioner of the General Land Office is hereby directed to issue a patent in fee to the purchaser.
for

.....
Assistant Secretary.

CERTIFICATE OF APPRAISEMENT

Allottee John Cluette No. 92 Agency Walker River

I hereby certify that on the 27th day of July, 1928,
and on various dates in 1925 and 1926.

I personally visited and made a careful inspection of the following-described lands:

SW 1/4 of the SW 1/4, Sec. 24, and the NW 1/4 of the NW 1/4 of Sec.
25, and the E 1/2 of the NE 1/4 of Sec. 26, Tp. 1 North, Range 26 E.
M.D.M. in California, containing 160 acres,

being the allotment of John Cluette, deceased.

That I find the character of the land and the value, in my best judgment, to be
as follows: Agricultural 00 acres; Grazing 152 $\frac{1}{2}$ acres; Timber 00 acres;
Irrigated 7 $\frac{1}{2}$ acres; Irrigable 00 acres; Oil, Gas, or Mineral value (if any)
\$0.00; value for power-site purposes (if any) \$ No value known

Land - - - - -	\$ 3500.00
Improvements - - - - -	<u>75.00</u>
Total - - - - -	3575.00

Ray B. Parrett,
Superintendent.

NOTE.--The appraisement should be made to correspond with the legal divisions
for which bids will be received. The appraisement should be made by the superinten-
dent, but in cases where it is not possible for him to personally appraise the land,
he should appoint an appraiser and fill out the following blank:

I hereby certify that was appointed by
me to appraise the land above described; that he is well acquainted with the value
of lands in the vicinity of the tract above described, and fully competent to make
such appraisement, and that I verily believe the above appraisement is the true value
of the land and improvements thereon.

Dated day of, 19

.....
Superintendent.

This report should be transmitted in duplicate

PETITION FOR THE SALE OF INHERITED INDIAN LAND

Allottee John Cluette 92 No. Walker River
Brayer Sub-Agency.

August 4, 1928, 182

THE COMMISSIONER OF INDIAN AFFAIRS:

Application is hereby made for the sale of 160 acres of the allotment of John Cluette, described as SW-1/4 of the SW-1/4, Sec. 24, and the NW-1/4 of the NW-1/4 of Sec. 25, and the E-1/2 of the NE-1/4 of Sec. 26 Tp. 1. North, Range 26. E. N.D.M. in California, containing 160 acres.

John Cluette in the year 1907--- Day not known.
died on the / day of

19 , leaving surviving as only heirs, your petitioners, whose names, ages, relationships, degree of Indian blood, and a statement as to the number of acres and value of the land that will be retained by each in trust, provided the land described in this petition is sold, are as follows:

Name,	Age.	Relationship.	Degree of Indian blood.	No. acres to be retained in trust	
				Area in acres.	Value.
<u>Nanny Cluette</u>	<u>70</u>	<u>Wife</u>	<u>Full</u>		
<u>Hank Cluette</u>	<u>26</u>	<u>Son</u>	<u>Full</u>		
<u>Sadie Cluette</u>	<u>25</u>	<u>Dau.</u>	<u>Full</u>		
<u>Daisy B. Cluette</u>	<u>38</u>	<u>Dau-in-law</u>	<u>Full</u>		
<u>Rosa Cluette</u>	<u>18</u>	<u>Grand-dau.</u>	<u>Full</u>		
<u>Jessie (Baby) Cluette</u>	<u>15</u>	<u>Grand-dau.</u>	<u>Full</u>		

Our reasons for requesting that the land above described be sold are as follows The money from the sale

is needed by Nanny Cluette, the wife, for her support.

The other heirs need the money for support of themselves and their families.

Some of the heirs are married and live elsewhere and are in need of the money for support and improvement purposes.

The land described is * the homestead of the deceased allottee.

* If the land is not the homestead, insert the word "not."

We, each and severally, authorize the sale of the land heretofore described and hereby accept the highest bid thereon provided it is not less than the appraised value.

We also agree that the proceeds arising from the sale of this land may be disposed of in accordance with the regulations prescribed by the Secretary of the Interior.

State of California ss.
County of Inyo

On this 5th day of August, in the year of our Lord one thousand nine hundred and twenty-eight, before me, W. P. Yaney, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared

Daisy B. Cluett (Mallory),



known to me to be the person described in and whose name is subscribed to the within instrument, and she acknowledged to me that she executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in the certificate first above written.

W. P. Yaney

Notary Public in and for the County of Inyo, State of California

My commission expires Oct. 25, 1930.

Irrigated 7 1/2 acres, irrigable 0 acres, timber 0 acres, agricultural 0 acres, grazing 152 1/2 acres. The grazing land is of little value and includes the sagebrush land and land which is covered with rocks and waste land.

4. What is the value of the land, and if it is offered for sale will it, in your opinion, attract bidders? From an agricultural standpoint the land would not be worth more than \$1000, but on account of its being riparian to a small mountain stream the water value increases the value of the land.

5. Is there any coal or other valuable mineral in the land or its vicinity; and if so, has the actual, prospective, or speculative mineral value been taken into consideration in making the appraisement? There is no valuable mineral on the land.

6. Is there any valuable timber on the land? If so, state kind and give estimated number of feet and value, and whether such value has been included in appraisement. No valuable timber on the land.

7. Has the land any value for power-site or reservoir purposes; and if so, has such element of value been included in the appraisement? The land has no known value for power site purposes.

We, each and severally, authorize the sale of the land heretofore described and hereby accept the highest bid thereon provided it is not less than the appraised value.

We also agree that the proceeds arising from the sale of this land may be disposed of in accordance with the regulations prescribed by the Secretary of the Interior.

Nanny Cluette
Frank Cluette
Sadie Cluette
Daisy B. Cluette (Mallory)



Subscribed and sworn to before me this 4th of August, 1928

Witness to Mark P. Parnell, Superintendent.
Dan Voorhees
Lionel S. Swain

REPORT OF SUPERINTENDENT.

1. Are the statements made by the petitioners correct? Yes
2. Have any of the petitioners funds on deposit as individual Indian money? If so, give names and amount
No

3. What is the character of the land covered by the application? The land is located at an altitude of near 7000 feet and the season is too short to raise garden crops to any valuable extent.

Irrigated 7 1/2 acres, irrigable 0 acres, timber 0 acres, agricultural 0 acres, grazing 152 1/2 acres. The grazing land is of little value and includes the sagebrush land and land which is covered with rocks and waste land.

4. What is the value of the land, and if it is offered for sale will it, in your opinion, attract bidders? From an agricultural standpoint the land would not be worth more than \$1000, but on account of its being riparian to a small mountain stream the water value increases the value of the land.

5. Is there any coal or other valuable mineral in the land or its vicinity; and if so, has the actual, prospective, or speculative mineral value been taken into consideration in making the appraisalment? There is no valuable mineral on the land.

6. Is there any valuable timber on the land? If so, state kind and give estimated number of feet and value, and whether such value has been included in appraisalment. No valuable timber on the land.

7. Has the land any value for power-site or reservoir purposes; and if so, has such element of value been included in the appraisalment? The land has no known value for power site purposes.

8. Have you any reason to believe that a prospective purchaser has used influence with any of the petitioners to have

this land offered for sale? If so, what are the circumstances? ~~It is understood the prospective purchaser has asked the petitioners if they desire to sell. No agreement or action has been taken outside of the simple verbal question of the petitioners.~~

9. Give reasons why it is desired to sell this land. Report fully whether the petitioners are in any way incapacitated,

or whether they need the money for any particular purpose. ~~The wife of the original allottee is an old woman and in need of money for her support. Some of the children are married and do not utilize or live on the land. Others work out for a larger part of the time. The condition of the land is such that the heirs cannot make their living upon same. The home of the widow is located on the land and the purchaser is willing that she occupy and reside thereon during her life. The price is an exceptional one, owing to the water of the stream being used by a power company for power purposes. The proceeds from the sale are needed by the widow and the other heirs.~~

10. Is the land covered by this application leased; if so, to whom, when does the lease expire, and what is the annual rental per acre? ~~The land is not leased.~~

11. Has any land of like character been sold in the near vicinity to the land covered by this application; if so, when, and what was the price per acre? ~~Land of similar character has been sold in the vicinity at comparative prices for the irrigable area.~~

12. Are there any local conditions, such as surveys or construction of proposed railroads, nearness to proposed town sites, severe droughts, etc., which affect land values generally on your reservation or particularly as to the tract of land covered by this application? ~~The altitude affects the land values, also the fact that irrigation is necessary for any lands of value.~~

13. Name of nearest town, and distance therefrom ~~Lee Vining P.O.; 3½ miles.~~

14. Name of nearest railroad, and distance therefrom ~~Southern Pacific, 75 miles.~~

15. Date of determination of heirs by the Secretary of the Interior, and file number of case ~~March 2, 1924.~~
~~"Law-Heirship 97397-13 W H G"~~

16. If homestead rights are involved, is the petition accompanied by a statement or agreement of the homestead tenant? ~~Not applicable.~~