

William Patrick Mining Company

(INCORPORATED)

61

MANHATTAN, NEVADA,

May 15, 1918

Mr. A. Harrington,
Indian Agent,
Resno, Nev

Dear Sir:-

I have been shown a letter from Reg. of M. S. L. O. Carson City, Nevada copies of letter to you in the Jim Hooper case. Hooper has received no advice from you but doubtless you have this letter in your hands and know their contents. Briefly, the E. S. O. letter states that under Hooper filing for Indian Allotment he can hold but 400 acres of irrigable land, that an appeal is allowed, and that an application for Indian Homestead of 160 acres would be considered. I have not seen the Indian act of 1910, and do not know if an appeal under it would lie, in this case. As far as my knowledge goes at the present time it would appear that Agent Stabury had advised or used the wrong blank in the first instance.

I wish you to advise me if an appeal under
the original filing would be successful and give
advice as to the best course of procedure. Second
I wish you to send me the proper blanks for
an Indian Homestead entry. If you do
not have them, please have sent me from
Canon Land Office. And please do so as

Very Respectfully Yours

J. H. Kennedy

61

RENO INDIAN AGENCY.

Reno, Nevada.

May 18, 1918.

Mr. A. C. Kennedy,
Manhattan,
Nevada.

Dear Sir:-

Referring to your letter of May 15, in regard to the Tim Hooper case will say that the copy of this notice was received several days ago, but owing to the large number of cases awaiting attention the Tim Hooper matter had not yet been reached.

We see no use in taking an appeal to this decision as the law is specific and as this is irrigable land Tim Hooper would, under no circumstances, be allowed to cover more than 40 acres under the Allotment act. Nor do we think that he should make an election in this case as to which 40 he desires, but his application should be changed to that of a homestead filing.

The Indian Homestead Law of July 4, 1884, (23 Stat. 96) provides that Indians may take up land as a homestead similar to the rights enjoyed by citizens of the United States. The requirements as to cultivation are practically the same as under the Citizens acts, but when a Patent is issued it is a Trust Patent containing a 25 year restrictive clause, during which time the land cannot be incumbered or in any way alienated by the Indian and is exempt from any taxation whatsoever.

It is difficult to secure any information in regard to these filings from the land offices, but it appears the same form is used in both the Indian and the Citizens filing, but in the case of an Indian a certificate as to his eligibility to file under the act of July 4, 1884, must be furnished by the Indian Office and the applicant is relieved from the payment of any fees or commissions. All proofs, affidavits and oaths of any kind in connection with this application must be taken before the Register and Receiver, the Judge, or in his absence the Clerk of a Court of Records, before a United States Commissioner or the Commissioner of a Court exercising Federal jurisdiction in the district in which the land is situated. A Notary Public or a Justice of the Peace or any official not duly authorized by law to take oaths in homestead cases will not suffice.

---2---
A.C.K.
6-18-18.

However, we are inclined to think that it may be possible for Tim Hooper to change his filing to that of a Citizens Homestead. A number of such filings have been made by various Indians throughout our jurisdiction and it appears that the only additional requirement from that of a white citizen has been that the Indian must file an affidavit testifying that he has severed all tribal connections; that he is living apart from any tribe and according to the manners and customs of the white people. Tim Hooper certainly is able to make such affidavit. The only question that might possibly arise in this case is the fact that he has already been certified to as an Indian eligible to file under the Indian Allotment Act.

In regard to the reasons for filing this Indian for an Indian Allotment originally will say that very few Indians are as fortunate as Hooper in being able to select valuable land to file upon and the Allotment Act is very much more lenient to the Indians occupation and improvement consequently this was the Act under which most of the filings were made. Hooper originally attempted to file in the Forest, he had however, no improvements thereon before he filed, consequently his application was not allowed, and he suddenly changed his filing from the land in the Forest to the land he is now occupying. Mr. Ashery had not seen this land and was not acquainted with the circumstances in connection therewith, consequently had no knowledge what this filing would cover.

We will give this case further attention within the next few days and will write you again in reference thereto. It may possibly be necessary to place the matter before the Honorable Commissioner of Indian Affairs to either secure a certificate for Hooper to file under the Indian Homestead Act or permission to change his filing to that of a citizen.

Very respectfully,

JP/RS.

L. A. DORRINGTON
Special Agent in Charge.
By

Clerk.

New Britain, Nov. 21/20/18

RECEIVED BY THE POST OFFICE

March A. J. Conington,
Special Junction Agent,
Reno, Nev.

61

Dear Sir

I thank you for your favor of
the 18th inst, and suggest that you accede to
my previous request to send me the proper blanks
for Junction Honestead filing, even if the same
are for Citizens Honestead, and also proper blank
for affidavit under the law of July 4, 1888
to prove his eligibility to make such filing.

I understand Tim Hooper is on the way
Perris in auto. and will see you, but in
letter to send the blanks direct to me
mail.

Very Respectfully Yours
John Kennedy

Hastings
Carson City, Nevada.

May 22, 1918/ *60*

Register & Receiver,
U S Land Office,
Carson City, Nevada.

Gentlemen:

Application is hereby respectfully made to change my filing for the SW/4 NE/4; E/2 NE/4 Sec. 21 and NW/4 NW/4 Sec. 22, T. 11 N., R. 46 E., M.D.M., made on January 22, 1915, Serial 08984, under the Act of February 8, 1837 (24 Stat., 388), from an Indian Allotment filing to an Indian Homestead Filing under the Act of July 4, 1884 (23 Stat., 96). This request is made in accordance with advice that such application would be duly considered, contained in General Land Office letter of May 3, 1918, copy of which was forwarded to me with notice from your office, under date of May 9, 1918, that the Allotment Filing mentioned above was subject to rejection upon failure to comply with the requirements of the General Land Office contained in letter of May 3, 1918.

Very respectfully,

(signed) Tim Hooper

Subscribed and sworn to before me this 22nd day of May, 1918.

Register/

KENNE INDIAN AGENCY.

Keno, Nevada.

May 29, 1918.

Mr. J. C. Kennedy,
Manhattan,
Nevada.

Dear Sir:-

Replying to yours of May 27, will say that when Tim Hooper was at Keno, a week or ten days ago, we received instructions from the Honorable Commissioner to assist him in obtaining a change of his allotment filing to a homestead filing. The instructions are in part as follows:

"It might be well in taking up this matter with the Indian to draft for his signature the proper form of request for the change desired, setting forth in detail the reasons for such change. It is believed that this procedure will simplify matters and as the Indian has resided on the land since 1814 he will be able to make final proof within five years of such settlement, or during the year 1919."

We discussed this matter with Tim Hooper and decided to make this application immediately so went with Tim to the Carson Land Office. A formal request was prepared, signed and sworn to by Tim and filed. This is all that can be done in the matter at the present time and gives him every protection.

It was first thought that he would have to file a homestead application, but in order to do this he would be compelled to relinquish his allotment filing, and after discussing this matter with the Register of the Land Office we decided that it would be better to follow the instructions of the Honorable Commissioner of Indian Affairs and prepare instead an application to change the filing to an Indian homestead entry.

REFER IN REPLY TO THE FOLLOWING:

Land-Allotments

45934-15

37811-18

H V C

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

Mr. E. A. Dorrington,
Special Agent,
Reno, Nevada.

My dear Mr. Dorrington:

Your attention is invited to inclosed copy of General Land Office letter dated May 5, 1916, (Carson City D8984 "E" L3H), addressed to the Register and Receiver at Carson City, Nevada, concerning the allotment application of Tim Hooper, which application was filed January 22, 1915, for 160 acres of surveyed land in Sections 21 and 22, T. 11 N., R. 46 E., M. D. N., under Section 4 of the Act of February 8, 1887 (24 Stat. L., 368), as amended.

It will be noted that the local officers have been directed to notify Tim Hooper that 30 days will be allowed within which to show cause why he should not file an election as to which 40 acres of the 160 acres in his allotment he desires to retain. It will also be noted that in lieu of such action on his part, an application to have his allotment changed to an Indian homestead entry under the Act of July 4, 1884 (23 Stat., L. 76-96), will be considered.

This Office is very much impressed with the unusual energy that has been displayed by this Indian in improving and cultivating the land applied for by him, and reclaiming it from its original desert character. It is therefore desired that everything possible be done to enable him to obtain title for the entire 160 acres applied for. For this reason, and as there is some doubt that he will be able to obtain title for more than 40 acres under the Act under which application was made, he should be persuaded to change his application and make entry under the Indian homestead Act of July 4, 1884, supra.

MAY 1916

MAY 1916

RECEIVED

With this end in view it is suggested that you communicate with Tim Hooper and suggest such action on his part, at the same time impressing upon him the importance of taking action within the time allowed. It might be well in taking up this matter with the Indian to draft for his signature a proper form of request for the change desired, setting forth in detail the reasons for such change. It is believed that this procedure will simplify matters, and as the Indian has resided on the land since 1914, he will be able to make final proof within five years of such settlement or during the year 1919, and the character of patent that he will receive will contain a 25 year trust clause, which is the same period of trust contained in patents issued under the General Allotment Act. Under the homestead law, as applied to Indians, no fees or commissions are required in connection with entries thereunder. (Act 1884, supra).

Please report the action taken by you in this matter, and do everything possible to assist the Indian along the lines herein indicated. A copy of this letter will be sent to the Commissioner of the General Land Office, and request made that final action be withheld until the Indian has had opportunity to respond to the requirements of that office.

Very truly yours,



Chief Clerk.

5-ABM-16

✓ Copy to Commissioner of the General Land Office.