

September 14th, 1927.

C. M. Cree, Esq.,
Carrizozo,
New Mexico.

My dear Mr. Cree:

I received your telegram yesterday morning as follows:

"CLAIM SHOULD BE LODGED WITH GENERAL LAND OFFICE WASHINGTON DC TO TRACTS IN NEW MEXICO COLORADO AND CALIFORNIA BEFORE TWENTIETH INSTANT PLEASE ADVISE ME IF THIS HAS BEEN DONE IS THERE ANY PROSPECT OF SETTLEMENT WITH MOSES IN SIGHT."

I wired you, night letter, last night, in reply, as follows:

"MESSAGE RECEIVED MOSES RECORDS SHOW DRAFT DECEMBER EIGHT NINETEEN FIVE FOR FIFTEEN HUNDRED TWENTY DOLLARS TO HEWITT AND HUDSPETH SETTLEMENT FOR REJECTED SCRIP BEING ABSTRACTS ONE HUNDRED TWENTY SEVEN AND EIGHT AND CASE ONE FORTY EIGHT THREE HUNDRED TWENTY ACRES NEW MEXICO LANDS STOP FILING OF CLAIMS NEVER MENTIONED BY YOU BEFORE RECORDS SHOW CALIFORNIA LANDS WORTHY INVESTIGATION WHICH WILL BE MADE BUT TWENTY SIX YEARS HAVE ELAPSED AND NOTHING COULD BE GAINED BY FILING CLAIM COLORADO LANDS ALSO BEING INVESTIGATED AND MOSES SEARCHING FOR RECORDS WILL REPORT IN FEW DAYS."

This investigation may seem to you as having been delayed, which is the fact, for the reason that I was called East on the 17th of August, and just returned a few days ago. In the meanwhile, I had made some investigation before hand, and on my return, immediately took up the matter.

As explained to you in my message, there would seem to be no question about the New Mexico lands, and upon the rejection of the scrip Moses refunded your father's money, Fifteen Hundred Twenty Dollars, to Hewitt and Hudspeth, and they have at hand the evidence showing this refund. I would suggest that you show my message to Mr. Hudspeth and let him explain what has been done with the money returned. I am interested to know what you learn in that respect.

Regarding the California land, the situation is a little different. The land involved is the SE $\frac{1}{4}$ Sec. 15, T. 1 N. R. 9 W., S. B. M., Los Angeles County, California.

9/14/27

--2-- C. M. Cree.

The scrip was sold to one R. J. Palen of Santa Fe, New Mexico, and in the papers is a report from Hewitt and Hudspeth that the scrip was never located, but it appears that the scrip was transferred from Palen to your father, and never located. This would indicate that doubtless this base land can yet be recovered or claimed, and I have a correspondent at work, investigating the true situation of this land in California, and will report to you as soon as I get the information.

The Colorado land, in Douglas County, is being investigated also, and you will have a report on that as soon as I get the information, first hand.

In your telegram you mention filing a claim on or before the twentieth inst., and I take it that you have in mind having this claim filed before the expiration of the twenty year period, which applies to the New Mexico tract, and which is covered by what I have said above. The money having been returned, there is no occasion for filing a claim.

I find the situation regarding the land deeded by the Government to Mr. Moses about which you complain to be as follows: The land deeded by the Interior Department to Moses was what is known in the department as "base land". The scrip in question was attached to the base lands, and it was proposed in the sale to your father to substitute what is termed as "lieu lands" instead of the lands to which the scrip was applicable, as a matter of record. In order to entitle the purchaser of the scrip to the lieu lands, it was necessary for the holder of the title to the base lands to deed the same back to the Government. This was done by the Moses Company, and when the scrip was cancelled or rejected, the Government stood in the position of having his lands without consideration, and subsequently quit claimed it back to him through the Secretary of the Interior.

Regarding the filing of claims on or before the 20th, you will have to do as you feel advised about that, but from the papers I have at hand, I see nothing to warrant the filing of a claim in the land office at Washington, because the Moses Company is responsible, and if it is at fault in any of these transactions, we can recover from them. You are perhaps in touch with Mr. Hudspeth, who can advise you whether or not it is necessary to make your filing in Washington, and you can, of course, do it by telegram, in order to save your rights by the twentieth, if you are so advised. There is nothing to do here.

Very truly yours,


HAH/ERH

H. A. Hicks

who owes rent + amt.
Mines

Act of Congress filed 5 years ago for Transfer back

as to land in California. 4 years

provides 5 yrs from  22nd Sept 1922

Act 42 Stat 1017

Circular 869 - 49 - LD. page 389

California land bought from Moses
but he did not convey to Gork.

Decisions Dept
Interior
Public Lands