

July 4, 1915

STATE OF NEVADA)
)ss.
COUNTY OF ELKO)

ALBERT MEYERS, a citizen of the United States whose postoffice address is Arthur, Cal., being duly sworn, deposes and declares:

I have lived in Ruby Valley all my life. Our irrigation season begins when the water comes down in the mountains which is about April 15, to May 1st, depending on the season. I do not believe that a person could mature a crop by irrigation if he had no water after June 1st, or at least that it would be very difficult and improbable.

I know the Indian Joe Timocke and the location of his corrals and house, and the ditch that passes them. For the last 30 years the Indian has farmed lands below the ditch and to the northwest of his corrals. I cannot say how extensively he farmed nor on what subdivision he farmed.

A. S. Myers.

Subscribed and sworn to before me this 4th day of July, 1915, in Ruby Valley.

10-27 UAY

JOSEPH JENSEN,

Mineral Inspector, G.L.O.

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COPY

BOB TIMOKE says; I am about 45 years old. I remember that my father farmed the land in front of his house about 8 years before the hard winter, and he has farmed it ever since.

his
X BOB TIMOKE.
mark

LAZY JIM says;

I am about 35 years old. I remember the time when the Indians got the cattle and clothes from the Government. (1868 J. J.) The ditch was already built. The Indian agent farmed the land and five years after we got the cattle from the Government Timoke's father farmed the land, as the Agent gave it to him. We only got the stuff four years. I know Joe Timoke lived in the house by the corrals. After Joe's father died Joe watered the land and cut the hay, and has done it ever since.

his
X LAZY JIM.
mark

BILLY LONG says, I am about 60 years old. I remember when Joe Timoke moved in the house by the corrals. Joe farmed the place before he moved into the house, and has farmed it ever since. Joe was farming the place before the hard winter.

his
X BILLY LONG.
mark

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CHARLIE JOE BILLY says, I am about 53 years old, I remember when Joe Timocke moved into the house by the corrals. That was before the hard winter. Joe has farmed the land ever since. He farmed it before then.

his
X CHARLIE JOE BILLY.
mark

JOHN CARSON says, I am about 56 years old. I remember when Joe moved in the house by the corrals, and that was before the hard winter. Joe has farmed the land ever since. He farmed it before that.

his
X JOHN CARSON.
mark

JACK F. TIMOCKE, being duly sworn deposes and says; I can read English. I have read all of this paper and told all the men what it said and they said it was all true and each one said he knew all he told. I was 20 years old last December.

JACK F. TIMOCKE.

Done this 3rd day of July, 1915, at the Joe Timocke place where all of the foregoing have identified the land and were duly sworn.

10-27 UAY

JOSEPH JENSEN,

Mineral Inspector, G.L.O.

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STATE OF NEVADA }
COUNTY OF ELKO } ss.

J. P. SHORT, a citizen of the United States whose residence and post office address is Ruby Valley, being duly sworn deposes and declares;

I have been in Ruby Valley 40 years. I know Joe Tinske and the ditch near his corrals. I settled on my place in 1879. Joe Tinske then lived in a house below the ditch and near his corrals. Later he moved to the house in which he now lives. In 1879 and from that time on he has farmed the land below the ditch. I have bought a great deal of grain from him.

I remember the hard winter we had that killed all the cattle. That was in 1889. With regard to this event I also remember that Joe Tinske was farming the land right below the ditch, between his corrals and his present house.

J. P. Short.

Subscribed and sworn to before me this 3rd day of July at the Short Ranch, Ruby Valley, Nev.

JOSEPH JENSEN,
Mineral Inspector, G.L.O.

10-27 UAY

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STATE OF NEVADA)
) ss.
COUNTY OF ELKO)

THOMAS SHORT, a citizen of the United States,
being duly sworn, deposes and declares;

I came to Ruby Valley in 1872 and have lived
here ever since. I know where the Wines Store is and
where the old Indian Joe Timocke lives. I know about
where his corrals are and where the old Head house stood.
As far back as 1880 there was a ditch running near the
Head house and the corrals. I know the Indians used to
be located there when I came into the country, but of
course I cannot identify the land over which Wines and
the Indians have a dispute.

I know the old Indians who lived there, who are
now dead. Old Charlie Timocke, who used to be one of the
leaders, told me that Wines was getting the land for them.
Other old Indians have often told me the same. I understood
and was told that this was the land on which the Indians
used to be located.

THOMAS SHORT.

Subscribed and sworn to before me this 4th day of July, 1916,
at Ruby Valley, Nev.

10-27 DAY

JOSEPH JENSEN.

Mineral Inspector, G.L.O.

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STATE OF NEVADA)
 COUNTY OF ELKO) ss.

W. S. SHORT, applying to be a citizen of the United States, whose residence and postoffice address is Ruby Valley, being duly sworn deposes and declares;

I am about 43 years old. I was born in Ruby Valley and have lived here the biggest part of my life. As far back as 1879 I remember conditions in the valley. I know the general relationship of places here. I know where the Indian Joe Timoke has his corrals back of Wines store and I also know about where the Head house stood. I remember that in 1879 and 1880 and from that time on to the present that the Indians worked land between the corrals and the old Head house. There is a ditch that runs near the corrals toward where the Head house used to be. The Indians always farmed the land below the corrals and over toward the Head house. They have also used the water from the old ditch that was there as far back as I can remember.

W. S. SHORT.

Subscribed and sworn to before me this 4th day of July, 1915, at Ruby Valley, Nev.

JOSEPH JENSEN,

Mineral Inspector, U.S.G.

10-27 UAY

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STATE OF UTAH |
 | ss.
 COUNTY OF SALT LAKE |

IRA D. WINES, a citizen of the United States, whose residence and postoffice address is 457 East First South, Salt Lake City, Utah, being first duly sworn, deposes and says, I settled in Ruby Valley in 1865 and am familiar with the land in that vicinity and more particularly the NE¹/₄, NE¹/₄, Sec. 25, T. 30 N., R. 58 E., M. D. M.; my first recollection of this subdivision is that L. H. Head farmed it. This land was surveyed in 1868. Head occupied the land probably seven years. It was 1875 that I bought Head's interest through M. P. Freeman in connection with other holdings in the vicinity. I put part of this land in alfalfa prior to the time that I made application to the State of Nevada to purchase the same under one of its land grants. There were no Indians farming the land at that time. I continued to farm this land for a number of years when I decided to take up as a State selection owing to the fact that one C. P. Strossi intended or at least I thought he intended to file on this subdivision. The Indian Joe Timocks and others were living by the corrals a short distance south of the forty acres. About this time I permitted and encouraged the Indians to

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Affidavit of Ira D. Wines.

make use of a part of this land since I desired that some such labor as this might be available in the country when I was haying or harvesting on other lands which I owned in the vicinity. I can not say just when this Indian occupancy began with reference to the date of my filing but I am sure that it was subsequent to the time that I took possession after my purchase of the Head interests. As near as I can remember there were no improvements of any kind on the land that were used by the Indians at the time I took possession, but I am not sure whether there were any there before I made my filing or not. In those days we were somewhat careless about promptly perfecting our titles for the reason that there appeared to be plenty of land available and we thought there was no hurry. Later Joe Timocke moved to a second house built close to the hills but not upon the NE $\frac{1}{2}$ NE $\frac{1}{2}$, Sec. 25. Two children died in this house so that it was burned by the Indians. The house in which Joe Timocke now lives was built by an Indian named Muchacho about ten years ago. I have permitted the Indians to occupy this land because I desired that they should remain in the vicinity as I have explained. Their cultivation and im-

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Affidavit of Ira D. Wines.

provements have only increased within the last ten or fifteen years because of their slowness in taking up the habits of the white man.

IRA D. WINES.

Subscribed and sworn to before me this 3rd day of August, 1915, at Salt Lake City, Utah.

JOSEPH JENSEN,

Mineral Inspector, G.I.O.

10-27 WAX

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July 4, 1915

STATE OF NEVADA }
COUNTY OF ELKO } ss

STANLEY L. WENZ, a citizen of the United States whose residence and postoffice address is Ruby Valley, being duly sworn deposes and declares;

I am 32 years of age and have lived here practically all my life except for some winters when I was away at school. I am familiar with the land occupied by Joe Timocke, which is principally the NE 1/4 NE 1/4 Section 25, T. 30 N., R. 58 E., E. D. M. I bought this land from my father a year and a half to two years ago. Joe Timocke's present home is in a house on the northwest corner of the land. He built this house some time prior to December, 1907, as I remember that the Indians were still working it at that time. They moved into it about then. Prior to that time Joe lived in a little house higher up the hill and to the south. Two of his son's (Machacho) children died in this house so it was burned down. Before that he lived in a house by the corrals. This is as far back as I can remember. They had an old shed of a house and tents making sort of a camp. Between the time they built the house and built Joe's present home, Joe moved to a place south of the corrals and higher up the hill than the

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House. I remember they lived.
about seventy years ago in 1894 or 1895, I re-
member going with and my recollection is there was no
clearing or irrigation of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25, though there
may have been a little meadow or green patch, along the low-
er side of the ditch bank. My recollection is that most
of this 40 acre tract was sage brush and not cleared. About
16 or 17 years ago the Indians cleared a piece of ground
near the northeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25. I cannot
say if this was on this 40 acres or not as I did not know
where the corner was in those days. Some of the clearing
must have been on the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, T. 30 N., R. 59 E.

Later Joe cleared land below the ditch on the
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25, T. 30 N., R. 59 E. This is the place
where he has been raising and cutting hay. Last year after
I purchased the land and the Indians were cutting the
hay for me. Joe I owned the land and cut the hay myself. Ex-
cept for 1914 and 1915 from the time Joe made the clearing
on the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25, he has farmed and irrigated that
part of land.

-27 MAY

STANLEY L. WINES.

Subscribed and sworn to before me this 4th
day of July, 1915, at Ruby Valley, Nevada.

JOSEPH JENSEN,
Mineral Inspector, G.I.O.

F I D E N T I A L
P U B L I C I N S P E C T I O N

Mineral Inspector
Joseph Jensen Re-
ports Indian Occu-
pancy Prior to
Approval of State
Selection. Re-
commends Revoca-
tion of Approval.

7 Incs.

Oct 1, 1915

OFFICE OF INDIAN AFFAIRS
RECEIVED
NOV 24 1915

512 Custom House,
San Francisco, Calif.,
Oct. 1, 1915.

Through:
Mr. George Fayworth,
Chief of Field Division.

Honorable Commissioner,
General Land Office,
Washington, D. C.

Sir:

June 9, 1915, and July 18, 1914, J. A. Duval, a resident of Ruby Valley, Nevada, writing for Joe Timoke, an Indian about 65 years old, made complaint that S. L. Wines of Ruby Valley, claimed ownership of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25, T. 30 N., R. 58 E., M. D. M., upon which the Indian, Joe Timoke and other Indians, were living and had been living for more than 40 years.

This subdivision was selected by the state of Nevada under the Act of June 15, 1860, known as the 2,000,000 acre grant. It was a part of list 205, filed May 31, 1897 and approved Jan. 17, 1898, under list No. 25, as directed by letter "C" of Jan. 28, 1898. Sec. 2 of said Act provides that:

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Indian Occupancy Report.

"The lands herein granted shall be selected by the State authorities from said state from any unappropriated, non-mineral, public land in said State, in quantities not less than the smallest legal subdivision; and when selected in conformity with the terms of this Act, the same shall be duly certified to said State by the Commissioner of the General Land Office and approved by the Secretary of the Interior."

Sec. 2449, enacted August 3, 1854, is as follows:

"Where lands have been or may hereafter be granted by laws of Congress to any one of the several States and Territories, and when such laws have not conveyed the fee simple of the land, or required patent to issue therefor, the list of such lands which may have been or may hereafter be certified by the Commissioner of the General Land Office, under the seal of his office, either as originals or copies of the originals, shall be regarded as conveying the fee simple title of all the lands embraced in such list that are of the character contemplated by such Act of Congress, and intended to be granted thereby, but where such lands embraced in such lists are not of the character embraced by such Acts of Congress, and are not intended to be granted thereby, the lists, so far as these lands are concerned, shall be perfectly null and void, and no rights, title, claim or interest shall be conveyed thereby."

No attempt is made in this report to discuss the full meaning of this Act but it is assumed that in harmony with the Circular of Oct. 26, 1867, of the Secretary of the

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