

Reference to the history of "Indian Land Cessions in the United States," by Royce, page 829, No. 444, shows that a treaty was made October 1, 1863, prior to the enabling act of March 21, 1864 (13 Stat., 30), by which Nevada was admitted as a State, at Ruby Valley, Nevada, with the Western bands of the Shoshone Nation of Indians, represented by their chiefs and principal men and warriors, by which a vast region surrounding Ruby Valley was recognized as being within the boundaries of the country claimed and occupied by said bands; at the head of the names of the Indian signers to said treaty was Te-Moak, the father of Joe Timoke.

Associated with these bands, more or less intimately, were the Bannock. The reports concerning their respective boundaries are involved in much confusion and contradiction. The truth seems to be that both tribes ranged in a large measure and with equal freedom over the same vast extent of territory, with the exception that in Nevada the Bannock were seldom found south of 41° N. latitude. No formal purchase of the territorial claims of these tribes or bands was made but the United States took

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chase, the right acquired by him was not such as would prevent any one from occupying the land and establishing a claim thereto, in case the settler should proceed in accordance with the law and regulations by making proper filings in the land office. Nevertheless, Wines continued to claim the land, as is shown. He also became the owner of the Overland Ranch which comprises a large tract of land.

At the date of examination, the Mineral Inspector observed an old irrigation ditch which furnished water, from which 32 acres were being cultivated to alfalfa. In the northwest corner of the subdivision was a well-built whitewashed log house; and several corrals were near but not upon said land. The NE $\frac{1}{4}$ NE $\frac{1}{4}$ covers the land immediately to the east of the irrigation ditch, from a point beginning approximately at the corrals and extending northerly to opposite the house of Joe Timcke, above described. This fact is mentioned for the reason that most of the settlers in that vicinity are familiar with the location of the corrals and house of Joe Timcke, but are not familiar with the land lines. The house is co-

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occupied by Joe Timoke and other Indians. The corrals are also being used by them. Ownership is generally considered as being in Joe Timoke who is regarded as the Chief of a tribe of Western Shoshones. A new alfalfa field to the east has recently been made by a Huchacho Timoke on an Indian allotment. A new clearing has been made to the north by Frank Jim on another Indian allotment.

The irrigation ditch, above mentioned, must have been built either prior to or during Head's occupancy of the land, for the reason that no cultivation would have been possible without water.

Owing to the fact that the Indians were desirable as laborers upon Mr. Wines' ranch, and in order to encourage them to remain in his vicinity, he invited them to settle upon the NE $\frac{1}{2}$ NE $\frac{1}{2}$, Sec. 25. Among these Indians was Joe Timoke who at that time was living in a cabin near the corrals. He continued to live there for some time; but following Mr. Wines' invitation, he occupied and continued to cultivate the NE $\frac{1}{2}$ NE $\frac{1}{2}$ of Sec. 25.

In 1897, Mr. Wines made the state selection, above referred to, for this land, despite the fact that

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it was occupied by the Indians, and following the approval of the State selection, he permitted them to live on the land. They did not build any house upon the subdivision until after the approval; but their homes are near the corrals and just west of the present home of Joe Timoke. Within the past ten years Mr. Wines acquiesced in the construction of a house in which Joe Timoke now lives.

During all these years Mr. Wines made Ruby Valley his home. His son, Stanley L. Wines, now thirty-two years old, has lived in the valley practically all of his life. As the father has grown older, he has turned his interests over to his two sons. The NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 25 was deeded to Stanley L. Wines in 1914. For more than fifteen years the latter has seen Indians occupying and improving this subdivision. He was, therefore, a purchaser with notice of Indian occupancy at the time of purchase. In his affidavit, taken by the Mineral Inspector, Stanley Wines claims in substance that he was too young to remember whether the Indians occupied the land prior to the time his father selected it.

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Upon purchasing the land, Stanley L. Wines notified the Indians of his ownership at the time they were cutting hay. Despite the fact that it had been their labor which had continued the reclamation of the land and had resulted in its improvement, and despite the fact that it was their irrigating which had developed the crop of hay which they were cutting, and which he cut, nevertheless, he took the hay for his own use. As a result of this action, Joe Timoko requested Mr. Duval to make the complaint above referred to.

The records of this office show that Stanley L. Wines made desert land entry 06371, Carson City series, October 9, 1911, for the NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T. 30 N., R. 59 E., M. D. M.; and the Mineral Inspector reports that there is friction between Wines and the Indians regarding the use of water to irrigate said entry, as the water is derived from Overland Creek, the same source from which is irrigated and cultivated the land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T. 30 N., R. 58 E.

This office, as at present advised, is not without doubt of the expediency of recommending an attack upon the certification to the State of the lands claimed by the

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Indian. In view, however, of the relation of your office to the Indian occupant, it is deemed expedient to transmit to you herewith a copy of Mineral Inspector's report and accompanying affidavits, to the end that you may, after consideration thereof, submit to this office such recommendation in the premises as you may deem proper to make. Your early attention in the premises will be appreciated.

Very respectfully,



Commissioner.

11-17 UAY

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Nov 24, 1915

STATE OF NEVADA)
COUNTY OF ELKO) ss.

OFFICE OF INDIAN AFFAIRS
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It being first explained that we are to tell the truth and only tell what we know ourselves about the 40 acres that Stanley Wines claims on which Joe Timoke now has a field for cutting hay, we say as follows:

I, JOE TIMOKE, am about 65 years old. I have farmed the land which I showed Joseph Jensen for 35 years. At first I lived in a house near the corrals, that was built by Stanley Wines' father. I lived there ten years. My son Muchacho was living in this house when the hard winter came that killed all the cattle. I was at Medicine Springs that winter. About 20 years ago I built the log house in which I now live. I have farmed the land in front of it all the time for 35 years. My father and his brother built the ditch in which the water comes before the white man came.

Last year Stanley Wines told me not to take water out of my ditch as Stanley claimed it. Stanley said he would have me arrested. Stanley cut the hay off the 40 acres he claimed.

his
I JOE TIMOKE.
mark

MUCHACHO TIMOKE says:

I am about 40 years old. Joe Timoke is my

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Affidavits of Joe and Muchacho Timoko.

father. I lived in the house by the corrals the year the hard winter came that killed all the cattle. I remember that my father farmed the land sometime before that winter and he has farmed it ever since.

his
I MUCHACHO TIMOKO.
mark

10-27 UAY

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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 65 years old. I remember the time when the Indians got the cattle and clothes from the Government. (1863 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 55 years old, I remember when Joe Timcke 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. TIMCKE, 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. TIMCKE.

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

10-27 JAY

JOSEPH JENSEN,

Mineral Inspector, G.L.O.

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mark

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