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NOTES AND DOCUMENTS

Drowning Out the Paiute Ground Squirrels: Lorenzo Creel's Observations on Ruby Valley Indian Life and Problems in 1917

DONALD R. TUOHY

LORENZO D. CREEL, whose five Ruby Valley, Nevada documents form the subject of this presentation, was with the U.S. Department of the Interior from 1900 until his retirement in 1923. He was born at Bacon Hall near Parkersburg, West Virginia in 1852, and died at Reno, Nevada, October 19, 1926.¹ He transferred from the Census Bureau to the Indian Service in 1902 and served in the latter as a teacher of agriculture, school superintendent, reservation superintendent, special agent, and finally Special Supervisor for Nevada and California Indians without reservations.

Although his early work among the Crow, the Pyramid Lake Paiute, and Seminole Indians of Florida was equally as important and as well documented as his work among the Ruby Valley Shoshone, his earlier documents await further study. The five Ruby Valley documents reproduced herein date from 1917 when he was Special Supervisor working on specific Indian rights problems in Nevada.²

¹ His full name was Lorenzo Dow Creel, and his obituary was printed in the *Nevada Historical Society Papers, 1925-26*, pp. 469-470, published by the Nevada Historical Society, Reno. This manuscript is published with the permission of the Special Collections Department of the University of Nevada, Reno Library and Jane Creel, Mr. Creel's granddaughter. Thanks are also due to Lee Kosso for archival assistance, to Phillip I. Earl of the Nevada Historical Society for help with the research, and to Howard Hickson, Director of the Northeast Nevada Museum, for providing typed copies of newspaper articles appearing in several Elko newspapers. The editor also would like to thank Mrs. Perry O. Riker, nee June Creel, daughter of Lorenzo D. Creel, who knew of my interest in the Pyramid Lake Indians, and was the first to advise me of the existence of the Creel papers. Robert D. Armstrong, Special Collections Librarian, and Kenneth D. Carpenter, Special Collections Librarian, both formerly with the University of Nevada, Reno Library, also are to be thanked for making the papers available for scholarly study. Any errors of interpretation or omission, or of diminished scholarship are, of course, solely the editor's responsibility.

² Mr. Creel's immediate supervisor at the time was Col. L. A. Dorrington, a Special Indian Agent whose office was located in Reno, Nevada. He was Creel's superior in the Indian Service.



Lorenzo D. Creel with the sister-in-law of Old Timoke in a canvas and cloth covered wickiup in Ruby Valley about 1917. (*Creel Papers, Special Collections Dept., University of Nevada, Reno Library*)



Brother of Old Timoke in front of his wickiup, ca. 1917. (*Creel Papers, University of Nevada, Reno Library*)

Lorenzo D. Creel's total contribution to the United States government's early twentieth-century attempts to deal with Indian-Anglo relationships through Indian Service policies and programs³ has yet to be fully assessed, since his papers, over 1,000 photographs, and his artifact collections only recently have been accessioned as part of the holdings of the Special Collections Department of the University of Nevada Library in Reno. Those who have had the opportunity to peruse his writings generally agree that he was a farsighted individual. His thinking about Indians and their problems in adjusting to Anglo culture contact and to culture shock situations frequently was ahead of his time. As one student has stated:

Creel's papers reflect a far-sighted and independent thinking man,—a person who tried at every expense to do the best for the Nevada Indians. He felt then, as others do now, that the Nevada Indians had been overlooked, cheated, dispossessed of heritage, rights, and lands, and made worse than slaves. His seems to be one of the early efforts to achieve equality for Indians under the law, compensation for losses, lands for self-support, and dignity and sensible management of Indian lands and natural resources.⁴

Lorenzo D. Creel stood about five feet ten inches tall, with brown eyes, a high forehead, and when he was in his fifties, he had thinning gray hair.⁵ He was well thought of by his contemporaries, and when transferred from his superintendency of the Pyramid Lake Paiute Reservation to become a Special Agent to the Seminole Indians in 1910,⁶ a Reno newspaper⁷ noted that he had always had the high regard of those who worked with and under him.

Creel also was commended for his accomplishments on the Pyramid Lake Paiute Reservation by J.D. Oliver⁸ who stated:

. . . Nevada may take pride in one of the best maintained and most progressive Indian Reservations among the upwards of 2,000 in existence. Its executive is Lorenzo D. Creel, whose extended experience among these people, coupled with his sternness, tempered with gentleness and consideration for those in whose charge they are and

³ See Edward H. Spicer, *Cycles of Conquest* (Tucson: University of Arizona Press, paperback edition 1962) p. 343, ". . . the Anglos of the frontier conceived their civilizing mission, insofar as they conceived it at all, in terms of technological improvement of Indian farming and way of life."

⁴ Katherine E. Johnson, "The L.D. Creel Papers Catalog," student paper submitted to D.R. Tuohy, instructor, Anthropology course 780 (Museology), 1975; ms. on file, Department of Anthropology, the Nevada State Museum, Carson City.

⁵ This physical description of Lorenzo D. Creel is a composite gleaned from his obituaries and from the writings of his contemporaries included in the Creel collection.

⁶ He remained among the Seminole Indians of Florida only one year because he contracted malaria there, and was transferred back to be Special Agent for "Scattered Bands in Utah."

⁷ *Nevada State Journal*, October 9, 1910.

⁸ J.D. Oliver was Superintendent of the Pyramid Lake Paiute Indian Reservation, one of Creel's successors in that position. His scrapbook, or parts of it, were copied by Margaret M. Wheat, and now comprise part of the Margaret M. Wheat papers collection at the Department of Anthropology, the University of Nevada, Reno.

the purposes for which they are there, particularly qualifies him for the peculiar responsibilities of his position.

Janette Woodward, author of the delightful *Indian Oasis*,⁹ an autobiography, also credits L.D. Creel, her former superintendent on the Crow Indian Reservation in Montana, for her transfer to Nixon, Nevada where she served as a field matron to the Pyramid Lake Paiutes.

Creel was not without his faults, however, and use of reservation Indians to work his own land claims in Utah got him into trouble with the Indian Service at least once.¹⁰ He himself, at one time, had said: "The ways of some superintendents are like the Almighty,—past understanding."¹¹

The Ruby Valley reports by Creel, from which this selection of documents was drawn, comprise some of his later studies when he was engaged in trying to locate homeless Nevada Indians in colonies near existing towns and cities so they would have a source of employment and income. Prior to 1916, homeless Nevada Indians not on reservations had next to nothing. Through Creel's and others' efforts, colonies were established near many Nevada cities, colonies which still thrive today.¹²

Shortly after the United States entered World War I in the spring of 1917, Creel was making plans to investigate the reservation and water rights claims of the Ruby Valley Shoshone under the acknowledged leadership of Old Timoke, and his son, Masach Timoke. The following selection of documents is taken from Creel's report to Colonel L.A. Dorrington, which deals with the water rights conflict between the Ruby Valley Shoshones and McBride, Wines, and others at Overland Creek, Ruby Valley, Nevada.¹³ The second document is a statement by Ashley G. Dawley, who testifies to the distribu-

⁹ Janette Woodward, *Indian Oasis* (Caldwell, Idaho, The Caxton Printers Ltd., 1939), p. 157.

¹⁰ In 1915, L.D. Creel received a warning from the Indian Service about irrigating and cultivating his own and his son's homestead in Utah using Indian help. Lorenzo D. Creel papers, Special Collections, the University of Nevada, Reno Library.

¹¹ Katheryne Johnson, *op. cit.*, p. 2.

¹² There are currently twelve colonies and twelve reservations located in Nevada, according to the Bureau of Indian Affairs Phoenix Area Office (1981), *Information Profiles of Indian Reservations in Arizona, Nevada, and Utah*, pp. 78-138.

¹³ Edna Patterson, Louise A. Ulph, and Victor Goodwin, *Nevada's Northeast Frontier* (Reno: Western Publishing Co., 1969), pp. 24-29. These authors indicate that S.L. Wines, B.G. McBride, and W.A. Reinken incorporated as the Crystal Land Co. and filed on 320 acres with water rights on Overland Creek by 1911. The lands were located below the Temoke forty acre tract, also located on Overland Creek. Advised by agents such as L.D. Creel that the water belonged to them and that they had a right to divert it, Indians on the Temoke forty acre tract did so. Investigations began in 1912, but not until 1929 was a full hearing held to determine the liability of the U.S. Government for the acts of the Indians against the Crystal Land Co. Patterson et al. *op. cit.* p. 29, summarize by stating that according to Nevada Supreme Court Justice Milton B. Badt, the Ruby Valley Indians had fulfilled the covenants of the Treaty of 1863 "and the troubles with the Crystal Land Co. had been going on for twenty years with no settlement." He further suggested that "... the only just path for the Government to take would be to buy the Crystal Land Co.'s holdings and create an Indian reservation on Overland Creek in the center of old Temoke territory. This, however, was never done."

tion of a consignment of goods that was delivered to the Ruby Valley Shoshones, supposedly in partial payment for lands taken from them.¹⁴

The third document details Ashley G. Dawley's recollection of Indian-related affairs in Ruby Valley; actually it is a brief summary or regional ethnology, taken by Creel during his visit. The fourth and fifth documents relate to Indian life in Ruby Valley prior to the arrival of Anglos.

These papers collectively amplify data about the ethnohistory of the Te-Moak band of Shoshone,¹⁵ who, for more than a millennium, have exhibited a remarkable determination to stay in their native land, and indeed, to regain lands lost to Anglo use and incursions.¹⁶ Two additional studies of the Te-Moak band of Shoshones in Ruby Valley supplementing data presented herein have appeared in recent issues of the *Nevada Historical Society Quarterly*. The Great Basin ethnologist, Omer C. Stewart, traces ecological factors in the development of social structure among Ruby Valley Shoshones, and the effects of these factors upon Indian lands located in the valley.¹⁷ Elmer R. Rusco, a political scientist, studied the constitution and the governing structures of the Te-Moak bands, and his study is also germane to a fuller understanding of the Ruby Valley Creel documents.¹⁸ In addition, a number of studies produced by tribal members themselves¹⁹ as a result of the MX missile siting threat, as well as studies recently published by other an-

¹⁴ Ashley G. Dawley, according to the *Elko Daily Free Press*, September 20, 1918, was born in 1844 at Phelps, Ontario County, New York. He came to Nevada during the Civil War in the 1860s and settled near Austin, then a part of Elko County. He moved to Ruby Valley in 1870, and was engaged by the Overland Stage Company. He was characterized as having ". . . a remarkable memory, and could recall events and dates with the utmost accuracy, and probably was the best posted man on Elko affairs in this section of the state." "He was a man of sterling integrity, absolutely honest, and by the faithful performance of his duties as a public official had won the high regard of the public who mourn his death." He was receiver of public monies in the county clerk's office in Elko County at the time of his death, September 19, 1918. Dawley's testimony to Creel on the distribution of goods and livestock to the Ruby Valley Shoshone in 1866 is one of the few eyewitness accounts of that transaction.

¹⁵ Omer C. Stewart, "Temoke Band of Shoshone and the Oasis Concept," *Nevada Historical Society Quarterly* XXIII (Winter 1980) p. 250, notes that the Western Shoshone band in the Ruby Valley, which is the subject of this study, is presently officially referred to as the Te-moak band. The family, lineal descendants of old Temoke, an early day leader of Shoshones in Ruby Valley, spell the name Temoke. There are various other spellings in the historical references, and they include: Tim-oak, Tumok, Tomoke, Te-Moak, Tumoak, Timook, and others.

¹⁶ Dagmar Thorpe, *Neue Sogobia, The Western Shoshone People and Land*, a publication of the Western Shoshone Sacred Lands Association (1981) succinctly expresses this attitude of the traditionalists among the several groups.

¹⁷ See Omer C. Stewart, *op. cit.*

¹⁸ Elmer R. Rusco, "The Organization of the Te-Moak Bands of Western Shoshone," *Nevada Historical Society Quarterly* (Fall 1982), pp. 175-196.

¹⁹ Glenn V. Holley, Sr., "Violation of the Treaty of Ruby Valley—Holley's Personal Account," *The Native Nevadan*, Vol. XVII (August 1, 1980), pp. 7-21, for an example. Also see Elmer R. Rusco, "The MX Missile and Western Shoshone Land Claims," in *Nevada Public Affairs Review*, A Publication of the Nevada Public Affairs Institute, University of Nevada, Reno, Allen R. Wilcox and William Lee Eubank, editors, Vol. 2 (1982), pp. 45-54.

thropologists²⁰ are appropos. Even though there is ample written evidence that a six-mile square reserve was established in Ruby Valley in 1859, the veteran ethnologist Omer C. Stewart notes that through apparent federal neglect, the Ruby Valley Indians lost the township (23,040 acres). Eventually, the Indians did prove up on 37.7 acres in 1880, and 590 acres of the original 1859 reservation are still carried on the books of the B.L.M. and the Elko County assessor.²¹

In conclusion, it is to be expected that future use of the Lorenzo D. Creel collection will open up new vistas for scholars of Indian life at the turn of the century. This was a crucial period in Indian and Anglo relationships, and one for which documentation, heretofore, has not been in abundant supply. The documents follow, and we thank Jane Creel for sharing these documents, and allowing us to publish them.

Reno, Nevada
June 30, 1917

Col. L.A. Dorrington
Special Indian Agent
Reno, Nevada.

My dear Mr. Dorrington:

On account of the importance of Ruby Valley and the serious conflict in land and water matters between the Shoshone Indians of Ruby Valley and certain whites, I feel that this section of the State demands a separate report which is submitted in triplicate in order that one copy may be loaned to District Attorney Woodburn in case he should need it in the case of Masach Timoke and other Indians against McBride, Wines and others in regard to the NE/4 of the NE/4 Sec. 25, T.30, N. R 59E.²² This case has been referred by the Indian Office to the Department of Justice for final settlement.

On or about April 15th while searching records of the U.S. Land Office at Elko, Nevada, I was accosted by Edward Caine, Attorney, who had by some means learned that I was connected with the Indian Service. He introduced himself and stated that he was the attorney for the McBride Company, in the case involving the land and water rights of the Timoke family of Shoshone Indians Ruby Valley. He stated that his clients were determined this year to raise a crop and to arrest the Indians, if they interfered with the ditches or cut the Company's fences and thus cause it to lose its crops through lack of water, as they had repeatedly done during the last two years.

Having given the matter in controversy considerable thought by reason of having been requested by the Indian Office through the suggestion of Special Agent, C. H.

²⁰ Richard O. Clemmer, "Channels of Political Expression Among the Western Shoshone-Goshutes of Nevada," in Ruth M. Houghton, *Native American Politics: Power Relationships in the Western Great Basin Today* (Reno: Bureau of Governmental Research, University of Nevada, Reno, 1973).

²¹ Omer C. Stewart, *op. cit.*, p. 260.

²² Omer C. Stewart lists the group of Indian Trust allotments in and near Section 25 as occurring in T. 30 N., R. 58 E., not R. 59 E. as stated in the document; *Ibid.*, p. 260.

Asbury,²³ that I visit Ruby Valley in 1915 to try to effect some sort of a settlement of the controversy, as he had been unable to induce the Indians to compromise or settle the case, and also having some knowledge of the Shoshones and the character of advice and counsel these Indians had received from one Jacob Browning,²⁴ a half-breed Shoshone from Fort Hall as to the treaty with the Ruby Valley Indians in 1863 which he persuaded them had never been fully complied with on the part of the United States, I warned him that however great the provocation his clients may have had, they should proceed against these Indians with the utmost tact and care, because they were evidently much aroused and felt that not only were they being unjustly treated by their white neighbors, but on account of the bad advice given them by the aforesaid Jacob Browning, they were also fully convinced that they had been defrauded by the U.S. Government through the non-fulfillment of certain stipulations in the above named treaty, made with their ancestors by certain commissioners, in which the Indians had agreed to surrender about everything the white men wanted in return for very insignificant remuneration. On account of this I made it plain that any attempt to use force, either civil or personal, before the Indians had been seen again by a representative of the U.S. Indian Office, might bring on serious trouble and lead to bloodshed.

He stated that he and Mr. Asbury were personal friends and he had advised his clients to wait until he had seen and talked with him over the matter and endeavored to reach a settlement. I informed him that Mr. Asbury had been assigned to another district and, in addition to your regular duties on inspection, you had been put in charge of the Reno office. I also stated that the land side of the controversy had been handed over by the Indian Office to the Department of Justice, which had placed it in the hands of District Attorney Woodburn of Reno, for immediate action.

He stated that he expected to go to Reno very soon and would consult with Mr. Woodburn and yourself.

From this time on I realized that any steps toward relief work among the Indians in this valley must be made in the light of what the outcome of this controversy might develop. On account of this view of the case and the depth of the snow in this valley, I devoted my attention to relief work in other localities until I had covered the greater part of the State except this valley and the south-central section of the State.

I learned about June 1st that no settlement of the case had been reached and as the irrigation season must be about to open in Ruby Valley, I planned to make this the first point in my itinerary. I had planned to wind up the campaign for relief work which was supposed to end June 30, 1917.

I reached Elko June 4th and while in search of information in the U. S. Land Office there, I accidentally learned in conversation with the register, Honorable Ashley G. Dawley, that he was one of the pioneers of Ruby Valley, had resided there a large part of his life and had been a continuous resident of the County. One of the contentions made by Jacob Browning was that none of the issues had ever been made to either these Indians, the Goshute Indians of Utah at Deep Creek, and Skull

²³ Calvin H. Asbury was a contemporary of Creel's in the Indian Service. According to Patterson et al., p. 25, Asbury conducted one of the first investigations into the water rights controversy in December, 1912.

²⁴ It is not clear from Creel's account whether Jacob Browning was an attorney acting on behalf of the Indians, or merely an advisor to them. Browning is not listed as being admitted to practice law in Nevada in the *State of Nevada Biennial Report of the Clerk of the Supreme Court 1919-1920* by William Kennett (1921). Since he was from Ft. Hall, Idaho, he may have been an attorney in that state.

Valley, or the Northwestern band of Shoshones at Washakie.²⁵ To my surprise he told me that he had personally assisted in the distribution of what he understood was annuity goods and also knew of the issue of cattle to these Indians by a Government Official, Col. Head, at Ruby Valley.

It is a great source of satisfaction to me that I have found a living witness to at least two of the issues promised in that treaty and while the records of the Indian Office show that the issues were made as promised and it has repeatedly stated these facts to Willie Ottogary, Annie's Tommy and, undoubtedly, to Masach Timoke, yet, it should be considerable satisfaction to the Commissioner to know that there is at least one living witness to such issues of such high character and long experience in the territory occupied by these Indians. See affidavit Hon. Ashley Dawley and general statements and reminiscences by him marked Exhibit "1".

Owing to the fear of trouble expressed by me in our talk over Ruby Valley matters it was planned that I should meet Mr. Edward Caine, Attorney for the McBride Wines interests, as we had learned incidently that he had been authorized to try to effect some sort of a settlement. Unfortunately, he left Elko shortly after I arrived and before I got in communication with him. As soon as I learned of his absence, I called on Mr. McBride at his office. After some general conversation I stated that I was a Government Official and was on my way to Ruby Valley to investigate the matter in controversy between his Company and the Ruby Valley Indians. I stated that as President of the Company, perhaps he, Mr. McBride, could state what they were ready to propose. He replied that himself and his associates were anxious to have a definite and speedy settlement of the case; that they had already lost two crops by reason of the Indians cutting the Company's ditches and fences; that they felt that they must raise a crop this year and were fully determined to do so and to protect their interests to the extent of arresting and prosecuting any or all of the Ruby Valley Indians, who might interfere in any manner whatever with their ditches or fences.

While Mr. McBride was very frank, outspoken and determined in his statements, yet, he did not appear bitter toward the Indians, but stated that his Company had been put to very heavy expense in attorney's fees for the protection of their interests in addition to the heavy expenses incurred in building irrigation works, fencing and otherwise developing their land; that they had been so annoyed by the complications and delays that at one time they felt it would be better to abandon their project; and the Company²⁶ had, indeed, made a proposal to Mr. Asbury, at one time, to dispose of their holdings in exchange for land scrip and turning all they had over to the Government for the Indians, which offer had been refused by the Reno office. He also stated that the annoyance had not ceased and the settlement seemed no nearer now than at first and he was in constant annoyance over the problem.

I alluded to the fact that Mr. Asbury had, at one time on behalf of the Department, offered to purchase the 40 acres occupied and claimed by the Timokes, but that the Company had replied by naming a price entirely out of reason.²⁷ I stated that I thought the Company had lost a valuable opportunity at that time and the part of the controversy involving the rights of the Indians to the said 40 acre tract had been referred to the Department of Justice which had instructed the District Attorney to

²⁵ According to the terms of the Ruby Valley Treaty of 1863, the Government agreed to pay the Bands of the Shoshone Nation \$5,000 in articles annually for the term of twenty years, including cattle as compensation for the loss of game and the rights and privileges conceded; Patterson et al., p. 18.

²⁶ The Company referred to by Creel was the Crystal Land Co.

²⁷ By 1929, according to Patterson et al., p. 29, the Crystal Land Co. would accept \$22,500 for the land and water rights to Overland Creek, although its out of pocket expenses were \$30,000.

bring suit, and the Company had now only itself to blame for the additional expense which would necessarily follow.

He replied that the Company's offer was not unreasonable when the cost of providing water was considered. I replied that the official correspondence indicated that the Indians had a water right for this land. He admitted that they had a small water right, but would not commit himself as to the amount. In closing the interview, I informed him that apparently the controversy had gone so far that I saw little prospect for any settlement out of court and all I hoped now to accomplish by my visit to Ruby Valley would be to meet the Indians, gain their confidence, and induce them not to interfere with the Company's property until this irrigation season was over and action could be secured to settle the matter in the federal court; that in order to gain the confidence of the Indians, I must not be seen in company with any of the Company or their employees, and therefore, should avoid meeting anyone connected with their project in Ruby Valley.

He informed me that Stanley Wines, a member of the Company drove the mail stage over the usual route taken to reach Ruby Valley, so I decided to secure a private conveyance, enter the valley from the west side, pack my blankets and not enter the home of any white man in the valley.

This looked like a very difficult undertaking but fortunately through the kindness of Mr. Fitzgerald, clerk of the Mayer Hotel, Elko, I met Dr. Henry Hagar,²⁸ a pioneer of Ruby Valley who is postmaster at Cave Creek in the south end of Ruby Valley, over 20 miles distant from the land controversy, who, while familiar with the early history and present conditions in Ruby Valley, is in no way connected either in business or socially with any of the McBride-Wines people. He fortunately, happened to be in Elko with his automobile and readily consented to take me anywhere in the valley I wished to visit. I acquainted him with my mission and during the time I was at his house my business was kept strictly confidential. Dr. Hagar is a retired physician of wide professional and business experience in this and the surrounding Counties. He is a large land and cattle owner in the south end of this valley. He employes [*sic*] a great deal of Indian labor. In the course of our many conversations, he gave me a general history of the valley and the settlers. In regard to the Wines family he gave a very creditable record to all the members except Stanley Wines, the one involved in the controversy, who he stated had never made a success of any business in which he had engaged.

Dr. Hagar also gave me an affidavit which is submitted herewith as Exhibit "2".²⁹

I was very favorable [*sic*] impressed with the evident sincerity of Mr. McBride and feel sure that he desires to be just to the Indians while giving due consideration to the interests of his Company. I am inclined to think that as Mr. Stanley Wines appears to be the resident manager, his statements to explain the reason for crop failures have had considerable influence on Mr. McBride in the formation of his opinion. While I did not examine or inspect the Company's land, yet, I did devote a great deal of time to the examination of their head works, flumes and the construction of the ditch from its point of diversion to its point of exit from the Indian land. The character of this work is very crude and inadequate as will be shown in the numerous photographs submitted herewith. The structures are very flimsy and constructed of inch-lumber surfaced on two sides which really leaves about $\frac{7}{8}$ of an inch in thickness. But little shovel or scraper work is in evidence and only for a short distance from the point of

²⁸ Dr. Henry Hagar was also active in public affairs, having been elected Superintendent of Schools in White Pine County in 1876. See Angel, ed., *History of Nevada*, p. 651, for a list of superintendents.

²⁹ This document, "Exhibit Number 2," follows "Exhibit No. 1" in this presentation.

diversion. After this it had the appearance of having been made by running a plow furrow and turning the water through it directly down hill at a drop of about 6 or 7 feet in one hundred feet of fall. This has been very destructive to the Indian land through which it passes and in many points is eroding the soil very rapidly and doing considerable damage by washing the boulders and soil over the crops the Indians are endeavoring to raise. The inference to be drawn is that if permanent irrigation works are so unscientifically constructed, the same unscientific method would naturally be followed in conducting the farm which would account for the failure of the crops and in order to properly justify this failure to the Company, the most convenient excuse would be the interference of the Indians with the water for irrigation. This report doubtless influences Mr. McBride and irritates him against the Indians.

The Indians denied interfering with the Company's ditches, but charged on the contrary that Stanley Wines had prevented them getting any water to such an extent that quite an acreage of alfalfa on the 40 acre tract in controversy, for which they had purchased seed from Stanley Wines to sow, had entirely died out on account of lack of water through the refusal of Stanley Wines to allow them to take it.

As I did not meet Mr. Wines and talk with him for reasons above mentioned, it may seem somewhat unjust for me to state that it is my firm belief that he alone is to blame for the most of the bad feeling on the side of the Indians. The Indians state that he has repeatedly threatened to arrest them if they disturb the water. The Indians appear very peaceful and I believe would be good neighbors if they were properly treated. Masach Timoke is apparently a half breed and quite a strong character.³⁰ He is the only one that commands the respect of Wines and his employees as he is inclined to stand up for the rights of the Indians, although apparently very quiet, self-possessed and not inclined to be quarrel-some [*sic*].

Masach Timoke visited Washington in January 1917, remaining there twenty-four days. He was very much amazed and mystified when I told him where he stayed and described the location of the Indian Office and also about what he did while there and the people he met. He said, "You must have been there when I was there". I replied that I was not, but knew the City very thoroughly and also knew about what he would do. He showed me a letter addressed by him to the Commissioner stating his business which was apparently written for him in the Indian Office as it was written on Indian Service paper and the Commissioner's reply dated January 31, 1917, signed by him personally No. 9355-17.

Timoke stated in his letter the same complaints named in other complaints made before viz; That the treaty of 1863 had not been fulfilled in issuing supplies and setting aside a reservation for the Ruby Valley Indians. He also laid particular stress on the controversy between the Indians and the McBride-Wines people giving the impression that the Reno Office had not helped the Indians to secure justice from the McBride people or even endeavored to get a settlement of the controversy according to his idea of how it should be settled and in fact, they had made no progress whatever toward a settlement.

In the reply of the Commissioner, among other things, I found acknowledgement of what I felt sure of, but had had no evidence namely; that there was a reservation in Ruby Valley in fact and not in the imagination of the Indians on account of taking it for granted from some misunderstanding of the directions of some army officer, as was

³⁰ Masach Timoke, also spelled Machach Timoke, according to Frank Temoke Sr., in *Personal Reflections of the Shoshone, Paiute, and Washo* (1974), published by the Inter-tribal Council of Nevada, pp. 4-5, died in Elko in 1960. Patterson et al., p. 23 say he died in Owyhee at the government hospital there in 1960.

the theory of Special Agent, C.H. Asbury, as stated by him in some of the correspondence relating to this case in the Reno Office files. The Commissioner's letter stated that a reservation was set aside for the Ruby Valley Indians in Ruby Valley in 1859, but after a few years of occupancy [*sic*] it was abandoned.³¹ He assigned no reason for this abandonment. Also his letter stated that a reservation was established for the Shoshone Indians at Lemhi, Idaho, by executive order February 12, 1875 and one at Carlin Farms, Nevada, by executive order May 10, 1877, and one at Duck Valley by executive order April 16, 1877. Somewhere I got the impression, either from this letter or from some other paper shown me by Timoke, that the reservation at Ruby Valley was six miles square. I feel sure that this reservation was right where these Indians now claim land and embraced the waters of Overland Creek, for the reason that the Timokes told me in the course of conversation that old Timoke, the father of Masach, helped survey the reservation and their statement coincides with that made by Dr. Hagar and others that he had his camp at this point and had a corral just about where the old Wines store building now stands, a short distance from the identical land claimed by the Timokes. He was killed about twenty-seven years ago by the accidental discharge of his gun which was discharged by being blown down against him from the side of the tent in which he was sleeping. He was one of the signers of the treaty of 1863. He undoubtedly had either a copy of this treaty or some papers showing the authority among his effects which were destroyed by fire when his personal effects were burned by his relatives according to their custom, the importance of these papers evidently not being understood. I regard the information of this reservation and that of Carlin Farms, taken in connection with that concerning the issues of supplies as very important and throwing much light upon the attitude of the Indians and will doubtless remove some of the misunderstandings of the situation from this office.

The Honorable A.G. Dawley expressed much surprise that the Company had not made an outright gift of the 40 acres in controversy and thus insured peace with the Indians. This course would have been, in my mind, good policy. The Company cannot very well proceed with the development of its lands without a supply of labor, and the Indians must be relied on to a great extent for laborers here as well as elsewhere in this valley and the Company would have been very much ahead in the long run.

It will take many years to soothe the feelings of the Indians even should their cause be won. Should it be lost, there will be a never ending source of bitterness as a result.³²

Largely on account of the importance of this point, the bitterness of the controversy and the lack of knowledge of conditions and the difficulty of obtaining such knowledge by this office, I took photographs of almost everything connected with this band and the land and water matters. These photographs are submitted herewith marked Exhibit No. "3"³³ with a legend explaining each and giving full and careful descriptions. I trust they will convey to the eye what I may have omitted to put in this report in language.

³¹ In a letter from Ashley G. Dawley to Lorenzo D. Creel, dated June 27, 1917, Dawley points out to Creel that the original Overland Creek and Station were located in the extreme southern end of Ruby Valley, and that the name Overland Creek was not applied to the northern station and farm until some time after 1865.

³² This statement certainly expresses the prophetic qualities of some of the Creel documents.

³³ The photographs which accompanied this particular report are omitted from inclusion here; most of the photographs are included in Box 8, Series 2, 82-1/11/2, in the Lorenzo D. Creel collection.

While the controversy, in regard to the 40 acre tract which has been alluded to so frequently and is the subject of such a large amount of correspondence now on file in the Reno Office and the settling of the controversy is in the hands of the Department of Justice, I feel that it should not be given a great deal of space in this report. However, I will state that the Indians feel that it is their land and they are being unjustly deprived of its products through Stanley Wines acting for the McBride Wines Company, as he is harvesting what little wild hay is now growing thereon. He did this last year and is probably doing it this year. Also they feel that they have been unjustly deprived of sufficient waters of Overland Creek, not only to irrigate this 40 acre tract, but also to serve the small tracts, the Indians who have homesteads adjoining this have in response to appeals from this office in the past cleared up and attempted to crop.

Before visiting this place I had obtained the impression that this particular 40 acres was situated in the center of the Company's holdings and was vitally important to it for that reason. I find that such is not the case and the elimination of this tract would not affect the management of the remainder of their lands unfavorably in the least. I am unable to give any opinion on the legal questions involved, but from a moral standpoint the Indians are entitled to it with water sufficient to irrigate it properly. They should also have sufficient water to irrigate such other land as they have improved and brought under cultivation. The houses thereon have the appearance of considerable age. The timber growing along the ditch which they constructed to irrigate the same shows many years of growth. This is fully shown by reference to the photographs accompanying this report.

On my first visit to this camp I did not state my business nor ask any questions, but put in my time in taking photographs and examination of the land, ditches and Overland Creek. On my next visit I stated that I was a Government Official but did not say anything further except that I represented Washington and wanted to find out all about their lands and other matters. I had learned much about their ancient customs and habits through Mr. Dawley. This gave me something to talk about and enabled me to gain their confidence to such an extent that old Timoke gave me a great deal of information in regard to their old habits of life and incidently the conversation led up to the change from their old manner of living to the present day system and how it was brought about. Timoke gave me the history of what is known as the Indian ditch. He stated that it was constructed at first for the purpose of carrying water from Overland Creek down on to the particular 40 acres in controversy for the purpose of drowning out the Paiute squirrels to enable them to catch them for food.³⁴ This was before any attempt had been made to raise crops in this valley. Soon after this was done some Government man furnished them with potatoes, wheat and other vegetable seeds and showed them how to plant the same.

³⁴ James F. Downs, "The Significance of Environmental Manipulation in Great Basin Cultural Development," in Warren L. d'Azevedo, Wilbur A. Davis, Don D. Fowler, and Wayne Suttles, editors, *The Current Status of Anthropological Research in the Great Basin* (1966), pp. 39-55, notes what he calls "protoagricultural manipulations" in the Great Basin. Irrigation of wild plants occurred in Owens Valley, California, and in Fish Lake Valley, Nevada, and among the Shoshone in Diamond Valley, according to Downs. One hunting practice, the diversion of water in ditches for the purpose of flooding rodents from their burrows, is reported for every area in the Great Basin where the irrigation of wild plants is reported (Ibid). Harry W. Lawton, Phillip J. Wilke, Mary DeDecker, and William M. Mason also present a general summary of recent research on aboriginal agriculture in the Owens Valley and California in general in their paper "Agriculture Among the Paiute of Owens Valley," *Journal of California Anthropology*, Vol. 3, No. 1, pp. 13-50 (1976).

He did not know whether they were given to the Indians or sold to them, as they got them through their head men. This was before any whites came through the valley. He stated that the Indians had cultivated crops on that land of some kind every [*sic*] since that time and watered them by means of this ditch, which is known as the Indian ditch. This was constructed by means of picks and shovels made of the wood of the mountain mahogany³⁵ which was worked into shape by means of flint knives as they had no implements at this time except stone. I later met another Indian known as "Lazy Jim,"³⁶ whose photo also appears in this report. In examining the country near the diversion point of the McBride Wines ditch I traced the remains of a short ditch and wondered about its history. I learned from Timoke that "Lazy Jim" dug this ditch and in my interview with him in addition to other interesting facts he told me that he dug it for the purpose of watering a patch of the plants known in the Indian tongue as "duna", which has a tuberous root and was eaten by them at that time.³⁷ He informed me that he dug this quite a while before the soldiers came into the valley and when they first came he was married and had two boys, which showed him to be over 80 years of age. His name is something of a joke as he is very industrious and only the day before I met him he was grubbing sage-brush for a white man under contract.

There is no question in my mind but what these Indians were the first to use the waters of Overland Creek for irrigation purposes. Owing to the fact that two small reservations had been set aside for the Indians in Utah and had been eliminated for what reason I could not determine, I felt impressed that on account of similar conditions having prevailed in Ruby Valley at about the same time that a reservation must have been set aside in like manner for these Indians. Timoke showed me a paper from the Indian Office which stated that a reservation six miles square had been established in Ruby Valley and also something of the kind at Carlin Farms which had been abandoned after a few years. The Duck Valley Reservation was apparently set aside several years later. Old Timoke stated that they felt very badly because all the cattle they had were taken to Duck Valley by Buck and his band.³⁸ According to the statement of Hon. A.G. Dawley which was substantiated in a measure by old Timoke, there were two factions in the Ruby Valley Indians. Apparently the more progressive faction was led by Buck, who went to Duck Valley with his following; the more conservative refused to go on account of this feud and this is the reason why none of the Ruby Valley Indians desire to go to Duck Valley in addition to the fact that they feel aggrieved, because the reservation which was established in Ruby Valley for their use was not maintained.

I met several other old Indians who were adults before any white people ever penetrated this valley. They stated the population was about 800³⁹ all told; they had

³⁵ Mr. Creel's photographs include one of a paddle-shaped, pointed digging stick used to dig the ditches.

³⁶ Patterson et al., p. 19, note that Lazy Jim's Indian name was Wetuagowegua. L.D. Creel's caption on Lazy Jim's photograph notes that "Lazy Jim" was truly a misnomer, as he was very industrious.

³⁷ Julian H. Steward, "Basin-Plateau Aboriginal Sociopolitical Groups," *Smithsonian Institution, Bureau of American Ethnology, Bulletin* 120 (1938), p. 307, notes that the term "duna" was "food, an unidentified root, possibly *Cynopterus montanus* (Chamberlin 1911:51)."

³⁸ Patterson et al., pp. 15-18, note that Chief Buck succeeded Chokup in 1862. Later he and his followers left Ruby Valley and moved to the Humboldt near Wells; a year later they lived near Carlin, and in 1877 they located in Duck Valley.

³⁹ Julian H. Steward, *op. cit.* (1938), p. 144 notes that the northern two-thirds of Ruby Valley had about 420 persons for 1,200 square miles. This density was far greater than surrounding valleys.

no horses and had only the bow and arrow for weapons; their clothing was very scant, made from antelope and deer skins for summer, and for winter they had robes made from the fur of the rabbit. It is astonishing the amount of labor they performed in hunting the antelope. Men and women worked together in building circular corrals of sage-brush with wings from 10 to 15 miles long.⁴⁰ These were built very high and braced by juniper trees. These were carried from 8 to 10 miles on their backs. The sage-brush was dug by the women with wooden picks and jerked out by hand. The men twisted off the clumps of sage-brush by hand and all joined in carrying the sage-brush and building the corrals before calling for the general hunt. This was preceded by a dance and at sunrise on the day of the hunt the head man offered a prayer to the sun representing the great spirit, the burden of which was that they should have success in the hunt and be able to provide subsistence for their women and children. After this the hunters were posted with bows and arrows behind the brush fences and footmen were sent out to chase the antelope into the wings and up toward the corrals where they were shot as they passed by. The women assisted in skinning and cutting up the meat. These hunts were usually held in the fall when the antelope were fat. The flesh was dried in the sun and a quantity packed away in caches underground for winter use. During the spring and summer they got much of their living from the eggs and young fowl which frequented Ruby Lake. At other times game was killed by still hunting. These Indians used poisoned arrows which were prepared by having a piece of fresh liver bitten by a rattlesnake and after it had been thoroughly poisoned, the arrow heads were dipped in the liver. They state that a slight scratch of an arrow on an animal would cause it to die in a short time.⁴¹ The game was followed up then, skinned and eaten after having been hit with these poisoned arrows.

Although Mr. H.T. Johnson, assistant engineer, Indian Service, on July 7, 1917 submitted a report covering the land and water matters at Ruby Valley, a copy of which report has been referred to you, I think it might not be out of place for me to state what I saw and the impressions made in regard to the matters of Overland Creek on my visit even at the risk of much repetition, as perhaps we may have seen matters from a different angle. He has treated the subject largely from a technical and legal standpoint while I shall do so from a different point of view.

According to statements made by old residents of the valley, the season of 1917 is two or three weeks later than the average season; June 7th to 9th were about the first warm days in this valley which showed a temperature high enough to start the stream and irrigation had just begun on the different ranches. There was an immense volume of water flowing down Overland Creek. A weir had been installed apparently two or three years previous in the creek a short distance above the diversion point of the McBride Wines ditch and above all the ditches. This weir was set at a right angle to the channel. The opening in the same for the flow of the stream was 10ft. 3in. wide. A body of water 10ft. 11in. wide and of varying depth, but about one foot deep for at least half this distance was flowing around one end of this weir. The depth of the water flowing over the crest of the weir was 2 ft. 4 $\frac{3}{4}$ in. The rate of the current was 42 ft. in 5 $\frac{1}{2}$ seconds, which would show about 180 second feet, without taking into

⁴⁰ The antelope trap in Ruby Valley, according to Patterson et al., p. 7, was located near Dry Lake to the east of the Tom Short Ranch. Others were noted at Mud Springs and east of Wells.

⁴¹ Stephen Powers, "Stephen Powers' the Life and Culture of the Washo and Paiutes," in *Ethnohistory* 17 (3-4):125, (1970) edited by Don D. Fowler and Catherine S. Fowler, also noted this practice for the Paiute, but snake venom was not mentioned; only the "... rotten liver and gall of a mountain sheep or a deer . . ." was used specifically for war arrows.

account the volume of water flowing around the end of the weir. Neither whites or Indians were apparently paying any attention to the water or directing its flow as it passed through the ditches, except one man on the west side who was irrigating the McBride Wines Company's land. The water was rushing down the McBride ditch in a torrent carrying the rock and soil over the Indian land through which it passed which had been washed out of the Indian lands above. The Indian ditch was also full to overflowing, but on account of the lower grade was not eroding, but water was breaking all over its banks at various places and flooding the lands through which it passed.

The natural meadow on the 40 acre tract in controversy was so saturated by the overflow of the McBride and Indian ditches that I had considerable difficulty in crossing the land while measuring and getting the boundaries. The drier portions of this tract upon which I understood that alfalfa had previously grown were not being watered as no crops had been planted thereon. The volume of water carried by Overland Creek must frequently be much greater than at the time I visited it, as it lacked considerable of reaching the sleepers of the bridge where the county road crosses the creek at the site of the original improvements. Dr. Hagar informed me that this bridge was often under water.

On account of considerable experience in a neighboring state where the waste or mis-use of water is not only considered reprehensible, but thought little short of criminal in some sections where so many prosperous and happy communities are made possible through economical use and fair distribution of the waters of creeks affording a comparatively small volume of water when compared with Overland Creek, I may be unduly impressed by what seems to me the lax and wasteful method and unsystematic use of irrigation water in its application to the lands comprising many isolated ranches in various parts of Nevada. Ruby Valley and particularly Overland Creek is not only no exception to the general rule, but is one of the worst examples I have met.

Several ditches other than the McBride and Indian ditches are supplied from its waters, but I failed to notice any division boxes at all except the flimsy structure at the diversion point of the McBride Wines ditch, which was evidently established at this point in order to get above the Indian ditch and thus get advantage of the first chance at the water. The Company could certainly have constructed a much shorter and economical ditch on something that had at least the appearance of a grade and would have prevented any damage to the Indian land.

The Honorable [*sic*] State Engineer, Mr. J.G. Scrugham⁴² is fully alive to the necessity of the conservation of water and is devoting his entire time and energy to the adjustment of the various water problems and complications existing throughout the state. It would seem that now is the time that all the water users on Overland Creek should get together, avail themselves of his services and establish a system which will be just and fair to all and provide means for the economical use of all the surplus water not actually required in serving the lands of the parties claiming prior rights.

Some system of division boxes should be devised, whereby all the surplus waters could be diverted to other lands giving the Indians their share which they could use in irrigating fall grain or in encouraging the growth of grasses for pasture, as much of their land is very rocky and difficult of cultivation, although the soil is strong and fertile.

⁴² This is the same James G. Scrugham who later became Governor of Nevada (1923-26) and Nevada's Representative in Congress (1933-1942).

Could this be done and the Indians given a definite understanding of just what their rights are or would be and that they would not be interfered with, they could certainly add very much to their income, most of which, will always be derived as now from labor for the whites.

Regardless of whatever may be the outcome of the present efforts to settle the title to the land claimed by Timoke and the water complications connected therewith, after devoting much thought and making a careful study of all the conditions surrounding the Ruby Valley situation, I firmly believe that it is vitally necessary to request the authorization of the position of farmer with a thorough knowledge of irrigation, at least until the Indians have been more firmly established in the use of the land and water allotted to them. With the exception of Masach Timoke, they are apparently an inoffensive timid and non-resisting people, who are easily discouraged and intimidated when it comes to managing their own land. They certainly need the support of someone directly in charge, as this office is at too great a distance to properly attend to the detail work of the development of their agricultural and other interests. Later on in another place, I shall discuss the situation at Horsekillers Camp, which has been alluded to before. This farmer could be of very material assistance to this band and also in the development of their land and water rights, which the Indians have just really begun.

He could have general supervision over the entire valley and be of much material assistance to the scattered families camped at the different ranches throughout the valley.

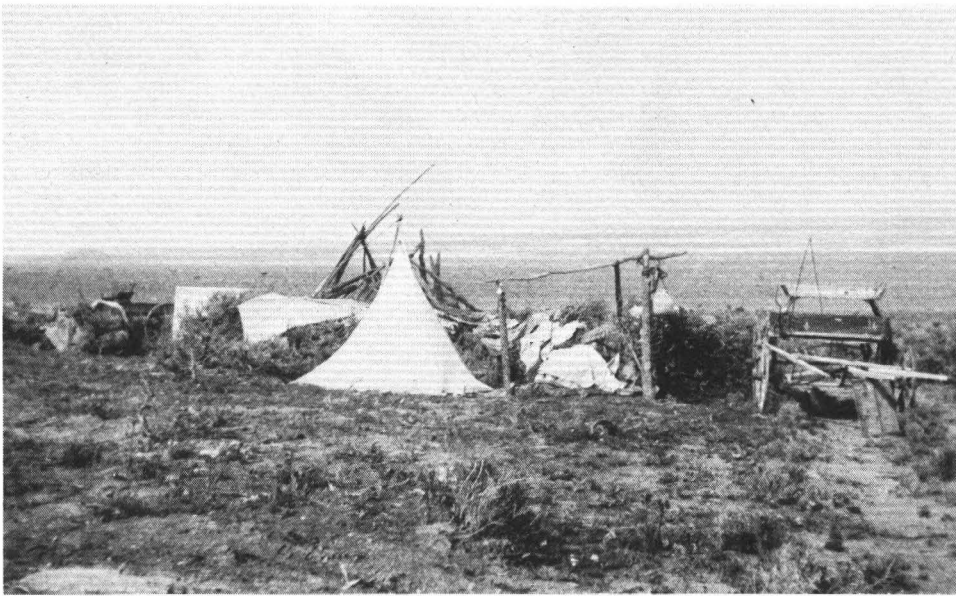
I would recommend that a salary of not less than \$840 be named as the place is of such importance that it should be filled by the best man obtainable. The principal difficulty would be quarters, but as we have an executive order reservation right at this particular point, a small cabin could be erected for his use at very little expense. There are also two or three new houses in the near neighborhood which have never been occupied by reason of death or unfortunate circumstances affecting the owners. Quarters could, doubtless, be secured at one of these places at a very moderate rental, although at the time of my visit I had not studied the matter to the extent of making such recommendation. This would give the Indians someone to consult and advise with as they are now entirely alone and have no one in their immediate neighborhood whom they feel that they can trust. I would recommend that this matter be given immediate [*sic*] attention.

The Indians of Ruby Valley, aside from the Timoke band and the Horsekiller band who have a few homesteads about fourteen miles south of Overland Creek, are scattered around the valley living in more or less permanent camps on the various ranches where they work as needed. I was unable to get a census, but a list which covers the entire population of the valley was furnished me by Masach Timoke which is submitted herewith in triplicate, marked Exhibit No. "4".⁴³

Perhaps a few remarks in regard to these Indians may not be out of place in closing this report. I succeeded in gaining their confidence apparently and on account of having considerable knowledge already of their early life, I succeeded in leading the conversation into channels which furnished a great deal of interesting information which might furnish material for an extensive magazine article.

From what they told me the struggle for mere existence must have been almost without cessation and a wide range of articles in the flora and fauna of this region was drawn upon for food. The antelope and deer which were very abundant furnished the

⁴³ This document was not with the others in the Creel Collection. It is not reproduced herein.



View of Western Shoshone wickiup in Ruby Valley, ca. 1917. (*Creel Papers, University of Nevada, Reno Library*)

bulk of their meat ration, the use of which was gauged according to the amount on hand and the seasons of plenty or scarcity, but the seeds or nuts of the Pinyon pine which analyzes very high in protien [*sic*] and fats as well as other nutritive substances, the seeds of various grasses and plants and their roots, the eggs and young of the water fowl which nested in and around Ruby Valley in large numbers during the breeding season, the Paiute ground squirrel, the jack rabbit, which furnished both food and clothing, and various other smaller burrowing animals helped to make up and give variety to the annual bill of fare, which enabled them not only to live, but actually thrive, in spite of the hardships to which they were almost daily exposed. Of course, food and clothing was practically all they needed as shelter was easily provided by the tules which grew in the marshes of the lake and were woven into a mat which made a very warm and comfortable shelter and afforded protection even in the long and cold winters common to this section. The old people with whom I talked told me that they were rarely sick until white men's diseases were introduced among them. The Indian population of the valley now numbers about 100 souls. After deducting a liberal number represented by chief Buck and his following who went to Duck Valley Reservation when it was established, there evidently has been an appalling morality [*sic*] among those left behind as the old people told me there were about 800 souls when the white people first appeared in the valley.

If the past history of these and the many other scattered bands in Nevada could be known and better understood and appreciated by the white people whose fertile and productive ranches around which they now hover to pick up the crumbs which fall from their tables or could they stop a few moments in the mad race for wealth and consider what a shock our civilization, so-called, has been to these unfortunate people and try to put themselves in the Indian's place and endeavor to realize what a struggle it must have been for them to adjust themselves to the radical change which

has taken place within a little more than half a century which represents in these Indians a transition from the *stone age* to the present time, it certainly would compel them to use more charity toward them in all ways and especially in business matters and rely more upon the principles of justice and equity rather than the interpretations of statute laws. Much trouble and misunderstanding would thus be averted and the assimilation of the race into the body politic would be accomplished with much less friction and be much more humane to the Indians.

I have devoted probably far too much space to this report, but when taken in connection with that of Mr. Johnson and the photographs and exhibits submitted herewith, I trust you may be able to get a fairly good grasp of the situation. No further recommendations for relief seem possible at this point as there is apparently no suffering which can be relieved. There is no practicing physician nearer than Elko. These Indians appeared to be reasonably free from trachoma and tuberculosis, in fact, I did not notice any trachoma but saw a few bad eyes. They have land enough if it can be properly developed. However, after the land controversy has been settled I believe that the scarcity of labor will be so firmly impressed upon the minds of the various ranchers that they will be glad to set aside a portion of their holdings for the use of the Indians. The wages paid are very good as a rule, about \$45.00 per month with board. If the position of farmer should be authorized and it be filled, the matter of better homes and small holdings on the ranches could be handled and much progress be made by the farmer in charge.

Very sincerely,

Special Supervisor.

EXHIBIT NO. 1

ASHLEY G. DAWLEY OF ELKO, NEVADA, BEING FIRST DULY SWORN DEPOSES AND SAYS AS FOLLOWS TO WIT:

In 1866 and 1877, I was an employee of Griswold and Woodward on what is now known and called the Overland Ranch in Ruby Valley, Elko County, Nevada, as manager of their ranch store. During these years, I think in the fall of 1866 to my personal knowledge, there was shipped from Salt Lake by the Overland Stage Company to Ruby Valley, care of Griswold and Woodward,⁴⁴ a consignment of goods to be distributed to the Indians of Ruby Valley. Said consignment of goods was in the immediate charge of Colonel Head, whom I was informed, was in the service of Government Indian Department. Those goods were shipped from Ruby Station by teams belonging to Griswold and Woodward down to the ranch and consigned to my care to be held until Mr. Head came to take possession of them. The consignment consisted of shirts, underclothing, blankets, bales of calico and I think cotton goods. Shortly afterwards, Colonel Head arrived and took possession of the goods, sent out runners and had all the Indians they could get together in Ruby Valley, Butte Valley, Huntington Valley and South Fork appear upon a certain day when he would issue

⁴⁴ Patterson et al., pp. 501-503, note that Chester Allen Griswold and Samuel Woodward and others were backed by the Overland Mail Company. They put together the Overland Ranch and used Indian labor to raise grain. By 1865, the farm was so well developed it employed 100 men, using thirty plows and ninety yoke of oxen to sow 90,000 pounds of grain.

them these goods. But that day, there appeared a large number of Indians and the goods were distributed to each individual Indian. I was one of five or six that helped in the distribution. The goods were piled on our cabin, where we had the store, and Colonel Head would bring some of each kind or character of the goods to be issued to the door and deliver them to us men to distribute to the Indians whom we had seated in a large circle in front of the buildings.

I understood from Colonel Head that this was one-half of a \$10,000.00 shipment of goods he had forwarded, part of which from Salt Lake to Deep Creek, and that portion was distributed at Deep Creek. Later as I was given to understand, \$5000.00 worth of goods would be and which were distributed to the Indians in Ruby Valley at that time. This is the only distribution of goods of which I have a personal knowledge of, with the exception of a band of cattle numbering as I remember, about 250 head more or less, which was delivered and distributed to the Indians or delivered rather in Ruby Valley, I think by Captain John A. Palmer. I do not remember where the cattle were delivered but I do know they were delivered and held by the Indians until they used them up (butchered.) They had them for several years until the herd ran out. My memory is not clear as to the time the herd of cattle was exhausted. Captain Buck and some of his following removed to the Duck Valley Reservation and it is possible that he took a portion of this herd of cattle with him, but I am not positive on that point.

I was a resident of Ruby Valley from May 1864. I have some recollection of goods being distributed I think on two different occasions, subsequently to 1866 at Griswold and Woodward's store on the Overland Stage Road on the south end of Ruby. Colonel Head resided at the Overland Ranch for several years after 1866, and in 1872, a consignment of Indian goods was distributed by him to the Indians at the flour mill on the Overland Creek.

I was in the ranching and stock raising business on my own account after 1867, and I was very familiar with the stock interest and everything connected with Ruby Valley.

In 1866, I personally received the goods that were shipped by oxen teams from the main Griswold and Woodward store on the Overland Stage line down to the Ruby ranch.

State of Nevada,
County of Elko.

Subscribed and sworn to before me this sixth day of June, 1917.

STATEMENT OF ASHLEY G. DAWLEY AS HIS RECOLLECTION OF AFFAIRS IN RUBY VALLEY CONNECTED WITH THE INDIANS

I, Ashley G. Dawley resided continuously in Ruby Valley, Elko County, Nevada, from May 1864 until the fall of 1880 when I removed to Elko, the county seat of Elko County, but I still retained stock interest and real estate interest in Ruby Valley up to 1896, and as such an early resident, I was pretty well acquainted with the Indian residents of Ruby Valley and with their habits and manner of living etc. They generally camped and lived in numerous different camps in the summer time. The camps would include generally a family and their relatives in these separate camps, in other words, they were divided into clans. The acknowledged head of the Indians,

was at that time was divided between an indian called Captain Buck and Chief Timoke. Captain Buck was elected, I think by some of the younger members of the tribe as captain, while the older indians claimed that Timoke was the natural successor of the Chief Shokup who had died a year or two previous to this time. The Shoshone Indians were divided or formed as I understood it, in different bands in different valleys in this location, and each had his head man or chief of that particular band while the general tribe probably was under one particular head. The Ruby Valley Shoshone's were peaceable and I never knew any particular trouble with any of that band. The Goshut branch of the Shoshone, east of the Steptoe Valley were considered pretty bad indians, and the branch called the Toshuees or Whiteknives ranged in the Mary's River country, a tributary of the Humboldt, in the north eastern part of Elko County, were considered a Renegade band made up as I understood of Shoshone and Fort Hall Indians and were rather feared by the Ruby Valley Indians. I never knew of any ill feeling between the two factions in Ruby, that is the followers of Captain Buck and Timoke when the Duck Valley Reservation was established, Captain Buck and his followers moved to the Duck Valley Reservation and remained there and did not return to Ruby.

It is my recollection that Colonel Head, about the year 1872 or thereabouts, encouraged and induced the Timok branch of indians to farm some, raise grain and potatoes etc., and I think they did so in Township 30, Range 59 A, being from a half to a mile north from the flour mill, and Colonel Head resided on the Overland Creek, being the same place what is known as the Indian farm in Ruby Valley is now located, they have farmed that place more or less ever since. I would say, but I am not positive, that between 1870 and 1872 must have been the time that the waters of Overland Creek were diverted by ditch to this point, up to that time there was no ditch diverting water at that point, no other land being farmed in that vicinity, that is I mean, in the vicinity of the indian village.

I never knew of any reservation or particular lands being set aside for the indians of Ruby Valley nor never heard of such a claim until the last year or two. My understanding of the situation was that the indians just simply located on that place more than likely at the advice of Colonel Head as it was a piece of land unclaimed by any body else and away from the ranches.

During the years 1866-7, I had charge of the Griswold and Woodward cattle and did a great deal of riding and during the spring and summer of 1866 and 7 was probably over this ground every day during the summer and I am positive that at that time there was no farming done by the indians in general, they didn't even live there or camp there and no artificial ditch was made or used to divert water from the Overland Creek on what is now called the Indian Farm.

/s/ Ashley G. Dawley

EXHIBIT NO. 145

Really in the summer time they were practically naked, but in the winter time they had these rabbit robe blankets until the government issued them these goods, when they commenced dressing, covering their nakedness.

⁴⁵ This document was an unsigned typed copy among the Creel papers. It is not certain at this time to whom the statement may be attributed.

The Indians lived on rabbits and young ducks as there was an immense amount of game in the country. They also eat the seeds of weeds and pinenuts. They often ground up the seeds of the weeds and pinenuts and made it into kind of bread which they kept for winter use. They had no utensils with which to cook, and I have seen them take a duck and roast him with his feathers on, then after it was cooked they peeled off the feathers. Very few of the indians had guns, but most of them had bows and arrows. They made their bows and arrows out of hickory which they must have gotten from the immigrants, or out of any other kind of wood which they happened to have and glued the pieces together with sinews of deers. Most of their game was killed by the use of bows and arrows. Fences of sagebrush and cedar boughs were made along the foot hills of some of the mountains, some of them were of considerable length. One fence in the valley that I can recall particularly must have been from ten to fifteen miles in length. The deers and antelope ran from the valleys up against this fence, which was such size that they wouldn't jump it but would run along this fence and the indian hunters would shoot them at close quarters at the other side of the fence.

My experience with the indians in Ruby Valley was that they were pretty honest and trustworthy indians.

The fore-going statements is made to the best of my recollection of the events that happened during those years and it is made at the request of LORENZO D. CREEL, Special Supervisor Indian Service, Washington, D.C.

EXHIBIT NO. 2

I, Dr. Henry Hagar in 1863 crossed the plains in an immigrant train and came to Austin in the fall of that year and I have lived in the state most of the time ever since.

I bought a farm in Ruby Valley in 1882 and I have lived there most of the time ever since. It was about that time I knew of the Indian Ranch that Machach Timoke now occuppies. I have known Machach Timoke for about eighteen years and as I remember he occuppied [*sic*] the ranch all of that time. The ranch has been cultivated and irrigated all that time. I do not know who dug the ditch. I think the Indian who committed suicide lived on that ranch. Machach's father claims to have been chief of the Shoshone (old Timoke) Machache [*sic*] always appeared to me to be a very honorable man and he has worked for me and I have every reason to believe that he is.

The ranch is just about the same as when I first saw it. I have never heard of the Indians making a threat against Mr. McBride, Mr. Stanley Wines, or anyone.

State of Nevada
County of Elko

Subscribed and sworn to before me this sixth day of June, 1917