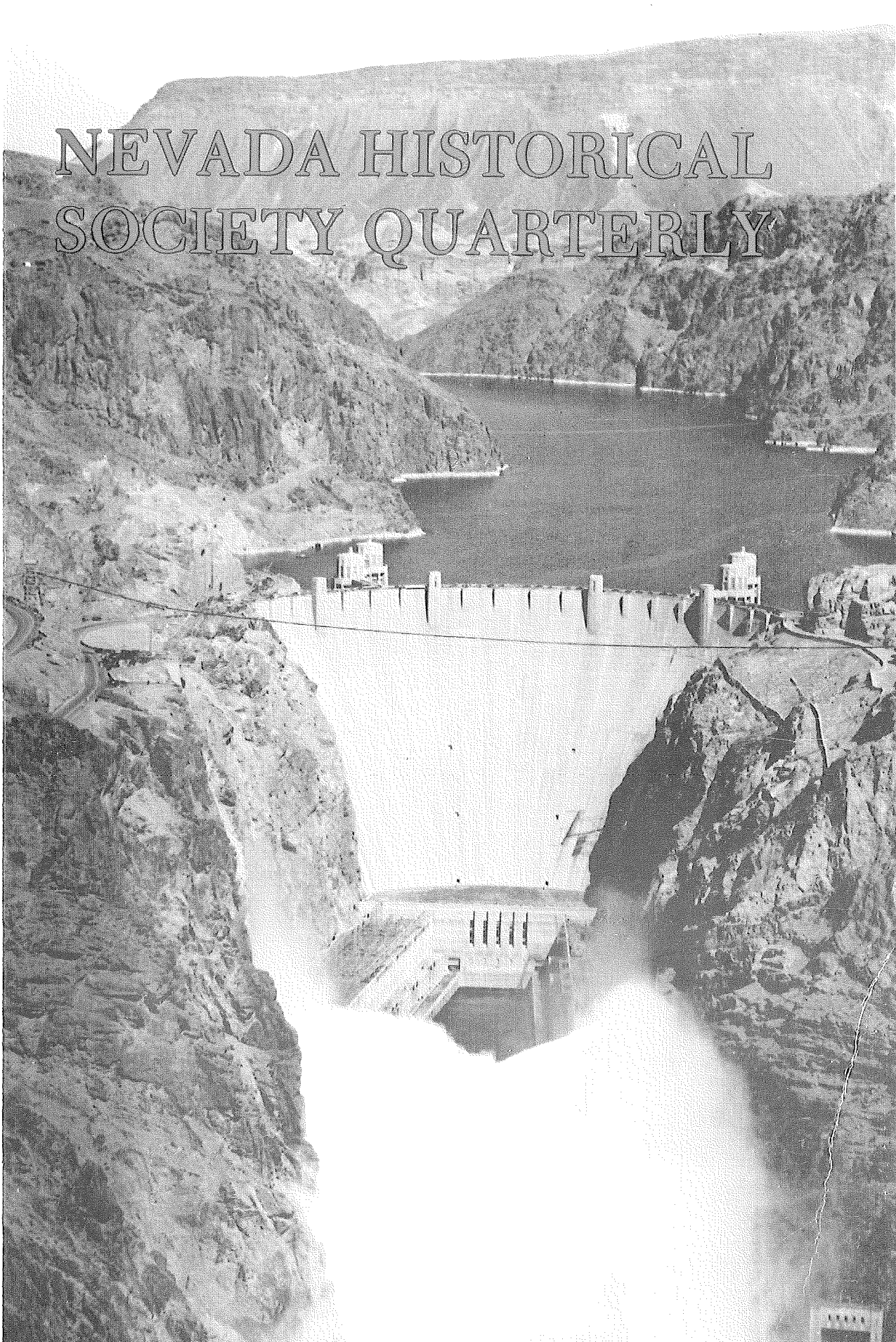


# NEVADA HISTORICAL SOCIETY QUARTERLY



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# *The Ruby Valley Indian Reservation of Northeastern Nevada: “Six Miles Square”*

STEVEN J. CRUM

OVER THE YEARS THE TEMOKE BAND of Western Shoshone Indians have maintained that a “six miles square” reservation was set aside for them, and it included the Overland Creek in Ruby Valley, Nevada. This reservation, they argue, was established in the mid-nineteenth century at the time of white contact. Because such a reservation has not existed in Ruby Valley in this century, the Shoshones have continuously asked whatever became of the “six miles square.” In 1919, Chief Muchach Temoke and his interpreter Thomas Wahne, both Shoshones from Ruby Valley, posed the following question to Cato Sells, the Commissioner of the Bureau of Indian Affairs (BIA): “We ask you to tell us, put it down in a letter, when this tract six miles square was deed to Temoak’s band. We want a copy of that deed.”<sup>1</sup> Some forty years later, in 1964, another Shoshone, Edward McDade, asked the Indian Bureau a similar question: “Could you find about six square that was set aside at Ruby Valley for Shoshone Indians for the Te-Moak Band?”<sup>2</sup> The BIA either did not give an answer that satisfied the Indians or it failed to respond to them at all.

Contrary to what the Indians have been saying, there are white settlers of northeastern Nevada who have argued that a reservation never existed for the Shoshones in Ruby Valley, not even in the nineteenth century. When asked about the “six miles square” reservation, which supposedly included the Overland Creek, one white settler, Ashley Dawley of Elko, Nevada, asserted in 1917 “that no Indian Reservation was ever located by anyone . . . or near that point.”<sup>3</sup>

Who is correct as to whether or not a reservation “six miles square” ever existed in Ruby Valley, the Shoshones or the white settlers? As will be argued the Shoshones are correct because the reservation actually did exist. The history of this reservation, and why it does not exist today, is traced in this paper.

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Lazy Jim remembers when the 1863 treaty was signed and claims that the reservation was surveyed; photo c. 1917. (Photo courtesy of Special Collections Department, University of Nevada, Reno)

In 1859, the Ruby Valley Indian Reservation was established by Jacob Forney, Superintendent of Indian Affairs for the Great Basin region, who requested his subordinate Robert Jarvis to set aside a reservation for the Western Shoshones living in northeastern Nevada. Forney wanted a reservation established for the Shoshones because he knew that the whites would soon occupy the entire Great Basin region and claim all good land suitable for agriculture. Additionally, he wanted the Indians to give up their hunting and gathering lifestyle and become sedentary farmers. Forney chose Ruby Valley because it had fertile soil in some locations and also available water.<sup>4</sup>

Carrying out his assignment agent Jarvis specified the location of the Ruby Valley Reservation. The BIA, in turn, said that it should be “six miles square,” or one township, the basic unit of land determined by the federal government’s Ordinance of 1785.<sup>5</sup> But for reasons not entirely clear, the BIA

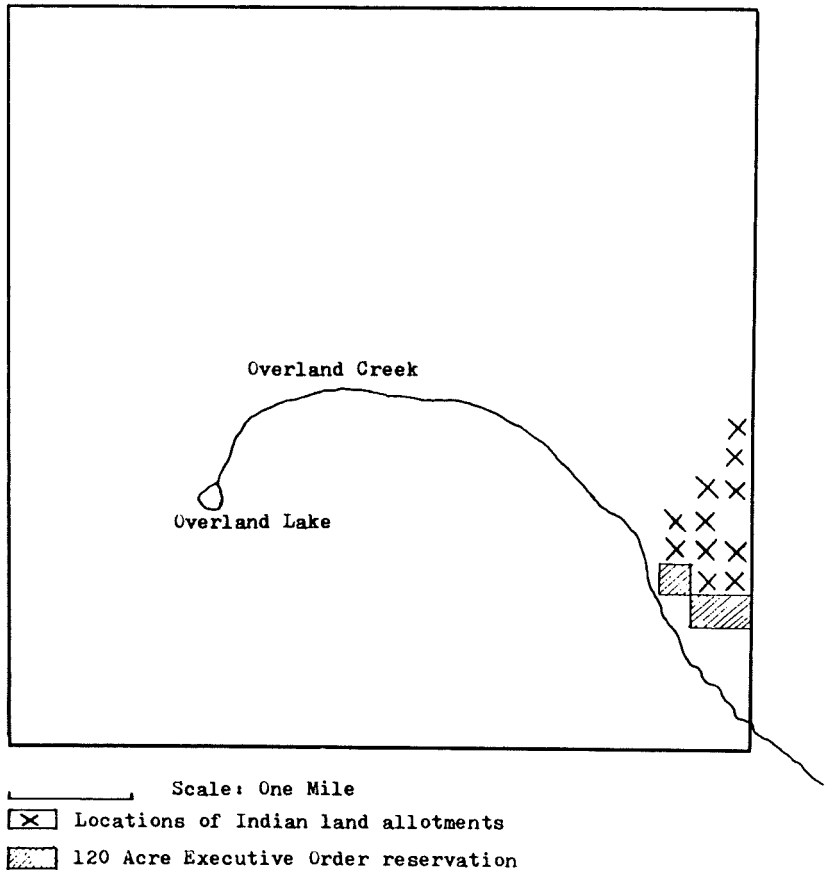
did not survey the reservation in 1859 nor in the following years. Perhaps the Bureau had more urgent Indian matters elsewhere in the nation and intended to survey it at a later date. Perhaps the Bureau could not survey the reservation because the region of Ruby Valley was not mapped by the General Land Office until 1868-1869, making it impossible to delineate a "six miles square" at an earlier date.<sup>6</sup> If the reservation had been surveyed, most likely it would have been identical or nearly identical with Township 30 North, Range 58 East, where the Overland Creek is located. At any rate, what did come into existence in 1859 was the "six miles square" Ruby Valley Reservation with unmapped boundaries.

From the outset, the existence of the Ruby Valley Reservation remained in doubt because the Central Office of the BIA in Washington, D.C. never provided enough funds for its maintenance. As a case in point, local farm agent Jarvis remained on the reserve for only four months, from March to June 1859. He was forced to resign because the Indian Bureau paid him only meager wages. It is doubtful whether he had the time to teach the Indians how to farm. However, his successor Benjamin Rogers did teach the Indians how to plant crops, and forty acres were under cultivation by 1860. Unfortunately, Rogers resigned in 1861 because the Bureau gave him only limited supplies and failed to pay his salary. Farm operations on the reservation ceased after 1861. Obviously, the Ruby Valley Reservation was not a top priority of the BIA.<sup>7</sup>

About the time Rogers resigned his position, Benjamin Davies, the new Superintendent of Indian Affairs for the Great Basin region, visited the Ruby Valley Reservation. The Shoshones, under the leadership of Chief Sho-cup, asked him if the government intended to revive the reservation farm. Because the necessary aid had not been forthcoming from his superiors, Davies could not make any promises to the Indians. However, he did make a recommendation to the Central Office in Washington: because the "six miles square" was "too small" for all the Shoshones of the region, and understanding that the white settlers would soon occupy all of Ruby Valley, Davies recommended "that the whole valley be declared" as a reservation for the Shoshones and "that farming operations be commenced there at once."<sup>8</sup> The Central Office did not consider this recommendation, and the interests of the Shoshones continued to be ignored.

The unsurveyed Ruby Valley Reservation would have quickly been forgotten had it not been for the negotiating and signing of the Treaty of Ruby Valley on October 1, 1863. Although the treaty was basically a pact of "peace" and "friendship" between the Western Shoshones and the Americans, it did have provisions relating to the landbase of the Shoshones. One provision defined the Western Shoshone territory as covering a large part of today's northeastern Nevada, including Ruby Valley. Another provision specified that more than one reservation would be set aside for the Western Shoshones

TOWNSHIP 30 NORTH, RANGE 58 EAST  
("Six Miles Square")



Map showing the "Six Miles Square" in question. (Map courtesy of author)

inside the territory designated by the treaty.<sup>9</sup> This provision was included because the federal officials knew that the Shoshones were widely dispersed over a large geographic area of the Great Basin and were deeply attached to particular locations within their aboriginal homeland. It would be impossible to place all of them on a single, centralized reservation.

The Treaty of Ruby Valley of 1863 did not specify the locations of reservation sites. However, Ruby Valley was considered a prime locality for several reasons: first, the valley possessed adequate natural resources, including water from the Overland Creek; second, the 1859 unsurveyed reservation was located in the valley; third, since 1859, a large number of Shoshones, under the leadership of Chief Sho-cup and later Chief Temoke, had always occupied the valley before the unsurveyed reservation was designated;

fourth, the 1863 treaty was negotiated in the valley; and, fifth, the valley lay within the boundaries of the Western Shoshone treaty territory.

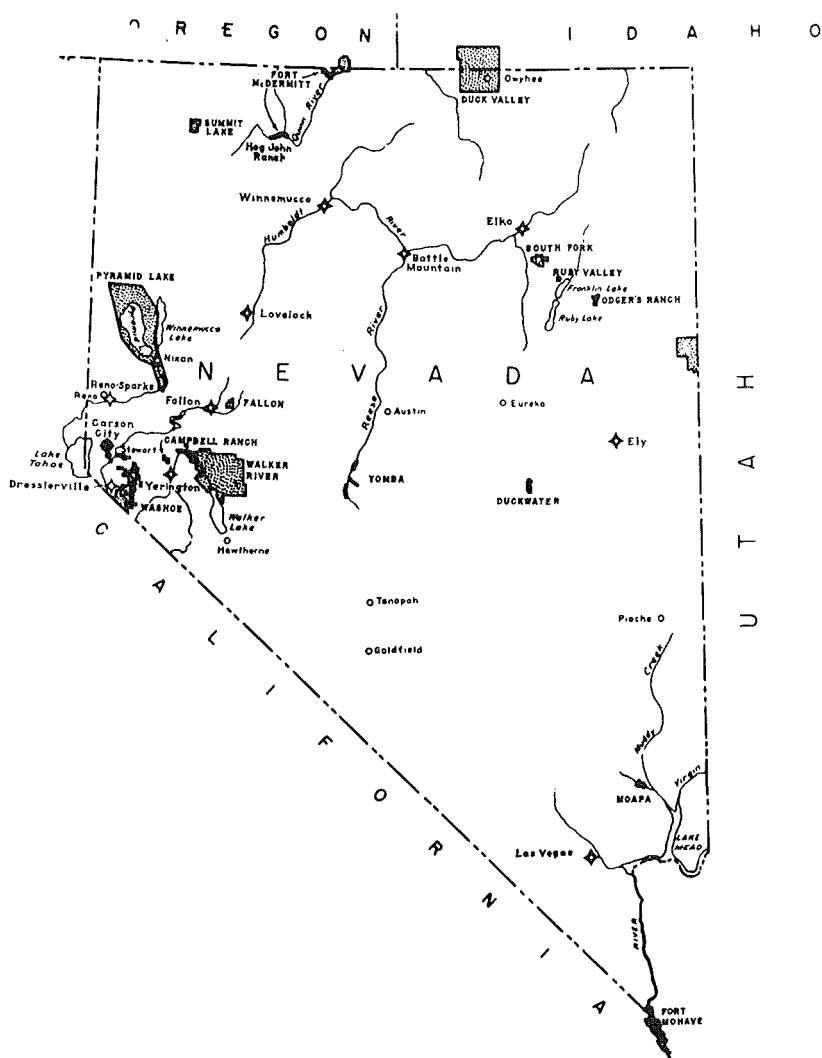
Hence, the unsurveyed “six miles square” reservation, in existence since 1859, was given new life, at least for awhile. It was “re-occupied” in 1863 by James Nye, Governor of Nevada Territory, and was intended to be the future home of the Ruby Valley Shoshones.<sup>10</sup> Jacob Lockhart, the Indian Agent of Nevada, was given instructions to survey the reservation in 1864.

As had been the case before the Treaty of Ruby Valley, the Ruby Valley Reservation was still not a top priority of the BIA after 1863. Agent Lockhart, as well as his successors in Nevada, never surveyed the reservation because the Central Office in Washington did not provide enough funds for that purpose. Lockhart expressed his regret over this matter in 1865 when he wrote: “I did not succeed in getting the ‘Ruby Valley’ Reserve surveyed . . . and not having funds to go there it is yet unsurveyed.”<sup>11</sup> The BIA also failed to revive the reservation farm. Governor Nye selected Henry Butterfield, an employee of the Butterfield Overland Mail Company, to be the local reservation farm agent. Having not received his salary from the Indian Bureau after six months, Butterfield quit his job. He was rehired in 1866 but quit again because of salary problems.<sup>12</sup> The Indian farm was not revived, at least not in the 1860s.

Because the BIA did not survey the “six miles square” as a home for the Ruby Valley Shoshones, white settlers began to settle there by the mid-1860s. Two such ranchers were Chester A. Griswold and Samuel Woodward, who received financial backing from the Overland Mail Company. They established a farm, called the Overland Ranch (or Farm), adjacent to the Overland Creek, and cultivated grain.<sup>13</sup> Owing to this development, Franklin Campbell, the Indian Agent for Nevada, wrote in 1866 that “the reserve in Ruby Valley, which was formerly intended for their use, is now occupied by settlers and the Overland Mail Company’s farm.”<sup>14</sup> Campbell recommended “that another [reservation] be set apart for them upon the headwaters at the Humboldt River” in northeastern Nevada.<sup>15</sup> After the mid-1860s, the BIA never again considered reviving the “six miles square” reservation for the Shoshones in Ruby Valley.

As the years passed, the correspondence concerning the “six miles square” reservation became buried among the voluminous records of the Central Office of the BIA in Washington. Indian Bureau officials soon forgot about the existence of the reservation. In fact, after 1870, only one Nevada Indian agent, Levi Gheen, knew that a reservation was supposed to have been set aside in Ruby Valley for the Shoshones, but he did not know that it was “six miles square.”<sup>16</sup> By the turn of the century, the top administrators of the BIA knew nothing about the reservation.

Although the “six miles square” reservation was never surveyed by the BIA, the Temoke Band of Ruby Valley Shoshones have always regarded its



Reprinted, by permission, from Bureau of Indian Affairs, Phoenix Area Office, *Information Profiles of Indian Reservations in Arizona, Nevada, & Utah* (Phoenix, 1976), p. 87.

location as their permanent home. This is substantiated by Indian Agent Levi Gheen who wrote in 1874 that the land “near the overland farm in Ruby Valley is considered by the Indians their capital or centre [sic] place.”<sup>17</sup> The Indians, with the help of Gheen—who incidentally had no desire to survey the reservation but wanted the Shoshones to remove themselves to Duck Valley, 170 miles north of Ruby Valley—began to farm the land adjacent to the Overland Creek and continued to do so intermittently into the twentieth century.<sup>18</sup>



In the opening decade of this century, the Shoshones and white settlers lived side-by-side in Ruby Valley, coexisting peacefully. The Indians were friendly to the whites as they had remained peaceful since the signing of the 1863 treaty. The white ranchers depended upon the Indians as a source of labor and paid them wages. Both claimed the land around the Overland Creek. The whites claimed the land under federal and state land laws; the Shoshones asserted ownership because they regarded it as their reservation home. But the Indians, at least those living there around 1900, did not know the boundaries of the land they called their reservation since it had never been surveyed by the BIA. Obviously an earlier generation of Shoshones, including Chief Old Temoke, the principal signer of the 1863 treaty, knew that it was "six miles square." But Old Temoke's land and treaty papers were burned in 1890, in accordance with tribal custom, when the old chief died.<sup>19</sup>

Peaceful coexistence between the Shoshones and whites in Ruby Valley ended around 1910 when one white rancher, Stanley Wines, told the Indians to remove themselves from forty acres of land near the Overland Creek, located in Section 25 East, inside Township 30 North, Range 58 East. Wines claimed the small tract had been passed down to him by his father, Ira Wines, who acquired the land under the land laws of Nevada in 1897. Wines allowed the Indians to live on the land because he was their friend and hired them as laborers on occasion. His son Stanley was not friendly to the Indians and wanted them off the tract.<sup>20</sup> The Shoshones were completely unaware that the older Wines had purchased the tract in 1897.

In response to Wines's demand, the Indians began to complain to the BIA. In a letter sent to the Commissioner of Indian Affairs in Washington, Muchuch Temoke, the grandson of Old Chief Temoke, wrote in 1912 that "I am steel [sic] here where my grand Father us to be place. . . . Wines claimed all my land what's the George Washington gave to me in year 1863."<sup>21</sup> Relying on oral tradition, Temoke was told by his parents and grandparents that Governor Nye had "re-occupied" the Ruby Valley Reservation in 1863 as a permanent home for the Shoshones, and that the Indians had lived at this place permanently since the 1860s.

The BIA responded to the Shoshones by sending Calvin H. Asbury, Superintendent of the Reno Indian Agency in Nevada, to deal with the Ruby Valley land dispute. Although Asbury did his best to defend the interests of the Indians, he did not believe that an Indian reservation had been set aside in Ruby Valley in the nineteenth century, particularly since the Indians could not give written proof that it had existed, nor recall its dimensions. Since the whites had already filed for land near the Overland Creek inside Township 30 North, Asbury decided it was time to do the same for the Indians. Beginning in 1911 and 1912 Asbury aided several Shoshones in filing for public domain allotments, seven of which were located in Township 30 North, Range 58 East, adjacent to or near the Overland Creek. Upon Asbury's recommenda-

tion President William H. Taft established a small 120 acre reservation (if it can be called one) by Executive Order in September 1912. A total of 1,240 acres of land including both allotments and the small reserve were set aside for the Shoshones near the Overland Creek in the early twentieth century.<sup>22</sup>

Although land had been set aside for the Temoke Band of Ruby Valley Shoshones after 1911, its members were still dissatisfied. As far as the Indians were concerned, the 1863 reservation still existed, and they had always lived on it. The Shoshones could not understand why the BIA, under Asbury, had set aside land for them a second time. To voice their dissatisfaction and to find out details about the 1863 reservation, Muchuch Temoke, who became the hereditary chief of the Temoke Band in 1916, traveled to Washington, D.C. In addressing the concerns of the Indians to the BIA, Temoke stated: "Some of us tried to farm, but the white people have taken our lands away after we had farmed it. They have taken my land, fence, and all away, this included 40 acres of land farmed mostly in alfalfa hay and (red top)."<sup>23</sup> In responding to Temoke, Cato Sells, the Commissioner of the BIA, wrote the following: "A small reservation, about six miles square, was established at Ruby Valley in 1859 by a Special Indian Agent, but after a few years of occupancy it was abandoned and became a station for the Overland Stage Company."<sup>24</sup>

Sells's remarks were important because not since the 1860s had an official of the BIA specified that the Ruby Valley Reservation was "six miles square." Furthermore, the Indian Bureau of the twentieth century finally acknowledged the existence of the reservation. The talk of the "six miles square," dead since the 1860s, was revived publicly in 1917.

Actually, a few federal officials were aware of the existence of the "six miles square" reservation prior to 1917. BIA Commissioner Sells had known of its existence since 1915 after receiving information from the General Land Office.<sup>25</sup> The GLO in turn had obtained its information from the *Eighteenth Annual Report* of the Smithsonian Institution, published in 1899 and edited by Charles Royce. Royce had dug through the voluminous land files of the BIA and published a wealth of information about Indian reservations. His report specified the following about the Ruby Valley Reservation: "A reserve was selected and set apart by agent Jarvis at Ruby Valley, Nevada. This reserve was 6 miles square. After being occupied and cultivated for several years it was abandoned and subsequently became a station for the Overland Stage Company."<sup>26</sup>

Royce's Smithsonian report, in which Commissioner Sells held confidence, was correct. However, in one respect, it was unclear because Royce did not specify who "abandoned" the Ruby Valley Reservation: was it the Indians or the BIA? If he meant the Indians, then the author was wrong because the Shoshones never abandoned the tract. If the report was referring to the BIA, then it was correct because the BIA did not consider surveying the reservation after 1865. Nor did it evict the white settlers, including the employees of



The water shed, Canyon of Overland Creek, the McBride Wines ditch near the point of diversion and Masach Timoke, June 7, 1917. (*Photo courtesy of Special Collections Department, University of Nevada, Reno*)

the Overland Company, who settled on the unsurveyed reservation in the mid-1860s.

Although the BIA, under Commissioner Sells in the second decade of this century was now fully aware that the “six miles square” reservation had existed in Ruby Valley since 1859, it had no intention of restoring the land to the Indians. To restore it would have meant purchasing all the white-owned ranches around the Overland Creek, and the fiscally conservative Indian Bureau did not want to use its money for that purpose. The Bureau maintained that the Ruby Valley Shoshones could move to the Duck Valley Reservation, set aside by Executive Order in 1877 for Western Shoshone Indians and located roughly 170 miles north of Ruby Valley.<sup>27</sup> As far as the BIA was concerned, there was no need to establish another reservation for the Nevada Shoshones. In essence, the BIA did not want to comply with the



Shoshone residents of Ruby Valley, c. 1936. (Photo courtesy of The Northeastern Nevada Museum, Elko)

Treaty of 1863 which specified that more than one reservation would be established for the Western Shoshones.

The Ruby Valley Shoshones rejected the BIA's position and became adamant that the "six miles square" must be restored. They argued that the Ruby Valley Reservation should have been set aside in fulfillment of the Treaty of Ruby Valley. They asserted that the Duck Valley Reservation was not located inside the territory claimed by the Temoke Band of Ruby Valley Shoshones. Duck Valley was set aside for other bands of Shoshones and not the followers of Old Chief Temoke.<sup>28</sup> Because the Temoke Band was deeply attached to Ruby Valley, its hunting and gathering territory since time immemorial and their permanent home since the 1860s, it chose to fight for the restoration of the "six miles square" reservation.

In waging verbal and political combat against the BIA, the Shoshones sent a delegation to Washington, D.C. in 1919. The representatives, Chief Muchuch Temoke and his interpreter Thomas Wahne, had a number of issues to present to the BIA. Their main concern was the restoration of the "six miles square." Part of their statement reads: "The Government promised

to set aside for Temoak's band a tract of land that was six miles square. . . . Now we have come to find out the truth. We ask you to tell us, put it down in a letter, when this tract six miles square was deeded to Temoak's band. We want a copy of that deed."<sup>29</sup>

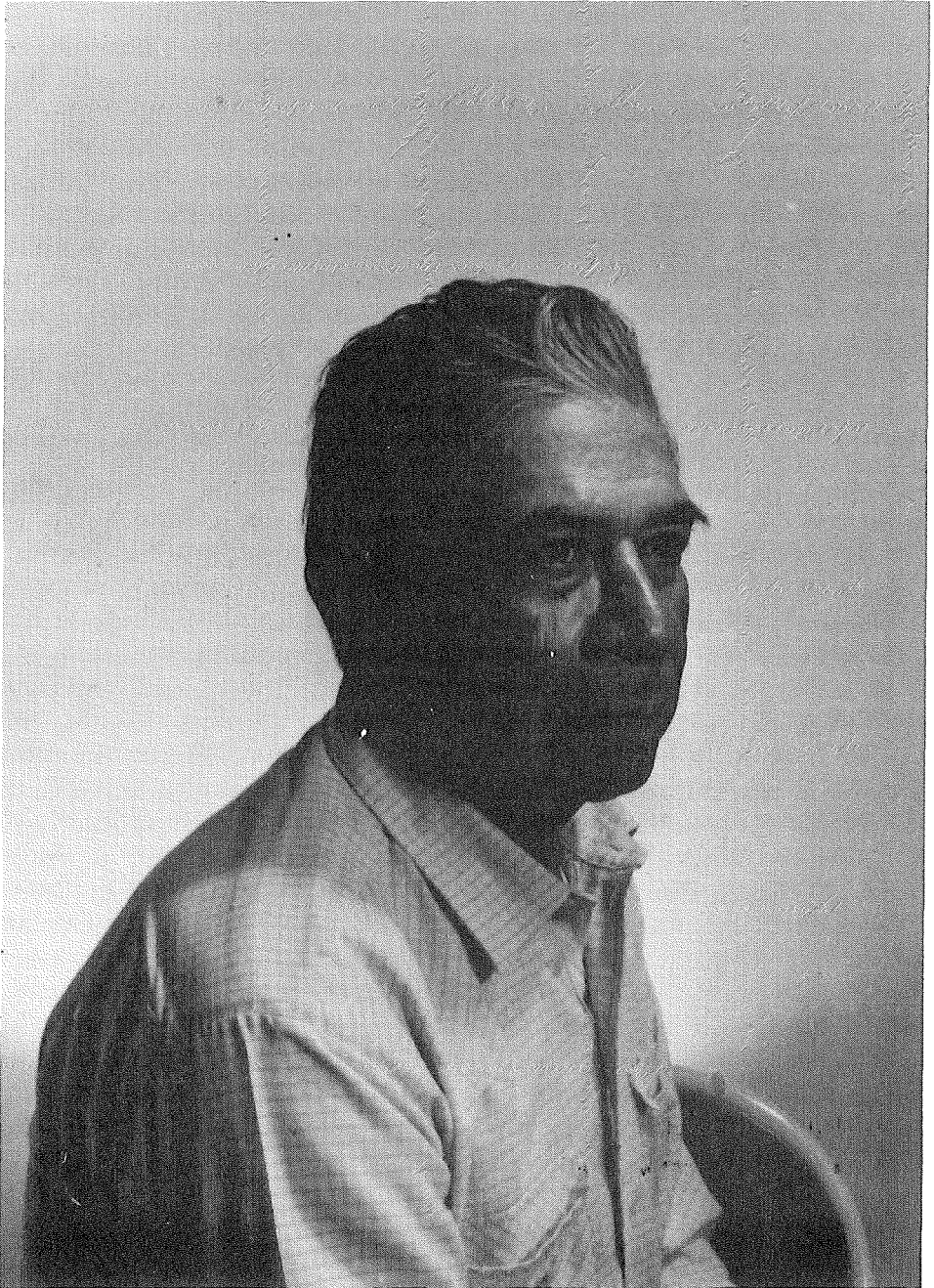
Responding to the Indians in writing was Edgar Meritt, the Assistant Commissioner of the BIA in Washington. Meritt simply reiterated the earlier comments of other Bureau officials, that the reservation did exist at an earlier date but was eventually "abandoned." He implied that the reservation had never been surveyed and therefore existed only on paper in the nineteenth century. Meritt concluded: "As has been said before there is nothing in the records to substantiate the Indians' claim to the tract six miles square located in Ruby Valley."<sup>30</sup>

Although the BIA did not intend to restore the "six miles square," it did make a serious effort to acquire additional land for the Ruby Valley Shoshones. First, in 1920, Stanley Wines relinquished title to the 40 acre tract which sparked the Indian-white land controversy initially. The BIA, in turn, acquired this land from the State of Nevada and gave it to Joe Temoke, one of the local Indians.<sup>31</sup> Second, in 1924, Congress, in response to a BIA request, appropriated \$25,000 for purchasing additional land and water rights in Ruby Valley for the Indians.<sup>32</sup> The fact that Congress appropriated this money elated the Shoshones, for they hoped that the government would use it to restore the "six miles square."<sup>33</sup>

Unfortunately, the Shoshones' happiness was shortlived, for the "six miles square" was not restored. In fact, the \$25,000 was not enough to purchase even a small ranch in Ruby Valley. The white ranches owning land inside and near Township 30 North were willing to sell, but their prices were far above the \$25,000 figure. One rancher, William Short, was willing to sell his 2,000 acres for \$80,000. At least one rancher was willing to sell for only \$12,000, but his land did not have sufficient water for irrigation. By 1928 the appropriation remained unspent and it eventually reverted back to the government's budget office.<sup>34</sup>

Because much of the good agricultural land in Ruby Valley had been taken over by the whites, and since the remaining land was unsuitable for farming, some federal and Nevada state officials maintained that the Temoke Band should leave Ruby Valley and move elsewhere. In 1924, James Jenkins, Superintendent of the Reno Indian Agency, encouraged the Ruby Valley group to move to the newly established 160 acre Elko Indian Colony, located in Elko, Nevada, about 70 miles to the northwest.<sup>35</sup> In 1926, Jerry Sheehan, a state senator in Nevada, suggested that the government set aside a reservation in the Duckwater Valley, roughly 100 miles south of Ruby Valley, and resettle the Temoke Band on that reservation.<sup>36</sup>

The Ruby Valley Shoshones had no intention of leaving their long-established home around the Overland Creek. On two separate occasions in the



Frank Temoke, 1972. (Photo courtesy of The Northeastern Nevada Museum, Elko)

1920s, they argued that soldiers at Fort Ruby—a northeastern Nevada Fort occupied from 1862 to 1869, located in the southern end of Ruby Valley—had surveyed the “six miles square” in the 1860s. In 1927 a few Shoshones, including Lazy Jim, an aged Indian who was in Ruby Valley when the 1863 treaty was signed, claimed that soldiers, including one named “Hay,” surveyed the reservation.<sup>37</sup> In an extensive hearing held in Elko in May 1929, focusing on the controversy over the issue of land near the Overland Creek, the Indians again argued that the reservation had been surveyed by Fort Ruby soldiers and that a monument was placed near the Overland Creek, the heart of the reservation.<sup>38</sup> However, to date the alleged military survey has not been located.

Officials of the BIA did not take the Indians’ survey argument seriously because the boundaries of the “six miles square” were never identified. Furthermore, the Indians could not give the Indian Bureau written proof that the reservation had ever been surveyed. Regarding the “six miles square,” W.W. Reed, the BIA moderator at the May 1929 Elko hearing, made the following remark:

It is strange how the story of some soldier or officer having promised the Indians a reservation 6 miles square, located in the vicinity of Overland Creek, should be revived at this date. . . . If the promise was ever made, it was evidently by someone without authority to do so and who made no record that can be used to further its fulfillment.<sup>39</sup>

In the 1930s, during the era of the Great Depression, the issue of land continued to be a major concern of the Ruby Valley Shoshones. In fact, some of the Indians’ hopes were raised when Congress passed the Indian Reorganization Act (IRA) of 1934. One provision of the act specified that the federal government would appropriate funds to purchase reservation land for so-called landless Indians.<sup>40</sup> The person responsible for carrying out the provisions of the 1934 act in Nevada was Alida Bowler, a reformist and the first and only woman Superintendent of the BIA in Nevada. While in office from 1934 to 1939, Bowler laid the groundwork for the establishment of reservations for numerous non-reservation Western Shoshones. As a result, by the late 1930s and early 1940s, the Yomba, Duckwater, and South Fork reservations, non-existent before 1934, had been established.<sup>41</sup>

The Temoke Band of Ruby Valley Shoshones, well aware of the land provision of the 1934 act, wanted land set aside for its members. In 1935, Joe Temoke, who was given the 40 acre Wines tract in 1920, pushed for the establishment of a Ruby Valley Indian reservation.<sup>42</sup> Obviously, Temoke was pushing for the restoration of the “six miles square.”

Superintendent Bowler was never enthusiastic about establishing a reservation in Ruby Valley. Bowler disliked the location of the Indian land allotments because the soil was not the best of quality for agricultural purposes.

Furthermore, most of the Overland Creek water had already been legally filed for and claimed by the local white ranchers. It would be impossible to make farmers of the Indians.<sup>43</sup> Realizing that Chief Muchuch Temoke and other Shoshones were “wholly unwilling to live anywhere but here [Ruby Valley], the home of their ancestors,” Bowler and her staff decided to purchase land for them in Ruby Valley.<sup>44</sup> Her first objective was to purchase land near the land allotments established after 1911. This plan did not work because, with the exception of one white rancher, all the other ranchers were unwilling to part with their property. White rancher William Short wanted to sell his property for \$80,000, a price too high to pay for the BIA.<sup>45</sup>

The best Bowler and her staff could do in the 1930s for the Ruby Valley Shoshones was to purchase the Odger’s Ranch, located roughly 25 miles east of the Overland Creek Indian land allotments. In October 1936, the 2,000 acre ranch was acquired for the Shoshones by the BIA at a cost of \$16,200.<sup>46</sup>

The Odger’s Ranch accommodated only five families and did not satisfy most of the Ruby Valley Shoshones. Generally speaking, the Temoke Band still insisted that the government must establish a reservation for them in Ruby Valley. In essence, what these Shoshones were saying was that the “six miles square” must be restored in the name of the Treaty of Ruby Valley.

In representing those who wanted reservation land in Ruby Valley, Chief Muchuch Temoke wrote in 1938: “No other way take up a land, but according under this authority such treaty. No purchase land said but according by the law said treaty.”<sup>47</sup> In other words, Temoke and his supporters rejected the 1934 act because no reservation land was set aside in Ruby Valley under its authority. Because the “six miles square” was “re-occupied” in 1863, and because it was intended to be a reservation for the Shoshones in accordance with the 1863 treaty, Temoke argued that it must be restored.

In retrospect, the Ruby Valley Shoshones have never forgotten about the Ruby Valley Reservation which was established 126 years ago and later abandoned by the BIA. In fact, within the last thirty-five years, it has been an issue among the Shoshones. In 1951, Chief Muchuch Temoke wrote a letter to Senator Hugh Butler of Nevada and mentioned the “six miles square.” In a roundabout way, he was trying to say that it must be restored.<sup>48</sup> In 1954 the Ruby Valley Shoshones hired Elko, attorney Leo J. Puccinelli as their legal counsel. In representing his clients at a federal hearing in Reno, Puccinelli stated: “They are attempting to show that they have a right to that 6-miles square or if not, in the alternative that they don’t have the right, they would like the right created for them to have this 6-mile square.”<sup>49</sup> As pointed out Edward McDade inquired about the “six miles square” reservation in 1964. In 1966 Edna Patterson, a local non-Indian historian of northeastern Nevada, interviewed Chief Frank Temoke who, replacing his father Muchuch, had become the chief of the Temoke Band of Ruby Valley Shoshones in 1954. In



the course of the interview, Frank recalled the reservation and said: "The government promise the Temokes a reservation 6 miles square on the Overland Creek in Ruby Valley. . . . The government forgot its promise and we never get a good reservation."<sup>50</sup>

As late as 1985 the Shoshones were still talking about the "six miles square" reservation. At a mass Western Shoshone land claims meeting held on the Duckwater Shoshone Reservation on May 17, 1985, Chief Frank Temoke addressed the audience. In his native language he focused on a number of topics, including the "six miles square": "*Ekkih tea Ruby Valleyneen six miles square newi ta uttuppeh sokoppeh 1863,*" or translated into English, "There is in Ruby Valley a six miles square land which was given to the Shoshones in 1863."<sup>51</sup> Temoke and other Shoshones have never forgotten about the six miles square township, where some of them still live today.

Regardless of what the Indians think, the federal government argues that the "six miles square" does not exist because it was never surveyed, at least not by the BIA. On the other hand, the Shoshones of this century have argued that it was surveyed by soldiers stationed at Fort Ruby in the nineteenth century. Twice in the 1960s Frank Temoke gave the names of those soldiers who supposedly did the survey. Temoke also pointed out that the late Harry Johnny, a Shoshone who once lived in Ely, found the "six miles square" survey map in Boise, Idaho.<sup>52</sup> Yet, as of today, no military map of the reservation has been located. It is probable that the reservation was surveyed, but the military map never reached BIA officials in Washington.

Today, what exists in and near Township 30 North are white-owned ranches and the various Indian land allotments set aside after 1911. The so-called small 120 acre reservation, set aside by Presidential Executive Order in September, 1912, was classified as an Indian allotment in 1970 and issued to Frank Temoke, Jr.<sup>53</sup> Only a few Shoshones continue to reside in Ruby Valley. The majority have left the valley over the years because they became tired of waiting for the restoration of the "six miles square." Frank Steele, who was issued a land allotment in 1920, resettled on the Goshute Reservation, located along the Nevada-Utah border.<sup>54</sup> Several Shoshones, including Moon Carson and Brownie Mose, settled on the South Fork Reservation when it was established around 1940.<sup>55</sup> Still others settled on the Duck Valley Reservation and the Elko Indian Colony in this century.

The Temoke Band of Ruby Valley Shoshone Indians continue to fight for a reservation in Ruby Valley. They are persistent in their efforts because to date there is not a Western Shoshone reservation established under the authority of the Treaty of Ruby Valley. The reservations that do exist, including the Duck Valley and the South Fork reservations, were established either by Presidential Executive Order or by the Indian Reorganization Act of 1934. Summing up the Shoshones' viewpoint is the following statement made by Shoshone member Edward McDade in 1964: "I believe that there should be one more attempt to form another reservation at Ruby Valley."<sup>56</sup>

## NOTES

<sup>1</sup> Muchuch Temoak and Tommy Wahne to the Commissioner of Indian Affairs (CIA), 25 November 1919, Central Files (CF), 9355-17-Western Shoshone-313, Pt. 1, Record Group 75, National Archives, Washington, D.C.

<sup>2</sup> Edward McDade to the Bureau of Indian Affairs (BIA), 7 January 1964, Nevada Agency Records, RG 75, Washington National Records Center, Washington, D.C.

Over the years the name "Temoke" has been spelled in different ways. Of course, this is pointed out by anthropologist Omer C. Stewart who writes that the "spellings include Tim-oak, Tumok, Tomoke, Te-Moak, Tumoak, Timook, and others." Like Stewart, I will also use the spelling "Temoke" because it is accepted and used by the Shoshone family of Nevada. See Omer C. Stewart, "Temoke Band of Shoshone and the Oasis Concept," *Nevada Historical Society Quarterly* 23 (1980): 250.

For additional information regarding the Ruby Valley Shoshones, see Donald R. Tuohy's "Drowning Out the Paiute Ground Squirrels: Lorenzo Creel's Observations on Ruby Valley Indian Life and Problems in 1917," *Nevada Historical Society Quarterly* 27 (1984): 109-129.

<sup>3</sup> Ashley Dawley to Lorenzo Creel, 27 June 1917, Lorenzo Creel Papers, University of Nevada Archives, Reno, Nevada.

<sup>4</sup> Jacob Forney to James Denver, 9 March 1859 (R 899, Utah, M 234), RG 75, Forney to James Denver, 15 February 1859 (R 899, Utah, M 234), RG 75.

<sup>5</sup> Forney to William Dole, 19 April 1861 (R 900, Utah, M 234), RG 75.

<sup>6</sup> Cadastral Survey Index Cards, Township 30 North, Ranges 58 and 59 East, U.S. Department of the Interior, Bureau of Land Management, Reno, Nevada.

The 1859 "six miles square" Ruby Valley Indian Reservation must not be confused with the "6 miles square" Fort Ruby military survey of September 1862. This military reserve included Fort Ruby. See "Early Nevada Forts," *Nevada Historical Society Quarterly* 7 (1964): 48-51.

<sup>7</sup> Forney to CIA, 16 June 1859 (R 899, Utah, M 234), RG 75; William Rogers to James McDongal, 17 March 1862 (R 901, Utah M 234), RG 75; Benjamin Davies to CIA, 20 January 1861, pp. 2-3 (R 900, Utah, M 234), RG 75.

<sup>8</sup> Davies to CIA, 20 January 1861 (R 900, Utah, M 234), RG 75.

<sup>9</sup> "Treaty with Western Bands of Shoshonee Indians," 1 October 1863, 18 Stat. 689-692.

<sup>10</sup> James Nye to J.P. Usher, 30 September 1864 (R 538, Nevada, M 234), RG 75.

Some of the information, including information given in the previous paragraph, is extracted from my doctoral dissertation entitled "The Western Shoshone of Nevada and the Indian New Deal," unpublished doctoral dissertation, University of Utah, 1983.

<sup>11</sup> Jacob Lockhart to W.P. Dole, 7 June 1865 (R 538, Nevada, M 234), RG 75.

<sup>12</sup> Henry Butterfield to CIA, 1 March 1867 (R 538, Nevada, M 234), RG 75.

<sup>13</sup> Edna B. Patterson, Louise A. Ulph, Victor Goodwin, *Nevada's Northeast Frontier* (Sparks, Nevada: Western Printing and Publishing Company, 1969), 501-505.

<sup>14</sup> Franklin Campbell to H.G. Parker, 22 August 1866, *Annual Report of the Commissioner of Indian Affairs* (ARCIA), 1866.

<sup>15</sup> *Ibid.*

<sup>16</sup> Levi Gheen to C.A. Bateman, 2 January 1872 (R 540, Nevada, M 234), RG 75.

<sup>17</sup> Gheen to E.P. Smith, 3 October 1874 (R 541, Nevada, M 234), RG 75.

<sup>18</sup> Gheen to CIA, 15 March 1873 (R 540, Nevada, M 234), RG 75; Statement by Lazy Jim, 4 July 1915, CF, 125909-15-General Services-313, RG 75.

<sup>19</sup> "An Interview with members of the Te-moak Band of Homeless Indians," 17 January 1927, CF, 56890-13-Western Shoshone-211, RG 75.

<sup>20</sup> Grant Patterson to C.H. Asbury, 15 July 1914, Reno Agency Records (RAR), Box 290, Federal Archives and Records Center (FARC), San Bruno (SB); Joseph Jensen to CIA, 1 October 1915, pp. 5-6, CF, 125909-15-General Services-313, RG 75.

<sup>21</sup> Mutacho Timack to CIA, 15 April 1912, CF, 40126-12-Western Shoshone-313, RG 75.

<sup>22</sup> C.H. Asbury to CIA, 30 September 1914, CF, 125750-13-General Services-377, RG 75; Asbury to CIA, 2 October 1912, CF, 70328-12-General Service-313, RG 75; Memorandum by Leonard Ware, 14 May 1959, Nevada Agency Records, BIA, RG 75, WNRC. For more information regarding the Indian land allotments of Ruby Valley, see the following two sources: T.C.-B.I.A., "South Fork and Ruby Valley Projects for the Shoshones of Northeastern Nevada," April, May, 1937, p. 12, Phoenix Area Office

Records, BIA, RG 75, FARC-Laguna Niguel; "Social and Economic Information for the Te-Moak Bands of Western Shoshone Indians," April 10, 1939, CF, 22444-39-Western Shoshone-032, RG 75.

<sup>23</sup> Muchach Timoche to CIA, 27 January 1917, CF, 9355-17-Western Shoshone-313, Pt. 1, RG 75.

<sup>24</sup> Cato Sells to Muchach Timock, 31 January 1917, CF, 9355-17-Western Shoshone-313, Pt. 1, RG 75.

<sup>25</sup> General Land Office to CIA, 22 October 1915, CF, 125909-15-General Services-313, RG 75.

<sup>26</sup> Charles C. Royce, *Indian Land Cessions in the United States* (Government Printing Office, 1899), 822-823.

<sup>27</sup> Lorenzo Creel to L.A. Corrington, 24 October 1917, Reno Agency Records, Box 290, FARC-SB; C.F. Hauke to Muchach Timocke, 29 January 1918, CF, 9355-17-Western Shoshone-313, Pt. 1, RG 75.

<sup>28</sup> *Ibid*; Asbury to CIA, 30 September 1914, CF, 125750-13-General Services-377, RG 75.

<sup>29</sup> Muchach Temoak and Tommy Wahne to CIA, 25 November 1919, CF, 9355-17-Western Shoshone-313, Pt. 1, RG 75.

<sup>30</sup> E.B. Meritt to Wahne and Temoak, 1 December 1919, Key Pittman Papers, Box 105, Library of Congress.

<sup>31</sup> Creel and others to Masach and Joe Timoche, and other Indians of the Ruby Valley Band, 29 December 1920, Reno Agency Records, Box 290, FARC-SB.

<sup>32</sup> 43 Stat. 596.

<sup>33</sup> Tommy Wahne to Key Pittman, 14 May 1921, Key Pittman Papers, Box 105, Library of Congress. This is one of several letters in which the Indians expressed their viewpoint over the subject of land in Ruby Valley.

<sup>34</sup> Report of Samuel Blair, 16 September 1924; Charles A. Engle, "Report on Water Supply and Irrigation Conditions Among the Ruby Valley Indians." October 31, 1925; Engle Report of March 10, 1926; Engle Report of November 3, 1928; All these reports are in 9355-17-Western Shoshone-313, Pts. 1-2; Blair Report of March 13, 1926, Inspection Reports, RG 75.

<sup>35</sup> James E. Jenkins to CIA, 12 November 1924, p. 2, CF, 78095-24-Reno-300, RG 75.

<sup>36</sup> Tasker Oddie to A.C. Florio, 3 March 1926, Tasker Oddie Papers, Nevada Historical Society, Reno, Nevada.

<sup>37</sup> "An Interview with members of the Te-moak Band of Homeless Indians," p. 3.

<sup>38</sup> Transcript, "In the Matter of the controversy, Overland and water rights on Overland Creek, Elko County, Nevada, as they may exist as to the U.S. Interior Department and the Crystal Land Company, a Corporation," May 17, 18, 20, 1929, CF, 9355-17-Western Shoshone-313, Pt. 3, RG 75.

<sup>39</sup> W.W. Reed and Frederick Snyder to CIA, 27 May 1929, CF, 9355-17-Western Shoshone-313, Pt. 2, RG 75.

<sup>40</sup> 48 Stat. 985-986.

<sup>41</sup> For more information on the Indian Reorganization Act and its impact on the Western Shoshone, see the following two sources: "The Western Shoshone of Nevada and the Indian New Deal," unpublished doctoral dissertation, University of Utah, 1983; Elmer R. Rusco, "The Organization of the Te-Moak Bands of Western Shoshone," *Nevada Historical Society Quarterly* 25 (1982): 175-196.

<sup>42</sup> Edna B. Patterson, "Recorded Interview with Chief Frank Temoke at his home in Ruby Valley, Nevada," 4 May 1967. Typed Manuscript, Northeastern Nevada Museum, Elko, Nevada.

<sup>43</sup> Alida Bowler, "Report for National Resource Board, September 1934, Phoenix Area Office Records, BIA, RG 75, FARC-LN.

<sup>44</sup> "Ruby Valley Project, Carson Agency-Nevada, Project Plan, Schedule I," 12 January 1937, Phoenix Area Office Records, BIA, RG 75, FARC-LN.

<sup>45</sup> Bowler to CIA, 22 January 1937, PAO, BIA, RG 75, FARC-LN; Pearson to Bowler, 24 April 1937, PAO, BIA, RG 75, FARC-LN.

<sup>46</sup> Leonard Ware, "Background Data on the Odgers Ranch, Nevada," CF, 11740-59-Nevada-077, RG 75, WNRC.

<sup>47</sup> Machach Temoke to John Collier, 20 December 1938, CF, 78468-38-Western Shoshone-066, RG 75, NA.

<sup>48</sup> Chief Machach Temoke to Senator Hugh R. Butler, 7 February 1951, p. 1, RG 46.

<sup>49</sup> *Termination of Federal Supervision over Certain Tribes of Indians*, Joint Hearing before the Subcommittees of the Committees on Interior and Insular Affairs, U.S. Senate, 83rd Cong., 2nd sess., Part 10, April 16, 1954, p. 1306.

<sup>50</sup> Edna Patterson, "Recorded Interview with Chief Frank Temoke at His home in Ruby Valley, Nevada."

<sup>51</sup> Annual Meeting of the Western Shoshone National Council, May 18, 1985, Duckwater, Nevada. Recorded and translated by Beverly Crum.

The “six miles square” reservation is one facet of the Western Shoshones’ land and treaty claims against the federal government in the twentieth century. For a more in-depth study of this aspect, see Elmer R. Rusco’s “The MX Missile and Western Shoshone Land Claims,” *Nevada Public Affairs Review*, No. 2 (1982): 45-54.

<sup>52</sup> Patterson, “Recorded Interview with Chief Frank Temoke.”

<sup>53</sup> Richard G. Morrison to Steven Crum, 19 July 1983, letter in possession of author. According to the records of the Eastern Nevada Agency of the BIA in Elko, Nevada, there are eleven Indian land allotments in Ruby Valley as of 1986. Seven of these are located inside Township 30 North.

<sup>54</sup> Goshute Business Council Minutes, 1941, Eastern Nevada Agency, Elko, Nevada.

<sup>55</sup> Te-Moak Bands Tribal Minutes, 28 July 1950, Eastern Nevada Agency.

<sup>56</sup> Letter by Edward McDade, 7 January 1964, Nevada Agency, RG 75, WNRC.