

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

12-11-1883

Lands in Duck Valley, Nevada. Message from the President of the United States, transmitting communication from the Secretary of the Interior relative to lands in Duck Valley, Nevada

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

Recommended Citation

H.R. Exec. Doc. No. 13, 48th Cong., 1st Sess. (1883)

This House Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

LANDS IN DUCK VALLEY, NEVADA.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Communication from the Secretary of the Interior relative to lands in Duck Valley, Nevada.

DECEMBER 11, 1883.—Referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 3d instant, with draft of a bill for the payment of certain settlers in the State of Nevada for improvements on lands in Duck Valley, in said State, taken for the use and occupancy of the Shoshone Indians, with accompanying papers.

The subject is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
December 10, 1883.

DEPARTMENT OF THE INTERIOR,
Washington, December 3, 1883.

SIR: I have the honor to submit herewith a copy of communication of 9th November, 1883, from the Commissioner of Indian Affairs, inclosing a draft of a bill providing for the payment of certain settlers in the State of Nevada for improvements on lands in the Duck Valley, in said State, taken for the use and occupancy of the Shoshone Indians.

Agreeably to the recommendation of the Commissioner, I respectfully request that the subject may be presented for the consideration of Congress.

I have the honor to be, very respectfully, your obedient servant,

H. M. TELLER,

Secretary.

The PRESIDENT.

LANDS IN DUCK VALLEY, NEVADA.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, November 9, 1883.

SIR: On the 1st of April, 1880, a draft of a bill providing for the payment of certain sums of money to Levi Harris, William Harris, Henry Boyle, and J. H. Babb was prepared and submitted to the Department for submission to Congress. (See House Ex. Doc. No. 61, Forty-seventh Congress, first session.)

These parties had settled and made improvements upon certain lands embraced in the Duck Valley Indian Reservation in Nevada prior to the date of the Executive order setting them apart for Indian purposes.

Although the lands were unsurveyed, this office recognized the fact that an equitable claim existed for the value of the improvements, had the same appraised, and urged the passage of the bill providing for their payment.

The bill was reported from the Committee on Indian Affairs with an amendment, April 21, 1882, but failed to become a law.

During the month of April last Levi Harris and Henry Boyle, together with one David Coates, being a source of annoyance to the Indians, were, with the assistance of the military, forcibly removed from the reservation.

Agent Mayhugh, in a report dated October 27, 1883, states that William Harris and J. H. Babb left the reservation before he assumed charge of the agency, July 1, 1882, and have not been thereon since, and that David Coates is a stepson of Levi Harris, with whom he lived, having no improvements of his own.

He also states that Babb's improvements were not worth over \$100, and that he can find no trace of any improvements made by William Harris.

The improvements of these two parties were appraised at \$200 each, and it is probable that the appraisement made while the parties were in possession is more reliable than the statements of the agent, made from his observation since the parties abandoned the reservation.

The parties having made improvements upon lands which, although unsurveyed, were open to settlement, of which improvements they have been deprived on account of the exigencies of the Indian service, are, I think, equitably entitled to payment for the same.

I have accordingly prepared a draft of a bill providing for their payment, which is the same as the amended bill reported by the Committee on Indian Affairs, and respectfully recommend that it be submitted to Congress with a request for favorable consideration.

I inclose two copies of the proposed bill and of this report.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The SECRETARY OF THE INTERIOR.

[House Ex. Doc. No. 61, Forty-seventh Congress, first session.]

SHOSHONE INDIAN LANDS IN DUCK VALLEY, NEVADA.

Message from the President of the United States, transmitting a communication from the Secretary of the Interior, with draft of a bill for the payment of certain settlers in the State of Nevada for improvements on lands in Duck Valley, Nevada, taken for the use of the Shoshone Indians.

FEBRUARY 2, 1882.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, with a draft of a bill for the payment of certain settlers in the State of Nevada for improvements on lands in Duck Valley, in said State, taken for the use and occupancy of the Shoshone Indians.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
February 2, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, January 24, 1882.

SIR: I have the honor to submit herewith for your consideration a draft of a bill prepared in the office of the Commissioner of Indian Affairs, providing for the pay-

ment of certain settlers in the State of Nevada for improvements on lands in Duck Valley, in said State, taken for the use and occupancy of the Shoshone Indians, with accompanying papers.

Agreeably to the recommendation of the Commissioner, I respectfully request that the subject may be transmitted for the consideration of Congress.

I have the honor to be, sir, very respectfully, your obedient servant,

S. J. KIRKWOOD,

Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS,
Washington, January 10, 1882.

SIR: I am in receipt of a letter from John S. Mayhugh, of Elko, Nev., dated 28th ultimo (copy herewith), relative to the claims of William and Levi Harris, J. H. Babb, and Henry Boyle, for improvements made in Duck Valley, on the Shoshone Indian Reservation, in Nevada.

The facts concerning said claims were fully set forth in office report of April 1, 1880, accompanied by the draft of a bill providing for an appropriation for the payment of said claims.

Copies of said report and accompanying papers are transmitted herewith, and I have the honor to renew the recommendations contained in said report.

Very respectfully, your obedient servant,

H. PRICE,

Commissioner.

HON. SECRETARY OF THE INTERIOR.

TUSCARORA, NEV., May 7, 1879.

DEAR SIR: The undersigned, a resident of Duck Valley, in Elko, Nev., would respectfully call your attention to the following contract made by him with Levi Gheen, United States Indian agent, for above tribe of Indians. During the month of April, 1878, I made a contract with said Gheen to sell to him, for the benefit and use of said tribe of Indians, the following-described property, viz, 500 pounds pease, 700 pounds wheat, 2,000 pounds potatoes, one plow, one small stove, one grain-cradle; also the improvements made upon public lands in said valley by me, for the sum of \$220, which sum of money was agreed to be paid me by said Gheen on or before the 1st day of June, 1878, without expense or trouble to me. Said property purchased for said Indians was, in fact, used by said Indians and for their benefit; the grain and potatoes was used by the Indians as seed, and was sowed and planted last year in said Duck Valley, which valley is now claimed to be an Indian reservation. The undersigned further says that he has been a resident of said valley for about nine years last past, and was a resident there for a long time before the reservation was set apart for the said Indians; that during said period of time I cultivated a piece of land in what is now claimed to be a reservation for the Indians, and made improvements in irrigating-ditches, fences, and buildings; that said land was cultivated and occupied as my home, where I tilled the land and made a livelihood; that I have never been paid said sum of \$220 for said improvements and said property, or any part thereof, except the sum of \$20; that said Indians have been put in possession of my possessory claim to said land, and are now occupying and cultivating the same; that I am a poor man, and deem it a great hardship to have my possessory claim to the land and my property taken from me for the benefit of the Indians without a just compensation being paid me therefor. Wherefore I urgently ask that you submit my claim to the proper United States authorities that justice be done in the premises; that I may be paid what my said improvements and other property taken from me is worth, and for a reasonable allowance to me for expenses, delay, and trouble in the premises; that I have been to an expense in trying to get my claim adjusted in the sum of \$50.

Respectfully,

J. H. BABB.

Subscribed and sworn to before me this 7th day of May, 1879.

[SEAL.]

J. A. SAVAGE,
Notary Public.

JOHN HOW, Esq.,

Indian Agent for Western Shoshones, Elko, Nev.

ELKO, NEV., *December 28, 1881.*

DEAR SIR: Please be kind enough to inform me at your earliest convenience what action has been taken by your honorable Department looking to the final adjustment and payment to the claimants of real and personal property in Duck Valley, Shoshone Indian Reservation, Elko County, Nevada, which property said claimants have relinquished to the Government for the use and benefit of said Indians. The parties in question are poor and have large families and need their money or property relinquished very much for the support of their families. For these reasons I most respectfully ask on behalf of the claimants that your honorable Department do all in your power to afford them all just and equitable relief that the merits of the case may seem to warrant.

Yours, very respectfully,

JOHN S. MAYHUGH,
Agent.

Hon. COMMISSIONER OF INDIAN AFFAIRS,
Interior Department,

The names of the claimants are Levi Harris, W. H. Harris, J. H. Babb, and Henry Boyle.

J. S. M.

MOUNTAIN CITY, NEV., *May 3, 1879.*

DEAR SIR: Believing you to be the proper person to address in regard to the following explanation, I hope you will excuse the liberty I am taking.

About three years ago I bought from a settler a parcel of land situated in Idaho Territory and thereby became owner of said land, the land being at the time unimproved. I started in and broke ground, and worked the same and made a living for the past two years by selling hay raised on said land. Having a large family to provide for I had to build a house and make considerable other improvements, such as building barns, corrals, and water ditches.

Thinking that I would have a home for myself and family, where I could make an honest living, I improved the land in good faith. The land bought and claimed by me as my personal property amounts to 320 acres of farming land, with mentioned improvements, situated in Idaho Territory. To my sorrow, after two years' hard labor to improve said land, I am driven from the same by the United States. The land I refer to being at present situated within the line set apart by the United States Government as a new Indian reservation.

As a born citizen of the United States of America, I ask for nothing but justice, and having expended over \$1,000 in buying and improving my land I thought as long as the United States sees fit to use the same as a reservation I should not be made the entire loser of all I possess.

I consider that it would not be more than right that I should get some pay, and think that my land and improvements on the same is fully worth \$1,000; although if I could remain on my land and farm the same \$1,500 would not be inducement for me to sell the same. I have also got a good mowing machine and a new sulky rake on the land.

Asking the kind favor of you to assist me if possible in this matter, or direct me what to do, I hope you will excuse the liberty I am taking, and wishing myself able to reciprocate some future day, I remain, very respectfully,

WM. M. HARRIS.

JOHN HOW, Esq.,
United States Indian Agent, Elko.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 1, 1880.

SIR: I have the honor to submit, herewith, for your consideration and action, copies of certain papers relative to the claims of Levi Harris, William Harris, J. H. Babb, and Henry Boyle, for improvements on Duck Valley Indian Reservation in Nevada.

John How, United States Indian agent at the Western Shoshone Agency, reported to this office, under date of 4th of April, 1879, that Levi Harris was in possession of certain improvements on Duck Valley Reservation, which he had placed there prior to the same being reserved for Indian purposes. Said Harris estimated the value of his improvements at \$8,000 but the agent thought that \$2,500 would be a high price for them.

In compliance with instructions from this office, the agent, on 25th of April, 1879,

furnished the number, description, and character of said improvements of Levi Harris, and a map showing their location on the reservation. On 10th of May following the agent made a further report in regard to the claim of Levi Harris, and stated that two other white settlers, named William Harris and J. H. Babb, had improvements on the reservation.

This office having been informed that one Henry Boyle also claimed improvements on the Duck Valley Reservation, the agent was instructed, on 19th February last, to ascertain the number and names of all settlers who resided and had improvements on said reservation at the time the same was set apart for the use and occupancy of the Indians by executive order of the President, dated April 16, 1877, and to make a thorough examination of the improvements made or owned by each of said settlers on the land, and report the character, extent, and value of the same to this office.

The agent was directed not to take into consideration, in making said appraisal, the personal property of the settlers, such as mowers, reapers, rakes, plows, &c., but to confine himself to permanent improvements made upon the lands. The agent accordingly, under date of 5th ultimo, inclosed a statement containing the number of settlers, and a description and value of their improvements, Levi Harris' being appraised at \$3,500, William Harris' at \$200, Henry Boyle's at \$1,500, and J. H. Babb's at \$200.

This appraisal appears to be just and equitable, and I therefore respectfully recommend that the inclosed papers be transmitted to Congress with request that an appropriation be made to pay said parties the appraised value of their improvements.

A draft of a bill providing for such appropriation is herewith submitted.

I inclose copies of the following papers, viz: Four letters and inclosures from Agent John How, dated, respectively, April 4 and 25, and May 10, 1879, and March 5, 1880; petitions of J. H. Babb, Henry Boyle, and Levi Harris; powers of attorney from Henry Boyle, J. H. Babb and Levi Harris, to J. S. Mayhugh, and affidavit of John How, referred by you to this office on 26th of January last, and letter from the Commissioner of the General Land Office, dated September 25, 1879.

Very respectfully, your obedient servant,

R. E. TROWBRIDGE,
Commissioner.

The Hon. the SECRETARY OF THE INTERIOR.

A BILL for the relief of certain settlers on the Duck Valley Indian Reservation in Nevada.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the settlers on the Duck Valley Indian Reservation in Nevada the sum of five thousand and four hundred dollars, as follows, viz: To Levi Harris, three thousand and five hundred dollars; to William Harris, two hundred dollars; to Henry Boyle, one thousand and five hundred dollars; and to J. H. Babb, two hundred dollars, in full for their improvements on said reservation.

To the honorable Commissioner of Indian Affairs:

Your petitioner respectfully represents that he is a citizen of the United States, and is now over the age of fifty-two years, and has never exercised the right of pre-emption, and in the fall of 1870 settled upon a tract of land in Duck Valley, on the Omghee River, in the county of Elko and State of Nevada. That at the time of said settlement said land was unclaimed by any individual and was not embraced within the limits of any military, Indian, or other reservation, but was open to settlement as other Government lands, and remained on said ground, cultivating the same and making it his home until the 1st of May, 1878. That on or about said 1st of May an Indian reservation was located in said Duck Valley, embraced and covering the ground and tract of land on which this petitioner lived as above mentioned. That one Levi Gheen was at that time the acting Indian agent, and selected and set apart the said ground as a reservation, and that by the representations and promises of said Gheen in his official capacity, he, the said petitioner, was induced to leave and abandon said farm or tract of ground, and surrendered the same to the peaceable possession of the Shoshone Indians; and that said agent promised to pay this petitioner the sum of \$220; and that no part or other sum than \$20 has been paid; that by reason of said abandonment and failure of the Government through agent to pay the sum as aforesaid, he, this petitioner, has been subject to great expense and trouble far exceeding the sum above mentioned. That at the time of said abandonment this petitioner fur-

nished and turned over to the Indian agent the following articles, to wit, 700 pounds of seed wheat, 500 pounds of seed pease, 2,000 pounds of potatoes, one plow, one stove, and various other farming implements.

And your petitioner further states that he had on said ground a dwelling-house—thirty-five acres broken—a water ditch of one mile in length, and one and a half miles of fence; and that said tract of ground with the improvements above mentioned have been used, appropriated, and are still occupied by the said Indians under and by the direction of John How, the agent of said tribe of Indians; and your petitioner further states that his loss and damage by reason of the surrender of said ground and loss of crops has been the full sum of \$2,500, which your petitioner respectfully asks should be paid him.

J. H. BABB.

Subscribed and sworn to before me this 7th day of November, A. D. 1879.

[SEAL.]

CHARLES E. ABBOT,

Notary Public in and for the County of Elko, State of Nevada.

STATE OF NEVADA,
County of Elko, ss :

On this second day of January, A. D. one thousand eight hundred and eighty, personally appeared before me, Charles E. Abbot, a notary public in and for the said county of Elko, J. H. Babb, of the county of Elko, State of Nevada, whose name is subscribed to the annexed instrument as a party thereto, personally known to me to be the same person described in and who executed the said annexed instrument, as a party thereto, and the said J. H. Babb, being by me first duly sworn, duly acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned, and that the statements set forth and contained in the annexed petition are true.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first-above written.

[SEAL.]

CHARLES E. ABBOT.

Notary Public, Elko County, State of Nevada.

STATE OF NEVADA,
County of Elko, ss :

On this sixteenth day of January, A. D. one thousand eight hundred and eighty, personally appeared before me, Charles E. Abbot, a notary public in and for the said county of Elko, J. H. Babb, of the county of Elko, State of Nevada, whose name is subscribed to the annexed instrument as a party thereto, personally known to me to be the same person described in and who executed the said annexed instrument as a party thereto, and the said J. H. Babb duly acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first-above written.

[SEAL.]

CHARLES E. ABBOT,

Notary Public, Elko County, State of Nevada.

Know all men by these presents that I, J. H. Babb, of the county of Elko, State of Nevada, have made, constituted, and appointed, and by these presents do make, constitute, and appoint John S. Mayhugh, of the town of Elko, county and State aforesaid, my true and lawful attorney, for me and in my name, place, and stead, and for my use and benefit, to present, collect, receive, and receipt for all money owing to me, or which may be owing and coming to me from the Government of the United States of America, by reason of my claim against the said Government of the United States for my possessory rights to certain lands and for personal property surrendered and abandoned for the use and benefit of the Government of the United States at the Shoshone Indian Reservation, in Duck Valley, county of Elko, State of Nevada, which claim is more fully set forth in my petition now on file in the Department of Indian Affairs of the Government of the United States. Giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully and to all intents and purposes as I might or could do if personally present, hereby ratifying and confirming all that my said attorney shall lawfully do or cause to be done by virtue of these presents.

In witness whereof I have hereunto set my hand and seal the sixteenth day of January, A. D. one thousand eight hundred and eighty.

[SEAL.]

Signed and sealed in presence of—

CHARLES E. ABBOT.

J. H. BABB.

Know all men by these presents that I, Henry Boyle, of Owyhee County, Territory of Idaho, have made, constituted, and appointed, and by these presents do make, con-

stitute, and appoint, John S. Mayhugh, of the town and county of Elko, State of Nevada, my true and lawful attorney, for me and in my name, place, and stead, to present before the Department at Washington my claims against the Government of the United States, and to adjust and collect and receipt for the same and all moneys that may be adjudicated or due me by the said Government of the United States, in consideration of the surrender and abandonment by me of my possessory title to one certain tract of land and improvements thereon and farming implements belonging thereto. Said tract of land and improvements as aforesaid is situated in Duck Valley, which is partly in the county of Elko, State of Nevada, and partly in the county of Owyhee, Idaho Territory, and known and set apart by the Government as the Western Shoshone Indian Reservation; provided that the said John S. Mayhugh shall not receive for me as a settlement in full with the Government of the United States a less sum than four thousand (\$4,000) dollars, the said John S. Mayhugh to be entitled to receive as attorney fees 10 per cent. of all the moneys collected by him for me, the residue to be subject to my order. Giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises as fully, to all intents and purposes, as I might or could do if personally present myself, hereby ratifying and confirming all that John S. Mayhugh, my said attorney, shall lawfully do or cause to be done by virtue of these presents.

In witness whereof I have hereunto set my hand and seal the tenth day of January, one thousand eight hundred and eighty.

HENARY BOYLE. [SEAL.]

Signed, sealed, and delivered in the presence of—
[SEAL.] A. B. WALLER.

STATE OF NEVADA,
County of Elko, ss:

On this tenth (10th) day of January, A. D. one thousand eight hundred and eighty, before me, A. B. Waller, a justice of the peace in and for the said county of Elko, personally appeared Henry Boyle, known to me to be the same person whose name is subscribed to the annexed instrument, and he duly acknowledged to me that he executed the same freely and voluntarily for the use and purposes herein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal, at my office, in the Cornucopia, county of Elko, the day and year in this certificate first-above written.

A. B. WALLER,
Justice of the Peace.

STATE OF NEVADA,
County of Elko, ss:

I, O. E. Green, county clerk of the county of Elko, State of Nevada, and ex-officio clerk of the district court of the seventh judicial district of the county and State aforesaid, do hereby certify that A. B. Waller, esq., before whom the annexed instrument was made and executed, and who has thereto subscribed his name, was, at the time of so doing, a justice of the peace in and for said Elko County, duly commissioned and sworn, and authorized by the laws of said State of Nevada to take the acknowledgment of deeds and other instruments within said county, and that the signature affixed to said certificate is his genuine signature. I further certify that the said power of attorney is made and executed in accordance with the laws of the State of Nevada.

Witness my hand and the seal of said district court of the seventh judicial district of Nevada this 13th day of January, 1880.

[SEAL.]

O. E. GREEN, *Clerk.*

PETITION.

ELKO COUNTY, NEV., *January, 1880.*

GENTLEMEN: The undersigned petitioner, a citizen of the United States, over twenty-one years of age and a resident of the county of Owyhee, Idaho Territory, do most respectfully beg leave to represent that after first being duly sworn according to law, he deposes and says that he has never exercised the right of pre-emption or homesteading any of the public lands of the United States; that in the year 1873 he settled upon and improved a certain piece or parcel of land lying and being in Duck Valley, a portion of which is situated in Elko County, State of Nevada, and the remainder in the Territory of Idaho. That he has occupied, cultivated, and improved the land settled upon from that time to the present, and that said land and improvements are by the presence of the Indians of the Shoshone Indian Reservation which

embraces and takes within the limits of said reservation his land and improvements which are now valueless to petitioner; and further, your petitioner has been duly notified by the Indian agent that he must surrender and abandon said land for the use and benefit of the Indians collected thereon. Your petitioner further swears and says that the improvements upon said land lying and being within the limits of said Indian reservation are as follows, to wit: One hewed log dwelling-house 14 by 20, one story high; one frame building 12 by 14, used for granary and store-house; one double log house and root-house or cellar, used for storing vegetables; one chicken-house, one hog-pen, one stable, one stock corral and stock-yard, one hay-yard, one cow and milking corral.

The land claimed by me is partly inclosed by a stake and willow and partly by stone fencing. There is one and one-half mile of stake and willow fence and three-fourths of a mile of stone fencing. Deponent further swears and says that he has broken up and cultivated 100 acres of land, 50 of which he has sown and successfully cultivated in timothy grass; that he irrigates said land by a system of ditches. Deponent further swears and says that the lowest cash value of the right of possession to the land and improvements erected thereon and connected therewith are \$4,000. Deponent further swears and says he is now ready and willing to give peaceable possession to all of the above and foregoing described property, to surrender and abandon the same to the Government of the United States for its own use and benefit, provided he secures the sum set forth above.

In conclusion your petitioner most respectfully prays that your honorable Department will favorably consider and immediately adjust and cause to be paid to said petitioner the said sum of \$4,000, which is justly due him for the above and foregoing described property.

Yours, respectfully,

HENARY BOYLE.

Subscribed and sworn to before me this 10th day of January, A. D. 1880.

A. B. WALLER,

Justice of the Peace for said Township.

Hon. CARL SCHURZ,
Secretary of the Interior.

EZRA A. HAYT,
Commissioner Indian Affairs, Washington, D. C.

STATE OF NEVADA,
County of Elko, ss:

I, O. E. Green, county clerk of the county of Elko, State of Nevada, and ex officio clerk of the district court of the seventh judicial district of the county and State aforesaid, do hereby certify that A. B. Waller, esq., before whom the annexed affidavit was taken and who has thereto subscribed his name, was, at the time of so doing, a justice of the peace in and for said Elko County, duly commissioned and sworn, and authorized by the laws of said State of Nevada, to take the acknowledgment of deeds and other instruments and administer oaths within said county, and that the signature affixed to said certificate is his genuine signature. I further certify that the said _____ is made and executed in accordance with the laws of the State of Nevada.

Witness my hand and the seal of said district court of the seventh judicial district of Nevada, this 13th day of January, 1880.

[SEAL.]

O. E. GREEN, *Clerk.*

UNITED STATES INDIAN SERVICE,
WESTERN SHOSHONE AGENCY,
Elko, Nev., May 10, 1879.

SIR: In my last visit to Duck Valley Reservation I was presented with the claims I now forward, inclosed. There appears to have been, at the time Duck Valley Reservation was established, three settlers, viz: Levi Harris, J. H. Babb, and W. W. Harris—the latter is no relation to Levi Harris—and their claims are represented by themselves in the document sent. That of Levi Harris I have before presented under date of April 25. In the first case I have closely examined the improvements of Levi Harris, assisted by a farmer of experience, as an expert, and I believe that while it may have cost Mr. Harris the amount he claims, \$7,000, \$5,000 would be full value for the Government to pay for improvements and all the machinery he has, some of which is valuable and will be needed; for instance, the grist or flour-mill, horse-power, &c. He claims that he was assured by the farmer in charge, Levi Gheen, that his rights would be respected, and that he would be allowed to remain on the reservation with his cattle.

In the second case, J. H. Babb claims that he sold to the Government, per Levi

Gheen, farmer, his improvements for \$120, and the seed he mentions for \$100. Levi Gheen admits this statement to be true, but says he had no authority to buy it; also, that he reported to the Department his action, but received no answer. In examining this matter, I am convinced by the testimony of Levi Harris and Levi Gheen that Babb's statement is true; that he sold in good faith; that the seed was used on the reserve under instructions of Levi Gheen, farmer, and that the amount promised to be paid was cheap; \$20 was paid by Gheen, and Babb left his location at once. He is a very ignorant man and very poor.

In the third case, the value of William H. Harris's claim is entirely overstated, in my opinion. Throwing the ground, to which he is not entitled, entirely out of the question, \$200 would be full value for what he has, including machinery. He and Babb have not been on the reservation for over fifteen months. The ground W. H. Harris claims is in Idaho, two miles from our northern line. It is fine meadow land; Babb's claim is adjoining Levi Harris's, and is now cultivated by our Indians.

My recommendation in the matter would be to pay Babb \$200, William Harris \$200, and Levi Harris \$5,000 (\$2,500 for improvements, and \$2,500 for machinery). In Levi Harris's case we would obtain 100 acres sowed in wheat, in addition to property mentioned in my letter of April 25. In making these recommendations I have been influenced by the wish to give fair prices, not knowing the rights of the parties or the Government in the ownership of the land.

Yours, respectfully,

JOHN HOW.

Hon. E. A. HAYT,
Commissioner of Indian Affairs.

UNITED STATES INDIAN SERVICE,
WESTERN SHOSHONE AGENCY,
Elko, Nev., March —, 1880.

SIR: According to instructions in letter of February 19, I have carefully estimated the improvements at Duck Valley Reservation made by settlers Levi Harris, William Harris, and J. H. Babb and Henry Boyle. I have before given my ideas of the value of improvements made by the first three named, but did not include H. Boyle's improvements for the reason that at the time I was not sure he was located on the reserve. In estimating these values I have been aided by an expert in such matters in addition to my own experience in making improvements on the reserve during the past year. Having to haul building material one hundred miles adds greatly to the cost. I have estimated on Levi Harris's machinery only. If that can be bought for \$1,500, it would be as well to purchase it for future use; at present we have enough for immediate use.

I consider it economy to purchase these improvements, especially Harris's and Boyle's, as it would not then be necessary to make further expenditures for buildings during several years.

Levi Harris has been a good friend to the reservation Indians, and they appreciate him as such. If Government allows him the estimate I have given, I feel assured he will not even then be repaid, but deprived of his cattle range as he now is, there is no money to be made, and I think he will agree to accept the estimates. I hope that Congress will pass the appropriation and settle this annoying matter.

Yours, respectfully,

JOHN HOW.

Honorable E. J. BROOKS,
Acting Commissioner of Indian Affairs.

Levi Harris's improvements consist of 320 acres, inclosed with wood and barbed-wire fence over two miles in length, more than a mile of irrigating ditch; buildings good for a frontier country, consisting of one stone and frame house, 20 by 30 feet, having five rooms; a barn 26 by 30 feet, first story stone, second story frame; adjoining it is a shed 22 by 30 feet; a log blacksmith shop 10 by 16 feet; a stone smoke-house, several out-houses, and a cellar for storing roots, &c.

I believe the above improvements to be worth \$3,500.

The machinery and tools, costing originally over \$2,500, are worth to the Department not over \$1,500.

Wm. Harris's improvements are not worth to the Department more than \$200. They comprise some water ditches, a small quantity of fence, and a log cabin in poor condition. He has a mowing machine worth about \$75, but which the Department does not need. I think \$200 full value for all improvements.

Henry Boyle's improvements comprise one hewed log house, 14 by 20 feet; one frame house, 12 by 14 feet; these are used for family purposes; also, one double log house used for granary; one log stable and two cerrals; root house, chicken house, cellar and

other out-buildings; one hundred and fifty acres of land is inclosed with stone and wood fencing, and has about half a mile of irrigating ditches.

I have carefully considered the value of these improvements, and regret I cannot come near what Mr. Boyle considers it worth. I think \$1,500 is a fair valuation for this property (Boyle's).

J. H. Babb's property has been in my possession for some time. I can add nothing to what I have already stated in regard to his claim, and I would earnestly recommend that he be paid \$200. It will be remembered that more than half this amount is due him for wheat bought by Levi A. Gheen, farmer in charge at that time.

Yours, respectfully,

JOHN HOW.

Levi Harris to J. A. Williamson, Land Commissioner.

DUCK VALLEY RESERVATION, NEVADA,
September 2, 1879.

DEAR SIR: I write this to obtain information of you in regard to my farm and improvements, which is located in Duck Valley, Elko County, Nevada. Said valley has been set off for an Indian reservation; the agent has served notice on the settlers that they are trespassing on the reserved land, and that they, the agents, will commence action against them in the name of the United States Government for their removal. The right which I claim to my farm is the right of settlement, and occupation, and improvement, prior to the land being reserved for the Indians. Said land has not been surveyed. The settlement of my place dates from 1870, at which time it was settled by Philip Hull, of whom I purchased his rights to said land and improvements thereon, obtaining a quitclaim deed of him for the same in the year 1874. The tract of land that my farm is on was reserved for the Indians' reservation in the year 1877. I have not been able to obtain a legal title to land, as it has never been surveyed, and, therefore, not in market.

Please inform me whether the Indian Department has the right to make me remove from my farm and leave all of my improvements without paying for them, as the agents claim they can do.

I have every improvement on my place that is required for a first-class farm in the country, the whole of which is inclosed with a barbed-wire fence.

LEVI HARRIS,
Mountain City, Elko County, Nevada.

UNITED STATES INDIAN SERVICE,
WESTERN SHOSHONE AGENCY,
Elko, Nevada, April 25, 1879.

SIR: I answer inquiries in yours under date of 10th present month. Levi Harris claims two locations on the Duck Valley Reservation of 160 acres each—320 acres in all; he states they were taken up by a Philip Hull in 1874, and he, Harris, bought of Hull in 1876. The rough map sent will show location. The improvements are good for a frontier country, consisting of a house of five rooms, one of them 16 feet by 18 feet, the other four bedrooms say 8 feet by 10 feet. There is another house, 12 by 12; a large barn, 26 by 30 feet, two stories; the first story is built of stone; the upper one is of frame. Adjoining it is a shed, 12 by 30 feet. There is a log blacksmith-shop, 14 by 16 feet. There is also a smoke-house and chicken-house of stone; horse and cattle corral; there is one mile of barb-wire fence; one mile of stone and wood fence; posts put up for 1½ miles of additional iron fence; about 2 miles of ditches for irrigation purposes, which taps the river in three places (the Owyhee is the river). He has also graded a road of 1 mile to a valuable tract of timber. There is a well which is walled with stone. He asks now for property, \$7,000; states that the material and labor cost him that amount. I understand that he includes in this amount the farming implements, viz, one Whiteman thresher and separator, with horse-power attached; a "Farmer" grist-mill; one Buckeye mower and reaper, combining self-raker; one Queen gang 12-inch plow; one Prairie Queen plow (breaking); one 12-inch Collins plow, and two harrows. There is also rakes, forks, and small tools, sufficient and usual for a first-class ranch. He, Harris, states that it cost him all he now asks. I think it is possible that it did, as lumber cost from \$70 to \$90 per thousand. With very little change or cost the buildings could be arranged for agency buildings, and that change could be made by employes and Indians. With about \$2,000 to buy lumber I think I could erect on the reservation houses for all Indians, made from doubees and stone, they

doing the work, under our superintendence. Harris says he would not sell, except that he supposes his cattle will be driven off.

The Commissioner will please instruct me as to the right of Levi Harris. I shall leave on 28th for reservation. Have arranged for mail matter to be forwarded from Elko.

Yours,

JOHN HOW.

Hon. E. A. HAYT,
Commissioner of Indian Affairs.

UNITED STATES INDIAN SERVICE,
WESTERN SHOSHONE AGENCY,
Elko, Nevada, April 4, 1879.

SIR: I have just returned from Humboldt, having met the Indians along the route, and stopping at Carlin to see those off who were located on the farms. (They left on the 2d instant for the reservation.) Indians at Elko, Halleck, &c., are leaving daily. I would ask instructions in regard to Levi Harris, who resides on the reservation, and has done so for some years. He has made improvements on the reserve which he places at four times their value, in my opinion. He has over 700 cattle, and is cultivating about 200 acres of the best land, and this spring is taking and plowing more. I would ask what rights has he on the reservation that I must respect. Thinking that the buildings he has there might in part serve the department for agency buildings, I asked him to give me the price he would sell them for. His price (\$3,000) was so much above their value that I had not thought it worth while to give it to you before, for I think \$2,500 would be a high price for them. I would ask early instructions, as I have to meet this matter at once.

Yours, respectfully,

JOHN HOW.

Hon. E. A. HAYT,
Commissioner of Indian Affairs.

PETITION.

ELKO, NEV., *January, 1880.*

GENTLEMEN: The undersigned petitioner, a citizen of the United States, over twenty-one years of age, and a resident of the county of Elko, State of Nevada, do most respectfully beg leave to represent that, after being duly sworn according to law, he deposes and says that he has never exercised the right of pre-emption or homesteading any of the public lands of the United States under the laws thereof; that one Phillip Hull located, in the year 1869, and cultivated and improved the same until May 25, 1874, a certain piece or parcel of unsurveyed land lying and being in Duck Valley, a portion of which is in the county of Elko, State of Nevada, and the remainder in the Territory of Idaho; that on about the 25th day of May, 1874, your petitioner purchased of the said Phillip Hull his possessory right and title to the land and the improvements thereon, with the intention and purpose of making said land and improvements his home for all future time, and with this view continued to cultivate and improve the land, and at the present time the improvements upon said tract of land are as follows, to wit: One dwelling house with four rooms (one story), with cellar 10 by 12 under the same; one two-storied barn, the lower part built of stone and the upper frame for the storage of grain and hay, 26 by 30 feet, with a shed 12 by 30, on side of main building; one board house 12 by 12; two log houses, one 12 by 16, and the other 12 by 14, used as shop and storehouse; also one milk house, one meat house, and one root house or cellar; also one stone chicken house and hog pen, one stock yard inclosed with stone fence, stock and cow corral, &c.; also about 200 acres of land under cultivation, 40 acres of which is in timothy, for hay purposes. There is also several miles of water ditches for the purpose of irrigating said land; dam, and other improvements for raising water into said ditches. Said land is inclosed partly by barb wire and partly by stone and other fencing material. There is a well 30 feet deep, walled with stone. Deponent further swears and says that for the purpose of procuring timber to enable him to make the above improvements he was necessitated to grade a road to timber in that vicinity, which was a laborious and expensive undertaking and that said road is now available and useful to the Shoshone Reservation in Duck Valley. The farming utensils connected with said land are one thrashing machine, one mower and reaper, plows, harrows, and all other agricultural implements necessary to farming. Deponent further swears and says that all of the above and

foregoing improvements, including the right of possession to the land, are worth, at the lowest cash price, the full sum of \$8,000. Deponent further swears and says that by reason of the location of said Shoshone Indian Reservation, which takes in, covers, and embraces within its limits his land and improvements, and that the collecting of the Indians thereon, who have occupied and cultivated the same, and with the presence of their ponies and other stock, he has been deprived of the use and benefit of his property; or in other words, he has lost two crops of grain and hay, to wit, the years of 1876 and 1879. Deponent further swears and says that he is now ready and willing to give peaceful possession to all of the above and foregoing described property, to surrender and abandon the same to the Government of the United States for its own use and benefit, and for the aforesaid consideration. In conclusion your petitioner most respectfully prays that the subject-matter of this petition be taken up by your honorable Department, considered and adjusted upon such basis as the facts would seem to warrant, thereby conferring a benefit on the Indians, and giving justice to your petitioner.

Your obedient servant, and very respectfully, yours,

LEVI HARRIS.

Hon. CARL SCHURZ,
Secretary of Interior.

EZRA A. HAYT,
Commissioner of Indian Affairs, Washington, D. C.

Subscribed and sworn to before me this 10th day of January, A. D. 1880.

A. B. WALLER,
Justice of the Peace for Cornucopia Township.

STATE OF NEVADA,
County of Elko, ss:

I, O. E. Green, county clerk of the county of Elko, State of Nevada, and *ex officio* clerk of the district court of the seventh judicial district of the county and State aforesaid, do hereby certify that A. B. Waller, esq., before whom the annexed affidavit was taken and who has thereto subscribed his name, was, at the time of so doing, a justice of the peace in and for said Elko County, duly commissioned and sworn and authorized by the laws of said State of Nevada to take the acknowledgment of deeds and other instruments and administer oaths within said county; and that the signature affixed to said certificate is his genuine signature. I further certify that the said ——— is made and executed in accordance with the laws of the State of Nevada.

Witness my hand and the seal of said district court of the seventh judicial district of Nevada this 13th day of January, 1880.

[SEAL.]

O. E. GREEN, *Clerk.*

Know all men by these presents that I, Levi Harris, of Elko County, State of Nevada, have made, constituted, and appointed, and by these presents do make, constitute, and appoint John S. Mayhugh, of the town and county of Elko, State of Nevada, my true and lawful attorney for me and in my name, place, and stead, to present before the Department at Washington my claim against the Government of the United States, and to adjust, and collect, and receipt for the same and all moneys that may be adjusted or due me by the said Government of the United States in consideration of the surrender and abandonment by me of my possessory title to one certain tract of land and improvements thereon, and farming implements belonging thereto; said tract of land and improvements as aforesaid is situated in Duck Valley, which is partly in the county of Elko, State of Nevada, and partly in the county of Owyhee, Idaho Territory, and known and set apart by the Government as the Western Shoshone Indian Reservation; provided that the said John S. Mayhugh shall not receive for me as a settlement in full with the Government of the United States a less sum than \$8,000. The said John S. Mayhugh to be entitled to receive as attorney fees 10 per cent. of all the moneys collected for me; the residue to be subject to my order. Giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises as fully to all intents and purposes as I might or could do if personally present myself, hereby ratifying and confirming all that John S. Mayhugh, my said attorney, shall lawfully do or cause to be done by virtue of these presents.

In witness whereof I have hereunto set my hand and seal the tenth day of January, one thousand eight hundred and eighty.

[SEAL.]

LEVI HARRIS.

Signed, sealed, and delivered in the presence of—

[SEAL.]

A. B. WALLER.

STATE OF NEVADA,
County of Elko, ss :

On this tenth day of January, A. D. one thousand eight hundred and eighty, before me, A. B. Waller, a justice of the peace in and for the said county of Elko, personally appeared Levi Harris, known to me to be the same person whose name is subscribed to the annexed instrument, and he duly acknowledged to me that he executed the same freely and voluntarily for the use and purposes herein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal, at my office, in the county of Elko, the day and year in this certificate first above written.

A. B. WALLER,
Justice of the Peace.

STATE OF NEVADA,
County of Elko, ss :

I, E. O. Green, county clerk of the county of Elko, State of Nevada, and *ex officio* clerk of the district court of the seventh judicial district of the county and State aforesaid, do hereby certify that A. B. Waller, esq., before whom the annexed instrument was made and executed, and who has thereto subscribed his name, was, at the time of so doing, a justice of the peace in and for said Elko County, duly commissioned and sworn and authorized by the laws of said State of Nevada to take the acknowledgment of deeds and other instruments within said county, and that the signature affixed to said certificate is his genuine signature. I further certify that the said power of attorney is made and executed in accordance with the laws of the State of Nevada.

Witness my hand and the seal of said district court of the seventh judicial district of Nevada this 13th day of January, 1880.

[SEAL.]

O. E. GREEN, Clerk.

Affidavit.

John How, who, after first being duly sworn, deposes and says that he is a citizen of the United States, over twenty-one years of age, and now a resident of the county of Elko, State of Nevada; that he is at present, and has been for some time past, Indian agent of the Duck Valley Reservation, having charge and control of the Shoshone tribe collected and settled upon said Reservation. Deponent further swears and says that he has carefully read and examined the petitions of William M. Harris, Levi Harris, and J. H. Babb, asking compensation of the Government for certain tracts of land within the limits of said reservation, together with the improvements thereon and personal property, and that the greater part of the facts set forth in the respective sworn petitions are known to him to be true from personal observation and examination so far as relates to amount and kinds of property. But as to value thereof of the property of the several petitioners who have and who propose to abandon and surrender the same to the United States Government, that such several estimates exceeds in the opinion of deponent the lowest cash value of the several kinds of property as set forth in their sworn petitions, and that deponent believes said property to be worth the sums reported by him in his official report to the Commissioner of Indian Affairs under date of May, A. D. 1879. That all of the property of said parties are available to the Government and useful to the Indians. Further deponent saith not.

JOHN HOW.

Subscribed and sworn to before me this 13th day of January, A. D. 1880.

[SEAL.]

O. E. GREEN,

County Clerk and *Ex-Officio* Clerk of the District Court of the
Seventh Judicial District of the State of Nevada in and for the County of Elko.

A BILL for the relief of certain settlers on the Duck Valley Indian Reservation, in Nevada.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary, to pay to the parties now holding and owning the improvements made by the following-named settlers on the Duck Valley Indian Reservation, in Nevada, the sum of money that shall be found upon investigation by the Secretary of the Interior to be justly and fairly due to each of them for their improvements on said reservation, namely, Levi Harris, a sum not exceeding three thousand five hundred dollars; William Harris, a sum not exceeding two hundred dollars; Henry Boyle, a sum not exceeding one thousand five hundred dollars, and J. H. Babb, a sum not exceeding two hundred dollars; which said sums so found due and paid shall be in full compensation for all said improvements.