

BEFORE THE INDIAN CLAIMS COMMISSION

THE NORTHERN PAIUTE NATION AND THE)
 BANDS THEREOF, EX REL. WALTER)
 VORHEES, AVERY WINNEMUCCA, MARK)
 JONES, FRANK JOHN, ANDREW DICK,)
 DEWEY SAMPSON, HASTINGS PANCHO,)
 WILLIE STEVE, WILLIAM HARDIN,)
 SULLIVAN THOM, EARL FRANK, WESLEY)
 KENO, FRANK KAISER, ALBERT ALECK,)
 HARRY SAMPSON, ANN DOWINGTON,)
 ROSS HARDIN, OCHO WINNEMUCCA;)
 THE WALKER RIVER TRIBE OF THE)
 WALKER RIVER RESERVATION; THE)
 PYRAMID LAKE TRIBE OF THE PYRAMID)
 LAKE RESERVATION; THE YERINGTON)
 PAIUTE TRIBE OF THE YERINGTON)
 RESERVATION; THE RENO-SPARKS)
 INDIAN COLONY; THE PAIUTE SHOSHONE)
 TRIBES OF THE FALLON RESERVATION;)
 THE FORT McDERMITT PAIUTE SHOSHONE)
 TRIBE,)

Petitioners,)

v.)

Docket No. 87

THE UNITED STATES OF AMERICA,)

Defendant.)

Decided: June 4, 1959

ADDITIONAL FINDINGS OF FACT

The Commission makes the following findings of fact which are supplemental to the findings numbered 1 through 28 heretofore made herein.

29. The Commission finds that the Nevada portion of the lands aboriginally possessed by the Monos or Paiutes of Owens Valley (as described in Finding No. 21) was taken by the United States, without payment of compensation, on July 11, 1863. In the spring of 1862

hostilities broke out between some Indians in the southernmost area and the miners and settlers. United States volunteer troops became engaged in these hostilities. In mid-summer a peace was made and shortly thereafter Indian Agent Wentworth represented to the Indians that the Government would set apart a reservation for them on Owens River. Before a reservation was set apart, early in the spring of 1863, hostilities again broke out. At the close of these hostilities United States volunteer troops removed a large body of the hostile Indians to Tejon Reservation in California. Capt. Roper's report of this removal published in a California paper in July 1863 states that on July 11 the troops "started for the Tejon Reservation with all the Indians which had been gathered in, numbering about 1000 men, women and children." Shortly thereafter the Indian Agent for the Southern District of California reported that these Indians were delivered by the military to the Tejon Reservation on July 22, 1863. In later years, though most of these Indians returned to their former country, and continued generally to live in their former manner. Their presence there did not interfere with such white settlement as there was.

30. The Commission finds that the Nevada portion of the lands aboriginally possessed by the Paviotso or Paiute of western Nevada (as described in Finding No. 22) was taken by the United States, without payment of compensation on December 31, 1862. In 1859 the Indian Agent in Carson Valley and the Superintendent for Indian Affairs for Utah territory commenced to plan the removal of Indians to reservations from about Carson Valley and the main east-west route of

travel. During that year two tracts, one in the valley of the Truckee at Pyramid Lake and the second on Walker River and Walker Lake were selected by the Indian Agent for this purpose. In November 1859, the Commissioner of Indian Affairs recommended to the Secretary of the Interior that these two tracts be set apart for Indian purposes. However, in the spring of 1860 Indians who had congregated about Pyramid Lake broke out into hostilities against white settlers. The hostilities ended in August 1860 with an agreement between Colonel Lander and certain of the headmen among the Indians that the Indians would abstain from further hostilities for a period of one year. At approximately the same time, a public notice was posted forbidding trespass upon the Pyramid Lake and Walker River lands. A year later, in July 1861, the Indian Agent reported that the Indians had kept their agreement to refrain from hostilities. Thereafter, during the summers of 1861 and 1862, a number of councils were held with the Indians at Pyramid Lake, Walker River, and along the Humboldt by Indian Agents and the Governor of Nevada to induce the Indians to settle upon reservations. A building was erected and farming commenced on Walker River. By the end of 1862, many of the Indians had expressed the desire to remain at peace, provided a reservation be set apart for their permanent home. On December 31, 1862, the Pyramid Lake and Walker River reservations had come into operation and had been accepted by a substantial number of Indians. Later, in December of 1864 and January of 1865, these reservations were surveyed, and, thereafter, under dates of March 19 and March 23, 1874, were established by Executive Orders as reservations for these Indians.

31. The Commission finds that the Oregon and Nevada portions of the lands aboriginally possessed by the Snake or Paiute of the Oregon Area (as described in Finding No. 23) were taken by the United States, without payment of compensation, on September 12, 1872. On this date the Executive Order which established the Malheur Reservation was issued. This Reservation was established after a number of years devoted to efforts to remove, by force or by agreement, the Indians in this northernmost area onto one or another reservation. The Malheur Reservation was recommended by Major Otis in April of 1872. Major Otis proposed that it be occupied by bands of Paiute and Snake Indians which ranged from John Day and Malheur Rivers to the Truckee River. For a time after its establishment, the Malheur Reservation held promise to become the permanent home for many of the Indians in this northernmost area. A number of Indians from this northernmost area moved upon the Reservation. However, administration of the Reservation changed; and, after the Bannock War in the summer of 1878, survivors who had gone upon the Reservation returned to their former home areas, where their presence did not interfere with such white settlement as there was.

Edgar E. Witt

Chief Commissioner

Wm. M. Holt

Associate Commissioner