

NEGOTIATION WITH UTE INDIANS.

L E T T E R

FROM THE

ACTING SECRETARY OF THE INTERIOR,

RELATIVE TO

Certain negotiations with the Ute Indians in Colorado for the extinguishment of a portion of their reservation, made in pursuance of a treaty concluded March 2, 1868.

JANUARY 10, 1873.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 6, 1873.

SIR: On the 23d April, 1872, Congress passed "An act authorizing the Secretary of the Interior to make certain negotiations with the Ute Indians in Colorado," for the extinguishment of a portion of their reservation, made in pursuance of a treaty concluded March 2, 1868, and to report his proceedings under said act to Congress.

I now transmit a copy of a letter, dated the 17th ultimo, from the Commissioner of Indian Affairs, communicating the reports of the commissioners appointed under said act, dated the 9th and 24th September, 1872, respectively.

Very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

Hon. JAS. G. BLAINE,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., December 17, 1872.

SIR: I have the honor to submit herewith a copy of the report, (and accompanying papers,) dated the 24th of September last, of Governor Edward M. McCook, of Colorado, John D. Lang, of the board of Indian commissioners, and John McDonald, esq., of Missouri, commissioners appointed by the Department to negotiate with the Ute Indians in Colorado

for the extinguishment of their right to the south part of their reservation, as provided for in the act of Congress approved April 23, 1872, (Stats. at Large, vol. 17, p. 55.)

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

WASHINGTON CITY, D. C., *September 24, 1872.*

Hon. F. A. WALKER,

Commissioner of Indian Affairs, Washington, D. C. :

The undersigned members of the special commission appointed by the Secretary of the Interior under the act of April 23, 1872, "to enter into negotiations with the Ute Indians of Colorado Territory, for the extinguishment of their right to the south part of a certain reservation," &c., have the honor to report that, in compliance with the instructions contained in your letter of August 2, they proceeded to Denver, Colorado, arriving there August 14, and reaching the Los Pinos agency, August 26, 1872.

We found about fifteen hundred Utes at the agency, awaiting the arrival of the commission, all the different bands being represented except the Weininuches. After five days spent in council with the Indians, we became satisfied that at least for the present it would be impossible to conclude any satisfactory negotiations with them. A full record having been kept of all proceedings in council, (a copy of which is herewith transmitted,) you will see that the commission used their most earnest endeavors to induce these people to relinquish to the United States the southern portion of their reservation, but from the condition of mind in which we found them, we were all satisfied that undue and proper influences had been brought to bear before our arrival for the purpose of prejudicing the minds of the Utes against making any change or modification whatever in their treaty of 1868, and deciding them against the object of our mission. This was accomplished by classes of white men who have, or imagine they have, political, personal, and pecuniary interests which will be best subserved by defeating, for the present, any effort of the Government in this direction.

We do not believe that it will be impracticable to complete this negotiation at some early day in the future, but, in order to do this, it will become necessary to divest the minds of the Indians of any prejudice they now feel against the proposition the Government desires them to consider. In order to accomplish this, we would most respectfully recommend that trustworthy men, personally influential among the Utes, acting in conjunction with their present agents, be instructed to visit the various bands at their different localities, and induce some chiefs and warriors from each to visit Washington during the coming fall or winter. We think this probably the best way to exercise a favorable influence on their minds. In this connection we would call your attention to the XVIIth article of the treaty of 1868, which provides that "No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same."

This provision presents so formidable an obstacle to the cession of any portion of the present reservation, that it is entirely within the power of a very few bad men, either white or Indian, to defeat any agreement proposed by the Government unless more than ordinary care is used in the negotiation.

In conclusion, we would urge upon the Government the importance of continuing their efforts to secure the southern portion of this reservation. The miners are already present in such numbers that their expulsion by legal measures would be almost impracticable, and although U-ray, the head chief of the Utes, assured us that the trespassers should not be molested until he heard more from Washington, yet their continued presence on Indian territory may at any day bring about a collision.

When we parted with the Indians they manifested the most kind and friendly feeling. We have every reason to believe that the visit of the commission was a timely one, and served to allay any feeling of irritation which might have existed in the minds of the Utes against either the white miners or the Government of the United States. It convinced them that the President and Congress fully recognized all the rights conferred, and all obligations imposed by their treaty, and would endeavor to discharge their duty toward both the Indians and white people of the Territory in a manner that would be at the same time just and pacific.

We have the honor to be, your very obedient servants,

EDWARD M. MCCOOK,
Chairman.

JOHN D. LANG,
JOHN McDONALD.

DENVER, COLORADO, *September 9, 1872.*

SIR: Agreeably to the instructions contained in your letter of August 2, 1872, the undersigned, commissioners on the part of the United States to negotiate a treaty with the Ute Indians for relinquishment to the General Government of a portion of the lands of their reservation, situate in Colorado, met in Denver on the 14th of August, 1872, and perfected arrangements for reaching the Los Pinos agency, at which point the council was designated to be held. Upon inquiry being made, it was ascertained that the presentation goods ordered by the Department for distribution by the commission among the Indians had not yet passed through Denver *en route* to the agency, and dispatching was at once instituted to discover, if possible, their whereabouts, with much diligent inquiry at all the points of departure in the Territory; and through the Department at Washington it was finally ascertained, after some delay, that the goods had been shipped from Kit Carson on the 31st of July, and it was presumed they would reach the agency in time to be dispensed in accordance with your instructions.

On the 16th of August, the commission held a session at the office of Governor Edward M. McCook, in Denver, and chose that gentleman chairman of the commission, Hon. John D. Lang, treasurer, and Charles E. Harrington, of Denver, secretary. On the morning of the 18th of August, the commission began its journey to the agency, going via Pueblo by rail. At this latter point transportation was secured to Fort Garland, via Sangre de Christo Pass. At Fort Garland, the commission found General Alexander, commandant, expecting their arrival, and under orders from General Pope, commanding the department, to accompany them to the agency if agreeable to them. He was, of course, cordially invited to be present at the council, together with Mr. Ferdinand Meyer, of La Costilla, a trader of the lower (or southern) Colorado country, and a gentleman well acquainted with the various bands of the Ute Nation. Upon the evening of the arrival of the commission at Fort Garland, the following letter was dispatched to the Los Pinos agency by special courier.

"FORT GARLAND, *August 20, 1872.*

"MY DEAR SIR: The commissioners appointed for the purpose of holding a council with the Ute Nation arrived at Fort Garland this evening, and will leave here to-morrow afternoon, or the next morning, and go through without delay. If practicable, we will make the march in three days; but certainly will arrive at the agency the noon of the fourth day.

"The commission consists of Mr. J. D. Lang, of Maine, one of the original Indian commission, at present having supervisory charge of the Indian affairs of the Government; General John McDonald, of Missouri, and myself. We have invited several of the citizens of the Territory, in whom the Indians have confidence: Messrs. Tobin, Head, and Ferdinand Meyer, among the number, to accompany us, and you must make such provision as you can for their comfort. General Alexander, commanding Fort Garland, also will be with us; and we will have our own tents and supplies, so you need take no trouble for our entertainment.

"Say to the Indians that we hope to meet them *all* in council, and have been detained three or four days beyond the time we should have arrived at the agency, by waiting full instructions from the President.

"Send a courier to meet us with information whether the goods and provisions for the Indians to be present at the council have arrived. We could gain no satisfactory trace of them in Denver. You must see that an abundant supply of provisions is furnished for all the Utes who will be present.

"Your very obedient servant,

"EDWARD M. MCCOOK,
"Governor.

"CHARLES ADAMS, Esq.,

"United States Indian Agent, Los Pinos, Colorado."

The second day of the sojourn at Fort Garland was spent in making preparations for transportation of the commission to Los Pinos agency, a distance of nearly two hundred miles, across barren plains and over rugged and almost impassable mountain-roads. General Alexander furnished one four-mule ambulance, (or spring-wagon,) one six-mule United States freight-wagon, one wagon for baggage, three wall-tents, two saddle-horses, forage, and an escort of two cavalymen and five infantrymen. With these the commission was very well outfitted, although the excursion was by no means one of exquisite pleasure or comfortable convenience—made so by the nature of the country. On the morning of August 22 the commission left Fort Garland, accompanied by General Alexander and Mr. Meyer. Arriving at Sequache on Saturday, August 24, the commissioners were met by a special courier from Los Pinos, and who bore the following message in answer to the communication dispatched from Fort Garland:

"LOS PINOS INDIAN AGENCY,
"Colorado, August 23, 1872.

"SIR: I have the honor to acknowledge the receipt of your letter of the 20th instant, delivered to me by Mr. Tobin.

"In answer to your inquiry, in regard to the goods to be given to the Indians, I would state that I have received from Messrs. Otero, Sellar & Co. bills of lading for the same, with the notice that they were shipped from Kit Karson on the 31st ultimo, and that I might expect them to arrive here in a month from that date.

"There are some two thousand Indians here in camp. All tribes are represented except the Weminuches, and these could not be reached, though I sent special couriers as far north as White River. I have enough provisions here and on the road to satisfy the wants of all, so that, in this regard, no difficulty will be occasioned.

"Expecting the arrival of the honorable commission here to-morrow,

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

"CHARLES ADAMS,

"United States Indian Agent.

"Hon. E. M. McCook,

"Governor."

Five days and four nights were spent in reaching the destination, which occurred on Monday, August 26. The commission found assembled there nearly fifteen hundred of the people of the Ute Nation, including men, women, and children, all patiently awaiting its arrival. There were also present United States Indian Agent J. B. Thompson, of Denver, and Agent Charles Adams, of the Los Pinos agency; Colonel Price, of the Eighth Cavalry, from Pagosa Springs; W. F. M. Army, agent for the Pueblo Indians of New Mexico, and who had been sent up by Superintendent Pope, of New Mexico, to assist in bringing in the Manache Indians; Mr. Pfeiffer, of Tierra Amarilla, assistant to Colonel Price, in bringing the Capote Indians to the agency; and Moses Stevens, representing Indian Agent Armstrong, of Cimarron. Agent Littlefield, of White River, was not present, and had no representative. The Indians represented embraced the Tabeguache, Denver, (or Middle Park,) Manache, Capote, Jicarilla Apache, and Uncompagne Utes. The Weminuche band was reported to be absent in Utah. The Manache and the Capote bands live in the Territory of New Mexico, and have never been upon their reservation to stay. The Weminuche band inhabit the San Juan country lying between the southern boundary of the reservation and 38° of north latitude.

On the day subsequent to the arrival of the commission at the agency, the warriors of the various bands, arrayed in all the paraphernalia of war, called upon the commissioners at the agency, and were presented to them by U-ray, the head chief of the Ute Nation. Afterward an exhibition of the war-dance ceremonies was given on the plains near the agency building. It was subsequently agreed between the commissioners and the leading chiefs that the preliminary council should be called on the following day, Wednesday.

As agreed upon, the commission met in council with the various chiefs and people of the Ute Nation, on Wednesday, August 28.

Present: Commissioners John D. Lang, of Maine, Edward M. McCook, of Colorado, and John McDonald, of Missouri.

On motion of Mr. McDonald, Mr. U. M. Curtis, of Denver, was chosen Ute interpreter, and Mr. Ferdinand Meyer, of La Costella, interpreter of the Spanish language for the commission.

U-ray, the head chief of the Ute Nation, was then informed that the commissioners were prepared to meet himself and the chiefs and people of the various tribes, and they assembled at the council-house in the following order:

Tabeguache delegation.—U-ray, head chief of the Utes, Sa-po-wa-nere, Guero, Sha-wa-no, Ah-ri-poots, Cha-vez, Colorado, Wa-pa-sup, To-sah, Shin-ane, and Ca-wa-woo-wi-chant.

Denver delegation.—Pi-ah, John, Wan-zets, Un-go-pa-setz, Sa-wo-watch-i-witch-i-woch-et, Han-ko, To-qui-ant, and Ya-ma-nah.

Manache delegation.—Cu-ra-can-te, An-ka-tosh, Kaw-e-a-che, Man-chick, Juan Antonia, and Juan.

Capote delegation.—Sa-bo-ta, To-pi-ant, Cha-vez, Ta-poo-che, and Washington.

White River delegation.—Pah-ant.

Jicarilla Apache delegation.—Guero-murah.

The chairman of the commission instructed Interpreter Curtis to inquire if the Indians were ready to proceed.

INTERPRETER. Are the Indians all ready to listen to the—

U-RAY. Yes, sir.

Commissioner Edward M. McCook thereupon addressed the chief as follows, his words being interpreted to U-ray in Spanish, and by the latter to his people in the Ute:

Commissioner McCook. U-ray, the three commissioners, Mr. Lang, of Maine, Mr. McDonald, of Missouri, and myself, represent the Government of the United States in this council. They (the commissioners) have selected me as their chairman to speak for them, and to tell you the objects for which this commission has come here. We believe that we have nothing to ask except that which will be for the good of the individual Indian and for the whole tribe. I wish first to explain, so that you may all understand the reason why the Government passed the law forming this commission. The authorities of the Territory of Colorado found that some of the white men of Colorado and New Mexico had gone upon the

Ute lands seeking after gold. They requested the General Government of the United States to pass some law which would enable us to counsel with the Indians, and ascertain whether they were not willing, for a consideration, to treat with us for the sale of such lands as were not valuable to you and which are valuable to the white man. In order that you may understand that the Government wishes to deal fairly with you, and that there is no desire to force you to do that which you may not wish to do, I will have the interpreter translate the resolution of Congress. Before that is done, however, I wish to have the Utes disabused of the idea that we desire to force this matter. We wish that their action shall be voluntary or not at all.

The resolution of Congress providing for the formation of a commission to treat with the Indians of the Ute Nation, as contained in the instructions of the commissioners, was read as follows, being translated into Spanish to U-ray, and by U-ray into the Ute to the entire Indian delegation:

"An act of Congress, approved April 23, 1872, provides as follows:

"That the Secretary of the Interior be, and he is hereby, authorized and empowered to enter into negotiations with the Ute Indians in Colorado Territory for the extinguishment of their right to the south part of a certain reservation, made in pursuance of a treaty concluded March second, eighteen hundred and sixty-eight, situated in the southwestern portion of the said Territory of Colorado, and report his proceedings under this act to Congress for its consideration, the expense of such negotiations to be paid by the United States, and to be hereafter appropriated."

This act was then read, sentence by sentence, in Spanish, by Mr. Ferdinand Meyer, interpreter to the commission, and was interpreted, sentence by sentence, into the Ute language by U-ray, that no mistake might occur, and that it might be fully understood by the various Indians in council. Whereupon Commissioner McCook resumed as follows:

Commissioner McCOOK. Now, it is in obedience to this act of Congress that the Secretary of the Interior, by consent of the President of the United States, has appointed these commissioners. The whole object of the commission can be reduced to two or three very simple propositions. The first is, that we wish to buy a portion of your land, if you wish to sell it, and we are willing to give you a fair price for it. But, in all these negotiations, we wish the Utes to bear in mind, and our instructions say to us explicitly, that this action on your part must be voluntary, and be concurred in by the chiefs and by the people of the nation in this council. We do not wish you to be influenced by outside parties in any particular. The whole matter must be voluntary on the part of the Ute Nation. In other words, in this council we wish to hear an expression of opinion on the part of the Indians themselves, and from no other parties. Now, you understand the whole object of the commission. If you do not understand, if it has not been explained with sufficient clearness, we wish you to ask any questions that may arise in your minds. Mr. Lang, who has just come from the President, will now talk with you.

Commissioner LANG. U-ray, I am glad to meet you and all of your people here to-day. I have just come from Washington. We understand what is the condition of the Indian, generally, and we look upon them as brethren. The President and the Congress of the United States know that they have white children and red children to care for equally. They know at Washington, and all the good people of the United States know, that the red men have been abused and wronged and cheated by bad white men of our country, and they are all engaged and interested in doing for the red brethren all that they can to retrieve the wrongs done them. The President and the Congress of the United States, and the good people of all the land, have no desire that the Indians shall be removed from the lands they now occupy. But it is well known that the white people of the land are gaining in numbers rapidly, and that the red men are being reduced in numbers; and, whenever the people of the country who are not friendly to the Indians want to drive them from their lands and the graves of their fathers, the Congress and the good people say no. The white people are gaining in numbers and pressing for more land to live on. What shall we do in a case like this?

We all wish to do good to the white people; we all wish to do good to the red men, our brethren; and, while the white men are urging upon Congress to let them come in upon your lands, they are refused without first sending a commission here to learn whether you are willing that they should come here. This commission now here—Governor McCook, General McD-nald, and myself—have homes, have wives, and have children, and we want to stay there; we do not want your lands; we do not want your money; but we want you to be happy, and to enjoy life as long as you live. And you have wives and children, many of you. We feel for you on that account, and sympathize with you when we look forward to your leaving the graves and the homes of your fathers. We believe that there are many bad white people who want to drive you from the face of the earth, so that they, as men, and as speculators and representatives of large corporations, can get your large domain for a mere nominal sum, and force you from your lands. I wish to say here to the Utes, that I have never met with them before, but that I have been traveling over thirty years with the Indians, and I find that many of the Utes are in the same condition that I have found many other Indians in my travels. And I want to say this, that I believe the people of Washington are honest, and anxious to do all they can for the Utes, and they understand that white people are breaking in upon your lands, and giving you trouble. We have come here to talk with you, and

to see if we can help you, and you can help us in settling this matter. We know that you have been deceived by bad white men, and we believe you have reason to doubt the honesty of all white men, until you have had time to know whether they speak truths or untruths. It is nothing strange to me—and I believe it is the same to the commissioners here with me—that you are slow in coming together to hear what we have to say. I speak on behalf of the commission that we come here as honest men. We do not ask you to believe us until you have had a talk with us, and proved us to be honest men. We believed at our homes that the Utes needed help, and when the President and Congress asked us to come here, we said we could not leave our homes, but when they said, "The Utes were in trouble, and we want you to go to them and see them, and arrange matters so that the white men cannot enter upon their lands without their consent," we agreed to come among you. We do not want your lands or your money; but we have come to do you good if we can. We have no railroad in view; we have no great domain for a few speculators who want to make money out of the few people who are here; we simply want you to receive us as brothers. We want to entreat you to be friends to the Government, for the Government is your friend, and a strong friend, too. We want to advise you to every improvement that we believe is adapted to your present condition. We want you, U-ray, to counsel with your wise men, your good men, and your chiefs, and your young men, to communicate with us that which will be for the good of all concerned. You are the children of the Great Spirit—we all are; one and the same—and the Great Spirit has put it into the hearts of the President, the Congress, and of the good people of the United States, to work for the good of the red children. Such is the good heart and feeling of the President and Congress for you, old men, young men, women, and children, that they provide for you, and send you blankets, provisions, and all such things as you stand in need of. Now, I want you to consider the President as your friend, and all the good people of the United States as your friends, and to not do anything with the commission until you find out that they are your friends and honest men. As I am not accustomed to communicating to Indians through two interpreters, it somewhat embarrasses me; but what I have said to you is from my heart.

Commissioner McDonald then addressed the council as follows:

Commissioner McDONALD. I will say to U-ray, to the chiefs of the different bands of the Ute Nation, and to all the people of the tribes, that I will not attempt to make them a speech, for Governor McCook, who is well known among them, and who is governor of the Territory of Colorado, in which they live, has informed them fully of the object of our mission here, and has read the act of Congress, which has been approved by the President, and which is the authority under which we act. Friend Lang, of Maine, one of the commissioners, and who has spent the greater portion of thirty years of his life in the interest of the Indians, has expressed the feeling of the President, of Congress, and of the good people of the United States. In this he has expressed my fullest feelings. I feel now that if my mission here will be of any benefit, both to the Indian and to the white man of this country, I shall be fully compensated for my mission. After this full explanation of our purpose, and of the wish of the commission to do good for both the red and the white man, I will await the expression of U-ray and of the chiefs of the various tribes before making any further propositions. I would like to hear from the Indians themselves.

Mr. LAWRENCE, Spanish interpreter, informed U-ray and the chiefs that Hon. Felix R. Brunot, chairman of the national board of Indian commissioners, was present at this council, and that, although not a member of this special commission, he would be pleased to communicate with them. Permission being given Mr. Brunot by the commission to do so, and the Indians expressing their satisfaction, he spoke as follows:

Mr. BRUNOT. Governor McCook has told you that these three gentlemen have come here for a particular business. That business is for them to attend to with the Indians. I came to talk to you about other matters, and would like to talk with you after this is all settled. But I know the President's heart, and I want to tell you that he sent these men to talk with you for your good as well as for the good of the white men. Four years ago a treaty was made with all the Utes. That treaty marked out some land that was for the Utes. It was intended for them to always have that land, but after a while Congress found out that that land was very large, and they also found out that white people were getting upon the edge of it, and upon the mountains. Suppose a white man has a farm. He makes a fence around it, that keeps the stock and wild animals out of it. But if he has so much land that he cannot fence it, what does he do? He sells a piece of the land, and keeps the money to buy stock, and to live upon. The Ute lands are very large, and the Great Father and Congress see that the white people are coming in and that it will take too many soldiers to make a fence around it. The Utes see how hard it is to keep the whites out, and so Congress has passed a law, and sent these men to see whether Utes do not want to sell a part of their land, and make it smaller, so that it will not take so many soldiers to keep the whites out. Thereby the Utes will not have so much trouble. Congress thinks it will be good to make these lands smaller; but they do not pass any law to compel the Utes to do it. It is just as you please. You must think about it, and do what is right. You must come to these commissioners to find out anything you wish to know about this matter. You must ask nobody else, for only the commissioners are informed about it. You must listen to nobody else. I must say nothing more about this business or of the business I wish to talk with you about.

You must listen to the commissioners, for I know they will do what is good for you. I am glad to see you and my heart goes out for you. That is all to-day.

Upon conclusion of the above remarks U-ray, head chief of the Ute Nation, addressed himself to the commissioners in the following words:

U-RAY. The Ute Nation do not wish to sell one span of their lands. We have all we want, and the Government is bound to protect us. We have, all the time, seen white men coming upon our reservation, and we have been waiting to see the Government fulfill the conditions of its treaty with us. For this reason we have come here, so that you may see we are not satisfied with these trespassers. We do not wish to sell any of this land. We desire the Government to live up to its treaty, and remove these people who do not belong upon our reservation.

JUAN ANTONIO, sub-chief of the Muaches. I have not sold the lands of my fathers— (choked off by U-ray.)

TA-POO CHE, sub-chief of the Capotes. We have all come a great way to meet this commission, and are very glad to be enabled to do so. We are glad to have you see us and to mutually recognize each other.

Commissioner McCook. The commissioners wish to talk this matter over among themselves this evening, and to prepare further propositions. We will meet you again at this house at 10 o'clock to-morrow.

The council assembled at 2 o'clock on the afternoon of the second day of its session, Thursday, August 29. Present, Commissioners Edward M. McCook, chairman, John D. Lang, and John McDonald, and the chiefs of the Ute Nation, as recorded in the proceedings of the first day. Commissioner McCook opened the council with the following remarks:

Commissioner McCook. U-ray, the commissioners have requested me to say that we talked to you yesterday, and unfolded to you the wishes of the Government, and that they would like to hear you and the other chiefs talk to-day. You spoke yesterday about the Utes not being able to write down the proceedings of the council, and objected to our doing so. What is written by the secretary here is for the information of the Great Father at Washington, and for no other purpose. Would the Utes like to have what they say written down?

U-RAY. Yes, whenever we say anything, it may be written down.

SA-PO-WA-NERE, chief of Tabeguaches. In time past I had a talk with the Government, and I then thought this matter settled, and that this treaty held. We believe now that we cannot sell any of our lands. According to the treaty, we understood that there was an agency established at White River, one here at Los Pinos, and one at Tierra Amarilla. For this reason we never thought there would be any other treaty adopted. The land you are trying to buy was given us by the treaty. For this reason we never have thought of going to war, and have been content with the treaty as it exists. We have heretofore believed in the men who have made the treaties with us, and we shall always do so in the future. Governor McCook, and other men who treated with us, are still alive. We always believe in men by their characters. We believe, and our children now living do believe, that the treaty should stand as it is, and that nobody can take away the lands we have been given according to the treaty. In accordance with these treaties, we go about our reservation, and the white people who are living on lands to which we have relinquished title should not disturb us now on this. What we are talking is of interest both to the whites and to the Indians, and should be so considered by both. It is of great importance to all. It is a thing that looks strange to us that civilized white men should trespass upon our lands, and that the Government should allow them to do so. The whites should be quiet in our country, and not trespass upon lands that do not belong to them. Our interest is to live in good feeling and peace with all. I have no complaint to make, and can say nothing for the one side or the other; but I desire to live in peace, so that the whites and the red men cannot be mad at each other. A great many years have I lived in peace, and had no war, and we should always live so. Whether a man is red or white, and thinks well, or promises to do well, he will never forget it, and will always do what is right.

KAN-E-A-CHE, sub-chief of Manaches. I do not believe this commission is the one sent from the States to treat with us, but one come of its own accord to treat for these lands. We have known Governor McCook, of Colorado, as the superintendent of Indian affairs. I have been here before, and he has talked with us. He told us that this land was for all the Utes, and I believe it is so. I have but onemouth, Governor McCook has but one; I have but one ear; Governor McCook the same; (objected to by the governor, who says he has two ears.) Through these we both understood the last treaty. The commissioners in Washington have sent these commissioners here to find out something, and the intentions of the commissioners at Washington are good.

Commissioner McCook. Does Kan-e-a-che still adhere to his opinion that we are not the commission we represent ourselves to be? If so, there is no use for the Utes negotiating with us; and it is best that we make all understand now that we are the commission we represent ourselves to be, or else close the council at once.

KAN-E-A-CHE. It makes no difference if you do come with power from Washington; we do not want to treat with you.

Commissioner LANG. We desire to disabuse your minds of the idea that we come here representing miners, and not the Government. If necessary, all the agents here can give the authority of the Government under which they were instructed to bring the Indians here.

Commissioner MCCOOK. We want to remove this doubt from Kan-e-a-che's mind, and to ascertain whether the other Utes share this doubt.

KAN-E-A-CHE. The reason I say this about the commission is, that I have heard for a long time, from Mexicans and Americans, that Governor McCook has long been working to get hold of these lands.

Commissioner MCCOOK. You may say to Kan-e-a-che that I have never worked to get hold of these lands; and more, that I never desired to serve on this commission.

KAN-E-A-CHE. There are so many people who cannot keep their mouths shut, that many have told me that Governor McCook has been trying to buy these lands.

Commissioner MCCOOK. Go on, and I will talk to you when you get through.

KAN-E-A-CHE. Here is Governor Arny, who is present. All the time he is going to Santa Fé and to Washington, and all the time he is working against us, his friends. I am always hand in hand with everybody for peace. The Cimarron country, where I have always lived, is full of people now, and I do not go around there badly treating the women or the children. For this reason I talk straight, and have but little to say.

Commissioner LANG. Do you live on the reservation?

KAN-E-A-CHE. I am here now.

Commissioner LANG. Do you make this your home?

KAN-E-A-CHE. In all times that treaties have been made, I have understood that this is the place where they are to be made, and that whenever anything is wanted, this is the place to get it.

Commissioner MCCOOK. I understand there is an agency at Cimarron.

Agent ADAMS. There is no agent there now. The agent has resigned, and the person having temporary charge of affairs considers this the place at which to get the annuities.

Commissioner MCCOOK. Mr. Lang merely wished to know where Cimarron is.

U-RAY. We sent for one of the Capote chiefs to address the council, but as he has not come, this sub-chief will do as well.

KO-CHUM-PE-ACHE, sub-chief of Capotes. I am a quiet man. At the time of the fight at Tierra Amarilla, I was there; but I would not take a part in it, as I do not go around fighting without cause. I am the brother-in-law of one of the former chiefs. He advised me to keep out of quarrels, and I have always kept that advice. I have been around at Tierra Amarilla, where the miners are moving in, and they have always told me that they were there by permission of the Government, and that you three commissioners are here by order of the Government. I don't believe in killing each other. The whites and the reds should be in their proper place, and not go about killing each other. In that land, in the southern country, I was born, and for that reason I cannot sell my land. All of the country where the miners are is what we consider as the Capote country. There are a great many passing through our lands. What I desire is, that when the Indians or the whites go about the country, they can do so without fear of arrest or violence, just as a man goes from here to Denver in safety. I think we are all one, born of one father and mother; and it is not right for brethren to strive to kill one another. All the miners who go into the southern country go with false reports, telling that the Government gives them permission to go there. The soldiers at Pagora Springs ought to be taken away. I do not like to have the soldiers in there, running about my country, for I am afraid of them. I have never seen the principal men of the whites, and so, when I heard they were coming here, I came also. Yesterday I heard their talk, and I liked well what they said. A man, when he has a good head, and when he talks, talks as you did yesterday. You said that our lands were ours, and that we must decide whether we part with them or not. In this you talk fair and straight. When my father was alive, the talk in this treaty was plain, and was understood. Yesterday your talk was the same, and was understood. I have no more to say. I know that there are agencies at White River, one here, and one at Tierra Amarilla. It is not well to talk more than is necessary on such a matter as this.

AIGLER, sub-chief of Manache. I know that there is no reservation at Cimarron for the Indians. We have always lived there, and been engaged in fighting the Indians of the plains, and an agency there is a help to us. The country there is settling up, and, if there is no reservation for us, we are willing to come here and remain.

U-RAY. For my own part, you must not think it strange that the Indians talk as they do. They are expressing their own feelings.

Commissioner McDONALD. That is what we come to hear. We have a great deal to say to the chiefs, and wish to hear an expression on their part before proceeding further. We want to deal fairly by you and to further the interests of all.

U-RAY. I think the chiefs will not say anything more at present.

Commissioner MCCOOK. We want to know, first, whether your chiefs think that we three setting here are the representatives of the Government; because, if they are satisfied that we are not the representatives of the Government, we have no right to speak with them, and they have no right to speak with us.

SA-PA-WA-NERE. I believe you are the legal representatives of the Government. Why ask another time?

Commissioner MCCOOK. All right. I did so, because I was so requested by the other commissioners.

SHA-WA-NO. I don't like to see the commissioners asking one another questions. Why not say all to us?

Commissioner MCCOOK. We are all very glad to hear the expression of the Indians made here for peace. The Government of the United States wishes peace, and the people of Colorado wish peace. I explained to the Utes yesterday, so that all understood it, that the reason why the people of Colorado had requested the Government to send these commissioners here was because they all desired peace. They not only desired peace, but desired that the Utes and the whites should live in friendship, and for that reason they asked the President not to send soldiers here; not to send people here who would attempt to cheat you out of your land, but to send commissioners here to buy your land, and to pay you such a price for it as would make you comfortable for the remainder of your lives. Now, we wish the Utes to bear in mind that we recognize fully the validity of that treaty already made, (the treaty of 1868.) But, since that treaty was made, circumstances have arisen which have changed the whole condition of affairs in the southern portion of your reservation. Gold has been found, and miners have gone there in large numbers. There are only two ways to meet this difficulty: The first is, as we think it the best, both for the Utes and for the whites, for the Government to extinguish the Indian title to this mining land, and to pay you a large sum for it; the second is to send soldiers there and drive these miners out. Now, the Capote, who has just spoken, says they do not want soldiers in his country. If the miners are an annoyance there, and kill your game and catch your fish, it seems to me the soldiers will be a greater annoyance. This is a question that has to be met squarely. The Utes do not want to go to war and kill any of the miners, and so they have to appeal to the Government to send them soldiers to enforce their treaty provision. I want you to think seriously about this matter, to talk about it with each other, and see what is best for yourselves in every respect. This land is not of great value to the Government of the United States; but, for the sake of preserving peace, and for the sake of preventing any possible collision between the Utes and the white men, they are willing to pay you more than all the gold and the game of that whole country are worth.

Commissioner LANG. Commissioner McCook has already spoken my mind in all particulars, and I coincide fully with it.

Commissioner McDONALD. I concur in everything that Governor McCook has said, and unite with Mr. Lang in indorsing the propositions made.

Commissioner MCCOOK. I wish to say one more thing, and then I am done. It is more of a personal nature than anything else, and it is said more in consideration of the other commissioners than for myself. Whoever told Kan-e-a-che that I wanted any of the Ute lands was filling his ears with lies. I never have been on that part of their reservation we desire to purchase. I never expect to go there; and I would not go there to-morrow if the Utes would cede it to me for nothing, and I know that the other commissioners feel just as I do about it, because we have talked the matter over together. We came here in obedience to the President's command—just as one of U-ray's soldiers would obey him if he told him to do anything. We most earnestly hope—and this comes from the hearts of all of us—that the Utes will counsel together, and come to a conclusion that will be for the best interests of all of us. This is not a matter to laugh about, to jest about, or to talk about lightly, for it is a matter which may affect the whole future of the nation, as well as the future of the people of this Territory. It is not a matter in which we think you ought to listen to the counsels of bad men, but rather to be guided by the counsels of your own hearts, and then we think you will do well. That is all I wish to say, except to ask you all to talk this over, and to meet us here in council to-morrow.

Commissioner LANG. I have but a few words to say, and then I am done. I unite in the sentiments of the governor. This is a serious matter, and one of vital importance, as I look upon it, for the Utes. I am a man of peace, and am never in war. So also has one of the Utes said here to-day. The pressing request of the President at Washington was the cause, and the interest I felt in the Utes the reason, for my coming to this tribe, which I had never before seen. I think I can speak for the commissioners, and for myself, that we are trying to discharge our duty toward the Utes as we would for our own children. The advice that we give comes not from the head, but from the heart. I believe that the friends of the Indians at Washington, the President and Congress, are discharging their duties, not from the head, but from the heart, in the advice they are giving the Utes. I look upon it with serious consideration and desire of heart that you will take the advice given you by Congress and by ourselves, with a full belief that, if this advice is not taken, and anything like trouble should befall the Utes in the future, it will rest upon your own heads, and not upon the Government. All of this is from the heart. I have nothing more to say to-day.

Commissioner McDONALD. I will not occupy any of your time to-night. I hope you will all consider this matter well, and meet us here to-morrow.

The commissioners then adjourned the council until 2 o'clock Friday afternoon, August 30.

On the third day the council assembled at 4 o'clock p. m. Present, the commissioners, Agents Thompson and Adams, Interpreters Curtis and Meyer, and the chiefs and people of the nation. The proceedings were opened as follows:

Commissioner McCOOK. You heard yesterday about all we had to say. If you have counseled over it, we would like to hear what *you* have to say.

U-RAY. I have told the chiefs of this, and have asked if they have anything to say. If they have not, they will say nothing.

Commissioner McCOOK. I wish to repeat a portion of what I said yesterday, so that it may not be misunderstood.

U-RAY. I have asked the chiefs again whether they have talked over what you have said to them.

SA-PO-WA-NERE. I think we are all with one voice. We do not wish to sell any land nor say anything more. I am speaking as I did yesterday.

Commissioner McDONALD. There are a number of chiefs here representing the other bands, and we would like to hear an expression from a few more of them.

CHA-VEZ, sub-chief of Uncompagre. I am one of the sub-chiefs of the Uncompagre and the Weminuche Utes. I am the one to whom Governor McCook gave a medal two years ago. When he was here it was understood that these were the agency buildings, and that the line of our lands passed along here and to the Tierra Amarilla. These mines are in the center of our country, and we are afraid that, if we sell that portion of our lands, other mines will be discovered, and the miners will keep spreading out and want more. In former treaties we understood this was our agency, and we come here to get our goods. We consider it the duty of the agents to put the miners off our lands, but as yet they have failed to do so. We do not want to sell this land. When Governor McCook was here before he talked like this. If the commissioners think they can buy this land, they are mistaken. They cannot do it. It is not necessary, and we do not want cattle or sheep brought into our part of the reservation.

U-RAY. He does not understand well. He represents that the first treaty was made by Cheek, and that he did not have anything to do with it.

Commissioner LANG. What do you mean by the first treaty?

U-RAY. The one as it now stands.

Commissioner McCOOK. Cha-vez, how far are the mines from the Uncompagre country?

CHA-VEZ. There is a hot spring at the Uncompagre, so hot that it will cook a dog. From there, over the mountains, it is a day and a half's journey. But along the southwest edge of the mountains there are mines, and the cabins of miners.

U-RAY. It is about eighty or ninety miles from the Los Pinos agency to these mines.

Commissioner McDONALD. Which band of the Utes inhabit the San Juan country?

U-RAY. The Weeminuches.

Commissioner McDONALD. Where are they?

U-RAY. The captain, only, is here.

Commissioner LANG. Are the mines all south of 38° north?

INTERPRETER. They are all south of 38°. I know by comparison with our township line.

Commissioner McDONALD. We have come out here to treat with your people. It is a very serious matter to the Government and to the people on your reservation. It is a subject that has been considered in Washington by the President, by Congress, and by the Department that has charge of your affairs; and all of these recognize and understand your rights. We commissioners understand and recognize your rights. I make these remarks upon the ground that the speeches made here by the chiefs yesterday seemed to imply that we do not recognize these rights. With a full understanding of all the rights of the Indians, we have come here to treat with you, and to buy a portion of your lands, and, as Governor McCook told you yesterday, to pay you for them honestly and liberally, so that you may be comfortable, with what you will have left of the reservation, for the remainder of your lives. I want to state one or two more important points, by which I think you would be doing yourselves a great benefit by selling these lands. The first is, that the President of the United States at present, and the present Congress, are friends of the Indians, and that they would not do anything in the way of appointing a commission and negotiating with you if they thought it would be detrimental to your interests. Secondly, we shall very soon have a new election, and may elect a new President. We hope, for the good of the Indians and for the interests of the nation, that there will be no change this time. In case of a change, either of the President or of Congress, the interests of the Indians may be very much impaired. In that case, they may get bad men enough into Congress to cut off the Indians' annuities and to stop supplying them, and say, "The Indians have their reservation and may support themselves without the aid of the Government." These are our present fears. Any negotiation or sale made to this commission now, and which is ratified by Congress, will be binding, whether there is a change or not in the President or Congress. Any change in administration will not affect you without your consent. I propose to show you wherein a sale now will be a perpetual benefit to you. The moneys and other remuneration you get from the Government at the present time will be paid to you according to any arrangement that will suit you, and will be perpetual. In case of the change I spoke of a

few moments ago, the interest of the money will be paid you, and the amount you would receive each year would insure you a support until you were able to be self-supporting. I hope you will consider this matter well, and not decide finally until you look at it in the right light, that is, for your own good. We have no other interest. We hope for your future good, and know that the course laid out for you by the commission will be for your benefit. I have had a long experience with the Indians, and have never been so much pleased as during my stay here.

Commissioner MCCOOK. We hope to meet the council to-morrow at 12 o'clock and unless we can come to some conclusion on which to base negotiations for a treaty, we shall leave on the day following. Of course, if you conclude to enter into some negotiations with us, they cannot be finished in a day; but we want to know definitely what you intend to do. We do not wish the opinion of one man, but of all. Be here at 12 o'clock promptly.

The council then adjourned till Saturday afternoon.

The council met on the fourth day at 2.30 p. m. Present, the commissioners, Agents Thompson and Adams, the interpreters, Hon. F. R. Brunot, and the people of the Ute Nation.

U-RAY. Sha-wa-no wants to know if Mr. Brunot's talk is just the same as that of the commissioners. That is, if you agree upon any one point.

Commissioner McDONALD. Mr. Brunot has nothing to say regarding this matter. He is only a guest here with us; but he is chairman of the national board of Indian commissioners, and has authority over all the Indian agencies in the way of inspecting the same.

U-RAY. Sha-wa-no wants to know if Mr. Brunot can in any way affect what the commissioners may do?

Commissioner McDONALD. He cannot in any degree affect the work of the commission. Mr. Brunot came here, as he goes over all the country, simply to visit the agency and see how the Indians are getting on. Mr. Brunot is all the time devoting his energies to the Indian work without compensation. He inspects all the bills for Indian purchases.

SHA-WA-NO. I think if Mr. Brunot talks anything here, the commission will not accomplish anything.

Interpreter MEYER. He means to convey the idea that if Mr. Brunot says anything, it may hereafter affect the treaty.

GUERO. If Mr. Brunot talks anything about religion or anything else, it will affect the negotiations, and you will accomplish nothing.

Commissioner McDONALD. Do you mean to say that you desire nobody but the commissioners to talk?

U-RAY. I do not think it worth while or of any benefit that Mr. Brunot shall talk in this council, as what he will say, he acknowledges, will be of no benefit. Besides, his talk makes our hearts bad. If Mr. Brunot has any business to talk, let him speak it now.

MR. BRUNOT. I want to explain to the Indians the reason why I do not propose to say anything in relation to this business. The Congress and the President are above all; they make one law telling me what to do; they make another law telling the commissioners what to do. I have nothing to do with the law that applies to the commission; but I come from the President to see the Indians about other things, and when the commissioners get through—

Commissioner MCCOOK. State to the Indians what the matters are, for they think they may be something bearing on this business.

MR. BRUNOT. When the commissioners get through, I want to say something to you from the President. It is nothing about buying lands or anything bearing on that business. All this has been intrusted to the commission. When I spoke the other day, it was because the commissioners requested me to do so.

Commissioner LANG. There is no connection whatever between Mr. Brunot and this commission.

Commissioner MCCOOK. We would like to know whether the Utes have found any reason to change their minds on the subject of which we spoke yesterday; that is, with regard to the sale of a portion of their reservation. When you make an expression of opinion on this matter, the commission would like to hear from the chiefs of each band respectively.

GUERO. I know that the commissioners are here to buy this land, and I knew for a long time that they were coming. I believe we cannot sell this land.

Interpreter MEYER. Ask him if he means he cannot or will not.

U-RAY. He says he will not; that he, for one, has made up his mind to this.

GUERO. Every day a child is born to our tribe. If you do say our land is large, it is small and will be small for our children. It will all be occupied in time, and even now there is no place for us to go save upon the reservation. The President will see by what you have written down that we are opposed to selling it, and will say that his sons have not sold their land.

Commissioner McDONALD. I think there is no cause between yourselves and the President and the people for hard feeling over this matter.

Commissioner MCCOOK. As I said the first day, no matter what the result may be, there will be no hard feeling between the people and the Utes. It is entirely with you whether you make the treaty or not.

GUERO. It is just like this: anything that a person likes well he does not like to sell.

So with this; we like it well, and do not want to dispose of it. I think that you are all getting tired—U-ray and the commissioners—asking questions, and that the matter might as well be cut short now as to be continued indefinitely.

Commissioner McCook. I would like to hear from Kan-e-a-che, and know whether he concurs in this decision. All the chiefs can speak well enough to say yes or no—whether they wish to negotiate or not.

KAN-E-A-CHE. I am of the same opinion of Guero. There is no use for talking further. Commissioner McCook. Do any other chiefs wish to say anything? I have something to say on behalf of the commissioners.

A MANACHE INDIAN. When two men want to trade, they do so; when they do not want to trade they do not, and they are still good friends. So, also, with us in this matter.

U-RAY. When one man gives the opinion of the others, what is the use of saying more? They are all united and of one voice in the matter.

Commissioner McCook. I speak now, in what I have to say to you, not only on the part of the commissioners, but in behalf of the Government. You have declined to make a new treaty with us. Very well; we have no bad feeling about it. Our feelings are just as kindly as when we came here. This cannot change either the feelings of the Government or of the people here. The Indians insist upon our standing by the old treaty and enforcing its obligations. That is very well, too; but what must inevitably be the result of that? The Utes say the white men must not come upon their reservation. This is the part of the treaty that is to be fulfilled and respected by the whites. Then, on your part, you have agreed in the last treaty that you will remain upon your reservation. Now, one-half of the Utes here in this house listening to me this moment have never been upon the reservation until they came to this council. If you insist upon our complying with this provision of the treaty, we can have all the miners off the reservation by the 1st of December. But if we do this, we shall expect you to comply on your part with the letter of the treaty, and have every Indian of the Ute Nation—Capote, Manache, Weminuche, and all others—on the reservation at the same time. There are two sides to every contract. If you call on the Government to fulfill to the letter your part of the contract, good; they will do it, but they will call upon the people and the chiefs of the Ute Nation, to fulfill their part of the contract in the same spirit that we do ours. So, if you say to us, "Have the miners off this reservation by the 1st of December," we want the Manaches, the Capotes, the Weminuches, in Utah, and all other tribes belonging to the Ute Nation to be on the reservation at the same time, and to stay there perpetually. Are you all willing to do this, and to pledge yourselves to have this done?

SHA-WA-NO. I know that the Government has to comply with its word.

Commissioner McCook. But are you willing to abide by yours? Tell U-ray to ask Sha-wa-no if he is willing to place himself in such a position that he can never go to Denver again. I see him there every month in the year.

Agent THOMPSON. There isn't a chief here but who has been to Denver within a year.

U-RAY. I understand by the treaty that if we do no wrong, we shall be allowed to go where we please, even to the States.

Commissioner McCook. Have the miners who have come in here done any wrong?

U-RAY. The Indians say that the miners coming in here is like stealing.

Commissioner McCook. When the Indians come to Denver, their horses eat the white man's grass. Isn't that equally theft? Grass is just as valuable to the Indian as gold is to the white man.

SHA-WA-NO. Being, as we are, in peace, there is no law that debars any one from going around gaining his living wherever he can get it. The treaty is that way. I have nothing more to say. I am always going to Denver in peace, but I shall always go back to the reservation.

Commissioner McCook. We shall be glad to see you. But haven't the miners the same right to come down here and make a living? Both have a right to live.

SHA-WA-NO. When I go off the reservation, I do not disturb anybody. I do not dig up the earth. It is a different thing when miners come in and dig up the ground.

Commissioner McCook. Ask Sha-wa-no if he was ever on the mountains where the miners are, and whether his horses can live there.

SHA-WA-NO. It is a great hunting-ground, with many mountain sheep, elk, &c., and it is of great value to us.

Commissioner McCook. What we propose giving in cattle is worth more than you will shoot during the next five hundred years. We do not want pastoral lands. All we want are the mountains where the mines are located, and which are of no use to the Indians.

SHA-WA-NO. There are animals there—deer, &c.—that increase very fast. In winter they come down from the mountains on to the lower hills; in the summer they go up and raise their young. They are of value to us.

Commissioner McCook. This has drifted into a different channel from what was intended. I want to impress upon the minds of the Indians the necessity of abiding by the letter of the treaty. These Utes have been in the habit of going wherever they pleased off the reservation, and they have all told us that the miners were good fellows, and fed them and were kind to them. I suppose that two-thirds of the game killed by the Indians every year is

killed on lands belonging to white men. You come into the white man's country every year for guns and game and everything that makes you comfortable.

U-RAY. Au-ka-tosh says that we are not prohibited from killing game so long as there is peace.

Commissioner MCCOOK. Neither are we prohibited by the treaty from mining in your country. There is nothing in the treaty on this matter. You say that neither the white nor the red man can eat gold; that game is of greater value when it comes to the matter of subsistence. Do you want the Government to draw a line and say, "The Utes shall never cross this line in pursuit of game or anything else, and the white man shall never come across it in search of gold?" Remember, this is what you are contending for.

U-RAY. What is your reason for putting all these things to us?

Commissioner MCCOOK. Simply because if the Utes force the white men to a strict compliance with the treaty, the Utes must live up to their side. Shall the letter of the bond be fulfilled? I want to know if you are ready for this?

SHA-WA-NO. This is one Government. You are a legal man, (to Governor McCook,) and what are you asking so much about it for?

Commissioner MCCOOK. You have been in the habit of going where you pleased, and killing game, and no white man has complained. Now you say that no white man shall come on the reservation. The Southern Utes have never been on the reservation at all, and yet they complain of the white man. Now, are you all ready to live up to the letter of the treaty, and go on the reservation and remain there? We acknowledge the fact that the Indians have the right to complain that the white men have trespassed on their territory; but haven't we the right to complain that, since the first hour of the treaty, the Indians have been upon our territory? You complain of the white men being on your reservation, and still you are on the white man's reservation nearly all the time. We acknowledge that the white men have occasionally violated the treaty; so have the Utes continually.

SHA-WA-NO. It is years since this treaty was made. Treaties have been made years and years, and we have been doing just as we understood the treaty required.

Commissioner MCCOOK. The complaints made by the Indians have brought this commission out here to endeavor to rectify this matter. I want you to understand that the agents have done their duty in this respect by sending your complaints to the Government. At the same time, hundreds of complaints have gone to Washington from white men on the borders of the reservation, saying that the Indians have violated the treaty. The Government does not want its ears pounded all the time by both the white men and the Indians, complaining of each other; and so this commission was sent out here to correct the trouble, if they could.

SHA-WA-NO. In what part of the treaty have the Indians done wrong?

Commissioner MCCOOK. Well, where have the miners done any wrong?

U-RAY. Au-ka-tosh wants to know what the President said to you when he sent you here. Did he tell you to ask so many questions?

Commissioner MCCOOK. We have only asked you one question, and want you to say yes or no.

Commissioner McDONALD. We want the matter discussed freely and decided one way, so that both parties will understand their attitude toward each other. We wish the Utes to recognize their obligations toward the Government, as well as to acknowledge the obligation of the Government toward them. The more we discuss this point the better friends we shall be. No hard feelings exist at all; the more we talk, the better opinion we have of the Indians.

Commissioner MCCOOK. As we appear to be unable to come to any understanding in this matter—

MA-CHE, a Manache war-chief. You (Governor McCook) are the governor of the Territory of Colorado. I know that you have come here to trade with us; as you cannot, you ought not to think strangely of it.

Commissioner MCCOOK. I will listen to him before finishing what I had begun.

MA-CHE. My business is only to fight with the Kiowas, and I have never been to a treaty, nor seen the governor before. I always hear everything that is going on. I have but one thought, and that is to be at peace. The Cimarron country is my country, and I have always lived there. I now see that it is settling up rapidly, and my intention has always been to live there quietly and harm no one. Since I first opened my eyes, my enemies have been the Indians of the plains. I do not want to die by the hand of the white man. I prefer that it shall be by the Indians of the plains. I have never had bad thoughts against anybody; my desire is to have peace. My wish is to have no disturbance with the Government, and that the Government have none with us. This is the first time I have ever met the representatives of the Government, and I hope they will do nothing to disturb the good feeling already existing. I have always lived quietly in that country over there, and have never listened to what anybody has said, American or Mexican. I believe there is nothing to prevent a man from making his living, wherever he can, if he does it quietly and peaceably. You have come here to buy this land. You have not succeeded in doing so. This is no reason why the good feeling heretofore existing should be broken. I know that the

land where I live is not my reservation, but I think it no harm to live there so long as I am at peace.

Commissioner McDONALD. Do you, then, intend to let our people alone who go upon your reservation?

MA-CHE. I am a man who lives over there to fight my enemies. I do not intend to put my house in a permanent place and hurt anybody, as the whites are doing in here. I am talking according to the treaty, which says that no one can build a permanent house on our land, but that we can go where we please so long as we harm nobody.

Commissioner McCOOK. You are mistaken about the contract. Its provisions are the same on both sides.

U-RAY. I can tell you in regard to the treaty; and here are Major Head and Mr. Curtis, who know how it is. If it is not as I say, I must be a falsifier.

Commissioner McCOOK. No person suspects you of falsifying. We are talking about the Lower Utes, who have never been on the reservation. They agreed with the rest to do so, and have never yet complied.

U-RAY. I know that they are in the treaty and are all the time on the Rio Navajo.

Commissioner McCOOK. You know it is not on the reservation.

U-RAY. According to the manner in which the treaty was represented to us, when made, it included a portion of New Mexico.

Commissioner McCOOK. We did not make the treaty. It is not our fault. We believe that, as it is impossible to come to any conclusion, it is best for the Utes to send a delegation to Washington.

U-RAY. We cannot do this. No one will go.

Commissioner McCOOK. Interpret it to the chiefs, that they may understand our proposition. You can talk there with the President and with the Commissioner of Indian Affairs, and be able to arrive at some explicit understanding, and come back and explain it to the Ute Nation.

U-RAY. What is said here is written down, and they will all know it at Washington. That is just as well as to send a delegation. What are you going to do with these papers?

Commissioner McDONALD. They are for the Department and for the newspapers, so that everybody may see what we have done, and that the Indians have been fairly and honorably dealt with.

Commissioner McCOOK. The President and the Commissioner of Indian Affairs may say things that we cannot tell you, and may be able to explain this matter to your satisfaction. They have more authority than we have.

GUERO, Jicarilla Apache. You have been sent here for this business. What we have said can be read, and an opinion can be formed just as well as though we went there.

Commissioner McCOOK. But the Manaches and the Capotes have given no answer as to whether they are willing to come upon the reservation or not. I give them the advice of the commission, to send a delegation to Washington. It is a long time since they have been there, and it would be far more satisfactory to the President and to the people if they would go.

U-RAY. Kan-e-a-che says that he has not two intentions. He has said his mind, and he does not intend to go to Washington.

Commissioner McCOOK. They have not yet answered my question with regard to coming upon the reservation.

KAN-E-A-CHE. These houses of the agency that I see here are a part of the treaty. There is no need of our going to Washington. There are two men putting down what my mouth speaks, and it is of no use for me to go to Washington.

GUERO. That is all. We have no more to say.

Commissioner McDONALD. The other two bands have not answered the question whether they intend going on the reservation or not. We want to report that answer with the rest of the proceedings.

U-RAY. Kan-e-a-che says he is too old to talk, and has spoken his word once. Where is the line of the Capotes' land?

Commissioner McDONALD. The south line of Colorado and the north line of New Mexico, according to the treaty.

U-RAY. The way the treaty is understood by us is, that it takes a portion of New Mexico, and comes up along these mountains here.

Commissioner McCOOK. It does not take any portion of New Mexico.

U-RAY. The Manaches, Capotes, Weminuchés, and Uncompagres are in there south of us here, and they thought it their reservation.

Commissioner McCOOK. It is not their reservation. None of it is below the south line of Colorado, according to the treaty.

U-RAY. There are only three bands of the Utes—Pi-ahs, the Manaches, and the Capotes, with a portion of mine, the Tabequaches—who have been off the reservation.

Commissioner McCOOK. The council is over. We part friends, and we regret that you cannot see this matter as we do. All that has been done will be reported to Washington. I hope there will be no trouble on the reservation, and trust you will have patience until you can hear from Washington through your agents. It is a very important matter, and will re-

quire the careful consideration of the authorities in Washington, and I know they will do what is right for the Indians and for the people. We will do anything for the preservation of peace and for the protection of the rights of all parties; we hope the Utes will do the same. You must have patience. Mr. Brunot, chairman of the board of Indian commissioners, desires to talk with you about something which has nothing to do with this council. We go from here in the morning, and now desire to shake hands and say "good-by."

U-RAY The Indians say they do not want to hear anything from Mr. Brunot. They have said so before. We know that it has nothing to do with the commission.

Mr. BRUNOT. I do not wish to talk with you to-day, nor about anything that relates to myself, but about something that refers to yourselves. I want to bring you words from the President, and to do as the President told me to do—to see you about the things that refer to yourselves. This special commission is now over. I should like to be able to tell the President that the Utes have listened to him, and taken into their hearts the words spoken to them. If you prefer, I will go back and tell the President that you do not want to hear from him. I shall have to tell him this; but I would rather tell him that the Utes know he is their friend, and that he wants to do what is good for them. I would prefer to take the Utes' words from their own mouths to him, so that he might know whether the people who have been speaking bad words to him about you have been speaking the truth or no. For this reason I would like to have a talk with you at 10 o'clock to-morrow, Sunday.

U-RAY. A little while ago you said you had nothing to say. Now, why do you want to talk to-morrow?

Mr. BRUNOT. You do not understand me.

U-RAY. A little while ago you said you had nothing to say, and to let the commissioners talk to the Indians.

Mr. BRUNOT. If it had not been for this commission coming here, I should have asked you to have come to see me. I ask you to hear me now, so as to save coming twice.

U-RAY. We have an idea already what you wish to tell us. If you wish to learn from the Utes whether they know there is a God, they can tell you now that they know it. If you wish to tell us that we have souls, we can tell you that we know it.

Mr. BRUNOT. This is not what I wished to talk about.

U-RAY. We have talked about this treaty, and if you wish to say anything about it you can accomplish nothing. And, besides, I am tired of talking here. This is the agency house, and it belongs here, and you can do nothing with regard to removing it.

Mr. BRUNOT. If the Indians do not want to see me to-morrow, I will say a few things now.

U-RAY. The Utes have talked about this matter. We had no notification of your coming here, and you can accomplish nothing.

Mr. BRUNOT. Whether U-ray likes it or not, I will say what I wish. The President has sent his messenger to the Indians by me, whom he authorizes to speak to them in reference to the things that are charged against them; to learn whether they have done anything wrong or not. The President was told that the Utes were committing depredations outside of their reservation. There are bad men who do not like the Utes. They have asked the President to send soldiers and make trouble with the Utes. There are other men who like the Utes, and believe they have been the white man's friends, and that white men ought to be the friends of the Utes. These friends of the Utes tell the President that the stories told about them are not true. I have said I do not believe the bad things that are said about you. Friend Lang, who belongs to this commission, has said the same thing. There are two sides. One side say bad things of you; the other, good. Congress and the President appointed men who think the Indian's heart is good, to go where they live, to see them and ask them about these things; to ask what wrongs the whites do them; whether it is true they have done wrong; and if they have, to tell them what they ought to do with the men who have done wrong. They are to take the words of the Indians to the President just as if he had heard them with his own ears.

Now, U-ray can see that it is for the good of him and of his people that the President has sent me to see them. If you were to go on horseback, night and day, it would take you three months to go where I live. When you got there, you would find my wife and my home. Why did I come away? Because the President asked me to come. The same Great Spirit talks to my heart that talks to the Utes. I was willing to make the journey that I might take the Utes' word to the President, and tell him the Utes are the white man's friends. You have told me so, and I believe you. It is no use to send soldiers here; you will behave yourselves, and to send soldiers will cost a great deal of money and do no good. When I ask the Utes the question about these depredations, whether they have committed depredations or not, am I to go back and tell the President the Utes do not want to hear from him? Is that the way you show yourselves the President's friends? It is not. It is all because somebody outside has told you wrong things, and you do not understand what is good for you. So I have made this long talk to you, to let you understand that I came for your good, and that I may take your words about your own affairs to the President, that he may know your hearts are good. If you do not wish to meet me to-morrow, you can send your words to the President now.

Commissioner MCCOOK. Has U-ray anything to say to Mr. Brunot?

U-RAY. No.

Mr. BRUNOT. As U-ray has nothing to say, I propose, as this council has adjourned, that we shake hands, to show we are friends and to say good-by.

The council was then declared adjourned, and the commissioners and the Indians parted on friendly terms after cordial hand-shaking all around.

In the evening, U-ray, the head chief of the nation, called upon the commissioners, and held a lengthy conversation upon the events of the preceding council days. He gave the commissioners his earnest assurance, on behalf of his tribe, that the whites need have no fears of molestation from the Indians, as they were unanimously determined upon peace. He said they were anxious to hear further from the authorities at Washington, and to know that the Government was willing and ready to enforce the treaty obligations.

Upon the last day of the council the goods for distribution had not yet arrived at the agency, and nothing could be learned as to their whereabouts. Therefore, the commission addressed the following communication to Indian Agent Adams, of Los Pinos, ordering him to hold the goods, whenever they should arrive, for further orders from the Interior Department:

"LOS PINOS INDIAN AGENCY,
"August 31, 1872

"SIR: You are hereby instructed to hold such goods as may arrive at your agency, and intended for distribution to the Indians by the commission appointed to negotiate a treaty with the aforesaid Indians, until such time as the Interior Department may forward special orders for their disposition.

"Yours, very truly,

"E. M. MCCOOK,
"Chairman.
"JOHN McDONALD,
"JOHN D. LANG,
"Commissioners.

"CHARLES ADAMS, Esq.,
"United States Indian Agent, Los Pinos Agency."

Official copy:

CHARLES E. HARRINGTON,
Secretary.

On Sunday morning, September 1, 1872, the commission left the agency *en route* home, traveling via San Luis Valley, Poncha Pass, South Park, and Ute Pass to Colorado Springs, by transportation brought from Fort Garland, and to Denver, from Colorado Springs, by rail, reaching Denver on the evening of September 8, 1872. The commission held a session subsequent to its return to Denver, to consider the best means of furthering the objects for which it had been organized, and it was unanimously resolved that the commission proceed to Washington without delay, and place the proceedings of the council before the Department of the Interior, and await further instructions from the Department and the President. It was also resolved that Mr. Charles E. Harrington, secretary to the commission, be paid the sum of \$6 per day for each day of his services from August 16, 1872, to September 10, 1872.

Hon. F. A. WALKER,
Commissioner of Indian Affairs, Washington, D. C.