

## SOUTHERN UTE INDIANS.

MARCH 7, 1888.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PERRY, from the Committee on Indian Affairs, submitted the following

### REPORT:

[To accompany bill H. R. 1265.]

*The Committee on Indian Affairs, having had under consideration the bill (H. R. 1265) for the removal of the Southern Ute Indians from the State of Colorado to the Territory of Utah, respectfully report as follows:*

A bill similar to this, with some important amendments hereafter explained, passed the Senate during the first session of the Forty-ninth Congress and was referred to the Committee on Indian Affairs in the House.

The passage of said bill was then recommended by the Commissioner of Indian Affairs and the Secretary of the Interior. Three of the principal chiefs of the band or tribe of Southern Utes came to Washington by direction of the Commissioner of Indian Affairs during the first session of the Forty-ninth Congress, and gave their testimony before the Senate and House Committees on Indian Affairs. They pointed out why they desired to be removed from their present reservation in southwestern Colorado to a new reservation in the Territory of Utah.

We herewith adopt the report of the Senate committee as a part of our report on this bill. This report contains the substance of the testimony of the three chiefs of the tribe, and also a communication of the Commissioner of Indian Affairs and of the Secretary of the Interior, recommending the passage of the bill during the Forty-ninth Congress.

Said report is as follows:

[Senate Report No. 836, Forty-ninth Congress, first session.]

*The Committee on Indian Affairs, to whom was referred the bill (S. 1916) authorizing the removal of the Southern Ute Indians from the State of Colorado, having examined the same, respectfully report as follows:*

During the month of February, 1886, Ignacio, the principal chief of that tribe of Indians, together with two other chiefs, Buckskin Charley and Ta-pu-che, who are of lower rank than Ignacio—the three, however, being all the chiefs of these Utes—visited Washington in company with their agent, Maj. C. F. Stollsteimer, and State senator Hon. A. D. Archuleta, to confer with the Interior Department and the Indian Committee upon the subject of removal from their present reservation in southwestern Colorado. On the 4th of March, 1886, these chiefs appeared before the Committee of Indian Affairs of the Senate.

The interview between the Indian chiefs and the committee was taken down by the clerk of the committee in shorthand, and is herewith submitted as follows:

(In the matter of the proposed removal of the Southern Utes from Colorado to Utah.)

*Hearing before the Senate Committee on Indian Affairs, March 4, 1886.*

TESTIMONY OF BUCKSKIN CHARLEY. [A. D. ARCHULETTA, INTERPRETER.]

Question. What do you come here for?—Answer. We come here to see if we can not exchange our reservation for another.

Q. Where do you want the new reservation located?—A. We want to go west of the present reservation.

Q. Why is it better to go that way?—A. The present reservation is narrow and long, and we want to go west and see if we can't sell it.

Q. Would they want to become self-supporting?—A. We want to go west and get grass land and raise stock. Where we are we do not live comfortably. It snows so much in the winter that we are obliged to go some place else, and we would like to have some sheep and go west. Another reason why we want to go is that the other Indians, the Navajos, are west, and we want to get near them. We live too far from them and can't visit them without traveling very far.

Q. If you should go to a new reservation, would you like to have a boarding school built for your children?—A. We are willing to send our children to school; but not away from home, because when they go away they die, and we can not account for it.

Q. Have you ever been on the Uintah Reservation?—A. No.

Q. Do you live peaceably with the other Utes?—A. Yes.

Q. Wouldn't you want to go on the Uintah Reservation with the rest of the Utes?—A. No; because there is not room enough, and we want to have our own land by ourselves.

Q. Do you wear such clothes as these [indicating citizen's dress] at home?—A. In the winter time we do.

Q. Where did you get these?—A. From the Commissioner.

Q. Do you come here now to get legislation?—A. We come here to present the desire of the Indians.

Q. Do you come to Washington with the idea that the Indian Bureau can do what you want?—A. We come expecting to get legislation.

Q. You hold title under statute?—A. Yes.

Q. So that the change must be made by another statute?

Senator BOWEN. That is the condition of affairs, and it ought to be done at once.

Q. These Indians have lived on their reservation heretofore; why can't they live there now as well?—A. Because of the encroachment of the white men.

Q. Are they cattle-men or miners?—A. There is no mining in this country. It is the border thief and desperado that makes the trouble, and they are in there.

Q. What makes the Indians think they will be safer from encroachment if they move farther west?—A. Because they will be farther from the settlers and nearer the rest of the Indians.

The CHAIRMAN. The white man follows pretty fast.

A. Farther west there is not so much water, and the Indians don't think the white men would trouble them so much. They want to get grazing land and go into the sheep business.

In case the Senators present would like to give the Indians the land west, they then desire to say they want a man to go out there and show them just what land is theirs, so there will be no mistake about it. Then they want it understood that no cattle-men should come on it.

TESTIMONY OF CHIEF IGNACIO.

Question. What do you come here for?—Answer. We came here to see the Senators and see what they can do for us. We have stated what we want, and expect the Senators will do something for us.

Q. Do you agree with Chief Charley in what he has said?—A. Yes; that is all right. Whatever Charley has said is straight.

Q. Have you got any stock?—A. I have got some sheep.

Q. How many sheep?—A. Very few.

Q. How many?—A. About a hundred.

Q. What do you do with the wool?—A. I sell it.

Q. What do you do with the money when you get it?—A. I have got a mouth. I buy things to eat.

Q. What do you do in the summer?—A. I worked all summer in a ditch, but the water did not run through it.

Q. Have you got any children?—A. No; they died last summer.

Q. Do all the Indians of your tribe want to move west?—A. Yes.

## TESTIMONY OF CHIEF TA-PU-CHE.

Q. Have you talked with Charley about moving west?—A. Yes; we all want to go west.

## BUCKSKIN CHARLEY.

I want to ask why we don't get our per capita money in the fall as it was promised. We get it all too late. We think the promises in the treaty have not been kept. If you want the Indians to be contented things ought to be done as they are promised. We also want to have provisions, blankets, and such things. These goods are not given to us for nothing, but come from the sale of our land. We were also promised three large American stud horses, so that we could raise plow-horses, but we have not got them yet.

On the 5th of April, 1886, in response to a letter from the committee, the honorable Commissioner of Indian Affairs reported by letter to the honorable the Secretary of the Interior his views upon the subject, and on the 8th of the same month the honorable Secretary forwarded the same to the committee, accompanied by a communication of his own, approving the suggestions of the Commissioner. For a full understanding of the views of the Department, we embody both of said communications, as follows:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, April 5, 1886.*

SIR: I have before me two separate bills providing for the removal of the Southern Ute Indians from their present reservation, in southwestern Colorado, to Utah, viz, S. 769, introduced by Mr. Teller, and S. 1916, introduced by Mr. Bowen, both referred to this Department by the chairman of the Committee on Indian Affairs of the Senate.

An expression of opinion is desired from the Department as to the wisdom of the measures proposed by these bills.

Accordingly, I have the honor to state that it is the declared wish of the Southern Ute Indians to remove from their present reservation; but it appears they do not desire to be consolidated with or settled amongst either of the other Ute tribes. They are very much dissatisfied with their present reservation, and the first proposition looking to their removal came from the Indians themselves. This dissatisfaction is due in large measure to the disadvantages arising from the unfortunate position and configuration of their reservation, which is 110 miles in length by only 15 miles in width. There are populous towns and villages in close proximity to the reservation both on the north and south, and a large rural population for many miles around. The rivers, which are numerous, cross the reserve from north to south, and thoroughfares are, and of necessity must be, kept open for travel and commerce between these settlements. The Indians find it difficult to keep their stock from roaming beyond the narrow limits of their reserve, and they are constantly annoyed by encroachments from the outside.

They are a pastoral people, and altogether own 4,000 head of horses and mules, about the same number of sheep, besides several hundred head of cattle. Although they number 983 souls, they have but 200 acres of land under cultivation. With few exceptions, they show but little inclination to engage in agricultural pursuits.

It would be next to impossible to close up the thoroughfares across the reservation. To do that would be to erect a "Chinese wall" 110 miles long, virtually cutting off all trade and intercourse between the large and constantly increasing communities on either side of the reservation; and yet, as a matter of fact, we are bound by solemn treaty stipulations with these Indians to prevent white people from entering upon or crossing said reservation.

As it is, the Indians are in constant trouble. Difficulties are of frequent occurrence, and the relations existing between the Indians and whites are becoming more and more strained. Indeed, they have not always escaped actual conflict. Under the circumstances, it is idle to expect that they will make any advancement where they are. In their present position and surroundings they are helpless. This is so apparent that they realize it themselves, and ask to be removed, declaring that they are heartily tired of the constant turmoil in which they have lived ever since the whites came into their country.

It is the decided opinion of this office that these Indians should be removed from Colorado. With some amendments, I think the bill introduced by Senator Bowen (S. 1916) is altogether preferable to S. 769. The latter does not provide for obtaining the consent of the Indians, which we would be bound to do under an existing agreement with them, nor for compensating the Indians for improvements owned by them on their present reservation, nor does it provide for the disposal of the Government buildings on the present reservation, nor for the erection of necessary agency buildings

on the new reservation. All these things are provided for in the other bill—S. 1916 I shall therefore confine myself to the consideration of the latter.

The first section of the bill defines the boundaries of a reservation in southeastern Utah, on which it is proposed to settle these Indians, as follows:

“Beginning at the southeast corner of the Territory of Utah; running thence north along the eastern boundary line of said Territory of Utah 100 miles; thence west, true courses, to the center of the channel of the Colorado River; thence southwesterly along the center of the channel of said stream to the southern boundary of said Territory of Utah; thence east along the southern boundary line of the said Territory to the place of beginning; excepting, however, such portion of the Territory above described lying south of the San Juan River now constituting a portion of the Navajo Reservation.”

Upon investigation I find that there are four towns within the territory thus described, three of which are post-office towns, and one, Bluff, is the county seat of San Juan County. The Compendium of the Tenth Census of the United States gives Bluff City precinct a population of 107, and the remainder of the county 97; total, 204 (Part I, p. 310). It sets down the number of farms in the county at 31 (p. 732). That was six years ago. Rand, McNally & Co.'s Index Atlas of the World, p. 746, gives La Sal a population of 22. The other towns are Saint Elmo and Montezuma, the population of which I have been unable to ascertain. La Sal is in the extreme northeast corner of the proposed reservation, while the other three towns, Bluff, Saint Elmo, and Montezuma, are on the San Juan River, in the southeast corner.

I find also that the public surveys have been extended over the territory in question to this extent: Fifteen townships (some fractional) have been subdivided and the exteriors of some twenty others have been surveyed, and about fourteen more are now under contract.

I suppose it is fair to presume that these surveys were extended to meet the wants of settlers, and if that be the case it would indicate that there are settlers in the county outside of the several towns. How many there are scattered over the territory in question it is impossible to tell from any data in the Department, but it is not unlikely that they are numerous, and it is equally probable that the population of the towns has increased to some extent since the census of 1880.

Enough is known, however, to suggest the necessity for amending the bill as regards the settlement of the Indians on the particular tract described therein. The fact that there are several towns and possibly numerous rural settlements within this tract makes it a question of grave doubt whether the Indians would gain anything by exchanging their present reservation for the one proposed in the bill. Their chief object in removing from Colorado is to get away from the white settlements. They desire to raise cattle and increase their herds, and experience has shown them that they can not do this successfully in the midst of a white population, especially one chiefly engaged in the same occupation. The advantages are all against them, as is always the case with the weaker against the stronger. The Indians hope in removing to separate themselves from the whites; they do not wish to share lands with and settle amongst them. Hence it is desirable that a tract of unoccupied land be selected for them. I am aware of the difficulty likely to be met with in finding a suitable tract of unoccupied country anywhere large enough to accommodate these Indians, and for that reason it would be well if the Indians could be induced to settle with their kindred tribes on the Uintah Valley Reservation, in the northeastern part of the Territory. They would find better lands there; the cost of transportation would be less, and a better supervision could be had over them.

It is possible, however, that a sufficient quantity of unoccupied land—a quantity equal to that they now occupy—might be found west of the surveyed lands and settlements in San Juan County, or, if not there, on the west side of Grand River.

At all events, it is clear to my mind that the selection of a reservation (unless the Indians will consent to go to the Uintah Valley Reservation) should not be made until the Indians have had an opportunity to visit the country and explore for themselves. They should be accompanied and assisted in making their selection by the commission to be appointed under the provisions of the bill.

I recommend the amendment of the bill to conform to the foregoing suggestions. Without such amendment I could not recommend its passage.

The amendments I would propose, are as follows:

At the end of line 9, section 1, insert the following words, viz:

“The Uintah Valley Reservation, in Utah, or, if they shall refuse to settle on said reservation, then upon such unoccupied land, not less in extent than their present reservation, as may be found in that vicinity or elsewhere in said Territory: *Provided*, That no selection of a reservation for said Indians shall be made outside the Uintah Valley Reservation until said Indians, through a delegation of their people, to be selected by not less than three-fourths of the adult male Indians of said tribe, shall have had an opportunity to explore such portions of said Territory as they may desire to visit for that purpose, accompanied by said commission, with a

view to selecting a suitable tract for their permanent settlement thereon; and the reservation so selected shall, upon the removal and settlement of said Indians thereon, constitute the reservation for the Southern Ute Indians: *Provided further*, That the President may, in his discretion, reduce the area of said reservation if, in his judgment, it shall be found to be out of proportion to the numbers of Indians settled thereon, and greater than their actual needs require: *Provided further*, That all improvements heretofore made by any settler who has made settlement in person upon any lands that may be included in said reservation, and has inhabited and improved the same, and erected a dwelling thereon, with the intention of acquiring title to the lands so occupied by him under the laws of the United States, shall be appraised by said commission, and the rightful owners thereof shall be paid the appraised value of their respective improvements, by the Secretary of the Interior, upon satisfactory proof of such *bona fide* settlement, residence, and improvement, and for that purpose the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, and upon such payment being made all such settlers shall be required to remove from said reservation."

In section 3, line 11, after the word "aforesaid" and before the word "for," insert the following words, viz, "and in one or more daily newspapers published in the city of Denver, Colo."

In the opinion of this office the weekly papers of Durango would hardly give sufficient publicity to the proposed sale of Indian improvements.

In conclusion I will state that a delegation of Southern Utes was here recently to urge the removal of the tribe from Colorado, and I make no doubt that the Indians will gladly give their consent to the measures proposed in the bill.

I return herewith both of the bills, and inclose a copy of this report.

Very respectfully, your obedient servant,

J. D. C. ATKINS,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

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DEPARTMENT OF THE INTERIOR,  
*Washington, April 8, 1886.*

SIR: I have the honor to acknowledge the receipt of your letter of 23d ultimo inclosing for the views of this Department, S. 1916, authorizing the removal of the Southern Ute Indians from the State of Colorado to the Territory of Utah; also your letter of 6th February last, inclosing with like request S. No. 769, "to provide for the removal of the Southern Ute Indians from Colorado."

The bills in question having been referred to the Commissioner on Indian Affairs, I inclose herewith for the information of the committee copy of his reply of 5th instant.

The Commissioner reports that it is the declared wish of the Southern Ute Indians to remove from their present reservation, owing to the close proximity of the white settlers, and the constant encroachments thereon from the outside; and that it is the decided opinion of his office that these Indians should be removed from Colorado.

As between the two bills presented, S. 769 and S. 1916, both having the same object in view, he is of opinion that with some amendments which he suggests S. 1916 is, for reasons stated by him, preferable to S. 769; and he therefore devotes his report to the consideration of that bill, suggesting its amendment to provide for the removal of the Indians to the Uintah Reservation in Utah Territory, if they can be induced to go there.

He also expresses the opinion that unless the Indians will consent to go to the Uintah Valley Reservation, the selection of a reservation for them should not be made until they have an opportunity to visit the country and explore for themselves, and that they should be accompanied and assisted in making their selection by the commission to be appointed under the provisions of the bill (No. 1916), and he suggests an amendment to the bill to cover his views on this point.

Concerning the proposed reservation in southeastern Utah, he states that upon investigation it is found that there are four towns within the described territory, three of which are post-office towns, and one, Bluff City, is the county seat of San Juan County, and that the number of farms in said county enumerated in the Tenth Census are stated at 31; that it is impossible to tell from the data in the Department how many settlers are scattered over the territory proposed to be reserved, but it is not unlikely that they are numerous, and he believes that the population of the towns has increased to some extent since the census of 1880; and owing to these facts it is a question of grave doubt whether the Indians would gain anything by exchanging their present reservation for the one proposed in the bill. These facts sufficiently

show the necessity for the amendments suggested by the Commissioner of Indian Affairs.

His recommendations and the amendments proposed by him to S. 1916, herewith returned, have the approval of this Department.

S. 769 is also herewith respectfully returned.

Very respectfully,

H. L. MULDROW,  
*Acting Secretary.*

*The Chairman Committee on Indian Affairs, United States Senate.*

The amendments suggested by the Department were embodied in the bill by the committee, and the bill thus amended was, on the 22d of April, 1886, reported to the Senate, and on the same day recommitted to this committee.

The following additional amendment to the amendment heretofore reported is recommended by the committee, viz. In the first section, after the word "selected," in line 33, insert the following: "When agreed to by said commission and approved by the Secretary of the Interior."

The removal of the Southern Ute Indians from their present reservation, it is shown, is desired by the Indians themselves, and is thought advisable by the Interior Department.

The Indians having expressed the desire to examine before accepting a new reservation in lieu of their present one, your committee have thought it best to adopt the suggestions of the Department and allow representative Indians to accompany the commission, and leave the new location to be agreed upon by the Indians and the commission after inspection, and finally to be approved by the Secretary of the Interior before any steps toward removal are made.

Your committee therefore recommend that the amendments proposed to the bill be adopted, and that the bill do pass.

The Commissioner of Indian Affairs has written a communication to the Senate Committee on Indian Affairs, at the present session of Congress, recommending the passage of a bill like the present one through the Senate. Your committee adopts said communication as a part of this report.

Said letter is as follows:

DEPARTMENT OF THE INTERIOR,  
*Washington, January 28, 1888.*

SIR: I have the honor to acknowledge receipt by this Department on the 16th day of December last, some weeks previous to my entrance upon the duties of Secretary therein, of a communication from your committee inclosing "for examination and report" bill (S. 104) "authorizing the removal of the Southern Ute Indians from the State of Colorado to the Uintah Valley Reservation in the Territory of Utah."

In response thereto I transmit herewith a communication, under date of 26th instant, from the Commissioner of Indian Affairs, to whom the bill was referred for report of all facts and information bearing upon the subject necessary to a full understanding by your committee and by Congress as to the justice and advisability of the proposed law.

This report contains reference to the remarks made by that office on bills which were pending in the Forty-ninth Congress for removal of these Southern Ute Indians to Utah, wherein, for reasons then given, the decided opinion was expressed that they should be removed from Colorado. It states that no change is known in the conditions as then existing which would seem to call for a modification of those views, though it represents that during a personal official visit made by the Commissioner to the agency in the fall of 1886, a majority of the Indians expressed, through their representatives, the strongest objections to removal from their reservation. It recites important matters involving rights of the Indians, for the protection of which the bill under consideration contains no proper provisions; and it suggests as the wiser course that the Secretary of the Interior be authorized to negotiate an agreement with the Indians, subject to ratification by Congress, for their removal, for which purpose is submitted for adoption, in lieu of the bill, the draught of an item intended for insertion in the Indian appropriation bill similar to the provision of law providing for negotiations with the Minnesota and other northwestern Indians (24 Stat., 44).

This report from the office having immediate charge of the Indian service is submitted without the expression of any opinion of my own in addition upon the proposed measure, upon which, at the present time, I do not feel sufficiently advised.

Very respectfully,

WM. F. VILAS,  
*Secretary.*

*Chairman The Committee on Indian Affairs, United States Senate.*

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, January 26, 1888.*

SIR: I have the honor to acknowledge the receipt, by Department reference of December 16, 1887, of a communication from the Senate Committee on Indian Affairs, inclosing Senate bill No. 104, Fiftieth Congress, entitled "A bill authorizing the removal of the Southern Ute Indians from the State of Colorado to the Uintah Valley Reservation, in the Territory of Utah," and asking for an examination and report thereon by this Department.

The first section of the bill authorizes and directs the appointment of a commission (one of whose members shall be the agent of the Southern Utes), whose duty it shall be, among other things, to remove the Southern Utes from their present reservation to the Uintah Valley Reservation, in Utah.

Section 2 provides for the appraisal and sale at public auction, after due public advertisement, for cash in hand, of all improvements made by the Indians on their present reservation, the proceeds to be paid to the individual Indian owners thereof, and the purchaser is given the right to take possession of the improvements and the land upon which the same may be situated, not exceeding 160 acres, and to perfect his title to said land under existing homestead and pre-emption laws.

Section 3 provides for the sale in like manner of the agency buildings and improvements, the proceeds to be covered into the Treasury.

Section 4 provides that upon the removal of the Indians the lands embraced within the present reservation shall be held and deemed to be public lands, and subject to disposal under the public land laws, at the same price and upon the same terms as other lands of like character.

Section 5 provides that no existing rights of said Southern Ute Indians shall be impaired by their removal, and that all treaties, agreements, and laws now in force affecting their interests and rights shall remain unchanged.

Sections 6, 7, and 8 prescribe the compensation to be paid to the commissioners, and authorize the employment of a clerk, who shall act as disbursing officer, and also an interpreter.

Section 9 declares that said Indians shall not be moved until three-fourths of the adult male members of the tribe shall have consented and agreed to such removal.

Section 10 provides that the Secretary of the Interior shall make all needful rules and regulations for carrying the act into effect; and

Section 11 provides the means therefor; \$13,000 for pay of commissioner's clerk and interpreter, and their necessary traveling and incidental expenses, and \$37,000 for the cost of removal and settlement of the Indians and building agency house and other necessary buildings and fences.

Section 12 (the last) provides that after the removal of the Indians the Secretary of the Interior may, in his discretion, if the Indians so desire, invest any or all money said Indians may be entitled to receive from time to time, in sheep for their use, in lieu of cattle, horses, and agricultural implements.

Upon the question of the proposed removal of the Southern Utes from their present reservation, I would respectfully state that the subject was before this office for consideration during the first session of the Forty-ninth Congress, and in reporting upon S. 769 and S. 1916, then pending, I took occasion to observe as follows (both of the above bills provided for the removal of the Southern Utes to Utah):

"An expression of opinion is desired from the Department as to the wisdom of the measures proposed by these bills.

"Accordingly, I have the honor to state that it is the declared wish of the Southern Ute Indians to remove from their present reservation; but it appears that they do not desire to be consolidated with or settled amongst either of the other Ute tribes. They are very much dissatisfied with their present reservation, and the first proposition looking to their removal came from the Indians themselves. This dissatisfaction is due in large measure to the disadvantages arising from the unfortunate position and configuration of their reservation, which is 110 miles in length by only 15 miles in width. There are populous towns and villages in close proximity to the reservation both on the north and south, and a large rural population for many miles around. The rivers, which are numerous, cross the reserve from north to south, and thoroughfares are, and of necessity must be, kept open for travel and commerce between these settlements. The Indians find it difficult to keep their stock from roaming beyond the narrow limits of their reserve, and they are constantly annoyed by encroachments from the outside.

"They are a pastoral people, and altogether own 4,000 head of horses and mules, about the same number of sheep, besides several hundred head of cattle. Although they number 983 souls, they have about 200 acres of land under cultivation. With few exceptions, they show but little inclination to engage in agricultural pursuits.

"It would be next to impossible to close up the thoroughfares across the reservation. To do that would be to erect a 'Chinese wall' 110 miles long, virtually cutting off all trade and intercourse between the large and consequently increasing communi-

ties on either side of the reservation; and yet, as a matter of fact, we are bound by solemn treaty stipulations with these Indians to prevent white people from entering upon or crossing said reservation.

"As it is, the Indians are in constant trouble. Difficulties are of frequent occurrence, and the relations existing between the Indians and whites are becoming more and more strained. Indeed, they have not always escaped actual conflict. Under the circumstances, it is idle to expect that they will make any advancement where they are. In their present position and surroundings they are helpless. This is so apparent that they realize it themselves and ask to be removed, declaring that they are heartily tired of the constant turmoil in which they have lived ever since the whites came into their country.

"It is the decided opinion of this office that these Indians should be removed from Colorado. \* \* \* I am aware of the difficulty likely to be met with in finding a suitable tract of unoccupied country anywhere large enough to accommodate these Indians, and for that reason it would be well if these Indians could be induced to settle with their kindred tribes on the Uintah Valley Reservation, in the northeastern part of the Territory. They would find better lands there, the cost of transportation be less, and a better supervision could be had over them." (Report to the Secretary of the Interior, April 5, 1886, *vide* Senate Report No. 836, Forty-ninth Congress, first session.)

Such were the views held by this office at that time, and I do not know of any change in the conditions as then existing which would seem to call for a modification of those views. However, I desire to call attention to the fact that during a personal official visit to the Southern Ute Agency in the fall of 1886, at which time a council was held with the representatives of the different bands of the Southern Ute tribe, more than half the tribe expressed, through their representatives, the strongest objections to removal from their reservation, which would seem to indicate that some of the Indians had undergone a change of feeling since the date of the letter of April 5, 1886, above quoted from.

The permanent settlement of the Southern Utes upon their present reservation, under the provisions of the Ute agreement of 1880, was then and always has been the cause of a great deal of dissatisfaction on the part of the people of southwestern Colorado, and on the other side of the line in New Mexico. The prevailing impression amongst them was that the Indians were to be settled on the La Plata only (in Colorado and New Mexico), and great was the disappointment when it was discovered that by the terms of the agreement they were to be allowed to occupy the fertile valleys of the Animas, Florida, Los Pinos, and Piedra, directly east of the La Plata.

From that day to this there has been a constant clamor for their removal, and, as might be expected, the Indians have had but little peace of mind, seeing that it was only a question of time when they would have to go. They have made scarcely any progress, and it would have been better perhaps if they had moved out of Colorado when the White Rivers and Uncompahgres left.

Conceding, then, that it is best that they should remove from their present surroundings, the first and most important question that arises is, where are they to go? The present bill, as we have seen, provides for their removal to the Uintah Valley Reservation, in Utah, and in my opinion that is the most suitable place for them. But hitherto they have strongly objected to being placed there. I do not know that the question has ever been presented to them as a tribe, but some of their chiefs have so expressed themselves, and their agent has stated that the Indians generally were opposed to being consolidated with or settled among either of the other Ute tribes.

The bill under consideration very wisely provides that they shall not be removed until three-fourths of the adult male members of the tribe shall have consented and agreed thereto.

The question of removal is one which I think ought to be formally presented to them, but I feel constrained to say that I am not altogether in accord with the plan proposed in the bill.

It makes no provision for compensating the Indians for the lands that will be relinquished to the Government upon removal—*i. e.*, their present reservation—and I think they are justly entitled to fair remuneration for such cession or relinquishment, and to my mind it would be no more than right that the Indians now occupying the Uintah Valley Reservation should be consulted, and their consent obtained to the settlement of the Southern Utes in their midst, and that they should share the proceeds to be derived from the sale of the abandoned reservation.

Furthermore, I am not certain that the Uintah Valley Reservation affords a sufficient quantity of agricultural land to give the Indians already there the quantity they are entitled to under existing law and at the same time meet the requirements of the Southern Utes in that respect.

It may possibly be said, in answer to the first point raised, that the Uintah Valley Reservation was not established solely for the Indians now residing there, and that therefore they can not claim the right to be consulted; but it will be seen by reference



to the statutes (13 Stat., p. 63) that the reservation was established for the "exclusive occupation" of the Indians of *Utah Territory*; and while Congress would no doubt have the power to bring in and settle other Indians there, still if we are to pursue that humane and just policy we profess in our management and treatment of the Indians, by which we hope to overcome their natural suspicions and gain their confidence, and at the same time secure from them a decent respect for our laws and a willing submission to the reasonable requirements of the Government, I am decidedly in favor of extending the negotiations to the Indians now occupying the Uintah Valley Reservation, with a view to obtaining their consent to the settlement of the Southern Utes in their midst. It would not only tend to re-assure the Indians of the benevolent intentions of the Government, but it would be showing a proper deference to the sentiment which obtains with the great body of our citizens, that the Indians have suffered great wrongs in the past, and deserve the most generous treatment in all our future dealings with them.

The recent outrageous treatment of Colorow and his band, in driving them out of Colorado and robbing them of their cattle, household property, and other effects, furnishes another strong reason for taking the broadest possible view of this matter, and one which I am confident will appeal to the sense of justice of the committee having the bill in charge.

It is no argument that the Uintah Valley Indians were not consulted when the White River and some of the Uncompahgre Utes were removed to the Uintah Valley Reservation in 1880. They complained then, or others did for them, and the Department very wisely ordered that they should be admitted to a share in the appropriations under the Ute agreement, which they have since annually received.

There is another matter to be considered which this bill does not cover.

Under the Ute agreement, which is still in force, the Southern Utes were to be allowed to settle upon unoccupied lands on the La Plata, or in its vicinity in *New Mexico*, if a sufficient quantity could not be found for them in Colorado, and a large body of land was surveyed for them in New Mexico beyond the limits of their reservation proper, and has been and still is held in reserve for them. If they have never occupied this land it is because no special effort has been made to place them upon individual allotments, possibly in deference to the universal sentiment of the people of that country that the Indians would in time be willing to join their kindred in Utah.

As a matter of fact, then, the Indians have a claim upon the lands now held in reserve for them on the La Plata, in New Mexico, which fact I submit should not be overlooked in any negotiations to be had with them.

In view of all that has been said I think by far the wisest course to pursue would be to have Congress authorize the Secretary of the Interior to negotiate with the Southern Utes for such modification of existing treaties and agreements with said Indians as may be deemed desirable by said Indians and the Secretary of the Interior and for their removal to and permanent settlement upon the Uintah Valley Reservation, in Utah, and also to obtain the consent of the Indians now residing upon the Uintah Valley Reservation to such removal and settlement. No agreement to take effect, however, until ratified by Congress.

The commissioners appointed for this duty should be men of experience, thoroughly disinterested, and of known integrity and capability.

In furtherance of such a plan I have prepared and herewith submit the draught of an item intended for insertion in the Indian appropriation bill, as was done in the case of the Minnesota and other Northwestern Indians (24 Stat., p. 44).

I respectfully recommend the adoption of this method in lieu of the plan as proposed in the Senate bill under consideration (S. 104).

I inclose a copy of this report and return the Senate bill.

Very respectfully, your obedient servant,

J. D. C. ATKINS,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

It will be seen from this communication that certain amendments to the bill are recommended. These amendments have been adopted by the committee. The present bill is materially different from the bill introduced before the committee in the Forty-ninth Congress in this, that the present bill requires the consent of three-fourths of the adult male population of the said tribe for removal before said removal can take place. The committee further recommend an amendment to the present bill giving to the said Indians the proceeds arising from the sale of all the lands in their present reservation, said money to constitute a trust fund for said band or tribe of Southern Ute Indians.

The committee recommend this because when the other Ute bands, constituting the large Ute tribe, were removed from the State of Colorado to their present reservation in Utah in 1881, the act providing for their removal created a trust fund for the benefit of said Indians out of the proceeds arising from the sale of their former reservations in the State of Colorado. The committee are of the opinion that this band of Utes are entitled to the same benefits accorded to the other Utes when they were removed to a new reservation.

The committee have quite thoroughly considered the circumstances and facts regarding the benefits to accrue to the Southern Ute Indians from the removal proposed in this bill. The reservation at present occupied by said tribe of Southern Ute Indians is 130 miles long, extending from the west line of Colorado along the southern boundary in an easterly direction, and is only 15 miles wide. Since the Indians have located upon said reservation white settlers have occupied the land on all sides of it. The city of Durango, the county seat of La Plata County, has, on account of the completion of the Denver and Rio Grande Railroad some years ago, become a city of over 4,000 inhabitants, and it is only 4 miles from said reservation. The horses, cattle, and sheep of the white settlers range across the reservation of the Indians, and the sheep and horses of the Indians range off of their reservation and intermingle with the stock of the white settlers around them. This causes continual trouble and irritation between the Indians and the white settlers. The Indians accuse the cowboys of branding some of their young cattle and horses, and the white settlers and cowboys accuse the Indians of branding and stealing some of their horses and cattle.

There is probably no doubt that a few such instances occur on both sides. This state of things inevitably, from the peculiar shape and location of the Indian reservation and the settling up of the country around it, produces continual trouble and sometimes tragedies and deaths, and prevents a proper state of peace and prosperity among the Indians and their white neighbors. The Indians have appreciated this for some time; and it was this which caused the three principal chiefs of the Southern Utes to come to Washington and give their testimony and request the removal set forth in the Senate report above referred to.

The committee, therefore, recommend the passage of the accompanying bill with the amendments proposed.