

M E S S A G E
FROM THE
PRESIDENT OF THE UNITED STATES,

COMMUNICATING

The report of the commission appointed under the provisions of the act approved May 3, 1878, entitled "An act authorizing the President of the United States to make certain negotiations with the Ute Indians in the State of Colorado."

FEBRUARY 8, 1879.—Read, ordered to lie on the table, and be printed.

To the Senate and House of Representatives :

I transmit herewith, for the consideration of Congress, the report of the commission appointed under the provisions of the act approved May 3, 1878, entitled "An act authorizing the President of the United States to make certain negotiations with the Ute Indians in the State of Colorado," with copies of letters from the Secretary of the Interior and the Commissioner of Indian Affairs, and accompanying documents.

R. B. HAYES.

EXECUTIVE MANSION, *February 8, 1879.*

DEPARTMENT OF THE INTERIOR,
Washington, February 5, 1879.

SIR: I have the honor to submit herewith a copy of a letter, dated the 3d instant, from the Commissioner of Indian Affairs, presenting the report of the commission appointed under the provisions of the act of May 3, 1878, entitled "An act authorizing the President of the United States to make certain negotiations with the Ute Indians in the State of Colorado" (see pamph. ed. U. S. Stat., 2d session 45th Congress, p. 48), which is as follows: "That the President of the United States be, and he is hereby, authorized and empowered to enter into negotiations with the Ute Indians in the State of Colorado for the consolidation of all the bands into one agency, to be located on the White River, or near said river, and for the extinguishment of their right to the southern portion of their reservation in said State, and to report his proceedings under this act to Congress for its consideration and approval."

* * * * *

The Commissioner, after giving his views in relation to the negotiations effected by the commission, recommends that the same be ratified and confirmed, and presents a draft of proposed legislation to that end.

Concurring in the views and recommendation of the Indian Office, I have the honor to submit the report and accompanying papers for your consideration and such recommendation as may be deemed advisable in the premises.

I have the honor to be, sir, very respectfully, your obedient servant,
C. SCHURZ, *Secretary.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 3, 1879.

SIR: I have the honor to acknowledge the receipt of your communication of the 21st ultimo, transmitting the report, dated the 27th December last, of the Ute commission, for examination and recommendation by this office, with a view to its proper submission by the President to Congress.

By act of Congress approved May 3, 1878 (Pamphlet Laws, page 48), the President was directed to enter into negotiations with the Ute Indians of Colorado for the consolidation of all their bands at one agency, to be located on or near White River, and for the relinquishment of their right to the southern portion of their reservation in said State.

The President designated Maj. Gen. Edward Hatch, U. S. A., Hon. Wm. Stickney, of this city, and N. C. McFarland, esq., of Topeka, Kansas, as a commission to conduct said negotiations, and instructions were issued to them by this office on the 29th June, 1878. They subsequently assembled in Colorado, in pursuance of their duties, where Mr. Stickney, by reason of illness, tendered his resignation as a member of said commission, which was accepted by the President, and Hon. Lot M. Morrill, of Maine, appointed to fill the vacancy.

As appears from their said report, the commission were unable to accomplish the consolidation of the various bands of Ute Indians, but did succeed in obtaining from them a cession of the southern portion of their reservation in Colorado.

Among the papers submitted with said report is an agreement entered into at Pagosa Springs, Colorado, on the 9th November, 1878, between said commission, acting in behalf of the United States, and the chiefs and headmen of the Muache, Capote, and Weeminuchee bands of Ute Indians in said State, by which the latter release and relinquish all their right to and interest in the confederated Ute reservation in that State, and particularly that portion thereof lying south of the parallel of 38° 10' north latitude, and agree to remove to a new reservation during the spring and summer of the present year, and as soon as the agency shall be located thereon and buildings erected therefor.

The agreement further provides that such new reservation shall be set apart by the government for the use and occupancy of said bands of Indians on the headwaters of the Piedra, San Juan, Blanco, Navajo, and Chama Rivers, in the State of Colorado, its precise boundaries defined by proclamation of the President, an agency established during the spring and summer of 1879, and suitable buildings for agency purposes erected thereon.

Said agreement further binds the Indians not to obstruct nor interfere with travel upon any of the highways now open, or hereafter to be opened by lawful authority, upon their new reservation.

Other papers filed with said report, signed by the chiefs and headmen

of the Tabeguache, Yampa, and Grand River Utes of Colorado, and of the Uintah band of Utes in the Territory of Utah, concur in said cession of the lands immediately south and west of the San Juan mining district, which are those described in the agreement aforesaid. It will thus be seen that said cession is concurred in by all the different organized bands of Ute Indians.

I have the honor to recommend that said agreement, with the papers showing the assent thereto of the other bands of Utes, be submitted to the President for transmission to Congress, with a recommendation for early confirmation thereof by that body.

I have prepared, after full consultation with General Hatch, chairman of said commission, a diagram representing the location and boundaries of the new reservation provided for in said agreement, and submit the same herewith. It is estimated to contain an area of about 728,320 acres, and in physical features and convenience of access is believed to be well adapted to the purpose for which it is designed. It has a healthful climate, abounds in game and fish, and embraces a number of valleys of considerable extent and great fertility. Its area is sufficient to provide homes for all the bands of Ute Indians of Colorado and Utah, should subsequent negotiations succeed in accomplishing the much-desired result of uniting them upon one diminished reservation. From the most reliable data at the command of this office, it is believed that the members of all said bands do not exceed four thousand persons, and the reservation so provided is therefore evidently ample for their wants.

The area ceded as aforesaid is estimated to amount to about 1,894,400 acres, being an excess over the 728,320 acres embraced in the new reservation of 1,166,080 acres. For this excess the Indians should receive a fair compensation; and although no provision therefor is found in the agreement of cession, the justice thereof is so evident as to admit of no question.

That they expected compensation for the lands so ceded by them is fully apparent from an examination of the report of the commission, with its accompanying documents. It is shown thereby that at first they declined to entertain any proposition looking to a further cession of any portion of their territory. Afterward, however, by a paper signed on the 28th August, 1878, herewith, they consented to remove from their present reservation, and agreed to sell the same at a price to be fixed by the commission and the Utes. While this was not carried into the agreement subsequently made, it shows the views and feelings of the Indians upon the subject.

I have, therefore, the honor to recommend that Congress be asked to provide for the survey and sale, through the United States land office for the proper district, as part of the public domain, of the lands ceded as aforesaid, and for the statement of an account showing the net proceeds of the sale of the excess aforesaid, after deducting the expenses of such survey and sale, and for the investment of such net proceeds in 4 per cent. bonds of the United States, for the common benefit of all the Ute Indians who may settle upon the new reservation provided for in said agreement.

I have the honor to recommend, further, that Congress be asked for an appropriation of \$25,000 for the erection of agency buildings, including residence of agent, and for the removal thereto of the Muache, Capote, and Weeminuchee bands of Ute Indians.

I have prepared and submit herewith, in triplicate, a bill for the confirmation of said agreement, and for carrying into effect the survey, sale, and investment and appropriation aforesaid, and respectfully recommend

that all the foregoing papers be laid before Congress by the President as a part of his report, in compliance with the provisions of the act.

I also respectfully submit herewith duplicate copies of this report, and return the papers transmitted by the department to this office with said communication of the 21st ultimo.

Very respectfully, your obedient servant,

E. A. HAYT,
Commissioner.

The Hon. the SECRETARY OF THE INTERIOR.

A BILL to ratify an agreement with certain Ute Indians in Colorado and Utah, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain agreement made by Edward Hatch, N. C. McFarland, and Lot M. Morrill, commissioners on the part of the United States, and certain Ute Indians in Colorado and Utah, be, and the same is hereby, ratified and confirmed. Said agreement is in the words and figures following, to wit:

Articles of convention and agreement entered into at Pagosa Springs, in the State of Colorado, this 9th day of November, A. D. 1878, between the United States of America and the Muache, Capote, and Weeminuchee bands of Ute Indians, witnesseth: That whereas Edward Hatch, Lot M. Morrill, and N. C. McFarland, under the authority of an act of Congress approved May 3rd, 1878, appointed by the President to negotiate with the said Indians for the relinquishment of their right to the southern portion of their reservation in the State of Colorado, and for other purposes: Now, this may show that the said United States of America, by its said commissioners, and the said Muache, Capote, and Weeminuche bands of Ute Indians have agreed as follows:

First. The said Muache, Capote, and Weeminuchee bands of Ute Indians agree to release and relinquish to the said United States of America all their right to and interest in the Confederate Ute Reservation in the State of Colorado, and especially to the southern portion thereof, to wit, that part lying south of the parallel of thirty-eight degrees and ten minutes ($38^{\circ} 10'$), of which they are now in occupancy; and they agree to remove to the territory hereinafter mentioned in the second article of agreement, during the spring and summer of the year A. D. 1879, and as soon as an agency shall be located and buildings erected on the said last-named territory.

Second. In consideration of the release and relinquishment aforesaid by said bands, the United States of America, by its said commissioners, agrees to set apart for the use and occupancy of said bands of Ute Indians a reservation on the headwaters of the Piedra, San Juan, Blanco, Navajo, and Chama Rivers, in the State of Colorado, the precise boundaries of which reservation to be hereafter defined by proclamation of the President. And the said United States of America further agrees to establish on said last-named territory, during the spring and summer of the year A. D. 1879, an Indian agency, and to erect proper and suitable buildings therefor.

Third. And the said bands of Ute Indians also agree that they will not obstruct or in any wise interfere with travel upon any of the highways now open or hereafter to be opened by lawful authority in or upon said last-named reservation.

Fourth. This agreement shall not be binding until confirmed by Congress and the President of the United States.

Witness the signatures of said commissioners on behalf of the United States of America, and also the signatures of the several members of said bands of Ute Indians.

(Signed)

EDWARD HATCH,

Col. 9th Cavalry, Bt. Maj. General, Chairman Commission.

(Signed)

N. C. MCFARLAND.

(Signed)

LOT M. MORRILL.

Muache Utes.

George Bent, his x mark.
 Le Nora, his x mark.
 Pawache, his x mark.
 Nanise, his x mark.
 Friday, his x mark.
 Chereche, his x mark.
 Achiaico, his x mark.
 Damano, his x mark.
 Gurochampe, his x mark.
 Augustina, his x mark.
 Ananotonia, his x mark.
 Mose, his x mark.
 Tesaught, his x mark.
 Pinariche, his x mark.
 Quavo, his x mark.
 Chreitch, his x mark.
 Antonia Colloron, his x mark.
 Augarmeiche, his x mark.
 Gje Eua Blanco, his x mark.
 Nacero, his x mark.
 Oho Blanco, his x mark.
 Jangardo, his x mark.
 Cassador, his x mark.
 Coneoche, his x mark.
 Cucharat, his x mark.
 Aucotoche, his x mark.
 Panouse, his x mark.
 Ucanaea, his x mark.
 Panconie, his x mark.
 Onchopajanao Ooh, his x mark.
 Parbador, his x mark.
 Chanlao, his x mark.
 Conhoconancho, his x mark.
 Canarugto, his x mark.
 Baloue, his x mark.
 Cawoway, his x mark.
 Cachochoa, his x mark.
 Tomaeta, his x mark.
 Quajaoguche, his x mark.
 Pechroato, his x mark.
 Wanchino, his x mark.
 Migual, his x mark.
 Egulla Colla, his x mark.
 Poggegar, his x mark.
 Francisco, his x mark.
 Losoon, his x mark.

Mouchus, his x mark.
 Chicepa, his x mark.
 Wetor, his x mark.
 Walapa, his x mark.
 Mattachew, his x mark.
 Pistake, his x mark.
 Parblo John, his x mark.
 Cimmiron, his x mark.
 Drocha, his x mark.
 Peah, his x mark.
 Cawammiova, his x mark.
 Tous, his x mark.
 Oho Blanco, his x mark.
 Uncopuche, his x mark.
 Joseph Holt, his x mark.
 Juan, his x mark.
 Josa, his x mark.
 Topach, his x mark.
 Tiena, his x mark.
 Jack, his x mark.
 Pincha, his x mark.
 Chevala, his x mark.
 Pachaecca, his x mark.
 Anguilla, his x mark.
 Buckskin Charlie, his x mark.
 Tomiceta, his x mark.
 Catanaw, his x mark.
 Antonia Marcia, his x mark.
 Mannell, his x mark.
 Queliemo, his x mark.
 Jose Agnes, his x mark.
 Canopa, his x mark.
 Casenarao, his x mark.
 Longehin, his x mark.
 Apache, his x mark.
 Coho, his x mark.
 Cathemora, his x mark.
 Neyodona, his x mark.
 Pewee, his x mark.
 Lewus, his x mark.
 Piwase, his x mark.
 Atala, his x mark.
 Carawatch, his x mark.
 Tagawich, his x mark.
 Ancocha, his x mark.

Capote Utes,

Tapaciche, his x mark.
 Mokja, his x mark.
 Savara, his x mark.
 Chavas, his x mark.
 Chavas, son of 1st, his x mark.
 Pelone, his x mark.
 Coreneo, his x mark.
 Coreneo, son of, his x mark.
 Antonio, his x mark.
 Jose, his x mark.
 Juanauchi, his x mark.
 Presente, his x mark.
 Chayonia, his x mark.
 Cheineco, his x mark.
 Tabawatche, his x mark.
 Conejo, his x mark.
 Parappa, his x mark.
 Padra, his x mark.
 Ubbique, his x mark.

Carriver, his x mark.
 Washington, his x mark.
 Quinca, his x mark.
 Stalian, his x mark.
 Tenientie, his x mark.
 Moreno, his x mark.
 Borego, his x mark.
 Antonio Jose, his x mark.
 Diago Martini, his x mark.
 Juan Annochou, his x mark.
 Martin, his x mark.
 Tapachie, his x mark.
 Americano, his x mark.
 Joseph, his x mark.
 Taciachoco, his x mark.
 Punchie, his x mark.
 Tancia, his x mark.
 Souich, his x mark.
 Padro Pagio, his x mark.

Makacha, his x mark.
 Pocheka, his x mark.
 Tienna, his x mark.
 Phillipia Martino, his x mark.
 Sabata, his x mark.
 Annas, his x mark.
 Topiache, his x mark.
 Tanciarchie, his x mark.
 Carinco, his x mark.
 Tupra, his x mark.
 Martini, his x mark.
 Chatta, his x mark.

Soglo, his x mark.
 Quatao, his x mark.
 Ulegandra, his x mark.
 Coho, his x mark.
 Porache, his x mark.
 Cunaecha, his x mark.
 Chavanugh, his x mark.
 Tarawitch, his x mark.
 Francisco, his x mark.
 Manwell, his x mark.
 Ontichuche, his x mark.

Weeminuchee Utes.

Quatrao, his x mark.
 Alegandriao, his x mark.
 Colorado, his x mark.
 Careeto, his x mark.
 Navies, 1st, his x mark.
 Navies, 2nd, his x mark.
 Baaquacha, his x mark.
 Seinaah, his x mark.
 Necaroa, his x mark.
 Ucaita, his x mark.
 Tenapia, his x mark.
 Quape, his x mark.
 Paujuasa, his x mark.
 Petago, his x mark.
 Antonia Josa, his x mark.
 Jose Lalos, his x mark.
 Negachae, his x mark.
 Poah, his x mark.
 Posequhe, his x mark.
 Marucha, his x mark.
 Pajuache, his x mark.
 Chevato, his x mark.
 Cheeno, his x mark.
 Cunapancho, his x mark.
 Quachits, his x mark.
 Mucheguoto, his x mark.
 Nativedava, his x mark.
 Muthea, his x mark.
 Venco, his x mark.
 Tepujueche, his x mark.
 Caravase, his x mark.
 Nucauch, his x mark.

Pano, his x mark.
 Jose Antonia, his x mark.
 Beago Curva, his x mark.
 Aucategaube, his x mark.
 Naturach, his x mark.
 Sequine, his x mark.
 Jero, his x mark.
 Ignacia, his x mark.
 Ciego, his x mark.
 Tavanie, his x mark.
 Quajue, his x mark.
 Cavason, his x mark.
 Saparigo, his x mark.
 Juftra, his x mark.
 Tavanah, his x mark.
 Ecediao, his x mark.
 Marinna, his x mark.
 Mucheguote, his x mark.
 Pinneeh, his x mark.
 Jose, his x mark.
 Meahea, his x mark.
 Pinenehe, his x mark.
 Ancateguapa, his x mark.
 Cavason, his x mark.
 Charlie, his x mark.
 Jose, his x mark.
 Concupacha, his x mark.
 Sevato, his x mark.
 Jose, son of Gevato, his x mark.
 Charlie, son of Geveto, his x mark.
 Aparich, his x mark.
 Chapo, his x mark.

We, the undersigned, certify that we were present and are witnesses to the signatures by mark of the Muache, Capote, and Weeminuchee bands of Indians to the foregoing agreements, and that they were twice read in their presence and understood by them.

(Signed)

(Signed)

THOMAS M. F. WHYTE,
Interpreter Southern Ute Agency.
 ALB. W. PFEIFFER,
Interpreter, Commission.

We, the undersigned, certify that we were present when this agreement was read to the Muache, Capote, and Weeminuchee Indians and witnessed their assent to the same.

(Signed)
 (Signed)
 (Signed)
 (Signed)
 (Signed)
 (Signed)

FREDERICK KASTEN.
 WILLIAM JACKSON.
 JOHN GEARY.
 A. R. PAXTON.
 W. S. PEABODY.
 JOHN PEABODY.

WHITE RIVER AGENCY, COLORADO,
September 18, 1878.

We, the undersigned, chiefs and headmen of the Yampa and Grand River Utes of the Ute Indians, do hereby consent to whatever disposition the Capotes, Muaches, and Weeminuchees, and their representative bands, may make of that part of the Ute Reservation immediately south and west of the San Juan mining district.

- | | |
|--------------------------------|--------------------------------|
| 1. Jack, his x mark. | 18. Tagowoch, his x mark. |
| 2. Douglas, his x mark. | 19. Johnson, his x mark. |
| 3. Somerick, his x mark. | 20. Unceepis, his x mark. |
| 4. Colorado, his x mark. | 21. Dana, his x mark. |
| 5. Washington, his x mark. | 22. Cotumip, his x mark. |
| 6. Ebenezer, his x mark. | 23. Cariets, his x mark. |
| 7. Judge, his x mark. | 24. Guero, his x mark. |
| 8. Gramina, his x mark. | 25. Rainbow, his x mark. |
| 9. Uncachief, his x mark. | 26. Ike, his x mark. |
| 10. Jim, his x mark. | 27. Tomozo, his x mark. |
| 11. Tsaquioech, his x mark. | 28. Patchoujacket, his x mark. |
| 12. Charvis, his x mark. | 29. Qurgo, his x mark. |
| 13. Arapahoe Joe, his x mark. | 30. Bill Hunt, his x mark. |
| 14. Tsausauricket, his x mark. | 31. Apah, his x mark. |
| 15. Oornvich, his x mark. | 32. Aheoitz, his x mark. |
| 16. Papita, his x mark. | 33. Uncapashet, his x mark. |
| 17. Sowpatch, his x mark. | 34. Quinkent, his x mark. |

WHITE RIVER AGENCY, COLO.,
September 18, 1878.

I hereby certify that I interpreted the above agreement to the Indians before signing and that understood it just as it is written.

U. H. CURTIS,
Interpreter for the Ute Special Commission.

WHITE RIVER AGENCY, COLO.,
September 18, 1878.

We, the undersigned, were present at the signing of the above document by the Yampa and Grand River Indians, and are hereby witnesses to their marks.

WM. S. STICKNEY,
Secretary Ute Special Commission.
C. A. H. McCAULEY,
2nd Lt., 3rd Artillery,
Actg. Eng'r, U. S. A., on duty with Ute Commission.

The above interlineation, viz; "Yampa and Grand," was made before signing.

W. S. S.
C. A. H. M.

UINTAH VALLEY AGENCY, UTAH,
October 31, 1878.

We, the undersigned, chiefs and headmen of the Uintah band of Ute Indians, do hereby consent to whatever disposition the Capotes, Muaches, and Weeminuchee, and their representative bands, may make of that part of the Ute Reservation immediately south and west of the San Juan mining district.

- | | |
|---------------------------------------|---------------------------------|
| 1. Talby, chief, his x mark. | 9. Mountain, his x mark. |
| 2. Tuckawana, subchief, his x mark. | 10. Robinson, his x mark. |
| 3. Antero, subchief, his x mark. | 11. Mountain Sheep, his x mark. |
| 4. Yank, his x mark. | 12. Sours, his x mark. |
| 5. David, his x mark. | 13. Jim Duncan, his x mark. |
| 6. Wanrodes, interpreter, his x mark. | 14. Louey, his x mark. |
| 7. Cutlip Jim, his x mark. | 15. Atoines, his x mark. |
| 8. Bob Ridley, his x mark. | |

I hereby certify on honor that I have explained to the Indians the meaning of the foregoing paper, which they have signed, and that I have witnessed said signatures.

WANRODES, his x mark, *Interpreter.*

OCTOBER 31, 1878.

We hereby certify on honor that we were present and witnessed the signatures of the Indians from No. 1 to No. 15 to the foregoing agreement.

HENRY FITZHUGH.
EDWARD T. AYER.

OCTOBER 31, 1878.

LOS PINOS INDIAN AGENCY, COLORADO,
November 11, 1878.

We, the undersigned, chiefs and headmen of the Tabeguache tribe of the Ute Nation, do hereby consent to whatever disposition the Capotes, Muaches, and Weeminuches and their representative bands may make of that part of the Ute Reservation immediately south and west of the San Juan mining district.

Sapaveneri, his x mark.
Billy, his x mark.
Shavano, his x mark.
Wass, his x mark.
Tom, his x mark.
Sam, his x mark.
Colorado Chiquito, his x mark.
Colorado Grande, his x mark.
Tomasaraka, his x mark.
Sagebush, his x mark.
Johnson, his x mark.
Mah-va-is, his x mark.

Me-poo-seis, his x mark.
Ah-cah-poor-kevetch, his x mark.
Cajo Chequito, his x mark.
Mah-ootch, his x mark.
See-up, his x mark.
Ai-as-ket, his x mark.
Sang-toos, his x mark.
Tu-goo-rutch, his x mark.
Wah-up-nenet, his x mark.
Pan-till-on, his x mark.
Ki-oots, his x mark.

LOS PINOS INDIAN AGENCY, COLO.,
November 11, 1878.

I hereby certify that I interpreted the above agreement to the Indians before signing, and that they understood it just as it is written.

JESUS MORENO,
Interpreter for the Agency.

LOS PINOS INDIAN AGENCY, COLO.,
November 11, 1878.

We, the undersigned, were present at the signing of the above document by the Tabeguache tribe of Ute Indians, and are hereby witnesses to their marks.

WM. S. STICKNEY,
Sec'y Ute Special Commission.
JOSEPH B. ABBOTT,
U. S. Indian Agent.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and directed to have the lines of the public surveys extended over the lands ceded as aforesaid, and to offer the same, through the United States land-office for the proper district, at public sale after proclamation by the President, as in other cases of sales of the public lands; and the lands remaining unsold at the close of said public sale shall thereafter be subject to entry at private sale, at one dollar and twenty-five cents per acre, in tracts not to exceed one hundred and sixty acres each. At the expiration of each year from the commencement of said sales an account shall be stated and the net proceeds thereof determined, after deducting from the gross amount received the expenses of said survey and sales to date, and such net proceeds shall be invested in bonds of the United States bearing interest at the rate of four per centum per annum, as a permanent fund for the common benefit of all the Ute Indians who may settle upon the new reservation to be set apart under the provisions of the foregoing agreement, and the interest arising therefrom shall be expended under the direction of the Secretary of the Interior in such manner as he may deem best for the welfare and advancement of said Indians: *Provided*, That after the sale, as aforesaid, of one million eight hundred and ninety-four thousand and four hundred acres of the lands ceded by the foregoing agreement, and the investment of the net proceeds thereof, as hereinbefore directed, further investments of such net proceeds shall cease, and the residue of said lands shall be treated, and disposed of, in all respects, as other portions of the public domain: *And provided further*, That the register and receiver of the land-office through which said lands shall be sold shall be

allowed the same fees as in other sales of public lands, the same to be paid out of the proceeds of such sales.

SEC. 3. That the sum of sixty-three thousand six hundred and eighteen dollars is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the survey and preliminary expenses of the sales hereinbefore directed, to be reimbursed as aforesaid out of the proceeds of such sales; and twenty-five thousand dollars for the removal of the Muache, Capote, and Weeminuchee bands of Ute Indians to the new reservation provided for them in the foregoing agreement, and for the erection of suitable agency buildings, including residence for agent, upon said new reservation.

HEADQUARTERS DISTRICT OF NEW MEXICO,
Santa Fé, N. Mex., November 23, 1878.

SIR: I forward herewith the treaty signed by the Muache, Weeminuchee, and Capote Utes.

You will see that they relinquish their entire right in the Confederate Ute Reservation of nearly twelve million acres. The reservation proposed will contain about two hundred and fifty thousand acres.

Will forward at once all other information in the premises.

W. S. Stickney, who has not yet returned from Los Piños Agency, has all the minutes of the commission.

This treaty requires the signature of the Hon. Lot M. Morrill.

Very respectfully, your obedient servant,

EDWARD HATCH,

Colonel Ninth Cavalry, Chairman of the Committee.

The Hon. the COMMISSIONER OF THE INTERIOR,
Washington, D. C

Articles of convention and agreement entered into at Pagosa Springs, in the State of Colorado, this 9th day of November, A. D. 1878, between the United States of America and the Muache, Capote, and Weeminuchee bands of the Ute Indians, witnesseth:

That whereas Edward Hatch, Lot M. Morrill, and N. C. McFarland were heretofore, under the authority of an act of Congress approved May 3, 1878, appointed by the President to negotiate with the said Ute Indians for the relinquishment of their right to the southern portion of their reservation in the State of Colorado, and for other purposes: Now, this may show that the said United States of America, by its said commissioners and the said Muache, Capote, and Weeminuchee bands of Ute Indians, have agreed as follows:

First. The said Muache, Capote, and Weeminuchee bands of Ute Indians agree to release and relinquish to the said United States of America all their right to and interest in the Confederate Ute Reservation in the State of Colorado, and especially to the southern part thereof, to wit, that part lying south of the parallel of thirty-eight degrees and ten minutes ($38^{\circ} 10'$), of which they are now in occupancy; and they agree to remove to the territory hereinafter mentioned in the second article of this agreement, during the spring and summer of the year A. D. 1879, and as soon as an agency shall be located and buildings erected on said last-named territory.

Second. In consideration of the release and relinquishment aforesaid by said bands, the United States of America, by its said commissioners, agrees to set apart for the use and occupancy of said bands of Ute Indians, a reservation on the headwaters of the Piedra, San Juan, Blanco, Navajo, and Chama Rivers, in the State of Colorado, the precise boundaries of which reservation to be hereafter defined by proclamation of the President. And the said United States of America further agrees to establish on said last-named territory, during the spring and summer of the year A. D. 1879, an Indian agency, and to erect proper and suitable buildings therefor.

Third. And the said bands of Ute Indians also agree that they will not obstruct or in anywise interfere with travel upon any of the highways now open or hereafter to be opened by lawful authority in or upon said last-named reservation.

Fourth. This agreement shall not be binding until confirmed by Congress and the President of the United States.

Witness the signatures of said Commissioners on behalf of the United States of America, and also the signatures of the several members of said bands of Ute Indians.

EDWARD HATCH,
Brevet Major-General, U. S. A.
N. C. MCFARLAND,
LOT M. MORRILL,
Ute Commissioners.

Chiefs and heads of families of Capotes, Muaches, and Weeminuchees.

MUACHE UTES.

George Bent, his x mark.
Le Mora, his x mark.
Pawache, his x mark.
Nanise, his x mark.
Friday, his x mark.
Cherecha, his x mark.
Achiako, his x mark.
Damano, his x mark.
Gurochampe, his x mark.
Augustina, his x mark.
Ananotonia, his x mark.
Mose, his x mark.
Tesaught, his x mark.
Pinariche, his x mark.
Quavo, his x mark.
Chreitch, his x mark.
Antonia Colloron, his x mark.
Augurmeiche, his x mark.
Gie Eua Blanca, his x mark.
Nacero, his x mark.
Oho Blanco, his x mark.
Jangaoclo, his x mark.
Cassador, his x mark.
Coneoche, his x mark.
Cucharat, his x mark.
Aucotoche, his x mark.
Panonse, his x mark.
Acanea, his x mark.
Panconie, his x mark.
Ouchopajauao Och, his x mark.
Parbador, his x mark.
Chanlas, his x mark.
Conhoconancho, his x mark.
Canargato, his x mark.
Balone, his x mark.
Cawoway, his x mark.
Cachocha, his x mark.
Tomaceta, his x mark.
Quajaoguche, his x mark.
Pechroats, his x mark.
Wauchino, his x mark.
Migual, his x mark.
Egulla Colla, his x mark.
Poocegar, his x mark.
Francisco, his x mark.
So Soon, his x mark.

Monchus, his x mark.
Chicepa, his x mark.
Wetor, his x mark.
Walapa, his x mark.
Mattachew, his x mark.
Pistake, his x mark.
Parblo John, his x mark.
Cimmiron, his x mark.
Drocha, his x mark.
Peah, his x mark.
Cawammiova, his x mark.
Tous, his x mark.
Oho Blanco, 2d, his x mark.
Uncopuchie, his x mark.
Joseph Holt, his x mark.
Juan, his x mark.
Josa, his x mark.
Topach, his x mark.
Tiena, his x mark.
Jack, his x mark.
Pincha, his x mark.
Chevata, his x mark.
Pachaecca, his x mark.
Aigulla, his x mark.
Buckskin Charlie, his x mark.
Tomiceta, his x mark.
Catanaw, his x mark.
Antonia Maria, his x mark.
Manwell, his x mark.
Quelieno, his x mark.
Jose Agnes, his x mark.
Canopa, his x mark.
Casemarao, his x mark.
Longchin, his x mark.
Apache, his x mark.
Chache, his x mark.
Coho, his x mark.
Cathemora, his x mark.
Meyodano, his x mark.
Pewee, his x mark.
Lewus, his x mark.
Piwase, his x mark.
Atala, his x mark.
Carawach, his x mark.
Tagawich, his x mark.
Ancocha, his x mark.

CAPOTE UTES.

Tapaciche, his x mark.
Mokja, his x mark.
Savaro, his x mark.

Chavas, son of 1st, his x mark.
Pelone, his x mark.
Coreneo, his x mark.

Coreneo, son of, his x mark.
 Antonio, his x mark.
 Jose, his x mark.
 Juananchi, his x mark.
 Presenti, his x mark.
 Chayonia, his x mark.
 Cheineco, his x mark.
 Tabawatche, his x mark.
 Conejo, his x mark.
 Sarrapa, his x mark.
 Padra, his x mark.
 Abbique, his x mark.
 Carriver, his x mark.
 Washington, his x mark.
 Quinca, his x mark.
 Stalian, his x mark.
 Tenientie, his x mark.
 Moreno, his x mark.
 Borego, his x mark.
 Antonia Jose, his x mark.
 Diago, Martin, his x mark.
 Juan Annochow Martin, his x mark.
 Tapachie, his x mark.
 Americano, his x mark.
 Joseph, his x mark.
 Taciachoco, his x mark.
 Punchie, his x mark.

Tancia, his x mark.
 Sonich, his x mark.
 Padro Pagio, his x mark.
 Mokacha, his x mark.
 Pochecko, his x mark.
 Tieanna, his x mark.
 Phillupia Martin, his x mark.
 Sabata, his x mark.
 Annas, his x mark.
 Topiache, his x mark.
 Taneiarchie, his x mark.
 Carnico, his x mark.
 Tupra, his x mark.
 Martini, his x mark.
 Chatta, his x mark.
 Soglo, his x mark.
 Quatrao, his x mark.
 Alegandra, his x mark.
 Coho, his x mark.
 Porache, his x mark.
 Canaecha, his x mark.
 Cavanaugh, his x mark.
 Tarawitch, his x mark.
 Francisco, his x mark.
 Manwell, his x mark.
 Ontichuche, his x mark.

WEEMINUCHEE UTES.

Quatrao, his x mark.
 Aligandriao, his x mark.
 Colorado, his x mark.
 Careeto, his x mark.
 Navies, 1st, his x mark.
 Navies, 2d, his x mark.
 Baaquacha, his x mark.
 Senaah, his x mark.
 Necaroa, his x mark.
 Aqaita, his x mark.
 Temapia, his x mark.
 Quape, his x mark.
 Paujuasa, his x mark.
 Petago, his x mark.
 Antonia Josa, his x mark.
 José Lalos, his x mark.
 Necachae, his x mark.
 Poah, his x mark.
 Posequhe, his x mark.
 Marucha, his x mark.
 Pajuauche, his x mark.
 Chevato, his x mark.
 Cheeno, his x mark.
 Cunapancho, his x mark.
 Quachits, his x mark.
 Mucheguoto, his x mark.
 Natededava, his x mark.
 Muthea, his x mark.
 Veneco, his x mark.
 Tepujueche, his x mark.
 Caravase, his x mark.
 Nucauch, his x mark.

Pano, his x mark.
 José Antonio, his x mark.
 Beago Curoa, his x mark.
 Ancategaube, his x mark.
 Naturach, his x mark.
 Sequine, his x mark.
 Jero, his x mark.
 Ignacia, his x mark.
 Ciego, his x mark.
 Tavanie, his x mark.
 Quajue, his x mark.
 Cavason, his x mark.
 Saparigo, his x mark.
 Juarra, his x mark.
 Tavanah, his x mark.
 Ecediao, his x mark.
 Marinna, his x mark.
 Mucheguote, his x mark.
 Picenech, his x mark.
 José, his x mark.
 Meahea, his x mark.
 Pinenche, his x mark.
 Ancateguape, his x mark.
 Cavason, his x mark.
 Charlie, his x mark.
 José, his x mark.
 Concupache, his x mark.
 Gevato, his x mark.
 José, son of Gevato, his x mark.
 Charlie, son of Gevato, his x mark.
 Aparich, his x mark.
 Chapo, his x mark.

We, the undersigned, certify that we were present and are witnesses to the signatures, by mark, of the Muache, Capote, and Weeminuchee bands of Indians to the foregoing agreements, and that they were twice read in their presence and understood by them.

THOMAS M. F. WHYTE,
Interpreter Southern Ute Agency.
 ALLEN W. BUFFER,
Interpreter Commission.

We, the undersigned, certify that we were present when this agreement was read to the Mnache, Capote, and Weeminuchee Indians, and witnessed their assent to the same.

FREDERICK KASTEN.
WILLIAM JACKSON.
JOHN GEARY.
W. S. PEABODY.
JOHN PEABODY.

REPORT ON WHITE RIVER AGENCY, COLORADO, INCLUDING WAGON-ROADS THERETO, INDIAN AGENCY, THE VALLEY, ETC., ETC., WITH MAP, BY LIEUT. C. A. H. McCAULEY, THIRD ARTILLERY AND ACTING ENGINEER OFFICER, U. S. A., ON DUTY UTE INDIAN COMMISSION, OCTOBER, 1878.

FORT STEELE, WYOMING TERRITORY,
October 15, 1878.

GENERAL: Agreeably to your written instructions, dated Denver, Colo., September 11, 1878, directing me to proceed in company with Mr. W. S. Stickney, secretary Ute commission, to the White River Agency, Colorado, via this point, furnishing him with the necessary escort and wagon transportation; to assist at the agency in obtaining as many signatures as possible of chiefs and head men of those tribes of Utes to a ratification of sale by Southern Utes of lands of their reservation; to report upon the condition and character of the reservation as to adaptability for agricultural purposes and capacity to sustain a larger number of Indians by tillage, and other desired data, I have the honor to render the following report.

THE ROUTE AND ROAD.

The road may be said to be a natural one, nothing being worthy of mention save for a short distance near the agency, in the cañon of Painted Rock Creek, constructed by agency labor and of trifling cost. The route traveled was a "cut-off" on that used by teams freighting to the agency from the railroad. (A map is appended hereto, and 40 pen-and-ink sketches have been made, to convey a better idea of the country, including that of White River.)

Mr. Stickney and myself left Denver September 12, a. m., reaching Fort Steele at midnight same day. Friday, 13, visited Rawlins, Wyo., on Union Pacific Railroad, 16 miles west of this point, where a guide was obtained and arrangements for transportation completed.

Saturday, 14, we left this post at 7 a. m., with a light buckboard, furnished me with the team, two government mules, agreeably to telegraphic instructions from the department commander (Department of the Platte). I desire to here refer to the courtesy and kindness shown us by Maj. W. H. Bisbee, Fourth Infantry, commanding post in the absence of Major Thornburgh, Fourth Infantry, who left on the 13th ult., for Sidney Barracks, Nebr., to take command of five companies Fourth Infantry, ordered out by the departure of the Cheyennes from their reservation in the Indian Territory and their starting north.

Rawlins, 16 miles distant, was reached 9.30 a. m., and after blacksmithing necessary for our animals, we left the town at 11 a. m., taking the road to White River Agency to the south via a cut-off for Pine Grove, about 20 miles distant. (See Fig. 1.)

The way was between rolling hills, later assuming a mesa nature, and farther south through a wide cañon eroded from the great sandstones. The country is dry and barren, waterless a short distance beyond Rawlins to the south of the line of high cliffs, excepting only a small

lake to the right (or west) of the road, without an apparent outlet. Its surface was the resort of a large flock of ducks, and upon its bank on our return some 50 or more Brant geese were seen. The vegetation was of a sparse nature, chiefly sage (*artemisia tridentata*), so common in this region, cacti (*opuntia missouriensis*) and that of similar nature generally found accompanying. The grass was scarce, but sufficient apparently for a few antelope noticed on the way; "greasewood" was also observed, while the ground was in many places white with alkali. A single flock of sage-hens was flushed in the drive, the only ones seen between Rawlins and Pine Grove.

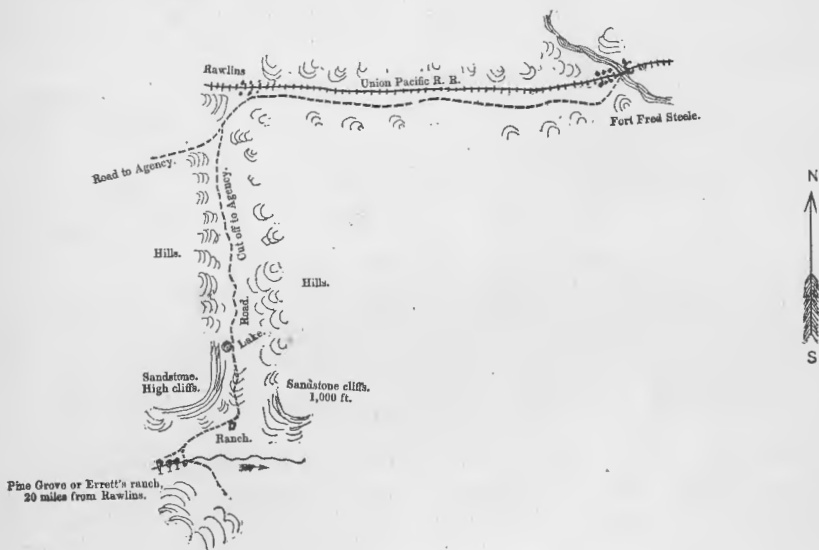


FIG. 1.—Route from Fort Fred Steele to Pine Grove.

A slight depression, 4 miles from Pine Grove, with a little water gave a small quantity of meadow-grass, which was being cut by a ranchman, who occupied the place for hay purposes only.

Pine Grove, 20 miles, reached 2.30 p. m., is so called from its lying at the base of the northern slope of the high sandstone plateau where the timber, generally of small cottonwoods, includes a number of pine trees—the ranch being Errett's. Here a relay of two horses and our guide, with a horse which I used, awaited us.

Pine grove was left at 3 p. m., and camp No. 1 made on the Sevier at dark, 6.45 p. m., this stream being also called the North Fork of the Saint Vrain. The distance from Pine Grove to camp being 24 miles, Rawlins being 16 miles west of Fort Steele, made the total day's travel 60 miles. Leaving Pine Grove and crossing a stream at its base, the high plateau formation (see A, Fig. 2) is ascended. Its summit is of the same general height as the cliffs in Fig. 1. To the east the vast erosion of many ages has left low valleys, through which course several creeks, flowing apparently south and southeast, the drainage being part of that of the North Platte belonging to the Atlantic watershed.

The sandstone strata crowning the plateau and outcropping on its sides have made the way strewn with slabs of rock, which with the steepness of the hill—long and tiresome—renders the ascent very tedious. Its

summit is bare of timber, grass-covered and waterless, affording abundant range for immense herds of antelope. The sage seen to the north is also present in many places, with several flocks of sage-hens accompanying. This plateau, which may be generally so called, is, on its upper surface, worn into a succession of rolling hills, the depression varying—its general character as grazing land unchanged. Upon the eastern side of the plateau springs develop into brooks and creeks, coursing through the great bottom to the east, their way in general winding and bordered by a fringe of cottonwood and similar trees. To the steeper sides of the sandstone mountain, notably to the east, cling many dwarf-like forests of the scrub-oak, whose changing colors added variety to the landscape.

Fig. 2.

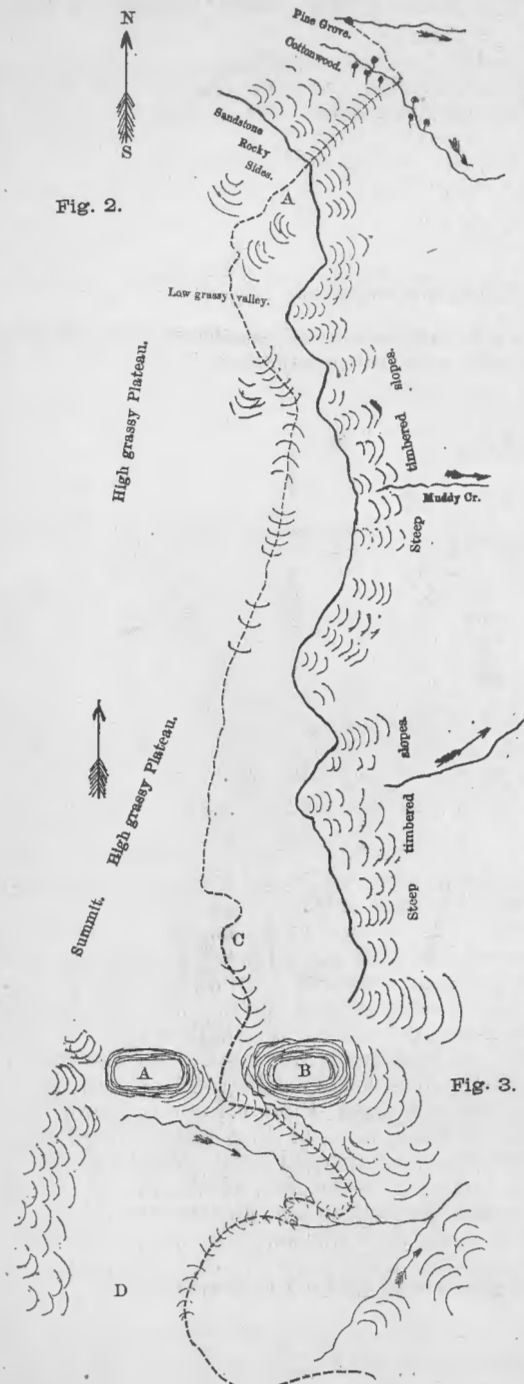


Fig. 3.

Figs. 2 and 3.

From the summit, the view, particularly the outlook to the east and farther south, also to the west, was extended and very grand. The great erosion of the past had lowered the streams to their present level, while older beds were readily discernible. This action had left along their courses benches or mesa formations upon either side, so that the whole country was a grand, far-reaching series of steppes, rising up to the immediate bases of the sandstone plateau and extending on to the mountains in the far east.

Along the plateau the road passed to the north, only varying for detours about the rolling hills, and on between two high mesas (see A and B, Fig. 3) to the south. They are both examples of the huge mesa-

formation, the summit of B, Figs. 3 and 4, being about 800 feet above the stream coursing at its base. The northern slopes, exposed to high

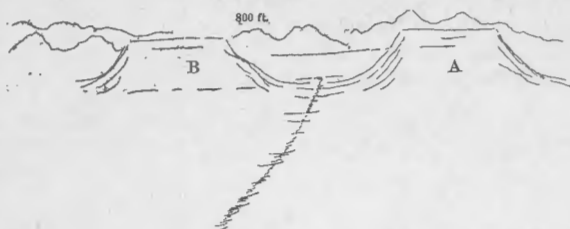


FIG. 4.—Outline sketch from C to the south 3 miles, north of mesas A and B, looking down wagon-road.

and cold winds, are treeless, while to the eastern and others cling masses of scrub-oak, adorning them with rich autumnal tints.

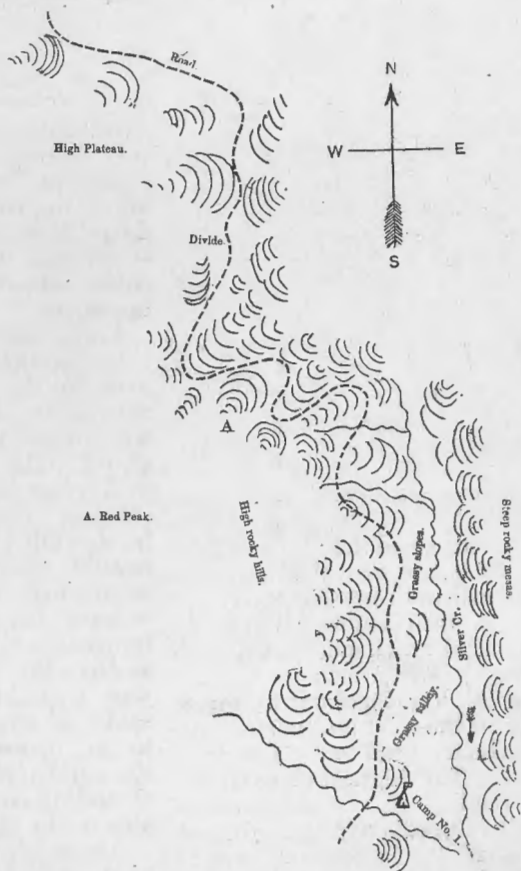


FIG. 5.—Route from amphitheater (D, Fig. 3) to Camp No. 1.

The mesas (A and B, Figs. 3 and 4) are but detached portions of the original sedimentary formations, which here curve to the west and south, forming a large amphitheater (D, Fig. 3), about 6 miles in diameter,

through which the road passes, winding to avoid the cañon of a stream and a marshy bottom.

Several herds of antelope and a number of sage-hens frequented the amphitheater, where fine water and abundant grazing existed; but no timber anywhere save a few trees—small cottonwoods—along the stream, which, with deep banks, courses along the mesa B (Fig. 3) and upon a few of the slopes of the hills.

Ascending a series of long hills to the divide to the south, the road passed over a number of steep side slopes, the inclination too great for an ordinarily heavily-laden wagon.

Crossing a divide, the road passed circuitously about a number of sharp hills (see Fig. 5), swinging to the east for a few miles, and then curving to the south, descending along a small stream, where, at the mouth of one of its tributaries, our first camp was made.

From the divide an elevation, marked A, Figs. 5 and 6, and called Red Peak, was particularly noticeable for its striking effect and beauty in the landscape, being almost wholly covered with highly-colored scrub-oak.

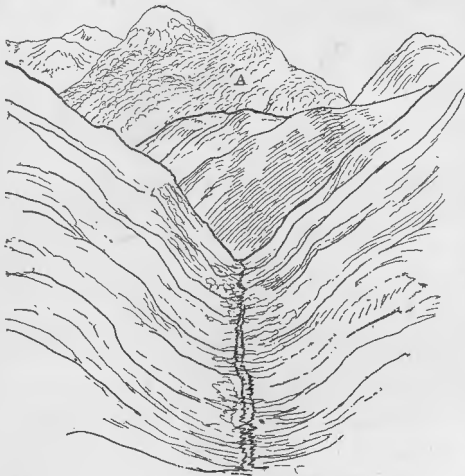


FIG. 6.—Descent to south from divide in Fig. 5. A, Red Peak, marked A, Fig. 5.

The camp reached at dark afforded grazing and fine water, but no wood save the willows along the stream. A few herds of antelope were seen along the stream, and on the return trip—coming down from the hills, 400 feet high on the east and fully 600 on the west—one of nineteen, drinking with the cattle, was observed.

Leaving this point Sunday, September 15 (see Fig. 7), the route was along the valley of this stream for several miles, its banks becoming steeper and steeper, assuming an arroya nature. The slopes to the west of the road contained some fine grazing ground, and not far distant a herd of about 60 cattle was observed. Changing to a rolling nature, acres of sage brush were passed, and *en route* several brooks, tributaries of the Sevier. A trail known as the "Cherokee" here passes to the east, toward a cattle ranch and range to which the stock already seen belonged.

At this point (A, Fig. 7), about five miles distant from Camp No. 1, the road passes to the west and northwest, in a small cañon between the hills, to avoid which a trail to the left about them was taken, as represented in Fig. 8. The highest of these conical hills was probably 600 feet above the road.

A sketch (Fig. 10), taken a mile distant, shows the position of the Continental Divide, the loftiest elevation on the right being estimated to be 3,000 feet above the road, and 15 to 20 miles distant. Thence the route is along a similar grassy plateau of a rolling nature, with stretches of sagebrush (Fig. 9). Eroded upon both the east and the west, more gentle slopes are to the former, while upon the latter the declivities are abrupt, and from the road occasional vistas of great beauty are presented.

From the point B (Fig. 9), about 15 miles distant from the camp, a sketch to the south indicates the position of the main divide. (See Fig. 11.)

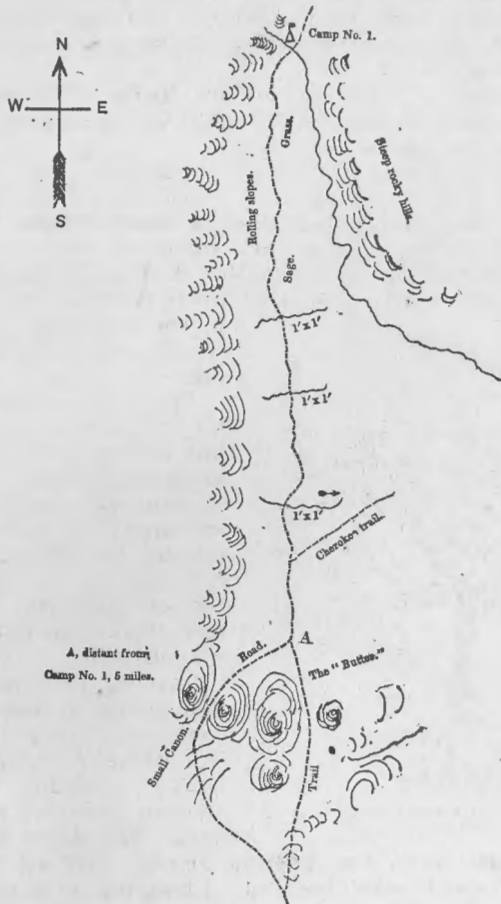


FIG. 7.



FIG. 8.—Cut-off on the road south of Cherokee trail, Fig. 7. Height (estimated) 600 feet above road.

S. Ex. 62—2

The mountain on the left of the foreground, having the form of a large mesa, is known as Battle Mountain, from its having been the scene of



FIG. 9.



FIG. 10.—Sketch of Continental Divide from A, Fig. 9, looking east.

an Indian fight, and was estimated to be 3,000 feet above the road level, being about 10 miles distant.



FIG. 11.—Sketch from B, Fig. 9, 15 miles distant from Camp No. 1. View looking south. Battle Mountain left of foreground, estimated about 3,300 feet above road 10 miles distant. Summit Hill on right of foreground.

The round elevation on the right of the foreground may be known as Summit Hill, being one of the highest points on the road, and the summit of the slope whose top the road surmounts in its passage to the river beyond.

A short distance beyond the point B, Fig. 9, a trail passes to the right, towards a cattle range to the east. In its ascent and descent of Summit Hill, the road swings to the west and southwest, overlooking a tiny lake some 400 feet below.

A sketch at this point indicates the appearance to the west, ascending the hill. (See Fig. 12.)

The country to the west is indicative of great erosion, being cut up into a series of "hogbacks" or steppes until another divide to the west is reached, its highest point being Round Top Mountain, about 8 miles distant; its sides blackened and charred from smoldering areas of burned sagebrush; its name is deserved by its sugar-loaf summit looming up like a great landmark wherever viewed from the south.

(Est.) 2,000 above valley, 6 miles distant.



FIG. 12.—Sketch from F, Fig. 9. Sketch looking west, ascending Summit Hill.

Descending Summit Hill—a long and tiresome slope, its vegetation sagebrush, the grass very sparse, and its surface of drift—the road was sideling and steep, passing down to a creek, along which it then continued. This stream is confined, its valley a mere hollow of but a few yards, often lined with occasional cottonwood, its water at places sunken and in general sluggish. Three-fourths of a mile below the road's meeting the creek, I observed a black sulphur spring, possessing, rather than a strong, an agreeable taste; situation, about 25 yards to the left, upon the slope of the hill, temperature about 50°.

Leaving the stream shut in at its lower part by steep hills, the road encircles them, at which point a sketch (Fig. 13) may furnish an idea of the fine appearance of the valley of the Snake River, approaching from the north.



FIG. 13.—(Sketch from E., Fig. 9.) Valley of the Snake River, from 3 miles distant on the northwest along road.

The valley is here a mile in width, the river bordered thickly with high cottonwoods, while upon the southern bank, high hills, growing into mountains to the south, complete the picture.

Approaching the river, where the bed of a dry stream exists, the sagebrush is very high—as great as 5 feet—a sure indication of strong elements of malth within the soil. This river has attracted numbers of settlers, and flourishing ranches, with a store and post-office, are located

on both sides of the river—the larger number being, I understood, upon the northern side. This side of the river was ascended, on the return

trip, some 7 or 8 miles, and some fine ranches observed, numbers of the settlers being engaged in cattle-raising. The severity of the winter climate and the heavy fall of snow—over a foot lying in the valley—necessitate the provision of other pasturage for that season, compelling them to descend the river a long distance. The slopes and hills affording them fine and convenient ranges, the extent thereof is being gradually increased by the intentional burning of areas of the sage, in place of which various nutritious grasses arise, a species locally called, from its color, the “blue-grass,” being the most frequently observed, said, moreover, to be very fattening in its effects upon both horses and cattle.

The distance of the road-crossing of the Snake from Rawlins was found to be 74 miles, though generally called 85. Since our journey was by the “cut-off,” the latter figures may refer to the distance by the ordinary wagon-road, used for heavy freight traffic. At many places passed over, an ordinary wagon would have upset, the conveyance-used, a buckboard, going in safety.

The serpentine course of the Snake River is the cause of its name; it is a clear and very beautiful stream, about seventy-five feet wide, and a foot deep at the point of crossing. Forging the river, proceeding *en route* through cultivated

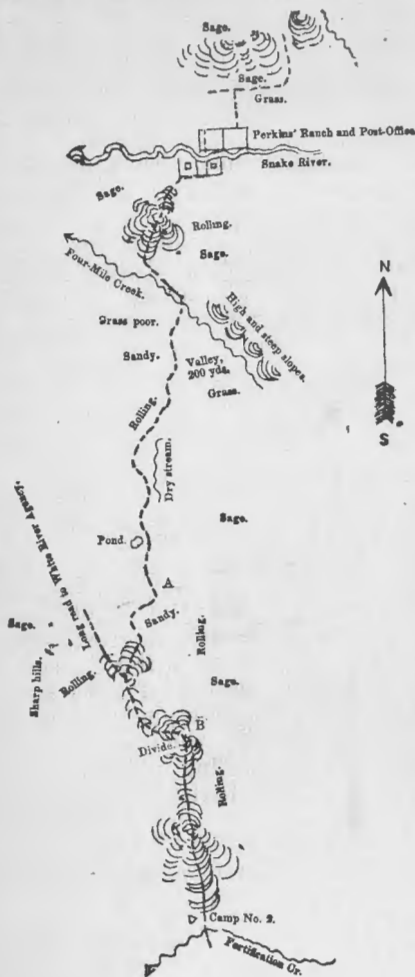


FIG. 14.

fields upon both sides, the road passes to the southwest. Four miles distant, over rolling hills, covered with the usual sage, a small stream, known as “Four-Mile Creek,” coursing to the southeast and south is reached, along which the road passes for about a mile. With serpentine course and but little fall, its water lies some 10 feet below the road, the banks being in general steep, a few cottonwoods of small size lining the way.

Farther south, along and above its western bank, occur areas of grazing of varying width, in places 300 yards, where several herds of cattle were observed, while upon the eastern the erosion of high hills expose vari-colored strata of shales, &c., of Cretaceous age. Leaving this stream, the road swings to the southwest, through slopes heavy with sand for nearly four miles, and farther on over rolling hills, where the grass is very poor and the ever-present sage abundant, its accompaniments

being greasewood and the common "prickly pear cactus." Descending a valley on the right near here, the road joins the one to the agency from Rawlins, traveled by heavy teams; the junction being 12 miles distant



FIG. 15.—Round Top Mt. from the south, 20 miles distant. Sketch from A, Fig. 13, looking north. from Snake River. A few miles beyond, a sketch (Fig. 15) shows the view to the north, Round Top Mountain being about 20 miles distant. Beyond the series of "hogbacks" here lying to the right the hills assume a mesa-formation to the south, as shown in Fig. 16. After turning due east for a mile, the road passes directly south to Fortification Creek, emerging

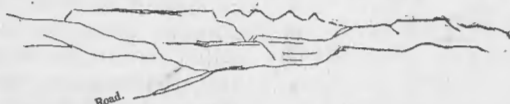


FIG. 16.—Sketch from B, Fig. 13, looking south towards Fortification Creek.

from the hills to the east, distant from Four-mile Creek about 16 miles. Except a small pond of standing water passed *en route*, none other existed between the streams, the arroyos and water-beds met with being dry.

Fortification Creek was reached at dark, the distance for the day being 51 miles. The water of the stream at this point was delightful; the grass, however, was very poor, having been thoroughly eaten out by the ponies of Indians—traces of whose camps were upon the opposite bank—and save sage and the willows along the creek, nothing was present for firewood.

Leaving the camp on Fortification Creek Monday, September 16, the road passes down the general valley of this stream to its mouth in Bear River. Emerging from the mesas to the east of the road-crossing, this creek turns abruptly to the south, pursuing that general direction for over 20 miles, in which the road follows down near by, crossing and re-crossing four times; along this stream it is a fine natural one—hard, with easy grades, and but little of a side-lining nature.

The nature of the creek soon changes from the clear and beautiful water at the road-crossing to a muddy one, with alkaline constituents, below—its course becoming winding

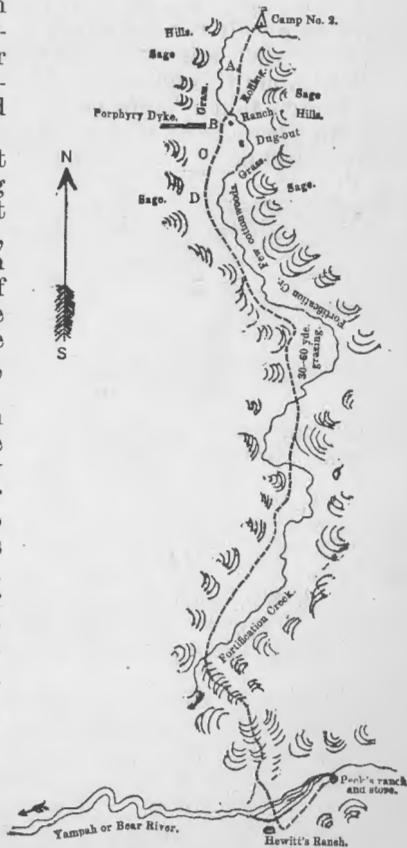


FIG. 17.

and sluggish, with deep banks, its timber but a few cottonwoods of small size.

Boulders of vesicular lava were observed a short distance below the camp, borne down from the hills to the left.



FIG. 18.—Down Fortification Creek, showing dike. Sketch from A, Fig. 16, looking south, below Camp No. 2 and about two miles above dike.

About five miles south of the road-crossing exists a dike of porphyry, the direction of the wall east and west, distinct for over a mile, terminating abruptly not far distant from the creek (see Fig. 17), the road passing close by its eastern end, which is known as the "Point of Rocks."

The dike is at this end 5 feet thick and 12 feet above ground, not many yards back, being 30 feet vertically on the south side and 35 feet on the north, both bare of *débris*, while still farther west detached portions, with irregular profiles almost like castellated towers, rise 100 feet above the base of the general slope. Its general appearance or section, wherever wholly denuded, is that of a sharp hogback. Upon the north side of the wall the porphyry bears a coloring of dark brown, with a beautiful rich crimson in patches due to atmospheric action, being exposed upon this quarter to heaviest storms and winds.

A sketch taken below Camp No. 2, and some two miles north of the dike, illustrates (see Fig. 18) the appearance of this natural wall at this distance, while Fig. 19 is from the south and about one mile distant.



FIG. 19.—Sketch of dike on Fortification Creek. From C, Fig. 16, one mile to the south and looking north.

Ignorant of the origin of its name, on descending the creek one would naturally presume that it was derived from the appearance of a fortified



FIG. 20.—Point of Rocks (from B, Fig. 17.)

wall in the distance. It is said, however, to have been so named from an actual fight there occurring between several Indian tribes or whites and Indians, who made use of this line of nature, and upon its top small piles of rocks near the road were pointed out by our guide as having been there placed by one of the contending bands or parties. In Fig. 20 is represented a close view of the Point itself and its abrupt termination on the east, drawn from the roads a few yards below.

On the bank of the creek where it makes a large bend (Fig. 17) opposite the Point of Rocks, a cabin was observed in the midst of a grassy bottom, where there was in all nearly ten acres of fine grazing; this, a deserted ranch, being the only one seen upon the stream.

The road passes *en route* over rolling hills, with many stretches of level bottom, the general vegetation being sage, where numerous flocks of sage-hens were flushed in our passage—the largest noted being one of nineteen. The young were of good growth, fat, and delicious, and upon them we were daily dependent for the fleshy part of our diet. While the old birds strongly savored of the sage, the meat of the young was wholly free therefrom, and deserved to be called the “spring chickens” of the Far West.

About twenty-five miles down the road from the first crossing of the stream (Camp No. 2), the banks are from twenty to forty feet above the water, and being, in general, vertical, the creek can only be crossed at certain points, necessitating, occasionally, long detours.

Several miles above Fortification Creek, along which the road follows to its mouth in Bear River, we left the stream, keeping near a trail to the southeast, crossing the hills of the divide between the creek and the river, saving a detour of several miles.

The valley of the Bear River, locally so called—known upon some of the maps as the Yampah—is similar in appearance to that of the Snake, save that it is broader. It is wider than either the Snake or the White River, and from its exceedingly tortuous course, is more deserving than the former of that name. It empties into the Green River near the western boundary of Colorado, the Snake being one of its tributaries.

At our point of passage the river was in two streams, 400 yards apart, its valley being over a mile in width. Heavy timber—the largest of cottonwoods—with thickets of willow and undergrowth, lined the stream, rendering it in many places impassable. The ranches on the river are not numerous, the largest, owned by a Mr. Hewitt, being devoted to cattle.

Taking the road along the southern bank where it was a fine natural one, two miles up the river, the ranch of Mr. Peck was reached, where is also a store with a larger stock of goods, it was said, than is held upon Snake River. A small crop of potatoes, &c., had been raised, and next year more extensive cultivation is to be attempted. The altitude is here under 7,000 feet, and both at this point and upon Snake River the settlers affirm that fine crops of wheat can be successfully grown; all grist facilities being very far away, no attempt has as yet been made.

The distance from the Snake to the Bear River is, by the road, about 50 miles.

Leaving Bear River (see Fig. 21), the road passes to the east and southeast around steep hills and rolling slopes, beyond which its direction is south and west to the top of the divide.

A trail from Peck's, on the river, passes due southwest, meeting the road and saving nearly a mile. This was up the course of a stream, then found dry, and here grazing bottoms with cattle were found, the hills in general being covered with sage.

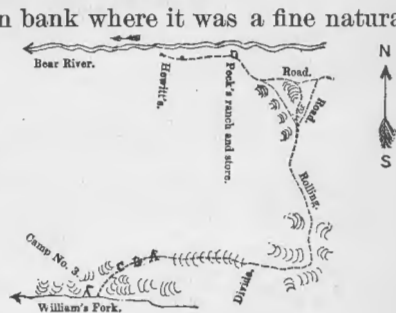


Fig. 21.

Circling about, the divide is ascended toward the west, and here, along the "bottom" land of a brook, then dry, there was growing most luxuriantly, wild, reaching to the top of the wagon wheels, in some cases being almost the height of my horse. No timber or firewood is found here, save clusters of willows and masses of scrub-oak, indicative of the altitude reached.



FIG. 22.—Slopes to William's Fork below top of divide.



FIG. 23.—Sketched from A, Fig. 21.—Descending to William's Fork.

Higher up the "choke-cherry," *manzinita* or serviceberry, and several other varieties were observed.

Crossing the divide (see Fig. 21), the descent to William's Fork, the next stream, is between steep hills, with projecting sandstones of cretaceous age, their sides covered with scrub-oak (Fig. 22).

The road follows down a brook called Deer Creek, and between hills openings occasionally afford good grazing (Fig. 23). Here the sandstone on the right dipped to the north about 15° , and at one point an outcropping ledge with overhanging rock furnished fantastic forms of water sculpture. From frost and rain, a huge mass near the road was honey-combed throughout, being known locally as "The Wasp's Nest."

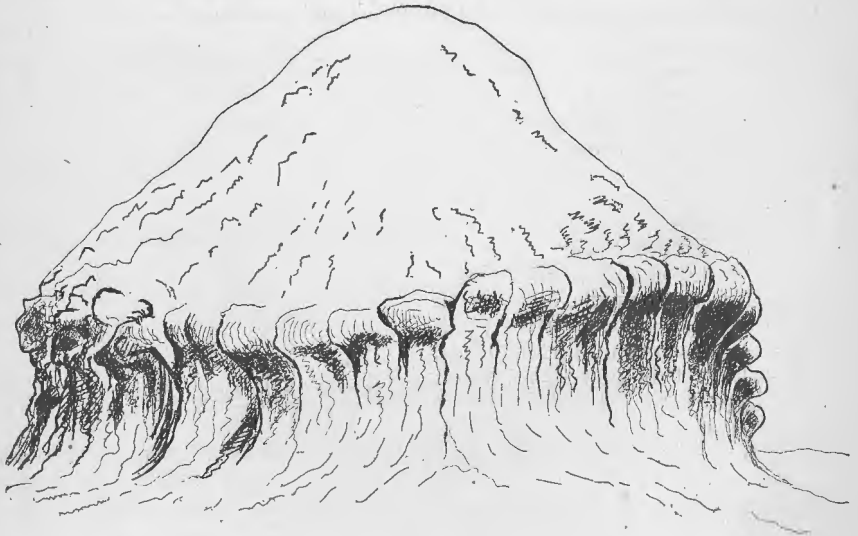


Fig. 24. The "Wasps's Nest." Sketch at B, Fig. 21. Sandstone formation.

It was ornamented with hundreds of nests of cliff swallows, who had here attached their curious houses at various angles; while in close proximity, upon shelves under overhanging ledges, or in the largest of the holes, several nests of some of the *Raptors* were observed.

William's Fork, which is a tributary of the Bear or Yampah River,

and about 15 miles distant by the road, was reached about dusk, where we encamped for the night, the distance for the day being 44 miles.

The sketch of William's Fork (Fig. 25) was made from camp and is



Fig. 25. Up William's Fork. Looking east from Camp No. 3.

looking east or up the river. The scenery is beautiful and wild enough to suit the tastes of the most untutored savage. The hills upon the north or right bank rise abrupt and steep to fully 1,000 feet and more, those upon the opposite side being not quite half that height.

The valley of this stream is considerably higher than that of the Bear at the road-crossing, the descent from the divide, which exceeded 8,000 feet, being much less than the ascent thereto. Where passed, it was 25 feet wide, averaging 10 to 12 inches deep, with a fall of about 50 feet per mile, its banks—being generally steep and the water 12 feet or more below the general bottom—being well timbered. The valley is here 500 to 600 yards, with good grazing.

The appearance of the valley from the opposite side of the river, showing the gulch of cañon in which the road descends, is shown by a

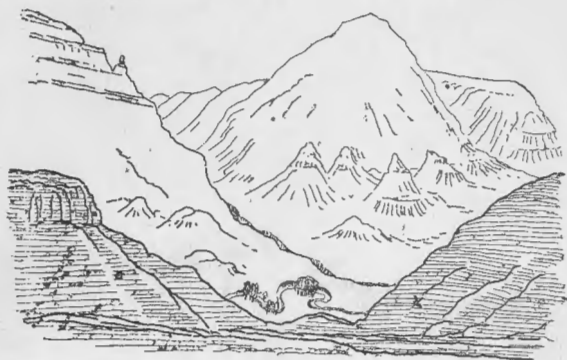


Fig. 34.—Valley of William's Fork, from trail on summit of hills opposite Camp No. 3. Sketch from D., Fig. 21.

sketch (Fig. 34) made from the top of the hill on the south, and opposite camp.

From this point, which we left Tuesday, September 17, the road passes down the right bank, crossing the river 200 yards distant from camp; it then crosses and recrosses, in order to keep in the bottom, the banks and slopes being high and steep, until in $1\frac{1}{2}$ miles the river has been forded five times.

Leaving the stream, it passes to the south into the cañon of a tributary whose course is north. (See Fig. 26.)

At this point a sketch (Fig. 27), made at A, Fig. 26, represents the appearance of the river valley looking down to the west;

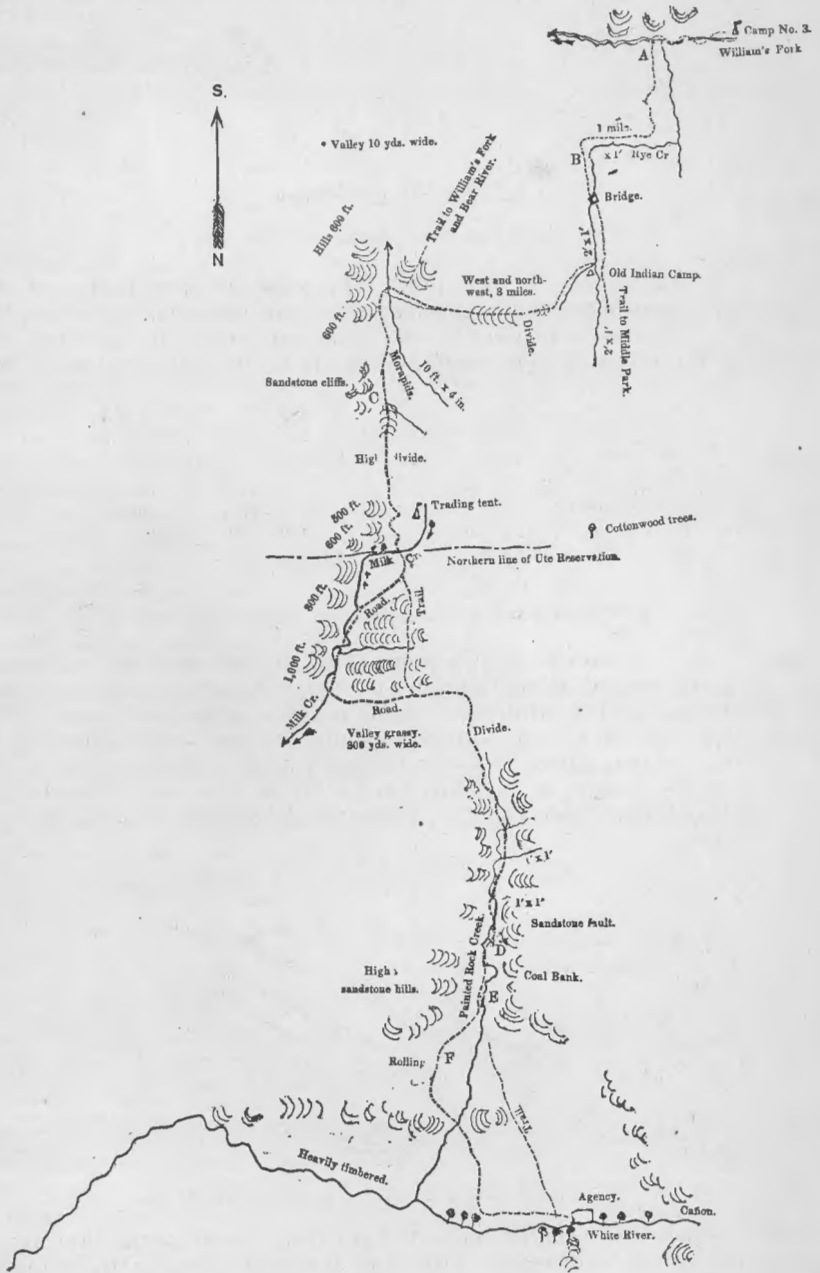


FIG. 26.—Route of road from William's Fork to agency on White River.

while Fig. 28 shows that of the tributary into which the road passes for the south. Its banks are vertical, and about 25 feet high,

compelling the road to keep on side slopes and over rolling land to the mouth of a brook, which may be called Rye Creek, from the luxuriant

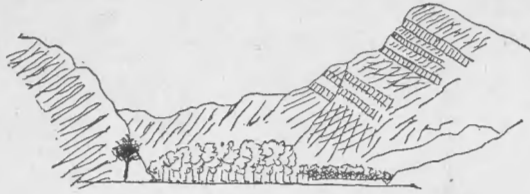


FIG. 27.—Down Williams' Fork, looking west from A, Fig. 26.

growth of that nature in its valley. The hills are here high and the valley very narrow, the sandstone sides above the *débris* being thoroughly cliff-like. The road continues due west for one mile in its ascent of the valley of the brook, which is narrow, in places but 10 yards wide, and



FIG. 28.—From William's Fork, looking south. Sketch from A, Fig. 26.

almost level. A sketch at this point (Fig. 29) indicates the sandstone exposure and stratification, the hills on the left being covered with sage, with scrub-oak above, while the bottom is thick with rye-grasses. The road follows up the stream, abruptly turning to the south and crossing by a bridge, it being here $3\frac{1}{2}$ feet wide and 1 deep, with steep banks. A short distance farther, at the mouth of a brook, it recrosses Rye Creek and the brook itself (see Fig. 26), where an old Indian camping-ground may be seen.

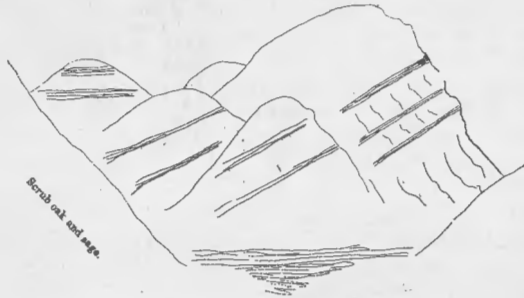


FIG. 29.—Sandstone hills on Rye Creek. Sketch from B, Fig. 26.

Our course is to the right, but a distinct trail is seen going directly up Rye Creek to the southeast. This was ascertained to be the trail to Middle Park ordinarily used from the agency; another, however, also existing. The latter is said to be more direct and shorter in distance, but longer in point of time, as, from its roughness and steepness, as fast time as on that up Rye Creek cannot be made.

Still ascending, and in the watershed of William's Fork, from the Indian camp-ground the road follows this tributary to the southwest, and leaving it near its head passes to the west over a divide, going in all a distance of 3 miles toward the west and northwest. Descending the cañon of a small brook, a locality known as Morapitz by the Utes is reached, where a fine spring exists, and in the cañon of a small stream an abrupt turn to the south occurs. Here the trail, in direction northeast, starts over the hills for Bear River. This stream, 10 feet wide and 4 to 6 inches deep, a tributary of William's Fork, and flowing north, is in a beautiful cañon; sandstone rocks with steep incline rise abruptly 600 feet and more; the bottom is narrow and confined, and where widening out was observed the beaver had been at work.

Leaving the stream and continuing to the south, after crossing a hill, the road passes to the side of and along the base of the sandstone cliffs, that, isolated by erosion, stand forth prominently in the landscape. Steep slopes of *débris*, rising from elevated sage-hills, are crowned with cliffs of sandstone some 200 feet in height. (Fig. 30.)

Beyond, a dry stream, drainage west and northwest, and a high divide, with long and steep slope, is passed, the summit being over 8,000 feet. The descent takes us to Milk Creek, so called from the whitish appearance of its waters, due to matter in solution acquired in its flow over the Cretace-

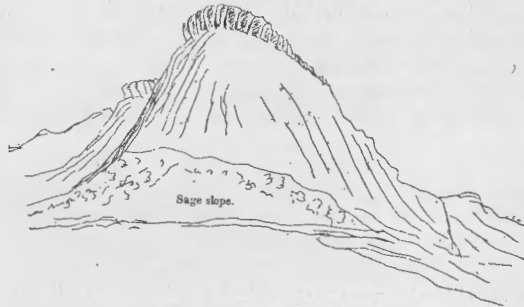


FIG. 30.—High sandstone cliffs (sketch from C, Fig. 26) between William's Fork and Mill Creek.

ous deposits at its headwaters. This stream is viewed with interest after the long trip, since its first crossing by the road marks a point of the northern boundary of the Indian reserve, being fully 25 miles from William's Fork and about 20 from the agency. It is small, 10 feet wide by 4 inches deep; its timber a few cottonwoods; its course winding to west and southwest, being crossed in all five times by the road. Its valley is narrow, confined by steep hills—those upon the western side being 600, 800, and lower down 1,000 feet above it, their walls and slopes steeper, with increasing height. To avoid the hills the road passes southwest, and leaving Milk Creek due east, ascending a short but grassy valley, 300 yards in width. (See Fig. 26.) An Indian trail from the Milk Creek crossing leaves the road, passing southeast over a series of hogbacks, with a sparkling stream between, meeting it in the valley near the divide. This passed, the descent to White River happily begins; here the course changes from east to south, passing down between a series of sharp sandstone hills, such as are seen at William's Fork.

The way is along a stream known as the Painted Rock Creek, so called by the Indians. The interpreter informed me, from certain rocks at its upper part, when first met it is but 3 feet wide by one deep, receiving tributaries chiefly from the east and emptying into the White River, a few miles below, to the west of the agency. About $12\frac{1}{2}$ miles therefrom,

where the valley of Painted Rock Creek is 60 yards in width, and possesses a luxuriant growth of wild rye, a remarkable fault in the sedimentary

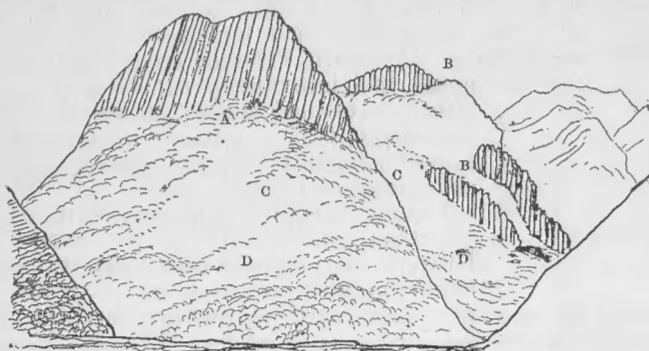


FIG. 31.—Fault in sandstone strata. Sketch from D, Fig. 26. A, dip north (about 80°). B, vertical strata. C, sage-bush. D, small cottonwood.

rocks is observed, indicated in Fig. 31. To the left (or east) of the road, above the cottonwood and sage covering the base of the hill, the sandstone strata dip throughout about 80° to the north, being nearly vertical; while upon a connected hill, 400 or 500 yards farther east, they are greatly exposed and quite perpendicular—all being rocks of Cretaceous age. (D, Fig. 26.) Not far below, down the creek, also upon the left, where outcrops a deposit of lignite, here abundant, was observed an excavation 10 feet long, 4 feet high, and in 5 feet from the surface.



FIG. 32.—Down Painted Rock Creek, looking southeast, from near mouth of cañon. Sketch from D, Fig. 26.

The supplies of coal for blacksmithing, &c., it was subsequently learned, are here obtained for the agency. Along here and below was the first work upon the road traveled seen anywhere, a good passageway here existing along the rocky side of the cañon, constructed by labor from the agency. Near the point of leaving the cañon for the long slope to the river, a sketch (taken at E, Fig. 26) represents the outlook towards the south, the valley being concealed by mesas. (See Fig. 32.)

The road leaves the stream and passes over the sage plain, sloping to the south, where a sketch (taken at F, Fig. 26) represents the appearance of the valley of the White River, with the situation of the agency buildings (Fig. 33). Crossing the stream (see Fig. 26) the road passes by the mesas in the foreground, and, reaching the river, follows up to the agency. This was reached about 5.30 p. m., making the distance for the day 45 miles, and the agency 184 miles from the railroad at Rawlins, and 200 from Fort Steele.

Monday, September 18, the morning and part of the afternoon were occupied in a council with the Indians, to be hereafter mentioned. At 3.30 p. m. I left the agency horseback, guided by one of the employés,

for the examination of the valley of the river, pursuant to instructions, the results of which are referred to hereafter. This trip of 25 miles occupied me until late, so that it was long after dark when I reached the agency, which I found Mr. Stickney with our guide had left during my absence down the river. I rejoined him on the way the next day (Thursday, 19th), returning horseback, the distance traveled during the day being 51 miles, changing horses on the way.

Friday, September 20, we went to Bear River, about 9 miles, where presents ordered for these Utes by the commissioners when at the Uncompahgre Agency were purchased by Mr. Curtis, the interpreter, and inspected, and the accounts settled by Mr. Stickney.

Saturday, September 21, we proceeded to Snake River, camping 6 miles up the river from the crossing on the down trip. Total ride for the day, 56 miles.

Sunday, 22d, we were encamped near Pine Grove, Round Top Mountain being examined *en route*, the total distance for the day (horseback, as usual) being 75 miles.

Sunday, September 23, Fort Steele, 38 miles, was reached.

II.—THE COUNCIL.

At the council, a full representation of the chiefs and headmen were present. They regarded at first with suspicion the document presented for signature, stating that the lands referred to belonged to other tribes and that in them they had no interest, evidently fearing there was some "catch" in the matter. The paper first prepared they rejected, and a second one, written by Mr. Meeker, their agent, was torn up by Jack, one of the head chiefs (for which, however, he afterwards apologized).

After long, repeated, and full explanations, they signed the paper desired, wishing several things evidently and clearly to be understood:

1st. Objections to the name of Iguacer appearing, lest it might be thought that his claims for supremacy were acknowledged, tribal names only being used.

2d. Disclaiming against the recent outbreak in Middle Park and the resulting bloodshed, the Indians engaged in which belonged to the Uncompahgre Agency.

4th. Their emphatic desire for peace and that no soldiers should be sent there.

As requested, a copy of the following paper was taken for transmission to the commissioners, and a copy sent to General Pope, commanding Department of the Missouri, and General Crook, commanding Department of the Platte. Its expression and adoption was called forth by



Fig. 33.—Valley of White River and Agency. Sketch from E. Fig. 26, 3 miles distant from agency. A, Indian agency buildings.

the killing of an Indian in Middle Park, and the murder, in retaliation, of a settler there:

WHITE RIVER AGENCY, COLORADO,
September 8, 1878.

To the people of Colorado and Wyoming:

The principal chiefs and headmen of the Ute nation, in council assembled this day at White River Agency, send the following message:

That they declare it their intention to continue on the most friendly terms with the whites everywhere, and that they protest against any parties making or causing difficulty between the whites and the Ute Nation.

Douglas.	Oeeweets.	Catump.
Jack.	Timothy.	Sowpatch.
Sowerick.	Powiskis.	Tosakeets.
Johnson.	Ahpah.	Caratssits.
Ungachief.	Ungarmnee.	Mowicken.
Yamanah.	Souripe.	Quigareem.
Uncamamoats.	Socketroach.	Pahsis.
Toomogo.	Souchericant.	Pahchuniasket.
Ahworts.	Mecisco.	Pahvits.
Trompwonits.	Commissioner.	Kars.

III.—THE AGENCY AND VALLEY OF WHITE RIVER.

The present agency of the White River Utes, as will be seen from the map and various sketches herewith accompanying, is located on the White River, several miles above the mouth of Painted Rock Creek and is at its point of emergence from the cañon through which it passes in its mountain course.

The agency buildings are of log construction and were evidently cheaply built. As an adjunct thereto a saw-mill exists, the lumber being hauled thereto by a road constructed up the cañon by agency labor, and, as I was informed by the agent, 15 miles in length, which I did not have time to examine.

The present location of the agency, as may possibly be inferred from Fig. 33, surrounded by high mesas and rugged hills, particularly on the south, leaving an exposure on the north, is objectionable. Being at the mouth of its long cañon, high and cold winds sweeping down from the east, beginning about sunset, continue through the night, which the agent informed me were of daily occurrence. The Indians avoid them by camping several miles below, where they are sheltered in the valley of the mouth of Painted Rock Creek by mesas seen in the sketch and others in the vicinity. Outside of its objections in a climatic point of view, the valley is narrow and contracted here, and hence without capacity for sufficient acreage to sustain by tillage large bands of individuals. The possibility of cultivation, however, is proven by the production of fine potatoes, which were shown us.

To the agency belongs a fine herd of cattle, some 1,200 at present, furnishing beef therefrom for issue. This is used during the winter, the Indians at present subsisting by the chase.

While this is a fine summer range, its severity in winter is said to be such that the herds must be driven down the river, one or two feet of snow lying in the valley. In view, therefore, of the severe winter season at this point, the agent has selected a new location for the agency, known as Powell Valley, about 15 miles down the river, where land is being broken. The removal is opposed by the Indians. Having informed me that this valley contained 10,000 acres, I visited it in person, making sketches and notes *en route*, which are attached hereto.

It is to the west of and beyond what may be called locally the Big

Bend of the river, on the north side of which passes a road below high sandstone hills here arising. On the southern side exists a trail, and being much shorter, it was traveled *en route*.

At the agency the river, a clear and beautiful trout stream, is 70 feet wide and $1\frac{1}{2}$ feet deep, with a rapid current, its fall being judged to be 40 feet per mile; it therefore passes a large volume of water, sufficient for all needed purposes of irrigation. The general valley (elevated above the river) is here about 1,000 yards in width between mesas and hills which line the river, advancing or receding. One mile below, the general valley, in its entirety, is 4 or 5 miles across, including that of Painted Rock Creek, but the irrigation of all, from the lay of the land, would be impracticable. In brief, the estimate for acreage for irrigation should be confined to "bottom" land, which, of course, exists almost everywhere and is here limited.

Crossing the river and following the trail (see Fig. 35) on the south side, rising 30 feet or more above the level, it skirts a large mesa of 200 feet above us and continues west, descending to the valley of Lone Tree Creek.



FIG. 35.—Trail from the present agency on White River to proposed location and farm, 12 to 15 miles down the river.

This is a valuable area for grazing, the greatest width being opposite the center of the Big Bend, $2\frac{1}{2}$ miles to the river, and $1\frac{1}{2}$ south to the first of the high hills.

Lone Tree Creek, so called from its solitary shade-tree, 3 feet wide by 1 deep, courses through a valley hemmed in by hills of drift about 75 feet high, its width varying from 400 yards to $1\frac{1}{4}$ miles, irregularly.

It is valuable for grazing only. Upon its western side are high, steep "hogbacks," beyond the drift hills clad in sagebrush. An idea of its eroded character, shut in by mesa sides, and of the high cliffs upon the northern bank of the river opposite its mouth, may be gathered from a sketch at the point of passage (Fig. 36).

The trail continues in its general direction on, and a short distance beyond crosses the river. The hills upon the south side, abrupt cliffs, increase from 80 feet near by to 400 beyond, receding from the river.

At the point of crossing, the banks are steep, 10 feet high, the under-

growth of willow, &c., being from 10 to 20 feet in height, and almost everywhere impassable, the large timber being of cottonwood.



FIG. 36.—Down Lone Tree Creek, looking northwest, *en route* to farm from agency. (Sketch at A, Fig. 35). A, Bare sandstone cliffs.—B, Cottonwood and pine.—C, Sagebrush.

The valley is here contracted, and with high sandstone cliffs upon the north, towering to 500 and 800 feet in height, is very pretty. At the point of passage the river was 85 feet wide, averaging 1 foot deep.



FIG. 37.—Looking west down White River to agency farm. Sketch from B, Fig. 35, 5 miles above E, Fig. 35. Powell Valley.

Descending, the hills recede, and a beautiful valley appears, the finest, I am authoritatively informed, upon the entire river, increasing to 600 and 800 yards and more below, where a dry stream-bed is seen upon the right. (See Figs. 37 and 38.) This is known as "Powell Valley," being called after the well-known explorer.

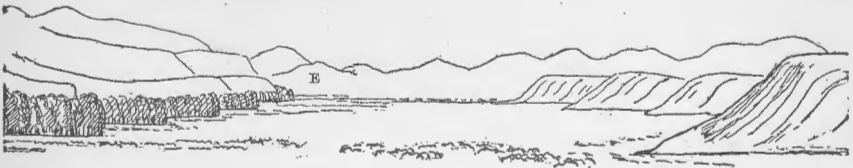


FIG. 38.—Looking west down White River to agency farm. Sketch from C, 4 miles above E, Fig. 35, Powell Valley.

This was reconnoitered, and a fine "bottom" found where land was being broken by the agency teams and employés. The acreage stated



FIG. 39.—Looking east up White River from agency farm. Sketch from C, Fig. 35.

by the agent was not, however, found, and from what was seen in person, and from all that could be gathered from the various employés

at work, and with whom I conversed, there may be said, allowing a liberal estimate, my examination being necessarily superficial, to be a total of 4 square miles that can be irrigated. Instead, therefore, of 10,000, the acreage may be placed at 2,560, perhaps 3,000, including side valleys that may be reached.



FIG. 40.—Looking south from agency farm, White River. Sketch from D, Fig. 35.

This, however, is not all purely "bottom," and that the agent himself did not rely solely thereon may be inferred from the position of a ditch, a few miles long, surveyed and to be constructed, its line of stakes passing over the end of a slope above the river bottom.

The elevation of this valley I could neither learn nor obtain, not having any instruments therefor. From the distance and the fall of the river, varying, however, its lesser altitude than the present agency may be inferred. This, therefore, will render it more fruitful, the duration of the season proper, its warmth, and the adaptability to agriculture in general of a section being proportional to and decreasing as altitude increases. It is, moreover, protected by its being below the Big Bend, and its occupying a southern trend of the sandstone hills a factor of much importance. (See Figs. 35, 37, 38, 39, and 40.) It is a far better location for an agency in every way than the present one, and will afford plenty of land for farming, for all the White River Indians so inclined, present and prospectively, and for the supply of subsistence for those adverse thereto at present drawing rations.

Previous reference has been omitted to the praiseworthy attempts of the present agent to induce his wards to essay the paths of learning. So radical a departure must necessarily be slow in its beginning. The instructor is the agent's daughter, there being but a single pupil, a little one not yet in its teens, who may accomplish, it is to be hoped, much good in time in its tribe.

IV.—RECOMMENDATIONS.

It is to be regretted that a comparison of this valley cannot be made with that which the tribes of Ouray, &c., at present occupy on the Uncompahgre, which I have never visited. Considered, however, in relation to trend of slopes, the difference in latitude being not very great, the White River would have the preference, as the flow of the Uncompahgre being north, that valley is exposed to northern winds and storms, the mountains to the south being some of the highest and most rugged in the Rocky Mountain chain.

From the number of Indians learned to be at the Uncompahgre agency, the White River could doubtless support them all. Considerable expense would be entailed from the increased irrigation area, as the present ditch, unless changed or deepened beyond the size stated when on the ground, would not suffice for irrigating the total acreage, the main bottom and adjuncts.

Thus far the Indians of this agency do not take kindly to farming; but two, I believe, are therein practically engaged; for their substantial aid the farm hands (whites) have but little appreciation, as they informed me that they were "always in the way." The present agent, however,

has farming as his hobby, being a disciple of Horace Greeley, and may induce them in time to become fine farmers, as are the Uinta Utes.

To the valley of the White River, as a point of concentration for all tribes of the Confederated Ute Nation, there are several objections, to which consideration should be given, viz:

While it could accommodate the Uncompahgre tribes, for whose lands of immense extent there is a present and prospectively a greater demand by the whites, for mining and other purposes, it cannot be said to possess the additional capacity needed to include and accommodate all the bands of the Weeminuchee, Muache, Capote, and Cimarron tribes now belonging to the agency on the Rio de los Pinos, Colorado.

Maj. J. W. Powell spent a winter in the valley where the new agency is to be located, suffering many hardships to gratify his well-known love for explorations, and to this day, while the name of the valley is generally given as "Powell's," that given to it by the Indians exists, it being known among the Utes as the "Valley of the One-Armed Man." He has examined the river thoroughly and informed me that no other place save this section was suitable for any extensive agriculture or occupation by large bands. I mentioned to him a few days since that my estimate of the acreage at the new agency location, necessarily superficial (see page 48), had been 2,500, and requested his estimate, being aware of his thorough acquaintance thereof from extended examinations. He informed me that it should be placed at about 2,000 acres.

For concentration here the Uinta tribes would have to be moved. They are already elegantly located on an immense reserve in Northeast Utah, at a considerable distance from the railroad, and isolated by natural boundaries and barriers—which are always preferable for an Indian reserve—on three sides by mountains—upon the other by water. They are already engaged in farming, and are making fine progress; they possess farms and comfortable homes; the agency has a grist-mill, &c., and the intricate problem almost solved in its application to themselves; it would be exceedingly unwise, very expensive, and a violation of the most solemn agreements of the government to eject them from their homes and farms and set them adrift.

Their reserve, wholly in Utah, is of immense extent, and includes in the valleys of the Du Chesne, Lake Fork, and Uinta, and tributaries, an area tillable by irrigation of 285 square miles;* this equals an aggregate of fine farming-land of 182,400 acres. Major Powell personally informed me that this section is the most valuable agricultural land in the whole of Utah. He stated also that the extensive deposits of coal, whose existence along and near White River is generally known, being already mentioned and constantly used at the agency, and which outcrops in "Powell Valley," where it can be mined more easily than elsewhere, are of the *finest quality west of the Missouri River*.

At the agency, during my visit, I was shown specimens of gypsum and limestone found not far distant.

The valley on this section of White River should not, therefore, without deep reflection—since its natural resources are needed by the whites pre-eminently more than by Indians—be occupied for extensive tribal settlement or the development of theoretical farming by the Indians, a problem which must of necessity take many years for full solution and accomplishment.

It would be preferable to consider a concentration of all bands and tribes whose gathering is desired upon the Uinta Reserve, where, with

*Survey and reports Maj. J. W. Powell, in charge explorations Rocky Mountain region. Arid Lands of the United States: Washington, 1878.

great natural barriers separating from civilization, exists an immense territory containing lands valuable for hunting, bountiful grazing for their ponies, &c., and an immense agricultural area; there would be, moreover, for the new-comers examples for their emulation of many Indians successful and happy as prosperous farmers.

A single objection thereto is urged—that of the Mormon influence. The Indians naturally incline to the principles of the Latter Day Saints; but as the power of the Mormon in his chosen land is on the wane, and the Gentile in the ascent, serious fears on that score need not be entertained.

I am, general, very respectfully, your obedient servant,

C. A. H. McCAULEY,
*Second Lieutenant, Third Artillery, Assistant Engineer,
Department Missouri, on duty Ute Indian Commission.*

General EDWARD HATCH, U. S. A.,
Chairman Ute Commission.

FORT GARLAND, COLORADO,
October 21, 1878.

GENERAL: Agreeably to your telegraphic instructions, dated Santa Fé, N. M., September 24, directing me to proceed in company with Mr. W. S. Stickney, secretary Ute Indian Commission, from Fort Steele, Wyo., on our return from the White River Agency, Colorado, to the Uinta Agency, Utah, carrying out the same instructions in relation thereto as were furnished me in writing, for my guidance, under date of September 11, 1878, at Denver, Colo., including information upon the condition and character of the reservation, as to adaptability for agricultural purposes and capacity to sustain a large number of Indians by tillage, condition of the Indians, lines of communication, and other desired data, I have the honor to render the following report:

II. THE ROUTE AND ROAD.

In order to fully illustrate the line of communication from the railroad, via trail or wagon road—the lines of the Uinta Reserve, in regard to which there was apparently some question—the drainage of the rivers &c., &c., I prepared in the surveyor-general's office at Salt Lake City, Utah, two maps, embracing the country from the city to the Colorado line, in order to show the desired data.

I here desire to express my thanks to General Fred Salomon, United States surveyor-general for Utah, and all the gentlemen in his office, for many courtesies extended to me in the preparation thereof.

One of the maps, containing topography from surveys of Maj. J. W. Powell, scale 1 inch equal to 10 miles, has the boundary lines of the reserve located according to information personally furnished me by Major Powell at Salt Lake City. The other topography, largely from surveys of Clarence King, scale 1 inch equal to 4 miles, has the reservation line located from information obtained in the office of the surveyor-general, being from surveys made under the direction of his office. Both will be found herewith accompanying.

Leaving Fort Steele, Wyo., September 24, immediately after receiving your instructions, Salt Lake City was reached via Union Pacific and Utah Northern Railroads September 25.

September 26 a guide, team, &c., were engaged, and, completing mess, outfit, &c., for the field, we left the city the next day, 27th, for the agency, reported 225 miles distant. The road leaves the city, and, going

southeast, the Wabsatch Mountains are crossed via Parley's Cañon. Having passed the summit, we were upon the eastern slope when our wagon broke down—about 25 miles distant from the city. While working slowly along the road toward the first ranch where repairs could be made, we met Col. E. C. Watkins, inspector of Indian agencies, returning from a visit to and inspection of the Uinta agency. He informed us that at a council with the Indians he had mentioned the proposed sale by the Southern Utes of the lower and western strips, and inquired whether they would agree to a ratification thereof, to which they had stated they would. He advised us, inasmuch as the road was a horrible one, and as it would be impossible to reach it with our conveyance (a spring wagon), even if repaired, to send our driver on horseback to the agency, as he could make better time than with a wagon, providing him with the necessary paper for signatures of the Indians.

Acting upon his advice, we proceeded that evening to Park City via Kimball's, fitting out our driver with bedding and a light pack, and, with the necessary dispatches, directed him to proceed to the agency via the trail, returning as soon as possible to Salt Lake City, which we reached September 28.

Owing to snow-storms, which began the day of our departure, the trails were blocked and his trip necessarily longer than otherwise. While awaiting him at Salt Lake City our time was occupied in gathering data, and in the preparation of maps and reports.

Reaching Fort Steele, via Ogden, 15th instant, where telegraphic instructions were received, Cheyenne was made 17th instant, and, missing through connection, we did not arrive in Denver until 18th instant, 7.30 p. m., leaving the next morning for this point.

For information in regard to the road traveled I am indebted to Col. E. C. Watkins, Indian inspector.

Beyond Heber City, save the settlements about or in Strawberry Valley, the country is wild and unsettled to the agency, the road as a whole being a most horrible one, the only proper way to make the trip being with a buck-board and four horses.

Via Parley's Park and Kimball's, Heber City, about 43 miles from Salt Lake City, is reached. From this point a trail passes almost due east to the agency, the wagon-road occupying a more southern line.

The stream upon which Heber City lies is some 40 feet wide by $1\frac{1}{2}$ deep, from which point the route is southeast, reaching 7 miles distant the mouth of Daniel's Cañon. This lies in the valley of the Provo River, a number of irrigating ditches being passed *en route*. At the mouth of the cañon the stream, which is ascended, is 8 feet wide by 15 inches. The way through the cañon is excessively difficult, averaging less than 100 yards in width; the walls rise from 1,500 to 3,000 feet; it is 15 miles long, and in its ascent the stream has to be crossed 67 times! It is, moreover, filled with bowlders, and the banks are often steep, rendering the trip through the cañon very difficult. A saw-mill is seen about 8 miles up from the mouth of the cañon. The passage of the divide, which separates waters flowing to Utah Lake, &c., from those bound east, brings us to the valley of Strawberry Creek—the highest on the route—where water, it is said, freezes every night in the year. Strawberry Creek is about 40 feet wide by $1\frac{1}{2}$ deep.

Leaving the Strawberry, which flows southeast, a stream locally called Deer Creek is passed, beyond which the divide is 20 miles distant from that of Daniel's Cañon. Here heads the cañon of Cold Creek (locally so called), which is about 10 miles long. Crossing Kern Creek, also spelled "Currant" Creek, about 50 feet wide by 1 deep, the distance to Red

Creek or Red Fork is called 22 miles. *En route* the ascents are steep, and after passing 8 miles of upland the descent to Red Creek is most abrupt; steep hills are to the east, the width of Red Creek being 15 feet. Hence the route is east, 15 miles to the next stream, skirting foot-hills on the way, coursing down with its banks a series of arroyas; the crossing, therefore, being very difficult. This stream, locally called "Deep Creek," is mapped as the Du Chesne; 12 miles distant what is known locally as the Du Chesne being met with, mapped as the east branch of the Du Chesne, and also called "Rock Creek" by travelers, from the excessively rocky bottom that it possesses. *En route* to the latter, some 3 or 4 miles of the way is excessively sideling, and over the crater of an extinct volcano the road is said to pass. For a distance of 5 miles a mass of lava ashes is traversed, so soft, that in walking over it on foot one sinks almost to the knees. The main Du Chesne, the stream farthest west, is about 300 feet wide by 2 feet deep, I was informed. Not far distant from the Du Chesne, the road continues for about 15 miles, swinging around among foot-hills; the road very bad and sideling. The Lake Fork, stated to be 100 feet wide by 1 foot deep, is crossed by the road not far distant from and within sight of its mouth in the Du Chesne, of which it is a tributary.

Leaving the Du Chesne at a point of great natural beauty, called the "City of Rocks," where the erosion has doubtless worn the sandstones into many fantastic shapes and forms, a long, huge mesa is ascended, a long, tiresome slope, fully 1,500 feet being ascended in 3 or 4 miles. Thence continuing northeast, at a distance of 50 miles from the point of leaving the Du Chesne, crossing 4 streams *en route*, the agency upon the Uinta River is reached. Its altitude is less than 6,200 feet, its situation being in a magnificent agricultural valley, generally known, though erroneously, as the Uinta Valley, for it is a tributary of the Du Chesne, although otherwise so stated. From the mouth of the Uinta in the Du Chesne down the stream to Green River the distance is about 12 miles by late surveys of engineers from the surveyor-general's office, Salt Lake City.

The road, it is universally agreed, is a most wretched one, and one shorter and better could be made at small expense from the Union Pacific Railroad. It can be traveled but about 4 months in the year. Owing to the annual rise in the rivers, the season of high water being here very long, scarcely any of these largest streams can be forded until the middle or latter part of July. About December 1 the road is blocked, all the ranges and high divides being blocked with snow. Total distance of the agency from the railroad at Salt Lake City, the present point of shipment of annuity goods by rail, is about 209 miles.

II.—THE INDIANS.

The number of Indians at this agency cannot be positively given. Inspector Watkins, of the Indian Department, stated that there were about 130 there; Maj. J. W. Powell, in charge of surveys of Rocky Mountain Region, who has lived for some time among these Indians engaged in the study of the geology of the Uinta Mountains, which he has published in elaborate form by authority of the Department of the Interior, informed me at Salt Lake City that there were in all probably 500 or 600. Their condition as a tribe is very fine, being prosperous and happy, cultivating farms, and with comfortable homes, in emulation of the whites. Inspector Watkins stated that at the agency a grist-mill is in successful operation, there being also a saw-mill, &c.; the agent, Mr.

Critchlow, being thoroughly successful in his management. Each Indian engaged in farming has a bin or box at the mill, where his own grain is kept in store for him, and is ground into flour whenever needed. The relation between the Indians and the Church of Latter Day Saints is one which has attracted more or less attention for some time. That the Mormon influence is felt among them is not to be wondered at, and that proselytes to the faith among the savages exist is also well known.

Mr. Taylor, the president and head of the church, stated in an interview at Salt Lake City that they "found it cheaper to feed the Indians than to fight them," and that they acted entirely upon that principle in their dealings and management with the various bands.

He mentioned an outbreak and resulting war that occurred in the early days of the church in Utah, the total cost of which was about \$1,000,000, since which the Indians have been wholly at peace.

At one place northeast of Salt Lake City there was a band of Indians disturbing the settlers and from whom they feared trouble; to prevent this, they purchased the places of their people, paying them \$10,000 to \$12,000 for their improvements, and had them move elsewhere, leaving the Indians in possession of their farms, which they have since cultivated. These Indians, I subsequently learned from a disinterested party, were some whom the Mormons had induced to join their faith.

Along the Ashley Fork, a stream to the east of the agency and just outside of the reserve, the church has established a flourishing colony, the farthest settlement to the east in Utah.

An attempt was made everywhere to gather all the information possible touching the relations between the Indians and the established church, the result of which, summarized, is that numbers of the Indians have become converts to the faith; that they live harmoniously, and without any annual or semi-annual outbreak, elsewhere generally experienced. This may probably be explained by the fact that the Indians take naturally to the cardinal principle of the Latter-Day Saints, and that the latter, in their dealings with them, always keep their promises, which the government, as we all know, signally fails, as a rule, to do.

Whether the church influence be such as may at some day induce the Indians to rise against the Gentiles, and, in case of serious difficulties, to array themselves against the government, as allies of the Mormons, remains to be seen, but does not now seem probable. Such has not been the case in the past, and as at present the influence of the Gentiles in their stronghold is constantly increasing, and that of the church slowly but most surely decreasing, there does not seem to be a probability of such events transpiring.

III.—RECOMMENDATIONS.

If it be desired to break up any of the tribal agencies, homes, and hunting-grounds of the various bands of the Ute Nation, in pursuance of the policy of the Department of the Interior, for the concentration of the Indians and the diminution of agencies, it would be worthy of attention to consider the situation, size, &c., of the Uinta Reserve as the place of concentration of the various bands now rationed at White River and on the Uncompahgre.

This reserve, in brief, possesses perfect natural boundaries or barriers in mountain chains and high divides upon three sides, a wide river upon the fourth completely isolating it from civilization. It comprises, as will be seen from an examination of the maps, an immense territory, containing valuable hunting-grounds, bountiful grazing-lands for ponies

and stock, and an immense agricultural area, there being in the valleys of the Du Chesne, Uinta, and Lake Fork, with their tributaries, 285 square miles* of land, tillable with irrigation, equivalent to 182,400 acres! This is said by Major Powell to be the most valuable agricultural valley in the whole of Utah.

No other place offers such advantages from all points of view; and in addition, to the newcomers would be presented examples of many Indians prosperous and happy as self-sustaining farmers—a condition of life which it is the apparent purpose to have all Indians attain.

I am, general, very respectfully, your obedient servant,
 C. A. H. McCAULEY,
Second Lieutenant Third Artillery, Acting Engineer Officer,
U. S. A., on duty Ute Indian Commission.

General EDWARD HATCH, U. S. A.,
Chairman Ute Commission.

WASHINGTON, D. C., December 27, 1878.

To the President:

The undersigned beg leave to report that by authority of an act of Congress approved May 3, 1878, Edward Hatch, William Stickney, and N. C. McFarland were appointed by yourself a commission to negotiate with the Ute Indians, the purpose of which fully appears by instructions issued June 29, 1878, from the Department of the Interior, which instructions are as follows:

DEPARTMENT OF THE INTERIOR,
 OFFICE OF INDIAN AFFAIRS,
 Washington, June 29, 1878.

SIR: By direction of the honorable Secretary of the Interior, you were notified by letter from this office, dated May 24 last, that the President had designated you, Hon. William Stickney, of this city, and N. C. McFarland, of Topeka, Kans., to act as a commission to visit and endeavor to secure from the Ute Indians, in the State of Colorado, their assent to the provisions of an act of Congress approved May 3, 1878, authorizing negotiations with the said Indians for the consolidation of all their bands at one agency, to be located on or near White River; and for the extinguishment of their right to the southern portion of their reservation in said State.

Each member of said commission having signified his acceptance of said appointment, the following detailed instructions are given for the guidance of the commission in the performance of its duties under said act:

The commission will convene at Fort Garland, Colorado, at the earliest date practicable, thence proceed without delay to the Los Pinos Agency, and, after consultation with the agent in charge thereof, assemble all the different bands of said Indians in open council, at such time and place as you may deem most convenient and desirable for the accomplishment of the object of the commission.

Agents N. C. Meeker, of the White River Agency, Joseph B. Abbott, of the Los Pinos Agency, and F. H. Weaver, of the Southern Ute Agency, have each been notified of your appointment and instructed to afford you all the assistance in their power in securing a full attendance of the different bands of Utes, and in the promotion of the objects of the negotiations. Agent Abbott has also been instructed to provide the necessary subsistence for the Indians during the council.

You will fully explain to said Indians, when assembled in council, the purport of said act, and the object of your visit to them, taking care in all cases that you shall be clearly understood by them.

The precise objects of your negotiations are set forth in the bill, which is as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby,

* Report of Maj. J. W. Powell, in charge Surveys, &c., Rocky Mountain Region, on "Arid Lands of the United States," Washington, 1878.

authorized and empowered to enter into negotiations with the Ute Indians, in the State of Colorado, for the consolidation of all the bands into one agency, to be located on the White River, or near said river, and for the extinguishment of their right to the southern portion of their reservation in said State, and to report his proceedings under this act to Congress for its consideration and approval."

It is the desire of the department to allow you the largest latitude in conducting your negotiations. You will, therefore, take the act as your guide and make such an agreement with the Utes as you may be able, and may consider to the best interest of the government and the Indians.

Any arrangement or agreement entered into with said Indians for the cession of any portion of their reservation should be executed and signed by at least three-fourths of the adult male Indians occupying or interested in the same; and in every instance the assent and concurrence of at least a majority of each and every band of said Ute Indians is requisite to give validity to the results attained through your negotiations.

To avoid any possible difficulty or misunderstanding in the future, you are instructed to make every effort and use every reasonable inducement to secure unanimity on the part of the Indians in the approval of any cession or agreement that may be made.

Particular care will be exercised in selecting a location for the future settlement of these Indians to secure a sufficient quantity of arable land to enable them to become, by agricultural pursuits, a self-supporting people. You are instructed to thoroughly impress upon the minds of the Indians the fact that any agreement entered into by them will be binding only upon its ratification by Congress.

Any agreement entered into will be signed by the Indians as hereinbefore directed, and by each member of your commission, and you will transmit the same to this office, with a detailed report of your action in the premises, and such recommendations upon the subject as you may deem fit and proper.

I inclose herewith a copy of the treaty of 1868, creating the Ute Reservation; of the Brunot agreement of 1878 (ratified by Congress April 29, 1874) reducing the area thereof; and of a map showing its present boundaries; and the said act of Congress of May 3, 1878.

You will each be allowed a compensation of \$10 per day and your necessary expenses while engaged upon this duty.

Very respectfully, your obedient servant,

WM. M. LEEDS,
Acting Commissioner.

Brevet Maj. Gen. EDWARD HATCH,
Ninth Cavalry, U. S. A., Santa Fé, N. Mex.

William I. Stickney was appointed, by the Secretary of the Interior, clerk of the commission.

On the 19th of July, 1878, William Stickney and W. S. Stickney left Washington, and were joined July 23 by N. C. McFarland at Topeka, Kans., and by Edward Hatch at Manitou, Colo., on the 27th. The commission organized at Manitou July 30, 1878, by appointing Edward Hatch chairman. All the commissioners and clerk present.

At Manitou, William Stickney, suffering from indisposition, deemed it inadvisable to proceed with the commission, and resigned his position, which resignation was accepted, and Lot M. Morrill, being there present, was appointed in his place.

The commission, having been directed to go to the Los Pinos Agency by way of the Southern Ute Agency, proceeded by rail to Alamosa, Colo., and, after making preparations, on the 8th of August started for the last-named agency.

Before leaving we engaged Col. Albert H. Pfeiffer, who had previously for a long time resided with the Indians, and in whom they had confidence, to act as interpreter, and to assist generally in promoting the objects of the commission. It is but due to Colonel Pfeiffer to say that his services were of great value. He knows nearly all the Southern Utes personally, and had a good influence in conducting the negotiations.

On the third day out, Mr. Morrill, suffering from ill health, returned to Fort Garland. This was considered by the other members of the commission as very unfortunate in the prosecution of its business.

On our way we came up with the Muache band of Indians, who were

removing from the Cimarron country in New Mexico to the vicinity of the Southern Ute Agency.

On the 14th of August we arrived at the Southern Ute Agency, and found some of the Indians present, who stated that it would take a week to summon a council. We had made all the arrangements in our power, and supposed others had been made, to have the Indians meet us on or soon after our arrival, but in this we failed. We also expected to find arrangements made so that we could pay the Indians something on indebtedness then existing, arising from the purchase of the San Juan mining country by the Brunot agreement of September 13, 1873; but we found no such arrangements had been made.

Such proceedings were then had, that on three different days we held councils with the Muache, Capote, and Weeminuche bands. They insisted that they had been overreached in the agreement of 1873; that they intended to sell nothing but the minerals; that the government had not complied with the agreement; that they understood that a large amount of money was to be paid the Utes yearly; and that, so far as they were concerned, they had received nothing. They absolutely declined to go into a general council at the Los Pinos Agency, said they would not go to White River to live, did not wish to part with their present possessions, and asked that the government should pay what it had promised. They claimed that their country was overrun with stock, and that they were thus deprived of their grass; but we were informed and believe that some of the stock-men had an understanding with the Indians that they should be allowed pasturage on the land by the payment of nominal sums. We are of opinion that this class of stock-men seriously impeded negotiations, on account of their interest in having the Indians remain in their present location.

From actual observation it became apparent to us that the Indians could not longer remain on the narrow strip compassing the southern part of their reservation without more or less collision with the settlers closing in on both sides. But they refused to take action. In the mean time we suggested that perhaps they would be more inclined to move to the east on the headwaters of the Chama, Navajo, Blanco, and San Juan Rivers, a country in which there is good grass, and but little encroached upon at present with settlers. To this they replied, that if they moved at all they would go there. By authority given us we made them presents, in such articles as we deemed most useful, to the amount of \$866.62, and leaving Colonel Pfeiffer to ascertain what they might say on further consideration, we left for the Los Pinos Agency.

We may here remark that one great difficulty in negotiating with the confederated bands of Utes consists in the fact that they hold the reservation in common and yet, as between themselves, they have, by common consent, made partition of the territory, and utterly refuse to come together for conference. This makes it necessary to treat with them in detachments; and this plan is further hindered by the fact that there is considerable hostility between Ignacio, chief of the Weeminuches of the Southern Utes, and Ouray, chief of the Tabeguaches at Los Pinos Agency. By the agreement of Brunot, of 1873, Ouray seems to be recognized as head chief of all the Utes; but, as a matter of fact, the Southern Utes utterly repudiate him, and he has no influence with or control over them. The fact that he was by the Brunot agreement to receive \$1,000 per annum for ten years greatly incensed other Indians, who claim that they would not have signed the agreement if they had so understood it.

We further suggest, in passing, that the buildings at the Southern Ute

Agency have never been completed ; no floor has been laid, and they are scarcely habitable.

Proceeding by way of Animas City, Silverton, and Ouray, we arrived at the Los Pinos Agency, on the Uncompahgre, on the 29th day of August. Here we had several conferences with the Tabeguaches, who said they had no claim on the land south of the San Juan Mining Country, and would agree to anything that the Indians occupying that part of the reservation might do in respect to the sale of it. We found that trouble had arisen, and more was likely to grow out of a tract of the reservation which juts down into that portion ceded to the government by the agreement of 1873, which is a part of the Uncompahgre Park, and which lies near the town of Ouray. The arable portion of this tract is very valuable, as it is the only land near Ouray capable of furnishing grain and vegetables. This portion is already occupied by settlers who are cultivating it. The Indians demanded that the settlers should be moved. We explained to them the necessity that existed for the cultivation of this land, and endeavored to purchase it ; but they said they had no land to sell to people who would not pay for what they bought before.

We had requested the White River Utes to meet us here, and a few of them, accompanied by Capt. A. M. Curtis, interpreter, came. They also said they had no claim on the southern part of the reservation, and would do anything necessary to relinquish their title. We instructed Captain Curtis to make preparation for the purchase of \$500 worth of goods for them, which we would thereafter cause to be distributed.

Finding nothing more could be accomplished, the two acting commissioners returned to Fort Garland and joined Mr. Morrill. Here we found Colonel Pfeiffer, who had returned from the Southern Ute Agency with a proposition in writing from the Muache, Capote, and Weeminuche bands, which is, in substance, that they were willing to exchange their lands for a location on the headwaters of the Piedra, San Juan, Navajo, Blanco, and Chama Rivers on such terms as might be agreed upon, provided the government would pay them the previous indebtedness. The proposition as forwarded by the Indians is hereto attached, marked O.

Mr. Morrill, being desirous of returning home, was requested to go to Washington, report to the department, and make arrangements for money if the proposition should be favorably received, and the commission adjourned to Denver.

The commission did not deem it necessary to visit the White River Agency, but instructed Mr. Stickney, clerk of the commission, with Lieut. C. A. H. McCauley, who had been detailed to render us any proper assistance as escort, to proceed to that agency and also to the Uintah Reservation in Utah, to procure the relinquishment of the Indians there of any rights they might have to the southern portion of the reservation in Colorado, and to report generally in relation to the White River country, and the condition of the agency and the Indians. The report of Mr. Stickney, with the release and relinquishment, is herewith submitted, marked P ; and the separate report of Lieutenant McCauley, with accompanying drawings and maps, is also submitted, marked Q.

The Department of the Interior, having signified its approval of the action of the commission, placed at its disposal \$28,000, with instructions to pay \$17 *per capita* to such of the Utes as would agree to relinquish their rights to the southern portion of their reservation.

It was determined to secure \$20,000 from the Carson Mint in standard silver dollars. Permission was granted by the Secretary of the Treasury, and after some delay, caused by the necessary time to procure the

silver, the commission started for Pogosa Springs, whither it had summoned the Indians for further council.

In the mean time Mr. Stickney, escorted by Lieutenant McCauley, was detailed to the Los Pinos Agency to secure in writing the consent of the Tabeguaches to the proposed exchange by the Southern Utes, and, if possible, to purchase the tract of four miles square above mentioned. He succeeded in obtaining such written consent, which is herewith submitted with his partial report, marked R. The delegation of six Indians from the Tabeguaches, referred to in Mr. Stickney's report, is now here for the purpose of negotiations.

Arriving at Pogosa Springs, we succeeded, after further delay, in securing the attendance of the Indians; and such proceedings were then had as resulted in the execution of the agreement herewith submitted, marked S. We also obtained as complete an enumeration as possible of the names, sex, and age of the persons composing the Muache, Capote, and Weeminuche bands, which is also herewith submitted, marked T.

We paid, as instructed, \$17 to each man, woman, and child; in case of families, to the head thereof, and to lone and single persons of full age, individually, in all to the number of 902, taking the proper receipts therefor.

An account of the moneys received for payment to the Indians and the expenditure thereof by the chairman of the commission, to whom the same was intrusted, is also herewith submitted, and also the account of the clerk of the commission relating to the expenditure of the fund appropriated by Congress for the use of the commission, of which he was constituted by the department disburser.

It will be seen, then, by this report, if it shall be confirmed—

First. That the Southern Ute Indians, to wit, the Muache, Capote, and Weeminuche bands, have released to the United States all their right to and interest in the Confederate Ute Reservation in Colorado.

Second. That the other Ute bands, to wit, the Tabeguache, Yampa, Grand River, and Uintah, have released to the United States all their right and title to that part of the reservation lying south of parallel 38° 10' except the said four miles square.

Third. That the amount of land to which the title is fully secured is 1,920,000 acres.

Fourth. That the President is to define the boundaries of a new location on the headwaters of the Piedra, San Juan, Navajo, Blanco, and Chama Rivers, in Colorado, with an agency to be established thereon.

Fifth. That the said three bands of Southern Utes have been paid \$17 *per capita* on the indebtedness arising out of the Brunot agreement of 1873, amounting to \$15,334.

And, in conclusion, we beg leave further to say, that we have seen a considerable portion of the territory to which it is proposed to remove the Southern Utes, and found it to contain plenty of pasturage, with more arable land in the valleys than the Indians will be likely to cultivate; and that much of the Territory relinquished will be eagerly sought after by settlers, some of whom have already turned their attention in that direction; that the buildings at the Southern Ute Agency are of but little value, and the loss from their abandonment will be trifling; that the new agency, to be located probably on the Navajo, will be much nearer railroad, and, consequently, the transportation of supplies will be greatly cheapened and quickened. The new reservation need not consist of more than 500,000 acres.

We believe that the three bands called Southern Ute Indians compose about one-third of the whole Ute tribe; and that in all they do not

exceed three thousand. If this arrangement is completed it will leave not more than fifteen hundred Indians occupying the remainder of the reservation in Colorado, of which there will still be left about ten million acres; for it is to be remembered that there are about five hundred Uintahs in Utah. This reservation should be greatly reduced, and the remaining Indians, if possible, consolidated at one agency. There is more disposition among *them* to unite than there is in any portion of them uniting with the Southern Utes. The amount remaining due these Indians on the Brunot agreement should be paid them at once, and it is probable that they may be quite willing to take part of it in stock, particularly sheep, and other articles which would be useful to them.

It may not be necessary to say that large numbers of our citizens are locating, and desirous of locating, in the mountainous districts of Colorado, not only for mining but also for agricultural and pastoral purposes.

If we have not been able to effect the consolidation of agencies so much desired and so very desirable, we think we have averted dangers which were threatening and imminent to both Indians and settlers.

The non-military members of the commission desire to mention the attention and kindness everywhere shown by the Army, and to recognize the substantial aid which it afforded in the progress of our business.

All of which, with the minutes of the commission, is respectfully submitted.

EDWARD HATCH,
Colonel Ninth United States Cavalry, Brevet Major-General,
Chairman Commission.
N. C. MCFARLAND.

We, the undersigned, individual Indians and heads of families of the Tabeguache tribe of Ute Indians, hereby acknowledge to have received from W. S. Stickney, secretary Ute commission, at Los Pinos Agency, Colorado, the several articles of annuity goods and supplies placed before our respective names, and in the amounts set forth, on the 14th of November, 1878.

C.—Issues to Indians of annuity goods and supplies, by W. S. Stickney, Secretary Ute Special Commission, at Los Pinos Indian Agency, Colorado. Dated November 14, 1878.

	Lbs.	Candy.								Yds.	No.	Yds.	Yds.	Yds.	Yds.	Yds.	No.	No.	Pa.	No.	No.	No.	No.	No.	Yds.	No.		
		No.	No.	No.	No.	No.	No.	No.	No.																			
1 Sapovanera, his x mark	10								2,228	2	71	24	35 ²	14	75 ²	6	6	13	18	10	4	4	4	4	4	4	4	12
2 Billy	1	1	1		1			1	75			6	25	6	6	6	6	6	6	6	6	6	6	6	6	6	4	
3 Wass									50			6	10	6	6	6	6	6	6	6	6	6	6	6	6	6	4	
4 Tom-a-sah-raka, his x mark									25			6	10	6	6	6	6	6	6	6	6	6	6	6	6	6	4	
5 Shavano, his x mark									25				10	6	6	6	6	6	6	6	6	6	6	6	6	6	4	
6 Colorado Grande, his x mark									50					6	6	6	6	6	6	6	6	6	6	6	6	6	1	
7 Colorado Chiquito, his x mark	1	1	1	1				1	50			6		6	6	6	6	6	6	6	6	6	6	6	6	6	1	
8 Sam		1	1					1	25					6	6	6	6	6	6	6	6	6	6	6	6	6	1	
9 Tom		1	1	1				1	25			6		5	6	6	6	6	6	6	6	6	6	6	6	6	1	
10 Coochuckemutch, his x mark									20						6	6	6	6	6	6	6	6	6	6	6	6	4	
11 Little Cojo, his x mark									25				10	5	6	6	6	6	6	6	6	6	6	6	6	6	1	
12 Siholo, his x mark									20					5	6	6	6	6	6	6	6	6	6	6	6	6	1	
13 Wich-a-me-chuh, his x mark									20						6	6	6	6	6	6	6	6	6	6	6	6	1	
14 Chook-up, his x mark									20						6	6	6	6	6	6	6	6	6	6	6	6	1	
15 E-nev-e-yaw, his x mark									20						6	6	6	6	6	6	6	6	6	6	6	6	1	
16 Harry, his x mark									20						6	6	6	6	6	6	6	6	6	6	6	6	1	
17 Pete, his x mark									20						6	6	6	6	6	6	6	6	6	6	6	6	1	
18 Wo-oup, his x mark									20						6	6	6	6	6	6	6	6	6	6	6	6	1	
19 Sic-a-quan, his x mark									20						6	6	6	6	6	6	6	6	6	6	6	6	1	
20 Co-ne-jo, his x mark									20						6	6	6	6	6	6	6	6	6	6	6	6	1	
21 Wap-we-it, his x mark									20						6	6	6	6	6	6	6	6	6	6	6	6	1	
22 Co-man-che, his x mark									20						6	6	6	6	6	6	6	6	6	6	6	6	1	
23 Par-ree-ah, his x mark									20						6	6	6	6	6	6	6	6	6	6	6	6	1	
24 Mah-wah-toe, his x mark									20						6	6	6	6	6	6	6	6	6	6	6	6	1	
25 Pee-ah-puts, his x mark									20						6	6	6	6	6	6	6	6	6	6	6	6	1	
26 Coo-nan-pap, his x mark									20						6	6	6	6	6	6	6	6	6	6	6	6	1	
27 Toots-wits-at, his x mark									20						6	6	6	6	6	6	6	6	6	6	6	6	1	
28 Towts, his x mark									20						6	6	6	6	6	6	6	6	6	6	6	6	1	
29 Kah-kah, his x mark									20						6	6	6	6	6	6	6	6	6	6	6	6	1	

I certify on honor that I have explained to the Indians herein named, and am satisfied that they understand the nature of the issue, and that I witnessed the delivery of the several articles of annuity goods and supplies, in the quantities set forth, to the individuals numbered from — to —, inclusive, on the within voucher, and the signing by each individual of the within receipt therefor.

Dated November 14, 1878.

JESUS MONENO,
Interpreter.

We, the undersigned, hereby certify on honor that we were present and witnessed the issue by W. S. Stickney, secretary Ute special commission, of the several articles of annuity goods and supplies, in the quantities set forth, to the individuals numbered from — to —, inclusive, on the within voucher, and also witnessed the signing by each individual of the within receipt therefor; and we further declare our entire disinterestedness in the matter.

Witnesses:

Dated November 14, 1878.

JOSEPH B. ABBOTT,
United States Indian Agent.
C. A. H. McCAULEY,
Lieutenant United States Army, on duty Ute Special Commission.

I hereby certify on honor that I have this 14th day of November, 1878, issued all the articles of annuity goods and supplies, in the quantities as set forth in the within voucher, and to the within-named Indians.

Dated November 18, 1878.

W. S. STICKNEY,
Secretary Ute Special Commission.

WASHINGTON, D. C., December 26, 1878.

GENTLEMEN: On the 22d day of October I received the instructions appended as paper marked A, from General Hatch, chairman of the commission.

The following is therefore submitted as my partial report.

I left Alamosa, accompanied by Lient. C. A. H. McCauley, on the night of the 23d of October, with \$2,000 in standard silver dollars, the same amount in checks on the First National Bank of Denver, and five boxes of goods, as presents for the Indians. In due time we reached our destination with both money and goods.

Most of the Indians were hunting when we reached the agency, but messengers were soon dispatched, and in a few days a council was convened, and as a result I have the pleasure of submitting to you the release of the reservation south and west of the San Juan district by the Tabequches. (See paper marked B.)

For reasons which I deemed satisfactory the agent preferred that the presents purchased by the commission at Alamosa should be paid for out of the tribal funds in possession of the chairman, rather than by certified vouchers issued by the agent; I therefore submit herewith a receipt for all the goods delivered to the Indians. (Paper marked C.)

It was with considerable difficulty that they were induced to receive the presents, Sapovanero, the chief, declaring that the Great Father must not think it necessary to send presents every time he wished a favor of them. The money they requested me to return to the Great Father, or pay the expenses of a delegation to Washington with it; they declined to receive it, as it had not been given them when promised. They evidently feared that it was a ruse to purchase the Uncompahgre Park, in regard to which they declined to treat. Finding them very anxious to have a delegation visit Washington, I was encouraged to believe that if a few of the leading men of the tribe could talk with the President in person, the sale of the four-mile square could be effected.

Authority was requested to take such delegation to Washington, and permission having been granted, I sent Capt. U. M. Curtis, whom I have engaged as interpreter, to bring them from the agency here.

As soon as any definite conclusion is come to in regard to sale of the park I will report it at once to your honorable body.

After Lieutenant McCauley witnessed the issue of the presents to the Indians he returned to Alamosa.

The checks and unexpended balance of the \$2,000 cash, together with duplicate

receipts, have been returned to the chairman, as per his receipts appended and marked D, E, and F.

Very respectfully,

W. S. STICKNEY,
Secretary Ute Special Commission.

To the honorable the UTE SPECIAL COMMISSION.

ROOMS UTE COMMISSION,
Alamosa, Colo., October 22, 1878.

SIR: You will proceed to the Los Pinos Agency and endeavor to obtain the consent of the Ute Indians to sale of all land south of 38'. The land now important to secure is the Uncompahgre Park adjoined to the town of Ouray.

It is believed the payment of so much of their annuities to the Tabequaches, now the only tribe whose consent is required to relinquish this land south of parallel 38.10, can be obtained, and that the amount of \$4,000, with the goods authorized purchased by the Indian Department, to be issued by the agent under the direction of this commission, will obtain the consent of these Indians to disposal of their lands at such a sum as the commission may believe it is the interest of the government to pay and for the Indians to receive.

You will assist the agent in the issue of the goods purchased by him, as directed by the Indian Department, in letters dated July 17, 1878.

You will obtain the signatures in the manner designated by Department of the Interior, in letter of September 25, 1878, copy of which is inclosed. You will understand that only such Indians are to be paid the money annuity as agree to sell and remove from the Uncompahgre Park. The question of their future reservation is a matter to be hereafter decided by the President, through the Department of the Interior, on such action as Congress may take.

If the Indians will not sign an article to relinquish the land upon payment of this money *per capita*, you will return the money, or such balance as you may have on hand upon making payments under these instructions, with report of your action, notifying the commission of your arrival at Alamosa.

Lieutenant McCauley, Third Cavalry, is ordered to report to Los Pinos Agency, to assist and witness payment of annuities, and will accompany you on your journey.

Yours, very respectfully,

EDWARD HATCH,
Brevet Major-General and Chairman Ute Special Commission.

W. S. STICKNEY, *Secretary Commission.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, September 25, 1878.

SIR: I have this day caused a requisition to issue for the sum of \$20,000, to be placed, by telegraph, to your credit with the First National Bank, Denver, Colo., from the appropriation and for the objects designated in the tabular statement herewith, for the proper care and disposition of which sum you will be held to account.

Under the authority of the honorable the Secretary of the Interior, you have been designated to disburse the above amount as a *per capita* payment, or part *per capita* and part in cattle or supplies, as in the opinion of the commission may be deemed best, to such Ute Indians as may consent to their removal from the reservation. In the event of a purchase of cattle or supplies, under the act approved May 27, 1878, not more than \$3,000 *at one time* is allowed to be expended in open market purchases.

I have mailed to you this day a supply of blanks to be used in making the *per capita* payments and to render an account to this office of your disbursements of cash and property, which should be made in duplicate. Each payment should be witnessed by one or more persons on the roll, and certified by yourself and by an interpreter.

If cattle or supplies are issued proper receipts should be taken to accompany your property return, accompanied by certificates of an interpreter and the commissioners. Your attention is invited to "Instructions to Agents," mailed with blanks.

Very respectfully,

WM. M. LEEDS,
Acting Commissioner.

General EDWARD HATCH, U. S. A.,
Care N. C. McFarland, Esq., Topeka, Kans.

S. Ex. 62—4

D.

SANTA FÉ, N. MEX.,
November 29, 1878.

Received of W. S. Stickney, secretary of commission for negotiating with confederate Ute Indians, \$2,000, the same being in four checks, each for \$500, on the First National Bank, Denver, Colo., transferred to W. S. Stickney for payment of interest money to Tabequatche Utes, and not used for that purpose.

EDWARD HATCH,
Colonel Ninth United States Cavalry.

E.

SANTA FÉ, N. MEX.,
December 4, 1878.

Received of W. S. Stickney, secretary of commission for negotiating with confederate Ute Indians, \$149.79, balance of \$4,000 transferred to W. S. Stickney for payment of interest money to Tabequache Utes.

EDWARD HATCH,
Colonel Ninth United States Cavalry.

A.

WHITE RIVER AGENCY, COLORADO,
September 18, 1878.

We, the undersigned, chiefs and headmen of the Yampa and Grand River Utes of the Ute Indians, do hereby consent to whatever disposition the Capotes, Muaches, and Weeminuches and their representative bands may make of that part of the Ute Reservation immediately south and west of the San Juan mining district.

- | | |
|--------------------------------|--------------------------------|
| 1. Jack, his x mark. | 18. Tagowach, his x mark. |
| 2. Douglas, his x mark. | 19. Johnson, his x mark. |
| 3. Somerick, his x mark. | 20. Uncapis, his x mark. |
| 4. Colorado, his x mark. | 21. Dana, his x mark. |
| 5. Washington, his x mark. | 22. Cotump, his x mark. |
| 6. Ebenezer, his x mark. | 23. Sariets, his x mark. |
| 7. Judge, his x mark. | 24. Guero, his x mark. |
| 8. Yramina, his x mark. | 25. Rainbow, his x mark. |
| 9. Nocachief, his x mark. | 26. Ike, his x mark. |
| 10. Jim, his x mark. | 27. Tomogo, his x mark. |
| 11. Tsaquioech, his x mark. | 28. Patchuniaskit, his x mark. |
| 12. Charvis, his x mark. | 29. Yurgo, his x mark. |
| 13. Arapahoe Joe, his x mark. | 30. Bill Hunt, his x mark. |
| 14. Tsausanricket, his x mark. | 31. Apah, his x mark. |
| 15. Oorurich, his x mark. | 32. Abwitz, his x mark. |
| 16. Papita, his x mark. | 33. Uncapashets, his x mark. |
| 17. Sowpatch, his x mark. | 34. Quinkent, his x mark. |

WHITE RIVER AGENCY, COLORADO,
September 18, 1878.

I hereby certify that I interpreted the above agreement to the Indians before signing, and that understood it just as it is written.

U. M. CURTIS,
Interpreter for the Ute Special Commission.

WHITE RIVER AGENCY, COLORADO,
September 18, 1878.

We, the undersigned, were present at the signing of the above document by the Yampa and Grand River Indians, and are hereby witnesses to their marks.

WM. S. STICKNEY,
Secretary Ute Special Commission.
C. A. H. MCCAULEY,
Second Lieutenant Third Artillery, Acting Engineer, U. S. A.,
On duty with Ute Commission.

The above interlineation, viz, "Yampa and Grand," was made before signing.

W. S. S.
C. A. H. M.

C.

WINDSOR, ROUTT COUNTY, COLORADO, September 20, 1878.

United States per N. C. Meeker, Indian Agent, White River, Colorado, bought of H. E. Peck.

Prints, 49, 50½, 51½, 50, 53½, 50, 48, 53, 31, 52, 38, 54 = 580½, 12½	\$72 50
8 plaid shirts, 2.25	18 00
6 Navy, 3.00	18 00
4 milton, 3.00	12 00
24 shovels, 1.50	36 00
60 yards demings, 22	13 20
Muslin, 46, 46, 35½, 45½, 46, 45½ = 264½, 12½	33 09
32½ twilled flannel, 40	13 00
32 red flannel, 50	16 00
Ticking, 46½, 41, 42, 129½, 23	29 78½
10 handkerchiefs, 25	2 50
26 duck orning, 30	7 80
16 pairs shoes, 1.25	20 00
4 belts, 2.00	8 00
6 bridals, 3.50	21 00
3 gross bridal ornaments	10 00
3 sconches, 3.33½	10 00
6 pocket knives, 75	4 50
7 pocket knives, 50	3 50
1 pocket knife, 20	20
1 dozen match-safes, 50	6 00
2 dozen sheath knives, 7.00	14 00
2 boxes soap, 12.00	24 00
22 yards toweling, 25	5 70
19 yards toweling, 30	5 50
60 pounds candy, 30	18 00
32 pairs children's hoes, 20	6 40
24 pair men's hoes, 25	6 00
7 pair ladies' hoes, 50	3 50
2½ spools thread, at 1.25	3 12½
1 spool linen, 1.00	2 00
2 boxes crackers, 76 pounds, 20	15 20
50 pounds prunes, 25	12 50
50 pounds peaches, 20	12 50
1 case assorted can goods, 6.50	6 50
3 halters, 2.00	6 00
4 halters, 1.00	4 00

Received payment,

H. E. PECK.

LOS PINOS INDIAN AGENCY, COLORADO,
November 11, 1878.

We, the undersigned chiefs and headmen of the Tabeguache tribe of the Ute Nation, do hereby consent to whatever disposition the Capotes, Muaches, and Weeminches, and their representative bands may make of that part of the Ute Reservation immediately south and west of the San Juan mining district.

Sapavaneri, his x mark.
Billy.
Shavano.
Wass.
Tom.
Sam.
Colorado Chiquito, his x mark.
Colorado Grande, his x mark.
Tomasaraka, his x mark.
Sagebush, his x mark.
Johnson, his x mark.
Mah-va-is, his x mark.

Me-poo-seis, his x mark.
Ah-cah-poor-kwetch, his x mark.
Cojo Chequito, his x mark.
Mah-ootch, his x mark.
See-up, his x mark.
Ai-as-ket, his x mark.
Sang-toos, his x mark.
Tn-goo-rutch, his x mark.
Wah-up-weeit, his x mark.
Pan-till-on, his x mark.
Ki-oots, his x mark.

UTE INDIANS IN COLORADO.

LOS PINOS INDIAN AGENCY, COLORADO,
November 11, 1878.

I hereby certify that I interpreted the above agreement to the Indians before signing, and that they understood it just as it is written.

JESUS MORENO,
Interpreter for the Agency.

LOS PINOS INDIAN AGENCY, COLORADO,
November 11, 1878.

We, the undersigned, were present at the signing of the above document by the Tabequache tribe of Ute Indians, and are hereby witnesses to their marks.

WM. S. STICKNEY,
Secretary Ute Special Commission.
JOSEPH B. ABBOTT,
United States Indian Agent.

B.

INDIAN DEPARTMENT,
WHITE RIVER AGENCY, COLORADO,
September 18, 1878.

DEAR SIR: In accordance with order of August 31, I have the honor to submit the following report of arable lands on the water-courses between the Los Pinos Agency and this point:

I find, by examining the valley of the Ungapah, the land is of a light clay soil, with but little vegetation, save greasewood and cactus. The arable is extensive. The valley will average 2 miles in width by 20 miles in length. About 10 miles of the lower part could be irrigated by a modest expense in taking out a ditch for the purpose.

The Gunnison has a wide open valley, no grass, a thin clay soil well covered with lava rocks, easily irrigated, and quite unproductive.

Lava Creek winds its way through a deep rocky cañon, with no width of bottom land. The upland is covered with piñon and cedar. Near the head of creek are nice summer grazing, but not fit for farming purposes, nor can stock live here during the winter months.

Plateau Creek.—I can say but little of this, save it takes its rise in two lakes near the summit of Mountain of Lava, and winds its way through a similar character of country, unfit for agricultural purposes.

North Main Creek finds its way through a high mountain park to the Grand. The above park is a splendid summer grazing park, but too cold for winter grazing or farming.

Grand River Valley is 5 miles wide by 10 in length. It is hard to irrigate, and has but little natural advantages, save for winter grazing. There are four families of Utes farming in the above-mentioned locality, and are doing well. They have about ten acres under cultivation. If this valley was put under ditch it would be quite productive.

Rifle Creek is of no use for farming, but might be utilized for grazing.

The high table land between the Grand and White Rivers is superior pastoral lands for the summer and fall months, but too cold for winter or farming pursuits.

Hoping the foregoing may be satisfactory to your honorable body,

I remain your obedient servant,

U. M. CURTIS.

UTE SPECIAL COMMISSION.

SANTA FÉ, N. MEX., December 4, 1878.

Received of W. S. Stickney, secretary of commission for negotiating with Confederate Ute Indians, deposit United States depository First National Bank, Denver, Colo., \$1,850.21, of coin furnished for the payment of interest money to Tabequache Utes, not used.

EDWARD HATCH,
Colonel Ninth United States Cavalry.

Articles of convention and agreement entered into at Pagosa Springs, in the State of Colorado, this 9th day of November, A. D., 1878, between the United States of America and the Muache, Capote, and Weeminuche bands of the Ute Indians, witnesseth:

That whereas Edward Hatch, Lot M. Morrill, and N. C. McFarland, under the authority of an act of Congress, approved May 3, 1878, appointed by the President to negotiate with the said Indians for the relinquishment of their right to the southern portion of their reservation in the State of Colorado, and for other purposes—

Now this may show that the said United States of America, by its said commissioners, and the said Muache, Capote and Weeminuchee bands of Ute Indians have agreed as follows:

First. The said Muache, Capote, and Weeminuchee bands of Ute Indians agree to release and relinquish to the said United States of America all their right to and interest in the Confederate Ute Reservation, in the State of Colorado, and especially to the southern portion thereof, to wit, that part lying south of the parallel of thirty-eight degrees and ten minutes ($38^{\circ} 10'$) of which they are now in occupancy; and they agree to remove to the territory hereinafter mentioned in the second article of agreement, during the spring and summer of the year, A. D. 1879, and as soon as an agency shall be located and buildings erected on the said last named Territory.

Second. In consideration of the release and relinquishment aforesaid by said bands, the United States of America, by its said commissioners, agrees to set apart for the use and occupancy of said bands of Ute Indians a reservation on the headwaters of the Piedra, San Juan, Blanco, Navajo, and Chama Rivers, in the State of Colorado, the precise boundaries of which reservation to be hereafter defined by proclamation of the President.

And the said United States of America further agrees to establish on said last-named territory during the spring and summer of the year A. D. 1879 an Indian agency and to erect proper and suitable buildings therefor.

Third. And the said bands of Ute Indians also agree that they will not obstruct or in any wise interfere with travel upon any of the highways now open, or hereafter to be opened by lawful authority in or upon said last named reservation.

Fourth. This agreement shall not be binding until confirmed by Congress and the President of the United States.

Witness the signatures of said commissioners on behalf of the United States of America, and also the signatures of the several members of said bands of Ute Indians.

EDWARD HATCH,
Col. 9th Cav., Bvt. Maj. Gen., Chairman Commission.
N. C. MCFARLAND.
LOT M. MOBRILL.

MUACHE UTES.

George Bent, his x mark.
Le Mora, his x mark.
Pawache, his x mark.
Nanise, his x mark.
Friday, his x mark.
Cherecha, his x mark.
Achiako, his x mark.
Damano, his x mark.
Gurochampe, his x mark.
Augustina, his x mark.
Ananotonia, his x mark.
Mose, his x mark.
Tesaught, his x mark.
Pinariche, his x mark.
Quavo, his x mark.
Chreitech, his x mark.
Antonia Colloron, his x mark.
Angarmeiche, his x mark.
Gie Eua Blanco, his x mark.
Nacero, his x mark.
Oho Blanco, his x mark.
Jangardo, his x mark.
Cassador, his x mark.
Coneoche, his x mark.
Cucharat, his x mark.
Aucotoche, his x mark.
Panonse, his x mark.

Acanea, nis x mark.
Panconie, his x mark.
Ouchopajauao Och, his x mark.
Parbador, his x mark.
Chanlas, his x mark.
Conhoconancho, his x mark.
Canarugto, his x mark.
Balone, his x mark.
Cawoway, his x mark.
Cachocho, his x mark.
Tomaceta, his x mark.
Quajaoguehe, his x mark.
Pechoats, his x mark.
Wanehino, his x mark.
Migual, his x mark.
Egulla Colla, his x mark.
Poocegar, his x mark.
Francisco, his x mark.
So Soon, his x mark.
Monchus, his x mark.
Chicepa, his x mark.
Wetor, his x mark.
Walapa, his x mark.
Mattachew, his x mark.
Pistake, his x mark.
Parblo, John, his mark.
Cimmiron, his x mark.

Drocha, his x mark.
 Peah, his x mark.
 Cawammiova, his x mark.
 Tous, his x mark.
 Oho Blanco, his x mark.
 Uncopuche, his x mark.
 Joseph Holt, his x mark.
 Juan, his x mark.
 Josa, his x mark.
 Topach, his x mark.
 Tiena, his x mark.
 Jack, his x mark.
 Pincha, his x mark.
 Chevata, his x mark.
 Pachæca, his x mark.
 Aigulla, his x mark.
 Buckskin Charlie, his x mark.
 Tomiceta, his x mark.
 Catanaw, his x mark.

Antonia Marcia, his x mark.
 Manwell, his x mark.
 Quelieno, his x mark.
 José Agnes, his x mark.
 Canopa, his x mark.
 Casemarao, his x mark.
 Longehin, his x mark.
 Apache, his x mark.
 Cöho, his x mark.
 Cathemora, his x mark.
 Meyodana, his x mark.
 Pewee, his x mark.
 Lewus, his x mark.
 Piwase, his x mark.
 Atala, his x mark.
 Carawatch, his x mark.
 Tagawich, his x mark.
 Anechoa, his x mark.

CAPOTE UTES.

Tapaciche, his x mark.
 Mokja, his x mark.
 Savaro, his x mark.
 Chavas, his x mark.
 Chavas, son of 1st, his x mark.
 Pelone, his x mark.
 Coreneo, his x mark.
 Coreneo, son of, his x mark.
 Antonio, his x mark.
 José, his x mark.
 Juanauchi, his x mark.
 Primente, his x mark.
 Chayonia, his x mark.
 Cheineco, his x mark.
 Tabawatche, his x mark.
 Conejo, his x mark.
 Sarappa, his x mark.
 Padra, his x mark.
 Abbigue, his x mark.
 Carriver, his x mark.
 Washington, his x mark.
 Quinea, his x mark.
 Stalian, his x mark.
 Tenientie, his x mark.
 Moreno, his x mark.
 Borego, his x mark.
 Antonia Jose, his x mark.
 Diago Martini, his x mark.
 Juan Annochow, his x mark.
 Martin, his x mark.
 Tapachie, his x mark.

Americano, his x mark.
 Joseph, his x mark.
 Taciachoco, his x mark.
 Punchie, his x mark.
 Tancia his x mark.
 Souich, his x mark.
 Padro Pagio, his x mark.
 Mokacha, his x mark.
 Pocheeka, his x mark.
 Tienna, his x mark.
 Phillipia Martino, his x mark.
 Sabata, his x mark.
 Annas, his x mark.
 Topiache, his x mark.
 Tanciarchie, his x mark.
 Carnico, his x mark.
 Tupra, his x mark.
 Mertini, his x mark.
 Chatta, his x mark.
 Soglo, his x mark.
 Quatrao, his x mark.
 Alegandra, his x mark.
 Coho, his x mark.
 Porache, his x mark.
 Cunuecha, his x mark.
 Chavanugh, his x mark.
 Tarawitch, his x mark.
 Francisco, his x mark.
 Manwell, his x mark.
 Ontichuche, his x mark.

WEEMINUCHEE UTES.

Quatrao, his x mark.
 Aligandriao, his x mark.
 Colorado, his x mark.
 Carecto, his x mark.
 Navies 1st, his x mark.
 Navies 2nd, his x mark.
 Baaquacha, his x mark.
 Seinaah, his x mark.
 Necaroa, his x mark.
 Aqaita, his x mark.
 Temapia, his x mark.
 Quape, his x mark.
 Paujuasa, his x mark.

Petago, his x mark.
 Antonio Josa, his x mark.
 Jose Lalos, his x mark.
 Necachae, his x mark.
 Poah, his x mark.
 Posequhe, his x mark.
 Marucha, his x mark.
 Pajuache, his x mark.
 Chevato, his x mark.
 Cheeno, his x mark.
 Cunapancho, his x mark.
 Quachits, his x mark.
 Mucheguto, his x mark.

Natedevava, his x mark.
 Muthea, his x mark.
 Venco, his x mark.
 Tepujueche, his x mark.
 Caravase, his x mark.
 Nucauch, his x mark.
 Pano, his x mark.
 Jose Antonio, his x mark.
 Beago Curva, his x mark.
 Aucategaube, his x mark.
 Naturach, his x mark.
 Sequine, his x mark.
 Jero, his x mark.
 Ignacia, his x mark.
 Ciego, his x mark.
 Tavanie, his x mark.
 Quajue, his x mark.
 Cavason, his x mark.
 Saparigo, his x mark.

Juarra, his x mark.
 Tavanah, his x mark.
 Ecediao, his x mark.
 Marinna, his x mark.
 Mucheguote, his x mark.
 Vicenech, his x mark.
 Jose, his x mark.
 Meahea, his x mark.
 Vinenche, his x mark.
 Ancateguapa, his x mark.
 Cavason, his x mark.
 Charlie, his x mark.
 Jose, his x mark.
 Concupacha, his x mark.
 Gevato, his x mark.
 Jose, son of Gevato, his x mark.
 Charlie, son of Gevato, his x mark.
 Aparich, his x mark.
 Chapo, his x mark,

We, the undersigned, certify that we were present and are witnesses to the signatures by mark of the Muache, Capote, and Weeminuchee bands of Indians to the foregoing agreements, and that they were twice read in their presence and understood by them.

THOMAS M. F. WHYTE,
Interpreter Southern Ute Agency.
 ALB. H. PFEIFFER,
Interpreter Commission.

We, the undersigned, certify that we were present when this agreement was read to the Muache, Capote, and Weeminuchee Indians, and witnessed their assent to the same.

FREDERICK KASTEN,
 WILLIAM JACKSON.
 JOHN GEARY.
 A. R. PAXTON.
 W. S. PEABODY.
 JOHN PEABODY.

O.

We, the chiefs and headmen of the Weeminuche, Capote, and Muache bands of Ute Indians, hereby agree to remove from our reservation under the following conditions this day proposed by us:

I. That we unanimously agree to sell the reservation which we now occupy, the price of which shall be determined by the commission and the Utes.

II. That the boundaries of the territory hereafter to be occupied by us shall include the headwaters of the Rio Navajo, Rio Blanco, Rio San Juan, Rio Piedra, and Rio Los Pinos.

III. That the agency be removed to the Rio Navajo at or near the crossing of the upper wagon-road.

IV. That the eighty thousand dollars now due be paid us before our settling upon the new territory to be occupied by us.

- | | |
|------------------------|--------------------------|
| 1. Ignacio, x, W. | 15. Charity, x, M. |
| 2. Aguila, x, M. | 16. Felipe Martin, x, M. |
| 3. Sevaro, x, C. | 17. Passagouche, x, W. |
| 4. Cabozon, x, W. | 18. Thoma, x, M. |
| 5. Alejandro, x, W. | 19. Ecedro, x, W. |
| 6. Colorado, x, W. | 20. Juan Antonio, x, M. |
| 7. Sagoonawaitz, x, W. | 21. Padreleon, x, W. |
| 8. Chavez, x, C. | 22. Nutria, x, W. |
| 9. Italian, x, C. | 23. Chewato Viejo, x, W. |
| 10. Tumpiathe, x, C. | 24. Washington, x, C. |
| 11. Taputche, x, C. | 25. Coronea, x, C. |
| 12. Sopratar, x, C. | 26. Ancapoor, x, M. |
| 13. Conajo, x, C. | 27. Mocutche, x, W. |
| 14. Pelon, x, C. | 28. Martin, x, M. |

- | | |
|-----------------------------|-----------------------|
| 29. Watsup, x, W. | 40. Alamanca, x, W. |
| 30. Hatchup, x, W. | 41. Tosah, x, W. |
| 31. Tawiar, x, W. | 42. Quatro, x, W. |
| 32. Kunapitz, x, W. | 43. Siuma, x, C. |
| 33. Sai-wai-i-patche, x, C. | 44. Juan Ancho, x, C. |
| 34. Captain John, x, M. | 45. Padre, x, C. |
| 35. Juan, x, C. | 46. Vicente, x, C. |
| 36. Charley, x, M. | 47. Juanico, x, C. |
| 37. Chirritz Ignacio, x, M. | 48. Morutz, x, W. |
| 38. Augustin, x, M. | 49. Tomapi, x, W. |
| 39. Quinche, x, C. | 50. Kamaatche, x, C. |

SOUTHERN UTE AGENCY, COLORADO,
August 28, 1878.

We, the undersigned, certify that we were present and are witnesses to the signatures, by mark, of the Indians from No. 1 to No. 50, inclusive, to the foregoing propositions, four in number, and that they were read in their presence and understood by them.

THOMAS M. F. WHYTE,

Interpreter.

ALB. H. PFEIFFER,

Interpreter, Special Ute Commission.

DONALD MCINTYRE.

JAMES P. POLLOCK.

I certify, on honor, that the above propositions were twice read and fully explained in the presence of those whose signatures by mark are appended, and that they acknowledged the same to be fully understood by them.

F. H. WEAVER, JR., [SEAL.]
United States Indian Agent.

SOUTHERN UTE AGENCY, COLORADO,
August 28, 1878.

P.

FORT GARLAND, COLO., *November 27, 1878.*

GENTLEMEN: At a meeting of the commission held in Denver September 11, and also by a supplemental telegram dated September 24, 1878, the secretary, accompanied by Lieut. C. A. H. McCauley as escort, was instructed to "proceed as speedily as possible to the White-River Agency, to complete arrangements already made with U. M. Curtis, interpreter; to report as to the condition of the Indians and the agricultural capacity of the country, and to secure from the Indians, in writing, their consent to the sale of that part of the reservation immediately south and west of the San Juan mining district," and then "to proceed to the Uintah Agency with the same instructions."

In pursuance of these instructions I beg leave to present the following as my report:

Thursday morning, September 12, 1878, Lieutenant McCauley and myself took the Denver Pacific Railroad to Cheyenne, and thence the Union Pacific to Fort Steele, in all about 234 miles, reaching the last-named place at midnight.

Major Thornburgh, commander of the post, received us and kindly accommodated us at his own table.

The following day was occupied in securing an outfit with which to make the trip. The officers of the post placed at our disposal a buck-board and a pair of mules. At Rawlins, some sixteen miles distant, I hired a guide and an extra pair of horses, which were sent ahead as a relay.

Saturday, September 14, we left Fort Steele for the agency, riding that day about sixty miles. From the fort to Pine Grove, the ranch where the relay awaited us, is an alkali country, generally rolling, and with very little vegetation save sage-brush and grease-wood. After leaving Rawlins we passed but one house, and that is about sixteen miles out. From the grove to Snake River the road crosses the Continental Divide, a series of high mesas separated by arroyos of greater or less depth. These table-lands abound in game, and furnish good summer ranges for cattle. Grass and sage-brush are the products of the soil, except on the banks of an occasional stream, where the cottonwood seems to thrive.

The second day we rode about fifty-one miles, crossing Snake River Valley to Fortification Creek. This valley, about two miles wide at the crossing, is beautifully located,

partially protected by high plateaus, and with good mountain pastures at its head. The river is lined with cottonwood and the bottom-land well covered with grass. On our return, about eight miles above the river-crossing, we passed a mild soda-spring, the only mineral development of the valley reported.

Quite a number of settlers have already located along the river, an Indian trader, still doing a flourishing business, being the pioneer. The principal occupation is stock-raising; the cattle ranging about the mountains in summer, and sixty or seventy miles west and south in the winter, where the grass is not covered with snow. Little is done at farming, the settlers having no chance to grind their wheat nor market for their vegetables. But most of the usual crops, except corn, so far as they have been tried, seem to do well.

The third day we crossed the Bear River, known on the maps as the "Yampa." Like the Snake, this valley, though sparsely settled, is used principally for cattle-ranges. The season being short and the demand small, little or nothing is done in the way of farming. The Indian trader at this post, the nearest to the agency, has a small garden and supplied us with fresh tomatoes and very fine potatoes of his own raising.

From this valley to the agency, about sixty miles, the road crosses mountain ranges of no mean height; but before sundown Tuesday, the 17th, after riding in four days about two hundred miles, we reached the White River Valley and the Indian agency.

The agent, Mr. N. C. Meeker, received us very cordially and introduced us to the scanty quarters and poor fare of the agency boarding-house.

Wednesday, a council was convened, and as a result I have the pleasure to submit herewith the written consent of the most of the chiefs and headmen, viz, thirty-four in number, to "whatever disposition the Capotes, Muaches, and Weeminuches may make" of the southern and western strips of the reservation. (See paper marked A.)

The Indians were very friendly, and wished the Great Father to distinctly understand that they, the White River Utes, do not want to fight, nor in any way incur the displeasure of the whites. In regard to the late murder in Middle Park, they disclaim all connection. Washington, who was present at the murder, claims to have advised Piah against it, but his counsel was disregarded. Piah has not yet returned to the agency. If he could be caught and punished by the government authorities the effect on the Indians would unquestionably be for the best, and would have a tendency to prevent an early repetition of the crime.

Mr. Curtis, employed as interpreter by the commission, presented his report as to the arable land between the Los Pinos and the White River Agencies. It is submitted herewith, as paper marked B. I also approved his action in proceeding to Middle Park so promptly with seven of the leading Indians to prevent any further trouble by an apprehension on the part of the settlers that a general outbreak was imminent.

The presents ordered by the commission for these Indians had not arrived, and as the agent has no interpreter, I instructed Mr. Curtis to remain until they came, and with the agent to distribute them to the Indians who had assisted the work of the commission.

On my return, the goods having reached Bear (Yampa) River, I stopped a day at the trader's store to inspect them and approve the bill. A duplicate bill, marked C, is appended.

The condition of the White River Indians and the agricultural capacity of their country seem to be but little known outside of the agency and its vicinage. The old distinction of the Yampa and Grand River bands is rapidly disappearing, and they all call themselves "White River" Utes. The chief no longer has absolute authority, but acts only in accordance with the will of a majority of his councilors. They are all well off; hardly an Indian has less than twenty-five ponies. All have good guns and an abundance of ammunition. Game is plentiful, and the Indians are rich from their hunting. They hunt off the reservation, going two, three, and four hundred miles north, preferring to keep their own game intact until the rest is gone. They also own in common fifteen hundred head of cattle, from which herd the beef is supplied. None of these cattle are supposed to be killed without the consent of the agent.

The White River Valley is so mild and so well protected in winter that the herd can graze within sixteen miles of the present agency during the whole season. This is the place to which the honorable Commissioner of Indian Affairs has ordered the removal of the agency. There the valley is wider, and the fall of the river so great that irrigating ditches are being easily constructed, and a fall of sixty feet for milling purposes can be secured. The agent is already breaking up the ground and hopes to obtain a wheat crop, at least, by next season.

The settlers on Snake and Bear Rivers regard this valley as far superior to their own and better adapted for grazing and agricultural purposes than any other part of this country. All seemed to concur that at least five thousand Indians could be supported there; the agent, a professional farmer, claiming that he can support ten thousand people in that valley and its subsidiaries. He also says, "This White River range on the reservation is unequalled in the West, and it possesses the great advan-

tage of not being trespassed upon by any other herds, a condition that diminishes the labor of herding and reduces the losses by estrays and stealings. This range has a money value of at least \$50,000. There is no section comparable with it south of the divide between White and Grand Rivers."

This country seems much better adapted for cultivation than the Uncompahgre Valley. It lies south of the mountain ranges, which protect it from the extreme cold; it is fully as near a railroad, about 175 miles over a good natural road, and is well removed from the settlers. Should it be thought best to consolidate the Los Pinos with the White River Agency, there certainly would be no difficulty in supplying them; the White Rivers probably have not more than 400, certainly less than 500, and your honorable body has already approximated the number in Ouray's band as about 1,000, making a total of, at most, 1,500 Indians.

In reporting as to the needs of these people, I would beg leave to call attention to the necessity of a police force. The agent has not secured his quota allowed by law, deeming such a small number insufficient to compel obedience. Some of these Indians need something more than moral suasion. While the majority mean well, and would probably prevent any open outbreak, the few who are ill-disposed can make great trouble for the agent, and commit depredations in the vicinity of the reservation with little fear of being punished. A Ute police could do much toward preventing a repetition of the Middle Park calamity, and be of great value in securing the guilty should any insubordination occur.

Another want now felt at the agency is a trading-post. At present the nearest is sixty miles, and the next fifty miles beyond. If these trips of one and two hundred miles for barter could be checked, it would undoubtedly help to keep these people on the reservation and localize them. Certainly some good might be effected by allowing any and all traders to build first-class buildings at the agency and do their trading there. Liquors should, of course, be prohibited, but to make the experiment a success ammunition will have to be sold, though that may be easily regulated by the order of the agent or the chief of police. So long as the present system of the government obtains in regard to the rations of the Indians, they will have to hunt, and it seems but fair that under certain restrictions they be allowed to buy their powder and lead at reasonable prices, and that, too, on the reservation.

The Indians had considerable to say about the money that was due. They seem less anxious for the money itself, than to have the debt in some way discharged. There are a few things they would be benefited by having, and I will ask your permission to enumerate them:

First. A grist-mill. It will be difficult to make these Indians self-sustaining without such a mill; and if it were built with their own money, they would probably take a greater interest in learning how to manage it. At present, I am informed, the government pays 9 cents a pound for flour delivered at the agency; the agent estimates it would cost 3 cents a pound if he had a mill.

Secondly. About twenty-five short-horned bulls. Most of the cattle belonging to the Indians are of the long-horned Texas stock, and an infusion of the short-horned breeds would not only improve the milking qualities of the cows, but also increase their average weight. If the other band is located here, the herd without great expense could be enlarged sufficiently to meet the demands of all the Indians without the aid of beef-contractors.

Thirdly. About twelve stallions, well adapted for draught purposes. The Indian ponies are of very little use, except under the saddle, and if work-horses will be needed for farm purposes, either they must be purchased and taken into the country or else the native stock must be improved. The Indians think much of their ponies, and any effort tending toward their improvement would be gratefully appreciated.

Fourthly. A good stock of farming implements and seeds. The agent reported that several families had expressed their willingness to work, but he had no tools for them. They do not need expensive articles, but something strong and durable, likely to stand the hard knocks novices will give them. Of seeds the staples are most needed.

Fifthly. An increase of the police force allowed by law. This agency would, under the general act, be allowed eight or nine policemen. At the start, if the agencies are to be consolidated, it would probably be well to have the number increased to fifty, the extra to be paid from the tribal fund. Fifty men carefully chosen, required to be at or near the agency, might help to keep the rest of the band from going so far from the reservation. The first year or so such a force would need a chief, and a good man can now be secured for twelve or fourteen hundred dollars. I refer to Captain U. M. Curtis; he has great influence with these Indians, has lived with them for many years, speaks their language well, and has led them as soldiers. In Mr. Curtis the agent would not only have an interpreter, a want he sadly feels at present, but would also have in charge of his police a capable man, respected and looked up to by the Indians. At least work in such a position could be easily tested by a year's trial, it being his duty not only to keep the Indians quiet and orderly, but make them remain on the reservation;

provided, of course, traders at the agency are permitted to sell ammunition, though it be in limited quantities, and subject to the order of the agent.

In conclusion, whatever is to be done should be done quickly. It is very important that they should be put to work early in the spring, and if they are henceforward to live under a new *regime*, the sooner it is introduced to them the better.

It is certainly to be desired that the buildings at the new agency will be of a somewhat more civilized character than the rude log huts at present occupied. The Indians learn only by imitation, and with the good saw-mill now on the reservation, plenty of lumber, and the good supply of employes, there is nothing to prevent the erection of comfortable homes, and at the same time models fit to be copied.

I left the agency on my return Wednesday night, September 18, and reached Fort Steele Monday, the 23d of September.

Having received telegraphic instructions to proceed to the Uintah Reservation, escorted by Lieutenant McCauley, I left Fort Steele September 24, arriving at Salt Lake the evening of the following day.

Thursday, the 26th, was occupied in fitting up for the trip. A wagon warranted to carry us over the mountains and a guide were hired.

Friday morning at sunrise we started, and had gone but twenty miles before the wagon broke down. Finding it useless to attempt the mountains with a broken wagon, to save time I hired a horse and sent our driver as courier over the trail to the agency, requesting the agent to procure for the Indians their release to the country south and west of the San Juan district; I returned to Salt Lake City. While waiting for the return of the courier I received a call from Tabby, chief of the Uintahs, and Tuckawanna, subchief. They each expressed themselves as pleased with the work they are doing at the agency and as willing to sign the release. The courier returned with a letter from the agent, to the effect that the Indians were out hunting, but as soon as possible he would convene them and secure their signatures to the release. About a month later I received this document properly signed and witnessed, and take pleasure in presenting it herewith [D].

From the Indians met and Agent Critchlow it would seem as if their needs were about the same as at White River. They particularly requested that stoves, wagons, and harness be given them, in addition to whatever stock and farming implements might be sent. (See Mr. Critchlow's letter marked E, herewith submitted.)

As requested, I reported on Saturday, October 20, at Fort Garland, to the chairman of the commission.

All of which is respectfully submitted.

W. S. STICKNEY,
Secretary Ute Special Commission.

The Hon. UTE COMMISSIONERS.

UINTAH VALLEY AGENCY, UTAH TERRITORY,
October 31, 1878.

SIR: I have the honor to state that I this day, the earliest practicable time at which it could be done, held a council with the Indians under my charge, and presented to them the accompanying paper for their signatures, which, after full explanation by the interpreter, and due consideration on their part, they cheerfully signed. I trust it will be found satisfactory, and that their somewhat excited expectations as to their participation in the fund to be distributed among the Utes may not be disappointed.

Very respectfully, your obedient servant,

J. J. CRITCHLOW,
United States Indian Agent.

W. S. STICKNEY, Esq.,
Secretary Ute Special Commission, Denver, Colo.

D.

UINTAH VALLEY AGENCY, UTAH,
October 31, 1878.

We, the undersigned, chiefs and headmen of the Uintah band of Ute Indians, do hereby consent to whatever disposition the Capotes, Muaches, and Weeminuchees and

their representative bands may make of that part of the Ute Reservation immediately south and west of the San Juan mining district :

- | | |
|-------------------------------------|---------------------------------|
| 1. Tabby, chief, his x mark. | 9. Mountain, his x mark. |
| 2. Tuckawana, subchief, his x mark. | 10. Robinson, his x mark. |
| 3. Antero, subchief, his x mark. | 11. Mountain Sheep, his x mark. |
| 4. Yank, his x mark. | 12. Sours, his x mark. |
| 5. David, his x mark. | 13. Jim Duncan, his x mark. |
| 6. Wanrodes, subchief, his x mark. | 14. Loney, his x mark. |
| 7. Cutlip Jim, his x mark. | 15. Atriner, his x mark. |
| 8. Bob Ridley, his x mark. | |

I hereby certify on honor that I have explained to the Indians the meaning of the foregoing paper which they have signed, and that I have witnessed said signatures.

WANRODES, his X mark,
Interpreter.

OCTOBER 31, 1878.

We hereby certify, on honor, that we were present and witnessed the signatures of the Indians, from No. 1 to No. 15, to the foregoing agreement.

HENRY FITZHUGH.
EDWARD T. AYER.

OCTOBER 31, 1878.

E.

SALT LAKE CITY, UTAH,
October 16, 1878.

SIR: Your letter of the 7th instant has just been handed to me by Mr. A. Smith. Had it been deposited in the post-office I should have received it several days ago. I regret, exceedingly, that I missed seeing you, as I could have given you a clearer view of our situation by a personal interview than I can hope to do by letter.

I shall secure the signatures of our Indians, as desired, on my return to my agency, which will be in a few days, should the headmen of my band be there, which I think will be the case.

I will endeavor to answer your questions as clearly and briefly as possible, taking them in the order in which they are presented.

1st. Number of Indians. Colonel Watkins must have referred to the number he saw when he was there. Most of them had just gone out to hunt and procure supplies, as ours had not then arrived.

We have about one hundred lodges. They vary somewhat by combinations. Our count varies from 430 to 450. Major Powell's estimate was about correct when he was in that vicinity. About 75 or 100 have since left, and under Mormon patronage have taken up land in San Pete County, having professed to disavow their tribal relations.

2d. Only six families live in houses; many more are now very desirous of having them, but we are not able, with our present force and means, to get the lumber and build them. The Indians aid somewhat, but are not yet very efficient help in this kind of labor.

3d. All the families are, more or less, engaged in farming, either for themselves or others. They raise wheat, oats, barley, potatoes, corn, pumpkins and squash, and various other kinds of vegetables.

4th. There are about three hundred acres under cultivation; this would have been increased the present year but for the want of seed, teams, and more agricultural implements.

5th. Three thousand Indians could subsist themselves by farming and grazing on our reservation, provided they would work harmoniously together, and acquire a taste for agricultural pursuits. A large proportion of our reservation is better adapted to grazing than farming; the two should be combined.

6th. Generally: Need or should have those things which enable them to sustain themselves by agriculture and grazing. Among these are houses and essential furniture, such as beds, stoves, or cooking utensils, wagons, harness, more plows and drags, spades and shovels, grub-hoes, ox chains and yokes, stock-cattle to supply every Indian family with milk cows, and enable them, ultimately, to raise their own beef. And if they are expected to remain on the reservation, and devote themselves exclusively to farming, they *must* have a larger supply of beef and other subsistence for the immediate future.

7th. My Indians used to roam at pleasure, but latterly they generally come to me for permission to leave on hunting or trading expeditions, which I generally grant after their crops are attended to. The small amount of supplies furnished by the government makes it absolutely necessary that they should have this privilege. It should be noted in this connection that we have not had for years, nor can we secure, a trader at our agency. It does not pay.

8th. I used to be very much annoyed by the tampering of the Mormons with my Indians. During Brigham Young's lifetime my Indians were not only persuaded to stay away, but to leave and put themselves under Mormon direction, which a few of them have done, and settled in San Pete County, as before intimated. Some three or four families practice polygamy, the peculiar institution of the Mormon church, but whether the Mormons learned it from the Indians or they from the Mormons, I am unable to say. I, of course, work against and discourage it as much as possible, and hope to abolish it in time.

9th. There is no wagon-road to our agency except the one so called from this city. I regretted much that you did not come out on it to see for yourself its execrable character. We have hitherto had no means of sending out or receiving mail except as I came or sent. We hope, however, in a few weeks to have a regular United States mail weekly from Green River City, Wyo., to our place. There can be no communication with our agency by wagons for about six months of the year on account of snow and high water. You can, from these statements, appreciate to some extent some of the disadvantages under which we labor. The rough trails by which we can reach Fort Bridger and Green River City, on the Union Pacific Railroad, on horseback.

In conclusion, I would say that I am exceedingly anxious that our Indians should receive their proportion of the fund belonging to the various Indian bands you are treating with. They know nothing of the matter, except what those you saw heard from you; but, of course, when I come to get their signatures I shall make them as fully acquainted as possible. I hope there is no possibility of failure, for you must be aware that it would be bad policy to raise their expectations and then disappoint them. I make it a point to carry out any promise made to them to the letter. A failure to do this has, in my opinion, been the prolific source of much of the Indian trouble throughout the country.

As intimated in my former letter, I think my Indians are doing well for the chance they have had, and are much more deserving of their proportion of that fund than most of the Colorado Utes.

I would be pleased to be advised and kept posted with regard to the matter, and, if practicable, to aid you in selecting those things which may be purchased for their use.

I suppose, of course, the amount our Indians will receive will depend upon their number. I have given you the lowest figures, and it is my general impression that the Colorado Utes, especially those at White River Agency, have been estimated too high; mine used to be estimated at 1,500 before I took charge, but I could never find so many, and have gradually reduced the number till I believe the count is as nearly correct as it can be made.

Hoping to hear from your commission further on the subject, I am, in great haste,
but

Very respectfully, your obedient servant,

J. J. CRITCHLOW,
United States Indian Agent.

W. I. STICKNEY, Esq.,
Secretary Ute Special Commission, Denver, Colo.

