

MEMORIAL

OF A

COMMITTEE OF A MASS MEETING HELD AT GUNNISON, COLO.,

IN FAVOR OF

*The late Ute Reservation being opened for settlement.*

MARCH 7, 1882.—Ordered to lie on the table and be printed.

GUNNISON, COLO.,  
February 28, 1882.

GENTLEMEN: At a mass meeting held by the citizens of Gunnison, February, 18, 1882, the undersigned were appointed members of a committee to impress upon our Representatives the great necessity for prompt and decisive action on the part of Congress, to the end that the late Ute Reservation may be formally declared open to purchase and settlement. We have the honor to submit the following:

The great interest taken by our citizens in this matter, and the effect it is to have upon their welfare, justify us in giving it more than a casual notice. There are two questions which seem to come within our province to consider, viz:

First. Is the land, known as the Ute Reservation, now a part of the public domain?

Second. Is it the duty of Congress to declare said land open to settlement without further delay?

We propose to give a few of our reasons for answering these questions in the affirmative without entering into any exhaustive argument. The agreement of certain chiefs and head men of the confederated bands of the Ute tribe of Indians, for the sale of their reservation in the State of Colorado to the United States, was submitted by the President of the United States, with his approval, to Congress for acceptance and ratification; and, on the 15th day of June, 1881, Congress accepted, ratified, and confirmed that agreement, with certain amendments thereto.

Section 10 of the act to accept and ratify that agreement reads as follows, viz: "If the agreement as amended in this act is not ratified by three-fourths of the adult male Indians of the Ute tribes within four months from the approval of this act, the same shall cease to be of effect after that day."

Within the time therein specified the Indians duly ratified that agreement, and received from the Government of the United States the money agreed upon for their lands, and surrendered possession of the same to the United States, by removing therefrom and settling in Utah.

The Indians have already performed all the obligations imposed upon them by the terms of the treaty, or their agreement with the government. The government is not in default in the performance of any of

its obligations under that agreement. The agreement was entered into on the part of the Indians upon the condition that the government would cause the lands given them in exchange for their reservation to be surveyed and divided among them in severalty, and issue patents in fee-simple to them respectively therefor. These conditions were not to be fulfilled by the government until the Indians had settled upon their new lands and the necessary laws had been passed by Congress. The government, therefore, has not failed to fulfill its obligations under the treaty, and if it had, that failure would not effect the validity of the cession of the Ute Reservation to the United States.

To substantiate this position we refer to the report of the Commissioner of February 18, 1878, in regard to the allegations of non-fulfillment of the treaty stipulations of the government with the Cherokee Indians. The Commissioner says: "But even if the government were in default in the full performance of its part of said agreement, such fact would not impair the validity of the cession. It could only, at most, give a claim to money compensation for non-fulfilled treaty obligations. The Indian title was fully extinguished by the cession, and no failure to pay the price agreed could restore or reverse it."

Commissioner McFarland, in a recent letter to Secretary Kirkwood, argues that the reservation became publicland, either upon its abandonment by the Indians or upon the allotment.

The land was abandoned by the Indians six months ago, since which time they have been living peaceably and contentedly in their new homes in Utah, and their voluntary removal into Utah, was a waiver of their right to locate near the Grand and La Plata Rivers, within the State of Colorado.

This surrender operated effectually as an extinguishment of the right of the Indians to the land comprehended in this treaty.

The treaty is self-operative, like a deed to the lands to the United States. In section 3 of the treaty is the following, viz: "And all the lands not so allotted, the title to which is by the said agreement of the confederated bands of the Ute Indians, and this acceptance by the United States, released and conveyed to the United States, shall be held and deemed to be public lands of the United States, and subject to disposal under the laws providing for the disposal of the public land at the same price and on the same terms as other lands of like character, except as provided in this act."

The language is plain, "all lands not allotted to the Indians, the title to which is by this agreement and its acceptance, released and conveyed to the United States, shall be held and deemed to be public lands."

The late Ute Reservation comprises about seven-eighths of Gunnison County, and contains about sixteen thousand square miles, more than the area of both Massachusetts and New Jersey. Several thousand square miles of the finest coal land is known to be within its boundaries. Large and valuable deposits of mineral have been discovered therein. Some of the richest gold and silver mines in the State are located within its limits, to which only a possessory title can now be obtained. Besides, it contains large tracts of fine grazing, agricultural, and timber lands. Its great natural resources have already attracted the attention of the people throughout the country, and men and capital from all parts of the Union are about to come to this new Eldorado.

This is the country that for the last six months has been abandoned by the Indians, and has been a part of the public domain; and yet there has been no action on the part of Congress to declare its lands

open to settlement, nor to perfect the title to property located and held thereon by citizens of this county and State.

When the Indians left this land, several thousand people went upon it with the consent of the government, expressed or implied, located ranches, coal lands and mineral lands, and expended their time and means in its development. Several towns have sprung into existence, and post-offices have been established by the government within its territory; bridges have been built, saw-mills established, and two railroad companies, foreseeing the important position it is destined to occupy, are extending their lines into the country, and vying with each other for its business.

"When from any cause," says the Commissioner, "Indian reservations have ceased, or have been abandoned, Congress invariably provides the method of disposing of the lands."

Although this land has been practically open to settlement for the last six months, yet an act of Congress, formally declaring it so open, would greatly benefit the people. It would enable the owners of valuable property to perfect their title to the same, and would avoid trouble in the future over conflicting titles. It would induce men and capital to come to our assistance in developing the great natural resources of the country. It would benefit the Indians, for the proceeds of the sale of the land go to them. It would benefit those who, encouraged by the government, have already settled in the country. It would stimulate men to labor and to improve their property, and to prospect for the precious metals that lie there, hidden in the bowels of the earth. It would, in an unprecedented manner, add to the wealth and prosperity of the State.

We therefore most respectfully and earnestly request you, and each of you, to use all lawful means in your power to induce Congress to declare the old Ute Reservation open to settlement forthwith.

W. H. WADSWORTH,  
SPRIGG SHACKLEFORD,  
GEORGE SIMMONDS,  
ALEXANDER GULLETT,  
O. P. ABERCROMBIE,  
FRED. H. KELLOGG,

*Committee.*

To the honorable HENRY M. TELLER, JAMES B. BELFORD, N. P. HILL, *Washington, D. C.*