

M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A report from the Secretary of the Interior containing an agreement signed by the chiefs and headmen of the Ute Indians.

MARCH 10, 1880.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives :

I have the honor to transmit herewith a report from the Secretary of the Interior containing an agreement signed by the chiefs and headmen of the Ute Indians, now present at the seat of government. The stipulations of this agreement appear to me so reasonable and just, and the objects to be accomplished by its execution so eminently desirable to both the white people of the United States and the Indians, that it has my cordial approval, and I earnestly commend it to Congress for favorable consideration and appropriate legislative action.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, *March 9, 1880.*

DEPARTMENT OF THE INTERIOR,
Washington, March 9, 1880.

SIR: I have the honor to submit herewith a copy of an agreement signed on the 6th instant by the chiefs and headmen of the confederated bands of Ute Indians, now present in the city of Washington. The said chiefs and headmen thereby promise not only to aid in the apprehension of the individuals implicated in the crimes committed at the White River Agency, on the 29th of September last, but also to use their best endeavors to obtain the consent of their people to the cession of the territory of the Ute Reservation in Colorado, excepting only some agricultural and grazing lands, and to the settlement in severalty of their people in certain specified localities.

The conditions upon which the cession of the territory of the Ute Reservation has been stipulated appear eminently reasonable and fair to both parties. Considering that but recently an Indian war of large dimensions seemed to be imminent, which, although not doubtful as to its final result, would certainly have been attended with the destruction and ruin of many innocent persons and an expenditure of many millions, considering that the territory to be ceded to the United States contains nearly 12,000,000 acres of land and most valuable mineral resources,

which by this arrangement will be opened for development; considering that the settlement in severalty of this numerous tribe, in accordance with the general policy pursued by this department, bids fair to promote the rapid advancement of these Indians in the habits and occupations of civilized life, and that this arrangement, if successfully accomplished, will point the way to the peaceable composition of similar difficulties in the future, I venture to express the hope that their agreement, herewith presented, will commend itself to your approval, and to suggest its submission to Congress with the recommendation that it be carried into effect by appropriate legislation.

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

The PRESIDENT.

The chiefs and headmen of the confederated bands of the Utes now present in Washington hereby promise and agree to procure the surrender to the United States, for trial and punishment, if found guilty, of those members of their nation not yet in the custody of the United States who were implicated in the murder of United States Indian Agent N. C. Meeker and the employés at the White River Agency, on the 29th day of September, 1879, and in case they do not themselves succeed in apprehending the said parties presumably guilty of the above-mentioned crime, that they will not in any manner obstruct, but faithfully aid, any officers of the United States directed by the proper authorities to apprehend such presumably guilty parties.

The said chiefs and headmen of the confederated bands of Utes also agree and promise to use their best endeavors with their people to procure their consent to cede to the United States all the territory of the present Ute Reservation in Colorado except as hereinafter provided for their settlement. The Southern Utes agree to remove to and settle upon the unoccupied agricultural lands on the La Plata River in Colorado and New Mexico, and such unoccupied agricultural lands as may be found in that vicinity.

The Uncompahgre Utes agree to remove to and settle upon agricultural lands on Grand River near the mouth of the Gunnison River, in Colorado, and such other unoccupied agricultural lands as may be found in that vicinity and in the Territory of Utah.

The White River Utes agree to remove to and settle upon agricultural lands on the Uintah reservation in Utah.

Allotments in severalty of said lands shall be made as follows:

To each head of a family not more than one quarter section, with an additional quantity of grazing land not exceeding one quarter section.

To each single person over eighteen years of age not more than one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section.

To each orphan child under eighteen years of age not more than one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; and to each other person under eighteen years, now living or who may be born prior to said allotments, one-eighth of a section, with a like quantity of grazing land.

All allotments to be made with the advice of the commission hereinafter provided, upon the selection of the Indians, heads of families selecting for their minor children, and the agents making the allotments for each orphan child.

The said chiefs and headmen of the confederated bands of Utes further promise 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 any of the lands to be set apart for their use by virtue of this agreement.

The said chiefs and headmen of the confederated bands of Utes promise to obtain the consent of their people to the cession of the territory of their reservation as above on the following express conditions:

1. That the Government of the United States cause the lands so set apart to be properly surveyed, and to be divided among the said Indians in severalty in the proportion hereinbefore mentioned, and to issue patents in fee-simple to them respectively therefor so soon as the necessary laws are passed by Congress. The title to be acquired by the Indians shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance of the grantee or his heirs, or by the judgment, order, or decree of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty-five years, and until such time hereafter as the President may see fit to remove the restriction, which shall be incorporated in the patents when received.

2. That so soon as the consent of the several tribes of the Ute Nation shall have been obtained to the provisions of this agreement, the President will cause to be distributed among them in cash the sum of sixty thousand dollars of annuities now due and provided for, and so much more as Congress may appropriate for that purpose; and that a commission shall be sent to superintend the removal and settlement of the Utes, and to see that they are well provided with agricultural and pastoral lands sufficient for their future support; and upon such settlement being duly effected, that they are furnished with houses, wagons, agricultural implements, and stock cattle sufficient for their reasonable wants, and also such saw and grist mills as may be necessary to enable them to commence farming operations, and that the money to be appropriated by Congress for that purpose shall be apportioned among the different bands of Utes in the following manner:

One-third to those who settle on the La Plata River and vicinity; one-half to those settling on Grand River and vicinity, and one-sixth to those settling on the Uintah Reservation.

3. That in consideration of the cession of territory to be made by the said confederated bands of the Ute Nation, the United States, in addition to the annuities and sums for provisions and clothing stipulated and provided for in existing treaties and laws, agrees to set apart and hold as a perpetual trust for the said Ute Indians a sum of money or its equivalent in bonds which shall be sufficient to produce the sum of fifty thousand dollars per annum; which sum of fifty thousand dollars shall be distributed *per capita* amongst them annually forever.

4. That as soon as the President may deem it necessary or expedient, the agencies for the Uncompahgres and Southern Utes be removed to and established at suitable points to be hereafter selected, upon the lands to be set apart, and to maintain and support the said Utes until such time as they shall be able to support themselves, and that in the meantime the United States Government will establish and maintain schools in the settlements of the Utes and make all necessary provision for the education of their children.

5. All the provisions of the treaty of March 2nd, 1868, and the act of Congress approved April 29th, 1874, not altered by this agreement shall continue in force, and the following words from Article III of said act, viz, "The United States agrees to set apart and hold as a perpetual trust for the Ute Indians a sum of money or its equivalent in bonds which shall be sufficient to produce the sum of twenty-five thousand dollars per annum, which sum of twenty-five thousand dollars per annum shall be disbursed or invested at the discretion of the President, or as he may direct for the use and benefit of the Ute Indians forever," are hereby expressly reaffirmed.

6. That the commission above mentioned shall ascertain what improvements have been made by any member or members of the Ute Nation upon any part of the reservation in Colorado to be ceded to the United States as above, and that payment in cash shall be made to the individuals having made and owning such improvements upon a fair and liberal valuation of the same by the said commission, taking into consideration the labor bestowed upon the land.

Done at the city of Washington this sixth day of March, A. D. 1880.

(Signed)

OURAY.

CHAVANAUX, his x mark.

IGNATIO, his x mark.

ALHANDRA, his x mark.

VERATZITZ, his x mark.

GALOTA, his x mark.

JOCKNICK, his x mark.

WASS, his x mark.

SAWAWICK, his x mark.

SEVERO, his x mark.

NICKAAGUT, his x mark.

BUCKSKIN CHARLEY, his x mark.

AUGUSTIN, his x mark.

OJO BLANCO, his x mark.

TAPUCHA, his x mark.

Witnesses:

WILL F. BURNS, *Interpreter.*

W. H. BERRY, *Interpreter.*

OTTO MEARS, *Interpreter.*

HENRY PAGE, *United States Indian Agent, Southern Utes.*

CHARLES ADAMS, *Special Agent.*

The Secretary of the Interior agrees and promises to submit the above propositions to the Congress of the United States with his approval and the recommendation that appropriate legislation be had to carry the same into effect.

C. SCHURZ, *Secretary.*