

LETTER
FROM THE
SECRETARY OF THE INTERIOR,
TRANSMITTING,

In response to Senate resolutions of January 27, 1881, copy of report of Ute Commission, and copies of all correspondence between this department and the Ute Commission, and also the governor of Colorado, concerning the same since June 15, 1880.

FEBRUARY 2, 1881.—Ordered to lie on the table and be printed.

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1881.

SIR: I have the honor to acknowledge the receipt, on the 28th ultimo, of two resolutions of the Senate, adopted on the 27th ultimo, and in accordance with the directions therein contained respectfully transmit herewith copy of report of Ute Commission, and copies of all correspondence between this department and the Ute Commission, and between this department and the governor of Colorado, concerning the Ute Indians, since the 15th of June, 1880.

I am informed that during the debate on the severalty bill in the Senate, on the 25th ultimo, the remark was made that the Interior Department had voluntarily and willfully withheld the report of the Ute Commission from the knowledge of the Senate. I beg to say that the communication of that report was not called for by the Senate until Thursday, the 27th day of January. On the 28th and 29th ultimo the criticism was repeated, while the Senate resolution calling for the report did not reach the department until the 28th.

The volume of the report will convince the Senate that it was impossible to make the necessary copies, with all the available force the department has for such purposes, in less time than has been consumed upon it. I did not transmit the report without a call from the Senate, for the simple reason that it contains nothing concerning the settlement of the Utes in severalty except what was contained in a letter addressed by me to the Hon. Richard Coke, dated the 19th ultimo, which was communicated by him to the Senate, in debate, on the first day of the discussion on the pending bill, and the statement of the Ute Commission as to the delays which prevented them from proceeding with the allotment of lands to the different bands of the Utes, in compliance with the act of June 15, 1880.

I am, sir, very respectfully,

C. SCHURZ,
Secretary.

The PRESIDENT OF THE SENATE.

REPORT OF UTE COMMISSION.

WASHINGTON, D. C., *January 20, 1881.*

SIR: The undersigned, commissioners appointed by the President in pursuance of the act of Congress approved June 15, 1880, entitled "An act to accept and ratify the agreement submitted by the confederated bands of the Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," respectfully report the progress made in the duties confided to them under said act of Congress and in pursuance of your instructions of the date of June 21, 1880.

Immediately after the close of the meeting held for consultation between yourself and all the members of the Commission (except Mr. Mears), in your office, on the 19th and 21st of June, it was agreed that the board meet at Denver, Colo., on the 28th day of June. On that day Messrs. Manypenny, Bowman, and Mears met at the Grand Central Hotel in Denver. Mr. W. S. Stickney, the gentleman appointed disbursing clerk of the Commission, was also present. Mr. Manypenny, having been designated as chairman, called the meeting to order and declared a quorum present.

The law and your instructions were read, followed by a desultory conversation in relation to the duties confided to the Commission, when it was determined that, while awaiting the arrival of Messrs. Meacham and Russell, who were unavoidably detained, the disbursing clerk be authorized to proceed at once to purchase an outfit of provisions and the necessary furniture for camp life, for the use of the Commission and clerk, and forward the same without delay to Alamosa. Mr. Mears was requested to assist Mr. Stickney in this work.

On the 29th of June a telegram was sent to Agent Berry, at the Los Pinos Agency, advising him that it was the desire of the board to meet the Uncompahgre Utes in council on or about the 12th of July. At the same time the members present agreed that the Commission assemble at the Los Pinos Agency on or about the 8th day of July. On that day, a majority of the members being present at the agency, an informal council was held with several of the leading men of the Uncompahgre bands, who were then present, with reference to the business with which we were intrusted. In this conference it was made apparent that there was not at the agency any one sufficiently acquainted with the Ute language to act as interpreter, and it was deemed necessary to have such an one. On making inquiry as to where a competent and reliable man could be found who could render the English into the Ute language, the name of Capt. U. M. Curtis was suggested. The Indians all concurred in the wish that he be employed.

On further consideration of the subject, and when all the members were present, it was decided that, if the services of Captain Curtis could be had, he be employed. On inquiry it was found that he was then engaged in the Ruby mining district, and that it would require several days to reach and bring him to the agency. It was the 15th day of July when Captain Curtis arrived. A Spanish interpreter was also deemed necessary, and I. Sabina Espinosa was employed as such.

On the 16th of July, Chief Ouray, by request, met the members of the Commission to consult as to the proper time when a preliminary council should be held. We were informed that there was a deficiency in the supply of flour at the agency, and that all then on hand would be issued on the following day, and the agent was unable to indicate with any degree of certainty when he should receive additional flour. This fact was communicated to Ouray, who, being ill, asked that we advise with Sapavanori and Chavanoux and learn their views as to the propriety of convening the Indians in council in the absence of flour ration. The chief at the same time expressed a desire that the first council should be deferred until the White River Utes arrived, and stated that he had dispatched a runner for them the day that the Commission sent a messenger for Captain Curtis. He thought these should join the Uncompahgre Indians in the first council.

On consideration of the suggestions of Ouray to await the arrival of the White River Indians, and in order that the agent might have time to procure flour, the first formal open council was set for 21st day of July.

On the 17th of July, Mr. Stickney, our secretary and disbursing clerk, was unable from illness to attend a business meeting of the Commission. At that time his illness was not regarded as serious. He died suddenly at 12.30 p. m. on the 20th July. His death was calm and quiet, and he was surrounded by his friends and physician. Mr. Stickney had in the brief period of his official connection with the Commission endeared himself to every member of it, and all felt and deeply deplored his loss.

According to agreement, a member [number?] of the Uncompahgres and some of the White River Utes met the Commission in open council on the 21st of July. All the Commission and the interpreter were present, and among the Indians there was a fair representation of the leading men of the respective bands.

The Washington agreement of the 6th of March, with the amendments thereto embodied in the act of Congress June 15, 1880, as well as the several provisions of said act, were each and all read and interpreted into both the Spanish and the Ute languages, section by section, and the Indians requested to take the agreement and the law into their own council and give them deliberate consideration. Without any response to the remarks of the members of the Commission, Chief Ouray made an exhaustive talk to the Utes, explaining the action of himself and his codelegates who were at Washington and joined in the agreement of March 6. Following him the chiefs and headmen occupied considerable time in conversational talk among themselves in reference to the action of the Utes who were at Washington, as well as the mission of the Commission then present. The conversation was orderly and free from excitement, although it was known that a number of the Indians did not approve of what had been done. At the close the council adjourned.

On the 22d and 23d of July the Indians and Commissioners met in open council. On each day there was considerable discussion, but no conclusion was reached. On the evening of the 23d the council adjourned until Monday the 26th, Saturday the 24th being the regular day for issuing rations. At the close of the discussion in council on the 26th, a pressing invitation was given to the Indians present to come forward and execute the instrument ratifying the agreement which had been submitted to them. Ouray, in response, said that he did not know an Uncompahgre Ute who was prepared to do so; that it was necessary that they have further time to consider and discuss the subject in their own councils. On consultation it was deemed proper to adjourn the council over to the 28th, on which day the Indians thought they would be prepared to meet us again. This they did do, but in diminished numbers, many being detained at home to repair their habitations, which were seriously injured by storm the previous night. At half-past two o'clock in the afternoon the council opened. Two and a half hours were consumed in discussion and explanation of portions of the agreement, when all present attached their marks to the instrument, ratifying the Washington agreement of March 6th, with the amendments thereto. The number was thirty-six Uncompahgre and ten White River Utes. Stephens, a White River Ute, and brother of Douglas, was the first man to come forward and touch the pen. He was followed by Sapavanori, of the Uncompahgre Utes, and the trusted friend of Chief Ouray. On the 29th, 30th, and 31st of July additional names were added, until the aggregate number was one hundred and forty-five, of whom one hundred and eleven were Uncompahgre and thirty-four White River adult male Ute Indians, who had executed the instrument ratifying the agreement.

As many of the young men of the respective bands were at this time absent, and could not immediately be reached, it was deemed advisable to leave one of the commissioners at the Los Pinos Agency to obtain additional signatures to the instrument of ratification and make an effort to take a census of the Uncompahgre Utes, while his colleagues moved for the Southern Agency, to begin the work there. Mr. Meacham was detailed for this duty, and on the 4th of August Messrs. Manypenny, Bowman, Russell, and Mears, accompanied by a small military escort under command of Captain Pollock and Lieutenant Claggett, of the Twenty-third United States Infantry, left for that agency. Before departing, Chief Ouray and a few of his subchiefs were invited to visit the Southern Agency, with a view to have their aid in the work to be done there.

The distance between the agencies by way of the Indian trail across the mountain range does not exceed 130 miles, and yet to make the journey by wagon roads consumed twelve days. On the way we were joined by John R. French, the successor of Mr. Stickney, deceased.

On the afternoon of the 15th of August we arrived at the Southern Agency. Many of the Indians were expecting us, since such of the Uncompahgre chiefs as accepted the invitation had gone over the trail and heralded the news that the Commission were on their way many days in advance of our arrival; and on both banks of the river above and below the agency, groups of Indian tepees were to be seen.

Early on the morning of the 16th several representative men of the Southern Ute branch called at our camp. About ten o'clock Ignatio, the head chief of the Weeminuche band, called. It had been given out that the commissioners desired a preliminary council with the principal men of the several bands who were then present, at 2 o'clock p. m., of that day. After paying his respects to the members, Ignatio expressed the wish that the proposed preliminary counsel be deferred. He said that several chiefs, whom he thought it important should be present, had not yet arrived, but were known to be on their way in, and hence his request for delay. Moreover, he was quite anxious that Chief Ouray, whom he learned was on his way, should be at

the opening council. The meeting was postponed, and Ignatio informed that we would wait a reasonable time for the arrival of those whom he expected and desired to participate in the first council.

Ouray arrived on the 18th of August, and on the 19th we caused a message to be sent to Ignatio, Iagalar, and Toopauche, the head chiefs of the Weeminuche, Muache, and Capote bands, that we desired to have the first council with them and their people on the 20th, at 2 o'clock p. m. At this hour on the day indicated these chiefs, with their followers, to the number of one hundred and twenty-three, among whom were the principal men of each tribe, met Messrs. Mannypenny, Bowman, Russell, and Mears, and Mr. John R. French, the disbursing clerk, and Interpreters Curtis and Burus, the latter speaking the Spanish language, in the grove near the camp of the commissioners. The Indians were complimented by the commissioners for their promptness in assembling, and the Washington agreement, as amended by the act of Congress of June 15, together with the provisions of said act, were read and rendered into the Spanish language by Mr. Burus, and into the Ute language by Captain Curtis, and the Indians requested to consider and act upon the subject-matter submitted to them without any unnecessary delay.

Apparently upon his own motion, and without any consultation with his fellows, Alahandra, a subchief of the Weeminuche band, who was one of the Indian police at the agency, arose at once and made a very vigorous speech against the ratification of the agreement. No Indian followed either to approve or disavow the utterances of Alahandra, but Ignatio suggested that it would be well to allow the Indians a few days in which to consider the grave matters submitted to them, and then they would, he thought, be able to come to a conclusion. To this end the next council was fixed for the 23d of August. On that day, at 2 o'clock p. m., the Indians and commissioners again met in open council. The only result reached after a protracted discussion was the announcement from the Weeminuche Utes that they were not inclined to ratify the agreement. The Muaches and Capotes were silent. The council adjourned over until the 24th. Before the hour for meeting on that day Chief Ouray, who was ill when he arrived at the agency, expired. His death occurred about 11 o'clock a. m. From the time of the arrival of the chief until his death every effort possible was made to arrest the disease and save his life, but all efforts and the skill of physicians were of no avail. As rapidly as the sad news reached the groups of Indian tepees dispersed along the banks of the Rio los Pinos these were struck, and the inhabitants fled as from a pestilence.

None of the Indians appeared again in council until the 26th of August, when about eight of the chiefs and headmen met in open council in the grove near our camp. Several hours were consumed in discussing the agreement, followed by an invitation to the Indians present to come forward and execute the instrument ratifying the same. In response, Ignatio and others replied that they thought the Utes had done all that could be asked of them; that they had already given up the mountains in which the minerals were, and wished to retain the remainder of their country. Whereupon the council adjourned without day.

On the morning of the 27th of August the Commission met to dispose of some routine business preparatory to breaking up camp and removing beyond the line of the reservation, there to await events for a few days, and the clerk was directed to notify Captain Pollock that the members desired to move early the following morning. About noon, and scarcely an hour after the Commission had adjourned its business meeting, Ignatio, Iagalar, Toupauche, Buckskin Charley, Sanaro, and about 70 more of the male adults of the Southern Utes, rode to our camp in a body and requested that another council be at once convened. Immediately the request was complied with, and the commissioners, joined by the clerk and the interpreter, met the Indians in open council in the grove. Without ceremony Ignatio announced that there had been sufficient talk, and he desired no more; that the Indians present had now come to execute the instrument of ratification, and it was the desire and hope of all of them that the commissioners would be careful to see that the government faithfully fulfilled and carried out its part of the agreement. Seventy of the Weeminuche, Muache, and Capote adult male Indians joined their head chiefs, Ignatio, Iagalar, and Toopauche, and all came forward and as rapidly as their names could be written touched the pen, and then each of them assented to and ratified the agreement. On the morning of the 28th of August additional male adult Utes, chiefly from the Muache and Capote bands, came to our camp, and before noon these, to the number of 59, affixed their marks to the instrument of ratification.

The intention of the commissioners to leave the reservation on this day was modified by this unexpected action of the Indians, and in the evening a meeting was held at which it was determined to request the agent to aid the clerk in taking the census of the Southern Utes, and that a committee of three members be detailed to visit the La Plata Valley and the country in the vicinity, with a view to the selection of lands on which to locate the Southern Utes, and that the other members remain at the

agency to supervise the taking of the census. Messrs. Bowman, Russell, and Mears were detailed to visit the La Plata, and the chairman and clerk remained at the agency. The gentlemen named set out on their journey to the La Plata on the 29th of August and returned to the agency on the 5th of September. The same members left on the 6th of September for Alamosa, and, if deemed necessary on their arrival there, to proceed to the Los Pinos Agency to further the work at that place, they were instructed to do so, while the chairman and clerk were left at the Southern Agency, to procure additional signatures to the instrument of ratification, and if possible to complete the census.

On the first issue-day after the members of the Commission left to visit the La Plata, it was found that nearly all the adult male Indians of all the bands of the Southern Agency had left on their fall hunt, since scarcely any but females came in for rations. Alahandra was among the few men who were present. In conversation with him it was ascertained that the young men of the Weeminuche bands had all gone away, and he supposed they were then on the Floridal and the La Plata, destined to the Dolores Mountains to hunt. But very few of the Weeminuches were with Ignatio at the grove on the day he executed the instrument ratifying the agreement. It was deemed not only important but necessary to obtain the names of such of these Indians as were willing to ratify the agreement, and Alahandra was asked if he would go out after and bring them in. He had himself executed the instrument when Ignatio did. He agreed to make the effort, and started at once. On the afternoon of the 6th of September, he returned, bringing with him 24 adult males of the Weeminuche bands, of whom 23 executed the instrument ratifying the agreement. He followed to the Dolores before he overtook them. He stated that there were many more on the Dolores who were perfectly willing to ratify the agreement, and would move in and do so when the money promised them arrived and was ready for distribution. Ignatio accompanied Alahandra from the Floridal to the agency and was present when the 23 of his band executed the instrument of ratification, and seemed to be much pleased with what was accomplished. On consultation with Ignatio it was found that he was willing to go out to the Dolores in company with Agent Page and Interpreter Burns to obtain additional signatures to the instrument of ratification, and by arrangement the agent, interpreter, and the chief started the next morning on this errand. The result was that at a council held on the Dolores River at the Big Bend on the 11th of September, 47 additional names were secured.

It was arranged that on the return of the agent and interpreter, the chairman and clerk should meet them at Animas City, and on the 11th the latter left the reservation for that place. The agent and interpreter arrived there on the 13th, and on the 14th the chairman and clerk left for Alamosa, and reached that place on the 18th of September. On the arrival of their colleagues at Alamosa, a week before, Mr. Mears left immediately for the Los Pinos Agency to ascertain the condition of the work there which had been confided to Colonel Meacham. On the 23d of September the roll of names of the Uncomahgre and White River Utes obtained to the instrument of ratification at the Los Pinos Agency, borne by Mr. Mears to Saquache and from thence by special messenger, was received at Alamosa. It was found that the names obtained at both agencies aggregated 581 adult male Ute Indians of the confederated bands in Colorado. This number the commissioners were satisfied was in excess of three-fourths of all the adult male Indians of said confederated bands.

This was the first duty confided to the Commission by your instructions. Completed under the most favorable circumstances, it was a very difficult thing to accomplish. Generally our Indian treaties have been made with the chiefs and headmen. Could the negotiations with the Utes have been confined to this class, they could have been assembled at a single point and the business concluded in a brief time, but by the treaty of 1868, as well as by the law of June 15, 1880, the assent of three-fourths of the adult male population of the confederated bands of the Ute Indians in Colorado was required to give effect to the cession of any portion of the reservation of these Indians. A large proportion of this number was only to be obtained among such of the Indians as roam and hunt, and these were dispersed in different directions and at points distant from the agencies, and it required time to bring them within reach. Added to these difficulties, the death of Mr. Stickney, our clerk, and of Chief Ouray and Kenache (the latter was killed by lightning a few days after the death of Ouray) contributed to delay our work, and hence it was the 25th of September before it was known that the necessary number of names had been obtained to ratify the agreement.

All the names attached to the instrument of ratification were placed there in the presence of one or more of the commissioners, except the 47 obtained at the Big Bend of the Dolores. We believe that all understood the contents of the agreement and the obligations assumed when they executed the instrument of ratification. They acted without restraint and of their own accord. It was, however, painfully evident that it was a fearful struggle for them to give up their country where they from infancy and their fathers before them had roamed at will over the mountains and

through the valleys of Western Colorado. Moreover they mistrusted their ability to meet the responsibilities of the new mode of life outlined for them in the agreement, and they had fears as to the fidelity with which the government would fulfill its part of the agreement. With a sad expression of countenance and with a voice which impressed every one present, Sapavanari, when about to touch the pen, said "it was the best they could do, though not just what they wanted." And Ignatio, when in the act of signing the instrument of ratification, remarked to us in a very impressive manner that "it was the desire and hope of all the Indians that the commissioners would be careful to see that the government faithfully fulfilled and carried out its part of the agreement."

The Indians were assured that so soon as the agreement was ratified the Commission would advise the department of the fact, and request that the funds appropriated should be distributed per capita without delay. Our arrangements were made with General Pope for two military escorts and transportation to leave Alamosa at the same time, one going to the Los Pinos and the other to the Southern Agency with the quota of money to make the payment at each. With but slight delay the journey was made to the Southern Agency and the quota of money due the Indians there was distributed among them. It was deemed prudent at that time to delay the visit to the Los Pinos Agency, because of the excitement which followed the killing of Chief Chavannaux's son by a freighter and the subsequent killing of the latter by the Indians. Hence the money did not reach the Uncompahgre until the 7th day of December, when the Indians were collected and it was without delay distributed among them. The portion of money due the White River Utes remains unpaid. These Indians are now, as we are informed, on the Uintah Reservation. Had we been able to carry out the original plan for the distribution of the money, the work could have been completed in time to have given at least one month to the exploration of the valleys of the La Plata and Grand Rivers in Colorado and New Mexico and Utah, and the country in the vicinity of each.

Being unable to do this, we are therefore not in possession of such information as to warrant us in giving you an approximate estimate of the quantity of land in these valleys and the country adjacent thereto that can be brought into a state of cultivation. We feel, however, quite sure that it will be necessary to go beyond them and into the valleys of other streams in order to find sufficient agricultural and grazing land on which to locate the Southern and Uncompahgre Utes. The White River Utes can, we think, be furnished with the necessary quantity of such lands within the Uintah Reservation. We are not aware that the Uintah Indians will make any objection to the location of the White River Indians on their reservation, and yet in the future trouble may arise, since in the annual payments to the White River Indians of the one-sixth of the money that will come to them from the agreement, the Uintah Indians will not participate. The Uintah Indians were parties to the treaty of 1868, as well as to the agreement of 1873, known as the Brunot agreement, and as late as October, 1878, they were regarded as having an interest in the Ute Reservation in Colorado, and by their chiefs and headmen gave their assent to such arrangements as were then in contemplation for the surrender of so much of the same to the government as was situate south and west of the San Juan mining district. If it be assumed that their present reservation is an equivalent for their interest in the reservation in Colorado, and now the larger portion of the Uintah Reservation is to be occupied by the White River Indians, and the land assigned to them in severalty, it is respectfully suggested that the Uintah Indians should have such compensation as would place them on an equal footing with the Southern Uncompahgre and White River Utes.

In the act of June 15, 1880, it is provided that after the completion of the allotment and patenting of the lands to the Utes they shall be subject to the civil and criminal laws of the State or Territory in which they may reside, with the right to sue and be sued in the courts thereof. We fear that serious evil may result from this provision of the law. During the paternal relation that will exist between the government and the Indians for a number of years, we think they had better remain subject to the laws of the United States, as provided by the treaty of 1868. With exterior boundary lines distinctly marked around the territory in which these Indians will be located on their allotted lands, and the laws of the United States extended over such territory, they would be free from much of the annoyance and injury that evil-minded persons might subject them to through the process of the State or Territorial tribunals. We deem this especially important in view of the radical change proposed, whereby the Indians are to occupy their lands in severalty, and we think they should be molested as little as possible until they have had time to adapt themselves to the new mode of life.

It was by your instructions made our duty to use any possible effort to secure the surrender of such of the White River Indians as were guilty, or who were implicated in the murder of Agent Meeker, and the murder of, and outrages upon, the employes at the White River Agency on the 29th of September, 1879. This we did, but without

success. The White River Indians who were in council with us at the Los Pinos Agency affirmed that they did not know who were the guilty parties. They said that the Indians supposed to be guilty had gone away—left the country and never returned. Some of them, they said, were dead, and others gone they knew not where. They had hunted for but could not find them. They thought some had gone to and joined Sitting Bull. We exhausted the subject without having obtained any definite information. After his colleagues left the Los Pinos Agency, Colonel Meacham, who remained there, endeavored, through Jack, a White River chief, and others, to reach some conclusion as to where the Indians presumed to be guilty and still living were. He failed to obtain any definite information on the subject, except that they had fled the country and severed their connection with the tribe.

In relation to Douglas, all the Indians affirmed that he was not present, and did not participate in the murders and outrages referred to, and, from all the information we could obtain, we believe that Douglas is not guilty. Captain Curtis, one of our interpreters, had in his possession a letter from Governor Pitkin, of the date of October 10, 1879, in which the governor said Douglas was not in the massacre. We presume he had satisfactory information on which to base this statement. The Indians appealed to the Commission to use their influence to have Douglas released from confinement and sent home, and believing as we do that he is not guilty, we respectfully recommend that he be released and sent to his people. His presence among them will, we think, have a good effect.

The reports of the agents among the Ute Indians made from year to year since our first treaty relations with them bear evidence of their orderly disposition and desire to avoid complications and conflicts with the white people. Some of them, it is true, committed deeds of violence deeply to be deplored. In such cases, and they are but few, a careful investigation of surrounding circumstances will show that the Indians were inspired by events that aroused their savage passions and led them to commit the crimes referred to. In our intercourse with them for several months during the past summer and fall we can without hesitation confirm all that their agents have said in relation to their disposition and general good conduct.

We cannot close this report without acknowledgment of the important and courteous aid given us by gentlemen of the Army. On the several occasions when we needed military escorts and guard Major-General Pope, commanding the Department of the Missouri, promptly furnished us with the desired detail. To Colonels Dodge and Fletcher, commanding officers at the Cantonment Uncompahgre, to Colonel Crofton, commanding on the La Plata, to Captain Torrey, commanding at Fort Lewis, and to Captain Brady and Lieutenant Cowles, of the Twenty-third Infantry, are we under obligation for polite attentions and efficient help. To Captain Pollock and Lieutenant Clagett, of the Twenty-third, and Captain Ellis, of the Thirteenth, and Lieutenant Townsend, of the Sixth, and to the men of these several commands, who went with us through the weary and hot months of the summer and the intense cold and heavy snows of the Rocky Mountain winter, are we indebted for services whose patience and fidelity could only be made more grateful in our memories but by the remembrance of the genial and unfaltering courtesy with which they were rendered.

Respectfully submitted.

GEO. W. MANYPENNY,
A. B. MEACHAM.
J. B. BOWMAN.
J. J. RUSSELL.
OTTO MEARS.

Hon. C. SCHURZ,
Secretary of the Interior.

UTE COMMISSION CORRESPONDENCE.

DEPARTMENT OF THE INTERIOR,
Washington, June 20, 1880.

GENTLEMEN: Having been appointed, by the President, Commissioners to secure the ratification of the agreement with the Ute Indians of Colorado and to execute the provisions of the same, you are directed to proceed immediately to the Los Pinos Agency in said State, and confer with Ouray and other leading men of the Ute Nation, as to the best methods to be pursued in securing the assent of the Ute people to said agreement, as set forth in the act of Congress entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations to carry out the same," which said act is inclosed herewith and made a part of these instructions.

Your first duty in connection with your present appointment will be to secure the ratification by the Indians of the provisions of the act as herein presented, for which purpose you will convene the Indians in open council at one or more places, as you may determine best, and carefully read and explain to them, in detail, the subject-matter of said agreement as submitted by the leading men of their nation, and embraced and ratified by the Government of the United States by the provisions of the inclosed act; secure and have properly attested the signatures of three-fourths of the adult male members of said confederated bands to said act and agreement, and transmit the same to this office for the necessary action.

After securing the ratification of said agreement, you will use every possible effort to effect the surrender of the parties presumably guilty, or who were implicated in the murder of United States Indian Agent N. C. Meeker, and the murder of and outrages upon the employes at the White River Agency on the 29th day of September, 1879. You will not await the surrender of these parties, which may be made at any time pending the completion of your duties. You will then make a careful and accurate enumeration, by families, of all the members of said bands, upon the completion of which, payment of the \$75,000 will be made to said Indians, as provided in the act, and in accordance with special instructions to be given, when the necessary funds are placed to the credit of the disbursing officer of your Commission.

When the above-named general services shall have been performed, your Commission will divide into three parties, to the first of which will be assigned the duty of ascertaining the location of the necessary agricultural and grazing lands for the settlement of the Uncompahgre Utes in the vicinity named in the act. To the second party will be assigned the duty of locating in like manner the necessary lands for the settlement of the Southern Utes, and the third party will supervise the removal and settlement of the White River Utes to the Uintah Reservation, as provided in the act. This removal should be effected as soon as the agreement is signed.

In settling the Southern and Uncompahgre Utes, you will, in accordance with the spirit and intention of the act, if sufficient agricultural lands can be found, locate them within the Ute Reservation in the State of Colorado; but if you are unable to secure the necessary agricultural lands in the Ute Reservation in Colorado for the settlement of all these Indians, you will locate the residue as compactly as possible upon the La Plata, in New Mexico, and the Grand River in the Territory of Utah, as specified in the act of June.

As soon as your Commission shall have determined upon the general location of any portion of either of the above-named Indians, you will direct the surveying parties, who will be ordered to report to you for general instructions, but to whom specific directions will be given as to the manner of making surveys, to proceed to survey such tracts or parcels of land as may be designated by you. Such surveys should embrace only the lands principally valuable for agricultural and grazing purposes, and not mineral lands.

When the surveys shall have sufficiently progressed you will select not to exceed one-half section of land for agency purposes for each of said bands. You will then select the necessary and most available locations for school-houses, grist and saw mills for the several agencies, as defined in the act, and report them for reservation from sale for the purposes indicated. You will then proceed to secure the removal and settlement in severalty of the Indians upon the lands, which you will allot to them in accordance with the provisions of the act and the specific instructions which will hereafter, with the necessary blanks for that purpose, be transmitted to you.

In making the allotments in severalty, if consistent with the wishes of the Indians,

care should be taken to locate the lands for the members of each family contiguously. You will advise them of the character of the land best adapted to their use, the locations for the erection of buildings, and in all other matters tending to advance their interests. In making the removal you will visit and appraise at a liberal valuation the improvements of any and all Indians upon the lands to be abandoned, under the provisions of this agreement, and submit a list of the same to this department for appropriate action and the necessary instructions as to payment.

In connection with the foregoing and other duties devolving upon you, your attention is directed to the provisions of the act to which your action should conform, and I have to request that you make a full report in detail as to the requirements necessary to carry out the provisions of section 2, upon receipt of which further instructions in the matter named therein will be given.

I desire to impress upon you the importance of the duties to which you have been assigned. In their execution you will please consult, and, so far as possible, act in harmony with the wishes of the Indians. The fullest latitude is given for the exercise of the judgment and direction of the Commission, and I will be gratified if you will frequently consult and advise with the department in reference to the same, and also furnish me with a weekly report of your proceedings. I have also to recommend that you consult with the military commanders in reference to the more important movements in connection with the performance of your duties.

Further instructions will be given you from time to time as may be necessary. The compensation of each member of the Commission will be at the rate of \$10 per diem, while actually engaged, in addition to their actual traveling and other necessary expenses.

Very respectfully, your obedient servant,

C. SCHURZ,
Secretary.

HON. GEORGE W. MANYPENNY, ALFRED B. MEACHAM, JOHN B. BOWMAN, JOHN J. RUSSELL, and OTTO MEARS.

UNITED STATES INDIAN SERVICE,
Los Pinos Agency, July 12, 1880.

DEAR SIR: The Commission met the Indians in council on Thursday last, but owing to the inefficiency of the agency interpreter it was necessary to send for Captain Curtis, who is expected at an early day.

So far as we have been able to judge, the Indians seem peaceably inclined and ready to conform to the wishes of the government.

Very respectfully,

W. S. STICKNEY,
Secretary, &c.

HON. CARL SCHURZ,
Secretary of the Interior, Washington, D. C.

LOS PINOS AGENCY, COLO., *July 16, 1880.*

DEAR SIR: The Commission consider it very important that during the time of holding the councils, at least, the Indians should be well fed, and to that end, and in order that the Commission may be prepared for any and every exigency, they request that you telegraph an order to Mr. Berry, agent here, and Colonel Page, agent of the Southern Utes, instructing them and each of them to comply with whatever requests the Commission may make as to the time and the quantity of the rations to be issued. The Indians will be detained in council probably many days, during which time they will not be able to return to their camps, and it will be necessary that some provision be made for their subsistence.

We have been informed that the supplies at the Southern Agency have been exhausted with the exception of the beef, and Mr. Berry expects to issue the last of his flour to-morrow. If the new supplies and annuity goods could arrive promptly, preventing any suspension of the issues, it would undoubtedly produce a good effect upon the Indians.

Captain Curtis, the interpreter, is here, and the White Rivers are expected in a day or so. The Commission have appointed a preliminary council to-morrow, and hope to have a full meeting of all the Indians within a short time.

Yours, very respectfully,

W. S. STICKNEY,
Secretary, &c., Ute Commission, Washington, D. C.

The Hon. the SECRETARY OF THE INTERIOR.

LOS PINOS AGENCY, COLO., July 20, 1880.

SIR: In compliance with your instructions the following weekly report is submitted:

The interpreter whom the Commission sent for and the Indians desired did not arrive until the 16th instant. On Saturday the 17th an informal council was held with several of the chiefs and principal men of the Uncompahgre Utes, and it was arranged that the opening council with all the Uncompahgre and such of the White River Utes as were then present should be held on Wednesday the 21st instant.

The Commission have felt some embarrassment since its arrival here from the fact that the agent had not, until last Saturday, any instructions touching its mission or the aid he was to render. On that day he received a telegram authorizing him to purchase flour, &c. Moreover, in our correspondence with General McKenzie, it was found that unless he had orders from higher authority he cannot comply with all the Commission require.

This agency is in General McKenzie's district and the Southern Agency in that of General Hatch. We are advised by General McKenzie that he can comply with our requests for transportation and escorts within the limit of his districts only. We suppose the same rule will govern in the district of General Hatch.

In the opinion of the Commission it would be impracticable for us to move with the escort and transportation of one general to the limits of his district there to meet with the case of another general. Hence, it seems desirable that General McKenzie be authorized to furnish transportation, escort, tents, and some saddle horses when required, to any point, whether in or out of his district, whenever requested so to do by the Commission.

In order to give efficiency to the Commission and prevent delay, I am directed to respectfully request that such orders may be obtained from the War Department as will insure the necessary military transportation, escorts, &c., at such times and to all places the Commission may be required to visit; and further, that the Indian agents may have authority given them to render all needful aid and to purchase such supplies as may be necessary to ration the Indians when in council on the agreement or when the enumeration is being taken.

Mr. Stickney is very sick.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,
Chairman Ute Commission.

Hon. C. SCHURZ,
Secretary of the Interior, Washington, D. C.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, July 21, 1880.

GEORGE W. MANYPENNY,
Ute Commission, Los Pinos Agency, via Lake City, Colo.:

Instructions were given to military last Monday, by War Department, to furnish transportation, escort, and tents for Commission.

A. BELL,
Acting Secretary.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, July 29, 1880.

GEORGE W. MANYPENNY,
Chairman Ute Commission, Los Pinos, Colo., via Lake City:

The following just received from Secretary Schurz, in reply to your telegram of 27th, announcing fourth council:

"The severalty policy is one of the essential things of the agreement, and cannot be given up. Douglass' release is out of the question, and everything must be done to get the other guilty parties. The Commission must show the greatest firmness and energy in that respect, and appeal to Ouray, who is bound to give them his influence. There must be no vacillation about the main points. As to lands on the Gunnison, they must judge of the necessities of the case. The Commission was not sent to discuss the provisions of the agreement with the Utes, but to ask them to accept or reject it. This alternative they must propose and insist upon. They cannot change the law in any essential point."

A. BELL,
Acting Secretary.

[The Western Union Telegraph Company.]

SAN FRANCISCO, July 29, 1880.

To A. BELL,
Acting Secretary of the Interior, Washington, D. C.:

Manypenny should be instructed that the severalty policy is one of the essential things of the government, and cannot be given up. Douglass' release is out of the question, and everything must be done to get the other guilty parties. The Commission must show the greatest firmness and energy in that respect, and appeal to Ouray, who is bound to give them his influence. There must be no vacillation about the main points. As to lands on the Gunnison, they must judge of the necessities of the case. The Commission was not sent to discuss the provisions of the agreement with the Utes, but to ask them to accept or reject it. This alternative they must propose and insist upon. They cannot change the law in any essential point. I have received direct dispatch from Haworthy. Let agent Lemhi be authorized to accompany Indians to Fort Hall.

C. SCHURZ.

[The Western Union Telegraph Company, dated Los Pinos Agency, July 27, 1880; received at Department Interior July 29, 1880, 12.38.]

Hon. C. SCHURZ,
Secretary of the Interior:

Had fourth council yesterday. Some of the Indians expressed a desire to keep their valley lands. Let the government have the mountain; that they did not like the land on Grand River because there was no grass; that they desired land on the Gunnison. They object to land in severalty. Ask that Douglass be released. Another council to-morrow.

GEO. W. MANYPENNY.

[The Western Union Telegraph Company.]

Think the words "have" and "had" got transposed on the journey eastward.

E. C. C., *Operator.*

[The Western Union Telegraph Company, dated Los Pinos Agency, July 29, 1880; received at Department Interior July 31, 1880.]

To SECRETARY OF THE INTERIOR,
Washington, D. C.:

Yesterday evening Utes began to execute ratification: thirty-six Uncompahgre, ten White River, and one Southern Ute, being all that were then present, signed. Expect to have ratification by the Uncompahgre completed this week and move toward Southern Agency, as soon next week as transportation can be *have*. Had blanks for enumeration of whole tribe forwarded, part to Los Pinos and part to Southern Agency, without delay.

GEO. W. MANYPENNY,
Chairman Commission.

[The Western Union Telegraph Company, Los Pinos Agency, July 31, 1880; received corner 15th and F streets, Washington, D. C., August 4, 1880, 4.48 p. m.]

To SECRETARY OF THE INTERIOR,
Washington, D. C.:

One hundred and forty-five Utes have signed ratification. Expect to start to Southern Agency on Wednesday if Clark arrives. Cannot go without Clark for want of funds. Commission do not believe any surveying can be done this fall. Suggest that unoccupied lands on Grand River, in Utah, and the La Plata, in New Mexico, be withdrawn from market.

GEO. W. MANYPENNY,

LOS PINOS AGENCY, COLO., July 27, 1880.

SIR: In obedience to instructions the following weekly report is submitted:

On Wednesday, the 21st instant, the Commission met about 100 of the principal men of the Uncompahgre Utes and a few White River Indians in open council.

The agreement and amendments thereto, with the provisions of the act of Congress of June 15, 1880, were read and interpreted.

The interpretation was full, and followed by some remarks from the chairman in explanation of the various provisions in the agreement and the act of Congress.

The Indians were then instructed to take the whole matter in charge, and consider the same in their own councils, and an adjournment took place.

On Thursday, the 22d, about the same number of Indians, composed mainly of the same persons, came into council, which lasted some time, but no conclusion was reached.

On Friday, the 23d, the third council was had. The matter of the boundaries of the lands to be assigned for the new homes and the taking of land in severalty were discussed, both subjects having been brought up on Thursday. Objection was made by the Indians to the proposed location on Grand River, they desiring to have their upper line commence some distance up the valley of the Gunnison. There was also objection to taking the land in severalty. Reference was made to the imprisonment of Douglas, and it was intimated by several of the Indians that he had been taken and held as a prisoner to compel them to surrender their reservation. They were assured that such was not the fact; that it was believed that he was implicated in the murder of Agent Meeker and his employes, and probably other atrocities in the White River country. They asked then why was he not tried, and averred that he was not guilty. The Commission replied that if he were not guilty, and it could be shown to the satisfaction of the members, they would recommend his release, and believed the government would release him. The Indians answered that the Commission could go and view the land on which it was proposed to locate them, and in the mean time Douglas could be brought here, and if the land proved suitable in the Grand River Country, and Douglas was released, they would ratify the agreement. While these matters were being discussed, a furious wind and rain storm came up, and suddenly the council was adjourned until Monday, the 26th, Ouray requesting that the matter stand just as it was until then.

On the 26th about 75 of the Indians returned and met the Commission in council again. They were advised that time was precious; that the agreement must be ratified within a given time, and the Commission had to visit other points to secure the ratification after it was effected here. In reply the Indians discussed the land matter again briefly to the Commission, but at some length among themselves, yet came to no conclusion. An instrument of ratification, drawn up by the Commission, was then submitted and fully interpreted to them, and some discussion had with reference to it, when Ouray said that they must discuss this matter in their own councils, and to this end an adjournment took place until Wednesday the 28th.

On Tuesday the 20th Mr. Stickney died. He was taken ill on Thursday night the 16th. He was unable to leave his bed on Friday morning, and never afterward left it, except to be changed from one bed to another. He had every care possible.

On Sunday afternoon it was concluded to send to General McKenzie's camp for a consulting physician. A messenger was sent, but in some way the message did not reach its destination. Another messenger was sent on Monday evening, and the physician came in the night. He concurred in the treatment of the agency physician. On Tuesday the 20th, about half an hour after mid-day, Mr. Stickney died. It was a shock to us all, although the physicians had concurred in the opinion that he could not survive.

A messenger was sent to Ouray, some twenty-five miles away, for a zinc casket or box in which to place the remains. He was buried on Wednesday evening about six o'clock, the services of the Episcopal Church being used on the occasion.

At this writing the Commission cannot express an opinion as to the result of the negotiation. We hope that a conclusion may be reached soon, and that it may be a successful one. The next council will be held to-morrow.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY
Chairman Ute Commission.

Hon. C. SCHURZ,
Secretary of the Interior.

CAMP UTE COMMISSION,
LOS PINOS AGENCY, COLORADO,
July 30, 1880.

Hon. A. BELL,
Assistant Secretary of the Interior :

Under instructions of the Ute Commission in obedience to your telegram ordering the Commission to send the personal effects of the late Clerk W. S. Stickney to you, I shipped his trunk via overland mail and express, for which please find herewith receipt for same. I have written Mr. William Stickney, Washington, of my action and sent to him by registered letter the key of the trunk.

Ute Commission in good health at this writing.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Special Committee.

LOS PINOS AGENCY, COLORADO, 7, 27, 1880.

Received of A. B. Meacham one trunk addressed to Secretary of Interior, Washington, D. C., and marked W. S. Stickney, Washington, D. C.

ED. O. JENKINS,
O. M. & Ex.

[The Western Union Telegraph Company, Los Pinos Agency, Colo., August 4, 1880
received 2.16 p. m., August 6, 1880.]

TO SECRETARY OF THE INTERIOR,
Washington, D. C. :

Commissioner leaves this morning for Southern Agency, Meacham remaining here to obtain additional name to agreement and take census.

G. W. MANYPENNY,
Chairman.

[Telegram.]

LAKE CITY, COLO., August 9, 1880.

TO SECRETARY OF THE INTERIOR,
Washington, D. C. :

Commissioners leave here to-morrow a. m. for Southern Agency, a journey of six days; send their mail, by assortment of stationery, not omitting letter paper, envelopes, few blank books. All *acll*.

J. R. FRENCH.

LOS PINOS AGENCY, COLO., August 3, 1880.

SIR: The following weekly report is respectfully submitted :

On the 28th of July the Indians again met the Commission in council. The principal men of the Uncompahgre Utes were present; also a number of the White River Utes. They were all quite reticent, having but little to say in reply to questions propounded by the Commission. In a conversational manner they talked among themselves, and the council adjourned without any of the Indians signing the instrument of ratification, although they were all requested to do so.

On the 29th another council was held. It was not so numerously attended as the day before. Many of the Indians were detained at home to repair their teepees, which were injured by a violent wind and rain-storm the night previous. All that were present attached their names to the paper ratifying the agreement, consisting of 36 Uncompahgre, 10 White River, and 1 Southern Ute. Before adjournment Ouray said that he expected many of the young men would be at the agency on issue-day, which was Saturday, the 31st, and that they would then execute the paper. On the 30th a few Indians came in and signed the ratification; and on 31st nearly all the adult males that were at the agency signed it. The whole number that have signed it is 147, viz, 112 Uncompahgre, 34 White River, and 1 Southern Ute. The chiefs and head men the Uncompahgre bands are among the number who have assented to and ratified the agreement. Among the White River Indians are a number of the principal men, such as Chief Jack, Stephens (the brother of Douglass), Saw-a-wink, Rankin, the son of Douglass, and others. The small number of adults obtained among the Uncompahgre Utes was a surprise to the Commission, since we find in the official reports the population at Los Pinos Agency placed at 2,000. In consideration of this fact, and for the purpose

of facilitating our work, the Commission has decided to detail Colonel Meacham to remain here and obtain the signatures of such additional Uncompahgre and White River adult Indians to the agreement as he may find, who are willing to accept the agreement. He is also authorized to endeavor to perfect and take a census of the Uncompahgre bands, and such White River Utes as may come to this agency.

The commission has requested the agent here to render such aid to Colonel Meacham as the latter may desire, and to supply such rations for Indians in attendance, and in such quantities as are allowed by the department. In addition to the reference made by the Indians to Douglass in our councils, they also brought up the question of who were the parties presumed to be guilty of the atrocities at White River Agency, and requested the Commission to suggest the names of those whom they were required to surrender. As no names had been furnished in our instructions or since, we were unable to comply with the request. The Commission would be pleased to have the names of such Indians as the department believe to be implicated.

We think it not out of place here to state that in an official letter to U. M. Curtis, now with this Commission, of the date of October 10, 1879, from his excellency Gov. J. W. Pitkin, this language appears: "Douglass was not in the massacre."

The desire to be brief in our telegrams caused the omission of a few words in that of the 27th of July, which, if inserted, would have relieved the mind of the department of any apprehension as to the manner in which the Commission carried on its discussion with the Utes. They have been given to understand distinctly that the agreement as amended by the act of June 15 must be accepted and ratified by them; that the Commission could not change it in any particular. Notwithstanding this fact we have not felt that it was proper to suppress such remarks as the Indians desire to utter in council.

The Commission will leave to-morrow for the Southern Agency. It will, we are informed, take from eight to ten days to make the journey, and the same time to return. How long we may be there we cannot say. Mr. Curtis will go by the Indian trail, and reach there probably in three days. A few influential Utes will go also. Mr. Curtis will hunt up the Indians and have them on hand when the Commission arrives.

We are very anxious to expedite the work, but all the members agree that the assent to the ratification, taking of the census, and the payment of the money, will consume most of the working time of this season. It is not seen how a proper exploration of the country on the Grand River and the La Plata can be made this season. All, however, will be done that is in the power of the Commission to do.

Very respectfully,

GEO. W. MANYPENNY,
Chairman.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., August 9, 1880.

SIR: In reference to the telegram to you from Mr. Geo. W. Manypenny, dated Los Pinos Agency, July 30, suggesting that "unoccupied land on Grand River in Utah, and the La Plata in New Mexico, be withdrawn from market," a copy of which was referred to this office on the 5th instant "for information as to whether any interests will be involved," I have the honor to state that settlers on the public lands under the pre-emption laws do not file notices of their claims in the district land offices until after the surveys of the lands embracing the same, and as, with regard to any limits probably intended in the above noted suggestion, the lands in the localities suggested are not yet surveyed, I have as yet no official data by which to judge of the extent of the settlements which would be affected by the withdrawal proposed. While there is no reason to believe that the localities in question are thickly settled, there is, doubtless, a considerable number of settlements which would be affected. I know of no other interests which would be involved.

Noticing in the telegram the expression made by the Hon. Mr. Manypenny that the "Commission do not believe any surveying can be done this fall," I would observe that surveyors designated by the department for the Ute lands, now in the city, and who have had experience in surveying in that region, state that the field work can be done during the months of September, October, and November; and that they are anxious to proceed as soon as the Commission succeeds in the negotiation with the Indians.

The copy of telegram mentioned is returned herewith.

Very respectfully,

M. E. N. HOWELL,
Acting Commissioner.

Hon. A. BELL,
Acting Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, August 11, 1880.

SIR: Referring to your telegram of the 30th ultimo, suggesting the withdrawal of lands on the Grand River in Utah, and the La Plata in New Mexico, for the settlement of the Utes, with whom negotiations are now pending, I inclose for your information a copy of a letter from the General Land Office, to which bureau the subject of your telegram was referred.

It is desired, before taking action in this matter, that some description, by metes and bounds, should be given in the case of the lands mentioned for withdrawal, so that in the instructions to the General Land Office it can be definitely ascertained what interests, if any, will be involved by such action.

In your telegram of the 30th ultimo you state, the "Commission do not believe any surveying can be done this fall." The letter of the General Land Office, in referring to the subject, says: "Surveyors, designated by the department for the Ute lands, now in the city, and who have had experience in surveying in that region, state that the field work can be done during the months of September, October, and November."

I would thank you for any information in your possession, or upon which your judgment was based, in relation to surveys this fall not being practicable. Your weekly report of 3d instant is received and contents noted. The information requested in relation to White River Utes implicated in the outbreak and massacre, will be communicated, so far as department is advised, without delay.

Very respectfully,

A. BELL,
Acting Secretary.

HON. GEORGE W. MANYPENNY,
Chairman Ute Commission, Southern Ute Agency, Colorado.

SOUTHERN UTE AGENCY,
Colorado, August 16, 1880.

SIR: Since the Commission left Los Pinos, on the 4th of this month, nothing has occurred to justify a weekly report.

We arrived here on yesterday about noon, after a tedious journey of 12 days.

Many of the Southern Utes are encamped about the agency, and we hope to have our first council on to-morrow. This may, however, not happen, since some of the chiefs, whom Ignatio thinks it important to be present at the first interview, are not here yet. There is no post-office here, and the nearest telegraph office (Alamosa) is about 150 miles distant. Hence communication will not be as ready with your department as when we were at Los Pinos. Every proper effort will be made to expedite business.

Very respectfully,

GEORGE W. MANYPENNY,
Chairman Ute Commission.

The Hon. SECRETARY OF THE INTERIOR.

[The Western Union Telegraph Company. Southern Ute Agency, Colorado, August 24, 1880. Received at Department Interior, August 24, 1880, at 4.01 p. m.]

SECRETARY OF THE INTERIOR,
Washington, D. C.:

Ouray died this morning. The Commission fear this may embarrass them in the work. Had a full council yesterday, but no Indians signed the ratifications. Ignatio and other chiefs oppose it.

GEORGE W. MANYPENNY,
Chairman Ute Commission.

[Telegram.—Southern Agency, La Plata County, Colorado, 25, via Alamosa, Colo., 26, 11.26 a. m.]

TO SECRETARY OF THE INTERIOR,
Washington, D. C.:

Agreement submitted to the Southern Utes yesterday. A full delegation of each band present. Expect another council on Monday. Ouray is here quite sick.

GEORGE W. MANYPENNY,
Chairman.

[Indorsement.]

DEPARTMENT OF THE INTERIOR,

August 27, 1880.

Respectfully referred to the Commissioner of Indian Affairs,

GEO. M. LOCKWOOD,

Chief Clerk.

SOUTHERN UTE AGENCY, COLORADO,

August 21, 1880.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th of August, covering a copy of a communication from the Commissioner of the General Land Office touching the subject matter of a telegram from the Ute Commission of the date July 30 in reference to the withdrawal from market of the unoccupied public lands on the La Plata, in New Mexico, and the Grand River, in Utah.

On consideration of your communication, the Commission has instructed me to say that the members were impressed with the opinion, from such information as they could obtain, that it was probable they would be compelled to go into New Mexico and Utah in order to obtain a portion of the farming and grazing land necessary to supply the Uncompahgre and Southern Utes; and hence, as a precautionary measure, and to guard against persons occupying the lands referred to during our negotiation with the Utes, the suggestion was made. We can give no indication by metes and bounds at this time as to the lands that may be required.

With reference to the opinion expressed in the telegram that no surveying could be done this fall, the Commission thought it proper to so inform the department, in order that those to whom this duty was confided should not take the field to meet with disappointment. It is now the 21st of August, and the Commission is here, having only on yesterday had the first preliminary council. It may be ten days, or more, before we shall be able to leave here. This will bring us to the 1st of September. It will require ten days to return to Los Pinos; and should it turn out that the White River Indians have to be hunted up, that will take an indefinite time.

In any event it will probably be near the 1st of October before the signatures of three-fourths of the male adult Indians can be obtained to the agreement. When this is effected the tracts of country to be selected for the homes of the Indians must be explored to such an extent, at least, as to justify the Commission in indicating them for the future homes of the Indians. It is not seen how this work can be done even in a cursory manner before the 1st of November.

Very respectfully,

GEO. W. MANYPENNY,

Chairman Ute Commission.

Hon. A. BELL,

Acting Secretary of the Interior.

P. S.—Herewith please find a communication to the Attorney-General, which came with your letter. It was inclosed, no doubt, by mistake.—G. W. M.

[Telegrams.]

SOUTHERN AGENCY, COLORADO,

August 28, 1880.

TO SECRETARY OF THE INTERIOR,

Washington, D. C.:

Seventy-five of the Southern Utes signed the ratification on yesterday. The Commission expect to obtain in a few days the assent of all the Utes at this agency.

GEO. W. MANYPENNY,

Chairman Ute Commission.

SOUTHERN UTE AGENCY, August 24, 1880.

SIR: I have very little of practical result to communicate by way of a "Weekly report from the Ute Commission."

The Indians are encamped here in large numbers, representing all bands of the Utes south of the White River.

There have been two councils, each attended by about 125 of the chiefs and headmen, but not a name has yet been recorded to the ratification (at this agency). Ignacio, and all the chiefs of the Weeminuchees, are mildly opposed to the ratification of the agreement. They all are quite earnest in the expression of friendly feelings for the Commission and the government at Washington, and Ignacio took occasion in a little speech in council yesterday, in expressing his friendship for the Commission and the

government, to deliver quite a hearty eulogy upon the Secretary of the Interior, in whose integrity and friendship for the Indian he declared he had not a doubt. He believed his friendship for the Ute both sincere and wise. But he feared white men generally would not stand by the Secretary. His people were all against the agreement and he must go with them. These Weeminuchees all say the agreement greatly lessens the amount of their land, which now "is neither long nor wide." They dissent with one voice to titles in severalty. The Capotes and Muaches are understood to be favorable to ratification, but none of their headmen have yet joined in the "talks," and the Commission are not without hope finally of receiving the approval of the Weeminuchees.

It is hoped that the death of Ouray, which took place this morning, may have no serious effect upon these negotiations, farther than causing a day or two delay.

Very respectfully, your obedient servant,

JOHN R. FRENCH,
Clerk, Ute Commission.

The Hon. CARL SCHURZ,
Secretary of the Interior.

SOUTHERN UTE INDIAN AGENCY, COLORADO,
August 30, 1880.

STR: On yesterday Messrs. Bowman, Russell, and Mears, of the Ute Commission, left here for the La Plata. Before leaving, the chairman was instructed to communicate to you the condition of the work in hand, and the opinion of the Commission as to the result of its labors.

On the 4th instant the Commission (except Colonel Meacham) left the Los Pinos Agency *en route* to this place. At that time 111 of the chiefs, headmen, and other adult male Indians of the Uncompahgre bands had executed an instrument ratifying the agreement; also 33 of the chiefs and headmen of the White River Utes, then at Los Pinos, had signed the same.

Colonel Meacham was left behind to obtain additional signatures to the instrument of ratification, and to take the census of the Uncompahgre Utes and such White River bands as were expected to come in. When the Commission arrived at Barnum's, about 50 miles from Los Pinos, Mr. French, the successor of Mr. Stickney, joined it. He had with him Mr. Bradshaw, who had come with him under the expectation that the clerk would need assistance as the work progressed. The Commission decided to and did assign Mr. Bradshaw to duty at the Los Pinos Agency to aid Colonel Meacham in the work he was left to perform.

Before leaving Los Pinos the Commission requested Ouray and some of his principal men to visit the Southern Agency to aid in the work here. The chief was not well at the time, but said he would do so if he was able. Several of the Uncompahgres did start immediately and arrived here a week before the Commission. The chief arrived here on the 17th instant quite sick. He came over the Indian trail across the mountains.

The Commission arrived here on the 15th instant, being twelve days on the way. On the morning after arrival, Ignatio and a few of his men called on the Commission. No formal council was held until the 20th. At this council the chiefs and head men of the Weeminuchee, Capote, and Muache bands were present. The agreement and amendments thereto, with the provisions of the act of Congress of June 15, 1880, were read and fully interpreted by Mr. Curtis, in the Ute language, and Mr. Burns, in the Spanish, aided by Swan, one of the Indians who was at Washington, and who appeared to understand the provisions of the agreement very fully.

The several bands then took the matter into their own councils. On the 23d the Indians again met the Commission in council, when the provisions of the agreement and the act of Congress were fully discussed and explained. No result was reached. The council adjourned until the 24th.

Before the hour of meeting Ouray died. This sad event put an end to the meeting, the Indians immediately striking their tents and fleeing away. On the 26th the Indians again met the Commission in council, the number in attendance being less than on the 23d. After some discussion in explanation of points in the agreement, an invitation was given to such of the Indians as desired to ratify the agreement to come forward and sign the paper prepared for that purpose. It was said that the Muaches and Capotes were generally willing to do so, but the Weeminuchees were opposed to it.

Ignatio, Alhandra, and others of this band were decided in their opposition. When it was found that none would comply with the invitation and sign, the Commission, at about two o'clock, retired from the council. Ignatio said there was no need for further discussion; that they had decided not to ratify the agreement; they were willing to give the Americans the gold in the mountains, but they desired to retain the valleys and the grazing lands adjacent; they wanted the boundaries of the lands

they lived on to remain as they were, and were opposed to the lands being surveyed into tracts for occupation in severalty.

On the 27th the Commission, having about concluded to leave the agency, were surprised by the appearance of a number of Indians on horseback coming to the camp, and an announcement from them that a council was desired.

The Commission met them without delay, when Ignatio said they had come to sign the paper and wanted no more talk. The instrument of ratification was presented to them, when Ignatio, Jugular, and Too-pa-che, the principal chiefs of the three bands, in the order named, came forward and touched the pen and executed the agreement. They were followed in succession until but few who came in were left who had not signed the paper. This process was followed up on the 28th, and at this time 132 have ratified the agreement.

Arrangements have been made here for the agent to assist in an effort to take the census. The difficulty of this work cannot be appreciated unless one was on the ground to witness the reluctance of those who have names to give, and the many who have no names. Moreover, the bands are now dispersed in various directions and at different points.

According to the annual report of the Indian Office for 1879 the population of the Ute Indians in Colorado is given as follows: Los Pinos Agency, 2,000; Southern Agency, 1,307; White River Agency 900, making 4,207. Estimating for adult males one out of every six, the number of adult males would be 701. In the same annual report, pages 178, &c., the signatures of the Muache, Capote, and Weeminuche bands of Utes, being those of this agency parties to the agreement made with General Hatch, N. C. McFarland, and Lot M. Morrill, aggregate 218.

In a population of 1,307 this number of adults would give one to every six. Assuming the population of the confederated bands to be as stated (4,207), and the adult male population to be one for every six, and the Commission would be required under the law to obtain the signatures of 527 to secure the ratification.

Some members of the Commission express the opinion that the population, as given in the report of 1879, is an exaggeration. What means they have of coming to such a conclusion I am not aware of. If they judge from the number of Indians we have met in council such a conclusion may be reached, but it is to be remembered that many of the young men of an Indian tribe do not, as a rule, attend councils.

The extent to which Colonel Meacham has added signatures to the instrument of ratification the Commission is not advised. He has been requested to inform us as soon as possible what progress he has made.

The chairman and clerk will endeavor to obtain such additional names here as can be reached. It is known that many of the Weeminuchees have not signed yet; but the band, it is said, has gone to the Floridae.

In the event that the ratification is secured the Indians will expect the \$75,000 this fall, and I am directed to express the hope of the Commission that they may not be disappointed. They have been assured the money will be forthcoming.

In addition to the agency physician the Commission had consulting physicians from Animas City and the Los Pinos Agency. They pronounced the chief's disease fatal; that it was Bright's disease of the kidneys. When the physicians came, the Indian doctors were with Ouray, and kept possession of him to the last. The chief did not sign the instrument of ratification.

The Commission would be gratified to hear such suggestions or instructions as may in your judgment be proper in the premises. The point of communication when you receive this will, I think, be Alamosa.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,
Chairman Ute Commission.

Hon. C. SCHURZ,
Secretary of the Interior, Washington, D. C.

[Telegram.—Animas City, Colo., September 16, 1880. 11.26 p.]

SECRETARY OF THE INTERIOR,
Washington, D. C. :

Have secured 204 southern Utes to the ratification instrument; leave for Alamosa to-day.

GEO. W. MANYPENNY.

[Indorsement.]

DEPARTMENT OF THE INTERIOR,
September 17, 1880.

Respectfully referred to the Commissioner Indian Affairs.

GEO. M. LOCKWOOD;
Chief Clerk.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
*Washington, September 22, 1880.*Col. GEO. W. MANYPENNY,
Chairman Ute Commission, Alamosa, Colo. :

Reports received. Attention is invited to the fact that by the 15th proximo the time set by law in which agreement must be ratified will have expired.

C. SCHURZ, *Secretary.*

[Telegram.—Received, Washington, at 6 p. m.]

ALAMOSA, COLO., *September 23, 1880.*To SECRETARY OF INTERIOR,
Washington, D. C. :

The Commission have secured to the instrument of ratification the signatures of 582 adult males of the confederated bands of Ute Indians in Colorado. This number is more than three-fourths of the male adults of wild bands. We await your order.

G. W. MANYPENNY.
J. J. RUNNELL.
(RUSSELL.)UNITED STATES INDIAN SERVICE,
SOUTHERN UTE INDIAN AGENCY, COLORADO,
September 7, 1880.

SIR: Messrs. Bowman, Russell, and Mears returned from the La Plata on the 5th instant, and on the 6th left with the military escort for Alamosa. The clerk and myself still remain here in order to obtain additional signatures to the instrument of ratification. One hundred and fifty-six adult male Indians of the Weeminuche, Capote, and Muache bands have signed the paper.

This morning Agent Page, Chief Ignatio, and Burns, the interpreter, started for the Dolores River, probably 100 miles away, to obtain additional signatures among the Weeminuches who are camped there and hunting in the mountains. Alhadra, whom we sent there, brought in 23 who executed the ratification instrument yesterday. He stated there were many more there willing to sign, but not willing now to come back here, since their errand out was to make their fall hunt and to return here by the time the money came and then they would sign.

As we have no definite information from Colonel Meacham as to the extent he has obtained additional signatures at Los Pinos, and only 111 Uncompahgre and 34 White River Utes had signed the ratification when we left Los Pinos, it was deemed advisable to get all that is possible to obtain here, now that the Uncompahgres appear to be in the mood of assenting to the ratification.

The census of the Capotes and Muaches is substantially completed here and work begun on the Weeminuches. Instructions have been sent to Colonel Meacham to report by letter to Alamosa the number of names he has obtained to the agreement and the progress he has made in the census. This work was entirely suspended by the death of Ouray. We hope to be at Alamosa within the next ten days, with the work both as to the agreement and census completed at this agency.

Very respectfully,

GEO. W. MANYPENNY,
*Chairman Ute Commission.*Hon. C. SCHURZ,
*Secretary of the Interior.*ALAMOSA, COLO., *September 20, 1880.*

SIR: On the 31st of August, an Indian messenger came over from the Uncompahgre (Los Pinos) Agency, bearing a message from Colonel Meacham representing that the Indians there desired that the remains of Chief Ouray be disinterred, and placed in zinc casket with a glass face, and forwarded to that place for interment.

On consideration of this subject a consultation was had with some of the Indians who had learned the object of the messenger. These Indians claimed (some of them) to be the relatives of Ouray, and asked why his remains should be removed since his relatives lived at the Southern Agency. In a council, however, they agreed that if the remains were desired at the Los Pinos Agency they would interpose no objection.

Some of them by appointment visited the place where the remains were deposited, with Agent Page, Lieutenant Clagget, and myself, and, upon examination by the two former, it was found that decomposition had commenced, and the odor from the remains were then somewhat offensive. The remains were deposited in the cleft of a rock about six miles from the Southern Agency. I was not able to get down to a point where I could judge myself, or rather was fearful if I did get down I would not ascend again; but I am satisfied the gentlemen were correct in what they ascertained. We advised the Indians that the remains could not be removed until cold weather, and I so wrote to the Los Pinos Agency, and said if the Indians there were then desirous for the removal, it was the opinion of the Commission that the government would have it done. There was an omission in not communicating this before, but it was overlooked. Mr. French and myself are here. We expect Mr. Mears, and probably Mr. Meacham, from Los Pinos to-morrow. We have secured 204 signatures to the ratification at the Southern Agency; and they have secured 317 Uncompahgre and 60 White River Utes at the Los Pinos, making in all 582 adult male Utes who have assented to the agreement.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,
Chairman Ute Commission.

Hon. C. SCHURZ,
Secretary of the Interior.

[The Western Union Telegraph Company.]

ALAMOSA, COLO., September 25, 1880.

CARL SCHURZ,
Secretary of the Interior, Washington, D. C. :

Your telegram received. Surveying this fall absolutely impossible. Census can't be completed until money is here as some of the Indians away hunting, and will not return or consent to census until money is ready to be paid. We believe it impossible to move Southern or Uncompahgres or the White River Utes, who are at Los Pinos this fall. We deem it advisable to start one of the Commission to Washington Sunday p. m., to make necessary explanations. Can we do so? Please answer at once.

GEO. W. MANYPENNY.
J. J. RUSSELL.
OTTO MEARS.

Operator, please deliver this to Secretary Schurz at his residence Sunday a. m.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, September 25, 1880.

GEORGE W. MANYPENNY,
Chairman Ute Commission, Alamosa, Colo. :

Upon receipt of your dispatch of the 23d instant prompt application was made to the Treasury for the money, which will be forwarded as soon as possible. The Commission should in mean time prepare the different bands of Utes to remove to the location designated by law to settle down provisionally, so that lands for their permanent settlement can be selected, surveyed, and apportioned without delay.

This may be done, if possible, without waiting for the money, so as to save time. The White River Utes especially should be moved as soon as possible to Uintah.

Commission should prepare and forward to department without any delay estimate of supplies required for each band.

You are referred to the law and the letter of instructions of June 20 for your guidance.

C. SCHURZ, *Secretary.*

[The Western Union Telegraph Company.—Alamosa, Colo., September 25, 1880. Received at Department Interior, September 25, 1880, 2 p. m.]

Hon. CARL SCHURZ,
Secretary of the Interior :

Did telegram from Ute Commission two days since reach you? No answer received. Early winter in mountains compels prompt action, if the money to go in this season as Indians expect.

JOHN R. FRENCH,
Secretary.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, September 26, 1880.

Colonel MANYPENNY, *Alamosa, Colo. :*

Yes. You may send one commissioner for consultation.

C. SCHURZ.
By E. P. H.

[Telegram.—Denver, Colo., September 29, 1880. Received Washington September 29, 11.35 p. m.]

Hon. CARL SCHURZ,
Secretary of the Interior, Washington, D. C. :

Commissioner Russell has started for Washington. Expects to reach there Friday night. Colonel Moneypenney (Manypenny) and myself remain here.

JOHN R. FRENCH.

WINDSOR HOTEL.

[The American Union Telegraph Company.—Milford Junction, Ind. Received October 1, 1880, 2.25.]

C. SCHURZ,
Secretary of the Interior, Washington, D. C. :

Will be in Washington Saturday afternoon with Ute ratification papers.

J. J. RUSSELL,
Ute Commissioner.

[The Western Union Telegraph Company, Cedar Creek, Cal., October, 1, 1880, 9.52 p., 2 October.]

SECRETARY OF THE INTERIOR,
Washington, D. C. :

The son of Chief Chavaneaux killed by a teamster 30 miles from agency. The Utes were all under arms demanding the immediate execution of the murderer, who arrested by citizens after extraordinary exertion on our part. They consented to return home and suffer the prisoner to be taken to Gunnison for trial. Situation still critical. They threaten war, but I believe Berry can hold them.

MEACHAM.

[The Western Union Telegraph Company.]

LOS PINOS, *October 5, 1880.*

SECRETARY OF THE INTERIOR,
Washington, D. C. :

Utes say the money will not come. Have pledged myself to stay until payment made. If trouble comes Utes will not be to blame. Fault of the murderer unknown. Ox teamsters endeavoring to make appear that was put up job. I am confident this is false. Everything depends upon payment and white men.

MEACHAM.

Via Lake City, Colo,

UTE INDIANS.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, October 5, 1880.A. B. MEACHAM,
Commissioner, Los Pinos, Col. :

Money to pay Utes secured to day. Date at which it will arrive at agency cannot be stated.

A. BELL,
Acting Secretary.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, October 5, 1880.JOHN R. FRENCH,
Secretary Ute Commission, Windsor Hotel, Denver, Col. :

Proceed immediately to this city. Money cannot be had without your presence here.

A. BELL,
Acting Secretary.

[Telegram.]

LEADVILLE, COLO., October 5, 1880.

Hon. A. BELL,
Acting Secretary of Interior, Washington, D. C. :

Your telegram received. I start on first train in morning for Washington.

JNO. R. FRENCH.

[Indorsement.]

DEPARTMENT OF THE INTERIOR,
October 25, 1880.

Respectfully referred to the Commissioner of Indian Affairs.

GEO. M. LOCKWOOD,
Chief Clerk.

[Telegram.—Denver, Colo., October 7, 1880. Received Department Interior October 7, 2.10.]

SECRETARY OF THE INTERIOR:

French left Leadville yesterday for Washington.

GEO. W. MANYPENNY.

LOS PINOS INDIAN AGENCY, COLORADO,
September 28, 1880.

DEAR SIR: Since making up the census roll of the 18th instant, 21 names of Uncompahgres have been added, making a total to this date of 1,031.

No new names of Uncompahgres have been secured to the agreement, and but one to the White River list.

I am of the opinion that we may possibly find 100 more Uncompahgres; Agent Berry says 200. He estimated the total at this agency before the census was begun at 1,355. I have sent runners out for all stragglers, and they will come in soon.

We have on the agreement roll 63 White River male adults. I have been especially careful to learn all I could about this band, from every source, and I now think we have about half the names to the agreement. One week since I thought there were not more than 15 to 25 male adults (White River) at Uintah. Yesterday Jack Chief, of the White Rivers, came in and reported that he had brought in all the men from his camp except a few very old men. To my question, "How many White River men have gone to Uintah?" he replied, "Bout half, may be more; no can tell; no count 'em me." I doubted this statement, when he consulted another White River Ute present and repeated, "'Bout half." There are 45 lodges of White River Utes between Los

Pinos and White River, and they intend to remain there through the winter. They will not consent to go to Uintah this fall, if possible to avoid it, but if subsistence were provided for them there and the order was made for them to go they would probably yield, except a few stubborn fellows who are determined to stay in the mountains of Colorado, unless they can be incorporated with the Uncompahgre band. It would be a hardship upon the Uncompahgres to do this, but they would consent without complaining. It has required great caution on my part to prevent the Uncompahgre chiefs having White River Utes enrolled with their own people. It was the desire of late Chief Ouray to have certain of the White Rivers adopted by this band, but how far his wishes are to be respected is a question that I have not felt authorized to settle. Agent Berry has been appealed to in every instance, and he has decided for or against the applicant, always consulting the Uncompahgre chiefs, but not always agreeing with them in this matter. I have great respect for Agent Berry's judgment and in his managing ability: His services have been of great value to the Commission.

I have written this communication more for your information in the event that the question of payment of the promised funds should be delayed on account of the strict construction of the act of June 15 last, requiring "three-fourths of the male adults" to the agreement. The Commissioners, four-fifths of whom have had the Southern Utes in charge, have doubtless secured more than three-fourths of the male adults of that agency. The Uncompahgres, always "estimated as half the consolidated tribes or nation," have signed the agreement "unanimously," while 63, or say half, the White Rivers have ratified the agreement. I have not the least shadow of doubt that seven-eighths of all the consolidated Utes have "ratified" the compact.

The question of compliance may come up and delay the payment, and with these facts before us, I think you will see that the act of June 15 has been complied with. If the "estimated" total of the Utes should be taken as the guide, then the ratification would be an impossibility.

The census roll I have considered of as much importance as the list of names to the ratification. Other members of the Commission have not thought it essential until the payment was ready. I see no legal way to pay the money until you have some proof that the requirements of the act are complied with. I have suggested to the Commission that some member of the Commission should go to Uintah and secure the White River Utes there to the agreement, but I could only suggest. If the payment should be delayed on account of not having the names of that portion of the White River Utes at Uintah, and I am authorized to get the names, by either the Secretary or the Commission, I will mount a mule, and, with an Indian guide, I will go through to Uintah without delay. The names I have secured to the agreement, and the census I have taken, has been done upon the oft-repeated assurance that the money would be paid this fall. Major Berry has also worked very hard, and we never would have succeeded without making that promise. It must be kept, or, in my opinion, there is no certainty of a final consummation of the agreement.

On the 23d instant I met, at the town of Ouray, Senators Hill and Teller, Governor Pitkin, and Representative Belford. Upon the suggestion of Senator Hill I prepared a telegram to you, in these words: "The consummation of the Ute agreement, and the peace of Colorado, depend upon the prompt payment of the money promised the Indians."

A. B. MEACHAM,
Ute Commissioner.
W. H. BERRY,
United States Indian Agent.

We endorse.

H. M. TELLER.
N. P. HILL.
JAS. B. BELFORD.
F. W. PITKIN.

Trusting that the payment may be made at an early day, I am, most respectfully,
your obedient servant,

A. B. MEACHAM,
Ute Commissioner.

ASSISTANT SECRETARY OF THE INTERIOR,
Washington, D. C.

LOS PINOS AGENCY, COLORADO,
September 28, 1880.

DEAR FRIEND: KNOWING that you are in harmony with the Secretary and sincerely desire to promote the well being of the Indians and the honorable success of the Indian

Department, I beg to respectfully submit a few suggestions in regard to the payment of the Utes.

1st. That the Commission, whose business it is made, by act of June 15, to direct and superintend the disbursement of all moneys paid out in the Ute country (see last clause section 2 of said act), be "instructed to require each head of a family to produce and present at the payment every minor child, except in case of sickness."

Reason for this.—The Utes are mortal, and they know that the more children the more money. In making the enrollment I have found several instances of men claiming children that did not belong to them. This being the per capita payment, it will become a precedent and it will be almost impossible to correct the roll hereafter.

2d. To prevent fraud and to secure a correct pay-roll, I suggest that the Commission be instructed and authorized to appoint a board consisting of at least five chiefs or headmen, three of whom shall be required to be in attendance at all times during payment, for the purpose of identifying the head and each child of every family to whom payment is to be made. I further suggest that these five men be paid \$3 per day for their services. If this be not done, these people will borrow Appoots and Nat-chets boys and girls from each other, and perpetrate the frauds attempted in making up the pay-roll and census. No white man can identify the little Utes after their sagacious parents have "doctored" them with paint and rags for ten minutes. When I came here I thought the Utes were next the "Diggers" in stupidity, but two months' contact with them has convinced me that they are the keenest and craftiest tribe of whom I have personal knowledge.

Third suggestion is, that the money, silver and greenbacks—and not in checks—be paid to the Utes, and that a large part be in small bills and silver. Furthermore, forbid the paymaster to pay orders, but place the money in the hand of the party paid. These are all important, but not usually embodied in "Instructions."

I have prepared a pay-roll for Uncompahgres, upon the blanks sent out by Mr. French. My experience in paying Indians has taught me that great care is necessary to prevent frauds and mistakes. I trust I may be pardoned for making the above suggestions. My motive is good, I assure you. I am sure you will not think me presumptuous or meddlesome.

Unless otherwise ordered, I shall examine the Grand River country soon, so as to be able to report upon it.

The other members of the Commission are at Alamosa and may not have time this fall to go to Grand River. I see the necessity for looking over the new home for the Utes before next spring. It can only be done under reasonably few conditions within the next three or four weeks.

Offering my anxiety to get the work along as far as possible this fall is my excuse for the additional trespasses upon your time.

Very respectfully, your obedient servant,

A. B. MEACHAM,
Ute Commission.

Hon. A. BELL,
Assistant Secretary of the Interior, Washington, D. C.

[Telegram.]

LOS PINOS, COLO., October 7, 1880.

TO SECRETARY OF THE INTERIOR,
Washington, D. C. :

Utes object to Commissioners going Grand River; have been notified by Piah that I shall not leave agency until money comes, otherwise all quiet, but liable to explosion any hour. I shall stay until payment, and then go Grand River. Nothing new concerning murder of Ute. The payment must not fail, or all that has been done is lost, and war will ensue. Hurry payment.

MEACHAM,
Commissioner.

[Telegram.]

LOS PINOS, COLO., October 7, 1880.

TO SECRETARY OF THE INTERIOR,
Washington, D. C. :

Surveyor Major reports herewith three parties ready for work. Utes will not consent until payment is made. Can you instruct Commission to meet Major at Southern Agency, and survey there? It is the only feasible thing under existing excitement.

MEACHAM.

Via Lake City, Colo.

[Telegram.]

LOS PINOS, COLO., October 8, 1880.

TO ASSISTANT SECRETARY OF THE INTERIOR,
Washington, D. C.:

Announcement money coming. A sunburst only banger [danger] now mobs of whites against the citizens from whom murder [murderer] was forcibly taken and officials who were at Cline's; otherwise all serene.

MEACHAM.

Via Lake City, Colo.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, October 11, 1880.MEACHAM,
Ute Commission, Los Pinos, Colo.:

Mr French arrived here this morning. Money settled satisfactorily. He will start back as quickly as his business can be finished.

C. SCHURZ, Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, October 11, 1880.

SIR: As the money to be paid to the Utes under the act of June 15, 1880, will soon reach you, I have to prescribe the following instructions for the guidance of the Commission in paying over the same to the Indians and in the regulation of affairs upon the reservation pending the said payment and the removal of the Indians to their new homes:

No persons other than those in the government service, and who have authority to accompany the Commission, are to be allowed to go upon the reservation or be present at the agency when the payments are made. The War Department has been requested to direct the military authorities to cause to be removed from the reservation such persons there without authority of law as may be indicated by the respective agents.

No card-playing or gambling of any kind will be allowed upon the reservation.

Before any payments are made to the Indians the Commission will ascertain and identify, by all available means, the individuals entitled to receive the same. The chief of each band must be required to certify to the satisfaction of the Commission as to the numbers of individuals entitled to payment in his band, and where the full strength of the band is claimed to be present the chief shall certify that the same is true.

Each head of family should be required to produce and have present at the payment every minor child, if possible.

A committee consisting of five or more chiefs may be appointed by the Commission, which committee should be required to be in attendance in number—at all events not less than three—on the payment, for the purpose of identifying the individuals to whom payments are made. These chiefs may be allowed such compensation as in the judgment of the Commission would be suitable for their services as members of the committee.

The payments will be made in coin and to the individuals entitled to the same in person, and no orders upon the Commission or person who may be designated by the Commission to place the money in the hands of the claimants should be recognized.

No lands upon the Ute Reservation can be entered upon for settlement or mining until they are properly declared public lands for entry by the President, and claims based upon settlement or occupation prior to such Executive action will not be recognized.

The above instructions concerning the exclusion of unauthorized persons from the reservation while the payment of the money to the Indians is going on are given for the purpose of protecting the Indians against the devices of evil-disposed white people who may try to possess themselves of the money distributed among the Indians. It is desired that the members of the Commission upon making payments should warn the Indians of this danger and caution them against gambling and the foolish expenditure of their money.

Very respectfully,

C. SCHURZ, Secretary.

Hon. GEO. W. MANYPENNY,
Chairman of the Ute Commission.

DENVER, COLO., October 2, 1880.

SIR: I was informed yesterday by Mr. French, our secretary, that he had a letter from Los Pinos Agency informing him that the opinion was promulgated from the town of Ouray by gentlemen whose names would give great weight to it that as three-fourths of the adult male Ute Indians had ratified the agreement, the Ute Reservation was open to occupancy by the white people, and that parties acting on this theory were entering and making claims. If this thing should become general it may, if not checked, have a very injurious effect, if it do not prove fatal.

The Indians cannot be removed this fall, and the invasion of their present homes by persons to locate claims therein will change the frame of mind in which we left the Indians, and confidence will give place to distrust, which may end in conflict.

Then as to the lands for the new homes. It is, in my opinion, very certain that there will not be found in the valley of the Grand River, in Colorado and Utah, anything like a sufficient quantity of agricultural lands to supply the Uncompahgre Utes, nor can there be found in the valley of the La Plata, in Colorado and New Mexico, a sufficient quantity of such lands to supply the Southern Utes, and hence regions in the "vicinity" will have to be brought into requisition indefinitely, and here claimants may be found and contests and controversies follow.

I would respectfully suggest, as a means of avoiding these complications, that an official announcement from the department discouraging, indeed forbidding, that premature invasions of the Ute Reservation be issued without delay.

There is another matter I have learned, and that is that parties (I hope not numerous) are contemplating and preparing to go to the agencies (those I was told of were going to the Southern Agency), and to be there at the time of the payment of the money this fall. The object is to carry away as much of the money as possible, and to be obtained, I suppose, by gambling with the Indians. Some, indeed, too many, of these Indians are inveterate gamblers. During our residence at the Southern Agency there was a great deal of gambling among the soldiers and teamsters and the Indians. The latter are the victims all the time. I would suggest that instructions be issued to the agents, or to such of the commissioners as are present, to forbid and prohibit all gambling during the payment, even to forbid the playing of cards for amusement.

As there will, I suppose, be a small detail of soldiers to accompany the money to each agency, I would suggest that they be employed to expel all intruders who appear at or in the neighborhood of the agency during the payment.

As I stated in a former letter, I do not feel that it would be prudent for me to return to either agency to witness the payment, and, indeed, I do not think it necessary, since there are four other commissioners, all younger men than myself. I should, therefore, be pleased to be allowed, after Mr. Russell reaches here and the Commission is convened, and the members assigned to duty in connection with the payment of the money, to return to my home in Columbus, and when there, should you desire it, I will be pleased to visit Washington and talk this whole work over with you.

I am very sure that the detail of this work connected with the location of the Utes will never be done in the manner it should be by the Commission as now organized. One of the members (Bowman) has been absent without leave nearly three weeks. He has been here, at Manitou, Leadville, Buena Vista, again at Leadville, and I know not where else. When I last wrote you I spoke of his being engaged in one mine (the Royal Oak), of which he is president. A few days later and I learned from good authority he had an interest in six mines. How many more now I cannot say.

On last Monday when the Commission—Messrs. Russell and myself present, at Alamosa—adjourned to convene here on the call of the chairman, Mr. Russell started for Washington and Mr. Mears for his home. He was not well. It was agreed that the clerk and myself should go to Denver and remain until the return of Mr. Russell.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,
Chairman Ute Commission.

Hon. C. SCHURZ,
Secretary of the Interior.

DENVER, COLO., October 7, 1880.

SIR: In the manner in which the Ute Commission has been separated for now near a month past, no consideration has been given to the matter of distributing the money among them. Of course the law gives one-third to the Southern, one-half to the Uncompahgre, and one-sixth to the White River Utes.

While the great body of the Southern and Uncompahgre Utes will be in attendance on pay-day, I am quite sure a number of families will not be there, and not reached this fall. As to the White Rivers (if you pay them anything, and I think all that were at Los Pinos and ratified ought to be paid), they can be reached at Los Pinos

better than any place else. Indeed, I know of no other place unless some be at Uintah, which can be known from those who came to Los Pinos, where they can, I think, be collected. If the government decides to pay the White Rivers, a telegram ought at once to be sent from Washington to Agent Berry, Los Pinos Agency, advising him to have some of the Indians go for them. Indeed, such telegram, I would suggest, should go to the Southern agent, and also to Los Pinos Agency, so that the Uncompahgre and Southern Indians can be called in. Many of them will be away hunting.

Some of my colleagues have an idea that the Indians have been exaggerated in numbers, but I have heard no valid reason for the opinion.

If the numbers are reduced and the money distributed on that basis, it may turn out that many have been deprived of their share. This would be a source of mortification. It were better to have a surplus in the spring to divide again, much better, provided those were now to come there who had been omitted. In thinking the matter over, I do not believe it would be safe to make a division on a ratio less for the Southern Utes than 1,250 population; for the Uncompahgres, less than 1,800; and for the White Rivers, less than 800; and probably it would be well to add 50 more to the Southern, and 100 more to the Uncompahgres, and I think the ratio had better be settled at Washington. I fear there are those who, for selfish purposes, would like a small ratio of population, so as to increase the amount to be paid to those present this fall.

These suggestions are, with due deference, submitted to your consideration. If it turn out that the ratio suggested is too large, the excess of funds remaining undistributed can be applied to a good advantage next spring.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,
Chairman Ute Commission.

Hon. C. SCHURZ,
Secretary of the Interior.

P. S.—It has been intimated to me that parties will be in the Indian country ready to absorb the money when paid. G. W. M.

DEPARTMENT OF THE INTERIOR,
Washington, October 12, 1880.

SIR: I have to acknowledge the receipt of several communications from you relative to the negotiations with the Utes, and to thank you for the information which you have given me.

Instructions with reference to the payments to be made to these Indians under the act of June 15, 1880, have been handed to Mr. French, the clerk of your Commission, who will deliver the same to you.

Very respectfully,

C. SCHURZ,
Secretary.

Hon. GEO. W. MANYPENNY,
Chairman Ute Commission, Denver, Colo.

[Telegram.—Received at Department of the Interior, 1.45.]

LOS PINOS, COLO., *October 1, 1880*

TO SECRETARY OF THE INTERIOR, *Washington:*

Gunnison justice of peace issued warrant for Berry, Cline, Hoyt, Holm, and charging murder of the man who killed Johnson; warrant served on Berry by special constable; in my opinion, taking him away from agency jeopardizes everything; can you send a lawyer who is not afraid of Colorado prejudice? none here.

MFACHAM.

[Telegram.—Received at Department Interior, 1.5.]

DENVER, COLO., *October 11, 1880.*

TO SECRETARY OF THE INTERIOR, *Washington, D. C.:*

General Pope advises me that he will have escorts and transportation at Alamosa by the sixteenth instant. Important that the money come forward at once. The press of Colorado is very intemperate in discussing the killing of Johnson and the fate of Jackson.

GEO. W. MANYPENNY.

[Telegram.—Received at Interior Department, 3 p. m.]

DENVER, COLO., October 12, 1880.

TO SECRETARY OF THE INTERIOR, *Washington, D. C.:*

I am informed that the cavalry troops that were on the Uncompahgre have left the reservation; in the present temper of the border people, notably about the town of Ouray, I think this unfortunate. This cavalry is now near Saguache. I respectfully suggest it be remanded to the Uncompahgre.

GEO. M. MANYPENNY.

[Telegram.]

LOS PINOS, COLO., October 12, 1880.

TO SECRETARY OF INTERIOR, *Washington, D. C.:*

Commissioner and Berry gone to Indian camp to quiet the Indians. Constable has called for a posse; both constable and military waiting to know about jurisdiction. If Berry leaves, agency employes will leave. I have been summoned as witness for State. Military expect instructions this evening. A conflict between State and government seems probable. Utes will doubtless be invaded. I think it possible at this time for the surveys to be attempted. Expect majority to-day.

MEACHAM.

DEPARTMENT OF THE INTERIOR,
Washington, October 14, 1880.

SIR: I have to acknowledge the receipt of your communication of the 8th instant, forwarding certificates of Messrs. Meacham, Berry, and Bradshaw, covering names of Uncompahgre and White River Utes obtained to agreement by Col. Meacham after the Commission had left the Los Pinos Agency; and note your suggestion in regard to substitution of same in place of those attached to agreement delivered me by Mr. Russell, which you consider insufficient.

Very respectfully,

C. SCHURZ,
Secretary.

GEORGE W. MANYPENNY, Esq.,
Chairman Ute Commission, Denver, Colo.

[The Western Union Telegraph Company. Los Pinos, Colo., October 15, 1880. Received at Department of the Interior October 18, 1880, at 2 p. m.]

SECRETARY OF THE INTERIOR, *Washington, D. C.:*

Telegram of 11th and Devens' 13th received. Cline waived examination. Gave bonds; so reported. Ute all quiet, and located to-day near military camp. All will go well unless white men attack them, or Berry, who is still with them, threatens danger. Dangers seem to be passed. Please inform Bland; escort started to-day to meet funds.

MEACHAM.

[Telegram.]

WASHINGTON, D. C., October 16, 1880.

Colonel MEACHAM,
Ute Commission, Los Pinos Agency, Colorado:

Governor Pitkin suggests that the Indian camps be moved down the Uncompahgre beyond military camp, so that contact between them and whites traveling on the road through the reservation be avoided. Do you think this advisable, and can it be done without difficulty with the Indians? I want your judgment.

C. SCHURZ, *Secretary.*

[Telegram.]

WASHINGTON, October 17, 1880.

Colonel MEACHAM,

Ute Commission, Los Pinos Agency, Colorado :

Your dispatch does not accord with our information that Berry was arrested and escaped. Make every effort to keep Utes quiet. Every possible thing is done from here to prevent lawless violence. Governor of Colorado promises the same. I cannot advise you on matters on which you may be better informed there than we are here.

C. SCHURZ, *Secretary.*

DENVER, COLO., October 15, 1880.

SIR: I herewith inclose a certificate which is signed by four members of the Commission, now here, with reference to the effort to procure the surrender of the White River Indians who committed the murders and other atrocities at the White River Agency on the 29th September, 1879. Were Colonel Meacham here we know that his name would be attached also. There is but one opinion among the Commission, and that is that the White River Indians should be paid their proportion of the money. We hope the department has come to the same conclusion, and so instructed the disbursing clerk. To withhold the money would, we fear, lead to serious consequences and probably grave trouble.

Should you on receipt of this deem any modification necessary in the instructions to Mr. French, a telegram to his address sent to Alamosa will reach him in due time.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,
*Chairman Ute Commission.*Hon. C. SCHURZ, *Secretary of the Interior.*

We, the undersigned, members of the Ute Commission, hereby certify that, as such commissioners, we have used all practicable means to procure the surrender to the United States, for trial, those members of the Ute nation who were engaged in the murder of, and outrages upon N. C. Meeker and others, at the White River Agency in Colorado, on the 29th day of September, A. D. 1879. That in our efforts to secure such parties, we have in no way been obstructed by the members of said tribe of Indians, and that we are unable to find or secure any of those engaged in, or presumably guilty of such murders or outrages. That all the information which we have been able to obtain, after a full and careful investigation, is to the effect, that those engaged in such murders and outrages, and not now in the custody of the United States, are dead, or have fled beyond the limits of the United States.

Dated at Denver, Colo., this 15th day of October, A. D. 1880.

GEO. W. MANYPENNY.
J. B. BOWMAN.
J. J. RUSSELL.
OTTO MEARS.

[Western Union Telegraph Company, dated Denver, Colo., October 20, 1880.]

To SECRETARY OF THE INTERIOR,
Washington, D. C. :

Bowman, Russell, Mears, and French have started for the Southern Agency; their escort left Alamosa this morning; they will join it at end of track on the Rio Grande extension to morrow evening, sixty miles from Alamosa; on completing work there they will go to Los Pinos, provided certificate sent you on the fifteenth, touching White River Indians, is deemed sufficient, and matters are more composed in relation to the complication with the freighters. I shall start for home to-morrow.

GEO. W. MANYPENNY.

[Indorsement.]

DEPARTMENT OF THE INTERIOR,
October 21, 1880.

Respectfully referred to the Commissioner of Indian Affairs.

GEO. M. LOCKWOOD,
Chief Clerk.

[Western Union Telegraph Company, dated Cantonment Uncompahgre, Colo., October 18, 1880.]

To SECRETARY SCHURZ,
Washington, D. C. :

Yours 16th anticipated. [Every Ute lodge already quietly moved below cantonment. Berry at Agency equal to any emergency as long as you stand by him. Military agent and Indians entrapped constable to avoid arrest by military. Utes will remain peaceable unless mob or State militia interfere; then they will fight. Even Berry, whom they obey as they did Ouray, could not retain them.] Have telegraphed Attorney Johnson to come or send counsel.

MEACHAM.

[Indorsement.]

DEPARTMENT OF THE INTERIOR,
October 21, 1880.

Respectfully referred to the Commissioner of Indian Affairs.

GEO. M. LOCKWOOD,
Chief Clerk.

[Western Union Telegraph Company, dated Cantonment on Uncompahgre, Colo., October 19, 1880.]

To SECRETARY OF THE INTERIOR,
Washington, D. C. :

United States Attorney Johnson, Acting Commissioner Schenck, Deputy United States Marshal Smith arrived to-day. Berry has been sent for to come in from Indian camp to meet marshal. Utes have moved some camp from below cantonment. Berry among endeavoring to bring them back. I suggest that an Indian inspector be sent to Los Pinos Agency immediately. Can United States marshal be authorized to make requisition on commander for sufficient escort to protect Berry from mob after arrest. Reply via Lake City by telegram.

MEACHAM.

[Indorsement.]

DEPARTMENT OF THE INTERIOR,
October 25, 1880.

Respectfully referred to the Commissioner of Indian Affairs.

GEO. M. LOCKWOOD,
Chief Clerk.

[Western Union Telegraph Company, dated Military Camp, near Los Pinos, October 16, 1880.]

To SECRETARY OF THE INTERIOR,
Washington, D. C. :

Am sick; will send Clerk Bradshaw Gunnison to represent me far as possible and report you. Am informed that Utes are at agency to prevent Berry or me leaving; believe either going would drive Utes to war. They say you got all Ute name to paper; you *no* go away; they mean it. Transportation and guard go to meet funds to-morrow. Berry among Utes, holding them, waiting instructions from you. Am informed by State officer that citizens are in arms at Ouray and elsewhere, and unsafe for me on regular routes if able to go. Please advise.

MEACHAM.

[Indorsement.]

DEPARTMENT OF THE INTERIOR,
October 28, 1880.

Respectfully referred to the Commissioner of Indian Affairs.

R. JOSEPH,
Acting Chief Clerk.

[Telegraph.]

DEPARTMENT OF THE INTERIOR,
Washington, October 25, 1880.CHAIRMAN UTE COMMISSION,
Alamosa, Colo.:

(To be forwarded to Commission wherever they may be.)

The President having notified this department that he is satisfied that such of the persons belonging to the White River band of Ute Indians who were implicated in the murder of Agent Meeker, or were guilty of the murder of or the outrages upon the employés of the White River Agency in September, 1879, as are not now in the custody of the United States, are either no longer living or have fled beyond the limits of the United States, and that therefore payment provided for in the act of June 15, 1880, may be made to said White River band, you are hereby authorized and directed to make the same at your earliest convenience.

Before making payments the Commission should carefully inquire into the behavior of Indians, and pledge them in the most positive manner to orderly conduct and the preservation of the peace toward the whites.

A. BELL,
Acting Secretary.

COLUMBUS, OHIO, October 25, 1880.

SIR: I have just arrived here. On the 18th instant the Commission (Messrs. Bowman, Russell, Mears, and the Chairman present) adopted the following preamble and resolution:

"Whereas, the payment to the Indians at Los Pinos Agency cannot be made until those at the Southern Agency have been paid;

"And, whereas, it is not necessary to have all the Commissioners present at the time of the payment, and it is desirable to have the report and record prepared and ready for the approval of the Commission at the earliest practicable time. Therefore,

"Resolved, That Chairman Manypenny be requested to prepare a report of our work, and submit the same to the Commission for their approval at such time as may be hereafter fixed; and that he be authorized to remain in Denver or elsewhere while engaged in making such report; and that Mr. Russell, who was for some weeks acting Secretary, be directed to prepare and copy the records kept by him as Acting Secretary, and place them in the hands of the Chairman, and that he do this work immediately on his return from the Southern Agency, and that he is authorized to remain in Denver or elsewhere, as he may desire, while doing this work."

As I informed you from Denver, Messrs. Bowman, Russell, Mears, and M. French left that place on the 20th for Alamosa, and thence to the Southern Agency, arrangements having been made with the Denver and Rio Grande Railroad to carry them to the end of the track of the extension of that road, some 60 or 70 miles from Alamosa. Here it was expected they would join the escort on last Thursday night. They are now, it is presumed, well on their way to the agency.

On their return to Alamosa, Bowman, Mears, and French, with an assistant he was authorized to employ to go with him to both agencies, will then go immediately to Los Pinos Agency and join Mr. Meacham, provided the department decides to pay the White River as well as the Uncompahgre Indians, and the disturbances that have grown up there and in the country adjacent have been so far composed as to make it prudent to go.

It is important that the Indians there get the money due them; and if by reason of the excitement that has grown up, and which has been unwisely fostered by the press and many of the people, this payment be not made, the most fatal consequences may follow.

Some of the newspapers of Colorado suggest that the Commission shall not be permitted to take the money to the Indians, and it seems to me that as a precautionary measure, if the members of the Commission deem it necessary when they return to Alamosa, that the military escort to accompany them to the Los Pinos Agency be enlarged, such arrangements should be made at once, and such instructions given to General Pope at Fort Leavenworth, as will cause him, at their request, to increase the strength of the escort that accompanies them to Los Pinos.

The escort that is now with them is, I think, forty men, with the proper accompaniment of officers. It is presumed that this force may be augmented by troops at Fort Garland, only twenty-five miles distant from Alamosa.

I regard the excitement that has grown up, and which is fostered by intemperate articles in the Colorado press, and equally intemperate language, by people in all the walks of life, and all shades of politics, as not only unwarranted but inimical. I hope it may subside; and I repeat that if there be a failure to pay these Indians, I fear

the most serious consequences. It will be regarded by them as a breach of faith, and in the state of mind they are now in, growing out of the killing of Johnson Chaveaux, the son of the chief, the killing of the murderer by the Indians, and what has followed, no man can tell what may follow, if they be disappointed in the payment.

You have already been apprised of the views of the Commission in relation to the propriety of paying the White River Indians, and I need not repeat them here.

If it be desirable that you have a personal interview with me, on being so advised, I will come to Washington next week.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,
Chairman Ute Commission.

Hon. C. SCHURZ,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, October 27, 1880.

DEAR SIR: I have received your letter of the 25th instant, and desire to inform you that the report of the Commission, with regard to the White River Utes, has been approved, by direction of the President, and that payment will be made accordingly.

We have a report from military sources here which puts the killing of the Indian Johnston, as well as the alleged lynching of the young man Jackson, into a light by no means unfavorable to the Indians. Everything is being done to prevent any collision, and I hope the Commission will soon be at Los Pinos to begin the payment. I do not see any necessity of your going to the trouble of a trip to Washington at present, but I shall advise you as soon as a personal exchange of views on the business in hand appears desirable.

Very truly yours,

C. SCHURZ.

GEO. W. MANYPENNY,
Chairman of the Ute Commission, Columbus, Ohio.

LOS PINOS, COLO., *October 9, 1880.*

HON. SECRETARY OF THE INTERIOR:

SIR: In absence of other Commissioners, I beg to submit—

1st. Is it expected that the White River Indians will be removed to Uintah this fall?

2d. Have any preparations been made to subsist them there or elsewhere?

3d. Will the one-sixth of the \$75,000 be paid them if they go this fall, should they remove themselves?

4th. Was it understood that certain of the White Rivers should be incorporated with the Uncompahgres? I have satisfied myself that the murderers of Meeker have been expelled from the band, and that they are now somewhere north or northwest. White River Jack is now out trying to learn something, if possible, of their whereabouts.

These are questions of vital importance. "Old Colorow" wrung in on me during Berry's absence, and was enrolled under another name, and holds a ticket for rations and money. Upon Agent Berry's return, he called the chiefs of the Uncompahgres together, and they voted unanimously to adopt him into their tribe; Agent Berry advising to let the matter rest until the Commission came with the money. It seems probable that not more than one of them will be here; and, while I am willing and able to do the business upon my own judgment, I do not care to be misunderstood. If Colorow draws the money once, it will be almost impossible to cut him off hereafter. He is a dangerous man, and I think should not be permitted among these people; but I want authority from you to say he must leave. Please instruct me upon these points, and I think it should be done by telegraph. I regret that the Uncompahgres adopted the old sinner.

It is imperatively necessary that the answer should come to me immediately expressly concerning Colorow, and the other White Rivers. Always subject to orders,
I am, most respectfully,

A. B. MEACHAM,
Commissioner.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, October 28, 1880.A. B. MEACHAM,
Commissioner Los Pinos Agency, Colorado:

White River band will be subsisted with Uncompahgres this winter, and will be paid with the others.

The adoption of members of one band into another band would seem apt to lead to confusion in apportionment and disbursement of annuities, and ought to be avoided except in cases where for very particular reasons it may be deemed advisable by the Commission.

C. SCHURZ,
Secretary.SOUTHERN UTE AGENCY, COLORADO,
November 4, 1880.

SIR: We arrived at this agency on the evening of the 27th ultimo. The agent here had given some of the chiefs four days' notice of our coming, but the Indians were so scattered that we were unable to get them together for work before the 31st ultimo.

On that day Mr. Bowman, of the Commission, was taken sick, and left the next for Denver. We have just completed our work, and start for Alamosa in the morning.

We have every one of the Muache and Capotes on our roll. There are, as we learn, several Indians who live on the Mancos and Blue Mountains who claim to belong to the Weeminuche band, who failed or refused to meet us. They are, here, generally called renegades, and seldom come to the agency, and are seldom seen by other members of the band.

We placed upon the pay-rolls, in all, 796 names. The chiefs expressed themselves as well pleased and satisfied. They were friendly and quiet, and we were agreeably surprised to see them exhibit so much good feeling. After payment we had a brief talk with them, and they requested us to inform you that several of the whites are herding cattle upon their reservation to such an extent as to deprive their stock of needed food. They are apparently unconcerned about the Uncompahgre troubles.

Your obedient servant,

J. J. RUSSELL,
Ute Commissioner.Hon. CARL SCHURZ,
Secretary of the Interior, Washington, D. C.

[Indorsement.]

DEPARTMENT OF THE INTERIOR, November 26, 1880.

Respectfully referred to the Commissioner of Indian Affairs.

GEO. M. LOCKWOOD,
Chief Clerk.

DENVER, November 5, 1880.

SIR: I have the honor to state that I reached here this morning from the Southern Agency, where we went to pay the \$25,000 due the Southern Utes. We found them peaceful, quiet, and well pleased at our coming. After making a very complete enrollment of them in accordance with your instructions, the money was paid, a full report of which will be furnished you hereafter. It was our purpose to start again immediately for the Los Pinos Agency to make the other payments, but in a consultation with Agent Berry to-day he advises that it would be inexpedient and improvident for us to go to that agency in the absence of himself and other officials who are here as witnesses at his trial, and during the present excited condition of the Indians and the border whites.

He also informed me that Commissioner Meacham had just left for Washington to convey to you the same views and apprehensions.

In the absence of Chairman Manypenny, who has gone home, I feel it my duty to communicate to you these facts, and to ask your immediate advice or instructions whether we should proceed to the agency, or await the trial of Berry, which is set for the 16th of November. The other commissioners, with the secretary, will be here in a few days, and an early answer by telegram or otherwise would be very desirable.

I am, very respectfully, your obedient servant,

J. B. BOWMAN.

Hon. CARL SCHURZ,
Secretary of the Interior.

P. S.—We will have the same military escort of about 30 soldiers to accompany us.

S. Ex. 31—3

[Telegram.—Denver, Colo., November 8, 1880. Received Department Interior November 8, 3.35.]

Hon. CARL SCHURZ,
Secretary of the Interior :

In case of Agent Berry, Hallett *decise* (decides?) he will hear evidence and decide question of jurisdiction after hearing. Case transferred from Commissioner to Hallett.

J. B. BOWMAN,
Ute Commissioner.

[Telegram.—Harrisburg, Pa., November 8, 1880. Received Washington 4.30 p. m.]

SECRETARY OF THE INTERIOR,
Washington, D. C. :

Will be at department to-morrow morning. Important.

MEACHAM.

[Telegram.]

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

J. B. BOWMAN,
Ute Commissioner, Denver, Colo. :

Your dispatch received. Where are the other commissioners and Mr. French? Have the Southern Utes been paid, and what has been done with regard to the payment of the Uncompahgres?

C. SCHURZ,
Secretary.

[Telegram.—San Antonio, Colo., November 9, 1880. Received Department Interior November 10, 9.30.]

To CARL SCHURZ,
Secretary Interior, Washington :

We completed payment to Indians at Southern Agency on the 4th instant. They were friendly and peaceable. We shall be in Alamosa to-morrow.

J. J. RUSSELL,
Ute Commissioner.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, November 10, 1880.

Hon. J. B. BOWMAN,
Ute Commissioner, Denver, Colo. :

Your telegram received. The Commission should act upon their judgment in relation to payment at the Los Pinos Agency. It is desirable that payment be completed this season if it can properly be done. Special Agent Townsend is now in charge of agency.

A. BELL,
Acting Secretary.

[Telegram.—Denver, Colo., November 10, 1880. Received Department Interior November 10, 2.55.]

Hon. CARL SCHURZ,
Secretary of the Interior :

Just returned from Southern Agency. Money paid. All satisfactory. Ready to go to Uncompahgre unless otherwise ordered. Manypenny gone home. Meacham to Washington. Mears and myself here. Russell and French reach here to-day.

J. B. BOWMAN,
Ute Commissioner.

[Telegram.—Denver, Colo., November 10, 1880. Received Department Interior November 10, 1.24.]

To Hon. CARL SCHURZ,
Secretary of the Interior :

If you can make remittance asked for by Berry in his letter dated 5th, it should be made by telegraph.

N. P. HILL.

[Telegram.—Denver, Colo., November 15, 1880. Received Department of Interior November 15, 1.15 p. m.]

Hon. CARL SCHURZ,
Secretary of the Interior :

In the night, from defective flue, sudden and serious fire broke forth in my room, Windsor Hotel. Rolls and all official papers saved uninjured.

JOHN R. FRENCH.

DEPARTMENT OF THE INTERIOR,
Washington, November 16, 1880.

SIR: If, as you state to me, it is found that part of the White River Utes are at Uintah and part at Los Pinos, no payment to that band should be made till they are all enrolled and have gone to Uintah. Those at Los Pinos should, without delay, be counted and enrolled, and encouraged to go to Uintah as soon as possible. The Commission should then proceed to Uintah to complete the enrollment, and after its completion make payment to the White River Utes at Uintah as soon as may be practicable. You will please communicate these instructions to the Commission.

Very respectfully,

C. SCHURZ,
Secretary.

Col. A. B. MEACHAM,
Member of the Ute Commission.

DENVER, *November 22.*

SIR: I inclose the full text of the opinion of Judge McCrary in the Berry case.

Colonel Meacham, on his arrival Saturday evening, was arrested by the United States marshal, on the same charge that is made against Agent Berry. A citizen, touched with sympathy, has been permitted to take Colonel M. from the cheap hotel where he was stopping, held in close custody, to his own home. The officer threatened incarceration in the county jail.

Mr. Berry greatly regrets this arrest, as it closes Mr. Meacham's mouth as a witness. The preliminary examination is set for to-morrow, and the Commissioners have postponed the departure for Los Pinos (previously delayed by the recent snow-storm) for a few days, in the hope that we may take Mr. Berry with us, as his presence would be of the greatest help in making the payment, and as we would thus be able to extend to him the protection of our military escort on his return to his post.

In view of the importance of the business in hand at this moment, and the very critical state of affairs here—the Indians alarmed and uneasy, the whites along the border aggressive and threatening violence, the press of the State with scarce an exception doing its vilest utmost to excite an Indian war, and the agent of the principal agency, as well as one of the Commission, a prisoner on a charge of murder—it becomes my duty to say that I regret and I am very much embarrassed by the absence of so many of the commission.

As the Commissioners "exercise direct supervision and control of all expenditures," I should be at a loss how to act if through any misadventure there should be no Commissioners to accompany me to Los Pinos. Mr. Russell was the only Commissioner with me at the payment at the Southern Agency, and Mr. Bowman is the only Commissioner now in the State beside Colonel Meacham, who is a prisoner.

A half-dozen cool, discreet, brave men on the ground, with this business in their brain and heart, as well as in their charge, could put all this blind and wicked clamor under their feet and carry this good work through to grand success.

It is not my business or desire to write a word of censure as to any of the absent gentlemen of the Commission. Doubtless they have good reasons for their absence;

but the work intrusted to this Commission certainly needs at this time their presence and counsel and resolute action in Colorado.

Very respectfully, your obedient servant,

JOHN R. FRENCH,
Clerk Ute Commission.

Hon. CARL SCHURZ,
Secretary of the Interior.
(Incloses newspaper clipping.)

[Telegram.—Denver, Colo., November 23, 1880. Received Washington 7.27 p. m.]

SECRETARY OF THE INTERIOR,
Washington, D. C. :

Examination postponed till April 27. All parties admitted bail to-morrow; will then proceed to business of Commission.

MEACHAM.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, November 26, 1880.

Col. JOHN R. FRENCH,
Clerk Ute Commission, Denver, Colo. :

Are the members of the Commission present in Colorado, and in condition to proceed with the business before them?

C. SCHURZ,
Secretary.

[Telegram.—Denver, Colo., November 26, 1880. Received Washington 5.06 p. m.]

Hon. CARL SCHURZ,
Secretary of the Interior, Washington, D. C. :

Bowman and Meacham here. Meacham bailed on Wednesday; Berry bailed to-day. I start to-night for agency, where two last named join me; wagon already on road. Bruman (Bowman?) says he is going to Washington. You may depend on the payment, and without another day's delay, even if I should be left alone.

JOHN R. FRENCH,
Clerk Ute Commission.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, November 27, 1880.

Col. A. B. MEACHAM,
Member Ute Commission, Denver, Colo. :

Are Commissioners Russell, Bowman, and Mears ready to go with you to Los Pinos to make payment?

C. SCHURZ,
Secretary.

[Telegram.—Denver, Colo., November 27, 1880. Received Washington 3.10.]

SECRETARY OF THE INTERIOR,
Washington, D. C. :

Russell at home on professional business; Mears in Illinois, but daily expected, and will go by stage; Bowman not going to Los Pinos, but to Washington, to consult you about moving Uncompahgres this winter. Berry and Meacham will be on hand when money reaches agency. The payment shall not fail.

MEACHAM.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, November 29, 1880.Col. JNO. R. FRENCH,
Clerk Ute Commission, Denver, Colo.:

Special Agent Townsend telegrams from Los Pinos, under date 23d instant, as follows:

"Just advised by French of further delay of ten days, payment of money. This is extremely unfortunate, Indians having promised payment about twenty-eighth inst., and ordered in for that purpose. Cannot this be prevented?"

I deem it important that nothing should be permitted to delay payment at Los Pinos. Communicate to Commission my desire that it be made at once.

C. SCHURZ,
Secretary.

Forward, if Colonel French has left Denver:

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, November 29, 1880.BOWMAN,
Ute Commissioner, Denver, Colo.:

It is desired that you should accompany Commissioner Meacham and Agent Berry to the Los Pinos Agency for the purpose of attending the payments now about to be made.

C. SCHURZ,
Secretary.

DENVER, COLO., November 20, 1880.

A meeting of the Commission was held at the American House. Present, Messrs. Meacham, Bowman, and Mears, and the clerk.

"On motion of Mr. Mears,

"Voted, That Mr. Bowman be authorized to go to Washington to consult with the Secretary of the Interior in regard to the moving of the Uncompahgre Utes at once from the agency, or its neighborhood, to such point as the agent, Mr. Berry, may think best, so that they may be at a greater distance from the highways and the frontier settlements; and, also, to see about the necessary funds for this purpose."

Denver, November 26, 1880.

The above is a true copy of the entry in the records of the Ute Commission touching the vote in question.

JOHN R. FRENCH,
Clerk Ute Commission.UNITED STATES INDIAN SERVICE,
Los Pinos Agency, December 6, 1880.

SIR: Before eastern mail closes I have only time to say that after a journey of nine days from Alamosa, in company with Messrs. Meacham and Berry and "the money," I have reached this agency. We had extremely cold weather and several severe snow-storms, but came through with no casualties, save a few frost-bitten ears.

Everything is quiet here. Will write further by next mail.

With much respect,

JOHN R. FRENCH,
Clerk Ute Commission.Hon. CARL SCHURZ,
Secretary of the Interior.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, December 6, 1880.JOHN R. FRENCH,
Secretary Ute Commission, Los Pinos, Colo.:

I desire specific official recommendation of the commissioners present at Los Pinos—also of Berry and Townsend—on necessity and practicability of removal of Uncompahgre Agency, and supplying Indians fifty miles down river, as advised by Bowman here.

Answer by telegraph.

C. SCHURZ, *Secretary.*

[Telegram.—Los Pinos, Colo., December 7, 1880. Received Department Interior December 10, 12.30.]

Hon. CARL SCHURZ,
Secretary of the Interior:

Arrived yesterday. All right. Utes pleased. Mears expected to-day. Will pay immediately. Everything seems peaceable.

MEACHAM.

Via Lake City, 8th.

[Telegram.—Los Pinos, Colo., December 9, 1880. Received at Department Interior December 11, 3.47.]

SECRETARY OF THE INTERIOR,
Washington, D. C.:

Would be unadvisable to leave Indians here, because contact with whites inevitable. Indians will squander money, and obtain liquor, and trouble would ensue; the season of year and condition of travel precludes possibility of many reaching reservation this winter. Lands cannot be surveyed and Indians located thereon before next summer or fall. Troops here to keep whites away. This removal would undoubtedly lead to allay all excitement, and result in no injustice to the Utes.

OTTO MEARS,
Ute Commission.

[Telegram.]

LOS PINOS AGENCY, December —, 1880.

CARL SCHURZ,
Secretary of the Interior:

I consider the proposed removal an absolute necessity. Otto Mears. Opposed to proposed removal, because it would be claimed as a consummation of the agreement. White men would rush in, and conflict would ensue. It would be unjust to the Utes until their new home is located, allotted, and accepted; would remove them from the protection of the Army. It is in the interest of the white man. Meacham. The removal of the agency from this way of entrance to the reservation and point of immediate co-operation with the military; would invite the rush and conflict it is so important to prevent.

JOHN R. FRENCH.

I am in favor of the proposed immediate removal of agency, but not for the distance of 50 miles, but as near as possible to the proposed new permanent location. It will remove Indians from whisky, and give them one year start in cultivating little patches of ground, and they can be moved much easier immediately after payment than next summer.

W. H. BERRY.

Mr. Townsend will send personal telegram. Above you have answer to your telegram of 6th.

JNO. R. FRENCH, *Clerk.*

(Endorsement:) Los Pinos, December 9, 1880, Ute Commission (French). Views (individual) of Commission in regard to removal of the Utes, &c. Department telegram to Berry December 14, 1880.

[Telegram.—Los Pinos, Colo., December 10, 1880. Received Department Interior December 10, 2.30.]

SECRETARY OF THE INTERIOR,
Washington, D. C. :

Utes promise bring in all straggling Utes Saturday. Pay Monday. White Rivers be given tickets payable at Uintah. Everything peaceable.

MEACHAM, *Commissioner.*

[Telegram.—Los Pinos, Colo., December 13, 1880. Received corner Fifteenth and F streets, D. C., 9.50 p. m.; 14.]

Hon. SECRETARY OF THE INTERIOR,
Washington, D. C. :

Autumn weather. Will probably finish payment to-morrow. No White Rivers here yet. Doubtful about them coming in to be enrolled this winter. Impossible to hunt them up at present, unless proposed temporary removal is ordered. We will be ready to leave for home in three days.

MEACHAM,
Acting Chairman.

[Western Union Telegraph Company. Dated Los Pinos Agency, December 15, 1880.]

CARL SCHURZ,
Secretary of the Interior, Washington D. C. :

Completed payment of Indians except 30 families, to whom is due about \$3,000, who are scattered and far away, and will not be here for weeks, perhaps months. Chiefs say let Berry receipt on rolls for absentees; take money to pay them as they come in. It will not be wise to attempt to take away any of the money. May I so take Berry's receipt? Please answer at once, via Lake City, where carrier waits.

JOHN R. FRENCH.

We earnestly agree with French that peace and confidence require all the money to be left here.

A. B. MEACHAM.
OTTO MEARS.

[Indorsement.]

DEPARTMENT OF THE INTERIOR, *December 17, 1880.*

Respectfully referred to the Commissioner of Indian Affairs.

GEO. M. LOCKWOOD,
Chief Clerk.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, December 17, 1880.

JOHN R. FRENCH,
Ute Commission, Los Pinos, Colo. (via Lake City) :

Berry has no authority to receipt pay-roll for absentees. You may transfer unpaid portion of funds to him in bulk, taking his receipt therefor in duplicate. Make supplemental roll of absentees strictly in accordance with your roll, and turn the same over to Berry with funds. Berry will be instructed by letter as to payment. I want to add, concerning removal, that if Indians can be kept out of the way of mischief without removal of agency, transferring supplies as they are needed, it will be best so.

C. SCHURZ, *Secretary.*

UNITED STATES INDIAN SERVICE,
Los Pinos Agency, December 9, 1880.

SIR: Inclosed please find a copy of a telegram sent you to-day, via Lake City, which copy I send lest there should be a failure in transmissal by telegraph.

Very respectfully, your obedient servant,

JOHN R. FRENCH,
Clerk Ute Commission.

Hon. CARL SCHURZ,
Secretary of the Interior.

[Refers to telegram of December 9 from Los Pinos Agency. See above.]

[Telegram.]

LOS PINOS, COLO., *December 9, 1880.*

CARL SCHURZ,
Secretary of the Interior, Washington, D. C.:

I consider the propbed removal an absolute necessity.

OTTO MEARS.

Opposed to proposed removal because it would be claimed as a consummation of the agreement. White men would rush in and conflict would ensue. It would be unjust to the Utes until their new home is located, allotted and accepted. Would remove them from the protection of the army. It is in the interest of the white men.
 MEACHAM.

The removal of the agency from this way of entrance to the reservation and point of immediate co-operation with the military would invite the rush and conflict it is so important to prevent.

JOHN R. FRENCH.

I am in favor of the proposed immediate removal of the agency; but not for the distance of 50 miles, but as near as possible to the new permanent location. It will remove the Indians from whisky and give them one year's start in cultivating little patches of ground, and they can be moved much easier immediately after payment than next summer.

W. H. BERRY.

Mr. Townsend will send personal telegram. Above you have answer to your telegram of 6th.

JOHN R. FRENCH, *Clerk.*

UNITED STATES INDIAN SERVICE,
Los Pinos Agency, December 8, 1880.

SIR: I am very confident that the suggestion of the immediate temporary removal of this agency to the Gunnison is not in the interest of peace, but is a mere trick and device of the mining thieves, who cannot wait for the fair and lawful opening of the country.

The Indians are already moved miles back from the highway. They are away from all contact with the freighters.

Remove the agency and you open the way for the mining rush and collision and trouble of all kinds.

Out of the two facts that the Indians have signed the agreement and the agency has been removed, they will forge the lie that the government has opened the reservation for general occupation.

It seems to me of vital importance to maintain this line of defense.

Excuse the liberty I have taken in offering an unasked opinion, and I remain, with great respect,

JOHN R. FRENCH.

Hon. CARL SCHURZ, *Secretary, &c.*

[The Western Union Telegraph Company, Denver, Colo., December 25, 1880. Received 5:29 p. m.]

SECRETARY OF THE INTERIOR,
Washington, D. C.:

Arrived this morning. Mears gone in direction of Los Pinos; sends request for me to remain here until his return; don't understand it. From best information I can get impracticable to do anything with White Rivers at present; none of them at Los Pinos. Uncompahgres ready to have lands allotted in the Uncompahgre Valley. They say Mears represented to them last summer that they were not selling Uncompahgre Valley, but only the mountains. In my opinion there can be no peaceable removal of the Utes until this misunderstanding is corrected. Unless otherwise instructed by you, will start for Washington Tuesday.

MEACHAM.

Ratification by the confederated bands of Ute Indians in Colorado of the agreement submitted by certain chiefs and head men of said bands then in Washington City to the Secretary of the Interior on the 6th day of March, 1880, as amended by the act of Congress of June 15 1880.

Whereas, on the 6th day of March, A. D. 1880, certain chiefs and head men of the confederated bands of the Ute tribe of Indians in Colorado, then in Washington City, did submit to the Secretary of the Interior an agreement for the sale of the present reservation of the confederated bands of said tribe of Indians, situate, lying, and being in the State of Colorado, their settlement upon lands in severalty, and for other purposes, which said agreement was approved by the President of the United States and transmitted to Congress for acceptance and ratification, and the necessary legislation to carry the same into effect; and,

Whereas, by an act approved June 15, 1880, entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," Congress did accept, ratify, and confirm said agreement, with certain amendments thereto, as in said act set forth, which said agreements and amendments are embodied in said act of Congress; and,

Whereas the said agreement and the amendments thereto, with the several sections of said act of Congress relating to the same, to all of which reference is here had and made for certainty, have each and all been submitted to said confederated bands of Ute Indians in Colorado, by George W. Manypenny, Alfred B. Meacham, John B. Bowman, John J. Russell, and Otto Mears, commissioners appointed by the President of the United States in pursuance of said act of Congress, for their consideration and ratification; and,

Whereas said agreement and the amendments thereto, together with the provisions of each and every section of said act of Congress, have been carefully and fully explained and interpreted in open council to the confederated bands of said Ute tribe of Indians, and considered by said Indians in their own councils:

Now, therefore, be it known, that in consideration of the beneficial provisions in behalf of the confederated bands of said Ute tribe of Indians contained in said agreement and said act of Congress, and relying upon the good faith of the Government of the United States for the faithful fulfilment of each and every stipulation in behalf of said Indians contained in said agreement and in said act of Congress, the chiefs, head men, and other adult male members of the confederated bands of the Ute tribe of Indians in Colorado do accept, ratify, and confirm said agreement as amended by said act of Congress, and do hereby cede, sell, and convey to the United States all right, title, interest, and claim of said confederated bands of Indians in and to said Ute reservation, excepting and reserving such lands on the La Platte River and in its vicinity and on the Grand River near the mouth of the Gunnison River, as may, on exploration, in pursuance of the provisions of said act of Congress, be selected and set apart for the whole or a part of the Southern and Uncompahgre Utes to remove to and settle on as contemplated by said agreement, and also such tract or tracts of land as any individual Indian or Indians, male or female, of said tribe claim and now occupy in severalty.

And the confederated bands of said Ute tribe of Indians do stipulate and agree, and hereby bind themselves individually and collectively, to remove to and settle upon such lands as may, after exploration, be designated by said Commission for their respective homes, in pursuance of the provisions of said agreement and said act of Congress, and in each and every particular to accept and carry out the same, according to the true intent and meaning thereof.

Dated and signed in duplicate at Los Pinos Agency, Colorado, July 29, 30, and 31 1880.

UNCOMPAGHRE UTE INDIANS.

1. Sapovonare, his x mark.
2. Guero, his x mark.
3. Colorado, his x mark.
4. Billy.
5. Wass.
6. Peah, his x mark.
7. Curecante, his x mark.
8. McCook, his x mark.
9. Coho Chiquito, his x mark.
10. Ornvitch, his x mark.
11. Colorao Chiquito, his x mark.
12. Washington, his x mark.
13. Gurrupata, his x mark.
14. Churunan, his x mark.
15. Red Moon, his x mark.
16. Augustine, his x mark.
17. Sam.
18. Jacknich,
19. Caruse, his x mark.
20. U-vu-pitz, his x mark.
21. Johnson, his x mark.
22. Patchu-vu-utz, his x mark.
23. Cohoe.
24. Quasip, his x mark.
25. Lu-pu-nu na.
26. Waia-zitz, his x mark.
27. Ka-tab-u-witch, his x mark.
28. No-art, his x mark.
29. Pawe-chatz, his x mark.
30. Harris, his x mark.
31. Ver-aty, his x mark.
32. Colored Flower, his x mark.
33. Charley, his x mark.
34. Chiza, his x mark.
35. Crino, his x mark.
36. Chac-a-witch, his x mark.
37. So-an-ga, his x mark.
38. Shaw-as-ump, his x mark.
39. Gue-ro-machuch, his x mark.
40. Cup-pu-nap, his x mark.
41. Oso, his x mark.
42. Mears, his x mark.
43. Sciblo, his x mark.
44. Un-ga-witch, his x mark.
45. Chotopa Joe, his x mark.
46. Querash, his x mark.
47. Saw-a-non-wicken, his x mark.
48. Mo-wi-chip, his x mark.
49. Ka-an-nip, his x mark.
50. Juan, his x mark.
51. Ah-co-tum, his x mark.
52. Pah-ki, his x mark.
53. Charlie, his x mark.
54. Ar-rope, his x mark.
55. Un-ga-quarich, his x mark.
56. Sou-ub-ve-ant, his x mark.
57. Sau-wa-naut, his x mark.
58. Choup, his x mark.
59. Che-wach, his x mark.
60. Low-er-ra-mos-quit, his x mark.
61. Po-wis-se-ah, his x mark.
62. Qui-mi-use, his x mark.
63. Quish-ue, his x mark.
64. Saw-wab-se-out, his x mark.
65. Joe, his x mark.
66. Na-vi-ob, his x mark.
67. Tom-a-Sar-ca, his x mark.
68. Yo-un-gatch, his x mark.
69. Man-nab, his x mark.
70. Ap-pa-saub, his x mark.
71. Su-ag-gau, his x mark.
72. Alej-andro, his x mark.
73. Shu-va-vi, his x mark.
74. Acap-eru-quich, his x mark.
75. Hump-back, his x mark.
76. Unqua-sam, his x mark.
77. Antelope, his x mark.
78. Car-e-now, his x mark.
79. San-a-vitch, his x mark.
80. La-pu-witch, his x mark.
81. Pe-tu-wish, his x mark.
82. Sen-nar, his x mark.
83. Pi-chau, his x mark.
84. To-natz, his x mark.
85. Po-want, his x mark.
86. Nar-zatz, his x mark.
87. Ah-vitz, his x mark.
88. Ki-utz, his x mark.
89. Wur-chitz, his x mark.
90. Scha-wa-rutch, his x mark.
91. Woo-cha, his x mark.
92. Ca-su-dor, his x mark.
93. Aleck, his x mark.
94. John, his x mark.
95. Chue-er-a-chub, his x mark.
96. Am-mi-quas, his x mark.
97. Little Bill, his x mark.
98. Little Guero, his x mark.
99. Wa-ah-vish, his x mark.
100. Charley, his x mark.
101. Little Un-qua, his x mark.
102. George Manypenny, his x mark.
103. Johnson No. 2, his x mark.
104. Jim Bowman, his x mark.
105. Tom Meacham, his x mark.
106. U. Curtis, his x mark.
107. Jim Russell, his x mark.
108. Alleck Mears, his x mark.
109. Carl Schurz, his x mark.
110. Esta, his x mark.

We, the undersigned, sworn interpreters, do hereby certify that the agreement submitted on the 6th day of March, 1880, by certain Ute Indians, then in Washington City, to the Secretary of the Interior, and the amendments made to the same by Congress in the act approved June 15, 1880, together with the several provisions of said act of Congress, were each and all submitted by the Ute Commission, and fully interpreted and explained in open council on the 21st day of July, 1880, to the bands of the confederated tribe of Ute Indians in Colorado who receive their rations and annuities at Los Pinos Agency, and known as the Uncompahgre Utes, as well as to certain bands of White River Ute Indians then on the Uncompahgre River, and who participated in said council; that the council was continued on the 22d and 23d of July, 1880, and the provisions of said agreement and said law were fully discussed.

The council then adjourned until the 26th of July, when it again convened and the Commission had read and interpreted to said Indians an instrument ratifying said agreement, whereupon the Indians took said instrument to a council of their own, with the understanding that they would meet the commissioners again in open council on the 28th of July.

We further certify that, on said 28th of July, said Indians did assemble with the commissioners in open council, and, after some discussion, said instrument of ratification was signed by the chiefs, headmen, and other adult Indians of the Uncompahgre bands, on the 29th, 30th, and 31st of July, 1880, whose names appear above, with a full understanding of the object and intent of the same.

We further certify that we witnessed the execution of said instrument of ratification by the Uncompahgre Ute Indians, whose names appear as above.

URLAH M. CURTIS,
Ute Interpreter.
J. SABINO ESPINOSA,
Spanish Interpreter.

LOS PINOS INDIAN AGENCY,
Colorado, August 2, 1880.

UNCOMPAHGRE UTE INDIANS.

1880.

- | | |
|--|-----------------------------------|
| 111. August 6, Tom. | 151. Ta-poo-itiz, his x mark. |
| 112. August 14, Ah-kos-se-wa-witz, his x mark. | 152. Ap-poo-peat, his x mark. |
| 113. August 14, Mariah, his x mark. | 153. Ahi-can-cus-sut, his x mark. |
| 114. August 17, Pap-Rice, his x mark. | 154. Wor-tetz, his x mark. |
| 115. August 17, Pitkin, his x mark. | 155. Go-ruse, his x mark. |
| September 2: | 156. Now-wap, his x mark. |
| 116. Pal-ma-tit, his x mark. | 157. Charley Galota, his x mark. |
| 117. Yam-man, his x mark. | 158. Che-ke-to-co, his x mark. |
| 118. Spears, his x mark. | 159. Joe Ute, his x mark. |
| 119. Eggleston, his x mark. | 160. |
| September 3: | 161. George, his x mark. |
| 120. Ar-roup, his x mark. | 162. La-me-see, his x mark. |
| 121. Sou-a-na-to-chuchue-wicket, his x mark. | 163. Nick-kop, his x mark. |
| 122. Elk, his x mark. | 164. Jones, his x mark. |
| 123. Sou-wan-ne-nas-sit, his x mark. | 165. Henry Wilson, his x mark. |
| 124. Ah-cot-to-weetsoor, his x mark. | 166. Wah-seah, his x mark. |
| 125. Wap-suck, his x mark. | 167. Arrow-witz, his x mark. |
| 126. No-vase-non-a-va-re, his x mark. | 168. Na-poo-az, his x mark. |
| September 7: | 169. Now-up-we, his x mark. |
| 127. Alhaudra, his x mark. | 170. Tah-vis, his x mark. |
| 128. Unca Sam, his x mark. | 171. Ta-goo, his x mark. |
| 129. Sa-man-e-que-cut, his x mark. | 172. Ar-ri-natz, his x mark. |
| 130. Ah-cut-ta-ga-vie, his x mark. | 173. Sah-a-net, his x mark. |
| 131. George, his x mark. | 174. Yarrow-up, his x mark. |
| 132. Wy-asket, his x mark. | 175. Nan-now, his x mark. |
| 133. Ca-rah-pot-ta, his x mark. | 176. Tah-a-mutz, his x mark. |
| 134. Tar-rep-pah, his x mark. | 177. Sah-to-wock-tit, his x mark. |
| 135. Cho-wit-o-nor, his x mark. | 178. Pe-oh, his x mark. |
| 136. Waap, his x mark. | 179. Che-gar-rat, his x mark. |
| 137. Buckskin Jim, his x mark. | 180. Se-ru-ah, his x mark. |
| 138. Quan-ne-ta, his x mark. | 181. Le-a-chitz, his x mark. |
| 139. Sou-wa-na-nup, his x mark. | 182. Ta-pootz, his x mark. |
| 140. Occup-a-ghai, his x mark. | 183. Moo-witz, his x mark. |
| 141. Sou-wah-ro-ve-gut (Blue gum), his x mark. | 184. Roo-vi-yet, his x mark. |
| 142. Seo-qui-tah, his x mark. | 185. Cus-sa-mutz, his x mark. |
| 143. Stoy, his x mark. | 186. Pa-voo, his x mark. |
| 144. | 187. Avitz, his x mark. |
| 145. Tah-oo, his x mark. | 188. Steve, his x mark. |
| 146. Too-wup-i-no-na, his x mark. | 189. Johnson, his x mark. |
| 147. Ko-roo-po-etiz, his x mark. | 190. Tuck, his x mark. |
| 148. Kar-ra-tee, his x mark. | 191. Ranken. |
| 149. Oho-blanko, his x mark. | 192. Choomp, his x mark. |
| 150. Qua-soop, his x mark. | 193. Sav-va-vi-wat, his x mark. |
| | 194. Qua-na-hay, his x mark. |
| | 195. Ap-pa-noo-ah, his x mark. |
| | 196. Im-re-o, his x mark. |

197. Sam Patch, his x mark.
 198. Sa-qua-ma, his x mark.
 199. O-che-got, his x mark.
 200. Masisco, his x mark.
 201. You-woo-we-gotz, his x mark.
 202. Cho, his x mark.
 203. Ta-put-che-ah, his x mark.
 204. Pat-do-wip, his x mark.
 205. Mat-char-au-up, his x mark.
 206. Taw-witz, his x mark.
 207. Chi-op-wa, his x mark.
 208. Ah-goo-tak, his x mark.
 209. Kos-too-watz, his x mark.
 210. San-tel-lic-co, his x mark.
 211. Tabbo-gooch, his x mark.
 212. Sher-mut-chu-etts, his x mark.
 213. Tre-cup-se-ah, his x mark.
 214. O-take, his x mark.
 215. Tu-put-che-ah, his x mark.
 216. Ac-cop-poo-oz, his x mark.
 217. Koo-ratz, his x mark.
 218. Chu-coon, his x mark.
 219. Chow-wa-ku, his x mark.
 220. Ky-un-ra, his x mark.
 221. Ac-cop-pow-gitz, his x mark.
 222. Trit-chah, his x mark.
 223. Ala-man, his x mark.
 224. Ka-supp, his x mark.
 225. Te-oo-o-see, his x mark.
 226. At-choop, his x mark.
 227. Tah-poo-ish, his x mark.
 228. Saw-qua-no-gwap, his x mark.
229. Sa-wa-wa-sae, his x mark.
 230. Kop-pa-roo, his x mark.
 231. Com-ma-chee, his x mark.
 232. Sherman, his x mark.
 233. John, his x mark.
 234. Tah-go-pitz, his x mark.
 235. Cho-cop-a-ree, his x mark.
 236. Pat-tow-wah, his x mark.
 237. Ac-cup-ah, his x mark.
 238. No-poo-itiz, his x mark.
 239. Ah-goo-take, his x mark.
 240. Kus-ta-watz, his x mark.
 241. O-tos, his x mark.
 242. Tar-par-ka, his x mark.
 243. Tra-woo-nee-ap-ip, his x mark.
 244. Sieblo, his x mark.
 245. Hadey, his x mark.
 246. To-much-cut, his x mark.
 247. San Juan, his x mark.
 248. Panta-lone, his x mark.
 249. See-an-a-to-witz, his x mark.
 250. Tah-rah, his x mark.
 251. Sup-sto-i-wick, his x mark.
 252. Pah-pu-ti, his x mark.
 253. Su-a-gre, his x mark.
 254. Nee-cow-see, his x mark.
 255. Koot-ree-ah-me, his x mark.
 256. Tim Shane, his x mark.
 257. Kan-ye-you, his x mark.
 258. Saw-wa-wy-ash, his x mark.
 259. Ac-com-arrow-gut-shot, his x mark.
 260. Co-chat-cha-witz, his x mark.

September 15.

261. Spook, his x mark.
 262. Sut-ti-oke, his x mark.
 263. J-ji-ka, his x mark.
 264. Tu-pre-nu-ket, his x mark.
 265. Hairy man, his x mark.
 266. Too-nuts, his x mark.
 267. Pas-woos-kiss, his x mark.
 268. George Washington, his x mark.
 269. Wu-ka-pis-set, his x mark.
 270. Up-steek-i-cut, his x mark.
 271. At-low-witz, his x mark.
 272. Saw-wough-she-cut, his x mark.
 273. Much-co-ratz, his x mark.
 274. Tow-oke-the-arrowitz, his x mark.
 275. Too-nupp, his x mark.
 276. Arrow-goo, his x mark.
 277. Ni-o-witz, his x mark.
278. Mo-go-app, his x mark.
 279. Ac-cup-pe-uke, his x mark.
 280. Wu-up-i-nootz, his x mark.
 281. Si-ga-che, his x mark.
 282. Chit-che-atz, his x mark.
 283. Pow-watz, his x mark.
 284. Johnny Reide, his x mark.
 285. Sut-to-pe-qui-ket, his x mark.
 286. Ees-lepis, his x mark.
 287. Pow-e-chatz, his x mark.
 288. Kup-poo-kantz, his x mark.
 289. Pis-cho, his x mark.
 290. Sak-ke-moop, his x mark.
 291. Sow-wa-ve, his x mark.
 292. Ar-reep, his x mark.
 293. We-ah-wi, his x mark.

September 17.

294. Tah-ah, his x mark.
 295. Sah-ze-wap, his x mark.
 296. Saw-cut-chup, his x mark.
 297. Ta-no-wintz, his x mark.
 298. Ac-cow-vootz, his x mark.
 299. Am-mo-nee, his x mark.
 300. Ac-cow-win-ma, his x mark.
 301. Poo-room, his x mark.
 302. Nic-coo-etz, his x mark.
 303. Too-wootz, his x mark.
 304. Too-mies, his x mark.
 305. Ac-i-rah, his x mark.
 306. Too-gwa-no-gootz, his x mark.
 307. Ac-cow-na-wut-cut, his x mark.
308. Ah-kun-a-wat-cut, his x mark.
 309. Tow-va-boots, his x mark.
 310. Wa-wa-nee, his x mark.
 311. Pee-tootz, his x mark.
 312. Saw-was-too-pi-mo-chi-cut, his x mark.
 313. Mow-tah-we-tup, his x mark.
 314. Sow-wa-ra-qu-wa-rant, his x mark.
 315. Pow-etz-chutz, his x mark.
 316. Ac-cut-ti-pe-nootz, his x mark.
 317. Wah-botz, his x mark.
 318. See-quee-ta, his x mark.
 319. Waap, his x mark.

I hereby certify on honor that the above signatures of male adult Uncompahgre Ute Indians to the foregoing instrument of ratification of the agreement submitted to said Uncompahgre Ute Indians, by the Ute Commission, were obtained under and in conformity to the act of Congress approved June 15, 1880; that they are genuine, and that every name was written and signed under my personal supervision and in my presence, beginning at No. 111, on the 6th day of August, 1880, to No. 319, inclusive, ending on the 18th day of September, 1880, and that each Indian voluntarily signed and executed the same, with a full knowledge of the intent and meaning of the act.

Dated and signed at the Los Pinos Indian Agency, Colorado, September, 18, A. D. 1880.

A. B. MEACHAM,
Commissioner.

We hereby certify that the Uncompahgre Ute Indians, whose names are attached to the foregoing instrument of ratification from No. 111 to No. 319, inclusive, voluntarily signed and executed the same in our presence.

Dated and signed at the Los Pinos Agency, Colorado, this 18th day of September, A. D. 1880.

W. H. BERRY,
United States Indian Agent.
AARON BRADSHAW, *Clerk.*

I hereby certify on honor that the above signatures to the ratification of the Ute agreement were obtained under and in conformity with the act of Congress approved June 15, 1880; that they are genuine, and that every name was written and signed under my personal supervision and in my presence, beginning at No. 111 on the 6th day of August, 1880, to No. 319, inclusive, ending September 18, 1880.

A. B. MEACHAM,
Commissioner.

LOS PINOS, COLO., *September 18, 1880.*

I hereby certify that I was present and assisted when the above roll was made.

AARON BRADSHAW.

LOS PINOS, *September 18, 1880.*

Dated and signed in duplicate at Los Pinos Agency, Colorado, July 29, 30, and 31, 1880.

WHITE RIVER UTE INDIANS.

- | | |
|------------------------------------|--------------------------------|
| 1. Capt. Jack, his x mark. | 18. Nan-natch, his x mark. |
| 2. Stephens, his x mark. | 19. Ka-sa-mip, his x mark. |
| 3. Pant, his x mark. | 20. Ranken. |
| 4. Saw-a-wich, his x mark. | 21. Spear. |
| 5. Ta-san-tasan-sikin, his x mark. | 22. Chief Johnson, his x mark. |
| 6. Pa-pa-tee, his x mark. | 23. Wrach-sup, his x mark. |
| 7. Pu-vis-ky, his x mark. | 24. Wrap Sack, his x mark. |
| 8. Un-ga-ma, his x mark. | 25. Un-ga-muach, his x mark. |
| 9. Tas-que-oik, his x mark. | 26. Ya-go, his x mark. |
| 10. Tar-mu-ment, his x mark. | 27. Tow-wan-tatch, his x mark. |
| 11. Jam-lurka, his x mark. | 28. Antonio, his x mark. |
| 12. Ca-snp-ab, his x mark. | 29. Ah-ka-ri, his x mark. |
| 13. Qui-oach, his x mark. | 30. Jim, his x mark. |
| 14. Henry James. | 31. Uncle Sam, his x mark. |
| 15. Timothy. | 32. To-pa-chitz, his x mark. |
| 16. Sow-wa-wach, his x mark. | 33. Qu-cha-chitz, his x mark. |
| 17. Boram, his x mark. | 34. Shou-way-ump, his x mark. |

We, the undersigned, sworn interpreters, do hereby certify that the White River Ute Indians, whose names appear above, were in the councils with the Uncompahgre Ute Indians referred to in our certificate, in relation to said last-named Indians, and their ratification of the agreement contained in the act of Congress of June 18, 1880; that said White River Indians heard the interpretation and explanations made by the Commission, in relation to said agreement and said instrument of ratification, and fully understood the same.

We further certify that we witnessed the execution of said instrument by said White River Indians, whose names appear as above.

URIAH M. CURTIS,
Ute Interpreter.
J. SABINO ESPINOSA,
Spanish Interpreter.

LOS PINOS INDIAN AGENCY,
Colorado, August 2, 1888.

WHITE RIVER UTE INDIANS.

August 14, 1880.

- | | |
|-----------------------------------|------------------------------------|
| 35. Tah-vis-see-atz, his x mark. | 50. Low-wah-nach-acut, his x mark. |
| 36. Choo-toomph, his x mark. | 51. Washington, his x mark. |
| 37. At-chee, his x mark. | 52. Tir-me-moo-goo, his x mark. |
| 38. Commission, his x mark. | 53. Com-meash, his x mark. |
| 39. Ty-quan, his x mark. | 54. Sah-se-oor, his x mark. |
| 40. Satch-nip-we-jut, his x mark. | 55. Pah-git, his x mark. |
| 41. Tsoo-chitz, his x mark. | 56. Pis-too-goo-nan, his x mark. |
| 42. To-roe-choor, his x mark. | 57. Kaw Pity, his x mark. |
| 43. To-a-not-che-cut, his x mark. | |
| 44. Wee-tom, his x mark. | |

September 7.

August 31.

- | | |
|-------------------------------------|--------------------------------|
| 45. Te-ag-wa, his x mark. | 58. Koo-up-wa-pwa, his x mark. |
| 46. At-cha-gua, his x mark. | 59. Pow-way, his x mark. |
| 47. Sow-wa-se-now-acut, his x mark. | 60. Sit-choomp, his x mark. |
| 48. Ta-so-soas, his x mark. | |
| 49. Nan-nah-po-ah, his x mark. | |
| | September 18. |
| | 61. Tut-pi-as, his x mark. |

I hereby certify on honor that the above signatures to the ratification of the Ute agreement were obtained under and in conformity with the act of Congress approved June 15, 1880; that they are genuine, and that every name was written and signed under my personal supervision, and in my presence, beginning at No. 35, on the 14th of August, 1880, to 61, inclusive, ending September 18, 1880.

A. B. MEACHAM,
Commissioner.

LOS PINOS, COLO., *September 18, 1880.*

I hereby certify that I was present when the above roll was made.

AARON BRADSHAW.

LOS PINOS, COLO., *September 18, 1880.*

I hereby certify on honor that the above signatures of male adult White River Ute Indians to the foregoing instrument of ratification of the agreement submitted to said Indians by the Ute Commission were obtained under and in conformity to the act of Congress approved June 15, 1880; that they are genuine, and that every name was written and signed under my personal supervision and in my presence, beginning at No. 35, on the 14th day of August, 1880, to No. 61, inclusive, ending on the 18th day of September, 1880, and that each Indian voluntarily signed and executed the same with a full knowledge of the intent and meaning of the act.

Dated and signed at the Los Pinos Indian Agency, Colorado, September 18, A. D. 1880.

A. B. MEACHAM,
Commissioner.

We hereby certify that the White River Ute Indians, whose names are attached to the foregoing instrument of ratification, from No. 35 to No. 61, inclusive, voluntarily signed and executed the same in our presence.

Dated and signed at the Los Pinos Indian Agency, Colorado, this 18th day of September, A. D. 1880.

W. H. BERRY,
United States Indian Agent.
AARON BRADSHAW, *Clerk.*

DENVER, COLO., *October 8, 1880.*

SIR: The certificates attached to the names of the Uncompahgre and White River Utes, obtained to the agreement by Colonel Meacham after the Commission left Los Pinos, did not seem to me to be all that they should be; hence while these were sent forward and will be found in their proper places in the agreement Mr. Russell took to Washington, I wrote Colonel Meacham and sent him a form that seemed to me more appropriate. I now send inclosed certificates from Colonel Meacham and Mr. Berry and Mr. Bradshaw, all having the same date as those now in the body of the

agreement, and respectfully suggest that those be substituted in the place of the certificates of Colonel Meacham and Mr. Bradshaw now in the body of the ratification instrument.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,
Chairman Ute Commission.

Hon. C. SCHURZ,
Secretary of the Interior.

[Indorsement.]

DEPARTMENT OF THE INTERIOR,
January 22, 1881.

Respectfully referred to the Commissioner of Indian Affairs with instructions that the within certificates be attached to their proper places in the Ute agreement lately filed in the Indian Office.

By order of the Secretary.

GEO. M. LOCKWOOD,
Chief Clerk.

We, the undersigned chiefs, headmen, and other adult male Indians of the bands of the confederated tribe of Ute Indians in Colorado who receive their rations and annuities at the Southern Ute Agency, having had the foregoing instrument of ratification of the agreement submitted to the Secretary of the Interior by certain chiefs and headmen of said Ute tribe on the 6th day of March, 1880, together with said agreement and the amendments thereto contained in the act of Congress approved June 15, 1880, as well as the provisions of said act of Congress, fully interpreted and explained to us in open council, do hereby consent and agree to all the stipulations contained in said instrument of ratification and in said agreement as amended, and bind ourselves individually and collectively to accept of and carry out the several provisions of the same according to the true intent and meaning thereof.

Dated and signed at the Southern Ute Agency in Colorado, in duplicates, August 27 and 28, A. D. 1880.

- | | |
|----------------------------------|-----------------------------------|
| 1. Ignacio, his x mark. | 38. Padra Mancho, his x mark. |
| 2. Cogwhat, his x mark. | 39. Jim, his x mark. |
| 3. Toopache, his x mark. | 40. Repis, his x mark. |
| 4. Buckskin Charley, his x mark. | 41. Cow Jim, his x mark. |
| 5. Nancese, his x mark. | 42. Parcrone, his x mark. |
| 6. Seraro, his x mark. | 43. Arroch, his x mark. |
| 7. Chains, his x mark. | 44. Anacijaro, his x mark. |
| 8. Padra, his x mark. | 45. Sapariche, his x mark. |
| 9. Chinma, his x mark. | 46. Pachegutse, his x mark. |
| 10. Soosoone, his x mark. | 47. Chowat, his x mark. |
| 11. Truchee, his x mark. | 48. Towabacient, his x mark. |
| 12. Quartro, his x mark. | 49. Tarahuach, his x mark. |
| 13. Dick, his x mark. | 50. Cunapaw, his x mark. |
| 14. Wanneka, his x mark. | 51. Martin, his x mark. |
| 15. Taliane, his x mark. | 52. Little Colorow, his x mark. |
| 16. Chimecho, his x mark. | 53. Manuel, his x mark. |
| 17. Tasaco, his x mark. | 54. Spuviuts, his x mark. |
| 18. Washington, his x mark. | 55. Quinanch, his x mark. |
| 19. Cherits Ignacio, his x mark. | 56. Monochinoch, his x mark. |
| 20. Quinche, his x mark. | 57. Abiqui, his x mark. |
| 21. Pawinche, his x mark. | 58. Showababut Blues, his x mark. |
| 22. Caissnepo, his x mark. | 59. Punche, his x mark. |
| 23. Camerowich, his x mark. | 60. Poweach, his x mark. |
| 24. Comecu, his x mark. | 61. Eroads, his x mark. |
| 25. Peorogalear, his x mark. | 62. Pere, his x mark. |
| 26. Touaclquin, his x mark. | 63. Wancheap, his x mark. |
| 27. Cimarón, his x mark. | 64. Alchandra, his x mark. |
| 28. Ojo Blanco, his x mark. | 65. Munche, his x mark. |
| 29. Porats, his x mark. | 66. Quasiche, his x mark. |
| 30. Manole, his x mark. | 67. Tasurhaome, his x mark. |
| 31. Carnagarito, his x mark. | 68. Fillepe, his x mark. |
| 32. Cochahimoch, his x mark. | 69. Juan Martin, his x mark. |
| 33. Doctor, his x mark. | 70. Couchatow, his x mark. |
| 34. Samoso, his x mark. | 71. Peoh, his x mark. |
| 35. Tishawat, his x mark. | 72. Antelope, his x mark. |
| 36. Coesachunt, his x mark. | 73. Juan Dios, his x mark. |
| 37. Suan Costra, his x mark. | 74. Aconca, his x mark. |

- | | |
|---------------------------------|-------------------------------------|
| 75. Casodor, his x mark. | 105. Nannab, his x mark. |
| 76. Captain Juan, his x mark. | 106. Totower, his x mark. |
| 77. Gangino Blanco, his x mark. | 107. Bill, his x mark. |
| 78. Burnt Boot, his x mark. | 108. Ungopoor, his x mark. |
| 79. To-match, his x mark. | 109. Canenup, his x mark. |
| 80. Buffalo John, his x mark. | 110. Macisko Aropletto, his x mark. |
| 81. Magil, his x mark. | 111. Ungayough, his x mark. |
| 82. Corvasier, his x mark. | 112. Quinanchee, his x mark. |
| 83. Cordeva, his x mark. | 113. Missouri, his x mark. |
| 84. Pavaschi, his x mark. | 114. Sowwochent, his x mark. |
| 85. App, his x mark. | 115. Oorawis, his x mark. |
| 86. Ungowent, his x mark. | 116. Moquits, his x mark. |
| 87. Apanu, his x mark. | 117. Nannouch, his x mark. |
| 88. Komorats, his x mark. | 118. Shannockoo, his x mark. |
| 89. Caroswats, his x mark. | 119. Tow-we-ah, his x mark. |
| 90. Tawosh, his x mark. | 120. Pennereach, his x mark. |
| 91. Blackwater, his x mark. | 121. Quarroah, his x mark. |
| 92. Awnee, his x mark. | 122. Wauch, his x mark. |
| 93. George Bent, his x mark. | 123. Francisco, his x mark. |
| 94. Attore, his x mark. | 124. Orociano, his x mark. |
| 95. Lagula Colo, his x mark. | 125. Lieutenant, his x mark. |
| 96. Ungipogerocent, his x mark. | 126. Arney, his x mark. |
| 97. Mavino, his x mark. | 127. Tupary, his x mark. |
| 98. Carats, his x mark. | 128. Suyupp, his x mark. |
| 99. Ungamo, his x mark. | 129. Puhneavat, his x mark. |
| 100. Peadro, his x mark. | 130. Pekittigun, his x mark. |
| 101. Nurope, his x mark. | 131. Maoup, his x mark. |
| 102. Yawtonnee, his x mark. | 132. Tapooche, his x mark. |
| 103. Coosuway, his x mark. | 133. Navis, his x mark. |
| 104. Greeno, his x mark. | |

We, the undersigned, sworn interpreters, do hereby certify that the agreement submitted by certain chiefs and headmen of the confederated bands of Ute Indians in Colorado, then in Washington, to the Secretary of the Interior, on the 6th day of March, A. D. 1880, with the amendments made thereto by the act of Congress approved June 15, A. D. 1880, together with the provisions of said act of Congress and the foregoing instrument of ratification of the same, which was signed by the Uncompahgre bands and certain White River Indians on the 29th, 30th, and 31st days of July, A. D. 1880, were each and all submitted in open council to the several bands of Ute Indians in Colorado who receive their rations and annuities at the Southern Ute Agency on the 20th day of August, 1880, by George W. Manypenny, John B. Bowman, John J. Russell, and Otto Mears, members of the Ute Commission, and were fully interpreted and explained by us to said bands of Indians; that the several provisions of said agreement and said act of Congress were discussed by said commissioners and said Indians in open council on the 23d and 26th days of August, A. D. 1880, the subject-matter of the discussion being interpreted by us.

We further certify that the said Indians fully understood the provisions of said agreement and act of Congress, as well as the provisions of said instrument of ratification, before they signed the same.

Dated at the Southern Ute Agency, in Colorado, this 28th day of August, A. D. 1880.

W. F. BURNS,
Spanish Interpreter.
U. M. CURTIS,
Ute Interpreter.

We, the undersigned chiefs, headmen, and other adult male Indians of the bands of the confederated Ute tribe of Indians in Colorado who receive their rations and annuities at the Southern Ute Agency, having had the foregoing instrument of ratification of the agreement submitted to the Secretary of the Interior by certain chiefs and headmen of said Ute tribe on the 6th day of March, 1880, together with said agreement and the amendments thereto contained in the act of Congress approved June 15, 1880, as well as the provisions of said act of Congress, fully interpreted and explained to us in open council, do hereby consent and agree to all the stipulations contained in said instrument of ratification and in said agreement as amended, and bind ourselves, individually and collectively, to accept of and carry out the same according to the true intent and meaning thereof.

Signed and dated at the Southern Ute Agency, &c., in duplicate, September 6, 1880.

- | | |
|------------------------------------|---|
| 134. Mari-an-o, his x mark. | 146. Lie-go, his x mark. |
| 135. Ce-wer-itch, his x mark. | 147. Antonio Jose, his x mark. |
| 136. Cal-a-bas-a, his x mark. | 148. Witch-a-poke-te-yuer-up, his x mark. |
| 137. Pa-at-um, his x mark. | 149. Nat-ta-pe-ta-re, his x mark. |
| 138. Ah-ca-witch, his x mark. | 150. Medicine Man, his x mark. |
| 139. To-mas, his x mark. | 151. Sin nap, his x mark. |
| 140. Red Jocket, his x mark. | 152. Phil-lip-pe, his x mark. |
| 141. Die-go-nar-an-go, his x mark. | 153. Ta-we-ah, his x mark. |
| 142. Onie-ca-ritch, his x mark. | 154. A-poh-witch, his x mark. |
| 143. Wapp, his x mark. | 155. Yon-ca-cho, his x mark. |
| 144. Pe-ka-ots, his x mark. | 156. Che-va-to, his x mark. |
| 145. Wa-ra, his x mark. | |

Dated and signed in duplicate, at the Big Bend of the Deloris River, Colorado, September 11, 1880.

- | | |
|-----------------------------------|--|
| 157. Ah-carritch, his x mark. | 181. Ce-a-gat, his x mark. |
| 158. Co-chop-pa-wan, his x mark. | 182. Qua-ach, his x mark. |
| 159. Pah-mi-chach, his x mark. | 183. Pah-na-kex-e-pu-nese, his x mark. |
| 160. Pah-wa-qui-tu, his x mark. | 184. Tu-pah, his x mark. |
| 161. Pah-wash, his x mark. | 185. Tah-wi-cha, his x mark. |
| 162. Coo-yu-ba, his x mark. | 186. Pu-yohe, his x mark. |
| 163. Narraguinnip, his x mark. | 187. Ah-chu-che-a, his x mark. |
| 164. Co-mo-witch, his x mark. | 188. Pah-ba-can-it, his x mark. |
| 165. Sa-kitch, his x mark. | 189. U-catea his x mark. |
| 166. O-pa-ciss, his x mark. | 190. Pa-ha-sa, his x mark. |
| 167. Te-ca-re, his x mark. | 191. Qua-chitis, his x mark. |
| 168. Ah-ca-pintch, his x mark. | 192. Mu-che-gu-ta, his x mark. |
| 169. Qui-chu-ni, his x mark. | 193. Na-te-an-va, his x mark. |
| 170. Ah-ca-gint, his x mark. | 194. Taw-van-ch, his x mark. |
| 171. Quich, his x mark. | 195. Qua-ja, his x mark. |
| 172. Me-ru-pis, his x mark. | 196. To-ca, his x mark. |
| 173. Swope, his x mark. | 197. Pin-nee, his x mark. |
| 174. Dor-mi-low, his x mark. | 198. Me-he-ah, his x mark. |
| 175. Quir, his x mark. | 199. Ma-tur-atch, his x mark. |
| 176. Ah-van-bing, his x mark. | 200. Cha-po, his x mark. |
| 177. Gamoose, his x mark. | 201. Pe-to-go, his x mark. |
| 178. Tierra Amarilla, his x mark. | 202. Ne-ca-ro, his x mark. |
| 179. Te-mup, his x mark. | 203. Man-uel, his x mark. |
| 180. Ta-gin-upe, his x mark. | |

We, the undersigned, Henry Page, United States Indian Agent at the Southern Ute Agency, in Colorado, and William F. Burns, interpreter, do hereby certify that we were present at the Southern Ute Agency on the 6th, and at the Big Bend of the Deloris River, in Colorado, on the 11th day of September, 1880, and witnessed the signing of the foregoing instrument by the Weeminuchee Ute Indians whose names appear above; that Ignacio, the head chief of said Indians, was present on both occasions, and the Indians who signed the instrument fully understood the intent and meaning of the same. In witness whereof we have hereunto set our hands officially, this 13th day of September, 1880.

HENRY PAGE,
United States Indian Agent,
W. F. BURNS,
Interpreter.

We, the undersigned, do hereby certify that the Indians of the confederated bands of the Ute tribe, in Colorado, known as the Southern Ute Indians, whose names are attached to the foregoing instrument of ratification from No. 1 to No. 164, inclusive, and who signed and executed the same at the Southern Ute Indian Agency, in Colorado, on the 27th and 28th days of August and the 6th day of September, A. D. 1880, did so voluntarily in our presence, each one of them understanding at the time the provisions of the agreement embodied in the act of Congress approved June 15, A. D. 1880, as well as the substance of said act of Congress and the said instrument, of ratification, before signing the same.

Dated and signed at Alamosa this 25th day of September, A. D. 1880.

GEO. W. MANYPENNY,
Chairman Ute Commission.
JOHN R. FRENCH,
Clerk Ute Commission.

We; the undersigned, members of the Commission appointed in pursuance of the provisions of an act of Congress approved June 15, A. D. 1880, and entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," do hereby certify, said act of Congress and the agreement therein referred to, and the foregoing instrument of ratification were read, submitted, and fully explained to the Uncompahgre Ute Indians and the White River Ute Indians, of the State of Colorado, at Los Pinos Indian Agency, in said State, in full and open council, on the 21st, 22d, 23d, and 28th days of July, 1880, by all of the members of said Commission. And that said act of Congress, and agreement, and instrument of ratification were read, submitted, and fully explained to the Southern Ute Indians of the State of Colorado in full and open council, on the 20th, 23d, and 26th days of August, A. D. 1880, by George W. Manypenny, J. B. Bowman, J. J. Russell, and Otto Mears, members of said Commission, at the Southern Ute Agency in said State. That the several persons whose names are attached to the foregoing instrument of ratification are adult males of the confederated bands of the Ute tribe of Indians in the State of Colorado, and that they respectively signed the same, as shown by the several certificates thereto attached, after said acts of Congress, agreement, and instrument of ratification had been fully read and explained to them as aforesaid, and after having been fully interpreted to them by the persons whose names are attached to and who signed the foregoing certificates as interpreters. And that said instrument of ratification is signed and executed by three-fourths, and more, of the adult males of the confederated bands of the Ute tribe of Indians, in the State of Colorado.

In witness whereof we have hereunto set our hands this 25th day of September, A. D. 1880, at Alamos, State of Colorado.

GEO. W. MANYPENNY,
JOHN J. RUSSELL,
OTTO MEARS,
Commissioners.

DEPARTMENT OF THE INTERIOR,
Washington, January 24, 1881.

SIR: In making up individual accounts for expenses, compensation, &c., it should be stated, in each case, where the Commissioner presenting the account was upon each day for which compensation is charged, and the particular nature of the business upon which he was engaged.

Very respectfully,

C. SCHURZ,
Secretary.

HON. GEO. W. MANYPENNY,
Chairman Ute Commission.

GOVERNOR OF COLORADO—CORRESPONDENCE.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, October 14, 1880.

Governor PITKIN, *Denver, Colo.:*

I consider it my duty to communicate to you the information received at this department that the excitement growing out of the killing of an Indian and the subsequent killing of the white man guilty of that act, on the Ute Reservation, threatens serious difficulties liable to disturb all the results of our efforts now on the point of consummation to settle the Indian problem in Colorado in a just and peaceable manner. Mr. Berry, agent of the Uncompahgre Utes, telegraphs that he has been arrested and is to be taken to Gunnison on a warrant, issued by a justice of the peace there, charging him with the murder of the white man who killed the Indian. Mr. Meacham, one of the Ute Commissioners, temporarily at Los Pinos, reports that he has been summoned under subpoena as a witness. Thus the two officers, who probably more than others possess the confidence of the Indians, and can be best depended upon to exercise upon them a wholesome influence, are removed from them at this critical moment. At the same time it is rumored that lawless persons are intending to seize upon and kill these officers of the government as soon as they are out of the reservation; while all the in-

fermentation received here is to the effect that these officers did all they could to save the life of the white man reported killed, instead of putting it in peril. Mob violence used against these men would in all probability be followed by other lawless acts, disturbing the peace between the Indians and the whites; and there appears to be reason to fear that in this way an Indian war may be brought on, sure to result in the loss of hundreds of lives and many millions in money, and great disaster to the industries of Colorado. The military as well as the civil officers on the reservation have been instructed to use every possible effort to restrain the excitement of the Indians, and to prevent a collision. Everything is being done on our part to avert from Colorado the calamities of an Indian war. Permit me to express the hope that the State authorities of Colorado will join their earnest efforts to ours by repressing whatever lawless spirit that, according to current rumor in the newspapers, there may be existing among the population on the borders of the Ute Reserve.

C. SCHURZ, *Secretary.*

[Western Union Telegraph Company. Dated Denver, Colo., October 15, 1880.]

Hon. CARL SCHURZ,

Secretary of the Interior, Washington, D. C.

It is true that great excitement prevails in Western Colorado over the circumstances connected with the killing of the Ute and the subsequent murder of young Jackson by the Indians. Shortly after the news reached me of the trouble on the reservation I appointed two trustworthy men to examine into all the facts of these homicides, and to report the circumstances to me. They have not yet reached Denver, or made their reports. There are but five persons living who were present when the Indian was killed, four white and one Indian. The statement of the four white men who were present is as follows:

They say that the Indian who was shot, first began firing at the whites; that the white man ran behind the wagons to avoid him; and that young Jackson, seizing a rifle which was in a wagon, shot at the Indian in self defense. This was about half-past seven o'clock in the evening, when it was quite dark. The Indian and his companion rode off, and the freighters did not know that he had been even wounded, until the next day. When then arrested by Agent Berry the agent had 15 soldiers with him, and about 125 armed Indians were also present. Young Jackson was disarmed by the agent, and placed in custody of the 15 soldiers. About 200 Federal soldiers, who were being moved from the reservation, were camped that night near where the prisoner was in custody. Jackson implored their protection from the Indians until he could be safely lodged in jail in Gunnison City, the county seat, to await his examination and trial. The agent refused to allow this protection, and permitted the detachment of soldiers to depart, retaining only 15 soldiers to defend the prisoner against the fury of over 100 armed Indians.

It is stated that the agent said the troops were there to protect the Indians, and not the whites. Young Jackson was turned over to Cline, Hoyt, and Holmes, to be taken about 60 miles, to Gunnison City, nearly half of this distance being over the reservation.

Cline, Hoyt, and Holmes state that they were ambushed after going three miles, and that Jackson was taken away by the Indians. Captain Cline states, in explanation of his conduct, that unless the agent had surrendered Jackson to him to be escorted by these men to Gunnison City the Indians would have immediately massacred the 15 soldiers, the 10 or 15 other white men there, and Cline's own wife, children, and grandchildren. If these statements are true, there is not a civilized community in the world that would not thrill with horror and indignation that a man who had been compelled to take the life of an Indian to save his own life should be denied the protection of his government, and turned over to be tortured and killed by savages.

The people of the State desire peace, but they believe this tribe has all the savage instincts of their race; that especially since Ouray's death they neither fear nor respect the power of the general government; and that so long as they remain in the State they are a constant menace to the safety of the white men, women, and children upon their border. They have seen year after year numbers of white people murdered by the tribe, without any successful effort being made by the general government to punish the guilty parties. Only last year Mr. Meeker and his associates at White River were massacred in cold blood, and none of the murderers have been brought to justice, unless Douglass, who is confined at Fort Leavenworth, was one of them.

Jackson, who killed the Indian, as he claims, in self-defense, was swiftly arrested by the government agent, and while a disarmed prisoner, ready to meet any charges against him, and demanding the protection of this government, was taken away by

the tribe and doubtless murdered. Our people do not believe that the life of an Indian is more valuable than the life of a white man.

If the killing of the Indian by Jackson called for such summary action on the part of the officers of the government, then the persons who murdered Jackson ought to be speedily arrested and held for trial.

If it was proper to take Jackson to Gunnison City for examination before a magistrate, it is equally proper to take to the same place, and before the same magistrate, the parties who murdered Jackson, and their accessories. The people of the State demand that Jackson's murderers be brought to justice, whether they be government officers, private citizens, or Indians. If the general government will not take measures to punish the guilty parties, then the State courts for Gunnison County should properly investigate the matter and issue warrants for the criminals. It will be my duty to furnish all assistance that may be necessary to enforce the process of the courts. I trust that the general government will not use the power of the Federal Army to protect parties charged with murder from examination and trial before the courts of the county where the crime was committed.

I think it would be wise for the government to remove the Uncompahgre Utes from the place where they are now camped to some point further north. They have no houses, but simply live in tents, which they are in the habit of putting up wherever night overtakes them during their travels. The only road leading to Ouray, Mount Neffles, San Miguel, Ophir and other settlements in that locality runs for about 70 miles over the Indian reservation. The road was completed by permission of the President of the United States under the provisions of the treaty, and, on account of the conformation of the mountains, is the only route by which the supplies can be taken in to feed the towns and mining camps above mentioned.

By reason of the heavy fall of snow in the winter it is necessary to get these supplies during the fall months. At the present time a large proportion of the tribes of Uncompahgre Utes are camped at points on this road, and it is stated in the newspapers that, on account of the murder of Jackson, freighters are unwilling to take in the freight necessary to feed the people of that country during the winter. Unless the freight can be taken in, work must be suspended in the mines and the people subjected to the dangers of a famine. I respectfully urge upon you the necessity of immediately moving this portion of the tribe to the mouth of the Uncompahgre River, or some point on the Grand River, where they will be remote from the whites and from the road over which the white population must receive the food upon which they are to subsist this winter. If this were done the excitement would, in a measure, abate; or if it continued, the Indians and the whites would be sufficiently far apart to greatly lessen the danger of conflict.

I have telegraphed the sheriff of Gunnison County that if Berry and others are arrested he shall see that they are fully protected against violence. I do not apprehend any danger to them while in the custody of the officers. The people of the State are law-abiding and only desire that the question of the guilt or innocence of these parties shall be determined by the courts. It is not true as stated by the Associated Press dispatch from Washington yesterday morning, purporting to emanate from the Interior Department, that a large class of persons around the Ute Reservation are endeavoring to bring about a disturbance with the Indians to prevent any consummation of the Ute treaty. Colonel Manypenny, Mr. Mears, Colonel Bowman, and Mr. Russell, four of the commissioners appointed to carry out that treaty, are in the city, and three of them have been on the reservation and the adjoining towns for months past. I showed them to-day the Associated Press dispatch and asked them to name the person that had endeavored to bring about a disturbance or to prevent the consummation of the treaty, and they all replied that they did not know any one against whom this charge could be made. While the people desired the tribe removed entirely from the State they have not endeavored and will not endeavor to defeat the consummation of the treaty by any dishonorable measures. I do not see why the arrest of Agent Berry on criminal process should result in its defeat.

FREDERICK W. PITKIN.

[Indorsement.]

DEPARTMENT OF THE INTERIOR,
November 2, 1880.

Respectfully referred to the Commissioner of Indian Affairs.

R. JOSEPH,
Chief Clerk.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, October 18, 1880.Governor PITKIN, *Denver, Colo.:*

The Associated Press reports that two companies of militia have started for the Ute Reservation to arrest Agent Berry, and that a conflict between them and the Indians is anticipated.

It seems almost inevitable that if this proceeding goes on the conflict will come; but a force is not necessary to secure obedience to the State powers on the part of government officers, and the Government of the United States will be entirely ready to aid in enforcing such process without an aggressive movement of State troops calculated to bring on a disastrous conflict with the Indians. Any prisoner arrested under process is entitled to absolute protection against mob violence, and the State authorities should accompany any arrest by adequate guarantees of personal safety to their prisoners. This being evident there will be no reason why the accused should not willingly obey any lawful process, and if they did not certainly the Government of the United States would not countenance any such disobedience. I must earnestly press upon you to arrest any movements or conduct on the part of the State militia which can possibly lead to so disastrous a consequence as an Indian war would be.

C. SCHURZ, *Secretary.*

[Telegram.—Denver, Colo., October 18, 1880. Received at Department Interior October 19, 1880, 9.15.]

Hon. C. SCHURZ,
Secretary of the Interior:

As there is no telegraphic line to Gunnison City, I am unable to get accurate and reliable reports from there; I have no advices of two companies of State militia having started for the reservation, and I disbelieve the rumor. The information which has reached me is that the sheriff arrested Berry over a week ago at the agency; that Berry persuaded the sheriff to accompany him to the cantonment, about four miles distant, where he escaped from the sheriff. Two dispatches reached here to-day concerning him, one stating that he is secreted by the Indians, and the other that he is protected by the commander at the post. I respectfully request that you require the commander of the post to deliver him to the sheriff of Gunnison County, at Gunnison City. This will avoid the necessity of the sheriff taking a State force with him to make the arrest, although his efforts to escape have strengthened the conviction as to his guilt. I have no apprehensions as to personal safety when once in the custody of the sheriff at Gunnison. Captain Cline has been in jail for about a week without being molested.

The sheriff telegraphed me to-day that Berry and others are safe from mob in Gunnison. If you desire to have the military commander deliver him to the sheriff, I should like to be informed of the decision, that I may notify the sheriff at once that further preparation for making the arrest will be unnecessary.

FREDERICK W. PITKIN.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, October 19, 1880.Governor PITKIN, *Denver, Colo.:*

The following telegram, under date of October 18, was sent to Agent Berry at Los Pinos:

"If the criminal process of the State is sought to be served upon you by its lawful officers, and your arrest made under the same, the United States troops cannot resist the service or eject the State officers serving the process from the reservation. If the persons named by you are intruders upon the reservation without process from the State, the troops may be called upon to eject them, under the ordinary right of protecting the reservation from intruders. If, as is reported, State militia are accompanying and supporting the execution of State process, they cannot be excluded as intruders; if they are not executing State process, they have no right to enter the reservation, and the United States troops may be called upon to exclude them.

"But no collision should be provoked, and, if discretion is used, none need occur.

"The United States attorney has started for the agency, and will give you all necessary advice in carrying out these instructions."

The preservation of the peace at the present time is all-important, and the department, while co-operating to that end, relies upon your wisdom and discretion to avert trouble. Copy of above telegram to agent has been furnished War Department.

A. BELL,
Acting Secretary.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, October 23, 1880.

Governor PITKIN, *Denver, Colo.:*

Department to-day advised through War Department that Berry has been arrested by United States marshal, and has left agency in charge of that officer.

If State posse has been ordered to go to reservation to make the arrest, please recall the same, and thus avoid any possibility of conflict with Indians.

A. BELL,
Acting Secretary.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, November 16, 1880.

FRED. W. PITKIN, *Governor, Denver, Colo.:*

The President desires me to say to you that it is a matter of great public interest that nothing should be done that could lead to breaches of the peace and collisions between whites and Indians on the Ute Reservation, and if renewed attempts are made in that direction, the President trusts that you will use your best judgment and endeavors to prevent new difficulties.

C. SCHURZ,
Secretary.

[Telegram.—Denver, Colo., November 18, 1880.—Received at Department Interior, November 19, 9.45.]

Hon. CARL SCHURZ,
Secretary of the Interior:

There is no danger so far as I can learn of any breaches of the peace occurring on the Ute Reservation, arising out of the conduct of the white population. While about 50 of the white settlers of Colorado, have been murdered by the Ute Indians, only two Indians have been killed by the whites since the first settlement of Colorado, and in both of these cases the white men killed the Indians in self-defense. This fact alone shows that the whites are not the aggressors. I have no influence or control over the Indians, and trust that no outbreak may occur, but the fact cannot be disguised that Indians and whites cannot live together in peace; as long as the two races are so situated that they must necessarily come in contact there can be no security against attacks from the Indians. The restraining influence of Ouray no longer controls the actions of the tribe. They are not guided by reason or intelligence, but by passion. Every settlement along the line of the reservation, extending over a distance of more than 500 miles in Colorado, feels in constant danger.

I trust that some satisfactory arrangement may be made whereby this tribe can be located at the Uintah Reservation or elsewhere, so that our soil may not be drenched in blood. I shall use my influence to prevent any difficulty, but knowing as I do the antagonism between the two races, which has been greatly increased by the events of last month, I feel constrained to urge upon the general government the necessity of modifying the existing treaty or of enforcing it in such a manner that the whole tribe may be removed from contact with our white population.

FREDERICK W. PITKIN.