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AGREEMENT WITH UTE INDIANS OF COLORADO.

MAY 11, 1830.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 1509.]

The Committee on Indian Affairs, to whom were referred House bill No. 5092 and Senate bill No. 1509, to accept and ratify the agreement submitted by the confederated band 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, have had the same under consideration, and directed me to report back the Senate bill, with amendments, with a favorable recommendation, and ask that the bill and amendments, together with the views of the Secretary of the Interior, submitted to the joint committee of the two Houses, be printed as a part of this report.

The CHAIRMAN. We have met in joint conference, gentlemen, for the purpose of hearing the Secretary of the Interior with regard to the agreement entered into with the Ute Indians.

Secretary SCHURZ. Mr. Chairman and gentlemen, I am very much obliged to you for your kindness in giving me this opportunity to explain my views on this subject. As the members of these committees are undoubtedly aware, there was a few months ago serious danger of an Indian war, which, if it had broken out, would have threatened to assume very great proportions and to have become very costly in human life as well as money. It would undoubtedly have involved the destruction of a great many innocent persons, who, although belonging to an Indian tribe that had committed acts of violence, still did not individually deserve punishment, and it would have inflicted extensive disaster upon the border settlements and mining camps of Colorado. In view of these circumstances, I thought it my duty to do all in my power to prevent, or, rather, arrest, such a war. Attempts at a peaceable settlement, however, have met with severe criticism, and seemed to be looked upon in some quarters as an unwarrantable interference on the part of the Interior Department with the inherent right of some people to have an Indian war when they please. My efforts to avoid an Indian war were denounced by many as an utterly ridiculous, contemptible, and unworthy thing for a public officer to attempt. I was charged with having, by an unwarrantable interference, stopped the advance of our troops into the

Ute country. Those who indulged in such talk did not consider the fact that at the time the forward movement was arrested, the detachment sent to the Ute country was in such a condition that it would have been extremely hazardous for it to venture farther than it did. A war in those mountains at that season, and I am stating this upon the authority of military officers with whom I conversed upon the subject, would have brought us a winter campaign likely to cost from ten to fifteen million dollars and a very considerable number of men and officers. Had there been no other reason than this, it would have appeared best to reasonable men, not only for the interests of the Indians but for the interests of the government, the Army, and the white people of Colorado, that a peaceable and just composition should be attempted. I think under all circumstances war should be regarded not as the first but the last resort. With that view I sent a special agent to the Ute country, General Adams, the object of whose mission was threefold: in the first place, to save the captive women and children who at that time were in the hands of the Utes; secondly, to bring about the surrender of the parties presumably guilty of the murder of Agent Meeker and his employés; and, thirdly, as I instructed him, to ascertain whether anything, and what, could be done to bring about the settlement of the Utes in severalty, so as to promote the civilization of the Indians, and to open the main part of the Ute reservation to development by white citizens, thus removing a source of constant irritation between the latter and the Utes. In regard to the first point, it is undoubtedly known to you that the mission of General Adams was completely successful, and that the captive women and children were saved. As to the second, at least part of those guilty of the murder among them the head chief of the White River Utes, were surrendered by the Indians, and the surrender of all of them has now been promised. As to the third point, I desire to make a few remarks in connection with the general policy of the department.

It has seemed to me, and, I think, to a great many who have studied the Indian problem with care, that the system of large reservations, as has hitherto prevailed, is not only no longer desirable either in the interest of the Indians or of the whites, but will, in the course of time, become utterly untenable. As our white settlements in the West multiply, as the development of the country advances, available lands become more and more scarce and valuable, and so it is not unnatural that the withholding of large tracts from settlement and development so as to maintain a savage aristocracy in the enjoyment of their chivalrous pastimes, should be looked upon by many as a system incompatible with the progress of civilization and injurious to the material interests of the country. As an inevitable consequence, we have witnessed many encroachments, lawless and wrongful in character, upon Indian lands and rights, and constant efforts to drive the red men from the reservations belonging to them. This has kept the Indians in a state of uncertainty and restlessness, and led to many deplorable outrages and Indian wars. As a matter of course, this state of things has retarded the progress and impaired the well-being of the Indians themselves. However well disposed the government may be to maintain the title of the Indians to their reservations—and undoubtedly the government is and will remain so disposed—still it is evident that the government will not always be able in all things to control the action of our Western people, and as sensible men we must make up our minds to the fact that as long as the Indians hold very large tracts of land, in great part useless to themselves and useless to other people, their tenure will, under existing circumstances,

become practically more and more precarious. It is most desirable for the interests of the Indians themselves, therefore, that we should substitute for the system of large reservations another system that will protect the rights and interests of the Indians without standing in the way of the progress and development of the country.

The ultimate end of this new system, in my opinion, must necessarily be that the Indians be gradually assimilated to and merged in the body of citizens. In the direction of this end, some things are necessary, which have been done as far as the Executive could do them under the laws of the country as they stand: First, to set the Indians to work; second, to educate them; and, third, to individualize the Indians by settling them in severalty, with the expectation of giving them fee-simple title by patent to their allotments, the same title by which white citizens hold their lands under the protection of law.

Concerning these things, permit me, before coming to the special business before us, to make a few remarks setting forth what the Interior Department has done while I have had the honor to direct its operations.

As to setting the Indians to work, we have extended the sphere of activity of the Indian tribes as much as possible. In the first place, we have paid much attention to the introduction of industrial pursuits among them, to the establishment of workshops at the Indian agencies, supplying these with Indian apprentices to learn the various trades, then, as much encouragement as possible has been given to the Indians in their agricultural pursuits, and, thirdly, a thing which is entirely new, the introduction of the freighting business among the Indians, which has met with remarkable success. We have now about 1,350 Indian freighting wagons running, and the Indians, I may say, are doing this business, as far as our observation goes, not only as well, but better and far more honestly than it has ever been done for the government before. The importance of this success cannot be overestimated. But yesterday one of our agents, now here, one of the best class of men in the service, who is in charge of one of the Sioux Agencies, told me his Indians had been freighting all winter, and when, during a severe "blizzard," they were obliged to leave their freight on the prairie and abandon their wagons for several days, not a single pound of freight was lost. At some of our agencies the freighters earn in this way considerable sums of money. The Pine Ridge Sioux Agency, for instance, being about two hundred miles from the depot on Missouri River, the freighters have earned in one year something between thirty and forty thousand dollars, part of which is being saved by the Indians and part of which is expended by them in the purchase of household utensils, a better breed of animals, and other useful things, aside from such luxuries as finely scented soap, &c. On the whole, this business has been of immense value to the Indians, not only by keeping them usefully employed, but by teaching them the value of their labor and encouraging the acquisition of useful personal property, and the pride of the ownership of things earned by themselves. It is intended to establish the freighting business at all agencies where it is possible.

Secondly, as to the matter of education we have been endeavoring to extend a system of schools on the agencies, and some progress has been made in this direction. But from my own personal observation I may say that our success in this particular has not been as great as is desired. It is very difficult to keep Indian children at school, and even when they attend regularly the advantage is largely lost by their being constantly exposed to home influences which in very many

instances are still of a savage nature. A partial remedy is found in a system of boarding-schools, the establishment and maintenance of which, however, is much more costly. But even such schools, being at the agencies, are still too much exposed to the influences of Indian life. Recently the experiment of educating Indian children far away from the reservations has been inaugurated at Hampton and at Carlisle, and on the Pacific coast at Forest Grove, taking the young Indians away from the influence of the tribe and into the atmosphere of civilization, with the object of giving them an elementary English education, and at the same time such industrial and agricultural instruction as will enable them not only to lead a civilized and useful existence themselves, but to exercise a salutary influence upon their people when they return. There is an old objection to this system of educating Indians, that when an Indian is so educated and returned to his tribe he will soon become a savage Indian again. This objection, I think, will not apply to the present system for two reasons. It is probably true that when a single Indian boy was taken from his people and educated and then returned again to the savage life of his tribe, the influences he found there were entirely unsympathetic and too strong for the isolated individual, who then fell back into his old habits. But now these Indian youths will not be returned singly but in numerous groups, strong enough to exercise an influence of their own, and to lean upon one another. And in the second place there is now a general desire among Indians, including many of the older chiefs, for the education of their children. So strong indeed is this desire that if we may believe the letters we get from the Indians at the department we could have thousands and thousands of Indian children to put into our schools at the East. So that these Indian youths will not only not return singly to their people, but also instead of being overwhelmed there by unsympathetic influences they will be rather supported and encouraged by the general desire for advancement.

The third thing we have done was in the direction of developing the sense of law and order by the establishment on a large scale of an Indian police. We have now a body of Indian police at almost every agency, and under the control of discreet and judicious agents they show a most commendable sense of duty in maintaining order, protecting property from outside marauders, and doing generally the service done by the police in civilized communities. This also has been very successful, and I cannot but regret that Congress has kept the pay of our Indian policemen at so low a figure that it discourages many of the best young men from entering that service, for the reason that in many other ways they can do much better for themselves.

As to the fourth point, that is the settlement of the Indians in severalty, the individualization of the Indian by giving him individual property with a fee title, that is a thing which I need scarcely add the Department could not wholly accomplish without legislation by Congress, and that legislation we have been urging now for several years. I venture to express the earnest hope, gentlemen, that you will not permit this session to pass without enacting a law to this end.

Now, it is in the line of this policy that the Ute agreement which I shall now lay before you has been made. In fact when I was in Denver last September previous to the Ute outbreak, meeting there the governor of Colorado and other gentlemen interested in Indian affairs, I had a long consultation with them regarding the future of the Ute Indians, and it was conceded by all of them that the solution of the problem would be accomplished by the settlement of the Ute Indians in severalty upon

such lands as they could cultivate. It was therefore my design immediately upon my return to Washington to employ a special agent, for which position General Adams was then selected, to go to the Ute Reservation to effect that identical purpose. This, it will be borne in mind, was before the outbreak at White River had occurred.

I shall now proceed to lay before you the agreement arrived at between the Ute chiefs now in Washington and myself, and I may add that it was reached by no other pressure upon the Utes than by simply discussing with them in a frank and candid way their condition and prospects.

(The Secretary then read the draft of the bill.)

Now, one of the first things to be considered probably is the price to be paid for what they promise to cede to the United States, which price consists in an annuity of \$50,000, and such expenses as may be caused by their settlement, their being provided with the necessary agricultural implements and cattle, and their support until they can support themselves.

Mr. ALLISON. You did not specify what amount of agricultural implements and cattle would be supplied.

Secretary SCHURZ. That can now be done only in a general way. The bill submitted here makes appropriation for a certain sum, and I am prepared to lay a schedule of the various items before the committee.

Before proceeding with this point, however, permit me to say that as to the number of commissioners, it seems to me five is the smallest number that could be fixed, considering the duties they will have to perform. I think two of them should accompany the Southern Utes to their place of settlement; two should remain with those who are to settle in the Grand River Valley, leaving one to go with those who make their home on the Uintah Reservation. The commissioners are, in the first place, to superintend the formalities under which the consent of the Ute tribe is to be given to this agreement, so that it may be duly certified and come to the executive branch of the government in a well authenticated form. They will have to aid the Indians in the selection of their allotments. It appears to me, and I intend so to instruct the commissioners, that it will be conducive to their general interest if the Indians are not settled together in large compact bodies, but in little communities as whites would settle, being, however, not out of reach of the agencies, which will be necessary for some time. In the third place, the commission will attend to the payment to the Indians of the annuities now due, promised in the agreement to be paid immediately, and the appraisal of improvements made by the Indians on the lands they are to give up. Some of the Indians have made more or less improvements. Ouray, for instance, has a decent house with many outbuildings and a tract of land in fence. I think such a man as Ouray should be well paid for his improvements, which he is willing to leave for the public good, although he is attached to his present location. It is considered, therefore, no more than fair that he and others similarly situated should be liberally compensated.

(The Secretary then pointed upon the map of Colorado the present and proposed locations of the Indians.)

The SECRETARY. When the settlement in severalty, with individual fee-title by patent, has taken place, the Indians will necessarily pass under the protection as well as the restraints of law. The courts will then take jurisdiction over them as provided in section 4 of the bill. At the same time, by the section following, the way to citizenship is opened to them as soon as they show themselves fit to assume its responsibilities.

As to the annuity which is provided for in this act to be paid to the Indians in perpetuity, in consideration of the cession of their reservation, all I have to say is that while it may appear to some large, it will appear to others small. Considering the mineral resources the reservation is believed to contain, it is quite possible that one of the 16,000 square miles ceded may yield in mineral wealth ten times the sum of money of which we are to pay the interest to these Indians in the shape of an annuity. Besides, such an Indian war as is prevented by this agreement would in all probability have cost ten times as much as this peaceable composition. On the other hand, if the agreement is accepted, we shall pay the Utes fully as much as their reservation could possibly have been worth to them. It appears, therefore, a fair arrangement in both ways.

Now as to the appropriation of \$350,000 for different objects, I desire to present to the committee a specific schedule showing them how that amount is prospectively to be expended. It will cover the expenses for survey, for houses, saw and grist mills, wagons and harness, stock cattle, agency buildings and school-houses, and a small balance for incidentals. Inasmuch as we have made these estimates according to prices paid recently, a margin may be required on account of the advance in prices. As to the first item, about thirty-four townships will have to be surveyed to accommodate these Indians, at \$1,500 a township; thus \$51,000 will be required for this purpose. It will be necessary to build about 1,000 log cabins, which we have estimated to cost \$60 apiece—\$60,000 which seems to me a low estimate. We have asked for three saw mills, \$18,000; and three grist-mills, \$18,000; 1,000 wagons, \$65,000; as we want to give to each family one wagon; harness, 1,000 double sets, \$20,000; 3,000 stock cattle, \$42,000; for agency buildings, \$30,000; and for school-houses \$25,000, making a total of \$329,000. This leaves a margin for an incidental fund of \$21,000, which I think is necessary, the figuring upon the items being very close. It will require great economy to get on with the sum asked for.

There is one section in this bill touching salaries provided for in former treaties. That was put in especially with reference to Ouray, who at present, for past good services, draws a salary of \$1,000 a year, which will expire in about three years. I am sure it is the opinion of all those who have taken part in this proceeding and who have marked the excellent services rendered by Ouray, who deserves high credit for his good sense and fidelity, that he fully deserves a continuation of this salary. It was therefore provided that his salary should be continued for further ten years, and then at his suggestion it was provided that a small sum of money be put at the disposal of the President of the United States to be paid as a premium to those among the Utes who excel by good conduct and set their people the best example. I think this will be money usefully expended. One of the conditions made by the Utes to this agreement was that the annuities now due, and which by the terms of the treaty might be paid in stock cattle, agricultural implements, or other goods, &c., should be paid to them in cash, as the chiefs thought it would please their people, and \$15,000 is at their request added to this fund, so as to make about \$75,000. These appropriations are to be made contingent upon the ratification of the agreement by the tribe. The appropriation for the commission will have to be made in any case, of course, for the reason that they must go to the Ute Reservation, for the very purpose, among others, of witnessing the ratification of the agreement.

Finally, I desire to impress upon the Committee on Indian Affairs

of the two Houses the importance of having as early action as possible upon this agreement. The opening of the spring season will be a critical period in this business, as there may be a large number of prospectors and miners ready and eager to move forward as soon as the snow melts on the mountain ranges. Before that time this agreement should be virtually concluded, so that no uncertainty of the future remains. Moreover, it is desirable that the Indians should go to their new location as early as possible in the season, so that no favorable opportunity for the work that is necessary be lost. Prompt action is therefore eminently desirable, and I would suggest, in the interest of the common good, that, if this agreement meets your approbation, no effort be spared to secure final action in Congress upon it and to have the commission appointed and on its way before the 1st of April; the sooner the better.

Having given these explanations, I can only say that all that could be done by the executive department of the government for the solution of a great difficulty has been done, and I now remit the matter to the good sense and favorable consideration of the two Houses of Congress.

Senator COKE. Is this annuity in perpetuity in accordance with treaty stipulations?

Secretary SCHURZ. The annuity of \$50,000 is new, in consideration of the cession of the Ute Reservation, which contains 12,000,000 of acres. very nearly.

Senator COKE. How much of this land will be reserved for the Indians?

Secretary SCHURZ. They will receive in all about thirty to thirty-four townships, both on and off the reservation.

Senator INGALLS. Do you understand, Mr. Secretary, that this proposed agreement is satisfactory to the people of Colorado?

Secretary SCHURZ. I have had some conversations with the Senators and the Representative from Colorado. Senator Hill gave me to understand that he thought it would be satisfactory to his people. Senator Teller tells me that it would not be satisfactory to him unless every Ute left Colorado. Mr. Belford occupies somewhat middle ground, I believe.

Senator TELLER. I did not say exactly that. I said it was just as much a perpetuation of an Indian reservation as the other arrangement.

Secretary SCHURZ. It is certainly not the perpetuation of an Indian reservation in anything like the old sense. It is not any more so than the settlement of so many whites there would be. I may say that, if there are any people in Colorado who prefer an Indian war to a peaceable settlement, this agreement will of course be unsatisfactory to them.

Senator COKE. And the only difference between their settlement and the settlement of whites is that the lands occupied by the Indians are not taxable and are made inalienable?

Secretary SCHURZ. That is all. Mr. Belford suggested, and I am glad to be reminded of the matter, that in that section of the bill which makes the lands inalienable for a certain period of years a proviso might be inserted, that in case of the discovery of minerals on such lands after they have been put in possession of the Indians, as coal or whatever other mineral it might be, the Indian owner may make a lease to a white person covering that land, subject to the approval of the Secretary of the Interior. I see some reasons for that which strike me very forcibly. Such an amendment would not seem to be objectionable.

Senator ALLISON. Have you any agents now with any of these bands?

Secretary SCHURZ. We have two. By this arrangement we shall have one agent less than formerly.

Senator ALLISON. Are the Ute chiefs aware of the items you have presented in that schedule, making a total of \$350,000?

Secretary SCHURZ. No; they only understand generally that they are to be provided with wagons, agricultural implements, &c., according to their requirements.

Mr. HOOKER. Do you regard the appropriation of that amount as being essential or indispensable to the ratification of the treaty by the Utes themselves?

The SECRETARY. I think a sufficient appropriation to do in good faith what we promised to do in the agreement is essential. If Congress fails to appropriate for the carrying out of the agreement, the Indians will not believe that we desire it to go into effect. It will be for the general interest to aid them liberally in their advancement.

Mr. HOOKER. Is the entire amount necessary at once?

Secretary SCHURZ. I do not think the entire amount would be necessary to be expended at once. But some of it would be; for instance, here is the item for surveying, which would have to be done at once. The building of houses we could not proceed with until the allotments are made; so that it will be expended gradually. But the larger portion of the appropriation ought to be available this summer. I repeat, that a failure to appropriate the sum necessary for carrying out the whole agreement would, in my opinion, seriously endanger the ratification of it by the Indians.

Senator INGALLS. How many Indians do you think will stay in Colorado by virtue of this agreement?

Secretary SCHURZ. That I cannot tell, for I do not know how many Southern Utes may settle on the Upper La Plata, although I do not think there will be many, or how many Uncompahgres will or can settle on the Grand River bottom in Colorado. The probability is that a majority of them will settle in New Mexico and Utah. As you are aware, the White River Utes are to go to the Uintah Reservation altogether.

Mr. AINSLIE. The removal of these people from Colorado, is it satisfactory to the people of Utah and New Mexico?

Secretary SCHURZ. A vote of the people of those Territories would probably favor having no Indians there; but the Indians must live somewhere, and in justice to them we cannot always be governed by the wishes of people who do not want to have any Indians in their neighborhood. Indians have rights just as well as other men.