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Lands in Colorado

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1882.—Ordered to be printed.

Mr. HILL, of Colorado, from the Committee on Public Lands, submitted the following

REPORT:

[To accompany bill S. 698.]

The Committee on Public Lands, to which was referred the bill (S. 698) "relating to lands in Colorado, lately occupied by the Uncompahgre and White River Ute Indians," begs leave to submit the following report:

By an agreement entered into by the several bands of Ute Indians, which was ratified by an act entitled "An act to accept and ratify the agreement submitted by the confederate 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," approved June 15, 1880, the Uncompahgre Utes were to remove to and settle upon agricultural lands on Grand River near the mouth of the Gunnison River in Colorado, if a sufficient quantity of agricultural land should be found there; if not, then upon such other unoccupied agricultural lands as may be found in that vicinity and in the Territory of Utah; and the White River Utes agreed to remove to and settle upon agricultural lands on the Uintah Reservation in Utah.

The commissioners appointed under the provisions of the second section of said act, upon examination of the lands on the Grand River and in its vicinity, found that there was not the quantity of agricultural land there which was required by the agreement, and therefore sought for other lands in the Territory of Utah. They finally selected lands for the Uncompahgre Indians in the valley of Green River above and below its junction with White River.

Their action in selecting these lands having been submitted to the Secretary of the Interior, and having been approved by him, the commissioners proceeded to erect agency buildings and to remove the Indians to their new home. On the 28th day of August all the Indians of this band left their reservation in Colorado and moved to the place selected for them in Utah. About the same time the removal of the White River Utes to the Uintah Reservation, also in Utah, was effected.

The report of the commissioners, dated the 21st of November, 1881, fully sets forth the fact that the lands selected are in all respects the most favorable that could be found, and that in quantity and quality they meet the requirements of the agreement. The report also represents that the Indians have expressed themselves as well pleased with the lands so selected for them.

On the 5th of January, of the present year, a reservation, having an area of 3,200 square miles, was set apart by order of the President for

the use of the Uncompahgre Indians, within which the permanent allotments for said Indians are to be made. This reservation contains much more than the amount of land required by the act of 1880 to provide for the allotments of lands in severalty to each and every Indian of this band. Section 3 of the said act provides :

That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed, under the direction of said commissioners, a sufficient quantity of land in the vicinities named in said agreement, to secure the settlement in severalty of said Indians as therein provided, and upon the completion of said survey and enumeration herein required, the said commissioners shall cause allotments of lands to be made to each and all of said Indians, in quantity and character as set forth in the agreement above mentioned, and whenever the report of the proceedings of said commissioners, as required by this act, are approved by the President of the United States, he shall cause patents to issue to each and every allottee for the lands so allotted, with the same conditions, restrictions, and limitations mentioned therein as are provided in said agreement; and all the lands not so allotted, the title to which is, by the said agreement of the confederated bands of the Ute Indians, and this acceptance by the United States, released and conveyed to the United States, shall be held and deemed to be public lands of the United States, and subject to disposal under the laws providing for the disposal of the public lands, at the same price and on the same terms as other lands of like character, except as provided in this act. * * *

It is clear that by the terms of this act the lands formerly occupied by the Uncompahgre and White River Utes cannot be held to be public lands, subject to disposal, without further legislation, until the lands of the new reservation shall have been surveyed, and the allotments to the Indians shall have been made and patents issued, &c. As some of these Indians are opposed to accepting their lands in severalty, it may be several years before the work of making the allotments will be completed. Under the most favorable conditions, it probably cannot be done in less than two years.

Since the time of the removal of the Uncompahgre and White River Indians from the State of Colorado, a steady tide of immigration has poured into the reservation, and already a large portion of the best lands in the valleys have been settled upon. Were it not for the influx of settlers from Colorado and other States, this great tract of country, embracing nearly ten million acres of land, would be entirely uninhabited. There are many law abiding citizens of the United States who desire to make their homes upon these lands, but who will not enter upon them until they can do so under authority of law. Justice to this class requires that the lands should be thrown open to settlement without further delay.

The Commissioner of the General Land Office, in a report accompanying this bill, says :

If the Indian rights of allotment within the limits of the reservation formerly occupied by the Uncompahgre and White River Utes have been satisfied, or if by the definitive removal of all of said Indians from the reservation, the duty of the Secretary of the Interior to make such allotments has legally ceased, I know no objection to the proposition contained in the first and second sections of this bill.

No claim is made by the Indians that they still retain an interest in the lands of their former reservation; and, as stated by the Commissioner of Indian Affairs, in his report to the Secretary of the Interior on this bill, "There is no reason for awaiting the completion of the surveys, and the action of the commissioners in allotting lands, &c., in Utah, before proceeding to the disposition of the lands in Colorado from which the Indians have forever been removed."

The third section of the bill under consideration is designed for the protection of person who settled upon lands near the eastern border of the reservation in good faith, supposing that they were without the limits of the reservation.

In 1879, the boundary line of the reservation not having been established by a survey, a large number of well disposed citizens, attracted by the reputed existence of rich mineral deposits, went upon lands which were afterwards found by survey to be upon the reservation. They established homes, built houses and churches, constructed roads, and expended many thousand dollars in prospecting for and in developing mines. The government of the United States, at that time, recognized the lands upon which these improvements were made as lying without the boundary of said reservation, and lawfully open to settlement; and upon application by citizens then occupying the land, and upon payment therefor, caused the same to be surveyed and subdivided, and received applications at the United States land office for patents for portions of said lands. The Indians themselves disclaimed any right to these lands.

By an order of the Commissioner of the General Land Office, in 1881, certain portions of said lands were declared to be part of the Indian reservation and withdrawn from sale, and no filings or applications to purchase were allowed to be received at the local land office for any of the lands.

Your committee is of the opinion that some provision should be made for the protection of the interests of these settlers.

Accompanying the letter of the Secretary of the Interior is a bill, which was submitted by him in part for this purpose. Your committee adopts a portion of the bill thus submitted as an amendment to the third section, and recommends the passage of the bill as thus amended.

The several communications from the Secretary of the Interior, the Commissioner of the General Land Office, the Commissioner of Indian Affairs, and the Attorney-General, are submitted as part of this report.