

4-30-1886

## Removal of the Southern Utes

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IN THE SENATE OF THE UNITED STATES.

APRIL 30, 1886.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 1916.]

*The Committee on Indian Affairs, to whom was referred the bill (S. 1916) authorizing the removal of the Southern Ute Indians from the State of Colorado, having examined the same, respectfully report as follows:*

During the month of February, 1886, Ignacio, the principal chief of that tribe of Indians, together with two other chiefs, Buckskin Charley and Ta-pu-che, who are of lower rank than Ignacio—the three, however, being all the chiefs of these Utes—visited Washington in company with their agent, Maj. C. F. Stollsteimer, and State senator Hon. A. D. Archuleta, to confer with the Interior Department and the Indian Committee upon the subject of removal from their present reservation in Southwestern Colorado. On the 4th of March, 1886, these chiefs appeared before the Committee of Indian Affairs of the Senate.

The interview between the Indian chiefs and the committee was taken down by the clerk of the committee in shorthand, and is herewith submitted as follows:

In the matter of the proposed removal of the Southern Utes from Colorado to Utah.

*Hearing before the Senate Committee on Indian Affairs, March 4, 1886.*

TESTIMONY OF BUCKSKIN CHARLEY. [A. D. ARCHULETTA, INTERPRETER.]

Question. What do you come here for?—Answer. We come here to see if we cannot exchange our reservation for another.

Q. Where do you want the new reservation located?—A. We want to go west of the present reservation.

Q. Why is it better to go that way?—A. The present reservation is narrow and long, and we want to go west and see if we can't sell it.

Q. Would they want to become self-supporting?—A. We want to go west and get grass land and raise stock. Where we are we do not live comfortably. It snows so much in the winter that we are obliged to go some place else, and we would like to have some sheep and go west. Another reason why we want to go is that the other Indians, the Navajos, are west, and we want to get near them. We live too far from them and can't visit them without traveling very far.

Q. If you should go to a new reservation would you like to have a boarding school built for your children?—A. We are willing to send our children to school; but not away from home, because when they go away they die, and we cannot account for it.

Q. Have you ever been on the Uintah Reservation?—A. No.

Q. Do you live peaceably with the other Utes?—A. Yes.

## 2 REMOVAL OF SOUTHERN UTE INDIANS FROM COLORADO.

Q. Wouldn't you want to go on the Uintah Reservation with the rest of the Utes?—  
A. No, because there is not room enough, and we want to have our own land by ourselves.

Q. Do you wear such clothes as these [indicating citizen's dress] at home?—A. In the winter time we do.

Q. Where did you get these?—A. From the Commissioner.

Q. Do you come here now to get legislation?—A. We come here to present the desire of the Indians.

Q. Do you come to Washington with the idea that the Indian Bureau can do what you want?—A. We come expecting to get legislation.

Q. You hold title under statute?—A. Yes.

Q. So that the change must be made by another statute?

Senator BOWEN. That is the condition of affairs, and it ought to be done at once.

Q. These Indians have lived on their reservation heretofore; why can't they live there now as well?—A. Because of the encroachments of the white men.

Q. Are they cattlemen or miners?—A. There is no mining in this country. It is the border thief and desperado that makes the trouble, and they are in there.

Q. What makes the Indians think they will be safer from encroachment if they move farther west?—A. Because they will be farther from the settlers and nearer the rest of the Indians.

The CHAIRMAN. The white man follows pretty fast.

A. Farther west there is not so much water, and the Indians don't think the white men would trouble them so much. They want to get grazing land and go into the sheep business.

In case the Senators present would like to give the Indians the land west, they then desire to say they want a man to go out there and show them just what land is theirs, so there will be no mistake about it. Then they want it understood that no cattlemen should come on it.

### TESTIMONY OF CHIEF IGNACIO.

Question. What do you come here for?—Answer. We came here to see the Senators and see what they can do for us. We have stated what we want, and expect the Senators will do something for us.

Q. Do you agree with Chief Charley in what he has said?—A. Yes; that is all right. Whatever Charley has said is straight.

Q. Have you got any stock?—A. I have got some sheep.

Q. How many sheep?—A. Very few.

Q. How many?—A. About a hundred.

Q. What do you do with the wool?—A. I sell it.

Q. What do you do with the money when you get it?—A. I have got a mouth. I buy things to eat.

Q. What do you do in the summer?—A. I worked all summer in a ditch, but the water did not run through it.

Q. Have you got any children?—A. No; they died last summer.

Q. Do all the Indians of your tribe want to move west?—A. Yes.

### TESTIMONY OF CHIEF TA-PU-CHE.

Q. Have you talked with Charley about moving west?—A. Yes; we all want to go west.

### BUCKSKIN CHARLEY.

I want to ask why we don't get our per capita money in the fall as it was promised. We get it all too late. We think the promises in the treaty have not been kept. If you want the Indians to be contented things ought to be done as they are promised. We also want to have provisions, blankets, and such things. These goods are not given to us for nothing, but come from the sale of our land. We were also promised three large American stud horses, so that we could raise plow-horses, but we have not got them yet.

On the 5th of April, 1886, in response to a letter from the committee, the honorable Commissioner of Indian Affairs reported by letter to the honorable the Secretary of the Interior his views upon the subject, and on the 8th of the same month the honorable Secretary forwarded the same to the committee, accompanied by a communication of his own, approving the suggestions of the Commissioner. For a full under-

standing of the views of the Department, we embody both of said communications, as follows :

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, April 5, 1886.

SIR : I have before me two separate bills providing for the removal of the Southern Ute Indians from their present reservation, in Southwestern Colorado, to Utah, viz, S. 769, introduced by Mr. Teller, and S. 1916, introduced by Mr. Bowen, both referred to this Department by the chairman of the Committee on Indian Affairs of the Senate.

An expression of opinion is desired from the Department as to the wisdom of the measures proposed by these bills.

Accordingly, I have the honor to state that it is the declared wish of the Southern Ute Indians to remove from their present reservation ; but it appears they do not desire to be consolidated with or settled amongst either of the other Ute tribes. They are very much dissatisfied with their present reservation, and the first proposition looking to their removal came from the Indians themselves. This dissatisfaction is due in large measure to the disadvantages arising from the unfortunate position and configuration of their reservation, which is 110 miles in length by only 15 miles in width. There are populous towns and villages in close proximity to the reservation both on the north and south, and a large rural population for many miles around. The rivers, which are numerous, cross the reserve from north to south, and thoroughfares are, and of necessity must be, kept open for travel and commerce between these settlements. The Indians find it difficult to keep their stock from roaming beyond the narrow limits of their reserve, and they are constantly annoyed by encroachments from the outside.

They are a pastoral people, and altogether own 4,000 head of horses and mules, about the same number of sheep, besides several hundred head of cattle. Although they number 983 souls, they have but 200 acres of land under cultivation. With few exceptions, they show but little inclination to engage in agricultural pursuits.

It would be next to impossible to close up the thoroughfares across the reservation. To do that would be to erect a "Chinese wall" 110 miles long, virtually cutting off all trade and intercourse between the large and constantly increasing communities on either side of the reservation ; and yet, as a matter of fact, we are bound by solemn treaty stipulations with these Indians to prevent white people from entering upon or crossing said reservation.

As it is, the Indians are in constant trouble. Difficulties are of frequent occurrence, and the relations existing between the Indians and whites are becoming more and more strained. Indeed, they have not always escaped actual conflict. Under the circumstances, it is idle to expect that they will make any advancement where they are. In their present position and surroundings they are helpless. This is so apparent that they realize it themselves, and ask to be removed, declaring that they are heartily tired of the constant turmoil in which they have lived ever since the whites came into their country.

It is the decided opinion of this office that these Indians should be removed from Colorado. With some amendments, I think the bill introduced by Senator Bowen, (S. 1916) is altogether preferable to S. 769. The latter does not provide for obtaining the consent of the Indians, which we would be bound to do under an existing agreement with them, nor for compensating the Indians for improvements owned by them on their present reservation, nor does it provide for the disposal of the Government buildings on the present reservation, nor for the erection of necessary agency buildings on the new reservation. All these things are provided for in the other bill—S. 1916. I shall therefore confine myself to the consideration of the latter.

The first section of the bill defines the boundaries of a reservation in Southeastern Utah, on which it is proposed to settle these Indians, as follows :

"Beginning at the southeast corner of the Territory of Utah ; running thence north along the eastern boundary line of said Territory of Utah one hundred miles ; thence west, true courses, to the center of the channel of the Colorado River ; thence southwesterly along the center of the channel of said stream to the southern boundary of said Territory of Utah ; thence east along the southern boundary line of the said Territory to the place of beginning ; excepting, however, such portion of the Territory above described lying south of the San Juan River now constituting a portion of the Navajo Reservation."

Upon investigation I find that there are four towns within the territory thus described, three of which are post-office towns, and one, Bluff, is the county seat of San Juan County. The Compendium of the Tenth Census of the United States gives Bluff City precinct a population of 107, and the remainder of the county 97 ; total, 204 (Part I, p. 310). It sets down the number of farms in the county at 31 (p. 732). That was six years ago. Rand, McNally & Co.'s Index Atlas of the World, p. 746, gives

#### 4 REMOVAL OF SOUTHERN UTE INDIANS FROM COLORADO.

La Sal a population of 22. The other towns are Saint Elmo and Montezuma, the population of which I have been unable to ascertain. La Sal is in the extreme northeast corner of the proposed reservation, while the other three towns, Bluff, Saint Elmo, and Montezuma, are on the San Juan River, in the southeast corner.

I find also that the public surveys have been extended over the territory in question to this extent: Fifteen townships (some fractional) have been subdivided and the exteriors of some twenty others have been surveyed, and about fourteen more are now under contract.

I suppose it is fair to presume that these surveys were extended to meet the wants of settlers, and if that be the case, it would indicate that there are settlers in the county outside of the several towns. How many there are scattered over the territory in question it is impossible to tell from any data in the Department, but it is not unlikely that they are numerous, and it is equally probable that the population of the towns has increased to some extent since the census of 1880.

Enough is known, however, to suggest the necessity for amending the bill as regards the settlement of the Indians on the particular tract described therein. The fact that there are several towns and possibly numerous rural settlements within this tract makes it a question of grave doubt whether the Indians would gain anything by exchanging their present reservation for the one proposed in the bill. Their chief object in removing from Colorado is to get away from the white settlements. They desire to raise cattle and increase their herds, and experience has shown them that they cannot do this successfully in the midst of a white population, especially one chiefly engaged in the same occupation. The advantages are all against them, as is always the case with the weaker against the stronger. The Indians hope in removing to separate themselves from the whites; they do not wish to share lands with and settle amongst them. Hence it is desirable that a tract of unoccupied land be selected for them. I am aware of the difficulty likely to be met with in finding a suitable tract of unoccupied country anywhere large enough to accommodate these Indians, and for that reason it would be well if the Indians could be induced to settle with their kindred tribes on the Uintah Valley Reservation, in the northeastern part of the Territory. They would find better lands there; the cost of transportation would be less, and a better supervision could be had over them.

It is possible, however, that a sufficient quantity of unoccupied land—a quantity equal to that they now occupy—might be found west of the surveyed lands and settlements in San Juan County, or, if not there, on the west side of Grand River.

At all events, it is clear to my mind that the selection of a reservation (unless the Indians will consent to go to the Uintah Valley Reservation) should not be made until the Indians have had an opportunity to visit the country and explore for themselves. They should be accompanied and assisted in making their selection by the commission to be appointed under the provisions of the bill.

I recommend the amendment of the bill to conform to the foregoing suggestions. Without such amendment I could not recommend its passage.

The amendments I would propose are as follows:

At the end of line 9, section 1, insert the following words, viz:

"The Uintah Valley Reservation, in Utah, or, if they shall refuse to settle on said reservation, then upon such unoccupied land, not less in extent than their present reservation, as may be found in that vicinity or elsewhere in said Territory: *Provided*, That no selection of a reservation for said Indians shall be made outside the Uintah Valley Reservation until said Indians, through a delegation of their people, to be selected by not less than three-fourths of the adult male Indians of said tribe, shall have had an opportunity to explore such portions of said Territory as they may desire to visit for that purpose, accompanied by said commission, with a view to selecting a suitable tract for their permanent settlement thereon; and the reservation so selected shall, upon the removal and settlement of said Indians thereon, constitute the reservation for the Southern Ute Indians: *Provided further*, That the President may, in his discretion, reduce the area of said reservation if, in his judgment, it shall be found to be out of proportion to the numbers of Indians settled thereon, and greater than their actual needs require: *Provided further*, That all improvements heretofore made by any settler who has made settlement in person upon any lands that may be included in said reservation, and has inhabited and improved the same, and erected a dwelling thereon, with the intention of acquiring title to the lands so occupied by him under the laws of the United States, shall be appraised by said commission, and the rightful owners thereof shall be paid the appraised value of their respective improvements, by the Secretary of the Interior, upon satisfactory proof of such *bona fide* settlement, residence, and improvement, and for that purpose the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, and upon such payment being made all such settlers shall be required to remove from said reservation."

In section 3, line 11, after the word "aforesaid" and before the word "for," insert the following words, viz, "and in one or more daily newspapers published in the city of Denver, Colorado."

In the opinion of this office the weekly papers of Durango would hardly give sufficient publicity to the proposed sale of Indian improvements.

In conclusion I will state that a delegation of Southern Utes was here recently to urge the removal of the tribe from Colorado, and I make no doubt that the Indians will gladly give their consent to the measures proposed in the bill.

I return herewith both of the bills, and inclose a copy of this report.

Very respectfully, your obedient servant,

J. D. C. ATKINS,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,  
*Washington, April 8, 1886.*

SIR: I have the honor to acknowledge the receipt of your letter of 23d ultimo inclosing for the views of this Department, S. 1916, authorizing the removal of the Southern Ute Indians from the State of Colorado to the Territory of Utah; also your letter of 6th February last, inclosing with like request S. No. 769, "to provide for the removal of the Southern Ute Indians from Colorado."

The bills in question having been referred to the Commissioner of Indian Affairs, I inclose herewith for the information of the committee copy of his reply of 5th instant.

The Commissioner reports that it is the declared wish of the Southern Ute Indians to remove from their present reservation, owing to the close proximity of the white settlers, and the constant encroachments thereon from the outside; and that it is the decided opinion of his office that these Indians should be removed from Colorado.

As between the two bills presented, S. 769 and S. 1916, both having the same object in view, he is of opinion that with some amendments which he suggests S. 1916 is, for reasons stated by him, preferable to S. 769; and he therefore devotes his report to the consideration of that bill, suggesting its amendment to provide for the removal of the Indians to the Uintah Reservation in Utah Territory, if they can be induced to go there.

He also expresses the opinion that unless the Indians will consent to go to the Uintah Valley Reservation, the selection of a reservation for them should not be made until they have an opportunity to visit the country and explore for themselves, and that they should be accompanied and assisted in making their selection by the commission to be appointed under the provisions of the bill (No. 1916), and he suggests an amendment to the bill to cover his views on this point.

Concerning the proposed reservation in Southeastern Utah, he states that upon investigation it is found that there are four towns within the described territory, three of which are post-office towns, and one, Bluff City, is the county-seat of San Juan County, and that the number of farms in said county enumerated in the Tenth Census are stated at 31; that it is impossible to tell from the data in the Department how many settlers are scattered over the territory proposed to be reserved, but it is not unlikely that they are numerous, and he believes that the population of the towns has increased to some extent since the census of 1880; and owing to these facts it is a question of grave doubt whether the Indians would gain anything by exchanging their present reservation for the one proposed in the bill. These facts sufficiently show the necessity for the amendments suggested by the Commissioner of Indian Affairs.

His recommendations and the amendments proposed by him to S. 1916, herewith returned, have the approval of this Department.

S. 769 is also herewith respectfully returned.

Very respectfully,

H. L. MULDROW,  
*Acting Secretary.*

The CHAIRMAN *Committee on Indian Affairs, United States Senate.*

The amendments suggested by the Department were embodied in the bill by the committee, and the bill thus amended was, on the 22d of April, 1886, reported to the Senate, and on the same day recommitted to this committee.

The following additional amendment to the amendment heretofore reported is recommended by the committee, viz: In the first section, after

6 REMOVAL OF SOUTHERN UTE INDIANS FROM COLORADO.

the word "selected," in line 33, insert the following: "When agreed to by said commission and approved by the Secretary of the Interior."

The removal of the Southern Ute Indians from their present reservation, it is shown, is desired by the Indians themselves, and is thought advisable by the Interior Department.

The Indians having expressed the desire to examine before accepting a new reservation in lieu of their present one, your committee have thought it best to adopt the suggestions of the Department and allow representative Indians to accompany the commission, and leave the new location to be agreed upon by the Indians and the commission after inspection, and finally to be approved by the Secretary of the Interior before any steps toward removal are made.

Your committee therefore recommend that the amendments proposed to the bill be adopted, and that the bill do pass.

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