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Southern Ute Indians, Colorado

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SOUTHERN UTE INDIANS, COLORADO.

FEBRUARY 25, 1890.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 156.]

Your committee, to whom was referred House bill No. 156, entitled "A bill to ratify and confirm an agreement with the Southern Ute Indians in Colorado and to make the necessary appropriations to carry the same into effect," beg leave to report as follows:

By the provisions of an act of Congress approved May 1, 1888, it was provided that—

The Secretary of the Interior is hereby authorized to appoint a commission, consisting of three persons, with authority to negotiate with the band of Ute Indians of Southern Colorado for such modification of their treaty or other rights, and such exchange of their reservation, as may be deemed desirable by said Indians and the Secretary of the Interior; and such commission is also authorized, if the result of such negotiations shall make it necessary, to negotiate with any other tribe of Indians for such portion of their reservation as may be necessary for said band of Ute Indians of Southern Colorado, if such Indians shall determine to remove from their present location. The report of said commission to be made to and subject to the ratification by Congress before taking effect, and for this purpose the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated, which shall be immediately available.

That under this act a commission was appointed, which negotiated an agreement with said Indians and reported the same to the Secretary of the Interior on January 2, 1889. The bill (H. R. 156) which has been referred to us provides for the ratification of said agreement and for carrying the same into effect.

By the terms of this agreement it is provided that said Indians shall surrender their rights to their present reservation in the state of Colorado, and accept in lieu thereof a reservation lying in the southeastern corner of the Territory of Utah.

After a full and careful investigation of the whole subject, including the hearing of numerous witnesses, who are familiar with the present and proposed reservations, we believe that the agreement should be ratified.

The present reservation is about 120 miles long (east and west) and only 15 miles wide, and the country on all sides of it has become thickly settled with white people, the city of Durango, with a population of about 5,000, being distant only 4 miles from the reservation, at almost the middle of its north line.

This city being the principal trading point for that whole section of the country, as a matter of necessity the highways of travel pass through the limits of the reservation in all directions, and both whites

and Indians are thereby subjected at all times to the dangers of a conflict which might at any time be precipitated by any irresponsible white man or Indian.

Fully one-third of the present reservation could be utilized for agricultural purposes by the construction of ditches for irrigation, and if the Indians were sufficiently advanced to engage in agriculture, we should recommend that they be allotted lands in severalty where they now are, but we are of the opinion that they are not sufficiently advanced for this purpose, and that any allotment of lands to them in severalty now would be utterly useless and a serious detriment to the Indians.

They are, however, anxious to engage in pastoral pursuits and could be readily induced to engage in them, and their encouragement in this direction we believe to be the first step necessary for their advancement and civilization.

That on account of the narrowness of the present reservation and the severity of its winters, they can not successfully keep stock or herds where they are now. Its narrowness is an obstacle for the reason that it is impossible to keep the herds and flocks of the surrounding white settlers from trespassing upon the reservation and commingling with the herds and flocks of the Indians; or those of the Indians from wandering off the reservation, thus being a prolific source of irritation between the two races which might at any time lead to bloodshed. The severity of the winters would necessitate the feeding of animals during the winter months, for which, of course, the Indians would be utterly unprepared. The reservation to which it is proposed to remove the Indians is one more suitable for pastoral pursuits in their present condition.

It comprises a compact body of land of about two and one-half million acres, having an average length east and west of about 80 miles, and an average width north and south of about 60 miles, and from its varied elevation and climate and its grazing advantages at all seasons of the year it is peculiarly adapted to pastoral purposes. It is bounded on the south by the San Juan River and on the west and northwest by the Colorado River, and contains sufficient agricultural lands, and water to irrigate the same, for all the wants of these Indians when it shall become desirable to allot to them lands in severalty.

The proposed reservation immediately joins that of the Navajo Indians, who are related and friendly to the Utes.

These Navajos have been very successful in raising sheep, goats, horses, and cattle, and are in a very prosperous condition, and it is believed that by placing the Utes in proximity to them as it is proposed, and upon a reservation suitable for pastoral purposes, they would soon be equally as prosperous and become self-supporting.

These Indians number about 1,000. The agreement has been signed by all the adult males, and the Indians are anxious to remove to the new reservation. We believe that it will be for their best interests as well as for the interest of the surrounding whites that the agreement be ratified and confirmed.

Nothing is said in the agreement as to the distribution of the proceeds arising from the sales of lands embraced in the present reservation, but it has appeared to your committee that under former treaties these Indians have an equitable and a moral, and possibly a legal, right to them. We therefore recommend that said lands be held subject only to cash entry, and the proceeds, after deducting expenses of the removal and the advances provided for in the agreement, be held by the Govern-

ment for the benefit of the Utes. To that end we suggest the following amendment to the bill as printed, namely:

Strike out all of section 2, and insert in lieu thereof the following:

SEC. 2. That the Secretary of the Interior shall, as soon as practicable, take such steps as he may deem necessary to carry out the provisions of this agreement, and when said Indians have been removed to their new reservation the President of the United States shall issue his proclamation declaring the lands embraced within the present reservation open to occupancy and settlement, and thereupon said lands shall be and become a part of the public domain of the United States, and shall be subject to entry under the pre-emption, homestead, and town-site laws, and the laws governing the disposal of coal and mineral lands, but shall not be open to entry under any other laws regulating the sale or disposal of the public domain, but no settler shall receive a title to any portion of such lands at less than one dollar and twenty-five cents per acre, and the proceeds arising from the sale of said lands after deducting therefrom the expenses of sale and the money expended by the Government for the removal of the Indians to their new reservation, and in payment for the purchase of the improvements of the white settlers now located upon said new reservation, and the payment provided for in articles 3, 4, and 5 of the agreement, shall be held in the Treasury of the United States in trust for the sole use of said Southern Ute Indians.

Provided, That before said lands shall be opened to public settlement the Secretary of the Interior shall cause the improvements belonging to the Indians on the lands now occupied by them to be sold at public sale to the highest bidder. No sale of such improvements shall be made for less than the appraised value, and the several purchasers of said improvements shall, for thirty days after the issuance of the said President's proclamation, have the preference right of entry of the lands upon which the improvements purchased by him are situated, provided the said purchase shall not exceed 160 acres.

While the Government has not parted with its title to any of the lands embraced in the proposed reservation, yet it appears to your committee that a few settlers have located upon the lands embraced within its limits, and have made improvements thereon. These improvements are of a character which can readily be utilized for the Indians and for agency purposes, and, as a matter of right, these settlers should be paid therefor. We therefore recommend that the bill as printed be further amended by the adoption of the following as section 3:

SEC. 3. That the Secretary of the Interior shall, immediately after the passage of this act, appoint a commission of three persons whose duty it shall be to appraise the improvements now occupied by and belonging to the said Indians upon their present reservation, and also appraising the improvements of settlers upon the lands embraced within the limits of the proposed reservation, made prior to November 13, 1888. And thereupon the Secretary of the Interior shall pay to said settlers the appraised value of their said improvements, and shall also purchase, if the same can be done upon terms satisfactory to him, the rights, titles, and claims to, and improvements upon, any of said lands of any person claiming title under an act of Congress approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories."

So far as we can ascertain, there are no mineral lands embraced within the proposed reservation. There are some placer mining locations upon the banks of the Colorado River, but it is believed that all of them are upon the west side of that river, and therefore not within the reservation. However, some such location might have been made, and if so, the miners should be protected in their rights as was contemplated in the agreement. We therefore recommend that the bill as printed be further amended by inserting the following as a new section, to be known as section 4:

SEC. 4. That article ten of the treaty and agreement herein proposed to be ratified shall be construed as validating the claims of all persons upon any of the lands the subject of the same which may have been entered upon or improved with the view of their entry under the mining laws of the United States, and all such claims may be prosecuted to final entry under the provisions of the proper existing statutes as though said agreement had not been made.

We further recommend that section 3 of the bill as printed be numbered as section 5, and that it be amended as follows:

Strike out the word "thirty" in line 22 of said section as printed, and insert in lieu thereof the following, to wit:

And for the purchase of the rights and titles to, and improvements upon, any of the lands of the new reservation of persons claiming title under an act of Congress approved March third, eighteen hundred and seventy-seven, entitled "An act to provide for the sale of desert lands in certain States and Territories," fifty.

Also strike out all of line 30 of said section as printed. And as so amended we recommend that said bill do pass.

