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Southern Ute Indians, Colorado.

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SOUTHERN UTE INDIANS, COLORADO.

APRIL 26, 1892.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany H. R. 67.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 67) 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:

A bill for the same purpose was recommended by the Committee on Indian Affairs in the Fifty-first Congress, the same having been House bill No. 156, and from the report submitted to accompany said bill your committee insert the following extract:

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 \$10,000, 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 danger 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 Government for the benefit of the Utes.

Your committee recommend that in line 15 of section 2 the words "twenty-five" be stricken out, and the word "fifty" be inserted, and that after the words "occupied by them," in the twenty-seventh line of section 2, the following be inserted: "except upon land elected to be held in severalty, by either of said Utes, as hereinafter provided," and add at the end of section 2 the following proviso:

And provided further, That the provisions of this section shall not take effect until after such of the said Utes as shall accept lands in severalty on the present reservation shall have selected and obtained grant or grants of said lands as hereinafter provided.

Your committee further recommend that a new section be inserted in said bill, to be numbered section 3, as follows:

SEC. 3. That previously to any offering for sale or entry upon any of the lands ceded by the foregoing treaty, it shall be the right of each and every one of the said Utes, who may elect to sever his tribal relations and accept lands in severalty, to choose a number of acres, not exceeding 160 to each of said Utes of eighteen years of age and over, and not exceeding eighty acres for each minor under the aforesaid age, with the further right, in case he or she has made any permanent improvements, or which he or she may have improved by cultivation, of preference of lands surrounding the same; and the share which any such Ute so electing to hold lands in severalty may have in the number of sheep granted by the foregoing treaty may be commuted by him or her in horses, cattle, or farming implements to be furnished at the cost price: *Provided,* That nothing in this section shall be so construed as working a forfeiture of his or her share of the annuity or pecuniary benefit to which he or she may be entitled under the treaty aforesaid.

Your committee further recommend that in line 12 of the present section 3, before the word "claims" the word "lawful" be inserted, and that after the new section 3 the remaining sections be changed to numbers 4, 5, and 6, respectively, and as so amended we recommend that said bill do pass.

As evidence that these Indians still desire to go to the new reservation in Utah we submit the subjoined letter from T. J. McClure in behalf of Ignacio, head chief of the Southern Utes, and addressed to Rev. Dr. Childs, of this city:

DURANGO, COLO., *April 9, 1892.*

MY DEAR SIR: Ignacio came to my house yesterday very much dissatisfied on account of not being moved, and wanted me to say to you and the other two commissioners with you, that he had waited now four years and had not been moved yet, and that he and all the other Indians were getting tired of waiting.

That he wanted to know why they were not moved, as they had been promised that they might go. He said that they were now asked to give up their children to go to school at Fort Lewis, which they were opposed to doing, as they had sold this country and it did not belong to them, and they did not want to give their children up to go to school here. That when they were moved to their new reservation they were willing to give all their children up to go to school there, but wanted the school there on their reservation.

That they did not know why the Government always wanted the school away off of their own land. That they (the Indians) wanted it on their own land. That all the Indians have been called in from all over the country, and were urged to send their children to school, and were told that if it was not done the issue of their blankets would be stopped, and that other Indians should be put in as police if the present police did not get the children. That if they did not send their children to school here in a short time they would not get anything. And he wanted to say to you, and wanted you to say to the Great Father at Washington, that the Indians were friendly and wanted to do anything they were wanted to do, but they did not want to be forced to send their children to school here when they were willing to send them to school at a school on their new reservation where they could be at home.

That they wanted the Great Father to understand that they were friendly and not mad, and would not get mad, and did not want him to get mad at them. That he wanted you and the other two commissioners who said they might go to help them to go.

He wanted me to write and get other of his friends here to write and get you and his friends at Washington to understand how it was with them. He said that was the only way he could be understood. That the agent was mad because they would not send their children to school, and that he wanted his friends here to write for him.

As you know, he knows me, and as I was at Blue Mountain with you he came to me to have this done. He was very much worried and anxious about this, and feels very bad and worked up about it, and I do hope you can be able to get some satisfactory solution of their trouble. At his request I have asked other of his friends in Durango to write for him.

Yours truly,

TIMOTHY J. MCCLURE.

Rev. T. S. CHILDS,
1308 Connecticut avenue NW.,
Washington, D. C.

REMOVAL OF SOUTHERN UTES.

APRIL 28, 1892.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BRAWLEY, from the Committee on Indian Affairs, submitted the following as the

VIEWS OF THE MINORITY:

[To accompany H. R. 67.]

The undersigned, members of the Committee on Indian Affairs, dissenting from the views of the majority, would respectfully report: We object to the removal of the Southern Utes from Colorado into Utah as proposed, because—

This removal is not necessary in order to secure them land suitable for their present and future use, as they have an abundance both of agricultural and grazing land.

Their removal from agricultural to wild grazing lands, with roaming privileges over large hunting ranges, is at variance with the sound policy of the Government with reference to settling Indians on lands in severalty, and would indefinitely postpone any hopeful effort for their civilization.

It would impose upon settlers on and near the proposed reservation, against their will, the burden of which it is the object of this removal to free those who live on the border of their present home, thus imposing an injustice upon the one that the other may be relieved of a burden of which they can not justly complain.

It would, against the protest of Utah, take 3,000,000 acres of her territory for occupation and 3,000,000 more for roaming and hunting privileges, that Colorado may open up 1,000,000 acres to white citizens; a proposed injustice the more flagrant because a repetition of that inflicted a few years since, when the other bands of confederated Utes were forced upon Utah for the relief of Colorado.

To do this injustice to Utah, inflict grievous wrong upon these settlers, abandon our policy of civilization, and remit these wards of the nation to hopeless barbarism will cost, for present arrangement and future control and support, a large expenditure of money from the Treasury, amounting to several hundred thousands of dollars.

The bill we offer as a substitute provides simply that our treaty obligations shall be fulfilled, which will require not more than 150,000 acres of their present reservation, and open up the remainder to settlement under provisions which will secure an ample civilization fund, without the expense of a single dollar to the Government.

We fully agree with the Commissioner of Indian Affairs, who says in his report to the honorable Secretary of the Interior:

As a result of my investigations I feel constrained to say that I can not approve the ratification of the proposed agreement for the following reasons:

First. From an examination of the records of the various councils held with the

REMOVAL OF SOUTHERN UTES.

Indians by the commissioners it does not seem to me that the agreement reached fairly represents the real wishes of the Utes; that their consent was reluctantly given, and under stress of such considerations as appealed strongly to their fears and very largely to their prejudices against a civilized life.

Second. The progress already made by these Indians in civilization will be rudely interrupted by the removal, and they will be placed amid surroundings much more hostile to their progress in learning the white man's ways than those amidst which they are now situated.

Third. It will be exceedingly difficult if not impossible for the Government to carry out the agreement made with these Indians to protect them from the intrusions of white men on the new reservation.

WM. H. BRAWLEY.
A. C. HOPKINS.
THOS. LYNCH.