

University of Oklahoma College of Law  
**University of Oklahoma College of Law Digital Commons**

---

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

---

3-22-1894

[Southern Ute Indians.]

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>

 Part of the [Indian and Aboriginal Law Commons](#)

---

### Recommended Citation

S. Rep. No. 279, 53d Cong., 2nd Sess. (1894)

This Senate Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact [darinfox@ou.edu](mailto:darinfox@ou.edu).

---

IN THE SENATE OF THE UNITED STATES.

---

MARCH 22, 1894.—Ordered to be printed.

---

MR. ROACH, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany S. 1532.]

The Committee on Indian Affairs, to whom was referred the bill (S. 1532) to ratify and confirm an agreement with the Southern Ute Indians in Colorado and make necessary appropriations for carrying the same into effect, beg leave to report as follows:

The Ute tribe of Indians is composed of a number of confederated bands, all of which were residing in the section of country now embraced within the limits of the Territory of New Mexico at the close of the Mexican war, when the Government first began treating with them.

In 1868 the Government negotiated a treaty with them by which the boundaries of their reservation were defined and were fixed wholly in what is now included within the State of Colorado. (U. S. Stats., vol. 15, p. 1619.)

Soon after this valuable mining territory was discovered within the boundaries of the reservation and in 1873, at the Los Pinos Agency in Colorado, a treaty was concluded with all the bands composing the tribes whereby they ceded to the United States a portion of their reservation, including what was then and is now known as the San Juan mining region. The cession of this portion left the southern part of their reservation in a bad shape for their use, by reason of the fact that it left on the extreme southern boundary of it a strip still included in the reservation and being only 15 miles in width by about 110 miles in length. Upon this narrow strip there happened to be at this time the agency and headquarters of the three small bands known as the Southern Utes.

The Indian Bureau, realizing that this strip, by reason of its narrowness and of its remoteness from the other portion of the reservation, was entirely unsuited to the use of the Indians, suggested that negotiations be entered into with them for the cession of that strip. In accordance with this, in 1878, Congress passed an act authorizing such negotiations (U. S. Stat. L., vol. 20, p. 48), and under this authority a commission consisting of Gen. Hatch, Hon. Lot M. Morrill, and Hon. N. C. McFrand, was appointed, and during the same year they negotiated an agreement with the Indians whereby they agreed to exchange this strip for another reservation. Before this could be acted upon by

Congress, however, the Ute Indian outbreak of 1879 occurred, which resulted in the massacre of Agent Meeker and his employes at the White River Agency, in Colorado.

This outbreak caused the authorities of the Government to change their plans, and becoming satisfied that it was necessary, both for the benefit of the Indians and of the whites, that the Indians should be wholly removed from Colorado, a commission was appointed to negotiate to that effect with all the bands composing the tribe. On March 6, 1880, this commission concluded an agreement with all of these bands, by which they ceded the whole of their reservation in Colorado to the United States, except such lands, if any, as might be allotted to them in severalty. By the terms of this agreement the Indians designated in this bill agreed to remove to and settle upon the unoccupied agricultural lands upon the La Plata River, in Colorado, and if there should not be a sufficiency of such lands upon the La Plata River and in its vicinity in Colorado, then upon such other unoccupied lands as might be found on the La Plata River or in its vicinity in New Mexico.

Whilst the commission were engaged in selecting other lands upon which to remove these Southern Utes, another serious conflict occurred between some other bands of these Indians and the whites, and there being imminent danger of another and more serious conflict between the whites and the whole of the Ute tribe, the commission abandoned their efforts and hurried off the remaining bands to the Uinta Reservation in Utah, where it had been agreed to settle them, leaving these Southern Utes upon this narrow strip of land just where they were before the agreement was entered into. Here they have remained ever since, being in the anomalous condition of having ceded their reservation and yet remaining upon it.

This condition of affairs was naturally unsatisfactory to both the Indians and the whites, and during the years intervening between 1881 and 1885 several bills were introduced in Congress providing for the removal of these Indians. None, however, became a law.

The Indians continued to insist that the reservation which they were thus left to occupy temporarily was entirely unsuited to their wants, and in 1886 a bill was introduced into Congress providing for their removal to the identical reservation provided for them by the non-pending agreement. The then Commissioner of Indian Affairs, Hon. J. D. C. Atkins, in order to satisfy himself as to the situation, paid a visit in person to the agency and made a personal examination of the condition of the Indians and of their reservation. In his official report he said:

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 a 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 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 (*see* report Senate Committee, No. 836, Forty-ninth Congress, first session).

This bill, failing to become a law in the following winter, early in the first session of the Fiftieth Congress a bill was introduced authorizing the appointment of a commission to again treat with these Indians for their removal. The bill was again indorsed by Commissioner Atkins and the Interior Department, and became a law. Under this authority a commission was appointed which, in 1888, negotiated the agreement which is now sought to be ratified by the bill now referred to this committee.

In the second session, Fiftieth Congress, a bill was introduced to ratify this agreement. It was favorably reported by the Senate Committee and passed the Senate, but was never acted upon in the House. In the Fifty-first and Fifty-second Congresses a similar bill was introduced, and in each a favorable report thereon was made by the House Committee on Indian Affairs; but in each instance the bill failed to receive consideration in the House, not being reached upon the calendar.

This matter has remained in this condition for a period of nearly six years and in the meantime, the Indians have seemed, from the evidence presented to us, to have continued very much dissatisfied, and the Indian Department has been hampered and hindered in its efforts to properly take care of them, by reason of the fact that this agreement is still and has been during all of these years, pending before Congress, for ratification, and not disposed of.

After full and careful investigation of the whole subject, including the hearing of Ignaci, the chief of these Indians, who personally testified before us, and also of witnesses who are familiar with the present and proposed reservation, we believe that the agreement should be ratified.

The present reservation is about 110 miles long east and west, the southern boundary line being the boundary line between Colorado and New Mexico, and only 15 miles in width.

The country on all sides of it, both in New Mexico and Colorado, has become thickly settled with white people, the city of Durango, with a population alone of about 7,000, being distant only 4 miles from the reservation, at almost the middle of its north line. This city being the principal commercial point for that section of the country embraced in southwestern Colorado, northwestern New Mexico, southeastern Utah, and northeastern Arizona, the highways of travel, as a matter of necessity, pass through this reservation in all directions, thereby subjecting both whites and Indians at all times to the danger of conflict which might, at any time, be precipitated by any irresponsible white man or Indian.

These Southern Utes number about 1,000 souls. The evidence presented to us is conclusive as to the fact, and there seems to be no ques-

tion about it, that these Indians are not sufficiently advanced to engage in agriculture. If such were not the case, the difficulty could be easily solved, and we would at once recommend that they be allotted lands in severalty, but we are of the opinion that they are not sufficiently advanced for this purpose, and that any allotment of lands to them, in their present condition, would be utterly useless and a serious detriment to them. They are anxious, however, to engage in pastoral pursuits, stimulated thereto, it is claimed, by the success in this line of the Navajos, who are friendly to them, and occupy a reservation not far distant.

We think, therefore, that this is the proper plan to adopt in regard to them. In order, however, that they may engage in pastoral pursuits it is necessary that they should be removed from their present location, the reservation now occupied by them being entirely unsuited for this purpose, for many reasons, as fully and tersely stated in the report of Commissioner Atkins above referred to.

First. By reason of its narrowness they would be unable to keep their stock within the bounds of the reservation, and the white people, located as they are, all around it, and outnumbering the Indians at least 30 to 1, would be unable to keep their stock off the reservation.

Second. The reservation lies very close to the main range of the Rocky Mountains and at an average altitude of more than 6,000 feet above sea level, and the snow falls to a great depth during the winter.

The proposed reservation seems, from the evidence presented to us, to be much better suited to the present wants and necessities of these Indians. It comprises a compact body of land of 2,500,000 acres, having an average length east and west of about 75 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 estimated that during the year past more than 250,000 head of cattle have enjoyed free grazing privileges upon the lands embraced within the bounds of this reservation. It is bounded on the south by the San Juan River and on the west and northwest by the Colorado River, and contains sufficient 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 these 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 is proposed, and upon a reservation suitable for pastoral purposes, they would soon be equally as prosperous, and in a few years become self-supporting.

In March, 1892, Lieut. Robert R. Stevens and Charles G. Morton, both of the Sixth Infantry, U. S. Army, appeared before the House Committee on Indian Affairs, and submitted a statement as to this proposed reservation, of which each had made a thorough exploration and personal examination.

We make the following extracts from their report:

Second. For stock ranges, the country affords the greatest advantages in its alternating ranges and in the division which the natural rough features of the country makes between these ranges.

Fifth. The removal of stockmen from this section would prevent repetition of the troubles that have occurred between the cowboys and Indians while the latter were off their reservations and traveling across the San Juan country.

Sixth. The inclusion of what is known as the Renegade Indian Ground within an Indian reservation would prevent a future use of that reservation as a retreat for lawless bands of whites and Indians, since such action would be in effect to place Indian police over that section of country, and it is a recognized fact that Indians neither retreat themselves to their own reservation in time of war nor allow others in hostility to take refuge there.

Seventh. An Indian agency located at Blue Mountains could be easily supplied over the road from Dolores along the divide of the range, this road being open all the year round and being an excellent road of regular grades.

We know no place remaining open in the West which would afford such advantages for an Indian reservation as the region described, both the present and the future needs of the Indian being considered.

In conclusion, after a careful review of all of the evidence presented before us and of the whole situation, we are satisfied that the best interests of the Indians require that they should be removed from their present reservation, in order that any improvement of their condition or their advancement in civilization may be encouraged, and that the agreement should be ratified.

Your committee recommends that the bill be amended as follows:

After the word "follows," in line 8, p. 1, insert the words "omitting therefrom the signatures and certificates found upon the original agreement on file in the office of the Secretary of the Interior."

Strike out all of section 1 from line 163 to line 1006, inclusive.

After the word "Indians," in line 4 of section 2, insert the words "To whom lands have not been allotted as hereinafter provided."

In line 9, section 2, strike out the word "preemption" and insert the word "desert" in lieu thereof.

After the word "mineral," in line 11, section 2, insert the words "stone and timber."

Strike out the words "but shall not be open to entry under any other laws regulating the sale or disposal of the public domain" in lines 11, 12, and 13, of section 2.

Strike out all of section 2 included between the word "acre" in line 15 and the word "provided" in line 24.

After the word "acres" in line 34 of section 2, add—

*Provided*, That nothing in this act shall prevent any Indian who desires to remain upon said reservation and make his home and actual residence in Colorado from taking allotment in severalty under the provisions and upon the conditions of the act of February eighth, eighteen hundred and eighty-seven, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations," and to extend the protection of the laws of the United States and the Territories over the Indians and for other purposes.

And such Indian shall, within six months after the passage of this act, state to the agent of said Indians or to the Commissioner of Indian Affairs, his desire to have such allotment made, and thereupon the improvements upon said lands shall not be sold but be held to be the property of said Indian.

After the word "improvements," in line 10, section 3, insert the words "upon agricultural or grazing lands."

After the word "Territories," in line 16, section 3, add the words "and such person shall immediately remove from said reservation."

Before the word "mining," in line 5, section 4, insert the words "desert-land acts or."

In line 26, section 5, strike out the word "eighty" and insert the word "seventy" in lieu thereof.

And that when so amended the bill do pass.