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**Message from the President of the United States, communicating, in answer to a Senate resolution of December 10, 1877, information in relation to certain lands ceded to the United States by the confederate bands of the Ute Nation of Indians.**

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## MESSAGE

FROM THE

# PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

*In answer to a Senate resolution of December 10, 1877, information in relation to certain lands ceded to the United States by the confederate bands of the Ute Nation of Indians.*

JANUARY 29, 1878.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

*To the Senate of the United States:*

In response to a resolution of the Senate of the 10th ultimo, I transmit herewith copies of reports of the Commissioners of Indian Affairs and General Land Office, dated 9th and 21st instant, respectively.

R. B. HAYES.

EXECUTIVE MANSION,  
January 29, 1878.

DEPARTMENT OF THE INTERIOR,  
Washington, January 24, 1878.

SIR: I have the honor to acknowledge the receipt, by your reference of the 12th ultimo, of Senate resolution of the 10th ultimo, requesting to be informed if payments have been made to the Ute Indians as required by the fourth article of the agreement of 1873, and whether the lands ceded by said Indians have been and are occupied by citizens of the United States.

In reply, I transmit, herewith, copies of reports of the Commissioners of Indian Affairs and General Land Office, dated 9th and 21st instant, respectively.

The resolution of the Senate is herewith returned.

I have the honor to be, your obedient servant,

C. SCHURZ,  
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, January 9, 1878.

SIR: I am in receipt, by department reference, of a letter from the President, transmitting a resolution of the Senate, dated the 10th ultimo,

requesting information whether payments have been made to the Ute Indians, as required by the fourth article of the agreement of September 13, 1873, known as the Brunot agreement, and whether the lands ceded to the United States by said Indians have been, and are now, occupied by citizens of the United States.

In reply to the above-mentioned resolution, I have the honor to transmit herewith a statement showing the amount of interest appropriated pursuant to the said agreement, the amount expended for the benefit of said Indians, and the amount remaining in the Treasury, subject to future expenditure; the latter sum being \$54,387.79.

In consequence of the failure of Congress to appropriate the sum of \$30,000, under the twelfth article of the treaty of 1868 (15 Stats., p. 622), for the subsistence of said Indians during the fiscal year ending June 30, 1875, the interest-fund was drawn against during said year to supply the deficiency to the amount of \$24,927.28, as appears in the statement herewith; subsequently, however, during the year 1876, there were purchased, under the agreement of 1873, for the benefit of said Indians, and paid for from other funds applicable for the purpose, 3,090 sheep and 200 ponies, the cost of which was \$24,210; thus replacing in part the sum expended from their interest-fund. This stock was tendered by Ouray, chief of the seven bands, to the Utes roaming in New Mexico as a portion of the amount due under the provisions of said agreement, but the said Indians refused to accept it, or any portion of the pay guaranteed them by said treaty, on the ground that the south line of said cession was not located as agreed upon by Mr. Brunot. This objection has since been overcome by actual survey, and so far as this office is aware, the Ute Indians formerly roaming in New Mexico, having been located upon the southern portion of the reservation, at what is now known as the Southern Ute agency, no further obstructions exist to the carrying out of the provisions of said treaty. The stock above referred to was issued to the Indians at the Los Pinos agency, Colorado, after its refusal by those now at the Southern Ute.

The lands ceded by the Utes were opened to settlement upon the ratification of the said agreement, and settlers have availed themselves of the benefits of the pre-emption and homestead laws. The following-named towns are within this cession, viz: Animas City, Animas Forks, Howardville, Eureka, Lake City, Mineral Point, Ouray, Silvester, and Tellurium.

The letter and resolution above referred to are herewith returned. ]

Very respectfully, your obedient servant,

C. W. HOLCOMB,  
*Acting Commissioner.*

To the honorable the SECRETARY OF THE INTERIOR.

LANDS CEDED TO UNITED STATES BY CERTAIN INDIANS. 3

*Interest due Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Utes.*

1874. Sept. 1	To appropriation-warrant No. 632, dated August 27, 1874, for interest for one year from April 29, 1874, on \$500,000, at 5 per cent., per act of April 29, 1874.....	\$25,000 00
1875. Aug. 16	To appropriation-warrant No. 661, dated July 30, 1875, for interest from April 29, 1875, to July 1, 1875, on \$500,000, at 5 per cent. per annum .....	4,315 07
1876. Jan. 29	To appropriation-warrant No. 673, dated January 19, 1876, for 6 months' interest, due January 1, 1876, on \$500,000, at 5 per cent.....	12,500 00
July 1	To appropriation-warrant No. 695, dated July 31, 1876, for 6 months' interest, due July 1, 1876, on \$500,000, at 5 per cent.....	12,500 00
1877. Feb. 6	To appropriation, per warrant No. 708, dated January 27, 1877, for 6 months' interest, due January 1, 1877, on \$500,000, at 5 per cent .....	12,500 00
July 27	To appropriation, per warrant No. 736, dated July 2, 1877, for 6 months' interest, due July 1, 1877, on \$500,000, at 5 per cent.....	12,500 00
	Total.....	79,315 07
	To balance.....	54,387 79
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1874. Sept. 15	By John Dobson, blankets .....	\$7,784 76
25	By Riggs & Co., assignees, account C. Nachtrieb, flour.....	387 60
Oct. 2	By John Dobson, blankets .....	323 00
8	By J. S. Pillsbury, saws, &c.....	192 00
20	By Riggs & Co., assignees, account Otto Mears, supplies .....	5,493 90
	By McKesson & Robbins, medicines .....	492 87
22	By Assistant Cashier National Metropolitan Bank, account J. France, flour .....	212 50
1875. Feb. 3	By Henry F. Bond, Indian agent Los Pinos agency, 1st and 2d quarters 1875....	5,000 00
11	By George H. B. White, assignee, account Mears & Prior, grain, &c .....	4,227 07
May 11	By Kansas Pacific Railroad, transportation .....	376 89
Aug. 28	By G. H. B. White, assignee, account Mears & Gotthelf, supplies .....	436 69
	By balance.....	54,387 79
	Total.....	79,315 07

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, January 21, 1878.

SIR: I have the honor to acknowledge the receipt, by your reference of 10th instant, of a resolution of inquiry adopted on the 10th ultimo by the Senate of the United States, relating to the occupancy by settlement of lands ceded to the United States by confederate bands of the Ute Nation of Indians.

You request information "whether the lands ceded to the United States by said Indians have at any time since the making of said agreement been occupied by citizens of the United States, and whether the same are now occupied or not."

Reference to the files and records of this office shows that application was made, April 26, 1875, by one hundred and eighty citizens of La Plata County, Colorado, asking for a survey defining the boundary-lines of the lands ceded by the Utes.

September 20, 1876, T. M. Trippe, esq., made application, supported by his affidavit, for surveys to enable settlers on the ceded lands to acquire titles to the same.

A second application, dated December 18, 1876, accompanied by affidavits of seventeen settlers of La Plata County, was made by Mr. Trippe, for public-land surveys in the aforementioned district.

Instructions were issued by this office, under date September 25, 1876, to the surveyor-general of Colorado, to extend the lines of the public surveys over the valleys of Rio Mancos, Rio Florida, and Rio Animas, in the Ute Indian cession.

In addition to the extension of exterior lines of the public surveys,

ten townships have been subdivided, of which seven lie on the southern border of the ceded tract or in the vicinity thereof.

Returns received from the local offices up to December 1, 1877, show that there are in the surveyed portion of the ceded tract eighty-nine subsisting pre-emption declaratory statements and five pre-emption cash-entries, one town-site entry, two coal declaratory statements, and seven homestead-entries; in all, one hundred and four filings and entries. Of this total number seventy-six fall upon lands in the south part of the ceded tract, and about one-third of this number are located upon lands in the valleys of the Rio Florida and Animas, in townships bordering upon the southern boundary.

It is possible that there are also settlers upon unsurveyed lands of the ceded tract, but on this point the office has at present no official information.

Copy of the Senate resolution, together with the note of the assistant secretary of the President, transmitting the same, is herewith returned.

I have the honor to subscribe myself, very respectfully,

J. A. WILLIAMSON,  
*Commissioner.*

Hon. CARL SCHURZ,  
*Secretary of the Interior.*