RELUCTANT IMMIGRANTS OF UTAH
THE UNCOMPAHGRE UTES

by

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ABSTRACT

Reluctant Immigrants of Utah
The Uncompahgre Utes
by
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The purpose of this thesis is to narrate the history of the Uncompahgre Utes to the time of their removal to Utah territory in 1881. During about three hundred years of Ute-Spanish, Mexican relations, the Uncompahgres were never seriously threatened with subjugation. With the acquisition of the horse and other trade goods from the Spanish, the Uncompahgres developed many traits of the Plains Indians. They ranged over vast areas, hunting wild animals, and raiding whites and enemy tribes.

But in less than thirty-three years after the signing of the Treaty of Guadalupe-Hidalgo which placed all of their domain within the bounds of the United States, the Uncompahgres were not only subjugated by the Americans, but moved off their land. This was done by the United States government, prodded into action by land-hungry Coloradoans, through a series of five treaties or agreements. These were the Conejos Treaty in 1863, the treaty of 1868, the San Juan Cession of 1873, the Four-Mile Cession of 1879, and the agreement of 1881. Each of these pacts reduced the Uncompahgres land until it was all taken with the agreement of 1881, and they were removed from Colorado to Utah.
CHAPTER I

INTRODUCTION

Utah has been heralded throughout most of the world by Mormon missionaries as the "land of Zion," the latter-day Israel, a land of milk and honey. Heeding the call to "come to Zion," many thousands of Mormon converts flocked to Utah during the last half of the nineteenth century. Utah's population increased from a total of 11,380 non-Indian residents in 1850 to 143,963 by 1880.¹

The next year, 1881, the population of Utah was increased by some fourteen hundred Uncompahgre Ute Indians--driven from their ancestral home in neighboring Colorado by United States soldiers. To them, Utah was no paradisical glory, but a stark wasteland; which indeed it was in the area they were forced to settle.

This thesis is a history of this band of Indians' relations with white men. It describes their expulsion from Colorado, and the events leading up to that removal. Certainly, among the histories of Indian-white relations, that of the Uncompahgres is one of the most shameful examples of white men's expediency and avarice. This band of Indians had always been on relatively friendly terms with their white neighbors. They had never warred as a tribe on whites; and killing of whites by individual Indians had been few, perhaps no more and likely less than

that of whites killing them. And they had even rendered compassionate service to the whites of Colorado at times. But friendly relations counted for little when they stood in the way of white progress into their reservation. In this they differed but little from many other Indians tribes of America.

Another similarity between the Uncompaghres and many other Indian tribes is in their name; or rather, in the name Americans have given them. They were first known by their tribal name of Tabeguaches (with several variant forms of spelling), and then Uncompahgres, by which they are generally known today. Although there was no definite time when usage changed from one name to the other, this study has attempted to follow the most general usage at the time being discussed.

While not unique in white men's dealings with Indian tribes, often no distinction of Ute tribal divisions is made in accounts of Ute activities. This has made it difficult, and at times impossible, to determine the Uncompahgres' participation in some events, and has led to some unavoidable speculation as to their possible involvement at particular times. This is limited in this study, however, to the first few chapters.
CHAPTER II

THE UTES, THEIR PREDECESSORS, AND THE COMING OF THE WHITE MAN

The Ute Indians, of whom the Uncompahgres are a subdivision, speak a Shoshonean dialect of the Uto-Aztecan language. They at one time or another inhabited or ranged over an extensive area in the Rocky Mountains, Great Basin, and western fringes of the Great Plains (see Figure 1).

Although anthropologists are unable to establish that the Utes are direct descendants, the earliest known inhabitants in this area were a nomadic people now called Desert Gatherers who date from about 9000 B.C. Their culture centered around the seasonal gathering of the plant and animal resources of an austere environment. They expended most of their energy searching for food as they ranged over extensive areas in small, family groups. Therefore they developed no elaborate religious rituals; and their dress, tools, and utensils were meager. For weapons they used a dart which was propelled by a dart thrower called the atlatl. About 1000 B.C. they developed or acquired the bow and arrow.

A little before the time of Christ the Anasazi culture developed, probably from some of the Desert Gatherers. It was centered in the Four Corners area. These people adapted practices of agriculture and permanent dwellings patterned after inhabitants of central Mexico. They made a variety of beautiful baskets and pottery, and developed weaving. The role of religion expanded, centered around elaborate kiva ceremonies. At the height of their civilization they built large pueblos of masonry, and elaborate irrigation systems for their farmlands. They also made a
Figure 1. Approximate Ute territory.
variety of hand tools, household equipment, and jewelry.

As the Anasazi borrowed and adapted ideas which came from their south, so also they influenced Desert Gatherers to their north. The culture that grew from this influence is called Fremont. It started about A.D. 500 when nomadic wanderers in what is now the central and northern parts of eastern Utah and western Colorado began raising gardens. By about A.D. 800 some of these people were making permanent dwellings. They also improved their art of pottery and basketry. The Fremont people were also influenced by Indians of the Great Plains in utilizing the buffalo for food, wearing apparel, and other uses. But perhaps because of their environment or because of their desire to maintain traditional ways of living, the Fremont people did not abandon all of their Desert Gatherers' ways. They continued their gathering and hunting habits, and their groups remained relatively small.

Both the Fremont and Anasazi cultures ended somewhat abruptly in these areas by A.D. 1300. Archaeologists have been unable to definitely determine what caused the upheaval. Drought, invasion, and internal strife are reasons that have been postulated. The Anasazi abandoned their cliff dwellings and farm lands, and probably moved south and built pueblo villages there. The Fremont people perhaps gave up their permanent dwellings and in most places their gardening, and returned to living primarily by gathering and hunting. Or, more likely, they were driven from their homes by invading Desert Gatherers from the Great Basin. These foragers could have ranged into Anasazi and Fremont territory, eventually completely overrunning them.

At any rate, the residents of much of the area which was later considered Ute territory lived a Desert Gatherers' culture for about
three hundred years, from about A.D. 1300 to A.D. 1600.¹

Historical knowledge of the Utes perhaps dates from the 1540s. It was then that the conquistador, Francisco Vásquez de Coronado, led an expedition northward from Compostela (in northwestern Mexico) in search of the Seven Cities of Cibola. Finding no wealth of gold in the humble Zuni villages, but determined to locate the wealth they sought, the explorers proceeded to the upper Rio Grande Valley. By the time they reached that area they had heard of another supposedly rich city, Quivira, northeast of what is now New Mexico. Part of the expedition proceeded to that Wichita Indian village only to again be disappointed in their quest for wealth.²

The Querecho Indians Coronado and later Spanish explorers met north and east of the upper Rio Grande Valley could well have included Utes, although the name was generally applied to the Apaches. "Querecho" means "buffalo eater," and the Spaniards reported that these Indians came from the mountains to the plains to hunt buffalo, and traded with the Pueblo Indians. These were characteristics of some Utes as well as Apaches.³

¹ Sources used in covering the prehistory period of the Utes and their predecessors are: Jesse D. Jennings, "Early Man in Utah," Utah Historical Quarterly, XXVIII (January, 1960), 2-27; and his, "The Aboriginal Peoples," Utah Historical Quarterly, XXVIII (July, 1960), 210-221; Anne M. Smith, Ethnology of the Northern Utes, Papers in Anthropology, no. 17 (Santa Fe: Museum of New Mexico Press, 1974); and S. George Ellsworth, Utah's Heritage (Santa Barbara, Calif.: Perigrine Smith, Inc., 1972).


³ S. Lyman Tyler, "The Yuta Indians before 1680," The Western Humanities Review, V (Spring, 1951), p. 158.
The Ute-Spanish relationship lasted for some three hundred years, but--fortunately for the Utes--that association was neither continuous nor always direct. In 1598 Juan de Oñate led a group of settlers to the upper Rio Grande Valley. The Spaniards effectively imposed their requerimiento and encomienda practices on the sedentary Pueblo Indians by vigorous proselytizing programs of the church reinforced by the stern action of the presidios. However, the New Mexico colony did not prosper. Lacking the rich mineral wealth much of the Spanish-American economy relied upon, the settlements did not become economically self-sufficient, making it necessary that they be subsidized with supplies transported from Mexico. A continuing church-state conflict further hindered adequate development of New Mexico. These conditions and other factors culminated in the Pueblo Revolt of 1680, and it was sixteen years before Spanish rule of the pueblos was re-established.

With the instability of the New Mexico colony, and with the Navajos, Apaches, and Comanches generally nearer the Spanish pueblos and thus of more pressing concern, no serious attempts by the Spanish were made to proselyte and conquer the Utes. The Utes had traditionally traded with the Pueblo Indians. This trade continued into the Spanish era, and a fairly extensive trade developed between the Utes and the Spaniards. Some of the Ute bands made annual excursions to the New Mexico pueblos, and Spanish trading expeditions frequented the Ute country.

Trade reflected the fortunes of Indian relations, fluctuating with Ute raids on the Pueblos, punitive expeditions by the Spanish, periods

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5 Bannon, The Spanish Borderlands, pp. 79-91.
of peace, and intertribal affairs.  

With the establishment of Spanish colonies in California, a land route between California and New Mexico was needed. Because of difficult terrain and unfriendly Indians, a direct route between the colonies was not feasible. The Domínguez-Escalante expedition which left Santa Fe in the summer of 1776 was an effort to find a practical route to California, and to assay the possibility of establishing Catholic missions among the Utes. Escalante's diary of this expedition provides evidence that the Spanish were well acquainted with the Ute territory east of the Colorado and south of the Gunnison rivers before 1776, and that Spanish trading was done in that area. Escalante's diary also provides a view of the distribution of some of the Ute bands at that time. The expedition met an Indian near the confluence of the Dolores and San Miguel rivers who was identified as a "Yuta Tabehauche." This Indian informed them that the Yutas Tabehauches were dispersed through the mountains in that vicinity, and that they would soon encounter the Sabuaguanas Yutas. This band of Utes lived along the Uncompahgre and Gunnison rivers (see Figure 2). The name "Sabuaguanas" has not survived, but this band of Indians did reside in territory later identified as that of the Tabeguaches'.

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6 For a detailed discussion of Spanish-Ute relations, see S. Lyman Tyler's, "Before Escalante: An Early History of the Yuta Indians and the Area North of New Mexico" (Ph.D. dissertation, University of Utah, 1951); and his, "The Spaniard and the Ute," Utah Historical Quarterly, XXII (Oct., 1954), pp. 343-361.


8 Bolton, Pageant, pp. 148, 153, 156.

Figure 2. The location of some Ute bands based on Escalante's diary.
These Indians utilized horses and tepees, were nomadic, and lived by hunting. The fluid status of the Utes' areas of residence is seen by Escalante locating the Muaches between and somewhat to the west of the Tabeguaches and Weeminuches. Later, certainly by the 1840s, the Weeminuches occupied this area, and the Muaches had moved considerably to the east.

Throughout the Spanish and Mexican periods and into the American period the Utes were engaged in a slave trade. Not only did they raid and take slaves from the pueblos of New Mexico, but they also raided and traded for slaves from other tribes of Indians. The Paiutes of mainly southern Utah and Nevada were particularly preyed upon by both slave raiders and slave traders.\(^9\)

Undoubtedly, the Tabeguaches participated in this trade. The route used by the slave trade from Utah followed part of Dominguez-Escalante passage, and passed through their territory; so at least they were involved as middlemen in the slave trade.

Ute culture was significantly altered as a result of trade with the Spanish. Certainly the greatest change was caused by the introduction of the horse. When the Utes first acquired the horse is undeterminable, but they had some by the middle of the seventeenth century.\(^{10}\) Like their cousins, the Comanches, the Utes became expert horsemen; and prided themselves in their ability. With the horse they also acquired many traits of the Plains Indians. They utilized buffalo skin covered tepees,

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and the travois. They were able to gather food over a wide area, trade with distant Indian tribes and Spaniards, and make quick horse-stealing raids into remote enemy territory.

Items of white man's technology that the Utes traded their meat, hides, and slaves for were cloth, needles, guns, traps, whiskey—things that when they grew accustomed to using, as the horse, they could not do without—things that so changed their culture that they were never again the same people, and that made them susceptible to the inroads of the Americans.

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CHAPTER III

EARLY UTE-AMERICAN RELATIONS

American contact with the Ute Indians started as explorers, traders, and fur trappers pushed into Ute territory. This American involvement with the Utes was part of their southern thrust, a continuation and extension of their westering movement as they took over French-Spanish interests with the Louisiana Purchase of 1803. As Lewis and Clark explored the northern part of the Louisiana country, and were followed by traders and trappers such as Lisa, the Chouteaus, Henry, Ashley, and Smith; so also Pike and Long explored the south, and were also trailed by American trappers and traders.

After two preliminary attempts to explore the southwest, in 1806 Lieutenant Zebulon M. Pike was assigned to lead an exploration party to the headwaters of the Arkansas and Red rivers. His party explored extensively in Ute country on the upper Rio Grande and Arkansas rivers, building a stockade on the Conejos River, a branch of the upper Rio Grande. Of the Ute Indians Pike stated:

The Utahs wander at the sources of the Rio del Norte [Rio Grande], are supposed to be 2000 warriors strong, are armed in the same manner [bows, arrows, and lances], and pursue the same game [buffalo] as the Kyaways [Kiowas]. They are, however, a little more civilized, from having more connection with the Spaniards, with whom they are frequently at war, but were then at peace, and waging a war with the Tetaus [Comaches].

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This appears to be a good, general description of the Utes as Pike would have observed them in the area he explored. Being essentially the first American contact with the Southern Utes, their subdivisions were apparently not evident to him. So how many of the Ute tribes the two thousand warriors represented is indeterminable.

Pike's encampment was obviously on Spanish soil. What was not so apparent--at least to the Spanish--was whether or not Pike knew where he was, and had deliberately invaded their territory. At any rate, a troop of Spanish soldiers escorted Pike and his party to Santa Fe, and thence to Chihuahua. They were questioned extensively, their papers and journals confiscated, and then deported through Texas to the United States.²

Interest in southwestern exploration waned with the War of 1812, but in 1820 Major Stephen H. Long led another military party into much of the same area Pike had explored over a decade earlier. This exploration into the southwest stirred American interest in the area. In 1811 Ezekiel Williams led a group of trappers to the headwaters of the South Platte and Arkansas rivers. Robert McKnight, Manuel Lisa, Auguste Chouteau, Jules de Mun, and others also led trapping expeditions into Spanish territory.³ Generally when the Spaniards were able to apprehend these trespassers they were sent to Chihuahua where there supplies and furs were confiscated, and several of them were imprisoned.⁴

⁴David J. Weber, The Taos Trappers: The Fur Trade in the Far South-
The potential of a lucrative trade between Santa Fe and the Mississippi Valley was recognized well before America purchased Louisiana in 1803. French merchants of the Mississippi Valley attempted to establish such a trade, a party of them actually reaching Santa Fe before the middle of the eighteenth century.\(^5\) Although the residents of the New Mexico pueblos—Indians and Spaniards—and their nomadic Indian neighbors were eager to trade with the French and later the Americans, official Spanish policy of nonintercourse between New Mexico and other nations successfully deterred that trade. This rigid policy persisted until 1821 when Spanish rule in New Mexico ceased with the Mexican Revolution. This event significantly altered trade relations between the areas. The Mexican government encouraged trade with the Americans, and soon an important trade developed on the Santa Fe Trail between Independence, Missouri, and Santa Fe, New Mexico.\(^6\) Later this trade was extended to California as the Old Spanish trail, much of which went through Ute territory, was opened in 1829.

Trading posts were erected in and adjacent to the Utes' domain. On the Arkansas River in present southeastern Colorado, William's Fort—later Bent's Fort—was probably started in 1833. In addition to being a way station of the Santa Fe Trail, it was an important trading post for the Plains Indians and the Utes.\(^7\)

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\(^6\) Billington, \textit{Westward Expansion}, p. 463.
Fort Uncompahgre was established by Antoine Robidoux in the 1830s at the confluence of the Gunnison and Uncompahgre rivers. Other posts were built in the northern Ute territory. These posts were used primarily as headquarters and outfitting stations for white trappers operating in the area, and very little trading was done with Utes. The fur trade was waning, and these posts did not prosper. Their presence made the Utes uneasy, and in the early 1840s they destroyed all of them.8

Taos and Santa Fe remained trade centers as they had for years, but now American traders operated there as well as Mexicans. Many of the Utes, especially the southern tribes, made annual treks to these centers to trade. The Indians exchanged buffalo, deer, and elk hides, beaver pelts, and meat for blankets, knives, cloth, beads, powder, tobacco, and foods such as flour, sugar, and coffee.9

In general the Utes welcomed and were benefited by this increased opportunity for trade. The Mountain Men made no serious efforts to displace or subjugate the Utes; indeed, they adopted many of the ways of Indians. But the Americans did become thoroughly acquainted with the Utes' territory, and served there as elsewhere in the West as the opening wedge to American invasion.

With the end of the Mexican War and the signing of the Treaty of Guadalupe-Hidalgo in 1848, that portion of Ute territory under Mexican sovereignty was acquired by the United States, making its holdings of Ute land complete. That event bode ill for the Utes. Under Mexican rule of New Mexico the Utes had fared quite well. The Mexicans relaxed the


rigid Spanish Indian trade policy, permitting much more trading with the Utes by both Mexican comancheros and American traders. Mexico continued Spanish colonization policies by attempting to extend a buffer area into Indian country and between themselves and the United States by its impresario system. Under this system the government encouraged colonization by promising to make large grants of land to acceptable colonizers who would settle reliable, loyal settlers on the grants. Thus, these settlers exposed themselves to Indian attack, but in so doing provided some protection to the older settlements. Although Mexican settlement had pushed onto the periphery of Ute land, especially during the later years of its rule, the Mexican government had been ineffective in protecting the New Mexico pueblos from Indian attack. In fact, the local Indian tribes--Utes, Apaches, Navajos, and occasionally Comanches--exercised somewhat of a suzerainty over the outlying Mexican settlements; taking livestock, slaves, and captives for ransom as was their wont; but in their raids leaving the settlements enough resources to restock their rangelands, and thus insure the perpetuity of provisions for future raids. The Mexicans, when they were able, would retaliate by making punitive raids on the Indians, and taking captives for slaves to serve as household servants and laborers as the Spaniards had done for centuries.  

Although the process was to take some time, the Treaty of Guadalupe-Hidalgo signaled the beginning of the subjugation of Utes by the United States. And the treaty advanced one of the means used in conquering the Utes—that of eroding their land base. Article eight of the treaty stipulated that the United States would honor the private ownership of property of Mexican citizens residing in the area Mexico was ceding. This property included several large tracts of land which the Spanish, and later the Mexican government, had granted to various parties (see Figure 3). Some of these grants included Ute land in northern New Mexico and what later became southern Colorado.

When General Stephen Kearny, commander of the Army of the West, occupied New Mexico one of his primary concerns was to pacify the New Mexicans and keep them from rebelling after he took most of his army on to California. One of the ways he attempted to do this was by promising them protection from Indian raids. To effect this protection, he dispatched troops to the various tribes requesting their chiefs to come to Santa Fe for peace talks. Major William Gilpin commanded the troops who contacted the Utes. The Utes promptly went to Santa Fe where, with chiefs from other tribes, they met with Kearny. He distributed gifts to the Indians, warned them that the United States would not tolerate further lawlessness from them, and demanded the prompt return of Mexicans whom they held captive. Probably overawed by Kearny and his Army of the

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12 U.S. Statutes at Large, IX (1849), pp. 929, 930.


Figure 3. Mexican land grants in Colorado.
West, the Indians quickly released their prisoners. Later, after Kearny had departed for California, Gilpin was again sent into Ute territory to bring some Indian chiefs to Santa Fe for further peace negotiations. In carrying out this assignment, Gilpin went two hundred miles north of Santa Fe, covering all of the San Luis Valley, so Tabeguache Utes could well have been included in these negotiations. On October 13, 1846 the Utes signed a treaty of peace with Colonel Alexander Doniphan at Santa Fe. Just what the treaty of peace entailed is not known. Certainly Doniphan had no authority to negotiate a treaty, nor was it ever considered by the Senate for ratification. It was probably merely an attempt by Doniphan to strengthen the peace he hoped to maintain with the Utes.

But it would take more than threats and the signing of treaties of peace to cause the Utes to alter a way of life of which an important aspect was the raiding of white settlements—especially as settlement encroached upon their land, and sufficient force to back up the threats departed with Kearny for California.

During Kearny's brief stay in New Mexico he established a government for the area, appointing Charles Bent governor. With this assignment Bent became ex officio Superintendent of Indian Affairs for New Mexico. Bent was killed a few months after his appointment by rebelling


Pueblo Indians and Mexican, but he did file his assessment of the Indians of New Mexico and surrounding areas before his death. In this report he describes the Utes as "a hardy, warlike people, subsisting by the chase." He places their population at approximately 4400: 1400 Southern Utes, and 3000 Grand and "Yu-uinte" River Utes. These appear to be much more realistic figures, and closer approximate later censuses of the Utes than the 19,200 "Eutaws" which had appeared for several years in the annual reports of the Commissioner of Indian Affairs.

There were few dealings between the Utes and government officials for a year or two following Gilpin's and Doniphan's initial contacts. Thomas Fitzpatrick, a mountain man who was Indian agent for the tribes of the upper Platte and Arkansas rivers, had his headquarters usually at Bent's Fort, and ranged widely among the Plains Indians of that area. He was in Santa Fe at least twice during 1847 and 1848. In his reports he mentioned the Utes only once, and that was when he listed some of the tribes who were enemies of the Plains Indians. James S. Calhoun, on his way to Santa Fe in 1849 to assume the office of Indian agent for New Mexico, noted that several thousand members of various tribes including the Utes were gathered and waiting for Fitzpatrick at Bent's Fort in order to receive presents from him upon his return from Washington, D.C.

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18 Calhoun, to Medill, July 29, 1849, in Calhoun, Correspondence, pp. 17, 18.
The Indians of New Mexico—Apaches, Utes, Navajos, Comanches—had generally resumed their raids on New Mexico settlements as the caution induced in them by Kearny's Army of the West was replaced by disdain for the Americans who proved no more able to curb the Indians' warring habits than the Mexicans. Calhoun, while still enroute to New Mexico, in one of his letters recommended that a mounted regiment of volunteers be raised to protect travelers on the Santa Fe Trail and residents of New Mexico, and upon reaching New Mexico complained of the inadequacy of the number, and the type (infantry) of some of the troops available to restrain the Indians. But without waiting for army reinforcements, he immediately set about making peace treaties with the New Mexico Indians as a way to control them. He accepted an invitation from Governor John M. Washington, who was also commander of army troops in New Mexico, to accompany him on a raid against the Navajos. While on this expedition a peace treaty was forced between the United States and the Navajos.

The Utes were reluctant to sign a peace treaty which if they were forced to comply with could only restrict their freedom. Calhoun expected them to come to Santa Fe in August, 1849 to sign a treaty, but they did not show up. Finally, after much persuading and threatening, some Ute leaders led by Quixsachiglate, a chief of the Capote Utes, came to Abiquiu, New Mexico, and there on December 30, 1849, signed the first official

20 Calhoun, to Medill Aug. 15, 1849, in Calhoun, Correspondence, p. 20.
22 U.S. Statutes at Large, IX (1849), pp. 974-976.
23 Calhoun, to Medill, Aug. 15, 1849, in Calhoun, Correspondence, p. 20.
treaty between the United States and the Utes. By the main terms of that treaty the Utes recognized the sovereignty of the United States, agreeing to abide by its laws; and, although no boundaries were specified, agreed to cease their roving habits by remaining within their territorial bounds, and there sustain themselves by cultivating the soil and building pueblos. The Utes also agreed to return all captives and stolen property, to allow United States citizens free passage through Ute territory, and to permit establishment of military posts and Indian agencies on their land. The United States agreed to extend laws then in force regulating trade and peace with Indians to the Utes, and to grant presents, donations, and implements to them that the government deemed necessary. The treaty was ratified by the United States Senate September 9, 1850.\footnote{U.S. Statutes at Large, IX (1849), pp. 984-986.}
CHAPTER IV

EXPANSION NORTHWARD INTO UTE TERRITORY

The prosperity that the Missouri-Santa Fe trade and the American troops brought to New Mexico stimulated the growth of its population which had remained fairly stagnant since the reconquest following the Pueblo Revolt of 1680. Its population increased by 10,000, almost twenty percent, between 1835 and 1845,\(^1\) and by 1850 had increased more than another 10,000 to 61,547.\(^2\) Inevitably that growth with its concomitant strength pushed into Ute territory as well as other Indian lands.

Within a month of Kearny's occupation of New Mexico a group of Taos residents petitioned Governor Bent to open the Conejos Land Grant in Ute territory for settlement.\(^3\) This optimistic request may have been more an attempt to test American sincerity to guarantee Mexican property rights, and their capability to furnish the promised protection of the New Mexicans from Indian raids, or an attempt to strengthen an insecure land claim (this claim was never recognized by the United States). At any rate it was indicative of the expansionistic intent of the New Mexicans, and of the direction some of that growth would take.

\(^1\) Lamar, The Far Southwest, p. 39.


However, mistrust and competition among elements of New Mexico's pluralistic society hampered settlement into Indian territory. The most serious of these was the distrust with which the Americans and New Mexicans viewed each other. Kearny disregarded President Polk's instructions to retain as many as possible those in office under Mexican rule by appointing a slate of Americans and their Mexican friends to office. This engendered open rebellion of the Mexicans and Pueblo Indians urged on by the clergy and displaced government officials. With part of the troops which occupied New Mexico to California with Kearny, another part with Doniphan to El Paso and Chihuahua, the remainder was hard pressed for some time putting down uprisings and maintaining peace in the New Mexico settlements, and had little time to battle the raiding nomadic Indians.¹

New Mexico was largely ruled by the military from the time of the Taos Rebellion until it became a territory. During that time an intense civilian-military conflict developed which continued into the territorial period. An aspect of the civilian-military strife was the rivalry and non-cooperation displayed by some members of the Army toward the Office of Indian Affairs after it was transferred from the Department of Army to the civilian Department of the Interior in 1849. That move was resisted by some army officers, who deemed civilians incapable of dealing with hostile Indian tribes.

The Indian policy the United States wanted to effect is shown in the 1850 report of Indian Commissioner Lea. He advised that the Indians be controlled by whatever amount of military power necessary, that they be

forced to work by growing their own food in areas sufficient in size only to provide their sustenance, and that presents be given them only as rewards for work performed. Only in that way, he assured, could the Indians’ haughty pride, which extolled prowess in war and the chase, and eloquence of speech in council, be contained. Agent Calhoun succinctly stated this policy as "compulsory enlightenment, and the imposition of just restraints both to be enforced at the point of a bayonet." Under this policy the number of Indians would obviously be reduced, and the subdued survivors would require a minimal land base; thus leaving the bulk of Indian land for white settlement.

James S. Calhoun was appointed governor and ex officio Superintendent of Indian Affairs of New Mexico when it became a territory in September, 1850. In this position he attempted to effect the policies--subdue and civilize the Indians of New Mexico by restricting their trade, confining them to a specific area, and compelling them to farm--he had proposed as an agent. Although Calhoun had argued that the cost of such a program would be small compared to large scale punitive Indian wars that would result if his program was not carried out, the money and sufficient Indian agents to execute his plans were not forthcoming from an often indifferent Indian Office nor a factious, parsimonious Congress.

Calhoun was further deterred in carrying out his Indian policy by friction with the Army that became so intense that once when Calhoun


6 Calhoun, to Medill, Oct. 1, 1849, in Calhoun, Correspondence, p. 31.

7 Ibid., p. 58.
raised a territorial militia with which to "chastise" the Indians, Colonel Summer, commander of United States Army forces in New Mexico, jealously threatened to use federal troops against the militia if they attempted to assume responsibilities of the Army. How seriously this rivalry hampered the New Mexico Indian superintendency is seen in Indian Commissioner Luke Lea's annual report of 1851:

The usefulness of the agents in New Mexico has been seriously impaired by their failure to obtain from the military the usual facilities. Without the means of transportation, and the escorts necessary to enable them to penetrate the Indian country in safety, it has been impossible for them to go where their presence was most needed, and the good of the service required. It is always to be desired that the utmost harmony and concert of action should prevail among the various officers and agents of the government in any way entrusted with the management of our Indian affairs; and to this end it has been enjoined on the officers of the army and agents of this department in New Mexico, to consult together and cooperate in all their movements. Unhappily, however, this desirable object has not been fully secured; nor can it be I apprehend, until the Governor of the Territory shall be in fact, what he is in name, Superintendent of Indian Affairs.

Of course as the Americans, New Mexicans, Army, and civil officials of the territory vied with one another, the nomadic Indians continued essentially as they had in the past. Nevertheless, steps were being taken to bring the Indians of New Mexico under some control; and the northward thrust into Ute territory was begun. In 1849 settlement started on the Conejos Land Grant after an informal agreement had been made with the Tabeguache Utes by the settlers. The Army constructed a

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8 Calhoun, to Summer, Nov. 11, 1851, in Calhoun, Correspondence, p. 454.


10 Frances Leon Swadesh, LOS PRIMEROS POBLADORES: Hispanic Americans
series of forts in the territory, one of them being Fort Massachusetts. Established in 1852, it was the first military post in present-day Colorado.\(^{11}\) Calhoun recommended that an agency for the Utes be located at Taos,\(^{12}\) and when four Indian agents were assigned to New Mexico he stationed Major John Greiner in the Taos area as agent for the Utes.\(^{13}\) Abiquiu Agency, located north of Santa Fe was established in 1853.\(^{14}\)

The northward incursion into Ute territory by the government, preceded and accompanied by settlement in the area, was of grave concern to the Utes as their wild game resources decreased. In an effort to pacify the Utes, Governor Merriwether (who succeeded Calhoun) met some of their leaders at Abiquiu in October, 1854. The Indians received presents from the government in a friendly mood. But Governor Merriwether issued blanket coats to some Muache Ute leaders, all of whom later died of small pox. Deducing quite obviously that the meeting was arranged by the whites in order to kill them with the diseased coats, the Utes prepared

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\(^{12}\) Calhoun, to Medill, Oct. 15, 1849, in Calhoun, Correspondence, p. 57.

\(^{13}\) Calhoun, to Luke Lea, Commissioner of Indian Affairs, July 30, 1851, in Calhoun, Correspondence, p. 393. This assignment was temporary until an agency could be established in or nearer Ute territory. Actually, there was no official "Taos agency," that name never appearing on any Office of Indian Affairs list of agencies even though agents did make reports addressed there. The name of the agency does, however, often appear in literature; undoubtedly because agents at times conducted their business or lived there.

Raids were made on settlements, ranches, and travelers as the Utes attempted to clear their territory of whites.

On Christmas day, 1854, the Mexican settlement of Fort Pueblo was destroyed. Other settlements were attacked, their inhabitants forced to abandon them temporarily, and the garrison at Fort Massachusetts threatened.

Troops were sent from Santa Fe to protect the settlers, and put down the Ute uprising. The Utes usual defense against the military was to retreat and hide in the mountains, but several running battles and skirmishes were fought, and once the troops surprised a band and killed about forty warriors. The sustained vigor with which the United States executed warfare against the Ute was a harrowingly new experience for the Utes. They were used to occasional skirmishes and some pitched battles with the Spaniards, New Mexicans, enemy Indian tribes, and more recently the Americans which was to them a way of life which in victory could bring glory to the individual warrior and honor to the tribe.

The long campaign put the Utes in a starving condition, and they were ready to sue for peace. They made their appeal through Indian agent Lorenzo Labadi who conducted some Muache Ute and Jicarilla Apache chiefs.

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to Santa Fe where they met with Governor Merriwether. Food was given to them, and arrangements were made to negotiate a treaty at Abiquiu on September 10, 1855. There an agreement was signed between the United States and the Muache Utes whereby the Muaches ceded all their territory except a reservation of one thousand square miles west of the Rio Grande River and north of La Jara Creek for $60,000. This area was mainly north of Abiquiu, New Mexico.

Although the Capote Utes were not much involved with the Ute War of 1854, 1855, Merriwether also negotiated a treaty with them in which they agreed to sustain themselves by cultivating the soil. Authority and a $30,000 appropriation with which to conduct these and other treaties with the Indians of New Mexico were granted in an Indian appropriations law of July 31, 1854. But the treaties Merriwether negotiated were opposed by the residents of New Mexico who considered them too favorable to the Indians. Also the proposed Muache reservation included some land in the San Luis Valley which was already settled. Therefore, the Senate did not ratify any of the treaties; and Governor Merriwether soon resigned his office and left the territory.

24 Averam B. Bender, The March of Empire: Frontier Defense in the
The Indian policy proposed by James S. Calhoun upon his arrival to New Mexico in 1849 was being imposed to some degree upon the Utes. The Utes had been confined to the west side of the Rio Grande River, and settlement was moving north on that west side from the New Mexican settlements. The success of the military action against the Utes had been made possible by cooperation between federal troops and territorial militia, something Calhoun had sought in vain. No serious efforts, either by Indian agents or Utes, had been made in farming. The number of Indian agents assigned to New Mexico was increased, but the limitation of federal funds to little more than bribes to be used in negotiating treaties seriously restricted the agents' usefulness among the Utes. Starvation continued to plague the Utes at times, and they would then range far from their territory in search of food.

However, never again would these southern tribes of Utes in such a united way war with the United States, nor attempt to forcefully clear all settlers from their territory. They would continue to resist as they were able, and killings of both Indians and whites would occur from time to time, but these Utes remembered the strength and determination with which the United States waged war against them, and never again provoked such action.

CHAPTER V

"PIKE'S PEAK OR BUST"

Until the 1850s the Tabeguache Utes, who lived north of the Muaches and Capotes (see Fig. 1), had relatively little contact with the whites. Of course American trappers and traders frequented their territory as had Mexicans and Spaniards. John C. Fremont's and John Williams Gunnison's exploration parties traversed their area. When Colonel Fauntleroy led his forces north from the San Luis Valley over the Ponca Pass during the Ute War in 1855, and made a surprise attack on an unsuspecting band of Utes near present-day Salida, he may have been attacking Tabeguaches. The area was one more part of the Tabeguaches' domain than the Muaches'. And based on the closeness of many of the Ute bands the Tabeguaches could well have been helping the Muaches in their struggle to retain the San Luis Valley. But the Tabeguaches were never identified as participants in the war.

In 1857 some Tabeguaches accompanied Capote and Muache Utes, and Jicarilla Apaches to the Indian agency at Abiquiu. That was the first time they had officially met in council with government agents unless Gilpin had contacted them in 1846 (see p. 19), or received government presents to much extent. At that time the band was estimated to number about one thousand to twelve hundred members.

Christopher (Kit) Carson, Indian agent to the Muache Utes, described the Tabeguaches thus:

They are by far the largest band of the Utahs. Their main hunting grounds are within the limits of this Territory [New Mexico in 1857]. They range from the Grand [Colorado]2 river [on the] west to the headwaters of the Del Norte [Rio Grande] [on the] east. It is impracticable for them to go to the Salt lake to receive presents, on account of the barrenness of the country over which they would have to travel, and the scarcity of game. They have never joined any of the bands of Utahs that have waged war against the citizens of this Territory. I would respectfully suggest that an agent or sub-agent be appointed to reside among them. They are by far the most noble of the Utah tribes. They have not, as yet, been contaminated by intercourse with civilized man.3

Although Carson was not strictly correct in stating that the Tabeguaches had had no contact with whites, his statement does point out their relatively isolated location. The Colorado River and Rocky Mountains were barriers which had forced emigration and trade routes (except for the Old Spanish Trail) to the north and south of them. But their isolation ended with the discovery of gold on Cherry Creek and in the Pike's Peak region in 1858. These events precipitated an influx of miners and settlers into the Tabeguaches' territory which would inexorably end in the Utes expulsion from their homeland.

James L. Collins, New Mexico Superintendent of Indian Affairs, in 1859 reported that difficulties had developed between miners and the Utes who lived about Pike's Peak resulting in deaths to both Indians and whites. Realizing that white settlement in that area was bound to continue, Collins recommended that a treaty be made with the Tabeguaches; and that an agent

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2 Before 1921 the Colorado River above its confluence with the Green River was known as Grand River.

be assigned them. With this outbreak of hostilities Kit Carson changed his opinion of the Tabeguaches, described them as "wild and warlike," recommended they be punished, and withheld supplies he was to deliver them.

In 1861 part of New Mexico, including land of the Tabeguache Utes, was used to form the new territory of Colorado. This alteration in territorial jurisdiction brought significant changes in the relationship of the Ute Indians to the whites. In New Mexico trade was an important aspect of business, and trade with Indians constituted a goodly portion of that trade. Pueblos in New Mexico, especially Taos, had annual trade fairs to which many Indians came. Itinerant New Mexican traders conducted trade with Indians over a wide area of the west. Furthermore, the traders of New Mexico--the Bents, the St. Vrains, the Beaubiens--backed by the Missouri businessmen with whom they traded wielded considerable political power. So forces working toward the reduction of Indian numbers in New Mexico were countered by the profit the Indian trade produced.

This was not the case in Colorado where a continuation of usual American westering was more evident. American settlers generally considered Indians impediments to settlement to be overcome along with low rainfall and too frigid climate. As rain was to follow the plow, and settlement temper the elements, so Indians were to be subdued with

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survivors, if any confined to barren reservations.\textsuperscript{6}

An agency for the Tabeguache Utes was established in 1860 at Conejos in the San Luis Valley with a leading citizen of that area, Lafayette Head, as agent. This agency was assigned to the New Mexico superintendency until the Colorado superintendency was established in 1861 when Colorado became a territory.\textsuperscript{7}

Head, a former Missourian, had attained the rank of major in the Mexican War; and remained in Santa Fe following the war where he married into a wealthy Mexican family.\textsuperscript{8} In 1854 he helped establish a settlement of fifty Mexican families at Guadalupe on the Conejos River.\textsuperscript{9} He had the largest home in Conejos, and adopted the Mexican practice of keeping Indian slaves in his household.\textsuperscript{10} In recommending that Head be retained

\textsuperscript{6}The "vanishing Indian" is a prominent motif in American folklore. There are many works of art which graphically portray this theme. Perhaps the most famous of these is "The End of the Trail," a sculpture by James E. Fraser. Displayed originally at the Panama-Pacific International Exposition at San Francisco in 1915, it is now enshrined in the National Cowboy Hall of Fame and Western Heritage Center at Oklahoma City, Oklahoma. Dean Krakel, \textit{End of the Trail: The Odyssey of a Statue} (Norman: University of Oklahoma Press, 1973). It depicts an Indian warrior weighed down in deep despair, the point of his war lance touching the ground in defeat, astride a weary horse so exhausted it can hardly stand. This work has been widely reproduced as paper weights and objects d'art. In some of these forms the miniature reproduction is encased in a fluid filled glass ball which when shaken causes a white mica substance to move in the fluid adding the vivid appearance of the Indian and his horse perishing in a swirling snowstorm.


\textsuperscript{10}Downing, "With the Ute Peace Delegation," pp. 203, 204.
as agent at Conejos, William Gilpin, Colorado's first territorial governor and ex officio superintendent of Indian Affairs, "I am satisfied that he is a most efficient and competent officer, a sincere republican and friend of the administration, and greatly respected by the Mexican population, whose language he speaks with fluency." In his 1861 report, displaying the grandiose exuberence of a Gilpin, Head promoted settlement of the San Luis Valley, stating that its entire seven million acres could be irrigated, and sustain an unlimited population.

In that same report Head complained that he had only one-quarter the necessary supplies for the eight thousand Tabeguaches at his agency, and asked for additional goods. He further asserted, as had Kit Carson the year before, that miners had exterminated all the wild game in the Tabeguaches' territory, leaving the Indians solely dependent upon the government for survival. Although Indians had the habit of visiting agencies other than their own when supplies were distributed in order to inveigle more goods from the government, it is unlikely there were that many Utes at that time in all Colorado. This obvious attempt to pad the number of Indians for whom his agency was responsible raises some questions as to his honesty. Major A. H. Mayers, commander of Fort Garland

10 Downing, "With the Ute Peace Delegation," pp. 203, 204.
11 U.S., Congress, Senate, Annual Report of the Secretary of the Interior, 1861, Gilpin, to William P. Dole, Commissioner of Indian Affairs, June 19, 1861, S. E. D. 1, 37th Cong., 2d sess., 1862, p. 709. The respect Head had of the Mexican people of Colorado was shown when he represented them at the Colorado constitutional convention in 1875. At that convention he was appointed Colorado's first lieutenant governor. Fritz, Colorado, p. 245; Lamar, The Far Southwest, p. 296.
13 Ibid., p. 711.
which was located near Conejos, accused Head of pilfering supplies he had given to the agent for the Tabeguaches when Indian Office supplies failed to arrive. Mayers submitted transcripts of interviews he conducted with twenty-four Tabeguache leaders which substantiated his claim of embezzlement, and charged Head with employing an interpreter for the Tabeguaches who could not speak the Ute language. Governor John Evans, who had succeeded Gilpin, was instructed to conduct hearings to determine the validity of the accusations. These hearings were held at various places in the San Luis Valley, and numerous depositions taken which were forwarded to the Secretary of the Interior. Head maintained that the Utes had left the agency before he could distribute the supplies in question because of their fear of a smallpox epidemic. He further maintained that although the Mexican he employed as an interpreter could not speak the Ute language very well, he was married to a Ute who of course spoke the language fluently. Head's defense prevailed, and the accusations were attributed to military-Indian service jealousies.

Despite continued rumors of Head's fraud and dishonestly as Indian agent, especially of his collecting ransom from Mexican and white families for the return of Indian captives, he held the position for ten years. This unusually long tenure as an Indian agent was due to his

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14 Caleb B. Smith, to Charles E. Mix, Acting Commissioner of Indian Affairs, Sept. 23, 1862, "Letters Received by the Office of Indian Affairs, Colorado Superintendency, 1861-1880," (National Archives Microfilm Publications, 1956). (Hereafter cited as "Letters Received."
15 Mix, to Evans, Sept. 26, 1862, "Letters Received."
16 Evans, to Dole Feb. 4, 1863, "Letters Received."
17 W. T. Otto, Assistant Secretary of the Interior, to Dole, "Letters Received."
popularity with the Mexican populace, certainly not for any outstanding service he rendered the Tabeguaches.

Whereas Lafayette Head was typical of Indian agents in some respects, William Gilpin was the personification of the westering American. A more confidently optimistic, bumptiously offensive, land-booming, mine and railroad promoting prophet for the West and "manifest destiny" would be difficult to find. For all his verbose rhetoric and unrestrained machinations he did much to further the settling of the West. As governor of Colorado and avid unionist, he was instrumental in saving Colorado as well as New Mexico for the Union.

But in all Gilpin's speeches and writings, Indians are conspicuous only by their near absence. Although in his 1861 report as Indian superintendent Gilpin points with pride to his "Very complete experience among the 'Buffalo Indians' running over twenty years," he has relatively little to say about Indians even there. Rather, the report mainly deals with the wonders of Colorado, Gilpin's efforts in seeking out railroad routes, and his concern of successionist activities in the territory. In fact, the Tabeguaches are not even included in Gilpin's list of

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Obviously, the Tabeguaches were of little concern to Head and less to Gilpin. Certainly, they were not preparing these Indians to give up hunting, and become self-supporting through agricultural pursuits. As in New Mexico, Colorado politicians urged that treaties be negotiated with the Tabeguaches and other tribes for cessions of their lands. Although no treaty had been concluded between the government and the Tabeguaches, white settlement—exemplified by its "Pike's Peak or Bust" opportunism which viewed the Indian as an impediment to progress that needed to be removed as efficaciously as possible—continued apace in Ute territory. That this continued invasion of their land occasioned only scattered incidents of violence rather than a general war displays the restraint the Tabeguache Utes had, and their respect for the armed might of the United States. To the opportunistic white settlers it was evident that Indians who would not fight for their land could be easy marks for further land grabs.

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21 Gilpin, to Dole, pp. 709-711.

22 Covington, "Relations Between the Ute Indians and the United States," pp. 85, 86.
CHAPTER VI

THE CONEJOS TREATY

In 1863 the first of a series of treaties was negotiated between the Tabeguache Utes and the United States. The procedure the United States used in securing that treaty was typical of its Indian policy and practices with other tribes. Early in 1863 Agent Lafayette Head escorted a group of Utes, supposedly Tabeguaches, to Washington, D.C.\(^1\) The acting governor of New Mexico, William Arny, criticized Head, claiming that some of the Utes he took to Washington were New Mexico Utes, and that many of them were unimportant sub-chiefs.\(^2\) Finis E. Downing, nephew of Head, who with his mother, joined Head's party on their return to Colorado, states that there were thirteen Ute chiefs in the group, and identifies one of them as Savanah [Shavano].\(^3\) Ouray, who was to play an increasingly important part in Ute-United States relations, was also in the group.\(^4\)

Whoever comprised this group of Utes, the trip was highly successful for the United States in the effect it had on members of the delegation,

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\(^1\) Major Arch Gillespie, to Captain Ben Cutler, Feb. 7, 1863, "Letters Received."

\(^2\) Arny, to Dole, Feb. 21, 1863, "Letters Received." Arny was to continue as a central figure in New Mexico-Colorado controversies dealing with Indians. When the first negotiations for the San Juan cession failed in 1872, Colorado officials attributed that failure primarily to Arny and other "disruptive" New Mexicans present at the negotiations.

\(^3\) Downing, "With the Ute Peace Delegation," pp. 195, 200.

and the influence they exerted in subsequent negotiations the United States had with the Utes. The Indians were shown General McClellan's Army of the Potomac, the naval yards, and mustering soldiers from Missouri to Washington, D.C., and on to New York. Seeing the armed might of the United States mustered in wartime cowed the Utes, and made a lasting impression on them.

The influence members of the delegation had was displayed soon after their return to Colorado. A band of Tabeguache Utes was accused of stealing horses and other livestock in the Fort Hallect area. A party of soldiers from Fort Hallect came upon the Utes, and demanded that they give up the livestock. The Utes refused, stating that the horses were booty they had captured from the Sioux. A fight ensued in which one soldier was killed, and four wounded; and the Utes went on their way with the livestock. A larger military force searched for the Utes, but was unable to find them. The Tabeguaches complained to Agent Head that the United States Army interfered with them in their war with the Sioux, and started gathering other Ute allies to make war upon the whites. But the chiefs who had recently returned from the east suppressed these plans by telling their tribesmen that "the government had enough soldiers to surround their whole immense mountain country, and closing in upon them to wipe them from the face of the earth." Governor Evans credited Ouray with averting a wide-spread war with the Utes at that time.

5 "John Evans Interview," 1884, Hubert Howe Bancroft Collection, Bancroft Library, University of California, Berkeley, Calif. (Microfilm copy at the University of Colorado Library).


7 "John Evans Interview."
The commission appointed by Commissioner of Indian Affairs Dole to negotiate the Ute treaty comprised John Evans; Dr. Michael Steck, Superintendent of Indian Affairs of New Mexico; Simon Whitely, Indian Agent to the Grand River and Uintah Utes; Lafayette Head; and John G. Nicolay, President Lincoln's secretary who served as special agent and secretary for the Commission. They met at the home of Lafayette Head at Conejos on October 1, 1863, the treaty council having been delayed one month in an effort to have representatives of all the Ute tribes of New Mexico and Colorado present. ⁸

However the Tabeguaches were the only tribe with adequate representatives to negotiate a treaty. Some chiefs of the Capote and Weeminuche bands were present with their agents, but not enough to adequately represent their tribes. The Muaches had been recently attacked by Cheyenne Indians, and were busy conducting a war with them. And the White River and Uintah bands were too far away when they received word of the council to arrive in time. ⁹ (For the approximate locations of these Ute tribes see Fig. 1).

Governor Evans had proposed earlier, and the treaty commission planned, to settle all the Utes in the valley of the San Juan River. But there were a number of obstacles to carrying out this proposal. The Capotes and Weeminuches, who claimed the valley, did not want to share it with other Utes; and were apparently satisfied with their present relations with the government which included issuance of supplies to them at times. For the valley to adequately sustain the number of Indians it

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⁹Evans, to Dole, pp. 243, 244.
was proposed settling there would have required a fairly intensive farming operation. And the Utes adamantly refused to sustain themselves by agriculture alone. The commission, realizing the impossibility of effecting such a proposal at that time, especially without adequate representation of most of the Ute sub-divisions, decided to proceed by negotiating only with the Tabeguaches.  

To set the proper mood among the Indians for land cession negotiations, Agent Head had brought funds from Washington, D.C. He purchased goods in Denver, and had them freighted to Conejos. These were lavishly distributed to the Indians. The ominous threat of the military was also overtly displayed, with no less than five hundred soldiers present to "preserve peace."  

All these maneuvers--taking the Tabeguache chiefs to Washington, the gifts, the military presence--were part of a shrewdly designed stratagem to effect a successful and peaceful treaty negotiation. The Tabeguaches were most reluctant to cede a large portion of their domain, and thus find themselves with inadequate land resources to survive by their accustomed hunting culture. But they also knew that they must inevitably acquiesce to the demands made for their land. "'Our Great Father at Washington,' said one of the chiefs in council, 'has power to do what he wishes; we will obey whatever he commands.'"  

Nevertheless, the Tabeguache Utes proved to be shrewd negotiators,

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10 Ibid., p. 244.  
12 Evans, to Dole, Oct. 14, 1863, p. 244.  
13 Nicolay, to Dole, Nov. 10, 1863, p. 266.
and they pointed out that their obedience to the terms imposed upon them by the treaty gave them the right to expect governmental protection from white citizens. 14

The negotiations ended, and the treaty was signed on October 7, 1863. Among the ten Utes who signed the treaty were Colorow, who later had a leading role in the White River Ute uprising, and Ouray, the Arrow.

The Ute treaty of 1849 did not define the boundary of Ute territory, so this was done in the first part of this treaty. Essentially, pre-1863 Ute territory was defined as all land of Colorado lying west of the eastern base of the Rocky Mountain (see Figure 4). When Colorado was made a territory in 1861 the eastern boundary of Utah was moved from the Continental Divide to near the 109th meridian. Apparently, the possibility that the territory of the Colorado Utes may have extended into Utah was ignored by the framers of the Conejos Treaty.

The boundary of the reservation as determined by the Conejos Treaty and the amendments the United States Senate made to the treaty was:

Beginning at the mouth of the Uncompahgre River; thence down Gunnison River to its confluence with Bunkara River; thence up the Bunkara River to the Roaring Fork of the same; thence up the Roaring Fork to its source; thence along the summit of the range dividing the waters of the Arkansas from those of the Gunnison River to its intersection with the range dividing the waters of the San Luis Valley from those of the Gunnison's Fork of the Great Colorado River; thence along the summit of said range to the source of the Uncompahgre River; thence from said source and down the main channel of said Uncompahgre River to its mouth, the place of beginning. 15

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14 Ibid.
15 U.S. Statutes at Large XIII (1866), pp. 675, 677. This description was impossible for me to follow on a map. Since the boundary of the reservation was soon superceded by the Treaty of 1868, no survey was ever made of it. The Eighteenth Annual Report of the Bureau of American Ethnology, which includes maps of the states and territories showing Indian
Figure 4. The eastern base of the Colorado Rocky Mountains which was the eastern boundary of the Ute Reservation before the Conejos Treaty.
By this treaty the Tabeguaches ceded all of the San Luis Valley (which was also occupied by the Muaches), and the settled portions of the mountains which contained most of the mining districts of Colorado territory. That the Tabeguaches had no claim to a goodly portion of the ceded land did not deter the white negotiators. Governor Evans boasted that, "it makes one of the most extensive and perhaps the most valuable cessions ever secured in a single treaty from any tribe of Indians in the country."

Further concessions the Tabeguaches made included: submission to trade regulations applied by the United States; permit military posts and reservations to be established on their land as well as roads and railroads to be built across it; allow any United States citizen to mine in any part of the reservation; and the usual treaty concessions dealing with Indian offenders, recovery of stolen property, and the protection of whites authorized to be on the reservation. Another stipulation of the treaty was that the Muaches might also be settled on the reservation with them.

For these concessions the Tabeguaches were to receive: twenty thousand dollars worth of supplies per year for ten years; five American stallions; if the tribe would farm and raise stock, 150 head of cattle annually for five years, and 3,500 head of sheep over a five year period; the services of a blacksmith and blacksmith shop; and the protection of the United States government, "in the quiet and peaceable

land cessions, does not include this cession (see Figure 5). The only attempt to locate the boundary that I have found is that of Agnes Elizabeth Spiva's in her, "The Utes in Colorado, 1863-1880" (M.A. thesis, University of Colorado, 1929). This proved to be no help to me in determining the boundary.

16 Evans, to Dole, p. 244.

Figure 5. Indian land cessions in Colorado.
On March 25, 1864 the Senate voted ratification of the treaty after making several amendments to it. These dealt mainly with the size of the reservation—which was reduced somewhat—and a more precise enumeration of the cattle and sheep the Tabeguaches were to receive.  

Again, as with the treaty, the Tabeguaches were most reluctant to agree to the additional demands imposed by the amendments. Governor Evans pressed hard to get them to sign. When the Tabeguaches annuity supplies for 1864 did not arrive, he directed Simoen Whitely, agent for the northern Ute tribes, to take the supplies for those Utes to Conejos and distribute them there to both the Tabeguaches and the northern tribes. As an advance payment of the livestock promised in the treaty, he presented the Tabeguaches two of the five stallions the treaty stipulated.  

On October 8, 1864 the Tabeguache chiefs submitted to Evans' demands, and signed their acceptance of the amendments. 

But the Tabeguaches were not satisfied with the government in its dealings with them in these treaty negotiations. Alexander Cummings became the next governor and ex officio superintendent of Indian Affairs for Colorado, and in his 1866 report he told of the tribe's discontent which he feared could lead to hostilities. He stated that although the tribe had been displeased with its relations with the government for some years, they had now become "completely unsatisfied with the manner in which their affairs are conducted."

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17 U.S. Statutes at Large, XIII (1866), pp. 675, 677.  
18 Ibid., pp. 676-678.  
20 U.S. Statutes at Large, XIII (1866), p. 678.
time, they were particularly aggrieved about the Conejos treaty and the negotiations which led to the Utes' final acceptance of it. "They assert," Cummings continued,

that the treaty by which it is now claimed they are bound is not the treaty to which they agreed. They say that the boundaries of the lands surrendered by them as well as of the lands reserved to them are not in accordance with their understanding. . . . They claim that the stock and animals they were to have were reduced in number, and that the periods over which the annuities were to extend were for fifteen years, and not five years, as they now stand in this treaty.21

Cummings admitted that Agent Head and the interpreters for the treaty negotiations agreed with the Indians' understanding of the terms. But he also stated that the amendments were presented to the Utes in the usual legislative form, "That certain words in given lines [of the original treaty] should be stricken out, and other words substituted, no statement being shown of what the articles would be when changed."22 Nor did the negotiators for the amendments have a copy of the original treaty, thus making it impossible for anyone to fully understand the amendments.

When Cummings reminded the Tabeguaches that they had signed the treaty and amendments,

They said it was such an agreement as the buffalo makes with his hunters when pierced with arrows; all he can do is to lie down and cease every attempt at escape or resistance. They said the Great Father at Washington had sent them soldiers with guns and all the means of a terrible war, and they could only submit.23

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22Ibid.

23Ibid.
As is evident from the treaty, the commissioners planned to induce the tribe to become livestock raisers, and thereby restrict their nomadic way of life. However well-intentioned that plan may have been, it had scant possibility of success. The Tabeguaches, so long as they could live by hunting—on their reservation, on the land ceded by treaty, and their annual buffalo hunts on the plains—would not alter their mode of living. A few of them did raise some farm produce, but not any significant amount. Furthermore, the United States failed to provide the compensations promised in the treaty. Lafayette Head's report for 1865 complained that no payments of any kind had been received. In a stiff letter to Indian Commissioner Taylor in 1869, Alexander Hunt (Cummings' successor) pointed out that although Congress had honored part of the 1863 treaty by appropriating $10,000 per year for the previous five years for the purchase of livestock for the Tabeguaches, none of that money had been expended by the Office of Indian Affairs. According to Hunt the money had been withheld because of a "technical construction" of the Conejos Treaty by former Secretary of the Interior Browning which differed from those of the framers of the treaty who expected that the annuities of livestock should be distributed promptly. Secretary Browning's "technical construction" of the treaty was simply that he would not allow it to be
fulfilled by payment of annuities to the Tabeguaches. The framers of the treaty understood that if the annuity payments were delayed, they should be made up at a later time. 28 This never happened.

So the Tabeguaches received few benefits from the 1863 treaty except the presents distributed to them during the treaty negotiations. For the most part, they continued their nomadic way of life, but with fewer resources to sustain that culture. Their agency remained in the San Luis Valley at Conejos. This was land ceded by the Tabeguaches in the Conejos Treaty. Thus, they were not only encouraged to leave the reservation, but in order to receive annuity supplies at the agency they were required to leave it.

The treaty did, however, result in some definite advantages to the whites. Foremost, it insured peace with the Utes, thus allowing concentration of military attention against the Plains Indians of eastern Colorado. It also legalized white settlement of Ute territory that had taken place prior to 1863, and encouraged settlement, especially mining, on the Utes' reservation.

Another result of the treaty and the negotiations leading to it was the advancement of Ouray on his way to becoming the head chief of all the New Mexico and Colorado Utes. The United States in its dealings with Indians had found that it was easier to effect its Indian policy for a tribe if it could work through a head chief. So members of the Office of Indian Affairs attempted to single out such a chief, and promote his


position with his tribe.

Ouray, son of a Jicarilla Apache father and Tabeguache Ute mother, spent part of his youth with a Mexican family near Taos there he acquired a fluent knowledge of Spanish. This ability to speak Spanish was helpful when he was one of the group of Utes Lafayette Head took to Washington, D.C. Both Head and Ouray spoke Spanish, so the whites and Utes were able to communicate through them. The fact that the Tabeguaches lived between the southern and northern Ute tribes, and had close relations with the Indians of both areas was important in Ouray's being appointed head Ute chief by the whites. But that the whites tried to impose their own choice of head chief upon all the Utes made his acceptance by all the Utes difficult, and his hold on them was tenuous.

Generally, in the period following the 1863 treaty, the Utes continued their nomadic way of life. With game in the mountains becoming scarce, reliance on the annual buffalo hunt on the plains was increased. If this hunt failed, which it did at times because of a premature winter or the hostility of the Plains Indians, the Utes had only the whites to rely upon. But food and clothing were distributed to the Utes only when they were in such a starving, destitute condition that they would beg, demand, or steal food and livestock from the whites; and the military and Indian agents feared the Indians would be forced into widespread warfare in order to survive.

A serious threat to peace between the whites and Utes occurred in October, 1866. Kaniache, one of the Muache leaders, made raids on

30 Ibid., p. 89.
settlements along the Huerfano River in southern Colorado. A company of calvary under command of Colonel Andrew J. Alexander killed thirteen of the raiders in a skirmish on the Purgatoire River. Ouray immediately took Ankotash, a principal chief of the Muaches, to Fort Garland to parley with Kit Carson. Both Ouray and Ankotash affirmed their peaceful relations with the United States and Carson recommended that the people of Colorado refrain from making war on the Utes. Governor Cummings immediately arranged for a distribution of annuity goods to the destitute Tabeguaches and Southern Utes, and peaceful relations between the whites and Indians were restored.


33 Ibid., Cummings, to Carson, Oct. 11, 1866, p. 161.
CHAPTER VII

THE TREATY OF 1868

White settlement in Colorado lagged during the 1860s. Many of the "fifty-niners" were disappointed and returned to the States, took up other vocations, or moved on to newer mineral discoveries in other parts of the Mountain West. The concentration of national interest on the Civil War and Reconstruction, and the hostility of the Plains Indians also inhibited immigration to Colorado. Population changes during the 1860s graphically show these altering conditions. The 1860 United States census put Colorado's population at 34,277. An 1866 territorial census recorded a drop to 27,931, but by 1870 had risen to 39,864.

Despite this small increase, white settlement had again extended onto Ute land. To enable these settlers to validate their claims to their ranchlands and mining claims, and as a means of attracting more settlers, by 1868 the citizens of Colorado were petitioning for another session of Ute territory. The Utes had persisted in staying in parts of the San Luis Valley which they had ceded in the Conejos Treaty, and this needed to be resolved. Also the northern Ute tribes were upset with that treaty

1 Historical Statistics, p. 13.
4 Rockwell, The Utes, p. 72.
because the Tabeguaches had ceded land to the whites they considered their own. A separate treaty was negotiated with the Northern tribes in 1866, but it was not ratified by the Senate. Therefore, the Office of Indian Affairs again initiated treaty negotiations with the Utes.

A commission comprised of Nathaniel G. Taylor, Alexander C. Hunt, and Christopher Carson was assigned to negotiate with the Utes. Taylor, the principle member of the commission, was Commissioner of Indian Affairs during the latter part of Andrew Johnson's administration. He was a graduate of Princeton, had formerly been a Methodist minister, and was a powerful orator. In a report he made to the Senate on the warring Plains Indians he urged that the Indians be concentrated on reservations, and there civilized by being taught how to sustain themselves by agriculture. He had also been president of a peace commission of military and civilian personnel authorized by Congress in 1867. This commission was charged to make peace with the Plain Indians, and recommend a policy for civilizing the Indians. Recommendations this commission made which were incorporated in the Ute treaty included: "annuities should consist exclusively of domestic animals, agricultural and mechanical implements,

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5 Cummings, to Cooley, Oct. 10, 1866, p. 154.
8 U.S. Statutes at Large, XV (1869), p. 80; Fritz, Indian Assimilation, p. 62.
clothing and such subsistence only as is absolutely necessary to support them [the Indians] in the earliest stages of the enterprise;" heads of families should be urged to select and develop a farm as they were able to; and stringent laws should be enacted and enforced against white trespassers on Indian reservations.

In preparing treaty negotiations in 1863, the Office of Indian Affairs wanted all Utes of Colorado and New Mexico put under treaty, but only the Tabeguaches signed that treaty. To insure wider tribal participation in 1868, Indian Commissioner Taylor arranged for representatives of all Ute tribes of Colorado, New Mexico, and the Uintahs of Utah to travel to Washington, D.C. accompanied by Superintendent Hunt, and Agents Head and Carson. There a treaty was negotiated and signed on the second day of March, 1868. Ouray was the principal Ute negotiator. Under his leadership the Utes again tried to retain as much of their domain as possible, and yet satisfy the whites' insistent pressure for more land. The main provisions of the treaty were as follows: approximately the western one-third of Colorado, except for a strip of land on the north, was reserved "for the absolute and undisturbed use and occupation of the" Utes (see Figure 6); two agencies were to be constructed on the reservation, one on the White River for the Northern Utes, and another on the Rio de los Pinos River for the Southern Utes and Tabeguaches; no whites except certain

10 Ibid., pp. 504, 509.

11 This is another example of the Office of Indian Affairs negotiating a treaty where one tribe cedes another tribe's land to the United States. This land was considered Ute territory, and had been recognized as such by the Conejos Treaty. Nevertheless, it was ceded to the United States by the Shoshoni and Bannock tribes at the Fort Bridger treaty of July 3, 1868 (see Fig. 5). U.S. Statutes at Large, XV (1869), p. 673.
Figure 6. Ute Indian Reservation after the 1868 treaty.
authorized persons would be permitted to "pass over, settle upon, or reside in" the reservation, however—incongruously—rights-of-way for roads and railroads through the reservation needed for the public interest would be yielded; surveys of the reservation could be made anytime the government deemed them necessary; and in addition to the usual clauses about offenses by individual Indians or a whole tribe, a provision dealt with white offenses against Indians. In compensation for their cession of land the Utes were promised: clothing and blankets in value up to thirty thousand dollars per year for thirty years, and the same amount in food until they could sustain themselves; forty-five thousand dollars worth of cattle and sheep in order to provide each family head with one cow and five sheep (this provision was to have included bulls, and continued for four years; but the Senate by amendment deleted the bulls, and limited the time period to one year); and up to one hundred dollars worth of seeds and agricultural implements the first year, and not over fifty dollars worth per year for the next three to each family head who selected land to farm and in good faith commenced to farm. Also a school house, saw mill, grain mill, and shingle machine along with the necessary teachers, blacksmiths, carpenters, millers, and farmers were to be supplied each agency.\footnote{12}{U.S. Statutes at Large, XV (1869), pp. 619-622.}

One article of the treaty foreshadowed the Dawes Indian Allotment Act of 1887. It provided that a head of a household could select up to 160 acres of land in the reservation to farm and hold exclusively in his family.\footnote{13}{Ibid., pp. 620, 621.}
During the summer and fall of 1868 Governor Hunt went to each of the tribes, explained the provisions of the treaty and its one amendment, and had chiefs of each tribe sign their acceptance of the treaty.\(^{14}\)

The Utes were apparently as reluctant to sign this treaty as they had been the treaty of 1863. In fact, a Saguache County resident stated that Ouray claimed the Ute delegation did not sign any treaty when they went to Washington, D.C. Ouray contended that Lafayette Head and other Indian Office personnel came to the Utes' hotel room, read from a piece of paper, and left with no further discussion. Ouray further stated

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... \text{that they [the Utes] did sign the treaty presented to them on the 13th & 14th of Sept. last by Gov. Hunt with the following understanding that the Government should take the paper that was read to them while at Washington last winter and strike out all that relates to mills, machinery, farming, schools & going onto a reservation, also all in regard to so many head of cattle and sheep to each family, ...}^{15}
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This position of the Utes is affirmed by two other events. In July, 1868, two thousand Utes and all the principle Ute chiefs gathered at Denver to protest their removal to a reservation. At that time Ouray said that he feared the Utes would not let the Indian agents take saw mills and other machinery into the mountains.\(^ {16}\) And when recently appointed Agent Calvin T. Speer attempted to carry out his assignment of overseeing the erection of buildings and mills for the Los Pinos Agency, he was most surprised at the strong opposition Ouray and other Tabeguaches gave him.\(^ {17}\)

\(^{14}\) Hunt, to Parker, June 8, 1869, p. 701.

\(^{15}\) John Lawrence, Saguache County, Colorado Territory, to Commissioner \([!]\) of the Interior, Oct. 16, 1868, "Letters Received."

\(^{16}\) Edward M. McCook, Governor and ex officio Superintendent of Indian Affairs, Colorado, to Parker, July 18, 1869, "Letters Received."

There appears to have been two primary objectives of the United States in this treaty. One was to get all Utes under treaty, thereby lessening the likelihood of them making war on the whites. The other was to limit Ute territory to the western slope of Colorado, particularly to the special need of clearing the San Luis Valley of Indians. The Tabeguaches ceded the San Luis Valley in the Conejos Treaty, but no effort was made following that treaty to move the Utes.

After the 1868 treaty, however, the Office of Indian Affairs undertook to put the Colorado Utes on their reservation; or, at least, to keep them there more of the time. For the Tabeguaches this meant moving their agency from Conejos to the reservation. Since Lafayette Head was permanently settled at Conejos, he was released as agent. For a time there was no agent in the southern part of Colorado so Governor Hunt appointed William S. Godfroy, who had worked as a clerk and interpreter under Head, as temporary agent. Under his supervision the agency was temporarily moved to Saguache, located in the northwestern part of the San Luis Valley, preparatory to locating it on the reservation. 18

Edward M. McCook replaced Governor Hunt in the spring of 1869, 19 and he immediately proceeded to fulfill the terms of the Ute treaty. He solicited bids for the construction of buildings and mills at the agencies, and for cattle and sheep for the Utes. Contracts for these were soon awarded. 20 McCook realistically overlooked the part of the Senate

18 Ibid., Hunt, to Parker, June 8, 1869, p. 700.
19 McCook was the last territorial governor of Colorado to also serve as ex officio superintendent of Indian Affairs. The Colorado superintendency was discontinued in 1871. Hill, Office of Indian Affairs, p. 48.
amendment to the treaty which deleted the bulls, and purchased one bull to each thirty-five cows.

President Grant, although working closely with religious groups in devising his "Peace Policy," also made it a practice to appoint military officers as Indian agents. Therefore, Lieutenant Calvin T. Speer was appointed agent for the Los Pinos agency, and assumed that office on July 31, 1869.21

When the Tabeguaches opposed putting the agency on the Los Pinos River, Speer compromised with them by locating it on a branch of Cochetopa Creek, a tributary of the Gunnison River. To make this location conform to the terms of the treaty, the stream was named Los Pinos Creek.22 When surveys were later made of the area, it was found that the site was some twelve miles east of the reservation (see Figure 7).

Located about fifty-five miles over to Cochetopa Pass from Saguache, the agency was in a most isolated place. The contractors who erected the agency buildings were the first to traverse the route with wagons. When Governor McCook took a wagon train load of Indian annuity supplies to the agency in the fall of 1869, it took him eleven days to cover the fifty-five miles from Saguache, and much of that time was spent in making the road passable.23 Besides the difficulty and expense to get supplies to the isolated agency, it was at an elevation of nine thousand feet. Only a meager amount of grass could be harvested for hay; some hardy vegetables,

Cong., 2d sess., 1870, pp. 703, 704.

21 Ibid., Speer, to McCook, Sept. 1, 1869, p. 707.
23 McCook, to Parker, Oct. 16, 1869, pp. 709, 710.
Figure 7. Hayden Survey of Los Pinos Area.

Source: Bond, to E. P. Smith, Jan. 11, 1875, "Letters Received."
but no grains, could be grown.24 Certainly it was no place to teach Indians to be self-sustaining by farming and raising livestock!

In 1869, effecting President Grant's "Indian Peace Policy," Congress established the Board of Indian Commissioners to advise the Department of the Interior regarding its administration of Indian Affairs.25 One of the recommendations made by this board and followed for a period of time was that the Indian agencies be allotted to various religious denominations, and that churches assume responsibilities for some of the functions of the agencies. The Los Pinos agency was assigned the Unitarian Church. Therefore, Lieutenant Speer was replaced by Re. Jabez Nelson Trask, an appointee of the Boston Unitarian Church.

Unfortunately, Rev. Trask's appointment was not a success. He was a man of uncorruptible integrity, which ironically hampered his ability to work amicably with either whites or Indians at the agency. Governor McCook, with his cozy Indian ring of agency personnel and friendly contractors,27 had as little to do with Trask as possible, and worked for his replacement. It seems that this feeling was mutual. When Trask reported to McCook at Denver on his way to the agency, the Governor made arrangements for a carriage to take him on to the agency. Instead

of waiting for the transportation, Trask walked to the agency, a distance of some 250 miles.  

In his one report Trask admitted that his realationship with the Utes was not good. He withheld annuity goods in order not to appear to purchase their goodwill. Attempts to educate and to get the Indians to work got him nowhere. The Tabeguaches complained of Trask to John Jocknick, a special agent sent to Los Pinos to determine the validity of reports that Trask was insane. Jocknick found Trask very intelligent, but eccentric in manners and dress. Fortunately, Trask was soon replaced by Charles Adams, quite possibly avoiding a tragedy comparable to the Meeker Massacre. Certainly some of the conditions which percpititated that massacre were building up at Los Pinos.

Some small effort to educate Ute children was initiated at the agency. The 1872 Commissioner's report lists six students, but no teacher. In 1873 the wife of Agent Adams was employed as a school teacher, but her appointment was more to increase the family's salary than to educate any Ute children. However, the nomadic life style of the Utes,

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30 Jocknick, to Clum, Sept. 30, 1871, "Letters Received."


32 Rockwell, Ute Indians, p. 85.
and their disdain of being "Americanized" would have to change before the Utes would accept education to any significant extent.

Although farming at the agency was unsuccessful because of its elevation, in his 1872 report Charles Adams reported that the livestock was in good condition, and some Indians engaged in farming in the Gunnison and Uncompahgre river valleys. But engaging in a small amount of agriculture did not alter Ute culture. Their primary source of food remained the hunt, and they ranged widely within and without the reservation in search of game. William J. Godfroy, in a letter to Governor McCook, tells of encouraging the Utes to go off the reservation to hunt in order that they would be less expense to the government (or McCook?). An agency for the Utes was opened at Denver January 17, 1871. Its primary function was--besides graft--to care for the Utes who made Denver their base for buffalo hunting expeditions to the plains. Certainly the Office of Indian Affairs was not sincere in including treaty articles which extracted promises from the Utes that they would remain on their reservation.

33 Adams, to Walker, Sept. 6, 1872, p. 209.
34 Jan. 28, 1870, "Letters Received."
35 Hill, Office of Indian Affairs, p. 50.
CHAPTER VIII
THE SAN JUAN CESSION

As has been seen in the northward movement of settlement from New Mexico, and the miners who flocked to the Cherry Creek, Pike's Peak, and other gold fields of Colorado; as white population and strength increased, Ute land and resources inevitably decreased. And in the 1870-1880 decade Colorado's population boomed—from 39,864 to 194,327. Several factors caused this phenomenal growth: the Plains Indians were less of a threat to western migration, with the Civil War over the United States got back to her westering movement, railroads had spanned the nation and during 1870 railroad lines entered Denver from the north and east from which a network of lines branched to other parts of the territory. Colorado embarked on a widespread, vigorous campaign to attract settlers. In addition to advertisements issued by newspapers, railroads, land companies, and agricultural colonies, in 1872 Colorado organized a propaganda agency called the Territorial Board of Immigration. This agency sent pamphlets and circulars throughout the United States and northwestern Europe extolling the opportunities for settlers in Colorado. The rosetate view the agency gave of Colorado Indians is interesting:

... the savages, who in years past roamed over the plains have through military persuasion been happily translated to their 'eternal hunting grounds,' are securely cooped up

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1 Historical Statistics, pp. 12, 13.
within their military reservations, under the surveillance of the military, and are as subdued as little children. The Ute Indians have always been friendly, and though often seen on the east side of the mountains, are as harmless as our own people.  

Promotions notwithstanding, the greatest impedus to the growth of Colorado during the 1870s was a resurgent mining industry. After the initial placer mining boom of 1859 subsided mining in Colorado went into a decline during the 1860s. But with the introduction of scientific methods of mining, milling, and smelting to recover and process the refractory quartz minerals of lode mines, the industry again flourished.

In addition to the revitalized mining districts of Colorado, new discoveries of gold and silver were found in the territory. Of these the Utes were most effected by the discoveries made in the San Juan Mountains. These mineral deposits were deep in Ute territory, and the United States was bound by treaty with the Utes to keep trespassers out of the reservation. To the credit of some personnel of the Office of Indian Affairs, they took steps to protect the Utes' rights. In his annual report of 1870, Governor McCook reported the difficulty Lieutenant Speer had encountered trying to keep miners off the reservation. Rev. Trask reported finding a group of miners on the reservation whom he immediately expelled. However, McCook criticized the reasoning of his predecessors in reserving

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3 Colorado Territory, Territorial Board of Immigration, Resources and Advantages of Colorado (Denver, Colo.: 1873), p. 44.


6 Trask, to Clum, May 31, 1871, "Letters Received."
so large and choice a portion of the territory for an Indian reserve. Clearly, his duties as governor and his personal interests as a land speculator took precedence over his responsibility as Superintendent of Indian Affairs.

But spurred on by the wealth available in the San Juan, miners and their suppliers were unrelenting in their efforts to stay on the reservation. Otto Mears, an opportunistic entrepreneur who was becoming wealthy filling contracts to supply beef and other goods for the Indians, was the self-styled "Pathfinder of the San Juan," and a moving force of this invasion. Amassing a network of toll roads, in 1871 he and his associates filed on the road from Saguache to Los Pinos Agency via Cochetopa Pass which McCook and the building contractors had opened in 1869. This road was extended to Lake City, which became a center of illicit mining on the reservation. To promote mining in the San Juan, Mears founded and published newspapers at Saguache and Lake City.

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7 McCook, to Parker, Oct. 13, 1870, p. 629.

8 A strategem an "Indian ring" used to defraud the government and the Indians was for an Indian agency employee to trade surplus or worn out agency property to a supplier in exchange for goods, both at highly inflated prices. The employee could pocket the difference between the inventory and trade prices, and the supplier received exorbitant prices for his goods. Thus Uriah M. Curits, employed at Los Pinos as a Ute interpreter, "traded two span of mules, wagon & harness to one Otto Mears for seven hundred dollars, taking in payment thirteen thousand pounds of potatoes at three cents per pound, and the balance of the amount in wheat at five dollars per fanego [about one and six-tenths bushels]!" John Lawrence, Saguache County, Colorado, to Commissioner [[!]] of the Interior, Jan. 11, 1869, "Letters Received."


In the face of the obdurate determination of the miners to remain on the reservation, the Office of Indian Affairs turned the matter over to the Army. On May 16, 1873, Brigadier General Pope ordered Major A. J. Alexander at Fort Garland to remove without violence trespassers from the reservation. However, the next day this order was countermanded by a direct order from President Grant.

Obviously the political pressures exerted mainly by the press and mining interests of Colorado were successful, and the stage set for another cession of Ute land. From previous negotiations the script varied somewhat, and some of the performers were different, but the results were as predictable as a melodrama.

On April 23, 1872, Congress authorized the Secretary of the Interior to negotiate with the Utes for a cession of part of their reservation. Governor Edward McCook of Colorado, John Lang of Maine, and John McDonald of Missouri were appointed by the Secretary as a commission to treat with the Utes. This commission met with representatives of all the Ute tribes of Colorado except the Weeminishes at the Los Pinos Agency the latter part of August, 1872. Although, or perhaps because, the San Juan was

11 "Letters Received."

12 General William T. Sherman, Headquarters, Army of the United States, to Lieutenant General Philip H. Sheridan, Commander, Military Division of the Missouri, May 17, 1873, "Letters Received."

13 In March, 1871, Congress passed legislature which forbade the making of treaties with Indian tribes. However, the only significant difference this made in governmental negotiations with Indian tribes was to require full congressional approval of Indian "agreements."

14 U.S. Statutes at Large, XVII (1873), p. 55.

principally their land, the Weeminuches refused to obey the demands from the Office of Indian Affairs that they attend the council.

Major A. J. Alexander, a military escort to the Commission, filed a report of the proceedings. Besides the commission and agents, several other whites--lobbyists, government officials, contractors--were present looking after their special interests. Otto Mears was there in behalf of his interests as a supplier of goods for the Indians, as were several contractors from New Mexico. The commission arrived at the agency on a Monday, August the twenty-sixth. Tuesday, the first day of the parley, with John Lawrence translating to Spanish and Ouray translating to Ute, Governor McCook addressed the Indians. He told them frankly the commission's purpose was to negotiate for Ute land. He assured them that the United States would uphold and enforce the 1868 treaty, but to do so would require a large military force on the reservation which he promised the Utes they would be more displeased with than the trespassing miners. Commissioners Lang and McDonald then spoke, attempting to persuade the Utes that they had left their comfortable homes in the east because they wanted to help the Utes.

Felix Brunot, chairman of the Board of Indian Commissioner, arrived for the parley that same day. He was not a member of the commission, but was there to support the negotiators. He informed the Indians that they had too much land, and the commission had been sent by the government to get some of it from them.

The next day the Indians responded to the commission. Sapovanero, a Tabeguache chief, assured the whites the Indians did not want to sell any of their land, had accepted the 1868 treaty in good faith, and now wanted the government to live up to it. He further stated that the Utes
had not molested the trespassing miners when they came on their lands, but
had notified the agent, and received no satisfaction from the government.
Kaneache, chief of the Muache or Cimarron Utes, was more caustic in his
remarks. He accused Governor McCook of scheming to get their land, and
Governor Arny of New Mexico of doing all the harm he could to the Utes.
He then called on the government to protect them in their rights. Appar­
etly Ouray did not take part in the negotiations other then in his role
as interpreter. Other chiefs added their remarks during the day, but the
Utes were adamant in their refusal to part with any of their land. In
this, a provision of the 1868 treaty aided them. Article sixteen of that
treaty stipulated that future land cession treaties would require the con-
curring signatures of three-fourths or more of all the male adult Utes.

Getting nowhere with the Utes' the commissioners adjourned the coun­
cil for a day. A Mr. R. Rhinehart from the Cimarron of New Mexico proposed
to the commissioners that for a fee of $850 he would get the Utes to sign
the cession. Rhinehart was at the council lobbying for the Muache Utes
to stay in New Mexico in order that he could contract to supply food for
them, so the commissioners agreed to award him the food contract to the
Muaches for eight months if he could get the Utes to sign.

On Friday the council reconvened, and Mr. Rhinehart failed as had
the others. "Seeing that the Commission had given up dealing directly
with the Indians and had placed itself in the hands of an irresponsible
ring, and feeling satisfied that nothing would be done, . . ." Major
Alexander left the agency in disgust. 17 When the council met the next

16 U.S. Statutes at Large, XV (1869), p. 622.
17 Alexander, to Lieutenant W. J. Cartle, Adjutant General, District
of New Mexico, Sept. 18, 1872, "Letters Received."
day, the Indians became angry in their refusal to negotiate. Ouray refused to interpret, saying that he would interpret no more lies to his people.

   Before the council ended, Ouray did promise that the miners on the reservation would not be molested until spring at least. Another event concerning Ouray happened at the council which helped to bring success to the whites in their council the next year with the Utes. Brunot learned that Ouray's only child, a son by his first wife, had been captured by Plains Indians when he was five years old. Brunot promised to do everything he could to have Ouray's son returned to him.

   In a meeting at Cheyenne the next summer, Brunot reported to Ouray the efforts he was making to find his son. To this Ouray said, "The Government is strong, and can do what it wants; if the Government will do what it can for me and get by boy, I will do what I can for the Government in regard to our lands." Another council with the Utes was discussed at this meeting, and Ouray requested that people from Colorado not be included since their only interest was getting the Indians' land.

   Brunot and Nathan Bishop, both members of the Board of Indian Commissioners, were selected as the commission to conduct the second round of negotiations. The parley started September 6, 1873, with Mr.

18 Ibid., Sept. 17, 1872.
21 Ibid., pp. 480, 481.
22 Ibid., Columbus Delano, Secretary of the Interior, to Edward P.
Brunot the only member of the commission present. Agents, interpreters, and a few other whites were present, but in smaller numbers than at the previous council. Indicative of his increasing influence in Colorado Indian affairs, Otto Mears was among these.

Brunot was unable to bring Ouray's son with him, although he delayed his arrival several days in hopes that he could. At this council the Utes were not united in their opposition to giving up part of their land as they had been the year before. More miners and farmers were trespassing in the San Juan, and the government had ignored repeated Ute demands that they be cleared from their land. Brunot realistically appraised the trespassers: "I will ask the President to drive the miners away as I did last fall, but a thousand other men will tell the President to let them alone. Perhaps he will do as I say, perhaps not."

When the council started, the Utes refused to talk about selling their land. They wanted to know why the boundaries of the reservation as they were being established by survey were not as they understood them to be when they ratified the 1868 treaty. Brunot, not being involved with that treaty, persuaded the Utes to defer that problem and some others until a delegation of Utes went to Washington, D.C. that winter.

The negotiations continued off and on for a week. The Utes would meet with Brunot, then by themselves. Ouray was the principal Ute negotiator at this council. He appreciated Brunot's efforts to find and

Smith, Commissioner of Indian Affairs, June 20, 1873, p. 451.


24 Ibid., p. 475.

25 Ibid., p. 463.
return his son, but compromised his tribe's interests by this. Also, Ouray had been employed by the government for a number of years as an interpreter at the salary of five hundred dollars per year. Otto Mears suggested that Ouray's salary be increased to one thousand dollars per year, although Brunot viewed this as blatant bribery.

The threat of either whites or Utes starting a war in the San Juan was serious, and needed to be removed. Undoubtedly Brunot and his aides felt justified in putting all the pressure on the Utes they could. Past experiences had shown the Utes that they could not resist for long the whites' demands for their land, and they had been unsuccessful in getting the miners removed from the San Juan. Finally, on the seventh day of the council the Utes were nearly ready to cede their land. Otto Mears completed the negotiations, and the Utes agreed to sign.

But the Utes were determined to cede only mountainous mineral lands, and before some of them would sign the agreement insisted that the commission secretary, Thomas Cree, and Agent Adams accompany a group of Utes, principally Weeminuches, to inspect the area to be ceded. As the straight lines of the 1868 treaty did not meander to the contour of the

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26 Ouray met a young Indian who probably was his son the next winter in Washington, D.C. when a group of Utes met some Southern Arapaho Indians under the auspices of the Indian Office. For an account of this see Ann W. Hafen, "Efforts to Recover the Stolen Son of Chief Ouray," The Colorado Magazine, XVI (January, 1939), pp. 53-62.


28 Ibid., p. 124.

29 Ibid.

land, so the lines of the San Juan Cession would not distinguish (except for land in the Uncompahgre Park) mineral land from farmland.

The San Juan Cession comprised some four million acres, a rectangle of sixty-five by ninety miles (see Figure 8). Realizing that they would become increasingly more dependent upon agriculture to sustain themselves, the Utes did not want to sell any of the potentially rich farm land of the Uncompahgre Park. Therefore, a stipulation of the cession agreement was that if when surveyed any of the Uncompahgre Park proved to be within the cession, it was to be retained by the Utes. Other provisions of the agreement included: Ute hunting rights on the cession; the Utes would receive $25,000 per annum; Ouray would receive a salary of one thousand dollars per year as chief of the tribe; an agency for the Southern Utes would be erected on the southern part of the reservation when agreeable with the President; and the provisions of the 1868 treaty not altered by this treaty would remain in force, especially those provisions dealing with unauthorized people on the reservation. Ouray, Chipita his wife, and several other Ute chiefs went to Washington, D.C. during the winter to complete the treaty. It was ratified by Congress on April 22, 1874.31

With the San Juan, or Brunot, cession completed, the Office of Indian Affairs turned its attention to relocation of the agency. That the agency was at an untenable location was admitted by all whites concerned with it. Brunot's assessment of it was typical:

... the present agency at Los Pinos lies at so high an altitude as to be visited by frost every month in the year, effectively preventing the raising of any kind of produce. During the winter months intercourse is kept up with Saguache,

31 In addition to previously receiving wages as an interpreter, Ouray had also been furnished a house at the agency; U.S. Statutes at Large, XVIII (1874), p. 36.
Figure 8. San Juan and Four-Mile Cessions.
the nearest Post-office, with uncertainty and danger. 32

Agents assigned to Los Pinos complained of the difficulty and cost of transporting supplies to it. The inability to raise crops at the agency forestalled teaching the Utes farming practices. Some farming to raise produce for agency personnel was done at the cattle camp located northwest of the agency on the Gunnison River. But being removed from the agency, no effort was made to involve the Utes in this farming. Efforts to set up an instructional program for the Ute children were also disrupted by the location of the agency. Having no boarding facilities in the school house, the children would go with their parents when they departed in the fall for areas of warmer climate in which to spend the winter.

The Utes' reluctance to move the agency farther west is understandable. The agency itself was a means for opening up the reservation to whites. Besides the numerous employees of the agency, contractors, their employees, and acquaintances had ready access to the reservation. Some of these sought out choice locations on the reservation, and settled there taking advantage of their friendship with the Utes. 33

The need to move the agency was brought up in the Brunot negotiations; but the whites, realizing the location of the agency was not a necessary part of the treaty, did not press the issue in the face of Ute opposition. Later it was proposed to move the agency to the cattle camp on the Gunnison River. This area had sufficient irrigable land for the Utes, and the climate was such that crops could be grown there. But Henry


F. Bond, who replaced Charles Adams as Los Pinos agent in May, 1874, pointed out that the cattle camp was four or five miles outside (east) of the reservation (see Fig. 6). Bond proposed locating it on the Uncompahgre River, eighty to one hundred miles west of Los Pinos, but Ouray at first objected to this. On February 9, 1875, Bond reported that Ouray was agreeable to move the agency about twenty miles west to a site on the Cebolla River, but by May 18 Ouray had agreed to move the agency to the Uncompahgre River. Bond immediately started moving the agency, and by late fall had completed the move.  

CHAPTER IX

THE FOUR-MILE SQUARE CESSION

With the surrender of the San Juan made by the Utes, white settlement on that cession continued apace; and, predictably, extended onto the reservation. The north boundary of the San Juan Cession was ten miles north of the thirty-eighth parallel of latitude (see Fig. 8). According to the Brunot agreement, any portion of the Uncompahgre Park extending south of that line was to be retained by the Utes. The Park was choice farmland, and contained hot mineral springs which was highly prized by the Indians. Both land and springs which were coveted by the whites, and quickly settled up. Produce from the farms and ranches found a ready market in the nearby mining towns. This trade materially reduced the cost of living in the towns by providing a cheaper source of food for the miners, lessening the amount of food that had to be transported over arduously long and costly toll roads from Saguache, Del Norte, and other towns east of the San Juan.

Ute and Indian Office efforts to dislodge the trespassers from the Uncompahgre Park proved to be another fiasco similar to the San Juan, only on a grander scale. In response to Agent Charles Adams' report of trespassers on the reservation, the Secretary of War stated that troops at Fort Garland would be ordered to expel the intruders when called upon by the Superintendent of Indian Affairs. But in his April, 1874, report, 

1 William W. Belknap, Secretary of War, to Columbus Delano, Mar. 18, 1874, "Letters Received."
Adams stated that he was powerless to effect removal of the trespassers because no survey of the area had been made. \(^2\)

An article of the 1868 treaty, continued by the Brunot agreement, authorized the survey of the Ute Indian Reservation. On August 22, 1873, a contract to survey the eastern boundary of the reservation was awarded Richard C. Darling. \(^3\) In August of 1874 no less than four different survey parties visited the Los Pinos Agency. \(^4\) In addition to surveys made exclusively to determine reservation boundaries, general surveys were being made in western Colorado as elsewhere in the west during the 1870s. These were the great surveys of King, Hayden, Powell, and Wheeler. All this activity in their territory naturally disturbed the Utes, especially as surveys of their reservation boundaries generally resulted in reduction of the reservation from the natural boundaries which the Utes understood by treaty negotiations to be its bounds.

On October 2, 1874, the General Land Office awarded to James W. Miller a contract to survey the boundaries of the San Juan Cession. Before starting the survey, Miller was informed of the San Juan treaty provisions excluding the Uncompahgre Park from cession— that if any of the Park was found to lay outside the reservation, he was to adjust his survey lines to keep it in the reservation. Miller visited the Los

\(^2\) Charles Adams, to Edward P. Smith, May 4, 1874, "Letters Received."

\(^3\) S. S. Burdett, Commissioner of the General Land Office, to Edward P. Smith, Commissioner of Indian Affairs, Feb. 22, 1874, "Letters Received."


\(^5\) J. A. Williamson, Commissioner of the General Land Office, to John Q. Smith, July 24, 1876, "Letters Received."
Pinos Agency while he was making the survey, and undoubtedly then was again informed of this exclusion. 6

Upon making the survey, the Park was found to actually lay south of the north boundary of the cession. Yet the boundary was run on a straight line from one end of the cession to the other!

Bond urged that the survey not be accepted. 7 However, the Commissioner of the General Land Office accepted the survey after Miller had been interrogated about the Park. Miller contended that he believed the Park to be within the bounds of the reservation as he surveyed it, and that this opinion was concurred in by a former Ute agent who was with him during the survey. 8 He further stated that no one, neither Bond, agency employees, nor Utes appeared while he was surveying the area to locate the Park for him. 9

To partially negate this fraudulent survey and to placate the thoroughly aroused Ute Indians, a four-mile square tract of land containing the hot springs and some of the Uncompahgre Park was withdrawn by executive order of August 17, 1876, from the public domain and added

7 Bond, to John Q. Smith, Dec. 18, 1875, "Letters Received."
8 There being both an Uncompahgre Park and an Uncompahgre Valley caused some confusion which the whites took advantage of in settling the Park. But it was perfectly clear to both Indian and white negotiators of the San Juan cession that they were distinct and separate. Los Pinso Agency, Ouray's home, and most of the Tabeguaches were located in the Valley. Uncompahgre Park was upriver (south) of the Valley, separated by a canyon four or five miles in length. Bond, to John Q. Smith, April 29, 1876 "Letters Received;" Josiah Fogg, Ouray, Colorado, to Schurz, Sept. 20, 1878, "Letters Received."
9 Williamson, to John Q. Smith, July 24, 1876, "Letters Received."
to the Ute Indian Reservation\(^\text{10}\) (see Figure 8).

This executive action seems only to have challenged the white trespassers and their political representatives of Colorado to fight harder. It was most significant in the Coloradoans efforts to victimize the Utes that Colorado became a state on August 1, 1876, just a few days before the executive order was signed. Anticipating the uses to which the power of statehood would give Colorado, the *Proceedings of the Constitutional Convention* which culminated in Colorado's admittance to the Union states:

> Then we will be able to assume our proper station among the States of the Union. With two Senators and a Representative in the National Congress, we will be enabled to command respect, and to secure additional appropriations for the fostering of our industries, as well as of extending our political privileges; then we will have a voice in the matter of Indian treaties, in the establishment of military posts and roads, in the location of mail routes, in the passing of laws concerning the title to mineral veins, and providing for the disposal of the mineral and pastoral lands of the State as suited to peculiar wants; also upon many other questions which at present interest us, but upon which we can not now be heard.\(^\text{11}\)

As it turned out, Colorado was heard and heard resoundingly in the matter of the Uncompahgre\(^\text{12}\) Utes' Park. Frequent warnings of Ute uprisings were voiced in the press, petitions of Colorado citizens urging that the whites be allowed to stay in Uncompahgre Park were forwarded by Colorado's congressional representative to the Department of the Interior, and petitions from citizens and the state of Colorado were submitted to

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12 With the removal of the agency from the banks of the high mountain tributary of the Gunnison River to the Uncompahgre River, the name Uncompahgre Ute became more used than that of Tabeguache. This study will follow that practice.
Congress urging the removal of all Utes from Colorado.

Agent Bond was dismissed from duty in September, 1876. Early the following year his successor, Major Willard D. Wheeler, prepared to evict the squatters from the "four-mile strip." To each of the trespassers--about twenty in number--he gave a written notice to leave the reservation by April 1, 1877. With the notice was a copy of the presidential order which annexed the Uncompahgre Park to the reservation. Wheeler reported that only one family of squatters left, and several of those who refused to leave said they would go only at the "point of a bayonet." 13

Troops to force the trespassers off the reservation arrived at Uncompahgre Park from Fort Garland on April 22d. The settlers were given thirty days to get their possessions off the reservation, and the troops waited at the agency for the end of the grace period. With the presence of cavalry troops on the reservation, cattlemen who had protested that they could not control their cattle and keep them off the reservation soon removed their cattle. 15

But that was about all the troops accomplished, and as soon as they left the cattle were back on the reservation. In response to a request from Senator Teller, Secretary Schurz agreed to let the settlers stay on the Park until fall with the firm understanding that they would peacefully leave then. 16

13 Wheeler, to W. W. Stoddard [one of the squatters], Ouray, Colorado, Mar. 10, 1877, "Letters Received."
14 Wheeler, to John Q. Smith, Apr. 9, 1877, "Letters Received."
15 Lieut. John Conline, Ninth Cavlyr, to Post Adjutant, Fort Garland, Colorado, June 22, 1877, "Letters Received."
16 Schurz, to Teller, Apr. 30, 1877, "Letters Received."
With the expiration of this grace period, Agent Wheeler was again instructed to clear the reservation of squatters. In attempting to carry out these orders, Wheeler was shown a letter one of the squatters had received from Senator Teller advising him to retain possession of his land until forced to leave. Although unable to expel the trespassers, Wheeler tried to carry out his orders to clear the reservation of whites so vigorously that he apparently incurred the displeasure of the white citizens of the area. Petitions demanding his removal were circulated in Colorado charging him with drunkenness and being too "liberal." On December 3, 1877, Wheeler was replaced by Joseph B. Abbott. Wheeler ended his term as an Indian agent by again requesting troops to help move the squatters off the reservation.

But the military was reluctant to send troops to the area, and again be embarrassed by a hesitant Indian Office. Answering Abbott's letter of January 24, 1878, the commanding officer of Fort Garland declined to send troops until he received orders to do so from his superiors.

Encouraged by the success some had in settling on the reservation, whites continued to settle on the Indian land. In 1878 there were three hundred whites unlawfully occupying 40,000 acres of land in the Los Pinos Agency area.

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17. Wheeler, to Ezra A. Hayt, Commissioner of Indian Affairs, Nov. 30, 1877, "Letters Received."
18. Josiah Fogg, to Schurz, Sept. 20, 1878, "Letters Received."
19. Wheeler, to Commanding Officer, Fort Garland, Colorado, Dec. 3, 1877, "Letters Received."
20. George Sharkley, Captain and Commanding Officer, Fort Garland, Colorado, to Abbott, Jan. 30, 1878, "Letters Received."
On June 10th of that year Lieutenant L. H. Rucker of Fort Garland, Abbott, and the agency physician went to Uncompahgre Park and other places where whites were trespassing, and warned the intruders to leave the reservation within ten days. But Abbott did not have the intestinal fortitude to stand up to the trespassers. They intimidated him by threatening to precipitate an Indian War by shooting some Uncompahgres, expecting the Indians to retaliate by raiding the white settlements. This would lead to a military campaign against the Uncompahgres which would result in either the extermination or removal of the Utes. Whether the whites were bluffing or not, the situation was explosive; and Abbott backed down by requesting further instructions from the Commissioner, and recommending that the Indians be removed.

During this entire fiasco the Uncompahgres remained remarkably calm. This was largely attributable to Ouray, who had gained extensive power over them. The Indians were most insistent that the Park be given to them, and that the United States honor the article of the San Juan Agreement that guaranteed them possession of the Park. But that was as far as they could prudently go. Any action or threat or action by the Utes to forcibly remove the whites from the reservation would only redound to their harm. Ouray, with his years of experience in dealing with the

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22 Abbott, to Hayt, June 12, 1878, "Letters Received."

23 Abbott, to Lieutenant L. H. Rucker, Commander, Fort Garland, Colorado, June 13, 1878, "Letters Received."

24 Abbott, to Hayt, June 13, 1878, "Letters Received."
United States and fully aware of the nation's power, knew this all too well, and kept his Uncompahgres under control.

Coupled to this blatant theft of their land, and the ineffectiveness of the Indian Office to protect their rights was the usual indifference of Congress and the Indian Office in providing goods and services to the Utes in accordance with the terms of agreements made with them. Blind to their own offenses against the Indians, Coloradoans saw the federal government as the main cause for Indian unrest. The Denver Times expressed it this way:

We do not anticipate a war with the southern Indians, but it will not be because they have no cause for complaint. Not against the settlers of Colorado, but against the government, for neglecting to furnish the supplies until the dead of winter was upon them. Eastern people, and Washington officials especially, think all Indian wars arise from the hate of Indians by white settlers, and the consequent depredations. The truth is that wars generally occur from the neglect of the government to carry out its agreements, and so the Indians begin an assault upon the white people within reach, who to their minds, represent the government which has promised to support them.\\cite{25}

Senator Teller was also willing to attribute problems with the Indians to the federal government. He blamed the Indians' unrest and warfare on the government's failure to keep its agreements with the Indians, and asserted that the United States was $125,000 in arrears in its payments to the Utes alone.\\cite{26}

While the Office of Indian Affairs dawdled, and the Utes waited, steps were taken to solve this dispute over Indian land in the traditional manner. On February 11, 1878, Senator Jerome B. Chaffee of

\footnote{25}{Jan. 2, 1878.}

\footnote{26}{U.S., Congress, Senate, Congressional Record, 45th Cong., 2d sess., May 7, 1878, vol. VII, pt. 4, pp. 3236, 3239.}
Colorado introduced a bill authorizing the Secretary of the Interior to negotiate with the Uncompahgres for the Uncompahgre Park.  

This bill was enacted, a commission appointed, and Ouray and several other Uncompahgres again were taken to Washington, D.C., where on January 14, 1879, they signed an agreement to sell the four-mile tract of land for the sum of ten thousand dollars. This agreement was never ratified by Congress, and the Utes did not receive payment for the land.  

Nor was the Office of Indian Affairs very successful in other aspects of "civilizing" and making the Uncompahgres self-sufficient through agriculture. When the agency was at Los Pinos, little was done in the way of educating the Uncompahgre children because the Indians were there only a few months of the year. With the agency moved to the Uncompahgre River, a school house was planned but never built, the contractor failing to complete his obligation. Mrs. Bond, wife of Rev. Henry F. Bond, attempted some instruction of the children; and the 1876 report lists an average of twelve students for a six-month term. The next agent, Willard D. Wheeler, did not continue the school which apparently had been held in the agency residence. In his 1877 report he expressed his doubts of the practicability of schooling for Indians, but recommended a boarding school.

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27 Ibid., p. 921  
28 U.S., Congress, Senate, Mining Camps on the Ute Indian Reservations, S. E. D. 29, 46th Cong., 2d sess., 1880, pp. 93-97.  
as the only way Indian children could be educated. 31

As the permanence of the Los Pinos Agency became more uncertain, with proposals to move the Uncompahgre Utes out of Colorado to Indian Territory, or to the White River with the Northern Utes, no school house was built at the agency. This lack of concern evidenced by the Indian Office and their agents was coupled by the indifference or opposition of nearly all the Uncompahgre parents to have their children educated by white men.

A few Uncompahgres farmed on the river bottoms of the Uncompahgre and Gunnison, and other scattered locations. In 1872 Agent Charles Adams reported of Indians successfully farming in those areas without any supervision or encouragement from him, indicating that such activity had been going on for some time. 32 When the agency was moved to the Uncompahgre River, the agents attempted to interest the Utes more in farming. Irrigation ditches were dug, and land farmed at the agency. But this activity was mainly carried on by agency employees.

The most successful farming among the Utes in the Uncompahgre Valley was done by Ouray. He established a farm about eight miles down river (north) from the agency. A house, barns, and corrals were built for him by agency personnel. In 1877 he raised wheat, corn, a variety of vegetables, and about four acres of potatoes. Ouray also succeeded in getting some Indians to assist him in his farming operation who would not work for


the agent. 33 The next year Ouray had some seventy-five acres of land under cultivation. 34

The expansion of livestock husbandry among the Uncompahgres was far more successful than farming. They had bred and raised horses for generations, and the expansion of this activity to include sheep, goats, and a few cattle was quite natural. Livestock raising fit well the natural resources of the reservation, and the nomadic culture of the Uncompahgres. In 1878 they owned 5,500 horses, twenty-five mules, 150 cattle, and 4,500 sheep. 35

Despite these small advances in agriculture, the condition of the Uncompahgre Utes continued to deteriorate. Their homeland and the game it produced diminished as the whites advanced. By the mid-1870s the supply of buffalo on the Plains where the Utes hunted was depleted. This was primarily the result of white buffalo hunters who harvested the hides and sometimes the meat with at least the tacit approval of the government which hoped to thereby better control the Indians who relied upon the buffalo for their livelihood. Indicative of the loss of this resource for the Utes, on December 31, 1875, the Denver Ute Agency was discontinued. 37 It had functioned primarily as a way station for the Utes going

33 Wheeler, to Hayt, p. 44.


37 Hill, Office of Indian Affairs, p. 48.
to and from their annual buffalo hunts on the plains.

So as the power of the whites grew, the strength of the Uncompahgres inevitably waned. With Coloradoans encroaching more and more on their land, the Uncompahgres were continually frustrated in their efforts to get the government to live up to its promises to them. And the Office of Indian Affairs was continuing to fail in preparing the Uncompahgres for the changes in their life style which were, and would increasingly, be thrust upon them.
CHAPTER X

"THE UTES MUST GO!"

The bills introduced by Colorado's congressmen during 1878 dealing with the Ute Indians were designed to either move all the Utes out of Colorado to Indian Territory, or confine them in the White River area. Ouray averred that neither of these proposals were acceptable to the Utes, that his people would die fighting rather than give up their homeland. But white pressure for the Utes' land, as in the past, continued to mount. In his inaugural address Governor Frederick W. Pitkin presented a summary of Colorado's views of the state's "Ute problem." He extolled the quality of the reservation: mild climate, many streams and rivers, rich valleys and broad fertile plains which would provide farms for thousands of Coloradoans; large mountain ranges that could be grazed by large herds of livestock, and possibly rich in minerals. He deplored that in all the reservation's vast size—some twelve million acres—only some three thousand indolent Indians roamed, occasionally hunting, but generally engaged in horse racing, and fed by the government. Pitkin announced the primary objective of his administration thus:

There is in my judgment no matter of such urgent importance to our people as the immediate extinguishment of the Indian title. The westward march of the white race and of civilization, begun over two centuries ago on the Atlantic coast, can not long be arrested at the boundaries of this immense tract of valuable land by the presence of a tribe of Indians too small in number to constitute a respectable village.

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1 The Denver Times, May 1, 1878.
2 Rocky Mountain News, Jan. 15, 1879.
In September, 1879, occurred an event which brought the "Ute problem" in Colorado to a head; and resulted in the expulsion of all Utes, except the southern tribes, from the state. This was the Meeker Massacre at the White River Agency. Agent Nathan C. Meeker, a man of many admirable qualities, with a religious fervor attempted to do with the White River Utes what had long been the avowed objective of United States Indian policy--that was, make the Indians an integral, self-sufficient component of America by turning them from the hunt to agriculture as their primary means of livelihood. Meeker's curt, impatient manner as he attempted to keep the Indians on the reservation and engage them in farming baffled the Utes and alienated them from him. Misunderstandings led to confrontations and disturbances. Meeker, perhaps influenced by the recent Sioux Indian depredations and desperate to succeed in his efforts to keep the Utes on the reservation in order to teach them to farm, called for military assistance to protect the agency personnel, and to enforce his efforts to civilize the Utes. But the Utes, aware of demands made in some newspapers that they be exterminated or sent to Indian Territory, feared that the Army would enslave or kill them. A cavalry unit ordered to the agency was met outside the reservation by the Utes. When the military ignored the Indians' demand that the troops stay off the reservation while a group of officers went to the agency to determine conditions there, the Utes ambushed them as they advanced, and killed the white men and took the women and children captive at the agency.

Although hostilities were confined to the vicinity of the White River Agency, and peace there was quickly restored and the captives released, the tragedy was immediately exploited by Coloradoans as a means to get rid of the Utes. Several newspapers urged that the Utes be
exterminated. An article in *The Denver News* harshly proposed:

> If every Indian is given a piece of land and told to submit to the laws and go to work, as Secretary of the Interior Schurz proposes, he will sell his land to the white men for whiskey, get drunk, kill somebody and get hung. In this way the problem will be solved and the race exterminated. But would it not be better to hang them before they commit their murders and thus save the lives of three hundred thousand white people?  

The *Rocky Mountain News* issue of the following day advocated the complete extermination of the tribe. *The Ouray Times* also suggested the same extreme solution, and earlier *The Boulder Colorado Banner* had flatly stated: ... "there is no use making a long ado about the Indian question. The only solution of the problem is extermination."  

But generally, rather than extermination, Coloradoans sought the expulsion of all Utes from the state. The hue, "The Utes Must Go!" was raised throughout Colorado. Under the title, "Wipe Them Out," the *Rocky Mountain News* stated:

> An Indian reservation within the limits of a sovereign state is an anomaly not contemplated by the founders of this government. It is doubtful, extremely doubtful, if even the fathers of the Quaker system had in mind an absurdity so gross. By the discovery of gold and the advance of the iron horse these "western wilds" are no longer out of the way, but in the very midst of our keenest civilization--a condition of society that is least indulgent to slip-shod methods and extra constitutional plans. We must assimilate, exterminate or remove the Utes. The first remedy is not desirable--the second is cruel. Hence the third alone remains, and whether to the Indian territory, New Mexico or Utah, once this is settled--the Ute must go.  

The *Denver News* perceived the Quaker Indian policy of the government

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3 Oct. 23, 1879.

4 "Utes Must Be Exterminated for Meeker and Thornburgh Massacre." Nov. 22, 1879; Oct. 10, 1879.

5 Nov. 14, 1879.
as a plot by the "Republican North" to thwart the development of Colorado. Impatient to have the Utes out of the state and their reservation opened for settlement, The News lamented: "They [the miners] cannot wait. Last winter we all agreed that if the Indians were not off from the reservation when the snow melts we would drive them off." 6 The Lake City, Colorado newspaper proposed that the Utes be sent to Utah, and there reside with their polygamous brothers, the Mormons. 7

Pitkin, who before becoming governor of Colorado had been a lawyer and mine operator at Ouray, capitalized on the Meeker Massacre also. In an interview with an eastern journalist shortly after the hostilities, he stated:

I think the conclusion of this affair will end the depredations in Colorado . . . It will be impossible for the Indians and whites to live in peace hereafter . . . My idea is that, unless removed by the government, they must necessarily be exterminated . . . I could raise 25,000 men to protect the settlers in twenty-four hours; but I don't think the government will allow State interference, as the outbreak took place on the Reservation. The State would be willing to settle the Indian trouble at its own expense. The advantages that would accrue from the throwing open of 12,000,000 acres of land to miners and settlers would more than compensate all the expenses involved. 8

Governor Pitkin, like many other white men, advanced the imposture that land whites found untenable for settlement was therefore ideally suited for Indian habitation. Such a place, he proposed, was eastern Utah. To Pitkin, this area presented many advantages. It was adjacent to the Ute and Uintah reservations, and considered Ute hunting territory.

6 "Republican Treachery in the Ute Business," May 16, 1880.
7 The Silver World, Nov. 15, 1879.
Thus it would be easier to get the Utes to move there than any other place outside of Colorado. Congressional opposition to sending more Indians to Indian Territory was growing. Eastern Utah was practically uninhabited by whites, making it politically more feasible to move the Utes there than to New Mexico. He also thought it fitting to send "these red polygamists to keep company with their white brethren."^9

Reflecting the general feeling against the Utes in the state, Colorado's congressmen also sought to capitalize on the Meeker Massacre by introducing and promoting legislature that would alienate the Utes' right to their land.

Henry Moore Teller, senior senator of Colorado, had shown interest, understanding, and some sympathy for Indians. Speaking on the floor of the Senate he once stated:

If there is any page of American history that ought to make an American blush it is when he reads the page that treats of the treatment of these red men of the forest. Finding three million of them here when we settled the country, we have reduced them by our perfidy, by our disregard of treaties, by carrying on wars contrary to all civilized rules and regulations, to less than three hundred thousand, and now at the rate we are going [we] may live to see every one of them under the sod; and yet we assume to be a nation of honorable characteristics!

... in my own State to-day there are signs of war and hostility on the part of the Utes. This Government, having made a treaty with them to pay them a certain sum per annum, is in default $125,000 now, at least $75,000 of which is standing to their credit on the books of the Department, already appropriated. Not a dollar of that can be taken by this present Indian administration for some reason; not a dollar can be got to treat with these Indians; not a dollar to pay their back annuities, while it lies idle in the Treasury; and yet there is danger and

^9"The Removal of the Utes," The New York Times Dec. 15, 1879. Implied in Pitkin's remarks was a comparison of the insignificant national political power of territorial, Mormon Utah to that of the state of Colorado.
there is a fair probability that unless some change is made in the administration of affairs in reference to these Indians there will be a war . . . 10

Often Teller had used the phrase, "It must be done with the consent of the Indians."11 But with the Meeker Massacre, even he changed his tact, introducing a bill (S. No. 722) demanding the removal of the Utes from Colorado with no provision for the Utes' approval to their removal.12

In addition to Teller's bill for removal, several other bills, resolutions, and debates about the Ute Indians occupied much of the attention of Congress as well as the Colorado congressmen from December, 1879 through much of 1880. Representative Belford introduced a bill (H. No. 2420) to abolish the Ute reservation in Colorado, and remove the Utes from the state.13 This bill was referred to the Committee on Indian Affairs, and was not called back for consideration by the House. He also introduced a resolution (H. R. No. 152) to create a commission to negotiate with the Utes for the extinguishment of the title to their land, and another (H. R. No. 154) which would require the Secretary of the Interior to declare the Utes' rights to be forfeited if they failed to deliver up the individuals who had actually engaged in the Meeker Massacre.14

Senator Nathaniel P. Hill of Colorado also sponsored a resolution (S. R. No. 51) authorizing the Secretary of the Interior to negotiate with

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11 Ibid., May 8, 1878, p. 3265; May 9, 1878, pp. 3311, 3312.
14 Ibid., Dec. 9, 1879, p. 44; Ibid., Dec. 15, 1879, p. 113.
the Utes to extinguish their reservation, and remove them from Colorado. 15

This resolution was referred to the Senate Committee on Indian Affairs. Indicative of the growing opposition to removal of the Utes to Indian Territory, this resolution was amended in committee from "for their removal and settlement in the Indian Territory or elsewhere," to read, "for their removal and settlement elsewhere." When this resolution was returned to the Senate from the committee, Senator Cockrell of Missouri further amended, and the Senate approved, this resolution to: "for their removal and settlement in some suitable place not in the Indian Territory." 16

Believing that a new agreement with the Utes was necessary in order to maintain peace in Colorado, Secretary of the Interior Schurz was most anxious that Congress immediately pass legislation authorizing him to negotiate with the Utes. 17 At that time most of the Ute chiefs were participating in an investigation of the Meeker Massacre being held at Los Pinos Agency, and upon completion of that would come to Washington. But the House of Representatives would not be hurried, and did not approve the legislature. 18

Congressional action, or inaction, however, did not deter Secretary Schurz. A Ute delegation came on to Washington, accompanied by the Southern Ute agent, and Los Pinos agent Charles Adams, Otto Mears, and other whites.

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16 Ibid., Dec. 11, 1879, p. 77.
This Ute delegation was quite different than previous groups who had journeyed to Washington to see their "White Father." Although some of them--Ouray, Shavano, Ignacio, Sowerwick, Jack--had intelligently and tenaciously negotiated treaties with the whites before, this group appears to have been intimidated by the whites. The difference, of course, was brought about mainly by the Meeker Massacre. The investigation at Los Pinos following the incident had been long and arduous. In traveling from the reservation, the Ute delegation was stoned and nearly lynched at Pueblo, Colorado. 19 The only leader in the hostilities at White River who came with them, Douglas, had not been allowed to continue on to Washington to plead his people's case, but was taken from the delegation, and imprisoned without trial at Fort Leavenworth. 20 Also, Ouray was suffering from Bright's disease, which probably impaired his ability to negotiate. Upon their arrival in Washington, the Utes were subjected to a farcical congressional hearing held between January 15th and March 22d which was essentially a rehash of all the grievances--real or imagined--that the whites had against the Utes. 21

With Ouray and Secretary Schurz acting as principal negotiators, the Utes signed an agreement on March 6, 1880. By its terms they agreed to sell their entire reservation in exchange for allotments of land in severalty to individual members of the Ute tribe, and certain annuities. A vaguely worded section of the agreement stated that the chiefs of the

Utes promised "to obtain the consent of their people to the cession of the territory of their reservation . . . " The Southern Utes were to remove to unoccupied lands on the La Plata River, the White River Utes to the Uintah Reservation in Utah, and the Uncompahgres to agricultural lands on Grand River, near the mouth of the Gunnison River, in Colorado, if a sufficient quantity of agricultural land shall be found there, if not then upon such other unoccupied agricultural lands as may be found in that vicinity and in the Territory of Utah.²²

With this agreement signed by the Utes, Congress then acted to ratify it. A bill (S. No. 1509) was introduced into the Senate by Senator Coke of Texas from the Senate Committee on Indian Affairs on March 22. The next day Senator Teller offered some amendments to the bill, and it was sent back to the committee. On April 14, the bill was reported back from the committee, approved, and referred to the House Committee on Indian Affairs.²³

President Hayes, reflecting Secretary Schurz's apprehension that Indian-white hostilities could erupt again in Colorado if the Ute agreement was not soon put into effect, sent the following message to Congress on May 25:

I have the honor to transmit here with a communication from the Secretary of the Interior, with reference to the agreement made with the chiefs of the Ute Indians, recently in Washington, a copy of which was submitted to Congress on the 9th of March last.

The special and immediate attention of Congress to the imminent danger attending the postponement of appropriate legislation to carry into effect the stipulations of this agreement is urgently solicited.²⁴

²⁴ U.S., Congress, Senate, Journal of the Senate of the United States
The House amended the Ute bill, and passed it on June 7. Members of both the House and Senate were appointed to a committee to work out differences between the House and Senate versions of the bill, and that committee's report was presented on June 12. Both the Senate and House accepted the report, and President Hayes signed the bill into law on June 15.25

The Utes were treated somewhat better by Congress than by themselves in this agreement. Congress added several amendments to the agreement, most of them designed to help the Utes. Authority and appropriations were provided for a commission to negotiate and oversee the move. Additional annuities were provided and safeguards of Indian land and property, such as exclusion from taxation and court decrees, were added. Congress also continued the requirement from previous treaties that the agreement be ratified by three-fourths of the adult male members of the tribe. 26

The idea and attempt to assimilate Indians into white culture by allotment of land to them in severalty dates from the American colonial period, and culminated in the Dawes Severalty Act of 1887. Many of the provisions of this Ute agreement dealing with the allotment of land were an embodiment of recommendations made by Office of Indian Affairs Commissioner Edward A. Hayt in his annual report of 1878.27 Acting Commissioner of Indian Affairs E. M. Marble outlined the benificent effects this

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26 U.S. Statutes at Large, XXI (1881), p. 205.
would have on Indians:

The demand for title to lands in severalty by the reservation Indians is almost universal. It is a measure correspondent with the progressive age in which we live, and is endorsed by all true friends of the Indian, as is evidenced by the numerous petitions to this effect presented to Congress from citizens of various States. Following the issue of patents comes disintegration of tribal relations, and, if his land is secured for a wholesome period against alienation, and is protected against the rapacity of speculators, the Indian acquires a sense of ownership, and, learning to appreciate the results and advantages of labor, insensibly prepares himself for the duties of a citizen. I therefore earnestly recommend the speedy passage of such legislation as may best effect the desired object.

But Secretary of the Interior Schurz was the prime architect of this "liberal" Indian policy. Upon taking office and acquainting himself thoroughly with the Office of Indian Affairs, Schurz had made effective and much needed reforms. In addition to eliminating many of the abuses found in the department, Schurz resolutely attempted to solve the "Indian problem." To achieve this, he perceived "the end to be reached is unquestionably the gradual absorption of the Indians in the great body of American citizenship." And Schurz was just as confident how this would be attained: by the government teaching the Indians to work, by education them, and by settling them upon farms which each family would hold in severalty. Because this policy would materially reduce Indian land holdings, it was popular among many whites.

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With the hostilities at White River, Secretary Schurz seized the opportunity to negotiate the agreement with the Utes in an attempt to civilize them, and prepare them to be assimilated into white culture. In fact, with the eminent danger of conflict as avarice Coloradoans pressured the Utes for their land, Schurz saw himself as having saved the Utes. He stated:

... ever since the attack upon Thornburgh and the Meeker massacre, I have singlehanded and alone been standing between the Utes and destruction, for which I have been ridiculed and reviled beyond measure. If I had removed my hand from them a day a war would have been inaugurated and we should have seen the last of this tribe. I can say without any exaggeration that I alone saved them, and that in point of fact they can be saved in the future only by removing that source of irritation that exists between them and the white population that is now in very large numbers crowding around them.  

The responses of Colorado's congressmen to the Ute bill, the bills that preceded it, and the proceedings in Congress during this time varied widely. Representative Belford's remarks were particularly scathing. Returning to Washington, D.C. following the Meeker Massacre, he pointed out that he had crossed five states made up wholly of lands stolen from the Indians. "And now gentlemen stand here in the name of God and humanity," he continued with biting sarcasm, "and say, while our fathers robbed and plundered the Indians, we want you to belong to the goody-goody class of people in the West," Of course, Belford was in favor of dealing "honestly and justly" with the Indians, but he regarded Indian policy as "the most stupendous humbug that has been witnessed in a hundred years of governmental progress."  

The Denver Times chastized Belford for his extreme statements and belligerent attitude. These "hurt Colorado's cause," the paper editorialized. "The 200,000 people in Colorado cannot bull-doze the forty-millions of the United States." Belford's intemperance, wrote the Times, "succeeded in making his fellow members of Congress as mad as he seemed to be." On the other hand, the Rocky Mountain News defended Belford's stand and legislative attempts. The paper was especially incensed that eastern congressmen objected to Belford's bill for the extinguishment of the Ute reservation "on the ground that there is a land steal in it." Rather than attempt to deny the fraud, the News proclaimed, "The stupidity of the East on this Indian question is simply amazing."

Senator Teller was highly critical of the Office of Indian Affairs, and particularly of Secretary Schurz. But his manner in Congress was not bellicose and bombastic as was Belford's. Teller flatly stated, "Land in severalty as a means of civilization of Indians had proved a failure." Pointing out that it had been attempted numerous times with scant success since John Eliot in 1646 secured the allotment of land for some individual Indians in Massachusetts, he stated that for an individual Indian to own land was a crime in Indian society where the right to land and its produce belong to the clan. He stated that since the Treaty of 1868 the Ute Indians could have been allotted land in severalty, but none had requested to do so. He correctly predicted its continued failure among them.

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33 Mar. 10, 1880.
34 Dec. 5, 1879.
35 U.S., Congress, Senate, Congressional Record, 46th Cong., 2d sess.,
Itemizing the expenditures proposed by Secretary Schurz from the money to be appropriated by the Ute bill for: surveys, houses, grist mills, sawmills, wagons, harnesses, cattle; Teller pointed out that no money was earmarked for an irrigation system, without which farm produce could not be raised in the country to which it was proposed to send the Utes. He thought the Utes should be encouraged in pastoral pursuits as a means to civilize them, but he cautioned, "If we propose to make a pastoral people of them, we do not give them enough land. If we propose to make farmers of them, we give them too much, and have selected a most unsuitable place to try the experiment."36

Having enumerated his objections to the Ute bill, Teller attempted to amend it. In all, he offered fifteen amendments, twelve of which were rejected, two accepted, and another one accepted after being extensively modified. Among other things the rejected amendments would have: made the Indian land subject to taxation; left the distribution of annuity goods to the various tribes of Utes to the discretion of the Secretary of the Interior; set aside a provision returning the Uncompahgre Park to the public domain; insured compensation from Ute funds for those whites who suffered depredations from them (this was provided for in the Treaty of 1868, and was still in effect); disarmed the Utes by purchasing their firearms, and put them afoot by buying their horses; allowed the Utes to sell their land and the Secretary of the Interior to sell land abandoned by the Utes; let the Utes exchange their allotted land for land in the Uintah Basin; reserved land for a military post in the area of the land

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36 Ibid.

to be allotted the Utes; opened for settlement by whites that part of
the Ute reservation lying east of the 108th meridian if the Utes failed
to ratify the agreement; and required that a Ute settle and reside on his
land before a patent for the land be issued to him.

Teller's amendments that were approved allowed settlement of any of
the Southern Utes and Uncompahgres on the Uintah Reservation if they so
desired, and appropriated $50,000 for the construction of irrigation
ditches on the land allotted to the Utes. He also proposed to put the
Utes under the jurisdiction of the War Department if they failed to ratify
the agreement. This amendment was amended to provide that in case the
Utes did not ratify the agreement the government would protect the Utes
"in the full and peaceable possession of their present reservation"—
hardly what Senator Teller proposed. 37

From this plethora of amendments one may assess under what conditions
continued Ute occupation of land in Colorado would be tolerated by Teller.
He demanded that they be forcibly contained within a relatively small
area. Taking their ponies and firearms from them would make it possible
to keep them on their land, and make it impossible for them to rely on
hunting wild animals as a means of livelihood. They would be given the
means to, and be forced to become, farmers. The amendments would also
achieve another demand of Teller's: punish all Colorado Utes (he believed
members of all Colorado Ute tribes participated in the hostilities) for
the White River uprising.

Nathaniel P. Hill, former professor of chemistry at Brown University,
and active in the founding of the mineral smelting industry in Colorado,
was the state's junior senator when the Ute bills were being considered

by Congress. Admitting that he had scant sympathy for the Utes whom he
categorized as "a worthless set of vagabonds as a whole," he preferred
that no Indians be left in Colorado. But although he had introduced a
resolution calling for the Utes' removal from the state, he admitted the
imposition this would put on Colorado's neighbors, and the impossibility
of getting such legislation passed by Congress, especially the House of
Representatives. Hill favored the Ute bill because it would "avert a
costly and destructive war," open up nearly eleven million acres of land
to settlement, and was designed to break up the Utes' tribal organization. 38

Belford, supporting the Ute bill, helped it through the House in
his usual blustering, intemperate way. "I have noticed, . . ." he remarked
in debate on May 13th, "a man who lives a thousand miles from an Indian
has a great deal more respect for a savage than the man who lives up close
to the borders where he is likely to have his scalp lifted at any time."
Urging the bill's prompt passage, he remarked:

During the last two months emigrants have been go­ing into Colorado at the rate of twelve hundred a day.
They have been going from every State in this Union.
They are camped along the line of this reservation.
They went there under the belief that this agreement
would be ratified as submitted to the Senate and House
by the Secretary of the Interior and Ouray, chief of
the tribe.

I know if Congress fails to pass this bill we will
have the most terrific Indian war in Colorado this sum­
mer that this country has witnessed for years. And
while I am opposed to many of the provisions of the
bill, yet to avoid that conflict, to avoid this war
which, in my judgement, will be inevitable if we fail
to pass this bill, I propose to vote for it, in the
hope that it will reach a committee of conference and
be improved. 39

39 U.S., Congress, House, Congressional Record, May 13, 1880, vol. X,
pt. 4, p. 3347; pt. 5, p. 4262.
Hill deplored Senator Teller's vicious attacks against Secretary Schurz' liberal Indian policies, but admitted that Teller's position was probably politically more popular with the Colorado voters than his own. He was correct in this. A schism in the Republican ranks of Colorado led by Hill and Teller started at this time. This rift culminated in 1885 with Teller successfully leading a faction of the Republican party to oust Hill from his Senate seat. In opposing the Ute bill Teller improved his political popularity not only in Colorado, but also nationally. In 1882 he was appointed by President Arthur to be Secretary of the Interior. He held that position until 1885, at which time he took over Hill's senatorial position, and continued to serve there until 1909.

So, even if agreement on the Ute bill was lacking among Colorado's congressmen, and the location designated for the Uncompahgres probably suited no one in Colorado, it does appear there was a fair unanimity of opinion among white men--from Belford's impatient demands to Schurz's worried concern--that the Utes must indeed go! And how fortuitous that the Governor Pitkins' avarice for Colorado Indian land could somewhat be sated by Indian rights advocates' attempts to "civilize" and integrate Indians into American society by proposing allotments of land in severalty for them.

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CHAPTER XI

THE UNCOMPAHGRE UTES GO!

The executive branch of government lost no time in starting to carry out the terms of the Ute agreement. In less than a week after signing the agreement into law, President Hayes appointed a commission "to secure the ratification of the agreement with the Ute Indians and to execute the provisions of the same, ..." The main provisions of this agreement were that the Utes would sell their reservation in exchange for individual allotments of land in severalty and some annuities; and that the Northern Utes would relocate on the Uintah Reservation, the Uncompahgres in the vicinity of the confluence of the Grand and Gunnison rivers, and the Southern Utes on the La Plata River. Appointed to that commission were George W. Manypenny as chairman, Alfred B. Meacham, John G. Bowman, John J. Russell, and Otto Mears.¹

Manypenny had served as Commissioner of Indian Affairs from 1853 to 1859, and in 1876 as chairman of a Sioux commission. His views of Ute removal, similar to those of Secretary Schurz's, are expressed in a book he completed just before his assignment to the Ute Commission:

One of the results that many will desire is that the Utes be removed from Colorado. In this the government should move slowly, and provide in advance a suitable tract of land where these people can by cultivation of the soil make their own support. The government should not act prematurely, because

of the unreasonable and imperious demands of the governor of that State, or be swayed by the pressing clamor of the hosts of men who now have interests in the mines there, re-echoed by other hosts who stand ready to enter into the Ute country. The Ute mind should be reached, and the Indians made sensible of the fact that their true interests will be promoted by removing from the mountains of Colorado to a tract of country where they may become independent, self-supporting farmers, and this done, their free consent could be obtained for the surrender of their present reservation. For this surrender they should have assured to them a perfect title to the home to which they may be transplanted, and, in addition, a fair money consideration.2

Alfred Meacham of Oregon had also served on another Indian commission—to the Modacs in 1873 at which time he was gravely wounded by the Indians. In 1878 he founded and edited an "Indian rights" publication, The Council Fire. John Russell was from Iowa; and John Bowman, who had mining interests in Colorado, and was considered to be Senator Teller's representative on the Commission, was from Kentucky.3 Also representing Colorado's--particularly Governor Pitkin's--interests on the Commission was Otto Mears.

That the need to settle the Ute agreement was urgent is evident from Colorado newspaper accounts which reveal that the whites were in a highly excited, volatile state of mind. Since the Meeker Massacre, even more than before, all kinds of heinous crimes and threats of crimes were attributed to the Utes. Titles of some of these newspaper articles were: "The Bradbury Butchery,"4 "Forty-five Citizens of Colorado Known to Have been Murdered by Utes."5 "Bradbury Massacre on Reservation" "Utes Reported to

3Sprague, Massacre, p. 313.
4The Gunnison Review, May 18, 1880.
5The Ouray Times, Fe. 14, 1880.
Have Killed Twelve Miners,"6 "Utes Said to Prepare for War in Summer," and "Signal Light seen on Mountain."7

These stories had little or no basis in fact. The "Bradbury Butchery" tale was the wildest, and most grossly erroneous fabrication. The Gunnison Review account tells of one John Davis meeting "on the road" two men identified only as "Oregon Bill" and "Major." They averred that twenty-five miners from Del Norte and San Juan lead by a man named Bradbury were attacked by Utes while they were prospecting [trespassing] on the Ute Reservation. Twelve of the party had been killed and the remainder was trapped, and faced certain death. Although in the body of the article the newspaper states: "We give the report for what it is worth. We hope it is an unfounded rumor but fear that it is too true;" subtitles of the article chauvinistically proclaim: "This is the 'Last Straw'--Brave Hands Will Settle the Ute Question Speedily and for All Time," and "Retribution Will Come to the Ravashers of Josie Meeker through Our Own Brave Boys."8 An army reports quotes Ouray's denial of any Ute involvement in the killing of the Bradbury party, and continues:"... all these wild stories of Indian raids and murders in Colorado and New Mexico, it is safe to discredit unless they are confirmed from authentic sources; there is far more imagination than fact in all of them."9 Two weeks after the original report, The Gunnison Review reported that the massacre is "disbelieved," and tells of Acting Los Pinos Agent Sherman's futile attempt to overtake

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7 Rocky Mountain News, June 6, 1880; June 26, 1880.
8 May 15, 1880.
9 John Pope, Brevet Major General, Fort Leavenworth, Kansas, to William E. Whipple, Colonel, Acting Adjutant General, Chicago, Illinois, June 1, 1880, "Letters Received."
and evict the party from the reservation. 10

Titles of articles displaying white reactions to the stories of Indian depredations are also quite revealing: "Gunnison Citizens Alarmed over Situation," "Ute Bill's Failure May Lead to War," "Reservation Closing May Lead to Conflict," "Fighting Expedition Being Fitted Out, Denver and Leadville," "Raid Made of Reservation by Whites." and "Volunteers May Drive Tribe from State." 11

Nor were these wild stories limited to Colorado or even the West. In one of his reports, the commanding officer of the army cantonment on the Uncompahgre River states:

I notice that eastern papers have sensational reports of the doings of the Ute Indians. These reports are utterly false and unreliable and do the Indians great injustice. I enclose a slip from the "New York Herald: of the 6th inst., which is absolutely false... I cannot help expressing the belief that the Western Colorado newspapers are determined to create trouble with the Indians if they can. 12

The Ute Commission met for the first time at Denver on June 28th. Although Russell and Meacham were still enroute to Colorado, Manypenny, Bowman, and Mears acted as a quorum. They made preparations to go to Los Pinos Agency, requesting a military escort, and alerting Agent Berry13 to

10 May 29, 1880.
11 Rocky Mountain News, Jan. 28, 1880; Apr. 23, 1880; Apr. 24, 1880; Apr. 30, 1880; May 9, 1880; May 16, 1880.
12 J. S. Fletcher, Jr., Major, Commanding, Cantonment on the Uncompahgre, to Assistant Adjutant General, Department of the Missouri, Fort Leavenworth, Kansas, Nov. 19, 1880, "Letters Received."
13 William H. Berry was appointed agent of the Los Pinos Agency on April 22, 1880. Since Agent Abbott left in September of 1878, the Uncompahgres had had three agents: Leverett M. Kelley, Sept. 26, 1878-Apr. 28, 1879; Wilson M. Stanley, Apr. 28, 1879-Jan. 1, 1880; and George Sherman (acting), Jan. 1, 1880-Apr. 22, 1880. Berry remained only until the Uncompahgres were moved to Utah.
have the Uncompahgre Utes assembled to meet with them on the 12th of July. Upon arriving at Los Pinos, the Commission found the agency exhausted of food for the Indians during the negotiations, nor were there adequate translators present. So the council had to be delayed a few days until these necessities could be assembled. Ouray also wanted to wait for more members of the White River band to be present.  

The first council was held on July 21st. At that meeting the provisions of the agreement were interpreted and explained to the Utes. During the next two days the agreement was discussed extensively by the Utes, both with the Commission, and among themselves. The Utes raised several objections. The land around the confluence of the Gunnison and Grand rivers had little vegetation, so they wanted their land to be located some distance up the Gunnison Valley, near the confluence of the Gunnison and Uncompahgre rivers. They perhaps had little concept of what holding land in severalty would be like, but they instinctively objected to it as something noncompatible to their tribal way of life. The Utes also raised the issue of Chief Douglas who was still imprisoned at Fort Leavenworth. Some of them believed his imprisonment was to compel them to cede their reservation. When the Commission assured them it was only because of Douglas's alleged participation in the Meeker Massacre, they were asked why he had not been brought to trial. The Utes proposed that the Commission inspect the land which had been offered as the reservation site, have Douglas brought to Los Pinos, and then they would ratify the agreement.


15 U.S. Congress, Senate, Ute Indians, Manypenny, to Schurz, 1880,
The Indians were told that the Commission did not have time to inspect land for a reservation site. The agreement had to be ratified within a certain time, and the Commission also had to go to the Southern Agency, and to the Indians in the White River area in order to obtain their ratification. This was certainly a departure from previous treaty negotiations the Utes had experienced where the location and extent of the proposed reservation was recognized by white negotiators as well as the Utes as being of paramount importance. Being able to reach no settlement, Ouray proposed the council adjourn until the 26th.\textsuperscript{16}

Little further mention of Douglas appears in the reports of the negotiations between the Utes and the Commission. But Schurz, upon reading the weekly report which told of the Utes' concern about the chief, reacted immediately to that, and other points being negotiated. In a telegram from him forwarded to the Commission by the acting Secretary of the Interior, Schurz stated:

\begin{quote}
The severalty policy is one of the essential things of the agreement, and cannot be given up. Douglass' release is out of the question, and everything must be done to get the other guilty parties. The Commission must show the greatest firmness and energy. . . , and appeal to Ouray, who is bound to give them his influence. There must be no vacillation on the main points. As to lands on the Gunnison, they must judge of the necessities of the case.\textsuperscript{17}
\end{quote}

Douglas was imprisoned without a trial mainly as an attempt to placate the whites of Colorado who were insistent that the Utes be punished for the Meeker Massacre. Schurz had good reason to believe releasing him at that time would cause some whites, bent on avenging the massacre, to

\begin{footnotes}
\item \textsuperscript{16}Ibid.
\item \textsuperscript{17}Ibid., A. Bell, Acting Secretary of the Interior, to Manypenny, July 29, 1881, p. 10.
\end{footnotes}
attack the Utes. It could also attract additional attention to the Utes' cause from Indian rights advocates, and thus possible impede ratification of the agreement.  

Councils between the Utes and the Commission were continued the next week with what appeared at first little success at reaching an agreement. In the council held Monday the 26th, the Utes made a proposal similar to that of the San Juan cession, that the whites take the mountains, and the Utes retain the valley lands. By Wednesday the Utes had become sullen, having little to say in answer to questions put on them by the Commission, but they continued to converse animatedly among themselves. They steadfastly refused to sign the ratification.

The Ute Commission, separately and collectively, applied all the pressure they could to get the Indians to accept the agreement. Following the council held Monday the 26th, one newspaper account stated: "The commission will brook no further delay and have given the Utes until to-morrow to decide what course they will pursue." The New York Times gave this report of the council held Wednesday the 28th:

The Commissioners addressed the chiefs, informing them that the treaty in its present shape was the only terms on which the question could be settled, and that they must accept it or nothing. At the suggestion of Ouray the Indians were given until to-morrow to decide upon their action. Commissioner Mears, in reply to a question of the chiefs as to what the Colorado people think of the removal, said that they [the Utes] could accept the treaty or not; the people of Colorado were fully determined that the Utes must go, and

18 Later, with most of the Utes moved to Utah, and his health impaired, Douglas was released and returned to his people.
19 Ute Indians, Manypenny, to Schurz, July 27, 1880, p. 11.
21 Rocky Mountain News, July 30, 1880.
that he was afraid if they did not accept the treaty in its present shape, with payment of $60,000 and land in severalty, they would be compelled to go, and lose everything. It will probably be sometime before the treaty is signed.22

Another newspaper account tells of the coercion other members of the Commission applied to the Utes, relating that Chairman Manypenny has "done everything in his power by way of persuasion to prevail upon them to accept the treaty." Bowman and Russell have "delivered their arguments in a clear and forcible manner, showing to the Indians their thorough knowledge of the situation and their desire to do justice to all parties," while Meacham has "worked hard to bring about the desired results."23

Ouray, as Secretary Schurz had indicated, was "bound to give them [the Commission] his influence."24

At the close of the council [held July 22d] one Indian arose and denounced the treaty in unmeasured terms, to whom Chief Ouray replied in a very forcible manner, assuring the Utes he had done the best he could for his people under the circumstances, and that he considered it for their interests to accept it, closing by informing the Indian that if he did not like the arrangement he had better join some other tribe. Ouray was listened to with marked attention, and is evidently master of the situation.25

Following the Council held on the 28th a violent wind and rainstorm wrought havoc in the area. One may speculate if the Utes interpreted this as an omen against their further refusal to ratify the agreement. The council on the 29th was late in starting, and few Utes attended. Many of them were still repairing their tepees that had been damaged by the storm.26 Others stayed away because of the hard stand taken by the

22 July 30, 1880.
24 See above, p. 112.
Commission the day before.\textsuperscript{27}

Toward the close of the council Otto Mears, Commission member from Colorado, who had become as nervous over the delay as it was possible for a man to be and not lose his senses, arose and made a personal appeal to several of the Chiefs whom he had befriended in former times to come forward and sign the agreement, assuring them that the Commission would see that justice was done to all parties, and that everything that was promised in the treaty should be faithfully carried out.\textsuperscript{28}

It was undoubtedly sometime during this day that Otto Mears started the Utes' ratification of the agreement by promising them a bribe of two dollars for each Ute signature of ratification. The Uncompahgres later claimed that Mears also assured them that they were selling only the mountains, not the valleys of the reservation.\textsuperscript{29} When Manypenny learned of Mears' culpability in the negotiations, he filed a charge against him. Schurz did nothing about this, and the next year the government administration was changed. When James A. Garfield became president he appointed Samuel J. Kirkwood as Secretary of the Interior who proved far less sympathetic to the Utes than the liberal Schurz. Mears was ordered to Washington where he averred to Kirkwood that "the Indians claimed that $2.00 in cash was worth more to them than the interest on $1,800,000 which they were to receive in promises."\textsuperscript{30}

At any rate, following Mears' impassioned plea Chief Sapavanero, who

\begin{itemize}
  \item \textsuperscript{26}Ute Indians, Manypenny, to Schurz, Aug. 3, 1880, p. 41.
  \item \textsuperscript{27}The Gunnison Review, Aug. 7, 1880.
  \item \textsuperscript{28}Ibid.
  \item \textsuperscript{29}Ute Indians, Meacham, to Schurz, Dec. 25, 1880, p. 41.
  \item \textsuperscript{30}Jocknick, Early Days, p. 216. I could find no reference to this incident in either government documents or Omer C. Stewart's, "Colorado and Out-of-State Newspaper Articles on Ute Indians," in his Ethnohistorical Bibliography of the Ute Indians of Colorado (Boulder: University of Colorado Press, 1971), pp. 73-94.
\end{itemize}
was reputed to be a close friend of Mears' came forward and was the first Ute to sign the ratification agreement. All of the adult male Utes at the meeting signed: thirty-six Uncompahgres, ten White River Utes, and one Southern Ute. Curiously, the name of the great Ute chief, Ouray, which appears so prominently on all of the Ute treaties since the Conejos Treaty of 1863, does not appear among those who ratified this agreement. That he was active, perhaps dominantly so among the Utes during the negotiations, is evident. Perhaps he did not want his name on this agreement, the ultimate cession of land in Colorado by the Uncompahgres. Perhaps he was too ill to care; or, at least too ill to attend this council. However, displaying a wry sense of humor, or the Utes contempt for this Commission, or perhaps they are forgeries, the names of each member of the Commission, Uriah Curtis (an interpreter), and Carl Schurz appear as Ute signatures of ratification.

With the acceptance of the agreement by most of the Uncompahgres, the Commission divided into groups, going to various places on the reservation collecting names. Ouray with a group of his band went to the Southern Ute Agency to help the Commission secure acceptance of the agreement in that area. Ouray was seriously ill by the time the group arrived at its destination, and he died a few days later, on August 22d, of Bright's disease.

On August 28th a council was held at Los Pinos to select Ouray's

32 Ute Indians, Manypenny, to Schurz, July 29, 1880, p. 11.
34 Rockwell, The Utes, pp. 168, 169.
successor. Sapavanero was selected over Quero, Piah, and other Uncompahgres. He was considered by the Ute Commission and the Los Pinos agent as being the Ute best qualified to continue Ouray's peace policy of appeasement to the whites, and to work cooperatively with the Ute Commission in effecting the removal of the Utes. Certainly his friendship with Otto Mears, and his help in the acceptance of the Ute agreement must have influenced his appointment.

Although at the time there was worried concern among members of the Commission and other whites that Ouray's death would thwart ratification, those fears proved groundless. By the 25th of September the Commission claimed to have collected 581 Ute signatures ratifying the agreement. According to the census of the Utes the Commission was taking as they accumulated signatures, they were satisfied this figure was in excess of three-fourths of the adult males of the Colorado Utes. 36

The next task of the Commission's was to distribute annuity payments totaling $75,000 to the Utes, one-half of which according to the agreement would go to the Uncompahgres. The Southern Utes were paid with but little delay, but payment to the Uncompahgres was held up temporarily. A son of Chief Shavano's was killed by a white freighter who in turn was killed by the Uncompahgres. This caused so much excitement among the whites of Colorado that the Commission deemed it best to delay payment to the Uncompahgres. So it was not until the 7th of December that they were paid. By that time it was too late in the year to explore the Grand River area for a reservation site. 37

37 Ibid., p. 263.
In one of his reports Agent Berry noted there was great discontent among the Uncompahgres that winter. He stated that a growing number of them was asserting that they would not leave the Uncompahgre Valley. The reason they gave for their refusal to leave was that they had sold only the mountains while retaining their valleys. Berry further stated that Sapavanero was unable to control the Uncompahgres as Ouray had. The chief whom Berry had placed second in command, Unquaf, had died on the 18th of December. Berry replaced him with McCook, a young man of thirty-five years of age and brother of Ouray's widow, Chipeta.

These events made Berry apprehensive of the success the Commission would have the next summer in moving the Uncompahgres. He therefore recommended that he take a delegation of them including Sapavavero, McCook, Piah, and Joe to Washington, D.C. Not only would the delegation be able to meet with the new Secretary of the Interior and Commissioner of Indian Affairs, and receive their assurance of fair treatment from the Office of Indian Affairs which would aid in effecting the Utes' removal, but also going to Washington would strengthen Sapavanero's influence among his people, which would also help in the removal.  

Consequently Berry escorted his Uncompahgre delegation to Washington, where they held conferences with Secretary Kirkwood. In the preliminary meeting held March 9th, the Indians expressed their need to have sufficient agricultural and grazing land, as well as their opinion that the Grand River Valley would not fulfill those needs. The main meeting was held the next day with Colorado's congressional representatives in attendance.

38 Berry, to Hiram Price, Commissioner of Indian Affairs, Jan. 5, 1881, "Letters Received."
The Indians repeated their claim that they signed the Ute agreement believing that they were selling only the mountains and mineral lands of the reservation, and pleaded that the pact be set aside.

Secretary Kirkwood informed them that it was clear to him that they had signed the agreement with a full understanding of its scope and meaning; that they had received the money due them under the stipulations, and that it was impossible to revise it now. The agreement would be carried out in a liberal spirit, and if better lands could be found in Utah than existed in Colorado the Indians would be moved to that Territory. The Secretary said it was clear to him that the commission had a large discretion under the terms of the agreement, and he assured the Indians that that discretion would be wisely and justly exercised. The United States, however, would insist upon a relinquishment of the lands the Indians had agreed to convey, and it would also see that the Indians found good lands in either Colorado or Utah. It is clear that under the terms of the agreement the Indians can be sent to Utah, and as better pastoral lands can be found in that Territory than in the vicinity of the junction of the Grand and Gunnison Rivers, it seems to be conceded that the Indians will be sent there. While Secretary Kirkwood explained his determination to enforce the agreement to the letter, he also explained that he would keep its spirit in mind, and see that the Indians should obtain as good homes as those they had surrendered.40

By misinterpreting the Ute agreement to allow the Ute Commission to relocate the Uncompahgres in Utah, Kirkwood set the stage for their removal. The Commission was soon back in Colorado pressings its assignment to relocate the Indians. The Commission had experienced one change of personnel for its second year of operation. During an argument among the commissioners, Bowman had struck Meacham. This forced Bowman's resignation, and Secretary Kirkwood had Thomas A. McMorris of Colorado appointed in his place.41 This gave Colorado interests a more firm three to two majority on the Commission. To expedite its work, the Commission was divided into three parts; one part for each band of Utes. Manypenny was to work with the Southern Utes, Meacham with the White River Utes, and

41Rockwell, The Utes, p. 171.
the Colorado constituent, Russell, Mears, and McMorris, with the Uncompahgres.42

When the group assigned to relocate the Uncompahgres arrived at Los Pinos Agency they met with Sapavanero and several other chiefs. Of course the Indians were still determined to remain in their homeland on the Uncompahgre River. But the Commission was also determined that the Utes move, and they had at their command whatever force of the United States necessary to carry out their orders.

On June 10, the three commissioners, accompanied by Chiefs Sapavanero and Guero, three other Uncompahgres, a military escort, and Agent Berry, left Los Pinos in search of the Indians' new home. With Secretary Kirkwood's approval to move the Uncompahgres to Utah, and Coloradoans' general demand that the Utes leave the state, this expedition was little short of a travesty, designed only to give some appearance of complying with the Ute agreement, and to prepare the Uncompahgres as much as possible for their removal. The first night out three of the Indians lost their horses (by design?), so only Sapavanero and Guero continued with the whites. As

42 "Report of Ute Commission," Nov. 21, 1881, Annual Report of the Secretary of the Interior, 1881 (Washington, D.C.: Government Printing Office, 1882), vol. II, p. 383. It would be interesting to know how this arrangement was maneuvered by Coloradoan interests. I could find no government documents touching on it. But again a logical explanation is given by Sidney Jocknick. He relates that after Otto Mears was exonerated of bribery charges by Kirkwood, and assured that he would be reimbursed the $2,800 of his own money he used to bribe the Utes, the Secretary asked Mears his opinion of the prospects of removing the Utes. Mears replied, "If given enough troops, and Mr. Manypenny was left in Ohio and Mr. Meacham in Washington, he thought he would be able to do so." Jocknick, Early Days, pp. 216, 217. Senators Teller and Hill were present at this meeting. It appears likely that Teller (whose influence in Indian affairs was significant and growing to the point that he succeeded Kirkwood as Secretary) and Kirkwood could have worked out this arrangement as a means to effectively carry out Mears' suggestion, and thus assure removal of the Uncompahgres from Colorado, and at the same time not incite the ire of Indian rights advocates by removing Manypenny and Meacham from the Commission altogether.
would be expected, when the groups reached the area specifically named in the Ute agreement as the place where the Uncompahgres were to be settled—"agricultural lands on Grand River, near the mouth of the Gunnison River"—adequate agricultural land was not to be found.\(^43\) In filing their sub-report the commissioners reported that there was sufficient irrigable land on the south side of Grand River, but the bank of the river was seventy-five to one hundred feet high, making it difficult and costly to obtain irrigation water for the area. The north side could be rather easily irrigated, but there was not enough agricultural land on that side for all the Uncompahgres, nor was there adequate grazing land nearby.\(^44\)

It was not difficult for the commissioners to get the Uncompahgres to agree with them. They had already expressed their objection to settling in this area because it was arid, and had insufficient grass for their livestock. Even if they could have recognized the land's potential under irrigation, for them to settle where the only means of survival would be to become farmers was something for which they were not prepared. Except for Ouray only a few of the tribe had taken up farming, and even if he were still living it is doubtful that he could have persuaded the Uncompahgres to settle there. The mountain valleys of Colorado had been their natural habitat for past ages, and had gained for them the title, "Switzers of America."\(^45\) Compared to the green mountain valleys where they lived most

\(^43\) U.S. Statutes at Large, XXI (1881), p. 200.


of the year, what is today the rich farmlands and orchard lands of the Grand Junction area was to the Uncompahgres most uninviting.

But white men recognized the land's value. The Denver Times had openly coveted this land:

The lower and richer portions of the Gunnison valley is still held as a reservation by the Indians, who have not only enough land to give them all a farm but are credited with the possession of over ten thousand acres to the Indian, including squaws and papooses. Like most Indian reservations, this is regarded by the few whites who have visited it as one of the garden spots of the country, and also abounding in mineral wealth.46

Settlers had been gathering at the reservation border since the Ute agreement was enacted into law. Some even attempted to elude army patrols on the reservation in order to settle the land. A few months later, when thousands of settlers had taken up land on the former Ute reservation, Otto Mears could say, "I doubt if there is a decent site for a ranch in either the Valleys of the Uncompahgre, Gunnison, or Grand rivers that has not already been taken up."47

Having "failed" to find suitable land for the Uncompahgres in the area specifically identified in the Ute agreement as their future reservation, the commissioners seemingly ignored the remainder of the paragraph in the agreement which described what additional land could be added to the Grand River area. The agreement continued: "... if a sufficient quantity of agricultural land shall be found there [at the confluence of the Grand (Colorado) and Gunnison rivers], if not then upon such other unoccupied agricultural lands as may be found in that vicinity and in the Territory of Utah."48 "That vicinity" would have included the lower

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46 July 14, 1879.
47 The Denver Times, Jan. 7, 1882.
Gunnison Valley where there was not only ample agricultural land, but where the Uncompahgres had earlier expressed a willingness to settle (see p.111). Furthermore, under the provisions of the agreement agricultural land in Utah could have supplemented a reservation on the Grand River. Rather than carry out either of these options which would have left Utes in Colorado, the commissioners went to Utah looking for a place where the Uncompahgres could be settled completely out of the state.

There, predictably, after a cursory examination of the area a new home was found for the Uncompahgres. The commissioners subreport to the Ute Commission located and described the land selected as follows:

We selected for the Uncompahgres the lands in the valley of the Green River, for a distance of ten miles down and fifteen miles up from its junction with the White, and the lands in the valley of the White River from its junction with the Green as far east as the boundary line between Utah and Colorado, and also the lands along the Duchesne River from its junction with the Green up to a point eight miles above the mouth of the Uintah River.

The valleys which we have selected vary from one-half to six miles in width. ... Along the Green River there is an abundance of cottonwood timber for the wants of the Indians for fencing and fire-wood. The bottom lands are rich, and can be easily irrigated and made available by inexperienced labor.

This is part of the land to which a Mormon exploring and surveying party sent from Salt Lake City in 1861 to assess the possibility of settling the area reported to be, "one vast 'contiguity of waste,' and measurably valueless, except for nomadic purposes, hunting grounds for Indians and to hold the world together, ..." This is the land which one knowledgeable writer has recently described as, "99 percent a vast waste,"

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49 "Subreport of Commissioners Russell, Mears, and M'Morris, Nov. 21, p. 385.
50 The Deseret News, Sept. 25, 1861.
51 Floyd A. O'Neil, "A History of the Ute Indians of Utah until
while an agent to the Uncompahgres after they were settled in their new home depicted it as follows:

During the last year I have ridden over most of the reservation, and find after careful observation that the bottom lying along Green and White Rivers contains all of the farming lands within the lines of the reservation. There is not a stream outside of the two mentioned that has running water in it two months during the year; the fact of the matter is, it is nothing but a desert, and it is just an utter impossibility for an agent to keep the Indians inside the lines of this reservation, as on three sides it is bounded by mountains where there is plenty of water, grass and game.52

Obviously, as the commissioners found the land on the Gunnison and Grand rivers unsuitable for the Indians because it was in Colorado, so they found the Green, White, and Duchesne valleys suitable because they were outside of Colorado. A tacit acknowledgement by the commissioners of the scarcity of potential farming ground within the new reservation is contained in their subreport. After the land for the reservation was selected, and the agency buildings nearly completed, a military force set up quarters near the agency. A military reserve was taken from within the Indian reservation upon which to build a fort and land to supply it, prompting the commissioners to complain:

This reserve takes in a considerable portion of the best bottom and hay land in these valleys and in close proximity to the agency. It is, we think, desirable that the Indians should, so far as practicable, occupy all of the available lands in the vicinity of the agency, and we regard the land included in this reservation as very important for their use and their future peace and prosperity. It is unfortunate that the military authorities should have considered it necessary to take so much of the bottom and hay land in the immediate vicinity of the agency.53

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The commissioners found six white settlers within the bounds of the proposed reservation. All of them were most willing to leave the area if paid for their claims and improvements. The commissioners recommended that this be done.\textsuperscript{54}

The selection completed to the commissioner's satisfaction, the group returned to Los Pinos. From there Mears, with his seemingly indefatigable ability to push things through to completion, continued to Denver, thence to Salt Lake City by train where he procured supplies and building materials, and then proceeded by wagon to the new reservation site to erect the agency buildings,\textsuperscript{55} and get things ready for the "reluctant immigrants of Utah Territory."

To the Uncompahgres the possibility of their being evicted from their homeland of ages was like a nightmare that surely must pass. Agent Berry and members of the Ute Commission met with the Uncompahgres on August 22 and 23. In each of these meetings the Indians were ordered to Utah. They adamantly refused to go. The Uncompahgres pointed out that the Commission had promised to pay before they moved those who had made improvements on their land, and they insisted that this be done. The tribe had also learned that the Green River area had insufficient grazing land to support their livestock. When the Uncompahgres persisted in their refusal to go, the Commission and Agent Berry turned the task of removal over to the Army.\textsuperscript{56}

\textsuperscript{53} "Subreport of Commissioners Russell, Mears and M'Morris," Nov. 21, 1881, p. 387.
\textsuperscript{54} Ibid., p. 388.
\textsuperscript{55} Rockwell, The Utes, p. 174.
\textsuperscript{56} Berry, to Price, Sept. 10, 1881, Annual Report of the Secretary of
The Army was well prepared to execute the removal of the Uncompahgres. When the Meeker Massacre occurred, troops were rushed into western Colorado. A large force of infantry and cavalry under the command of Colonel MacKenzie was assembled at Fort Garland poised to attack the Uncompahgres. When the peaceful nature of those Indians was reaffirmed, the troops remained at Fort Garland during the winter, but advanced to the Uncompahgre River as soon as roads were passable in the spring of 1880. The "Cantonment on the Uncompahgre" was established about six miles downstream on the Uncompahgre River from Los Pinos Agency. This force was used to prevent conflict between the Indians and whites, and to attempt to keep trespassers off the reservation; but its main purpose was to force the Uncompahgre's removal if necessary. In preparation for the removal, the Cantonment was increased to the strength of six companies of cavalry, and nine companies of infantry during the spring of 1881, and Colonel Mackenzie was assured that if needed his command would be reinforced further.

With the Uncompahgres under his charge, Mackenzie called them together and told them of his orders. He further informed them that he was prepared to carry out those orders with force if necessary. He gave the Indians one day to decide if they were going to leave peacefully, and deployed his troops for battle. The next day the Uncompahgres relented.

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Having tried every tactic of avoidance and delay, to further resist the overwhelming military force surrounding them was suicidal. They were issued a three-weeks supply of ration, and on August 27 started the exodus from their homeland.59

Agent Berry reported that the Indians' departure was "apparently cheerful and happy."60 But a quite different description of their expulsion from Colorado is given by the military. General Pope reported: "they [the Uncompahgres] moved off in a day or two . . . peaceably, but manifesting the greatest grief and regret at being obliged to abandon, in this manner, the home of their tribe for so many years. 61 Captain James Parker, one of the soldiers assigned to force the removal, stated:

The next morning, shortly after sunrise, we saw a thrilling and pitiful sight. The whole Ute nation on horseback and on foot was streaming by. As they passed our camp their gait broke into a run. Sheep were abandoned, blankets and personal possessions strewn along the road, women and children were loudly wailing.62

A local newspaper gave this graphic account of the removal:

There can be no doubt that the very heart of the Ute was torn by this giving up and removal from the time-out-of-memory abiding place of their people. They kissed and seeming endeavored to embrace the ground; they raised their hands and eyes filled with tears; in moaning prayers to the hills and sky; their words and hearts were burdened with sore lamentation and sorrow.63

But if the jubilant accounts of the majority of the Colorado press were an accurate expression of the people of that state, they had few moral misgivings about expulsion of the Uncompahgres from their homeland.

59 Berry, to Price, Sept. 10, 1881, Ibid., vol. II, p. 79.
60 Ibid.
The Denver Daily Times concluded an account of their removal thus: "And now that this people have gone, let us remark with the prince of Indian haters, 'It was almighty rough on them but a necessity.'" And The Ouray Times canted, "This is an event which had been prayed for by all our people. How joyful it sounds and with satisfaction one cay say, 'The Utes have gone.'"

As the Colorado press exulted and the soldiers hurried the Indians out of the state, white settlers rushed in, taking up the choice farm and ranch land of the Ute reservation. Thus the Uncomaphgres, once proud hunters and warriors of the mountains and plains, were driven at gunpoint from Colorado; deprived of even the redeeming sacrifice to die fighting for their homeland.


CHAPTER XII

IN A NEW LAND

So, as had happened so often since the discovery of America the enterprising, aggressively optimistic, irrepressible white settlers were again victorious over the native Americans even though this had been a relatively bloodless victory. The isolated area to which the Uncompahgres were banished had received little white settlement, primarily because it was hardly habitable. Although the Mormons had explored the area for settlement in 1861 (see p. 123), the negative report of that party caused Brigham Young to abandon plans to settle the area.¹

On October 3, 1861 President Lincoln by executive order reserved the entire Uintah Basin as an Indian reservation,² and during the next several years the Utah Utes were gathered there. Some white settlers, mainly Uintah Indian agency personnel and Mormons, moved into the area taking up homesteads.³

The first of the Uncompahgres arrived at their new homes on the 25th of September, 1881. Some lingered along the way, hunting and delaying their arrival as long as they could. By the 22d of October most of them had arrived at the new agency, and the payments for improvements on their

land in Colorado were made to them by the Commission.⁴ On January 5, 1882 President Arthur withdrew the Uncompahgre reserve from the public domain by executive order (see Figure 9).⁵ That it was bound on three sides by mountains where there was plenty of grass and game into which the Uncompahgres could slip away to hunt and pasture their livestock caused their agents to despair of keeping them on the reservation, but it did provide a means of survival for them.⁶

With the White River Utes on the Uintah reservation, the Uncompahgres on their reservation in Utah, and the Southern Utes confined to a small area in southwestern Colorado,⁷ the Ute Commission considered its main tasks completed. Although the fact that none of the Uncompahgre land had been surveyed for allotment in severality to individual tribe members is mentioned in some of the Commission's reports, nothing was done about the survey. In their 1881 report the commissioners recommended their membership be reduced from five to three.⁸ On March 15, 1883 the Commission was abolished.⁹

The most influential member of that Commission, so far as the Uncompahgre Utes were concerned, had been Otto Mears. Indeed, of all the white

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⁴ "Subreport of Russell, Mears, and M'Morris," Nov. 21, 1881, pp. 385, 386.
⁷ That these Utes stayed in Colorado was largely attributable to George Manypenny who as a member of the Ute Commission supervised the execution of the Ute agreement with the Southern Utes. For a thorough study of this see Gregory Coyne Thompson, "Southern Ute Lands, 1848-1899: The Creation of a Reservation" (M.A. thesis, University of Utah, 1971).
⁹ U.S. Statutes at Large, XXII (1883), p. 200.

Figure 9. Ouray and Uintah reservations.
men these Indians had dealt with, none influenced them and guided them as the white settlers would have them do more than this man. From 1865, when he formed a partnership in a grist mill and saw mill with their agent, Lafayette Head, he was their principal trader. He learned the rudiments of the Ute language, and established a close relationship with Ouray. There is ample evidence that he dishonestly exploited the Uncompahgres. He was the trader part of an "Indian ring," and in collusion with agency personnel overcharged for supplies (see p. 67), and grazed herd of cattle, from which he supplied beef for the Utes and Army, illegally on Indian land. 10 And as has been shown in this study, he resorted to bribery when he thought it necessary.

Of the numerous agents the Uncompahgres had in Colorado only two appear to have been strictly honest. These were both appointees of the Unitarian Church, Reverends J. Nelson Trask, and Henry F. Bond. 11 Mears apparently found it impossible to work with these men, and was instrumental in having them replaced. Soon after Trask was replaced, Mears was again contracting business with the Los Pinos agent. 12 His secretary acted as amanuensis when Ouray wrote to the Secretaries of the Interior requesting

10 J. S. Fletcher, Jr., Commander, Cantonment on the Uncompahgre, to Assistant Adjutant General, Department of the Missouri, Fort Leavenworth, Kansas, Nov. 30, 1880, "Letters Received."

11 Ironically, an indicator of their honesty was the difficulty they had working with other Indian Office personnel. Numberous letters of Trask's are found in the "Letters Received" file to Commissioners of Indian Affairs, Secretaries of the Interior, congressmen, and presidents explaining how he was defrauded by Governor McCook, and demanding that he be reimbursed. Reverend Bond, when he assumed the position of Indian agent from Charles Adams, accepted Adams inventory of the agency supplies and livestock as correct. Later, when a shortage of agency cattle was discovered, Bond was held responsible for the shortage, and discharged.

12 Charles Adams, Los Pinos Agent, to Francis A. Walker, Commissioner of Indian Affairs, July 16, 1872, "Letters Received."
that Agent Bond be replaced. 13

In playing a major role in removing most of the Utes from Colorado, Mears lamented:

The moving of the Indians from Colorado... is a sad mistake and one which will injure more than one at first thought would suppose, as during each year more than $2,000,000 of money is expended on them by the government in paying them their annuities, putting up buildings, etc., all of which has heretofore been expended to Colorado. Hereafter it goes to Utah and that state [territory] will be benefited thereby. 14

But the zeal with which he carried out his part of the removal belies his sorrow. And the active part he played in settling the Ute reservation suggests that he was as anxious as anyone to exploit its riches. He was active in the development of Montrose, a town downstream on the Uncompahgre River from the Los Pinos Agency. He expanded his toll roads and freight hauling into more of the former reservation, and later was active in railroad construction in the area. 15

Much of Otto Mears' influence with the Uncompahgres stemmed from his friendship with Ouray, and the control Ouray exercised over them. With Ouray dead and their removal forced, the animosity the Uncompahgres had for Mears was shown when one of them tried to kill him while he was paying the Utes for the improvements on their Colorado property. 16

13 Ouray, to E. P. Smith, July 2, 1875, "Letters Received;" Ouray, to Zachariah Chandler, Secretary of the Interior, Aug. 1, 1876, "Letters Received;" Bond, to Chandler, Aug. 10, 1876, "Letters Received."


15 Hafen, "Otto Mears," p. 73.

Figure 10. Ouray, Uncompahgre Ute chief, and Otto Mears.
And the Mears-Ouray friendship reciprocated to Ouray's benefit as Mears used his influence to further Ouray's position with the Office of Indian Affairs as chief of the Utes. Ouray was appointed to that position by the Office of Indian Affairs to aid in effecting Indian policies of the United States with the Utes. Although having a head chief of all the Utes was contrary to the Utes' governmental structure, Ouray, backed by the power of the United States, functioned reasonably well for the United States. His power over his own Uncompahgres was fairly extensive, and he at times wielded it ruthlessly, even to the extent of killing those who challenged his position.\(^{17}\) His influence over the northern and southern bands was considerably less, and based more on logic and patient persuasion. For example, when Ouray ordered the White River Utes to stop fighting and release their prisoners after the Meeker Massacre, the White Rivers were ready to stop fighting and looking for a way to negotiate a settlement.

The Southern Utes were even less influenced by Ouray. The San Juan Cession tended to physically separate them from the rest of the Utes (see Figure 8), and emphasized their desire to achieve autonomy. They refused to accept livestock in payment for the San Juan Cession, and disavowed any agreement Ouray may have entered into in their behalf regarding the San Juan area.\(^ {18}\) These actions by the Southern Utes undoubtedly aided their later efforts to remain in Colorado.

With the Meeker Massacre, the authority Ouray had exercised over

\(^{17}\) Rockwell, The Utes, p. 104.

\(^{18}\) Wheeler, to John Q. Smith, Oct. 9, 1876, "Letters Received;" Ignacio, Chief of the Southern Utes, to Whom It May Concern, 1876, "Letters Received."
the White Rivers and the relationship between the White Rivers and the Uncompahgres redounded to the Uncompahgres great harm. Only one Uncompahgre Ute was accused of participating in the Meeker Massacre, and it was never proven that he (or any other Ute for that matter) actually took part in the killings. But it was in the local and national press that the Utes were tried and convicted of the atrocity, and there very little distinction was made among the divisions of Utes. The Office of Indian Affairs held its hearings of the Meeker Massacre at the Los Pinos Agency. Ouray and other Uncompahgre chiefs actively participated in this inquiry while the Southern Utes eschewed it. This reinforced the public image of identifying the White Rivers and Uncompahgres together.

Ouray attempted at all times and at all costs to prevent serious hostilities between the Utes and the United States. The trips to Washington, D.C. to which the Office of Indian Affairs feted him and his subchiefs from Ute funds had convinced Ouray of the futility of warfare with the United States. He failed to comprehend that an aggressive, potentially hostile stance could often gain more respect and concessions from the government than subservient acquiescence.

Undoubtedly, Ouray's grossest breach of faith with his people was the San Juan Cession. The Conejos Treaty and the Treaty of 1868 were adroitly negotiated, and the provision of the 1868 treaty requiring ratification of future treaties by three-fourths of the adult male Ute population with firm leadership would have given the Utes a strong bargaining position in any subsequent negotiations. But Felix Brunot's promise to return Ouray's son to him, and Otto Mears' openly flagrant bribe of Ouray by recommending his salary be increased from five hundred to one thousand dollars per year upon completion of the negotiation, was apparently more than the chief could resist. From that time on Ouray's
usefulness as a tool of the whites was assured.

Of course, the good that Ouray accomplished in maintaining peaceful relations with the United States should not be minimized. The fate of their traditional enemies of the plains, the Cheyennes and Arapahos, banished to Indian Territory, and the Sand Creek Massacre were graphic reminders to the Utes of what their lot also could be. But in time, with Ouray dead, and forced to live in a desolate waste in eastern Utah the Uncompahgres could well question the efficacy of Ouray's appeasement policy. And their neighbors who continued to live to their north in Utah, the White River Utes, were a close-to-home example to evoke such questioning. The White Rivers, the tribe which perpetrated the Meeker Massacre, were driven from Colorado too, and settled on the Uintah Reservation; but the Uncompahgres, who were not involved as a tribe in the White River hostilities, indeed, had rendered significant service in effecting peace, and the release of the white women and children captives, were rewarded for their humanitarian assistance by being driven from Colorado and settled in a far less liveable place than the White Rivers were.

As the Ute Commission could consider its task essentially completed, so Coloradoans could congratulate themselves on their nearly total victory in cleansing their noble state of loathsome savages. The removal of the Uncompahgre Utes came twenty years after Colorado became a territory, and only five years after statehood was obtained. Indeed, it was only a little over thirty years since the Ute treaty of 1849 established formal relations between the United States and the Utes. During those thirty years the continually increasing, inexorable pressure of white settlers, the subjugating influences of the white man's culture, caused the Uncompahgres to probably lose a sizeable portion of their population, all of
their vast domain; and become abject wards of the government.\textsuperscript{19}

Only the Southern Utes were able to stay in their homeland. And although Colorado continued trying for a number of years to dislodge them too, they managed to hold onto their home with the assistance of Indian rights advocates and eastern congressmen.\textsuperscript{20}

Scant honor can redound to the United States in making and executing its treaties and agreements with the Uncompahgre Utes. The language of the pacts portray an aggressive, powerful nation willing to deal fairly--from its point of view--with an impotent group that possessed something the strong nation wanted and would have. Provisions of the treaties guaranteed that the United States would compensate the Uncompahgres for their land, and in the process of payment "civilize" them.

But in fulfilling its treaty obligations to the Uncompahgres the United States was most derelict. Not only did Congress often fail to appropriate funds needed to honor the treaties made with them, but the executive branch of government was generally inefficient and ineffectual in the expenditure of appropriations. Education, medical services, and the teaching of agricultural skills were only sporatically provided. The issuance of food and supplies was often used as an enticement for another treaty, as were the expensive trips of Indian delegations to Washington, D.C. Indian agents came and went far too frequently to be effective. Appointments were first made politically, then by religious groups, from

\textsuperscript{19} The only census figures available for the Uncompahgres in Colorado are those of the Office of Indian Affairs, and they vary so much they are unreliable. They range from a high of 4,500 in 1865 to a low of 1,500 in 1869. The assumption that their numbers decreased during this period is based on reports of disease and starvation plaguing them at times.

\textsuperscript{20} Thompson, "Creation of a Reservation," chap. 4 passim.
the military, and then again politically.

Admittedly, with the Uncompahgres trying to keep their land and the people of Colorado who would have all of it, the functions of the Office of Indian Affairs were impossible to perform to the satisfaction of all parties involved. But the history of Uncompahgre Utes-white men relations in Colorado is a study in white expediency and conquest. With the whites generally displaying a callous disregard for the Indians they dispossessed, they confidently sought the "Manifest Destiny" of their age.
BIBLIOGRAPHY

This study has depended heavily upon government documents, as must any serious study of the history of an Indian tribe's dealings with whites. The official reports of agents, superintendents, the Commissioner of Indian Affairs, and Board of Indian Commissioners (starting in 1869 when it was organized) from 1849 through the period this study covers are found in the annual reports of the Commissioner of Indian Affairs. These reports are duplicated in the annual reports of the Secretary of the Interior, and also as congressional (either House or Senate, or sometimes both) executive documents which are part of the "Serial", or "Sheepskin Set." Indexing, especially in the "Serial Set," is scanty. But the reports are arranged fairly consistently from year to year, so if one becomes familiar with the whereabouts of one annual report that knowledge may be utilized for the others. The University of Utah's Center for Studies of the American West has compiled an index on the Ute Indians which includes material in the "Serial Set." This index has been helpful in this study.

Considerable "white" bias is evident in these official reports, and must be taken into account. This is one reason why the correspondence received by the Office of Indian Affairs concerning the Colorado Superintendency has been invaluable in this study. Here the details in the day-to-day relations between the Uncompahgres Utes and the white men they dealt with--agency and army personnel, traders, settlers, politicians, concerned citizens--become evident as issues, personalities, procedures are more frankly discussed.
Other government documents used in this study include annual reports of the Secretary of War and the Commissioner of the General Land Office, House and Senate Journals and additional documents, the Congressional Globe and Congressional Record, the U.S. Statutes at Large, and Colorado state documents.

Full bibliographical information for each of these documents is given in the body of the study. To duplicate the entries in the bibliography is an unnecessary redundancy.

Newspapers used are listed at the end of the bibliography. They have been most useful in this study.

Besides the University of Utah index, two bibliographies have been helpful guides to the literature. These are: Tyler, S. Lyman. The Ute People: A Bibliographical Checklist. Provo, Utah: Institute of American Indian Studies, Brigham Young University, 1964; and Stewart, Omer C. Ethnohistorical Bibliography of the Ute Indians of Colorado. University of Colorado Studies, Series in Anthropology, No. 18. Boulder: University of Colorado Press, 1971. Although by no means comprehensive, most helpful in Stewart's work was his index to "Colorado and Out-of-State Newspaper Articles on Ute Indians."

The following list contains some works that, while not cited in the text, have been useful mainly for background information. By including them in the bibliography it is hoped that their contribution to this study is adequately recognized.


"The Yuta Indians before 1680." The Western Humanities Review, V (Spring, 1951), 153-163.


Newspapers

Boulder Colorado Banner.
The Denver News.
The Denver Times.
The Deseret News.
The Gunnison Review.
The New York Tribune.
The Ouray Times.
Rocky Mountain News.
The Silver World [Lake City, Colo.].
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