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Documents relating to the negotiation of an unratified treaty of August 29, 1866, with the Uintah and Grand River bands of Ute Indians. August 29, 1866

Washington, D.C.: National Archives, August 29, 1866

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DOCUMENTS RELATING TO THE
NEGOTIATION OF AN UNRATIFIED TREATY OF
AUGUST 29, 1866, WITH THE UINTAH AND
GRAND RIVER BANDS OF UTE INDIANS



Treaty of Aug. 29 - 66 - Uintah &c

re-ratified

Colorado

Governor of Colorado,

December 12, 1866.

(See miscell. I-105-69)

Transmits treaty made with Grand
River & Uintah Bands of Utes.

(E)

Kept in City till Jan'y 26/67
Sent to City with rept. Jan'y 28/67

[Signature]

Jan 3 1867

SUPERINTENDENCY INDIAN AFFAIRS,
COLORADO TERRITORY.

Golden City Dec 12th 1866.

Hon Lewis V. Boggs
Commissioner Indian Affairs
Washington D.C

Sir - I have the honor
to transmit herewith, a treaty which
I made with the Grand River (or Yampa)
and Uintah Bands of the Indians,
under instructions from Hon. M. C. Butler late Com-
missioner Indian Affairs.

The delay in sending
it, which I much regret, was oc-
casioned by the fact which I suggested
in Washington, of my removal of the
Superintendency from Denver to the
Seat of Government at Golden City; and
in the confusion of papers, the treaty
was misplaced instead of being forwarded as I supposed
was done.

I am very respectfully
Yours
J. Cunningham
Chief of Office Sup Indian Affairs

(A.)
Colorado - 1867

Treaty with the Uintah and
Gandpa Bands of Indians

31 Aug 2 1/2
2 Sep

Treaty of Amity and
Friendship between the United
States and the Chiefs & Warriors of
the Uintah and Gandpa or Grand
River Bands of Utah Indians

1867 Feb 1st. Read the first time
and entered, with accompanying
papers, to Com. on Indian Affairs
& ordered to be printed &c



2105

SUPERINTENDENCY INDIAN AFFAIRS,
COLORADO TERRITORY.

all

A-7

Denver,

186

The President of the United States of America, by Alexander Cummings, Governor of Colorado Territory, and Enos Pease, Supt Indian Affairs for the same, Hon A. B. Hunt, and D. C. Oakes, U.S. Indian Agent duly authorized and appointed as Commissioners for the purpose, of the one part, and the undersigned chiefs and warriors of the Uintah and Yampa or Grand River Bands of Utah Indians on the other part, have made and entered into the following ^{of Amity & friendship} Treaty, which, when ratified by the President of the United States by and with the advice and consent of the Senate, shall be binding on both parties, to, wit

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SUPERINTENDENCY INDIAN AFFAIRS,
COLORADO TERRITORY.

Denver,

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Article 1.

There shall be perpetual peace
and friendship between the United
States of America and the Uintah
and Yampa or Grand River bands
of Utah Indians. ○

SUPERINTENDENCY INDIAN AFFAIRS,
COLORADO TERRITORY.

Denver,

186

It is the purpose of the United States Government, by some of the citizens thereof, to make a road or roads through the lands claimed by the Green River or (Yampa) and Uintah bands of the Indians. And in consideration of a present by the United States, of twenty five (25) head of cattle and sundry provisions, blankets, clothing and other articles - the receipt of which is hereby acknowledged and the delivery witnessed by James Baker, Interpreter, Mont. T. Bennett, and Surveyor Major Lewis Thompson, U.S.A., the Indians aforesaid agree that they will not interfere with the construction of said roads, nor molest any persons engaged thereon, nor any stations or buildings or settlements which may be made, and will aid in protecting the

persons travelling on the roads
or employed upon them.

It is agreed by said Indians,
in case of any violation of the
provisions of this article, by any
individual of the aforesaid bands,
or of any violence by any of them
to any United States Citizen or white
resident travelling through the lands
claimed by them, that the individuals
guilty of said wrong shall be delivered
up to the United States Authorities
to be punished by the laws thereof.

The United States Guarantees
that, for any wrong done upon any
of the aforesaid bands, by any citizen
or white resident of the United States,
the party guilty of the wrong shall
be punished by the United States
with the same penalties as though
the wrong had been committed on
a white citizen.

J

4-4

And in ^{further} consideration of the foregoing,
the United States agrees to furnish to
the aforesaid Indians with twenty five
(25) horses, with saddles, bridles,
and blankets for each complete
on the ratification of this Treaty,
And annually thereafter blankets
and stock either horses, cattle or
sheep, to the value of five thousand
(\$5000) dollars, and provisions to the
value of three thousand (3000) dollars,
this annuity to continue until some
arrangement is made with the tribe
for their permanent settlement. —

In Testimony Whereof the said Com-
 -missioners as aforesaid, and
 the said Chiefs and Warriors
 of the said Bands of Utah Indians
 have hereunto set their hands and
 seals at the Hot Sulphur Springs
 as aforesaid, on the Twenty Ninth
 day of August, A.D. One Thousand Eight
 Hundred and Sixty Six.

Alexander Cummins Seal
 Gen. C. I. and Sup. Int Affs and Commissioner
 N. O. Hunt — Seal

James C. Patrick Seal
 Indian Agent
 and Commissioner

Sa-ga-wick
 Or, Buzzard

his
 X mark
 mark

Seal

Jack, or
 one name

his
 X
 mark

Seal

Witnesses to the Treaty and issue

Jay Baker

Hiram P. Bennett

Lewis Thompson

Pr^l Major U.S. Army

Interpreter -

Jay Baker

Pa - End or
high

hi
X
mark

Seal

Sa - pack or
white

hi
X
mark

Seal

Un - ca - chep
red lodge pole

hi
X
mark

Seal

Nevada or
Snow

hi
X
mark

Seal

Sack - wa - Tsch which,
Blue River

hi
X
mark

Seal

Pa - ha - pitch, or
swimmer
~~swimming~~ water

hi
X
mark

Seal

Aa - ha - me - na
Prickly Pear

hi
X
mark

Seal

Pan - qui - to, or
Minnow

hi
X
mark

Seal

Ta - ka - ken
Washington

hi
X
mark

Seal

misc 105-69
C-2-67
Chicago

Res. of Senate
refusing to ratify treaty
with Uintah & other
Utah Inds Aug 29-66

2105

In Executive Session,

Senate of the United States,

February 16, 1869.

1869

Resolved, (two thirds of the Senators present
(not concurring,) That the Senate do not advise
and consent to the ratification of the treaty
of amity and friendship between the United
States and the Uintah and Gampo or Grand
River Bands of Utah Indians concluded the
29th August 1866.

Attest

Geo. B. Corbano

Secretary.



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We whose names are hereunto subscribed, have been intimately acquainted with the "Ute" or "Utah" tribe of Indians, and especially with the seven bands represented in the treaty lately made between their respective bands, and the Government of the United States. These people have heretofore claimed and occupied all the Mountain and Park Country east, to the eastern base of the Raton Mountains, west, nearly to the centre of Utah; north, to the line of the U. P. R. R.; south, to the U. S. Mountains south of Taos in New Mexico. In 1864, the Tabaguaches ceded to the Government, most of the country within the limits of Colorado, and the treaty, of which the one just made is a supplement, sets forth that this single band had the right to make this cession, while, in reality, the six other bands mentioned in the supplementary treaty, had equal rights with the Tabaguaches, and have always claimed, that they were not consulted in the matter, and indeed they have never shared in the benefits of that treaty.

It will be seen that by the terms of the new treaty, there is reserved to the seven bands, but little more than twice as much country, as was

secured by the old treaty for the Sabagnache
band alone. These people have gradually given
way before the advance of white settlement, until
the only country left where any game can be
found, is the tract designated as the new reserva-
tion, the nearest white settlement being over eighty
miles distant from its eastern boundary. The
reservation itself, is worthless to the whites, unless
the precious metals should be discovered there, save
for pastoral purposes. Stock can be raised to good
advantage by wintering it down on the large
rivers, and driving it to the upper waters during
the summer.

The non-fulfillment of the treaty with the Sab-
agnaches is a constant ground of complaint, and
nothing but repeated assurances, from those of us
whom they regard as their friends, that justice
would ultimately be done them, has kept them
quiescent. This, we they leave to say, cannot be
much longer continued, unless speedy relief comes
to them in some substantial shape. If the stock
promised the Sabagnaches, is given them this
Spring, they will, as they have repeatedly expres-

sed & willingness to do, share it with their relations, - the six other bands - and all go upon the new reservation. This does away with two Agencies, and concentrates the Indians, which must lessen the expense of their maintenance.

Some of these Indians have already from thirty to fifty head of sheep and goats, raised from a small stock obtained from the settlers in exchange for skins; thus proving conclusively that they will care diligently for such domestic animals as the Government in its generosity may see fit to give them. Either this must be done or they must be permitted to roam as heretofore, through the settlements, where, when pinched by hunger they will satisfy their cravings by forced contributions from the unlucky farmer or rancher whose herd lies near their line of travel. Such depredations are, if not actual war, at least its seeds, and we feel safe in saying that nine out of every ten of all Indian outbreaks, originate in this sort of aggression on their part, caused by their necessities for food and transportation. According to former official

estimates, these people are set down at about
ten thousand (10,000) souls; we place our
estimate at about seven thousand (7,000),
yet we may be below the true figures, and
in this treaty we ask for no more, than is
now being expended for their maintenance,
save ^{for} the erection of suitable buildings, for
the Agencies, in the discretion of the Secretary
of the Interior; and for the stock annuities,
for one or two years, or more in the discretion
of Congress and the Interior Department.

The sixty thousand dollars asked, for the purchase of food and useful goods, is not to exceed fifteen dollars (\$15.00) per annum - for each soul, a mere pittance, when we consider the cost of freighting these goods to these destitute Indians, and how much is required for the support of a white or black person, for that length of time. As for the Mills, school-houses and other like improvements, it is not expected, they will be erected, or the employees consequent upon such improvements introduced, until such time as, in the discretion of the proper department, it may be

deemed advisable. No Agency buildings have ever been erected for either of the seven bands, and we submit it as a question of economy in the management of the Indians, that good log houses should be erected at suitable places, for the agents, that they (the Indians) may know where their respective agents reside, and thus stop the expenditure for rent of Agency buildings.

We know of no tribe of Indians who, in our judgement, are more warlike and formidable than the Utes, and none who have been more uniformly the friends of the Government and the settlers; they have several times even volunteered to go with our soldiers against the hostile Indians of the Plains. The incursions of the white man have rendered the game so scarce and wild, as not to be obtainable through the use of the bow, hence guns and ammunition must be furnished them wherewith to satisfy, at least in part, their hunger.

We claim to have had more experience with Indians than most men of our time, and we undertake to say that the giving of arms and ammunition to these people, will have no bad

result, if the pledges made by the Government are fulfilled. We do not in the least apprehend a war, but if it should come to that, we would rather they were armed with rifles than with bows and arrows for one short campaign exhausts their powder, lead, and caps, and then their guns are only an encumbrance, and bows cannot be made in a day; and besides the party adopting the rifle soon loses his skill in the use of the bow.

We all feel that we have done our duty towards these well disposed but exceedingly needy people, and earnestly beg that we be properly sustained by the authorities in the fulfillment of the obligations of the Government. War with these Indians would be a most disastrous issue, and would certainly result in the entire destruction of the Mountain Settlements of Colorado and New Mexico. We give it as our belief that 50 Ute Warriors could keep a whole regiment of soldiers fighting for months, and then unless one should die from exposure or starvation, they (the Indians) would not lose

a man, in the time, while if the cost of one campaign were expended in the purchase of cattle and sheep, with a few wool cards spinning wheels and looms, with proper instruction as to their use, it would give them a life maintenance, and be a proceeding worthy the magnanimity of our Government.

One other most vital consideration is the removal of these Indians beyond the influence of bad settlers especially among the Mexican population, near where they have usually roamed. These associations do more to demoralize the Indian than all other influences combined. Like most Indian tribes these have a propensity for gambling and drinking, and most of their annuity presents blankets and other articles, go in this way, when bad Mexicans are allowed to associate with them.

We believe that if encouraged and properly instructed, these people will soon be successfully engaged in the culture of the rice, and potatoes; but farming proper cannot be carried on in the region of their new reser-

ration on account of the scarcity of arable land, at least to any great extent. They can also raise fine pumpkins, squashes, beans &c as do the Mexicans in the valleys of the Sagua che and Conijos.

There is a number of Arajo women in this tribe who were originally captives, but are now essentially Ute in their likings. These women will in a short time instruct the Ute squaws in the art of weaving blankets, and fabricating other useful articles of clothing, if the means are only placed at their disposal. The skin of the sheep is highly prized for beds in lieu of blankets, but if they were properly instructed they would soon learn to take the wool off the hide, to be manufactured into blankets &c and the skin to be tanned something ^{that of.} like deer or antelope.

As shepherds they will excel even the Mexican who is deemed the best known. Religion or education will make but slow progress among them, until they have first learned to work or at least to employ them -

silvers, in some useful way, and thereby
gain their own living.

Alex C Hunt
Governor Colorado

Kit-Carran
Special Agent in Charge
Bureau of Indian Affairs
A. G. Brown

John W. Hunt Agent
Arkansas.

Samuel C. Carter
U.S. Ind. Agent

Lafayette Head
W.S. Indian Agent

U. M. Curtis
Interpreter

Wm. J. Godfrey
U.S. Interpreter

H. P. Bennett
Ex. Delegate Colorado

W. Kellogg
Chief Ind. Supt of Colorado

A. M. Carraday
from the County Col La