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**Uncompahgre Statesman:
The Life of Ouray**

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by

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INTRODUCTION

Among biography of the great Indian leaders of America, a notable deficiency exists: the presence of a full-length study of Ouray. For decades, historians, librarians and other individuals concerned with Ute history have recognized this lack. Many inquiries have been made on local and national levels about available material and about possibilities to remedy this deficiency. Although several good studies have been done on Ute history, the biography of Ouray is limited to short chapters in those studies and a few brochures of few pages. Information on many periods of Ouray's life is very limited and the loss of his personal records has compounded the problem. Therefore, only serious students of Ute history seem to have an accurate concept of Ouray. In the general histories of the West and of Colorado, there remains a very sketchy and inadequate knowledge of the life, the complexities and the tragedy of this Ute leader.

Ouray was caught up in the diversity of three distinct cultures that shaped the early history of Colorado. In addition to his own Ute heritage, the Mexican and American frontier traditions greatly influenced his life. Born of a Jicarilla Apache father and a Tabeguache Ute mother, Ouray spent most of his youth living and working among the Mexican communities of southern Colorado and northern New Mexico. During that time (1840s), he gained skills in farming and herding as well as mastering the Spanish language. Throughout his life, Ouray maintained a close contact with the Hispanic community, often trading with and eventually employing several of its members.

When the United States acquired from Mexico the territory which included the traditional Ute homeland, Ouray quickly realized the power and size of the U. S. government and its armies. For the rest of his life, he tried to cooperate with the Americans. At first he used the antagonism between frontiersmen and the Plains Indians to the advantage of the Utes, who were hereditary enemies of the Arapaho, Cheyenne, Sioux and Comanche. After the demise of the Plains Indians in Colorado, Ouray attempted to maintain good relations with the Americans in order to preserve his own people.

During the years of the Colorado gold rush, Ouray rose through the ranks of Ute leaders and became a respected chief of the Tabeguache, his immediate tribe. He gained that position as a result of his prowess as a warrior, his wisdom as a counselor, and his knowledge of both friend and foe. As the mining and ranching frontiers encroached upon the Ute territory during the Civil War years, he became an important spokesman for the Utes in the early attempts to resolve the conflict over ownership of Colorado lands. Realizing the Utes must yield their claims to the San Luis Valley and the central Rocky Mountains, Ouray was determined to

gain compensation for his people. He cultivated his friendship with Americans who knew and understood the Utes such as Kit Carson and Lafayette Head, enlisting their aid to gain fair treatment for the Utes.

The Ute nation, comprised of seven main bands, was never a consolidated political entity and had never recognized a permanent chief of the entire nation. The Utes had always depended on large councils and the leadership of many chiefs to deal with matters concerning the whole tribe. United States officials, frustrated with such a democratic process, insisted upon a single authority to speak for the tribe. Ouray gradually emerged as that authority, partly because of the recognition of the Americans, but primarily because of his own abilities to persuade the Utes to follow his lead.

During the 1870s, Ouray maintained his often tenuous position as head chief with difficulty. He faced a growing dissatisfaction from his people in regard to his peaceful policy toward the whites, encountering problems from rival chiefs who were jealous of his powers and opposed to his ideas about the future of the tribe. As the government continued to break promises which the Utes felt were made in good faith and as pressure to completely remove the Utes from Colorado mounted, many of the Ute people were determined to fight rather than yield anything more to the white man. Ouray's judgement prevailed, however, and he prevented open hostilities until the outbreak at White River in 1879.

Aware of his terminal kidney illness, Ouray rallied enough strength to journey to Washington to try to save some of the Colorado homeland of his people. Much to the chagrin of many of Colorado's officials and citizens, Ouray negotiated a settlement that seemed to have a good chance of success. On the verge of consummating the agreement that would allow most of the Utes to retain a half million acres of the best land in western Colorado, Ouray died. Without his presence, the Utes were unable to withstand the pressures for removal and less than a year after his death, most of the Utes were forced to move into Utah.

The story of Ouray's life certainly deserves greater attention than it has received. This study is an attempt to add some understanding to that story.



Photo courtesy of Colorado Historical Society

Chief Ouray late in life, probably taken in Denver

CHAPTER I (1833 — 1859)

In the Taos Valley of the Rio Grande during the year 1833,¹ a Tabeguache woman gave birth to a son, Ouray,² destined to become the greatest leader of the Ute nation. He was not born into this leadership role. His father was a Jicarilla Apache, Guera Murah, whom the Tabeguache had adopted into their tribe.³ Ouray's mother was a little known maid of the "people who live on the warm side of the mountains."⁴ His childhood environment, however, would help him prepare for the leadership role he would assume. The Taos Valley was a meeting ground for a variety of cultures that influenced the boy's development. It was here Ouray would learn of the ways and values of the Utes, the Mexicans, and the white Americans. Ouray's education and experiences would eventually take him through a life of prestige, of power, of comparative wealth, and finally to the realization of the tragedy that must befall himself and his beloved "Blue Sky People."

From his parents and members of his tribe, Ouray learned of the culture and ways of the Utes, gained a respect for the land and the bounties of nature, and became familiar with the Utes' economy of hunting and trading. He was soon exposed to the Spanish/Mexican culture. Shortly after his birth, a local priest baptised Ouray into the same Catholic church where his parents had been married.⁶ Although Catholicism apparently made little impression on the boy, the teaching of the Jesuit priests⁷ left an important imprint, including an understanding of the Spanish language. Although Ouray was fluent in several Ute dialects and could converse in English, he preferred to do his thinking in Spanish.⁸ Indeed, he used that tongue very effectively in dealing with non-Utes whether they were traders, farm hands, commissioners, Colorado's leading citizens, or members of the Congress of the United States. Ouray's success in diplomacy and his ability in negotiation were undoubtedly enhanced by his eloquence in Spanish, for at that time few men could fluently translate Ute into English.

In addition to his brief education from the Catholic priests, Ouray learned of ranching and farming from the Mexican families of the Taos area.⁹ His parents may have sold or hired out Ouray¹⁰ and his older brother Quenche¹¹ to ranchers or traders. At that time it was not uncommon for the Utes to sell or trade their own children for horses in order to preserve their mobility and to lessen the burden of

providing food and clothes during the winter seasons.¹² The young Ouray planted grain and hoed crops for several of the leading Mexican families at Abiquiu.¹³ He also herded sheep and packed goods for traders of the area, continually learning more about the ways of the Mexican and American frontier cultures.¹⁴

The Mexican contact with the Utes exerted definite influences on the Ute culture, although it would be impossible to detail the extent of the changes. Some customs were altered (e.g. the increased slave trade whereby the Utes captured Indians of other tribes, especially Paiutes and Goshutes,¹⁵ and sold them to Mexican ranchers and miners). The art and crafts of the Ute were influenced by what they liked in Mexican art and by what the Mexicans wanted to trade. To some extent, the Utes even altered their religious customs to accommodate some Catholic practices.¹⁶ Horses and guns had provided greater opportunities for raiding and for more successful hunting practices, giving the Utes more mobility. However, the Mexican influence never threatened the Utes as the American frontier culture and encroachment would.¹⁷ Whenever the Mexicans threatened to move too far north into Ute territory, they were repulsed by force. The Utes were determined not to surrender the land that contained "the bones of their Fathers."¹⁸

Ouray perhaps first recognized that the American influence was stronger and more dangerous than that of the Mexicans in 1847. The famous uprising of Mexicans and Pueblo Indians against the United States forces in Taos led to the death and decapitation of Governor Charles Bent.¹⁹ American forces under Colonel Sterling Price retaliated against the insurgents and restored American control over the area. Ouray was aware of the incident and it was perhaps at this time he became determined to reconcile the Utes' difficulties with American forces without resorting to war if at all possible.²⁰

After the Americans took control of the Ute lands, they were anxious to establish peaceful relations with the Ute nation. In late 1846, Major William Gilpin and Colonel Doniphan met with sixty of the Ute leaders of the San Luis Valley and reached a peace agreement with them.²¹ In 1850, the Utes recognized the United States Government with a formal treaty at Abiquiu, New Mexico.²² In this treaty which was negotiated by James S. Calhoun, Superintendent of Indian Affairs, with twenty-nine Ute Chieftains, the Utes agreed to the following: to recognize and submit to the jurisdiction and authority of the United States government; to cease hostilities against United States citizens; to grant free passage through their territory to Americans; to allow army and trading posts and Indian agencies to be established in their lands wherever the government deemed necessary; and to remain in their traditional home lands (although no definite boundaries were established).²³ In return, the government agreed to "grant to said Indians, such donations, presents and implements, and adopt such other liberal and humane measures as said Government may

deem . . . proper."²⁴ The first agency agreed to by the treaty was established at Taos in 1851 with John Greiner as agent.²⁵ It was shortly after the meeting at Abiquiu that Ouray left the Taos ranches, rejoined the Tabeguache, and soon married his first wife.²⁶

During the next decade, Ouray developed a reputation among the Tabeguache and other Ute tribes as a great warrior in the struggles of the Utes against the Arapahoe, Cheyenne, and Sioux – the Utes' hereditary enemies.²⁷ By the 1850s, the Utes' tribal organization had changed somewhat from the traditional grouping. Before the introduction of the horse, the Utes lived in small family groups during the summer and fall in widely scattered areas in order to insure enough game to feed all their people. They gathered together to form large tribal groups only during the winter and for spring ceremonies. After acquiring the horse, however, the Utes were able to live in larger groups because it was easier to procure greater amounts of game, especially buffalo. The horse also allowed the Utes to become more efficient raiders. They pillaged Mexican and white settlements for livestock; their Indian enemies and lowly relatives, the Paiutes and Gosutes, for slaves. They were also able to field large war parties to fight the Plains Indians.²⁸

During the early 1850s, the Utes, especially the Muaches, concentrated their raiding on the settlers in the San Luis Valley and in northern New Mexico.²⁹ The establishment of Fort Massachusetts in 1852 near Mount Blanca apparently did not impress the Utes, for the raids continued.³⁰ By 1855, the raids became so annoying that the governor of New Mexico sent a military expedition of over five hundred men under Colonel Thomas Fauntleroy against the Muaches.³¹ Fauntleroy, with Kit Carson as scout, met and defeated the Muaches under Chief Tierra Blanca in the Saguache Valley in March, 1855. After further skirmishing near Salida in April, the Utes sued for peace.³² A new treaty was concluded in September at Abiquiu which severely limited the Muache territory. The treaty was not ratified by Congress apparently because of some disputed territory in the San Luis Valley, but the Muaches gave up most of their raiding against the Mexican and white settlers in the area.³³

Ouray and the other Tabeguache apparently were not involved in the Muache raiding. Ouray maintained that white men's lives and property were never threatened or injured with his consent.³⁴ Indeed, one member of a wagon train headed for Cherry Creek in 1859, remembered the help of Ouray and members of his tribe against a war party of Plains Indians. The wagons had stopped for the night and the one hundred immigrants were preparing meals when Ouray and Shavano, a great Tabeguache war chief, approached.³⁵ Young John Taylor later remembered Ouray

sitting upon a splendid horse, a chestnut with a long flaxen
man (sic) and tail. His long straight coarse black hair falling

below his shoulders wearing a beautiful Navaho blanket, a broad rimmed Stetson hat encircled with beautiful bead work . . . calvary boots with high tops encased his legs and feet above which he wore fringed leggings decorated with artistic beadwork. His face was painted after the style of the Ute warrior, from his saddle horn hung a repeating Henry rifle, a leathern belt encircled his waist in the loops of which shown gleaming cartiges (sic) and a bowie knife rested in a scabbard fastened to his belt . . . his head was grandly moulded, his features were regular, his height average and his every movement denoted grace, strength, dignity and intelligence.³⁶

After a conference with the leader of the train, Jim Beckwourth, Ouray, Shavano, and a party of Utes helped the immigrants repulse the attacking Indians.³⁷

Other Americans were also impressed with the Utes' ability to defend their mountain domain. The Plains Indians would give battle to Utes if they could catch them on the prairie or in the foothills, but they held the Utes in "absolute terror . . . in the mountains."³⁸ When Horace Greeley visited Colorado in 1859, he observed: the "Utes who inhabit the mountains are stronger and braver than any Sioux, Arapahoe or Comanche."³⁹ In the same year Kit Carson was anxious to conclude a new peace treaty with these "most dangerous"⁴⁰ Utes who were excellent shots with rifles.⁴¹

Although the Utes were generally successful in battle against their plains enemies and Ouray gained fame for his fighting abilities and respect for his counsel, the 1850s were not kind to Ouray as far as his family life was concerned. He and his first wife had only two children, a boy and a girl. The girl died at an early age. The boy was captured by Arapahoes during a battle near Denver in 1858. Ouray and a small number of Utes were surprised in a pre-dawn raid by a large force of Arapahoes. Ouray hid his young son, reorganized the surprised Ute warriors and eventually repulsed the attack. The boy, however, was captured by the Arapaho warriors and probably raised by that tribe. Deeply hurt by the loss, Ouray would later enlist the help of the United States government in trying to locate the boy.⁴² Ouray also lost his first wife, Black Mare, whom he had married in 1850.⁴³ He never related what happened to her; she may have died or they may have simply ended the marriage.⁴⁴

The year of 1859 was a crucial one in the career of Ouray. It was then he married the beautiful Chipeta, a Tabeguache maiden who had spent most of her sixteen years near the Conejos River.⁴⁵ Also in that year the Americans started a vast invasion of the Ute territory precipitated by the discovery of gold in the mountains of Colorado. A new territory and a new Indian superintendency would soon be carved out of the Ute domain. Ouray had established himself as a leader of his own people, a people desperately in need of his leadership in the coming decades.



Photo courtesy of Smithsonian Institution
Ouray and Chipeta, 1880.

NOTES Chapter I

¹Although several dates for Ouray's birth have been suggested, Ouray himself gave 1833 as the year of his birth. *Denver Tribune*, August 28, 1880.

²Ouray's name underwent many changes and many spellings. According to Thompson, the name began as Oo-ay, the first word the baby spoke. *Denver Post*, December 31, 1908. Ouray's name appears as Oo-lay, Ulay, Ula, Ure, Ura, U-ray, Oo-ray, and others. Ouray is the form most used and was fairly standardized by the time of his death.

³Most sources agree that one of Ouray's parents was Jacarilla and the other Tabeguache, however there is disagreement about which was which. Many of the earlier historians agree that his father was Jacarilla. Luther Bean, *Land of the Blue Sky People* (Alamosa: Ye Olde Print Shoppe, 1962), p. 7; Wilson Rockwell, *The Utes: A Forgotten People* (Denver: Sage Books, 1956), p. 88; Thompson, "How Chief Ouray Held His People in Check," *Denver Post*, December 31, 1908. Sprague is one of the few who gives a different name for Ouray's father: Salvador. Sprague maintains that this subchief of the Tabeguache was Ouray's father. Marshall Sprague, *Massacre: The Tragedy at White River* (Boston: Little, Brown and Company, 1957), p. 75.

⁴The translation of "Tabeguache." Fredrick Webb Hodge, *Handbook of American Indians North of Mexico* (Washington: Government Printing Office, 1912), p. 664.

⁵See Bean, *Land of the Blue Sky People*, p. 7 for the explanation of this name for the Utes.

⁶*Denver Tribune*, August 28, 1880.

⁷*Council Fire*, I (June, 1878), p. 83.

⁸John W. Taylor and Henry Layne, "Utes—Especially Ouray," (unpublished interviews collected during 1933-1934 for the State Historical Society of Colorado by C. W. A. workers, document 365, No. 15), p. 40.

⁹Rockwell, *The Utes: A Forgotten People*, p. 88 and John B. Lloyd, "The Uncompahgre Utes," (unpublished master's thesis, Gunnison, Colorado: Western State College, March 24, 1939), Part II, p. 32.

¹⁰Marvin K. Opler, *The Southern Ute of Colorado* (New York: D. Appleton-Century Company, 1940), p. 159.

¹¹J. M. Manzaneres, "Colorado Recollections of a Centenarian," *Colorado Magazine*, X (May, 1933), p. 115.

¹²Anne M. Smith, *Ethnography of the Northern Ute* (Santa Fe: New Mexico Museum Press, 1974), pp. 31-33.

¹³Manzaneres, "Colorado Recollections," p. 115.

¹⁴Sprague, *Massacre*, pp. 75-76.

¹⁵Opler, *The Southern Ute*, pp. 159-160.

¹⁶Adolph F. Bandelier, *Final Report of Investigations among the Indians of the Southwestern United*

States, Carried on Mainly in the Years from 1880-1885, vol. I (Cambridge: University Press, 1890), pp. 188-189.

¹⁷Gregory C. Thompson, *Southern Ute Lands, 1848-1899; The Creation of a Reservation* (Durango, Colorado: Center of Southwest Studies, 1972), p. 1.

¹⁸John Greiner to James Calhoun, October 20, 1851, Annie H. Abel, Ed., *The Official Correspondence of James C. Calhoun*, (Washington: Government Printing Office, 1915), p. 438.

¹⁹Sprague, *Massacre*, p. 76.

²⁰Jack Guinn, "Ouray, the Ute's Foresighted Chief," *Denver Post Empire Section*, May 1, 1966, p. 42.

²¹Leroy R. Hafen, "Historical Summary of the Ute Indians and the San Juan Mining Region," David A. Horr, ed., *Ute Indians II* (New York: Garland Publishing Inc., 1974), p. 276.

²²Sprague, *Massacre*, pp. 76-77.

²³Abel, *Calhoun Correspondence*, pp. 127-129.

²⁴Abel, *Calhoun Correspondence*, p. 129.

²⁵Rockwell, *The Utes: A Forgotten People*, p. 64.

²⁶Sprague, *Massacre*, pp. 78-80.

²⁷*Denver Tribune*, August 28, 1880.

²⁸James Jefferson, Robert W. Delaney and Gregory C. Thompson, *The Utes: A Tribal History* (Salt Lake City: University of Utah Printing Service, 1972), pp. vii-x.

²⁹Thompson, *Southern Ute Lands*, p. 4.

³⁰Hafen, "Historical Summary of the Ute Indians," p. 277.

³¹Thompson, *Southern Ute Lands*, p. 4.

³²Hafen, "Historical Summary of the Ute Indians," p. 277.

³³*Ibid.*, p. 277.

³⁴*Council Fire*, III (February, 1880), p. 27.

³⁵Taylor and Layne, unpublished interviews, p. 3.

³⁶*Ibid.*, p. 3.

³⁷*Ibid.*, pp. 3-5.

³⁸R. I. Dodge, *Our Wild Indians* (Hartford: A. D. Worthington and Company, 1883), p. 442.

³⁹Irving Howbert, *The Indians of Pike's Peak Region* (New York: Knickerbocker Press, 1914), pp. 64-65.

⁴⁰*Rocky Mountain News*, November 10, 1859.

⁴¹*Ibid.*

⁴²*Denver Tribune*, August 28, 1880.

⁴³Ernie Rose, *Utes of the Rocky Mountains, 1833-1835* (Montrose, Colorado: Montrose Daily Press), p. 66.

⁴⁴Sprague, *Massacre*, p. 80.

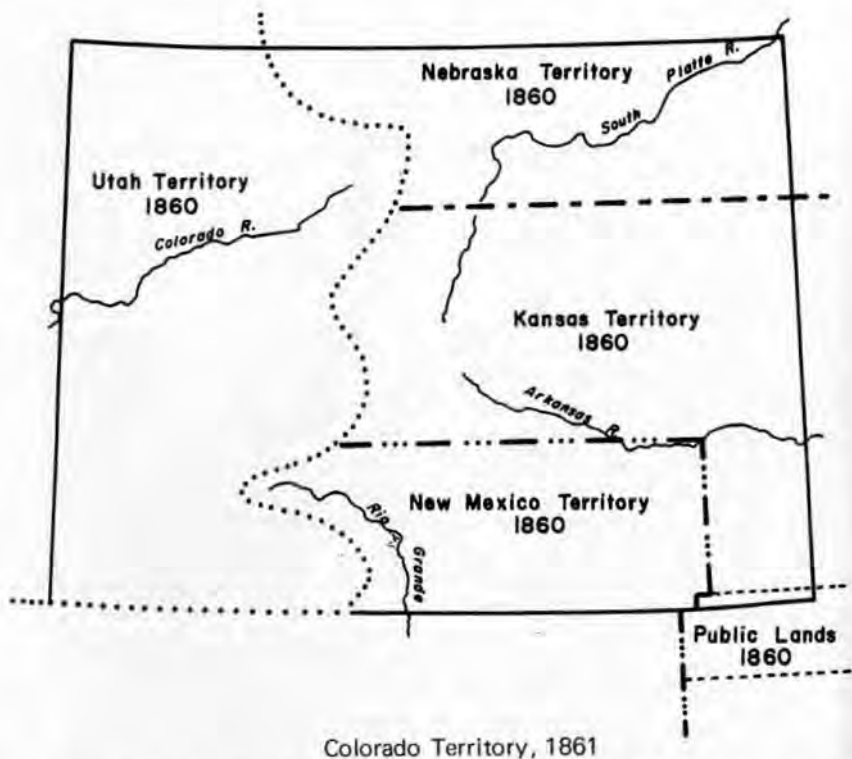
⁴⁵Albert B. Reagan and Wallace Stark, "Chipeta, Queen of the Utes, and Her Equally Illustrious Husband, Noted Chief Ouray," *Utah Historical Quarterly*, VI (1933), p. 103.

CHAPTER II (1860 — 1863)

The discovery of gold in 1858 and 1859 in the beautiful valleys along the front range of the Rocky Mountains lured thousands of eager whites into the traditional hunting grounds of the Utes. From the rugged Pike's Peak area north to the rushing tributaries of the South Platte and St. Vrain rivers, avaricious miners flocked into the wilderness territory.¹ By 1858, perhaps even earlier, men seeking their fortunes in precious metal invaded the lovely San Luis Valley and the stately South Park,² lands dear to the Muache, Capote, and Tabeguache. By 1860, the Anglo prospectors had taken their shovels and gold pans far into the Tabeguache homelands along the virgin banks of the roaring Lake Fork of the Gunnison River. They eventually found promising ore deposits along the Animas River,³ in the silvery San Juan country of the Weeminuche. Charles Baker and E. F. Cheney sent glowing accounts of the potential riches of the San Juan region to Santa Fe, Denver, and Golden. But the ensuing attempts to find rich strikes failed, so this area was temporarily abandoned for more lucrative strikes along the eastern range where stories of fabulous finds abounded.⁴

The official census of 1860 revealed that the white and free black population of the Colorado area had swelled to 34,277.⁵ These uprooted Americans clamored for organization and representation. When the Southern members of Congress withdrew from the nation's capital after Mr. Lincoln's election, Congress obliged by creating the new free state of Kansas in January and voting territorial status for Colorado on February 28, 1861.⁶ This political reorganization of the Ute lands by the United States government held grave forebodings for the chances of the Utes to hold their ancestral home.

A new Colorado superintendency was established for the Indians coincidental with the new territory.⁷ The first man to hold the dual office was the very anxious and optimistic William Gilpin. The new governor was well acquainted with the territory and with the Colorado Indian situation. One of his first acts was to establish an agency for the southern Ute bands at Conejos with Major Lafayette Head as agent.⁸ Gilpin promptly established his top priorities: to protect the citizens of the territory from Indian dangers and to protect the rich and strategic new territory from the Confederacy.⁹ Gilpin was convinced the South would go to any length to gain control over Colorado.¹⁰ Not only would the new territory's mineral wealth be a tremendous asset to the



Colorado Territory, 1861

Map taken from information found in Theodore R. Miller, *Graphic History of the Americas* (New York: John Wiley and Sons, Inc., 1969), pp. 20-21.

Confederacy, but Colorado could have been used as a base to cut off the resources of the Far West which flowed east to the Union. The new governor feared many of Colorado's Indians, especially the Arapaho, were actually in the pay of clever Confederate officials. He also suspected, as did many other Coloradoans, that miners and traders with Southern sympathies were trying to incite many formidable Indian bands to attack both white and Mexican settlements in an effort to weaken the Union hold of the area.¹¹

Since federal troops were being concentrated in the East, Gilpin hastened to organize a Colorado militia to meet the certain Confederate threat. Because no funds were available for such purposes, Gilpin issued federal drafts, following Mr. Lincoln's example, to supply the troops. This was a calculated move Gilpin felt was absolutely necessary to save the territory.¹²

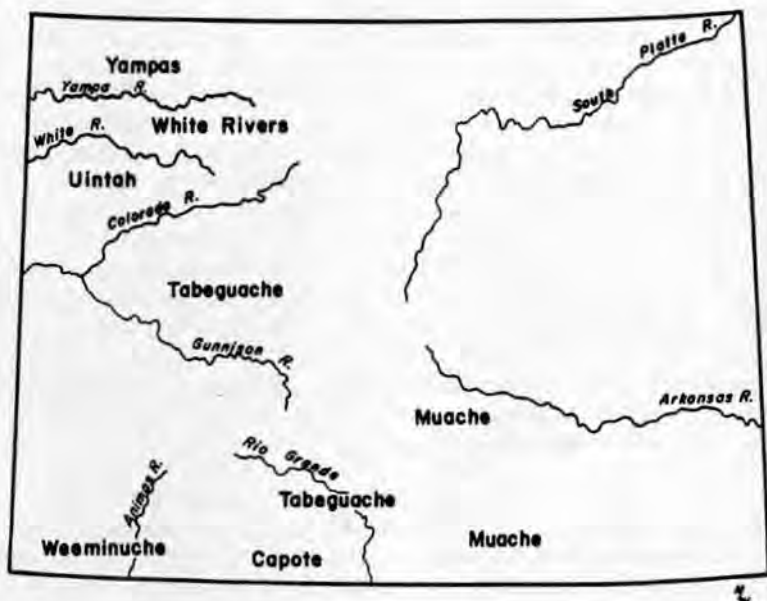
Down on the Conejos, Agent Head was also in a quandry. He was desperately worried because he felt he had inadequate troop support and no provisions to issue the Utes, without

which he could not guarantee peace with the Indians. Head reported that miners and settlers had driven away the game and the Utes would need provisions for the winter if they were to survive. The Tabeguache and Weeminuche were currently at war with the Navajos, who, according to Head, had slaughtered forty Americans and fifteen Mexicans. He also maintained that the warlike and implacable Navajos were responsible for driving the miners out of the southern part of Colorado. He pleaded with the governor for funds and for troops to protect the citizens and the Utes from the hostile Plains Indians and the Navajos.¹³ The worried Gilpin, also strapped for funds, sent Head to the Superintendent of Indian Affairs for New Mexico in Santa Fe. From that source, Head was only able to secure a meager fourth of what he felt was minimal to supply his Utes. However, Gilpin placed great faith in Head's ability and influence with the Utes. The two concerned officials hoped they could placate the Utes with the supplies from Santa Fe, although the proud and hungry Utes were launching successful raids against Cheyenne, Arapaho, Navajo, whites and Mexicans alike.¹⁴

Gilpin was also unable to send the troops Head requested, because those troops were soon occupied in one of the most important Civil War battles of the West. The military preparation of the new governor proved to be the determining factor in the thwarting of Confederate plans to occupy New Mexico and Colorado. General Sibley's invading army of Texans had captured Santa Fe and Albuquerque and prepared to launch an assault against the Union forts in Colorado. A combination of Colorado, New Mexico and Federal forces intercepted the Confederates at Glorietta Pass in March, 1862, where the Colorado volunteers provided the deciding force in repulsing the Texans.¹⁵

Although the Confederates were turned back primarily because of Gilpin's preparation, the new governor lost his job over the financial wranglings that developed over the drafts he had issued to fund the militia.¹⁶ In April, 1862, President Lincoln removed Gilpin and appointed a personal friend and capable organizer, John Evans, governor.¹⁷ Evans took office in May, 1862, and immediately set out to determine the relationship of the Colorado Indians with the government.¹⁸ The new governor tried to initiate peace between the Utes and Plains Indians, greatly aggravating the Arapaho and Cheyenne, who felt the governor was meddling in matters beyond his authority.¹⁹ Evans also faced the wrath of determined gold hunters who expected and demanded that the government secure Indian lands which might contain mineral deposits.²⁰

Evans soon reached the conviction that "many of the richest and most extensive mining districts (were) in the country belonging to or claimed by this tribe."²¹ The governor reported the Utes to be "about ten thousand strong, and active, independent, and warlike."²² Great trouble was anticipated between the Utes and the whites if negotiations for some of the Indian territory were delayed. He urgently



General distribution of the Ute Tribes
(in the mid-nineteenth century)

Information for map taken from James Jefferson, Robert W. Delaney and Gregory C. Thompson, *The Southern Utes: A Tribal History* (Salt Lake City: University of Utah Printing Service, 1972), p. 6; and Julian H. Steward, *Aboriginal and Historical Groups of the Ute Indians of Utah* (New York: Garland Publishing Inc., 1974), p. 46.

requested that adequate funds be set aside and preparations be made for a council with the Ute chiefs.²³ Hiram P. Bennet, Colorado's territorial delegate to Congress was tremendously concerned about the safety of Colorado miners. He gave little consideration to the justice or the feelings of the Indians when mining interests were at stake.²⁴ Indeed, Bennet felt that it would be far better to treat with the Utes than to wage an expensive and bloody war of extermination against them.²⁵

Greater difficulty arose in treating with the diverse Ute nation than most governmental officials anticipated. The tribe was not a political organization as far as the Utes were concerned.²⁶ In the early 1860s, the estimated ten thousand Utes were roughly divided into seven bands: Muache, Capote, Weeminuche, Tabeguache, Grand River (White River), Yampa, and Uintah.²⁷ Each band had its own leaders in the form of a chief and a council.²⁸ The chief directed the important matters concerning the entire band, such as organization for war, involving defense, raids, camp movements, general hunts, and the spring ceremonies. Individual matters were settled by the family units involved. The councils were made up of men who gained the confidence of the tribe

and chief through their wisdom and experience.²⁹ Any man who had the following of several family units would claim the title of chief. Whenever one chief could not maintain influence and control over an entire band, that band was fragmented into small groups without a cohesive organization.³⁰ Seldom did a single chief lead an entire band, much less the entire tribe, but the Spanish, Mexicans, and Americans tried to impose a European, political sense to the tribe in their efforts to negotiate with them,³¹ a concept that the Indians had trouble comprehending.

The Americans were especially anxious to negotiate with the Utes to gain the coveted mountains and streams that contained the haunting lure of gold. Governor Evans developed a plan to make a negotiation more advantageous for the Americans. An important part of that plan was to impress the Utes with "the military prowess of the government."³² To reach that end, Agent Head summoned thirteen Ute chiefs³³ and took them to Denver in February, 1863. This delegation joined another party of Indians under the Colorado agency for Plains Indians in the charge of Agent Colly. Colly's group included representatives of the Cheyenne, Arapaho, Kiowa, Comanche, and Hinas.³⁴ The two delegations left Denver for an extensive tour of the East, including Washington, D. C., New York, and several other large cities.³⁵

Ouray was a member of the Ute delegation.³⁶ He was not only a leading chief of the Tabeguache, but also served as an interpreter for the agent,³⁷ a position he had held since 1856.³⁸ The governor of New Mexico, William Army, wrote to Commissioner Dole, complaining that some members of Head's party were not chiefs. In fact, at an earlier hearing against Head, a soldier testified that the Indians whom Head proposed to take to Washington had no real influence among the Utes.³⁹ Major Head had lived on the Conejos since 1854, however, and was well acquainted with the Utes of the area.⁴⁰ Therefore his judgment prevailed; he took the Indians he wanted, including Ouray and the important war chief, Shavano.⁴¹

While in the unfamiliar surroundings of Washington, the recalcitrant Utes refused to negotiate a treaty,⁴² but Delegate Bennet reported that they agreed to consider one in the summer.⁴³ The Utes preferred to return to their homeland where they could have the counsel of their fellows before entering into any agreement with the government.⁴⁴ State officials were determined to have Ute lands for their citizens which included the richest mining portions of the state. The Indians, however, were reluctant to resign their territory "until the last practicable hour compelled them to do so."⁴⁵ The *Rocky Mountain News* assured its readers that the government threatened to wipe out the entire Ute nation if the Indians made trouble over the cession.⁴⁶ One of the Utes — perhaps Ouray — replied to one such threat:

"I and my party came here because we wished to come. You may give presents to the other Indians, but we don't want any presents. You want our land because there is plenty of gold there, but all that you are willing to give us is copper. Do you think that we are fools? You talk as if you could whip us. You are now fighting with your own brothers and can't whip them. You will find it harder work to whip us. We wish to go home and when we get there we may be willing to make a treaty."⁴⁷

The Utes were as determined as the government officials; they left Washington without negotiating their lands away.

On the return trip, Major Head made a detour to invite his widowed sister and his nephew to live with him on the Conejos,⁴⁸ where he was accused of reigning over a "feudal domain of the upper Rio Grande Valley, replete with cattle, horses, goats, sheep, casks of Kentucky bourbon and Spanish brandy, and . . . pretty Navajo slave girls."⁴⁹ Head's nephew, the young Finis Downing, who later became a United States congressman,⁵⁰ was greatly impressed with the Ute chiefs. He described them as

wonderful fellows, quick to learn and understand and they were grateful and kind to those they reposed confidence in, but as sullen and hard as flint when they were suspicious or felt that someone was wronging them.⁵¹

When the Utes returned to Colorado, Evans and other officials organized a large council to deal for a cession of the coveted Ute land.⁵² Major Head's secretary, M. J. Godfroy, journeyed to Denver and loaded ten large government wagons⁵³ with over ten thousand pounds of goods to be distributed among the Utes at council.⁵⁴ A commission to deal with the Indians consisted of Governor Evans, Agent Head, Agent Simeon Whitely (from the newly established agency for the White Rivers and Yampas in northwestern Colorado), and the Superintendent of Indian Affairs in New Mexico, Mr. Michael Steck. John G. Nicolay, Mr. Lincoln's secretary, served as special agent and secretary to the commission.⁵⁵

The commission convened at Major Head's sprawling residence on the Conejos on September 1, 1863.⁵⁶ Also present at the festive gathering were five hundred Colorado troops⁵⁷ under the command of Colonel Chivington and Lieutenant Colonel Tappan,⁵⁸ three hundred Mexicans, and some Jewish merchants and traders.⁵⁹ Mr. Nicolay estimated the number of Tabeguache present at about fifteen hundred, with most of their chiefs and head men in attendance. Only three Muache chiefs and one Capote chief showed up for the parlay. The Weeminuche had sent representatives, but they grew dissatisfied and returned to the San Juans. All the northern Utes — White Rivers, Yampas, and Uintahs — refused to send anyone, ostensibly because



Photo courtesy Denver Public Library

Ute encampment near Ignacio

of the long distance required for the journey and subsequent hardship on their horses.⁶⁰ The commission therefore decided to deal only with the Tabeguache since their territory was that in which the government was most interested and because the other bands were not sufficiently represented.⁶¹

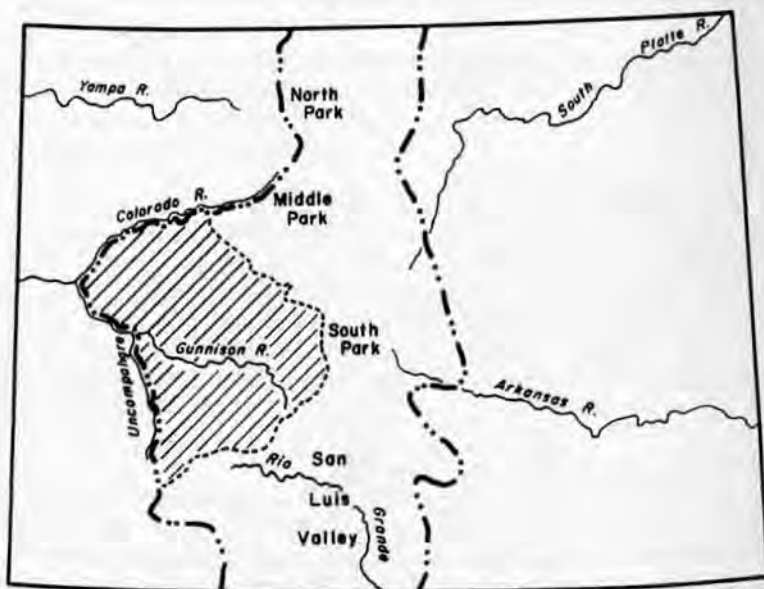
Mr. Nicolay described the Tabeguache as being "very active, intelligent and energetic, very successful in hunting and formidable in war . . . very friendly and entirely well-behaved."⁶² They proved to be formidable in council also, agreeing to obey the commands of the "Great Father at Washington,"⁶³ but insisting that

his power must be as potent to control and restrain his white as his red children; and while it was their duty to acknowledge obedience, it was also their right to claim protection.⁶⁴

After seven days of negotiating, the commission and the Utes agreed to a treaty consisting of ten articles.⁶⁵ According to this treaty, the Tabeguache conceded that they lived in the territory of the United States, recognized the general authority of the government, and claimed its protection. They agreed that the United States had the right to regulate trade within Ute lands. A boundary was established for the Tabeguache to specify the homeland and hunting grounds for their use. The commission also determined the boundary of the lands claimed by the Tabeguache at the time of the treaty.

The United States was granted the right to establish military posts within the reservation and to build roads and railroads through it. United States citizens were allowed to claim and mine gold or other minerals within the Ute lands. The Indians guaranteed safe conduct to anyone who obtained legal authorization from the government to pass through the reservation.⁶⁶ The Utes also agreed to protect the agents and their property that would be "sent by the United States to reside temporarily among them."⁶⁷ To prevent individual problems from disrupting the friendship between the tribe and the government, the chiefs were to deliver any Indians accused of perpetrating crimes against citizens for fair trial. In return, the United States promised to punish any American aggressing against or stealing from the Utes. The Tabeguache agreed not to aid any Indians who were unfriendly toward the United States. They also invited the Muache to share their new reserve.

For payment of lands ceded to the government, the Utes were to receive for ten years "ten thousand dollars worth of provisions,"⁶⁸ to be distributed by agents each year. If the Utes expressed the desire to farm or take up ranching, the tribe was to have up to one hundred-fifty head of cattle each year for five years, one thousand head of sheep per year for the first two years, and then five hundred sheep per year for the next three years. The government promised to provide the Utes with five fine American stallions to im-



Reservation established for the Tabeguache by the treaty of 1863 in the Colorado Territory (as amended by the U. S. Senate).



Area recognized by the United States as belonging to the Tabeguache prior to 1863.

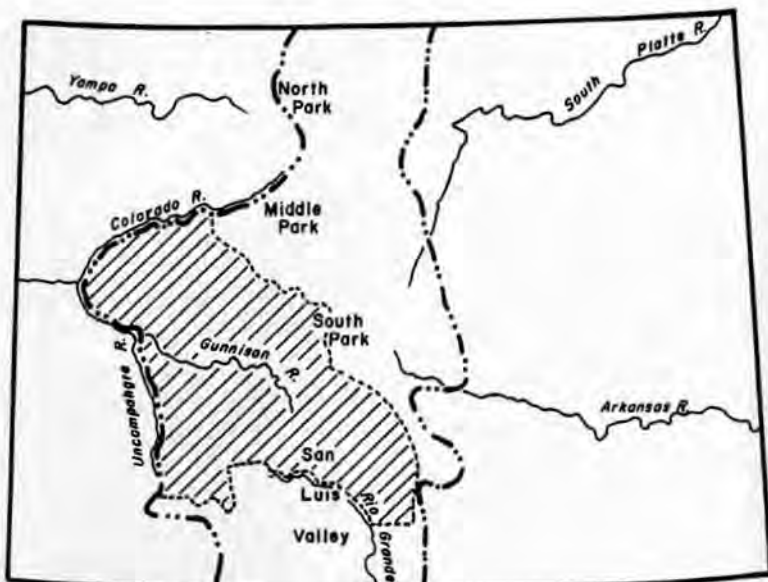
Reservation established for the Tabeguache and Muache as amended by the U. S. Senate.

Information for map taken from Charles J. Kappler, *Indian Affairs*, Vol. II, *Laws and Treaties* (Washington: Government Printing Office, 1904), p. 856.

prove the bloodlines of the Utes' horses. In addition, the United States agreed to build a blacksmith shop at the agency and provide a ferrier for the Indians.⁶⁹

Evans, Steck, Whitely, and Head signed the treaty for the United States. Ouray and nine other Tabeguache chiefs signed for the Utes;⁷⁰ nine chiefs made their marks, Ouray signed his name,⁷¹ "U-ray."⁷² Mr. Nicolay, four army officers, and three Hispanic interpreters signed as witnesses.⁷³

The provisions outlined above are in the final form of the treaty as ratified by the Senate. This draft was amended by three pages "in the usual form of journalizing in a legislative body,"⁷⁴ which a later governor of Colorado, Alexander Cummings, said made it "difficult, if not impossible for even an intelligent reader . . . to understand what the changes accomplished."⁷⁵ The Utes were unable to comprehend why such changes were made. It was not the same treaty the Tabeguache felt should be binding. The important differences between the original treaty and the form ratified by the Senate involved matters of boundary and provisions. In its final form, the



Reservation established for the Tabeguache by the treaty of 1863 in the Colorado Territory (in the original treaty).



Area recognized by the United States as belonging to the Tabeguache prior to 1863.



Reservation established for the Tabeguache and Muache in the original treaty negotiations.

Information for map taken from Kappler, *Laws and Treaties*, p. 856; Rockwell, *The Utes: A Forgotten People*, p. 70; and Frank Hall, *History of the State of Colorado* (Chicago: Blakely Printing Company, 1895), pp. 59-60.

treaty proposed that the Tabeguache give up the entire San Luis Valley, but this provision was not part of the treaty the Utes had negotiated (see map). The Utes were determined *not* to give up the San Luis Valley, and they made that point very clear to the commissioners.⁷⁶ In fact, the Ute agency remained at Conejos until a new treaty five years later moved it to Los Pinos. If the commissioners and Indians had agreed to the cession of the valley, the government would logically have created a new agency within, or at least closer to, the new reservation instead of leaving it in an area which government officials wished to keep free of the Utes. The original number of stock animals the Utes were to receive was reduced and the number of years they were to receive the stock was changed from fifteen to five years.⁷⁷ Moreover, the band received only two stallions, one of which was genetically deformed and unable to sire colts.⁷⁸

Little doubt existed that the Utes were deceived. The treaty they had agreed to was not the treaty the later authorities of Colorado wished to enforce. The interpreters and Agent Head corroborated the assertions of the Indians that the treaty was substantially altered without the consent or understanding of the Utes.⁷⁹ When the puzzled Tabeguache were informed that they had signed the treaty and

thereby agreed to any amendments that Washington officials might make, their response was that "it was such an agreement as the buffalo makes with his hunters when pierced with arrows; all he can do is lie down and cease every attempt at escape or resistance."⁸⁰

John Nicolay strongly urged the government to honor its part of the 1863 treaty. The traditional means of livelihood for the Utes — hunting wild game for food and trade — was nearly ruined by the influx of white miners and settlers. Mr. Nicolay was convinced the Tabeguache would make a successful transition to herding domestic animals if the United States would promptly comply with treaty stipulations and appoint only capable and understanding agents to supervise the change.⁸¹

Mr. Lincoln's secretary also pointed out to the Interior Department that the agreement to allow miners into the reservation must be only "a temporary privilege, not carrying with it the right to permanently occupy the soil."⁸² The key to gaining the Utes' confidence and trust which would make later agreements with other bands much easier was the prompt and faithful compliance with the terms of the treaty.⁸³ Unfortunately, the wise counsel of the special agent was not followed.

The 1863 treaty failed to live up to the expectations of any of the concerned parties. The Tabeguache were forced to give up over half of their homeland, which they hated to do, in return for unkept promises by the government. Colorado and federal officials failed to make any agreement with the remaining six bands of Utes. The miners were dissatisfied, but not deterred from going ever deeper into the Ute territory in their search for gold. The settlers and ranchers of the San Luis Valley were disappointed because the Indians had not been entirely removed from the immediate vicinity of their homes and ranches. Instead of solving the problems of the uncertain relationship between the Ute nation and the American nation, the 1863 treaty further befuddled an already confusing situation. It was merely a prelude to future discontent, insuring the necessity for more negotiation.

The emergence and recognition of Ouray as the leading spokesman for the Ute nation was perhaps the most important result of the 1863 council.⁸⁴ From that year, Ouray was to rival Nevava, chief of the White Rivers, as the most influential man of the entire tribe. Many of the Utes from all the bands had looked to Nevava more than to any other as the most powerful of all Ute chiefs. But with the obvious preference of American officials to deal with Ouray, Nevava's influence waned while Ouray's prominence and authority grew steadily.⁸⁵

NOTES Chapter II

- ¹Carl Ubbelohde, *A Colorado History* (Boulder, Colorado: Pruett Press, Inc., 1965), pp. 61-67.
- ²Carl Abbott, *Colorado. A History of the Centennial State* (Boulder, Colorado: Colorado Associated University Press, 1976), pp. 52-53.
- ³LeRoy Hafen, "Historical Summary of the Ute Indians and the San Juan Mining Region," David A. Horr, ed., *Ute Indians II* (New York: Garland Publishing, Inc., 1974), p. 46.
- ⁴Abbott, *Colorado: A History of the Centennial State*, p. 54.
- ⁵Julian H. Steward, "Aboriginal and Historical Groups of the Ute Indians of Utah," David A. Horr, ed., *Ute Indians I* (New York: Garland Publishing, Inc., 1974), pp. 112-114.
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- ⁷Edward E. Hill, *The Office of Indian Affairs, 1824-1880: Historical Sketches* (New York: Clearwater Publishing Company, Inc., 1974), p. 46.
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- ⁹Ubbelohde, *A Colorado History*, p. 100.
- ¹⁰Thomas L. Karnes, *William Gilpin: Western Nationalist* (Austin: University of Texas Press, 1970), pp. 271-273.
- ¹¹*Ibid.*, pp. 270-271.
- ¹²*Ibid.*, pp. 101-102.
- ¹³Lafayette Head to William Gilpin, October 3, 1861, in "Report of the Secretary of the Interior," *Message of the President of the United States* (Washington, D. C.: Government Printing Office, 1861), p. 712.
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- ¹⁵*Ibid.*, pp. 271-285.
- ¹⁶*Ibid.*, pp. 285-292.
- ¹⁷Ubbelohde, *A Colorado History*, p. 103.
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- ¹⁹*Ibid.*, p. 374.
- ²⁰Ubbelohde, *A Colorado History*, pp. 103-105.
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- ²²*Ibid.*, p. 374.
- ²³*Ibid.*, p. 375.
- ²⁴Jason H. Silverman, "Making Brick Out of Straw: Delegate Hiram P. Bennet," *Colorado Magazine*, LIII (Fall, 1976), 316.
- ²⁵Covington, "Federal Relations With the Colorado Utes," 259.
- ²⁶Marvin K. Opler, *The Southern Utes of Colorado* (New York: D. Appleton-Century Company, 1940), p. 126.
- ²⁷Robert W. Delaney, *The Southern Ute People*, p. 8.
- ²⁸Wilson Rockwell, *The Utes: A Forgotten People*, p. 45.
- ²⁹Delaney, *The Southern Ute People*, p. 8.
- ³⁰Rockwell, *The Utes: A Forgotten People*, p. 45.
- ³¹J. Donald Hughes, *American Indians in Colorado* (Boulder, Colorado: Pruett Publishing Company, 1977), p. 21.
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- ³³Finis Downing, "With the Ute Peace Delegation of 1863. Across the Plains and at Conejos," *Colorado Magazine*, XXII (September, 1945), p. 194.
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- ³⁸*Council Fire*, I (June, 1878), p. 83.
- ³⁹Covington, "Federal Relations with the Colorado Utes," p. 260.
- ⁴⁰*Sprague, Massacre: The Tragedy at White River*, p. 86.
- ⁴¹Downing, "With the Ute Peace Delegation," p. 200.
- ⁴²Hafen, "Historical Summary of the Ute Indians," p. 283.
- ⁴³*Ibid.*, p. 282.
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- ⁶¹*Ibid.*
- ⁶²*Ibid.*
- ⁶³*Ibid.*
- ⁶⁴*Ibid.*
- ⁶⁵*Ibid.*
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- ⁶⁹*Ibid.*, pp. 856-858.
- ⁷⁰*Ibid.*, p. 858.
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- ⁷³*Ibid.*
- ⁷⁴Alexander Cummings to Commissioner D. N. Cooley, October 10, 1866, "Report of the Secretary of the Interior," *Message of the President of the United States* (Washington: Government Printing Office, 1866), p. 155.
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- ⁸⁰*Ibid.*
- ⁸¹Nicolay to Dole, pp. 267-269.
- ⁸²*Ibid.*, p. 267.
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- ⁸⁵*Ibid.*

CHAPTER III (1863 — 1868)

The years between the treaties of 1863 and 1868 marked the culmination of Ouray's rise from an important warrior, respected counselor and chief of the Tabeguache to the position of head chief of the entire Ute nation. During this period, Ouray faced a power struggle with other influential Ute leaders. He also encountered great difficulty in trying to unite the widely dispersed Ute people in their dealings with the United States government officials. In achieving these ends, he added to his reputation as an able diplomat, wise statesman, and ruthless chieftain. Two old friends aided and encouraged Ouray in his rise to power: Kit Carson¹ and Lafayette Head,² both of whom were agents for the Ute tribes. It was also during these years that the Hispanic and Anglo populations of Colorado recognized Ouray as the single most important factor in maintaining peace with the Ute tribes. On several critical occasions, Ouray's active involvement in disputes between the new settlers and the established Utes prevented serious conflict, perhaps even full scale war.

The treaty of 1863 proved dangerously inadequate. It dealt only with the Tabeguache, merely inviting the Muache to accept the provisions that the Tabeguache had agreed to. The white Coloradoans immediately encountered difficulty with the remaining five Ute bands when they tried to build roads, farms, mines, or otherwise encroach upon the territory the Tabeguache had ceded to Colorado. The Weeminuche, Capote, White Rivers, Yampas, and Uintahs also claimed ownership of parts of the vast lands ceded by the Tabeguache.³

The Utes, members of the Shoshonean family,⁴ followed the Shoshonean tradition of identifying themselves according to the territory they happened to be living in at a given time. It was common for Utes to change allegiance from one leader to another or even from one band to another. Whenever any Ute became dissatisfied with his affiliation with one group, he simply shifted his residence to another location and, more importantly, his loyalty to a new leader.⁵ This custom led to a continual fragmentation of the tribes.⁶ It also created problems for the Ute chiefs and the government officials who tried to deal with the Utes as a tribal entity. Further complicating attempts to deal with the Utes as a complete political unit was the fact



Photo: Walker Art Studios; Courtesy of the Museum of Western Colorado
From left to right: Ankatosh, Waret's, Ouray, Shavano, and Guerro
(Guerro Murah, Ouray's father).

that the Utes still lived in many small groups within each band; each group had its own chief or even group of chiefs.⁷

During the early 1860s, the most powerful leaders of the many Ute chiefs included the dignified Ouray (Tabeguache), the defiant Kaniache (Muache), the stately Ankatosh (Muache), the recalcitrant Ignacio (Weeminuche), and the most influential of all, the respected elder, Nevava (White River).⁸ Even these outstanding leaders could never be sure of any permanent following. The Ute people had always rallied around a particular leader only for specific actions or for emergencies, always returning to their own small groups after accomplishing their objective.⁹ The various groups of all the Ute bands continued to follow their traditional gathering for spring festivals and fall hunts, but dispersed during most of each year. The treaty of 1863, however, provided another occasion for the gathering of the Tabeguache; the collection of annuity goods.

Whatever annuity supplies that were delivered in 1864 proved to be insufficient for the Tabeguache. Although the Commissioner of Indian Affairs reported that the annual hunt of the Utes during the fall of 1864 had been successful,¹⁰ Agent Lafayette Head observed and later maintained that a severe snow storm during the fall of 1864 prevented most of the Ute bands from obtaining enough meat to survive the winter.¹¹ The desperate Tabeguache assembled near Colorado City, begging for food. The citizens of the town gave them ten sacks of flour to prevent trouble. Major Head came from the Conejos agency to distribute another ninety-five sacks of flour, to induce the bitter Indians away from the vicinity of Colorado City. Although some goods were distributed in the fall of 1865 at Empire City, the Utes' food supply was perilously low once again during the winter of 1865. The settlers of many communities often supplied the hungry Indians with enough rations for a few days just to keep them on the move.¹²

Alexander Cummings replaced John Evans as territorial governor after the Indian annuities had been distributed in 1865.¹³ The new governor was under the impression that all the Utes were bound by the terms of the 1863 treaty. He arranged to meet with the different bands of Utes to attempt to keep the Utes from bothering the citizens of the territory and to persuade them to give up their lands and move into the Tabeguache reservation. In August, 1866, Governor Cummings met with the three northern bands in Middle Park. The Utes adamantly refused to leave their traditional hunting grounds. When the governor tried to convince them that the Tabeguache had ceded the area in question, the indignant Utes argued that the Tabeguache could not have done such a thing, for the territory also belonged to the Uintahs and Yampas and White Rivers. After days of wrangling in council, Mr. Cummings not only failed to persuade the northern bands to leave their country, he could not convince them to allow the building of roads or the establishments of



Photo courtesy of Smithsonian Institution
Ouray and Ignacio during treaty negotiations in Washington, D. C., 1880.

settlements within it. The Utes pointed out to Governor Cummings that once white men gained a foothold within Indian lands, the Indians soon found themselves starving or forced to beg or steal from the white men to survive.¹⁴

An incident near Mosca Pass in May of 1865 intensified Coloradoans' fears of having the Utes near settlements and cities. Several Utes quarreled with some Hispanic ranchers over the possession of a powder horn. One of the ranchers was mortally wounded in the dispute and he asked his sons to avenge him.¹⁵ The sons succeeded in their vendetta by killing three Utes, at least one of whom was related to Nevava and to Colorow,¹⁶ another prominent White River chief. Ouray intervened, conducted an investigation among both the Hispanics and the Utes involved and concluded that the Utes had been the aggressors and the ranchers were justified in their action.¹⁷ Nevava and Colorow were not pleased with the incident but decided not to press the matter, preferring to maintain the peace. However, both the soldiers and settlers of the region prepared for serious trouble, especially after Shavano (the most reknowned Ute war chief and steadfast friend of Ouray) became impatient with one of the Hispanics during the investigation and thoroughly beat him.¹⁸ Even though the people of Colorado prepared for trouble, they were further convinced of Ouray's value as a peace keeper. The *Rocky Mountain News* reported: "Much credit is given to their (the Utes') head chief, Ouray, for his good sense and (sic) untiring efforts to keep the tribe from difficulties with the whites."¹⁹

In an attempt to relieve tensions and come to an understanding with the Utes, Governor Cummings and General Kit Carson organized a council with the Tabeguach, Muache, and Capote to coincide with the arrival of General Tecumseh Sherman in September 1866. Sherman was touring the entire Indian territory under his military division and decided not to take the time to stay in the Ute country long enough to attend the entire council.²⁰ He did, however, wish to attend a short, preliminary meeting with Carson, Cummings, and the head of the Ute chiefs at Fort Garland. General Sherman opened the conference, addressing the Utes through the interpreting Carson. Sherman pointed out the necessity and the advantages of the Utes moving to a permanent reservation, hoping to convince them of the futility of retaining all their traditional territories. After the General's speech, the Utes conferred among themselves for some time before giving an answer. After thanking the great warrior Sherman, they replied that they could not settle down on a reserve until their enemies, the Cheyennes and Comanches, were first confined to a similar reserve.²¹ General Sherman soon lost his temper over the "skillful fencing and adroit diplomacy on the part of Ooray (Ouray) and Acantash (Ankatosh)."²² Leaving the conference in disgust, Sherman concluded, "They will have to freeze and starve a little more, I reckon, before they will listen to common sense."²³

The main council was held on the banks of the Rio Grande some "thirty miles or so northwest from Fort Garland,"²⁴ Governor Cummings found the Utes in a surprisingly "destitute Condition,"²⁵ and learned from Carson that he (Carson) had been forced to appeal to his superiors for extra rations from Fort Garland to distribute among the Indians in order to prevent the outright starvation of many of the Ute people.²⁶ What few annuity goods that had been distributed the previous year were "disgracefully worthless, rotten, and disgusting, and might reasonably have been made the grounds of revocation of the treaty"²⁷ of 1863.

Governor Cummings addressed the Utes, admitting that none of the provisions of the previous treaty had yet been carried out.²⁸ He then told the Utes he had been sent by the president with their annual presents and wished to discuss the future of the tribe. He suggested, as Sherman had, that the Utes settle on a small reservation, raise stock and crops,²⁹ thereby having "comfort and plenty always."³⁰

Ouray replied that the Utes had once had plenty — buffalo and antelope too numerous to count on the prairie, deer and many other animals in the forest. But since the coming of the white man, game was scarce and only the young and strong were able to survive. Mr. Cummings answered that both he and the president understood all that and were grieved by it. He argued that now the only chance for the Ute nation to survive was for them to learn to farm and settle upon a reservation. Ouray responded that he and many of the older chiefs also understood, but it would be impossible to persuade the young warriors to give up their hunting grounds to live in a small area where the Cheyenne and Comanche could easily find them and ambush them.

The governor promised that soldiers would be stationed in forts to protect the Utes from other tribes and also from bad white men.³¹ This statement caught Ouray unaware and "for the first time he lost his savage dignity, and laughed outright."³² Ouray was familiar with the ability, or lack of ability, of government troops to protect the Utes. After more unsuccessful persuasion on the part of the Governor, Ouray concluded: "Tell Great Father, Cheyennes and Comanches go on Reservation *first*; then Utes will. But Comanches first."³³ Unable to change Ouray's mind at all, Cummings realized the matter of a reservation was closed, at least for the time being.

Governor Cummings considered the Utes reasonable in their arguments against a reservation and also in their demands that the provisions of the 1863 treaty be honored before any new treaty negotiations should be opened. He felt that the bitter Indians could be reconciled to a new treaty if the government would only uphold their part of any agreement with the Indians.³⁴ The council ended with the distribution of a "flock of sheep and a small herd of cattle; the balance amounted to but little in a practical point of view."³⁵

Once again, a major council with the whites led to a significant increase in Ouray's prestige. The Ute people accepted his counsel in dealing with the whites and relied upon his ability and wisdom in expressing the Utes' feelings. Ouray also impressed visiting civilians as well as the government officials with his abilities as a leader. General Rusling recorded his impression:

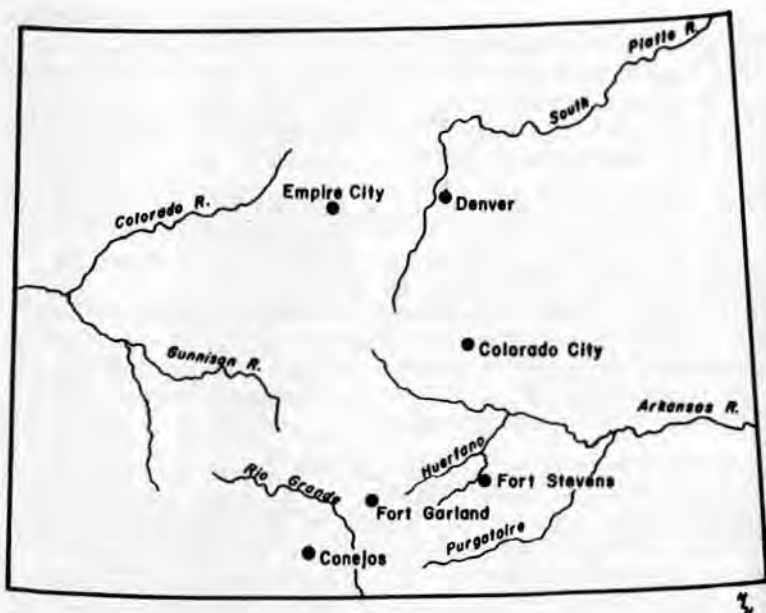
Ooray (Ouray) certainly conducted himself with great dignity and good sense, for an 'untutored savage,' and fully realized our old-time notions of an Indian chieftain. Should he live, he will yet make a figure among the Indians, and go down in history as a Logan or a Red-Jacket. His trip to Washington, he told me, convinced him, it was idle for his people to contend with the palefaces, and his counsels were always for peace and civilization. . . All honor and praise to this dusky son of the plains and mountains.³⁶

Another visitor at the council, identifying himself only as Bronte, wrote to the *Rocky Mountain News*, "And I do but justice to U-Ray (Ouray), the Indian speaker, when I assure you that but few white men could have told the story of their wants and purposes as well, or with as much dignity as did he."³⁷ General Sherman reported that he spent several days with Kit Carson,³⁸ "during which we had a sort of council with the Ute Indians, of which the Chief Ouray was the principal feature, and over whom Carson exerted a powerful influence."³⁹

Although the council ended with hopes for a lasting peace with the Utes, other incidents soon threw the territory back into fears of a general Ute war. The body of a Tabeguache youth was found near Fort Garland; apparently he had been murdered by white settlers.⁴⁰ Another killing, this time of the Muache Chief Kaniache's son near Cimmaron, New Mexico, in the fall of 1866 intensified the fears. Kaniache's son was killed presumably over a dispute with a Hispanic shepherd over a sheep the young Muache warrior was planning to take. The military was alerted and a new fort, Fort Stevens, was established to protect the settlements in southeastern Colorado.⁴¹

Kaniache and his Muache warriors conducted a raid on the settlers along the Purgatoire River during October 1866. A running skirmish developed when the Muache encountered Colonel Alexander and Company G, Third Cavalry, from Fort Stevens. During this battle, one soldier was killed; the cavalry retreated to their camp. Kaniache and his band escaped into the Sangre de Cristos, capturing a Mrs. McClure and her four children along the way.⁴² Sam Jacks and four other settlers along the Huerfano River barely escaped Kaniache, abandoning their stock and other belongings.⁴³

Safe in his Sangre de Cristo retreat, Kaniache then sent a runner to Ouray, camped near the Crestones, to invite Ouray and the Tabeguache to join in a war with the whites.⁴⁴ Instead of



Colorado, 1866

joining Kaniache, however, Ouray set out to warn the other settlers along the Huerfano, contacting at least one rancher named Gardner.⁴⁵ Ouray then took his men to Fort Garland and informed General Carson of the recent developments.⁴⁶ From that point, accounts varied as to what actually happened. One version claimed Ouray went after Kaniache and forced him to surrender after Ouray himself killed one of Kaniache's subchiefs.⁴⁷ Another account stated that General Carson sent Chief Shavano after Kaniache, resulting in Kaniache's capture by the great Tabeguache war chief.⁴⁸ Yet another version maintained Ouray sent Shavano to capture Kaniache.⁴⁹ One account even suggested that Kaniache voluntarily entered Ouray's camp, surrendering the woman and children prisoners without resistance.⁵⁰ Whatever the actual circumstances, everyone agreed that but "for the exertion of Ouray, many more lives would have been lost."⁵¹

Miners, settlers, and most of the other white people in Colorado were greatly agitated by the Muache outbreak. The residents of the San Luis Valley feared not only for their crops and livestock, but for their lives.⁵² Even Professor Hayden, organizing a survey of the Southwest, sent for additional armaments to protect his expedition

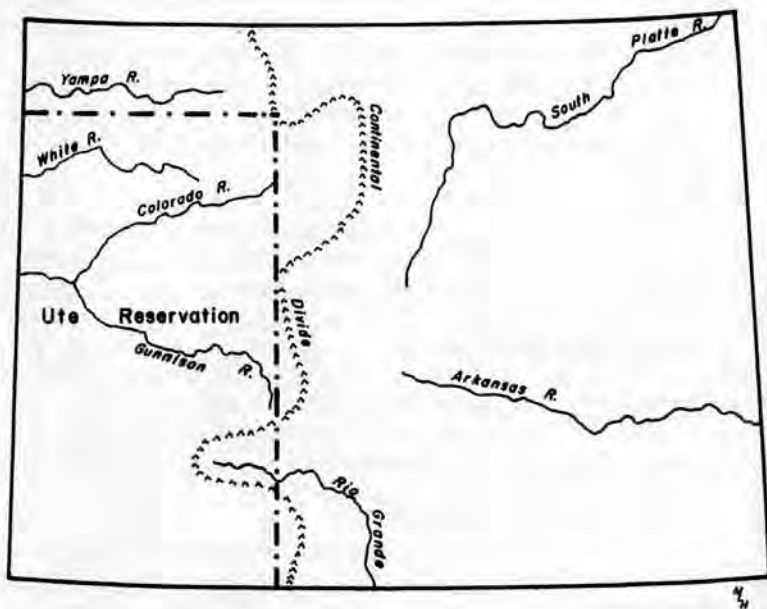
from the Utes.⁵³ General Carson wrote to Governor Cummings to urge discretion to prevent a serious spread of hostilities.⁵⁴ It was not until November, 1866, that Agent Head arrived in Denver and dispelled the general panic with the news that the hostiles had been subdued. Major Head assured the citizens that all captives had been returned unharmed⁵⁵ and the territory was once again free of the dreadful evils of "ferocious Indian warfare."⁵⁶

But the friction between the Utes and the whites continued into 1867. By February of that year, the Muache and Tabeguache in the San Luis Valley were once again near the starvation point.⁵⁷ Agent Head's former secretary, William J. Godfroy, wrote that the Tabeguache were roaming at will among all the settlements of the valley searching for food.⁵⁸ The settlers were convinced they had to share their own meager supplies with the Utes in order to prevent a "bloody struggle."⁵⁹ By now, the white and Hispanic population of Colorado were very anxious for a resolution to the difficulties with the Utes.

In response to the pressure for the removal of the Utes from all vicinities near white settlements, the United States government requested the Utes to send a delegation of chiefs to Washington, D. C. to negotiate a new agreement with the Commissioner of Indian Affairs.⁶⁰ All seven bands were represented by ten chiefs: Ouray, Kaniache, Ankatosh, Jose-Maria, Nicagaat (Jack), Guero, Paant, Piah, Suvia, and Pabusat. The representatives for the government included Nathaniel G. Taylor, Commissioner of Indian Affairs, General Kit Carson, and Alexander C. Hunt, the new governor of the Colorado Territory.⁶¹ Carson was seriously ill, but because of his new position as Superintendent of Indian Affairs for Colorado, he was importuned by the government to attend as a special commissioner. The most compelling reason for undertaking such an arduous journey, however, was his sense of duty to the Ute people⁶² and his desire to see the Utes were fairly treated in Washington.⁶³

The Colorado delegation left Denver in January 1868, traveling by stage to Cheyenne, Wyoming. Agent Lafayette Head,⁶⁴ Daniel C. Oakes, the new agent for the northern bands, and Uriah M. Curtis, interpreter, accompanied the Utes, General Carson, and Governor Hunt. The delegation traveled by rail from Cheyenne through Omaha and Chicago to Washington.⁶⁵ President Andrew Johnson greeted the Utes at the Capitol, shook hands with each chief, and then gave them a personal tour of the Executive Mansion.⁶⁶

The Utes and commissioners finally came to terms for a new treaty on March 2, 1868,⁶⁷ in a hotel room at the Washington House.⁶⁸ The Utes were impressed with their tour of the East, but the trip was also a sad one for them. They were compelled to give up their claim to a great deal of their homelands, realizing the extent and



Ute Reservation of 1868

Information for map taken from Charles J. Kappler, *Laws and Treaties*, p. 990.

power of the United States government. Some government officials apparently used questionable tactics in obtaining the consent of some of the Utes to the terms of the new treaty.⁶⁹ The Utes also realized that their old friend, Carson, was dying. Jessie Benton Fremont, who nursed Carson in Washington during the treaty negotiations, related that Carson felt he was about to die in his hotel room one day with only a Ute chief in attendance. The chief (unidentified by Mrs. Fremont) picked Carson up from the bed and carried him to an open window, crying.⁷⁰ When Carson questioned the Ute about being carried to the window and about the tears, the chief replied, "Because you looked dead and you called Lord Jesus."⁷¹ General Carson told Mrs. Fremont of the incident the following day.⁷²

After the treaty negotiations had been finalized, the Utes traveled with Carson to Philadelphia, Boston, and New York. In each city, Carson sought help from the eastern doctors. The delegation then visited Springfield, Massachusetts, where each chief received a new rifle. The return home included a stop at Niagara Falls.⁷³

On March 30, 1868, Ouray, Carson, and several other white members of the delegation arrived back in

Denver via the stage from Cheyenne.⁷⁴ The white population of Colorado rejoiced at the news of the Utes relinquishing their claim to all the territory of Colorado excepting the southwestern portion of that territory.⁷⁵ The *Rocky Mountain News* appealed to the people of Colorado and to the government:

We trust that good faith will be kept with these Indians. They are a tribe from which we have everything to fear in case of a war. . . (These) Utes' . . . uniform peaceful actions call for good faith and justice on the part of the government and our people.⁷⁶

The treaty that inspired such an appeal included the following terms: All the provisions of the treaty of 1863 which were consistent with the new treaty would remain in effect and would apply to all seven bands. A new district was established for the occupation and use of all the Utes (see map). Within that district, the United States

solemnly agree(d) that no persons, except those herein authorized to do so, and except such officers, agents, and employees of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article except as herein otherwise provided.⁷⁷

In return for this promise, the Utes agreed to give up all title to the rest of their original territory.

The United States also agreed to provide two agencies for the Utes. At each agency, the United States was to hire an agent, a carpenter, a farmer, a blacksmith, and a miller, and to provide buildings for each of those employees. In addition, the Government would provide a teacher for every thirty Ute children who would agree to attend school.

As soon as any Ute adult male desired to settle permanently in one place, he would receive ownership of one hundred and sixty acres. When a Ute received his certificate for owning his hundred and sixty acre farm, he would be eligible for up to two hundred and fifty dollars worth of seed and farming equipment over a four year period.

The provisions for annuity goods were generous. Each family would supposedly receive a cow and five sheep the first year of the treaty. For the next thirty years the Ute nation would receive \$30,000 worth of clothing, blankets, and other necessary supplies every year until they became self-sufficient farmers.

The remaining articles of the treaty were similar to the 1863 articles with one important exception. Article

Sixteen provided that the present reserve could never be ceded nor could the Utes be deprived of it unless three-fourths of all the adult males of the entire Ute nation agreed.⁷⁸

Ouray received credit for negotiating "the most generous bestowal of rights ever granted by the United States Senate to a minority group."⁷⁹ Ouray perhaps had reached the pinnacle of his power. With Nevava's death in June, 1868,⁸⁰ no other Ute chief could rival Ouray for influence among the Ute people or with the whites. Although much of the Ute homeland had been lost, it was Ouray's efforts that preserved most of the Western Slope for his people. One reporter who was familiar with the territory of the new reservation described it as, "if not the Elysian Field of the ancients, and Happy Hunting Ground of the Indians, (it was) as near it as they will perhaps ever get to on this earth."⁸¹

The attainment of power and the continuing struggle to prevent war between the whites and the Utes brought a great deal of conflict into Ouray's life. His own people were often antagonistic toward him after 1868 because of his refusal to fight the encroaching whites.⁸² Kaniache and many of the Muache blamed Ouray when they finally realized they must give up their homes in the San Luis Valley and New Mexico and move to the Western Slope.⁸³ Many felt that in his efforts to prevent armed conflict, Ouray "jumped through hoops for the white man."⁸⁴ He was described as "murderous"⁸⁵ in his efforts to keep his people under control. In fact, white men recorded that Ouray slew at least five Utes while enforcing his policies.⁸⁶

For the remainder of his life, Ouray was forced to shoulder the responsibilities of the leader of an unhappy, oppressed people. He had to face this task without the aid of his old friend Carson, who died in May of 1868;⁸⁷ without the counsel of Lafayette Head, who remained at Conejos when the new reservation was established; and without the support of the fair-minded Governor Hunt, who was replaced by Edward McCook in 1869 by the newly elected president, Ulysses Grant.⁸⁸ The burdens of leadership would eventually take a great toll on Ouray.

NOTES Chapter III

- ¹ David Lavender, *The Big Divide* (Garden City, New York: Doubleday and Company, 1949), p. 96.
- ² J. Donald Hughes, *American Indians in Colorado* (Boulder, Colorado: Pruett Publishing Company, 1977), p. 62.
- ³ Alexander Cummings to D. N. Cooley, October 10, 1866, in "Report of the Secretary of Interior," *Message of the President of the United States* (Washington, D.C.: Government Printing Office, 1866), p. 154.
- ⁴ The Utes are classified linguistically as members of the Uto-Aztec people. The Shoshonean group separated from other Uto-Aztec groups about 2000 years ago. James Jefferson, et. al., *The Utes: A Tribal History* (Salt Lake City: University of Utah Printing Service, 1972), p. vii.
- ⁵ Julian H. Steward, "Aboriginal and Historical Groups of the Ute Indians of Utah," *Ute Indians I* (New York: Garland Publishing Co., 1974), pp. 100-101.
- ⁶ Lavender, *The Big Divide*, p. 95.
- ⁷ Steward, "Aboriginal and Historical Groups of the Ute Indians," p. 150-155.
- ⁸ Hubert Howe Bancroft, *The Works of Hubert Howe Bancroft*, Vol. XXV (San Francisco: A. L. Bancroft and Company, 1882-1890), pp. 470-471.
- ⁹ Steward, "Aboriginal and Historical Groups of the Ute Indians," pp. 156-157.
- ¹⁰ Morris F. Taylor, "Ka-ni-ache," *Colorado Magazine*, XLIII (Fall, 1968), pp. 290-291.
- ¹¹ James Warren Covington, "Federal Relations with the Colorado Utes, 1861-1865," *Colorado Magazine*, XXVIII (October, 1951), pp. 264-265.
- ¹² Wilson Rockwell, *The Utes: A Forgotten People* (Denver: Sage Books, 1956), p. 70.
- ¹³ Cummings to Cooley, October 10, 1866, p. 153.
- ¹⁴ *Ibid.*, pp. 154-155.
- ¹⁵ *Rocky Mountain News*, May 18, 1865.
- ¹⁶ *Ibid.*, July 5, 1865.
- ¹⁷ *Ibid.*
- ¹⁸ *Ibid.*
- ¹⁹ *Ibid.*, October 11, 1865.
- ²⁰ James Fowler Rusling, *Across America: or, The Great West and the Pacific Coast* (New York: Sheldon & Company, 1874), pp. 113-114.
- ²¹ *Ibid.*
- ²² *Ibid.*
- ²³ *Ibid.*
- ²⁴ *Ibid.*, p. 115.
- ²⁵ Cummings to Cooley, October 10, 1866, p. 155.
- ²⁶ *Ibid.*
- ²⁷ Bancroft, *Works of Bancroft*, Vol. XXV, p. 472.
- ²⁸ Cummings to Cooley, October 10, 1866, p. 155.
- ²⁹ Rusling, *Across America*, p. 125.
- ³⁰ *Ibid.*
- ³¹ *Ibid.*, pp. 125-129.
- ³² *Ibid.*, p. 127.
- ³³ *Ibid.*
- ³⁴ Cummings to Cooley, October 10, 1866, pp. 155-156.
- ³⁵ Rusling, *Across America*, pp. 129-130.
- ³⁶ *Ibid.*, p. 129.
- ³⁷ *Rocky Mountain News*, October 5, 1866.
- ³⁸ Edwin Legrand Sabin, *Kit Carson Days* (New York: Press of the Pioneers, Inc., 1935), Vol. II, p. 766.
- ³⁹ *Ibid.*
- ⁴⁰ Taylor, "Ka-ni-ache," p. 292.
- ⁴¹ *Ibid.*, pp. 292-295.
- ⁴² *Ibid.*, pp. 295-301.
- ⁴³ "Sporeleder Manuscripts on Huerfano County," p. 49.
- ⁴⁴ Sabin, *Kit Carson Days*, p. 767.
- ⁴⁵ "Sporeleder Manuscripts," pp. 48-50.
- ⁴⁶ Carson to Cummings, October 7, 1866, in "Report of the Secretary of the Interior," *Message of the President of the United States* (Washington: Government Printing Office, 1866), p. 160.
- ⁴⁷ "Sporeleder Manuscripts," pp. 49-50.
- ⁴⁸ Sabin, *Kit Carson Days*, p. 767.
- ⁴⁹ Bancroft, *Works of Bancroft*, Vol. XXV, p. 471 n.
- ⁵⁰ Taylor, "Ka-ni-ache," pp. 300-301.
- ⁵¹ Bancroft, *Works of Bancroft*, Vol. XXV, p. 471 n.
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- ⁵⁸ *Ibid.*, June 10, 1867.
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- ⁶¹ United States Congress, House Executive Document 40-3, *Letter from the Secretary of Interior Transmitting Letter from the Commissioner of Indian Affairs with Estimates for Appropriations for Ute Indians* (Washington: Government Printing Office, January, 1869), p. 2.
- ⁶² *Dear Old Kit*, pp. 173-174.
- ⁶³ M. Morgan Estergreen, *Kit Carson: A portrait in Courage* (Norman: University of Oklahoma Press, 1962), p. 272.
- ⁶⁴ Taylor, "Ka-ni-ache/2," p. 140.
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- ⁶⁶ Taylor, "Ka-ni-ache/2," p. 141.
- ⁶⁷ Executive Document 40-3 (January, 1869), p. 2.
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- ⁷¹ *Ibid.*
- ⁷² *Ibid.*
- ⁷³ Taylor, "Ka-ni-ache/2," p. 142.
- ⁷⁴ *Rocky Mountain News*, March 31, 1868.
- ⁷⁵ *Ibid.*, April 1, 1868.
- ⁷⁶ *Ibid.*
- ⁷⁷ House Executive Document 40-3, January, 1869, p. 3.
- ⁷⁸ *Ibid.*, pp. 2-6.
- ⁷⁹ Sprague, *Massacre*, p. 92.
- ⁸⁰ *Rocky Mountain News*, June 6, 1868.
- ⁸¹ *Ibid.*, August 20, 1868.
- ⁸² John W. Taylor and Henry Layne, "Utes - Especially Oury," (unpublished interviews collected during 1933-1934 for the State Historical Society of Colorado by C.W.A. workers, document 365, No. 15), p. 45.
- ⁸³ Taylor, "Ka-ni-ache/2," pp. 144-147.
- ⁸⁴ Ralph Andrist, *The Long Death: The Last Days of the Plains Indians* (New York: Macmillan and Co., 1964), p. 332.
- ⁸⁵ Lavender, *The Big Divide*, p. 96.
- ⁸⁶ Taylor and Layne manuscript, p. 45. Rockwell also states Oury killed five Utes who had opposed his authority. Wilson Rockwell, *The Utes: A Forgotten People* (Denver: Sage Books, 1956), pp. 104-105.
- ⁸⁷ Carter, *Dear Old Kit*, pp. 176, 178.
- ⁸⁸ Sprague, *Massacre*, p. 93.

CHAPTER IV (1869 — 1873)

Although the treaty of 1868 provided the Utes with a homeland "set apart for the absolute and undisturbed use and occupation of the Indians,"¹ the Utes soon realized they were not free of the land hungry whites. In less than two years from the ratification of the treaty, hopeful prospectors and determined miners violated the boundaries of the new reservation.² The Utes became increasingly suspicious of the intentions and the integrity of the government when the promised provisions were delivered many months late or not at all. Governor Alexander Hunt, waiting for his replacement, Edward McCook, to arrive and assume his duties in regard to the Indians, felt obligated to furnish guns and ammunition in large amounts to the Utes to enable them to provide for their own survival by hunting wild game, with occasional supplements from white and Hispanic settlers' herds.³

By the summer of 1860, over a year after the Utes had agreed to the new treaty, neither agent nor agency had been established for the Tabeguache and the southern tribes (Capote, Weeminuche and Muache).⁴ Daniel Oakes, the agent for the northern tribes (White Rivers, Yampas and Uintahs), was notified that he would be replaced by the new administration, but received no provisions for the Indians. Agent Oakes reported that the Ute territory had become so destitute of game that a single lodge would have trouble surviving. Without the promised aid of food supplies, breeding stock, and agricultural equipment, the Utes were forced to travel off the reservation in their search for food.⁵

Both Governor Hunt and Agent Oakes, in their final reports, pleaded with their superiors to keep faith with the dissatisfied Utes.⁶ Mr. Hunt explained that the Indians could not "comprehend why the officers of a government in the possession of unlimited wealth cannot be as prompt as a poor untutored native; nor can this failure, so often repeated, be explained satisfactorily . . ."⁷ Agent Oakes maintained that the government had already breached the faith with the Utes⁸ and in case of any serious violations of the treaty, the Indians could not "be considered the first transgressors."⁹

Ouray assiduously tried to keep to the letter of the treaty and to maintain a fair and trusting relationship between

his people and the citizens of the territory. Trouble broke out in the summer of 1868 when some White River Utes stole some horses from ranchers. Ouray and several Tabeguache warriors aided the Bruce brothers in recovering part of the stock. It was reported that Ouray even killed one of the thieves in the recovery attempt.¹⁰ Governor Hunt later met with Ouray and Shavano near Saguache and the chiefs promised to try and find the remainder of the stolen horses.¹¹ Subsequently, Shavano brought in at least four more horses. Advertisements were then run in the Denver papers for ranchers missing stock in northern Colorado to contact the Governor to redeem their horses.

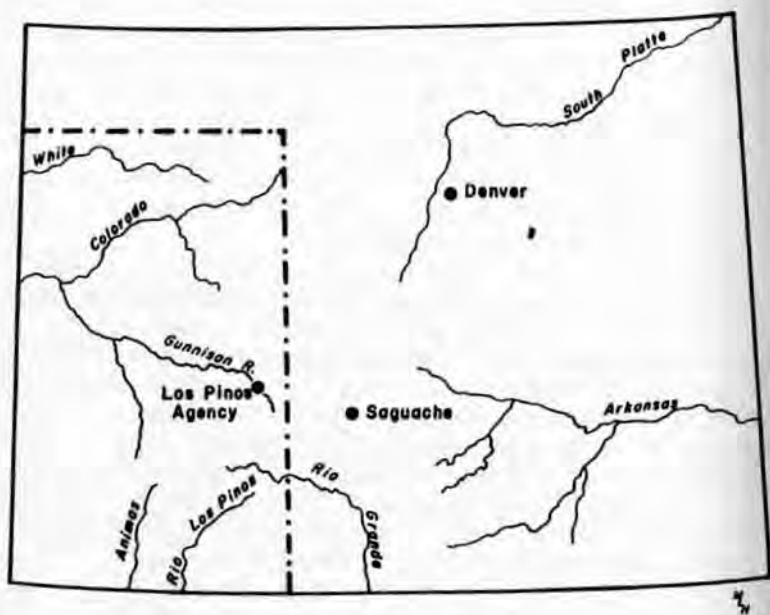
Edward McCook finally assumed his new office in June, 1869. The new governor was pleased with his first contact with the Utes. He felt certain that the bitter feelings and shaken faith of the Utes had "given way to . . . gratitude toward the authorities."¹³ The new agent assigned to the southern agency in July, 1869, however, spent four days trying to convince the Utes that the government would honor its promises before he was allowed to enter the reservation.¹⁴ Ouray confronted the new agent, Lieutenant C. T. Speer, with the argument "that the government had promised them cows, beef, clothing, none of which they had received; that his people had yielded valley and river after valley and river, until they had but a very small remnant of country left,"¹⁵ and the Ute people were no longer ready to trust government officers. Agent Speer eventually convinced the Utes to allow him to enter the reservation to build an agency, promising "the government would rectify immediately all mistakes, and would most certainly comply with every word of the treaty."¹⁶

With that promise, Lieutenant Speer and a crew of contractors established the southern agency by erecting an office and living quarters for the use of the agent, a warehouse, a saw mill, and several other buildings.¹⁷ The southern agency was originally planned for the Rio Los Pinos, near the New Mexico border,¹⁸ but at Ouray's request, the site was changed to a tributary of the Cochetopa Creek.¹⁹ In order to conform with the government directions for the location of the agency, the small stream near the new agency was renamed Los Pinos.²⁰

The new governor soon proved that he was not as keen as Lieutenant Speer about keeping the promises of the government and satisfying the needs of the Utes. Four months after taking office, Governor McCook wrote:

Since becoming more familiar with Indian character, I have sometimes thought that this system of paying a yearly and constantly-increasing tribute to a number of petty, savage sovereignties may become in course of time a burden heavier than the government can bear.²¹

The governor was not satisfied that the Utes worked as hard as he felt they should, although he admitted that the Indians tried to farm in the vicinity



Los Pinos Agency, 1869-1875

of the southern agency, some fifty miles northwest of Saguache. Grasshoppers and cold weather destroyed most of the crops nearly every year that the Utes tried to farm near the new agency.²² After touring much of the reservation the following year, McCook became even more upset that the Utes had been allowed to keep so much valuable territory, especially the Uncompahgre Valley and the San Juan mountains. He "could not help feeling and expressing surprise that the richest portion of the Territory of Colorado should have been alienated without sufficient consideration."²³

Governor McCook, *ex officio* Superintendent for Indian Affairs in Colorado Territory, was obviously very sympathetic to the miners and ranchers of the territory who wanted more Ute lands.²⁴ The land-hungry whites were determined to move into the Ute reservation regardless of Indian rights or government obligations.²⁵ The wilderness reserve of the Utes contained vast mineral deposits, including valuable lodes of silver and gold. Most of the white people of the territory were outraged that such potential wealth was denied them simply to preserve what remained of the lifestyle and culture of the Ute Indians. The basic argument of the white citizens was that the Utes could not and

would not make proper use of the lands they owned, therefore, the Utes did not deserve to keep those lands.²⁶

On behalf of several men interested in mining the San Juan region, Governor McCook petitioned the Commissioner of Indian Affairs for permission to enter the Ute reservation. Although the Commissioner refused permission, a large party of prospectors under the leadership of Adnah French, entered the San Juans and located several promising mineral deposits near the Animas River in 1870.²⁷ After the success of the French party, the number of miners violating Ute boundaries steadily increased. Several men filed claims and sold interests in those claims to investors in New Mexico and Colorado. Even the Governor of New Mexico, William Pile, speculated in Ute minerals by purchasing part of one of those claims.²⁸ The Utes, by 1871, became so concerned with the intrusion of miners upon the reservation that Ouray requested the authorities to post soldiers near the southern boundary of the reservation to oust the trespassing miners and prevent further encroachment.²⁹

Jabez Nelson Trask, who replaced Lieutenant Speer as agent for the southern Utes in February, 1871,³⁰ responded to Ouray's requests by writing to Adnah French. Agent Trask informed French that all miners trespassing on the Ute reservation were required to vacate the Ute lands or face prosecution.³¹ French indignantly responded that the Utes, including "ole Ule (Ouray)"³² did not mind the mining activity in the San Juans. Indeed, Mr. French claimed he had "the consent of . . . the civil and military"³³ authorities to explore and mine the region.³⁴

Agent Trask was unable to resolve the issue of the trespassing miners. He soon muddled other matters as well at the agency, alienating the Utes to the extent that the Commissioner of Indian Affairs finally sent a special investigator from Washington to inquire into the many difficulties.³⁵ One of the employees at the agency, Sidney Jocknick, had dubbed the inept agent Mr. Jabez "Neversink"³⁶ Trask. Jocknick considered the agent honest but eccentric and completely unsuited for the position of Indian agent.³⁷

Mr. Trask had secured his appointment through a recommendation from the Unitarian Church.³⁸ In an attempt to reduce corruption within the Indian Agency system and to insure the welfare of the Indians, President Grant had inaugurated a new procedure for appointing agents. Various church organizations that were interested in doing missionary work among the Indians were given the responsibility of nominating the agents.³⁹ The Utes were relegated to the Unitarians: Mr. Trask was their unfortunate first appointee.⁴⁰

Despite complaints from the Utes, agency employees, and superiors, Agent Trask felt he was succeeding in





Photo courtesy of Denver Public Library

Utes crossing the Los Pinos River.



Utes and agency employees at the first Los Pinos Agency near Cochetopa Pass.

Photo courtesy of Colorado Historical Society

civilizing the Utes. The only accomplishment he cited, however, was the dubious achievement of preventing the Utes from working (and from expecting their agent to work) on Sunday.⁴¹ The Utes became so disgusted with Trask that, at one point, they gave him an "extended ride upon a rail."⁴² The Indians also accused Trask of trying to starve them.⁴³ That accusation was justified; the agent refused repeatedly to issue food rations to the Utes while keeping \$25,000 of Ute appropriations locked away in a Denver bank.⁴⁴ *Neversink* Trask perhaps deserved his nickname. He wrote to the Chief Clerk of the Indian Office in Washington, "The reports of dissatisfaction and trouble which have reached you. . . spring rather from the malice and selfishness of white men than from real dissatisfaction among the Utahs."⁴⁵ Ouray's dissatisfaction, however, was quite real. He became so disgusted with Trask's ineptitude and lack of decision⁴⁶ that he offered to go to Washington at his own expense to ask the Commissioner for a new agent for his people.⁴⁷ But Ouray did not need to make the trip. Agent Trask was removed from office and replaced by General Charles Adams upon the recommendation of the Unitarian Church.⁴⁸

Agent Adams' first major assignment was to arrange a council between the Utes and a new commission, authorized by Congress in 1872, to negotiate for the San Juan mining region within the Ute reservation.⁴⁹ P. C. Sovereign spent the winter of 1871-1872 on the reservation and gave enthusiastic accounts of the agricultural possibilities as well as glowing reports of the mineral resources of the area.⁵⁰ He assured the territorial citizens that the Utes occupied "one of the best sections of Colorado, when once opened for settlement."⁵¹ The reports of McCook and Sovereign, the success of the French mining party, and the Manifest Destiny attitude of the white Americans pressured the Utes into another struggle to retain their dwindling homelands.

The council of 1872 convened at the little-used school house at the Los Pinos Agency.⁵² Congress, at the urgent request of the citizens of the Colorado Territory, authorized three commissioners to negotiate for the southern part of the Ute reserve. The commissioners were John McDonald of Missouri, John D. Land of Maine, and Governor McCook. The government representatives requested assistance to help convince the Utes to sell more land from Governor Army of New Mexico, General Alexander and Colonel Price from Fort Garland, Major Lafayette Head from Conejos, Special Agent James Thompson from Denver, President of the Board of Indian Commissioners Felix R. Brunot, Brunot's secretary Thomas Cree, at least three interpreters, and several private citizens from Colorado and New Mexico,⁵³ including "lobbyists (and) contractors eager to promote their individual schemes."⁵⁴ The Ute nation was represented by "Ure (Ouray) and a host of others with hard names and unhandsome faces."⁵⁵

The council began with the commissioners addressing the Utes as to the purpose of the meeting. They acknowledged that white men had violated the treaty by trespassing on the reservation in a search for gold and silver and all the commissioners argued that it would be nearly impossible to prevent such trespasses; therefore, it would be to the advantage of the Utes to sell the mining district of their reservation to prevent trouble.⁵⁶ Ouray responded to the commissioners' pleas with this statement:

"The Ute nation does not wish to sell one span of its lands. We have all we want, and the government is bound to protect us. We have all the time seen white men coming upon our reservation, and we have been waiting to see the government fulfill the conditions of its treaty with us. For this reason we have come here so that you may see that we are not satisfied with these trespassers . . . We desire the government to live up to its treaty and remove these people who do not belong on our reservations."⁵⁷

Governor McCook then requested opinions from some of the other chiefs. Sapamanore (Sapinero) asked that the 1868 treaty be honored, for he felt the whites had already taken enough of the Utes lands. He said the Utes had made the treaty in good faith and they could not understand why so great a government as the United States allowed its people to go where those people did not belong. The young chief then told the commissioners that the Ute nation felt it would be in the interest of all men to live in peace, but with honor,⁵⁸ concluding; "A man who is red or white, if he thinks well, will always be just, and do right in all his actions."⁵⁹ Several other chiefs spoke, all reiterating that their people did not wish to give up any more land.⁶⁰

At one point in the council the frustrated McCook voiced the opinion of many of the territorial citizens when he accused the Utes of not working hard enough to deserve the land. To this the angry Ouray replied that his people worked just as hard as the whites and then asked the Governor if he had ever tried to skin a buffalo.⁶¹ Ferdinand Meyer, a visitor from Costilla, feared the commissioners had insulted and aggravated the Utes to the point that all the white men might have to fight their way out of the reservation.⁶² Ouray finally refused to interpret any more of the whites' arguments, informing the commissioners, "I will tell no more lies to my people,"⁶³ concluding the council.

Felix Brunot, a true philanthropist, was depressed with his fellow white men's tactics at the council, but still hoped for a peaceful solution to the San Juan question.⁶⁴ He remained at Los Pinos to talk with Ouray after the commissioners left.⁶⁵ Brunot had learned about Ouray's son, the boy stolen by Arapahoes fourteen years earlier. Discovering that Ouray desperately wanted to recover his son, Brunot

promised to do whatever he could to locate the boy, hoping to gain the trust of the most influential Ute chieftain.⁶⁶ Ouray was impressed with Brunot's promise⁶⁷ and Brunot was thereby encouraged that his efforts would lead to another conference as the result of gaining the good will and confidence of Ouray.⁶⁸

The citizens of the territory were greatly disappointed by the failure of the commission to secure the rich mineral lands of the San Juans and began to express increased hostility toward the Utes and the federal government.⁶⁹ The miners especially were determined to have those lands, by force if necessary. The citizens clamored that a few Indians were preventing the progress of civilization, comparing the Utes to wild animals.⁷⁰

By the end of the summer of 1872, hundreds of miners had illegally entered the San Juan country and established mineral claims. Following the Utes' refusal to give up that territory in September, the Secretary of the Interior, Columbus Delano, notified the War Department that the United States was bound by treaty to keep the whites from trespassing upon the Ute reservation. In February, 1873, Secretary Delano requested the War Department to take action to uphold the treaty. Orders were soon issued to the military to make sure all miners were off the reservation by June 1, 1873. The miners protested fiercely, even threatening to fight federal troops if the army attempted to carry out the orders.⁷¹ General John Pope, in charge of the department which included the Colorado Territory, considered such orders to keep the whites off Indian reservations "the most difficult and vexatious"⁷² problem he had to deal with. General Pope realized it would be nearly impossible to keep the hundreds, perhaps even thousands, of miners out of the Ute reservation. He appealed to the Commissioner of Indian Affairs to come to Colorado, if necessary, to personally deal with the Utes for the cession of the mining region.⁷³

Hostile response from miners, pressure from the Colorado press, official protests from territorial representatives, and the inability of the army to remove the trespassers without force led the War Department to cancel the expulsion orders. In May, 1873, General Phil Sheridan, after consulting with President Grant, had General Pope recall all troops sent to the reservation. General Sheridan's orders included a warning not to engage in any violence with the miners of the territory.⁷⁴ The official reason for the recall of the troops and the reason given to the Utes was that President Grant had learned that Ouray may have been willing to negotiate for the sale of the San Juans.⁷⁵ Ouray had given strict orders to his own people to stay away from the trespassing miners in order to avoid bloodshed, but did not learn that the government had countermanded the expulsion orders until June, 1873.⁷⁶

At any rate, a new commission was established to renegotiate with the Utes for the cession of the San Juan

territory. This time, Felix Brunot, as President of the Board of Indian Commissioners, was to lead the United States delegation. Brunot's orders were to obtain as much of the Ute reservation as possible⁷⁷ because that reservation was "unnecessarily large, comprising within its limits upward of fourteen millions of acres of the best agricultural and mineral lands in Colorado."⁷⁸ On June 25, 1873, Brunot met with Agent Adams and Ouray in Cheyenne to make plans for another general council.

Ouray reported to Brunot he had discovered two Weeminuche were responsible for the death of a Navajo agent named Miller. The Weeminuche had murdered Miller in order to steal his mules for food. The starving Utes had already eaten most of the mules before Ouray and his warriors caught them. One of the Weeminuche was killed on the spot where Ouray found them, the other escaped into a Moquis Pueblo village in Arizona. Ouray had hoped to capture the murderers of Miller alive and turn them over to the government for punishment, and apologized to Brunot that circumstances prevented him from doing so. Brunot then reported to Ouray that government agents had discovered a young Ute among the Arapahoes whom they believed was Ouray's son.⁷⁹

When the question of mining on the reservation was broached, Ouray told Brunot, "If the Government will do what it can for me and get my boy, I will do what I can for the Government in regard to our lands."⁸⁰ General Adams and Ouray both felt the Utes would concede the mining region but only if the whites would be kept out of the rest of the reservation.⁸¹ Ouray explained:

We do not care about the mountains, but the Uncompagre (sic) country we will not sell. If we sell the mountains, we fear the whites will bring stock into the Uncompagre (sic) country, and then the trouble will begin again. If a line could be made, and all the whites kept inside of it, we would sell the mining region . . . We want to know that our country will be kept for us.⁸²

Ouray agreed to gather the Utes for a council, but only if Brunot would keep Colorado Territory officials out of the council, explaining, "Everybody from the Territory is interested in buying my country . . . I would like to see you come . . . but no one from the Territory to come with you."⁸³ Brunot promised to return in August after attending to a matter in the Crow territory.⁸⁴

The council was not convened until September, owing to Brunot's delayed arrival from the Crow territory. The United States was represented only by Brunot, with his secretary, Thomas Cree, and Dr. J. Phillips, his interpreter.⁸⁵ The Utes were very upset with the government's refusal to expel the trespassers and with recent interpretations of the southern and eastern boundaries of their reservation.⁸⁶ The Indians were aware of the sentiment of the Colorado

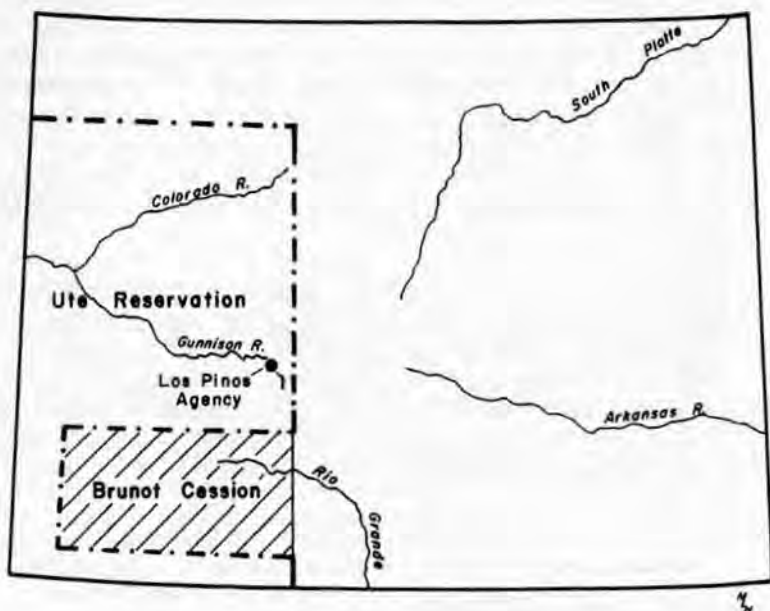
citizens from their contacts with Professor Hayden's exploring party, curious newspaper correspondents, and the miners. Several miners had told the Utes that the government had no intention of keeping its promise to protect the reservation from white intruders and the Indians no longer trusted the government or its promises. Most of the Utes were willing to allow the miners to extract minerals from their reservation, but were adamantly opposed to permitting the whites to build permanent residences. The Utes feared their farmlands and pastures would soon be overrun with white settlers.

Chief Shavano requested from Brunot an explanation of new surveys that kept reducing the reservation. Mr. Brunot said he knew nothing of the surveyors, but explained that it would be wise to establish definite boundaries to the reservation. He promised that whatever new boundaries the new council could agree upon would be clear and would be respected by all. The Utes agreed upon the need for exact boundaries but feared further violations.⁸⁷ Ouray spoke for the Utes:

The lines . . . do not amount to anything; it is changing them all the time — taking a little now and a little again — that makes trouble. You said you do not know anything in regard to these lines and it may be the same in regard to lines you make The miners care very little about the Government (T)hey say the man who comes to make the treaty will go off to the States and it will all be as they want it.⁸⁸

The following day, Ouray told Commissioner Brunot that the Utes were willing to sell the mountains where the mines were located if they were assured of "security that the miners (would) not go any further."⁸⁹ Mr. Brunot felt the Utes were reasonable in their arguments but told them the Americans would continue to search for new mines; the government would be unable to stop them. Ouray then asked Brunot, "Why cannot you stop them; is not the Government strong enough to keep its agreements with us?"⁹⁰ After four days of discussion, much of it passionate, the Utes finally agreed to sell the San Juan Mountains, convinced that it was the only alternative to open hostilities with the whites. The agreement established new boundaries for the reservation (see map). The Utes retained the right to hunt upon the ceded land as long as they remained at peace with the whites.⁹¹ For compensation, the United States agreed to establish a trust fund that would produce "twenty-five thousand dollars . . . for the use and benefit of the Ute Indians, annually forever."⁹² The new agreement also solemnly reaffirmed the 1868 treaty article that no persons except authorized agents and employees of the government would be permitted upon the reservation.⁹³

Article Six of the new agreement later created some suspicion as to Ouray's motives for agreeing to the sale of the land. That article was included with the hope that it would influence



The Brunot Cession of 1873

Information for map taken from United States Department of the Interior, *Report of the Commission to Negotiate with the Ute Indians in Colorado Territory* (Washington: Government Printing Office, 1873), foldout map following p. 18.

Ouray to continue his efforts to keep his people at peace.⁹⁴ It read:

In consideration of the services of Ouray, head chief of the Ute nation, he shall receive a salary of one thousand dollars per annum for the term of ten years, or so long as he shall remain head chief of the Utes and at peace with the United States.⁹⁵

Sidney Jocknick wrote that Otto Mears was responsible for securing the salary for Ouray. Jocknick maintained that Brunot was about to give up the attempt to convince the recalcitrant Utes to sell the San Juans. General Adams apparently suggested that Brunot enlist the aid of Mears,⁹⁶ the official Indian trader for the Los Pinos Agency and a professed friend of the Utes.⁹⁷ Jocknick gave credit to Mears for finally convincing the Utes to cede the San Juans,⁹⁸ but Brunot does not mention in his official report any great assistance from Mears.⁹⁹

Commissioner Brunot wrote to Governor Elbert that the negotiations had at last been successful despite "many embarrassments."¹⁰⁰ Samuel H. Elbert had replaced McCook after President Grant removed McCook for fraudulently handling Ute affairs.¹⁰¹

McCook had cheated the Utes out of agricultural appropriations and supplied them with inferior sheep and cattle. McCook charged the government up to six times as much money as he actually paid for the scrawny cows that he purchased for the Indians. The cattle McCook sent to the reservation were so obviously unfit for breeding stock that the Utes refused to accept them as fulfillment of the 1868 treaty provisions. A Congressional investigation revealed McCook had diverted thousands of dollars of Ute appropriations into his own bank accounts.¹⁰² In addition to bilking the Utes, McCook had appointed his brother-in-law, James B. Thompson, special agent for the *Denver* Utes, an unnecessary office. McCook's activities finally upset the territorial citizens to the point they demanded McCook's removal.¹⁰³

Ouray attempted to establish a better rapport between his people and the citizens of Colorado. To that end, he dictated a letter to Brunot shortly after the council and asked Brunot to have it published in the newspapers.¹⁰⁴ Ouray's letter read:

Dear Sir: You have been to see us, and we have had a good time. We want you should tell Governor Elbert and the people in the Territory that we are well pleased and perfectly satisfied with everything that has been done. Perhaps some of the people will not like it because we did not wish to sell some of our valleys and farmingland. We think we had good reasons for not doing so. We expect to occupy it ourselves before long for farming and stock-raising. About eighty of our tribe are raising corn and wheat now, and we know not how soon we shall all have to depend on ourselves for our bread. We do not want to sell our valley and farmingland for another reason. We know if we should the whites would go on it right off, build their cabins, drive in their stock, which would of course stray on our lands, and then the whites themselves would crowd upon us till there would be trouble . . . We . . . hope the miners will find heaps of gold and silver; and we have no wish to molest them or make them any trouble. We do not want they should go down into our valleys, however, and kill or scare away our game.

We expect there will be much talk among the people and in the papers about what we have done, and we hope you will let the people know how we feel about it.

Truly your friend, OURAY¹⁰⁵

Governor Elbert respected Ouray's wishes and had the letter published on October 1, 1873.¹⁰⁶

To seal the new bargain, Brunot's commission authorized Ouray and a delegation of Ute chiefs "to carry the articles of convention to the Great Father at Washington."¹⁰⁷ Agent Adams and Otto Mears accompanied the Utes to the nation's capitol in October, 1873.¹⁰⁸ In Washington, Brunot kept his promise to reunite Ouray with the

young Indian thought to be Ouray's son. Brunot introduced Ouray to a delegation of Arapahoes which included the young Coatoan, also known as Friday, who had been captured and raised by the Arapaho.¹⁰⁹ During the official meeting in Washington, Ouray denied that Friday was his son, saying, "The whites have tried to have me get this boy. But this is not my boy. If he was, he would not talk that way. Would speak differently."¹¹⁰ One of the Arapaho chiefs, Powder Face, maintained that another youth, more likely to be Ouray's son, was still at home in Arapaho country. But Commissioner Brunot and others at the meeting were convinced that the boy Friday was Ouray's son. Brunot's biographer later maintained Friday eventually recognized Ouray as his father, but died on the return journey to Colorado.¹¹¹

After meeting with President Grant and other Washington officials, the Utes travelled to New York, Baltimore, and Philadelphia. They attended a ballet, *The Black Crook*, at Niblo's Garden in New York, but were more impressed with a circus performance and the camels on display in Central Park than they were with white men's stage dramas.¹¹² The eastern people were enamoured with the Ute delegation, making them the "center of marveled attraction wherever they went."¹¹³

When the Utes returned to Colorado, the territorial citizens were also in good humor concerning the Indians.¹¹⁴ The papers lauded the Utes for their "good behavior in connection with their reservation,"¹¹⁵ and praised Ouray for his efforts, describing him as "Websterian."¹¹⁶ The Colorado people were generous in their attitudes toward the Utes because the Brunot Cession opened a four million acre tract immensely rich in minerals. Thousands of miners and settlers quickly entered the San Juan during the next year and quickly established several permanent towns such as Silverton, Ouray, and Lake City. Unfortunately for the Utes, ambitious whites immediately set their sights on even more of the Ute reserve.¹¹⁷

Ouray's motives for agreeing with the Brunot Cession have been questioned. Some felt he had been willing to give up Ute land for personal gain, in particular the government's promise to locate his son and the thousand dollar salary.¹¹⁸ However, the records of the commissions of 1872 and 1873 and other contemporary accounts indicated that Ouray's main objective was to prevent armed conflict between his people and the whites and to retain as much of the Ute lands as possible. During a conference with Governor Elbert, Ouray said,

"I realize the destiny of my people. We shall fall as the leaves of the trees when winter comes, and the lands we have roamed for countless generations will be given up to the miner and the plow-share . . . and we shall be buried out of sight. My part is to protect my people and yours, as far as I can, from violence and bloodshed . . . and bring them into friendly relations."¹¹⁹

His task became ever harder as increasing pressure from the whites propelled the Utes always closer to the point of surrendering all their Colorado holdings — or fighting to retain them.

NOTES Chapter IV

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- ¹¹⁹Lavender, *The Big Divide*, p. 99.

CHAPTER V (1874 — 1879)

During the last few years of his life, Ouray was pushed to the limits of his patience, strength, and abilities as several unalterable forces propelled the Ute people toward the destruction of their traditional way of life. The Utes were unable to adapt to new ways fast enough to keep ahead of the demands of the expanding frontier of the citizens of Colorado, and they were unable to resist it without facing annihilation.

After the Brunot Agreement was put into effect, the Utes could not comprehend the government's interpretation of the new boundaries. The Indians believed they had given up only the lands where mines were located. They were dismayed when settlers flocked into the river valleys and parks of the San Juan country, establishing permanent settlements.¹ Many of the rival Ute chiefs became more and more hostile towards Ouray. They blamed him for allowing the encroachment of settlers into lands the Utes still considered their own. Some felt that Ouray had conspired with the government to cheat the Indians out of their land and then out of the promised compensation for the land.² Although the other Utes feared to challenge Ouray to his face, they often acted as they pleased when out of his presence.³ Coupled with the loss of prestige among his own people, Ouray faced increasingly hostile demands of the Colorado citizens for further reductions in the dwindling Ute domain.⁴

The carefree lifestyle of the Utes soon proved incompatible with the advancing American frontier. Coloradoans were determined that the rich mineral and agricultural lands of the Western Slope should not be wasted by a few hundred Utes. The Indians became increasingly uneasy as the miners and ranchers threatened the native way of life by scarring the land, driving away the game, occupying the territory, building permanent fences and houses, and demanding that the Utes adopt a *civilized* way of life or move out.⁵ Ouray was caught in the middle of an inevitable conflict.

The government compounded Ouray's troubles by neglecting to fulfill its promises and by failing to provide competent agents to assist the Utes. Between the enactment of the Brunot Agreement in 1873 and Ouray's death in 1880, the Indian Department assigned at least eleven different agents to the Utes, with several interim

periods when no agents were assigned.⁶ Most of the agents were inexperienced in Ute affairs and soon became very dissatisfied with their jobs and with the Utes.⁷ The Utes therefore had little opportunity to develop any confidence in their agents and were denied any effective means of dealing with the government on a local level.

It 1874, the Unitarian Church discovered that Charles Adams was actually a Catholic.⁸ Consequently, they withdrew this competent agent, who was respected and trusted by the Utes, to make room for Henry F. Bond, a Unitarian minister.⁹ At the Los Pinos Agency, Bond was followed by W. D. Wheeler in 1877, J. B. Abbott in 1878, W. M. Stanley in 1879, and W. H. Berry in 1880.¹⁰ At the White River Agency, J. S. Littlefield¹¹ was replaced by E. H. Danforth, who served from 1875 to 1877, followed by N. C. Meeker, 1878 to 1879.¹² A Southern Ute Agency was established to serve the Muache, Weeminuche, and Capote in 1877. F. H. Weaver served as the first agent,¹³ followed by Henry Page in 1879.¹⁴ Almost without exception, each new agent would report that matters in his agency were in a deplorable state upon his arrival. This common practice allowed a new agent to claim credit for whatever improvements he could list after serving for a few months.¹⁵

The location of the Los Pinos Agency near Cochetopa Pass soon proved to be inadequate. The Southern Utes preferred the milder climate of northern New Mexico and the southern edge of Colorado and associated themselves with the New Mexico agencies at Cimarron and Abiquiu.¹⁶ Ouray and a council of other chiefs had decided to give the Southern Utes the entire first year's appropriation from the Brunot Cession because the southern tribes had given up most of the territory in that transaction. The Southern Utes refused the offer and furthermore, refused to accept the Brunot Agreement. They maintained they had been tricked into signing a paper without understanding its meaning, claiming that Ouray and the other Tabeguache chiefs had engineered the entire affair without the consent of the Southern Utes.¹⁷ After several short visits to Los Pinos, the southern tribes refused to return to that agency for rations or for any other reason.

Agent Bond, with the concurrence of Ouray, finally relocated the Los Pinos Agency near the Uncompahgre in 1876. The Tabeguache had been able to live comfortably at the former site for only five months of each year and had great difficulty raising crops at the 9,000 feet elevation during the short growing seasons. The lower elevation (approximately 6,000 feet) and milder climate on the Uncompahgre, as well as its more central location, made the new site much better for the purposes of an agency.¹⁸ After picking the new sites for the agency and its cow camp,¹⁹ Ouray built a log cabin for himself and began construction on a more permanent adobe house, all at his own expense. Other Tabeguache requested similar houses be built for them, but the agent told them that they would have to wait until building materials and workmen were available.



Photo courtesy of Colorado Historical Society

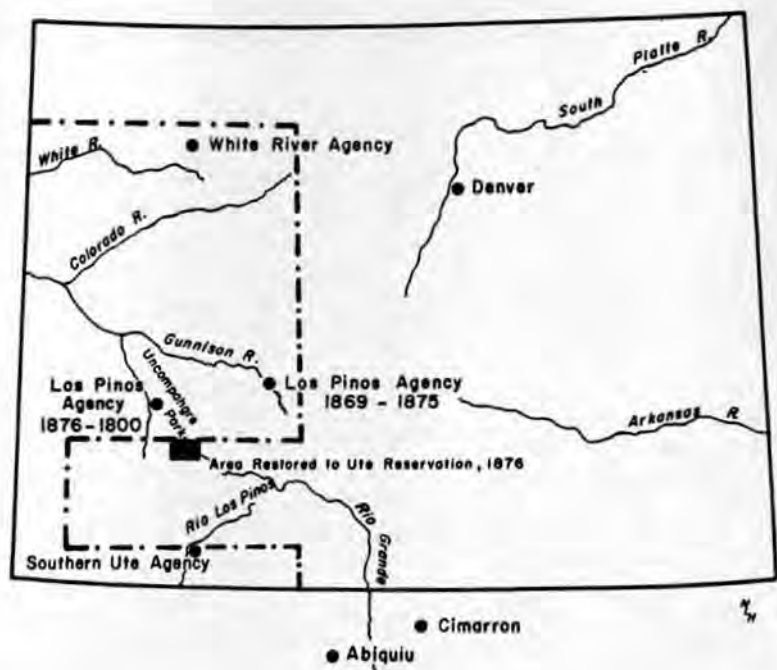
*Agent Joseph Abbot (6th from right) with Utes and agency employees
at the second Los Pinos Agency near Montrose, 1878.*

Mr. Bond reported that by 1876, only thirty Tabeguache worked hard enough at their crops to be successful farmers, but many were making good progress with their herds of sheep and goats. The Utes still scorned manual labor, refusing to learn the skills of carpentry, masonry, and milling.²⁰ When the agent tried to coerce the Indians into doing the labor he felt they should be doing by threatening to withhold their annuity goods, the Utes informed Mr. Bond they had given up most of their land for those supplies and did not intend to degrade themselves by adopting an alien work ethic.²¹

At the White River Agency, Reverend E. H. Danforth felt the Utes were slowly becoming more willing to farm. The White River Utes (Yampas and some Uintah Utes were now all designated as White Rivers since they all lived in the same vicinity at that time) provided two-thirds of their livelihoods through their own efforts. They still preferred the old ways of hunting and trading to any of the new methods of work introduced by the government agents. During 1876, the northern Utes sold over \$20,000 worth of skins to local traders. But still, the White Rivers seemed less reluctant than before to accept some of the changes proposed by the agent, such as allowing their children to attend the agency school and agreeing to live in permanent wooden houses instead of their mobile lodges.²²

The Utes soon became more concerned with the government's failure to honor the 1873 agreement than with the agents' attempts to civilize them. Washington continually delayed the annual \$25,000 payments, falling \$90,000 behind in monies due the Utes within four years after the Brunot Cession.²³ The Indians claimed that James W. Miller, the government surveyor, reduced the original boundaries of the new reservation by fifteen miles on the southern edge of the ceded land and by twenty-five miles in the west, excluding several established Ute farms from the reserve. Most upsetting to the Utes was the influx of farmers and ranchers into the Uncompahgre Park. Ouray requested Agent Bond to write to the government in Washington to inform them of the situation, especially the trespasses into the park. Both Bond and Danforth wrote urgent appeals to the Commissioner of Indian Affairs, J. Q. Smith, asking for redress.²⁴

Article One of the Brunot Agreement specifically stated that no part of the Uncompahgre Park was to be excluded from the reservation.²⁵ The Utes had been so concerned about the possibility of losing that territory, they insisted that provision be put into the agreement at the very beginning. President Grant agreed the Utes were reasonable in their demands for the return of this important agricultural area, so he issued a special order restoring sixteen square miles of the park to the reservation in August, 1876.²⁶ By that date, many settlers had established fine ranches and farms in the contested area and all of those residing in the park refused to move. Agent W. D. Wheeler erected a monument in the park, upon Ouray's orders,²⁷ to mark the new boundaries and called in federal troops to remove the settlers. However, Senator Henry M. Teller intervened on behalf of the



Location of Ute Agencies

settlers and had the soldiers withdrawn, granting the settlers a delay in moving. The trespassing settlers, with the support of the press and most of the people of Colorado, threatened to precipitate a war with the Utes if the federal government insisted upon their withdrawal from the area.²⁸ The Los Pinos agent, Major Wheeler, was incensed at the reaction of the government and the settlers. He proclaimed that the Utes "proved themselves far superior"²⁹ to the whites in their actions concerning the controversy. In 1878, a new agent, Joseph B. Abbott, again summoned troops to enforce the removal of the settlers. By then, even more settlers had entered the park and fearful Abbott withdrew the troops to avoid open warfare.

At the insistence of Colorado's officials, the Commissioner of Indian Affairs sent a new delegation to negotiate the Utes out of the Uncompahgre Park and as much more of the southern part of the reservation as possible. The new commissioners told the Utes that President Grant wanted to give the miners and settlers some ground to raise vegetables; if the Utes would agree to sell some more of their reservation, all difficulties would be settled. Ouray responded that he knew the *settlers*, not President Grant, wanted the land, and furthermore the difficulties would not end with a new sale because the citizens of the state were already demanding more of the

reservation. The Utes eventually ceded the land to the government in 1879 for \$10,000. They did not receive payment for the territory until after many years and repeated complaints.³⁰

Meanwhile, Ouray proved to be one of the most successful farmers of the time in Colorado. He had over sixty acres under cultivation by 1878,³¹ one hundred acres by 1880. Ouray took great pride in his farm, employing both Hispanics and Utes to help him work his fields and tend his animals.³² Despite the lack of proper tools and a shortage of water, Ouray's farm produced a great variety of vegetables, abundant crops of wheat, oats, corn, and potatoes.³³ He also had fine pastures for his several flocks of sheep, a small herd of cattle, a few goats, and many fine horses.³⁴

Over the years, Ouray had become famous for the quality of his horses and horsemanship. In 1874, a group of miners near Baker's Park in the San Juans decided Ouray was greatly overrated as a horseman and challenged the chief to a horse race, anticipating the collection of large wagers. Ouray accepted, agreed to act as his own jockey, and took on all bets. Mounted on one of his favorite mares, Goldsmith Maid, Ouray easily outdistanced all the miners' horses and nearly bankrupted the miners.³⁵ A few months later, a band of Paiutes won almost all the belongings of a large group of Tabeguache. The Utes appealed to Ouray for help. The following year, when the Paiutes returned for more easy pickings, Ouray brought out an eastern thoroughbred that he had intentionally left ungroomed and shaggy. After the race, the Tabeguache gleefully recouped their previous year's losses and a great deal more.³⁶ Through Ouray's determined efforts, the bloodlines of the Ute horses were continually improved, a matter of extreme importance to the Indians.

Besides improving the quality of horses, Ouray also made slow but steady progress in convincing the Utes to farm. At least ten Tabeguache families succeeded in farming the Gunnison Valley. Those families no longer depended on ration issues after 1878 and drew only their yearly annuity supplies of clothing and a few farm utensils. Under Ouray's influence, the Tabeguache (now known as Uncompahgres because of their relocation) were able to survive even when harsh winters, bureaucratic incompetence and graft prevented the delivery of government rations.³⁷ Ouray's farm, home, and other buildings were far superior to the agency's farm and buildings, a source of irritation to some of the agents. At least one agent was also annoyed that the Utes readily agreed to perform work when Ouray directed them to do so, but considered it a tremendous disgrace when an agent asked them to perform similar work.³⁸

Although matters were progressing reasonably well with the Uncompahgres, the other two Ute agencies began to encounter great dissatisfaction among the Indians. At the new Southern Ute Agency, established on the Rio Los Pinos in 1877, agent F. H. Weaver quickly called in a cavalry detachment under Lieutenant Gustavus Valois to help keep the disgruntled Southern Utes under control. Chiefs Ignacio and Kaniache, and

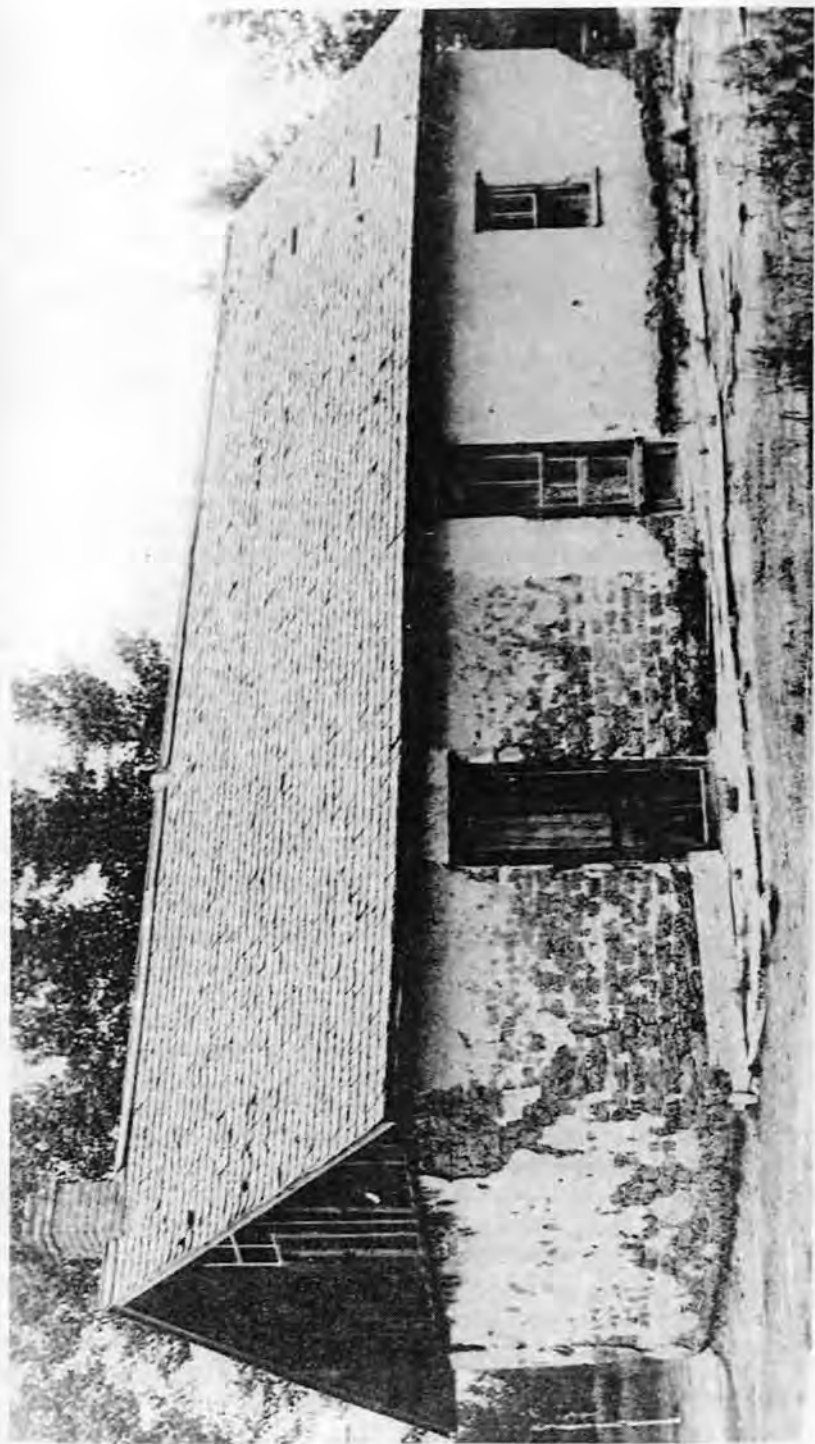


Photo courtesy of Colorado Historical Society

Ouray's home near Montrose several years after Ouray's death.



Photo courtesy of Denver Public Library

Ouray's home as sketched by Lieutenant C. A. H. McCauley, 3rd U. S. Cavalry for Frank Leslie's Illustrated Newspaper in 1879. (A) Ouray's residence; (B) Store Houses; (C) Dwelling and Mess Houses of Mexican employees; (D) Underground Storerooms for vegetables; (E) Carriage presented by Governor McCook; (F) Farm and freight wagons.

most of their people, were growing even more displeased with the encroaching citizens of New Mexico and Colorado and with the government's failure to protect the reservation from trespassers. The arrival of Valois' troops increased their hostility, and agent Weaver soon demanded to be relieved.³⁹ Henry Page took over the southern post in March, 1879. The new agent immediately assessed the Utes as being extremely idle and arrogant trouble makers, anticipating serious trouble.⁴⁰ At the White River Agency, Nathan C. Meeker eagerly accepted the position of agent in 1878, with great hopes of educating and civilizing the northern Utes.⁴¹ Agent Meeker's zeal and his misunderstanding of the Ute people soon led to his own death and precipitated disaster for the entire Ute nation.

Many complicated circumstances led to the Meeker Massacre and the battle at Milk Creek on September 29, 1879.⁴² Nathan Meeker, trained in the Trumbull Phalanx of Ohio, was impatient to Christianize and civilize the Utes, hoping to create a utopian agricultural community for the Indians.⁴³ Agent Meeker was far more strict with the White Rivers than previous agents had been. He began his program of reform by granting rations only to those Utes who would work near the agency. If the Indians would farm or perform other manual labor, they received double rations and \$15 cash each month. Those who refused to work were denied all rations.⁴⁴

Jack (Nicagaat), one of the prominent White River chiefs, twice went to Los Pinos to enlist Ouray's help to obtain a new agent. Ouray, seriously ill during 1878 with kidney disease, thrice

requested the Los Pinos agent to write letters to inform the Indian Commissioner of the trouble at White River; the agent did not comply with any of Ouray's requests.⁴⁵

In August, 1879, Jack and a delegation of White River chiefs went to Denver to ask Governor Frederick Pitkin for help in obtaining a new agent. In Pitkin's office, Jack complained that the agent was interfering with the Utes' hunting, which they still primarily depended on for their livelihoods. Meeker was trying to put a stop to the hunting and make the Utes become farmers. Jack said his people resented Meeker's demands that the men do manual labor in return for their supplies, his insistence that the Ute children regularly attend the agency school, and especially Meeker's persistent attempts to plow up the most desirable horse pastures for the planting of crops. The Utes were also upset because Meeker started to kill cattle out of the Ute herd to provide the beef rations which were formerly contracted for outside the reservation. When Governor Pitkin told the delegation they should comply with Meeker's orders to work at the agency, Jack tried to explain that the Utes wanted to live as they always had and wanted their children to be able to live the type of life they felt was right for Utes.⁴⁶ In broken English, Jack said, "Indian no work; Indian hunt; Indian no want to work."⁴⁷ He then pointed to Pitkin and said, "You no work,"⁴⁸ pointed at William Byers, then Postmaster at Denver, and continued, "He no work."⁴⁹

The unsympathetic Governor's only solution to Jack's pleas for a new agent was a suggestion that the Utes give up more of their land to the miners so that the Utes could live as they wanted with the money they would receive for the sale of their land.⁵⁰ The Utes left Governor Pitkin's office with no satisfaction concerning Agent Meeker, and no hope of any. The White Rivers were convinced Meeker's policies would soon lead to the destruction of their way of life. The most ominous threat was Meeker's avowed intention to reduce the Utes' herds of horses which would hamper their mobility and limit greatly their ability to hunt. The hated plow of the agency, which continued to destroy the best pastures, represented the most dangerous threat to the Utes' idea of a quality life.⁵¹

Matters reached a critical point when Meeker moved the agency site several miles to a location he felt would be better for farming. When the agent ordered one of his employees to plow one of the prime pastures of Douglass, another powerful White River chief, Douglass quarreled with Meeker, physically assaulting the agent. Father Meeker, as he was popularly called by the Colorado people, was incensed at the attack and telegraphed for troops. The agent felt he needed soldiers for protection and to help him enforce his orders to the Utes.⁵² On September 21, 1879, Major Thomas Thornburgh left Fort Steele, Wyoming, with cavalry and infantry en route to the White River Agency to protect Meeker.⁵³

When the White Rivers learned of Thornburgh's approach, Jack and several other chiefs went to meet the soldiers. On September 26, on the banks of Bear River, about forty-five miles from the reservation boundary, Jack met the advancing soldiers and asked Thornburgh why he was bringing so many troops to the reservation. Major Thornburgh told Jack that the soldiers had come to investigate the causes of many recent forest fires, which had destroyed some settlers' property. According to some witnesses, the fires had been started by White Rivers and the soldiers wanted to make sure the Utes started no more fires. He also told Jack that agent Meeker had asked the soldiers to come.⁵⁴ Jack suggested that Thornburgh come to the agency with his officers to see for themselves the situation there and to have a council with the White Rivers, but he asked that the troops not enter the reservation.⁵⁵ The Utes were convinced Meeker had sent for the soldiers to arrest some of the White Rivers and carry them off in chains.

Meanwhile, other White River chiefs informed Meeker that the Utes would fight before they would allow a large force of troops on the reservation.⁵⁶ Mr. Meeker sent messengers to Thornburgh explaining that the Utes felt troops entering the reservation was tantamount to a declaration of war. Meeker proposed that Thornburgh follow the Utes' request to leave the soldiers outside the reservation and bring five of his officers to the agency for a council. Thornburgh initially agreed to the Utes' suggestion and sent a message to Meeker⁵⁷ that he would leave his troops at a point "within striking distance" ⁵⁸ of the agency. At a conference with his officers shortly after sending that message, Thornburgh decided to pretend to camp his troops outside the reservation, but then to have the troops advance closely behind him and his five-man delegation, presuming the Indians would not notice the advance of the main body of troops.⁵⁹ Major Thornburgh wanted the Utes to believe he would come with only five men for a conference, but actually intended to have his troops close enough to capture the Ute chiefs in order to gain the upper hand in any negotiations.⁶⁰

The White River Utes had cause to fear a large detachment of federal troops. All the Utes were cognizant of the desire of most of the people of the state to completely remove the Indians from Colorado. Since Colorado had become a state in 1876, the Colorado senators and representatives had introduced several bills urging the removal of the Utes to Indian Territory.⁶¹ In 1878, Colorado's Representative James Belford told the House of Representatives that "teeming thousands"⁶² of settlers from Colorado would pour into western Colorado and warned that the government had "not the power to arrest the progress of that great tide."⁶³ The Colorado newspapers had adopted the slogan *The Utes Must Go!* and sentiment throughout the state was overwhelming for the removal of the Utes.⁶⁴ Nathan Meeker had added fresh impetus to the anti-Ute newspaper stories by sending factual accounts and fictional dialogues to the press describing the Utes' resistance to civilization.⁶⁵ Ouray had seen and read many of the

articles,⁶⁶ probably with the aid of his Mexican friend, Mariano, who served as Ouray's personal secretary for the four years prior to Ouray's death.⁶⁷ All the Utes were aware of the *Utes Must Go!* slogan and considered it the war cry of the state's citizens. The Indians also knew of the many threats to precipitate a war if necessary to gain the entire Ute reservation. The White Rivers placed most of the responsibility for the anti-Ute sentiments upon Father Meeker.⁶⁸

Therefore, as Thornburgh's column approached the reservation, the Utes logically were afraid the soldiers had come to arrest them and to remove them from their homes.⁶⁹ On September 29, 1879, Jack and several other White Rivers went to meet Major Thornburgh at Milk River, on the edge of the reservation, to escort the major and his five-man delegation to the agency for the promised conference.⁷⁰ However, the soldiers did not stop at the reservation edge, but rather deployed for action upon seeing the Indians.⁷¹ As Jack approached the officer of the leading platoon, a shot was fired.⁷² Captain Payne immediately ordered his men to fire⁷³ and the battle at Milk Creek was on. Jack and Captain Payne both testified that it was impossible to tell who fired the first shot,⁷⁴ but Lieutenant S. A. Cherry was convinced that a Ute fired upon the soldiers.⁷⁵

When word of the battle reached the Utes at the White River Agency, the Indians, apparently under Douglass' leadership,⁷⁶ killed and mutilated Nathan Meeker and eleven other white men who were employed at the agency.⁷⁷ Meeker's wife, Arvilla, Meeker's daughter, Josephine, Mrs. Shadrack Price and her two children were abducted by the White Rivers and carried away into hidden camps.⁷⁸

At Milk Creek, the soldiers (numbering about one hundred) were pinned down for six days by the Utes. Captain Payne assumed command as Major Thornburgh had been killed in the initial action. Joe Rankin, scout for the army, slipped out at night and rode north to get help. On the third day of the siege, Captain Dodge and a patrol of black soldiers from Fort Garland joined the besieged soldiers, but were unable to affect a rescue. On October 5, General Merritt arrived with eight hundred troops to relieve Payne's command. The scout, Rankin, had gotten through the Ute lines to notify the army and General Merritt and his men made a forced march to rescue the beleaguered troops. During a skirmish between the Utes and Merritt's soldiers, messengers from Ouray arrived. The fighting ceased immediately and the hostile White Rivers quietly disappeared.⁷⁹

Ouray had been hunting near Gunnison when he heard news of the battle.⁸⁰ He quickly returned to Los Pinos and prepared a written message to the White Rivers commanding them to cease all hostility and to do no further injury to anyone unless it was necessary to save their own lives and property.⁸¹ Ouray sent Joseph Brady, a miller at Los Pinos, and Chief Sapinero to deliver his message.⁸² Ouray's



Photo courtesy of Denver Public Library

Johnson, a White River chief, posing with a scalp pole. Johnson played a prominent role in the events at Milk Creek and the Meeker Agency in 1879.

orders to the White Rivers were instantly obeyed, but General Merritt refused to discuss anything with Brady and Sapinero, telling them to get out of his camp.⁸³

During the battle and siege at Milk Creek, Major Thornburgh and eleven troopers were killed, forty-two others were wounded. The soldiers estimated that twenty-three Utes were killed⁸⁴ but it was impossible to reach an accurate count of the Indian dead and wounded.

The citizens of Colorado were outraged at the massacre, battle, and abduction of the women. Loud and angry demands that the Utes be punished were heard throughout the state and back in Washington. Some of the officials and most of the people of Colorado welcomed such an excuse to finally drive the Utes out. Federal troops and state militia geared up to exact revenge upon the Utes as soon as the fate of the women captives could be learned.⁸⁵

Ouray and the entire Ute nation faced the gravest crisis they had ever known. And Ouray realized the terrible possibilities confronting his people.⁸⁶

NOTES Chapter V

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⁹Lois Borland, "The Sale of the San Juan," *Colorado Magazine*, XXVIII (April, 1951), p. 126.

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- ⁴⁵Testimony of Ouray, House Misc. Doc. No. 38, pp. 183-184.
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- ⁴⁷*Ibid.*, p. 104.
- ⁴⁸*Ibid.*
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- ⁵⁹Testimony of Captain Payne, House Misc. Doc. No. 38, pp. 172-173.
- ⁶⁰Testimony of Josephine Meeker, House Misc. Doc. No. 38, pp. 80, 86-87.
- ⁶¹Dudley Taylor Cornish, "The First Five Years of Colorado's Statehood," *Colorado Magazine*, XXV (September, 1948), pp. 220-224.
- ⁶²U. S. Congress, *Congressional Record*, 46th Congress, 2nd Session, Vol. X (Washington: Government Printing Office, 1879), p. 179.
- ⁶³*Ibid.*
- ⁶⁴Ubbelohde, *A Colorado History*, p. 181.
- ⁶⁵Brown, *Bury My Heart at Wounded Knee*, pp. 375-376.
- ⁶⁶Testimony of Ouray, House Misc. Doc. No. 38, p. 204.
- ⁶⁷Dodge, *Our Wild Indians*, p. 168.
- ⁶⁸Testimony of Josephine Meeker, House Misc. Doc. No. 38, p. 204.
- ⁶⁹*Ibid.*, pp. 86-87.
- ⁷⁰Testimony of Jack, House Misc. Doc. No. 38, p. 198.
- ⁷¹Brown, *Bury My Heart at Wounded Knee*, pp. 384-385.
- ⁷²Testimony of Jack, House Misc. Doc. No. 38, p. 198.
- ⁷³Testimony of Captain Payne, House Misc. Doc. No. 38, p. 174.
- ⁷⁴Testimony of Jack and Captain Payne, House Misc. Doc. No. 38, pp. 174, 198.
- ⁷⁵Testimony of Lieutenant S. A. Cherry, House Misc. Doc. No. 38, p. 75.
- ⁷⁶Testimony of Josephine Meeker, House Misc. Doc. No. 38, pp. 81-83.
- ⁷⁷Ubbelohde, *A Colorado History*, p. 181.
- ⁷⁸Testimony of Josephine Meeker, House Misc. Doc. No. 38, pp. 80-84.
- ⁷⁹Dawson and Skiff, *The Ute War*, pp. 26-43.
- ⁸⁰Testimony of Ouray, House Misc. Doc. No. 38, p. 185.
- ⁸¹Brown, *Bury My Heart at Wounded Knee*, p. 387.
- ⁸²Dunn, *Massacres of the Mountains*, p. 608.
- ⁸³Dawson and Skiff, *The Ute War*, p. 43.
- ⁸⁴*Ibid.*, pp. 26-27.
- ⁸⁵Ubbelohde, *A History of Colorado*, pp. 181-182.
- ⁸⁶Sprague, *Massacre*, p. 251.

CHAPTER VI (1880)

Governor Pitkin declared that because of the Meeker Massacre, the Utes would never be able to live in peace with the citizens of Colorado. He implied that the Uncompahgres and Southern Utes were as untrustworthy as the White Rivers and warned that no citizen on the Western Slope was safe from the Indians. He told reporters that the federal government must remove the Utes from Colorado or the people of the state would exterminate or drive all the Utes out of Colorado by force. The white population of Colorado felt able, and more than willing, to deal harshly with the Indians. Most of them believed that the twelve million acres of the Ute reservation would more than compensate for the expense of a war.¹ The Secretary of the Interior, Carl Schurz, however, was determined to settle the matter without a war and to protect the innocent Uncompahgres and Southern Utes, if possible.² To that end, he asked General Charles Adams, the former Los Pinos agent, to go to Chief Ouray and try to work out a satisfactory solution.

Charles Adams, at that time, was a special agent for the Post Office Department, but was temporarily reassigned to the Interior Department upon Schurz' request. General Adams arrived at Ouray's camp on October 18, 1879. The following morning, Ouray sent Chiefs Shavano and Sapinero and an escort of Uncompahgre warriors to guide Adams to the hostiles' camp. Ouray also sent a wagon load of provisions and a buckboard for the women's return journey.

After reaching the White Rivers' camp, General Adams met in council with fifty of the leading White Rivers. They adamantly refused all of Adams' demands and entreaties to surrender the captives. Sapinero then addressed the council at length, telling them that Ouray wanted them to surrender the white women to Adams. If they refused, Ouray himself would come for their surrender and, if necessary, Ouray would lead the government troops and kill or drive away any uncooperative Utes from the reservation.³ Adams, unable to understand the language, described the tone of Sapinero's speech as "most powerful and determined . . . more of a threat, than an appeal."⁴ After Sapinero concluded, the women were quickly produced and turned over to Adams. General Adams, keeping a promise to the White Rivers, then rode to General Merritt, who was preparing to advance against the Utes. When Merritt learned Adams had secured the release of the captives, he

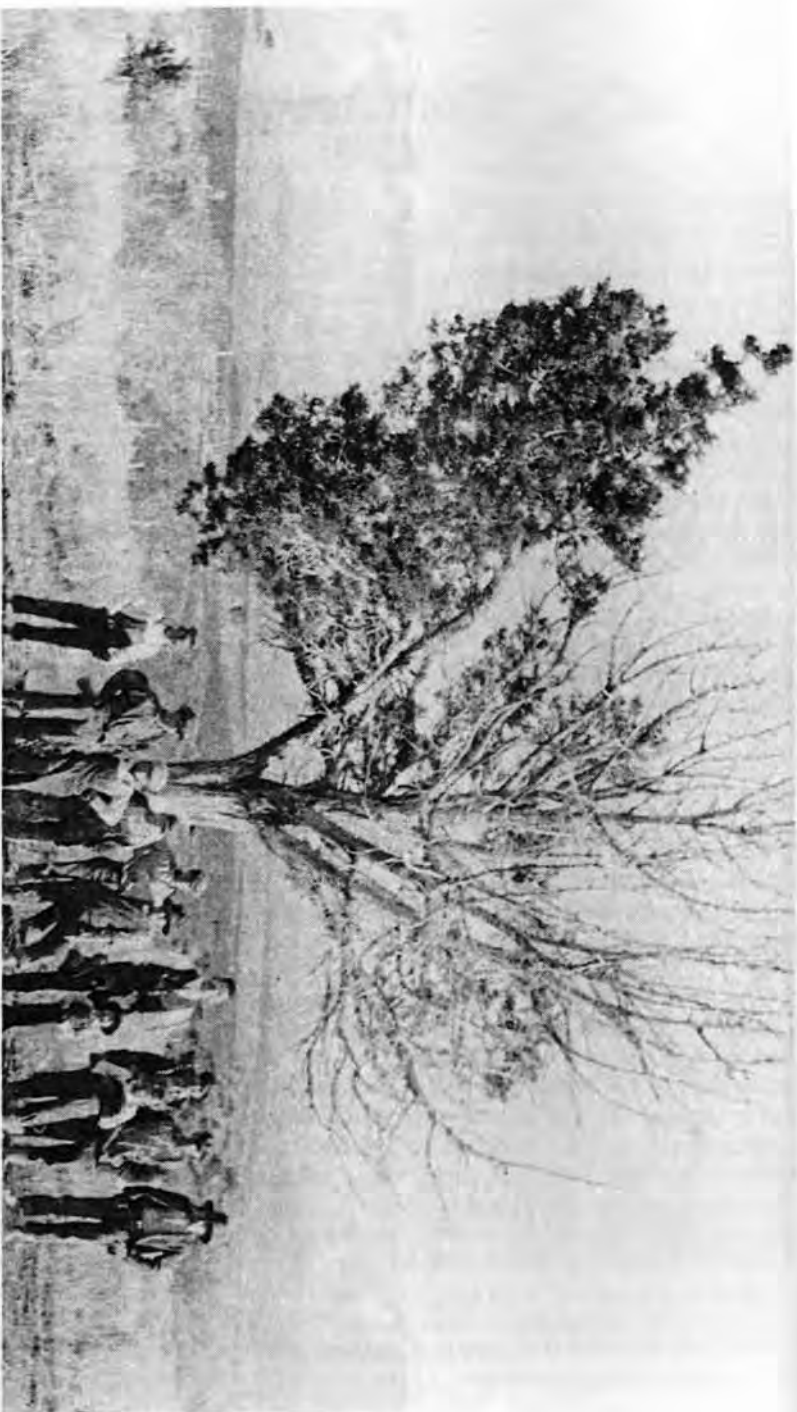


Photo courtesy of Museum of Western Colorado

Tree south of Mesa, Colorado, where the women and children captives from the Meeker Massacre were turned over to Adams and Sapinero in 1879.

returned to his base to await further orders. General Adams then took the women back to Ouray's home where they were met by a sympathetic Chipeta. After resting for awhile, the captives were taken on to Alamosa and then back to Denver.⁶

Secretary Shurz knew that there was still a great possibility of a costly and bloody war with the Utes unless something was done to punish the guilty White Rivers and something done to either greatly reduce the Ute reservation or arrange to move the Utes elsewhere. To investigate the murder of Meeker and his employees, Schurz formed a commission of General Adams, Ouray, and General Hatch, commander of the Ninth Cavalry. After weeks of investigating, the commission found some twelve Utes responsible⁶ for the murders at the agency; however, Ouray objected to including all twelve of those Utes on Adams' and Hatch's list. He explained that Ute law did not admit evidence of women and the case against some of the twelve accused was very shaky; the women who had been captives were not positive about the identity of all the men who may have been guilty. Finally, Ouray reluctantly agreed that all twelve should be tried.

During the commission hearings, Ouray ended his lifetime friendship with Adams in protecting the rights of his people.⁷ Knowing that any accused Utes would not have any chance for a fair trial in the Colorado courts,⁸ Ouray confronted the council with this speech:

"You are my enemies, and I can expect no justice from you. We have, up to this time, received none; and we can expect none in the future. Adams is a Colorado man, and the Colorado people are all our enemies. You (pointing to General Hatch and Townsend) are New Mexico men and are also our enemies. And you (to Lieutenant Valois) are a *Francais diavalo*, and hate us all. Therefore I want none of the people from either of your states to try my people!"⁹

At one time, Ouray had most of the twelve accused Utes in custody, but General Hatch demanded all or none; eventually all those accused except Douglass hid themselves in Colorado or Utah.¹⁰

In January of 1880, Ouray took Chipeta and ten Ute chiefs from all the different tribes to Washington to try to settle the Meeker Massacre controversy and the Colorado demands for the removal of the Utes. General Adams and Otto Mears accompanied the Utes, at Ouray's request. An ugly crowd at Alamosa threatened to hang the Utes when they arrived in that town to board the train on January 7, 1880.¹¹ Some of the more reasonable citizens of Alamosa cautioned the angry masses to leave Ouray's party alone¹² and the mob "wreaked their vengeance on a Mexican by hanging him"¹³ instead of trying to hang the Utes. In Pueblo, another crowd gathered around the Utes' rail car, shouting and throwing lumps of coal at the Indians.¹⁴

When Ouray's delegation arrived in Washington on January 11, Secretary Schurz had them closely guarded, even refusing to allow reporters to interview them.¹⁵ The disappointed reporters resented this action of Schurz; one of them wrote, "It seems to be feared that the reporters will steal an Indian or two, as they are not even allowed a glimpse of their red brethren."¹⁶

Although Ouray's main purpose in taking his delegation to the nation's capital was to settle the Meeker incident,¹⁷ Secretary Schurz and the Washington officials were far more concerned about reaching a new agreement in regard to the Ute reservation. Great trouble seemed inevitable if the Utes tried to maintain their present boundaries.¹⁸ Senator Henry Teller insisted the Utes be removed entirely from the state,¹⁹ but Ouray was determined to prevent that. When Senator Teller asked Ouray if there was any way the Utes would consent to go to Utah or the Indian Territory, Ouray told him that the White Rivers might be convinced to go to Utah, but under no circumstances would he and his Uncompahgres leave Colorado.²⁰

When Secretary Schurz told Ouray the Uncompahgres might be forced to leave the state unless they surrendered the accused murderers of Meeker, Ouray denounced that ultimatum as extremely unfair and unworthy of the United States government.²¹ Ouray asked Schurz,

How can I give them up? Why do you hold my tribe responsible for what those men did? We are Uncompahgres; they are White River Utes, and not under my immediate control. If a murder were committed here in Washington, would your authorities make the whole population suffer for it?²²

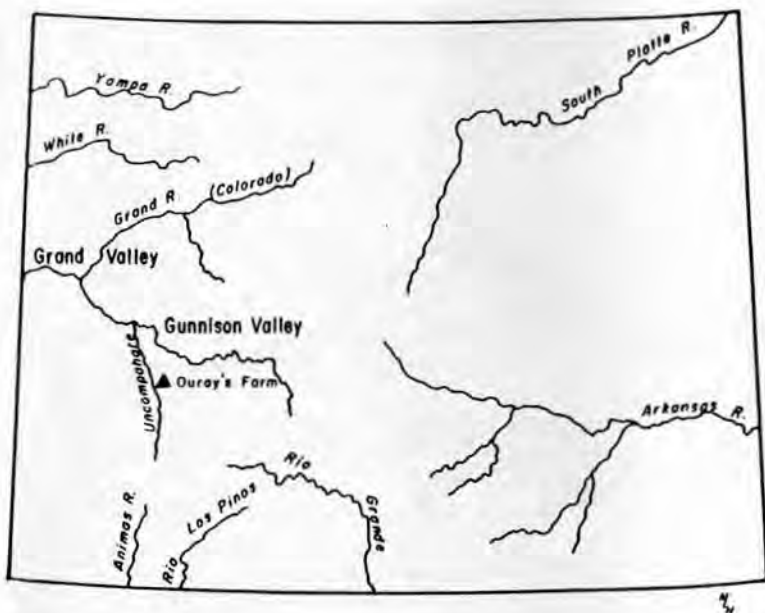
Senator Nathaniel Hill agreed with Ouray that it was asking the impossible for Ouray to capture alive the accused White Rivers since they had scattered into the mountains.²³ Ouray promised that if the government would let him handle the matter, he would make sure the guilty parties were properly punished within six months.²⁴ The Meeker Massacre had generated too excellent a motive for pushing the issue of the Ute removal, however, and the Colorado officials did not want Ouray to remove the murders as a negotiation factor.²⁵

In March, 1880, Ouray and Schurz finally reached an agreement they hoped would satisfy the Colorado people and still be acceptable to the Utes.²⁶ The survivors of the massacre and the relatives of the men killed at the agency were to receive cash indemnities from Ute appropriation funds. The Utes would agree to do their best to capture the White Rivers responsible for the massacre, or else kill or drive them out of Colorado. The Southern Utes would settle near the La Plata River in Colorado and northern New Mexico.²⁷ The Uncompahgres agreed to relocate



Photo courtesy of Smithsonian Institution

Washington, D. C., 1880, during Meeker Massacre investigation. From left to right: Ignacio, Charles Schurtz (Secretary of the Interior), Worctsia, Ouray, Charles Adams, Chipeta.



Location of Grand Valley

upon agricultural lands on Grand River (the Colorado 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.²⁸

All the White River Utes were to move to the Uintah reservation in Utah. Upon the designated lands in Colorado, the Utes were granted allotments in severalty. Each family head was granted 160 acres; each single Ute over eighteen years of age received eighty acres. All the Ute allotments were inalienable for twenty-five years.

The United States agreed to pay the \$60,000 that was in arrears at that time from the Brunot Agreement and to compensate the Utes for the newly ceded lands with a guarantee of \$50,000 annually, forever. The government agreed to continue paying the annual \$25,000 from the Brunot settlement in addition to the new sum. Of the cash payments, the Uncompahgres would receive one-half, the Southern Utes one-third, and the White Rivers, one-sixth. In addition, the federal government guaranteed fair payment for all property the Utes had

acquired and were forced to surrender in the ceded land.²⁹ In all, the Utes gave up title to twelve million acres in western Colorado and would keep close to a half million acres.³⁰

Senator Hill favored the final settlement and considered it very fair, but Senator Teller felt the Utes were allowed to keep far too much Colorado land.³¹ In a stormy encounter with Secretary Schurz, Teller told the secretary that the Indians had beaten him in diplomacy, just as they had beaten the army in battle.³² William Byers wrote to Teller from Colorado urging him to accept the arrangement,³³ cautioning him that if Ouray continued his "masterly tactics,"³⁴ the people of Colorado might "have to submit to an enlargement of the present reservation."³⁵

Without a doubt, Ouray gained the respect of all those who came to know him well – both friends and opponents.³⁶ Secretary Schurz expressed the greatest admiration for Ouray's integrity and wisdom. In 1881, Schurz wrote:

I have become acquainted with several chiefs of so-called "wild" tribes, who had won a reputation as men of ability, such as Spotted Tail, Red Cloud, Chief Joseph, and others, and while I found them to possess considerable shrewdness in the management of their own affairs according to their Indian notions, their grasp of things outside of that circle was extremely uncertain. I may except only Ouray, the late chief of the Ute nation, a man of a comprehensive mind, of large views, appreciating with great clearness not only the present situation of his race, but also its future destiny and the measures necessary to save the Indians from destruction and to assimilate them with the white people with whom they have to live.³⁷

Albert B. Meacham, who became a commissioner charged with consummating the 1880 agreement with the Utes, recognized Ouray's dilemma in early 1880 and felt that "never (had) any man on this continent been placed in a more trying position."³⁸ Meacham thought the Senate of the United States could improve itself if its members would take lessons from Ouray's "loyalty to honor, justice, and humanity."³⁹ Governor Pitkin, who wanted all the Utes out of Colorado, while in Washington to testify before Congress about the massacre at White River, told one reporter that, quite simply, Ouray was a statesman.⁴⁰ In his last negotiation with the United States government, Ouray found the only possible solution that would both save some chance for his people to still live honorably in Colorado and that would prevent one of the costliest and bloodiest Indian wars ever imagined.⁴¹

When Ouray returned to Colorado, he was in great pain, critically ill with Bright's Disease. Doctors in Washington had informed Ouray that he had very little time left to live.⁴² In the early summer of 1880, the weary Ouray told a *Denver Tribune* reporter:

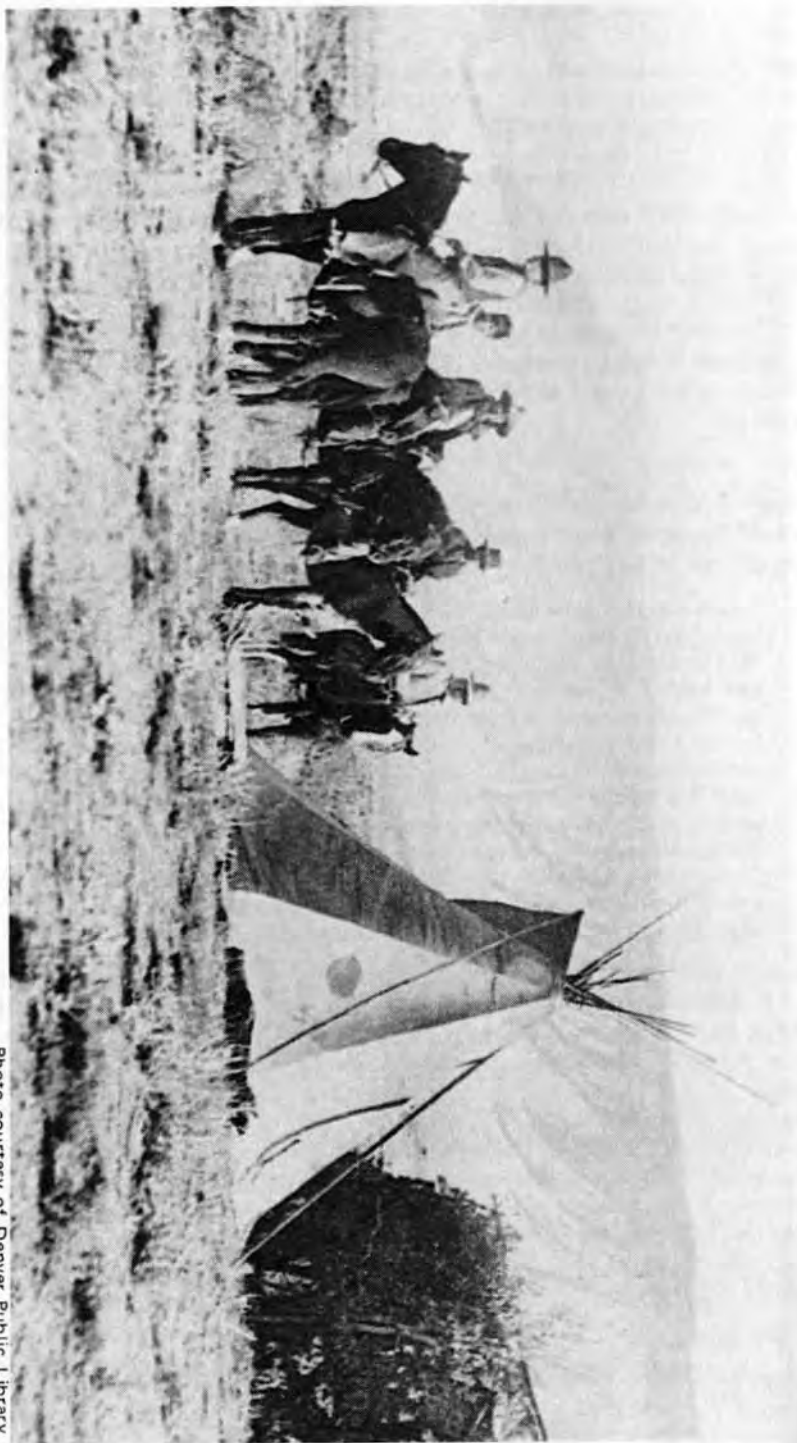


Photo courtesy of Denver Public Library

Ute horsemen in camp on Uintah Reservation after the Utes were removed from Colorado.

"I do not want to be a chief. I am old and tottering. Let some young man with the fire of youth in his veins take my place. I have my farm, which I would rather cultivate and watch the seed planted by me grow up to maturity than be head chief. They all come to me with their troubles. I know everything and have all their burdens to bear . . ."43

Nevertheless, Ouray began the unpleasant task of convincing his people they must forsake the greatest part of their homeland if they had any chance to survive. Ouray needed as much diplomatic skill in dealing with the Utes as he needed in Washington dealing with senators and commissioners. The Ute people did not want to give up their valleys and mountains. They cared little for the promises of money from the government. Still, Ouray was close to getting the required three-fourths of the Ute men to agree to the new settlement.⁴⁴ In August, 1880, Ouray decided he must go to the Southern Utes himself to quell the opposition to the ratification of the agreement. At Los Pinos, he had to have assistance to mount his horse. At Ignacio, although nearly comatose from kidney failure, Ouray finally gained enough support from the southern chiefs to insure ratification.

On August 24, 1880, Ouray, attended by Chipeta and tribal medicine men, died.⁴⁵

After Ouray's death, the Utes once again refused to ratify the new agreement and it seemed that the agreement was doomed.⁴⁶ Otto Mears was determined that the Utes be peaceably removed, however, so he privately bribed enough Utes to sign the agreement - by paying them two dollars each.⁴⁷ As a commissioner charged with carrying out the agreement of 1880, Mears then surveyed the land set aside for the Uncompahgres. Mears realized that the area intended for the Utes (in the Grand Valley, near the present town of Grand Junction) would be immensely valuable to the Colorado citizens. He went to General R. MacKenzie and told him the commissioners had determined upon the alternate site in Utah. On September 1, 1880, the reluctant Utes were escorted out of Colorado by nine companies of cavalry and another nine companies of infantry.⁴⁸

Without Ouray's guidance, the Uncompahgres were no match for the wiles of men such as Mears. Without Ouray's influence, the Utes were no match for the threat of the United States Army. Although his people were forced to leave, Ouray kept his promise never to leave the mountains of Colorado.



Photo from collection of Museum of Western Colorado (source unknown)

Chipeta with unidentified child, near Delta, 32 years after Ouray's death.

NOTES Chapter VI

¹ Dee Brown, *Bury My Heart at Wounded Knee* (New York: Holt, Rinehart, and Winston, 1970), pp. 387-388.

² Frederick Bancroft, ed., *Speeches, Correspondence and Political Papers of Carl Schurz*, Vol. IV (New York: The Knickerbocker Press, 1913), pp. 141-142.

³ Thomas F. Dawson and F. J. K. Skiff, *The Ute War: A History of the White River Massacre* (Boulder, Colorado: Johnson Publishing Company, 1980, reprint of the Tribune Publishing House edition of 1879), pp. 83-91.

⁴ *Ibid.*, p. 91.

⁵ *Ibid.*, pp. 91-94, 148-149.

⁶ George Manypenny, *Our Indian Wards* (New York: Da Capo, 1972, reprint of the 1880 edition published by Robert Clarke & Co., Cincinnati), p. 431.

⁷ Marshall Sprague, *Massacre: The Tragedy at White River* (Boston: Little, Brown & Co., 1957), pp. 289-299.

⁸ Carl Ubbelohde, *A History of Colorado* (Boulder, Colorado: Pruett Press, Inc., 1965), p. 181.

⁹ *Ouray Times*, December 13, 1879.

¹⁰ *Council Fire*, III (January, 1880), p. 10.

¹¹ *Denver Tribune*, January 8, 1880.

¹² *Washington Post*, January 12, 1880.

¹³ *Ibid.*

¹⁴ *Denver Tribune*, January 8, 1880.

¹⁵ *Evening Star*, January 12, 1880.

¹⁶ *Ibid.*

¹⁷ Testimony of Ouray, House Misc. Doc. No. 38, p. 187.

¹⁸ *Denver Tribune*, January 24, 1880.

¹⁹ Elmer Ellis, *Henry Moore Teller: Defender of the West* (Caldwell, Idaho: Caxton Printers, Ltd., 1941), pp. 104-107.

²⁰ *Denver Tribune*, January 23, 1880.

²¹ *Ibid.*, January 15, 1880.

²² *Ibid.*

²³ *Ibid.*, January 16, 1880.

²⁴ *Evening Star*, January 15, 1880.

²⁵ Ubbelohde, *A Colorado History*, pp. 181-182.

²⁶ *Washington Post*, March 8, 1890.

²⁷ Charles J. Kappler, *Indian Affairs*, Vol. IV, *Laws and Treaties* (Washington: Government Printing Office, 1904), pp. 180-181.

²⁸ *Ibid.*, p. 181.

²⁹ Kappler, *Laws and Treaties*, pp. 181-183.

³⁰ Sprague, *Massacre*, p. 241.

³¹ *Chayenne Daily Leader*, March 11, 1880.

³² *Ibid.*, March 18, 1880.

³³ Ellis, *Henry Moore Teller*, pp. 105-106.

³⁴ *Ibid.*, p. 106.

³⁵ *Ibid.*

³⁶ Ubbelohde, *A Colorado History*, p. 183.

³⁷ *Speeches, Correspondence and Political Papers of Carl Schurz*, p. 140.

³⁸ *Council Fire*, III (January, 1880), p. 10.

³⁹ *Ibid.*, September, 1880, p. 140.

⁴⁰ *Denver Tribune*, March 2, 1880.

⁴¹ *Speeches, Correspondence and Political Papers of Carl Schurz*, p. 142.

⁴² Sprague, *Massacre*, pp. 307, 313.

⁴³ *Denver Tribune*, June 1, 1880.

⁴⁴ *Council Fire*, March 2, 1880.

⁴⁵ Sprague, *Massacre*, pp. 307-318.

⁴⁶ Wilson Rockwell, *The Utes: A Forgotten People* (Denver: Sage Books, 1956), p. 169.

⁴⁷ LeRoy Hafen, "Otto Mears, Pathfinder of the Salt Juan," *Colorado Magazine*, IX (March, 1932), p. 73.

⁴⁸ Jocknick, *Early Days on the Western Slope*, pp. 218-226.

CONCLUSION

The major difficulty in reaching valid conclusions about Ouray is the lack of primary sources, which is the case with most Indian history. Little is known of Ouray's actual thoughts and care must be exercised in evaluating his recorded dialogues. In some testimonies and interviews, it seems Ouray often tried to make matters appear less critical than they really were in an effort to lessen the tensions of the time. Ouray was very aware of the power of the printed word and was always willing to talk to newspaper reporters to explain how the Utes felt about certain issues. He learned a great deal about the situation in Colorado and other areas by having newspaper accounts read to him. He kept his correspondence and other records carefully locked in a desk in his drawing room. Unfortunately, those records were lost through carelessness shortly after a rancher bought Ouray's farm after the Ute removal in 1881. According to the employees at the Ute Museum in Montrose, many of Ouray's documents were taken as souvenirs and ultimately lost. The remainder was lost in a fire.

From what records that do exist, it appears Ouray was cognizant of the inevitable end of the traditional Indian way of life. He strove to convince his people that they could exist in an environment different from their ancestors and still lead a good life. He had adapted to a new lifestyle which was compatible with living near the white citizens of Colorado and believed the Utes could also adapt if only given enough time to adjust to the new ways. Perhaps he hoped for too much, but he knew the only alternatives would be disastrous for his people.

Almost from the beginning of his chieftainship, Ouray was accused of being a "white man's Indian" by many of his fellow Utes. Determined to live a good life, he built a very comfortable home, adopted some Anglo customs and accumulated a good deal of wealth in stock and property. But his success was the result of careful management rather than from conspiring with government officials to cheat the Utes out of their property, as had been charged. During all the many negotiations with the United States officials, Ouray always held out for, and usually achieved, the best possible results for the Utes.

Most of his tribe would rather have fought than agree to so many reductions in their reservation. If not for Ouray's determination to avoid war, the Utes would undoubtedly have gone to battle with the whites during the 1860s or 1870s. The United States Army was convinced that if the Utes made a determined stand, the longest and bloodiest Indian war in United States history would have been the result. The Utes, since the days of Kit Carson, had been recognized as excellent warriors and were often better armed and

mounted than the troops stationed in the West. It would have taken years and thousands of soldiers to defeat the Utes in the mountains and canyons of western Colorado. Government officials and all concerned people in Colorado recognized that fact and they felt, and often reiterated that, if not for Ouray, the Utes would have gone to war a long time before the incident at Milk Creek.

By the time of Ouray's death, many of the older chiefs, such as Shavano and Sapinero, had accepted Ouray's philosophy. The younger chiefs who still counseled war could not muster enough support to lead a determined resistance.

Members of the white community who knew Ouray well always spoke highly of his character. He successfully dealt with the leading Colorado figures of his time, and although many of them resented his diplomatic skills in protecting Ute lands, all of them respected him. Even the newspaper reporters and editors, who worked vigorously for Ute removal, expressed admiration and gratitude when writing of Ouray. Almost all of the obituaries of Ouray not only praised the old chief but bemoaned his loss, which all agreed was a disaster to the well-being of the Utes.

The last few years of Ouray's life were filled with disappointment, frustration, pain, and tragedy. Even the Utes who had opposed Ouray, however, expressed tremendous grief when they learned of his death. To the very end of his life this great Ute leader worked for the welfare of his people.

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