

The First Los
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sale of the San Juan
by

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THE FIRST LOS PINOS AGENCY, AND THE SALE OF THE SAN JUAN

There is some confusion in articles on Ute history because the same name, Los Pinos, is used for two locations of the agency-- that in the Cochetopa Hills, Gunnison Country, 1879-1875, and that on the Uncompahgre, 1875--188

Following I should like to give high points in the history of the former as they were revealed in stacks of letters in the Archives Building, Washington D. C. between Government personnel and the Los Pinos agent.

I have emphasized the two stormy sessions resulting in the sale of the San Juan, mineral-rich and tremendously important, by the Utes, owners by possession and treaty, to the United States Government.

I wish to acknowledge the courtesy of O. W. Holmes, director natural resource records division, and also that of John Martin and Marshall Moody in making the resources of the Archives available to me.

I mention, also, as helpful in organization, two master's theses at Western State College, Gunnison Colorado, by Thomas Iden and John B. Loyd, respectively.

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It was in the hills of Cochetopa, some thirty miles west and south of Gunnison City and 165 miles northwest of old Fort Garland that the United States Government, after two stormy sessions with the Utes, in two successive years, obtained the treaty of 1873, by which the mineral-rich San Juan, up to that time in the Ute Reservation, became United States territory and thus open for settlement. It was an event of national import, comprising as it did, the present San Juan and Hinsdale counties and parts of La Plata, Archuleta, Mineral, Ouray, San Miguel, Dolores and Montezuma counties, and contributing millions to the wealth of the country.

The rectangle ceded had for its eastern boundary the 107th meridian; the southern boundary was parallel with the southern boundary of the Territory of Colorado, but fifteen miles north of it; the western boundary parallel with the western boundary of Colorado Territory but twenty miles east of it; the northern boundary ten miles north of the 38th parallel, but parallel with it, the whole comprising 3,500,000 acres, covering a section sixty miles wide and seventy-five miles long.

By the treaty of 1868, the Utes had settled with the Government for 15,120,000 acres of Western Colorado--approximately a third of the state. Upon this territory two agencies had been established: one on the White River, the Northern Agency, serving 800 Utes; and one on Los Pinos Creek in Cochetopa hills, serving 2,500.¹ Also, there was a special Indian agent residing in Denver.

President Grant's program was calculated to change the Utes' "way of life." Schools were to be established at both agencies; herds of sheep and cattle were to be brought in by the Government; a resident farmer was to teach the Indians agriculture, which they were to practice.

In 1869, General Edward McCook, who had relieved Alexander C. Hunt as territorial governor and Indian commissioner, on June 12, left

¹ This was officially called the Southern Agency, but it is not to be confused with the southern agency still existent in southwestern Colorado; eventually, only the name Los Pinos was used. This is confusing as the Utes' former agency at Conejos was on the Los Pinos, and the agency was still called Los Pinos in histories and public documents after the removal to the Uncompahgre.

Denver with an escort of only ten soldiers, bringing the portable sawmill which was to cut lumber to be used in the new agency buildings. He came through Saguache, secured Godfroy, former secretary to Lafayette Head, as a guide over the Cochetopa Pass and to the spot where the agency was to be located, which, according to Head, has been chosen in general council by the Utes the previous summer.

A Tenderfoot in Colorado² gives a lively account of the difficulties McCook had to overcome. "The Tenderfoot" and an artist making pictures for Harper's Weekly were driving through the Cochetopa country and met the caravan with the sawmill. The interpreter, Curtis, had not arrived. The Indians were getting "uglier" every day, and the Governor was uneasy. Ourey was gone and Shavano was in charge. Eventually, Mrs. Godfroy, half Ute, half Mexican, was prevailed upon to act as interpreter. A female interpreter for the Utes! After the council Shavano sent word that there would be a general display by his warriors in full array. Someone cried, "Here they come!"

And at once appeared, a half-mile up the valley, a long line of warriors, fully 800 of them, riding at a gallop. Their gleaming guns were in their hands, their faces were black with war paint, their bronze bodies shining in the bright sun, the feathers in their long hair streaming behind them. Shavano in his glory led them, his war bonnet of eagle plumes floating out behind him at least four feet.

² R. B. Townsend, Dodd Mead and Co., Chapter 6.

What did the Indians mean? Was it treachery? Well followed yell. Up they dashed as if they would ride the Whites down. Mrs. Godfroy fainted in her husband's arms.

But it was only a bit of Ute humor. Suddenly they parted to the right and to the left and disappeared into the pines. And the sawmill was finally in the desired location without further objection.

OURAY CHOOSES LOCATION OF SOUTHERN AGENCY

A. C. Hunt, reporting from Denver June 8, 1869, to the Commissioner of Indian Affairs, says: "In July last (1868) at the request of Ouray, head chief and interpreter of the band, I moved the Agency to the Saguache, a small tributary of the Rio Grande³ and on the northwestern end of the San Luis Valley, and put William S. Godfroy--for years clerk to Major Lafayette Head--in charge." The commission of Head, in charge of the Tabeguaches at Conejos since 1861, expired more than a year before, and no regular agent had been sent out to take his place.

Speaking of the choice of location, Hunt stresses its inaccessibility: "The Reservation lies immediately in front of the Grand Canon of the Colorado⁴ across or through which no great thoroughfare can or will be made, and they can thus remain in undisturbed quiet so far as encroachments of the white men are concerned; not less than 150 miles from any traveled road, and over two great mountain ranges that usually become impassable

³ Tributary to the Cochetopa.

⁴ He is not correct as to geography;--AUTHOR.
It was also in front of the Pacific Ocean!

by October 20 each year." And he closes with the generalization: "The Indians must not longer be allowed to roam among white settlements."

As to the choice of location for the Agency buildings, Godfroy, in a letter to the Rocky Mountain News, in March, 1870, says: "The Utes in general council last summer located the Agency."

There were voices raised against making extreme isolation requisite for an Indian Reservation. "If you wish them to become cultured," it was said, "place them in close proximity to a city like Boston or some place comparable." Merit, perhaps, to the argument, but little expediency.

Second Lieutenant Calvin T. Speer, 11th United States Infantry, received the first commission as agent at Los Pinos, always referred to in earlier documents as the Southern Agency. It was not until 1871 that the name Los Pinos was used.

His initial quarterly report, September 1, 1869, details his arrival July 31, 1869, via South Park and Poncha Pass, and the alarming situation encountered at Saguache. With no thought that his coming was not acceptable, he found his way definitely blocked by ninety lodges of Utes, who strenuously opposed his entrance into the Reservation. No white man could settle there... it was hunting ground...the treaty said so. He should never pass beyond Saguache.

To further complicate his difficulties, the Denver company with the contract for erection of sawmill and buildings, Crane and

Kettle, arrived with their train. In the councils lasting for the next four days, firmness, tact, and judgment on the part of of Lieutenant Speer were required. He explained the situation; he invited a statement of objections. Ure (so the name was spelled) said the treaty made by Governor Hunt was "no good." He expressed himself with warmth: One of the chieftains whose name was signed to the treaty had never had it read to him; cows, beef, clothing had been promised but none received. "And why," they protested, "force on us something we don't want?" Unancanance, Uncompahgre chief, backed by fifty warriors dressed in startlingly primitive style, declared that no white should settle on the Reservation...bows and arrows could supply all their needs... the noise of the mill would drive away game.

But in the end, patience and promises won out, and Speer went forward, choosing the most propitious location for the buildings, which were to be around a hollow square or "parade ground."

In keeping with the treaty of 1868, provision must be made for farmer, blacksmith, carpenter and miller, all to be assigned the newly established agencies.⁵ Reporting November 13, 1869, to Edward M. McCook, Speer says: "On a plat 200 feet square, the agent's house is in the northeast corner, one and one-half stories high, 40 by 20, 13 feet high inside. It has two front doors, four windows, two chimneys, three rooms, one 19 by 25, a piazza

⁵ As there was no Gunnison then, few now living in that town (1951) remember Los Pinos as it appeared in the 1870's. In C. P. Foster's memoirs is this notation: "When I first saw the Agency, 1874, it was quite a settlement--storehouses, warehouses, blacksmith shop, agent's house, houses for the other employees, Chief Ouray's adobe house."

opening on the parade ground. It is of vertical logs chinked with adobe." (A more commodious house for the agent was later built on the north side of the quadrangle.)

"The farmer's house is on the northwest corner. It is 30 by 16, 10 feet high, has two rooms, one front door."

"The blacksmith's house is on the southeast corner and is like the farmer's. The warehouse is on the north side, 40 by 60 by 10, between the agent's and the farmer's house--a good substantial building.

"The carpenter and blacksmith shop are in one building on the south side, between the blacksmith's and the miller's, within ten yards of the mill which is south of the shop.

"The schoolhouse is on the west side, between the miller's and the farmer's house, 40 by 20 by 11 with five windows, one front door, a cupola six feet high, with flagstaff 20 feet above. It is located on the highest ground of the plat, and adds to the appearance of the buildings." (The estimated cost was \$5,000.)

Here it was, according to Speer, "the wild and uncouth Indians would take pleasure in learning the great lessons of civilization and thus assist our Government in securing for them the blessings of Christian liberty." There was perhaps, no hint of satire in the eloquent phrasing.

On the east side, between the agent's and the blacksmith's house, was the carpenter's house. Chief Ouray's house, also built

during Speer's incumbency, was not on the plat but south and east of it a short distance.

The schoolhouse was capacious. It could accommodate forty or fifty children. It could also have housed a missionary and a teacher, according to a later agent. But there was slight inclination to learn to read, write or work among the Indians. Shavano and others shook their heads; "No talk American, no need to write um."

Speer reports, February 5, 1870, the construction of one frame corral, 100 feet square; a stable 100 feet long with 25 stalls, convenient for cows, work horses and mules; also one cellar, well secured by a plank on the outside. A passage enclosed by light board fence runs from the corral to the Fairbanks platform scales midway between the house of the agent and the warehouse.

Speer is the only agent who, in the sources available to the writer, expresses appreciation of the beauty of the location-- a beauty which captivates present pleasure seekers, who often seek out the "old agency" for picnics, fishing and hunting. He says: "The place is about 75 miles (perhaps 55 is nearer right) from Saguache. We crossed the Cochetopa range, then turned southwest some thirty-five miles to a large stream, a contributor to the Gunnison (the Cochetopa). The mill site is surrounded by high mountains, whose sides are covered with large forests of pine, while the beautiful valley, stretching some forty or fifty miles north and west, waving with tall grass, presents one of

the most picturesque sights ever seen, and affords all the facilities for agricultural pursuits."

OURAY CHOOSES LOS PINOS AS PERMANENT HOME

In corroboration of Speer's hopeful account is a report by Governor McCook to E. S. Parker, dated October 16, 1869, after a visit to the "Lower Agency": "It is easy to get goods to Saguache. The road from there to the Agency is the worst possible. Annuity goods is transported from Saguache to the Agency in eleven days--six and one-half miles per day." This was important for it involved \$20,000 annually--\$10,000 for provisions and \$10,000 for goods.

"I found the sawmill completed and running, the warehouse ready for goods, other buildings advanced. The mill is one of the best in the territory. It will cut 4,000 to 4,500 feet of lumber per day."

He says he has directed Speer to sent all employees into the timber for winter. He thinks the mill, well managed, will furnish wherewithal for provisions. The herd (Charles F. Holt and John Kerr had delivered the stock cattle, including 640 cows and 1,160 sheep, according to the treaty of 1868) he pronounces the finest in the territory. The bulls were all "thoroughbred" Durhams. A permanent cow camp was established on the Gunnison, with James P. Kelley in charge until the appointment of Alonzo Hartman, who held the place four years.

Local attitude toward the stock showed some disagreement with McCook's estimate. John Lawrence said, October 25, 1869, "They are 400 of the poorest, scrubbyest and ordinariest Texas cattle that ever passed through the territory."

There was early controversy between Saguache, the center for distribution of goods, and the Agency. Even a man so honored by the authorities and by the Indians as Mears did not escape recrimination from the Agency. Speer reported to McCook in November, 1869, that "Mears advised Russell to leave fifty cows not branded. He had old hides they would brand; then say the cows died." He goes on to say Mears is united with a party in Saguache that would stoop to any mean act.

McCook's attitude toward the Agency is expressed in a report to Indian Commissioner Parker, September 30, 1870. With dismay and regret, he says, "One-third of the territory of Colorado is turned over to the Utes who will not work and will not let others work. This great and rich country is set aside for the exclusive use of savages. A white man secures 160 acres by paying and preempting: but one aboriginal vagrant, by virtue of being head of a family, secures 12,800 acres without preemption or payment....Ouray has notified me of his intention to make the place his future home, and by his request, I gave orders to employees to erect for him a comfortable home, 32 by 16 and containing four rooms. Work on the building has commenced⁶..

I regard the Agency as a success."

⁶ Those familiar with Ouray's cabin, the Agency building standing longest on the McDonough ranch, may not find this description tallies with what they knew. The original cabin burned with all of the Chief's accoutrements. For this loss he was reimbursed to the extent of \$400 by the Government, and a new cabin was built.

Lieutenant Speer was relieved September 29, 1869. The next appointee, a Captain Merril, was unable to come because of the death of his wife, and Speer was requested by the territorial governor to remain until replaced.

According to a current policy, various church boards were to recommend agents for the Indian Reservations. Los Pinos was allocated to the Unitarians. Jabez Nelson Trask (aged 40), Harvard graduate, class of 1862, was commissioned in 1871 at the customary \$1,500 annually. He reached Los Pinos May 3, of that year, and was in charge at the Agency until the end of June, 1872, when to use his own words, he was summarily "kicked out for doing his duty too well."⁷

Trask cheerfully accepted the commission, although, "being \$70 below zero, financially," he had some difficulty in getting from St. Joseph to Denver, which city he reached April 23, 1871. There he reported to Territorial Governor McCook to learn of his duties. Not waiting for transportation, which McCook was trying to arrange, he was off on foot for the scene of his future administration--a hike of some 250 miles over a trackless and unknown way!

An eccentric, of sterling honesty and guileless simplicity, he is described by Sidney Jocknick in his Early Days on the Western Slope

⁷ Besides graduation at Harvard, he was a resident graduate two years at Cambridge, graduating from the Divinity School in 1866. He was appointed Indian Agent, according to Harvard records, by the American Unitarian Association. He writes Harvard: "My time of service ended by transfer of property and duties to newly-appointed successor, pet of territorial governor and territorial delegate to Congress."

One of the "death returns" obligingly sent by Harvard says "He was a highly educated man with wide and profound knowledge of botany, geology, astronomy. It is understood he willed his body to the Harvard Medical School." He bequeathed his estate to the Society for the Protection of Dumb Animals.

of Colorado.⁸ Jocknick was serving as cook at the Agency when Trask took over. He refers to the new agent as "Jabez Neversink Trask."

He wore, according to Jocknick, a swallow-tailed coat of navy blue with brass buttons; trousers of like material, skin tight above and below the knees, and flaring out funnel-shaped at the ankles; huge green goggles, an old-fashioned beaver hat with a devil of a broad brim, and always carried a buckthorn walking stick.

The Utes objected to him, and by July 29, 1871, the state of affairs at the Agency was such that J. F. Jocknick⁹ was sent out from Washington to investigate--more especially Trask's accounts, but also those of his predecessor, Lieutenant Speer. He reached the Agency August 25.

Within six miles of his destination, he was intercepted by a camp of Tabeguache Utes numbering fifty-one lodges. U-rah (so Jocknick writes in his report), regarded as head chief of all the Southern Utes of Colorado, was present; also the following subchiefs: Sa-po-van-er-i, Shawana, Chavis, Sa-wa-wat-se-wich, Jim, Bill, and Ah-han-ash. Ouray had heard in Denver of Jocknick's coming and had collected the head men to meet him in their tent camp.

They didn't like Trask--he shut himself up in the house--refused to issue rations--treated them like dogs...They wanted a man they could

⁸ Denver, Carson-Harper Company, 1913.

⁹ Possibly Sidney Jocknick's father, as the former speaks of his early schooling in Washington, D. C.

rely on for counsel and advice, mentioning especially Col. Albert H. Pfeiffer, sub-agent, with whom they had formerly had relations in New Mexico.

Proceeding to the Agency, where there were five Whites only, Jocknick found Trask's accounts in considerable confusion. The red tape of government was too much for the Harvard Scholar. Jocknick went over Trask's accounts in detail, and was convinced of the agent's integrity. Inexperience and ignorance, not dishonesty, were the reasons for their confused state. Reports of Trask's insanity to be heard in Denver, he found utterly without foundation; indeed, he pronounced the agent above the ordinary in honesty.

Reasons for the Utes' dissatisfaction might have been found in the agent's conviction that gifts should not be given the Indians to secure their cooperation (Government practice); and that Sunday should be strictly a day of rest. It seemed that he was overly economical in expenditures, as the Indians said, for when his successor investigated assets, he found \$25,000 banked in Denver upon which Trask might have drawn.

On Jocknick's return, he was met again by the Utes, and remained with them over night, spending the evening with U-rah and other chiefs. There was much dissatisfaction over the increasing encroachments of the Whites, with no action by the Government; dissatisfaction also at the uncertainty of boundaries. "No man knows within ten miles," asserts Jocknick, "the location of the 107th meridian," officially their eastern boundary.

In the long talk with Ouray, far into the night, the latter offered to go to Washington at his own expense, to ask for a change in agent. He asserted naively that the President had promised him when he was in Washington in 1868, that he had but to ask and it would be granted.

According to Jocknick, Trask was a man who believed that whatever is, is wrong, and one feels that he is right as much as half the time. Saguache hampers and harms the Agency. The place is poorly set for agriculture. The water is too cold for irrigation. Keeping stock by the Agency, in large herds unsheltered and unfed, is a cruelty and a hazard. The sheep are poor, coarse-wooled Mexican sheep, badly in need of shearing. The Agency buildings are poorly built and even in the fall of 1871 they were showing signs of decrepitude. The sawmill is badly constructed, will not run, and therefore lies idle. He uses clever sarcasm in reference to his superiors, which, even if truthful, was inexpedient.

His estimate of Ouray is interesting. "He is of little account as an interpreter for he has but limited use of English and Mexican. He speaks with remarkable facility. I think he has been much over-estimated. He is a remarkable Indian, but would not be much above mediocrity had his lot been cast among civilized Americans. Everybody lauds him as a sort of habit, but I do not think him above lending his influence to schemers, to seekers after the office of agent, or after opportunities to make money out of Agency business, and I know that the stuff he was represented as dictating to Governor McCook last summer was a mass of fabrication conceived for no good

end. Still he is with all his self-conceit and self-will a man of good sense and of good advice among the Utahs, and is said to make a charitable use of the stipend he receives as interpreter."

Ouray had been paid by the Government as interpreter, \$500 per year since 1856.

Trask was removed by John P. Clum, June 7, 1872. Bitterly he said,¹⁰ "I did my work faithfully and efficiently, reduced expenses, had the confidence of the Indians, paid for Speer's cheats in invoice; and I shall see what is the honor of working in peril of health and life, working successfully, too, without a shadow of protection from my Government." He was, at the time, planning to learn more Mexican, and to perfect himself in Utah. Correspondence in the archives for several years is colored by Trask letters¹¹ protesting the injustice dealt him and seeking redress: a letter to President Grant (who merely refers it to the office of Indian Affairs); a letter to Charles Sumner, whose right thinking Trask admires; letters to Delano, Secretary of the Interior. He sought return of money expended to "right others' mistakes" until one feels genuinely sorry for him. At this distance, it seems to be the writer that the weightiest reason for his dismissal was that "higher-ups" were planning the purchase of the San Juan, where gold was becoming a magnet, and they despaired of the cooperation of a man like Jabez Trask, who had asserted that the Whites needed no more of the Ute land.

¹⁰ Letter in archives, dated February 1, 1872.

¹¹ Letters in the Archives report the appointment by Trask of James P. Kelly, with pony, at \$40 per month, as herder. He began May 27, 1872. His is a well-known name among Gunnison pioneers.

General Charles Adams¹² (General is only a militia title and a mark of respect) writes June 6, 1872, that he received notification on the fifth, of his appointment to Los Pinos. Trask says in subsequent letters detailing his grievances, that he had no notification of Adams' appointment or of his own release. Adams was appointed for a term of four years at \$1,500 annually and placed under a \$10,000 bond. He arrived June 25 and assumed charge July 1.

Adams reports: "I shall make the buildings comfortable for the winter. The sawmill, reported unserviceable, is now running at full capacity, 2,500 feet per day. The herding camp, near the forks of the Gunnison, forty miles distant, is in good condition. Adams plans to make the school industrial.

But primarily, Adams busied himself, cooperating with those in control, planning for a big assembly of the Agency Indian tribes to meet with commissioners recently appointed, and authorized by Congress, April 23, 1872, to enter into negotiation with the Indians for the extinguishment of their rights to the south part of their Reservation. The commission appointed comprised Edward M. McCook, governor of Colorado Territory; the Hon. J. D. Lang of Vassalboro, Maine, and Gen. John McDonald of St. Louis.

Concerning the San Juan, as early as the fall of 1860, prospectors had left Silver City, New Mexico, traveled north to the Animas Valley, and opened up the Little Giant. It was on the Indian Reservation and the Indians were watchful and jealous. By 1869, Adnah French¹³

¹² See: Colorado Magazine, VIII, No. 4, 121-123.

¹³ See: Colorado Magazine, XXII, 5, p. 205-07.

had located at Howardsville. By 1871, a dozen had staked claims; by 1872, ninety-five to 100 miners had discovered the San Juan. A mill had been taken into the region. The Indians growled and threatened; they demanded that the Government make good the provisions of the treaty. But there was no keeping the miners back except by United States troops. Adams set himself to the task outlined by the Government, and the Government had predetermined that the San Juan should be released. Trask would have set himself in direct opposition, by his nature and by his conception of justice.

A gathering such as the Cochetopa hills had never known was in process of organization. Pagosa had been the first place set; but in spite of its inaccessibility, Los Pinos was eventually decided upon. The date for the beginning of the great parley was fixed at August 18, 1872.

W. F. M. Arny, in charge of the Indians of New Mexico territory, had left Santa Fe, July 19, and combed the mountains in search of Utes. He arrived, accompanied by his son, bringing eighty lodges of the Mohuaches and twenty-four of the Capotes. Thus New Mexico was well represented except for the Weeminuches, dwellers in the region in question--the San Juan. They could not be persuaded to attend.

Maj. William Redwood Price, of the Eighth Cavalry at Pagosa Springs, came with Arny. Without the aid of Price, Arny said, he could not have accomplished the severe journey of seven days over mountain trails. With him, also, were Moses Stevens, representing the Indian

agent, Armstrong, of Cimarron; Thomas Chacun; Col. Albert H. Pfeiffer of Tierra Amarillo; and Interpreter Rinehart, the last named being responsible for the delegation of Mohuaches.

To exemplify the difficulties of transportation, a letter from Lieut. William J. Sartle, AAA General District of New Mexico, to Major Price: "Returned from Cochatopa (sic) Agency after five day's hard march through driving rain, over boggy, muddy trails. The Rio Grande, Los Pinos and Piedra Rivers were so swollen I had to swim my command. We crossed the Rocky Mountains four times, but there was no accident and the animals are in good condition." He refers, of course, to the Los Pinos river to the south.

There was an excellent representation of the Tabeguaches with Ouray, head chief, and, of course, Charles Adams, agent at Los Pinos. There was a delegation from Denver, with them J. B. Thompson, agent; a delegation from White River; and a small Jicarilla Apache delegation. The Hon. Felix Brunot, chairman of the national board of Indian commissioners, joined the meeting at the last moment. Lafayette Head, formerly in charge of the Tabeguaches at Conejos Agency, was also present.

The lodges peopled the hillsides north and south of the agency. The total number of Indians, according to McCook and others, was approximately 1,500. Others of those in authority put the number smaller; and still others at 2,000. The usual slightly oppressive quiet of the hills was changed to nightlong bedlam, according to Alonzo Hartman, pioneer of Gunnison, then employed at the cow camp and often in organization work at the Agency.

Interpreters, lobbyists, contractors, eager to promote their individual schemes, awaited the arrival of the commission. A Mr. Yeomans, representing an English company, wanted to lease or buy the reservation. R. Rinehart of Cimarron wanted the Mohuaches retained at Cimarron so he could feed them. Mears of Saguache wanted contracts; and numerous others, whatever they could get.

The Commission, a week late (while the Indian is said to be the soul of punctuality) after eight days on the road from Denver, had been handsomely entertained for a day at Fort Garland by General Alexander, Eighth Cavalry, commander at the fort, during which time transportation and rations for the 200-mile trip were arranged. Alexander, who had been ordered to accompany them, placed at their disposal an ambulance, two saddle horses, a spring wagon, a freight wagon. These, with a carriage brought from Pueblo and one furnished by Ferdinand Meyer¹⁴ formed the cavalcade. General Alexander furnished the tents and a detail of seven men as escort.

The Rocky Mountain News had attached a correspondent to the Commission. His account, Sept. 7, 1872, is lively, written with touches of levity. It seems to have been an exciting outing for the young man. The party crossed the San Luis valley and camped two nights on the Rio Grande; the third night in the Saguache valley; and the fourth night about seven miles below the summit of Cochetopa Pass. They completed the final lap by 10 o'clock in the morning. They were met several miles from the Agency by Agents Charles Adams,

¹⁴ Storekeeper at Fort Garland. See: Colorado Magazine, XXVIII, pp. 94--96.

J. B. Thompson and Interpreter Curtis. They reached the Agency Saturday, August 24. They had a retinue of Negro servants, according to some local reports, but the writer found nothing of that in the Archives.

The Utes lent themselves to formality, and the chiefs arrayed in the paraphernalia of war called upon the Commission the morning after its arrival. They were presented by Ouray, head chief, after which an exhibition of their war dance ceremonial was given on the "parade ground." Decision was made that a preliminary council be called the following Wednesday, August 28. U. M. Curtis of Denver was chosen Ute interpreter of the Spanish language for the Commission. The council was held in the schoolhouse, a building where "the young idea has never been taught to shoot," comments the News correspondent. It was then being used as an officers' mess and part of the time as a second storehouse.

"Are all the Indians ready to listen?"

"Yes," responded Ouray.

Territorial Governor Edward McCook then addressed them. He was introduced to Ouray by Curtis in Spanish, and by Ouray to the other Utes. He explained the Act of Congress, April 23, 1872, authorizing negotiation with the Utes for the southwest portion of their territory. "This must all be voluntary," he placated. "It is your land, and we will give you a fair price."

Lang talked, emphasizing the brotherhood of the Whites and Indians. "The Reds have been abused, wronged, cheated by bad white men, but

there are white men who will treat you fairly. Are you willing they should come in?"

McDonald talked in a similar manner. Then Felix R. Brunot, Chairman of the National Board of Indian Commissioners, said, "White man has a farm he can't fence. He sells part of it, and takes care of the rest." He went on to explain that the Utes had too much land--more than they could use.

This did not "set very well" with the Utes. Stubbornly, Ouray reported: "We don't wish to sell. We want the Government to live up to the treaty and keep the white men out of our land." So the matter was at an impasse, the Indians failing to see how the discovery of gold altered solemn treaties.

Assembled Thursday afternoon, August 29, for the second day of the conference, the Utes objected to the White's talks being written down. Finally, it was agreed that the talk of both parties should be written.

Sapowanero, Tabeguache chief, reiterated: "We do not wish to sell; white man should be kept off."

Kan-e-a-che, Muhuache chief, mistrusted the commission altogether. How did they know it was sent out by the President? "We do not want to treat with you. We hear Governor McCook is working to get hold of these lands; Governor Army is always working against us. The Cimarron is my home--the country where I have always lived."

"Do you live on the Reservation?" he was asked.

"I am here now," was the answer.

Ko-chum-pe-ache, subchief of the Capotes: "I was born there; I cannot sell. Miners say Government gives permission. Soldiers at Pagosa Springs should be taken away. Is this you talk fair and straight? You say land ours. We decide."

McCook explained the difference since 1868. It is now best that the Government extinguish the Indians' title and pay them a large sum. If not, the Government would have to send soldiers to drive the miners out. Whoever said he wanted their land was filling Kaneache's ears with lies. He wouldn't go there if the Utes ceded it for nothing.

By the third day Sapowanero said with finality: "We do not wish to sell any land--nor say anything more."

Cha-vez, subchief of the Uncompahgres: "If the Commission think they can buy this land, they are mistaken--there would be more miners--more trouble. Sheep and cattle would be brought in to harass us."

It was brought out that the Weeminuches who lived in the San Juan, the land in question, were not present.

The Commission deviated from the central subject, hoping to influence the Utes. "Results of an election may put those in office unfavorable to the Utes," they suggested. "We hope that won't happen. If it does, the present gener^{ous} treatment of the Indians might be reversed."

At the Saturday council, Brunot was not allowed to talk. "His talk makes our hearts bad," said Ouray.

"We know there is a God," said the Utes. "We know we have souls."

"A little while ago," said Ouray. "You said there was nothing more to say. Why do we still talk?"

On Sunday, September 1, 1872, the Commission left the Agency, traveling via San Luis Valley, South Park and Ute Pass to Colorado Springs, by transportation brought from Fort Garland; thence by rail to Denver, reaching there September 8.

Maj. A. J. Alexander, writing September 17, says: "Ferdinand Meyer, Costilla, was present the last day of the council, and says the Indians became much excited, and at one time it looked as if the council would break up in bloodshed. Yulay (so spelled) refused to interpret, saying "I will tell no more lies to my people." The Indians left in an irritated state, though, through Ouray, they made the promise not to molest the intruding miners, until spring, at least.

The report of the Commission had nothing of this. They said undue influence on the Utes before the conference accounted for their failure to secure their objective, but they considered the conference beneficial.

A SECOND CONFERENCE CALLED

The Commission made it clear that they believed satisfactory negotiations could eventually be made with the Utes. Thus in the following year,

June 20, 1873, Felix R. Brunot and Nathan Bishop were named to renew negotiations leading to accession. Instructions to the Commission enumerated the objectives:

The Reservation is unnecessarily large, comprising upwards of 14 million acres of the best agricultural and mineral lands in Colorado. The number of Indians occupying it is comparatively small, not exceeding four or five thousand. The people of Colorado desire to have that portion of the Reserve not needed for Indian purposes thrown open to entry and settlement as public land in order that the agricultural and mineral resources may be developed--especially the portion lying between the southern boundary and the 38th degree of north latitude.

Brunot, then at Cheyenne, received a telegram from Charles Adams, Los Finos agent, saying that he and Chief Ouray were in Denver. Brunot invited them to Cheyenne for conference, the main subject of which was the outlook for the return of Ouray's son (by his first wife), captured by the Sioux on the Republican River, Kansas Territory, some years before and said, now, to be with the Arapahoes. This, evidently, was to be one of the ways of obtaining Ouray's good will and through that, his influence in the second conference than being planned.

"The Government is strong; it can do what it wants to do," said Ouray. "If they will do what they can to return my boy, I will do what I can for the Government in regard to our lands."¹⁵ Thus, what was common property of the Utes was to be used for the chief's own purposes.

Adams reported that the prospects for agreement to the treaty were favorable. He said, "If pending negotiations to restore Ouray's

¹⁵ Annual Report Commission of Indian Affairs, 1873, 112.

son, Friday (Pahlone, according to the late Mr. Joe Guenin), are successful, there will be clear sailing for the purchase of the San Juan."

Tentative arrangements were made for a treaty council in August, 1873, and word went out to the Denver Agency, the White River Agency, and to the superintendent in New Mexico, to have the Indians assemble at Los Pinos prior to August 20, 1873, when the council would be held. Only those immediately concerned were to be admitted. They had learned their lesson the previous year. There were to be no hangers-on.

Brunot was detained in Cheyenne longer than expected. On his arrival in Denver, August 27, he learned that his colleague in the Ute Commission, Hon. Nathan Bishop, would not be able to join him. He also learned that the agent he had sent to the Arapahoes to obtain Ouray's son was to reach Fort Scott, August 28, so he and his secretary waited in Denver till September 1, after which date, receiving no word from his messenger, they started for Los Pinos, reaching the Agency September 5, 1873.

The President had issued an order to eject the miners and other unauthorized persons from the Reservation, May 16, 1873. On May 17, Gen. Phil Sheridan, commanding the military Department of the Missouri, on consultation with the President, ordered that if the troops had not left Fort Garland, the directive was to be suspended for the present; if they had, they were to be overtaken and halted. "Use no violence," was the warning. The removal would cause great

excitement. The Indians were aware of this countermand. Added to this, the annuity goods which the Commission had hoped to have distributed during the council, shipped from New York June 1, did not arrive. There was nothing definite about Ouray's son.¹⁶ Altogether the situation was not propitious.

The council convened the morning of September 6, 1873. The Utes did not wish to talk of selling. They were heated in their demand that they be satisfied as to southern and eastern boundary lines. The Whites had not kept faith with them, they declared.

In this council, the following Whites were present: Hon. Felix R. Brunot and Thomas Cree, his secretary; Dr. James Phillips of Washington as Spanish interpreter for the Commission; John Lawrence and James Fullerton, Spanish interpreters for the Indians; Agent Charles Adams; Thomas Dolan, sub agent at Tierra Maria. Ouray served as Ute interpreter.

In opening, Brunot said: "Whenever we hold a council with the Indians, we know the Great Spirit sees us and knows our hearts, and we want to ask him to make our hearts all right and direct us in this council. I want you all to stand up while I talk to the Great Spirit."

Brunot led in prayer, all reverently standing, and Ouray interpreted the substance of the prayer to his people.

¹⁶ Ouray met his son later in Washington. See: Hafen, Ann. W.: "Efforts to Recover the Stolen Son of Chief Ouray," Colorado Magazine, Vol. XVI, No. 2, pp. 53-62.

Ingratiatingly, Brunot told them how pleased he had been with their attitude the year before! How he had urged the President to force the miners off the Reservation, but had later heard that the Indians wanted to sell and he thought their expulsion would only make trouble between Indians and Whites; thus this meeting had been called to determine whether the Indians really wanted to sell.

Shavano, Tabeguache chief, jumped to his feet. "Those lines the surveyors are running on the Reservation are not according to the treaty. The mountains were the boundary of our Reservation (on the east) and we want to know what treaty has been made that gave them the privilege of coming in here and running those lines."

Brunot replied that the treaty tells the lines of the Reservation. "I had nothing to do with making the treaty. The way the Whites have of telling the lines by the compass you do not understand. When the treaty was made the lines were named, but they were not put on the land. When they located the Agency, they thought it was on the Reservation."

Said Ouray: "It was on the Reservation. I was interpreter and knew what the boundary lines were."

Brunot: "I do not know anything about these surveyors. They only wish to find out if the lines are where you thought they were."

Ouray: "They are measuring, and whenever they find a mine, they take a little piece more of our country. I interpreted it to the Utes when the treaty was made that the line would be from the Rio Grande to the head of the mountains. We understood it so until the

present time. The rivers that run to the east from the mountain range are off the Reservation; those that run west are on it. The miners have come to San Juan and Washington Gulch, and the miners will gradually settle down on the lands in the valleys."

So it went for the afternoon, the two Apache chiefs desiring to know what was to become of their reservation, and Shavano becoming quite bitter in his denunciation of the Government.

Said he: "When I was in Washington, the treaty put the line on the top of the mountains, and not where it is now. The President heard it and knows where it was. That is why it is hard to make this contract. The lines have been changed. It is bad faith on the part of the Government."

In subsequent council meetings, Brunot kept trying to impress on the Indians that he was their friend, that he had nothing to do with making the unsatisfactory treaty of 1868. The main discussion shifted to where the Wouthern Utes were going to live. They desired that their Agency be on the Dry Cimarron, while according to the treaty of 1868, this had been sold. They admitted this but wished to remain where they were, anyway.

Brunot patiently explained: "All these years the President has been kind, letting them stay; he hadn't made them do what the treaty said. Now when the President thinks they should come on the Reservation, they should listen to him. I will ask Mr. Adams to read the names signed to the treaty. Do you wish to hear them?" Despite strenuous objections, the names were read, and it was agreed that Curecanti should go to Washington and talk personally to the President. Upon

the outcome, it would depend whether or not the Southern Utes should stay where they were or come on the Reservation. As to the southern boundary, Brunot passed the matter to the President on the Indians' trip to Washington. "As a friend of the Utes," said Brunot, "I have made some marks to show the best thing that I think Congress will approve. I have made the lines in the very best place I can for the Utes. If you sell the mountains the way I point out, the Government agrees to pay you \$25,000 a year as long as you and your descendants live. Last year the Commission that was here told me that they were going to offer for ten years but little more than I now offer to pay each year forever. I am offering you the largest sum I think the Government will agree to pay--\$25,000 a year, every year forever.

"The building of houses and what is wanted for the Agency will not come out of the \$25,000. If you agree to it, I will be glad. We will make out a paper. We will make three copies: one for me to take to the President, one for Ouray, and one for the agent to keep. The chiefs will have to go to see the Indians that are not here.

"I see you do not wish to do so. We have had this long talk for nothing. Perhaps there is something you do not know. I would say in the paper you could in the part sold as long as there is any game in it. But I see you do not wish to agree, and we will now close the council."

The following day, Thursday, no council was held, but the Commission stayed at the Agency, thinking that the Indians would yet enter into the agreement. The following day, the Indians counseled all day, and

the following morning, Saturday, September 12, one week after the beginning of the council, they expressed themselves as willing to enter into the agreement, provided some of the chief men of each band, together with the secretary of the Commission, should visit the land to be sold. If it proved to be mining, not farming, land, then all would sign. (It took three-fourths of the adult male Indians, according to treaty.)

What influences were brought to bear on the Indians in council must be left to the imagination. Part of the annual appropriation was used to persuade the Indians to negotiate--and with the knowledge of Congress. Mears said Ouray should have an annuity of \$1,000 as long as he was chief of the Utes and they were at peace with the Whites.

"Bribery," declared Brunot, indignantly.

"A just salary, not bribery," countered Mears.

There was a theory, too, that to an Indian, \$2 in the hand was worth more than the interest on \$25,000 for life. And there was always the Ute fondness for drink.

In accordance with an agreement made, Cree, Brunot's secretary, Charles Adams, Thomas Dolan, and representatives from the different tribes visited the country in question. One mine, with considerable money invested, was said to yield \$1,000 per day. Some \$500 to \$600 leads had been located and about 250 or 300 miners were in the country. It is evident from this that the Utes had in mind the mines only in their sale of land. Mears was called in when the negotiations

were all but closed, and it seemed to be his influence that turned the tide. Whatever the Utes may have thought about selling the mines and retaining the valleys for agriculture, the treaty had hard and fast lines: 107 north latitude, the 38th parallel. There was the one exception: if Uncompahgre Park extended below the northern boundary, it was still to belong to the Utes. And so 3,500,000 acres were added to United States territory.

IMPORTANT VISITORS AT THE LOS PINOS AGENCY

It was during Charles Adams' incumbency that a number of events important to local history took place. The Parsons geological expedition went into camp near the Agency. The Indians were incensed, but Ouray case the weight of his influence in their favor, and they were allowed to carry on their investigations. William H. Jackson,¹⁷ "Picture Maker of the Old West," was with the Hayden expedition later, securing the best of all photographs of Ouray, and many other pictures, until the superstition of the Utes forced him to halt. Especially were the Utes fearful of the future effect on babies of the photographic process.

In May, 1874, Sylvester Richardson arrived at the Agency with his associates and his wagon train. They were to form the nucleus of the future-great Gunnison,¹⁸ which might have been Richardson had it not been for Gilpin's support of the name of his friend, Captain John W. Gunnison. Indian ponies were headed from all directions to

¹⁷ See: Jackson, "Visit to the Los Pinos Agency in 1874," Colorado Magazine, XV, 201-209.

¹⁸ See: Hagie, "Gunnison in Early Days," Colorado Magazine, VIII, 121-129.

the central office of the Agency in protest as the wagon train drew up. But Adams' advice was: "Go ahead if you must--but keep off the Reservation."

It was also during Adam's administration that Alfred Facker, "the man-eater," appeared at Los Pinos after his self-imposed seclusion in the San Juan hills. This bit from Alonzo Hartman, Gunnison pioneer, may be added to the volumes written about Facker.

"On or about the last days of February," says Hartman, "I was at the Los Pinos Agency where I had spent the winter. The day had been springlike. The snow was getting soft, but early in the morning the crust would hold a man's weight. I was getting some wood for the night when I noticed a man coming down the little creek, walking leisurely on the ice. He carried a gun and a little pack strapped about his shoulders. I knew the man did not belong to the Agency, for there were only a few of us staying there that winter, and the others were all sitting about the fire reading or playing cards. So I just busied myself on the woodpile and waited his coming. There was no one in the section nearer than 50 miles, so it seemed strange that a man should drop down from nowhere so suddenly. I was wondering what it all meant when he came up."

"Hello," I said, "Are you lost?"

Packer, for that was who it was, rubbed his eyes. "Is this the Agency?" he said.

"I told him it was. He didn't seem different from any other man who had been exposed to winter weather. His hair and beard were long

and matted; but he showed little sign of having suffered from severe winter weather, lost in a wild uninhabited country with the thermometer showing between 30 and 50 degrees below zero many mornings. Naturally, one would expect that no man could stand the exposure this man had been through and live; but here was the man alive and seemingly none the worse for his experiences."

Hartman says the man avoided direct questioning. Knowing he must be cold and hungry, Hartman "Hustled" him to General Adams' office and left him there. After being fed and clothed, Packer told his story, which is common to all the many accounts.

Before we complete the brief history of the Agency previous to removal to Uncompahgre, let us note here that although the treaty of 1873 was entered into at Los Pinos, September 13, 1873, it was not approved by Congress until April 29, 1874. This became technically important in the Packer trial.

Administrative change came to Los Pinos, even though Adams was conceded to be doing excellent work and had the respect of the Indians. He was replaced July 30, 1874, by the Rev. H. F. Bond, another Unitarian minister. The larger part of Adams' staff resigned when he was superseded.

Thomas Cree, Brunot's secretary, reported, March 6, 1874, that Adams' wife was the Agency teacher at \$1,000 per year when the schoolhouse was not begin used. Adams, however, drew a pleasant picture of his wife on the floor of the Agency house with the few Indian children interested, carrying on profitable work in directed activity. He contends her efforts were fruitful. This probably had nothing to do

with his dismissal, for the next agent, also, secured the position of teacher for his wife, thus adding considerably to a \$1,500 salary. He says this was promised him when he took the job.

THE AGENCY IS MOVED

For some time, the removal of the Agency had been discussed. It was not on the Reservation, though it was thought to be so when established. The Indians remained there only three or four months of the year, on account of the extreme cold, thus no progress could be made in agriculture nor in education, two prime objectives. Perhaps there were other influences brought to bear, also. Adams had estimated the cost of moving at \$19,000.

Ouray thought the Indians would not move farther than the cow camp at the junction of the Gunnison and the Tomichi, and proposed temporary buildings there until they could be induced to go farther west. The Cebolla valley was also considered, but finally the Uncompahgre valley was selected, and the removal to the new agency was complete about November 20, 1875.

On July 23, 1875, Bond reports sending the sawmill. It took four wagons with three yoke of cattle each, one mule team, and 12 men three weeks to make the transfer. Says Alonzo Hartman, who assisted in the removal, "It was no small task to move all the Agency stuff over 75 miles of mountains and deep canons with herds of cattle and sheep and hundreds of ponies, part of them heavily packed with Ute belongings."

The writer visited the Old Agency this summer, and it took a wide stretch of the imagination to people the hillside with Indian tepees, to place the various buildings around the "parade ground," and to vision the spirited racing along the track still to be plainly seen east and south of the modern ranch house.

It was big John McDonough that bought the Agency location in 1882. His strength is a legend. Everyone who knew him has a different strong-man story. The latest one related to me was that he could seize a burro by mane and tail and place him in any desired position; another that he could stand flat-footed and jump over a billiard table. The Old Agency passed to his son, Will McDonough, handsome and urbane, a favorite with many. The big hay and cattle ranch is now owned by capable Parker McDonough, Will's son. We had gone up from Gunnison to view the \$40,000 dam he is building on the Los Pinos. One year of adequate irrigation, which the big dam is calculated to make certain, would, in a dry year, pay for the dam, it was said.

"Maybe it won't do me a lot of good," said Parker (still a young man), "but there is my son." And Will McDonough II is now established, since his marriage, in a small house near the big ranch house. Other members of the family will undoubtedly receive adequate provision, but it is perhaps natural to expect the son to carry on with the ranch.

An amazing change from Ouray's time! But Baldy-Chato, still bald and still flatnosed, guards Los Pinos Pass with a dignity which far

outweighs trivial personal defects, and Old Agency Peak on the north catches the glitter of the western sun much as it did when Ouray looked from his cabin door of an evening.

