

Formal Comment in Opposition to Petition #409, AUC

Submitted by Timpanogos Nation, Snake Shoshone Indians of Utah Territory

Office of Chief Executive
Mary Murdock Meyer
P.O. Box 327
Fort Duchesne, Utah 84026

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DOI/OS/AS-IA/OFA
Washington, DC

September 30, 2025

RE: Comment in Opposition to Petition #409, AUC

We submit this comment in opposition to Petition #409 for the following reasons.

Background of AUC and the Ute Indian Tribe

AUC, or Affiliated Ute Citizens, originated from the Ute Indian Tribe in the 1950s. AUC was formed to facilitate the division of tribal assets between full-blood and mixed-blood members during the termination process. The Ute Indian Tribe comprises three bands: Uncompahgre, Whiteriver, and Uintah. The 490 members of the terminated segment, AUC, are drawn from these three bands. This division was established by Congressional action and codified in Title 25, Section 677.

We the Indians of Utah, Timpanogos Tribe, are not listed in the formation of the Ute Indian Tribe—only the Uncompahgre, Whiteriver, and Uintah bands of Utes.

AUC's Role in the Termination Act

AUC was part of the Ute Termination Act, having been formed during the termination process and consisting of the same three bands as the Ute Indian Tribe. The assertion that certain groups were separated but not terminated is misleading. Petition #409 concerns AUC, 490 individuals formerly part of the Ute Indian Tribe, which is a splinter group of the Ute Indian Tribe. It cannot separate its members into different tribes or categories.

The Uinta Band and Leadership Issues

Dora Van claims she is the Uinta band of Utah's there is also another group calling itself the Uinta Band of Utah's consisting of enrolled members of the Ute Indian Tribe, led by Mary Carroll Jenkins. Jenkins and her committee were previously banned from the tribe for five years due to their claims but have since been reinstated, by choice, with full Ute Tribal membership and received back pay for the period of absence. In fact the courts have ruled that there is only one Uintah band and it belongs to the Ute Indian Tribe.

Ms. Van's claim that termination was repealed in 2015 is incorrect; if that were true, the terminated members and their heirs would have received notice, and the UDC would have been dissolved. Instead, the shares would revert to Ute Tribal shares, and there would be no need for AUC to gain separate Interior Recognition.

Errors in Previous Acknowledgment Claims

Under treaty relations, the unratified Spanish Fork Treaty is cited, but it was authorized for the Indians of Utah Territory. AUC, Uinta Band, and Uintah Band of Utahs are not listed. The Spanish Fork Treaty names the Utah Indians as the Pahvant, Sanpete, Timp-nogs, Yampa, and Cuccumba, they are Utah's Indians.

The Congressional Act of May 5, 1864, established the Uintah Valley Reservation for the "exclusive use and occupancy" of the "Indians of Utah Territory." This act does not mention the Colorado Confederated Utes, known as the Ute Tribe, (Uncompahgre, Whiteriver, and Uintah bands of Utes) or any sub-groups like AUC, (Uncompahgre, Whiteriver, and Uintah bands of Utes).

President Abraham Lincoln set aside the Uintah Valley Reservation with the directive, "Let the reservation be established as suggested." Congress ratified the act on May 5, 1864, designating the reservation for the "exclusive use and

occupancy" of the "Indians of Utah Territory". It did not designate it for the Confederated Utes (Uncompahgre, Whiteriver, and Uintah bands of Utes) of Colorado.

Historical Identity of the Uintah Utes

The Uintah Band can be traced through history as Colorado Indians, appearing in government reports and treaty negotiations in Colorado from 1864 to 1879. After their removal to Utah, they are listed on agency rolls as the Uintah band of Confederated Utes.

Page 130 lists Antero as Chief of the Yampahpah and Taos Utahs. These bands are not listed on the Treaty of Spanish Fork as Indians of Utah. The Uintah band is included in the Colorado unratified Treaty of the Yampa Grandriver and Uintah bands in 1866 and Antero signed the Confederated Ute Treaty of 1868 as an Uintah Ute.

Rachel Wanzitz was adopted into the Confederated Utes as an Uintah Ute band member. Raised by the Allred family in Springville, Utah, and later sent to Indianola, she is the daughter of Chief Wakara. Rachel was sent to the Uintah Reservation as a Mormon missionary in the 1890s the Colorado Utes adopted her in when Wabun Wonzitz said he knew her. She was given the Name Wonzitz at that time. Prior to that time, she was known as Rachel Allred Murray as her husband was a man named John Murray.

Constitutional Claims and Tribal Identity

Petition #409 alleges two constitutions for the "Uintah Band of Utah's." In fact, one constitution is for the Confederated Utes (Ute Indian Tribe, Whiteriver, Uncompahgre, and Uintah bands), and the other is for AUC (490 Terminated from the Ute Tribe), given during the termination process. There is no constitution for the "Uintah band of Utah's."

The letterhead of the Affiliated Ute Citizens also refers to themselves as the Uinta Valley Shoshone tribe of Utahs. Changing the name does not alter the fact that AUC was formed by the Ute Indian Tribe. Individuals with other Native heritage should apply to their respective tribes. Some of the 490 terminated Utes have done so, enrolling with tribes such as the Sioux, Midu, Choctaw, Timpanogos, and Hopi. AUC was formed for mixed-blood Utes, not all mixed-blood Utes have Shoshone ancestry. Simply adding "Shoshone" to the name AUC does not change these facts.

Events Surrounding Timpanogos Tribe and Dora Van

The Timpanogos Tribe distributed a history pamphlet, which Dora Van acquired. She later invited Chief Executive of the Timpanogos Tribe, Mary Murdock Meyer, to meet with her, Ms. Van, claiming she had people who fit within the Timpanogos. Meyer explained Timpanogos' history to Ms. Van and was invited to a meeting Ms. Van was holding at the Moon Lake Electric building in Roosevelt, Utah to share information with the group. At the meeting, Meyer was not allowed to address the crowd of approximately forty people. Instead, Ms. Van while staring Meyer in the face Quoted our packet, using our paperwork as if it were her own. Further, told all the attendees that they were Shoshone, based on her own research. Shoshone history is not Ute history and has no place with AUC. When a question was asked by Meyer's group, police were called to escort them out. She has since purported to represent a Shoshone group while filing for recognition as a terminated Ute group. The Timpanogos people are separate from the Colorado Utes. Ms. Van was informed that she would need to apply to the Timpanogos Tribe to claim status as an "Indian of Utah" as the Uintah band belongs to the Colorado Confederated Utes. She refused.

Prior to meeting Meyer, Ms. Van advocated for the mixed-blood Utes. She claimed Ute heritage. Now, she attempts to link Shoshone heritage to the Confederated bands of Ute Tribal members and their termination policy. Courts have consistently ruled that mixed-blood Utes are terminated, and only Congress can reverse termination. This Attempt to merge Shoshone and Ute as one is not legally sound. That would take an act of Congress that doesn't exist. The history of the Timpanogos Shoshone has been documented in our petitions and correspondence with your office since 1999. See historical portions of documented petitions received by your office in 2015 and 2023.

Misrepresentation of Tribal Mergers and Treaty Groups

Ms. Van claims all Indians from the Spanish Fork Treaty have merged and are now the Uinta Utahs. This is inaccurate. The bands listed on this treaty are clear. The Pahvant and Sanpitch are now listed with the scattered bands at the Cedar City Reservation. The Cuccumba/Weber Ute are now with the Northwestern Shoshone or Shoshoni/Goship. The Yampa/Uintah bands wandered between Utah and Colorado and are signatures to the Confederated Utes treaties in

Colorado. Especially the Confederated Ute treaty of 1868. In Article 2 of this treaty, they relinquish all rights and title to everything in the Continental United States except Colorado. The Timp-nogs or Timpanogos remain on the Uintah Valley Reservation as assigned by the Congressional Act of May 5, 1864, but were left out of the recognition process due to historical circumstances and administrative error causing the present recognition errors.

For tribes to merge, all parties must agree, and Congressional action must ratify the merger. This has not occurred for the Indians of Utah. The only merger here was with the three bands of the Ute Indian Tribe during termination. Ms. Van's petition conflates the terminated AUC group is the same entity as the Uinta Valley Shoshone, undermining the claim that they are Shoshone. Shoshone people would not petition to be known as Affiliated Utes.

Conclusion and Recommendation

Petition #409 is an attempt to circumvent the terminated status of AUC. Congress remains the only authority that can reverse termination. If some members of Ms. Van's group can verify, they are truly "Indians of Utah," they should research their lineage and apply to the appropriate Shoshone tribe. The Ute Tribe, including its terminated portion AUC, cannot assist them. The Ute Tribe already has federal recognition, and AUC's claim to represent the Ute Tribe does not benefit those that may have Shoshone heritage. Using Timpanogos knowledge and history misapplying it to Ute Status is wrong. And we the Timpanogos feel that this is an attempt to further confuse the issues on the Uintah Valley Reservation.

The issue is simple. There are two Tribes on the Uintah Valley Reservation. The Indians of Utah, Timpanogos Nation, under the Congressional Act of 1864 and the Colorado Confederated Utes now known as the Ute Indian Tribe, under the Congressional Act of 1880. Ms. Van claims AUC as the name of her entity. A Congressionally terminated group of the Ute Indian Tribe.

Documents to support Formal Comment in Opposition to Petition #409, AUC

1. Abraham Lincoln's October 3, 1861, Executive Order and recommendation of Caleb R. Smith
2. Congressional Order of May 5, 1864, setting aside Uintah Valley Reservation for the "exclusive use and occupancy" for the "Indians of Utah territory"
3. Treaty with the Utah, Yampah Ute, Sanpete Ute, Tim-p-nogs and cum-nm-bah bands of Utah Indians, June 8, 1865
4. Mar. 2, 1868, 15 Stat., 619 Ratified July 25, 1868, Proclaimed. Nov. 6, 1868
Article 3; It is further agreed by the Indians, parties hereto, that henceforth they will and do hereby relinquish all claims and rights in and to any portion of the United States or territories, except such as are embraced in the limits defined in the preceding article.
5. Act of June 15, 1880, Ute removal Act which brought four of the seven bands of Colorado Confederated Utes to Utah. The Indians of the Whiteriver Agency, Uintah, Yampah/Grandriver and Uncompahgre.
6. Cover and front page of the Constitution of the Ute Indian Tribe of the Uintah and Ouray Reservation Approved January 19, 1937, showing for whom the Ute Tribe was formed
7. Cover and front page of the Corporate Charter of the Ute Indian Tribe of the Uintah and Ouray Reservation, Ratified August 10, 1938
8. Letter to David Allison superintendent from Richard D. Hackford asking 3 questions
9. Response from David Allison to Richard D. Hackford's letter answering 3 questions and in his closing sentence adds, "I find nothing to support your theory that the Uintah Band holds a priority date of 1861"
10. Title 25 677, Showing the Ute Termination Act was codified stating Termination of Federal Supervision over property of Mixed-blood members.
11. Documents showing AUC meeting is for Members and spouses only as listed on the final mixed-blood membership roll of 1956.

Secretary of War
October 3^d 1861.

In reply to a communication from
the Commissioner of Indian Affairs
specifying - and recommending that
the Valley of the Winatche
River in the Territory of
Oregon, be reserved to the
United States and set apart as
an Indian Reservation.

Executive Order
October 3^d 1861.

Let the reservation be es-
tablished as recommended
by the Secretary of the Interior.
A. Lincoln.

Received October 25th 1861.

Department of the Interior,
Washington Oct 3-1861

Sir:

I have the honor to transmit to you for your consideration, the recommendations of the Acting Commissioner of Indian Affairs, that the Heart Valley in the Territory of Utah, be set apart and reserved for the use and occupancy of Indian Tribes.

In the absence of an authorized survey (the valley and surrounding country being as yet unoccupied by settlements of our citizens) I respectfully recommend that you order the entire Valley of the Heart river, within Utah Territory, extending on both sides of said river to the crest of the first range of con-tinuous mountains on each side to be reserved to the United States and set apart as an Indian Reservation.

Very Respectfully

Tris. O. Jewell

To the President

(Signed) Caleb B. Smith
Secretary.

CHAP. LXXVII. — *An Act to vacate and sell the present Indian Reservations in Utah Territory, and to settle the Indians of said Territory in the Uinta Valley.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and required to cause the several Indian reservations heretofore made, or occupied as such, in the territory of Utah, excepting Uinta valley, to be surveyed into tracts or lots, not exceeding eighty acres each, under the direction of the commissioner of the general land-office, and upon the completion of such surveys shall cause said tracts or lots to be sold, upon sealed bids, to be duly invited by public advertisement, for a period not less than three months, in a newspaper of general circulation published in the territory of Utah, and also a newspaper published in Washington, to the highest and best bidder; said bids may be filed with the governor of said territory at the seat of government thereof, and with the Secretary of the Interior in Washington; such bids as may be received by said governor shall, without opening the same, be forwarded to the Secretary of the Interior, when the same, with the bids filed with him, shall be opened in the presence of the Secretary of the Interior, the commissioner of public lands, and the commissioner of Indian affairs, and any bidders who may choose to be present at the opening thereof; and the Secretary of the Interior shall apply the proceeds of such sales to the construction of improvements upon the reservations which may be established under the provisions of this act, or by other lawful authority, or to the purchase of stock, agricultural implements, or such other useful articles as to him may seem best adapted to the wants and requirements of the Indians: *Provided,* That no tract of land shall be sold under the provisions of this section for less than its appraised value in cash, to be duly ascertained by commissioners appointed by the Secretary of the Interior for that purpose

SEC. 2. *And be it further enacted,* That the superintendent of Indian affairs for the territory of Utah be, and he is hereby, authorized and required to collect and settle all or so many of the Indians of said territory as may be found practicable in the Uinta valley, in said territory, which is hereby set apart for the permanent settlement and exclusive occupation of such of the different tribes of Indians of said territory as may be induced to inhabit the same.

SEC. 3. *And be it further enacted,* That, for the purpose of making agricultural improvements in the Uinta valley for the comfort of the Indians who may inhabit the same, and to enable them to become self-sustaining by means of agriculture, there is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of thirty thousand dollars, which sum shall be expended by the superintendent of Indian affairs for said territory, under the instruction of the Secretary of the Interior.

APPROVED, May 5, 1864.

TREATY WITH THE UTAH, YAMPAH UTE, PAH-VANT, SANPETE UTE, TIM-P-NOGS
AND CUM-NM-BAH BANDS OF THE UTAH INDIANS, JUNE 8, 1865

Articles of Agreement and Convention made and concluded at Spanish Fork Indian Farm, in the Territory of Utah, this Eighth day of June, Eighteen hundred and sixty five, by O. W. Irish, Superintendent of Indian Affairs for said Territory, Commissioner, on the part of the United States, and the undersigned chiefs, head men and delegates of the Utah, Yampah Ute, Pah-vant, Sanpete Ute, Tim-p-nogs and Cum-nm-bah Bands of the Utah Indians occupying the lands within Utah Territory, on behalf of Said Indians and duly authorized by them.

June 8, 1865.
Unratified.

ARTICLE 1. The said bands of Indians hereby surrender and relinquish to the United States all their possessory right of occupancy in and to all of the lands heretofore claimed and occupied by them, as hereinafter mentioned, within the defined boundaries of the Territory of Utah as follows—towit, Commencing at a point formed by the intersection of the thirty second degree of longitude west from Washington with the forty first degree of north latitude; thence due west on the forty first degree of north latitude to the thirty eighth degree of longitude; thence due south on the thirty eighth degree of longitude to the thirty eighth degree of north latitude; thence due east on the thirty eighth degree of north latitude to the thirty second degree of longitude thence due north on the thirty second degree of longitude to the forty first degree of north latitude to the place of beginning.

ART. II. There is however reserved for the exclusive use and occupation of the said tribes the following tract of lands; viz "the entire valley of the Uintah River within Utah Territory extending on both sides of said river to the crest of the first range of contiguous mountains on each side" which said tract shall be, so far as is necessary, surveyed and marked out, set aside and reserved for their exclusive use and occupation nor shall any white person, unless he be in the employ of the Indian authorities, be permitted to reside upon the same, without permission of the said tribe, and of the Superintendent of Indian Affairs or United States Indian Agent. It is however understood that should the President of the United States hereafter see fit to place upon the reservation, any other friendly tribe or bands of Indians of Utah Territory, to occupy the same in common with those above mentioned, he shall be at liberty to do so.

ART. III. The said tribes and bands agree to remove to and settle upon the said reservation within one year after the ratification of this treaty, provided the means are furnished them by the United States to enable them to do so—In the meantime it shall be lawful for them to reside upon any land not in the actual claim and occupation of citizens of the United States, and upon any land claimed or occupied if with the permission of the owner.

ART. IV. The right of taking fish at usual and accustomed grounds, and stations is further reserved to said Indians in common with all white citizens of the Territory and of erecting temporary houses for the purpose of curing them, together with the privilege of hunting and gathering roots and berries on open and unclaimed lands.

ART. V. In consideration of the foregoing relinquishment of their right of possession the United States agree and stipulate as follows; viz:

First, To protect the Indians in the possession of the aforesaid tract of land reserved for their future homes, and their persons and property thereon, during good behavior on their part,

Second, To pay to them, or expend for their benefit the sum of twenty five thousand (\$25,000^{00/100}) dollars per annum for ten years; commencing with the year in which they shall remove to and settle upon the tract of land hereby reserved for their exclusive use and occupation, twenty thousand (\$20,000^{00/100}) dollars per annum for twenty years, from and after the expiration of the said ten years, and thereafter fifteen thousand (\$15,000^{00/100}) dollars per annum for thirty years; all of which sums of money shall be applied to the use and benefit of the said Indians under the direction of the President of the United States, who may from time to time determine at his discretion upon what beneficial objects to expend the same. It being understood that these

persons including men, women and children—If it should, however, hereafter upon a census being taken, be found that there is a material increase or decrease of the said Indians from the number as above stated, then and in that case the said amounts to be paid to them, or expended on their behalf, shall in the same proportion be increased or diminished as the case may be.

Third, For the purpose of making improvements in the Uintah Valley Reservation for the comfort of the Indians who may inhabit the same, to enable them to become self sustaining by means of agriculture, and to procure Cattle for stock raising, the United States agree to expend in accordance with the terms of the Act of Congress approved May 5th 1864, and entitled "An Act to vacate and sell the present Indian reservations in Utah Territory, and to settle the Indians of said Territory in the Uintah Valley," the sum of thirty thousand (\$30,000.00) dollars, that being the sum appropriated for this purpose by the said act of Congress.

The United States further agree in pursuance of the aforesaid Act of Congress to sell for the use and benefit of the Indians, for the best price that can be obtained, the Indian reservations known as the Spanish Fork Reservation, containing fifteen thousand (15,000) acres, the San Pete Reservation containing ninety-two thousand one hundred and sixty (92,160) acres, the Corn Creek Reservation containing ninety-two thousand, one hundred and sixty (92,160) acres, and the Deep Creek Reservation containing ninety-two thousand one hundred and sixty (92,160) acres, the four Indian Reservations aforesaid containing in all two hundred ninety-one thousand, four hundred and eighty (291,480) acres. The amount realized from the said sale shall be applied, under the direction of the Secretary of the Interior, in the construction of improvements upon the said Uintah Indian Reservation, or to the purchase of stock, agricultural implements, or such other useful articles as to him may seem best adapted to the wants and requirements of the Indians settled thereon in pursuance of this Treaty: Provided, that if the United States should sell the said lands at an average price of less than sixty-two and one-half cents per acre, then and in that case the amount that the said lands would have realized if sold at that price shall be made up to the Indians and be expended for their benefit by the Secretary of the Interior as aforesaid.

Fourth, The United States agree to establish and maintain for ten years, at an expense not to exceed ten thousand (\$10,000.00) dollars per annum a manual labor school for the education and training of the Indian youth in letters, agriculture, the mechanic arts, and housewifery; which school shall be managed and conducted in such manner as the President of the United States shall direct; the said bands of Indians hereby stipulate to constantly keep thereat, during at least nine months in every year, all their children between the ages of seven and eighteen years. It is further agreed that such measures may be adopted, to compel the attendance of the children at the school, as the President may think proper and direct; and whenever he shall be satisfied of a failure to fulfil the aforesaid stipulation on the part of the Indians he may, at his discretion, diminish or wholly discontinue the allowance and expenditure of the sum herein set apart for the support and maintenance of said school.

Fifth, The United States agree to provide the Indians with a mill suitable for grinding grain and sawing timber, one or more mechanic shops, with the necessary tools for the same, and dwelling houses for an interpreter, miller, engineer for the mill, if one be necessary, farmer and the mechanics that may be employed for their benefit, the whole not to exceed in cost the sum of fifteen thousand (\$15,000.00) dollars, and also to expend annually, for ten years, an amount not exceeding seven thousand (\$7,000.00) dollars, for the purpose of furnishing said Indians with such aid and assistance in agricultural and mechanical pursuits, including the working of said mill, as the Secretary of the Interior may consider advantageous and necessary for them; the tribe and bands of Indians hereby stipulating to furnish from their tribe the number of young men that may be required as apprentices and assistants in the mill and mechanic shops, and at least three persons to work constantly with each laborer employed for them in agricultural pursuits, it being understood that such laborers are to be employed more for the instruction of the Indians than merely to work for their benefit.

farming utensils, or any other thing furnished them by the Government, and in case of any such destruction or injury, or of any of the things so furnished being carried off by any member or members of their tribe, the value of the same shall be deducted from the tribal annuities, and whenever the President shall be satisfied that the Indians have become sufficiently confirmed in habits of industry and advanced in acquiring a practical knowledge of agriculture and the mechanic arts, he may at his discretion, cause to be turned over to the tribe all of the said houses and other property furnished them by the United States, and dispense with the services of any or all of the persons hereinbefore stipulated to be employed for their benefit and assistance. And it is hereby provided, That all of the expenditures and expenses, contemplated by this treaty, in the transportation of supplies, machinery &c shall be defrayed by the United States and shall not be deducted from any one of the several sums herein mentioned, which the United States agree to pay to or expend for the benefit of the said Indians, in pursuance hereof.

ART. VI. The United States shall have the right to establish and maintain such roads or Telegraph lines, as may be deemed necessary, within or running through the tract of country hereby reserved for the use of the Indians, but no greater quantity of land or timber shall be used for said purposes than shall be actually requisite; and if in the establishment or maintenance of such roads, the property of any Indian shall be taken, injured or destroyed, just and adequate compensation shall be made therefor by the United States, and all roads, highways or telegraph lines authorized by competent authority, other than the United States, the lines of which shall lie through said tract, shall have the right of way through the same; the fair and just value of such right being paid to the said tribe and bands of Indians therefor by the party or parties authorizing the same or interested therein; to be assessed and determined in such manner as the President of the United States shall direct. And it is hereby further stipulated that any substantial improvements heretofore made by any Indian and which he shall be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President and payment made accordingly therefor.

ART. VII. The President may hereafter when in his opinion, the interests of the Indians will be promoted by so doing, cause the whole or any portion of the lands hereby reserved to be surveyed into lots, and assign the same, under such terms and subject to such conditions as he may deem best for the Indians, to such individuals or families of the tribe or bands as are willing to avail themselves of the privilege and will locate on the same as a permanent home. The United States agree to build for the head chiefs of the Utah, Yampah Ute, Pah-vant, Sanpete Ute, Tim-p-nogs and Cum-um-bah bands, each, one dwelling house, and to plough and fence five acres of land for each, and to pay to each, one hundred (\$100⁰⁰) dollars per annum for the term of twenty years. The first payment to each of the said chiefs to commence upon his removal to the said Reservation. The United States further agree to give to each, within three months of his removal to the Reservation, two yoke of oxen, two yokes and two chains, one wagon, one plow, ten hoes, six axes, two shovels, two spades, four scythes and snaths, one saddle and bridle and one set of harness.

ART. VIII. The Annuities of the aforesaid tribes and bands shall not be taken to pay the debts of individuals.

ART. IX. The said tribes and bands acknowledge their dependence on the Government of the United States and promise to be friendly with all Citizens thereof and they pledge themselves to commit no depredations on the property of such Citizens, should any one or more of them violate this pledge and the fact be satisfactorily proven before the Agent, the property taken shall be returned or in default thereof, or if injured or destroyed, compensation may be made by the Government out of their Annuities! Nor will they make war on any other tribe, except in self defence, but will submit all matters of difference between them and the other Indians to the Government of the United States or its Agent, for decision and abide thereby, and if any of the said Indians commit depredations on other Indians within the Territory, the same rule shall prevail as that prescribed in this Article in cases of depredations against Citizens, and the said

out to deliver them up to the authorities for trial.

ART. X. The above tribes and bands are desirous to exclude from their reservation the use of ardent spirits and to prevent their people from using the same, and therefore it is provided, That any Indian, belonging to said tribe and bands, who is guilty of bringing Liquor onto said reservation, or who drinks Liquor, may have his or her proportion of the Annuities withheld from him or her for such time as the President may determine, also, that no person, not belonging to the tribe or tribes, or band or bands, occupying this Reservation as before stated, shall be permitted to take Liquor or any intoxicating drink on to Said Reservation without special permission from the Secretary of the Interior.

ART. XI. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said O. H. Irish, Superintendent of Indian Affairs for Utah Territory, and the undersigned Chiefs, headmen and delegates of the aforesaid tribes and bands of Indians have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

O. H. IRISH,

Supt. Ind. Affairs and Commissioner.

SOW-E-ETT (nearly starved)	his x mark
KON-OSH (man of white hair)	his x mark
TABBY (the sun)	his x mark
TO-QUO-NE (black mountain lion)	his x mark
SOW-OK-SOO-BET (arrow feather)	his x mark
AN-KAR-TEW-ETS (red boy)	his x mark
SAN-PITCH (bull rush)	his x mark
KIBETS (mountain)	his x mark
AM-OOSH	his x mark
AN-KAR-AW-KEG (red rifle)	his x mark
NAUP-PEADES (foot mother)	his x mark
PAN-SOOK (otter)	his x mark
PEAN-UP (big foot)	his x mark
EAH-GAND (shot to pieces)	his x mark
NAR-I-ENT (powerful)	his x mark
QUE-O-GAND (bear)	his x mark

Executed in the presence of--

BRIGHAM YOUNG,

GEO. A. SMITH, *Pres. Legislative Council.*

JOHN TAYLOR, *Speaker House of Representatives.*

H. C. DOLL, *Clerk.*

D. B. HUNTINGTON, *Interpreter Utah Superintendency.*

GEO. W. BEAN, *Interpreter Spanish Fork Farm.*

C. A. HUNTINGTON, *Interpreter Uintah Agency.*

TREATY WITH THE WEBER UTE BAND OF UTAH INDIANS, OCTOBER 30, 1865

Articles of Agreement, and Convention made and concluded at G. S. L. City, U. T. in the territory of Utah this 30th day of October Eighteen hundred and sixty five by O. H. Irish, Superintendent of Indian Affairs for said Territory. Commissioner on the part of the United States and the undersigned. Chiefs head-men and delegates of the Weber Ute band of Utah Indians, occupying lands within Utah Territory on behalf of said Indians and duly authorized by them.

ART. 1. Whereas the treaty made and concluded at Spanish Fork Indian Farm on the eighth day of June A. D. 1865 between the United States and the several bands or tribes of Utah Indians having been read and fully interpreted and explained to the Chiefs head-men and delegates of the Weber Ute band of Utah Indians. Thereupon

October 20, 1866
Unratified.

Mar. 2, 1868. | 15 Stats., 619. | Ratified, July 25, 1868. | Proclaimed, Nov. 6, 1868.

Indian Affairs: Laws and Treaties. Vol. II (Treaties). Compiled and edited by Charles J. Kappler. Washington : Government Printing Office, 1904.

[Home](#) | [Introduction](#) | [Table of Contents](#)

Vol. II, Pages 990-996 | [Page 991](#) | [Page 992](#) | [Page 993](#) | [Page 994](#) | [Page 995](#) | [Page 996](#)

Vol. II | [Search](#) | [Index](#)

Margin Notes:

Certain provisions of former treaty reaffirmed
Reservation.
Boundaries
Only certain persons to reside thereon.
Claims to all other lands released.
Two agencies on the reservation.
Warehouse and other buildings.
Schoolhouse
Water-power saw mill.
Indian agents to make their homes and reside where.
Depredations.
Offenders among the whites.
Wrongdoers among the Indians.
Indians, heads of families, desirous of commencing farming may select lands
Tract to be recorded and held in exclusive possession.
Persons not heads of families.
The Land-Book
Survey, etc.
Alienation and descent of property.
Education.
Children to attend school
Schoolhouses and teachers.
Seeds and agricultural implements.
Instructions from farmer
Additional blacksmith
United States may withdraw farmers, etc.
Clothing, blankets, etc.
Food, meat, and vegetables.
Cows and sheep.
Railways and highways to have right of way.
Teachers and mechanics and their support.
Cession of reservation not to be valid unless, etc
Appropriations, how to apply and be divided.
Parties by making war.
Those at peace

Articles of a treaty and agreement made and entered into at Washington City, D. C., on the second day of March, one thousand eight hundred and sixty-eight, by and between Nathaniel G. Taylor, Commissioner of Indian Affairs, Alexander C. Hunt, governor of Colorado Territory and ex-officio superintendent of Indian affairs, and Kit Carson, duly authorized to represent the United States, of the one part, and the representatives of the

All of the provisions of the treaty concluded with the Tabeguache band of Utah Indians October seventh, one thousand eight hundred and sixty-three, as amended by the Senate of the United States and proclaimed December fourteenth, one thousand eight hundred and sixty-four, which are not inconsistent with the provisions of this treaty, as hereinafter provided, are hereby re-affirmed and declared to be applicable and to continue in force as well to the other bands, respectively, parties to this treaty, as to the Tabeguache band of Utah Indians.

ARTICLE 2.

The United States agree that the following district of country, to wit: Commencing at that point on the southern boundary-line of the Territory of Colorado where the meridian of longitude 107° west from Greenwich crosses the same; running thence north with said meridian to a point fifteen miles due north of where said meridian intersects the fortieth parallel of north latitude; thence due west to the western boundary-line of said Territory; thence south with said western boundary-line of said Territory to the southern boundary-line of said Territory; thence east with said southern boundary-line to the place of beginning, shall be, and the same is hereby, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States now solemnly agree that no persons, except those herein authorized so to do, and except such officers, agents, and employes 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, excepts as herein otherwise provided.

ARTICLE 3.

It is further agreed by the Indians, parties hereto, that henceforth they will and do hereby relinquish all claims and rights in and to any portion of the United States or Territories, except such as are embraced in the limits defined in the preceding article.

ARTICLE 4.

The United States agree to establish two agencies on the reservation provided for in article two, one for the Grand River, Yampa, and Uintah bands, on White River, and the other for the Tabeguache, Muache, Weeminuche, and Capote bands, on the Rio de los Pinos, on the reservation, and at its own proper expense to construct at each of said agencies a warehouse, or store-room, for the use of the agent in storing goods belonging to the Indians, to cost not exceeding fifteen hundred dollars; an agency-building for the residence of the agent, to cost not exceeding three thousand dollars; and four other buildings for a carpenter, farmer, blacksmith, and miller, each to cost not exceeding two thousand dollars; also a school-house or mission-building, so soon as a sufficient number

each agency herein authorized, respectively, a good

[*991]

water-power saw-mill, with a grist-mill and a shingle-machine attached, the same to cost not exceeding eight thousand dollars each: *Provided*, The same shall not be erected until such time as the Secretary of the Interior may think it necessary to the wants of the Indians.

ARTICLE 5.

The United States agree that the agents for said Indians, in the future, shall make their homes at the agency-buildings; that they shall reside among the Indians, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians, as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on them by law. In all cases of depredation on person or property they shall cause the evidence to be taken in writing and forwarded, together with their finding, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

ARTICLE 6.

If bad men among the whites or among other people, subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also re-imburse the injured person for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the tribes herein named solemnly agree that they will, on proof made to their agent and notice to him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws, and in case they wilfully refuse so to do, the person injured shall be re-imbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States.

ARTICLE 7.

If any individual belonging to said tribe of Indians or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, by metes and bounds, a tract of land within said reservation not exceeding one hundred and sixty acres in extent, which tract, when so selected, certified, and recorded in the land-book, as herein directed, shall cease to be held in common, but the same may be occupied and held in exclusive possession of the person selecting it and his family so long as he or they may

entitled to the exclusive possession of the same as above directed.

For each tract of land so selected a certificate containing a description thereof, and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it, by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Ute Land-Book."

The President may at any time order a survey of the reservation; and when so surveyed Congress shall provide for protecting the rights of such Indian settlers in their improvements, and may fix the character of the title held by each.

The United States may pass such laws on the subject of alienation and descent of property, and on all subjects connected with the government of the Indians on said reservation and the internal police thereof as may be thought proper.

[*992]

ARTICLE 8.

In order to insure the civilization of the bands entering into this treaty, the necessity of education is admitted, especially by such of them as are or may be engaged in either pastoral, agricultural, or other peaceful pursuits of civilized life on said reservation, and they therefore pledge themselves to induce their children, male and female, between the age[s] of seven and eighteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is complied with to the greatest possible extent; and the United States agree that for every thirty children between said ages who can be induced to attend school a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as teacher, the provisions of this article to continue for not less than twenty years.

ARTICLE 9.

When the head of a family or lodge shall have selected lands, and received his certificate as above described, and the agent shall be satisfied that he intends, in good faith, to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value fifty dollars; and it is further stipulated that such persons as commence farming shall receive instructions from the farmer herein provided for; and it is further stipulated that an additional blacksmith to the one provided for in the treaty of October seventh, one thousand eight hundred and sixty-three, referred to in article one of this treaty, shall be provided with such iron, steel, and other material as may be needed for the Uintah, Yampa, and Grand River agency.

ARTICLE 10.

the treaty of October seventh, one thousand eight hundred and sixty-three, referred to in article one of this treaty, provided for, but in case of such withdrawal, an additional sum thereafter of ten thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall, upon careful inquiry into their condition, make such rules and regulations, subject to the approval of the Secretary of the Interior, for the expenditure of said sum as will best promote the educational and moral improvement of said Indians.

ARTICLE 11.

That a sum, sufficient in the discretion of Congress, for the absolute wants of said Indians, but not to exceed thirty thousand dollars per annum, for thirty years, shall be expended, under the direction of the Secretary of the Interior for clothing, blankets, and such other articles of utility as he may think proper and necessary upon full official reports of the condition and wants of said Indians.

ARTICLE 12.

That an additional sum sufficient, in the discretion of Congress, (but not to exceed thirty thousand dollars per annum,) to supply the wants of said Indians for food, shall be annually expended under the direction of the Secretary of the Interior, in supplying said Indians with beef, mutton, wheat, flour, beans, and potatoes, until such time as said Indians shall be found to be capable of sustaining themselves.

ARTICLE 13.

That for the purpose of inducing said Indians to adopt habits of civilized life and become self-sustaining, the sum of forty-five thousand dollars, for the first year, shall be expended, under the direction of the Secretary of the Interior, in providing each lodge or head of a family in said confederated bands with one gentle American cow, as distinguished from the ordinary Mexican or Texas breed, and five head of sheep.

[*993]

ARTICLE 14.

The said confederated bands agree that whensoever, in the opinion of the President of the United States, the public interest may require it, that all roads, highways, and railroads, authorized by law, shall have the right of way through the reservations herein designated.

ARTICLE 15.

The United States hereby agree to furnish the Indians the teachers, carpenters, millers, farmers, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his right to any tract of land selected by him, as provided in article seven of this treaty.

ARTICLE 17.

All appropriations now made, or to be hereafter made, as well as goods and stock due these Indians under existing treaties, shall apply as if this treaty had not been made, and be divided proportionately among the seven bands named in this treaty, as also shall all annuities and allowances hereafter to be made: *Provided*, That if any chief of either of the confederated bands make war against the people of the United States, or in any manner violate this treaty in any essential part, said chief shall forfeit his position as chief and all rights to any of the benefits of this treaty: *But provided further*, Any Indian of either of these confederated bands who shall remain at peace, and abide by the terms of this treaty in all its essentials, shall be entitled to its benefits and provisions, notwithstanding his particular chief and band may have forfeited their rights thereto.

In testimony whereof, the commissioners as aforesaid on the part of the United States, and the undersigned representatives of the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River and Uintah bands of Ute Indians, duly authorized and empowered to act for the body of the people of said bands, have hereunto set their hands and seals, at the place and on the day, month and year first hereinbefore written.

N. G. Taylor, [SEAL.]
A. C. Hunt, governor, &c., [SEAL.]
Kit Carson, [SEAL.]
Commissioners on the part of the United States.

U-re, his x mark.
Ka-ni-ache, his x mark.
An-ka-tosh, his x mark.
Jose-Maria, his x mark.
Ni-ca-a-gat, or Greenleaf, his x mark.
Guero, his x mark.
Pa-ant, his x mark.
Pi-ah, his x mark.
Su-vi-ap, his x mark.
Pa-bu-sat, his x mark.

Witnesses:

Daniel C. Oakes, United States Indian agent.
Lafayette Head, United States Indian agent.
U. M. Curtis, interpreter.
H. P. Bennet.

Wm. J. Godroy.

[*994]

We, the chiefs and headmen of the aforesaid named bands of Ute Indians, duly authorized by our people, do hereby assent and agree to the amendment of the Senate, the same having been interpreted to us, and being fully understood by us.

Witness our hands and seals on the days and dates set opposite our names respectively.

Date of signing.	Signatures.	Interpretation of names.	Band.
1868.	Sac-we-och, his x mark.	White Lock of Hair.	} Grand River Ute Indians
Aug. 15	Tah-nach, his x mark.	Granite Rock.	
	Pah-ah-pitch, his x mark.	Sweet Herb.	
	Tab-y-ou-souck-en, his x mark.	Sun Rise.	
	Shou-wach-a-wicket, his x mark.	Rain Bow.	
	Pe-ah, his x mark.	Black Tail Deer.	
	Ah-ump, his x mark.	Pine Tree.	
	An-tro, his x mark.	Rocking.	
	Pah, his x mark.	Water.	
	Quir-nauch, his x mark.	Eagle.	
	Yah-mah-na, his x mark.	Briar.	

[*995]

Signed in the presence of—

A. Sagendorf.

Uriah M. Curtis, special interpreter.

E. H. Kellogg, secretary Colorado Indian superintendency.

Daniel C. Oakes, United States Indian agent.

Louis O. Howell.

Date of signature.	Signature.	Interpretation of names.	Band.
Sept. 1	Sa-wa-wat-se-witch, his x mark.	Blue River.	} Yampas.
	Colorado, his x mark.	Red. (Spanish.)	
	Pa-ant, his x mark.	Tall.	
	Su-ri-ap, his x mark.	Lodge Pole's Son.	
	Nick-a-a-gah, his x mark.	Green Leaf.	

Signed in the presence of—

E. H. Kellogg, secretary Indian superintendency Colorado Territory.

U. M. Curtis, special United States interpreter.

Date of singing.	Signatures.	Interpretation of names.	Band.
Sept. 14	Ou-ray, his x mark.	Arrow.	} Muaches
	Sha-wa-na, his x mark.	Blue Flower.	
	Guero, his x mark.	Light Haired	
	Tah-be-wah-che-kah, his x mark.	Sun Rise.	
	Ah-kan-ash, his x mark.	Red Cloud.	
	Ka-ni-ache, his x mark.	One who was taken down.	
	An-ka-tosh, his x mark.	Red. (Ute.)	
	Sap-po-wan-e-ri, his x mark.		} Tabaguaches.
	Tu-sa-sa-ri-be, his x mark.		
	Na-ca-get, his x mark.		
	Ya-ma-aj, his x mark.	Son to Tu-sa-sa-ri-be. or George.	

Signed in the presence of—

Wm. J. Godfroy.
 Daniel C. Oakes, United States Indian agent.
 Edward R. Harris, special interpreter.
 E. H. Kellogg, secretary Colorado Indian superintendency.
 Louis O. Howell.
 Uriah M. Curtis, interpreter.

To the other copy of these instruments are signed as witnesses the following names: Juan Martine Martines, (friend of Indians,) Albert H. Pfeiffer, (their old agent,) Manuel Lusero.

Date of signing.	Signature.	Interpretation of names.	Band.
Sept. 24.	So-bo-ta, his x mark.	A Big Frock.	} Ca-po-tas Utes.
	I-si-dro, his x mark.		
	Sow-wa-ch-wiche, his x mark.	A Green Herb.	
	Ba-bu-zat, his x mark.	A Crystal Drop Water.	
	Sab-ou-ichie, his x mark.	Wounded in the Abdomen.	
	Chu-i-wish, his x mark.	Long Tailed Deer.	
	I-ta-li-uh, his x mark.		
	E-ri-at-ow-up, his x mark.	Water Carrier. Utes.	
	Aa-ca-wa, his x mark.	Red Eyes.	
	Ac-i-apo-co-ego, his x mark.	Red Snake.	
	Martine, his x mark.	Named after a Mexican friend.	
	Ou-a-chee, his x mark.		
	Tap-ap-o-watie, his x mark.		
	Su-vi-ath, his x mark.	The Swoop of a Bird.	
	Wi-ar-ow, his x mark.		

Alb. H. Pfeiffer.
 Manuel Lusero.
 E. H. Kellogg, secretary Colorado Indian superintendency.
 Uriah M. Curtis, interpreter.
 Daniel C. Oakes, United States Indian agent.

Date of signing.	Signatures.	Interpretation of names.	Band.
Sept. 25.	Pa-ja-cho-pe, his x mark.	A Claw.	} We-mi-nuches Utes
	Pa-no-ar, his x mark.	Broad Brow.	
	Su-bi-to-au, his x mark.	Ugly Man.	
	Te-sa-ga-ra-pou-it, his x mark.	White Eyes.	
	Sa-po-eu-a-wa, his x mark.	Big Belly.	
	Qu-er-a-ta, his x mark.	A Bear.	

Signed in the presence of—

Lafayette Head.
 Manuel Lusero.
 Alb. H. Pfeiffer.
 E. H. Kellogg, secretary Colorado Indian superintendency.
 Juan Martine Martines, interpreter and Indian's friend.
 Daniel C. Oakes, United States Indian agent.
 Uriah M. Curtis, interpreter.

I hereby certify that, pursuant to the order from the Commissioner of Indian Affairs, dated August fourth, one thousand eight hundred and sixty-eight, I visited and held councils with the various bands of

[*996]

Ute Indians, at the times and places named in this instrument; and to all those familiar with the provisions of the treaty referred to have had the Senate amendment fully interpreted to them, and to all those not familiar with the treaty itself I have had the same fully explained and interpreted; and the forty-seven chiefs whose names are hereunto subscribed, placed their names to this instrument with the full knowledge of its contents and likewise with the provisions of the treaty itself.

Given under my hand at Denver, this fourteenth day of October, one thousand eight hundred and sixty-eight.

A. C. Hunt,

Governor, Ex-officio Superintendent Indian Affairs.

CHAP. 266. — An act for the restoration to market of certain lands in the Territory of Utah.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act of Congress approved May fifth, eighteen hundred and sixty-four, and entitled "An act to vacate and sell the present Indian reservation in Utah Territory, and to settle Indians of said Territory in the Uinta Valley", as directs the Secretary of the Interior to cause to be appraised and offer for sale upon sealed bids the reservations therein referred to, be, and the same is hereby, repealed; and the Secretary of the Interior is hereby authorized and directed to restore the same to the public domain for disposition as other public lands.

Approved, June 18, 1878.

8. Act of June 15, 1880 (21 Stat. 199)

CHAP. 223. — An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same.

Whereas certain of the chiefs and headmen of the confederated bands of the Ute tribe of Indians, now present in the city of Washington, have agreed upon and submitted to the Secretary of the Interior an agreement for the sale to the United States of their present reservation in the State of Colorado, their settlement upon lands in severalty, and for other purposes; and

Whereas the President of the United States has submitted said agreement, with his approval of the same, to the Congress of the United States for acceptance and ratification, and for the necessary legislation to carry the same into effect: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same is hereby, accepted, ratified, and confirmed: *Provided,* That the said agreement shall be amended by adding to the first clause thereof, after the words "guilty parties", the words following, to wit: "Until such surrender or apprehension, or until the President shall be satisfied that the guilty parties are no longer living or have fled beyond the limits of the United States, the proportion of the money, hereinafter provided, coming to that portion of the Ute Indians known as the White River Utes, except for removal and settlement, shall not be paid"; and by adding to the third express condition of said agreement after the word "forever", the words following, to wit: "*Provided,* That the President of the United States may, in his discretion, appropriate an amount thereof, not exceeding ten thousand dollars, for the education in schools established within or beyond the limits of the lands selected, of such youths of both sexes as in his judgment may be best qualified to make proficiency in practical industries and pursuits necessary for their self-support, and out of the portion of said moneys coming to the White River Utes, the United States shall pay annually to the following named persons, during the period of twenty years, if they shall live so long, the following sums respectively: To Mrs. Arivella D. Meeker, five hundred dollars; to Miss Josephine Meeker five hundred dollars; to Mrs. Sophronia Price, five hundred dollars; to Mrs. Maggie Gordon, five hundred dollars; to George Dresser, two hundred dollar; to Mrs. Sarah M. Post, five hundred dollars; to Mrs. Eaton, mother of George Eaton, two hundred dollars; to the parents of Arthur L. Thompson two hundred dollars; to the father of Fred Shepard, two hundred dollars; to the parents of Wilmer Eskridge, two hundred dollars"; and by adding to the fifth express condition of said agreement after word "reaffirmed", the words following to wit: "This sum together with the annuity of fifty thousand dollars hereinbefore provided, may, in the discretion of Congress, at the end of twenty-five years, be capitalized, and the principal sum be paid to said Indians per capita in lieu of said annuities": *And provided also,* That three-fourths of the adult male members of said confederated bands shall agree to and sign said agreement, upon presentation of the same to them, in open council, in the manner hereinafter provided: *Provided further,* That nothing in this act contained, or in the agreement herein set forth, or in the amendments herein proposed to said agreement, shall be so construed as to compel any Ute Indian to remove from any lands that he or she claims in severalty. Said agreement is in words and figures as follows, namely:

The chiefs and headmen of the confederate bands of the Utes now present in Washington, hereby promise and agree to procure the surrender, to the United States, for trial and punishment, if found guilty, of those members of their nation, not yet in the custody of the United States, who were

parties, presumably guilty of the above-mentioned crime, that they will not in any manner obstruct, but faithfully aid, any officers of the United States, directed by the proper authorities, to apprehend such presumably guilty parties.

The said chiefs and headmen of the confederated bands of Utes also agree and promise to use their best endeavors with their people to procure their consent to cede to the United States all the territory of the present Ute Reservation in Colorado, except as hereinafter provided for their settlement.

The Southern Utes agree to remove to and settle upon the unoccupied agricultural lands on the La Plata River, in Colorado; and if there should not be a sufficiency of such lands on the La Plata River and in its vicinity in Colorado, then upon such other unoccupied agricultural lands as may be found on the La Plata River or in its vicinity in New Mexico.

The Uncompahgre Utes agree to remove to and settle upon agricultural lands on Grand River, near the mouth of the Gunnison River, in Colorado, if a sufficient quantity of agricultural land shall be found there, if not then upon such other unoccupied agricultural lands as may be found in that vicinity and in the Territory of Utah.

The White River Utes agree to remove to and settle upon agricultural lands on the Uintah Reservation in Utah.

Allotments in severalty of said lands shall be made as follows:

To each head of a family one-quarter of a section, with an additional quantity of grazing land not exceeding one-quarter of a section.

To each single person over eighteen years of age one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section.

To each orphan child under eighteen years of age one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; and to each other person, under eighteen years, now living, or who may be born prior to said allotments, one-eighth of a section, with a like quantity of grazing land.

All allotments to be made with the advice of the commission hereinafter provided, upon the selection of the Indians, heads of families selecting for their minor children, and the agents making the allotment for each orphan child.

The said chiefs and headmen of the confederated bands of Utes further promise that they will not obstruct or in anywise interfere with travel upon any of the highways now open or hereafter to be opened by lawful authority in or upon any of the lands to be set apart for their use by virtue of this agreement.

The said chiefs and headmen of the confederated bands of Utes promise to obtain the consent of their people to the cession of the territory of their reservation as above on the following express conditions:

First. That the Government of the United States cause the lands so set apart to be properly surveyed and to be divided among the said Indians in severalty in the proportion hereinbefore mentioned, and to issue patents in fee simple to them respectively therefor, so soon as the necessary laws are passed by Congress. The title to be acquired by the Indians shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance of the grantee or by the judgment, order, or decree of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty-five years, and until such time thereafter as the President of the United States may see fit to remove the restriction, which shall be incorporated in the patents when issued, and any contract made prior to the removal of such restriction shall be void.

Second. That so soon as the consent of the several tribes of the Ute Nation shall have been obtained to the provisions of this agreement, the President of the United States shall cause to be distributed among them in cash the sum of sixty thousand dollars of annuities now due and provided for, and so much more as Congress may appropriate for that purpose; and that a commission shall be sent to superintend the removal and settlement of the Utes, and to see that they are well provided with agricultural and pastoral lands sufficient for their future support, and upon such settlement being duly effected, that they are furnished with houses, wagons, agricultural implements, and stock cattle sufficient for their reasonable wants, and also such saw and grist mills as may be necessary to enable

them to commence farming operations, and that the money to be appropriated by Congress for that purpose shall be apportioned among the different bands of Utes in the following manner: One third to those who settle on the La Plata River and vicinity, one-half to those settling on Grand River and vicinity, and one-sixth to those settling on the Uintah Reservation.

Third. That in consideration of the cession of territory to be made by the said confederated bands of the Ute Nation, the United States, in addition to the annuities and sums for provisions and clothing stipulated and provided for in existing treaties and laws, agrees to set apart and hold, as a perpetual trust for the said Ute Indians, a sum of money, or its equivalent in bonds of the United States, which shall be sufficient to produce the sum of fifty thousand dollars per annum, which sum of fifty thousand dollars shall be distributed per capita to them annually forever.

Fourth. That as soon as the President of the United States may deem it necessary or expedient, the agencies for the Uncompahgres and Southern Utes be removed to and established at suitable points, to be hereafter selected, upon the lands to be set apart, and to aid in the support of the said Utes until such time as they shall be able to support themselves, and that in the mean time the United States Government will establish and maintain schools in the settlements of the Utes, and make all necessary provision for the education of their children.

Fifth. All provisions of the treaty of March second, eighteen hundred and sixty-eight, and the act of Congress approved April twenty-ninth, eighteen hundred and seventy-four, not altered by this agreement, shall continue in force, and the following words from article three of said act, namely, "The United States agrees to set apart and hold, as a perpetual trust for the Ute Indians, a sum of money or its equivalent in bonds, which shall be sufficient to produce the sum of twenty-five thousand dollars per annum, which sum of twenty-five thousand dollars per annum shall be disbursed or invested at the discretion of the President, or as he may direct, for the use and benefit of the Ute Indians forever", are hereby expressly reaffirmed.

Sixth. That the commissioners above mentioned shall ascertain what improvements have been made by any member or members of the Ute Nation upon any part of the reservation in Colorado to be ceded to the United States as above, and that payment in cash shall be made to the individuals having made and owning such improvements, upon a fair and liberal valuation of the same by the said commission, taking into consideration the labor bestowed upon the land.

Done at the city of Washington this sixth day of March, anno Domini eighteen hundred and eighty.
Signed

CHAVANAUX	his X mark
IGNATIO	his X mark
ALHANDRA	his X mark
VERATZITZ	his X mark
GALOTA	his X mark
JOCKNICK	his X mark
WASS	his X mark
SAWAWICK	his X mark
OURAY	

Witnesses:

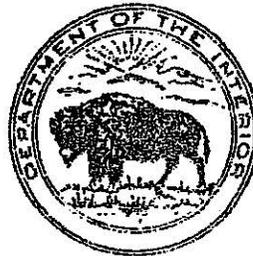
WILL F. BURNS, Interpreter.
W. H. BERRY, Interpreter
OTTO MEARS, Interpreter
HENRY PAGE, United States Indian Agent, Southern Utes.
CHARLES ADAMS, Special Agent.

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CONSTITUTION AND BY-LAWS OF THE
UTE INDIAN TRIBE OF THE
UINTAH AND OURAY RESERVATION
UTAH

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APPROVED JANUARY 19, 1937



REPRINTED: 1959
THE UINTAH BASIN STANDARD
Roosevelt, Utah

TRIBE OF THE UINTAH AND OURAY RESERVATION

PREAMBLE

We, the Ute Indians of the Uintah, Uncompahgre and Whiteriver Bands hereafter to be known as the Ute Indian Tribe of the Uintah and Ouray Reservation, in order to establish a more responsible tribal organization, promote the general welfare, encourage educational progress, conserve and develop our lands and resources, and secure to ourselves and our posterity the power to exercise certain rights of home rule, not inconsistent with the Federal, State and local laws, do ordain and establish this Constitution for the Ute Indian Tribe of the Uintah and Ouray Reservation.

ARTICLE I—TERRITORY

The Jurisdiction of the Ute Indian Tribe of the Uintah and Ouray Reservation shall extend to the territory within the original confines of the Uintah and Ouray Reservation as set forth by Executive Orders of October 3, 1861 and January 5, 1882, and by the Acts of Congress approved May 27, 1902, and June 19, 1902, and to such other lands without such boundaries as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II—MEMBERSHIP

SECTION 1. The membership of the Ute Indian Tribe of the Uintah and Ouray Reservation shall consist as follows:

- (a) All persons of Indian blood whose names appear on the official census roll of the Ute Indian Tribe of the Uintah and Ouray Reservation as of July 1, 1935.
- (b) All children born to any member of the Ute Indian Tribe of the Uintah and Ouray Reservation who is a resident of the Reservation at the time of the birth of said children.

SEC. 2. The Tribal Business Committee shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership and the adoption of new members.

(a) No property rights shall be acquired or lost through membership in this organization except as provided herein.

ARTICLE III—THE BUSINESS COMMITTEE

SECTION 1. The governing body of the Ute Indian Tribe of the Uintah and Ouray Reservation shall be a business committee, known as the Uintah and Ouray Tribal Business Committee.

*Corporate
&
constituted by laws
of the Ute
Tribe*

7-35

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

CORPORATE CHARTER
OF THE
UTE INDIAN TRIBE
OF THE
UINTAH AND OURAY RESERVATION
UTAH

RATIFIED AUGUST 10, 1923



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1924

**CORPORATE CHARTER OF THE UTE INDIAN TRIBE OF
THE UINTAH AND OURAY RESERVATION**

**A FEDERAL CORPORATION CHARTERED UNDER THE ACT OF
JUNE 18, 1934**

Whereas, the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah is a recognized Indian tribe organized under a constitution and by-laws ratified by the Tribe on December 19, 1936, and approved by the Secretary of the Interior on January 16, 1937, pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 934), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said act of June 18, 1934 (48 Stat. 934), do hereby issue and submit this charter of incorporation to the Ute Indian Tribe of the Uintah and Ouray Reservation to be effective from and after such time as it may be ratified by a majority vote at an election in which at least 30 per cent of the adult Indians living on the reservation shall vote.

*Corporate
Existence
and
Purposes.*

1. In order to further the economic development of the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Ute Indian Tribe."

*Perpetual
Succession.
Member-
ship.*

2. The Ute Indian Tribe shall, as a Federal Corporation, have perpetual succession.
3. The Ute Indian Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved constitution, and by-laws.

*Manage-
ment.*

4. The Uintah and Ouray Tribal Business Committee established in accordance with the said constitution and by-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

ATT: DAVID ALLISON, Superintendent
BIA Uintah and Ouray Agency
Fort Duchesne, Utah 84026
(801) 722-2406

RE: Joint Management/Hunting & Fishing

As a share holder in UDC (Ute Distribution Corporation) an affiliated arm of the Ute Indian Tribe, the above named do hereby request (Discovery) information concerning aboriginal title held by the Uinta Band of Indians.

No. 1:

Please provide a copy, or direct me to the Act of Congress, that abrogated and diminished the 1851 Executive Order Reservation created for the exclusive use and occupancy of the Uinta Indians, as you have taken the position that the Colorado Ute Indians were somehow vested with a right when they were removed from Colorado and placed here by the military in the 1890s.

No. 2:

Please provide a copy, or direct me to the Congressional Act of Law, that vested the Ute Indian Tribe with a right to Hunt, Fish, Gather or in anyway infringe upon the exclusive rights held by the Uinta Band of Indians since time immemorial.

No. 3:

Whereas, in the past, the Colorado Ute Indians have by treaty and agreement ceded their rights and lands to the United States Government, the Uinta Band of Indians have never surrendered their aboriginal rights to the United States.

Therefore, if you have information to the contrary, the Uinta Band of Indians need to become aware of such and would greatly appreciate your willingness to provide us with said

Remember, the Uinta Band of Indians hold a priority date of 1861, and as an agent acting on behalf of the United States Government, you have a sworn obligation to protect and uphold the laws of this great country.

Your usual quick response of 10 days will be greatly appreciated.
DATED this _____, day of _____, 1997.

Sincerely,

Richard D. Hackford

Copies:

WILLIAM CLINTON, PRESIDENT OF THE UNITED STATES
THE WHITE HOUSE OFFICE
Executive Office of the President
1600 Pennsylvania Ave. N.W.
Washington, DC 20500

SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
SH38 Senate Hart Office Building
Washington DC 20510

HOUSE COMMITTEE ON THE JUDICIARY
2137 Rayburn House Office Building
Washington DC 20515

EXECUTIVE DIRECTOR
COMMISSION ON CIVIL RIGHTS
1121 Vermont Ave. N.W.
Washington, DC 20245



UINTAH AND OURAY AGENCY
FORT DUCHESNE, UTAH 84026
(801) 722-2406

IN REPLY REFER TO:

Superintendent

September 19, 1997

Mr. Richard D. Hackford
P. O. Box 153
Lapoint, Utah 84039

Dear Sir:

This is in response to your letter of July 17, 1997, regarding joint management of hunting and fishing. In your letter you asked for information on three issues. I will address them in the order they were presented.

1. I know of no act that abrogates or changes the executive order of 1861. There has been several claims filed with regards to other bands that were later moved to the lands that were set aside in the order. I do not find that the lands were set aside for the exclusive use and occupancy of the Uintah Indians. The request from the Department of Interior was for "the use and occupancy of Indian tribes". The executive order states that these lands "be reserved to the United States and set aside as an Indian reservation". I have enclosed copies of these documents.

2. I know of no such act. I refer you back to response number 1.

3. As you may know in 1937 the Uintah, Uncompahgre and Whiteriver Bands merged into the Ute Indian Tribe of the Uintah and Ouray Indian Reservation. Article VII Sec. 2, of that constitution provides that all members of the Ute Tribe of the Uintah and Ouray Reservation shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

I find nothing to support your theory that the Uintah Band holds a priority date of 1861.

Sincerely,



David L. Allison,
Superintendent

Enclosure

Division of trust funds; ratification of resolution; crediting of shares; release of United States from liability in certain cases

LIBRARY REFERENCES

Indians § 30.

Use of funds of the Ute Mountain Tribe of the Ute Mountain Reservation for expenditure and per capita payments; taxation of lands and funds; regulations applicable to loans

LIBRARY REFERENCES

Indians § 30.

Restriction on payment of funds for agents' or attorneys' fees

LIBRARY REFERENCES

Indians § 30.

Use of funds of Southern Ute Tribe of Southern Ute Reservation for expenditure and per capita payments; regulations applicable to loans

LIBRARY REFERENCES

Indians § 30.

Distribution of judgment fund

LIBRARY REFERENCES

Indians § 30.

NOTES OF DECISIONS

Primary nature of relationship 1

existed between tribe and United States government unless Congress provided otherwise. Ute Indian Tribe of Uintah and Ouray Reservation, Utah v. Hodel, D.D.C.1987, 673 F.Supp. 619.

Fiduciary nature of relationship
 Judgment fund awarded to Indian tribe was trust fund, and as such, fiduciary relationship

Distribution of judgment fund; deductions; availability for certain uses

HISTORICAL AND STATUTORY NOTES

References in Text

by Pub.L. 97-164, Apr. 2, 1982, 96 Stat. 25, which also created a United States Claims Court that inherited the trial jurisdiction of the Court of Claims. See sections 48, 171 et seq., 791 et seq., and 1491 et seq. of Title 28, Judiciary and Judicial Procedure.

Court of Claims, referred to in text, and Court of Customs and Patent Appeals were merged effective Oct. 1, 1982, into a new United States Court of Appeals for the Federal Circuit

CHAPTER XXVIII—UTE INDIANS OF UTAH: DISTRIBUTION OF ASSETS BETWEEN MIXED-BLOOD AND FULL-BLOOD MEMBERS; TERMINATION OF FEDERAL SUPERVISION OVER PROPERTY OF MIXED-BLOOD MEMBERS

77. Purpose

LAW REVIEW AND JOURNAL COMMENTARIES

Leasing Indian water off the reservation: A consistent with the reservation's purpose. Herold Storey, 76 Cal.L.Rev. 179 (1988).

LIBRARY REFERENCES



Public Law 671

CHAPTER 1009

AN ACT

To provide for the partition and distribution of the assets of the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah between the mixed-blood and full-blood members thereof; and for the termination of Federal supervision over the property of the mixed-blood members of said tribe; to provide a development program for the full-blood members of said tribe; and for other purposes.

Ute Indians,
Utah.
Distribution of
assets.
Termination of
Federal supervi-
sion.

Definitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purpose of this Act is to provide for the partition and distribution of the assets of the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah between the mixed-blood and full-blood members thereof; for the termination of Federal supervision over the trust, and restricted property, of the mixed-blood members of said tribe; and for a development program for the full-blood members thereof, to assist them in preparing for termination of Federal supervision over their property.

Sec. 2. For the purposes of this Act—

- (a) "Tribe" means the Ute Indian Tribe of the Uintah and Ouray Reservation, Utah.
- (b) "Full-blood" means a member of the tribe who possesses one-half degree of Ute Indian blood and a total of Indian blood in excess of one-half, excepting those who become mixed-bloods by choice under the provisions of section 4 hereof.
- (c) "Mixed-blood" means a member of the tribe who does not possess sufficient Indian or Ute Indian blood to fall within the full-blood class as herein defined, and those who become mixed-bloods by choice under the provisions of section 4 hereof.
- (d) "Secretary" means Secretary of the Interior.
- (e) "Superintendent" means the Superintendent of the Uintah and Ouray Reservation, Utah.
- (f) "Asset" means any property of the tribe, real, personal or mixed, whether held by the tribe or by the United States in trust for the tribe, or subject to a restriction against alienation imposed by the United States.
- (g) "Adult" means a member of the tribe who has attained the age of twenty-one years.

Sec. 3. For the purposes of this Act Ute Indian blood shall be determined in accordance with the constitution and bylaws of the tribe and all tribal ordinances in force and effect on the effective date of this Act.

Sec. 4. Any member of the tribe whose name appears on the proposed roll of full-blood members as provided in section 3 hereof and any person whose name is added to such proposed roll as the result of an appeal to the Secretary may apply to the Superintendent to become identified with and a part of the mixed-blood group: *Provided*, That such application is made within thirty days subsequent to the publication of such proposed roll or in the event of an appeal within thirty days subsequent to notification of the decision on said appeal: *And provided further*, That before such transfer is made upon the official rolls the Secretary shall first certify that, in his opinion, such change in status is not detrimental to the best interest of the person seeking such change.

Sec. 5. Effective on the date of publication of the final rolls as provided in section 3 hereof the tribe shall thereafter consist exclusively of full-blood members. Mixed-blood members shall have no interest therein except as otherwise provided in this Act.

Sec. 6. The mixed-blood members of the tribe, including those residing on and off the reservation, shall have the right to organize for their common welfare, and may adopt an appropriate constitution and bylaws which shall become effective when ratified by a majority

Mixed-blood
members.
Right to organ-
ize.



**AFFILIATED UTE CITIZENS
BOARD OF DIRECTORS**

P.O. BOX 27011
SALT LAKE CITY, UTAH
84127-0011

P.O. Box 630
Fort Duchesne, Utah
84026

BUS: (801) 486-9960

FAX: (801) 486-9962

June 9, 1997

NOTICE OF ANNUAL MEMBERSHIP MEETING
OF
AFFILIATED UTE CITIZENS

THE BOARD OF DIRECTORS OF "AFFILIATED UTE CITIZENS" INVITE YOU TO ATTEND THE ANNUAL A.U.C. MEETING AND AT 10 a.m. ON SATURDAY, JULY 12, 1997, AT THE MOON LAKE ELECTRIC BUILDING, 188 W. 200 No., ROOSEVELT, UTAH.

THE TWO OFFICERS WHOSE TERMS HAD EXPIRED, WERE VOTED BACK INTO OFFICE BY ACCLAMATION AT THE NOMINATIONS MEETING. NO ELECTION WILL BE HELD AT THE ANNUAL MEETING.

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. LAST YEAR'S MINUTES WILL BE READ AND APPROVED
4. PAST BUSINESS
5. PRESENT BUSINESS

6. LUNCH BREAK - POTLUCK LUNCH WILL BE PROVIDED BRING A DISH OR BEVERAGE OF YOUR CHOICE-- NO ALCOHOL PLEASE.

7. GENERAL DISCUSSION AND CURRENT EVENTS
8. ADJOURN

THIS MEETING IS A CLOSED MEETING FOR MEMBERS AND SPOUSES ONLY AS LISTED ON THE FINAL MIXED-BLOOD MEMBERSHIP ROLL OF 1956.

WE HOPE TO SEE YOU THERE.

BOARD OF DIRECTORS
AFFILIATED UTE CITIZENS