UNCOMPAHGRE LAND

History of the Legislative and Other Action Thereon.

THE COMMISSIONER'S CONSENT WOON

Judge Matthews, of Washington, D. C., Gives a Statement of the Facts.

W. H. Matthews Esq., of the Washington, D. C., bar, now and for compacts the attorney for the Ute Board of Land Commissioners for the state of Idaho, has been in the city on professional business for the last month. Mr. Matthews was and is the attorney for the original discoverers of some of the asphaltum lands in the extreme eastern portion of the Uncompahgre Indian reservation on the Colorado line, and to an interview gave the following facts. These men, after making their discoveries, supposing they were in the state of Colorado, the line between Utah and Colorado having become unsettled, began their developments and got out a considerable portion of the deposits, erected houses, etc., when all of a sudden the representatives of the Indian agent at Uintah appeared on the scene, notified them they were on the Indian reservation, summarily destroyed their improvements and drove them off the ground. These men then applied to the department of the interior at Washington for redress, but as these lands were not open to location or settlement nothing was done. Then it was that Mr. Matthews' services were secured by the discoverers, and he immediately set to work to secure relief through the Congress of the United States. A bill was introduced simultaneously in both houses of Congress, referred to the appropriate committee of each, and in turn referred to Secretary Noble, then secretary of the interior, for report. Mr. Noble referred the bill to the commissioner of Indian affairs and the latter after a careful investigation of the character of the land, the status of the title of the U. S., and the interests of the Indians, recommended that the lands embraced in the reservation be at once opened under the mining, homestead and other laws of the United States. The secretary concurred in the report of the Indian commissioner and recommended to Congress that the lands be at once thrown open, whereupon the bill was enacted into a law and all that was required before these lands became open to settlement, was the signature of the President of the United States. On the tenth day after the passage of the Bill, after 4 p.m., President Harrison sent to Congress his veto of the bill with his reasons for the same. This was the first veto and was a surprise to both houses of Congress, but as there was earnest opposition to the bill from asphaltum companies in New York and St. Louis, it was impossible to pass the bill over the veto of the President. Subsequent to this, Mr. Matthews, in his investigation as to the cause of the veto, discovered that the same had been brought about by the St. Louis people, who had been the chief and most open opponents of the bill, they supposing that should these lands be opened it would seriously interfere with their business already established and which they are now conducting in Utah.

Subsequent to this, Mr. Matthews appealed to Secretary Noble, inasmuch as this reservation had been created by executive order, to urge the President to rescind said order and to include the lands by proclamation, as it was conceded he, the President, had the right to do. Senators Teller, Shoup and Perkins, Chairman Peel of the Indian committee of the House, and other lesser lights concurred in the views entertained by Mr. Matthews, and personally addressed the President urging the opening by proclamation. Secretary Noble interviewed the President and subsequently informed Mr. Matthews that President Harrison recognized his power to declare the lands open, expressed regret that he had vetoed the bill, but as he was about to be succeeded by Mr. Cleveland, he thought it to better taste to leave this matter to his successor, particularly as simple matters had become complicated by the unwarranted and unlawful acts of the Indian agent at Uintah in consenting to and assisting in obtaining a lease of the mineral lands from the Indians in favor of the American Asphaltum company.

After Secretary Hoke Smith came in, a like appeal was made to him to have the lands declared open. He objected to this method and Mr. Matthews again resorted to Congress. Introduced a new bill, differing from the one vetoed by President Harrison, only in this that the latter bill gave no preference right to the discoverers or and first locator. This bill was referred by Congress to Secretary Smith for report. The secretary was of opinion the Uncompahgre Indians owned their lands, hence it would be unlawful to open them to settlement without providing compensation for the Indians. Further, that independent of the question of title—that inasmuch as the mineral lands in this reservation were immensely valuable—they should be sold by the government at public or private sale and the land placed in the treasury of the United States. He desired to hear argument upon the question of title, whereupon Mr. Matthews and his associate, Mr. C. A. Keigwin, filed a printed brief and also argued the question orally. Subsequent to this and after much time unnecessarily lost by delays at every sort and character, a report was made to Congress, and in August, 1894, Senator Shoup succeeded in placing the bill as a rider upon the Senate Indian appropriation bill (Senator Hawlins having previously secured the passage by the House) and when the Indian bill was approved on the 15th of the same month it became an act. But for the intervention and strenuous exertions of Senator Shoup—even in the event that the bill had passed both houses—it would no doubt have been vetoed by the President, owing to the known hostility of the secretary of the United States. The bill as enacted into a law authorizes the President of the United States to appoint a commission of three persons whose duty was first to visit the Uncompahgre lands and as soon as practicable thereafter, to "report to the secretary of the interior what portion of said reservation are mineral or will not be required for allotments, wherupon such portions as reported shall be proclaimed to be restored to the public domain and made subject to entry, etc.," under existing laws. After some delay the commission was appointed and went over to Fort Duchesne. A few months of apparent idleness a preliminary report was made, the contents of which was not made known to the public. It is said that Secretary Smith, although loath to do so, promised several senators that a good money order should follow the report, but as yet no money, so far as information has been heard. It is true, however, that Commissioner Smith had prepared some proclamation for signature with instructions for register at Salt Lake City, but these he withheld. Towards the close of December, the agent Cashes and United States treasurer — informed the House a resolution calling for a detailed statement of moneys due and expenditures since the present time were the resolution would be passed up. To this resolution, it appears, the secretary has replied. He states that there is now within the Uncompahgre reservation sufficient agricultural or grazing lands to provide "some 600 of the school" with allotments, and if such lands were there, the Indians will not agree to accept improvements pay $1.25 per acre therefor. The commissioner of Indian affairs gave the cost of the commission as $14,440.45 to date and states he deems it inadvisable to express any opinion as to the probable time when the lands will be opened up to settlement. These reports are from sole entry made for a special