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Ratified treaty no. 256, Documents relating to the negotiation of the treaty of December 30, 1849, with the Utah Indians. December 30, 1849

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RATIFIED TREATY NO. 256

DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF DECEMBER 30, 1849, WITH THE UTAH INDIANS

December, 31, 1849
of A. Santa Fe Agency
C. Tol.
James S. Calhoun,
Jan. 3, 1850.

Encl. letter, No. 28, of 1st
Jan. 1850, accomp'd by a treaty
made by him with the Utahs
at Abiegun, on the 30 Dec. 49
& also letter, No. 29, Jan. 3, 1850
in relation to negotiation for a
treaty with Apaches, & transmitt-
ing letter from Gen. P. Chico
with Col. May, was ap-
pointed Commissioner to
file box, Treaties, Copies,

Recd. 4 March 1850
See letter of 14 " " "
Hon Secy of Interior

"Santa Fe"
C. 406, 1850
Santa Fe Indian Agency
No 28.
January 1-1850

No. 28

The amount of money
- the budget for the first
C. 406, 1850
the amount of money
to be sent to the
1850

No. 28.

Indian Agency, Santa Fe,
New Mexico, January 1st, 1850.

Sir,

Accompanying this note you will receive the record of a treaty which I concluded with the Utah tribe of Indians, at Abiquiu, on the 30th day of the last month.

It is proper to remark, these Indians, since last September, have frequently manifested a disposition to enter into treaty stipulations with the United States, and so far as facts have come to our knowledge, their conduct has been unexceptionable, except so far as the allowing of Apaches and Navajos to visit and associate with them.

That the wild Indians have attempted a coalition for the purpose of overrunning and ravaging this territory, I entertain not the slightest doubt. If that purpose is abandoned, or has been defeated, it is the result of the Utahs influence over the wild tribes. The Apaches and Navajos have been with the Utahs until a few days since, and three Navajo chiefs left them only, when it appeared they could not prevent the Utah Chiefs from meeting me at Abiquiu.

On the 3^d of December last, the Prefect of Abiquiu informed Governor Munroe, through the Secretary of State, of this territory, that several Utah Chiefs desired a conference in relation to a treaty of peace. The Governor was so obliging as to advise with

me, and after consultation, I sent to said Chiefs the enclosed communication marked A. Subsequently, ascertaining a sufficient number of Chiefs could not assemble by the time mentioned in document A, I sent a runner with a communication to the Prefect of Abiquiu, marked B, also enclosed.

On the day appointed, the 28th of December last, I was in Abiquiu, and received the information that the Utah Chiefs were encamped a few miles therefrom, north west, in their own country, but would be in during the afternoon of that day, or very early the ensuing morning - The influence of traders, and perhaps the three Navajo Chiefs, before alluded to, prevented their coming in on the 29th of December. During the night of that day, after I had retired, a Chief came in, and begged me to be patient, and that on the 31st of December every Utah official should come to me, that they had removed from their encampment, near Abiquiu, and were not at that time, within twenty miles of that place.

To my inquiry, this one Indian replied, there were between twenty-five and thirty Chiefs in camp, and the Principal Chief of the tribe would lead them over, and that said Chiefs had full power to represent them. Not crediting the statement as to the distance the Chiefs were from Abiquiu, and discovering, as I supposed, the obstacle to be removed, notice was given to a trader that he was suspected, and at the same time, I caused the Utah Chief, then present, to be informed that I would wait until the ensuing midday, and not a moment longer, for the Chiefs to come in. By 10 O'clk, on the next morning, they were present, and the enclosed treaty was fully and thoroughly explained to them -

Let it be understood, they reluctantly agreed to the 7th article -
expressed their utter aversion to labor - and enquired what
they would do, to sustain life, if so restricted and confined.
I replied to them, the government of the United States had
ever been just and humane - and if they behaved well,
would take care of them - and in the conclusion, I stated to
them, I had no sword to frighten them into terms - that I
brought no present to seduce them - and that if they thought
they ought not to agree to the terms of the treaty, that I would,
at the peril of my life, secure them a transit to their own
country unmolested and unharmed - In a few moments
their countenances seemed to brighten up, and they declared,
they believed the President of the United States would take care
of them, and tell them what to do, because he did not au-
thorize his Agents to attempt either force or bribery.

It is hardly necessary to add, I gave them nothing - I prom-
ised them nothing, but humane treatment, if they complied
with the terms of the treaty.

What Governor Monroe may authorize, in executing this
treaty, is not yet settled - I shall advise the temporary appoint-
ment of an Agent to reside at Abiquin, until Superior orders
are received from Washington City.

I am with great respect, your obt. Servant.

James S. Calhoun
Ind. Agt.

To

Olando Brown Esq.
Commr of Ind, Affs.
Washington City D.C.

"Santa Fe."
Dec 1850
A

C. 406.

Doc A

Indian Agency, Santa Fe, New Mexico

December 3rd 1849.

Dr C. W. Boman visits the Utahs by my permission, charged to say, if they are honestly disposed to submit, fully, and unconditionally, to the Constituted Authorities of the United States, and the Chiefs will assemble at Abiquia, on or before the 20th day of the present month, a firm and lasting treaty of peace and intercourse may be entered into, by and with the consent of the Supreme Authority of New Mexico.

The Chiefs must come clothed with plenary powers, to the end, that every vexed question may be settled.

(Signed)

James S. Calhoun,
Indian Agent.

Doc. B C. 406

"Santa Fee - 1867"

Doc B

Santa Fe, New Mexico

Dec 20, 1849.

Sir,

It is my intention to be in Abiquia on the 28th day of this month, for the purpose of meeting such chiefs of the Utah tribe, as may be in attendance at that time. I hope the Chiefs will exert themselves to secure the presence of every Chief that can possibly reach there, for when a treaty is formed, it must be a lasting one, having the full sanction of the tribe.

(Signed)

With great respect,

Your obt Servt.

J. S. Calhoun.

Ind. Agent.

To the,

Prefect,

Abiquia

New Mexico.

Santa Fe. C. 106-50.
Indian Agency.
Santa Fe,
New Mexico.

no 29.
July 3rd 1850

accompanied letter from C. Christ
re: 4 treaty with Apache, N.

No 29.

Indian Agency,

Santa Fe, New Mexico.

July 3rd 1838.

Sir,

In consequence of a communication addressed to Governor Munroe, by Col. Hay, which was placed before me, at the request of the Governor, I drew up the terms of a treaty, and Col. Hay and Genl. Cyrus Choice were authorized, as Commissioners, to hear what the Apaches had to say, and to make with them a treaty, if the said Commissioners should come to the conclusion, the Apache Chiefs, who might present themselves, were duly authorized to represent the Tribe.

The accompanying copy of a letter from General Choice, marked No 1, will give you all the information which has come to this point - that I have seen.

Within the last fifteen days, a number of murders have been committed between this and El Paso - and in the interior South, and South East. It matters not what others may say, a stronger arm than has yet been here, ought to be in this territory - "All is not well" Murders and depredations are occurring daily, and they are of such frequent occurrence, we seem to await patiently our fate.

While absent at Abiquin, the Governor of

San Ildefonso called to complain that Mexicans, and others, were thrusting themselves into their Pueblo - selling spirituous liquors, and creating great mischief and trouble with his people, and desiring advice as to what he should do - I have not yet seen the said Governor; but I beg you for advice in the premises -

Pardon me for saying we are as ignorant of the actings and doings in the United States, as we were two months ago - We have neither letters or papers -

I am,

Dear Sir,

Your off-servt.

James S. Calhoun
Ind. Agt.

To,

Orlando Brown Esq.
corner of Ind. affs.
Washington City,
D. C.

"Santa Fe. C. 406, 50.
No 1.

1850 e 406 Santa Fe

Socorro, New Mexico, 24th Decr, 1849.

Dear Sir,

I arrived here on the 14th inst. The Indians did not come in according to their appointment, but came in to Limatak on the 18th, and got into a drunken frolic. The Alcalde came down and informed the Col, and requested permission to take a party of Mexicans and arrest them. The Col, refused and at three o'clk, the Col, despatched Capt Humber with twelve men as an escort for them. They arrived here at seven. I requested Capt Humber not to let any act of his create any suspicion with the Indians whatever, that would let them suppose for a moment, that they were to be held as prisoners. On their arrival here, Humber sent for me, I had an interview with them. They appeared to be perfectly satisfied, we obtained comfortable quarters for them, and had a good corral for their animals, with a sufficient guard over them, had rations issued to the Indians, and they were apparently, perfectly satisfied with their situation. I then retired, half past ten o'clk. The Col sent for Capt Humber and ordered their animals to be moved, and their arms to be taken from them, which excited them, the Capt permitting them to move their animals, thirteen of them sprang on them, and ran off, leaving ^{two of} their party, and eight animals, and all of their baggage. One of

those left, was the old woman that came in, and made the appointment to hold a treaty on the twelfth inst. Under the circumstances, we thought it best, to let those two return to their people, under the promise, that they would return, and bring in all of their chiefs and Captains, in twenty days, and make a treaty of peace. They all expressed a great desire to make a peace with the Americans. I am still inclined to the opinion that they will come in if they are not prevented in consequence of some recent depredations, committed by them, a small party of the tribe, about one hundred and forty miles below here; this happened about the time this party came in, and Lieutenant Tyler found the bodies of three discharged bearers, and buried them. They not were yet cold, when found, did not get hold of any of the Indians, though I am told that they obtained all of their mules & baggage.

I remain here, until ^{the} twenty days is out. This I write in a great hurry, as the express is waiting. I wrote to you with the intention of sending it by Capt. Brent, but he left before I could see him.

Nothing more, but yours, &c.
(Signed). Cyrus Choice.

(Copy)

December 30, 1849.

Utah

(Santa Fe. C. 406. 1850.)

(Copy)

Treaty between the United States of America
and the
Utah Indians.

The following articles have been duly considered and solemnly adopted by the undersigned that is to say James S. Calhoun, Indian Agent, residing at Santa Fe, acting as commissioner on the part of the United States of America and Quixiachigato, Manito, Mincoemachi, Abagawind, Ramahi, Sublette, Rumpallachi, Sagnasoxeg, Pagnisachi, Kobaxanor, Amucko, Puigniachi, Panachi, Sichuga, Uvicaxineaps, Cuchuticay, Nacditope, Puegreato, Suano, Juas, Pacachi, Saguanchi, Acaquato Mochi, Puibugriato, Quinacho, Mato, Saxiabo, Sichiuto Hochichigud, hoins Principal and sub ordinate chiefs, representing the Utah tribe of Indians,

1

The Utah tribe of Indians do hereby acknowledge and declare, they are lawfully, and exclusively under the jurisdiction of the government of said States: and to its power and authority, they do now unconditionally submit.

2

From and after the signing of this treaty, hostilities between the contracting parties shall cease, and perpetual peace and amity shall exist, the said tribe hereby binding themselves most solemnly, never to associate with, or give, countenance or aid to any tribe or band of Indians, or other persons or powers, who may be at any time, at enmity with the people or government of said States: and that they

they will in all future time, treat honestly and humanely, every citizen of the United States, and all persons and powers at peace with the said States, and all cases of aggression against said Utehs, shall be referred to the aforesaid Government for adjustment and settlement.

3.

All American and Mexican captives, and others taken from persons or powers at peace with the said States, shall be restored and delivered, by said Utehs to an authorized officer or agent of said States, at Abiquin, on or before the first day of March in the year of our Lord One thousand Eight hundred and fifty. And in like manner, all stolen property, of every description, shall be restored by or before the aforesaid first day of March 1851.

In the event such stolen property shall have been consumed or destroyed, the said Utehs Indians do agree, and are hereby bound to make such restitution and under such circumstances as the government of the United States may order & prescribe. But this article is not to be construed, or understood, as to create a claim against said States, for any losses or depredations committed by said Utehs.

4

The contracting parties agree that the laws now in force, and such others as may be passed, regulating the trade and intercourse, and for the preservation of peace with the various tribes of Indians, under the protection and guardianship of the government of the United States, shall be as binding and obligatory upon the said Utehs as if said laws had been enacted for their sole benefit and protection.

And

And that said laws may be duly executed and for all other useful purposes, the territory occupied by the Utehs is hereby annexed to New Mexico as now organized or as it may be organized, or until the government of the United States shall otherwise order.

5

The people of the United States, and all others in amity with the United States shall have free passage through the territory of said Utehs under such rules and regulations as may be adopted by authority of said States.

6

In order to preserve tranquility, and to afford protection to all the people and interests of the contracting parties, the government of the United States will establish such military posts and agencies, and authorize such trading houses at such time and in such places as the said government may designate.

7

Relying confidently, upon the justice and liberality of the United States and anxious to remove every possible cause that might disturb their peace and quiet, it is agreed by the Utehs that the aforesaid government, shall, at its earliest convenience, designate, settle, and adjust their territorial boundaries, and pass and execute such laws in their territory as the government of said States may deem conducive to the happiness and prosperity of said Indians. And the said Utehs further bind themselves not to depart from their accustomed homes or localities.

Unless

unless specially permitted by an agent of the aforesaid government and so soon as their boundaries are distinctly defined, the said Utahs are further bound to confine themselves to said limits under such rules as the said government may prescribe, and to build up Pueblos, or to settle in such other manner as will enable them most successfully to cultivate the soil, and pursue such other industrial pursuits as will best promote their happiness and prosperity; and they now deliberately and considerably, pledged their existance as a distinct tribe, to abstain for all time to come, from all depredations, to cease the roving and rambling habits which have hitherto marked them as a people, to confine themselves strictly to the limits which may be assigned them, and to support themselves by their own industry, aided and directed as it may be by the wisdom, justice and humanity of the American People

8

And in consideration of the faithful performance of all the stipulations contained in this treaty by the said Utahs, the government of the United States will grant to said Indians such donations, presents and implements and adopt such other liberal and humane measures as said government may deem meet and proper.

9

This treaty shall be binding upon the contracting parties from and after the signing of the same, subject in the first place, to the approval of the civil and military Governor of New Mexico and to such other modifications, amendments and orders as may be adopted by the Government of the United States.

In faith whereof the undersigned have signed this treaty and affixed therunto their seals at Abiquiu in New Mexico, this the thirtieth day of December in the year of our Lord One thousand Eight hundred and forty nine

approved
John Inouard
Br Col U.S. Army,
Civil Military Governor

James S. Calhoun
Indian Agent
Aimachigate ^{his} _{mark} Seal

Principal Chief
Manito ^{his} _{mark} Seal
Mincocumachie ^{his} _{mark} Seal
Waganian ^{his} _{mark} Seal
Ramachi ^{his} _{mark} Seal
Subbeti ^{his} _{mark} Seal
Pamballa chi ^{his} _{mark} Seal
Sagresonegi ^{his} _{mark} Seal
Pagnisachi ^{his} _{mark} Seal
Cotaxenur ^{his} _{mark} Seal
Anuche ^{his} _{mark} Seal
Punguachi ^{his} _{mark} Seal
Panachi ^{his} _{mark} Seal
Sichugo ^{his} _{mark} Seal
Wicancinbo ^{his} _{mark} Seal
Catushtung ^{his} _{mark} Seal
Machtitop ^{his} _{mark} Seal
Juegusto ^{his} _{mark} Seal
Gnanofuas ^{his} _{mark} Seal
Pachchi ^{his} _{mark} Seal
Juguanchi ^{his} _{mark} Seal

Witnesses

Dr. J. J. Solosa
J. Thomas Baco
Vincente ^{his} _{mark} Vilardo ^{Interpreter}
Antonio Brown ^{Interpreter}
James Leontin ^{Interpreter}
J. H. Whittlesy
N. W. V. Drayson
Edw. McKern
Geor. W. Martine
W. H. Mitchell

Seals of the Utahs

Acagnato Mochi	his	(100)
Quilngomatu	his	(100)
Quivachio tuato	his	(100)
Saxiabo	his	(100)
Pichantu	his	(100)
Nochichigu	his	(100)
Wori	his	(100)

Note signed in duplicate
 J.S.C

no 30

copy C429

of the

Wah Treaty

Treaty
Between
The United States of America
And
The Utah Indians.

The following articles have been duly considered and solemnly adopted by the undersigned that is to say, James S. Calhoun, Indian Agent, residing at Santa Fe, acting as commissioner on the part of the United States of America and Quisichigiate, Navito, Ninocunachi, Abaganise, Ramahi, Subbeta, Rupallachi, Saguasongo, Paquisachi, Colakanor, Amuchi, Puigni-achi, Panachi, Sichuga, Urcasinape, Cuchu-ticay, Nachitope, Praquata, Guanojuas, Pacachi, Saguanchi, Acagnate, Nochi, Puibu-quiate, Quisachitua, Sasciabe, Pichinta, Nochichique, Uvive, Principal and Subordinate chiefs, representing the Utah tribe of Indians,

The Utah tribe of Indians do hereby acknowledge and declare, they are lawfully, and exclusively, under the jurisdiction of the Government of said States; and to its power and authority, they now unconditionally submit.

2

From and after the signing of this treaty, hostilities between the contracting parties shall cease, and perpetual peace and amity shall exist; the said tribe hereby binding themselves most solemnly, never to associate with, or give countenance or aid to any tribe, or band of Indians, or other persons or powers, who may be at any time, at enmity with the people or government of said States; and that they will in all future time, treat honestly and humanely, ~~every~~ every citizen of the United States, and all persons and powers at peace with the said States, and all cases of aggression against said Utahs, shall be referred to the aforesaid Government for adjustment and settlement.

3

All American and Mexican captives, and others taken from persons or powers at peace with the said States, shall be restored and delivered, by said Utahs to an authorized officer or agent of said States, at Abigain, on or before the first day of March, in the year of Our Lord One Thousand Eight hundred and fifty. And in like manner, all stolen property, of every description, shall be restored, by or before

the aforesaid first-day of March- 1850,
In the event such stolen property shall
have been consumed or destroyed, the said
Utah Indians do agree, and are hereby
bound to make such restitution and under
such circumstances, as the Government of
the United States may order and prescribe.

But this article is not to be so construed,
or understood, as to create a claim against
said States, for any losses or depreciations
committed by said Utahs,

4

The contracting parties agree that the laws
now in force, and such others as may be
passed, regulating the Trade and Intercourse,
and for the preservation of peace with the
various tribes of Indians, under the
protection and guardianship of the
Government of the United States, shall be
as binding and obligatory upon the said
Utahs as if said laws had been enacted
for their sole benefit and protection: And
that said laws may be duly executed, and
for all other useful purposes, the territory
occupied by the Utahs is hereby annexed
to New Mexico as now organized, or as it
may be organized, or until the Government
of the United States shall otherwise order

The people of the United States, and all others in amity with the United States, shall have free passage through the territory of said Utah, under such rules and regulations as may be adopted by authority of said States.

In order to preserve tranquility, and to afford protection to all the people and interests of the contracting parties, the Government of the United States will establish such military posts and agencies, and authorize such trading houses, at such time and in such places, as the said Government may designate

Relying, confidently, upon the justice and liberality of the United States and anxious to remove every possible cause that might disturb their peace and quiet, it is agreed by the Utahs that the aforesaid Government shall, at its earliest convenience, designate, settle, and adjust their territorial boundaries, and pass, and execute such laws, in their territory as the Government of said States may deem conducive to the happiness and prosperity of said Indians.

And the said Utahs, further, bind themselves not to depart from their accustomed homes or localities unless specially permitted

by an agent of the aforesaid Government, and so soon as their boundaries are distinctly defined, the said States are further bound to confine themselves to said limits under such rules as the said Government may prescribe, and to build up Pueblos, or to settle in such other manner as will enable them most successfully to cultivate the soil, and pursue such other industrial pursuits as will best promote their happiness and prosperity; and they now deliberately and considerately, pledge their existence as a distinct tribe, to abstain, for all time to come, from all depredations, to cease the roving and rambling habits which have hitherto marked them as a people; to confine themselves, strictly, to the limits which may be assigned them, and to support themselves by their own industry, aided and directed as it may be, by the wisdom, justice, and humanity of the American People.

§

For and in consideration of the faithful performance of all the stipulations contained in this treaty, by the said States, the Government of the United States will

grant to said Indians, such donations,
presents and implements, and adopt
such other liberal and humane
measures as said Government may
deem meet and proper.

9

This treaty shall be binding upon the
contracting parties from and after the
signing of the same, subject, in the first
place, to the approval of the Civil and
Military Governor of New Mexico, and
to such other modifications, amendments
and orders, as may be adopted by the
Government of the United States.

In faith whereof the undersigned
have signed this treaty, and affixed
therunto their seals at Abiquiu, in New
Mexico, this the Twentieth, day of December,
in the Year of our Lord One Thousand Eight-
hundred and forty nine.

James S. Calhoun
Ind Agent

Approved
John Murrell
Br Col. U. S. Army
Civil & Military Governor

(Signed)

Quiseiachiqiate his
Principal
mark Chief
Nanito his
mark
Ninwennachi, his
mark

Witnesses

Anto ~~Salazar~~ Salazar
 Fran^{co} Tomas Barco
 Vicente ^{his} Vilarde ^{Interp} _{mark} ^{eter}
 Antoine Leroisse Interpreter
 James Conklin Interpreter
 J. H. Whittlesey
 1st Lieut. 1st Dragoons
 Edw. M. Ferris
 Geo. W. Martin
 Wm. H. Mitchell

Abaganine	his
Ramahi	mark
Subbeta	his
Rupallachi	mark
Lagna sosyo	his
Paguivachi	mark
Cobasanon	his
Amuche	mark
Puignachi	his
Panachi	mark
Sichuga	his
Uvicorinapu	mark
Cuchuticay	his
Nachitope	mark
Pueguate	his
Guanofras	mark
San Pacachi	his
Laguanchi	mark
Acauate	his
Nochi	mark
Pibuguiacte	his
Quiseche-tuate	mark
Saxiabe	his
Pichinte	mark
Nochiehgue	his
Uvive	mark

Subordinados