Ratified treaty no. 328, Documents relating to the negotiation of the treaty of October 7, 1863, with the Tabaquache band of Ute Indians. October 7, 1863

Washington, D.C.: National Archives, October 7, 1863

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RATIFIED TREATY NO. 328

DOCUMENTS RELATING TO THE NEGOTIATION OF THE

TREATY OF OCTOBER 7, 1863, WITH THE TABAQUACHE

BAND OF UTE INDIANS

Witnesses to the Treaty

Jno G Nicolay
Secretary to the Commission

Chas E Phillips
Asst Secretary to Commission

J. M. Chivington Col 1st Cav of Colo
Comdg Dist

Samuel F Tappan
Lieut Col 1st Cav of Colorado
Charles Weber
Capt 1. Cavl of Colorado
J. P. Benstel
Capt 1st Cav of Col

Interpreters
Juan V Tardes
Bernardo Sanchez his + mark

Amador Sanchez his + mark

Salvegrache: Oct. 7. 1863.

(Colorado) M.S.U. (1863)

(Copy)

Article 10

Each family that shall announce through its head, to the agent of the band, a willingness and determination to begin and follow the pursuits of Agriculture, by farming or raising stock and growing wool, upon such lands, and according to such regulations as the Secretary of the Interior may prescribe shall receive the following donations of stock to aid them in their endeavor to gain a livelihood by such new pursuits.

Of Cattle, one head annually during five years beginning with the ratification of this treaty

Of sheep, ten head annually during the first two years after the ratification of this treaty, and five head annually during the three years thereafter.

The Secretary of the Interior may also direct that their share of annuity goods and provisions shall be of a character suited to such change of life

Provided however that such stock shall only be donated as long as such family shall in good faith, keep and use the same for the purpose indicated in this article

All the Indians of said band who

may adopt and conform to the provisions of this article shall be protected in the quiet and peaceable of their said lands and property

The government also agrees to establish and maintain a Blacksmith shop and employ a competent Blacksmith for the purpose of repairing the guns and agricultural implements which may be used by said band of Indians

In testimony whereof the said Commissioners as aforesaid, and the said Chiefs and warriors of the Tabeguache band of Utah Indians have hereunto set their hands and seals at the Tabeguache Agency at Conejos Colorado Territory on this the seventh day of October in the year of our Lord one thousand Eight hundred and sixty three

Jno Evans (Seal)
For. C.S. Supt Ind Affairs
& Commissioner

M Steck (Seal)
Supt Ind Affs New Mex
& Commissioner

Simeon Whitley (Seal)
US Agent to the Grand River and
United bands of Utah Indians
& Commissioner

Lafayette Head (Seal)
U.S. Ind Agt & Commissioner

Un-cow-wa-gut his mark (Seal)
or Red Color

Sha-wa-she-yet his mark (Seal)
or Blue Flower

Colorado his mark (Seal)

U = ray or Arrow his mark (Seal)

No = wa = ve = tu gua = et his mark (Seal)
or one that slides under the snow

Sa = wa = wat = se = wich his mark (Seal)
or Blue River

A = Co = mu = che = ne. his mark (Seal)
or Red wind

Mu = chu = chop his mark (Seal)
or Lock of Hair

Sa = patch his mark (Seal)
or White Warm

Chiuchu
or Left Hand (Seal)

In Executive Session Senate of the U. States
March 25th 1864.

Resolved (two thirds of the Senators present concurring) That the Senate advise and consent to the ratification of the Treaty concluded on the seventh day of October eighteen hundred and sixty three at Conejos, Colorado Territory, between John Evans, Governor and ex officio Superintendent of Indian Affairs of said Territory, Michael Steck Superintendent of Indian Affairs for the Territory of New Mexico, Simeon Whiteley and Lafayette Head, Indian Agents, Commissioners on the part of the United States, and the Chiefs and Warriors of the Tabeguache band of Utah Indians, with the following

Amendments:-

Page 1. line 2, of the preamble, after the word "claim" insert "against all other Indian Tribes,

page 3 in lines 37 to 43 inclusive, strike out of the preamble the following words:-

"And whereas the said Indians for the purpose of maintaining friendly relations with the people and government of the United States of America and for the other considerations herein mentioned are willing to cede a portion of said country and to enter into the covenants and agreements herein set forth."

page 5. Article 2, line 5, after the word "all" strike out the words "of their"—

" — 5 — " — 2 — line 8, after the word "boundaries", insert — which are hereby reserved as their hunting grounds — "viz"—

" — 5 — " — 2 — line 18 Strike out the word "Arkansas" and insert in lieu thereof — Gunnison's fork of the great Colorado,

" — 5 — " — 2 — Strike out from the word "to" in line 20 to the word "the" in line 38, the following words:—

"The source of the Sandy creek of the San Louis Valley thence down the Sandy Creek to the place where its waters sink at low water, thence in a right line to the point where the centre of the channel of the Rio Grande del norte crosses the 106th line of longitude west from Greenwich; thence up the centre of the main channel of the Rio Grande del norte to the line of the 107 degree of longitude west from Greenwich, thence South along said line to the summit of the range dividing the waters of the Rio Grande del norte from those of the San Juan river, thence along summit westerly to a point due South of."

" — 6 — " — 2 in line 34 after the word thence strike out the word "to" and insert — from —

" — 6 — " — 2 After line 36 insert the following words:—

Nothing contained in this Treaty shall be construed or taken to admit on the part of the United States any other or greater title or interest in the lands above excepted and reserved in said Tribe or band of Indians than existed in them upon the acquisition of said territory from Mexico by the laws thereof—

page 7. Article 3 - line 12. strike out the words:—
"The right of—"

" — 7 — " — 3 - line 18, strike out the word "to" and insert— may - in lieu thereof—

" — 7 — " — 3 - line 15. - strike out the words "retained by" and insert in lieu thereof the words:— reserved to.—

" — 7 — " — 3, After the word "found" in line 16.— strike out the following words:—
"is hereby also conferred and guaranteed And for all other purposes excepting as herein stipulated, settlement by other persons than Indians is hereby prohibited."

page 9 Article 5, line 5 strike out the word "country" insert in lieu thereof— reservation

page 11. Article 6. line 29. after the word "citizens" insert— or white resident

" — 11 — " — 6, line 37, after the word "citizens"— insert— or white residents—

" — 11 — " — 6 - line 45, after the word "citizens"— insert— or white residents—

page 11, Article 6 - line 49, after the word "citizens" - insert - or white residents -

page 15, Article 10, line 2, Strike out the words - "Each family," and after the word "that" in same line insert - in case the chiefs of said band

" - 15 - " - 10 - line 2, after the word "announce" strike out the words - "through its head"

" - 15 - " - 10 - line 3, after the word "agent" - strike out the words - "of the band" -

" - 15 - " - 10 - line 4 - after word "determination" - insert - on their part, and on the part of their people.

" - 15 - " - 10 - line 5, after the word "follow," - strike out the words - the pursuits of Agriculture," and insert in lieu thereof:- Agricultural or pastoral pursuits

" - 15 - " - 10 - line 7, after the word "lands" - insert - to be selected and set apart within said reservation

" - 15 - " - 10, line 9, before the word "shall" insert - they -

" - 15 - " - 10 - line 12, after the word "cattle" - strike out the word "one", and insert in lieu thereof - not exceeding one hundred and fifty

" - 15 - " - 10 - line 15, after the word "sheep" - strike out the word - "ten," and insert in lieu thereof - not exceeding one thousand. -

page 15, article 10, line 17, after the word "five", insert hundred.

" — 15 — " — 10, line 24, after the word "such", strike out the word "family", insert in lieu thereof the word chiefs.

" — 15 — " — 10, at the end of line 26, insert the following words —

And provided, That the amount expended under this article shall not exceed ten thousand dollars annually. —

Attest

J. W. Forney, Secretary
by W. Hickey, Chief Clerk

Copy of Treaty
with
Tabequache band
Utah Indians
Oct 7. 1863
with
Amendments

[Colorado, I-487/64]

Page 1

Whereas the Tabequache band of Utah Indians claim, as against the exclusive right to the following described country as their lands and hunting grounds within the Territory of the United States of America being bounded and described as follows, to wit:-

Beginning on the 37th degree of North Latitude, at the Eastern base of the Sierra Madre Mountains, running thence Northerly with the base of the Rocky Mountains to the forty-first parallel of North Latitude, thence west with the line of said forty-first parallel of North Latitude to its intersection with the summit of the Snowy Range north west of the North Park, thence with the summit of the Snowy Range Southerly to the Rabbit Ear Mountain, thence Southerly with the summit of said Rabbit Ear Range of Mountains west of the Middle Park to the Grand River, thence with the said Grand River to its confluence with the Gunnison River, thence with the said Gun-

son River to the mouth of the Uncompahgre River, thence with the said Uncompahgre River, to its source in the summit of the Snowy Range opposite the source of the Rio Grande del Norte, thence in a right line South to the summit of the Sierra La Plate range of mountains, dividing the waters of the San Juan River, from those of the Rio Grande del Norte; thence with the summit of said Range, South Easterly to the thirty-seventh parallel of North Latitude; thence with the line of said parallel of Latitude to the place of beginning;"

[And whereas the said Indians for the purpose of maintaining friendly relations with the people and Government of the United States of America and for the other considerations herein mentioned, are willing to cede a portion of said country and to enter into the covenants and agreements herein set forth] the President of the United States of America by John Evans Governor of Colorado Territory and Ex Officio Superintendent of Indian Affairs for the same. Michael Steck Superintendent of Indian Affairs for the Territory of New Mexico. Simeon Whitely and Lafayette Head, Indian Agents duly authorized and appointed as commissioners for the purpose, of the one part, and the undersigned chiefs and warriors of the Tabeguache band of Utah Indians of the other part, have made and entered into the following Treaty, which when ratified by the President of the United States, by and with the advice and consent of the Senate shall be binding on both parties to-wit:—

4

Article 1.—

It is admitted by the Tabeguache band of Utah Indians, that they reside within the territorial limits of the United States, acknowledge their supremacy and claim their protection. The said band also admits the right of the United States to regulate all trade and intercourse with them.

Article 2

Said Tabeguache band of Utah Indians hereby cede, convey and relinquish all of their claim, right, title and interest in and to any and all [of their] lands, within the Territory of the United States, wherever situated excepting that which is included within the following boundaries which are hereby ceded viz:

Beginning at the mouth of the Uncompaghre River; thence down Gunnison River to its confluence with the Bunkara River, thence up the Bunkara River, to the Roaring Fork of the same, thence up the Roaring Fork to its source, thence along the summit of the Range dividing the waters of the Arkansas from those of the Gunnison River to its intersection with the Range dividing the waters of the San Luis valley from those of the [Arkansas] Gunnison fork &c River, thence along the summit of said Range to [the source of the Sandy Creek of the San Luis valley thence down the Sandy Creek to the place where its waters sink, at low water; thence in a right line to the point where the centre of the channel of the

6

Rio Grande del Norte crosses the 106th line of longitude west from Greenwich; thence up the centre of the main channel of the Rio Grande del Norte to the line of the 107th degree of longitude west from Greenwich, thence South along said line to the summit of the range dividing the waters of the Rio Grande del Norte from those of the San Juan River, thence along said summit westerly to a point due South of the source of the Uncompahgre River, thence [to] from said source and down the main channel of said Uncompahgre River, to its mouth, the place of beginning.—

Nothing contained in this Treaty to

Article 3.—

And it is further agreed that the United States shall have the right, to establish one or more Military Posts, with their needful reservations, upon the lands and hunting grounds not ceded by the Tabeguache band, in this Treaty; also the right to locate, construct, and maintain railroads and other roads, and highways through the same, and along the routes of United States mail lines, at suitable points, to establish and maintain Stations.—

[The right of any citizen of the United States [to] mine without interference or molestation, in any part of the country hereby [retained by] reserved to said Indians, where Gold or other metals or minerals may be found, [is hereby also conferred and guaranteed. And for all other purposes, excepting as herein stipulated, settlement by other persons than Indians is hereby prohibited].—

8

Article 4

And the said Tabequache band hereby gives its consent that the Moquache band of Utah Indians may also be settled with them upon the lands and hunting grounds reserved in this treaty.

9

Article 5

And the said Tabeguache band further agrees to give safe conduct to all persons who may be legally authorized by the United States to pass through their [reservation country; and to protect in their persons and property all agents or other persons sent by the United States to reside temporarily among them.

Article 6.

That the friendship which is now established between the United States and the Tabeguache Band of Utah Indians, should not be interrupted by the misconduct of individuals, it is hereby agreed that for injuries done, no private revenge or retaliation shall take place, but instead thereof complaints shall be made by the party injured to the Superintendent or Agent of Indian Affairs or other person appointed by the President and it shall be the duty of the Chiefs of said Tabeguache band, upon complaint being made as aforesaid, to deliver up the person or persons, against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States. And in like manner, if any robbery violence or murder shall be committed on any Indian or Indians belonging to said band, the person or persons so offending shall be tried, and if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that the chiefs of

said Tabeguache band shall to the utmost of their power, exert themselves to recover horses or other property which may be stolen or taken from any citizen or citizens or white resident of the United States by any individual or individuals of said bands; and the property so recovered shall be forthwith delivered to the Agents or other persons authorized to receive it that it may be restored to the proper owner, And for such property as any Indian or Indians belonging to said band may have taken from citizens or white resident of the of the United States which cannot be restored, payment shall be reserved from the annuities which the said band is to receive, upon sufficient proof of the fact, And the United States hereby guarantee to any Indian or Indians of said band a full indemnification for any horses or other property which may be stolen from them by any of their citizens or white resident. Provided that the property so stolen cannot be recovered and that sufficient proof is produced that it was actually stolen by a citizen or white resident of the United States. And the said Tabeguache band engages, on

11 continued

the requisition or demand of the President of the United States or of the Agents, to deliver up any white man resident among them

12

Article 7.

And the chiefs and warriors as afore-said promise and engage, their band will never, by sale, exchange, or as presents supply any nation or tribe of Indians, not in amity with the United States with, guns, ammunition or other imple-ments of war.—

13

2

Article 8

For the period of ten years the said band shall receive annually, by such distribution as the Secretary of the Interior may direct ten thousand dollars worth of goods; and also ten thousand dollars worth of provisions. —

14

Article 9

For the purpose of improving their breed of Horses, the Band shall receive five American Stallions the first year after the ratification of this Treaty.—

15

Article 10.

[Each family] that shall announce [through its head] to the Agent [of the Band] a willingness and determination to begin and follow [the pursuits of Agriculture] by farming or raising stock and growing wool, upon such lands and according to such regulations as the Secretary of the Interior may prescribe, shall receive the following donations of stock to aid them in their endeavors to gain a livelihood by such new pursuits Viz

Of cattle [one] head annually during five years beginning with the ratification of this treaty.

Of sheep, [ten] head annually during the first two years after the ratification of this treaty, and five head annually during the three years thereafter.

The Secretary of the Interior may also direct that their share of annuity goods and provisions shall be of a character suited to such change of life.

Provided however that such stock shall only be donated as long as such [family] shall in good faith, keep and use

16

the same for the purpose indicated in this article. and provided &c

All the Indians of said band who may adopt and conform to the provisions of this article shall be protected in the quiet and peaceable possession of their said lands and property.

The government also agrees to establish and maintain a Blacksmith Shop and Employ a competent Blacksmith for the purpose of repairing the guns and agricultural implements which may be used by said band of Indians.

17

In Testimony whereof the said commis=
=sioners as aforesaid, and the said chiefs and warriors
of the Tabequache band of Utah-Indians
have hereunto set their hands and seals
at the Tabequache Agency at Conejos Col=
=orado Territory on this the seventh day
of October in the year of our Lord one
thousand Eight hundred and sixty three.

Geo. Evans (Seal)
Gov. & J. Supt. Ind. Affairs
& Commissioner

M. Steck (Seal)
Supt. Ind. Affrs. New Mexico
& Commissioner

Simeon Whiteley (Seal)
U. S. Agent to the Grand River and Uintah
Bands of Utah Indians & Commissioner

Lafayette Head (Seal)
U. S. Ind. Agent & Commissioner

Un=cow=sa=gut his + mark (Seal)
or Red Leaf

Sha=wa=she=yet his + mark (Seal)
or Blue Flower

Colorado his + mark Seal

U-ray his + mark Seal
or Arrow

No-wa-se-tu-quar-et his + mark Seal
or one that slides under the snow

Sa-wa-wat-se-wick his + mark Seal
or Blue River

A-ca-mu-che-ne his + mark Seal
or Red Wind

Mu-che-chop his + mark Seal
or Lock of Hair

Sa-patch his + mark Seal
or White Warm

Cinche Seal
or Left Hand

Witnesses to the Treaty:

Geo. G. Nicolay.
Secretary to the Commissioner

Chas E. Phillips
Asst. Secretary to Commission

J. M. Chivington Col 1st Cav. of Col.
Comdg Dist
Samuel F. Tappan
Lieut Col 1st Cav. of Colorado
Charles Herbst
Capt. 1 Cavl. of Colorado
S. P. Benstead
Capt 1st Cav. of Col.

Interpreters
Juan B. Valdes
Bernardo Sanchez his + mark
Amader Sanchez his + mark

Abiquiu 1860
M. Steck
Santa Fé N. M.
Oct 10. '63

Reports his return from the Utah Council at Conejos, Col. Terr. and in reference to the treaty concluded with the Tabeguache band of Utes

Mr. Coffin

Office Supt. Ind. Affrs.
Santa Fé, New Mexico,
Oct. 10, 1863.

Sir:-

I have this day returned from the Utah Council at Conejos, in Colorado Terri" "tory, and am gratified to state that a satis" "factory Treaty was concluded with the Tabequache Band of Utes. The proceedings will be forwarded in due time by his Excellency Gov. Evans, of Colorado, and I hope receive the approval of the Hon: Commissioner and the ratification of the Senate.

It was the original intention of the Department that the Bands of Utes now within the jurisdiction of this Superintendency should be parties to the Treaty; but on ac" "count of difficulties that occurred in the Conejos only a short time previous, between the citizens and the troops stationed there, and a failure to understand properly the object of the Council, with an unwillingness to be attached to that Superintendency they

failed to attend.

I am of the opinion, however, that a similar Treaty can be made with the Capôte and Pahutes at any time, by which they will agree to settle in the Valley of the San Juan. These Indians are now better disposed than any in the Territory; and I would respectfully re-
"commend that early steps be taken to se-
"cure them a permanent reservation, in-
"cluding that Valley as their future home.

Very Respectfully
Yr. Obt. Sr.

M Steck
Supt. Ind. Affrs.

Hon:
Wm. P. Dole,
Comr. Ind. Affrs.
Washington City.

Colorado Co 41
Gov. of Colorado
Denver Oct 16, '63

Reports that in connection with Messrs Steele, Head and Whitely Commissioners and with the assistance of Lieut G. Wheelan he effected a treaty with the Apache band of Utah Indians, copy of which will be forwarded and original sent by Mr Wheelan — Submits remarks relative since treaty

File

refer to annual

Mr. Commissioner
Special

Colorado Superintendency of Indian Affairs.
OFFICIAL BUSINESS.

Denver, Oct 16th 1863.

Hon W. P. Dole
Comr Indian Affairs

Sir

I have the honor to report that in connection with my associates Messrs Steck Head & Whitley of the Commission appointed to hold a treaty Council with the Utah Indians and the valuable assistance of Mr Nicolay we effected a Treaty with the Tabeguache Band of said Indians, on the 7th inst a copy of which will be forwarded to you and the Original carried in person by Mr Nicolay Secretary

Although we failed to secure their assent to settlement on a Reservation, you will perceive by the terms of the Treaty, a provision by which such

Settlement may be inaugurated among them for a gradual Consumation.

The lands ceded, are probably the most valuable ever purchased by the Government from a single Indian Tribe, including as they do nearly all of the mining lands yet discovered in Colorado - and in fact a large amount of agricultural and grazing lands in addition thereto

A full account of the expenses incurred will be forwarded in my quarterly report in a few days, from which it will be seen that a large part of the $8000 set apart for the purpose still remains unexpended.

I have the honor to be
Very Respectfully
Your Obedient Servant
Jno. Evans
Gov. Terr & Comr

Oct. 7. 1863

Received No. 30. (63

Jno. L. Nierlay
Denver Oct 16. 63

One copy of Treaty made with the Tabe-Yache band of Utah Indians

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Colorado Superintendency of Indian Affairs.
OFFICIAL BUSINESS.

Denver, Oct 16th 1863.

Dear Sir:

I have the honor to report that I returned to this place from Conejos on the 14th inst.

Only one of the bands of the Utahs, the Tabequaches, were fully represented, and with these the Commission made a Treaty, a copy of which is herewith transmitted for the information of the Department. I shall start on my return in three or four days, and bring the original with me.

Your obt. servt.

Jno. L. Nicolay
Secy & Comr &c.

Hon. Wm. P. Dole
Commissioner of Indian Affairs
Washington D.C.

Whereas the Tabeguache band of Utah Indians claim an exclusive right to the following described country as their lands and hunting grounds within the Territory of the United States of America being bounded and described as follows to wit:

"Beginning on the 37th degree of North Latitude, at the Eastern base of the Sierra Madre Mountains, running thence Northerly with the base of the Rocky Mountains to the forty-first parallel of North Latitude, thence west with the line of said forty first parallel of North Latitude to its intersection with the Summit of the Snowy Range north west of the North Park; thence with the Summit of the Snowy Range Southerly to the Rabbit Ear Mountains, thence southerly with the Summit of said Rabbit Ear Range of Mountains west of the Middle Park to the Grand River, thence with the said Grand River to its Confluence with the Gunnison River, thence with the said Gunnison River to the Mouth of the Uncompahgre River, thence with the said Uncompahgre River, to its source in the summit of the Snowy Range opposite the source of the Rio Grand del Norte, thence in a right line south to the Summit of the Sierra La Plata range of Mountains, dividing the waters of the San Juan

River from those of the Rio Grand del Norte; thence with the summit of said Range, South Easterly to the thirty seventh parallel of North Latitude; thence with the line of said parallel of Latitude to the place of beginning"

And whereas the said Indians for the purpose of maintaining friendly relations with the people and government of the United States of America and for the other consideration herein mentioned, are willing to cede a portion of said country and to enter into the covenants and agreements herein set forth The President of the United States of America by John Evans Governor of Colorado Territory and Ex Officio Superintendant of Indian affairs for the same, Michael Steck Superintendant of Indian affairs for the Territory of New Mexico, Simeon Whitley and Lafayette Head, Indian Agents duly authorized and appointed as commissioners for the purpose, of the one part, and the undersigned chiefs and warriors of the Tabequache band of Utah Indians of the other part, have made and entered into the following Treaty, which when ratified by the President of the United States, by and with the advice and consent of the Senate shall be binding on both parties to wit;

Article 1

It is admitted by the Tobequache band of Utah Indians, that they reside within the territorial limits of the United States, acknowledge their supremacy and claim their protection. The said band also admits the right of the United States to regulate all trade and intercourse with them

Article 2

Said Tabequache band of Utah Indians hereby cede, convey and relinquish all of their claim, right, title and interest in and to any and all of their lands, within the Territory of the United States, wherever situated, excepting that which is included within the following boundaries Viz:

Beginning at the mouth of the Uncompaghre River; thence down Gunnison River to its confluence with the Bunkara River, thence up the Bunkara River to the Roaring Fork of the same, thence up the Roaring Fork to its source, thence along the Summit of the Range dividing the waters of the Arkansas from those of the Gunnison River, to its intersection with the Range dividing the waters of the San Luis valley from those of the Arkansas River, thence along the Summit of said Range to the source of the Sandy Creek of the San Luis valley, thence down the Sandy Creek to the place where its waters sink, at low water; thence in a right line to the point where the center of the channel of the Rio Grand del Norte crosses the 106th line of longitude west from Greenwich; thence up the center of the main channel of the Rio Grande del Norte to the line of the 107th degree of longitude west from Greenwich,

thence south along said line to the summit of the range dividing the waters of the Rio Grand del Norte from those of the San Juan River, thence along said summit westerly to a point due south of the source of the Uncompahgre, thence to said source and down the main channel of said Uncompahgre River, to its mouth, the place of beginning

Article 3

And it is further agreed, that the United States shall have the right to establish one or more military Posts, with their needful reservations upon the lands and hunting grounds not ceded by the Tabeguache band, in this treaty; also the right to locate, construct, and maintain rail roads and other roads, and highways through the same, and along the routes of the United States mail lines, at suitable points, to establish, and maintain stations.

The right of any citizen of the United States, to mine without interference or molestation, in any part of the country hereby retained by said Indians, where Gold or other metals or minerals may be found, is hereby also confessed and granted – And for all other purposes, excepting as herein stipulated, settlement by other persons than Indians is hereby prohibited

Article 4

And the said Tabequache band hereby gives its consent that the Mohuache band of Utah Indians may also be settled with them upon the lands and hunting grounds reserved in this treaty

Article 5

And the said Tabequache band further agrees to give safe conduct to all persons who may be legally authorized by the United States to pass through their country; and to protect in their persons and property all Agents or other persons sent by the United States to reside temporarily among them.

Article 6

That the friendship which is now established between the United States and the Tabequache band of Utah Indians, should not be interrupted by the misconduct of individuals, it is hereby agreed that for injuries done, no private revenge or retaliation shall take place, but instead thereof complaints shall be made by the party injured to the Superintendant or Agent of Indian Affairs or other person appointed by the President and it shall be the duty of the Chiefs of said Tabequache band, upon complaint being made as aforesaid, to deliver up the person or persons, against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States, And in like manner if any robbery violence or murder shall be committed on any Indian or Indians belonging to said band, the person or persons so offending shall be tried, and if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that Chiefs of said Tabequache band shall to the utmost of their power, exert themselves to recover horses or other property which may be stolen or taken from any citizen or.

citizens of the United States by any individual or individuals of said band; and the property so recovered shall be forthwith delivered to the Agents or other persons authorized to receive it that it may be restored to the proper owner. And for such property as any Indian or Indians belonging to said band may have taken from citizens of the United States which cannot be restored, payment shall be reserved from the annuities which the said band is to receive, upon sufficient proff of the fact.

And the United States hereby guarantee to any Indian or Indians of said band a full indemnification for any horses or other property which may be stolen from them by any of their citizens — Provided that the property so stolen cannot be recovered and that sufficient proff is produced that it was actually stolen by a citizen of the United States. And the said Tabeguache band engages, on the requisition or demand of the President of the United States or of the Agents, to deliver up any white man resident among them

Article 7

And the Chiefs and warriors as aforesaid promise and engage, their band will never, by sale, exchange, or as presents supply any nation or tribe of Indians, not in amity with the United States with guns ammunition or other implements of war

Article 8

For the period of ten years the said band shall receive annually, by such distribution as the Secretary of the Interior may direct ~~three~~ thousand dollars worth of goods; and also ten thousand dollars worth of provisions

Article 9

For the purpose of improving their breed of Horses, the band shall receive five American Stallions the first year after the ratification of this treaty

Colorado No 4
J. L. Median
Wash. Nov 6. 63

Ex Doc

Leaves original of the treaty negotiated with the Shoshonee bands of the Indians

Rec'd Nov 6. 63

Filed -

Lance