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Ratified treaty no. 255, Documents relating to the negotiation of the treaty of September 9, 1849, with the Navaho Indians. September 9, 1849

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RATIFIED TREATY NO. 255

DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF SEPTEMBER 9, 1849, WITH THE NAVAHO INDIANS

Pa. Santaday
C. 356

James S. Calhoun

Santa Fe, Sept. 25/49

Encl^d. a copy of a
Treaty made by Gov.
Washington & himself
with the Navajo & others
of Indians on the 9th
Sept. last yr.

No. 3.

File-box "Treaties - Copies"

x

(A)

Recd. 6th Nov^r 1849

Apr 7th " "

P.S. The great canyons which
we have spoken of in the
Treaty is pronounced 'Chico' - I
am not at all satisfied
to the correct spelling, nor
have I yet met with any
one who could indicate
mine in reference thereto.
T.S.C.
M

Santa Fe, New Mexico.
Sept. 25th 1849.

Sir,

With this note, I transmit
to you a copy of a treaty, the character of which
will be elucidated by a reference to it.

With Governor Washington and others, I returned
to Santa Fe, on the afternoon of the 25th inst.

During the expedition against the Navajos, my
health was all that I could desire; but I am
seriously threatened this morning, resulting, as
I suppose, from overexposure - even where
the air is more confined than I have
been accustomed to of late - I trust, how-
ever, my recuperative energies will come
to the rescue in time to enable me to
make to you a more elaborate report
before our mail is ordered to the United
States.

I have no communication from the
Department of the Interior of a later date
than the 14th of May, last.

Is it possible that no plan can
be adopted to remedy the want of mail
facilities of which we now complain?

I am,

With great respect,

Yours Oth. Seab.

W. Medall Esq.

Comr. of Indian Affairs,
Washington

James S. Calhoun

Indian Agent
Santa Fe

Santa Fe.

1849.

C. 356

Copy.

Treaty with Navajoes of
Sept. 9. 1849.

Copy
of a
Treaty,
Between

The United States of America

and

The Navajo Tribe of Indians.

The following acknowledgements, declarations, and stipulations have been duly considered and are now solemnly adopted and proclaimed by the undersigned: that is to say, John M. Washington, Governor, of New Mexico, and Lieut. Col. commanding the troops of the United States in New Mexico, and James S. Calhoun, Indian Agent, residing, at Santa Fe, in New Mexico, representing the United States of America, and Mariano Martinez, Head Chief, Chapitone, second chief, on the part of the Navajo Tribe of Indians.

1

The said Indians do hereby acknowledge that by virtue of a treaty entered into by the United States of America, and the United Mexican States, signed on the second day of February in the year of our Lord, Eighteen Hundred and Forty Eight, at the city of Guadalupe Hidalgo by A. P. Smith of the first part, and Luis S. Cuevas, Bernardo Couto, and Miguel Atristain of the second part, the said tribe was lawfully placed under the exclusive jurisdiction and protection of the Government of the said United States, and that they are now, and will forever remain under the aforesaid jurisdiction and protection.

2

That from and after the signing of this treaty, hostilities between the contracting parties shall cease, and perpetual peace and friendship shall exist, the said tribe hereby solemnly covenanting that they will not 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 of the said U. States: that they will remain at peace, and treat honestly and humanely, all persons and powers at peace with the said States, and all cases of aggression against said Navajos by citizens or others of the United States, or by other persons or powers in amity with the said States, shall be referred to the Government of said States, for adjustment and settlement.

3

The Government of the said States having the sole and exclusive right of regulating the trade and intercourse with the said Navajos, it is agreed that the laws now in force regulating the trade and intercourse, and for the preservation of peace with the various tribes of Indians under the protection and guardianship of the aforesaid Government, shall have the same force and efficacy, and shall be as binding, and as obligatory upon the said Navajos and executed in the same manner as if said laws had been passed for their sole benefit and protection, and to this end and for all other useful purposes, the Government of New Mexico, as now organized, or as it may be by the Government of the United States or by the legally constituted authorities of the people of New Mexico, is recognized and acknowledged by the said Navajos; and for the due enforcement of the aforesaid laws, until the Government of the United States shall otherwise order, the territory of the Navajos is hereby annexed to New Mexico.

4

The Navajo Indians hereby bind themselves to deliver to the Military authority of the United States in New Mexico, at Santa Fe New Mexico, as soon as he or they can be apprehended the murderer or murderers of Nicenti Garcia, that said fugitive or fugitives from justice may be dealt with as justice may decree.

All American and Mexican captives, and all stolen property taken from Americans or Mexicans, or other persons or powers in amity with the United States shall be delivered by the Navajo Indians to the aforesaid military authority at Soney, New Mexico on or before the ninth day of October next, ensuring that justice may be meted out to all whom it may concern, and also all Indian captives and stolen property of such tribe or tribes of Indians as shall enter into a similar reciprocal treaty, shall in like manner, and for the same purposes be turned over to an authorized officer or agent of the said States by the aforesaid Navajos.

Should any citizen of the United States or other person or persons subject to the laws of the United States, murder, rob, or otherwise maltreat any Navajo Indian or Indians, he or they, shall be arrested and tried and upon conviction shall be subjected to all the penalties provided by law for the protection of the persons and property of the people of the said States.

The people of the United States of America shall have free and safe passage through the territory of the aforesaid Indians, under such rules and regulations as may be adopted by authority of the 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 of America 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 the liberality of the aforesaid Government and anxious to remove every possible cause that might disturb their peace and quiet, it is agreed

by the aforesaid Navajoes that the Government of the United States shall at its earliest convenience, designate, settle, and adjust their territorial boundaries, and pass and execute in their territory, such laws, as may be deemed conducive to the prosperity and happiness of said Indians.

10

For and in consideration of the faithful performance of all the stipulations herein contained by the said Navajo Indians, 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.

11

This treaty shall be binding upon the contracting parties from and after the signing of the same. Subject only to such modifications and amendments as may be adopted by the Government of the United States, and finally, this treaty is to receive a liberal construction at all times, and in all places, to the end that the said Navajo Indians shall not be held responsible for the conduct of others and that the Government of the United States shall so legislate and act as to secure the permanent prosperity and happiness of said Indians.

In faith whereof we the undersigned, have signed this treaty and affixed therunto our seals in the valley of Chille this the ninth day of September in the year of our Lord One thousand eight hundred and forty nine.

J. M. Washington

Brig, Lt Col, Comd, &c.

James S. Calhoun.

Indian Agent.

residing at Santa Fe.

Marianna Martinez.

Head chief.

his

X

mark.

Chapitane his
 +
 mark.

J. L. Collins.

James Conklin

Lucas J. Jory

Antonio his
 + Sandoval.
 mark

Francisco his
 + Cocto,
 mark
Governor of Semy.

Witnesses

H. L. Kendrick.

Bat. Maj. U. S. A.

J. N. Ward.

Bat. 1st Lt. 3^d Infy.

John C. Peck.

Bat Major U. S. A.

J. F. Hammond.

Asst. Surgeon, U. S. A.

H. L. Dodge.

Capt. Comdg Ent Regs

Richard H. Kern.

J. H. Jones,

2nd Lieut - 2^d Art'y

Cyrus Choice.

John H. Dickerson

3^d Lt 1st Artillery

W. C. Love

John S Jones.

J. H. Simpson

1st Lt. Corps Top., Engin.