



Documents relating to the negotiation of an unratified treaty of February 15, 1861, with the Navajo Indians. February 15, 1861

Washington, D.C.: National Archives, February 15, 1861

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DOCUMENTS RELATING TO THE
NEGOTIATION OF AN UNRATIFIED TREATY OF
FEBRUARY 15, 1861, WITH THE NAVAJO INDIANS

copy - Navajos - Peace - Feb. 15/61

W. M. M. 3335
Dept. of the Interior
Entd May 9, '61

One copy of report
of Col. Carriz N. S.
Army, accompanied
by a copy of a treaty
of peace, concluded
with the Navajo Indians,
also a copy of
letter from the Sec'y
War transmitting
the same

Rec'd May 3, '61

File. See Letter to Supt
Collins May 9th 61

3 Land

Talks, Councils, Treaties, ~~156~~

H^d 2nd, Navajo Expedition
Int Fauretroy, February 19. 1861.

The

Asst Adjutant General
H^d 2nd, Dep't of New Mexico
Santa Fe.

Sir,

I have the honor to trans-
mit herewith a copy of the Treaty concluded with
the Navajo Chiefs. The original will be retained
until it is signed by all. —

In the conditions of this treaty I have been
governed by the desire to place the affairs of this people
in a condition that will lead as speedily as possible
to the permanent settlement of all questions with
them and during the period of partial suspension
of hostilities I have availed myself of every op-
portunity of making myself acquainted with
their character, disposition and habits and with
their present condition and resources. My action
has been based upon information then, and
previously gained.

The chiefs have placed themselves unconditionally in the hands of the Government and have made no attempt to require promises or to stipulate for conditions. The stipulations that I have made in their favor have been those only which I consider it proper to make with a view to an absolute & permanent peace. For the same reason I have not exacted from them conditions which it is absolutely impossible for them to fulfil, and the subsequent enforcement of which would inevitably lead to the indefinite continuance of hostilities and ultimate extermination of the Nation.

The character attributed to the Navajoes and which is no doubt well founded in its application to the greater part of that people disposed me to exact the most extensive conditions, but the present reduced and impoverished condition of the Nation indicated the justice and policy of limiting these exactions to their ability to comply with them. The policy indicated by the instructions of the War Department of October 29. 1865 & your instructions of January 27. 1866 appear to authorize the course and I trust that my action will be approved by the Commander of the Department.

The Navajo Chiefs understand that the suppression of the Ladrones and the control of their people

devolves entirely upon themselves, and that they will not be entitled to assistance unless combinations are formed that are too powerful for them to resist, that they will not in any instance be entitled to protection unless they are living on the locations have been temporarily assigned to them and are conforming strictly to the conditions of the treaty, and that their treatment hereafter will depend entirely upon the exact and faithful performance of their promises.

One of the greatest difficulties to be encountered in maintaining a peace with these people is that resulting from the dangers of aggression from their neighbors, and to obviate this as far as possible I have required the chiefs to collect their people and establish them in designated localities where they will be under the observation and control not only of the chiefs but of the troops. The temptation to rob, stimulated as it is with nearly two thirds of this people by the danger of starvation is another difficulty of the most serious character and one that can only be met by the greatest vigilance on the part of the troops and the Navajo chiefs, unless the Indian Department is provided with the means of applying the cheaper remedy of furnishing food to this part

of the Nation until they are enabled to produce for themselves. —

The further military operations that I consider necessary are.

1st - A strong expedition to the South for the purpose of destroying the Ladrones (associated with the Coyotes and Mimbre Apaches) that live in the neighborhood of Rita Giriado, the head waters of the Colorado Chiquito and the Sierra de Latalis; — These Indians have been the perpetrators of the outrages committed on the Rio del Norte above and below Fort Craig. Major Paul with the Companies of the 4th will be assigned to the command of this expedition having a temporary depot on the Rita Giriado, or still further south, at the Tuleosa. I propose to authorize Major Paul to relieve the two Companies (D & E) of his regiment that are ordered to Fort Fillmore, when they are in the neighborhood of Fort Craig.

2^d - A system of patrols in connection with a police force to be established by the savage chiefs for the purpose of observing the country between this post and the San Juan river — for this purpose a small depot should be established

on the east side of Chusca valley to be supplied from
Fort Defiance; one Company will be sufficient
for this depot and the patrols can be supplied
from Fort Defiance and this post. —

For the present it is recommended that the
Garrisons of Fort Defiance and this post remain
as they now are, 4 Companies at the former and
5 Companies at this. The senior officer to have the
control of the men and means at both posts. The
other troops may I think be relieved from duty with
the expedition without injury to the service. I design
relieving Major Meyer, Signal officer and assist.
Surgeon Mc Kee in a few days. The Company
of the 10th Inf'y will escort the next train to Albu-
querque and will await orders from the 16^d & 2nd
of the Div^t, at that place. — The Companies of
the 9th Infantry for Fort Fillmore to be relieved when
in the neighborhood of Fort Craig and those from
Albuquerque on their return from the expedition
to the South.

I will go to Fort Defiance in a few days
for the purpose of seeing that the Navajo chiefs in
that neighborhood are complying with their promises,
and will return to this place in season to receive

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any Orders from the Commander of the Dept.

If the action & views reported in this communication are approved, it is respectfully suggested that the inhabitants of the frontier, the Pueblo & the Ute Indians should be advised of the state of affairs in the Navajo Country. They should at the same time be advised not to relax their watchfulness until the state of peace is fully established.

Very respectfully &c

(Signed) Ed. R. S. Canby.

Major 10th Inf'y + Post Lt Col.

Commanding

Official

Army of the Navy
Asst Adjutant General.

137.C.

1861

Copy

W. Fawcettroy, A.M.
February 19, 1861.

C. R. S. Canby
Br. Lieut: Col. & Major
10th Infantry

I 335 - 1861
Respectfully submitted to the
Secretary of War.

Atto.
April 11:6 a.m. L. H. Warner
Adjutant General

1/6.
S. I. 1st 1861, March 28, 1861.

Encloses a copy of a
Treaty of Peace, con-
cluded with the
Navajo Chiefs —
with his remarks
relative thereto.

(one enclosure)

Recd. (Geo) April 10, 1861,

(Copy.)

War Department

April 29th 1861.

Sir,

I have the honor to enclose to you, for your information, a copy of a report of Col. Edward R.S. Canby, accompanied by a copy of a treaty of peace concluded with the Navajo chiefs.

Very respectfully
Your obdt servant,

Simon Cameron.

Secretary of War.

Hon. Caleb B. Smith,
Secretary of the Interior. }

Department of the Interior
May 2. 1861

Sir

For your information, I
herewith enclose a copy of a report
of Colonel Canby U. S. A. accom-
panied by a copy of a treaty of
peace concluded with the Navajo
Chiefs, also copy of letter of the Secre-
tary of War transmitting the same
to this Department.

Very Respectfully
Your Obed Servt
Levi B. Smith

The
Commissioner of
Indian Affairs

Secretary

U 886 b
New Mex)

1885-'61

Copy of Treaty of Peace
with Navajos - Feb. 15/61

32 C. M. 3.

Rec'd (T. S. Mex)

February 25. 1861.

151. C. (A.G.) April 10, 1861

3/6.
117. 1861. March 28. 1861.

There shall be perpetual peace between the United States of America and the Navajo Nation, and to this end the following Conditions and Stipulations have been mutually agreed upon between Lieut. Colonel E. R. S. Crumby U. S. Army on the part of the United States and the Navajo Chiefs assembled in Council at Fort Sumner N. M. on this 15th day of February 1861. on the part of the Navajo Nation.

First: — It is distinctly understood that the inhabitants of New Mexico, the people of Zuni, Hopi and all the other Indian Pueblos and all Indian tribes that are now or may hereafter be under the protection of the United States, are embraced in the terms and Stipulations of this treaty, and that any act of hostility against those will be a breach of faith and act of hostility against the United States.

Second: — The Navajo Chiefs agree to submit themselves unconditionally to the Government of the United States, and to pledge themselves for the whole Navajo Nation for the faithful performance of all the Conditions and Stipulations of this treaty, and they also mutually pledge themselves to each other, to support the Head Chief of the Nation and all the other Chiefs in controlling their people and maintaining inviolate and in good faith the Conditions of the treaty, and this without respect to the family or the rank of the offenders.

Third: — It is further agreed by the Navajo Chiefs that they will at once make war on the Ladores and unruly men of the nation that the war will be continued until the Ladores are destroyed and the others are brought under proper subjection and control, and it is stipulated on the part of the United States that whenever the Ladores or bad men are so strong that they cannot be suppressed or controlled by the Navajos themselves, that troops will be sent to assist in their suppression or control.

Fourth: — It is further stipulated by the Navajo Chiefs that they will not permit any Ladores or bad men to take refuge or hide among their people and that if any such are found at any time, they will immediately be surrendered to the Commanding Officer of the nearest Military post; that they will not permit their people to purchase or sell any stolen property, but will cause it to be delivered up at the nearest Military post in order that it may be restored to its owners, and that they will indemnify the owners for any such property that may have

been Consumed or destroyed by their people; and it is stipulated on the part of the United States that if any robberies should be committed upon Navajos who have in good faith Complied with the Conditions of treaty that measures will be taken to see that justice is done them.

Fifth: - The Navajo Chiefs shall immediately collect their people and establish them in the Country west of Fort Sumner, and until it is otherwise stipulated none of them will be allowed to live or graze their flocks in the Country east of that post. If any are found in that Country they will not be entitled to protection but will be regarded and treated as enemies, and it is understood that the Navajo Chiefs will as soon as it is practicable establish their people permanently in Pueblos or settled Communities where peaceable avocations may be pursued without interruption or molestation.

Sixth: - Whenever the Government of the United States is satisfied that the Navajo people will conform in good faith to the Conditions of this treaty, put an end to their depredations and live in peace with all their neighbors, measures will be taken to render them any assistance that may be necessary, to place in the same Condition with other nations under the protection of the Government, and with this object it is stipulated that a General Council of the Navajo Chiefs shall be held at this post on the ~~1st day of May next~~ 20th - 24th of May next.

A true Copy

Edw. L. Sibley
Maj. Toholy &
Comdg.

Mr. Genl. Govr. Exptn
Fort Sumner N.M.
Feb 19. 1861.