Documents relating to the negotiation of an unratified treaty of December 25, 1858, with the Navajo Indians. December 25, 1858

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DOCUMENTS RELATING TO THE NEGOTIATION

OF AN UNRATIFIED TREATY OF DECEMBER 25, 1858,

WITH THE NAVAJO INDIANS

Navajoes - Dec. 25 - 1858 - (Copy)

New Mexico 1885

L. L. Collins
Santa Fe Jan 8. 59

Treaty articles and conditions of peace concluded with the Navajo tribe of Indians, by himself and Col. Bonneville in the name of the United States and map of the Navajo country

Filed Feb 4, 59

(Copies)

Indian Superintendency
Santa Fé N. Mexico
January 8th 1858

Sir

I have the honor to communicate herewith the articles and conditions of peace concluded with the Navajo Tribe of Indians. You were advised by my letters of the 1st of Decr, Ulto, that an armistice had been agreed upon for a cessation of hostilities for one month, and that the terms were not satisfactory. To remedy those defects, Col Bonneville and myself concluded to meet the Indians at Fort Defiance, for which purpose we left Santa Fé on the 14th Ulto, and on the 25th met the Indians in council when the inclosed terms were concluded. The newly elected head chief Herero, was present to whom it is understood the tribe have confided the affairs of the

nation. Armijo was also present, and the chief Cabeza Colorado. Armijo, although not the principal chief, is indeed, the man of the nation. He informed us that the election of Huero had received the concurrence of the whole tribe; and that it was the intention that his acts should be binding upon the nation.

In our talk with the chiefs we endeavored to impress them with the belief that the object of the Govt. was to promote the welfare of their people, and elevate them to a better condition, but that this could not be done unless they gave up their marauding and barbarous customs; and that they had now presented to them two alternatives, they must either give up those habits of dishonesty and live as peaceable and quiet neighbors, or be driven from their country, if not exterminated. They had became

obnoxious to all other people and were regarded as running even by their own race. In view of this determination on the part of the Government, we were now forced to take from them a part of their country, for the purpose of removing them further from us, and that they must take this as an evidence of what we intended to do should it be found necessary to make another campaign against them. All the Indians present seemed to be impressed with what we said, and evinced a feeling and temper that impressed us with the belief that they were sincere in their promises.

They acknowledged themselves unable to contend with our people on the battle field, and admitted the superiority of our arms, and I think they will not wantonly incur our displeasure again.

The only circumstance which gave

us any reason to doubt the sincerity of the nation, was that all the bands were not represented in the council.

Several reasons were assigned for this. One was that the Indians supposed that all was done which was required of them when they signed the Armistice. Another was, that they had elected Herero their head chief and expected him to act for the tribe.

But the most probable cause of their nonattendance was the inclement weather. The thermometer was down nearly to zero with a heavy snow which covered the whole Navajo country, and rendered the gorges of the mountains in many places impassable, and the Indians living at a distance were deterred from making the attempt to reach the fort.

Several of the Indians who came in were compelled to abandon their horses and make their way through the snow on foot. Sarcis Largo one

of the principal chiefs, was reported sick and unable to attend. His son was, however, present.

Another fact too not unworthy of notice, is that all the Indians present were of the peace party. The people of Armijo, and those over whom his immediate influence extends, have always desired peace. As I stated above Armijo has great influence with the whole tribe but his influence is of course much greater with his own immediate people, and those who regard him as their head and counsellor. It may not therefore be prudent to place too much reliance upon the evidence presented by the conduct of the Indians who met us in council, tho' Armijo told me that the desire for peace was universal in the tribe, and that he had the strongest hope that their future good conduct would prove their sincerity.

It was one of the misfortunes

attending this war, that the active operation of the troops was waged almost entirely against the Indians most desirous for peace. The chief Cintana and his people to whom the murderer of Maj.r Brooks Negro boy belongs, as well as most of those who commit depredations upon our frontier, have suffered very little from the war. It is hoped however, that the exhibition of our force in the field, and the very obvious inability of the Indians to contend with our troops may have the effect to convince them that it is to their interest to give up their thriftless and predatory life. The Navajos, as a tribe, are greatly in advance of many of the wild tribes in every thing that constitutes a self sustaining people, and it would indeed be a misfortune to be compelled to break

them up, or drive them from their country. Should it be necessary to make war upon them again we should try to confine our operations against that part of the tribe that deserves punishment, and with them it should be made effectual.

To give you a more intelligable idea of the change we have made in the eastern limits of the tribe, I send with this a small skeleton map with the boundary and alterations marked. The object of this alteration was to arrest the attention of the Indians to the important fact, of their, in the end, ~~having~~ being deprived of their country entirely unless they changed their barbarous habits and dishonest life. It is perhaps well to mention that the location of this new line did not receive the approval of Col Bonneville. He was in favor of placing it as far west as

Fort Defiance. This would have taken from them too much of their arable land, and we would have been compelled to recede from it in the Spring to give the Indians room to plant. Although the new line did not receive the approval of Col Bonneville, he has agreed to sustain it.

The original copy of the articles of peace was left at Fort Defiance with Agent Fost, who is instructed to obtain the signatures of all the chiefs as soon as an interview can be had with them.

It is proper to mention, that in every thing relating to the settlement of this affair, except the location of the new line, I have had the cordial co-operation of the commanding officer Col Bonneville. He is desirous to do every thing that pertains to his appropriate duties to give us protection against these marauding tribes

and at the same time, as far as possible, to promote the welfare of the Indians themselves.

Trusting that what we have done may meet the concurrence of the Hon Commissioner, and in the end be found to promote the good of the service I remain

Very respectfully
your obt Servt
J. L. Collins
Supt Ind Affs
N. Mexico

Hon J. W. Denver
Commissioner of
Indian Affairs
Washington City

N. Mexico) 1857 – 59
Articles of Peace
concluded with
the Navajos on
the 25th Decr 1858

(Copy)

Articles of Peace concluded with the Navajo Tribe of Indians On the 25th day of Decr 1858

The following are the terms upon which Col. B. L. E. Bonneville commanding the Department of New Mexico, and Col J. L. Collins Superintendent of Indian affairs for the Territory of New Mexico acting for and on behalf of the United States, have agreed that peace shall be restored to the Navajo Tribe of Indians, and when all the terms are fully complied with on the part of said Indians friendship and amicable relations shall again exist between the U.S. and the Navajo Nation

1st It is agreed on the part of the head Chiefs of the Navajos acting for the entire tribe, that a line commencing at the Piscado Spring, which forms the head of the Zuni River, thence on a direct line to Bear Spring on the road from Albuquerque to Fort Defiance, thence to the Pueblo or ruins of Escandido on the Chaco, thence to the junction of the Chaco, otherwise known as the Tunicha with the San Juan, shall form the Eastern limits of the Navajo Tribe, beyond which they agree

that none of the tribe shall graze or plant, nor in any other manner occupy. To prevent such occupancy, it is agreed that the authorities and troops of the United States shall have the right under the direction of the commanding officer of Fort Defiance, to capture, and destroy if necessary, all stock or flocks of the tribe found east of said line, and to destroy all crops which may be planted east of the line

2d They agree to indemnify the citizens, settlers and pueblo Indians, for all depredations committed upon their property by any of the tribe since the 15th day of August last, by the return of the property stolen, or if the property is not returned, they are to pay an equivalent in other property, such as sheep, Horses, mules &c. at a fair valuation to be fixed by the U.S. agent for the Navajo tribe for the time being, and the commanding officer at Fort Defiance

3d As a guarantee for the future good conduct of the Navajos it is agreed that the whole tribe shall be held responsible for any depredations perpetrated by any of the tribe, and if prompt satisfaction

is not rendered for such depredations, then the authorities and troops of the United States will proceed to make re-prisals from the stock and flocks of the tribe at large as shall suffice to indemnify the sufferers.

4th All prisoners or captives, either Mexicans or Pueblo Indians in the possession of the Navajos who desire their release one to be given up to the United States, for the purpose of being set at liberty or restored to their friends. On the other hand it is agreed that the Navajo prisoners in the hands of the United States, will be given up or returned to their tribe

5th If being represented by the Navajo tribe that the member of their nation who assassinated the Major bay of Maj.r Brooks at Fort Defiance has fled beyond the limits and reach of the Navajo nation, so that his surrender is out of their power, therefore the demand for his rendition heretofore made is waived; but it is understood and stipulated by the Navajos that they are never hereafter to allow that member of their tribe to come or remain within their limits, or in any manner to extend to him

their protection, and if he shall be hereafter permitted to come or remain within their country or protection, such permission or toleration shall be regarded as a breach of this adjustment, and an act of War against the United States

6th It is distinctly understood that by these conditions, or any others which may be exacted, the United States does not forego the right to dispatch Military expeditions through the Navajo country, or to establish new Military posts or defenses, or Indian agencies, with forming grazing or other necessary grounds reserved for the use of the same.

7th The chief Huero, who has been lately elected by the tribe, as the head chief of the nation, is to be regarded and recognized as the central authority of the tribe, with whom all questions which may arise between the United States and the Navajos shall be settled, and his acts shall be recognized and held to be binding upon the whole tribe

8 It is understood that Sandoval and his people are for the present, and until otherwise provided in future, permitted to occupy

the country they now occupy, but in all other respects they are to be considered as part and parcel of the Navajo Nation.

All the people now with Sandoval who do not properly belong to his band are to return immediately to their own country west of the line fixed in the first of these articles.

(Signed) El Huero + his mark

" Armijo + his mark

" Cobera Colorado + his m

and a third —

Witness

E. Backus
Major 3d Inf

G. Granger
1st Lieut Regt + Bvt Capt U.S.A.

S M. Yost
Indian Agent

I certify that the Indian chiefs whose names are signed to the above articles and conditions, agreed to them of their own accord after they were fully explained

(Signed) S M Yost
Ind Agent

A true copy for the use of the Department of Washington

J L Collins
Capt 2nd Cavy
A Adjt

N. Mexico 10395

John S. Watts

Wash^n Aug 19. '59

Enquires if the Utah Indians have any claim to a certain tract of country in New Mexico, that the United States intend to respect &c.

Rec^d August 21. '59

File

21 — Cir

Memorandum made abt writing to Supt Collins.

Washington City August 19th 1857

Hon Charles E. Mix

Commissioner of Indian Affairs.

Sir

It is perhaps well known that the Republic of Mexico did not recognize any title of the Indians to the soil within their jurisdiction and appropriated it to the use of her citizens for settlement as required without consulting the Indian occupant or claimant. In the Northern part of the Territory of New Mexico west of the Rio Grande is situated an extensive and fertile valley watered by the Rio Conejos. The Mexican and American since the acquisition of New Mexico by the United States have desired to occupy and cultivate said valley but have been refused permission so to do by the Indian Agents of the United States until within the last year or two because the Utah Indians claimed it and objected to the settlement. There are now settled and residing upon the Rio Conejos over three hundred families and in order that no cause for future complaint or difficulty may exist between the Utahs

and the people settled there I most respectfully suggest that steps be taken by your Department to ascertain 1st. Whether the Utah Indians have any claim to the country alluded to which the United States intends to respect 2d. If so to make arrangements by treaty with said Indians for the extinguishment of said right. It can be done now I think upon more favorable terms than at any future period. The country I allude to is embraced within the following boundaries— Beginning at a point on the Rio Grande due West of the plaza of Fernandez de Taos and running thence due West to the summit of the Siena San Juan— thence North with the summit of said Siena to the North boundary line of the Territory of New Mexico— thence east along said boundary line to the Rio Grande— thence down the Rio Grande to the place of beginning.

Yours respectfully

John S. Watts

N. Mexico Sup N 343
Gov. of New Mexico
Santa Fé Aug. 31. 54

Enc. a number of claims against the Navajo Indians together with the testimony taken in each case Class 3

N° 13. 14. 15. 16. 17. 21. 22
23. 24. 29. 30
39 –

Recd Dec 24. 54

20 – Cir

Office of Supt. of Ind. Affs.
Santa Fé N. M.
August 29th, 1854

Sir,

I have the honor herewith to enclose you a number of claims against the Navajo Indians together with the testimony taken in each case viz:

The claim of Silvester Abeita for the sum of	$5.000,00
Estuban Arazon	3.870,00
Tomas C. de Baca	2.875,00
Jose Albino Baca	4.275,00
Ramon Chaves	240,00
Jose Antonio Gallegos	400,00
Reyes Gonzales	11.055,00
Tomas Garcia	507,50
Antonio Serafin Luzera	1.350,00
Juan Luna	600,00
Ramon Luna	250,00
Ignacio Mirru	910,00
Jose Antonio Montoya	300,00
Vicente Pino	4.088,00
Vicente Pino	240,00
Jose de Jesus Pino	2.084,00
Gustavus A. J. Noël	660,00
Jose Rivalz	490,00
Manuel Romero	525,00
Jose Tenorio	100,00
over	39319

all of which have been presented to this Superintendency. I have the honor to be

Very respectfully
Your Obdt. Servt.
D. Meriwether Gov
and supt of I A in N M

Hon G. W. Manypenny
Commr of Ind. Affs.
Washington City
D. C.

Territory of New Mexico } To wit
County of Valencia }

To his Excellency William Carr Lane,
Superintendent of Indian Affairs in the Territory of New Mexico

Lorenzo Lavade, a citizen of the United States an inhabitant of the Territory of New Mexico, and a resident of the county of ~~Valencia~~, would respectfully state to you that on or about the fifteenth day of March Eighteen hundred and forty eight, fourteen cows, of the value of twenty five dollars each per head, belonging to him were stolen, taken, and driven away from where they were grazing in the county of Valencia, by a party of Indians belonging to the Tribe called Navajoes, then at amity with the United States. Your Petitioner further states that on the day said property was stolen the trail of said stock was taken and followed in the direction of and to the Navajoe Country but on reaching the Navajoe country without overtaking said stock the pursuit was abandoned but from the appearance of the trail and the direction and country to which it went your Petitioner is well satisfied that said stock was stolen taken and driven away by a party of Navajoe Indians. Your Petitioner further states that he has never reclaimed any of said stock nor obtained any payment or satisfaction for the same from said Tribe of Navajoes nor from any other source nor has he in any manner sought or attempted to obtain any private satisfaction or revenge from said Tribe of Navajoes for or on account of said loss of property. Your Petitioner in support of the above facts refers to the accompanying proof and respectfully solicits you to take such steps in the premises as will indemnify him for said loss, by enforcing payment therefor from said tribe of Navajoes in a reasonable time or in the event of failing to obtain said

said indemnity for said property from said Tribe of Indians in such reasonable time, then to take such steps in the premises as will secure the payment for said property so lost out of the Treasury of the United States in accordance with the provisions of the acts of Congress in such cases made and provided, all of which is respectfully submitted.

Lorenzo Labadie

Subscribed and sworn to this 29th day of April 1853 before me

José Manuel Salazar

Justice of the Peace
Valencia County

Territory of New Mexico
County of Valencia } To wit

I Pedro Campos upon my oath state that I am personally acquainted with Lorenzo Larade, a resident of Valencia county, who has addressed the above Petition to the Superintendent of Indian Affairs, for payment for property stolen from him by the Navajoe Indians. I further state that on or about the fifteenth day of March, Eighteen hundred and forty eight, fourteen cows of the value of twenty five dollars, each, per head belonging to said Lorenzo Larade, were stolen taken and driven away from where they were grazing in the county of Valencia, by a party of Indians belonging to the Tribe called Navajoes. I further state that on the day said property was stolen the trail of said stock was followed in the direction of and to the country of the Navajoe Indians and on reaching the country of said Navajoes without overtaking said stock the pursuit was abandoned but from the appearance of the trail and the direction and country to which it went I am well satisfied that said stock was taken and stolen by a party of Navajoe Indians. I further state that I have no knowledge of any of said property having been reclaimed by said Lorenzo Larade nor of any payment or satisfaction being made to him by said Tribe of Navajoes therefor or from any other source nor of his having in any manner sought or attempted to obtain any private satisfaction or revenge from said Tribe of Navajoes for or on account of said loss of property and if any thing of the kind had of occured it would have been likely to have been known to me from my acquaintance with and residence in the vicinity of said Lorenzo Larade.

Pedro Campos

Subscribed and sworn to before me this 28th day of April

1853

Jose Manuel Salazar

United States of America
Territory of New Mexico } Justice of the Peace Valencia County

I William Grusserz Secretarz of the Territorz of New Mexico do hereby certify that Jose Manuel Salas before whom the forezoing petition of Lorenzo Labade and Affidavit of Pedro Campus were sworn to and whose name is subscribed thereto was at the time of taking a justice of the peace within and for the County of Valencia Territorz aforesaid, duly elected and qualified; and authorized to administer oaths; and that his signatures thereto are genuine

Testimonz whereof I have hereunto signed mz name and affixed mz seal of office this twelfth dazz of June AD 1854

Wm. Messeny
Secy Terry. New Mexico

54 52 M3414
Lorenzo Labade

LNM-547

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