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DOCUMENTS RELATING TO THE
NEGOTIATION OF AN UNRATIFIED TREATY OF
APRIL 7, 1853, WITH THE APACHE INDIANS

Copy -

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Compact of

U.S. with Ponce & Totten
Apaches

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made 7: apt. '53 -

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In Com. of Officer 9th
Mtd. Sep.

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(Copy)

Articles of a provisional Compact, made at Fort
Trebster, on the Rio Mimbres, the seventh day of April. A. D.
Eighteen hundred & fifty-three, by William (and) Lane, Gov.
of the Ter. of N. M. & Supt. of Ind. affairs; on behalf of the
United States; and Ponce, Jose Amuro, Cuchillo Negro, Jose-
cito, Vargento, Vicente reales, Rinon, Delgadito-largo,
Carrosero, and Chiefs, or Captains of Bands,
of the Rio Mimbres & Rio Gila Apache Indians, on
behalf of their respective Bands.

Art. 1st. Said confederated Indians, solemnly agree
and promise, henceforth to abandon their wandering
& predatory modes of life; and to locate themselves,
in permanent Camps, & commence the cultivation
of the Earth, for a subsistence; and as soon as poss-
ible, to build for themselves Dwelling-houses, and to
raise Flocks & Herds.

Art. 2^d. They also agree to make Laws; to pre-
vent their people from doing any manner of Evil; &
faithfully to execute their Laws. They promise here-
after, never to resort to the ancient custom of Retal-
iation, for any Injuries which they may suffer. Nor
will they ever attempt, to right their own wrongs,
in any case whatever; but in all instances, will
apply to the proper authority, for a redress of their
grievances; and will abide all decisions thus made.

Art. 3^d. They promise to choose, in their own
manner, Two Chiefs for each Band; one for Captain
and the other for Second captain; who shall be the
organs of communication, with their respective
Bands, and who shall be charged with the execution
of the Law, & be held responsible, for the conduct of
the people of their respective Bands.

Art. 4th. It is earnestly recommended, that
all the associated Bands, under this Compact, shall,
after their own manner, choose a Council of aged

& experienced Chiefs; and a head Chief, or Gov.^{no} of all the associated Bands; who shall have authority, to speak, for all the Bands. And whose further duty it shall be, to oblige all the Captains of Bands, to perform their respective duties, & to render impartial justice, to all their people. And in case any captain should fail to do his duty, to punish him for his misdeeds; & to remove him from office, if he shall merit such an extreme punishment.

Art. 5th. Said confederated Bands, invite the Indians of the Bands of Mangas-Coloradas, Gitane, Delgadito, Tusho, Victoria & Placera; (who are now absent on the Rio Gila) to join in this Compact. And they agree, to admit the Mesquiteros, and all the other Bands, of the great Apache Tribe of Indians; who now roam, on the east side of the Rio Grande, & who may migrate & settle upon the waters of the North side of the Gila; into this Confederacy, upon terms of brotherhood & equality.

Art. 6th. The United States promises and, agrees, to supply all the Bands, that may join honestly & faithfully in this Compact, & live according to its stipulations; with Food, to consist of corn & Beefs with salt; During the current year, & the year 1854. And also promises, to give them a reasonable amount of Food, (of which the agent shall be the judge), for three years thereafter; so that by proper industry, temperance and economy, on the part of the Indians themselves, there shall always be an abundant supply of food, for all of them.

Art. 7th. During the year 1854, the U. S. (at the discretion of its agents) shall supply the Bands, which may be associated under this Compact, with a certain number of Brood-mares & asses - Cows, sheep & goats; And will for five years, from this

date, supply them with an experienced Farmer, to teach them how to till the Earth; and will also furnish them, with implements of husbandry; and a Blacksmith & Blacksmith's tools; iron & steel; & some Carpenters tools. But the U. S. does not agree to furnish the Indians with clothing, or Blankets; the Apaches must supply these articles themselves, by their own industry.

Art. 8th. All the Indians, who are associated under this compact, & who remain faithful to all its stipulations; shall be defended, by the U. S. against all their Enemies. But if any lawless members of these Bands shall hereafter invade the Territories of the Mexican Republic; (the U. S. being at peace with that Republic) the Troops of the U. S., will intercept the return of the Marauding party, & permit the Mexicans to exterminate the Robbers.

Art. 9th. If unhappily an Indian should commit a Murder, upon a White person, the Murderer shall suffer death, at the hands of the Indians themselves, or at the hands of the Whites, as the Indians may prefer. And if a White man should commit a Murder, upon an Indian, the White Murderer shall be delivered up, to the Indians Agent or to the officer in command of the nearest Military post, so that he may suffer the same penalty at the hands of the whites, according to their laws.

Art. 10th. No Individual belonging to any of the Bands hereby associated, shall be allowed to go into the white settlements, except by permission of the agent; and all Indians, who may violate this provision shall receive adequate punishment. And if any Indian shall go upon the Desert, which is called La Jornada del Muerto, he shall suffer death, or such other punishment, as the Chiefs may

order, & the agent shall approve.

Art. 11th. All property which may be stolen hereafter from either the Whites or Indians, shall be mutually given up; & the Thieves, in either case, shall be adequately & promptly punished.

All traders & other persons, who may introduce Ardent spirits, into the Indian Country, shall be immediately apprehended, & delivered to the nearest Indian agent, together with his stock of liquors; and the agent shall compensate the Indians, who may make the capture & surrender, for their trouble, in the transaction.

No Indian of this Confederation, shall hereafter take any captives; & if they should now have captives, they must be immediately delivered up, to the agent, without any ransom.

The chiefs shall forbid their men and women from frequenting Military posts; & from indulging in Drunkenness, & all other vices; under suitable penalties.

Art. 12th. The Bands who are parties to this Compact, shall be left free to choose, where they will make their permanent settlements; provided, the place which they may select, may not be east of this post. And if they should locate themselves upon lands, upon which a valid grant has not been made, by the Spanish or Mexican governments; the U. S. shall make, to each Band, which may number one hundred souls, or more; a grant of a Township, of 36 sections; & shall cause the grant to be located, so as to include the settlement, of the Band.

Art. 13th. This provisional Compact is made subject to the approval or disapproval, of the Government of the U. S.; and shall have no

validity, until it shall be approved, & fully ratified by authority of the U. S.

In Testimony whereof, said parties, to this Compact, hereto set their hands & seals, the day & year above written.

Witness
E. Steen.

Capt. & Br. M. U. S. A.
Comdg. Fort Webster.

Chas. E. Norris

Br. & Lt. & Dragoons.

E. W. Winfield Agent.

John Ward Ind. Interpreter
for the Ind. Dept.

J. Flecher - Interpreter

C. Sherman. Ind. Trader.

Alex. Duwall.

Quitter Fort Webster

Henry Grandjean.

Maj. A. Otero.

Private Secretary

Witnesses - as to signatures
of Ponce - Jose Nuevo, Cochillo Negro, Vicente reales,
Ñeñon. & Carrosers.

Wm. Farr Lane - Seal
Gov. Sup. Ind. Affs.
Mr. A. Mex.

The mark of Ponce, + Seal

The mark of Jose Nuevo, + Seal

" " Cochillo Negro, + Seal

" " Josecito, + Seal

" " Vergento, + Seal

" " Vicente reales, + Seal

" " Ñeñon, + Seal

" " Selgadito Largo, + Seal

" " Tucha, Seal

" " Victoria, Seal

" " Placera Seal

" " Carrosers + Seal

A true Copy.

Maj. A. Otero

Private Secretary

Witness -