THE GOVERNMENT AND THE NAVAHO, 1846-1858

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THE NAVAJOES have been at open war with the inhabitants of this country for twelve years interrupted by intervals of brief and treacherous peace. They are a warlike and wealthy tribe, there being many individuals among them whose wealth is estimated as far exceeding that of any one person in this Territory. Their principal wealth consists of immense herds of horses, mules, sheep, and cattle. The country which they inhabit is mountainous and rugged, and there are many places to which they can retreat in times of danger, which are described as almost inaccessible. These Indians have permanent villages,[1] and cultivate all the grains and fruits known to the Spaniard in this climate. They manufacture blankets of rare beauty and excellence and are acquainted with the use of money. The depredations of these Indians have of late years been confined to the Spanish settlements on the Rio del Norte from Santa Fe to Socorro, from which they have annually driven off immense flocks of sheep, cattle, horses and stock of every description; and it appears that their policy is in conformity to the language which has often been attributed to them, and that they do not destroy the Mexicans, because they prefer that they should continue to raise stock for them to drive off. Until these Indians are effectually subdued they will continue to blight the prosperity of that portion of this Territory which is exposed to their depredations."[2] In these words Charles Bent described a situation inherited by the United States from Mexico under the terms of the

1. Governor Bent later modified this incorrect view about permanent villages. The Indians had few cattle.

2. Charles Bent to James Buchanan, 10/15/46, Department of War, Adjutant General's Office, Old Records Division, Letters Sent, New Mexico, V, 14. Subsequent citations will be abbreviated to AGO, LS, or other appropriate document.

treaty of Guadalupe Hidalgo, a situation that required two decades to remedy.

Judging from the complaint of Señor Don Jose Montejo at Cobero near San Felipe, the governor did not exaggerate in his description of these terrors of New Mexico. Finding a willing listener in his visitor, Lieutenant Abert, he told how the Navaho rolled in wealth at the expense of his poor New Mexican neighbors: "son muy ricos, tienen muchos caballos, muchos carneras, muchos bucyos, muchos! muchos! muchos!"[3] And they not only raided the Rio Grande valley to acquire wealth, but they also annoyed their neighbors to the south and west, the Zuñi and Moqui pueblos. The Utahs to the north were too warlike to be interfered with very much.

When the government prepared to conquer New Mexico it recognized the fact that the chronic problem of the redman would be met with in the Southwest. General Kearny marched with a supply of presents for the Indians and arrived in New Mexico with "instructions from the government . . . to protect the persons and property of all quiet and peaceable inhabitants within its boundaries against their enemies, the Eutaws, the Navajoes, and others . . . "[4]

These instructions were acted upon promptly. Lieutenant-Colonel Congreve Jackson was ordered to Cebolleta, west of the Puerco, September 16, 1846, with three companies of troops to protect the frontier; he was also instructed to invite ten or twelve Navaho chiefs to Santa Fe for a council, and to seize any stolen property chanced upon.[5]

3. J. W. Abert, *Report on New Mexico 1846-74*. 30 Cong., 1 sess., Sen. Ex. Doc. 23, p. 47 (506).

The inhabitants at the Old Placer mines grazed about 5,000 sheep in the neighboring valleys; "Some years ago they raised many more, but the constant depredations of the 'Navajoes' have caused a great diminution in their flocks." *Ibid.*, p. 33.

"The Navajoes may be termed the lords of New Mexico. Few in number, disdaining the cultivation of the soil, and even the rearing of cattle, they draw all their supplies from the valley of the Del Norte." W. H. Emory, *Notes of a Military Reconnoissance . . . 1846-47*. 30 Cong., 1 sess., Sen. Ex. Doc. 7, p. 47 (505).

4. Kearny Proclamation 8/22/46, 29 Cong., 2 sess., Hse. Ex. Doc. 19, p. 21 (499). W. S. M. to Kearny 6/3/46, AGO, Military Book 26, p. 287.

5. AAAG (Acting Assistant Adjutant General) to Lieut.-Col. C. F. Ruff, 9/16/46, cited in W. E. Connelley, *Doniphan's Expedition* . . . p. 250. Jackson succeeded Ruff in command of the detachment. See also John T. Hughes, *Doniphan's Expedition*, p. 84.

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Contact with the Navaho from Cebolleta was not very satisfactory, so that on October 20th Captain Reid was dispatched with thirty men on a venturesome trip into the heart of their country, guided by the friendly Sandoval, chief of a small band living near the post.

After several days travel the Reid party met "about thirty warriors and eight or ten squaws; dressed in splendid Indian attire, having fine figured blankets and panther-skin caps, plumed with eagle feathers . . . "[6] Then pushing onward, they finally met another party under Chief Narbonna, a man about 70 years old and suffering with rheumatism. The conference that followed was almost disrupted by the chief's wife, who apparently did not follow the ancient tradition that a woman should be seen but not heard. She argued strongly against negotiating with the visitors, suspecting that they were laying plans for future treachery. Narbonna remained master in his own household, however, and after ordering the forcible removal of his wife, he continued the discussions. The upshot of the conference was a promise on the part of the Navaho present to meet with the soldiers again at Agua Fria, forty miles from Jackson's camp, and then proceed to Santa Fe to make a treaty of peace with all their enemies.[7]

But the failure of Navaho representatives to appear in Santa Fe long before this meeting, and the sporadic depredations along the Rio Grande, led Kearny on October 2 to order Colonel Doniphan into their country with instructions to require the restoration of prisoners and stolen property, and the giving of hostages for future good conduct.[8] Doniphan acted promptly and a two-fold military movement was undertaken. Major Gilpin, stationed at Abiquiu, marched by way of the San Juan river under orders to chastise the

6. J. S. Robinson, *A Journal of the Santa Fe Expedition under Colonel Doniphan*, p. 43.

7. Hughes, *Don. Exp.*, p. 85. Connelley, *Don. Exp.*, p. 295.

8. Kearny to AAAG, 10/2/46, cited in Hughes, *Don. Exp.*, p. 75 . The Mexicans and Pueblo Indians were also authorized to make war on the Navaho. Kearny to Doniphan, 10/5/46, *Kearny Papers*, mss.

hostiles, take hostages from the peaceful, and to meet Doniphan at Bear Springs. The commander-in-chief crossed the Rio Grande at Albuquerque and joined Jackson at Covero, near Cebolleta, on November 5. Without trouble, except for the hardships of the country and climate, the two forces finally met at Bear Springs on the 21st and held a council with the Navaho who had assembled to talk with these presumptuous claimants to their country.

Doniphan informed the Indians that the United States claimed the country by right of conquest, and that both the New Mexicans and the Navaho were our children; they must decide whether to live at war or peace, and if a treaty of peace was made, they must observe it—the United States made no second treaty! In reply to these strong words, "One of their chiefs, Sarcilla Largo, a young man very bold and intellectual, spoke for them: 'He was gratified to learn the views of the Americans. He admired their spirit and enterprise, but detested the Mexicans.' "[9] Since the Americans were at war with Mexico, he could not understand their objection to the Navaho warring upon the same people.

The difference in point of view, however, did not prevent the signing of the first of a series of treaties between the Navaho and the future owners of New Mexico. According to the terms of this Doniphan treaty of November 22, there was to be peace between the two peoples; the American people also meant the Mexicans and Pueblo Indians; there was to be freedom of trade and mutual restoration of prisoners by exchange or purchase; and all property taken since August 18, 1846, was to be restored by both sides.[10] The agreement was signed by fourteen Navaho, but the ink was not dry before the document was meaningless.

During the fall of 1846 the depredations of the Navaho continued. They even stole part of Doniphan's supply of sheep near Socorro as he was en route to Mexico. A theft of sheep usually brought a party of Pueblo Indians, or

9. Hughes, *Don. Exp.*, p. 95.

10. *Ibid.*, p. 96.

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Mexicans, or American soldiers in pursuit; sometimes the marauders were punished and the property recovered, other times the victims had to endure their loss. A few lives were lost on both sides, and scalp dances were held at the pueblos of Laguna and Isleta. The Navaho, of course, did not seek fights, but when hard pressed they were courageous enough as Abert perhaps too vividly testifies in writing about one clash south of Socorro in November when "With horrid cries and shouts of 'Navahoe, Navahoe,' the Indians sprang forward to the combat; they were dressed for war, being ornamented with paints and plumes, and mounted on good horses, and armed with bows and arrows, and lances. . . ."[11]

These conflicts certainly furnished ground for Governor Bent's gloomy feeling about the Doniphan treaty: "I have but little ground to hope that it will be permanent."[12] But such pessimism could not be reflected by the government at Washington because the acquisition of New Mexico was a definite part of Polk's expansion program. Consequently, in his address to Congress in December, 1847, the President sounded a more optimistic note when he wrote: "If New Mexico were held and governed by the United States, we could effectually prevent these tribes from committing such outrages, and compel them to release these captives, and restore them to their families and friends."

In accomplishing the task confidently predicted by the President, the military were not to be the sole agents. Promptly on appointment as governor of New Mexico in September, 1846, which carried the additional responsibility of ex-officio superintendent of Indian Affairs, Bent discussed extensively the problem in his earliest report to Washington and recommended an Indian agent and three sub-agents for New Mexico, and the establishment of "stockade Forts in

11. *Report*, 30 Cong., 1 sess., Sen. Ex. Doc. 23, p. 82 (506) See also Hughes and Robinson, *passim*.

12. Bent to Buchanan, 12/26/46, AGO, LS, V, 42.

the Yuta and Nabajo countries with sufficient troops to keep these [Indians] in check. . . ."[13]

The recommendations were not acted upon until 1849 when the first steps were taken to carry them out. A new Indian agency could only be created by Congress, but the existing agencies could be moved about; consequently, due to the comparatively tranquil state of affairs at the Council Bluff agency, and in keeping with the recommendations of Commissioner Medill, it was reduced to a sub-agency and a full agency was established at Santa Fe by order of Secretary Ewing, March 29, 1849.[14] A commission as the first agent in New Mexico was sent to James S. Calhoun on April 7th with the advice, "So little is known here of the condition and situation of the Indians in that region that no specific instructions, relative to them can be given at present. . . ."[15]

Meanwhile events were leading up to a second major attempt to establish peace with the Navaho. Their forays were a constant source of irritation and loss to the people in the Rio Grande valley. And much to the annoyance of the soldiers the Indians would seldom fight. When the pursuit became too hot they abandoned the captured flock and vanished into the retreats of their country. But, like the weather, the prospect of peace was always a ready topic of conversation. In January, 1849, Chief Sandoval reported to Captain Ker at Cebolleta that his kinsmen wanted peace. The Captain replied that he would make a treaty for that purpose only with those Indians who would settle near his military post, separate themselves from the others, and act as informers. If they did not accept these terms to migrate into his neighborhood and turn traitors he would chastise

13. Bent to Medill, 11/10/46, A. H. Abel, *The Official Correspondence of James S. Calhoun*, p. 6f. Subsequent citations will be abbreviated to Abel. Bent to Buchanan, 9/24/46, AGO, LS, V, 2.

14. Medill to Ewing, 3/28/49, War Department, Indian Division, 1849-1851. Ewing to Medill, 3/29/49, Abel, p. 2.

15. Medill to Calhoun, 4/7/49, Department of the Interior, Office of Indian Affairs, Letterbook 42, p. 17. Subsequent citations will be abbreviated to OIA, LB, or other appropriate document.

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them as soon as possible.[16] The captain's threat was as futile as previous warnings of dire punishment. A week later some Navaho ran off a flock of 6,000-8,000 sheep on the Rio Puerco.[17]

When Calhoun arrived he readily accepted the current view that the Navaho "are not to be subjected to just restraints until they are properly chastised." Of course, having been properly subdued, they were to be treated with a liberal philanthropy until able to earn a living by work.[18] The chastisement, or at least the negotiation of a treaty at the point of a gun was undertaken by Lieutenant-Colonel Washington and Calhoun in August.

Leaving Jemez on the 22nd with a force of 348 men, Washington met a party of Navaho in the Tunicha valley, on the 30th. Upon his demand for the return of a stolen horse, the restless Indians started to leave; the guard stationed near Washington opened fire, killing Chief Narbonna and several other Indians.

Pushing on, the expedition entered the mouth of the Canyon de Chelly, the garden spot of the Navaho country. Here, on September 7, new representatives appeared and terms of a treaty were again presented. Mariano Martinez was accepted as the head chief of the Navaho and Chapitone as the second in command. Four Mexican captives were delivered up as a sign of good intentions, and on the 9th the treaty terms were agreed upon, as follows:

In keeping with the treaty of Guadalupe-Hidalgo the Navaho were now under the jurisdiction of the United States; they were to live in perpetual peace and friendship; aggressions against the Indians should be referred to the government for adjustment; the Navaho country was now a part of New Mexico, subject to the Indian intercourse

16. Croghan Ker to AAAG, 1/29/49, AGO, New Mexico, Letters Received 1848-49, K1. Subsequent citations will read AGO, LR, followed by the document number and year, as K1/48-49.

17. Lieut. O. H. R. Taylor to AAAG 2/7/49, AGO, LR, T3/48-49. Taylor to AAAG, 2/28/49, *Ibid.*, T4.

18. Calhoun to Medill, 7/29/49, Abel, p. 19.

laws; the Navaho should deliver up the murderer or murderers of Micenti Garcia; they should surrender at Jemez by October 9 all captives and stolen property; they should enjoy the same protection in life and property as citizens of the United States; the government would establish military posts and authorize trading houses; the government should designate their territorial boundaries and pass necessary laws for their prosperity and happiness; and the government would give donations, presents, and implements deemed proper.[19]

The paper relationship between the Navaho and the government was advanced considerably by this treaty. From a people politically independent in fact, although under the claimed jurisdiction of Mexico, they were now a "domestic-dependent nation" subject to American law and jurisdiction; their new status was to be made clear by the establishment of military posts in their country, by limitations on their freedom of movement, and by positive measures for their welfare in the future.

But the actual relationship between the two groups was not changed for a long while yet. September had barely passed when Calhoun wrote that few people were bold enough to travel alone ten miles from Santa Fe. He believed that "The Navajoes commit their wrongs from a pure love of rapine and plunder."[20] And he had a concrete suggestion for a remedy. Just give him four companies of Dragoons with some Pueblo Indians, "and my life for it, in less than six months I will so tame the Navajoes and Utahs that you will scarcely hear of them again."[21]

The Indian agent was rather boastful, but conditions were bad and force was an obvious necessity. Whether from "pure love of rapine" or force of habit the Navaho during

19. Washington to AG, 9/25/49, 31 Cong., 1 sess., Sen. Ex. Doc. 1, p. 111 (549). Calhoun to Medill, 10/1/49, Abel, p. 26f. The treaty can be found in Abel, p. 21.

Brevet Lieut.-Col. J. M. Washington had assumed the duties of governor of New Mexico October 11, 1848.

20. Calhoun to Medill, 10/1/49, Abel, p. 31.

21. Calhoun to Medill, 10/29/49, Abel, p. 65.

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the next year and a half committed an average of at least one theft or killing a month in the Rio Grande valley or among the western Pueblos. The remedy pretty well agreed upon by the responsible leaders in New Mexico was voiced by the territorial convention of 1849 in their instructions to the delegate-elect to Congress, Hugh N. Smith, "That he shall urge the establishment of a fort in the heart of the Navijo country, to protect the people against the incursions and robberies of this formidable and marauding Indian tribe."[22]

The military commander did take some ineffective steps to end the depredations. In the fall of 1849 a detachment of troops was stationed at San Isidro in the Jemez valley, a favorite haunt of the Navaho for trade or marauding, and a second post was located at Cebolleta, where the road leading west from Albuquerque passed by and the friendly Navaho under Sandoval lived. The Cebolleta site was severely criticized by M. S. Howe, who assumed command in May 9, 1850, but in the light of inadequate knowledge of the Indian country it was not a bad selection at the time.[23] But despite these measures complaints continued to reach Washington to the effect "that our Indian troubles are daily increasing, and our efficiency as rapidly decreasing."[24]

During the spring and summer of 1850 an occasional military expedition was launched against the marauders. A Navaho attack on Zuñi Pueblo in January brought Cap-

22. 31 Cong., 1 sess., Hse. Ex. Doc. 17, p. 102 (573).

23. Howe scorned the original idea that the post would guard a certain pass through the mountains nearby by the claim that the Navaho ignored passes in their forays, and that the pass was easily avoided anyway; AGO, LR, H15/50.

The neighborhood was apparently deficient in forage for the cavalry horses also, a common problem for the military in those days. Capt. W. H. Saunders to AAAG, 12/4/50, *Ibid.*, S31.

24. Calhoun to Brown, 1/25/50, Abel, p. 103.

"We say to you Sir with all due solemnity, our Indian troubles at this moment are of a more terrible, and alarming character, than we have ever known them before, and many of us have lived in this territory from five to fifty years;" explore the country, establish military posts, and fix territorial limits for the Indians. Memorial to the President of the United States, Santa Fe, 2/27/50, Abel, p. 157.

tain Ker from Cebolleta in pursuit. He was in the field for fourteen days and had one "brush" with the Indians, otherwise the enterprise had no results and the Navaho remained in the enjoyment of the two women and stock they had stolen.[25] In June the Navaho stole 15,000 sheep on the Puerco. After they had ceased to worry about pursuit, Lieutenant John Buford, now in command at Cebolleta, was authorized to attack a party suspected of the depredation.[26] The results of the expedition are not at hand, but they were certainly not decisive. The successor of Buford, Brevet Lieutenant-Colonel Chandler, was drawn westward in October to aid the Zuñi again. This time the Pueblo warriors were loaned the use of sixty flint lock muskets with ammunition. They had asked for arms a year before, and also for "*permission to make a war, of extermination, against the Navajoes;*" an impossible task for them even if permission were granted.[27] Meanwhile, the commander at San Isidro had forbidden all traffic with the Navaho in the Jemez valley and maintained a fixed policy of hostility toward them. Until that decision was made the Indians had visited his post frequently and had manifested signs of a friendly attitude.[28]

The matter of trade with the Navaho and also the Apache was a source of concern to the government officials. Governor Munroe had been unwilling to extend the intercourse laws to New Mexico by virtue of his military power, but the significance of the trade to the operations of the army led him in June, 1850, to regret that he "did not bring the subject to the particular notice of the Secretary of War at an earlier period," and to make the following recommendations: extend the Indian laws to New Mexico with suitable modifications; provide penalties for violation of the 11th

25. Ker to AAAG, 1/22/50, AGO, LR, K1/50.

26. Buford to AAAG, 7/18/50, AGO, LR, B20/50. AAAG to Buford, 7/21/50, AGO, LS, VI, 129.

27. Calhoun to Medill, 10/15/49, Abel, p. 50. AAAG to Chandler, 10/9/50, AGO, LS, VI, 186.

28. Captain W. H. Gordon to AAAG, 5/27/50, AGO, LR, G18/50.

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article of the treaty of Guadalupe-Hidalgo; and make the military commander superior to the Indian department in regard to both of those propositions because he believed there would be too many Indian service officials engaged in enforcing the law to make efficiency possible.[29]

The significance of the trade to military operations was probably in the sale of arms and ammunition to the Indians. The granting of licenses was suspended in November, 1849, but despite this the business was continued. In June, 1850, Buford at Cebolleta reported that "Parties are frequently passing near here with goods powder and lead for the Apaches & Navajoes." He requested instructions about the matter and was no doubt advised to break up the traffic. Later in the month he stopped a party of fifty-two traders twenty-seven miles southwest of Acoma carrying ammunition for Indians and with no license. Juan Padilla of Atrisco was their leader and had dealt sharply with his followers. He had claimed to be the possessor of a permit to trade and had sublet his right for $2 per trader. Three of the party were required to post $1,000 bonds for appearance in court, but the outcome apparently was only the confiscation of the contraband goods.[30]

The year 1851 was notable for major developments in the policy of managing the Navaho, but marred by poor coordination of effort among the several public agencies. Calhoun, having assumed the additional responsibilities of territorial governor on March 3, lent official encouragement to the old time practice of volunteer punitive (and plundering) expeditions against the Indians. On the 18th he issued a proclamation encouraging such activities, stipulating that all property taken was to be disposed of according to law and that no depredations should be committed against the peaceful citizens. The next day the Pueblos were authorized to undertake the same project, all property taken to be

29. John Munroe to AG, 6/11/50, Abel, p. 108. Calhoun to Brown, 11/15/49, Abel, p. 77.

30. AGO, LR, S15/50; B12/50; B9/50. AGO, LS, VI, 109-21. Abel, p. 105.

divided according to their laws and customs. He also attempted to secure government arms for the Jemez Pueblo for protection against the Navaho, but Munroe was not so sure about the exact relations that existed between those two peoples and refused to grant the governor's request.[31]

But the efforts of the inhabitants themselves to subdue the Navaho were like wearing away stone with drops of water. Despite the decades that the Rio Grande valley had been settled, the people apparently had never equipped themselves with adequate means of self-defense. They no doubt had the man-power, and as Calhoun explained, "If we had the use of one thousand stand of arms at this time, we could effectually check depredations that are being daily committed in our very midst."[32] So, without adequate means of defense at his command and lacking instructions from Washington, the governor could do little more than pour out his lament to the commissioner: "My condition is a more unsatisfactory one, at this time, than at any former period since I have been in the Territory. I am without the slightest advice as to the purposes of the Government in reference to the Indians in this Territory, and I know nothing of the means, provided by Congress, for their management . . . I am daily assuming responsibilities that will bring me into discredit, if not sustained by the Department.[33]

However much the gloom of the governor was justified, his energetic actions toward encouraging war against the Navaho may have had the effect of lifting the veil that hid the real conditions existing among that nation. Apparently they were not all desirous of committing acts that the white

31. Abel, pp. 300-301. Munroe to Calhoun, 3/31/51, AGO, LS, VII, 68.

A volunteer expedition in the winter returned with 5,000 sheep, other stock, 52 prisoners, and the loss of a few of their own lives. Abel, p. 285.

Manuel Chaves proposed to raise 600 volunteers, 3/18/51: "the only recompense they ask for their services, is to have the disposal of the interests of the country they are to conquer, such as the disposal of captives, animals cattle etc. and they on their part promise to pursue the Navajo Nation to their extermination or complete surrender." Abel, p. 302.

32. Calhoun to Fillmore, 3/29/51, Abel, p. 305.

33. Calhoun to Lea, 4/29/51, Abel, p. 337.

Congress had taken action, but the governor had not yet been informed of it.

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man called robbing; some of them had sufficient means of their own by this time to favor peace with other men. As early as the fall of 1849 Calhoun had suspected that they were divided into a warlike party and a peace party, or what officials later termed the *ladrones* and *ricos;* "but," as he said, "who can avouch the fact?" [34] Now reports from the Navaho country indicated that the Indians had divided into two general groups; one group was on the upper San Juan river fraternizing with the Utahs and desirous of peace with the whites; the other group was located on the lower San Juan and the Canyon de Chelly and had more internal differences over the proper course to pursue.[35]

On two different occasions in April and May, representatives of the Navaho appeared at Cebolleta and expressed a desire for peace.[36] These overtures were rejected both by Munroe and Calhoun on the ground that the Washington treaty of 1849 was binding and that no new treaty would be negotiated nor conference held until the terms of that document had been complied with.[37] However, a few families who desired to be friendly were granted permission to locate with the Sandoval band near Cebolleta.[38] The sheep could separate from the goats if such were possible.

Regardless of the possibility of a peace group among the Navaho, the depredations continued. A particularly bold attack on Isleta in the heart of the Rio Abajo on June 25 led the territorial legislature to send a strong memorial to President Fillmore. They requested arms for volunteers; they requested the delegation of power to the governor to call out the militia; and they condemned the utter inefficiency of the soldiers: they were brave but resting on their laurels![39] Rumors of trouble near Cebolleta led to the

34. Abel, p. 77. See also pp. 44, 49, 290.
35. AGO, LR, G5, G10, C37, C55/51. AGO, LS, VII, 93.
36. AGO, LR, 4/19/51, and 5/6/51, C43/51.
37. AAAG to Chandler, 4/25/51, AGO, LS, VII, 102.
38. AAAG to Chandler, 6/10/51, AGO, LS, VII, 168.
39. Abel, pp. 364, 367. Ten more traders with ammunition for the Navaho, and no license, were arrested near Abiquiu in July. AGO, LR, G13/51.

strengthening of the garrison at Albuquerque. This precaution was justified because on July 12 or 13 a party, probably hay contractors, were attacked near Ojo de Gallinas (or Gallo), with the loss of two men killed, eight wounded, and three missing. Additional troops were rushed to the post at Cebolleta from Albuquerque.[40]

Meanwhile, the efforts of the territorial volunteers and the soldiers to control the Indians were being seconded in Washington in both the military and civil departments. The Washington treaty had been ratified by the Senate in September, 1850, and the following February the laws relating to intercourse with Indians were extended to New Mexico and four agents were provided to assist the superintendent in managing the several tribes in the Territory.[41] In August of 1851 the sum of $18,000 was made available by Congress for carrying out the charitable provisions of the treaty.[42]

On the military side of Indian management, the groundwork had been laid for a more adequate system of frontier defense. Inspector General George A. McCall made a trip to the Territory in the summer of 1850 and among other recommendations proposed the location of a fort near the Canyon de Chelly.[43] This report was reflected in the appointment of Colonel E. V. Sumner as commander of the department, March 29, 1851, with instructions to revise the frontier defenses for the better protection of the settlements, remove the soldiers from the demoralizing influence of town life, and to make a campaign against the Navaho. The department of war had been "induced to believe, that no permanent peace can exist with the Indians, and no treaty will

40. AGO, LR, C61 and C62/51; AGO, LS, VII, 181, 210.
41. United States Statutes at Large, IX, 587. Hereafter abbreviated to USSL.
If the treaties are ratified, "and the requisite military force, and the necessary agents, are provided to compel those two tribes [Navaho and Utah] to observe their stipulations in good faith, I presume that so far as they are concerned, but little further will be required." But Indian relations must "depend mainly upon the military" . . . by a "system of control by fear." Orlando Brown to Calhoun, 4/24/50, OIA, LB 43, p. 153.
42. USSL, IX, 572. Mix to Calhoun, 8/8/51, OIA, LS 45, p. 50.
43. See A. B. Bender, "Frontier Defense in the Territory of New Mexico." New Mexico Historical Review, IX, 262 (1934).

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be regarded by them until they have been made to feel the power of our arms."[44]

The new commander assumed charge of the department on July 19 and established general headquarters at Fort Union. Within a month he was leaving Santo Domingo for the Navaho country. His troops killed and wounded a few Indians hovering along the line of march near Canyon Bonito, penetrated the Canyon de Chelly a distance of eleven miles, and on September 18 selected the site for Fort Defiance at Canyon Bonito. "If this post does not put a stop to the Navajo depredations," he wrote, "nothing will do it but their entire extermination."[45] Neither statement was realized in fact.

While Sumner was in the Navaho country the Indians were "traveling in every direction through this Territory, committing murders and depredations. . . . On the 8th of this month [September] . . . [they] committed depredations within seven miles and a half of this city [Santa Fe]."[46] Furthermore, the newly appointed agent for the Navaho, Major E. H. Wingfield, had been unable to contact his charges because Sumner had "declined affording the 'facilities' which *his* instructions authorized."[47] Sumner felt a "want of authority" in declining to take Wingfield with him. Since Calhoun had "no authority to call out the militia," he concurred in the agent's determination to proceed to Washington in order to enlighten the commissioner on the true state of affairs in New Mexico.[48] But unfortunately for the agent, his personal appearance without their authorization was not pleasing to the Washington authorities and he lost his job.

44. C. M. Conrad to Sumner, 4/1/51, Abel, p. 383. AG to Sumner, 3/29/51, AGO, LR, A13/51. Secretary of War, *Annual Report*, 1851, 32 Cong., 1 sess., Sen. Ex. Doc. 1, p. 106 (611).

45. Sumner to Jones, 10/24/51, Abel, p. 417.

46. Calhoun to Major E. H. Wingfield, 9/17/51, Abel, p. 426.

47. Calhoun to Lea, 8/22/51, Abel, p. 401.
Sumner had been instructed to act in "concert" with the superintendent. Wingfield's commission had been sent to him 3/24/51.

48. Calhoun to Wingfield, 9/17/51, Abel, p. 426.

Meanwhile Calhoun was determined to do something to remedy the situation. Lacking money, munitions, or power to call out the militia; with an agent unable to contact the Indians and a military commander who did not coöperate according to his notion, "do you not perceive, I must be sadly embarrassed and disquieted?"[49] And, if his efforts failed, he wrote to Daniel Webster, the people would be forced to take care of themselves or "be plundered and butchered."[50]

The "something" that Calhoun undertook to do was the resumption of his policy of the spring of 1851 when he authorized volunteer expeditions against the Navaho. Now, however, his decision led to a dispute with the military over the advisability of such operations. When some citizens of Santa Fe requested arms for offensive operations, Sumner agreed to furnish seventy-five flint lock muskets and ammunition but stipulated that they should be used for defensive action only. He also intimated that force would be used to prevent offensive action, or "predatory" war as he called it, on the ground that it was contrary to War Department orders, interference with his duties, and that it would prove an obstacle to the eventual pacification of the Navaho which he hoped for now with the establishment of Fort Defiance. Calhoun, on the other hand, charged that the troops in the Territory were insufficient in numbers, their horses were in too poor condition for active operations, and that under such conditions the inhabitants were entitled to protect themselves. The crux of the matter then was whether or not the armed territorials should act on the offensive or defensive against the Navaho. The exchange of correspondence between the governor and commander became rather heated, but Sumner finally relented about using force to prevent offensive action and laid the whole matter before the war department for further instructions.[51]

49. Calhoun to Luke Lea, 8/31/51, Abel, p. 414.

50. 10/29/51, Abel, p. 440.

51. Abel, pp. 445-447, 449, 455.

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Although several measures had been taken to solve the Navaho problem, the reports from New Mexico presented a gloomy picture to official circles in Washington:

> The apparently slow progress which has been made in the work of establishing friendly relations with such Indians of the Territory as have been for years plundering and murdering the inhabitants without fear or restraint, may be justly attributed to a combination of circumstances over which the officers of this department have had no control. The country itself, wild, desert and mountainous; the savage nature and untamed habits of most of the Indians who roam over it; the lawlessness of many of its other inhabitants, often more reckless than the Indians themselves; the scattered, mixed, and heterogeneous character of its population in general—all tend to produce a state of things so discreditable and deplorable, as to render its acquisition a misfortune, and its possession a reproach to the government. To remedy these evils, liberal appropriations of money, and a more vigorous and untrammelled exercise of authority by the civil officers of the Territory, are indispensable.[52]

However, the gloomy outlook in the fall of 1851 was shortly to give way to a more cheerful state of affairs. The policy of military coercion was to be replaced by the giving of presents to preserve the peace. The change was foreshadowed not only in the report of the commissioner just quoted, but also in the report of the secretary of war:

> . . . policy and humanity both require that we should employ some other means of putting a stop to these depredations than the terror of our arms; we should try the effect of conciliatory measures.[53]

52. Commissioner of Indian Affairs, *Annual Report*, 1851, 32 Cong., 1 sess., Hse. Ex. Doc. 2, p. 271 (636).

53. *Annual Report*, 1851, 32 Cong., 1 sess., Sen. Ex. Doc. 1, p. 113 (611).

This conciliatory policy apparently originated in Washington. Calhoun had been in favor of aggressive measures against the Navaho, and Sumner did not favor the change at first.

The first step was taken when Calhoun and Sumner met about two hundred Navaho at Jemez on December 25. The Indians promised to keep quiet, to restore all Mexican captives, and gave three hostages as a token of good faith. Calhoun, in turn, gave them about $2,000 or $3,000 worth of presents, much to the displeasure of Sumner. The commander believed that a rod of iron was still the best policy; the presentation of gifts, he thought, would lead the Navaho into the erroneous idea that their submission had been purchased, and that such an idea would jeopardize the benefits resulting from the establishment of Fort Defiance.[54] And the location of that post in the heart of their country, in addition to the killing of a few Navaho, probably did have a restraining effect on the Indians; at least there were no depredations reported from October 18 to the time of the conference at Jemez.[55]

In keeping with this agreement, a number of Navaho returned to Jemez, January 27, 1852, and surrendered three captive Mexican boys. Their spokesman, Armijo, also expressed a desire for the continuation of peace. When Greiner stated that the Mexicans were resentful at the stealing of children and flocks of sheep by the Indians, the chief warmly replied that *"My people are all crying in the same way. . . ."* Eleven times, he claimed, they had surrendered captives and the Mexicans only once, that they had lost more children than their enemies, and that any arrangement made by the agent for preventing such practices would be acceptable to them.[56]

54. Sumner to Jones, 1/1/52, Abel, p. 433. Sumner to Jones, 1/27/52, AGO, LS, VIII, 124.

55. Calhoun to Lea, 2/29/52, Abel, p. 488.

Major E. Backus, commander at Fort Defiance, mentions a treaty with the Navaho on October 26. Backus to AAAG, 1/4/52, AGO, LR, B2/52. Backus to Kendrick, 3/10/52, K12/54. This may have been an informal understanding between the post commander and some Navaho.

56. Greiner to Calhoun, 1/31/52, Abel, p. 466.

A commission as agent was sent to John Greiner March 25, 1851.

Both Greiner and Calhoun agreed that the Navaho were justified in their com-

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The period of peace lasted until the summer of 1853, with only one or two incidents to mar the good relations between the two peoples. The policy of placating the Indians with gifts was continued by Governor Lane and the reports from all sources for several months were uniformly optimistic. Even Sumner relaxed a bit from his attitude of sternness:

> I am convinced that the only way to subdue Indians effectually and permanently, is to improve their condition, and the best way to do this, is to establish posts in the heart of their country, where we can bring them about us, and instruct them in agriculture and other useful arts.

And he hoped that the propensity of the young men to steal as proof of their valor would soon disappear.[57] Some seeds were distributed to the Navaho in the spring of 1852 and they farmed their lands quietly and perhaps more extensively than usual. "I think this tribe is effectually subdued," Sumner wrote, "and in the best possible way, by improving their condition."[58]

However effective aid in farming was, the officials did not relax in their attitude toward the importance of presents for the Indians. When some confusion concerning the funds of the superintendency arose with the departure of Calhoun from New Mexico in May, 1852, Sumner did not hesitate to tide over the difficulty by drawing on his own financial re-

57. Sumner to Conrad, 3/27/52, AGO, LS, VIII, 186.

Lane spent $19,174.51 from January to August, 1853, nearly the entire appropriation for the year ending 6/30/53. Manypenny to McClelland, 2/2/54, OIA, War Department letters, 1852-1854.

58. Sumner to Jones, 3/22/52, AGO, LS, VIII, 181.

plaint. Such practices of course long antedated the American occupation of New Mexico.

"I have seen frequently little children from eighteen months to six years old, led around the country like beasts, by a Mexican who had probably stolen them from their mother not more than a week, and offered for sale for from forty to one hundred and twenty dollars." Anonymous article dated Albuquerque, 7/23/52, printed in *Santa Fe Weekly Gazette*, 11/20/52.

sources.[59] When the supply of tobacco ran low at Fort Defiance, the commander commented along with his request for more that "The policy adopted by Maj. Backus has operated most happily in preserving the best relations with the Navajos and I am confident that if the Commanding officer here has the means of Continuing to make this station necessary to them as a place of profit, barter or trade, no difference with them need ever occur. They are now in the habit of bringing back to this post every animal that strays from it."[60]

The civil officials were equally pleased with the situation. Agent Baird met a group of about 1,500 Navaho in November, 1852, and he did "not think there are the slightest of apprehension of an outbreak, on the part of these Indians."[61] After a tour of the Navaho country in March, 1853, he was happy to inform the commissioner at Washington "that the prospect of civilization grows more [promising] with my tribe (Navajoes). A small annual appropriation as you have been advised is all that is necessary to this tribe in a state of dependence."[62]

But suddenly a small annual appropriation did not seem sufficient to continue the peaceful relations. There were still trouble-makers among the Navaho and they made themselves known again. In March of 1853 they stole a small flock of sheep near Peña Blanca. On May 3 a certain Ramon

59. Sumner to Calhoun, 5/20/52, AGO, LS, VIII, 267. Sumner to Backus, 5/9/52, *Ibid.*, 247.

60. Captain J. H. Eatin to AAAG, 8/7/52, AGO, LR, E20/52.

61. Baird to Lane, 11/27/52, OIA, New Mexico Superintendency, *Outgoing Letters*, vol. 1. Hereafter cited as OIA, NMS, OL.

Governor William Carr Lane assumed his duties as governor and superintendent, September 10, 1852. AGO, LS, VIII, 370.

S. M. Baird was appointed special agent at Jemez by Calhoun February 1, 1852, to prevent tampering with the Navaho by evil disposed people. His commission as agent was sent from Washington January 31, 1852. Abel, p. 488; OIA, LB 45, p. 412.

62. Baird to Lea, 4/12/53, OIA, LR, B234/53.

There was one sour opinion in this period of peace. When the secretary of war in his annual report of 1852 stated that "The Navajos . . . have been completely overawed, and manifest every desire to be at peace with the whites," the *Santa Fe Weekly Gazette*, 2/26/53, considered it novel news; "It cannot be asserted that the peace has been 'conquered;' but it may be asserted, perhaps with entire truth, that it has been bought."

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Martin and young son were killed near Vallecito, two boys captured, and some stock stolen; in the same month a large flock of sheep belonging to A. Garcia was taken near Ojo de Gallinas. These incidents were important in bringing out various aspects of the problem involved in the relation between the Navaho and the government.

The officials believed in the old saying of an iron hand in a velvet glove, but were reluctant to actually use the hand. John Greiner, now secretary of the Territory, instructed Agent Baird to "Give the Navajoes to understand these sheep must be accounted for at once,"[63] referring to the theft at Peña Blanca. The case of Martin aroused Governor Lane to a fever pitch of indignation. He appointed two special agents to investigate the killing (and the theft of sheep at Peña Blanca) and offered heavy rewards for the capture of the culprits, $200 for the leader and $100 for each of his followers:

> *These very important objects, must be obtained, cost what it may, in time and labor, to the Indian Agents and their servants; and what it may, in money, to the U. S. The citizens must be protected, in their rights of property; and human blood must not be shed, and human liberty violated with impunity. And Indian Agents must be at their respective posts, and energetic, in the discharge of their duties."*[64]

63. 3/19/53, OIA, NMS, OL, I, 182.

64. Lane to Steck, 5/6/53, *Ibid.*, I, 176. Lane to Sumner, 5/25/53, *Ibid.*, I, 231. The reason for two special agents at this time was due to the failure of Agent Baird to respond promptly to Lane's conception of the duties of an agent. Because of the "utter inefficiency of the Indian Department" he had issued a circular requiring agents to reside with their tribe or "as near thereto as practicable." 11/2/52, *Ibid.*, I, 58.

"I have experienced much official embarrassment in this Ter.—which was not anticipated. I was disappointed in the measures of defense adopted by the commanding off. of the Dept. The Indn Agt. disappointed my just expectation,—& hence the necessity of the enclosed circular. And the Civil Depart. was chaotic." Lane to Kendrick, 12/3/52, *Ibid.*, I, 62.

For instructions to special agents see *Ibid.*, I, 179, 184.

Baird was probably too immersed in business affairs at Albuquerque to contact his charges more closely. *Santa Fe Weekly Gazette*, 5/14/53.

The Navaho were given until July 1 to surrender the murderers or their country would be invaded. Meanwhile the governor had written to Sumner: "I respectfully suggest to you the propriety, nay absolute necessity, of inflicting upon the Pueblo, or Tribe, [in this case the Navaho] to which they may belong, severe chastisement."[65]

The military commander fell in with Lane's plan of punitive action, and finally set July 6 as the deadline for the restoration of the murderer, six days later than the governor's ultimatum.[66] In June Major Kendrick made a six day tour of the Navaho country and met several groups of Indians. He warned them that unless satisfaction was given war would be waged against them, "their flocks seized, their men killed, their *women* and *children taken captive*, and ultimately the mountain made their eastern limit." They professed their inability to surrender the murderer because of fear of revenge and the fact that he had fled from his home district, but they promised "to give him up or kill him *when they could*" and to restore the sheep by the end of the month.[67] Kendrick was convinced, however, that they would not surrender him.

The Navaho did not want war and made restitution to a certain extent. Most of Garcia's sheep were promptly returned. Special Agent Vigil secured the return of the captive boys without difficulty; and the Indians were willing to pay for the murder of Martin and son.[68] But this was the important issue and the government officials were now finding themselves in an uncomfortable situation.

Neither Lane nor Sumner wanted war any more than did the Indians. They were motivated fundamentally by the idea of making the Navaho conform to the whiteman's law. A murder was a murder, whether committed by a whiteman or redman, and the guilty should be punished,

65. 5/10/53, *Ibid.*, I, 188.

66. Sumner to Kendrick, 6/4/53, AGO, LS, vol. VIII.

67. Kendrick to AAAG, 6/14/53, AGO, LR, K15/53.

68. OIA, NMS, OL, I, 174, 241. OIA, LR, N120/53. AGO, LR, E12, K10, K11, K13/53.

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though perhaps exact due process of law need not be followed. Consequently, while they put strong pressure on the Indians to surrender the culprit, they hoped for a peaceful ending to the whole matter. Furthermore, if war came the strategy to be followed was a moot point. The military favored indiscriminate crop destruction as a necessary corollary to fighting, whereas Lane favored drawing a distinction between the friendly and unfriendly Navaho, and the avoidance of crop destruction, which would necessitate further marauding on the part of the Indian to escape starvation.[69]

As the month of June ran its course the two leaders were troubled about being consistent toward the Indian, of following the routine of punitive action sanctified by time or modifying practice to fit the realities of the case. "But for myself," wrote Governor Lane, "I will look steadily at the requirements of the law, of Justice & sound policy, & will regulate my conduct accordingly, leaving the issue to him in whose hands we all are."[70] He repeated his futile instructions to Agent Baird to proceed to his post of duty in order to facilitate a happy outcome: an agent "may yet avert war." And when Agent Dodge was appointed to the position vacated by Baird, the Governor held to his course; war was undesirable, but the murderer must be apprehended, and, if necessary, Dodge could increase the reward for his apprehension to $400.[71]

Sumner, on the other hand, was beginning to weaken on the proposition of deliver the murderer or war will result due to the pacific behavior of the Navaho after the above incidents, their obvious attempts to prevent trouble by returning the stolen property, and their point of view that the

69. Kendrick to AAAG, 5/25/53, AGO, LR, K13/53. Lane to Sumner, 6/12/53, *Ibid.*, N14/53. Sumner to Lane, 6/10/53, AGO, LS, VIII, 543ff. Lane to Sumner, 6/18/53, OIA, NMS, OL, I, 294.

70. Lane to Sumner, 6/12/53, AGO, LR, N14/53.

71. Lane to Baird, 7/8/53, AGO, LR, N14/53. OIA, NMS, OL, I, 317.

The commission as Navaho agent was sent to Henry L. Dodge, 5/7/53. He was killed by Apache Indians on November 19, 1856, while hunting thirty-five miles south of Zuñi.

return of the murderer was not a tribal responsibility, or if it was, such a deed was impossible or fraught with even greater evil for them. Consequently, he gradually came to the opinion that war "would neither be justifiable nor politic" immediately. Furthermore, a change in the command of the ninth military department was rumored and it might be best to leave the problem to his successor, General John Garland.[72]

The change of command proved to be more than a rumor. General Garland arrived at headquarters in Albuquerque on August 8. Meanwhile Lieutenant-Colonel D. J. Miles had taken over when Sumner left for the east and adopted a conciliatory policy. He merely made a display of force by sending Kendrick on a reconnaissance of the Navaho country in July, believing that a war would be long and costly, and in the ultimate treaty "the points in contention which caused the war will be veiled by a concession on our part." Of course the balance of the stolen sheep must be returned, and the "murderers, if they can be found—and they can catch them."[73] An unlikely happening since they were reported as living among the Utah Indians.

There was also a change in the civil administration, and the new governor, David Meriwether, found upon his arrival at Santa Fe in August that the delicate problem facing Lane had faded away for the time being. But in planning for the future he made certain recommendations to the commissioner. He accepted the principle "that the government must either feed and clothe these Indians to a certain extent or chastise them in a decisive manner." He proposed that the Indian title to land near the settlements be extinguished by treaty in order to remove the redman from contact with the vices of the white man, that annuities be granted to the Indians, and that any losses sustained from their depredations be deducted from the government appropriation. In

72. Sumner to Lane, 6/15/53, AGO, LS, VIII, 551, 553. Kendrick to AAAG, 8/15/53, AGO, LR, K19/53.

73. Miles to Kendrick, 7/3/53, AGO, LS, VIII, 555.

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this view he was no doubt influenced by Major Kendrick who had observed that "those bands residing most remote from and having the least intercourse with the whites are in a much better condition than the others.

"Whilst he discribes the one party as being an abject and degraded people who rarely labour for their support he discribes the other as having the finest fields of corn and wheat that grows in the Territory." And the ones nearer the settlements, of course, were accused of being the troublemakers.[74]

In September, Agent Dodge brought a delegation of 100 Navaho, headed by Sarcillo Largo, to Santa Fe to talk with the new governor. On this occasion Meriwether tried to instill into their minds the conception of obedience to authority. He presented a medal with ribbon to each of six headmen and told them that they would be responsible for their respective bands. Largo was appointed captain over all the others and received more ribbon on his medal as a sign of his superior position.[75] Then some presents were distributed and the Indians returned home, but with what thoughts in their minds it is hard to say.

The need for delimitation of the Navaho country as recommended by Meriwether became a matter of increasing concern to the officials in New Mexico. The immense area of grazing country to the west was a natural attraction for the sheep grower of the Rio Grande valley. The region had

74. Meriwether to Manypenny, 8/31/53, OIA, LR, N153/53.

In the midst of the excitement in the spring, Lane had analyzed the situation: "All the Indians of New Mexico, except the Pueblo Indians, are Tenants at Will, & therefore under existing laws have no country of their own; and the White man is constantly encroaching upon them; & this is one cause of perpetual strife & violence, between the two races. To remedy this evil, Congress must, of necessity, meet the difficulty by assigning to the Indians a portion of country, which shall be legally their own, & upon which the White man cannot intrude." He suggested a north-south line about the 108 or 109 meridian as boundary between the two groups. OIA, NMS, OL, I, 208.

75. Meriwether to Manypenny, 9/19/53, OIA, LR, N177/53.

The governor was very favorably impressed with the personal appearance of the Indians: "They are a fine healthy looking people remarkably well clothed in fabricks of their own manufactury and appear to be the best fed and clothed Indians west of the Arkansas river."

a history of thefts of flocks by the Navaho and attempts to recover them by military or voluntary expeditions; but despite these losses and the occasional killing of a shepherd by the Indians, the practice was continued of grazing sheep far into the Navaho country. And, as Kendrick wrote, "it is to be regretted that owners of flocks . . . are placing an almost irresistible temptation to robbery before a people under whose exactions New Mexico has groaned for a third of a century.[76]

Meriwether felt powerless to remedy this situation since the United States District Court had decided that New Mexico was not a part of the Indian Country and the intercourse laws did not apply.[77] Consequently, he renewed his recommendation in September, 1854, that a reservation be established, a plan that received the endorsement of General Garland: "if there is not some speedy action had upon this subject trouble will ensue."[78]

In the midst of these reports to Washington, Congress took action in July, 1854, by appropriating $30,000 to defray the cost of making treaties with the Apache, Utah, and Navaho, "by which permanent and well defined relations of amity shall be established between them and the United States." In the spring of 1855 Meriwether was appointed special commissioner to carry out the terms of the act. In order to keep the Indian stock off the army grazing grounds at Fort Defiance, and to allay any suspicion they might have had at being requested to assemble so close to the fort, the meeting was arranged at Laguna Negra, in July.[79]

76. 2/10/54, OIA, LR, N233/54.

"I know not what explanation to make of such criminal recklessness, unless I am furnished the key to it in the remark made to me by one who seemed more anxious to protect his two or three mules than to recover his large flock of sheep, wh. had been stolen—viz. 'if I lose my *sheep* the government will pay for *them*." *Ibid.*

77. OIA, NMS, OL, I, 475.

78. Garland to AAG, 12/31/54, AGO, LS, IX, 261. Meriwether to Manypenny, 9/30/54, OIA, NMS, OL, II, 204.

79. Manypenny to Meriwether, 3/16/55, OIA, LB 51, p. 89. Kendrick to Meriwether, 5/28/55, AGO, LR, K11/55.

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The governor followed very closely the instructions received from Commissioner Manypenny in regard to the terms of the treaty, and by the 18th the document was completed and signed. The provisions were as follows: "Peace, friendship and amity shall forever hereafter exist . . . ;" the Navaho agreed to remain at peace with all Indians, cede all claim to territory except as reserved, to cultivate the soil, and to remove to the reservation within twelve months. The reservation boundary ran from the south bank of the San Juan at the mouth of the Rio de Chelly, up the San Juan to the mouth of Cañada del Amarillo, up the Amarillo to the divide between the Colorado river and Rio Grande, along the divide southwest to the head of the main branch of the Zuñi river, down the northside to the junction with the Colorado Chiquito, thence north to the beginning point. Lands belonging to the Zuñi and Moqui pueblos were exempt, and also fifty square miles around Fort Defiance.

The President was empowered to grant lands in severalty and to issue patents, with restriction on the rights of alienation, when the individual Indian was considered competent for such responsibility. Other lands could be assigned them in exchange for mineral areas that might be found on the reservation. Necessary highways and railroads could be established as thought necessary. In return, the Navaho were to receive $10,000 in 1856 and 1857, $6,000 annually from 1858 to 1860, and $4,000 annually from 1861 to 1876.

There were certain restrictions on the use of the annuities. The president should decide how much was to be spent for education and moral improvement, how much for farming, and how much to be given in cash. They were not to be applied to the payment of individual debts or tribal debts, but the president should decide what satisfaction was to be made for depredations.

Finally, no liquor was allowed on the reservation, and the Navaho agreed to assume responsibility for acts of individuals. Any grievances on their part could be redressed by appeal to the Indian agent.[80]

Negotiations for the treaty went off fairly smoothly on the 16th and 17th. The first day some of the 1,500 Indians present displayed a bit of hostility, but Chief Manuelito apologized for their conduct. Meriwether knew, as he expressed it, that only the "boys" caused the trouble. One point of difficulty was the surrendering of bad men for punishment by the government. The governor insisted on this point because a bad Indian could not be distinguished from a good Indian when the military undertook an arrest. Incidentally a new head chief was elected. Sarcillo Largo resigned due to advancing age and Manuelito was elected in his place. Fourteen headmen signed the document; all, it was claimed, except Sandoval, chief of the band living in the neighborhood of Cebolleta that was friendly toward the whites, but at odds with their own people.[81]

The treaty, on the whole, was favorable to the Navaho, and marked a step forward in trying to carry out the happiness and prosperity clauses of the Washington treaty of 1849. The granting of land in severalty was in the direction of transforming the Indian into a responsible individual in keeping with the organization of the white man's society; in attaining this objective, education for his spiritual, moral, and physical improvement was to be provided. Of course the potential mineral wealth on the proposed reservation was reserved for the white man, and lines of communication to the westward were not overlooked. The eastern boundary was approximately parallel to the Rio Grande about 110 miles to the west, or about fifty miles west of Cebolleta, the westernmost settlement. Why a western boundary was stipulated is not clear because the land beyond Canyon de Chelly was little known. In general, the boundaries cut off

80. OIA, Unperfected Treaties, No. 274A.

81. "Talk" re signing treaty. OIA, LR, N486/55. Garland to AAG, 7/31/55, AGO, LS, IX, 381. Dodge to Manypenny, 8/2/55, OIA, LR, N498/55. Meriwether to Manypenny, 7/25/55, OIA, NMS, OL, II, 580ff.

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a generous slice of grazing land for the whites and included the known arable lands of the Indians.

Unfortunately, the treaty was not ratified by the Senate after an unfavorable committee report. This action was partly due to opposition in the Territory; the eastern boundary of the reservation was considered to be too favorable for the Indians because too much land was closed to white settlement.[82] However, financial assistance had been provided for the improvement of the Navaho. The sum of $5,000 was appropriated annually, beginning in 1854, and expended for various and sundry purposes such as hoes, axes, tobacco, vegetable seeds, brass wire, butcher knives, Mexican sugar, and strings of coral. But such assistance was not intended to create a tribe permanently dependent on the government for support. The purpose was "*assistance* to the Indians in *locating themselves* in permanent abodes, and sustaining themselves by the pursuits of civilized life."[83]

While the dole system was being practiced and the Meriwether treaty was running its course, the Navaho remained nominally at peace, with an occasional unhappy episode, much as had been the case before the crisis of 1853. The first incident to mar the calm was the murder of a soldier near Fort Defiance, probably early in October, 1854. The problem and the policy to be followed were as usual, and were clearly stated by Kendrick:

> I believe this outrage to indicate no hostility on the part of any Considerable number of Navajoes, but to be the act of a miscreant who is countenanced only by a few, who like himself are tired of an unusually long peace, and are anxious for excitement. Still, unless the amplest satisfaction is coerced for this deed we may expect a repetition of such things on a larger scale, & [coin?] as Great or Greater ones elsewhere.

82. *Santa Fe Weekly Gazette*, clipping in Miguel A. Otero to McClelland, 12/5/56, OIA, LR, O14/56. Meriwether to Manypenny, 1/23/57, *Ibid.*, N236/57. Legislative Memorial to Congress, January, 1857, *Ibid. Santa Fe Weekly Gazette*, 2/23/56.

83. Manypenny to Meriwether, 1/10/57, OIA, LB 56, p. 37.

> I am sending for the Chiefs to come in here, & shall make a formal demand upon them for the delivery of the Murderer, but I have no idea that it will be yielded to in the *first instance*, for the Navajoes, however desirous a majority of them may be of peace, either from a real or fancied inability to do so, have never surrendered a guilty party, always affirming *that* to be impossible. Certainly there is no hope of their yielding to our demands unless they are backed by the display of a strong force of the proper kind to pursue them & their herds. Yet it is of so much importance that the principle of surrendering evil doers should be established among these *Indians*, when all further trouble with them will cease, that the strongest efforts ought to be made for it; or failing in this, so stringent an example should be made as not only to force the passively well disposed (a majority) to control the bad, but also to overawe all other tribes in this Territory, to whom it would soon become known. If an example is to be made of any tribe, it will be more likely to succeed with the Navajoes than with any other in New Mexico.
>
> In the end either of these results will fully repay any exertions we may now make.[84]

In due time Agent Dodge and Lieutenant Alley met the Navaho at Cariso, sixty miles north of the Fort. The Indians offered to pay for the dead soldier; the offer was met by "a reference to our *laws*, and our determination to execute them in this instance," which meant surrender the culprit or war would result. And eventually, to the surprise of the officials, the culprit was surrendered;[85] that is, if the identification were accurate. Moreover, "Major H L Kendrick and myself at the urgent request of Armijo the civil chief and Sarcillo Largo, the war chief and one hundred other principal men of the Nation, and after his identity was proven by a Sergeant and two soldiers, had him hung

84. Kendrick to AAG, 10/8/54, AGO, LR, K15/54.

85. Kendrick to AAG, 10/23/54, AGO, LR, K17/54. The status of chiefs was not as fixed as the government apparently believed or hoped for.

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until he was *dead dead dead.*"[86] Kendrick was well pleased: "I deem the surrender of this criminal to be a national act as much as any which the Navajoes are capable of performing—It is the first one of the kind, in their history. . . ."[87]

The white man's conception of law had been enforced, but the Navaho profited little from the lesson. In the spring of 1856 another major incident occurred; a flock of 11,000 sheep, or so it was alleged,[88] was stolen and three herders were killed. The usual pressure was promptly applied: "As this is a grave offense you may assure the chiefs and head men of the tribe, that they *must* surrender the thieves or take the consequences."[89] The military, however, did not press the matter vigorously due to lack of troops.[90] The responsible Navaho, on the other hand, showed a desire to pay damages and claimed, as usual, that the wrong doers were a few of their people who lived with the Utah. By the end of summer they paid 2,000 sheep, 52 horses, and three servants for the three dead herders.[91] At a conference held at Santa Fe in September the surrender of the murderers was claimed by the Navaho chief to be impossible. "This I deem a moot point," General Garland replied, "and will so consider it, and so it will be understood by the Navajo Nation."[92]

But the worst part of this episode was the discouragement experienced by the officials. Their high hopes aroused by the so called "national act" of two years before and their

86. Dodge to Meriwether, 11/13/54, OIA, LR, W349/55.

87. 11/11/54, AGO, LR, K19/54.

"The poor have committed a good many small thefts within the last three months all of which with the assistance of the well disposed and I am happy to say they form a large majority I have returned so far as they have come to my knowledge." Dodge to Davis (gov.) 12/26/55, New Mexico Agent Reports, 1850-58.

88. Meriwether to Manypenny, 7/24/56, OIA, LR, N152/56.

89. W. W. H. Davis to Dodge, 4/8/56, OIA, NMS, OL, II, 63.

"The authorities have warned the farmers, as also have the Indians, not to drive their flocks into the Indian Country, but they still persist in doing, and the consequences must ever be depredations of this kind." Davis to Manypenny, 4/9/56, OIA, LR, N104/56.

90. AAG to Kendrick, 7/26/56, AGO. LS, IX, 503.

91. Dodge to Manypenny, 9/30/56, OIA, LR, N177/56.

92. Garland to AAG, 9/30/56, AGO, LS, X, 20.

subsequent efforts to promote the welfare of the Indians had resulted in disillusionment. The slow process of trying to change the nomad by word of mouth, of alternating between explanations of the power of the government and encouragement in the practice of farming, all supplemented by the giving of presents, seemed futile. "Until they are taught the power of our government in a manner heretofore unknown to them, they will never respect it. All idea that they will regard one line of the Treaty of Laguna Negra, save those which refer to the reception of presents, may now be dismissed."[93] In fact, the chiefs apparently believed that their war strength was greater than that of the government.

For the next two years conditions changed little. An occasional theft occurred and considerable irritation developed over the Fort Defiance grazing grounds. The military claimed the hayfields by treaty right, the Navaho claimed them by hereditary right. The two parties almost came to blows in the summer of 1857 and the post garrison was reinforced temporarily.[94] Happily this crisis passed and the extra troops were withdrawn without seeing action. But the time was drawing near when the Navaho were to be "impressed" with the might of the United States, a step that the civil and military officials in the Territory now believed to be necessary.

"Still, whatever trouble they make, they are as yet the best Indians in New Mexico, and if the so called 'humane policy' is ever to succeed with any large tribe, it is with the Navajoes. There is no hope of its success until they are thoroughly convinced of our superior strength."[95] With this analysis we leave these Indians to be convinced, a lesson undertaken by the military in the summer of 1858 when a

93. Kendrick to AAG, 6/13/56, AGO, LR, K9/56. Dodge to Meriwether, 6/13/56, OIA, LR, N138/56.

94. Collins to Denver, 6/29/57, OIA, C1152/57. AAG to Col. W. W. Loring, 7/1/57, AGO, LS, X, 121.

95. Kendrick to Meriwether, 1/25/57, OIA, New Mexico Agent Reports, 1850-1858.

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Navaho sped an arrow between the shoulder blades of a negro servant of the commander at Fort Defiance.[96]

University of New Mexico.
Albuquerque, N. M.

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96. F. D. Reeve, "Federal Indian Policy in New Mexico, 1858-80," NEW MEXICO HISTORICAL REVIEW, July, 1937.

NEWS NOTES

Seville, Spain, November 26, 1938.

As you probably know, Mrs. Bloom and John got home October 31st. We finally managed to start them from Paris on the 2nd, going home via Lisbon, Havana, Vera Cruz, Tampico, Monterrey, Torreon, and El Paso. I caught an Italian-South African ship at Marseilles which dropped me at Gibraltar Oct. 16th (Sunday). I was fixed up there on Monday—got acquainted at our American consulate; put most of my money in Barclays Bank; and found the "representante del gobierno de Burgos" a very pleasant gentleman—who asked me to convey his greetings to the director at the Archive here.

Tuesday I took the steamer across the harbor to Algeciras. There was such a crowd at the customs that it took me two hours to go through inspection, declaring and paying duty on the film I brought from Paris, and changing my money. Then I had to go to the police station in town, to be finger-printed and passed; then to another office for a "salvo-conducto" to Sevilla. The bus was to leave at 2 P. M., and by the time I got to that office every seat had been sold.

Fortunately I found comfortable hotel accommodations near by and staying over a day proved not so bad. For one thing, I got a good reserved seat for the next day. And as I had everything lined up, I could enjoy loafing a little and seeing the town.

Wednesday the "rapido" had tire trouble, so that we finally arrived in Sevilla about 10:30 P. M. instead of 7 o'clock. You can picture me walking the streets of Sevilla by moonlight, with my portfolio and typewriter and a mozo to carry my malete and package of film—left the steamer trunk at the office till next day. Four hotels around the central plaza were full, so finally I told the man we would

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