

Documents of American Indian Diplomacy

Treaties, Agreements, and Conventions, 1775–1979

Volume Two

**Vine Deloria, Jr.
and
Raymond J. DeMallie**

With a Foreword by Daniel K. Inouye

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Also by Vine Deloria, Jr.

Custer Died for Your Sins (New York, 1969; Norman, 1988)
God Is Red: A Native View of Religion (New York, 1973; Golden, Colo., 1994)
Behind the Trail of Broken Treaties: An Indian Declaration of Independence
(New York, 1974; Austin, 1985)

Also by Raymond J. DeMallie

(ed. with Elaine A. Jahner) *Lakota Belief and Ritual* (Lincoln, Nebr., 1980)
(ed.) *Lakota Society* (Lincoln, Nebr., 1982)
(ed.) *The Sixth Grandfather: Black Elk's Teachings Given to John G. Neihardt* (Lincoln, Nebr., 1984)
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Article 9th. The Mescaleros do hereby agree and bind themselves to make restitution, or satisfaction, for any injuries done by any band or individual, to the people of the United States, and to surrender to the proper authorities of the United States, when demanded, any individual or individuals who may commit depredations, to be punished according to law. And if any citizen of the United States shall at any time commit any depredation upon the Indians, the Mescaleros agree, that they will not take private revenge or satisfaction themselves, but instead thereof, they will make complaint to the proper Indian Agent for redress. And the said Indians do further agree, to refrain from all warlike incursions into the Mexican provinces, and from committing depredations upon the inhabitants thereof.

Article 10th. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said David Meriwether Commissioner as aforesaid, and the undersigned Chiefs, Captains and head men of the said tribe of Mescaleros have hereunto set their hands and seals, at the place and on the day and year herein before written.

	D. Meriwether	[L. S.]
Witnesses:	Com. on the part of the United States	
Richard S. Ewell	Barranquito	his x mark [L. S.]
Captain 1 st Dragoons	Plumas	his x mark [L. S.]
A. E. Steen	Vueltas	his x mark [L. S.]
2 ^d Lt. 3 ^d Infy	Venancio or Gomez	his x mark [L. S.]
Saml. Ellison	Copaz	his x mark [L. S.]
Translator	Josesito	his x mark [L. S.]
Estevan Ochoa	Llanero Manco	his x mark [L. S.]
Interpreter	Manuel	his x mark [L. S.]
M. Steck	Cadete	his x mark [L. S.]
Ind. Agent.	Alonzo	his x mark [L. S.]
	Francisco Llanero	his x mark [L. S.]
	Ramon, Son of Santos	his x mark [L. S.]
	Jose Largo	his x mark [L. S.]
	Estrellita	his x mark [L. S.]
	Manuelito	his x mark [L. S.]
	Mariano	his x mark [L. S.]
	Francisco	his x mark [L. S.]

SOURCE: RG 11, State Department Treaty File, M668, roll 10: 464-68.

TREATY WITH THE NAVAJO

June 18, 1855

Articles of Agreement and Convention made and concluded at Laguna Negra, in the Territory of New Mexico this eighteenth day of July, one thousand eight hundred and fifty five by David Meriwether, sole Commissioner, duly appointed for that purpose on the part of the United States, and the undersigned chiefs, captains, and head-men, of the Navajo tribe or nation of Indians, they being thereto duly authorized and acting for and in behalf of their respective bands.

Article 1st. Peace, friendship, and amity shall forever hereafter exist between the United States of America and the Navajo tribe or nation of Indians, and this Convention, and every article and stipulation thereof shall be perpetual, and observed and performed in good faith.

Article 2^d. The Navajos do hereby Covenant and agree that peaceful relations shall be maintained amongst themselves and all other bands tribes and nations of Indians within the United States, and that they will abstain from committing hostilities or depredations, in future, and cultivate mutual good will and friendship.

Article 3^d. The Navajos hereby cede and forever relinquish to the United States, all title or claim whatsoever, which they have or ever have had to lands within the Territory of New Mexico, except so much as is hereinafter reserved to them. And the Navajos further agree and bind themselves, to remove to, and settle on the lands reserved to them, within twelve months after the ratification of this treaty, without any cost or charge to the United States whatsoever, for their removal; and that they will cultivate the soil and raise flocks and herds for a subsistence; and that the President may withhold the annuities herein stipulated to be paid, or any part thereof, whenever the Indians shall violate, fail, or refuse to comply with any provisions of this instrument, or to cultivate the soil in good faith.

Article 4th. The United States agree to set apart and withhold from sale for the use of the Navajos, for their permanent homes, and hereby guarantees to them the possession and enjoyment of a tract of country within that portion of the Territory of New Mexico now claimed by them, and bounded as follows viz. Beginning on the South bank of the San Juan river, at the mouth of the Rio de Chelly, thence up the San Juan to the mouth of the Cañada del Amarillo, thence up the Amarillo to the top of the dividing ridge between the waters of the Colorado and Rio Grande, thence southwestwardly along said dividing ridge to the head of the main branch of the Zuñi river, thence down the north side thereof to its mouth or entrance into the Colorado Chiquito, thence north to the beginning excluding the lands owned by the Pueblos of Zuñi and Moqui, and reserving to them all their rights and privileges, and reserving to the United States a tract of country embracing fifty square miles around Fort Defiance, to be laid off under the directive of the Commanding officer of the Department, and in such manner as he may see proper, reserving to the Navajos the right to gather salt at the Salt Lake near Zuñi. And the United States is hereby authorized to define the boundaries of the reserved tract when it may be necessary by actual survey or otherwise, and the President may, from time to time, at his discretion cause the whole or any part thereof to be surveyed, and may assign to each head of a family, or single person over twenty one years of age twenty acres of land for his or her separate use and benefit, and each family of three and less than five persons, forty acres, and to each family of five or more persons, sixty acres; and he may at his discretion, as fast as the occupants become capable of transacting their own affairs issue patents therefor to such occupants, with such restrictions of the power of alienation, as he may see fit to impose; and he may also, at his discretion, make rules and regulations respecting the disposition of the lands, in case of the death of the head of a family or a single person occupying the same, or in case of its abandonment by them; and he may also assign other lands in exchange for mineral lands if any such are found in the tract herein set apart; and he may also make such changes, in the boundary of such reserved tracts, as shall be necessary to prevent interference with any vested rights. All necessary roads, highways and rail-roads, the lines of which may run through the reserved tracts, shall have the right of way through the same, compensation being made therefor as in other cases, but the President may grant the right of way to any such road free of charge, and establish such military posts as he may think proper.

Article 5th. In consideration of, and full payment for the country ceded, and the removal of the Navajos, the United States agree to pay to the Navajos the following sums, without interest, to wit. The United States will, during the years 1856 and 1857 pay to the Navajos ten thousand dollars each year, during the year 1858, and the two next succeeding years thereafter the sum of six thousand dollars each, and during the year 1861 and the next succeeding fifteen years thereafter, the sum of four thousand dollars each year. All of which several sums of money shall be paid to the Navajos, in expended for their use and benefit, under the directions of the President of the United States, who may, from time to time, determine, at his discretion, what proportion of the annual payments, in this article provided for, if any, shall be paid to them in money, and what proportion shall be applied to and expended for their moral improvement and education; for such beneficial objects as, in his judgment, will be calculated to advance them in civilization; for building, opening farms, breaking lands, providing stock, agricultural implements, seeds, &c.; for employing farmers to teach the Indians to cultivate the soil, for clothing, provisions, and merchandize; for iron, steel, arms and ammunition; for mechanics and tools; and for medical purposes.

Article 6th. The annuities of the Indians shall not be taken to pay the debts of individuals, but satisfactions, for

depredations committed by them, shall be made by the Indians, in such manner as the President may direct. Nor shall any part of the amounts stipulated to be paid, ever be applied by the Chiefs or head-men, to the payment of tribal debts, or obligations to traders or other persons.

Article 7th. No spirituous liquors shall be made, sold, or used on any of the lands herein set apart for the residence of the Indians; and the sale of the same shall be prohibited, in the Territory hereby ceded, until otherwise ordered by the President.

Article 8th. The laws now in force, or which may hereafter be enacted by Congress, for the regulation of trade and intercourse with the Indian tribes, shall continue and be in force within the country set apart for the use of the Navajos; and such portions of said laws as prohibit the introduction, manufacture, use of, and traffic in ardent spirits, in the Indian country, shall continue and be in force in all the country ceded, until otherwise provided by law.

Article 9th. The Navajos do further agree and bind themselves to make restitution, or satisfaction, for any injuries done by any band or any individual to the people of the United States, and to surrender to the proper authorities of the United States, when demanded, any individual or individuals who may commit depredations, to be punished according to law. And if any citizen of the United States, shall at any time, commit depredations upon the Indians, the Navajos agree, that they will not take private satisfaction or revenge themselves, but instead thereof they will make complaint to the proper Indian Agent for redress. And the said Indians do further agree to refrain from all warlike incursions into the Mexican Provinces, and from committing depredations upon the inhabitants thereof.

Article 10th. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In Testimony whereof, the said David Meriwether Commissioner as aforesaid, and the undersigned Chiefs, Captains, and Head-men of the said tribe of Navajo Indians, have hereunto set their hands and seals at the place, and on the day and year hereinbefore written.

	D. Meriwether	[L. S.]
Witnesses present	Com. on the part of the United States	
Jno. Garland	Manuelito	his x mark [L. S.]
Bvt Brig Genl	Jose Miguel	his x mark [L. S.]
U.S.A.	Cabra Blanco	his x mark [L. S.]
H. L. Kendrick	Francisco Baca	his x mark [L. S.]
Bvt. Maj. U.S.A.	Segundo	his x mark [L. S.]
O. L. Shepherd	Mariano Martinez	his x mark [L. S.]
Capt. 3 rd Inf. Bvt. Major	Julian Tenorio	his x mark [L. S.]
R. S. Ewell	Jas-tin-a	his x mark [L. S.]
Cap 1 Drag.	Jose Baca	his x mark [L. S.]
	Jose Antonio	his x mark [L. S.]
W. W. H. Davis	Jose	his x mark [L. S.]
Secty. Terry. New Mexico	Antonio Viscara	his x mark [L. S.]
	Nez-Nez	his x mark [L. S.]
	Bele Thlana	his x mark [L. S.]
	Bitche-de-latche	his x mark [L. S.]
	Hijo del Juanies	his x mark [L. S.]
	Manuel Huero	his x mark [L. S.]
	Bick-e-de-stedy	his x mark [L. S.]
	Aguilar Negro	his x mark [L. S.]
	Caton Colorado	his x mark [L. S.]
	Bele-dee-gine	his x mark [L. S.]
	Salvador Colorado	his x mark [L. S.]

Ozi-nez	his x mark	[L. S.]
Jose Paya	his x mark	[L. S.]
Sarcillas Largas	his x mark	[L. S.]
Pana Culgoi	his x mark	[L. S.]
Manuel Armijo	his x mark	[L. S.]

SOURCE: RG 11, State Department Treaty File, M668, roll 10: 477-82.

TREATY WITH THE SHOSHONE

August 7, 1855

Treaty made and concluded on the 7th day of August one thousand eight hundred and fifty five between Garland Hurt Indian Agent for the Territory of Utah for and in behalf of the President and Senate of the United States of the one part and the Chiefs, head men, and warriors of the Sho-sho-nee Nation of Indians (commonly called Snake Diggers) occupying the northern, and middle portion of the Valley of the Humboldt River of the other part

ART. 1ST.—We the Chiefs and head men of the Sho-sho-nee Nation do hereby declare that all former disputes and feelings of hostility between our people and the people of the United States are this day amicably adjusted and settled.

ART. 2ND.—We guarantee to the people of the United States perfect safety to life and property at all times when peacefully sojourning in, or traveling through our country.

ART. 3RD.—We give the right of way through our country to the people of the United States, that said people may pass and repass without harm to themselves or property.

ART. 4TH.—We will treat all persons claiming to be citizens of the United States who may settle in our country as brothers and friends, and not as enemies.

ART. 5TH.—We acknowledge the supremacy of the laws of the United States and that all persons who may hereafter commit crimes within the limits of our country shall be accounted answerable to said laws.

ART. 6TH.—We will use all diligence when called to aid the officers and people of the United States in arresting and bringing to justice, all persons who may have committed crimes within the limits of our country irrespective of the tribes or nations to which the offenders may belong.

ART. 7TH.—And the said Garland Hurt for, and in behalf of the President and Senate of the United States, pledges hereby the friendship and good will of the people of the said States to the Chiefs and people of the said Sho-sho-nee Nation.

ART. 8TH.—For, and in consideration of the faithful observance of all the obligations above stipulated on the part of the Chiefs and people of the said Sho-sho-nee Nation of Indians, the President of the United States will give to the Chief and people of said nation, through his proper agent, the sum of three thousand dollars in presents (such as provisions, clothing and farming implements &c) to be delivered to them at some convenient point within the limits of their country, on or before the 30th day of September 1857: *Provided however* that if any part of the above treaty shall be violated by any of the Chiefs or people of the said Sho-sho-nee Nation the above obligations on the part of the President of the United States shall be void, or held at his discretion until such time as ample atonement shall have been made for such violation: *Provided further*, that if the President and Senate of the United States shall refuse to ratify this treaty, the same shall be void.