Memorial of the Legislative Assembly of the Territory of New Mexico, to the Honorable Senate and House of Representatives of the United States, in Congress Assembled would most respectfully represent.

That the situation of New Mexico in regard to the Indians who dwell within her borders, is peculiar, and different from any other part of the United States: at this time, there is not less than thirty or thirty five thousand uncivilized Indians dwelling in our Territory, who, as has been their custom from time immemorial, roam over the whole Country without restraint or limits. Since the Territory came into possession of the United States, our courts have decided that there is no Indian Country in New Mexico, as contemplated, by the act of Congress commonly denominated the "Intercourse Act," the effect of which has been, and now is, that the laws of the United States, for the Control and government of the Indians, cannot be enforced, in as rigid a manner as they should be.

This freedom to roam over the length and breadth of the Territory, has been the cause of numerous depredations upon our flocks and herds, upon which they have been in the habit of depredating. Within the last year the Navajo Indians entered our Territory and settlements several times and killed some of our Citizens, and carried off their stock. In one of the expeditions made by these Indians they run off some two thousand head of sheep, besides killing three of the pastors. The Mescalero Apaches have also committed depredations on the settlements of Rio Abajo; the County of San Miguel has likewise suffered from numerous incursions of the savages in which several Citizens have been killed and made captives, and considerable number of stock carried off by the same. On the 19th day of November last, while Captain H. L. Dodge, Agent of the Navajo Indians, was hunting in the vicinity of the Pueblo of Zuñi, he was surprised by a party of Indians supposed to have been Gileños and carried into captivity. We might mention other instances of a like nature, but these will suffice to demonstrate to your Honorable bodies the fact, that our Indians are not under proper control, nor awed into subjection by the forces of the general government.

It is the desire of the people of New Mexico, now expressed, through their Legislative Assembly, that the various tribes which inhabit our Territory should be located within prescribed limits, of moderate extent, and cultivate the soil for a living, in place of being allowed as now to roam over all parts of our Country. They should be taught, gradually, to cultivate the arts of peace; and in our opinion, the general government should give them assistance in the means of living until such time as they may be able to support

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themselves. At present they have possession of, and claim to own a large portion of the most valuable lands in the Territory, which cannot be open for settlement until the Indians shall first have been removed. The Surveyor General, appointed for New Mexico, is now engaged in surveying the public lands, but said lands cannot be brought in market and sold, until the Indians title shall have been extinguished. We adduce these as palpable reasons why the Indians of our Territory should be speedily located within fixed limits.

We understand that in the summer of 1855, treaties were negotiated with several of the Indian tribes of this Territory, under the direction of H. E. the President of the United States, and the Honorable Commissioner of Indian Affairs, which were approved by these Officers and transmitted to the Senate for ratification, but have not yet received the action of that body. We have also been informed, that these treaties set apart certain districts of country, as the future homes of the Indians, compell them to cultivate the soil for a living, with the assistance of the government, and that they would be compelled to pay for the depredations they might commit in future out of the yearly annuities to be paid them under the treaties. These provisions we think would be beneficial to the Territory in case they were carried out. Although these treaties were not ratified, Congress made an appropriation for the Indians, for the present fiscal year, in amount equal to that asked for in the treaties, the effect of which is that in substance, the Indians reap all the benefit to be derived from said treaties but are subject to none of the corresponding obligations. This works injustice to our people. Inasmuch as the Senate has not yet ratified the treaties in question, we would most respectfully request that Honorable body, to take some action in the premises so that in case they should be rejected, His Excellency the President, and the Honorable Commissioner of Indian Affairs, shall be enabled to take the necessary steps to have new treaties negotiated with all the Indians, for the purpose of supplying the defects objected to in those now under consideration.

Your Memorialists further represent, that when the Indians have made incursions, application has been made to the Commanders of several military posts, by our Citizens, asking aid to follow the Indians that had committed murders, and carried off stock, and such aid has been denied them under the pretext of the want of forces or being otherwise occupied, which prevented them from rendering such aid. And we call your most serious attention to this subject.

Your Memorialists would further represent to your Honorable bodies,

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that the Indians who inhabit the great plains stretching between this Territory and Missouri, and who belong to the Saint Louis Superintendency, are in the habit of making incursions into New Mexico, and committing depredations upon our flocks and herds and outrages upon our people. A large party of Kiawahs made such an inroad, the past fall, and penetrated into the heart of the settled country, committing many outrages on their way. The exposed condition of our Eastern frontier, and the sparseness of our settlements, renders us powerless to check such incursions, and we appeal to your Honorable bodies to give us the protection we stand in need of.

Your Memorialists would further represent, that the Indians upon the plains, between New Mexico and Missouri, are in the constant practice of levying Contribution upon the "Commerce of the plains" and hardly a train passes that is not compelled to give tribute to these red freebooters. Against these outrages, our merchants and traders have no protection; and are forced to see their property taken from them without the power to resist. The annual presents to the Indians are now distributed at a point upon the Arkansas river, where the great highway from Santa Fe to Independence crosses that river, the effect of which is, that it causes to be assembled there every summer, several thousand wild Indians, at the time the merchants Trains are passing to and from the States. These Indians scatter along the road for a great distance and linger there all the season to levy blackmail upon the trains. The presents should be distributed at some point at a distance from the road, so as to draw the Indians from the great highway. In conclusion, we would most respectfully request, your Honorable bodies, to take such action in the several matters set forth in this Memorial as may come within your jurisdiction. For which purpose we require our Delegate in Congress to use all the energies in his power and ability to urge speedy action upon the subject of this Memorial.

True copy and translation from the original on file in my office.

W. W. H. Davis
Secy Terry. of New Mexico.

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