

INDIAN AFFAIRS.

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LAWS AND TREATIES.

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Vol. II.  
(TREATIES.)

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COMPILED AND EDITED  
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## TREATY WITH THE NAVAHO, 1849.

THE following acknowledgements, declarations, and stipulations have been duly considered, and are now solemnly adopted and proclaimed by the undersigned; that is to say, John M. Washington, governor of New Mexico, and lieutenant-colonel commanding the troops of the United States in New Mexico, and James S. Calhoun, Indian agent, residing at Santa Fé, in New Mexico, representing the United States of America, and Mariano Martinez, head chief, and Chapitone, second chief, on the part of the Navajo tribe of Indians:

I. The said Indians do hereby acknowledge that, by virtue of a treaty entered into by the United States of America and the United Mexican States, signed on the second day of February, in the year of our Lord eighteen hundred and forty-eight, at the city of Guadalupe Hidalgo, by N. P. Trist, of the first part, and Luis G. Cuevas, Bernardo Couto, and M<sup>g</sup>l Atristain, of the second part, the said tribe was lawfully placed under the exclusive jurisdiction and protection of the Government of the said United States, and that they are now, and will forever remain, under the aforesaid jurisdiction and protection.

II. That from and after the signing of this treaty, hostilities between the contracting parties shall cease, and perpetual peace and friendship shall exist; the said tribe hereby solemnly covenanting that they will not associate with, or give countenance or aid to, any tribe or band of Indians, or other persons or powers, who may be at any time at enmity with the people of the said United States; that they will remain at peace, and treat honestly and humanely all persons and powers at peace with the said States; and all cases of aggression against said Navajoes by citizens or others of the United States, or by other persons or powers in amity with the said States, shall be referred to the Government of said States for adjustment and settlement.

III. The Government of the said States having the sole and exclusive right of regulating the trade and intercourse with the said Navajoes, it is agreed that the laws now in force regulating the trade and intercourse, and for the preservation of peace with the various tribes of Indians under the protection and guardianship of the aforesaid Government, shall have the same force and efficiency, and shall be as binding and as obligatory upon the said Navajoes, and executed in the same manner, as if said laws had been passed for their sole benefit and protection; and to this end, and for all other useful purposes, the government of New Mexico, as now organized, or as it may be by the Government of the United States, or by the legally constituted authorities of the people of New Mexico, is recognized and acknowledged by the said Navajoes; and for the due enforcement of the aforesaid laws, until the Government of the United States shall otherwise order, the territory of the Navajoes is hereby annexed to New Mexico.

IV. The Navajo Indians hereby bind themselves to deliver to the military authority of the United States in New Mexico, at Sante Fé, New Mexico, as soon as he or they can be apprehended, the murderer or murderers of Micente Garcia, that said fugitive or fugitives from justice may be dealt with as justice may decree.

V. All American and Mexican captives, and all stolen property taken from Americans or Mexicans, or other persons or powers in amity with the United States, shall be delivered by the Navajo Indians to the aforesaid military authority at Jemez, New Mexico, on or before the 9th day of October next ensuing, that justice may be meted out to all whom it may concern; and also all Indian captives and stolen property of such tribe or tribes of Indians as shall enter into a similar reciprocal treaty, shall, in like manner, and for the same purposes, be turned over to an authorized officer or agent of the said States by the aforesaid Navajoes.

Sept. 9, 1849.

9 Stat., 974.  
Ratified Sept. 9, 1850.  
Proclaimed Sept. 24,  
1850.

Navaho under jurisdiction of the United States.

Perpetual peace to exist.

Laws now in force regulating trade and peace to be binding upon the Navaho.

The Navaho to deliver to the United States murderer or murderers of M. Garcia.

Captives and stolen property to be delivered to United States, by the 9th Oct., 1850.

Citizens of the United States committing outrages upon Navaho to be subjected to the penalties of law.

VI. Should any citizen of the United States, or other person or persons subject to the laws of the United States, murder, rob, or otherwise maltreat any Navajo Indian or Indians, he or they shall be arrested and tried, and, upon conviction, shall be subjected to all the penalties provided by law for the protection of the persons and property of the people of the said States.

Free passage through their territory.

VII. The people of the United States of America shall have free and safe passage through the territory of the aforesaid Indians, under such rules and regulations as may be adopted by authority of the said States.

Military posts and agencies to be established.

VIII. In order to preserve tranquility, and to afford protection to all the people and interests of the contracting parties, the Government of the United States of America will establish such military posts and agencies, and authorize such trading-houses, at such time and in such places as the said Government may designate.

The United States to adjust territorial boundaries.

IX. Relying confidently upon the justice and the liberality of the aforesaid Government, and anxious to remove every possible cause that might disturb their peace and quiet, it is agreed by the aforesaid Navajoes that the Government of the United States shall, at its earliest convenience, designate, settle, and adjust their territorial boundaries, and pass and execute in their territory such laws as may be deemed conducive to the prosperity and happiness of said Indians.

Donations, presents, and implements to be given.

X. For and in consideration of the faithful performance of all the stipulations herein contained by the said Navajo Indians, the Government of the United States will grant to said Indians such donations, presents, and implements, and adopt such other liberal and humane measures, as said Government may deem meet and proper.

To be binding after signed, and to receive a liberal construction.

XI. This treaty shall be binding upon the contracting parties from and after the signing of the same, subject only to such modifications and amendments as may be adopted by the Government of the United States; and, finally, this treaty is to receive a liberal construction, at all times and in all places, to the end that the said Navajo Indians shall not be held responsible for the conduct of others, and that the Government of the United States shall so legislate and act as to secure the permanent prosperity and happiness of said Indians.

In faith whereof, we, the undersigned, have signed this treaty, and affixed thereunto our seals, in the valley of Cheille, this the ninth day of September, in the year of our Lord one thousand eight hundred and forty-nine.

J. M. Washington, [L. s.]  
Brevet Lieutenant-Colonel Commanding.

James S. Calhoun, [L. s.]  
Indian Agent, residing at Santa Fe.

Mariano Martinez, Head Chief, his x mark, [L. s.]

Chapitone, Second Chief, his x mark, [L. s.]

J. L. Collins.

James Conklin.

Lorenzo Force.

Antonio Sandoval, his x mark.

Francisco Josto, Governor of Jemez, his x mark.

Witnesses—

H. L. Kendrick, Brevet Major U. S. Army.

J. N. Ward, Brevet First Lieutenant Third Infantry.

John Peck, Brevet Major U. S. Army.

J. F. Hammond, Assistant Surgeon U. S. Army.

H. L. Dodge, Captain commanding Eut. Regulars.

Richard H. Kern.

J. H. Nones, Second Lieutenant Second Artillery.

Cyrus Choice.

John H. Dickerson, Second Lieutenant First Artillery.  
 W. E. Love.  
 John G. Jones.  
 J. H. Simpson, First Lieutenant Corps Topographic Engineers.

TREATY WITH THE UTAH, 1849.

THE following articles have been duly considered and solemnly adopted by the undersigned, that is to say, James S. Calhoun, Indian agent, residing at Santa Fé, acting as commissioner on the part of the United States of America, and Quixiachigiate, Nanito, Nincocunachi, Abaganixe, Ramahi, Subleta, Rupallachi, Saguasoxego, Paguisachi, Cobaxanor, Amuche, Puigniachi, Panachi, Sichuga, Uvicaxinape, Cuchuticay, Nachitope, Pueguate, Guano Juas, Pacachi, Saguanchi, Acaguate nochi, Puibuquiacte, Quixache tuate, Saxiabe, Fichiute, Nochichigue, Uvive, principal and subordinate chiefs, representing the Utah tribe of Indians.

I. The Utah tribe of Indians do hereby acknowledge and declare they are lawfully and exclusively under the jurisdiction of the Government of said States: and to its power and authority they now unconditionally submit.

II. From and after the signing of this treaty, hostilities between the contracting parties shall cease, and perpetual peace and amity shall exist, the said tribe hereby binding themselves most solemnly never to associate with, or give countenance or aid to, any tribe or band of Indians, or other persons or powers, who may be, at any time, at enmity with the people or Government of said States; and that they will, in all future time, treat honestly and humanely every citizen of the United States, and all persons and powers at peace with the said States, and all cases of aggression against the said Utahs shall be referred to the aforesaid Government for adjustment and settlement.

III. All American and Mexican captives, and others, taken from persons or powers at peace with the said States shall be restored and delivered by said Utahs to an authorized officer or agent of said States, at Abiquin, on or before the first day of March, in the year of our Lord one thousand eight hundred and fifty. And, in like manner, all stolen property, of every description, shall be restored by or before the aforesaid first day of March, 1850. In the event such stolen property shall have been consumed or destroyed, the said Utah Indians do agree and are hereby bound to make such restitution and under such circumstances as the Government of the United States may order and prescribe. But this article is not to be so construed or understood, as to create a claim against said States, for any losses or depredations committed by said Utahs.

IV. The contracting parties agree that the laws now in force, and such others as may be passed, regulating the trade and intercourse, and for the preservation of peace with the various tribes of Indians under the protection and guardianship of the Government of the United States, shall be as binding and obligatory upon the said Utahs as if said laws had been enacted for their sole benefit and protection. And that said laws may be duly executed, and for all other useful purposes, the territory occupied by the Utahs is hereby annexed to New Mexico as now organized or as it may be organized or until the Government of the United States shall otherwise order.

V. The people of the United States, and all others in amity with the United States, shall have free passage through the territory of said Utahs, under such rules and regulations as may be adopted by authority of said States.

Dec. 30, 1849.

9 Stats., 984.  
 Ratified, Sept. 9, 1850.  
 Proclaimed, Sept. 9, 1850.

Utah Indians acknowledge themselves under jurisdiction of the United States.

Cessation of hostilities and peace to exist.

Captives to be restored to the United States before Mar. 1, 1850.

Stolen property to be returned or restitution made.

Laws now in force regulating trade and peace with Indians to be extended over the Utahs, and territory occupied by them is annexed to New Mexico.

Free passage through their territory.