





Articles of a Treaty and Agreement made and entered
into at Fort Sumner, New Mexico, on the first day of June
1868 by and between the United States represented by its commif-
sioners Lieutenant General W. B. Sherman and Colonel S. B.
Gaffan of the one part, and the Navajo nation or tribe of Indians
represented by their Chiefs and Headmen duly authorized and
empowered to act for the whole people of said nation or tribe,
(the names of said Chiefs and Headmen being hereto subscribed)
of the other part-witness

Article. I

From this day forward all war between the parties of this agree-
ment shall forever cease. The Government of the United States
desires Peace, and its honor is hereby pledged to keep it. The
Indians desire peace and they now pledge their honor to keep
it

If bad men among the whites or among other people,
subject to the authority of the United States shall commit
any wrong upon the person or property of the Indians,
the United States will upon proof made to the Agent and
forwarded to the Commissioners of Indian Affairs at Washing-
ton City proceed at once to cause the offender to be arrested and
punished according to the Laws of the United States, and also to
reimburse the injured persons for the loss sustained.

If bad men among the Indians shall commit a wrong
or depredation upon the person or property of any one, white,

Black, or Indian subject to the authority of the United States and at peace therewith, the Navajo Tribe agree that they will on proof made to their Agent and on notice by him delivered up the wrong done to the United States to be tried and punished according to its laws, and in case they willfully refuse so to do, the person injured shall be reimbursed for his loss, from the annuities or other moneys due or to become due to them under this Treaty or any others that may be made with the United States, and the President may prescribe such rules and regulations for ascertaining damages under this article as in his judgment may be proper. But no such damage shall be adjusted and paid until examined and passed upon by the Commissioners of Indian Affairs, and no one sustaining loss whilst violating or because of his violating the provisions of this Treaty, or the Laws of the United States shall be reimbursed therefor.

Article. II

The United States agrees that the following District of Country to wit:

Bounded on the North by the 37° degree of North Latitude, South by an East and West line passing through the site of old Fort Defiance, in Cañon Bonito, East by the parallel of Longitude which if prolonged South would pass through Old Fort Lyon, on the Go-de-Go. Bear Spring, and West by a parallel of Longitude about $109^{\circ} 30'$ west of Greenwich provided it embraces the outlet of the Cañon de Chelly, which cañon is to be all included

2/
in this Reservation, shall be and the same is hereby set apart for the use and occupation of the Navajo tribe of Indians, and for such other friendly tribes or individual Indians as from time to time they may be willing with the consent of the United States to admit among them; and the United States agrees that no persons except those herein so authorized to do, and except such Officers, soldiers, agents and employes of the Government as of the Indians as may be authorized to enter upon Indian Reservations in discharge of duties imposed by Law, or the orders of the President shall ever be permitted to pass over, settle upon or reside in the Territory described in this article.

Article III

The United States agrees to cause to be built at some point within said Reservation where timber and water may be convenient the following buildings. A warehouse to cost not exceeding twenty five hundred dollars, an Agency building for the residence of the Agent not to cost exceeding three thousand dollars. A Carpentershop and Blacksmith shop not to cost exceeding one thousand dollars each, and a school house and chapel, so soon as a sufficient number of children can be induced to attend school, which shall not cost to exceed five thousand dollars.

Article IV

The United States agrees that the Agent for the Navajos shall make his home at the Agency building, that he shall reside among them and shall keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaints by or against the Indians as may be presented for investigation, as also for the faithful discharge of other duties enjoined by Law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded together with his finding to the Commissioner of Indian Affairs, whose decision shall be binding on the parties to this Treaty.

Article V

Any individual belonging to said tribe or legally incorporated with it, being the head of a family shall desire to commence farming he shall have the privilege to select in the presence and with the assistance of the Agent then in charge a tract of land within said reservation not exceeding One hundred and sixty acres in extent, which tract when so selected certified and recorded in the "Land Book" as herein described shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and his family, so long as he or they may continue to cultivate it.

Any person over Eighteen years of age, not being the head of

5
a family may in like manner select and cause to be certified to him or her, for purposes of cultivation a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same, as above directed.

For each tract of land so selected, a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded shall be delivered to the party entitled to it, by the Agent after the same shall have been recorded by him, in a book to be kept in his Office subject to inspection, which said book shall be known as the 'Karafu Land Book'.

The President may at any time, order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper.

Article. VI

In order to insure the civilization of the Indians entering into this Treaty, the necessity of education is admitted, especially of such of them as may be settled on said agricultural parts of this reservation, and they, therefore, pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school, and it is hereby made the duty

61
of the Agent for said Indians, to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages, who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education, shall be furnished who will reside among said Indians and faithfully discharge his or her duties as a teacher.

The provisions of this article to continue for not less than ten years.

Article VII

When the head of a family shall have selected lands and received his certificate as above directed and the Agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm for a period of two years he shall be entitled to receive seeds and implements to the value of twenty five dollars.

Article VIII

In lieu of all sums of money or other annuities provided to be paid to the Indians herein named under any treaty or treaties heretofore made, the United States agrees to deliver at the Agency-house on the reservation herein named on the first day of September of each year, for ten years the following articles, to wit:

Such articles of clothing, goods, or materials ^{as the Agent} may make his estimate for; not exceeding in value five dollars per Indian, each Indian being encouraged to manufacture their own clothing, blankets ~~to~~ to be furnished with no article which they can manufacture themselves.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the Agent each year, to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

And in addition to the articles herein named, the sum of ten dollars for each person entitled to the beneficial effects of this treaty, shall be annually appropriated for a period of ten years for each person who engages in farming or mechanical pursuits to be used by the Commissioner of Indian Affairs in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper, and if within the ten years at any time, it shall appear that the amount of money needed for clothing, under the article, and can be appropriated to better uses for the Indians named herein, the Commissioner of Indian Affairs may change the appropriation to other purposes, but, in no event shall

4
the amount of this appropriation be withdrawn or discontinued for the period named provided they remain at peace. And the President shall annually detail an officer of the Army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery.

Article .IX

In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United States, the tribes who are parties to this agreement, hereby stipulate that they will relinquish all right to occupy any territory outside their reservation, as herein defined, but retain the right to hunt on any unoccupied lands contiguous to their Reservation, so long as the large game may range thereon in such numbers as to justify the chase, and they, the said Indians further expressly agree:

1st That they will make no opposition to the construction of railroads now being built, or hereafter to be built across the continent

2^d That they will not interfere with the peaceful construction of any railroad, not passing over their reservation as herein defined.

3^d That they will not attack any persons at home, or travelling, nor molest or disturb any wagon trains, coaches, mules or cattle belonging to the people of the United States, or to persons friendly therewith.

4th They will never capture, or carry off from settlements, women or children.

5th They will never kill or scalp white men, nor attempt to do them harm.

6th They will not in future oppose the construction of railroads, wagon roads, mail stations or other works of utility or necessity, which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservation the government will pay the tribe whatever amount of damage may be assessed by three disinterested Commissioners to be appointed by the President for that purpose, one of said Commissioners to be a Chief or Head man of the tribe.

7th They will make no opposition to the military posts or roads now established, or that may be established, nor in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

Article X

No future treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force against said Indians, unless agreed to, and executed by at least three fourths of all the adult male Indians occupying or interested in the same, and no cession by the tribe shall be understood or construed in such manner as to deprive without his consent any individual member of the tribe of his rights to any tract of land selected by him as provided in

10
Article of this treaty.

Article. XI

The Navajos also hereby agree that at any time after the signing of these presents they will proceed in such manner as may be required of them by the Agent, or by the Officer charged with their removal to the reservation herein provided for, the United States paying for their subsistence en route, and providing a reasonable amount of transportation for the sick and feeble.

Article. XII

It is further agreed by and between the parties to this agreement that the sum of One hundred and fifty thousand dollars appropriated or to be appropriated shall be disbursed as follows, subject to any condition provided in the Law, to wit:

1st The actual cost of the removal of the tribe from the Bosque Redondo Reservation to the Reservation day (\$50,000) Fifty thousand dollars.

2^d The purchase of "Fifty thousand sheep and goats" at a cost not to exceed (\$30,000) Thirty thousand dollars.

3d The purchase of five hundred Beef Cattle and a million pounds of corn to be collected and held at the Military Post nearest the Reservation, subject to the order of the Agent for the relief of the needy during the coming winter.

4th The balance if any of the appropriation to be invested for the maintenance of the Indians, pending their removal in such manner as the Agent who is with them may determine.

5th The removal of this tribe to be made under the supreme control and direction of the military Commander of the Territory of New Mexico, and when completed the management of the tribe to revert to the proper agent.

Article XVIII

The tribe herein named by their representatives, parties to this treaty agree to make the reservation herein described their permanent home - and they will not as a tribe make any permanent settlement elsewhere, reserving the right to hunt on the lands adjoining the said reservation formerly called theirs - subject to the modifications named in this treaty and the orders of the Commanders of the Department in which said reservation may be for the time being and it is further agreed and understood by the parties to this treaty that if any Navajo Indian or Indians shall leave the reservation herein described to settle elsewhere he or they forfeit all the rights, privileges and annuities conferred by the terms of this treaty and it is further agreed by the parties

to this treaty that they will do all they can to induce Indians now away from reservations set apart for the exclusive use and occupation of the Indians - leading a nomadic life, or engaged in War against the people of the United States - to abandon such a life and settle permanently in one of the territorial reservations set apart for the exclusive use and occupation of the Indians.

In testimony of all which the said parties have herunto on this the first day of June Eighteen hundred and sixty eight at Fort Sumner in the Territory of New Mexico set their hands & seals.

Barboncito	Chief	hni x marks
Armijo		hni x marks
+ D & C g a d i To		
Manuelito		hni x marks
Largo		hni x marks
Herrero		hni x marks
Chiqueto		hni x marks
Muerto - de - Nombre		hni x marks

Hombro	hni + marto
Narbono	hni + marto
Narbono Segundo	hni + marto
Ganado Mucho	hni + marto
Cinco	

Rigio	hni + marto
Juan Martin	hni + marto
Sergento	hni + marto
Grande	hni + marto
Noctenito	hni + marto
Muchachos Mucho	hni + marto
Chiqueto Segundo	hni + marto
Cabello Amarillo	hni + marto
Francisco	hni + marto
Dorivio	hni + marto
Desdendado	hni + marto
Juan	hni + marto
Guero	hni + marto
Gugadore	hni + marto
Cabason	hni + marto
Barbon Segundo	hni + marto
Cabares Colorado	hni + marto

Attest:

Geo. H. Getty
Col 57th Inf
Br Maj Genl. V. M.

D. S. Roberts

Br. Brig. Genl. USA
Lt Col 3rd Cav

Eleazer McKee
Br. Lt Col + Surgeon U.S.A.

Theo. H. Ross

U.S. Ind. agent for Navajo

Chas. McElmer
Br. Maj. + C.S. U.S.A.

James F. Needs
Br. Maj. & Asst. Surgeon

J. C. Sutherland
Interpreter
William Vaux,
Chaplain U.S.A.

