

M^o Navajo June 23

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 Commissioners Lieutenant General M. D. Sherman and Colonel Samuel J. Tappan of the one part, and the Navajo Nation or tribe of Indians represented by their Chiefs and Head men duly authorized and empowered to act for the whole people of said Nation or tribe (the names of said Chiefs and Head men being hereto subscribed) of the other part, witness:-

Article. 1

From this day forward all war between the parties to this agreement 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

4e

wrong upon the person or property of the Indians, the United States will upon proof made to the Agent and forwarded to the Commissioner of Indian Affairs at Washington 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, deliver up the wrong-doer 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

52
shall be adjusted and paid until
examined and passed upon by the
Commissioner 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 34° 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, or the Ojo-de-oso, 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-chilly, which cañon is to be all
included in this Reservation, shall be, and
the same is hereby set apart for the use

60
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
themselves; 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
or 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 ware-house 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.

72
Carpenter's shop, and blacksmith's 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 complaint 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 decisions shall be binding
on the parties to this treaty.

Recd June 22 1865

Article V

If 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 Books" 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 of 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 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

24 92
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 "Navajo
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.

27 10e

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 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

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112

faithfully discharge his or her duties
as a teacher.

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

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June 22

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.

10
122
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 raw material, ^{in lieu thereof} 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 &c; 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

4 132

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 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 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

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June 22

142

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 rail-roads now being built or hereafter to be built across the continent.

Inds. That they will not interfere with the peaceful construction of any rail-road, not passing over their reservation as herein defined.

3rd. 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

13
152
Wherewith

4th That they will never capture, or carry off from the 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 rail-roads, 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 not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes

14
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142

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 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

172
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 conditions provided in the law
to wit:

1st. The actual cost of the removal
of the tribe from the Borque Redondo
Reservation to the reservation say fifty
thousand dollars

2nd: The purchase of fifteen thousand
sheep and goats at a cost not to exceed
thirty thousand dollars

3rd: 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 orders 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 VIII

The tribes 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

Wm. B. W.
June 22

134 142
the lands adjoining the said reservation
formerly called them - subject to the
modifications named in this treaty and
the orders of the Commander 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 shall 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 hereunto on this
the first day of June eighteen hundred
and sixty eight at Fort Sumner in

the Territory of New Mexico set their
hands and seals.

W. T. Sherman

Ex. Sec.

Indian Peace Commissioner

S. F. Tappan

Indian Peace Commissioner

Handwritten
H. J. Tappan

Barbancito	Chief	his X mark
Delgadito		his X mark
Arrijo		his X mark
Delgado		
Manuelito		his X mark
Sargo		his X mark
Herrero		his X mark
Chiquito		his X mark
Muerto de Hombre		his X mark
Hombre		his X mark
Narbono		his X mark
Narbono	segundo	his X mark
Ganado	Mucho	his X mark
c		Comced

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Piquo	lin X marks
Juan Martin	lin X marks
Juginto	lin X marks
Grande	lin X marks
Quetinito	lin X marks
Muchocho Mucha	lin X marks
Chiquito Segundo	lin X marks
Cabello Amarillo	lin X marks
Francisco	lin X marks
Torivio	lin X marks
Desdencado	lin X marks
Juan	lin X marks
Guero	lin X marks
Gugadore	lin X marks
Cabason	lin X marks
Barbon Segundo	lin X marks
Cabares Colorados	lin X marks

Latong June 22nd

Attest:

Geo. N. Gilly
Col 37th Infy
1st Maj Genl. U.S.A.

B. J. Roberts
Bt Brig Genl
Lt Col 3rd Cav

Horace M. Kew
Bt Lt Col Surgeon U.S.A.

Thos. H. Doos
U.S. Bureau agt for Harpers

Chas. McElme -
Bt Maj. & C. S. U.S.A.

James F. Meade
Bt Maj & Bt Long rifle

J. C. Sulherland
Interpreter
William L. Cox,
Chaplain U.S.A.

And whereas, the said Treaty
having been submitted to the
Senate of the United States for
its Constitutional action thereon,
the Senate did, on the twenty-
fifth day of July, one thousand
eight hundred and sixty-eight,
advise and consent to the
ratification of the same, by a
resolution in the words and
figures following, to wit:

Recd 27. July. Mr. Jefferson.

In Executive Session,
Senate of the United States
July 25, 1868.

Resolved, (two thirds of the Senators
present concurring,) that the Senate advise
and consent to the ratification of the Treaty
between the United States and the Sarajo
Indians, concluded at Fort Sumner,
New Mexico, on the first day of June,
1868.

Attest.

Geo. L. Gorham
Secretary.

by *Wm. M. Moreau*
Chief Clerk

Now, therefore, be it known that
I, Andrew Johnson, President of
the United States of America, do,
in pursuance of the advice and
consent of the Senate, as expressed
in its resolution of the twenty-
fifth of July, one thousand
eight hundred and sixty-eight,
accept, ratify, and confirm
the said Treaty.

In testimony whereof
I have hereto signed my name, and
caused the seal of the United
States to be affixed.

Done at the City
of Washington this
twelfth day of August,
in the year of our
Lord one thousand
eight hundred and sixty-
eight, and of the Independence
of the United States of
America the ninety-third.
Andrew Johnson

By the President:

W. Hunter.

Acting Secretary of State.