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Treaty of Guadalupe Hidalgo -- Indian incursions

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TREATY OF GUADALUPE HIDALGO—INDIAN INCURSIONS.

APRIL 24, 1850.

Laid upon the table.

Mr. HOWARD, from the Committee on Indian Affairs, made the following

REPORT:

The Committee on Indian Affairs, to whom was referred the resolution of the House of the 6th of February, instructing them to inquire into the propriety of providing by law to carry out the treaty of Guadalupe Hidalgo, for restraining the Indian tribes within the United States from committing depredations in Mexico, and, further, to prevent Indian hostilities on the frontiers of Texas, have considered that subject, and submit the following report :

The 11th article of said treaty with Mexico contains the following stipulations on the part of the United States:

“ Considering that a great part of the territories which by the present treaty are to be comprehended for the future within the limits of the United States is now occupied by savage tribes, who will hereafter be under the exclusive control of the government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the government of the United States, whensoever this may be necessary; and that when they cannot be prevented they shall be punished by the said government, and satisfaction for the same shall be exacted, all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.

“ It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican who may have been captured by Indians inhabiting the territory of either of the two republics, nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians.

“ And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the government of the latter engages and binds itself in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them, and return them to their country, or deliver them to the agent or representative of the Mexican government. The Mexican authorities will, as far as practicable, give to the government of the United States notice of such captures; and its agent shall

pay the expenses incurred in the maintenance and transmission of the rescued captives, who in the mean time shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the government of the United States, before receiving such notice from Mexico, shall obtain intelligence through any other channel of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent as above stipulated.

“For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And finally, the sacredness of this obligation shall never be lost sight of by the said government, when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but, on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes by committing those invasions which the United States have solemnly obliged themselves to restrain.”

The committee submit that the treaty imposes upon this government the obligation to adopt efficient means to restrain the incursions into Mexico of the Indian tribes located within the limits of the United States. It is a solemn treaty stipulation, and was no doubt one of the inducements to Mexico for the transfer of territory effected by the treaty.

There can be no question that neglect on the part of the United States to carry out by efficient means the provisions of the treaty in this respect will be made the subject of numerous claims against this government on the part of the citizens of Mexico. It will be seen that the treaty provides that when these incursions cannot be prevented, the Indians shall be punished, and satisfaction exacted of them. The attempt to exact satisfaction will always be attended with difficulty, and will lead to constant conflicts with the various Indian tribes on our western frontier. In the opinion of your committee, the only proper course to be pursued in connexion with this subject is to place upon the frontiers a sufficient military force to restrain, and if possible prevent these hostilities. This course is indicated both by policy and humanity.

It is also manifest that the custom of plundering within the limits of Mexico, which is common to all the western prairie tribes, is one of the greatest obstacles to their civilization. They never will adopt the regular habits of industry and civilization, so long as their thirst for war and plunder can be gratified by incursions into Mexico.

Connected with the subject of Indian incursions into Mexico is that of Indian hostilities on the western frontiers of Texas. From the best information the committee has been able to obtain, it appears that, either in going or returning from their forays into Mexico, these tribes are in the habit of visiting the western frontiers of Texas and committing atrocities of unexampled barbarity. The committee are in possession of official information proving that the State of Texas has suffered enormously from these depredations within the past year. It appears from the resolutions of the legislature of Texas, approved January 28, 1850, and the accompanying report of both houses thereof, that, during the past

year, "two hundred and four persons have been killed, wounded, or carried into captivity by the Indians; besides a great many more which (the report says) cannot at this time be ascertained by your committee." The same report estimates the loss of property at \$103,277.

The cruelty of these savages towards all who fall in their power is well known. They uniformly butcher the men and carry the women and children into captivity, after submitting the females to the greatest outrage known to the sex. Under the power conferred by the resolution, the committee feel it their duty to report upon the character of force required for the service. Western Texas, as well as the frontiers of Mexico, is an open prairie country, but sparsely wooded, which the Indians can penetrate in all directions on horseback. They are all well mounted; travel and fight on horseback, and are, perhaps, the most expert riders in the world. Beyond the mere guarding of posts, infantry are entirely useless for such service. If out of musket shot, the infantry might as well be a hundred miles from the scene of depredations. It is impossible for them ever to come up with the vigilant enemy on horseback. It has been found, from experience, that well mounted cavalry, armed with six-shooters and rifles, are the only force of any practical utility in overawing the western prairie Indians. To send any other, is to incur a useless expense without any utility, and to bring the power of the government into contempt in the eyes of these tribes. It is a principle in their warfare never to stand and fight any considerable force when they can fly. In a country which is little more than an open plain, they must be caught before they can be punished. Their habit is to come down without notice, commit depredations, and fly rapidly with their plunder and prisoners many days without halting. With such an enemy no troops but an efficient mounted force can cope.

Another reason for an increase of the mounted force of the army is the present wretched condition of our military defences in New Mexico. Every mail brings us fresh news of Indian depredations and murders there, as well as on the frontiers of Texas. It is well known that the Indians constantly waylay the road from Missouri to Santa Fe, as well as from San Antonio to *El Paso*, and cut off, murder, and rob small parties of traders and emigrants. It is also well understood, that as soon as the spring opens, these two great thoroughfares will be thronged with emigrants to California. It is clearly the duty of the government to protect this emigration from Indian massacre. The protection of the emigrants on these routes, by a moderate increase of cavalry, will also be one efficient means of giving security to the frontiers, and encouraging their settlement with a population which will soon be able to repress the savage with little or no aid from the government. All that is required is security during the infancy of these settlements. The committee report the following resolution, and recommend its passage:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of a further increase of the army, by raising another regiment of cavalry, to carry out treaty stipulations with Mexico, and for the protection of the western frontiers.