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Letter from the Secretary of the Interior, transmitting an agreement with the Jiearilla Apache and certain Ute Indians in the Territory of New Mexico.

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JICARILLA APACHE AND UTE INDIANS OF NEW MEXICO.

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

An agreement with the Jicarilla Apache and certain Ute Indians in the Territory of New Mexico.

FEBRUARY 5, 1874.—Referred to the Committee on Indian Affairs.
FEBRUARY 13, 1874.—Ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 3, 1874.

SIR: I have the honor to present herewith, for the action of Congress, an agreement concluded on the 10th of December, 1873, with the Jicarilla Apache and certain Ute Indians in the Territory of New Mexico, which provides for their location upon a reservation therein described, and for their relinquishment of all other lands heretofore claimed by them.

A copy of a letter of the 2d instant from the Commissioner of Indian Affairs, and accompanying copy of the report of Agent Thomas A. Dolan, are also transmitted.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The SPEAKER *House of Representatives.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
February 2, 1874.

SIR: I have the honor to submit herewith an agreement concluded with the Jicarilla Apache and certain Ute Indians in the Territory of New Mexico, December 10, 1873, providing for the location of said Indians upon the reservation therein described, and the relinquishment of their claims to all other lands heretofore claimed by them.

This agreement is made subject to ratification by Congress, and I respectfully recommend that the same be forwarded to that body for its action.

Very respectfully, your obedient servant,

E. P. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

INDIAN AGENCY, CIMARRON, N. MEX.,
December 21, 1873.

SIR: In compliance with your instructions dated 17th of November, 1873, directing me, as agent of the Government, to assemble a council of the Jicarilla Apache Indians, and obtain their consent to an agreement for their removal to and permanent location upon a reservation defined in said agreement, &c., I have the honor to report as follows:

Upon the receipt of your instructions, the Apaches were scattered in small bands in different parts of the territory. I immediately sent messengers to the camps of those whose locality I could learn, directing them to meet me at this agency on the 1st instant, but was only able to get together a small number on that date, owing to their camps being so far apart and so distant from the agency. I explained to those of the Apaches who answered my summons that I was empowered by the Government to enter into an agreement with them for their permanent location upon a reservation, and requested them to select a representative delegation to proceed to Tierra Amarilla, New Mexico, with me, for the purpose of holding a council to transact business intrusted to me; but, owing to the fact that at that time the weather was very stormy, and the snow in the mountains between this place and Tierra Amarilla was very deep, they positively refused to comply with my request, but stated that, as a greater part of their number were then at Tierra Amarilla, they would agree to whatever was done in the council.

Relying upon their good faith, (after I had exhausted every means of persuasion,) I proceeded to Tierra Amarilla by way of Santa Fé, at which point I arrived on the afternoon of the 4th instant; and, as directed by your telegram of the 29th ultimo, I made requisition upon Superintendent Dudley for funds to defray necessary expenses, which requisition was duly honored by that officer on the morning of the 6th instant. Immediately upon the receipt of funds, I hired a conveyance, and at once started for the place of holding the council, (accompanied by a competent translator and interpreter, whom I deemed it prudent to employ,) where I arrived at noon of the 9th instant, having traveled most of the time through a blinding snow-storm, with the snow on the ground from one to two feet in depth, and over a country where there is only one place of shelter for a distance of about fifty miles.

Upon my arrival at Tierra Amarilla, very much to my disappointment, I found that the Indians had left, scattering in small bands in search of winter-quarters. But, determined to do all in my power to accomplish your wishes, I immediately dispatched messengers on the different trails made by the Indians on their march, and they were fortunate enough to overtake them, and, in compliance with my request, they at once returned to their agency at Tierra Amarilla.

Late in the day of the 10th instant all of the chiefs and principal men of the Apaches located at the Tierra Amarilla agency having arrived, I at once convened a council in due form. After reading to them my authority for calling them together in council, I read to them the proposed articles of agreement. They listened attentively throughout the reading, frequently expressing their approbation. After I had concluded reading the articles of agreement, as I had expected, many of them positively refused to have anything to do with it, stating that the Government had no right to take them from the home which they had occupied for so many years.

Time will not permit me to embrace in this report the speeches made by the different Indians.

After talking to them, I adjourned the council, for the purpose of obtaining refreshments, and to give the Indians opportunity to talk among themselves.

Immediately upon arriving at Tierra Amarilla, I had made up my mind that the Indians had been tampered with and prejudiced against any agreement which might be offered for their acceptance. Their talk during the council confirmed me in my belief.

On my way to Tierra Amarilla, I requested the attendance at the council of Mr. John Townsend, a personal friend of mine, who I knew would render me all the assistance in his power, and of whom I will speak hereafter. Also, before the assembling of the council, I asked the assistance of two other gentlemen, of whom I will also speak hereafter.

During the recess of the council these gentlemen used their personal influence in disabusing the minds of the Indians of the evil influence which they had been subjected to by evil-disposed persons, and pointed out to them in the most forcible way the great benefits the agreement proposed to confer upon them. I have reason to congratulate myself upon my prudent forethought in securing the assistance of these friends; for without their help I might have been several days in accomplishing that which was accomplished in only a few hours.

On the re-assembling of the council, after some preliminary talking, I am pleased to state that the Jicarilla Apache Indians, in council assembled, gave their unqualified consent to the articles of agreement presented for their acceptance, and desired me to convey their thanks to the Government for the liberal provision proposed for them.

During the council there were at the agency about four hundred Indians, men, women, and children; most of them arrived after the council had convened. I was compelled to make some presents in the shape of clothing to some of the Indians, who were almost destitute; but not having your instructions to buy any goods, I made my purchase as light as possible.

I was unable to secure the attendance, at the council, of any of the Ute Indians, they being from thirty to forty miles west of Tierra Amarilla, where they had gone in search of winter-quarters. I, however, dispatched a messenger to their nearest camp, with directions to request them to send a delegation of their principal men to meet me in council, at their agency, as soon as possible. I waited for them three days, when my messenger returned, bringing with him three Ute Indians, who stated that they were not delegates authorized to act for their people, but that they had only come to see what I wanted. I stated the object of my mission, explained to them the articles of agreement accepted by the Jicarilla Apaches, and the clause therein to which the Government asked the assent of the Utes. They stated that they could see no objection whatever to the Apaches having access to their agency and being cared for by their agent; but that, as they were not authorized delegates, they could not take upon themselves to sign the agreement, but were sure that their people would give their consent at any time when they could be got together and the matter presented to them.

My thanks are due to Agent W. D. Crothers for his efficient and kind assistance during the council. He did everything in his power to make my mission a success.

Mr. Thomas D. Burns, of Tierra Amarilla, a personal friend of my own, rendered me very efficient service, for which I am truly grateful. He is one of the few gentlemen possessing the entire confidence of the Apaches, which he has acquired by kind treatment and fair dealing with them.

Of Mr. Townsend's invaluable assistance I feel it is but just to make special mention. Having a long and thorough acquaintance with several of the principal Apaches, who had been tampered with by parties hostile to the treaty, and actuated by most unworthy motives, I regarded him as the person most likely to disabuse their minds of the false impressions in regard to the character of the treaty and the objects and purposes of the Government that had been imposed upon them. And upon my summons he left his business, nearly one hundred miles away, and joined me at Tierra Amarilla, riding alone through an unsettled country, made dangerous by the heavy snow-storm that had blocked and concealed the roads. The condition of things I found at that place vindicated my action in the matter and proved that my foresight was fortunate. Although the treaty would undoubtedly have been made without Mr. Townsend's assistance, I am free to admit that it was made much more easily and at an expenditure of less time and money by his efficient help.

On the morning of the 14th I started for Santa Fé, where I arrived at noon on the 16th instant. I was detained in Santa Fé one day, and on the morning of the 18th I left for Cimarron, where I arrived about noon on the 19th, and found a delegation of Mounche Utes, who were awaiting my arrival, and very anxious to join their people, who were out on the plains hunting. I stated to them the nature of the agreement with the Apaches, and the part thereof to which the Government wanted the assent of the Utes, who were to be located at the southern Ute agency. They said it was a good thing, and that they were glad that the Apaches were to continue their neighbors, as many of their people were married to Apache women, and that it was right they should live together, and directed me to write their names to the paper, they making their mark, which was done in the presence of witnesses; after which they mounted their horses and started for the hunting-ground. I wanted them to remain to meet the Apaches in council, but they said they did not wish to do so, as they feared they would not be able to find their people if they delayed any longer.

After they had started, I immediately sent word to the Apaches located at this agency, and who were encamped only a few miles distant, to meet me in council at my agency on the morning of the 20th. In compliance with my request, the two principal chiefs, José Largo and San Pablo, with all their principal men and about one hundred of their braves, arrived early, and at about ten o'clock I assembled them in council, and read to them, with the assistance of my interpreter, the articles of agreement; after which I stated to them the result of the council at Tierra Amarilla, and reminded San Pablo and several others present that they had agreed to assent to whatever might be done at that council; but, as I had expected, they ignored their promise, and wanted to wait until next spring, giving as a reason that they were not satisfied that I was properly authorized to enter into an agreement with them, candidly stating that they had been informed by men, whom they had known for years, that I was not properly authorized, and that they had been advised to enter into no agreement with me; and that if they waited until next spring the Government would send a commissioner to treat with them, or would authorize some one to treat with them whom they had known for many years.

I found that the influence exerted against me was quite as bad, if not worse, than that at Tierra Amarilla; but by patient labor and some very plain straightforward

talking, I satisfied them that I was the duly authorized agent of the Government to enter into an agreement with them and that their advisers were actuated entirely by selfish and unworthy motives. Still they wanted to temporize; wanted time to consider, and as it was growing late in the day, I adjourned the council for supper; but here during the recess of the council I had nobody to assist me counteract the influence that had been exerted against me. After supper I re-assembled the council, and with patient labor succeeded in explaining to them the necessity for prompt action; explained that, unless the agreement duly signed reached Washington in time to receive the confirmation of Congress, next year they would be unprovided for. San Pablo said that he believed I was talking the truth; that all that I had said sounded to him like the talk of a friend; and although he had not been acquainted with me many months, he was sure I would not ask him or his people to enter into any agreement which was not for their benefit and best interest, and that he was ready to sign the paper. José Largo said that, although he had never met me before, he had heard of me through his people, and that he agreed with his friend San Pablo in all that he had said; but still there were many things connected with the paper which he was not able fully to comprehend. The agreement was so very long, and contained so many things, that it was hard for a man as old as himself, who could not read, to remember all that it contained. He wanted to know more about that part referring to farms and schools and becoming civilized. After reading the article again, and explaining it to him to the best of my ability, he said it was good, and that he hoped his grandchildren would, when they grew up to be men and women, have so improved the opportunities offered them that they would be able to live like white people and have at least sufficient education to transact their own business. "One more question," he said; "how many people do you want to sign this paper?" I replied, "Yourself, San Pablo, and all your principal men." He replied, "It is not necessary to have so many names; San Pablo, myself, the captains, and a few of the young men are enough; I am ready to sign the paper." Whereupon the articles of agreement were duly signed and attested.

During the evening session of the council, I received very material assistance from Mr. J. C. Winter, to whom my thanks are due.

The whole cost of the Government, including traveling expenses, pay of interpreters, amount paid Mr. Townsend for his services, (\$100,) presents to Indians, &c., amounts to the sum of \$627.60. The expenditure is greater than I thought it would be when in Washington; but, considering the embarrassment which I have had to meet and overcome, the inclemency of the weather, and the many drawbacks which I have had to contend against, if the success of my mission is of the importance which I believe it to be, I am sure you will consider the cost very trifling indeed.

I feel that I have accomplished the most hopeless and disagreeable task ever assigned to and undertaken by me; hopeless, because everything and nearly everybody seemed to be against me; disagreeable, on account of the long journeys I have had to make in the most inclement of weather, the necessity for prompt action, and the embarrassment that I have met with, where I had every reason to expect assistance. But if what I have accomplished, and the means I have used to accomplish the mission intrusted to me, meet with your approval, I shall feel well satisfied.

Very respectfully,

THOMAS A. DOLAN,

In charge of Indian agency, Cinnarron, New Mexico.

Hon. E. P. SMITH,

Commissioner of Indian Affairs, Washington, D. C.

ARTICLES OF CONVENTION BETWEEN THE UNITED STATES AND THE JICARILLA APACHE INDIANS.

Articles of convention made and concluded on the 10th day of December, in the year of our Lord one thousand eight hundred and seventy-three, by and between Thomas A. Dolan on behalf of the United States, and the undersigned chiefs, head-men, and lead braves representing the Jicarilla Apaches:

Witnesseth, that whereas the Jicarilla Apaches now living in the vicinity of Cimarron, Tierra Amarilla, and Abiquiu, in the Territory of New Mexico, claim and live upon lands ceded to certain parties by grants of the government of Mexico, prior to the ceding of said Territory to the United States, (said grants having been approved by the Congress of the United States,) and in consequence the said Jicarilla Apaches have no place on which they can take up land and settle as permanent homes, which they greatly desire to do: Now, therefore, I, Thomas A. Dolan, acting under instructions from the Commissioner of Indian Affairs dated November 15, 1873, on behalf of the United States and the aforesaid representatives of the Jicarilla Apaches, do solemnly enter into and make the following agreement:

ARTICLE I.

The United States agree that the following district of country, to wit, commencing at a point where the headwater of San Juan River crosses the southern boundary of the Territory of Colorado, following the course of said river until it intersects the eastern boundary of the Navajo reservation; thence due north along said eastern boundary of the Navajo reservation to where it intersects the southern boundary-line of the Territory of Colorado; thence due east along the said southern boundary of the Territory of Colorado to the place of beginning, for the absolute and undisturbed use and occupation of the Jicarilla Apache 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 now solemnly agree that no person except those herein designated and authorized so to do, and except such officers, agents, and employés of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article for the use of said Indians.

ARTICLE II.

It is agreed by the Jicarilla Apaches, parties hereto, that henceforth they will and do hereby relinquish all claims and rights to any portion of the United States or Territories, except such as are embraced within the limits defined in the preceding article; and that upon the ratification by Congress of these articles of agreement, they will remove to settle upon and reside within the limits of the above-mentioned country.

ARTICLE III.

The United States agree to appropriate, for the aid and encouragement of Jicarilla Apaches, annually for and during the period of five years, the sum of ten thousand dollars, to be expended by and under the direction of the President of the United States, for the benefit of the said Indians; and at the expiration of that period they shall be entitled to an annual appropriation of three thousand dollars per year, for educational purposes, for and during the succeeding period of ten years.

ARTICLE IV.

The United States agree (the Utes consenting thereto) that the Jicarilla Apaches shall be attached to the southern Ute agency, (so soon as it may be established,) and that the agent for the said southern Ute agency shall exercise the same care of them and their interest that he does of the Utes attached to his agency; and that the said Jicarilla Apaches shall at all times have free access to the agency, and enjoy all the benefits of it, except in the matter of appropriations for annuity goods, provisions, and special treaty appropriations for the Utes.

ARTICLE V.

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 Jicarilla Apache 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 re-imburse the injured person for the loss sustained. If bad men among the said 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 tribes herein named solemnly agree that they will, on proof made to their agent, and notice to him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws.

ARTICLE VI.

If any individual belonging to said tribe of Indians, or legally incorporated with them, 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, by metes and bounds, 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 directed, shall cease to be held in common, but the same may be occupied and held in 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 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 indorsed 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 "Jicarilla Apache 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 such Indian 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, and on all subjects connected with the government of the Indians on said reservation, and the internal police thereof, as may be thought proper.

ARTICLE VII.

In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially by such of them as are or may be engaged in either pastoral, agricultural, or other peaceful pursuits of civilized life on said reservation, and they therefore pledge themselves to induce their children, male and female, between the ages of seven and eighteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is complied with to the greatest possible extent.

ARTICLE VIII.

The said Jicarilla Apache Indians agree that the Congress of the United States may authorize the passage of roads, highways, and railroads through the reservation herein designated.

In case the Indians, parties hereto, refuse to live upon their reservation, or engage in hostilities against the United States, then the appropriation herein provided shall not be available for their benefit. It is expressly understood between said Dolan and the Indians, parties hereto, that this agreement is subject to the ratification or rejection of the Congress of the United States, and by the Jicarilla Apaches in council assembled.

We, the undersigned chiefs, representative delegates of the Ute Indians, do agree to the several provisions in the aforesaid articles of convention that mutually interest the Utes and the Jicarilla Apaches.

THOMAS A. DOLAN,
Commissioner.

Witness:
W. D. CROTHERS.

Agostin Vigil, his x mark, Apache Chief.
Guerro Mudo, his x mark, Apache Chief.
Vicente, his x mark, Apache Chief.
Pedro Martin, his x mark, Apache Captain.
Camilo, his x mark, Apache Chief.
Guerrito Washington, his x mark, Apache Captain.
Mangas Colorado, his x mark, Apache Chief.
José Bibian, his x mark, Apache Brave.
Vicentito Gallegos, his x mark, Apache Brave.
Jesus Luna, his x mark, Apache Brave.
José Ulibarri, his x mark, Apache Brave.
Antonio Embaria, his x mark, Apache Brave.

Signed this 10th day of December, 1873, in presence of—

JOHN TOWNSEND.
T. D. BURNS.

José Rafel, his x mark, Ute Chief.
Mouse, his x mark, Ute Chief.
Josetavarst, his x mark, Ute Chief.
Yeochacants, his x mark, Ute Brave.
Sepereat, his x mark, Ute Brave.
Arcarcunnarabbitabit, his x mark, Ute Brave.
Rapinash, his x mark, Ute Brave.
Juan Antonio, his x mark, Ute Captain.
Juan Jesus, his x mark, Ute Chief.
Tocota, his x mark, Ute Captain.
Tabah, his x mark, Ute Chief.
Carlos Trauer, his x mark, Ute Captain.
Reyes, his x mark, Ute Brave.
Taos, his x mark, Ute Brave.

Witness present:
MAURICE TRAUER.
FRANCISCO GRIEGO, *Interpreter.*

San Pablo, his x mark, Apache Chief.
José Largo, his x mark, Apache Chief.

Juan Largo, his x mark, Apache Brave.
Juan Julian, his x mark, Apache Captain.
Juan Pezeta, his x mark, Apache Brave.
Jesus, his x mark, Apache Brave.
Guero, his x mark, Apache Brave.
Guerito, his x mark, Apache Brave.
José Miguel, his x mark, Apache Brave.
Juan Largo Bonito, his x mark, Apache Brave.
Joseto, his x mark, Apache Brave.
Tisnordo, his x mark, Apache Brave.
Ramonsito, his x mark, Apache Brave.
José Miguel, his x mark, Apache Chief.
Loncio Valdez, his x mark, Apache Chief.
Carnocia, his x mark, Apache Chief.
Rafel, his x mark, Apache Brave.

We, the undersigned, hereby certify that we were present at the signing of the foregoing names of Apache Indians, and are witnesses thereto, this 20th day of December, 1873.

H. A. SIMPSON.
MAURICE TRAUER.
FRANCIS GRIEGO, *Interpreter.*