

Treaty between the United States of America and the Tabeguache Band of Utah Indians, concluded October 7, 1863; Ratification advised, with Amendments, by the Senate, March 25, 1864; Amendments assented to, October 8, 1864; Proclaimed by the President of the United States, December 14, 1864.

ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: October 7, 1863.

WHEREAS a treaty was made and concluded at the Tabeguache Agency at Conejos, Colorado Territory, on the seventh day of October, in the year of our Lord one thousand eight hundred and sixty-three, by and between John Evans, Michael Steck, Simeon Whiteley, and Lafayette Head, commissioners on the part of the United States, and the hereinafter named chiefs and warriors of the Tabeguache band of Utah Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:—

Whereas the Tabeguache band of Utah Indians claim an exclusive right to the following described country as their lands and hunting-grounds within the territory of the United States of America, being bounded and described as follows, to wit:—

“ Beginning on the 37th degree of north latitude, at the eastern base of the Sierra Madre Mountains; running thence northerly with the base of the Rocky Mountains to the forty-first parallel of north latitude; thence west with the line of said forty-first parallel of north latitude to its intersection with the summit of the Snowy range northwest of the North Park; thence with the summit of the Snowy range southerly to the Rabbit-Ear Mountains; thence southerly with the summit of said Rabbit-Ear range of mountains, west of the Middle Park, to the Grand River; thence with the said Grand River to its confluence with the Gunnison River; thence with the said Gunnison River to the mouth of the Uncompahgre River; thence with the said Uncompahgre River to its source in the summit of the Snowy range, opposite the source of the Rio Grande del Norte; thence in a right line south to the summit of the Sierra La Plata range of mountains, dividing the waters of the San Juan River from those of the Rio Grande del Norte; thence with the summit of said range southeasterly to the thirty-seventh parallel of north latitude; thence with the line of said parallel of latitude to the place of beginning: ”

And whereas the said Indians, for the purpose of maintaining friendly relations with the people and government of the United States of America, and for the other considerations herein mentioned, are willing to cede a portion of said country, and to enter into the covenants and agreements herein set forth, the President of the United States of America, by John Evans, Governor of Colorado Territory, and *ex officio* Superintendent of Indian Affairs for the same; Michael Steck, Superintendent of Indian Affairs for the Territory of New Mexico; Simeon Whiteley and Lafayette Head, Indian agents, duly authorized and appointed as commissioners for the purpose, of the one part, and the undersigned chiefs and warriors of the Tabeguache band of Utah Indians, of the other part, have made and entered into the following treaty, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties, to wit:—

Preamble.

Contracting parties.

Boundaries of lands, &c.

Authority of
the United
States admitted.

ARTICLE I. It is admitted by the Tabeguache band of Utah Indians that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said band also admits the right of the United States to regulate all trade and intercourse with them.

Cession of
lands.

ARTICLE II. Said Tabeguache band of Utah Indians hereby cede, convey, and relinquish all of their claim, right, title, and interest in and to any and all of their lands within the territory of the United States, wherever situated, excepting that which is included within the following boundaries, viz.: —

Boundary.

Beginning at the mouth of the Uncompahgre River; thence down Gunnison River to its confluence with the Bunkara River; thence up the Bunkara River to the Roaring Fork of the same; thence up the Roaring Fork to its source; thence along the summit of the range dividing the waters of the Arkansas from those of the Gunnison River to its intersection with the range dividing the waters of the San Luis valley from those of the Arkansas River; thence along the summit of said range to the source of the Sandy Creek of the San Luis valley; thence down the Sandy Creek to the place where its waters sink at low water; thence in a right line to the point where the centre of the channel of the Rio Grande del Norte crosses the 106th line of longitude west from Greenwich; thence up the centre of the main channel of the Rio Grande del Norte to the line of the 107th degree of longitude west from Greenwich; thence south along said line to the summit of the range dividing the waters of the Rio Grande del Norte from those of the San Juan River; thence along said summit westerly to a point due south of the source of the Uncompahgre River; thence to said source and down the main channel of said Uncompahgre River to its mouth, the place of beginning.

Military posts,
&c., may be
established on
lands not ceded.

ARTICLE III. And it is further agreed that the United States shall have the right to establish one or more military posts, with their needful reservations, upon the lands and hunting-grounds not ceded by the Tabeguache band in this treaty; also the right to locate, construct, and maintain railroads and other roads and highways through the same, and along the routes of United States mail lines, at suitable points, to establish and maintain stations.

Mining.

The right of any citizen of the United States to mine without interference or molestation in any part of the country hereby retained by said Indians, where gold or other metals or minerals may be found, is hereby also conferred and guaranteed. And for all other purposes, excepting as herein stipulated, settlement by other persons than Indians is hereby prohibited.

Prohibition of
other settlement.

ARTICLE IV. And the said Tabeguache band hereby gives its consent that the Mohuache band of Utah Indians may also be settled with them upon the lands and hunting-grounds reserved in this treaty.

Mohuache
band of Utahs.

ARTICLE V. And the said Tabeguache band further agrees to give safe-conduct to all persons who may be legally authorized by the United States to pass through their country, and to protect in their persons and property all agents or other persons sent by the United States to reside temporarily among them.

Protection to
be given to cer-
tain persons.

ARTICLE VI. That the friendship which is now established between the United States and the Tabeguache band of Utah Indians should not be interrupted by the misconduct of individuals, it is hereby agreed that for injuries done no private revenge or retaliation shall take place, but, instead thereof, complaints shall be made by the party injured to the superintendent or agent of Indian affairs, or other person appointed by the President. And it shall be the duty of the chiefs of said Tabeguache band, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States. And in like

Redress of
injuries.

Delivery of
offenders.

manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to said band, the person or persons so offending shall be tried, and if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that the chiefs of said Tabeguache band shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen or taken from any citizen or citizens of the United States by any individual or individuals of said band; and the property so recovered shall be forthwith delivered to the agents or other persons authorized to receive it, that it may be restored to the proper owner. And for such property as any Indian or Indians belonging to said band may have taken from citizens of the United States which cannot be restored, payment shall be reserved from the annuities which the said band is to receive, upon sufficient proof of the fact. And the United States hereby guarantee to any Indian or Indians of said band a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, That the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Tabeguache band engages, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

ARTICLE VII. And the chiefs and warriors as aforesaid promise and engage their band will never, by sale, exchange, or as presents, supply any nation or tribe of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

ARTICLE VIII. For the period of ten years the said band shall receive, annually, by such distribution as the Secretary of the Interior may direct, ten thousand dollars' worth of goods, and also ten thousand dollars' worth of provisions.

ARTICLE IX. For the purpose of improving their breed of horses, the band shall receive five American stallions the first year after the ratification of this treaty.

ARTICLE X. Each family that shall announce through its head to the agent of the band a willingness and determination to begin and follow the pursuits of agriculture, by farming or raising stock and growing wool, upon such lands and according to such regulations as the Secretary of the Interior may prescribe, shall receive the following donations of stock to aid them in their endeavor to gain a livelihood by such new pursuits, viz.:

Of cattle, one head annually during five years, beginning with the ratification of this treaty.

Of sheep, ten head annually during the first two years after the ratification of this treaty, and five head annually during the three years thereafter.

The Secretary of the Interior may also direct that their share of annuity goods and provisions shall be of a character suited to such change of life: *Provided, however*, That such stock shall only be donated as long as such family shall in good faith keep and use the same for the purpose indicated in this article.

All the Indians of said band who may adopt and conform to the provisions of this article shall be protected in the quiet and peaceable possession of their said lands and property.

The government also agrees to establish and maintain a blacksmith shop, and employ a competent blacksmith, for the purpose of repairing the guns and agricultural implements which may be used by said band of Indians.

In testimony whereof, the said commissioners, as aforesaid, and the said chiefs and warriors of the Tabeguache band of Utah Indians, have hereunto set their hands and seals, at the Tabeguache agency, at Conejos, Col-

Recovery of
stolen property.

Deduction
from annuities.

Guaranty by
the United States.

Surrender of
white men.

Munitions of
war.

Annuity.

Horses.

Donations of
stock.

Blacksmith
and shop.

Signature.

orado Territory, on this the seventh day of October, in the year of our Lord one thousand eight hundred and sixty-three.

JNO. EVANS,	[SEAL.]
Gov. C. T., Supt. Ind. Affairs, and Commissioner.	
M. STECK,	[SEAL.]
Supt. Ind. Affrs. New Mex. and Commissioner.	
SIMEON WHITELEY,	[SEAL.]
U. S. Agent to the Grand River and Uintah Bands of Utah Indians and Commissioner.	
LAFAYETTE HEAD,	[SEAL.]
U. S. Ind. Agt. and Commissioner.	
UN-COW-RA-GUT, or Red Color,	his x mark. [SEAL.]
SHA-WA-SHE-YET, or Blue Flower,	his x mark. [SEAL.]
COLORADO,	his x mark. [SEAL.]
U-RAY, or Arrow,	his x mark. [SEAL.]
NO-VA-VE-TU-QUAR-ET, or One that Slides under the Snow.	his x mark. [SEAL.]
SA-WA-WAT-SE-WICH, or Blue River,	his x mark. [SEAL.]
A-CA-MU-CHE-NE, or Red Wind,	his x mark. [SEAL.]
MU-CHU-CHOP, or Lock of Hair,	his x mark. [SEAL.]
SA-PATCH, or White Warm,	his x mark. [SEAL.]
CINCHE, or Left Hand.	[SEAL.]

Witnesses to the treaty :

JNO. G. NICOLAY, *Secretary to the Commission.*
 CHAS. E. PHILLIPS, *Assist. Secretary to Commission.*
 J. W. CROUGHTON, Col. 1st Cav. of Col'do, Comdg Dist.
 SAMUEL F. TAPPAN, Lieut.-Col. 1st Cav. of Colorado.
 CHARLES KERBER, Capt. 1st Cavl. of Colorado.
 J. P. BENESTEEL, Capt. 1st Cav. of Col.

Interpreters :

JUAN V. VALDES.
 BERNARDO SANCHEZ, his x mark.
 AMADOR SANCHEZ, his x mark.

Submitted to
Senate.

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 March, one thousand eight hundred and sixty-four, advise and consent to the ratification of the same by a resolution with amendments in the words and figures following, to wit :

IN EXECUTIVE SESSION, SENATE OF THE U. STATES, }
 March 25, 1864. }

RESOLVED, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the "Treaty concluded on the seventh day of October, eighteen hundred and sixty-three, at Conejos, Colorado Territory, between John Evans, Governor and *ex officio* Superintendent of Indian Affairs of said Territory, Michael Steck, Superintendent of Indian Affairs for the Territory of New Mexico, Simeon Whiteley and Lafayette Head, Indian agents, commissioners on the part of the United States, and the chiefs and warriors of the Tabeguache band of Utah Indians," with the following

Amendments.

AMENDMENTS :

Page 1, line 2, of the preamble, after the word "claim" insert: *as against all other Indian tribes.*

Page 3, in lines 37 to 43, inclusive, strike out of the preamble the following words: "And whereas the said Indians, for the purpose of maintaining friendly relations with the people and government of the United States of America, and for the other considerations herein mentioned, are willing to cede a portion of said country, and to enter into the covenants and agreements herein set forth."

Page 5, article 2, line 5, after the word "all," strike out the words "of their."

" 5, " 2, line 8, after the word "boundaries," insert: *which are hereby reserved as their hunting-grounds, viz.:*

" 5, " 2, line 18, strike out the word "Arkansas," and insert in lieu thereof: *Gunnison's Fork of the Great Colorado.*

" 5, " 2, strike out from the word "to," in line 20, to the word "the," in line 33, the following words: "the source of the Sandy Creek of the San Louis valley; thence down the Sandy Creek to the place where its waters sink at low water; thence in a right line to the point where the centre of the channel of the Rio Grande del Norte crosses the 106th line of longitude west from Greenwich; thence up the centre of the main channel of the Rio Grande del Norte to the line of the 107th degree of longitude west from Greenwich; thence south along said line to the summit of the range dividing the waters of the Rio Grande del Norte from those of the San Juan River; thence along said summit westerly to a point due south of."

" 6, " 2, in line 34, after the word "thence," strike out the word "to" and insert: *from.*

" 6, " 2, after line 36, insert the following words: *Nothing contained in this treaty shall be construed or taken to admit on the part of the United States any other or greater title or interest in the lands above excepted and reserved in said tribe or band of Indians than existed in them upon the acquisition of said Territory from Mexico by the laws thereof.*

" 7, " 3, line 12, strike out the words "the right of."

" 7, " 3, line 13, strike out the word "to," and insert: *may, in lieu thereof.*

" 7, " 3, line 15, strike out the words "retained by," and insert in lieu thereof the words: *reserved to.*

" 7, " 3, after the word "found," in line 16, strike out the following words: "is hereby also conferred and guaranteed. And for all other purposes excepting as herein stipulated, settlement by other persons than Indians is hereby prohibited."

" 9, " 5, line 5, strike out the word "country;" insert in lieu thereof: *reservation.*

" 11, " 6, line 29, after the word "citizens," insert: *or white residents.*

" 11, " 6, line 37, after the word "citizens," insert: *or white residents.*

" 11, " 6, line 45, after the word "citizens," insert: *or white residents.*

" 11, " 6, line 49, after the word "citizen," insert: *or white resident.*

" 15, " 10, line 2, strike out the words "Each family," and after the word "that" in same line insert: *in case the chiefs of said band.*

" ge 15, article 10, line 2, after the word "announce," strike out the words "through its head."

" 15, " 10, line 3, after the word "agent," strike out the words "of the band."

" 15, " 10, line 4, after word "determination," insert: *on their part and on the part of their people.*

" 15, " 10, line 5, after the word "follow," strike out the words "the pursuits of agriculture," and insert in lieu thereof: *agricultural or pastoral pursuits.*

" 15, " 10, line 7, after the word "lands," insert: *to be selected and set apart within said reservation.*

" 15, " 10, line 9, before the word "shall," insert: *they.*

" 15, " 10, line 12, after the word "cattle," strike out the word "one," and insert in lieu thereof: *not exceeding one hundred and fifty.*

" 15, " 10, line 15, after the word "sheep," strike out the word "ten," and insert in lieu thereof: *not exceeding one thousand.*

" 15, " 10, line 17, after the word "five," insert: *hundred.*

" 15, " 10, line 24, after the word "such," strike out the word "family;" insert in lieu thereof the word: *chiefs.*

" 15, " 10, at the end of line 26, insert the following words: *And provided, That the amount expended under this article shall not exceed ten thousand dollars annually.*

Attest:

J. W. FORNEY, *Secretary,*
By W. HICKEY, *Chief Clerk.*

And whereas the foregoing amendments having been fully interpreted and explained to Un-cow-ra-gut, or Red Color, Sha-wa-she-yet, or Blue Flower, U-ray, or Arrow, Ne-va-ve-tu-quar-et, or One who Slides under the Snow, Colorado, Sa-wa-wat-se-wich, or Blue River, Can-i-yet, Camileon, or Camelion, and Nan-tos, chiefs and warriors of the Tabeguache band of Utah Indians, they did, on the eighth of October, one thousand eight hundred and sixty-four, give their free and voluntary assent to the same, in the words and figures following, to wit: —

Assent to
amendments.

We, the undersigned, chiefs and warriors of the Tabeguache band of Utah Indians, with the concurrence of said band, do hereby give our free and voluntary assent to the foregoing amendments made by the Senate of the United States on the 25th day of March, A. D. one thousand eight hundred and sixty-four, to the treaty concluded by us with the United States, on the 7th day of October, A. D. one thousand eight hundred and sixty-three, the same having been fully explained to us in full council assembled, by John Evans, commissioner on the part of the United States, appointed for the purpose.

In testimony whereof, we have hereunto set our hands and affixed our seals, respectively, at Conejos, Colorado Territory, this 8th day of October, A. D. one thousand eight hundred and sixty-four.

UN-COW-RA-GUT, or Red Color,	his x mark.	[SEAL.]
SHA-WA-SHE-YET, or Blue Flower,	his x mark.	[SEAL.]
U-RAY, or Arrow,	his x mark.	[SEAL.]
NE-VA-VE-TU-QUAR-ET, or		
One who Slides under the Snow,	his x mark.	[SEAL.]
COLORADO,	his x mark.	[SEAL.]
SA-WA-WAT-SE-WICH, or Blue River,	his x mark.	[SEAL.]
CAN-I-YET,	his x mark.	[SEAL.]
CAMILION, or Camelion,	his x mark.	[SEAL.]
NAN-TOS,	his x mark.	[SEAL.]

