

**EXHIBIT 25**

TREATY WITH THE APACHE, 1852

At Santa Fe, New Mexico

Articles of a treaty made and entered into at Santa Fe, New Mexico, on the first day of July in the year of our Lord one thousand eight hundred and fifty-two, by and between Col. E. V. Sumner, U.S.A., commanding the 9th Department and in charge of the executive office of New Mexico, and John Greiner, Indian agent in and for the Territory of New Mexico, and acting superintendent of Indian affairs of said Territory, representing the United States, and Cuentas, Azules, Blancito, Negrito, Capitan Simon, Capitan Vuelta, and Mangus Colorado, chiefs, acting on the part of the Apache Nation of Indians, situate and living within the limits of the United States.

ARTICLE 1.

Said nation or tribe of Indians through their authorized Chiefs aforesaid do hereby acknowledge and declare that they are lawfully and exclusively under the laws, jurisdiction, and government of the United States of America, and to its power and authority they do hereby submit.

ARTICLE 2.

From and after the signing of this Treaty hostilities between the contracting parties shall forever cease, and perpetual peace and amity shall forever exist between said Indians and the Government and people of the United States; the said nation, or tribe of Indians, hereby binding themselves most solemnly never to associate with or give countenance or aid to any tribe or band of Indians, or other persons or powers, who may be at any time

at war or enmity with the government or people of said United States.

ARTICLE 3.

Said nation, or tribe of Indians, do hereby bind themselves for all future time to treat honestly and humanely all citizens of the United States, with whom they have intercourse, as well as all persons and powers, at peace with the said United States, who may be lawfully among them, or with whom they may have any lawful intercourse.

ARTICLE 4.

All said nation, or tribe of Indians, hereby bind themselves to refer all cases of aggression against themselves or their property and territory, to the government of the United States for adjustment, and to conform in all things to the laws, rules, and regulations of said government in regard to the Indian tribes.

ARTICLE 5.

Said nation, or tribe of Indians, to hereby bind themselves for all future time to desist and refrain from making any "incursions within the Territory of Mexico" of a hostile or predatory character; and that they will for the future refrain from taking and conveying into captivity any of the people or citizens of Mexico, or the animals or property of the people or government of Mexico; and that they will, as soon as possible after the signing of this treaty, surrender to their agent all captives now in their possession.

ARTICLE 6.

Should any citizen of the United States, or other person or persons subject to the laws of the United States, murder, rob, or otherwise maltreat any Apache Indian or Indians, he or

they shall be arrested and tried, and upon conviction, shall be subject to all the penalties provided by law for the protection of the persons and property of the people of the said States.

ARTICLE 7.

The people of the United States of America shall have free and safe passage through the territory of the aforesaid Indians, under such rules and regulations as may be adopted by authority of the said States.

ARTICLE 8.

In order to preserve tranquility and to afford protection to all the people and interests of the contracting parties, the government of the United States of America will establish such military posts and agencies, and authorize such trading houses at such times and places as the said government may designate.

ARTICLE 9.

Relying confidently upon the justice and the liberality of the aforesaid government, and anxious to remove every possible cause that might disturb their peace and quiet, it is agreed by the aforesaid Apache's that the government of the United States shall at its earliest convenience designate, settle, and adjust their territorial boundaries, and pass and execute in their territory such laws as may be deemed conducive to the prosperity and happiness of said Indians.

ARTICLE 10.

For and in consideration of the faithful performance of all the stipulations herein contained, by the said Apache's

Indians, the government of the United States will grant to said Indians such donations, presents, and implements, and adopt such other liberal and humane measures as said government may deem meet and proper.

ARTICLE 11.

This Treaty shall be binding upon the contracting parties from and after the signing of the same, subject only to such modifications and amendments as may be adopted by the government of the United States; and, finally, this treaty is to receive a liberal construction, at all times and in all places, to the end that the said Apache Indians shall not be held responsible for the conduct of others, and that the government of the United States shall so legislate and act as to secure the permanent prosperity and happiness of said Indians.

In faith whereof we the undersigned have signed this Treaty, and affixed thereunto our seals, at the City of Santa Fe, this the first day of July in the year of our Lord one thousand eight hundred and fifty-two.

E. V. Sumner,	(SEAL.)
Bvt. Col. U.S.A. commanding Ninth Department In charge of Executive Office of New Mexico.	
John Greiner,	(SEAL.)
Act. Supt. Indian Affairs, New Mexico	
Capitan Vuelta, his x mark	(SEAL.)
Cuentas Azules, his x mark	(SEAL.)
Blancito, his x mark	(SEAL.)
Negrito, his x mark	(SEAL.)
Capitan Simon, his x mark	(SEAL.)
Mangus Colorado, his x mark	(SEAL.)

Witnesses:

F. A. Cunningham,  
Paymaster, U.S.A.  
J. C. McFerran,  
1st Lt. 3d Inf. Act. Ast. Adj. Gen.  
Caleb Sherman.  
Fred. Saynton.  
Chas. McDougall.  
Surgeon, U.S.A.  
S. M. Baird.

Witness to the signing of Mangus Colorado:

John Pope,  
Bvt. Capt. T. E.

EXHIBIT 26

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., November 7, 1871.

SIR: I have the honor to transmit herewith a copy of a communication addressed to this Department by the Hon. Vincent Colyer, one of the board of Indian peace commissioners, who recently visited Arizona, wherein he states his views in relation to the Apache Indians, and describes certain tracts of country in Arizona and New Mexico which, during his recent visit to said Indians, he has selected to be set apart as reservations for their use, as authorized to do by orders issued to him before visiting the Apaches.

I have the honor to recommend, in pursuance of the understanding arrived at in our conversation with the Secretary of War on the 6th instant, that the President issue an order authorizing said tracts of country described in Mr. Colyer's letter to be regarded as reservations for the settlement of Indians until it is otherwise ordered. \* \* \*

I would further suggest that the War Department will, for the present, select some suitable and discreet officer of the Army to act as Indian agent for any of the reservations in Arizona which may be occupied by the Indians under the order herein contemplated. Such agents will be superseded by persons hereafter appointed by this Department at such times as the President may hereafter deem proper.

Very respectfully, your obedient servant,

C. DELANO, *Secretary.*

The PRESIDENT.

These recommendations were approved by the President as follows:

EXECUTIVE MANSION,  
Washington, D. C., November 9, 1871.

Respectfully referred to the Secretary of War, who will take such action as may be necessary to carry out the recommendations of the Secretary of the Interior.

U. S. GRANT.

EXHIBIT 27

EXECUTIVE MANSION, December 14, 1872.

It is hereby ordered that the following tract of country be, and the same is hereby, withheld from sale and set apart as a reservation for certain Apache Indians in the Territory of Arizona, to be known as the "Chiricahua Indian Reservation," viz:

Beginning at Dragoon Springs, near Dragoon Pass, and running thence northeasterly along the north base of the Chiricahua Mountains to a point on the summit of Peloncillo Mountains or Stevens Peak range; thence running southeasterly along said range through Stevens Peak to the boundary of New Mexico; thence running south to the boundary of Mexico; thence running westerly along said boundary 55 miles; thence running northerly, following substantially the western base of the Dragoon Mountains, to the place of beginning.

It is also hereby ordered that the reservation heretofore set apart for certain Apache Indians in the said Territory, known as the "Camp Grant Indian Reservation," be, and the same is hereby, restored to the public domain.

It is also ordered that the following tract of country be, and the same is hereby, withheld from sale and added to the White Mountain Indian Reservation in said Territory, which addition shall hereafter be known as the "San Carlos division of the White Mountain Indian Reservation," viz:

Commencing at the southeast corner of the White Mountain Reservation as now established, and running thence south to a line 15 miles south of and parallel to the Gila River; thence west along said line to a point due south of the southwest corner of the present White Mountain Reservation; thence north to the said southwest corner of the

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aforesaid White Mountain Reservation, and thence along the southern boundary of the same to the place of beginning; the said addition to be known as the "San Carlos division of the White Mountain Reservation," which will make the entire boundary of the White Mountain Reserve as follows, viz:

Starting at the point of intersection of the boundary between New Mexico and Arizona with the south edge of the Black Mesa, and following the southern edge of the Black Mesa to a point due north of Sombrero or Plumoso Butte; thence due south to said Sombrero or Plumoso Butte; thence in the direction of the Piache Colorado to the crest of the Apache Mountains, following said crest down the Salt River to Pinal Creek to the top of the Pinal Mountains; thence due south to a point 15 miles south of the Gila River; thence east with a line parallel with and 15 miles south of the Gila River to the boundary of New Mexico; thence north along said boundary line to its intersection with the south edge of the Black Mesa, the place of beginning.

S. GRANT.

EXHIBIT 28

PART I. GENERAL LAWS REGULATING INDIAN AFFAIRS.

ACTS OF FIFTY-FIFTH CONGRESS—FIRST SESSION, 1897.

June 7, 1897.

30 Stat., 62.

CHAP. 3.—An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes.

[30 Stat., 64.]  
Fort Apache agency.  
R. S., 2952.

*Be it enacted, &c.* \* \* \* That a separate agency is hereby created to cover and have jurisdiction over all that portion of the White Mountain or San Carlos Reservation lying north of the Salt or Black River, to be known as the Fort Apache Reservation, with headquarters at Fort Apache, Arizona: \* \* \*

[30 Stat., 71.]  
Oklahoma.  
—jurisdiction of justice of the peace, etc., limited.

And the justices of the peace and the probate courts in and for the Territory of Oklahoma shall not have jurisdiction of any actions in civil cases against members of the Osage and Kansas tribes of Indians residing on their reservation in Oklahoma Territory,

District court to try cases against Osage, etc.

and the district court shall have exclusive jurisdiction in such actions,

—terms at Pawhuska.

and at least two terms of such court shall be held in each year at Pawhuska on said reservation at such times as the supreme court of said Territory shall fix and determine for the trial of both civil and criminal cases. \* \* \*

1890, May 2, c. 182, ante, p. 45.  
1893, Dec. 21, c. 5, ante, p. 65.

[30 Stat., 75.]  
Warehouse to be established at Omaha.

That the Secretary of the Interior shall, within one year after the passage of this Act, establish and thereafter maintain at the city of