

7-1-1938

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Recommended Citation

Reeve, Frank D.. "The Federal Indian Policy in New Mexico, 1858–1880, IV." *New Mexico Historical Review* 13, 3 (1938). <https://digitalrepository.unm.edu/nmhr/vol13/iss3/4>

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THE FEDERAL INDIAN POLICY IN NEW MEXICO
1858-1880, IV

By FRANK D. REEVE

CHAPTER IX

MESCALERO APACHE

The Southern Apache Indians in New Mexico were divided into two groups: The Gila, that lived west of the Rio Grande, and the Mescaleros that lived east of the river, in the White and Sacramento mountains. The Mescaleros, about 600 or 700 in number, suffered from internal dissension and had split into two bands; the more troublesome group, known by the name of the Agua Nuevo band, under chiefs Mateo and Verancia, lived in the vicinity of Dog Canyon, in the Sacramento mountains. The White mountain group under Cadette constituted the bulk of the tribe and busied themselves part of the time with farming operations at Alamogordo, about seventy miles southwest of Fort Stanton and west of the Sacramento mountains.¹

The Mescaleros constituted the same problem as did the other Indian tribes, and Superintendent Collins proposed to adopt the same procedure in dealing with them; namely, removal from the settlements to a reservation where they would be out of contact with the white settlers. He had in mind, in the winter of 1858, a reservation on the Gila river where all the southern Apache could be united. His argument for concentration was strengthened when a skirmish occurred with the Dog Canyon group in February, 1859. In retaliation for a raid on San Elizario, Lieutenant H. M. Lazelle invaded the Indian stronghold and suffered a defeat, losing three men and having seven more wounded.²

1. Steck to Collins, 2/11/59, C1945/59. Steck to Major C. F. Ruff, 2/14/59, C1972/59. Steck to Greenwood 5/14/60, S202/60. Steck, *Annual Report*, 8/10/58, 35 Cong. 2 sess. Sen. Ex. Doc. 1, I, 547ff (974).

2. Collins to Denver, 2/22/59, C1945/59, and 1/24/59, C1902/59. Lazelle, *Report*, 2/18/59, 36 Cong. 1 sess. Sen. Ex. Doc. 2, II, 286ff (1024). Maj. Thos. H. Holmes to A. A. A. G., 2/11/59, C1972/59.

Until such time as the Mescaleros could be moved west of the Rio Grande, efforts were made to end their nomadic habits and start them on the road to a settled existence in their own territory. The need of additional help for Agent Steck in carrying out this policy led to the sending of Archuleta to Fort Stanton in the spring of 1860. He was instructed to start the Indians planting on the Peñasco, about thirty-five miles south of the fort, a site selected by Steck as the most suitable one. A contract was made with H. U. Beckwith to supply corn meal and beef to feed them. The corn meal was furnished rather than the whole corn in order to prevent the Indians from turning it into whiskey or *tizwin*. The agent was also instructed to get in contact with the Dog Canyon hostiles and influence them to join their brethren.³

The career of Archuleta was short lived at Stanton, as we have seen, and the work was carried on by Thomas Claiborn. In July he was distributing rations to 496 Indians; some new ones had come in "and their conduct evidently showed it was a venture with them as they were on the *qui vive* the whole time." However, "they are delighted with my kindness and *patience*, for it takes patience that Job knew not to bear with them. But knowing how important it is to hold this tribe in check & believing that they *are not fully known* to the Government as they ought to be, I have suffered wearisomely with them."⁴

The peaceful status of the Mescaleros was partially upset early in 1861, because a fight between the Gila bands and miners led to the hostiles seeking aid from their kinsmen. This situation was later aggravated by the outbreak of the Civil War, which resulted in the abandonment of Fort Stanton. Meanwhile, Lieutenant-Colonel Crittenden led an expedition against the Mescaleros in March, but the good results were only of a temporary nature. In view of the past efforts made to help them, the superintendent felt

3. Collins to Archuleta, 3/20/60, C630/60.

4. Claiborn to Collins, 7/5/60, C631/60.

that they were an ungrateful lot and that "They should be humbled and made to fear the power of the Gov't. . . ." ⁵ This task was taken in hand by Carleton when he assumed command of the Department of New Mexico. The olive branch having been spurned, the sword was now to be offered.

Colonel Carson was sent in September, 1862, with one company of infantry, to reoccupy Fort Stanton, and four companies of cavalry to operate against the Indians. He was instructed that

All Indian men of that tribe are to be killed whenever and wherever you can find them. The women and children will not be harmed, but you will take them prisoners, and feed them at Fort Stanton until you receive other instructions about them. If the Indians send in a flag and desire to treat for peace, say to the bearer [they broke the peace during the Texan invasion] and you have been sent to punish them for their treachery and their crimes; that you have no power to make peace; . . . that if they beg for peace, their chiefs and twenty of their principle men must come to Santa Fe to have a talk here; but tell them fairly and frankly . . . that we believe if we kill some of their men in fair, open war, they will be apt to remember that it will be better for them to remain at peace than to be at war. I trust that this severity, in the long run, will be the most humane course that could be pursued toward these Indians." ⁶

This vigorous policy produced results very quickly. Agent Labadi, who had been detailed by Collins to accompany Carson, brought Cadette and a small party of Mes-

5. Collins to Greenwood, 3/3/61, C991/61. Labadi, *Annual Report*, 9/25/62, 37 Cong. 3 sess. Hse. Ex. Doc. 1, I, 391-93 (1156). Col. W. W. Loring to A. A. G., 5/19/61, R. R., Ser. I, vol. I, p. 604.

6. Carleton to Carson 10/12/62, J. S. C., 1867, p. 100. Carleton to Thomas, 9/30/62, R. R., Series I, vol. XV, p. 576.

Similar instructions were sent to Colonel Joseph R. West at Mesilla. From that place Captain McCleave was to operate in the Dog Canyon country. A third expedition under Captain Roberts operated from Fort Franklin, Texas. J. S. C., 1867, p. 99.

caleros to Santa Fé in November. Carleton informed them that they must abandon their country and go to the Bosque Redondo where Fort Sumner had been established. The post had been located there as a barrier to Mescalero raids up the Pecos valley, as a protection against Comanche and Kiowa raids into New Mexico, and to provide winter pasturage for cavalry horses. The Indians accepted the ultimatum and Carleton was led to hope that "The result of this will be, that, eventually, we shall have the whole tribe at Bosque Redondo, and then we can conclude a definite treaty with them, and let them *all* return again to inhabit their proper country." This hope was translated into instructions to Carson to send all captives to that place.⁷

But by the spring of 1863, Carleton had changed his mind about the location for the Mescaleros. To return them to their former home did not fit in well with his broader plan of opening the mineral and farming resources of the Territory to the white man. Consequently, it was decided to keep these Apache permanently at the Bosque Redondo.⁸ The same advantage was foreseen as in the case of the Navaho; the Mescaleros would have no convenient mountains for seeking refuge in if they managed to escape, and they could be made self-supporting there.

The program started out auspiciously. Captain Joseph Updegraff, in command at Fort Sumner, was instructed to protect the captives against the plains Indians and to treat them kindly. In the spring of 1863, Bishop Lamy agreed to provide a priest for the reservation to teach the gospel and open a school; in keeping with this understanding the secretary of war made Fort Sumner a chaplain post.⁹ Scouting parties were kept in the field to force all the

7. Carleton to Carson, 11/25/62, J. S. C., 1867, p. 101; Carleton to Thomas, 11/9/62, J. S. C., 1867, p. 101. *Santa Fe Weekly Gazette*, 11/29/62, in K186/62.

8. Carleton to Halleck, 5/10/63, R. R., Ser. I, vol. XV, p. 723. Carleton to Thomas, 3/19/63, S. J. C., 1867, p. 106.

9. Carleton to Updegraff, 11/26/62, A. G. O., LS 13, p. 195. Carleton to Thomas, 3/19/63 and 4/12/63, S. J. C., 1867, p. 106, 108. Carleton to Bishop Lamy, 6/12/63. *Ibid.*, p. 112.

Bishop Lamy recommended Joseph Fialon, expected back from France in August, for the position. *Ibid.*, p. 117.

Mescaleros onto the reservation and settlers began to return to the farming lands in the Fort Stanton area. Finally, when the Indians appeared reconciled to their new home, Collins assumed formal responsibility for their management in March and placed Labadi in charge.¹⁰

The ideal of making the Indians self-supporting could not be realized immediately, but some progress was made. Under the guidance of the agent they planted 200 acres the first season and realized a profit of \$458 from the sale of fodder to the post, which pleased them very much. But this happy trend was marred by certain unfortunate episodes. In the first place, "A large proportion of the flour sent them, was adulterated with ground plaster, scraps of bread, and sweepings generally. Much of this was also sour."¹¹ A few of them sickened on such a diet, but even if they could survive, such a ration was a bit uncertain. The military passed the responsibility for feeding the Indians to the civil officials on May 31. At the end of October funds ran low and Steck requested Carleton to permit the Indians to return to the mountains to supplement their larder from the hunt, on their promise to return in the spring and plant again.¹²

The plan advanced by Steck received scant consideration from Carleton: "I fear that, from some mistaken philanthropy, the experiment of having these Indians domesticated will be sadly interfered with." The superintendent could manage the Indians as he saw fit on the reservation, Carleton agreed, but they "shall not leave" the Bosque Redondo!¹³ The problem of food was solved by the military again issuing rations.

The second year on the reservation brought greater prosperity, but also a new problem. The farming netted

10. Carleton to commander Fort Stanton, 4/10/63, S. J. C., 1867, p. 107. Carleton to Thomas, 3/19/63, *Ibid.*, p. 106. Collins to Dole 4/17/64, C791-64.

11. Updegraff to Carleton, 6/14/63, A. G. O., LR 1865. Labadi to Capt. Ben C. Cutler, 6/18/63, L165/63.

12. Carleton to Collins, 5/24/63, A. G. O., LS 13, p. 499. Steck to Updegraff, 10/29/63, S236/64.

13. Carleton to Thomas, 11/15/63, S. J. C., 1867, p. 143.

them \$4,000 aside from the corn crop, which was destroyed by pests and their new neighbors, the Navaho. These late-comers caused the failure of the Mescaleros to become established permanently in their new home. Their corn was purloined by the Navaho on the reservation and they were raided twice by members of the same tribe still at large. Intertribal battles also occurred and the Apache gradually thought it was prudent to live elsewhere. As early as April, 1864, Ojo Blanco left temporarily, taking forty-two companions with him; fifty-three deserted in August, and on November 3, 1865, the balance of the 425 that had been rounded up, including a few Gila, fled to their old haunts, except for a handful.¹⁴

John L. Watts recommended in June, 1866, that the Mescaleros be located on a reservation south of Fort Stanton. This proposal was not acceptable to the secretary of the interior, until congress should sanction the abandonment of the Bosque Redondo. But, due to lack of funds to finance the task of again taking the Indians in hand, the Apache were free agents for the next three years, roaming their old territory into Texas and occasionally committing some depredation.¹⁵

When the control of the Indians in New Mexico was transferred to the army in 1869, Lieutenant A. G. Hennisee was assigned to the Mescalero agency in July. He revived the reservation plan and recommended that they be located near Fort Stanton, but the proposal could not be carried out immediately because of lack of funds;¹⁶ nor was the lieutenant to be in charge when the move was finally completed because the brief tenure of military control ended in 1870. Robert S. Clark was appointed to the Mescaleros in November, but never took charge; he was succeeded in March,

14. Labadi to Steck, 5/18/64, S372/64. Labadi, *Annual Report*, 38 Cong. 2 Sess. Hse. Ex. Doc. 1, V, 347-48 (1246). Labadi to Dole, 5/1/64, L 405/64.

15. Watts to Harlan, 6/6/66, W320/66. Norton to Cooley, 7/6/66, N54/66. Cooley to Norton, 8/18/66, LB 81, p. 204. Lieut. A. G. Hennisee to Gallegos, 7/31/69, C383/69.

16. Hennisee to Gallegos, 7/31/69, C383/69. Parker to Clinton, 8/7/69, LB 91, p. 296. Hennisee to Clinton, 10/6/69, C583/69.

1871, by A. J. Curtis, a protege of the American Unitarian Association.

Hennisee, meanwhile, had started negotiations with his prospective wards in December, 1870, to induce them to once more take up a settled existence. The Indians were open to persuasion and by February a few were collected at Fort Stanton under José La Paz, a minor chief. He was soon sent out to induce the rest of his kinsmen to come in and returned with encouraging news. Another party was dispatched for the same purpose early in the summer. As a result of these efforts the larger part of the Mescaleros under Cadette had collected around Fort Stanton by July. "The old chief in his native eloquence called on heaven and earth to witness that they would live at peace; not at peace to be broken, but a long peace."¹⁷

But Cadette was not destined to live long enough to see his statement realized in practice, nor to be a party to the future vicissitudes of his people, which were to be due to the uncertainty of the reservation's boundaries, the scarcity of food, the fraudulent machinations of L. G. Murphy and Co. in coöperation with some of the agents, and the disorders growing out of the Lincoln County war. He was mysteriously murdered in La Luz canyon while returning to Fort Stanton from Mesilla in November, 1872.¹⁸

With Indians actually on hand, the first attempt at defining the boundary of the reservation was made by Superintendent Dudley in the winter of 1872. In keeping with his recommendation, the reservation was set aside by Executive Order of May 29, 1873, as follows:

Commencing at the southwest corner of the Fort Stanton reduced military reservation, and running thence due south to a point on the hills near the north bank of the Rio Ruidoso; thence

17. Jackson to Editors, 7/20/71, in *The Daily New Mexican*, 7/25/71. Lieut.-Col. August V. Kautz to A. G., 4/18/71, A266/71. Kautz to Pope, 2/9/71, P124/71. Curtis to Pope, 8/10/71, P463 1/2/71.

18. Curtis to Pope, 11/14/72, P236/72. *The Daily New Mexican*, 11/25/72, 12/18/72, 12/24/72.

along said hills to a point above the settlements; thence across said river to a point on the opposite hills, and thence to the same line upon which we start from Fort Stanton; and thence due south to the thirty-third degree north latitude; thence to the top of the Sacramento Mountains, and along the top of said mountains to the top of the White Mountains; thence along the top of said mountains to the headwaters of the Rio Nogal, to a point opposite the starting point, and thence to the starting point." ¹⁹

This area lay along the eastern slopes of the White and Sacramento mountains; and it was not an entirely satisfactory location. The starting of the boundary at the southwest corner of the military reservation largely excluded the Indians from the arable land lying along the small streams flowing eastward into the Pecos river. Furthermore, they were too far removed from the agency and they were reluctant about living in the mountains during the cold season, although they desired that region for hunting.²⁰

In order partly to correct these deficiencies a second reservation was laid out as follows:

Beginning at the most northerly point of the Fort Stanton reduced military reservation; thence due west to the summit of the Sierra Blanca Mountains; thence due south to the thirty-third degree north latitude; thence due east to a point due south of the most easterly point of the said Fort Stanton reduced military reservation; thence due north to the southern boundary of township 11; thence due west to the southwest corner of township 11, in range 13; thence due north to the second correction line south; thence due east along said line to a point opposite the line running north from the thirty-third degree north latitude; thence due north to the most easterly point of said Fort Stanton reduced military reservation; thence along the northeastern boundary of said military reservation to the place of beginning.²¹

19. Kappler, I, 871, *The Daily New Mexican*, 1/17/73.

20. S. B. Bushnell, Answers to Medical Circular, 7/29/73, B689/73.

21. Kappler, I, 871, Exec. Order, 2/2/74.

The new boundaries included more arable land east of the mountains and more hunting ground on the western slope of the Sacramento mountains.

But yet the boundary was not entirely satisfactory. The use of metes and bounds partly in defining the line was not satisfactory because of the broken nature of the country. So to avoid indefiniteness, and to include certain grasslands in the White mountains, the boundary was defined for the third time:

Beginning at the most northerly point of the Fort Stanton reduced military reservation; running thence due west to a point due north of the northeast corner of township 14 south, range 10 east; thence due south along the eastern boundary of said township to the thirty-third degree north latitude; thence due east on said parallel to a point due south of the most easterly point of the said Fort Stanton reduced military reservation; thence due north to the southern boundary of township 11; thence due west to the southwest corner of township 11, in range 13; thence due north to the second correction line south; thence due east along said line to a point opposite the line running north from the thirty-third degree north latitude; thence due north to the most easterly point of said Fort Stanton reduced military reservation; thence along the northeastern boundary of said military reservation to the place of beginning."²²

Needless to say, these attempts to provide a definite boundary to include proper lands for the use of a settled people had no immediate influence in keeping the Indians within those lines. They continued to wander over their traditional territory, sometimes by permission of the agents, at other times as it suited their needs and convenience. This habit would have aroused little comment if the Mescaleros had behaved themselves, but at times they re-

22. Kappler, I, 872, Exec. Order, 10/20/75. Smith to McNulta, 7/14/75, LB 126, p. 33. Smith to secretary of interior, 9/29/75, RB 27, p. 2. Smith to Crothers, 9/28/75, LB 126, p. 352.

sorted to the usual Apache custom of purloining stock. For two years after the return of part of this tribe to the reservation under the leadership of Cadette, there was no trouble, but in the spring of 1873 the depredations became sufficiently noticeable to call for military action.

Major Price started operations from Fort Stanton in September, 1873. He was handicapped by lack of knowledge of the country, but in the course of the fall months the region was mapped, the traffic in stolen stock, in which both Indians and whites were concerned, was broken up, and a few of the Indians, feeling the pressure of the military, returned to the reservation. This aggressive action restored a measure of tranquillity, but the military believed, and rightfully so, that "so long as they are permitted to entertain the notion that they are *entirely safe on their reservations, no matter what they may do away from them*, it will be impossible for the military force to prevent marauding and give protection to the scattered settlements."²³

Along with the problem of keeping the Indians on the reservation was the corollary of proper management, and this was badly marred by the spoils system. L. G. Murphy and Co. were the business dictators of the Fort Stanton region. They owned the only store and were the actual Indian agent despite the presence of Curtis. In addition, they held the position of post trader for the military. Rations were issued to the Indians without orderly or systematic procedure, and the number was grossly exaggerated, whereby the government was defrauded. Contracts for supplies were let under their influence and of course to their benefit.

When Samuel B. Bushnell took over the agency from Curtis, on April 2, 1873, vigorous steps were taken to break the hold of L. G. Murphy and Co. on Indian affairs. They had earlier been removed as post trader, but were influential enough to prevent a successor and consequently con-

23. J. Irvin Gregg's endorsement on Price's Report, 2/28/74, W498/74. Bushnell to Price, 2/7/74, W403/74. *The Daily New Mexican*, 8/14/72.

tinued to enjoy the benefits from trade with the soldiers whom they charged exorbitant prices. But that was a side issue with Bushnell; his main interest was in securing separate quarters for his own business and becoming the agent in fact as well as in law. In carrying out this program, he naturally encountered opposition; he accused Murphy of saying, "It don't make any difference who the Government sends here as Agent. We control these Indians."²⁴

Economy was immediately effected in the number of rations issued. About 400 Indians were receiving bounty in 1871; by the end of the Curtis regime the number on paper had risen to 2679, "a rapidity of increase," the new agent remarked, "which leaves rabbits rats & mice in the shade." Next, in order to secure a greater degree of independence for Bushnell, the Murphy building was purchased by the government in May at a cost of \$8,000 for agency quarters. The price was doubtless exorbitant in view of the cheapness of adobe construction in New Mexico, but it was a move in the right direction. Murphy transferred his business to the nearby town of Lincoln in September. As a result of these measures the new agent was led to state that "all are now of the opinion that I have broken the backbone of the Indian ring in New Mexico, and the most formidable anti-administration party in the Territory."²⁵

But Bushnell was unduly optimistic about his success. The so-called Indian ring in New Mexico had not been broken and his tenure of office closed toward the end of the year; "though an honest and well meaning man, [he] was deficient in firmness and decision of character, and hence could not with any considerable degree of success, meet the responsibilities of his position."²⁶

24. Bushnell to Dudley, 5/1/73, D78/73.

25. *Ibid.*, and 6/4/73, B428/73.

26. Smith to Delano, 2/16/74, RB 24, p. 107.

For the period of Curtis' and Bushnell's agency see also *The Daily New Mexican*, 10/8/72; RB 23, p. 489; LB 102, p. 411; LB 107, p. 320; LB 111, p. 156; LB 114, p. 108; B1134/73, C281/73, D78/73, D107/73, D110/73, D162/73, D1564/73, D561/73, D708/73, W641/74, W1064/73, W1323/73, T72/73, I866/73.

His successor, W. D. Crothers, fared little better in managing the Mescaleros, but he also tried to improve conditions. The location of the agency on the Fort Stanton military reservation, although in separate quarters purchased from Murphy, did not allow the new agent the freedom that he thought necessary for his task. Furthermore, a post trader, Captain Paul Dowlin, had finally been appointed and had rented part of the building from Bushnell. He had the right to sell liquor, a chronic source of difficulty in the management of Indians. Under these circumstances, being unable to oust Dowlin and end the sale of whiskey to his charges, the agent moved his quarters off the military reservation to Copeland's Ranch, eight miles away.²⁷ In the course of time it was again removed farther away to South Fork, about forty miles from Fort Stanton.

Other problems for Crothers to cope with lay in the frontier spirit of retaliation against Indians in general for the depredations of the few, and the inherent lawlessness that seemed to characterize some white men. In the fall of 1874, armed bands raided the Mescaleros on the reservation and caused part of them eventually to flee to the mountains. The military followed in an effort to bring them back, but they only stampeded again. Another raid occurred in January, 1875, the participants "claiming to have got away with three scalps and about seventy-five horses." The remaining Indians retaliated, which in turn brought reprisals until only about fifteen or twenty were left on the reservation.²⁸

The agent had little confidence in the use of soldiers to secure the return of the run-a-ways and proceeded to make contact with them by special messengers. In the course of

27. Crothers to Smith, 8/1/74, C627/74. Crothers to post adjutant, 7/18/74, C595/74. Godfrey to Smith, 10/27/76, G351/76.

Crothers cited a military order of 1870 forbidding the entry of Indians on a military reservation as a reason for moving, but it is reasonable to believe that the order had not been operative at Fort Stanton. There was also some friction with the War Department over the use of the building on the Stanton reservation as agency headquarters. See C92/75, W211/75, C247/75.

28. Crothers to Smith, 1/8/75, C141/75. C. I. A., *Annual Report*, 1875, p. 329.

the spring and summer of 1875, most of them had been induced to return. Meanwhile, in order to provide better protection for his charges, Crothers secured some arms and ammunition to arm his employees and a few citizens nearby who were interested in preserving order on the reservation. And again hopeful of promoting their progress toward civilization, the sporadic farming operations of the past were resumed.²⁹

In the midst of these disturbances, his position had been made more difficult by the usual machinations of outside parties. Murphy, the "champion of Democracy," apparently was not able to influence Crothers to his own advantage. The agent was, consequently, accused of using government supplies in providing hotel accommodations for travelers, and of reporting the issuance of 400 rations when only 227 Indians were present to receive them. He was indicted October 1, 1874, on a trumped-up charge of operating a hotel without a license. Crothers plead not guilty and the case was finally dropped by the district attorney who was skeptical of the validity of the affair. However, the secretary of war charged him with dereliction of duty in the matter of the killing of Indians on the reservation by raiders. This accusation led to the appointment of a special investigator by the office of Indian affairs. On the whole, the evidence favored the agent, but he finally resigned his position in the spring of 1876.³⁰

Fred C. Godfroy assumed charge of the agency July 1, 1876, and was soon contending with the forces of lawlessness, shortly to be enhanced by the outbreak of the Lincoln County War. Sporadic charges of depredations by the Mescaleros during his two years in office continued to be made,

29. B. I. C., *Annual Report*, 1875, p. 97. C185/76, C248/75, C188/76.

30. Crothers to Smith, 3/3/75, C345/75. Smith to secretary of interior, 3/10/75. I284/75. Office of Indian Affairs, Special Case 108. New Mexico, Lincoln County, *Criminal Docket*, case 99, vol. A, p. 34, 48.

"In New Mexico, the military at Fort Stanton were called upon to protect the Mescalero Apaches, but were not able to prevent their massacre by whites on their own reservation, and within sight of the flag-staff of the military post." C. I. A., *Annual Report*, 1875, p. 34.

though some were of doubtful truth.³¹ However, one disturbing incident was left by Crothers for immediate handling. The Mescaleros left the reservation in June, 1876, apparently on a spree as a result of too much consumption of whiskey. The military took up the pursuit immediate and about half the band promptly returned. Peaceful measures were adopted to bring back the remainder, Godfroy employing J. A. Jucero at a price of \$1.50 per man and \$1.00 per woman and child to round them up. This was a profitable undertaking, since he secured the return of 147. A love feast was then held in December and for the time being affairs quieted down.³²

The outbreak of the Lincoln County war in the spring of 1877 caused a greater degree of disorder to develop and the Mescaleros were of course regarded as fair game. A party invaded the reservation in August, 1877, and ran off some agency stock, the military failing to catch them, they reported, because rain obliterated the trail. For better protection and because of the delay necessary in informing the army post of marauders, Godfroy secured arms from the war department for the employees and some of the Indians.³³ But a year later the agency clerk, Bernstein, was killed by Billy the Kid when he attempted to prevent the outlaws from repeating their exploit of stealing stock.³⁴

In the midst of these difficulties, Godfroy was striving to promote the welfare of his charges. They were sadly lacking in clothing, and of course insufficient rations was an

31. "The reports of Indian depredations I believe are much exaggerated, and in my opinion ranchers even are much to blame for these reports by harboring disreputable characters on their premises, who are in my opinion much worse than the Indians." Captain Henry Carroll to post adjutant, 9/22/76, W1180/76.

Sheridan to Townsend, 4/30/78, W1/79. Lieut. Col. Dudley to A. A. G., 5/24/78, W1082/78. Capt. L. H. Carpenter to post adjutant, Fort Davis, 7/24/78, W1549/78.

32. Captain George A. Purington to A. A. G., 6/19/76, and Hatch to A. A. G., 6/29/76, W796/76. Godfroy to Smith, 7/22/76, G185/76; 8/10/76, G227/76; 11/10/76, G375/76; 11/24/76, G386/76; 12/23/76, G35/77.

33. Godfroy to Smith, 8/12/77, M676/77; 9/18/77, M735/77. Secretary of war to secretary of interior, 10/8/77, W938/77. See also M761/77, W300/78.

34. A detailed account of the Lincoln County War can be found in Pat F. Garrett's, *Billy the Kid*, supplemented by George W. Coe, *Frontier Fighter*.

intermittent state of affairs. After one woman had perished from the cold, and possibly several others, he purchased 200 blankets and 2,000 yards of muslin without specific authorization from Washington, although a long delayed order had finally been placed in New York for supplies. His action was advisable in view of the fact that suffering was bound to make the Mescaleros more restless than usual and the use of force to keep them on the reservation was hardly possible since the military had need of their resources in dealing with the Gila bands. The liquor traffic was again attacked by establishing troops at Tularosa in September 1878, to prevent the Indians from making their purchases there and at La Luz, a small village lying between the reservation and Tularosa.³⁵ And to cap his efforts, a school was established for Indians January 1, 1878.³⁶ But, despite all his work during these two years, conditions were never satisfactory; the planting activities suffered and again in 1878 some of the Indians scattered into the mountains, seeking both security and means of subsistence.³⁷

Godfroy possessed certain qualities that made a good agent, but he succumbed to the temptation that lay in the path of any member of the Indian service, the opportunity to profit more than the salary of his position provided; consequently, his career with the Mescaleros came to an abrupt ending. One critic wrote that Godfroy was known as the "Presbyterian fraud," and that "The fraud, corruption and dishonesty of the agent can be established by cumulative evidence in the shape of affidavits." Dr. Lowrie hoped for vindication of this latest appointee under the Peace Policy of President Grant because "Both his predecessors, nominated by our Board, were bitterly assailed—and so far as we could learn without any warrant."³⁸

35. Godfroy to Hayt, 4/22/78, G244/78; 7/27/78, G379/78; 10/2/78, G457/78. And see W2028/78.

36. Godfroy, *Report*, 9/1/77, 45 Cong. 2 sess. Hse. Ex. Doc. 1, VIII, 550-54 (1800).

37. Godfroy to Smith, 8/21/76, G244/76; 9/14/76, G263/76; 12/8/77, M931/77; 8/22/78, 45 Cong. 3 sess. Hse. Ex. Doc. 1, IX, 603. Hayt to Godfroy, 3/19/78, LB 145, p. 497. See also I370/78.

38. A. M. McSween to Lowrie, 2/25/78, and Lowrie to Hayt, 3/15/78, L147/79.

His hopes were fruitless. The agent had not actively participated in the Lincoln County War, but he was favorable to Murphy and J. J. Dolan, the leaders of one faction, the second of whom had had the beef and flour contract for the agency for two years. It is hard to arrive at the truth of the conflicting evidence advanced for and against Godfroy by the parties to such a violent frontier quarrel, but doubtless the agent had committed breaches of the law, a too common practice in his line of work. Inspector Angel was "strongly impressed to the belief that Godfroy" had cheated the government by turning in a fraudulent number of Indians, but in view of his otherwise able management of affairs recommended that he be permitted to resign; in the event of refusal he should be dismissed. He was also accused of lending supplies to L. G. Murphy and Co., and later to J. J. Dolan and Co., successors, although without profit to himself. Consequently, he was discharged; his most earnest plea that "I be reinstated" was without avail.³⁹

John A. Broadhead was appointed successor to Godfroy but never took charge. Upon his arrival in Santa Fé, somebody plied him with exaggerated stories about current conditions in Lincoln County, according to Governor Wallace, which so demoralized him that "he went all to pieces" and left for the East. It is only fair to add that the state of his health may have had something to do with his reluctance to venture into such a lawless country. At any rate, "A thorough man" was needed and S. A. Russell, late of the Abiquíú agency, was believed to be capable of filling the position.⁴⁰

The new appointee requested that only a small bond (\$10,000) be required because the responsibility of the agency was small and "confidence has been so betrayed and destroyed within the last two years as to make it an ex-

39. A. M. McSween to Schurz, 2/11/78, M319/79.

Robt. A. Widenmann to Schurz, 3/11/78, W384/79. Anonymous to Carl Schurz, 10/27/77, I772/77. Frank Warner Angel, *Report*, 10/2/78, A713/78. Godfroy to Hayt, 11/21/78, G6/79. Hayt to secretary of interior, 12/28/78, RB 33, p. 108.

40. Lew Wallace to Schurz, 11/10/78, N278/78.

tremely delicate matter to ask a friend to *endorse you.*" He relieved Godfroy in April, 1879, and found himself in the midst of the War. Cattle stealing had become a fine art, although it was not a recent practice, but Russell disapproved of Governor Wallace's plan of bills of sale from the vendor of cattle twice removed and certified brands as a means of checking the evil. He favored rather the declaration of martial law. "Is it not a fine country," he asked, "in which to *civilize* the Indians? Would anything but the *Munificent* Salary induce a man to undertake it? And yet I do have hope of the gradual improvement of these Indians."⁴¹

He did not remain long enough to realize his hope, the times were too turbulent even for him. Victorio was a disquieting influence on his charges and the military policy finally adopted toward them was not to his liking. He was reluctant at first to receive any of the Warm Springs Indians, but finally extended an offer of asylum to Victorio in the summer of 1878, an act, he admitted later, that was a mistake insofar as the management of the Mescaleros was concerned. When the Gila leader departed, a few of the Mescaleros left with him; others were depredating in Texas, and so severely were their activities felt east of the Pecos that the withdrawal of troops from Fort Stanton was dismissed as impossible because it would be an open invitation for a Texan punitive expedition to wipe them out.⁴² As for those that followed the Warm Springs leader, it was planned to dismount and disarm them upon their return, and, if necessary, to imprison them in the guard house or subject them to the beneficial effects of honest labor. The military, at least, had almost lost hope for these unfortunate savages: "a miserable, brutal, race, cruel, deceitful, and

41. Russell to commissioner, 12/6/78, R846/78; 3/17/79, R212/79; and 6/18/79, R438/79. Wallace to Schurz, 4/25/79, N108/79.

42. See Sherman's endorsement on Wm. Steele to A. G. (Austin, Texas), Report, 12/20/78, W219/79. Russell to Editor, 8/16/79, in *Thirty-Four*, 8/27/79.

wholly irreclaimable." Pope thought, "Vigorous and conclusive action" was necessary.⁴³

An "conclusive action" was soon resorted to. When the troops were relieved of the Victorio pursuit by his move into Mexico, Hatch requested that all Indians with stock be assembled at the agency. He arrived with about 1,000 soldiers and, apparently without consulting Russell in advance, proceeded to disarm and dismount them on April 16, 1880. A few escaped and ten others were killed in the attempt to do the same. As a result of this move, about three hundred were confined as prisoners of war until September, when they were allowed freedom of movement within a radius of eight miles of the agency. The remnants of the band gradually came in due to military pressure and promises made in November that they would be protected on the reservation, arms would be available for hunting, and two mares and some other stock would be granted to each family. The individual who objected too strenuously to this policy was slated for confinement in Leavenworth prison. Thus, after years of intermittent hostilities, the Mescaleros had been deprived of their resources for living off the reservation, horses and arms.⁴⁴

The disarming of the Indians was accompanied with a certain amount of harshness and suffering and the agent was blamed by some of his charges for their plight. In consideration of that state of affairs Russell "thot it prudent to resign." He may have been over-prudent, but at least one agent had departed without the accusation of fraud being leveled at him.⁴⁵

43. Pope to Sheridan, 11/4/79, and Pope to A. A. G., 1/9/80, W864/80. Russell to commissioner, 3/16/80, R310/80.

44. Russell to commissioner, 4/17/80, R434/80. Sheridan to Townsend, 4/20/80, W841/80; R962/80.

45. Because beef was high priced, conditions unsettled, and the agent strict in enforcing the terms of the contract, the representative of H. L. Newman and Company of East St. Louis advised his superiors to request a release from their beef contract rather than take a loss, advice that they followed. S. H. Newman to H. L. Newman & Co., 4/22/80, N227/80.

A subsequent move to oust the Mescaleros from the Fort Stanton region because of mining activity on the western slope of the mountains came to nought in 1882.⁴⁶ Their homesite had been provided, but civilization was yet to be achieved.

46. Petition to president, 12/15/80, A955/80 in Office of Indian Affairs, Special Case 108. S. S. Stephens to Thomas, 5/27/82, LB 164, p. 348.

CHAPTER X
THE GILA APACHE

Of all the Indian tribes that roamed the mesas and mountains of New Mexico, the Apache in general, and those living west of the Rio Grande in particular, were the worst of the lot, in the eyes of the white man. The frontiersman could admire their skill in hunting, and their marvelous powers of endurance in traveling fifty to seventy-five miles a day on foot, or a hundred miles on horseback; he could marvel at their ability at deception, creeping into a military post and killing some unfortunate soldier or teamster with a lance or arrow; he might even grant them at times the virtue of keeping their plighted word and give them credit for cunning tactics in fighting; but after the pros and cons had been weighed, the opinion more apt to be arrived at was that the Apache "is a viper, an untameable, ferocious, sanguinary monster, bent upon the destruction of all with whom he comes in contact, and only restrained by fear."¹

For nearly three decades after the outbreak of the Civil War, the soldiers, settlers, and miners waged intermittent war with these savages. They were gradually subdued and placed on reservations, but the marks of the conflict were long apparent to the eyes of the traveler. "The many crosses dotting the roadsides of Southern Arizona and New Mexico mark the graves of murdered men; indeed, the country seems one vast graveyard, if we may judge by the frequency of these rude memorials."² But for a few years prior to that period, after the Bonneville campaign

1. John C. Cremony, "The Apache Race," in *Overland Monthly*, I, 205 (Sept., 1868). The writer claimed "a close, personal acquaintance of over eight years" with the Apache.

Cf: "Living among these people with practically no companionship except that of the Indians themselves, my feelings toward them began to change. That ill-defined impression that they were something a little better than animals but not quite human; something to be on your guard against; something to be eternally watched with suspicion and killed with no more compunction than one would kill a coyote; the feeling that there could be no possible ground upon which we could meet as man to man, passed away." Britton Davis, *The Truth about Geronimo*, p. 111.

2. Susan E. Wallace, *The Land of the Pueblos*, p. 155.

against the Gila Apache in 1857, they remained at peace. "So much so," Steck reported two years later, "that they would not allow him to travel about for hunting or other purposes without sending two of their people with him, for fear some accident might happen and suspicion be thrown upon them."³

But the Bonneville expedition had another influence that in the long run was not conducive to peace:

It has resulted also in bringing to notice a valuable and fertile portion of our Territory on the headwaters of the Gila river and its tributaries, which otherwise would have remained unknown for years and our Territory still subjected to the incursions of these roving bands regardless of lives and property."⁴

With the whites coveting the reds' territory, it was only a matter of a short time before contact between the two races began to bring the usual problems and difficulties. That of furnishing the Indians with sufficient rations to supplement their hunting activities in lieu of depredating for a living was immediately present.

The Mimbrenño band under Mangas Colorado hung around the mines at Santa Rita and were a worry to the property owners. Two of the savages accepted a job for two days; but since the white man's kind of labor was not to their liking, the necessities of life could not be provided for them that way. Moreover, the native settlers secretly traded bad powder and whiskey for stock stolen in Sonora. Such trade goods were a bad combination. The whiskey made easier the occurrence of some incident that might precipitate a fight and the powder, inferior though it may have been, gave the savage a better means for killing than afforded by bow and arrow. And while the mine owners were voicing their complaints in 1858, the Mimbrenños were starv-

3. Bonneville to Thomas, 7/15/59, 36 Cong. 1 sess. Sen. Ex. Doc. 2, II, 306 (1024).

4. New Mexico Legislative Assembly, *Joint Resolution*, January, 1858, 35 Cong. 2 sess. Sen. Ex. Doc. 1, II, 279-80 (975).

ing on a ration of eleven pounds of corn per month for an adult and half that amount for a child. In order to view conditions at first hand, Superintendent Collins visited them in the fall; he distributed 300 blankets for about 600 Indians and increased the ration slightly. But these measures were only a partial reply to the complaint of the mine owners that "these Indians must be fed—steal, or starve."⁵

However, the government officials were also interested in a more permanent solution to the Apache problem and measures were taken to make these Indians a settled people. Under the tutelage of Steck, part of them were induced to do some planting along the Santa Lucía, a tributary of the Gila river. Collins recommended that a permanent reservation be laid out on the same site, a proposal that found a ready reception in Washington. As a result, in 1860, a reservation was authorized "commencing at Santa Lucía Springs and running north 15 miles; thence west 15 miles; thence south 15 miles; thence east 15 miles to the place of beginning."⁶

The reservation site had several advantages from the point of view of Collins: the Gila country was sufficiently far from settlements to avoid contact between the Indians and whites; and it lay on a north and south line with Fort Defiance and the proposed Ute reservation on the San Juan, so that a military patrol during the summer between the three points would serve to keep the Indians quiet and make unnecessary any more campaigns against them. He also believed that a military post nearby was necessary for the success of the plan. In this need he received the cooperation of the military; Colonel Bonneville located a company of soldiers southeast of the Burro Mountains, about eight to ten

5. Sylvester Mowry to Denver, 1/7/58, and S. Hart to Mowry, 12/20/58, M551-59. S. Wait to Mowry, 12/17/58, M550/59.

The Mimbreno chief was "called Mangas Colorado (Red Sleeves), from a fashion he had adopted of wearing his arms painted with the blood of his victims." Mrs. F. E. Victor, "On the Mexican Border," in *Overland Monthly*, VI, 464 (May, 1871). See also John C. Cremony, "Some Savages," *Ibid.*, XIII, 202 (March, 1872).

6. Kapper, I, 873. Collins to Mix, 12/5/58, C1903/59. Greenwood to Joseph S. Wilson, 5/14/60, LB 63, p. 354. Steck, *Annual Report*, 8/12/59, 36 Cong. 1 sess. Sen. Ex. Doc. 2, I, 712ff (1023).

miles north of the Overland Mail route. Unfortunately for everyone concerned these plans went astray because of the Civil War,⁷ although they might not have been realized even otherwise.

In the late fall of 1860, trouble broke out between the miners at Pinos Altos and the Apaches hanging around there. The miners accused the Indians of stealing horses, a charge that may or may not have been true because there were characters on the frontier other than Indians who were not above stealing stock; nevertheless, they took summary action. Major Lynde sent a force of troops from Fort Floyd to free some Apaches taken prisoners by the miners, and the officials hoped that the Indians could be made to see the difference between acts of the government and unauthorized acts of individuals.⁸ This hope was hardly justifiable because the behavior of the government men themselves was not always above criticism.

On another occasion, in April, 1861, the military captured the Apache chief Cochise by treachery, in their attempt to punish those guilty of stealing a cow and a child. The chief escaped by cutting a hole through the tent in which he was confined and "made Arizona and New Mexico—at least the southern half of them— . . . about the liveliest place on God's footstool.

"The account, if put down by a Treasury expert, would read something like this:

Dr.

The United States to Cochise,
For one brother, killed "while resisting arrest."

Cr.

By ten thousand (10,000) men, women, and children killed, wounded, or tortured to death, scared out of their senses or driven out of the country, their wagon and pack-trains run off and destroyed,

7. Collins to Mix, 12/5/58, C1903/59. Bonneville to Thomas, 7/15/59, 36 Cong. 1 sess. Sen. Ex. Doc. 2, II, 306 (1024).

8. Maj. J. Lynde to Steck, 12/14/60, and Steck to Collins, 12/14/60, C902/61. P. R. Tully to Collins, 1/3/61. C910/61.

ranchos ruined, and all industrial development stopped.⁹

With the outbreak of Indian hostilities, accelerated by the Civil War, the mining area around Pinos Altos and the farming area in the Mimbres valley were practically abandoned and the country surrendered to the savages temporarily. The troops were withdrawn in the spring of 1861. Lorenzo Labadi, who had been appointed agent at Tucson, then under the jurisdiction of Collins, was discouraged from assuming his duties by the threat of being tarred and feathered by southern sympathizers. He was recalled in June and the following month Steck acknowledged that there was no need for an agent in southwestern New Mexico because nothing could be done for the time being. A few miners lingered on into the fall, hoping for aid from the Confederate authorities, but resumption of the task of subduing the Apache and placing them on a reservation was to await the action of Carleton two years later.¹⁰

The new departmental commander sent an expedition against the Indians in January, 1863, and established Fort West on the Gila river. The results were pleasing to the military because the famous chief Mangas Colorado was disposed of while attempting to escape from his captors at Fort McLane.¹¹

9. John G. Bourke, *On the Border with Crook*, p. 120. Raphael Pumpelly, "A Mining Adventure in New Mexico: A real experience," in *Putnam's Magazine*, IV, 495 New Series (Oct., 1869). Frank C. Lockwood, *Pioneer Days in Arizona*, pp. 160-163.

10. Tully to Collins, 6/2/61, C1231/61. Labadi to Collins, 6/16/61, C1244/61. Steck to Collins, 7/15/61, C1286/61. Wm. Markt to commander-in-chief confederate troops in Ariz. Terr., 10/8/61, R. R., Ser. I, vol. IV, 120. Collins, *Annual Report*, 10/8/61, 37 Cong. 2 sess. Sen. Ex. Doc. 1, I, 732-33 (1117) .

11. General Orders No 3, 2/24/64, R. R., Ser. I, XV, 227. The escape was probably planned by the military to afford an excuse for killing Mangas. See Steck to Dole, 2/15/65, S606/65; S. W. Cozzens, *The Marvellous Country*, p. 526; Lockwood *Pioneer Days*, p. 157-60.

"His name was a tocsin of terror throughout northern Mexico, Arizona, and New Mexico; and, to this day, the people shudder when they hear the name of Mangas Colorado."

"There is no exaggeration in affirming, that his hands have been reddened in the gore of hundreds of victims." Cremony, "Some Savages," in *Overland Monthly*, VIII, 202-203 (March, 1872).

Furthermore, their hearts rejoiced because the evidences of rich gold fields and of silver and of inexhaustible mines of the richest copper in the country at the head of the Mimbres River and along the country drained by the Upper Gila are of an undoubted character. It seems providential that the practical miners of California should have come here to assist in their discovery and development.¹²

In his enthusiasm for gold, Carleton visualized another El Dorado comparable to the gold fields of California. He assured interested parties in the East that Fort West would be a permanent post to provide protection for miners; unless, of course, the Confederates successfully invaded New Mexico. A nugget of gold was forwarded to Washington for President Lincoln; "It will gratify him to know that Providence is blessing our country, even though it chasteneth."¹³ But in order to realize to the full the blessing of Providence more troops were needed. To this end an urgent appeal was made to General Halleck for aid. He was sympathetic and "fully aware of the importance of exploring and opening up for mining and settlement that vast region of country that separates the Mississippi Valley from the Pacific States. But at the present we have not the means of doing this."¹⁴ However, he did authorize the enrollment of volunteers within reasonable limits for the undertaking.¹⁴

A year later, after the main thrust at the Navaho had been completed, a simultaneous movement against the Gila bands was ordered for May 25, 1864. Detachments were detailed to operate from the several army posts dotting western and southwestern New Mexico and southern Arizona, from Fort Wingate to Tucson, and another fort, Good-

12. Carleton to Thomas, 2/1/63, R. R., Ser. I, XV, 670.

13. Carleton to Chase, 9/20/63, S. J. C., 1867, p. 140. Samuel J. Jones to Carleton, 3/18/63, A. G. O., LR, S8/65. Carleton to Jones, 4/27/63, S. J. C., 1867, p. 109.

The General's imagination was not restrained by an international boundary. There was gold too in Mexico "which states the French want, and which we should never permit them to have." Carleton to Thomas, 8/1/63, S. J. C., 1867, p. 121.

14. Halleck to Carleton, 9/8/63, R. R., Ser. I, Pt. I, vol. 26, p. 720. Carleton to Halleck, 5/10/63, R. R., Ser. I, vol. 15 p. 723.

win, was planned for the banks of the Gila. The usual Carleton instructions were issued: the Apache must surrender or be killed.¹⁵

Insofar as subduing these savages was concerned, the campaign was a failure. The soldiers were not able to round up the elusive enemy who displayed their boldness, and even contempt for the soldiers, by venturing to the very picket ropes of Fort Goodwin.¹⁶ One party of seven was captured at Zuñi while trading for powder and lead and were sent to the Bosque Redondo,¹⁷ where Carleton planned to locate all of them, but that was a meagre success in view of the elaborate plans made.

Friction between Carleton and Steck over the policy of managing Indians of course extended to the Gila. A report came to Steck in February, 1865, that Victorio and Salvador (son of Mangas Colorado) visited Pinos Altos and expressed a desire for peace; furthermore, they preferred not to deal with the military because of distrust engendered by past experiences. Steck was in sympathy both with their desire for peace and their distrust of the army officers "as they have suffered from their treachery."¹⁸ He accordingly made plans to visit them on the Gila and requested a military escort from Fort Craig to Fort West or to the Mimbres if the interview was held there. Carleton flatly declined to cooperate. The Apache, according to his view, were in charge of the military until at peace and they must surrender and go to the Bosque Redondo or be exterminated.¹⁹ This *impasse* was followed by four years of Indian attacks on the unwary traveler, settlements, and military posts, and intermittent scouts by soldiers through the hills trying to catch the hostiles. On the whole, the Indians had the better of the struggle. They even ran off the cavalry horses at least twice,

15. General Orders No. 12, 5/1/64, R. R., Ser. I, pt. 3, XXXIV, 387-89.

16. X. Y. Z. to Editors, 9/9/64, in *The New Mexican*, 9/23/64.

This boldness, of course, was in keeping with the known ability of the Indian to disguise himself and even penetrate inside an army post without detection.

17. *The New Mexican*, 9/16/64.

18. Steck to Mix, 3/12/65 and petition from Mesilla, 2/10/65, S624/65.

19. Steck to Carleton, 3/15/65, and Carleton to Steck, 3/16/65, S625/65.

much to the irritation of Carleton.²⁰ The mail carriers between Mesilla and Tucson, to Pinos Altos, and occasionally while crossing the Jornada del Muerto, ventured on their trips at the risk of their lives. Pinos Altos was favored with a raid in March, 1869, and Tularosa in April of the same year.²¹ The killing of individuals and stealing stock in small numbers were almost too frequent to record. On

April 2, [1869] the Indians killed and stripped a Mexican close to this town [Pinos Altos], while coming from the post; about the same time they stole forty goats from Vicente Lobato, one horse of Judge Houston, one horse and one burro of Carlos Navarro, and two burros of Wm. Grant, all of Pinos Altos.

On the 26th they killed a man at the Santa Rita copper mines, and chased a hunter into Mr. Vendlandt's cabin at San Jose.

On the 30th they killed, stripped and scalped two miners in the Arroyo de Santo Domingo, about one mile and a half from town; stole one horse from Mr. Emil Markt, fifteen head of cattle from Mr. Bremen, and about the same amount from Mr. Patterson, beef contractor at Fort Baya. J.

Why does not our government raise volunteers, and like the Mexican government pay \$100 per scalp. Here in Doñ Ana and Grant county could be raised at least three hundred men, who in a short time would suppress all these cruelties. If something is not soon done Pinos Altos will be "played out."²²

20. Col. Francisco P. Abreu to Maj. C. H. De Forrest, 5/4/66, A196/66. Carleton to Capt. Geo. A. Burkett, 6/22/66, C340/66.

21. *The Daily New Mexican*, 3/31/69 and 5/3/69.

22. Citizen to Editors, 5/7/69, *The Daily New Mexican*, 5/17/69.

"But little notice is taken now-a-days of the record of 'Indian Depredations,' unless we happen to be the sufferers ourselves. So often are these outrages laid before the public through newspapers, that they have come to be regarded as an 'old song,' and no attention is paid them; it is not easy to say how this unhealthy state of affairs is to be changed, and the government aroused to a proper sense of its responsibility. Certain it is that while we remain inactive, or at most stand in the defensive, the Indians continue to sap the very foundations of every branch of industry and enterprise in the Territory. The people have patiently waited for years with the confident hope that the government would take measures to put a stop to

Meanwhile, the military had been trying to do something about the matter. Fort Selden was established at the southern end of the Jornada del Muerto, in the spring of 1865, for the protection of the Mesilla valley, and in the fall of 1866, Fort Bayard was located near Silver City for the protection of the miners in that neighborhood. Carleton believed that the seekers for gold would persist in venturing into Indian country and that they ought to be protected so that the mineral wealth could be exploited for the general benefit of the country.²³ Although these measures did not end the depredations, they did encourage the return of the miners.²⁴

The efforts of the army to control the Apache was seconded by the territorial officials. Under a law of 1857 authorizing the loan of public arms, the acting governor recommended, November 20, 1866, that volunteer companies be formed for home protection. And in 1869, when the Indian depredations were raising a greater storm of public protest than usual, the probate judges were authorized to organize

23. "General Carleton, Colonel Davis, Colonel Enos and other officers have mining interests in that section [Fort Bayard] of the country, but I do not believe, that those officers have made use of their official positions, in any way, to protect specially, those interests." Getty to A. A. A., 10/6/67, A. G. O., LS 43, p. 323.

24. Norton, 8/24/67, in C. I. A., *Annual Report*, 1867, p. 193.

"The news of the soldiery coming to this rich mining country was drawing miners and adventurers from far and near, and Pinos Altos promised to become a mining district once more." Josephine Clifford, "An Officer's Wife in New Mexico," in *Overland Monthly*, IV, 152 (Feb. 1870). Mrs. Clifford arrived at Fort Bayard late in August, 1866.

the existing state of affairs, but each year reveals increasing outrages by the Indians and neglect from the government.

* * *

"There are barely sufficient troops in the Territory to garrison the posts, and it is in the immediate vicinity of these posts that most of the depredations are committed On the 17th ultimo the Indians came into Fort Bayard and drove off a herd of beef cattle belonging to the beef contractor The gallant raiders triumphantly ascended the summit of Burro Mountain, where they halted for a few days, killed and jerked the beef, had a grand baile, and then went on their way rejoicing.

* * *

"Pinos Altos, once a flourishing mining district, . . . is now fast deserted by the hardy miners because of the annoyance of the ubiquitous Apache In the part of the country to which I allude, the semblance of protection received from the government is only a farce and a mockery."

Jornada to Editors, June 5, 1869, *The Daily New Mexican*, 6/14/69.

mounted posses of ten to twenty-five men in each precinct. They were instructed to proceed only against marauders and not to molest Indians that were living at peace.²⁵ Several posses were organized under this procedure,²⁶ but they could accomplish little more than civilian retaliatory expeditions had been able to do in past years.

In the midst of these attempts to subdue the Gila, the Carleton plan of concentrating all Apaches at the Bosque Redondo lost favor. The Indians were difficult to capture and sufficient troops for a definitive campaign had never been provided to make the policy a success. The proposal for a separate reservation for the Gila was revived, sponsored by Superintendent Norton and supported by the people in the Silver City area.²⁷ Such a plan was also apparently acceptable to the Indians. Some of them expressed a desire for peace in 1867 on the basis of a separate reservation, and in 1869 the Mimbrenño band made known their desire to the commander at Fort McRae to camp on the west side of the Rio Grande across from the post,²⁸ a location that was in the region where they desired to have a reservation.

When the military superseded the civil officials in the Indian service in 1869, Lieutenant Chas. E. Drew was assigned to the Gila in July with instructions to prepare them for a change into a civilized form of existence. The new agent pursued his new task energetically and found truth in the above reports that the Indian wanted a reservation. The Mimbrenños, under chief Loco, wanted to plant at Cuchio (Cuchillo Negro), an old haunt, to hunt along the east side of the Mimbres mountains south to Fort Thorn, eastward of the Rio Grande to Sierra del Caballos, and twenty miles north from Fort McRae. Drew believed strongly that the peace policy would succeed, but prompt measures to relieve

25. New Mexico, *Executive Record*, 1851-1867, p. 417. Clinton to Parker, 8/26/69, C436/69.

26. *The Daily New Mexican*, 9/11/69, 9/25/69, 11/23/69.

27. Letters to Manderfield and Tucker from Mimbres, 8/11/66, and Pinos Altos, 8/15/66, N105/66.

28. A. H. Hackney to Colonel (?), 1/31/67, H81/67. C. Grover to A. A. G., 6/2/69, G149/69. Getty to superintendent, 7/3/69, G167/69.

their distress were necessary. The need for funds then was urgent; but as usual the supplies were insufficient, although a small amount of food was provided for his new charges.²⁹

Drew held another meeting with the Apache on October 10 near the town of Cañada Alamosa, about twenty-five miles northwest of Fort McRae. In addition to Loco, Chiefs Victorio, López, and Chastine were present with their followers. The new comers came well prepared for trouble and would not tolerate the presence of soldiers. Recognizing the critical nature of the situation, Drew made every effort to allay their fears. A citizen posse under Captain Bullard was persuaded to leave town, and a request was sent to the several army posts not to send any scouting parties to disturb them. But aside from making promises, the agent was in no position to furnish the Indians with adequate supplies for the usual reason.³⁰

The new peace policy did not meet with an entirely favorable reception on the frontier. A decade of depredations was a long record for the Indians to remove from the public mind before their peaceful intentions would be accepted at full value. Consequently, when some of the hostiles committed further outrages, the Indians assembled at Cañada Alamosa were viewed with suspicion and even accused of the crime. In November this feeling broke out into an open dispute when W. L. Rynerson wrote a strong letter to Governor Pile stating that the Mimbrenos had left their camp and requesting additional troops to operate against hostiles in general.³¹ Drew replied to the charge with the accusation that

From information received from reliable sources, I am compelled to believe, that a party in the lower country is strongly opposed to any attempt to make peace with the Apaches, and especially to the placing of them on a reservation—No doubt they have their own reason for their conduct.³²

29. Parker to Drew, 7/6/69, LB 90, p. 537. Parker to Clinton, 7/16/69, LB 91, p. 79. Drew to Parker, 9/3/69, C481/69.

30. Drew to Clinton, *Report*, 10/11/69, C612/69.

31. 11/22/69, C801/69.

32. Drew to Clinton, 12/12/69, C801/69.

Rynerson was post trader at Fort Bayard and additional troops, of course, would improve his business, but the temper of the times in New Mexico partly favored the continued use of the army in controlling the Apache. Drew, however, was doubtless sincere and maybe right when he absolved his immediate charges of any wrong doing since contacting them.

Resolutions were forwarded by citizens of Mesilla, Mimbres, and Pinos Altos, in support of Rynerson and condemnation of the peace policy, particularly when it consisted apparently of collecting Indians on a reservation safe from pursuit for wrong-doing and without troops to prevent them from depredating. The inhabitants of several small settlements near the proposed reservation countered with resolutions in support of Drew and the peace policy.³³ The controversy carried on into the spring of 1870. With the miners "Up here, in the hill country, there is no two sides to the Indian question";³⁴ meaning, of course, that Drew's Indians were depredating and that force was the proper solution to the problem. Residents of Paraje were equally confirmed in the belief that their stock had not suffered from the misdoings of the Cañada Alamosa Indians, and the agent was of the opinion that thefts committed by whites were often unjustly attributed to his charges.³⁵

Despite some depredations in the spring, whether by the Indians at Cañada Alamosa or not, there was a decided decline in the activities of the hostiles.³⁶ But such a lull decided nothing definitely. The frontier was divided in opinion about the peace policy, a state of mind that constituted a serious threat to its success. As Nimrod posed the question:

33. *The Daily New Mexican*, 1/29/60, 3/1/70, 3/9/70.

34. Miner to Manderfield & Tucker, 2/25/70, in *The Daily New Mexican*, 3/18/70. Rynerson to Editors, 1/2/70, *Ibid.*, 1/4/70.

35. Drew to Clinton, 1/5/70, C840/70. Resolutions from Paraje, 4/28/70, in *The Daily New Mexican*, 5/10/70.

36. File to Probate Judges, 5/26/70, C1363/70. Rynerson to R. M. Stephens, 6/6/70, in *The Daily New Mexican*, 6/18/70.

Were you to see a choir of heavenly breech clouts
 approaching, preceded by a flag of truce on a ram-
 rod, singing, sweetly in tune, from "Drew's Sacred
 Harmony:"

Ye boundless realms of joy,
 Exalts our Vincent's fame;
 His praise your song employ,
 Above the starry frame.

* * *

would you shoot, or halt your wagon and invite
 them to a potluck, . . . ?

The questioner rather guessed "I'd shoot, or,
 if I had a poor team I'd stop and grub 'em, . . .
 and when they had licked the platter, I'd shake
 hands all round and go, without apparent fear of
 injuring the jack wax of the neck by too frequent
 or sudden retrospection over the shoulder in the
 direction of the Vincent Brothers."³⁷

The sincerity of the opposition to the Cañada Alamosa project was more open to suspicion in that it finally developed into a personal attack on the agent. He was accused of habitual intemperance by Rynerson and residents of Doña Ana County, a charge that was brought formally before the superintendent in May by Messrs. Jeffords and Brevoort, traders who had had their licenses revoked by Drew. The tribulations of the agent, however, were soon to an end. He died on June 5 from exposure, having lost his way in the mountains when in pursuit of some depredating Mescaleros. A. G. Hennisee was immediately detailed to take his place.³⁸

The tenure of the new agent was brief, but in the few months that he was on duty at Cañada Alamosa, he found that his job was not a bed of roses. The funds continued to be woefully inadequate for providing the Indians with a living and they doubtless now did occasionally purloin a beef from their neighbors. In February, the superinten-

37. Nimrod, 3/22/70, in *The Daily New Mexican*, 4/4/70.

38. Rynerson to Chaves, 2/26/70, C1209/70. Jeffords and Brevoort to Clinton, 5/12/70, C1328/70. H. D. Hall to Clinton, 6/5/70, C1392/70. See also 091/70.

dent had purchased 300 Mexican blankets for the practically naked Indians without permission from Washington, and allotted \$2,500 for their subsistence. This was supplemented by supplies advanced by the post commander at Fort Craig.

Other complications arose from the tendency of the Indians to make whiskey when whole corn was issued, and the practice indulged in by the settlers of selling them liquor and sometimes ammunition. Hennisee, in an attempt to break up this practice, came to blows with the local officials, at Cañada Alamosa. He was put on trial for assault and in turn secured the indictment of the justice of the peace and the constable before the United States commissioner at Albuquerque. Civil action had been resorted to in fear that the summoning of soldiers would excite the Indians and cause them to decamp for the mountains.³⁹ This troublesome situation was passed on to Hennisee's successor, Orland F. Piper, who, sponsored by the Presbyterian Board of Foreign Missions, was appointed to that agency in November, 1870.

Meanwhile, one cheering event had occurred. The elusive chief Cochise, whose hatred of the whites dated back for a decade, from the days of his treacherous arrest and the murder of Mangas Colorado, visited Cañada Alamosa briefly and evinced a desire for peace. This was considered a golden opportunity for pushing the project of a permanent reservation with adequate support for the Indians, but the usual lack of funds prevented decisive action.⁴⁰ With the office of Indian affairs in no financial condition to meet the emergency, Colyer appealed to the war department for aid until a congressional appropriation was available. In the absence of the secretary, the necessary order to that end was signed by President Grant. Then the discouraging information was forwarded from New Mexico that there was no

39. Clinton to Drew, 10/6/69, A687/70. Clinton to Parker, 2/5/70, C907/70. Hennisee to Clinton, 6/22/79, C1437/70. Hennisee to Clinton, 9/16/70, C1730/70.

40. Hennisee to Clinton, 10/22/70, C1866/70. Pope to Parker, 12/7/70, P576/70, and P592/70.

surplus of beef and corn in the district to supply the Indians;⁴¹ however, that was a defect that could be remedied.

In the spring and summer of 1871, local feeling against the Gila Apache again rose to fever heat.

“It would seem that the government ought to inaugurate more vigorous means of dealing with these wretches than feeding them good beef & bacon on the reservation,” one complainant wrote. “Milk & water, kid glove policies may do for some tribes but its no go with the Apaches.”⁴²

Governor Pile favored the peace policy in principle, but aware of the public attitude, he threatened to take action if the government did not soon accomplish something more tangible than had yet been done. The local federal men were doing all that they could; there were over 1,000 Apache assembled at Cañada Alamosa and Superintendent Pope had been doing his best to keep them contented, a particularly difficult task in the face of two years of promises of a permanent reservation and insufficient rations. In addition to some aid from the military and the meager funds allotted by the Indian bureau, he had incurred an indebtedness of \$9,000 in the interest of these Indians. The increase in depredations he attributed to the aggressions of scouting parties of soldiers and citizens. But his telegram to Washington that “The condition of affairs in southern New Mexico demand immediate action,”⁴³ could have applied at almost any time during the past ten years.

Piper visited his charges early in March, 1871, and found them much excited over reports that scouting parties were coming their way. He attempted to allay their fears and remained confident that “If these Indians are not tampered with by men that would like to make trouble, and they are furnished with sufficient food, I think there is no danger of them leaving the reservation. I am confident that they

41. Colyer to Townsend, 12/23/70, A1598/70. Townsend to Colyer, 12/29/70, A5/71. J. P. Clum to Colyer, 12/21/70, LB 97, p. 541, B. I. C., *Report*, 1870, p. 102.

42. E. W. Peet to Benjamin F. Butler, 3/12/71, P167/71.

43. Pope to Parker, 3/18/71, P149/71. Pile to Pope, 3/18/71, P154/71.

desire peace."⁴⁴ The superintendent supplemented the efforts of his agent by paying a visit to Cañada Alamosa in April. He promised food and protection for all who came into the camp, but believed it inadvisable to raise the subject of a permanent reservation until such time as Cochise had been rounded up with his followers.⁴⁵

But since all the Indians were not cooperating in forwarding peace there was always the possibility that an armed party would invade the reservation. Some stolen stock was actually traced to Cañada Alamosa in July. This, on top of numerous killings up to that time, led the citizens of Mimbres to organize a posse or at least threaten to do so and recover the stolen stock wherever it be found, even at the sacrifice of every Indian "man, woman and child in the tribe." And if any agents, traders, or soldiers intervened, they would be treated as common enemies of New Mexico!⁴⁶ This belligerent manifesto was forwarded to the superintendent by Richard Hudson of Pinos Altos, who wanted to know whether the stock could be recovered peacefully

or if we are to be forever at the mercy of these thieving, murderous Apaches, who have a "House of Refuge" at Alamosa . . . , because the citizens of this county are determined to put a stop to it, and if they carry out their programme the Camp Grant massacre will be thrown entirely in the shade and Alamosa will rank next to "Sand Creek."⁴⁷

In answer to the threats of the aroused citizens, Agent Piper advised patience and forbearance. The superintendent then instructed him to restore any stolen stock found among the Indians and to apprehend the guilty ones or drive them away from this refuge so that they could be subject to punitive action by the armed forces. But lest the innocent suffer with the guilty, the military was requested to keep at

44. Piper to Editors, 3/11/71, *Weekly New Mexican*, 3/2/71.

45. Pope to Parker, 4/21/71, P224/71.

46. Mimbres resolutions, 7/19/71, C542/71. Hiawatha to Editors, 7/16/71, *The Daily New Mexican*, 7/29/71. Pile to Fish, 4/27/81, A298/71.

47. Hudson to Piper, 7/18/71, C542/71.

least one company in readiness to protect the Indians who remained on the reservation.⁴⁸ The efforts to meet this crisis had been seconded by President Grant with the suggestion that additional powers be given either to Superintendent Pope or Colyer for that purpose.⁴⁹

Colyer had been directed in May, 1871, by the board of Indian commissioners, to proceed to New Mexico and Arizona and carry out the general policy that had been laid down by the government in 1869; namely,

That they (the Indians) should be secured in their legal rights; located when practicable on reservations; assisted in agricultural pursuits and the arts of civilized life; and that Indians who should fail or refuse to come in and locate in permanent abodes provided for them would be subject wholly to the control and supervision of military authorities, to be treated as friendly or hostile as circumstances might justify.

Congress made available, as of July 1, the sum of \$70,000 to finance the cost of this undertaking.⁵⁰ In keeping with the suggestion of the president, Colyer was invested with full discretionary powers by the secretary of the interior to carry out the plan.⁵¹

He arrived in New Mexico in August and journeyed immediately to Cañada Alamosa, where he found to his disappointment that the Indians had been frightened away by the residents of Mimbres despite the order for troops from Fort McRae to afford protection. But undiscouraged, Colyer proceeded with the main business in hand, that of a permanent location for a reservation, with the feeling that the run-a-ways would return when conditions were more satisfactory. Cañada Alamosa was considered unsuitable and a site was picked out ten miles on each side of the Tularosa river and its tributaries for a distance of thirty miles from

48. See correspondence in C542/71.

49. Grant to Delano, 7/13/71, I603/71.

50. B. I. C., *Report*, 1871, p. 5-6.

51. Secretary of interior to Colyer, 7/21/71, in C. I. A., *Annual Report*, 1871, p. 77. Townsend to general, department of Missouri, 7/18/71, A453/71.

their origin in the Datil mountains and allied ranges of southwestern New Mexico. The location was remote from the settlements, surrounded by mountains not easily crossed, with sufficient arable land, water, wood, and game. Agent Piper was instructed to collect his charges there as soon as possible and the military were ordered to provide protection.⁵²

Prospects for success with the new venture were brightened when the arch evil among the Gila, the famous Cochise, joined his brethren at Cañada Alamosa on September 28. "He rode up to the office of the agency, dismounted, and walked in with marked dignity, and the bearing of a man of great force of character."⁵³ This auspicious event was the result of negotiations begun in the spring of 1871 when messengers had been sent to get in contact with him. Cochise was on a raiding expedition into Mexico at the time, but the Indians in his camp near the Arizona boundary line, "nearly naked, half starved, and in constant fear of scouting parties of troops," were induced to come to Cañada Alamosa except Cochise's family, who agreed to come in with the chief when he returned. His acceptance of the urgent invitation extended by the government to reside on the New Mexico side of the boundary line was no doubt influenced by the activity of Crook in Arizona and the governments of the northern Mexican states.⁵⁴

With the presence of three important chiefs and their followers, Cochise, Loco, and Victorio, at Cañada Alamosa, and presidential approval of the new reservation, the next problem, and a difficult one, was the removal of the Indians. Agent Piper reported that "They positively refuse to go;

52. Colyer to Delano, 8/22/71, C570/70. Colyer to Pope, 8/29/71, A575/71.

"We regret to learn that that old philanthropic humbug, Vincent Colyer, is about to inflict another visit upon our unfortunate Territory." *The Daily New Mexican*, 7/27/71. But see Peace to Editors, 8/24/71, *Ibid.*, 8/30/71, for a more favorable attitude.

53. San José to editors, 9/28/71, *The Daily New Mexican*, 10/5/71. Pope to Parker, 10/7/71, P477 1/2-71.

54. Piper to Col. Davis, 9/30/71, A629/71. Pope to Parker, 4/21/71, P218/71. Pope to Parker, 5/24/71, P275/71. Pope to Parker, 6/28/71, P319/71.

saying that I may take the rations and give them to the Bears and Wolves, that they will do without."⁵⁵ Consequently, he recommended that they be permitted to remain where they were and a great saving to the government would be effected. This easy tolerance of the Indians' objection was not shared by the superintendent. He suspected that the settlers at Cañada Alamosa favored the retention of their neighbors for the sake of profits from trade. But the best that Pope could propose was to move the agency and trust to various factors, such as hunger when rations were ended at Cañada Alamosa, the approaching winter, and the troops on the move in Arizona, that the Indians would follow their agent. It was a critical situation because a display of force to effect the removal might cause a large part of the savages to scatter like scared jackrabbits. A temporary policy of leniency was finally decided upon with the approval of President Grant and the removal was postponed until spring, but on the understanding that "they must prepare to move as soon as possible to 'Tularosa' or some other locality that may hereafter be selected for their occupation."⁵⁶

When spring arrived the project of removal was again taken in hand. Pope held a conference with the Indians on March 19 and fixed May 1 as the day of departure. He was still convinced that the long delay had been due primarily to the machinations of the settlers and reservation hangers-on and was determined to push the matter to a conclusion regardless of the consequences. Those who were willing to go would be provided for, the rest would be left to the military for summary action.⁵⁷

Matters did not proceed exactly as planned, but the officials were finally rewarded for their patience and persistence. The agency was removed to the new site at the

55. Piper to Pope, 10/20/71, P521/71.

56. Clum to Pope, 11/8/71, LB 103, p. 266. Pope to commissioner, 10/17/71, P501/71. Piper to Pope, 10/20/71; Pope to commissioner, 10/26/71; and Delano to Clum, 11/20/71, I997/71. Delano to Clum, 11/7/71, I969/71.

57. Pope to Walker, 3/23/72, P766/72; 4/29/72, P819/72; and 5/9/72, P840/72.

end of April and two companies of soldiers were stationed there as garrison for the new Fort Tularosa. The superintendent was disgusted at the obstinacy of the Indians in not following immediately, but the deadline for action on their part was moved up to June 1 and the military refrained from sending out scouting parties for the time being.⁵⁸ This wise decision brought its reward. A report was received at Fort Craig on May 12 that a band of the Indians were on the north end of the Cañada Alamosa location in a mood to move and awaiting transportation of Indians.⁵⁹

Devine and Pope arrived at Tularosa on the 19th with six wagon loads of the more feeble women and children. The rest of the followers of Victorio, Loco, and Chica, a sub-chief in Cochise's band, took a more mountainous route and arrived later with the balance of the women and children who had refused the invitation to ride. But the suspicious Cochise, whose sojourn on the reservation had again been brief, held aloof, watching the proceedings from his haunts in the mountains. It was planned to let him alone for a while, merely sending out scouting parties and runners to warn all Indians to come in.⁶⁰ And there were yet many loose in the hills. Of the maximum number of about 1,900 that had assembled at Cañada Alamosa at one time or another, only about 500 favored the new location with their presence.⁶¹

The reluctance of Cochise to accept a home on the new reservation was still a serious factor in the success of the plan. When General O. O. Howard came to the southwest in the summer of 1872 as a special representative to bring peace to the country, he visited the chieftain in his stronghold in the Dragoon mountains, October 1. The upshot of this meeting was an agreement whereby he and his band would be permitted to settle on a reservation, the Chiri-

58. Piper to Pope, 4/30/72, P3/72. Devine to A. A. A. G., 5/9/72, W1629/72.

59. Devine to A. A. A. G., 5/13/72, W1629/72.

60. Pipe to Walker, 5/19/72, P850/72; and 6/5/72, P890/72.

61. Piper to Pope, 10/24/71, P357/71. Nemo to Editors, 6/15/72, *The Daily New Mexican*, 7/3/72. *Ibid.*, 10/3/72. See also W596/72.

cahua, in the southeastern corner of Arizona.⁶² There the old warrior spent his last years in peace, dying on June 8, 1874.⁶³ His troubled existence had come to an end, but the same could not be said for his people.

Although settling the affairs of the Cochise band for the time being, Howard had not been an entirely happy influence on the course of events at Tularosa. Quickly aware of the reluctance of the Indians to leave Cañada Alamosa, he had unwisely promised them that they could return if Cochise would locate there, a promise of course which could not be fulfilled.⁶⁴ He also issued passes to a small band, from whom he had drawn his guides for the trip to the Dragoon mountains, to visit Cañada Alamosa for hunting. These visitors to the old reservation were soon accused of stealing and the superintendent took steps to end the temporary military inactivity sponsored by Howard and return to the policy of driving the Indians back to the reservation.

But Cañada Alamosa remained a strong attraction for the Indians at Tularosa and there was an intermittent complaint about not being permitted to return. The ostensible reason was the lack of farming land at Tularosa to provide the customary fruits and vegetables obtainable in the old location. Superintendent Dudley on a visit to the reservation in March, 1873, attributed the discontent to the lenient policy of the agent, John Ayers, whom he accused of encouraging the idea of a return as a means of preserving peace among them. But when a letter from General Howard was read to them in council, stating that the refusal of Cochise to return made impossible the reoccupation of Cañada Alamosa, and the distribution of a few presents and a promise to prove the fertility of the lands at Tularosa were made, the feeling of discontent was temporarily allayed. Victorio

62. Howard to commanding officer at Fort Lowell, 10/2/72, W543/72. Howard to Walker, 10/15/72, H319/72.

Vincent Colyer resigned in February, 1872.

63. Dudley to Smith, 6/30/74, in C. I. A., *Annual Report*, 1874, p. 301-302.

64. Granger to A. A. G., 9/29/72, W436/72. Howard to Coleman, 2/7/73, D378/73.

was then given a pass to bring back 100 young men on their way to raid Mexico. But despite these measures, the desire of the Indians for the former location was ultimately to be realized,⁶⁵ though only temporarily.

Perhaps both Piper and Ayers had leaned too heavily on the side of leniency, but the adoption of a sterner attitude with the arrival of Agent Benjamin M. Thomas did not mend matters. In the summer of 1873, a brush occurred between a scouting party from Fort Selden and a small group of Indians near Cañada Alamosa under the leadership of one of their more notorious thieves. Pursuant to the statements made by the chiefs in the past that their bad men should be punished, Thomas requested Major Price to arrest the troublemakers. When the military attempted to apprehend them at Tularosa, where they had returned, the Indians in general refused to countenance such action and fled to the hills, except for thirty-five that were captured. The military were then faced with the task of either coaxing or driving them back.⁶⁶

This demonstration of force to control the Indians was a reaction from the idealism of Colyer. Both Thomas and Price were in accord that a firm policy was necessary. As Price wrote,

I believe and *know* that the most humane policy to pursue both toward the Indians and the scattering population of a new country, is to never overlook or compromise a depredation committed by the Indians against the defenceless and scattered white settlers, nor to allow citizens to vent their vengeance against innocent or inoffensive Indians on a reservation and supposed to be under

65. Dudley to commissioner, 3/15/73, and Howard to Coleman, 2/7/73, D378/73. Stapleton to Dudley, 3/1/73, D370/73.

John Ayers succeeded Piper temporarily in September, 1872. Benjamin M. Thomas was given the permanent appointment in November.

66. Capt. Geo. W. Chilson to Price, 7/17/73, and Price to A. A. A. G., 7/25/73, W1013/73. Thomas to Dudley, 7/25/73, D417/73.

the protection of the Military Authorities of the United States.⁶⁷

There was certainly justification for a belief in the wisdom of a strict policy of management because the handling of the Gila was a task that would tax the patience of a Job and the wisdom of a Solomon. Getting drunk on *tizwin*, which they made from corn, was a common occurrence, and the presence of soldiers with access to a supply of whiskey at the trader's post made liquor a source of trouble from both sides. The inability of some of the Indians to refrain from stealing stock was just as marked as ever. Whereas at Cañada Alamosa the fruits of their stealing could be traded to unscrupulous whites, at Tularosa the Navaho from the north were glad to exchange blankets for stock. A stealthy foray on some outlying settler's cattle and a quick disposal of the spoils on the reservation could be accomplished despite the efforts of the chiefs and the white officials to prevent it. And if life became too uninteresting an arrow could be unloosened at some employe of the agency to provide a little amusement. But, along with the delinquents, there were many others who could elicit favorable comment for their general behavior and desire for peace. However, after long contact with these savages, the average white was more inclined to accept the view that "To sum up the Apache he may be said to be the *but-cut* of original sin!"⁶⁸

In the midst of the trials and tribulations at Tularosa, and the known preference of the Indians for the Cañada Alamosa, the idea of another change in the location of the reservation for the Gila gained ground. They had never yet all collected together at their new home, the number varying from an average of 330 during the summer months to

67. Price to Willard, 2/28/74, W498/74.

The government supports troops here "for the purpose, practically, of allowing these Indians to steal and kill almost as freely as they did when on the war path. They have been allowed to do this off the reservation so long, that lately they have felt at liberty to threaten the lives of the men employed at the Agency to serve them." Thomas to Price, 7/24/73, D417/73.

68. *The Daily New Mexican*, 10/3/72.

663 in the winter.⁶⁹ Superintendent Dudley as early as December, 1872, suggested removal to Fort Stanton in order to save the cost of one military post and agency. Furthermore, it was pointed out that Tularosa lay too far west of the line of frontier posts to permit proper control of the Indians, and the short growing season made it difficult to develop farming habits. Finally, in the spring of 1874, Dudley definitely recommended that Tularosa be abandoned and that the Gila be brought back to Ojo Caliente (Warm Springs) at the head of Cañada Alamosa, where they would be a bit farther away from the towns; the one settler closeby could be bought out for \$2,500. All in all it was the most favorable place that he knew of for a reservation. Accordingly, a site was established by Executive Order, April 9, 1874:

Beginning at the ruins of an ancient pueblo in the valley of the Cañada Alamosa River, about 7 miles above the present town of Cañada Alamosa, and running thence due east 10 miles; thence due north 25 miles; thence due west 30 miles; thence due south 25 miles; thence due east 20 miles to the place of beginning.⁷⁰

After the Indians, to the number of about 400, had been transferred to Ojo Caliente late in the summer of 1874, Thomas was succeeded as agent in October by John M. Shaw, who shouldered his new task in the spirit of Colyer. He declined to have more than ten soldiers under a non-commissioned officer stationed at the agency, trusting to his own ability to handle the savages rather than leaning too heavily on the military. Aside from the chronic annoyance of the liquor traffic, he was quite optimistic about the future, visualizing the successful transformation of the Apache into a settled people, more pastoral, however, than agricultural in their economy. And the commissioner of

69. D499/73.

70. Kappler, I, 873. Fred G. Hughes to editor (*The Borderer*), 2/11/74, in D254/74. Dudley to Smith, 12/2/73, D889/73. Dudley to Smith, 5/11/74, D566/74.

Indian affairs stated that the Ojo Caliente agency was to be permanent.⁷¹

Conditions on the whole were favorable for the success of the new reservation and plan of management.

Although it cannot be positively asserted that there are no hostile Indians in New Mexico, nor that some of these, now quiet, may not hereafter cause trouble, yet it may be reasonably inferred from the peaceable disposition at present generally manifested by the tribes both in New Mexico and Arizona, that hostilities and difficulties to any serious extent in either of these territories are not likely to occur."⁷²

This happy note was echoed by the territorial governor the following year: there had been no murders within the past four years (not literally true), men could travel in safety, and the flocks and herds of the people had increased; "This blessing of profound peace we deeply appreciate."⁷³

But into this Garden of Eden an insidious serpent had crept. Some people were not willing to let sleeping dogs lie. Even while the change from Tularosa to Ojo Caliente was being worked out, the suggestion had been advanced that the Cochise band on the Chiricahua reservation should be brought northward to this new location to keep them from potential future raids into Mexico and provide them with a suitable farming area, and the idea was also broached of locating all the Apaches on the San Carlos reservation, the same idea of concentration that had run all through the course of Indian management in New Mexico.⁷⁴ Dudley had been authorized at one time to interview the former terror of the Southwest to that end, but with the admonition that

71. Thomas to Smith, 8/31/74, C. I. A., *Annual Report*, 1874, p. 310-311. Shaw to Smith, 9/1/75, *Ibid.*, 1875, p. 334-35. Shaw to Smith, 11/30/74, S1134/75. B. I. C., *Annual Report*, 1875, p. 96. And see LB 120, p. 343. Smith to Delano, 12/16/74, RB 25, p. 259.

72. Clum to W. H. Hart, 9/7/74, LB 120, p. 128.

73. New Mexico, *Executive Records*, 1867-1882, p. 227.

74. Dudley to Smith, 6/30/74, C. I. A., *Annual Report*, 1874, p. 301-302. See also T405/74.

"In view of the many disappointments which Cochise has experienced in his dealings with white men, it is very important that there should be strict observance of this caution;" namely, that no definite promises should be made until the Ojo Caliente site was finally approved.⁷⁵

In the spring of 1876, the era of peace approached an end due to two factors, the financial failure of the government to provide for the Indians at Ojo Caliente, and the final decision to remove the Cochise band to the San Carlos Reservation in Arizona. Shaw was instructed in February to contract for no more beef for rations and to discharge the agency employees at the close of the fiscal quarter. The agent immediately protested, and justly so, that his charges would return to their old life if not fed. In April he wrote: "My Indians are distressing me with their cries of want and suffering for food; what shall I do to prevent an outbreak among them."⁷⁶ A question that did not receive an immediate reply: "What I can do I do not know, I hear nothing from my strong appeals for assistance and instruction."⁷⁷

The Indians remained hopeful for about a month that full rations would again be issued, then they began to leave the reservation. Also, at this time, April, the Chiricahua Indians were moving northward to locate at Cañada Alamosa, refusing to accept the decision to remove them to the San Carlos reservation. In the face of this crisis the district commander, Hatch, and Inspector Kemble of the Indian bureau started for Cañada Alamosa to handle the situation. Troops were concentrated more rapidly than usual due to the introduction of the telegraph and it was planned to intercept the old Cochise group before they reached their destination.

75. Smith to Dudley, 5/15/74, LB 118, p. 43.

These instructions were soon after revoked, but the idea was not abandoned. LB 116, p. 461.

76. Shaw to Smith, 4/15/74, S330 76. Shaw to Elkins, 3/29/76, E45/76. Shaw to Smith, 3/29/76, S270/76, and 4/6/76, S335/76.

77. Shaw to Smith, 4/17/76, S337/76.

Hatch arrived at the reservation on the 20th and found conditions conformed to Shaw's warnings. The Indians that had not left were armed and in a defiant mood. No beef had been issued for four weeks and they considered that relying on their own efforts for subsistence was preferable to starving under governmental supervision. Both the military authorities and Kemble authorized the purchase of beef to keep them under control and the Indians postponed their departure for the time being. But as a more permanent solution of the difficulties, a new proposal was advanced by Hatch; namely, that they should be disarmed and dismounted to make impossible any return to their former nomadic existence, forced to work, and kept under a close surveillance by a daily count and issue of rations. There was little game left to hunt so that they had no real need of firearms or horses. The idea was not carried out at the time and the logical corollary to such measures, scouting parties to drive in the deserters, was postponed temporarily. The officials were still fearful that strong arm measures might result in a general exodus to Mexico.⁷⁸

With matters at Cañada Alamosa temporarily straightened out, the plan to prevent the southern group from coming to the reservation was not accomplished. Those Indians drifted in gradually during June and July to the number of 135. Shaw was confident that he could manage them although they showed signs of not having been subject to much restraint by their former agent. In the face of a *fait accompli* the Washington officials decided to let them remain, having had apparently no conclusive reason for ordering them sent to San Carlos in the first place.⁷⁹

During the summer and early fall conditions were not settled. Supplies were uncertain, and when rations were issued they were apt to be transferred illegally to the post trader. Scouting parties were in the field and the military

78. Hatch to Pope, 4/16/76, W569/76. Sheridan to Townsend, 4/25/76, W499/76. Shaw to Smith, 5/8/76, S397/76. Hatch to A. A. G., 5/20/76, W703/76.

79. See S486/76, S530/76, S574/76, S594/76, I689/76, and RB 28, p. 277.

were tempted to invade the reservation when on a hot pursuit; a possibility that actually happened in September. The more lawless element in this frontier region considered the Indians legitimate prey and at least once raided their stock. And again the agent was changed; Shaw resigned in June and his successor, James Davis, assumed charge in October.⁸⁰

The new agent soon found his hands full. The corn issue was discontinued to prevent the manufacture of *tizwin*, and beef was issued in chunks rather than on the hoof to prevent sale. In order to make possible the orderly issue of rations and to count the recipients he requested a company of soldiers for the reservation, also recommending that the Indians be disarmed and dismounted. The military were willing to afford all necessary protection, and heartily favored the disarming policy, but declined to station so many troops at Ojo Caliente; all available forces were needed for scouting, and stationing troops close to Indians had always been a source of evil.⁸¹ However, the former plan was being revived for the disposal of these Indians: they were now to be removed to the San Carlos reservation.⁸²

Agent Clum of the Arizona reservation was given discretionary powers in April, 1877, to carry out the new program. Accordingly, on May 1, the whole group, to the number of 453, started on their pilgrimage under the close supervision of troops and Indian police from San Carlos.⁸³ But "They might as well attempt to whistle down the wind as to keep mounted and armed Indians on a reservation"⁸⁴ against their will, or even unarmed Indians, for a majority

80. D659/76, S717/76, S752/76, S838/76, S587/76, D44/77.

81. Davis to Smith, 12/2/76, D639/76. Hatch to A. A. G., 1/10/77, W142/77. Davis, Report, 45 Cong. 2 sess. Hse Ex. Doc. 1, VIII, 558 (1800).

82. "The whole Indian trouble follows naturally from the vacillating course pursued by high Indian officials, and the fraud notoriously practised by the under representatives of the Indian ring." *Silver City Herald*, in *Weekly New Mexican*, 10/2/77.

83. Smith to Clum, 4/17/77, LB 136, p. 77-78. Clum to commissioner, 9/18/77, 45 Cong. 2 sess. Hse. Ex. Doc. 1, VIII, 430 (1800).

84. Governor Axtell, in New Mexico, *Executive Records*, 1867-1882, p. 324.

of Clum's new charges proceeded to desert on the grounds that being unarmed they were abused by the other Indians there. Whatever the motive, they left and wandered over the Navaho reservation seeking a haven and the military took them in charge as undesirable prisoners of war.⁸⁵

An army escort took them back to Ojo Caliente in November, there to remain until further plans could be made for their disposal. They were forced to surrender their ponies and submit to a daily count when rations were issued. In February, the commission of Indian affairs recommended that they be removed to Fort Sill, Indian Territory, because of the high cost of beef and the general expense of maintaining the agency. The military vigorously opposed this plan on the ground of the inadvisability of mixing too many different Indians on one reservation, the old Steck point of view. While this conflict of opinion was being resolved, the army grew tired of the responsibility of caring for the savages and insisted that the Indian bureau take them over. Sheridan even threatened to turn them loose if action was not taken. Consequently, in the summer of 1878, the war department was requested to turn them over to the agent and provide a small escort for a second removal to the San Carlos reservation.⁸⁶

The final decision to remove them to San Carlos again met with an obstinate refusal, particularly from those who followed Victorio. They fled to the mountains and the military were sent after them in full force. Under pressure from their pursuers some of the fugitives sought peace and protection at Fort Stanton and in the summer of 1879 Victorio and his followers did the same. The civil agencies also

85. W. Whitney to Hayt, 11/30/77, S1465/77. Captain Horace Jewett to A. A. G., 10/11/77, W1097/77.

"The Apaches in Southern New Mexico are precisely what they always have been, and in my opinion, always will be, squalid, idle vagabonds, utterly worthless and hopeless." John Pope, *Report*, 9/15/77, 45 Cong. 2 sess. Hse. Ex. Doc. 1, II, 61 (1794).

86. Whitney to commissioner, 11/10/77, S1325/77. Hatch to A. A. G., 11/21/77, W1238/77. Hayt to secretary of interior, 2/2/78, RB 30, p. 97; and 7/23/78, RB 31, p. 84; 2/4/78, RB 30, p. 102. Schurz to secretary of war, 7/18/78, I1234/78. See also W332/78, W463/78.

swung into action and Victorio was indicted in Grant county on three counts, a judicial move that was a factor in leading him to again take to the hills. But there was no let up on the part of the military to force them all onto a reservation, and the end was soon drawing near for the southern Apache as far as the territory of New Mexico was concerned. One last bid was made by them for a peaceful solution to the disagreement over their permanent location, but the bureau of Indian affairs rejected it: "It is desired that the military authorities should dispose of them without interference from us." The Indians would probably have accepted a reservation at Ojo Caliente, but San Carlos never. In desperation they sought safety in Mexico, in the fall of 1880, but the army there was on the alert and just as hostile as the Americans. On October 14, the Indians were surrounded in the Castillo mountains and nearly wiped out.⁸⁷

The struggle was a costly one. "During Victorio's Indian raidings over 300 lives of our citizens were sacrificed, and horrors untold, perpetrated upon helpless women and children, millions of property destroyed, business paralyzed and immigration retarded . . . this is no tale of fancy . . . it is all true."⁸⁸ The final roundup of the Gila was yet to be accomplished, but their home was not to be in New Mexico.

CONCLUSION

The reservation policy, first applied in New Mexico with the abortive attempt made by Steck to locate the southern Apache at Lucia Springs in 1860, was carried to completion about 1880. Despite sundry attempts to move the nomadic Indians in New Mexico to reservations distant from their native haunts, the government policy failed, and the Indians now live in their traditional homeland: the Navaho were located in northwestern New Mexico and northeastern

87. Brooks to Russell, 3/1/80, LB 154, p. 308. Russell to commissioner, 10/18/79, R771/79. Andrew Kelley to secretary of interior, 1/20/80, K135/80. Pope to Sherman, 3/25/80, W625 80. Joaquin Terrasas to Buell, October, 1880, W2360/80.

88. W. G. Ritch to S. J. Kirkwood, 8/22/81, ?

Arizona, the southern Ute in southwestern Colorado, the Jicarilla Apache in northcentral New Mexico, and the Mescalero Apache in southcentral New Mexico. The Gila Apache were eventually located in Arizona.

The reservation policy was adopted with the idea that segregation of the Indians from the white man was essential for their preservation, and that the occupation of the Indian country by the miner and settler was inevitable. The advance of the mining frontier was especially apparent in the case of the Capote and Wiminuche Ute, and the Gila Apache. The settler was the prime factor in regard to the removal of the Jicarilla Apache and Moache Ute, and to a lesser extent in the roundup of the Mescaleros. The basic cause for the drastic treatment of the Navaho is to be found in the generations of chronic depredations on the settlements in the Rio Grande valley. The interest of the miner and farmer in the Navaho country was prospective, rather than actual, and played little part in the final disposal of those Indians.

The gradual carrying out of the reservation policy was marred by a confusion of interests and motives. The government plans were based on the instinct of the humanitarian and marked by the callousness of the realist. Some men in positions of responsibility had a genuine interest in the welfare of the Indian, and looked toward his eventual civilization; others, motivated by the practice of the spoils system in American politics, profited from their position to the fullest possible measure; the settlers were usually content to be free from the annoying proximity of the Indian, since inadequate government supplies and a diminishing supply of game made the nomad seek support from the wealth of his white neighbors.

The government machinery for dealing with the Indians was faulty to an extreme, and creaked and groaned with discordant notes produced by lack of harmony between the departments and the knavery of some of the agents. A division of responsibility between departments was adhered to in theory throughout the period of two decades. On this

basis the military were supposed to deal with hostile Indians and the Indian bureau with peaceful Indians. In actual practice the military were in complete charge for a short time during the Civil War, and until November 1, 1867, in the case of the Navaho. This was an unwanted responsibility, although there were some who favored turning the whole of the Indian management over to the military. The period of army control was ushered in with the determination to solve the Indian problem once and for all, and was continued for several years, due to the failure of the civil department to assume charge at the Bosque Redondo.

The process of turning the nomad into a settled farmer was made more difficult, and resulted in some unnecessary suffering on the part of the Indian, on account of the spoils system, and the weakness for speculation which was prominent in the post-Civil War period. The sums of money appropriated by congress were not very generous, and their remedial effects were considerably lessened by the dishonesty of officials and the unscrupulousness of traders. Inferior and unnecessary articles were often purchased, and perhaps as often traded off for a drink of whiskey. The exact difference between the amount appropriated and the value of the goods actually consumed or utilized by the Indians is not known, but in view of the chronic complaint about starving, naked, and drunken Indians, the margin must have been very wide.

The peace policy of President Grant was based on a worthy motive, but it produced little tangible results in New Mexico. The appointment of agents on the recommendations of the various church denominations did not immediately raise those officials above the suspicion of abusing their trusts. Nor did the economic and moral status of the Indian show much improvement in the 1870s.

The outstanding event in Indian management in New Mexico was the Bosque Redondo experiment. The transplanting of about 8,000 souls, from one environment to another, was an herculean task and, if successful, would have

given the history of New Mexico a different turn. About 45,000 Indians, as the Navaho number today, would have made considerable inroad into the Pecos valley territory now occupied by farmers and cattle raisers with Democratic party tenets struggling for control of the state government, in opposition to the more Republican minded people in the Rio Grande valley. And the experiment might have succeeded, if the superintendent of Indian affairs had not already formulated set plans for the establishment of the Apache on the Pecos river. The unfortunate controversy between Carleton and Steck was the first major obstacle to success, because it sowed the seed of doubt as to whether the project should be continued or abandoned, which prevented whole hearted support by the government.

The motive of Carleton in removing the Navaho to the banks of the Pecos was worthy, but the plan had a basic weakness. It did not take into consideration the inherent difficulty, or almost impossibility, of changing the character of a people overnight. The plan to transform the Navaho into farmers, and settle them in villages after the manner of the Pueblo Indians, ignored too much their traditional economy and habits. Although they cultivated the soil to a limited extent, they were and have remained a pastoral people. More attention to restoring their flocks of sheep, and greater utilization of their native abilities in making clothing, would have greatly eased the pain of transplantation, because material prosperity brings contentment.

The application of the reservation policy to the nomadic Indians in New Mexico, was marked by the same confusion of good intentions and harshness of treatment that has characterized the policy of the whites toward the Indians throughout the history of the United States. This was fundamentally due to the fact that an aggressive, expanding nation of civilized people, seeking a new homeland, came into contact with a primitive people who claimed ownership of a territory of great natural wealth. The wide differences in customs, manners, and temperament that existed between

the two groups, made a peaceful adjustment of their respective interests impossible in all instances. The stronger naturally overwhelmed the weaker, and, unfortunately, justice was not always rendered in the process.

(The End)