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ON THE NAVAHO TRAIL: THE CAMPAIGN OF 1860-61

By MAX L. HEYMAN, JR.*

FROM May to July of 1860, two and a half regiments of the United States Army moved from the Department of Utah into the Department of New Mexico.¹ The reason for their transfer is to be found in the Report of the Secretary of War for 1860: "In New Mexico, the outrages and depredations of the Indians have been very daring and numerous, and nearly the whole territory may be said to have been infested by them throughout the season." To chastise the red man, then, "in an exemplary manner," was the duty for which the troops were called into the Territory. And the particular object of their endeavors was to be "the numerous and powerful tribe of Navajoes."²

Trouble between the Navaho Indians and the Spanish-speaking population of New Mexico stretched back to the beginning of the eighteenth century.³ In the twelve years immediately preceding the American conquest of the Territory, Navaho incursions had been extremely severe.⁴ In the twelve years since that time, the warriors of the Navaho Nation had caused more trouble to the citizens of New Mexico than any other Indian tribe.⁵

During these years, a desultory warfare was carried on. The Navaho raided the camps and settlements of the Territory for the purpose of stealing stock. Mexican women and

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1. The 5th and 7th Infantry Regiments, three companies of the 10th Infantry, and two companies of the 2d Dragoons. See General Orders No. 10, April 16, 1860, Department of Utah, *General Orders and Special Orders*, 1860. This material and the Adjutant General's Office and Department of New Mexico items hereinafter referred to are to be found in the War Records Division of the National Archives in Washington, D. C. Also see Colonel T. T. Fauntleroy to Colonel L. Thomas, A. A. G., Headquarters of the Army, August 5, 1860, in the Report of the Secretary of War in *Senate Exec. Doc. No. 1*, 36th Cong., 2d sess., II, 60.

2. *Senate Exec. Doc. No. 1*, 36th Cong., 2d sess., II, 3.

3. Hubert Howe Bancroft, *Arizona and New Mexico* (San Francisco, 1889), 222-223.

4. Frank D. Reeve, "The Government and the Navaho, 1846-1858," *New Mexico Historical Review*, XIV (January, 1939), 82-83.

5. Bancroft, *op. cit.*, 673.

children captured on these forays were enslaved or sold to distant tribes. Only incidentally, however, did the Navaho kill during these assaults. On the other hand, when Mexican elements wished to enrich themselves in flocks and herds, they made inroads upon the Navaho. Captives were likewise enslaved⁶ and, by 1861, it was estimated that the residents of New Mexico held over 1,500 of these people in bondage. Even the governor of the Territory was said to own Navaho slaves.⁷

No doubt, many of the depredations blamed on the Navaho were not of their doing. But more were, and numerous punitive expeditions, public and private (the latter is how New Mexicans often gained materially), were sent against them. In 1858, a nominal peace existed. Yet, only a minor incident was needed to rupture it. Such an incident occurred. Thenceforth, except for the quiet winter of 1858-59, the Navahos raided at will.⁸

Continued successful forays, even within sight of the capital of the Territory, gave these warriors such confidence in their bravery and prowess that, on April 30, 1860, they became so bold as to attack Fort Defiance—a garrisoned military post.⁹ It was this imprudent action on the part of a Navaho war party that provoked the Secretary of War into ordering that drastic steps be taken to quell the tribe.¹⁰

At Fort Garland,¹¹ late in August, Major Edward R. S. Canby, Brevet Lieutenant Colonel, Tenth Infantry,¹² received a letter from Captain D. H. Maury, Assistant Adju-

6. Frank D. Reeve, "The Federal Indian Policy in New Mexico, 1858-1880," *New Mexico Historical Review*, XII (July, 1937), 221.

7. Oscar H. Lipps, *The Navajos* (Cedar Rapids, 1909), 54-55.

8. Reeve, "The Federal Indian Policy in New Mexico," *loc. cit.*, 223 *et seq.*

9. For the report of the attack, see *Senate Exec. Doc. No. 1*, 36th Cong., 2d sess., II, 52-56.

10. Major W. A. Nichols, A. A. G., to Colonel T. T. Fauntleroy, July 14, 1860, *ibid.*, 60.

11. At this time Fort Garland was in the Territory of New Mexico. At present, and since the Colorado Territory was formed, it is located in south-central Colorado.

12. In 1860, Canby was forty-three years old. He had graduated from West Point in 1839, after which he served in the Florida War until 1842. On frontier service along the Great Lakes from 1842-1846, he participated in the Mexican War as assistant adjutant general, emerging with two brevet. He served in California from 1849-1851, took part in the "Mormon War" of 1857-1858, and commanded Fort Bridger, 1858-1860, before coming to New Mexico. Following his service in the Navaho campaign, he commanded the Department of New Mexico, 1861-1862, during the Confederate In-

tant General, in Santa Fe. Part of its contents read as follows:

The Department Commander directs me to say that he has decided to commence active operations against the Navajos at once, and he wishes you to conduct them. . . . in carrying out these operations he desires to entrust the greatest possible discretion to you . . . he has selected you for this duty accordingly.¹³

Thus was Lieutenant Colonel Canby notified of his assignment to command the Navaho Expedition.

The campaign was planned to last six weeks in October and November. The troops, in three columns, were to converge on Fort Defiance from their stations in different sections of the Territory and, from that rendezvous, were to invade the heart of the Navaho country and punish those "audacious predatory hordes."¹⁴ The Superintendent of Indian Affairs, although he usually frowned on the use of one tribe in fighting another, consented to the employment of the Pueblo and Ute Indians as spies and guides for the military in this expedition against the "common scourge."¹⁵

Canby marched for Fort Defiance on September 10.¹⁶ Under orders to "seize and destroy the crops" in all the Navaho planting grounds that his column might come upon,¹⁷ he led the troops southwestward via Abiquiú and Cañon Largo.¹⁸ The command didn't reach Fort Defiance, where the

vasion of the Territory. He was one of those administrative generals (he ultimately became a brigadier general in the regular army) whose light has been hidden by the more dashing of their brethren-in-arms. He was what might be considered a military assistant secretary of war from 1862-1864. He commanded the Military Division of West Mississippi, 1864-1865, and was military governor in three of the southern districts during Reconstruction. He was killed in northern California by the Modoc Indians in April, 1873. A sketch of his life may be found in the *Dictionary of American Biography*. N. B.: The author of this article now has in preparation a biography of Canby.

13. Maury to Canby, Department of New Mexico, Letters Sent, X, 455, No. 187. (Department of New Mexico will hereinafter be cited as Dept. of N. M. and *Letters Sent*, *LS*.)

14. *Ibid.* Also see Fauntleroy to Thomas, August 26, 1860, *Senate Exec. Doc. No. 1*, 36th Cong., 2d sess., II, 63.

15. J. L. Collins to Maury, September 5, 1860, Dept. of N. M. *Letters Received*, C30a, 1860. (*Letters Received* hereinafter cited as *LR*.)

16. With three officers and 115 enlisted men. Canby to A. A. G., September 9, 1860, *ibid.*, C32a, 1860.

17. Fauntleroy to Thomas, September 9, 1860, *Senate Exec. Doc. No. 1*, 36th Cong., 2d sess., II, 64.

18. Canby to A. A. G., September 19, 1860, Dept. of N. M., *LR*, C34a, 1860.

other columns were anxiously awaiting its arrival,¹⁹ until October 4—three days later than Colonel T. T. Fauntleroy, the department commander, had anticipated.²⁰

But Canby had expected to be late, and had therefore requested that the commanders of the other detachments have their reports and returns ready so that there would be no unnecessary delay in organizing the troops once he did arrive.²¹ Yet, in spite of this and other attempts to foresee any possible contingencies that might retard the prompt initiation of the operations,²² considerable delay was experienced in outfitting and supplying the fifteen companies assigned to the command.²³

Canby was able to put two detachments of 270 men each into the field by October 11. A third, smaller, division followed them on the thirteenth. In converging on Fort Defiance, the troops had driven the Navaho from their haunts in the Chusca and Tunicha Mountains westward toward the Sierra Limita, beyond which it was understood they could not go.²⁴ In that direction, then, the columns were pointed. Canby expected to corner the Navaho there and "inflict punishment . . . signal in its results and lasting in its effects."

Disturbing, however, was the fact that a want of adequate supplies further restricted the time allotted to the operations. Canby expressed the feeling that it would be unfortunate if the stores were exhausted before he attained the ends desired, or the failure of his plan was fully demonstrated. He hoped that an additional force and more transportation and subsistence would soon be forthcoming, so that he could increase the size of the third section and thus extend the scope of the operations. As it was, there was

19. Major H. H. Sibley to Maury, September 29, 1860, *ibid.*

20. See Maury to Canby, Dept. of N. M., *LS*, X, 455, No. 187.

21. Canby to A. A. G., September 6, 1860, Dept. of N. M., *LR*, C31, 1860.

22. See *id.* to *id.*, September 9, 1860, *ibid.*, C32a, 1860, requesting clothing for the troops and equipment for the animals.

23. There were six companies of cavalry and nine of infantry, and fifty scouts. See Fauntleroy to Thomas, September 9, 1860, *Senate Exec. Doc. No. 1*, 36th Cong., 2d sess., II, 63.

24. Canby to A. A. G., October 4, 1860, Dept. of N. M., *LR*, C39, 1860.

equipment available for but two companies of the third division, and bacon rations for only ten days.²⁵

Leaving Captain Lafayette McLaws to command the rear echelon and the dwarfed third detachment, Canby headed the First Column as it took the field.²⁶ Leading his men along the north side of the Cañon de Chelle, he was joined by the Second Column, coming up from the south, on October 19. The Third Column, meanwhile, acted as a holding force to prevent the escape to the southeast of any Navaho who managed to elude the maneuvers of the other two divisions. The Ute allies scoured the country between the sections,²⁷ and succeeded in capturing fifty or sixty horses and about 300 sheep. But when they failed to meet the troops at the mouth of the cañon, Canby wryly observed, "I apprehend that they are satisfied and have gone home."²⁸

Now commanding the united forces, the lieutenant colonel employed his cavalry to reconnoiter the country in the neighborhood of the Mesa de la Vaca. Finding it impossible to penetrate the mesa, he reluctantly abandoned that course.²⁹ The route taken on the next phase of the patrol traversed a picturesque region of red sand-stone formations. But the scenery offered little compensation, because the trail was heavy and very distressing to the animals. On one day, the column covered twenty-one miles, during which the mounts began to "yield sadly."³⁰ One result of these initial operations was to render the horses entirely unserviceable for the rest of the campaign.³¹ Yet, it was not the demands that Canby placed upon the cavalry that completely unfitted it for further action.

25. *Id. to id.*, October 12, 1860, *ibid.*, C41, 1860.

26. Actually, he remained behind one day, and caught up with it at Palo Negro. *Ibid.* Also see Lt. O. G. Wagner, A. A. A. G., to Captain Lafayette McLaws, October 11, 1860, *ibid.*, W33, 1860.

27. Canby to A. A. A. G., November 8, 1860, *ibid.*, C49, 1860. Also see Maury to Fauntleroy, October 20, 1860, Dept. of N. M., *LS*, X, 489, No. 269.

28. Canby to A. A. G., October 19, 1860, Dept. of N. M., *LR*, Enclosure in C49, 1860.

29. *Id. to id.*, November 8, 1860, *ibid.*, C49, 1860.

30. Sibley to Wagner, November 12, 1860, *ibid.*, Enclosure in C53, 1860.

31. See *id. to id.*, November 8, 1860, Adjutant General's Office, *LR*, Enclosure in 124 New Mexico Department, 1860. (Adjutant General's Office hereinafter cited as A. G. O.)

Due to an unprecedented drought, this was the second year of famine in New Mexico.³² At only four camps during the scout were the essential requisites of water and grass combined in sufficient amounts to improve the animals. Many places where the guides had assured him that there was water, Canby found none. The animals were forced to do without, or had to drink the saline, "bitter" waters of the desert. Its consumption often proved fatal, even to horses in apparently fine condition.³³

Canby surmised that the lack of water would force the Navaho to bring their stock to one of the few permanent springs. He therefore moved the command so as to block off the avenues of approach to water—but to no avail.³⁴

Failing in this attempt to trap the Navaho, another reconnaissance was ordered. It revealed that many of the quarry, with "immense" herds and flocks, were fleeing South and West in the direction of the Moqui villages and the Little Colorado.³⁵ But, at the same time, the actions of other members of the tribe were quite provoking, especially to Brevet Major H. H. Sibley, Canby's second-in-command. These Navaho displayed "a persistent determination" to hang on the skirts of the moving column in small parties. They were "very numerous and bold, coming in sight of the troops in large numbers on the high mesas [above] the route [of march]." ³⁶ They annoyed the column "in every way consistent with their individual safety," yet they were not disposed to fight. And that exasperated Sibley. With the military advantages all in their favor, the major was "forcibly struck" by "the futile efforts of this cowardly tribe" to inflict any real damage on the troops.³⁷ From a psychological

32. J. L. Donaldson, A. Q. M., to Fauntleroy, November 13, 1860, *ibid.*, N119, 1860.

33. See Canby's endorsement on Sibley to Wagner, November 8, 1860, *ibid.*, 124 New Mexico Department, 1860.

34. See Sibley to Lt. L. L. Rich, November 12, 1860, Dept. of N. M., *LR*, Enclosure in C53, 1860.

35. Canby to A. A. G., November 8, 1860, *ibid.*, C49, 1860.

36. Colonel C. Carson to Captain Benj. C. Cutler, A. A. G., August 31, 1863, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1880-1901), Series I, vol. XXVI, pt. i, 251. (Hereinafter cited as *OR* and all references will be to Series I.)

37. Sibley to Rich, November 12, 1860, Dept. of N. M., *LR*, Enclosure in C53, 1860.

standpoint, though, they seemed to be doing a pretty good job, particularly in so far as Major Sibley was concerned.

After nearly a month in the field, Canby returned to Fort Defiance. The "almost total destitution" of water and grass had limited the operations considerably. The results were not decisive. Twenty-eight Indians had been killed by the troops, 360 horses and 2,000 sheep taken. In addition, the Utes had killed six Navaho, captured 600 horses and 5,000 sheep.³⁸ This seemingly poor showing notwithstanding, the military had succeeded in forcing the Navaho from their homes and grazing grounds into "the most desolate and repulsive country" that Canby had ever seen. And there, great numbers of their horses and sheep were reputed to be dying of hunger and thirst.³⁹

During the course of the operations, various elements of the Navaho tribe made overtures for peace. To these representations, Canby responded. There was to be no cessation of hostilities until the whole Nation willingly submitted, "in good faith," to any terms which the United States might impose upon it. Though the petitioners protested their past and present friendship, declared themselves opposed to the war, and claimed that the *ladrones*, or bad men, of their Nation were the cause of all the trouble, Canby remained adamant. He replied that the Nation was responsible for the action of all its men, and that until it brought the *ladrones* under control, or eliminated them, or helped the troops to do so, he refused to listen to their pleas.⁴⁰ His stand, moreover, was in full accord with the position taken almost simultaneously by the department commander.⁴¹ No immediate renewal of the overtures followed these pronouncements, but, shortly thereafter, Canby learned that a collision had occurred between the Navaho war and peace factions, in which blood had been spilled over this issue.⁴²

At this juncture, Colonel Fauntleroy authorized Canby to take any steps that might be deemed necessary if the prose-

38. Canby to A. A. G., November 17, 1860, *ibid.*, C53, 1860.

39. *Id.* to *id.*, November 8, 1860, *ibid.*, C49, 1860.

40. *Id.* to *id.*, November 10, 1860, *ibid.*, C50, 1860.

41. Maury to Canby, November 11, 1860, Dept. of N. M., *LS*, X, 495, No. 283.

42. Canby to A. A. G., November 10, 1860, Dept. of N. M., *LR*, C50, 1860.

cution of winter operations was thought advisable. And he forthwith offered to place four more companies under the lieutenant colonel's command for that purpose.⁴³ In reply to his superior's communication, Canby presented his views on the situation at hand.

He had been seriously considering the possibility of winter operations ever since the start of the campaign. Canby stated that from the beginning he had known that the Navaho policy was not to fight, and he was convinced that they would not fight unless driven to points from which there was no escape or unless forced to do so in defense of their families and flocks. But the recent operations disillusioned him. Even when the Navaho were pursued to the extreme limits of their domains, the nature of the country still permitted them to escape. He also discovered that they were willing to abandon family and precious livestock rather than engage the troops in whatever numbers. "Inhabiting a country of considerable extent; greatly diversified in features and climate; destitute of resources and impracticable for military operations to an extent that can only be realized from personal observation," Canby was certain that the subjugation of the Navaho could not be accomplished in one, or two, or, for that matter, three campaigns. He believed that the work of a "continued and persistent" war, in summer and winter, was required to turn the trick.

As the war party was now the dominant element in the Navaho Nation, Canby maintained that no permanent peace could be expected until they were ousted from power.

Deriving their subsistence to a great extent from the robberies they commit, having little to lose and much to gain by the continuation of the war, it will undoubtedly be protracted by them so long as they can wield the power which they now possess of intimidating and controlling the wealthier and less warlike part of the Nation.

He realized the futility of trying to discriminate between the two, unless, that is, the "peaceable and well-disposed" Navaho coöperated with the troops. This division of the Nation, however, could not be brought about, Canby was

43. Maury to Canby, November 11, 1860, Dept. of N. M., *LS*, X, 495, No. 283.

persuaded, until the more well-to-do elements of the tribe were made to suffer greater injuries than they had thus far sustained. "Any peace that may be made before this result is attained would be a farce," he declared.

He therefore decided to direct his subsequent operations against that class in an effort to "obtain a final settlement of this question." To effect his policy of divide and conquer, Canby proposed to occupy certain strategic points in the Navaho country from which he could keep the Navaho in the desert by summer and in the mountains by winter. Hitting at the herds and flocks which constituted their main source of wealth, he hoped to get them to acquiesce.⁴⁴

The decision to continue the campaign during the winter was just what the War Department ordered—in a directive received by Canby early the next month.⁴⁵ From mid-November until March, patrols were constantly in the field, ferreting out the Navaho and harassing them with relentless pursuit. Moving with as much secrecy as possible, they scouted around the circle for the foe.⁴⁶ Often, they encountered him not at all. But, in covering a wide expanse of territory, they at least examined areas heretofore unexplored. Where major Indian signs were found, as in the case along the Puerco, Canby established temporary supply depôts in the vicinity in order to save the troops time and enable them to move without the encumbrance of transportation.⁴⁷ Navaho parties which were surprised were attacked with the utmost vigor. No warriors were taken, but, by Canby's orders, all women and children captured were immediately released with instructions to inform their people that there would be no let-up in the operations until "the *whole* Nation" asked for peace.⁴⁸

44. Canby to A. A. G., November 12, 1860, Dept. of N. M., *LR*, C54, 1860.

45. See Maury to Canby, November 30, 1860, Dept. of N. M., *LS*, X, 508, No. 314.

46. See Canby to A. A. G., November 16, December 11, 1860, January 6, 14, and 23, and March 18, 1861, Dept. of N. M., *LR*, C52, C57, 1860, C11, C17, and Enclosure in C34, and Enclosures in C42, 1861, respectively.

47. *Id.* to *id.*, December 11 and 24, 1860, *ibid.*, C57, 1860 and C2, 1861, respectively.

48. See Maury to Fauntleroy, October 20, 1860, Dept. of N. M., *LS*, X, 489, No. 269.

While the results of any one of the patrols was relatively unimportant,⁴⁹ in totality their achievements were material.⁵⁰ Canby learned from captive Navaho that the Nation was "greatly perplexed and harassed" by the tactics employed. They lived in constant dread of surprise and, consequently, kept steadily on the move. Rarely did they spend more than two nights in the same camp. They had lost a great deal of stock by capture and from forced abandonment in their hasty flights.⁵¹ By February, a large number of them were "reduced to the verge of starvation."⁵²

Usually the saying, "As well might we send boys into a cornfield to catch marauding crows . . . as to start foot-soldiers in pursuit of Indians," was true.⁵³ But the equalizing effects of snow and cold weather, sometimes down to 16° below,⁵⁴ contradicted, in part, the generalization that "Infantry in the Indian country . . . are about the same use as so many stumps."⁵⁵

In his reports to the department commander, Canby commended the troops for their zeal and exertions,⁵⁶ and, in turn, Colonel Fauntleroy bolstered the expedition's morale with words of praise for its efforts.⁵⁷ Moreover, the colonel also called the attention of the General-in-chief to his subordinate's energetic and able conduct of the campaign.⁵⁸ The governor of the Territory, in his December message to the legislature, announced that he was informed that the operations were being executed by "Colonel Canby . . . with a vigor and success as honorable to himself as to the valiant

49. Fauntleroy to Thomas, January 31, 1861, A. G. O., *LR*, 31 New Mexico Department, 1861. Also see Canby to A. A. G., January 6, 1861, Dept. of N. M., *LR*, C11, 1861.

50. Canby to A. A. G., January 23, 1861, Dept. of N. M., *LR*, C34, 1861.

51. *Id.* to *id.*, January 6, 1861, *ibid.*, C11, 1861.

52. *Id.* to *id.*, January 23, 1861, *ibid.*, C34, 1861.

53. Quoted from the *Daily Missouri Republican* in A. B. Bender, "The Soldier in the Far West," *Pacific Historical Review*, VIII (June, 1939), 161. 1848-1860.

54. Canby to A. A. G., January 6 and 23, 1861, Dept. of N. M., *LR*, C11 and C34, 1861, respectively.

55. Bender, "The Soldier in the Far West," *loc. cit.*, 162.

56. See, for example, Canby to A. A. G., January 6, 1861, Dept. of N. M., *LR*, C11, 1861.

57. Maury to Canby, November 30, 1860, Dept. of N. M., *LS*, X, 508, No. 314.

58. Fauntleroy to Thomas, January 12, 1861, *ibid.*, 539, No. 22.

troops under his command.”⁵⁹ All this was deeply gratifying to Canby.⁶⁰

During December, frequent overtures for a cessation of hostilities were made. Canby began to hope that most of the tribe would accede to the conditions which he had specified as a necessary preliminary to peace. With their assistance, the troops could then establish the identity and punish the bands to which the rest of the Nation charged the responsibility for all the robberies and killings that had occurred. This policy seemed to him to afford the surest way of effecting a speedy and permanent peace with the Navaho people.⁶¹

On December 23, Canby advised the department commander that he had named the twelfth of January as the day for a meeting with the Navaho chiefs. “I have consented to this appointment,” he explained, “from a conviction, that there is now a strong disposition on the part of the Navajos to submit to such conditions as will put an end to the War. . . .” He did not expect immediate peace to result from the conference, “but the discussion of the question in the Nation,” would, he believed, “test the relative strength of the peace and war parties and force the better class of Navajoes to side with the Troops in the prosecution of the War.” In any event, there was to be no interruption of active operations.⁶²

On the appointed date, a delegation of three, representing the principal chiefs of the Nation, met with Canby at Fort Fauntleroy. The lieutenant colonel repeated the conditions which he had set forth previously and endeavored to impress upon the deputation, “fully and explicitly,” the Nation’s present and future responsibility for the acts of its people. The chiefs expressed their willingness to abide by his demands and affirmed their determination to make war on their bad men at once. They asked, however, that some arrangement be made whereby their families would be safe from molestation by the troops while they were engaged in

59. [Abraham Rencher], *Message of the Governor of New Mexico, 1860*, 17.

60. Canby to A. A. G., December 18, 1860, Dept. of N. M., LR, C5, 1861.

61. *Id.* to *id.*, December 11, 1860, *ibid.*, C57, 1860.

62. *Id.* to *id.*, December 23, 1860, *ibid.*, C1, 1861.

hunting down the *ladrones*. After receiving the delegation's assurances that they thoroughly comprehended the implications of everything to which they agreed, Canby, "upon deliberate consideration," consented to a partial armistice.⁶³

The terms of the truce applied only to the country west of Fort Fauntleroy, and its extension was contingent upon the outcome of the conference which all the chiefs of the Nation were to attend on the fifth of February. The deputation was warned that if the tribe allowed any *ladrones* to take refuge in the areas exempted from operations by the armistice, such conduct would be regarded as a breach of faith.⁶⁴ But although he told the delegation that the conclusion of a treaty depended upon their suppression of the *ladrones*, Canby really didn't believe that they could accomplish the task alone. The outlaw bands, at least two in number and of indeterminate size,⁶⁵ were supposed to be very powerful, being composed of "the most warlike and desperate men of the Nation." He appreciated the fact that "it will hardly be in the power of the peace party to subdue them without . . . assistance." If the coming conference ended favorably, however, he proposed to move against them. And with the help of the friendly chiefs, he had "sanguine hopes of success."⁶⁶

Canby came away from the meeting with the feeling that the Navajo fully recognized the necessity for submission. A "Treaty satisfactory in its terms and in its promise of permanency may now be made," he announced.⁶⁷ Accordingly, he turned his attention to the problem of drafting a treaty.

Owing to the peculiar situation, habits and organization of this Nation [Canby wrote the department commander] it will be extremely difficult to manage the terms and conditions of a Treaty so that its stipulations shall be free from future doubt or cavil. . . .

He had further:

63. *Id. to id.*, January 13, 1861, *ibid.*, C16, 1861.

64. *Id. to id.*, January 14, 1861, *ibid.*, C17, 1861.

65. These were the bands of Armijo Viejo and Gallegos. *Id. to id.*, January 13, 1861, *ibid.*, Enclosure in C34, 1861.

66. *Id. to id.*, January 15, 1861, *ibid.*, C18, 1861.

67. *Id. to id.*, January 13, 1861, *ibid.*, C16, 1861.

to guard against the disturbing elements that will constantly militate against its permanency until a greater degree of isolation from their immediate neighbors can be secured and some material changes effected in their tribal organization and nomadic habits.⁶⁸

On learning that Colonel Fauntleroy would not be able to attend the conference, Canby submitted for that officer's consideration the provisions which, in his judgment, ought to be embraced in the treaty.⁶⁹ These terms the department commander approved, and in the letter conveying his sanction, the department adjutant concluded:

. . . he believes that the best guarantee he can have of the proper adjustment of the difficulties with the Navajos, lies in the untrammelled exercise of your judgment [sic]. To which he confidently entrusts the whole business.⁷⁰

On February 5, the council was held, only to find that most of the chiefs had not yet arrived. Canby refused to permit proxies, and since snow and bad weather had obviously detained many of the chiefs, he postponed the conference until the fifteenth.⁷¹

When that day dawned, twenty-four of the Navaho chiefs were present. The pow-wow commenced. And Canby was ready. During the past month—even more, since December—he had availed himself of every opportunity to become familiar with the character, standing, and influence of each chief with whom he had to deal.⁷² He found out as much as he could about Navaho characteristics, disposition, and habits, and ascertained as nearly as possible their present circumstances and resources. Upon this information, he based his actions in the conference.⁷³

Immediately after it was over, Canby, in a note to Colonel Fauntleroy, pronounced the results of the meeting "satisfactory."⁷⁴ This is what had happened:

68. *Ibid.*

69. *Ibid.*

70. Maury to Canby (Confidential), January 27, 1861, Dept. of N. M., *LS*, X, 540, No. 35.

71. Canby to A. A. G., February 6, 1861, Dept. of N. M., *LR*, C30, 1861.

72. *Id. to id.*, December 27, 1860, *ibid.*, C4, 1861.

73. *Id. to id.*, February 19, 1861, *ibid.*, C32, 1861.

74. *Id. to id.*, February 15, 1861, *ibid.*, C31, 1861.

The chiefs surrendered unconditionally. They accepted the duty of controlling their people and suppressing the *ladrones*, and they promised not to harbor them. They also agreed to confine the movements of their Nation to the area west of Fort Fauntleroy. They elected a head chief, to whom they pledged allegiance, and they delegated twelve of their number to arrange the details of the proposed treaty.

But this affair was not all one-sided. When the combinations of outlaws became too strong for the Navaho chiefs to handle, Canby promised the assistance of the troops. Moreover, he guaranteed to those who conformed to the provisions of the treaty the protection of the government.

A convention was thereupon entered into by Canby and the Navaho chiefs. Another general council was provided for, to meet three months hence. In the interim, Canby was to decide whether the Navaho were able to comply with the conditions imposed upon them. If they were, the treaty was to become final.⁷⁵

At first, Canby had been disposed to exact "the most extensive conditions" from the Navahos, but their "reduced and impoverished" status induced him to limit the requirements to their ability to comply with them. "Justice and policy" dictated such a course. As he later explained to Colonel Fauntleroy:

The stipulations that I have made in their favor have been those only which I consider it proper to make with a view to an absolute and permanent peace. For the same reason I have not exacted from them conditions which it is absolutely impossible for them to fulfil and the subsequent enforcement of which would inevitably lead to the indefinite continuation of hostilities and ultimate extermination of the Nation.⁷⁶

Soon after the meeting, Canby went to Fort Defiance to check up on the behavior of the Navaho living in that neighborhood.⁷⁷ By March 1, he had seen all the important chiefs, thirty-two had signed the treaty, and a twenty day dead-line

75. See *id.* to *id.*, February 18, 1861, and General Orders No. 14, February 19, 1861, Navajo Expedition and a copy of the Treaty in *ibid.*, C32, 1861.

76. *Ibid.*

77. *Ibid.*

had been set for those who hadn't. "I am satisfied with the present disposition of the Navajos," Canby informed the department commander. "Whether this will continue when the immediate pressure is removed must be determined by the future but," he continued, "I am hopeful of the result if they can be secured from outside aggressions."⁷⁸

That problem was "one of the gravest difficulties" that had to be apprehended in maintaining peace with these people.⁷⁹ That is why Canby delimited the area that they were to occupy and suggested that the territorial inhabitants, red and white, be advised of the new state of affairs.⁸⁰

In October, 1860, great numbers of Mexicans had been reported as over-running the Navaho country.⁸¹ Colonel Fauntleroy had informed the General-in-chief, as early as September 9, that the unfortunate relations which rendered necessary active operations was attributable, in part, to the system of retaliatory and predatory incursions persisted in by the citizens of the Territory. He had anticipated "trouble and embarrassment" from the volunteer units which were then being organized and armed "with the avowed purpose of invading the Navajo country. . . ." He foresaw that the officer whom he had chosen to conduct the campaign was likely to be "disconcerted" by their interference.⁸² But notwithstanding his assurances that there were regulars enough to perform the task, the War Department's admonition that their movement "must be discountenanced and prevented," and the Territorial governor's belated and half-hearted efforts to dissuade them, companies of New Mexico volunteers took the field anyway.⁸³

Colonel Fauntleroy was authorized by the Secretary of War to take "efficient but quiet means" to keep these irregulars from the field. No support or assistance was to be given

78. All had to ratify the treaty, see *ibid.* Also *id. to id.*, March 1, 1861, *ibid.* Enclosure in C34, 1861.

79. *Id. to id.*, February 19, 1861, *ibid.*, C32, 1861.

80. *Id. to id.*, March 18, 1861, *ibid.*, C42, 1861. Also see Fauntleroy to Rencher, February 27, 1861, Dept. of N. M., *LS*, X, 558, No. 33.

81. Maury to Fauntleroy, October 20, 1860, Dept. of N. M., *LS*, X, 489, No. 269.

82. Fauntleroy to Thomas, September 9, 1860, A. G. O., *LR*, 92 New Mexico Department, 1860.

83. *Ibid.*; S. Cooper, A. G., to Fauntleroy, October 29, 1860, A. G. O., *LS*, XXXIII, 58; and *House Exec. Doc. No. 24*, 36th Cong., 2d sess., 8 *et seq.*

to them. And when they came to the posts, or in the vicinity of the troops, they were to be deprived of their booty and sent out of the Indian country. Moreover, these measures were to be "executed with decision, but without clamor or harshness. . . ." ⁸⁴ So quietly, or so little, was this injunction carried out that it is not known to what extent the operations were hampered by private action. But starting February 27, 1861, this subject was referred to repeatedly.

A few days before, a party of thirty-one New Mexicans from Taos had arrived at Fort Defiance in a starving condition. They had, some time prior, killed one man and six women and children, while capturing four women. But by their own admission, they had nothing personal against the Navaho. The prisoners were taken from them and returned to their families. "As a matter of humanity," the New Mexicans were issued rations. Thereupon, these rogues, in making their way to Fort Fauntleroy, committed "wanton aggressions" upon property belonging to Navaho who had remained friendly all during the recent campaign. Arriving at the latter post, the New Mexicans obtained provisions to carry them back to the settlements and ten of their number received medical attention from the post surgeon for an illness which unfitted them for travel. Nevertheless, they proclaimed their intention to disregard the treaty and, after reaching home, were determined to organize another expedition to capture Navaho and sell them "over the river." The inhabitants of other towns were said to be similarly resolved. Unfortunately, there was nothing that Canby could do to stop them, for that was in the province of the civil police power.

Two Navaho, who were permitted to go east of Fort Fauntleroy, were openly killed by New Mexicans. On the twenty-fourth, two Navaho scouts in the service of the United States, wearing distinctive markings, were fired upon by a party from Jemez. One was killed and promptly scalped. On March 11, half a hundred New Mexicans rustled forty or fifty horses owned by a band of Navaho who were living fifteen miles within the treaty-defined boundary. On

⁸⁴. Cooper to Fauntleroy, October 29, 1860, A. G. O., *LS*, XXXIII, 58.

the eighteenth of March, the Navaho reported another inroad by the same people, near the northeastern end of the Tunicha Mountains. The people of fifteen rancherias were killed or carried off. And in this instance, the families harmed were those of some chiefs who were at that moment absent recovering stolen property for the government.⁸⁵

More than four hundred soldiers were employed along the line to give protection to this part of the frontier. The Navaho chiefs were doing their utmost to stop the perpetration of depredations on the settlements by members of their tribe.⁸⁶ "It is obvious," Canby declared, "that the best efforts of the troops and the Navaho chiefs will be utterly useless unless this marauding disposition can be restrained."⁸⁷ He confessed that, "It is discouraging to find that the past labors of the troops are likely to be defeated by acts of this character and that we have reason to fear that there is no better prospect for the future."⁸⁸ Somewhat in desperation, the lieutenant colonel asserted that he would not hesitate to treat as enemies of the United States any New Mexicans or Indians who might be found in the country assigned to the Navaho, while the latter were conforming to the conditions of the treaty. But, as this was a matter of general policy, he left it to the department commander to decide.⁸⁹

Early in April, Lieutenant Colonel Canby visited Santa Fe for a few days. While there, he was interviewed by a representative from the *Gazette* and, in discussing the Navaho situation, he expressed the sentiments which had governed his actions to date. Referring to his remarks, the newspaper commented:

It is most sincerely to be hoped that the anticipations of Col. Canby will be fully realized. Should he be able to bring the Navajos to terms and establish permanent peaceable relations between them and the citizens of the Territory, he will be entitled to the greatest credit and will be heartily thanked. . . .⁹⁰

85. Canby to A. A. G., Dept. of N. M., February 27; *ibid.*, March 11, C40; *ibid.*, March 18, C42, 1861.

86. *Id. to id.*, March 11, 1861, *ibid.*, C40, 1861.

87. *Id. to id.*, February 27, 1861, *ibid.*

88. *Id. to id.*, March 11, 1861, *ibid.*, C40, 1861.

89. *Id. to id.*, February 27, 1861, *ibid.*

90. *Santa Fé Weekly Gazette*, April 13, 1861.

But Canby was not to receive the plaudits of the territorial populace. Though the armistice which he had made in February was extended in May, to last for a year, Navaho incursions were soon renewed—and at a time when the department commander's undivided attention was urgently needed elsewhere.

Where then did someone err? What factors were not taken into consideration? Whose fault was it that the efforts of six long months went for naught?

Basically, the Government's policy which regarded tribes as political entities was wrong. In this case, the warriors of the Navaho Nation, some 1,800 in number,⁹¹ had great personal freedom. The office of chieftain was unstable. Ability in war and possession of wealth influenced the choice. The head chief was a war chief, and enjoyed no authority in time of peace.⁹² When Canby, guided presumably by the treaty of December, 1858, made the Navaho elect a figure-head, and called for collective responsibility, he fell into the same error (if it is any compensation) that his immediate predecessor, and many another government officer, had committed.⁹³

The methods employed in bringing the Navaho to terms were not those which a strict adherence to War Department mandate admitted. The Secretary of War, in far-off Washington, had decreed the following general rule:

Both humanity and policy dictate that all efforts should have for their object to inspire them [the Navajos] with fear by a few decisive blows for the destruction of life; and not to impoverish them by wantonly destroying their flocks and herds. The latter course must inevitably convert the whole tribe into robbers, and leave no hope for relief from their depredations except by their extermination. An alternative the Government wishes to avoid.⁹⁴

That would have been the ideal way to conduct the war.

91. *The American Annual Cyclopaedia* . . . [for] 1861 (New York, 1862), 375, gives the population of the tribe as 9,000. Figuring the warriors to be one-fifth the total, the number arrived at is 1,800.

92. Lipps, *op. cit.*, 56-57. Also see Jacob P. Dunn, Jr., *Massacres of the Mountians* . . . (New York, 1886), 254.

93. It is interesting to note the similarities in the treaties of December, 1858, and February, 1861. See Reeve, "Federal Indian Policy in New Mexico," *loc. cit.*, 229-230, for the provisions of the former.

94. Cooper to Fauntleroy, October 29, 1860, A. G. O., LS, XXXIII, 58.

But, under the circumstances, how could the results desired have been achieved? It is hard to see how the troops could have delivered so decisive a blow as the War Department contemplated, when they experienced such difficulty in catching up with the elusive foe. Canby followed the Secretary's directive as closely as possible, but, with the department commander's full approval, he seized Navaho flocks in the belief that the Bureau of Indian Affairs would care for the indigent. No evidence has been found, however, that the Bureau furnished food to those left in danger of starvation by the war. And that practice, Canby thought, was the "cheaper remedy" for preventing future depredations.⁹⁵

It is unfortunate that Canby's efforts were futile, particularly as, "In addition to professional [reasons]," he felt "a personal interest in doing the utmost for the permanent settlement of the Navaho troubles."⁹⁶ Still, in view of past occurrences, and even though the final responsibility rested with Colonel Fauntleroy, he should have known better than to make peace with the Navaho. Or, at least, he should have been more cautious in doing so. It was obviously inconsistent to demand collective responsibility on the part of the Navaho, when he could not enforce his own promises to protect them from outside aggressions. Yet even that would have been all right, had the territorial officials taken steps to restrain the citizens of the Territory. But the long-standing feud between the New Mexicans and the Navaho caused them to condone many acts which should otherwise have been punished. The Navaho retaliated and the situation resumed the *status quo ante bellum*.⁹⁷

The means of the command also limited Canby. He knew that the subjugation of the Navaho required more than the present campaign. But there was no reason why he shouldn't hope that what had been done might actually be all that was needed to keep them in line. Perhaps he was blinded by his own desire for peace—or maybe the Navaho chiefs outsmarted him, never really intending to fulfill their promises.

95. Canby to A. A. G., February 19, 1861, Dept. of N. M., *LR*, C32, 1861.

96. *Id. to id.*, March 11, 1861, *ibid.*, C39, 1861.

97. See Reeve, "Federal Indian Policy in New Mexico," *loc. cit.*, 245-246.

At any rate, he was willing to see if a new treaty wouldn't work. And so was Colonel Fauntleroy.

But there was yet another factor which contributed to the failure of the campaign. There is no question that the almost immediate withdrawal of the troops from the Navaho country constitutes an important reason why inroads upon the settlements were soon resumed. The hostile attitude of the Mescalero and other bands of Apaches required the presence of the troops elsewhere. But more than that, "the financial embarrassments of the Department, growing out of the disturbed conditions of our Country," made recall absolutely necessary. As the department adjutant divulged in a confidential letter to Lieutenant Colonel Canby on February 24, "The latest intelligence from home (of date Washington City—Feby. 8) is not calculated to abate the anxiety which now oppresses every mind."⁹⁸

Much had happened in national affairs while the Navaho campaign was going on. Lincoln's election had resulted in the secession of the lower South. In February, as Canby was concluding negotiations with the Navaho chiefs, Brevet Major General David E. Twiggs, U. S. A., was surrendering the United States troops (nearly one-fifth the whole army), the military establishments, and all the public property in Texas to the Texan "Commissioners on behalf of the Committee of Public Safety."⁹⁹ Many officers were resigning and were 'going with their States.' With April came Sumter. The call for troops, the resulting secession of the upper South, and the stage was set for the internecine struggle.

In the ninth military district of the United States the last abortive Navaho expedition was over. Four years of civil war were in the offing. All that was awaited to make New Mexico the battleground of the far west was the Confederate invasion of the Territory. Once repulsed, attention was again focused on the Nation of the Navaho.¹⁰⁰

98. Maury to Canby, February 24, 1861, Dept. of N. M., *LS*, X, 555, No. 77.

99. Colonel Carlos A. Waite to Thomas, February 26, 1861, *OR*, I, 524. The surrender occurred on February 18.

100. See Reeve, "Federal Indian Policy in New Mexico," *loc. cit.*, 248 *et seq.*