



Ratified treaty no. 235, Documents relating to the negotiation of the treaty of November 23, 1838, with the Creek Indians. November 23, 1838

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RATIFIED TREATY NO. 235
DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF NOVEMBER 23, 1838, WITH THE CREEK INDIANS

O.S.C. Creek. A. 531.
Genl. Mc. Arbuckle,
Hb. Gibson. 10 Jan'y 1839.

Transmits by St. Anthrope, the Treaty lately made by him & Capt. Armstrong with the Creek; a sketch of the claims of the Creek Nation against U.S. for property lost, &Capt'd abandoned as in consequence of Emig^r, And a communication, dated 22^d Nov. last, from Jim Boy, David Barnett, requesting that money be paid to them or their friends for losses sustained by the sinking of a steam boat in the Miss. Thinks their wishes worthy of consideration -

Remarks upon the Treaty & in favor of its ratification -

Has examined the documents accompanying Letter of this Off. of 15th Nov. last, to him & Capt. Armstrong & is positive that nothing would be gained by calling together the Creek Chiefs in relation to the negroes captured by the Creek Warriors in Florida & now in possession of the Seminoles. Thinks the best way to settle the matter will be for the U.S. to refund to the purchasers of the negroes the purchase money with interest, & a reasonable allowance for the time & expenses of his Agents sent West to obtain them -

States the reasons for his delay in forwarding this Treaty &c -

{ Rec'd 13, Feby 1839.

See letter to Secy of War of 15th Feby, 1839.

Fort Gibson
January 10th 1839.

Sir,

I have the honor herewith to transmit, by Lieut Northrop. of the Army: the Treaty made with the Creek nation of Indians. together with a Schedule, or Register, of the claims by that nation, against the United States, for property and Improvements abandoned, or lost, in consequence of their Emigration West of the Mississippi River. together, with a Communication from the Chiefs, Jim Boy, and David Barnet, requesting that money be paid to them, and their Friends, for the loss they suffered by the sinking of a Steam boat in the Mississippi. their wishes in this respect. I am of the opinion, are worthy of Consideration.

It will be perceived that the whole of the Creek claims (including some that were received here, at the time the Treaty was held,) amount to six hundred and eight Thousand seven hundred and eighty four dollars. and seventy nine and a fourth cents. and that the sum allowed by the treaty, amounts to Four hundred and thirty one Thousand One hundred and three dollars, and three fourths of a Cent.

It is believed that the sum allowed is not greater than ought to be paid, and if the Treaty is ratified, as made it will no doubt be productive of much good, by satisfying that nation, and furnishing it with a suitable incentive, to improve their country, by which the Creeks may in a few Years, be as comfortably situated

as they have been at any former period, to produce so much good
as to insure the continuance of peace with that Nation, I doubt not
will be highly gratifying to Our Government.)

I have carefully examined the documents accompanying
your letter, addressed to Captain Armstrong and myself under date
of the 15th of November last, and from the efforts I have made to
obtain in a peaceable manner the Negroes captured by the Creek
Warriors in Florida, and who are now in the possession of the
Seminole Indians, their former Owners, I am positive that no-
thing would be gained by calling together the Chiefs of the Creek
Nation, in relation to this subject, as they would no doubt, refuse to
interfere in the matter as they have heretofore done, of which I had
the honor to communicate to the Secretary of War, under date of
the 28th of September last.

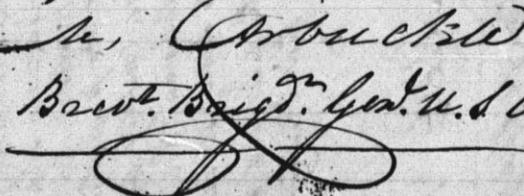
The sale of the Negroes captured by the Creek Warriors
under the circumstances attending it, has produced a Considerable
loss to the purchaser, and although the Government may not
feel bound to make good that loss, Yet, I judge that the best
way to settle this matter, will be, for the United States to Refund to
the purchaser of the Negroes the purchase Money, with Interest,
together with a reasonable allowance for the time and Expenses
of his Agents sent to this Country to obtain them.

The Amount expended in holding the Creek Treaty, will
be forwarded at an Early period.

The numerous accounts presented by the Creek Nation,
a copy of which was necessary, for the Office of the Acting
Superintendent of Indian Affairs, Western Territory, has kept
the secretary employed until within a few days, when the arrival

of the Osages made it desirable, if a treaty could be made with them, that the two should be forwarded together.)

After concluding the Creek Treaty, Captain Armstrong returned to his Agency, with the expectation of being able to return, which he informs me he cannot do at this time, on account of other public duties. I have therefore thought it advisable not to delay any longer, the forwarding of this Treaty, as such delay might prevent its ratification, at the present Session of Congress.

I am, Sir,
very Respectfully
Your Obed^t Servt
J. C. Crooksl^e
Brevt. Maj^t. Genl. U. S. A.


J.

J. Hartley Crawford Esq^r. }
Commissioner of Indian Affairs }
Washington City }

" "

Fort Gibson November 22nd 1838

Gentlemen

We have heard the proposition made by you to the Creek Delegates, for the Adjustment of Claims of the Creek Nation, for property and improvements abandoned or lost, in Consequence of their Emigration West of the Mississippi.

We are willing to accede to Your proposition, so far as it relates to those claimants whose property was left, or abandoned in the Old Nation, but there are others, ourselves among the number, who in addition to leaving property in the Old Nation, had a great amount of property lost by the sinking of a Steam Boat, on the Mississippi, amounting to \$ 11,615.00. - What we wish is, that the interest on this amount of money, or the amount allowed by your proposition, be paid to the sufferers in Money, instead of Stocks &c, as proposed by You, in as much as the property lost, consisted of Money, Negroes, and goods, for which we paid Money, and which we cannot procure without.

We are willing to sign the Treaty because by our refusing to do so, no adjustment of the claims of the Creek Nation can take place at present, which we are anxious, from the suffering condition of our people, should be done.

Had we Emigrated with our Nation by Land, it is to be presumed no additional loss would have been sustained by us, but owing to our families being removed from Alabama, (where they were when the Creek Warriors went to Florida) to Mobile point, it became necessary for us, on their return from Florida, to Embark on board of Steam Boats for this Country, one of which was sunk,

by which we and Our people were sufferers, not only in Money and
Other property to a large amount, but in the loss of Our Wives, Children,
relatives and friends.

We hope Gentlemen that Our views on this Subject, and our
Motives in doing as we have, will meet Your approbation, if so we respect-
fully request, that this paper may accompany the Treaty to Washington,
and be laid with it before the President of the United States, for
his action, and we do most Earnestly and Respectfully Solicit, that
the sufferers by the Sinking of the Boat, be paid the Interest on that
portion of their Claims in Money

We are Gentlemen
most Respectfully
Your Obedt Servants
Sam Bay ^X his Mark
David Barrett ^X his Mark

To

Captain William Armstrong,
Bvt. Brig. Gen. Arbuckle
Commissioners

(62)

With the Forces.

Concluded November 23, 1838,
Ratified March 3, 1839.

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND

THE CREEK TRIBE OF INDIANS.

CONCLUDED NOVEMBER 23, 1838; RATIFIED MARCH 2, 1839.



MARTIN VAN BUREN, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular to whom these presents shall come, Greetings:

WHEREAS, a treaty was made and concluded at Fort Gibson, west of Arkansas, between Captain William Armstrong, acting superintendent Western Territory, and Brevet General Arbuckle, commissioners on the part of the United States, and the undersigned chiefs, being a full delegation of the Creek chiefs, duly authorized and empowered by their nation to adjust "their claims for property and improvements abandoned, or lost, in consequence of their emigration west of the Mississippi," on the twenty-third day of November, one thousand eight hundred and thirty-eight; which treaty is in the words following, to wit:

Articles of a treaty made and concluded at Fort Gibson west of Arkansas between Captain William Armstrong act superintendent Western Territory, and Brevet Brig Gen Arbuckle commissioners on the part of the United States and the undersigned chiefs being a full delegation of the Creek chiefs duly authorized and empowered by their nation to adjust "their claims for property and improvements abandoned, or lost, in consequence of their emigration west of the Mississippi"

ART. 1st. The Creek nation do hereby relinquish all "claims for property and improvements abandoned or lost, in consequence of their emigration west of the Mississippi," in consideration of the sums stipulated in the following articles.

ART. 2d. The United States agree to pay the Creek nation for property &c. as set forth in the preceding article the sum of fifty thousand dollars in stock animals as soon as practicable after the ratification of this treaty. These animals to be furnished and distributed to the people of each town in proportion to their loss, as set forth by the accompanying schedule under the direction of their chiefs and an agent of the Government.

ART. 3d. The United States further agrees to invest for the benefit of the individuals of the Creek nation referred to in the preceding article, the sum of three hundred and fifty thousand dollars and secure to them the interest, of five per cent. thereon, to be paid annually, the interest for the first year to be paid in money, the interest thereafter to be paid in money, stock animals, blankets, domestics or such articles of a similar nature as the President of the United States may direct, to be distributed as set forth in the preceding article.

ART. 4th. It is further agreed that the sum invested by the preceding article shall at the expiration of twenty-five years be appropriated under the direction of the President of the United States for the common benefit of the Creek nation.

ART. 5th. The United States further agrees to pay the sum of twenty-one thousand one hundred and three dollars and thirty-three cents, to satisfy claims of the early Creek emigrants to the west, of the McIntosh party as set forth in the accompanying schedule marked (A.)

ART. 6th. In consideration of the suffering condition of about two thousand five hundred of the Creek nation who were removed to this country as hostiles and that are not provided for by this treaty, and the representation of the chiefs of the nation, that their extreme poverty has, and will cause them to commit depredations on their neighbors, it is therefore agreed on the part of the United States that the Creek Indians referred to in this article

shall receive ten thousand dollars in stock animals for one year, as soon as convenience will permit after the ratification of this treaty.

It is however understood by the contracting parties that the rejection of this article will not affect the other provisions of this treaty.

In testimony whereof the commissioners on behalf of the United States and the delegates of the Creek nation have hereunto signed their names, this 23d day of November A. D. 1838 at Fort Gibson.

WM. ARMSTRONG,
Act Sup Westn Tery.
M. ARBUCKLE,
Brevt Brig. Gen. U. S. A.

Rowly McIntosh,	his x mark.
O Poth-le Yeholo,	his x mark.
Little Doctor,	his x mark.
Tus kem haw,	his x mark.
Ufawala Hadjo,	his x mark.
Fus-hutche micco,	his x mark.
Cochay Tustannuggee,	his x mark.
Chilby McIntosh,	his x mark.
Co-wock-co-gé Emarthlar,	his x mark.
Jas. Islands,	his x mark.
Tin Thlannis Hadjo,	his x mark.
Jim Boy,	his x mark.
Cotchay Emarta,	his x mark.
Jimmy Chopco,	his x mark.
Yargu,	his x mark.
Yar Dicker Tustannugga,	his x mark.
Charlo Hadjo,	his x mark.
Kusseter Micco,	his x mark.
Lotti Fixico,	his x mark.
Tom Marth Micco,	his x mark.
David Barnett,	his x mark.
Bob Tiger,	his x mark.
Tuckabatche Hadjo,	his x mark.
Cho Coater Tustannugga,	his x mark.
Echo Hadjo,	his x mark.
Tal Mars Hadjo,	his x mark.
Emarth Ea Hadjo,	his x mark.

Witnesses.

J. S. McIntosh, *Maj 7th Inf.*
B. Liley, *Maj 4th Inf.*
S. W. Moore, *Capt 7th Inf.*
W. K. Hanson, *Lt 7th Inf.*
G. H. Paul, *1st Lt 7th Inf., A. C. S.*
D. J. Whiting, *1st Lt 7th Inf.*
G. J. Rains, *Capt 7th Inf.*
M. Stokes, *Agent for Cherokee nation.*
James Logan, *Agent for Creek nation.*
1st Lt. S. G. SIMMONS, *7th Inf.*,
Secretary to the Commission.

Now, THEREFORE, BE IT KNOWN, that I, MARTIN VAN BUREN, President of the United States of America, having seen and considered said treaty, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-eighth day of February, one thousand eight hundred and thirty-nine, accept, ratify, and confirm the same, and every clause and article thereof.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

DONE at the city of Washington, the second day of March, one thousand eight
[L. S.] hundred and thirty-nine, and of the Independence of the United States
the sixty-third.

M. VAN BUREN.

By the President:

JOHN FORSYTH, Secretary of State.

With the Weeks.

Fort Linn Jan 22^d 1839
Post Bag for Armstrong

W
U.S.A. Westth Sup^y. A. 535.
Genl. M. Arbuckle.
Ft. Gibson, 22^d Jan^y. 1839.

In relation to
Expenses for holding
Ozark Treaty

Transmits his Accts
for expenses incurred in holding
the late Treaty with the Osages. Says
the amount is greater than he antici-
pated, for reasons stated - Remarks
in relation to the items for tobacco &c
Transmits, also, copy, ^{original} kept by Lt. Jim
mons, (copy to the Compt^r), of the proceed-
ings of himself & Capt. Armstrong, in ne-
gotiating the Creek & Osage Treaties - Re-
marks in relation to it, & says Capt.
Armstrong was prevented by other busi-
ness from attending at the negotiation
with the Osages; inquires for what
time he is to change as Compt^r & in what
manner he is to be paid - The Secy
has been almost constantly employed
since 23^d Nov. last - Was this day
drawn in favor of Thos. E. Wilson, for
the amt. of expenses of holding Osage
Treaty, (\$ 850. 67 1/2) -

VV

Rec'd 20 Feby 1839.

Armstrong 28 Feby 1839

(JPL)

M. Kirby

McKee

Head Quarters, 2^d Dept., U. S. D.
Fort Gibson, 22^d Jan. 1839

Sir

I have the honor herewith to transmit an account of vouchers, for purchases and expenditures, required to hold the late Treaty with the Osage Indians. The sum expended is made greater than I anticipated in consequence of the difficulty and delay in assembling a full representation of that nation, and the number of their young people who attended without invitation, who had to be subsisted to prevent injury to be done to the property of the Cherokees.

The Osages have at all times been furnished with tobacco when they have attended here on public business, I therefore regarded it proper to comply with that custom.

You will herewith receive a copy of a journal which was kept by Lieut. Simmons, (Secretary to the Commissioners,) relating to the Creek and Osage Treaties, and I regret that the necessity of it embracing much more matter, than is contained in it was not recollectec in time. You will notice by this Journal that Captain Armstrong and myself first met the Creeks on the 22^d. of October, and that on the 23^d. of November we concluded a Treaty with them, and adjourned to the 1st instant, when we were to meet the Osages at this post.

other business however prevented his attendance at that time, and I acted alone in making a Treaty with them; and I will thank you to inform me for what time I am to charge as Commissioner and in what manner I am to be paid. The secretary it will be seen by the Journal has been almost constantly employed since the Commissioners met the Creeks the second time.

I have this day drawn on you in favor of Thomas S. Wilson for the sum expended in holding the late Treaty with the Osages.

I am, Sir,
very Respectfully
Your obedt Servt

Mr. Arthur C. Lee
Brevt. Brig. Gen. U.S.A.

20

J. Hartley Crawford Esq;
Comr^r of Indian Affairs
Washington City

Journal of the commissioners in holding
treaties with Osage and Creek Indians
to determine boundaries
between them & the Cherokee
and Choctaw Indians

A. 526.

Journal of the com-
missioners in holding
treaties with Osage
and Creek Indians

1838-9

Fort Gibson, 22^d October, 1838.

Captain William Armstrong and Colonel
Brig^d. General Arbuckle, having been appointed Commissioners
to hold a treaty with the Creek Nation of Indians, and having
appointed 1st Lieut J. G. Simmonds 7th Regt. of Infantry their
Secretary, met the Principal Chiefs of the Creek Nation, this
day, who not being prepared to proceed with their business, the
Commissioners adjourned, until the 13th of November, to give
them time to appoint their Delegates.

November 13th, 1838

Owing to the inclemency of the weather, no meeting
was held until the 15th instant, when a portion of the
Creek delegates being absent, and the weather still bad, the
Commissioners adjourned until the 17th instant.

November 17th, 1838,

The Commissioners met agreeable to Adjournment,
and commenced the examination of the claims, which
had not been heretofore presented, and adjourned until
Monday the 19th inst.

Monday, 19th November, 1838,

The Commissioners met agreeable to Adjourn-
ment, and continued the examination of the claims.

Tuesday 20th November, 1838.

Finished the examination of all the claims presents

-ed

Wednesday 21st November 1838

This day the Commissioners made a proposition to the Chiefs as to the manner their claims should be adjusted and adjourned until Thursday the 22^d. instant, to give them time to council among themselves, previous to giving an answer.

Thursday 22^d November, 1838,

The commissioners met agreeable to Adjournment and the delegates acceded to the proposition made by the Commissioners

Friday 23rd November, 1838,

This day the articles of a Treaty were read to the Chiefs, for the adjustment of the claims of the Creek Nation against the United States, who after suggesting a few Alterations which were made, signed it. The Commissioners then adjourned until the 1st day of January, 1839, to enable the Secretary to make out a copy of the accounts presented, and at which time it was expected, from information received, the Osages would be in from their fall hunt.

January 1st. 1839.

Captain Armstrong being absent, Brig^t. General Arbuckle, met the Osages in Council, but owing to the absence of several of their Principal Chiefs, no business could be transacted; Runners were then sent to notify the absent Chiefs, whom adjourned to await their arrival. — On

Sunday the 6th ^{inst-} information was received that a sufficient number of Chiefs had arrived to enter into a Treaty. Whereupon Monday the 7th Instant, was appointed for holding a Council.

Monday 7th January, 1839.

A Council was held agreeable to Appointment, when the Treaty furnished by the Government, was read and fully explained to them, whereupon, the Chiefs requested the next day to Council among themselves, in Relation to the Matter contained in the Treaty, upon which an adjournment was made until Wednesday the 9th of January 1838, at 10 o'clock A.M.

Wednesday, 9th January, 1839,

Meet the Chiefs in Council agreeable to adjournment when they declared their Willingness to sign the Treaty, provided their School fund was not taken from them; and some Articles, such as, Looms, Wheels, &c stricken out, and others substituted in their place, finding them determined on this point, and that they would not form a Treaty on any other terms the council was adjourned until Thursday the 10th Inst, at 10 o'clock, A.M.

Thursday, 10th January, 1839,

The Council met agreeable to Adjournment when a new Treaty was read to them, which they agreed to sign and the next day being appointed for this purpose, the council adjourned until Friday the 11th Inst, at 10 o'clock A.M.

Friday 11th January, 1839.

The Council met pursuant to Adjournment when the Treaty was signed and Witnessed.

Saturday, 12th January, 1839.

This day a letter was received, signed by the Principal Osage Chiefs, the purport of which was, that they were apprehensive, from their withholding their School fund, that the Treaty might not be ratified, they therefore agreed to leave it discretionary with the President, whether to take this fund or not, as he might think proper.

1st St. Malinmon's ^{the 1st} M^r. C. Webb called
Sent to the Committee Brock Bridge Lynd. W. & a
Commissioner

Sept. 26,

Journal of the Am.
Millions in holding
trusts with other
and great incomes

6-838-1