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RATIFIED TREATY NO. 244

DOCUMENTS RELATING TO THE NEGOTIATION OF THE TREATY
OF JANUARY 4, 1845, WITH THE CREEK AND SEMINOLE INDIANS

O. A. Creek. A. 1754

Wm. Armstrong

P. M. Butler,

James Logan

J. H. Lim, Jany 4/45

Comms

Enclose Treaty made
by them under instanc-
tion, from the War Dept.
to adjust certain diffi-
culties between the feet,
& Seminoles. Contains
remarks in reference
to the same.

may be recorded

Recd 7 July 1845
Report with copy to the Secy
of War 11 February 1845.

Wm. Wayne Secy

Fort Gibson Jan^y. 4th. 1848

Sir,

The undersigned, acting under instructions from the War Department as a Board of Commissioners to adjust certain unsettled difficulties between the Creeks and Seminoles, have the honor to transmit a Treaty this day concluded between the United States of the first part, the Creek Indians of the second, and the Seminoles of the third.

It will be seen that the whole Seminole tribe have consented to live in the country of the Creeks and submit to their laws; that the Creeks have given them the right to settle in any part of their territory, and placed them on an equal footing with their own people; and that all disputed questions concerning negro property are to be settled in the manner pointed out in the instructions of the 10th April.

To effect these desirable ends, it became necessary in addition to the inducements named in the instructions to promise the Seminoles that their annuity of \$3,000 under the Treaty of Payne's Landing should be increased to \$5,000 by the payment of \$2,000 a year in goods. Also, to agree that an additional annuity of \$3,000 for purposes of education should be allowed the Creeks, and that the annuity of \$3,000 already granted them for the same purpose should be extended for thirteen years.

These allowances were made to the Creeks in consequence of a claim to be compensated for admitting the Seminoles into their country. The Commissioners felt assured that their claim

had no foundation in strict right; but it appeared that much dissatisfaction had prevailed among them on account of the manner in which the Treaty of 1833 had been made, the Creeks alleging that the most valuable portion of their country was taken from them, and that they were not aware of their loss until after the Treaty was signed. That these complaints are well founded the Commissioners do not doubt, and as the main body of the Seminoles are about to settle in the immediate neighborhood of those Creeks who served against them in Florida, it was deemed advisable to remove, as far as possible, all causes likely to create ill feelings between them, therefore an allowance was made, less in amount however than one fourth of their demand. And notwithstanding the inducements mentioned even this concession would not have been made had not the Creeks consented that the moneys to be paid them should be devoted exclusively to the instruction of their children.

The Seminoles were very unwilling to submit on any terms to Creek law and government, and as the Creeks refused to admit them into their country on other conditions, the negotiations would ~~probably~~ have been broken off but for the additional annuity granted them.

The Commissioners being on the spot could both see and feel what terms would be best suited and most acceptable to the parties, and it gives them pleasure to add that in this matter their opinion have unanimously concurred in opinion. The Department has long been aware of the discordant materials and the conflicting elements that were in the way. The Commissioners are satisfied that by this arrangement harmony is insured not only to the parties immediately concerned

but to the surrounding neighbourhood, and in conclusion
they beg leave to add that they have discharged what they
believed to be their duty to the Government, to the Indians
and to themselves.

All of which is respectfully submitted.

Wm Armstrong
P. M. Butler
James Logan
Deputies
Commissioners

J. Hartley Crawford Esqr
Comm^r. Ind. Affs.

O. I. A. Seminole S. 3787

March 6. 1845.

Senate of the U States,
Confirming Creek & Seminole
Treaty of 14 January 1845, with
amendments. -

Received March 10. 1845.

Book 1. Page 22.

Ind office.

Recorded in miscel
book n^o. 6. 222.

Original from Senate sent to
Department of State July 9/45

Recd. 10 March '45.
Was kept to Secy of War
of 21 March 1845.
Subdella to Mr. Armstrong
March 13. 1845.

In Executive Session of the Senate U States.

March 6th 1845.

Resolved, (two thirds of the Senators present concurring) That the Senate advise and consent to the ratification of the Articles of a Treaty made by William Armstrong, Pelt Butler, James Logau, and Thomas L. Judge, Commissioners in behalf of the United States, of the first part, the Creek Tribe of Indians of the second, and the Seminole Tribe of Indians of the third part, concluded at the Creek Agency on the 4th day of January, eighteen hundred and forty five, with the following

Amendments.

Strike out from the fourth Article the following words:

"in their own country for the support of a manual labor school in the Canadian District, and of another in the Arkansas District: provided that the President does not object to such application of the annuities above named granted in the Treaties of 1832 & 1833. And it is also agreed, that, in the management of such schools, the wishes of the Creek Council shall be consulted."

And insert in lieu thereof the following words:—

Under the direction of the President of the United States for the purposes of education aforesaid.

Strike out from the fifth Article, the following words:—

"except those now in Florida"; and add at the end of this Article the

following words "except those now in Florida who shall be allowed twelve months from the date of the ratification of this Treaty for their removal."

A. West

Abury Dickens

Secretary.

(Copy.)

In Executive Session of the Senate U.
States. March 6th 1845

Resolved (two thirds of the Senators present concurring) That the Senate advise and consent to the ratification of the Articles of a treaty made by Mr. Armstrong, P. M. Butler, Geo. Logan and Thos. L. Sledge, commissioners in behalf of the United States, of the first part, the Creek tribe of Indians of the second, and the Seminole tribe of Indians of the third part, concluded at the Creek Agency on the 4th day of January eighteen hundred and forty five, with the following

Amendments

Strike out from the fourth Article the following words:
"in their own country, for the support of a manual labor school in the Canadian district; and of another in the Arkansas district; provided that the President does not object to such application of the annuities above named, granted in the treaties of 1832 and 1833. And it is also agreed, that in the management of such schools, the wishes of the Creek Council shall be consulted"

And insert in lieu thereof the following words:—
under the direction of the President of the United States
for the purposes of education aforesaid

Strike out from the fifth Article the following words:
"except those now in Florida" and add at the end of this article the following words: except those now in Florida
who shall be allowed twelve months from the date of
the ratification of this treaty, for their removal.

Attest—

Asbury Dickinson
Secretary

O. J. A. - full. A. 1837

Wm Armstrong,
Acty. Supt. &c

Choctaw Agency, June 11/45.

Enclose Treaty of 4th
Jan'y last with the Ammi-
notes & Genl's with their
assent (annexed) to the
Amendm'ts of the Senate
appt. & recorded &
to be rat'ed as amended to sent
to Stat. Supt. for proclama-
tion by the Pres.

With Genl. Worth's letter
copy of the treaty to be made

Rec'd 3 - July 1845

Aug. 9 July 1845

Copy sent to the Secretary of War
July 9 - to be transmitted to the
State - Same day copy of the treaty sent
to Genl. Worth, with a letter directing him
to communicate with Indians remaining
in Florida &c see the
same -

Choctaw Agency

June 11. 1845

Sir,

I have the honor to transmit the Treaty with
the Creek and Seminoles of the 4th Jan^y. last, with the assent
of those tribes, ^{to the amendments of the Senate} annexed in the manner pointed in your
letter of the 13th inst.

Very respectfully

Your most Obedt Servt

Wm Armstrong
Actg Supt

W. Crawford Esq

Comm^r Ind. Affs.

Articles of a Treaty made by Wm. Armstrong, P. M. Butler, James Logan and Thomas S. Judge, Commissioners in behalf of the United States of the first part; the Creek tribe of Indians of the second and the Seminole tribe of Indians of the third part

Whereas it was stipulated in the 4th article of the Creek Treaty of 1833 that the Seminoles should thereupon be considered a constituent part of the Creek nation, and that a permanent and comfortable home should be secured for them on the lands set apart in said Treaty as the country of the Creeks. And whereas many of the Seminoles have settled and are now living in the Creek Country, while others, constituting a large portion of the tribe have refused to make their homes in any part thereof, assigning as a reason that they are unwilling to submit to Creek laws and government, and that they are apprehensive of being deprived by the Creek authorities of their property.

And whereas repeated complaints have been made to the United States government that those of the Seminoles who refuse to go into the Creek Country, have, without authority or right, settled upon lands belonging to other tribes, and that they have committed numerous and extensive depredations upon the property of those upon whose lands they have intruded.

Now therefore, in order to reconcile all difficulties respecting location and jurisdiction; to settle all disputed questions which have arisen or may hereafter arise in regard to rights of property, and especially to preserve the peace of the frontier, seriously endangered by the restless and warlike spirit of the intruding Seminoles, the parties to this Treaty have agreed to the following stipulations

Article 1st

The Creeks agree that the Seminoles shall be

entitled to settle in a body or separately, as they please in any part of the Creek Territory Country; that they shall make their own town regulations, subject however to the general control of the Creek Council, in which they shall be represented; and in short, that no distinction shall be made between the two tribes in any respect, except in the management of their pecuniary affairs in which neither shall interfere with the other.

Article 2.nd The Seminoles agree that those of their tribe who have not done so before the ratification of this Treaty, shall immediately thereafter remove to and permanently settle in the Creek Country.

Article 3.rd It is mutually agreed by the Creeks and Seminoles that all contested cases between the two tribes concerning the right of property, growing out of sales or transactions that may have occurred previous to the ratification of this Treaty, shall be subject to the decision of the President of the United States.

Article 4.th The Creeks being greatly dissatisfied with the manner in which their boundaries were adjusted by the Treaty of 1833, which they say they did not understand until after its execution; and it appearing that in said Treaty no addition was made to their country for the use of the Seminoles, but that on the contrary they were deprived without adequate compensation of a considerable extent of valuable Territory; And moreover the Seminoles since the Creeks first agreed to receive them having been engaged in a protracted and bloody contest, which has naturally engendered feelings and habits calculated to make them troublesome neighbors; The United States, in consideration of these circumstances, agree that an additional annuity of Three Thousand Dollars for purposes of education shall be allowed for the term of twenty

year; that the annuity of three thousand dollars provided in the Treaty of 1832 for like purposes shall be continued until the determination of the additional annuity above mentioned. It is further agreed that all the education funds of the Creeks, including the annuities above named, the annual allowance of one thousand dollars provided in the Treaty of 1833, and also, all balances of appropriations for education annuities that may be due from the United States, shall be expended in their own country for the support of a manual labor school in the Canadian District, and of another in the Arkansas District, provided that the President does not object to such application of the annuities above named, granted in the Treaties of 1832 and 1833. And it is also agreed that in the management of such schools, the wishes of the Creek Council shall be consulted.

Article 5. The Seminoles having expressed a desire to settle in a body on Little River, some distance Westward of the present residence of the greater portion of them, it is agreed that rations shall be issued to such as may remove while on their way to their new homes; and that after their emigration is completed, the whole tribe shall be subsisted for six months, due notice to be given that those who do not come into the Creek Country before the issue commences shall be excluded. And it is distinctly understood that all those Seminoles, except those now in Florida, who refuse to remove to and settle in the Creek Country within six months after the ratification of this Treaty is ratified, shall not participate in any of the benefits it provides.

Article 6. The sum of fifteen thousand four hundred dollars provided in the second article of the Treaty of Payne's Landing shall be paid, in the manner therein pointed out, immediately after the emigration

of these Seminoles who may remain to the Creek
 Country is completed. Also, as soon after such
 emigration as practicable, the annuity of three
 thousand dollars for fifteen years provided in the
 fourth article of said Treaty, and in addition
 thereto, for the same period, two thousand dollars
 per annum in goods suited to their wants, to be
 equally divided among all the members of the tribe.

Article 7th.

In full satisfaction and discharge of all
 claims for property left or abandoned in Florida
 at the request of the Officers of the United States, under
 promise of remuneration, one thousand dollars
 per annum in agricultural implements shall be
 furnished the Seminoles for five years.

Article 8th.

To avoid all danger of encroachments on
 the part of either Creeks or Seminoles upon the territory
 of other Nations, the Northern and Western boundary
 lines of the Creek Country shall plainly and
 distinctly marked.

In Witness whereof the said Commissioners
 and the undersigned, Chiefs and Head men of the
 Creek and Seminole tribes have hereunto set their
 hands at the Creek Agency this fourth day of
 January 1825

Wm. Armstrong
 acting Supt West by
 P. M. Butler ch. agt
 James Logan Creek agt
 Tho. S. Judge
 Seminole sub agt

Creeks.

Roley M ^o Intosh	his	x	mark	Jano. Penyan	his	x	mark
Tom arthe niceo	his	x	mark	Oswiddu Emittled	his	x	mark
Eu. jau. la. Harjo	his	x	mark	Tal. loaf Harjo	his	x	mark

O. Potho. yo. ho. lo.	his + mark	David Barnett.	his + mark
Jim Boy	his + mark	Thlath lo Haijo	his + mark
B. Marshall		E. cho. Haijo	his + mark
Tin thlannis Haijo	his + mark	Tom. Can	his + mark
Co. ah. coo. che Emarthla	his + mark	Coah Thloco	his + mark
Yargu	his + mark	Ken. sar. che Haijo	his + mark
Samuel Miller	his + mark	No. core. Haijo	his + mark
Cotcha Justunnuggu	his + mark	Yan dick. ak Haijo	his + mark
K. Lewis		Yo. ho. lo. Chopes	his + mark
Tus. ku. nar Haijo	his + mark	Phil Grayson	his + mark
Tin. thlannis Haijo	his + mark	Chu. alle	his + mark
To. core Pixico	his + mark	E. cho. Emarthla	his + mark
Samuel C. Brown	his + mark	Pol. lot. ke	his + mark
Hotulgar Haijo	his + mark	Lot. che Haijo	his + mark
Oak. chun Haijo	his + mark	Henry Marshall	his + mark
Art. tu Pixico	his + mark	Matthew Hancock	his + mark
Joseph Can	his + mark	Che wastial Pixico	his + mark
Ar. ar. to Haijo	his + mark	To core Mico	his + mark

Seminole

Micanope	his + mark	Itch. kos se. Yokolo.	his + mark
Co. ah. coo. che, allidcut	his + mark	Kap. ja. dum e. coo che	his + mark
Alligator	his + mark	O. tul ga Haijo	his + mark
No. core Yokolo	his + mark	Yokolo Haijo	his + mark
Halleck Justunnuggu	his + mark	Orutche Emarthla	his + mark
E. mah thloo che	his + mark	Kub. bit. che	his + mark
Oe. ti. ar. che	his + mark	An. to. ne	his + mark
Tus. se. ki. ah	his + mark	Yah. kah. Pixico	his + mark
Pos. cof. far	his + mark	Tus. hat. che Mico	his + mark
E. cor. chat. te mico	his + mark	O. chu. su Mico	his + mark
Black Ditt.	his + mark	Tus. tun. nuy goo che	his + mark

In the presence of

Sam. C. Brown. U.S. Detup.	J. P. Davis Capt. U.S.A.	J. A. Alexander
B. Marshall, Capt. Native Detup.	A. G. Gady 7 th Infy. Capt.	J. H. Neart
Abraham his + mark	J. S. Todd 6 th Infy. Capt.	J. B. Sues
U.S. Detup. for Seminoles	Geo. W. Clarke	Secy. to Com ^{dr}
	Geo. Dillard	

Whereas a treaty was made and concluded on the 4th day of January 1845 between the U. S. by Wm. Armstrong, Capt. M. T. Paine, M. Butler, Ch. Capt. Jos. Logan Creek Capt., and Tho. d. Sledge for the Seminoles; and the Chiefs and head men of the Creek and Seminole tribes of Indians assembled in Council. And whereas the Senate did by resolution of March 4. 1845 advise and consent to the ratification of said treaty with the following amendments:

Strike out from the 4th article the following words "in their own country" for the support of a manual labor school in the Canadian District, and of another in the Arkansas District; provided that the President does not ob-
 -ject to such application of the sum of money above named granted in the treaty of 1832 & 1833. And it is also agreed that in the management of such schools the wishes of the Creek Council shall be consulted; and insert in lieu thereof the following words: "under the direction of the President of the United States for the purposes of education aforesaid".

Strike out from the fifth article the following words: "and except those now in Florida"; and add at the end of this article the following words: "except those now in Florida, who shall be allowed twelve months from the date of the ratification of this Treaty for their removal."

Now we, the Chiefs and Head men of the Creek and Seminole tribes of Indians do hereby consent to and ratify said amendments.

In testimony whereof we hereunto place our hands, this twentieth day of May 1845

Redy McIntosh his mark	Jimi Boy his & made	Cupeta Mico his & made
To martile Mico his & made	Forvok conductant his & made	Tuskumar Pico his & made
Eufaula Harjo his & made	Tuskumar Harjo his & made	Neah loco Chopco his & made
Opotele Yokolo his & made	Tustunuygekepo & made	Spook oak Mico his & made
Tuck a bat cho Mico his & made	David Barnett his & made	Pak chun Harjo his & made
Ho lak. tate. Mico his & made	Joseph Luss his & made	Inthian Harjo his & made
Sosah nah cho Harjo his & made	K. Lewis	P. Marshall

In the presence of

W. Paine, Secy. to Comm. ~~Wm. Armstrong~~, Capt. M. T. Paine, Reuben Cook
 P. Marshall Intep. J. S. Sledge S. Capt. J. S. Sledge Wm. Whitfield