

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

IN RELATION

To the condition of the Seminole Indians, who have emigrated.

JANUARY 16, 1839.

Read, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate of the United States :

I lay before you a communication from the Secretary of War, which is accompanied by one from the Commissioner of Indian Affairs, suggesting the propriety of setting apart a tract of country west of the Mississippi for the Seminole Indians, so that they may be separated from the Creeks, and representing the necessity of a small appropriation for supplying the immediate wants of those who have been removed; and I respectfully recommend these subjects for the early consideration and favorable action of Congress.

M. VAN BUREN.

WASHINGTON, *January 16, 1839.*

WAR DEPARTMENT, *January 15, 1839.*

SIR: I have the honor to lay before you a statement, drawn up by the Commissioner of Indian Affairs, respecting the condition of the Seminole Indians who lately emigrated to the west, and are now encamped near Fort Gibson, and respectfully recommend that it be submitted to Congress. Humanity, as well as sound policy, requires that the wants of those people should be promptly attended to; and it appears but just, as they are obstinately opposed to unite with the Creeks, that they should be provided with an independent tract of country west of the Mississippi.

Very respectfully, your most obedient servant,

J. R. POINSETT.

To the President of the United States.

WAR DEPARTMENT,
Office Indian Affairs, January 14, 1839.

SIR: By the treaty with the Seminoles of 9th May, 1832, they contracted to remove west, and it was agreed that a delegation should visit the country

set apart for the Creeks, and if it was approved, and the disposition of the Creeks favorable to a re-union of the two tribes as one people, that an additional extent of territory, proportioned to their numbers, should be added to the Creek country, it being understood "that the Seminoles will be received as a constituent part of the Creek nation, and be readmitted to all the privileges as a member of the same." By a subsequent treaty with the Creeks, dated 14th February, 1833, a tract of country was set apart for their use; and in its fourth article is this clause: "And it is understood and agreed, that the Seminole Indians of Florida, whose removal to this country is provided for by their treaty with the United States, dated 9th May, 1832, shall also have a permanent and comfortable home on the lands hereby set apart as the country of the Creek nation; and they (the Seminoles) will hereafter be considered a constituent part of said nation, but are to be located on some part of the Creek country by themselves; which location shall be selected for them by the commissioners, who have signed these articles of agreement or convention." The treaty with the Seminoles of 23th March, 1833, recites the foregoing, and that the delegation, appointed under the treaty of 9th May, 1832, had examined the land set apart for them, and expressed their satisfaction therewith; and proceeds to set out the said land by boundaries. With this location the chiefs reiterated their satisfaction in the treaty, and agreed to remove to it.

It is now ascertained that the Seminoles who have been carried west are, to the number of 2,000 and upwards, still on the south bank of the Arkansas river, about two miles below Fort Gibson, where they have been since their removal. A communication from the chiefs to General Jesup, dated 23d September last, and transmitted to this office, states that they were pleased with the land allotted to them, but that the Creeks have taken possession of it, and that they will not live among them, or unite with them as a nation, because the Creeks "look upon us (them) as runaways, and would treat us (them) just as they would so many dogs; that they were told the land should be secured to them, and cannot believe the Creeks or any one else have a right to claim it; and that Hopoethleyola's object is to compel us (them) to unite with them, but we (they) have no such intention." A letter from General Arbuckle to the Adjutant General, of 11th September last, referred to this office, states that they are still in the neighborhood of Fort Gibson, but without the necessary tools to enable them to construct cabins; are destitute of clothing, and greatly in want of blankets. Captain Drane, of the army, now in this city, confirms the above from recent personal observation, and says their destitution, in regard to clothing, &c., is extreme.

It is apparent that any attempt at forcing a union of the Creeks and Seminoles, in conformity with the treaties referred to, would, with the feelings of the latter, who are the weaker party, be attended with bad, if not fatal, consequences to them. The treaties contemplated a separate location for them adjoining that of the Creeks, although their reunion was also in view. Such is their aversion to this that they have not moved from the spot where they landed, and there is no reasonable hope that they will change their determination. It will not consist with our relations to them to allow them to remain where they are and perish; for although they have been receiving subsistence from the United States, that must soon cease, and, in the mean time, they are suffering severe privations, and are making no provision for the future. The treaties are in the way of any further

action by the Government. I think, however, it would be proper to assign them a different location, and that, to effect it, one of the Government agents in that quarter should be authorized to explore the country, and allot to them a tract of unoccupied land, to which they should be removed. To this end the aid of Congress must be invoked, for there is no power to assign them a different location from that pointed out in the treaty. There were appropriated in 1836, in addition to a balance of \$33,010 from former appropriations, \$100,000, for the removal of Seminole Indians, and their subsistence for one year. In 1837, \$140,000 were appropriated for similar purposes, and in 1838, to carry into effect the treaty with them, \$280,610; of these various sums there appears to be a balance of \$195,250 unused, or untransmitted to agents by this office. But this sum is applicable to removal and subsistence, and can only be applied properly to their further removal to their future residence.

The treaty of 9th May, 1832, has not been executed because of the hostilities which have arisen, except in the payment of the annuities under the law of 4th June, 1836, to the friendly Seminoles who emigrated west, and the purchase of blankets under the 3d article of said treaty, which were forwarded in September last, and it is supposed have been received before this time. The 2d article provides for the payment of \$15,400, to be divided among the chiefs and warriors of the several towns on their arrival west.

There is no fund to relieve their immediate pressing personal wants. They are said to be almost naked, and, at this inclement season, something should be done for them, as well to save them from perishing as to put them in a condition to remove next spring further west; for this purpose, I think \$10,000 would be sufficient.

Under the treaties of 1823 and 1832, there are provisions which will enable this office to supply them with tools, &c., to build cabins, agricultural implements, for cattle, &c.

All that is required is legal authority to change their location, and a fund to give them some small amount of clothing, which I respectfully request may be asked of Congress.

Very respectfully, your most obedient servant,

T. HARTLEY CRAWFORD.

Hon. J. R. POINSETT,

Secretary of War.