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Documents relating to the negotiation of an unratified treaty of September 19, 1836, with the Stockbridge and Munsee Indians. September 19, 1836

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DOCUMENTS RELATING TO THE
NEGOTIATION OF AN UNRATIFIED TREATY OF
SEPTEMBER 19, 1836, WITH THE STOCKBRIDGE AND MUNSEE INDIANS

Rep. of the Secretary
of War
Treaty with

(Opa New York) 262.
(262)
(1838)

Stockbridge & ...
P1361. June 16. 38.

Sand on Lake ...

3 Indian Office

Unratified treaty of
Sept. 19. 1836

Treaty with
Message F

War

2

Articles of a Treaty, made and concluded at
Green Bay, Wisconsin Territory, September 19. 1839
by John F. Schermerhorn, Commissioner on the part
of the United States, and the Chiefs and head men
of the Stockbridge and Muncie Tribes of Indians,
interested in the Lands, on Winnebago Lake, provi-
-ded for them in the Marquette Treaty, of February
1831, and assented to by them, October 27. 1832,
and who now reside on Winnebago Lake, and
those that are still in the State of New York.

Article first. The Chiefs and head men
of the said Stockbridge & Muncie Tribes
of Indians, whose names are hereunto
annexed, in behalf of their people, have
by Cede, Relinquish, & Convey to the United
States, all their right, title and interest, of
and to their lands on the East side of
Winnebago Lake, as provided for them
in the aforesaid Treaty, for and in
consideration of the Covenants, stipulations

and provisions contained in the several articles of this Treaty, on the part of the United States

Article Second. The United States, in consideration of the above Cession, hereby consent and agree to dispose of and sell the lands above Ceded, for the benefit of the Stockbridge and Munsee Tribes of Indians; and, after the deducting from the proceeds thereof, the actual expenses incurred by the United States, in the survey and sales attending the same, and such reasonable sum for the lands assigned to them by this Treaty for their future homes, as the President may see fit, to fix upon it (should the Senate of the United States require it) then the net proceeds shall be disposed of as follows

First. The lots and improvements of each individual of the Tribes shall be valued by the Commissioners to be appointed by the President of the United States for that purpose, and the fair and just value of the same shall be allowed and paid to the respective owners thereof. The lots and improvements for the Mission to go to the A. B. C. F. M. who are now in possession of the same

Second. A sufficient sum is hereby
set apart for the removal and subsis-
tence of the whole of said Tribes of
Stockbridge and Munsie Indians and
for their subsistence for one year after
their arrival at their new homes pro-
vided for them, by this Treaty.

Third. The sum of Twenty Thousand (\$20,000)
Dollars shall be ^{and} hereby ^{is} set apart and allowed
to remunerate the Stockbridge Tribe for the
monies laid out, and expended by said
Tribe, and for the services rendered by their
Chiefs and Agents in securing the title to
these lands, and removal to this Country,
the sum to be examined and determined
and paid out to the several Claimants,
by the Commissioners and Chiefs as may
be deemed by them most equitable and
just - The remainder of the Netto avails
shall be invested ~~by~~ by the United States
^{in some safe and productive Stock} ^{or}
^{in the State of New York,} ^{Company} ⁱⁿ
^{Corporate} ⁱⁿ the State of New York, and the interest
thereof to be paid to the Chiefs of the Tribe
to be applied by them in such manner
as may be ~~for~~ the best interest of
the Tribes. Whenever either of these Tribes
or any portion of them are ready to remove

after having selected their new homes they shall be furnished with the means for removal by the United States and for their one year subsistence to be reimbursed out of the Sales of their lands and any Chief who removes his Tribe or any party not less than 100 persons shall be allowed & paid \$500. for his services

Article Third. This Treaty is ~~on~~ the Express Condition, that the Stockbuds and Munsie Tribes of Indians shall have the privilege first to go and examine the the Indian Country Southwest of of the Wapouan River, at the Expense of the United States, and if they ~~find~~ ^{find} a country to suit them which has not already been Ceded by the United States to any other Tribe of Indians, and if the same ^{equal to two Townships} shall be conveyed to said Stockbuds and Munsie Tribes by Patent from the President of the United States according to the provisions of the Act of Congress of June 1830. then this Treaty shall be obligatory upon the Stockbuds and Munsie Tribes of Indians in all respects and in every part and Article of the same. But if upon such Examination they cannot find a Country to suit themselves, that then it is expressly

understood and agreed that only the
East half of the said tract on Stockbridge
Lake is hereby ceded to the United
States: and the remaining half shall
be held by them in common, but the
Munsee shall not be permitted to
sell or relinquish their right to the
United States without the consent
of the Stockbridge Indians, and in
the event of the sale of the remaining
half the Munsee shall be entitled
to a share of the same in proportion
to their relative numbers ~~and~~ ⁱⁿ the
amount to be invested or divided
for the benefit of the whole.

If one township only shall be con-
veyed to the United States then
Eight Thousand dollars shall
be set apart and is hereby appropriated
out of the monies arising from the sale
of the same for the removal of the Munsee
Tribe of Indians from the State of New
York, and their subsistence one year on
their removal to the Indian Country South
West of the river Missouri and the balance

shall be paid to the Stockbridge Indians
according to the third item in the second
Article of this Treaty

Article Fourth. Since it is the desire
of the Stockbridge Indians, that their lands
shall be sold to the best advantage for
their tribe; it is therefore stipulated
and agreed by the United States, that
a special Commission shall be ap-
pointed by the President by and
with the advice and consent of the
Senate of the United States, who is hereby
authorized to sell and dispose of the said
lands in any quantity or quantities at
public or private sale as may be deem-
ed best for the interest of said Tribes
Providing however that the same shall
not be sold for less than the Minimum
Price per Acre, It is understood ~~that~~
that the said Stockbridge Indians ~~will~~
do accept of a country South west of the Missouri River, that then they will
remove in two years from the ratification

of this Treaty; and if the whole of the
lands at that time are not disposed of
at public or private sale, by the
Consent of the Chiefs and head men
of the Stockbridge Tribe of Indians
the whole shall be disposed of at
public or private sale ^{on such terms} as may be
deemed best for their interest
and the said Commissioners shall
also superintend their removal and
make all the necessary disburse-
ments and pay all the Claims
under the provisions of this Treaty,
and ~~the same~~ ^{the same} account of the
the same both to the Government
of the United States, and to the Chiefs
of the said Stockbridge and Munsau
Tribes of Indians. And it is also under-
stood & agreed that no preemption rights
shall be granted by Congress on any of
these lands

Article Fifth. Perpetual peace and friendship shall exist between the United States and the said Stockbridge & Munsie Tribes of Indians and the United States hereby guaranta to protect and defend them in the peaceable enjoyment of their new homes and hereby secure to them the right in their new Country to establish their own Government appoint their own officers, make and administer their own laws, and regulations, subject however to such Legislation of the ^{Congress} United States for regulating trade and intercourse among the Indians as they may deem necessary and proper. The lands secured to the Stockbridge and Munsie Tribes of Indians under this Treaty shall never be included within any State or Territory of this Union without their Consent, and they shall also be entitled to all the rights

and privileges secured to any Tribe
of Emigrant Indians settled in said
Territory

Article Sixth. This Treaty when approved
and ratified by the President and
Senate of the United States shall be
binding on the respective parties

In testimony whereof the said John F
Schermhorn and the Chiefs and head
men of the Stockbridge and Munsee
Tribes of Indians have hereunto set
their hands and seals, the day and
year above written.

In the presence of J. F. Schermhorn

George Boyd
U.S. Indian Agent

John Metson

R. S. Gettler L. M.
Surgeon U.S. Army
John J. Arnett

Assisted by Quincy

In the presence of
Cutting Marsh } Jacob Chickes

M. S. Martin

W. L. Newberry

Mr B Slaughter

Mr M M Cady

A. S. Elliz

D. Giddings

J. Gourdean

Jos. M. Quimby

Hendrick Ansdemat

his
Lawt x David
mark

Jonas x Thompson
mark

Joseph M. Quimby

Simon S Metoxen

Capt Porter his
x
mark

The aforesaid treaty having been
explained, by J. F. Schermerhorn
given; it is hereby accepted to
be put into, in all its provis
stitutions, in the presence of
Brookhead Commissioner on the part of the
State of N. York in behalf of the
now residing in the State of New York
Oct 15th 1836

In the presence of

W. C. Brookhead

George Turkey

his
John x Wilson
mark

interpreter