

Provision in
case any of said
lands remain
unsold.
Proviso.

[This article
stricken out;
see the amend-
ment in the ra-
tification.]

Treaty binding
when ratified.

part of the Indians, based on such remainder, it is hereby agreed, that every such section, fractional section, or other unsold remainder, shall, at the expiration of five years from the ratification of this treaty, be sold for such sum as it will command, *Provided*, That no such sale shall be made for less than seventy-five cents per acre.

ARTICLE 4th. Should the said Indians agree to emigrate, and give up their reservations on the west shores of Saganaw bay at any time during the first period of sale herein before mentioned, they shall receive from the United States the minimum price per acre, fixed for said period, and if during the second period, the minimum price for the second period.

ARTICLE 5th. This treaty shall be binding from the date of its constitutional ratification; but its validity shall not be affected by any modification, or non-concurrence of the President and Senate, in the third and fourth articles thereof.

In testimony whereof, the undersigned, Superintendent of Indian Affairs and commissioner on the part of the United States, and the chiefs and delegates of said bands, have hereunto set their hands, and affixed their seals, at the city of Saganaw on this twenty-third day of January, in the year of our Lord one thousand eight hundred and thirty-eight, and of the independence of the United States, the sixty-second year.

HENRY R. SCHOOLCRAFT,
Commissioner.

Ogima Keegido,
Mo-cuck-koosh,
Oe-quee-wee-sance,

Saw-wur-bon,
Show-show-o-nu-bee-see,
Ar-ber-too-quet.

Signed and executed in presence of Jeremiah Riggs, Overseer farmers I. D. E. S. Williams, Sam'l G. Watson, Wm. F. Mosely, D. E. Corbin, Leon Tremble, Jas. La-Schoolcraft, Joseph F. Marsac, William S. Lee.

To the Indian names are subjoined a mark and seal.

[NOTE.—The foregoing treaty was ratified with the following amendments:
"Strike out articles 2 and 4.
Change articles 3 and 5 to read article 2nd, article 3rd."]

ARTICLES OF A TREATY.

Feb. 3, 1838.
Proclamation,
May 17, 1838.

Made at the City of Washington between Carey A. Harris, thereto specially directed by the President of the United States and the First Christian and Orchard parties of the Oneida Indians residing at Green Bay, by their chiefs and representatives.

Cession to the
United States.

Ante, pp. 342
& 399.

ART. 1. THE First Christian and Orchard parties of Indians cede to the United States all their title and interest in the land set apart for them in the 1st article of the treaty with the Menomonies of February 8th, 1831, and the 2d article of the treaty with the same tribe of October 27th, 1832.

ART. 2. From the foregoing cession there shall be reserved to the said Indians to be held as other Indian lands are held a tract of land

containing one hundred (100) acres, for each individual, and the lines of which shall be so run as to include all their settlements and improvements in the vicinity of Green Bay.

Reservations
to be made from
said cession.

ART. 3. In consideration of the cession contained in the 1st article of this treaty, the United States agree to pay to the Orchard party of the Oneida Indians three thousand (3000) dollars, and to the First Christian party of Oneida Indians thirty thousand five hundred (30,500) dollars, of which last sum three thousand (3,000) dollars may be expended under the supervision of the Rev. Solomon Davis, in the erection of a church and parsonage house, and the residue apportioned, under the direction of the President among the persons having just claims thereto; it being understood that said aggregate sum of thirty-three thousand five hundred (33,500) dollars is designed to be in reimbursement of monies expended by said Indians and in remuneration of the services of their chiefs and agents in purchasing and securing a title to the land ceded in the 1st article. The United States further agree to cause the tracts reserved in the 2d article to be surveyed as soon as practicable.

Consideration
for said cession.

ART. 4. In consideration of the sum of five hundred (500) dollars to be paid to him by the chiefs and representatives of the said parties of Oneida Indians, John Denny (alias John Sundown,) their interpreter agrees to relinquish to them all his title and interest in the tract reserved in the 2d article of this treaty.

Relinquish-
ment by John
Denny.

ART. 5. It is understood and agreed that the expenses of this treaty and of the chiefs and representatives signing it, in coming to and returning from this city, and while here, shall be paid by the United States.

Expenses of
this treaty to be
paid by U. S.

ART. 6. This treaty to be binding upon the contracting parties when the same shall be ratified by the United States.

Treaty binding
when ratified.

In witness whereof, the said Carey A. Harris and the undersigned chiefs and representatives of the said parties of Oneida Indians have hereunto set their hands at the City of Washington, this third day of February 1838.

C. A. HARRIS.

First Christians.

Daniel Bread.

Henry Powles,
John Denny, alias John Sundown,
Adam Swamp,

Orchard.
Jacob Cornelius.

In presence of Geo. W. Jones, Del. Wis. Ter. Solomon Davis. Alfred Iverson. O. S. Hall. Jas. P. Maury. Charles E. Mix. Charles J. Love. John Denny, alias John Sundown, Interpreter.

To the Indian names are subjoined marks.