

**Ottawa and Chippewa Exercise of Usufructuary
Rights in the Nineteenth and Twentieth Centuries:
Rebuttal To Testimony of
Theodore J. Karamanski, Lawrence C. Kelly, and
Paul Driben**

Prepared By

James M. McClurken

James M. McClurken & Associates, Inc.
1120 Keystone Ave
Lansing, MI 48911

January 31, 2005

Introduction

Legal counsel for the Ottawa and Chippewa Tribes party to *U. S. v. Michigan* have requested that I read and comment on the reports prepared for the State of Michigan by expert witnesses Theodore J. Karamanski,¹ Lawrence C. Kelly,² and Paul Driben.³ In particular, the tribes' counsel asked me to address those aspects of the reports that relate to my understanding of the Ottawa and Chippewa "civilization" movement in the nineteenth century and the role of hunting, trapping, fishing, and gathering among the Ottawas and Chippewas at the time of the 1836 Treaty of Washington and thereafter.

The findings in the following report rest on twenty-eight years of my professional research into Ottawa and Chippewa history and culture. I began my work with Ottawas, Chippewas, and Potawatomis in 1977. My assigned task was to compile and analyze oral histories of Michigan Indian people, which included accounts of their hunting, trapping, fishing, and gathering activities within lands ceded to the United States by the 1836 Treaty of Washington. I subsequently conducted ethnohistorical research for a project designed to

¹ Theodore J. Karamanski, "The Historical and Ethnohistorical Context of Hunting and Fishing Treaty Rights in Western and Northern Michigan," Undated [2004] [Hereafter Karamanski, "Historical and Ethnohistorical Context"].

² Lawrence C. Kelly, "A Report on the 1836 and 1855 Federal Treaties with the Ottawa And Chippewa Indians of Michigan," October 2004 [Hereafter Kelly, "Report on the Treaties"].

³ Paul Driben, "The Capacity of Anishinaabe Leaders to Comprehend the Thirteenth Article of the Treaty with the Ottawa, Etc., 1836, And How they Understood the Article," Undated [2004] [Hereafter Driben, "Capacity"].

document the federal removal policy as it was implemented throughout the Old Northwest Territory, including Michigan. In 1988, I completed a Ph.D. in anthropology at Michigan State University. The subject of my dissertation was the effect of the federal removal policy on the Michigan Ottawas between 1820 and 1855. Since that time I have had many opportunities to conduct additional research on Ottawa and Chippewa history and culture. I have prepared ethnohistorical reports for most of Michigan's Indian tribes on subjects related to their history and culture. These reports have been submitted as testimony in federal court cases or have become the subject of museum exhibits, films, articles, and books. I have been called upon by committees of the United States Congress to present testimony regarding the history and culture of Michigan tribes. I have also presented professional papers and lectured at colleges and universities on these subjects. For details on these subjects please refer to my Curriculum Vitae, Appendix B.

Article Thirteen of the 1836 Treaty of Washington contains this provision: "The Indians stipulate for the right of hunting on the lands ceded, with the other usual privileges of occupancy, until the land is required for settlement." State's experts Karamanski, Kelly, and Driben downplay the significance of this provision in several ways. They contend that Article Thirteen was primarily intended to secure a right of occupancy, not to preserve broad usufructuary rights. The experts also argue that the Article Thirteen provision was intended to be temporary, giving way whenever the United States conveyed lands for any purpose, without regard to actual settlement of the land. The State's experts assert that Article Thirteen was not, as Henry Schoolcraft maintained on several occasions, central to the Ottawas' and the Chippewas' acceptance of the treaty and their approval of the Senate's amendments to the treaty. They also

contend that a continuing usufructuary right on ceded lands was of no importance to the Ottawa and Chippewa by the time of the 1855 Treaty of Detroit.

Underlying these assertions is the theory that, at the time of the 1836 Treaty, the Ottawas and Chippewas were beset by political, social, and economic crises, and viewed the treaty as a means to transform their way of life. According to this theory, the Ottawas and Chippewas contemplated a future in which they would become “civilized” and would abandon hunting, fishing, trapping, and gathering as important economic and cultural activities.

In my opinion, the historical documents concerning the 1836 Treaty, including the treaty itself, do not support the propositions advanced by the State’s experts. For example, the treaty itself stipulates for a broad usufructuary right, not a mere occupancy right, and it limits that right only when the land is needed for settlement, not when it is conveyed for any purpose. The purpose of this report, however, is not to address the historical record surrounding the negotiation and ratification of the treaty, but rather to address the underlying theory on which the experts’ propositions are based.

Based on my study of Ottawa and Chippewa “civilization” efforts, and my knowledge of the centrality of hunting, fishing, trapping, and gathering to the Ottawa and Chippewa at the time of the 1836 Treaty and thereafter, I do not believe the Ottawa and Chippewa envisioned a future in which they would abandon these activities. Both as a matter of economic necessity and cultural imperative, the Ottawa and Chippewa pursued a seasonal round focused on the natural resources available to them in northern Michigan at the time of the 1836 Treaty and for over a century thereafter. The centrality and persistence of these activities cast serious doubt on the proposition that the usufructuary right in the 1836 Treaty was unimportant to the Ottawa and

Chippewa or that they would have agreed to a provision that provided only temporary protection for these essential activities.

The State's experts seek to support their views about Article Thirteen by noting that, in the period following the 1836 Treaty, Ottawas and Chippewas did not complain about the federal government's interpretation of that provision, even though they did complain about American interpretations of other provisions in the treaty. However, in my research I have found no evidence that the United States or the State of Michigan interfered with the exercise by the Ottawas and Chippewas of their usufructuary rights under Article Thirteen in the years following the treaty. Such interference did not begin to occur until the late nineteenth and early twentieth centuries, when the State began to enforce its fish and game laws. When this occurred, Ottawas and Chippewas did complain. This evidence further undermines the theory that Article Thirteen was understood to be temporary, and was not of lasting importance to the Ottawa and Chippewa.

“Civilization” and the Persistence of Hunting, Fishing, and Gathering

I defended a Ph.D. dissertation entitled “We Wish to Be Civilized: Ottawa-American Political Contests on the Michigan Frontier,” in 1988.⁴ This ethnohistorical study examined the interactions of Ottawas and Chippewas and United States officials around the issue of the federal government's nineteenth-century Indian removal policy. The discussion focused specifically on Ottawa and Chippewa political strategies for overcoming efforts to move them from their Michigan estate. In my analysis of the 1836 Treaty negotiations I concluded that,

⁴ James M. McClurken, “We Wish to Be Civilized: Ottawa-American Political Contests on the Michigan Frontier” (Ph.D. dissertation, Michigan State University, 1988) [Hereafter McClurken, “We Wish to be Civilized”].

In their attempt to preserve their identity and their homelands in the face of the demands of the American politico-economic complex, the Ottawa had two goals. First, they had to maintain access to the natural resources they had traditionally used for subsistence and to continue to use them productively. Second, they had to integrate into the American market system without losing their social and cultural integrity.⁵

Although the 1836 Treaty of Washington contained provisions to facilitate removal of the Ottawas and Chippewas to western lands, should they decide to move, the Michigan tribes never intended to leave their aboriginal estate. Ottawas and Chippewas used political rhetoric, citing their willingness to become “civilized,” to overcome federal removal efforts in the years following the treaty, but they never intended to surrender their historic settlements or the resources that would allow them to perpetuate their society.⁶ I reached these conclusions seventeen years ago and I still believe them to be true today.

The political focus of “We Wish to Be Civilized” precluded the need for a detailed analysis of economic changes that occurred in Ottawa and Chippewa communities before, during, and immediately after the 1836 Treaty negotiations. To the extent that “We Wish To Be Civilized” discussed changing Ottawa and Chippewa economic pursuits prior and subsequent to the 1836 Treaty negotiations, it argued that the Indian parties to the treaty “redefined but did not abandon traditional modes of production and associated values to meet the needs of a market economy.”⁷ It contended that the Ottawas and Chippewas altered but did not abandon their historic modes of production to meet the challenges of American entry into their historic estate. They changed their hunting, trapping, fishing, and gathering practices only so much as was

⁵ McClurken, “We Wish to Be Civilized,” p. 335.

⁶ McClurken, “We Wish to Be Civilized,” pp. 335-336.

⁷ McClurken, “We Wish to Be Civilized,” p. 6.

necessary to secure themselves continued residence in their historic estate and no more.

Many historical documents that I have examined subsequent to “We Wish to Be Civilized” show that the Ottawas and Chippewas conceived of becoming “civilized” as the integration of their traditional economic practices into the expanding American economy. They did not envision their “civilization” efforts as a means of ending their hunting, trapping, fishing, and gathering activities, and they never stopped any of these activities during the entire nineteenth century and early twentieth century. Contrary to the opinions of the State’s experts, I believe that few, if any, federal officials who served with the Ottawas and Chippewas in Michigan from Henry Schoolcraft forward understood that the Indians were to abandon hunting, trapping, fishing, and gathering.

The fact that Ottawas and Chippewas anticipated continued seasonal use of natural resources at the time of the 1836 Treaty,⁸ despite changes in the fur trade, is suggested by an

⁸ For a detailed reminiscence of the resources used at Little Traverse Bay in the years immediately preceding the 1836 treaty negotiations see Andrew J. Blackbird, *History of the Ottawa and Chippewa Indians of Michigan* (Ypsilanti, MI: The Ypsilantian Job Printing House, 1887), pp. 10-11, 19-21, 32-33, 45-47, 50 [Hereafter Blackbird, *History of the Ottawa and Chippewa*]. He wrote: ...*In my first recollection of the country of Arbor Croche, which [p.11] is sixty years ago, there was nothing but email shrubbery here and there in small patches, such as wild cherry trees, but the most of it was grassy plain, and such an abundance fo wild strawberries, raspberries and blackberries that they fairly perfumed the air of the whole coast with fragrant scent of ripe fruit. The wild pigeons and every variety of feathered songsters filled all the groves, warbling their songs joyfully and feasting upon these wild fruits of nature, and in these waters the fishes were so plentiful that as you lift up the anchor-stone of your net in the morning, your net would be so loaded with delicious whitefish as to fairly float with al its weight of the sinkers. As you look towards the course fo your net, you see the fins of the fishes sticking out of the water in every way. Then I never knew my people to want for anything to eat or to wear, as we always had plenty of wild meat and plenty of fish, corn, vegetables, and wild fruits. I thought (and yet I may be mistaken) that my people were very happy in those days, at least I was as happy myself as a lark, or as the brown thrush that sat daily on the uppermost branches of the stubby growth of a basswood tree which stood near by upon the hill where we often played under its shade, lodging our little arrow? among the think branches of the tree and then shooting them down again for sport... [p. 45]] I will again return to my narrative respecting how the Ottawas used to live and travel to and fro in the State of Michigan, and how they came to join the Catholic religion at Arbor Croche. Early in the spring we used to come down this beautiful stream of water (Muskegon River) in our long bark canoes, loaded with sugar, furs, deer*

important aspect of the treaty negotiations that is overlooked by the State's experts. Secretary of War Lewis Cass had authorized Henry Schoolcraft to allow the Ottawas and Chippewas to make reservations within the ceded territory.⁹ Schoolcraft, during the negotiations, proposed a reservation "of 100,000 acres of land north of the waters of Grand River to be located in two places."¹⁰ The scant written record of the negotiations does not offer insight about how the two reservations proposed by Schoolcraft became the thirteen reservations eventually listed in the

skins, prepared venison for the summer use, bear's oil, and bear meat prepared in oil, deer tallow, and sometimes a lot of honey, etc. On reaching the mouth of this river we halted for five or six days, when all the other Indians gathered, as was customary, expressly to feast for the dead. All the Indian and children used to go around among the camps and salute one another with the words, "Ne-baw-baw-tche-baw-yew," that is to say, "I am or we are going around as spirits," feasting and throwing food into the fire as they believe the spirits of the dead take the victuals and eat as they are consumed in the fire.

After the feast of the dead, we would all start for Arbor Croche, our summer resort, to plant our corn and other vegetables. At the crossing of Little Traverse Bay at the point called "Ki-tche-ossening," that is to say, "on the big rock," all the Indians waited until all the canoes arrived, after which they would all start together in crossing the bay. When about half way across they would begin to salute Arbor Croche by shooting with guns, holding them close to the water in order that the sound might reach to each side of the bay, to be heard by those few who always made their winter quarters around Little Traverse Bay. Arriving at Arbor Croche, where our big wigwam would be waiting [p. 46] for us of which I have spoken in previous chapters the very first thing my parents would do would be to go and examine their stores of corn and beans. After all the Indians arrived and had settled down, they would again have a prolonged merriment and another feasting of the dead and peace offerings. Grand medicine dances, fire dances, and many other jubilant performances my people would have before they would go to work again to plant their corn. I distinctly remember the time, and I have seen my brothers and myself dancing around the fires in our great wigwam, which had two fireplaces inside of it.

[p. 50] I thought my people were very happy in those days, when they were all by themselves and possessed a wide spread of land, and no one to quarrel with them as to where they should make their gardens, or take timber, or make sugar. And fishes of all kinds were so plentiful in the Harbor. A hook anywhere [sic] in the bay, and at any time of the year, would catch Mackinaw trout, many as one would want. And if a net were set anywhere in the harbor on shallow water, in the morning it would be loaded with fishes of all kinds. Truly this was a beautiful location for the mission. Every big council of the Indians was transacted in the village of Little Traverse...

⁹ Lewis Cass to Henry R. Schoolcraft, 14 March 1836, NAM M1, R.72:462-465.

¹⁰ Journal of 1836 Treaty Negotiations, 15-28 March 1836, LOC-HRSP, R.24:13930-19341, 13973-13975.

1836 Treaty text.¹¹ These treaty-designated reservations were located at the sites of the Ottawas' and Chippewas' fields, fishing grounds, and settlements in northern Michigan. These sites provided access to many of the natural resources that the Ottawas and Chippewas harvested in their seasonal round. The selection of these sites as reservations points to the Indians' desire to retain access to the resources they had traditionally relied upon, and suggests that they anticipated a future in which the use of natural resources in a seasonal round would remain essential to their way of life.

The same can be said of Schoolcraft's expectations. If Schoolcraft's primary goal had been to transform the Ottawas and Chippewas into a nation of Christian farmers, he and Secretary of War Cass could have insisted that the Indians accept fewer reservations in a part of Michigan where agricultural production was more reliable. Instead, he allowed the Ottawas and Chippewas to reserve agriculturally marginal lands. Reports filed by federal agents cited below, written before and after the 1836 Treaty negotiations, note the limitations of agriculture, especially in lands lying north of the Straits of Mackinac.

Henry Schoolcraft believed that the Ottawas and Chippewas could intensify their traditional horticultural practices in the years following ratification of the 1836 Treaty of Washington. Still, despite his rhetorical discourses on the benefits and implementation of "civilization,"¹² Schoolcraft understood the implications of reserving land to the Ottawas and Chippewas in 1836 that lay well north of the line where agriculture alone could provide a

¹¹ Charles J. Kappler, *Indian Affairs, Laws and Treaties*, vol. 2 (Washington, D.C.: Government Printing Office, 1904), p. 451.

¹² Henry R. Schoolcraft to Carey A. Harris, 30 September 1838, NAM M1 R.37:547-564; Henry R. Schoolcraft to T. Hartley Crawford, 30 September 1839, NAM M1 R.38:120-136.

reliable living for Indians, or for anyone else.¹³ As Schoolcraft himself wrote in a letter to Commissioner of Indian Affairs Carey A. Harris, “. . . It was believed [at the time of treaty ratification], from the best information then extant, that portions of the large and imperfectly explored territory ceded, were uninviting to agriculturists, and would be chiefly valuable for lumber and mill privillages (sic), and to these tracts the Indians adverted, as places of temporary residence. . . .”¹⁴ Ottawas and Chippewas did not face restrictions on the continued practice of fishing, hunting, and gathering activities largely because they inhabited territory where the continued harvest of natural resources would be unimpeded by Americans for many years.

Karamanski, Kelly, and Driben reach a different conclusion regarding Ottawa and Chippewa intentions upon entering into negotiations for the 1836 Treaty. However, they reach this conclusion on the basis of a flawed thesis. They contend that the Ottawa and Chippewa economy, based largely on the extraction of furs, was on the brink of collapse in the years immediately preceding treaty negotiations in 1836. Hence, they argue, the Ottawas and Chippewas came to the treaty negotiating table prepared to abandon hunting for farming. It is true that the fur trade economy, as practiced by John Jacob Astor’s American Fur Company after the War of 1812, had decimated many fur-bearing species and was a system on the verge of collapse. That fact alone, however, does not explain Ottawa and Chippewa negotiating positions. First, the Ottawas and Chippewas who were party to the 1836 Treaty hunted and trapped many species of animals for food in addition to those targeted for furs. While prime fur-bearing species

¹³ Regarding the southern boundary, Henry Schoolcraft as late as 1840 reported that “settlements had already extended to about midway of the valley of the Maskigo.” Henry R. Schoolcraft to T. Hartley Crawford, 24 September 1840, H. Doc. 2 (26-2) 382, pp. 340-350.

¹⁴ Henry Schoolcraft to Carey Harris, 27 February 1837, NAM M1, R.37:168-170.

demanding by international markets had declined, the Ottawas still found adequate food supplies throughout Michigan, Indiana, Illinois, and Wisconsin. When settlers first came to Ottawa and Chippewa territories, they noted the abundant game still available to hunters on lands in the 1819, 1821, and 1836 treaty cessions, including almost all of Michigan's Lower Peninsula.¹⁵ Indeed, for many years after the 1836 Treaty, Ottawas provided food for those settlers who came to the Grand River Valley.¹⁶ Ottawas and Chippewas continued to harvest and sell furs to local dealers, especially those at Mackinac, for many years after the American Fur Company moved its operations elsewhere.¹⁷ American Fur Company operations were about to end in Michigan in

¹⁵ For the best individual account of the natural resources that settlers found, see Ephraim S. Williams, "Personal Reminiscences," in *Report of the Pioneer Society of the State of Michigan*, vol. 7 (Lansing, MI: Thorp & Godfrey, State Printers and Binders), pp. 233-259. Other examples are found in I. McCoy to McKay, 3 April 1827, McCoy Papers, R.5:687-688; "Fish Found in the Rivers and Lakes in and Around the State of Mich.," 12 January 1853, *Grand Rapids Enquirer*; Ruth Craker, *The First Protestant Mission In the Grand Traverse Region* (1932; Mount Pleasant, MI: Rivercrest House, 1979), pp. 17-22 [Hereafter Craker, *First Protestant Mission*]; "Hunting & Fishing," 3 October 1866, *Grand Rapids Daily Eagle*, p. 1; Charles Lyon to Rebecca Richmond, ca. 1909, Richmond Family Papers.

Ottawa writer Andrew Blackbird describes the range of natural resources that his tribe harvested during the early years of American settlement. Blackbird, *History of the Ottawa and Chippewa*, pp. 10-11, 19-21, 32-33, 45-47, 50.

Dempsey makes a point of describing the Michigan environment before American settlement. Dave Dempsey, *Ruin and Recovery: Michigan's Rise as a Conservation Leader* (Ann Arbor: University of Michigan Press, 2001), pp. 11-13.

¹⁶ Note of I. McCoy, 30 January 1827, McCoy Papers, R.5:557; "...Settlers lived on corn and Indian sugar, with occasionally a little venison which they got of the Indians..." "Reminiscences of Grand Rapids, How our Pioneers Lived," 22 July 1857, *Grand Rapids (Michigan) Daily Enquirer and Herald*; "Hunting & Fishing," 3 October 1866, *Grand Rapids (Michigan) Daily Eagle*.

¹⁷ Ramsay Crooks to John Lawe, 14 July 1837, American Fur Company Papers, Minnesota Historical Society Archives, St. Paul, Minnesota, BC2.3.A512, Box 13, File "Photostats of Letterbook 5, June 9, 1837-July 29, 1837"; Samuel Abbott to Ramsay Crooks, 18 July 1840, American Fur Company Papers, Minnesota Historical Society Archives, St. Paul, Minnesota, BC2.3.A512, Box 1, File "Samuel Abbott Letters, 14 October 1839 - 15 June 1842"; Grace Lee Nute, *Annual Report of the American Historical Association For the Year 1944* (3 vols.), 1945, Volume 2, Calendar of the American Fur Company's Papers, Part 2: 1831-1840, p. 895, Entry# 9053; William Brewster to Ramsay Crooks, 4 May 1841, American Fur Company Papers, Minnesota Historical Society Archives, St. Paul, Minnesota, BC2.3.A512, Box 3, File "Brewster Letters 1841"; Ramsay Crooks to William Brewster, 28 April 1842, American Fur Company Papers, Minnesota Historical Society Archives, St. Paul, Minnesota, M151, R.8,

1836, but Ottawa and Chippewa hunting and trapping for food and cash were not.

Hunting and trapping were not the only source of subsistence upon which Ottawas and Chippewas relied. The Ottawas and Chippewas also had a long history of raising food crops – corn, beans, squash, apples, etc. Ottawa and Chippewa horticulture made significant contributions to the Indian economy, contributions which were in no way dependent upon the fickleness of an international fur market. The production of food commodities had been a fundamental aspect of Ottawa identity for centuries before Americans even came to the Great Lakes region.¹⁸ The Ottawas and Chippewas, as part of their vision of “civilization,” promised American officials and missionaries who entered Indian communities that they would expand their previously existing fields and dedicate more time to increasing their crop production, and voiced a willingness to adopt a more sedentary lifestyle to facilitate this economic shift.

However, any Americans who had expected Ottawas and Chippewas to stop hunting, trapping,

Entry 12528; William Brewster to Ramsay Crooks, 10 May 1842, American Fur Company Papers, Minnesota Historical Society Archives, St. Paul, Minnesota, M151, R.34, Entry 12596; John Livingston to Ramsay Crooks, 13 June 1842, American Fur Company Papers, Minnesota Historical Society Archives, St. Paul, Minnesota, BC2.3.A512, Box 5, File “John R. Livingston Letters, Oct., 1837-Oct., 1843”; Ahgosa to Biddle and Drew, 23 January 1843, NAM M1, R.54:57; Samuel Abbott to Ramsay Crooks, 3 July 1843, American Fur Company Papers, Minnesota Historical Society Archives, St. Paul, Minnesota, BC2.3.A512, Box 1, File “Samuel Abbott Letters, June 28, 1842 - July 12, 1844”; Samuel Abbott to George Ehninger, 15 August 1843, American Fur Company Papers, Minnesota Historical Society Archives, St. Paul, Minnesota, BC2.3.A512, Box 1, File “Samuel Abbott Letters, June 28, 1842-July 12, 1844”; George Ehninger to Samuel Abbott, 15 January 1844, American Fur Company Papers, Minnesota Historical Society Archives, St. Paul, Minnesota, M151, R.9, Entry 14044; Ramsay Crooks to John Livingston, 16 March 1844, American Fur Company Papers, Minnesota Historical Society Archives, St. Paul, Minnesota, M151, R.9, Entry 14124; P. Dougherty to Daniel Wells, 4 November 1844, PHSC, Box 7, vol. 3, p. 113; George Ehninger to Samuel Abbott, 3 September 1846, American Fur Company Papers, Minnesota Historical Society Archives, St. Paul, Minnesota, M151, R.10, Entry 15835; Grace Lee Nute, *Annual Report of the American Historical Association For the Year 1944 In Three Volumes*, 1945, Volume 3, Calendar of the American Fur Company’s Papers, Part 2: 1841-1849, p. 1525, Entry #15910.

¹⁸ Vernon Kinietz, *The Indians of the Western Great Lakes, 1615-1760* (Ann Arbor: University of Michigan Press, 1940), pp. 235-236; Johanna E. Feest and Christian F. Feest, “Ottawa,” in *Handbook of North American Indians*, vol. 15, *Northeast* (Washington, D.C.: Smithsonian Institution, 1978), p. 774.

fishing, and gathering quickly found that, with very few exceptions, Indians did not adopt animal-powered agriculture and build American-style farms to the exclusion of other traditional subsistence activities.¹⁹ The Ottawas and Chippewas simply increased the scope of horticultural practices that had been central to their culture and identity for centuries.

Ottawas and Chippewas also augmented their food supplies and their income with the products and proceeds from their fisheries. They had fished to supply their own needs, and for trade and sale to Europeans, for nearly two hundred years when the United States negotiated the Treaty of 1836.²⁰ Whether they harvested the fish from rivers and streams (as did the Grand River Ottawas and the Sault Ste. Marie Chippewas) or from the coastal waters of the Great Lakes (as did the Lake Superior Chippewas and the Ottawas who lived along Grand Traverse and Little Traverse Bays), fish stocks were abundant in 1836 and remained so for many decades to come. Ottawas and Chippewas continued their centuries-old practice of harvesting Great Lakes fish, adopting salt-curing processes during the nineteenth century and ice storage for market production during the twentieth. Numerous documents demonstrate that Ottawas continued to fish inland lakes and streams for their own use long after the land along the banks of these waters

¹⁹ Henry Schoolcraft to T. Hartley Crawford, 24 September 1840, *ARCOIA 1840*, pp. 340-350; Henry J. Alvord to Lewis V. Bogy, 16 November 1866, NAM M234, R.407:852-865; James Long to Ely S. Parker, 5 August 1869, NAM M234, R.408:772-780; George I. Betts and Jonathan J. Knox to Edward P. Smith, 21 June 1873, NARA-DC, RG75, Entry 389, vol. 46-F, pp. 536-544; Edwin J. Brooks to J. A. Williamson, 27 December 1877, NAM M234, R.413:65-103.

²⁰ Vernon Kinietz, *Indians*, pp. 235-236; ****Not produced; we were given 24-25 and 228-231**; Illustration from LaHontan's *Nouveaux Voyages*, in William James Newbigging, "The French-Ottawa Alliance, 1613-1763" (Ph.D. diss., University of Toronto, 1995), p. 77, fig. 7; Quote of LaHontan, in Meade C. Williams, *Early Mackinac: A Sketch Historical and Descriptive* (1897; Au Train, MI: Avery Color Studios, 1992), pp. 28-29; Antoine Lamothe Cadillac, *The Western Country in the 17th Century: The Memoirs of Lamothe Cadillac and Pierre Liette*, ed. Milo Milton Quaife (Chicago: R. R. Donnelley & Sons, Lakeside Press, 1947), pp. 12-15; Jacqueline Peterson, "Many Roads to Red River: Métis Genesis in the Great Lakes Region, 1680-1815," in *The New Peoples: Being and Becoming Métis in North America*, eds. Jacqueline Peterson and Jennifer S. H. Brown (Lincoln: University of Nebraska Press, 1985), pp. 50-51.

had been surveyed and sold to Americans. They did so with little or no complaint from Americans until well into the twentieth century.²¹

²¹ *The waters of this country abound by fish. Through the winter, when our river was frozen over, we cast holes in the ice and took them out with spears. At other seasons they are taken with spears, hooked, nets, &c. in the river at this place which is two hundred & eighty three yards wide, [2 words marked out] is rapids of considerable descent for about a mile in length. This is the best fishery on the river. As many as thirty [2 words marked out] natives [illegible] [3 words marked out] in fishing with spears have been counted on the river at one time opposite our house, I. McCoy to McKay, 3 April 1827, McCoy Papers, R.5:687-688; Fishing is another way of making a living. Lake Michigan is rich and that is why all the Indians of the mission are settled on the lake... Frederic Baraga to Most Reverend Direction of the Leopoldine Foundation, 25 August 1833, BBC, M87; Take from Biddle & Drew all you can extract from them, and if you get either fish or sugar send them to Mr. Brewster without delay, and if you can obtain more fish, or sugar, by paying them even some more than customary price, do so by all means... Ramsay Crooks to Samuel Abbott, 14 May 1835, MHS-AFC, M151, R.1, Entry 471; ...Too much attention cannot be paid to the fisheries in Lake Superior, as Fish are coming now in demand... William Brewster to Ramsay Crooks, 15 May 1835, MHS-AFC, BC2.3.A512, Box 2, File "Brewster Letters, 1834-1835"; Discuss difficulties in trading with the Indians since they have no lands. Advances may be made to trustworthy Indians who are good fishermen... Grace Lee Nute, Annual Report of the American Historical Association For the Year 1944 In Three Volumes, 1945, Volume 2, Calendar of the American Fur Company's Papers, Part 1: 1831-1840, pp. 175-176; The Chippewas cultivate corn and potatoes to a limited extent, but devote most of their time in the quest of food in the chase, or in fishing. Ramsay Crooks to Samuel Abbott, 27 April 1836, MHS-AFC, M151, R.1, Entry 1527; C. A. Harris to Joel R. Poinsett, 1 December 1837, S. Doc. 1 (25-2) 314, pp. 531-535; As the country ceded by them is large, and they are strongly attached to customs peculiar to their mode of subsistence, in part, on the lake fish, and of traveling in canoes, it is not expected that they will feel a general wish to emigrate immediately... Henry Schoolcraft to Carey Harris, 1 March 1838, NAM M1, R.37:422-423; The Chippewas have been orderly and quiet in their intercourse with each other, and with the whites, engaged in the chase and fishing during the season, prepared a considerable quantity of maple sugar. Of fish and sugar the traders have purchased largely. The supply of furs has been inconsiderable... James Ord to Henry Schoolcraft, 1 September 1838, NAM M234, R.423:191-193; Their other means of subsistence consists of fish and wild grain. I think about one fourth part of their living consists in the article of fish... Lucius Garey to Henry Schoolcraft, 30 September 1838, NAM M1, R.45:284-287; ...L'Arbre Croche ... Owing to their fishing season the attendance is irregular... Henry R. Schoolcraft to T. Hartley Crawford, 30 September 1839, NAM M1, R.38:120-136; The accompanying report of the sub-agent at Sault Ste. Marie denotes that the Indians have been engaged in their ordinary pursuits of hunting and fishing with success ...I refer to Mr. Ord's report for the amount of furs, sugar and fish, made and bartered with the traders at that post. Henry R. Schoolcraft to T. Hartley Crawford, 24 September 1840, H. Doc. 2 (26-2) 382, pp. 340-350; The bands at the Sault and Tahquamenon, and Iabay Wadicks band, have sold to the traders not less than 400 barrels of fish, \$3,000 worth of furs, and 12,000 pounds of maple sugar, since last fall. Their potato crops, the only vegetable they cultivate are promising, they have planted twice as much as last year... James Ord to Henry Schoolcraft, 5 September 1840, NAM M234, R.424: 281-283; [A] variety of things such as fishing, hunting, getting wood and getting their horses call them away from school. P. Dougherty to Unknown, 8 January 1841, PHSC, R.8, Box 7, vol. 3, p. 96; These Indians [Sault Ste. Marie Chippewas] generally make some progress in the cultivation of the soil, and manufacture of maple sugar, which, with their fine fish, might enable them to live comfortably... Robert Stuart to T. H.*

Crawford, 18 October 1841, S. Doc. 1 (27-2) 395, pp. 345-348; *In their hunts, the Indians have not taken more than two thirds of the quantity of furs they usually dispose of to the traders. They have, however, not been in want of food, as fish were caught in abundance the whole season, and no complaints were made during the winter.* James Ord to Robert Stuart, 1 September 1842, S. Doc. 1 (27-3) 413, p. 411; *Ottawa colony, and is situated within the State of Michigan... The [Ottawas' land] purchase is almost surrounded by lakes, which afford various kinds of fish...* Leonard Slater to Robert Stuart, 2 September 1842, S. Doc. 1 (27-3) 413, pp. 477-478; *Fish are very scarce, we had depended on obtaining some fish through the winter but none can be obtained...* Peter Dougherty to Walter Lowrie, 27 March 1843, PHSC, Box 7, vol. 3, p. 83; *The corn Crop, was short, fishing was poor, hunting was bad, and the people were consequently hungry, and we could not refuse to give them ...* Peter Dougherty to Robert Stuart, 12 May 1843, NAM M1, R.54:511-514; *The Indians of this sub-agency amounting to about 900, and occupying the country from the northeastern point of the northern peninsula of Michigan to Montreal River, forming Chippewa County, are employed in the chase, and draw part of their subsistence from the lakes by fishing...* James Ord to Robert Stuart, 7 September 1843, S. Doc. 1 (28-1) 431, pp. 429-430; *The Swamps are places where they can trap some game, in the winter, and with the peltries they can procure clothing. The waters produce fish in quantities sufficient for their use if they are industrious, but in quantities too small to become an article of commerce.* Peter Dougherty to Robert Stuart, 2 October 1843, NAM M234, R.425:518-521; *The proceeds from their [Sault Chippewas] hunts have been, with few exceptions, applied to the payment of their debts to the traders for articles of sustenance and clothing. Those who were engaged in fishing have done better this season than for several previous ones, owing to the demand for fish. They have been employed more in providing for themselves necessities for life, and have passed the winter under fewer privations.* James Ord to Robert Stuart, 30 September 1844, S. Doc. 1 (28-2) 449, pp. 484-485; *...The Indians under the Ste. Marie Agency are unfavorably located for agriculture or hunting, their principal resource is from fishing...* William A. Richmond to T. Hartley Crawford, 20 October 1845, H. Doc. 2 (29-1) 480, pp. 498-501; *The families are returning at the fishing ground to attend to their gardens...* P. Dougherty to Brother, 20 August 1846, PHSC, Box 7, vol. 3 p. 139; *From their [Sault Chippewa] hunts and from fishing they have been able nearly to liquidate their debts to their traders, and many of them have been supplied with provisions and clothing for the winter. They are very anxious to have houses to live in, instead of lodges, and many of them intend to get our logs and bark for the erection of a number during the ensuing summer. Their crops of potatoes have been abundant and excellent.* James Ord to William A. Richmond, 1 October 1846, H. Exec. Doc. 4 (29-2) 497, pp. 264-265; *It is desirable that the remittances should be made during the month of July in each year, if possible, in order that the time of the annuity payments may be fixed so as to permit the Indians [Ottawas and Chippewas] to assemble and return to their homes in season for the harvest and prepare for their hunts at the proper time...* Within the Mackinac Agency a steady advancement is apparent among them. Many have purchased lands, erected comfortable houses, commenced the cultivation of the ground with a view to produce more than sufficient for their own consumption, this, with their fishing and hunting at their proper seasons has enabled them to improve their condition materially. William A. Richmond to William Medill, 30 October 1846, H. Exec. Doc. 4 (29-2) 497, pp. 261-263; *Those inhabiting the islands and north shore of the straits of Mackinac and Lake Michigan, obtain their subsistence mostly from hunting and fishing; and although a few attend the Catholic school, and are engaged in agriculture to a small extent, their condition is not as comfortable as those residing at the points first mentioned...* William A. Richmond to William Medill, 20 November 1847, S. Exec. Doc. 1 (30-1) 503, pp. 817-820; *Grand Traverse Bay ... They have decided not to go West. They say they have been engaged all their lives in catching fish in the lakes, and in making sugar in the spring, and living in the forests, and they cannot think of going where none of these are...* Walter Lowrie to William Medill, 4 April 1848, NAM M234, R.771:238-241; *I consider it one of the best situations in which they could be settled especially with*

reference to their nautical habits & their disposition for fishing— they have purchased about 2 miles on the lake shore & some lots back next to the shore lots— the trout & white fishing is said to be the best of any on the coast & we had proof while there. George N. Smith to William A. Richmond, 16 July 1848, NAM M1, R.62:241-244; *The Indians of this mission live chiefly by fishing.* P. P. Lefevere to William A. Richmond, 30 September 1848, H. Exec. Doc. 1 (30-2) 537, pp. 552-554; *Chippewas within the Mackinaw agency, living upon the islands and main land north of Lake Michigan, have generally been engaged in fishing, which is found to be profitable, and yields them abundant means for support...* William A. Richmond to William Medill, 6 November 1848, H. Exec. Doc. 1 (30-2) 537, pp. 549-552; *I have the honor to report, in relation to the Indians of this sub-agency [Sault Ste. Marie], that they manifest, especially those located at a distance from the Sault, a disposition to improve their condition. Aware that game is decreasing rapidly, they devote greater attention to fishing, in which some have been successful, not less than 1,200 barrels have been sold by those at and around the Sault.* James Ord to William A. Richmond, 7 November 1848, H. Exec. Doc. 1 (30-2) 537, pp. 558-559; *.. they [Indians of the Upper Peninsula] are happy and prosperous. In consequence of their abundant fisheries, and prolific hunting grounds, they manifest less anxiety to settle and cultivate the soil than those already mentioned...* Charles P. Babcock to Orlando Brown, 2 November 1849, ARCOIA 1849-1850, pp. 194-197; *The chain of inland lakes in Antrim County with its outlet at Elk Rapids, was a favorite site for Indian fishing, hunting and trapping.* Craker, *First Protestant Mission*, pp. 17-22; *The roving bands [of Ottawas and Chippewas] who are scattered on a wide extent of territory and depend upon hunting and fishing for their means of subsistence are in a less promising condition ... The remainder of the Indians in the Grand River country, and which constitute a large majority, are scattered in small bands over quite an extent of territory and subsist chiefly by hunting and fishing... The Chippewas on Lake Michigan are enjoying more than usual prosperity. Their locations afford them a fine opportunity for their favorable pursuits, and the ready demand for furs, fish, and game yield a good support.* Charles P. Babcock to Luke Lea, 27 November 1850, NAM M234, R.426:602-607; *Nearly all the Indians [at the Sault Ste. Marie sub-agency] have left for the fall fisheries after waiting till the last moment for their annuities...* David Aitken to Charles P. Babcock, 28 October 1850, NAM M234, R.426:608-611; *They have been engaged all their lives catching fish, in making sugar from the maple trees and in living in forests, and they cannot think of going where none of these are.* Walter Lowrie to Luke Lea, 30 June 1851, NAM M234, R.598:13-15; *[S]ummer's trade and the spirit of emigration for the mines are a source of unsteadfastness for the whites; as well as the sugar, fishing and hay-making seasons for the Indian boys or their related Canadians...* Francis Pierz to Right Reverend Bishop, 15 August 1851, S. Exec. Doc. 1 (32-1) 613, pp. 316-319; *In consequence of their abundant fisheries, and the wide range for hunting and trapping, they have not heretofore turned their attention to agriculture,* William Sprague to Luke Lea, 7 October 1851, S. Exec. Doc. 1 (32-1) 613, pp. 310-312; *Beaver Island... The white men fishing in this vicinity are rapidly departing, and Indianrs are coming on to fill their place ...* “The white men fishing in this vicinity ...,” 29 July 1852, *Northern Islander*; *One means of their subsistence must be, from the nature of things, fishing. Lake Superior abounds with the finest fish, and none understand better than the Indians how to fish. As long as they reside about the lake, this occupation must be to them what the farm is to the farmer, or the trade to the mechani ...* J. H. Pitezel to William Sprague, 20 September 1852, S. Exec. Doc. 1 (32-2) 658, pp. 320-321; *Ottawas and Chippewas at Grand and Little Traverse, Middle Village, Village of the Cross, and several other points on the straights of Mackinac... By the cultivation of their lands, and their abundant fisheries, they are well provided with all the necessities of life...* P. B. Lefevre to William Sprague, 4 October 1852, S. Exec. Doc. 1 (32-2) 658, pp. 818-820; *The man was needing it [a boat] to fish as the fish were just getting plenty ...* Peter Dougherty to Walter Lowrie, 24 November 1852, PHSC, R.8, Box 7, vol. 1, p. 52; *They are naturally of a wandering disposition, and love to make their living by hunting and fishing, being much encouraged thereto by traders.* Peter Lefevere to Henry Gilbert, 8

September 1853, H. Exec. Doc. 1 (33-1) 710, pp. 286-288; *Our Indians labor quite industriously, sometimes at barreling up fish, and sometimes at other business.* Henry C. Gilbert to George W. Manypenny, 23 September 1853, ARCOIA 1853, pp. 278-281; *[T]he decline of fur-bearing animals in Michigan, has robbed the Indians of one tie to their savage life, and has driven them, either to localities where those animals still lingered, or to lake and river shores, where the fisheries proffered them sustenance.* "Dear Sir – The committee on Indian Affairs ...," 5 July 1855, *Northern Islander*; *In the fisheries, in the lumber trade, in navigation, and even in merchandise, they find congenial employment.* "Documents Accompanying the Report of the Committee on Indian Affairs, of the Michigan House of Representatives," 19 July 1855, *Northern Islander*; *Indians have already pitched their tents on the Island opposite, with the avowed intention of engaging in the fish business...* "Drunk," 26 April 1856, *Grand Rapids Daily Enquirer*; *Employed many Indians residing in the vicinity in fishing. Little other employment possible besides fisheries.* Affidavit of Peter McKinley, 15 November 1856, NAM M574, R.54:422-436, Special File 188, no. 49; *... Employed local Indians in fishing, sold goods to them and other Indians not employed. Indians there has little other employment and got support chiefly from fishery. Was impossible for them to fish without getting supplies on credit...* Affidavit of Peter McKinley, 15 November 1856, NAM M574, R.54:424-426, Special File 188, no. 49; *...I knew most of the Indians some now dead, belonged to Beaver Island and Little Traverse bands, some to north shore bands, were fishing. Indians always in debt to merchants. Fishing trade can hardly be carried on either with white men or Indians without credit. They are generally poor and cant' start for fishing grounds in spring without an [word illegible] or boats, nets, provisions and clothing. Sometimes they pay up, frequently lose their nets and sometimes their boats. When have bad luck is very hard for them to get even...* Affidavit of Augustus Todd, 15 November 1856, NAM M574, R.54:427-429, Special File 188, no. 49; *The Indians there are principally engaged in fishing & it is not possible to do much business with them or secure many fish without giving them credit. They require an outfit before they go on the fishing ground of nets & provisions & some clothing.* Affidavit of Peter McKinley, 15 November 1856, NAM M574, R.54:162-173, Special File 188, no. 26; *There are several Indian hamlets or villages in this country, inhabited by a remnant of some of the ancient tribes. These Indians are mostly christianized, yet they pay but little attention to agriculture or the mechanic arts, and employ their time mostly in hunting and fishing...* "Montcalm County," 11 July 1857, *Dailey Enquirer and Herald*; *During gathering season they attend sporadically. Many go north to hunt and others to the islands to fish...* J. G. Turner to Walter Lowrie, 10 September 1857, PHSC, Box 7, vol. 2, p. 30; *Holland citizens are engaged in the fish trade, which, till within the last three years, has been confined principally to the roving operations of a few roving Indians...* "The Grand Haven Fisheries," 25 November 1857, *Daily Enquirer and Herald*; *Boardman Lake. ...It is filled with a great variety of choice fish, and contains as large and fine-flavored trout as were ever caught in Lake George. The Indians are now engaged in fishing for them. They cut a hole through the ice, cover it with evergreen boughs, throw themselves flat upon their faces, and, with spear in hand, watch the approach of the unsuspecting trout to the decoy, when, quick as lightning; the spear is thrust, and a ten or twenty pound trout is floundering on the ice.* "Boardman Lake," 18 February 1859, *Grand Traverse Herald*, R.1; *Boardman Lake, This is probably the first Spring within the memory of that celebrated individual, the oldest settler, when the Indians have not pitched their tents on Island No. 1, and long the banks of our beautiful river, for hunting and fishing purposes...* "Lo the Poor Indian," 10 May 1859, *Grand Rapids Daily Eagle*, p. 3; *It is estimated that since the sturgeon first made their appearance this Spring, over fifteen hundreds of those species, have been taken by the Indians and others in the vicinity of this village [Grand Rapids]...* "Rather too Fishy," 22 May 1859, *Daily Enquirer & Herald*; *The game of the forest and fish of their waters, in case of a partial failure of their crops afford the diligent portion of them an adequate supply...* A. M. Fitch to A. B. Greenwood, 18 June 1859, NAM M234, R.406:467-471; *Holton township, Muskegon County [was reserved in 1855], but the Indians did*

not like these as they were not suitable for hunting and fishing... "Boardman Lake," 13 January 1860, *Grand Traverse Herald*, p. 2; Boardman Lake, At night, the water [of Muskegon River] is dotted, here and there with the light of their floating fires, in pursuit of fish... There is a camp of what one of our millmen [sic] calls "injines," [sic] on the opposite side of the river from us. D. C. Leach to William P. Dole, 12 November 1861, S. Exec. Doc. 1 (37-2) 1117, pp. 800-803; Schools in this agency... are in as flourishing a condition as could reasonably be expected... I have tried to impress upon the parents the importance of keeping their children in school. They say: "Yes, this is so, we will do it;" but when the fishing season, or the hunting season, or the berry season comes, away go parents and children to the fishing-ground or the forest, forgetting the school and most of what was learned in it during the brief period it was attended. D. C. Leach to William P. Dole, 26 October 1862, H. Exec. Doc. 1 (37-3) 1157, pp. 486-489; Sault Bands of Shawan and Oshawawno are suffering from influenza and measles. Measles is equally as deadly to them as small pox. They are too sick to hunt and fish. They ask for aid... Edward Ashman to D. C. Leach, 7 January 1864, NAM M234, R.407:458-459; These are staple articles with them, and which, together with the fish taken and the sugar manufactured by them, constitute the chief articles upon which they principally subsist. The principal products of their industry, as reported to this office, were bushels of wheat 1977, of corn 42,022, potatoes 96,611, tons of hay cut 2,514, maple sugar manufactured 233,701 pounds, and the value for furs sold \$40,108. Richard M. Smith to D. N. Cooley, 8 October 1866, H. Exec. Doc. 1 (39-2) 1284, pp. 300-302; Barrels fish sold 10,560, value \$99,869... Richard M. Smith to N. G. Taylor, 28 August 1867, H. Exec. Doc. 1 pt. 2 (40-2) 1326 pp. 335-340; No. of barrels of fish sold, 5,253, value \$40,678. Richard M. Smith to N. G. Taylor, 17 September 1868, H. Exec. Doc. 1 (40-3) 1366, pp. 758-760; Very few of them now look to the deep waters in view of catching fish by which to obtain their daily bread. This class of Indians generally come short and are in want before the time comes again when they should be able to cast their nets in the deep for something to eat and wear, but they are fast dropping off from their pursuits and mode of living, and are becoming tillers of the soil. "Andrew Blackbird to James Long," 31 July 1869, *Charlevoix Sentinel*; In many instances they still adhere to primal habits, but manage by hunting, trapping and fishing, to make a livelihood. James W. Long to E. S. Parker, 22 October 1869, H. Exec. Doc. 1 (41-2) 1414, pp. 875-878; It has also been a year of general prosperity, a good season for crops and the fishing has been good, so that almost all have comfortable supplies for the winter... Peter Dougherty to Unknown, 10 February 1871, PHSC, Box Q, vol. 6, p. 53; Sturgeon fishing is quite active just now. A number of Indians are busily engaged every day in laying in a supply of sturgeon meat to last them until next season... "Sturgeon fishing ...," 10 May 1871, *The Newaygo Republican*; The Indians are spearing fine white fish by torch light along the channel bank of Elk Lake, we are informed. "The Indians are spearing...", 7 May 1875, *Traverse Bay Progress*, R.1; Some Indians speared an immense muskallone in Torch Lake one day this week. The monster weighed nearly 100 pounds, and was over five feet in length, we hear. "We have received ...," 3 June 1875, *Grand Traverse Herald*; Edward Jacker to J. G. Shea, 20 December 1870, MSHP-Edward Jacker Papers, MF L.3 Jac R.1, Microfilm copies of Edward Jacker Papers; Journal of Edward Jacker, August 1875, MSHP-Edward Jacker Papers, MF L.3 Jac R.1, Microfilm copies of Edward Jacker Papers; Two other families now fishing there: one almost pagan, though the man is an Irish Indian halfbreed and the woman only 1/8 of an Indian... Chambers' fishing ground... These are 5/16 Indian, (father 1/2, mother 1/8) but look more Indian like than even halfbreeds generally do... Cross Village... Three of the 7 families still loitering here (several have already left) are double nomads i.e. not only going in the summer to the fishing grounds, but also spending the winter now here, now there, without possessing a house of their own... The people are not exactly poor, at least generally. The lake supplying them with the finest kind of fish and little trading vessels with whatever they need of other supplies, they live well, while fishing, and can earn enough in the 4 to 6 months to buy provisions for the winter, provided whiskey figures not too prominently in their bill of expenses. A few pond-net fishers even lay up a little money... The few Indians

visiting this shore from Garden Island, or at home in the woods and at the Lake gain their support by working in and around the sawmill (Manistique) or on the fishing grounds (as hired men) by hunting and trapping (deer, bears, beaver, muskrat, marten, mink a.s.f.,) fishing in the lakes and planting potatoes, corn and squashes. No one occupation is profitable enough to be exclusively followed; hence their roving mode of existence. Journal of Edward Jacker, September 1875, MSHP-Edward Jacker Papers, MF L.3 Jac R.1, Microfilm copies of Edward Jacker Papers; Middle Village... This Indian is 70 years old, but as strong and active as one of 60, or less. He makes a comfortable living out of 12 or 15 acres he has under cultivation. Hay, oats, potatoes, corn and beans is all he raises, but he sells enough to buy all necessary commodities and practice hospitality to a considerable extent. His table, it is true, is of the simplest: fish soup, thickened with potatoes and corn or flour, forms the principal meal. Fish every day with an occasional slice of pork. Edward Jacker to Unknown, 2 October 1876, MSHP-Edward Jacker Papers, MF L.3 Jac R.1, Microfilm copies of Edward Jacker Papers; The Catholics of Cross Village to Father Jacker, 26 April 1877, MSHP-Edward Jacker Papers, MF L.3 Jac R.1, Microfilm copies of Edward Jacker Papers; The Indians do not naturally take to the cultivation of the soil for a livelihood; their early life and training was in an entirely different occupation, and while accustomed to endure great hardship and fatigue incident to the life of a hunter or fisherman, they were not accustomed to apply themselves to the daily toil necessary in clearing and cultivating their lands... The principal part of their settlements are in the immediate vicinity of the lakes, which abound in fish from which they derive a very large proportion of their subsistence... They now number, as near as I can ascertain, something over 6,000. They are scattered along the eastern shore of Lake Michigan and Traverse Bay, from Grand River and on the islands in the lake, at Point Saint Ignace, Mackinaw, along the straits on the north shore of Lake Huron, and all the length of the Sault Sainte Marie River, and the southeastern shore of Lake Superior to White Fish Point, embracing the most important fisheries of all the Great Lakes, a line of nearly 300 miles of coast, and from this industry they derive a large proportion of their support, and by their labor a large proportion of the catch of white-fish and trout (for which this region is celebrated) is secured. George W. Lee to Commissioner of Indian Affairs, 28 August 1877, H. Exec. Doc. 1 (45-2) 1800, pp. 517-520; They lead a nomadic life, subsisting largely by hunting and fishing. When they leave their homes on an expedition of this kind or for the purpose of doing a few days work to supply immediate necessities, the whole family goes together, a temporary wigwam is erected in which they all live, and while the husband is at work the wife and the children subsist the family by picking and selling berries, fishing, or making baskets... Most of them have small houses in the old, Indian villages to which they repair during the fishing season for the double purpose of convenience, and in order that the women and children may be on hand to clean and cure the fish which are caught... Generally I think they remain on the land until about the first of June when the summer fishing commences. During the summer they alternate the fishing grounds, and their farms visiting the latter for the purpose of caring for their growing crops, and in the fall they return again to their land for the purpose of gathering their corn, digging and bringing their potatoes, and other work. Edwin J. Brooks to J. A. Williamson, 27 December 1877, NAM M234, R.413:65-103; Garden Island is situated about four miles north of Beaver Island... is occupied by about 200 Indians... We once paid them a friendly visit, and they seemed glad to see white people, as few ever find their way to this island. We saw but few of them, as many were away fishing, and most of the homes are on the farther side of the island. They were smoking sturgeon, and great quantities were hanging over poles near by, looking rather unsavory. "Beaver Island," 4 July 1878, Petoskey City Record, R. June 20, 1878-October 3, 1883; Yet owing to the fact that a very large proportion of the able-bodied younger men are largely employed by others in various occupations, as fishermen, farmers, wood-choppers, lumbermen, and other pursuits, the amount reported as their productions does not exhibit any fair proportion of the product of their labor... The Chippewas of Lake Superior seem to keep on in the most even-paced course, only cultivating land enough to supply them with vegetables in summer, and

generally potatoes for winter, depending mostly upon fishing and work for lumbermen, or wood chopping for support. George W. Lee to Commissioner of Indian Affairs, 1 September 1878, ARCOIA 1878, pp. 74-76; I forward herewith the inclosed statistics pertaining to the affairs of the agency, simply premising that a large number of the young men are not engaged in farming, but employed in various other pursuits, as laborers in lumber camps, mills, navigation, and various other industries, besides hunting and fishing to some extent; consequently, the farming products do not make as large an exhibit as they otherwise would. George Lee to Commissioner of Indian Affairs, 1 September 1880, ARCOIA 1880; An Indian caught a 16 inch speckled trout at the chute Monday. "Local News," 9 June 1882, *Elk Rapids Progress*, R.1; Joe Minnie caught 16 pounds of trout at Rapids river the 15th. On the 15th Joe Minnie caught 20 bass at the chute... "A Fisherman's Paradise," 21 July 1882, *Elk Rapids Progress*, R.1; Joe Minnie caught 5 bass at the chute. "A Fisherman's Paradise," 4 August 1882, *Elk Rapids Progress*, R.1; On the 25th Joe Minnie caught at Rapid river 300 trout. On the 26th an Indian caught 5 Mackinaw trout deep water fishing the largest weighting 50 pounds. "A Fisherman's Paradise," 1 September 1882, *Elk Rapids Progress*, R.1; Joe Minnie caught 300 trout in one day in Rapid River in Grand Traverse County... "A Fisherman's Paradise," 15 September 1882, *Elk Rapids Progress*, R.1; The Indians have not returned from fishing picking berries working &c, consequently school has been in session but eleven days and the attendance has been small and probably will be till December. Monthly School Report, for Month of October 1882, Mackinac Agency, October 1882, NARA-DC, RG75, LROIA 21924-1882; -Fall fishing has come to a focus. -Hunters have returned from the Manistique and Thunder Bay regions... "Cross Village Items," Remarks, 5 December 1882, *Northern Independent*, R.1; There was no school this month the Indians going away to fish, hunt &c. Edward Allen to H. Price, 15 December 1882, NARA-DC, RG75, LROIA 2272-1882; June 5 Joe Minnie caught 8 black bass at the chute. "Joe Minnie" brought 90 trout from Rapid River last Tuesday. "Sporting News," 8 June 1883, *Elk Rapids Progress*, R.1; "Sporting News," 15 June 1883, *Elk Rapids Progress*, R.1; "Joe Minnie" has caught 350 bass since June 1. "Sporting News," 5 July 1883, *Elk Rapids Progress*, R.1; On the 6th Joe Minnie caught 20 Bass at the chute... On the 11th... "Joe Minnie" 6 at the chute. "Sporting News," 13 July 1883, *Elk Rapids Progress*, R.1; The 14th will be remembered as the day that "Joe Minnie" caught thirty-four bass at the chute... "Fish Tales," 2 August 1883, *Daily Resorter-Harbor Springs*, R.1; "Joe Minnie" caught 200 trout at Rapid River Tuesday and Wednesday. "Fish Tales," 16 August 1883, *Daily Resorter-Harbor Springs*, R.1; Joe Minnie has been catching a number of trout through the ice on the bay. He caught a six-pounder there the other morning. "Progress Points," 4 April 1884, *Elk Rapids Progress*, R.1; From June 11 to 13th Joe Minnie caught 200 trout at Rapid River. -On the 17th Jim Mitchell caught 10 bass at the chute and in the mill race. "Sporting News," 20 June 1884, *Elk Rapids Progress*, R.1; Quite a number of Indians are in the vicinity of the Straits fishing through the ice. "Cross Village Items," 3 February 1885, *The Northern Independent*, R.1; The Indians are catching an immense quantities of white fish in the "Soo." "The Indians are catching ...," 7 May 1885, *The Hart Journal*, R. 2, p. 6; -One Indian speared ten large sturgeons near here a few days ago. They would average 70 lbs each. "Cross Village Items," 12 May 1885, *The Northern Independent*, R.1; A Cross Village Indian speared ten sturgeons hand running, which averaged 70 pounds in weight. "Emmet County," 21 May 1885, *Grand Traverse Herald*, R.9; "Joe Minnie" brought down 400 trout from Rapid River Monday, and left orders that the Pilgrims should have a mess, but we never got them. "Sporting News," 5 June 1885, *Elk Rapids Progress*, R.1; - Joe Minnie came down from Rapid River Saturday evening, having caught about twelve pounds of trout. He brought the pilgrim in twenty fine ones... "Sporting News," 26 June 1885, *Elk Rapids Progress*, R.1; Joe Minnie caught 100 trout at Rapid River Friday. "Elk Rapids Echoes," 4 September 1885, *Elk Rapids Progress*, R.1; The Indians are still fishing. "Middle Village," 6 January 1886, *Harbor Springs Republican*, R.1; A party of Indians recently made a week's camp at Thornapple lake, Barry county, speared 100 pickerel and caught \$65 worth of furs and silently sped away. "Michigan Midgets," 13 April 1886, *Grand Rapids*

Ottawas and Chippewas manufactured and sold maple sugar by the ton before, during, and long after the treaty negotiations. When some Ottawa or Chippewa families chose to remain near a mission settlement to educate their children, they and the missionaries knew that maple sugar production was one of the two sources of cash that Indians could draw upon to replace proceeds of hunting and trapping. Whole families participated in sugar making. They did so at the time of the 1836 Treaty negotiations and throughout the nineteenth century. Without sugar production, supplemented by fishing, those Ottawas and Chippewas who wished to stay at mission settlements for longer periods of time would not have been able to compensate for a reduced hunt that such longer stays necessitated. This economic activity continued to provide a relatively stable source of income from the 1836 Treaty negotiations through the duration of the nineteenth century.²²

Eagle, p. 8; -*Big Dave*, the Indian preacher was selling fish near town one day lately and he told them at a place where we was selling fish that he preached at Kewadin... "Leelanau Locals," 29 December 1887, *Leelanau Enterprise*, R.2; *There are a great many fish caught by the Indians through the ice*. "Many Fish Caught," 18 February 1891, *Petoskey Record*, R.7; July 31, 1889-May 11, 1892; *Many fish caught by the Indians through the ice*. *An Indian from Elk Rapids has moved to Yuba and will run a lot of fish nets this fall*. "Yuba," 17 November 1892, *Grand Traverse Herald*, R.14; ...*Many Indians work as fishermen and lumbermen*. Department of the Interior, Census Office, *Report of Indians Taxed and Indians Not Taxed in The United States (Except Alaska) at the Eleventh Census: 1890* (Washington, D.C.: Government Printing Office, 1894), pp. 330-335.

²² *I am much pleased with your success disposing of the sugar, and trust you will get rid of it all before June*. Robert Stuart to James Abbott, 18 January 1827, MHS-AFC, BC2.3.A512, Box 10, File "Letterbook Mackinac, Sept., 1826-May, 1827"; *Due Kenatenink a balance of sugar bot of him this day, Two Dollars eighty seven & half Cts*. Thomas Mission Station Jan. 30, 1827 Isaac McCoy. \$2.87 2. Note of I. McCoy, 30 January 1827, McCoy Papers R.5:557; ...*I am much pleased that you have been so successful in disposing of the sugar and trust you will be able to get rid of the residue ere the opening of the navigation...* Robert Stuart to James Abbott, 10 March 1827, MHS-AFC, BC2.3.A512, Box 10, File "Letterbook Mackinac, Sept., 1826-May, 1827"; *The waters of this country abound with fish. Through the winter, when our river was frozen over, we cast holes in the ice and took them out with spears. At other seasons they are taken with spears, hooked, nets, &c. In the river at this place which is two hundred & eighty three yards wide, [2 words marked out] is rapids of considerable descent for about a mile in*

length. This is the best fishery on the river. As many as thirty [2 words marked out] natives [illegible] [3 words marked out] in fishing with spears have been counted on the river at one time opposite our house... I. McCoy to McKay, 3 April 1827, McCoy Papers R.5:687-688; *The interior of the country is mountainous and entirely desolate, nothing but a forest and entirely uninhabited. Only the shores of Lake Michigan and Lake Huron are inhabited. Extensive forest. Serves the Indians for the chase. The Christian Indians no longer live from the chase, but from their fields, and yield from their sugar which they produce in the forests near their villages... Sugar is the Indians' principal product... During sugar time there is no person left in this village.* Frederic Baraga to Amalia Gressel, 8 March 1832, BBC, M87; *One of their most excellent means of livelihood is sugar. Gather sap in march. Sugar is not white but is almost as palatable. Each Indian family, if industrious, produces 1000 pounds a year which they sell at Mackinac from 5 to 6 dollars per hundred...* Frederic Baraga to Most Reverend Direction of the Leopoldine Foundation, 25 August 1833, BBC, M87; *The Indians at Little Traverse depend more heavily on agriculture and produce and make so much sugar that many families maintain themselves entirely with it without the need to go hunting.* Frederic Baraga to the Leopoldine Foundation, 1 December 1833, BBC-LSB; *...Now we are in the so-called sugar time. Not a single Indian is now here in the village; all are in the forest, in their sugar huts. However, they come every Sunday to church. There are also very many Indians from Arbre Croche a day's journey away from here. They spend the winter there in order to hunt the many deer, bears and other smaller animals, whose pelts are sold at a good price to the fur traders; and at the same time they also make their sugar there... On Febr. 26 some Indians from Arbre Croche came from their sugar huts to our village, (a day's journey away,) and asked me to go with them to pay them a mission visit. I went with them... Arbre Croche, and the loyal devotion to the religion which they evince in all their actions compensated me in many ways for the hardships of the journey. They make their sugar close together, in 12 closely grouped sugar huts. I was very pleasantly surprised when, in the center of the district in which they make their sugar...* Frederic Baraga to Most Reverend Central Direction of the Leopoldine Foundation, 7 March 1834, BBC-LSB, MF66-2:25-28; *At this time we have few Indians around us; nearly all are in the forests, in their sugar huts, and come only on Sundays to the mission in order to be present at the Divine Service. The production of sugar is an essential industry of the Indians, especially of the Christian Indians, because they do not occupy themselves with the chase any more as frequently as the pagans, and therefore they must endeavor to earn something for themselves in some other way... the Indians from Arbre croche, and also some Indians from my mission district, spend the winter in order to earn something for themselves from the productive hunting...* Rev. Fred. Baraga to The Leopoldine Foundation, Vienna, 20 February 1835, NMHC; *...Biddle & Drew all you can extract from them, and if you get either fish or sugar send them to Mr. Brewster without delay, and if you can obtain more fish, or sugar, by paying them even something more than customary price, do so by all means...* Ramsay Crooks to Samuel Abbott, 14 May 1835, MHS-AFC, M151, R.1, Entry 471; *...The Ottawas of Mackinac and its environs have advanced more in agriculture than any of the lake tribes; cultivate corn, beans, pumpkins, to some extent, annually; have fenced fields, and live generally in comfortable log houses. They make a considerable quantity of Maple sugar, which, together with a limited crop of corn, is sold in the Mackinac market.* C. A. Harris to Joel R. Poinsett, 1 December 1837, S. Doc. 1 (25-2) 314, pp. 531-535; *The Chief felt favorable towards the establishment of a school and said they were at home all the time except when absent on their hunting excursions or in the sugar bush...* Peter Dougherty to Walter Lowrie, ca. 1838, PHSC, R.8, Box 7, vol. 3, p. 9; *The Chippewas have been orderly and quiet in their intercourse with each other, and with the whites, engaged in the chase and fishing during the season, prepared a considerable quantity of maple sugar. Of fish and sugar the traders have purchased largely. The supply of furs has been inconsiderable...* James Ord to Henry Schoolcraft, 1 September 1838, NAM M234, R.423:191-193; Pottowottamies & Ottawas of Southern Michigan: *These Indians are dispersed, at various points on the public lands, where the advantages of*

hunting and making sugar, from the maple in the proper seasons, entices them... Henry R. Schoolcraft to Carey A. Harris, 30 September 1838, NAM M1, R.37:547-564; *They urged on us the selection of that point as one where we could have access to them & their children the most of the year, because there they had their sugar camps...* Peter Dougherty to Henry Schoolcraft, ca. 1839, NAM M1, R.47:251-256; *In the spring when the season for making sugar arrives they concentrate in larger numbers & soon after they come out & plant their corn...* Rev. Isaac S. Ketchum to T. Hartley Crawford, 28 September 1839, NAM M234, R.427:305-307; *The bands at the Sault and Tahquamenon, and Iabay Wadicks band, have sold to the traders not less than 400 barrels of fish, \$3,000 worth of furs, and 12,000 pounds of maple sugar, since last fall. Their potato crops, the only vegetable they cultivate are promising, they have planted twice as much as last year...* James Ord to Henry Schoolcraft, 5 September 1840, NAM M234, R.424:281-283; *...We are left entirely alone the Indians having left for their Sugar camps.* Peter Dougherty to Daniel Wells, 19 March 1841, PHSC, Box 7, vol. 3, pp. 102-105; *These Indians [Sault Ste. Marie Chippewas] generally make some progress in the cultivation of the soil, and manufacture of maple sugar, which, with their fine fish, might enable them to live comfortably...* Robert Stuart to T. H. Crawford, 18 October 1841, S. Doc. 1 (27-2) 395, pp. 345-348; *The sugar made last spring equaled the quality made in favorable seasons.* James Ord to Robert Stuart, 1 September 1842, S. Doc. 1 (27-3) 413, p. 411; *On their return after sugar-making, they unite in labor, built some new houses, completed and repaired others...* Leonard Slater to Robert Stuart, 2 September 1842, S. Doc. 1 (27-3) 413, pp. 477-478; *...The Indians have not begun to make sugar yet, and we fear as the season is so far advanced that it will be very short and but little will be made. If their sugar should fail, I do not know what they will do; many are out of provision and all are very short...* Peter Dougherty to Walter Lowrie, 27 March 1843, PHSC, Box 7, vol. 3, p. 83; *sugaring probably [fore] part March...* George N. Smith Journal, 26 April 1843, LOC-GNSP, R.1; *...The Indians at the time were making sugar...* Joseph Dame to Robert Stuart, 30 June 1843, S. Doc 1 (28-1) 431, p. 431; *...The Sugar tree is abundant, from the products of which they can procure many articles of comfort for their families.* Peter Dougherty to Robert Stuart, 2 October 1843, NAM M234, R.425:518-521; *...The Indians are commencing their sugar operations...* Peter Dougherty to [Walter Lowrie], 25 February 1845, PHSC, Box 7, vol. 3, p. 119; *...The Indians are now at the landing. I have not yet succeeded in getting the children to school since sugaring.* George Smith to Robert Stuart, 15 May 1845, NAM M1, R.58:91-94; *They spend considerable time in the spring and fall gathering and selling cranberries and sugar. These are necessary for them to get provisions and clothing... Sugar is their great trade article.* Francis Mills to William A. Richmond, 30 June 1845, NAM M1, R.58:1-4; *They must have their seasons for hunting, for making sugar, for attending to payment, and for visiting.* Ottawa and Chippewa to President, 9 November 1846, NAM M1, R.60:387; *The Sault bands have sold not less than 400 barrels of fish, last spring they made about 800 pounds of maple sugar.* James Ord to William A. Richmond, 20 October 1847, S. Exec. Doc. 1 (30-1) 503, pp. 820-821; *Went with Indians to sugar camps.* George N. Smith Journal, 24 January 1848, LOC-GNSP, R.1; *Indian sat Griswold Colony have scattered to their sugar camps.* James Selkirk to William Richmond, 10 February 1848, NAM M1, R.62:61-64; *...school last winter, commencing soon after payment, and continuing till sugaring made it necessary for the scholars to leave...* George Smith to William Richmond, 4 September 1848, H. Exec. Doc. 1 (30-2) 537, pp. 554-555; *...On the return of the natives from sugar-making, they commenced with renewed zeal and activity in their farming operations...* L. Slater to Charles Babcock, 1 October 1849, ARCOIA 1849-1850, p. 1147; *... The Indians are all in their sugar bushes...* Peter Dougherty to Rev. I. C. Rankin, March 1850, PHSC, Box 7, vol. 1, p. 3; *Wabskemin went to sugar camp without liberty...* George N. Smith Journal, 29 March 1850, LOC-GNSP, R.1; *...The schools both closed the first of March on account of the removal of all the families except 2 sick ones to their sugar camps...* P. Dougherty to P. B. F. Missions, 1 May 1850, PHSC, Box 7, vol. 2, p. 109; *They have been engaged all their lives catching fish, in making sugar from the maple trees and in living in forests; and they cannot think of going where*

none of these are. Walter Lowrie to Luke Lea, 30 June 1851, NAM M234, R.598:13-15; ...*The Indians, as usual, were absent most of the winter, and when the spring opened, collected at their sugar camp.* L. Slater to William Sprague, 1 October 1851, ARCOIA 1851, pp. 313-314; ...*I might say the children attend well and, we think learn well, but we expect some interruption so as sugar making will soon commence at G. Traverse we never attempted to have school during sugaring, but as the most of the camps are near we hope to be able to keep up the school...* A. Porter to W. Lowrie, 3 March 1853, PHSC, R.8, Box 7, vol. 1, p. 58; *The Indians have moved to their sugar camps.* George N. Smith Journal, 17 March 1853, LOC-GNSP, R.1; ...*The Indians are all moved to their sugar camps, but, as all but two families, are, however, about as near as before, and although the School is small, some of the children being busy, yet they are not willing, as yet, that we should stop it, nor do we wish to do so long as a doz or so attend...* A. Porter to W. Lowrie, 24 March 1853, PHSC, R. 8, Box 7, vol. 1, p. 59; *During last report most of the Indians were in their sugar camps. The season was short and there was not much sugar made.* George N. Smith to Henry Gilbert, 4 July 1855, LRMS-1131; ...*Indians are away from their villages at their fields for planting. They are gone in March and April at their sugar camps.* J. G. Turner to Walter Lowrie, 10 September 1857, PHSC, Box 7 vol. 2, p. 30; *Bear River School suspended for maple sugar season...* A. Porter to Walter Lowrie, 17 March 1858, PHSC, Box 7, vol. 2, p. 57; *By most of them maple sugar is manufactured in large quantities. Not only is their supply for home consumption thus procured, but tens of thousands of pounds are every year exchanged for other necessities...* D. C. Leach to William P. Dole, 12 November 1861, ARCOIA 1861, pp. 800-803; ...*they have received large prices for their sugar, fish, furs, and labor; they have paid no taxes worthy of note...* D. C. Leach to William P. Dole, 7 October 1864, H. Exec. Doc. 1 (38-2) 1220, pp. 588-591; ...*Herewith please find my quarterly and annual reports: my reason for so long a delay is this the spring opened very late which made the time between sugar-making & planting very short...* Andrew Porter to Walter Lowrie, 7 August 1866, PHSC, Box A, vol. 1, p. 407; *Their agriculture and other labors put forth by the Indians of this agency during the past year have, as a general thing, produced satisfactory results. Their gardens and fields, which are being enlarged from year to year, have yielded good crops of corn and potatoes. These are staple articles with them, and which, together with the fish taken and the sugar manufactured by them, constitute the chief articles upon which they principally subsist. The principal products of their industry, as reported to this office, were bushels of wheat 1977, of corn 42,022, potatoes 96,611, tons of hay cut 2,514, maple sugar manufactured 233,701 pounds, and the value for furs sold \$40,108.* Richard M. Smith to D. N. Cooley, 8 October 1866, H. Exec. Doc. 1 (39-2) 1284, pp. 300-302; *The following exhibit of the farming and other operations of the Indians within this agency for the year now past is taken from the accompanying agricultural and educational reports, and to which I beg leave to refer the department...* Pounds of sugar made, 335,086, value \$43,572. Gallons of syrup made, 1,547, value \$1,159. Barrels of fish sold, 10,560, value \$99,869. Value for furs sold, \$52,419... Richard M. Smith to N. G. Taylor, 28 August 1867, H. Exec. Doc. 1 pt. 2 (40-2) 1326 pp. 335-340; *Indians within this agency, for the year now last past, is taken from the accompanying agricultural report, and to which I beg leave to refer you...* No. of pounds of sugar made, 382,778 value \$46,082, No. of barrels of fish sold, 5,253, value \$40,678, value of furs sold \$44,484... Richard M. Smith to N. G. Taylor, 17 September 1868, H. Exec. Doc. 1 (40-3) 1366, pp. 758-760; ...*Little Traverse... The Indians have had a fair sugar season and are now moving their sugar in from their camps...* "Lo, writing us from Little Traverse," 9 May 1872, *Grand Traverse Herald*, R.5; *An Indian Camp-A camp of Indians has now been formed a week or so, just below the plaster mills, on this side of the river. The tribe consists of eight or ten families, in all some thirty members whose only ostensible occupation is making and mending bows and arrows, and rowing on the river. How they live or on what is a mystery, though a chunk of dirty looking maple sugar in the hands of every...* "An Indian Camp," 17 April 1875, *Grand Rapids Times*; ...*Kewadin, living at Indian Town, made over thirty pounds of maple sugar during the recent "soft" weather. Sugar making in winter is quite a common thing in this*

This is not to say that American entry into the 1836 land cession did not impact the Ottawa and Chippewa economy during the nineteenth century. But the crops that Ottawas and Chippewas harvested, both wild and domesticated, did not change considerably, nor did the seasonal cycle of the resource harvest. The families left their sugar bush for spring hunts.²³

region we are informed. "The Family of Kenadin..." 7 January 1876, Traverse Bay Progress, R.1; A sugar camp on land owned by Pe-em, an Indian showed primitive vessels of birch bark to catch the sap as it flowed from the tree instead of the usual sap pails used by the white people... "Although Indians are..." 23 April 1876, Traverse Bay Progress, R.1; ...we do not want take the lands as homesteads because we are oblige to cut down trees and clear the Land but we want preserve our trees from cutting down to make sugar for we use great deal of sugar... Margaret Ogabegijigokwe to President, 7 January 1877, NAM M234, R.412:468-471; The Ottawas and Chippewas are by far the most numerous, and I think are the most civilized... from this industry [fishing] they derive a large proportion of their support, and by their labor a large proportion of the catch of white-fish and trout... is secured. Besides, they furnish no inconsiderable amount of the large shipment of wood and hemlock bark shipped from the ports within the distance above named... Estimated value, Quantity: Maple sugar, 8 cents, 10,000 pounds, Wood cut and sold, \$2,2,5000 cords, Berries sold \$2,500 bushels, Whitefish and trout, \$4,1,500 half-barrels, Value of furs sold, 2,500... George W. Lee to Commissioner of Indian Affairs, 28 August 1877, H. Exec. Doc. 1 (45-2) 1800, pp. 517-520; An Old Indian in Newaygo county made 80 pounds of maple sugar during the month of November. "An Old Indian in Newaygo..." 18 December 1877, Charlevoix Sentinel, R.3; Their idea of a homestead is a place on which to make sugar in the spring, raise a few potatoes and sufficient corn to supply their bread during the year, and to have a home upon, to which they may at any time return. Edwin J. Brooks to J. A. Williamson, 27 December 1877, NAM M234, R.413:65-103; The habit of subsisting solely by hunting and fishing is being abandoned and very many of the young and able-bodied men find employment as sailors, as lumbermen and wood choppers and in the various mills, and in different capacities sometimes as farmers... Pounds of maple manufactured, 2,000, Value of berries picked, \$2,000, Value of furs sold, \$4,700... George W. Lee to Commissioner of Indian Affairs, 1 September 1879, ARCOIA 1879, pp. 84-86; – Peter Wabnogona, a Harbor Springs Indian, has lost, wife, daughter, and two sons in rapid succession, and now his climax of misfortune is reached by the burning of his cabin containing two hundred pounds of maple sugar, and the poor old man refuses to be comforted. "Peter Wabnogona ..." 27 December 1888, Grand Traverse Herald, R.11; The Indians are making large quantities of very fine maple sugar and syrup this spring. "Grand Traverse Region," 4 April 1889, Elk Rapids Progress, R.2; ...Many Indians work as fishermen and lumbermen. Large quantities of maple sugar as made by Indians in favorable years, which is used for food and for trade with the whites. Department of the Interior, Census Office, Report of Indians Taxed and Indians Not Taxed in The United States (Except Alaska) at the Eleventh Census: 1890 (Washington, D.C.: Government Printing Office, 1894), pp. 330-335.

²³ ...They urged on us the selection of that point as one where we could have access to them & their children the most of the year, because there they had their sugar camps, from thence they set out on their hunting expedition. Peter Dougherty to Henry Schoolcraft, ca. 1839, NAM M1, R.47:251-256.

Ottawas and Chippewas collected at their village sites in late spring to plant gardens which, in the south, included crops of corn, squash, beans, and other vegetables.²⁴ In the north, where agriculture was limited by a shorter growing season, crops consisted to a greater extent of root crops such as potatoes.²⁵ Summer remained a season for travel and visits, even for the Ottawas and Chippewas who lived in the most “civilized” of communities. Missionaries consistently commented on the unwillingness of their charges to remain on their farms during the summer.²⁶ After the harvest of planted crops, families once again left villages to collect berries, traveling to fishing grounds on the Great Lakes or inland to favored hunting territories.²⁷ Fish could be caught from inland waters all year long, in warm seasons and even through ice in the winter, with nets, hooks, and spears. Lake fisheries were most productive during the season of spring

²⁴ Blackbird, *History of the Ottawa and Chippewa*, pp. 32-33, 45-46; Peter Dougherty to Walter Lowrie, ca. 1838, PHSC, R.8, Box 7, vol. 3, p. 9.

²⁵ James Ord to Henry Schoolcraft, 1 September 1838, NAM M234, R.423:191-193; James Ord to Henry Schoolcraft, 5 September 1840, NAM M234, R.424:281-283; James Ord to Robert Stuart, 7 September 1843, S. Doc. 1 (28-1) 431, pp. 429-430.

²⁶ Blackbird, *History of the Ottawa and Chippewa*, p. 32; Henry R. Schoolcraft to T. Hartley Crawford, 30 September 1839, NAM M1, R.38:120-136; Osman D. Goodrich to R. Stuart, 30 September 1843 ****Not produced and not available in the DB**, S. Doc. 1 (28-1) 431, p. 430; F. H. Cumming to W. A. Richmond, 26 November 1846, NAM M234, R.426:107-109; Francis Pierz to Right Reverend Bishop, 15 August 1851, S. Exec. Doc. 1 (32-1) 613, pp. 316-319; Francis Pierz, *Report of the private Indian schools of the filiales missions of Grand Traverse, Kachagemonidebaning and Cheboiganing during the year 1851*, 31 August 1851, S. Exec.Doc. 1 (32-1) 613, pp. 318-319; J. H. Pitezal to William Sprague, 20 September 1852, *ARCOIA 1852*, pp. 320-321; J. G. Turner to Walter Lowrie, 10 September 1857, PHSC, Box 7, vol. 2, p. 30; “Andrew Blackbird to James Long,” 31 July 1869, *Charlevoix Sentinel*, R.1, p.3; “An Indian hunting party...,” 11 October 1870, *The (Muskegon, Mich.) News and Reporter*; Edwin J. Brooks to J. A. Williamson, 27 December 1877, NAM M234, R.413:65-103.

²⁷ Peter Dougherty to Walter Lowrie, ca. 1838, PHSC, R.8, Box 7, vol. 3, p. 9; Peter Dougherty to Charles Babcock, 12 September 1849, *ARCOIA 1849-1950*, pp. 1143-1147; George N. Smith to William Sprague, 6 October 1852, S. Exec. Doc. 1 (32-2) 658, pp. 323-324; Edward Ashman to D. C. Leach, 7 January 1864, NAM M234, R.407:458-459; Edward Allen to H. Price, 15 December 1882, NARA-DC, RG75, LROIA 2272-1882; “Indians Exchange Colored Baskets For Farm Products,” 17 December 1930, *Grand Rapids Press*.

spawning and during the late fall.²⁸

Families continued to make spring and/or winter hunts through the 1870s, 1880s, and 1890s.²⁹ In 1872, the *Grand Rapids Daily Eagle* reported that, “Hunters complain that the Indians exceed their right in killing deer. They are only entitled to kill them for subsistence

²⁸ Charles E. Cleland, “The Inland Shore Fishery and the Northern Great Lakes: Its Development and Importance in Prehistory,” *American Antiquity*, vol. 47, no. 4 (October 1982), pp. 761-784; Blackbird, *History of the Ottawa and Chippewa*, p. 10; Craker, *First Protestant Mission*, pp. 17-22; “The Indians are spearing...,” 7 May 1875, *Traverse Bay Progress*, R.1; “Boardman Lake,” 18 February 1859, *Grand Traverse Herald*, R.1.

²⁹ “The Northport Tribune,” 10 January 1874, *Charlevoix Sentinel*, R.2; *Indians of my Agency, so far as I can learn, are all quietly at their usual winter business of hunting, chopping or simply trying to live.* George Betts to Edward P. Smith, 22 December 1874, NAM M234 R.411:174-175; Journal of Edward Jacker, September 1875, MSHP-Edward Jacker Papers, MF L.3 Jac R.1, Microfilm copies of Edward Jacker Papers; “Indians started out on a hunting tour,” 24 October 1878, *Petoskey City Record*, R.1, June 20, 1878-October 3, 1883; *The Alpena Indian chief, Henry, killed 150 deer last year, and feels “a heap bad” because he cannot do as well this year.* “State News,” 12 November 1878, *Grand Rapids Daily Eagle*; *A number of Mackinaw Indians lately arrived at Alpena, from the back part of the county, and brought with them the carcasses of 150 deer that they had killed.* “State News,” 23 November 1878, *Grand Rapids Daily Eagle*, p. 2; *Some Indians that left Alpena on a deer-hunting expedition a while ago, and returned recently are reported to have slain over two hundred.* “Some Indians that left Alpena ...,” 17 December 1879, *Grand Rapids Daily Eagle*, p. 2; *I forward herewith the inclosed statistics pertaining to the affairs of the agency, simply premising that a large number of the young men are not engaged in farming, but employed in various other pursuits, as laborers in lumber camps, mills, navigation, and various other industries, besides hunting and fishing to some extent; consequently, the farming products do not make as large an exhibit as they otherwise would.* George W. Lee to Commissioner of Indian Affairs, 1 September 1880, H. Doc. 1 (46-3) 1959, pp. 223-225; *The Indians have all returned from their hunt, bringing back a great many deer. One man killed thirty five.* “Cross Village,” 13 December 1881, *Emmet County Independent*, R.1; *One Cross Village Indian has killed thirty-five deer this season.* “One Cross Village Indian...,” 15 December 1881, *Antrim County (Michigan) Herald*, R.1; *An Indian by the name of Whitney formally living in Elbridge; came to Shelby last Monday, and . . . then started off on White river for to hunt and trapping expedition with others of his fellow red men.* “Airy Bed Room,” 25 February 1882, *Shelby Independent*; *Indian hunters are now leaving for the happy hunting grounds in the vicinity of Manistique.* “Cross Village Items,” 17 October 1882, *The Northern Independent*, R.1; *Hunters have returned from the Manistieu and Thunder Bay regions. . . .* “Cross Village Items, Remarks,” 5 December 1882, *Northern Independent*, R.1; *The Indians hunters soon leave for the hunting grounds.* “Cross Village Items,” 7 October 1884, *The Northern Independent*, R.1; *Fred Blackbird, a local hunter at Harbor Springs, while trapping for rabbits, succeeded one day last week in capturing a silver gray fox in one of his traps. This is the first one that has ever been known to have been captured in that county.* “Northern Michigan,” 30 January 1895, *Charlevoix Sentinel*, R.9; *One of our young Indians, Sampson Johnson, drove over to Frederic to hunt deer. He was gone three days and brought home four deer. He says, “that’s the way we Indians catch’em.”* “Kewadin,” 2 December 1897, *Elk Rapids Progress*, R.3.

where as they do so for the skins and to get bait for wolves.”³⁰ This report is illuminating for two reasons. First, the report originates in a part of the state where the land had been surveyed and sold decades earlier, yet the Indians still hunted deer there on land that was not a reservation. Second, the author of the report believed that the Indians did have a “right in killing deer” and only complained of wasteful hunting practices that were common around the entire state during the 1870s.

Despite the rhetoric of “civilization,” agriculture had proven to be a difficult and risky business for Michigan Indians, and federal agents who supervised Ottawa and Chippewa affairs with the United States government recognized its failures along with its successes. Missionaries who lived among the Ottawas and Chippewas, as well as federal officers, reported crop failures.³¹

Thus, while the men who succeeded Henry Schoolcraft at the head of the Michigan Superintendency implemented the treaty provisions that encouraged “civilization” of Ottawas and Chippewas, Michigan Indian agents and subagents reported that the Ottawas and Chippewas continued to hunt, fish, and gather throughout their historic range until the Michigan Agency closed in 1889. They did not criticize the Ottawas and Chippewas for their exercise of the usufructuary right. On the contrary, they wrote reports which documented the extent to which

³⁰ “All Around The State,” 7 February 1872, *Grand Rapids Daily Eagle*.

³¹ Joseph Dame to R. Chapman, 31 October 1842, NAM M1, R.54:493; Rev. Peter Dougherty to Robert Stuart, 12 May 1843, NAM M1, R.54:511-514; Justin Rice to Robert Stuart, 4 March 1843, NAM M1, R.54:165-167; Samuel Abbott et al. to William Richmond, 10 October 1846, NAM M234, R.426:176-178; George N. Smith Journal, 31 December 1851, LOC-GNSP, R.1; George N. Smith to William Sprague, 6 October 1852, S. Exec. Doc. 1 (32-2) 658, pp. 323-324; James Selkirk (Bradley) to Henry Gilbert, 30 June 1855, LRMS-1131; Andrew Fitch to Alfred Greenwood, 28 September 1859, *ARCOIA 1859*, pp. 402-406; George W. Lee to Commissioner of Indian Affairs, August 1880, NAM M234, R.415:396-402; George W. Lee to Commissioner of Indian Affairs, 1 September 1880, H. Doc. 1 (46-3) 1959, pp. 223-225.

hunting, fishing, and gathering activities augmented federal civilization efforts and provided economic safeguards.³²

³² *The Chippewas have been orderly and quiet in their intercourse with each other, and with the whites, engaged in the chase and fishing during the season, prepared a considerable quantity of maple sugar. Of fish and sugar the traders have purchased largely. The supply of furs has been inconsiderable...* James Ord to Henry Schoolcraft, 1 September 1838, NAM M234, R.423:191-193; *They [the Ottawas at Manistee] cultivate from forty to forty-five acres of land on which they raise to each family from twelve to twenty bushels of corn, from forty to fifty bushels potatoes, a small quantity of peas and beans, and a variety of garden vegetables. Their corn they put in sacks for winter use which is kept in their lodges and houses or hid about in the woods, their potatoes, and other vegetables kept for winter subsistence consists in fish and wild game I think about one-fourth part of their living consists in the article of fish. They take each family annually from one hundred to one hundred and fifty muskrats, two or three deer, one or two bears, and occasionally a beaver and otter. The rat skins are worth from ten to eighteen cents each, bear beaver and otter are worth two to five dollars each. Their deer skins they make into moccasins, and the like, the rat skins and other furs serve as a means of procuring them the greatest share of the clothing.* Lucius Garey to Henry Schoolcraft, 30 September 1838, NAM M234, R.423:198-201; *The accompanying report of the sub-agent at Sault Ste. Marie denotes that the Indians have been engaged in their ordinary pursuits of hunting and fishing with success. . . . I refer to Mr. Ord's report for the amount of furs, sugar and fish, made and bartered with the traders at that post.* Henry Schoolcraft to T. Hartley Crawford, 24 September 1840, H. Doc. 2 (26-2) 382, pp. 340-350; *The bands at the Sault and Tahquamenon, and Iabay Wadicks band, have sold to the traders not less than 400 barrels of fish, \$3,000 worth of furs, and 12, 000 pounds of maple sugar, since last fall. Their potato crops, the only vegetable they cultivate are promising; they have planted twice as much as last year. . . .* James Ord to Henry Schoolcraft, 5 September 1840, NAM M234, R.424:281-283; *These Indians [Sault Ste. Marie Chippewas] generally make some progress in the cultivation of the soil, and manufacture of maple sugar, which, with their fine fish, might enable them to live comfortably. . . .* Robert Stuart to T. Hartley Crawford, 18 October 1841, S. Doc. 1 (27-2) 395, pp. 345-348; *In their hunts, the Indians have not taken more than two thirds of the quantity of furs they usually dispose of to the traders. They have, however, not been in want of food, as fish were caught in abundance the whole season, and no complaints were made during the winter. In consequence of the low price of fish, few were sold to the traders. When the demand for this article is brisk, they realize from the sale of it a considerable portion of their winter supplies. As they have large patches, a sufficiency of potatoes for the ensuing winter is expected. The sugar made last spring equaled the quality made in favorable seasons.* James Ord to Robert Stuart, 1 September 1842, S. Doc. 1 (27-3) 413, p. 411; *The Indians of this sub-agency amounting to about 900, and occupying the country from the northeastern point of the northern peninsula of Michigan to Montreal River, forming Chippewa County, are employed in the chase, and draw part of their subsistence from the lakes by fishing... The yields of potatoes from their clearings did not suffice for them for the winter. Those of the Sault bands who planted last spring, say that their potatoes promise well, the monthly frosts of spring and summer not affecting them in the woods or sugar camps where they plant. More furs have been sold by the Indians to the traders this season than in the previous ones; many of them have paid their debts with the proceeds of their hunts and treaty money. . . .* James Ord to Robert Stuart, 7 September 1843, S. Doc. 1 (28-1) 431, pp. 429-430; *The proceeds from their [Sault Chippewas] hunts have been, with few exceptions, applied to the payment of their debts to the traders for articles of sustenance and clothing. Those who were engaged in fishing have done better this season than for several previous ones, owing to the demand for fish. They have been employed more in providing for*

themselves necessities for life, and have passed the winter under fewer privations. James Ord to Robert Stuart, 30 September 1844, S. Doc. 1 (28-2) 449, pp. 484-485; ...The Indians under the Ste. Marie Agency are unfavorably located fr agriculture or hunting, their principal resource is from fishing... William Richmond to T. Hartley Crawford, 20 October 1845, H. Doc. 2 (29-1) 480, pp. 498-501; Their visits to the Sault are of less duration than in previous years, and they are to be found, when not on their hunts, at their different stations and fishing places. . . . From the sales of fish caught last fall and spring, they have realized more than heretofore during the same time in former seasons. Their hunts have not been so profitable. James Ord to William A. Richmond, 20 September 1845, H. Doc. 2 (29-1) 480, pp. 498-50; It is desirable that the remittances should be made during the month of July in each year, if possible, in order that the time of the annuity payments may be fixed so as to permit the Indians [Ottawas and Chippewas] to assemble and return to their homes in season for the harvest and prepare for their hunts at the proper time... Within the Mackinac Agency a steady advancement is apparent among them. Many have purchased lands, erected comfortable houses, commenced the cultivation of the ground with a view to produce more than sufficient for their own consumption, this, with their fishing and hunting at their proper seasons has enabled them to improve their condition materially. William A. Richmond to William Medill, 30 October 1846, H. Exec. Doc. 4(29-2) 497, pp. 261-263; From their [Sault Chippewa] hunts and from fishing they have been able nearly to liquidate their debts to their traders, and many of them have been supplied with provisions and clothing for the winter. They are very anxious to have houses to live in, instead of lodges, and many of them intend to get our logs and bark for the erection of a number during the ensuing summer. Their crops of potatoes have been abundant and excellent. James Ord to William A. Richmond, 1 October 1846, H. Exec. Doc. 4 (29-2) 497, pp. 264-265; About nine hundred of the Ottawa Indians reside in the valley of the Grand River, and on the streams emptying into it; and are without any aid from schools, carpenters, or farmers. The smith shop at the mouth of "Thornapple" is of service to them in repairing guns and traps, and a few who have land, and cultivate it, procuring utensils necessary for their labors. Those situated upon the Muskegon, White, Pere Marquette, and Manistee rivers, are in a worse condition, being too remote from the smith shop to be profited by it. All of them would be cmch improved by gathering together in two or three communities upon locations to be selected between the Muskegon River and Mackinac, which would be adapted to their condition, affording them room and grounds for hunting and agriculture, waters for communication and fishing, and a climate healthy and congenial to their habits and constitution.... The bands residing at Grand Traverse, Cheboygan and Little Traverse, have purchased lands, and, with the aid of the mechanics and farmers, have erected substantial and comfortable dwellings, improved their lands, and form their fields, hunting and fishing, provide abundantly the necessities of life. Those inhabiting the islands and north shore of the straits of Mackinac and Lake Michigan, obtain their subsistence mostly from hunting and fishing; and although a few attend the Catholic school, and are engaged in agriculture to a small extent, their condition is not as comfortable as those residing at the points first mentioned... William Richmond to William Medill, 20 November 1847, S. Exec. Doc. 1 (30-1) 503, pp. 817-820; The Sault bands have sold not less than 400 barrels of fish, last spring they made about 800 pounds of maple sugar. The turnips, pumpkins, and corn, gathered this fall have been as abundant as at any previous season. Their hunts have not been very successful in consequence of the decrease of game. James Ord to William A. Richmond, 20 October 1847, S. Exec. Doc. 1 (30-1) 503, pp. 820-821; The Ottawas of Lake Michigan are making great efforts to secure themselves permanent homes, by purchasing lands along the rivers and bays of the lake; their position enable them, with moderate efforts, to live well; the land is very productive, the fishing profitable and the country still yields to the adventurous hunter a good return for his toil. . . . the Black river band of Ottawas (Old Wing colony) have determined to return north, and have purchased land along Lake Michigan, near Grand Traverse bay, well situated for the fisheries, and of productive soil, and a healthy location. . . . The Chippewas within the Mackinaw agency, living upon the

islands and main land north of Lake Michigan, have generally been engaged in fishing, which is found to be profitable, and yields them abundant means for support. . . . many have made provision for the purchase of the lands occupied for their fields and camping sites, which are generally adjacent to fishing grounds and spots endeared to them by the tenderest associations of life. . . William A. Richmond to William Medill, 6 November 1848, H. Exec. Doc. 1 (30-2) 537, pp. 549-552; *I have the honor to report, in relation to the Indians of this sub-agency [Sault Ste. Marie], that they manifest, especially those located at a distance from the Sault, a disposition to improve their condition. Aware that game is decreasing rapidly, they devote greater attention to fishing, in which some have been successful, not less than 1,200 barrels have been sold by those at and around the Sault.* James Ord to William A. Richmond, 7 November 1848, H. Exec. Doc. 1 (30-2) 537, pp. 558-559; *.. they [Indians of the Upper Peninsula] are happy and prosperous. In consequence of their abundant fisheries, and prolific hunting grounds, they manifest less anxiety to settle and cultivate the soil than those already mentioned...* Charles Babcock to Orlando Brown, 2 November 1849, ARCOIA 1849-1850, pp. 194-197; *The roving bands [of Ottawas and Chippewas] who are scattered on a wide extent of territory and depend upon hunting and fishing for their means of subsistence are in a less promising condition ... The remainder of the Indians in the Grand River country, and which constitute a large majority, are scattered in small bands over quite an extent of territory and subsist chiefly by hunting and fishing... The Chippewas on Lake Michigan are enjoying more than usual prosperity. Their locations afford them a fine opportunity for their favorable pursuits, and the ready demand for furs, fish, and game yield a good support.* Charles Babcock to Luke Lea, 27 November 1850, NAM M234, R.426:602-607; *Nearly all the Indians [at the Sault Ste. Marie sub-agency] have left for the fall fisheries after waiting till the last moment for their annuities...* David Aitken to Charles Babcock, 28 October 1850, NAM M234, R.426:608-611; *Many of these Indians in the upper peninsula are doing well. Several bands and individuals have lately purchased lands, which they intend to settle upon and improve. In consequence of their abundant fisheries, and the wide range for hunting and trapping, they have not heretofore turned their attention to agriculture. . . .* William Sprague to Luke Lea, 7 October 1851, S. Exec. Doc. 1 (32-1) 613, pp. 310-312; *I also visited the Ottawas and Chippewas at Grand and Little Traverse, Middle Village, Village of the Cross, and several other points on the Straights of Mackinac, and found them in a prosperous condition. They are temperate and industrious, and are embracing and following in all respects the habits and customs of the whites. By the cultivation of their lands, and their abundant fisheries, they are well provided with all the necessities of life...* William Sprague to Luke Lea, 4 October 1852, S. Exec. Doc. 1 (32-2) 658, pp. 318-320; *Those bands residing near the great lakes still depend, to a great extent, on fishing for a livelihood. Hunting and trapping also are yet common among them. The bands in the interior, while still evident considerable time to trapping and hunting, yet rely chiefly on the products of their little farms for their support. By most of them maple sugar is manufactured in large quantities. Not only is their supply for home consumption thus procured, but tens of thousands of pounds are every year exchanged for other necessities...* D. C. Leach to William Dole, 12 November 1861, S. Exec. Doc. 1 (37-2) 1117, pp. 800-803; *Schools in this agency... are in as flourishing a condition as could reasonably be expected... I have tried to impress upon the parents the importance of keeping their children in school. They say: "Yes, this is so, we will do it;" but when the fishing season, or the hunting season, or the berry season comes, away go parents and children to the fishing-ground or the forest, forgetting the school and most of what was learned in it during the brief period it was attended.* D. C. Leach to William P. Dole, 26 October 1862, H. Exec. Doc. 1 (37-3) 1157, pp. 486-489; *. . . . I confess that during the four years that the Indians of this agency have been under my care, they have not made the progress I had anticipated. And yet there have been no unusual obstacles in their way. These four years have, on the whole, been prosperous and fruitful. No general or fatal illness has prevailed among them; they have received large prices for their sugar, fish, furs, and labor; they have paid no taxes worthy of note. . . . Notwithstanding the high prices*

of dry goods that have prevailed, I think I have never seen the Indians of this agency better clothed than I find them this fall. this arises from the fact that they have received very liberal prices for all the products of their labor, and almost fabulous prices for their furs. Their corn fields, the past summer have produced a full crop. Their potatoes, always a leading article with them, are not as good as on some former occasions. . . . D. C. Leach to William P. Dole, 7 October 1864, H. Exec. Doc. 1 (38-2) 1220, pp. 588-591; Their irregularity in their attendance at school arises in great measure from the failure both of parent and child to appreciate the importance of education. Another serious obstacle in the way of success is the custom still so prevalent among them of spending the busy seasons and trapping seasons away from home, and beyond the reaches of the school. Richard M. Smith to D. N. Cooley, 30 October 1865, H. Exec. Doc. 1 (39-1) 1248, pp. 633-638; Their agriculture and other labors put forth by the Indians of this agency during the past year have, as a general thing, produced satisfactory results. Their gardens and fields, which are being enlarged from year to year, have yielded good crops of corn and potatoes. These are staple articles with them, and which, together with the fish taken and the sugar manufactured by them, constitute the chief articles upon which they principally subsist. The principal products of their industry, as reported to this office, were bushels of wheat 1977, of corn 42,022, potatoes 96,611, tons of hay cut 2,514, maple sugar manufactured 233,701 pounds, and the value for furs sold \$40,108. Richard M. Smith to D. N. Cooley, 8 October 1866, H. Exec. Doc. 1 (39-2) 1284, pp. 300-302; \$40,108. Richard M. Smith to D. N. Cooley, 8 October 1866, H. Exec. Doc. 1 (39-2) 1284, pp. 300-302; The following exhibit of the farming and other operations of the Indians within this agency for the year now past is taken from the accompanying agricultural and educational reports, and to which I beg leave to refer the department... Pounds of sugar made, 335,086, value \$43,572. Gallons of syrup made, 1,547, value \$1,159. Barrels of fish sold, 10,560, value \$99,869. Value for furs sold, \$52,419... Richard Smith to N. G. Taylor, 28 August 1867, H. Exec. Doc. 1 pt. 2 (40-2) 1326, pp. 335-340; The following exhibit of the farming operations and other pursuits of the Indians within this agency, for the year now last past, is taken from the accompanying agricultural report, and to which I beg leave to refer you... No. of pounds of sugar made, 382,778 value \$46,082, No. of barrels of fish sold, 5,253, value \$40,678, value of furs sold \$44,484... Richard M. Smith to N. G. Taylor, 17 September 1868, H. Exec. Doc. 1 (40-3) 1366, pp. 758-760; The Indians in the State are in a fair way to take care of themselves when their treaty shall expire. They appear for the greater part to be sober and tolerably industrious. In many instances they still adhere to primal habits, but manage by hunting, trapping and fishing, to make a livelihood. James W. Long to E. S. Parker, 22 October 1869, H. Exec. Doc. 1 (41-2) 1414, pp. 875-878; In considering the interests of the Indians and how best to promote their prosperity, my conclusion is that no great progress can be made in mental, moral, or material life, unless their attention and efforts can be turned from the chase and chances of the woods and waters. A white man or race will degenerate by fishing and hunting. Hence, I have made a vigorous and persistent effort to encourage the Indians in agriculture. George I. Betts to Edward P. Smith, 5 October 1875, ARCOIA 1875, pp. 293-295; The Ottawas and Chippewas are by far the most numerous, and I think are the most civilized... from this industry [fishing] they derive a large proportion of their support, and by their labor a large proportion of the catch of white-fish and trout... is secured. Besides, they furnish no inconsiderable amount of the large shipment of wood and hemlock bark shipped from the ports within the distance above named... Estimated value, Quantity: Maple sugar, 8 cents, 10,000 pounds, Wood cut and sold, \$2,2,5000 cords, Berries sold \$2,500 bushels, Whitefish and trout, \$4,1,500 half-barrels, Value of furs sold, 2,500... George Lee to Commissioner of Indian Affairs, 28 August 1877, H. Exec. Doc. 1 (45-2) 1800, pp. 517-520; The habit of subsisting solely by hunting and fishing is being abandoned and very many of the young and able-bodied men find employment as sailors, as lumbermen and wood choppers and in the various mills, and in different capacities sometimes as farmers... Pounds of maple manufactured, 2,000, Value of berries picked, \$2,000, Value of furs sold, \$4,700... George W. Lee to Commissioner of Indian Affairs, 1

Missionaries spent their every day, season after season, working to advance the civilization programs funded by provisions of the 1836 Treaty of Washington. Had these missionaries and their activities not met the understandings and approval of federal agents, federal agents would have cut federal funding of their operations, if not removed them from the Indian communities. Missionaries to the Ottawas and Chippewas consistently reported to their federal overseers the Indians' continued hunting, trapping, fishing, and gathering within the 1836 Treaty cession.³³

September 1879, ARCOIA 1879, pp. 84-86; *I forward herewith the inclosed statistics pertaining to the affairs of the agency, simply premising that a large number of the young men are not engaged in farming, but employed in various other pursuits, as laborers in lumber camps, mills, navigation, and various other industries, besides hunting and fishing to some extent; consequently, the farming products do not make as large an exhibit as they otherwise would.* George W. Lee to Commissioner of Indian Affairs, 1 September 1880, ARCOIA 1880, pp. 100-103; *The Indians of Michigan are mainly engaged for a livelihood in fishing, working at jobs and farming. . . .* Edward Allen to Commissioner of Indian Affairs, 24 August 1883, H. Exec. Doc. 1 (48-1) 2191, pp. 152-153; *The Indians, as a rule, are industrious. In addition to working their land they earn large amounts of money working in mills, loading boats, and working in the mines and quarries; but little, if any, of their subsistence is obtained by hunting and fishing. Hunting and fishing is more a past time and recreation for them.* Mark W. Stevens to Commissioner of Indian Affairs, 1 September 1886, H. Exec. Doc. 1 (49-2) 2467, pp. 381-386.

³³ *Shegud and others, have gone into the fishing business like white men...* A. Bingham to Henry Schoolcraft, 23 October 1837, NAM M1, R.40:383-385; *As another evidence of their improvements I may also add, the Indians have barreled up and sold to the merchants of our place about 140 barrels fish since the opening of navigation the present season...* A. Bingham to Henry Schoolcraft, 31 July 1838, NAM M234, R.423:203-205; *Formerly school suffered much from their sugar making and hunting. They always took their children with them. This evil not totally overcome.* Leonard Slater to Henry Schoolcraft, 8 August 1839, NAM M1 R.47:225-227; *They urged on us the selection of that point [Grand Traverse Bay] as one where we could have access to them & their children the most of the year, because there they had their sugar camps, from thence they set out on their hunting expedition, and there they expect to commence making new gardens as soon as they were through with their planting.* Peter Dougherty to Henry Schoolcraft, ca. 1839, NAM M1, R.47:251-256; *They have made but little additional improvements to their gardens the present season, and have done little or nothing at barreling fish. Some of their leading men in that business have been sick or absent, and some have died. Yet there is some tendency to onward progression in some, and in others there has appeared a disposition to cling to their former habits and superstitions.* A. Bingham to James Ord, 3 September 1840, NAM M234, R.424:297-300; *The confinements and restraints of a school room being irksome to those who have been accustomed to rove unrestrained, the want of parental government, leaving children very much to their own will, as to attendance, and the precarious mode of subsistence, depending much on hunting and fishing, the older boys are being very frequently called away from school in the pursuit of these occupations, are caused of*

irregularity. Notwithstanding, however, the irregularity which these cases procure, there is a gradual improvement perceptible. P. Dougherty to Robert Stuart, 27 August 1841, S. Doc. 1 (27-2) 395, pp. 306-308; *At present fish are so low that few are disposed to do anything at barreling them. Shegud, who has formerly been a leading man in that business, has, for more than two years, been unable to do anything on account of ill health, but has kept his sons at it part of the year, and his family receive a comfortable support. But so few are engaged in the business, I have not taken the trouble to ascertain the amount put up. They have generally done well in making sugar, the present season. Most of the families of any note have made from 300 to 600 or 700 pounds.* A. Bingham to James Ord, 18 August 1841, S. Doc. 1 (27-2) 395, pp. 310-313; *The school at Point St. Ignace - Teacher Miss Martha Tanner; number of scholars forty-two. Improvement not so satisfactory in consequence of irregularity of attendance, caused by frequent absence of families from home, pursuing their calling as fishermen.* St. Santelli to Robert Stuart, 19 October 1842, S. Doc. 1 (27-3) 413, p. 472; *This colony is planted in the midst of a dense white population, whose employments are principally agricultural. The soil is fertile and climate salubrious. The location possesses advantages peculiarly adapted to the wants of the Indians. The purchase is almost surrounded by lakes, which afford various kinds of fish... These Indians have not heretofore raised their supply of pork, and therefore many of the settlement left in the winter to hunt, and thereby supply themselves with food and clothing. Others sold their products from their farms to obtain them.* Leonard Slater to Robert Stuart, 2 September 1842, S. Doc. 1 (27-3) 413, pp. 477-478; *At the time of your visitation, there were eighty-five [people at Griswold Mission] in all – some were absent on an excursion of fishing and hunting... The school commenced in November, and the Indians removed to their sugar camps in February.* James Selkrig to Robert Stuart, ca. 1842, S. Doc. 1 (27-3) 413, pp. 478-479; L. Slater to Robert Stuart, 2 September 1842, NAM M234, R.425:184-187; *I do not know that any accurate distinction can be made between those who follow the chase and those who follow agricultural or mechanical pursuits. All who have families make gardens, and depend chiefly on what they raise for food, and all hunt more or less in the winter. This distinction, however, may be made: some, after securing their crops in the fall, remove to their hunting grounds and spend the winter there. Others remain here permanently, making two or three excursions during the winter. Of these there are now fourteen families, who have made arrangements for permanent settlement here; others expect to do so.* Peter Dougherty to Robert Stuart, 21 August 1843, S. Doc. 1 (28-1) 431, pp. 320-321; *Hitherto, the females have made no change in their mode of habits of life. They pursue the same avocations, and depend upon the same resources as they ever have done – namely, assist in hoeing in the field, dress the skins from the hunt, make their moccasins and garments, also, employ much of their time in making mats from ruches and bark bags, &c...* L. Slater to Robert Stuart, 30 August 1844, S. Doc. 1 (28-2) 449, pp. 410-411; *On their return, they stopped at Black Lake, or a part of the, and a part went to Kalamazoo River. They have spent most of their time since in gathering cranberries, hunting and procuring flour...* Osman D. Goodrich to Robert Stuart, 30 December 1843, S. Doc. 1 (28-2) 449, pp. 492-493; *...a portion of them, instead of visiting the British agency as formerly, have, like men of enterprise, gone into fishing business, and barreled up for fish for market. The number of barrels they have taken I am not now able to report...* A. Bingham to James Ord, 22 August 1844, S. Doc. 1 (28-2) 449, pp. 405-407; *I have [spent]... nine days at different times cutting wood at the sugar camps for the Indian woman, who had got out of wood, and whose husbands had been under the necessity of leaving them to go to their spring hunts.* Henry Davenport to Dr. Justin Rice, 1 April 1844, S. Doc. 1 (28-2) 449, p. 487; *A respectable portion of the Indians who fall under my labors are now engaged in the fishing business, putting up fish for market...* A. Bingham to James Ord, 17 June 1845, H. Doc. 2 (29-1) 480, pp. 574-575; *Four young men connected with our mission have, since the opening of navigation, put up, brought to this place, and sold one hundred and five barrels of fish, and have made preparations to enlarge business during the fall fishing...* A. Bingham to James Ord, 25 September 1846, S. Doc. 1 (29-2) 493, pp. 337-339; *A number of*

families went to the fishing ground, which occasioned the withdrawal of some of the children [from school], not only during the time of absence, but previously to their going. Having enlarged their gardens and increased their planting, they had an increased amount of labor to perform, which required all hands to finish in order to be ready by the time the fishing season commenced. Peter Dougherty to William A. Richmond, 26 September 1846, H. Doc. 4 (29-2) 497, pp. 330-333; *I selected [as the site of Ottawa Colony] the very best timbered openings, and contiguous to which are large lakes which abound with a variety of fish, and much game near us, and withal surrounded mostly by a religious and industrious community of white people.* Leonard Slater to William A. Richmond, 30 September 1846, H. Doc. 4 (29-2) 497, pp. 333-335; *The school is kept nine months in the year [at Griswold Colony], of the other three months, one is spent by the Indians in hunting, one in making sugar, and one at the time of payment.* F. H. Cumming to W. A. Richmond, 26 November 1846, NAM M234, R.426:107-109; *I have failed of getting the amount of produce raised by them in general. I have only taken it from four families. Those four, have raised the past year 182 barrels of potatoes, a small amount of corn, pumpkins, turnips, and other vegetables, have made about a ton and a half of maple sugar, and four young men belonging to them and specially connected with the mission, have entered with a good deal of perseverance into the fishing business. The present season they have caught and brought to this place and sold 142 barrels of fish, and last fall, between the time of my report, and the closing of navigation, they brought to our market 43, which, during the year amounts to 185 barrels. They are not preparing for their fall fishing.* Bingham to James Ord, 30 September 1847, NAM M234, R.426:235-236; *The Indians [at Ottawa Colony] have become more satisfied that to depend on hunting and fishing for a livelihood is to precarious for their interest and happiness. To advance their farming interests, they have stipulated to appropriate out of their annuities to purchase more land.* L. Slater to William A. Richmond, 30 September 1847, S. Exec. Doc. 1 (30-1) 503, pp. 911-913; *The Indians of this mission live chiefly by fishing. They cultivate, however, each family, from one to four acres of ground...* Peter P. Lefevere to William A. Richmond, 30 September 1848, H. Exec. Doc. 1 (30-2) 537, pp. 552-554; *We coasted as far as Grand Traverse Bay, and after sufficient examination, unanimously agreed to settle on the lake shore in township 32, north of range 11 west - the land is a superior quality of timbered land, having, also, on its shore, an excellent trout and white fishery...* George N. Smith to William Richmond, 4 September 1848, H. Exec. Doc. 1 (30-2) 537, pp. 554-555; *Most of our young men are forming habits of industry and usefulness, devoting a portion fo their time to the cultivation of the soil, another and a larger portion of it to the fishing business, and another portion, not suitable for either of those, to their former business, the chase... Several of them who are engaged in fishing, have, for two or three years past, done the best business of any men in these parts, and it is not an easy matter to find moreindustrious and persevering men among any people than they are. They have caught, and brought to market at this place, more than 200 barrels of fish within the past year.* A. Bingham to James Ord, 31 August 1848, H. Exec. Doc. 1 (30-2) 537, pp. 559-561; *A portion of them still, after their crops are gathered in the fall, leave here for different points - some going to the vicinity of the southern extremity of Lake Michigan to spend the winter in the woods hunting. Another portion turn attention to labor during the winter chopping wood, and getting out hoop, stave, and shingle stuff. They found this employment more profitable to them than the chase...* Peter Dougherty to Charles Babcock, 12 September 1849, ARCOIA 1849-1850, pp. 1143-1147; *A good portion of their land is cultivated, and they have raised the present year quite a considerable crop of corn, potatoes, and beans. They have not, it is true, lost their roaming disposition, much of their time they spend abroad in hunting or visiting.* F. H. Cumming to Commissioner of Indian Affairs, 1 October 1849, ARCOIA 1849-1850, p. 204; *[O]ur Indians were very successful in sugar making during the last season. The families made from two to ten hundred pounds each. Probably an average amount among the Tahquamenon bands would be from 500 to 600 or 700. They also had a fine lot of potatoes for market in the spring, and their potatoes are generally of an excellent quality. They are*

Mission workers often acknowledged that without the exercise of these rights, Ottawas who lived at even the most successful agricultural settlements in the southern Lower Peninsula and at

also prosecuting their fishing business as usual at the present season, but how successful they will prove in that, remains to be seen. A. Bingham to James Ord, 2 July 1849, ARCOIA 1849-1850, pp. 206-207; Our Indians continue to move on in habits of civilization. They cultivate small fields for raising their vegetables, &c., and spend the summer and autumn in barreling for fish market. In the winter they hunt some. The numbers of barrels of fish they have put up the past year, I have not yet learned. Last sugar season was an unusually poor one for sugar making, as they did not make as much as they usually do. But the difference was owing wholly to the season. A. Bingham to David Aitken, 30 September 1850, NAM M234, R.426:614-616; Some of them have, however, been prevented from coming to school in the fishing seasons, sugar and hay making time, but they seem all to value more and more the benefit of instruction. A. Lacoste to Right Reverend Bishop, 1 August 1850, NAM M234, R.426:624-626; The Indians, as usual, were absent most of the winter, and when the spring opened, collected at their sugar camp. The winter being unfavorable for hunting, and the spring no less so for the making of sugar, they seemed compelled to enter upon the more laudable pursuit of tilling their land for subsistence... L. Slater to William Sprague, 1 October 1851, ARCOIA 1851, pp. 313-314; Leonard Slater to William Sprague, 30 September 1852, S. Exec. Doc. 1 (32-2) 658, pp. 321-322; In winter the school has been pretty carefully attended; but summer's trade and the spirit of emigration for the mines are a source of unsteadfastness for the whites; as well as the sugar, fishing and hay-making seasons for the Indian boys or their related Canadians. Francis Pierz to Right Reverend Bishop, 15 August 1851, S. Exec. Doc. 1 (32-1) 613, pp. 316-319; During my absence, the teachers appointed for it instruct the children, when they are present in their respective places, which is the case chiefly during winter; but in summer time they are sometimes scattered about, because of fishing, on which the Indians apply themselves considerably. Francis Pierz, Report of the private Indian schools of the filiales missions of Grand Traverse, Kachagemonidebaning and Cheboiganing during the year 1851, 31 August 1851, S. Exec. Doc. 1 (32-1) 613, pp. 318-319; A day school has been kept up most of the time excepting during sugar-making. During the summer but few were in attendance, owing to the fact that the larger number of the Indians spent most of the summer at Whitefish Point, fishing. J. H. Pitezel to William Sprague, 20 September 1852, ARCOIA 1852, pp. 320-321; The natives, neglecting the measures which foresight would dictate, were obliged so often to resort to the forest to obtain their meat and to browse their ponies, that the school was suspended during the winter. Leonard Slater to William Sprague, 30 September 1852, S. Exec. Doc. 1 (32-2) 658, pp. 321-322; Last fall the crops were very light, and many of the Indians went up the lake to spend the winter hunting for a subsistence, and the winter continued so late last spring, that many who remained north suffered for provisions, and many horses died. George N. Smith to William Sprague, 6 October 1852, S. Exec. Doc. 1 (32-2) 658, pp. 323-324; The improvement of scholars at Little Traverse, Middletown, and Cross Village, is not so satisfactory in consequence of irregularity in attending school, caused by long and frequent absence fo families from home, pursuing their various avocations of hunting, fishing, &c. Peter P. Lefevere to Henry Gilbert, 8 September 1853, H. Exec. Doc. 1 (33-1) 710, pp. 286-288; He had a school of from twelve to twenty scholars a part of the year, but a portion of the time the Indians were mostly absent from the place at their fishing ground... The number of barrels of fish they have put up the past year, and the amount of sugar they have made, I am unable to report, as I ahve not yet learned the amount of either. A. Bingham to H. C. Gilbert, 6 September 1853, H. Exec. Doc. 1 (33-1) 710, pp. 282-284; Our Indians are now vigorously prosecuting the fishing business at this season of the year, and are now in considerable numbers collected at Whitefish Point for that purpose. A. Bingham to Henry Gilbert, 1 September 1854, ARCOIA 1854, pp. 31-32.

Grand Traverse and Little Traverse Bays would not have the provisions to supply themselves.³⁴

The most succinct and accurate description of the Ottawa and Chippewa economy during the late nineteenth century was written by a special agent sent by the United States General Land Office to investigate land frauds on Ottawa and Chippewa reservations. The United States had passed special legislation allowing Ottawas and Chippewas who had not received land allotments on reservations created by the 1855 Treaty of Detroit to take homesteads within the reservation boundaries. When the Ottawas and Chippewas left their homesteads to hunt, trap, fish, or gather, “settlers” would advertise the land as “abandoned” and replace the Ottawa or Chippewa claim with their own. Edwin Brooks in 1877 described the Ottawa and Chippewa economy that required them to leave the homesteads saying,

By the treaty of 1855 these Indians were made citizens, but although citizens in name they are savages, a little advanced, it is true, from the former condition, but still possessing all the habits and customs which have ever been characteristic of their race. They lead a nomadic life, subsisting largely by hunting and fishing. When they leave their homes on an expedition of this kind or for the purpose of doing a few days work to supply immediate necessities, the whole family goes together, a temporary wigwam is erected in which they all live, and while the husband is at work the wife and the children subsist the family by picking and selling berries, fishing, or making baskets. Their idea of a homestead is a place on which to make sugar in the spring, raise a few potatoes and sufficient corn to supply their bread during the year, and to have a home upon, to which they may at any time return. Most of them have small houses in the old, Indian villages to which they repair during the fishing season for the double purpose of convenience,

³⁴ L. Slater to Robert Stuart, 2 September 1842, NAM M234, R.425:184-187; Peter Dougherty to Walter Lowrie, 27 March 1843, PHSC, Box 7, vol. 3, p. 83; Peter Dougherty to Robert Stuart, 21 August 1843, S. Doc 1 (28-1) 431, pp. 320-321; Peter Dougherty to Robert Stuart, 2 October 1843, NAM M234, R.425:518-521; Peter P. Lefevre to Wm. A. Richmond, 30 September 1847, S. Exec. Doc. 1 (30-1)503, pp. 910-911; P. P. Lefevre to William A. Richmond, 30 September 1848, H. Exec. Doc. 1 (30-2) 537, pp. 552-554; Peter Dougherty to Charles Babcock, 12 September 1849, *ARCOIA 1849-1950*, pp. 1143-1147; L. Slater to William Sprague, 1 October 1851, *ARCOIA 1851*, pp. 313-314; Peter Dougherty to Unknown, 2 April 1867, PHSC Box A, vol. 1, p. 11; Andrew Porter to Walter Lowrie, 29 September 1867, PHSC, Box 7, vol. 4, p. 137; Peter Dougherty to J. C. Lowrie, 6 February 1869; ****Not produced or available in the DB**, PHSC, Box B, vol. 1, p.152; Peter Dougherty to Unknown, 10 February 1871, PHSC, Box Q, vol. 6, p. 53.

and in order that the women and children may be on hand to clean and cure the fish which are caught. During the winters as has been remarked they reside largely in the villages for comfort and social advantages and for the purpose of schooling their children. They are largely under the control of the Catholic priests, who have, the Indians informed me, told them that it was not necessary for them to live in their lands during the winter, and have at the same time required them to send their children to school during that season. About the first of March such of them as have been in the villages return to their land to prepare for sugar making. Generally I think they remain on the land until about the first of June when the summer fishing commences. During the summer they alternate the fishing grounds, and their farms visiting the latter for the purpose of caring for their growing crops, and in the fall they return again to their land for the purpose of gathering their corn, digging and bringing their potatoes, and other work. Their method of clearing is primitive in the extreme. They have no teams with which do to their logging and are not, like the Whites, accustomed to systematic labor. Their lands are very heavily timbered. In carving out a homestead thereon the Indian cuts the timber on a few acres, trims of the limbs, cuts and piles the brush and small stuff, and when it gets dry burns it. By this means he disposes of all the timber except the bodies of the larger trees, and among these he plants and gathers his grain for successive years, or until they have rotted away or been consumed for fire wood. Very few of them improve more than about six or eight acres. I asked many of them why they had not cleared more land. All of them appeared to be astonished at the question and the answer invariably was, "I want to save the timber so my children will have a place to make sugar."³⁵

Edwin Brooks' account describes the "civilized" Ottawas of Little Traverse Bay, the people whom Karamanski portrays as the most committed to the transformation of their way of life. They had never adopted animal-powered agriculture. The Catholic missionaries and federal officers had failed to stop their migrations and seasonal harvest of animals, fish, and plants – if they had ever really intended to do so. Brooks, as an officer of the federal government, could have expressed dissatisfaction with the continuation of the Ottawa and Chippewa seasonal harvest of wild produce had he chosen to. He could have argued that the Ottawas and Chippewas had no right to harvest these crops, but he did not. The attitude that Special Agent Brooks expressed

³⁵ Edwin J. Brooks to J. A. Williamson, 27 December 1877, NAM M234, R.413:65-103.

mirrored that of the Michigan population in general. They simply expected the Ottawas and Chippewas to continue to make their livelihoods by hunting, trapping, fishing and gathering.

The continued use of critical natural resources by Ottawas and Chippewas throughout the nineteenth century indicates that the closure of American Fur Company operations in Michigan during the 1830s was not a significant turning point that signaled an end of Ottawa and Chippewa use of natural resources. The places where they found these critical resources changed as Americans made farms, diminished forests, polluted waters, and depleted supplies of game, but Ottawas and Chippewas continued to hunt, trap, fish, and gather and these activities remained central to their economic survival and cultural existence.

It was only the advent of wage labor occupations at or near Ottawa and Chippewa towns that allowed some Ottawas and Chippewas to lessen their dependence on hunting and fishing. Almost all of the development of the wage labor market economy in proximity to Ottawa and Chippewa territory occurred after the American Civil War. Wage labor jobs available to Ottawas and Chippewas, discussed in greater detail below, were seasonal, and even the most “civilized” Ottawas and Chippewas continued to rely upon the exercise of the Article Thirteen usufructuary rights at least until the end of the nineteenth century. Andrew Blackbird writing in 1869 described one critical reason for the stagnation of progress in “civilizing” the Ottawas and Chippewas when he wrote that, “[t]he hunting of furs in the winter season would have entirely ceased if there was more business going on in their settlements or white settlements, where they could be employed profitably in hauling cordwood and other timber for shipment. But they are almost excluded from the white settlements.”³⁶

³⁶ “Andrew Blackbird to James Long,” 31 July 1869, *Charlevoix Sentinel*, R.1, p. 3.

The United States census provides a tool for collecting information regarding Ottawa and Chippewa occupations during the nineteenth and early twentieth century. The census moves beyond generalized and contradictory statements regarding the Ottawas' and Chippewas' successes at becoming "civilized" or their failures to do so. Unlike most reports to the Commissioner of Indian Affairs cited above, the census attempts to systematically count the number of people working in Michigan at that time and describe their occupations. It should be noted, however, that the census is an imperfect tool because of its chronic undercounts in this population, undercounts which almost certainly excluded from the census those Ottawas and Chippewas who were most heavily engaged in hunting, trapping, fishing, and gathering. Even with its imprecisions, however, the census corroborates what Andrew Blackbird and others observed, that few Ottawas and Chippewas were employed in wage labor and even these continued to rely upon usufructuary provisions of the 1836 Treaty of Washington.

The United States census counted Ottawas and Chippewas as part of the decennial census after 1860. I have conducted an analysis of occupations ascribed to the Ottawas and Chippewas in each census compiled between 1860 and 1920, with the exception of the 1890 census for which the records were destroyed by fire. Categories of employment counted by each census-taker during these years varied widely, but the information that they recorded can be consistently grouped in eight general categories: farmer, farm laborer, hunter/trapper, basket maker, fisherman, lumberman, general laborers, and skilled laborers.³⁷ Three of these categories -- "hunter/trapper", "basketmaker", and "fisherman" -- directly show a continuing harvest of animals, fish, and wild plants. The categories of "farmer," "farm laborer," "lumbermen,"

³⁷ See Appendix C for a more complete list of occupations listed for Indians in the Census.

“general labor” and “skilled laborers” all reflect the Ottawas’ and Chippewas’ partial entry into a cash and wage-labor economy.³⁸ In total, census takers recorded the occupations of 4, 471 Ottawa and Chippewa people living within the 1836 cession between 1860 and 1920, excluding the year 1890. The average number of people for whom occupations were determined is 745 per year.

United States census documents counted a total of 27,492 Indian people, an average of 4,025 persons per census year, living within the counties carved from the 1836 Treaty cession between 1860 and 1920, excluding the year 1890.³⁹ Of this number, census takers ascribed occupations to an average of 745 Ottawas and Chippewas, per year (about 18.5% percent of the

³⁸ For the purposes of this report the category “farmer” includes both vegetable growing and livestock oriented agriculture. The “hunter/trapper” category includes all forms of land based gathering, including herb gathering and berry picking; it does not include lumbering and related industries like bark peeling and the gathering of hemlock bark for tanning. Basket making includes all arts and crafts that rely upon production of materials from natural resources. The fisherman category has no qualifying distinctions in the census and stands alone. Lumberman includes all wide range of lumber related activities from bark peeler to sawyer. Skilled labor as used in this study includes any occupations that required specific formal education, either as an apprentice in the case of boat building, seamstresses, physicians, or the single lawyer found in the census. It also includes specialized technical skills as in the case of preachers, miners, tanners, or tour guides.

³⁹ These are the counties of: Allegan, Antrim, Arenac, Charlevoix, Cheboygan, Chippewa, Delta, Emmet, Grand Traverse, Leelanau, Mackinac, Manistee, Manitou, Mason, Newaygo, and Oceana. Although Allegan County falls outside of the 1836 Treaty cession, it was home to three Grand River Ottawa Communities throughout the nineteenth century. The average size of the Ottawa and Chippewa population within these counties during a given decade was 3,992 persons.

The total population figure was compiled from compendiums of the various censuses. These are: *Compendium of the Eighth Census, 1860* (Washington, D.C.: Government Printing Office, 1864), pp. 232-234; *Compendium of the Ninth Census, 1870* (Washington, D.C.: Government Printing Office, 1872), pp. 220-227; *Compendium of the Eleventh Census, 1890: Population, 1880* (Washington, D.C.: Government Printing Office, 1892), p. 532; *Compendium of the Eleventh Census, 1890: Population, 1890* (Washington, D.C.: Government Printing Office, 1892), p. 532; *Compendium of the Thirteenth Census, 1910: Population, 1900* (Washington, D.C.: Government Printing Office, 1913), p. 930; *Compendium of the Thirteenth Census, 1910: Population, 1910* (Washington, D.C.: Government Printing Office, 1913), p. 930; *Compendium of the Fifteenth Census, 1930: Population, 1920* (Washington, D.C.: Government Printing Office, 1922), p. 477.

4,025 average yearly population).⁴⁰ It is likely that those Ottawas and Chippewas to whom no occupations were ascribed, as well as those not counted at all, were engaged in traditional subsistence activities.

Lumbering and fishing provided the earliest wage labor opportunities for Ottawas and Chippewas. Of the total number of individuals (4,471) to whom occupations were ascribed during the period from 1860 to 1920, about 12% or 528 individuals (an average of 88 persons per census year) worked as lumbermen.⁴¹ During the same period a total of 359 men (an average of about 59 per census year) made their principal living by commercial fishing, comprising about 8% of the 4,471 persons whose occupations are listed in the federal census. Both of these professions are highly seasonal; both required knowledge of the land and the lakes; and both are, in some respects, a continuation of earlier Ottawa and Chippewa adaptations.

Missionary Edward Jacker, writing in 1875, described the way Ottawas and Chippewas, especially those who lived on the islands and in the Upper Peninsula, incorporated both lumbering and commercial fishing into their seasonal cycle of natural resource harvests. He wrote,

The few Indians visiting this shore from Garden Island, or at home in the woods

⁴⁰ The information regarding occupations was compiled from the Federal Population Census, Michigan, Microcopy 592 and Microcopy 593 (Washington, D.C.: National Archives, 1965).

⁴¹ The listed occupations that I include under the heading lumbering are: bark peeler, cedar cutter, cedar tie maker, "chop in woods", cutting wood (at a sawmill), log driver, lumber, lumberman, lumber edger, mill hand, piling logs (at a mill), rail road tie maker, riding logs (at a sawmill), shingle sawyer, tie and post maker, wood chopper, wood loader, work in sawmill, work in woods (chop); chopper in woods, chopper in lumber camp, cook (in lumber camp), edger in lumber mill, foreman in lumber camp, knot sawyer, laborer (in lumber, woods), laborer (in woods), laborer (lumber camp), laborer (lumber yard), laborer (sawmill), labor (wood cutter) log decker, log loader (in lumber camp), lumber mill laborer, lumberman (in lumber camp), piler (in lumber camp), tail sawyer, teamster (at lumber yard), timber cutter, shingle river, wood chopper/cutter (in woods), woodsman (at lumber yard). None of these jobs can be construed as full time jobs.

and at the Lake gain their support by working in and around the sawmill (Manistique) or on the fishing grounds (as hired men) by hunting and trapping (deer, bears, beaver, muskrat, marten, mink a.s.f.,) fishing in the lakes and planting potatoes, corn and squashes. No one occupation is profitable enough to be exclusively followed; hence their roving mode of existence. If they could betake themselves to working in the lumbering shanties, the young men at least would find constant employment; but they cannot endure it. Cases of positive starvation, I believe, are rare; but not one of them is so well off, the whole year round, as their farming Ottawa brethren in lower Michigan.⁴²

While engaged in the lumbering and commercial fishing professions, Ottawas and Chippewas continued to occupy lands that they historically used for hunting, trapping, fishing, and gathering and continued to engage in these activities on a seasonal basis.

Some wage-yielding jobs the Ottawas and Chippewas obtained were directly related to industry or to town life. The United States census lists “general labor”, or “day labor” as it is also commonly described, that is, manual labor that required little or no training, and indicated that about 1,096 persons (about 183 per census year) filled seasonal general labor jobs. This is 25% of the total 4,471 persons whose occupations were counted between 1860 and 1920, excluding 1890. The percentage of workers in this category is twice as large as in any other occupation. Day labor jobs, no matter how good the pay, never provided enough cash to support families. Whole families traveled from site to site, job to job, and in between they hunted, fished, and gathered.⁴³

⁴² Journal of Edward Jacker, September 1875, MSHP-Edward Jacker Papers, MF L.3 Jac R.1, Microfilm copies of Edward Jacker Papers.

⁴³ Robert Bailey was born in Elbridge, in Oceana County, in approximately 1885. The men of his father's generation were then beginning to work in the lumber industry. Robert, himself, logged during the years around 1910. In a 1975 interview, he described his work in lumbering. Robert continued to work in the woods in season and to run his small farm for much of the early twentieth century. Robert remembered that while most Ottawa families raised a “little corn and some stuff,” that they would “hunt for a living, that’s about all.” Interview with Robert Bailey by Beatrice Bailey, *Native American Oral History Project*, Transcript of Tape 12, Grand Rapids Public Library, 22 August 1975,

Few “skilled trades” were available for Indians who wished to work nearby their home communities between 1860 and 1920. For the purpose of this study, skilled trades are those occupations that might require an apprenticeship or other formal specialized training. Indian people had received instruction in blacksmithing, carpentry, shoemaking and other skilled trades since the 1820s. Still, only a few Ottawas and Chippewas ever made a living at these trades in or around Indian settlements within the 1836 Treaty cession.⁴⁴ Grouping the cooks, interpreters, preachers, tanners, teamsters, and mail packers into the “skilled labor” category likely inflates the number of people who received special training. Even after inflating the number of occupations in which the Ottawas and Chippewas might have earned wages by skilled labor, these occupations could not have replaced the Indians’ former subsistence hunting, trapping, fishing, and gathering economy.

A county-by-county analysis of federal data for the years between 1860 and 1920, excluding 1890, shows how few Ottawa and Chippewa people who lived in the counties of the 1836 cession engaged in work that might require skilled labor.⁴⁵ Federal census schedules show a

tape 1, side 1, p.14 [Hereafter Bailey 1975, Interview 12]. The experiences of James Coon, Sr. of the Little River Ottawas at Manistee and his family were similar to those of Robert Bailey. James Coon, Sr. was born on 27 June 1884. In his father’s generation, Coon recalled, few Indians worked. He spoke of men’s roles as hunters and trappers and of the community cooperation involved in procuring, processing and consuming the meat. Interview with Chief Jim Coon by Beatrice Bailey, *Native American Oral History Project*, Transcript of Tape 27, Grand Rapids Public Library, 15 October 1975, tape 1, side 1, pp. 12, 14-15 [Hereafter Coon 1975, Interview 27].

⁴⁴ See Appendix A for a complete listing of the occupations in this category.

⁴⁵ The numbers by county are: **Allegan:** 1860, (1 person) 3% (of Indian occupations in the county that year); 1880, (3) 15%; 1910, (1) 5%. **Antrim:** 1880, (1) 10%; 1910, (2) 10%. **Charlevoix:** 1870, (2) 4%; 1910, (4) 10%; 1920, (14) 48%. **Cheboygan:** 1860, (2) 6%; 1870, (1) 8%; 1910, (1) 1%. **Chippewa:** 1870, (26) 17%; 1910, (17) 18%; 1920, (9) 9%. **Delta:** 1900, (2) 3%, 1910, (2) 4%. **Emmet:** 1860, (11) 7%; 1870, (16) 4%; 1880, (6) 2%; 1900, (10) 2%; 1910, (30) 10%. **Grand Traverse:** 1910, (4) 8%. **Leelanau:** 1860, (4) 3%; 1880 (6) 5%; 1900, (2) 2%. **Mackinac:** 1860, (10) 10%; 1900, (3) 6%; 1910, (32) 14%; 1920, (4) 21%. **Marquette:** 1900, (3) 12%. **Mason:** 1870, (2) 2%;

total of 232 people, 39 persons per census year and 5% of the total 4,471 persons whose occupations are listed in the census, engaged in work that might be thought of as skilled. Of this total, 49 persons, or 21% of the 232 persons involved in skilled labor, lived in Mackinac County; 52 persons, or 22%, lived in Chippewa County; and, 73 persons, or 31% of the total, lived in Emmet County. Thirteen counties list jobs that might be considered “skilled labor.” Chippewa, Emmet and Mackinac Counties accounted for 174 persons holding skilled labor occupations, an average of 29 persons per year and nearly 75% of all skilled labor positions ascribed to Ottawa and Chippewa Indians between 1860 and 1920.

According to the census data collected between 1860 and 1920, excluding 1890, farmers numbered 1,568 persons (an average of 261 persons per census year) and constituted another 35% of the 4,471 Indians living in the 1836 Treaty cession for whom census takers recorded occupations. These farmers, with few exceptions, ran their farms like the farmers Edwin Brooks described in 1877. They employed horticultural methods on small plots and continued a seasonal round of natural resource harvest. Those Ottawas who worked farms with animal powered equipment were most often those employed by American farmers to perform day labor. During sixty years counted between 1860 and 1920, 361 Ottawas and Chippewas, approximately 8% of the 4,471 total census sample (an average of 60 persons per census year), made their livings as farm laborers. Census takers also noted two Ottawa and Chippewa occupations that relied entirely upon exercise of the usufructuary provision of Article Thirteen of the 1836 Treaty of Washington: 110 persons (an average of 18 persons per census year), 2% of the 4,471 Indians to whom occupations were ascribed between 1860 and 1920, excluding 1890, lived by trapping; and

1880, (1) 1%; 1900, (2) 2%. **Oceana:** 1860, (4) 3%; 1870, (3) 2%.

193 persons (an average of 32 persons per census year), 4% of the 4,471 persons for whom occupations were ascribed, earned cash with black ash basketry. Those Ottawas who lived in rural communities earned few wages but hunted and fished regularly.

Federal census documents, while imperfect measures, support the contention that the American “civilization” program had failed to make Ottawas and Chippewas equal participants in the Michigan economy. To a disproportionate extent, Ottawas and Chippewas continued to rely on hunting, fishing, trapping, and gathering to support themselves and their families, either as an occupation or as a supplement to other jobs. They did so almost without interference by the state officials, in most parts of Michigan, until the 1920s.

This conclusion is corroborated by other evidence that shows Ottawas and Chippewas throughout the State of Michigan continued to hunt, fish, trap, and gather during the first three decades of the twentieth century. Ottawas and Chippewas did so even though the gain they derived from their various pursuits changed in proportion to the state of their environment and the resources available. There is little doubt that the fur-bearing animals available for harvest on traplines diminished as lumber companies destroyed Michigan forests. Still, even on rivers heavily damaged by lumber cutting and transportation, Ottawas could harvest abundant muskrat for both food and furs.⁴⁶ They also continued to trap or shoot prized fur-bearers including mink,

⁴⁶ Bailey 1975, Interview 12, tape 1, side 1, pp. 3-4, 7; Interview with Chief Jim Coon by Beatrice Bailey, *Native American Oral History Project*, Transcript of Tape 27, Grand Rapids Public Library, 15 October 1975, tape 1, side 1, pp. 14-15; Interview with Grace Peters by Beatrice Bailey, *Native American Oral History Project*, Transcript of Tape 34, Grand Rapids Public Library, 5 November 1975, tape 1, side 1, pp. 4-5; *Grand River—a party of aborigines have pitched their tents—(pitched ‘em with pine gum)—and their “light canoes” are constantly exploring the channels of the river, or pushing about in the debris of last year’s vegetation, in search of muskrats and wild fowl.* “Downriver Correspondence,” 24 April 1860, *Grand Rapids Daily Eagle*, p. 2; *The Northport Tribune says: An Indian living near here, lately returned from a hunt near the head-waters of the Manistee, bringing about \$70 worth of furs, among which were four bear, three martin, 10 mink, four coon, and a number of muskrat*

fox, and racoon.⁴⁷ Deer, a species that thrived on the browse growing in the wake of

skins. "The Northport Tribune," 10 January 1874, *Charlevoix Sentinel*, R.2; "Joe Minnie," our sporting friend, has been trapping at Petobago this fall, and has about one hundred and fifty muskrat hides to show for it. "Progress Points," 2 November 1883, *Elk Rapids Progress*, R.1; Indians at Roscommon killed over 5,000 muskrats during the trapping season, just closed, beside several bear. They get 18 cent for each rathide, and they sold the carcasses to Bay Cityians for rabbits. "Northern Michigan News," 21 June 1893, *Charlevoix Sentinel*, R.8; . . . search her home for illegally taken muskrat hides, Mrs. James Pontiac, Indian wife of a Carlisle university graduate, drove the deputies into a room, holding them while a small son is alleged to have destroyed several hides. Deputy Smith left the premises and called for help. Meanwhile the husband reached home bearing two dead muskrats. "Squaw Defies Game Warden, Is Arrested," 14 October 1919, *Grand Rapids Press*; Jim Pontiac, chief of the little band Ottawas east of Lake City, and three of his braves are in the toils of the law for trapping muskrats out of season. "Not Amenable," 19 October 1926, *Grand Rapids Press*; Game laws which prohibit trapping of certain fur bearing animals have at last completely shorn the Indian residents of this region of their time honored right. No longer may the red men of Manistee and adjoining counties take the muskrat, racoon, mink or other animals valued for their pelts, for the season is closed and will remain so for another year in all probability. "Indians Find it Hard to Observe No-Trapping Rule," 10 December 1927, *The Manistee News-Advocate*, R.19; Two Indians of Manistee county found it rather expensive to trap and spear for Muskrats in violation of the state game laws. "Indian Fined For Violations," 16 February 1928, *Manistee News-Advocate*; John Waymegwans et al. to [Commissioner of Indian Affairs], 7 December 1928, NARA-DC, RG75, CCF-Mt. Pleasant, 55390-1928, 115; Louis Saugie, Louis Medacco, Indians residing near Brethren were arrested yesterday by Deputy Conservation Officer Ray Wolters, for having muskrats in possession in advance of the season. "Indians Violate Trapping Ruling," 15 November 1929, *The Manistee News-Advocate*, R.22; Gust Ax, hunting without license, \$18.70; Kewis Sougie, trapping muskrats in closed season, 30 days; Louis Medacco, trapping muskrats closed season, 30 days. "16 Convicted On Game Law Counts In Month Here," 7 January 1930, *Manistee News-Advocate*; Bird pleaded guilty to violation of the game law, killing muskrats out of season, and was sentenced to pay a fine of \$25 or serve 30 days in jail. Sentence was suspended for one year. "Indian Guilty in Game Case," 16 October 1931, *Sault Saint Marie (Michigan) Evening News*, R.59.

⁴⁷ Bailey 1975, Interview 12, tape 1, side 1, pp. 3-4, 7, 9; Peters 1975, Interview 34, tape 1, side 1, pp. 4-5; An Indian hunting party, consisting of seven "braves" and a small army of squaws and pappooses, [sic] passed through Escanaba [sic], Michigan, on the 2d inst., taking with them the salted meat and skins of one hundred and twenty-eight deer and five bears, as the result of their summer's hunt in the eastern part of Delta county. "An Indian hunting party...", 11 October 1870, (*Muskegon*)*The News and Reporter*; *The Northport Tribune* says: An Indian living near here, lately returned from a hunt near the head-waters of the Manistee, bringing about \$70 worth of furs, among which were four bear, three martin, 10 mink, four coon, and a number of muskrat skins. "The Northport Tribune," 10 January 1874, *Charlevoix Sentinel*, R.2; Game laws which prohibit trapping of certain fur bearing animals have at last completely shorn the Indian residents of this region of their time honored right. No longer may the red men of Manistee and adjoining counties take the muskrat, racoon, mink or other animals valued for their pelts, for the season is closed and will remain so for another year in all probability. "Indians Find it Hard to Observe No-Trapping Rule," 10 December 1927, *The Manistee News-Advocate*, R.19.

deforestation, remained a primary food source.⁴⁸ Hunting parties from Little Traverse Bay traveled as far as Alpena and Oscoda to hunt deer into the 1880s.⁴⁹

Fish remained an important food source to Ottawa and Chippewa communities – those located on the Great Lakes and those along inland rivers and streams. The Ottawas and

⁴⁸ Coon 1975, Interview 27, tape 1, side 1, pp. 14-15; Peters 1975, Interview 34, tape 1, side 1, pp. 4-5; *Shaw-be-quong wanted me to say to you he killed three deer where he was when he say you then he came home to see if every thing was going on all right.* . . . James H. Gay to Richard Smith, 20 December 1866, NARA-DC, RG75, LRMS-1131; *An Indian hunting party, consisting of seven “braves” and a small army of squaws and papposes, [sic] passed through Escanaba [sic], Michigan, on the 2d inst., taking with them the salted meat and skins of one hundred and twenty-eight deer and five bears, as the result of their summer’s hunt in the eastern part of Delta county.* “An Indian hunting party...,” 11 October 1870, *The (Muskegon, Mich.) News and Reporter*; *Hunters complain that the Indians exceed their right in killing deer. They are only entitled to kill them for subsistence where as they do so for the skins and to get bait for wolves.* “All Around the State,” 7 February 1872, *Grand Rapids Daily Eagle*; *The Alpena Indian chief, Henry, killed 150 deer last year, and feels “a heap bad” because he cannot do as well this year.* “State News,” 12 November 1878, *Grand Rapids (Michigan) Daily Eagle*, p. 2; *A number of Mackinaw Indians lately arrived at Alpena, from the back part of the county, and brought with them the carcasses of 150 deer that they had killed.* “State News,” 23 November 1878, *Grand Rapids Daily Eagle*, p. 2; *James Pash-e-go-by of Iosco county killed 113 deer in the hunting season of 1879.* “News of the Week,” 26 February 1880, *Grand Traverse Herald*, R.7; *One Cross Village Indian has killed thirty-five deer this season.* “One Cross Village Indian...,” 15 December 1881, *Antrim County Herald*, R.1; *...One of the Petoskey Indian hunters, Frank Tabasash, recently returned from the north with a sleigh-load of dead deer.* “Northern Michigan News,” 5 January 1887, *Charlevoix Sentinel*, R.6; *An Indian was arrested for shooting a deer in Arenac county recently. It is the first violation of the game law there, and the result is watched with much interest.* “About the State,” 15 October 1887, *Grand Rapids Eagle*, p. 1; *Dominique Odonoqueett shot a fine buck and his father a doe on the first day of the game season. There were also two other deer killed on the same day.* “Readmond,” 17 November 1892, *The Artesian Well-Harbor Springs*, R.1; *One of our young Indians, Sampson Johnson, drove over to Frederic to hunt deer. He was gone three days and brought home four deer. He says, “that’s the way we Indians catch’em.* “Kewadin,” 2 December 1897, *Elk Rapids Progress*, R.3; *Deputy game warden Coulter made a good capture at Cross Village last week. He was advised that two Indians had been killing deer.* “Local News,” 12 July 1899, *Charlevoix Sentinel*, R.11; *I have this great pleasure of writing this letter in request you about hunting & killing Deers for our food.* S. Lawrence to Sirs, 3 February 1908, NARA-DC, RG75, CCF-General Services, 8734-1908, 052; *Chippewa Indians are appealing to the higher courts from local ruling punishing them for killing beaver and deer out of season under the Michigan game laws.* “Must Obey the Laws,” 11 December 1926, *The Evening News*, R.47.

⁴⁹ *The Indians have all returned from their hunt, bringing back a great many deer. One man killed thirty five.* “Cross Village,” 13 December 1881, *Emmet County Independent*, R.1; *Indian hunters are now leaving for the happy hunting grounds in the vicinity of Manistique.* “Cross Village Items,” 17 October 1882, *The Northern Independent*, R.1; *Hunters have returned from the Manistiuque and Thunder Bay regions.* . . . “Cross Village Items, Remarks,” 5 December 1882, *Northern Independent*, R.1.

Chippewas continued to work both as commercial fishermen who owned boats and apparatus for deep water fishing and as subsistence fishermen who employed less expensive traditional technologies. On the Great Lakes, most Indian commercial fishermen who at one time owned their own fishing rigs were driven from the business by heavily capitalized commercial fisheries by the 1870s. As noted in by United States census takers, some Ottawa and Chippewa fishermen adapted by working for fishing companies. Others continued to fish simply for subsistence.⁵⁰

⁵⁰ *The Indians fish through the ice in winter for trout, and it is no uncommon thing to see them throw out a twenty-pounder on the ice.* “Boardman Lake,” 13 January 1860, *Grand Traverse Herald*, p. 2; *Grand River – At night, the water is dotted, here and there with the light of their floating fires, in pursuit of fish.* “Downriver Correspondence,” 24 April 1860, *Grand Rapids Daily Eagle*, p. 2; *What few remain in this vicinity obtain their livelihood by fishing on the Rapids in the Spring and hunting the remainder of the time.* “Indians Then and Now,” 29 May 1860, *Daily Enquirer and Herald*, p. 3; *Those bands residing near the great lakes still depend, to a great extent, on fishing for a livelihood.* D. C. Leach to William P. Dole, 12 November 1861, S. Exec. Doc. 1 (37-2) 1117, pp. 800-803; *The two Sault Bands of Shawan and Oshawawno are suffering from influenza and measles. Measles is equally as deadly to them as small pox. They are too sick to hunt and fish. They ask for aid.* Edward Ashman to D. C. Leach, 7 January 1864, NAM M234, R.407:458-459; *Very few of them now look to the deep waters in view of catching fish by which to obtain their daily bread. This class of Indians generally come short and are in want before the time comes again when they should be able to cast their nets in the deep for something to eat and wear, but they are fast dropping off from their pursuits and mode of living. . . .* “Andrew Blackbird to James Long,” 31 July 1869, *Charlevoix Sentinel*, R.1, p. 3; *It has also been a year of general prosperity, a good season for crops and the fishing has been good, so that almost all have comfortable supplies for the winter.* Peter Dougherty to Unknown, 10 February 1871, PHSC, Box Q, vol. 6, p. 53; *Sturgeon fishing is quite active just now. A number of Indians are busily engaged every day in laying in a supply of sturgeon meat to last them until next season.* “Sturgeon fishing ...,” 10 May 1871, *The Nawaygo Republican*; *The Indians are spearing fine white fish by torch light along the channel bank of Elk Lake, we are informed.* “The Indians are spearing...,” 7 May 1875, *Traverse Bay Progress*, R.1; *Joseph St. Peter, of Cross Village has caught 1475 barrels of whitefish this season.* “Emmett County,” 27 July 1877, *Traverse Bay Progress*, R.2; *Most of them have small houses in the old, Indian villages to which they repair during the fishing season for the double purpose of convenience, and in order that the women and children may be on hand to clean and cure the fish which are caught.* Edwin J. Brooks to J. A. Williamson, 27 December 1877, NAM M234, R.413:65-103; *Garden Island is situated about four miles north of Beaver Island, a very pretty island, which is occupied by about 200 Indians. . . . We saw but few of them, as many were away fishing, and most of the homes are on the farther side of the island. They were smoking sturgeon, and great quantities were hanging over poles near by, looking rather unsavory.* “Beaver Island,” 4 July 1878, *Petoskey City Record*, R. June 20, 1878-October 3, 1883; *The Chippewas of Lake Superior seem to keep on in the most even-paced course, only cultivating land enough to supply them with vegetables in summer, and generally potatoes for winter, depending mostly upon fishing and work for lumbermen, or wood chopping for support.* George W. Lee to Commissioner of Indian Affairs, 1 September 1878, ARCOIA 1878, pp. 74-76; *Now is the excepted time for trolling for trout in Carp lake, and indian [sic]*

The harvest of plants for food and for medicine also continued throughout the 1836 Treaty

caught ten splendid ones there last Sunday. "Now is the accepted..." 19 May 1881, Leelanau Enterprise; Joe St. Peter has two pound nets set ready for summer fishing. "Cross Village," 23 May 1882, Emmet County Independent, R.1; Joe Minnie caught 16 pounds of trout at Rapids river the 15th. "A Fisherman's Paradise," 21 July 1882, Elk Rapids Progress, R.1; On the 18th Joe Minnie returned from Rapid river with 275 trout. "A Fisherman's Paradise," 25 August 1882, Elk Rapids Progress, R.1; On the 25th Joe Minnie caught at Rapid river 300 trout. "A Fisherman's Paradise," 1 September 1882, Elk Rapids Progress, R.1; "Joe Minnie" returned from Rapid river with 350 trout on the 1st. He has caught this season 1,793 speckled trout, which is a good record. "A Fisherman's Paradise," 8 September 1882, Elk Rapids Progress, R.1; Joe St. Peter caught nine tons of white fish in his nets Thursday. This is no fish story. "Cross Village Items, Remarks," 21 November 1882, Northern Independent, R.1; There was no school this month the Indians going away to fish, hunt &c. Edward Allen to H. Price, 15 December 1882, NARA-DC, RG75, LROIA 2272-1882; The 14th will be remembered as the day that "Joe Minnie" caught thirty-four bass at the chute. . . . "Fish Tales," 2 August 1883, Daily Resorter-Harbor Springs, R.1; "Joe Minnie" caught 200 trout at Rapid River Tuesday and Wednesday. "Fish Tales," 16 August 1883, Daily Resorter-Harbor Springs, R.1; Quite a number of Indians are in the vicinity of the Straits fishing through the ice. "Cross Village Items, Quite a number..." 3 February 1885, The Northern Independent, R.1; The Indians are catching an immense quantities of white fish in the "Soo." "The Indians are catching ...," 7 May 1885, The Hart Journal, R. 2, p. 6; One Indian speared ten large sturgeons near here a few days ago. They would average 70 lbs each. "Cross Village Items, Simon Shampaign..." 12 May 1885, The Northern Independent, R.1; The Indians are still fishing. "Middle Village," 6 January 1886, Harbor Springs Republican, R.1; A party of Indians recently made a week's camp at Thornapple lake, Barry county, speared 100 pickerel and caught \$65 worth of furs and silently sped away. "Michigan Midgets," 13 April 1886, Grand Rapids Eagle, p. 8; Big Dave, the Indian preacher was selling fish near town one day lately and he told them at a place where we was selling fish that he preached at Kewadin. "Leelanau Locals," 29 December 1887, Leelanau Enterprise, R.2; Many fish caught by the Indians through the ice. "Many Fish Caught," 18 February 1891, Petoskey Record, R.July 31, 1889-May 11, 1892; An Indian from Elk Rapids has moved to Yuba and will run a lot of fish nets this fall. "Yuba," 17 November 1892, Grand Traverse Herald, R.14; Sends for a report a letter dated October 7, 1907 from Paul Kanawbekesee of St. James Michigan relative to the action of the game wardens in preventing the Indians from fishing. Acting Commissioner to R. S. Buckland, 16 December 1907, NARA-DC, RG75, CCF-Mackinac, 84031-1908, 175; The Office has had under consideration your letter of October 18, 1909, in regard to the complaint of the Indians that William Milligan, a white man, has encroached on their fishing rights. "Correspondence re: Fishing rights," 1909, NARA-DC, RG75, CCF-Bay Mills, Box 030-1908, 8065, 311-1911, 49858, pt. 1, file 78307-09, 308.2; Peter Mark and Antoine Ance left here Tuesday morning to fish on the bay about three miles below the village and since that nothing has been heard from them. "Northern Michigan," 17 March 1910, Charlevoix Sentinel, R.14; He also states that most families have a garden of their own, that fishing and day labor in lumber camps furnishes them a means of support and that in may cases, during the berry season, the earnings of a single family amount from \$6 to \$10 per day. C. F. Hauke to Chester C. Pidgeont, 1913, NARA-DC, RG75, CCF-Bay Mills, Box 49858-1911, pt. 1 to 78034-1913-920, file 78031-1913, 910; The attempt of Col. G. O. Shields, president of the League of American Sportsmen to stop several Indians from netting fish in Crooked river, resulted in drawing of guns and knives and almost terminated in a hand to hand encounter. "Stop Indian Netting Fish," 7 August 1913, Charlevoix Sentinel, R.15; Do the Indians have to buy a license to fish with Gill or set nets on any of the Great lakes. George Antoine to Commissioner of Indian Affairs, 5 October 1915, NARA-DC, RG75, CCF-Mackinac, 99440- 1915, 115; Petoskey – many Petoskey fishermen are now at the fishing grounds at Cross village, the little Indian settlement north and west of this city. "Petoskey," 16 March 1916, Mancelona Herald, R.8.

cession during the twentieth century. Although production of beet and cane sugar diminished the commercial value of maple sugar, Ottawa and Chippewa families continued to harvest sap and produce both sugar and syrup into the 1930s and 1940s. The harvest and sale of wild berries which also thrived in Michigan's cut-over environment still drew entire Ottawa and Chippewa communities away from their homes during the summer and fall.⁵¹ In rural communities where

⁵¹ *Wintergreen berries, as large as cherries, are gathered in large quantities in this vicinity by Indians and others. "Wintergreen berries, as large....," 8 June 1870, The Newaygo Republican; The chubby Indian girls still come here to barter berries and baskets for calicoes, and the rattle of their soft Indian gutters still sound like the rattle of a trout brook. "Trouting In The Chanaux," 26 July 1871, Grand Rapids Daily Eagle; They are picking huckleberries, and bring the result of the day's labor to market every evening. These Indians live at what is known as Indian Town, somewhere in the vicinity of Elk Lake, in Antrim County. "Indian Squaws and papooses....," 6 August 1875, Traverse Bay Progress, R.1; A party of forty or fifty Indians hired by some white men, are at Higgins Lake engaged in picking whortleberries. They send out some twenty-five bushels each alternate day. "State News," 8 August 1877, Grand Rapids Daily Eagle, p. 3; When they leave their homes on an expedition of this kind or for the purpose of doing a few days work to supply immediate necessities, the whole family goes together, a temporary wigwam is erected in which they all live, and while the husband is at work the wife and the children subsist the family by picking and selling berries, fishing, or making baskets. Edwin J. Brooks to J. A. Williamson, 27 December 1877, NAM M234, R.413:65-103; Whortleberries, the first of the Season, were brought to this place last Friday by some Indians from Middle Village, and sold for 10 cents a quart. "Whortleberries brought by Indians," 25 July 1878, Petoskey City Record, R.June 20, 1878-October 3, 1883; During the berry season the women and children make considerable additions to their income by picking berries for the market. George W. Lee to Commissioner of Indian Affairs, 1 September 1878, ARCOIA 1878, pp. 74-76; While the women, children, & old men, have earned considerable by picking Whortleberries, and Blackberries, as well as Rhaspberries, which are abundant in their vicinity, and from which they derive no inconsiderable revenue in their season. George W. Lee to Commissioner of Indian Affairs, August 1880, NAM M234, R.415:396-402; . . . all his people are very poor, simply sustaining life by fishing, picking berries, or an odd days work which chance may throw in their way. George W. Lee to Commissioner of Indian Affairs, August 1880, NAM M234, R.415:396-402; On Monday an Indian girl named Jennie Pisherba, daughter of Albert Pisherba, aged 16 years, was out picking berries., "Death of Indian Girl," 24 August 1882, Petoskey City Record, R.June 20, 1878-October 3, 1883; The Indians have not returned from fishing picking berries working &c, Monthly School Report, for Month of October 1882, Mackinac Agency, October 1882, NARA-DC, RG75, LROIA 21924-1882; Two hundred Indians picking huckleberries are among the attractions of the Topinabee summer resort. "Two hundred....," 31 July 1884, Grand Traverse Herald, R.9; One hundred Indians are picking huckleberries near Kalkaska. "Michigan Midgets," 18 July 1887, Grand Rapids Eagle, p. 1; Two hundred Indians are huckleberries on the plains at Hog's Back. They send in about 100 bushels per day. Four cents is the price paid for picking. The crop is an immense one and the berries are very fine. "Two hundred Indians....," 21 July 1887, Grand Traverse Herald, R.11; The Indians in the vicinity are picking and bringing to market large quantities of berries each day. Every afternoon they and their merchandise make a very substantial part of the Gracie Barker's cargo across the bay. "Indians Picking and Bringing to Market Large Quantities of Berries," 25 August 1887, (Petoskey) Daily Resorter, R. July 21, 1887-*

few physicians practiced, and where people had little cash to pay for their services, traditional Ottawa and Chippewa healers continued to gather medicines. Indeed, non-Indians also relied on the knowledge and services of these healers until the State of Michigan prosecuted Indian healers for practicing medicine without a license during the 1930s and 1940s.⁵² As early as 1850,

September 14, 1892; *In some localities Indians gather great quantities of wild berries for canning or for shipment to the cities.* Department of the Interior, Census Office, *Report of Indians Taxed and Indians Not Taxed in The United States (Except Alaska) at the Eleventh Census: 1890* (Washington, D.C.: Government Printing Office, 1894), pp. 330-335; *The Indians in Arenac county are profiting by the large yield of huckleberries and wild raspberries this year.* "Full of News," 27 July 1899, *Elk Rapids Progress*; *About 100 Indians are employed in picking cranberries on the big marsh near Walton Junction. Only a half a crop is being harvested this year.* "Neighborhood Notes," 21 September 1910, *Charlevoix Courier*, R.1; *Traverse City, Aug. 31,-Indians are concentrating in Traverse City for their annual migration to the cranberry marshes near Walton; where they will pick the Thanksgiving sauce.* "Indian Bands Are Ready to Gather Cranberry Crops," 31 August 1921, *Grand Rapids Press*; *The Indians go to Pentwater, named by them Paint Water, every summer to hunt, fish and pick huckleberries which they sell to the whites.* "Indians Go Into Oceana Court With Fishing Rights Case as Attorney General Considers," 16 April 1928, *Grand Rapids Press*; *Chippewa County – Berry picking is the chief occupation of the Indians in the summer. There are immense blueberry plains in the county but there are also many pickers, people coming from as far as Texas to pick berries. There are also raspberries, wild strawberries and cranberries, but not in such quantities as blue berries [sic]. Besides picking and selling berries, many of the Indian women can them for winter use. One woman has canned 200 quarts of berries and vegetables and several others have canned from 50 to 100 quarts.* Report of School Social Worker, Lela M. Cheney, October 1932, NARA-Chicago, RG75, Tomah Agency, Decimal Files 850-893, 1926-1950, Box 108, File 850.

⁵² *Manitowawba, a member of the Ottawa tribe of Indians, died at New Mission, Tuesday July 29. He was one of the most noted of his race in this part of the contrary and was universally known as the Doctor, or "Medicine Man."* "Leelanau County," 7 August 1873, *Grand Traverse Herald*, R.5; *Yesterday on the way from Bourassa's, an almost uninterrupted conversation was kept up between me and Segido, the medicine man.* Journal of Edward Jacker, September 1875, MSHP-Edward Jacker Papers, MF L.3 Jac R.1, Microfilm copies of Edward Jacker Papers, entry for 15 September 1875; *Sad work again! The Indian, so I was informed, before entering his shanty, had allowed the medicine men to try their skill on him on Garden Island from whence he had been brought over two days before. Besides he lives with a pagan woman.* Journal of Edward Jacker, October 1875, MSHP-Edward Jacker Papers, MF L.3 Jac R.1, Microfilm copies of Edward Jacker Papers, entry for 12 October 1875; *Only a small portion of our Indians have the benefit of a physician, as we have but one in all the large extent of territory over which the Indians are settled, and a majority of them can only avail themselves of their "medicine men," in whom they seem to place great confidence.* George W. Lee to Commissioner of Indian Affairs, 1 September 1881, ARCOIA 1881, pp. 108-109; *Old Tuskemaw, "the big medicine man of the Chemaux Indians" is here on a short visit. . . .* "Sorts Resorts and all Sorts," 7 September 1883, *Daily Resorter-Harbor Springs*, R.1; *In the deep woods of Sherman township is a band of pagan Indians. . . . They use their own medicines and employ no physicians and prefer to live by themselves as far from civilization as possible.* Department of the Interior, Census Office, *Report of Indians Taxed and Indians Not Taxed in*

Ottawas and Chippewas harvested wild plants for art and manufacture of utilitarian articles that were sold to settlers and tourists alike. These activities continued to provide Ottawas and Chippewas with income well into the twentieth century.⁵³

The United States (Except Alaska) at the Eleventh Census: 1890 (Washington, D.C.: Government Printing Office, 1894); *He has eaten nothing for six weeks except a piece of the dead dog, which was killed by the medicine man, so it is asserted, and probably had been given by his red brothers, under the old adage that the hair of the dog will cure the bite.* “Bitten By Mad Dog,” 16 February 1905, *Grand Traverse Herald*, R.19; *Levi Kenyon of Battle Creek was convicted last nigh in Circuit court of practicing medicine without a license. Kenyon is a half bred Indian. Several patients testified they had ben given up to die and he cured them by means of herbs and roofs.* “Indian Saves Lives But Fined For Practicing Medicine,” 24 May 1917, *Grand Rapids Press*; *Daniel Delary, 48, is awaiting examination here on a charge of practicing medicine without a license. Delary claimed when arraigned Thursday that he is a Chippewa Indian and that in his practice he used her preparations handed down through the healers of his tribe.* “Accused Doctor Says He is Indian And Uses Herbs,” 10 March 1922, *Grand Rapids Press*; *Charged with practicing medicine without a license, Chief Big Elk, Indian “doctor” of Mecosta and Newaygo counties was haled into court here on a complaint issued to a representative of the state department of public safety.* “Chief Big Elk Held On Medicine Count,” 16 August 1929, *Grand Rapids Press*; *Chief Big Elk, herb doctor, Tuesday will face a circuit court jury on a charge of practicing medicine without a license. Chief Big Elk some months ago was tried on the same charge but the jury disagreed.* “Big Elk to Trial,” 9 June 1930, *Grand Rapids Press*; *Families gathered wild ginseng, a medicinal herb in demand by the traders. . . . Allen Moore named some of the people he remembered living on the Reservation in the 1870's . . . Richard Albert, a medicine man.* *Indiantown: The Ottawa-Chippewa Reservation*, ca. 1975, Rose Hawley Museum, Native American File; Interview with Henry Lewis, George Pego, and Bill Stone conducted by James M. McClurken, 15 August 1995, JMC, pp. 62-65.

⁵³ *Just received from Mackinac a large a beautiful assortment of Indian Work, consisting of the following articles: Fruit Dishes, Trays, Work Boxes, Baskets, [illegible], Needle Books, Pin Cushions, Mococks, Moccasins, and a variety of other articles.* “Indian Made Goods from Mackinac,” 12 June 1839, *Detroit Free Press*; . . . *very large and choice assortment of articles, useful and ornamental, the product of the skill and patience of the Native Americans—Indians, which are formed of birch bark, grasses, and quills from “the fretful porcupine.”* “Indian Work,” 10 September 1866, *Grand Rapids Daily Eagle*, p. 1; *Mackinaw is the emporium for birch bark work of every description, from the tiny moccasin or bark canoe to the embroidered leggins and Indian snow-shoe. It is very expensive making birch-bark canoes at present, as the bark is getting so scarce, each one now costing from forty to fifty dollars.* “Summer Journeyings,” 18 December 1886, *Grand Rapids Eagle*, p. 12; *The leading business at our northern resorts this season has been the basket business. . . . baskets. . . in all varieties of size, shape and coloring. It would be impossible to estimate the amount of money spent for Indian baskets, but it must be in immense amount, for in Petoskey alone it runs up into the thousands. From the Cheboygan Democrat we take the following well written description: The baskets most popular with tourists this season are made of black ash. Some of the work displays remarkable taste and artistic ability on the part of the untutored children of the forest. A few years ago the Indians busied themselves making baskets and boxes of birch bark, with gaily colored porcupine quills sewed into the fiber. The baskets were far more beautiful, but possessed an aboriginal attractiveness that pleases those who never saw such work.* *Sweet*

grass had a great run as a material for baskets and boxes, the fragrance of the grass remaining for years. But the rude birch bark boxes and the sweet smelling grass baskets have given place to the far more attractive black ash work. "Indian Baskets," 17 September 1890, (Petoskey) *Daily Resorter*, R.7, July 21, 1887-September 14, 1892; At Peshawbetowa along the shore of the west arm of Grand Traverse bay, south of Northport, there dwells a band of some 200 Ottawas. From the hands of one or two of the oldest women of this band comes some of the finest works of basketry that may be found anywhere. . . . Her plain baskets Mrs. Chippewa makes from withes or splinters stripped from a green bolt or white ash. . . . Her finest work, however, done on small boxes, made of birch bark, with intricate designs wrought of porcupine quills. "Leelanau Indian Woman Proves Ancient Arts of Aborigines Not Forgotten," 2 August 1926, *Grand Rapids Press*; The winter months they spend in comparative inactivity, save for the basket work of the squaws. Some of the ancient art of the days of Nokomis still lives among the older women of the band and their birch bark boxes, ornamented with porcupine quills, are a fast disappearing form of a native American handicraft. "Indians Dwell On Northern Islands," 18 August 1928, *Grand Rapids Press*; But this commercialism of Indian arts increases steadily with each passing year, and the weavers of baskets are feeling the restraining influence upon their artistic endeavor by the ever growing scarcity of the necessary raw materials. "Indian Art Suffers Lack of Material, Red Man Has Difficulty In Supplying Native Art to Buyers," 2 October 1930, *Emmet County Graphic*, R.1; The increasing demand of tourists for fragrant sweet grass baskets woven by Indian women of this locality has caused the basketmakers to extensively cultivate the grass as a regular supplement to the wild crop, which has grown insufficient for their needs. "Indians Enlarge Basket Industry," 5 July 1933, *Grand Rapids Press*; A fine display of basket weaving and an opportunity to see Indian baskets in the weaving are offered at the Indian camp which opened at Clinch park Wednesday—a project promoted by the Indian committee of the local Woman's club. "Traverse City Park Opens Indian Camp, Display of Baskets," 14 July 1933, *Grand Rapids Press*; While the silence and solitude of winter wrap this isolated community on the steep bluffs overlooking northern Lake Michigan preparations for next summer's business go forward in the homes of local Indian families, where old women are making handicraft articles that will be sold to tourists who come along the Scenic Shore drive from Harbor Springs. "Old Indian Women Busy In Winter Months," 7 March 1934, *Grand Rapids Press*; Basket making is the main occupation and chief source of revenue of these "first Americans" and they are proud of their proficiency. Five years old is not too young for the Indian children to learn the art and many a small child has made the pretty basket that carries her lunch to the district school. "Basket Making Main Occupation And Chief Source of Revenue For West Michigan's Indians," 1 October 1934, *Grand Rapids Press*; Teaching of Indian arts is to be made a WPA project in Leelanau County. It is planned to start classes in weaving, basket making and the use of natural dyes in Peshaubash Town, Indian settlement near Omena. "Teaching of Indian arts....," 7 February 1936, *Pentwater News*, R.3; In July, 1938 the gathering of materials was started by two groups in Emmet County. The material being seasonable, we gathered sweet grass and birch bark during this month. The local conservation officer took us to the location of State land where we might peel birch bark. The brought wide grins and much pleasure from our Indians as in the past they had to buy, beg, or steal their materials where they could. "Indian Handicraft Project," ca. 1939, WPA-MSU; Leading in this work is a project at Wilwalk on Sugar Island where 23 Indians, 20 of them men, have been doing such handicraft as basket weaving, leather working, snowshoe construction carving both utensile [sic] and images, bark-work, bow and arrow and tomahawk construction. "Sugar Island Indians Seek Economic Sufficiency in the Ancient Arts," 1 December 1939, *Sault Saint Marie Evening News*, R.79, 3 November 1939-30 December 1939; Within the area a division may be made between those crafts which have survived unchanged from prehistoric and early contact cultures and those which, while similar in designs or techniques to the purely aboriginal crafts, are and have always been dependent on trade materials. In the first category may be listed textiles of trees and nettle fibers; basketry; matting;

Ottawas and Chippewas hunted and fished much less often during the 1940s, 1950s, and 1960s than they had during the preceding century. Young men from every Ottawa and Chippewa community enlisted in the United States armed services during World War II and the Korean War. They and their families often found – for the first time in history – wage labor jobs that provided them with steady income. These three decades were years when Ottawas and Chippewas emigrated in large numbers from their reservations and rural communities to downstate cities for work.⁵⁴

In summary, lumbering, mining, agriculture, and limited manufacturing provided some

porcupine-quill work on both birch-bark and buck-skin; work in birch-bark, particularly the making of utility vessels; work in silver; buckskin work, including moccasins and clothing' and wood work. "Indian Arts and Crafts Of the Great Lakes Area," 8 March 1940, WPA-MSU; Indians from the Sugar Island Ojibway communities are always on hand at the tepees where they make and sell baskets and other articles of unique Indian craftsmanship. The heavily wooded island is the home of several hundred Ojibways, many of whom serve as guides to fishing and other summer patrons. "New Indian Village On Sugar Island," 18 July 1942, Sault Saint Marie Evening News, R.87, June 9 - October 16, 1942; Transform Trees Into Baskets—Mrs. Gladys Sands and her daughter, Sidonia Marie, 8, display some of the baskets they produce from the black ash trees Mrs. Sands and her father, a full-blooded Potawatomi Indian, fell in the north woods each spring and fall. An all-in-one family process, the gaily-colored baskets are fashioned from the logs in a series of operations at the family's home at Burnips. "Black Ash Into Gay Baskets," 5 July 1952, Grand Rapids Press, p. 23; Julia Lewis Alberts of Hart . . . demonstrated the art of making baskets, while Mrs. Tawney talked. Explaining the making of splint baskets for which Michigan Indians are famous, the speaker stated that black ash is the only suitable wood. It must be only tall straight trees which are found growing deep in swamps. The ash wood is peeled into long thin strips of various widths for basket weaving. The wood, in its natural soft ivory, is combined with other strips dyed in many hues for the weaving of beautiful baskets. . . . sweet grass. . . prepared for basket weaving. . . has to be gathered early in the morning when still wet with dew. On display was a small canoe made of water elm laced together with braided ropes of basswood. The ropes are made from the bark of basswood tree. The bark is boiled until it becomes stringy and pliable. In the old days the Indians made heavy ropes of the basswood strings. The use of birch bark buckskin and porcupine quills also were embroidered with porcupine quills, colorful strings of beads and numerous other articles of native handwork were displayed for the admiration of the audience. "Descendants of Cobmoosa Give Crafts Program," 19 June 1958, GRB-Andre-Folder 1.

⁵⁴ For a visual presentation of census numbers, see Francis Paul Prucha, *Atlas of American Indian Affairs* (Lincoln: University of Nebraska Press, 1990), pp. 11-13, 15-16.

opportunities for wage labor even before the great economic expansion that followed World War II. From the time of the Brooks Report in 1877 to the 1940s, however, the jobs available to Ottawas and Chippewas who sought wage labor were low-paying, seasonal, manual labor occupations. Ottawas and Chippewas first had access to seasonal wage labor opportunities in the lumbering and fishing industries during the middle nineteenth century. These occupations were themselves based on the extractive harvest of natural resources and drew on the Indians' knowledge of the environment. The seasonality of the work, in turn, encouraged the continuation of traditional subsistence activities such as berry picking, maple sugar harvesting, hunting and trapping as described by Special Agent Brooks. As federal census data described above show, on-the-ground observers listed occupations for only 16 % of all Ottawas and Chippewas between 1860 and 1920. Of this sixteen percent, only 5% held jobs that might require formal training. Mackinac, Chippewa, and Emmet Counties, the sites of Sault Ste. Marie, St. Ignace/Mackinac Island, and Harbor Springs/Petoskey, accounted for nearly 40% of all skilled labor positions. Antrim, Charlevoix, Cheboygan counties, the sites of Elk Rapids, Charlevoix, and Mackinac City, and Leelanau County with Northport, Suttons Bay, and access to Traverse City, offered a smaller number of more permanent wage labor occupations. Only a few Ottawas and Chippewas who lived near American towns might hope to obtain jobs that would allow them to end their reliance on hunting, trapping, fishing, and gathering completely between 1860 and 1920.

The right to hunt, trap, fish, and gather under Article Thirteen of the 1836 Treaty of Washington lost some of its economic significance during the middle twentieth century but retained its cultural value for the Ottawa and Chippewa people from the 1940s until the end of the twentieth century. Indian hunters and fishermen risked arrest at the hands of state officers, and

spent their scarce cash assets and ventured into hostile courts to protect their hunting and fishing rights. They would not have done so were these rights not important to them. The persistence of hunting, fishing, trapping, and gathering in Ottawa and Chippewa communities, as essential economic activities and as important cultural endeavors, for well over a century after the 1836 treaty, stands in stark contrast to the theory of the State's expert witnesses that the Ottawas and Chippewas intended to abandon these activities at the time of the treaty.

No Ottawas and Chippewas Complained

Karamanski and Kelly both observed that Ottawas and Chippewas raised numerous complaints regarding federal failures to provide services and to meet financial obligations under the 1836 treaty. Neither they nor Driben found any such Ottawa and Chippewa complaints regarding infringements on usufructuary rights. The State's experts suggest that this was because the Ottawas and Chippewas understood the rights to be temporary.⁵⁵ The more plausible explanation, however, is that the Ottawas and Chippewas didn't complain because there was no interference with their usufructuary rights. When such interference did begin to occur during the late nineteenth and early twentieth century, the Ottawas and Chippewas did complain. These complaints took several forms: confrontations with and complaints about non-Indians interfering with the exercise of Indian rights; the continuation of Ottawa and Chippewa hunting, fishing, and trapping despite arrests, fines, imprisonment and seizures at the hands of state officers; letters to federal officials protesting state interference and asserting treaty rights; and, ultimately, litigation.

⁵⁵ Karamanski, "Historical and Ethnohistorical Context," p. 98; Kelly, "Report on the Treaties," p. 186; Driben, "Capacity," p. 3.

This record not only shows that the Ottawas and Chippewas did complain about interference with their usufructuary rights but also provides further evidence of the persistence of hunting, fishing, trapping, and gathering among the Ottawas and Chippewas.

For much of the nineteenth century Michigan's citizenry had no legal standards by which to measure appropriate or inappropriate taking of wildlife. The State of Michigan passed its first wildlife protection legislation in 1859. The law established closed seasons for some birds and animals was updated to include additional species in 1869, and was enhanced again in 1871. Although these laws provided statutory protections, the state had no means by which to enforce its will and the regulations were ineffective.⁵⁶ Settlers throughout Michigan themselves wantonly destroyed fish and game with impunity. These same nineteenth century Michigan residents generally believed that Indians had priority in the harvest of natural resources. As one newspaper recorded more than fifty years later,

There has always been some sentiment to the effect that Indians had a moral right to kill game for food at any time, and this laxity was often extended to include the pioneer settler. Some feel that it is a hardship if the settler is not allowed to shoot down a deer that invades his clearing regardless of the law.⁵⁷

Another Michigan newspaper reported in 1927 that,

Game laws which prohibit trapping of certain fur bearing animals have at last completely shorn the Indian residents of this region of their time honored right. No longer may the red men of Manistee and adjoining counties take the muskrat, racoon, mink or other animals valued for their pelts, for the season is closed and will remain so for another year in all probability.⁵⁸

⁵⁶ Eugene Thor Petersen, "The History of Wild Life Conservation in Michigan, 1859-1921" (Ph.D. diss., University of Michigan, 1953), pp. 16-19 [Hereafter Petersen, "Wild Life Conservation"]; ****Not produced; see HRA006163 in the DB for an alternate copy.**

⁵⁷ "Must Obey the Laws," 11 December 1926, *The Evening News*, R.47.

⁵⁸ "Indians Find it Hard to Observe No-Trapping Rule," 10 December 1927, *The Manistee News Advocate*, R.19.

Given the status of game laws and the attitude of Michigan residents toward Indians who took game for subsistence during the late nineteenth and early twentieth centuries, it should surprise no one that there was little interference with Ottawas' and Chippewas' usufructuary activities. It should also surprise no one that few Ottawas and Chippewas complained about interference with their usufructuary rights on the 1836 Treaty cession during the nineteenth century.

The advent of factory-style killings of Michigan game for market consumption drew attention to hunting abuses during the 1870s and 1880s. A bill passed in 1881 targeted all market hunters, prohibiting the shipment of game. The state made efforts to enforce this law and where state officers did so, the law was hailed as the first successful state intervention in the overkill of wildlife.⁵⁹ It was not until the years between 1887 and 1895, however, that the State of Michigan made statewide progress in regulating the taking of game.⁶⁰ As the imposition of state conservation laws increased, so did the number of complaints raised by Michigan Ottawas and Chippewas about infringement on their treaty rights.

By the first decade of the twentieth century, Michigan's enforcement of state conservation codes had begun to affect Ottawa and Chippewa economic pursuits. Even then, enforcement was a local issue and local officers often refused to use laws against local hunters, including Ottawas and Chippewas. Not until Michigan created the Michigan Department of Conservation in 1921 did the state employ conservation officers who attempted to win uniform compliance with hunting and fishing regulations.⁶¹ During the 1920s Ottawas and Chippewas throughout the 1836 Treaty

⁵⁹ Petersen, "Wild Life Conservation," pp. 55-59; ****Not produced; see HRA006163 in the DB.**

⁶⁰ Petersen, "Wild Life Conservation," pp. 97-98, 165; ****Not produced; see HRA006163.**

⁶¹ Petersen, "Wild Life Conservation," pp. 223-224; ****Not produced; see HRA006163.**

cession were consistently arrested for the exercise of usufruct. They frequently defended themselves with a discourse on treaty rights, at times pointing to Article Thirteen of the 1836 Treaty of Washington as their defense.⁶²

Ottawas and Chippewas did complain about infringement on their hunting and fishing territories during the 1870s and 1880s. Immediately after the Civil War, for instance, Chippewas defended their access to resources without the assistance of the United States or the State of Michigan. A group of Canadian Indians and white men, in 1868, had traveled to Bay de Noc to hunt deer. These hunters built a fence eight to ten miles long to herd deer to slaughter. The Chippewas who claimed this hunting territory as their own opposed this intrusion on their property and took matters into their own hands:

⁶² Enos Shagonaby of the Grand River Ottawas was himself arrested for hunting. He and three other Ottawa men from his community defended themselves by direct reference to the 1836 treaty. In a 1975 interview Shagonaby said, "Well, I haven't got the book, but her uncle, he had that book and what the rules that they make the Indians the government. You ought to see that book; old Jimmy's got that. The case was just rotted out. . . One place, when you open that page, only place where you can read it a little bit, the book is just so rotted. I read it and, myself, what right we have; Indian has got right to fish in any stream of the river, for their own use. You see, we fought that three years, we did. It took us three years. . . Finally, by God we win. Every time, when it come to circuit court, we had to go down to Hart. . . It makes me so darn mad. One time I was on the farm, busy in the hay, (inaudible), but I did haul hay. Sheriff came over, "You got to be down there at ten o'clock." Gee, you know, (inaudible), I told my father. To start with, we was going to pay four dollars fine, and cost, fifty cents. Now why didn't we pay that? Because other Indians, well, her uncle, claimed that Indians has got right to fish any stream of the river without a license. It took them three years to (inaudible), but finally they did find it. They had to take it up to Grand Rapids. They did find it, but what the law that we had, I have got right down to go down in, and even, myself, right now, I have got right to go down there to any woods, for my own use onely [sic]. Not only me, that's all the Ottawa Indians. Interview with Enos Shagonaby by Beatrice Bailey and Lee Coen, *Native American Oral History Project*, Transcript of Tape 22, Grand Rapids Public Library, 17 September 1975.

I believe that the book Enos Shagonaby spoke of is now in the possession of former Little River Ottawa Ogema Daniel Bailey. Ogema Bailey inherited the treaty book from his Grandfather Cornelius Bailey who was one of the tribal elders appointed to defend Ottawa hunters, trappers and fishermen in court. Ogema Bailey showed me this book and the marks of his Grandfather's finger over Article Thirteen while arguing the case of his Tribesmen before judges. The Ogema carried this treaty volume to Washington D.C. in 1993 for Senate hearings that led to the federal reaffirmation of the Little River Ottawas.

The Chippewas, who claimed it as their territory, and who had frequently remonstrated on their monopolizing this favorite hunting ground, but without avail, last week gave regular battle to the Canadians, the Chippewas coming out victorious, and driving their enemies to their boats. Quite a number of Indians were slain on both sides, and also three white men. Among the latter [sic] was a Mr. H. Tuttle, of Oshkosh, a married man, who passed through here on his way north some two weeks ago.⁶³

Even in this instance, the press did not dispute the right of local Chippewas to hunt deer; the local Chippewas disputed the right of Canadian Indians and “white men” to harvest their resource.

The Ottawas pointed to the 1836 Treaty of Washington as a protection for their usufructuary rights in 1870. Louis MacSauba (a.k.a. Micksaby or Beaver Underwater), Chief of the Charlevoix Band, addressed the issue of trespass on Ottawa treaty properties in a 13 February 1870 letter to Senator Thomas Ferry. MacSauba and his band settled on the Pine River, at the southern end of the Little Traverse Reservation sometime in the late 1840s. During his years at Pine River, he and his people had known competition from non-Indian fishermen. Between 1848 and 1856 Mormons who claimed Little Traverse Ottawa reserve lands as their “kingdom” had actively fished the same waters as did the Charlevoix Ottawas. Irish fishermen followed the Mormons and continued to fish throughout the 1860s and 1870s.⁶⁴

In February 1870, MacSauba was faced with competition from Americans who were unwilling to share the fisheries around the Beaver Island archipelago. MacSauba complained to Michigan Congressman Thomas Ferry that:

In the Treaty made with us, we were promised Dry Goods in addition to the payments of money. When the Old Old Chiefs went to Washington many years ago the President told them that they did not want to buy the Islands in Lake

⁶³ “The Indian Troubles on Lake Superior,” 29 September 1868, *Grand Rapids Daily Eagle*.

⁶⁴ William Cashman, “The Rise and Fall of the Fishing Industry,” *The Journal of Beaver Island History*, vol. 1, 1976, pp. 69-87.

Michigan but only the main land, and so the Islands belong to the Indians, as we understand it from the Old Indians; but not withstanding this, the government has been selling the lands in those Islands to white men, and when we Indians go there to catch fish they drive us away and tell us we have no right there. We ask you to give this subject a thorough input and we have rights to these Islands us know it. . .

⁶⁵

Louis MacSauba knew that his band had the right to fish off the Islands of northern Lake Michigan. He may not have clearly articulated the source of his peoples' fishing rights, but when they were infringed upon, he complained. There is no remaining record of Senator Ferry's response to Louis MacSauba's inquiry, if he replied to this letter from his Ottawa constituent.

MacSauba pressed his treaty-based claims to fisheries at least one more time, in 1896. He was a very old man who been alive during the treaty negotiations in 1836 and 1855, and he wrote with conviction from his knowledge that his relatives who negotiated the treaties had reserved fishing rights – firsthand knowledge that no federal or state officer who challenged Ottawa and Chippewa fishing rights could claim. In this instance, MacSauba's original letter no longer exists and only Commissioner Daniel Browning's reply is on file. Commissioner Browning wrote:

I am in receipt of your letter of February 21, 1896, requesting information relative to your fishing rights. In reply I have to state that if you live and fish in the neighborhood from which you write you are not on or near an Indian reservation and you are, therefore, subject to the game and fish laws of the state the same as your white neighbors. Even if you were on a reservation you should carefully observe such laws for they work as much benefit to the Indians as to the whites. I do not know whether the laws of Michigan prohibit the taking of fish at this season of the year for private use as food but if they do and you can find this out yourself - I can not do otherwise than advise you to carefully regard them.⁶⁶

Browning's reference to MacSauba's request for information about "fishing rights" is evidence

⁶⁵ Louis MacSauba to Thomas W. Ferry, 13 February 1870, NAM M234, R:409:557-567.

⁶⁶ D. W. Browning to L. McSawby, 13 March 1896, NARA-DC, RG75, LSOIA, vol. 164, p. 318.

that the elderly Ottawa had raised the issue of treaty provisions. Browning's response was typical of the period: federal officials commonly insisted that Indians must follow state law off-reservation regardless of treaty fishing rights.

The first reported arrests I have found of Indians for hunting deer out of season were made at Cross Village and were reported in the *Charlevoix Sentinel*. One officer visited Indian homes at Cross Village looking for supposedly ill-gotten game in 1899. The *Sentinel* reported, that,

Deputy game warden Coulter made a good capture at Cross Village last week. He was advised that two Indians had been killing deer. He visited the premises of the accused Indians and found the head and hide of a deer, the horns being in the "velvet" which he seized and brought here. He went down again Saturday to prosecute the case.⁶⁷

This same game warden continued to pursue Cross Village deer hunters in 1900.⁶⁸ There was no subsequent report of the prosecution or defense of this case, so it is not possible to know if the Cross Village Ottawas raised a treaty defense.

The Grand River Ottawas specifically cited their treaties with the United States as their protection against arrest for hunting and fishing outside of Michigan's game laws. S. Lawrence of Mason County, site of a Grand River Ottawa reservation, addressed the Commissioner of Indian Affairs on 3 February 1908. Lawrence wrote that he and his people were "too poor to buy the beef to eat and the other thing is [we] can't stand it without eat the Deer."⁶⁹ The final page of the Lawrence letter no longer exists. The Acting Commissioner's reply referring to settlement, however, indicates that Lawrence pointed to Article Thirteen as the source of his right to hunt

⁶⁷ "Local News," 12 July 1899, *Charlevoix Sentinel*, R.11.

⁶⁸ Deputy game warden Coulter went to Cross Village yesterday to investigate alleged violations of the law; "Local News," 15 March 1900, *Charlevoix Sentinel*, R.11.

⁶⁹ S. Lawrence to Sirs, 3 February 1908, NARA-DC, RG75, CCF-General Services, 8734-1908, 052.

deer without state regulation. The Acting Commissioner informed Lawrence that, “There are no treaties or agreements which give your people the right to hunt or fish at this late date in violation of the game laws of Michigan. This country has long since been settled and you and your people will have to be governed in hunting by the same laws that govern other citizens of Michigan.”⁷⁰

Among all of the documents that I have reviewed, this response letter, prepared by an unnamed acting commissioner of Indian Affairs, represents the first and only time that the United States argued that Michigan was “settled.” The Bureau would continue to refuse to protect Ottawas and Chippewas in their hunting, fishing, and gathering within the 1836 cession from 1908 forward, but federal officials typically based their refusal on the argument that Article Three of the 1855 treaty had freed the government of its prior treaty responsibilities, including Article Thirteen of the 1836 Treaty of Washington, not on any claim that the land had been “settled.”

The number of Ottawas and Chippewas who wrote to the United States requesting copies of their Tribes’ treaties with the federal government or asking questions regarding the status of their hunting and fishing rights grew during the first three decades of the twentieth century. In most instances, the writers requested the information in an attempt to determine the scope of the hunting and fishing rights they believed that they still retained.⁷¹ Representatives of the United

⁷⁰ Acting Commissioner to S. Lawrence, 20 February 1908, NARA-DC, RG75, CCF-General Services, 8734-1908, 052.

⁷¹ R. G. Valentine to George Kewandaway, 6 October 1910, NARA-DC, RG75, CCF-General Services, 72919-1910, 052; George Antoine to Unknown, 10 September 1915, NARA-DC, RG75, CCF-Mackinac, 99440-1915, 115; Lillian Walker Dempsey, to the Commissioner of Indian Affairs, 4 November 1920, NARA-DC, RG75, CCF-Mackinac, 90122-1920, 115; Cohen S. Pamossigay to Commissioner of Indian Affairs, 8 June 1923, NARA-DC, RG75, CCF-Consolidated Chippewa, 44729-1923, 115; Edwardine Olson to Director of Indian Reservation, 12 November 1928, NARA-DC, RG75, CCF-Mt. Pleasant, 55390-1928, 115; John Waymegwans et al. to [Commissioner of Indian Affairs], 7 December 1928, NARA-DC, RG75, CCF-Mt. Pleasant, 55390-1928, 115; L. E. Baumgarten to Commissioner of Indian Affairs, 3 February 1930, NARA-DC, RG75, CCF-Mt. Pleasant, 49702-1927, 115; E. W. Jermark to the Commissioner of Indian Affairs, 25 March 1931, NARA-DC, RG75, CCF-

States consistently answered these requests with a variation of the statement that the 1855 Treaty of Detroit had freed the United States from obligations of previous treaties, and that Indians only had the right to fish and hunt without state regulation within the boundaries of an Indian Reservation. On lands outside of reservations, these officials believed, Indians must obey state game laws.⁷²

Conservation officers confronted Ottawas and Chippewas in the field and even in their homes during the 1920s, encounters that sometimes resulted in violent confrontation.⁷³ The

General Services (Mich. Misc. I), 9634-1936, 066; John Anthony Eniwenimo to Sir, 15 February 1934, NARA-DC, RG75, CCF-Mt. Pleasant, 49702-1927, 115.

⁷² R. G. Valentine to George Kewandaway, 6 October 1910, NARA-DC, RG75, CCF-General Services, 72919-1910, 052; E. B. Meritt to George Antoine, 19 October 1915, NARA-DC, RG75, CCF-Mackinac, 99440-1915, 115; E. B. Meritt to Dan Vincent, 18 November 1921, NARA-DC, RG75, CCF-General Services, 85175-1921, 052; Charles H. Burke to H. C. Ashmun, 27 February 1922, NARA-DC, RG75, CCF-General Services, 13197-1922, 052; E. B. Meritt to Cohen S. Pamossigay, 5 July 1923, NARA-DC, RG75, CCF-Consolidated Chippewa, 44729-1923, 115; E. B. Meritt to Thomas A. Keshick, 22 July 1926, NARA-DC, RG75, CCF-Mackinac, 34245-1926, 115; E. B. Meritt to Joseph Munson, 30 October 1928, NARA-DC, RG75, CCF-Mt. Pleasant, 49702-1927, 115; Charles H. Burke to Edwardine Olsen, 3 December 1928, NARA-DC, RG75, CCF-Mt. Pleasant, 55390-1928, 115; Charles H. Burke to Mr. Louis E. Baumgarten, 17 January 1929, NARA-DC, RG75, CCF-Mt. Pleasant, 49702-1927, 115; L. E. Baumgarten to Commissioner of Indian Affairs, 3 February 1930, NARA-DC, RG75, CCF-Mt. Pleasant, 49702-1927, 115; J. Henry Scattergood to John Aniwenimo Anthony, 17 February 1930, NARA-DC, RG75, CCF-Mt. Pleasant, 49702-1927, 115; C. J. Rhoads to Edward R. Boyles, 7 November 1932, NARA-DC, RG75, CCF-Mackinac, 48656-1932; John Anthony Eniwenimo to Sir, 15 February 1934, NARA-DC, RG75, CCF-Mt. Pleasant, 49702-1927, 115; John Collier to Herman E. Cameron, 3 April 1934, NARA-DC, RG75, CCF-General Services, 96000-1919, 013, 1932-1933.

⁷³ *Petoskey News: Game Warden Long of Alanson, was painfully injured Thursday in a fight with an Indian, Louis Pewobekong, of that village, while trying to search the Indian's boat for fish nets out on Burt lake, not far from what is called King's Point. The Indian first attacked Mr. Long with a pike pole and run the steel pike into Mr. Long's breast, not far from his heart.* "Northern Michigan," 4 May 1916, *Charlevoix Sentinel*, R.16; *Edward S. Long, a deputy game warden of Alanson, Cheboygan county, is in a serious condition as a result of a fight in a boat with an unknown Indian.* "St. Ignace Warden Knifed By Indian," 8 May 1916, *The Evening News*, R.24; *Kalkaska, Oct. 14. – Arming herself with a spear and butcher knife when Game Warden Ed. Deuell and J. B. Smith attempted to search her home for illegally taken muskrat hides, Mrs. James Pontiac, Indian wife of a Carlisle university graduate, drove the deputies into a room, holding them while a small son is alleged to have destroyed several hides.* "Squaw Defies Game Warden, Is Arrested," 14 October 1919, *Grand Rapids Press*; *Jim Pontiac traps for a living, he says. He had a gun, he alleges, but this was taken from him after an infraction of the game laws. Now*

United States failed to intervene as Ottawas and Chippewas complained and Michigan

newspapers reported a rising number of Indians arrested for hunting and fishing.⁷⁴ Still, the

he is forced to rely on his traps and on an occasional accurately flung stone. "Great Grandson of Chief Pontiac Found in Poverty Near Sharon by Cadillac Woman Who Investigated," 19 November 1923, Traverse City Record Eagle.

⁷⁴ *John McSauby and Otto Stewart of Boyne Falls were arrested by Deputy Game Warden Stanford was fined \$10.50 each in Justice Davell's court for shooting black squirrels. "John McSauby," 22 February 1911; **Likely a typo; the folder for this citation is followed by this article dated 02/22/1912, Charlevoix Sentinel, R.15; John McSobie and Otto Stewart, two Boyne falls men, were fined \$16.50 for shooting black squirrels. "John McSobie and Otto Stewart. . . .," 22 February 1912, Mancelona Herald, R.7; Henry and Lewis Cadreau, the two Bais de Wasig Indians who were brought into justice court yesterday morning, charged with violation of the state game laws on the complaint of Deputy Game and Fish Warden Eddy. "Indian Deny Guilt," 31 January 1913, The Evening News, R.18; INDIAN LEARNS HE MUST OBEY STATE GAME LAWS. "Indian Learns He Must Obey State Law Games," 4 December 1913, Grand Rapids Press; Angus LaCoy of Sugar Island and Joseph Cobiere of Garden River, Ont. were each fined \$10 with additional costs of \$5.15 this morning when they were found guilty of having sold a beaver skin without having the proper license. The two men were arrested by Deputy Game Wardens Elmer [H] Crull and Frank Nelson. "Sell Beaver Skin Without a Proper License, Fined," 29 May 1918, The Evening News, R.28; Edwin LeDuc of Bay Mills township, who was arrested by Deputy Game Warden Charles A. Peterson on February 1[9], on a charge of having in his possession the carcass of a deer, in violation of the game laws, was arraigned this afternoon in Justice Frederick's court. "Short Localisms, Edwin LeDuc of Bay Mills ...," 27 February 1919, The Evening News, R.29; Sault Ste. Marie, Dec. 13 – Ancient treaties made between the United States government the Chippewa tribe were brought into question in the circuit court here Thursday when Dan Baziegobec, full blooded Chippewa Indian charged with violation of the game laws, claimed immunity, based on the provisions of an old treaty. "Indian Treaties Are Brought Into Case," 13 December 1924, Grand Rapids Press; Jim Pontiac, chief of the little band Ottawas east of Lake City, and three of his braves are in the toils of the law for trapping muskrats out of season. Deputy Game Warden Ari Wilson of Lake City took them into justice court and the three were fined. Jim, who claims to be a direct descendant of Old Chief Pontiac, says the Indians of his tribe are not amendable to the game laws of Michigan because of an old treaty made by the "great white father" at Washington with his tribe about 100 years ago. This game them the privilege of hunting and fishing as a livelihood on certain lands without any restraint. Jim says an appeal may be made to Washington. "Not Amenable," 19 October 1926, Grand Rapids Press; Chippewa Indians are appealing to the higher courts from local ruling punishing them for killing beaver and deer out of season under the Michigan game laws. They claim that they may kill game regardless of game laws, which they insist are not binding upon them. "Must Obey the Laws," 11 December 1926, The Evening News, R.47; William LeBlanc of the Mission was halled [sic] into court yesterday and peaded [sic] guilty. He was fined \$25 and costs of \$7.10. He paid the fine and was released. Two fishermen from Brimley were brought in yesterday, pleaded not guilty and demanded a jury trial. They are Chester Mills and Arthur LeBlanc of Brimley. Their trial was set for Thursday. "Fishermen Get \$25 Fine Each," 15 March 1927, The Evening News, R.47; Chester Mills and Arthur LeBlanc pleaded not guilty to the charges preferred by Wardens Irving Ladd and Joe Hill that they were using nets with small mesh and demanded a jury trial. It was set for Thursday and yesterday it was adjourned to next Thursday. "Four Brimley Fishermen to Get Trial Next Week," 18 March 1927, The Evening News, R. 47; Similar charges against Arthur LeBlanc and Chester Mills, also Brimley fishermen, were dismissed this morning on*

motion of Special Prosecutor Herbert W. Runnels. Milligan, LeBlanc and Mills were among those arrested following a raid on nets in Whitefish Bay by Irving Ladd of the Sault and Joseph Hill of Pickford of the conservation department. Seventy-nine nets were listed from the ice. The raids were at the instigation of D. R. Jones, chief deputy warden of the state department. "Brimley Fisherman is Given \$25 Fine, \$17 Costs," 24 March 1927, *The Evening News*, R.47; Hart, Jan. 26 - An interesting decision will be made by Judge Joseph Barton at the next term of circuit court of Oceana county. Some time ago George Graff caused the arrest of several Indians for illegal fishing. They were taken before a justice court, where they pleaded not guilty and were bound over to the April term of the circuit court. The Indians place their defense on an old treaty between the Indians and the white people wherein they were exempted from the fish and game regulations of the white man. Whether this treaty still holds and actually does exempt Indians from such laws will be determined by Judge Barton at the April term of the court. "Indian Cites Old Treaty in Oceana Court Fight," 26 January 1928, *Grand Rapids Press*; Indians Fined For Violations. Two Indians of Manistee county found it rather expensive to trap and spear for Muskrats in violation of the state game laws. Deputy Game Warden Ray Wolters arrested Louie Bailly for trapping on Manistee river and Justice August Greve fined him \$10 and costs of \$9.65. William Sam was caught spearing in a muskrat house. He was ordered to pay \$10 and costs of \$10.65 before March 5. "Indian Fined For Violations," 16 February 1928, *Manistee News-Advocate*; Indians Go Into Oceana Court With Fishing Rights Case as Attorney General Considers. Hart, April 16, - Chippewa and Ottawa Indians in this county still are fighting for their alleged rights to hunt and fish at will in the domain that once was their and theirs alone. "Indians Go Into Oceana Court With Fishing Rights Case as Attorney General Considers," 16 April 1928, *Grand Rapids Press*; "Privileged Citizens," 17 April 1928, *Grand Rapids Press*; "Rights of Indians Must Be Decided by Oceana Jury," 19 April 1928, *Suttons Bay Courier*; Bouchard Case Will Be First. Pickford Man Appeals Game Case to Circuit Court. A charge against Louis Bouchard, Pickford, of violation of the game law, an appeal brought up from the Pickford justice court, will be the first case to be brought before the circuit court May term jury Monday. "Bouchard Case Will Be First," 11 May 1929, *The Evening News*, R.52; Admitting that they were fishing commercially with a gasoline launch without a license, Joseph and Frank Teeple, Bay Mills, were fined \$5 each and costs of \$7.25 each by Judge John A. Colwell in justice court this morning. "Two Are Fined Here For Fishing Without Permit," 17 May 1929, *The Evening News*, R.23; Indians Violate Trapping Ruling. Unable to Pay Fines, Brethren Red Men Are Confined in Jail. Louis Saugie, Louis Medacco, Indians residing near Brethren were arrested yesterday by Deputy Conservation Officer Ray Wolters, for having muskrats in possession in advance of the season. "Indians Violate Trapping Ruling," 15 November 1929, *The Manistee Advocate*, R.22; Manistee county violators for the month of November, their offenses and their penalties were the following: Nelson Prowant, possession of muskrat pelts, 30 days; Zake Prowant, same offense, 30 days; Gust Ax, hunting without license, \$18.70; Kewis Sougie, trapping muskrats in closed season, 30 days; Louis Medacco, trapping muskrats closed season. . . . "16 Convicted On Game Law Counts In Month Here," 7 January 1930, *Manistee News-Advocate*; John Smith, 30, Indian from Brethren pleaded guilty to having muskrat furs in his possession out of season, after being arrested by Ray R. Wolters, deputy conservation officer. Smith pleaded guilty and is spending 10 days in jail, unable to pay a fine of \$5 and costs. "Game Law Break," 4 March 1930, *Manistee News-Advocate*; District Game Warden Deuell and Conservation Officer Carl Weber, lodged a charge against Louis Francis for killing a deer out of season. . . . Louis Gasco plead guilty to the charge of Floyd Bronson, keeper of the Wilderness state park of carrying a shotgun loaded with buck shots and slugs. . . . Joe Meanqwia was charged by Weber of carrying a gun in deer territory after the season closed and was fined \$25 and costs, which he paid. Joe Bonishing was charged with the same offense and given 60 days to raise the money. "Arrest Four For Illegal Practices, 17 December 1930, *Charlevoix Courier*, R.8; Indians are subject to same game laws as whites, Dan Bird, member of the Chippewa tribe, admitted in Judge Ray Gillespie's

Ottawas and Chippewas did not quietly accept state and federal explanations that their Article Thirteen usufructuary rights had expired. A Manistee County social worker, who worked with and knew the Ottawa community there, was troubled by the Ottawas' disregard of state game laws. She discussed the matter in depth, writing that,

Their besetting sin was poaching. They simply could not understand the white man's law for the protection of wild life. It was just as natural for them to hunt as it was for them to breathe, and here they were in a forest filled with game. Also they had always to depend upon that game in order to keep from going hungry. It was common knowledge that the Indians usually had all the deer meat -- *wawashkeshi wiass* -- they wanted, but so did a good many of the white men in the Badlands and other remote parts of the county. However, the Indians probably had more, because they were better hunters. We were told that the secret of their superior huntsmanship was that they could get so close to any kind of game that it was impossible for them to miss. I do not know whether the Indians started the little joke or not, but poached venison was known pretty well throughout the county as "Government rabbit."

The Indians were also trappers, and in this pursuit of course they were also often lawbreakers; but if white men buy the illegal pelts, -- which they did, -- why should they not be put in jail with the Indians who get the pelts -- which they never were to my knowledge? However, traps were dangerous, easily found; so our Ottawas usually shot the fur-bearing animals as well as the Government rabbit [deer]. We knew of one Indian who shot six mink in a week, and sold the pelts for ten dollars each. In order not to damage the pelts, the mink had to be shot through the eye. How many white men could accomplish such a feat? . . . The Game Warden merely came upon him at dusk "blackberrying" with a deer rifle. Mose was not especially concerned over having to go to

justice court Thursday. Bird pleaded guilty to violation of the game law, killing muskrats out of season, and was sentenced to pay a fine of \$25 or serve 30 days in jail. Sentence was suspended for one year. "Indian Guilty in Game Case," 16 October 1931, Sault Saint Marie Evening News, R.59; Has Indian Right to Hunt as he Pleases? That is Question Decided in Justice Court Here Today. "Has Indian Right to Hunt as He Pleases," 15 October 1931, Sault Saint Marie Evening News, R.59; "Indian Kills Bear, Invokes Treaty Rights," 28 July 1932, Sault Saint Marie Evening News, R.60; Hart Indian Arrested for Illegal Trapping of Muskrats. Leo J. Smith, 29 year old Hart Indian, was arrested Saturday by Conservation Officers, Henry Beadle and George Graff, on a charge of illegal trapping and possession of muskrats. The officers confiscated ten traps and three muskrat pelts from the south branch of the Pentwater river, where Smith had been doing his trapping. "Claims Immunity From Game Laws," 16 April 1936, The Hart Journal, R.21, p. 1; Indian Jailed For Taking Muskrats Out Of Season. Leo Smith, age 32, of the township of Elbridge and Village of Hart, who was arraigned before Justice Mason on April 10th, charged with violation of the Conservation laws in illegally trapping and possessing muskrats out of season, and who entered a plea of not guilty as charged, contending that he, a full blooded Indian, had never relinquished his treaty rights, nor claimed citizenship. "Indian Jailed For Taking Muskrats Out of Season," 23 April 1936, The Hart Journal, R.21, p. 3.

jail, but he felt quite disgraced over the fact that the Game Warden had caught him. He explained this to my husband after he was out. “The Warden would never have caught me,” he said, “except that I am getting a little hard of hearing. It’s a great handicap!” He sat silent a moment, and then turned to my husband, with one of his dramatic gestures, and said, “Why did the Great God put those deer in the forest, if not for us to eat?” Why indeed? Try to explain that to an Indian! My husband did try many times, but with little success. We often wished that the Indians could be exempt from the game laws, but that would probably be impossible because then the white man’s chances of evasion would be increased. If Indians killed only what they could eat, the effect on the game would be negligible; but white men like Government rabbit too, and if the Indians had the legal right to shoot it, they would probably do a brisk trade with it.⁷⁵

Hunting and trapping, according to the detailed testimony of this observer, remained central to the economy and culture of the Manistee Ottawas during the 1930s. The Ottawas of this community would continue to take whatever risk was required to continue their hunting and trapping.⁷⁶

A number of young men who had been educated in federally operated Indian schools stepped forward and began to challenge the state and federal governments’ assertion that the Ottawas and Chippewas no longer had any usufructuary rights. While these men could read and write, they were not lawyers, did not accurately read or interpret laws, and often pointed to incorrect passages of treaties as the basis of their claims. However, beginning in 1911 and continuing through the rest of the twentieth century, Ottawas and Chippewas increasingly trusted this new generation of leaders to challenge both state and federal officials on the issue of hunting and fishing rights. Their efforts were not immediately successful in protecting individual Indians

⁷⁵ Irene V. Armstrong, *We Too Are The People* (Boston: Little, Brown, and Co., 1938), pp. 207-208.

⁷⁶ For a summary account of Interviews I conducted with the Manistee Community on this subject in 1990 and 1991, see James M. McClurken, “Wage Labor in Two Michigan Ottawa Communities,” in *Native Americans and Wage Labor: Ethnohistorical Perspectives*, eds. Alice Littlefield and Marthan Knack (Norman: University of Oklahoma Press, 1996), pp. 66-99; ****Not produced; see CEC06384 in the Db for an alternate copy.**

from search and seizure by conservation officers. There is no recorded instance of their successfully defending one of their constituents in local, state, or federal courts. Still, they organized the debate over hunting and fishing rights within the communities which would, in the 1970s, make more successful efforts at defending usufructuary rights under Article Thirteen of the 1836 Treaty of Washington.⁷⁷

Ottawas and Chippewas faced severe hardship by 1930, nearly twenty years after the State of Michigan began to force Ottawa and Chippewa compliance with Michigan game laws. Rural communities like that of the Manistee Ottawas, now known as the Little River Ottawas, were particularly hard pressed to subsist because of conservation enforcement. A 1927 newspaper account described the difficulties the Manistee Ottawas faced saying,

Several Indians living in the vicinity of Junction dam objected to the conservation department orders and wrote to Washington. There they found that federal restrictions do not prohibit the taking of mink. But Deputy Game Warden, Ray Wolters has assured them that the state laws may place a ban on taking game not protected by federal statute.

All trapping in Michigan streams is therefore taboo, which is hard on the Indian who in the past has depended upon the money derived from sale of pelts for a living during winter months. But the rules by which white men abide must also be observed by the original owners of the lakes and streams and forests.

Muskrats houses are plentiful this year and there is every reason to believe

⁷⁷ First Assistant Secretary to Attorney General, 19 April 1911, NARA-College Park, RG48, CCF-5-1, Mt. Pleasant; "Indians Gather to Fight Fishing Law," 10 February 1916, *Grand Rapids Press*; "Indians Will Fight Paleface Game Measure," 14 February 1916, *Grand Rapids Press*; "The Indians Retain Rights," 24 February 1916, *Charlevoix Sentinel*, R.16; Petition of Nettie Boucher, et al., ca. 1926, JFP-Bentley File 20; "Indians Go Into Oceana Court With Fishing Rights Case as Attorney General Considers," 16 April 1928, *Grand Rapids Press*; "Privileged Citizens," 17 April 1928, *Grand Rapids Press*; "Rights of Indians Must Be Decided by Oceana Jury," 19 April 1928, *Suttons Bay Courier*; "Soo Indians Hope That The Great White Father Will Recognize Their Claims," 20 January 1930, *Sault Saint Marie Evening News*, R.55; J. Henry Scattergood to Jacob Walker Cobmoosa, 3 March 1930, NARA-DC, RG75, CCF-General Services, 13197-1922, 052; C. J. Rhoads to Prentise M. Brown, 1 April 1933, NARA-DC, RG75, CCF-General Services, 96000-1919-013; John Collier to Herman E. Cameron, 3 April 1934, NARA-DC, RG75, CCF-General Services, 96000-1919, 013, 1932-1933; Arthur Moby et al. to Albert J. Engel, 19 June 1936, NARA-DC, RG75, CCF-General Services (Mich. Misc. I), 9634-1936, 066.

the species is becoming more prevalent.⁷⁸

Letters written by the Ottawas themselves mirror newspaper accounts. One letter written by John Weymegwanse, also of Manistee, and signed by members of his community protested eloquently state efforts to curtail their hunting and fishing activities.

We are the Ottawa and Chippewa tribe of Indians of State of Michigan and we do hereby and ask of our rights hunting & fishing.

Not only fishing rights promised the Indians of Michigan have been ignored.

In regarding Michigan Indian game and fish rights reserved by the various treaties when, we the Michigan Indians Ottawas and Chippewas ceded this land to the government we did not include with the wild game we reserved them for our own use.

And we the Indians are molested by the whites they see us trapping muskrats for our own food they rested us and fine us or go to the jail we are the Poor misery Indians for our living and the whites always against us on this propersision [sic] last spring we got pinch and pay fine each 33.35.⁷⁹

Moses Medacco of Manistee witnessed devastation of fish stocks as state officers raised and lowered water levels on the Manistee River at Tippy Dam. Medacco was prohibited from picking up any of the thousands of fish that the state destroyed. He wrote,

I will write these few lines and let you know we are misused in Michigan us true American Indians. We can not do nothing. In line of our hunting or fishing. And we can not even pick up and fish below the Dam when it is shut off, lots of fish going waist and dieing [sic], going waste birds eating them. Why can't we people or us Indians pick them up to eat instead going waste, that way. Please send me a permit to get what I want to eat and my children and wife. I have eight children and I am Fifty years old. Now if you would help me out and send me my rights, I can get along fine. We are having an awful time to live, not much work. Now if you can help your people out please do so. To send me a permit to get what fish we want to use. I know you can help me if you want to. I like to catch some suckers or other kind of fish for home use. Please answer by return mail. Answer

⁷⁸ "Indians Find it Hard to Observe No-Trapping Rule," 10 December 1927, *The Manistee News-Advocate*, R.19.

⁷⁹ John Waymegwans et al. to [Commissioner of Indian Affairs], 7 December 1928, NARA-DC, RG75, CCF-Mt. Pleasant, 55390-1928, 115.

any way. Let me know if you can help us. We can not trap even. Good By.⁸⁰

Medacco's letter provides evidence both of the Ottawas' and Chippewas' continued reliance on natural resources, and of their protest when their ability to harvest those resources was impeded.

Although the issues of lake fishing and inland hunting and fishing have become two distinct issues in the federal courts, they were not so divided by Ottawas and Chippewas during the middle and late twentieth century. Hunting and fishing were seen as a single treaty right, and the Ottawas and Chippewas were willing to invest cash and political capital to protect it. After decades of arrests by state conservation officers and fines levied by state and local courts, Ottawa and Chippewa hunters and fishermen carried their claims for continuing usufructuary rights to federal officials. In June 1939, the Ottawas and Chippewas obtained their first federal recognition of continuing usufructuary rights in nearly four decades. Assistant United States Attorney F. Ray Gillespie held that Chippewa Indians retained a right to fish and hunt for their sustenance under a series of treaties and could do so without state license. The opinion cited a number of Michigan treaties – article 3 of the Treaty of June 16 1820; July 31, 1855, Article V; August 2, 1855, Article I; March [28], 1836, with the Ottawa Indians; and July 29, 1837, with the Chippewa Indians.⁸¹

The Ottawas of Lower Michigan and the Chippewas at Bay Mills planned to bring various claims against the United States before the Indian Claims Commission in 1948. They considered claims for the loss of hunting and fishing rights on lands ceded under a number of treaties.

⁸⁰ Moses K. Medacco to Sir, 3 March 1930, NARA-DC, RG75, CCF-Mt. Pleasant 71953-1931, 013.

⁸¹ "Rules Indians May Hunt & Fish Without Michigan License," 3 June 1939, *Sault Saint Marie Evening News*, R.77, 14 February 1939-28 June 1939.

However, when the Ottawas interviewed elder community members who were born in the mid-nineteenth century, they were informed that, “Only land was sold but not timber, nor game as, deer, bear, fur bearing animals, all kinds of fish.”⁸² The Bay Mills Chippewas also contended that they had not surrendered their hunting and fishing rights.⁸³ As a result, the complaint the Ottawas filed made claims for the loss of hunting and fishing rights in Ohio, Indiana, and Illinois, but not for surrender of such rights in Michigan.⁸⁴

Herman Cameron, a long-time leader of the Bay Mills Indian Community, continued to raise the issue of his Tribe’s hunting and fishing rights throughout the 1940s and 1950s. He brought federal agents to the table on the matter in 1955, during the heyday of the federal termination policy. This policy of the Eisenhower Administration sought to end the federal trust relationship with tribes. The Bay Mills Indian community was a target for termination. Cameron and his council entertained the idea of termination, but only upon the condition that the United States reimburse them for the losses they would incur if they were to surrender their usufructuary rights upon termination. The United States seriously entertained the idea. They also discussed the possibility of the federal government providing the Bay Mills community with a fish processing plant to compensate for lost federal services.⁸⁵ The effort failed because the United

⁸² Testimonials of Julia Alexander, Mary McDaquett, Theresa Bailey, and Henry Bailey, 28 September 1948, Bailey Papers; Robert Dominic to Charles B. Rogers, 13 October 1948, Dominic Papers.

⁸³ Arthur LeBlanc to B. O. Angell, 25 January 1956, BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills. The Tribe was granted funds for a fish processing plant in 1975 but were not terminated. “Indians Get \$393,000 to Build Fish Process Plant,” 2 June 1975, *Petoskey (Michigan) News Review*, R.65.

⁸⁴ Petition before the Indian Claims Commission, Northern Michigan Ottawa Association vs. the United States of America, 27 September 1948, NARA-DC, RG75, CCF-Tomah, 15622-1948, 174.1.

⁸⁵ E. J. Riley to Herman Cameron, 22 November 1955, BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills.

States again took the position that the Bay Mills Indian Community was party to the 1855 Treaty of Detroit and had already surrendered its usufructuary rights.⁸⁶ Bay Mills Indian Community President Albert L. LeBlanc determined that his community would, instead, fight for federal recognition of their hunting and fishing rights in the courts.⁸⁷

A few Ottawas, Chippewas, and Potawatomis arrested for hunting and fishing in the 1950s and 1960s continued to press their cases for usufructuary rights, with some vowing to carry their claims to the United States Supreme Court.⁸⁸ The LeBlancs of Bay Mills were among the prime

⁸⁶ E. J. Riley to E. Morgan Pryse, 26 April 1955, BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills; Homer B. Jenkins to E. Morgan Pryse, 18 May 1955, BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills; E. J. Riley to Herman Cameron, 27 May 1955, BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills; R. M. Kelley to Commissioner of Indian Affairs, 31 May 1955, BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills; H. E. Cameron to Emmett J. Riley, 7 June 1955, BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills; Nelda A. Radtke to Arthur L. LeBlanc, 11 October 1955, BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills; Herman [Cameron] to Emmett [Riley], 11 October 1955, BIA-SSM, Realty Office, Tribal Operations Office, Box Bay Mills, File Constitution and BY-Laws of the Bay Mills Indian Community 076; Herman [Cameron] to E. J. Riley, 9 November 1955, BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills; E. J. Riley to Arthur L. LeBlanc, 22 November 1955, BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills; R. D. Holtz to E. J. Riley, 20 December 1955, BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills.

⁸⁷ Arthur L. LeBlanc to Edward Rory, 15 October 1955, BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills.

⁸⁸ "Cites Indian Treaty," 26 March 1955, *Grand Rapids (Michigan) Press*; *The Indian*, Col. Willard Bush, has appealed to Allegan circuit court after being fined \$10 and \$7.80 costs Oct. 25 for hunting without a license. "Game Aid Declares Indians Must Abide by Hunting Code," 5 April 1955, *Grand Rapids (Michigan) Press*; We are appreciative of the action taken by you and the Municipal Court in granting an extension of time in order that we may arrange to obtain counsel. Arthur L. LeBlanc to Edward Rory, 15 October 1955, BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills; *The four, Emerson Teeple and Lawrence Teeple, cousins, and Maurice LeBlanc and Bernard Shaw, all of Bay Mills, were each assessed fines of \$20 and court cost of \$6.85.* "Four Indians Plead Guilty to Shining," 28 October 1955, *Sault Ste. Marie Evening News*, R.128; *A member of our community has had the privilege of consulting a very eminent jurist, the Chief Justice of the Supreme Court of the State of Michigan. Our contentions relative to the Treaties mentioned herein was discussed at some length and he advised that, "We are fundamentally correct." About two weeks ago we received a legal opinion to the effect that, "undoubtedly the Treaty of July 31, 1855, is null and void as far as you (we) are concerned," and, that if we had the funds to carry our hunting rights case to the United States*

movers of efforts to reverse decades of federal disavowal of Ottawa and Chippewa hunting and fishing rights under the 1836 Treaty. In letter after letter they argued against the federal government's interpretation of Article Three of the 1855 Treaty of Detroit as a mechanism for the relinquishment of hunting and fishing rights reserved in the 1836 Treaty cession, and they sought clarification of their existing rights.⁸⁹ They continued to wage this campaign for fifteen years with letter writing and court challenges and arrests for violating state fish and game laws.⁹⁰ This constitutes a strong and consistently voiced complaint regarding state usurpation of Ottawa and

Supreme Court we would "undoubtedly win." It appears to us, then, that there is a point to our contentions. We are confident that our contentions contain considerable merit. Arthur L. LeBlanc to B.O. Angell, 9 November 1955; ****Not produced; the letter that follows the file sheet for this citation is LeBlanc to Angell 11/22/1955,** BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills; "Indian Loses Hunt Battle," 6 February 1957, *Grand Rapids (Michigan) Press*; "Wayland Indian May Carry Hunt Fee Case to High Court," 14 February 1957, *Grand Rapids (Michigan) Press*; "Indians Turn to Kennedy," 30 April 1961, *Grand Rapids (Michigan) Press*, p. 7; *Albert LeBlanc, 45, and Jack O. Parish, 52, both residents of the Bay Mills Indian community in Chippewa County, are scheduled to go on trial Wednesday in municipal court in Sault Ste. Marie on charges of commercially taking whitefish out of season from Whitefish Bay in Lake Superior.* "Two Netters Claim Indians' Right to Fishing Livelihood," 1 December 1968, *Grand Rapids (Michigan) Press*.

⁸⁹ Arthur L. LeBlanc to Edward Rory, 15 October 1955, BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills; H. E. Cameron to E. J. Riley, 15 October 1955; ****Not produced; McClurken may mean LeBlanc to Riley on 10/15/1955** BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills File Bay Mills; Arthur L. LeBlanc to B. O. Angell, 25 October 1955, BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills; B. O. Angell to Art LeBlanc, 28 October 1955, BIA-SSM, Tribal Operations Office, Box Bay Mills, File General Correspondence from the year of 1938-39 to 1960; R. D. Holtz to E. J. Riley, 20 December 1955, BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills; B. O. Angell to Arthur LeBlanc, 18 January 1956, BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills.

⁹⁰ "Four Indians Plead Guilty to Shining," 28 October 1955, *Sault Saint Marie Evening News*, R.128, 1 October 1955-31 December 1955; Arthur L. LeBlanc to B. O. Angell, 9 November 1955; ****11/22/1955, see FN88** BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills; R. D. Holtz to E. J. Riley, 20 December 1955, BIA-SSM, Realty Office, Tribal Operations, Box Bay Mills, File Bay Mills; "Two Netters Claim Indians' Right to Fishing Livelihood," 1 December 1968, *Grand Rapids Press*; "Bills Free Indians From Hunting, Fishing Laws," 13 July 1970, *Grand Rapids Press*; At odds are the Indian Affairs Commission, whose chairman, William LeBlanc of Detroit, took a stand in favor of the Indians' new legal rights, and the DNR, which thinks commercial fishing by Indians should be curtailed sharply. "Bills Free Indians From Hunting, Fishing Laws," 13 July 1970, *Grand Rapids Press*; The People of the State of Michigan vs. Albert B. LeBlanc, 28 September 1971, BIA-SSM, MI Agency, Box Tribal Land and Allotments, Realty Office, file Bay Mills Reservation Lands & Resources #300; "U. P. Indians Lose Fishing Rights Test," 19 October 1971, *Grand Rapids Press*.

Chippewa rights to hunt, fish, and gather within the 1836 Treaty cession.

The LeBlanc family of Bay Mills gathered momentum in their efforts to win recognition of Ottawa and Chippewa hunting and fishing rights in 1971. The Michigan Supreme Court ruled favorably in the case of William Jondreau who had claimed the right to hunt and fish in Lake Superior under provisions of the 1854 Treaty of LaPointe.⁹¹ Indians and state officials, including Michigan's Governor and Attorney General, believed that the court's ruling also applied to hunting and fishing rights for the Ottawas and Chippewas who lived in the 1836 cession area.⁹² Ottawa and Chippewa leaders in Michigan began the task of drafting ordinances to govern their members in the taking of game and fish in waters throughout the state.⁹³ Michigan legislators

⁹¹ James R. Hillman, *The Minutes of the Michigan Commission on Indian Affairs 1956-1977*, vol. 1 (Canal Fulton: OH, 1990), p. 350 [Hereafter Hillman, *Minutes of the Michigan Commission*]; [applicability of Jondreau] A Michigan Supreme Court decision has reversed precedent and opened the door to unrestricted fishing and hunting by some, if not most, of Michigan's 20,000 Indian citizens. "High Court Upholds Indian Fish Rights," 6 April 1971, *Grand Rapids (Michigan) Press*.

⁹² No one knows for sure just what it all means, but the Indians leaders are saying it means just what it says - and just what the U.S. government promised and didn't deliver in 1854 when treaties took much of the Michigan land the Indians owned. "Indians Win Landmark Case On Right to Hunt and Fish," 7 April 1971, *Petoskey (Michigan) News Review*, R.45; Gen. Frank J. Kelley has decided to ask the Michigan Supreme Court to say whether its recent opinion that Indians have unlimited fishing rights in Michigan applies to commercial fishing as well as sport fishing. "Indian Issue Back to High Court," 22 July 1971, *Grand Rapids (Michigan) Press*; The Michigan Supreme Court ruled April 5 that Indians have unrestricted treaty with the federal government. Since treaty with federal government. Since then, some have charged that unregulated commercial fishing by Indians threatens to deplete the Great Lakes of prized commercial and sport fish. "Subsidy Proposed to Pay Michigan Indians for Not Fishing," 13 August 1971, *Grand Rapids (Michigan) Press*; GRAND HAVEN (UPI) — Ottawa County Circuit Judge Raymond L. Smith refused Wednesday to issue a restraining order which would temporarily force Indians to comply with state commercial fishing regulations. "Fishing Suit Ruling Is Postponed," 19 August 1971, *Grand Rapids (Michigan) Press*.

⁹³ "Suggests ID Cards for Indians," 16 May 1971 Grand River Band-Battice, Envelope 4, Newsclippings; "Fish, Game Rules Set By Indians," June 1971, Grand River Band-Battice, Envelope 4, Newsclippings; Minutes of the 23rd Annual Tribal Council of the Northern Michigan Ottawa Association, 12 June 1971, Chandler Papers; A Proposed code of ethics signed by Warren F. Petoskey, 28 July 1971, Thornapple River Band [Hereafter TARB]; "Indians to Meet On Fishing Code," 3 August 1971, *Petoskey (Michigan) News Review*, R. 46; "Code of ethics adopted at NMOA meeting in Petoskey, Michigan at the State Bank & Trust Building on August 4, 1971," 4 August 1971, TARB; "Now Setting Own Codes:

restated their position that Michigan had the right to regulate the Indians' use natural resources.⁹⁴

In August 1971, the Michigan Supreme Court reversed its earlier decision, holding that the Joudreau decision applied only to those Indians who lived within territories ceded to the United States in 1854 and the state again prohibited Ottawas and Chippewas from hunting and fishing.⁹⁵ The tensions between the Michigan legislators and the Ottawas and Chippewas intensified during the five years between 1971 and 1975 as the Ottawas and Chippewas continued to press their hunting and fishing rights under the 1836 Treaty of Washington, a fight they determined to carry to the federal courts.⁹⁶ The result was the 1978 federal district court trial in *United States of*

Indian Spokesman Denies Overfishing," 13 August 1971, *Grand Rapids (Michigan) Press*; "Ottawas Set Up Fishing Rules," 14 August 1971, *Sault Ste. Marie (Michigan) Evening News*; "Indians to Set Own Hunting, Fishing Code," 23 June 1975, *Grand Rapids (Michigan) Press*; "Indians Plan Own Rules in Hunt-Fish Treaty Dispute," 24 June 1975, *Petoskey (Michigan) News Review*, R.65. "DNR Seeks to Overturn Judge Breighner's Gill Net Order," 18 July 1975, *Petoskey (Michigan) News Review*, R.66.

⁹⁴ Hillman, *Minutes of the Michigan Commission*, pp. 371-375; *Lansing, Mich. (AP) – State Sen. Stanley Novak, D- Detroit, today charged Michigan's Indians with a lack of interest in cooperation to protect Great Lakes fish stocks.* "Says Michigan Indians Are Not Cooperative," 12 August 1971, *Sault Ste. Marie Evening News*; *Rep. Michael Dively, R-Traverse City, introduced a resolution asking for a legislative investigation into the role of the State Natural Resources Department in the matter.* "Moving To Clear Up Fish Rights," 18 August 1971, *Sault Ste. Marie Evening News*; *LANSING (AP) — State officials will hold an emergency meeting Tuesday in an effort to solve the controversy over Indian hunting and fishing rights in Michigan, according to State Rep. Michael Dively.* "Emergency State Meet Called On Indian Fishing Controversy," 30 August 1971, *Grand Rapids Press*; "Indian Fishing Rights Suit Weighed," 10 September 1971, *Grand Rapids Press*.

⁹⁵ "Court Says Indians Fish Rights Apply Only to L'Anse Chippewas," 31 August 1971, *Petoskey News Review*, R.46; "State Officials Hope to Send Indian Issue Back to High Court," 1 September 1971, *Grand Rapids Press*; "Court May Review All Indian Treaties," 1 September 1971, *Petoskey News Review*, R.46; "Indian Fish Rights Controversy In Legal Limbo – New Route To Be Taken," 1 September 1971, *Sault Ste. Marie Evening News*; "DNR To Hold Indians To State Laws," 21 September 1971, *Sault Ste. Marie Evening News*; "Indians to Defy DNR Order to Obey Rules – DNR Says Will Start Arresting," 22 September 1971, *Petoskey News Review*, R.46.

⁹⁶ "Indians Vow Fight Over Fish Rights," 23 September 1971, *Petoskey (Michigan) News Review*, R.46; "DNR, Indians in Monday Showdown," 24 September 1971, *Petoskey (Michigan) News Review*, R.46; "Bay Mills Indians Change Plans – LeBlanc to Submit to Arrest," 27 September 1971, *Sault Ste. Marie (Michigan) Evening News*; "Indians Defy DNR on Fish Rules to Get Court Test," 28 September 1971, *Petoskey (Michigan) News Review*, R.46; "U. P. Indians Lose Fishing Rights Test," 19

The story of the Ottawa and Chippewa fishing rights trial in *United States v. Michigan* is complex, voluminous, and is beyond the point of this discussion. Although Judge Noel Fox ruled on the issue of Great Lakes fisheries alone, Ottawas and Chippewas perceived this trial as one about both hunting and fishing. Urban and rural Ottawas and Chippewas, whether they had ever

October 1971, *Grand Rapids (Michigan) Press*; “LeBlanc Guilty in Fish Case—Plans Appeal,” 19 October 1971, *Sault Ste. Marie (Michigan) Evening News*; “Chippewa Indians Vow to Appeal Fishing Conviction to Highest Court,” 20 October 1971, *Grand Rapids (Michigan) Press*; “LeBlanc Planning Appeal,” 21 October 1971, *Sault Ste. Marie (Michigan) Evening News*; “LeBlanc Raps Indian Fish License Offer,” 16 February 1972, *Petoskey (Michigan) News Review*, R.48; “To Battle DNR on Hunting, Fishing – Bay Mills Indians Seek US Action to Restore Treaties,” 6 July 1972, *Petoskey (Michigan) News Review*, R.50; “U. P. Indians Scorn ‘Fishing Permits,’ Push for Full Federal Treaty Rights,” 6 July 1972, *Grand Rapids (Michigan) Press*; “Indians to Push Hunt, Fish Suit in U. S. Courts,” 19 December 1972, *Grand Rapids (Michigan) Press*; “Chippewas Go to Court for Hunt, Fish Rights,” 19 December 1972, *Petoskey (Michigan) News Review*, R.52; “Indian Fishing Suit Directed to U. S. Court,” 22 December 1972, *Sault Ste. Marie (Michigan) Evening News*; “Indian Fish Conviction Is Upheld,” 4 January 1973, *Grand Rapids (Michigan) Press*; “U. S. Sues DNR for Bay Mills Indians Hunt-Fishing Rights,” 10 April 1973, *Petoskey (Michigan) News Review*, R.54; “U. S. Sues to Let Indians Fish Free,” 10 April 1973, *Grand Rapids (Michigan) Press*; “Indian Claims Hunting Right,” 22 January 1974, *Grand Rapids (Michigan) Press*; “New Indian Fishing Test Case Develops,” 9 June 1974, *Grand Rapids (Michigan) Press*; “State Seeks Truce on Indians’ Fishing Rights,” 12 October 1974, *Grand Rapids (Michigan) Press*; “Fishing Rights For Indians Tested Anew,” 13 November 1974, *Grand Rapids (Michigan) Press*; “Indians Insist They Have Unlimited Hunt-Fish Rights,” 13 December 1974, *Petoskey (Michigan) News Review*, R.62; . “Indians Insist They Have Unlimited Hunt-Fish Rights,” 13 December 1974, *Petoskey (Michigan) News Review*, R.62; “Indians Test Treaty Rights,” 8 January 1975, *Grand Rapids (Michigan) Press*; “DNR, Indians Meet on Hunting, Fishing,” 16 January 1975, *Petoskey (Michigan) News Review*, R.63; “Nine Bay Mills Indians Sue DNR Officers in Fishing Rights Fight,” 2 April 1975, *Grand Rapids (Michigan) Press*; “Indian Fishing Trial Underway,” 25 April 1975, *Petoskey (Michigan) News Review*, R.64; “Indian Fishing Trial Underway,” 25 April 1975, *Petoskey (Michigan) News Review*, R.64; “Closing Arguments Heard in Key Indian Fishing Trial,” 4 May 1975, *Grand Rapids (Michigan) Press*; “MUCC Moves To Fight Indian Fishing Claim,” 20 May 1975, *Grand Rapids (Michigan) Press*; “Indian Fish Case Before Emmet Court on Monday,” 13 June 1975, *Petoskey (Michigan) News Review*, R.65; “DNR Told to Return Indian Boats, Nets,” 16 June 1975, *Petoskey (Michigan) News Review*, R.65; “Four Indians Arrested On Fishing Charge,” 20 June 1975, *Grand Rapids (Michigan) Press*; “Indian Fishing,” 20 June 1975, *Sault Ste. Marie (Michigan) Evening News*; “Indians Plan Own Rules in Hunt-Fish Treaty Dispute,” 24 June 1975, *Petoskey (Michigan) News Review*, R.65; “Indian Convicted in Fishing Case Appeals, Still to Fish,” 30 June 1975, *Petoskey (Michigan) News Review*, R.65; “DNR Seeks to Overturn Judge Breighner’s Gill Net Order,” 18 July 1975, *Petoskey (Michigan) News Review*, R.66; “U. S., Indians Challenge DNR’s Right to Regulate Fishing in Little Traverse Bay,” 29 October 1975, *Petoskey (Michigan) News Review*, R.67; “State Alarmed Over Indian Treaty Ruling,” 9 November 1975, *Grand Rapids (Michigan) Press*.

hunted and fished or not, saw the issue as preservation of treaty rights in the face of state usurpation. Even at the end of the twentieth century, Ottawas and Chippewas remained committed to protesting state actions that threatened their ability to hunt, trap, fish, and gather under provision of Article Thirteen of the 1836 Treaty of Washington.

Conclusion

As I noted in the introduction to this report, the State's experts make a series of arguments intended to minimize the importance of Article Thirteen to the Ottawas and Chippewas. Their arguments rest on the theory that the Ottawas and Chippewas, when faced with crises of economic disruption and the political threat of federal removal policy, anticipated a complete revision of their society and culture in ways that would preclude the necessity of hunting, trapping, fishing, and gathering. However, as I have contended in my earlier writings and discussed in this report, Ottawa and Chippewa leaders successfully employed the rhetorical language of "civilization" during their negotiations in 1836 and thereafter as a means to thwart removal attempts. Events during and after the 1836 Treaty negotiations indicate that Ottawas and Chippewas did not envision a time when they and their people would not hunt, trap, fish, and gather. Rather, they negotiated to maintain access to the natural resources requisite for the economic support of their constituents and the survival of their culture.

Contrary to opinions of the State's experts, Ottawas and Chippewas did not see the usufructuary right preserved in Article Thirteen of the 1836 Treaty of Washington as a temporary right. Historical documents written subsequent to the 1836 treaty show that the Ottawas and Chippewas continued to hunt, trap, fish, and gather throughout lands of the 1836 Treaty cession;

they continued to do so even after Americans purchased title to the land. Federal officials likewise did not view the Ottawa and Chippewa usufructuary right as temporary. Although federal agents regularly commented upon Ottawa and Chippewa hunting, fishing, trapping, and gathering, no agent complained that the Ottawas and Chippewas were violating “temporary” rights, nor did any agent indicate that the federal government expected the Indians to abandon their hunting, trapping, fishing and gathering.

A continuing usufructuary right on ceded lands was of critical importance to economy of the Ottawas and Chippewas in 1836 and remained so in 1855, when they made their final treaty with the United States, and for at least ninety years afterwards. This report cites hundreds of documents that show the continuation of Ottawa and Chippewa hunting, trapping, fishing, and gathering. The Ottawas and Chippewas continued to exercise these usufructuary rights even in the twentieth century when doing so led to their arrest, fines, and imprisonment. They did so, in part, because they had no other reliable way to garner economic support for their communities, and because the seasonal harvest of natural resources was an enduring feature of their culture. The centrality of Ottawa and Chippewa hunting, trapping, fishing and gathering activities to their economy and culture casts serious doubt on another proposition raised by the State’s experts – that the usufructuary right in the 1836 Treaty was unimportant to the Ottawas and Chippewas.

The State’s experts argued that Ottawas and Chippewas did not complain about infringements on their rights under Article Thirteen of the 1836 Treaty of Washington. However, in my research, I have found no evidence that the United States or the State of Michigan interfered with the exercise by the Ottawas and Chippewas of their usufructuary rights under Article Thirteen in the years following the treaty. Such interference did not begin until the

beginning of the twentieth century, when the State passed and enforced fish and game laws. When the State of Michigan interfered in their hunting, trapping, fishing, and gathering activities, Ottawas and Chippewas did complain. Documents cited above show that when the State of Michigan arrested Ottawas and Chippewas, the Indians appeared in court and raised a treaty defense. They consistently argued for the continued existence of their usufructuary right from the 1890s through the 1970s, and continue to do so today.

APPENDIX A

Disclosures Under Rule 26 of the Federal Court Rules of Civil Procedure

I, James M. McClurken have been retained by the Chippewa Ottawa Resources Authority to provide review of expert reports and to assist CORA's member tribes in evaluating and responding to such reports, preparing a rebuttal report, and providing deposition testimony related to such rebuttal report.

My qualifications as an expert witness are listed on my curriculum vitae, which is attached as Appendix B. This vitae also lists all of my publications for the previous ten years.

I have been compensated at a rate of 125 dollars per hour.

During the preceding four years (2000-2004) I have been deposed in *County of Mille Lacs v. Benjamin* (U.S. Federal District Court-District of Minnesota).

APPENDIX B
CURRICULUM VITAE

APPENDIX C

OCCUPATIONAL CATEGORIES and subcategories

The following occupations are listed in the 1860, 1870, 1880, 1900, 1910, and 1920 United States censuses as primary occupations for Indian heads of household. The occupations are presented under the eight categories under which they are represented in the accompanying graphic representations.

BASKET MAKER

Artist, Basket maker.

FARMER

Farmer (dairy, truck garden).

FARM LABORER

Farm Laborer (farm hand).

FISHERMAN

Fisherman.

GENERAL LABORER

Domestic (serving girl, house maid, servant); Labor, General (laborer, common labor); Labor, Day (errand boy, assisting in house, day work, odd jobs, clearing land, house painter); Labor, Commercial and Retail (clerk, salesperson, merchant, butcher shop, barber, hotel porter, boarding house keeper, street, Lime kiln laborer labor, hotel bellboy, foundry worker, wagon driver, saloon helper); Laundress (laundress, washer woman); Stevedore; Stone Crusher.

HUNTER/TRAPPER

Gatherer (berries); Hunter; Trapper.

LUMBERMAN

Lumber, Camp Labor (woodsman, log driver, riding log, work in woods, bark peeler, bark worker, know sawyer); Lumber, Sawmill Labor (sawmill laborer, mill hand, fireman, mill watchman, railroad tie maker, cutting wood, sawyer, nailer, lumberman, lumber piler); Lumber,

Wood Chopper.

SKILLED LABORER

Blacksmith; Boat Builder; Carpenter; Cook (hotel, lumber camp); Cooper; Lawyer; Mechanic (Engineer); Miner; Musician; Physician; Doctor; Political Leader (Chieftainess, Chief); Preacher (preacher, minister, missionary); Sailor (longshoreman); School teacher; Seamstress (seamstress, dressmaker); Shoemaker; Tailor; Tanner; Teamster; Tour Guides; U.S. Government Positions (mail carrier, interpreter, mail packer, lighthouse keeper); Weaver; Well Borer.