

**REPORT ON THE TREATY RELATIONS
BETWEEN THE OTTAWA AND CHIPPEWA OF
MICHIGAN AND THE UNITED STATES**

by

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This ecological transition line also marks the northern extent of agricultural crop production because the area to the north, the Great Lakes Forest that covers the northern Lower Peninsula and the Upper Peninsula, receives less than 140 frost-free growing days per year.¹⁵⁵ With such a short season agricultural commodities like corn and soybeans, and truck crops, cannot be produced with assurance. For this reason, open farmland is an infrequent feature of the northern Michigan landscape. In fact, the land that composes the vast majority of the country ceded by the 1836 Treaty remains to this day forested with pine, maple, spruce, fir, birch, poplar, hemlock, and oak.¹⁵⁶ As one travels north in Michigan, the climate is less moderate and the boreal elements of the fauna and flora more pervasive. The growing season is, however, only one of the factors that discourages crop production in northern Michigan. The soil itself, derived from glacial till, is composed largely of sand and gravel that has not benefited from substantial topsoil development. Thus, the soil is thin, subject to leaching, and in many places deficient in the nutrients essential for crop production.¹⁵⁷

In the nineteenth century, government officials in Michigan, Wisconsin, and Minnesota hoped that agrarian settlement would extend farther north, but they were also aware of the low agricultural potential of the region. Schoolcraft, in particular, was an avid gardener, and had lived in northern Michigan and observed the pitiful efforts of

¹⁵⁵ Yarnell, Richard 1964 *Aboriginal Relationships between Culture and Plant Life in the Great Lakes Region*. Anthropological Paper No. 23, Museum of Anthropology, University of Michigan, Ann Arbor. Map 4.

¹⁵⁶ Cleland, N. 1987 *Natural Vegetation c. 1600 in Atlas of Great Lakes Indian History*. Edited by H.H. Tanner, Norman: University of Oklahoma Press, Map 3, p. 13-17.

¹⁵⁷ Veatch, V. O. 1959 *Presettlement Forests in Michigan*. Department of Resource Development, East Lansing: Michigan State University.

Indians and others to grow corn and other crops. He must have known that part of the state would never be supported by farming.

At the time of the 1836 Treaty the geography of northern Michigan was still poorly known. No surveyors had ever worked in the region; so maps were based upon the observations of explorers, fur traders, and those licensed to work in the area by the Indian Department. The best map, and the one used by Schoolcraft to plot the limits of the 1836 cession and its reservations, was a map produced and published by H.L. Tanner in 1836. Although this map represents a relatively accurate depiction of the settled part of southern Michigan, the Straits of Mackinac, and the Sault Ste. Marie area, the remaining portions are inaccurate and out of proportion. For example, the interior portion of the Grand Traverse Bay, a prominent landmark, is shown running east west rather than north south on the Tanner map. Map 8.

In 1826 special Indian agent Samuel Morse wrote that the eastern shore of Lake Michigan, “extending into the interior as far as the dividing ridge, consists of sandhills crowned with a few stunted trees . . .”¹⁵⁸ -- a description that can only be described as imaginary. In 1836 Michigan Governor S.T. Mason described the Upper Peninsula as “the sterile region on the shores of Lake Superior, destined by soil and climate to remain forever a wilderness”¹⁵⁹ This view was stated even more forcefully by the Detroit Daily Free Press on March 17, 1836, which described the Upper Peninsula as “the region of

¹⁵⁸ Bald, Clever 1944 “Some Myths about Michigan” *Michigan History* 28:4:600. Lansing: Michigan Historical Commission.

¹⁵⁹ Ibid, p. 601.

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depended. Secondly, he knew that the Ottawa and Chippewa needed as much land available as possible to support themselves, particularly if they were to be concentrated on reservations. Finally, Schoolcraft knew that northern Michigan would not develop as an agricultural region but as a region supported by lumbering, fishing, and mining, and he saw little if any conflict between these extractive industries and Indian usufruct.

Thus Schoolcraft found a practical way to avoid the conflict between private land ownership and Indian usufruct by using the concept of settlement. Schoolcraft was accustomed to the distinction between usufruct and settlement because the distinction is embodied in the Trade and Intercourse Act of 1834 that he administered as an Indian agent. In that case, licensed traders, teachers, blacksmiths, millers, and lighthouse keepers could enter and reside in Indian country in order to practice their trade, but they were not considered settlers. In addition, they could be permitted use of natural resources, such as fish, game, hay, and firewood. These usufruct activities were also not considered settlement.

Similarly, the definition of settler under the pre-emption acts required making improvements to the land on the part of individuals. Persons engaged only in lumbering or mining activities were not settlers under provisions of the pre-emption acts. In order to qualify as a settler a person must personally make the improvements to the land necessary to establish a pre-emption claim.

According then to the normal usage of the day, settled land was improved and occupied by a settler and in nearly all cases was also private land. Conversely, unimproved and unoccupied land was by definition unsettled. Unimproved and