

MACKINAC JOURNAL

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MARCH 2016

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Cheboygan's "First People"

Part II

CHEBOYGAN'S FIRST
PEOPLE - PART II





Cheboygan's “First People” Part II

Various bands of Native American's traveled the inland water route



This small gathering of Cheboigan Chippewa & Ottawa indians along the shoreline of Lake Cheboigan were part of the northern Michigan Woodland Indian “canoe culture” of the time period 1700 -1800's.

A permanent Indian Village was established along Lake Cheboiganing by 1702

By Rick Wiles

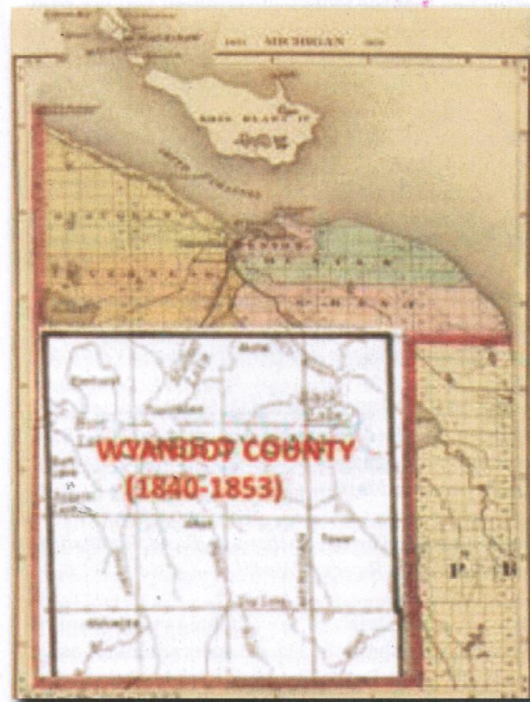
PART ONE of the history of the Cheboiganing Band of Ottawa and Chippewa (Ojibwe) Indians (the “First People” of Cheboygan County) dealt with the years from “first contact” (1500s) through 1850. The territory of Michigan was admitted into the United States as the 26th state in January of 1837. By 1840, the new state had been surveyed by the General Land Office's Surveyor General. On April 1, 1840 the boundaries of the new county Wyandot, was carved out of the existing Michilimackinac County first created in 1818 as part of the Michigan Territory.

Wyandot County contained a portion of the land that would later be organized as Cheboygan County. Noted Newberry Library (Chicago) historical compiler, and author Peggy Sinko, in her *Michigan Atlas of Histori-*

cal County Boundaries found that the unorganized county of Wyandot existed on paper until January 29, 1853. In the autumn of 1853 the organization of the county Cheboygan took place. Those organizers choosing to use the more local Anglicized name of Cheboygan (rather than Cheboiganing) over Wyandot. Both names being of Native American origin.

Meanwhile, by the 1850s the various Bands of Native Americans in Michigan were not happy with the federal government's fulfillment of the negotiated terms of the 1836 Treaty. Many items in the contract had not been carried out. There were a number of specific grievances that resulted in the Michigan Bands to ask the federal government for a new treaty. That request was granted. In July of 1855, various Michigan Ottawa and Ojibwa Band leaders and spokesmen gathered in Detroit to negotiate a new agreement. Representing the Cheboiganing Band of Indians was Joseph Assagon. He was not their Chief, that was Joseph Kie-She-go way, however, Mr. Assagon was considered by the Indian Village residents to be articulate and would follow their wishes. They told him they did not want land from this new negotiated agreement. They had six "In Trust to the Governor of Michigan and his successors-forever" land patents written on their behalf by William A. Richmond beginning in June of 1848.

Mr. Richmond was, at that time, the federal govern-

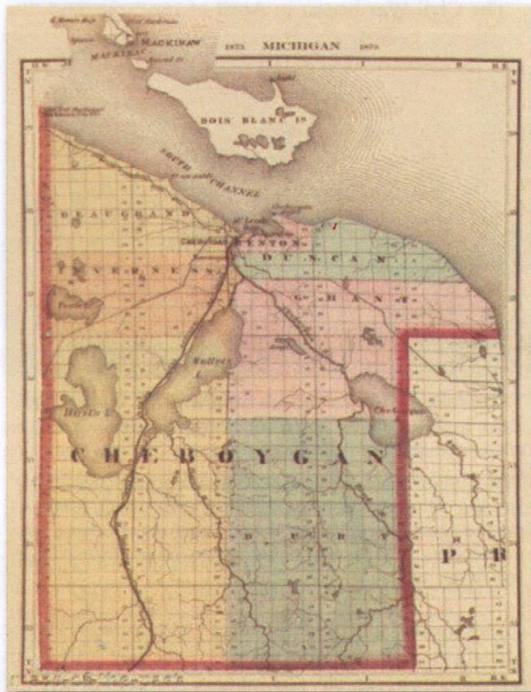


April 1840 - January 1853

ment's Office of Indian Affairs representative in Michigan. He wrote the patents with the full cooperation of then Michigan Governor John S. Barry to protect and preserve the Cheboiganing Band's ancestral land on Indian Point-Lake Cheboiganing (now Burt Lake). He had done the same for the southern Michigan Huron Band of Potawatomies in 1848. With those six "In Trust to the Governor" land patents the Cheboiganing Band felt safe and secure of their federally preserved land at Indian Village. Thus, they instructed Joseph Assagon, as their spokesman, to not negotiate for any more land from the government.

What the Bands in Michigan most desired, as a result of a new treaty with the federal government, was revealed in the 1855 Treaty of Detroit's journal minutes and notes. These notes were recorded by the various secretaries at the negotiations held at the Old Federal Building. One important item that the Ottawa and Ojibwa negotiators asked for was for the federal government to cease lumping all of the various Bands together as either a member of an Ottawa Nation (tribe) or a Chippewa (Ojibwa) Nation. This had never been the way Michigan Native People had politically organized themselves. Every village was a Band in its own right. Some were Ottawa Bands, some were Ojibwa Bands.

Also, extremely important to the Michigan Bands



Autumn of 1853

was the fact that the federal government had not paid all of the money negotiated in 1836 for the 13.05 million acres of land the Native Americans had ceded. The Bands wanted the negotiated schools built, and teachers provided along with farm equipment and blacksmiths. All of this was to help provide continued movement into white European civilization. Cheboiganing Band spokesman Joseph Assagon was recorded as stating:

"Before I started from Cheboygan we counselled in our Band and decided that we would have no more lands from the government. We have lands already... I must obey my instructions. I was told to ask for money. I cannot make a different request." (July 27, 1855)

In the end, the 1855 Treaty of Detroit's Article I, ratified by the United States Senate on April 15, 1856, contained the language:

"To be preserved land-

Section Seven: For the Cheboygan Band, Townships 35 and 36 North, Range 3 West"

It was not the wish of the Cheboiganing Band at Indian Village to have the federal government set aside more land for the Band. They had bought their ancestral land and had it preserved by being placed "In Trust to the Governor of Michigan and his successors-for-ever" beginning in 1848. However, the treaty was signed by Joseph Assagon in July of 1856. The six "In Trust" land patents and the 1855 Treaty's Article I which said that the land exactly where Indian Village was located was now preserved, gave the Band members a sense of relief. They believed the INTENT of all these seven documents meant they had land for their children, and grandchildren and on in perpetuity.

The new treaty also helped provide a school house and school teacher at Indian Village. Medical services, agricultural equipment, blacksmith shops, recognition by the federal government that all of Michigan Bands were separate entities, and the money still owed from the 1836 treaty negotiations were also included in the 1855 treaty. For the second time in history, the United States government recognized the Cheboiganing Band of Ottawa & Chippewa as a separate domestic nation in a government to government relationship.

The first Indian Village schoolhouse was built with the cooperation of Catholic Father Frederic Baraga in 1856. The federal government provided money for Baraga to build a school house and to hire the first school teacher, Nicholas F. Murray. Father Baraga's Diary records show:

1856

"January 1-7, at Chaboigan where I had 10 communions and 4 confirmations.

August 28, left Ontonagon with Mr. Murray for Chaboigan school..."

1858

July 15, "I could not prevail on Mr. Murray to remain at Sheboygan... His immediate successor is Patrick Smith, a good and practical teacher, a man of family..."

1860

"June 6, To Sheboygan where I met with poor John Heaphy to whom I advanced \$40 more, in all \$70..."

August 11, "wrote to Agent Fitch (Indian Agent) asking him to confirm John Heaphy in the teaching position at Sheboygan..."

Thus, by 1860, Indian Village was a self-sustaining small settlement of twenty to twenty five families of Ottawa and Chippewa People. By that time, there were several log cabin homes, a Catholic Church, named St. Mary's, a small rectory for the visiting priest, a cemetery, and a federal school building. Mr. Murray's March 1858 Quarterly Report for the Indian School at Sheboigan (sic) (January 1st through March 21st) listed eighteen students. The oldest student was Ambrose Bennessewabimi (16) and the youngest student was Angeline Nanqueskwa, age 6. The studies pursued were spelling (first book), reading (first book), writing (first book), Arithmetic, as far as multiplication with tables.

The Civil War began in April of 1861, by 1863, the



This is the Catholic church built in 1832 by the Burt Lake Indians under the direction of Fredrick Baraga, who later became Bishop.

The United States stipulated by treaty to pay \$900 for this church when the Indians voluntarily abandoned the village. When the Indians were forced to vacate the village, the new owners used it for a barn for many years.

Union needed all volunteers they could muster. Native Americans, at the outbreak of the war had been excluded from service. On January 12, 1863, Company K of the First Michigan Sharpshooters was organized. This company was the only complete company of Native Americans in the Union Army to see action

against the Confederate forces east of the Mississippi. The Sharpshooters lost a total of 155 men beginning in 1864 at the Battle of the Wilderness. Cheboiganing Band members Simon Keji-kowe, and Simon Sanequaby were members of this elite group. Other Band members to fight on the Union side were Joseph Webwetum, Moses Hamlin, Antoine Demean, and Joseph Assagon.

After the war, Joseph Webwetum becomes the head man of the Band. The 1870 census lists thirteen families and a total of sixty-four individuals, ages 1 to 90 years old, living at Indian Village. Most family heads are listed as farmers. Over the many years of settlement on Indian Point, the occupants had girdled the many prevalent maple trees and then had used fire to clear out room for fields. Corn, potatoes, squash, grass for the farm animals was raised on these Indian Fields.

By the 1870 census, the County of Cheboygan was seventeen years old, and had a population over 2,000. Burt Township, organized in April of 1860, where Indian Village was located, had a population of 126. By 1890, Cheboygan County had grown to a population of 6,500, and by 1890, there were close to 12,000 individuals living in the county. That number increased by 30% to 15,500 in the June 1900 census.

The first Indian Treaty had been negotiated in 1778 and the last one was negotiated in 1871. After that Congress decided that both houses, the Senate and the House of Representatives would be involved in any future formal agreements with Indian political units. The Cheboiganing Band had signed two contracts with the United States, both of them providing for a portion of their ancestral homeland on Lake Cheboiganing to be preserved, and the Band had in their possession six General Land Office land patents written for them in 1848 through 1850 by the Office of Indian Affairs federal agent in Michigan, William A. Richmond. The INTENT of his specific wording, "In Trust to the Governor of Michigan and his successors-forever" was to preserve Indian Village and its acres of fields for all future generation of the Cheboiganing Band. That was his intent, that was the intent of the Governor of Michigan, John S. Barry, and that was the intent of Chief Kie-She-go way and his Band members when their money was pooled to buy their own land.

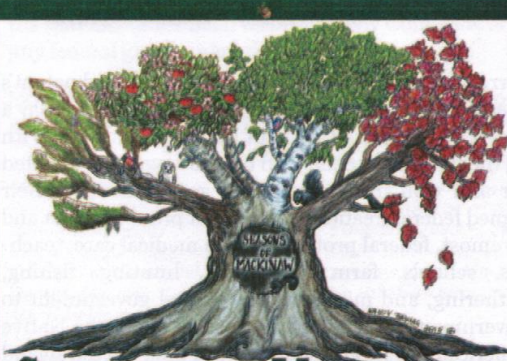
By the 1890s the Cheboiganing Band on Burt Lake had been living on their ancestral homeland of some 400 acres since the early 1700s. They had signed two treaties with the federal government which established them as a "recognized Band of Michigan Indians" By the 1890's the Cheboiganing Band on Burt Lake had been living on their ancestral homeland of some 400 acres since the early 1700s. They had signed two treaties with the federal government which established them as a "recognized Band of Michigan Indians" beginning in the summer of 1836. While their numbers were small, they were contributors of men to the



Indian Village, 1890's, Burt Lake (Cheboiganing) Indian Point

Union's cause in the Civil War, and were subsisting on their land as farmers, purveyors of maple syrup (from their large Indian Point maple grove), summer purveyors of baskets, porcupine quill boxes, and mats to the many tourists who would visit their village via the Inland Lake Waterway steamers.

The first real hint of trouble on Indian Point came in the spring of 1894 when the Band members encountered trespassers cutting timber on their "In Trust to the Governor" land. There had been some previous disturbing actions and events that had involved the Band members and their "federal preserved" property on Indian Point. Beginning in the 1860s there were attempts by Cheboygan County officials to assess the "In Trust to the Governor" acreage, however, by the



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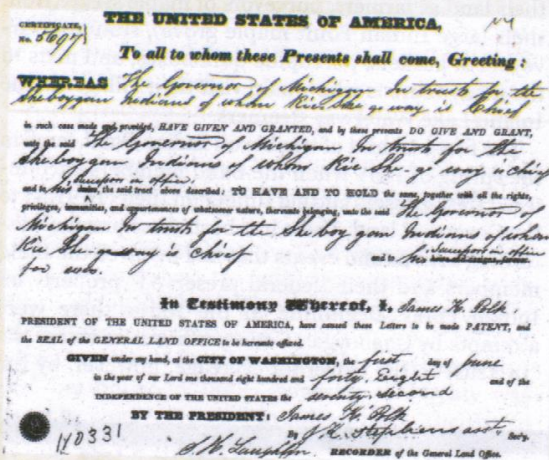
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1870's Cheboygan County Treasurer William Maulby would not assess, nor would he accept any tax payments that related to any of the "In Trust to the Governor" land parcels. He specifically stated that it was "preserved land" and not taxable. He was correctly interpreting the meaning of the six land patents worded "In Trust to the Governor of Michigan. Others in Cheboygan County would not!

From 1848 until today, in 2016, southern Michigan's Calhoun County officials honored the legal meaning of the Huron Potawatomie Band's same "In Trust to the Governor of Michigan and his successors-forever" wording land patent as the 1848-1850 six land patents of the Cheboiganing Band. As a direct result of this



correct legal interpretation of the federal land patent's specific language, the Huron Potawatomie are today a federally recognized Band of Michigan Indians. With all the full entitlements and benefits legally negotiated for and won from the federal government in their signed federal treaties. Treaties that promised, first and foremost, federal protection, also medical care, teachers, schools, farm equipment, hunting, fishing, gathering, and money. These formal government to government legal contracts were all about the Native American people giving up some of their ancestral land to the federal government, in exchange for a chance to culturally adjust to the European ways.

The promised federal protection was against the taking of "preserved land." In the case of the Cheboiganing Band, their preserved ancestral land had been laid out in two negotiated treaties, and also as a further guarantee, in six "In Trust to the Governor" land patents. The Band members at Indian Village knew the INTENT of the wording in the two treaties and the INTENT of the wording in their six land patents-to protect, and to preserve their land on Indian Point.

Northern Michigan's Twinsburg Institute educated Andrew Blackbird of the L'Arbre Croche area was asked to write the Governor of Michigan in April of

1894 to ask for his help in stopping the reoccurring trespasses on the Indian Village preserved property. Mr. Blackbird, who for many years acted as a trusted interpreter between local Native American Bands and state and federal officials, asked Governor John Rich:

"Dear Sir: I am informed . . . to state to your Excellency that land which was bought at Burt lake, years ago, in Cheboygan County, -'In Trust to the Governor of Michigan for the Band of Indians of who Ke-zhe-go-we (now dead) was Chief' - the land is now being trespassed by parties . . . cutting all the best timber on the premises . . . selling the timbers to parties in Cheboygan City. The present Chief Joe Wabwedom, and others tried to stop them . . . but were simply hooted at . . . Please inform them as early as possible for they are in great trouble."

The trouble for the Cheboiganing Band was much greater than timber rustling. By the year 1894, the 375 acres of land at Indian Point (which contained Indian Village), and placed "In Trust to the Governor of Michigan" since 1848-1850, by being patented with the clear INTENT of the federal Indian Agent in Michigan (and then Governor John Barry), to make the land protected and preserved in perpetuity, had been illegally taxed by local Cheboygan County officials.

Unlike the Calhoun County officials who followed the law and honored the Huron Potawatomie "In Trust to the Governor" land protecting, and preserving patents, in southern Michigan, the local Cheboygan County officials did not. Unfortunately, the federal Mackinac Indian Agency had been abolished in 1889 so there were no federal Indian Agents to protect the preserved land of the Cheboiganing Band. It was not until 1899 that the Office of Indian Affairs in Washington, D.C. revived the Mackinac Agency, but only for the Upper Peninsula Native American settlements. The Cheboiganing Band was on its own. Though Band members knew the INTENT of their two signed treaties, and the INTENT of their six "In Trust" land patents. They were without federal protection. State of Michigan officials were not inclined to alienate the local Cheboygan County officials who were of the same political persuasion. It was also a time of intense hostility towards Native Americans in the country, with Battle of Wounded Knee only a few years old (1890).

The land at Indian Point, the land at Indian Village, by the 1890's had become recognized as extremely valuable real estate. Burt Lake had evolved into a summer resort paradise with many wealthy mid-westerners wanted a lake front cottage. The Cheboiganing Band's Burt Lake frontage was the target of those who had purchased "tax titles" of the six separate parcels of land held "In Trust by the Governor." By the end of 1894, all six parcel's "tax titles" were in the hands of one man, a wealthy Cheboygan banker and real estate developer.

At this point in time, no state, or federal official,

Document no. 23,411, B 457, P 1
Michigan Historical Com., Record Center, Lansing, Mich.
Copy of letter from A.J. Blackbird

Harbor Springs, Mich.
April 10th, 1894

To his Excellency
Governor of the State
Lansing, Michigan

Dear Sir:

I am informed and ordered to state to your Excellency that land which was bought up at Burt Lake, years ago, in Cheboygan Co., Mich. - "In trust by the Governor of the State for the band of Indians of which Ne-sha-go-we, now dead - was a chief - the land is now being trespassed by parties, and some of them not strictly belonging to the said band, but they help cutting all the best timber on the premises not for their own use, but selling the timbers to parties at Cheboygan City. The present Chief Jo sahwadum, and others tried to stop them from cutting any timber unless for their own use, but they take no heed, but simply hooted at - they say some of the timbers are not yet shopped, they are yet on the ground. I am further requested to ask your Excellency saying: Can this land which is in trust by the Governor of the State be & lawfully assessed for the purpose of collecting taxes thereon as the said band from time to time been compelled to pay taxes on the said premises.

Please inform them as early as possible for they are in great trouble.

Very respectfully,
A.J. Blackbird

Executive Office Executive Office
April 12, 1894 -received May 23, 1894 - answered

April 1894 letter to Governor

asked the Office of Indian Affairs to search their 1848-1850 documents to produce the INTENT of Governor John Barry, and the INTENT of Indian Agent William A Richmond when they collaborated on the wording if the Huron Potawatomie and Cheboiganing Band "In Trust to the Governor of Michigan and his successors in office-forever." Many "personal opinions" flowed from Lansing, and from Washington, but none of them were based on the factual INTENT of the "In Trust" land patents issued to the two Bands of Michigan Indians. The resulting negligence and malfeasance resulted in the October 1900 illegal and immoral seizure of log cabins (arsoned).and land at Indian Village.

The 375 acres of federally protected and preserved land on Indian Point was the ancestral homeland of the Cheboiganing Band since 1702, and most likely, even before that. The land known to many in the area as an Indian Reservation in the 1880's and 1890's was now developed in the 1900's into lake shore lots for cottages. The farm fields of the Cheboiganing Band were turned into a farm, the St. Mary's Church at Indian Village used as a pig barn, and later a garage. The Band members were dispersed to live elsewhere. Though they tried desperately to regain their "In Trust" land, they were not successful. The political cards were stacked against them.

To add more pain to the Band's misery, when the Cheboiganing Band sent their petition for organization into the Office of Indian Affairs in May of 1935 (to comply with the 1934 Indian Reorganization Act) they were told that since they no longer had any ancestral

land in Michigan they were no longer a federally recognized Band of Michigan Indians. They were not eligible for the 1836 and 1855 signed Treaties negotiated benefits for ceded land. No federal protection, no medical services, no educational services, housing programs, tribal government assistance and more. All negotiated in 1836 and again in 1855 after ceding 13.05 million acres of land to the federal government.

Despite suffering the indignity and harm of having their "In Trust" land illegally taken from them, the Cheboiganing Band of Indians continued to participate in the Armed Forces of the United States. During the Civil War six Band members fought for the Union. Three Band members fought in World War I, 21 Band members in WW II (two were killed), three members in the Korean War, and two members in the Vietnam War. All current Band members are descendants from the twenty families living at Indian Village on October 15, 1900.

Today the historic Cheboiganing Band is a state of Michigan recognized Band of Ottawa and Chippewa Indians. Their modern adopted name is officially the Burt Lake Band of Ottawa and Chippewa with Band offices in Brutus, Michigan. Since 2008, Bruce Hamlin has been democratically selected as the leader -chairperson of the small 300 member Band. Since 1935, and again in 1985, the Cheboiganing -Burt Lake Band has been actively seeking reaffirmation of their federal status. A status first confirmed to the Band in July of 1836 by the Senate of the United States. A status that has never been terminated by Congress, or by any federal governmental department.■

Richard Wiles is a retired history and reading development instructor at Petoskey High School and a retired graduate research instructor for Spring Arbor University. His research papers are filed at the Petoskey Public Library and include: Summerset-The Robison Murder Case, Fireball in the Sky-The B-52 Crash, and The Woodland Indian National Park Wiles holds a Bachelor's degree in history from the University of Toledo, a Master's degree in reading development-psychology from Michigan State University, and an Educational Specialist degree in community leadership from Central Michigan University. He can be reached through the Mackinac Journal.



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