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ETHNOHISTORICAL REPORT ON THE
GRAND TRAVERSE OTTAWAS

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INTRODUCTION

This report traces the history of the Grand Traverse band of Ottawas from their settlement on Grand Traverse Bay to the present. It provides information to establish both the continuous existence and organization of these Indians at Grand Traverse and the federal government's recognition of them, dealings with them, and provision of services to them since 1855.

Despite interference by Whites, the political organization of the people of Grand Traverse has evolved from Native American rather than American or European precedents. Originally organized into numerous hunting bands, the Ottawas of Grand Traverse have evolved into a single political and social unit, although they still live in several distinct communities.

Except for the extraordinary occasions when the Ottawa Tribe acted as a unit, the Grand Traverse band, and its antecedent, the confederation of bands around Grand Traverse, has been the largest meaningful political community to which the Ottawas of the area belonged. From 1836 to 1855 the Indians at Grand Traverse were technically part of the Ottawa and Chippewa Tribe, but this was an artificial organization created in Washington by the

United States government in 1836. Relations between the Ottawa bands and Chippewa bands had been close and friendly, but outside of the loose alliance of the Three Council Fires of the Ottawas, Chippewas, and Potawatomes, there had been no semblance of a common government. When the Americans sought a huge land cession in Michigan in 1836, they brought the chiefs and headmen of the various bands to Washington. There the Ottawas and the Chippewa bands from Mackinac and Sault Ste. Marie agreed to act in concert in making a treaty. Such concerted action avoided disputes over title and rights to land used by two or more of the bands. This is how the Ottawa and Chippewa Tribe came into existence, and it would vanish as a meaningful political body as soon as the treaty was signed. Real power and political jurisdiction remained with the bands, and the Treaty of 1855 would recognize this by dissolving, at the request of the Indians, the artificial unit created in 1836.

This report is divided into five chapters: 1) the condition and organization of the Grand Traverse bands before the Treaty of 1855; 2) the negotiation of the Treaty of July 31, 1855 (11 Stat. 621); 3) the federal government's relationship with the Grand Traverse band between 1855 and 1920; 4) the internal organization and history of the band between 1855 and 1930; and 5) the attempts of the band to organize under the Indian Reorganization Act of 1934. The report emphasizes what the Bureau of Indian Affairs

and other government agencies did as well as what they said during the government's long, and sometimes complex, relationship with the Indians of Grand Traverse. The Treaty of 1855 and the Indian Reorganization Act, as it was applied in Michigan, receive detailed analyses here, but like any piece of historical evidence, they cannot stand alone, and the report places both of these critical documents in their full historical context.

Research for this report has been carried out in the National Archives in Washington, D.C., at the Bureau of Indian Affairs field office in Sault Ste. Marie, in the Federal Records Center in Chicago, at the Clarke Historical Library at Central Michigan University in Mt. Pleasant, at the Burton Historical Collection in the Detroit Public Library, at the Bentley Historical Library at the University of Michigan in Ann Arbor, at Michigan State University Library in East Lansing, and at the State Records Center in Lansing. Also Michigan Indian Legal Services has provided xeroxed and certified copies of documents from the National Archives.

This investigation has been undertaken at the request of the Native American Rights Fund.

CHAPTER I

THE OTTAWAS OF GRAND TRAVERSE

Too often the past of native peoples is regarded as static, as if immutable patterns of Indian life extend back to some mysterious primordial beginning. In such a view only whites bring change, and the changes they bring are almost uniformly destructive. Change is thus always defined negatively. Where change in larger white society is taken for granted and seen as natural, change among Indians is inevitably described as a loss of culture. Indian cultures have seemingly never evolved, they only decline. Depending on the opinions of the observer, this declension may be either praised as assimilation or lamented as deculturization, but in both cases it is assumed that whatever has replaced old customs or organizations is somehow "un-Indian." That change in native societies can also be a successful response to altered conditions (and just as "Indian as what preceded it) is too often not considered.

The realization that change has been a crucial part of Indian life, that Indian peoples too have a history, is of more than theoretical interest. In the twentieth century the fact that various native groups have deviated from supposedly timeless aboriginal patterns has been used to

deny them treaty and other legal benefits on the grounds that they are totally assimilated and no longer "Indians." The Ottawas of Grand Traverse, like many other groups, have adapted and changed over time; this change is a sign of their vitality as a people. If they had not changed, they would have vanished long ago as whites so often predicted they would. They have not vanished; they have survived as a distinct group in a precarious and difficult world.

The Ottawas had known change for centuries before White American settlers came among them on the shores of Grand Traverse Bay. Before Europeans had ever seen the Ottawas, they had adopted the standard corn-bean-squash agricultural complex from the Iroquoian tribes who neighbored their early home on Georgian Bay in eastern Canada.¹ With the coming of the Europeans they had become one of the great commercial tribes of the fur trade; their very name translated from Algonquin means traders.

In the mid-seventeenth century the Ottawas lived largely along the southern shore of Lake Huron with villages at Saginaw and Thunder Bay, and at Manitoulin and Mackinac Islands. They also apparently had at least one village on Huron Island in Lake Michigan. After the defeat of the Hurons by the Iroquois between 1648 and 1651, the Ottawa bands along Lake Huron fled with their defeated allies to Huron Island, probably Washington Island at the mouth of Green Bay, and then to a Potawatomi village,

Mechingan, on the shores of Lake Michigan. Some Ottawas would remain at Green Bay for several decades; others apparently fled even further west in the mid 1650s, going as far as the Mississippi River. Hostilities with the Sioux pushed the Ottawas east again, however. By the 1660s one group was settled on Keeweenaw Bay and another on Chaquamegon Bay on the south shore of Lake Superior. There continued warfare with the Sioux caused them to remove east again, and by 1670 part of the tribe had returned to Manitoulin Island in Lake Huron where they stayed only briefly before joining a large village that the Ottawas had settled with the Hurons at St. Ignace across from Mackinac Island. For the remainder of the century St. Ignace remained an important Ottawa village. The people who lived there wintered regularly on the northern Lower Peninsula, making that area the major Ottawa hunting ground. By the end of the century some Ottawa bands had migrated south to Detroit, and by 1718 others had resettled the Saginaw Bay region. These new settlements drew population away from St. Ignace, but Ottawas would remain in the vicinity of Mackinac throughout the eighteenth century.²

Sometime during the years just prior to 1740 these Ottawas around Mackinac began actively seeking new locations which offered more fertile lands than those around their existing villages. With French encouragement, part of them decided to remove to L'Arbre Croche on Lake

Michigan.³ The use of the name L'Arbre Croche can be quite confusing. The original L'Arbre Croche, just north of Little Traverse Bay, was later called Middle Village and is now Good Hart.⁴ The term, however, soon came to denote the whole coastal region from Little Traverse Bay to Cross Village, and the Ottawas named a second village at Harbor Springs New L'Arbre Croche.⁵ By the early nineteenth century this New L'Arbre Croche had replaced Middle Village as the L'Arbre Croche.⁶

The L'Arbre Croche region had originally been occupied by the Mascoutens or People of the Fire, an Algonquian group recorded in traditional Ottawa history as the Mush-co-desh or Prairie People.⁷ In a series of wars that probably continued from the early to mid-seventeenth century, the Ottawas drove the Masscoutens from the region and apparently used the area exclusively as a hunting ground until they themselves settled the area nearly a century later.⁸

The founding of L'Arbre Croche marked the initiation of a large migration that shifted the center of Ottawa population from eastern to western Michigan. The Ottawas settled the whole west shore of Lake Michigan down to Grand River, and some bands even moved into Illinois.⁹ It was during this migration that the first Ottawa bands settled on Grand Traverse Bay. The Ottawas were the initial settlers, but they did not settle alone. By the early nineteenth century Chippewa bands had also entered the region.

The Ottawas and Chippewas had long been closely related. They spoke very similar languages, had long intermarried, and were associated, along with the Potawatomi, in the loose defensive confederation known as the Council of the Three Fires.¹⁰ Sometime in the late eighteenth or early nineteenth century the Ottawas granted some Chippewa bands hunting rights in the Grand Traverse region. According to Andrew Blackbird, the grant was in compensation for the murder of a young Chippewa by an Ottawa in a fishing dispute on the Straits of Mackinac.¹¹ Whatever the reason, it allowed the settlement of at least two Chippewa bands along the shores of Grand Traverse Bay.

The Ottawa and Chippewa bands who settled the bay had a very similar economic and social organization. What primarily differentiated the two groups was the greater emphasis put on agriculture by the Ottawas.¹² Both nations were semi-sedentary, living in relatively permanent villages during the summer but repairing to various hunting and trapping grounds during the winters.¹³ Until the late 1830s these villages consisted entirely of bark lodges, or wigwams, with garden plots surrounding the village proper.

Fish and corn comprised the staples of the villagers' diets. Fertile corn lands had drawn the Ottawas south, but they kept their settlements close to the shores of Lake Michigan because of its abundant fisheries.¹⁴ In the spring and summer the men took trout, herring, and whitefish; for most of the pre-1855 period the Indians fished only for

subsistence since they resided on the edge of the commercial fisheries centered on the Straits of Mackinac.¹⁵

The women grew the crops, the men helping only with the clearing. In addition, the women gathered wild foods ranging from berries to numerous roots and herbs.¹⁶

Since game was relatively scarce in the pine forests of the Grand Traverse region, the Indians left their villages in the fall and moved south to their hunting and trapping grounds.¹⁷ These winter hunts were largely trapping expeditions, each band having its own hunting territories. In the late eighteenth and early nineteenth centuries the winter hunts probably all took place on the southern Lower Peninsula and even into Illinois. Hunting and trapping continued until late winter or early spring when the sap began to run in the maple groves. Then the Indians would visit the sugar camps in their hunting territories to make maple sugar before returning to their villages to plant crops and begin the seasonal cycle once more.¹⁸

This basic economic cycle probably existed with little change from the first settling of the Grand Traverse region until the 1830s. It was not a purely subsistence economy. The Ottawas had been middlemen and trappers in the fur trade since the seventeenth century and commercial trapping would continue into the 1860s. When they traded their winter catch of furs at Mackinac, the Indians at Grand Traverse were participating in an international

trade that stretched to Europe.

The primary social unit of the people living along Grand Traverse Bay in the early nineteenth century was the band, which was primarily a hunting group controlling a given territory.¹⁹ Among the Ottawas and Chippewas, several bands might live in a single village, but at Grand Traverse the band and the village seem to have been virtually synonymous. The large multi-band villages described elsewhere do not seem to have existed here, and the villages that surrounded the bay were thus relatively small.²⁰ The community at Elk Rapids, for example, was probably among the largest, and it contained only 60 men, or about from 250 to 300 people, in 1838.²¹

The Ottawa tribe as a political unit had only the loosest organization. Each band had not only its chief, whose position was hereditary and descended to his son, but also various headmen who were probably clan leaders. Andrew Blackbird mentions a head chief of the Ottawas, but since in another context he speaks of several head chiefs at L'Arbre Croche alone, it is unclear whether he means a head chief for all the Ottawas or merely for those around Little Traverse Bay.²² In any case, these chiefs had little coercive power. Although the bands might be united in regional confederations (e.g. Grand Traverse, Little Traverse, Grand River), or even at times in national confederations, these unions rested more on common interest, identity, language, and culture, in addition to

intermarriage and clan ties, than on any centralized political organization. The hunting band remained the primary political as well as economic unit.

Because of its relative isolation, there are no detailed descriptions of Grand Traverse before the late 1830s. In 1838 Peter Dougherty, a Presbyterian missionary, entered Grand Traverse Bay on an exploring tour; he returned the next year to establish a mission that would continue, with changes in location, until 1870.²³ Largely from the writings of Dougherty, but also from scattered material from George Smith, a Congregationalist Missionary who came to Northport in 1848 and Fr. Baraga, the Catholic missionary who visited the area from the 1830s to the 1860s, a picture of the Indian communities along the bay begins to emerge.²⁴

In the late 1830s there were at least six, and perhaps more, bands living in the immediate vicinity of Grand Traverse Bay; of these bands four were Ottawa and two were Chippewa. The largest Chippewa band was that of Aish-quay-go-nay-be whose village was at Elk Rapids.²⁵ Across from Elk Rapids, near the top of a long narrow peninsula protruding into the middle of the bay, was a second smaller Chippewa band under Ah-go-sa who lived at Mission Harbor, the site of the first Presbyterian mission, or Old Mission.²⁶

The Ottawa bands lived along the Leelanau Peninsula on the opposite side of the bay from the Chippewas.

Shwab-wah-sun's band inhabited a village on New Mission Point on Sutton's Bay; according to Ottawa tradition, this was the oldest village on the bay.²⁷ A second Ottawa band, perhaps the Nagonabe band listed as part of the Northport mission by George Smith in 1851, had a village on Cathead Point on the north end of the Leelanau Peninsula.²⁸ Another Ottawa village called Onumunese village is sometimes mentioned as being adjacent to Cathead village.²⁹ This may have been a small settlement comprising part of the Carp River band whose chief was O-naw-mo-neece. On the west end of the peninsula near present day Leland there was at least one, the Carp River, and perhaps two Ottawa bands. The main Ottawa settlement near Leland was known as Che-ma-go-bing, supposedly a white rendering of Mishi-mi-go-bing, meaning "the place where the Indian canoes run up the river because there was no harbor."³⁰ The final Ottawa band connected with Grand Traverse lived off the peninsula near Glen Arbor.³¹

As late as 1840 the Ottawas and Chippewas along the bay still considered themselves two quite distinct groups. In that year A.J. Blackbird, an Ottawa from Middle Village near Little Traverse, was made an apprentice to the newly appointed government blacksmith at Grand Traverse. At that time both the agency and the Presbyterian mission largely served the two Chippewa bands of the east bay, and the Chippewas protested bitterly that the appointment should have gone to an Ottawa instead of one of their own people.³²

Such distinctions would fade fairly rapidly as the Chippewas intermarried with the more numerous Ottawas, especially after the mission and many of the Chippewas moved to the west side of the bay in the early 1850s. A son of Chief Ah-go-sa, for instance, married Mary Waukazoo, an Ottawa, sometime during this period.³³ During the treaty councils of 1855 the Chippewas of Sault Ste. Marie would designate all the Lower Peninsula Indians of the American created "Ottawa-Chippewa Tribe" as Ottawas, without making any exceptions for the Chippewas who had settled among the Ottawas of Grand Traverse and Grand River.³⁴ Since the assimilation of the Chippewa bands by the Ottawas seems to have gone so smoothly, it is easiest when referring to the Grand Traverse bands as a whole to call them Ottawas.

The missionaries who came to Grand Traverse Bay intended to make the Indians Christian farmers. They did no such thing, but their coming did spur a rather remarkable series of cultural adjustments by the Ottawas which, until they were swamped by White settlers in the 1860s, seemed about to make them a group that, although still distinctly Indian, was yet able to adjust to and profit from the encroaching American economy. The credit for this does not belong to the missionaries, or to later government agents; at the most their role was that of technical advisors. Leadership and initiative throughout rested largely with the Indians. Recalling the 1840s at Grand Traverse, Andrew Blackbird later nostalgically

wrote that, "the Indians were very happy in those days."³⁵

The adjustments of the 1840s and 1850s did not come easily. In 1836 the Ottawas and Chippewas had signed a treaty ceding their remaining lands on the Lower Peninsula and most of the Upper Peninsula to the United States. The treaty provided for large reservations in Michigan, but the Senate amended it to put a five year limit on Indian title to the reservations.³⁶ The Senate amendments would give the Ottawas a healthy distrust of the inviolability of reservation lands. Not unreasonably, they feared that at the end of five years the Americans would remove them to lands west of the Mississippi River.

There seemed only two ways for the Indians to prevent removal: they could flee north of the border into Canada, or they could attempt to buy lands of their own on the public domain and remain in Michigan. In the late 1830s both options remained open. One reason that Henry Schoolcraft, the government Indian agent at Mackinac, recommended that Peter Dougherty begin his mission at Grand Traverse was because the bands there had already begun saving their annuities to purchase land and remain on the bay.³⁷ The Indians were hardly united behind the decision to buy land, however. Many believed the government would remove them west no matter what they did. Some may have fled into Canada in 1839; others certainly moved across the border in 1842. In all perhaps as many as one-half of the inhabitants of Grand Traverse eventually left the

region and moved to Canada.³⁸

During the 1840s those who remained behind at Grand Traverse began to adapt to the changed conditions in which they lived, just as their ancestors had adapted to the changes brought by the introduction of agriculture and the commencement of the fur trade. The general direction of these changes was toward more extensive agriculture and a wider adoption of white technology. The missionaries encouraged these adaptations to be sure, but their direction and pace seems to have remained under Indian control.

The center for these developments was Old Mission. Dougherty had originally begun his mission at Elk Rapids, but Ah-go-sa had soon persuaded him in to remove it to his village on the peninsula.³⁹ There he started a day school and made some converts, including Ah-go-sa himself.⁴⁰ There, too, in 1839 Henry Schoolcraft had assigned three government employees: a blacksmith, a farmer, and an interpreter. These were joined later by a carpenter and an assistant farmer.⁴¹ Together with Dougherty and various associates who joined him, they formed a small American administrative and technical center on the bay.

The small village of Ah-go-sa's band that surrounded this mission and agency grew rapidly in the 1840s. Sometime during that decade Aish-quay-go-nay-be and part of his band moved to Old Mission, although many band members remained at the old village at Elk Rapids.⁴² By 1847 the village at Old Mission had grown until it stretched for

almost a mile along the peninsula.⁴³ The mission village was not only larger, its appearance had also changed. There were now some twenty log cabins, whitewashed on the inside, along with log stables at Old Mission.⁴⁴

This growth in the size and appearance of the Old Mission village reflected in part a wider reliance on agriculture. In 1845 Dougherty thought that Indian farms were being much better cultivated than before, and by 1847 he reported the village had added two hundred acres to its original fields.⁴⁵ These fields consisted of family plots of one to six acres each, and by 1847 the Indians were producing upon them a surplus of several hundred bushels of potatoes that they offered for sale.⁴⁶ By 1849 this surplus of corn and potatoes had risen to several thousand bushels.⁴⁷ The dedication of the Ottawas to agriculture and their success at it, paradoxically, was the major cause of the break up of the Old Mission village. The Ottawas desired permanent title to their lands, and this was impossible at the Old Mission since the lands had not been offered for sale. As a result, the Indians began to seek available land across the bay during the early 1850s.⁴⁸

Increased agricultural productivity was only one aspect of Ottawa cultural adjustment in the 1840s; other developments were equally impressive. Dougherty's efforts at educating Indian children were seemingly more persistent than successful, but Indian's lack of enthusiasm for learning English was not carried over into literacy in their own

language. Adults eagerly learned to read in Ottawa and by 1843 several heads of families could do so.⁴⁹ The Indians took to white technical skills even more quickly. By 1855 the assistant blacksmith at Grand Traverse was a full blood Indian and many residents of the bay were skilled carpenters, so skilled that Grand Traverse became a minor shipbuilding center for the Great Lakes.⁵⁰ In 1855 the agent reported that:

At Grand Traverse the Indians have built and launched three schooners, one of which was completed during the last summer. The work was all done by themselves, and I am told the vessel would do credit to any ship yard on the lakes. The captain and crew are all Indians, and navigate the vessel and transport freight on Lake Michigan and transact all ordinary business resulting from such an enterprixe (sic).⁵¹

These adaptations did not so much take place at the expense of traditional culture as within it. Aspects of Ottawa life that remained vital were retained. The missionaries had never liked the winter hunting expeditions and had from the beginning tried to persuade the Indian to winter on the bay. One of their earliest triumphs had been persuading Ah-go-sa and two other men to remain with their families at Grand Traverse during the winter of 1839. The scarcity of game around the village was so great, however, that finding food became a constant preoccupation.⁵²

With agricultural surpluses the danger of starvation disappeared, and the destruction of southern hunting grounds by White settlers gave Indians another incentive to remain at home during the winter. Most, however, merely switched their hunting activities to the north.

These hunting grounds must have been overcrowded by the early 1850s, since missionaries reported that the people trapping there in 1851 had been reduced to eating their horses.⁵³ Still, as long as the market for furs remained, the winter hunts continued.

Ottawa traditional culture also apparently remained vital, since as will be discussed later, missionaries made relatively few converts among the people of the bay.⁵⁴ Traditionalists still compromised an important segment of the villagers, and initially some chiefs opposed the missionaries.⁵⁵ Even among the Christians, missionaries sometimes doubted the sincerity of their own and their rivals converts, and many of these did leave the churches.⁵⁶ Those converted on occasion would later dispense with the missionaries entirely and conduct their own religious affairs. Most likely such services contained many traditional carryovers.⁵⁷

In the late 1840s Old Mission began to lose its dominance of Ottawa affairs at Grand Traverse. Renewed Indian migration into the region from outside, coupled with the eventual abandonment of the Old Mission village, switched the focus of Ottawa affairs to the Leelanau peninsula. This new migration began in 1849 with the removal of the Black River or the Waw-ka-zoo band of Ottawas to a new village near Northport. These Indians came with the encouragement of George Smith, a Congregationalist missionary who feared the consequences of Dutch settlement

in the band's old homeland around Holland, Michigan and had come to Northport the year before.⁵⁸ They settled around Northport near Smith who remained with them as a missionary and who later expanded his activity to other Ottawa bands on the peninsula. A few years later another band under Peshaw-be moved south from Cross Village. Dougherty had begun visiting this band as early as 1842, but they remained at least nominally Catholic Indians and were regularly visited by priests out of Harber Springs after their removal. This band built a village called Eagletown, the present Peshawbestown on the Leelanau peninsula in 1852⁵⁹

The final element of this migration to the peninsula came not from outside the Grand Traverse area, but from Old Mission itself. As mentioned earlier, the Indians along the bay had begun saving annuity money to purchase lands even before the missionaries arrived. They remained on the 1836 reservation lands around Old Mission only on government sufferance, yet the government did nothing to open these lands for sale. By 1848 the Indians were refusing to go ahead with their improvements until they were guaranteed permanent title to the lands.⁶⁰ They continued, however, to save their annuities to purchase land, and by 1851 many families had begun to leave Old Mission and purchase government lands that had come on the market on the Leelanau Peninsula.⁶¹ This movement became so great that both the chiefs and Presbyterian missionaries

feared that the village would break up entirely and its inhabitants scatter.⁶² The chiefs consulted with the missionaries and both decided to abandon Old Mission, whose lands were not offered for sale, and to move across Grand Traverse Bay to lands purchased north and south of what is now New Mission Bay near Shwab-wah-sun's village on what became New Mission Point.⁶³ It is typical of Ottawa social organization that the move was initiated by the villagers, leaving the chiefs and missionaries the choice of following or losing their influence.

The move across the bay was virtually complete by 1853. Only a small group under Aish-quay-go-nay-be remained at the Old Mission.⁶⁴ At the time of its abandonment Old Mission consisted of forty log houses, 60 or 70 acres of completely cleared Indian land, 300 to 400 acres of slashings, that is land on which the trees had been deadened, but not removed, with the crops planted around them. In addition to this, there were the mission, the agency buildings and the government and mission farms. Undoubtedly, the primary reason for the Indian's removal was their desire to obtain permanent title to the lands on which they lived, but their removal may have been speeded by the exhaustion of many of their older fields at Old Mission. The departing villagers sold the possessory rights to their houses and farms to White settlers who were now beginning to enter the area.⁶⁵

The Indians who moved to the east side of the bay

did not settle as compactly as they had at Old Mission. Dougherty built a new mission and school near Shwab-wah-suns villages at what is now Omena but which was then usually called New Mission or Grove Hill. Ah-go-sa and members of his band purchased land about a mile to the north around what is now Ahgosatown. Others spread south around Peshawbestown and down to Suttons Bay.⁶⁶ Because of the relative dispersal of the old inhabitants of Old Mission, Dougherty's new school was a boarding school rather than a day school.⁶⁷

In the early 1850s the situation of the Ottawas of Grand Traverse still seemed promising. By 1855 they had bought thousands of acres of land and on it they had begun to produce large crops of corn and potatoes so that they already had a considerable surplus available for sale.⁶⁸ Peter Dougherty thought they were "making steady improvement; enlarging their fields and improving their buildings, becoming more industrious and virtuous."⁶⁹ On the bay the people of Peshawbestown were building their own schooners. And although White settlers had begun to trickle into the peninsula and the missionaries feared the consequences, life still seemed good.⁷⁰

The relocation on the Leelanau peninsula seems to have brought not friction between the bands but instead a greater sense of unity. In their dealings with the federal government, Ottawa chiefs and Chippewa chiefs confederated and acted together. The first three names on the

list of delegates from Grand Traverse to a larger council of the Ottawas in ¹⁸⁵⁵~~1985~~ reflected the diversity of the people who lived there: Ah-go-sa, a Chippewa, long resident on the bay, but newly settled at Ahgosatown; O-naw-mo-neece, an Ottawa, chief at Carp River, still living apart from the main strip of settlement that now ran from Northport to Suttons Bay; Pe-shaw-be, an Ottawa, recently immigrated to Grand Traverse bay from Cross Village to the north. That these three chiefs signed as representatives of a single confederation of bands at Grand Traverse is an indication of the unity that was beginning to develop on the bay.⁷¹ The bands were now not only geographically closer, they were also politically closer.

And in 1855 this emerging political identity would prove necessary. For in that year the United States would negotiate its last treaty with the Ottawas of Michigan, negotiations whose preparation had begun sometime before.

Footnotes

¹Diamond Jenness, The Indians of Canada, National Museum of Canada Bulletin 65, Anthropological Series no. 15 (Ottawa, 1967), 40.

²W. Vernon Kinitz, The Indians of the Western Great Lakes, 1615-1760 (Ann Arbor, 1965), 228-230.

³Kinitz, Indians of the Great Lakes, 230.

⁴Andrew J. Blackbird, History of the Ottawa and Chippewa Indians of Michigan (Petoskey, Michigan, 1967, reprint of 1887 edition), 27.

⁵Blackbird, Ottawa and Chippewa, 27; P. Chrysostomus Verwyst, Life and Labors of Rt. Rev. Frederic Baraga, First Bishop of Marquette, Mich. . . . (Milwaukee, 1900) 140.

⁶Verwyst, Baraga, 140; James Strang, Ancient and Modern Michilimackinac . . . (Mackinac Island, Michigan, 1959, Reprint of 1854 edition), 39.

⁷Ives Goddard, "Historical and Philological Evidence Regarding the Identification of the Mascouten," Ethnohistory 19 (Spring, 1972), 123-124; George Hyde, Indians of Woodlands from Prehistoric Times to 1725 (Norman, 1969), 114-116; Blackbird, Ottawas and Chippewas, 92-93.

⁸Goddard, "Mascouten," 127; Hyde, Indians of the Woodlands, 116, 173.

⁹Blackbird, Ottawas and Chippewas, 92-93.

¹⁰Jenness, Indians of Canada, 277.

¹¹Blackbird, Ottawas and Chippewas, 15.

¹²Peter Dougherty, "Diaries of Peter Dougherty," Journal of Presbyterian Historical Society 30 (1952), 109.

¹³Kinitz, Indians of the Great Lakes, 24.

¹⁴Blackbird, Ottawas and Chippewas, 11; Strang, Michilimackinac, 39.

¹⁵Strang, Michilimackinac, 1, 16, 21, 45.

¹⁶Blackbird, Ottawas and Chippewas, 11.

¹⁷Virgil J. Vogel, "The Missionary as Acculturation Agent: Peter Dougherty and the Indians of Grand Traverse," Michigan History 51 (1963), 192.

- ¹⁸Blackbird, Ottawas and Chippewas, 245.
- ¹⁹Jennes, Indians of Canada, 119-124.
- ²⁰For a description of larger Chippewa villages see Harold Hickerson, The Southwestern Chippewa: An Ethno-historical Study, American Anthropological Association Memoir, 92 (June, 1962).
- ²¹Dougherty, "Diaries," 177.
- ²²Blackbird, Ottawas and Chippewas, 27, 30.
- ²³Ruth Craker, First Protestant Mission in the Grand Traverse Region (Leland, Michigan, 1935), 45; Vogel, "Missionary as Acculturation Agent," 191-192.
- ²⁴Verwyst, Baraga, 146; Edmund Littell, 100 Years in Leelanau (Leland, Michigan, 1965), 4.
- ²⁵The spelling of Indian names by contemporary whites varied widely. I have simply used the most common forms here. Craker, Protestant Mission, 14-15; Dougherty, "Diaries," 177; Vogel, "Missionary as Acculturation Agent," 188.
- ²⁶Craker, Protestant Mission, 14-15; Elvin Sprague and Mrs. George N. Smith, Sprague's History of Grand Traverse and Leelanaw Counties (sic), Michigan. (B.F. Bowen, 1903, Reprinted in 1973), 227; Dougherty, "Diaries," 177.
- ²⁷Craker, Protestant Mission, 23; Sprague and Smith, Sprague's History, 227.
- ²⁸Littell, 100 Years in Leelanau, 2; Commissioner of Indian Affairs, The Annual Report of the Commissioner of Indian Affairs for 1851 (Washington, 1851), 53, hereafter, CIA, Report, 1851, 53.
- ²⁹Littell, 100 Years in Leelanau, 2.
- ³⁰Craker, Protestant Mission, 29; Littell, 100 Years in Leelanau, 2, 36.
- ³¹Littell, 100 Years in Leelanau, 2.
- ³²Blackbird, Ottawas and Chippewas, 56.
- ³³Craker, Protestant Mission, 40, 43-44.
- ³⁴National Archives, Record Group 123, Records of the Court of Claims, Case 27, 537, April 4, 1907, "Proceedings of a Council with the Chippewas and Ottawas of

Michigan Held at the City of Detroit . . . July 25, 1855,"
17, 26-29.

³⁵Blackbird, Ottawas and Chippewas, 56.

³⁶NA, GR 123, Records of the Court of Claims, Case
27,537, April 4, 1907, Manypenny and Gilbert to C. Mix,
8/7/55.

³⁷Dougherty, "Diaries," 108.

³⁸Dougherty, "Diaries," 248, 252; Craker, Protestant
Mission, 9; Blackbird, Ottawas and Chippewas, 98.

³⁹Vogel, "Missionary as Acculturation Agent," 191-
192.

⁴⁰"Minutes of the Session of the Indian Mission
Church at Grand Traverse Bay, Michigan by Rev. Peter
Dougherty," June 4, 1843, Bentley Historical Library,
University of Michigan.

⁴¹Vogel, "Missionary as Acculturation Agent," 191;
Sprague and Smith, Sprague's History, 228.

⁴²National Archives, Record Group 75, Records of the
Bureau of Indian Affairs, Letters Received, Mackinac Agency,
M 234, Reel 408, frame 982-983 (microfilm) Esh-qu-a-go-nabey
to Commissioner of Indian Affairs, September 23, 1855.
Hereafter cited as NA, M 234, Mack., R 408, f 982-983.

⁴³Annual Report of the Board of Foreign Missions of
the Presbyterian Church, 1847 (New York, 1847) 13. Here-
after cited as Presbyterian Board, Annual Report, 1847.

⁴⁴Ibid.

⁴⁵Ibid.; Presbyterian Board, Annual Report, 1845, 8.

⁴⁶Ibid.; Sprague and Smith, Sprague's History, 280.

⁴⁷Presbyterian Board, Annual Report, 1850, 13.

⁴⁸Presbyterian Board, Annual Report, 1851, 13; Pres-
byterian Board, Annual Report, 1852, 15.

⁴⁹Presbyterian Board, Annual Report, 1844, 11.

⁵⁰CIA, Report, 1855, 33.

⁵¹Ibid.

⁵²Vogel, "Missionary as Acculturation Agent," 192.

⁵³ CIA, Report, 1852, 33.

⁵⁴ Vogel, "Missionary as Acculturation Agent," 197.

⁵⁵ Presbyterian Board, Annual Report, 1849, 27; Presbyterian Board, Annual Report, 1850, 13.

⁵⁶ Presbyterian Board, Annual Report, 1843, 8; Vogel, "Missionary as Acculturation Agent," 197; George Smith to Whipple 3/9/58, George Smith Letters, Ms. 1198, American Missionary Association Collection, Roll 2, Amstad Research Center, Dillard University.

⁵⁷ Peter Dougherty to W. Lowrie, 8/30/61, Letters of Peter Dougherty and Andrew Porter, Microcopy of originals in the Presbyterian Historical Society, Philadelphia, Bentley Historical Library, University of Michigan.

⁵⁸ George Smith by E.C. Tuttle, Traverse City Eagle, 5/6/81, clipping in Burton Historical Collection, Detroit Public Library.; Traverse Region of Michigan--Historical and Descriptive (Chicago, 1884), 223, 226.

⁵⁹ Littell, 100 Years in Leelanau, 35; Dougherty, "Diaries," 247.

⁶⁰ Presbyterian Board, Annual Report, 1848, 14.

⁶¹ Presbyterian Board, Annual Report, 1849, 13; CIA, Report, 1851, 49.

⁶² Presbyterian Board, Annual Report, 1851, 13.

⁶³ Presbyterian Board, Annual Report, 1852, 15; CIA, Report, 1851, 49.

⁶⁴ NA, M 234, Mack., R 408, f 982-83, Esh-qua-go-nabey to CIA, 9/23/55.

⁶⁵ NA, M 234, Mack., R 404, f 860-63, Statement of Herman Barnes and Tom Campbell, 12/26/54.

⁶⁶ Littell, 100 Years in Leelanau, 33.

⁶⁷ Vogel, "Missionary as Acculturation Agent," 198-199.

⁶⁸ CIA, Report, 1855, 36.

⁶⁹ Ibid.

⁷⁰ CIA, Report, 1854, 35.

⁷¹ NA, M 234, Mack., R 404, f 558, Chippewa and Ottawa to CIA, 2/27/55.

CHAPTER II

THE TREATY OF 1855

The Treaty of 1855 stands as a critical document in the history of the Ottawas. It is an agreement which the United States eventually came to interpret as extinguishing the Ottawa Nation in Michigan--something it not only did not do, but was never intended to do. This treaty, as did virtually all treaties, foresaw eventual assimilation, but assimilation was the goal of the treaty, not its achievement. The treaty merely set up the mechanisms for furthering acculturation. As the letters leading up to the negotiations of 1855 make clear, the Americans did not plan to dissolve Ottawa political organization, but instead intended to grant the bands continued recognition and services.

To be understood, the treaty of 1855 has to be placed in context. Without examining its background and American purposes in negotiating it, the treaty is easily misinterpreted. Before even discussing the negotiations, three critical issues must be resolved. What was the status of the Ottawa and Chippewa Tribe that the treaty dissolved? What was the real nature of Ottawa political organization? And what were the reasons that the Americans

negotiated the treaty to begin with, since they had already acquired most of the holdings of the Ottawa and Chippewa bands they met at Detroit in 1855 and could unilaterally terminate their remaining reservations under the amendments the Senate had added to the Treaty of 1836?

The "Ottawa and Chippewa Tribe" that was dissolved by the Treaty of 1855 was an entirely American creation. The "tribe" had been born in 1836 when the government had gathered the various Ottawa and Chippewa band chiefs of the western Lower Peninsula and the eastern Upper Peninsula in Washington to cede most of their remaining lands in Michigan. To avoid territorial disputes between the bands and to settle the cession with one treaty instead of many, the government dealt with the Ottawas and Chippewas as a single group. This group, the Ottawa-Chippewa Tribe, was created for only one purpose--to cede land. It never exercised any political sovereignty outside the treaty councils.

Real political power among the Ottawas lay with the bands, although even here coercive power was very weak by American standards. When Fr. Frederic Baraga, a Catholic missionary who worked among both the Ottawas and Chippewas, described Chippewa political organization for the Indian Office in 1847, he was also describing the Ottawa system.

The Chippewa Indians form but one tribe. . . . They live in larger or smaller camps or Indian villages very thinly over an immense tract of land. Every village, camp or band of Indians has one or more chiefs. There is no general chief over the whole tribe.¹

Baraga emphasized that there was no formal union between the Ottawas and Chippewas:

The Chippewa Indians call, in their council speeches, the Ottawas their younger brothers and vice versa, the Ottawas call them their older brothers.²

The two people were, in other words, friendly and inter-married, but quite distinct. Above the band level the Ottawas might unite in loose regional confederations such as those at Little Traverse, Grand Traverse and Grand River, but these temporary unions were usually directed toward specific ends. They became much stronger after the treaty than they were before it. Only on the most extraordinary occasions, such as a treaty council, would the Ottawa nation, or at least the greater part of it, operate as a unit. And even then the bands often acted independently.

The Ottawa and Chippewa preparations for the treaty council at Detroit in 1855 illustrate this independence of the various bands and the extent to which the "Ottawa and Chippewa Tribe" was a legal fiction rather than a functioning political entity. In January and February of 1855 the Ottawa bands of the Lower Peninsula met in council at Grand Traverse and Grand River to discuss the contemplated negotiations with the Americans.³ They agreed to ask for a permanent home in Michigan, continued government trusteeship over their financial affairs, and a clarification of their rights under previous treaties, but beyond this they could not agree. When the Grand River bands, Little Traverse bands, and Burt Lake band proposed that a

delegation be sent to Washington D.C. to negotiate directly with the federal government, the Grand Traverse bands dissented and refused to authorize any such mission. A few people of no prominence from Grand Travers departed to Washington with the Grand River and Little Traverse leaders anyway, but the Grand Traverse bands disavowed both them and the entire mission.⁴

This delegation met with George Manypenny, the Commissioner of Indian Affairs, before a letter from Agent Gilbert of the Mackinac Agency denying that they were either an authorized or a representative body reached Washington. Manypenny promised them a treaty by early summer.⁵ A month later a new delegation came to Washington. The new envoys were Chippewas from the Mackinac band, and they arrived with Gilbert's approval and accompanied by G.T. Wenzel, a member of the Michigan legislature.⁶ As if two delegations within a month were not confusing enough, rumors now began to spread in Michigan that the Ottawa delegation was actually negotiating a treaty in Washington. This rumor brought further splits among the Ottawas.⁷ In June of 1855 twelve "chiefs of a tribe of Indians occupying this region known as the Ottawas" wrote to the Secretary of the Interior from Grand River disavowing anything the delegation might have proposed or agreed to in Washington. The returned delegation had refused to inform these leaders what they had done in the capital, and the chiefs presumed the "mission to be fraught with evil consequences to their interests."

These chiefs wanted an account of the meetings held in Washington, a summary of current treaty provisions, and government permission and funding to visit Washington themselves.⁸

In the face of this obvious fragmentation along band lines, competing delegations, splits within bands, and direct references to the "Ottawa tribe of Indians," a strong American belief in an actual political organization known as the Ottawa and Chippewa Tribe demanded an almost invincible faith in the government's own creations. The Indians were obviously approaching the prospective treaty as separate bands. And, in fact, the American government recognized and understood this distinction between the paper "Ottawa-Chippewa Tribe" and the actual organization of the Ottawa bands. In his annual report for 1853 George Manypenny referred to "separate communities" and a race "scattered" throughout Michigan," not to tribal organizations.⁹ When Henry Gilbert of the Mackinac Agency and Manypenny mentioned specific groups of Indians in their correspondence, they talked of the Ottawas and the Chippewas, or of specific bands of Ottawas or of Chippewas, or of Ottawas and Chippewas in a sense synonymous with the Indians of northern Michigan. They did not speak of the Ottawa-Chippewa tribe, the group they would dissolve in the 1855 treaty.¹⁰

When government officials used the word tribe, they invariably meant the Ottawa tribe or the Chippewa tribe.

Thus Gilbert wrote "The Indians of Michigan are principally of the Chippewa tribe--there are also remaining small remnants of the Ottawas and Potawatomes."¹¹ He recognized the Ottawas as a distinct group. "I also propose to commute with the Ottawa tribe (who are also parties to the treaty of March 28, 1836 and entitled to all its benefits for the small permanent annuities to which they are entitled under the treaties of 1795, 1807, 1818, and 1821 . . ."¹² Manypenny referred to Ottawas and Chippewas, but it is clearly in the sense of all the Indians residing in northwestern Michigan, not as a tribal entity.¹³

To the government the Ottawa and Chippewa tribe had such a tenuous existence that during the planning that led up to the treaty councils officials never spoke of them as the political unit with whom they would eventually negotiate the treaty. Indeed, virtually on the eve of the treaties, Gilbert confessed to Manypenny that he had no idea how to make meaningful tribal distinctions between the various bands of Ottawas and Chippewas with whom he would negotiate.¹⁴ When Gilbert convened the bands as the Ottawa and Chippewa Tribe, he did so only because of the precedent set in 1836.

The government in reality then had little interest in the Ottawa and Chippewa Tribe except as a vehicle for ceding land; once the United States had obtained title to the territory of the Ottawas and Chippewas, they had no more use for the tribe than did the Indians themselves.

The dissolution of the tribe, which as we shall see came at the insistence of the Indians themselves, was essentially a meaningless act, since it dissolved a political entity which possessed neither substance nor authority.

If the treaty was not designed to eliminate the political existence of the Indians nor to gain further large cessions, what were its aims and intentions toward the Ottawas? The major American interest in the treaty was as an instrument for setting up a "civilization program," a purpose for which the continuance of the "tribe" was irrelevant but which did involve continued recognition of and services to the bands whose members were to be transformed into duplicates of White Christian farmers. The government realized that complete acculturation would not occur overnight, and the treaty set up a program of education and technical aid under which the Indians would be prepared for eventual assimilation. The treaty represented a continued attempt at assimilation rather than a commemoration, through the dissolution of the "tribe," of its achievement. There is no indication that the United States intended the Treaty of 1855 to be their last negotiations with the Ottawas, and as shall be discussed later, the Americans would actually prepare for new treaties in the 1860s. Because it is so important to establish that the government officials foresaw future services to the bands and sought to avoid a dissolution of Ottawa political ties which they believed would dump the Indians poor and helpless

upon the state, it is necessary to look in some detail at the correspondence leading up to the treaty council of 1855.

In his annual report of 1855 George Manypenny recommended that in the face of increasing white settlement the government make new treaties in Michigan. He advocated concentration of the Indians on new reservations where acculturative measures could be pursued instead of renewing the old policy of removal.

Suitable locations, it is understood, can be found for them in the State, where they can be concentrated under circumstances favorable to their comfort and improvement, without detriment to the State or individual interests, and early measures for that purpose should be adopted.¹⁵

In Michigan Henry Gilbert, the head of the Mackinac Agency, immediately seconded Manypenny's suggestion of new treaties. With settlers rapidly claiming Michigan lands, Gilbert feared they would soon invade the old reservations, leaving the Indians destitute and landless. He foresaw a series of catastrophes: the expiration of annuities due under the 1836 treaty; a government decision to exercise its option on the old reservations and thus eliminate the Indian's land base; the loss of the lump sum payment of \$200,000 due the Indians for their lands under the 1836 treaty through intimidation, liquor and fraud. If nothing was done, the "United States having no further transactions with them, they will be turned over to the State in the condition of paupers and will be from year to year a continued source of annoyance to her citizens and expense to

her Treasury."¹⁶ Gilbert's vision of the future was grim.

In March of 1854 Gilbert wrote a nine page letter to Manypenny noting with "much satisfaction" the concern the Commissioner had expressed several months earlier. After quickly reviewing the treaty obligations the United States already had toward Michigan Indians, the Indian agent began pushing for new treaties that he believed would transform relations between the various Indian peoples and the United States. Gilbert's actual language in this letter is deceptive.

I am of opinion that all their claims of every description may be settled and compromised with the Indians, with great benefit and to them and advantageously to the United States, so that within three or four years all connections with and dependence upon Government on the part of the Indians may properly cease.¹⁷

Gilbert's intentions to sever federal connections with the tribe seemingly jarred with Manypenny's desires to interpose federal services, not remove them, and his plan to concentrate the Indians for a "civilization" program. The differences, however, were not so stark. Gilbert wanted only to substitute state for federal supervision, not to disavow all government responsibility for the Indians. When Gilbert outlined specific proposals, they called not for a removal of government services, but rather their more effective and economical organization.

What Gilbert proposed was a reservation system similar to those just coming into existence in the West but under state, not federal, supervision.¹⁸ The government

would select suitable lands "as far removed from white settlements as possible" and no whites "would be permitted to locate or live amongst them. . . . except teachers, traders and mechanics specially authorized by rules and regulations to be prescribed by the state Government." The reservation lands would be distributed by family, but they would be inalienable until a rather vague future decision was reached by the state and federal government.¹⁹

Under Gilbert's plan the payments due various groups of Michigan Indians from more than a half century of treaties would be eliminated and replaced by a distribution of "cattle, agricultural implements, mechanics tools, building materials, cooking utensils and such other articles as may be needed by them," over a period of two to three years. Other funds invested by the United States for the Indians would be paid "in the same manner as annuities." Gilbert recommended that the government place the \$200,000 due the Indians for the surrender of their old reservation lands in trust with the state of Michigan to be used as an educational fund when the annuities expired.²⁰

What motivated Gilbert was not the belief that Indians had been successfully absorbed into white communities, thus rendering further federal supervision unnecessary, but rather exactly the opposite view. The Indian peoples of Michigan had not been assimilated; and the agent believed his plan was necessary because of the failure at previous attempts at total acculturation.

It is the only plan offering any reasonable ground of hope for the improvement of this race in civilization--they are now scattered throughout the whole central and northern portions of the lower peninsula of Michigan and cannot be effectively reached by teachers and missionaries unless they are colonized and have permanent homes with an interest in the soil.²¹

Despite Gilbert's fears that settlers were rapidly claiming all the best land of northern Michigan, Manypenny waited a year before recommending new treaties to the Secretary of Interior.²² When he finally did propose treaties in the spring of 1855, he had disgarded Gilbert's plans for the assumption of services to the Indians by the State of Michigan. The federal government would retain supervision, providing new reservations either within the old reserved lands or else on land withdrawn from the public domain. The value of the new reservations would be deducted from the \$200,000 to be paid the Indians; the remaining money would then either be distributed as annuities or else invested for the bands. Finally, Manypenny recommended the policy that would be a hallmark of his treaties--the substitution "for their claim to lands in common, titles in fee to individuals for separate tracts." The commissioner put off other questions and suggestions raised by Gilbert to a later date.²³

When read closely, these documents, since they are products of an evolving policy, not a finished one, are often contradictory and inconsistent. Nevertheless, some basic common intentions and assumptions do surface. The

primary assumption is that the scattered independent Indian communities in Michigan have to be concentrated and controlled so that native patterns of life could be undermined and the government could proceed to make the Indian peoples Christian farmers. Cessation of services and the end of federal guardianship were exactly what Manypenny and Gilbert most feared and sought to avoid. The treaties then were designed to provide government supervision and services, not eliminate them. The only real differences between the plans of Gilbert and Manypenny was over whether the state or the federal government should provide supervision. Manypenny, as Commissioner of Indian Affairs, decided it would be the federal government.

With the United States entering the treaty prepared to increase the services and guardianship it offered the Indians, not decrease them, it is not surprising that the negotiation of the treaty of 1855 reflected these concerns. The business of the council that met at Detroit from July 25, 1855 until July 31, 1855 focused on settling claims arising out of the 1836 treaty, providing the Indians with new reservations, and reorganizing relations between the Ottawa and Chippewa bands and the United States so as to forward the civilization program.

Since the Indians, too, actively pursued their interests during these negotiations, how they organized themselves at the treaty council deserves some explanation. Each individual band selected one or more delegates to go

to Detroit. These delegates were usually, but not always, the chiefs and headmen of the band. As-sa-gon, the delegate of the Burt Lake band of Ottawas, for example, does not appear to have been either a chief or a headman, but instead was selected for his skill as a negotiator. The delegates did not come as sovereign heads of state, but rather as emissaries with limited power. As As-sa-gon explained to Manypenny:

Father, the chiefs here present are delegates appointed by those they have left behind them. They were sent to get as far as possible the views of Government relative to this treaty. They got as it were a power of Attorney to come here and transact business. And so it is with you--you are the agent of the Great Father.²⁴

After the various bands selected delegates, the delegates grouped themselves by regional confederacies for the negotiations. Thus the Americans confronted five groups: the Sault Ste. Marie bands (Chippewas), the Mackinac bands (Ottawas and Chippewas), the Grand River bands (largely Ottawas), the Grand Traverse bands (Ottawas and Chippewas), and the Little Traverse bands (Ottawas). The various bands, with the exception of the Burt Lake band which refused to approve the document at Detroit, would sign the treaty under the name of one of these regional confederations. The confederacies operated largely behind the scenes, agreeing on reservation sites and other common problems. The public negotiations took place primarily along tribal lines.²⁵

The Ottawas and Chippewas each delegated a Speaker

to carry on actual negotiations with the Americans. It is quite significant that there was no Speaker for the Ottawa and Chippewa Tribe as such; instead the Ottawas and Chippewas chose separate negotiators. Waub-o-jeeg, a chief from Sault Ste. Marie, acted as Speaker for the Chippewas and As-sa-gon of Cheboygan, or Burt Lake, was selected as Speaker for the Ottawas.²⁶ These Speakers handled most of the negotiations. The chiefs and headmen present at the council usually spoke only when discussion touched a peculiar problem of their band or confederation of bands. Actual Ottawa participation in the treaty was thus somewhat complex. They selected delegates on the basis of bands, signed the treaty according to regional confederation, and negotiated the treaty as a tribe.

The actual negotiation of the treaty of 1855 was long and complicated. Issues arose, were dropped, and arose again. Rather than giving a chronological account of the negotiations, it will be clearer to artificially divide the treaty council by topic and then later summarize the provisions of the finished document. The major areas covered during the week of negotiations were: federal obligations under the old treaty, land, continued federal guardianship, and the dissolution of the Ottawa and Chippewa Tribe. All of these topics concerned the people of Grand Traverse, although their delegates played only a minor public role, allowing As-sa-gon, as Speaker for the Ottawas, to do their negotiating.

the discussion centered on the Treaty of 1836, and a particularly troublesome issue was whether the Indians were to be compensated for the land given them west of the Mississippi to which they had never removed. The Indians, quite logically, believed that since they had exchanged their Michigan lands for those lands and the cost of passage to them in the treaty of 1836 they now deserved compensation if they were to surrender them.²⁹ Manypenny conceded that the bands might have an equitable claim to such lands, but he insisted that they did not have a legal claim.³⁰ As-sa-gon's examination of Manypenny and Gilbert proved so relentless that they were forced to admit that they did not know what was due the Ottawas or what had become of some of the funds As-sa-gon cited. Finally, Manypenny threatened to break up the council if As-sa-gon continued to insist on a precise accounting.³¹ As-sa-gon did not back down. He replied:

Father when you first sent word to your children to come and meet you here we held a Counsel at Meacinac & talked about our affairs. And we thought that when you came here you would come prepared to answer us. Our great father, sent you here to make a final settlement of the affairs under that treaty of 36. We thought you would be ready to tell us all about the treaty. And now it is too late for us to answer you about the money today, & tomorrow is the Sabbath.³²

When the treaty sessions resumed the following Monday, the Indians presented their demands in writing.³³ These demands, which combined money still owed under earlier treaties with compensation for lands west of the

Mississippi, formed the basis of the compromise settlement embodied in the treaty itself.³⁴ As-sa-gon forced the Americans to offer more money to the Indians than they had originally planned, but the Ottawas never did obtain the complete accounting they demanded.³⁵

Land

Probably the most pressing concern of the Ottawas was to secure permanent homes in Michigan. They had in 1836 seen how the Senate could compromise their title to government reservations. This time, in the words of As-sa-gon, they wanted "strong titles to them."³⁶ Here both the Chippewas and Ottawas concurred. As Waub-o-jeeg said, "We wish that you would give us titles--good titles to these lands. That these papers will be so good as to prevent any white man, or anybody else, from touching these lands."³⁷ The chiefs and headman who took direct interest in this issue suspected any restrictions on their title. In the words of Mene-a-du-pe-na-se:

. . . our white brethern tells us that we do not settle upon these lands at once, you will take them back, & we understand that we can keep the land we buy, do what we please with it, give it to our children or relations when we die. We are displeased that we cannot hold this land in the same way. It seems as if you hold the land by a big string ready to pull it from us.³⁸

So strong was this mistrust of the security of reserved lands that many bands originally did not want direct grants of land at all. They preferred to get a cash settlement from the government, buy land from the public

domain, and then most likely deed the land in trust to the Governor of Michigan as several bands had done with lands they had already purchased.³⁹ All the bands except Burt Lake, however, eventually agreed to reservations, and the allotment of land at the council, but they pressed for 160 acre allotments instead of the eighty acres the Americans offered them.⁴⁰ This they failed to obtain.

Guardianship

The question of land and the distribution of funds to be paid for the relinquishment of the old reservations under the Treaty of 1836 led logically to the question of federal guardianship. The Ottawas sought guardianship for both their lands and their money, and each should be considered in turn.

The Indian's fear of weak titles and the loss of lands to whites inevitably introduced the subject of taxes. Nah-me-wash-ko-lay and Ke-no-shance of Manistee, two Ottawa leaders, asked that all lands granted them under the treaty, as well as the lands they had previously purchased, be exempt from taxes.⁴¹ Manypenny hedged on the tax question, asserting that the tax burden was insignificant, but adding he wanted "to look at the question a little."⁴² After giving the matter some thought, he announced that on "the question of taxes" he was "disposed to manage it for your benefit,"⁴³ This certainly seemed a promise of exemption from taxation and thus a promise of special status for

Indian lands.

The tax question was only a single part of the larger question of government supervision of Indian affairs following the treaty. The Indians repeatedly stressed their desire not only for exemption from taxes on their lands, but also for permanent government trusteeship over their financial affairs. Was-son, an Ottawa chief from Manistee who spoke on behalf of the Grand Traverse bands, but whose signature on the treaty appears with the Little Traverse bands, put the Ottawa's desire for continued wardship in the form of a parable that recurred throughout the negotiations.

We want this money; but wish to lock it up in your bread box. I told you then (i.e. in Washington) that I did not wish to do with our money, as I heard a man once did with a little swan. The little swan when he went out used to pick up shillings in his bill and bring them to his master. At last his master got to think that the swan was all money & cut him open and found no money. So he lost his little swan. Now we don't want to cut our little swan open. We wish to let him live, that our father may feed him & he may grow and continue to bring us shillings in his bill.⁴⁴

Waub-o-jeeg, the chief spokesman for the Sault Ste. Marie bands at the Council, put the matter more directly: "My father, with regards to the money we would like to know how much is coming to us. It is our design not to spend it all but leave it in your hands."⁴⁵ On the last day of the session As-sa-gon presented the consensus of all the chiefs.

Father, we have considered your proposals of this morning. We have considered that the present generation have been reaping the benefits of this

treaty this twenty years, we must not therefore forget the generations that are to succeed us. Now that we have heard from you all that is due to us, all that we ask is the interest on the principal, without disposing of any part of the principal. We wish to draw the interest only I speak for all the chiefs present.⁴⁶

Manypenny and Gilbert were ambivalent about these proposals. They wished to avoid a lump sum distribution and desired some form of immediate government guardianship.⁴⁷ They were, on the one hand, planning to use Indian money to finance the "civilization" program envisioned by the treaty, and to do this they needed access to the principal. But they also assumed an eventual assimilation of all Indians into white society that conflicted with any provisions for permanent guardianship. Government services and financial trusteeship would leave the Indians a "distinct people" when the whole idea of the civilization program was to make them "one people" with the whites. This philosophical objection, however, was probably not as strong as the desire to end government spending on the Indians.⁴⁸ Rather than permanent interest payments to the bands, Gilbert proposed that the payments distribute part of the principal over ten years. Surprisingly and rather suspiciously, As-sa-gon made only a brief and ambivalent reply to this proposal.

Our Father, our mind have been a little troubled. Now since our little swan is to live ten years and not diminish by age, we wish you to feed him & are willing to take the interest & the 10,000 for ten years. And we wish you in the meantime to take good care of the swan, so that we shall find him in good order.⁴⁹

It appears from this cryptic answer that Indian acceptance of the plan was far from complete. In any case, the treaty left open the option of half the money due the Indians being held as a permanent trust fund.⁵⁰

The lack of Indian assent to the termination of federal trusteeship over their funds is underlined by a related issue that arose on the afternoon of July 30 when Pay-ba-me-say, an Ottawa chief, demanded that the permanent annual annuity of \$1,700 due the Indians be maintained.⁵¹ Gilbert argued that the per capita distribution of this came to virtually nothing and was "a great expense to the Government & little benefit to the Indians."⁵² Like any payment in perpetuity, this annuity would serve to keep the Indians a permanently distinct people, and it seemed incompatible with the eventual goal of American citizenship.⁵³ There is no recorded reply to these arguments, but the Indians later contended that they had never agreed to Article three, the release clause that freed the United States from the financial obligations incurred in previous treaties. Three decades after the treaty Andrew Blackbird, a literate Ottawa and later government interpreter, asserted that the treaty clause was never interpreted to the attending Indians and that, in effect, consent was fraudulently obtained.⁵⁴ Other Ottawa accounts say that the chiefs thought they had succeeded in having the clause eliminated after they had "obstinately refused to the cut-off of annuities." Believing their annuities secure, they

singed the treaty only to find the cut-off inserted (but not interpreted to them) in the final version.⁵⁵

This controversy over government payments and services is crucial to understanding Indian and white views on the continued existence of the Indians as a quasi-independent political group. Manypenny and Gilbert clearly stated that as long as the Indians received special government services they remained a distinct people.⁵⁶ Since their goal was eventual assimilation and termination of government supervision (the eventual goal of all Indian policy until recent times), they did not want to commit themselves to any promises of perpetual money or services. Indeed it is exactly such promises the treaty was designed, in part, to adjust. The Ottawas and the Chippewas just as clearly desired that the government act as a permanent trustee of their funds. They argued for this in the new treaty of 1855, and they refused to abolish their perpetual annuities under older treaties. For both sides the survival of the bands as recognized Indian groups was linked with federal supervision and services.

Dissolution of the Ottawa and Chippewa Tribe

Since for the parties involved in the treaty the question of status as recognized bands hinged on government services, it is ironic that later observers would miss this entirely and focus on Article five, the clause which abolished the tribal organization of the Ottawa and Chippewas,

as the crucial test of continued Indian organization. What makes such a reading particularly ironic is that Article five is the only clause the Indians succeeded in adding to the American draft of the treaty. Although the final treaty will be considered later, this section deserves to be quoted in full before its evolution is discussed.

The tribal organization of said Ottawa and Chippewa Indians, except so far as may be necessary for the purpose of carrying into effect the provisions of the agreement, is hereby dissolved; and if at any time hereafter, further negotiations with the United States, in reference to any matters contained herein, should become necessary, no general convention of the Indians shall be called; but such as reside in the vicinity of any usual place of payment, or those only who are immediately interested in the questions involved, may arrange all matters between themselves and the United States, without the concurrence of other portions of their people, and as fully and conclusively, and with the same effect in every respect, as if all were represented.⁵⁷

From the beginning of negotiations Waub-o-jeeg took pains to separate the "Sault Ste. Marie Indians" from the Ottawas. He emphasized they had conferred separately in preparation for the treaty and that their interests were not identical.⁵⁸ On July 27 he was even more explicit concerning distinctions between the Chippewas of the Sault and the Ottawas:

At the Treaty of 36, our fathers were in partnership with the Ottawas, but now the partnership is finished and we who come from the foot of Lake Superior wish to do business for ourselves.⁵⁹

Waub-o-jeeg emphasized that ties of friendship held the Sault Ste. Marie bands and the Ottawas together, not any political union.

My father I have spoken to our friends the Ottawas saying that we have been brought up together & are merely friends. I can make no laws for them. I can only make laws for myself & my people.⁶⁰

When no direct reply was made to Waub-o-jeeg's speeches, he returned to the matter on the last day of the treaty,

I told you when I first came that I wanted to be separated from the Ottawas, & you have not answered me. We have sat here & heard you talk to the Ottawas--while you paid no attention to us.⁶¹

Manypenny's reply to Waub-o-jeeg makes clear both the origin and the purpose of Article 5. ✓

Under the provisions of this treaty you will get your share of the money. The very case you suggested is met in the treaty--you are separated as you desire. This treaty you & the Ottawas must sign together because the old treaty of 36 was made in that way, but here we have followed your suggestion & provide that the money shall be paid to the different bands & that no general council shall be called.⁶²

The article thus did not end Indian political organization: it merely recognized the return of political jurisdiction to untis where it had in reality resided all along--the bands. And this was done at the request of the Sault Ste. Marie chiefs. For the government it was a minor concession. The tribe for them had functioned merely as a convenient vehicle for obtaining title to land and avoiding the expense and territorial disputes that would have inevitably accompanied direct negotiations with each band. With the final land cessions in Michigan accomplished, they too had no more use for the Ottawa-Chippewa tribe. They agreed to disband it. As the events leading up to the

treaty had demonstrated, the bands were the real political units of the Michigan Indians, and it was with the bands that the Americans would negotiate in the future.

The Treaty of 1855

The document that emerged from the councils at Detroit was, unsurprisingly, nearly identical to the one Manypenny and Gilbert had drafted. It was similar to a series of treaties negotiated on the Missouri River and in the Pacific Northwest during these same years.⁶³ Manypenny and Gilbert achieved three major American objectives: the elimination of perpetual annuities, the continued provision for government education programs and technical aid, and the selection of new reservations to be allotted in severalty. All Indian attempts to modify these basic provisions proved unsuccessful, although the chiefs did increase the amount of money they received and eliminated the tribal organization in favor of band organization.

The final draft of the treaty deserves at least a brief description. Article 1 provided for new reservations, their specific locations selected and described by the band. The lands on these reservations would not be held in common but rather allotted as follows:

Head of Family	80 acres
Single adult	40 acres
Single orphan child	40 acres
Family of orphan children containing two or more persons	80 acres

Lists of Indians eligible under each of these categories

were to be "made and closed by the first day of July 1856," and the Indians would have five years from the completion of the list to select the lands they wanted from within the reserved areas designated by the treaty. Once selected, the government would give the Indians a certificate for the land and "hold the same in trust for such persons . . . such certificates shall not be assignable and shall contain a clause expressly prohibiting the sale of transfer by the holder."⁶⁴

"After the expiration of ten years, such restriction on the power of sale shall be withdrawn, and a patent shall be issued in the usual form." When the selection period of five years ended, the Indians would have an additional five years during which they had the exclusive right to purchase land within their reserves at standard government prices. After this the land would be open to purchase by Whites.⁶⁵

Article two provided for the distribution of \$538,400 to the Indians. From these funds the government provided technical aid and education, specifically schools, teachers, agricultural implements and blacksmiths. The remainder of the money, \$306,000 "in coin," would be distributed in two sets of payments. Ten thousand dollars annually plus interest on the whole would be distributed over ten years. The remaining \$206,000 would then be paid in not less than four installments.⁶⁶

Article three was the release clause abolishing

perpetual annuities that the Ottawas objected to so strenuously. Article four provided for interpreters for at least five years and "as much longer as the President may deem necessary." The final section, Article five, fulfilled Waub-o-jeeg's demand that all further negotiations be carried on with the bands.⁶⁷

The treaty would be the last one the Ottawas made with the United States. Nobody, however, knew that in 1855. The participants assumed that at the expiration of the annuities from the 1855 treaty a new agreement would be negotiated with the various bands, and in 1864 the United States would prepare to negotiate exactly such a new treaty. The Indians had no premonition of how disastrous the 1855 treaty would be in practice. To the delegates it seemed that the treaty had renewed their annuities, guaranteed their land holdings, quieted the last rumors of removal, and assured the bands' status as independent groups. Both Ottawa and Chippewa delegates individually expressed satisfaction with the treaty. Of the Ottawas, Pay-bah-me-say, a headman from Grand River, offered the most glowing summary of the treaty:

Our father is not aware how grateful we are today. We are glad because of his kindness. When we started here, we were like travellers on a log. We knew not when we might fall off, or where the end of it was; but we find we have not fallen off, or reached the end of it. Instead of darkness we find the bright light.⁶⁸

The only indications of dissatisfaction among the Ottawas was an expression of regret by Pay-bah-me-say that

the treaty did not take care of the Indian's debts to the traders and thus left them open to threats and legal action, and the fact that neither As-sa-gon nor any Ottawa chief offered a closing statement.⁶⁹

Manypenny and Gilbert too were pleased with their handiwork. They thought they had been quite generous with the Indians; their payment for equitable claims as well as legal claims seemed to them proof of their own magnanimity. The mere negotiation of the treaty seems to have transformed their view of the Indians. From being "vitiating and degraded," "a pest and a nuisance." the Indians suddenly appeared to be "making very rapid advancement in civilization."⁷⁰ Manypenny and Gilbert now became convinced that with government aid "a very large body of them may be qualified to enter upon the discharge and duties and assume the obligations imposed upon the citizens of the State of Michigan."⁷¹ If the real condition of the Indians were as malleable as the shifting views of government officials, American Indian policy would have been an endless string of successes.

Despite such euphoria, the treaty had numerous faults, most of which concerned on land and the failure to provide for debts owed by the Indians. Although quickly amended to pay the money the bands owed to the traders, problems centering on land would prove harder to solve.⁷² Many of the areas selected for reservations were already taken up by Whites or held as swamp land grants to the state of

Michigan.⁷³ And even more important, the treaty made no provision for all those people who might reach maturity in between the time the treaty was signed and the final date for land selections. This failure would cause the government administrative problems for years.

The ambiguities and difficulties involved in the land provisions of the treaty quickly became apparent to at least one of the chiefs from Grand Traverse. He came to Peter Dougherty two weeks after the treaty council with a series of questions concerning the distribution of land under the treaty. Some questions went to fundamental issues--could Indians select allotments from swamp lands reserved to the state of Michigan? Could single women make land selections? Other questions dealt with technicalities: Could adoptions take place for the purpose of increasing a person's allotment? But all the questions revealed the awareness of at least one chief that enforcing the treaty would be a complex and tricky business.⁷⁴

The treaty's shortcomings would be exacerbated by the manner in which the Americans put the document into effect. The United States would show even less good faith in executing the treaty than it did in negotiating it. The Indians would suffer far more than the administrative headaches and embarrassments that the treaty bestowed upon the government. The poorly conceived provisions for land in fee simple, when coupled with massive fraud and incompetence, would deprive the Indians of the land base they

believed they had secured. The money due the bands under the treaty would not be fully paid until a court suit forced the government into compliance a half century later.⁷⁵ Eventually even the continued existence of the various Ottawa and Chippewa bands would be challenged.

Footnotes

¹Frederick Baraga, Chippewa Indians as Recorded by Reverend Frederick Baraga in 1847 (Studia Slovenica, New York and Washington, 1976), 21.

²Ibid.

³NA, M 234, Mack., R 404, f 561-562, Chiefs at Grand Traverse to CIA, 1/16/55; R 404, f 562-563, Chiefs at Grand River to CIA, 2/7/55.

⁴NA, M 234, Mack., R 404, f 594-596, Gilbert to CIA, 3/1/55.

⁵Ibid; NA, M 234, Mack., R 404, f 554, Delegates to CIA, 2/28/55.

⁶NA, M 234, Mack., R 404, f 608, Gilbert to CIA, 3/28/55.

⁷NA, M 234, Mack., R 404, f 989-991, Wendell to CIA, 4/2/55.

⁸NA, M 234, Mack., R 404, f 664-667, Ottawa Chiefs to Secretary of Interior, 6/7/55.

⁹CIA, Report, 1853, 3-4.

¹⁰NA, M 234, Mack., R 404, f 369, 371-372, Gilbert to CIA, 3/6/54; R 404, f 845-847, Manypenny to Secretary of Interior, 5/21/55; CIA, Report, 1853, 3-4.

¹¹NA, M 234, Mack., R 404, f 369, Gilbert to CIA, 3/6/54.

¹²NA, M 234, Mack., R 404, f 372, Gilbert to CIA, 3/6/54.

¹³NA, M 234, Mack., R 404, f 845-47, Manypenny to Secretary of Interior, 5/21/55.

¹⁴NA, M 234, Mack., R 404, f 706-707, Gilbert to CIA, 6/9/55.

¹⁵CIA, Report, 1853, 4.

¹⁶NA, M 234, Mack., R 404, f 375-376, Gilbert to CIA, 3/6/54.

¹⁷NA, M 234, Mack., R 404, f 369-371, Gilbert to CIA, 3/6/54.