



McClurken & Associates

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Reservation Boundaries

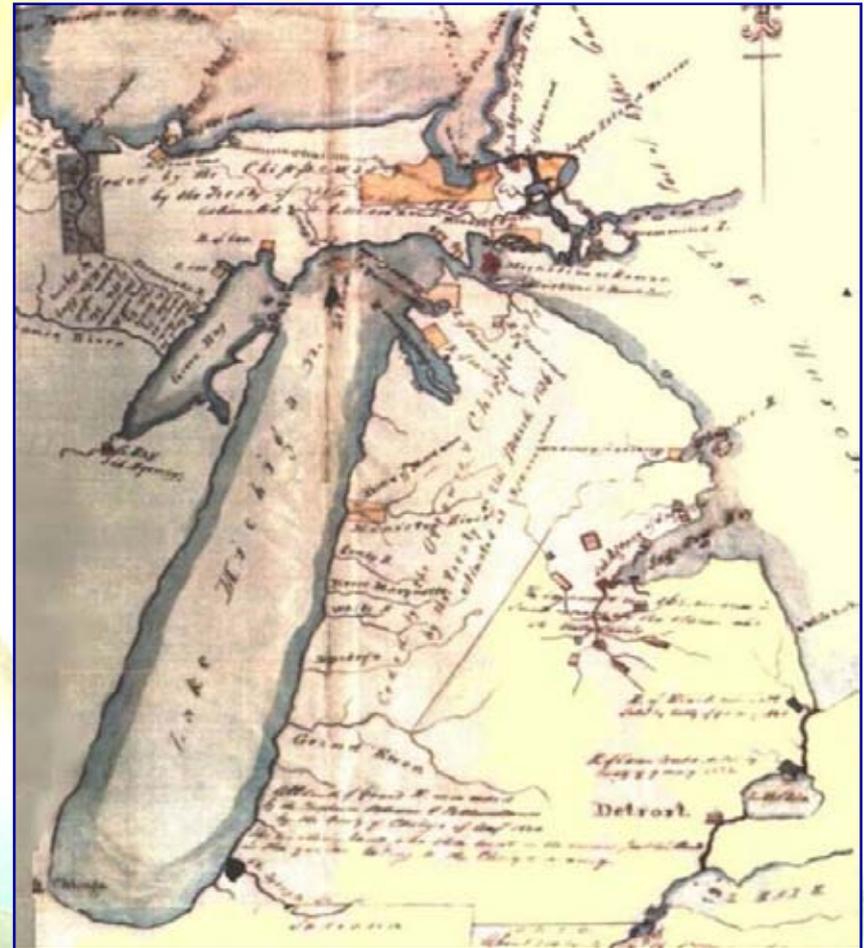
- Why do reservation boundaries matter?
 - Tribes have the right to govern themselves within “Indian Country”
 - Land within Indian Reservations are “Indian Country”
- Where are the boundaries of the Little Traverse Bay Bands reservation?
 - Defined by two treaties with the United States
 - 1836 Treaty of Washington
 - 1855 Treaty of Detroit

The Reservation Defined by the 1836 Treaty of Washington

- From the cession aforesaid the tribes reserve for their own use, to be held in common the following tracts for the term of five years from the date of the ratification of this treaty, and no longer; unless the United States shall grant them permission to remain on said lands for a longer period, namely: One tract of fifty thousand acres to be located on Little Traverse bay. . . [and] The Beaver islands of Lake Michigan for the use of the Beaver-island Indians.

Finding the 1836 Reservation Boundaries

- This reservation contains land is reserved from sale and retains its “aboriginal” or “recognized” title
- The 50,000 acre reservation was not surveyed

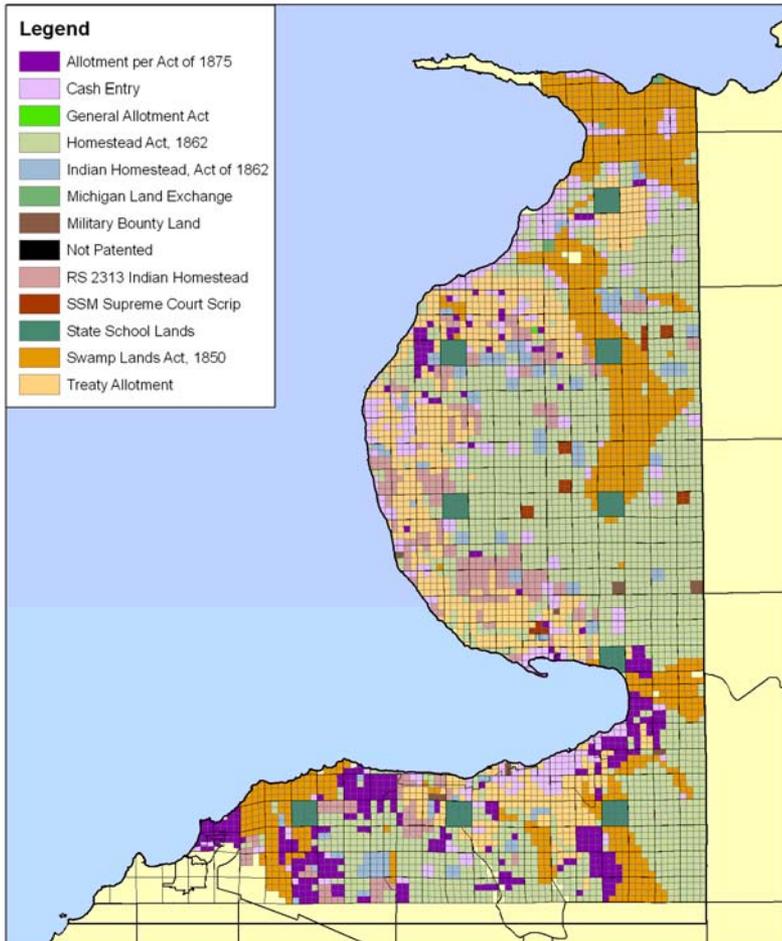


The Reservation Defined by the 1855 Treaty of Detroit

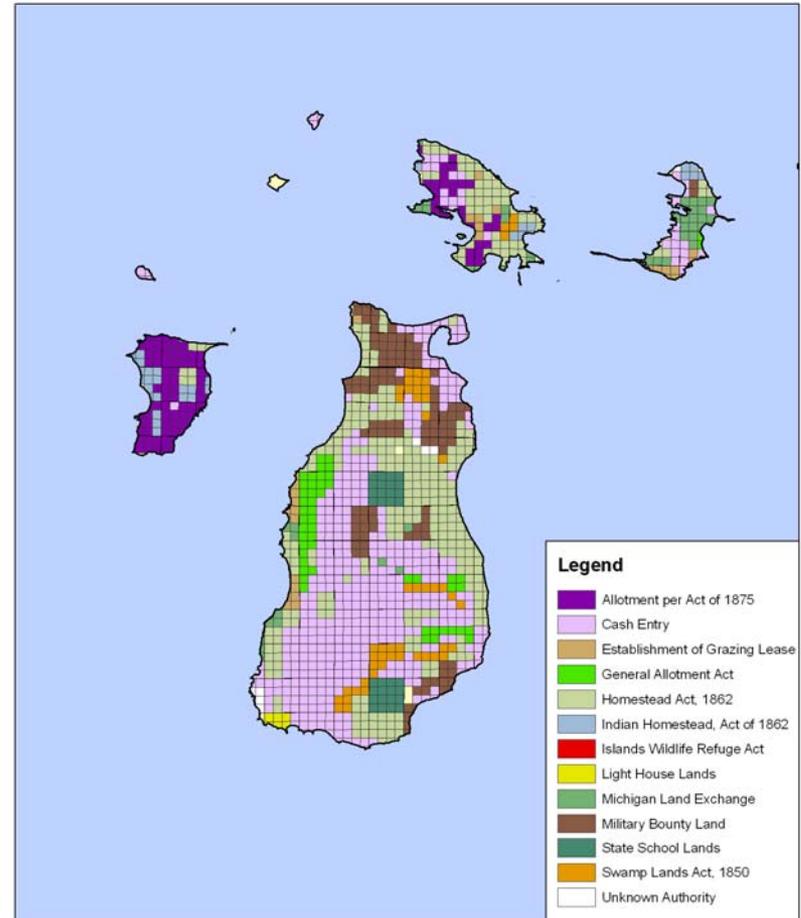
- The United States will withdraw from sale for the benefit of said Indians as hereinafter provided, all the unsold public lands within the State of Michigan embraced in the following descriptions, to wit:
... For the use of the bands who wish to reside north of the Straits of Macinac townships 42 north, ranges 1 and 2 west; township 43 north, range 1 west, and township 44 north, range 12 west. ... For the Beaver Island Band—High Island, and Garden Island, in Lake Michigan, being fractional townships 38 and 39 north, range 11 west—40 north, range 10 west, and in part 39 north. range 9 and 10 west. ... For the Cross Village, Middle Village, L'Arbrechroche and Bear Creek bands, and of such Bay du Noc and Beaver Island Indians as may prefer to live with them, townships 34 to 39, inclusive, north, range 5 west—townships 34 to 38, inclusive, north range 6 west—townships 34, 36, and 37 north, range 7 west, and all that part of township 34 north, range 8 west, lying north of Pine River.

The 1855 Little Traverse Reservation

Map 14a: Land Transfers on the Little Traverse Reservation of 1855, Lower Peninsula, by Authority and Decade, 1848-1975



Map 14b: Land Transfers on the Little Traverse Reservation of 1855, Beaver Island Group, by Authority and Decade, 1848-1975



Ambiguous Language and the Need for Detailed Ethnohistorical Analysis

- The example of “unsold land”
- Odawas bought land at their villages to prevent forced removal
- Was this land reserved?

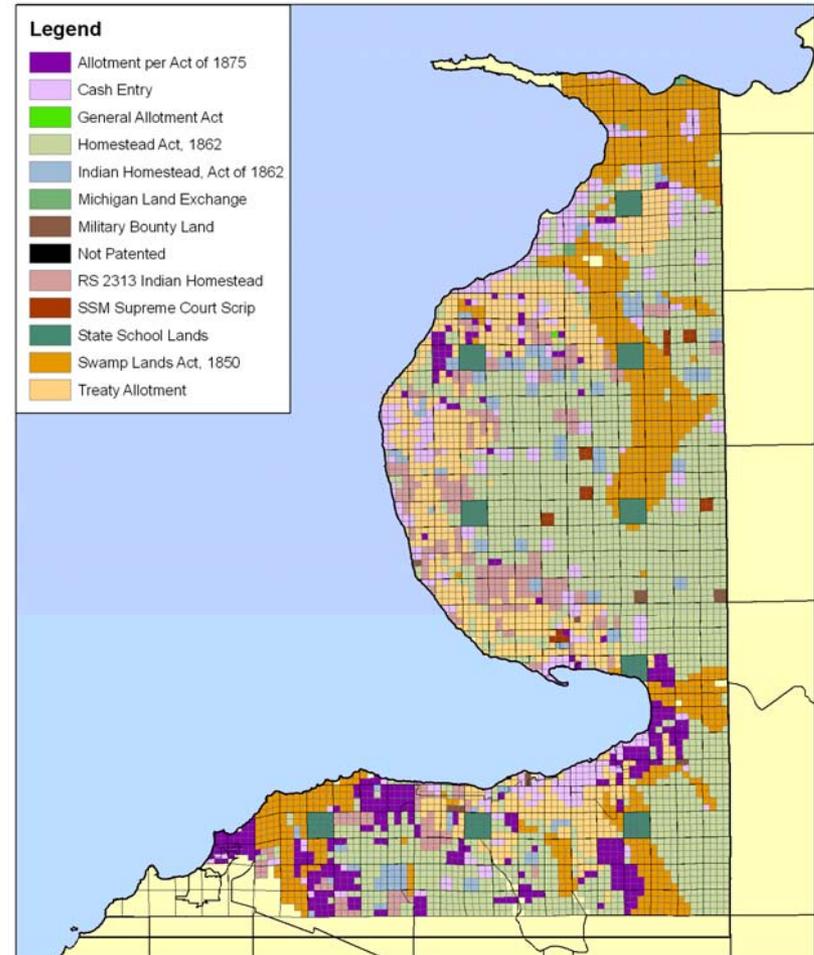
Map 1a: Indian Acquisitions Prior to 1855
on the Little Traverse Odawa Reservations of 1855



State Claims to Reserved Land

- Swamp and Overflow Land
- Section 16 School Lands

Map 14a: Land Transfers on the Little Traverse Reservation of 1855, Lower Peninsula, by Authority and Decade, 1848-1975



Dispossession by Allotment

- ARTICLE 1: The United States will give to each Ottawa and Chippewa Indian being the head of a family, 80 acres of land, and to each single person over twenty-one years of age, 40 acres of land, and to each family of orphan children under twenty-one years of age containing two or more persons, 80 acres of land, and to each single orphan child under twenty-one years of age, 40 acres of land to be selected and located within the several tracts of land hereinbefore described. under the following rules and regulations. . . . After selections are made, as herein provided, the persons entitled to the land may take immediate possession thereof, and the United States will thenceforth and until the issuing of patents as hereinafter provided, hold the same in trust for such persons, and certificates shall be issued, in a suitable form, guaranteeing and securing to the holders their possession and an ultimate title to the land. But such certificates shall not be assignable and shall contain a clause expressly prohibiting the sale or transfer by the holder of the land described therein. . . . 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 to each original holder of a certificate for the land described therein, *Provided* That such restriction shall cease only upon the actual issuing of the patent; *And provided further* That the President may in his discretion at any time in individual cases on the recommendation of the Indian agent when it shall appear prudent and for the welfare of any holder of a certificate, direct a patent to be issued. *And provided also*, That after the expiration of ten years, if individual cases shall be reported to the President by the Indian agent, of persons who may then be incapable of managing their own affairs from any reason whatever, he may direct the patents in such cases to be withheld, and the restrictions provided by the certificate, continued so long as he may deem necessary and proper.

Dispossession by Legislation

- The allotment provisions of the treaty were never completed due to federal incompetence and fraud
- The 1855 treaty provisions did not allow Odawa children to obtain reservation lands
- The Odawas were promised a new treaty that would provide for them
- Congress declared that it would no longer treat with Indians after 1870
- The federal government passed “remedial” laws in 1872, 1875 and 1876 that allowed Odawas to take homesteads from their commonly held reservation lands
- These homesteads were taken from the Odawas by widely reported blatant fraud



Research & Analysis of Land Issues

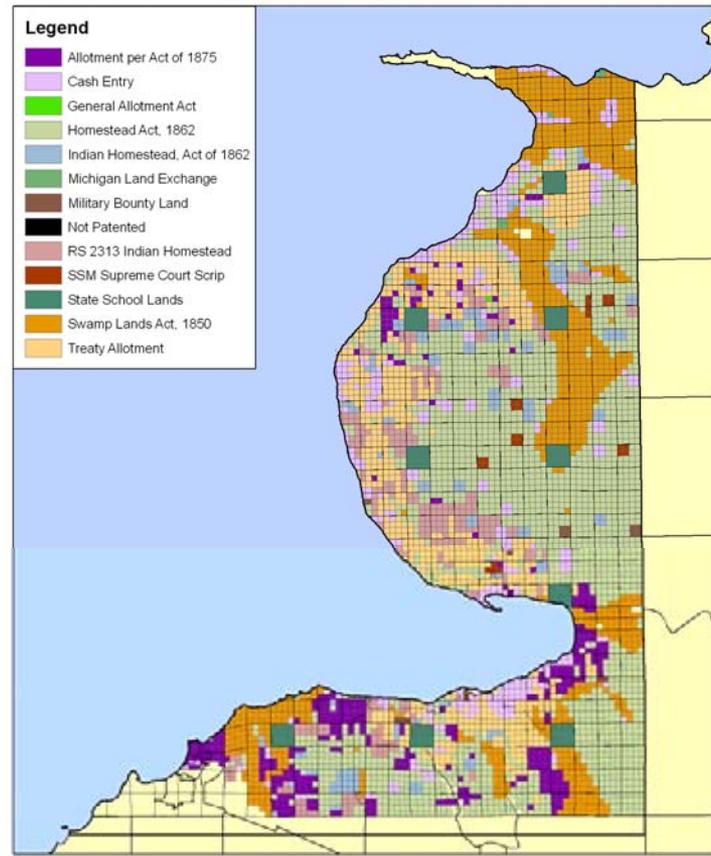
Document Sources

- Internet
 - Patents
 - Some published federal documents
 - Census
- State Library & Archives
 - State tract books
 - Newspapers
- Bureau of Land Management
 - Federal Tract Books
- NARA-DC
 - RG75
 - RG49
- Bureau of Land Management
- Tribal Collections
- Records of the Sacred Heart Franciscans

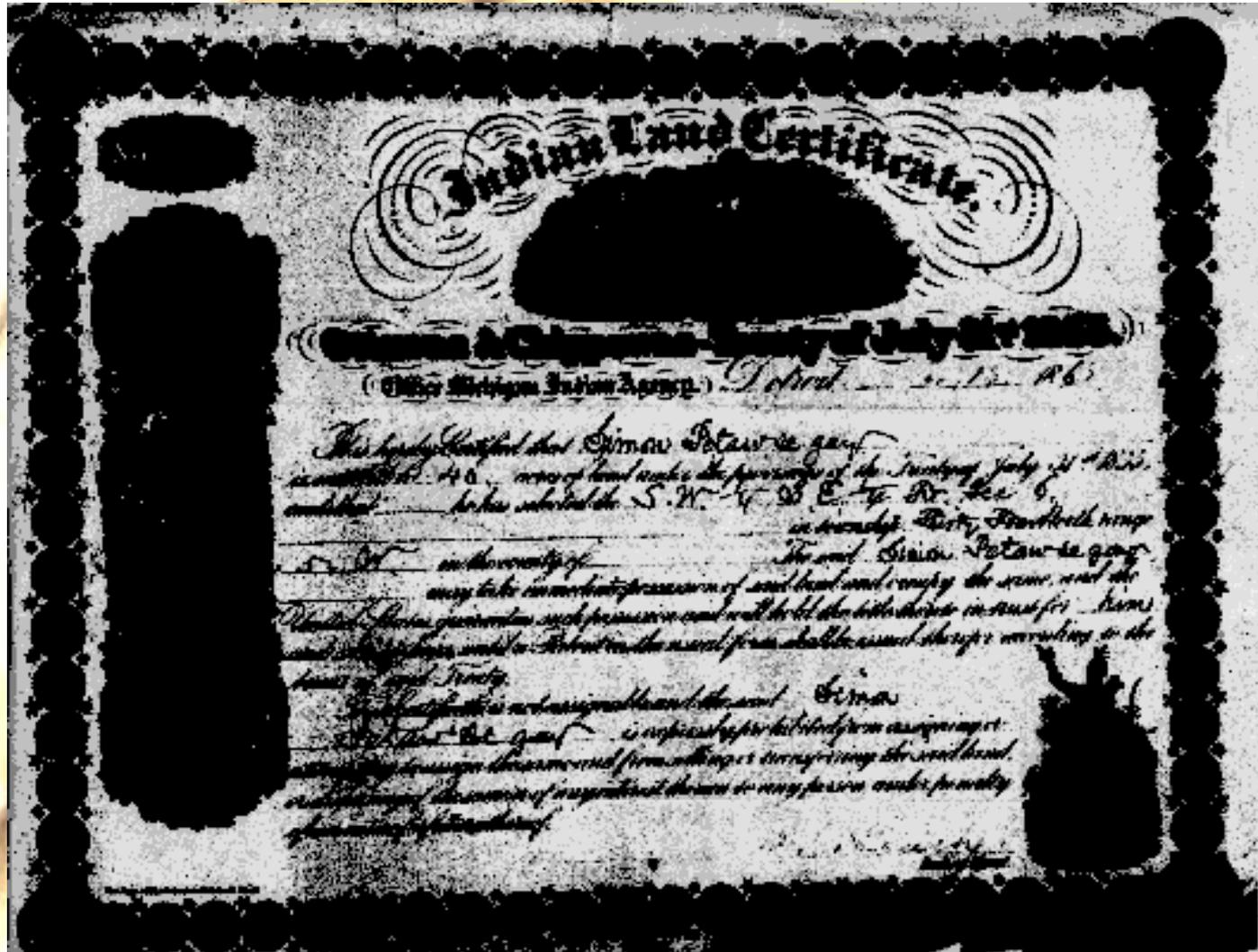


Allotted Land

Map 14a: Land Transfers on the Little Traverse Reservation of 1855, Lower Peninsula, by Authority and Decade, 1848-1975



1864 Allotment Certificates



Federal Patents

3



The United States of America,

OFFICE OF THE SECRETARY OF COMMERCE

TO ALL TO WHOM THESE PRESENTS SHALL COME GREETING

WHEREAS the said Secretary of Commerce has received from the said Secretary of the Navy a copy of a certain patent for an improvement in the construction of the hull of a steamship, and the said Secretary of Commerce has approved of the same, and he has caused the same to be printed in the following words, to wit:

Be it remembered that I, the said Secretary of Commerce, do hereby certify that the said patent for an improvement in the construction of the hull of a steamship, is a true and correct copy of the original thereof, as the same appears in the files of the said Secretary of Commerce.

In testimony whereof, I have hereunto set my hand and the seal of the said Office of the Secretary of Commerce, at Washington, this 10th day of August, 1880.

Wm. C. Cresswell, Secretary of Commerce.

Approved by the Secretary of the Navy, this 10th day of August, 1880.

Wm. C. Cresswell, Secretary of Commerce.

Next line pt.

TO ALL TO WHOM THESE PRESENTS SHALL COME GREETING

WHEREAS the said Secretary of Commerce has received from the said Secretary of the Navy a copy of a certain patent for an improvement in the construction of the hull of a steamship, and the said Secretary of Commerce has approved of the same, and he has caused the same to be printed in the following words, to wit:

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Wm. C. Cresswell, Secretary of Commerce.

14

11

THE UNITED STATES OF AMERICA.

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In testimony whereof, I have hereunto set my hand and the seal of the said Office of the Secretary of Commerce, at Washington, this 10th day of August, 1880.

Wm. C. Cresswell, Secretary of Commerce.

Approved by the Secretary of the Navy, this 10th day of August, 1880.

Wm. C. Cresswell, Secretary of Commerce.

HOW KNOWN TO THE

United States of America, to wit: the said Secretary of Commerce has received from the said Secretary of the Navy a copy of a certain patent for an improvement in the construction of the hull of a steamship, and the said Secretary of Commerce has approved of the same, and he has caused the same to be printed in the following words, to wit:

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In testimony whereof, I have hereunto set my hand and the seal of the said Office of the Secretary of Commerce, at Washington, this 10th day of August, 1880.

Wm. C. Cresswell, Secretary of Commerce.

In Testimony Whereof, I, the said Secretary of Commerce,

do hereby set my hand and the seal of the said Office of the Secretary of Commerce, at Washington, this 10th day of August, 1880.

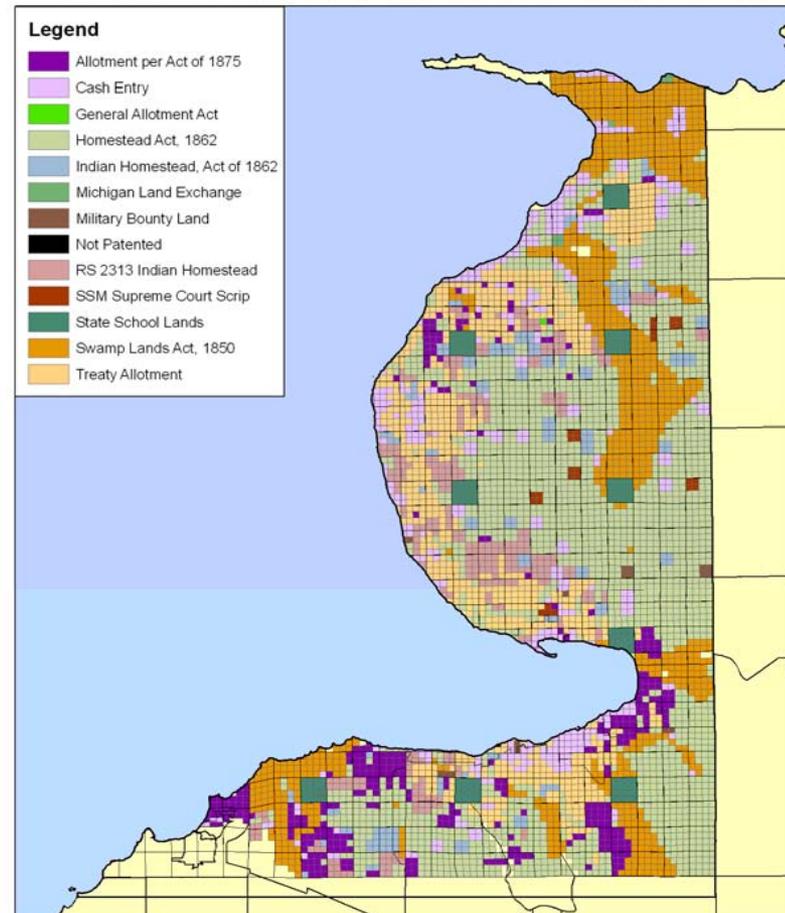
Wm. C. Cresswell, Secretary of Commerce.

Federal Tract Books

DESCRIPTION OF TRACT		CONTENTS		RUSH FOR ACRES		PROMISSORY MONEY		NAME OF THE PURCHASER				
PART OF SECTION	SECTION, TOWNSHIP, RANGE, AND MERIDIAN	ACRES	IN FULL	IN FULL	COST	IN FULL	COST					
<p>Sec 1 to 5, 7, (also) as to High Island & Garden Island - Remainder of Section - Patented by Sale of Sec 1 to 5, 7, 8 to 17, 19, 20 to 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.</p>												
140								Alfred William Graham.	Aug. 11 1815	23204	Marquette. Canceled by C. Aug. 7, 1919.	
114		70						Burton B. Bellington	Mar. 31 1914	65597	Marquette. Canceled by C. Jan. 18, 1921.	
123		30						Prince Joe Kinn.	Jan. 23 1914	65479	Marquette. Relinquished Jan. 29, 1915. See C. Canada. Relinquished July 7, 1915. Canceled by C. Oct. 12-17-21.	
42		50						Charles J. Miller.	Dec. 19 1914	63636	Marquette. Canceled by C. Oct. 12-17-21.	
166		40		10	02			Thorwill Reynolds.	July 12 1917	60187	Marq. Canceled by C. July 15-1920.	
18		70	135	28	58			J. W. Monaghan.	Mar. 16 1868	5818	See Pat. 20343. Marq. 1899. Canceled by C. Sept. 13, 1911.	
162		60		10	02			Thomas C. Bloor.	Feb. 8 1902	11325	See Pat. 20343. Marq. 1899. Canceled by C. Sept. 13, 1911.	
180		70						John S. Brown.	Mar. 21 1909	12331	See Pat. 20343. Marq. 1899. Canceled by C. Sept. 13, 1911.	
87		20	125	46	50			John W. Monaghan	Apr. 15 1868	3771	See Pat. 20343. Marq. 1899. Canceled by C. Sept. 13, 1911.	
139		20						Pedrick C. Doyle	Jan. 25 1886	5594	Canceled. Nov. 20, 1896. See Pat. 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.	
158		20						Thomas J. Bloor	Dec. 10 1896	12041	Canceled. Mar. 12, 1904. 7 yrs.	
35		70						John S. Brown	Aug. 21 1909	12331	See Pat. 20343. Marq. 1899. Canceled by C. Sept. 13, 1911.	
42		50						John W. Monaghan	Apr. 15 1868	3771	See Pat. 20343. Marq. 1899. Canceled by C. Sept. 13, 1911.	
139		20						Pedrick C. Doyle	Jan. 25 1886	5594	Canceled. Nov. 20, 1896. See Pat. 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.	
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139		20						Pedrick C. Doyle	Jan. 25 1886	5594	Canceled. Nov. 20, 1896. See Pat. 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.	
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35		70										

Homesteads and the Little Traverse Land Rush, 1875

Map 14a: Land Transfers on the Little Traverse Reservation of 1855, Lower Peninsula, by Authority and Decade, 1848-1975



Newspapers

Sentinel (Charlevoix) 17 April 1875

The Homestead Excitement-This

northern region has never been rocked by greater excitement than that which followed the announcement last week that the Indian lands would be open for settlement on the 15th of this month.

During the first two days of this week, the woods around Petoskey and Charlevoix were filled with homestead seekers . . . At an early hour the walk yard and steps of the [land office]

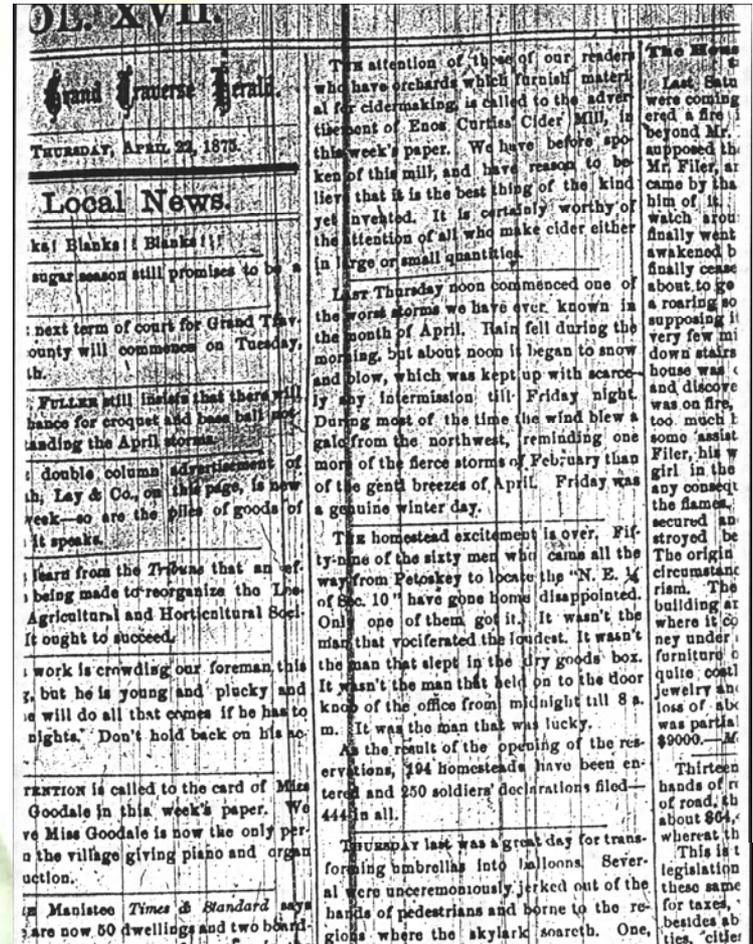
building were thronged with anxious homesteaders; and, indeed the crowd was so great that . . . [they] were forced to do business through the windows . . . Emmet county was taken up first. On Thursday afternoon they were engaged upon Charlevoix county.



Newspapers

Grand Traverse Herald, 22 April 1875

The homestead excitement is over. Fifty-nine of the sixty men who came all the way from Petoskey to locate the "N.E. 1/4 of Sec.10" have gone home disappointed. Only one of them got it. It wasn't the man that vociferated the loudest. It wasn't the man that slept in the dry goods box. It wasn't the man that held on to the door knob of the office from midnight til 8 a.m. It was the man that was lucky. . . . As a result of the opening of the reservations, 194 homesteads have been entered and 250 soldiers declarations filed.



Newspapers

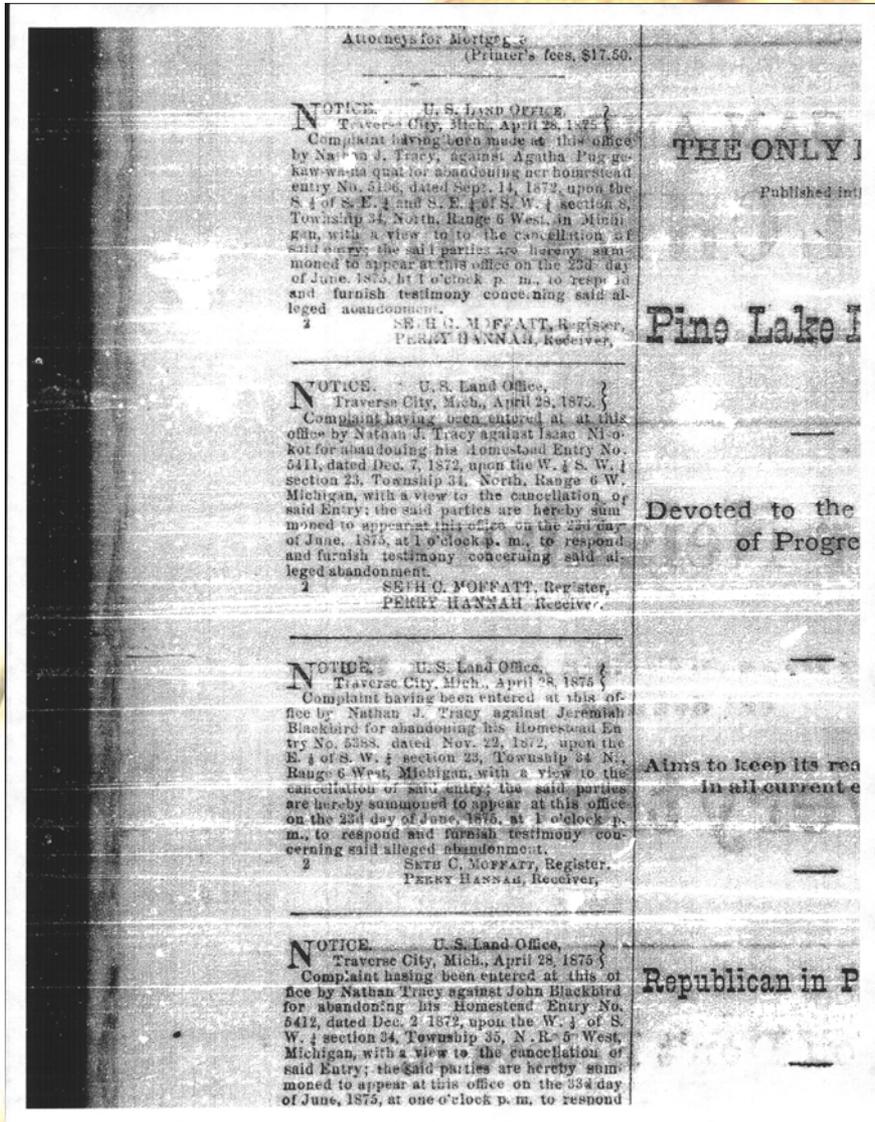
Sentinel (Charlevoix), 5 June 1875

☐ Nathan J. Tracy v. Mary Aishkabwaw

☐ Nathan J. Tracy v. Agatha Pubgekawwanaquat

☐ Nathan J. Tracy v. Jeremiah Blackbird

☐ Nathan J. Tracy v. John Blackbird



Preserving Odawa Homesteads and Allotments

- **Zachariah Chandler, Michigan's most powerful Senator**
 - Used his influence to help Republican officials claim Odawa homesteads
- **Carl Schurz, Secretary of the Interior**
 - Used the power of his office to preserve Odawa homesteads and allotments

Corruption & Reform



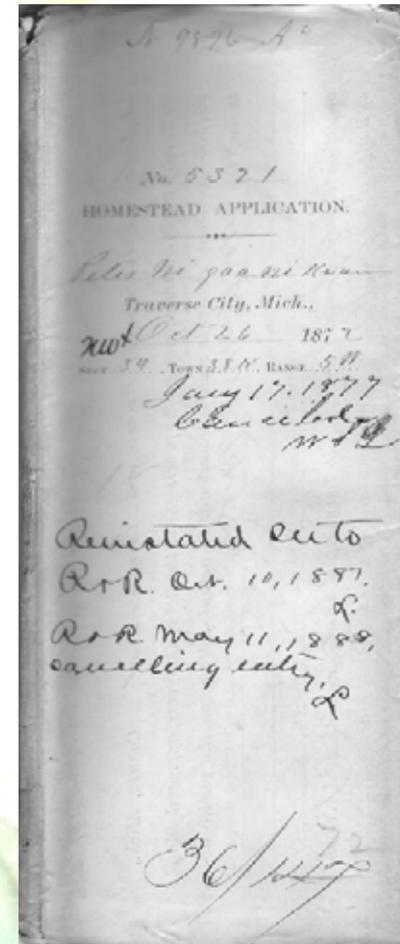
Zachariah Chandler



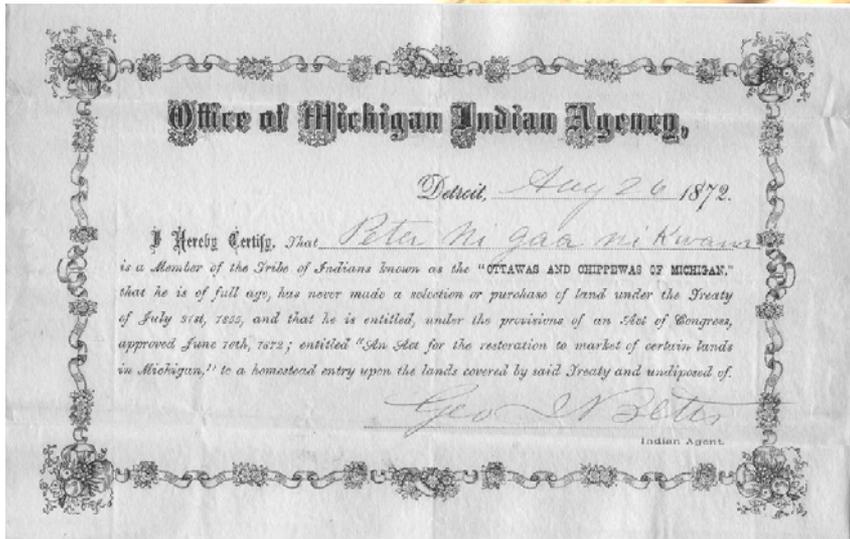
Carl Schurz

RG49 Land Files

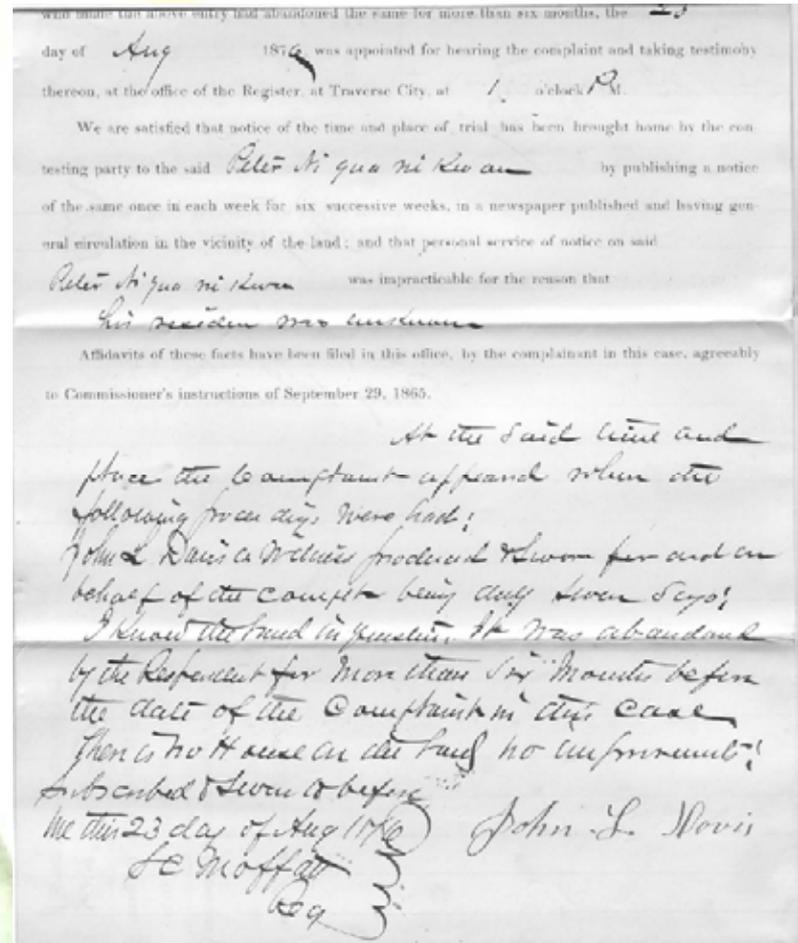
- Cancelled Homestead 5321, Peter Nigaanikwan
- Illegal Abandonment Proceedings
- Evidence of collusion between federal officials and local speculators



RG49 Land Files



John L. Davis, testifying on behalf of John Heany, stated, "I know the land in question. It was abandand [sic] by the defendant for more than six months before the date of the complaint in this case. There is no house on the land no improvements."



RG49 Land Files

State of Michigan
County of Emmet } p
In the matter of the certified
Homestead Entry of Peter J. Ga and woman
No 5321 October 26 1872 for the 110th
Sec 24, 25 & 26, District of Irons and of
The said claimant being
first duly sworn says that he is an
Ottawa and Chippewa Indian the head
of a family and had no selection
under the treaty. He is the party who
made the above entry. That about
two months after his entry he went
upon the land and commenced clearing
the same. At that time he cleared about
three acres and at the present time
he has about 6 acres cleared and under
cultivation. In the following spring he
built a log house 15x16 feet with
windows and a door, a good floor
and other conveniences. Affiant says
he is a white man and moved into his house

before the witness 1877
E. J. Brooks
Special Agent
upon the land and
the same. At that time he cleared about
three acres and at the present time
he has about 6 acres cleared and under
cultivation. In the following spring he
built a log house 15x16 feet with
windows and a door, a good floor
and other conveniences. Affiant says
he is a white man and moved into his house
and lived there until the spring of 1877
when a white man came and ordered him
off and said the land belonged to his
son the white man's father and affiant must
leave leaving a difficulty affiant
moved off the land, when he returned the
said white man moved into his house

RG49 Land Files

Nigaanikwan gave a deposition in October 1877. He testified, “about two months after his entry he went upon the land and . . . cleared about three acres In the following spring he built a log house 15 x 16 feet with windows and a door, a good floor and other conveniences. Affiant . . . lived there until the spring of 1877 when a white man came and ordered him off Fearing a difficulty affiant moved off the land, when he believes same white man moved into his house. Affiant was never absent from the land after he entered the same for a longer period than three months. He had no notice of the trial and did not hear that the land was advertised until after . . . the trial took place.”

RG49 Land Files

16
16-100

Department of the Interior,
GENERAL LAND OFFICE,
Washington, D.C. Dec 27th 1877

Hon. J. A. Williamson
Commo General Land Office
Sir

In the case of Peter Sigo-niguan
Traverse City, Keweenaw Entry No 5321 Oct.
26th 1872 for the N.W. Sec 34, 38 N. 5th W. contest
was instituted by publication by James Heaney
June 23rd 1876, and a hearing was held on
the 23 day of August 1876, the contestant
appearing and the respondent making
default.

John L. Davis and H. C. Barber testified
that claimant had "no house on the land
and no improvements."

His entry was canceled by Commissioner
Letter 6 January 17th 1877 and on the 6th of July

15
about three acres of land built a house
about 20x24 dug a well ten feet deep, and
he informed me how let the contest to clear
80 acres of the land

The notice of hearing was insufficient
and the case is within my recommendation
in the Sigo-niguan case

Very respectfully,
E. J. Brooks
Special Agent

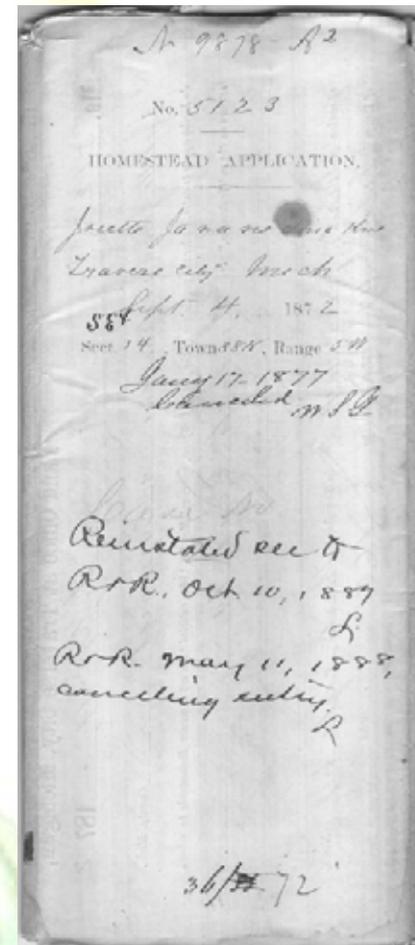


RG49 Land Files

Brooks reported, “The claimants affidavit duly corroborated is filed herewith. . . . On a personal inspection of the place I found that claimant had . . . about 3 acres of Indian clearing. . . . The Indian showed me where his house and also his sugar house had stood but both had been burned as the contestant admitted. I should judge that the house was about 18 x 12. . . . Heany is said to be a man of considerable wealth the owner of a large and valuable farm in southern Michigan.”

RG49 Land Files

- Cancelled Homestead 5123, Josette Jawandinokwe
- Reveals ruthless tactics of speculators
- Lee & Brooks used terms: Rascality, Fraud, Land Sharks, etc.



RG49 Land Files

State of Michigan
County of Emmet S. & B.

Warren Bowen of Said County, being duly sworn Says he is publisher of the Little Traverse Republican, a weekly newspaper, printed and circulated in Said County, and that the notice of or high the annexed is a true copy has been published in said newspaper, once in each week, for five successive weeks, the first publication being in No. 8 of Vol. 1, of the date of June 28th 1876, and the last publication in No. 10, of Vol. 1 of the date of Aug 3rd 1876.

Warren Bowen

Sworn to and Submitted before me
This 17th day of Aug 1876

J. Blackbird
Notary Public
In and for Emmet County, Michigan

NOTICE. I, J. BLACKBIRD, Notary Public in and for the County of Emmet, State of Michigan, do hereby certify that the foregoing is a true and correct copy of the original of the same, as the same was presented to me by Warren Bowen, publisher of the Little Traverse Republican, a weekly newspaper, printed and circulated in said County, and that the notice of or high the annexed is a true copy has been published in said newspaper, once in each week, for five successive weeks, the first publication being in No. 8 of Vol. 1, of the date of June 28th 1876, and the last publication in No. 10, of Vol. 1 of the date of Aug 3rd 1876.

day of August 1876, was appointed for hearing the complaint and taking testimony thereon, at the office of the Register, at Traverse City, at 1 o'clock P. M.

We are satisfied that notice of the time and place of trial has been brought home by the contesting party to the said *Josette Jawanedinokwe* by publishing a notice of the same once in each week for six successive weeks, in a newspaper published and having general circulation in the vicinity of the land; and that personal service of notice on said *Josette Jawanedinokwe*, was impracticable for the reason that *his residence is unknown*.

Affidavits of these facts have been filed in this office by the complainant in this case, agreeably to Commissioner's instructions of September 29, 1865.

Josette Jawanedinokwe did not appear.

James Heany of Lafullee being duly sworn on his oath says I know *Josette Jawanedinokwe* who made the above described Homestead Entry and the Land so entered by her, she has never resided on said land nor made any improvements thereon.

Sworn & Subscribed James Heany
this 25th day of August 1876 before me.

J. C. Moffatt
By

Heany testified, "I know Josette Jawanedinokwe, . . . She has never resided on said land nor made no improvements thereon."

RG49 Land Files

State of Michigan
County of Emmet

In the matter of the contested
Homestead Entry of Josette ^{McClurken} ~~McClurken~~
No 5128 Sept 7 1872 for the S.E. Section 37
35 & 36 T. 10 N. R. 10 W. District.

The said claimant being first
duly sworn deposes and says that she is
an Ottawa and Chippewa Indian, a
widow and the head of a family. That
she never had any land from the Gov-
ernment until she is the identical
person to whom who made the above
mentioned entry. In the beginning of the
winter after her entry was made the Indians
of her band went upon the land and
cleared about 7 acres of land for her
and in the winter she had a house built
on the land which she remained in
in which she resided up to the date of her
departure therefrom about a year ago.

...
winter after her entry was made. The Indians
of her band went upon the land and
cleared about 7 acres of land for her
and in the winter she had a house built
on the land which she remained in
in which she resided up to the date of her
departure therefrom about a year ago.
Prior to the erection of her house and prior
to the date of her entry she resided on
the land in question in a wigwam.
Her house is of 16 by 16 feet and is
a nice warm house to live in. Since
her first settlement she has cleared about
seven acres more of land and up to the
time she was driven off the land she resided



RG49 Land Files

Jawandinokwe gave deposition, “. . . the Indians of her band went upon the land and cleared about 4 acres of land for her and . . . she had a house built . . . unto which she . . . resided up to the date of her expulsion . . . Her house is of logs 16 x 16 feet . . . [S]he resided in her said house and annually cultivated about five acres. In the fall of 1876 affiant was absent from her house about 10 days engaged . . . in gathering crops there and while so absent her house was forcibly entered by a certain white man . . . who took possession of the same and threw . . . her furniture and possessions out of the house and has resided there since. . . . The said white man threatening to shoot affiant if she came near the place. After she got her things said white man threatened on several occasions to chop her to pieces if she came back to the place. He also took nearly all of the crops, about five acres which she had growing on her place. . . . The said white man has . . . continued up to the present time to reside in her house.”

RG49 Land Files

Report No. 2,
Department of the Interior,
GENERAL LAND OFFICE,
Washington, D.C. Dec 27th 1877

Hon. J. A. Williamson
Commr. General Land Office.

Sir

Pursuant to instructions of the 8th of May 1877, I have the honor to submit the following report in the matter of the contested homestead entry of Joseph J. Williams.

The records of this office show that said claimant made homestead entry No 6123, September 24th 1872, upon the Sth Sec. 34, 38 N. 5th Twp. Trossen City, Michigan.

A contest in the case was instituted by James Kearney, June 28th 1876, notice

ance with the rules of this office and the laws of the State of Michigan, in my judgement the proceedings heretofore had in this case should be set aside, the entry of Kearney canceled and that of the claimant reinstated without prejudice, entry being allowed Kearney in which to appeal.

The affidavits taken by me are enclosed with the papers in the case.

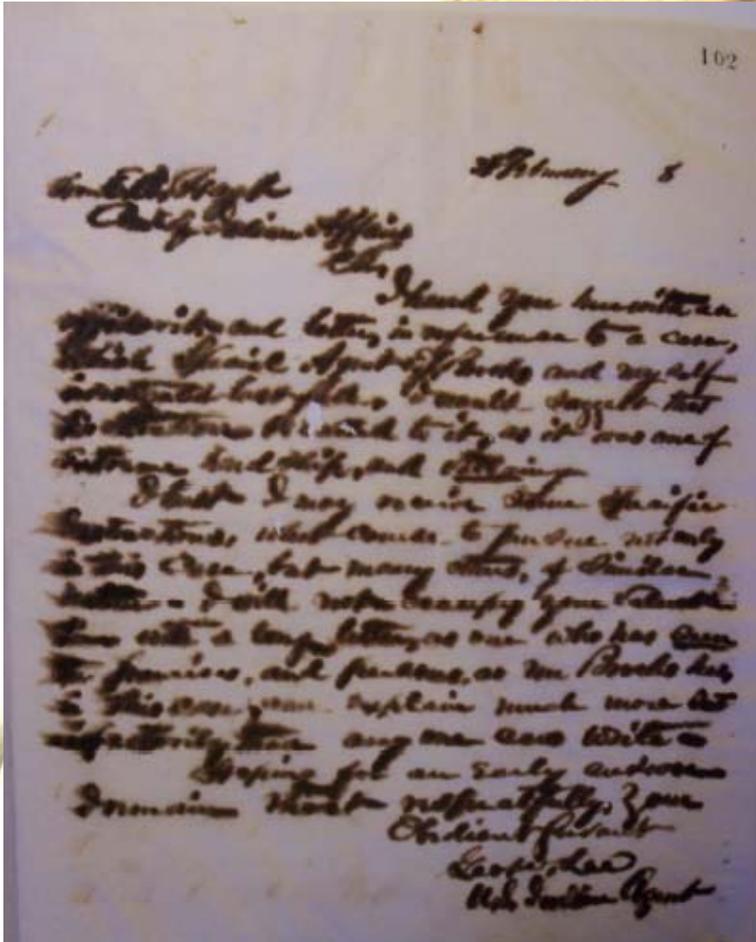
Very respectfully,
Your Obedt Servant,
E. J. Brooks,
Special Agent,

RG49 Land Files

Brooks reported, “James Heany made affidavit that he knew the claimant and the land entered by her. And that she had never resided on said land nor made any improvements thereon. . . . I made a personal inspection of this place . . . He [James Heany] went with me to the land in contest. . . . Heany admitted to me that he took possession of the place in absence of the woman, made some slight improvements in the house, and resided therein until Sept. 1877 . . . It will be observed that at the hearing Heany swore positively that Josette had no improvements on the land and had never resided there. . . . The facts as proven by my investigation show that such was not the case, and he admitted living in the house built by her, and that he had thrown some of her property out when he took possession. . . . Heany’s testimony as to her improvements was false, and on the merits, I think the Indian claimant entitled to the land. . . . There is not the least doubt in the world that at the date of publication in the case, Josette was living either upon the land or in the immediate vicinity of the same, so that personal service should have been had in the case.”

Mackinac Agency

102

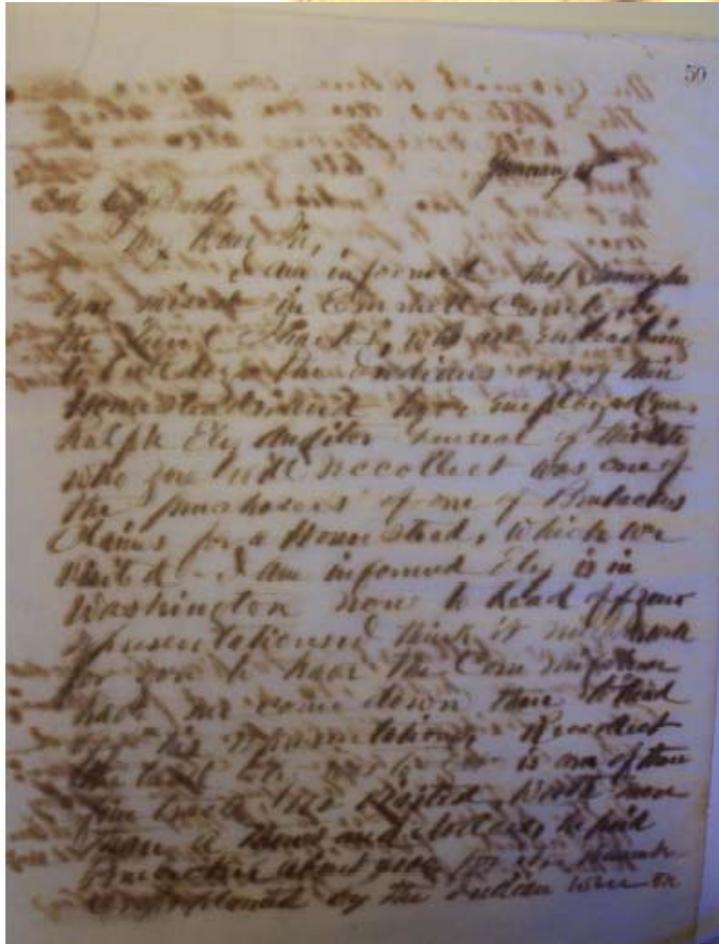


Hon. E. A. Hayt
Comr of Indian Affairs
Sir,

I hand you herewith an affidavit and letter in reference to a case which Special Agent E. J. Brooks and myself investigated last fall. I would suggest that due attention be attended to it as it was one of extreme hardship and villainy.

I hope I may receive some specific instructions, what course to pursue not only in this case, but many others of similar matter. I will not occupy your valuable time with a long letter, as one who has seen the premises, and persons, as Mr. Brooks has, in this case can explain much more satisfactorily than any one can write on.

Mackinac Agency



. . . I am informed that money was raised in Emmett County by the "Land Sharks" who are entreating to bulldoze the Indians out of their Homesteads, and have employed Gen. Ralph Ely Auditor General of this State who you will recollect was one of the purchasers of one of Brubackers claims for a Homestead, which we visited. I am informed now that Ely is in Washington now to head off your representations. . . .

Document Library

- Digital library replaced paper archive
- All new documents captured with scanner or camera
- All old documents scanned
- PDF format for easy opening and retrieval
- Transcriptions inserted
- More flexibility in organization
 - by date
 - by repository
 - by topic
 - by keyword

Land Database

- Data Entry
- Sorting and Managing Data
- Exporting to other formats
 - Mapping
 - Finished tables
 - Pie chart

Table of Annual Transactions

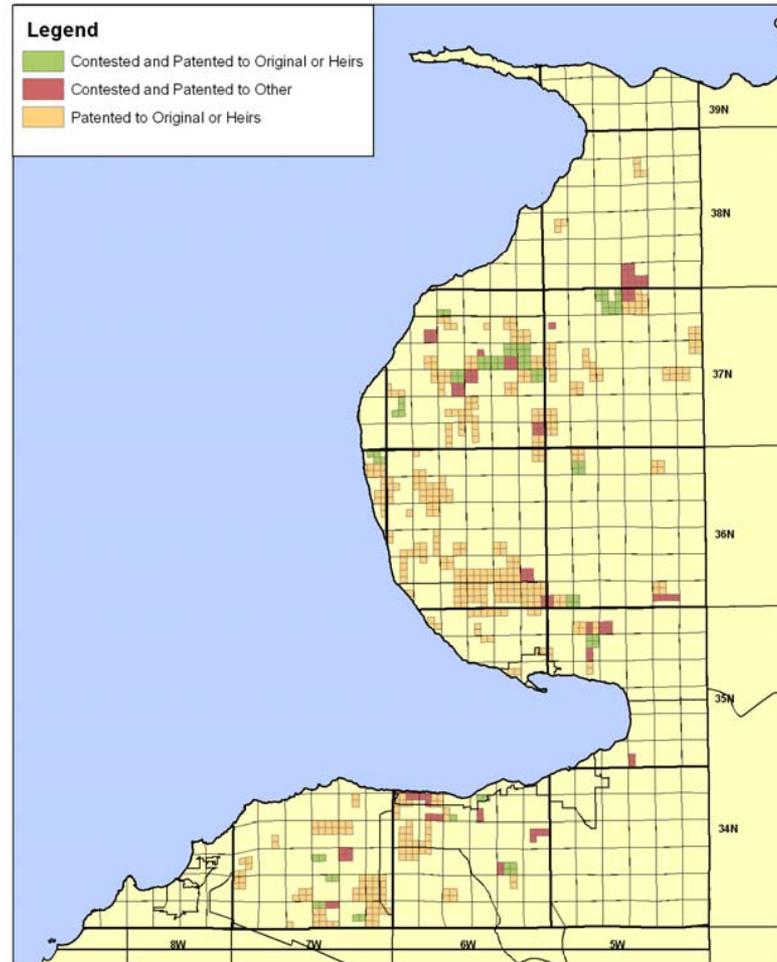
Year	Total # Acres by year	Reservation by Year	Yearly # of Acres, Cumulative	Yearly % of Reservation, Cumulative	Cash Entry	Allotments Issued Per 1855 Treaty in Acres	Treaty Allotments Issued Per 1875 Legislation for Special List in Acres
1848	2,152	0.98%	2,152	0.98%	2,152		
1849	918	0.42%	3,070	1.40%	918		
1850	1,049	0.48%	4,119	1.87%	1,049		
1851	629	0.29%	4,748	2.16%	629		
1852	862	0.39%	5,610	2.55%	862		
1970	0	0.00%	219,672	99.99%			
1971	0	0.00%	219,672	99.99%			
1972	0	0.00%	219,672	99.99%			
1973	0	0.00%	219,672	99.99%			
1974	26	0.01%	219,698	100.00%			
1975	0	0.00%	219,698	100.00%			
Total			219,698	100.00%	18,226	28,750	17,003

Homesteads Cancelled

Original Homestead Certificate	Original Homesteader	Year First Cancelled	Patentee	Year Patented	Combined Land Description	Total
5123	Ja-wa-ne-dim-sac, Jossette	1877	Heany, James	1889	38N05W34NESE	40
5125	Wisn-wa-hat, Mary Ann	1877	Davis, John L.	1889	38N05W34NESW	40
					38N05W34NWSW	40
					38N05W34SESW	40
					38N05W34SWSW	40
5126	Issininne, Terrace	1877	Hughes, Matthew M.	1889	37N05W03NENW	38
					37N05W03NWNW	38
					37N05W03SENW	40
					37N05W03SWNW	40
5134	Mick-si-many, Joseph	1876	Hildorf, Augustus	1889	37N06W14NESE	40
					37N06W14NWSE	40
					37N06W14SESE	40
					37N06W14SWSE	40
5139	Nobigag, Terrace	1882	Citas, Charles	1889	37N06W36NENE	40
					37N06W36NWNE	40
					37N06W36SENE	40
					37N06W36SWNE	40

Homestead Frauds

Map 1: Investigations of Frauds on Indian Homesteads



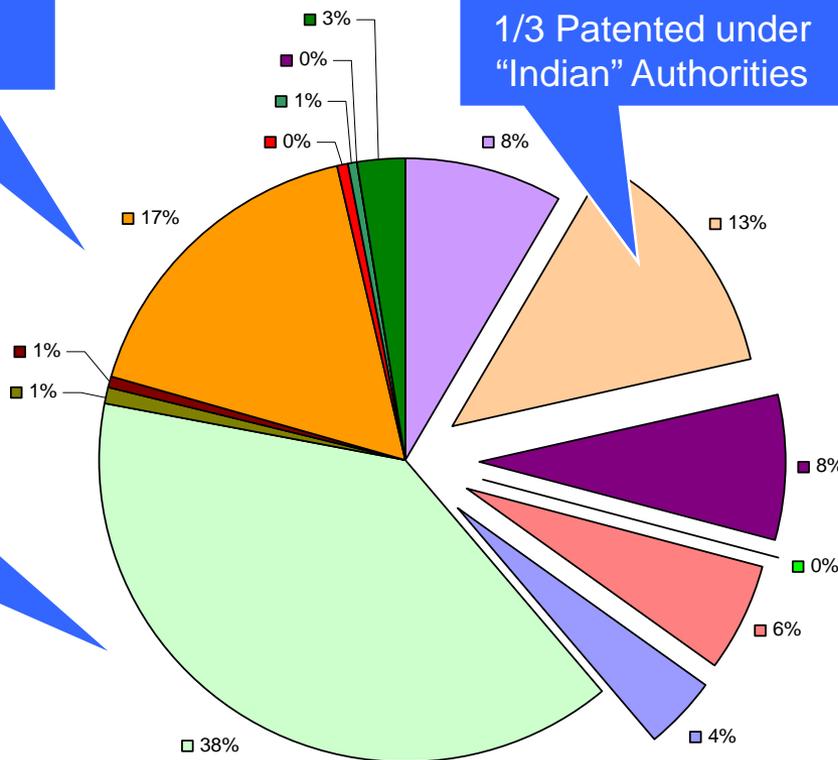
At the End of the Nineteenth Century

- The Odawas continued to live in their historic towns. They continued to make their living from the harvest of natural resources on the land and water.
- Although the Odawas had acquired title to nearly 1/3 of the reservation land, they subsequently lost this land by fraud, taxation, and to sales.
- Non-Indian owners of the land cut timber and abandoned much of their property, leaving the largest part of the reservation to reforest.
- Resorts, not farming, were the primary industry.
- Odawas played an important role in the local economy as seasonal wage laborers, fishermen, and entertainers at resorts.

Who Obtained Ownership of Land Title Within the Little Traverse Reservation Boundaries

Summary of Authorities

- Cash Entry
- Allotments Issued Per 1855 Treaty in Acres
- Treaty Allotments Issued Per 1875 Legislation for Special List in Acres
- General Allotment Act in Acres
- Section 2313 Indian Homestead in Acres
- Homesteads Issued to Indians in Acres
- Homesteads in Acres
- 1850 & 1855 Military Bounty Land in Acres
- Sault Ste. Marie Mission Lands Supreme Court Scrip in Acres
- Swamp Lands Act in Acres
- Establishment of Grazing Districts in Acres
- 1912 & 1922 National Forest Land Exchange in Acres
- Michigan Islands National Wildlife Refuge in Acres
- State School Lands (Section 16) in Acres



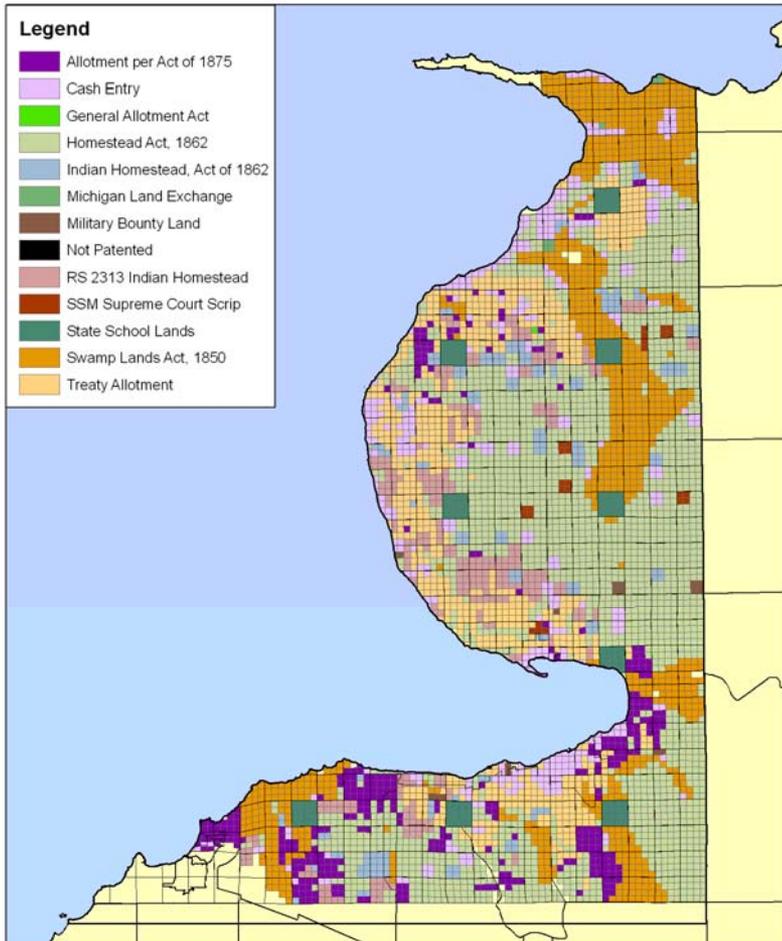
About 1/4 Patented to State of Michigan

1/3 Patented under "Indian" Authorities

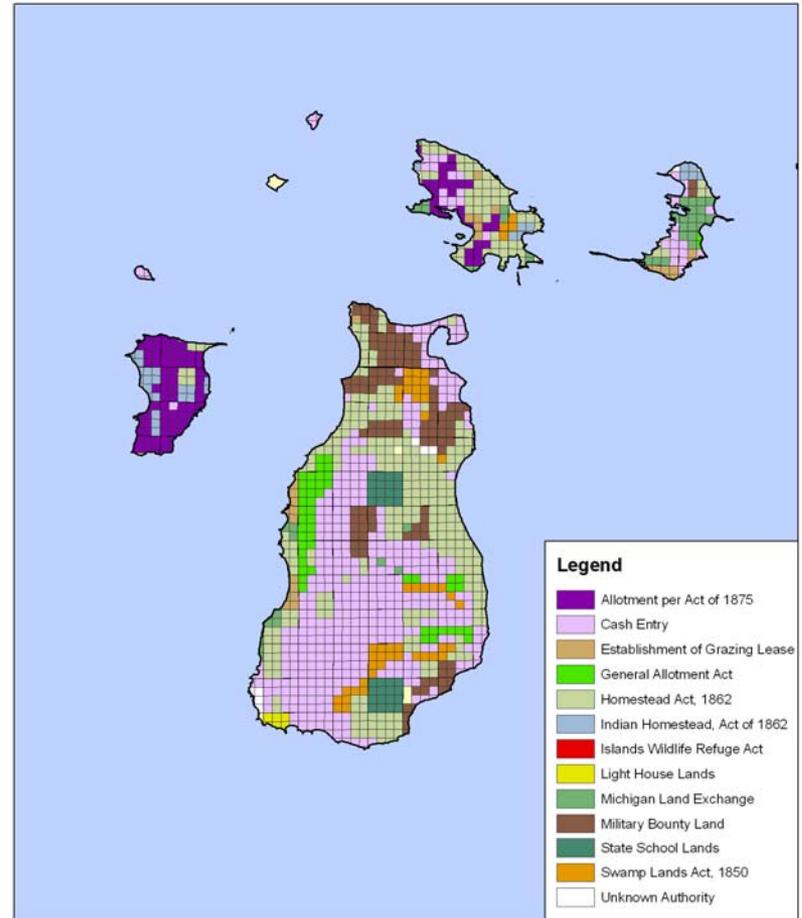
About 1/2 Patented to non-Indian private interests

Maps

Map 14a: Land Transfers on the Little Traverse Reservation of 1855, Lower Peninsula, by Authority and Decade, 1848-1975



Map 14b: Land Transfers on the Little Traverse Reservation of 1855, Beaver Island Group, by Authority and Decade, 1848-1975



20th Century Use and Occupancy of the Little Traverse Reservation, 1900-1950

Keeping in mind *City of Sherrill vs. Oneida Indian Nation*, and need to demonstrate that:

1. the Little Traverse Reservation is not a place of “longstanding, distinctly non-Indian character,”
2. although lands within reservation boundaries are/have been occupied, governed and “owned” by non-Indian entities, these do not constitute significant “attendant dramatic changes in the character of the properties,”
3. there has not been a “long delay in seeking equitable relief against [the State] or its local units... spanning several generations.”

Consistent Demographics

Table 2: Indian Population of Charlevoix and Emmet Counties, 1870-2000

County	Indian Population in 1870	Total 1870 Population	Indian Population in 1880	Total 1880 Population	Indian Population in 1890	Total 1890 Population	Indian Population in 1900	Total 1900 Population
Charlevoix	213	1724	201	5115	222	9686	321	13,956
Emmet	1100	1211	1107	6639	914	8756	793	15,931
Total	1,313	2,935	1,308	11,754	1,136	18,442	1,114	29,887

County	Indian Population in 1910	Total 1910 Population	Indian Population in 1920	Total 1920 Population	Indian Population in 1930	Total 1930 Population	Indian Population in 1940	Total 1940 Population
Charlevoix	334	19,157	294	15,768	261	11,981	247	13031
Emmet	890	13,561	888	15,639	701	15,109	688	15791
Total	1,224	37,718	1,182	31,427	962	27,090	935	28,822

County	Indian Population in 1950	Total 1950 Population	Indian Population in 1960	Total 1960 Population	Indian Population in 1970	Total 1970 Population	Indian Population in 1980	Total 1980 Population
Charlevoix	224	13475	223	13421	111	16541	356	19907
Emmet	630	16534	508	15904	267	18331	512	22992
Total	854	30,009	731	29,325	378	34,872	868	42,899

County	Indian Population in 1990	Total 1990 Population	Indian Population in 2000	Total 2000 Population
Charlevoix	377	21468	403	26090
Emmet	683	25040	978	31437
Total	1,060	46,508	1,381	57,527

Traditional subsistence practices continued (hunting, fishing, gathering) despite increasing threat of criminalization

Joseph Donatus, an Indian living near Good Hart, was brought to this city Thursday by State Deputy Game and Fish Warden Stanford of Boyne City and arraigned before Justice Krieger, charged with shooting a deer in the lake. The justice imposed a fine and costs amounting to about \$23.

Petoskey Record, December 1909.

ARREST FOUR FOR ILLEGAL PRACTICES

Wilderness State Park Area Mecca
for Out-of-Season Deer Hunters

District Game Warden Douell and Conservation Officer Carl Weber, lodged a charge against Louis Francis for killing a deer out of season. He pled guilty before Justice Paul Kothe at Pellston and was sentenced to serve 90 days in the Emmet county jail.

Louis Gasco pled guilty to the charge of Floyd Bronson, keeper of the Wilderness state park, of carrying a shotgun loaded with buck shot and slugs. He was sentenced to 60 days in jail.

Joe Meanqvia was charged by Weber of carrying a gun in deer territory after the season closed and was fined \$25 and costs, which he paid.

Joe Bonishing was charged with the same offense and given 60 days to raise the money.

Considerable trouble has been brewing in the park area and it is rumored that more culprits will be brought to justice.

Charlevoix Courier, December 1930

WPA Reports

In July, 1938 the gathering of materials was started by two groups in Emmet County. The material being seasonable, we gathered sweet grass and birch bark during this month. The local conservation officer took us to the location on State land where we might peel birch bark. This brought wide grins and much pleasure from our Indians as in the past they had to buy, beg, or steal their materials where they could.

Traditional subsistence practices integrated with other aspects of Odawa culture well-documented through 1950, in folklore, kinship roles and responsibilities, ethnobotanical knowledge and use.

when we're in government school like this. This school isn't like Harbor Spring's school at all it's ten times better than this. After I get out of this school you bet you will never catch me going to another school again. Well Peter Shomin & Sam Oleson and another boy name Isaac Allen ran away last ^{night} day the 26 of January and other boys ran away again the 27 of January in the night they don't like it here either. And all them boys are from

Jennie Shawan to Teresa Shawan, 31 January 1909.

While enjoying the delicious maple sugar loaf and gazing about him, the visitor discerns at once that this is no every day sugar camp. He might readily imagine that the scenes surrounding him have been taken from a living picture of an early period of Michigan history, so much is the present suggestive of the red man's traditions, and so little imitative of the white man's modern methods

“Cross Village Indian [Moses Samuel] Uses Primitive Equipment in His Maple Sugar Camp,” 28 April 1932, *Emmet County Graphic*

Cross Village Indians Use Ancient Name for Settlement

(By Aury D. Strohpool.)

Amidst a going — Centuries have elapsed since Indians established this settlement on a 100-foot bluff overlooking Lake Michigan in northern Emmet county, but the red men who live in numbers here retain this name despite the simple identification supplied two generations ago by Chemsokeman—the white man—who chose to call this picturesque community Cross Village.

crooked fir tree that was on a bluff near Goodhart.

The tree, used by travelers along the lake shore as a landmark, was wondrously cut down by an Indian, it was related in the writings of John Tanner, a traveler in this region in 1830.

At the same time the town was called L'Anno Croche by white traders. With the establishment of a mission at Harbor Springs at the southernmost point of the series of

“Cross Village Indians Use Ancient Name for Settlement,” *Grand Rapids Press*, 1940

“The modern Ottawa still retain a remarkable knowledge of herbal medicine considering that Western medicinal remedies and practices have been universally embraced. The Ottawa seem to hold that Western medicine is simply an addition to the old proven remedies an enrichment perhaps but certainly no reason for discarding the latter.”

“Ottawa Indian Medicine,” Fieldnotes of Jane Ettawageshik, Box 1, Folder 4: Manuscripts and Photographs, 1946-1954.

(see in Soreny folder. note of yellow and white plant use from Tamey on use of roots for tumors)

Herbs

1. Black Cherry
Okawe'mic
The outer bark is cut in strips and boiled ^{as a tea} for sore throat. (Many gone to ginseng) Sometimes boiled with balsam bark. Black cherry tea.
2. Hemlock
Cingwabi & Cingwabo* hemlock tea (also beer? [g. Chippewa] because smelled to first Indians who drank it like evergreens.) Mich. tea.
In the winter, ^{the smaller} boughs are steeped in boiling water for a ^{whole} minute. Used for colds (F. F. tea) * or cingwababo (g. Shomon) (hemlock bark for colds)
3. Trailing Arbutus
Mik'tog
Leaves and roots, boiled in water. Cure ^{the system dried and} (particularly) etc. Sometimes mixed with Prince's Pine. (F. F. tea.) use stomach tonic to clean out the system.
(1) To steep boughs longer would make the tea oily (F. F.)
(may be picked any time of year)

“Herbs,” Fieldnotes of Jane Ettawageshik, ca. 1946

Odawa adaptations to non-Indian industries relied upon their traditional knowledge and skills in relation to the Reservation resources:

**Fishing >
Knowledge of the Woods >**

**Hunting >
Folklore >**

**> Commercial fishing
> Lumber industry, craft
production, and
commercial maple sugar
production
> Guiding
> Tourism and resorter
culture**

The most notable Indian settlement in Michigan is located near Harbor Springs. It has a population of about 200. The Indian settlements have their own schools and conduct their government similar to those made up of whites. The mode of life varies among the Indians to a considerable extent. . . . Some of the families have a standard of living similar to the white residents, the members tilling their farms or working for white persons in various lines of manual labor. Others spurn the advances of civilization and prefer to live as simply as possible, raising little patches of corn and spending most of their time hunting and fishing. *The Grand Rapids Press, 1922.*

Government-sponsored schemes for Little Traverse economic development also revolved around their traditional knowledge and skills:

- American Legion land purchase scheme

“We have already given some thought to the needs of these people and have secured options on 7000 acres of land in Emmet County under the sub-marginal land program. . . This land was cut over some thirty years ago. Much of it is hardwood with a good second growth. . . the expense of acquiring a solid block of say, 10,000 acres, in that locality should not be prohibitive. . . The location is near Pellston in Emmet County on U. S. Highway No. 31, about 10 miles from Cross Village where many of these Indians at present have their homes. We have the assurance of the Michigan Department of Conservation that this when cleared would make very good farm land and the region abounds in good fishing streams and lakes and provides good hunting.”

Frank Christy to W. Carson Ryan, 6 December 1934

- Works Progress Administration - Michigan Indian Handicraft Project

Reviving Michigan Indian Arts And Crafts

way of living is a story lown. ift originated from the ousehold articles. He nd arrows to hunt food bows for food contain- and bark mats were oor flaps on wigwams r coverings. Mats also e wrap meat for carry-	take an interest in the Indian's sweet grass and porcupine baskets. Mackinac Island, a flourishing sum- mer resort, sold all the handicraft the Indians of the Straits country wished to make. This business de- clined when the cost of living went up but the prices paid the Indians for their wares remained the same. Young Indian boys and girls pre-	workers were sent to the woods to collect bark and wood. Some were employed in pounding ash logs to obtain long, thin strips to be used in making baskets. Others made the baskets, and the more artistic were employed to decorate them. Still other groups were engaged in making rustic furniture.	seems for use in studying Indians. Snowshoes available for use of win- ter sport enthusiasts at the Luding- ton and Grayling State parks were made by the Indians on the Sugar Island unit. Pack baskets used to carry food to fire fighting crews were made by the Indians at Cross Village. Make Rustic Furniture
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Odawa religious life incorporated Christianity (was not replaced by it) and churches formed focal point of social and political life:

Before the coming of the “palefaces,” they were held during the late spring, and peach offerings. Groups of grown people would go from place to place saluting each other, saying, “We are going around as spirits.” At each place they would feast, dance and sing, and throw food into the fire. They would go for miles to reach some outlying home, trailing through the forests with birchbark torches, and making merry as they went along. Today, a family piles into the old “jalopy” and goes long distances to one of these suppers, using this occasion also as an opportunity to visit. The change in the time for these feasts from the early part of the year to the first week in November was brought about through the influence of the early missionaries, who saw the feasibility of aligning this custom with the feast days of their church, All Souls Day and All Saints Day. However, as of old, this custom remains non-sectarian because all of the Indians regardless of creed, still take cognizance of these “Ghost Suppers.”

Fred Ettawageshik, “Ghost Suppers,” *American Anthropologist*, vol. 45, no. 3, pt. 1, 1943.

Ottawa Indians of northern Michigan will hold a picnic in Charlevoix Aug. 4 and 5. . . The picnic is a revival of the old annual Cross Village Indian picnic carried on under the leadership of the old Chief Shomin, grandfather of a young chief of the same name, now a resident of Petoskey and also of William Shomin of Charlevoix, one of the billed speakers. For many years the Cross village event was of great importance to whites and Indians of the northern part of the state; and this revival by sons and grandsons of the old sponsors is the beginning of an annual continuance. . . The roster of speakers includes names of prominent Indians from all the northern towns and settlements where there are Ottawa colonies of any appreciable number. These men are respected citizens and discharge their responsibilities as such with credit. One prominent member of the tribe, Dan Maksawba is well known throughout the middle west and southern states as a great favorite of the thousands of Charlevoix’s summer visitors whom he serves as a city mail carrier. He has record of 15 years’ service.

Grand Rapids Press, 26 July 1926,



Indian land acquisition (and loss) in the twentieth century:

- Burt Lake Band's land, 1900 – 1948 (Kishigoway / Shananaquet leadership)
- Public domain allotments acquired under Indian provisions in the Homestead Acts of 1903 and 1921 on High Island
- Initiation of sale of 133 public domain allotments (1,749 acres of trust land) on Beaver Island Archipelago by Rex Burns, 1945

"INDIANS APPEAL TO PINGREE."
"Tax-Title Men Are After Their Lands."

"Lansing, Feb. 12.—Samuel Gijigowi, chief of the Cheboygan Indians who still remain in the vicinity of Burt Lake, Cheboygan County, has written to Governor Pingree concerning lands of which the tax-title men are endeavoring to dispossess him and his followers. He claims that when the lands were granted to the Indians they were made exempt from taxation. It is admitted that the Indians have never paid taxes, but the records show nothing to indicate that lands were not to be taxed."

We fear the Indians of Burt Lake continue to take poor advice. Mr. McGinn, who bought up the tax titles, assures us that he will allow the Indians to retain their church and the adjoining residence for the priest, though he will seize the remainder of the property consisting of five acres of land. We offered to redeem the whole by paying the proportionate back taxes, but have received no reply to that proposition.

"Indians Appeal to Pingree," March 1901, *Anishinabe Enamiad (Harbor Springs, Michigan)*, (March Supplement).

UNITED STATES
 DEPARTMENT OF THE INTERIOR
 OFFICE OF INDIAN AFFAIRS
 311 Federal Office Building
 Minneapolis 1, Minnesota

July 21, 1945

1945 Budget
 Wm. Burns

Supt. J. C. Cavill
 Great Lakes Indian Agency

Dear Mr. Cavill:

The Office instructed us to prepare reports covering the land status and need for adjustments in certain reservations within this region. The purpose of the reports is to present factual information pertaining to the respective reservations and presenting methods by which the backlog problem and other possible problems of land status may be solved, as well as providing an estimate of the personnel required to bring about the desired adjustments. We have heretofore informed you that the Office instructs us to prepare such a report on the Leau Se Flambeau Reservation within your jurisdiction.

About a year ago the Office suggested that certain public domain allotments within the confines of reservations be sold to the best interests of the Indians by the same and if it was found to be to the best interests of the Indians, in view of the expense of such a sale. The latter date mostly with lands of the Menominee Indians, however, it stated that other public domain allotments within the district might be considered for sale.

From the data at hand it appears that the public domain allotments on Beaver, Hog and Fox Islands in Lake Michigan are now being used by the Indians. In view of this fact it was felt that possibly these lands should be sold. Therefore, we have prepared a brief report, a copy of which is enclosed. The purpose of this report is to set forth a part of the report program to be undertaken in the fall of 1945, provided sufficient personnel is available. The report has not been forwarded to the Office, as no decision has been reached.

Very truly yours,
 Rex Burns,
 Land Field Agent.

"From the data at hand it appears that the public domain allotments on Beaver, Hog and Fox Islands in lake Michigan are not being used by the Indians. In view of this fact it was felt that possibly these lands should be sold. . . If you happen to know what the reaction of the Indians would be to a proposal of this kind, please include that information in your reply."

Rex Barnes to J.C. Cavill, Great Lakes Indian Agency, 1945

“The reaction of the Indians would be to a proposal of this kind”:

On this occasion, an Indian agent from Ashland actually came here to Charlevoix. I don't know what they were doing over here. If they were in the business of terminating people's land rights or whatever, but they made a trip over here. The person from the Bureau went to see my grandmother [Isabelle Oliver] . . . It seemed to me that was more related to the parcel on Beaver Island. They were trying – this was in the 50s also – to get her to relinquish that parcel because she was probably one of the few people still living that had some direct connection there. . . . [S]he listened for about twenty minutes and then she threw the man out. . . . She was a tiny little woman, but she went on a tirade I guess and said, “Don't ever come here again.”

She threw him out of her house and said, “Don't ever come back. We've all suffered enough injury and if you think I'm going to relinquish anything, you're crazy.” Basically, that's what the tone of the conversation was. She threw him out. I often wonder [if] maybe that's why [the Oliver Allotment on Beaver Island] that's still a U.S. Government lot, because they didn't get anywhere. She never signed anything. She wouldn't take money. She wouldn't take anything; she just threw them out. (Interview with Eva Petoskey by Frank Ettawageshik, 3 July 2001)

2. Non-Indian presence within the boundaries of the Little Traverse Reservation evolved in direct relation to the fact that it was a place occupied by a large Indian population :

Legacy of 19th century

- Missionaries, traders, guests of the Little Traverse Odawa**
- Rush for land “easily” dispossessed from Indian population**
- Attraction of the Indian population in relation to tourism and the resorter experience**
- Non-Indian employers who exploited the resources of the Little Traverse Reservation also drew upon its large, cheap, yet skilled labor pool of Indian residents.**

The non-Indian presence has not constituted significant “attendant dramatic changes in the character of the properties” – 2/3 of the Reservation is public land (state parks, etc.)

The war dance last Friday night was a grand success. The huge bonfire lit up the entire beach, and was seen from across the bay. The real Indian war dancers were there, and after the dance and the address of their chief they were treated to a bountiful supper, prepared for them by Mr. Irish. About 150 resorters were there to see the Indians dance and eat. The following are the names of the Indians who were there: Chief A. J. Blackbird, Ben Keway, Paul Tobias, John Mastaw, Sam Boyd and Joe Kljigobense. All wore costumes, some of which were borrowed from the old Indians at Cross Village. A number had on war paint which gave them a very fierce expression. They raved and gesticulated around the fire until the spectators could almost imagine that they meant to go on the war-trail once more. Then Mr. Blackbird, sub-chief of the Chippewa tribe, and the last recognized leader of that scattered and degenerated tribe, recited the history of his people during the 75 years that he has known them.

"The war dance..." Daily Resorter, Petoskey, 19 August 1901

Petoskey. . . the playground of the nation, had overlooked one of its greatest resort and tourist assets-the American Indian, the race about whom every school child has read in their home environment, but few have seen. . . .Persons in the resort sections, who have grown accustomed to seeing Indians daily, are believed to have had their appreciation of the redmen as a tourist attraction dulled by this frequent contact. They can see nothing unusual in their presence. Yet there are millions of persons in the United States today, adults as well as children, who never have seen an Indian. . . . Petoskey gradually is becoming aroused to the possibilities of the Indian. . . . Members of the tour unaccustomed to seeing Indians daily were quick to sense the possibilities of using them in this way at resort time. . . perhaps the whole state-should capitalize more upon the Indian as a tourist and resort attraction.

The Grand Rapids Press, 1931

NORTH INDIANS TO REVIVE OLD FETE

Ottawas at Charlevoix to
Give New Birth to Cross
Village Picnic.

TOWNS SEEK '27 EVENT

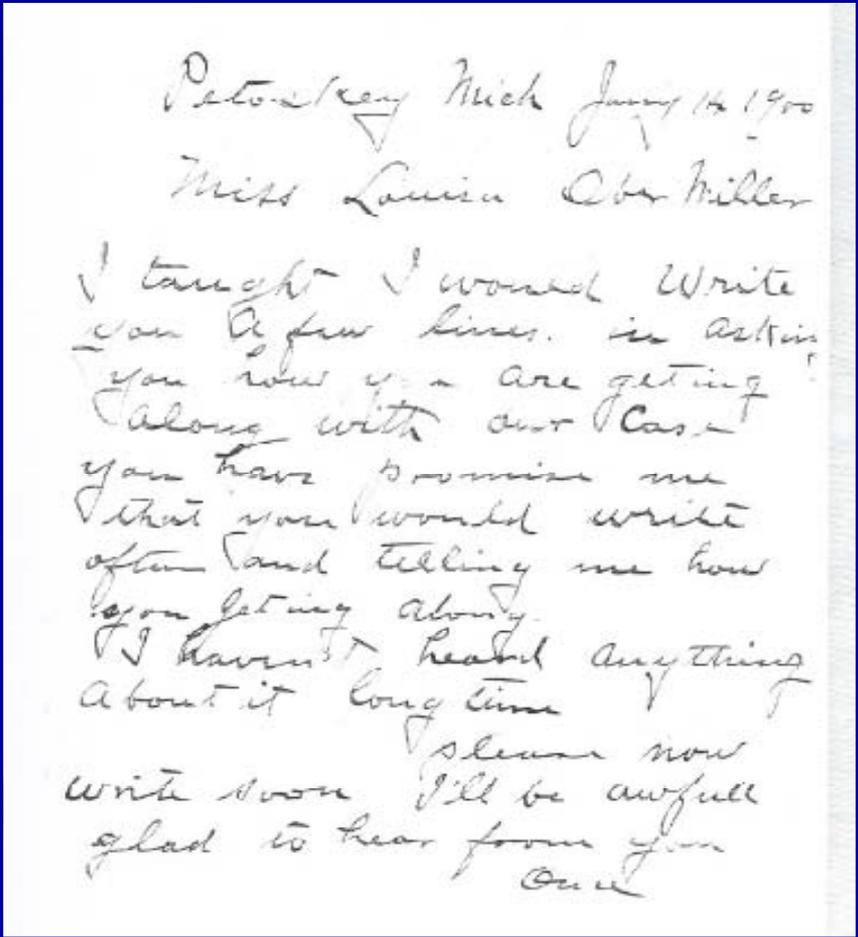
Grand Rapids Press, 26 July 1926.



3. The Little Traverse Bay Bands of Odawa Indians have continuously sought equitable relief against the state, spanning several generations:

Treaty-based claims continued uninterrupted from 19th century. Early 20th century claims included:

- Recovery of Odawa Funds and Bonds Promised in the Treaty of 1855
- Land struggles (Burt Lake Band and public domain allotments)
- Hunting, fishing, and other resource use rights



Petokey Mich January 14 1900
Miss Louise Ober Miller

I thought I would write you a few lines in asking you how you are getting along with our case you have promise me that you would write often and telling me how you are getting along. I haven't heard anything about it long time I please now write soon I'll be awfull glad to hear from you
Ouel

Hyacinth Kininitchugam to Louise Obermiller, 14 January 1900

Little Traverse Odawas were leaders not just on their reservation, but of political organizing in Michigan more broadly.

The political succession of leadership from one generation to another can be traced without interruption from the early nineteenth century through to the present.

Court of Claims actions, pre-1900-1907

Political Organizing and Coalitions, 1910s-1920s

- **The Ottawa and Chippewa Association (or Council) of Michigan**
- **The Michigan Indian Organization**
 - **The Chicago Claim**
- **Pan-Odawa Organizations, 1930s - 1940s**
 - The American Indian Association**
 - **The Michigan Indian Defense Association**
 - **The Indian Reorganization Act**

The Indian Reorganization Act

1934-1935:

- Federal encouragement to organize, particularly from Collier himself
- Petitions filed by several leaders to ensure “we are not overlooked,” to get “our lands back,” to secure “Indian only” fishing grounds...

1935-1936:

- Debates among the Odawa over meaning of the IRA
- Involvement of Father Aubert in MIDA
- Collier remained encouraging

1936-1940:

- Federal focus on financial “burden” of allowing IRA in Michigan
- Commission of “studies” to stall, and eventually deny the Odawa to organize under IRA

We are pleased to advise you that the bill has been passed by Congress and was approved by the President on June 18. A copy is enclosed for your information. Unfortunately, none of the appropriations therein authorized were made. You ask whether there was a time limit for the Indians to subscribe to this legislation. Under Section 18 the Indians have one year within which to either accept or reject this bill. Instructions with reference to this phase of the matter will be discussed in a circular to be issued at an early date.

John Collier to Paul Kijigobinese, 26 June 1934.

We [Cross Village] request to be given a consideration in regard to the Indian Reorganization Act. . . Due to the fact that we have no chartered organization, I am sending a petition with the idea that we will not be overlooked. The names that appear on the petition are Indians of one-half or more Indian . . . I would have found a larger number of petitioners, but some Indians were not able to write. In another case some older Indians would not sign their names because they have been cheated in former years through their signature. According to my figures, I have found eighty-eight petitioners out of one-hundred Indians that are of one-half or more Indian, and have attained the age of twenty-one years. . . . I would like to have an explanation of the term "water rights". I am confused as to its meaning, and I would like to know if it would refer to the following, whether it would be possible to obtain a portion of Lake Michigan adjoining Cross Village for fishing purposes for Indians only.

Robert Dominic to John Collier, 21 February 1935.

To help us Indians here on the island. To get our lands back, which we lost out on taxes titles, and also we liked to have him. To help us. To furnish us some farming outfits, and about to furnish us a school here.

William Thomas Mikatebinesi [to Collier], 3 July 1934

*Yours Very truly,
Mr. William Thomas Mikatebinesi
High Island.
St. James.
Michigan
P.S. I forgot to ask you, How many Indians
had too organized, Before they have their
own Reservation both sides*

You say that Father Aubert is organizing the Indians into a Michigan Indian Defense Association. If this is for the purpose of providing the Indians with some organization until they have an opportunity to organize in accordance with Section 16 of the Act, such action will no doubt be helpful. However, it cannot be recognized as being the official organization of the Indians under this legislation. Superintendent Burns is to make a study of the situation among the Indians in Michigan and to report so that we may be in a position to know what action should be taken under this legislation for the Michigan Indians.

John Collier to Mrs. James Walker, 1 March 1935.

[These Indians] have not lived on a reservation for nearly a century (in fact I was unable to find any record in Wisconsin or Michigan which would indicate that the Michigan Indians, exclusive of the Swan Creek, Black River, and Saginaw Band of Chippewas, ever had a reservation... no reservation was ever defined... I cannot see how they can be considered eligible. . . The only time the federal government had jurisdiction over their welfare was during the time the Mount Pleasant Boarding School was in operation. . . Either arrangements must be made to purchase lands for these people or they should be definitely informed that they cannot be considered under the Act. . . Finances with which to carry on the work are of great concern at this time and might mean considerable delay even though it is found that these people are eligible to come under the Act. . . Burns to the Collier, 6 April 1936.

“Studies” which followed (Christy, Mekeel, Holst, Phinney) “marshaled facts” to confirm this agenda, until 1940, when Collier determined that there would be “no further extension of organization under the Indian Reorganization Act in Lower Michigan [...and no new programs that would] in any way tend to recognize Indians as a separate group of citizens.”

John Collier to J. C. Cavill et al., 29 May 1940.



1940s: Founding of the Northern Michigan Ottawa Association; Indian Claims Commission

After consulting our business committee (advisors, interpreters, etc.), we have decided to form an organization under the title "Northern Michigan Ottawa Association", for Ottawas only, and our work will be entirely on Ottawa claims. As for the Chippewas, we have decided to give them the petition which you sent us and have them fill out the same at an Chippewa meeting which I will help to arrange. As for my status, I am an Ottawa and henceforth will work entirely for the Ottawas. Since the Ottawas are not organized under the Collier Act, I feel that I should, with the assistance of my advisors, proceed at once to organize the Ottawas for claims purposes.

Robert Dominic to Charles Rogers, 25 February 1948

APR 2 1949

James H. Langston, Clerk,
INDIAN CLAIMS COMMISSION

BEFORE THE INDIANS COMMISSION

No. 40.

ROBERT DOMINIC, WAUNETTA DOMINIC, LEVI MCCLELLAN, and GRACE MULHOLLAND, as the Representatives and on behalf of all members by blood of the Ottawa tribe of Indians, *Plaintiffs*,

v.

UNITED STATES OF AMERICA, *Defendant*.

AMENDED PETITION.

Come now the plaintiffs, Robert Dominic, Waunetta Dominic, Levi McClellan, and Grace Mulholland, in person, and with their attorneys, Arthur B. Honnold and Chas. B. Rogers, of Tulsa, Oklahoma, whose contract, duly approved, will be submitted to the Commission, and, with leave of the Commission, file this amended Petition, and state:

1. Each of said plaintiffs is a member by blood of the Ottawa tribe of Indians, and a descendant of members of the original Ottawa Nation or Tribe of Indians with whom all treaties herein mentioned were actually or ostensibly made and from whom all land cessions likewise mentioned were actually or ostensibly obtained.

2. Plaintiffs appear herein and present the claims against the United States which are hereinafter set



Overcoming Sherril

- The geographic area of the Little Traverse Reservation retained its longstanding Indian Character.

The Odawas continued to live in discrete communities within the reservation boundaries, settlements that maintained their Odawa identity, leadership, and economy.

The Odawas remained a distinct people who were known throughout the state for the continuity of their culture and historical lifeways.

- Although lands within reservation boundaries are/have been occupied, governed and “owned” by non-Indian entities, these do not constitute significant “attendant dramatic changes in the character of the properties,”

The landscape of Emmet County and the reserved Islands were not well suited to agriculture. They remained forest and prairie lands, primarily valuable for the harvest of natural resources and as resorts.

The Odawas participated in the harvest of natural resources that their ancestors had relied upon for centuries. They did so throughout the entire first half of the twentieth century.

Whenever the United States attempted to better the lives of Odawa people of Little Traverse, writers invariably referred to the “Indian Character” on the Little Traverse Reservation

- There has not been a “long delay in seeking equitable relief against [the State] or its local units... spanning several generations.”

Evidence shows that throughout the first half of the twentieth century, Little Traverse Odawas have attempted to address the loss of reservation land and damage to their community in the courts, through federal commissions, and by operation of other federal legislation.

The Process of Reasserting Jurisdiction

- First codified in the 1994 LTBB reaffirmation legislation which reads:
Sec. 5. Reaffirmation of rights.
 - (a) In General. _ All rights and privileges of the Bands, and their members thereof, which may have been abrogated or diminished before the date of the enactment of this Act are hereby reaffirmed
 - (b) Existing Rights of the Tribe. __ Nothing in his Act shall be construed to diminish any right or privilege of the Bands, or of their members, that existed prior to the date of enactment of this Act. Except as otherwise specifically provided in any other provision of this Act, noting in this Act shall be construed as altering or affecting any legal or equitable claim the Banes might have to enforce any right or privilege reserved by or granted to the Bands which were wrongfully denied to or taken from the bands prior to the enactment of this Act Sec. 6.
Transfer of Land for the Benefit of the Bands
 - (c) Little Traverse Bay Bands. -- The Secretary shall acquire real property in Emmet and Charlevoix Counties for the benefit of the Little Traverse Bay Bands. The Secretary shall also accept any real property in those Counties for the benefit of the Little Traverse Bay Bands if conveyed or otherwise transferred to the Secretary, if at the time of such acceptance, there are no adverse legal claims on such property including outstanding liens, mortgages or taxes owed. . . .
 - (d) Reservation. – Subject to the conditions imposed by this section, the land acquired by or transferred to the Secretary under or pursuant to this section shall be taken in the name of the United States in trust of the Bands and shall be a part of the respective Bands' reservation.