

Soon after the organization of the new territory, Governor and ex officio Superintendent of Indian Affairs Henry Dodge (*Fig. 6*), played a major role in securing approximately half of the present state of Wisconsin from the Chippewa, Sioux, and Winnebago Indians. The land cessions included all of the western area lying north of the Wisconsin River, except a wide strip bordering Lake Superior (Kappler 2: 491-93, 493-94, 498-500). Wisconsin territorial delegate George W. Jones assured his colleagues in Congress before negotiations began that the Chippewa and Winnebago Indians themselves had asked Governor Dodge to “enable them to dispose of those lands” (Jones 1836).

Treaty negotiations leading to the Chippewa land cession of 1837 (*Fig. 7*) opened at the St. Peters Agency located at the mouth of the Minnesota River on July 20th and lasted ten days. Dodge later informed Commissioner of Indian Affairs Carey Allen Harris that he had “deemed it a subject of the first importance, that as many of the different Bands should be present at the Treaty ground, as could be collected, for the purpose of fully meeting the views of the Government, as well as to produce harmony and concert among the Indians themselves” (*Fig. 8*). Dodge originally reported to Harris that the one thousand Indian men, women, and children in attendance “fully represented” all of the Chippewa bands from present-day Minnesota and Wisconsin (Dodge 1837a), but his later correspondence (Dodge 1838a) and the official proceedings of the treaty⁷ demonstrate that this was not the case at the opening of the parley.

Dodge estimated the cession he sought as “containing from nine to ten millions of acres of land, and abounding in Pine Timber.” In addition, he reported that “a part of it, is represented, as being well suited to Agricultural purposes; and discoveries are reported to have been made of copper on the St. Croix, and Rum Rivers, and near Lake Courteoreille.” The region was “of the first importance to the people of the States of Illinois, Missouri, and the Territory of Wisconsin for its Pine Timber” (Dodge 1837a).

Officials in the administration of President Martin Van Buren sought the land cession not to accommodate white settlers—whites were not demanding Chippewa lands—but to enable lumbering on a large scale along eastern tributaries of the Mississippi River. Demand for cheap pine timber grew rapidly among the new towns of the Mississippi River Valley as the cost of lumber from western New York and Pennsylvania reached prohibitive levels. Transporting timber from the East was both a costly and time-consuming enterprise. When the capitol of Wisconsin Territory was built at Belmont in 1836, for example, the lumber needed for its construction had to be transported from a tributary of the Alleghany River in Pennsylvania down to the Ohio River and up the Mississippi River to Galena, and from there carted by an ox team. Entrepreneurs sought to take advantage of the demand for cheap lumber by exploiting the vast pine forests of northern Wisconsin

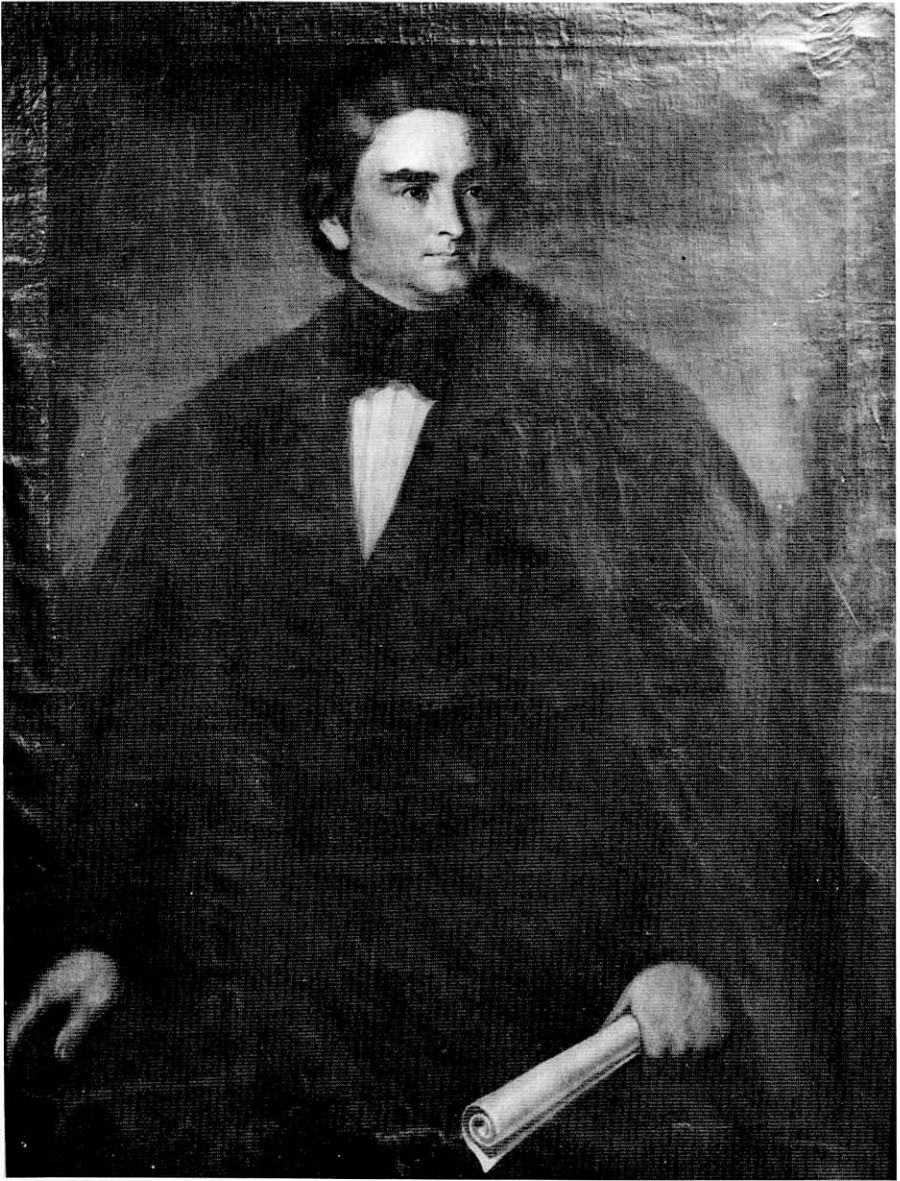


Fig. 6. Henry Dodge, Governor and Superintendent of Indian Affairs for Wisconsin Territory. Painting by James Bowman. Courtesy of the State Historical Society of Wisconsin. WHI(x28)975

(Bailly 1836, 40; Dodge 1838c, 158; Fries 1951, 8-9), but the federal Indian Trade and Intercourse Acts prohibited Americans from logging on Indian lands without special permission (Prucha 1962a, 2). A land cession treaty would provide legal access to these lands.

In addition to the lumbering interests, other groups would benefit from a land cession treaty. Fur traders had accumulated a large mass of unpaid credits on their

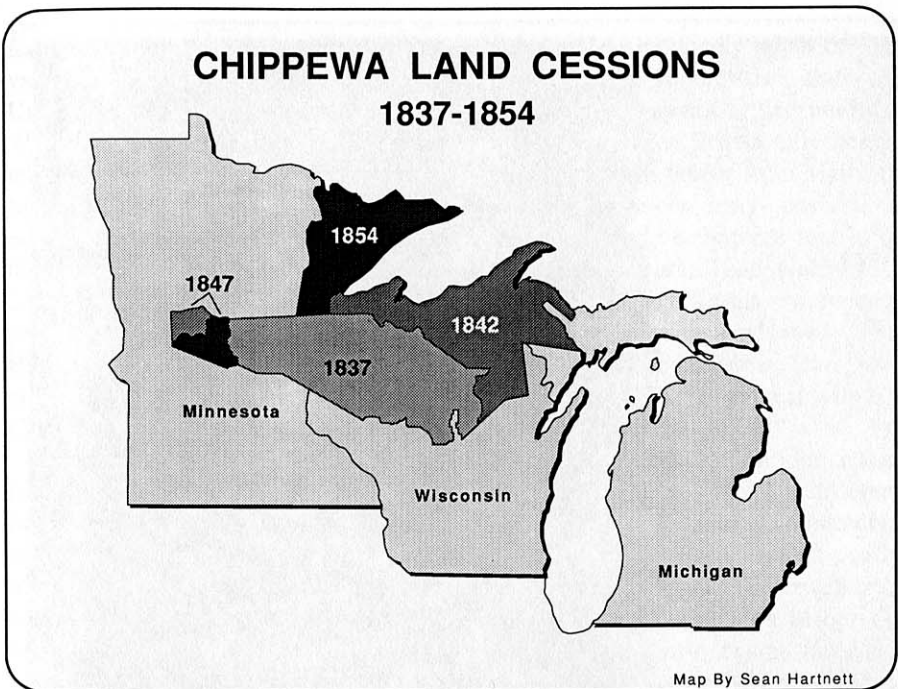


Fig. 7. *Chippewa Land Cessions 1837-1854*. Map by Sean Hartnett. Land cessions associated with the treaties of 1837, 1842, 1847, and 1854 are depicted above. Only the 1837 and 1842 treaties involved cessions in Wisconsin. In 1847, the Wisconsin bands refused to participate in negotiations for the north shore of Lake Superior without a treaty-guaranteed right to remain in Wisconsin. The Wisconsin bands successfully blocked the cession of the north shore until their demands for reservations in Wisconsin were finally met in 1854.

books against the Chippewas, and a land cession would provide an opportunity for them to recover their funds (Babcock 1924, 372-73). Army sutlers⁸ at Fort Snelling also needed the cash that was likely to flow from a land cession. The sutlers found themselves in a difficult situation when soldiers from the First Infantry left the area for service in the Seminole Indian War in Florida Territory before paying their debts⁹ (Prucha 1966, 29). Beyond economic considerations, fear influenced the decision-making process. Governor Dodge considered the purchase of the timber country an absolute necessity to avoid an Indian war. "I was satisfied in my own mind that if a purchase was not made of this pine region of the country, by the United States," Dodge told Commissioner Harris, "there was great danger of our citizens being brought into a state of Collision with the Chippewa Indians, that would have resulted in bloodshed, and perhaps war" (Dodge 1837a).

War Department officials in Washington had several other reasons to be pleased with Dodge's actions. Traders married to Chippewa women had obtained and monopolized valuable sawmill sites and lumbering rights. Frontier entrepreneurs coveted similar opportunities and worked hard to convince the Indians to lease land for such purposes.¹⁰ Some chiefs and headmen, anxious "to procure some of the necessities {sic} of life" during poor hunting seasons, were willing to grant leases to white "friends" (Chippewa Chiefs {1836}, 53). Such arrangements troubled

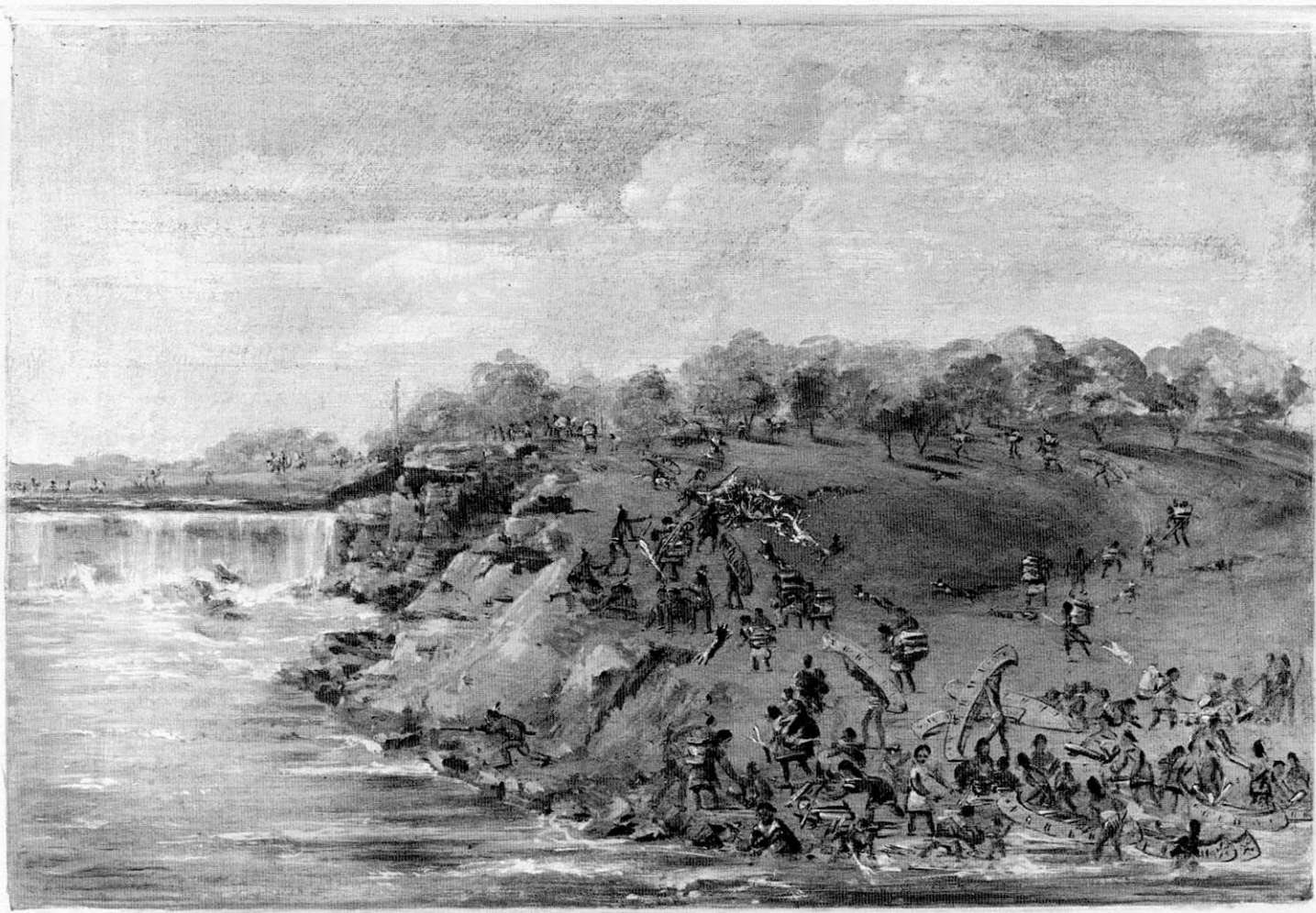


Fig. 8. *Ojibwa Portaging Around the Falls of St. Anthony*. Oil on canvas painting, 1835–36, by George Catlin. Courtesy of the National Museum of American Art, Smithsonian Institute, Gift of Mrs. Joseph Harrison, Jr. 1985.66.465

federal officials who were eager to prevent "a complete monopoly of all the advantages of the pine region" (Harris 1836, 1837a; Dodge 1836). Also, since the United States' boundary with Canada on Lake Superior was not settled until the Webster-Ashburton Treaty of 1842, American officials feared British influence in the region. Indeed, there was a war scare along the northern border from Maine to Michigan before the end of 1837. At this time, the American army consisted of only five thousand soldiers stationed at scattered posts, and nearly three-fourths of them were in Florida fighting the Seminole Indians (Van Buren 1838; Bald 1961, 215-18; Prucha 1969, 311-19, 333). Anglophobia encouraged Washington bureaucrats to support actions designed to wean the various Chippewa bands away from British traders and officials (Harris 1837b, 3-4). With these concerns, fears, and hopes in the forefront, the War Department had instructed Dodge to treat with the Chippewas for a land cession (Poinsett 1837).

The official handwritten proceedings of the negotiations recorded in journal format by Secretary Verplanck Van Antwerp of Indiana offer a slightly different interpretation of events than provided by Dodge in his brief letter to Commissioner Harris. Although Dodge did not mention in it in his letter, the proceedings clearly indicate the Chippewa bands living in the desired region of Wisconsin arrived late. Dodge sought in vain to bind the assembled Indians to the cession before the representatives of these bands arrived. Claiming the land in question was "not valuable . . . for its game, and not suited to the culture of corn, and other Agricultural purposes," he promised to provide "full value, payable in such manner, as will be most serviceable to your people." The assembled Indians were mostly from Minnesota, and only a small fraction of their land was involved in the proposed cession; those from the Lake Superior shoreline had no land involved. All refused to discuss the proposal until the arrival of representatives of the interior Wisconsin bands whose lands were the focus of the proposed cession. After the Indians delayed the proceedings for two days, Dodge impatiently requested a reply even though the interior Wisconsin Indians had not yet arrived¹¹ (Van Antwerp 1837, 0548-550; *App. I*).

Flat Mouth (Aishkebogekhozo), a member of the Pillager band from Leech Lake reputed "to have more power and control" than any other Chippewa chief (Vineyard 1838, 962), responded. He reminded Dodge that although he was a chief, there was no single chief of the entire Chippewa people. To take action before the representatives of the interior Wisconsin bands arrived, he asserted, "might be considered an improper interference, and unfair towards them" (Van Antwerp 1837, 0550; *App. I*).

Finally, on July 24, the fifth day of the proceedings, news arrived that La Pointe subagent Daniel P. Bushnell and trader Lyman M. Warren were approaching St. Peters with a large group of Indians from the interior Wisconsin bands. The Wind (Naudin), a chief from Snake River, reminded Dodge that the assembled Indians had to wait until these people arrived, saying: "We are a distracted people, and have no regular system of acting together. We cast a firm look on the people who are coming" (Van Antwerp 1837, 0553; *App. I*).

Subagent Bushnell and his party arrived on July 25th. Now that the Wisconsin Indians had joined the parley, Dodge directed that Stephen Bonga and Peter (or Patrick) Quinn interpret from the English language into Chippewa and that Scott Campbell and Jean Baptiste DuBay, a Menominee mixed-blood with ties to the

American Fur Company (State Hist. Soc. of Wisconsin 1960, 109), interpret from the Chippewa into English. Dodge then asked the chiefs and headmen from the villages on lakes Flambeau and Courte Oreilles and those along the Chippewa, St. Croix, and Rum rivers to examine a map of the proposed land cession. Chief Buffalo from La Pointe—acknowledged by Dodge to be “a man of great influence among his tribe, and very friendly to the whites” (Dodge 1838b)—immediately protested, “the notice that you have given us is rather too short.” Dodge, eager to bring the matter to a close, was reported as saying that “the country which he wished to get from them, was barren of game, and of little value for Agricultural purposes; but that it abounded in Pine timber.” He stated he was prepared to give them “a fair price” for the land, and he advised them that in the morning he expected them to be prepared to “act together, as one people” and to select “not more than two” chiefs from the various bands to speak in behalf of all. Dodge, anxious to appease mixed-bloods and traders so they would not oppose the treaty, concluded his remarks by noting he wanted the Chippewas to remember their mixed-blood relatives and to do justice to their traders when they decided on how much and how they were to be paid for the land cession (Van Antwerp 1837, 0556-557; *App. 1*).

On July 27th, the elder Hole-in-the-Day (Pagoonakeezhig) from the Upper Mississippi River region and La Trappe (Magegawbaw) from Leech Lake responded to Dodge. Although the chiefs agreed to cede the land requested, they wished to express their concerns. “We wish to hold on to a tree where we get our living, & to reserve the streams where we drink the waters that give us life,” La Trappe said. After the interpreters translated the chief’s words into English, Verplanck Van Antwerp wrote a footnote (one of only a handful) in his record of the proceedings, “this of course is nonsense—but is given literally as rendered by the Intrepeters {sic}, who are unfit to act in that capacity. I presume it to mean that the Indians wish to reserve the privilege of hunting & fishing on the lands and making sugar from the Maple.” Meanwhile, to emphasize the kind of tree he meant, La Trappe walked up to the table on which Dodge had set a map of the proposed cession and placed an oak sprig on it. “It is a different kind of tree from the one you wish to get from us,”¹² he commented, adding, “every time the leaves fall from it, we will count it as one winter past.” By this comment, La Trappe declared his willingness to bargain with Dodge over the pinelands in Wisconsin while reserving from any land cession the deciduous forests and the waterways of the Pillager country in Minnesota. Finally, the chief requested that the United States lease the land over a sixty-year period after which the grandchildren of the Chippewas at the present parley would speak to the “Great Father” in Washington about future arrangements. Dodge flatly rejected the offer to lease the lands (Van Antwerp 1837, 0558-559; *App. 1*).

At Dodge’s suggestion, the Chippewa chiefs agreed to consult with subagents Daniel Bushnell and Miles M. Vineyard to determine the value of their lands. This provided the United States, through its field officials, an excellent opportunity for helping to determine the value of the land it was attempting to acquire. The chiefs did, however, raise concerns and seek clarification about several other matters. “If I have rightly understood you,” La Trappe asserted, “we can remain on the lands and hunt there.” He further expressed his expectations for the future of Chippewa-white relations on the ceded lands where nineteen Chippewa villages then existed:

"we hope that your people will not act towards ours, as your forefathers did towards our own—but that you will always treat us kindly, as you do now." Finally, the chief corrected Dodge's comments about the alleged agricultural worthlessness of the land being ceded. "We understand you, that you have been told our country is not good to cultivate. It is false. There is no better soil to cultivate than it, until you get up, to where the Pine region commences" (Van Antwerp 1837, 0559; *App. 1*).

Dodge's response contained a summary of the terms being offered by President Martin Van Buren. The Indians, he said, would have "free use of the rivers, and the privilege of hunting upon the lands you are to sell to the United States, during his pleasure." Dodge then assured the Indians, "your Great Father has sent me to treat you as his children; to pay you the value of your land; & not to deceive you in any thing I may do with you, or say to you." The governor concluded by expressing his hope that the Chippewas would agree to use a portion of any funds provided as a result of the land cession for teachers to make their children "wise like those of the white people," for farmers to teach them agricultural pursuits, and for various other goods to help uplift them (Van Antwerp 1837, 0560, *App. 1*).

On Friday, July 28th, Pillager chief Flat Mouth (*Fig. 9*) opened the proceedings, making it clear that he was appointed to speak for all of the chiefs:

My Father. Your children are willing to let you have their lands, but they wish to reserve the privilege of making sugar from the trees, and getting their living from the Lakes and Rivers, as they have done heretofore, and of remaining in this Country. It is hard to give up the lands. They will remain, and can not be destroyed—but you may cut down the Trees, and others will grow up. You know we can not live, deprived of our Lakes and Rivers; There is some game on the lands yet; & for that reason also, we wish to remain upon them, to get a living. Sometimes we scrape the Trees and eat of the bark. The Great Spirit above, made the Earth, and causes it to produce, which enables us to live. (Van Antwerp 1837, 0560-561, *App. 1*)

Dodge promised to inform President Van Buren of the Chippewa requests regarding continued privileges on the ceded lands. He then reemphasized his earlier statement, "it will probably be many years, before your Great Father will want all these lands for the use of his white Children." Then the governor specified the compensation to be provided for the land cession, including eight hundred thousand dollars distributed as follows:

- (1) six hundred and thirty thousand dollars in annuities apportioned over twenty years—specifically earmarked purchases included three thousand dollars a year for blacksmiths and related items; four thousand dollars for cattle and provisions; two thousand dollars for mills and millers; one thousand dollars for farmers and agricultural implements; one thousand dollars for schools; and five hundred dollars for tobacco;
- (2) one hundred thousand dollars to the mixed-bloods as "an act of benevolence;" and
- (3) seventy thousand dollars for debts determined to be "justly due" traders and other creditors. (Van Antwerp 1837, 0561-562; *App. 1*)

Flat Mouth protested payment to the traders from funds provided by the land cession. Instead, he asked that the Great Father pay the debts, noting that many of the debtors had been killed by the Sioux while on excursions for the traders.



Fig. 9. *Ojibwa Chief Flat Mouth, 1855. From Minnesota Historical Society Collections, Vol. 9 (1904). Courtesy of the State Historical Society of Wisconsin. WHI(x3)25050*

Furthermore, he said, the traders had no right to speak of debts owed them since these white men had taken fish from the lakes and wood from the forests without ever paying the Chippewas. The chief also questioned the fairness of the proposed twenty-year annuity. "If it was my land you was buying, I would, instead of an annuity for only 20 years—demand one from you, as long as the ground lasted. You know that without the lands, and the Rivers & Lakes, we could not live. We hunt, and make Sugar, & dig roots upon the former, while we fish, and obtain

Rice, and drink from the latter.” Following Flat Mouth’s remarks, Governor Dodge adjourned the meeting. “Be fully prepared,” he advised the Indians, “to finish our business” in the morning (Van Antwerp 1837, 0562; *App. 1*).

Governor Dodge assembled the Chippewas on Saturday morning, July 29th, determined to end the negotiations and to obtain signatures on a land cession treaty. He told them that subagents Vineyard and Bushnell had agreed to the fairness of his offer and had approved of the arrangements with only the question of funds for the mixed-bloods¹³ yet to be answered. As the chiefs sat down together in council to discuss this matter, a large contingent of unarmed warriors approached the council lodge singing and dancing in war costume with their war flag flying. The Little Six (Shagobai), a chief from Snake River, spoke for the warriors. He informed Dodge, “the Braves of the different bands have smoked and talked together.” Fearing they could not survive the winter without aid from the traders, the braves wanted the traders to be paid, but they did not want “to undo what the Chiefs have done.” The warriors requested that the United States pay more money for the lands it wanted to use. Not only should Dodge agree to the sixty-year lease requested by Pillager chief La Trappe, but the traders should also be paid (Van Antwerp 1837, 0563; *App. 1*).

Anxious to win the warriors’ support, Dodge agreed to pay an additional seventy thousand dollars toward the traders’ debts but said that was all he was prepared to do. He made no mention of extending the annuities from twenty to sixty years. At this point, the elder Hole in the Day, a war chief from the Upper Mississippi, spoke with great excitement and bluntly told the warriors to accept the governor’s terms. “Braves! There are many of you—but none of you have done what I have—nor are any of you my equals!!—Our Father wishes us to go home in peace.” Pledging that “death alone shall prevent the fulfilment {sic} of it on my part,” Hole in the Day’s words carried the day (Van Antwerp 1837, 0564; *App. 1*).

Before proceeding with the signing of the treaty, Dodge reminded the chiefs and warriors that they were “brethren of the same great Nation.” Applause greeted his comment that “it is the duty of the Braves to be obedient to their Chiefs.” Dodge concluded his comments by asserting, “both Chiefs & Braves should respect the Traders and treat them justly and kindly, that harmony and good feeling may exist among you all; & that you may be serviceable to each other.” The Little Six, the Snake River chief who had previously spoken for the warriors, reminded Dodge that some traders had dealt harshly with the Indians. Dodge was apparently uninterested in pursuing that issue for he turned quickly to another subject (Van Antwerp 1837, 0564-565; *App. 1*).

After Secretary Van Antwerp read the final terms of the treaty, Dodge signed the document (*Fig. 10*). As the governor waited for the Indians to sign, there was silence. There was a great reluctance among the Chippewa chiefs to step forward and sign or make their marks on the treaty. Finally, Dodge offered to give an official copy of the treaty “for all your people to look at” to the first chief to step forward and sign it. Hole in the Day then walked promptly to the treaty table and “with his characteristic intrepidity, offered his signature” (Van Antwerp 1837, 0568; *App. 1*). In his annual report after the conclusion of the negotiations at St. Peters, Dodge predicted the treaty would “attach” the Chippewas to the United States and, “if the proper steps are taken,” the Indians could be “easily controlled by their agents” (Dodge 1837b, 538).

Articles of a Treaty made and concluded at St. Peters
(The confluence of the St. Peters and Mississippi River) in the Territory of Wisconsin
between The United States of America, by their Commissioner Henry Dodge,
Governor of said Territory, and the Chippewa Nation of Indians, by their Chief
and Head Men.

Article 1. The said Chippewa Nation cede to the United States,
all that Tract of country, included within the following boundaries: Beginning
at the junction of the Crow Wing and Mississippi River between Twenty and thirty
miles above where the Mississippi is crossed by the Forty sixth parallel of North
Latitude, and running thence to the north point of Lake St. Croix, one of the sources
of the St. Croix River; thence to and along the dividing Ridge between the waters of
Lake Superior and those of the Mississippi, to the sources of the Ojibwa Sea
Sepe a tributary of the Chippewa River; thence to a point on the Chippewa River, Twenty
miles below the out let of Lake De Flambeau; thence to the junction of the Wisconsin
and Pelican Rivers; thence on an East course Twenty Five miles; thence
southerly, on a course parallel with that of the Wisconsin River, to the line divi-
ding the Territories of the Chippewa and Menominee; thence to the Plover Portage;
thence along the southern boundary of the Chippewa country, to the commence-
ment of the boundary line dividing it from that of the Sioux, half a days march
below the Falls on the Chippewa River; thence with said boundary line to the mouth
of Mahatap River, at its junction with the Mississippi; & thence up the Mississippi
to the place of beginning.

Article 2. In consideration of the cessions aforesaid, The United States
agree to make to the Chippewa Nation, annually, for the term of Twenty years, from the
date of the ratification of this Treaty, the following payment:

1. Nine Thousand Five Hundred Dollars, to be paid in money.
2. Nineteen Thousand Dollars, to be delivered in goods.
3. Three Thousand Dollars, for establishing Three Black Smith
shops, supporting the Black Smiths, & furnishing them with Iron and Steel.
4. One Thousand Dollars for Farmers, and for supplying
them and the Indians, with implements of labor, with grain or seed; and whatever
else may be necessary to enable them, to carry on their Agricultural pursuits.
5. Two Thousand Dollars in Provisions
6. Five Hundred Dollars in Tobacco.

The Provisions and Tobacco, to be delivered at the same time with the goods, and the money
to be paid; which time or times, as well as the place or places, where they are to be
delivered, shall be fixed upon under the direction of the President of the United
States.

The Black Smith shops to be placed at such points in the Chippewa coun-
try, as shall be designated by the Superintendent of Indian Affairs, or under his direc-
tion.

If at the expiration of one or more years, the Indians should prefer to receive goods
instead of the Nine Thousand Dollars agreed to be paid to them in money, they shall be
at liberty to do so.

Within one month of the signing of the treaty, missionary Reverend William T. Boutwell, who had witnessed the negotiations, reported to his superior in Boston, "the Ind{ian}s have no idea of leaving their country while they live—they know nothing of the duration of a man{'}s pleasure" (Boutwell 1837). This was certainly true of the leaders of the interior bands from Wisconsin. They had arrived late and played only a minor role in the proceedings, according to Van Antwerp's journal. Yet, the portion of the land cession in Wisconsin included their village sites—the area extended from the St. Croix River east to the location of what today are the cities of Crandon, Antigo, and Stevens Point, and from Stevens Point north to Rhinelander, and from Osceola and Eau Claire north to Lake St. Croix. In addition to the village of the interior bands, the cession included a great pine forest region and the headwaters of the Chippewa, Flambeau, Namekagon, Black, and Yellow rivers (Levi 1956, 55-56). As will be demonstrated shortly, the interior bands assumed American use of the timber from ceded lands would not result in permanent white occupation of the region. They steadfastly believed that access to their ceded lands as well as to resources and wildlife (as agreed to in the treaty) would allow them to perpetuate their traditional lifestyle.

Indian agent Henry Rowe Schoolcraft at the Mackinac Island-Sault Ste. Marie Agency in Michigan wondered "why it was that so little had been given for so large a cession, comprehending the very best lands of the Chippewas in the Mississippi Valley." On October 5, 1838, the agent was visited by Lyman M. Warren (Schoolcraft 1851, 611), the La Pointe trader who had arrived with the interior Wisconsin Indians, witnessed the treaty negotiations, and received twenty-five thousand dollars under the provision for the payment of traders' claims under Article 4 (Van Antwerp 1837, 0556-567; *App. 1*). Warren's reflections on the treaty proceedings substantiate Van Antwerp's official version and also offer important insights as to the motivations of the primary players in the drama.

According to Warren, St. Peter's agent Lawrence Taliaferro played an important behind-the-scenes role in the negotiations. Taliaferro, whose primary responsibilities included the Sioux Indians living in Minnesota, signed the treaty as a witness but is not mentioned in the official proceedings (Kappler 2: 493; *App. 2*). Taliaferro had strongly opposed the transfer of the Chippewa of Minnesota to the Sault Ste. Marie agency under Schoolcraft in 1827 and was actively involved in the behind-the-scenes posturing that led to the cession of Sioux claims in Wisconsin shortly after the Chippewa cession (Babcock 1924, 371-74). Warren said Taliaferro promoted the interests of the Minnesota Chippewas of the Upper Mississippi and eagerly sought to thwart those of the interior Wisconsin bands under the jurisdiction of his rival, agent Schoolcraft. Taliaferro had supposedly "loaded" Hole in the Day and another unnamed chief with presents before the proceedings began. Warren claimed (and the proceedings appear to verify) that "the Pillagers, in fact, made the treaty. The bands of the St. Croix and Chippewa Rivers, who really lived on the land and owned it, had, in effect, no voice. So {too} with respect to the La Pointe Indians." Members of the Lac Courte Oreilles and Lac du Flambeau bands also opposed the sale (Schoolcraft 1851, 611). Warren's observations lend a new perspective into the actions noted in the proceedings.

Warren contended that Dodge "really knew nothing of the fertility and value of the country purchased, having never set foot on it. Governor Dodge thought the tract chiefly valuable for its pine, and natural millpower; and there was no one to

undeceive him." As a result of Dodge's persistence and Taliaferro's bribery, "the Chippewas managed badly—they knew nothing of *thousands*, or how the annuity would divide among so many." Warren claimed, for example, that the nineteen thousand dollars provided for goods under Article 2 of the treaty "would not exceed a breech-cloth and a pair of leggins apiece." Nevertheless, Warren said, the Indians "were, in fact, cowed down by the braggadocia of the flattered Pillager war chief, Hole-in-the-Day," whom Schoolcraft referred to as "one of the most hardened, bloody-thirsty wretches" among the Chippewas. For these reasons, according to Warren, Dodge obtained the area for much less than he was authorized to offer (Schoolcraft 1851, 611) even though he had promised to pay the Indians the full value of their lands.

In assessing Warren's comments, Schoolcraft recorded in his diary: "I have not the means of testing these facts, but have the highest confidence in the character, sense of justice, and good natural judgment of Gov. Dodge. He may have been ill advised of some facts. The Pillagers certainly do not, I think, as a band, own or occupy a foot of soil east of the Mississippi below Sandy Lake, but their warlike character has a sensible influence on those tribes, quite down to the St. Croix and Chippewa rivers. The sources of these rivers are valuable for only their pineries, and their valleys only become fertile below their falls and principal rapids" (Schoolcraft 1851, 611).

While the official U. S. Government version of the treaty proceedings can be compared with eyewitness accounts like those of Warren and Reverend Boutwell, it is much more difficult to obtain information about the Chippewa perspective of the negotiations. The negotiations were particularly complex since the Chippewas were not organized into any single political entity that could speak with one voice through a recognized leader—even though Dodge acted as if they were. It is unclear as to how the decisions regarding who would speak in behalf of the assembled Chippewas were determined, but the evidence appears to substantiate Warren's claim that the interior bands from Wisconsin remained silent during the meetings with Dodge. Scholars do not know what took place or what was said as the Indians met by themselves between sessions with Dodge. Even so, scholars do know the Indians' silence at the face-to-face meetings with Dodge should not be equated with agreement.

As anthropologists have noted, many Indians customarily remain silent in ambiguous, uncertain, or unpredictable situations. Indian *silence*, which is often interpreted by non-Indians as *stoicism*, is more frequently "based on a caution which is at once related to fear of and to respect for the uncertain status of the other party." This same sense of caution and desire to preserve consensus and avoid conflict may explain the behavior of Indians who refused to attend treaty councils as well as that of those who remained silent or withdrew from treaty councils rather than voicing their opinions (Washburn 1975, 16-17; Wax and Thomas 1961, 306). Methodist minister Chomingwen Pond, a white woman who has served as a pastor for churches on the Lac du Flambeau and Bad River reservations in recent years, has observed that the Chippewas's reticence is often wrongly interpreted by whites as unfriendliness or even a lack of intelligence (*Wisconsin State Journal* 1990c, 25).

Also helpful in understanding Chippewa behavior at the 1837 treaty proceedings is what scholars have referred to as the Indian "ethic of non-interference," which most Indians follow unconsciously. As Rosalie H. Wax and Robert K. Thomas

have observed, "the white man has been and is torn between two ideals: on the one hand, he believes in freedom, in minding his own business, and in the right of people to make up their own minds for themselves; but, on the other hand, he believes that he should be his brother's keeper and not abstain from advice, or even action" in his brother's behalf. In contrast, "the Indian society is unequivocal: interference of any form is forbidden, regardless of the folly, irresponsibility, or ignorance of your brother" (Wax and Thomas 1961, 308-09).

Flat Mouth's refusal to begin the treaty negotiations before the arrival of the interior bands because "to do so . . . might be considered an improper interference, and unfair towards them" (Van Antwerp 1837, 0549; *App. 1*) exemplifies the ethic of non-interference. Similarly, the ethic helps to explain Chippewa expressions of their fear of Governor Dodge at the negotiations. From earliest childhood, Indians are trained to "regard absolute non-interference in interpersonal relations as decent or normal and to react to even the mildest coercion in these areas with bewilderment, disgust, and fear" (Wax and Thomas 1961, 310). The Wind's expression of fear may well have represented such a reaction to Dodge's coercive efforts. After repeatedly refusing to negotiate with Dodge until the Wisconsin bands arrived, The Wind told Dodge: "when I look at you it frightens me. I cannot sufficiently estimate your importance, and it confuses me" (Van Antwerp 1837, 0551; *App. 1*).

It is also important to remember that the Chippewas, like other non-English-speaking Indians, often understood words and events in different terms than their white counterparts. Linguistic research reveals there was no single word in the nineteenth-century Chippewa language for *fishing*, so it is very likely that the convenient catchall Ojibwa word meaning "general foraging" with *any* kind of a device for *any* purpose was used by interpreters to translate the meaning of the treaty wording, "hunting and fishing" (Lurie 1987, 59-60). Such substitutions could render an Indian's understanding very different from a white person's understanding of treaty stipulations. And although most whites would see written words as taking priority over spoken, this is not true in Chippewa culture.

Since oral rather than written communication was the typical mode of Indian negotiations, the final written document to which Indians affixed an "X" or their symbols was not as important to them as their understanding of the verbal agreements made, a direct contradiction to most white people's assumptions. The following comment by ethnohistorian Wilcomb E. Washburn aptly describes some of the difficulties Indians had in dealing with American treaty commissioners:

The white man as officeholder is, in many ways, a more perplexing and perverse figure to the Indian than the individual conqueror, or fur trapper, or explorer. Under the panoply of European formality the government representative communicated with Indian leaders, but too often the form and spirit were not in close juxtaposition. The Indian, valuing the spirit rather than the recorded form, which in his letterless society was, for the most part, superfluous, could not cope with the legalisms of the white man. Nor could an alien government sympathize with, let alone understand, the plight of a race organized into categories that had no parallels in the white bureaucratic machinery. (Washburn 1964, xiii)

As Washburn indicates, Indians left treaty negotiations with understandings based on the dialogue that had taken place while whites left with a written document confirming their intentions and goals if not their actual words as understood by the Indians. Several years before the parley at St. Peters, French visitor Alexis de

Tocqueville witnessed the U. S. government's conduct of Indian affairs and observed the impact of federal policy on the Indians, including the Chippewas in the Great Lakes region (1831-32, 134-45). Tocqueville maintained that there was a tremendous gulf between appearances and reality, and he argued that American Indian policy was skillfully designed to acquire Indian lands "with wonderful ease, quietly, legally, and philanthropically, without spilling blood and without violating a single one of the great principles of morality in the eyes of the world." While the American public might be fooled, Tocqueville believed "it is impossible to destroy men with more respect to the laws of humanity" (1848, 324-25, 339). In 1837 at St. Peters, Governor Dodge used the formalities of the treaty-making process to benefit the national interest, but he did not treat with the Chippewas in the same manner that an American diplomat would have been obliged to handle negotiations with a European power.

Interpreters played a key role in treaty negotiations. "The right understanding and successful issue of every negotiation depend upon their fidelity and ability," Indian Commissioner Harris informed Secretary of War Joel R. Poinsett in 1837 (Harris 1837c, 528). Appointed and paid by the Indian Office, interpreters were in fact representatives of the United States government who, as Commissioner Harris poignantly observed, helped to shape the outcome of each treaty negotiation (Satz 1975, 196). For that reason, even the interpreters whom modern readers might assume to have been unbiased were paid to act in the best interests of the U. S. government, not of the Indians.

Further complicating matters, interpreters sometimes had to use several languages in their attempts to convey the words of one negotiator to another. During the 1837 Chippewa parley, for example, an eyewitness reported, "it appeared as though neither the Governor or Indians understood the interpretation properly at the time, it having to pass from Indian into French and then into English before the Governor got the meaning & a high wind blowing at the time in an exposed place but after some time and one or two Repetitions The secretary was directed" what to write (Baker 1838). According to a missionary eyewitness to the 1837 treaty proceedings, government interpreter Peter Quinn was "a thick-mouthed, stammering Irishman" who was unable "to speak intelligibly" in either English or Ojibwa (Brunson 1872-79, 2: 83).

Although the Chippewas did not maintain their own written record of the 1837 proceedings, a number of disgruntled Indian participants sent messages to President Van Buren through missionary Frederick Ayer. Their complaints included inadequate compensation for ceded lands and the loss of fish, rice, sugar, and timber taken by a local trader without providing compensation. In one of these messages, The Wind of the Snake River area charged, as did Lyman Warren in his conversation with Agent Schoolcraft, that Hole in the Day played a leading role: "There were many Chiefs who spoke with the Gov. at St. Peters, at the Treaty. But only one however sold the land (the hole in the day). He does not own the land where I dwell, he is a mere Child" (The Wind 1837). These words could just as easily have been spoken by any of the Chippewas from the interior Wisconsin bands whose lands were ceded at St. Peters. In June of 1839, when Hole in the Day protested the transfer of annuity payments from St. Peters to La Pointe, he reminded Agent Taliaferro that he was the chief to whom Governor Dodge had given a copy of the 1837 treaty to hold because he was "the Ch{ij}ef of all the Indians that sold their

land” (Hole in the Day 1839). By 1839, as the commissioner appointed to pay traders’ claims against Chippewa mixed-bloods under Article 3 of the treaty noted, it was well known that “the ‘Leech Lake’ Indians{,} a very warlike band of the Chippewas who took an active part in making the Treaty{,} had no interest or right whatever in the country ceded” (Lyon 1839a).

Twenty-seven years after the signing of the 1837 treaty, a delegation of Chippewa chiefs, headmen, and warriors—including men from the bands at Lac Courte Oreilles, Lac du Flambeau, and La Pointe (Bad River and Red Cliff) in Wisconsin as well as from Fond du Lac in Minnesota and Ontonagon in the Upper Peninsula of Michigan—recalled the events of the meeting at St. Peters (Chippewas of Lake Superior 1864). The occasion was the drafting of a petition they signed and took to Washington for presentation to Commissioner of Indian Affairs William P. Dole. The bilingual petition refers to the 1837 treaty proceedings and the U. S. government’s failure to fulfill various stipulations of that agreement. Leaders of the Bad River Reservation dictated the petition during the winter of 1864, and U. S. Interpreter Joseph Gunroe, a Chippewa mixed-blood from Bayfield, transcribed it verbatim in a two-column format, one column in Ojibwa and the other in English. This document contains a brief statement about the 1837 treaty proceedings from the Chippewa point of view.¹⁴

According to the bilingual petition, “Great Father” Martin Van Buren in Washington had assembled representatives of the Chippewa bands at St. Peters in July of 1837 to acquire the pinelands in order to provide timber for his people. The Indian response to Dodge’s demand for a land cession in 1837 was supposedly as follows:

So then Father, Our Great Father requests me to sell him my Pine Timber, our Great Father is mighty, therefore whatever he says would not be in vain, and whatever he promises to do he will fulfill.

Very well, I will sell him the Pine Timber as he requests me to. From the usual height of cutting a tree down and upwards to top is what I sell you, I reserve the root of the tree. Again this I hold in my hand the Maple Timber, also the Oak Timber, also this Straw which I hold in my hand. Wild Rice is what we call this. These I do not sell.

That you may not destroy the Rice in working the timber. Also the Rapids and Falls in the Streams I will lend you to saw your timber, also a small tract of land to make a garden to live on while you are working the timber.

I do not make you a present of this, I merely lend it to you. This is my answer, My Great Father is great, and out of respect for him I will not refuse him, but as an exchange of civility I must see and feel the benefits of this loan, and the promises fulfilled.

This was the Indians answer. (Chippewas of Lake Superior 1864)

Members of the 1864 delegation claimed, “we do not get, receive what was promised, which was part of the pay for the Timber I sold. For instance the employees, three years was all they worked, also Beef and Working Cattle were promised us but we did not see any, we think they were never given to us.” The very reason for the presence of the delegation in Washington was that, with regard to the Treaty of 1837 and other agreements with the United States, “certain it is that the Indian has failed to see the promises made to him fulfilled” (Chippewas of Lake Superior 1864).

There are several discrepancies between the Indians' remembrance of the 1837 proceedings in 1864, the official proceedings of the treaty, and the signed treaty. For example, the number of years for the annuity was actually twenty not twenty-five as claimed by the delegates in 1864. Yet the paragraphs quoted above reflect the substance, albeit not the exact wording, of the comments of the Chippewas who spoke during the negotiations based on Van Antwerp's journal and the comments of trader Lyman Warren. As Warren's son, interpreter William Warren¹⁵ noted some years later, "in order to arrive at the truth of a fact obtained of an Indian, respecting their past history, a person must go from one old man, to another of different villages or sections of the tribe, and obtain the version of each; if they all agree in the main fact, even if they disagree in the details, you can then be certain that the circumstance has happened, and the tale has a substantial origin"¹⁶ (Warren 1851, 47). Chippewa Indians memorized the details of important events such as treaty negotiations and taught them to their young who in turn passed the information on to the next generation with remarkable accuracy (Keller 1981, 3).

Anthropologist Mary Druke reminds us that among Indian peoples the spoken word was weighted more heavily than the written word. While oral traditions of treaties may not be verbatim accounts of the treaty proceedings, they "convey an accepted interpretation of relationships based on agreements made in council negotiations" (Druke 1985, 90-91). Indian memory, as one scholar has noted, is very reliable. "For a person who can't run to a bookshelf or a notebook to look up either vital or trivial information, reliance on memory becomes very important in everyday life." As a result of having to learn "by heart" multitudes of details about rituals, kinship and other social relationships, and the names and uses of hundreds of plants and animals, for example, "nonliterate people have more finely developed memories than do literate people" (Allen 1986, 66).

Oral traditions of treaties were open to criticism by Indian listeners who either were present at the time of a recounted occurrence or heard other accounts of the tradition against which to judge the narrative. Although the 1837 Chippewa treaty did not, for example, specifically mention anything about reserving the right to make maple sugar, the reference to the maple trees in 1864 by Indians from various Chippewa bands is understandable given the number of times the Indians mention making sugar during the proceedings in 1837 and given Dodge's promise to discuss the matter with the president. When the Chippewas signed the treaty of 1837, they fully expected to continue eating traditional foods—including maple sugar. As one scholar has noted, "maple sugar occupied such a central role in Chippewa culture, commerce and diet that one can argue from historical and anthropological evidence that . . . these Indians, regardless of treaty omissions, must have reasonably expected their access to maple trees to continue long after they had ceded traditional lands. This deduction is confirmed by an array of documents and by specific events during the treaty period" (Keller 1989, 124, 126).

In reviewing the events surrounding the 1837 treaty, it is clear that the Chippewas attempted to explain the importance of their relationship to the natural resources of Wisconsin and that they assumed the whites only wanted access to certain resources, not the land itself (Vennum 1988, 256). Many times during the proceedings the Indians insisted on reserving usufructuary rights.¹⁷ Governor Dodge, anxious to conclude negotiations and concerned about a possible outbreak of hostilities between the Chippewa and the Sioux Indians, agreed to recognize usufructuary rights in the

treaty but insisted on adding the phrase “during the pleasure of the President” (Van Antwerp 1837, 0566; *App. 1*).

About a year and a half after he negotiated the 1837 treaty, Dodge complained to Indian Commissioner Crawford that the medals and flags he had promised would be distributed among the Indians had still not been procured by the Indian Office. “The officers of the Government must comply with all promises they may make the Indians,” he told Crawford, adding, “if they deceive them once, they never afterwards have confidence in them” (Dodge 1839, 1187). Dodge was correct. But it was his promise of continued usufructuary rights rather than of medals and flags that would ultimately be the basis by which the Chippewas determined their confidence in officials of the United States government.

Removal of the Chippewa Indians from Wisconsin was not mentioned in the Treaty of 1837. In fact, as already noted, these Indians were told in Article 5 of the ratified treaty that they could continue to hunt, fish, and gather upon the lands, rivers, and lakes in the ceded territory “during the pleasure of the President” (Kappler 2: 492; *App. 2*). The interior Wisconsin bands—who as Reverend Boutwell observed “know nothing of the duration of a man’s pleasure” (Boutwell 1837)—apparently agreed to abide by the treaty only after becoming convinced that they would receive a portion of the goods and money flowing from the agreement without having to abandon their villages, the land upon which they hunted and gathered, or their fishing areas.

The annuities proved to be a mixed blessing to the Chippewas. Governor Dodge predicted shortly after the Senate ratified the treaty that the annuities would “have a salutary effect” in helping to control the Indians since they placed “great reliance” on the funds (Dodge 1838e, 176). The Chippewas received cash payments and goods as specified in the treaty. War Department officials made a concerted effort after 1837 to convince the Indians to accept guns, ammunition, blankets, and other merchandise as a portion of their annuities in lieu of money so that they would be less dependent upon the traders who tended to “monopolize” the cash payment. Viewing federal officials as “intruders” in their business relations with the Indians, traders belittled the merchandise supplied by the government (Dodge 1838d, 1029; Dodge 1839, 1186). Sometimes the goods supplied by the government had no value to the Indians. In 1839, for example, the War Department shipped saddles and bridles to the Chippewas at La Pointe who had no horses and no need for them along the forested and roadless south shore of Lake Superior. Despite the subagent’s protest that the goods were “of no earthly value” to the Indians, another shipment was sent in 1840 (Bushnell 1840a). Guns sent to La Pointe rarely included ammunition, but sometimes this turned out to be a blessing because the weapons were so poorly constructed that many exploded upon firing, crippling Chippewa hunters. Other shoddy government goods such as thin blankets and cheap pots also rankled the Indians and gave weight to the traders’ criticism of government efforts to provide goods instead of money (Danziger 1979, 81; U. S. Congress 1849, 537).

Federal efforts to convince the Chippewas to accept goods in lieu of cash did not stop the Indians from buying goods on credit from traders. The purchase of fishing nets on credit from the American Fur Company continued unabated after 1837 as did the whites’ demand for Lake Superior fish. A federal official observed in 1839, “the Indians are encouraged to exertion in this branch of business, by the offer of a fair price for all the fish, they can catch, payable on the delivery of the

fish at the different Store houses built to receive them" (Jones 1838; Lyon 1839b, 97-98).

A large portion of Chippewa annuities continued to end up in the pockets of traders after 1837. Indian agents continued to permit the traders to settle their accounts at the annuity payment grounds. George Copway,¹⁸ an acculturated Chippewa from Canada who witnessed numerous annuity payments in Wisconsin and elsewhere in the Great Lakes region in the years following the 1837 treaty, claimed "the dissipation, misery, and ruin" of the Lake Superior Chippewa people was directly related to annuities provided in treaties. According to Copway, annuity payments attracted people having "white faces (with black hearts)," unscrupulous white traders and whiskey peddlers as well as other "unprincipled men and vagabonds" who were "no better than pickpockets" (Copway 1847, 126-28).

Increasingly, the flexible and personalized exchange relationships between the Chippewa trappers and white traders in Wisconsin were replaced by the poorly organized annuity system of the federal government.¹⁹ The system, characterized by "tedious journeys" for many to the payment site and long delays once there, interfered with the traditional late fall rice-gathering and the winter hunting patterns of the Chippewa people. The insertion of the annuity system into the Chippewa hunting-fishing-fur trading system not only disrupted traditional economic cycles but also gave the United States increased leverage in dealing with the Indians as they became dependent on the annuities. Indian agents took over many of the functions previously performed by fur traders in Chippewa society (Richmond 1846, 990; Danziger 1979, 79-81; Clifton 1987, 13-14; James 1954, 44).

Another significant impact of the 1837 treaty was the appearance of whites on the ceded lands.²⁰ American entrepreneurs flooded into the northern Wisconsin pine lands even before the treaty was ratified by the U. S. Senate on June 15, 1838, nearly eleven months after its negotiation. Among the well-known traders who signed the 1837 treaty as witnesses and subsequently exploited the forest wealth thrown open to Americans by that agreement were Henry Hastings Sibley, Hercules L. Dousman, and Lyman M. Warren (Fries 1951, 11; Babcock 1924, 374; Bartlett 1921, 37; Citizens of the Pinerias {1840}). Ironically, as the cutting of the pine forests progressed, white-tailed deer flourished and the subsistence value of the ceded land actually increased to the Chippewas, making the old War Department strategy of decreasing Indian hunting grounds by land cession treaties in order to encourage removal ineffective²¹ (Clifton 1987, 14).

American officials had plenty of information indicating that any effort to remove the Chippewas from Wisconsin was bound to fail. Six months after the ratification of the 1837 treaty, La Pointe subagent Daniel P. Bushnell advised Territorial Governor Dodge, "the general policy of our Government in removing the Indians west of the Mississippi can never be carried into effect in relation to . . . {the interior bands of Wisconsin} Chippewas." His reasons were twofold: the Indians would "have to change their habits entirely," and they would expose themselves west of the Mississippi River to the Sioux, "their natural enemies." As a result of these circumstances, any effort to remove them would be "highly improper, and inhumane" (Bushnell 1839a). In 1840, the subagent reported that the interior bands "subsist at present by hunting, fishing, and on the wild rice found in the lakes and rivers." He again stated that any attempt to remove them and deprive them of their

“usufructuary right” under the 1837 treaty would meet strong opposition (Bushnell {1840b}, 339).

The 1837 treaty also had an important impact on the Chippewas along the southern shore of Lake Superior. Chief Buffalo of the La Pointe Band, whom Governor Henry Dodge referred to as “a man of great influence among his tribe, and very friendly to the whites” (Dodge 1838b), spoke the sentiments of the Indians of the region in a message directed to Governor Dodge:

. . . I have nothing to say about the Treaty, good, or bad, because the country was not mine; but when it comes my turn I shall know how to act. If the Americans want my land, I shall know what to say. I did not like to stand in the road of the Indians at St. Peters. I listened to our Great Father’s words, & laid them in my heart. I have not forgotten them. The Indians acted like children; they tried to cheat each other and got cheated themselves. When it comes my turn to sell my land, I do not think I shall give it up as they did.

.....

Father I speak for my people, not for myself. I am an old man. My fire is almost out—there is but little smoke. When I set in my wigwam & smoke my pipe, I think of what has past and what is to come, and it makes my heart shake. When business comes before us we will try and act like Chiefs. If any thing is to be done, it had better be done straight. (Buffalo 1837)

Five years after Buffalo spoke these words, the elderly chief faced American Treaty Commissioner Robert Stuart who was determined to acquire all remaining Chippewa lands in Wisconsin. As Stuart discovered, Buffalo’s “fire” was far from out.

