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## AMERICA'S NATIVE SWEET: CHIPPEWA TREATIES AND THE RIGHT TO HARVEST MAPLE SUGAR

Robert H. Keller

... [at the village] was one of the finest sugar camps I ever saw; the whole of the timber being sugar tree. We were conducted to the Chief's Lodge, who received us in the Patriarchal Style. He ... put me in the best place in his Lodge, and offered dry clothes. He then presented us with the Sirup of the Maple to drink, after which he demanded which I preferred eating, Beaver, Swan, Elk or Deer.

Zebulon M. Pike, *Journal*  
March 18, 1806

Alexander Ramsey, territorial governor of Minnesota in 1850, wrote to the Commissioner of Indian Affairs about the condition of various Chippewa bands to the North where white settlement had hardly begun. Near LaPointe, Ramsey reported, the Indians "raise corn and potatoes sufficient for their own consumption, and not unfrequently a surplus for sale. They also manufacture large quantities of maple sugar, which they sell to their traders, and catch and salt fish, for which they find a ready market." Further west, the Mille Lac band lived by "a lake abounding in fish and wild rice, and bordered by extensive maple groves, they live in [great] plenty." At Leech Lake, Ramsey found similar conditions: "their lakes are surrounded by extensive and beautiful maple bottoms ... the lands are fertile, sugar trees are abundant, and rice is obtained in large quantities. ... Every article of food which the Indian needs for subsistence can be found either in its bosom or upon its shores."<sup>1</sup>

Part of this bounty, according to Chippewa mythology, had originated "one day [when] *Wenebojo* was standing under a maple."

Suddenly it began to rain maple syrup—or sap—right on top of him. *Wenebojo* got a birchbark tray and held it out to catch the syrup. He said to himself: "This is too easy for the Indians." So he threw the syrup away and decided that before they could have the syrup, the Indians would have to give a feast, offer tobacco, speak to the *manido* and put out some birchbark trays.<sup>2</sup>

Despite the *Wenebojo* conditions for harvest, aboriginal sugarmaking remained relatively easy compared to the impediments brought by

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white settlement of Minnesota, Michigan, and Wisconsin. Although two early treaties explicitly protected sugar harvest, and despite numerous other treaties implicitly reserving that right, the federal government, the Indian office, and the tribes themselves have done very little for the past 150 years to protect this prerogative.

Throughout the European settlement of North America, frequent conflicts have arisen over the native use of natural resources and over the treaty protection of those resources. Primary among these disputes were struggles over land use and ownership, especially land rich in gold, oil, coal, timber and water. Other conflicts concerned the appropriation of "virgin" agricultural areas as well as the taking of specific foods: fish, game, wild rice, piñon nuts, and maple sap. Native food losses occurred when white society wished to consume or trade a food, as in the case of salmon or wild rice, or when "higher" uses of land proved incompatible with aboriginal practice. One cannot drain marshes and harvest wild rice, dam rivers and catch salmon, clear-cut forests and save sugar groves, graze cattle and collect piñon nuts.<sup>3</sup>

This essay will argue for a Chippewa priority to take maple sugar comparable to taking wild rice or fishing. Should modern Chippewa Indians decide to pursue their prerogative, then federal agencies, state governments, and the courts need to give such claims the same consideration they now extend to other reserved resources.

Although the most intense dispute over food between whites and Indians has concerned fish,<sup>4</sup> the more relevant parallel to maple trees is wild rice. Both plants provided essential staple foods in pre-contact life, both yielded goods for trade with whites and other tribes, and, as with most native foods, both played a role in Chippewa religious-ceremonial life. Chippewa families had developed efficient management methods to harvest rice before Europeans arrived. Sophisticated native cultivation and harvesting techniques, however, did not protect this resource from white entrepreneurs who took over the rice beds, restricted access, or, through draining and flooding, destroyed the marshes.<sup>5</sup> Even though article 5 of the 1837 treaty of St. Peter's River allowed wild rice gathering on ceded lands in Wisconsin and Minnesota,<sup>6</sup> it was not until the mid-twentieth century that the state of Minnesota made a few ineffectual efforts to protect Indian rice ponds. Likewise, the problem of marketing authentic wild rice in competition with domesticated products received little official attention. As with maple sugar, a Chippewa staple food had become an exotic gourmet food for whites, an appeal no doubt, enhanced by its "wild" and Indian associations.<sup>7</sup> During the past 50 years, beginning in 1931, the

Minnesota legislature finally addressed the rice issue by passing over thirty bills to regulate harvests and marketing.<sup>8</sup>

No such controversy has yet arisen over taking maple sugar, even though legal arguments for a preferential Indian right to harvest seem as sound as those which pertain to rice. Two treaties in particular refer to Indian sugar rights. The 1817 treaty negotiated by Lewis Cass at Maumee Rapids extinguished Indian title to nearly 4,000,000 acres in Michigan, Ohio, and Indiana, article 11 provided for:

... the right of the Indians to hunt upon the land hereby ceded, while it continues the property of the United States, shall apply... and the Indians shall, for the same term, enjoy the privilege of making sugar upon the same land, committing no unnecessary waste upon the trees.<sup>9</sup>

Two years later Cass concluded another treaty at Saginaw Bay with identical language.<sup>10</sup> In addition to these specific articles, other treaties contained language encouraging the Chippewa to practice agriculture. Many early treaties also provided for collecting plants and "the other usual rights of occupancy" on ceded land, while an 1836 agreement reserved a large maple grove on Sugar island in Lake Huron near Sault Ste. Marie. Usually such rights were temporary or at the discretion of the president, the treaty providing financial compensation for improvements when a tribe fully relinquished its land.<sup>11</sup>

Treaties always mean more than their articles and words seem to say. Once we establish the place of maple sugar in Chippewa culture, it can be argued that a legal right to that resource, like the right to gather wild rice, use water, or have salmon habitat protected, was implicit whenever federal policy created Indian reservations.<sup>12</sup> After summarizing maple sugar's place in America's economy, we shall examine the role of that "native sweet," including its commercial use, in Chippewa cultures at the time of treaty-making. This will support a thesis that the Chippewa Indians who signed treaties between 1800 and 1860 fully expected to continue their traditional harvests. To interpret these treaties as Indians understood them means recognizing this right to collect and sell maple sugar on and off reservations, then and now.

### *Maple Sugar*

The human craving for sweets probably extends well back into human history. Limited use of sugar from plants as a honey supplement can be found in China, Arabia, Israel, Egypt, India and Greece as early as 700 B.C., but not until much later did it become a common food. Beginning in 17th century northern Europe, an increased demand

for sugar resulted in large imports from American slave plantations where profits in turn provided capital to finance the West's industrial revolution of the 19th century. Plantation slavery ended, the sweet tooth did not. Sugar from beets and cane have become the fastest growing item in world food consumption of the 20th century, multiplying by a factor of six between 1900 and 1960.<sup>13</sup>

The roots, flowers, fruits, and sap of a plant, including many trees, such as birch, ash, hickory and box elder, may contain sugar, yet only in maple and palm trees is sap rich and prolific enough for efficient sugar manufacture. The traditional process involved tapping a sugar maple (*Acer saccharum*)<sup>14</sup> trunk near its base and permitting sap to flow into a bucket. With normal sugar concentration of 2.5 to 3 percent, the sap next required boiling in kettles to evaporate 30 to 50 gallons into a single gallon of syrup. Through freezing or drying the syrup could then be crystallized. In caloric value, a pound of maple sugar was equivalent to a pound of corn meal or wild rice, to 1.4 pounds of buffalo or deer meat, to 3.5 pounds of fish and 5 pounds of berries. Maple sap also contained mineral nutrients—lime, iron, magnesium and potash. Moderate tapping of 4 to 9 percent sap flow did not harm the trees, which were harvested annually in groves called "sugar bush."<sup>15</sup>

The Indian invention of maple sugar has been doubted, with proof of a prehistoric native North American origin remaining inconclusive.<sup>16</sup> Sugar from trees became a staple food and trade good unique to colonial North America in the 17th and 18th centuries, valued by the French and English along the St. Lawrence and by settlers and merchants in New England, New York and the Great Lakes. The best known promoter of maple sugar as a wonder food was Benjamin Rush, the Philadelphia physician, who wrote to Thomas Jefferson in 1791 that "in contemplating the present opening prospects in human affairs, I am led to expect that a material part of the general happiness which heaven seems to have prepared for mankind, will be derived from the manufacture and general use of Maple Sugar."<sup>17</sup> Rush, though extreme, was not alone. Access to sugar maple served as one of many incentives for white settlement of the upper Great Lakes region, peaking about 1860.<sup>18</sup> Popularity of the sugar created a sizeable industry in the eastern United States and Canada until 1890 when the mechanization and chemistry of beet and cane refining pushed maple sugar from the mass market, elevating it to a luxury item.

Even with the product's tailspin after 1890, a monopoly of maple sugar-syrup production could have provided a substantial economic base for northern Indians. As in the case of wild rice and salmon, the federal government neglected an opportunity to aggressively promote

and defend tribal struggles for material self-sufficiency in a white society, a society which in 1981 consumed nearly \$50 million worth of maple syrup.<sup>19</sup> Even though the U.S. Congress did intervene in the free market through the Tariff Act of 1812 and the McKinley Tariff Bill of 1890 to protect non-Indian maple sugar producers,<sup>20</sup> the idea of protecting Indian production probably did not occur to economic thinkers in the 1800s when all domestic natural resources seemed up for grabs to whoever had the longest arms and quickest hands and when most policy-makers assumed that an inferior Indian race would soon disappear.

### *Maple Sugar in Early Chippewa Culture*

When in a state of famine, they [the Indians] eat the shavings or bark of a certain tree, which they call Michtan, which they split in the Spring to get from it a juice, sweet as honey or as sugar.

Paul Le Jeune (1634)<sup>21</sup>

As with fish fertilizer, syphilis and scalping, historians have debated the origin of making *Sinzibuckwud* or *Zeence-zee-bah-quod* (Algonquin/Ojibwa)—maple sugar, literally “drawn from wood.” Accounts of related native crafts, ceremonies and language, as well as evidence in early colonial records, to some seem to settle the argument conclusively in favor of a claim made by Kickapoo Indian Jose Renard, a claim repeated to William Keating during the 1823 Long expedition to Lake Superior. “We are informed,” Keating recorded,

that [Indians] profess to have been well acquainted with the art of making maple sugar previous to their intercourse with white men. Our interpreter states that having once expressed his doubts on the subject in the presence of Jose Renard, a Kickapoo chief, the latter answered immediately, with a smile, “can it be that thou are so simple as to ask me such a question, seeing that the Master of Life has imparted to us an instinct which enables us to substitute stone hatchets and knives for those made of steel by the whites? Wherefore should we not have known as well as they how to manufacture sugar? He has made us all, that we should enjoy life; he has placed before us all the requisites for the support of existence, food, water, fire, trees, &c.; wherefore then should he have withheld from us the art of excavating the trees in order to make troughs of them, of placing the sap in these, of heating the stones and throwing them into the sap so as to cause it to boil, and by this means reducing it into sugar.”<sup>22</sup>

Ottawa, Iroquois, Menominee, Chippewa and Mohegan origin legends also attest to the likelihood of sugar-making before the arrival of Europeans. These stories often repeat the motif that at first sugar

came too easily, forcing the gods or spirits to impose difficulties. A.J. Blackbird, an Ottawa whose mother died from burns suffered while making sugar, recalled one such tale about Ne-naw-bo-zhoo, the supernatural trickster-benefactor of his tribe:

This mischievous Ne-naw-bo-zhoo spoiled the sugar trees by diluting their sap with water. The legends say that once upon a time the sugar trees did produce sap at certain seasons of the year which was almost like a pure syrup; but when this mischievous Ne-naw-bo-zhoo had tasted it, he said to himself, "Ah, that is too cheap. It will not do. My nephews [the Ottawa and Chippewa] will obtain this sugar too easily in the future time and the sugar will be worthless." And therefore he diluted the sap until he could not taste any sweetness therein. Then he said, "Now my nephews will have to labor hard to make the sugar out of this sap, and the sugar will be much more valuable to them in the future time."<sup>23</sup>

Whatever its origin, maple sugar ranked with wild rice as a staple food for the Chippewa, far surpassing rice in diversity of uses. After a ritual offering of the first flow to the spirits, sap was harvested at privately owned groves where bands, separated during the winter, reunited in March and April during the sugar moon. Chippewa sugar camps had permanent storage areas for kettles, buckets, stirring paddles and firewood.<sup>24</sup> Alexander Henry, the British explorer who visited the Chippewa in 1763, described the Indian process concisely. After making the camp comfortable, Henry recalled,

the next day was employed in gathering the bark of white birch-trees, with which to make vessels to catch the wine or sap. The trees [from 900 to 2,000] were now cut or tapped and spouts or ducts introduced into the wound. The bark vessels were placed under the ducts; and, as they filled, the liquor was taken out in buckets, and conveyed into reservoirs or vats of moose-skin, each vat containing a hundred gallons. From these, we supplied the boilers, of which we had twelve, of from twelve to twenty gallons each, with fires constantly under them, day and night. While the women collected the sap, boiled it, and completed the sugar, the men were not less busy in cutting wood, making fires, and in hunting and fishing . . .<sup>25</sup>

Following evaporation, the maple syrup could be made into solid sugar cakes, granulated sugar, a gum or a candy. The Chippewa mixed it with rice, fruit, meat, corn; they brewed it with leaves and berries for a hot drink in the winter and made cold drinks in the summer. They used sugar to season squash, pumpkins, venison and fish; they mixed medicinal concoctions in it. Sugar cakes in birch bark moulds called "mokuks" might weight up to 100 pounds. Miniature cakes

resembling flowers, animals, stars or bearpaws, decorated with porcupine quills, often served as gifts or money.<sup>26</sup>

However interesting these uses, it was as an easily preserved staple food, plentiful at the end of winter, that maple sugar assumed its critical position in the annual food cycle of the Chippewa, Ottawa, Potawatomi and Menominee. Throughout the year they took fish and fowl, supplemented these with berries and corn in the summer, with wild rice in autumn, game in winter, sugar in the spring. Severe conditions could mean starvation, even death, when game disappeared, or, as frequently happened, rice crops failed.<sup>27</sup> Faced with potential scarcity, Indians produced large quantities of syrup and sugar. In one account, 1500 Chippewa made and consumed ninety tons of maple sugar. Other reports tell of an Indian woman filling over forty 100 pound mokuks during the spring. A thousand Indians along western Lake Superior reportedly produced \$30,000 worth of sugar in 1842. Earlier, Alexander Henry worked with seven Indians for a month in 1763 to obtain enough sugar to feed eight persons for four months—1600 pounds of cake and 36 gallons of syrup from 14,000 gallons of sap.<sup>28</sup>

In addition to harvesting sugar for subsistence and pleasure, the Chippewa also manufactured it for white merchants, other tribes, and settlers. In the late 18th century, several decades before the government negotiated the major Chippewa treaties, promoters such as Benjamin Rush extolled commerce in maple sugar, believing that it could surpass cane sugar in world trade, thereby bringing an end to African slavery in America.<sup>29</sup> The British, the French, the federal factory system, and the American Fur Company all purchased native sugar for consumption at their posts and for exchange, making it a vital commodity in pre-reservation Chippewa economy.<sup>30</sup> With the decline of the fur trade, 1815–1835, maple sugar, whitefish and cider became important items in Northwest trade to Boston and New York. "During the spring," one Michigan settler recalled, "Grand River was alive with canoes bringing sugar which had been made by the squaws in all portions of the valley."<sup>31</sup> Sugar later occupied the same position in Wisconsin with an export of 100 tons in 1827, and on Lake Superior where Minnesota governor Alexander Ramsey later reported that Indians sold large amounts to traders. Chippewa at the Sault St. Marie and at the Ontonagon River sold 12,000 and 10,000 pounds respectively to traders in 1840, while 35,000 pounds were traded at Green Bay in 1849. A trade mokuk (30–40 pounds) could typically have an exchange value of two large beaver skins or four deer hides; two and a half mokuks purchased a rifle. In 1827 Thomas McKenny reported that Indian sugar sold for ten cents per pound, which meant that a family could make from \$150 to \$800 producing it.<sup>32</sup>



Maple sugar occupied a place as important as wild rice in early Chippewa culture. Its use, as Arthur Wilcox has observed, reveals the full range and complexity of Chippewa culture: it involved knowledge of plants and development of technical group manufacturing processes; it influenced festivals and the arts, promoted social relations through gifts and trade; and it appeared in medicine and gourmet cuisine.

### *Treaty Interpretation*

Because of ambiguities arising out of the complicated 200-year legacy of Indian law, the U.S. Supreme Court has gradually developed canons of interpretation that, applied in close cases, often decide controversy in favor of Indian tribes. Three judicial rules in particular apply directly to the Chippewa right to take maple sugar: a treaty must be interpreted to mean what the Indians at the time believed the treaty meant; Indians retain all rights not explicitly extinguished by treaty or congressional act; vague language, "doubtful expressions" and ambiguous words must be liberally interpreted in favor of Indians.<sup>33</sup> Even though the right to take sugar is explicitly protected in only two treaties, maple sugar occupied such a central role in Chippewa culture, commerce and diet that one can argue from historical and anthropological evidence that in accepting reservations, 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, 1825–1860.

When faced with land cessions and removal, Indians insisted on continued access to maple trees as essential to tribal welfare. In 1828 the Baptist missionary Isaac McCoy conducted a group of Great Lakes headmen to an area west of the Missouri River in modern Kansas where, he hoped, they would soon decide to move. Much to McCoy's dismay, the Indians resisted strongly, one reason being that no sugar trees grew on the central plains.<sup>34</sup> Twelve years later, S.W. Higgins, a topographer for Michigan's geological survey, reported the same sentiment: "No tree is held in higher estimation by the Indians than the sugar maple, and no source of complaint is more grievous than a separation from it, by removal to places where it is not found."<sup>35</sup> A similar native view arose at the St. Peter's treaty council in 1837. Some of the Chippewa present accepted the idea of whites removing timber and minerals from tribal territory, but they desired to retain the land or access to it. Flat Mouth, speaking for many others, told Wisconsin governor Henry Dodge that Indians wanted to hunt, fish, and "reserve the privilege of making sugar from the trees."

My Father, if it was my land you were 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, make sugar, & dig roots upon the former, while we fish and obtain rice and drink from the latter.<sup>36</sup>

Dodge agreed to tell the president about the sugar request, but no provision on the right to take sap would appear in the treaty. A few months later, nine Wisconsin chiefs again complained that they had not been compensated adequately for their land and that a local trader was taking timber, fish, rice and sugar while paying nothing.<sup>37</sup> In 1849 a group of Indians at Keeweenaw Bay (L'Anse) hired an attorney, then travelled east to make a direct protest against treaty land cessions:

... we have come to Washington ... to pray that steps may be taken, either by our Great Father, or by Congress, to give back to us certain lands ... for agricultural and other purposes ... located as to cover the burial places of our fathers and also to embrace our sugar orchards or sugar bushes and the rice crops and rice grounds in the lakes and rivers near us.<sup>38</sup>

The mission failed; nonetheless six years later tribes from the Lake Superior region had retained enough groves to convince traveller Johann Kohl that among Indian communities maple sugar was a versatile, much relished food, and that the spring sugaring celebration was their most festive season. Throughout the treaty period other observers reached the same conclusion. Some of them decried Chippewa resistance to adopting conventional white agriculture even though, at times, newcomers to the Great Lakes had to rely upon Indian gifts of sugar for survival.<sup>39</sup>

Conflicts with settlers also point to the importance of maple sugar to Indians as white logging, grazing livestock, cultivating and fencing land after 1825 increasingly proved incompatible with traditional native customs. Although the Chippewa did not conceive of private property in the same terms as Europeans, they had long considered beaver dams, cranberry bogs, rice marshes and sugar bush as belonging to particular households. Incursions by settlers onto these sites seemed, to quote Johann Kohl, "a tremendous insult and infringement of law in the eyes of Indians."<sup>40</sup> In the spring of 1826 a band of Winnebago killed a family of intruding whites who were harvesting maple sugar near Prairie du Chien. Likewise, an error in judgment contributed to the failure of William Boutwell's mission to Leech Lake, 1832-1837. Boutwell believed he had purchased a sugar grove from an old woman with the idea that "ownership" would entitle him to exclusive use, an expectation that antagonized Pillager Chippewa.<sup>41</sup> Another source

of conflict in Wisconsin and Michigan arose when sugar camps drew Indian children away from mission schools for three to six weeks each spring, an interruption of study about which missionaries frequently complained to the government.<sup>42</sup>

The government's attention to maple sugar in the treaty period can be traced through Indian agent reports about the upper Great Lakes tribes. In the 1830s the agents described extensive sugar production as a vital ingredient in native survival and trade. This continued through the 1840s, with an overlay of complaints from schoolmasters about harvest absenteeism. After 1852, references to sugar-making virtually drop out of BIA annual reports and mention of sugar completely disappeared after 1857.<sup>43</sup> But because maple sugar slipped from the Indian Office's sight does not mean that the market disappeared or that it declined as a Chippewa concern. One might well conclude just the opposite—that lack of government support and protection may have made harvests even more crucial.<sup>44</sup>

An exception to official neglect did occur in 1868 when an Indian agent, Luther Webb, reported that destitute Lake Superior Indians, living only on fish, desperately needed help. Webb requested \$4,000 to purchase kettles for sugar production, items due the Indians, the agent reasoned, under the agricultural provisions of the 1842 and 1854 Chippewa treaties.<sup>45</sup> One imagines that few Chippewa of the time would have disagreed with him.

Legal-historical evidence for an Indian right to take maple sugar seems strong. Language of two treaties (Maumee Rapids 1817, Saginaw 1819) explicitly establish a right to take maple sugar on ceded land "... while [they] continue the property of the United States ... the Indians shall ... enjoy the privilege of making sugar." The federal government still retains control of 800,000 acres in Ohio, 4,800,000 acres in Michigan, 2,000,000 in Wisconsin and 5,400,000 acres in Minnesota, land from which over ten billion board feet of hard maple is cut each year.<sup>46</sup> Certain evidence also suggests that when the Chippewa and other Lakes tribes signed treaties, they fully expected to continue eating traditional foods: rice, sugar, fish. No treaty or federal action has extinguished sugar rights, thus it remains a reserved right. Furthermore, at least a dozen treaties in the region provide for the development of agriculture, and even if, contrary to U.S. Department of Agriculture classifications, one objects that natural sugar harvest is not "agriculture," the doubtful expressions rule requires that the government interpret that word in favor of Indians. In these ways, the legal and cultural logic that provides unwritten treaty water rights for farming in the arid west, or 50% of salmon runs in the Pacific

Northwest, could support a right to take maple sugar around the Great Lakes.

*Post-Treaty Life, 1860–1960*

Chronic hunger, disease and malnutrition became common experiences for Chippewa people during the century following the treaty of 1854. As Edmund Danziger has written, the tribes now walked “a one-way street to cultural disintegration and crushing poverty.” Although Indians continued to produce sugar for trade in the 1860s and 1870s, that item does not appear on an 1895 list of Chippewa farm products. A few years later an ethnologist found Meskwaki Indians sorely missing their sugar harvests.<sup>47</sup> In the depression of the 1920s and 1930s, some villages reportedly subsisted on maple sugar. By 1950, with a money economy and store supplied foods firmly in place, all foraged food on the Lac Court Oreilles reservation in Wisconsin, including sugar and rice, accounted for only one percent of that village's income.<sup>48</sup>

This had happened even though most Chippewa in the 20th century still understood more about native plants, their cultivation, uses, distribution and ecology, than did the average white person.<sup>49</sup> It took place because well-intentioned reformers acted on assumptions of private property, individualism and cash value in supporting the General Allotment Act of 1887, the Timber Act of 1889, the Burke Act of 1906, and the Omnibus Bill of 1910, all of which broke down the integrity of Indian culture in the face of demands for timber, minerals and farmland.<sup>50</sup> And it happened because missionaries, government agents, reformers, and state officials in the 19th century convinced themselves that the Chippewa in general were lazy and immoral, that an Indian's “roving disposition” must be broken, that native plants eaten by Indians did not constitute civilized food, and that harvesting rice or sugar for nourishment and commerce was not a valid form of agriculture protected by treaties.<sup>51</sup>

The failure of the federal government to protect a crucial material resource within Chippewa and other woodland cultures no doubt happened for the same reason that maple groves and sugar farming declined in the northeastern United States: a maple tree as lumber sold for thirty times its value as syrup.<sup>52</sup> But the loss also resulted from one culture's attitude about labor and food. If we keep in mind that harvesting rice or sugar required skill and hard work, and that forced changes in diet can destroy health—“endemic vitamin deficiencies have occurred only when men have been fed an unnatural diet not of their own choice”<sup>53</sup>—one begins to comprehend how lack

of understanding and sympathy contributed to starvation for Lake Superior tribes. As early as 1827 Indian Commissioner Thomas McKenney had described Indians making maple syrup; at the same time he condemned them as indolent and slothful. Twenty years later Commissioner William Medill asserted that all labor was "distasteful and utterly repugnant to [the male Indian's] . . . natural prejudices." Agent after agent on reservations, like their superiors in Washington, D.C., saw Chippewa behavior in the same light: "roving and desultory habits [result] in wretchedness and degeneracy."<sup>54</sup>

In 1850 Alexander Ramsey, like Zebulon Pike forty years earlier, had found a healthy people, harvesting enough surplus fish, sugar and rice to engage in trade. Yet the contemporary governor of Michigan, Alpheus Felch, perceived the Chippewa as "wandering tribes [who] had never heard of the arts or the sciences, or of the refinements or comforts of civilized life . . . They were simply hunters and fishers and warriors . . . They were simply untutored savages, with all the superstition, cruelty and degradation inseparable from purely savage life in the forest."<sup>55</sup> Felch's view seems to have prevailed.

### *Conclusions*

For modern Chippewa tribes at Isabella, Bad River, L'Anse, Leech Lake, Mille Lac and Fond du Lac, justice may be due. As recompense for the neglected right to take maple sugar, Indians for whom treaty rights exist and who decide to exercise those rights could be granted special if not exclusive access for sugaring on thirteen million acres of federal land. Marketable Indian syrup might be given the same status and legal protection extended to wild rice in Minnesota. Or tribes could be paid royalties on all commercial sugar collected from their traditional lands.<sup>56</sup> Failing this, and conceding that fair restitution to victims is not always a cardinal virtue in American justice, we can at least acknowledge that yet another valuable natural resource was denied to Native Americans in their adjustment to white civilization, a loss to keep in mind when anyone voices a moral protest against native land claims, against protection of religious sites, or against treaty rights to fish and water.

### NOTES

1. U.S. Commissioner of Indian Affairs [CIA], *Annual Report*, pp. 85–93.
2. Ritzenthaler, Robert E., *The Woodland Indians of the Western Great Lakes* (Garden City: Natural History Press, 1970), pp. 145–46.
3. A brilliant discussion of the different land-use practices of Indians and whites is in William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang, 1984). For other regions see Richard O. Clemmer,

"Land Use Patterns and Aboriginal Rights," *Indian Historian*, 7 (Winter 1974), pp. 24–41, 47–49. In a parallel case to maple sugar, Nevada's Shoshone and Goshute Indians in 1959 claimed treaty protection for piñon trees on grounds that the nuts had exceptional food value and occupied an important place in native culture. Clemmer, pp. 33–34. For a pro-Shoshone dramatization of tribal conflict with the Bureau of Land Management, see *Broken Treaty at Battle Mountain*, a documentary film.

4. *United States vs. Winans*, 198 U.S. 371 (1905); *New York ex rel. Kennedy vs. Becker*, 241 U.S. 556 (1916); *Tulee vs. Washington*, 315 U.S. 681 (1942); *Puyallup Tribe vs. Department of Game*, 391 U.S. 392 (1968); *Washington vs. Fishing Vessel Association*, 443 U.S. 658 (1979). Two cases upholding Chippewa fishing rights on Lake Superior are *People vs. Jondreau*, 384 Mich. 539 (1971), and *People vs. LeBlanc*, 248 N.W. 2d 199 (1976).

5. In 1806 Pike found Indians trading "great quantities" of wild rice to the British. Donald Jackson, ed., *The Journals of Zebulon Montgomery Pike*, 2 vols. (Norman: University of Oklahoma Press, 1966), vol. I, p. 79. Also see: Henry R. Schoolcraft, "Expedition into the Indian Country," U.S. Congress, *House Executive Document No. 152*, 22nd Congress, 1st Session (1832); *House Executive Document No. 323*, 23rd Congress, 1st Session (1834); CIA, *Annual Reports*: 1840, p. 339; 1847, p. 824; 1849, p. 1040; 1855, p. 373; 1858, p. 400; 1860, p. 276. Henry R. Schoolcraft, *Narrative Journal of Travels Through the Northwestern Regions of the United States . . . to the Sources of the Mississippi River* (Albany: E & E Hosford, 1821), p. 201, *passim*, and *Personal Memoirs of a Residence of Thirty years with the Indian Tribes on the American Frontiers* (Philadelphia: Lippincott, Grambo and Co., 1851), p. 115; William H. Keating, *Narrative of an Expedition to the Source of St. Peter's River*, 2 vols., (London: Geo B. Whittaker, 1823), vol. 2, p. 156; Albert E. Jenks, "The Wild Rice Gatherers of the Upper Lakes: A Study in American Primitive Economics," Bureau of American Ethnology, *Annual Report*, No. 19, Part 2, pp. 1013–1137; Sr. M. Bernard Coleman, "The Ojibwa and the Wild Rice Problem," *Anthropological Quarterly* (July 1953), pp. 79–88.

6. Charles J. Kappler, comp., *Indian Affairs, Laws and Treaties*, 5 vols., (Washington: Government Printing Office, 1904–1941), vol. 2, Treaty of St. Peter's, July 29, 1837, art. 5.

7. \*(See below.) Charlene L. Smith and Howard J. Vogel, "The Wild Rice Mystique: Resource Management and American Indians' Rights as a Problem of Law and Culture," *William Mitchell Law Review*, 10 (1984), pp. 743–804. On the mystique, see p. 758 ff.

8. Smith and Vogel pp. 797–804, and Vennum, *Wild Rice*, pp. 268–82.

9. Kappler, *Indian Affairs*, p. 149.

10. *Ibid.*, p. 186. In Ohio, Michigan, Minnesota, and Wisconsin 13.1 million acres remain under federal control. U.S. Department of Agriculture, *Agricultural Statistics*, 1983, p. 496.

11. *Ibid.*, Treaty of Fort Harmar, Jan. 9, 1789, art. 3; Treaty of Greenville, Aug. 3, 1795, art. 5; Treaty of Detroit, Nov. 17, 1807, art. 4; Treaty of Saginaw, Sept. 24, 1819, art. 6; Treaty of Washington, May 28, 1836, art. 3; Treaty of LaPointe, Oct. 4, 1842, art. 2. Anna B. Jameson described an extensive maple harvest on Sugar Island, including 3500 pounds by one woman. "Impressions of Sault Ste. Marie, 1837," *Michigan History*, 8 (1924), pp. 494, 518. Also see Putnam W. Robbins, "Production of Maple Syrup in Michigan," Michigan State College Agricultural Experiment Station, *Circular Bulletin* 213, (February 1949), p. 3, and C.H. Chapman, "The Historic Johnston Family of the 'Soo,'" *Michigan Pioneer and Historical Collections*, 32 (1902).

12. Indian fishing and water rights provide the best examples of reserved or implied treaty rights: Robert S. Pelcyger, "The Winters Doctrine and the Greening of the Reservations," *Journal of Contemporary Law*, 4 (Winter 1977), pp. 19–37; Richard L. Foreman, *Indian Water Rights* (Danville, Ill.: Interstate Printers, 1981); Norris Hundley, Jr., "The 'Winters' Decision and Indian Water Rights: A Mystery Reexamined," *Western Historical*

\*Thomas Vennum, Jr.'s *Wild Rice and the Ojibway People* (St. Paul: Minnesota Historical Society Press, 1988) is the definitive study of wild rice, a model for anyone seeking to understand how a staple food influences all aspects of a native culture. After describing the botany and ethnobotany of rice, Vennum traces its role in Ojibway legal, economic and social relations with white society.

*Quarterly*, 13 (January 1982), pp. 17–42; Alvin H. Shargo, "Emerging Indian Water Rights: An Analysis . . .," *Rocky Mountain Mineral Law Institute*, 26 (1980), pp. 1105–1156; Paul F. James, "United States vs. Washington: Implied Treaty Rights," *Willamette Law Review*, 18 (Fall 1982), pp. 659–72. Also see footnote 32 below. Efforts to establish such rights to harvest and regulate wild rice, however, have proven unsuccessful. Smith and Vogel, "The Wild Rice Mystique," p. 788, and Vennum, chapters 6–9.

13. Noel Deerr, *The History of Sugar*, 2 vols. (London: Chapman & Hall, 1949); W.R. Aykroyd, *The Story of Sugar* (Chicago: Quadrangle Books, 1967); Manula Moreno, *The Sugarmill: The Socioeconomic Complex of Sugar in Cuba, 1760–1860* (New York: Monthly Review Press, 1976); Sidney W. Mintz, *Sweetness and Power: The Place of Sugar in Modern History* (New York: Viking Press, 1985).

14. Hard or rock maple. Silver, red and black maples also produce sugar but of inferior quality and amounts.

15. Robbins, "Production of Maple Syrup"; W.B. Hinsdale, "Distribution of the Aboriginal Population of Michigan," *Occasional Contributions from the Museum of Anthropology of the University of Michigan* (Ann Arbor: University of Michigan Press, 1932), p. 9; Nelson C. Brown, *Forest Products: The Harvesting, Processing, and Marketing of Materials Other than Lumber*. . . (New York: John Wiley & Sons, Inc., 1950), pp. 234–38; A.J. Panshin, *Forest Products: Their Sources, Production and Utilization* (New York: McGraw Hill, 1950), pp. 454, 458; Helen and Scott Nearing, *The Maple Sugar Book* (New York: John Day Co., 1950), pp. 10–13; Albert G. Ellis, "Fifty-Four Years Recollections of Men and Events in Wisconsin," *Wisconsin Historical Collections*, 7 (1876), pp. 220–21.

16. Helen and Scott Nearing in *The Maple Sugar Book*, Chapter 2, "Indians, the First Maple Sugar Makers," evaluate the issues and reach the conclusion of prehistoric origin. See also A.F. Chamberlin, "Maple Sugar and the Indians," *American Anthropologist*, o.s., vol. 4 (1891), pp. 381–83; Robbins, "Production of Maple Sugar," p. 3; Hinsdale, "Distribution of Aboriginal Population," pp. 26–27; J.B. Ruyle, "The Effect of the Use of Maple Sugar on the Teeth of the Prehistoric Indian," *Nutrition and Dental Health*, 4 (1938), pp. 5–9.

References to native use are later and less frequent in 17th and 18th century documents than one might guess if sugar-making did originate with Indians, e.g., John Bartram (1743), Peter Kalm (1749), Robert Rogers (1765). By the mid-18th century a few but not many observers assumed that Indians had produced sugar "from time immemorial." See H.A. Schuette and A.J. Ihde, "Maple Sugar: A Bibliography of Early Records, II," *Transactions, Wisconsin Academy of Sciences, Arts and Letters*, 38 (1946), pp. 89–184, documents 87, 90–93, 102. Recent pro and con statements on native origin are Margaret B. Holman, "The Identification of Late Woodland Maple Sugaring Sites in The Upper Great Lakes," *Midcontinental Journal of Archeology*, 9 (1984), pp. 63–89, and Carol I. Mason, "Prehistoric Maple Sugaring Sites?" *Ibid.*, 10 (1985), pp. 149–151.

17. Quoted in Nearing, *The Maple Sugar Book*, p. ix.

18. Lucius Lyon to Hon. R.D. Turner, Feb. 17, 1840, in "Letters of Lucius Lyons," *Historical Collections of the Michigan Pioneer and Historical Society*, vol. 27 (1897), pp. 531–32; Gertrude Ackermann, "George Northrup, Frontier Scout," *Minnesota History* (December 1938), p. 384; Nearing, *Maple Sugar Book*, Chapter 3; Peter D. Weber, "Wisconsin Maple Products: Production and Marketing," *Wisconsin State Dept. of Agriculture Bulletin No. 335* (1956), p. 16. For the general importance of maple sugar for the first four centuries of European settlement see Schuette and Idhe's marvelous compilation, "Maple Sugar: A Bibliography."

19. Maple sugar was an important crop in early Wisconsin, with 135,000 pounds produced in 1839 and 600,000 by 1850. Alice E. Smith, *The History of Wisconsin: From Exploration to Statehood*, vol. I (Madison: State Historical Society of Wisconsin, 1973), p. 523. For unsuccessful attempts to grow sugar beets in the Old Northwest, see Frederick Merk, *Economic History of Wisconsin During the Civil War Decade* (Madison: State Historical Society of Wisconsin, 1916), pp. 30–34, 47.

Between 1860 and 1870, the zenith of U.S. production, over 1.6 million gallons of maple syrup and 40 million pounds of sugar reached the market, with 9–15% coming

from the western Great Lakes, mainly Michigan. In 1864, the Chippewa contributed 150,000 pounds. Jenks, "Wild Rice Gatherers," p. 1078. By 1899 overall U.S. maple sugar products had decreased to 12 million pounds, with syrup rising to 2 million gallons for a total value of \$2.7 million, mostly in the New England states. In 1972 maple syrup, despite an 80% decline in consumption since 1918, remained a \$20 million industry (including imports). 1981 syrup production totalled 2,456,000 gallons at \$17.90 per gallon (9% in Wisconsin and Michigan). U.S. Census Office, *Agriculture in the United States* (Washington: Government Printing Office, 1864), pp. 702–03; *Compendium of the Eleventh Census* (Washington: Government Printing Office, 1897), pp. 644–48; U.S. Department of Commerce, *Abstract of the Twelfth Census of the United States* (Washington: Government Printing Office, 1904), p. 273; Department of Agriculture, *Agricultural Statistics* (Washington: Government Printing Office, 1973), pp. 91–92, 96, 441; 1982, pp. 91, 97. Brown, *Forest Products*, pp. 234–35; Weber, "Wisconsin Maple Products."

20. The tariff on maple sugar was 2.5 cents per pound. Indians could transport sugar duty free across the Canadian border but had to pay the tariff if they imported to sell. G. Wolf to A. Wendall, U.S. Treasury Department memo of October 11, 1837, and McMath to McKnight, Treasury Department, June 3, 1862, American Fur Company Papers, Barbeau Collection, Carnegie Library, Sault Ste. Marie, Michigan.

21. *Nouvelle France*, quoted in Nearing, *The Maple Sugar Book*, p. 22.

22. Keating, *Narrative*, pp. 114–15. The first careful argument was H.W. Henshaw, "Indian Origin of Maple Sugar," *American Anthropologist*, 3 (Oct. 1890), pp. 341–51. Henshaw claimed that Ojibwa, Cree, Tuscarora, Omaha, Ponca, Winnebago, Kaw and Oneida words for sugar are etymologically related to sap, maple, sugar-water, or tree, pp. 348–51; Henshaw, p. 350, also cites an informant who said *Zeence-zee-bah-quod-okay-gezis* meant "sugar moon" (March-April) in Ojibwa. Lewis Morgan in *League of the Iroquois* considered a Maple Dance as evidence of native origin for sugar. Chamberlain, "Maple Sugar," quoted Royal Society correspondence of 1684 reporting that Indians had made maple sugar for "time out of mind." French and English documents before and after that date speak of Indian sugar-making, "Indian sugar" and "Indian molasses." Marc Lescarbot, *Histoire* (1609); Paul LeJeune, *Novelle France* (1634); Nicolas Denys, *Histoire naturelle* (1672); Joseph Lafitau, *Moeurs des Sauvages* (1724); Sebastian Rasles, *Lettres* (1726), all cited in Nearing, *Maple Sugar Book*, Chapter 3. For analysis of 17th century European accounts of sugar-making, see Anita Campbell, "An Evaluation of Iconographic and Written Sources in the Study of Maple Sugar Making," *Material History Bulletin*, 9 (Fall 1979), pp. 1–36.

23. Andrew J. Blackbird, *History of the Ottawa and Chippewa Indians of Michigan* (Ypsilanti: Ypsilanti Job Printing House, 1887), pp. 72–73; Blackbird's history describes sugar camps and also includes the story of a great copper kettle used to boil sap. For other origin legends, see [Anna B.] Jameson, *Winter Studies and Summer Rambles in Canada*, 3 vols. (London: Saunders and Otley, 1838), Vol. 3, pp. 11–13; A.F. Chamberlain, "The Maple Amongst the Algonkian Tribes," *American Anthropologist*, vol. 4, o.s. (1891), pp. 40–41; Ritzenthaler, *The Woodland Indians*, pp. 145–46; Martha Thomas, "Maple Sugar: American's Native Sweet," *Early American Life*, 9 (Feb. 1978), pp. 35–36; Schuette and Ihde, "Maple Sugar," doc. 205–211. No major legends about maple sugar may be found in *Ojibwa Texts*, William Jones, comp., Publications of the American Ethnological Society, Vol. 7, despite many references to cooking in kettles. Northeastern Indian perception of trees and forests is discussed in Cronon, *Changes in the Land*, chapter 2.

24. For descriptions of Indian technology, see Schoolcraft, *Memoirs*, pp. 162–63; Thomas L. McKenney, *Sketches of a Tour to the Lakes* (Minneapolis: Ross and Haines, Inc., 1959 reprint of the 1827 edition), p. 192; Arthur T. Wilcox, "The Chippewa Sugar Camp," *Michigan History*, 37 (1953), pp. 280–83; Frances Densmore, *Chippewa Customs*, Bureau of American Ethnology Bulletin 86 (Washington: Government Printing Office, 1929), pp. 119–23, and "Uses of Plants by the Chippewa Indians," *Bureau of American Ethnology Annual Report*, 44 (Washington: Government Printing Office, 1928), pp. 308–13.

Some disagreement exists regarding the division of labor. Most scholars believe sugar making was controlled by women who had usage rights to groves. Women collected



sap and evaporated it; men provided firewood, often up to forty cords. Wilcox, "Chippewa Sugar Camp," p. 282.

The important role of sugar in Chippewa diet is discussed in Richard Yarnell, *Aboriginal Relationships Between Culture and Plant Life in the upper Great Lakes Region* (Ann Arbor: University of Michigan Museum of Anthropology, 1964), p. 144; Melvin R. Gilmore, "Some Chippewa Uses of Plants," *Papers of the Michigan Academy of Science, Arts and Letters*, 17 (1933), p. 135. George Irving Quimby in *Indian Culture and European Trade Goods* (Madison: University of Wisconsin Press, 1966), stresses that maple sugar constituted one-twelfth of the Chippewa diet and was an "extremely important" food, p. 173. On the social function, see James E. Fitting, *The Archaeology of Michigan: A Guide to the Prehistory of the Great Lakes Region* (Garden City: Natural History Press, 1970), p. 194. Traders and Indian agents also used the sugar camps as an opportunity to gather bands for council meetings. George Johnston Letters (April 1826), Clarke Historical Library, Central Michigan University, Mt. Pleasant, Michigan.

Other uses for the maple tree, *a'nind'tig*, included a bread and soup flour made from the cambium, a purple dye from the root, arrows, sleds, snowshoes, canoe paddles and utensils from the wood. Densmore, "Plants," pp. 374-77; Yarnell, *Aboriginal Relationships*, p. 49; Gerald C. Stowe, "Plants Used by the Chippewa," *Wisconsin Archeologist*, 21 (April 1940), pp. 11-12; Jannette M. Lucas, *Indian Harvest: Wild Plant Foods of America* (Philadelphia: J.B. Lippencott, 1945). Edmund J. Danziger, *The Chippewas of Lake Superior* (Norman: University of Oklahoma Press, 1978), chapter 2, provides a useful summary of early Chippewa material culture.

25. Alexander Henry, *Travels and Adventures in Canada and the Indian Territories Between the Years 1760 and 1776* (New York: I. Riley, 1809), pp. 68-69.

26. Densmore, "Uses of Plants," pp. 308-313; Thomas, "Maple Sugar," pp. 34-35; Wilcox, "Chippewa Sugar Camp," pp. 284-85; Jeremiah Porter to his brother, May 5, 1831, Porter Letters, Clarke Historical Library. The Sioux also made maple sugar; one of the best descriptions of native manufacturing may be found in Charles A. Eastman's *Indian Boyhood* (Boston: Little, Brown, and Co., 1937), pp. 29-36. For Sioux sugar feasts and rites, see Mary Eastman, *Dahcotah* (1849), p. 159, and for Ponca practices see James H. Howard, *The Ponca Tribe*, BAE Bulletin No. 195 (1965), p. 44.

27. A native account of the food cycle may be found in Densmore, *Chippewa Customs*, pp. 119-23; the cycle is summarized in Jenks, "Wild Rice Gatherers," p. 1095. For a discussion of the periodicity of Indian food supplies and their relationship to culture, consult Cronon, *Changes in the Land*, chapter 3. Vennum has an excellent chart of the Chippewa cycle, *Wild Rice*, p. 4.

Hickerson considers rice the emergency or back-up food for the Chippewa because these crops failed every two or three years due to flood, drought, hail and wind. Harold Hickerson, "Land Tenure of the Rainy Lake Chippewa at the Beginning of the 19th Century," *Smithsonian Contributions to Anthropology*, 2 (1967), pp. 49-52; *The Chippewas and Their Neighbors: A Study in Ethnohistory* (New York: Holt, Rinehart and Winston, 1970), pp. 10, 106; and "Chippewa Nation Occupancy of Wisconsin and Minnesota, 1838," pp. 203-04, Anthropological Report to the Indian Claims Commission, Clearwater Publishing Co. microfiche. In my opinion, Vennum successfully revises Hickerson's concept of rice as only an emergency food, *Wild Rice*, pp. 149-50, 157. Many early accounts tell of Indians living entirely on maple sugar, e.g., Henry, *Travels and Adventures*, p. 70; John H. Pitzel, *Lights and Shades of Missionary Life* (Cincinnati: Western Book Concern, 1861), p. 84. However George Johnson's journal and letters, 1824-1827, do not mention maple sugar during several starving winters in northern Michigan; instead, rice, potatoes and fish were key staples. Johnston letters, *passim*.

28. Nearing, *The Maple Sugar Book*, p. 37; J. Porter to his brother, May 5, 1831; Jameson, *Winter Studies*, pp. 494, 518; Alfred Brunson to J.D. Doty, Jan. 6, 1843, Office of Indian Affairs, Letters Received, Record Group 75, U.S. National Archives [OIA:LR]; Alexander Henry, *Travels and Adventures*, p. 70; Chapman, "Historic Johnston Family," p. 313. Family harvests at the Sault averaged 300-700 pounds each in 1841. In Minnesota, Pillager and Lake Winnebagoishish bands reportedly produced 75 tons of maple sugar in 1863; elsewhere in Minnesota, families averaged from 500 to 2,000 pounds a year.

CIA, *Annual Reports*: 1841, pp. 290, 332; 1847, pp. 819–20, 915–18; 1864, pp. 40–41; Joseph A. Gilfillan, "The Ojibways in Minnesota," *Minnesota Historical Collections*, vol. 8, pp. 55–128 (originally written in 1897).

29. Benjamin Rush, *An Account of the Sugar Maple Tree of the United States* (Philadelphia: Aitken & Son, 1792). Rush and his contemporaries who promoted maple sugar valued it as a solid as against liquid sweeteners. For others who hoped maple sugar would undermine slavery, see Schuette and Ihde, "Maple Sugar," doc. 112, 116, 120.

30. Gabriel Franchere to Lyman Warren, March 16, 1835; John Holiday to L'Anse Post, March 17, 1835; Franchere to Ramsey Crooks, May 27, 1835; O. Woodin to Pierre Barbeau, Oct. 15, 1852; American Fur Co. Papers, Sault Collection. Also see: Jackson, *Journal of Zebulon Pike*, vol. 1, pp. 80, 107; Pike reported sugar selling at fifty cents per pound in 1806. McKenny, *Sketches of a Tour*, p. 192; The Engages, "Maple Sugar in the Fur Trade," *Museum of the Fur Trade Quarterly*, 7 (Spring 1971), pp. 6–9; Theodore C. Blegen, *Minnesota: A History of the State* (St. Paul: University of Minnesota Press, 1963), p. 139; Quimby, *Indian Culture and European Trade Goods*, p. 175; Francis P. Prucha, *The Great Father: The United States Government and the American Indians*, 2 vols. (Lincoln: University of Nebraska Press, 1984), pp. 121–22. For an example of trade with settlers, see the account of John Fonda in *Collections of the State Historical Society of Wisconsin*, vol. 5, quoted in Hickerson, "Chippewa Nation Occupancy," pp. 163–64. In 1870 the American Fur Co. purchased 15,000 pounds of sugar from Indians; Lucas, *Indian Harvest*, p. 25. The George Johnston letters of the 1820s indicate that tobacco, ammunition, liquor, squash, flour and corn were traded much more frequently than sugar.

31. Dwight Goss, "The Indians of the Grand River Valley," *Michigan Pioneer and Historical Collections*, 30 (1900), pp. 172, 185–86. Alex R. Gilpin, *The Territory of Michigan, 1805–1837* (Lansing: Michigan State University Press, 1970), p. 74.

32. CIA, *Annual Reports*: 1840, p. 350; 1849, p. 1166; 1850, p. 85. Engages, "Maple Sugar in the Fur Trade," pp. 6–9; McKenny, *Sketches of a Tour*, p. 194; Wilcox, "Chippewa Sugar Camp," p. 284. In the depressed market of 1842 high quality Indian sugar brought four to six cents per pound. William Brewster to John Livingston, May 13, 1842, American Fur Co. Papers, Livingston Collection. Sugar served as a medium of exchange for the Company at Mackinac where a bill was due "payable in sugar," although the creditor preferred "Siskawit" (Lake Superior salmon) or whitefish. Henry Selby to Livingston, Sept. 7, 1842. Many documents in Schuette and Ihde, "Maple Sugar," attest to the value of sugar in the fur trade, e.g., doc. 103, 121, 126, 131–37, 144, 147, 149, 154, 160–63.

33. On rules of construction, see *Worcester vs. Georgia*, 6 Peters 515 (1832); *Jones v. Meehan*, 175 U.S. 1 (1899); *United States vs. Winans*, 198 U.S. 371 (1905); *Alaska Pacific Fisheries vs. United States*, 248 U.S. 78 (1918); *United States vs. Shoshone Tribe*, 304 U.S. 111 (1938); *Northern Cheyenne Tribe vs. Hollowbreast*, 425 U.S. 649 (1976); *Washington vs. Fishing Vessel Association*, 443 U.S. 658 (1979). Also see David H. Getches, et al., *Federal Indian Law* (St. Paul: West Publishing Co., 1979), pp. 35–36, 493, 541; Vine Deloria, Jr., and Clifford M. Lytle, *American Indians, American Justice* (Austin: University of Texas Press, 1983), pp. 48–49; Jill De La Hunt, "The Canons of Indian Treaty and Statutory Construction: A Proposal for Codification," *University of Michigan Journal of Law Reform*, 17 (Spring 1984), pp. 681–712.

Indian water rights have been firmly established through application of these canons. Only one treaty in American history explicitly reserved water for a tribe (the Nez Perce treaty of Lapwai, article 8, June 9, 1863, Kappler, *Indian Affairs*), yet the Supreme Court ruled in *Winters vs. United States*, 207 U.S. 564 (1908) that access to sufficient water is inherent in the creation of a reservation. The same reasoning has been applied to hunting and fishing rights. For the implicit protection of fish habitat, see *United States vs. Washington (Phase II)*, 506 F. Supp. 187 (1979), and for the right to hunt on traditional lands after federal termination, *Menominee Tribe vs. United States*, 391 U.S. 404 (1968).

34. McCoy Journal, Oct. 7, 1828, cited in George A. Schultz, *An Indian Canaan: Isaac McCoy and the Vision of an Indian State* (Norman: University of Oklahoma Press, 1972), p. 110.

35. *Documents Accompanying the Journal of the Senate, State of Michigan, 1840*, quoted in Hinsdale, "Aboriginal Population," p. 28.

36. "Proceedings of a Council held . . . with the Chiefs and principal men of the Chippewa nation of Indians near Fort Snelling . . . 1837," *Documents Relating to the Negotiations of . . . Treaties with Various Indian Tribes, 1801-1869*, U.S. National Archives microfilm T494, roll 3.

37. OIA:LR: La Pointe Agency, F Ayer to M. Van Buren, Sept. 30, 1837. Years later a Minnesota lumberman who had logged the Mille Lacs region agreed that the Chippewa had been underpaid for their land and that it should have been returned to them. Daniel Stanchfield, "History of Pioneer Lumbering on the Upper Mississippi . . .," *Minnesota Historical Collections*, 8 (1901), p. 331.

38. OIA:LR: La Pointe Agency, Osh-ka-ba-wis, Ka-she-aush, *et al.* to "Our Great Father," January, 1849.

39. Johann G. Kohl, *Kitchi-Gami: Wanderings Round Lake Superior* (London: Chapman and Hall, 1860), pp. 211, 318-324; Agnes M. Hilger, "Letters and Documents of Bishop Baraga . . ." *American Catholic Historical Society Records*, 47 (1936), p. 298; Chrysostomus Verwyst, *Life and Labors of Rt. Rev. Frederic Baraga* (Milwaukee: M.H. Wiltzius & Co., 1900), p. 156; Andrew J. Blackbird, "The Indian Problem, from the Indian's Standpoint," n.p., c. 1900, photocopy, Clements Library, University of Michigan, Ann Arbor; George Blackburn, "Foredoomed to Failure: The Manistee Indian Station," *Michigan History*, 53 (1969), pp. 46-48.

40. Kohl, *Kitchi-Gami*, p. 421. For a brief account of Indian concepts of land ownership, see Deloria, *American Indians, American Justice*, pp. 194-96. More extended analyses are in Cronon, *Changes in the Land*, pp. 58-81, 227-28; A. Irving Hallowell, "The Nature and Function of Property as a Social Institution," *Journal of Legal and Political Sociology*, 1 (1942), pp. 115-38; and Imre Sutton's bibliography, *Indian Land Tenure* (New York: Clearwater Publishing Co., 1975).

The similarity between property rights in sugar and those in rice may be seen in Densmore, "Uses of Plants," p. 308; Jenks, "Wild Rice Gatherers," p. 1073; Hickerson, "Land Tenure," p. 61; Fitting, *Archeology of Michigan*, p. 194; Smith and Vogel, "Wild Rice Mystique," p. 752.

41. Harold Hickerson, "William T. Boutwell of the American Board and Pillager Chippewas: The History of a Failure," *Ethnohistory*, 12 (Winter, 1965), pp. 17-18. The Chippewa usually assigned rights to harvest a sugar grove through women. For the Prairie du Chien murders, see Smith, *History of Wisconsin*, p. 130. For evidence that whites clearly recognized the value of "this well known and highly valuable tree" (1857) during the treaty period, see Schuette and Ihde, "Maple Sugar," doc. 142-191.

42. CIA, *Annual Reports*: 1846, pp. 326-27; 1848, pp. 556, 559; 1849, pp. 1158-59; 1851, pp. 313-14, 317; 1852, p. 320. OIA:LR:, Sault Agency, W.H. Brockway to James Ord, August 28, 1846. Pitezel, *Lights and Shades*, pp. 74-75.

43. CIA, *Annual Reports*: 1837, pp. 570-571; 1840, p. 350; 1841, pp. 290, 332; 1842, p. 403; 1843, pp. 436-37; 1846, p. 339; 1847, pp. 819-20, 907, 915-18; 1849, pp. 1144, 1151, 1153, 1166; 1850, pp. 85-89; 1853, p. 282; 1854, p. 262.

44. The American Fur Co. continued to trade in maple sugar during the late 1850s. An 1857 inventory showed 10,000 lbs. of sugar sold or in storage at Sault Ste. Marie, and the next year a Chicago firm sought to purchase several tons. Another order arrived for two "mukkuks of the best quality Maple Sugar . . . and pay them whatever they may ask for it." American Fur Co., Sault Collection, inventory of May 26, 1857; Graff & Hoyle to Barbeau, April 8, 1858; Stauard to Barbeau, May 15, 1858; Kause [?] to Barbeau, Sept. 1, 1858; Loranger to Barbeau, Sept. 6, 1859.

45. "Chippewa Indians," *House Executive Document*, No. 246, 40th Congress, 2nd Session.

46. Dept. of Agriculture, *Agricultural Statistics* (1983), p. 496.

47. Schuette and Ihde, "Maple Sugar," doc. 216, 218.

48. Danziger, *Chippewa of Lake Superior*, Chapters 6–7.
49. Gilmore, "Chippewa Uses of Plants," pp. 119–21.
50. Danziger, *Chippewa of Lake Superior*, pp. 96–102, 110–114; Prucha, *Great Father*, Chapters 26, 34.
51. Cronon, *Changes in the Land*, pp. 34–37, discusses the origin of white beliefs in native laziness.
52. Thomas, "America's Native Sweet," pp. 36–37. For Indian protest against BIA sales of sugar bush for timber, see Gifford Pinchot, *Breaking New Ground* (New York: Harcourt, Brace & Co., 1947), pp. 411–12.
53. Daphne A. Roe, *A Plague of Corn: The Social History of Pellagra* (Ithaca: Cornell University Press, 1973), p. 19.
54. McKenny, *Sketch of a Tour*, pp. 376–77; CIA, *Annual Reports*: 1846, p. 258; 1848, p. 386; 1855, pp. 371–72; 1858, pp. 376, 395; 1860, p. 257.
55. Alpheus Felch, "The Indians of Michigan and the Cession of Their Lands to the United States by Treaties," *Michigan Historical Collections*, 36 (1894), p. 275.
56. The index to the Indian Claims Commission's findings has no references to settlements for maple sugar production, nor does Helen E. Knuth's "Economic and Historical Background of Northwestern Minnesota Lands," Indian Claims Commission Docket 18U, Plaintiff Exhibit No. 500 (1966), mention sugar as a lost native resource. Maple sugar may not meet the standard of "highest and best use," an economic criterion for ICC compensation that can ignore cultural values or the wishes of a people.

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Robert H. Keller

*American Indian Quarterly*, Vol. 13, No. 2. (Spring, 1989), pp. 117-135.

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### [Footnotes]

<sup>5</sup> **The Ojibwa and the Wild Rice Problem**

Bernard Coleman

*Anthropological Quarterly*, Vol. 26, No. 3, New Series Vol. 1. (Jul., 1953), pp. 79-88.

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<sup>12</sup> **The "Winters" Decision and Indian Water Rights: A Mystery Reexamined**

Norris Hundley, Jr.

*The Western Historical Quarterly*, Vol. 13, No. 1. (Jan., 1982), pp. 17-42.

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<sup>16</sup> **Maple Sugar and the Indians**

A. F. Chamberlain

*American Anthropologist*, Vol. 4, No. 4. (Oct., 1891), pp. 381-384.

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<sup>22</sup> **Indian Origin of Maple Sugar**

H. W. Henshaw

*American Anthropologist*, Vol. 3, No. 4. (Oct., 1890), pp. 341-352.

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## LINKED CITATIONS

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<sup>23</sup> **The Maple amongst the Algonkian Tribes**

A. F. Chamberlain

*American Anthropologist*, Vol. 4, No. 1. (Jan., 1891), pp. 39-44.

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<sup>41</sup> **Review: [Untitled]**

Reviewed Work(s):

*Process and Pattern in Culture: Essays in Honor of Julian H. Steward* by Robert A. Manners

Harold Hickerson

*Ethnohistory*, Vol. 12, No. 2. (Spring, 1965), pp. 173-178.

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