

BEFORE THE INDIAN CLAIMS COMMISSION

SAGINAW CHIPPEWA INDIAN TRIBE)
 OF MICHIGAN, and JAMES STRONG,)
 as representative of all members)
 of the Chippewa Tribe of Indians)
 having any interest in the claims)
 asserted,)

Plaintiffs,)

v.)

Docket No. 13-H

UNITED STATES OF AMERICA,)

Defendant.)

Decided: April 22, 1954

SUPPLEMENTAL FINDINGS OF FACT

The Commission makes the following findings of fact to supplement and in some instances to correct the findings heretofore made herein;

11. The tribal plaintiff herein comprises the Saginaw, Swan Creek and Black River bands of Chippewa Indians and will for brevity be herein referred to as the Saginaw, as was done in the former findings.

12. Of the 98,051.13 acres of land in the Isabella Reservation (Finding 2) available for Indian selection or purchase under the treaty of August 2, 1855, 11 Stat. 1855, the Saginaw members selected therein 27,931.80 acres. (Def. Ex. 61 and supporting exhibits shown therein). No purchases (entries) of lands of Isabella reservation lands under the provisions of Article 1 of the 1855 treaty were ever made.

13. Under the provisions of Article 1 of the 1855 treaty, the Saginaw members also selected, and certificates of selection in accordance

with the treaty were issued, for 5,926.22 acres of the Saginaw Reservation lands.

Under the provisions of Article 3 of the Treaty of October 18, 1864, 14 Stat. 657, Saginaw members who made selections in the Saginaw Reservation were given the right to make selections in Isabella Reservation in lieu of selections previously made in the Saginaw Reservation, and selections aggregating 5600 acres were accordingly made in Isabella Reservation.

Therefore, deducting from the total acreage of 98,051.13 withdrawn from sale for the benefit of the Saginaw by the 1855 treaty, the selected acreage of 27,931.80 (Finding 12), plus the 5600 lieu land selections referred to in the last preceding paragraph, there remained in Isabella Reservation 64,519.33 acres "for the exclusive use, ownership, and occupancy of the said Chippewas of Saginaw, Swan Creek and Black River" (Art. 2, Treaty of 1864), and which lands were available for individual selections by members of the Saginaw under the provisions of Article 3 of the 1864 treaty after satisfying the lieu land selection mentioned above in this finding.

14. By the provisions of Article 1 of the 1855 treaty, the Saginaw were given five years from July 1, 1856, to make selections (Finding 3) and five years thereafter within which to purchase (enter) the unselected lands. So, at the date of the 1864 treaty there remained only the right to enter and pay for the 70,119.33 acres of unselected lands in Isabella Reservation and 54,667.01 acres of unselected lands in the Saginaw Reservation.

15. To summarize: what the Saginaw got for their relinquishment of the Saginaw reservation by the treaty of October 18, 1864, were:

(a) "the exclusive use, ownership, and occupancy of all of the unsold lands" in Isabella Reservation, (Article 2), including the 64,519.33 acres of unselected lands.

(b) A preferred right of individual Saginaw to make selections of lands in Isabella Reservation in lieu of those they had previously made in the Saginaw Reservation. (Art. 3).

(c) The right of each chief signing the treaty to select 80 acres of land in Isabella reservation in addition to selections already made.

(d) Selections in Isabella by Saginaw individuals, by certain named persons for services, and by certain bands of other Indians.

(e) Expenditure of \$20,000 by Government for support and maintenance of a manual labor school.

(f) Restoration of the right of individual Saginaw to make selections without payment therefor of 64,519.33 acres in Isabella reservation, a right which expired on July 31, 1861, in addition to lieu land selections of 5600 acres referred to above.

16. Plaintiffs have offered no proof as to value of rights acquired by the 1864 treaty and only incomplete and therefore inadequate proof of the value of the relinquished lands.

Edgar E. Witt
Chief Commissioner

Louis J. O'Marr
Associate Commissioner

Wm. M. Holt
Associate Commissioner