

MAY 20 1953 614-a

## BEFORE THE INDIAN CLAIMS COMMISSION

RED LAKE BAND, et al., including the BAY MILLS INDIAN COMMUNITY	)	Docket No. 18-E
	)	
and	)	
	)	
OTTAWA AND CHIPPEWA INDIANS OF MICHIGAN, et al.,	)	Docket No. 58
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

INTERLOCUTORY ORDER

These consolidated dockets having been heard on the issues of whether or not the plaintiffs in Docket 18-E are entitled to prosecute the claims asserted, and whether or not plaintiffs or their predecessors in interest had original title or recognized Indian title to certain land ceded to the defendant, the parties filed proposed findings of fact and briefs and said two issues were submitted to the Commission for determination.

The Commission, now being fully advised, finds:

- (1) That the Keweenaw Bay Indian Community, the L'Anse, Lac Vieux Desert, and Ontonagon Bands of Chippewa Indians, Charles Picard and Edward Monguse are improper parties plaintiff in Docket 18-E:
- (2) That the remaining parties plaintiff in Docket 18-E and those in Docket 58 have satisfactorily established their right to assert the claims herein presented; and
- (3) That plaintiffs' predecessors in interest held original Indian title on March 28, 1836, by admission of the defendant and according to the evidence presented, to all that part of a tract of land situated in the State of Michigan, identified as Royce Area 205, and described as follows (exclusive of seven separate tracts therein which are identified as Royce Areas 21, 22, 23, 112 and 113 upon Royce's Michigan i Map, Volume 18, B.A.E., and Sub-areas "U" and "S" as identified upon Defendant's Exhibit 25, Map 1-A), to wit:

Beginning at the mouth of Grand river of Lake Michigan on the north bank thereof, and following up the same to the line called for, in the first article of the treaty of Chicago of the 29th of August 1821, thence, in a direct line, to the head of Thunder-bay river, thence with the line established by the treaty of Sagawaw of the 24th of September 1819, to the mouth of said river, thence northeast to the boundary line in Lake Huron between the United States and the British province of Upper Canada, thence northwestwardly, following the said line, as established by the commissioners acting under the treaty of Ghent, through the straits, and river of St. Mary's, to a point in Lake Superior north of the mouth of Gitchy Seebing, or Chocolate river, thence south to the mouth of said river and up its channel to the source thereof, thence, in a direct line to the head of the Skonawba river of Green bay; thence down the south bank of said river to its mouth, thence, in a direct line; through the ship channel into Green bay; to the outer part thereof, thence south to a point in Lake Michigan west of the north cape, or entrance of Grand river, and thence east to the place of beginning, at the cape aforesaid, comprehending all the lands and islands, within these limits, not hereinafter reserved.

(4) That, subject to future stipulation of the parties hereto or further evidence respecting acreages, it is found said Areas 21, 22, 23, 112 and 113 contain a total of 50,452 acres; that Sub-areas "U" and "S" contain a total of 956,160 and 253,440 acres, respectively, that there was reserved to the Ottawa and Chippewa Indians by the treaty of March 28, 1836 (7 Stat. 491) a total of 401,971 acres, and that defendant acquired from petitioners' predecessors in interest on said date a total of 12,446,905 acres within said Area 205:

(5) That plaintiffs have failed to establish Indian title by exclusive use, occupancy and possession or a recognized title to the tract identified as Royce Area 113, being the St. Martin Islands in Lake Huron, or to Sub-areas "U" and "S".

IT IS THEREFORE ORDERED AND ADJUDGED, That Docket 18-8 be dismissed as to the Keweenaw Bay Indian Community, the L'Anse, Lac Vieux Desert, and Ontonagon Bands of Chippewa Indians, Charles Picard and Edward Monguse; that the remaining parties plaintiff are proper parties to present the issues involved in these consolidated dockets; that plaintiffs' predecessors in interest held original Indian title on March 28, 1836, to Royce Area 205 above described, exclusive of 50,452 acres therein identified as Royce Areas 21, 22, 23, 112 and 113, 253,440 acres identified as Sub-area "S" and 956,160 acres identified as Sub-area "U" that plaintiffs' predecessors in interest ceded to the defendant on said date a total of 12,446,905 acres of land within said Royce Area 205, having reserved to themselves by said treaty a total of 401,971 acres; that the parties shall proceed to the presentation of evidence respecting the value of said land as of March 28, 1836.

IT IS FURTHER ORDERED AND ADJUDGED That petitioners have not established their claim of original Indian title by exclusive use and possession or by recognition as to Area 113 or as to Sub-areas "U" and "S".

Dated at Washington, D. C., this 20th day of May, 1959.

Edgar E. Witt  
Chief Commissioner

Wm. M. Holt  
Associate Commissioner