

BEFORE THE INDIAN CLAIMS COMMISSION

THE PILLAGER BANDS OF CHIPPEWA INDIANS)
 IN THE STATE OF MINNESOTA,)
)
 Petitioners,)
)
 v.) Docket No. 144
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

Decided: October 10, 1968

Appearances:

Robert C. Bell, Jr., Attorney
for the Petitioners.

Craig A. Decker, with whom was
Mr. Assistant Attorney General
Clyde O. Martz, Attorneys for
the Defendant.

OPINION OF THE COMMISSION

Chairman Vance rendered the Opinion for the Commission.

This case is now before the Commission on petitioners' motion for summary judgment by which they seek a determination that they were the owners by recognized title of the land (Royce Area 269) ceded by them to the United States by the Treaty of August 21, 1847 (9 Stat. 908, 2 Kappler 569).

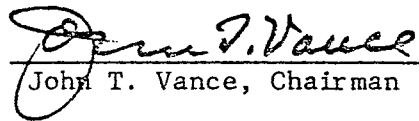
There is a similarity between this case and the claim in the matter of Docket No. 18-T (Minnesota Chippewa Tribe, et al.), and the two cases were formerly consolidated for purposes of trial. After the petitioners in Docket No. 18-T filed a motion for summary judgment, the subject

petitioners filed the same motion relying on the exhibits and arguments presented in Docket 18-T. And defendant has requested that its response in Docket 18-T be deemed its response herein.

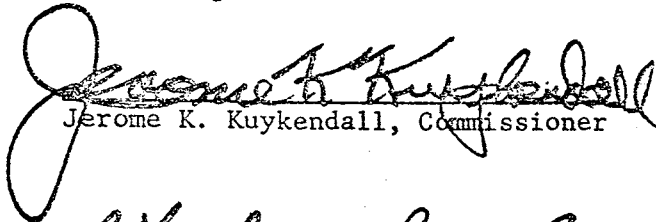
The claim in Docket No. 18-T involved Royce Area 268, an area of land southeast and adjacent to Royce Area 269, which is in issue in this case. The treaty of cession in Docket No. 18-T was dated August 2, 1847, while the treaty of cession in this case was made on August 21, 1847.

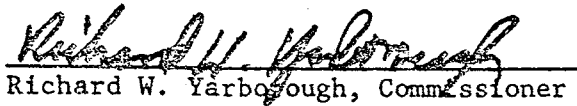
The Commission, on August 20, 1968, granted petitioners' motion in Docket No. 18-T (19 Ind. Cl. Comm. 341). In that case we determined that by action of the United States in ratifying the Prairie du Chien Treaty of August 19, 1825, and the further Congressional action in ratifying the Treaties in 1826, 1827, and 1842, the United States recognized title in the Chippewas. In that case we set forth in the opinion our reasons for our holding. Those same reasons lead us to the conclusion that petitioners' motion for summary judgment should likewise be granted in the subject matter. We see no reason to reiterate our views in detail in this opinion. What the Commission stated in the opinion in Docket No. 18-T is adopted as our reasons for the findings and determinations made herein.

The petitioners' motion for summary judgment having been granted, we shall reserve further judgment until proof has been offered as to the consideration paid for the cession, the acreage involved and the fair market value of the area as of April 7, 1848.


John T. Vance, Chairman

Concurring:


Jerome K. Kuykendall, Commissioner


Richard W. Yarborough, Commissioner