

BEFORE THE INDIAN CLAIMS COMMISSION

BOIS FORTE BAND, PETER SMITH, CALVIN )  
KADUB, WILLIAM JOHNSON, AND )  
LAWRENCE A. CONNOR, )

Plaintiffs, )

v. )

Docket No. 18-D

THE UNITED STATES OF AMERICA, )

Defendant. )

Decided: June 27, 1969

Appearances:

Jay H. Hoag, Attorney of Record  
for Plaintiffs  
Marvin J. Sonosky, Of Counsel

Craig A. Decker, with whom was  
Mr. Assistant Attorney General Clyde O. Martz  
Attorneys for Defendant  
Sim T. Carman was on the Answer

OPINION

Blue, Commissioner, delivered the opinion of the Commission.

This case is now before the Commission on plaintiffs' motion for a summary judgment that the Bois Forte Band of Chippewa Indians was the owner by recognized title of the land identified as Royce Area 482, ceded by the Bois Forte Band of Chippewas to the United States by the Treaty of April 7, 1866, ratified April 26, 1866 (14 Stat. 765, 2 Kappler 916). The plaintiffs assert that the United States recognized the title of the Chippewas by the Treaty of Prairie du Chien of August 19, 1825 (7 Stat. 272, 2 Kappler 250), Treaty of Fond du Lac of August 3, 1826 (7 Stat. 290, 2 Kappler 268), and the Treaty of Butte des Morts of August 11, 1827 (7 Stat.

303, 2 Kappler 281) and by the entire course of dealings between the United States and the Chippewas.

This case is similar to the claims presented by the Minnesota Chippewas and others in Docket Nos. 18-S, 18-T and 18-C. The Commission has entered its decisions on plaintiffs' motions in those cases (Docket No. 18-S, decided August 13, 1968 (19 Ind. Cl. Comm. 319); Docket No. 18-T, decided August 20, 1968 (19 Ind. Cl. Comm. 341); and in Docket No. 18-C, decided October 10, 1968 (19 Ind. Cl. Comm. 514)). In determining that the Prairie du Chien Treaty and the supplementary treaties in 1826 and 1827 were Congressional Acts which granted recognized title to Chippewas, we set forth in the opinions in those cases our reasons for our holdings. Those same reasons lead us to the conclusion that plaintiffs' 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 opinions in Docket Nos. 18-S, 18-T and 18-C is adopted as our reasons for the findings and the determination made herein.

The plaintiffs claim Royce Area 482 on the basis of recognized title. We have so found recognized title in the plaintiffs.

We have, therefore, concluded that plaintiffs' motion for summary judgment should be granted. By Congressional action the United States granted recognized title in the Chippewa Indians to all of the claimed lands (Royce Area 482). The lands were ceded to the United States by the Treaty of April 7, 1866, which was ratified on April 26, 1866. We have

concluded that the ratification date should be considered the effective date of the cession of Royce Area 482.

Having ruled favorably on plaintiffs' title claim, 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 26, 1866.

Brantley Blue  
Brantley Blue, Commissioner

Concurring:

Jerome K. Kuykendall  
Jerome K. Kuykendall, Chairman

John T. Vance  
John T. Vance, Commissioner

Richard W. Yarborough  
Richard W. Yarborough, Commissioner

Margaret H. Pierce  
Margaret H. Pierce, Commissioner