

BEFORE THE INDIAN CLAIMS COMMISSION

BAY MILLS INDIAN COMMUNITY, SAULT)	
STE. MARIE BANDS, Arthur W. LaBlanc,)	
Daniel Edwards and John L. Boucher,)	
)	
Plaintiffs,)	
v.)	Docket No. 18-F
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: November 19, 1969

Appearances:

Rodney J. Edwards, Attorney for Plaintiffs.

Craig Decker, with whom was Mr. Assistant Attorney General Shiro Kashiwa, Attorneys for Defendant.

OPINION OF THE COMMISSION

Chairman Kuykendall delivered the opinion of the Commission.

In this case the Bay Mills Indian Community seeks to recover additional compensation for certain rights ceded by the Treaty of August 2, 1855 (11 Stat. 631, 2 Kappler 732). The suit is brought on behalf of the Sault Ste. Marie Band of Chippewas, and the case is now before the Commission on the limited issues of the right of the plaintiffs to maintain this action and the claim of ownership to the rights ceded by the 1855 Treaty. The Bay Mills Indian Community has established its right to maintain this action on behalf of the Sault Ste. Marie Band of Chippewas.

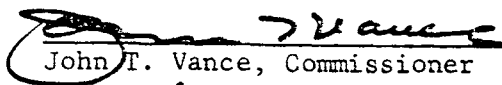
Under the terms of three treaties, June 16, 1820 (17 Stat. 206 2 Kappler 187); March 28, 1836 (7 Stat. 491, 2 Kappler 450); and July 31, 1855 (11 Stat. 621, 2 Kappler 725), the Chippewas of Sault

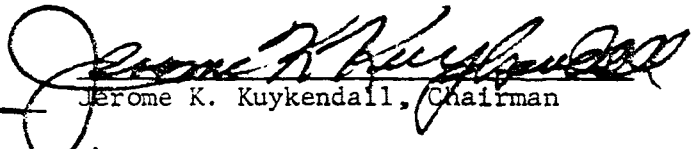
Ste. Marie were accorded the right of fishing at the falls of St. Mary's and a place of encampment convenient to the fishing grounds. The tract set off and assigned for the encampment contained 36.4 acres.

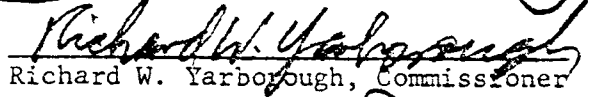
By the Treaty of August 2, 1855, the Chippewas of Sault Ste. Marie ceded the right of fishing at the falls of St. Mary's and the 36.4 acre encampment to the United States. We have found that the Sault Ste. Marie Band of Chippewas held the described fishing rights and recognized or reservation title to the encampment until those rights and title were ceded by them by the Treaty of August 2, 1855. The effective date of the treaty was its ratification, April 15, 1856. Accordingly, the fair market value of the 36.4 acre place of encampment and the value of the ceded fishing rights will be determined as of April 15, 1856.

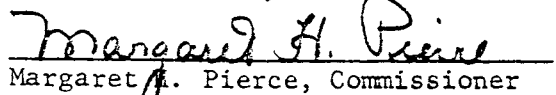
This case will now proceed to a determination of the fair market value of the rights and title described and the amount of the consideration paid for the cession.

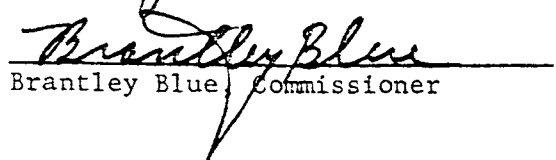
Concurring:


John T. Vance, Commissioner


Jerome K. Kuykendall, Chairman


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner