

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-R
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: November 19, 1969

FINDINGS OF FACT

1. This claim involves land which was ceded by the Chippewa Tribe of Indians to the United States by the Treaty of June 16, 1820 (7 Stat. 206). Said lands are located in the area of the present day city of Sault Ste. Marie in the Northern Peninsula of Michigan, described in Article I of said Treaty as follows:

Beginning at the Big Rock, in the river St. Mary's, on the boundary line between the United States and the British Province of Upper Canada; and, running thence, down the said river, with the middle thereof, to the Little Rapid; and, from those points, running back from the said river, so as to include sixteen square miles of land.

2. The Bay Mills Indian Community is a Wheeler-Howard Act Indian corporation duly organized pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), under a constitution and by-laws approved by the Secretary of the Interior on November 4, 1936. Its membership consists of members of the Sault Ste. Marie Band of Chippewa Indians residing on the Bay Mills Reservation in the State

of Michigan. The Bay Mills Indian Community is not the successor in interest to the claim presented under Docket 18-R but is entitled to maintain this action in a representative capacity on behalf of the Sault Ste. Marie Band of Chippewa Indians.

3. The Chippewa Tribe or Nation of Indians was one of the larger groups of Indians of the Algonquin linguistic stock located in the northern section of the United States. When first contacted by white explorers in the seventeenth century, the Chippewas were in the area around Lakes Huron and Superior. Beginning in the early part of the eighteenth century, they started pushing their way westward across Minnesota, gradually displacing the Sioux and driving them across the Mississippi and south to the Minnesota River. By the end of the century they had extended their occupation through northern Minnesota and across the Red River, into northeastern North Dakota. They had a large number of villages, bands and local divisions scattered over a region extending a thousand miles from east to west, and many of these bands or groups came to be known by the name of the village, lake or river near which they resided.

4. With respect to claims under the treaties, history shows that while the treaties named the "Chippewa Nation of Indians" or "Chippewa Tribe of Indians" as parties, the treaties were in fact made with, and the payments to be made under them, were understood to be limited to only those of the numerous bands of Chippewas who were in the area where the lands dealt with in the treaties were

situated. After the advent of Lewis Cass in 1817 and Henry R. Schoolcraft in 1822, all responsible officials of the United States were careful in the dealings with the Chippewa Indians to summon to council the headmen of all bands known or believed to be in occupancy of the lands in question or otherwise interested in matters to be discussed, and not to summon other Indians. Schoolcraft was meticulous in his determination of bands and individuals to whom the obligations of the United States were payable, in all treaties made before and during his term as Indian Agent, and in the discharge of those obligations.

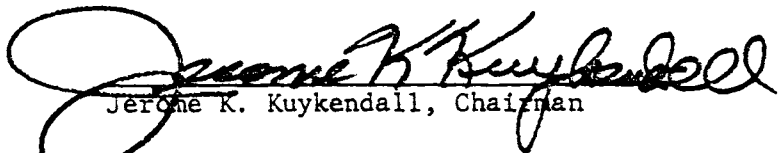
5. For several years prior to the declaration of American sovereignty on July 4, 1776, and continuously until the Treaty of June 16, 1820, Chippewa Indians exclusively used and occupied Royce Area 112. The Chippewas who occupied Royce Area 112 came to be known by the name of the village of Sault Ste. Marie, located within the boundaries of Royce Area 112 and became identified as the Sault Ste. Marie Band of Chippewa Indians. (Article III, Treaty of July 31, 1855, 11 Stat. 621; Treaty August 2, 1855, 11 Stat. 631.) Said Royce Area contains 10,240 acres. See 7 Ind. Cl. Comm. 576, 586.

6. March 2, 1821, the date the treaty was ratified by proclamation is the effective date of the cession to the United States.

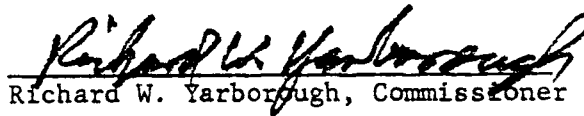
CONCLUSIONS OF LAW

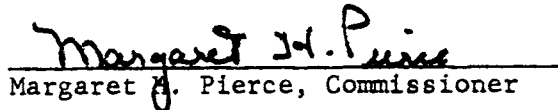
Upon the foregoing Findings of Fact the Commission concludes as

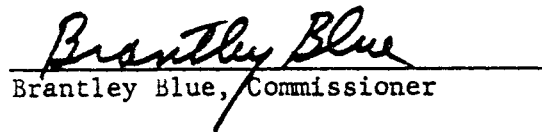
a matter of law that the Bay Mills Indian Community is entitled to maintain this action in a representative capacity on behalf of the Sault Ste. Marie Band of Chippewa Indians; and that the Sault Ste. Marie Band of Chippewa Indians, held aboriginal title to Royce Area 112 until it was ceded to the United States by the Treaty of June 16, 1820, which became effective on March 2, 1821.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret J. Pierce, Commissioner


Brantley Blue, Commissioner