

BEFORE THE INDIAN CLAIMS COMMISSION

LAKE SUPERIOR BANDS OF CHIPPEWA INDIANS, )  
BAY MILLS INDIAN COMMUNITY, SAULT STE. )  
MARIE, ARTHUR LAWRENCE LeBLANC, DANIEL )  
EDWARDS, and JOHN L. BOUCHER, )

Plaintiffs, )

v. )

) Docket No. 18-E

THE UNITED STATES OF AMERICA, )

Defendant. )

OTTAWA AND CHIPPEWA INDIANS OF MICHIGAN, )  
ET AL., )

Plaintiffs, )

v. )

) Docket No. 58

THE UNITED STATES OF AMERICA, )

Defendant. )

Decided: January 14, 1970

FINDINGS OF FACT

The Commission makes the following Findings of Fact which are supplementary to the Findings numbered from 1 through 50, heretofore entered in the case at bar.

51. The plaintiffs and defendant entered into a Treaty of March 28, 1836 (7 Stat. 491, et seq.), the eighth article of which set forth the circumstances under which these plaintiffs might select lands for their permanent home in the country between Lake Superior and the Mississippi River. The plaintiffs did not elect

to make the authorized selection and in fact were not removed by the defendant to the country described in the eighth article.

52. The plaintiffs continued to use a portion of the lands ceded by them to the defendant. This arrangement was made permanent by Article 1 of a Treaty of July 31, 1855 (11 Stat. 621, et seq.) between the same parties. That first article provided that certain of the ceded lands were withdrawn from sale for the benefit of the Indians and that, out of those lands, the Indians were to select individual allotments.

53. In the early 1870's, 1,863 Ottawa and Chippewa Indians were allotted the small tracts of land which aggregated 121,450.75 acres. In the aggregate, these are lands of no benefit to the defendant and for which the defendant ought not be obliged to pay additional compensation.

#### CONCLUSION OF LAW

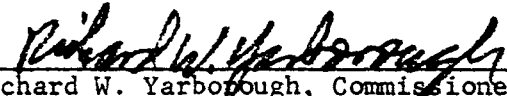
In view of the discussion contained in the foregoing Opinion, and consonant with the additional Findings of Fact herein made, this Commission concludes as a matter of law that although the entire tract for which additional compensation is sought in this proceeding was found to be comprised of 12,044,934 acres having a

fair market value of \$10,800,000.00, after deduction of the individual allotments for which the defendant is not obligated to pay additional compensation, the net acreage amounts to 11,923,483.25 acres having a fair market value of \$10,690,694.33.

  
Jerome K. Kuykendall, Chairman

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John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner