

BEFORE THE INDIAN CLAIMS COMMISSION

SAGINAW CHIPPEWA INDIAN TRIBE OF	)	
MICHIGAN, A FEDERAL CORPORATION,	)	
JAMES STRONG, ELMER B. SIMONDS,	)	
AND ISAAC McCOONSE, AS REPRESENTA-	)	Docket No. 57
TIVES OF THE SAGINAW, SWAN CREEK	)	
AND BLACK RIVER GROUP OR BANDS OF	)	
CHIPPEWA INDIANS,	)	
	)	
Plaintiffs,	)	
	)	
and	)	
	)	
RED LAKE BAND, ET AL.,	)	Docket No. 18-G
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

Decided: April 1, 1970

FINDINGS OF FACT

The Commission makes the following findings of fact:

1. The claim presented herein relates to the lands which were ceded to the United States by the Treaty of September 24, 1819 (7 Stat. 203). Those lands are referred to as Royce Area 111.
2. The plaintiffs in Docket No. 57 are the Saginaw Chippewa Indian Tribe of Michigan, comprising the Saginaw, Swan Creek, and Black River Bands of Chippewa Indians, and James Strong, Elmer B. Simonds and Isaac McCoonse, members of said bands. The Saginaw Chippewa Indian Tribe of Michigan is incorporated under provisions of the Wheeler-Howard Act

of June 18, 1934 (48 Stat. 984), and has authority to maintain this action under the provisions of the Indian Claims Commission Act (60 Stat. 1049).

3. The plaintiffs in Docket No. 18-G include the following bands of Chippewa Indians:

1. Red Lake Band
2. Pembina Band
3. Minnesota Chippewa Tribe
4. White Earth, Leech Lake and Mille Lac Bands
5. Mississippi Bands
6. Bois Forte, Fond du Lac, Grand Portage, Red Cliff, Bad River (La Pointe), Lac Court Oreilles, St. Croix and Mole Lake Bands
7. Keweenaw Bay Indian Community
8. L'Anse, Lac Vieux Desert and Ontonagon Bands
9. Lake Superior Bands of Chippewa Indians
10. Bay Mills Indian Community, Saulte St. Marie

Also included are a number of individuals who are members of various of the named bands.

The plaintiffs in Docket No. 18-G have not submitted any evidence in support of the claim in this matter. Counsel for the plaintiffs in Docket No. 18-G stated at the hearing on this consolidated case that the proper plaintiffs are the Saginaw Chippewas and nothing has been offered to suggest any interest of Docket No. 18-G plaintiffs in the subject matter of this claim.

The Docket No. 18-G plaintiffs have not been and are not now in any way affiliated with the Saginaw Chippewas. The Docket No. 18-G plaintiffs were not parties to the cession of Royce Area 111 by the Treaty of September 24, 1819 supra. The Docket No. 18-G plaintiffs have no interest in the subject claim.

4. On August 3, 1795, a treaty was executed at Greeneville (7 Stat. 49) with the Wyandots, Delawares, Shawnees, Ottawas, Chippewas, Potawatamies, Miamis, Eel-River, Weas, Kickapoos, Piankishaws and the Kaskaskias. The purposes of the treaty were to put an end to destructive warfare, to settle all controversies between the treaty parties, and to restore harmony and free intercourse between the Indian tribes and the United States.

In Article III of the Treaty of Greeneville a general boundary line was described between the lands agreed to be owned by the United States and the lands agreed to be owned by the Indians. This line, known as the Greeneville line of 1795, began at the mouth of the Cayahoga River on Lake Erie (where Cleveland is now situated), running across Ohio to what is now Indiana, then southwest to the Ohio River on the border between Indiana and Kentucky to a point about 25 miles west of the Ohio line. The Indian tribes ceded and relinquished all of their claims east and south of that line. In addition to this large cession the tribes ceded to the United States some 16 small tracts, including the post of Michillimackinac and some adjacent lands and also the island

De Bois Blanc, which was described as an extra and voluntary gift of the Chippewa Nation.

By Article IV the United States relinquished "their claims to all other Indian lands northward of the river Ohio, eastward of the Mississippi, and westward and southward of the Great Lakes and the waters uniting them, according to the boundary line agreed on by the United States and the king of Great Britain, . . ." There were four tracts of land reserved by the United States from the relinquishment.

In Article V it was declared:

To prevent any misunderstanding about the Indian lands relinquished by the United States in the fourth article, it is now explicitly declared, that the meaning of that relinquishment is this: The Indian tribes who have a right to those lands, are quietly to enjoy them, hunting, planting, and dwelling thereon so long as they please, without any molestation from the United States; but when those tribes, or any of them, shall be disposed to sell their lands, or any part of them, they are to be sold only to the United States; and until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude upon the same. And the said Indian tribes again acknowledge themselves to be under the protection of the said United States and no other power whatever.

Royce Area 111 is located within the area relinquished by the United States.

In consideration for the establishment of peace and the cessions and relinquishments by the Indians the United States further agreed, in Article IV, to deliver annually \$9,500.00 worth of useful goods to be divided as set forth therein, including "6th. To the Chippewas, the amount of one thousand dollars."

By Article VII of the treaty the Indians were given the right to hunt within the lands which they had ceded so long as they conducted themselves peaceably.

There were forty-six Chippewa Indians present at the Greenville Treaty negotiations and eleven of the Indians who signed the treaty were designated as Chippewas.

5. By the Treaty of September 24, 1819 (7 Stat. 203), the Chippewa Nation of Indians ceded to the United States the lands in Michigan which have been designated as Royce Area 111. While the treaty used the term "Chippewa Nation", it was, in fact, negotiated with and executed by those Chippewa Indians known as the Saginaw Chippewas or Chippewas of Saginaw. Those Saginaw Chippewas were the ancestors of the Indians who are now members of the plaintiff Saginaw Chippewa Indian Tribe of Michigan. The Saginaw Chippewa of 1819 also included the Swan Creek and Black River Bands.

In Articles 2 and 3 of the treaty there were a number of reservations set aside for the use of the "Chippewa Nation" and some 16 sections for the use of named individuals, described as "Indians by descent."

In consideration for the cession the United States agreed, in Article 4, to pay annually, for ever, the sum of one thousand dollars in silver. And it was further agreed that all annuities due by any former treaty to the "said tribe" should also be paid in silver. In Article 8 the United States also agreed to provide and support a













