

BEFORE THE INDIAN CLAIMS COMMISSION

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| TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS, |) | Docket No. 113 |
| |) | |
| RED LAKE BAND, AND PETER GRAVES, ET AL., |) | Docket No. 246 |
| ex. rel. RED LAKE BAND, |) | |
| PEMBINA BAND, AND KATHERINE CARL BARRETT, |) | |
| ET AL., ex rel. PEMBINA BAND, |) | |
| JOHN B. AZURE, ET AL., ex. rel. CHIEF LITTLE |) | |
| SHELL'S BAND OF PEMBINA CHIPPEWA INDIANS, |) | |
| |) | |
| THE LITTLE SHELL BAND OF CHIPPEWA INDIANS |) | Docket No. 191 |
| AND JOSEPH H. DUSSOME, ET AL., ex. rel. |) | |
| said Band, |) | |
| |) | |
| CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S |) | Docket No. 221 |
| RESERVATION, MONTANA, AND JOE CORCORAN, |) | |
| ex. rel. CHIPPEWA CREE TRIBE OF THE |) | |
| ROCKY BOY'S RESERVATION, |) | |
| BLANCHE PATENAUDE, ET AL., ex. rel. LITTLE |) | |
| SHELL BAND OF INDIANS AND THE CHIPPEWA |) | |
| CREE TRIBE, |) | |
| |) | |
| THE THREE AFFILIATED TRIBES OF THE FORT |) | Docket Nos. 350-B |
| BERTHOLD RESERVATION, |) | and 350-C |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| THE UNITED STATES OF AMERICA, |) | |
| |) | |
| Defendant. |) | |

ORDER

Upon the finding of fact and opinion filed this day which are hereby made a part of this order, the Commission concludes as a matter of law that:

- a. The Red Lake Band, Peter Graves, Joseph Graves and August King should be and are hereby dismissed as plaintiffs in Docket 246. The Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana, and Joe Corcoran should be and hereby are dismissed as plaintiffs in Docket 221;

- b. The remaining plaintiffs are entitled to maintain this action;
- c. The Plains-Ojibwa had aboriginal Indian title to the lands in North Dakota bounded as follows:

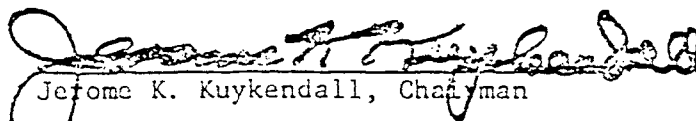
"Beginning at the 98th parallel where it crosses the International Boundary, running due south along the 98th parallel to the point at which it intersects the Middle Branch of the Forest or Salt River; then southwest to the northeasternmost point on Stump Lake, which is the point where Stump Lake is intersected by the stream running between Stump Lake and Coon Lake; then westerly through the Devil's Lake complex to the southeastern corner of the town of Minnewaukan; then in a southwesterly direction to Dog Den Butte, which is a part of the Missouri Coteau; then in a northerly direction to the southwest tip of Buffalo Lodge Lake, which is where that Lake is intersected by South Egg Creek; then due west to the western branch of the Souris or Mouse River; then up the Souris River through the center of Lake Darling, then continuing up the Souris River to the International Boundary; then east along the International Boundary to the place of beginning."

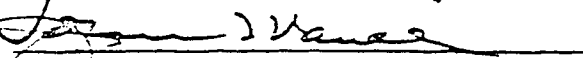
The Plains-Ojibwa did not have aboriginal title to any other land in North Dakota claimed to have been ceded by the McCumber Agreement.

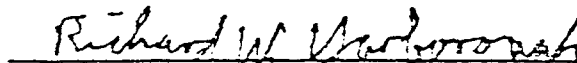
- d. The lands in North Dakota belonging to the Plains-Ojibwa, with the exception of the reservation described in Article 2 of the McCumber Agreement, were ceded to the United States by the terms of the McCumber Agreement. The effective date of the McCumber Agreement was February 15, 1905.

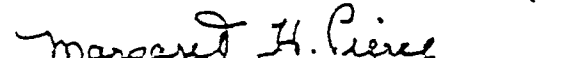
It is therefore ordered that this case proceed to a determination of the value of the lands involved as of February 15, 1905, the consideration given for such lands, whether the consideration given for the lands and for the general release executed by the Turtle Mountain Band was unconscionable, and any other relevant issues. The claims in Dockets 350-B and 350-C will proceed separately.

Dated at Washington, D. C. this 30th day of June, 1970.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner