

to be contiguous, but would have to be within its region. This additional land -- which could be used for investment purposes -- would help the village meet some of the problems created by its additional population. (For example, as a village grows in size the surrounding land may not be able to support the extra population, or the village may need additional funds to meet the sanitation problems which arise from that extra population.)

B. The Type of Title

Acreage is only one aspect of the land settlement. A second important aspect is the type of title the Natives are to hold.

Justice dictates that the Natives retain fee simple to the lands which are to remain theirs. Under our system of law and property management, fee simple title is the prevailing practice; limited title is the exception.

Moreover, aboriginal title has never been limited to the surface of lands. The cases are clear that such title includes all timber rights and all mineral rights (whether they be surface or subsurface, leasable or nonleasable). E.g., United States v. Shoshone Tribe of Indians, 304 U.S. 111 (1938); Otoe and Missouri Tribe of Indians v. United States, 131 F. Supp. 365 (Ct. Cl. 1955). When oil or other minerals have been found on lands reserved for Natives, the