

BEFORE THE INDIAN CLAIMS COMMISSION

THE OTTAWA TRIBE OF INDIANS, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 THE UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

Docket No. 68

ORDER OF DISMISSAL

On June 29, 1960, the defendant filed a motion herein to dismiss the petition, as supplemented, for failure to allege facts sufficient to state a claim against the defendant; and the petitioner having filed a response thereto, the motion was heard by the Commission on December 21, 1960, at which time the defendant offered in support of its motion and the Commission received in evidence four General Accounting Office reports, each in book form, dated August 10, 1955 (Exhibit 2), April 25, 1956 (Exhibit 3), September 16, 1954 (Exhibit 4), and September 24, 1952 (Exhibit 5); and after argument by the attorneys for both parties the motion was submitted to the Commission and taken under advisement, and the Commission now finds that:

Whereas, the petition as supplemented requests a general accounting of the express financial obligations of the Government under its treaties with petitioner, and

Whereas, the petitioner concedes in its response filed herein on December 2, 1960, that such an accounting has been rendered except as to matters which are the subject of claims by petitioner in other dockets now pending before the Commission, namely, Docket Nos. 303, 304 and 305; that the claims which are exclusively the subject of this Docket No. 68 involve annuity payments of money and services, and that the reports furnished by the General Accounting Office in evidence, hereinbefore referred to, show that such payments have in fact been made and that after the annuities were commuted under the Treaty of June 24, 1862 (12 Stat. 1237) the commutation payments were made as therein provided. Petitioner further concedes that it is unable to present any evidence to the contrary, and that having obtained the primary relief sought in the form of a general accounting, and having no evidence to show that any additional sums are still payable to them with respect to the obligations accounted for, does not object to defendant's motion to dismiss this petition, without prejudice to such of its claims in

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the other Docket Nos. 303, 304, and 305 as may involve relief by way of accounting, and,

Whereas, after considering the pleadings and the evidence in Docket No. 68, it appears to the Commission that the defendant has made the accounting requested in the petition as supplemented to the satisfaction of petitioner and that defendant's motion to dismiss should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition as amended by the supplemental petition in Docket No. 68 be, and the same is hereby dismissed.

IT IS FURTHER DECREED, however, that this order of dismissal shall be without prejudice to the rights of petitioner in the claims asserted by it in Docket Nos. 303, 304, and 305 now pending before the Commission and which may involve relief by way of accounting.

Dated at Washington, D. C., this 11th day of January, 1961.

Arthur V. Watkins  
Chief Commissioner

Wm. M. Holt  
Associate Commissioner

T. Harold Scott  
Associate Commissioner