

BEFORE THE INDIAN CLAIMS COMMISSION

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| HANNAHVILLE INDIAN COMMUNITY, |) | |
| Wilson, Michigan, FOREST COUNTY |) | |
| POTAWATOMI COMMUNITY, Crandon |) | |
| Wisconsin, et al., |) | Docket No. 29-K |
| |) | |
| Plaintiffs, |) | |
| |) | |
| CITIZEN BAND OF POTAWATOMI |) | |
| INDIANS OF OKLAHOMA, et al., |) | Docket No. 146 |
| |) | |
| Petitioners, |) | |
| |) | |
| POTAWATOMIE TRIBE OF INDIANS, |) | |
| THE PRAIRIE BAND OF THE POTAWATOMIE TRIBE OF INDIANS, et al., |) | Docket No. 15-M |
| |) | |
| Petitioners, |) | |
| |) | |
| ROBERT DOMINIC, et al., as the |) | |
| Representatives and on behalf |) | |
| of all members by blood of the |) | |
| OTTAWA TRIBE OF INDIANS, |) | Docket No. 40-K |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| THE UNITED STATES OF AMERICA, |) | |
| |) | |
| Defendant.) |) | |

ORDER DISMISSING THE PETITION IN DOCKET
NO. 29-K AND FOR OTHER PURPOSES

Upon its own motion the Commission has reviewed its Findings of Fact, Opinion, and Interlocutory Order of June 30, 1958, and for reasons stated in the Opinion filed this day herein, which Opinion is hereby made a part of this order, the Commission has concluded that certain changes and additions are needed in the language in said Findings of Fact, Opinion, and Interlocutory Order to reflect more accurately the Commission's decision in the above matter.

The Commission further concludes for reasons stated in the above Opinion that the claim by petitioner Michael B. Williams in Docket 29-K is an original claim not timely filed and is barred by Section 12 of the Indian Claims Commission Act and said claim should be dismissed.

IT IS THEREFORE ORDERED that the following changes be made in the Commission's Findings of Fact, Opinion, and Interlocutory Order of June

30, 1958: ..

(1) Commission's "Finding 4" is amended by striking out in paragraph 1 thereof all of sentence 5 beginning with the words, "The Huron Band, the Pokagon Band . . ." and ending with the phrase, ". . . in Docket 29-K"; and substituting in lieu thereof the following sentence:

"The descendants of those Wisconsin Potawatomi Indians who refused to emigrate west under the provisions of the removal treaty of September 26, 27, 1833 (7 Stat. 431, 443), but remained east without permission, are represented herein by the Hannahville Indian Community of Wilson, Michigan, and the Forest County Potawatomi Community of Crandon, Wisconsin, the tribal petitioners in Docket 29-K."

(2) Commission's "Finding 5" is amended by inserting at the end of the last sentence in paragraph 4 thereof the following sentence:

"The Hannahville Indian Community of Wilson, Michigan and the Forest County Potawatomi Community of Crandon, Wisconsin, petitioners in Docket 29-K, comprise Wisconsin Indians enrolled by Agent Wooster as set forth above, or descendants of Indians so enrolled. (Dkt. 15-J, Fdg. 58, 4 Ind. Cl. Comm. 511)"

(3) Commission's "Finding 22" is amended by adding at the end thereof the following sentence:

"The evidence fails to establish any ancestral or other connection between the St. Joseph Band and the membership of the Hannahville Indian Community and the Forest County Potawatomi Community, petitioners in Docket 29-K, as would entitle said petitioners to maintain these claims herein in a representative capacity on behalf of the St. Joseph Band of Potawatomi Indians."

(4) Paragraph 2 on page 454 of the Commission's Opinion (6 Ind. Cl. Comm. 454) is amended by striking all the language following the words ". . . separately identified;" and substituting in lieu thereof the following:

"that the Hannahville Indian Community of Wilson, Michigan, and the Forest County Potawatomi Community of Crandon, Wisconsin, include descendants of those Wisconsin Indians who did not move west as required under the 1833 removal treaties but remained in the east without permission in northern Wisconsin."

(5) Paragraph 2, page 462 of the Commission's Opinion (6 Ind. Cl. Comm. 462) is amended by deleting the words "40-K and 29-K" following the phrase "in Docket Numbers 146, 15-M," and substituting in lieu thereof

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the phrase "and 40-K" and by adding at the end of said paragraph the following sentence:

"The evidence shows that the petitioners in Docket No. 29-K, the Hannahville Indian Community and the Forest County Potawatomi Community, as well as individual petitioner Albert M. Mackety, a descendant of the Huron Band of Potawatomi Indians, have no ancestral connection with the St. Joseph Band of Potawatomi Indians, or any interest in lands involved herein, and therefore, are not entitled to maintain any claims on behalf of said 1821 Potawatomi treaty entity."

(6) The Commission's Interlocutory Order entered herein is hereby amended as follows:

a. In paragraph 3 after the phrase, "and the Potawatomi Tribe Docket No. 15-M," delete, "and the Hannahville Indian Community and the Forest County Potawatomi Community, Docket No. 29-K";

b. At the end of paragraph "4" add a new paragraph as follows:

"5. That the Hannahville Indian Community, Forest County Potawatomi Community, and Albert M. Mackety, petitioners in Docket 29-K, have no ancestral or other connection with the St. Joseph Band of Potawatomi Indians and therefore no compensable interest in any part of the lands described in paragraph 1 of this order, and their claims are hereby dismissed."

IT IS FURTHER ORDERED that the petition in Docket No. 29-K and the claims of the several petitioners herein be and the same are hereby dismissed, said dismissal as to the petitioner Michael B. Williams to be without prejudice to any possible rights of intervention he may have in any of the dockets consolidated herein.

Dated at Washington, D. C., this 2nd day of December, 1964.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner