

BEFORE THE INDIAN CLAIMS COMMISSION

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|-------------------------------|---|----------------|
| THE SENECA NATION OF INDIANS, |) | |
| |) | |
| Petitioner, |) | |
| |) | Docket Nos. |
| v. |) | |
| |) | 342-B |
| THE UNITED STATES OF AMERICA, |) | 342-C |
| |) | 342-D |
| Defendant. |) | |
| | | |
| THE TONAWANDA BAND OF SENECA, |) | |
| |) | |
| Petitioners, |) | |
| |) | |
| v. |) | Docket No. 368 |
| |) | |
| THE UNITED STATES OF AMERICA, |) | |
| |) | |
| Defendant. |) | |

**ORDER SUSTAINING DEFENDANT'S MOTION TO DISMISS FOR
LACK OF PROSECUTION, AND DISMISSING THE PETITIONS IN
DOCKET NOS. 342-B, 342-C, 342-D AND 368**

On January 18th and 19th, 1965, the four above-entitled cases were tried together before the Commission, and at the close of the trial the Commission granted the petitioners 90 days in which to file their proposed findings of fact and briefs. Thereafter, counsel for petitioners obtained a number of extensions of time, the last extension being to December 27, 1965. Since counsel for petitioners failed to file the requested findings of fact and brief within the time fixed, or to request further extensions, the defendant, on January 18, 1967, filed a motion to dismiss said cases for lack of prosecution by petitioners. Prior to the Commission's ruling on said motion counsel for petitioners agreed with counsel for defendant that said four cases would stand dismissed if petitioners did not file their proposed findings of fact on or before April 28, 1967. Pursuant to the aforesaid agreement of counsel for the parties, the Commission entered an order in said cases on February 2, 1967, which provided in pertinent part that:

IT IS THEREFORE ORDERED that the petitioners herein file their proposed findings of fact and brief on or before April 28, 1967.

IT IS FURTHER ORDERED that in the event the petitioners fail to comply with the terms of this order by April 28, 1967, then the motion of the defendant to dismiss shall be sustained.

The petitioners have failed to comply with the terms of the Commission's order of February 2, 1967, and accordingly, the motion of the defendant to dismiss should be sustained and the above-captioned petitions dismissed.

IT IS THEREFORE ORDERED that the defendant's motion filed January 18, 1967, to dismiss the above-entitled cases for lack of prosecution be, and the same is hereby sustained, and that the petitions in Docket Nos. 342-B, 342-C, 342-D and 368 be, and the same are hereby dismissed.

IT IS FURTHER ORDERED that the original of this order shall be filed in Docket No. 342-B, and that a copy thereof duly certified by the Clerk of the Commission shall be filed in Docket Nos. 342-C, 342-D, and 368.

Dated at Washington, D. C., this 11th day of May, 1967.

/s/ Arthur V. Watkins
Arthur V. Watkins
Commissioner

/s/ Wm. M. Holt
Wm. M. Holt
Commissioner

/s/ T. Harold Scott
T. Harold Scott
Commissioner