

BEFORE THE INDIAN CLAIMS COMMISSION

JAMES STRONG, ELMER B. SIMONDS, )  
WILLIAM ROBERT WARREN, MARGARET )  
ARVOLD, JULIA POTTER, BETTY ANN )  
NORDWALL, STANLEY A. NORDWALL, )  
EDWIN CARL LERKE, JR., ET AL., AS )  
THE REPRESENTATIVES AND ON BEHALF )  
OF ALL MEMBERS BY BLOOD OF THE )  
CHIPPEWA TRIBE OF INDIANS, )

Plaintiffs, )

v. )

Docket No. 13-N )

THE UNITED STATES OF AMERICA, )

Defendant. )

4-9-69

ORDER DISMISSING PETITION WITH PREJUDICE

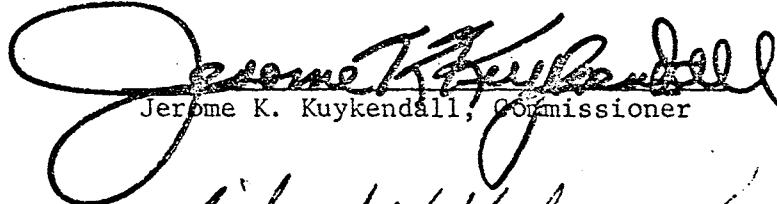
The subject claim involves lands ceded under the Treaty of June 16, 1820 (7 Stat. 206, 2 Kappler 187). Another claim, docketed as number 18-R, was filed by the Bay Mills Indian Community, Sault Ste. Marie Bands, Arthur W. LaBlanc, Daniel Edwards, and John L. Boucher, which claim also involved lands ceded under the Treaty of June 16, 1820. Accordingly, the two cases were consolidated for purposes of trial and they were calendared for such trial on April 1, 1969. By letter dated March 26, 1969, James R. Fitzharris, attorney of record for the plaintiffs, advised the Commission that in the course of preparing this case and others for trial before the Commission he had been advised by the Indians' expert on title, Dr. Helen Hornbeck Tanner, that she could find no evidence that the Saginaw Chippewa occupied and used any of the area claimed under Docket No. 13-N. This was confirmed by Helen Hornbeck Tanner in her affidavit of March 31, 1969, to the effect that she knows of no evidence of use and occupancy of the claimed lands by the Saginaw Chippewa Indians, and in her opinion the Saginaw Chippewa Indians cannot prove use and occupancy and title to the area claimed in Docket No. 13-N. Accordingly, Mr. Fitzharris advised the Commission that he did not contemplate introducing any evidence in support of the claim in Docket No. 13-N. At the trial on April 1, 1969, the Docket No. 13-N plaintiffs did not appear and no evidence was submitted in support of the claim. Evidence was submitted by both the plaintiffs in Docket No. 18-R and by defendant, which evidence fails to indicate any use and occupancy or title of the Docket No. 13-N plaintiffs in or to the lands claimed.

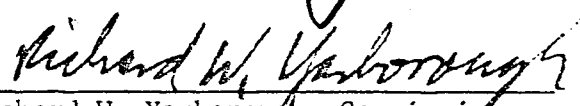
The Commission now being fully advised in the premises finds that the claim in the matter of Docket No. 13-N is not supported by any evidence and is, therefore, without merit, and the petition therein should be dismissed.

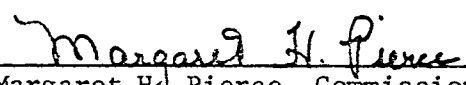
IT IS HEREBY ORDERED that the petition filed in the subject matter be and the same is hereby dismissed with prejudice.


Dated at Washington, D. C., this 9<sup>th</sup> day of April, 1969.

  
John T. Vance, Chairman

  
Jerome K. Kuykendall, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Theodore R. McKeldin, Commissioner