

BEFORE THE INDIAN CLAIMS COMMISSION

THE FORT SILL APACHE TRIBE OF THE)	
STATE OF OKLAHOMA,)	
)	
THE WARM SPRING BAND OF APACHES,)	
EX REL. SAM HAOZOUS,)	
)	
THE CHIRICAHUA BAND OF APACHES,)	
EX REL. JAMES KAYWAYKLA, SR.,)	
)	
THE FORT SILL APACHES, EX REL.)	
BENEDICT JOHZE,)	
)	
Plaintiffs,)	Docket No. 49
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

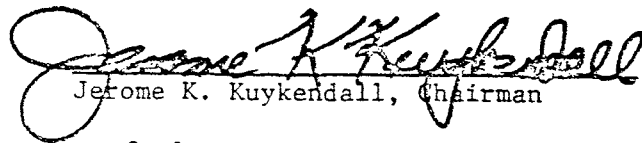
ORDER DISMISSING PETITION

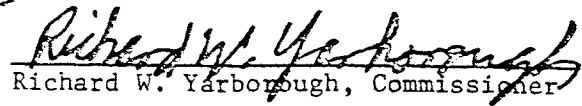
UPON CONSIDERATION of the motion of the defendant, filed on May 17, 1971, to dismiss the claims herein, and plaintiffs' response thereto, filed on July 23, 1971, and, further, upon the opinion this day entered herein, which is hereby made a part of this order, the Commission has concluded that the plaintiffs' claims should be dismissed on the following grounds:

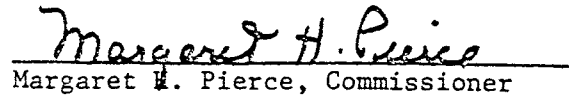
- (1) The Commission lacks jurisdiction of the subject matter of the claim under Section 2, Clause (2) of the Indian Claims Commission Act (60 Stat. 1049, 1050); and
- (2) The plaintiffs' claim under section 2, clause (5) fails to state a claim upon which relief can be granted under the Indian Claims Commission Act.

IT IS THEREFORE ORDERED that the plaintiffs' claims be, and the same are hereby, dismissed.

Dated at Washington, D. C., this th 24 day of September 1971.


Jerome K. Kuykendall, Chairman


Richard W. Yarbrough, Commissioner


Margaret H. Pierce, Commissioner