

BEFORE THE INDIAN CLAIMS COMMISSION

THE PRAIRIE BAND OF THE POTTAWATOMIE	)	
TRIBE OF INDIANS, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Docket Nos. 15-C, 18-H,
	)	29-A, 71
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

Decided: September 20, 1972

FINDINGS OF FACT ON TITLE

The Commission makes the following findings of fact:

1. The Prairie Band of the Pottawatomie Tribe of Indians, plaintiff in Docket No. 15-C; the Hannahville Indian Community and the Forest County Potawatomi Community, plaintiffs in Docket No. 29-A; and the Citizen Band of Potawatomi Indians of Oklahoma, plaintiff in Docket No. 71, are identifiable groups of American Indians residing within the territorial limits of the United States and have the right and capacity under the Indian Claims Commission Act, 60 Stat. 1049, to bring and maintain this claim in a representative capacity for and on behalf of the Potawatomi Tribe or Nation.

2. Under Section 10 of the Indian Claims Commission Act the individual plaintiffs in Docket No. 15-C, viz., William Evans, Ellen Nogahnkouk Vieux, and Lisa (Nagonba) Claybear, and the individual plaintiffs in Docket No. 29-A, viz., Frank Wandahsego, Sr., Elijah Petonquot, Ike George,

and Valentine Ritchie, have no standing to present or maintain this suit. Michael B. Williams, John R. Winchester, John Topash, Albert N. Mackety, and R. C. Mix and the Potawatomi Indians of Indiana and Michigan, Inc., were never parties plaintiff in Docket No. 29-A, their names having been added to the plaintiffs' brief therein without approval of the Commission.

3. The Potawatomi Indians of Indiana and Michigan, Inc., as shown by its Articles of Incorporation, is a Michigan corporation whose membership is open to

"all descendants of the Potawatomi group expressly exempted from removing west by the Supplemental Treaty executed at Chicago September 27, 1833,"

and to

"descendants of those who were absent or escaped from the main body at time of removal . . . ."

Since it is only necessary for the Potawatomi Indians of Indiana and Michigan, Inc. to show descent from the Potawatomi Tribe during the relevant treaty times, in order to evidence a common interest in the subject matter of the dockets covered by their July 15, 1965, petition for intervention, we find that the Potawatomi Indians of Indiana and Michigan, Inc., is an identifiable group of American Indians residing within the territorial limits of the United States, with the right and capacity under the Indian Claims Commission Act, to intervene herein, in a representative capacity, for and on behalf of the Potawatomi Tribe or Nation.

4. The Chippewa plaintiffs herein, i.e., the Red Lake Band, et al., in Docket No. 18-H, are not proper parties to this proceeding, and have no compensable interest in the subject matter. Their claim herein is based upon the Treaty of September 26, 1833 (7 Stat. 431), at which the Indian participants politically were all Potawatomis.

5. The Treaty of Greeneville, Ohio, of August 3, 1795 (7 Stat. 49), was the first in a series of treaties which, considered together, established recognized title in the Potawatomi Tribe or Nation to Royce Areas 187 in Illinois and Wisconsin, 188, 189, and 190 in Michigan, and most of Royce Area 160 in Wisconsin. That treaty was between the United States and twelve tribes of the old Northwest Territory, including the Potawatomi Tribe and a portion of the Chippewa Tribe. It established peace and a general boundary line between the United States and the participating Indians. By that treaty and the "follow-up" treaties, including the Treaty of September 26 and 27, 1833 (7 Stat. 431 and 442), defining specific Indian boundaries, the United States (with certain specific exceptions) recognized title in the participating Indians to lands north of the Ohio River and east of the Mississippi River, including the aforementioned Royce areas. The entire Potawatomi Tribe, qua tribe, was represented at the 1795 Greeneville Treaty, and thus gained recognized title thereunder.

6. From 1795 through 1833, the Potawatomi Tribe or Nation contained numerous individuals of other tribal origin, including Ottawas, Chippewas,

















































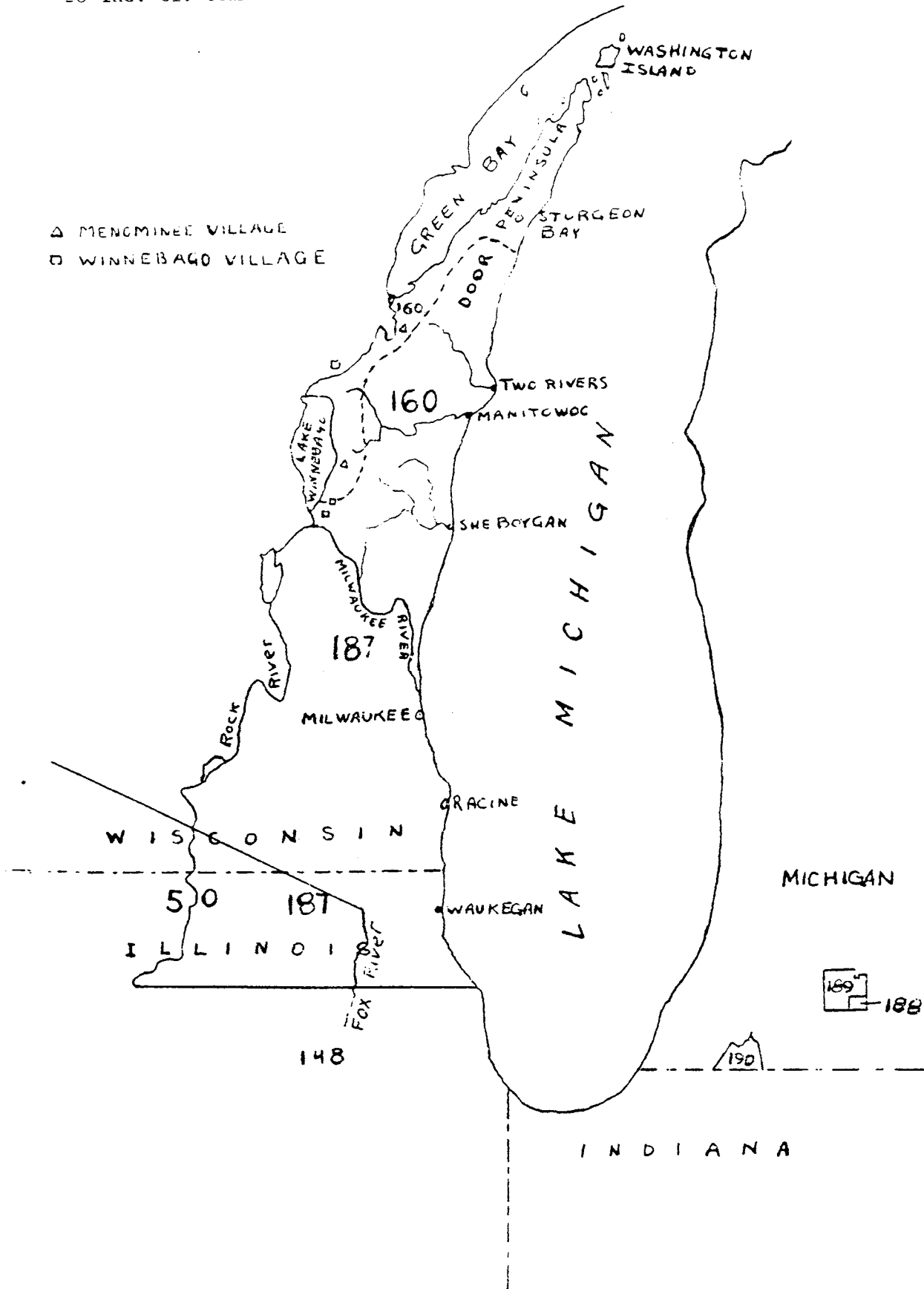


# MAP APPENDIX I

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△ MENOMINEE VILLAGE  
□ WINNEBAGO VILLAGE



# MAP APPENDIX II

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