

BEFORE THE INDIAN CLAIMS COMMISSION

CHIPPEWA CREE TRIBE, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 221-A
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER DISMISSING PLAINTIFFS' PETITION

The plaintiffs' petition in this case was filed on June 2, 1958, and assigned Docket 221-A pursuant to the Commission's order of December 27, 1957, in Docket 221 severing causes of action. Plaintiffs' claims in Docket 221-A, originally pleaded as the second claim in their petition in Docket 221, are for compensation for two tracts of land. One tract consists of lands in North and South Dakota south and east of the mouth of the Little Knife River. The second tract consists of land in North Dakota north of the Missouri River and west of the Little Knife River. The first tract is almost identical to the tract, largely between the James and Missouri Rivers, involved in the aboriginal title claim of the Sioux in Docket 74. During land title proceedings in Dockets 74, 221-A, 350-B and 350-C, the plaintiffs in Docket 221-A conceded that they have no interest in these lands, and the Commission on August 26, 1970, dismissed the portion of the claims in Docket 221-A relating to lands in North and South Dakota east and south of the mouth of the Little Knife River (23 Ind. Cl. Comm. 419, 420, 441). On the same date the plaintiffs were ordered to notify the Commission within 30 days whether they intended to pursue their claim for lands in North Dakota north of the Missouri River and west of the Little Knife River. On October 1, 1970, the Commission received a letter, dated September 25, 1970, from counsel for the plaintiffs stating, inter alia:

"Pursuant to the Interlocutory Order dated August 26, 1970, plaintiffs in Docket 221-A hereby notify the Commission that they do not intend to pursue their claims for lands in North Dakota north of the Missouri River and west of the Little Knife River."

Thereafter, on April 28, 1976, the Commission entered an order in Docket 221-A directing the plaintiffs to show cause within 30 days why their petition should not be dismissed. Plaintiffs have not complied with

that order or otherwise responded thereto although their time for taking such action was extended for several months by an order dated June 16, 1976. On August 3, 1977, the defendant filed a motion for an order dismissing the claims in Docket 221-A. Plaintiffs have filed no response to this motion.

UPON CONSIDERATION of the defendant's motion of August 3, 1977, to dismiss the plaintiffs' claims in this case, and being fully advised in the premises,

IT IS ORDERED that the plaintiffs' petition in Docket 221-A be, and the same hereby is dismissed, and

IT IS FURTHER ORDERED that such dismissal be without prejudice to the plaintiffs' claims or interest in claims asserted in any other case or cases pending before the Commission.

Dated at Washington, D. C., this 2nd day of February 1978.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner