
**FORT PECK COURT OF APPEALS
ASSINIBOINE AND SIOUX TRIBES
FORT PECK INDIAN RESERVATION
POPLAR, MONTANA**

William Prichard,
Appellee/Plaintiffs,

vs.

APPEAL No. 010

Gerald T. Darnell,
Appellant/Defendant

ORDER

Appeal from the Fort Peck Tribal Court, Fort Peck Indian Reservation, Poplar, Montana, presiding Judge William McClammy.

This appeal has been submitted and decided on briefs as no oral argument was deemed necessary by the Appellate Court. The Appellant, represented by David L. Irving, attorney at law, of Glasgow, Montana, timely submitted a brief. The Appellee failed to submit a brief.

Opinion by Bill Lumpkin, with concurrence by Terry Boyd and a concurring opinion by Cranston Hawley, sitting in place of Ralph J. Patch, who was disqualified by his own motion.

Associate Justice Lumpkin delivered the Order of the Court and the attached Opinion and Order of Justice Haley con-curs in part by Opinion and dissents in part by Order. Mow-ever, the Court adopts said Opinion and Statement o f the Case contained within the attached papers of Justice Hawley and a unanimous Court concurs in his conclusions, that the Tribal Court Order on February 29, 1934 be vacated as unconstitutional

ORDER

Therefore, it is hold by this Court that the Order of February 29, 1934, is reversed and vacated.

That this matter be remanded back to Tribal Court which shall give effect immediately to it's Order of August, 1984, which were properly issued there in.

Further, Plaintiff/Appellant be granted costs for this appeal as well as all previous costs and expenses so ordered.

DATED this 18th day of January 1985.

BY THE COURT OF APPEALS:

Bill Lumpkin, Associate Justice
