

BEFORE THE INDIAN CLAIMS COMMISSION

CHEYENNE-ARAPAHO TRIBES OF INDIANS)
 OF OKLAHOMA, et al.,)
)
 Petitioners,)
)
 v.) Docket No. 329
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

THE CHEYENNE AND ARAPAHO TRIBES OF)
 INDIANS, et al.,)
)
 Petitioners,)
)
 v.) Docket No. 348
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

INTERLOCUTORY DECREE GRANTING PARTIAL SUMMARY JUDGMENT

Upon consideration of petitioners' joint motion for summary judgment on certain issues raised by the respective pleadings respecting the effect of the Treaty of Fort Laramie, September 17, 1851 (10 Stat. 749) as respects petitioners' claim that the said treaty recognized their title to the territory described therein and defendant's allegation that the said treaty was a treaty of peace and amity only; and the defendant having objected to the petitioners' motion, and the Commission having considered such objections and certain documentary exhibits offered in support of petitioners' motion and having concluded therefrom that there was no substantial dispute as to any question of fact, and having made findings of fact based thereon,

IT IS THEREFORE ORDERED, That petitioners' motion for partial summary judgment be, and the same is hereby granted; and it is further

ADJUDGED AND DECREED, That the Treaty of Fort Laramie, September 17, 1851 (10 Stat. 749) as respects petitioners' claim to the territory described therein, was not merely a treaty of peace and amity and an agreement between the Indian tribes themselves, but

by said treaty and the manner of its negotiation and the acts and conduct of the defendant, the United States of America, immediately before and after the execution and ratification of said treaty, defendant, accepted, acknowledged, ratified and confirmed petitioners' Indian title and right of occupancy, possession and use of the territory described in paragraphs 10 of the respective petitions in Docket Nos. 329 and 348.

Dated at Washington, D. C., this 1st day of November, 1955.

/S/ EDGAR E. WITT
Chief Commissioner

/S/ LOUIS J. O'MARR
Associate Commissioner

/S/ WM. M. HOLT
Associate Commissioner