

BEFORE THE INDIAN CLAIMS COMMISSION

EMIGRANT NEW YORK INDIANS, ex rel.)
 JULIUS DANFORTH, OSCAR ARCHIQUETTE,)
 SHERMAN SHERANDORE, MAMIE SMITH,)
 ARVID E. MILLER and FRED ROBINSON,)
 THE ONEIDA TRIBE OF INDIANS OF)
 WISCONSIN AND THE STOCKBRIDGE-)
 MUNSEE COMMUNITY,)

Docket No. 75

Petitioners,)

vs.)

THE UNITED STATES OF AMERICA,)

Defendant.)

INTERLOCUTORY ORDER

This cause has been heard on the issues of whether or not the plaintiffs are entitled to prosecute the claim asserted and whether or not they had original Indian title to the land claimed, or any part of same, for which they claim to have received from the defendant unconscionable consideration.

The evidence having been concluded and the issues submitted, the parties having filed proposed findings of fact and briefs, and the Commission being fully advised, finds that claimants have satisfactorily established their right to assert the claim made; and that they held original Indian title on September 23, 1822 to an undivided one-half interest in the following described tract of land, to wit:

Beginning at the foot of the rapids on Fox river, usually called the Grand Kakalin (Kaukauna) and running southeasterly along the lower line (northerly) of the purchase made in 1821 by the New York Indians from the Menominee and Winnebago Indians, to a point thereon north of the town of Waukeca (Wauhaka) on the Milwaukee river; thence south to said Milwaukee river at said town of Waukeca (Wauhaka) and continuing down said river to where it empties into Lake Michigan; thence northerly along the shore of Lake Michigan to and across the mouth of Green Bay so as to include the islands therein as shown on Royce cession 160, Wisconsin 1; thence southerly on the Bay shore of

said islands and the eastern shore of Green Bay towards the present city of Green Bay and continuing along the western shore of said Bay in a northerly direction towards the city of Escanaba, so as to exclude the waters of Green Bay, to the point where the said shore intersects the northern line of Royce cession 219; Wisconsin 1; thence following said cession line along its length until it intersects the lower line of the land ceded under the aforementioned Treaty of 1821; thence southeasterly along said line to the point of beginning; and containing approximately 3,931,000 acres. All as shown on Petitioners' Exhibit No. 142 (Finding 37)

The Commission further finds that plaintiffs are entitled to an award for the value of their one-half interest in said land as of date of September 23, 1822, less the credits and consideration they have received therefor; and less the amount of any offsets, if any, the defendant may be entitled to under the provisions of the Indian Claims Commission Act. This finding being in keeping with the opinion this day rendered and the findings of fact this day made, which are made a part of this order;

IT IS HEREBY ORDERED by this Commission that the case proceed for the determination of the value of said one-half interest in said land as described as of September 23, 1822 and the amount of consideration and credits therefor received by plaintiffs, and the amount of any offsets to which the defendant may be entitled.

Dated at Washington, D. C., this 1st of November, 1957.

Edgar E. Witt
Chief Commissioner

Louis J. O'Marr
Associate Commissioner

Wm. M. Holt
Associate Commissioner