

BEFORE THE INDIAN CLAIMS COMMISSION

THE SAC AND FOX TRIBE OF INDIANS)
 OF OKLAHOMA, THE SAC AND FOX)
 TRIBE OF MISSOURI and SAC AND)
 FOX TRIBE OF THE MISSISSIPPI IN)
 IOWA, and DON WHISTLER, et al.,)
 and COLUMBUS KEAHNA, appearing)
 as the representatives of and)
 on the relation of the CON-)
 FEDERATED OR UNITED TRIBES OF)
 SAC AND FOX INDIANS and as)
 representatives and on behalf)
 of all of the MEMBERS thereof,)

Petitioners,)

vs.)

Docket No. 83)

THE UNITED STATES OF AMERICA,)

Defendant.)

6-12-59
INTERLOCUTORY ORDER

Upon the Findings of Fact this day filed herein, which are hereby made a part of this Order, the Commission concludes as a matter of law:

1. That the above named petitioners, comprising the Sac and Fox Nation, have the capacity and right to maintain this suit under the provisions of Section 2 of the Indian Claims Commission Act (60 Stat. 1050); and,
2. That the said petitioners are the successors in interest to those members of the Sac and Fox Nation who ceded all their right, title and interest to those lands described in the Commission's Finding 3 under the Treaty of November 4, 1804 (7 Stat. 84); and,
3. That the defendant did not recognize any compensable interest, title, or legal right in the petitioners to those lands set out in the Commission's Finding 3, either under the Fort Harmar Treaty of January 9, 1789 (7 Stat. 28), the Greenville Treaty of August 3, 1795 (7 Stat. 49), or any other treaty, statute, or agreement; and,
4. That on the effective date of the aforesaid Treaty of November 4, 1804, the Sac and Fox Nation held Indian title to those lands described in the Commission's Finding 21.

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IT IS THEREFORE ORDERED:

That this case shall proceed with the determination of the acreage of the aforementioned lands, of the consideration paid for said lands by the defendant, of the value thereof as of the effective date of the Treaty of November 4, 1804, and of all such other matters as may bear upon the question of defendant's liability herein.

Dated at Washington, D. C., this 12th day of June, 1959.

Edgar E. Witt

Chief Commissioner

Wm. M. Holt

Associate Commissioner