

BEFORE THE INDIAN CLAIMS COMMISSION

LYDE F. THOMPSON, WILLIAM FULLER, )  
 HERBERT A. BELLAS, HENRY MILLER, )  
 EMUEL CORDOVA, ARCHIE McWHINNEY, )  
 LOYD BARRINGTON, SATURNINO E. )  
 ALAC, W. G. WALKER, LAWRENCE )  
 IRCELL, FRANKIE MOOREHEAD and )  
 THUR TREPPA, members, and as the )  
 representatives of, and on the re- )  
 lation of the Indians of California, )

Petitioners, )

v. )

Docket No. 31

THE UNITED STATES OF AMERICA, )

Defendant. )

and

WEST RISLING, PETER MASTEN, )  
 RY G. DORNBACH, as the repre- )  
 ntatives of, and on the relation )  
 the Indians of California, )

Plaintiffs, )

v. )

Docket No. 37

THE UNITED STATES OF AMERICA, )

Defendant. )

7-31-59  
INTERLOCUTORY ORDER

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

1. That the named individual petitioners have the capacity to  
 maintain this action as representatives of the identifiable group  
 generally known as the "Indians of California";
2. That petitioners have established original Indian title to  
 land referred to as "Area B" in the State of California, except  
 Spanish and Mexican private land grants mentioned in Finding of

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Fact No. 5. "Area B" is all the lands within the State of California, except those in "Area A" which is as follows:

Northern Paiute Nation, Docket 87;  
 Southern Paiute Nation, Dockets 88 and 330;  
 Klamath and Modoc Tribes, Docket 100;  
 Washoe Tribe, Docket 288;  
 Quechan Tribe, Docket 319;  
 Pitt River Indians, Docket 347;  
 Chemehuevi Tribe, Docket 351;  
 Mission Bands, Docket 80, whose boundaries are shown on said Exhibit ALK-1955 - Parts 1 and 2, and described by Dr. A. L. Kroeber at pp. 1404-1406, Vol. XV of Transcript; and Mohave Tribe, Dockets 283 and 295, whose boundaries are set forth in Finding of Fact No. 23, Mohave Tribe of Indians, 7 Ind. Cl. Com. 219, 240, 241.

(See also, Paragraph 1 of Commission's Order of October 6, 1958, in Dockets Nos. 31, 37.)

3. That the original Indian title to said lands in "Area B" was extinguished by the United States by virtue of the provisions of the Act of March 3, 1851, 9 Stat. 631.

IT IS THEREFORE ORDERED, That the case will now proceed to a determination of the acreage of "Area B," less the acreages of the reservations located therein as mentioned in Finding of Fact No. 8, and less the acreages of the Spanish and Mexican land grants in "Area B"; to a consideration of the value of the net acreage of "Area B" as of the date of acquisition; and to a consideration of what offsets, if any, defendant is entitled to under the provisions of the Indian Claims Commission Act.

Dated at Washington, D. C., this 31st day of July, 1959.

Edgar E. Witt  
 Chief Commissioner

Louis J. O'Marr  
 Associate Commissioner

Wm. M. Holt  
 Associate Commissioner