

## BEFORE THE INDIAN CLAIMS COMMISSION

THE WINNEBAGO TRIBE AND NATION OF )  
 INDIANS, THE WINNEBAGO TRIBE OF )  
 NEBRASKA AND FRANK BEAVER, MOSES )  
 WHITEBEAR, JOHN LITTLE WOLF, JAMES )  
 SMOKE, AND JOSHUA SANFORD, EX REL )  
 WINNEBAGO TRIBE AND NATION AND THE )  
 WINNEBAGO INDIANS OF WISCONSIN, )  
 MINNESOTA, NEBRASKA, AND THE WINNE- )  
 BAGO TRIBE OF NEBRASKA, )

Plaintiffs, )

vs. )

Docket Nos. 243, 244, 245 )

UNITED STATES OF AMERICA, )

Defendant. )

8.10.89  
INTERLOCUTORY ORDER

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

1. That the above named plaintiffs have the capacity and the right under the Indian Claims Commission Act (60 Stat. 1049) to prosecute the claims set forth in the separate petitions herein.
2. That by virtue of the Treaty of August 19, 1825 (7 Stat. 272) the Winnebago Tribe and Nation of Indians had recognized title to those areas known as Royce Cessions 149, 174 and all of Royce Cession 245, except that portion referred to as the "Menominee Overlap," a more accurate description of which is set forth in the Commission's Finding 32.
3. That as to that portion of Royce Cession 245 referred to above as the "Menominee Overlap," the evidence in the record does not support the plaintiffs' claims of either a recognized or aboriginal title to all or any part thereof.
4. That the Winnebago Tribe and Nation of Indians ceded all its right, title, and interest to Royce Cession 149 under the Treaty of August 1, 1829 (7 Stat. 323); all its right, title, and interest to Royce Cession 174 under the Treaty of September 15, 1832 (7 Stat. 370), and all its right, title, and interest to Royce Cession 245 under the Treaty of November 1, 1837 (7 Stat. 544).

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## IT IS THEREFORE ORDERED:

That this case shall proceed with proof of the acreage of the three tracts as set out above; of the value of each tract as of the effective date of the respective treaty of cession; of the consideration received for each tract; and all such other matters as may bear upon the question of defendant's liability herein.

Dated at Washington, D. C., this 10th day of August, 1959.

Edgar E. Witt  
Chief Commissioner

Wm. M. Holt  
Associate Commissioner