

BEFORE THE INDIAN CLAIMS COMMISSION

| | | |
|--------------------------------------|---|---------------------------|
| THE KICKAPOO TRIBE OF KANSAS ET AL., |) | |
| |) | |
| THE PEORIA TRIBE OF INDIANS OF |) | |
| OKLAHOMA, AND AMOS ROBINSON SKYE ON |) | |
| BEHALF OF THE WEA NATION, |) | |
| |) | |
| Petitioners, |) | |
| |) | |
| v. |) | Docket Nos. 317 and 314-C |
| |) | Consolidated |
| THE UNITED STATES OF AMERICA, |) | |
| |) | |
| Defendant. |) | |

INTERLOCUTORY ORDER

Upon Findings of Fact and Opinion this day filed herein and which are hereby made a part of this order; the Commission concludes as a matter of law that:

1. The petitioners herein have the right to bring and maintain an action for and in behalf of the members and descendants of the Kickapoo and Wea Tribes as constituted at the time of the cessions of the lands involved herein.

2. The Treaty of August 3, 1795, recognized title in the Wea and Kickapoo Tribes to such lands as they each possessed within the general boundary lines as set forth in said 1795 treaty. The Treaty of September 30, 1809, agreed to by the Kickapoo Tribe on December 9, 1809, and by the Wea Tribe on October 26, 1809, identifies an area of land (Royce Area 73) in which possessory rights of said Kickapoo and Wea Tribes are confirmed, and the 1809 Treaty with the Kickapoo Tribe cedes Royce Area 74, which was agreed to by the Wea Tribe by the Treaty of October 2, 1818, thus identifying an area of land in which said possessory rights are also confirmed.

3. The tracts of land involved herein are located in western Indiana and eastern Illinois, which areas are referred to as Royce Areas 73 and 74 and which are described as follows:

Royce Area 73:

The lands on the north-west side of the Wabash, from the Vincennes tract to a northwardly extension of the line running from the mouth of the aforesaid Raccoon creek, and fifteen miles in width from the Wabash . . .

-2-

Royce Area 74:

. . . all that tract of land which lies between the tract above ceded, the Wabash, the Vermillion River, and a line to be drawn from the north corner of the said ceded tract, so as to strike the Vermillion River at the distance of twenty miles in a direct line from its mouth.

4. It is our conclusion that the Kickapoo and Wea tribes had recognized title to those lands in Royce Areas 73 and 74 which each tribe possessed by virtue of the right of exclusive permanent occupancy granted each tribe by the treaty of 1795.

THE COMMISSION THEREFORE ORDERS that the petitioners shall now offer proof of their respective interests as to those lands within Royce Areas 73 and 74 which each tribe possessed by virtue of the right of exclusive permanent occupancy conferred by the Treaty of 1795.

Dated at Washington, D. C., this 2nd day of March, 1962.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner