

BEFORE THE INDIAN CLAIMS COMMISSION

THE JICARILLA APACHE TRIBE OF THE)
JICARILLA APACHE RESERVATION,)
NEW MEXICO,)
Petitioner,)
v.) Docket No. 22-A
THE UNITED STATES OF AMERICA,)
Defendant.)

INTERLOCUTORY ORDER

Upon the additional findings of fact numbered 62 through 168, inclusive, and the opinion this day filed in this claim, which are hereby made a part hereof, this Commission finds and concludes as a matter of law that:

(1) The Jicarilla Apache Tribe held original Indian title to an area the boundaries of which are described in Finding 60 hereof; that within that area were certain confirmed Spanish and Mexican land grants comprising 4,807,467.23 acres (see Findings Nos. 64 and 65); that the confirmed Spanish and/or Mexican Land Grants within the claimed area never became a part of the public lands of the United States and, therefore, the value thereof must be excluded from any award which may be made to the petitioner herein; that the gross acreage of the said area is 14,026,000 acres; that the net acreage to be valued is 9,218,532.77 acres; and that

(2) The United States extinguished the Indian title of the Jicarilla Tribe of Indians to the lands described in Finding No. 60 herein on August 20, 1883, which was the date upon which the United States, by the military, removed the Jicarilla Apache Tribe of Indians to Fort Stanton, thereby disrupting their usual way of life thereon sufficiently to deprive them of their use and occupation of the said lands.

IT IS THEREFORE ORDERED that this matter shall proceed to determine the fair market value of the area described in Finding 60, less the aforesaid Spanish and Mexican Land Grants, as of August 20, 1883, and such offsets, if any, as defendant may be entitled to under the provisions of the Indian Claims Commission Act.

Dated at Washington, D. C., this 9th day of November, 1966.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner