

BEFORE THE INDIAN CLAIMS COMMISSION

THE ONEIDA TRIBE OF INDIANS OF)	
WISCONSIN FOR ITSELF AND ON)	
BEHALF OF THE FIRST CHRISTIAN)	
AND ORCHARD PARTIES OF ONEIDA)	
INDIANS,)	
)	
Petitioners,)	
)	
v.)	Docket No. 290
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER GRANTING MOTION TO DISMISS

Upon consideration of defendant's motion to dismiss, filed herein on June 14, 1967, and petitioners' response thereto filed on June 26, 1967, and

It appearing to the Commission that the claim filed herein related to an alleged deficiency in the acreage of a reservation set aside for the petitioners by the Treaty of February 3, 1838 (7 Stat. 566), and

It further appearing that the value of said reservation has been determined to be a proper offset against the award in the matter of the Emigrant New York Indians v. The United States, Docket No. 75, 5 Ind. Cl. Comm. 560; 11 Ind. Cl. Comm. 336; 13 Ind. Cl. Comm. 560; affirmed by the United States Court of Claims October 14, 1966, Appeal No. 2-65 and

It further appearing that in view of the foregoing it would avail the petitioners nothing to prevail in this action since any holding that petitioners should have received a larger reservation under the 1838 Treaty would only serve to increase the amount of offsets in the matter of Docket No. 75, and

It further appearing that petitioners have conceded the facts as outlined above and have not made any objection to the motion to dismiss, and

The Commission having concluded that said motion should be granted

IT IS HEREBY ORDERED that the above-entitled case be and the same is hereby dismissed.

Dated at Washington, D. C., this 30th day of June, 1967.

/s/ Arthur V. Watkins
Commissioner

/s/ Wm. M. Holt
Commissioner

/s/ T. Harold Scott
Commissioner