

BEFORE THE INDIAN CLAIMS COMMISSION

THE PEORIA TRIBE OF INDIANS OF)
OKLAHOMA AND MABEL STATON PARKER)
on behalf of the Piankeshaw Nation)
and)
THE ABSENTEE DELAWARE TRIBE OF)
OKLAHOMA AND THE DELAWARE NATION,) Docket No. 289
et al.)
Petitioners,)
vs.)
THE UNITED STATES OF AMERICA,)
Defendant)

INTERLOCUTORY ORDER

Upon 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 and hereby finds that:

1. The petitioner, the Peoria Tribe of Indians, herein have the right to bring and maintain an action for and in behalf of the Piankeshaw Tribe of Indians as constituted at the time of the cession of the lands herein; and the petitioner Absentee Delaware Tribe of Indians and the Delaware Nation have the right to bring and maintain an action on their own behalf.

2. The Treaty of August 18, 1804 (7 Stat. 81) recognized title to the Delaware Tribe as to such lands as they possessed within the general boundary lines set forth in said 1804 Treaty. The Treaty of August 27, 1804, (7 Stat. 1803) recognized title to the Piankeshaw as to such lands as they possessed within the general boundary lines.

3. The tract of land involved herein is located in the southernmost part of the State of Indiana and is confined within the limits of that tract of land officially designated as Royce area 49. This area is described in the 1804 Delaware Treaty of Cession as :

"...the tract of country which lies between the Ohio and Wabash rivers, and below the tract ceded by the treaty of Fort Wayne, and the road leading from Vincennes to the falls of the Ohio."

The area is described in the 1804 Piankeshaw

