

BEFORE THE INDIAN CLAIMS COMMISSION

THE SAC AND FOX TRIBE OF INDIANS)	
OF OKLAHOMA, et al.,)	
)	
Petitioners,)	
)	Docket No. 83
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant)	

ORDER GRANTING MOTION TO EXCLUDE GRANTS,
DENYING MOTIONS TO VACATE ORDER GRANTING DEFENDANT'S MOTION
TO AMEND ANSWER, AND DENYING MOTION TO EXPUNGE

THESE MATTERS came on to be heard upon three motions filed by petitioners and defendant. On July 7, 1967 defendant filed a motion to exclude grants, to which petitioners filed a response in opposition on July 26, 1967; on August 25, 1967 defendant filed a motion for leave to amend answer, to which petitioners did not respond and in response to which motion this Commission entered an order granting defendant's said motion on September 7, 1967; whereupon, on September 19, 1967 petitioners filed a motion to vacate order granting defendant's motion to amend order (answer), to which motion defendant did not respond; on October 13, 1967 petitioners filed a motion to expunge certain papers from the record, to which defendant responded in opposition on October 26, 1967, and

TWO OF THESE MOTIONS having been argued before this Commission on May 1, 1968 and the Commission being fully advised in the premises is of the opinion that the motion to exclude grants should be granted for the reason that such exclusion of foreign grants has been and is the law on the subject. Pueblo de Zia vs. United States, 11 Ind. Cl. Comm. 131 (1962), reversed on other grounds, 165 Ct. Cl. 501 (1964); Seminole Nation vs. United States, 13 Ind. Cl. Comm. 326 (1964), affirmed by Court of Claims appeal No. 11-65, decided June 9, 1967, and

THE COMMISSION being of the further opinion that the motion to vacate order granting defendant's motion to amend answer should be denied and

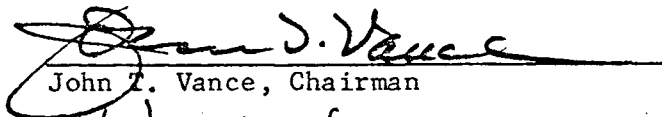
HAVING CONSIDERED the position of the parties with regard to the motion to expunge as set forth in their respective motion and response and points and authorities in support thereof is of the opinion that said motion should be denied,

IT IS THEREFORE ORDERED that defendant's motion to exclude grants be, and the same is hereby, granted and it is further

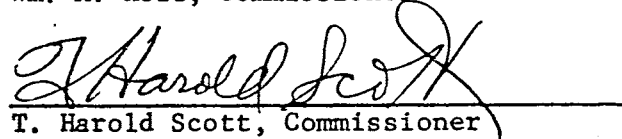
ORDERED that petitioners' motions to vacate order granting defendant's motion to amend answer and motion to expunge be, and the same are hereby, denied, and it is further

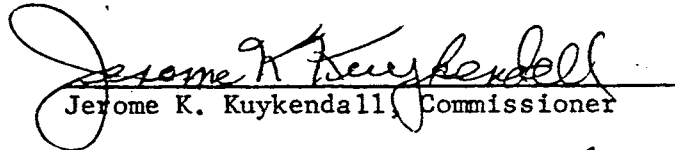
ORDERED that evidence concerning the amount of acreage to be excluded under confirmed Spanish and French land grants shall be presented to this Commission at a future hearing to be set for that purpose.

Dated at Washington, D. C., this 16th day of May, 1968.


John T. Vance, Chairman


Wm. M. Holt, Commissioner


T. Harold Scott, Commissioner


Jerome K. Kuykendall, Commissioner


Richard W. Yarborough, Commissioner