

BEFORE THE INDIAN CLAIMS COMMISSION

THE FORT SILL APACHE TRIBE OF THE)
STATE OF OKLAHOMA,)
)
THE CHIRICAHUA APACHE TRIBE, Ex Rel.)
SAM HAOZOUS, BENEDICT JOHZE,)
JAMES KAYWAYKLA, ROBERT GOODAY,)
DAVID CHINNEY,)
)
THE WARM SPRINGS APACHE BAND, Ex Rel.)
SAM HAOZOUS, BENEDICT JOHZE,)
RAYMOND JOHN LOCO,)
)
THE CHIRICAHUA APACHE BAND, Ex Rel.)
ROBERT GOODAY, DAVID CHINNEY,)
CASPER CALIO,)
)
Petitioners,)
)
v.) Docket Nos. 30-A and 48-A
)
THE UNITED STATES OF AMERICA,)
)
Defendant.)

INTERLOCUTORY ORDER

Upon the Findings of Fact numbered 1(a) through 15 and the Opinion this day filed herein, and which are hereby made a part of this Order, the Commission finds and concludes as a matter of law:

1. That the Petitioner herein, The Fort Sill Apache Tribe of the State of Oklahoma, is an organized tribe of American Indians, representing for the purpose of these proceedings, the rights of the other Petitioners, and as such, has the right to bring and maintain the claims herein pursuant to the provisions of the Indian Claims Commission Act (60 Stat. 1049);

2. That, by virtue of the Treaty of Guadalupe Hidalgo entered into between the United States and the Mexican Republic on February 2, 1848 (9 Stat. 922), and by virtue of the Gadsden Purchase of December 10, 1853 (10 Stat. 1031) by the United States from the Mexican Republic, the United States acquired by formal cession in one area and

direct purchase in another area, control and sovereignty over two areas of land; and the sum of a portion of each of these two areas represents a vast area west of the Rio Grande River in the present States of New Mexico and Arizona, embracing the aforesaid aboriginal claims herein;

3. That confirmed Spanish and/or Mexican Land Grants within the area claimed herein never became public lands subject to the control and sovereignty of the United States; and, therefore, are excluded from any award to Petitioners herein; and


4. That the United States, on September 4, 1886, the date upon which the United States forced the final capitulation of Petitioners by force of arms, acquired the Indian title to the aboriginal lands of the said tribe as they are described in our Finding No. 13(a) herein without payment of compensation.

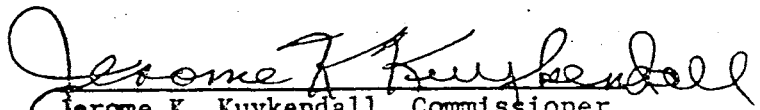
IT IS THEREFORE ORDERED that this matter shall proceed for the determination of the acreage of that area as set forth in the Commission's Finding No. 13(a) herein; and unless appropriate motion is made within thirty days from the date of this Order by either the Defendant or the Petitioners for further proceedings relevant to acreage which either of them has reason to believe represents the location of confirmed Spanish or Mexican Land Grants within the area described in the said Finding No. 13(a), this matter shall proceed through hearings to begin on August 20, 1969, to the determination of the value of said lands as of September 4, 1886.

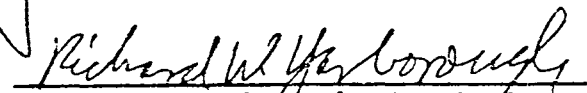
Dated at Washington, D. C., this 28th day of June, 1968.


John T. Vance, Chairman


Wm. M. Holt, Commissioner


T. Harold Scott, Commissioner


Jerome K. Kuykendall, Commissioner


Richard W. Yarborough, Commissioner