

BEFORE THE INDIAN CLAIMS COMMISSION

THE NORTHERN TONTO APACHE TRIBE or group, )  
and each group and band thereof, ex rel. )  
Harrington Turner; )

THE YAVAPAI and the groups and bands thereof, )  
ex rel., Calloway Bonnaha, Harry Jones, )  
Fred Beauty, and Warren Gazzam; )

THE WESTERN APACHE and each group and band )  
thereof, ex rel. Clarence Wesley, Jess )  
J. Stevens, Nelson Lupe, Sr., Harrington )  
Turner and Ernest Cutter; )

Docket No. 22-J

THE YAVAPAI-APACHE INDIAN COMMUNITY, The )  
Fort McDowell Mohave-Apache Community, )  
The San Carlos Apache Tribe of Arizona, )  
The White Mountain Apache Tribe of the )  
Fort Apache Indian Reservation, each on )  
its own behalf, on behalf of the several )  
bands and groups of each of them respectively, )  
and each on behalf of the Northern Tonto )  
Apache Tribe or group, and each group and )  
band thereof; )

THE NAVAJO TRIBE OF INDIANS, )  
Plaintiffs, )

Docket No. 229

v. )

THE UNITED STATES OF AMERICA, )  
Defendant. )

INTERLOCUTORY ORDER

Upon the 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:

1. That the Yavapai-Apache Indian Community, The Fort McDowell Mohave-Apache Indian Community, The San Carlos Apache Tribe of Arizona, and the White Mountain Apache Tribe of the Fort Apache Indian Reservation have the right to maintain this action in a representative capacity for

and in behalf of the Northern Tonto Indians or groups thereof as the same existed May 1, 1873, and April 23, 1875.

2. That the plaintiffs in Docket No. 22-J have proven Indian title in the Northern Tonto Indians to the area of land set forth in Finding of Fact No. 17.

3. That the plaintiff in Docket No. 229 does not have Indian title to any of the area of land set forth in Finding of Fact No. 17 and said plaintiffs' claim to this area is therefore dismissed.


4. That on May 1, 1873, the United States extinguished, without the payment of compensation, said Indian title to the lands exclusively used and occupied by the Northern Tonto Indians outside the boundaries of the Camp Verde Indian Reservation.


5. That on April 23, 1875, the United States extinguished without the payment of compensation, said Indian title to the lands inside the boundaries of the Camp Verde Reservation.

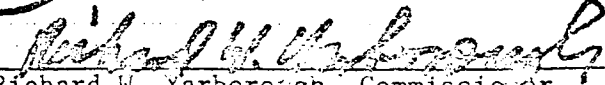
6. That under Sec. 2(4) of the Indian Claims Commission Act plaintiffs re entitled to recover from the defendant on behalf of the Northern Tonto Indians the fair market value of the area set forth in Finding of Fact No. 17 as of the dates when said Indian title was extinguished by the United States.

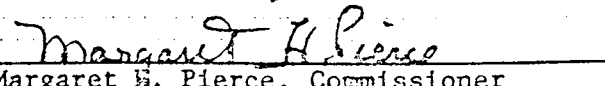
IT IS THEREFORE ORDERED that the case proceed to a determination of the acreage of the tract described in Finding of Fact No. 17 located outside the Camp Verde Indian Reservation and the value of said tract on May 1, 1873, and also a determination of the acreage of the tract described in Finding of Fact No. 17 located inside the Camp Verde Indian Reservation and the value thereof on April 23, 1875.


Dated at Washington, D. C., this 27<sup>th</sup> day of June, 1969.

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret J. Pierce, Commissioner

  
Brantley Blue, Commissioner