

BEFORE THE INDIAN CLAIMS COMMISSION

THE NAVAJO TRIBE OF INDIANS, )  
 )  
 Plaintiff, )  
 v. ) Docket No. 229  
 )  
 THE UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

INTERLOCUTORY ORDER

Upon the Findings of Fact and Opinion this day entered herein, which Findings of Fact and Opinion are hereby made a part of this order, the Commission concludes as a matter of law that:

1. The Navajo Tribe of Indians, plaintiff in Docket No. 229, has the right and capacity to assert this claim.

2. As of July 25, 1868, the effective date of the Navajo Treaty of July 1, 1868 (15 Stat. 667), the plaintiff tribe, in exchange for a reservation and other consideration, ceded its Indian title to that tract of land described in Finding of Fact No. 17, except for the Spanish or Mexican land grants confirmed and patented by the United States which lie either in whole or in part within said described boundaries.

3. As of July 25, 1868, the effective date of the 1868 Treaty cession, the plaintiff tribe did not hold Indian title to the balance of the land in suit.

IT IS THEREFORE ORDERED that the case now proceed to a determination of the acreage of the lands ceded by the plaintiff tribe to the United States under the 1868 Treaty, its fair market value as of July 25, 1868, the consideration received by the plaintiff for said cession and all other issued determinative of the extent of defendant's liability to the plaintiff tribe.

Dated at Washington, D. C., this 29<sup>th</sup> day of June, 1970.

Margaret H. Pierce  
 Margaret H. Pierce, Commissioner

Jerome K. Kuykendall  
 Jerome K. Kuykendall, Chairman

John T. Vance  
 John T. Vance, Commissioner

Brantley Blue  
 Brantley Blue, Commissioner

Richard W. Yarborough  
 Richard W. Yarborough, Commissioner