

BEFORE THE INDIAN CLAIMS COMMISSION

THE ONEIDA NATION OF NEW YORK, THE)	
ONEIDA TRIBE OF INDIANS OF WISCONSIN,)	
THE ONEIDA NATION BY JULIUS DANFORTH,)	
OSCAR ARCHIQUETTE, SHERMAN SKENANDORE,)	
MAMIE SMITH, MILTON BABCOCK, BERYL)	
SMITH AND AMANDA PIERCE,)	
)	
Plaintiffs,)	
)	Docket No. 301
v.)	(Claims 3 - 8)
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INTERLOCUTORY ORDER

Upon the findings of fact and opinion this day entered herein, which are hereby made a part of this order, the Commission concludes as a matter of law that:

1. The plaintiffs herein, the Oneida Nation of New York, the Oneida Tribe of Indians of Wisconsin and the Oneida Nation, have the right and capacity under Section 2 of the Indian Claims Commission Act, 60 Stat. 1049, 1050, to bring and maintain this cause of action in a representative capacity for and on behalf of the Oneida Nation.
2. The plaintiffs had a compensable interest in the lands in suit until their lands were sold through a series of treaties with the State of New York between 1795 and 1846.
3. The defendant will be liable under the Indian Claims Commission Act and the Trade and Intercourse Act, if the plaintiffs did not receive conscionable consideration for the lands they sold to the State of New York.

IT IS THEREFORE ORDERED that this docket proceed to a determination of the fair market value of said lands, the amount of offsets, if any, and all other questions bearing upon the defendant's liability to the plaintiffs.

Dated at Washington, D. C., this 18th day of August, 1971.

Jerome K. Kuykendall, Chairman

John T. Vance, Commissioner

Richard W. Yarborough
Richard W. Yarborough, Commissioner

Margaret H. Pierce
Margaret H. Pierce, Commissioner

Brantley Blue
Brantley Blue, Commissioner