

BEFORE THE INDIAN CLAIMS COMMISSION

THE LIPAN APACHE TRIBE, THE)
 MESCALERO APACHE TRIBE, et al ,)
)
 Plaintiffs,)
)
 THE PUEBLO DE SAN ANTONIO DE LA)
 YSLETA DEL SUR, AND THE PIROS,)
 MANSOS AND THE SUMAS TRIBES, AND)
 THE PUEBLO OF THE TIGUA INDIAN)
 COMMUNITY,)
)
 Interveners,)
)
 THE TONKAWA TRIBE OF INDIANS OF)
 OKLAHOMA, amalgamated with and)
 successors in interest to the)
 TEXAS TONKAWA TRIBE and the)
 TEXAS LIPAN TRIBE, and the)
 TEXAS KARANKAWA TRIBE,)
)
 Second Applicant)
 for Intervention,)
)
 v.)
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

Docket No. 22-C

ORDER GRANTING PART AND DENYING PART
OF MOTION OF SECOND APPLICANT TO INTERVENE

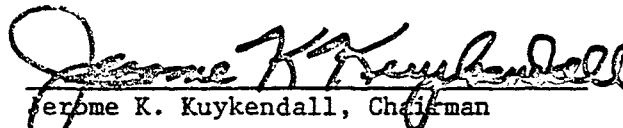
UPON CONSIDERATION of the motion of the Tonkawa Tribe of Indians of Oklahoma, filed January 25, 1972, for leave to intervene in the above styled cause, the responses thereto filed by the defendant and plaintiffs on February 14, 1972, and March 6, 1972, respectively, the applicant's memorandum in support of its motion, filed March 23, 1972, and the plaintiffs' reply thereto, filed April 6, 1972, the Commission concludes that the said motion to intervene should be granted for the limited purpose of establishing, on the present record, the applicant's identification with the aboriginal owner of the Lipan claimed area. The Commission further concludes that the Tonkawa applicant's aboriginal claims to lands outside of the Lipan claimed area constitute original causes of action

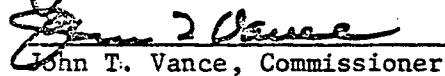
and are therefore barred under Section 12 of the Indian Claims Commission Act., 60 Stat. 1052, and the Commission further concludes that insofar as the Tonkawa Tribe of Indians allege a claim for aboriginal title which may be within the claimed are of the Lipan Apache Tribe, et al., as a basis for intervention the same is barred as being untimely filed after trial of the case of the Lipan Apache Tribe, et al.

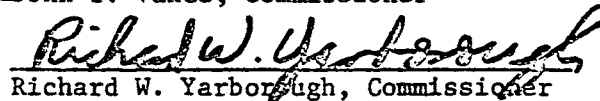
IT IS ORDERED that applicant's motion to intervene in the above styled cause be and the same is hereby granted to the extent as set forth above, and said applicants for intervention be styled hereafter "the Tonkawa Tribe of Indians, et al., second intervenors."

IT IS FURTHER ORDERED that applicant's motion to intervene in the above styled cause to assert aboriginal claims to lands inside of or outside the Lipan claimed area be, and the same is hereby, denied.

Dated at Washington, D. C., this 19th day of April 1972.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner