

BEFORE THE INDIAN CLAIMS COMMISSION

THE LIPAN APACHE TRIBE and bands)
 thereof, ex rel., Pedro Mendez)
 and Philemon Venego;)
)
 THE MESCALERO APACHE TRIBE and)
 bands thereof, ex rel., Solon)
 Sombrero, Fred Pellman, Eric)
 Tortilla and Victor Dolan;)
)
 THE APACHE TRIBE OF THE MESCALERO)
 RESERVATION on behalf of, or as)
 successor to, the Lipan Apache)
 Tribe and bands thereof, and the)
 Mescalero Apache Tribe and bands)
 thereof,)
)
 Plaintiffs,)
)
 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 Intervenors,)
)
 v.)
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

Docket No. 22-C

INTERLOCUTORY ORDER

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

(1) The principal plaintiff, the Apache Tribe of the Mescalero Reservation, has the right and capacity under the Indian Claims Commission to bring and maintain the claims asserted in this docket on behalf of the aboriginal Lipan and Mescalero Apache Tribes.

(2) The Lipan Apache Tribe held Indian title to those lands in Texas as described in the Commission's finding 16(a) until November 1, 1856, when

by the force of arms of the United States the said tribe was compelled to vacate and relinquished to the defendant without the payment of any compensation its aboriginal lands in Texas.

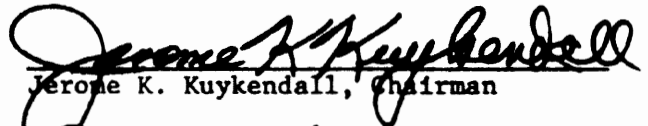
(3) The Mescalero Apache Tribe held Indian title to those lands in Texas as described in the Commission's finding 16(b) until May 29, 1873, when said tribe, pursuant to an Executive Order issued on the above date and without the payment of any compensation relinquished to the United States title to all its aboriginal lands situated outside of the newly created Mescalero Apache Indian Reservation in New Mexico.

(4) The Tonkawa Tribe of Indians, Second Intervenors, is not the successor in interest to the aboriginal Lipan Apache Tribe.

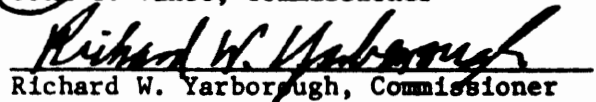
IT IS ORDERED that this case shall now proceed to a determination of the acreage and values of the Lipan and Mescalero award areas as of their respective dates of taking and relinquishment, as well as a determination of all other matters bearing upon the defendant's liability to the principal plaintiff herein.

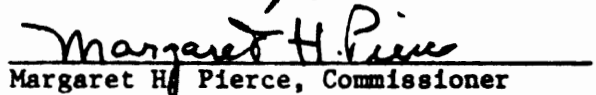
IT IS FURTHER ORDERED that the claim of the Tonkawa Tribe of Indians of Oklahoma, Second Intervenors, be, and the same hereby is, dismissed.

Dated at Washington, D. C., this 14th day of March 1975.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarbrough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner