

BEFORE THE INDIAN CLAIMS COMMISSION

THE YAKIMA TRIBE OF INDIANS,
 Petitioners,
 vs.
 THE UNITED STATES OF AMERICA,
 Defendant.

Docket No. 47

AMENDED AND SUPPLEMENTAL FINDINGS OF FACT

Upon the evidence received in this Docket since the Amended Findings of Fact and Interlocutory Order of this Commission were entered on November 6, 1953, the Commission finds that its Finding of Fact No. 28 should be and is hereby superseded and made to read as hereinafter appears; that its Finding of Fact No. 19 should be and is hereby superseded by our Findings hereinafter made insofar as it sets out or refers to the actual acreage contained within any part of Tract C, said Finding of Fact No. 19 to remain in full force in all other respects. The Commission also makes additional Findings of Fact which are supplemental to its Findings Nos. 1 to 28, as amended:

28. After passage of the Act of December 21, 1904, 33 Stat. 595, previously referred to and before the Pecore Survey officially marked the western boundary of the Yakima reservation along the summit of the Cascade Mountains, the Northern Pacific Railway Company filed mineral indemnity selection claims to 346.44 acres of land in Section 9,

BEFORE THE INDIAN CLAIMS COMMISSION

EMIGRANT NEW YORK INDIANS, ex rel.,)
 JULIUS DANSFORTH, OSCAR ARCHIQUETTE,)
 SHERMAN SKENANDCRE, MAMIE SMITH,)
 ARVID E. MILLER and FRED L. ROBINSON,)
 THE ONEIDA TRIBE OF INDIANS OF)
 WISCONSIN and THE STOCKBRIDGE-MUNSEE)
 COMMUNITY,)

Docket No. 75

Petitioners,)

vs.)

THE UNITED STATES OF AMERICA,)

Defendant.)

INTERLOCUTORY ORDER

Coming on for consideration the oral motion of defendant made at the trial of this case on February 27, 1957 to dismiss this cause, because of lack of jurisdiction in the Commission; and of the motion made at the final argument of the case on May 10, 1957 by the petitioners for the entry of an order adding the Oneida Tribe of Indians of Wisconsin and the Stockbridge-Munsee Community as additional parties plaintiff; the said motion of the defendant being objected to by petitioners and the said motion of petitioners being objected to by the defendant; petitioners thereafter filing on May 20, 1957 their written motion to add said parties plaintiff, as named, and on June 11, 1957 defendant having filed its opposition thereto and renewed, in writing, its motion for a dismissal on jurisdictional grounds to which pleading of defendant petitioners filed written reply on July 15, 1957;

This Commission being now fully advised and being of the opinion that the defendant's motion for a dismissal of said cause should be overruled and denied and that plaintiffs' motion for the addition of the parties named as additional parties plaintiff should be sustained, therefore;

IT IS HEREBY ORDERED that said motion of the defendant to dismiss this cause be denied and that the Oneida Tribe of Indians of Wisconsin and the Stockbridge-Munsee Community, as requested, be made additional parties plaintiff herein.

This order is made in keeping with PER CURIAM opinion on the question involved this day made by this Commission.

Dated at Washington, D. C., this 1st day of November, 1957.

Edgar E. Witt
 Chief Commissioner

Louis J. O'Marr

Wm. M. Holt
 Associate Commissioner