BEFORE THE INDIAN CLAIMS COMMISSION

THE ONEIDA NATION OF NEW YORK,)		
THE ONE IDA TRIBE OF INDIANS OF)		
WISCONSIN, THE ONEIDA NATION BY)		
JULIUS DANFORTH, OSCAR ARCHIQUETT	E,)		
SHERMAN SKENANDORE, MAMIE SMITH A	ND)		
AMANDA PIERCE,)		
Petitioners,)		
)		
v.)	Docket No	o. 301
)	(Claims 3	- 7)
THE UNITED STATES OF AMERICA,)		
)		
Defendant.)		

INTERLOCUTORY ORDER

Upon the additional findings of fact numbered 29 through 57, conclusions of law and the opinion this day entered in this docket, which are made a part of this order, this Commission concludes as a matter of law that:

- 1. The United States had actual knowledge of the Treaty of September 15, 1795, the Treaty of June 1, 1798, and the Treaty of June 4, 1802 entered into by the State of New York and the Oneida Indians.
- 2. The United States is chargeable with constructive knowledge of each of the 15 treaties entered into between March 21, 1805 and including the Treaty of February 24, 1837 between the Oneida Indians and the State of New York.
- 3. The United States is chargeable with actual knowledge of the eight treaties beginning with the Treaty of June 19, 1840 and ending with the Treaty of February 25, 1846, between the Oneidas and the State of New York.
- 4. The defendant will be liable under the Indian Claims Commission Act, and the Indian Trade and Intercourse Act if the Oneida Indians did not receive conscionable consideration for the loss of their lands occassioned by their treaties with the State of New York.

IT IS THEREFORE ORDERED that this docket proceed to a determination of value and consideration with respect to each of the 25 treaties, and

IT IS FURTHER ORDERED that plaintiff's motion for oral argument filed on January 20, 1975, be, and the same is, denied, and

IT IS FINALLY ORDERED that the Commission's opinion, findings of fact and order entered in this docket on August 18, 1971, 26 Ind. Cl. Comm., 138, to the extent of any inconsistencies with this order with the findings of fact, conclusions of law and opinion which are a part of this order, be, and the same hereby are, superceded.

Dated at Washington, D. C., this 22nd day of September, 1978.

Jerome K. Kuykendall, Chairman

John T. Vance, Commissioner

Richard W. Yarbordugh, Commissioner

Margaret H. Pierce, Commissioner

Brantley Blue, Commissioner