

BEFORE THE INDIAN CLAIMS COMMISSION

THE CHEROKEE NATION OR TRIBE OF INDIANS,

Petitioner,

v.

Docket No. 173

THE UNITED STATES,

Defendant.

INTERLOCUTORY ORDER

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

(a) That the petitioner Cherokee Nation as of December 19, 1891, had no title to the 2,121,928.74 acres of its outlet lands in Oklahoma previously set apart and occupied by other Indian tribes pursuant to the Treaty of July 19, 1866 (14 Stat. 799) and for which lands deeds had been executed prior thereto by the Cherokee Nation to the United States in trust for other Indian tribes; that under the agreement entered into on December 19, 1891 and ratified on March 3, 1893, the defendant paid petitioner \$8,595,736.12 of which sum \$799,884.12 was additional compensation for the aforesaid lands, and, there is not sufficient evidence now before the Commission of the value of said lands when taken for other Indian tribes to determine whether the consideration paid was unconscionable.

(b) That the petitioner Cherokee Nation is entitled to an award in the sum of \$22,585,328.14 for the 6,022,754.17 acres of its outlet lands in Oklahoma ceded to the United States on March 3, 1893, less \$7,795,851.99 paid on said claim, leaving a net recovery of \$14,789,476.15, and less allowable offsets.

IT IS THEREFORE ORDERED AND ADJUDGED:

(a) That the parties may submit evidence of the value of the 2,121,928.74 acres of outlet lands in the reservations of other Indian tribes on the dates of taking thereof, or, if the petitioner so elects, its claim for additional compensation for aforesaid lands may be severed and filed in a separate petition to be described as Docket No. 173-A.

(b) That the petitioner Cherokee Nation shall have and recover of and from the defendant the sum of \$11,789,476.15, less such offsets, if any, as may be allowable under the Indian Claims Commission Act.

Dated at Washington, D. C. this 3rd day of April, 1961.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner