

BEFORE THE INDIAN CLAIMS COMMISSION

THE CADDO TRIBE OF OKLAHOMA, ET AL.,)
)
 Plaintiffs,)
)
 v.) Docket No. 226
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

INTERLOCUTORY ORDER

Upon the additional findings of fact 37 through 49 this date filed herein, which are hereby made a part of this order, and for the reasons set forth in the opinion this day filed herein, the Commission concludes as a matter of law that:

(1) Under the Act of March 2, 1895, 28 Stat. 876, ratifying the 1891 Jerome agreement, the United States granted to the petitioner tribe a compensable interest in the Wichita Reservation (Royce Area 540-A), that,

(2) Said grant was in fact a gratuity, an act accomplished without the benefit of treaty or other obligation; that,

(3) The defendant, under section 2 of the Indian Claims Commission Act (60 Stat. 1050), may in good conscience set off against the award made herein the value of the petitioner tribe's interest in the Wichita Reservation; and that,

(4) The offset value of the petitioner's interest in the Wichita Reservation shall be based upon a determination of the fair market value of said reservation as of March 2, 1895.

IT IS THEREFORE ORDERED, that this case shall proceed with a determination of the fair market value of the Wichita Reservation as of March 2, 1895, and for a determination of all other allowable offsets and credits under the Indian Claims Commission Act, and for such other proceedings as may be necessary for determination of the issues herein.

Dated at Washington, D. C., this 27th day of October, 1961.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner