

BEFORE THE INDIAN CLAIMS COMMISSION

THE CHEROKEE NATION,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 190
)	
THE UNITED STATES,)	
)	
Defendant.)	

FINAL ORDER

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

1. The plaintiff herein has the legal capacity to bring this suit under Section 2 of the Indian Claims Commission Act of 1946.

2. The plaintiff has not proved that the 1866 treaty or its antecedent 1865 and 1866 negotiations were attended by duress, fraud, intimidation, falsehood, or mistake.

3. The plaintiff has not proved that consideration was relevant to the pertinent portions of the 1866 treaty.

4. The plaintiff has not proved that the 1866 treaty or its antecedent 1865 and 1866 negotiations were tainted by unfair or dishonorable dealings on the part of the defendant.

5. The plaintiff has not proved that in the allotment of Cherokee tribal funds and lands there was any taking by the defendant which would raise the issue of unconscionable consideration.

6. The plaintiff has not proved a case upon which relief could be granted under the Indian Claims Commission Act of 1946.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that this suit be, and it is hereby, dismissed.

Dated at Washington, D. C., this 25th day of September, 1963.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner