

BEFORE THE INDIAN CLAIMS COMMISSION

THE CITIZEN BAND OF POTAWATOMI)	
INDIANS OF OKLAHOMA,)	
)	Plaintiff,
)	
v.)	Docket No. 96
)	
THE UNITED STATES,)	
)	Defendant.

INTERLOCUTORY ORDER

Upon the Findings of Fact and Opinion filed this day herein, which are hereby made a part of this order, the Commission concludes as a matter of law that:

1. The Potawatomi "surplus lands" situated within Royce Arca No. 506, Royce Map of the Indian Territory and Oklahoma No. 3, consisted of 362,832.22 acres which were neither in one compact mass nor uniformly contiguous.

2. The value of the Potawatomi surplus lands, taken as a whole, was \$1,090,000.00 as of the stipulated valuation date June 25, 1890.

3. The total consideration paid by the defendant to the Citizen Band of Potawatomi Indians for the Potawatomi surplus lands was \$160,000.00.

4. The consideration paid by the defendant to the plaintiff was unconscionable within the contemplation of the third clause of Section 2 of the Indian Claims Commission Act of 1946 (25 U.S.C. 70a).

5. The plaintiff is entitled to recover of and from the defendant the difference between the consideration paid and the value of the land for which that consideration was paid, said difference amounting to \$930,000.00, less allowable offsets, if any.

IT IS THEREFORE ORDERED that the case proceed to a determination of the allowable offsets, if any, and the net amount recoverable by the plaintiff of and from the defendant.

Dated at Washington, D. C this 30th day of December, 1964.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner