

BEFORE THE INDIAN CLAIMS COMMISSION

THE PEORIA TRIBE OF OKLAHOMA, AND)
 GUY FROMAN ON BEHALF OF THE PEORIA)
 NATION, FRED ENSWORTH ON BEHALF)
 OF THE KASKASKIA NATION, AMOS)
 ROBINSON SKYE ON BEHALF OF THE)
 WEA NATION, AND MABEL STATON PARKER)
 ON BEHALF OF THE PLANKESHAW NATION,)

Petitioners,)

v.)

THE UNITED STATES OF AMERICA,)

Defendant.)

Docket No. 65

INTERLOCUTORY ORDER

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

The defendant by its failure to sell the Peoria lands (Royce Area 326) at public auction, as required by the provision of the Treaty of May 30, 1854, breached its duty to petitioners,

The petitioners are entitled to recover from defendant the difference in the prices paid for the lands sold and the fair market value which could have been obtained if each of the parcels had been sold at public auction,

The fair market values of all the separate parcels involved would have averaged \$2.50 as of the June-July, 1857, period,

The petitioners are entitled to recover \$172,726.04, the difference between the fair market value of \$519,397.13 and the \$346,671.09 sum realized at the actual sale.

IT IS THEREFORE ORDERED AND ADJUDGED that petitioners shall have and recover of and from the defendant the sum of \$172,726.04, less any allowable gratuitous offsets, to be determined in a later proceeding.

Dated at Washington, D. C., this 17th day of March, 1965.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner