

BEFORE THE INDIAN CLAIMS COMMISSION

THE CITIZEN BAND OF POTAWATOMI INDIANS )  
OF OKLAHOMA, )

Plaintiff,) )

v. )

Docket No. 96

THE UNITED STATES OF AMERICA, )  
Defendant.) )

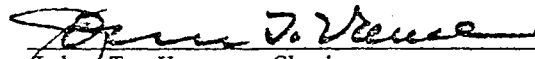
FINAL JUDGMENT

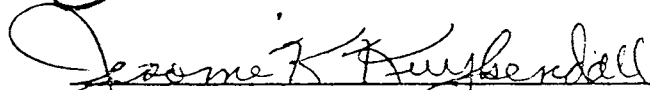
Upon the Findings of Fact numbered 42 through 48 this day made herein and the concurrent Opinion this day entered herein, this Commission determines as a matter of law:

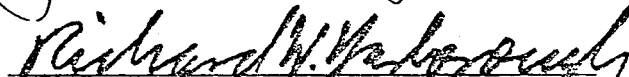
1. The sum of \$119,790.75 in controversy represents a gratuity for which the Defendant is allowed an offset of \$119,790.75.
2. It was error for this Commission to include in the gross acreage for which the Defendant is liable 640 acres on which is situated the Order of St. Benedict's Sacred Heart Mission; the error is corrected by allowing the Defendant an offset of \$1,920.00.
3. In 1960 and 1964 the Defendant conveyed only bare legal title to an aggregate of 260.068 acres, beneficial interest being in the Plaintiff. The equities do not require the Defendant to pay the full 1890 market value for bare legal title; the equities are satisfied by allowing the Defendant an offset of \$780.26.
4. The improvements on the tracts conveyed by the Government in the 1964 Act had a market value of \$10,000.00 when conveyed to the Petitioners. For this gratuity, the Defendant should be allowed an offset of \$10,000.00.

IT IS THEREFORE ORDERED, adjudged, and decreed that the Plaintiff may have of and from the Defendant in Docket No. 96 a net recovery of \$797,508.99 and that this case proceed to a determination of attorney fees and expenses.

Dated at Washington, D. C., this 27<sup>th</sup> day of August, 1968.

  
John T. Vance, Chairman

  
Jerome K. Kuykendall, Commissioner

  
Richard W. Yarborough, Commissioner