

BEFORE THE INDIAN CLAIMS COMMISSION

THE CHEROKEE NATION,)	
Plaintiff,)	
and)	
)	
THE CHEROKEE FREEDMEN, et al.,)	
Intervenors,)	
v.)	Docket No. 173-A
)	
THE UNITED STATES,)	
Defendant.)	

FIRST INTERLOCUTORY ORDER

Upon the Findings of Fact this date entered in the case at bar and the concurrent Opinion this date issued, this Commission concludes as a matter of law that:

1. The effective date of cession of the 2,121,928.74 acres herein involved was June 14, 1883;
2. The cession was not a taking by the defendant by exercise of the power of eminent domain;
3. The defendant paid consideration in the total amount of \$2,627,411.00 therefor;
4. On June 14, 1883, the fair market value of the land was \$6,896,000.00; and
5. The paid consideration was unconscionable within the contemplation of Clause 3 of Section 2 of the Indian Claims Commission Act of 1946.

IT IS THEREFORE ORDERED that the plaintiff recover of and from the defendant the sum of \$4,268,589.00 less allowable offsets, if any.

Done at Washington, D. C., this 4th day of February, 1970.

Richard W. Yarborough
 Richard W. Yarborough, Commissioner

Jerome K. Kuykendall
 Jerome K. Kuykendall, Chairman

Margaret H. Pierce
 Margaret H. Pierce, Commissioner

John T. Vance
 John T. Vance, Commissioner

Brantley Blue
 Brantley Blue, Commissioner