

BEFORE THE INDIAN CLAIMS COMMISSION

PUEBLO OF TAOS,)
)
 Plaintiff,)
)
 v.) Docket No. 357-A
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

ORDER DENYING MOTION FOR SUMMARY JUDGMENT

The above-entitled cause came on to be heard before the Commission on November 21, 1969 upon the motion of the plaintiff for summary judgment holding defendant liable for interest at the rate of 5% per annum on amounts due plaintiff under the provisions of the Pueblo Lands Act, 43 Stat. 636, at which time said motion was argued by the attorneys for the respective parties and submitted to the Commission and taken under advisement, and the Commission now being fully advised in the premises and for the reasons set forth in the opinion this day filed herein, concludes as a matter of law, that neither the Pueblo Lands Act, nor the actions of the Pueblo Lands Board in administering said act, constituted a "Fifth Amendment taking" of plaintiff's lands.

IT IS THEREFORE ORDERED that the plaintiff's motion for summary judgment herein, be and the same hereby is denied.

Dated at Washington, D. C., this 10th day of Feb., 1971.

Jerome K. Kuykendall
 Jerome K. Kuykendall, Chairman

John T. Vance
 John T. Vance, Commissioner

Richard W. Yarbrough
 Richard W. Yarbrough, Commissioner

Margaret H. Pierce
 Margaret H. Pierce, Commissioner

Brantley Blue
 Brantley Blue, Commissioner