

BEFORE THE INDIAN CLAIMS COMMISSION

THE SENECA NATION OF INDIANS,)	Docket No. 342-A
)	
THE TONAWANDA BAND OF SENECA)	
INDIANS,)	Docket No. 368-A
)	
Plaintiffs,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER VACATING FINDING OF FACT
AND INTERLOCUTORY ORDER

In compliance with the decision of the Court of Claims in the subject matter, 173 Ct. Cl. 917 (1965),

IT IS ORDERED that finding of fact numbered 27 entered herein on October 24, 1963, 12 Ind. Cl. Comm. 755, 778-779, be and the same is hereby vacated, and further

Upon findings of fact numbered 27 through 130, and the opinion this day entered herein, all of which are made a part of this order, the Commission concludes as a matter of law that:

1. The Seneca Nation had a compensable interest in lands conveyed by private sales in 1797, 1826 and 1842, for which, by the Trade and Intercourse Act of 1790, the defendant had an obligation to ensure that a conscionable consideration was received.

2. The fair market value of the Seneca Nation's lands ceded in 1797 was \$4,500,000 on the valuation date and the consideration of \$100,000 paid at the time for the lands was unconscionable under Clause 3, Section 2, of the Indian Claims Commission Act, rendering defendant liable to plaintiffs in the amount of \$4,400,000.

3. The fair market value of the Seneca Nation's lands ceded in 1826 was \$482,600 on the valuation date and the consideration of \$48,216 paid at the time for the lands was unconscionable under Clause 3, Section 2, of the Indian Claims Commission Act, rendering defendant liable to plaintiffs in the amount of \$434,384.

4. The fair market value of the Seneca Nation's lands ceded in 1842 was \$766,000 on the valuation date, and the consideration of \$133,768.96 paid at the time for the lands was unconscionable under Clause 3, Section 2, of the Indian Claims Commission Act, rendering defendant liable to plaintiffs in the amount of \$632,231.04.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiffs, on behalf of and for the benefit of the Seneca Nation as it existed or was constituted during the period from 1797 to 1842, shall have and recover from the defendant the amount of \$5,466,615.04, less such offsets, if any, as may be allowable under the Indian Claims Commission Act.

IT IS FURTHER ORDERED that this case proceed for the purpose of determining the amount of gratuitous offsets, if any, allowable.

Dated at Washington, D. C., this 3^d day of May, 1972.

Jerome K. Kuykendall
Jerome K. Kuykendall, Chairman

John F. Vance
John F. Vance, Commissioner

Richard W. Yarborough
Richard W. Yarborough, Commissioner

Margaret A. Pierce
Margaret A. Pierce, Commissioner

Brantley Blue
Brantley Blue, Commissioner