

BEFORE THE INDIAN CLAIMS COMMISSION

THE SENECA NATION OF INDIANS,)
)
 Plaintiffs,)
)
 v.) Docket No. 342-F
)
 UNITED STATES OF AMERICA,)
)
 Defendant.)

INTERLOCUTORY ORDER

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

1. The plaintiff had a compensable interest in lands in Little Beard's Reservation conveyed by a private transaction in 1802, 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 plaintiff's lands ceded in 1802 was \$3850 on the valuation date, and the consideration of \$1200 paid at the time for the lands was unconscionable under Clause 3, Section 2, of the Indian Claims Commission Act, rendering defendant liable to plaintiff in the amount of \$2650.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff shall have and recover from the defendant the amount of \$2650, 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, 1972.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner