

BEFORE THE INDIAN CLAIMS COMMISSION

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

INTERLOCUTORY ORDER

Upon the 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:

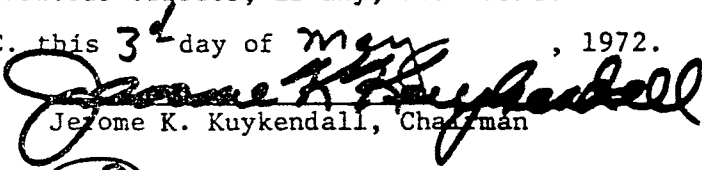
1. The plaintiff had a compensable interest in lands in the Gardeau Reservation conveyed by private transaction in 1823, for which, by the Trade and Intercourse Act of 1790, the defendant had an obligation to ensure that a conscionable consideration was received.

2. The fair market value of plaintiff's lands ceded in 1823 was \$83,600 on the valuation date, and the consideration of \$4,280 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 \$79,320.

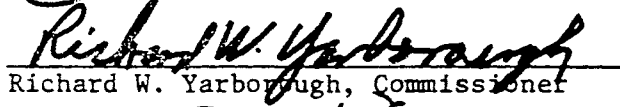
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff shall have and recover from the defendant the amount of \$79,320, less such offsets, if any, as may be allowable under the Indian Claims Commission Act.

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<sup>d</sup> day of May, 1972.

  
 Jerome K. Kuykendall, Chairman

  
 John F. Vance, Commissioner

  
 Richard W. Yarborough, Commissioner

  
 Margaret K. Pierce, Commissioner

  
 Brantley Blue, Commissioner