

BEFORE THE INDIAN CLAIMS COMMISSION

THE PRAIRIE BAND OF THE POTTAWATOMIE)	
TRIBE OF INDIANS, et al.,)	Docket No. 15-C
)	
HANNAHVILLE INDIAN COMMUNITY, et al.,)	Docket No. 29-A
)	
CITIZEN BAND OF POTAWATOMI INDIANS,)	Docket No. 71
)	
Plaintiffs,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INTERLOCUTORY ORDER

Upon the findings of fact and opinion this day entered herein, which are made a part of this order, the Commission concludes that:

1. The plaintiff's motion for leave to file a late exhibit in the valuation proceeding herein and the defendant's motion for leave to file a late exhibit in this proceeding are hereby granted.

2. The acreage evaluated in this proceeding consists of 5,115,908 acres in Wisconsin and Illinois and 104,960 acres in southwestern Michigan, a total of 5,220,868.

3. The fair market value of the ceded lands on February 21, 1835, was \$6,600,000.00.

4. The fair market value as of February 21, 1835, of the Iowa exchange tract granted to the plaintiffs under subject treaty was \$1,500,000.00.

5. Payments and expenditures by the United States in fulfilling its treaty obligations agreed to as consideration for the cession of the Wisconsin, Illinois, and Michigan lands, exclusive of expenditures for food, rations, or provisions, amounted to \$860,800.00. In determining payments on the claim under Section 2 of the Indian Claims Commission Act, the United States is to be credited with this amount, and also with the fair market

value on February 21, 1835, of the Iowa exchange tract, \$1,500,000.00. Adding these amounts results in total payments of \$2,360,800.00 by the defendant to be deducted as payments on the claim herein.

6. The payment by the defendant of less than \$3,000,000.00 for land having a value of \$6,600,000.00 on the evaluation date was so inadequate as to constitute unconscionable consideration. Therefore, the plaintiff is entitled under the provisions of Clause 3, Section 2 of the Indian Claims Commission Act (25 U.S.C. §70a (1970)), to an award in the amount of \$4,239,200.00.

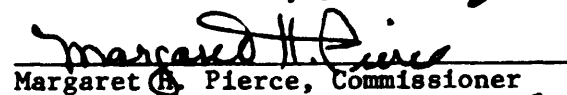
IT IS ORDERED that the claims proceed to a determination of offsets, if any, to which the defendant may be entitled.

Dated at Washington, D. C., this 26th day of May 1976


Jerome K. Kuykendall, Chairman


John F. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner