

BEFORE THE INDIAN CLAIMS COMMISSION

THE POTAWATOMIE NATION OF INDIANS,)	Docket No. 15-P
THE PRAIRIE BAND, et al.,)	
)	
Plaintiff,)	
)	
THE HANNAHVILLE INDIAN COMMUNITY,)	Docket No. 29-N
et al.,)	
)	
Plaintiffs,)	
)	
CITIZEN BAND OF POTAWATOMI INDIANS)	Docket No. 306
OF OKLAHOMA, et al.,)	
)	
Plaintiffs,)	
)	
POTAWATOMI INDIANS OF INDIANA AND)	Docket Nos. 15-P,
MICHIGAN, INCORPORATED,)	29-N, and 306
)	
Intervenors,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INTERLOCUTORY ORDER

Upon the findings of fact 1 through 37, previously entered herein on April 4, 1973, 30 Ind. Cl. Comm. 42, and the findings of fact and opinion this day entered herein, all of which findings of fact and opinion are hereby made a part of this order, the Commission concludes as a matter of law that:

1. As of October 20, 1832, the effective date of the Treaty of October 20, 1832, 7 Stat. 378, the Potawatomi Tribe ceded to the United States all of its right, title, and interest to a tract of land in north-eastern Illinois (identified as Royce Area 177).

2. As of October 20, 1832, the Potawatomi interest in Royce Area 177 had a fair market value of \$2,153,295.00.

3. The value of the consideration which the United States paid for the cession pursuant to the provisions of the Treaty of October 20, 1832, was \$343,742.43.

4. The payment by the defendant of \$343,742.43 for land having a value of \$2,153,295.00 on the valuation date was so inadequate as to constitute unconscionable consideration. Therefore, the plaintiffs are 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 \$1,809,552.57, less any gratuitous offsets which may subsequently allowed.

IT IS THEREFORE ORDERED that the plaintiffs have and recover from the defendant the sum of \$1,809,552.57.

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

Dated at Washington, D. C., this 8th day of June 1978


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner