

BEFORE THE INDIAN CLAIMS COMMISSION

CITIZEN BAND OF POTAWATOMI)	
INDIANS OF OKLAHOMA, et al.,)	
)	
PRAIRIE BAND OF THE POTAWATOMI)	
TRIBE OF INDIANS, et al.,)	
)	
HANNAHVILLE INDIAN COMMUNITY,)	
et al.,)	
)	
Plaintiffs,)	Docket Nos. 216, 15-L,
)	and 29-I
POTAWATOMI INDIANS OF INDIANA)	
AND MICHIGAN, INC.,)	
)	
Intervenor,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INTERLOCUTORY ORDER

1. By decision of the Commission in these dockets dated December 26, 1973, 32 Ind. Cl. Comm. 400, it was determined that the Potawatomi Tribe or Nation held recognized title to Royce Area 78 and that said area was ceded to the United States pursuant to the Treaty of August 24, 1816.

2. By order of the Commission dated August 6, 1975, the joint stipulation of the parties in these dockets, dated July 11, 1975, was approved. Under said stipulation, the parties agreed that Royce Area 78 as of August 24, 1816, and Royce Area 98 (see item 3, below) as of October 2, 1818, had equivalent fair market values. The parties also agreed that Royce Area 78 contained 783,150.47 acres. The parties further agreed that the fair market value of Royce Area 78, as of August 24, 1816, shall be calculated by multiplying 783,150.47 acres by the amount which is determined by final judgment after exhaustion of all appeals to be the fair market value (before any reduction for consideration or offsets) of Royce Area 98, as of October 2, 1818. Each party reserved the right to seek review of and to appeal from the Commission's determination of the fair market value of Royce Area 98 in Docket Nos. 15-D, et al. (see item 3, below).

3. By decision of the Commission dated August 25, 1978, in Pottawatomie Tribe of Indians, et al. v. United States, Dockets 15-D, et al., 42 Ind. Cl. Comm. 354, it was determined that the fair market value of Royce Area 98, as of October 2, 1818, was \$1.15 per acre.

On the basis of the foregoing and pursuant to the above joint stipulation of the parties, the terms of which stipulation are incorporated herein by reference, the Commission concludes:

A. That the acreage of the lands ceded pursuant to the Treaty of August 24, 1816, described as Royce Area 78, consisted of 783,150.47 acres; and

B. That the fair market value of such ceded lands was \$1.15 per acre.

IT IS THEREFORE ORDERED that, subject to the terms and conditions of the stipulation approved August 6, 1975, the plaintiffs recover from the defendant the sum of \$900,623.04, less any consideration, payments on the claim, and offsets to which the defendant may be entitled under the provisions of the Indian Claims Commission Act.

Dated at Washington, D. C., this 30th day of August 1978.

Jerome K. Kuykendall, Chairman

John T. Vance
John T. Vance, Commissioner

Richard W. Yarborough
Richard W. Yarborough, Commissioner

Margaret H. Pierce
Margaret H. Pierce, Commissioner

Brantley Blue
Brantley Blue, Commissioner