

BEFORE THE INDIAN CLAIMS COMMISSION

PUEBLO OF TAOS,)	Docket No. 357
)	
Plaintiff,)	Docket No. 357-A
)	
v.)	Docket No. 357-B
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INTERLOCUTORY ORDER

For the reasons stated in our opinion this day entered herein, which is hereby made a part of this order, the Commission orders that:

1. Findings of Fact Nos. 20 through 25, entered in Docket 357 on September 8, 1965, at 15 Ind. Cl. Comm. 666, 682-87, be, and the same are hereby, vacated;
2. The opinion entered in Docket 357, on September 8, 1965, at 15 Ind. Cl. Comm. 666, 688, shall henceforth be deemed to have been amended so as to eliminate any inconsistency with the Commission's findings of fact and opinion entered today in Docket 357-A;
3. The portion of our order of September 8, 1965, relating to plaintiff's Second Claim in Docket 357, be, and the same is hereby, vacated in its entirety, and the following be and the same is hereby, substituted therefor:

SECOND CLAIM

The plaintiff had legal title to four square leagues of land, constituting 17,360 acres, granted to it by Spain in 1689. This tract of land is defined on defendant's Exhibit No. 101-A, in Docket 357, by the yellow area with a white center marked #1. The plaintiff's title to this land was confirmed as supreme by Spain, Mexico, the United States, and the State of New Mexico. Confirmation by the defendant of the plaintiff's title to this land was accomplished pursuant to the Act of December 22, 1858, 11 Stat. 374, and by the issuance of a patent thereto by the defendant on November 1, 1864.

The town of Taos infringed upon 926 acres of the lands thus confirmed by the defendant. The determination of the Pueblo Lands Board on March 17, 1927, that the town of Taos lands had been held adversely to the plaintiff for periods exceeding what was required under the New Mexico statutes of limitations and thus could not have been recovered for the plaintiff under the Pueblo Lands Act, 43 Stat. 636, and that the United States was, therefore, not liable to the plaintiff for the town of Taos lands, constituted a taking of said lands in violation of the Fifth Amendment of the Constitution of the United States.

The appraised value of the title thus extinguished was \$297,684.67. Accordingly, the plaintiff shall have and recover from the defendant, the principal sum of \$297,684.67, plus simple interest thereon at the rate of 5% per annum from March 17, 1927, until the principal sum is paid, less allowable offsets.

4. The Commission's order in Docket 357 of February 18, 1970, 22 Ind. Cl. Comm. 444, insofar as it granted plaintiff leave to file a new petition with respect to its Blue Lake claim to be designated as Docket 357-B, be, and the same is hereby, vacated.

5. That the value of the plaintiff's 1933, 50-year permit to use the Blue Lake area, and the value of the return of the Blue Lake Lands under P. L. 91-550, be treated as offsets.

6. That the case shall proceed to a determination of:

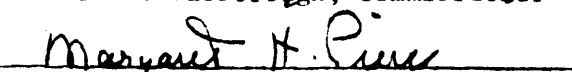
(a) the amounts of interest due under paragraph 3, supra,
and

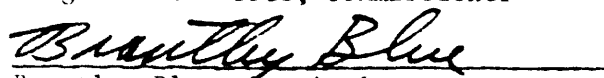
(b) allowable offsets which the defendant may choose to assert hereunder.

Dated at Washington, D. C., this 4th day of February 1974.


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner