

BEFORE THE INDIAN CLAIMS COMMISSION

THE PRAIRIE BAND OF THE POTTAWATOMIE)	
TRIBE OF INDIANS, et al.,)	
)	
Plaintiffs,)	
)	Docket Nos. 15-C, 18-H,
v.)	29-A, 71
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER DENYING PLAINTIFFS' MOTION REGARDING PRE-TRIAL
DETERMINATION OF BASIS FOR VALUATION OF "EXCHANGE LAND"

On August 23, 1973, the plaintiffs in Dockets 15-C and 71 moved that we modify our order of September 20, 1972. That order calls for the determination of the consideration paid by the United States under the Treaty of September 26, 27, 1833 (7 Stat. 431, 432), including the fair market value as of February 21, 1835, the effective date of the treaty, of 5,000,000 acres of exchange land. Plaintiffs moved that the exchange land be determined either:

- a. not to effect the plaintiffs' recovery, or
- b. to be valued on the basis of the consideration paid for said lands by the United States under the Treaty of July 15, 1830 (7 Stat. 328).

For the reasons stated in the opinion this day entered herein, and which is hereby made a part of this order,

IT IS ORDERED that the plaintiffs' motion be, and the same is hereby, denied.

Dated at Washington, D. C., this 20th day of March, 1974.


Jerome K. Kuykendall, Chairman


Margaret H. Pierce, Commissioner


John T. Vance, Commissioner


Brantley Blue, Commissioner


Richard W. Yarborough, Commissioner