

THE MIAMI TRIBE OF OKLAHOMA, also known as THE MIAMI TRIBE, ET AL.,	Petitioners,	Docket No. 253
IRA SYLVESTER GODFROY, WILLIAM ALLOLLA GODFROY, JOHN A. OWENS, on relation of THE MIAMI INDIAN TRIBE and MIAMI TRIBE OF INDIANA, and each on behalf of others similarly situated and on behalf of THE MIAMI INDIAN TRIBE and various bands and groups of each of them, comprising the MIAMI TRIBE AND NATION,	Plaintiffs,	Docket No. 131
THE PEORIA TRIBE OF INDIANS OF OKLAHOMA and AMOS ROBINSON SKYE on behalf of the WEA NATION,	Petitioners,	Docket No. 314
THE POTTAWATOMIE TRIBE OF INDIANS, THE PRAIRIE BAND OF THE POTTA- WATOMIE TRIBE OF INDIANS, ET AL.,	Plaintiffs,	Docket No. 15-II
THE KICKAPOO TRIBE OF KANSAS, THE KICKAPOO TRIBE OF OKLAHOMA, THE KICKAPOO NATION, ET AL.,	Petitioners,	Docket No. 317
CITIZEN BAND OF POTAWATOMI INDIANS OF OKLAHOMA, and POTAWATOMI NATION, represented by CITIZEN BAND OF POTAWATOMI INDIANS OF OKLAHOMA, ET AL.,	Petitioners,	Docket No. 307
HANNAHVILLE INDIAN COMMUNITY, Wilson, Michigan, FOREST COUNTY POTAWATOMI COMMUNITY, Crandon, Wisconsin, POTAWATOMI TRIBE or NATION OF INDIANS, ET AL.,	Plaintiffs,	Docket No. 29-F
	v.	
UNITED STATES OF AMERICA,	Defendant.	

INTERLOCUTORY ORDER

Upon the findings of fact this day filed herein, which are hereby made a part of this order, and which are confined to the issues of law and fact limited by the order of January 18, 1955, the Commission concludes as a matter of law:

1. That the petitioners in Dockets Nos. 253, 131 and 314 are authorized by the Indian Claims Commission Act of August 13, 1946, to prosecute the claims set forth in their respective petitions for the Miami Tribe, including the Eel River Tribe, and the Wea Tribe, arising out of the treaties of August 21, 1805 and September 30, 1809;

2. That by the Treaty of Greenville of August 3, 1795, 7 Stat. 49, to which the said Miami, Eel River and Wea tribes were parties, the defendant declared that said Indians were thereafter to hold

their lands described in said treaties of 1805 (Finding 9) and 1809 (Finding 11), permanently, that is to say, that by the relinquishment of defendant in said treaty and its declaration therein that the signatory tribes, which included the Miami, Eel River and Wea, are to hold the lands they have a right to until such Indians are disposed to sell them to defendant, constituted recognized title of said last-named tribe to said lands;

3. That the petition of the plaintiffs in Docket No. 15-H and the petition of the plaintiffs in Docket No. 29-F, in so far as each asserts a claim based upon the treaty of 1809, must be dismissed for failure of proof.

IT IS THEREFORE ORDERED AND ADJUDGED:

1. That the petitioners in said Dockets Nos. 253, 131 and 314 are authorized under the Indian Claims Commission Act to institute and maintain the claims of the Miami Tribe, including the Eel River Tribe, and the Wea Tribe, and that said tribes had at the time of the cessions of their lands by the treaties of 1805 and 1809 recognized title to such lands described in such treaties;

2. That the petition in Docket No. 15-H and the petition in Docket No. 29-F, in so far as each asserts a claim arising out of said 1809 treaty, are hereby dismissed;

3. That Dockets Nos. 307 and 317, which were consolidated for trial by order of April 21, 1953, with the other cases shown in the caption, are hereby removed from such consolidation and neither shall be prejudiced by such former consolidation;

4. That the original of this order shall be filed in Docket No. 253 and a copy, certified by the Clerk, shall be filed in each of the other dockets.

Dated at Washington, D.C. this 4th day of June, 1957.

Edgar E. Witt, Chief Commissioner  
Louis J. O'Marr, Associate Commissioner  
Wm. M. Holt, Associate Commissioner