

BEFORE THE INDIAN CLAIMS COMMISSION

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|-----------------------------------|---|------------------------------|
| THE MIAMI TRIBE OF OKLAHOMA, |) | Docket No. 67 (Consolidated) |
| also known as THE MIAMI TRIBE, |) | with Dockets Nos. 124, 314 |
| |) | and 337 |
| and |) | |
| |) | |
| HARLEY T. PALMER, FRANK C. POOLER |) | |
| and DAVID LEONARD, as representa- |) | |
| tives of THE MIAMI TRIBE and all |) | |
| of the members thereof, |) | |
| |) | |
| Petitioners, |) | |
| |) | |
| vs. |) | Intervenors: |
| |) | Dockets Nos. 15-D, 29-B, |
| THE UNITED STATES OF AMERICA, |) | 89, 311 and 315 |
| |) | |
| Defendant. |) | |

Dated: June 30, 1960

AMENDED AND ADDITIONAL FINDINGS OF FACT

Explanatory Statement

In the opinion of the Court of Claims of July 13, 1959, that Court affirmed the decision of this Commission holding that the land ceded to the United States on October 6, 1818 had been held by the Indians by recognized title, and the Court also held that this Commission was correct in its findings as to offsets. The case was remanded to this Commission for further reconsideration on the question of value only.

After further hearings as to value, briefs and requested findings and amendment of findings were filed by both parties. The Commission in response to said requests as to findings, amends Finding 36 as previously made, as follows:

36. The first two sentences in said original Finding 36, as made on September 17, 1956, are stricken therefrom and said findings remains as heretofore made save and except said first two sentences that are stricken therefrom. The language stricken from said Finding reads as follows, to wit: "There can be no doubt, that from the beginning of sales to 1818 and beyond, the United States was attempting to obtain the high dollar from the sale of its public lands. The necessity was there!"

Finding 46, as made on September 17, 1956 is stricken and in lieu thereof the following finding is made:

46. Based on the entire record, the taking into consideration the elements and factors as found proper by the Court of Claims to be considered in its many decisions in the determination of market value, together with the viewpoint of the Court of Claims as to the proper effect to be given this Commission's original findings from 6-31, inclusive, on the ultimate finding of value, we conclude that the lands involved in this case had a fair market value on October 6, 1818 of \$8,091,400, which is the value of the acreage involved at \$1.15 per acre.

The disparity between the purchase price and the value that we find the land to have constitutes in our opinion an unconscionable consideration under the provisions of the Indian Claims Commission Act.

s/ EDGAR E. WITT
Chief Commissioner

s/ WM. M. HOLT
Associate Commissioner

I dissent. Statement attached to Opinion.

s/ ARTHUR V. WATKINS
Associate Commissioner