

BEFORE THE INDIAN CLAIMS COMMISSION

THE MIAMI TRIBE OF OKLAHOMA, also	)	
known as THE MIAMI TRIBE,	)	
	)	
HARLEY T. PALMER, FRANK C. POOLER,	)	
and DAVID LEONARD, as representatives	)	
of THE MIAMI TRIBE and all of the	)	
members thereof,	)	
	)	
IRA S. GODFROY, et al., MIAMI INDIANS	)	
OF INDIANA,	)	
	)	
Petitioners,	)	
	)	
v.	)	Docket No. 256 (Consoli-
	)	dated with Dockets 124-D,
THE UNITED STATES OF AMERICA,	)	124-E, and 124-F)
	)	
Defendant.	)	

INTERLOCUTORY ORDER

Upon the findings of fact, numbered 1 to 35 inclusive, which are this day filed herein and which are hereby made a part of this order, the Commission concludes as a matter of law,

(1) That the lands ceded by the Miami Tribe to the defendant by the treaties of October 23, 1834, and November 6, 1838, comprised 239,588 and 208,650 acres respectively, making a total of 448,238 acres;

(2) That the consideration the Miami Tribe received for the ceded lands was \$216,492.75 under the 1834 treaty and \$339,611.00 under the 1838 treaty or a total of \$556,103.75;

(3) That the value of such lands on November 10, 1837, and January 23, 1839, the effective dates of the above treaties, was \$598,960 and \$730,275 respectively, or a total of \$1,329,235;

(4) That by reason of the disparity between the consideration paid for such lands and the value thereof, as above determined, the consideration was unconscionable;

(5) That the lands ceded by the Miami Tribe to the defendant by the Treaty of November 28, 1840, comprised 473,000 acres;

(6) That the consideration the Miami Tribe received under the 1840 Treaty was \$478,027.83 and 324,796.88 acres of Kansas land;

(7) That the value of the lands ceded under the 1840 Treaty as of the period between February 25, 1841, and May 15, 1841, was \$1,300,750;

(8) And that the fair market value of the 324,796.88 acres of Kansas land, received as consideration under the 1840 Treaty, will have to be determined before the issue of whether the consideration received under said treaty was conscionable or not, can be decided.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that the Miami Tribe of Oklahoma, petitioner in Docket No. 256, and the Miami Indians of Indiana, petitioner in Dockets 124-D, 124-E and 124-F, jointly as representatives of the Miami Tribe as the same existed as of the effective dates of the above treaties, have and recover from the defendant the sum of \$773,131.25 less such offsets, if any, that may be allowable under the Indian Claims Commission Act.

IT IS FURTHER ORDERED, that this case shall proceed without further delay with the presentation of evidence relating to the fair market value of the 324,796.88 acres of Kansas land received by the Miami Tribe as consideration under the 1840 Treaty and the proper date of evaluating said lands.

IT IS FURTHER ORDERED, that within 60 days from the date of this order the defendant shall amend its answer by setting forth any offsets that may be authorized by the Indian Claims Commission Act and the petitioners shall file and serve a reply thereto within 40 days after such offsets are filed with the Commission.

Dated at Washington, D. C., this 18th day of December, 1964.

Arthur V. Watkins  
Chief Commissioner

Wm. M. Holt  
Associate Commissioner

T. Harold Scott  
Associate Commissioner