

## BEFORE THE INDIAN CLAIMS COMMISSION

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|---|---|---|
| CITIZEN BAND OF POTAWATOMI INDIANS<br>OF OKLAHOMA, ET AL.,                      | ) |   |
| Plaintiffs,   | ) | Docket Nos. 128, 309, 310                                     |
|   | ) |   |
| THE POTAWATOMI NATION OF INDIANS,<br>THE PRAIRIE BAND, ET AL.,                  | ) |   |
| Plaintiff,  | ) | Docket Nos. 15-N, 15-O, 15-Q, 15-R                            |
|   | ) |   |
| THE HANNAHVILLE INDIAN COMMUNITY,<br>ET AL.,                                    | ) |   |
| Plaintiffs,   | ) | Docket Nos. 29-L, 29-M<br>29-O, 29-P                          |
|   | ) |   |
| POTAWATOMI INDIANS OF INDIANA AND<br>MICHIGAN, INCORPORATED,                    | ) |   |
| Intervenors,  | ) | Docket Nos. 128, 309, 310, 15-N, O, Q,<br>15-R, 29-L, M, O, P |
|   | ) |   |
| IRA SYLVESTER GODFROY, ET AL., on<br>relation of THE MIAMI TRIBE OF<br>INDIANA, | ) |   |
| Plaintiffs,   | ) | Docket No. 124-B  |
|   | ) |   |
| THE MIAMI TRIBE OF OKLAHOMA, ET AL.,  | ) |   |
| Plaintiffs,   | ) | Docket No. 254  |
|   | ) |   |
| THE PEORIA TRIBE OF OKLAHOMA,   | ) |   |
| Plaintiffs,   | ) | Docket No. 314-B  |
|   | ) |   |
| v.  | ) |   |
|   | ) |   |
| THE UNITED STATES OF AMERICA,   | ) |   |
| Defendant.  | ) |   |

INTERLOCUTORY ORDER

Upon the Findings of Fact and Opinion this day entered herein, which are hereby made a part of this order,

1. IT IS ORDERED that the motion of the Potawatomi Indians of Indiana and Michigan, Inc., filed on July 15, 1965, to intervene as plaintiffs in all Potawatomi dockets is granted as to the Potawatomi dockets involved in this proceeding in accordance with the Commission decision in the Potawatomi entity proceeding, Citizen Band of Potawatomi Indians, Docket 71, et al., 27 Ind. Cl. Comm. 187 (1972).

2. The Commission concludes that the several plaintiffs in this proceeding have interests in the subject lands as follows:

Royce Area 132: The Miami plaintiffs in Dockets 124-B and 254 and the Potawatomi plaintiffs and intervenors in Dockets 15-N, O, Q and R, 29-L, M, O, P, 128, 309 and 310 had joint recognized title to Royce Area 132. Their respective interests were ceded to the United States under Treaty of October 23, 1826 (7 Stat. 300), for the Miami, and under Treaty of October 16, 1826 (7 Stat. 295), for the Potawatomi. The valuation date for Royce Area 132 is February 7, 1827.

Royce Area 133: The Potawatomi plaintiffs and intervenors in the dockets listed above had recognized title to Royce Area 133, which title was ceded to the United States under the Treaty of October 16, 1826 (7 Stat. 295). The valuation date is February 7, 1827.

Royce Area 145: The Potawatomi plaintiffs and intervenors in the dockets listed above had recognized title to Area 145, which title was ceded to the United States under the Treaty of September 20, 1828 (7 Stat. 317). The valuation date is January 7, 1829.

Royce Area 146: The Potawatomi plaintiffs and intervenors in the dockets listed above had recognized title to the portion of Area 146 north of the northern boundary of the Wabash watershed and recognized title to a one-half interest in the rest of Area 146. The land was ceded to the United States under the Treaty of September 20, 1828 (7 Stat. 317). The valuation date is January 7, 1829.

The Miami plaintiffs in the dockets listed above had recognized title to a one-half interest in the portion of Area 146 within the northern limit of the Wabash watershed ceded to the United States under the Treaty of October 23, 1826. The valuation date is January 24, 1827.

Royce Area 180: The Weas in Docket 314-B had recognized title to a one-half interest in the portion of Area 180 which is west of the Wea-Miami dividing line, as stipulated June 19, 1867, and within the northern boundary of the Wabash watershed, labeled tract AB within Area 180 on the map, Appendix A. These lands were among those ceded by the Weas to the United States by the Treaty of October 2, 1818 (7 Stat. 180). The valuation date is October 2, 1818.

The Miami plaintiffs in the dockets listed above had recognized title to a one-half interest in the portion of Royce Area 180 which is east of the Wea-Miami dividing line as stipulated on June 19, 1967, and within the northern limit of the Wabash watershed. These lands were ceded by the Miami Tribe to the United States under the Treaty of October 23, 1826. The valuation date is January 24, 1827.

The Potawatomi plaintiffs and intervenors in the dockets listed above had recognized title to the portion of Area 180 outside the northern limit of the Wabash watershed, and they had a one-half interest in the rest of Area 180 except the small piece in the southwest corner of Area 180 labeled 'H' on the map, Appendix A, in which they had a one-third interest which has already been adjudicated. (See note 1 of opinion herein.) The valuation date of the Potawatomi interests in all of Area 180 is October 26, 1832, the date on which the Potawatomis ceded these lands to the United States. (7 Stat. 394.)

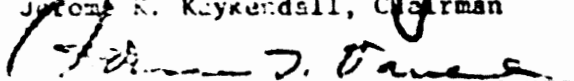
Royce Area 181: The Miami plaintiffs in the above-listed dockets had recognized title to a one-half interest in the portion of Area 181 within the northern limit of the Wabash watershed, which interest was ceded to the United States under the Treaty of October 23, 1826 (7 Stat. 300). The valuation date is January 24, 1827.

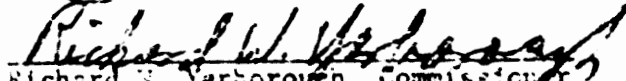
The Potawatomi plaintiffs and intervenors in the dockets listed above had recognized title to the portion of Royce Area 181 which is outside the northern limit of the Wabash watershed, and had recognized title to a one-half interest in the rest of Area 181. The land was ceded to the United States under the Treaty of October 27, 1832 (7 Stat. 399). The valuation date is January 21, 1833.

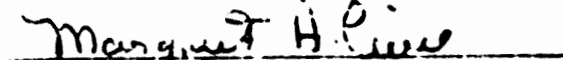
3. IT IS FURTHER ORDERED that the above-captioned cases proceed to determinations of the fair market values of the various tracts involved, as of the appropriate dates; the consideration paid to the plaintiffs for their respective interests in the lands; and all other matters relating to the issue of the liability of the United States to each of the plaintiffs under the Indian Claims Commission Act.

Dated at Washington, D. C., this 28th day of December 1973.

  
Jerome K. Kaykendall, Chairman

  
John A. Vance, Commissioner

  
Richard W. Varborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner