

## BEFORE THE INDIAN CLAIMS COMMISSION

THE POTTAWATOMIE TRIBE OF INDIANS,	)	
THE PRAIRIE BAND OF THE POTTAWATOMIE	)	
TRIBE OF INDIANS, et al.,	)	Docket No. 15-E
	)	
HANNAHVILLE INDIAN COMMUNITY, et al.,	)	Docket No. 29-C
	)	
LAWRENCE ZANE, et al., ex rel.	)	
WYANLOT TRIBE, et al.,	)	Docket No. 120
	)	
IRA SYLVESTER GODFREY, et al., ex rel.	)	
THE MIAMI INDIAN TRIBE,	)	Docket No. 130
	)	
MIAMI TRIBE OF OKLAHOMA, et al.,	)	Docket No. 252
	)	
CITIZEN BAND OF POTAWATOMI INDIANS	)	
OF OKLAHOMA, et al.,	)	Docket No. 338
	)	
THE PEORIA TRIBE OF INDIANS OF	)	
OKLAHOMA, et al.,	)	Docket No. 338
	)	
KICKAPOO TRIBE OF OKLAHOMA, THE	)	
KICKAPOO TRIBE OF KANSAS, et al.,	)	Docket No. 338
	)	
THE OTTAWA TRIBE OF OKLAHOMA, et al.,	)	
as representatives of THE OTTAWA TRIBE,	)	Docket No. 338
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

FINAL ORDER DISMISSING THE CLAIMS IN DOCKETS  
120, 130, 252, AND CERTAIN CLAIMS IN DOCKET 338,  
AND INTERLOCUTORY ORDER IN DOCKETS 15-E, 29-C AND 338

UPON THE findings of fact numbered 35 through 48, the conclusions of law, and the opinion, this date entered herein, all of which are hereby made part of this order, the Commission concludes as a matter of law that:

1. The fair market value, on August 3, 1795, of the 15 separate enclaves ceded at the Treaty of Greeneville, 7 Stat. 49, was as follows:

	<u>Enclave</u>	<u>Title Holder</u>	<u>Acrcage</u>	<u>Per Acre Value</u>	<u>Total Value</u>
1.	Royce Area 16, Indiana	Miami - 2/3 Wea - 1/3	23,040	\$1.08	\$24,883.20
2.	Royce Area 17, Indiana	Miami - 2/3 Wea - 1/3	2,560	1.08	2,764.80
3.	Portage Road from Royce Area 16 to Royce Area 17, Indiana	Miami - 2/3 Wea - 1/3	2	1.25	2.50
4.	Six miles square at Ouatanon or Old Wea Towns (unnumbered red line in west-central Indiana on Royce's map)	Miami - 2/3 Wea - 1/3	23,040	1.08	24,883.20
5.	Royce Area 18, Ohio	Ottawa	92,160	1.13	104,140.80
6.	Royce Area 19, Ohio	Ottawa	17,280	1.13	19,526.40
7.	Royce Area 20, Ohio	Wyandot	2,560	0.90	2,304.00
8.	Six miles square (Sandusky)	Wyandot	23,040	0.75	17,280.00
9.	Royce Area 24, Illinois	Potawatomi	23,040	1.17	26,956.80
10.	Portage Road from Royce Area 24 to Illinois River	Potawatomi	8	1.25	10.00
11.	Area west of the Illinois River at the Old Piorias fort and village	Potawatomi	7,460	1.08	7,948.80
12.	Area east of the Illinois River at the Old Piorias fort and village	Kickapoo	15,680	1.08	16,934.40

	<u>Enclave</u>	<u>Title Holder</u>	<u>Acreage</u>	<u>Per Acre Value</u>	<u>Total Value</u>
13.	Area west of the Illinois River at its mouth	Potawatomi	22,000	1.08	23,760.00
14.	Area east of the Illinois River at its mouth	Kickapoo	85,000	1.08	91,800.00
15.	Royce Area 27, Illinois	Kaskaskia	20	75.00	<u>1,500.00</u>
			<b>Total</b>		<b>\$364,694.90</b>

2. Consideration in the following amounts was paid under the Treaty of Greenville to the respective signatory tribes who are represented by plaintiffs in this proceeding: to the Miamis, \$33,220.00; to the Weas, \$11,120.00; to the Ottawas, \$22,100.00; to the Wyandots, \$22,100.00; to the Pottawatomies, \$22,100.00; to the Kickapoos, \$11,120.00; and to the Kaskaskias, \$11,120.00.

3. Consideration paid to the Miamis, Weas, Wyandots, and Kaskaskias for the cession of their enclaves at the Treaty of Greenville was not so grossly inadequate as to render it unconscionable within the meaning of Section 2(3) of the Indian Claims Commission Act. The claims brought by the plaintiffs representing these tribes will, therefore, be dismissed.

4. The consideration received by the Ottavas, the Pottawatomies, and the Kickapoos for the cession of their enclaves at the Treaty of Greenville was so grossly inadequate as to render it unconscionable within the meaning of Section 2(3) of the Indian Claims Commission Act.

5. Defendant, pursuant to P.L. 93-494, 88 Stat. 1499, is not entitled to credit for any of the consideration paid as payments on the claim.

IT IS THEREFORE ORDERED that finding of fact No. 22, previously entered by the Commission at 31 Ind. Cl. Comm. 89, 193 (1973), be, and the same hereby is, vacated to the extent it is inconsistent with the findings of fact and opinion entered herein;

IT IS FURTHER ORDERED that the claims in Dockets 120, 130, 252, and the claim of the Peoria Tribe of Indians of Oklahoma, et al., on behalf of the Weas and Kaskaskias, in Docket 338, be, and the same hereby are, dismissed.

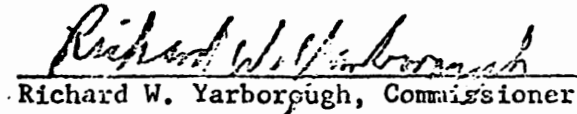
IT IS FURTHER ORDERED that the following plaintiffs are entitled to recover from defendant the following sums, less such gratuitous offsets as defendant may be entitled under the provisions of the Indian Claims Commission Act: to the Ottawa plaintiffs, the sum of \$123,667.20; to the Pottawatomie plaintiffs, the sum of \$58,675.60; and to the Kickapoo plaintiffs, the sum of \$108,734.40; and

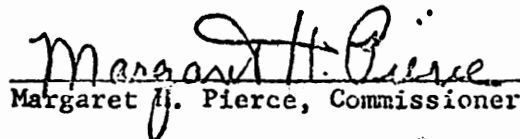
IT IS FINALLY ORDERED that the claims in Dockets 15-E, 29-C, and the claims of the Potawatomi, Kickapoo, and Ottawa plaintiffs in Docket 338 proceed to a determination of the amount of any gratuitous offsets allowable.

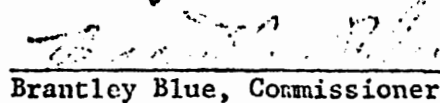
Dated at Washington, D. C., this 29th day of September 1978.

  
Jerome K. Kuykendall, Chairman

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John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner