

BEFORE THE INDIAN CLAIMS COMMISSION

THE FORTIA TRIBE OF INDIANS OF)
 OKLAHOMA AND AMOS ROBINSON SKYE)
 ON BEHALF OF THE WEA NATION,)

Petitioners,)

v.)

Docket No. 311, Amended

THE UNITED STATES OF AMERICA,)

Defendant.)

INTERLOCUTORY ORDER

Upon the findings of fact and supplemental findings of fact heretofore filed in Docket 67 (Consolidated) on March 26, 1954 (2 Ind. Cl. Comm. 617), on September 7, 1956 (4 Ind. Cl. Comm. 346), and on June 30, 1960 (9 Ind. Cl. Comm. 1), and in Docket 65 (Consolidated) on March 26, 1956 (4 Ind. Cl. Comm. 224), and upon the findings 1 through 16 filed herein, all of which findings are hereby made a part of this order, the Commission concludes as a matter of law that (1) the petitioners herein have the right to bring and maintain this suit on behalf of the Wea Tribe or Nation of Indians pursuant to the provisions of the Indian Claims Commission Act (60 Stat. 1049), (2) the Wea Tribe or Nation of Indians had a recognized title to 815,000 acres in the western part of Royce Area 99 as of October 6, 1818, (3) that as of October 6, 1818, the subject lands herein had a fair market value of \$937,250.00, (4) that pursuant to the treaty of October 2, 1818 (7 Stat. 186) the United States paid \$34,478.16 for the 1818 Wea cession of the subject lands and that this consideration was unconscionable within the meaning of section 2 of the Indian Claims Commission Act (60 Stat. 1050), (5) that the United States is therefore liable to the Wea Tribe or Nation of Indians in the amount of \$937,250.00 less proper offsets.

The Commission further concludes that the United States is entitled to set off against any award herein the following amounts: (1) \$34,478.16, being the consideration paid by the United States to the Wea Tribe or Nation of Indians for the 1818 Wea cession of the subject tract, (2) \$2,294.54 representing gratuitous expenditures made by the United States for the benefit of the Wea Tribe or Nation of Indians, and (3) the 1832 fair market value of 125 sections of the 250 section grant made jointly to the Wea and Piankashaw Tribes by the United States under the Treaty of October 29, 1832 (7 Stat. 410), the value of said offset hereafter to be determined.

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IT IS THEREFORE ORDERED, ADJUDGED AND DECIDED; that the Wea Tribe or Nation of Indians as represented by the petitioners herein is entitled to receive from the defendant the sum of \$900,477.30 less such offsets as may hereafter be determined.

IT IS FURTHER ORDERED that this case shall proceed with the determination of the 1832 fair market value of 125 sections of the 250 section grant made jointly to the Wea and Wiankashaw Tribes of Indians by the United States under the Treaty of October 29, 1832 (7 Stat. 110), or for such other proceedings as may be necessary for determination of the issues herein.

Dated at Washington, D. C., this 18th day of April, 1961.

Arthur V. Watkins

Chief Commissioner

Wm. H. Holt

Associate Commissioner

T. Harold Scott

Associate Commissioner