

BEFORE THE INDIAN CLAIMS COMMISSION

THE PEORIA TRIBE OF INDIANS OF)
 OKLAHOMA, and GUY FROMAN on)
 Behalf of the PEORIA NATION,)
 FRED ENSWORTH on Behalf of the)
 KASKASKIA NATION, AMOS ROBINSON)
 SKYE on Behalf of the WEA NATION,)
 and MABEL STATON PARKER on Behalf)
 of the PIANKESHAW NATION,)
)
 Petitioners,)
)
 vs.)
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

Docket No. 65

Decided: September 12, 1962

ADDITIONAL FINDINGS OF FACT

The Commission makes the following findings of fact which are supplemental to the findings numbered 1 through 11, inclusive, heretofore made herein:

12. The petition in the subject case, filed on June 30, 1950, as amended on August 11, 1951, was for an accounting under some thirteen treaties between the defendant and the petitioner tribes or their ancestors. Defendant has filed detailed accounting reports with respect to the treaties enumerated in the petition. At the hearing on this case held on March 6, 1961, petitioners expressed their satisfaction with the accounting under all of the enumerated treaties with the exception of the Treaty of May 30, 1854 (10 Stat. 1082).

13. The Commission finds that the defendant having satisfied the petition for accounting under all of the treaties except the May 30, 1854, treaty, the only claims remaining for determination are:

1. That the commuted value of the annuities set forth in Article 6 of the Treaty of May 30, 1854, was less than the fair value thereof, and

2. That the defendant failed to comply with the provisions of Article 4 of the Treaty of May 30, 1854, requiring that the Indians' land be sold by the United States on a freely competitive market, with the proceeds to be paid to the Indians but rather permitted non-Indian citizens to trespass upon the land and to purchase the land at artificially low appraised values, far below market price.

Claim I

14. By Article 6 of the Treaty of May 30, 1854, the Kaskaskias, Peorias, Piankeshaws and Weas agreed to relinquish and release their rights to "permanent annuities amounting in all to three thousand eight hundred dollars per annum" in consideration for which the United States agreed to pay, under the direction of the President, the sum of \$66,000.00 in six annual installments and also to furnish the united tribe with an interpreter and a blacksmith for five years, and to supply the smithshop with iron, steel, and tools for five years. Article 7 of the treaty provided that from each of the annual payments described in Article 6 the sum of \$500.00 should be reserved for support of the aged and infirm; the sum of \$2,000.00 should be set off and applied to the education of their youth; and from each of the first three payments there should also be set apart \$2,000.00 to enable the Indians to settle their affairs.

15. To fulfill its obligations under Article 6 defendant made the following disbursements:

\$45,000.00 - cash
 10,525.12 - educational purposes
 6,000.00 - to settle petitioners'
 affairs
 4,474.88 - support of the aged
 and infirm

 \$66,000.00

3,600.00 - services of blacksmith
 and assistant for 5 years
 80.00 - erection and repair of
 blacksmith shops
 1,140.00 - coal, iron, steel, tools,
 supplies, and transportation
 thereof

 4,820.00

\$70,820.00

Total (Def. Exs. 10-13, pp. 67-68)

The Commission finds that the defendant in disbursing this sum of \$70,820.00 fulfilled its obligations under Article 6 of the Treaty of May 30, 1854, and that this payment, as provided in the treaty, did not represent an unfair value for the commuted annuities.

Arthur V. Watkins
 Chief Commissioner

Wm. M. Holt
 Associate Commissioner

T. Harold Scott
 Associate Commissioner