

BEFORE THE INDIAN CLAIMS COMMISSION

THE ABSENTEE SHAWNEE TRIBE)	
OF OKLAHOMA,)	
)	
Petitioner,)	
)	
v.)	Docket No. 334-B
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: March 29, 1963

FINDINGS OF FACT

The Commission makes the following Findings of Fact:

1. The petitioner, The Absentee Tribe of Oklahoma, is a duly organized tribe recognized by the Secretary of the Interior and has the authority and capacity to bring this claim before this Commission under the provisions of the Indian Claims Commission Act (60 Stat. 1049; 25 U.S.C. 70).

2. This action is brought to determine the liability of the defendant to the petitioner with respect to the sale of certain surplus lands in Kansas which were a portion of lands reserved to the Shawnee Indians under the Treaty of May 10, 1854 (10 Stat. 1053), and the disposition of the funds realized from their sale.

3. On November 7, 1825, a convention was made between William Clark, Superintendent of Indian Affairs and the chiefs and headmen of the Shawnee Nation whereby a tract of land was granted to the Shawnees in Kansas. By treaty made at Wapaghkonetta, Ohio, on August 8, 1831, the Shawnee band residing in Ohio agreed to cede their lands to the United

States in return for their removal to the western side of the Mississippi River and for a tract to contain 100,000 acres located within the area granted to the Shawnee Indians of Missouri by the Treaty of November 7, 1825.

On May 11, 1844, President John Tyler executed a deed conveying to the Shawnee Tribe of Indians the following lands:

* * * all the tract of country lying west of the State of Missouri, which was designated and set apart for the Shawnees in fulfilment of, and pursuant to, the second and third articles of a convention made between William Clark, Superintendent of Indian Affairs, and the chiefs and headmen of the Shawnee nation of Indians, at St. Louis, on the seventh day of November, one thousand eight hundred and twenty-five, which said tract was conveyed to said tribe, (subject to the right secured by the second article of the treaty made at Wapaghkonetta, on the eighth day August, one thousand eight hundred and thirty-one,) by John Tyler, President of the United States, by deed bearing date the eleventh day of May, one thousand eight hundred and forty-four -- said tract being described by metes and bounds as follows 'Beginning at a point in the western boundary of the State of Missouri, three miles south of where said boundary crosses the mouth of Kansas River, thence continuing south and coinciding with said boundary for twenty-five miles; thence due west one hundred and twenty miles; thence due north, until said line shall intersect the southern boundary of the Kansas reservation; thence due east, coinciding with the southern boundary of said reservation, to the termination thereof; thence due north, coinciding with the eastern boundary of said reservation, to the southern shore of the Kansas River, thence along said southern shore of said river, to where a line from the place of beginning drawn due west, shall intersect the same' -- * * *
(10 Stat. 1053)

4. In 1854, George W. Manypenny, Commissioner, negotiated with the several bands of Shawnee Indians who were parties to the treaties of November 7, 1825 and August 8, 1831, for cession of their lands to the United States. On May 10, 1854, a treaty was made by which, under Article 1, the Shawnee Tribe of Indians ceded and conveyed to

