

BEFORE THE INDIAN CLAIMS COMMISSION

ABSENTEE DELAWARE TRIBE OF)	
OKLAHOMA, DELAWARE NATION,)	
ex rel., W. E. EXENDINE AND)	
MYRTLE HOLDER,)	
)	
Petitioners,)	
)	
v.)	Docket No. 337
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: August 5, 1963

ADDITIONAL FINDINGS OF FACT

The Commission makes the following findings of fact which are supplemental to Findings 1 through 12 inclusive heretofore entered.

13. The Treaty of September 24, 1829 (7 Stat. 327), granting certain lands in Kansas to the Delaware Nation as their permanent residence became effective by its terms upon ratification. The treaty was ratified by Senate Resolution on April 29, 1830. Therefore, the Commission finds the effective date of the treaty and the date of valuation of the subject lands to be April 29, 1830.

14. The lands in Kansas granted by the United States to the Delaware Nation under the Treaty of September 24, 1829, contained 1,884,160 acres, of which 924,160 acres composed the so-called Residence Lands and 960,000 acres made up the so-called Outlet Land. The land is more particularly described in Finding 5.

The lands so granted were part of the Indian Territory west of the Missouri River which had been set aside for the use and occupancy of Indian tribes, including tribes such as the petitioners herein, that had

been removed from locations east of the Mississippi River.

15. The claims of the indigenous tribes to the lands granted to the petitioners herein were extinguished by the United States by two treaties, one made with the Kansas Nation on June 3, 1825 (7 Stat. 244), and one made with various Pawnee bands on October 9, 1833 (7 Stat. 448).

16. The eastern portion of the subject tract is more commonly known and identified as the "Residence Lands" and consisted of rich, rolling prairies with some hilly, broken and rocky areas, particularly in the eastern portion near the Missouri River. However, said rough and hilly lands were in relatively few townships. The Residence Lands were bounded by the Missouri River on the east and the Kansas River on the south. The Grasshopper (now the Delaware River) coursed through the westerly portion of the tract and this area was extremely well watered. The elevation of the land varied from approximately 500 to 1000 feet. There is no evidence of any swampland.

The climate of the Residence Lands was favorable for general farming with a growing season of approximately 170 to 190 days. The average precipitation varied from about 34 inches in the east section around the Kansas City area to about 30 inches in the westerly portion around Topeka.

The soil varied from the rich bottoms and slopes of the rivers and numerous tributary streams to gently rolling rich prairies with some hilly to rough, broken and rocky areas, particularly in the easterly portion along the Missouri River. However, in this area near the confluence of the Missouri and Kansas Rivers, hilly to rough lands were interspersed in small segments and predominated relatively few townships.

