

BEFORE THE INDIAN CLAIMS COMMISSION

THE PONCA TRIBE OF INDIANS OF)
 OKLAHOMA, et al.,)
)
 Petitioners,)
)
 v.)
)
 THE UNITED STATES OF AMERICA)
)
 Defendants.)

Docket No. 324

Decided: AUG 27 1965

FINDINGS OF FACT

The Commission makes the following Findings of Fact.

Petitioners filed a petition for a general accounting requesting that the defendant account to it for all sums required to be expended on behalf of the Ponca Tribe by reason of treaty, contract or other arrangements. Defendant filed its accounting report and petitioners filed their exceptions thereto. This cause came on to be heard on these exceptions on July 20 and 21, 1965.

The agreed record consists of the government's accounting report (Joint Exhibit No. 1), a list of questioned items thereon compiled from examination of vouchers, invoices and other exhibits (Joint Exhibit No. 2), and the testimony of the Supervisory Claims Examiner for the Indian Tribal Claims Branch, Federal Record Center, National Archives and Records Service (Mr. Charles W. J. Lenard, Tr. 13-20). The filing of briefs was waived and the matter was submitted on the proceeding as recorded in the official hearing transcript.

1. Petitioner, the Ponca Tribe of Indians of Oklahoma, is an organized tribe of American Indians with capacity to bring suit under the Indian Claims Commission Act. The individual petitioners are members of the tribal petitioner. Petitioners duly and properly represent the Ponca Tribe as it has existed at all times hereinafter mentioned.

2. The petition herein was timely filed on August 10, 1951. It seeks a general accounting of all amounts received and expended for petitioners from the date of the first treaty between petitioners and defendant.

3. By the Treaty of March 12, 1858, the Ponca Tribe ceded to the defendant all its lands except for a retained reservation in Nebraska and, in consideration therefor, the defendant agreed to furnish to the Ponca Tribe annuities, goods and services as set forth in said Treaty.

4. Defendant has duly appropriated all sums agreed to be paid to the Ponca Tribe pursuant to said treaty.

5. All sums appropriated pursuant to said treaty and other treaties were properly expended for the benefit of the Ponca Tribe, except for the items set forth in Finding No. 6 hereof.

6. The following expenditures, made by the defendant out of funds appropriated for the Ponca Tribe under the Treaty of 1858, were either not for the benefit of the Tribe or were improperly used for purposes not authorized by the treaty:

<u>Year</u>	<u>Description</u>	<u>Amount</u>
1860	38 American flags	\$ 175.00
1862	1 flag (part of \$34.50)	22.50
1860	25 military uniforms	800.00
1865	1 Buffalo robe (part of \$36.00)	11.00
1869	Stamps, stationery, etc.	35.57
1871	Year time book for Superintendent	2.25
1869	Internal revenue tax on agent's salary	12.50
1875	Stamps, office supplies, office chairs, field glasses, stationery	148.55
1882	Expense of 4 Poncas on visit to Washington (with Omahas, Winnegagoes, Sioux)	80.00
1882	Medical attention to one Ponca while on visit	<u>2.62</u>
		\$1,289.99

7. From time to time proceeds of labor furnished by Ponca Indians were deposited with the defendant to be expended for the benefit of the Tribe.

8. All such proceeds were properly expended except those set forth in Finding No. 9.

9. The following expenditures out of the proceeds of labor performed by Ponca Indians were used without authority for other than tribal purposes:

<u>Year</u>	<u>Description</u>	<u>Amount</u>
1916	1 Ford automobile, accessories, etc.	\$ 404.17
1915	Dictionary, 2 recitation seats, for agency office (part of \$53.00)	17.00
1926	Laundry for guest room, repair of typewriter and express on latter	19.94
1927	Laundry for guest house	.72
1928	Printing of individual Indian money statement forms \$25; repairing 3 typewriters \$60.24; laundry for guest room \$1.04 (part of \$174.33)	86.28

<u>Year</u>	<u>Description</u>	<u>Amount</u>
1929	One flag \$2.83; repair of 3 typewriters and 1 adding machine \$93.27; toll charges for Otoe Subagency \$5.95; telephone service and toll charges at Otoe Agency \$16.70 (part of \$314.65)	\$ 118.75
1930	Repair of typewriter \$6.00; telephone and tolls at Red Rock \$9.50 (part of \$155.06)	15.50
1931	Scrubbing office floor (part of \$91.35)	3.00
1932	Cleaning office (part of \$157.75)	2.00
1926	"Unidentified items" (crediting \$660 for period from July 1 to Dec. 31, 1925, for pay of clerk)	283.05
1933	Shingles, valley, roofing nails, etc., for agency cottage (part of \$106.60)	93.00
1928	Furnishings for guest room including missing voucher for \$25.90	<u>124.90</u>
	Total	\$1,168.31

10. Defendant should account to petitioners for the unauthorized use of tribal funds as listed in Findings 6 and 9, above.

11. Petitioners are entitled to an award of \$1,289.99 for unauthorized use of treaty funds and to an award of \$1,168.31 for the unauthorized use of funds earned by Ponca Indians, or a total award of \$2,458.30.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner