

BEFORE THE INDIAN CLAIMS COMMISSION

THE PEORIA TRIBE OF INDIANS OF)	
OKLAHOMA AND AMOS ROBINSON SKYE)	
ON BEHALF OF THE WEA NATION,)	
)	
Petitioners,)	
)	
v.)	Docket No. 314-E
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: July 18, 1967

Appearances:

Jack Joseph with whom was the law firm of Brown, Dashow and Langeluttig, Attorneys for Petitioners

W. Braxton Miller with whom was Mr. Assistant Attorney General Edwin L. Weisl, Jr., Attorneys for Defendant

OPINION OF THE COMMISSION

Holt, Commissioner, delivered the opinion of the Commission.

This case is before the Commission for consideration of a joint motion of the parties seeking approval of a proposed compromise settlement of the claims of the Wea Nation or Tribe asserted in this Docket No. 314-E.

The claims arise out of the Treaty of August 11, 1820, 7 Stat. 209, whereby the Wea Tribe of Indians ceded to the United States a tract of land in Indiana known as Royce Area 114, in consideration of the payment

of \$5,000.00. This tract of land had been set aside as a reservation for the Wea Tribe under Article 2 of the prior Treaty of October 2, 1818, 7 Stat. 186. At the time the 1818 and 1820 treaties were made, the Wea Tribe was an independent tribe of Indians. However, the later Treaty of May 30, 1854, 10 Stat. 1082, with the approval of the defendant, effected the formal consolidation of the Peoria, Piankeshaw, Kaskaskia and Wea Tribes into a single Nation or Tribe, later to become known as the Peoria Tribe of Oklahoma.

The petitioners' claim is for the payment of a fair or conscionable consideration for said tract of land ceded by the 1820 treaty. The acreage in said tract, as determined from the official plats of survey by the Bureau of Land Management, Department of the Interior, is fixed at 27,330.66 acres, which is accepted by both parties.

The proposed compromise settlement is based on a negotiated valuation of \$1.40 an acre for the 27,330.66 acres, making a gross settlement of \$38,262.92. After deducting the consideration of \$5,000.00 paid the Wea Tribe there remains the net proposed settlement of \$33,262.92. The parties state that in arriving at this net amount of the proposed final judgment they did not extend or go beyond the offsets and counterclaims which have been heretofore adjudicated between the same parties in Docket No. 314, Amended, and the defendant is to be barred from asserting offsets and counterclaims in other actions only as to those which it asserted or could have asserted against the Wea Nation, Tribe or Band of Indians in said Docket 314, Amended. It is agreed that the final

net judgment of \$33,262.92 to be entered shall finally dispose of all claims or demands against the defendant asserted in this Docket No. 314-E, with no appeal or review to be taken by either party.

The proposed compromise settlement was submitted to the Business Committee of the Peoria Tribe of Oklahoma by counsel for petitioners, together with a memorandum containing a full and complete explanation of the claim, the various items considered in negotiating the settlement and a recommendation that it be accepted (Pet. Exh. 2). The Business Committee of the Peoria Tribe of Oklahoma approved the proposed settlement in a letter under date of November 28, 1966, addressed to petitioners' counsel signed by the 2nd Chief, the Secretary, and two councilmen stating that they believed a net final judgment of \$33,262.92 is a fair and reasonable settlement. We are also satisfied that the signatures on the said letter are genuine.

The proposed settlement has also been approved by an authorized representative of the Secretary of the Interior.

The parties have recommended in their joint motion that judgment be entered on the proposed settlement without the usual formal requirements applied in larger and more complicated cases. This is also recommended by the Department of the Interior in its letter approving the settlement, stating that the members of the Peoria Tribe whose names appear on the final 1956 roll are widely scattered and the time and expense of noticing, assembling and holding a meeting of these Indians involved relative to this small case would place an undue hardship on

them. The Department also states it is satisfied that the Business Council had the authority to act on behalf of the Peoria Tribe of Oklahoma.

We agree that by the standards of Indian cases this is a relatively small case, and it is apparent that the Business Committee had a full and complete explanation of the proposed settlement and had authority to act on behalf of the Indians involved in this case. The basic question in this case was the determination of the value of the 27,330.66 acres in 1820 when ceded. We believe that the \$1.40 per acre price agreed upon by the parties was a fair price for said land in view of the per acre value fixed by the Commission in other cases for substantially similar lands in the same area which were ceded at about the same time. We are satisfied that the procedure followed in obtaining the approval of the settlement was sufficient under all the facts and circumstances in this case, and that the settlement is fair to both the Indians and the defendant and should be approved.

A final judgment will be entered in conformity with our findings of fact, this opinion and the Stipulation for Entry of Final Judgment.

/s/ Wm. M. Holt

Wm. M. Holt
Commissioner

We concur:

/s/ Arthur V. Watkins

Arthur V. Watkins
Commissioner

/s/ T. Harold Scott

T. Harold Scott
Commissioner