

BEFORE THE INDIAN CLAIMS COMMISSION

THE CAYUGA NATION OF INDIANS)	
OF OKLAHOMA,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 230
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: September 22, 1971

OPINION OF THE COMMISSION

Yarborough, Commissioner, delivered the opinion of the Commission.

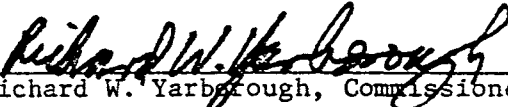
This case is before the Commission after a review by the Commission's Investigation Division which was undertaken at the Commission's order, pursuant to section 13(b) of the Indian Claims Commission Act (25 U.S.C. §701), owing to plaintiff's lack of representation by counsel, and in response to a motion by defendant to dismiss the case for failure to prosecute.

Plaintiff has asserted three claims against the United States based upon treaties with the State of New York (February 25, 1789, July 27, 1795) and the United States (7 Stat. 160, 7 Stat. 178, 7 Stat. 348).

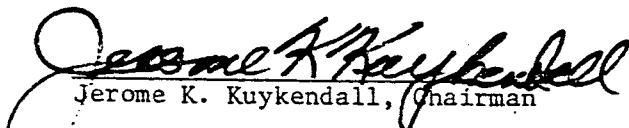
The attached Findings of Fact prepared by the Investigation Division of the Commission report that plaintiff is not represented by counsel, that there is no apparent desire to prosecute the claim, and that the claims are asserted in other dockets by plaintiffs representing possible beneficiaries of this Docket 230 claim.

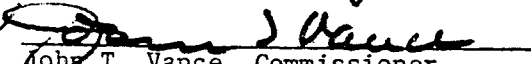
The Commission thereupon had proposed Findings of Fact prepared based on the Investigation Division report, which proposed Findings of Fact were forwarded to the parties by the Commission's order of August 18, 1971, for any objections or amendments. In addition, the parties were advised that a final judgment would be entered within 30 days from the date of the order, failing a request from either party to stay the proceedings for good cause shown.

The parties not having filed any objections or amendments or requests within the time specified in the Commission's order, and, on the basis of the Findings of Fact herein contained in this docket, the Commission will this day enter an order dismissing the claim asserted herein with prejudice.

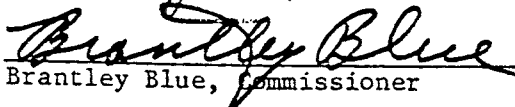

Richard W. Yarborough, Commissioner

We Concur:


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner