

BEFORE THE INDIAN CLAIMS COMMISSION

SENECA-CAYUGA TRIBE OF OKLAHOMA)	
AND PETER BUCK, STEWART JAMISON,)	
RUBY CHARLOE, DAVID CHARLOE AND)	
LEWIS WHITEWING, MEMBERS AND)	
REPRESENTATIVES THEREOF,)	
)	
Plaintiffs,)	
)	
v.)	Docket Nos. 341-A and 341-B
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: December 7, 1972

Appearances:

Paul G. Reilly, Attorney for the
Plaintiffs.

Roberta Schwartzendruber, with whom
was Mr. Assistant Attorney General
Shiro Kashiwa, Attorneys for Defendant.

OPINION OF THE COMMISSION

Blue, Commissioner, delivered the opinion of the Commission.

These cases are currently before the Commission on plaintiffs' request for an accounting of monies allegedly due and owing to plaintiffs as a result of defendant's failure to fulfill its obligation under the treaties of February 28, 1831, 7 Stat. 348 (hereinafter the Sandusky Treaty), and July 20, 1831, 7 Stat. 351 (hereinafter the Lewistown Treaty).^{1/} The plaintiffs in both dockets are identical, and

^{1/} A general accounting has been requested in Docket No. 84. Plaintiffs herein are also plaintiffs in that docket, portions of which have already been disposed of by the Commission, Six Nations v. United States, 23 Ind. Cl. Comm. 376 (1970). See also Cayuga Nation of Indians v. United States, Docket 230, 26 Ind. Cl. Comm. 271 (1971).

for convenience will also be referred to as plaintiff tribe or Seneca Tribe

Docket 341-A (Royce Area 163) concerns the Sandusky Treaty of February 28, 1831, and Docket 341-B (Royce Area 164) concerns the Lewistown Treaty of July 20, 1831. In our previous consideration of the issues raised in these dockets we treated the claims asserted herein as separately involving questions of land valuation and a request for an accounting. 26 Ind. Cl. Comm. 625 (1971). We ordered the case to proceed for the purposes of determining the fair market value of the lands involved and the resulting damages, if any. We further ordered the plaintiff to file separately any objections or exceptions to the accounting submitted by the defendant. In compliance with said order as to the accounting, plaintiff filed objections on April 10, 1972. On May 3, 1972, defendant filed a reply to plaintiff's objections and exceptions. The parties have, in substance, followed the procedure set down by the Commission for accounting cases. See Sioux Tribe of Indians v. United States, Dockets 114, et al., 12 Ind. Cl. Comm. 541 (1963).

We note at this point that the defendant has in several instances in its reply brief referred to our decision of December 29, 1971, as being conclusive on certain issues raised in the accounting. In that decision we merely summarized a number of defendant's computations which consisted of sums it conceded were not accounted for, and payable to plaintiff. We did not, however, enter any specific findings of fact and refrained from making any determinative conclusions respecting the accounting claims.

