

## BEFORE THE INDIAN CLAIMS COMMISSION

THE CREEK NATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Docket No. 272
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

Decided: September 22, 1978.

ADDITIONAL FINDINGS OF FACT

The Commission makes the following findings of fact which are supplemental to the findings numbered 1-24, entered herein at 26 Ind. Cl. Comm. 410, 456 (1971), and the findings numbered 25-47, entered herein at 40 Ind. Cl. Comm. 175, 196 (1977).

48. Payments on the Claim. The defendant has asked the Commission to deduct from the interlocutory award herein \$690,844.66 in consideration payments that were made pursuant to the provisions of the 1832 Treaty. To substantiate its offset claims the defendant has introduced into evidence a detailed 1964 General Accounting Office report along with supporting vouchers, schedules and related documentary material. The Commission has carefully considered each of the defendant's offset claims as well as the plaintiffs' specific objections thereto. For the reasons stated in our opinion we have concluded from the record as follows:

I. Payments Allowed(a) Article II

Payments to individual Creeks for land reserves	\$ 122,405.50
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Proceeds from sales of Creek Orphan lands	108,713.82
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Survey and Census costs of locating Creek reserves	18,660.87
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(b) Article VIII

Cash annuities	200,200.00
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Expense of Indian delegation	1,700.00
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(c) Article IX

Payment of debts	99,960.01
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(d) Article X

Expenses of Indian delegation	16,000.00
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(e) Article XI

Payments of judgments against chiefs	8,303.36
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Payments of Creek losses for which the United States was supposed liable	7,698.90
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Cash annuities to Creek chiefs	2,062.00
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Payments to self-emigrating Creeks	1,275.00
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Payments to Creeks for losses sustained as a result of being prevented from emigrating	2,940.70
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(f) Article XIII

Pay for blacksmiths and strikers	34,839.44
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Expenses of educating Creek children	<u>22,364.48</u>
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	\$647,124.08
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II. Payments Disallowed(a) Article II

Removal of intruders	\$ 5,085.56
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(b) Article XI

Payment for improvements	1,000.00
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(c) Article XIII

Pay of superintendents & teachers	41,561.52
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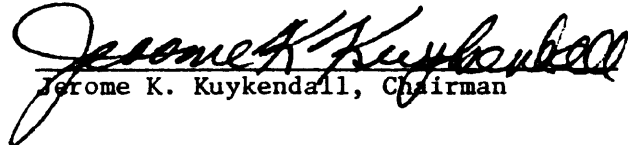
Erection and repair of school buildings.	3,534.25
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Pay of miscellaneous employees	<u>1,474.75</u>
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	\$ 52,656.08
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Conclusions

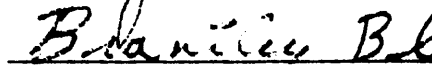
Based upon the foregoing findings of fact the plaintiff is entitled to a final award of \$8,365,552.00 less payments on the claim of \$647,124.08, or a net amount of \$7,718,427.92.

  
 Jerome K. Kuykendall, Chairman

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 John T. Vance, Commissioner

  
 Richard W. Yarborough, Commissioner

  
 Margaret H. Pierce, Commissioner

  
 Brantley Blue, Commissioner