

BEFORE THE INDIAN CLAIMS COMMISSION

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| THE SAC AND FOX TRIBE OF INDIANS |) | Docket No. 158 |
| OF OKLAHOMA, et al., |) | |
| |) | |
| THE IOWA TRIBE OF THE IOWA |) | Docket No. 209 |
| RESERVATION IN KANSAS AND |) | |
| NEBRASKA, et al., |) | |
| |) | |
| THE SAC AND FOX TRIBE OF INDIANS |) | Docket No. 231 |
| OF OKLAHOMA, et al., |) | |
| |) | |
| |) | |
| Plaintiffs, |) | |
| v. |) | |
| |) | |
| THE UNITED STATES OF AMERICA, |) | |
| |) | |
| Defendant. |) | |

FINAL AWARD ON REMAND

Upon the findings of fact and opinion entered herein on May 12, 1969, 20 Ind. Cl. Comm. 439, upon the amendments to those findings and opinion entered herein by order on February 11, 1970, 22 Ind. Cl. Comm. 439, and upon the opinion entered herein this day, all of which are made a part of this order, the Commission concludes as a matter of law that:

1. Under the Treaty of September 21, 1832 (7 Stat. 374), hereinafter referred to as the Treaty of 1832, the Sac and Fox Nation ceded to the United States all its right, title, and interest to the lands in Royce Area 175 in eastern Iowa; and, that, as of February 9, 1833, the effective date of the Treaty of 1832, the fair market value of the Sac and Fox interest in Royce Area 175 was \$4,276,320.

2. Under the Treaty of 1832, and the Missouri Sac and Fox Treaty of October 21, 1837 (7 Stat. 543), the United States paid \$745,741.79 to the Sac and Fox Nation for its interest in Royce Area 175.

3. The payment of \$745,741.79 by the United States for the Sac and Fox interest in Royce Area 175, which interest had a then fair market value of \$4,276,320, was payment of an unconscionable consideration under the Indian Claims Commission Act, and the defendant is therefore liable to the Sac and Fox petitioners for additional compensation in the sum of \$3,530,578.21.

4. Under the Treaty of September 28, 1836 (7 Stat. 520), hereinafter referred to as the Treaty of 1836, the Sac and Fox Nation ceded to the United States its undivided one-half interest in Royce Area 226, a 217,600 acre tract in southeastern Iowa, which Sac and Fox interest, as of October 13, 1837, the effective date of the Treaty of 1836, had a fair market value of \$136,000.

5. Under the Treaty of 1836 and the Missouri Sac and Fox Treaty of October 21, 1837, supra, the United States agreed to pay and did pay to the Sac and Fox Nation for its undivided one-half interest in Royce 226 the sum of \$193,056.12, which sum is in excess of its then fair market value.

6. The defendant is not liable to the Sac and Fox petitioners for additional compensation for the cession of the Sac and Fox undivided one-half interest in Royce Area 226 under the Treaty of 1836.

7. Under the Treaty of October 21, 1837 (7 Stat. 540), hereinafter referred to as the Treaty of 1837, the Sac and Fox Nation ceded to the United States all its right, title, and interest to the lands in Royce Area 244 in eastern Iowa, which Sac and Fox interest, as of February 13, 1838, the effective date of the Treaty of 1837, had a fair market value of \$1,089,926.85.

8. Under the Treaty of 1837, and the Missouri Sac and Fox Treaty of October 21, 1837, supra, the United States agreed to pay and did pay \$146,127.06 to the Sac and Fox Nation for its interest in Royce Area 244.

9. The payment of \$146,127.06 by the United States for the Sac and Fox interest in Royce Area 244, which interest had a then fair market value of \$1,089,926.85, was payment of an unconscionable consideration under the Indian Claims Commission Act, and the defendant is therefore liable to the Sac and Fox petitioners for additional compensation in the sum of \$943,799.79.

10. No gratuitous offsets are chargeable against the several judgments herein, said gratuities having been either set-off against the awards made in Docket No. 138, Iowa Tribe v. United States, 15 Ind. Cl. Comm. 42, or waived by the defendant.

IT IS THEREFORE ORDERED that the Sac and Fox petitioners, for and on behalf of the Sac and Fox Nation and all of its members, do have and recover of and from the defendant,

- a. In Docket No. 158 the sum of \$3,530,578.21.
- b. In Docket No. 231 the sum of \$943,799.79.

IT IS FURTHER ORDERED that the claim of the Sac and Fox petitioners in Docket No. 209 for additional compensation for the cession to the United States of all right, title, and interest in Royce Area 226 under the provisions of the Treaty of 1836, be, and the same is hereby, dismissed.

Dated at Washington, D. C., this 10 day of

Jerome K. Kuykendall
Jerome K. Kuykendall, Chairman

John T. Vance
John T. Vance, Commissioner

Richard W. Yarborough
Richard W. Yarborough, Commissioner

Margaret A. Pierce
Margaret A. Pierce, Commissioner

Brantley Blue
Brantley Blue, Commissioner