## BEFORE THE INDIAN CLAIMS COMMISSION

THE SAC AND FOX TRIBE OF INDIANS OF	)
OKLAHOMA, THE SAC AND FOX TRIBE OF	)
MISSOURI AND SAC AND FOX TRIBE OF THE	)
MISSISSIPPI IN IOWA, and DON WHISTLER,	)
ET AL., and COLUMBUS KEAHNA, appearing	)
as the representatives of and on the	)
relation of the CONFEDERATED OR UNITED	)
TRIBES OF SAC AND FOX INDIANS and as	)
representatives and on behalf of all the	)
MEMBERS thereof,	)
	)
Plaintiffs,	)
v.	) Docket No. 83
	)
THE UNITED STATES OF AMERICA,	)
	)
Defendant.	)

## FINAL AWARD

Upon the findings of fact 1 though 21, previously entered herein on June 12, 1959, 7 Ind. C1. Comm. 675, the findings of fact 22 through 34, previously entered herein on June 16, 1971, 25 Ind. C1. Comm. 423, and the findings of fact and opinion this day entered herein, all of which findings of fact and opinion are hereby made a part of this order, the Commission concludes as a matter of law that:

1. As of January 25, 1805, the effective date of the Sac and Fox Treaty of November 4, 1804, 7 Stat. 84, the Sac and Fox Nation ceded to the United States all its right, title, and interest to 1,638,724.39 acres in east central Missouri and 2,012,700 acres in northwestern Illinois and southwestern Wisconsin.

2. As of January 25, 1805, the 1,638,724.39 acres in Missouri had a fair market value of \$983,235, and the 2,012,700 acres in Illinois and Wisconsin had a fair market value of \$1,006,350, or a combined value of \$1,989,585.

3. Under Article 3 of the 1804 Sac and Fox treaty of cession, the United States was obligated to deliver annually to the Sac and Fox Nation goods worth \$1,000, which annuity was subsequently commuted for \$20,000 under the Act of April 4, 1910, 36 Stat. 269, 289, said \$20,000 representing the actual consideration paid by the United States for the lands ceded under the 1804 treaty.

## 32 Ind. Cl. Comm. 320

4. The payment by the United States to the Sac and Fox Nation of \$20,000 for lands ceded under the 1804 Treaty having a then fair market value of \$1,989,585, was payment of an unconscionable consideration under Section 2, Clause 3 of the Indian Claims Commission Act, 60 Stat. 1049, 1050, and the defendant is therefore liable to the plaintiffs for additional compensation in the sum of \$1,969,585.

5. No gratuitous offsets are chargeable against the award herein, said offsets having been waived or set off by stipulation against the award previously entered in Dockets 138 and 232, <u>Iowa Tribe</u> v. <u>United</u> States, 15 Ind. Cl. Comm. 42 (1965).

IT IS THEREFORE ORDERED that the plaintiffs herein, as successors to the Sac and Fox Nation, do have and recover of and from the defendant the sum of \$1,969,585.

Dated at Washington, D. C., this <u>2674</u> day of December 1973.

Jerome K. Kuykendall, Chairman and. Juna John T. Vance, Commissioner Yarborongh, Commissi Richard W. Pierce. Commissioner mmissioner ley Blue,