

BEFORE THE INDIAN CLAIMS COMMISSION

THE SAC AND FOX TRIBE OF INDIANS)	
OF OKLAHOMA,)	
)	
THE SAC AND FOX TRIBE OF MISSOURI,)	
)	
THE SAC AND FOX TRIBE OF MISSISSIPPI)	
IN IOWA,)	
)	
EDWARD MACK, et al., ex rel., THE)	
SAC AND FOX OF THE MISSISSIPPI AND)	
THE SAC AND FOX NATION OF INDIANS)	
OCCUPYING A RESERVATION IN THE)	
TERRITORY OF OKLAHOMA,)	
)	
CHARLES W. ROBIDOUX, et al., ex rel.,)	
THE CONFEDERATED OR UNITED TRIBES)	
OF SAC AND FOX INDIANS,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 95
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

FINAL AWARD

On December 27, 1971, the Commission entered an interlocutory order in this docket awarding the above-captioned plaintiffs jointly the sum of \$20,421.78, less any allowable gratuitous offsets. See 26 Ind. Cl. Comm. 513-14 (1971).

On June 19, 1974, the Commission entered an interlocutory order herein awarding one of the plaintiffs, Sac and Fox Tribe of Mississippi in Iowa, severally, the sum of \$68,089.43, less any deductions allowable under section 2 of the Indian Claims Commission Act, 60 Stat. 1049, 1050, and subsequently determined to be appropriate. See 34 Ind. Cl. Comm. 200 (1974).

The Commission has now considered the defendant's amended answer filed herein on August 15, 1974, together with the plaintiffs' reply

thereto, filed on September 3, 1974. In addition, the Commission has also considered the prior motions of the parties herein which were described in the opinion accompanying the Commission's interlocutory order of June 19, 1974, supra, and which, in said opinion, the Commission stated would be decided in the final phase of this docket.

UPON SUCH CONSIDERATION, the Commission has concluded that:

(1) The supplemental accounting report, dated December 21, 1973, prepared by the General Services Administration and filed herein with the defendant's motion of January 24, 1974, should be admitted into evidence herein as Defendant's Exhibit No. 14;

(2) Plaintiffs' motion of March 22, 1974, seeking to vacate the Commission's order of March 6, 1974, should be denied;

(3) All distributions made after June 30, 1951, in the form of payments of pro rata shares to individual members of the Sac and Fox Tribe of Mississippi in Iowa from Treasury Account No. 14X7085, entitled "Sac and Fox of the Mississippi Fund, Iowa, Acts of March 3, 1909, and April 4, 1910," constitute payments made by the United States on the claim and should, pursuant to section 2 of the Act, 60 Stat. at 1050, be deducted from the interlocutory award of \$68,089.43, entered herein in favor of the Sac and Fox Tribe of Mississippi in Iowa on June 19, 1974, which sum represented the amount in said Treasury Account No. 14X7085 standing to the credit of the Sac and Fox Tribe of Mississippi in Iowa as of July 1, 1951. As of November 30, 1973, such distributions totalled \$45,006.09, leaving a balance in said account of \$23,083.34 as of November 30, 1973 (Def. Ex. No. 14);

(4) The plaintiffs' claim in their response of September 3, 1974, to defendant's amended answer for the balance in Treasury Account No. 14X7585, entitled "Interest on Sac and Fox of the Mississippi Fund, Iowa, Acts of March 3, 1909, and April 4, 1910," constitutes a new claim over which the Commission may not now assert jurisdiction;

(5) No gratuitous offsets are chargeable against either of the two separate interlocutory awards herein, said offsets having been waived or set off against the award previously entered in Docket 138 Sac and Fox Tribe v. United States, 15 Ind. Cl. Comm. 42 (1965), pursuant to a stipulation between the Sac and Fox Tribes and the defendant filed with the Commission on July 19, 1961.


IT IS THEREFORE ORDERED that the supplemental accounting report, dated December 21, 1973, prepared by the General Services Administration and filed herein with the defendant's motion of January 24, 1974, be, and the same is hereby, admitted into evidence under this docket as

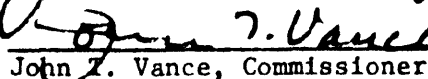
Defendant's Exhibit No. 14, and further, that plaintiffs' motion of March 22, 1974, to vacate the Commission's order of March 6, 1974, be, and the same is hereby, denied.

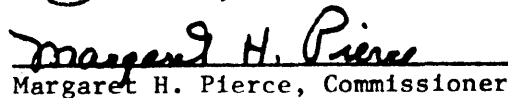
IT IS FURTHER ORDERED that the plaintiffs do have and recover jointly of and from the defendant the sum of \$20,421.78 which represents the amount of the Commission's interlocutory award to plaintiffs of December 27, 1971, and


IT IS FINALLY ORDERED that the plaintiff, Sac and Fox Tribe of Mississippi in Iowa, do have and recover severally of and from the defendant the sum of \$23,083.34 which constitutes the balance standing to the credit of the Sac and Fox Tribe of Mississippi in Iowa in Treasury Account No. 14X7085 as of November 30, 1973, less the sum of any payments made from said account between November 30, 1973, and the date of payment of this award.

Dated at Washington, D. C., this 25th day of September 1974.


Jerome K. Kuykendall, Chairman

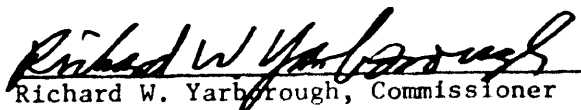

John T. Vance, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner

Yarborough, Commissioner, dissents (See opinion at 34 Ind. Cl. Comm.

196 (1974).


Richard W. Yarborough, Commissioner