

BEFORE THE INDIAN CLAIMS COMMISSION

THE SAC AND FOX TRIBE OF INDIANS)	
OF OKLAHOMA, ET AL.,)	
)	
Petitioners,)	
)	
vs.)	Docket No. 231
)	
THE UNITED STATES,)	
)	
Defendant.)	

Decided : June 1, 1962

FINDINGS OF FACT

The Commission makes the following findings of fact:

1. As heretofore found by the Commission in Docket No. 158 (5 Ind. Cl. Comm., pp. 367-369, Fdgs. 1-4) the petitioners named herein constitute and represent respectively the Iowa Nation and the Sac and Fox Nation, parties to the treaties referred to below. The said petitioners have the capacity to maintain this action.

2. This proceeding involves lands described in the Treaty of October 21, 1837, 7 Stat. 540, whereby said lands were ceded to the United States by the Sac and Fox Nation. Said lands are shown on Royce's Map I of Iowa as Cession 244, and are so referred to hereinafter.

3. Cession 244 was part of an area in Iowa described in Article 3 of the Treaty of Prairie du Chien concluded August 19, 1825 (7 Stat. 272). That as heretofore found by this Commission in Docket No. 158 (Fdgs. 37, 47, 49) by said treaty of 1825 the United States recognized the title of the Sac and Fox and Iowa Nations to lands in the present State of Iowa which included Royce Cession 244, and it was agreed in Article 3,

that the said Ioways, and Sacs and Foxes, shall peaceably occupy the same, until some satisfactory arrangement can be made between them for a division of their respective claims to country.

However, no arrangement was ever made for a division of any part of the area between the two nations, as contemplated by Article 3.

4. In a stipulation and agreement filed on November 5, 1959, in the above-entitled case, the petitioners and the defendant have stipulated as follows:

The lands involved in this Docket (Royce Cession 244) are a part of the same area described in Article 3 of the Treaty of Prairie du Chien concluded on August 19, 1825 (7 Stat.272). The Commission has held in its decisions rendered in Docket Nos. 153 (7 Ind. Cl. Comm. 98) and 158 (5 Ind. Cl. Comm. 438) that the United States by Article 3 of the 1825 Treaty of Prairie du Chien recognized the title of the Sac and Fox Nation and the Iowa Nation to the lands described in said article. The holdings of the Commission in said cases with respect to recognized title by the provisions of the 1825 Treaty of Prairie du Chien are controlling and determinative with respect to the issue of recognized title in this case.

5. The Sac and Fox Nation ceded Royce Cession 244 to the United States under the treaty of October 21, 1837 (7 Stat. 540).

6. Prior to the treaty of October 19, 1838 (7 Stat. 568), the Iowa Nation had requested of the United States that it be paid for its interest in all of the lands between the Mississippi and Missouri Rivers north of the State of Missouri and east of Royce Cession 151, but its requests were, until 1838, entirely ignored by the defendant.

7. That any interest of the Iowa Nation in Royce's Cession 244 was not extinguished until the treaty of October 19, 1838 (7 Stat. 568) between the Iowa Nation and the United States whereby the Iowa Nation

ceded all its right or interest in the country between the Missouri and Mississippi Rivers to the full extent to which its claim was recognized in Article 3 of the treaty of August 19, 1825, supra.

8. At the time their respective interests were ceded to the United States by the Sac and Fox treaty of October 21, 1837 (7 Stat. 540) and the Iowa treaty of October 19, 1838 (7 Stat. 568) the Sac and Fox Nation and the Iowa Nation held recognized title to Royce Cession 244 in Iowa.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner