

BEFORE THE INDIAN CLAIMS COMMISSION

THE SAC AND FOX TRIBE OF)
 INDIANS OF OKLAHOMA, THE SAC)
 AND FOX TRIBE OF MISSOURI,)
 SAC AND FOX TRIBE OF THE)
 MISSISSIPPI IN IOWA, ET AL.,)
)
 Petitioners,)
)
 v.)
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

Docket No. 143

Decided: May 19, 1965

FINDINGS OF FACT

The Commission makes the following findings of fact:

1. The Sac and Fox Nation (referred to in the petition as the Confederated Sac and Fox) is comprised of three petitioner bands: (1) the Sac and Fox Tribe of Indians of Oklahoma, represented by individual petitioner members, Edward Mack, Pauline Lewis and William Newashe, (2) the Sac and Fox Tribe of Missouri, represented by individual petitioner members, Charles W. Robidoux, John Connell, Dorothy Gilfillian, Thomas Green, and Thomas Herrick, and (3) the Sac and Fox Tribe of the Mississippi in Iowa, represented by individual petitioner members, Kenneth Youngbear, Charles Davenport, Percy Bear, and Columbus Keahna. Said petitioner bands are identifiable groups of American Indians residing within the territorial limits of the United States and as such, being successors in interest to the Sac and Fox Nation and represented by individual member petitioners, are entitled to bring and maintain

this action pursuant to the provisions of the Indian Claims Commission Act.

The Commission has previously upheld the capacity of the Sac and Fox petitioners to maintain other suits under the provisions of our Act. See Commission's Finding 1, Otoe and Missouriia, et al v. United States, 5 Ind. Cl. Comm. 316 (1957); Commission's Findings 1, 2, 3, Sac and Fox Tribe of Indians of Oklahoma, et al v. United States, 5 Ind. Cl. Comm. 367 (1957); Commission's Finding 2, Iowa Tribe v. United States, 6 Ind. Cl. Comm. 464 (1958).

2. The tract of land involved in this proceeding lies in the northern-northeastern part of the present State of Iowa and is designated as Cession 152 on the map Iowa 1 appearing in the 18th Annual Report of the Bureau of American Ethnology, 1896-1897, Part 2, compiled by Charles C. Royce.

The Cession is described in Article II of the treaty as:

* * * a tract of Country twenty miles in width, from the Mississippi to the Demoine; situate south, and adjoining the line between the said confederated Tribes of Sacs and Foxes, and the Sioux, as established by the second Article of the Treaty of Prairie du Chien of the nineteenth of August one thousand eight hundred and twenty-five.

Royce Cession 152 involves lands embraced within the general area between the Mississippi and Missouri Rivers below the boundary line separating the Sioux and Sac and Fox Tribes as fixed under Article 2 of the Treaty of August 19, 1825 (7 Stat. 272) at Prairie du Chien,

In Otoe and Missouriia Tribe of Indians, et al v. United States, 5 Ind. Cl. Comm. 316, 351 (1957) (Docket Nos. 11-A, 138), and Sac and

Fox Tribe of Indians of Oklahoma v. United States, 5 Ind. Cl. Comm. 367 (1957) (Docket No. 158), this Commission found as a matter of law that the language of the 1825 Prairie du Chien Treaty amounted to a recognition by the defendant of Iowa and Sac and Fox title to that general area described in Article 3 of said Treaty, even though the specific areas actually owned were never described.

Cession 152 lies wholly within that general area defined in Article 3 of the 1825 Prairie du Chien Treaty.

The Sac and Fox Nation has recognized or reservation title exclusively to Cession 152, which lands are contained within that general area defined in Article 3 of the 1825 Prairie du Chien Treaty.

3. Under Article I of the Treaty of July 15, 1830, the Sac and Fox Tribe, among others, relinquished their claim to certain lands which came to be known as Royce Cession 151. The claims which arose as a result of that cession were tried before this Commission as a consolidated action known as Dockets 11-A, Otoe and Missouri Tribe v. United States, and 138, The Iowa Tribe, et al v. United States. It was held therein that the Treaty of July 15, 1830, did not divest the signatories of their interest in Area 151 but that the divestment took place under later treaties.

Area 152, which is the one under consideration, was involved in the same treaty but under Article II thereof. Article II reads as follows:

ARTICLE II. The confederated Tribes of the Sacs and Foxes, cede and relinquish to the United States forever, a tract of Country twenty miles in width, from the Mississippi to the Demoine; situate south, and adjoining the line

