

BEFORE THE INDIAN CLAIMS COMMISSION

THE IOWA TRIBE OF THE IOWA)
 RESERVATION IN KANSAS AND)
 NEBRASKA, THE IOWA TRIBE OF)
 THE IOWA RESERVATION IN OKLAHOMA,)
 JAMES NORRIS, ROY DeROIN, MURRAY)
 CAMPBELL, SOLOMON KENT, ELWOOD)
 SMALL AND JACOB DOLE, MEMBERS OF)
 AND REPRESENTATIVES OF THE IOWA)
 TRIBE OR NATION OF INDIANS,)
)
 Petitioners,)
)
 v.)
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

Docket No. 79

ORDER

The defendant having furnished petitioners with an accounting and report pursuant to the order for an accounting entered herein under date of July 28, 1952; and

Petitioners having filed certain exceptions to defendant's accounting; and

Petitioners having filed a motion for compliance by the defendant with the Commission's order dated July 28, 1952; and

Defendant having filed its response to petitioners' exceptions to defendant's accounting and petitioners' motion for compliance by the defendant with the Commission's order dated July 28, 1952, together with certain exhibits in support thereof; and

A hearing having been had before the Commission on September 9, 1965, at the conclusion of which certain stipulations of fact were made on the record, the Commission hereby makes the following findings of fact:

1. Defendant is liable to petitioners in the sum of \$19.00, representing "Unexpended balance in hands of late Special Commissioner," together with interest on said sum from the year 1861.
2. Defendant is liable to petitioners in the sum of \$474.91, representing interest on Iowa fund, but without interest thereon.
3. Defendant is liable to petitioners in the sum of \$2,000.08, representing the difference between the proceeds of the sale of petitioners' lands pursuant to the Treaty of March 6, 1861 (12 Stat. 1171) and the amount that the Iowa petitioners actually received, together with interest thereon from October 1, 1871.
4. There was a shortage of 4,798 acres in the reservation created for the Iowa Nation pursuant to Article 2 of the Treaty of September 17, 1836 (7 Stat. 571).
5. The Commission further finds that petitioners have a claim for the value of 94,451.25 acres of trust lands which were sold by the defendant pursuant to the Treaty of May 17, 1854 (10 Stat. 1069, 2 Kappler 628) under circumstances which petitioners allege render defendant liable; that the claims for the 4,798 acre shortage and for the value of the 94,451.25 acres of trust land, which claims are separate and distinct from the amounts set out in paragraphs 1, 2 and 3 hereof, should be severed and set up in a separate docket numbered 79-A in order that a final judgment may be entered as to the amounts due petitioners under paragraphs 1, 2 and 3 hereof.

IT IS THEREUPON ORDERED AND ADJUDGED that the claims for the value of the 4,798 acres and the 94,451.25 acres of trust lands which were to

be sold by the defendant pursuant to the Treaty of May 17, 1854 be severed from Docket No. 79, and said claims be considered in a docket to be numbered 79-A.

IT IS FURTHER ORDERED that interlocutory judgment be and it is hereby entered to the effect that the petitioners are entitled to recover the fair market value of 4,798 acres of land which are to be considered as being located immediately to the west of the western boundary of Royce Cession 427 and as having been ceded under the same provisions and at the same time as the 94,451.25 acres. The said lands are to be valued at the hearing presently set down for September 12, 1966, together with the 94,451.25 acres of trust lands which were sold by the defendant pursuant to the Treaty of May 17, 1854, the valuation of the 94,451.25 and 4,798 acres being June 1857.

AND IT IS FURTHER ORDERED that, except as herein otherwise provided the petitioners' exceptions to defendant's accounting be overruled and dismissed and that petitioners' motion for compliance by the defendant with the Commission's order dated July 28, 1952 be overruled.

IT IS FURTHER ORDERED that final judgment be and it is hereby entered in favor of the petitioners and against the defendant in the following amounts:

A. \$19.00 together with simple interest thereon at the rate of 5 percent from 1861 to 1934, and at the rate of 4 percent from 1934 to the date of judgment, such interest amounting to \$93.67 for a total of \$112.67.

B. \$474.91, without interest.

C. \$2,000.08 together with simple interest thereon at the rate of 5 percent from October 1, 1871 to October 1, 1934, and at the rate of 4 percent from October 1, 1934 to the date of judgment, such interest amounting to \$8,807.01 for a total of \$10,807.01.

Dated at Washington, D. C., this 28th day of February, 1966.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner

We hereby approve the form of the within order.

/s/ Brian Sullivan
Brian Sullivan
Attorney of record for Iowa
Tribe of the Iowa Reser-
vation in Kansas and
Nebraska, et al.

/s/ Nicholas Conover English
Nicholas Conover English
Attorney of record for the
Iowa Tribe of the Iowa
Reservation in Oklahoma,
et al.

/s/ Edwin L. Weisl, Jr.
Edwin L. Weisl, Jr.
Assistant Attorney General

/s/ Frank De Nunzio
Frank De Nunzio
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