

## 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, et al.,	)	
	)	
Petitioners,	)	
	)	
v.	)	Docket No. 79-A
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

INTERLOCUTORY ORDER

Upon the Findings of Fact and Opinion this day filed herein and which are hereby made a part of this order, the Commission concludes as a matter of law that:

The defendant by its failure to sell the Iowa lands at public auction, as required by the provisions of the Treaty of May 17, 1854, 10 Stat. 1069, breached its duty to the petitioners;

The petitioners are entitled to recover from defendant the difference in the prices paid for the lands sold and the fair market value which could have been obtained if each of the parcels had been sold at public auction;

The fair market value of all the separate tracts involved in the Iowa trust lands (which totaled 94,451.25 acres) would have averaged \$4.00 per acre as of June 1857;

The petitioners are entitled to recover the sum of \$193,358.15, the difference between the trust lands' fair market value of \$377,805.10 and the \$184,446.85 realized at the public sales;

The fair market value of all the separate tracts which would have been involved in the shortage area of 4,798 acres would have averaged \$3.00 per acre as of June 1857, or a total sum of \$14,394.00;

The petitioners are entitled to recover the principal sum of \$207,752.15, representing the total of the \$193,358.15 trust lands sum and the \$14,394.00 shortage area sum;

The petitioners are further entitled to recover damages resulting from the liability of the defendant on account of its failure to invest the sum of \$207,752.15 that would have been received had the United States not violated the Treaty of May 17, 1854, those damages to be measured by interest at the rate of 5% per annum, simple interest, from June 16, 1857 until the principal sum of \$207,752.15 shall be paid; and

The total amount due petitioners to February 16, 1969, is \$1,367,701.90, less gratuitous offsets, if any, as may be allowable under the Indian Claims Commission Act, and plus an additional amount of damages, measured by simple interest at the rate of 5% per annum on the principal sum of \$207,752.15 from February 16, 1969, to the date of payment of said principal sum.

IT IS THEREFORE ORDERED AND ADJUDGED that petitioners shall have and recover of and from the defendant the sum of \$1,367,701.90, less any allowable gratuitous offsets, to be determined in a later proceeding, plus an additional amount of damages, measured by simple interest at the rate of 5% per annum on the principal sum of \$207,752.15 from February 16, 1969, to the date of payment of said principal sum.

Dated at Washington, D. C., this <sup>17<sup>th</sup></sup> day of February, 1969.

*John T. Vance*

John T. Vance, Chairman

*Jerome K. Kuykendall*

Jerome K. Kuykendall, Commissioner

*Richard W. Yarborough*

Richard W. Yarborough, Commissioner

*Margaret H. Pierce*

Margaret H. Pierce, Commissioner

*Theodore R. McKeldin*

Theodore R. McKeldin, Commissioner

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