

BEFORE THE INDIAN CLAIMS COMMISSION

THE SAC AND FOX TRIBE OF INDIANS	)	Docket No. 158
OF OKLAHOMA, ET AL.,	)	
	)	
THE IOWA TRIBE OF THE IOWA RESERVATION	)	Docket No. 209
IN KANSAS AND NEBRASKA, ET AL.,	)	
	)	
THE SAC AND FOX TRIBE OF INDIANS	)	Docket No. 231
OF OKLAHOMA, ET AL.,	)	
	)	
Petitioners,	)	
	)	
v.	)	
	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	

FINAL AWARDS

Upon the findings of fact and opinion this day entered herein, which findings of fact and opinion are hereby made a part of this order, the Commission concludes as a matter of law that:

1. Under the Treaty of September 21, 1832 (7 Stat. 374), hereinafter referred to as the Treaty of 1832, the Sac and Fox Nation ceded to the United States all its right, title, and interest to the lands in Royce Area 175 in eastern Iowa; and, that, as of February 9, 1833, the effective date of the Treaty of 1832, the fair market value of the Sac and Fox interest in Royce Area 175 was \$4,276,320.

2. Under the Treaty of 1832, and the Missouri Sac and Fox Treaty of October 21, 1837 (7 Stat. 543), the United States paid \$745,741.79 to the Sac and Fox Nation for its interest in Royce Area 175.

3. The payment of \$745,741.79 by the United States for the Sac and Fox interest in Royce Area 175, which interest had a then fair market value of \$4,276,320, was payment of an unconscionable consideration under the Indian Claims Commission Act, and the defendant is therefore liable to the Sac and Fox petitioners for additional compensation in the sum of \$3,530,578.21.

4. Under the Treaty of September 28, 1836 (7 Stat. 520), hereinafter referred to as the Treaty of 1836, the Sac and Fox Nation ceded to the United States its undivided one-half interest in Royce Area 226, a 217,600 acre tract in southeastern Iowa, which Sac and Fox interest, as of October 13, 1837, the effective date of the Treaty of 1836, had a fair market value of \$136,000.

5. Under the Treaty of 1836 and the Missouri Sac and Fox Treaty of October 21, 1837, supra, the United States agreed to pay and did pay to the Sac and Fox Nation for its undivided one-half interest in Royce 226 the sum of \$193,056.12, which sum is in excess of its then fair market value.

6. The defendant is not liable to the Sac and Fox petitioners for additional compensation for the cession of the Sac and Fox undivided one-half interest in Royce Area 226 under the Treaty of 1836.

7. Under the Treaty of October 21, 1837 (7 Stat. 540), hereinafter referred to as the Treaty of 1837, the Sac and Fox Nation ceded to the United States all its right, title, and interest to the lands in Royce Area 244 in eastern Iowa, which Sac and Fox interest, as of February 13, 1838, the effective date of the Treaty of 1837, had a fair market value of \$1,089,926.85.

8. Under the Treaty of 1837, and the Missouri Sac and Fox Treaty of October 21, 1837, supra, the United States agreed to pay and did pay \$146,127.06 to the Sac and Fox Nation for its interest in Royce Area 244.

9. The payment of \$146,127.06 by the United States for the Sac and Fox interest in Royce Area 244, which interest had a then fair market value of \$1,089,926.85, was payment of an unconscionable consideration under the Indian Claims Commission Act, and the defendant is therefore liable to the Sac and Fox petitioners for additional compensation in the sum of \$943,799.79.

10. Under the Treaty of October 19, 1838 (7 Stat. 568), hereinafter referred to as the Treaty of 1838, the Iowa Nation ceded its undivided one-half interest in 2,345,133 acres of land in Royce Areas 175, 226, and 244 in southeastern Iowa, which Iowa interest, as of February 28, 1839, the effective date of the Treaty of 1838, had a fair market value of \$1,876,106.40.

11. Under the Treaty of 1838 the United States paid the Iowa Nation \$80,600 for its undivided one-half interest in Royce Areas 175, 226, and 244.

12. The payment of \$80,600 by the United States for the Iowa interest in Royce Areas 175, 226, and 244, which interest had a then fair market value of \$1,876,106.40 was payment of an unconscionable consideration under the Indian Claims Commission Act, and the defendant is therefore liable to the Iowa petitioners for additional compensation in the sum of \$1,795,506.40.

13. No gratuitous offsets are chargeable against the several judgments herein, said gratuities having been either set-off against the awards made in Docket No. 138, The Iowa Tribe, etc., v. United States, 15 Ind. Cl. Comm. 42, and in Docket No. 135, The Iowa Tribe, etc., v. United States, 15 Ind. Cl. Comm. 248, or waived by the defendant.

IT IS THEREFORE ORDERED that the Sac and Fox and Iowa petitioners, for and on behalf of the Sac and Fox Nation and the Iowa Nation, and all of their members, do have and recover of and from the defendant,

- a) In Docket No. 158, for the Sac and Fox petitioners, the sum of \$3,530,578.21, and for the Iowa petitioners, the sum of \$1,340,435.00.
- b) In Docket No. 209, for the Iowa petitioners, the sum of \$168,555.00.
- c) In Docket No. 231, for the Sac and Fox petitioners, the sum of \$943,799.79, and for the Iowa petitioners, the sum of \$286,516.40.

IT IS FURTHER ORDERED that the claim of the Sac and Fox petitioners in Docket No. 209 for additional compensation for the cession to the United States of all right, title, and interest in Royce Area 226 under the provisions of the Treaty of 1836, be and the same is hereby dismissed.

Dated at Washington, D. C., this 12<sup>th</sup> day of May, 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

Brantley Blue, Commissioner \*

\*Commissioner Blue did not participate in the consideration or decision in this case.