

BEFORE THE INDIAN CLAIMS COMMISSION

ABSENTEE DELAWARE TRIBE OF OKLAHOMA, et al.,)	Docket No. 72
)	
and)	
)	
THE DELAWARE TRIBE OF INDIANS,)	Docket No. 298
)	
Plaintiffs,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

FINAL AWARD

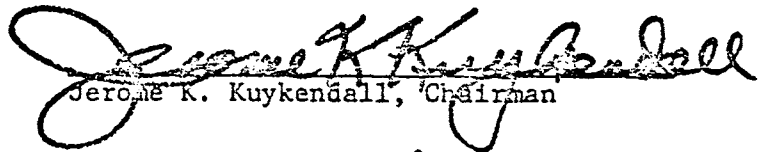
Upon the Findings of Fact and Opinion this day filed herein and which are hereby made a part of this order, the Commission concludes as a matter of law that:

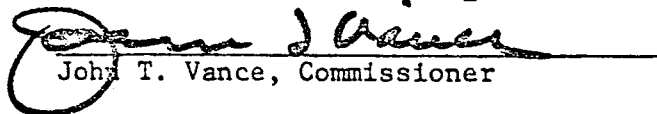
- a. The defendant by its failure to sell the Delaware Trust Lands at public auction as required by the provisions of the Treaty of May 6, 1854, 10 Stat. 1048, breached its duty to the plaintiffs;
- b. The plaintiffs are entitled to recover from defendant the difference in the prices paid for the lands sold and the fair market value which could have been obtained if each of the parcels had been sold at public auction;
- c. The fair market value of all the separate tracts involved in the Delaware Trust Lands totaled \$2,443,516 as of their respective valuation dates;
- d. The plaintiffs are entitled to recover the principal sum of \$1,385,617.81, the difference between the trust lands' fair market value of \$2,443,516 and the \$1,057,898.19 realized upon the sales of the lands;

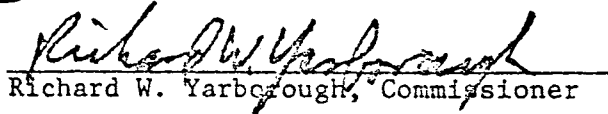
- e. Plaintiffs are further entitled to recover as damages resulting from the liability of the defendant on account of its failure to invest the principal sum of \$1,385,617.81 the amount that would have been received had the United States not violated the Treaty of May 6, 1854, those damages to be measured by computing simple interest at the rate of 5% per annum on the principal sum from April 30, 1857 to the date of payment of the principal sum. As of August 31, 1969 this principal sum plus interest totals \$9,168,171.13.

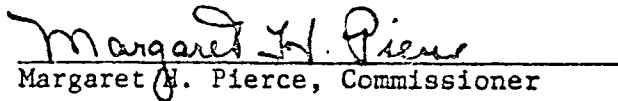
IT IS THEREFORE ORDERED that the plaintiffs shall have and recover of and from the defendant as a final judgment the sum of \$9,168,171.13 plus an additional amount of damages measured by simple interest at the rate of 5% per annum on the principal sum of \$1,385,617.81 from August 31, 1969 to the date of payment of the principal sum.

Dated at Washington, D. C., this 10th day of September, 1969.


 Jerome K. Kuykendall, Chairman


 John T. Vance, Commissioner


 Richard W. Yarborough, Commissioner


 Margaret H. Pierce, Commissioner


 Brantley Blue, Commissioner