

BEFORE THE INDIAN CLAIMS COMMISSION

THE WINNEBAGO TRIBE AND NATION OF )  
 INDIANS, THE WINNEBAGO TRIBE OF )  
 NEBRASKA AND FRANK BEAVER, MOSES )  
 WHITEBEAR, JOHN LITTLE WOLF, JAMES )  
 SMOKE, AND JOSHUA SANFORD, EX REL )  
 WINNEBAGO TRIBE AND NATION AND THE )  
 WINNEBAGO INDIANS OF WISCONSIN, )  
 MINNESOTA, NEBRASKA AND THE )  
 WINNEBAGO TRIBE OF NEBRASKA, )

Plaintiffs, )

v. )

THE UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

Docket Nos. 243,  
244 and 245

Decided: September 3, 1970

Appearances:

Rodney J. Edwards, with whom were Jay H. Hoag and G. Arthur Johnson, Attorneys for Plaintiffs.

David M. Marshall, with whom was Shiro Kashiwa, Assistant Attorney General of the United States, Attorneys for Defendant.

OPINION OF THE COMMISSION

Commissioner Vance delivered the opinion of the Commission.

This matter has been presented to the Commission for consideration and approval of a compromise settlement of the claims of the plaintiffs and all groups thereof in the above entitled dockets, the terms of which are set forth in "Stipulation for Entry of Final Judgment" set forth in Finding No. 75 of the Commission filed this date.

The Commission has heretofore determined in the above dockets in 8 Ind. Cl. Comm. 78 (Findings numbered 1 to 32 inclusive) that the plaintiff Winnebago Tribe and Nation of Indians held title to Royce Area 149 ceded by the Treaty of August 1, 1829 (7 Stat. 323); Royce Area 174, ceded by the Treaty of September 14, 1832 (7 Stat. 370); and portion of Royce Area 245 described in Commission Finding 32, ceded by the Treaty of November 1, 1837 (7 Stat. 544).

The Commission has also heretofore determined in the above dockets in 16 Ind. Cl. Comm. 81 (Findings numbered 33 to 59 inclusive) that on the respective effective treaty dates the 2,702,444 acres of Royce Area 149 had a market value of \$2,025,000; that the 2,101,455 acres of Royce Area 174 had a market value of \$1,575,000; and that the 2,981,303 awarded acres of Royce Area 245 had a fair market value of \$1,500,000. By interlocutory order dated October 13, 1965, the Commission directed the cases proceed with proofs of the consideration plaintiffs received for each of the aforesaid tracts of land; of the allowable offsets, if any; and such other issues as may become pertinent.

On an appeal to the Court of Claims by the plaintiffs from the Commission's value of Royce Area 149 (Docket No. 244), the Court of Claims affirmed the findings and decision of the Commission, 181 Ct. Cl. 1202.

The Commission has entered this date additional findings of fact numbered 60 through 79, inclusive, in which we have detailed the proceedings leading up to the proposed settlement, its terms and conditions, and its consideration and approval by all concerned. We are satisfied

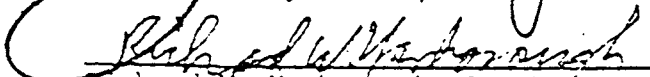
that the parties have substantially complied with the Commission's requirements governing the handling of compromise settlements. (The Omaha Tribe of Nebraska, 8 Ind. Cl. Comm. 392.)

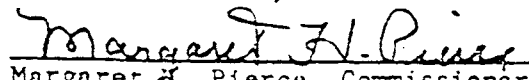
The Commission being fully advised in the premises and based upon the evidence of record and all the surrounding circumstances and having found that the proposed compromise settlement of the plaintiffs' claims in Docket Nos. 243, 244 and 245 is fair and just to the Winnebago Tribe and Nation of Indians and to the United States has this date approved the settlement and entered final judgment in accordance with the terms and provisions set forth in the "Stipulation for Entry of Final Judgment."

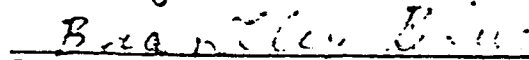
  
 John F. Vance, Commissioner

We Concur:

  
 Jerome K. Kuykendall, Chairman

  
 Richard W. Yarborough, Commissioner

  
 Margaret H. Pierce, Commissioner

  
 Brantley Blue, Commissioner