

BEFORE THE INDIAN CLAIMS COMMISSION

MINNESOTA CHIPPEWA TRIBE, ET AL.,)	
ON BEHALF OF THE CHIPPEWA INDIANS)	
OF THE MISSISSIPPI AND LAKE)	
SUPERIOR,)	
)	
Plaintiffs,)	
)	Docket No. 18-T
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: March 30, 1971

ADDITIONAL FINDINGS OF FACT

The Commission makes the following findings of fact which are supplemental to the findings numbered 1 through 12, previously entered herein, Minnesota Chippewa Tribe v. United States, 19 Ind. Cl. Comm. 341 (1968).

13. The land to be valued is identified as Royce Area 268. The date of valuation is April 3, 1848, the date the treaty of cession (9 Stat. 904) was ratified. The land to be valued was a boot-shaped tract in central Minnesota, wholly bounded on three sides by rivers--on the west by the Long Prairie, on the north by the Crow Wing, and on the east by the Mississippi River. On the south the area was bounded in part by the Watab River. The area included parts of four Minnesota counties, Douglas, Morrison, Todd and Stearns. Moving west from the Mississippi River, the surface of the area rose gradually from about 1000-1250 feet above sea level to about 1250-1500 feet above sea level in the western and northern portions. The area as a whole was well drained, level or

gently rolling. The topography was favorable and attractive to settlers and suitable for commercial lumber operations and for agriculture.

14. The subject land acres can be classified as follows: white pine timberland 169,870.33 acres, Norway pine 13,888.67 acres, prairie land 107,171.76 acres, hardwood forest 653,233.01 acres, bottom land 10,784.96 acres, marsh 40,534.18 acres, and swamps 54,517.09 acres, making a total of 1,050,000 land acres in Royce Area 268. The total water acreage for this area was 54,400 increasing the total land and water area in Royce Area 268 to 1,104,400 acres. These figures are basically those arrived at by John William Trygg, a professional forester, who testified for the plaintiffs. This witness did determine the number of pine acres in the subject tract to be 183,759 of white and Norway pine land acres, but the plaintiffs said that 13% of the total pinelands were Norway pines, leaving the figure of 169,870.33 acres of the more valuable white pine. The plaintiffs and defendant agreed as to the total number of land acres although they divided it differently. The defendant claimed there were only 120,000 acres of white pine timber, 150,000 acres of prairies and 780,000 acres of hardwood forest.

15. The pinelands in Royce Area 268 were concentrated in the northern portion of the subject lands in a horseshoe-shaped area. The pineland area was traversed by several important streams and by numerous small ones rising from the many lakes in the pineland area. The entire area was drained by the Mississippi River. The Mississippi was navigable from the Gulf of Mexico to Minneapolis (Falls of St. Anthony).

The rivers and their tributaries made pine logs accessible to the sawmills and to lumber markets at Minneapolis and points above, and beyond the Falls of St. Anthony to St. Paul.

Commercial lumbering in Minnesota commenced as early as 1839 at Marine on the St. Croix River, but at the time of the 1847 cession, Stillwater, was the most important lumber center in Minnesota. Stillwater was within approximately 80 miles of the subject land. Stillwater took its log stock from the St. Croix valley ceded by the Chippewas in 1837. A substantial portion of the stock was sawed into lumber at Stillwater and the mills above Stillwater. Logs not sawed into lumber passed through the St. Croix Boom constructed in 1856 about five miles above Stillwater. In 1851, a boom was located further up river between Taylor's Falls, Minnesota, and Osceola, Wisconsin. The valuation year, 1848, saw 62 million board feet of logs rafted out of the St. Croix Valley. These logs were floated down the Mississippi River to downriver mills where they were cut into lumber.

Following the 1847 cession, St. Anthony, located at the falls of that name, became a lumber center. As early as 1837, in anticipation of the extinguishment of Indian title to the upper Mississippi pinelands, the site of the Falls of St. Anthony was preempted under the public land laws as a highly desirable location for sawmills. St. Anthony, later a part of Minneapolis, drew all of its log stock from the upper Mississippi River, including the subject land. The St. Anthony mills and Minneapolis were within 70 miles of the subject land area.

In 1848 a commercial sawmill went into operation above the Falls of St. Anthony. In 1849, two more mills were built at St. Anthony. One of the mills at St. Anthony produced 1.2 million board feet of lumber in

1850. In 1851 boom companies were organized to collect the logs coming down the Mississippi River from the upriver pineries at points above St. Anthony Falls. A dam was constructed capable of holding 10 million board feet of logs. In 1854 there were 5 mills in St. Paul. By 1856, eight mills at St. Anthony were cutting 12 million board feet of lumber per year and new ones were being added. The local market consumed practically all the lumber during this period.

Initially, the log stock for the St. Anthony mills came from the Rum River country ceded by the Treaty of July 29, 1837 (7 Stat. 536). Log stock was not legally available from the subject land until after the Winnebago title was extinguished in 1855. The land acquired from the Chippewas by the 1848 cession in suit was continued as Indian country as a home for the Winnebago and did not become public domain until the Winnebago ceded the subject area by the Treaty of February 27, 1855 (10 Stat. 1172). Some timber which was taken from the subject land also fed the St. Anthony Mills.

In 1848 Minnesota was not a large lumber producer. Lumber statistics compiled by Henry B. Steer for 1849 show that Maine produced \$5,872,573 worth of lumber, New York \$143,126,759, Pennsylvania \$7,729,058. In the same year Minnesota produced \$57,800. Even among the lake states Minnesota lagged far behind with Michigan producing a value of \$2,464,329.

After the Winnebago ceded the subject land in 1855, it became part of the public domain. In the spring of 1856, 40 million board feet of logs were floated down from the Mississippi pineries and 120 million board

feet from the Rum River. In 1857, St. Anthony exported 3 million board feet of lumber and 31 million board feet of logs. By 1858 the mills at St. Anthony had a capacity of 60 million board feet of lumber per year. Lumber production increased with the national increase of population and settlement of areas close to Minnesota.

16. Minnesota was strategically located with relation to the eventual broad lumber market. Immediately west was treeless prairie country, extending through North and South Dakota, Montana, and Wyoming; to the southwest stretched Kansas and Nebraska, and immediately south of the area in suit lay southern Minnesota and Iowa. This large territory, without timber resources, provided a nearby timber market. In addition, there was demand for lumber from the down-river states. Mills were constructed at river ports as far down the Mississippi as St. Louis. Beginning in the 1840's, logs from the upper Mississippi area were floated down the Mississippi to those mills for the manufacture of lumber to meet the demand.

17. In 1848 it was known that railroads ultimately would come to Minnesota. As early as 1847, plans had been outlined for two railroads, one from Lake Superior and one from St. Paul to meet at the Red River near Fergus Falls in western Minnesota. Two years later, in 1849, recommendations were made to Congress for the construction of railroads from the head of navigation of the Red River by way of the mouth of the Crow Wing River in the subject tract, to the head of Lake Superior (i.e., from Breckenridge, Minnesota, by way of Brainerd to Duluth).

At the direction of Congress, surveys for a transcontinental northern line were made in 1853 and a route was recommended running from St. Paul across the State of Minnesota and traversing the subject tract to Breckenridge at the head of navigation on the Red River of the North, and thence westward. This route ultimately became the Great Northern Railroad, chartered by Minnesota in 1856, and by Congress in 1863.

Between 1853 and 1857, the Minnesota legislatures chartered 27 railroad companies. In 1857 Congress granted 4.5 million acres of land to aid in the construction of railroads over routes in Minnesota. These routes formed a primary system of transportation across the southern half of the state and northwest to the head of navigation on the Red River. All of them were completed before 1875. In 1858, the Minnesota legislature granted a \$5 million loan to aid railroad construction in Minnesota.

18. Many of the overland trails made by the Indians were adopted by the settlers. The most widely used were those followed in the fur trade between St. Paul and Pembina on the Red River near the international boundary. One of these trails followed the Minnesota River, then paralleled the Red River; one followed the Mississippi to the southern line of the subject land and then struck west through the southern portion of the subject area; the third followed the Mississippi to the Crow Wing, forming the northern line of the subject lands, and then struck west.

A road antedating the Minnesota Territory ran from St. Paul to Wisconsin and Illinois. The opening of roads was a major consideration of the Minnesota Territorial legislature from its first session. No roads could be opened on Indian land until Indian title was extinguished, and, until the state was admitted, public land grants for roads were not available. During the territorial period, the United States constructed a number of military roads, one from St. Paul to Superior, Wisconsin, at the head of Lake Superior, others deep into the Minnesota Valley and south to Iowa and Illinois. In addition, the territorial legislature developed a network of roads mainly in southern Minnesota.

19. The soil in Royce Area 268 was rated as follows:

<u>Ratings of Soil</u>	<u>Acreage</u>	<u>% of Total Land Acres</u>
1st rate	282,500	27.00%
2nd rate	558,600	53.20%
3rd rate	207,900	<u>19.80%</u>
		100.00%

Before the 1850's, settlers generally preferred land in the river valleys near wooded lands, and they sought out the hardwood forest areas interspersed with "openings" on the edge of larger prairies. The subject land lay primarily within a hardwood forest and substantial portions of the area were considered desirable by settlers for agriculture. As of the valuation period, the presence of hardwood trees was regarded as evidence of good agricultural soil. The hardwood trees provided timber for fuel and construction. The settlers could work their farms during the growing season and work in the woods in the winter.

20. The first public sales of the pinelands situated in the St. Croix Delta in Minnesota occurred in July of 1848. The Stillwater or Cambridge Land District extended to within 25 miles of the subject land. The demand for land through public cash sales was very light in the St. Croix area during the first year of such sales. Only 9,098 acres were sold for cash from July through September of that year. But over 14,000 acres became private property through warrants in 1849. It took some 10 years to sell about 1.3 million acres of pineland in the St. Croix Delta area, of which, 415,146.63 acres brought \$1.25 per acre cash and 692,542 acres were bought for substantially less than \$1.25 by the warrant system.

In 1853, the St. Cloud Land District was created from the western portion of the Cambridge Land District and this area was adjacent to and later included the subject tract. Between 1853 and 1857, a total of 339,754 acres were sold, of which, 101,154 acres were sold for cash at \$1.25 per acre and the rest was sold for warrants at that amount or less.

The subject land continued as Indian country until 1855 when the United States reacquired the land from the Winnebago in an exchange, and it was not until 1858 that the first public survey of the land was approved. It was 1860 before the land was offered for sale.

Aside from the public land sales as noted above, and the railroad and state land sales considered by Mr. Meltzer, defendant's expert

witness, the sales evidence of record included the sales made by Ezra Cornell, the founder of Cornell University. On July 2, 1862, the Land Grant College Act (12 Stat. 503), was passed donating to a number of the states purchase certificates (scrip) that could be used to purchase western public lands. The scrip had a purchase value of \$1.25 per acre, but the states acquiring the scrip sold it for a lesser price. Rhode Island scrip was sold for 42 cents an acre, that of North Carolina and Kentucky for 50 cents, New Hampshire's and Ohio's for 53 cents, and Indiana's for 54 cents an acre.

Beginning in 1865, Cornell bought, on behalf of Cornell University, scrip from the State of New York for 50 cents per acre and the following year purchased the scrip at 60 cents per acre. By 1867 Cornell had acquired 499,126 acres of pineland in Wisconsin and 7,968 acres in Minnesota at an average cost of between 50 and 60 cents an acre. In 1871 Cornell managed to tide himself over a financial crisis by selling about half of the acreage acquired (approximately 250,000 acres) for \$1,100,000, or an average of between \$4 and \$5 per acre. The purchasers, however, had the right to handpick the lands and select the most choice tracts in small (80 acre) lots and were also given the right to extend the payments over a 10 year period at 6 percent interest.

The Land Grant College Act was designed to allay the complaints of the eastern and non-public land states that they were not sharing

in the public lands so generously granted to the states carved out of the public domain. The Act granted to each state 30,000 acres of public land for each Senator and Representative as of the 1860 census, with the proceeds from the sale of the land to be invested, and the income used for the support of at least one college. States with insufficient public land within their borders received scrip in lieu of land. The scrip was to be sold and the owner could use it at the rate of \$1.25 per acre to locate on public lands open to entry. The Act as framed created the possibility that the scrip would be used chiefly by speculators, not bona fide settlers. Scrip prices were depressed when several states glutted the market by simultaneously offering scrip for sale, and when the United States granted large amounts of scrip to war veterans, most of whom in turn sold them since they were not interested in settling on land. The prices of scrip so attained are not a measure of the 1848 value of land.

21. The subject land had a four season continental climate, suitable for habitation, for timber operations and for agriculture. The average annual temperature ranged from 40° to 42° F. The temperature during the three summer months, June, July and August, averaged about 66°, from April to September the average temperature was 59°, and from October to March it was 23°. The growing season extended from the second or third week in May to the second or third week in September,

or from 130 days to 140 days. The average annual precipitation was about 23.5 inches, of which about 17.5 inches occurred in the warm season, April to September.

22. In 1849 Minnesota had a population of 4,680, which by 1850 had increased to a total of only 6,077. This was much lower than the other nearby states to the east and south. In 1850 Michigan had a population of 397,564; Iowa had 192,214; Missouri had 682,044 and Illinois had 851,470. Most of the population in Minnesota (aside from that in the Red River Valley to the northwest) was located in the southeast portion of the state. While it is true that between 1850 and 1860 Minnesota increased its population by approximately 166,000, this was substantially less than the increase realized by the other states noted above. Over the same decade, Michigan's population was up by about 350,000, Wisconsin's by 470,000, Iowa's by 480,000, Missouri's by 500,000 and Illinois' by about 860,000.

23. The plaintiffs' acreage witness, John William Trygg, used the public land survey plats and field notes to record the number of acres in the subject area and to determine separately, township by township, the number of acres of land and water. He also computed the acreages of land classified as prairies, bottoms, marsh, swamps, and uplands or forested lands as well as the number of acres in each of the surveyors' three soil classifications. (See Findings 14 and 19). Based on information in the studies of Filibert Roth

and Edward W. Durant, Mr. Trygg concluded that there were 7,450 board feet per acre and a total of 1,369,000,000 board feet of pine timber on the subject lands.

24. Mr. Robert Nathan, an economist testifying for the plaintiffs, gave in evidence his report, supporting exhibits, and his opinion on the fair market value of the subject land on April 3, 1848.

Mr. Nathan valued the land for its two highest and most valuable uses, that is, as timber and agricultural land. Two approaches were employed by Mr. Nathan in determining timber value. One of the approaches was based on a future income method of calculation. The witness determined the per acre value of stumpage (standing timber) in the subject area to a prospective buyer in 1848. He based this figure on the known and probable selling price of the final product (sawed lumber) at the market place less estimated costs of logging, transporting, sawing, rafting and delivering the lumber to the market, with allowance for a profit margin which would appear reasonable to a lumber entrepreneur operating at that time. In considering the subject pine acreage, the prospective purchaser would have estimated the potential market for lumber and calculated that the subject area would supply 3% of the lumber requirements of the Mississippi River basin during the early 1850's, increasing to 6% in the 1860's, and early 1870's. Estimates of the relative share of the Mississippi River market from Royce Area 268 were based on the estimated volume

of pine in these areas and on their location. These pine volume and location figures were those reported by Mr. Trygg--183,759 acres of pine in Royce Area 268 with 7,450 board feet per acre or a total of 1,369,000,000 board feet in the area. Projected sales from 1848 to 1887 were 1,284,401 mbf.

The witness also included an estimated price of pine lumber of \$19.50/mbf delivered to the market. In estimating this average price, Mr. Nathan took account of St. Louis lumber prices in the late 1840's as well as the lumber prices prevailing in other major lumber markets in the years preceding. The total cost per thousand board feet in 1848 was estimated at \$7 to which was added an allowance of \$1 for the possibility that production costs and losses incurred in rafting might have been higher in 1848 than in later years. The \$8 cost included logging, sawing, and delivery to market. The net cash inflow was the difference between all costs and gross receipts. It included a depletion charge so that the buyer would receive the return of his investment plus a return on his investment. The witness considered 40 years a reasonable period in which to anticipate exploitation of the area. The net cash flow was discounted at 10% and at 8% to reflect the time lag between the investment and the return. At the 10% rate, the investment would be returned in 15 years and at the 8% rate in 18 years. The witness' first approach indicated a value of \$1,736,304 or \$2,470,795 for the pine stumpage depending on whether the 8% or the 10% discount rate was used. This represented average per acre values of \$9.44 or \$13.44.

The witness used a second approach to value the pine lands in the subject area. Mr. Nathan stated that he had gathered data on private, state, and school sales of pine timberland and stumpage for 1828-1875. These prices, he considered, represented the most relevant information on pine timberland and stumpage prices that could be found. To make allowance for changes in the general price level over this period, the witness deflated these various prices to 1848 values by means of the Warren and Pearson All Commodities Wholesale Price Index. The median price for timberlands under this approach was \$3.15 per acre, and the median price for stumpage was \$1.54 per thousand board feet.

We have examined the data used by Mr. Nathan and have noted a number of deficiencies. With respect to the "sales" listed by Mr. Nathan, the first is noted as occurring in the "1830's." It was a newspaper item (October 5, 1839) stating that land agents of Massachusetts and Maine had just sold two and a half townships of timberland on the Penobscot River, in Maine, at a price from "\$1.50 to \$2.00 per acre." The second transaction was not a cash sale but a trade of "village" property for four hundred acres of pineland with a sawmill close to Flint, Michigan. The "timberland" was reported as really being valuable agricultural lands, and the entire property was "valued" at three thousand dollars. The "transactions" listed as items 13 and 14 were obtained from a catalog of the St. Mary's Falls Ship Canal Co., offering to sell the Company's land

in Northern Michigan. One paragraph of the catalog stated:

Groups of lands containing from 3,000 to 10,000 acres, having a locality on the streams, and extending back from two to three miles, may be obtained at prices from 5 to 8 dollars per acre. (Plaintiff's Ex. N-91: p. 15.)

There is no indication how much, if any, of the land was sold. But Mr. Nathan has listed this as a transaction of 3,000 to 10,000 acres, and the range in price per acre as \$5.00 to \$8.00.

The transaction listed as item 15 purports to be a sale in 1863 of 240 acres for \$2,781.00 or an average of \$11.59 per acre. The supporting evidence is a letter written for the purpose of promoting a sale of all the writer's pineland. In the letter he stated that he had recently refused an offer of \$2,781.00 for 240 acres.

Item number 29 was obtained from an advertisement in 1874 for pine lands in Minnesota at prices from \$4.50 to \$12.50 per acre. All of these "prices" were discounted to 1848 values and used by Mr. Nathan in computing his \$3.15 median price per acre.

In valuing the other types of acreage, Mr. Nathan found that 765,579 acres of Royce Area 268 were suitable for agriculture. It was favorably located land, accessible to markets and plentifully supplied with hardwoods. Comparable land in Wisconsin south of the subject area sold for the public land price of \$1.25 during the 1840's. The witness thought that the subject agricultural lands available on the valuation date would have brought no less.

The witness determined that the swamp land had value as an adjunct to the timber business in that it facilitated logging operations. Swamp

land often grew hay and had islands of valuable pine and other timber. Some of it was suitable for subsistence farming after drainage.

Mr. Nathan gave in evidence his opinion that as of April 3, 1848, the fair market value of the subject area was \$2 million or about \$2.00 per land acre. This value did not include any timber which matured subsequent to April 3, 1848, or any timber except white pine, and about one-half of the Norway pine, since under Mr. Nathan's approach, the market would not have absorbed all of the pine over a 40 year period, thus leaving in the forest, 84.6 million board feet of Norway pine.

25. Mr. Bernard C. Meltzer, the acreage and valuation witness for the defendant, used three methods for valuing the subject lands. The first method relied on data relating to the initial disposal of lands in the State of Minnesota. The first Federal Government land sales in Minnesota were made in the present area of St. Paul-Minneapolis. These sales were for white pine lands and farmland in southern Minnesota. Sales in the Federal domain in the subject tract were made at two levels. These were \$1.25 and \$2.50 per acre. The price of \$2.50 per acre resulted from the policy arising out of the railroad grants. The sales for \$1.25 per acre within the townships of Royce Area 268 were carefully noted. The sales made during the 1850's were sparse. In the 1860's, they became numerous and remained at this level through the early 1870's. After that period, the sales at \$1.25 per acre became less numerous. The year 1862 was accepted as the midpoint because of the concentration of sales around this period.

It was determined that a discount rate of 10% should be applied. At this rate, the present worth of \$1.00 fourteen years hence was \$.2633. Therefore, \$1.25 discounted over that time period amounted to \$.3291 per acre. For the \$2.50 per acre sales, the year of 1870 was determined as the point of greatest concentration. The \$2.50 discounted at 10% back 22 years equaled \$.1228. Therefore, Mr. Meltzer reached an indicated value of \$.3070 per acre, as of 1848.

The State of Minnesota carried on an active policy of land sales. The year 1878 appeared to be the point of greatest concentration and was the midpoint of land sales. The average sales price was \$5.50 per acre. This figure discounted by 10% for 30 years yielded \$.3152. The railroad owned land sales saw a price of \$4.00 per acre in the year 1875, the midpoint year. The 10% discount rate for 27 years here left a value of \$.3050 per acre for these lands in 1848. The average among federally owned, state owned, and railroad owned land sales amounted to about \$.32 in terms of an 1848 value.

Mr. Meltzer's second method of valuation subdivided Royce Area 268 according to the cover of the land. The classifications he used were pinelands, northern hardwoods, prairie, oak openings, and water. This method was based on the knowledgeable and informed buyer concept. Particular attention was paid to the areas wherein the various categories named predominated. Also, once these areas were delineated, the dates of sale and the level of sales were particularly noted. They were then discounted back, as of the year 1848. The most valuable timberland

was white pine. Prairie was the most valuable farmland. Mr. Meltzer computed fair market value for the pineland, as of 1848, at \$1.00 per acre or a total \$120,000.00. The next most valuable category was the prairie land. The total prairie land was 150,000 acres valued at \$.75 per acre or \$112,000. The third most valuable area was the oak openings, consisting of 310,000 acres valued at \$.25 per acre or a total value of \$77,500. The next area was hardwoods which contained 470,000 acres. These were valued at \$.15 per acre or \$70,500. The area under water was 54,400 acres. This had nominal value. Therefore, the total value for Royce Area 268 by this method was \$380,500 or about 34.4 cents per acre.

Method number 3 was a refinement of method number 2. It further subdivided the subject tract according to closeness to waterways and to trails or roads. The indicated fair market value as of 1848 for the 20,000 acres of pinelands within a one-mile strip of the waterways was \$30,000. The white pinelands within 4 miles of waterways were valued at \$.90 per acre (as opposed to the \$1.25 for the previous lands) and 51,000 acres of these lands equaled \$45,900. The rest of the white pinelands totaled 49,000 acres and were valued at \$.50 per acre or a total of \$24,500. The next most valuable land in the subject tract was the prairie land. The 50,000 acres of favorably located lands were valued at \$1.00 per acre while the 100,000 less favorably located prairie lands were valued at \$.50 per acre for a total indicated value for the prairie land as of 1848 of \$100,000.

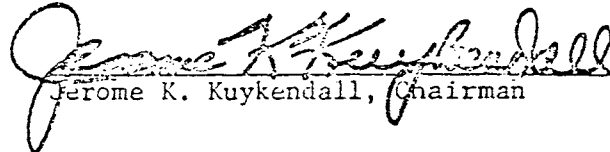
The third most valuable category was land covered by oak openings. There were 40,000 acres of this land located within one mile of existing roads, trails, or future lines of the railroad valued at \$.50 per acre as of 1848 or a \$20,000 total. Secondly, there were 50,000 acres of land located within four miles of prime land transportation area valued at \$.30 per acre for a total of \$15,000. Finally, there was a balance of 200,000 acres beyond four miles of the main land transportation routes which was valued at \$.20 per acre for a total of \$44,000. All the land in this category was worth \$79,000.

The hardwood lands in the subject area consisted of 110,000 acres of favorably situated lands in regard to water and land routes and climate. These acres were valued at \$.20 per acre for a total of \$22,000 in 1848 terms. The balance of 360,000 acres had a value of \$.15 per acre for a total of \$76,000. The total land covered by water was 54,400 acres. A nominal value of \$.05 was given these lands or a total value of \$2,720. Mr. Meltzer's total valuation by this method was \$358,120.00.

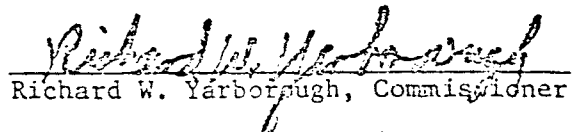
26. Upon the foregoing findings of fact and the record as a whole, the Commission concludes as a matter of law that the subject tract, as a unit, had a fair market value of \$600,000.00 as of April 3, 1848.

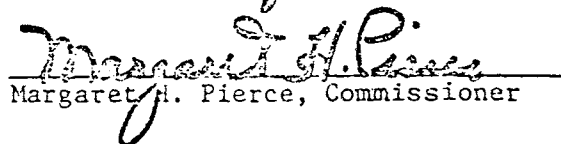
27. The consideration set forth in the Treaty of August 2, 1847 (9 Stat. 904), was \$17,000 to the Chiefs of the Chippewas of Lake Superior, and \$17,000 to the Chiefs of the Chippewas of the Mississippi, and \$1,000 annually for 46 years to the Chiefs of the Mississippi Indians or a total of \$80,000.

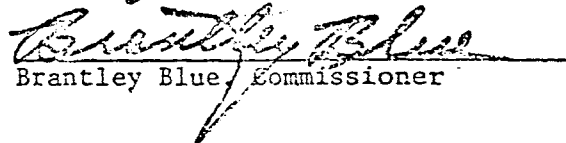
28. The total consideration of \$80,000.00 for lands having a fair market value of \$600,000.00 was so grossly inadequate as to render that consideration unconscionable within the meaning of Clause 3, Section 2, of the Indian Claims Commission Act.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret A. Pierce, Commissioner


Brantley Blue, Commissioner