

BEFORE THE INDIAN CLAIMS COMMISSION

THE CHEROKEE NATION,)	Docket No. 173-A
)	
Plaintiff,)	
)	
and)	
)	
THE CHEROKEE FREEDMEN AND CHEROKEE)	
FREEDMEN'S ASSOCIATION,)	(Docket No. 123)
)	
Intervenors,)	
)	
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: February 2, 1972

ADDITIONAL FINDINGS OF FACT

The Commission makes the following findings of fact which are supplementary to the findings numbered 1 through 17 heretofore entered in Docket No. 173-A.

18. Between June 12, 1873, and June 14, 1883, the defendant paid interest amounting to \$378,751.43 on a fund deposited by the United States to the Cherokee Tribe on behalf of the Osage Tribe. The fund was the amount charged the Osages by the Cherokees for the land on which the Osages were settled. The specified amount of interest was paid on assets of the Cherokee Nation invested by means of deposit in the Treasury of the United States, and was not given gratuitously to

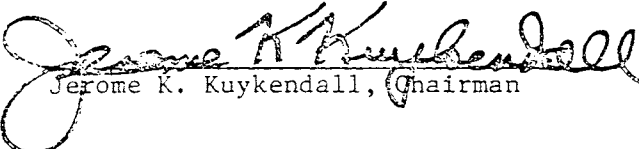
the Cherokees, nor was it an additional payment on the claim. The aggregate interest is not an allowable offset.

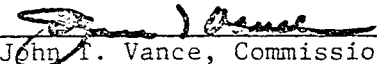
19. By an Act of August 20, 1964 (78 Stat. 559), the defendant transferred to the plaintiff 40 acres, more or less, surplus to the needs of the Sequoyah Indian School. The acquisition cost, but not the fair market value in 1964, of this tract is an allowable offset in the amount of \$2,280.00.

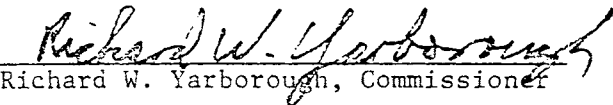
20. By an Act of March 30, 1968 (82 Stat. 70), the defendant transferred to the plaintiff 2,667.94 acres for \$3.75 per acre which was the amount previously paid by the defendant to the Cherokee Nation for that tract. Since, as a matter of law, land returned to tribal ownership may not be offset at more than the cost to the defendant, and it being established that the plaintiff has repaid the defendant its cost for this tract, neither the acquisition cost nor the fair market value of this tract is an allowable offset.

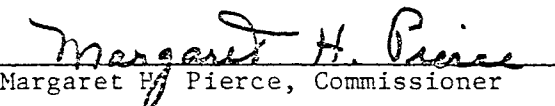
21. By an Act of October 21, 1970 (84 Stat. 1074), the defendant transferred to the plaintiff 38.5 acres of land for \$2,258.80, the defendant's acquisition cost. It being established that the plaintiff has repaid the defendant its cost for this tract, neither the acquisition cost nor the 1964 fair market value of this tract is an allowable offset.

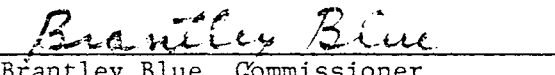
22. There being one allowable offset, the final judgment in the cases at bar shall be \$4,266,309.00 on account of the wrong suffered by the Cherokee Nation or Tribe during the period 1872 to 1893.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner