

June 17, 1957

PAWNEE INDIAN TRIBE OF OKLAHOMA, consisting of the four confederated bands of )  
Pawnee Indians, namely: Chaui or Grand Pawnee, Kitkshahki or Republican Pawnee, )  
Pitahauerat or Tappage Pawnee, and Skidi, Loup or Wolf Pawnee, )  
Claimant. )  
v. )  
UNITED STATES, )  
Defendant. )

Docket No. 10

INTERLOCUTORY ORDER

The causes designated as Claims 1 through 5 in the petition filed herein, which were remanded by the Court of Claims for further consideration by the Commission, came on for re-hearing before the Commission upon the issue of whether or not, under the evidence and the law, the claimant tribe of Indians has established its title, interest or rights in or to any of the areas of land represented by Claims 1 through 4 or either of them and if it has as to any of said claims, then the extent of such area or areas; and upon the issue in Claim 5 as to location and description of the land area comprising the 4800 acres admittedly taken by the defendant, and the date of taking.

The parties filed new proposed findings of fact and briefs and said issues were re-submitted to the Commission for determination and the Commission being now fully advised in the premises finds and concludes as a matter of law and fact:

(1) That on the issues in claims 1 and 2, which claims have been considered together, the claimant has satisfactorily established that at the time of the October 9, 1833 treaty cession (7 Stat. 44), and long prior thereto the claimant tribe held original Indian title to the lands within the following described boundaries:

Commencing at a point on the south bank of the Platte River at the Range line between Ranges 5 and 6 East of the Principal Meridian of Nebraska, thence south along said Range Line to the Big Blue River near Beatrice, Nebraska, thence southwest to the point where the Republican River intersects the northern boundary line of the Kansas Reservation established by the June 3, 1825 Kansas treaty, thence west along the northern boundary of the Kansas Reservation to the line established by the Fort Laramie Treaty of September 17, 1851 (11 Stat. 749), thence Northwest along the Fort Laramie Treaty line to the forks of the North and South Platte, thence East along the south bank of the Platte River to the place of beginning.

(2) That on the issue in Claim 3 the claimant tribe has satisfactorily established that at the time of the treaty cession of August 6, 1848 (9 Stat. 949), and long prior thereto, said tribe held original Indian title to the lands described in said treaty, comprising 110,419 acres of land.

(3) That on the issue in Claim 4 the claimant has satisfactorily established that at the time of the treaty cession of September 24, 1857 (11 Stat. 729), and long prior thereto the claimant tribe held original Indian title to that part of the lands described in said treaty, which are bounded as

follows:

On the south by the Platte river and the tract of land previously ceded by the Pawnees in 1848, on the west by the eastern boundary line of Sioux lands, as established by the Fort Laramie treaty of September 17, 1851 (11 Stat. 749); on the north by the line shown as the northern boundary of the lands identified as Claim 4 on Claimant's Exhibit No.144, which begins at the Fort Laramie line on the West and runs generally East and Southeast to the Omaha 1854 treaty cession; and on the East by the western boundary line of the Omaha cession of March 16, 1854, as fixed by this Commission in Docket 225-A, Omaha Tribe V. The United States, and set forth in paragraph 2 of the preceding finding No. 45.

(4) That on the issue in Claim 5 claimant has satisfactorily established that the land area comprising the 4800 acres which were excluded from the Pawnee reservation in Nebraska through an error in the original survey was a strip of land one-half mile wide and fifteen miles long from north to south immediately adjacent to the western boundary of the reservation as originally surveyed, and that said land was taken by the defendant in 1875.

Now, therefore, upon the foregoing findings of fact, which are made a part of this Order,

IT IS ORDERED, by the Commission, that this case proceed for the purpose of determining the following;

(1) The acreage of the above-described tract of land in Claims 1 and 2, the value thereof as of October 9, 1833, and the consideration received therefor by claimant.

(2) The value of the above-described tract of land in Claim 3 as of August 6, 1848, and the consideration received therefor by claimant.

(3) The acreage of the above-described tract of land in Claim 4, the value thereof as of September 24, 1857, and the consideration received therefor by claimant.

(4) The value of the 4800 acres in Claim 5 as of 1875.

Dated at Washington, D.C., this 17th day of June, 1957.

Edgar E. Witt, Chief Commissioner  
Louis J. O'Marr, Associate Commissioner  
Wm. M. Holt, Associate Commissioner