

BEFORE THE INDIAN CLAIMS COMMISSION

PAWNEE INDIAN TRIBE OF OKLAHOMA,)
consisting of the four confeder-)
ated bands of Pawnee Indians,)
namely: Chaui or Grand Pawnee,)
Kitkehahki or Republican Pawnee,)
Pitahauerat or Tappage Pawnee,)
and Skidi, Loup or Wolf Pawnee,)
Claimant,)
v.) Docket No. 10
UNITED STATES,)
Defendant.)

ORDER AMENDING INTERLOCUTORY ORDER OF JANUARY 31, 1961

On February 2, 1961, the defendant filed a motion requesting the Commission to correct its Finding of Fact No. 137 as contained in its order of January 31, 1961, and to amend and clarify the final award dated January 31, 1961.

The Commission, upon consideration of defendant's motion, and further upon its own motion, orders, with respect to Findings of Fact Nos. 137(b) and 139 as contained in said order of January 31, 1961, the following:

(1) That Finding of Fact No. 137(b) be stricken, and there shall be set forth in lieu thereof:

The total sum of \$2,540,000.00 listed in the General Accounting Office report as appropriated under Article II of the treaty included \$200,000.00 paid at the rate of \$40,000.00 per year for the first five years and the remainder of \$2,340,000.00 represented yearly perpetual annuity appropriations of \$30,000.00. The \$2,340,000.00 of perpetual annuity appropriations does not include the annuity appropriations for the fiscal years 1929 through 1935 since the General Accounting Office included such amounts under its "lump sum appropriations" category, as is hereinafter explained in Finding of Fact No. 137(j). Nor does this figure include the yearly perpetual annuity appropriations made after fiscal year 1948.

The provision in this article for payment of \$40,000.00 per year for five years constituted a limited annuity. The treaty date value of this limited annuity, capitalized at 5% simple interest, was \$177,560.27, and this amount constituted the United States' payment on the claim.

The remaining provision of Article II created a perpetual annuity. Its capitalized or funded value represented the value of the consideration agreed to be paid under this proviso of the treaty. Using an interest rate of 5% per annum, the funded value of a \$30,000.00 per year perpetual annuity was \$600,000.00. The sum of \$600,000.00, therefore, represents the value of that portion of the consideration.

(2) That Finding of Fact No. 139 be stricken, and there shall be set forth in lieu thereof:

139. Since the United States has been fulfilling its obligation arising under the perpetual annuity provision of Article II by continuing to pay the \$30,000.00 every year, the defendant is entitled to full credit for the value of the perpetual annuity even though no amounts paid can be credited to the principal of the annuity. Therefore, the perpetual annuity provision remains a continuing obligation of the United States, and the amount for which the United States is entitled to credit as payment for the lands ceded is \$745,795.81 paid, plus a credit of \$600,000.00 representing the value of the perpetual annuity, or a total credit of \$1,345,795.81.

IT IS FURTHER ORDERED that the Commission's interlocutory order of January 31, 1961, be amended to substitute, with respect to Claim IV, the figures "\$3,593,204.19" in place of the figures "\$4,193,204.19."

Dated at Washington, D. C., this 7th day of February, 1961.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner