

BEFORE THE INDIAN CLAIMS COMMISSION

CHEYENNE-ARAPAHO TRIBES OF)	
INDIANS OF OKLAHOMA, et al.,)	
)	
Petitioners,)	
)	
v.)	Docket No. 329
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	
THE CHEYENNE AND ARAPAHO)	
TRIBES OF INDIANS, et al.,)	
)	
Petitioners,)	
)	
v.)	Docket No. 348
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INTERLOCUTORY ORDER

Upon the findings of fact (numbered 1 through 9) and Interlocutory Decree heretofore entered in these consolidated cases on November 1, 1955, and the supplementary findings of fact (numbered 10 through 49) this day filed herein, all of which are hereby made a part of this Order, the Commission concludes as a matter of law:

(a) That by the Treaties of February 18, 1861 (12 Stat. 1163), October 14, 1865 (14 Stat. 703), and October 28, 1867 (15 Stat. 593), the United States acquired the undivided half interest of the petitioners in Docket No. 329, also known as the Southern Tribes of Cheyenne and Arapaho Indians, in the lands described in Finding 1; and that by the Treaty of May 10, 1868 (15 Stat. 655) the United States acquired the undivided half interest of the Northern Cheyenne and Arapaho Indians, petitioners in Docket No. 348, in said lands described in Finding 1.

(b) That the lands described in Finding 1 had a fair market value as of October 14, 1865, of \$23,500,000.00.

(c) That since the payments made by the defendant to the Northern Cheyenne and Arapaho Indians pursuant to the Treaty of May 10, 1868, when discounted, will be less than the sum of \$1,162,016.42 expended for allowable items, the consideration paid to the Northern Cheyenne and

Arapaho Indians for a cession of their undivided half interest in the lands set forth in Finding 1 was unconscionable.

(d) That the petitioners in Docket No. 348, the Northern Cheyenne Tribe and the Northern Arapaho Tribe, are entitled jointly to an award in the sum of \$11,750,000.00 for an undivided half interest in the 51,210,000 acres of lands ceded to the United States by said tribes on May 10, 1868, less the 1865 discounted value of \$1,162,016.42 paid on the claim, and less allowable offsets.

(e) That the consideration paid to petitioners in Docket No. 329, the Southern Cheyenne and Arapaho Tribes by the Treaties of February 18, 1861, October 14, 1865 and October 28, 1867, is the 1865 discounted value of \$1,434,131.38, and the fair market value of the lands set apart for said tribes (Finding 39) by executive order of the President of August 10, 1869; and that there is not sufficient evidence now before the Commission of the value of said consideration paid to petitioners in Docket No. 329, to determine whether the consideration paid to the Southern Cheyenne and Arapaho Tribes was unconscionable.

IT IS THEREFORE ORDERED AND ADJUDGED:

(a) That the parties in Docket No. 329 may submit evidence of the value of the lands set apart for the Southern Cheyenne and Arapaho Tribes by the executive order of the President of August 10, 1869; and a computation of the 1865 discounted value of allowable items amounting to \$1,434,131.38.

(b) That the petitioners in Docket No. 348, the Northern Cheyenne Tribe and The Northern Arapaho Tribe jointly, shall have and recover of and from the defendant the sum of \$11,750,000.00, less the 1865 discounted value of the allowable items making up the consideration of \$1,162,016.42 paid under the 1868 treaty (said computation to be supplied by the parties), and less allowable offsets to be determined in a later proceeding.

Dated at Washington, D. C., this 6th day of December, 1961.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner