

BEFORE THE INDIAN CLAIMS COMMISSION

PAWNEE INDIAN TRIBE OF OKLAHOMA,)	
consisting of the four con-)	
federated 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
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER AMENDING FINDINGS OF FACT

Upon the joint motion for entry of final judgment filed by the claimant and the defendant on July 5, 1962, and in view of the decision of the Court of Claims in the subject case, being Appeal No. 7-61, decided April 4, 1962, certiorari denied June 11, 1962, the Commission orders:

(1) That Finding No. 84 entered on January 31, 1961 be stricken, and there be set forth in lieu thereof the following:

84. The Commission finds that the following sums, disbursed to the petitioner pursuant to the agreement of the United States under the 1833 Treaty, constituted payments in consideration for the cession of the Claims I and II area to the United States by the Pawnee Indians:

Art. III	\$ 55,200.00
Art. IV	42,000.00
Art. V	10,000.00
Art. VI	20,000.00
Art. VII	18,400.00
Art. VIII	1,000.00
Art. XIII	1,600.00
	<u>\$148,200.00</u>

(2) That Finding No. 86 entered on January 31, 1961 be stricken, and there be set forth in lieu thereof the following:

86. The total consideration for the cession of the Claims I and II area to the United States was \$148,200.00. This amount was disbursed to the petitioner and was, therefore, the amount constituting the United States' payment on the claim.

(3) That Finding No. 87 entered on January 31, 1961 be stricken, and there be set forth in lieu thereof the following:

87. The total consideration of \$148,200.00 provided for under the terms of the Treaty of October 9, 1833, for the cession of the Claims I and II area to the United States by the petitioner was so grossly inadequate an amount for lands having a value of \$4,575,900.00 as to make the consideration unconscionable.

(4) That Finding of Fact No. 137 (b) dated February 7, 1961 be amended by striking out the second paragraph thereof and substituting in lieu thereof the following:

The provision in this article for payment of \$40,000.00 per year for five years constituted a limited annuity. The yearly payments were installments of the total \$200,000.00 payment and this sum represents the value of that portion of the consideration and was the amount of the United States' payment on the claim.

(5) That Finding of Fact No. 138 dated January 31, 1961 should be stricken and the following substituted therefor:

138. The value of the consideration for the 1857 treaty of cession was:

Art. II	
Limited annuity	\$ 200,000.00
Perpetual annuity	600,000.00
Art. III	728,732.84
Art. IV	463,758.56
Art. VII	9,000.00
Art. X	1,000.00
Art. XI	500.00
Art. XII	10,000.00
Lump sum	
Appropriations	<u>131,289.80</u>
Total	\$ 2,144,281.20

(6) That Finding of Fact No. 139 dated February 7, 1961 should be stricken and there shall be set forth in lieu thereof:

139. Since the United States has been fulfilling its obligations arising under the perpetual annuity provisions 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 \$1,544,281.20 paid, plus a credit of \$600,000.00 representing the value of the perpetual annuity, or a total credit of \$2,144,281.20.

(7) That Finding of Fact No. 140 dated January 31, 1961 be stricken, and there shall be set forth in lieu thereof:

140. The total consideration worth \$2,144,281.20 provided for under the terms of the Treaty of September 24, 1857, for the cession of the Claim IV area to the United States by the petitioner was so grossly inadequate an amount for lands having a value of \$4,939,000.00 as to make the consideration unconscionable.

Dated at Washington, D.C., this 6th day of July, 1962.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner