

AUG 6 1962

BEFORE THE INDIAN CLAIMS COMMISSION

INDIAN CLAIMS

CHEYENNE-ARAPAHO TRIBES OF
INDIANS OF OKLAHOMA, et al.,
Petitioners,

v.

THE UNITED STATES OF AMERICA,
Defendant.

Docket No. 329

THE CHEYENNE AND ARAPAHO
TRIBES OF INDIANS, et al.,
Petitioners,

v.

THE UNITED STATES OF AMERICA,
Defendant.

Docket No. 348

ORDER AMENDING FINDINGS OF FACT AND OPINION

Upon the motion of defendant filed July 16, 1962, to amend findings of fact, opinion and interlocutory order of this Commission entered on December 6, 1961, the petitioners not objecting thereto, and in view of the decision of the Court of Claims in Pawnee Indian Tribe v. United States (Docket No. 10), being Appeal No. 7-61, decided April 4, 1962, certiorari denied June 11, 1962; and upon the motion of petitioner in Docket No. 329, the Cheyenne-Arapaho Tribes of Indians of Oklahoma of May 7, 1962, to rehear a motion filed April 11, 1962 (which was overruled) for additional findings and revision of findings of fact which motion is concurred in by petitioners in Docket No. 348, The Cheyenne and Arapaho Tribes of Indians, and defendant not objecting, hearings having been held upon said motions and the Commission having considered these matters; and the procedures required by the Omaha case (8 Ind. Cl. Comm. 392) with respect to the stipulation entered into by petitioner tribes as to their respective interest in any award having been complied with, the Commission orders:

(1) That in Finding of Fact 42-J (10 Ind. Cl. Comm. 1, 43) the words "the 1865 discounted value of" be stricken. (Last line, page 43).

(2) That in Finding of Fact 43-D (10 Ind. Cl. Comm. 1, 47 - 2nd to last line on page) the words "the 1865 discounted value of" be stricken.

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(3) That in Finding of Fact 44 (10 Ind. Cl. Comm. 1, 48) the words "the 1865 discounted value of" in lines 1 and 2; and the words "the 1865 discounted value of" in line 4, be stricken.

(4) That in Finding of Fact 45-R (10 Ind. Cl. Comm. 1, 60) the words "the 1865 discounted value of" in lines 1 and 2 be stricken.

(5) That Findings of Fact 47 and 48 (10 Ind. Cl. Comm. 1, 62) entered on December 6, 1961, be stricken and there be set forth in lieu thereof the following:

47. The Commission finds that petitioners herein entered into a stipulation whereby the three tribes agreed, with the approval of the Secretary of the Interior, and in substantial conformity to the procedures outlined in the Omaha case (8 Ind. Cl. Comm. 392), to their relative populations as of November 14, 1958, as follows: Southern Cheyenne-Arapaho - 50.61%; Northern Cheyenne - 25.32%; and Northern Arapaho - 24.07%. The Commission further finds that, although the record shows two groups, the Southern tribes and the Northern tribes, to have each had an undivided half interest in subject tract, pursuant to said stipulation each of the three tribes' interest in any award is to be determined on the basis of the relative populations of said tribes in 1958.

48. The Commission, based upon the findings of fact herein made and the record as a whole, finds that the consideration of \$1,162,016.42 paid to the Northern Cheyenne and Arapaho Tribes for their undivided half interest in subject tract, which as of October 14, 1865, had a fair market value of \$23,500,000 was unconscionable. The Northern Cheyenne Tribe is entitled, based on the agreed stipulation, to recover of defendant 25.32% of \$23,500,000.00, or \$5,950,200.00, less the consideration received by said tribe of \$589,313.81 (Finding 45-S), and less allowable offsets. The Northern Arapaho Tribe is entitled, based on said stipulation, to recover of defendant 24.07% of \$23,500,000.00, or \$5,656,450.00, less the consideration received by said tribe of \$572,702.60 (Finding 45-S), and less allowable offsets.

(6) That in the Opinion entered by the Commission on December 6, 1961 the following words and phrases are stricken (10 Ind. Cl. Comm. 1, 64):

- (a) "the 1865 discounted value of" page 106, next to last line.
- (b) "the 1865 discounted value of" page 107, 4th and 5th lines.

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- (c) "a sum which when discounted will be less than" page 107, line 7.
- (d) "the 1865 discounted value of" page 107, line 13.
- (e) "The parties in Docket No. 348 will submit a computation of the discounted value of the allowable items of consideration and the respective tribes will be charged with such sums as payments on the claim according to the allocation of the consideration between the Northern Cheyenne and Northern Arapaho Tribes as agreed upon by said tribes" - page 107, lines 16-20. In lieu of said sentence the following is substituted--
 "the parties in Docket No. 348 will be charged with the sums totaling \$1,162,016.42 as payments on the claim according to the allocation of the consideration between the Northern Cheyenne and Northern Arapaho Tribes as agreed upon by said tribes."
- (f) "and the parties will also submit a computation of the 1865 discounted value of the allowable items of consideration under the Treaties of February 18, 1861, October 14, 1865 and October 28, 1867" - page 107, last line and page 108, lines 1-3, is stricken.

Dated at Washington, D. C., this 10th day of August, 1962.

Arthur J. U.
 Chief Commissioner

Wm. M. Hoet
 Associate Commissioner

Howard G. G.
 Associate Commissioner