

## BEFORE THE INDIAN CLAIMS COMMISSION

THE CHEROKEE NATION,	)	Docket No. 173-A
	)	
Plaintiff,	)	
	)	
and	)	
	)	
THE CHEROKEE FREEDMEN AND	)	(Docket No. 123)
CHEROKEE FREEDMEN'S	)	
ASSOCIATION,	)	
	)	
Intervenors,	)	
	)	
v.	)	
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

ORDER AMENDING OPINION AND FINDINGS OF FACT,  
AND AMENDED FINAL AWARD

In compliance with, and for reasons indicated in, the decision of the Court of Claims in the matter of United States v. Cherokee Nation, Appeal No. 10-72, decided February 16, 1973, the Commission orders that:

1. Finding of fact No. 18, entered herein on February 2, 1972, at 27 Ind. Cl. Comm. 30-31, be amended to read as follows:

"18. Between June 12, 1873, and June 14, 1883, the defendant paid interest amounting to \$378,751.43 on a fund of \$1,099,137.41 deposited by the United States to the credit of the Cherokee Nation. The fund was the amount charged the Osages as consideration for the Cherokee land on which the Osages were settled. Because the Cherokee Nation's entitlement to such consideration did not mature until June 14, 1883, when the Cherokee Nation executed the deed to the land, it is clear that the interest payments thereon are allowable as a gratuitous offset."

2. Finding of fact No. 22, entered herein on February 2, 1972, at 27 Ind. Cl. Comm. 32, be amended to read as follows:

"22. There being two allowable offsets, the final judgment in the cases at bar shall be \$3,887,557.57 on account of the wrong suffered by the Cherokee Nation or Tribe during the period 1872 to 1893."

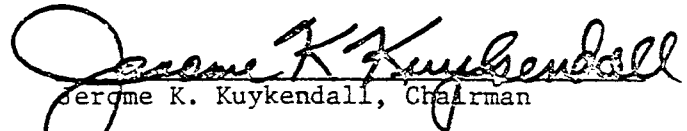
3. The opinion entered herein on February 2, 1972, at 27 Ind. Cl. Comm. 23-29, shall henceforth be deemed to have been amended so as to eliminate any inconsistency therein with findings of fact Nos. 18 and 22, amended as set forth above, and the aforementioned decision of the Court of Claims.

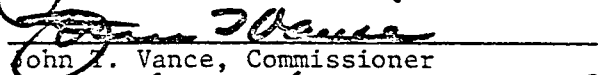
UPON CONSIDERATION of the Commission's opinion and findings of fact of February 2, 1972, amended as aforesaid, and the above-mentioned decision of the Court of Claims,

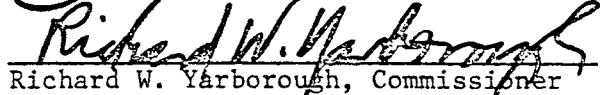
IT IS ORDERED that the final award entered herein on February 2, 1972, at 27 Ind. Cl. Comm. 33-34, be vacated, and

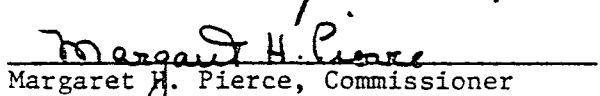
IT IS FURTHER ORDERED that the Cherokee Nation, the plaintiff herein, shall recover from the defendant the sum of \$3,887,557.57 in full satisfaction of the claims in the above-entitled matter.

Dated at Washington, D. C., this 30<sup>th</sup> day of May 1973.

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner