

BEFORE THE INDIAN CLAIMS COMMISSION

The MUCKLESHOOT TRIBE OF INDIANS)
 on relation of Napoleon Ross,)
 Chairman of the General Council,)
 Claimant,)
 v.)
 THE UNITED STATES OF AMERICA,)
 Defendant.)

Docket No. 98

Decided: August 25, 1955

FINDINGS OF FACT

The Commission makes the following findings of fact:

1. The Muckleshoot Tribe, claimants herein, have been found by this Commission to be an identifiable group of American Indians within the meaning of the Indian Claims Commission Act of August 13, 1946 (60 Stat. 1049; 25 U. S. Sec. 70(a)). As such they are entitled to maintain this cause of action. (See the findings of fact and opinion rendered by this Commission in this same Docket No. 98 on May 14, 1953). The following findings are supplementary to the above findings of May 14, 1953.

2. In Claimants' Requested Finding No. 19 the area claimed is described as follows:

Commencing at the southwest corner of Township 21 Range 5 E7M; thence north through the western edge of the town of Auburn to the town of Pialachie; thence to the northwest tip of Lake Cow; thence to the north tip of Lake Sawyer; thence to the town of Kangley; thence to the peak of Mt. Lindsay; thence to the peak of Goat Mountain; thence to Stampede; thence along the crest of Cascade Mountains to Naches Pass, to Chinook Pass to the peak of Mt. Rainier;

thence north to the headwaters of the West Fork of White River; thence along the divide between tributaries to the White River and tributaries to the Puyallup River to a point one mile south of the town of Buckley; thence to the place of beginning, consisting of 491,520 acres more or less.

3. The description of the area as given by claimants' witness, Mr. Ballard, does not coincide with that set forth in claimants' requested Finding 19 (Cl. Ex. 25) but stops at Naches Pass and turns west to follow the course of the Greenwater River to where it joins White River and thence continues down White River more or less, to the beginning.

4. At the time of white contact as indicated from the record, the Indians who eventually became what is now known as the Muckleshoot Tribe were living on and near the junction of the Green and White Rivers.

Governor Stevens mentions several sub-groups of the Duwamish in 1854, including the Smal-ka-mish at the head of White River and the Skop-ah-mish on the upper Green River, and Stakahmish on the main White River. Governor Stevens estimated the population at that time as follows: Smalkamish, 50; Skopahmish, 50; and Stakamish, 30, making a total of 130.

Dr. George Gibbs mentions, among others, the Skopahmish, Sk'tehlmish, and St'Kamish as lying upon the lakes and branches of Dwamish River. The Dwamish River was formed in part by the White and Green Rivers. In Defendant's Exhibit 30, p. 1805, is Dr. Gibbs' estimate of Indian tribes in the western district of Washington Territory in 1854 and he there lists the Smul-ka-mish, on head of White River, with a population of 8; the Skope-ah-mish, on head of Green River, population 50; and the Se-ka-mish, on main White River, population 30, making a total of 88.

Schoolcraft noted several Duwamish groups which included those on the White and Green Rivers.

5. The names of three bands on the Point Elliott Treaty were Smalk-kahmish, Skope-ah-mish, and St-ka-mish. These bands did not sign the treaty, however. (12 Stat. 927, 2 Kapp. 669).

There is indicated on Defendant's Exhibit 18, a map drawn by or at the order of Gov. Stevens in March 1857, three bands or groups surrounding the Muckleshoot Reservation. These are the St'Kamish, Scope-ahmish, and the Sma-lk-hamish. They are within the area claimed.

Myron Eells, a missionary, writing in 1887, mentions the up-river Duwamish, including the Skopahmish, Sk'telmish, and St'kahmish.

According to the Handbook of American Indians, Vol. 2, the Sk'telmish were located on Duwamish Lake and River which would appear to make them lower river Indians.

6. The Indians who were known as the Green River Indians and the White River Indians, as geographical designations, were also known by various other names. The Green River bands or groups were called Skopamish, Sko-pabsh, or Skopeamish, and the Niskap, Neccope, Nescope, or Nooscope.

The White River bands or groups were called Smulkamish, S'Balahco, Smalh-kah-mish, Smulcoe, or Sobal-Ruck, Klikitats, Niskaps, and Skopamish.

In addition there were other spellings of the respective names of these groups and their subordinate bands. It was testified to by Mr. Ballard, claimants' witness, that after considering all the spellings mentioned above, and possibly others, the names Skopamish and Smulkamish represented all of them and that these two groups are both identifiable

as present day Muckleshoots.

7. The use of the term Muckleshoot first appeared as a name for the Indians residing on the Muckleshoot reservation about 1868 when Superintendent McKenney stated as follows:

The Muckleshoots occupy the old military reservation lying between the White and Green Rivers, * * *.

Thereafter, in 1870, these Indians were first referred to as the Muckleshoot Tribe.

8. The Muckleshoot Reservation was not established as a result of the Point Elliott Treaty (12 Stat. 927) or the Medicine Creek Treaty (10 Stat. 1132), but as the result of a later meeting at Fox Island between Governor Stevens and the principal men of the Nisqually, Puyallup, and Snohomish tribes in August, 1856. On December 5, 1856, Governor Stevens recommended the establishment of a new reservation on Muckleshoot Prairie. The President approved the recommendation on January 20, 1857 (1 Kapp. 919). On April 9, 1874, the reservation was given definite metes and bounds by Executive Order. It consisted of 3,532.72 acres.

9. Upon the establishment of the Muckleshoot Reservation on January 20, 1857, certain of the Indians in the vicinity were removed thereto. The contemporary report of Agent Browne with relation to the Indians placed on the reservation appears to be in error. He states:

...another post was established during the war at Muckleshoot, a point in the interior, about 25 miles from Steilacoom. At that station were collected some 300 of the most troublesome Indians, consisting of Upper Puyallups, the Nooscoopes, and Green River Indians.

