

BEFORE THE INDIAN CLAIMS COMMISSION

THE LUMMI TRIBE OF INDIANS,        )  
                                          )  
                                          )        Petitioner,        )  
                                          )  
                                          )        vs.                        Docket No. 110  
                                          )  
THE UNITED STATES OF AMERICA,        )  
                                          )  
                                          )        Defendant.        )

INTERLOCUTORY ORDER

This cause has been heard on the issues of whether or not the plaintiffs are entitled to prosecute the claim asserted and whether or not the plaintiffs had original Indian title to the land, or any part of same, for which they claim to have received from the defendant unconscionable consideration.

The evidence having been concluded and the issues submitted, the parties hereto having filed proposed findings of fact and briefs, and the Commission being fully advised, finds that claimants have satisfactorily established their right to assert the claim hereto; and that they held original Indian title on January 22, 1855 and on March 8, 1859, and long prior thereto, through exclusive use and occupancy, to the following described tract of land, to wit:

Beginning at the place known as Cherry Point on the Washington shoreline bordering the Gulf of Georgia; thence easterly in a direct line to the town of Ferndale, Washington; thence southeasterly in a direct line to the westernmost point of Lake Whatcom, near the town of Larsens Mill; thence southwesterly in a direct line to a point on the shore opposite Chuckanut Island; thence in a northwesterly direction to Point Francis on the Lummi Peninsula; thence following the western shoreline along its length to Cherry Point, the place of beginning. Petitioners' ancestors also held aboriginal title to all of Lummi Island, Orcas Island and Shaw Island (Finding of Fact, No. 16)

The Commission further finds that the plaintiffs are entitled to an award for the value of said lands as of date of March 8, 1859, less the consideration they have received therefore, in the event said consideration is found to have been unconscionable; less the amount of any effects, if any, the defendant may be entitled to under the provisions of the Indian Claims Commission Act.

In keeping with the opinion this day rendered and the findings of fact this day made, which are made a part of this order;

IT IS HEREBY ORDERED by the Commission that the case proceed for the purpose of determining the acreage of the above described tract of land, the value thereof on March 3, 1959, and the amount of consideration therefor received by the plaintiffs, and the amount of any offsets to which the defendant may be entitled.

Dated at Washington, D. C., this the 30th day of October, 1957.

Edgar E. Witt  
Chief Commissioner

Louis J. O'Marr  
Associate Commissioner

Wm. M. Holt  
Associate Commissioner