

October 20, 1958

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Retyped

THE NOOKSACK TRIBE OF INDIANS
ON RELATION OF JOSEPH LOUIS,
CHAIRMAN OF THE GENERAL COUNCIL,

Petitioners, ::

v.

:: Docket No. 46

THE UNITED STATES OF AMERICA,

Defendant. ::

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ORDER DENYING MOTIONS FOR REHEARING
AND AMENDING FINDING OF FACT NO. 35

On July 17, 1958, the Commission entered an interlocutory order determining that the claimant Nooksack Tribe was entitled to an award in the sum of \$52,383.50, less such offsets as may be allowable under the Indian Claims Commission Act. The defendant on August 11, 1958, filed a motion for rehearing and brief in support thereof. The plaintiff on August 18, 1958, likewise filed a motion for rehearing and brief in support thereof. Thereafter, on October 6, 1958, oral argument was had on said motions for rehearing. Thereafter, on October 9, 1958, the defendant filed a supplemental motion for rehearing, and plaintiff, on October 9, 1958, filed its reply to said supplemental motion for rehearing. The Commission having considered said motions and arguments, and having had the same under advisement and in accordance with the opinion filed this date finds that said motions for rehearing should be denied.

IT IS THEREFORE ORDERED, That said motions for rehearing of claimant and defendant be, and the same are, hereby denied.

Further, the Commission, on its own motion, and for the purpose of clarifying Finding of Fact No. 35 filed as part of its interlocutory order entered in this case on July 17, 1958, orders that said Finding 35 be stricken and there shall be set forth in lieu thereof:

35. Upon the basis of the record and the facts as found above, the Commission finds that the Nooksack tract, consisting of 80,590 acres, had a fair market value as of March 8, 1859, of \$52,383.50, or an average per acre value of \$0.65 for the entire tract.

Dated at Washington, D.C., this 20th day of October, 1958.

Edgar E. Witt, Chief Commissioner
Louis J. O'Marr, Associate Commissioner
Wm. M. Holt, Associate Commissioner