

BEFORE THE INDIAN CLAIMS COMMISSION

THE COEUR D'ALENE TRIBE OF INDIANS,)	
)	
Petitioner,)	
v.)	Docket No. 81
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER ALLOWING ATTORNEYS' FEES - REIMBURSABLE EXPENSES AND COSTS

Upon consideration of the petition therefor, filed herein on August 13, 1958, the objections of defendant thereto filed on October 7, 1958, and the objections of the Coeur D'Alene Tribal Council, filed on October 13, 1958, and after a hearing on said petition at which all interested parties were represented by counsel, and in accordance with the opinion filed herewith,

IT IS HEREBY ORDERED AND ADJUDGED that from the award of \$4,342,778.03 due to the petitioner on May 6, 1958, there shall be paid to the following named persons the following sums:

1. To R. G. Wiggenghorn, the law firm of Wilkinson, Cragun and Barker, Hazel Day Simmons, Newton D. Simmons and Sarah Margaritte Simmons, heirs at law and distributees of the Estate of Kenneth R. L. Simmons, deceased, who, until his death on April 13, 1953, was an attorney of record and performed legal services in the prosecution of petitioner's claim, and A. E. Longfellow of Lovell, Wyoming, as executor of the last will of L. S. Strahan, also known as Leonard S. Strahan, deceased, who, until his death on December 24, 1953, was an attorney of record and performed legal services in the prosecution of said claim, the sum of \$378,902.69, being the net allowance for attorneys' fees after deducting the sum of \$28,519.55 payable to Gonzaga University, which net sum shall be in full settlement for legal services rendered in the prosecution of the above-entitled cause, said sum to be divided between said attorneys, the heirs and distributees of said Kenneth R. L. Simmons, deceased, and the Executor of the last will of L. S. Strahan, deceased, in accordance with their several agreements therefor.

2. For reimbursable costs and expenses of the litigation paid or incurred for petitioner, the following:

To Hazel Day Simmons, Newton D. Simmons and Sarah Margaritte Simmons, distributees of the Estate of Kenneth R. L. Simmons, deceased, who, until his death on April 13, 1953, was an attorney of record and as such performed legal services in the prosecution of said claim and expended the sum of \$64.99 in connection with the prosecution of said claim for which reimbursement is allowed;

To R. G. Wiggernhorn, the sum of \$761.13; and,

To the law firm of Wilkinson, Cragun and Barker, the sum of \$5,019.19.

3. For fees of expert witnesses employed for and on behalf of the petitioner:

To Gonzaga University of Spokane, Washington, the sum of \$28,519.55;

To Fred C. Jones, appraiser, the sum of \$19,765.40;

To Henry T. Murray, appraiser, the sum of \$20,000;

To Alfred W. Bowers, archaeologist, the sum of \$1000.00; and,

To Harriet Cooley Osborne and William B. Osborne, Jr., sole heirs of William B. Osborne, deceased, the sum of \$1238.05.

Dated at Washington, D. C., this 3d day of November, 1958.

Edgar E. Witt
Chief Commissioner

Louis J. O'Marr
Associate Commissioner

Wm. M. Holt
Associate Commissioner