

7 Ind. Cl. Com. 292

BEFORE THE INDIAN CLAIMS COMMISSION

THE SKAGIT TRIBE OF INDIANS, also known)
 as THE LOWER SKAGIT TRIBE OF INDIANS,)
 also known as WHIDBEY ISLAND SKAGITS,)

Petitioner,)

vs.)

Docket No. 294

THE UNITED STATES OF AMERICA,)

Defendant.)

INTERLOCUTORY ORDER

Upon the findings of fact this day filed herein and which are hereby made a part of this order, the Commission concludes as a matter of law:

1. That petitioner herein has the right to maintain this action;

2. That on March 8, 1859, the date on which the defendant acquired the lands described in Finding 12, by virtue of the Treaty of January 22, 1855 (12 Stat. 927); the petitioner or its ancestors and predecessors in interest were in the exclusive use and possession of the land described in Finding 12, and is entitled to recover the value thereof as of March 8, 1859, less the consideration paid to them by defendant therefor, should it be determined that such consideration was unconscionable.

IT IS THEREFORE ORDERED AND ADJUDGED that petitioner or its ancestors and predecessors on March 8, 1859 and long prior thereto had the exclusive use and possession of the lands described in Finding 12 and that petitioner is entitled to bring this action and recover the value of said lands as of March 8, 1859, less the consideration received by it therefor, should it be determined that such consideration was unconscionable; that the parties hereto shall now proceed with proof of the acreage of said lands and to the consideration the defendant paid petitioner or its ancestors therefor, the value thereof as of March 8, 1859, and relating to any other issues of fact raised by the pleadings which are not hereby disposed of.

Dated at Washington, D. C., this 20th day of March, 1959.

Edgar E. Witt
 Chief Commissioner

Louis J. O'Marr
 Associate Commissioner

Wm. K. Holt
 Associate Commissioner