

BEFORE THE INDIAN CLAIMS COMMISSION

THE SKOKOMISH TRIBE OF INDIANS,	)	
	)	
Petitioner,	)	
	)	
v.	)	Docket No. 296
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

Decided: May 24, 1963

FINDINGS OF FACT IN THE MATTER OF THE JOINT MOTION OF THE PETITIONER AND DEFENDANT IN THE ABOVE ENTITLED DOCKET NO. 296 FOR THE APPROVAL OF A PROPOSED COMPROMISE SETTLEMENT

The Commission makes the following findings of fact which are supplemental to the findings numbered 1 through 28, inclusive, heretofore made herein:

29. Findings of Fact No. 1 through 10, inclusive, together with an Opinion and Interlocutory Order were entered in the above entitled docket by the Commission on March 6, 1958. Thereafter, Finding of Fact No. 9 was amended by order of the Commission on June 18, 1959, to clarify an ambiguous boundary description.

The Interlocutory Order dated March 6, 1958, entered upon said findings provided as follows:

Wherefore this cause came on for hearing before the Commission and having been fully advised upon the issues presented and submitted therein for determination, the Commission finds:

- (1) The petitioner is an identifiable group of American Indians within the meaning of section 2 of the Indian Claims Commission Act (60 Stat. 1050), having the capacity and right to maintain this suit; and

(2) The petitioner is the successor in interest to that group of Indians who held original Indian title to those lands described in Finding 9 and ceded under the provisions of the Point-No-Point Treaty of 1855 (12 Stat. 933).

(3) That said land was acquired by the defendant on March 8, 1859, the date of ratification of the Point-No-Point Treaty.

Therefore, upon the findings of fact this day filed herein, which are made a part of this order, it is ORDERED:

That this case proceed to a determination of the acreage of the aforementioned land; the consideration paid for said land by the defendant; the value thereof as of March 8, 1859, less such part petitioner may have acquired under the Point-No-Point Treaty and subsequent to 1859, if any.

/s/ Edgar E. Witt  
Chief Commissioner

/s/ Louis J. O'Marr  
Associate Commissioner

/s/ Wm. M. Holt  
Associate Commissioner

30. Additional Findings of Fact No. 11 through 28, inclusive, together with an Opinion and Second Interlocutory Order were subsequently entered in this cause by the Commission on June 30, 1961.

The said Second Interlocutory Order provided as follows:

Upon consideration of the additional findings of fact, numbered 11 to 28, inclusive, which are this day filed herein and made a part of this order, the Commission concludes as a matter of law:

1. That the tract of land which petitioner held under original Indian title and ceded to the United States under the Treaty of January 26, 1855, consisted of 355,800 acres; and

2. That said 355,800 acres of land had a fair market value on March 8, 1859, the effective date of the treaty,

of \$426,960.00, or an average per acre value of approximately \$1.20.

IT IS THEREFORE ORDERED, That the case shall proceed with proof of the consideration paid to the Skokomish Tribe, if any, under the provisions of the Treaty of January 26, 1855, and to determine whether such consideration so paid was unconscionable; proof as to the interest retained by the Skokomish Tribe in the Skokomish Reservation set aside by Article 3 of the 1855 Treaty for petitioner and other Indians; and proof, if necessary, of what offsets are chargeable against said Skokomish Tribe of Indians under the provisions of the Indian Claims Commission Act.

Dated at Washington, D. C., this 30th day of June, 1961.

/s/ Arthur V. Watkins  
Chief Commissioner

/s/ Wm. M. Holt  
Associate Commissioner

/s/ T. Harold Scott  
Associate Commissioner

31. On April 18, 1963, the parties hereto filed their "Joint Motion for Entry of Final Judgment" proposed in favor of the petitioner and to be in the net amount of \$373,577.00.

In support of the aforesaid "Joint Motion" the parties attached thereto and filed therewith in this Docket No. 296 "Stipulation for Entry of Final Judgment", and that said stipulation is as follows:

It is hereby stipulated between counsel for the parties that the above-entitled case shall be settled and finally disposed of by entry of final judgment, as follows:

1. There shall be entered in the above-entitled case, after all allowable deductions, credits and offsets, a final judgment in the net amount of \$373,577.00.















