

BEFORE THE INDIAN CLAIMS COMMISSION

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| THE YAKIMA TRIBE, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | |
| |) | |
| THE UNITED STATES, |) | |
| |) | |
| Defendant. |) | Docket No. 161 |
| |) | |
| THE CONFEDERATED TRIBES OF THE |) | |
| COLVILLE RESERVATION, et al., |) | |
| |) | |
| Intervenor. |) | (Petitioner in Docket Nos. 222 and 224) |

7, 29, 63

INTERLOCUTORY ORDER

Upon the Findings of Fact (Nos. 1 through 18), Opinion and Interlocutory Order entered July 28, 1959, and the Findings of Fact (Nos. 19 through 53) and Opinion this day filed herein, all of which are hereby made a part of this order, the Commission finds and concludes as a matter of law and fact:

1. That the petitioner and intervenor have the right to maintain this cause of action in a representative capacity for the benefit of the Yakima Nation as it was created by the Treaty of June 9, 1855;

2. That the Treaty of June 9, 1855, merged the tribes or bands named in the preamble thereof into the newly formed Yakima Nation and the said Yakima Nation became the successor in interest to the formerly separate tribal entities;

3. That prior to the confederation of the tribes or bands into the Yakima Nation each of the said tribes or bands held Indian title, through exclusive use and occupation in Indian fashion, to areas of land described in Finding of Fact No. 50;

4. That the United States on March 8, 1859, extinguished the Indian title which the constituent tribes or bands comprising the Yakima Nation held to each of the respective tracts;

5. That the constituent tribes or bands comprising the Yakima Nation did not exclusively use and occupy the remaining portions of the claimed area.

-2-

IT IS THEREFORE ORDERED that the case proceed for the purpose of determining the acreage of the lands involved; the market value thereof as of March 8, 1859; and the consideration paid.

Dated at Washington, D. C., this 29th day of July, 1963.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner