

BEFORE THE INDIAN CLAIMS COMMISSION

SHOSHONE TRIBE OF INDIANS OF THE	)	
WIND RIVER RESERVATION, WYOMING,	)	
	)	
Petitioner,	)	
	)	
v.	)	Docket No. 157
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

Decided: February 24, 1965

Appearances:

Robert W. Barker, with whom  
was Charles A. Hobbs, of the  
firm of Wilkinson, Cragun &  
Barker, Attorneys for Petitioner

Daniel G. McGrath, with whom  
was Mr. Assistant Attorney General,  
Ramsey Clark, Attorneys for  
Defendant

OPINION OF THE COMMISSION

Holt, Associate Commissioner, delivered the opinion of the  
Commission.

This case is now before the Commission for consideration of the  
joint motion of the parties for approval of a proposed settlement of  
the claim of petitioner and of the offsets claimed by defendant. A  
hearing on said motion was held before the Commission on January 26,  
1965.

The claim asserted by petitioner is for the value of gold alleged  
to have been taken from the southern part of the Shoshone Reservation  
in Wyoming between July 3, 1863 when the Shoshone acquired the

reservation and the time they ceded that part of it by the Agreement of September 26, 1872. It is claimed the gold was wrongfully and illegally mined and removed by white trespassing miners with the active participation of the United States in protecting the miners in their operations.

Counsel for the petitioner advised the Commission that the attorneys for both parties engaged mineral experts to prepare opinions of value of the gold so removed from the reservation in accordance with the standards of valuation laid down by the Commission in other cases. Counsel said the attorneys for the parties conferred with each other and finally concluded that the claim could be compromised and settled on a basis that would be fair to petitioner, as well as settling offsets claimed by defendant.

The proposed compromise settlement now before the Commission for approval was entered into in order to settle the issue of the value of the said gold alleged to have been wrongfully taken from petitioner's land, and any offsets which defendant could assert against any sum it would owe for said gold. The stipulation provides that the net amount of the final judgment to be entered in favor of petitioner against defendant is in the amount of \$120,000.00, which amount represents a stipulated value of gold of \$195,000.00, less a stipulated amount of offsets of \$75,000.00. It is agreed the judgment is to finally dispose of all offsets or demands to and including December 31, 1963, which defendant has asserted or could have asserted against petitioner in this or any other case under the provisions of Section 2 of the Indian

Claims Commission Act of 1946. It is further stipulated that the judgment shall not operate to deprive the defendant of exercising its right to collect from the proceeds of timber sales, as authorized by statute, expenses of managing, protecting and setting timber. It is also agreed that no appeal is to be taken by either party.

The evidence shows that the compromise settlement of petitioner's claim and defendant's claimed offsets is justified as a matter of fairness and equity to the Shoshone Tribe and to the defendant. The evidence further shows that the members and officials of the tribe were fully advised of the terms and conditions of the proposed settlement agreement and gave their approval thereto by a vote of 290 for and none against in a meeting appropriately convened and conducted in accordance with the customary procedure of said tribe.

The settlement has also been approved by the Associate Commissioner of Indian Affairs by letter of January 22, 1965, as set forth in finding of fact number 5.

Under all the circumstances, we are of the opinion that the proposed settlement is fair and just to the petitioner and the defendant, and, therefore, the joint motion of the parties for the entry of final judgment should be granted.

Accordingly, a final judgment will be entered in favor of the petitioner against the defendant in the amount of \$120,000.00.

We concur:

Wm. M. Holt  
Associate Commissioner

Arthur V. Watkins  
Chief Commissioner

T. Harold Scott  
Associate Commissioner