

## BEFORE THE INDIAN CLAIMS COMMISSION

THE LUMMI TRIBE OF INDIANS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Docket No. 110
	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	

FINAL ORDER

Upon the findings of fact numbered 1 through 17, opinion, and the interlocutory order entered herein on October 30, 1957 (5 Ind. Cl. Comm. 525), the additional findings of fact numbered 18 through 30, opinion, and the interlocutory order entered herein on March 2, 1962 (10 Ind. Cl. Comm. 286), the findings of fact numbered 1 through 14, opinion, and the interlocutory order entered in the consolidated matter of Upper Skagit Tribe of Indians, et al v. United States (Docket No. 110 and others), 13 Ind. Cl. Comm. 583, on August 13, 1964, and the additional findings of fact numbered 31 through 35 and opinion entered herein this date, this Commission concludes as a matter of law:

1. The total consideration attributable to the Lummi Tribe of Indians under the Point Elliott Treaty of January 22, 1855 (12 Stat. 927) was \$33,634.13 for their cession of land having a fair market value of \$52,067.00 on March 8, 1859, the effective date of said Treaty.

2. The stated consideration was not unconscionable within the contemplation of Clause (3) of Section 2 of the Indian Claims Commission Act of 1946 (25 U.S.C. 70a(3)).

3. The treaty negotiations were not tainted by unfair or dishonorable dealings within the contemplation of Clause (5) of Section 2 of the Indian Claims Commission Act of 1946 (25 U.S.C. 70a(5)).

4. This Commission may not regard the Lummi segment of the said Treaty as if revised, either under the said Clause (3) or under the said Clause (5); not regarding the Lummi segment of the said Treaty as if revised, the plaintiff cannot prevail.

5. The defendant's motion for judgment is hereby granted and the petition in Docket No. 110 is hereby dismissed.

Dated at Washington, D. C., this 18th day of February, 1966.

Arthur V. Watkins  
Chief Commissioner

Wm. M. Holt  
Associate Commissioner

T. Harold Scott  
Associate Commissioner