

BEFORE THE INDIAN CLAIMS COMMISSION

THE SNOHOMISH TRIBE OF INDIANS,)	
)	
Petitioner,)	
)	
v.)	Docket No. 125
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: March 30, 1967

Appearances:

Frederick W. Post, Attorney of Record
for Petitioner

Walter J. Muir, with whom was Mr.
Assistant Attorney General,
Edwin L. Weisl, Jr.,
Attorneys for Defendant

O P I N I O N

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 seeking approval of a proposed compromise settlement of petitioner's claim and the claimed gratuitous offsets of defendant and the entry of a final judgment.

The petitioner tribe joined with a number of other Indian tribes in the Treaty of January 22, 1855 (12 Stat. 927) in the cession of a large tract of land in what is the present State of Washington. It was necessary to determine what part of the ceded tract was held by the petitioner under original Indian title at the time of the cession. This issue was determined by the Commission in 4 Ind. Cl. Comm. 549, to be

164,265 acres. The Commission then determined in 7 Ind. Cl. Comm. 768, 781 that the 164,265 acres had a fair market value of \$180,700.00 when ceded by petitioner under the 1855 treaty. It was also necessary to determine what portion of the consideration provided in the 1855 treaty for the entire cession by all the signatory tribes was chargeable to the petitioner, since the treaty provided for the payment of a certain sum to be paid to the signatory tribes but did not provide that the payments should be made in specific proportions to the respective signatory tribes. This was accomplished by consolidating Docket No. 125 with ten separate cases of other signatory tribes to the 1855 treaty for the limited purpose of determining all issues as to consideration paid or allowable to each petitioner in said cases under the 1855 treaty. In these consolidated cases, 11 Ind. Cl. Comm. 447, the Commission determined that the Snohomish Tribe was chargeable with consideration received under the 1855 treaty in the sum of \$44,534.21.

After deducting the consideration of \$44,534.21 paid petitioner from the \$180,700.00 found as the value of petitioner's land when ceded, the Commission entered a third interlocutory order on April 29, 1965, holding that petitioner was entitled to recover the sum of \$136,165.79, less any gratuitous offsets chargeable to petitioner.

The proposed compromise settlement which is now before the Commission was entered into by the parties in order to settle the issue of any offsets which the defendant could claim against the sum it owes for the petitioner's land. The stipulation provides that the net amount of the final judgment to be entered in favor of the petitioner and against

the defendant is \$136,165.79. It is further stipulated that entry of final judgment on this basis shall finally dispose of all claims, demands, payment on the claim, counterclaims and offsets which the defendant has asserted or could have asserted against the petitioner for the period from January 22, 1855, through June 30, 1951. In effect it amounts to a waiver by defendant of offsets claimed. It is further stipulated that entry of the final judgment shall constitute a final determination of said case by the Commission and shall become final on the day it is entered, with both parties waiving any and all rights to appeal from such final determination.

The Commission has found that the petitioner tribe and its Tribal Council have been fully advised of the terms of the proposed settlement, understand its terms, and have approved the same.

We are of the opinion that all the formal requirements of the Commission which were adopted with respect to proof of a valid approval of a compromise settlement by the petitioner and defendant have been substantially complied with by the parties.

The approval of the compromise settlement was recommended to the petitioner by its attorney and has been approved by the Department of Justice on behalf of the defendant. Also the settlement has been approved by an authorized representative of the Secretary of the Interior.

Based upon the entire record in this case, we are of the opinion that the compromise settlement is fair and just to both the petitioner and the defendant, and the joint motion of the parties for the entry of

a final judgment is granted. Accordingly, a final judgment will be entered in favor of petitioner and against the defendant in the sum of \$136,165.79.

Wm. M. Holt
Associate Commissioner

We concur:

Arthur V. Watkins
Chief Commissioner

T. Harold Scott
Associate Commissioner