

BEFORE THE INDIAN CLAIMS COMMISSION

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

ORDER VACATING FINAL ORDER AND INTERLOCUTORY AWARD

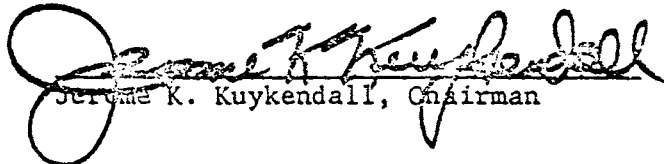
Upon its own motion and in compliance with the decision of the Court of Claims in the subject case, being Appeal No. 4-66, decided December 15, 1967, 181 Ct. Cl. 753, and for the reasons set forth in the opinion this date filed herein, the Commission orders that the Final Order entered herein on February 18, 1966, be and the same is hereby vacated.

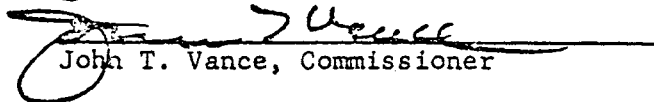
And further, upon the findings of fact numbered 1 through 17; the additional findings of fact numbered 18 through 30, as amended by order entered herein this date; the findings of fact numbered 1 through 14 entered in the consolidated matter of Upper Skagit Tribe of Indians, et al., v. United States (Docket No. 92 and others), 13 Ind. Cl. Comm. 583; and the additional findings of fact numbered 31 through 35, as amended by order entered herein this date, and for the reasons set forth in the opinion entered herein this date, the Commission concludes as a matter of law:

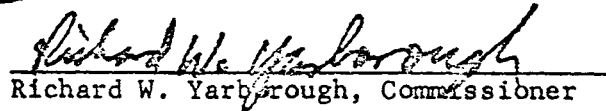
1. The Lummi tract as a whole had a fair market value as of March 8, 1859, of \$90,634.13.
2. The total consideration attributable to the Lummi Tribe of Indians under the Point Elliott Treaty of January 22, 1855 (12 Stat. 927) was \$33,634.13.
3. The consideration of \$33,634.13 for lands having a fair market value of \$90,634.13 was so grossly inadequate as to make the consideration unconscionable.
4. The plaintiff is entitled, under the provisions of clause (3), section 2 of the Indian Claims Commission act, to an award in the amount of \$57,000.00 less allowable offsets, if any.

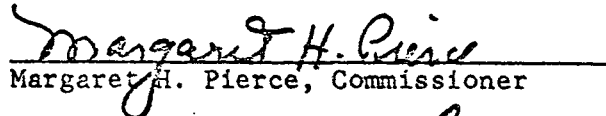
IT IS THEREFORE ORDERED that the Lummi Tribe of Indians shall have and recover of and from the defendant the sum of \$57,000.00, less any allowable offsets.

Dated at Washington, D. C., this 8th day of October, 1969.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarbrough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner