

BEFORE THE INDIAN CLAIMS COMMISSION

THE SWINOMISH TRIBE OF INDIANS,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 233
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INTERLOCUTORY ORDER

Upon the findings of fact and opinion this day entered herein, which are hereby made a part of this order, the Commission concludes as a matter of law that:


1. The plaintiff herein, the Swinomish Tribe of Indians, has the right and capacity under the Indian Claims Commission Act (10 Stat. 1049), to bring and maintain this suit in its own behalf;
2. As of March 8, 1859, the effective date of the 1855 Treaty of Point Elliott (12 Stat. 927), the Swinomish Tribe of Indians ceded to the United States its Indian title to those lands described in the Commission's Finding No. 11; and,
3. The plaintiff tribe has not established that as of the effective date of the 1855 Treaty of Point Elliott, supra, the Swinomish Tribe of Indians held Indian title to any other lands than those described in the Commission's Finding No. 11.

IT IS ORDERED that this case shall now proceed to a determination of the exact acreage contained within that area described in the Commission's Finding No. 11, its fair market value as of March 8, 1859, the effective date of the 1855 Treaty of Point Elliott, supra, the

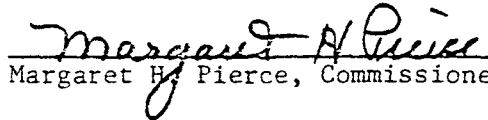
consideration, if any, paid by the United States to the Swinomish Tribe of Indians for the ceded lands, and all other questions bearing upon the defendant's liability to the plaintiff herein.

Dated at Washington, D. C., this 18th day of November 1971.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner

Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner

Brantley Blue, Commissioner