

BEFORE THE INDIAN CLAIMS COMMISSION

THE S'KLALLAM TRIBE OF INDIANS,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 134
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER DENYING DEFENDANT'S "MOTION FOR REHEARING
AND FOR AMENDMENT OF FINDINGS" AND TO AMEND THE
COMMISSION'S FINDINGS OF FACT

The defendant having filed the above-captioned motion on October 30, 1970, the Commission having heard of oral argument on said motions of January 7, 1971, and, now being fully advised in the premises, the Commission has concluded for the reasons stated in the opinion accompanying this order that defendant's motion should be denied.

IT IS ORDERED that defendant's motion as captioned above be, and the same is hereby denied.

IT IS FURTHER ORDERED that the Commission's additional findings of fact of October 1, 1970, 23 Ind. Cl. Comm. 510, 519, are hereby amended by adding after finding of fact "38" the following new finding of fact:

"38A. The Act of March 3, 1925, 43 Stat. 1102, authorized to be appropriated and paid per capita to the S'Klallam Tribe of Indians the sum of \$400,000.

'. . . Provided, That before payment to the individual Indians they shall relinquish in writing all claims of any nature against the United States under any treaty, agreement or act of Congress, and agree to accept such payment in full satisfaction of any and all claims whatsoever against the United States: . . .'

Actual disbursements made pursuant to the 1925 Act amounted to \$399,277.68. The legislative history of the 1925 Act indicates that Congress appropriated the money in response to the claims of the S'Klallam Indians that they were entitled to 80 acre allotments pursuant to Article 7 of the 1855 Treaty, which article reads in part:

'And he [the President] may further, at his discretion, cause the whole or any portion of the lands hereby reserved, or such other lands as may be selected in lieu thereof, to be surveyed into lots, and assign the same to such individuals or families as are willing to avail themselves of the privilege, and will locate thereon as a permanent home,'

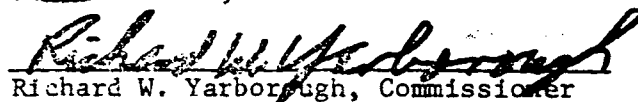
In the absence of any evidence to the contrary, the Commission has concluded that 1925 per capita payment to the S'Klallam Tribe of Indians was intended to compensate individual S'Klallam Indians for their claims to additional land pursuant to the allotment provisions of Article 7 of the 1855 Point-No-Point Treaty, supra, and that the said allotment provisions were intended to inure to the benefit of the individual members of the S'Klallam Tribe and not to the tribe. Accordingly, we find that the 1925 payment is not additional compensation or a payment on the S'Klallam tribal claim for the lands ceded under the 1855 Treaty.

In light of the provision in the 1925 Act requiring the individual S'Klallam Indians before receiving payment to relinquish any claim or claims against the United States, the Commission finds that the 1925 payment was not a gratuitous act on the part of the United States."

Dated at Washington, D. C., this 7th day of June 1972.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner