

BEFORE THE INDIAN CLAIMS COMMISSION

THE SQUAXIN TRIBE OF INDIANS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Docket No. 206
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

Decided: July 31, 1974

ADDITIONAL FINDINGS OF FACT

The Commission makes the following findings of fact, which are supplemental to the findings numbered 1 through 9, 21 Ind. Cl. Comm. 295 (1969), and findings numbered 10 through 29, 29 Ind. Cl. Comm. 302 (1972), previously entered herein.

30. Course of Dealings

The defendant has asserted offsets in a total amount of \$12,127.51 for gratuitous expenditures made between 1858 and 1958 for the benefit of the plaintiff Squaxin Indians. The course of dealings between the United States and the Squaxin Tribe is not such that would cause us to disallow those of defendant's claimed offsets which are otherwise allowable.

31. Agricultural Aid

Expenditures claimed in this category amount to \$17.65. The disbursements were made during 5 different years and the amounts ranged

from \$0.89 to \$8.60 in any one given year. These gratuitous expenditures were of too small an amount to support an inference that they constituted tribal benefits. They are disallowed.

32. Feed and Care of Livestock

Defendant claims expenditures for the feed and care of livestock in the amount of \$114.74 between 1858 and 1905. The disbursements in given years ranged from \$0.17 to \$32.66. The expenditures under this category are too small to support an inference that a tribal benefit was involved. Therefore, all the offsets claimed in this category are disallowed.

33. Purchase of Livestock

Defendant claims \$57.67 as the plaintiff's proportionate share of \$648.72 spent to purchase livestock. Defendant's representative voucher 0-5 indicates an expenditure was made in 1866 for sheep at a cost of \$971.42. The voucher also reflects that \$753.95 of the \$971.42 was paid under a treaty obligation, leaving a balance of \$217.47 to be considered as an offset. The Commission notes that this representative voucher clearly states, "For one hundred seventy head of stock sheep for the Nisqually Indians resident upon the Nisqually Reservation . . . ." We find this expenditure not to be a tribal benefit for the Squaxin Tribe. Therefore this expenditure is disallowed.

An 1864 expenditure is claimed by defendant for the purchase of livestock in the amount of \$431.25. Of this amount defendant requests

a gratuitous offset for \$38.34 against plaintiff's final award. There are two vouchers that support this expenditure. The first is in the amount of \$187.50, and is for the purchase of one yoke of oxen for the use of "Indians on Nisqually Reservation." The second is in the amount of \$243.75, and is for the purchase of one yoke of oxen for the use of "Indians on Puyallup Reservation." These expenditures constituted tribal benefits. They are allowed.

34. Pay of Interpreters

Defendant has expended \$4,911.10 for interpreters. Based on plaintiff's population to the other Indians party to the Medicine Creek Treaty, defendant requests 8.89 percent of the total expenditure, or \$436.60, as a gratuitous offset against the plaintiff's award. These disbursements were made between 1858 and 1871. The services of interpreters were at least as beneficial to the United States as they were to the plaintiff. Accordingly these expenditures are disallowed as gratuitous offsets.

35. Provisions

Defendant claims expenditures for provisions in the amount of \$163.07. Claimed disbursements were made during four years between 1859 and 1880. Part III, Section B, of the G.A.O. report, in Disbursement Schedule No. 52, indicates that \$60.76 of the \$64.76 claimed by defendant for 1859 was disbursed from the appropriation "Removal and Subsistence of Indians in Washington Territory." We assume that the disbursements were for purposes of removal, and therefore disallow the

claimed expenditure. The remaining disbursement in 1859 is too small to permit the inference that a tribal benefit was conferred. It is disallowed.

The expenditures of \$43.32 in 1869 and \$15.15 in 1870 are too small to permit the inference that a tribal benefit was conferred. We disallow these two expenditures.

The vouchers supporting the expenditures of \$39.83 in 1880 indicate that the goods purchased were delivered to the Nisqually Agency. The 1880 annual report of R. H. Milroy, agent at the Nisqually Agency, indicates that the agency included not only the three reservations upon which the Medicine Creek Treaty tribes resided, but also the Chehalis Reservation, and seven bands or tribes not located on reservations. Under these circumstances, the presumption that plaintiff received 8.89% of the goods purchased during 1880 is rebutted. This expenditure is disallowed.

36. Clothing

Defendant claims a total of \$578.91 in expenditures for the purchase of clothing for plaintiff. Claimed disbursements in this category were made in 1859, 1879, and 1880. Of the claimed amount, \$494.93 was expended in 1859. Part III, Section B, of the G.A.O. report indicates that \$374.62 of this amount was disbursed from the appropriation "Removal and Subsistence of Indians in Washington Territory."

We assume that the disbursement was for purposes of removal. It is disallowed. The remaining \$147.31 disbursed in 1859 constituted a tribal benefit and is allowed.

The remaining expenditures totaling \$83.99 are too small to support an inference that a tribal benefit was involved. **They are disallowed.**

37. Household Equipment and Supplies

The defendant's offset claim for household equipment and supplies totals \$263.28. Defendant expended \$241.81 of this amount in 1859 and the rest in 1880. Part III, Section B, of the G.A.O. report indicates that the entire \$241.81 claimed for 1859 was disbursed from the appropriation "Removal and Subsistence of Indians in Washington Territory." We assume that the disbursement was for purposes of removal. It is disallowed. The 1880 disbursement is too small to permit the inference that a tribal benefit was conferred. It is disallowed.

38. Hunting and Fishing Equipment

The defendant's claim in this category totaled \$107.08, plaintiff's share of a total expenditure of \$1,204.50. The entire amount was claimed as expended in 1859. Part III, Section B, of the G.A.O. report, however, in Statement No. 30, indicates that a total of only \$13.50 was expended for hunting and fishing equipment for all the tribes party to the Medicine Creek Treaty. Plaintiff's share of this expenditure is far too small to be considered a tribal benefit. This claimed expenditure is therefore disallowed.

39. Indigent Indians - Subsistence

All claimed offsets for various types of gratuities for the benefit of indigent Indians are disallowed since the expenditures were for individual rather than tribal purposes. The amounts listed in this category total \$6,258.05.

40. Expenses, Care and Sale of Timber

Defendant claims expenditures of \$3,911.60 for the care and sale of timber. These expenses were part of those incurred during the period 1922 through 1958 for the reservations under the jurisdiction of the Tahola Agency and the Western Washington Agency. Defendant apportions the total expenditure among the reservations on an acreage basis. The supporting documents for these expenditures indicate that the money went for payment of salaries for forest guards. These employees were primarily a part of the agency or administrative service. Therefore, these expenditures are disallowed.

41. Expenses, Soil and Moisture Conservation

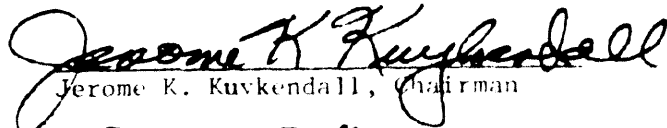
Defendant claims expenditures for soil and moisture conservation in the amount of \$218.87. These expenditures were made during the years 1953, 1954 and 1955. Defendant has not supplied any supporting vouchers, or any other explanation of the nature of these expenditures. In other cases, disbursements under this category were for the salaries of employees, and were disallowed. See, e.g., Mohave Indians v. United States, Dockets 283 and 295, 26 Ind. Cl. Comm. 563, 573 (1971). We find that defendant has not established that these were proper offsets. They are disallowed.

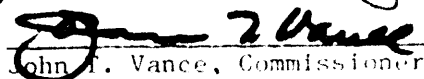
42. Conclusion

In summation, the offsets which the Commission allows are as follows:

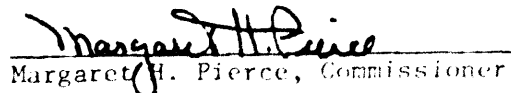
1. Agricultural Aid	\$ - 0 -
2. Feed and Care of Livestock	- 0 -
3. Purchase of Livestock	38.34
4. Pay of Interpreters	- 0 -
5. Provisions	- 0 -
6. Clothing	147.31
7. Household Equipment and Supplies	- 0 -
8. Hunting and Fishing Equipment	- 0 -
9. Expenses, Care and Sale of Timber	- 0 -
10. Expenses, Soil and Moisture Conservation	- 0 -
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Total Offsets	\$185.65

Deducting this amount from the interlocutory award previously entered in the amount of \$7,847.47, the Commission concludes that a final award in the amount of \$7,661.82 should be entered for plaintiff.

  
Jerome K. Kuykendall, Chairman

  
John F. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner