

BEFORE THE INDIAN CLAIMS COMMISSION

THE STEILACOOM TRIBE OF INDIANS,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 208
)	
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 19, 11 Ind. Cl. Comm. 304 (1962), and findings numbered 20 through 42, 29 Ind. Cl. Comm. 481 (1973), previously entered herein.

43. Course of Dealings.

Defendant has asserted offsets in a total amount of \$1,087.61, for gratuitous expenditures made for the benefit of the plaintiff Steilacoom Tribe between 1858 and 1905. The course of dealings between the United States and the Steilacoom Tribe has not been such that would cause the Commission to disallow those of defendant's claimed offsets which are otherwise allowable.

44. Agricultural Aid.

Defendant claims a total of \$11.03 in expenditures for agricultural aid for plaintiff. The disbursements were made during five different years, and the amounts ranged from \$.56 to \$5.38 in any given

year. These expenditures were of too small an amount to support an inference that they constituted tribal benefits. They are disallowed.

45. Feed and Care of Livestock.

Defendant claims expenditures for the feed and care of livestock in the amount of \$71.76 between 1858 and 1905. The disbursements in given years ranged from \$.11 to \$20.42. The expenditures in this category are too small to support an inference that a tribal benefit was conferred. These expenditures are therefore disallowed.

46. Purchase of Livestock.

Defendant claims \$36.07 as plaintiff's proportionate share of \$648.72 spent to purchase livestock. The expenditures were made in two separate years. In 1864 defendant disbursed \$431.25 for the purchase of livestock, of which it seeks to offset \$23.98 against plaintiff. In 1866 defendant disbursed \$217.47 for the purchase of livestock, of which it seeks to offset \$12.09 against plaintiff.

The 1864 expenditure is supported by two vouchers. 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.

The 1866 expenditure is supported by a single voucher. The voucher indicates that sheep were being purchased for a total price of

\$971.42. Of the sum, \$753.95 was charged against a treaty appropriation. Defendant seeks to apportion the remaining \$217.47 among the tribes parties to the Medicine Creek Treaty. The voucher indicates that sheep were being purchased "for the Nisqually Indians resident upon the Nisqually Reservation." Such an expenditure on its face does not benefit the Steilacoom Tribe. It is disallowed.

47. Pay of Interpreters.

Defendant claims \$273.06 as plaintiff's share of monies disbursed for the pay of interpreters between 1858 and 1871. The services of interpreters were at least as beneficial to the United States as they were to plaintiff. Accordingly we deny these expenditures.

48. Provisions.

Defendant claims expenditures for provisions in the amount of \$101.99. 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 \$38.00 of the \$40.50 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 support the inference that a tribal benefit was conferred. It is disallowed.

The expenditures of \$27.09 in 1869 and \$9.47 in 1870 were too small to permit the inference that they constituted tribal

benefits. We disallow these two expenditures.

The vouchers supporting the expenditure of \$24.91 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 on which the Medicine Creek Treaty tribes lived, but also the Chehalis Reservation and seven bands or tribes not located on reservations. Under these circumstances, the presumption that plaintiff received 5.56% of the goods purchased during 1880 is rebutted. This expenditure is disallowed.

49. Clothing.

Defendant claims a total of \$362.07 in expenditures for the purchase of clothing for plaintiff. Claimed disbursements were made in 1859, 1879, and 1880. Of the claimed amount, \$309.54 was expended in 1859. Part III, Section B, of the G.A.O. report indicates that \$217.41 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 \$92.13 disbursed in 1859 constituted a tribal benefit and is allowed.

The remaining expenditures were of two small amount to permit the inference that a tribal benefit was conferred. We disallow these.

50. Household Equipment and Supplies.

Defendant claims expenditures for household equipment and supplies in the amount of \$164.66. There were expenditures of \$151.23 in 1859 and

\$13.43 in 1880. Part III, Section B, of the G.A.O. report indicates that the entire \$151.23 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 was too small to permit the inference that a tribal benefit was conferred. It is disallowed.

51. Hunting and Fishing Equipment.

Defendant claims \$66.97 as plaintiff's proportionate share of \$1,207.50 expended for hunting and fishing equipment. However, part III, Section B, of the G.A.O. report, 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 the expenditure is much too small to be considered of tribal benefit. This claimed expenditure is therefore denied.

52. Conclusion.

In summation, the offsets which the Commission allows are the following:

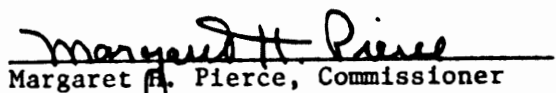
1. Agriculture Aid	\$ 0
2. Feed and Care of Livestock	0
3. Purchase of Livestock	23.98
4. Pay of interpreters	0
5. Provisions	0
6. Clothing	92.13
7. Household Equipment & Supplies	0
8. Hunting and Fishing Equipment	<u>0</u>
Total Offsets Allowed	\$126.11

Deducting this amount from the interlocutory award previously entered in the amount of \$9,272.43, the Commission concludes that a final award in the amount of \$9,146.32 should be entered for plaintiff.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarbrough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner