

BEFORE THE INDIAN CLAIMS COMMISSION

TE-MOAK BANDS OF WESTERN SHOSHONE)	
INDIANS OF NEVADA, suing on)	
behalf of the Western Shoshone)	
Nation of Indians,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 326-A
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER

In its previous ruling on plaintiff's motion for partial summary judgment (23 Ind. Cl. Comm. 70), the Commission reserved two questions:

1. Whether the defendant is liable for interest on the amounts of its shortages in payments to the Western Shoshone Indians under the treaty of October 1, 1863, 18 Stat. 689.
2. Whether the defendant is liable to the plaintiff for damages on account of the defendant's failure to invest or pay interest upon the fund known as "Indian Moneys, Proceeds of Labor" during the period from 1883 to 1930.

The parties having submitted extensive briefs and historical exhibits on the reserved questions, and oral argument having been held, the Commission proceeded to consider the same. Whereupon, for the reasons set forth in the opinion this day entered herein,

IT IS ORDERED that the first question stated above is answered in the negative, and the plaintiff's motion for partial summary judgment is denied to the extent that it seeks relief inconsistent with such answer.

IT IS FURTHER ORDERED that the second question stated above is answered in the affirmative, and the plaintiff's motion for partial summary judgment is granted, to the extent stated in the accompanying opinion, insofar as it seeks damages for the plaintiff's failure to invest the principal and accumulated interest of plaintiff's IMPL funds.

IT IS FURTHER ORDERED that the order herein of April 29, 1970, 23 Ind. Cl. Comm. 86, is hereby vacated insofar as it requires the defendant generally to furnish an up-to-date accounting.

IT IS FURTHER ORDERED that the defendant's "Motion to Require Plaintiffs to File More Definite Statement of Continuing Wrongdoings Requiring an Accounting Beyond June 30, 1951", filed March 6, 1973, is denied without prejudice.


IT IS FURTHER ORDERED that the defendant's "Motion to Dismiss for Lack of Jurisdiction", filed April 11, 1973, is denied.

IT IS FURTHER ORDERED that the attorneys for the parties hereto, accompanied by the parties' accountants, together with the attorneys and accountants for the Mescalero Apache Tribe, plaintiff in Docket 22-G, meet at a mutually convenient time and place within 30 days of the date of this order and discuss what further information should be supplied by the Government, and in what form to enable the Commission to complete adjudication of this case in accordance with the opinion accompanying this order. The parties are further ordered to file with the Commission, within 45 days of the date of this order, a joint statement summarizing their discussions and stating what is agreed upon and what, if anything, remains in disagreement.

Dated at Washington, D. C., this 4th day of October 1973.



John T. Vance, Commissioner



Margaret H. Pierce, Commissioner



Brantley Blue, Commissioner