

BEFORE THE INDIAN CLAIMS COMMISSION

THE THREE AFFILIATED TRIBES OF THE)	
FORT BERTHOLD RESERVATION, to wit,)	
the Arikara, the Gros Ventre, and)	
Mandan Tribes of Indians, an Indian)	
Reorganization Act Corporation, in)	
its own behalf and on behalf of the)	
ARIKARA, MANDAN AND GROS VENTRE)	
TRIBES OF INDIANS,)	
)	
)	
Plaintiff,)	
v.)	Docket No. 350-G
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INTERLOCUTORY ORDER

UPON CONSIDERATION of plaintiff's motions for supplemental accounting and for partial summary judgment, and defendant's opposition thereto; and defendant's motions to strike and to dismiss, and plaintiff's opposition thereto; and for the reasons stated in our opinion,

IT IS ORDERED that defendant's motion to strike plaintiff's exceptions 35, 36, and 37, be, and hereby is denied; and

IT IS FURTHER ORDERED that defendant's motion to dismiss plaintiff's 38th exception be granted, and plaintiff's said exception is hereby dismissed;

IT IS FURTHER ORDERED that the 1961 accounting report of record in Docket 350-F be, and the same is hereby, admitted in evidence in the instant docket.

IT IS FURTHER ORDERED that plaintiff's motion for an up-to-date supplemental accounting be, and the same is hereby, denied without prejudice;

IT IS FURTHER ORDERED that plaintiff's motion for supplemental accounting for property other than money be, and the same is hereby, granted to the extent provided in our opinion, as relates to:

1. all leasing undertakings challenged in exceptions 24, 32, and 33;
2. all rights-of-way grants over plaintiff's lands challenged in exceptions 12, 25, 26, and 27;

3. coal deposits reserved from allotment challenged in exception 14;
4. classifications of lands as mineral and non-mineral challenged in exception 15;
5. assets of real property purchased with plaintiff's funds challenged in exception 16;
6. delivery of goods and rendering of services, and the value of goods damaged, spoiled or misdelivered, challenged in exceptions 21 and 22;

and denied in all other respects;

IT IS FURTHER ORDERED that plaintiff's motion for supplemental accounting for funds be, and the same is hereby, granted to the extent provided in our opinion, as relates to:

1. transactions which produced IMPL funds;
2. whether funds credited plaintiff represent the entire proceeds derived from transactions producing such funds, or the net proceeds remaining after deduction of administrative or other charges or expenses, and if so, as to the particulars of such deductions;

and denied in all other respects;

IT IS FURTHER ORDERED that plaintiff's motion for supplemental accounting for interest on funds be, and the same is hereby, granted to the extent provided in the opinion, as relates to trust funds held outside the treasury, and denied in all other respects;

IT IS FURTHER ORDERED that plaintiff's motion for partial summary judgment be, and the same is hereby, granted in the full sum of \$2,692.60, as claimed in plaintiff's 4th exception;

IT IS FURTHER ORDERED that, for the reasons stated in our opinion, plaintiff show cause before this Commission on or before July 14, 1975, why the following exceptions or parts of exceptions should not be dismissed from these proceedings:

1. plaintiff's exception 5 relating to a claim for \$4,828.95;
2. plaintiff's exception 8 relating to dissipated funds under 1949 act;

3. the second and third lists of expenditures relating to plaintiff's exception 10, and the agency buildings and repairs item in the fourth list of that exception;
4. plaintiff's exception 11 challenging treaty goods paid for by Indian labor;
5. plaintiff's exception 13 seeking to correct an error by the Court of Claims in determining offsets in a 1930 judgment;
6. plaintiff's exception 18 for additional interest on funds upon which a lesser rate of interest than 5% per annum was paid;
7. plaintiff's exception 36 alleging defendant's failure to account for a full 20 per cent of proceeds of sales of town lots;

IT IS FURTHER ORDERED that, for the reasons stated in our opinion, defendant shall file, on or before July 14, 1975, its response to plaintiff's motion for summary judgment as to plaintiff's exception 10 relating to the 1st and 5th lists therein, and that portion of the 4th list other than agency buildings and repairs; and, its response to plaintiff's supplemental exceptions 35 and 37.

IT IS FURTHER ORDERED that plaintiff's motion for partial summary judgment for lost interest be, and the same is hereby, granted to the extent provided in our opinion, as relates to:

1. interest on unexpended balances of annuity funds;
2. interest on judgment funds;
3. interest on IMPL funds;
4. interest on earned interest and other income;

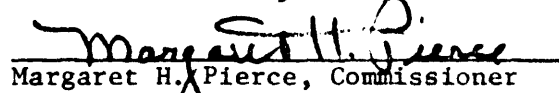
and denied without prejudice in all other respects.

Dated at Washington, D. C., this 29th day of May, 1975


Jerome K. Kuykendall, Chairman


John J. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner