

BEFORE THE INDIAN CLAIMS COMMISSION

THE ASSINIBOINE INDIAN TRIBE,

Plaintiff,

vs.

THE UNITED STATES,

Defendant.

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Docket No. 62

JUN 22 1951

OPINION OF THE COMMISSION

PER CURIAM. On the 27th day of April, 1951, the Commission decided and made its order sustaining the defendant's motion for Summary Judgment and dismissing the petition in the above-entitled cause.

The motion of the defendant was predicated upon a judgment of the Court of Claims, dated December 4, 1933, in case No. J-31 (77 C. Cls. 347) between the same parties who are parties to this action, and upon the same cause of action.

Within the time provided by the Rules of Procedure of the Commission, the plaintiff filed its motion for rehearing and to reopen said case, and for leave to amend its petition, and it appearing to the Commission that there are certain Acts of Congress which might have a bearing upon the aforesaid determination of the Commission, but which were not pleaded or otherwise brought to the attention of the Commission by either of the parties, and were not considered by the Court of Claims in its decision of the case determined by it, and were not considered by the Commission in its disposal of the case.

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In view of the above, and because of the importance of the questions involved, not only in this case but in other cases now pending before the Commission in which the same questions may arise, the Commission is of the opinion that the case should be reconsidered in the light of the legal questions above referred to, and contentions of plaintiff, and that the most effective way to bring all such questions before the Commission for its consideration is to grant a rehearing in said cause, and an order to that effect will accordingly be made.

Dated this 22d day of June, 1951.