

BEFORE THE INDIAN CLAIMS COMMISSION

CLYDE F. THOMPSON, et al. (Indians of California))	Docket No. 31
ERNEST RISLING, et al. (Indians of California))	Docket No. 37
46 BANDS OF MISSION INDIANS)	Docket No. 80
YOKIAH TRIBE OF INDIANS, et al.)	Docket No. 176
YANA TRIBE OF INDIANS)	Docket No. 215
SHASTA TRIBE, et al.)	Docket No. 333
Plaintiffs,)	
v.)	
THE UNITED STATES OF AMERICA,)	
Defendant.)	

Decided: October 6, 1958

Appearances:

Ernest I. Wilkinson,
Robert W. Barker and
Francis M. Goodwin,
Attorneys for Petitioners
in Docket 31

Charles Kasch
Attorney for Petitioners
in Docket 176

Reginald Foster
Attorney for Petitioners
in Docket 37

Milton Fenton
Attorney for Petitioners
in Docket 215

Norman M. Littell,
Attorney for Petitioners
in Docket 80

Laurence A. Schroeder, Jr.
Attorney for Petitioners
in Docket 333

Ralph A. Barney, with whom was
Mr. Assistant Attorney General
Perry W. Morton,
Attorneys for Defendant

OPINION OF THE COMMISSION

O'Marr, Commissioner, delivered the opinion of the Commission.

On March 25, 1958, the Indians of California, Dockets 31 and 37, the Yokiah Tribe, Docket 176, Yana Tribe, Docket 215, Shasta Tribe, Docket 333, and the Mission Bands, Docket 80, filed their joint motion to modify our decision of January 20, 1958, so that the Indians of California "may continue to present and include the claims of Dockets Nos. 80, 176, 215 and 333, as claims of the Indians of California, in accordance with the stipulations between the petitioners" in all of the above numbered dockets.

On July 24, 1958, the Mission Indians, Docket no. 80, filed its separate motion to modify said decision of the Commission for the same purpose.

The Government filed its objection to both motions on April 4, 1958, and August 13, 1958, respectively.

The two motions will be considered together.

On the 6th day of October, 1958, and at their request, we by order merged the claims of the Yokiah, Yana and Shasta tribes with those of the Indians of California for all purposes, including judgment. The Yokiah, Yana and Shasta are, therefore, not interested in said joint motion for they could not now be affected by any modification thereof if any were made. So the only claimants now interested therein are the Mission Bands and the Indians of California.

As to the Mission Bands, Docket 80, aside from the fact that we see no reason for modifying our decision of January 20, 1958, 6 Ind. Cls. Com. 93-97, the lands claimed by those bands have by order of this day been removed from the lands claimed by the Indians of California and they are

now empowered to prosecute their claims therefor without regard to their stipulation with the Indians of California. This arrangement, we believe, is in best interests of the Mission Bands.

Orders overruling the joint motion of March 25, 1958, and the separate motion of the Mission Bands, filed on July 24, 1958, will be entered.

Louis J. O'Marr
Associate Commissioner

I concur:

Wm. M. Holt
Associate Commissioner