

BEFORE THE INDIAN CLAIMS COMMISSION

BANDS OF MISSION INDIANS OF CALIFORNIA,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Docket No. 80-C
	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	

Decided: June 18, 1969

Appearances:

Charles E. Burch, Jr., of Burch,  
Gregory & Platt, Attorney for Plaintiffs.

Byron F. Lindsley of Crabtree & Lindsley,  
Peter Shenas, and Hugo M. Fisher of  
Fisher & Barrett, Of counsel.

Milton E. Bander, with whom was Mr.  
Assistant Attorney General Edwin L.  
Weisl, Jr., Attorneys for Defendant.

OPINION OF THE COMMISSION

Blue, Commissioner, delivered the Opinion of the Commission.

This suit was brought to compel the defendant to render an accounting of valuable real and personal property which the defendant may have acquired with funds offset against the plaintiffs in the matter of Indians of California v. United States, 102 Ct. Cl. 837 (1944). That suit, in which the Court exercised original jurisdiction, was settled by stipulation for approximately \$17 million, less offsets of approximately \$12 million.

The plaintiffs argue that although the valuable property was -- and is -- in the possession of the defendant, when the net judgment resulting from

settlement of the above-cited case was paid, at that moment equitable title vested in the plaintiffs. From this point the plaintiffs argue that any use or disposition of the property by the defendant was tantamount to conversion of the plaintiffs' property. By this suit, the plaintiffs would have the defendant itemize the property, real or personal, the cost of which was offset against the judgment of \$17 million, and account for the disposition or use of such property.

The plaintiffs have not undertaken to demonstrate that in fact any valuable property was acquired by the defendant with funds offset against the plaintiffs in the above-cited suit. The defendant has produced evidence which tends to prove that in fact no such acquisition took place.

This Commission is of the view that the case at bar is without merit, and counsel for both sides concur in this view. Accordingly, this Commission has this date adopted substantially the proposed Findings of the defendant. In the view of this Commission, said Findings set out adequately the facts of the case at bar and warrant dismissal of the case.

So ordered.

Brantley Blue  
Brantley Blue, Commissioner

Concurring:

Jerome K. Kuykendall  
Jerome K. Kuykendall, Chairman

John T. Vance, Commissioner

Richard W. Yarborough  
Richard W. Yarborough, Commissioner

Margaret H. Pierce  
Margaret H. Pierce, Commissioner