

BEFORE THE INDIAN CLAIMS COMMISSION

MINNESOTA CHIPPEWA TRIBE, et al.,)	
)	
RED LAKE BAND AND PETER GRAVES,)	
JOSEPH GRAVES AND AUGUST KING,)	
EX REL. RED LAKE BAND,)	
)	
Plaintiffs,)	
)	Docket Nos. 19, 188, 189-A,
v.)	189-B, and 189-C
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Decided: June 21, 1973

Appearances:

Rodney J. Edwards, Attorney
for Plaintiffs, Marvin J.
Sonosky was on the brief.

Joseph S. Davies, Jr., with
whom was Mr. Assistant Attorney
General Shiro Kashiwa, Attorneys
for Defendant.

OPINION ON PLAINTIFFS' MOTION TO CLARIFY
RECORD CONCERNING CONSOLIDATION OF CASES

Pierce, Commissioner, delivered the opinion of the Commission.

On January 30, 1973, the plaintiffs herein moved that the record be clarified, by vacating the orders of November 29, 1972, insofar as they relate to consolidation. Defendant has not responded to this motion.

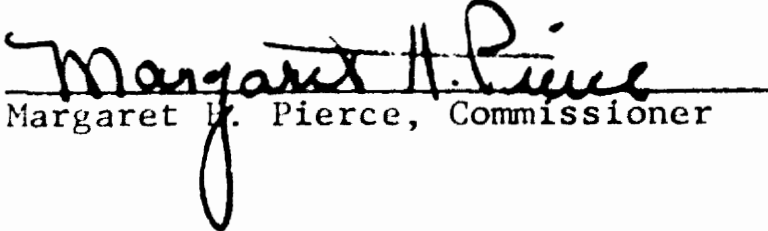
On November 29, 1972, we ordered Dockets 188 and 189-C consolidated for all purposes. Minnesota Chippewa Tribe, et al., v. United States, Docket Nos. 19, 188, 189-A and 189-C, 29 Ind. Cl. Comm. 211, 244. At the same time we ordered Dockets 19 and 189-A consolidated for all purposes. 29 Ind. Cl. Comm. at 242. In a companion case we ordered Docket 189-B consolidated with Dockets 19 and 189-A, also for all purposes. Red Lake Band v. United States, Docket 189-B, 29 Ind. Cl. Comm. 246, 249 (1972).

In the opinions accompanying the aforementioned orders we gave our reasons for these consolidations. To summarize briefly, Dockets 19, 189-A, and 189-B were consolidated for all purposes because they involve substantially identical issues. Dockets 19 and 189-A are claims, by the Minnesota Chippewa Tribe and the Red Lake Band, respectively, for an accounting of all funds received and expended pursuant to the Nelson Act of January 14, 1889, 25 Stat. 642, and amendatory acts (hereinafter collectively referred to as the "Nelson Act"). Docket 189-B is a claim by the Red Lake Band for discovery and accounting of the proceeds of the sale of land and timber in Royce Area 706 made pursuant to the Nelson Act.^{*/} These three dockets logically belong together. All three are Nelson Act claims, and they should be considered together.

^{*/} As noted in our opinion on November 29, 1972, this claim appears to be included in Docket 189-A, 29 Ind. Cl. Comm. 246, 248.

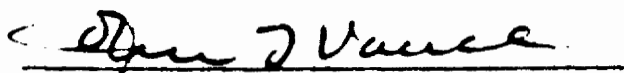
Dockets 188 and 189-C are also related. They are claims by the Minnesota Chippewa Tribe and the Red Lake Band for a general accounting of all property and money, except that received or expended pursuant to the Nelson Act.

The prior orders of consolidation to which plaintiffs have referred were all made for the limited purpose of trial. So that there may be no confusion in this matter we shall now vacate the previous consolidation orders. If it appears desirable that these cases proceed to trial at the same time, the parties may so request. Further, if at any time it appears that there are other overlaps or potential overlaps, motions may be made for further consolidation. For now we shall proceed with two cases--one an accounting for property and funds received and expended pursuant to the Nelson Act (Dockets 19, 189-A, and 189-B), and the other for all property and money received and expended other than pursuant to the Nelson Act (Dockets 188 and 189-C).


Margaret H. Pierce, Commissioner

We concur:

Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Brantley Blue, Commissioner