

## 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.	)	

ORDER DISMISSING EXCEPTION 18

At an informal conference between the parties in this docket held July 2, 1976, among the matters discussed was the need for a corrective order dismissing plaintiff's 18th exception to defendant's accounting report, which dismissal had been inadvertently omitted from our interlocutory order of December 18, 1975, 37 Ind. Cl. Comm. 129, 136, in this docket; and, whether United States v. Mescalero Apache Tribe, 209 Ct. Cl. 369 (1975), rev'g Te-Moak Tribe v. United States, Dockets 326 and 22-H, 31 Ind. Cl. Comm. 427 (1973), should be made the law of the case in this docket on the question of the duty of the defendant to make funds held in trust for the plaintiff productive of income. It was suggested that the defendant propose an order in this regard.

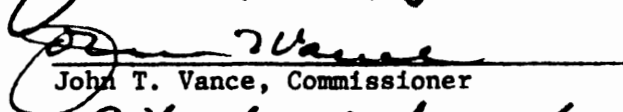
The defendant subsequently submitted a proposed opinion and order informally to the Commission with a cover letter. Defendant sent a copy of its proposed opinion and order to plaintiff without a copy of its cover letter attached. The plaintiff mistakenly assumed that the proposed documents came from the Commission, and, on August 3, 1976, filed for record a pleading commenting upon and objecting to defendant's proposal. On August 16, 1976, the defendant filed for record a response to plaintiff's August 3 filings, and on August 19, 1976, plaintiff filed for record a reply to defendant's response. The Commission then filed for record defendant's original proposal, including the cover letter, so that the pleadings would be complete and comprehensible.

Considering the foregoing, the Commission concludes that there is objection to conforming this docket to the results of Mescalero Apache, supra, at this time; and that neither party objects to a corrective order amending our December 18, 1975 order dismissing plaintiff's 18th exception. Therefore,

IT IS ORDERED that our interlocutory order of December 18, 1975, be, and the same hereby is, amended so as to include the dismissal of the plaintiff's 18th exception, the said order to remain unchanged in all other respects; and that the said 18th exception is hereby dismissed from these proceedings.

Dated at Washington, D. C. this 17th day of February 1977.

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

  
Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner