

**INDEX
TO
INDIAN CLAIMS
COMMISSION
DECISIONS
INCLUDES 1976 SUPPLEMENT**



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INDEX TO THE INDIAN CLAIMS COMMISSION DECISIONS

FORWARD

The Native American Rights Fund, a legal program devoted to the assertion and protection of Indian rights, began developing the concept of the National Indian Law Library in the fall of 1971. In the past, no person or institution has been aware of all of the lawsuits affecting Indians nor has there been any concerted effort at communicating the existence of such suits or other significant developments in Indian law. This has been particularly detrimental to the restoration of Indian rights because the efforts of those few attorneys who have been involved have been uncoordinated and the results, often even the existence, of Indian litigation have not been known generally to others working in the field.

Today the National Indian Law Library, operating under a grant from the Carnegie Corporation of New York, is a repository and a clearinghouse for Indian law. The Library collects, catalogues and makes available to tribes, legal services programs and lawyers information on Indian litigation and related issues.

In November of 1971 the Indian Claims Commission authorized the Native American Rights Fund to publish the Decisions of the Indian Claims Commission, which have never before been indexed or made available to the public. In addition to being of immediate interest to tribes represented before the Commission, these decisions contain a wealth of information on the development of Indian law and the

history of relations between Indian tribes and the federal government. The Library believes the Decisions of the Indian Claims Commission are a valuable resource for tribes, attorneys and scholars.

CONTENTS

FORWARD	vii
CONTENTS	ix
INTRODUCTION	1
SUBJECT INDEX	4
EXPLANATION AND ANNOTATIONS TO THE SUBJECT INDEX	9
SUMMARY OF SUBJECT INDEX	33
SUBJECT INDEX CITATIONS	35
I-II Creation, Jurisdiction, Responsibilities of the Indian Claims Commission	35
III-V Cause of Action, Accrual of Cause of Action, New Cause of Action Created by Indian Claims Commission Act, Splitting Claims	36
VI-XI Standing Before the Commission, Parties, Successor in Interest	37
XII-XX Claims Considered Under the Indian Claims Commission Act	41
XXI-XXIII Claims Based on Federal Administration of Indian Affairs, Including Claims for Improper Handling of Indian Monies and Trust Lands	47
XXIV-XXVI Federal Trust Obligations, Trade and Intercourse Act	49
XXVII-XXXI Title, Aboriginal Title, Recognized Title, Land Grants, Survey Errors	51
XXXII-XXXV Hunting, Fishing, Mineral, Timber and Water Rights	55
XXXVI-XL Treaties and Agreements Between the United States and Indians	57
XLI-L Land Valuation	61
LI-LX Offsets and Credits, Interest, Apportionment of Award	70

LXI-LXIII	Attorneys	75
LXIV	Expert Witnesses and Research Expenses.	76
LXV	Res Judicata and Estoppel	77
LXVI	Evidence	78
LXVII-LXIX	Procedure	79
TABLE OF DOCKET NUMBERS		82
TRIBAL INDEX		108

INDEX TO THE INDIAN CLAIMS COMMISSION DECISIONS

INTRODUCTION

The Indian Claims Commission was created by the Act of August 13, 1946 (605 Stat. 1060, 25 U.S.C. §70a *et seq.*) to hear claims of "any Indian tribe, band, or other identifiable group of American Indians" against the United States. The Act provides broad grounds for recovery, including claims based on "unconscionable consideration" for tribal lands which were taken and "claims based on fair and honorable dealing not recognized by any existing rule of law or equity."

Prior to the passage of the Indian Claims Commission Act, there was no forum for most of these claims except for those few which had been heard under special jurisdictional acts passed by the United States Congress which granted jurisdiction to the Court of Claims to hear claims of specific tribes.

The Indian Claims Commission was given jurisdiction over claims accruing through August 13, 1946. By the filing deadline (August 13, 1951) 370 original petitions had been filed and assigned docket numbers. Many of these petitions contained several claims and were broken down into separate dockets bringing the total number of dockets to be considered to 610.

The Commission was originally established for a ten year period, five years in which to file the claims and five years in which to hear them. However, the Commission's life has since been extended four times. The most recent five year extension will end on April 10, 1977. In its

1972 Annual Report the Commission reported that 168 of the 610 dockets have been dismissed, 188 settled with money judgments totalling over \$408,800,000 and that 254 dockets still remain to be finally adjudicated.

The purpose of the Indian Claims Commission Decisions Index is to provide access for purposes of legal research to those claims filed before the Indian Claims Commission which have been heard and decided. A special subject index was developed by the Native American Rights Fund to identify claims according to areas of Indian law. Each claim filed before the Commission has been catalogued under one or more of these subject areas. The Index is divided into three main sections providing access by subject areas of Indian law, by tribe, and by the Commission's own docket numbers.

This first edition of the Indian Claims Commission Decisions Index covers the decisions of the Commission beginning with Volume 1 and ending with Volume 29. It includes all of the decisions handed down up through March 1973. The Index will be updated annually by pocket part until 1977. At that time a second revised edition will be published.

SUBJECT INDEX

INDIAN CLAIMS COMMISSION

SUBJECT INDEX

- I. Indian Claims Commission, Congressional Intent in Creating, Responsibilities of
- II. Indian Claims Commission, Jurisdiction Generally
- III. Cause of Action: Accrual of Cause of Action, Statute of Limitations, Time for Filing
- IV. Cause of Action: New Cause of Action Created by Indian Claims Commission Act
- V. Cause of Action: Trying a Single Cause of Action "Piece-meal"
- VI. Standing: "Identifiable Group" of Indians
- VII. Standing: Claims of Individual Indians
- VIII. Standing: Intervention and Interveners
- IX. Standing: Change, Addition, Deletion, Division or Consolidation of Parties
- X. Standing: Successor in Interest, Identification
- XI. Standing: Successor in Interest, Representation
- XII. Claims Considered: "claims in law or equity arising under the Constitution, laws, treaties of the United States, and Executive orders of the President;" 25 U.S.C. §70a(1)
- XIII. Claims Considered: Claim arising "in law or equity, including those sounding in tort, with respect to which the claimant would have been entitled to sue in a court of the United States if the United States was subject to suit;" 25 U.S.C. §70a(2)
- XIV. Claims Considered: "claims which would result if the treaties, contracts, and agreements between the claimant and the United States were revised on the ground of fraud,..." 25 U.S.C. §70a(3)
- XV. Claims Considered: "claims which would result if the treaties, contracts, and agreements between the claimant and the United States were revised on the ground of..., duress,..." 25 U.S.C. §70a(3)

- XVI. Claims Considered: "claims which would result if the treaties, contracts, and agreements between the claimant and the United States were revised on the ground of,..., ..., unconscionable consideration,..." 25 U.S.C. §70a(3)
- XVII. Claims Considered: "claims which would result if the treaties, contracts, and agreements between the claimant and the United States were revised on the ground of,..., ..., mutual or unilateral mistake whether of law or fact,..." 25 U.S.C. §70a(3)
- XVIII. Claims Considered: "claims which would result if the treaties, contracts, and agreements between the claimant and the United States were revised on the ground of,..., ..., or any other ground cognizable by a court of equity;" 25 U.S.C. §70a(3)
- XIX. Claims Considered: "claims arising from the taking by the United States, whether as the result of a treaty of cession or otherwise, of lands owned or occupied by the claimant without the payment for such lands of compensation agreed to by the claimant;" 25 U.S.C. §70a(4)
- XX. Claims Considered: "claims based upon fair and honorable dealings that are not recognized by any existing rule of law or equity." 25 U.S.C. §70a(5)
- XXI. Administration of Indian Affairs (demands for general accounting, improper handling of Indian monies, improper enrollment, mishandling of contracts made with tribe, etc.)
- XXII. Administration of Indian Affairs: Supervision of Land Sales and Leases
- XXIII. Administration of Indian Affairs: Accounting Claims
- XXIV. Federal Trust and Fiduciary Obligations (see also XL. Treaties and Agreements: Fulfillment of Terms of Treaty or Agreement)
- XXV. Federal Trust and Fiduciary Obligations: Liability for acts of others
- XXVI. Trade and Intercourse Act
- XXVII. Original Indian Title or Aboriginal Title and Exclusive Use and Occupancy

- XXVIII. Original Indian Title: Political Division, Joint Occupancy
- XXIX. "Recognized," "Treaty," "Reservation," or "Acknowledged" Title
- XXX. Land Interest Granted or Recognized by Spain, Mexico, or Russia
- XXXI. Survey Error
- XXXII. Hunting and Fishing Rights or Interests
- XXXIII. Mineral Rights or Interests
- XXXIV. Timber Rights or Interests
- XXXV. Water Rights or Interests
- XXXVI. Treaties and Agreements Between United States and Indians, Generally
- XXXVII. Treaties and Agreements: Ratification or Amendment of Treaty or Agreement by Congress
- XXXVIII. Treaties and Agreements: Parties to Treaty or Agreement
- XXXIX. Treaties and Agreements: Boundaries Involved in Treaty or Agreement
- XL. Treaties and Agreements: Fulfillment of Terms of Treaty or Agreement
- XLI. Land Valuation, Generally ("Fair Market Value," "Best and Highest Use," etc.)
- XLII. Land Valuation: Date of Valuation or of Taking
- XLIII. Land Valuation: Agricultural Value
- XLIV. Land Valuation: Grazing
- XLV. Land Valuation: Hunting and Fishing
- XLVI. Land Valuation: Improvements
- XLVII. Land Valuation: Mineral Rights
- XLVIII. Land Valuation: Natural Water Ways
- XLIX. Land Valuation: Timber

- L. Land Valuation: Transportation Routes, Land and Water
- LI. Offsets and Credits, Generally
- LII. Offsets and Credits: "Benefit of Claimant"
- LIII. Offsets and Credits: "Entire Course of Dealings" or "Good Conscience" Clause
- LIV. Offsets and Credits: Depredation Judgments
- LV. Offsets and Credits: Payments on the Claim
- LVI. Offsets and Credits: Relief Payments to Individual Indians
- LVII. Offsets and Credits: Removal Expenses
- LVIII. Offsets and Credits: Reservations
- LIX. Interest on the Claim
- LX. Apportionment of Award
- LXI. Attorney's Fees and Expenses
- LXII. Attorney's Contracts, Generally
- LXIII. Attorney's Contracts: Approval of
- LXIV. Expert Witnesses and Research Expenses
- LXV. Res Judicata and Estoppel
- LXVI. Evidentiary Problems
- LXVII. Amended or Consolidated Pleadings and Motions
- LXVIII. Compromise Settlements
- LXIX. Rehearing or Reconsideration

EXPLANATION AND ANNOTATIONS TO
THE SUBJECT INDEX

The decisions of the Indian Claims Commission are generally filed chronologically. With the "Opinion" on a given date will be the "Findings of Fact", if there are any, and any "Orders" which followed the opinion. Many orders, a few opinions, and a few findings of fact were never given page numbers particularly in the early volumes. The Native American Rights Fund edition of the reports has included chronologically some of these missing orders and all of the missing opinions and findings.

While Commission cases cover a wide variety of wrongs, most of them involve compensation for land. Much of the Commission's time is spent considering historical and anthropological evidence in order to determine the value of and title to tribal lands in the 18th and 19th centuries. Only occasionally do legal questions of the nature or implications of a claim arise. As a result, even though only the opinions are indexed, many of the citations in the index represent factual determinations of whether or not legal standards are met. Where the Commission discusses a strictly legal question or sets some precedent, the citation has been highlighted with an asterisk. To be sure of covering a topic, however, all the citations under the category should be referred to.

The subject index is organized roughly in order of: creation and jurisdiction of the Commission, standing of parties before the Commission, basis of claims in the Indian Claims Commission Act, property title, land valuation, offsets, and attorneys' fees and litigation

expenses. This parallels the order in which issues come before the Commission and reflects the fact that the Commission has been primarily occupied with land claims.

While some of the index categories are self-explanatory, others represent problems peculiar to the Indian Claims Commission. The annotations that follow explain how each category was used in the indexing and how it relates to other categories in the index. Like the citations, these annotations may be revised following new decisions by the Commission.

I. INDIAN CLAIMS COMMISSION, CONGRESSIONAL INTENT IN CREATING, RESPONSIBILITIES OF

...the primary objective of the Act was to provide a tribunal where and by which all of the claims against the United States, based on grounds defined in the Act, on behalf of any Indian tribe, band, or other identifiable group of American Indians residing within the territorial limits of the United States or Alaska, would be fairly heard and determined finally and for all time. (8 Ind. Cl. Comm. 410)

II. INDIAN CLAIMS COMMISSION, JURISDICTION GENERALLY

The Indian Claims Commission Act provides broad jurisdiction over a wide variety of claims. These run,

...all the way from securing of treaties and contracts with Indians by fraudulent or forceful means, failure to pay a fair price for lands taken from Indians either by treaty or force, failure to properly and fairly adjudicate Indian claims by some of the Committees, Boards, or Commissions which had been created over the years to help adjudicate Indian claims, trespass on Indian lands by United States agents or by its white citizens, failure to give an honest accounting for monies or other property held in trust by the United States for Indians, failure on the part of the United States in its negotiations with Indians to deal with proper representatives of the Indian tribes in question, to general claims based on the alleged failure of the United States to deal honorably, fairly, and equitably with Indians. (8 Ind. Cl. Comm. 410-411)

Although the Act does not specify what relief the Commission may grant, the Commission has interpreted the Act as limiting the relief to money. (1 Ind. Cl. Comm. 65) The following categories further divide

jurisdiction into III-V Cause of Action, VI-XI Standing and XII-XX Claims Considered.

III. CAUSE OF ACTION: ACCRUAL OF CAUSE OF ACTION, STATUTE OF LIMITATIONS, TIME FOR FILING

The Commission has jurisdiction over claims accruing through August 13, 1946. The filing deadline was August 13, 1951. Amended pleadings must relate back to the original petitions filed before the 1951 deadline. (See also LXVII. Amended or Consolidated Pleadings and Motions.) Under the Act,

All claims under this chapter may be heard and determined by the Commission notwithstanding any statute of limitations or laches.... (25 U.S.C. §70a)

IV. CAUSE OF ACTION: NEW CAUSE OF ACTION CREATED BY INDIAN CLAIMS COMMISSION ACT

Many claims may be brought under the Indian Claims Commission Act, particularly under the "Fair and Honorable Dealings" and the "Unconscionable Consideration" clauses that could not normally be brought in a court of equity.

V. CAUSE OF ACTION: TRYING A SINGLE CAUSE OF ACTION "PIECE-MEAL"

A single cause of action cannot be divided and tried as separate cases.

...determination of a cause of action precludes re-litigation of the same cause of action even though all the relief to which a party is entitled is neither requested or granted. (2 Ind. Cl. Comm. 172)

VI. STANDING: "IDENTIFIABLE GROUP" OF INDIANS

The act gives the Commission jurisdiction over,

...any Indian tribe, band or other identifiable group of American Indians, residing within the territorial limits of the United States or Alaska. (25 U.S.C. §70a)

...the word "Indian" and the phrase "American Indians" as used in the Indian Claims Commission Act are equivalents and that both are generic in nature, used to identify the aborigines of the Continental United States and Alaska....

... Congress did not intend to exclude the Aleuts and Eskimos and include only the other aboriginal inhabitants of our first forty-nine states. (19 Ind. Cl. Comm. 143)

VII. STANDING: CLAIMS OF INDIVIDUAL INDIANS

The jurisdiction of the Commission is

...limited to the consideration of common claims, that is, claims in the subject matter of which the members of the group have a common interest. (1 Ind. Cl. Comm. 131)

VIII. STANDING: INTERVENTION AND INTERVENORS

To intervene in a suit before the Commission,

...the applicant must show a common interest in the claim of the original plaintiff, that the defendant had sufficient notice of the applicant's possible claims and that intervention will not unduly delay the progress of the case. (27 Ind. Cl. Comm. 2-3)

IX. STANDING: CHANGE, ADDITION, DELETION, DIVISION OR CONSOLIDATION OF PARTIES

Addition of plaintiffs not having compensable interest in the original petition amounts to filing a new cause of action and violates the 1951 filing deadline. An unusual instance of a change of plaintiffs is the division of the California Indian claims. (See 6 Ind. Cl. Comm. 666)

X. STANDING: SUCCESSOR IN INTEREST, IDENTIFICATION

XI. STANDING: SUCCESSOR IN INTEREST, REPRESENTATION

After signing agreements ceding their native lands, tribes often moved onto reservations where they merged with other tribes and bands sharing the same reservation. Thus not only who the successor to a claim is but what group is entitled to represent him can become an issue. Section 70i of the Act reads,

Any claim within the provisions of this chapter may be presented to the Commission by any member of an Indian tribe, band, or other identifiable group of Indians as the representative of all its members; but wherever any tribal organization exists, recognized by the Secretary of the Interior as having authority to represent such tribe, band, or group, such organization shall be accorded the exclusive privilege of representing such Indians, unless fraud, collusion, or laches on the part of such organization be shown to the satisfaction of the Commission. (25 U.S.C. §70i)

- XII. CLAIMS CONSIDERED: "CLAIMS IN LAW OR EQUITY ARISING UNDER THE CONSTITUTION, LAWS, TREATIES OF THE UNITED STATES, AND EXECUTIVE ORDERS OF THE PRESIDENT;" 25 U.S.C. §70a(1).
- XIII. CLAIMS CONSIDERED: CLAIM ARISING "IN LAW OR EQUITY, INCLUDING THOSE SOUNDING IN TORT, WITH RESPECT TO WHICH THE CLAIMANT WOULD HAVE BEEN ENTITLED TO SUE IN A COURT OF THE UNITED STATES IF THE UNITED STATES WAS SUBJECT TO SUIT;" 25 U.S.C. §70a(2).
- XIV. CLAIMS CONSIDERED: "CLAIMS WHICH WOULD RESULT IF THE TREATIES, CONTRACTS, AND AGREEMENTS BETWEEN THE CLAIMANT AND THE UNITED STATES WERE REVISED ON THE GROUND OF FRAUD,..." 25 U.S.C. §70a(3).
- XV. CLAIMS CONSIDERED: "CLAIMS WHICH WOULD RESULT IF THE TREATIES, CONTRACTS, AND AGREEMENTS BETWEEN THE CLAIMANT AND THE UNITED STATES WERE REVISED ON THE GROUND OF..., DURESS,..." 25 U.S.C. §70a(3).
- XVI. CLAIMS CONSIDERED: "CLAIMS WHICH WOULD RESULT IF THE TREATIES, CONTRACTS, AND AGREEMENTS BETWEEN THE CLAIMANT AND THE UNITED STATES WERE REVISED ON THE GROUND OF,....., UNCONSCIONABLE CONSIDERATION,..." 25 U.S.C. §70a(3).
- XVII. CLAIMS CONSIDERED: "CLAIMS WHICH WOULD RESULT IF THE TREATIES, CONTRACTS, AND AGREEMENTS BETWEEN THE CLAIMANT AND THE UNITED STATES WERE REVISED ON THE GROUND OF MUTUAL OR UNILATERAL MISTAKE WHETHER OF LAW OR FACT,..." 25 U.S.C. §70a(3).
- XVIII. CLAIMS CONSIDERED: "CLAIMS WHICH WOULD RESULT IF THE TREATIES, CONTRACTS, AND AGREEMENTS BETWEEN THE CLAIMANT AND THE UNITED STATES WERE REVISED ON THE GROUND OF,...., OR ANY OTHER GROUND COGNIZABLE BY A COURT OF EQUITY;" 25 U.S.C. §70a(3).
- XIX. CLAIMS CONSIDERED: "CLAIMS ARISING FROM THE TAKING BY THE UNITED STATES, WHETHER AS A RESULT OF A TREATY OF CESSION OR OTHERWISE, OF LANDS OWNED OR OCCUPIED BY THE CLAIMANT WITHOUT THE PAYMENT FOR SUCH LANDS OF COMPENSATION AGREED TO BY THE CLAIMANT;" 25 U.S.C. §70a(4).
- XX. CLAIMS CONSIDERED: "CLAIMS BASED UPON FAIR AND HONORABLE DEALINGS THAT ARE NOT RECOGNIZED BY ANY EXISTING RULE OF LAW OR EQUITY;" 25 U.S.C. §70a(5).

It is not always possible to tell from reading an opinion under which section or sections of the Act a

claim is being brought. Pages are cited in the Index where a section is discussed either generally or as the basis of a particular claim. These sections, particularly the "fair and honorable dealing" clause, provide very broad grounds for recovery. 25 U.S.C. §70a(5),

To make sure there would be no legitimate Indian claim left without its day in court, a new ground for recovery was added as a catch-all; that ground encompassed all "claims based upon fair and honorable dealings that are not recognized by any existing rule of law or equity". (8 Ind. Cl. Comm. 413)

The phrase,

...if the treaties, contracts, and agreements between the claimant and the United States were revised.... 25 U.S.C. §70a(3),

has been interpreted as permitting the Commission only to,

...go behind the provisions of a treaty and grant relief, and then only by applying equitable principles. We do not believe it was intended to permit us to revise a treaty, for that would be delegating to the Commission legislative powers. (1 Ind. Cl. Comm. 87)

- XXI. ADMINISTRATION OF INDIAN AFFAIRS (DEMANDS FOR GENERAL ACCOUNTING, IMPROPER HANDLING OF INDIAN MONIES, IMPROPER ENROLLMENT, MISHANDLING OF CONTRACTS MADE WITH TRIBE, ETC.)
- XXII. ADMINISTRATION OF INDIAN AFFAIRS: SUPERVISION OF LAND SALES AND LEASES
- XXIII. ADMINISTRATION OF INDIAN AFFAIRS: ACCOUNTING CLAIMS

Included under this category are all claims based on Federal administrative functions. This includes

claims for general accounting, claims charging mismanagement of Indian money and property, and claims arising from Federal supervision of contracts, leases, and treaties made between tribes and third parties. As many of these claims allege either violations of Federal trust responsibilities or violations of fiduciary obligations undertaken in treaties, this category often overlaps with XL. Treaties and Agreements: Fulfillment of Terms of Treaty or Agreement and XXIV. Federal Trust and Fiduciary Obligations. The Commission may hear accounting claims accruing before but running through the August 13, 1946 time bar.

...25 U.S.C. §70a (1964) on its face bars the Commission from considering any claims accruing after August 13, 1946. In a previous interpretation of this section, however, we have said that where the Government's initial wrongdoing giving rise to a claim accruing before August 13, 1946, but continued past this time, the Indian Claims Commission was free to determine the extent of its jurisdiction in framing an award. Gila River Pima-Maricopa Indians, et al. v. United States, 135 Ct. Cl. 180, 186 (1956), 157 Ct. Cl. 941 (1962). We expressed agreement in that case with the established principle that "a court once having obtained jurisdiction of the persons and subject matter of a suit, retains such jurisdiction for all purposes including the awarding of all damages accruing up to the date of judgment." We hereby reaffirm our adherence to this principle and hold the Commission correctly ordered an up-to-date accounting for continuing Government wrongdoings which predated and postdated the statutory time bar. (191 Ct. Cl. at 31)

XXIV. FEDERAL TRUST AND FIDUCIARY OBLIGATIONS (SEE ALSO XL. TREATIES AND AGREEMENTS: FULFILLMENT OF TERMS OF TREATY OR AGREEMENT)

XXV. FEDERAL TRUST AND FIDUCIARY OBLIGATIONS: LIABILITY FOR ACTS OF OTHERS

A trust relationship between the Government and a tribe may arise in a number of ways, including obligations undertaken in a treaty, in supervising a treaty or land sale, or arising under the Trade and Intercourse Act. The relationship between Indian tribes and the United States has been discussed in several decisions of the Court of Claims and the Supreme Court. In Creek Nation v. United States, 318 U.S. 629, 642; 63 S. Ct. 784, 87 L. Ed. 1046, the Court said:

Whether or not the legal relationship of guardian and ward exists between a particular Indian tribe and the United States depends, we think, upon the express provisions of the particular treaty, agreement, executive order or statute under which the claim presented arises. It is true that the word "fiduciary" and the expression "guardian-ward relationship" have been used by the courts to describe generally the nature of the relationship existing between the Indians and the Government. However, in the absence of some language in a treaty, agreement or statute spelling out such a relationship, the courts seem to have meant merely that the relationship between the Indians and the Government is "similar to" or "resembles" such a legal relationship and that doubtful language in the treaty or statute under consideration should be interpreted in favor of the weak and dependent Indians. (16 Ind. Cl. Comm. 466)

Before considering the cases which passed upon the question of the Government's fiduciary status in respect to its dealing with the Indians, it should be pointed out that when H. R. 4497 (which was the bill finally passed creating the Indian Claims Commission) passed the House it contained this provision: "The Commission, in determining whether a claimant is entitled to relief on legal grounds, shall apply with respect to the United States the same principles of law as would be applied to an ordinary fiduciary." This provision was eliminated by a Senate Committee on Indian Affairs amendment because, as the Committee explained, "that the United States shall be treated as an ordinary fiduciary has been stricken in the Committee amendments because it seemed that the Commission should be permitted to determine according to the usual principles of law whether the Government was a fiduciary in the particular case involved, and if so, what fiduciary duties were imposed upon it." (Senate Committee on Indian Affairs Report No. 1715, 79th Congress 2nd Session). The bill as so amended passed the Senate. (Cong. Record - Senate, pp. 9343-9345, July 17, 1946). (1 Ind. Cl. Comm. 66-67)

XXVI. TRADE AND INTERCOURSE ACT

...it is the conclusion of the Commission that under the Trade and Intercourse Act the defendant has the obligation to assure that Indian tribes receive conscionable consideration for their lands. Defendant's argument is without merit in attempting to avoid liability because the United States did not participate in twenty-three of the twenty-five treaties with the State of New York. Under the Trade and Intercourse Act it had a duty to participate in these transactions and to protect the plaintiffs' interest. There is sufficient legal authority for the proposition that a fiduciary can be held liable not only for taking improper action concerning property within its care, but also for its failure to act when

action is required on its part. Therefore the United States had a duty to come forth on its own initiative and protect the Oneidas. (26 Ind. Cl. Comm. 145)

XXVII. ORIGINAL INDIAN TITLE OR ABORIGINAL TITLE AND EXCLUSIVE USE AND OCCUPANCY

XXVIII. ORIGINAL INDIAN TITLE: POLITICAL DIVISION, JOINT OCCUPANCY

Original Indian title or Aboriginal Title is a right of occupancy conferred by aboriginal possession. While the Commission grants compensation for aboriginal lands, aboriginal title itself is not fee simple. To establish "aboriginal" or "original Indian title" to a tract of land a tribe must show "exclusive use and occupancy" from "time immemorial" to a "definable area".

...the period of exclusive use and occupancy necessary to develop an original title cannot as a general rule be fixed at any specific number of years....each case must rest more or less on its own facts. (14 Ind. Cl. Comm. 117-118)

Confederated bands or tribes holding lands in common may have trouble establishing "exclusive use". However, the Commission has recognized that the meaning of "exclusive use and occupancy" varies from tribe to tribe. In the aboriginal land claim of the Lummi Tribe in the Puget Sound area the Commission ruled,

...the cultural and economic life of these people cannot be ignored by attempting to fit

them into a pattern similar to that of some eastern Indians.... The criteria for determining group entity in this area must be something less than the political cohesion as known to the tribes of the east. If a group of village entities speak the same dialect, move about more or less together in search of subsistence and retain a hold on the same general area of land for their homes, then by the standards of the Puget Sound Area they should be considered an entity capable of prosecuting a claim and establishing their right thereto as a group. (5 Ind. Cl. Comm. 546)

Again in the Muckelshoot claim the Commission said,

...to deny the Muckleshoot Tribe the right to recover for lands occupied by the villages whose people were so closely associated economically and culturally on the grounds of lack of political cohesion would be to misconstrue the beneficent purpose of Congress in enacting the legislation under which this claim is maintained. (3 Ind. Cl. Comm. 675)

XXIX. "RECOGNIZED," "TREATY," "RESERVATION," OR "ACKNOWLEDGED" TITLE

A tribe may hold its aboriginal lands as well as reservation or other lands by recognized title. All that is necessary is Congressional action, a treaty or statute, recognizing tribal ownership or the right to permanent occupancy of the lands.

Recognized title is the granting to the Indians by Congress of a permanent right of occupancy in lands. ...When Congress has acted to grant or recognize title to land in a particular tribe, that tribe thereafter possesses a right to permanently hold such lands. The precise nature of the right or title thus granted or recognized depends on the wording and intent of Congress. (19 Ind. Cl. Comm. 334)

XXX. LAND INTEREST GRANTED OR RECOGNIZED BY SPAIN, MEXICO, OR RUSSIA

The Commission has held that it cannot provide compensation for Indian lands, title to which had been granted by the Spanish or Mexican governments to private parties.

...valid Spanish and Mexican land grants were private property when the Treaty of Guadalupe Hidalgo was signed in 1848. Hence these lands never became part of the public domain of the United States and are immune from aboriginal Indian title claims. (18 Ind. Cl. Comm. 206)

XXXI. SURVEY ERROR

A number of claims before the Commission request compensation for lands lost through the numerous errors in the early surveys of aboriginal and reservation lands.

XXXII. HUNTING AND FISHING RIGHTS OR INTERESTS

XXXIII. MINERAL RIGHTS OR INTERESTS

XXXIV. TIMBER RIGHTS OR INTERESTS

Claims for the value of minerals or timber taken from a reservation or for the value of lost hunting and fishing are much less frequent than claims indexed under XLI-L Land Valuation asserting that the presence of hunting, fishing, mineral and timber should be considered in valuing a tract. Original Indian title

generally conveys the right to hunt and fish and the use of minerals and timber. What, precisely, is conveyed by recognized title depends on, "the wording and intent of Congress." (19 Ind. Cl. Comm. 334)

XXXV. WATER RIGHTS OR INTERESTS

As to defendant's second contention, that the Commission lacks jurisdiction to relitigate plaintiff's water rights, the Commission is of the opinion that it does have jurisdiction to determine the extent of plaintiff's right to the use of the Gila River. It is clear that plaintiff's claim is cognizable under Section 2 of the Indian Claims Commission Act, 25 U.S.C. §70a (1970). It is a claim by an Indian tribe against the United States and it fits within one or more of the types of claim described in clauses (1) through (5) of section 2. (29 Ind. Cl. Comm. 148)

- XXXVI. TREATIES AND AGREEMENTS BETWEEN UNITED STATES AND INDIANS, GENERALLY
- XXXVII. TREATIES AND AGREEMENTS: RATIFICATION OR AMENDMENT OF TREATY OR AGREEMENT BY CONGRESS
- XXXVIII. TREATIES AND AGREEMENTS: PARTIES TO TREATY OR AGREEMENT
- XXXIX. TREATIES AND AGREEMENTS: BOUNDARIES INVOLVED IN TREATY OR AGREEMENT
- XL. TREATIES AND AGREEMENTS: FULFILLMENT OF TERMS OF TREATY OR AGREEMENT

Ratified treaties are the

"supreme law of the land" and ... no tribunal has the power to go behind them and declare them inoperative in any respect any more than it can go behind an Act of Congress or declare it inoperative.... (1 Ind. Cl. Comm. 80)

Not only must a treaty be ratified by Congress to be valid, but

The Supreme Court has repeatedly held that Congress is authorized to modify provisions of previously executed treaties. (3 Ind. Cl. Comm. 471)

...an Indian tribe obtains no legal right from a treaty to which it is not a contracting party. The Sac and Fox Tribe of Indians of Oklahoma, et al., v. the United States, Appeal No. 1-61, decided April 5, 1963.

...while the title to tribal property or funds is in the tribe, they are held for the common use and benefit of all its members; in fact, the members are usually treated by the Government as communal owners.... Therefore, when the individual members of a tribe are given an opportunity to consider a proposal and express their approval by a majority of them signing such an agreement affecting tribal property, we believe this majority should be considered, in effect, as acting on behalf of and representative of the tribe just as effectively as chiefs or an elected council.... (2 Ind. Cl. Comm. 226)

- XLII. LAND VALUATION, GENERALLY ("FAIR MARKET VALUE," "BEST AND HIGHEST USE," ETC.)
- XLIII. LAND VALUATION: DATE OF VALUATION OR OF TAKING
- XLIV. LAND VALUATION: AGRICULTURAL VALUE
- XLV. LAND VALUATION: GRAZING
- XLVI. LAND VALUATION: HUNTING AND FISHING
- XLVII. LAND VALUATION: IMPROVEMENTS
- XLVIII. LAND VALUATION: MINERAL RIGHTS
- XLIX. LAND VALUATION: NATURAL WATER WAYS
- XLIX. LAND VALUATION: TIMBER

L. LAND VALUATION: TRANSPORTATION ROUTES, LAND AND WATER

For the most part the Commission makes awards only of money and only for property losses. (1 Ind. Cl. Comm. 65, 26 Ind. Cl. Comm. 281) The Commission bases its awards on the "fair market value" of a tract at the date it was taken. In valuing land claims the Commission takes into consideration the valuation date, agriculture, grazing, hunting and fishing, improvements, minerals, water, timber, transportation, pressures from settlers, other lands available in the area, and government land prices.

- LI. OFFSETS AND CREDITS, GENERALLY
- LII. OFFSETS AND CREDITS: "BENEFIT OF CLAIMANT"
- LIII. OFFSETS AND CREDITS: "ENTIRE COURSE OF DEALINGS" OR "GOOD CONSCIENCE" CLAUSE
- LIV. OFFSETS AND CREDITS: DEPRECIATION JUDGMENTS
- LV. OFFSETS AND CREDITS: PAYMENTS ON THE CLAIM
- LVI. OFFSETS AND CREDITS: RELIEF PAYMENTS TO INDIVIDUAL INDIANS
- LVII. OFFSETS AND CREDITS: REMOVAL EXPENSES
- LVIII. OFFSETS AND CREDITS: RESERVATIONS

Under the Act,

"...the Commission shall make appropriate deductions for all payments made by the United States on the claim, and for all other offsets, counterclaims, and demands that would be allowable in a suit brought in the Court of Claims under Section 250 of Title 28; the Commission may also inquire into and consider all money or property

given to or funds expended gratuitously for the benefit of the claimant and if it finds that the nature of the claim and the entire course of dealings and accounts between the United States and the claimant in good conscience warrants such action, may set off all or part of such expenditures against any award made to the claimant,.... (25 U.S.C. §70a).

The Act goes on to list exceptions, including expenditures for education, health, administrative purposes, or for

...removal of claimant from one place to another at the request of the United States.... (25 U.S.C. §70a).

To be "gratuitous" an offset must not be part of the terms of a treaty and it must have been made for the "benefit of the claimant" and not for individuals or for other parties. The category, LIII. Offsets and Credits: "Entire Course of Dealings" or "Good Conscience" Clause, refers to the requirement that in establishing offsets

...the burden is placed on the defendant of proving that the entire history of the United States - claimant's relationship, including the nature of the claim sued on, contains no overall fatal taint barring a finding that "in good conscience" gratuities should be allowed. (26 Ind. Cl. Comm. 25-26)

Of the other categories, LIV. Offsets and Credits: Depredation Judgments refers to the infrequent judgments outstanding against tribes for attacks on settlers or destruction of non-Indian property. LV. Offsets and Credits: Payments on the Claim refers to possible

legitimate payments the United States may have made on the claim. LVI. Offsets and Credits: Relief Payments to Individual Indians are not allowable as offsets as they are not payments made for the benefit of the tribe. LVII. Offsets and Credits: Removal Expenses are specifically excepted from allowable offsets by the Act and LVIII. Offsets and Credits: Reservations may or may not constitute legitimate offsets depending on the terms of the agreements or acts creating them.

LIX. INTEREST ON THE CLAIM

The Commission rarely, if ever, awards interest on aboriginal title claims, and, unless expressly provided for by statute, interest is not generally available on any claims against the United States. One exception is a taking entitling the claimant to "just compensation" under the Fifth Amendment. Another exception is interest sought as damages and not as interest on an award. For example, the United States might obligate itself in a treaty to invest certain funds on behalf of a tribe. Interest on these funds would not be interest on the claim, but rather part of the claim itself.

LX. APPORTIONMENT OF AWARD

...we should note that the Commission has no jurisdiction to determine how an award is to be paid or precisely who can participate in an award. This is for Congressional and administrative determination. (23 Ind. Cl. Comm. 319)

However, in determining a plaintiff's standing, the Commission often rules on who the successors to a particular claim may be. (See X. Standing: Successor in Interest, Identification, and XI. Standing: Successor in Interest, Representation.)

LXI. ATTORNEY'S FEES AND EXPENSES

The fees of such attorney or attorneys for all services rendered in prosecuting the claim in question, whether before the Commission or otherwise, shall, unless the amount of such fees is stipulated in the approved contract between the attorney or attorneys and the claimant, be fixed by the Commission at such amount as the Commission, in accordance with standards obtaining for prosecuting similar contingent claims in courts of law, finds to be adequate compensation for services rendered and results obtained, considering the contingent nature of the case, plus all reasonable expenses incurred in the prosecution of the claim; but the amount so fixed by the Commission, exclusive of reimbursements for actual expense, shall not exceed 10 per centum of the amount recovered in any case. (25 U.S.C. §70n)

LXII. ATTORNEY'S CONTRACTS, GENERALLY

LXIII. ATTORNEY'S CONTRACTS: APPROVAL OF

With the exception of tribes organized under 25 U.S.C. §476, tribes bringing claims before the

Commission must have attorney's contracts approved as outlined under 25 U.S.C. §§81, 82-84. (25 U.S.C. §70q). However, the Commission has ruled that an approved attorney's contract is not required for tribes intervening in Commission cases. (22 Ind. Cl. Comm. 7)

LXIV. EXPERT WITNESSES AND RESEARCH EXPENSES

Witnesses subpoenaed [sic] to testify or whose depositions are taken pursuant to this chapter, and the officers or persons taking the same, shall severally be entitled to the same fees and mileage as are paid for like services in the courts of the United States. (25 U.S.C. §70q)

LXV. RES JUDICATA AND ESTOPPEL

...the following legislative history of the enactment creating the Commission, which was introduced as H. R. 4497, plainly shows a purpose to exclude from consideration by the Commission any claim by the same parties which has been decided on its merits by any court of the United States. (1 Ind. Cl. Comm. 4-5)

However, the Indian Claims Commission Act has in many cases created new grounds for recovery not barred by doctrines of res judicata and estoppel. (See also IV. Cause of Action: New Cause of Action Created by the Indian Claims Commission Act.)

LXVI. EVIDENTIARY PROBLEMS

Much of the evidence presented to the Commission is historical and anthropological and the Commission often has to rule on the conflicting testimony of expert witnesses.

The purpose of submitting the reports and testimony of real estate appraisers is to aid the Commission in making this determination. The determination itself, however, is to be made by the Commission on the facts established by the evidence.... The appraisal can only be properly evaluated by giving consideration to the qualifications of the witness and in the light of the true facts upon which based.
(4 Ind. Cl. Comm. 401-402)

LXVII. AMENDED OR CONSOLIDATED PLEADINGS AND MOTIONS

The requirements for filing amended pleadings are outlined in 25 C.F.R. §503.13. Amendments filed after the 1951 filing deadline cannot set out a new cause of action not contained in the original petition.

LXVIII. COMPROMISE SETTLEMENTS

Compromise settlements must be approved by the petitioners and their attorneys, the Attorney General, the Secretary of the Interior, and the Commission.

(8 Ind. Cl. Comm. 417-419)

...no specific procedures governing the presentation of compromises of claims to the Commission, or how it shall proceed to a determination of compromises when they are presented are outlined in the Act or in the General Rules of Procedure adopted by Commission.

In view of the legislative history of the Act creating the Commission it appears that we must give more than a perfunctory consideration to proposed compromises; a mere rubber stamping of the agreements will not do. Also, it is conceivable that there may be some compromises which the Commission would feel duty bound to disapprove. (8 Ind. Cl. Comm. 409)

LXIX. REHEARING OR RECONSIDERATION

A motion for re-hearing shall be founded upon one or more of the following grounds: First, error of fact; second, error of law; and third, newly discovered evidence. (25 C.F.R. §503.33(b) (1973))

INDIAN CLAIMS COMMISSION DECISIONS

SUMMARY OF SUBJECT INDEX

- I-II Creation, Jurisdiction, Responsibilities of the Indian Claims Commission
- III-V Cause of Action, Accrual of Cause of Action, New Cause of Action Created by Indian Claims Commission Act, Splitting Claims
- VI-XI Standing Before the Commission, Parties, Successor in Interest
- XII-XX Claims Considered Under the Indian Claims Commission Act
- XXI-XXIII Claims Based on Federal Administration of Indian Affairs, Including Claims for Improper Handling of Indian Monies and Trust Lands
- XXIV-XXVI Federal Trust Obligations, Trade and Intercourse Act
- XXVII-XXXI Title, Aboriginal Title, Recognized Title, Land Grants, Survey Errors
- XXXII-XXXV Hunting, Fishing, Mineral, Timber and Water Rights
- XXXVI-XL Treaties and Agreements Between the United States and Indians
- XLI-L Land Valuation
- LI-LX Offsets and Credits, Interest, Apportionment of Award
- LXI-LXIII Attorneys
- LXIV Expert Witnesses and Research Expenses
- LXV Res Judicata and Estoppel
- LXVI Evidence
- LXVII-LXIX Procedure

SUBJECT INDEX CITATIONS

I. INDIAN CLAIMS COMMISSION, CONGRESSIONAL INTENT IN CREATING, RESPONSIBILITIES OF

1:3-10*, 65-66*
2:147, 152, 686-688*
3:269-270
8:410-413*
9:95*
10:217
13:38-39*
14:200-201*
20:182, 401-402*
26:281-292, 294-300*
28:438

II. INDIAN CLAIMS COMMISSION, JURISDICTION GENERALLY

1:65-66*
3:414
4:79-80*
5:620-625
6:231-233
7:163-164
10:190-194, 372-375
12:136-139
15:371-372
19:141-148*
25:103*, 282-283
26:17-19, 281-283, 286-287, 292, 294-300*, 423-425, 435-438
28:427-428*, 438-439
29:148

III. CAUSE OF ACTION: ACCRUAL OF CAUSE OF ACTION,
STATUTE OF LIMITATIONS, TIME FOR FILING

2:230b-230c, 230e

3:277-278, 465

4:134-139, 150

5:465-467

10:197-199, 200-218*

14:301

17:53, 54*, 63-65*

22:227-230

23:71-72, 372-374, 421-422

28:174-175*, 209-213, 427-428*, 434-437, 438-441*, 443-451, 457, 458*,
459-464

29:136-137, 181-184, 190-192, 201-202

IV. CAUSE OF ACTION: NEW CAUSE OF ACTION
CREATED BY INDIAN CLAIMS COMMISSION ACT

1:563

2:173, 296-298, 312-314, 315*, 316-322

3:405

5:133-134

6:80-85*, 130

7:151

8:218

10:464-465

11:153-157

12:130-139*

14:207

17:701

20:513-515*, 518*

21:455-459*

23:239-240

26:412

29:220, 222

V. CAUSE OF ACTION: TRYING A SINGLE CAUSE
OF ACTION "PIECEMEAL"

2:172*, 296, 313, 320-322*

5:484-488*

23:426

24:398-399

27:84

29:190-191

VI. STANDING: "IDENTIFIABLE GROUP" OF INDIANS

1:126-131*, 151-152, 154-155, 159-164, 167-173, 177b, 177d-177e, 338-340, 366-382*, 551, 588-589, 643d-643f, 683-690

2:180, 193-195, 231, 233, 265-271, 327-334, 431-432, 471, 473-480, 524-527, 529

3:198-199, 418-421, 518

4:333-344, 529, 564

5:21-46, 133-139, 158-164, 521-524, 545-546, 625-626, 698-705

6:171-172, 210-229, 452-456, 506

7:18-20, 30, 50-52, 61-62, 282-283, 286-287, 313-318, 383-390, 413, 474, 510-512, 851-853

8:16-18, 63-65, 141, 207, 466-467, 495-497, 540, 542

9:255-256

10:130-131, 281, 467-480

11:329, 421-446, 471

12:100, 192

14:105, 437-442*

15:36, 267-281, 311-372

17:16-17, 153

19:141-148*, 250-256

21:227*, 228

22:6-7

23:318-319

26:339-340, 350-352, 372

VII. STANDING: CLAIMS OF INDIVIDUAL INDIANS

1:131-134*, 138-143, 159-164*, 180-181, 551, 686-690
2:173-174*, 181-182, 231, 394
3:296
6:411-412
9:314
10:130-131, 133-136
12:175-179
17:284-287
20:132-134
22:22
25:409-410
26:282-284, 287, 412-413, 418*, 422, 429-435*, 436-437, 447-448
28:128
29:147, 149-150, 189-191

VIII. STANDING: INTERVENTION AND INTERVENORS

1:546-552
2:636-638, 645
3:197-198, 210, 463-465
4:515-539
13:33-40, 90
17:332-337
18:296-312
19:441-446
22:2-8, 351-353, 417-419
27:2-3*, 4-6, 89-91

IX. STANDING: CHANGE, ADDITION, DELETION, DIVISION
OR CONSOLIDATION OF PARTIES

1:643b-643d
2:230a-230b
4:131-139
5:20-21, 554
6:396-397, 667-673
8:206-207
14:207, 218, 337-340*, 437-442
15:268-281

X. STANDING: SUCCESSOR IN INTEREST, IDENTIFICATION

1:144-147, 587-591, 643c-643d
2:264-271, 331-333, 470-471, 473
3:302
4:246, 249, 331-344, 463-464, 472, 516-539, 532-534*, 568-569, 611, 624
5:133-139, 158-164, 439, 521-524, 545-552, 555-556*, 635, 698-699, 705
6:153, 156, 171-172, 175, 226-229, 396-397, 452-456, 506, 553-559
7:62, 141-150, 157-161, 164-165, 317, 416-418, 470, 475, 606-608, 806-
812
8:13-18, 63-65, 102-103, 110, 141-143, 466-470, 542-544, 586-587, 815-
816
9:43-44*, 45
10:97-100
11:264-265, 329-330, 380-386, 609-611, 628-632, 694-699, 813-814
12:175, 194-195, 365-369, 471-472, 588-591, 642, 712-715
14:105-108, 180, 205-217, 330-336, 443-444
15:228-229*, 267-281, 311-372
17:429-438
18:296-312
21:174, 296-297
22:418-419, 470-479

23:150-151, 318-319

24:158

25:7

26:33-35, 349-352

27:331-335

29:297-300

XI. STANDING: SUCCESSOR IN INTEREST, REPRESENTATION

1:174-177*, 348-355*, 587-591, 643e-643f

2:193-195

3:198-216, 293, 516-517

4:57-58, 131-139, 241-248*

6:87-92, 93-97, 228, 370, 452-456, 667-673

7:606-608, 806-812

8:102-103, 110, 542, 586-587, 815-816

9:257-260

11:329-330, 385, 446, 695-699

13:90-93, 521-522

14:105-108, 206, 330-339, 435-442*

15:96, 268-281, 326-331

19:442-446

21:174

26:349-352

27:331-335

28:498-500

29:220-222

XII. CLAIMS CONSIDERED: "CLAIMS IN LAW OR EQUITY ARISING UNDER THE CONSTITUTION, LAWS, TREATIES OF THE UNITED STATES, AND EXECUTIVE ORDERS OF THE PRESIDENT;" 25 U.S.C. §70a(1).

1:73-80*, 450-457
3:67-68
11:521
12:68, 76
17:51, 237, 239, 271-272
20:48
21:287-290
22:19-22, 23*, 421-422
23:1-2
24:239
25:110-111
28:189-190, 282, 284, 289
29:213*, 225-228, 232-238, 247

XIII. CLAIMS CONSIDERED: CLAIM ARISING "IN LAW OR EQUITY, INCLUDING THOSE SOUNDING IN TORT, WITH RESPECT TO WHICH THE CLAIMANT WOULD HAVE BEEN ENTITLED TO SUE IN A COURT OF THE UNITED STATES IF THE UNITED STATES WAS SUBJECT TO SUIT;" 25 U.S.C. §70a(2).

1:80-81*
6:82-84
21:455-456*

XIV. CLAIMS CONSIDERED: "CLAIMS WHICH WOULD RESULT IF THE TREATIES, CONTRACTS, AND AGREEMENTS BETWEEN THE CLAIMANT AND THE UNITED STATES WERE REVISED ON THE GROUND OF FRAUD,..." 25 U.S.C. §70a(3).

1:86-87*

2:24, 36, 132, 220, 227*, 228, 303, 392-393

8:411-412

9:313

11:705

12:294, 641-643, 780-791, 814-815

13:265-268, 269

18:633-636

26:16-17

XV. CLAIMS CONSIDERED: "CLAIMS WHICH WOULD RESULT IF THE TREATIES, CONTRACTS, AND AGREEMENTS BETWEEN THE CLAIMANT AND THE UNITED STATES WERE REVISED ON THE GROUND OF,....., DURESS,..." 25 U.S.C. §70a(3).

1:86-87*, 218-219, 309-316, 638-643

2:98, 104-112*, 365-367, 368

5:439, 443, 625, 631

7:23, 54-55

9:100, 234

10:486-491

11:640, 812-813

12:294, 369-370, 587, 629, 640-643, 780-791, 813-816, 821-823

13:265-268, 269

17:229-230*, 546, 569-579

21:414*

23:6, 14-15

26:16-17, 420-421

XVI. CLAIMS CONSIDERED: "CLAIMS WHICH WOULD RESULT IF THE TREATIES, CONTRACTS, AND AGREEMENTS BETWEEN THE CLAIMANT AND THE UNITED STATES WERE REVISED ON THE GROUND OF, . . . , UNCONSCIONABLE CONSIDERATION, . . ." 25 U.S.C. §70a(3).

1:86-95*, 108-110, 321-330, 492-496, 631, 638
2:1, 51, 112-113, 303, 307, 316-318, 362-363, 365-367, 377-378, 392-393, 398-399, 418, 671-683, 685-689*
3:5, 61, 75, 233, 267, 269-270, 334, 343, 447, 448*
4:65, 299-300, 471-472
5:132-133, 159, 161-162, 269-270, 439, 443, 543, 697
6:39, 44, 52-53, 112-113, 116, 124, 152-153, 169, 209-210, 322, 334, 396, 407-408, 553-554, 562, 575-577*, 751, 759
8:194, 274, 298, 390, 734-737, 743, 751-752, 756
9:42, 161, 233
10:107, 197, 359, 491-492
11:51, 177-178, 303, 613, 626, 627*, 628, 640, 732, 813
12:76, 82, 294, 367-371, 423, 587, 640-643, 821-823
13:238-239, 264-268, 269, 324
14:327-328, 447-450, 568, 607
15:34-35, 227, 247, 428
16:80, 462, 482-483, 531-532, 534-535, 535a-535d
17:546, 552, 569, 582-583
18:347, 631, 638
20:43, 48, 54-56, 70, 72, 75, 440, 453-456
21:68-72, 297-298, 410, 412, 413-415*
22:29, 33, 54-68, 70-72, 132-133, 188, 195, 422, 425
23:113, 191, 196, 239-240, 278, 347-348, 517
24:180, 185
25:2, 38, 86, 156, 282
26:22, 32-33, 62, 66, 139, 142, 145-147*, 418-420, 423, 445, 455, 542, 583-584
27:103, 112-113
28:23, 26, 28, 29, 32, 37, 40
29:136, 202, 300, 342-343, 445, 495

XVII. CLAIMS CONSIDERED: "CLAIMS WHICH WOULD RESULT IF THE TREATIES, CONTRACTS, AND AGREEMENTS BETWEEN THE CLAIMANT AND THE UNITED STATES WERE REVISED ON THE GROUND OF,....., MUTUAL OR UNILATERAL MISTAKE WHETHER OF LAW OR FACT,..." 25 U.S.C. §70a(3).

1:86-87*, 316-321
2:24, 36, 303, 443-460
3:232-233, 406-409, 447
5:662-678
6:563
7:81-86
10:491-501
11:812-813
12:73, 130, 587, 640
13:271*
16:535c
18:455-459
21:414*

XVIII. CLAIMS CONSIDERED: "CLAIMS WHICH WOULD RESULT IF THE TREATIES, CONTRACTS, AND AGREEMENTS BETWEEN THE CLAIMANT AND THE UNITED STATES WERE REVISED ON THE GROUND OF ,....., OR ANY OTHER GROUND COGNIZABLE BY A COURT OF EQUITY;" 25 U.S.C. §70a(3).

1:86-87*
6:71
12:813-818, 821-823

XIX. CLAIMS CONSIDERED: "CLAIMS ARISING FROM THE TAKING BY THE UNITED STATES, WHETHER AS A RESULT OF A TREATY OF CESSION OR OTHERWISE, OF LANDS OWNED OR OCCUPIED BY THE CLAIMANT WITHOUT THE PAYMENT FOR SUCH LANDS OF COMPENSATION AGREED TO BY THE CLAIMANT;" 25 U.S.C. §70a(4).

1:81-82*, 137, 144
2:278, 289-293*, 294-295, 307, 318-322
4:609
5:628-629
6:369-370
7:400, 421
8:28-30, 139, 148
11:445, 478
12:68, 75-76, 191-192
16:421
17:151, 160
19:249-250, 262
21:151, 197, 229
23:2, 15, 278, 288
24:282
26:16-17, 96
29:57

XX. CLAIMS CONSIDERED: "CLAIMS BASED UPON FAIR AND HONORABLE DEALINGS THAT ARE NOT RECOGNIZED BY ANY EXISTING RULE OF LAW OR EQUITY." 25 U.S.C. §70a(5).

1:82-86*, 96-99*, 217-218, 220, 406-407, 450-463
2:24, 109-112, 132-133, 303, 314-315*, 366, 371, 372, 530-534
3:61-64, 233, 410-415, 446-447, 448*, 452, 587-589*
4:79, 87, 138, 609
5:132-133, 159, 161-162, 481-482, 625, 631-633
6:69, 78, 83-84, 129-130, 133-134, 209-210, 232, 243-246, 567
7:81-82, 88-90, 400, 439-440, 454, 661-666, 879-888

8:274, 413*
9:100, 214-216, 534-535
10:266, 316-317, 492-499
11:153, 155, 156*, 160, 263, 520-521, 549, 613, 627-628, 639-640, 813-814
12:6, 20-22, 67, 77, 119, 130, 138, 175, 587, 640-643, 780-791, 793-797, 813-818, 821-823
13:265-268, 269-270*
14:445-447, 506-507
15:34-35, 416, 536
16:372-373, 462, 532-535, 535b-535d, 684
17:78, 82, 95-96, 701
20:48, 55-61, 132-133, 179, 338, 510-515*, 516-517*
21:120, 414*, 456-459*
23:484
24:239-240, 246-251
25:38, 100, 102-114*, 116-117, 119, 126-127
26:16-17, 142, 283, 285, 287-288, 292, 296-300*, 420-421, 423-428, 438-444, 445-446, 455-456, 584-589
27:153, 155-156*, 182-184
28:127-128, 132-134, 192, 197*, 258-259, 261
29:44, 48-50, 57-58

XXI. ADMINISTRATION OF INDIAN AFFAIRS (DEMANDS FOR GENERAL ACCOUNTING, IMPROPER HANDLING OF INDIAN MONIES, IMPROPER ENROLLMENT, MISHANDLING OF CONTRACTS MADE WITH TRIBE, ETC.)

1:184-194*, 418-421, 566-572
2:174-178, 223-225*, 229-230, 400-403, 416-422
4:77-85
5:174-179, 607-635
6:230-233, 234-246
7:878-889
8:878-898
11:520-521, 538-548, 568-574
12:124-134, 195, 627-629
16:191-197
17:77-96
18:455-456
20:50-61, 64-67, 131-136, 247-251
24:241-251
27:109-110
28:127-128
29:223-225, 229

XXII. ADMINISTRATION OF INDIAN AFFAIRS:
SUPERVISION OF LAND SALES AND LEASES

2:126-132, 201-206, 358-359, 370-371
3:133-146
4:77-85, 87-94
5:174-179
8:882-885, 888-890
11:569-573
14:506-517
15:143-147
16:372-373, 391

18:618-619, 631-633
20:62-67, 70-75, 184, 308-312
23:142-148, 485
26:138-147*, 496-497, 627-630
27:100-103, 113
28:440

XXIII. ADMINISTRATION OF INDIAN AFFAIRS: ACCOUNTING CLAIMS

2:174-178, 304, 322, 416-422
9:585-591*
12:542-548, 549*, 550-551
14:6-9
17:43, 52-62, 63-65*, 66
21:110-111, 345-349
23:71-84, 181-187
24:393-397
26:92-97, 365-367, 368*, 369, 492-496, 630-633
27:109-113
28:171-173, 174-175*, 176-201, 434-437, 440-442, 446-450
29:211-212, 213*, 247-248, 262-274

XXIV. FEDERAL TRUST AND FIDUCIARY OBLIGATIONS (SEE ALSO
XL. TREATIES AND AGREEMENTS: FULFILLMENT OF
TERMS OF TREATY OR AGREEMENT)

1:66-72*, 219-220, 399-407*, 414-421
2:126-132, 198-200, 220, 230e, 532-533, 673-676, 682-683
3:47*, 134-139, 452, 585-589
6:69-83
7:23-24, 54-55, 87-89*, 132, 135-137, 646-648, 879-882
8:214, 882-898
11:153, 155, 520-522
12:6, 12-22, 563-569, 641, 793-797
15:415, 536
16:462-463, 465, 466*, 467-469
17:58-63, 275-276
18:618-619, 631-633
20:50-61, 72-75, 131-136, 338-350*, 351-358*
22:3-6
24:246-250
25:36-37, 103-108, 125-127
26:138-147*, 282, 285-286, 289-292*, 296-300*, 421, 441-446, 448-455,
519, 584-589, 591
27:149-150
28:13, 30, 31*, 176-181, 188-190, 192-193, 197, 238-241, 279, 439-440
29:191, 200-201

XXV. FEDERAL TRUST AND FIDUCIARY OBLIGATIONS:
LIABILITY FOR ACTS OF OTHERS

2:126-132, 180, 199-200
3:61-65, 134-139, 585-589
6:69-77*
8:339
16:522
17:701-702
22:3-6
23:142-143
24:406-412
25:282-288*, 291-292
26:139-147*
27:146-155*

XXVI. TRADE AND INTERCOURSE ACT

12:567-569*, 792-796*
17:275
20:338-339, 353, 356-357
23:142*
25:36-37, 283-292*
26:138-139, 141-147*, 287, 291*
28:13, 30-31, 237-239

XXVII. ORIGINAL INDIAN TITLE OR ABORIGINAL TITLE
AND EXCLUSIVE USE AND OCCUPANCY

- 1:252-265*, 444-450, 476-488, 591-597, 620-623
2:1, 5, 99-104, 328-331, 356-357, 360, 364, 430, 636-645, 685-689*
3:449-450, 493-500, 518-524, 534-539, 671-678
4:3-24, 30, 143, 147-148, 187-200, 215-221, 333-344, 569-571, 610-624,
664-668
5:21-46, 133-139, 158-164, 269-296, 353-366, 464-474, 520-524, 543-544,
546*, 555, 697-705
6:38-39, 47-55*, 70, 126, 152-158, 169, 172-176, 209-229, 306-322, 369-
375, 456-463, 501-511
7:24-30, 53, 55-62, 107, 247, 249-265, 283-286, 287-288*, 289-290, 313-
321, 382-415, 416*, 417-420, 450-455, 471-475, 609-613, 645-646, 649,
673-674, 715-720, 854-861
8:24-26, 31-39, 66-77, 109-110, 143-147, 179, 374-378, 466-473, 493-503,
546-556, 591-618, 819-820*, 821-830
9:46-48, 257-273
10:180-195
11:158-170, 321-329, 331-335, 418-446, 458-478, 700-704, 814-897
12:108-122, 158, 295-300, 372-391, 477-486, 713, 727-742, 814-897
13:344-368
14:104, 114-121*, 122
15:36-41, 96-115, 315-317, 533-545, 668-682, 688-704
16:290-292, 410-421, 481-482
17:16-27, 151-161, 409-410, 413-422, 668-699
18:122-131, 204-240, 355-361, 383-397
19:70-79, 188-204, 249-266, 424-434, 484-495
20:179-180, 211-221
21:120-126, 143-148, 174-178, 190-197, 224-226, 227*, 228-229, 297-299,
454-461*
22:2-4, 182, 233-330, 470-479, 482-502, 528-532
23:9-13, 166-170, 245-255, 278-288, 321-322*, 323-324, 359-361, 422-
426
24:209-216, 301-309, 365-372, 431-432, 473-474, 478-479

25:181, 183, 184*, 185-189, 446-451*
26:55-56, 267-269, 339-349, 371-376
27:2-6*, 11-15*, 53-56, 179-182
28:258-259
29:2-3, 146, 151*

XXVIII. ORIGINAL INDIAN TITLE: POLITICAL DIVISION, JOINT OCCUPANCY

1:152
2:473-479
3:157*, 520-521, 675*
4:190-193, 333-344, 517-524
5:162-164, 466-467*, 546
6:172-173
7:110-111, 383, 385-386, 411-416, 853
8:65-68, 467-468, 495
9:44-45, 255-256
11:420-444, 472-476
12:720-727
14:174-185, 191-199, 213-217, 219-220, 341-343
15:96-98, 104-105
17:152-153
18:388-395
21:225-226, 227*
22:330
24:158-160, 214-216, 301-309
27:188-251, 329-333, 335-471
28:498-499

XXIX. "RECOGNIZED," "TREATY," "RESERVATION," OR "ACKNOWLEDGED" TITLE

1:265-281*, 484-496, 597-607, 623-625
2:52-54, 55, 57, 60, 65, 361-362, 550, 554-577, 580, 639-645
3:135, 157*, 158-167, 168*, 169-173, 366, 371-378, 495, 583
4:24-30, 220, 470, 664-668
5:59-66, 199-223, 353-366, 439-455, 607-635
6:47-55*, 112-113, 126, 375-376, 443-451, 497-502, 554-559, 658-665
7:107-115, 609-610, 712-715
8:75-76, 104-107, 544-546, 587-591, 817-819
9:212-217, 567
10:182-185, 281-285
11:153, 156-162, 705-710
12:712-713, 715-720
13:78-83
14:104-106, 108-112, 301, 369-370, 371-372*, 373-374, 445
15:533-534, 601-615, 688-689
16:374-392, 463-465, 595-611
17:48
18:295-296, 312-317
19:119-124, 131-139, 262, 332-333, 334-336*, 337-340, 352-353, 354-356*,
357-360, 481-483, 511-513, 525-529
20:181-184, 345-349
21:120, 124, 132, 254-256
22:79-80, 93-99, 346-350, 470-479, 506-512
23:1-8, 190, 320-321, 362-363
24:50-53, 159-160*
25:26-28
26:102-116, 117-119*, 120-122, 129-131, 140-141
27:41-44, 50-56*, 180-181
28:465-468, 498-499
29:215-219

XXX. LAND INTEREST GRANTED OR RECOGNIZED
BY SPAIN, MEXICO, OR RUSSIA

1:502-503
2:524-527
4:147-148
7:259-264, 437-447, 450-455*, 643, 645-646, 649-651
8:20-27
11:149-169
12:467, 480
13:352
15:667-668, 679-682, 689, 696-699
16:290-292*
17:160-161, 406-410, 670-671
18:206-207*, 210-211
19:70-71*
24:124, 127, 303-304, 414-416, 421
25:420-422, 425-428
27:5, 180-181

XXXI. SURVEY ERROR

1:282-284
2:189-190, 191*, 192, 304, 319, 358-359
4:260-263, 267-268
5:294-295
10:314-315
11:535-538
12:61-65, 68, 75-76
18:213, 455-456
20:522, 525
21:281-286

XXXII. HUNTING AND FISHING RIGHTS OR INTERESTS

2:672
7:509-525*
12:714
14:169-170
15:412-416
16:522-523
19:149-150
20:509-512*, 516-518*
21:451-453*
22:80
23:363-368
24:98-104
27:180-182

XXXIII. MINERAL RIGHTS OR INTERESTS

2:196-200, 201-206, 671-672, 673, 681
3:382-394, 582-585, 601-603
5:174-179
6:47-55*
7:878-886
8:339-353
11:522-535
14:744-746
21:454-456*, 460-461*
28:121-136, 258-261*, 428-430
29:31-42, 43-44, 48-58, 180, 183-184

XXXIV. TIMBER RIGHTS OR INTERESTS

2:399-400, 672

6:39*, 47-55*

11:522-535

12:8-12

14:746

20:525-526

21:454-456*, 461-462*

28:258-261*

29:224, 236-238, 247

XXXV. WATER RIGHTS OR INTERESTS

29:146-167*

XXXVI. TREATIES AND AGREEMENTS BETWEEN
UNITED STATES AND INDIANS, GENERALLY

1:57-64, 74-81*, 87*, 521-528
2:54-62, 104-108*, 219-230, 357-359, 394-398, 577-579, 604-605
3:7-9, 47, 49-50, 162-168, 270-273, 345-351, 399-401, 412-415*, 464-478,
520
4:532-534, 613-618
5:205-223, 269-296, 356-361, 440-451, 608-626
6:42-47, 56-57, 443-451, 552-559
7:106-113, 143, 159-162, 164-165, 710-712*, 713-714
8:877-879, 882-883, 890-891
9:54-58, 87-88, 95, 199-201
10:99-106, 191-193, 471-474
11:264-266, 523-535, 814, 865-877
12:69-73, 79, 102-107, 192-196, 367-372, 564-569, 601-643, 813-823
13:313, 592-606
14:452-469
15:704-705
16:595-604, 681-686
17:44-47, 79-81, 241-243, 433-437
19:119-122, 132-136, 336-340, 356-359, 481-483
20:339-358
21:2-6, 19-22, 72-73, 278-281, 372-380
22:347-350, 374-376, 482-502
23:3-8, 11-15, 143-144, 359-368
24:99-104, 150-157, 430-447
25:100
26:15-18, 102-122, 123-131*, 140, 142-144*, 413-415, 428-429, 440-441
27:50-52, 61-71, 109-114, 141-143, 196-203, 215-251, 378-454
28:120-127, 132-133, 148-152
29:44-47, 152-153*

XXXVII. TREATIES AND AGREEMENTS: RATIFICATION OR AMENDMENT
OF TREATY OR AGREEMENT BY CONGRESS

1:457-463, 522-528
3:448-449, 471-472*
6:42-47, 209-210
10:190-191
12:816-817
14:468-469
16:600
28:31*
29:197*

XXXVIII. TREATIES AND AGREEMENTS:
PARTIES TO TREATY OR AGREEMENT

1:134
2:58, 59-60, 220, 225-227*, 229, 677, 680
3:44-46
4:518-524, 566-568
5:33, 36-40, 59-66, 698
6:170, 176, 309, 315-324
7:315-317
8:274, 494-496, 542-543
9:430-431
10:191-193, 473-474
11:265-380
12:192-193, 372, 633-638, 713-714
13:80*, 592-605
14:197-199, 205-206, 354-356
16:595-604*
19:135-139
22:506-512
23:167

24:148-159

26:33-35

27:196-198, 215, 217-251, 331, 334-335, 337, 380-447

28:459-464, 498

XXXIX. TREATIES AND AGREEMENTS: BOUNDARIES
INVOLVED IN TREATY OR AGREEMENT

1:633-637

2:22-36, 99-102, 189-192, 443-460, 550-580, 598-616, 639-645

3:334-336, 591-601, 635-657

4:144-146

5:269-296, 353, 355-361, 440-451

6:314-315, 443-451, 498-502

8:104-109, 149b-149i, 274-277

10:97, 182-188, 334

12:56-60, 108-111

14:550-552

15:601-615

16:553-564

19:132-135, 195-204, 482-483, 526-529

20:71, 73, 440-444

21:371-380

22:345-346

23:5, 7, 11-12, 316-317, 361-362, 365-367

24:474-479

25:416-420

26:103-104, 121

28:466-468

XL. TREATIES AND AGREEMENTS: FULFILLMENT
OF TERMS OF TREATY OR AGREEMENT

1:211-217, 221-229, 287-288, 457-463, 653
2:22-36, 198-199, 223, 359, 394, 676, 680-681
3:270-273, 275-278, 281, 294, 345-351, 384-386, 396-401, 463-478, 585-
590
4:464-469
6:78-83, 323, 560-562, 564-567, 659-666
7:82-86, 88, 127-135, 138-139, 147, 150-158, 509-525
8:278-282, 736, 875, 883
9:95-96, 310, 313-314
10:191-194, 335-336
11:175-178
12:192-196, 810
14:6-7, 453-466
15:143-147, 704-705
17:77-78, 275
18:618-619, 631-633
19:389-393
20:50-61, 278-279, 308-312, 317, 338-350, 351-358
21:344-349
22:60-63, 70-71, 74, 373-377
23:72-79, 377-380
25:106, 252-256, 446
26:282-283*, 285*, 288-292*, 296-300*, 418-421, 441-443, 445-446, 452-
455, 491-497, 499, 514-518, 519*, 542-548, 587-591, 627-630
27:99-103, 109-114
28:104-110, 121-127, 134-135, 176-177, 188-190, 192-193, 196
29:183, 262-271

XLI. LAND VALUATION, GENERALLY ("FAIR MARKET VALUE",
"BEST AND HIGHEST USE", ETC.)

1:321-330, 499-504, 626-631, 637-638
2:98, 109, 328, 356, 358, 360, 362, 364-365, 366, 372, 374, 377-379, 673
3:8, 50, 53-58, 68-71, 235-268, 279-285, 336-343
4:58-59*, 60-65, 112-129, 266-267, 295-300, 398-408, 468-471, 625
5:667-678
6:39-55, 57-67, 113-124, 324-334, 397-408, 567-575, 596-607, 624-635,
719-729, 751-759
7:208-218, 556-572, 721-724, 740-746, 761-767, 784-790
8:179-194, 282-299, 381-391, 641-646, 719-730*, 730-734, 737-749, 752-
755
9:4-18, 21-24, 109-161, 217-230, 235, 390-414, 566-571
10:69-94, 294-312, 348-360
11:27-52, 92-130, 178-179, 266-292, 293*, 294-303, 359-379, 385, 614-
626, 632-640, 710-732
12:398-401, 418-425
13:87, 238-263, 315-325
14:301-323, 448-451, 469-483, 550-567, 587-604
15:417-429
16:41-80, 118-159, 289-340, 470-471, 473-477
17:500, 520-535, 545-546, 548, 568, 580-583
18:323, 328-348, 621-631
20:38-43, 137-140, 273-279, 313-319, 443-453
21:68-73, 346-349, 410-412, 449-462
22:29-33, 54-70, 100-129, 189-194, 389-393, 423-425
23:87-92, 110-114, 189-190, 510-518
24:57-62, 124-131, 180-184, 272-281, 340-347, 398-400
25:1-6, 56-57, 85-86, 147-156, 353-358
26:23-33, 62-66, 539-541
27:104-109
28:14-41, 252, 269-278, 280-281, 283, 336-342
29:7-30, 43, 57, 130-136, 196-199, 289-296, 324-342, 344-346*, 347-368,
433-440, 482-490

XLII. LAND VALUATION: DATE OF VALUATION OR OF TAKING

1:321
3:68, 336, 504, 678
4:85, 221-222, 263-265, 398, 468, 625
5:474-477, 668, 705
6:39*, 41-47*, 568-569*, 751-752
7:213, 420, 476, 785-787, 790
8:147-148, 179, 274, 381, 718, 719, 743, 755
9:15-17, 21-24, 231, 390, 400, 571
10:66, 94-95, 294, 359
11:27, 92, 291, 302, 361, 478, 612
12:402
13:239, 315
14:304, 467-469, 482, 550, 586, 648, 674-675
15:149
16:42, 118, 301, 313, 315-317, 319, 382-392, 470-471, 482
17:52, 160, 411-417, 418-420*, 421-422, 500, 535
18:316-321, 323, 619, 631
19:68-79, 127a-130, 263
20:38, 67, 137, 272, 312
21:1-6, 68-69, 148-151, 255-256, 283-287*, 344-349, 412, 448-449*
22:20-23, 80, 99, 189, 373, 377, 386, 420
23:87, 170, 189-190, 288, 325, 425
24:56-60, 107, 271
25:2, 60-61*, 83, 86, 153, 361, 442-452
26:61, 539, 541
27:11-15
28:260, 267-269, 280
29:196, 197*, 324

XLIII. LAND VALUATION: AGRICULTURAL VALUE

4:61, 113-117, 123, 126-127

5:671, 675

6:59-60, 325-326, 333-334, 569-570, 598, 634, 723

7:213-215, 560, 784-785

8:182, 284-288, 297-298, 386, 641-644, 720-721, 738, 744, 748, 752

9:9, 218-219, 226, 229, 410, 414

10:77-79, 302-303, 340

11:40, 44-45, 94, 266, 297-298, 301, 362-363, 614, 715

13:239, 241, 244-250, 262, 315-316

14:555, 557-558, 564

15:417-419, 421, 423

16:49-51, 296-300, 337, 474

17:501

18:323-324, 621, 629

20:39, 313

21:453-454

22:191-192, 424

23:112

24:3, 182-183

25:86

26:32, 63, 65-66

28:15, 28-29, 35, 37, 269-270, 341

29:11-12, 19-20, 47, 132-133, 325, 339-340, 356-358, 362

XLIV. LAND VALUATION: GRAZING

3:55, 283
4:114-117, 125-127
5:670-672, 676-677
6:114, 721, 723, 726, 752
7:210, 216, 558-561, 564, 571
8:182, 193, 287, 290-292, 297-298, 643-645, 720-722, 729, 733, 739, 744,
748-749, 752-753
9:219-220, 222, 226, 229
10:69-73, 301-302
11:46-47, 94, 267, 296-298, 300-301, 614, 714-715
13:239, 241, 256, 261-262, 315
14:557, 603
15:423, 426
16:51-52, 57-60, 72, 79, 128-129, 297-300, 309-311, 315-317, 337-338,
473-474, 478
17:520-534, 567
18:323, 325-328, 338-345, 622
20:38-42, 273, 525
21:70
24:124-131, 272-274, 276-277, 279-280, 282, 343-344
25:85, 353-358
28:273-274, 283, 341
29:9, 11-16, 18, 20-23, 47, 135, 328-329, 332-335, 358-359, 362-367

XLV. LAND VALUATION: HUNTING AND FISHING

2:364
5:676
6:326-327, 720, 725
11:45-46, 94
14:559
16:128-130
21:451-453*
23:112, 511-516
26:26, 63-66

XLVI. LAND VALUATION: IMPROVEMENTS

3:57-58, 238-242, 254
7:215-216
8:389
13:243-244
15:152-153
16:321-322
17:545-546, 555-556, 561-563
20:450
21:450
24:60-61
28:274-278, 340
29:131-135, 337-338, 360-361, 486

XLVII. LAND VALUATION: MINERAL RIGHTS

2:674, 678, 680, 682

3:338-341, 604-621

4:82-85, 89-94

5:174-178, 670

6:47-55, 57-59, 62-67, 121, 126, 326, 569-570, 598, 634

7:217

8:182, 294-296, 298, 720

9:219

10:83-93, 303-304

11:47, 270-283, 301-302, 615, 728-730

13:316

15:419

16:74-77, 131-132, 290-292*, 301, 305-308, 324-333, 338-339

17:502-519, 532-533

18:621-622

20:447, 451, 452*, 453

21:449-451, 454-456*, 460-461*

23:87-89, 513

24:277-278

25:56-57, 354, 359-361

26:540

29:8-10, 28, 43, 47, 359-360, 434, 482

XLVIII. LAND VALUATION: NATURAL WATER WAYS

6:40, 327, 598, 682-683, 719, 721, 725

7:762-763, 790

8:182, 184, 283, 382-384, 644, 720, 722, 727-728, 733, 738, 744, 747,
752, 754

9:133, 394

10:295-298

11:41-43, 95-97, 102, 363, 367, 718

12:399-401

13:316-317

14:473-474

15:420

16:43, 138

18:324

20:273-274

21:70-71

22:31-32

23:89-92, 112, 516

24:2, 4, 341

25:3-4

26:23, 27, 32, 64, 66

27:104-108

XLIX. LAND VALUATION: TIMBER

4:61, 64-65, 297-299

5:668-674

6:47-55, 60-62, 121-122, 126, 569-570, 598-607, 631-635, 719-720, 724,
726, 728

7:216-217, 560-562, 568, 569*, 570-571, 740-745, 762, 767, 785-790

8:182, 286, 292, 298, 385-386, 720

9:394, 401-414

10:299-301, 305-307

11:34-40, 96-100, 268, 363-367, 615

13:251-255

14:306-312, 564-565

15:419

16:49, 73-74, 126-127, 137, 158-159, 300-303, 318-319, 334-339

17:501-502

20:138-139

21:454-456*, 461-462*

23:112

24:58-60, 271-277

25:57-61, 84, 86, 147-150, 153, 354

26:24-32, 64-66, 540

28:28

29:9, 133-135, 289-290, 293, 295, 338-339, 362-363, 434, 436-438, 483,
486, 488

L. LAND VALUATION: TRANSPORTATION ROUTES, LAND AND WATER

1:629-638

3:50-54, 56, 69-70, 260-267, 283-285, 336-337, 341

4:60, 62, 113-114, 125, 127-128, 298-299, 471

5:670, 672-673, 675-676

6:40-41, 61, 66, 115-116, 122, 327, 329-330, 332-334

7:211, 213, 216-217, 558, 560-561, 745-746, 763-767, 786, 790

8:35, 180-184, 186-188, 190-192, 282-283, 285-289, 291-294, 297, 382-386,
389-390, 645, 722, 728, 731, 733, 739-742, 744-748, 753-755

9:9, 133-136, 157-158, 224-225, 230, 394-396, 404

10:67-69, 304

11:29-31, 33-34, 39, 41-43, 46, 48, 95-100, 102, 104-105, 109, 119, 121,
124, 129-130, 267-269, 273, 275, 288, 290-291, 299, 301-302, 361, 363,
366-368, 375, 377-378, 615, 620-622, 639, 716-719, 724

12:419-422

13:240, 243, 254, 258, 261-262, 316-317

14:305-308, 312, 318-319, 321, 324, 473, 478, 553, 588-592, 595, 604

15:420-422, 424-427

16:45-47, 66-68, 73, 132-133, 138, 154-159, 293, 312-314, 337, 473

17:501, 533-534, 563, 565

18:324, 325, 342, 343, 622, 625-627

20:38-40, 273-275, 313, 447

21:71

22:30-32, 100, 106-110, 112-115, 127, 190-191

23:89-92*, 112, 195, 512, 515-516

24:57, 126, 181-182, 274-275, 282, 341-343

25:3-6, 58, 60, 150-151, 155, 353, 355

26:23, 27, 32, 64

28:16, 270

29:9-10, 24-27, 47, 134, 293, 335-338, 340-341, 348-356, 365, 438, 482-
483, 487

LI. OFFSETS AND CREDITS, GENERALLY

1:330, 347, 544-545, 653, 658-664, 677-682
2:149-153*, 154-156, 157*, 158-166, 240-242, 417, 422, 507-515
3:5, 268, 434-443, 549-569
5:96-108, 109-111*, 112-116, 297-305*, 306-312, 500-516
6:323, 345-352*, 568
7:179-186, 573, 575
8:431-434, 749-751, 778-779
9:50-60, 86-93, 94-96*, 290-300, 337-345, 432, 512-537, 545-556, 566-571
10:226-227, 448
11:567-569, 574-577
12:159, 210, 398-403, 752, 810
13:22-23, 567-573
14:705-706, 745
15:238-239, 483-486, 650-665
17:50, 65, 206-235, 238-287
18:144, 533-535
19:103-104, 380-384, 386-387*, 392-393
20:63, 67-68, 278-279
21:18-29*, 110-111, 310-312*, 316-320
22:18-24
23:380-381
24:2-14, 21-23, 34-38, 108-115, 429, 437-439
26:203-204, 205-206*, 207-208, 218-241, 388-395, 542-548, 563-569
27:24-29, 109-112
28:147, 152, 153*, 154-155, 160-162

LII. OFFSETS AND CREDITS: "BENEFIT OF CLAIMANT"

2:145-151, 154, 159-161, 163-166, 505-517
3:435*, 436-443, 550-568
5:297-305*, 500-516
9:517, 526-528
11:380-381, 575-577, 704-705
12:232, 544, 810
17:238, 286-287
24:34-38, 108-115
26:546-548, 566-567
28:154-155, 161

LIII. OFFSETS AND CREDITS: "ENTIRE COURSE OF
DEALINGS" OR "GOOD CONSCIENCE CLAUSE"

7:575
9:59, 529-537, 554-555
11:575
17:269-270, 283
19:392
21:23-29*, 312
24:10-16, 439-440
26:204-208*, 221-222, 564-565

LIV. OFFSETS AND CREDITS: DEPREDAATION JUDGEMENTS

5:97-106*
15:663

LV. OFFSETS AND CREDITS: PAYMENTS ON THE CLAIM

1:653-658, 664-667
2:219-230, 273-282, 675
3:302
4:464-469
6:323, 568
7:573-575
8:278-282, 734-737, 743, 750
9:50-53, 86-93, 290-291, 337*, 338-345
11:568-569
12:423-425
13:592-606
14:325-327, 453-466, 604-607
16:680-687
20:278-279, 454-456
21:19
22:390-394
24:429-447
28:104-110, 147, 152-155
29:136-137, 294, 342, 438, 488

LVI. OFFSETS AND CREDITS: RELIEF
PAYMENTS TO INDIVIDUAL INDIANS

3:435*
5:106-111, 305-306
6:349-351
24:3-14
28:161

LVII. OFFSETS AND CREDITS: REMOVAL EXPENSES

1:666-667
2:156
15:238-239
17:282

LVIII. OFFSETS AND CREDITS: RESERVATIONS

2:157-158
4:466-469
8:28
9:566-571
13:594-600
15:658-665
17:206-235, 238-287
19:380-381, 386-393
21:20-23*
24:429-447*
29:295-297, 342, 438-442, 488-492

LIX. INTEREST ON THE CLAIM

1:536-544*
2:98, 220, 230, 282*, 288-294, 303, 307-315, 369, 417
3:71, 445-446
4:86, 466
5:312-315*, 678-679
6:124-126, 129-134, 554, 562-564, 602, 630
7:131
8:218, 645, 757, 898
9:555-556
11:177-178
15:156
17:57-59, 273
20:64-69, 310, 317-318, 526
21:26-27*, 287-290, 347-349, 462-463*
22:57-68, 70-75
23:78-81, 83-84, 186-187, 381-382, 385
24:406
25:57-61
26:543, 631-633
27:112-114
28:176-185, 187, 282-290, 291-301*, 302, 342-345
29:223-225, 267-274

LX. APPORTIONMENT OF AWARD

1:547-552
4:131-139, 515-539*
7:108-115, 159-163, 165-166
13:36-39, 80-86, 93-94
14:443-444, 647-648, 674
15:230-231, 246-247
17:332-333, 336, 429-438
22:418-419*, 470-479
23:319-320*
26:34-36
29:297-300, 442-445, 492-494

LXI. ATTORNEY'S FEES AND EXPENSES

3:439-440
4:540-548
6:408a-408d, 636-641, 684-690
7:92-94, 167-168
8:417, 434-435
9:67-72, 573-577, 578-579*
10:248, 258-260*, 378-396*
12:42-53, 234-264
13:76, 122-183*
14:608-617
15:167-171, 240-242
16:191-197, 673-674
20:398-402*
26:303-311
29:424-429

LXII. ATTORNEY'S CONTRACTS, GENERALLY

2:246-259
3:197-216
6:408b
7:92-94
8:207

LXIII. ATTORNEY'S CONTRACTS: APPROVAL OF

2:234-236, 250-252
3:418-421
4:139
5:557-558, 627-628
15:95-96
22:7-8*
26:62

LXIV. EXPERT WITNESSES AND RESEARCH EXPENSES

6:642-645, 685, 688-690
7:94-97
10:239-270*, 367-377, 386-396, 397-402
12:42-53, 234-264
13:131-134
14:121, 448-451
17:157-158
22:190-191*
29:130

LXV. RES JUDICATA AND ESTOPPEL

- 1:2-10*, 11-18, 20-42, 216, 217, 334-338, 341-347, 417, 530-545, 563-566, 638-643
- 2:2-6, 22, 65, 99, 112-114, 168-173, 195-200, 202-203, 237, 238*, 239, 243-244*, 273-279, 280-282, 283-286*, 296-301, 303-304, 307-323, 417-421, 430-431, 598-616, 673
- 3:173-179, 296-302, 305-312, 366-370, 378-379, 386-394, 402-409, 412-416*, 444-454
- 4:79, 220-221, 261, 570, 663
- 5:21, 41, 133-134, 160, 479-488, 554-556, 626-627
- 6:79-85*, 128-134, 153-154, 169, 210, 230-233, 234-246
- 7:21, 52-53, 138, 150-154, 156, 166-167, 169, 321, 439-440, 443, 446-448, 469-470, 651-674
- 8:23-27, 206-211, 212*, 213-219, 342-343, 414*
- 9:214-216
- 10:133-136, 313-319, 463-466
- 11:149-150, 152-153*, 154-158, 459-464, 521
- 12:54-55, 58-61, 65, 73-74, 76-85, 128-139*, 588-591, 810-812
- 13:603
- 14:180-185, 189-190, 214-218, 507-508
- 15:35
- 16:555
- 17:43, 49-51, 334-335, 700-702
- 18:294-295, 301-309, 428-431
- 19:128-150
- 20:49-50, 181, 248-250, 508, 510-518, 523-524
- 21:288-289
- 22:351-352
- 23:239-241, 486-487
- 24:239-241, 474-476
- 25:109-110, 118, 123
- 26:102-103, 106-107, 411, 422-425*, 427-430, 446, 455-456
- 27:3-4, 90-91, 148-151
- 28:260
- 29:147-148, 162-166*, 190-191, 220-225, 229-230, 235, 238

LXVI. EVIDENTIARY PROBLEMS

1:690a-690c
2:552-554
3:145-146, 604-617
4:401-402*
5:556
6:399-400*, 753*
7:132-136, 721-724
8:28, 33-34, 374-380, 721
9:105-107, 110-114, 587-590*
10:471-472, 495-497
11:178-179, 471, 836-837
12:544, 548-549*
14:185-187*, 448-451
16:522, 524
17:157-158, 549-552*
19:123, 272-274, 534
22:190-191*
26:18-19, 365-369, 519, 627-628
28:19, 32, 130
29:344-346*, 347, 368

LXVII. AMENDED OR CONSOLIDATED PLEADINGS AND MOTIONS

1:464-469

2:51, 200-202, 230a-230c, 230d-230f, 273-282, 636-639

3:234, 274-279

4:130-139, 147-150

5:159-161*, 200-202, 465-466

6:451, 667-673, 674-677, 679-680

7:247-249

8:139-140, 206-207, 638

10:198, 202*, 204-205

14:214-220, 294-300

15:267-281, 318-327, 328-329*, 372

22:10-15

23:372-374

26:92-97, 267-269, 271-272

27:61-71, 79-85

28:429-430

29:1-3, 180-184, 188, 191, 213*, 214, 219, 238

LXVIII. COMPROMISE SETTLEMENTS

1:330-332
2:368-372
8:407, 408-409*, 410-415, 416-419*, 430-434, 510-512, 638-647, 778-779
9:429-434, 454-456
10:225-227, 424-426, 439-441, 447-449
12:157-160, 210-211, 229-233, 436-438, 660-663, 751-754
13:20-24, 73-76, 290-294, 513-543*
14:647-650, 673-676, 704-706, 725-728, 744-746
15:63-67, 191-192, 226, 263-265, 483-486, 512-515
16:185-189, 339-340, 510-513
17:612-613
18:144-147, 378-379, 473-476, 523-526, 545-547, 658-661
19:34-36, 54-55, 102-104, 177-178
20:110-112, 127-129, 236-238, 252-254
23:39-42, 493-495
24:482-484
25:311-313, 361

LXIX. REHEARING OR RECONSIDERATION

1:357, 573-574
6:681-682
8:373-374
9:98-107
10:397, 403
18:383
19:386*, 387, 531-532, 533*, 534-535
21:1-2, 7, 410-412
22:182-184
24:365-372, 473-480
26:338-353
27:50-57
28:205-209, 251-253

TABLE OF DOCKET NUMBERS

1	The Loyal Creek Band or Group of Creek or Muskogee Indians
2	Western and Eastern Cherokees
3	Western Cherokees
4	Michigan Ottawa & Chippewa Indians
5	Cherokee, et al.
6	Henry Jackson, et al. (Canadian Pottawats)
7	Minnesota Chippewas
8	Chippewa Indians, et al.
9	Osage Nation
10	Pawnee Tribe
11	Otoe & Missouriia Tribe
11-A	Otoe & Missouriia Tribe
12	Federated Indians of California
13	Saginaw Chippewas
13-A	James Strong (Northern Chippewa)
13-B	James Strong " "
13-C	James Strong " "
13-D	James Strong " "
13-E	James Strong " "
13-F	James Strong " "
13-G	James Strong " "
13-H	Saginaw Chippewa of Michigan
13-I	Sagina Chippewa
13-J	James Strong (Northern Chippewa)

13-K	James Strong (Northern Chippewa)
13-L	James Strong " "
13-M	James Strong " "
13-N	James Strong " "
14	Quapaw Tribe of Indians
15	Prairie Band of Potawatomi
15-A	Prairie Band of Potawatomi
15-B	Prairie Band of Potawatomi
15-C	Prairie Band of Potawatomi
15-D	Prairie Band of Potawatomi
15-E	Prairie Band of Potawatomi
15-F	Prairie Band of Potawatomi
15-G	Prairie Band of Potawatomi
15-H	Prairie Band of Potawatomi
15-I	Potawatomi Tribe
15-J	Potawatomi Tribe
15-K	Potawatomi Tribe
15-L	Potawatomi Tribe
15-M	Potawatomi Tribe
15-N	Potawatomi Tribe
15-O	Potawatomi Tribe
15-P	Potawatomi Tribe
15-Q	Potawatomi Tribe
15-R	Potawatomi Tribe
16	Choctaw Nation

17	Snake or Paiutes (Malheur)
18	Red Lake
18-A	Red Lake
18-B	Red Lake
18-C	Minnesota Chippewa
18-D	Bois Forte Band
18-E	Red Lake Band
18-F	Bay Mills Indian Community
18-G	Red Lake Band
18-H	Red Lake Band
18-I	Red Lake Band
18-J	Red Lake Band
18-K	Red Lake Band
18-L	Red Lake Band
18-M	Red Lake Band
18-N	Minnesota Chippewa
18-O	NOT USED
18-P	Red Lake Band
18-Q	Red Lake Band
18-R	Red Lake Band
18-S	Red Lake Band
18-T	Red Lake Band
18-U	Red Lake Band
19	Minnesota Chippewa Tribe
20	Minnesota Chippewa Tribe

21 Creek Nation
22 Apache Nation
22-A Jicarilla Apache Tribe
22-B Mescalero Apache Tribe
22-C Lipan Apache Tribe
22-D San Carlos Apache of Arizona
22-E Yavapai
22-F Yavapai
22-G Mescalero Tribe
22-H San Carlos Apache of Arizona
22-I NOT USED
22-J Northern Tonto Apache
23- Chickasaw Nation
24 Western Cherokees
25 Creek Freedmen Assn.
26 Texas Cherokees
27 Delaware Tribe
27-A Delaware Tribe
27-B Delaware Tribe
27-C Delaware Tribe
27-D Delaware Tribe
27-E Delaware Tribe
28 Hannahville Indian Community
29 Hannahville Indian Community
29-A Hannahville Indian Community

29-B Hannahville Indian Community
29-C Hannahville Indian Community
29-D Hannahville Indian Community
29-E Hannahville Indian Community
29-F Hannahville Indian Community
29-G Hannahville Indian Community
29-H Hannahville Indian Community
29-I Hannahville Indian Community
29-J Hannahville Indian Community
29-K Hannahville Indian Community
29-L Hannahville Indian Community
29-M Hannahville Indian Community
29-N Hannahville Indian Community
29-O Hannahville Indian Community
29-P Hannahville Indian Community
30 Fort Sill Apaches
31 Indians of California
32 Kiowa, Commanche & Apache
33 Kaw Tribe of Indians
34 Kaw Tribe of Indians
35 Kaw Tribe of Indians
36 Kaw Tribe of Indians
37 Indians of California
38 Kansas or Kaw Tribe
39 Choctaws & Chickasaws

40	Northern Michigan Ottawa Ass'n.
40-A	Robert Dominic (Ottawa Chippewa)
40-B	Robert Dominic " "
40-C	Robert Dominic " "
40-D	Robert Dominic " "
40-E	Robert Dominic " "
40-F	Robert Dominic " "
40-G	Robert Dominic " "
40-H	Robert Dominic " "
40-I	Robert Dominic " "
40-J	Robert Dominic " "
40-K	Robert Dominic " "
41	Western (Old Settler) Cherokee
42	Eastern (Emigrant) Cherokee
43	Western (Old Settler) Cherokee
44	Uintah Ute Indians
45	Uintah Ute Indians
46	Nooksack Tribe of Oklahoma
47	Yakima Tribe
47-A	Yakima Tribe
48	Chiricahua & Warm Springs Apaches
49	Fort Sill Apache
50	Choctaw Nation
51	Choctaw Nation
52	Mississippi Band of Choctaw

53	Seminole Nation
54	Crow Tribe of Indians
55	Choctaw Nation
56	Choctaw Nation
57	Saginaw Chippewa
58	Ottawa & Chippewa of Michigan
59	Saginaw & Chippewa of Michigan
60	Makah Indian Tribe
60-A	Makah Indians
61	Confederated Salish & Kootenai
62	Assiniboine Tribe
63	Shoshone Tribe
64	Shawnee Tribe
64-A	Shawnee Tribe of Oklahoma
65	Peoria Tribe of Oklahoma
66	Peoria Tribe of Oklahoma
67	Miami Tribe of Oklahoma
68	Ottawa Tribe
69	Navajo Tribe
70	Hualapai Tribe
71	Citizen Band of Potawatomi
71-A	Citizen Band of Potawatomi
72	Absentee Delaware of Oklahoma
73	Seminole Indians of Florida
73-A	Seminole Indians of Florida

74 Sioux Tribe of Indians
74-A Sioux Tribe of Indians
74-B Sioux Tribe of Indians
75 Emigrant New York Indians
76 Miami Tribe
77 Seneca Nation
78 Sioux Tribe of Indians
79 Iowa Tribe
79-A Iowa Tribe
80 Baron Long (Mission Indians)
80-A Baron Long (Mission Indians)
80-B Baron Long (Mission Indians)
80-C Baron Long (Mission Indians)
80-D Baron Long (Mission Indians)
81 Coeur D'Alene Tribe
82 Northern Arapaho
83 Sac & Fox, Oklahoma, Missouri & Mississippi in Iowa
84 Six Nations
85 Josephine Peters Mitchell (Omaha)
86 Quechan Tribe of Fort Yuma
87 Northern Paiute Nation
87-A Northern Paiute Nation
88 Southern Paiute Nation
88-A Southern Paiute Nation
89 Six Nations

90	Hualapai Tribe
91	Havasupai Tribe
92	Skagit Tribe of Indians
93	Snoqualmie Tribe of Indians
94	Lower Pend D'Oreille or Kalispel Indians
95	Sac & Fox
96	Citizen Band of Potawatomi
97	Suiattle - Sauk Tribe
98	Muckleshoot Tribe
99	Peoria Tribe of Indians
100	Klamath & Modoc Tribe and Yahooskin Band of Snake Indians
100-A	Klamath & Modoc Tribe
100-B	Klamath & Modoc Tribe
101	Citizen Band of Potawatomi
102	Papago Tribe of Arizona
103	Choctaw Nation
104	Sioux Indians of Santee Reservation
105	Osage Nation
106	Osage Nation
107	Osage Nation
108	Osage Nation
109	Duwamish Tribe
110	Lummi Tribe
111	Citizen Band of Potawatomi
112	Kent Tribe of Schaghticoke
113	Turtle Mountain Band of Chippewa

114 Sioux Tribe of Cheyenne
115 Sioux Tribe of Crow Creek Reservation
116 Sioux Tribe of Lower Brule
117 Sioux Tribe of Pine Ridge Reservation
118 Sioux Tribe of Rosebud Reservation
119 Sioux Tribe of Standing Rock Reservation
120 Lawrence Zane (Wyandotte)
121 Lincoln Burden (Seminole)
122 Hualapai Tribe
123 Cherokee Freedmen
124 Miami Tribe & Nation
124-A Miami Tribe
124-B Miami Tribe
124-C Miami Tribe
124-D Miami Tribe
124-E Miami Tribe
124-F Miami Tribe
124-G Miami Tribe
124-H Miami Tribe
125 Snohomish Tribe
126 Osage Nation
127 Osage Nation
128 Citizen Band of Potawatomi
129 Menominee Tribe
130 Ira Sylvester Godfrey (Miami)

131	Ira Sylvester Godfrey (Miami)
132	Suquamish Tribe
133	Ottawa Tribe
133-A	Ottawa Tribe
133-B	Ottawa Tribe
133-C	Ottawa Tribe
134	S'Klallam
135	Iowa Tribe of Kansas & Nebraska
135-A	Iowa Tribe of Kansas & Nebraska
136	Pueblo de Cochiti
137	Pueblo of Zia
138	Iowa Tribe of Kansas & Nebraska
139	Lawrence Zane (Wyandotte)
140	Lawrence Zane (Wyandotte)
141	Lawrence Zane (Wyandotte)
142	Sisseton & Wahpeton Sioux
143	Sac & Fox of Oklahoma, Missouri and Mississippi in Iowa
144	Pillager Bands of Chippewa
145	Kickapoo Tribe of Kansas and Oklahoma
146	Citizen Band of Potawatomi
147	Yakima Tribe
148	Cabazon Band of Mission Indians
149	Twenty Nine Palms Band of Mission Indians
150	Seminole Nation
151	Seminole Nation

152	Seminole Nation
153	Iowa Tribe of Kansas & Nebraska
154	Kootenai Tribe of Idaho
155	Quileute Tribe
156	Confederated Salish & Kootenai
157	Shoshone Tribe of Wind River
158	Sac & Fox of Oklahoma, Missouri and Mississippi in Iowa
159	Oneida Tribe of Wisconsin
160	Yakima Tribe
161	Confederated Tribes of Yakima
162	Yakima Tribe
163	Yakima Tribe
164	Yakima Tribe
165	Yakima Tribe
166	Creek Nation
167	Creek Nation
168	Creek Nation
169	Creek Nation
170	Pascagoula, Biloxi & Mobilian
171	Wm. L. Paul (Tee-hit-ton)
172	Yuchi (Euchee Tribe)
173	Cherokee Nation
173-A	Cherokee Nation
174	Pueblo de Pecos
175	Nez Perce Tribe

175-A	Nez Perce Tribe
175-B	Nez Perce Tribe
176	Yokiah Tribe
177	Colville Reservation
178	Colville Reservation Indians
179	Colville Res. Tribes for Joseph Band of Nez Perce Indians
180	Nez Perce Tribe
180-A	Nez Perce
181	Confederated Tribes of Colville Reservation
181-A	Confederated Tribes of Colville Reservation
181-B	Confederated Tribes of Colville Reservation
181-C	Confederated Tribes of Colville Reservation
182	Ft. Sill Apache Tribe
183	Fort Peck Indians
184	Fort Peck Indians
185	Colorado River Indians
186	Confederated Tribes of Colville Reservation
187	Natives of Chitina, Alaska
188	Minnesota Chippewa Tribe
189	Red Lake Band
189-A	Red Lake Band
189-B	Red Lake Band
189-C	Red Lake Band
190	Cherokee Nation
191	Little Shell Band of Chippewa

192	Sioux Tribe
193	Kickapoo Tribe of Kansas, Nebraska
194	Kickapoo Tribe of Kansas, Nebraska
195	Sac & Fox Tribe of Missouri
196	Hopi Tribe of Villages of First Mesa
197	Nisqually Tribe
198	Confederated Tribes of Warm Springs
198-A	Confederated Tribes of Warm Springs
199	Athabaska Indians
200	Natives of Tatillek Village, Alaska
201	McGahey Band of (Choctaw)
202	Absentee Delaware & Delaware Nation
203	Puyallup Tribe
204	Seminole Nation
205	Seminole Nation
206	Squaxin Tribes of Indians
207	Stillaquamish Tribe
208	Steilacoom Tribe
209	Iowa Tribe of Kansas, Nebraska
210	Hopi Village of Shungopovi
211	Pueblo of Isleta
212	Lawrence Zane (Wyandotte Tribe)
213	Lawrence Zane (Wyandotte Tribe)
214	San Juan Tribe
215	Yana Tribe of Indians

216 Citizen Band of Potawatomi
217 Citizen Band of Potawatomi
218 Simon Plamandon (Cowlitz)
219 Sac & Fox Tribe of Mississippi in Iowa
220 Sac & Fox Tribe of Oklahoma
221 Chippewa Cree of Rocky Boys Reservation
221-A Chippewa Cree Tribe
221-B Chippewa Cree Tribe
221-C Chippewa Cree Tribe
222 Confederated Tribes of Colville Reservation
223 San Carlos Tribes of Arizona
224 Confederated Tribes of Colville Reservation
225 Omaha Tribe of Nebraska
225-A Omaha Tribe of Nebraska
225-B Omaha Tribe of Nebraska
225-C Omaha Tribe of Nebraska
225-D Omaha Tribe of Nebraska
226 Lloyd D. Touwin (Caddo Tribe)
227 Pueblo of Laguna
228 Gila River Pima-Maricopa
229 Navajo Tribes of Indians
230 Cayuga Nation of Oklahoma
231 Sac & Fox Tribe of Oklahoma
232 Sac & Fox Tribe of Oklahoma
233 Swinomish Tribe of Indians

234 Chinook Tribes & Bands
235 Maricopa-Ak Chin Indians
236 Pima-Maricopa Indians
236-A Gila River Pima-Maricopa Indians
236-B Gila River Pima-Maricopa Indians
237 Upper Chehalis Tribe
238 Kalapuya Tribe
239 Tillamook Tribe
240 Tillamook Tribe
241 Absentee Delaware Tribe
242 Quinaielt Tribe of Indians
243 Winnebago Tribe
244 Winnebago Tribe
245 Winnebago Tribe
246 Red Lake Band and Pembina
247 Seminole Nation
248 Seminole Nation
249 Choctaw Nation
250 Fort Belknap Indians
250-A Fort Belknap Indians
251 Miami Tribe of Oklahoma
251-A Miami Tribe of Oklahoma
252 Miami Tribe of Oklahoma
253 Miami Tribe of Oklahoma
254 Miami Tribe of Oklahoma

255 Miami Tribe of Oklahoma
256 Miami Tribe of Oklahoma
257 Kiowa, Comanche & Apache
258 Kiowa, Comanche & Apache
259 Kiowa, Comanche & Apache
260 Skokomish, et al.
261 Samish Tribe
262 Tulalip Tribe
263 Kikiallus Tribe
264 Confederated Tribes of Umatilla Indian Reservation
264-A Confederated Tribes of Umatilla Indian Reservation
264-B Confederated Tribes of Umatilla Indian Reservation
265 Coos Bay, et al.
266 Pueblo de Acoma
267 Chickasaw Nation
268 Chickasaw Nation
269 Chickasaw Nation
270 Chickasaw Nation
271 Cherokee Nation
272 Creek Nation
273 Creek Nation
274 Creek Nation
275 Creek Nation
276 Creek Nation
277 Creek Nation
278 Tlingit & Haida Indians of Alaska

279	Blackfeet & Gros Ventre
279-A	Blackfeed & Gros Ventre
279-B	Blackfeet & Gros Ventre
279-C	Blackfeet & Gros Ventre
280	Creek Nation, East of the Mississippi
281	Creek Nation, East of the Mississippi
282	Eastern Band of the Cherokees
282-A	Eastern Band of the Cherokees
282-B	Eastern Band of the Cherokees
282-C	Eastern Band of the Cherokees
282-D	Eastern Band of the Cherokees
282-E	Eastern Band of the Cherokees
282-F	Eastern Band of the Cherokees
282-G	Eastern Band of the Cherokees
282-H	Eastern Band of the Cherokees
282-I	Eastern Band of the Cherokees
282-J	Eastern Band of the Cherokees
282-K	Eastern Band of the Cherokees
282-L	Eastern Band of the Cherokees
283	Colorado River Tribes
283-A	Colorado River Indians
283-B	Colorado River Indians
284	Gambell & St. Lawrence Island Malemut Eskimos
285	Unalakleet & Unalignut Malemut Eskimos
286	Shungnak & Kowagmut Eskimos

287	Nisgah Tribe
288	Washoe Tribe, Nevada & California
289	Peoria & Absentee Delaware Tribes of Oklahoma
290	Oneida Tribes, Wisconsin
291	Pima-Maricopa Indians
292	Creek Nation
293	Swinomish Tribal Community
294	Skagit Tribe
295	Mohave Tribe
295-A	Mohave Tribe
296	Skokomish Tribe of Indians
297	Cherokee Nation
298	Delaware Tribe
299	Navajo Tribe
300	Stockbridge Munsee Community & Tribes
300-A	Stockbridge Munsee
301	Oneida Nation of New York
302	Ottawa Tribe
303	Ottawa
304	Ottawa Tribe
305	Ottawa Tribe
306	Potawatomi & Potawatomi Nation
307	Potawatomi & Potawatomi Nation
307-A	Potawatomi & Potawatomi Nation
307-B	Potawatomi & Potawatomi Nation

307-C Potawatomi & Potawatomi Nation
307-D Potawatomi & Potawatomi Nation
307-E Potawatomi & Potawatomi Nation
307-F Potawatomi & Potawatomi Nation
307-G Potawatomi & Potawatomi Nation
307-H Potawatomi & Potawatomi Nation
308 Citizen Potawatomi & Potawatomi Nation
309 Citizen Potawatomi & Potawatomi Nation
310 Citizen Potawatomi & Potawatomi Nation
311 Citizen Potawatomi & Potawatomi Nation
312 Citizen Potawatomi & Potawatomi Nation
313 Peoria Tribes & Kaskaskia Nation
314 Peoria Tribe & Wea Nation
314-A Peoria Tribe of Oklahoma
314-B Peoria Tribe of Oklahoma
314-C Peoria Tribe of Oklahoma
314-D Peoria Tribe of Oklahoma
314-E Peoria Tribe of Oklahoma
315 Kickapoo Tribe of Kansas & Oklahoma
316 Kickapoo Tribe of Kansas & Oklahoma
316-A Kickapoo Tribe of Kansas & Oklahoma
317 Kickapoo Tribe of Kansas & Oklahoma
318 Kickapoo Tribe of Oklahoma
319 Quechan Tribe of Fort Yuma Reservation
320 Quechan Tribe of Fort Yuma Reservation

321	Tuscarora Indians
322	Ponca Tribe of Oklahoma
323	Ponca Tribe of Oklahoma
324	Ponca Tribe of Oklahoma
325	Morongo Band of Mission Indians
326	Shoshone Tribe
326-A	Shoshone Tribe
326-B	Shoshone Tribe
326-C	Shoshone Tribe
326-D	Shoshone Tribe
326-E	Shoshone Tribe
326-F	Shoshone Tribe
326-G	Shoshone Tribe
326-H	Shoshone Tribe
326-I	Shoshone Tribe
326-J	Shoshone Tribe
326-K	Shoshone Tribe
327	Confederated Ute Bands of Indians
328	Southern Ute Tribe or Band of Indians
329	Cheyenne-Arapaho Tribes
329-A	Cheyenne-Arapaho Tribes
329-B	Southern Cheyenne & Arapaho
329-C	Northern Cheyenne
329-D	Northern Arapaho Tribe
330	Southern Paiute Nation

330-A Southern Paiute Nation
331 Spokane Tribe
331-A Spokane Tribe
332 Yankton Sioux Tribe
332-A Yankton Sioux Tribe
332-B Yankton Sioux Tribe
333 Stanley W. Miller (Shasta)
334 Absentee Shawnee of Oklahoma
334-A Absentee Shawnee of Oklahoma
334-B Absentee Shawnee of Oklahoma
335 Eastern Shawnee Tribe
336 Eastern Shawnee Tribe
337 Absentee Delaware Tribe
338 Absentee Delaware Tribe
339 Iowa Tribes, Kansas & Nebraska
340 Tuscarora Indian Nation
341 Seneca-Cayuga Tribe
341-A Seneca-Cayuga Tribe
341-B Seneca-Cayuga Tribe
341-C Seneca-Cayuga Tribe
341-D Seneca-Cayuga Tribe
341-E Seneca-Cayuga Tribe
342 Seneca Nation
342-A Seneca Nation
342-B Seneca Nation
342-C Seneca Nation

342-D	Seneca Nation
342-E	Seneca Nation
342-F	Seneca Nation
342-G	Seneca Nation
342-H	Seneca Nation
342-I	Seneca Nation
343	Cayuga & Seneca
344	Six Nations
345	Papago Tribe of Arizona
346	Ridaught (Choctaw Band)
347	Pitt River Indians of California
348	Cheyenne & Arapaho
349	Ute Tribe of Uintah & Ouray Reservation for Uncompahgre Utes
350	Fort Berthold Reservation Tribes
350-A	Fort Berthold Reservation Tribes
350-B	Fort Berthold Reservation Tribes
350-C	Fort Berthold Reservation Tribes
350-D	Fort Berthold Reservation Tribes
350-E	Fort Berthold Reservation Tribes
350-F	Fort Berthold Reservation Tribes
350-G	Fort Berthold Reservation Tribes
350-H	Fort Berthold Reservation Tribes
351	Chemehuevi Tribe
351-A	Chemehuevi Tribe
352	Aleut Community of St. Paul Island

353	Navajo Tribe
354	Pueblo of San Ildefonso
355	Pueblo of Santo Domingo
356	Pueblo of Santa Clara
357	Pueblo of Taos
358	Pueblo of Nambe
359	Lower Sioux Indians of Minnesota
360	Lower Sioux Indians of Minnesota
361	Lower Sioux Indians of Minnesota
362	Lower Sioux Indians of Minnesota
363	Lower Sioux Indians of Minnesota
364	Ottawa-Chippewa of Michigan
365	Natches Tribe of Indians
366	Bannock Tribe
367	Shoshone Nation or Tribe
368	Tonawanda Band of Seneca
368-A	Tonawanda Band of Seneca
369	Aleut Tribe
370	Natives of Palmer Alaska

TRIBAL INDEX

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Aleut Community of St. Paul Island	352	19	140	Opinion on Mos. for SJ	5/2/68
			151-a	Order Denying Mos. for SJ	
			188 C.C. 1	Dismissed	6/20/69
			22 356	Opinion on Mo. for Default Jdmt. & Mo. to Suspend Further Proceedings	12/23/69
			359	Order Denying Mos. & Granting Other Relief	
			23 371	Opinion on Mos. to Strike Amended Petitions	7/29/70
Cons. w/Native Village of Unalakleet, D. 285, and Aleut Tribe, D. 369			375	Order Denying Motions	
			27 177	Opinion	3/24/72
			186	Order Granting Mos. to Dismiss Claims	
109	Aleut Tribe, et al. See Aleut Community, D. 352	369			
	American Indians residing on the Maricopa-Ak Chin Reservation. See Maricopa-Ak Chin Reservation	235			
	Apache, Jicarilla Kiowa, Comanche and Apache	22-A & 257	12	439 Findings - Title 470 Opinion 486-a Interlocutory Order	8/26/63
	Apache, Jicarilla	22-A	17	338 Add. Fdgs. - Date of Taking 406 Opinion 422-a Interlocutory Order	11/9/66
			24	123 Report of Commissioner 132 Opinion - Value 146 Additional Findings Interlocutory Order	5/29/69 12/2/70

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Apache, Jicarilla (continued)	22-A	25	227	Add. Fdgs. - Compromise	4/21/71
			248	Final Award	
		26	165	Order Allowing Attorneys' Fee	8/23/71
			28	1	
		29	9	Order Allowing Expenses	12/19/72
			407	Supp. Fdgs. - Attys' Expenses	
Apache, Lipan, et al.	22-C	15	532	Per Curiam Opinion	8/6/65
			545-a	Order on Motion to Dismiss	
		180 C.C.	487	Remanded	6/9/67
			22	1	
		27	9	Interlocutory Order Granting Tigua's Motion to Intervene	11/5/69
			485	Order Granting Part and Denying Part of Tonkawa's Motion to Intervene	
Apache, Mescalero	22-B & 22-G	17	100	Findings - Title	7/7/66
			150	Opinion	
		18	161-a	Interlocutory Order	4/27/67
			367	Fdgs. on Compromise	
			378	Opinion	
			379-a	Final Judgment	
398	Findings - Atty. Fees	5/11/67			
	411-a		Order Allowing Atty. Fees		
Apache, San Carlos, White Mountain, et al.	22-D & 229	21	189	Opinion	6/27/69
			198	Findings	
			221	Interlocutory Order	
Apache, Mescalero	22-G	23	181	Opinion re Ptf's. Mo. for Proper Accounting	6/10/70
		188	Order		

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Apache, Northern Tonto Yavapai, et al.	22-J & 229	21	223 230 252	Opinion Findings Interlocutory Order	6/27/69
Apache, San Carlos Apache, Northern Tonto	22-D & 22-J	28	399 421 423	Findings on Compromise Final Award in Dkt. 22-D Final Award in Dkt. 22-J	9/12/72
Apache, San Carlos and White Mountain, et al.	22-D	29	170	Order Allowing Attorneys' Fee	11/29/72
Apache, Northern Tonto	22-J	29	175	Order Allowing Attorneys' Fee	11/29/72
Apache. See Kiowa, Comanche, and Apache, Dkt. 257 and Dkt. 259-A					
Apache, Fort Sill	30	1	137	Opinion- Dismissing on Capacity to Sue Order	4/6/49
Apache, Fort Sill (of Oklahoma) Chiricahua Tribe, Warm Springs Band, Chiricahua Band, and/or cons. w/Navajo Tribe, Dkt. 229	30 & 48	22	527 533 544	Opinion Findings Interlocutory Order	4/1/70
		23	417	Order Denying Dfnt's Mo. for Rehearing and Recons. of Date of Taking	8/26/70
		25	352	Opinion in Dkts. 30-A and 48-A - Value	6/9/71
			364	Findings	
			384	Interlocutory Order	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Apache, Fort Sill, Chiricahua Tribe, Warm Springs Band, Chiricahua Band	30-A & 48-A	19	212	Findings of Fact	6/28/68	
			248	Opinion - Title		
		25	266-a	Interlocutory Order	6/9/71	
			352	Opinion - Value		
Apache, Fort Sill, Chiricahua Tribe, Warm Springs Band	30-A & 48-A,	25	364	Additional Findings		6/9/71
			380	Interlocutory Order		
	30 & 48, & 182	26	193	Order Denying Dfnt's Mo. to Consolidate	6/9/71	
			197	Add. Fdgs. in 30-A & 48-A re Stipulation on Offsets	8/25/71	
		198	Interlocutory Order			
			198	Final Judgment		
Apache, Fort Sill, Warm Springs Band, & Chiricahua Bands	49	1	643-a	Opinion	10/22/51	
				Order Overruling Mo. for Severance & Dismissal of 3 of the petitioners		
		26	281	Opinion on Dfnt's Mo. to Dismiss	9/24/71	
			294	Concurring Opinion		
296			Dissenting Opinion			
		301	Order Dismissing Petition			
Apache, Fort Sill	182	28	433	Opinion re Ptf's Mo. to Separate or Sever Claims	9/13/72	
			443	Dissenting Opinion		
		29	452	Order Granting Motion		
			126	Order Denying Dfnt's Mo. for Rehearing	10/18/72	
			188	Opinion	11/29/72	
		193	Order Denying Mo. to Dismiss or to Strike Exceptions or for More Definite Statement and Granting Mo. for Leave to Amend Petition			

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Arapaho, Northern, of Wind River Reservation	329-D	12	212	Add. Fdgs. of Fact	7/27/63
			229	Opinion	
			233-a	Order Allowing Atty. Fees	
			233-c	Final Judgment	
Assiniboine Indians	62	1	530	Opinion	4/27/51
				Final Order	
				Per Curiam Opinion	6/22/51
also intervenors in Dkt. 279-A, Blackfeet and Gros Ventre		2	272	Order for Rehearing	
				Opinion	12/12/52
				Order	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Bannock Tribe. See Shoshone-Bannock, Dkts. 326-D thru G	366					
Bay Mills Community Ottawa and Chippewa of Michigan	18-E & 58	7	576	Findings	5/20/59	
			605	Opinion		
			614-a	Interlocutory Order	12/23/68	
			137	Opinion - Value		
			176-a	2d Interlocutory Order		
			22	372	Opinion	1/14/70
				378	Findings	
			24	381	3d Interlocutory Order	10/28/70
				383	Order on Dfnt's Mo. for Preliminary Adjudication	
				50	Opinion on Mo. for Rehearing & Modification of Fdgs.	
			26	54	Order Amd. Fdgs. of 5/20/59 & Adding Fdg. of Fact	12/29/71
				538	Opinion	
				550	Additional Findings	
562	Final Award					
27	94	Order Denying in Part & Granting in Part Mo. to Amend Decision	3/15/72			
	97	Amended Final Award				
Bay Mills Indian Community, Sault Ste. Marie Bands, et al.	18-F	22	79	Report of Commissioner	4/8/69	
			81	Opinion	11/19/69	
			84	Findings		
Bay Mills Indian Community, Sault Ste. Marie Bands, et al.	18-R	22	85	Interlocutory Order	4/8/69	
			87	Report of Commissioner		
			87	Opinion		
			91	Findings		
			91	Interlocutory Order	11/19/69	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Biloxi. See Pascagoula, Biloxi & Mobilian Consolidated Band, Dkt. 170					
Blackfeet and Gros Ventre	279-A			Order Denying Assiniboine Mo. to Intervene	10/21/57
		162 C.C.	136	Allowed by Ct. Cl.	6/7/63
		18	241	Findings	3/31/67
			289	Opinion	
			348-a	Interlocutory Award to Ptf.	
			348-b	Inter. Award to Assiniboine	
			348-c	Inter. Award to Sioux	
		19	361	Final Jdmt. to Assiniboine	8/21/68
			363	Final Judgment to Ptf.	8/23/68
			365	Final Judgment to Sioux	
			538	Order Allow. Attys. Fees	10/18/68
115 Assiniboine, Intvnrs.				Order Vacating Final Award	10/28/68
Sioux, Intvnrs.		20	435	Findings on Attys. Fees	4/30/69
			438	Order Allowing Attys. Fees	
Assiniboine, Intvnrs.		21	310	Opinion	6/30/69
			313	Additional Findings	
			315	Final Order	
Assiniboine, Intvnrs.		192 C.C.	679	Affirmed	7/15/70
Sioux, Intvnrs.		21	421	Order - Attys. Expenses	10/15/69
Assiniboine, Intvnrs.		24	387	Findings on Attys. Fees	2/3/71
			392	Order Allowing Attys. Fees	
Assiniboine, Intvnrs.		25	303	Order Allowing Attys. Expenses	5/5/71
Blackfeet and Gros Ventre	279-B	15	561	Findings	8/16/53
			569	Opinion	
			570-a	Order Dismissing Petition	
		175 C.C.	893	Affirmed	5/2/66
Blackfeet and Gros Ventre	279	2	302	Opinion	12/17/52

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Caddo Tribe of Oklahoma	226	4	201	Findings - Title	3/8/56
			214	Opinion	
	140 C.C.	8	63	Interlocutory Order	10/9/57
			354	Review Denied	
	9	8	373	Add. Findings - Value	12/22/60
			191-a	Opinion	
	19	9	557	Interlocutory Order	10/27/61
			566	Add. Findings - Offset	
	22	27	571-a	Opinion	8/30/68
			385	Interlocutory Order	
	27	8	393-a	Order Reconsidering and	12/5/69
			181	Denying Offset	
	27	8	185	Opinion - Reinstatement of	1/12/72
			1	Counts 2 and 4	
	27	8	8	Order	2/2/72
			35	Opinion	
	27	8	35	Order Granting Coushatta's	3/1/72
			74	Motion to Intervene	
	27	8	35	Order Granting Wichita's	3/8/72
			74	Motion to Intervene	
27	8	88	Order Granting Tonkawa's	3/17/72	
		92	Motion to Intervene		
27	8	92	Opinion	3/17/72	
		136	Order Denying Cherokee's		
27	8	136	Motion to Intervene	3/17/72	
		138	Order Denying Kickapoo's		
27	8	138	Motion to Intervene	3/17/72	
		138	Order Denying Delaware's		
27	8	138	Motion to Intervene	3/17/72	
		138	Order Denying Delaware's		
27	8	138	Motion to Intervene	3/17/72	
		138	Order Denying Delaware's		

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
California Indians, Bands of Mission Indians	80-C	21	110	Opinion	6/18/69	
			112	Findings		
		26	118	Final Order	7/28/71	
			76	Order Allowing Attys' Fees & Expenses		
California Indians, Cabazon Band of Mission Indians	148	21	119	Opinion	6/18/69	
			133	Findings		
			141	Interlocutory Order	6/16/71	
			392	Findings on Comp.		
		26	405	Final Award		
			76	Order on Attys' Fees		
California, Federated Indians of	12			Dismissal	4/28/49	
117 California Indians	31 & 37	1	149	Per Curiam Opinion	5/6/49	
				Order Overruling Motion to Dismiss		
			1	358	Findings	12/15/50
				366	Opinion	
					Order	1/19/56
			4	147	Per Curiam Opinion	
			6	86	Opinion	1/20/58
				666	Opinion	10/6/58
				673-a	Order Dividing California into Areas A and B	
				674	Opinion	
				677-a	Order Consolidating Dkts. 176, 215 and 333	
	678	Opinion				
	680-a	Order Overruling Motion to Modify Decision of 1/20/58				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE		
California Indians (continued)	31 & 37	8	1	Findings	7/31/59		
			11	Opinion			
			39-a	Interlocutory Order			
				Order Clarifying and Supp. Findings			
			194-c	Order Amending Interlocutory Order of 7/31/59		12/7/59	
			13	89		Per Curiam Opinion	3/3/64
				369		Findings	
				513		Final Judgment	
			16	631		Findings - Atty. Fees	4/14/66
				672		Opinion	
			Final Order - Atty. Fees				
California Indians	37	1	154	Per Curiam Opinion	5/6/49		
				Order Denying Mo. to Dismiss			
also see Dkt. 31		1	383	Findings	12/21/50		
			392	Opinion			
				Order Dismissing on Capacity to Sue			
		122 C.C.	419	Reversed and Remanded	5/6/52		
		344 U.S.	856	Cert. denied	10/20/52		
		13	369	Findings on Compromise	7/20/64		
			513	Opinion			
			543-a	Final Judgment			
Cayuga Nation. See Six Nations	84						
Cayuga Nation	230	26	271	Opinion	9/22/71		
			273	Findings			
			280	Order of Dismissal			

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Cayuga Nation	343	20	70	Opinion	11/14/68	
			75-a	Order - Partial Summary Jdmt.		
			28	237	Opinion - Liability	7/20/72
				242	Findings of Fact	
			250	Interlocutory Order		
Chehalis Tribe, Upper, et al.	237	4	301	Findings	6/25/56	
			330	Opinion		
				Final Order Dismissing		
			140 C.C.	192	Reversed and Remanded	10/9/57
			8	436	Findings - Title	3/14/60
				463	Opinion	
				474-a	Interlocutory Order	
			12	644	Add. Fdgs. - Compromise	10/7/63
				660	Opinion	
				663-a	Final Judgment	
	16	199	Fdgs. - Atty. Fees & Exp.	11/2/65		
		205-a	Order Allowing Atty. Fees & Exp.			
Chemehuevi Tribe, et al. Also see Dkts. 283, 31 & 37. Involved in appeal in Dkts. 31 & 37	351	6	86	Opinion - Capacity to Sue	1/20/58	
				Interlocutory Order		
				666	Opinion	10/6/58
				673-a	Order Separating from California	
Chemehuevi Tribe, et al.	351 & 351-A	14	651	Findings on Compromise	1/18/65	
			673	Opinion		
			676-a	Final Judgment		
			15	549	Findings - Atty. Fees	8/16/65
				560-a	Order Allowing Atty. Fees	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Cherokee Nation	173	9	162	Findings	4/3/61	
			197	Opinion		
			235-a	Interlocutory Order	9/14/61	
			435	Additional Findings		
				Value Comp. Settlement		
			454	Opinion		
				456-a	Final Judgment	8/8/63
			12	426	Fdgs. on Comp. Offsets Comp.	
				436	Opinion Order	
				13	96	Fdgs. on Atty. Fee
		122	Opinion			
		183-a	Order Allowing	1/21/66		
174 C.C.	131	Atty. Fee Award Reversed				
19	105	Order on Atty. Fee Remand	3/27/67			
Cherokee Nation	190	12	570	Findings	9/25/63	
			586	Opinion		
			643-a	Final Order Dismiss.	5/12/66	
180 C.C.	181	Affirmed				
Cherokee Nation	271	20	379	Order Dismissing	3/19/69	
Cherokee Nation	297	20	380	Order Dismissing	3/19/69	
Cherokee Nation ptf. Cherokee Freedmen, et al., intervenor	173-A	17	331	Per Curiam Opinion	10/5/66	
			337-a	Order Denying Mo. to Dismiss Pet. of Int.		
			22	417	Opinion - Value	2/4/70
				426	Findings	
				437	First Interlocutory Order	
	438	Order Dismissing Int. Mo. for Summary Judgment				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Cherokee Nation (continued)	173-A	195 C.C.	39	Affirmed	6/11/71	
			27	Opinion	2/2/72	
			30	Additional Findings		
			33	Final Award		
		C.C.		Affirmed on Date for Valuation; Reversed on Offset	2/16/73	
	27		34-a	Order Amending Opn. and Fdgs. and Amended Final Award	5/30/73	
Cherokee Freedmen also intervenors in Dkt. 173-A, Cherokee Nation	123	2	231	Per Curiam Opinion	9/9/52	
				Order	11/20/52	
				Findings	12/28/51	
				Opinion		
				136-a	Order Dismissing	
				166 C.C.	787	Reversed
	13	33	Per Curiam Opinion	1/6/64		
	17	331	Per Curiam Opinion	10/5/66		
			337-a	Order Denying Mo. to Dismiss Petition		
Cherokee, Eastern	5	1	31	Opinion Order Sustaining Motion for Summary Judgment	11/15/48	
Cherokee Indians Eastern (Emigrant)	42	1	408	Findings	12/28/50	
			414	Opinion		
				Order Dismissing		
			177-c	Per Curiam Opinion Concl. of Law & Judgment	9/13/49 12/28/50	
Cherokee, Eastern Band	282	7	140 169-a	Opinion Order - Partial Dismissal on Mo. for Summary Judgment	2/20/59	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Cherokee, Eastern Band	282-A	28	386	Findings on Compromise	9/11/72
	thru 282-L	29	398 254	Final Award Order Allowing Attys' Fee	12/7/72
Cherokee, Texas	26	1	690-a	Per Curiam Opinion	12/27/51
		2	516 522	Findings Opinion	12/28/53
	26	78	Order Dismissing Order Denying Mos. for Relief from Opinion	8/5/71	
Cherokee, Western	41	1	177-a	Per Curiam Opinion	9/13/49
			394 399	Findings Opinion Order Dismissing	12/28/50
Cherokee, Western (Old Settler)	3	1	20	Opinion Order Sustaining Mo. for Summary Judgment	11/15/48
Cherokee, Western	24	1	165	Opinion	9/13/49
		2	37 50	Findings Opinion Final Order Dismissing	4/3/52
Cherokee, Western (Old Settler) and Eastern (Emigrant)	2	1	1 19	Opinion Dismissing Concurring Opinion Order Sustaining Mo. for Summary Judgment	11/15/48
		2	7 22	Findings Dismissing Opinion Concl. of Law & Judgment	2/19/52

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Cheyenne-Arapaho, et al.	329 & 348	4	30-A	Findings	11/1/55
		10	30-G	Interlocutory Order	12/6/61
	1		Findings - Value		
	64	Opinion Interlocutory Order and Order Amend. Fdgs. & Opn. Amend. Inter. Order	8/2/62		
Cheyenne-Arapaho, et al.	329			Order Dismissing	12/10/68
Cheyenne and Arapaho of Oklahoma, et al.	329-A & 329-B	16	162	Findings - Settlement of Offsets	10/18/65
			185	Opinion	4/14/66
			189-a	Final Judgment	
	612	Findings - Atty. Fees Order Allowing			
Cheyenne Indians, Northern	329-C	13	1	Add. Fdgs. on Compromise	11/27/63
			20	Opinion	
		16	214	Final Judgment Order - Atty. Fees	11/3/65
Cheyenne and Northern Arapaho	329-D	12	212	Findings	6/27/62
			229	Opinion	
			233-a	Order	
			233-c	Final Judgment	
Chinook Tribe	234	6	177	Findings - Title	4/16/58
			208	Opinion	11/4/70
			176-a	Order	
			56	Opinion - Value	
			64	Additional Findings	
88	Final Award Affirmed by Ct. Cl. Order	12/3/71			

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Chickasaw-Choctaw. See Choctaw-Chickasaw	16 & 23				
Chickasaw Nation	267	5	478 488-a	Opinion Order Sustaining Summary Judgment	9/16/57
Chickasaw Nation	268	10	313 319-a	Opinion Order Sustaining Summary Judgment	4/20/62
Chickasaw Nation	269	3 132 C.C. 7	402 359 64 79 91-a	Opinion Reversed and Remanded Findings Opinion Order	11/17/54 6/7/55 1/23/59
		149 C.C.	839	Chocktaw Intervention in Appeal Denied	5/13/60
Chickasaw Nation	270	20	247 251-a	Opinion Order Dismissing	1/16/69
Chippewa, Minnesota	7			Order Dismissing Petition	11/30/66
Chippewa Indians	8			Order Dismissing Petition	11/30/66
Chippewa Tribe	13-A			Order Dismissing 1st Claim	3/9/50
Chippewa Tribe	13-B			Order Dismissing Petition	3/9/50
Chippewa Tribe	13-D			Order Dismissing Petition	3/9/50
Chippewa Tribe. Cons. w/18-L, 27-E, 29-D, 89, 133-A, 139, 202, 302, and 341-C	13-E	27	59 72	Opinion Order Denying Dfnt's Mo. to Consolidate and Mos. for Severance	3/1/72

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Chippewa Tribe. Cons. w/15-I, 18-K, 27, 29-G, 64-A, 89, 133-C, 141, 308, and 341-D	13-F				
Chippewa Tribe. Cons. w/15-E, 18-M, 27-B, 29-C, 40-F, 64, 89, 120, 130, 252, 335, and 338	13-G				
Potawatomi Nation. Cons. w/29-L, 128, 314-B, 254, and 124-B	15-N				
Saginaw Chippewa. Cons. w/18-J, 29-E, 133-B, and 140	59				
Citizen Band of Potawatomi. Cons. w/13-K, 15-L, 18-P, 29-I, and 40-I	216				
Kickapoo Tribe. Cons. w/313, 314-A, 306, 311, 15-D, 15-P, 254, 124-H, 29-B, and 29-N	315				
Chippewa Tribe	13-G			Order Dismissing 2nd Claim	3/9/50
Chippewa, Saginaw	13-H	2	230-a	Opinion	7/7/52
			380	Order on Motion Findings - Dismissing Two Claims and Setting One	
			390	Claim for Further Hearing Opinion	5/14/53

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Chippewa, Saginaw	13-H	3	1 4	Supplemental Findings Opinion Order Dismissing	4/22/54
Chippewa, Saginaw	13-I	2	230-d 404 416	Per Curiam Opinion Findings - Dismissing Opinion Conclusions of Law & Jdmt.	7/7/52 5/14/53
Chippewa, Saginaw of	13-J	4	409 460	Findings Opinion Order Denying Mo. to Cons. w/Potawatomi	9/19/56
Chippewa Tribe. See Potawatomi, Dkt. No. 217	13-L				
Chippewa	13-M	6	414 442 463-a	Findings Opinion Order Dismissing	6/30/58
Chippewa Tribe	13-N	20	411	Order Dismissing	4/9/69
Chippewa Tribe	13-G			Order Dismissing Second Claim	2/22/73
Chippewa Tribe	13-G	29	473	Order Setting Oral Argument Dissent	2/22/73
Prairie Band of Potawatomi	15-E				
Red Lake Band	18-M				
Delaware Tribe	27-B				
Hannahville Community	29-C				
Ottawa Tribe	40-F				
Shawnee Tribe	64				
Six Nations	89				
Wyandot Tribe	120				
Miami Tribe	130				
Miami Tribe	252				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Chippewa Tribe (continued)	13-G				
Eastern Shawnee Tribe	335				
Absentee Delaware Tribe, Eastern Shawnee Tribe, Citizen Band of Pott., Peoria Tribe, Kickapoo Tribe, and Ottawa Tribe	338				
Chippewa, Red Lake, Pembina and White Earth Bands	18-A, 113, & 191	1	575 584	Findings Opinion	9/17/51
		6	247 305	Concl. of Law & Judgment Findings - Title & Value Opinion	5/21/58
		9	246-a 315 336 345-a 457 511 537-a	Interlocutory Order Add. Fdgs. - Consideration Opinion Order Add. Findings Opinion Final Award	6/15/61
				Order Amending Findings Amended Final Award	6/18/62
		164 C.C. 13	389 294-k 294-n 574 582-a	Ct. Cl. aff. & remanded Order Adding Findings 69 Amended Final Award Findings - Attorney Fees Order Allowing	1/24/64 4/24/64
		173 C.C.	928	Ct. Cl. rev. atty. fee, merits affirmed	8/13/64
		19	205 267 271	Order - Attorney Expenses Order - Attorney Expenses Opinion Order Admitting Additional Evidence	12/17/65 6/25/68 6/28/68 7/3/68

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE		
Chippewa, Minnesota	18-B	8	781	Findings - Title	8/28/60		
			815	Opinion			
			830-a	Interlocutory Order			
				Ct. Cl. rev. in part		4/5/63	
			13	77		Opinion - Title	2/5/64
			88-a	Order Amending Findings			
Chippewa, Minnesota	18-B & 18-N	14	226	Findings - Value & Cons.	11/20/64		
			294	Opinion			
			328-a	Inter. Order & Final Order			
			15	466		Add. Findings	7/27/65
			483	Opinion			
			486-a	Final Judgment			
Chippewa, Minnesota	18-C	19	514	Findings - Title	10/10/68		
			525	Opinion			
			530-a	Order			
			26	22		Opinion - Value	7/21/71
			37	Additional Findings			
			59	Interlocutory Order			
Chippewa, Bois Forte Band	18-D	21	254	Opinion	6/27/69		
			257	Findings			
			267	Order Granting Motion for			
				Summary Judgment			
Chippewa, Red Lake Band. See Potawatomie Tribe, Dkts. 15-C, 29-A & 71	18-H						

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Red Lake, Pembina and White Earth Bands of Chippewa. See Potawatomie, Dkt. 217	18-I					
Chippewa, Minnesota	18-S	19	319 332 340-a	Findings Opinion Order	8/13/68	
Chippewa, Minnesota on behalf of the Chippewa Indians of Mississippi and Lake Superior	18-T	19	341	Findings - Title	8/20/68	
			352	Opinion		
			360-a	Order		
			25	146		Opinion - Value
			157	Additional Findings	5/31/72	
			177	Interlocutory Order		
			28	103		Opinion
			111	Additional Findings		
			116	Final Award		
Chippewa, Minnesota	18-U	14	360	Findings - Title	12/18/64	
			368	Opinion		
			374-a	Order		
			25	55		Opinion - Value
			62	Additional Findings	8/11/71	
			82	Interlocutory Order		
			26	137		Order Amending Finding of Fact No. 1
Chippewa, Saginaw Red Lake Band, et al.	57 & 18-G	22	504	Opinion	4/1/70	
			513	Findings of Fact		
			525	Order Dismissing Petition in Dkt. 18-G		
				Interlocutory Order in Dkt. 57		
			526	Order Admitting Exhibits		

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Chippewa, Turtle Mt. Band	113	23	315	Opinion - Title	6/30/70
Chippewa, Red Lake Band	246		326	Findings	
Chippewa, Little Shell Band	191		338	Order	
Chippewa Cree	221	29	141	Order Denying Dfnt's Request	
Three Affiliated Tribes of Fort Berthold Reservation (also see Fort Berthold Reservation Tribes)	350-B & C			for Modification of Record on Appeal	11/9/72
Chippewa, Pillager Bands, in Minnesota	144	19	500	Findings	10/10/68
			511	Opinion	
		21	513-a	Order Granting Mo. for SJ	
			1	Opinion	5/20/69
			8	Additional Findings	
			13	Order Denying Mo. for Reconsideration	
			14	Order Admitting Evidence	
		192 C.C.	698	Affirmed	7/15/70
Chippewa, Minnesota and Red Lake Band	19, 188, 189-A, 189-B & 189-C	29	211	Opinion on Mo. for Deter- mination of Legal Issues	11/29/72
			242	Order Dismissing Certain Claims in 19 & 189-A	
			244	Order Dismissing Certain Claims in 188 & 189-C	
			246	Opinion on Mo. for SJ and/or Dismissal in 189-B	
			249	Order Granting Part. SJ	
Chippewa, Little Shell Band	191	3	417	Per Curiam Opinion - Capacity to Sue	12/3/54
		6	247	Findings	5/21/58
			305	Opinion	
			335-a	Interlocutory Order	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Chippewa, Little Shell Band (continued) cons. w/Dkt. 74, et al. (see Dkt. 18-A for Add. Fdgs., Opinion & Order dtd 6/15/61; Final Award dtd 10/5/61; and Order Amend. Fdgs. & Amended Final Award dtd 6/18/62)	191	19	271	Opinion re Admission of Exhibit	7/3/68
Chippewa Cree Tribe cons. w/Sioux, Dkt. 74, et al.	221	19	271	Opinion Order Admitting Additional Evidence	7/3/68
Chitina, Alaska, Natives of	187	27	133	Order Granting Motion to Dismiss Claim	3/15/72
131 Choctaw-Chickasaw	16 & 23	1	291	Findings	7/14/50
			304	Opinion Final Order	
	121 C.C.	1	356	Per Curiam Opinion Order Denying Motion to Correct Findings	10/10/50
			41	Intervention denied Affirmed	4/6/71 12/4/51
Choctaw-Chickasaw	39	1	178	Opinion Order Sustaining Dfnt's Motion to Dismiss	10/28/49
Choctaw Nation	51	1	182	Opinion Order Dismissing Petition	3/2/50

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE		
Choctaw Indians East of Mississippi River	52	3	288	Findings	8/16/54		
			293	Opinion			
				Interlocutory Order			
				Final Order			
		133 C.C.	643	Rev. & Dismissed	2/3/55		
			352 U.S.	841	Cert. denied	1/31/56	
						10/8/56	
Choctaw Nation	55	1	553	Findings	6/11/51		
			562	Opinion			
		128 C.C.	195	Concl. of Law & Judgment Affirmed	5/4/54		
Choctaw Nation	56	1	341	Opinion Order Sustaining SJ	7/14/50		
132 Choctaw Nation	103	2	581	Findings	3/8/54		
			597	Opinion			
				Final Order Dismissing			
				Affirmed			
		133 C.C.	207	Affirmed	11/8/55		
		352 U.S.	825	Cert. denied	10/8/56		
Citizen Band. See Potawatomi, Citizen Band of							
Clallam. See S'Klallam, Dkt. 134							
Coeur D'Alene	81	4	1	Findings - Title	8/26/55		
			13	Opinion			
				Interlocutory Order			
			6	1		Add. Findings	12/3/57
			38			Opinion	
			67-a			2d Interlocutory Order	
						Final Judgment	5/6/58
684		Opinion - Atty. Fees	11/3/58				
890-a		Order Allowing Atty. Fees					

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Colorado River Indians. See California Indians, Dkts. 31 & 37 and Mohave Indians, Dkts. 283 & 295	283				
Colville Reservation, Confederated Tribes of	177	18	531	Fdgs. on Compromise	9/7/67
	181-A		545	Per Curiam Opinion	
	181-B		547-a	Final Judgment	
			556	Order - Atty. Fee	9/29/67
Colville Reservation, Confederated Tribes of	178	23	493	Opinion on Compromise	9/17/70
			496	Findings	
			507	Final Judgment & Order Severing Claims from July 1, 1951	
		24	426	Order Allowing Attys' Fee	2/17/71
	Colville Reservation, Confederated Tribes (Joseph Band) Nez Perce Tribe, Intvnr.	179	2	179	Per Curiam Opinion
23				39	Per Curiam Opinion
		43	Findings on Compromise		
		68	Final Judgment on Acctg. thru 6/30/51		
		409	Findings - Attys' Fee	8/20/70	
415		Order on Attys' Fee			
Colville Reservation, Confederated Tribes	181	4	151	Findings - Liability	2/29/56
			187	Opinion	
	7	187	187	Interlocutory Order	3/5/59
			208	Add. Findings - Value Opinion	
			2d Interlocutory Order		
	8	420	420	Findings	3/1/60
			429	Opinion	
435-a			Final Judgment		

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Colville Reservation, Confederated Tribes as repre. of the Joseph Band of the Nez Perce Tribe	186	25	99 128 144	Opinion - Liability Findings of Fact Interlocutory Order	3/26/71
Colville Reservation, Confederated Tribes (Moses Band). See Yakima Tribe, Dkt. 161	224				
Comanche. See Kiowa, Comanche and Apache	257 & 257-A				
Confederated Tribes of Umatilla Reservation. See Umatilla	264, 264-A & 264-B				
Confederated Bands of Ute Indians. See Ute Indians	327				
Cowlitz Tribe	218	21	143 152 172	Opinion - Title Findings Interlocutory Order	6/25/69
		25	442 453	Opinion on Rehearing Amendments to and Add. Findings	6/23/71
			462	Order Amending Findings and Inter. Order	
			464	Order Admitting Exhibit	
		199 C.C.	523	Affirmed	10/13/72
Coos Bay	265			Order Sustaining Motion for Summary Judgment	6/11/52

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Creek Freedmen Association	25	1	156	Opinion Order Dismissing	8/4/49
Creek, Loyal	1	1	122	Opinion Order Overruling Motion to Dismiss	5/6/49
			195	Findings	7/14/50
			207	Opinion	
			221	Dissenting Opinion Conclu. of Law & Judgment Final Determination & Jdmt.	10/19/51
Creek Nation Creek Nation, East, Intvnr.	21	1	546	Per Curiam Opinion Order Denying Mo. to Intvn. Ct. Cl. reversed	6/4/51 5/6/52
		2	66 98	Findings - Title Opinion	4/22/52
		3	455 463	Interlocutory Order Add. Findings Opinion	5/5/55
		4	140 142	Interlocutory Order - Jdmt. Confirmed Add. Findings Opinion	12/29/55
		6	691 718 719-a 729-b	Order Granting Rehearing Supp. Fdgs. - Value Opinion Interlocutory Order Order on Offsets per Stipulation & Final Award	11/19/58 9/28/59
		11	53 91 130-a 130-c	Findings Opinion Interlocutory Order Final Award	9/10/62

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Creek Nation (continued)	21	15	546	Order - Attorney Fees	8/16/65
		18	132	Order - Attorney Expenses	3/22/67
			362	Order - Attorney Expenses	4/6/67
			460	Order - Balance of Expenses	7/11/67
Creek Nation	166	19	1	Order Dismissing	2/13/68
Creek Nation	167	12	54	Decision on Summary Judgment	2/28/63
		168 C.C.	483	Reversed and Remanded	12/11/64
		18	434	Findings	7/6/67
			451	Opinion	
			459-a	Interlocutory Order	
		19	127-a	Opinion on Mo. for Jdmt.	4/24/68
			130-a	Order Denying Motion	
		21	278	Opinion	6/30/69
			291	Additional Findings	
			294	Interlocutory Order	
		192 C.C.	425	Aff. in part; Rev. in part and Remanded	6/12/70
		25	340	Add. Findings - Compromise	5/26/71
	351	Final Award			
28	10	Order Allowing Atty's Fee	5/3/72		
Creek Nation	168	12	123	Decision on Summary Judgment	3/18/63
		168 C.C.	512	Affirmed	12/11/64
Creek Nation	169	6	230	Opinion	4/28/58
			229-a	Order Denying Summary Jdmt.	
		24	238	Opinion - Liability	12/14/70
			253	Findings	
			269	Interlocutory Order	
Creek Nation	272	26	410	Opinion - Title	12/8/71
			458	Findings	
			489	Interlocutory Order	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Creek Nation	273		23	484	Opinion on Motions to Determine Issues	9/9/70
			24	489	Order on Motions	11/25/70
				97	Order Denying Dfnt's Mo. for Rehearing	
			196 C.C.	639	Reversed	12/7/71
				29	519	Findings on Compromise
		529	Final Award			
Creek Nation of Oklahoma	275		23	1	Opinion - Title	4/15/70
				16	Findings	
			24	37	Interlocutory Order	3/3/71
				473	Opinion	
			28	481	Order Denying Dfnt's Mo. for Rehearing	8/22/72
				353	Findings on Compromise	
29	365	Final Award				
	250	Order Allowing Atty's Fee	12/7/72			
Creek Nation	276		16	431	Findings	12/15/65
				461	Opinion	
			17		Interlocutory Order	12/21/65
					Order Amending Findings	
					31 and 32	
	439	Final Judgment	8/17/66			
	455-a	Fdgs. - Atty. Fee	12/16/66			
			Order - Atty. Fee			
Creek Nation	273 & 277		17	700	Per Curiam Opinion - Summary Judgment	2/28/67
				702	Order Denying Mo. for Summary Judgment	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Creek Nation	274	20	44 48 61-a	Findings Opinion Final Order	11/5/68
Creek Nation East of the Mississippi	280	22	10 17	Opinion on Ptf's Mo. to Amd. Petition & Dfnt's Mo. to Dismiss in Part & Consoli- date in Part Order Denying Ptf's Mo. & Granting Dfnt's Alter. Mo. to Dismiss in Part	11/13/69
		194 C.C.	86	Aff. in Part; Rev. in Part & Remanded	2/19/71
Creek Nation East of the Mississippi	281	19	438	Order Dismissing	9/10/68
Creek Nation	292	7	117 127 139-a	Findings Opinion Final Order	2/18/59
Crow Tribe	54	3	147 155	Findings Opinion Order Overruling 2d, 3d & 4th Defenses	6/11/54
		6	98 112 97-a	Additional Findings Opinion Interlocutory Order Final Order	2/12/58
		9	572 579-a	Amended Final Judgment Opinion - Atty. Fee Order Allowing	12/8/58 5/29/61 11/17/61

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Crow Tribe (continued)	54	10	228	Findings	2/12/62
			239	Opinion	
			270-a	Order Denying, Req. for Add. Comp. for Experts	
			397	Opinion Accompanying Order Denying Mo. for Rehearing on Determ. Disallowing Expenses & Costs of Expert	
		12	403-a	Order	5/9/62
			24	Findings - Reconsideration of Witness Fees	12/26/62
			41	Opinion	
			53-a	Order	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Delaware Tribe. See Chippewa Tribe, Dkt. 13-F	27					
Delaware Tribe Absentee Delaware	27-A & 241	2	253	Findings - Right to Sue	10/23/52	
			262	Opinion		
				536	Interlocutory Order	1/21/54
				549	Findings - Dis. on Merits	
					Opinion	2/8/55
					Order	
		133 C.C.		782	Rev. on Merits, Aff. on Parties	8/23/55
			3	622	Add. Fdgs. - Size of Area	
				634	Opinion	12/4/59
			8	150	Supp. Findings - Value	
				178	Opinion	6/4/69
				194-a	Interlocutory Order	
			21	18	Opinion - Offsets	6/4/69
				30	Additional Findings	
			38	Final Order	6/12/70	
	192 C.C.		385	Affirmed in Part; Reversed in Part & Remanded		
		26	387	Opinion	11/24/71	
			397	Additional Findings		
			408	Final Award	5/10/72	
		28	98	Order Allowing Atty's Fee		
			101	Order Allowing Reimbursement of Attorney's Expenses		
Delaware Tribe. See Chippewa, Dkt. 13-G	27-B					
Delaware Tribe	27-C			Order Dismissing Petition	12/26/68	
Delaware Tribe. See Chippewa, Dkt. 13-E	27-E					

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Absentee Delaware Delaware Tribe	72 & 298	21	344	Opinion	9/10/69	
			350	Findings		
		23	369	Final Award	5/13/70	
			24	135		Order - Attys' Fees
			95	Order - Attys' Expenses	11/25/70	
Delaware, Absentee, of Oklahoma, and Delaware Nation - See Chippewa Tribe, Dkt. 13-E	202					
Delaware, Absentee, of Oklahoma, Cons. w/ Kaskaskia Peoria, Piankeshaws and Weas, Dkts. 65, 66, 99, 314 & 338	289	4	223	Findings	3/26/56	
			239	Opinion		
		11	171	Interlocutory Order	9/12/62	
			174	Findings		
		15	179-a	Opinion	3/17/65	
			123	Inter. Order Dis. in Part		
				142	Findings	8/4/65
				156-a	Opinion	
					Inter. Order - Judgment	11/13/68
					Subject to Offsets	
		20		488	Final Award	8/4/65
				62	Opinion	
				69-a	Order Substituting Fdgs. & Vacating Final Award of 8/4/65 & Final Award	4/30/69
	22		433	Order - Attys' Fees & Exp.		
			334	Order - Supp. Attys' Fees	12/10/69	
Delaware, Absentee and Peoria Tribe (Piankeshaw Nation)	289	24		Report of Commissioner	12/2/69	
			179	Opinion - Value	12/11/70	
	26	186	Findings	7/14/71		
		195	Interlocutory Order			
		4	Order - Atty. Fees, Peoria			
		11	Order - Atty. Fees, Delaware	7/21/71		
		265	Order - Atty. Expenses, Delaware	9/15/71		

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Delaware, Absentee	337	4	346	(mention of)	9/17/56
			489	Findings	9/20/57
		9	493-a	Interlocutory Order & Concl. of Law	
			346	Findings	6/22/61
			353	Opinion	
		12	358-a	Inter. Order - Consid.	
			404	Findings	8/5/63
			417	Opinion	
			425-a	Final Judgment	
		164 C.C.	749	Appeal Withdrawn	1/31/64
		15	157	Findings re Atty. Fee	3/18/65
			167	Per Curiam Opinion - Atty. Fee	
		19	171-a	Order - Atty. Fee	
			240	Supp. Opinion - Fees	4/23/65
			616	Order Allowing Atty. Exp.	8/31/65
			90	Additional Findings re Atty. Fees	3/14/68
			92-a	Supp. Order Allowing Atty. Fees	
93	Order Correcting Add. Fdgs. of 3/14/68		3/26/68		
Delaware, Absentee of Oklahoma See Chippewa, Dkt. 13-G	338				
Duwamish Tribe	109	5	117	Findings - Title	3/25/57
			132	Opinion	
		7	139-a	Interlocutory Order	
			725	Findings - Value	7/6/59
			739	Opinion	
		10	746-a	2d Interlocutory Order	
			442	Findings - Comp. Settlement	7/20/62
447	Opinion				
449-a	Final Judgment				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Duwamish Tribe (continued)	109	13	294-a	Findings - Atty. Fees	4/29/64
			294-g	Order - Atty. Exp.	
			583	Findings - Consid.	8/13/64
			591	Opinion	
			606-a	Order (See D. 92)	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Emigrant New York Indians, et al.	75	5	553	Per Curiam Opinion Denying Motion to Dismiss	11/1/57	
			560	Findings - Title		
		11	607	607	Opinion	10/8/62
				635-a	Interlocutory Order	
				336	Findings - Value	
				359	Opinion	
		13	386-a	560	Interlocutory Order	8/11/64
				566	Findings	
				566	Opinion	
		18	573-a	573-a	Amended Inter. Order	3/31/67
573-b	Order Correcting Comp.					
573-c	Final Award					
20	153	153	Order Allowing Atty. Fee	4/23/69		
		413	Order Allowing Atty. Exp.			
Eucllee Tribe (also Yuchi Tribe)	172	3	506	Findings	5/16/55	
			515	Opinion		
				Judgment - Dismissing		

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Flathead Reservation, Confederated Salish and Kootenai Tribes of	61	8	40	Findings - Title	8/3/59
			60	Opinion	
	16	16	77-a	Interlocutory Order	9/29/65
			1	Additional Findings - Value	
			41	Opinion	
	17	17	80-a	2d Interlocutory Order	8/1/66
			297	Findings on Compromise	
			Interlocutory Order		
			Final Judgment		
			703	Findings - Attys' Fee	8/5/66
			715-a	Order Allowing Attys' Fee	3/10/67
Flathead Reservation, Confederated Salish and Kootenai Tribes of	156	24	470	Order Dismissing Eighth Cause of Action	7/24/71
Fort Belknap	250	11	479	Findings	11/20/62
			520	Opinion	
			549-a	Final Order - Dismissing	
Fort Berthold, Three Affiliated Tribes of	350	3	444	Opinion	3/24/55
				Order Sust. in Part & Dis. in Part Mo. for Summary Judgment	
				Order Severing Causes	1/14/58
				Order Dismissing Petition	12/10/68
Fort Berthold, Three Affiliated Tribes of	350-A	20	1	Findings - Value	10/29/68
			37	Opinion	
			43-a	Interlocutory Award	
Fort Berthold, Three Affiliated Tribes of	350-A, E & H	21	92	Findings	6/18/69
			109	Final Judgment	
	22		456	Findings - Attys' Fee	3/4/70
			465	Order Allowing Attys' Fee	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Fort Berthold, Three Affiliated Tribes of. Cons. w/Dkt. 74, et al. Sioux Tribe. Also see Dkt. 113, Chippewa	350-B & C	19	271	Opinion Order Admitting Additional Evidence	7/3/68
Fort Berthold, Three Affiliated Tribes of	350-D	23	236 243	Opinion Order Denying Motion for Summary Judgment or for Order Defining the Issues	6/17/70
Fort Berthold, Three Affiliated Tribes, Turtle Mt. Band of Chippewa, Red Lake, Pembina and Little Shell's Bands of Chippewa, Little Shell Band of Chippewa, Little Shell Band of Chippewa, Sioux Nation, et al., Chippewa Cree of Rocky Boy's Reservation	350-B & 350-C 113 246	25	179 190 212	Opinion Findings Final Order Dismissing Dkt. 350-B and Interlocutory Order in Dkt. 350-C	3/30/71
	191	26	326	Order Granting Rehearing	10/13/71
	221		336	Opinion	11/11/71
	74		354	Amendments to and Additional Findings	
	221-A		360	Order Amending Findings and Interlocutory Order	
			363	Order Amending Findings and Order	
Fort Berthold, Three Affiliated Tribes	350-F	16	341 371 392-a	Findings - Title Opinion Interlocutory Order	11/4/65
		17	614	Order Denying Motion to Correct Findings	2/21/67
		182 C.C.	543	Affirmed in Part; Reversed in Part	2/16/68
		28	264	Opinion - Value and Remand of Title	8/2/72

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Fort Berthold, Three Affiliated Tribes (continued)	350-F	28	304	Supplemental Findings	8/2/72
			331	Order Amending, Vacating, or Affirming Findings & Order	
			352	Final Award	8/23/72
Fort Berthold, Three Affiliated Tribes	350-H	16	521	Per Curiam Opinion on Motion to Dismiss Order Denying Motion	2/18/66
Fort Peck Indians	183	3	78	Findings	6/8/54
			133	Opinion	
			132 C.C.	373	Final Order Dismissing Affirmed
Fort Peck Indians of the Fort Peck Reservation, Montana	184	28	171 202	Opinion Order on Plaintiff's Motion for a Proper and More Detailed Accounting	6/14/72

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Gambell, Native Village	284	27	140	Order Granting Motion to Dismiss Claim	3/22/72
Gila River Pima-Maricopa Indian Community	228	24	301	Opinion - Liability	12/17/70
			311	Findings	
			337	Interlocutory Order	
			27	11	
	28	28	17	Additional Findings	6/7/72
			21	Interlocutory Order	
			170	Order Denying Plaintiffs' Motion for Rehearing on Date of Taking	
Gila River Pima-Maricopa Indian Community, et al.	236-A			Report of Commissioner	11/20/68
Gila River Indian Community	236-A & 236-B	25	250	Opinion - Title & Liability	4/28/71
			260	Findings	
			278	1st Inter. Order - D. 236-A	
			279	1st Inter. Order - D. 236-B	
	199 C.C.	586	Aff. in Part; Reversed and Remanded in Part	10/13/72	
Gila River Pima-Maricopa Indian Community, et al.	236-C	29	144	Opinion on Motion for Preliminary Adjudication Interlocutory Order	11/17/72
Gila River Pima-Maricopa Indian Community, etc.	236-H	25	21	Order Dismissing Petition	3/24/71
Gila River Pima-Maricopa Indian Community	236-J	21	277	Order Dismissing Petition	6/27/69

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Gila River Pima-Maricopa Indian Community, etc.	236-K, L & M	20	131	Opinion	12/12/68
		190 C.C.	136-a 790	Order Dismissing Petition Affirmed	2/20/70
Gila River Pima-Maricopa Indian Community, et al.	236-I	25	305	Opinion	5/19/71
			310	Order Denying Motion for Preliminary Adjudication	
Goshute Tribe, et al.	326-J			Report of Commissioner	10/13/69

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Hannahville Indian Community. See Potawatomie Tribe	29-D, E, F, K & L thru P				
Havasupai Tribe Navajo Tribe	91 & 229	20	210 222 235-a	Opinion Findings - Title Interlocutory Order	12/30/68
Havasupai Tribe	91	21	324 341	Additional Findings Final Judgment	8/6/69
		22	451	Order Allowing Atty. Fees & Reimbursable Expenses	2/25/70
150 Hoh Tribe or Band. See Quileute	155				
Hopi Tribe Navajo Tribe	196 & 229	23	277 290 312	Opinion - Title Findings Interlocutory Order	6/29/70
Hualapai	90	11	447 458	Findings Opinion	11/19/62
		17	478-a 456 500	Order Findings Opinion	12/21/66
		18	535-a 382 397-a	2d Interlocutory Order Opinion Order Denying Motion for Rehearing, etc.	5/11/67

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Hualapai	90 & 122	19	161	Findings on Compromise	6/18/68
			177	Opinion on Compromise	
			178-a	Final Judgment	10/18/68
			536	Order Allowing Atty. Fees	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Iowa Tribe of Iowa Reservation (Sac and Fox)	11-A & 138	5	316	Findings - Title	7/31/57
			351	Opinion	
	13		366-a	Interlocutory Order	11/29/57
				Modified by Order	
			25	Opinion - Yankton Boundary	11/18/59
				Determination	
	15		32-a	Amended by Per Curiam	11/25/59
			272	Additional Findings	4/14/64
			289	Opinion	
				Final Judgment	
		42	Additional Findings	3/2/65	
		62	Opinion		
		67-a	Final Order		
Iowa Tribe. See Otoe and Missouria	11-A	13	544	Findings, Opinion & Order	7/22/64
				Allowing Atty. Fees	
	17		288	Order re Award	6/28/66
			290	Order re Atty. Fees	5/23/66
			293	Order re Expenses	7/18/66
			330	Order Amending Final Judgment	8/5/66
Iowa Tribe of Iowa in Kansas and Nebraska, Iowa Tribe in Oklahoma, et al.	79	2	167	Opinion - Accounting	5/27/52
				Order Overruling Motion for Summary Judgment	
		16	568	Order - Partial Judgment	2/28/66
Iowa Tribe, et al.	79-A	20	308	Opinion - Liability & Value	2/17/69
			320	Findings	
	21		335	Interlocutory Order	5/21/69
			13	Final Award	
Iowa Tribe, et al.	79 & 79-A	23	341	Order - Atty. Fee & Exp.	6/30/70

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Iowa Tribe of Iowa in Kansas and Nebraska, Iowa Tribe in Oklahoma, et al. Sac and Fox Tribe of Oklahoma, Sac and Fox Tribe of Missouri, and Sac and Fox Tribe of Mississippi in Iowa, et al.	135	6	464	Findings - Title	7/2/58
			496	Opinion	
			512-a	Interlocutory Order	
		12	487	Findings - Value	8/29/63
			519	Opinion	
		15	540-a	Interlocutory Order	5/7/65
			248	Additional Findings	
			263	Opinion	
			265-a	Final Award	
		179 C.C.	8	Aff. in Part; Rev. in Part	3/17/67
		389 U.S.	900	Cert. Denied	10/16/67
		22	232	Opinion - Title Remand	12/10/69
			331	Order Amending Findings and Opinion	
195 C.C.	365	Affirmed	7/14/71		
28	234	Order - Atty. Fees - Sac and Fox	7/12/72		
Iowa Tribe, et al.	135-A	9	301	Findings	5/8/61
			308	Opinion Final Order of Dismissal	
Iowa Tribe, et al., and Sac and Fox	138 232 339	15	172	Findings on Compromise	3/22/65
			191	Opinion	
			192-a	Final Judgment	
		17	375	Atty. Fees (Iowa)	5/18/65
			378	Atty. Fees (Sac & Fox)	
			288	Order (Exp.) (Iowa)	5/23/66
			290	Final Order re Award	6/28/66
			293	Final Order re Expenses	7/18/66
			330	Order Amending Final Jdmt.	8/5/66
			423	Order Allowing Atty. Fees	11/10/66
				Dkts. 138 & 232	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Iowa Tribe, et al., and Sac and Fox (continued)	138	25	215	Order - Atty. Exp. re Sac & Fox, Dkt. 138	4/7/71
	232		386		
	339			Order - Atty. Exp. re Sac & Fox, Dkt. 138	6/16/71
Iowa Tribe, et al. (Sac and Fox Tribe, et al.)	153	7		98	Findings - Title Opinion
			105		
	22	385	Opinion - Value Findings	2/4/70	
		395			
	24	415	Final Award	11/10/70	
		89	Order - Atty. Fees		
	29	378	Order - Atty. Fees	1/27/71	
477		Order - Atty. Exp.	3/7/73		
154 Iowa Tribe, Sac and Fox Tribe, et al.	158	5	367	Findings - Title Opinion Interlocutory Order	8/2/57
			438		
			455-a		
Iowa Tribe, et al.	209	10	404	Findings - Title Interlocutory Order	6/1/62
			407-a		
Sac and Fox Tribe Iowa Tribe, and Sac and Fox Tribe	158,	20	439	Opinion Findings	5/12/69
			209 &		
	231	505	Final Awards		
	22	439	Order Denying Ptf's Motion to Rehear and for Other Purposes	2/11/70	
		24	92	Order - Atty. Fees	11/10/70
196 C.C.	548	Remanded	11/12/71		
Iowa Tribe. Cons. w/Dkts. 138 and 232	339			Order of Dismissal	3/22/65

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Jicarilla Apache. See Apache	22-A				
Joseph Band of the Nez Perce Tribe. See Colville Reservation	179				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Kalispel. See Pend d'Oreille	94				
Kaw Tribe	33	1	348	Per Curiam Opinion	9/26/50
	34		355-a	Interlocutory Order	
	35	608	Findings	9/17/51	
		617	Opinion		
		3	180	Interlocutory Order	6/24/54
			196	Findings	
				Opinion	
Kaw Tribe	33	2	134	Additional Findings	5/15/52
	35		144	Per Curiam Opinion	
Kaskaskia Nation. See Peoria, Dkts. 65, 66, 99, 289, 313, 314 & 338					
Kent Tribe of Schaghticoke Indians	112			Order Dismissing Petition	9/9/58
Kickapoo Tribe of Kansas	145	16	675	Findings	4/21/66
				Final Judgment	
		17	540	Order on Atty. Fees & Exp.	2/14/67
Kickapoo Tribe of Kansas, Kickapoo Tribe of Oklahoma, Kickapoo Nation, et al.	193	19	37	Findings on Compromise	2/29/68
			54	Per Curiam Opinion	
			55-a	Final Judgment	
			466	Order Allowing Atty. Fee	
Kickapoo of Kansas. Cons. w/Dkt. 317	314-C	10	271	Findings	3/2/62
			279	Opinion	
Cons. w/Dkts. 99 & 317		22	285-a	Interlocutory Order	12/5/69
			186	Opinion	
			197	Supp. Findings	
			223	Interlocutory Order	
			174 C.C.	550	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE		
Kickapoo, Intervenor. Also see Miami, Dkt. 67; Piankeshaw, Dkt. 99; Chippewa, Dkt. 13-E	315	9	1	Amended & Additional Findings	6/30/60		
			3	Opinion			
			19	Dissent Opinion			
			24-a	Final Award			
			16	574		Findings	4/4/66
				593		Opinion	
			18	611-a		Interlocutory Order	9/29/67
				550		Supplemental Findings	
				553		Opinion	
				555-a		Final Award	
Kickapoo Tribe of Kansas, Kickapoo Tribe of Oklahoma	316	10	320	Findings	5/4/62		
			333	Opinion			
			360-a	Interlocutory Order			
			15	628		Additional Findings	8/31/65
				650		Opinion	
			178 C.C.	527		Interlocutory Order Affirmed in Part, Reversed and Remanded in Part	2/17/67
				18		550	
			553			Opinion	
			555-a			Final Award	
			19	156		Order Allowing Atty. Fees	5/14/68
Kickapoo Tribe of Kansas, Kickapoo Tribe of Oklahoma	316-A	23	189	Opinion - Value	6/10/70		
			197	Findings			
			218	Interlocutory Order			
			509	Final Award		9/24/70	
			25	22			Order - Atty. Fee

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Kickapoo Tribe of Kansas. See also Peoria, Dkt. 99 and Miami, Dkt. 253	317	5	180	Findings - Part. Dis.	6/4/57
			198	Opinion	
	10		223-a	Interlocutory Order	3/2/62
			271	Findings - Division	
			279	Opinion	
			285-a	Interlocutory Order	
	22			Order Amending Interlocutory Order	3/10/64
				Report of Commissioner	1/21/69
			443	Final Award	2/11/70
			24	402	Order Allowing Atty. Fee
Kickapoo Tribe	318	21	39	Findings on Compromise	5/11/69
			49	Final Judgment	
			22	454	
Kickapoo Tribe of Oklahoma	338				
Kickapoo Tribe of Kansas. See Chippewa, Dkt. 13-G					
Kikiallus. See Upper Skagit, Dkt. 92	263	7	456	Findings - Title	4/13/59
			469	Opinion	
	13		476-a	Interlocutory Order	8/13/64
			583	Findings - Consideration	
			591	Opinion	
	25		606-a	Order	3/26/71
			83	Opinion - Value	
			88	Findings	
	28		98	Interlocutory Order	6/7/72
			159	Opinion - Offsets	
163			Additional Findings		
167			Final Award		
Kiowa, Comanche & Apache Tribes	32	1	505	Findings - Capacity to Sue	4/9/51
			520	Opinion	
			4		
111	Additional Findings - Value Opinion 2d Interlocutory Order				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Kiowa, Comanche and Apache Tribes (continued)	32	5	72	Additional Findings - Offsets	3/12/57	
			96	Opinion		
			116-a	Final Determination	7/18/57	
			297	Opinion - Offsets Recons.		
			315	Amended Order		
Kiowa, Comanche and Apache Tribes & Jicarilla Apache	257 & 22-A	12	439	Findings - Title	8/26/63	
			470	Opinion		
			486-a	Interlocutory Order		
Kiowa, Comanche and Apache Tribes	257	24	405	Order Granting Motion to Intervene	2/10/71	
			101 ✓	Opinion on Motion for Summary Judgment and Motion to Dismiss		
Wichita Tribe, Intvnr.	26		132	Order Admitting Exhibits	8/9/71	
			134	Order Granting Ptf's Motion for Summary Judgment of Recognized Title		
			136	Order Denying Dfnt's Motion to Dismiss		
			482	Opinion		4/1/70
			503	Order Denying Motion to Dismiss		
Kiowa, Comanche and Apache Tribes	259-A	24	393 ✓	Opinion	2/10/70	
			401	Order Denying Motion for Summary Judgment		
		29	476	Order - Dfnt to file supp. accounting and accepting dfnts. evidence		2/28/73
Kiowa, Comanche and Apache Tribes	258 & 259	18	640	Findings on Compromise	1/29/68	
			658	Opinion		
			307	Final Judgment		
		19	307	Findings - Atty. Fees	7/31/68	
			318-a	Order Allowing Atty. Fees		

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Klamath, Modoc and Yahooskin Band of Snake Indians	100	2	684	Opinion Order Overruling Ptrs' Motion re Burden of Proof Order Sustaining Motion of May 20, 1954	4/9/54	
			13	41	Findings	5/19/55
				73	Opinion	1/31/64
				76-a	Final Judgment and Order Allowing Attys. Fees	
Klamath and Modoc and Yahooskin Band of Snake Indians	100-A	20	522	Opinion - Value	5/14/69	
			528	Findings		
			543	Conclusions of Law and 1st Interlocutory Order		
		21	343	Final Judgment	9/2/69	
			439	Findings - Atty. Fee	10/29/69	
442	Order Allowing Atty. Fee					
Kootenai Tribe	154	5	456	Findings	8/9/57	
			464	Opinion		
		8	40	Findings	8/3/59	
			60	Opinion		
			77-a	Interlocutory Order		
		504	Findings	4/25/60		
		510	Opinion			
512-a	Final Judgment Opinion re Atty. Fees Findings re Atty. Fees Order re Atty. Fees	8/16/60				

160

Kootenai Tribe. See Salish and
Kootenai Tribes of the Flathead
Reservation, Dkts. 61 and 156

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE		
Little Shell Band of Chippewa. See Chippewa (Little Shell)							
Lemhi Tribe, represented by the Shoshone-Bannock Tribes, Fort Hall	326-I	24	482	Per Curiam Opinion	3/8/71		
			485	Findings on Compromise			
			498	Final Award			
			80	Order Dismissing "Petition in Intervention:		8/5/71	
			83	Findings on Attys. Fees			
90	Order Allowing Attys. Fees						
Lummi Tribe. Also see Dkt. 92, Upper Skagit	110	2	1	Per Curiam Opinion	1/30/52		
				Order Cons. Cases	5/12/53		
			5	525	Findings	10/30/57	
				543	Opinion		
			10	552-a	Interlocutory Order	3/2/62	
				286	Additional Findings		
				294	Opinion		
			13	312-a	2d Interlocutory Order	8/13/64	
				583	Findings		
				591	Opinion		
			16	606-a	Order	2/18/66	
				526	Findings		
				530	Opinion		
			181 C.C.	21	535-e	Final Order	12/15/67
					753	Reversed and Remanded	
21		408	Opinion	10/8/69			
		416	Order Amending Findings				
		418	Order Vacating Final Order and Interlocutory Award				
		24	21		Opinion	10/22/70	
	24	Additional Findings					
	33	Final Judgment					
197 C.C.		780	Affirmed	3/17/72			

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Makah Indian Tribe	60		1	455	Per Curiam Opinion	1/4/51
			7	477	Order Separating Causes	4/15/59
				509	Findings	
			525-a	Opinion Final Order		
Makah Indian Tribe	60-A	23	165	Opinion - Title & Right to Sue	5/20/70	
			171	Findings	6/14/71	
			176	Order		
				Ct. Cl . Order Affirming		
Mandan. See Fort Berthold						
Maricopa-Ak Chin Reservation Indians	235		19	80	Order Dismissing 2d and 3d Causes	3/7/68
			21	423	Order Dismissing 4th and 5th Causes	10/15/69
Mescalero Apache. See Apache, Mescalero	22-B & G					
Miami Tribe. Cons. w/Dkts. 124, 314 & 337	67		2	617	Findings - Overlap	3/26/54
				635	Opinion	
			4	346	Interlocutory Order	9/17/56
				398	Supp. Findings - Value	
			5	494	Opinion	9/30/57
	500	Interlocutory Order				
		516-a	Findings - Offsets	7/13/59		
	144 C.C.	421	Opinion Final Award Aff. on Title & Offsets; Remanded on Value			

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE			
Miami Tribe. Cons. w/Dkts. 124, 314 & 337 (continued)	67	9	1	Amended and Additional Findings	6/30/60			
			3	Opinion				
			19	Dissenting Opinion				
						24-a	Final Award	4/3/61
					108	Additional Opinion		
					161-a	Order		
				159 C.C.	593	Affirmed	11/16/62	
	14	608	Per Curiam Opinion	1/15/65				
		617-a	Order Allowing Atty. Fees					
Miami Tribe of Oklahoma	76	9	580	Findings	11/21/61			
			585	Opinion				
			591-a	Order of Dismissal				
Miami Tribe, et al.	124-A & 251	6	513	Findings	7/14/58			
			552	Opinion				
				577-a	Order Dismissing	7/15/60		
			150 C.C.	725	Affirmed in Part; Reversed in Part			
			366 U.S.	924	Cert. Denied		5/15/61	
			Final Judgment	5/31/61				
Miami Indian Tribe See Potawatomi Tribe, Dkt. 15-D	124-H							
Miami Tribe of Oklahoma	251-A	20	236	Opinion	1/9/69			
			239	Findings - Compromise				
			246-a	Final Judgment				
Miami Tribe of Oklahoma	76, 251-A, 252, 253, 254, 255, & 256	26	303	Opinion re Attys. Expenses	10/6/71			
			313	Order Allowing Attys. Exp. Ct. Cl. Affirmed	12/12/72			

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Miami Indian Tribe See Chippewa Tribe, Dkt. 13-G	130				
Miami Tribe of Oklahoma See Chippewa Tribe, Dkt. 13-G	252				
Miami Tribe, et al. Cons. w/Dkts. 15-H, 29-F, 131, 314, 317 & 307	253	5	180 198 46-a	Findings - Title Opinion Interlocutory Order	6/4/57
Miami Tribe, et al.	253, 131 & 314-D	22	92 136 179 469 480	Opinion Additional Findings Final Award Opinion Order Denying Motion for Severance & Recons.	11/26/69
		23	490	Order Denying Motion for Ext. for Filing Appeal	9/9/70
		24	381	Order - Attys. Fees & Exp.	1/27/71
Miami of Oklahoma Miami of Indiana	253 & 131	29	424 430	Opinion Order on Proceeding on Attorneys' Fees	2/7/73
Miami Tribe, et al.	255 & 124-C	20	97 110 112-a	Findings Opinion Final Judgment	12/3/68
Miami Tribe of Oklahoma, et al.	255 & 124-C, 256 & 124-D, E & F	24	450 457 466	Opinion Findings of Fact Order Awarding and Apportion- ing Attorneys' Fees	2/18/71
		199 C.C.	487	Ct. Cl. Reversed & Remanded Appeals Dismissed Ct. Cl. Motion for Rehearing Denied	4/11/72 10/13/72 2/22/73
Miami Tribe. See Potawatomi Tribe, Dkt. 15-D	254				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Miami Tribe, et al.	256, 124-D, E & F	14	375	Findings	12/18/64	
			434	Opinion		
			483-a	Interlocutory Order		
			15	195	Final Judgment	4/1/65
				17	427	Opinion - Allocation of Offset
			20	113	Order Denying Motion	12/3/68
				127	Findings	
129-a				Per Curiam Opinion Final Judgment		
Miccosukee Tribe of Florida. See Seminole Indians, Dkts. 73, 73-A, 151						
Mission Indians of California. See California Indians, Dkts. 31 and 37	80					
Mississippi Choctaw. See Choctaw, Mississippi						
Mohave Tribe. Also see California Indians, Dkts. 31 and 37	295	7	219	Findings	3/19/59	
			245	Opinion		
			265-a	Interlocutory Order		
			409	Opinion		
		25	413	Order Denying Dfnt's Motion for Rehearing	6/16/71	
Mohave Tribe of Arizona and California	295-A	23	346	Opinion - Right to Sue	6/30/70	
			351	Findings		
			356	Interlocutory Order		
			409	Opinion		
			413	Order		
		25	409	Opinion	6/16/71	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Mohave, Colorado River Tribes Mohave Tribe	283	7	219	Findings - Title	3/19/59
	295		245	Opinion	
		23	265-a	Interlocutory Order	5/13/70
			87	Opinion - Value	
			93	Findings	
			106	Interlocutory Order	12/29/71
		26	563	Opinion - Offsets	
			570	Findings	
			582	Final Award	
		28	232	Order Denying Ptf's Motion for Rehearing	7/6/72
Muckleshoot Tribe	98	2	424	Findings	5/14/53
			429	Opinion	
		3	658	Findings	8/25/55
			669	Opinion	
		6	608	Additional Findings	7/17/58
			624	Opinion	
		12	635-a	Interlocutory Order	10/18/63
			743	Findings	
			751	Opinion	
			754-a	Final Judgment	2/23/66
	174 C.C.	1283	Affirmed		
	385 U.S.	847	Cert. Denied		
	18	349	Findings - Atty. Fee		
			353-a	Order Allowing Atty. Fee	3/31/67
Munsee Tribe. See Six Nations, Dkt. 84	300-B				
Modoc. See Klamath, Modoc and Yahooskin					

TRIBE**DOCKET VOLUME PAGE DOCUMENT****DATE**

Mobilian. See Pascagoula,
Biloxi & Mobilian Cons.
Bands, Dkt. 170

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Navajo	229	23	244	Opinion - Title	6/29/70
Also see:			256	Findings	
Apache, Dkt. 22-D			276	Interlocutory Order	
Apache, Dkt. 22-J					
Pueblo de Acoma, Dkt. 266					
Pueblo de Laguna, Dkt. 227					
Havasupai, Dkt. 91					
Apache, Dkts. 30 & 48					
Hopi, Dkt. 196					
Native Village of Unalakleet, et al. See Unalakleet	285				
New York Indians, Emigrant	75	5	553	Per Curiam Opinion	11/1/57
			635-a	Order Denying Motion to Dis.	
			560	Findings - Title	
			607	Opinion	
			635-c	Interlocutory Order	
		11	336	Findings - Value	10/8/62
			359	Opinion	
			386-a	Interlocutory Order	
		13	560	Findings	8/11/64
			566	Opinion	
			573-b	Order Correction Comp.,	
			573-a	Amending Inter. Order	
			573-c	and Final Award	
		177 C.C.	263	Affirmed	10/14/66
		18	153	Order - Atty. Fee	3/31/67
		20	413	Order - Atty. Expenses	4/23/69
Nez Perce Tribe	175	18	1	Findings - Title	3/21/67
			119	Opinion	
				Interlocutory Order	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Nez Perce Tribe (continued)	175	24	429	Opinion	2/18/71	
			449	Order Granting in Part and Denying in Part Pft's Motion for Partial Summary Judmt.		
			26	177	Findings on Compromise - Value and Offsets	8/25/71
			27	192	Final Award	3/29/72
				473	Findings - Attys' Fee	
	484	Order Allowing Attys' Fee				
Nez Perce Tribe	175-A	8	220	Findings - Value	12/31/59	
			271	Opinion		
			299-a	Interlocutory Order	6/17/60	
			759	Add. Fdgs. - Compromise		
			777	Opinion		
			10	780-a	Final Judgment	4/30/62
				319-b	Order - Attorney's Fee	
Nez Perce Tribe	175-B	13	184	Findings	4/7/64	
			238	Opinion		
			271-a	Final Order Dismissing	7/15/66	
			176 C.C.	815		Aff. in Part; Rev. in Part
			386 U.S.	985		Cert. Denied
			386 U.S.	1015	Motion to Clarify Order Dis.	4/24/67
			22	53	Opinion - Value	11/14/69
				76	Order Amending Fdgs. and Entering Conclu. of Law	
			78	Final Award	3/19/71	
				194 C.C.		490
			29	127	Opinion	11/1/72
				140	Final Award	

Joseph Band of Nez Perce. See 179
Colville Reservation Confederated
Tribes

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Nez Perce Tribe	180	2	193	Per Curiam Opinion	6/4/52
			245	Per Curiam Opinion	10/17/52
				Order of Dismissal	
				Order Setting Aside Dis.	2/27/53
Nez Perce Tribe	180-A	3	571	Findings - Merits	8/10/55
			582	Opinion	
		8	300	Interlocutory Order	
			338	Additional Findings	12/31/59
		153 C.C.	353-a	Opinion	
			697	Interlocutory Order	7/5/60
9	434-c	Final Judgment	5/12/61		
Nisqually Tribe	197	21	173	Affirmed	7/12/61
			179	Order - Atty. Fees	
			187	Opinion	6/25/69
		29	432	Findings	
			447	Interlocutory Order	
			470	Opinion - Value	2/7/73
				Additional Findings	
Nooksack Tribe	46	1	333	Interlocutory Order	
				Memo Opinion	7/14/50
		3		Order Limiting Hearing	
				on Merits	1/31/52
				Order Denying Special	
		6		Defenses for Defendant	1/30/52
			479	Findings - Title	5/9/55
			492	Opinion	
607-a	578	Interlocutory Order			
	596	Additional Findings	7/17/50		
	681	Opinion			

170

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Nooksack Tribe (continued)	46	6	683-a	Order Denying Motion for Rehearing, Etc.	10/20/58	
			10	219	Additional Findings	2/9/62
				225	Opinion	
				227-a	Final Judgment	
			162 C.C.	712	Affirmed.	7/12/63
			375 U.S.	993	Cert. Denied	1/20/64
	14	221	Findings on Atty. Fees Order Allowing Fees	10/22/64		
Northern Arapaho. See Cheyenne and Arapaho, Dkts. 329-A, B, C & D	329-D					
Northern Cheyenne. See Cheyenne and Arapaho	329-C					
Northern Paiute Nation. See Paiute						

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Omaha Tribe, et al.	85	1	683	Opinion Order Dismissing	12/19/51
Omaha Tribe of Nebraska, Iowa Tribe and Sac and Fox Tribe	138	5	316 351	Findings - Title Opinion	7/31/57
		15	366-a 375	Interlocutory Order Order - Attorneys' Fees - Iowa Tribe	5/18/65
		25	215	Order - Attorneys' Expenses - Sac and Fox Tribe	3/7/71
Omaha Tribe, et al.	138	13	272	Add. Findings - Compromise	4/14/64
Otoe and Missouriia Tribe	& 11-A		289 294-h 294-i	Opinion Final Judgment	
Omaha Tribe, et al. Sac and Fox Tribe	138 & 232	15	42	Add. Findings - Sac and Fox Compromise	3/2/65
			62 67-a	Opinion Final Judgment and Dismissal of Dkt. 232	
		17	423	Order - Atty. Expenses - Sac and Fox Tribe	11/10/66
Omaha Tribe of Nebraska, Iowa Tribe and Sac and Fox Tribe	138 & 339	15	172 191	Findings - Compromise Per Curiam Opinion	3/22/65
			192-a	Final Judgment	
		17	288	Order - Atty. Expenses - Iowa Tribe of Okla.	5/23/66
			293	Order - Atty. Expenses - Iowa of Kansas & Nebr.	7/18/66
		330	Order Amding. Final Jdmt.	8/5/66	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Omaha Tribe of Nebraska	225 Cons. (225-A, B, C & D)	8	392	Findings on Compromise	2/11/60	
			407	Opinion		
			419-a	Final Judgment or Final Determination		
Omaha Tribe of Nebraska	225-A	3	352	Findings	10/19/54	
			365	Opinion		
			4	627	Interlocutory Order Findings - Boundaries, Title & Consideration	1/18/57
				662	Opinion	
			6	730	Interlocutory Order Findings - Value	11/28/58
				751	Opinion	
			7	759-a	Interlocutory Order	5/6/59
				572-c	Conclusions of Law and Judmt. and Final Award	
573	Opinion re Orders Disallowing Offset	5/13/59				
Omaha Tribe of Nebraska	225-C	6	68	Opinion Order sustaining in part and overruling in part dfnt's motion to dismiss	12/27/57	
Oneida Nation of New York and Oneida Tribe of Wisconsin. See Six Nations, Dkt. 344	84					
Oneida Nation. See Emigrant Indians of New York, Dkt. 75						
Oneida	159	12	1	Findings	12/6/62	
			6	Opinion Final Order		

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Oneida	290	18	433	Order Dismissing	6/14/67	
Oneida Nation of New York	301	20	337	Opinion on Motion for Partial Summary Jdmt.	2/26/69	
			360	Order Denying		
			138	Opinion - Claims 3 thru 8, Liability	8/18/71	
			149	Findings		
			163	Interlocutory Order		
			583	Opinion - Claims 1 and 2 Liability	12/29/71	
Osage Nation	9	1	592	Findings	12/30/48	
			624	Interlocutory Order		
			C.C.	Affirmed in part; remanded in part		
			43	Findings		
			54	Opinion		
			96	Dissenting Opinion		
			112	Appendix		
				Order Dismissing		
			119 C.C.	592	Ct. Cl. Rev. & Rem.	5/1/51
			342 U.S.	896	Cert. Denied	12/1/51
			3	217	Add. Findings - Value	8/13/54
				231	Opinion	
				274	Dissenting Opinion	
				344	Interlocutory Order	
	344	Opinion - Aff. on recon- sideration	9/27/54			
	422	Add. Findings - Offsets & Final Judgment	3/1/55			
	434	Opinion Final Order				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE		
Osage Nation	105	11	733	Findings - Title	11/29/62		
			812	Opinion			
Osage Nation	107	21	897-a	Interlocutory Order	6/18/69		
			67	Opinion			
			74	Add. Fdgs. on Value			
			90	Order			
Osage Nation	106 & 107	19	447	Findings - Title	9/20/68		
			481	Opinion			
Osage Nation	108	16	190	Per. Cur. Opinion	10/27/65		
Osage Nation	105, 106, 107, & 108	C.C. 23	447	Dismissed Appeal	9/3/70		
				Fdgs. on Compromise			
				Settlement			
				Inter. Order Approving			
				Comp. & Stipulation			
				for Entry of Final Jdmt.			
Osage Nation		23	492	Final Judgment	9/15/70		
			25	325		Findings - Attys. Fee	5/26/71
				338		Order Allowing Attys. Fee	
			Osage Nation	126		7	864
878	Opinion						
888-a	Order Dismissing						
	Affirmed						
Osage Nation		155 C.C.	824		11/1/61		
Otoe and Missouriia	11	2	335	Findings	3/31/53		
			355	Opinion			
			374	Dissenting Opinion			
				Interlocutory Order			
			500	Additional Findings		12/11/53	
			507	Opinion			

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Otoe and Missouriia (continued)	11			Concl. of Law and Final Award	12/11/53
Otoe and Missouriia (Cons. w/Dkt. 138, Iowa)	11-A			Order permitting Filing of Amended Petition	3/4/57
		5	316	Findings	7/31/57
			351	Opinion	
			366-a	Interlocutory Order	
		13	32-a	Order Modifying 5 ICC 316	11/25/57
			25	Per Curiam Opinion	11/18/59
			272	Additional Findings	4/14/64
			289	Opinion	
			294-h	Final Judgment	
		13	544	Order - Atty. Fees	7/22/64
		14	483-c	Order - Atty. Expenses	12/22/64
Otoe and Missouriia Iowa	11-A & 138	17	290	Order re Award	6/28/66
Otoe and Missouriia Iowa Tribe	11-A 138	13	25	Opinion re Determination of Article 2 Line, 1825 Prairie du Chien Treaty	11/18/59
Yankton Sioux Tribe	332-A		32-a	Order Amending Finding 2, Dockets Nos. 11-A and 138- Determination of the Line Described in Article 2 of the August 19, 1825 Treaty	11/25/59
Ottawa and Chippewa of Michigan	4			Order Dismissing Petition	3/25/49
Ottawa Tribe	40-B	2	461	Findings	8/6/53
	40-C		469	Opinion	
	40-D			Order	
	40-E, 40-F & 133				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Ottawa Tribe. See Chippewa, Dkt. 13-G	40-F				
Ottawa Tribe	40-H	4	409 460	Findings Opinion	9/19/56
Ottawa Tribe. See Potawatomi, Dkt. 217	40-J				
Ottawa Tribe Cons. w/Dkt. 146, Pottawatomi	40-K	6	414 442 463-a	Findings Opinion Interlocutory Order	6/30/58
		14	518 549	Additional Findings Opinion	12/29/64
		19	569-a 95	2nd Inter. Order Additional Findings	3/27/68
		26	102 104-a 200	Per Curiam Opinion Final Judgment Order Allowing Attys. Fees	9/1/71
Ottawa Tribe	68	9	80	Order Dismissing	1/11/61
Ottawa Tribe. See Chippewa, Dkt. 13-E	133-A				
Ottawa Tribe. See Chippewa, Dkt. 13-F	133-C				
Ottawa Tribe. See Chippewa, Dkt. 13-E	302				
Ottawa and Chippewa of Michigan. See Bay Mills Community, Dkt. 18-E	58				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Ottawa Tribe	303	8	831	Findings	6/29/60
			874	Opinion	
		9	900-a	Interlocutory Order	3/10/61
			98	Opinion on Motion for Rehearing	
			11	550	
		14	566	Opinion	2/11/65
			577-a	Order	
677	Amended Final Award				
15	373	Order - Attorney Fees	5/14/65		
Ottawa Tribe	304	25	1	Opinion - Value	3/17/71
			10	Findings of Fact	
			20	Interlocutory Order	
Ottawa Tribe	305	27	98	Opinion - Value	3/15/72
			115	Findings of Fact	
			131	Interlocutory Order	
		28	251	Opinion on Dfnt's Motion for Rehearing	7/26/72
			254	Order Amending Findings Entered March 15, 1972	
Ottawa Tribe of Oklahoma, see Chippewa Tribe, Dkt. 13-G.	338				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Paiute Nation, Northern Also see Dkt. 31, California Indians	87	6	86	Opinion	1/20/58
			666	Opinion	10/6/58
	7		322	Findings	3/24/59
			381	Opinion	
			421-a	Inter. Order	
	9		615	Add. Findings	6/4/59
			618-a	Inter. Order	
			417	Add. Findings	7/3/61
			429	Statement & Opinion	
	10		434-a	Final Judgment	
			361	Fdgs. & Concls.	6/14/62
	16		367	Opinion	
			396-a	Order	
			215	Add. Findings	11/4/65
			289	Opinion	
340-a			Order re Offsets		
183 C.C.	20	340-b	Final Judgment		
		321	Affirmed	4/19/68	
		414	Findings of Fact Re: Attny Fees		
		432	Order Allowing Attny Fees		
Paiute Nation, Northern	87-A	27	39	Opinion	2/16/72
			45	Order Fixing Dates of Establishment of Pyramid Lake Resvn. and Walker River Resvn.	
	28		256	Opinion	8/1/72
			263	Order Finding Dfnt. Liable for Resources Removed from Nevada Portion of Paviotso	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Paiute Nation, Southern (Involved in Appeal in Dkts. 31 and 37, Calif. Indians)	88 & 330-A	6	86	Opinion	1/20/58
			666	Opinion	10/6/58
		15	433	Fdgs. re Atty. Fees	5/24/65
				Order re Atty. Fees	
		14	618	Findings of Fact	
			647	Opinion	
Paiute Nation, Southern (Involved in Appeal in Dkts. 31 and 37, Calif. Indians)	330	6	86	Opinion	1/20/58
			666	Opinion	10/6/58
Palmer, Alaska, Natives of	370	27	135	Order Granting Motion to Dismiss Claim	3/15/72
Papago Tribe of Arizona	102	26	365	Opinion	11/16/71
			370	Order Compelling Production of Data	
Papago Tribe of Arizona	345	19	394	Findings	9/10/68
			424	Opinion	
		21	435-a	Inter. Order	10/1/69
			403	Add. Findings	
		406	Inter. Order on Date of Taking		
		407	Amded. Inter. Order Report of Commissioner	2/22/71	
Pascagoula, Biloxi and Mobilian Cons. Band	170	20	130	Order Dismissing Case	12/3/68

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE		
Pawnee Indian Tribe	10	1	230	Findings	7/14/50		
			245	Opinion			
				Interlocutory Order			
				Final Order Dismissing			
			124 C.C.	324		Aff. in Part, Rev. in Part	1953
			5	224		Findings - Title	6/17/57
				268		Opinion	
				296-a		Interlocutory Order	
			7	721		Opinion - Admiss. of Exhibits	6/26/59
				724-a		Order	
			8	648		Add. Findings - Value	6/14/60
				718		Opinion	
				758-a		3rd Interlocutory Order	
			9	82		Add. Findings - Offsets	1/31/61
				85		Opinion	
	93-a	Interlocutory Order Amending Fdg. & 3rd Inter. Order Order					
	94	Supp. Opinion					
	97-a	Final Award Order Amending Inter. Order of 1/31/61	2/7/61				
	97-c	Order Amending Fdgs., Amended Conclusions and Final Award					
	12	234	Per Curiam Opinion - Expenses	7/15/63			
		264-a	Order Allowing Atty. Exp.				
Pend d'Oreille, Lower (Kalispel)	94	6	353	Findings - Title	6/9/58		
			360	Opinion			
			352-a	Interlocutory Order			
			12	141		Add. Fdgs. - Compromise	3/21/63
				157		Opinion	
	160-a	Final Judgment					

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Pembina Band of Chippewa. See Chippewa, Dkt. 18-A						
Peoria Tribe of Oklahoma, cons. w/dkts. 66, 99, 289, 314, 338, Kaskaskia Piankeshaws and Weas	65	4	223	Findings	3/26/56	
			239	Opinion		
		11	171	Findings	9/12/62	
			174	Opinion		
		15	179-a	Int. Order - Dis. in part.	3/17/65	
			123	Findings		
			142	Opinion		
			156-a	156-a	Int. Order	8/4/65
					Judgm. subject to Offsets	
			488	Final Award	12/16/66	
		177 C.C.	762	Affirmed in Part and Remanded in Part		
			390 U.S.	468	Revised and Remanded	5/8/68
		184 C.C.	801	Vacated and Remanded		
	20	62	Opinion	11/13/68		
		69-a	Order Sub. Fdgs. & Vacating Final Award of 8/4/65 & Final Award			
		433	Order Allow. Attys' Fees & Expenses	4/30/69		
	22	334	Order Allow. Supp. Attys' Fees	12/10/69		
Peoria Tribe of Oklahoma See Docket 65	66		Order Dismiss.	5/6/57		
Peoria Tribe of Oklahoma (Piankeshaw Nation) and Absentee Delaware Tribe of Oklahoma	289	19	107	Findings - Title	3/27/68	
			118	Opinion		
		22	124-a	Int. Order	12/5/69	
			186	Fdgs. - Value		
			197	Opinion		

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Peoria Tribe of Oklahoma (Piankeshaw Nation) and Absentee Delaware Tribe of Oklahoma (continued)	289	22	223	Order	12/5/69	
			24	179	Opinion - Value	12/11/70
	26	4	186	Findings		
			195	Interlocutory Order		
			468	Final Award	2/24/71	
			4	Order - Atty. Fees, Peoria	7/14/71	
			11	Order - Attys' Fees		
			265	Order - Attys' Expenses - Delaware	9/15/71	
	Peoria Tribe of Oklahoma (Wea Nation) see Dkt. 253	314 Amend.	5	180	Findings	6/4/57
				198	Opinion	
9		49	233-a	Inter. Order		
			49	Findings	8/5/60	
			60-a	Order part. granting No. for part. S.J.		
12		12	274	Findings - Offsets	4/18/61	
			289	Opinion		
			300-a	Int. Order		
			392	Findings	7/29/63	
			398	Opinion		
169 C.C.		15	403-a	Final Order		
			1009	Modified & Affirmed	3/12/65	
			266	Order Amending Final Order	5/7/65	
	571		Order - Atty. Fees	8/16/65		
314-C	10	327	Order - Atty. Exp.	8/1/66		
		22	271	Fdgs. - Div. Kickapoo & Wea	3/2/62	
279	Opn.					
186	Fdgs. - Value		12/5/69			
197	Opn.					
223	Order					
384	Final Award	1/28/70				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Peoria Tribe of Oklahoma (Wea Nation) (continued)	314-C	23	406	Order - Atty's Fees and Expenses	8/12/70
Peoria Tribe, etc.	314-E	18	463 473 476-a	Findings Opinion Order Admitting Petitioner's Exhibits, no.'s 1, 2, & 3	7/18/67
		19	476-b 529	Final Judgment Order Allow. Atty. Fees & Expenses	9/7/67
Peoria See Peoria Tribe Dkt. 65 and Chippewa Tribe, Dkt. 13-G	338				
184 Peoria Tribe of Oklahoma, Piankeshaw Nation	99	16	574 593 611-a	Findings - Title Opinion Interlocutory Order	4/4/66
		22	186 197 223	Opinion - Value Supp. Findings Interlocutory Order	12/5/69
		23	442 403	Final Award Order - Atty's Fees and Expenses	2/11/70 8/12/70
Peoria Tribe (Kaskaskia Nation) See Pottuwatomie Tribe, Dkt. 15-D	313				
Peoria Tribe of Oklahoma (Wea) See Miami Tribe, Dkts. 253 & 131	314-D				
Pima-Maricopa See Gila River Pima-Maricopa	228 & 236				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Pitt River Tribe	347			Order Denying Petition to File Belated Appeal	11/1/72
Also see California Indians, Docket Nos. 31 & 37		7	815 850 850-a	Findings of Fact Opinion Order	
Ponca Tribe of Oklahoma, et al.	322	12	265 293 300-a	Findings - Title Opinion Interlocutory Order	7/26/63
		20	272 281 307-a	Opinion - Value Additional Findings 2d Interlocutory Order	2/4/69
		26	203 209 217	Opinion - Offsets Additional Findings Final Award	9/8/71
		27	10	Order Denying Mo. for Rehearing to Amend Fdgs. and Final Award	1/12/72
		29	416	Order Allowing Attys' Fee	1/10/73
Ponca Tribe, et al.	323	6	409 408-f	Per Curiam Opinion Order Dismissing Count	6/19/58
		17	162 206 287-a	Findings Opinion Order	7/26/66
		183 C.C.	673	Remanded	4/19/68
		24	339 349 362	Opinion Additional Findings Final Award	12/30/70
				Ct. Cl. Remanded in Part & Affirmed in Part	2/25/72

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Ponca Tribe, et al. (continued)	323	28		Ct. Cl. Order Denying Motion for Rehearing	5/15/72
			335	Opinion	8/23/72
			347	Supplemental Findings	
			350	Final Award on Remand	
Ponca Tribe of Oklahoma, et al.	324	15	573 576-a	Findings - Accounting Final Award	8/27/65
Potawatomie, Prairie Band Citizen Band	15-B & 111	3	10	Findings	4/23/54
			40	Opinion	
			540	Interlocutory Order	
			547	Additional Findings	8/8/55
		4	570-a	Conclu. of Law & Final Award	
			540	Opn. & Fdgs. - Atty's Fees Order - Atty's Fees	9/21/56
Potawatomie, Prairie Band	15-H	5	180	Findings	6/4/57
			198	Opinion	
			223-a	Order Dismissing in Part	
Potawatomie Tribe	15-A	2	207	Findings	6/2/52
			219	Opinion - Dismissing	
			125 C.C.	Conclu. of Law and Judgment Affirmed	
Potawatomie, Prairie Chippewa, Red Lake Hannahville Community Potawatomie, Citizen	15-C, 18-H, 29-A, & 71	28	454	Opinion - Title	9/20/72
			469	Findings	
			496	Interlocutory Order	
			498	Opinion Concurring in Part and Dissenting in Part	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Potawatomi, Citizen	71, 128, 146,216, 217,306, 308,309, 310,311, & 338	29	419	Order Denying Motion for Rehearing and Amendment of Findings and For Other Purposes	1/24/73
Pottawatomie, Prairie Band	15-C, D, E, I, K, L, M, N, O, P, Q, & R				
Hannahville Community	29-A, B, C, D, E, G, I, J, K, L, M, N, O & P				
Potawatomie	15-J	4	409 460	Findings Opinion Interlocutory Order - Value	9/19/56
Potawatomie	15-J & 71-A	4	473 514	Findings Opinion Order Dis. Amded. Intvnr's Petition	9/19/56
		7	170 178	Additional Findings - Offset Opinion	2/26/59
		143 C.C.	186-a 131	Final Award Affirmed	7/16/58
Potawatomie, Prairie Band, See Dkt. 217, et al., Citizen Band	15-K				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Potawatomi Indians, Prairie Band Citizen Band	15-M & 146	6	414 442 413-a	Findings - Title Opinion Interlocutory Order	6/30/58
		14	518 549 569-a	Add. Findings - Value Opinion 2d Interlocutory Order	10/23/64
Potawatomi Nation See Chippewa, Dkt. No. 13-E	15-N				
Potawatomi, Hannahville and Forest County	28			Order Dismissing Claims of Canadian Potawatomi Appeal Dismissed	1/25/49 1/3/50
			C.C.		
Potawatomi, Citizen Band	71, 128,146, 216,217, 306,308, 309,310, 311 & 338	27	187 252 325	Opinion - Entity Question Findings of Fact Order Denying Dfnt's Motion to Dismiss Dkts. 29-D and E and For Other Purposes Dissenting Opinion	3/28/72
Pottawatomie Tribe and Prairie Band	15-C, D, E, I, K, L, M, N, O, P, Q, & R	29	328 419	Dissenting Opinion Order Denying Motion for Rehearing and Amendment of Findings and For Other Purposes	1/24/73
Potawatomi, Hannahville Community	29-A, B, C, D, E, G, I, J, K, L, M, N, O, & P				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Potawatomie, Hannahville Community	29-D & 29-E	14 180 C.C.	204 220-a 477	Opinion on Mo. to Dismiss Order Reversed & Remanded	10/14/64 6/9/67
Potawatomie, Hannahville Community Cons. w/Miami, Dkts. 253, 15-H, 131, 307, 314 & 317	29-F	5	180 198 223-a	Findings Opinion Interlocutory Order Dismissing in Part	6/4/57
Potawatomie, Hannahville Community - See Citizen Band, Dkt. 146	29-J				
Potawatomie, Hannahville Community Cons. w/Citizen Band, Dkt. 146	29-K	6 14 180 C.C.	414 442 463-a 329 359-d 359-a 477	Findings Opinion Interlocutory Order Opinion Order denying ptfs. in Dkt. 29-K Order Dismissing Petition Reversed & Remanded	6/30/58 12/2/64 6/9/67
Potawatomie, Hannahville Community	29-L thru P	14 173 C.C.	172 203-a 1186	Opn. on Add. Evidence Order Denying Motion Appeal Dismissed	10/14/64 11/19/65

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Potawatomi, Citizen Band	96	6	646	Findings	9/18/58
			658	Opinion	
		14	665-a	Interlocutory Order	
			570	Supplemental Findings - Value	12/30/64
			585	Opinion	
		19	607-a	Interlocutory Order	
			368	Additional Findings	8/27/68
			379	Opinion	
			384-a	Final Judgment	
		21	16	Order - Attys' Fees	5/21/69
		22	441	Order - Attys' Expenses	2/11/70
Potawatomie, Citizen Band	101	14	1	Findings	4/14/64
			6	Final Order Dismissing	
Potawatomie, Citizen Band	217,	11	641	Findings	11/29/62
Prairie Band	15-K,		693	Opinion	
Hannahville Community	29-J,	15	732-a	Interlocutory & Final Order	
Chippewa Tribe	13-L,		232	Order Amdng. Findings,	
Red Lake Band, et al.	18-I,		234	Opinion & Order of 11/29/62	4/15/65
Ottawa Tribe	40-J		237	Supplemental Findings	
			239-a	Opinion	
				Final Award in Dkts. 217,	
				15-K & 29-J	
		179 C.C.	473	Reversed in Part in Dkts.	
				217 & 15-K	4/14/67
		180 C.C.	477	Reversed & Remanded in	
				Dkt. 29-J	6/9/67
		389 U.S.	1046	Cert. Denied in Dkt. 217	1/15/68
		390 U.S.	957	Cert. Denied in Dkt. 15-K	3/4/68
Potawatomi, Citizen Band See Chippewa, Dkt. 13-E	216				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Potawatomie, Citizen Band Cons. w/Miami, Dkt. 253	307	5	180 198 223-a	Findings - Title Opinion Order Dis. in Part	6/4/57
Potawatomi Indians Citizen Band	312	17	536	Order Dis. Petition	12/22/66
Pueblo of Acoma, et al.	266	18	154 202 240-a	Findings - Title Opinion Interlocutory Order	3/31/67
		19	152	Order Amending Findings and Opinion	5/2/68
		23	219	Add. Findings on Compromise	6/17/70
			235	Final Judgment	
		24	375	Order Allowing Attys' Fee	1/20/71
191 Pueblo of Laguna Pueblo of Acoma Navajo Tribe	227, 266 & 229	17	615 666 699-a	Findings - Title Opinion Interlocutory Order	2/28/67
		18	366 380	Order Amending Opinion Order Amending Opinion	4/20/67 5/4/67
Pueblo of Acoma Pueblo de Laguna Navajo Tribe	266 227 & 229	18	154 202 240-a	Findings Opinion Interlocutory Order	3/31/67
Pueblo of Laguna	227	26	170 176	Findings on Attorneys' Fee Order Allowing Attorneys' Fee	8/18/71
Pueblo de Cochiti	136	7	422 437 455-a	Findings Opinion Final Order Dismissing	3/27/59

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Pueblo de Isleta	211	7	619	Findings	6/5/59	
			642	Opinion		
			674-a	Final Order Dismissing		
			152 C.C.	866	Affirmed	3/10/61
Pueblo of Laguna, et al.	227	17	615	Findings - Title	2/28/67	
			666	Opinion		
			699-a	Interlocutory Order		
			18	366	Order Amending Opinion	4/20/67
			19	154	Order Amending Findings and Opinion	5/7/68
			24	197	Findings on Compromise	12/11/70
				207	Final Award	
			26	170	Findings on Attorneys' Fee	8/18/71
	176	Order Allowing Attorneys' Fee				
Pueblo of Nambe	358	16	393	Findings - Title	11/9/65	
			408	Opinion		
			422-a	Interlocutory Order		
See Pueblo of San Ildefonso, Dkt. No. 354	24	425	Order Denying Motion for Summary Judgment	2/10/71		
Pueblo de Pecos	174	4	130	Per Curiam Opinion	12/13/55	
				Order Deny. Mo. to Dismiss		
			8	195	Findings	12/11/59
				205	Opinion	
				219-a	Final Order Dismissing	
			152 C.C.	865	Affirmed	3/10/61
368 U.S.	821	Cert. Denied	10/9/61			

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Pueblo of San Ildefonso	354,	24	425	Order Denying Motions for Summary Judgment	2/10/71
Pueblo of Santo Domingo	355,	27	37	Order Requiring Filing of Corrected Land Description	2/9/72
Pueblo of Santa Clara	356 &				
Pueblo of Nambe	358				
Pueblo of Taos	357	15	666 688	Findings Opinion	9/8/65
		24	705-a 414	Interlocutory Order Order to Show Cause Why Decision of 9/8/65 Should Not be Vacated	2/10/71
Pueblo of Taos	357 & 357-A	21	342	Order Granting Leave to Amend Petition	8/13/69
Pueblo of Taos	357 & 357-B	22	444	Order Granting Leave to Amend Petition	2/18/70
Pueblo of Taos	357-A	24	406 413	Opinion Order Denying Motion for Summary Judgment	2/10/71

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE		
Pueblo de Zia	137	11	131	Findings	9/11/62		
			147	Opinion			
			170-a	Final Order Dismissing			
		165 C.C.	501		Reversed	4/17/64	
					Ct. Cl. Amendment	1/22/65	
		19	56		Additional Findings - Date of Taking	3/7/68	
				67	Opinion		
		21	316	94	Interlocutory Order	3/26/68	
				316	Order Correcting Opinion		
				321	Opinion		
		24	270		Order Determ. Basis for Appraisal of Offsets of Real Property	9/3/69	
					Report of Commissioner		
					Opinion - Value		12/17/70
					Additional Findings		
					Interlocutory Order		
26	218		Opinion - Offsets	9/15/71			
			Additional Findings				
			Final Award				
	C.C.		Affirmed in Part, Reversed in Part and Remanded	2/16/73			
	C.C.		Order Amending Amount of Offset				
Puyallup Tribe	203	17	1	Findings - Title	4/25/66		
			16	Opinion			
			27-a	Interlocutory Order			

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Quapaw Tribe	14	1	469	Findings	3/15/51	
			474	Opinion		
				Interlocutory Order		
			644	Additional Fdgs. - Offsets		12/6/51
			652	Opinion		
	Final Award					
	128 C.C.	45	Rev. in Part and Remanded	4/6/54		
			Amended Final Award	5/7/54		
Quechan Tribe of Fort Yuma Resvn. California	319	6	86	EEW Opinion	1/20/58	
				Order - Capacity to Sue		
			666	Opinion	10/6/58	
			673-a	Order Severing fm Calif.		
			8	111	Findings - Title	9/30/59
				138	Opinion	
				149-a	Interlocutory Order	
			156 C.C.	714	Appeal Withdrawn	3/23/62
			13	89	Order Denying Motion to Intervene in California	3/3/64
			15	489	Add. Fdgs. on Compromise	8/5/65
	512	Opinion				
	515-a	Final Judgment				
	16	572	Order - Attorneys' Fees	3/10/66		
	19	125	Order - Attorneys' Expenses	4/4/68		
Quechan Tribe of the Fort Yuma Resvn. California	320	26	15	Opinion	7/21/71	
			20	Order Granting Ptf's Motion to Vacate Order Staying Further Proceedings and Conditionally Denying Ptf's Motion to Reopen Record		
Queets Band or Tribe See Quinaieilt Tribe	242					

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Quileute Tribe, et al.	155	7	31	Findings - Title	12/1/58
			49	Opinion	
	158 C.C.	10	63-a	Order	7/6/62
			701	Stipulation for Dis. of Appeal Approved	
	13	10	427	Findings on Compromise	7/9/62
			438	Opinion	
			552	Final Judgment	
Quinaielt Tribe, et al.	242	7	1	Findings - Title	12/1/58
			17	Opinion	
	158 C.C.	10	702	Interlocutory Order	7/6/62
			702	Stipulation for Dismissal of Appeal Approved	
	13	10	411	Findings	7/9/62
			423	Opinion	
			441-a	Final Judgment	
13	10	556	Amded. Final Judgment	4/17/63	
		556	Findings on Atty. Fees		
		559-a	Order on Atty. Fees		

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Ridaught Band of Indians	346	19	367	Order Dismissing	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Sac and Fox	95	26	513 520 536	Opinion - Accounting Findings Interlocutory Order	12/27/71
Sac and Fox, et al.	83	3 7 18 19 25	395 675 708 720-a 548 159 414 423 429	Opinion Findings Opinion Interlocutory Order Order Granting Dfnt's Motion to Amend Answer Order Granting Motion to Exclude Grants, etc. Opinion - Boundaries Additional Findings Interlocutory Order	11/17/54 6/12/59 9/7/67 5/16/68 6/16/71
		179 C.C.	8	Affirmed in Part and Reversed and Remanded in Part	3/17/67
		389 U.S.	900	Cert. Denied	
Sac and Fox Tribe of Oklahoma, Sac and Fox Tribe of Missouri, Sac and Fox Tribe of Mississippi in Iowa, Iowa Tribe in Kansas and Nebraska, and Iowa Tribe in Oklahoma - see Iowa Tribe	135				
Sac and Fox (Iowa)	135-A	9	301 308	Findings Opinion Final Order of Dismissal	5/8/61
Sac and Fox (Also see Iowa Tribe, Dkts. 138, 232 & 339)	138	5	316 351 366-a	Findings Opinion Interlocutory Order	7/31/57

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE			
Sac and Fox (Continued)	138	15	42	Add. Findings	3/2/65			
			62	Opinion				
			67-a	Order				
			375	Atty. Fees - Iowa		5/18/65		
			378	Atty. Fees - Sac & Fox				
			17	288			Atty. Expenses - Iowa	5/23/66
				290			Final Order re Award	6/28/66
			293	Atty. Expenses			7/18/66	
			330	Order Amding. Final Jdmt.			8/5/66	
			423	Atty. Fees in 138 & 232			11/10/66	
			25	215			Atty. Exp. Sac & Fox, 138	4/7/71
				386			Atty. Exp. Sac & Fox 138	6/16/71
Sac and Fox of Oklahoma	143	15	381	Findings	5/19/65			
			409	Opinion				
			429-a	Final Order				
			16	160		Order - Atty. Fee	10/14/65	
				21		Order - Atty. Expenses, Iowa	8/6/69	
			25	218		Order - Atty. Expenses, Sac and Fox	4/7/71	
				389		Order - Atty. Expenses, Sac and Fox of Mo.	6/16/71	
			Sac and Fox of Oklahoma	195		13	295	Findings - Value
313	Opinion							
325-a	Interlocutory Order							
15	120	Final Judgment			3/10/65			
	487	Order - Atty. Fee			8/12/65			
25	406	Order - Attys' Expenses			6/16/71			
Sac and Fox	219	18	558	Findings	9/29/67			
			612	Opinion				
			638-a	Final Award				
			24	384		Order Allowing Attys' Fees	2/3/71	
				26		315	Order Allowing Attys' Exp.	10/6/71

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE		
Sac and Fox of Oklahoma	220	11	578	Findings	11/28/62		
			608	Opinion			
			640-a	Final Order Dismissing			
			17	544		Per Cur. Opinion	2/14/67
			583-d	Order Denying Motion			
			583-a	Final Judgment		2/28/67	
			18	527		Order - Atty. Fee	8/9/67
25	223	Order - Atty. Expenses	4/7/71				
Sac and Fox Tribe of Oklahoma See Iowa Tribe	138, 153 & 158						
Saginaw Chippewa See Chippewa							
Salish and Kootenai Tribes of Flathead Reservation See Flathead Reservation, Confederated Salish and Kootenai Tribes of	61 & 156						
Samish Tribe	261	6	159	Findings	3/11/58		
			169	Opinion			
			134-a	Interlocutory Order			
			13	583		Findings) Skagit,	
			591	Opinion) Dkt. 92			
			606-a	Order)			
			26	61		Opinion - Value	7/28/71
			67	Findings			
75	Interlocutory Order						
318	Final Award	10/6/71					

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
San Juan Tribe	214	5	517	Findings	10/30/57	
			520	Opinion		
			524-a	Order of Dismissal		
Sauntee Sioux See Sioux, Sauntee	104					
Seminole Nation	53	2	115	Findings	4/22/52	
			122	Opinion		
				Concl. of Law & Final Jdmt.		
Seminole Nation	73 & 151	13	326	Findings - Title	5/8/64	
			342	Opinion		
	180 C.C.	19	368-a	Interlocutory Order	6/9/67	
			375	Affirmed		
	23	19	179	Findings - Boundaries	6/28/68	
			187	Opinion		
			204-a	Order		
			440	On Motion to Intervene		
			446-a	Order		
			108	Opinion - Value		5/13/70
			115	Additional Findings		
	24	196 C.C.	134	Order	10/22/70	
			1	Opinion - Offsets		
17			Additional Findings			
Seminole Indians of the State of Florida	73-A	22	20	Final Award	2/18/72	
				Remanded		
			448	Opinion on Motion to Strike		2/18/70
			450	Order Directing that Documents be Filed		
			25	196 C.C.		25
39	Findings					
53	Order					

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Seminole Indians of the State of Florida (continued)	73-A	C.C.		Motion to Dismiss Appeal Granted	1/18/73
			C.C.	Motion for Rehearing Denied	4/27/73
Seminole Indians Represented by Lincoln Burden, et al.	121	6	127	Opinion	2/27/58
			126-a	Order Sustaining Motion for Summary Judgment	
Seminole Nation	150	4	66	Findings	12/5/55
			77	Interlocutory Order	
		6	336	Additional Findings	6/4/58
			345	Opinion	
	335-a	Final Award			
Seminole Nation	152	10	450	Findings	8/22/62
			461	Opinion	
			501-a	Final Order	
Seminole Nation	204	17	67	Findings - Liability	6/24/66
			76	Opinion	
			96-a	Interlocutory Order	
		26	7	Order Denying Motion to Dismiss	7/7/71
			28	117	Opinion
			137	Additional Findings	
			144	Order Vacating Commission's Findings of Fact, Opinion, and Interlocutory Order	
			145	Order Dismissing Petition	
		29	421	Order Denying Plaintiff's Motion for Rehearing	1/26/73

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Seminole Nation	205	12	798	Findings	11/7/63	
			809	Opinion		
		171 C.C1.	823-a 477	Final Order Affirmed	6/11/65	
Seminole Nation	247	18	428	Per Curiam Opinion on Summary Judgment	6/20/67	
			432-a	Order Denying S.J.		
			27	141	Opinion	3/24/72
				155	Dissenting Opinion	
				157	Findings	
	29	175	Final Order of Dismissal			
		422	Order Denying Plaintiff's Motion for Rehearing	1/26/73		
Seminole Nation	248	14	484	Findings	12/23/64	
			505	Opinion		
			517-a	Final Award		
			17	97	Findings - Atty. Fee	6/27/66
			99-a	Order Allowing Atty. Fee		
Seneca Nation	77			Order Sustaining Motion to Dismiss	6/12/51	
				Court of Claims	Affirmed	4/8/52
Seneca Nation and Seneca- Cayuga Tribe See Six Nations	84					
Seneca-Cayuga Tribe	341			Order Dismissing	9/4/58	

	TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
	Seneca-Cayuga Tribe of Oklahoma, et al.	341-A & 341-B	26	625 635	Opinion - Liability Findings	12/29/71
			29	643 262 275 287	Interlocutory Order Opinion - Value Additional Findings Interlocutory Order	12/7/72
	Seneca-Cayuga Tribe of Oklahoma See Chippewa, Dkt. 13-E	341-C				
	Seneca, Cayuga Tribe of Oklahoma See Chippewa, Dkt. 13-F	341-D				
204	Seneca Nation and Tonawanda Band of Seneca	342-A & 368-A	12	755 780	Findings Opinion	10/24/63
			173 C.C1.	797-a 917	Final Order Affirmed in Part; Reversed and Remanded in Part	12/17/65
			29	169	Final Award	11/22/72
	Seneca Nation, Tonawanda Band	342-B C, D & 368	18	412	Order Sustaining Dfnt's Motion to Dismiss, etc.	5/11/67
			20	177 186 209-a	Opinion Findings Interlocutory Order	12/30/68
	Seneca Nation, Tonawanda Band	342-B C & D	18	424	Order Setting Aside Comm.'s Order of 5/11/67 etc.	6/19/67

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Seneca Nation	342-A, B, C, E, F & I	28	12	Opinion	5/3/72
			42	Findings	
Tonawanda Band of Seneca Indians	368 & 368-A		90	Order Vacating Fdg. and Interlocutory Order in Dkts. 342-A and 368-A	7/6/72
			92	Inter. Order - Value in Dkts. 342-B, C and 368	
			94	Final Order of Dismissal in Dkt. 342-E	
			95	Inter. Order - Value in Dkt. 342-F	
			96	Order Denying Motion to Dismiss Dkt. 342-I	
			97	Inter. Order - Value in Dkt. 342-I	
			233	Order Denying Motion of Ptfs. in Dkts. 342-A and 368-A for Rehearing	
Seneca Nation	342-H	12	552 Findings 563 Opinion 569-a Final Order	8/30/63	
		173 C.C.	912 Affirmed	12/17/65	
Shasta Tribe, et al. (See California Indians, D. 283, 31 & 37)	333	6	86	Opinion	1/20/58
			666	Opinion	10/6/68
			674	Findings	
			678	Opinion	
Shawnee Tribe of Oklahoma See Chippewa, Dkt. 13-G	64				
Shawnee Tribe of Oklahoma See Chippewa, Dkt. 13-F	64-A				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE		
Shawnee, Absentee	334 Amded.	6	377	Findings	6/19/58		
			395	Opinion			
			376-a	Interlocutory Order Amended Final Jdmt.		5/29/61	
Shawnee, Absentee	334-A	6	408-a	Opinion Order	8/30/61		
			12	161	Findings	3/22/63	
				174	Opinion		
				179-a	Final Order		
			25	311	Per Curiam Opinion	5/19/71	
		314	Findings on Compromise				
		324	Final Award				
Shawnee, Absentee	334-B	12	180	Findings	3/29/63		
				191		Opinion	
				196-a		Final Order	
			22	18		Opn on Ptf's Mo. for Determ. of Certain Issues	11/13/69
				25		Add. Findings	
				27		First Inter. Order	
			26	328		Findings on Attorneys' Fee and Expenses	10/20/71
	334	Order Allowing Attorneys' Fee and Expenses					
		CC	Affirmed	12/12/72			
Shawnee, Eastern, of Oklahoma See Chippewa, Dkt. 13-G	335						
Shawnee, Eastern and Absentee	336			Ord. Dismissing Pet.	11/26/68		

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Shawnee, Eastern, of Oklahoma See Chippewa, Dkt. 13-G	338					
Shoshone Tribe	63	1	464	Per Curiam Opinion Order Directing Separation of Causes of Action	1/2/51	
			3	313 333	Findings Opinion	8/20/54
			6	636 645-a	Interlocutory Order Opinion Order - Atty. Fees	8/20/58
Shoshone Tribe	157	3	380	Opinion	11/8/54	
			14	393 729 744 746-a		Dis. Opinion Findings of Fact Opinion Final Judgment
Shoshone Tribe of the Wind River Resvsn. and Shoshone Nation	326 & 367	11	387	Findings - Title	10/16/62	
			417	Opinion		
			446-a	Interlocutory Order		
Shoshone Indians of Nevada, Western Te-Moak Bands	326-A	23	70	Opinion	4/29/70	
			86	Order		
Shoshone, Western	326-K	29	5	Opinion - Value	10/11/72	
			60	Additional Findings		
			124	Interlocutory Order		
			472	Order Denying Defendant's Motion for Rehearing		2/21/73
Shoshone-Bannock	326-D-G,	19	3	Fdgs. on Compromise	2/13/68	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Shoshone Tribe of Wind R.	326-H,		34	Opinion Nuc pro Tunc Order	
Bannock Tribe	366 &			Final Judgment	
Shoshone Nation or Tribe	367	19	281	Fdgs. on Atty. Fees	7/24/68
			306-a	Order Allowing Atty. Fees	
			23	Order Allowing Atty. Exp.	5/28/70
Shungnak, Native Village of	286	28	334	Order Granting Defendant's Motion to Dismiss	8/16/72
Sioux Tribe, et al. (1868 Treaty)	74	2	646 671	Findings Opinion Judgment	4/5/54
			15	577 Findings	8/27/65
				599 Opinion	
			615-a	Order	
			21	371 Opinion	9/10/69
				381 Order Amend. Fdgs. and Interlocutory Order	
			22	344 Opinion Granting Leave to Intervene in D. 332-C	12/17/69
				354 Interlocutory Order	
			23	358 Opinion on Scope of Articles 11 & 16 of the 1868 Treaty	7/8/70
				369 Interlocutory Order	
			27	79 Opinion	3/8/72
				87 Order Granting Leave to Amend Petition	
Sioux Tribe	74,	19	271	Opinion	7/3/68
Turtle Mt. Chippewa	113,			Order Admitting Add.	
Little Shell Chippewa	191,			Evidence	
Chippewa Cree	221,				
Red Lake & Pembina Chippewa	246,				
Ft. Berthold Tribes	350-B & C				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Sioux Nation Chippewa Cree Fort Berthold Tribes	74, 221-A, 350-B & C	23	419 428 440	Opinion - Title Findings Interlocutory Order	8/26/70
Sioux Nation	74 & 74-B	24	98 105	Opinion Order Amending Interlocutory Order and Denying Other Motions	11/30/70
Sioux Nation Yankton Sioux Tribe	74 & 332-C	24	147 161 175 177 364	Opinion - Title Additional Findings Interlocutory Order Order Admitting Exhibits Opinion on Motions for Rehearing & Modification	12/2/70 1/6/71
		27	373 49 56 58	Order Denying Motions Opinion Concurring Opinion Order Denying Motion for Rehearing	3/1/72
		28	204 215 217 218 219	Opinion on Motions Order Denying Motion to Strike Notices of Appeal Order Denying Motion to Dismiss Order to Clerk of the Comm. Order Denying Motion for Rehearings & Consolidation	6/23/72
Sioux Nation	74-B	28	425 432	Opinion Order Denying Dfnt's Motion to Dismiss All Claims but One for Lack of Jurisdiction	9/13/72
		29	180	Opinion	11/29/72

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Sioux Nation (Continued)	74-B	29	187	Order Granting Leave to Amend Petition and Denying Motion for Clarification		
Sioux Tribe of the Lower Brule Resvn.	78	2	183	Findings	5/29/52	
			189	Opinion Judgment		
			4	250 259	Additional Findings Opinion	4/26/56
			9	538 544 556-a	Interlocutory Order Additional Findings Opinion Final Order	
Sioux Indians of the Santee Resvn.	104	2	237	Per Curiam Opinion Order Sustaining SJ	10/17/52	
Sioux Tribe of the Cheyenne R. Resvn.	114	21	52	Findings	6/18/69	
			66	Final Judgment		
			443	Fdgs. - Attys. Fee	10/29/69	
			446	Order Allowing		
Sioux Tribe	114, 115, 116, 117, 118 & 119	12	541 551-a	Opinion - Acctg. Proc. Order	8/29/63	
Sioux Tribe of Crow Creek	115	26	92	Opinion	8/6/71	
Sioux Tribe of Lower Brule	116		98	Order Granting in Pt.		
Sioux Tribe of Rosebud Resvn.	118			Ptfs' Motions to File		
Sioux Tribe of Standing Rock Resvn.	119			Amded. Exceptions, & Denying Ptfs' Motions to File Amdmts. to Acctg. Petition		

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE		
Sioux Tribe of Pine Ridge Resvn. S. D.	117	26	100	Order Granting in Part Ptf's Motion to File Amded. Exceptions & Denying Ptf's Motion to File Amdmts. to Acctg. Petition	8/6/71		
Sioux Tribe, Sisseton and Wahpeton Bands	142 cons. w/332-A & 359 thru 363	10	137	Findings	1/12/62		
			178	Opinion			
			218-a	Order			
				Amded. Order	6/11/64		
			15	451	Per. Cur. Opn. re Fdg. 16-A	6/21/65	
				455-a	Order		
			16	678	Opn. on Mo. for Determ. Law Question in D. 142 & 362	4/22/66	
					Order		
				175 CC	564	Affirmed in Part; Reversed in Part	5/13/66
				18	427	Int. Ord. re Comp.	6/29/67
		477	Fdgs. on Comp.	7/25/67			
		523	Opinion				
		526-a	Final Jdmt. ex. GAO acctg. claim in Dkt. 363				
		639	Ord. Amd. Fdgs. & Opn. Approv. Comp.	9/8/67			
		19	436	Ord. - Atty. Exp.	9/10/68		
Sioux Tribe, Sisseton and Wahpeton Bands	142	19	275	Fdgs. on Atty. Fees	7/19/68		
				Order on Atty. Fees			
			20	398	Opinion	4/9/69	
				403	Add. Fdgs. on Fees		
				409	Order - Balance of Atty. Fees		
	21	50	Order - Atty. Exp.	6/11/69			

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Sioux Tribe, Sisseton and Wahpeton Bands (Continued)	142	191 C.C. 23	459	Aff. in Part; Rev. in Part	4/17/70	
			531	Order Amending Fdgs. & Awarding Balance of Atty. Fees	10/21/70	
Sioux Tribe of the Cheyenne R. Resvn.	192	2	201	Per Cur. Opn. Order	6/4/52	
			5	165	Findings	3/29/57
			173 179-a	Opinion Final Order		
Sioux, Yankton See Sioux, Sisseton and Wahpeton Bands, Dkt. 142	332-A					
212 Sioux, Yankton	332-A	19	131	Opn. on Ptf's Mo. for SJ	4/24/68	
			139-a	Order Granting	1/28/69	
			20	252		Opinion
			255	Findings on Compromise		
			22	271-a	Final Judgment	12/17/69
336 343	Findings - Attys. Fee Order Allowing					
Sioux, Yankton	332-B	28	367	Findings on Compromise	9/8/72	
			385	Final Award	11/9/72	
			29	143		Order Granting Motion to Sever Claims and File an Amended Petition in D. 332-D
			259	Order Allowing Attys.' Fee	12/7/72	
Sioux, Yankton Also see Sioux Nation, Dkt. 74	332-C	22	344	Opinion	12/17/69	
			354	Inter. Order	12/14/70	
			24	208		Opinion - Title
			218	Findings		
			236	Interlocutory Order		

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Six Nations See Chippewa Tribe, Dkts. 13-E, 13-F and 13-G	89				
Skagit, Upper	92	8	475	Findings	3/25/60
			492	Opinion	
			503	Order	
		13	583	Findings	8/13/64
			591	Opinion	
			606-a	Order	
			19	496	
		20	381	Findings - Attys. Fees	4/2/69
			388	Order - Attys. Fees	
		23	443	Order - Attys. Expenses	9/2/70
214 Skagit, Lower (See also Upper Skagit)	294	7	292	Findings	3/20/59
			313	Opinion	
			321-a	Interlocutory Order	
		22	28	Opinion - Value	11/13/69
			35	Additional Findings	
			51	Order	
		26	325	Final Award	10/13/71
			27	46	
			76	Order Granting Attys' Exp.	3/8/72
		S'Klallam Tribe	134	5	680
697	Opinion				
23	510			Opinion - Value	10/1/70
	519			Additional Findings	
	530			Interlocutory Order	
28	146			Opinion	6/7/72
	157			Order Denying Defendant's "Motion for Rehearing and For Amendment of Findings" and to Amend the Commission's Findings of Fact	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Skokomish	296	6	135	Findings - Title	3/6/58
			152	Opinion	
	9	9	134-a	Interlocutory Order	6/30/61
			359	Add. Findings - Value	
			390	Opinion	
	12	12	416-a	2d Interlocutory Order	5/24/63
			197	Findings on Compromise	
			208	Opinion	
			211-a	Final Judgment	
	Snake or Paiute	17	1	422	Findings
436				Opinion	
125 Ct.Cl.		4	241	Order Dismissing on Merits Reversed & Remanded	6/2/53
			571-a	Amend. Findings - Title	
7		7	608	Opinion	12/28/56
				Interlocutory Order	
				Amended. Inter. Order	
				Add. Findings - Value	
				Opinion	
				2d Interlocutory Order	
8		8	512-b	Final Judgment	12/4/59
				Order Allowing Atty. Fees and Expenses	
9		9	67	Opinion - Atty. Expenses	5/31/60
	73-a		Order Allowing Atty. Exp.		
Snohomish Tribe (Also see Upper Skagit, D. 92)	125	4	549	Findings - Title	11/21/56
			564	Opinion	
	7	7	768	Interlocutory Order	7/23/59
			783	Add. Findings - Value	
			791-a	Opinion	
	13	13	791-a	2d Interlocutory Order	8/13/64
			583	Findings - Consideration	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Snohomish Tribe (Continued)	125	13	591	Opinion	8/13/64
			606-a	Order	
	15	18	243	Additional Findings	4/29/65
			245	Opinion	
			247-a	3d Interlocutory Order	
	18	18	134	Additional Findings	3/30/67
			144	Opinion	
			147-a	Final Judgment	
			148	Findings on Atty. Fees	
			152-a	Order Allowing Atty. Fees	
Snoqualmie Tribe, (Skykomish)	93	9	25	Findings - Title	6/30/60
			41	Opinion	
			48-a	Interlocutory Order	
	13	13	583	Findings	8/13/64
			591	Opinion	
	15	15	606-a	Order	5/7/65
			267	Per Curiam Opinion	
			282	Findings	
			308	Opinion	
			372-a	Order	
	178 C.C.	178 C.C.	570	Affirmed in Part; Reversed in Part; and Remanded	2/17/67
	19	19	498	Final Judgment	9/23/68
	20	20	389	Findings - Attys. Fees	4/2/69
23	23	397	Order - Attys. Fees	9/2/70	
		445	Order - Attys' Expenses		
Spokane Tribe (163 Ct. Cl. 58)	331	9	236	Findings - Title	4/17/61
			254	Opinion	
			273-a	Inter. Order	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE		
Spokane Tribe, et al.	331 & 331-A	17	584	Fdgs. - Compromise	2/21/67		
			612	Opinion			
		18	613-a	Final Judgment	5/12/67		
			414	Fdgs. - Attorney Fee			
Squaxin Tribe	206	21	423-a	Order Allowing	6/30/69		
			295	Opinion - Title			
			301	Findings			
			308	Inter. Order			
			29	288		Opinion - Value	12/8/72
302	Additional Findings						
323	Interlocutory Order						
Steilacoom	208	11	304	Findings - Title	9/21/62		
			320	Opinion			
			335-a	Inter. Order			
			29	481		Opinion - Value	3/14/73
			496	Additional Findings			
518	Interlocutory Order						
Stillaguamish	207	13	583	Findings - Consideration	8/13/64		
			591	Opinion			
			606-a	Order			
			15	1		Findings - Title	2/26/65
			33	Opinion			
			41-a	Inter. Order			
			19	531		Opinion	10/17/68
			535-a	Order Denying Motion for Rehearing			
			22	361		Add. Findings - Compromise	1/8/70
			371	Final Judgment			
			24	471		Order - Attorney's Fee	3/3/71
			26	8		Order - Attorneys' Expenses	7/14/71

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Stockbridge Munsee Community, Stockbridge Tribe, and Munsee Tribe	300-A	25	281	Opinion - Liability	4/28/71
			293	Findings	
			302	Interlocutory Order	
Stockbridge Munsee Community, Stockbridge Tribe, and Munsee Tribe	300	26	491	Opinion - Accounting	12/15/71
			500	Findings	
			512	Order Ct. Cl. Affirmed by Order	
Suiattle-Suak Tribe (Ct. Cl. dis. 12/18/52) (Aff. 133 Ct. Cls. 57)	97	2	324	Findings	12/18/52
			327	Opinion	
				Final Order	
Suquamish Tribe (Also see Skagit, Dkt. 92)	132	5	140	Findings - Title	3/25/57
			158	Opinion	
			164-a	Inter. Order	
		7	747	Add. Findings - Value	7/10/59
			760	Opinion	
		13	767-a	Inter. Order	8/13/64
			583	Findings - Consideration	
			591	Opinion	
		16	606-a	2d Inter. Order	1/21/66
			479	Add. Findings	
			481	Opinion	
		24	483-a	3d Inter. Order	10/22/70
			34	Opinion - Offsets	
39	Add. Findings				
197 C.C.	49	Final Judgment	3/17/72		
	775	Affirmed			
Swinomish Tribe (Also see Skagit Tribe, Dkt. 92)	233	13	583	Findings - Consideration	8/13/64
			591	Opinion	
			606-a	Order	
26	371	Opinion - Title	11/18/71		

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Swinomish Tribe (Continued)	233	26	377	Findings	11/18/71
			385	Interlocutory Order	
		28	220	Additional Findings - Compromise Final Award	7/6/72
Swinomish Tribal Community	293	25	465	Opinion	6/25/71
			468	Findings	
			474	Order of Dismissal	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Tatitlek Village, Alaska, Natives of	200	27	134	Order Granting Motion to Dismiss Claim	3/15/72
Te-Moak Bands See Shoshone Indians of Nevada	326-A				
Tee-Hit-Ton Indians	171	21 186 C.C.	420 959	Order of Dismissal Affirmed	6/14/68 1/17/69
Tlingit and Haida Indians of Alaska	278	28	168	Order Granting Defendant's Motion to Dismiss	6/7/72
Tlingit and Haida Indians of Alaska	278-A	20	508 520 521	Opinion Order Denying Motion to Dismiss Order Denying Motion for Interlocutory Order	5/14/69
		28	169	Order Granting Defendant's Motion to Dismiss	
Three Affiliated Tribes of Fort Berthold Reservation See Fort Berthold					
Tillamook Tribe	239	4 7	31 57 92 97-a	Findings Opinion Opinion Order	11/23/55 2/6/59
Tillamook Band	240	3 11	526 533 1 26	Findings Opinion Order Additional Findings Opinion	6/10/55 8/27/63

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE	
Tillamook Band (Continued)	240		11	52-a	Final Award	
			14	10	Order - Atty. Fees & Exp.	9/22/64
			16	206	Add. Fdgs. on Exp.	
						Witness Fees
		214-a	Order Allowing			
Tonawanda Band See Seneca Nation, Dkts. 342-B, C, D, etc. and 368-A	368 & 368-A					
Turtle Mountain Band See Chippewa and Sioux, Dkt. 74	113					
Tuscarora Nation See Six Nations	84					
Tuscarora Indian Nation	340	15	116 119-a	Opinion on Dismissal Order of Dismissal	3/9/65	
Tuscarora Indian Nation	321	23	140 152 164	Opinion - Right to Sue Findings Order	5/14/70	
		29	194 204 210 471	Opinion - Value Additional Findings Interlocutory Order Final Award	11/29/72 2/21/73	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Umatilla Reservation, Confederated Tribes	264	8	513	Findings - Title	6/10/60
			540	Opinion	
	14	14	556-a	Interlocutory Order	9/28/64
			104	Findings - Title	
Umatilla Reservation, Confederated Tribes	264, 264-A & 264-B	16	171-a	Revised Opinion	8/1/66
			319	Interlocutory Order	
	17	16	484	Findings on Compromise	2/11/66
			510	Opinion	
Unalakleet, Native Village of Cons. w/Dkts. 352 & 369, Aleut	285	19	513-a	Final Judgment	8/1/66
			319	Findings - Atty. Fees	
	22	19	356	Order on Atty. Fees	5/2/68
			359	Opinion on Mos. for SJ	
			356	Order Denying Mos. for SJ	
28	22	333	Opinion on Mo. for Default Jdmt. & Mo. to Suspend Further Proceedings	12/23/69	
		333	Order Denying Motions and Granting Other Relief		
Uintah Ute Indians	44	5	333	Order Granting Defendant's Motion to Dismiss	8/16/72
			1	Findings - Title	
			20	Opinion	
Uintah Ute Indians	45	5	46-a	Interlocutory Order	2/21/57
			47	Findings - Title	
			59	Opinion	
Uintah Ute Indians	44 & 45	8	71-a	Interlocutory Order	2/21/57
			620	Findings on Compromise of Value & Offsets	
			638	Opinion	

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE		
Uintah Ute Indians (Continued)	44 &	8	647-a	Judgment	1/11/61		
	45	9	74	Order - Atty. Fee			
Uintah Ute Indians	349	14	707	Findings	2/18/65		
			725	Opinion			
	15	728-a	Final Order	5/20/65			
		430	Findings - Atty. Fees				
Ute Indians, Confederated Bands	327	11	180	Findings	9/14/62		
			263	Opinion			
	14	303-a	Interlocutory Order	2/18/65			
		679	Add. Findings on Settlement of Offsets				
	15	704	Opinion	8/5/65			
		706-a	Final Judgment				
		516	Findings - Atty. Fees				
		526	Per Curiam Opinion				
		531-a	Order Allowing Atty. Fees				
	Ute, Southern	328	17	28	Findings - Liability	5/6/66	
42				Opinion			
66-a				1st Interlocutory Order			
21		268	276	Ct. Cl. Remanded	5/15/67		
			276	Additional Findings	6/27/69		
191 C.C.		26	10	276	Order Transmitting Fdgs. to Ct. Cl.	3/20/70	
				276	Affirmed		
				276	Supm. Ct. Reversed Ct. Cl.		4/26/71
				276	Ct. Cl. Remanded		6/18/71
195 C.C.		26	10	276	Final Order Dismissing with Prejudice	7/14/71	
	276						

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Upper Chehalis Tribe See Chehalis Tribe	237				
Upper Skagit Tribe See Skagit Tribe	92				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Warm Springs Resvn. Confederated Tribes	198	8	557	Findings - Title	6/10/60
			585	Opinion	
		12	619-a	Interlocutory Order	10/10/63
			664	Findings - Title Rehearing	
	177 C.C.	18	712	Opinion	10/14/66
			742-a	Interlocutory Order	
	29	18	184	Remanded	4/4/67
			354	Opinion - Title Rehearing	
			361-a	Order Amend. Findings and Inter. Order	
			324	Opinion - Value	
344	Additional Findings				
		381	Interlocutory Order		
		382	Dissenting Opinion		
Warm Springs Resvn.	198-A	23	314	Order Dismissing	6/30/70
Washoe Tribe of Nevada and California Also see California Indians, Dkts. 31 and 37	288	6	86	Opinion - Capacity to Sue	1/20/58
			666	Opinion - Severed from Calif.	10/6/58
		7	266	Findings - Title	3/20/59
			282	Opinion	
	21	21	291-a	Interlocutory Order	7/24/59
			792	Add. Fdgs. - Date of Taking	
		21	793-a	Interlocutory Order	10/31/69
			447	Opinion - Value	
	24		464	Findings	
			490	Interlocutory Order	
492			Inter. Order Granting Ptf's Motion to Amend Findings and Brief		
107			Opinion - Offsets	12/2/70	
117	Additional Findings				
121	Final Award				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Washoe Tribe of Nevada and California (Continued)	288	26	1	Order - Attys' Fees	7/1/71
			319	Findings on Expert Witness Fees and Expenses	10/6/71
			324	Order Allowing Expenses	
Wea See Peoria, Dkt. 314					
Western (Old Settler) Cherokee See Cherokee, Western					
Wind River Shoshone See Shoshone					
Wichita Indian Tribe, Plaintiffs and Intervenors See Kiowa, Comanche and Apache Tribes	257				
Winnebago Tribe, et al.	243, 244, and 245	8	78	Findings - Title	8/10/59
			100	Opinion	
	16	111-a	81	Order	
			81	Add. Findings - Value	10/13/65
			117	Opinion	
	181 C.C.	23	1202	Interlocutory Order	
			464	Affirmed	12/18/67
	25	23	467	Opinion	9/3/70
			467	Fdgs. on Compromise	
			482	Final Judgment	
431			Findings - Attys' Fees	6/16/71	
440	Order Allowing Attys' Fees				
Wyandot Tribe See Chippewa, Dkt. 13-G	120				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Wyandot Tribe See Chippewa, Dkt. 13-E	139				
Wyandot Tribe See Chippewa, Dkt. 13-F	141				

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Yahooskin Band of Snake Indians See Klamath and Modoc Tribes	100				
Yakima Tribe	47	2	433 443	Findings - on Merits Opinion	5/29/53
		2	481	Interlocutory Order Amended Findings	11/6/53
		5	636 661	Interlocutory Order Amended Findings Opinion	11/29/57
		158 C.C. 16	672 536 553 564-a	Final Judgment Rev. in Part; Aff. in Part Findings - Title Opinion Order	10/3/62 2/25/66
		18	426	Order re Tract D - Terms for Valuation	6/19/67
Yakima Tribe	47-A	15	456 458-a	Findings Final Award	6/25/65
		16	514 565	Order on Atty. Fees Amended Order on Atty. Fees	2/16/66 3/3/66
Yakima Tribe	47, 147, 160 & 164	20	76 96-a	Statement & Add. Findings Final Judgment	11/14/68
Yakima Tribe	47 & 164	21	424 438	Findings - Atty. Fee Order Allowing Atty. Fee	10/29/69
Yakima Tribe	47-B	29	125	Order Dismissing Claim with Prejudice	10/11/72

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Yakima Tribe, Confederated Tribes of Colville Resvn.	161 & 224	7	794 805	Findings - Capacity to Sue Opinion	7/28/59
		12	814-a 301 362	Order Add. Findings - Title Opinion	7/29/63
	15	391-a	Interlocutory Order		
		196	Findings	4/5/65	
		225	Opinion		
	162	4	231-a	Final Judgment	
459			Order - Atty. Fee	7/9/65	
Yakima Tribe	162	4	269	Findings	6/5/56
			294	Opinion Interlocutory Order	
	15	617	Findings	8/31/65	
		625	Opinion		
	16	627-a	Final Award		
518	Order - Atty. Fees	2/16/66			
Yakima Tribe (Wishram)	165	15	464	Order Dismissing	7/19/65
Yana Tribe See California Indians, Dkts. 31 and 37	215				
Yankton Sioux Tribe See Sioux Tribe					
Yavapai Apache Tribe	22-E	15	68	Findings	3/3/65
			95	Opinion	
			115-a	Order	
			193	Order Amending Fdg. 34	3/24/65

TRIBE	DOCKET	VOLUME	PAGE	DOCUMENT	DATE
Yavapai Apache Tribe	22-E	20	361	Additional Findings	3/13/69
	&		377	Final Judgment	
	22-F	21	384	Findings - Atty. Fees	9/17/69
			401	Order Allowing Atty. Fees	
Yokiah Tribe, et al. See also Indians of California, Dkt. 31	176	6	86	Opinion - Capacity to Sue	1/20/58
			93	Opinion	
			674	Interlocutory Order	
			677-a	Opinion	10/6/58
			Order cons. w/Dkts. 215 and 333		
Yuchi (Euchee) Tribe	172	3	506	Findings	5/16/55
			515	Opinion	
				Judgment Dismissing	
			136 C.C.	Affirmed	10/2/56
			352 U.S.	Cert. Denied	2/25/56
		353 U.S.	Rehearing Denied	4/29/57	
Yuma Reservation See Quechan Tribe					

*1976 CUMULATIVE SUPPLEMENT
TO THE*

**INDEX TO
INDIAN CLAIMS COMMISSION
DECISIONS**

*INCLUDING VOLS. 30 – 38
MARCH 14, 1973 – AUGUST 5, 1976*

INDEX

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INDIAN CLAIMS
COMMISSION
DECISIONS

1976 CUMULATIVE SUPPLEMENT
INCLUDING
VOLS. 30 - 38

MARCH 14, 1973 - AUGUST 5, 1976

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SUBJECT INDEX CITATIONS

I. INDIAN CLAIMS COMMISSION, CONGRESSIONAL
INTENT IN CREATING, RESPONSIBILITIES OF

30:458
35:56-57
36:359-360*
37:224-226*, 494*
38:29-36*

II. INDIAN CLAIMS COMMISSION,
JURISDICTION GENERALLY

32:74-75*
34:194*, 196-199*, 234-235, 290-291*
35:390-391*, 416*
36:109, 124
37:224-225*
38:357-358, 359-360*, 361, 462

III. CAUSE OF ACTION: ACCRUAL OF CAUSE
OF ACTION, STATUTE OF LIMITATIONS,
TIME FOR FILING

30:425-428, 459, 465-466
31:4-5, 6*, 8, 53, 250, 332-333, 382, 542-544
32: 67, 69, 71-73, 74-75*, 104, 290, 300
33:74-80, 130-132, 139
34:50-51*, 53, 67-76, 147-148, 152, 232-233*, 433-434
35:100*, 101-111, 125-127, 154-156, 177-179, 196-198, 214, 219,
306-307, 309, 461-464*
36:3, 120-123, 127-130, 220, 244-247, 249-250*, 251, 304, 434-435
37:69, 71-73*, 74, 75*, 76, 77*, 78-79, 82*, 130-132, 133*, 222,
223-225*, 226, 332
38:5-7, 349-350, 351-353*, 354, 355-356*, 362

IV. CAUSE OF ACTION: NEW CAUSE OF
ACTION CREATED BY INDIAN CLAIMS
COMMISSION ACT

32:289
33:241-242
34:85-91*

V. CAUSE OF ACTION: TRYING A SINGLE
CAUSE OF ACTION "PIECEMEAL"

VI. STANDING: "IDENTIFIABLE GROUP"
OF INDIANS

30:54, 67, 74-75
31:93-94, 385
33:18
38:8-9, 10*

VII. STANDING: CLAIMS OF
INDIVIDUAL INDIANS

30:54, 65, 74
32:98
34:293-294
35:390, 395
38:7-9, 10*

VIII. STANDING: INTERVENTION
AND INTERVENORS

30:75, 451-452, 460
32:463-464
35:326-329, 349-351
38:457-461, 462*, 463-464, 465*, 466

IX. STANDING: CHANGE, ADDITION, DELETION,
DIVISION OR CONSOLIDATION OF PARTIES

38:459

X. STANDING: SUCCESSOR IN INTEREST,
IDENTIFICATION

31:94-104, 362, 364-369
32:404-407, 463-496
36:298-300, 482-483
38:461-463

XI. STANDING: SUCCESSOR IN INTEREST,
REPRESENTATION

30:55-57, 82
31:3-5, 93-94
32:462-463
33:142-147
35:464-469, 470-471*
37:252, 256-257, 258*
38:461

XII. CLAIMS CONSIDERED: "CLAIMS IN LAW
OR EQUITY ARISING UNDER THE CONSTITUTION,
LAWS, TREATIES OF THE UNITED STATES,
AND EXECUTIVE ORDERS OF THE PRESIDENT;"
25 U.S.C. §70a(1)

30:75-76, 442-443, 466, 475-478, 479*, 480-482, 495-496
33:85-89, 103, 110, 112-113, 115-118, 195-218, 220-221, 236-241,
424
34:57-60*, 67, 71-76
35:99-111
37:330

XIII. CLAIMS CONSIDERED: CLAIM ARISING "IN
LAW OR EQUITY, INCLUDING THOSE SOUNDING
IN TORT, WITH RESPECT TO WHICH THE
CLAIMANT WOULD HAVE BEEN ENTITLED TO
SUE IN A COURT OF THE UNITED STATES IF
THE UNITED STATES WAS SUBJECT TO SUIT;"
25 U.S.C. §70a(2)

30:54
33:18
36:195-196*
37:330

XIV. CLAIMS CONSIDERED: "CLAIMS WHICH WOULD
RESULT IF THE TREATIES, CONTRACTS, AND
AGREEMENTS BETWEEN THE CLAIMANT AND THE
UNITED STATES WERE REVISED ON THE GROUND
OF FRAUD,..." 25 U.S.C. §70a(3)

30:54, 76
32:171-172, 289, 295-298

XV. CLAIMS CONSIDERED: "CLAIMS WHICH WOULD RESULT IF THE TREATIES, CONTRACTS, AND AGREEMENTS BETWEEN THE CLAIMANT AND THE UNITED STATES WERE REVISED ON THE GROUND OF..., DURESS,..." 25 U.S.C. §70a(3)

30:54, 76
32:171-172, 289, 295-298

XVI. CLAIMS CONSIDERED: "CLAIMS WHICH WOULD RESULT IF THE TREATIES, CONTRACTS, AND AGREEMENTS BETWEEN THE CLAIMANT AND THE UNITED STATES WERE REVISED ON THE GROUND OF,,,,,, UNCONSCIONABLE CONSIDERATION, ..." 25 U.S.C. §70a(3)

30:16*, 54-55, 65, 67, 75-76, 307
32:171-172, 289, 295-298, 309, 337-338, 346
34:157-158, 171, 406-410
35:434*
36:80
37:69, 76-77*, 167, 523
38:131, 229-230

XVII. CLAIMS CONSIDERED: "CLAIMS WHICH WOULD RESULT IF THE TREATIES, CONTRACTS, AND AGREEMENTS BETWEEN THE CLAIMANT AND THE UNITED STATES WERE REVISED ON THE GROUND OF,,,,,, MUTUAL OR UNILATERAL MISTAKE WHETHER OF LAW OR FACT,..." 25 U.S.C. §70a(3)

30:54, 76
32:171-172, 289, 295-298

XVIII. CLAIMS CONSIDERED: "CLAIMS WHICH WOULD RESULT IF THE TREATIES, CONTRACTS, AND AGREEMENTS BETWEEN THE CLAIMANT AND THE UNITED STATES WERE REVISED ON THE GROUND OF,,,,,, OR ANY OTHER COGNIZABLE BY A COURT OF EQUITY;" 25 U.S.C. §70a(3)

30:54, 76
32:171-172, 289, 295-298

XIX. CLAIMS CONSIDERED: "CLAIMS ARISING FROM THE TAKING BY THE UNITED STATES, WHETHER AS THE RESULT OF A TREATY OF CESSION OR OTHERWISE, OF LANDS OWNED OR OCCUPIED BY THE CLAIMANT WITHOUT THE PAYMENT FOR SUCH LANDS OF COMPENSATION AGREED TO BY THE CLAIMANT;" 25 U.S.C. §70a(4)

30:234, 244-246
31:226-250

XX. CLAIMS CONSIDERED: "CLAIMS BASED UPON FAIR AND HONORABLE DEALINGS THAT ARE NOT RECOGNIZED BY ANY EXISTING RULE OF LAW OR EQUITY." 25 U.S.C. §70a(5)

30:54, 76
31:226, 247-250, 546, 552*
32:289-290, 295-298
34:61-62, 83-85, 86-91*, 95
35:22-28
36:120-129, 193, 196, 241, 247-248, 249-250*, 407*
37:330, 338, 363, 367, 394, 407, 522, 549

XXI. ADMINISTRATION OF INDIAN AFFAIRS
(DEMANDS FOR GENERAL ACCOUNTING,
IMPROPER HANDLING OF INDIAN MONIES,
IMPROPER ENROLLMENT, MISHANDLING OF
CONTRACTS MADE WITH TRIBE, ETC.)

33:18-28
34:197*, 292-293
38:3*, 10-36

XXII. ADMINISTRATION OF INDIAN AFFAIRS:
SUPERVISION OF LAND SALES AND LEASES

32:77, 78*, 79-80, 82-83
36:132, 198-200
37:67-68, 81-82, 195-198, 383-384, 524-530, 531*, 532-535,
536-546*, 547-552, 554-567*
38:12-13, 352

XXIII. ADMINISTRATION OF INDIAN AFFAIRS:
ACCOUNTING CLAIMS

30:466
31:40-58, 428-518, 519-542*, 543-544, 545-550*, 551-555*
32:66, 67-68*, 69-73, 74-78*, 79-80, 81-88*, 89-101, 102*, 103-105,
106*, 107-115, 116-118*, 119-143, 144-148*, 149, 152-154,
287-288, 291-294, 299-300
33:74-76, 77-79*, 80, 130-140, 418-429
34:26-38, 39-40*, 41-48, 49*, 50-56, 57*, 58-65, 67, 71-76, 128-137,
142*, 189-191, 192*, 193-195, 197*, 230-251, 414-425, 432-437
35:99, 108, 123-149, 152-172, 175-191, 194-206, 209-214, 215*,
216-221, 308-310, 316, 317-318*, 385-404, 405*, 406-415
36:4, 116-120, 129-164, 217-230, 274-278, 298-347, 348-352*,
353-358, 359-361*, 362-413, 426-427, 433-436
37:67-70, 71-73*, 75-77*, 78-81, 82*, 83-87, 88*, 89, 90-91*, 92,
107-112, 122-125, 130-135, 194-198

XXIV. FEDERAL TRUST AND FIDUCIARY OBLIGATIONS
(SEE ALSO XL. TREATIES AND AGREEMENTS:
FULFILLMENT OF TERMS OF TREATY OR AGREE-
MENT)

30:217-218*, 454-456
31:384, 388, 389-390*, 391, 392*, 393, 455, 456*, 457, 465-467,
498-506*, 507-544, 545-550*, 552-555*
32:76-78*, 80, 81*, 88, 293
33:88*, 101-102, 116, 216*, 217-218, 405, 419-420, 426
34:48, 49*, 50-57, 58*, 59-62, 72-74
35:22-23, 25-28, 135-137, 405*
36:76-80, 127-128, 130-131, 224
37:67-68, 78*, 79, 536-546*, 554-567*
38:351, 360

XXV. FEDERAL TRUST AND FIDUCIARY OBLIGATIONS:
LIABILITY FOR ACTS OF OTHERS

36:183, 192, 195, 197-198, 426
37:330-331, 359, 360*, 361-367, 383-384, 386-387, 394, 408,
524-530, 531*, 532-535, 536-546*, 547-552, 554-567*
38:363, 371-372*

XXVI. TRADE AND INTERCOURSE ACT

30:16
33:93, 94*, 100, 115-116

XXVII. ORIGINAL INDIAN TITLE OR ABORIGINAL
TITLE AND EXCLUSIVE USE AND OCCUPANCY

30:17-18, 48, 49*, 58-59, 67, 235-250, 251-255*, 256-258*, 350-353,
396-401
31:7, 19-35, 36*, 110-128, 129-130*, 131-140, 247-249*, 250,
334-341
32:403-404, 409
33:107-108, 471-481
34:92*, 94
35:272-276*, 277, 329-345, 460*, 461-464, 471-472*, 475-476*
36:3-4, 11-21, 188-192, 474-475
37:329-331, 335-338, 348-353, 493
38:360, 366-367

XXVIII. ORIGINAL INDIAN TITLE: POLITICAL
DIVISION, JOINT OCCUPANCY

30:9, 49*, 68, 82-83, 171, 249-250, 251-255*, 256-258*, 338,
355, 404
32:404, 412, 469-474, 475*, 476-484, 488-489
35:328, 341-342*

XXIX. "RECOGNIZED," "TREATY," "RESERVATION,"
OR "ACKNOWLEDGED" TITLE

30:15*, 16-17, 18-19*, 20-23, 44-45, 47*, 49*, 50-60, 63-73,
76-77, 82-83, 339, 345-354, 393-402, 404
31:105, 106-107*, 108-110, 341-344, 345*
32:403-404, 406-407, 468-474, 479-487, 488*, 489-495
33:92-97, 100, 157, 232
35:37-38*, 345-349, 472-475
36:473, 475-481
37:352, 357*, 443-494
38:366, 562

XXX. LAND INTEREST GRANTED OR RECOGNIZED
BY SPAIN, MEXICO, OR RUSSIA

30:235, 237, 239, 249, 250
33:84-87, 91-92, 94, 99-102
37:336, 348-353

XXXI. SURVEY ERROR

30:439-441, 442*, 443, 466, 471, 479
33:97-99

XXXII. HUNTING AND FISHING RIGHTS OR INTERESTS

30:220-231
36:192-194, 240-241, 246

XXXIII. MINERAL RIGHTS OR INTERESTS

31:55-57
32:77*, 78-80, 82
33:224-229
34:83, 92*, 94-98, 103
36:135-137, 195-198, 426

XXXIV. TIMBER RIGHTS OR INTERESTS

31:45, 54
32:77*, 78, 81*
34:83, 92*, 98-102

XXXV. WATER RIGHTS OR INTERESTS

30:210-211, 212-218*, 420-428, 453-460
31:388, 390*, 391
33:20-22, 229-233
35:210
37:329-331, 333-337, 338-345*, 346-356, 357*, 358-411
38:3-4, 351-358, 359-360*, 361, 364-367, 380-382

XXXVI. TREATIES AND AGREEMENTS BETWEEN THE
UNITED STATES AND INDIANS, GENERALLY

30:11-17, 60-64, 69-72, 339-345, 346-349, 390-396
31:333-334, 335-336*, 337-341
32:170-171, 465-492
33:104-107
35:472*
36:76-80, 482*
37:333-337, 384-385

XXXVII. TREATIES AND AGREEMENTS: RATIFICATION
OR AMENDMENT OF TREATY OR AGREEMENT
BY CONGRESS

36:185-188

XXXVIII. TREATIES AND AGREEMENTS: PARTIES
TO TREATY OR AGREEMENT

30:9, 11-14, 16-17, 55-58, 63, 66, 68-72, 82-83, 345, 391, 394
31:362, 364-369
32:196, 401, 404-406, 478, 481-482, 477-488
36:482
38:460

XXXIX. TREATIES AND AGREEMENTS, BOUNDARIES
INVOLVED IN TREATY OR AGREEMENT

30:11, 14-16, 339-341, 437-438
31:133-134
32:406, 467-468, 471, 474, 475*, 479-484
36:473
38:188-189

XL. TREATIES AND AGREEMENTS: FULFILLMENT
OF TERMS OF TREATY OR AGREEMENT

30:220-221, 230, 305-306
31:432-433, 466
32:107, 114, 129-130, 134-135, 193-198, 200, 288, 291-294, 296,
401-403, 410-411
33:217-224, 395-399, 404, 419-423, 424*, 425, 433, 449
34:13-20, 48, 62, 233-234, 407-411
35:26, 387-389, 393-394, 397-398, 401-402, 408-412, 428-430,
433-444
36:108-109, 110*, 111, 140-142, 315-325, 329-339, 345-347, 348-349*,
350-359, 384-392, 403
37:81, 87, 88*, 89, 330, 333, 337-338, 355-356, 361, 407
38:211-229

XLI. LAND VALUATION, GENERALLY ("FAIR
MARKET VALUE," "BEST AND HIGHEST
USE," ETC.)

30:160-168, 296-305, 440, 474*, 482-495
31:227-255
32:158-171, 257-269, 304-309, 320-346
33:163-195, 439-449
34:158-171
35:32-57
37:147-167, 395-398*, 399-405, 495
38:131-211, 395-407, 470-486, 562-582

XLII. LAND VALUATION: DATE OF VALUATION
OR OF TAKING

30:145, 236-244, 296, 440, 473, 474*, 475, 489
31:19-35, 226-227, 333, 341, 342-345
32:262, 265, 267-268, 304, 321, 491-493, 496
33:54, 55*, 56, 163, 227, 441
34:93-94, 102-103, 428-430
35:271, 272-276*, 277, 461, 468-470
36:19-21, 185-187, 188-189*, 190-192
37:496
38:133, 406, 471, 564

XLIII. LAND VALUATION: AGRICULTURAL VALUE

30:485-487
31:227-231, 234, 236
32:161-162, 164-168, 259, 265, 305-309, 323-328, 330-331, 344-346
33:163, 168-173, 440
34:161
37:150, 395-398*, 399-402
38:139-140, 152, 156, 194-196, 399, 473-474, 477, 480, 565-566,
570, 573, 575-577

XLIV. LAND VALUATION: GRAZING

31:227-230, 232-236
32:259, 306, 324, 327
33:163, 176-181
37:402-404
38:473-474, 480-485

XLV. LAND VALUATION: HUNTING AND FISHING

32:304, 308
35:45, 49

XLVI. LAND VALUATION: IMPROVEMENTS

30:487-488, 490, 491*, 492
32:307
33:164-167, 170, 181-183
35:36*, 37, 38-39*, 42-43
38:179-180, 405-406, 568, 571

XLVII. LAND VALUATION: MINERAL RIGHTS

30:145-167
31:228, 235, 237-240, 241-242*, 243-246, 247-249*, 250-251, 252-255*
32:329, 337-341
33:163, 183-195
34:160
37:160-167

XLVIII. LAND VALUATION: NATURAL WATER WAYS

32:260
35:36*, 37, 38*, 39, 42-43, 56*
37:148-149
38: 400, 403-404, 472

XLIX. LAND VALUATION: TIMBER

30:298-299, 303-304, 485-487
31:227-230, 231*, 234-236
32:158-161, 165-168, 259, 305, 328-331, 345
33:163, 173-176
34:162-165, 168-170
37:150-156, 158-160
38:139-140, 142-144, 152, 157, 159-162, 170-172, 174-175,
181-183, 185

L. LAND VALUATION: TRANSPORTATION
ROUTES, LAND AND WATER

30:297, 304
32:158-159, 166-168, 260, 304, 330-331, 344
33:177, 442
34:158-159, 169
35:39
37:149
38:135, 144-147, 152-155, 158, 184, 201-202, 472-473, 565, 573,
576

LI. OFFSETS AND CREDITS, GENERALLY

32:97, 109, 168-170, 193, 196, 198-200, 346-347, 442-452
33:110-111
34:297-302, 311-318, 327-331
35:427-449, 450-451*
37:367-368

LII. OFFSETS AND CREDITS: "BENEFIT OF CLAIMANT"

32:169, 199-200, 447-448*, 449-451
34:298, 300, 302, 314-317, 329, 331
38:216-218, 220*, 405

LIII. OFFSETS AND CREDITS: "ENTIRE
COURSE OF DEALINGS" OR "GOOD
CONSCIENCE" CLAUSE

32:445-446
33:405-406
35:445-448, 449*, 451

LIV. OFFSETS AND CREDITS:
DEPRECIATION JUDGMENTS

LV. OFFSETS AND CREDITS: PAYMENTS ON THE CLAIM

30:305-306, 469-470
32:168-169, 193-198
33:51-62, 219-222, 395-406
35:428-430, 433-434*, 435-444
37:409-410, 497
38:13, 15, 131, 211-217, 218-219*, 220-222, 223-225*, 226-229

LVI. OFFSETS AND CREDITS: RELIEF
PAYMENTS TO INDIVIDUAL INDIANS

38:216-218, 220*

LVII. OFFSETS AND CREDITS: REMOVAL EXPENSES

34:300, 315, 330
38:226-227

LVIII. OFFSETS AND CREDITS: RESERVATIONS

35:428-436, 450-451*
38:187-211

LIX. INTEREST ON THE CLAIM

30:169*, 443, 495-497
31:46-53, 428-518, 519-524*, 525-526, 527-538*, 539-540, 541-542*,
545-550*, 554-555*
32:68, 88*, 89-90, 113-114, 118-119, 128, 134-135, 138-142, 148*,
149, 171-172*
33:54, 55-56*, 57-62, 83, 110-113, 115, 221-222, 224, 227-229, 420
424-428, 432-434
34:26*, 29*, 30-38, 39-40*, 41-43, 44*, 45-47, 235-239, 243, 419-422
35:128-129, 133, 139-141, 149, 157-159, 164, 172, 179-182, 191,
198-200, 202, 218, 391-392, 387, 401, 409-412
36:147, 155-159, 224, 227-230, 304-309, 362-363, 393, 397, 399-403,
405, 406-407*, 408-409
37:91-92
38:16*, 17, 18*, 19, 20*, 21-28, 29-36*, 37-39

LX. APPORTIONMENT OF AWARD

30:22, 47*, 48-49, 169-170
32:200, 468-495
36:499

LXI. ATTORNEY'S FEES AND EXPENSES

32:32-33, 34-35*, 36-41, 128, 131
34:339-345, 358-361, 362-363*, 364
36:498-504, 505*, 506-518, 519*
37:251-257, 258*, 259-282

LXII. ATTORNEY'S CONTRACTS, GENERALLY

LXIII. ATTORNEY'S CONTRACTS: APPROVAL OF

33:145

LXIV. EXPERT WITNESSES AND RESEARCH EXPENSES

34:209-217, 342

LXV. RES JUDICATA AND ESTOPPEL

30:441-442, 466-469
32:98, 104, 289-294, 295-296*, 297-298, 442-443
33:101-103, 195, 196*, 197-209, 210-211*, 212-216, 236-242
34:16-19, 232
35:104-105, 125, 154, 177, 196
36:118-120, 313, 314*, 315, 325-326*, 327-329, 339-341, 357-358,
389-390, 395-397*, 404-405
37:73-74*, 75, 492-493
38:359, 362-366, 384, 461, 462*

LXVI. EVIDENTIARY PROBLEMS

30:339, 419-420, 423-428
31:45-46*, 110, 363, 376-381
32:68, 74*, 84-88*, 105, 106*, 259-261, 268-269
33:220, 444
34:21-22, 58*, 123-138, 139*, 140-141, 142*, 145-147, 149-153,
209-217
35:99*
36:111, 359-361*
37:75*, 76, 78, 83, 151*, 551-552
38:2, 12, 191-192, 347-348, 356*, 362-367, 368-380*, 381-386

LXVII. AMENDED OR CONSOLIDATED
PLEADINGS AND MOTIONS

30:220-231, 234, 244-246, 247-248*, 249, 339, 433-435, 451-452,
455-456, 460
31:2-8, 381
32:103-104, 235-238, 298
34:14-21, 55, 230, 232-233*
35:98-111, 125-126, 148, 153, 170-171, 175, 189, 194, 305-306, 307*,
308-309, 325-326, 351, 463*, 477
36:109, 235-249
37:491, 492*, 493

LXVIII. COMPROMISE SETTLEMENTS

37:73-74*, 75, 356-357

LXIX. REHEARING OR RECONSIDERATION

30:419-428
31:16-18, 332, 333*, 361-362, 375-377
32:257-259
33:417-427
34:21, 25, 61, 123-138, 139*, 140-146, 147*, 154
35:26, 28-29*, 105, 463*
36:3, 425-427
37:491, 493-495

TRIBAL INDEX

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Aleut Community of St. Paul Island	352 &	202	C.C. 182	Affirmed re Fee Simple Title, Reversed re Fair & Honorable Dealings & Remanded	6-20-73
Aleut Tribe, et al.	369		C.C.	Order Denying Motion for Rehearing	9-28-73
(Also see Unalakleet, Native Village of, Dkt. 285)		35	21 30 31	Opinion in Dkt. 369 Order Denying Mo. for Jdmt. and for Other Purposes in Dkt. 369	10-17-74 "
				Order Denying Mo. for More Definite Statement in Dkt. 352	"
		36	235 251 252	Opinion Concurring Opinion Order Granting Mo. to Sever from Dkt. 369 Claim of St. George Island and Cons. for Trial in Dkt. 352	7-18-75 " "
Angoon Tribe (see Tlingit and Haida Indians of Alaska)	278-B				
Apache, Lipan, Mescalero, and Apache Tribe of the Mescalero Resvn.	22-C	34 35 36	287 302 7 23 67	Order Denying Motion to Cons. Dkt. 257 with Dkts. 22-C and 226 Order Granting in Part Dfnt's Motion to Dismiss Applica- tions to Intervene, etc. Opinion - Title Findings Interlocutory Order	7-17-74 1-15-75 3-14-75 " "

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>	
Apache, Lipan, Mescalero, and Apache Tribe of the Mescalero Resvn. (continued)	22-C	37	221	Opinion	2-19-76	
			227	Order Denying Intervrs' Mo. to Amend Order Granting Mo. to Dismiss Applications to Intervene	"	
		37	229	Findings on Compromise	2-19-76	
			239	Final Award	"	
Apache, Yavapai	22-E & 22-F	37	104	Order Allowing Atty. Exp	12-4-75	
Apache, Mescalero (Also see Shoshone, Te-Moak Bands, Dkt. 326-A, and Apache, Dkt. 22-B)	22-G	207	C.C.	369	Affirmed in Part, Reversed in Part, & Remanded (Dkts. 22-G, 326-C & 326-A)	7-11-75
			C.C.		Motion for Rehearing Denied	10-3-75
			U.S.		Cert. Denied	4-5-76
Apache, San Carlos and White Mountain	22-H	33	416	Order Granting Ptfs' Motion for Supplemental Acctg.	3-20-74	
Apache, Jicarilla	22-K	33	364	Findings on Compromise	2-21-74	
			388	Final Award	"	
			34	206	Order Allowing Attys. Fees	6-26-74
Apache, Fort Sill, Chiricahua Tribe, Warm Springs Band	30-A & 48-A	202	C.C.	134	Affirmed	6-20-73
				216	Findings on Attys' Fee	11-7-73
	30 & 48, & 182	35		226	Order Allowing Attys' Fee	"
				251	Findings - Atty. Expenses	12-26-74
				257	Order Allowing Atty's Exp. of William A. Sloan	"
				258	Findings - Atty. Expenses	12-26-74
				264	Order Allowing Atty's Exp. of Roy T. Mobley	"
				36	101	Order Allowing Attys' Exp. of Weissbrodt & Weissbrodt

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>		<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>	
Apache, Fort Sill, Warm Springs Band, & Chiricahua Bands	49	201	C.C.	630	Affirmed	5-11-73	
			C.C.		Order Denying Ptf's Motion for Rehearing	11-14-73	
			U.S.	993 919	Cert. Denied	5-13-74	
Apache, Fort Sill	182	202	C.C.	525	Appeal Dismissed	7-13-73	
				34	81	Opinion - Damages, Group A Claims	5-10-74
	182				105	Findings	5-10-74
					120	Interlocutory Order	"
					121	Order Permitting Filing of Dfnt's Supplemental Memo.	"
					204	Order Granting Ptf's Mo. for Severance of Claims	6-19-74
Apache, Fort Sill	182 & 182-A	205	C.C.	805	Appeal Partially Dismissed as to Parts 1, 2 & 4	12-18-74	
Apache (see Kiowa, Comanche, and Apache, Dkts. 32, 257, 257-A, 258, 259 & 259-A)							
Bay Mills Community Ottawa and Chippewa of Michigan	18-E & 58	31		73	Findings on Attys' Fee	8-9-73	
				85	Order Allowing Attys' Fee	"	
			38	122	Findings & Order Allowing Attys' Expenses	5-21-76	
Bay Mills Indian Community, Sault Ste. Marie Bands, et al.	18-F	35		32	Opinion	10-24-74	
				54	Dissenting Opinion	"	
				58	Additional Findings	"	
				73	Order Dismissing Petition	"	
			C.C.			Order Affirming	11-26-75
Bay Mills Indian Community Sault Ste. Marie Bands, et al.	18-R	32		303	Opinion - Value	12-26-73	
				311	Additional Findings	"	
				319	Final Award	"	
			C.C.			Order Affirming	1-31-75

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Blackfeet and Gros Ventre Tribes Fort Belknap Indian Community	279-C and 250-A	32	65	Opinion on Motions for Supp. Acctg. and Partial Summary Judgment	10-18-73
			149	Concurring Opinion	"
			150	Interlocutory Order	"
		34	122	Opinion	6-7-74
			155	Order Denying Motion for Rehearing	"
		35	15	Order Severing Blackfeet Claims, etc	9-25-74
			114	Order Withdrawing Part XI on Interest of Opinion and Order dtd. Oct. 18, 1973	11-7-74
Blackfeet Tribe	279-D	35	15	Order Severing Blackfeet Claims, etc.	9-25-74
Cabazon Band of Mission Indians (see California Indians)	148				
Caddo Tribe of Oklahoma	226	34	287	Order Denying Motion to Consolidate Dkt. 257 with Dkts. 22-C and 226	7-17-74
		35	321	Opinion	1-24-75
			353	Additional Findings	"
			378	Order Denying Motion for Consolidation of Dkts. 226 and 22-C	"
			380	Order Denying Second Intervnr's Motion re Exhibits	"
			382	Order Granting Motion to Dismiss Complaints in Intervention	"
			384	Interlocutory Order	"
		C.C.		Order Affirming	3-19-76

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
California Indians Pitt River Tribe et al.	31, 37, 80, 80-D, 176 215, 333 & 347	C.C.		Dismissal of Petition Attacking 1964 Judgment of Indians Claims Commission	10-17-73
California Indians, Baron Long, et al.	80-A	30	419	Opinion on Ptf's Motion to Reopen Record, etc.	6-13-73
			429	Order Granting Motion	"
		31	375	Opinion	9-19-73
			383	Order Denying Dfnt's Motion for Rehearing	"
		38	347	Opinion on Admissibility of Additional Exhibits on Liability	6-8-76
			387	Order	"
California Indians, San Pasqual Band	80-A	30	451	Opinion	6-21-73
			461	Order Granting Ptf's Motion to Amend Petition	"
California Indians, Soboba Band of Mission Indians	80-A	37	326	Opinion - Liability for Loss of Water	3-5-76
			412	Findings	"
			490	Order	"
Cayuga Nation	343	C.C.		Order Remanding Case	7-3-73
		36	75	Opinion on Remand	3-27-75
			82	Add. Findings	"
			98	Interlocutory Order	"
			99	Order to Show Cause	4-23-75

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Cayuga (see Seneca-Cayuga Tribe of Oklahoma)	341, 341-A, B, C & D				
Cherokee Nation ptf. Cherokee Freedmen, et al., Intervenors	173-A	32	430 439	Findings on Attys' Fee Order Allowing Attys' Fee	12-28-73 "
Chinook Tribe	234	196 C.C. 36	780 438 450	Affirmed Findings - Attys' Fee & Exp. Order Allowing Attys' Fee and Expenses	12-3-71 9-18-75 "
Chippewa Tribe	13-A	32	1	Order Dismissing Petition	10-17-73
Chippewa Tribe Red Lake Band Delaware Tribe Hannahville Community Six Nations Ottawa Tribe Wyandot Tribe Absentee Delaware Tribe and Delaware Nation Ottawa Tribe Seneca-Cayuga Tribe Potawatomi of Indiana and Michigan, Intvrs.	13-E 18-L 27-E 29-D 89 133-A 139 202 302 341-C 29-D	30	6 8 24 37 39	Order Denying Motion of Ptf. in Dkts. 27-E and 202 for Leave to File Brief in Rebuttal Opinion - Title Findings of Fact Final Order Dismissing Claims in Dkts. 18-L and 341-C, Severing Dkt. 89, and Inter- locutory Order in Dkts. 13-E, 27-E, 29-D, 133-A, 139, 202 and 302 Order Denying Motion of the Stockbridge-Munsee to Inter- vene in Dkts. 27, 27-E and 202 Order Denying Motion for Exten- sion of Time to Move for Rehearing in Dkt. 341-C Order Denying Motion of Stock- bridge-Munsee Community for Rehearing Opinion	4-4-73 " " " " " " 7-5-73 " 9-19-73
		31	11		
			13		
			359		

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Chippewa Tribe	13-E	31	372	Order Admitting Exhibits and	
Red Lake Band	18-L			Denying Motions for Rehearing	9-19-73
Delaware Tribe	27-E	207	C.C. 958	Order Affirming	5-30-75
Hannahville Community	29-D		C.C.	Rehearing Denied	10-10-75
Six Nations	89	423	U.S. 115	Cert Denied	3-29-76
Ottawa Tribe	133-A				
Wyandot Tribe	139				
Absentee Delaware Tribe and Delaware Nation	202				
Ottawa Tribe	302				
Seneca-Cayuga Tribe	341-C				
Potawatomi of Indiana and Michigan, Intvrs. (continued)	29-D				
Chippewa Tribe	13-F	30	337	Opinion - Title	5-23-73
Prairie Band of			356	Findings	"
Pottawatomie	15-I		370	Final Order Dismissing	
Red Lake Band	18-K			Claims in Dkts. 18-K and	
Delaware Tribe	27			341-D, and Severing Dkt. 89,	
Hannahville Community	29-G			and Interlocutory Order in	
Shawnee Tribe	64-A			Dkts. 13-F, 15-I, 27, 29-G,	
Six Nations	89			64-A, 133-C, 141 & 308	"
Ottawa Tribe	133-C				
Wyandot	141	207	C.C. 959	Order Affirming	5-30-75
Citizen Band of			C.C.	Order Denying Rehearing	10-10-75
Pottawatomie	308		U.S.	Cert. Denied	3-29-76
Seneca-Cayuga Tribe	341-D				

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Chippewa Tribe	13-G	31	89	Opinion - Title	8-9-73
Prairie Band of Pottawatomie	15-E		140 141	Concurring Opinion Findings of Fact	" "
Red Lake Band	18-M		220	Final Order Dismissing Claims in Dkts. 13-G, 18-M, & 40-F, & Dismissing Dkt. 89, & In- terlocutory Order in Dkts. 15-E, 27-B, 29-C, 64, 120, 130, 252, 335 & 338	"
Delaware Tribe	27-B			Order Admitting Exhibits	"
Hannahville Community	29-C			Affirmed in Part; Remanded in Part	6-25-75
Ottawa Tribe	40-F			Cert. Denied	12-8-75
Shawnee Tribe	64				
Six Nations	89				
Wyandot Tribe	120		222		
Miami Tribe	130	C.C.			
Miami Tribe	252				
Eastern Shawnee Tribe	335	U.S.			
Absentee Delaware Tribe, Eastern Shawnee Tribe, Citizen Band of Pott., Peoria Tribe, Kickapoo Tribe, and Ottawa Tribe	338				
-23- Chippewa Tribe (see Potawatomi, Citizen Band, Dkt. 216, et al.)	13-K				
Chippewa, Minnesota	18-C	32	192 201 215	Opinion - Offsets Additional Findings Final Award	11-7-73 " "
		35	237	Findings - Attys' Fee	12-4-74
		38	250 533	Order Allowing Attys' Fee Findings & Order Allowing Attys' Expenses	" 7-21-76
Chippewa, Bois Forte Band	18-D	34	157 172 188	Opinion - Value Additional Findings Interlocutory Order	6-13-74 " "
Chippewa (see Bay Mills Community)	18-E				

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Chippewa (see Bay Mills Community)	18-F				
Chippewa, Red Lake Band (see Chippewa, Dkt. 57)	18-G				
Chippewa, Red Lake Band (see Chippewa, Saginaw, Dkt. 59)	18-J				
Chippewa (see Chippewa, Dkt. 18-B)	18-N				
Chippewa, Red Lake Pembina, and White Earth Bands (see Potawatomi, Dkt. 216)	18-P				
-24- Chippewa (see Bay Mills Community)	18-R				
Chippewa, Minnesota	18-S	37	146 169 192	Opinion - Value Findings Interlocutory Order	1-14-76 " "
Chippewa, Minnesota, on behalf of the Chippewa Indians of Mississippi and Lake Superior	18-T	31 36	319 329 429	Findings on Attys' Fee Order Allowing Attys' Fee Fdgs. and Order Allowing Attys' Expenses	8-29-73 " 9-4-75
Chippewa, Minnesota	18-U	35	427 450 452	Opinion Opinion Dissenting in Part Order Ruling on Legal Issues Affecting Offsets	2-13-75 " "

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Chippewa, Minnesota and Red Lake Band	19 ,	30	433	Opinion on Ptfs' Motion to Clarify Record	6-21-73
	188,		436	Order Clarifying Record	"
	189-A, 189-B, & 189-C		C.C.	Concerning Consolidation of Cases Order Affirming Except as to Allowance of Plea in Intervention	5-30-75
Chippewa (see Ottawa and Chippewa of Michigan)	40-B, C, D, E & F				
Chippewa, Saginaw	57	30	295	Opinion - Value	5-16-73
			308	Additional Findings	"
			336	Second Interlocutory Order	"
		31	67	Final Award	8-1-73
		34	219	Findings	7-10-74
			224	Order Allowing Attys' Fee	"
			440	Order - Attys' Expenses	9-29-74
Chippewa- Saginaw Red Lake Band Hannahville Community Ottawa Tribe Wyandot Tribe Potawatomi	59	30	388	Opinion - Title	6-13-73
	18-J		404	Chm.'s concurring Opinion	"
	29-E		405	Findings	"
	133-B		417	Final Order Dismissing Claims in Dkts. 18-J, & 140, and Inter. Order in Dkts. 59, 29-E, and 133-B	"
		31	408	Order Denying Dfnts' Motion for Rehearing	9-19-73
		207	C.C.	Affirmed	5-30-75
			C.C.	Order Denying Rehearing	10-10-75
Chippewa (see Bay Mills Community and Ottawa and Chippewa, Dkt. 18-E)	58				

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>	
Chippewa, Turtle Mtn. Band	113	203	C.C.	426	Modified and Affirmed	1-23-74
Chippewa, Red Lake Band	246		C.C.		Motion for Rehearing Denied	5-31-74
Chippewa, Little Shell Band	191	36		69	Order Denying Motion to	
Chippewa Cree	221				Determine Issues & Set	
Three Affiliated Tribes of Ft. Berthold Reservation	350-B & C &				Procedure in Dkts. 113, 246, 191 & 221	3-19-75
Sioux Tribe	74					
(Also see Fort Berthold Dkt. 350-B, et al. and Chippewa, Red Lake, Dkt. 18-A)						
Chippewa, Pillager Bands in Minnesota	144	32		156 173 190	Opinion - Value & Offsets Additional Findings Final Award	10-25-73 " "
		34		255 260	Findings on Atty's Fee Order Allowing Atty's Fee	7-17-74 "
Chippewa, Minnesota Red Lake Band	188 189-C	35		98 111 112	Opinion Opinion Dissenting in Part Order Granting in Part & Denying in Part Ptfs' Mo. to Amend Complaint in D. 188	11-7-74 " "
(Also see Dkt. 19, et al., Chippewa)						
				113	Order Granting in Part & Denying in Part Ptfs' Motion to Amend Complaint and Deny- ing Dfnt's Motion to Strike in D. 189-C	
Chippewa, Red Lake Band	189	30		437 445 450	Opinion - Value Findings Interlocutory Order	6-21-73 " "
		31		87	Final Award	8-9-73
		34		3 12	Findings - Attys' Fee Order Allowing Attys' Fee & Directing Filing for Reimbursement of Expenses	4-19-74 " "
		36		417 424	Findings - Attys' Expenses Order Allowing Expenses	8-28-75 "

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Chippewa, Little Shell Band	191 2d cl.	33	469	Opinion	4-5-74
Chippewa Cree Tribe	& 221-B		483	Findings	"
			509	Order Dismissing Claims	"
Chippewa Cree of Rocky Boy's Reservation (see Sioux Tribe Dkts. 74, et al. and Fort Berthold, Dkt. 350-B, et al.)	221-A				
Chippewa Cree Tribe	221-C	32	152	Opinion	10-25-73
			155	Order Denying Motions for Amended or Supplemental Accounting Rpt. and for More Definite Statement	"
Choctaw Nation	249	32	286	Opinion	12-6-73
			301	Order Granting Motion for Partial Summary Judgment Denying Motion to Amend Claim, and for other Purposes	"
		38	441	Findings on Compromise	7-15-76
			455	Final Award	"
Colorado River Indians	283-B	36	217	Opinion - Acctg.	7-10-75
			230	Concurring Opinion	"
			231	Interlocutory Order	"
			233	Order Denying Mo. to Dismiss	"
			425	Opinion on Mo. for Rehearing	8-28-75
			428	Order Vacating Order Denying Mo. to Dismiss	"
		37	40	Order Denying Mo. for Rehearing	10-30-75
Colville Reservation, Confederated Tribes	181-C	36	183	Opinion	6-13-75
			201	Order Granting Partial Summary Judgment and Conclusions of Law	"

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>				
Colville Reservation, Confederated Tribes as repre. of the Joseph Band of the Nez Perce Tribe	186	35	74	Findings - Compromise	10-31-74				
				84	Final Award	"			
				203	Order Allowing Attys' Fee	6-18-75			
Colville Reservation Confederated Tribes, Palouse Band (see Yakima Tribe, Dkt. 161)	222								
Cowlitz	218	30	129	Findings on Compromise	4-12-73				
				143	Final Award	"			
				373	Order Allowing Attys' Fee	6-6-73			
				34	Order - Attys' Expenses	7-17-74			
				35	Order - Attys' Expenses	2-7-75			
Creek Nation	272	201	C.C.	386	Affirmed	4-13-73			
Creek Nation	273	29	519	Findings on Compromise	3-14-73				
				529	Final Award	"			
				31	Order Allowing Attys' Fee	7-11-73			
Creek Nation (see Dkt. 273)	277								
Creek Nation East of the Mississippi (also see Seminole Dkts. 73 & 151)	280	197	C.C.	350	Consolidated with Seminole Opinion	2-18-72 7-5-73			
					31	1			
						9	Order Denying Motion to Amend Petition and Holding in Abeyance Ruling on Motion for Summary Judgment	"	
					203	C.C.	754	Order Dismissing Appeal	2-11-74
					35		7	Order Dismissing Dkt. 280 and Severing Dkt. 280 from Dkts. 73 and 141	9-13-74
			117	Order Denying Motion for Reconsideration	11-13-74				

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>	
Delaware Tribe (see Delaware, Absentee, Dkt. 72)	298					
Fort Belknap Indian Community (see Blackfeet and Gros Ventre, Dkt. 279-C)	250-A					
Fort Berthold, Three Affiliated Tribes	350-C	35	269	Opinion - Date of Taking Rehearing	1-2-75	
			279	Additional Findings	"	
			286	Order Amending Findings and Order and Admitting Exhibits	"	
				Findings - Attys' Fee	5-18-76	
				Order Allowing Attys' Fee	"	
				Findings on Compromise	3-17-76	
				Final Award in D. 350-C	"	
				Final Award in D. 350-D	"	
				Findings on Attys' Fee	7-8-76	
				440	Order Allowing Attys' Fee	"
Fort Berthold, Three Affiliated Tribes	350-F	C.C. C.C. U.S.		Order Affirming	3-29-74	
				Motion for Rehearing Denied	5-31-74	
				Cert. Denied	10-21-74	
			36	Findings - Attorneys' Fee	6-18-75	
				Order Allowing Attys' Fee	"	
			38	Order Allowing Attys. Exp.	6-3-76	
Fort Berthold, Three Affiliated Tribes	350-G	36	116	Opinion - Acctg.	5-29-75	
			166	Interlocutory Order	"	
			37	129	Opinion - Acctg	12-18-75
			136	Interlocutory Order	"	

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>		
Fort Peck Indians of the Fort Peck Reser- vation, Montana	184	34	24	Opinion - Acctg. Liability	5-3-74		
			66	Concurring Opinion	"		
			67	Opinion Dissenting in Part	"		
			77	Order	"		
		C.C.		Order Remanding	10-30-75		
Fort Yuma Reservation (see Quechan Tribe)	319 & 320						
Gila River Pima-Maricopa Indian Community	228	204	C.C. 137	Affirmed	4-17-74		
			236-A & 236-B	38	393	Opinion - Value	6-30-76
					408	Add. Findings	"
			430	Interlocutory Order	"		
Gila River Pima-Maricopa Indian Community	236-E	33	18	Opinion - Liability	1-10-74		
			29	Findings	"		
			48	Interlocutory Order	"		
			38	1	Opinion - Amt. of Liability	4-5-76	
			37		Opinion Dissenting in Part	"	
			40		Additional Findings	"	
60		Final Award	"				
Gila River Pima-Maricopa Indian Community	236-F & I	30	233	Order Dismissing Claims Pertaining to Some 1,349;88 Acres of Land	5-9-73		
Gila River Pima-Maricopa Indian Community	236-G	34	290	Opinion	7-25-74		
			296	Order to Show Cause Why Petition Should Not Be Dis.	"		
			35	7	Order Dismissing Petition	9-30-74	
Gila River Pima-Maricopa Indian Community	236-N	35	209 222	Opinion - Accounting Interlocutory Order	11-22-74 "		

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Goshute Reservation Con- federated Tribes	326-B	33	130	Opinion	2-14-74
			141	Order Partially Granting Ptfs' Mo. for Supp. Acctg. and Denying Dfnts' Mo to Dismiss	"
Goshute Tribe	326-J	31	225	Opinion - Value	8-9-73
			252	Comr. Yarborough's Concurring Opinion	"
			256	Findings	"
			307	Interlocutory Order	"
			230	Order Denying Motion for Rehearing	11-14-73
		206 C.C.	401	Affirmed	3-19-75
Goshute Reservation Confederated Tribes	326-B & 326-J	37	41	Findings on Compromise	11-5-75
			58	Final Award	"
Goshute Tribe			241	Findings on Attys' Fees	2-25-76
			250	Order Allowing Attys' Fees	"
Hannahville Indian Comm. and Potawatomi Indians of Indiana and Michigan, and Potawatomi of the Huron (see Chippewa, Saginaw, Dkt. 59)	29-E				
Hopi Tribe	196 & 229	31	16	Opinion	7-9-73
			37	Order Denying Hopi Motion to Amend Finding	"
Navajo Tribe		33	72	Order Denying Hopi's Motion for Further Argument on Liability, etc.	1-23-74
			C.C.	Order Affirming	1-30-76
			C.C.	Rehearing Denied	3-26-76

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>	
Hopi Tribe	196 Count 9	33	74	Opinion	1-23-74	
			81	Order on Dfnts' Motion to Dismiss and for More Definite Statement	"	
	36	1	Opinion	3-13-75		
		6	Order Granting Mo. for Leave to File More Definite State- ment of Continuing Wrongs	"		
		C.C.	Order Staying Ind. Cl. Comm. Proceedings	6-20-75		
Iowa Tribe of Iowa in Kansas and Nebraska	135	30	1	Order Allowing Atty. Fees - Iowa in Kansas and Nebraska	3-28-73	
Iowa Tribe in Oklahoma		31	69	Order Allowing Atty. Expenses - Iowa in Oklahoma	8-1-73	
Sac and Fox Tribe of Oklahoma		32	284	Order Allowing Atty. Expenses - Iowa in Kansas in Nebraska	12-5-73	
Sac and Fox Tribe of Missouri, and		35	18	Order - Atty. Expenses - Sac & Fox of Miss. in Iowa	10-9-74	
Sac and Fox Tribe of Mississippi in Iowa			228	Order - Atty. Expenses - Sac & Fox of Oklahoma	11-22-74	
			299	Order - Atty. Expenses - Sac & Fox of Missouri	1-15-75	
Iowa Tribe, et al.	135-A	159 C.C.	257	Affirmed	11-7-62	
Iowa Tribe, et al. (Sac and Fox Tribe, et al.)	153	30	430	Order - Attys' Exp.	6-21-73	
			31	312	Order - Attys' Exp.	8-29-73
				316	Order - Attys' Exp.	8-29-73
			32	227	Order - Attys' Exp.	11-7-73

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Sac and Fox Tribe, Iowa Tribe, and Sac and Fox Tribe	158 209 & 231	31 32	349 4	Order - Atty. Expenses Iowa Tribe Order - Atty. Expenses, Iowa Tribe Opinion Final Award on Remand Order Affirming	9-5-73 10-17-73 11-23-73 " 4-25-75
Kaw Tribe	33 34 35	125 3 133	C.C. 628 180 196 C.C. 693	Representation Remanded Findings Opinion Motion to Intervene & to Dismiss Denied	7-13-53 6-24-54 " 2-16-55
Kickapoo Tribe of Kansas Kickapoo Tribe of Oklahoma, Kickapoo Nation, et al.	193	35	265	Order Allowing Reimb. of Atty. Exp.	12-26-74
Kickapoo Tribe of Kansas Also see Peoria, Dkt. 99 and Miami, Dkt. 253	317	38	116	Findings and Order Allowing Attys' Expenses	5-21-76
Kickapoo Tribe	318	35	235	Order Allowing Atty. Exp.	11-27-74
Kikiallus (see Upper Skagit, Dkt. 92)	263	34	442 448	Findings - Attys' Fee Order - Attys' Fee	8-28-74 "
Kiowa, Comanche and Apache Tribes	32	143 143 359	C.C. 534 C.C. 545 U.S. 934	Affirmed Affirmed on Reconsideration Cert. Denied	7-16-58 10-8-58 3-9-59
Kiowa, Comanche and Apache Tribes; Wichita Tribe, Intvnr.	257	202	C.C. 29	Reversed as to S.J. and Order Allowing Intervention	6-20-73

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Kiowa, Comanche and (con't) Apache Tribes; Wichita Tribe, Intvnr.	257		C.C.	Order Denying Motion for Rehearing	9-28-73
			U.S.	Cert. Denied	4-15-74
Kiowa, Comanche and Apache Tribes	257 & 259-A	34	263	Findings on Compromise	7-17-74
			286	Order of Consolidation and Final Award	"
			287	Order Denying Motion to Con- solidate Dkt. 257 with Dkts. 22-C and 226	"
			288	Findings on Attys' Fee	1-8-75
		35	297	Order Allowing Attys' Fee	"
Klamath and Modoc Tribe and Yahooskin Band of Snake Indians	100-B-1 & 100-C	37	1	Order Severing Claims in Dkt. 100-B-1	10-31-75
			2	Findings on Compromise	"
			38	Final Award in D. 100-C	"
			39	Order Approving Stipulation in D. 100-B-1	"
Klamath and Modoc Tribe	100-B-2	32	209	Opinion	6-26-74
			218	Order Denying Ptf's Motion to Strike All Testimony of Certain Defense Witnesses	"
	100-C	37	207	Order Allowing Atty's Fee	2-4-76
Lummi Tribe (also see Dkt. 92, Upper Skagit)	110	34	339	Opinion - Attys' Fee & Expenses	7-31-74
			346	Findings -	"
			357	Order Allowing "	"
Makah Indian Tribe	60	151	C.C. 701	Affirmed	12-1-60

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>		<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Makah Indian Tribe	60-A	195	C.C.	539	Order Affirming	6-14-71
		30		220	Opinion on Motion for Leave to Amend Petition	4-30-73
				232	Order Denying Motion	"
		34		14	Opinion	5-1-74
				23	Order Granting Mo. to Amend Pet., to Reopen Record, & Denying Mo. to Clarify, & Setting Hearing	"
				23-a	Order Denying Mo. for Part. S.J. and Mo. to Strike	"
				23-b	Order Denying Mo. To Dismiss	"
				23-c	Order Denying Mo. to Permit Inspection	"
				406	Opinion	8-14-74
				412	Order Denying Dfnt's Motion for Partial S.J.	"
				413	Order Setting Trial in Two Stages & Continuing Trial	"
Maricopa-Ak Chin	235	31		384	Opinion	9-19-73
				396	Findings	"
				407	Order Dis. First Cause with Prej.	"
		37		193	Opinion	1-14-76
				201	Order Granting in Part Ptfs' Mo. for Supp. Acctg., and Other Purposes	"
Miami Tribe	76, 251-A, 252, 253, 254, 255 & 256	200	C.C.	64	Affirmed	12-12-72
Miami Tribe of Indians (see Potawatomi, Dkt. 128)	124-B					
Miami Indian Tribe	124-H	33		49	Order to Show Cause Why Pet. Should Not Be Dismissed	1-9-74

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Miami Tribe of Oklahoma (also see Miami, Dkt. 76, et al.)	251-A	35	481	Order - Attorneys' Fee	2-27-75
Miami Tribe	253 & 131	32	32 42 63	Opinion - Attys' Fees Findings Order Awarding and Apportioning Attorneys' Fees	10-18-73 " " "
Miami Tribe	255 & 124-C 256 & 124-D E & F	198 199 200 32	C.C. C.C. C.C. U.S. 242 254	1 487 728 Cert. Denied Findings on Attys' Exp. in Dkts. 124-C, D. E. F. & 131 Order Allowing Attys' Exp.	4-11-72 10-13-72 2-22-73 10-9-73 11-23-73 "
-36- Missouria (see Otoe and Missouria)	11 & 11-A				
Mohave, Colorado River Tribes Mohave Tribe	283 & 295	31	357 C.C.	Order Approving Compromise Subject to Dismissal of Appeal Order Granting Motion to Dismiss Appeal Findings - Compromise Final Award Findings - Attys' Fee Order Allowing Attys' Fee Order Allowing Attys' Exp.	9-13-73 9-14-73 9-26-73 " 7-31-74 " 11-14-74
Mohave Tribe of Arizona and California	295-A	36 37	452 471 142	Findings on Compromise Final Award Order Allowing Attys' Fee	9-18-75 " 1-8-76
Moses Band, Confederated Tribes of Colville Reservation (see Yakima Tribe, Dkt. 161)	224				

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Munsee Tribe (see Stock- bridge Munsee Community)	300 & 300-A				
Navajo Tribe	69	31	40	Opinion	7-25-73
	299 & 353		59	Order on Ptf's' Motion for Fuller Acctg. & for S.J. and Consoli- dating Dockets	"
		34	432	Opinion	8-23-74
			438	Order Modifying Previous Order & for Supp. Acctg.	"
			439	Order Denying Motions to Dismiss & Vacating Order to Show Cause	"
		35	305	Opinion	1-23-75
			311	Order Separating Consolidated Acctg. Claims from Remaining Claims in Dkt. 69	"
			312	Order Denying Motion to Amend Petition by Adding Request for Supp. Acctg.	"
			313	Order Denying Mo. for Rehearing	"
			315	Order Granting Mo. to Amend Claims 1 thru 6 & Denying Motion for Final Judgment	"
Navajo Tribe	69 (Claims 1 thru 6 & Claim 8)	36	108	Opinion	5-28-75
			112	Order Denying Mo. for Final Jdmt. of Dismissal of 8th cl., & Directing that Ptf. Make Offer of Proof	"
			215	Order Denying Motion for Certification	7-9-75

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>	
Navajo Tribe	69	36	113	Order Separating Acctg. Claim from Other Claims in Dkt. 69	5-28-75	
	299 & 353		114	Order Sustaining Ptf's Objs. to Interrogatories	"	
	(Acctg. Claims)		181	181	Order Denying Mo. for Part. S.J.	6-11-75
			415	415	Order that Ptf. Make Available Certain Records	8-13-75
				433	Opinion	9-4-75
				437	Order Vacating in Part S.J. re Exception (g)	"
Navajo Tribe (also see Apache, D. 22-D, Apache, D. 22-J, Pueblo of Acoma, D. 266, Pueblo of Laguna, D. 227, Havasupai, D. 91, Apache, Dkts. 30 & 48, Hopi, D. 196	229	31	16	Opinion	7-9-73	
			37	Order Denying Hopi, Ptf's. in Dkt. 196, Motion to Amend Findings	"	
Nez Perce Tribe	175-B	30	376	Findings on Attys' Fee	6-6-73	
			387	Order Allowing Attys' Fee	"	
Nisgah Tribe	287	28	366	Dismissal	9-7-72	
Nisqually Tribe	197	34	297	Opinion - Offsets	7-31-74	
			303	Additional Findings	"	
			310	Final Award	"	
			C.C.	Order Affirming	1-30-76	
Omaha Tribe of Nebraska	225, Cons. (225-A, B, C & D)	148	C.C.	Order Affirming	1-30-76	
			C.C.	Affirmed	1-15-60	
Oneida Nation of New York	301 Claims 1 & 2	37	522	Opinion - Liability	3-19-76	
			554	Dissenting Opinion	"	
			568	Additional Findings	"	
			617	Interlocutory Order	"	

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>		
Oneida Nation of of New York	301	201	C.C.	546	Affirmed in Part; Remanded in Part	5-11-73	
	Claims 3 thru 8	33		69	Order Dismissing Claim 8	1-16-74	
Otoe and Missouriia	11	131	C.C.	593	Aff. in Part; Rem. in Part Cert. Denied	5-3-55	
		350	U.S.	848		10-10-55	
Otoe and Missouriia	11-A	175	C.C.	564	Affirmed	5-13-66	
Ottawa Tribe (see Pota- watomoni, Dkt. 216, et al.)	40-I						
Ottawa Tribe Cons. w/Dkt. 146, Pottawatomi	40-K	36		280	Findings and Order Allowing Attorneys' Expenses	8-13-75	
Ottawa Tribe (see Chippewa, Saginaw, Dkt. 59)	133-B						
Ottawa Tribe	303	166	C.C.	373	Reversed in Part Cert. Denied	6-12-64	
		379	U.S.	929		12-7-64	
Ottawa Tribe	304	30		206	Final Award Order - Attys' Fee	4-25-73	
		35		1		9-4-74	
Ottawa Tribe	305	30		208	Final Award Order - Attys' Fee	4-25-73	
		35		4		9-4-73	
Ottawa-Chippewa Tribe of Michigan	364	30		288	Findings	5-9-73	
					293	Order for Ptf. to Show Cause	"
					294	Order for Dfnt. to Show Cause Why Acctg. Report Should Not Be Filed	"
			33		142	Per Curiam Opinion	2-14-74
				140		"	

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Ottawa-Chippewa Tribe of Michigan (con't)	364	35	416 417	Opinion Dissenting in Part Order	1-27-75 "
Paiute (see Snake Indians)	17				
Paiute Nation, Northern	87-A	30	210	Opinion of Ptf's' Motion Pertaining to Pyramid Lake Water	4-25-73 "
			219	Order	"
		203	C.C. 468	Reversed and Remanded	1-23-74
			C.C.	Rehearing Denied	4-24-74
		34	414	Opinion on Ptf's Mo. for Complete & Proper Acctg.	8-14-74
			426	Interlocutory Order	"
		36	254	Order Granting Mo. to Separate Water Claim & to File Amended and Supp. Pet.	7-23-75
-04- Paiute Tribe, Pyramid Lake	87-B	36	256	Findings on Compromise	7-23-75
			270	Final Award	"
			209	Findings on Attorneys' Fee	2-11-76
			217	Order Allowing Attys' Fee	"
Papago Tribe of Arizona	102	35	316	Opinion	1-23-75
			319	Order Denying Motion for S.J. and Setting Pretrial Hearing	"
Papago Tribe of Arizona	102 & 345	38	542	Findings on Compromise	7-21-76
			559	Final Award	"
Peoria Tribe of Okla., Kaskaskia Nation (also see Pottawatomie, Dkt. 15-D)	313	34	428	Opinion	8-22-74
			431	Order Denying Motion re Valuation Date	"
Peoria Tribe (see Pottawa- tomi Tribe, Dkt. 15-D)	314-A				

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Peoria Tribe of Oklahoma (see Potawatomi Tribe, Dkt. 128)	314-B				
Peoria Tribe of Oklahoma, Wea Nation (see Miami Tribe, Dkts. 253 & 131)					
Piankeshaw Nation (see Peoria Tribe)					
Pima-Maricopa (see Salt River Pima-Maricopa)	291				
Ponca Tribe of Oklahoma	323	31	351	Order Allowing Attys' Fee	9-12-73
Ponca Tribe of Oklahoma	324	31	354	Order Allowing Attys' Fee	9-12-73
Ponca Tribe of Oklahoma	322, 323 & 324	31	308	Order Allowing Attys' Exp.	8-15-73
Potawatomie, Prairie Chippewa, Red Lake Hannahville Community Potawatomie, Citizen	15-C 18-H 29-A & 71	33	394 407	Opinion on Motion re Pretrial Determination of Basis for Valuation of "Exchange Land" Order Denying Motion	3-20-74 "
Pottawatomie, Prairie Hannahville Community Potawatomi, Citizen	15-C, 29-A, & 71	38	128 231 341 389	Opinion - Value and Consideration Findings Interlocutory Order Final Award	5-26-76 " " 6-23-76

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Pottawatomie Tribe & Prairie Band	15-D	30	42	Opinion - Title	4-4-73
			86	Findings of Fact	"
Pottawatomie Nation	15-P & Q		124	Order	"
Hannahville Community	29-B, N & O	31	330	Opinion	8-29-73
Peoria Tribe	99		346	Order Granting Dfnts' Motion to File Out of Time & Denying Dfnts' Motion for Rehearing	"
Miami Tribe	124-H				
Miami Tribe	254				
Citizen Band	306, 309 &	32	232	Opinion	11-21-73
	311		239	Order Denying Dfnts' Motion to Continue Consolidation or to Reconsolidate	"
Peoria Tribe	313				
Peoria Tribe	314-A				
Kickapoo Tribe	315				
Pottawatomie Nation	15-P	205	C.C. 765	Affirmed	12-18-74
Hannahville	29-N		C.C.	Rehearing Denied	1-31-75
Citizen Band	306				
-42- Pottawatomie Tribe & Prairie Band	15-E				
Hannahville Community	29-C &				
Citizen Band	338				
(see Chippewa Tribe, Dkt. 13-G)					
Potawatomi Indians, Prairie Band	15-F & 15-G	38	456 467	Opinion Interlocutory Order Granting Ptfs' Leave to Intervene in Dkts. 29-D & 29-E	7-15-76 "
Pottawatomie Tribe & Prairie Band	15-I				
Hannahville Community	29-G,				
Citizen Band	& 308				
(see Chippewa Tribe, Dkt. 13-F)					

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Potawatomi, Prairie Band (see Dkt. 216, Citizen Band)	15-L				
Potawatomi, Prairie Hannahville, Potawatomi, Citizen	15-M 29-K & 146	34 37	1 251 283 324	Final Award Opinion Findings - Attys' Fees Order Awarding & Apportioning Attys' Fees	4-19-74 2-25-76 " "
Potawatomi, Prairie	15-M	35	454	Order - Attorneys Expenses	2-20-75
Potawatomi Nation (see Chippewa, Dkt. 13-E, and Potawatomi, Dkt. 128)	15-N				
Potawatomi, Prairie Band (see Potawatomi, Dkt. 128)	15-O, Q & R				
Potawatomi, Hannahville and Forest County	28	115 C.C. 173 C.C.	823 1186	Appeal Dismissed Appeal Dismissed	1-3-50 11-19-65
Potawatomi, Hannahville	29-A, B, C G & X	173 C.C.	1186	Appeal Dismissed	11-19-65
Potawatomi, Hannahville Also see Chippewa, Dkt. 13-E, and Chippewa, Saginaw, Dkt. 59	29-D & 29-E	38	456 467	Opinion Interlocutory Order Granting Ptfs. in Dkts. 15-F, 15-G, & 307 Leave to Intervene	7-15-76 "
Potawatomi, Hannahville (see Dkt. 216, Citizen Band of Potawatomi)	29-I				

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Potawatomi, Hannahville (see Dkt. 15-M, Prairie Band of Potawatomi)	29-K				
Hannahville (see Dkt. 128, Citizen Band of Potawatomi)	29-L M, O & P				
Potawatomi, Citizen	128,	32	461	Opinion - Title and	
Potawatomi, Citizen	309,			Intervention	12-28-73
Potawatomi, Citizen	310,		496	Concurring Opinion	"
Potawatomi, Prairie	15-N,		497	Findings	"
Potawatomi Prairie	15-O		531	Interlocutory Order	"
Potawatomi, Prairie	15-Q,	C.C.		Order Affirming	3-7-75
Potawatomi, Prairie	15-R,				
Hannahville	29-L,				
Hannahville	29-M,				
Hannahville	29-O,				
Hannahville	29-P,				
Miami	124-B,				
Miami	254,				
Peoria of Oklahoma	314-B				
Potawatomi of Indiana and Michigan, Intvnrs.					
Potawatomi, Citizen (also see Potawatomi, Prairie, Dkt. 15-M)	146	36	71	Order - Atty. Expenses	3-27-75
Potawatomie	216	32	400	Opinion - Title	12-26-73
Prairie Band	15-L		412	Concurring opinion	"
Hannahville	29-I,		413	Findings	"
Chippewa Tribe	13-K		428	Final Order Dismissing	
Ottawa	18-P,			Claims in Dkts. 13-K, 18-P,	
(also see Chippewa, Dkt. 13-E)	& 40-I			& 40-I and for Other Purposes	"

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Potawatomi, Citizen	217,	30	144	Opinion	4-25-73
Potawatomi, Prairie	15-K		172	Supplemental Findings	"
Hannahville Community	29-J		203	Order Vacating and Amending Findings of 11-29-62 and 4-15-65	"
			204	Final Award	4-25-73
		34	402	Order - Atty. Expenses in Dkt. 15-K	8-14-74
		35	420	Order - Atty. Expenses Dkt. 217	2-7-75
		36	498	Opinion	10-23-75
			520	Findings	"
			543	Order Awarding & Apportioning Attorneys' Fees	"
Potawatomi, Citizen Band of Oklahoma	307, Amded.	38	456	Opinion	7-15-76
			467	Interlocutory Order Granting Leave to Intervene in Dkts. 29-D & 29-E	"
Potawatomi, Citizen Band (see Potawatomi Dkt. 128)	309 & 310				
Pueblo of San Ildefonso	354,	30	234	Opinion - Title	5-10-73
Pueblo of Santo Domingo	355 &		256	Chm. Kuykendall's Opinion Concurring in Part & Dissenting in Part	"
Pueblo of Santa Clara	356		259	Findings	"
			282	Inter. Order in Dkt. 354	"
			284	Inter. Order in Dkt. 355	"
			286	Inter. Order in Dkt. 356	"
		206 C.C.	649	Affirmed	4-16-75
Pueblo of Taos	357-A	33	82	Opinion	2-4-74
			115	Dissenting Opinion	"
			119	Findings	"
			127	Interlocutory Order in Dkts. 357,	

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>			
Pueblo of Taos (continued)	357-A	207	C.C.	53	Affirmed Dkt. 357-A	5-14-75		
			C.C.		Order Denying Rehearing	10-10-75		
				37	520	Final Award	3-17-76	
Pueblo de Zia, Pueblo de Jemez, and Pueblo de Santa Ana	137	200	C.C.	601	Affirmed in Part, Reversed in Part and Remanded	2-16-73		
			C.C.		Order Amending Amount of Offset	4-27-73		
				33	1	Findings on Compromise	1-10-74	
					16	Order Amending Opn. & Fdgs. & Amended Final Award	"	
				35	86	Findings - Attys' Fees	10-31-74	
					93	Order Allowing Attys' Fees	"	
		231	Order Allowing Attys' Exp.	11-27-74				
Pyramid Lake Paiute Tribe	87-B	36		256	Findings on Compromise	7-23-75		
					270	Final Award	"	
				37	209	Findings on Attorneys' Fee	2-11-76	
					217	Order Allowing Attys' Fee	"	
Red Lake Band (see Chippewa)	189, 189-A B & C & 246							
Rocky Boy's Reservation Chippewa Cree (see Chippewa Cree)	221-A							
Sac and Fox	83	32		320	Opinion - Value	12-26-73		
					348	Additional Findings	"	
					398	Final Award	"	
					C.C.		Order Affirming	4-25-75
				38	100	Order Allowing Attys' Fees	5-7-76	

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>			
Sac and Fox Tribe of Oklahoma, Sac and Fox Tribe of Missouri, Sac and Fox of Missi- ssippi in Iowa	95		C.C.	Order Aff. in Part and Rev. and Rem. in Part	6-1-73			
			C.C.	Order Denying Motion for Rehearing	10-17-73			
		34	189	Opinion on Remand	6-19-74			
			196	Dissenting Opinion	"			
			200	Interlocutory Order	"			
		35	12	Final Award	9-25-74			
		36	271	Order Allowing Expenses of Attys. for Sac and Fox of Oklahoma	8-6-75			
		37	60	Order - Attys' Fees	11-6-75			
		38	103	Order Allowing Expenses of Attys for Sac and Fox of Missouri	5-13-76			
			390	Order Allowing Expenses of Attys for Sac and Fox of Mississippi in Iowa	6-30-76			
		Sac and Fox in Iowa	135-A	159	C.C.	247	Affirmed	11-7-62
		Sac and Fox Tribe Iowa Tribe	158, 209 &	20		439	Opinion	5-12-69
		Sac and Fox Tribe	231			458	Findings	"
				22		505	Final Award	"
				439	Order Denying Ptf's' Motion to Rehear and for Other Purposes	2-11-70		
		24		92	Order - Atty. Fees	11-10-70		
		196	C.C.	548	Remanded	11-12-71		
		31		349	Order - Atty. Expenses, Iowa Tribe	9-5-73		
		32		4	Order - Atty. Expenses, Iowa Tribe	10-17-73		
				256	Opinion	11-23-73		
				270	Final Award on Remand	"		
			C.C.		Order Affirming	4-25-75		
			C.C.		Order Denying Rehearing	6-27-75		
			U. S.		Cert. Denied	12-8-75		

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>	
Sac and Fox	219	34	392	Order - Atty. Expenses for Sac & Fox of Oklahoma	8-9-74	
			395	Findings	"	
			400	Order - Add. Expenses for Attys. for Sac & Fox of Mississippi in Iowa	"	
Salt River Pima- Maricopa Indian Community	291	35	225	Order Granting Partial S.J. and for Supp. Filing	12-22-74	
			274	Opinion	8-13-75	
			279	Order Requiring Submission of Information & Denying Motion to Dismiss Exceptions 8 & 9	"	
Schaghticoke Indians (see Kent Tribe)	112					
Seminole Nation	53	125	C.C. 375	Affirmed	6-2-53	
Seminole Nation (also see Creek, East, Dkt. 280)	73 & 151	196	C.C. 639	Consolidated w/Creek, Dkt. 280	2-18-72	
			197	C.C. 350	Remanded	2-18-72
			31	1	Opinion	7-5-73
			9		Order Denying Creek's Motion to Amend Petition and Holding in Abeyance Ruling on Dfnts' Motion for Summary Judgment	" "
				C.C.	Order Dismissing Appeal	2-11-74
			35	7	Order Dismissing Dkt. 280 and Severing Dkt. 280 from Dkts. 73 and 151	9-13-74
				117	Order Denying Creek's Motion for Reconsideration	11-13-74
				C.C.	Order Affirming Commission and Dismissing Appeal	6-27-75
	C.C.	Motion for Rehearing Denied	10-3-75			
	38	62	Findings on Compromise	4-27-76		

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>	
Seminole Nation (also see Creek, East, Dkt. 280) (continued)	73 &	35		91	Final Award	4-27-76
	151			92	Order Admitting Exhibits and for Other Purposes	4-23-76
Seminole Indians of the State of Florida	73-A	200	C.C.	417	Motion to Dismiss Appeal Granted	1-18-73
			C.C.			Motion for Rehearing Denied
		33		70	Order Denying Motion for Order Supplementing Orders, Subdiv. Docket, and setting Trial Date	1-16-74
		35		298	Order Denying Mo. re Judicial Notice and Other Action on Valuation Date	1-8-75
Seminole Indians of the State of Florida	73-B		C.C.		Order Affirming	3-14-75
			C.C.		Rehearing Denied	4-25-75
Seminole Nation	150	146	C.C.	171	Affirmed	6-3-59
Seminole Nation	204	204	C.C.	655	Affirmed	6-19-74
			U.S.			Cert. Denied
Seminole Nation	247	203	C.C.	637	Affirmed in Part; Reversed in Part & Remanded	2-20-74
				37	203	Order Determining Valuation Date and For Other Purposes
			499	Order Rescinding Prior Order and for Other Purposes	3-17-76	
		38	560	Order Denying Motion for Rehearing	7-21-76	
Seneca-Cayuga Tribe of Oklahoma, et al.	341-A & 341-B	33		436	Opinion - Value	4-4-74
				454	Additional Findings	"
				468	Interlocutory Order	"
			36	170	Findings on Final Award	6-11-75
				180	Final Award	"
	37	137		Order Allowing Attys' Fee	12-29-75	

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Seneca Nation Tonawanda Band of Seneca Indians	342-A & 368-A	31	60	Order Allowing Attys' Fee	7-25-73
Seneca Nation Tonawanda Band of Seneca Indians	342-B C, D & 368	33	390	Final Award in Dkts. 342-B & C & 368	3-13-74
Seneca Nation	342-F	33	392	Final Award	3-13-74
Seneca Nation	342-B, C, F & I & 369	34	225	Order Allowing Attys' Fee	7-10-74
Seneca Nation (also see Seneca, Dkt. 342-A)	342-I	33	393	Final Award	3-13-74
Seneca, Tonawanda Band (see Seneca, Dkts. 342-A and 342-B)	368				
Shawnee, Absentee	334-A	165	C.C. 510	Affirmed	4-17-64
		25	311	Per Curiam Opinion	5-19-71
			314	Findings - Compromise	"
			324	Final Award	"
		26	328	Findings - Attys' Fee & Exp.	10-20-71
			334	Order - Attys' Fee & Exp.	"
		200	C.C. 194	Affirmed	12-12-72
	334-B	164	C.C. 510	Aff. in Part; Rev. in Part	4-17-64
		22	18	Opn. of Ptf's Mo. for Determ. of Certain Issues	11-13-69
			25	Additional Findings	"
			27	First Interlocutory Order	"
		25	311	Per Curiam Opinion	5-19-71
			314	Findings - Compromise	"
			324	Final Award	"
			328	Findings - Attys' Fee & Exp.	10-21-71

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>	
Shawnee, Absentee (continued)	334-B	25	334	Order - Attys' Fee & Exp.	10-20-71	
		200 C.C.	194	Affirmed	12-12-72	
Shoshone, Te-Moak Bands Mescalero Apache Tribe	326-A & 22-G	31	427	Opinion - Accounting	10-4-73	
			545	Concurring Opinion	"	
			551	Dissenting Opinion	"	
			557	Order in Dkt. 326-A	"	
			559	Order in Dkt. 22-G	"	
			33	417	Opinion	4-4-74
			435	Order Denying Motion for Reh. of Ptf. in 326-A	"	
			207 C.C.	369	Aff. in Part, Rev. in Part, & Remanded (with D. 326-C)	7-11-75
			C.C.		Motion for Rehearing Denied	10-3-75
			U.S.		Cert. Denied	4-5-76
Shoshone, Goshute (see Goshute Reservation Confederated Tribes)	326-B					
Shoshone-Bannock Tribes of Fort Hall Reservation	326-C	unnumbered 207 C.C.	369	Order and Pretrial Notice	1-16-74	
				Aff. in Part, Rev. in Part, & Remanded (with Dkts. 22-G & 326-A)	7-11-75	
				Motion for Rehearing Denied	10-3-75	
				Cert. Denied	4-5-76	
		C.C.				
		U.S.				
Shoshone, Lemhi (see Lemhi Tribe)	326-I					
Shoshone, Western (see Shoshone, Dkts. 326 & 367 for title decision)	326-K	35	457	Opinion	2-20-75	
			478	Order Denying Petition to Stay Proceedings and Present Amended Claim, etc.	"	
			C.C.	Affirmed	2-18-76	
			C.C.	Order Denying Rehearing	4-23-76	

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Sisseton and Wahpeton Bands (see Sioux Tribe)	142				
Sioux Tribe (also see Chippewa, Dkt. 113, et al.)	74	38	469 487 532	Opinion - Value Add. Findings Interlocutory Order	7-14-76 " "
Sioux Nation Yankton Sioux Tribe	74 & 332-C	205	C.C. 148 C.C.	Aff. in Part, Rev. in Part, & Remanded Rehearing Denied	7-19-74 10-4-74
Sioux Nation	74-B	33	151 236 243 362	Opinion - Liability & Value Opinion Dissenting in Part Findings Interlocutory Order	2-15-74 " " "
		207	C.C. 234 U.S.	Aff. in Part; Rev. in Part & Remanded Cert. Denied Report of Commissioner	6-25-75 12-8-75 5-20-76
Sioux of Crow Creek	115	35	194 207	Opinion - Accounting Interlocutory Order	11-22-74 "
		37	114	Order Vacating Determination of Comm. Concerning Expendi- ture of Tribal Funds for Educational Purposes	12-11-75 "
			127	Order for Supp. Acctg.	"
Sioux of Lower Brule	116	35	175 192	Opinion - Accounting Interlocutory Order	11-22-74 "
		37	116	Order Vacating Determination of Comm. Concerning Expendi- ture of Tribal Funds for Educational Purposes	12-11-75

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>	
Sioux Tribe of Pine Ridge Reservation, S.D.	117	35	152	Opinion - Accounting	11-22-74	
			173	Interlocutory Order	"	
		37	118	Order Vacating Determination of Comm. Concerning Expendi- ture of Tribal Funds for Educational Purposes	12-11-75	
			128	Order for Supp. Acctg.	"	
			624	Order Denying Motion for S.J. on Exception 14	3-25-76	
Sioux of Rosebud Reservation	118	35	123	Opinion - Accounting	11-22-74	
			150	Interlocutory Order	"	
		37	120	Order Vacating Determination of Comm. Concerning Expendi- ture of Tribal Funds for Educational Purposes	12-11-75	
			625	Order Denying Motion for S.J. on Exception 14	3-25-76	
Sioux Tribe of Standing Rock Reservation, S.D.	119	34	230	Opinion - Acctg.	7-11-74	
			253	Interlocutory Order	"	
		37	107	Opinion	12-11-75	
			113	Order Vacating Determination of Comm. Concerning Expendi- ture of Tribal Funds for Educational Purposes	"	
			122	Opinion	12-11-75	
			126	Order for Supp. Acctg.	"	
			618	Opinion	3-25-76	
			623	Order Denying Motion for S.J. on Exception 16		
Sioux, Yankton (also see Sioux, Dkt. 142)	332-A	13	25	Opinion Order Amd. Fdg. 2 Dkts. 11-A & 138 - Determ of Yankton Line	11-25-59 "	

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>				
Sioux, Yankton (also see Sioux, Dkt. 142) (continued)	332-A	175	C.C.	564	Aff. in Part; Rev. in Part	5-13-66			
				19	Opinion	4-24-68			
				20	252	Order Granting Mo. for S.J.	"		
				255	Opinion - Compromise	1-28-69			
						Findings	"		
						Final Judgment	"		
				22	336	Findings - Attys. Fee	12-17-69		
					343	Order - Attys. Fee	"		
			Sioux, Yankton	332-D	37		64	Opinion - Acctg.	11-20-75
							93	Opinion Dissenting in Part	"
	94	Order to Show Cause and For Other Purposes				"			
Sioux, Lower Indian Community	363 (2d Cl.)	30		463	Opinion - Value	6-30-73			
				498	Findings	"			
				533	Interlocutory Order	"			
			33		51	Opinion	1-16-74		
					63	Amendment to & Add. Findings	"		
					66	Order to Show Cause Why Final Judgment May Not Be Entered	"		
					68	Order Admitting Exhibits	"		
					389	Final Award, 2d Claim, 1904 Act	2-27-74		
							Affirmed	7-11-75	
				36		295	Opinion - Accounting	8-22-75	
						414	Order Dis. Certain Exceptions	"	
						472	Opinion - Date of Taking Under 1867 Treaty and 1872 Agmt.	9-25-75	
						484	Findings	"	
					496	Order	"		
					497	Order Granting in Part & Den. in Part Mo. to Amend Conclu- sions of Law (1867 Treaty & 1872 Agreement)	10-22-75		
			37		140	Order Allowing Attys Fee (1904 Act)	12-29-75		

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Sioux, Lower Indian Community (continued)	363 (2d Cl.)	37	218	Order Allowing Attys' Exp. (1904 Act)	2-19-76
			491	Opinion (1867 Treaty & 1872 Agreement)	3-12-76
			498	Order Denying Dfnt's Mo. for Leave to File Amended Answer and for Rehearing & Granting Ptf's Motion for Clarification	"
Six Nations Seneca, Cayuga, Oneida, Seneca-Cayuga and Tuscarora Stockbridge Munsee Community & Munsee Tribe	84 and 300-B	32 35	440	Opinion - Offsets	12-28-73
			453	Additional Findings	"
			460	Final Award	"
			94	Order Allowing Attys' Fee	10-31-74
Skykomish (see Snoqualmie, Dkt. 93)					
Snake Indians, Yahooskin Band (see Klamath and Modoc)	100 & 100-A				
Spokane Tribe	331	163 C.C.	58	Reversed in Part	10-11-63
Squaxin Tribe	206		311	Opinion - Offsets	7-31-74
			319	Additional Findings	"
			326	Final Award	"
			C.C.	Order Affirming	1-30-76
Stevens Village, Alaska (see Athabaska Indians, Dkt. 199)					

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>	
Steilacoom Tribe	208	29	481	Opinion - Value	3-14-73	
			496	Additional Findings	"	
			518	Interlocutory Order	"	
			34	327	Opinion - Offsets	7-31-74
			332	Additional Findings	"	
			338	Final Award	"	
		C.C.	Order Affirming	1-30-76		
Stockbridge Munsee Community, Stockbridge Tribe, and Munsee Tribe	300	203	C.C.	Ct. Cl. Affirmed by Order	1-29-73	
			30	372	Final Award	5-30-73
			34	389	Order - Atty's Fee & Exp.	7-31-74
Stockbridge Munsee Community (see Six Nations, Dkt. 84)	300-B					
Suiattle-Suak Tribe	97	133	C.C.	57	Affirmed	10-4-55
Suquamish Tribe (also see Skagit, Dkt. 92)	132	34		358	Opinion - Atty's Fee & Exp.	7-31-74
				365	Findings - Atty's Fee & Exp.	"
				376	Order Allowing Atty's Fee & Exp.	"
Swinomish Tribe (also see Skagit Tribe, Dkt. 92)	233	30		4	Order Allowing Attys' Fee	3-28-73
				34	201	Order Allowing Attys' Exp.
Te-Moak Bands (see Shoshone)	326-A					
Tlingit and Haida Indians of Alaska, and Angoon Tribe	278-B	32		273	Findings on Compromise	11-26-73
				282	Final Award	"
				36	105	Order Allowing Attys' Fee and Expenses

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>PAGE</u>	<u>DOCUMENT</u>	<u>DATE</u>	
Tuscarora Indian Nation	321	31	71	Order Allowing Attys' Fee	8-1-73	
Unalakleet, Native Village of (also see Aleut, Dkts. 352 and 369)	285	188 C.C.	1	Jurisdiction Affirmed	6-20-69	
			356	Opinion on Mo. for Default Jdmt. & Mo. to Suspend Further Proceedings	12-23-69	
			359	Order Denying Motions and Granting Other Relief	"	
			28	333	Order Granting Dfnt's Motion to Dismiss	8-16-72
Warm Springs Reservation Confederated Tribes	198	32	7	Findings on Compromise	10-17-73	
			31	Final Award	"	
			33	408	Findings on Attorney Fee	3-20-74
			415	Order Allowing Attys' Fee	"	
Whidbey Island (see Skagit)	294					
Wind River Arapaho (see Arapaho, Northern)	329-D					
Winnebago Tribe	243, 244, and 245	37	96	Findings & Order Allowing Attys' Expenses	11-19-75	
Wishram Tribe (see Yakima Tribe)	165					
Wyandot Tribe (see Chippewa, Saginaw, Dkt. 59)	140					

<u>TRIBE</u>	<u>DOCKET</u>	<u>VOLUME</u>	<u>TRIBE</u>	<u>DOCUMENT</u>	<u>DATE</u>
Wyandotte Tribe	212	38	561	Opinion	8-5-76
	and		583	Findings	"
	213		615	Interlocutory Order	"
Yavapai Apache Tribe	22-E	37	104	Order Allowing Atty. Exp.	12-4-75
	and 22-F				
Yapechi and Yuima Bands (see California Indians)	80, 80-A, B & C				
Zane, Lawrence (see Wyandot Tribe)					
Zia (see Pueblo de Zia, Pueblo de Jemez, and Pueblo de Santa Ana)	137				