

BEFORE THE INDIAN CLAIMS COMMISSION

ROBERT DOMINIC, ET AL., As	)	
the Representatives and on	)	
Behalf of All Members By Blood	)	
of the Ottawa Tribe of Indians,	)	Docket No. 40-K
	)	(Heretofore consolidated with
Plaintiffs,	)	Docket Nos. 146, 15-M and 29-K)
	)	
v.	)	
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

Decided: March 27, 1968

Appearances:

James R. Fitzharris, with whom was Jay H. Hoag, Attorneys for Petitioners in Docket No. 40-K

W. Braxton Miller, with whom was Mr. Assistant Attorney General, Clyde O. Martz, Attorneys for Defendant

OPINION OF THE COMMISSION

PER CURIAM:

This case, Docket No. 40-K, is now before the Commission for consideration of a compromise settlement of offsets claimed by the defendant and for the entry of a final judgment.

The claim in this case arose out of the Treaty of August 29, 1821, 7 Stat. 218. Due to possible conflicting claims of other tribes, it was necessary to consolidate Docket 40-K with Docket Nos. 146, 15-M and 29-K for purposes of trial. On December 23, 1964, the Commission in said consolidated cases entered an interlocutory order making a separate award

to plaintiffs in Docket 40-K in the sum of \$937,291.67, less allowable offsets, for and on behalf of the Grand River Band of Ottawa Indians as such Band was constituted on March 25, 1822, the date the aforesaid treaty was ratified. Pursuant to the Commission's order entered February 19, 1968, Docket 40-K was severed from Docket No. 146, 15-M and 29-K so that a final judgment might be entered in Docket 40-K.

The proposed compromise settlement involves the amount of offsets to be deducted from the \$937,291.67 separately awarded to the petitioners in Docket No. 40-K. The proposed settlement provides that the sum of \$4,671.66 shall represent the offsets which the defendant is entitled to claim for the period between January 1, 1822 and January 1, 1836.

In view of the small amount involved in the settlement, the Commission did not require the attendance of Indian representatives of the claimant group at the hearing on plaintiffs' motion to approve the proposed settlement of offsets. However, the Commission has admitted in evidence and considered the certified copies of the minutes of the annual meeting of the Northern Michigan Ottawa Association and the Ottawa-Chippewa Tribal Council held on October 16, 1965, at which the proposed compromise settlement was discussed, together with the resolution adopted at said meeting by the members of the Grand River Band of Ottawas approving the compromise settlement of offsets. These show that the proposed settlement was fully presented and explained at the meeting and was voluntarily and formally approved by the members of the Grand River Band of Ottawas through the passage of the necessary resolution. The proposed settlement has also been approved by the Commissioner of Indian Affairs.

We believe that the settlement of said offsets for the sum of \$4,671.66 is fair to both the Indians and the defendant under all the facts and circumstances of this case and should be approved.

A final judgment will accordingly be entered in conformity with our findings of fact, this opinion and the stipulation.

/s/ John T. Vance  
John T. Vance, Chairman

/s/ Wm. M. Holt  
Wm. M. Holt, Commissioner

/s/ T. Harold Scott  
T. Harold Scott, Commissioner

/s/ Jerome K. Kuykendall  
Jerome K. Kuykendall, Commissioner

/s/ Richard W. Yarborough  
Richard W. Yarborough, Commissioner