

BEFORE THE INDIAN CLAIMS COMMISSION

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| THE MIAMI TRIBE OF OKLAHOMA, et al.; |) | |
| IRA S. GODFROY, et al.; THE MIAMI |) | |
| INDIANS OF INDIANA, |) | |
| |) | |
| Petitioners, |) | Docket No. 256 |
| |) | Consolidated with |
| |) | Docket Nos. 124-D, 124-E |
| v. |) | and 124-F |
| |) | |
| THE UNITED STATES OF AMERICA, |) | |
| |) | |
| Defendant. |) | |

Decided: December 3, 1968

Appearances:

Edwin A. Rothschild, Attorney for
 Petitioner in Docket No. 256;
 David L. Kiley, Attorney for Petitioner
 in Docket Nos. 124-D, 124-E and 124-F.

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

OPINION OF THE COMMISSION

PER CURIAM

It appears that the background events leading to this compromise settlement are fully set forth in the findings of fact filed herein.

Subsequently, on August 2, 1968 the petitioners herein and the defendant filed a joint motion in Docket Nos. 256, 124-D, 124-E and 124-F for approval of a proposed compromise settlement. "A Stipulation For Entry Of Final Judgment" was also filed with the Commission at the same time. This stipulation sets forth the terms and conditions of the proposed settlement in the above dockets. The stipulation was executed on behalf of the Miami Tribe of Oklahoma by Attorney Edwin A. Rothschild


and on behalf of the Miami Indians of Indiana by Attorney David L. Kiley. Assistant Attorney General Clyde O. Martz and Attorney W. Braxton Miller signed the stipulation on behalf of the defendant.

Under the stipulation it is proposed that a net final judgment in the sum of \$1,373,000.00 be entered in Docket Nos. 256, 124-D, 124-E and 124-F. This sum also includes the partial final judgment entered on April 1, 1965 in the amount of \$773,131.25, which is to be vacated.

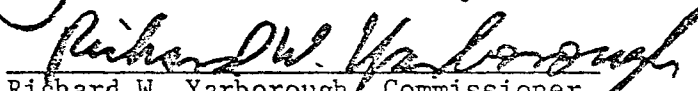
The entry of the above net final judgment in the amount of \$1,373,000.00 disposes of all claims or demands which the petitioners have asserted or could have asserted with respect to the subject matter of the claims in Docket Nos. 256, 124-D, 124-E and 124-F. The above judgment also disposes of all credits, payments on the claim, counter-claims, offsets and gratuities which defendant has asserted or could have asserted in the above dockets. However, defendant is barred from claiming in other actions only offsets and gratuities which occurred subsequent to November 10, 1837 and prior to June 30, 1964.

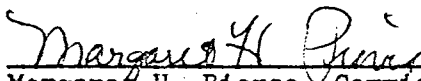
In reviewing the evidence in support of the proposed compromise settlement, the Commission has found that the two petitioners have been fully advised by their respective counsel of all the circumstances surrounding the terms and conditions of the proposed settlement and that each petitioner has given its voluntary approval to the settlement in the course of their meetings convened for the purpose of giving this proposition due consideration.

The Commission finds that the said proposed compromise settlement in Docket Nos. 256, 124-D, 124-E and 124-F has been approved by the Secretary of the Interior. The Commission concludes from all the facts and circumstances surrounding the proposed compromise settlement that it is in the best interests of the two petitioners and is a fair and equitable settlement for both the petitioners and the defendant. The Commission is satisfied that the parties herein have substantially complied with the Commission's requirements with respect to obtaining valid approval of the proposed compromise settlement of the claims asserted in these dockets.


John T. Vance, Chairman


Jerome K. Kuykendall, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner