

BEFORE THE INDIAN CLAIMS COMMISSION

THE ABSENTEE SHAWNEE TRIBE OF)
 OKLAHOMA (on behalf of the)
 SHAWNEE NATION),)
)
 Plaintiff,)
)
 v.)
)
 THE UNITED STATES OF AMERICA,)
)
 Defendant.)

Docket No. 334-B

Decided: May 19, 1971

Appearances:

Jack Joseph, Attorney for the Plaintiff.

W. Braxton Miller, with whom was Mr. Assistant Attorney General Shiro Kashiwa, Attorneys for the Defendant.

OPINION OF THE COMMISSION

PER CURIAM.

This matter has been presented to the Commission for consideration and approval of a compromise settlement of the claim of the plaintiff in the above-entitled docket, the terms of which are described in the "Stipulation for Entry of Final Judgment" set forth in Finding of Fact No. 27 of the Commission filed this date.

This case concerns 24,138.31 acres of land in eastern Kansas set aside under the provisions of the Treaty of May 10, 1854, 10 Stat. 1053, for the Absentee Shawnee and known as the "Absentee Shawnee Lands".

On March 29, 1963, after the presentation of evidence and hearings on the matter, the Indian Claims Commission dismissed the petition of

the plaintiff Absentee Shawnee Tribe on the ground that the Commission did not have jurisdiction over the claim. 12 Ind. Cl. Comm. 180.

The United States Court of Claims, on appeal, held that the Commission erred in dismissing that part of the claim in which the Absentee Shawnee Tribe sued on behalf of the entire Shawnee Nation, and that the Absentee Shawnee Tribe was entitled to represent the Shawnee Nation. The Court remanded the case to the Commission for further proceedings. 165 Ct. Cl. 510 (1964).

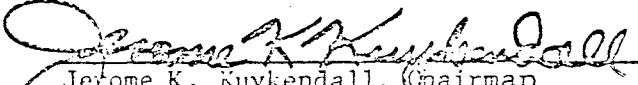
Thereafter plaintiff filed a Motion for Determination of Certain Issues and Other Relief, pursuant to which the Commission, on November 13, 1969, made certain determinations and ordered that the case be scheduled for trial on specified issues. 22 Ind. Cl. Comm. 18.

The parties subsequently entered into settlement negotiations which were concluded by the compromise at hand.

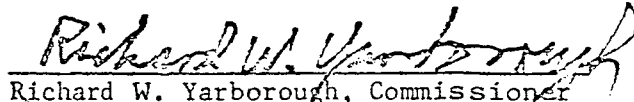
The Commission has this date entered additional findings of fact numbered 22 through 31, inclusive, in which we have detailed the proceedings leading up to the proposed settlement, its terms and conditions, and its consideration and approval by all concerned. We are satisfied that the parties have substantially complied with the Commission's requirements governing the handling of compromise settlements. Omaha Tribe of Nebraska v. United States, 8 Ind. Cl. Comm. 392 (1960).

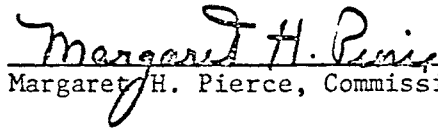
The Commission, being fully advised in the premises, and based on all the evidence of record and all the surrounding circumstances and having found that the proposed compromise settlement of the plaintiff's claim in Docket No. 334-B is fair and just to the Absentee Shawnee

Tribe and the Shawnee Nation and the United States, has this date approved the settlement and entered final judgment in accordance with the terms and provisions set forth in the "Stipulation for Entry of Final Judgment".


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner

Brantley Blue, Commissioner