

BEFORE THE INDIAN CLAIMS COMMISSION

THE SEMINOLE NATION,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 152
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

FINAL ORDER

Upon the findings of fact this day filed herein, which are made a part of this order, the Commission concludes as a matter of law:

1. The plaintiff herein has the legal capacity to bring this suit under Section 2 of the Indian Claims Commission Act of 1946.
2. The causes of action alleged are not barred by the doctrine of res judicata by reason of the prior decisions of the Court of Claims.
3. Under the doctrine of judicial estoppel, this Commission is bound by those facts found to exist or set out formally by the Court of Claims, and which were essential to the disposition of the suit by that Court and are essential to a decision by this Commission.
4. The plaintiff has not proved that the 1865 negotiations or the 1866 treaty were attended by duress, fraud, intimidation, falsehood, or mistake; or that there was an element of hardship or necessity in performance of the 1866 treaty; or that the treaty was attended by a failure of consideration.
5. The plaintiff's theory of mistake in connection with the Original and Supplemental Seminole Agreements is precluded by the decisions of the Court of Claims; and the plaintiff has not proved that there was a taking which could raise the question of unconscionable consideration in connection with the Original and Supplemental Seminole Agreements.
6. The plaintiff has not proved that the 1865 treaty negotiations, the 1866 treaty, or the Original and Supplemental Seminole Agreements were tainted by unfair or dishonorable dealings on the part of the defendant.
7. The plaintiff has failed to prove a case upon which relief could be granted under the Indian Claims Commission Act of 1946.

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IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this suit be,
and it is hereby, dismissed.

Dated at Washington, D. C., this 22nd day of August, 1962.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner