

BEFORE THE INDIAN CLAIMS COMMISSION

THE SEMINOLE NATION,)
)
 Plaintiff,)
)
 v.) Docket No. 204
)
 THE UNITED STATES,)
)
 Defendant.)

INTERLOCUTORY ORDER

Upon the Findings of Fact numbered 1 through 10 and the Opinion this day entered, this Commission concludes as a matter of law:

1. The Dawes Commission did not act wrongfully when it divided the Seminole land allotments by value without taking into consideration the value of oil deposits within some of the allotments.

2. The defendant is not liable to the plaintiff for the said acts of the Dawes Commission in dividing Seminole land allotments by value.

3. The Commissioner of Indian Affairs actionably wronged the plaintiff in the process of securing legislation which terminated the Seminole Nation's equalization fund, which legislation is known as the proviso to Section 11 of the Act of May 27, 1908 (35 Stat. 312, 316).

4. The defendant, by reason of the wrongful act of its representative, the Commissioner of Indian Affairs, is liable for actual damages suffered by the plaintiff resulting from the termination of the equalization fund, which wrongful action was inconsistent with the concept of fair and honorable dealings contained in Clause 5 of Section 2 of the Indian Claims Commission Act of 1946 (25 U.S.C. 70a).

IT IS THEREFORE ORDERED AND ADJUDGED that the instant suit proceed on the single issue of proof of actual damages suffered by the Seminole Nation itself, as a direct consequence of the wrongful act of the defendant.

Dated at Washington, D. C., this 24th day of June, 1966.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner