

BEFORE THE INDIAN CLAIMS COMMISSION

THE SEMINOLE INDIANS OF THE STATE)	
OF FLORIDA,)	
)	
Plaintiff,)	
)	Docket No. 73-A
v.)	
)	
THE UNITED STATES OF AMERICA)	
)	
Defendant)	

ORDER

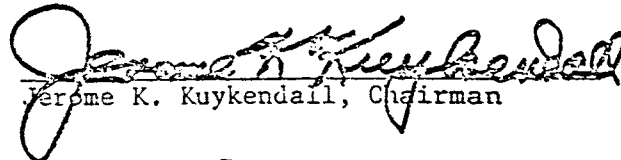
Based upon the findings of fact and opinion this day entered herein, which findings of fact and opinion are hereby made a part of this order, the Commission concludes as a matter of law that:

- a. The plaintiff tribe, following the conclusions of the May 9, 1832, Treaty of Payne's Landing (7 Stat. 368), never acquired recognized or reservation title to, or any compensable interest in the 5-million acre tract known herein as the Macomb area or "reservation;"
- b. As of October 11, 1917, plaintiff owned a compensable interest in the 99,200 acre State Seminole Indian Reservation in Monroe County that had been created for the perpetual use and benefit of the Seminole Indians by the State of Florida;
- c. On December 23, 1936, said Monroe County Seminole Indian Reservation was withdrawn without consent of plaintiff and in lieu thereof there was substituted another reservation of 104,800 acres in Broward County, Florida;
- d. The Monroe County reservation land was subsequently conveyed to the United States and made part of the Everglades National Park;
- e. The defendant, as a result of its active participation in concert with the State of Florida in acquiring land, including the plaintiff's reservation lands in Monroe County, for a proposed Everglades National Park, assumed a special responsibility and duty to protect the plaintiff tribe from any unfair, improvident, or unconscionable disposition of said reservation lands.

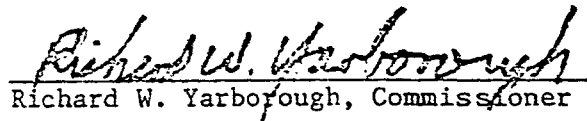
IT IS THEREFORE ORDERED that the plaintiff's claim as set forth in Count I of the petition respecting the 5-million acre tract known as the Macomb area or "reservation" be, and the same is hereby dismissed.

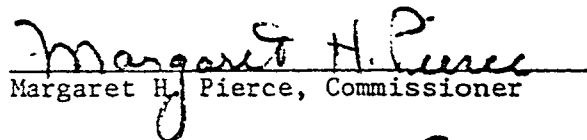
IT IS FURTHER ORDERED that the plaintiff's claim as set forth in Count II of the petition be scheduled for a further hearing on all issues concerning the fairness and adequacy of the consideration involved in the December 23, 1936, exchange of the 99,200 acre State Seminole Indian Reservation at Monroe County for the 104,800 acre Broward County reservation, and all other matters that bear upon the extent, if any, of defendant's liability to the plaintiff tribe.

Dated at Washington, D. C., this 24th day of March 1971.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner