

BEFORE THE INDIAN CLAIM COMMISSION

THE CREEK NATION,)	
)	
Plaintiff,)	
)	
THE CREEK NATION EAST OF)	
THE MISSISSIPPI,)	
)	
Intervenor,)	
)	
v.)	Docket No. 21
)	
THE UNITED STATES,)	
)	
Defendant.)	

INTERLOCUTORY ORDER

The Commission on January 15, 1960, having granted the Plaintiff and Intervenor a rehearing on the issue of value of 8,986,653 acres of land within the boundaries set forth in the Finding of Fact No. 58(a) entered in this Docket on the 29th day of December, 1955, and said hearing being now concluded, the Commission being fully advised in the premises finds that the Findings of Fact Nos. 59 to 81, each inclusive, entered herein on the 19th day of November, 1958, and the Interlocutory Order entered herein on the 19th day of November, 1958, and the Order on Offsets as Per Stipulation, and Final Award entered on the 28th day of September, 1959, should each be vacated and set aside.

The Commission further finds that the "Stipulation Settling the Amount of Offsets and Counterclaims of Defendant", a Resolution of the Creek Indian Council of The Creek Nation and a Resolution of the Council of The Creek Nation East of the Mississippi, each approving said stipulation, and a letter addressed to Paul M. Niebell, Attorney of Record for The Creek Nation, by H. Rex Lee, Acting Commissioner of The Bureau of Indian Affairs, Department of the Interior on the 11th day of September, 1959, advising that said Bureau and department would interpose no objection to the execution of said Stipulation, should each be admitted in evidence; that said Stipulation Settling the Amount of Offsets and Counterclaims of Defendant is fair and just to all the parties, and should be approved by this Commission.

IT IS THEREFORE ORDERED AND ADJUDGED That the Findings of Fact Nos. 59 to 81, each inclusive, entered November 19, 1958, the Interlocutory Order entered November 19, 1958, and the Order on Offsets as Per Stipulation and Final Award entered September 28, 1959, be and the same are each hereby vacated and set aside.

IT IS FURTHER ORDERED AND ADJUDGED That the Stipulation Settling the Amount of Offsets and Counterclaims of Defendant, a Resolution of the Creek Indian Council of The Creek Nation, a Resolution of the Council of The Creek Nation East of The Mississippi, and a letter dated September 11, 1959, addressed to Paul M. Niebell, Attorney of Record for The Creek Nation, and signed by H. Rex Lee, Acting Commissioner, Bureau of Indian Affairs, Department of the Interior, are each admitted in evidence in the above docket.

IT IS FURTHER ORDERED AND ADJUDGED That the tender of evidence filed herein November 7, 1960, by the plaintiff by intervention, The Creek Nation East, be and the same is hereby denied.

IT IS FURTHER ORDERED AND ADJUDGED That the Stipulation Settling the Amount of Offsets and Counterclaims of Defendant is just and fair to all parties and is approved by this Commission, and the defendant is entitled to have offset the sum of \$90,000.00 against any award entered in this docket as the August 9, 1814, fair market value of the real estate described in the Finding of Fact No. 58(a) now of record.

Dated at Washington, D. C., this 10th day of September, 1962.

Arthur V. Watkins
Chief Commissioner

Wm. M. Holt
Associate Commissioner