

BEFORE THE INDIAN CLAIMS COMMISSION

THE CREEK NATION,)
)
 Plaintiff,)
)
 v.) Docket Nos. 273, 277
)
)
 THE UNITED STATES,)
)
 Defendant.)

ORDER DENYING MOTIONS FOR SUMMARY JUDGMENT

The above-styled suits are here presented for determination upon the issues raised by the defendant's motions for summary judgment filed on the fifth day of October, 1964 (Docket No. 273) and the third day of June, 1964 (Docket No. 277), consideration of which was deferred by order of July 2, 1964, upon motion of the parties pending determination by the Court of Claims of suits styled Creek Nation v. United States and now reported at 168 C. Cls. 483, 512.

It is the conclusion of this Commission that in accordance with the Per Curiam Opinion this day filed herein the defendant's motions for summary judgment upon the ground of res judicata and, respecting Docket No. 277 upon the further ground that no facts are alleged which would support a cause of action against the defendant, are not well-founded and should be denied.

IT IS THEREFORE ORDERED that the defendant's motions for summary judgment in Docket Nos. 273 and 277 be, and the same are hereby denied.

IT IS FURTHER ORDERED that the original of this order and of the Per Curiam Opinion this day filed herein shall be filed in Docket No. 273, and that copies thereof, duly certified by the Clerk of the Commission, shall be filed in Docket No. 277.

Dated at Washington, D. C., this 28th day of February, 1967.

Arthur V. Watkins
Chief Commissioner

Wm. H. Holt
Associate Commissioner

T. Harold Scott
Associate Commissioner