

BEFORE THE INDIAN CLAIMS COMMISSION

THE CREEK NATION EAST OF)	
THE MISSISSIPPI,)	
)	
Petitioner,)	
)	
v.)	Docket No. 281
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

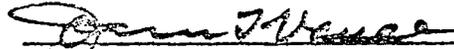
ORDER DISMISSING PETITION WITH PREJUDICE

On April 19, 1967, defendant filed a motion to dismiss the petition in the subject matter on the grounds that the claim stated in the said petition had been fully determined and concluded with the recovery of a money award by the petitioner in the role of intervenor in the case of the Creek Nation against the United States, Docket No. 21. The said motion was duly calendared for argument on April 10, 1968, but, on petitioner's motion for a four months extension of time in this matter, the scheduled argument was reset for September 3, 1968. The petitioner has not responded to the motion of defendant, and no appearance was made by or on behalf of petitioner at the scheduled hearing before the Commission on September 3, 1968.

The Commission now being fully advised in the premises finds that the subject petitioner is the same party which intervened in the matter of the Creek Nation against the United States (Docket No. 21), McGhee, et al., v. the Creek Nation and the United States, 122 Ct. Cl. 380 (1952); that the claim alleged in the subject case is identical with the claim prosecuted in the suit of the Creek Nation against the United States (Docket No. 21); that the claim in the matter of the Creek Nation against the United States (Docket No. 21) was fully determined and concluded with the entry of a final award, dated September 10, 1962, whereby it was ordered, adjudged, and decreed that "The Creek Nation, plaintiff, and The Creek Nation East of the Mississippi, plaintiff by intervention, for and on behalf of and for the benefit of the members of The Creek Nation as it was constituted at the time of the Treaty of August 9, 1814, do have and recover of and from The United States the sum of \$3,913,000.00" (11 Ind. Cls. Comm. 53); that the final judgment of the Commission was affirmed by the Court of Claims on April 17, 1964 (165 Ct. Cl. 479) and a petition for certiorari in the Supreme Court of the United States was denied on October 12, 1964 (379 U.S. 846) and a petition for rehearing was denied on November 16, 1964 (379 U.S. 918); that funds to satisfy the judgment were appropriated by Congress by the Act of April 30, 1965 (P.L. 89-16); and that in view of the foregoing the defendant's motion should be granted,

IT IS HEREBY ORDERED that the motion be granted, and that the petition filed in the subject matter be and the same is hereby dismissed with prejudice.

Dated at Washington, D. C., this 10th day of September 1968.


John T. Vance, Chairman


Jerome K. Kuykendall, Commissioner


Richard W. Yarborough, Commissioner