

BEFORE THE INDIAN CLAIMS COMMISSION

THE CREEK NATION OF INDIANS OF	)	
THE STATE OF OKLAHOMA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Docket No. 275
	)	
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

INTERLOCUTORY ORDER

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

1. The plaintiff, the Creek Nation of Indians of the State of Oklahoma, is an organized tribe having the right and capacity under Section 2 of the Indian Claims Commission Act (60 Stat. 1049) to bring and maintain this cause of action in a representative capacity for and on behalf of the Creek Nation.

2. The Creek Nation held aboriginal title to that portion of the lands in suit described in the Commission's Finding No. 25 until, through a series of acts culminating with the ratification on April 8, 1816, of the treaty with the Cherokees (7 Stat. 139), the United States, without compensation, deprived the Creek Nation of its aboriginal title.

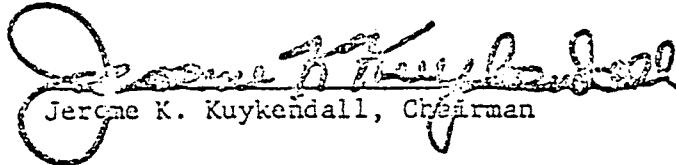
3. The Creek Nation did not hold aboriginal title to the balance of the claimed area lying outside of the lands described in the Commission's Finding No. 25.

4. Neither the Treaty of August 7, 1790 (7 Stat. 35), nor the Treaty of August 9, 1814 (7 Stat. 120) accorded the Creek Nation recognized title to any of the lands in suit.

IT IS THEREFORE ORDERED that this case proceed to a determination of the acreage contained within the area described in the Commission's

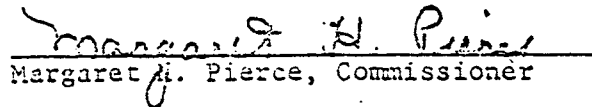
Finding No. 25, the fair market value of said lands as of April 8, 1816, the amount of offsets, if any, and all other questions bearing upon the defendant's liability to the plaintiff.

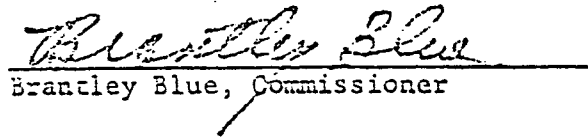
Dated at Washington, D. C., this 15<sup>th</sup> day of April, 1970.

  
Jerome K. Kuykendall, Chairman

  
John T. Vance, Commissioner

Richard W. Yarborough, Commissioner

  
Margaret H. Pierce, Commissioner

  
Brantley Blue, Commissioner