

## BEFORE THE INDIAN CLAIMS COMMISSION

THE SNAKE OR PIUTE INDIANS OF )  
 THE FORMER MALHEUR RESERVATION, )  
 IN OREGON, )

Petitioners, )

vs. )

Docket No. 17

UNITED STATES OF AMERICA, )

Defendant. )

SECOND INTERLOCUTORY ORDER

The Commission having by its amended order heretofore made herein on February 4, 1957, determined that petitioners' ancestors, the bands or Tribe of Snake or Piute Indians, who were parties to the unratified treaty of December 10, 1868, were deprived of their original Indian title to the lands described in Finding 3 hereof in January, 1879, by the defendant without payment of any compensation therefor and petitioners are entitled to an award for the value of said lands in January, 1879, the Commission has since heard the evidence offered by the parties on the questions of the acreage of said tract of land and the value thereof, which questions were submitted by the parties hereto and taken under advisement, and the Commission now being fully advised in the premises finds that said tract contained 1,449,304.77 acres of land and in January, 1879, when the defendant deprived petitioners' ancestors of said lands, they were worth the sum of \$579,722.00; and the Commission concludes as a matter of law that the petitioners are entitled to judgment herein in the sum of \$579,722.00, less offsets, if any, hereafter to be determined. That in view of such recovery under Count I in the petition, they are not entitled to recover on Count II and the alternative claim in Count II of the petition is hereby dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petitioners for and on behalf of the members and descendants of members of the bands or Tribe of Snake or Piute Indians who were parties to the unratified treaty of December 10, 1868, as said bands or tribe existed in 1879, shall have and recover from the defendant the sum of \$579,722.00, less such offsets as may hereafter be determined.

IT IS FURTHER ORDERED that defendant, within sixty days from the date of this order, shall amend its answer herein by setting forth the

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amount of any offsets, counterclaims, or other demands it may have against petitioners authorized by the Indian Claims Commission Act.

Dated at Washington, D. C., this 15th day of April, 1959.

Edgar E. Witt  
Chief Commissioner

Wm. M. Holt  
Associate Commissioner