

BEFORE THE INDIAN CLAIMS COMMISSION

THE KLAMATH AND MODOC TRIBES)	
and YAHOOSKIN BAND OF SNAKE INDIANS,)	
)	
Plaintiffs,)	
)	
v.)	Docket No. 100-A
)	
THE UNITED STATES,)	
)	
Defendant.)	


CONCLUSIONS OF LAW AND FIRST INTERLOCUTORY ORDER

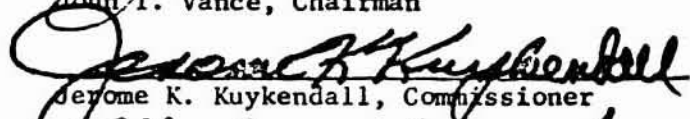
Upon the findings of fact this day entered in the above-captioned case, this Commission concludes as a matter of law that:


1. The consideration of \$537,007.20 paid by the defendant for the tracts in the State of Oregon collectively known as the Klamath Reservation Excluded Lands, which tracts together had a fair market value of \$4,700,000.00 on the effective date of cession, June 21, 1906, was unconscionable as that term is used in the third clause of the second section of the Indian Claims Commission Act of 1946, as amended (25 U.S.C. 70a); that
2. The named plaintiffs are entitled, under the said Clause 3 to have the contract of cession considered as if it were revised to specify that the consideration flowing from the defendant was \$4,700,000.00; and that
3. The plaintiffs may recover of and from the defendant the difference, namely, \$4,162,992.80, less allowable offsets and counterclaims, if any.


IT IS THEREFORE ORDERED that this claim proceed to a determination of such offsets and counterclaims, if any, as the circumstances of the case and the history of the parties' dealings may warrant.


Dated at Washington, D. C., this 14th day of May, 1969.


 John T. Vance, Chairman


 Jerome K. Kuykendall, Commissioner


 Richard W. Yarbrough, Commissioner


 Margaret H. Pierce, Commissioner


 Brantley Blue, Commissioner