

## BEFORE THE INDIAN CLAIMS COMMISSION

THE MAKAH TRIBE OF INDIANS, )  
 )  
 Plaintiff, )  
 )  
 v. ) Docket No. 60-A  
 )  
 THE UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

INTERLOCUTORY ORDER

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

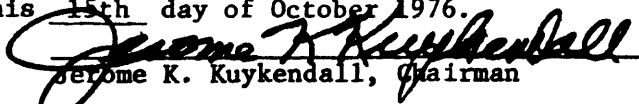
1. The United States through its agent Governor Stevens promised to provide the Makah fishing gear to the value of \$30,000 as an inducement to sign the Treaty of Neah Bay in 1855.

2. The Makah understood Article V of the treaty to mean that consideration of \$30,000 was to be paid in the form of fishing gear. Plaintiff received \$265.40 in fishing gear. The breach of defendant's promise entitles plaintiff to an interlocutory award in the sum of \$29,734.60.

IT IS ORDERED that the Commission's order of August 14, 1974, 34 Ind. Cl. Comm. 413, providing for a hearing in two stages be vacated with respect to the second hearing.

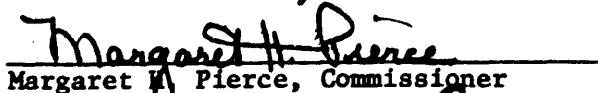
IT IS FURTHER ORDERED that this docket will proceed to a determination of consideration and other payments on the claim. After receiving advice from the parties, the time for briefing these issues shall be set forth in a future order of the Commission.

Dated at Washington, D. C., this 15th day of October 1976.

  
 Jerome K. Kuykendall, Chairman

  
 John T. Vance, Commissioner

  
 Richard W. Yarborough, Commissioner

  
 Margaret H. Pierce, Commissioner

  
 Brantley Blue, Commissioner