THE BLACKFEET CLAIM

Statement of Fact

The Stevens treaty of 1855 gave to the Blackfeet, Blood, Piegan, Gros Ventres, Flathead, Kootenai, Pend d'Oreille and Nez Perce Indians a ninety-nine year hunting lease within the following boundaries: In an easterly direction from Hell Gate or Medicine Rock Pass to the nearest source of the Musselshell River, down the Musselshell to 25 Yard Creek, up 25 Yard Creek to the Yellowstone River, thence to the northern source of the Yellowstone River, and from that point along the Continental Divide to the point of beginning. Within this territory the Indians signatory to the treaty could hunt in common, and a general stipulation was made that vested rights acquired by the Indians west of the Rocky Mountains prior to this treaty would not be abrogated by the terms thereof.

The treaty further gave to the Blackfeet, Piegans, Bloods and Gros Ventres the possession of and ownership of all the land within the following boundaries: A line drawn east from Hell Gate or Medicine Rock Pass to the nearest source of the Musselshell River, thence down the Musselshell to the Missouri River, thence down the Missouri to its junction with the Milk River, thence in a line due north to the 49th parallel, and from that point along the 49th parallel in a westerly direction to the Main Divide of the Rocky Mountains, and down the Main Divide of the Rocky Mountains to the point of beginning. Within this territory it was stipulated that the Assinibonie Indians should have hunting privileges from a point on the eastern boundary of the above described territory to a line drawn from the 49th parallel southward to Round Butte on the Missouri River.

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In 1868 the Compilation of Treaties cites an agreement made with the Blackfeet Indians, but this citation is erroneous as the treaty in question refers to the "Blackfeet Sioux," who did not acquire rights under the 1855 treaty.

In 1868 a treaty was made between the United States and the Blackfeet Nation, consisting of the Blackfeet, Bloods and Piegans. This treaty purported to cede in consideration of $1,000,000, payable in twenty yearly installments, all of the territory south of the following described boundaries: Beginning at the 48th parallel to the mouth of the Teton River, down the Teton River to its junction with the Marias River, thence to the Missouri River and down the Missouri River to its junction with the Milk River, and from thence north in a direct line to the 49th parallel. All of the territory south of these points was purported to be ceded by this treaty, but it was expressly stipulated that the treaty should not be binding until ratified by the Senate and proclaimed by the President. The treaty was never ratified or proclaimed.

In 1873 an Executive Order was promulgated by the President, giving to the Blackfeet Indians all of the land between the 49th parallel, the 104th parallel, west longitude, and the Missouri River, and this was to be added to the reserve described in the unratified treaty of 1868. This Executive Order gave further all of the land in the line drawn from the Marias River at its junction with the Missouri River, up the Missouri to the Sun River, and up the Sun River to the Continental Divide.

By Act of Congress of 1874, all of the territory described in the Executive Order of 1873 was given to the Indians specifically, but the section bounded by Birch Creek, the Marias, the Missouri and the Sun Rivers and the Continental Divide were taken without compensation. By Executive Order in 1874, that section of land bounded by the Continental Divide

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on the west, the Sun and Missouri Rivers on the south, and the Marias River and Birch Creek on the north was open to settlement. No compensation was given to the Indians.

By Executive Order of 1875, the following described territory was given to the Blackfeet in compensation for the territory taken by Executive Order of 1874: In a line drawn from where the 47th parallel of latitude intersects the Musselshell River, thence along the 47th parallel to its intersection with the Yellowstone River, thence along the Yellowstone River to the boundary of the old Fort Buford Reservation, thence westerly along the southern boundaries of the Fort Buford Reservation and in a direct line westward to the junction with the Missouri River, and thence up the Missouri to the point of beginning. It further gave all of the land between the northern boundary of this section and the Missouri River.

On July 13, 1880, an Executive Order took from the Indians the territory lying between a line drawn along the 47th parallel at its junction with the Musselshell and Yellowstone Rivers, along the Yellowstone to Fort Buford, along the southern boundary of Fort Buford westerly to the Missouri River, and up the Missouri to the Musselshell.

By Act of Congress, May 1, 1888, 25th Statutes at Large, 113, the Blackfeet and Gros Ventres by agreement ceded and relinguished to the United States the original reserve given by the Act of 1874, keeping to themselves, however, what may roughly be described as the present limits of the Blackfeet and Belknap Reservations, with the addition, however, of the present eastern half of what is now known as Glacier National Park on the Blackfeet and what is now known as the Zortman-Landusky Mining District in the Little Rockies on the Belknap Reservation. By Act of June 10, 1896, the Blackfeet ceded to the United States that section which is now known as the eastern side of the Glacier National Park, and the Gros Ventres ceded

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Treaties Ct Cls no jurisdiction 2.
no further Treaties 8
prior to 1871 valid, 8

March 3 1863 – 1066 R.S. Ct Cls. claims growing out of Ind Treaties not cognizable therein
act applies to Cls. not pending therein prior to Dec 1, 1862.

Mar 3 1871 – R.S. 2079 – no future Treaties with Ind Tribes. Prior ratified Treaties valid

April 10 1869 – R.S. 2039 – Board Ind Comm. created.

Mar 4, 1869 – Grant elected.

R.S. 1839 – I Kapp 3. Montana.
q.v.
26 May 1864 – 13 Stat 85 C. 95. sec 1.
Treaty rights of Inds not extinguished by this title, except with consent of Inds.
R.S 2080 – Pres by proclamation can abrogate treaties with hostile tribes when same can be done with good faith.
5 July 1862.

Ind Contract Provisions 2102-3-4 etc.
3 Mar 1871.

1904 – Blackfoot Res 1,760,000 acres
pop. 2022
1904 – Crow Reserve – 537600 acres
(Assinaboines 716) pop. 574

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Oct 9, 1929.

Claim for 1174.68

Question interpretation of travel regulations Dept of State.

Is consul entitled to transportation home after 2 yrs service abroad.

Entered service July 1, 1921. resigned Sept 23, 1923. Departed Frisco about July 30, 1921, arrived New York July 22, 1923. This period abroad is 7 days less than 2 years. Date of departure Washington July 25, 1921 and date of return Washington July 25, 1923 takes up 7 days shortage.

Question of leave of absence is a separate question.

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