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the Comptroller General which
took over three years to prepare
and

IN THE
Court of Claims of the United States

No.

E-427

THE BLACKFEET, BLOOD, PIEGAN, AND GROS
VENTRE NATIONS OR TRIBES OF IN-
DIANS, RESIDING UPON THE BLACKFEET
AND FORT BELKNAP INDIAN RESERVA-
TIONS IN THE STATE OF MONTANA, AND
THE NEZ PERCE NATION OR TRIBE OF
INDIANS, RESIDING UPON THE LAPWAI
INDIAN RESERVATION IN THE STATE OF
IDAHO, AND UPON THE COLVILLE IN-
DIAN RESERVATION IN THE STATE OF
WASHINGTON.

Plaintiffs,

vs.

THE UNITED STATES,

Defendant.

PETITION

(Filed July 10, 1925)

IN THE
Court of Claims of the United States

THE BLACKFEET, BLOOD, PIEGAN,
AND GROS VENTRE NATIONS
OR TRIBES OF INDIANS, RESID-
ING UPON THE BLACKFEET
AND FORT BELKNAP INDIAN
RESERVATIONS IN THE STATE
OF MONTANA, AND THE NEZ
PERCE NATION OR TRIBE OF
INDIANS, RESIDING UPON THE
LAPWAI INDIAN RESERVATION
IN THE STATE OF IDAHO, AND
UPON THE COLVILLE INDIAN
RESERVATION IN THE STATE
OF WASHINGTON,

Plaintiffs,

vs.

THE UNITED STATES,

Defendant.

No. *E-427*

PETITION

To the Honorable, the Court of Claims:

Your petitioners respectfully represent to this Hon-
orable Court:

I.

That this cause is brought under authority granted
by the Act of Congress, approved March 13, 1924, en-

titled, "An Act for the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington" (43 Stat. L. 21). *As amended by Act of May 3, 1931*

II.

That the plaintiffs are the owners and the parties interested in the claims here sued upon, and that no assignment or transfer of said claims, or any part thereof, or any interest therein, has been made by them; that the plaintiffs have not commenced, nor have now pending, any suit, or suits, on account of the claims herein set forth, against the defendant, or any of the defendant's agents, in any other court; that the plaintiffs believe they are justly entitled to recover the amount of the claims here sued upon, after deducting therefrom all just offsets and counterclaims to which the defendant may be found to be entitled; that the plaintiffs have not voluntarily aided, abetted, or given encouragement to rebellion against the defendant; and that the plaintiffs believe the facts as stated in this petition are true.

III.

That your petitioners residing upon the Blackfeet Indian Reservation, in the State of Montana, consisting of the Piegan, Blood, and Blackfeet tribes of Indians, are the descendants and successors in interest of the Blackfeet Nation of Indians; that your petitioners residing upon the Fort Belknap Indian Reservation, in the State of Montana, consisting of the Gros Ventre tribe of Indians, are also the descendants and successors in interest of the Blackfeet Nation of Indians; that your petitioners residing upon the Lapwai Indian Reservation, in the State of Idaho, and upon the Colville Indian Reservation, in the State of Washington, consisting only of

the Nez Perce tribe of Indians, are the descendants and successors in interest of the Nez Perce tribe of Indians; which said Blackfeet Nations of Indians, including said Gros Ventre tribe of Indians and said Nez Perce tribe of Indians, were parties to the treaty of October 17, 1855, with the United States (11 Stat. L. 657), as referred to in said Act of March 13, 1924.

IV.

That Article 3 of said treaty of October 17, 1855, provided:

"* * * that all that portion of the country recognized and defined by the treaty of Laramie as Blackfoot territory, lying within the lines drawn from the Hell Gate or Medicine Rock Passes in the main range of the Rocky Mountains, in an easterly direction to the nearest source of the Muscle Shell River, thence to the mouth of Twenty-five Yard Creek, thence up the Yellow Stone River to its northern source, and thence along the main range of the Rocky Mountains, in a northerly direction, to the point of beginning, shall be a common hunting ground for ninety-nine years, where all the nations, tribes and bands of Indians, parties to this treaty, may enjoy equal and uninterrupted privileges of hunting, fishing and gathering fruit, grazing animals, curing meat and dressing robes. They further agree that they will not establish villages, or in any other way exercise exclusive rights within ten miles of the northern line of the common hunting ground, and that the parties to this treaty may hunt on said northern boundary line and within ten miles thereof."

V.

That Article 4 of said treaty of October 17, 1855, confirmed in the said Blackfeet Nation of Indians, includ-

ing the said Gros Ventre tribe of Indians, the title to a tract of country consisting of about sixty-four thousand (64,000) square miles, and described as follows:

"The parties to this treaty agree and consent, that the tract of country lying within the lines drawn from Hell Gate or Medicine Rock Passes, in an easterly direction, to the nearest source of the Muscle Shell River, thence down said river to its mouth, thence down the channel of the Missouri River to the mouth of Milk River, thence due north to the forty-ninth parallel, thence due west on said parallel to the main range of the Rocky Mountains, and thence southerly along said range to the place of beginning, shall be the territory of the Blackfoot Nation, over which said nation shall exercise exclusive control, excepting as may be otherwise provided in this treaty. Subject, however, to the provisions of the third article of this treaty, giving the right to hunt, and prohibiting the establishment of permanent villages and the exercise of any exclusive rights within ten miles of the northern line of the common hunting ground, drawn from the nearest source of the Muscle Shell River to the Medicine Rock Passes, for the period of ninety-nine years."

There is attached hereto, marked Exhibit A, and made a part hereof, a map showing the lands and common hunting ground defined in said treaty of October 17, 1855.

VI.

That shortly after the treaty of October 17, 1855, was concluded with your petitioners, large numbers of prospectors, miners, hunters, and other whites, invaded the common hunting ground and the southern portion of the Blackfeet territory, as described in Sections IV and V hereof, and, on account of the rich mineral deposits discovered and the abundance of game and fur-bearing ani-

mals, continued to come into said territory in large numbers and prosecute mining, hunting and trapping to such an extent as to deprive your petitioners of their entire property rights in said common hunting ground from within three years from the date of said treaty, and to inflict great additional loss and damage upon your petitioners. At the same time, these white invaders brought large quantities of ardent spirits and other intoxicating liquors into said territory in violation of the laws relating to intercourse with the Indians and of the stipulations of this treaty, and from their manner of life greatly increased the indulgence therein among the Indians and also the spread of disease among them, by which your petitioners suffered further grievous loss and damage from such invasion.

That the only limitations placed by the defendant upon the exclusive ownership and control of the plaintiffs, of their right to hunt in the common hunting ground, described in Article III of the treaty of October 17, 1855, and the only limitations placed by the defendant upon the right of exclusive ownership, possession, and control of the territory granted the Blackfeet, Blood, Piegan, and Gros Ventre tribes of Indians in Article IV of said treaty, are contained in Articles VII and VIII of said treaty; that under Article VII of said treaty the defendant became obligated to protect the plaintiffs against depredations and other unlawful acts by white men; that Article VII of said treaty is as follows:

"That the aforesaid nations and tribes of Indians agree that citizens of the United States may live in and pass unmolested through the countries respectively occupied and claimed by them. And the United States is hereby bound to protect said Indians against depredations and other unlawful acts

which white men residing in or passing through their country may commit."

That the plaintiffs fully complied with all the provisions of said treaty.

That the common hunting ground, described in Article III of the treaty of October 17, 1855, was intended by the defendant, and understood by the plaintiffs, to be set aside to provide the plaintiffs, and other tribes who were permitted access thereto, with food and subsistence for themselves and their animals, with skins with which to make tents and clothing, and with all other materials necessary for their support and care for a period of ninety-nine years; that said common hunting ground was, at the time of said treaty, rich in game, fruits, fur-bearing animals, pasturage for animals, timber, and all other means of subsistence necessary for the support of the plaintiffs, and as such was capable of supporting plaintiffs, and other tribes of Indians who were permitted access thereto, for the period of ninety-nine years, provided that no great or unnecessary waste was committed within said hunting ground; that fur-bearing animals were abundant within said hunting ground, and could provide plaintiffs, in addition to subsistence, a great annual profit by reason of the value of their furs and peltries in the fur trade.

That said common hunting ground, of which your petitioners were deprived, in the manner above set forth, was of the reasonable value to your petitioners as follows:

To your petitioners residing upon the Blackfeet Indian Reservation, consisting of the Piegan, Blood, and Blackfeet tribes of Indians, the sum of \$200,000.00 per annum, or the total sum of \$19,200,000.00, for the unexpired term of ninety-six years.

To your petitioners residing upon the Fort Belknap Indian Reservation, consisting of the Gros Ventre tribe of Indians, the sum of \$60,000 per annum, or the total sum of \$5,760,000.00, for the unexpired term of ninety-six years.

To your petitioners residing upon the Lapwai Indian Reservation and the Colville Indian Reservation, consisting of the Nez Perce tribe of Indians, the sum of \$200,000.00 per annum, or the total sum of \$19,200,000.00 for the unexpired term of ninety-six years.

VII.

Thereafter the defendant instructed its representatives to negotiate another treaty with the Blackfeet Nation of Indians for the purpose of securing the cession and relinquishment of a considerable part of their territory. Such a treaty was accordingly negotiated with the Blackfeet Nation of Indians, including the Gros Ventre tribe of Indians, and signed on November 16, 1865. Said treaty is identical as to cessions with both treaties of 1868, hereinafter mentioned. This treaty was not ratified by the United States and no payments were ever made thereunder, and no action ever taken thereunder by the parties thereto.

That under the instructions of defendant, its agents negotiated two further treaties with the Indians of the Blackfeet Nation, the first called the Gros Ventre Treaty, which was signed at Fort Hawley, on July 13, 1868, and the second called the Blackfeet Treaty, which was signed at Fort Benton on September 1, 1868. Both of said treaties provided as follows:

"ARTICLE III.

We, * * * , do hereby cede and relinquish to the United States all the lands now, or at any

time heretofore, claimed or possessed by them wherever situated, said lands being more particularly described in the third and fourth articles of a treaty made between the United States and the said Blackfeet Nation, and other tribes of Indians, dated October 17, 1855, except all that portion of country described as follows, namely; commencing at a point where the parallel of forty-eight degrees north latitude intersects the dividing ridge of the main chain of the Rocky Mountains, thence in an easterly direction to the nearest source of the Teton river, thence down said river to its junction with the Marias river; thence down the Marias to its junction with the Missouri river, thence down the Missouri river to the mouth of Milk river, thence due north to the forty-ninth parallel of north latitude, thence west on said parallel to the main range of the Rocky Mountains, thence southerly along said range to the place of beginning; * * *

This is the identical attempted cession and relinquishment of territory as provided by the treaty negotiated with the Blackfeet Nation of Indians in 1865. Each of said treaties of 1868 stipulated, in Article VIII, for the payments thereunder to the respective Indians parties thereto as follows: Article VIII of the Blackfeet treaty provided:

"ARTICLE VIII.

In consideration of the foregoing agreements, stipulations, and cessions, and on condition of their faithful observance by the said tribes of Indians, parties to this treaty, the United States agree to expend annually for the Piegiens, Blood, and Blackfoot Nations of Indians, in addition to the goods and provisions distributed at the time of signing the treaty, \$50,000 annually for twenty years after the ratification of this treaty, by the

President and Senate of the United States, to be expended in such useful goods and provisions and other articles as the President at his discretion may from time to time determine, provided that so much of said annual sum of \$50,000, as the President in his discretion each year shall deem proper, may be expended in the purchase of stock animals and agricultural implements, and in establishing and instructing in agricultural and mechanical pursuits such of the said Indians as shall be disposed thereto, and in the employment of mechanics for them—in educating their children for them, and in providing necessary and proper medicine, medical attendance, care and support for the aged and infirm, or sick of their number, for the helpless orphans of said tribes, and in any other respect promoting their civilization, comfort, and improvement; and provided further that the President may at his discretion determine in what proportion the said annuities shall be divided among the said several tribes. And to enable the said tribes of Indians, parties to this treaty, to enter upon a civilized career free from all indebtedness, the United States further agree, that in addition to annuities above stipulated to be paid, to pay to all such persons as may be entitled thereto, such sum or sums as the said tribes of Indians may be justly indebted to therein, by reason of such persons having furnished goods, provisions, or supplies to said tribes of Indians, or by reason of depredation heretofore committed upon the property of such persons by said Indians, not exceeding in all the sum of \$75,000."

By the terms thereof the defendant agreed to pay to the petitioners, the Blackfeet Nation of Indians, consisting of the Piegan, Blood, and Blackfeet tribes of Indians, the sum of \$1,075,000.00, none of which has ever been paid under said treaty.

Article VIII of the Gros Ventre treaty provided as follows:

"ARTICLE VIII.

In consideration of the foregoing agreements, stipulations, and cessions, and on condition of their faithful observance by the said tribe of Indians, parties to this treaty, the United States agree to expend annually for the Gros Ventre Tribe of Indians, in addition to the goods and provisions distributed at the time of signing of this treaty, for and during the term of twenty years from and after the ratification of this treaty, the several sums and for the purpose following, to wit:

For the support of one physician and for the purchase of medicine, \$800; for one blacksmith, \$500; for one school teacher and the necessary books and stationery for the school, \$450; for the instruction of said Indians in farming and the purchase of seeds, etc., \$600; and for annuity payments, the sum of \$25,000, to be expended in such useful goods, provisions and other articles as the Secretary of the Interior, at his discretion, may from time to time determine; Provided, That so much of said annual sum of twenty-five thousand dollars as the Secretary of the Interior shall deem proper may be expended in stock animals and agricultural implements, and in establishing and instructing in agricultural and mechanical pursuits such of said Indians as shall be disposed thereto, and in the employment of mechanics for, and providing care and support for the sick and infirm and helpless orphans of their numbers, and in any other respect promoting their civilization and improvement. And to enable the said tribe of Indians, parties to this treaty, to enter upon a civilized career, free from all indebtedness, the United States further agree that, in addition to the annuities above stipulated to be paid to all such persons as may be entitled thereto, such sum or

sums as the tribe of Indians may be justly indebted to them in, or by reason of such person having furnished goods, provisions, or supplies to said tribe of Indians, or by reason of depredations heretofore committed upon the property of such persons by said Indians, not exceeding in all the sum of twenty-five thousand dollars."

By the terms thereof the defendant agreed to pay these petitioners, the Gros Ventre tribe of Indians, the sum of \$572,000.00, none of which has ever been paid under said treaty.

Each of said treaties of 1868 stipulated, in Article XI:

"This treaty shall be obligatory upon the contracting parties whenever the same shall be ratified by the President and Senate of the United States, and shall continue in force for twenty years from and after said date unless sooner violated and broken by said Indians."

Neither of said treaties of 1868 has been ratified by the President and Senate of the United States, as provided in Article XI thereof. Said treaties are contained in the records of the Department of the Interior.

VIII.

That notwithstanding neither of said treaties of 1868 were ever ratified by the defendant, or ever became obligatory upon or effective as to the petitioners, the Black-foot Nation of Indians, consisting of the Piegan, Blood, and Blackfoot tribes of Indians, and the Gros Ventre tribe of Indians, yet the defendant, purporting to act thereunder, has deprived said petitioners of all the lands attempted to be ceded thereby, consisting of 13,361,200 acres, of the reasonable value of not less than \$1.25 per

acre for the surface thereof, or a total sum on that account of \$16,701,500.00. That in addition thereto, these petitioners above mentioned have been deprived by the defendant of valuable mineral deposits underlying said lands as follows: That there has been extracted and mined from said land gold, to the gross value of \$67,147,000.00, that the reasonable value of the royalty due petitioners thereon is ten per cent of said gross amount, or the sum of \$6,714,700.00; that in addition thereto there has been extracted and mined from said land oil, to the gross value of \$7,172,434.78; that the reasonable value of the royalty thereon is twelve and one-half per cent of the gross value thereof, or the sum of \$896,553.09, making a total of \$24,312,753.09 due to said petitioners from the defendant. There is attached hereto, marked Exhibit B and made a part hereof, a map showing the lands taken by the defendant, as above stated.

IX.

That notwithstanding neither of said treaties of 1868 were ever ratified by the defendant, or ever became obligatory upon, or effective as to the Blackfeet Nation of Indians, consisting of the Piegan, Blood, and Blackfeet tribes of Indians, and the Gros Ventre tribe of Indians, yet the defendant, in addition to depriving said petitioners of the common hunting ground, in the manner set forth in paragraph VI hereof, purporting to act under said unratified treaties of 1868, has further deprived said petitioners of all of said common hunting ground, confirmed in them by said Article III of the treaty of October 17, 1855; that even if it be held that said unratified treaties of 1868 are obligatory upon said petitioners, they did not thereby cede to the defendant any portion of their rights in the common hunting ground, but only ceded the

title to such lands therein as had been recognized as belonging to them by the treaty of Laramie, dated September 17, 1851 (11 Stat. L. 749; note; Revision of Indian Treaties, 1047), Article V of which recognized the territory of the Blackfeet Nation to be within the following metes and bounds:

"The territory of the Blackfoot Nation, commencing at the mouth of the Muscle-shell River; thence up the Missouri River to its source; thence along the main range of the Rocky Mountains, in a southerly direction, to the headwaters of the northern source of the Yellowstone River; thence down the Yellowstone River to the mouth of Twenty-five Yard Creek; thence across to the headwaters of the Muscle-shell River, and thence down the Muscle-shell River to the place of beginning."

Which said lands and the title thereto had not before been ceded by said petitioners.

X.

That on August 19, 1874, the President made an Executive Order purporting to restore to the public domain that part of the territory title to which was confirmed in the Blackfeet Nation of Indians by the said treaty of October 17, 1855, described as follows:

"Commencing at a point on the south bank of the Missouri River, opposite the mouth of the Marias River; thence along the main channel of the Marias River to Birch Creek; thence up the main channel of Birch Creek to its source; thence west to the summit of the main chain of the Rocky Mountains; thence along said summit in a southerly direction to a point opposite the source of the Medicine or Sun River; thence easterly to said

source, and down the south bank of said Medicine or Sun River to the south bank of the Missouri River; thence down the south bank of the Missouri River to the place of beginning."

That of the territory taken by said Executive Order of August 19, 1874, the following described tract of land was embraced therein, to wit:

Commencing at the point of junction of the Teton and Marias Rivers; thence up the main channel of the Marias River to Birch Creek; thence along the main channel of Birch Creek to its source; thence west to the main chain of the Rocky Mountains; thence south along the main chain of the Rocky Mountains to a point where the parallel of forty-eight degrees of north latitude intersects the dividing ridge of the main chain of the Rocky Mountains; thence in an easterly direction along said parallel to the nearest source of the Teton River; thence down said River to the point of beginning.

That said last described tract of land had never been relinquished or ceded by these petitioners, either by the purported treaties of 1868, nor by any other treaty or agreement, and has never since been ceded by them by any treaty, agreement, or otherwise; that by virtue of such action of the President the petitioners, the Blackfeet Nation of Indians, consisting of the Piegan, Blood, and Blackfeet tribes of Indians, and the Gros Ventre tribe of Indians, have been deprived by the defendant of all said lands last above described, consisting of 2,092,420 acres of the reasonable value of not less than \$1.25 per acre, or the total sum of \$2,615,525.00, without any remuneration or compensation therefor. There is attached hereto, marked Exhibit C, and made a part hereof, a

map showing the location of the lands so wrongfully taken by said Executive Order of August 19, 1874.

XI.

That the Act of Congress, approved June 10, 1896, entitled, "An Act making appropriation for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes" (29 Stat. L. 321), ratified an agreement with the Indians of the Blackfeet Indian Reservation in Montana, consisting of your petitioners, the Piegan, Blood, and Blackfeet tribes of Indians, Article I of which agreement is, in part, as follows:

"For and in consideration of the sums to be paid and the obligations assumed upon the part of the United States, as hereinafter set forth, said Indians of the Blackfeet Reservation hereby convey, relinquish, and release to the United States all their right, title, and interest in and to that portion of their present reservation in the State of Montana lying and being west of the following described line, to wit:

"Beginning at a point on the northern boundary of the reservation due north from the summit of Chief Mountain, and running thence south to said summit; thence in a straight line to the most northeasterly point of Flat Top Crag; thence to the most westerly of the mouths of Divide Creek; thence up said creek to a point where a line drawn from the said northeasterly point of Flat Top Crag to the summit of Divide Mountain intersects Divide Creek; thence to the summit of Divide Mountain; thence in a straight line to the western extremity of the lower Two Medicine Lake; thence in a straight line to a point on the southern line of the right of way of the Great Northern Railway

Company four miles west of the western end of the railway bridge across the north fork of the Two Medicine River; thence in a straight line to the summit of Heart Butte, and thence due south to the southern line of the present reservation; *Provided*, That said Indians shall have, and do hereby reserve to themselves, the right to go upon any portion of the lands hereby conveyed so long as the same shall remain public lands of the United States, and to cut and remove therefrom wood and timber for agency and school purposes, and for their personal uses for houses, fences, and all other domestic purposes: *And provided further*, That the said Indians hereby reserve and retain the right to hunt upon said lands and to fish in the streams thereof so long as the same shall remain public lands of the United States under and in accordance with the provisions of the game and fish laws of the State of Montana."

That the Act approved May 11, 1910, entitled, "An Act to establish the Glacier National Park in the Rocky Mountains south of the international boundary line in the State of Montana, and for other purposes" (36 Stat. L. 354), provided that a certain portion therein described of the land ceded in the said agreement ratified by said Act of Congress of June 10, 1896, and upon which your said petitioners reserved the right to go and to cut and remove therefrom wood and timber, and to hunt and fish thereon, should be reserved and dedicated and set apart as a public park, which Act provided:

"* * * is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States under the name of 'The Glacier National Park;' and all persons who shall locate or settle

upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom."

Said Act further provided that the Secretary of the Interior—

"may also sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection and improvement of the park."

Said Act further provided:

"Sec. 2. That said park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations not inconsistent with the laws of the United States as he may deem necessary or proper for the care, protection, management, and improvement of the same, which regulations shall provide for the preservation of the park in a state of nature so far as is consistent with the purposes of this Act, and for the care and protection of the fish and game within the boundaries thereof."

That by virtue of said Act of May 11, 1910, said petitioners have been deprived by the defendant of all the rights reserved to them to cut and remove wood and timber for agency and school purposes, and for their personal use for houses, fences, and all other domestic purposes, and have been deprived of their right to hunt on said land and fish in the streams thereof under the said agreement ratified by the said Act of June 10, 1896.

That the said rights of said petitioners and of which they have been deprived, as above stated, to cut and remove from said lands wood and timber for agency and school purposes and their personal use for houses, fences,

and all other domestic purposes, and to hunt upon said lands and fish in the streams thereof is of the reasonable value to said petitioners of \$250,000.00.

XII.

That for the years 1871 to 1888, inclusive, Congress made appropriations in whole or in part for the benefit of said Piegan, Blood, and Blackfeet tribes of Indians in the total sum of \$810,000.00 as gratuities.

That for the years 1871 to 1888, inclusive, Congress made appropriations, in whole or in part, for said Gros Ventre tribe of Indians in the total sum of \$441,590.00 as gratuities.

That for the years 1907 to 1924, inclusive, Congress made appropriations, in whole or in part, for said Piegan, Blood, and Blackfeet tribes of Indians in the total sum of \$453,323.71 as gratuities.

That for the years 1906 to 1924, inclusive, Congress made appropriations, in whole or in part, for the benefit of said Gros Ventre tribe of Indians in the total sum of \$353,000.00 as gratuities.

That for the years 1886 to 1924, inclusive, Congress made appropriations, in whole or in part, for the benefit of said Nez Perce Indians, residing upon the Lapwai Indian Reservation, in the total sum of \$103,000.00 as gratuities.

That for the years 1879 to 1924, inclusive, Congress made appropriations, in whole or in part, for the benefit of said Nez Perce Indians, residing upon the Colville Indian Reservation, in the total sum of \$470,000.91 as gratuities.

XIII.

That, as above set forth, the defendant is indebted to said petitioners in the following amounts:

To the Blackfeet Nation of Indians, consisting of the Piegan, Blood, and Blackfeet tribes of Indians, on account of the hunting ground taken from them, as set forth in paragraph VI, the sum of \$19,200,000.00, less the sum of \$1,263,323.71, paid to them as gratuities, as set forth in paragraph XII hereof, leaving a balance due to said petitioners of \$17,936,676.29.

To the Blackfeet Nation of Indians, consisting of the Piegan, Blood, and Blackfeet tribes of Indians, on account of the taking from them of their rights to wood, and to hunt and fish, as set forth in paragraph XI hereof, the additional sum of \$250,000.00.

To the Gros Ventre tribe of Indians, on account of the common hunting ground, taken from them, as set forth in paragraph VI hereof, the sum of \$5,760,000.00, less the sum of \$794,590, paid to them as gratuities, as set forth in paragraph XII hereof, leaving a balance due to said petitioners of \$4,965,410.00.

To the Nez Perce tribe of Indians, on account of the common hunting ground taken from them, as set forth in paragraph VI hereof, the sum of \$19,200,000.00, less the sum of \$573,000.91, paid to them as gratuities, as set forth in paragraph XII hereof, leaving a balance due to said petitioners of \$18,626,999.09.

To the Piegan, Blood, and Blackfeet tribes of Indians, and the Gros Ventre tribe of Indians, jointly, on account of the land, gold, and oil taken from said petitioners by the unratified treaties of 1868, as set forth in paragraph VIII, the sum of \$24,312,753.09.

To the Piegan, Blood, and Blackfoot tribes of Indians, and the Gros Ventre tribe of Indians, on account of the land taken by the Executive Order of August 19, 1874, as set forth in paragraph X hereof, the sum of \$2,615,525.00.

That in the event it be found that the unratified treaties of 1868, above set forth, are nevertheless obligatory upon the petitioners herein, the Piegan, Blood, and Blackfoot tribes of Indians, and the Gros Ventre tribe of Indians, who were parties thereto (the Nez Perce tribe of Indians not being party to said treaties), then, and in that event, the defendant is indebted to said petitioners in the following amounts:

To the Piegan, Blood, and Blackfoot tribes of Indians, on account of the common hunting ground taken from them, as set forth in paragraphs VI and IX hereof, the sum of \$19,200,000.00, and the further sum of \$1,075,000.00, as set forth in paragraph VII hereof, on account of amount due them under the said treaty of 1868, less the sum of \$1,263,323.71 paid to them as gratuities, as set forth in paragraph XII hereof, leaving a balance due of \$19,011,676.29.

To the Blackfoot Nation of Indians, consisting of the Piegan, Blood, and Blackfoot tribes of Indians, on account of the taking from them of their rights to wood, and to hunt and fish, as set forth in paragraph XI hereof, the additional sum of \$250,000.00.

To the Gros Ventre tribe of Indians, on account of the common hunting ground taken from them, as set forth in paragraphs VI and IX hereof, the sum of \$5,780,000.00, and the further sum of \$572,000.00 due them under the treaty of 1868 aforesaid, as set forth in paragraph VII hereof, less the sum of \$794,590.00, paid to

them as gratuities, as set forth in paragraph XII hereof, leaving a balance due of \$5,557,410.00.

To the Nez Perce tribe of Indians, on account of the common hunting ground taken from them, as set forth in paragraph VI hereof, the sum of \$19,200,000.00, less the sum of \$573,000.91, paid to them as gratuities, as set forth in paragraph XII hereof, leaving a balance due of \$18,626,999.09.

To the Piegan, Blood, and Blackfoot tribes of Indians, and the Gros Ventre tribe of Indians, on account of the land taken by the Executive Order of August 19, 1874, as set forth in paragraph X hereof, the sum of \$2,615,525.00.

That in the event it be found that the unratified treaties of 1868, above set forth, are nevertheless obligatory upon the petitioners herein, the Piegan, Blood, and Blackfoot tribes of Indians, and the Gros Ventre tribe of Indians, who were parties thereto (the Nez Perce tribe of Indians not being party to said treaties), and said treaties be found to extinguish and cede the common hunting ground as well as the lands therein mentioned, then, and in that event, the defendant is indebted to said petitioners in the following amounts:

To the Piegan, Blood, and Blackfoot tribes of Indians, on account of the common hunting ground taken from them, as set forth in paragraph VI hereof, the sum of \$200,000.00 per annum for a period of ten years, or a total sum of \$2,000,000.00, and the further sum of \$1,075,000.00, as set forth in paragraph VII hereof, on account of amount due under the said treaty of 1868, less the sum of \$1,263,323.71, paid to them as gratuities, as set forth in paragraph XII hereof, leaving a balance due said petitioners of \$1,811,676.29.

To the Blackfeet Nation of Indians, consisting of the Piegan, Blood, and Blackfeet tribes of Indians, on account of the taking from them of their rights to wood, and to hunt and fish, as set forth in paragraph XI hereof, the additional sum of \$250,000.00.

To the Gros Ventre tribe of Indians, on account of the common hunting ground taken from them, as set forth in paragraph VI hereof, the sum of \$60,000.00 per annum for the period of ten years, or the total sum of \$600,000.00, and the further sum of \$572,000.00, on account of the amount due and unpaid under the treaty of 1868 aforesaid, as set forth in paragraph VII hereof, less the sum of \$794,590.00 paid to them as gratuities, as set forth in paragraph XII hereof, leaving a balance due said petitioners of \$377,410.00.

To the Nez Perce tribe of Indians, on account of the common hunting ground taken from them, as set forth in paragraph VI hereof, the sum of \$19,200,000.00, less the sum of \$573,000.91, paid to them as gratuities, as set forth in paragraph XII hereof, leaving a balance due to said petitioners of \$18,626,999.09.

To the Piegan, Blood, and Blackfeet tribes of Indians, and the Gros Ventre tribe of Indians, on account of land taken by the Executive Order of August 19, 1874, as set forth in paragraph XI hereof, the sum of \$2,615,525.00.

Wherefore, the premises considered, plaintiffs pray judgment against the defendant in the respective amounts, as follows:

1. The plaintiff, the Nez Perce Nation or tribe of Indians, residing upon the Lapwai Indian Reservation in the State of Idaho, and the Colville Indian Reservation in the State of Washington, prays judgment against the defendant in the sum of \$18,626,999.09.

2. The Piegan, Blood, and Blackfeet tribes of Indians, residing upon the Blackfeet Indian Reservation, in the State of Montana, prays judgment against the defendant, the United States, for the sum of \$17,936,676.29, and the further sum of \$250,000.00, as set forth in paragraph XI hereof.

3. The Gros Ventre tribe of Indians, residing upon the Fort Belknap Indian Reservation, in the State of Montana, prays judgment against the defendant, the United States, for the sum of \$4,965,410.00.

4. The Piegan, Blood, and Blackfeet tribes of Indians, and the Gros Ventre tribe of Indians, residing upon the Blackfeet and Fort Belknap Indian Reservations, in the State of Montana, pray judgment against the defendant, the United States, jointly, for the sum of ~~\$24,312,753.00~~ ^{\$26,928,278.09} ⁹⁴⁵.

The plaintiffs, the Piegan, Blood, and Blackfeet tribes of Indians, and the Gros Ventre tribe of Indians, residing upon the Blackfeet and Fort Belknap Indian Reservations, in the State of Montana, further pray that in the event the court finds that the unratified treaties of 1868 are obligatory upon them, as to the cession of the lands therein mentioned, but do not divest them of the common hunting ground, and finds that for such reason they are not entitled to recover all of the amounts above prayed for, then, and in that event, said plaintiffs pray judgment against the defendant, the United States, for the following amounts:

1. That the Piegan, Blood, and Blackfeet tribes of Indians recover judgment against the defendant in the sum of \$19,011,676.29 and the further sum of \$250,000.00, as set forth in paragraph XI hereof.

2. That the Gros Ventre tribe of Indians recover judgment against the defendant in the sum of \$5,557,410.00.

3. That the Piegan, Blood, and Blackfeet tribes of Indians and the Gros Ventre tribe of Indians recover judgment jointly against the defendant in the sum of \$2,615,525.00.

The plaintiffs, the Piegan, Blood, and Blackfeet tribes of Indians and the Gros Ventre tribe of Indians, residing upon the Blackfeet and Fort Belknap Indian Reservations, in the State of Montana, further pray that in the event the court finds that the unratified treaties of 1868 are nevertheless obligatory upon said plaintiffs, and the said treaties are found to be sufficient to divest said plaintiffs not only of the lands therein attempted to be ceded, but the common hunting ground as well, and finds that for such reason they are not entitled to recover all of the amounts above prayed for, then, in that event, said plaintiffs pray judgment against the defendant, the United States, in the following amounts:

1. That the Piegan, Blood, and Blackfeet tribes of Indians recover judgment against the defendant, the United States, for the sum of \$1,811,676.29, and the further sum of \$250,000.00, as set forth in paragraph XI hereof.

2. That the Gros Ventre tribe of Indians recover judgment against the defendant, the United States, for the sum of \$377,410.00.

3. That the Piegan, Blood, and Blackfeet tribes of Indians, and the Gros Ventre tribe of Indians, recover judgment, jointly, against the defendant, the United States, for the sum of \$2,615,525.00.

And all of the plaintiffs herein further pray that they do have and recover of and from the defendant, the

United States, such other and further relief as may seem to the court meet and proper.

THE BLACKFEET, BLOOD, PIEGAN, AND GROS
VENTRE NATIONS OR TRIBES OF INDIANS,
AND THE NEZ PERCE NATION OR TRIBE
OF INDIANS,

Petitioners,

By: SERVEN, JOYCE & BARLOW and JOHN G. CARTER,
Their Attorneys.

DISTRICT OF COLUMBIA,
CITY OF WASHINGTON, ss.

A. R. SERVEN, being duly sworn, deposes and says that he is one of the attorneys for the above-named petitioners and has read the foregoing petition and knows the contents thereof, and that the matters therein stated on his own knowledge are true, and that the matters therein stated upon information and belief he believes to be true.

A. R. SERVEN.

Subscribed and sworn to before me this 10th day of
July, A. D. 1925.

W. B. JAYNES,
Notary Public, D. C.

(Seal.)

*Prepared by
Guy Patten and
John Carter*

3. That the Piegan, Blood, and Blackfeet tribes of Indians and the Gros Ventre tribe of Indians recover judgment jointly against the defendant in the sum of \$2,615,525.00.

The plaintiffs, the Piegan, Blood, and Blackfeet tribes of Indians and the Gros Ventre tribe of Indians, residing upon the Blackfeet and Fort Belknap Indian Reservations, in the State of Montana, further pray that in the event the court finds that the unratified treaties of 1868 are nevertheless obligatory upon said plaintiffs, and the said treaties are found to be sufficient to divest said plaintiffs not only of the lands therein attempted to be ceded, but the common hunting ground as well, and finds that for such reason they are not entitled to recover all of the amounts above prayed for, then, in that event, said plaintiffs pray judgment against the defendant, the United States, in the following amounts:

1. That the Piegan, Blood, and Blackfeet tribes of Indians recover judgment against the defendant, the United States, for the sum of \$1,811,676.29, and the further sum of \$250,000.00, as set forth in paragraph XI hereof.

2. That the Gros Ventre tribe of Indians recover judgment against the defendant, the United States, for the sum of \$377,410.00.

3. That the Piegan, Blood, and Blackfeet tribes of Indians, and the Gros Ventre tribe of Indians, recover judgment, jointly, against the defendant, the United States, for the sum of \$2,615,525.00.

And all of the plaintiffs herein further pray that they do have and recover of and from the defendant, the

United States, such other and further relief as may seem to the court meet and proper.

THE BLACKFEET, BLOOD, PIEGAN, AND GROS
VENTRE NATIONS OR TRIBES OF INDIANS,
AND THE NEZ PERCE NATION OR TRIBE
OF INDIANS,

Petitioners,

By: SERVEN, JOYCE & BARLOW and JOHN G. CARTER,
Their Attorneys.

DISTRICT OF COLUMBIA,
CITY OF WASHINGTON, ss.

A. R. SERVEN, being duly sworn, deposes and says that he is one of the attorneys for the above-named petitioners and has read the foregoing petition and knows the contents thereof, and that the matters therein stated on his own knowledge are true, and that the matters therein stated upon information and belief he believes to be true.

A. R. SERVEN.

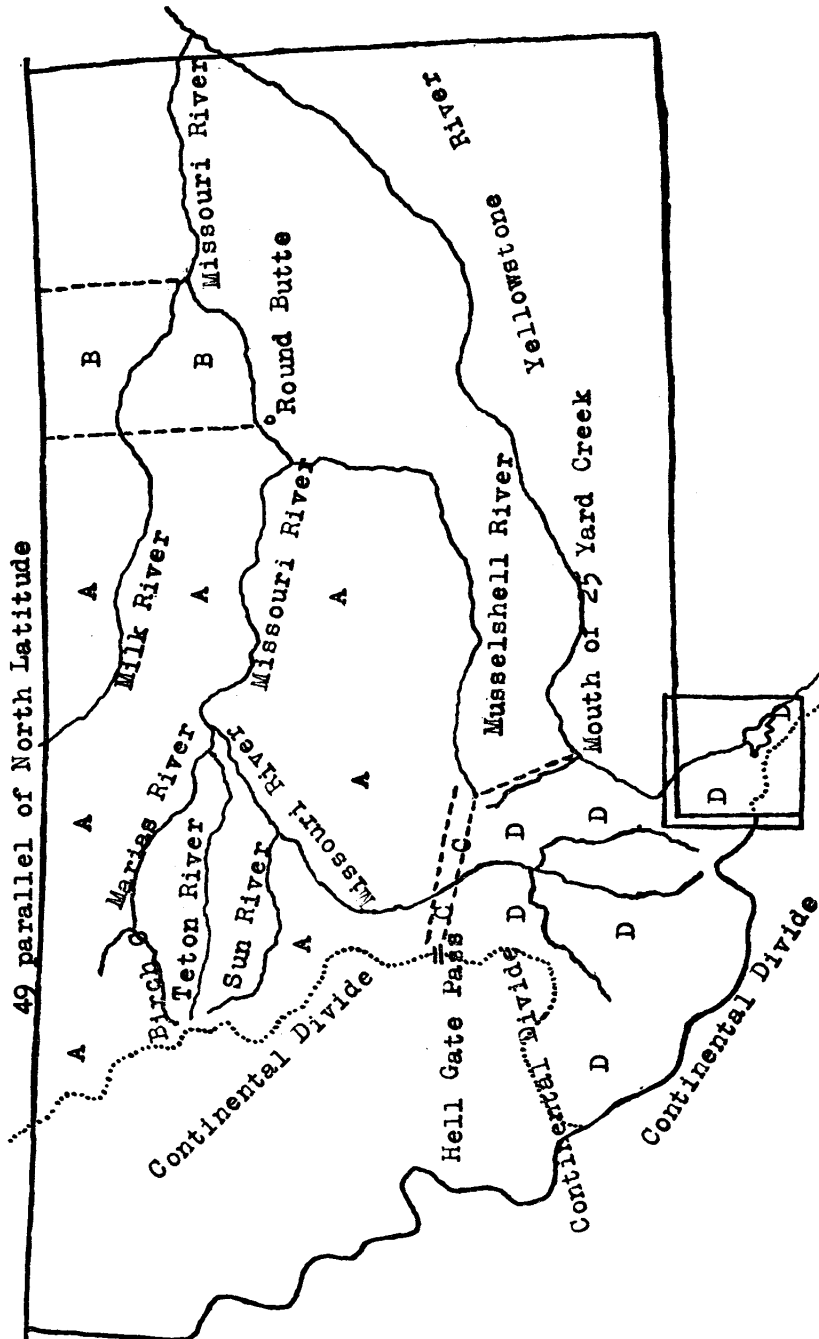
Subscribed and sworn to before me this 10th day of
July, A. D. 1925.

W. B. JAYNES,
Notary Public, D. C.

(Seal.)

*Prepared by
Guy Hutton and
John G. Carter*

EXHIBIT A

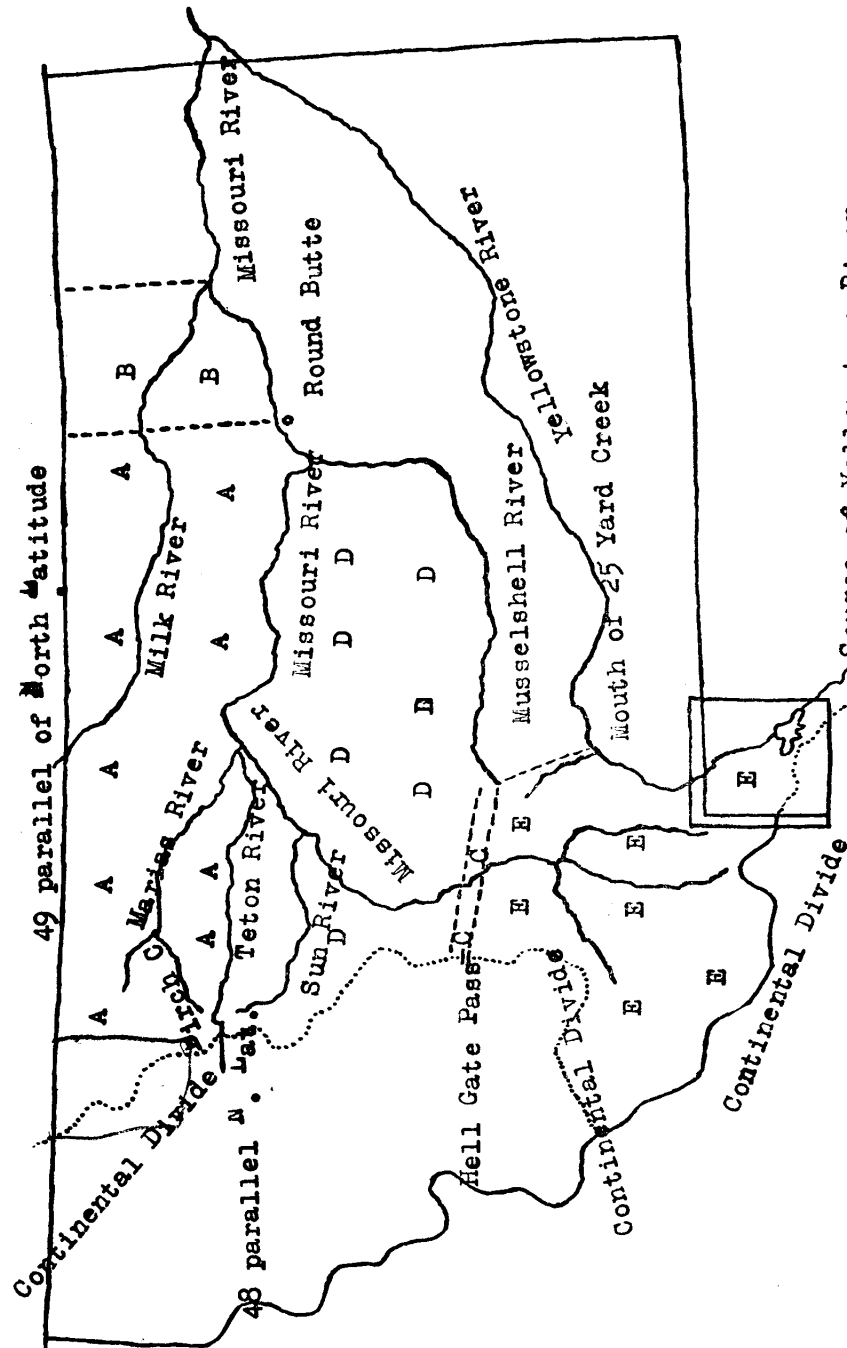


MAP OF MONTANA AND YELLOWSTONE NATIONAL PARK.
Source of Yellowstone River

Scale: 80 Miles to 1 inch.

- A. Blackfoot territory. Article 4, Treaty of October 17, 1855.
- B. Assiniboine hunting rights on Blackfoot territory, Article 4, Treaty of October 17, 1855. (Ceded by Assiniboines to United States by Act of May 1, 1888.)
- C. Ten mile zone established between Blackfoot territory and common hunting ground by Article 3, Treaty of October 17, 1855.
- D. Common hunting ground established by Article 3, Treaty of October 17, 1855.

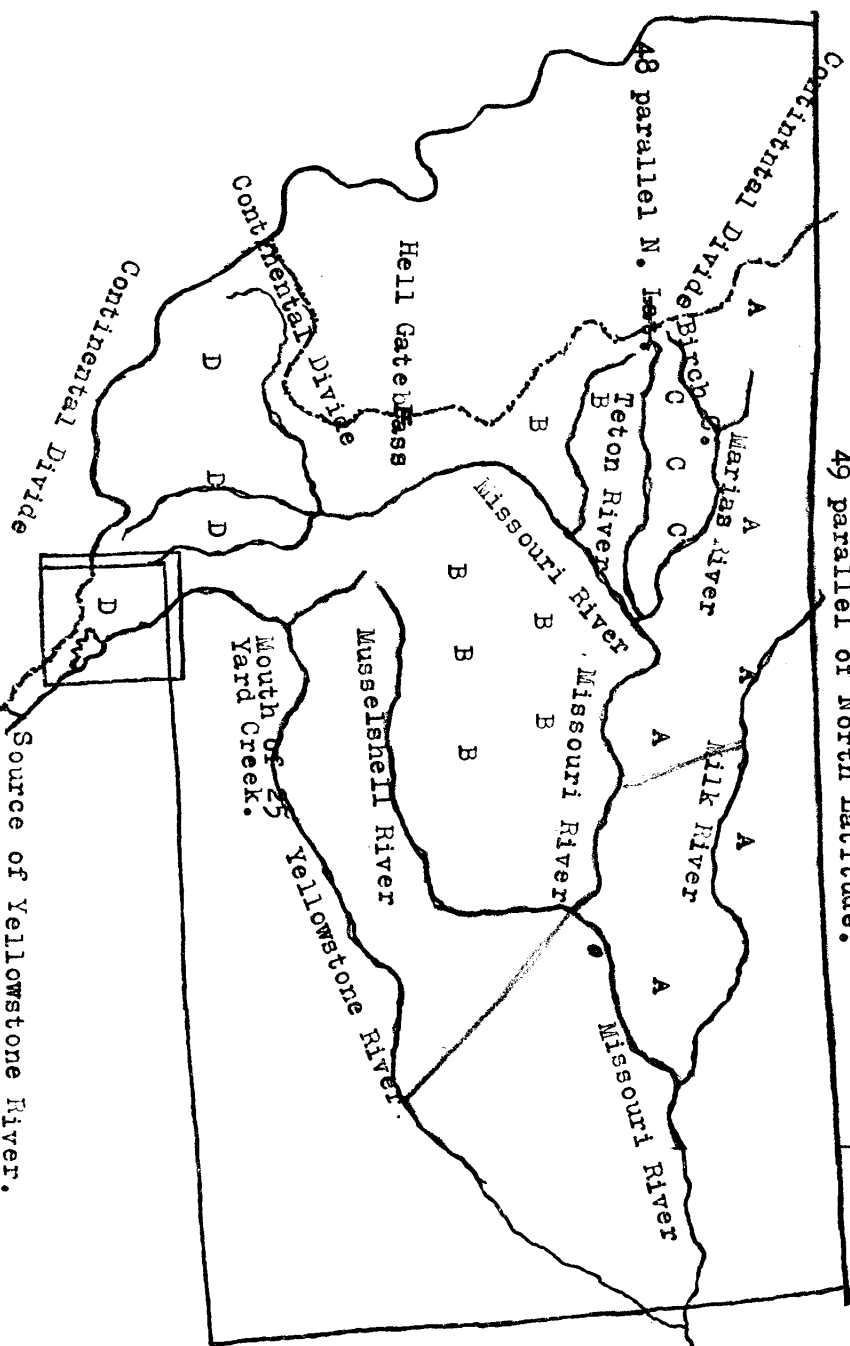
EXHIBIT B



MAP OF MONTANA AND YELLOWSTONE NATIONAL PARK.
Source of Yellowstone River

EXHIBIT C

49 parallel of North Latitude.



MAP OF MONTANA AND YELLOWSTONE NATIONAL PARK.

Scale: 80 Miles to 1 inch.

- A. Ceded by Blackfeet and other Indians to United States by Act of May 1, 1888.
- B. Attempted cession by Blackfeet to United States under unratified treaty of 1868.
- C. Unceded territory claimed by Blackfeet and Gros Ventres.
- D. Common hunting ground.

IN THE COURT OF CLAIMS OF THE UNITED STATES

THE BLACKFEET, BLOOD, PIEGAN,
AND GROS VENTRE NATIONS OR
TRIBES OF INDIANS, RESIDING
UPON THE BLACKFEET AND FORT
BELKNAP INDIAN RESERVATIONS
IN THE STATE OF MONTANA, AND
THE NEZ PERCE NATION OR TRIBE
OF INDIANS, RESIDING UPON THE
LAPWAI INDIAN RESERVATION IN
THE STATE OF IDAHO, AND UPON
THE COLVILLE INDIAN RESERVA-
TION IN THE STATE OF WASHINGTON,

PLAINTIFFS,

VS.

THE UNITED STATES,

DEFENDANTS.

Office Copy

No. _____

P E T I T I O N

TO THE HONORABLE, THE COURT OF CLAIMS:

Your petitioners respectfully represent to this Honorable Court;

I.

① That this cause is brought under authority granted by the Act
of Congress, approved March 13, 1924, entitled, "An Act For the
Relief of certain nations or tribes of Indians in Montana, Idaho,
and Washington." *just at 2. - 011 x*

II.

That your petitioners residing upon the Blackfeet and ~~Fort Bel-~~
~~knap~~ ^{*in the state of Montana*} Indian Reservations are the descendants and successors in interest
of the Blackfoot Nation of Indians, ~~consisting of the Piegan, Blood,~~
~~and Gros Ventre tribes of Indians, and your petitioners~~
~~and your petitioners residing upon the Fort Belknap Indian Reservation, are the descendants~~
~~and successors in interest of the Blackfoot Nation of Indians, and your petitioners~~
~~residing upon the Lapwai and Colville Indian Reservations are the de-~~
sendants and successors in interest of the Nez Perce tribe of Indians,
which said Blackfoot nation of Indians and Nez Perce tribe of Indians
were parties to the treaty of October 17, 1855, with the United States,
(11 Stat. L. 657), as referred to in said Act of March 13, 1924. *(42*

just at 2. -

III.

That Article 3 of said treaty of October 17, 1855, provided,

✓ 1 x " x x x that all that portion of the country recognized and defined by the treaty of Laramie as Blackfoot territory, lying within the lines drawn from the Hell Gate or Medicine Rock Passes in the main range of the Rocky Mountains, in an easterly direction to the nearest source of the Muscle Shell River, thence to the mouth of Twenty-five Yard Creek, thence up the Yellow Stone River to its northern source, and thence along the main range of the Rocky Mountains, in a northerly direction, to the point of beginning, shall be a common hunting ground for ninety-nine years, where all the nations, tribes and bands of Indians, parties to this treaty, may enjoy equal and uninterrupted privileges of hunting, fishing and gathering fruit, grazing animals, curing meat and dressing robes. They further agree that they will not establish villages, or in any other way exercise exclusive rights within ten miles of the northern line of the common hunting-ground, and that the parties to this treaty may hunt on said northern boundary line and within ten miles thereof."

IV.

5 That Article 4 of said treaty of October 17, 1855, confirmed in *(including the tribe of Indians)* the said Blackfoot nation of Indians the title to a tract of country, consisting of about sixty-five thousand (65,000) square miles, and described as follows:

"The parties to this treaty agree and consent, that the tract of country lying within the lines drawn from Hell Gate or Medicine Rock Passes, in an easterly direction, to the nearest source of the Muscle Shell River, thence down said river to its mouth, thence down the channel of the Missouri River to the mouth of Milk River, thence due north to the forty-ninth parallel, thence due west on said parallel to the main range of the Rocky Mountains, and thence southerly along said range to the place of beginning, shall be the territory of the Blackfoot nation, over which said nation shall exercise exclusive control, excepting as may be otherwise provided in this treaty. Subject, however, to the provisions of the third article of this treaty, giving the right to hunt, and prohibiting the establishment of permanent villages and the exercise of any exclusive rights within ten miles of the northern line of the common hunting-ground, drawn from the nearest source of the Muscle Shell River to the Medicine Rock Passes, for the period of ninety-nine years.

Provided also, That ~~the~~ Assiniboins shall have the right of hunting, in common with the Blackfeet, in the country lying between the aforesaid eastern boundary line, running from the mouth of Milk River to the forty-ninth parallel, and a line drawn from the left bank of the Missouri River, opposite the Round Butte north, to the forty-ninth parallel."

V.

That shortly after the treaty of October 17, 1855, was concluded with your petitioners, large numbers of prospectors, miners, and other whites invaded the common hunting-ground and the southern portion of the Blackfoot territory as described in Sections III and IV hereof, and, on account of the rich mineral deposits discovered and the abundance of game and fur bearing animals, continued to come into said territory in large numbers and prosecute mining, hunting and trapping to such an extent as to deprive your petitioners of their entire property rights in said common hunting-ground and to inflict great additional loss and damage upon your petitioners. At the same time, these white invaders brought large quantities of ardent spirits and other intoxicating liquors into said territory in violation of the laws relating to intercourse with the Indians and of the stipulations of this treaty, and from their manner of life greatly increased the indulgence therein among the Indians and also the spread of disease among them by which your petitioners suffered further grievous loss and damage, ~~from such invasion.~~ Thereupon, the defendants instructed their representatives to negotiate another treaty with the Blackfeet nation of Indians for the purpose of securing the cession and relinquishment of a considerable part of their territory. Such a treaty was accordingly negotiated with the Blackfoot Nation of Indians and signed on November 16, 1865, providing for the cession and relinquishment of all the territory theretofore claimed or possessed by said Blackfoot nation of Indians, except the territory described as follows:

" x x x commencing at a point where the parallel of 48 degrees north latitude, intersects the dividing ridge of the main chain of the Rocky Mountains, thence in an easterly direction to the nearest source of the Teton River - thence down said river to its junction with the Marias river, thence down the Marias to its junction with the Missouri River, thence down the Missouri to the mouth of Milk River, thence north to the 49th parallel of north latitude - thence west on said parallel to the main range of the Rocky Mountains - thence southerly along said range to the place of beginning, x x x ."

This treaty, which was not ratified by the United States, is contained in the records of the Department of the Interior.

VI.

That under the instructions of defendants, their agents negotiated two further treaties with the Indians of the Blackfoot nation, the first called the Gros Ventre treaty, which was signed at Fort Hawley on July 13, 1868, and the second, called the Blackfeet treaty, which was signed at Fort Benton on September 1, 1868. Both of said treaties provided for the identical cession and relinquishment of territory as provided by said treaty negotiated with the Blackfoot nation of Indians in 1865. Each of said treaties of 1868 stipulated, in Article VIII, for payments thereunder to the respective Indians parties thereto

(copy follows on Page 4)

"after the ratification of this treaty." Each of said treaties of 1868 stipulated, in Article XI, "This treaty shall be obligatory upon the contracting parties whenever the same shall be ratified by the President and Senate of the United States, and shall continue in force for twenty years from and after said date unless sooner violated and broken by said Indians." Neither of said treaties of 1868 has been ratified by the President and Senate of the United States, as provided in Article XI thereof. Said treaties are contained in the records of the Department of the Interior.

VII.

That on July 5, 1873, the President made an Executive Order prescribing a reservation for the Gros Ventre, Piegan, Blood, Blackfeet, River Crow, and other Indians, almost entirely embraced in but of much smaller extent than the territory title to which was confirmed in the Blackfoot nation of Indians by Article 4 of the said treaty of October 17, 1855. The boundaries prescribed in this order were as follows:

"Commencing at the northwest corner of the Territory of Dakota, being the intersection of the forty-ninth parallel of north latitude and the one hundred and fourth meridian of west longitude; thence south to the south bank of the Missouri River; thence up and along the south bank of said river to a point opposite the mouth of Medicine or Sun River; thence in a westerly direction, following the south bank of said Medicine or Sun River, as far as practicable, to the summit of the main chain of the Rocky Mountains; hence along said summit in a northerly direction to the north boundary of Montana; hence along said north boundary to the place of beginning, excepting and reserving therefrom military reservations."

VIII.

That the Act of Congress, approved April 15, 1874, entitled, "An act to establish a reservation for certain Indians in the Territory of Montana," (18 Stat.L.28), provided that the following described tract of land should be set aside as a reservation for the Gros Ventre, Piegan, Blood, Blackfeet, River Crow, and such other Indians as the President might from time to time see fit to locate thereon, namely:

"Commencing at the northwest corner of the Territory of Dakota, being the intersection of the forty-ninth parallel of north latitude and the one hundred and fourth meridian of west longitude; thence south to the south bank of the Missouri river; thence up and along the south bank of

said river, to a point opposite the mouth of the Maria's river; thence along the main channel of the Maria's river to Birch Creek; thence up the main channel of Birch Creek to its source; thence west to the summit of the main chain of the Rocky Mountains; thence along the summit of the Rocky Mountains to the northern boundary of Montana; thence along said northern boundary to the place of beginning."

IX.

That on August 19, 1874, the President made an Executive Order purporting to restore to ~~the public domain that part of the territory~~ the public domain that part of the territory title to which was confirmed in the Blackfoot nation of Indians by the said treaty of October 17, 1855, described as follows:-

"Commencing at a point on the south bank of the Missouri River, opposite the mouth of the Marias River; thence along the main channel of the Marias River to Birch Creek; thence up the main channel of Birch Creek to its source; thence west to the summit of the main chain of the Rocky Mountains; thence along said summit in a southerly direction to a point opposite the source of the Medicine or Sun River; thence easterly to said source, and down the south bank of said Medicine or Sun River to the south bank of the Missouri River; thence down the south bank of the Missouri River to the place of beginning."

X.

That on April 13, 1875, the President made an Executive Order, withdrawing certain territory from the public domain and adding it to said Reservation provided by said Act of April 15, 1874; this addition being described as follows:

"Commencing at a point on the Musselshell River where the same is intersected by the forty-seventh parallel of north latitude; thence east with said parallel to the south bank of the Yellowstone River; thence down and with the south bank of said river to the south boundary of the military reservation at Fort Buford; thence west along the south boundary of said military reservation to its western boundary; thence north along said western boundary to the south bank of the Missouri River; thence up and with the south bank of said river to the mouth of the Musselshell River; thence up the middle of the main channel of said Musselshell River to the place of beginning, x x ."

XI.

That on July 13, 1880, the President made an Executive Order, restoring to the public domain the following described portion of the addition made by the Executive Order of April 13, 1875, to said Reservation provided by the said act of April 15, 1874, namely:

"Beginning at a point where the south boundary of the Fort Buford military reserve intersects the right bank of the Yellowstone River; thence according to the true meridian west along the south boundary of said military reserve to its western boundary; thence continuing west to the right bank of the Missouri River; thence up and along said right bank, with the meanders thereof, to the middle of the main channel of the Musselshell River; thence up and along the middle of the main channel of the Musselshell River, with the meanders thereof, to its intersection with the forty-seventh parallel of north latitude, thence east along said parallel to its intersection with the right bank of the Yellowstone River; thence down and along said right bank, with the meanders thereof, to the place of beginning, x x ."

XII.

That the Act of Congress, approved May 1, 1888, entitled, "An Act to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, and for other purposes," (25 Stat. L. 113), ratified agreements with the various tribes and bands of Indians residing on the reservation described in said Act of April 15, 1874, under which said agreements your petitioners, and the other Indians residing on said reservation, thereby ceded and relinquished to the United States all their right, title and interest thereto, except the following tracts, which were made separate reservations for the said respective Indians as follows:

For the Blackfeet, Blood and Piegan Indians of the Blackfeet Indian Agency:

"Beginning at a point in the middle of the main channel of the Marias River opposite the mouth of Cut Bank Creek; thus up Cut Bank Creek, in the middle of the main channel thereof, twenty miles, following the meanderings of the creek; thence due north to the northern boundary of Montana; thence west along said boundary to the summit of the main chain of the Rocky Mountains; thence in a southerly direction along the summit of said mountains to a point due west from the source of the North Fork of Birch Creek; thence due east to the source of said North Fork; thence down said North Fork to the main stream of Birch Creek, in the middle of the main channel thereof, to the Marias River; thence down the Marias River; in the middle of the main channel thereof, to the place of beginning."

For the Gros Ventre Indians and certain Assiniboine Indians of the Fort Belknap Indian Agency:

"Beginning at a point in the middle of the main channel of Milk River, opposite the mouth of Snake Creek; thence due south to a point due west of the western extremity of the Little Rocky Mountains; thence due east to the crest of said mountains at their western extremity, and thence following the

southern crest of said mountains to the eastern extremity thereof; thence in a northerly direction in a direct line to a point in the middle of the main channel of Milk River; opposite the mouth of Peoples Creek; thence up Milk River, in the middle of the main channel thereof, to the place of beginning; x x ."

For the Sioux Indians and Assiniboine Indians at the Fort Peck Indian Agency:

"Beginning at a point in the main channel of the Missouri River, opposite the mouth of Big Muddy Creek; thence up the Missouri River, in the middle of the main channel thereof, to a point opposite the mouth of Milk River; thence up the middle of the main channel of Milk River to Porcupine Creek; thence up Porcupine Creek; in the middle of the main channel thereof, to a point forty miles due north in a direct line from the middle of the main channel of the Missouri River opposite the mouth of Milk River; thence due east to the middle of the main channel of Big Muddy Creek; thence down said Creek, in the middle of the main channel thereof, to the place of beginning."

It appears that under authority of said Executive Order of July 5, 1873, and said Act of Congress of April 15, 1874, the President had located certain Sioux and Assiniboine Indians within the reservation authorized by the said Act of April 15, 1874, and that three separate Indian agencies, known as the Blackfeet, Fort Belknap, and Fort Peck Indian Agencies, had been established therein. The Crow Indians never resided upon the said reservation and did not unite in said agreements.

XIII.

That Sections 8 and 9 of the Act of Congress, approved June 10, 1896, entitled, "An Act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year end ending June 30, 1897, and for other purposes," (29 Stat. L. 321), ratified agreements with the Indians residing on the Blackfeet and Fort Belknap Reservations, as established by the said Act of May 1, 1888, by which the said respective Indians conveyed, relinquished and released to the United States all their right, title and interest in the following:

The Indians of the Blackfeet Reservation in the tract of land "lying and being west of the following described line,"

"Beginning at a point on the northern boundary of the reservation due north from the summit of Chief Mountain, and running thence south to said summit; thence in a straight line to the most northeasterly point of Flat Top Crag; thence to the most westerly of the mouths of Divide Creek; thence up said Creek to a point where a line drawn from the said northeasterly

point of Flat Top Crag to the summit of Divide Mountain intersects Divide Creek; thence to the summit of Divide Mountain; thence in a straight line to the western extremity of the lower Two Medicine Lake; thence in a straight line to a point on the southern line of the right of way of the Great Northern Railway Company four miles west of the western end of the railway bridge across the north fork of the Two Medicine River; thence in a straight line to the summit of Heart Butte, and thence due south to the southern line of the present reservation; x x x ."

Nevertheless, reserving the right to go upon said land as long as it shall remain public land and to cut and remove wood and timber for agency, school and personal use, and to hunt thereon and fish in the streams thereof.

The Indians of the Fort Belknap Reservation in the tract of land, "lying and being within the following described lines,"

"Beginning at the 54-mile boundary monument, at a point about the middle of the crest of Mission Butte, and following a straight line, bearing (magnetic) north 17 degrees, 30 minutes west, to the highest point on a limestone ridge on the south side of the north fork of People's creek, and running at right angles to the course of said creek at this point; thence in a straight line, bearing (magnetic) north 2 degrees 45 minutes west, to a rounded, timbered knob on the crest of the limestone reef on the north side of the north fork of People's Creek, and parallel with its general course; thence easterly, following the crest of the last-mentioned limestone reef north of the north fork of People's creek, to a low rounded hill on said limestone reef, where it dips down to the valley of Lodge Pole, or Red Mountain Creek; thence in a straight line, north 74 degrees east (magnetic) to the wooded limestone ridge known as Travois Butte, where a line drawn from the summit of Granite Butte (the peak south of the 61-1/2 mile boundary monument) north 15 degrees east (magnetic) would intersect it; thence along said straight line to the southern boundary of the present reservation; thence along said boundary line of the present reservation to the point of beginning."

XIV.

Congress duly appropriated the amounts provided by said treaty of October 17, 1855, to be expended for the benefit of the Blackfoot nation of Indians, the last installment therefor being for the fiscal year ended June 30, 1866

Congress has also made appropriations for all installments of the funds to be expended for the benefit of your petitioners and their predecessors in interest of the Fort Belknap and Blackfeet Indian Reservations, as provided by said Acts of May 1, 1888, and June 10, 1896.

XV.

Congress has not appropriated the funds to be expended for the benefit of the Gros Ventre, Piegan, Blood, and Blackfeet Indians in accordance with the terms of ~~the~~ said unratified treaties of 1865 and 1868.

Nor has Congress provided payment for the three tracts of land of which the said Gros Ventre, Piegan, Blood, and Blackfeet Indians have been deprived by the defendants, which are described as follows:

FIRST:

"Commencing at a point where the parallel of 48 degrees north latitude intersects the dividing ridge of the main chain on the Rocky Mountains; thence in an easterly direction to the nearest source of the Teton River; thence down said river to its junction with the Missouri with the Missouri; thence down the Missouri river to the mouth of the Musselshell; thence up the Musselshell river to its most western source; then in a westerly direction to Hell Gate or Medicine Rock Passes in the main range of the Rocky Mountains; thence along the dividing ridge of the main chain of the Rocky Mountains to the place of beginning."

SECOND:

"Commencing at a point where the parallel of 48 degrees north latitude intersects the dividing ridge of the main chain of the Rocky Mountains; thence in an easterly direction to the nearest source of the Teton River; thence down said river to its junction with the Marias River; thence up the main channel of the Marias River to Birch Creek; thence up the main channel of Birch Creek to its source; thence west to the main chain of the Rocky Mountains; thence along the said dividing ridge of the main chain of the Rocky Mountains to the place of beginning."

THIRD:

Commencing at the point where the southern boundary of Fort Buford Military Reservation meets the west boundary of the said Reservatipn; thence west to the southern bank of the Missouri River; thence down along the south bank of the Missouri River to its intersection of the west boundary of the Fort Buford Military Reservation; thence south along said west boundary of said Reservation to place of beginning."

Nor has Congress provided reparation for the failure of the defendants to protect the said Indians of the Blackfeet nation of Indians as required by Sections 4 and 7 of said treaty of October 17, 1855, from being deprived by the whites of minerals, oil, timber, stone, fish, game, fur, and all other forms of property heretofore taken from them by said whites.

Nor has Congress provided compensation to said Indians of the Blackfeet Reservation for the loss of their reserved rights to hunt

and fish and take wood and timber from the tract of land relinquished and transferred to the United States by the agreement ratified by said Act of June 10, 1896, of which said Indians were deprived by the Act of Congress establishing the Glacier National Park, approved May 11, 1910, (36 Stat L.354).

Nor has Congress provided reparation for any of your petitioners or their predecessors in interest on account of their being deprived by the defendants of their ninety-nine year rights in the common hunting ground, as stipulated in Sections 3 and 7 of said treaty of October 17, 1855.

XVI.

That your petitioners, the successors in interest of the said Piegan, Blood, Blackfeet and Gros Ventre tribes of Indians, comprising said Blackfoot nation of Indians, have been informed, believe, and therefore aver that the defendants, by their agents and representatives, have charged against the appropriations made to be expended for the benefit of said Blackfeet nation of Indians certain items not in fact so expended for their benefit, in an aggregate amount of not more than

XVII.

That the Acts of Congress making appropriations for the Indian Department for the fiscal years 1857 to 1866, inclusive, appropriated \$35,000 per annum as annual installments provided by said treaty to be expended for the benefit of said Blackfoot nation of Indians, and \$17,000 per annum for the expense of transportation and delivery of the articles purchased therewith, in full compliance with the stipulations of said treaty of October 17, 1855, in regard thereto.

That the Act of Congress, approved May 1, 1888, ratifying agreements with the Indians of the Blackfoot nation of Indians residing on the Fort Belknap and Blackfeet Indian Reservations, appropriated money with which to satisfy the first annual installments under said agreements, and that the Acts of Congress making appropriations for the In-

dian Department for the fiscal years 1890 to 1898, inclusive, provided for the remaining installments in full compliance with the provisions of said agreements.

Congress also provided in the appropriation acts for the fiscal years 1890 to 1898, inclusive, funds with which to defray the expense of transporting and delivering to said Indians the goods purchased for their benefit under said Acts.

XVIII.

That in accordance with the provisions of the agreements ratified with said Indians of the Fort Belknap and Blackfeet Indian Reservations by said Act of June 10, 1896, Congress made appropriations for all the installment payments provided for in said agreements and the expense of transportation and delivery of the goods purchased therewith for said Indians by the appropriation Acts for the fiscal years 1899 to 1907, inclusive.

That subsequent to the negotiation of said unratified Gros Ventre and Blackfeet treaties in 1868, and prior to the said Act of May 1, 1888, Congress made appropriations, in whole or in part, for the benefit of said Gros Ventre, Blackfeet, Blood and Piegan Indians residing upon the Fort Belknap and Blackfeet Indian Reservations, either as gratuities to said Indians or as payments on account of said unratified treaties of 1868, as follows:

(Insert payments from 1871 to 1888 inclusive)

After the last installment of payments as provided for by the agreements ratified by the said Act of Congress of June 10, 1896, Congress made the following appropriations as gratuities for the benefit, in whole or in part, of the said Gros Ventre, Blackfeet, Blood and Piegan Indians residing upon the Fort Belknap and Blackfeet Reservations:

(insert payments from 1908 to ^{DATE} ~~1902~~, inclusive)

MEMORANDUM OF INFORMATION IN CONNECTION
WITH BLACKFEET PETITION.

That said treaty of October 17, 1855, provided for an expenditure for said Blackfoot nation of Indians for goods, provisions, and other articles and for education and civilization of said Indians not to exceed \$35,000 per annum for ten years, which might be increased to not to exceed \$50,000 per annum, if deemed necessary by the President and Senate.

That said unratified treaty of November 16, 1865, provided for the expenditure for twenty years of \$50,000 per annum for the benefit of the said Blackfoot nation of Indians, and \$6,000 per annum for their principal Chiefs.

That the unratified treaty of July 13, 1868, with said Gros Ventre tribe of Indians, provided for the expenditure for them for twenty years of \$27,350 per annum and to discharge all indebtedness of said Indian tribe to an amount not exceeding \$25,000.

That said unratified treaty of September 1, 1868, provided for the expenditure for twenty years of \$50,000 per annum for the benefit of the Piegan, Blood, and Blackfeet Indians, and discharge all indebtedness of said Indian tribe, to an amount not exceeding \$75,000.

That said Act of May 1, 1888, provided for the expenditure for ten years of \$165,000 per annum for the Indians of the Fort Peck Agency (Sioux and Assiniboine); \$115,000 per annum for the Indians of the Fort Belknap Agency (Gros Ventre and Assiniboine), and \$150,000 per annum for the Indians of the Blackfeet Agency (Blackfeet, Blood, and Piegan).

That the said Act of June 10, 1896, provided for a total expenditure in four years of \$360,000 for the benefit of the Indians of the Fort Belknap Reservation (Gros Ventre and Assiniboine), and in ten years a total of \$1,500,000 for the benefit of the Indians of the Blackfeet Reservation (Blackfeet, Blood, and Piegan).