

In the Court of Claims.

*Blackfeet et al Indians*

No. *E 427*

vs.

THE UNITED STATES.

Washington, D. C., *October 10, 1929.*

*The Honorable,*

*Assistant Attorney General.*

*Sir:*

*Take notice that in the above cause we have filed this day,*  
*on behalf of the claimant, in the Clerk's Office of the Court of Claims,*

*second supplementary stipulation*

7-511 GOVERNMENT PRINTING OFFICE

*Severance and Marlow and*  
*plus Charter* Attorney for Claimant .  
*by plus Charter.*

IN THE COURT OF CLAIMS OF THE UNITED STATES

BLACKFEET INDIANS, ET AL.,  
Plaintiffs,  
v.  
THE UNITED STATES,  
Defendant.

No. E - 427

SECOND SUPPLEMENTARY STIPULATION

It is hereby stipulated and agreed between counsel for plaintiffs and counsel for defendant that the following publications may be referred to in evidence the same as if regularly filed, subject to objections based upon incompetency, irrelevancy or immateriality; the plaintiffs directing the Court's special attention to the pages of these various publications, and quotations therefrom, appearing in the attached Memorandum.

Dated this 9th day of October, A. D. 1929.

*Sever, Luyce & Barclaw and*  
*John H. Carter*  
Attorneys for Plaintiffs

*Herman J. Gallaway*  
*Asst. Atty. Gen.*  
Attorney for Defendant.

O.K.  
q.t.s.

VALUE TO PLAINTIFFS OF THE COMMON HUNTING GROUND, GRANTED THEM  
BY DEFENDANT, IN ARTICLE 3 OF THE TREATY OF OCTOBER 17, 1855.

(11 Stat. L. 657)

<u>Authority</u>	<u>Page</u>	<u>Statement</u>
The Problem of Indian Administration, 12 by Meriam.	11-	"The outstanding deficiency is in the diet furnished the Indian children, many of whom are below normal health. The diet is deficient in quantity, quality, and variety. The effort has been made to feed the children on a per capita of eleven cents a day, plus what can be produced on the schoolfarm, including the dairy. At a few, very few, schools, the farm and dairy are sufficiently productive to be a highly important factor in raising the standard of the diet, but even at the best of schools these sources do not fully meet the requirements for the health and development of the children."
"	330	"Recently an attempt has been made to analyze the dietary provided these children. As a result, the Service has been asked for an increase in food allowance to bring the average to about thirty-five cents per capita per day. No attempt should be made to establish a uniform standard figure. Thirty-five cents a day will probably suffice, however, at the more favorably located schools, but will be inadequate at those less favorably situated. This problem can be handled successfully only by providing to meet the needs that exist in each school."
"	335	" <u>Recommendations.</u> 1. Immediate steps should be taken materially to improve the quantity, quality, and variety of food served Indian children in boarding schools. Under most favorable conditions an average per diem expenditure of not less than thirty-five cents per capita apparently will be required. In schools with inferior farms, in the smaller schools, or in schools remote from supply centers, a larger allowance is necessary. If it does not seem practicable to consider each school separately, they should be classified according to their requirements and an adequate per diem per capita rate established for each class of schools."

Authority

Page

Statement

Report Commissioner  
of Indian Affairs, 246  
1869.

"Mr. J. M. Gallegos, late superintendent of Indian affairs for New Mexico, informed that several Mexican gentlemen called upon him in December, 1868, and stated that they were authorized by the Mescalero Apache tribe to inform him that they desired to settle upon a reservation, and live at peace. I believe that they were peaceable before the difficulty occurred between them and the Navajoes, and that they are sincere in their desire for peace.

"As it is the policy of the government to settle all of the Indians upon reservations, and assist them to live by the pursuits of civilized life, the only thing now necessary to settle this tribe is to furnish the means necessary for their support.

"The tribe numbers at present five hundred and twenty-five souls, and in my report for the month of July, 1869, I submitted, for the consideration of the department, estimates of goods and subsistence necessary to relieve their present wants.

"The military reservation at this point contains about five hundred acres of land suitable for agricultural purposes, and I respectfully suggest that the reservation for the tribe be established south of the post. It is the native country of these Indians, and contains an abundance of wood, water, game, and pasturage, and the Indians can be placed upon the reservation without expense.

"Anticipating that these Indians will come in and settle upon a reservation if they are sure of the assistance of the government, I respectfully suggest that the following sums be appropriated for the purpose of assisting them, viz:

"For subsistence for one year, estimated:	
One half ration of beef, 95,812	
pounds, at seven cents .....	\$6,706.84
Full ration of salt, 240 bushels,	
at \$2.50 .....	600.00
Full ration of corn, 4,488 bush-	
els, at \$2.25 .....	10,098.00
	<u>17,404.84</u>

For presents, consisting of art-	
icles absolutely necessary for	
the comfort of the Indians, a suf-	
ficient amount to purchase and	
transport to this post the articles	
on list A, hereto appended, esti-	
mated .....	7,000.00
	<u>24,404.84</u>

VALUE OF OIL AND GOLD

<u>Authority</u>	<u>Page</u>	<u>Statement</u>
Regulations governing leasing restricted allotted Indian lands for mining purposes, March 19, 1921.	5	"The minimum rate of royalty on oil shall be 12-1/2 per cent of the gross proceeds of the oil produced from leased premises.
<i>Department of the Interior, Office of Indian Affairs</i>	6	"For gold, silver, copper, lead, zinc, and tungsten the lessee shall pay quarterly a royalty of not less than 10 per cent. to be computed on the gross value of the ores as shown by reduction returns after deducting freight and treatment charges."

# In the Court of Claims.

*Blackfoot et al, Indians*

No. *E 427*

vs.

THE UNITED STATES.

Washington, D. C., *October 15*, 1929.

The Honorable,

Assistant Attorney General.

Sir:

Take notice that in the above cause *we* have filed this day,  
on behalf of the claimant, in the Clerk's Office of the Court of Claims,  
*Third Supplementary Stipulation*

*sewer Joyce and Barlow and  
John H. Carter by John H. Carter*

Attorneys for Claimant.

IN THE COURT OF CLAIMS OF THE UNITED STATES

BLACKFEET INDIANS, ET AL.,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.)

No. E - 427

THIRD SUPPLEMENTARY STIPULATION

It is hereby stipulated and agreed between counsel for plaintiffs and counsel for defendant that the following publications may be referred to in evidence the same as if regularly filed, subject to objections based upon incompetency, irrelevancy, or immateriality; the plaintiffs directing the Court's special attention to the pages of these various publications, and quotations therefrom, appearing in the attached Memorandum.

Dated this 14<sup>th</sup> day of October, A. D. 1929.

*Sever, Joyce & Barlow, and*  
*John H. Carter*  
Attorneys for Plaintiffs

*J. T. S.*

*H. D. Herman J. Gallaway*  
*Asst. Atty Gen.*  
Attorney for Defendant.

REGULATIONS GLACIER NATIONAL PARK,  
REGARDING HUNTING, FISHING, AND  
CUTTING WOOD. SECTION XI OF PETITION  
FILED HEREIN.

<u>Authority</u>	<u>Page</u>	<u>Statement</u>
Annual and other Reports, Laws, and Regulations Relating to Glacier National Park, Vol. 1, 1910-1912. Rules and Regulations of the Glacier National Park, Montana. General Regulations of December 3, 1910.	6	<p>2. It is forbidden to cut, without a permit from the Secretary of the Interior or his authorized representative, any timber growing on the Park lands; it is also forbidden to injure any growing timber or deface or injure any government property. Camping parties will be allowed to use dead or fallen timber for fuel.</p> <p>4. Hunting or killing, wounding or capturing any bird or wild animal on the Park lands, except dangerous animals when necessary to prevent them from destroying life or inflicting an injury, is prohibited.</p> <p>5. Fishing with nets, seines, traps, or by the use of drugs or explosives, or in any other way than hook and line, is prohibited. Fishing for purposes of merchandise or profit is forbidden. Fishing may be prohibited by order of the Superintendent in any of the waters of the Park, or limited to any specified season of the year, until otherwise ordered by the Secretary of the Interior.</p>
	7	<p>12. Persons who render themselves obnoxious by disorderly conduct or bad behavior, or who may violate any of the foregoing rules, will be summarily removed from the Park and will not be allowed to return without permission, in writing, from the Secretary of the Interior or the Superintendent of the Park.</p>



NO. E - 427

IN THE COURT OF CLAIMS OF THE  
UNITED STATES

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BLACKFEET INDIANS, ET AL.

V.

THE UNITED STATES

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THIRD  
SUPPLEMENTARY STIPULATION

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John G. Carter,  
Attorneys for Plaintiffs,  
1422 F St., N.W.  
WASHINGTON, D.C.

Phone: National 0506

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IN THE COURT OF CLAIMS OF THE UNITED STATES

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THE UNITED STATES,

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Dated this 14<sup>th</sup> day of October, A. D. 1929.

*Servon, Joyce & Baulaw, and*  
*John H. Carter*  
Attorneys for Plaintiffs

*(Sgt) Herman F. Gallaway*  
*Asst. Atty Gen.*  
Attorney for Defendant.

*y.T.S.*

REGULATIONS GLACIER NATIONAL PARK,  
REGARDING HUNTING, FISHING, AND  
CUTTING WOOD. SECTION XI OF PETITION

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