

"BLACKFOOT CLAIM."

REPORT OF THE SECRETARY OF THE INTERIOR ON ENABLING ACT.

17, 1855, excepting the following tract of land which was to be reserved for the said Blackfeet Nation of Indians:

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 River to its junction with the Missouri 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.

The said treaty was never ratified. Article 8 thereof provided for an annual appropriation of \$50,000 for a period of twenty years after the ratification of the treaty, said amount to be expended in such useful goods, provisions and other articles as the President might from time to time determine. The same article contained a provision for the payment of an indebtedness of the Indians amounting to \$75,000. The Executive officers of the Government recommended the ratification of this treaty, suggesting however the propriety of amending certain provisions. An examination of the Indian Appropriation Acts for the fiscal years following shows that appropriations were annually made for these Indians, which appropriations were for a number of years carried on the books as being in fulfillment of treaty stipulations.

On July 5, 1873, an executive order was issued withholding from entry and settlement as public lands and setting apart for the Gros Ventres, Piegans, Bloods, Blackfeet, River Crows and other Indians certain territory described in a letter from the Commissioner of Indian Affairs, dated July 2, 1873, 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; thence along said summit in a northerly direction to the north boundary of Montana; thence along said north boundary to the place of beginning, excepting and reserving therefrom existing military reservations.

This executive order eliminated from the exclusive use of the Blackfeet Tribe of Indians that part of the then Territory of Montana embraced within the lands covered by article 4 of the 1855 treaty and described as lying east of the main divide of the Rocky Mountains and north of a line drawn due east and west from Hell Gate and the Muscle Shell River, west of the Muscle Shell River and south of the fifth standard parallel north and the Missouri River.

The Act of Congress of April 15, 1874, established and set apart for the use and occupation of the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow and such other Indians as the President might from time to time see fit to locate thereon the following described territory:

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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 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 the summit of the Rocky Mountains to the northern boundary of Montana; thence along said northern boundary to the place of beginning.

It is claimed by the Indians that the unratified treaty of 1868 created no obligation upon the Indians and that the United States unjustly deprived them of their lands by said treaty and the Executive Order of 1873, supra, and the Act of Congress of 1874 referred to. In this connection reference is made to the decision of the Court of Claims in Moore's case (32 Ct. Cl. 593), which holds that where a treaty not formally ratified is acted upon by Congress and its benefits accepted by the Indians it is considered a binding treaty.

In view of the foregoing and this decision of the Court I am unable to recommend S. 249 for favorable consideration.

Sincerely,

(Signed) E.C. Finney

Acting Secretary.

*The same letter was sent to Honorable Howard Snyder,  
Chairman of House Committee on Indian Affairs, Sixty  
Seventh Congress, First Session, on June 17, 1921,  
Re: "H. R. 2432, for the relief of certain tribes or  
nations of Indians in Montana."*

"BLACKFOOT CLAIM."

REPORT OF THE SECRETARY OF THE INTERIOR TO THE COMMITTEES ON  
INDIAN AFFAIRS OF THE HOUSE AND SENATE OF THE SIXTY SEVENTH  
CONGRESS FIRST SESSION ON S. 246, S. 249, AND H.R. 2432.

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DEPARTMENT OF THE INTERIOR  
WASHINGTON

June 17, 1921.

Hon. Charles Curtis,  
Chairman, Committee on Indian Affairs,  
United States Senate,  
Washington, D.C.

My dear Senator:

I have the honor to refer again to your letter of April 19, 1921, with which you submitted a number of bills relating to Indian matters, among them being S. 249 for the relief of certain tribes and nations of Indians in the State of Montana.

The bill, if enacted, would authorize the tribes or nations of Indians mentioned therein to submit their alleged claims against the Government under the treaty of October 17, 1855, or any other treaties or laws, to the Court of Claims for final adjudication.

The facts in connection with the claims of these Indians, as shown by the records of the Department, may be cited as follows:

By the treaty of October 17, 1855, (11 Stat. L., 657), the "Blackfeet Territory" was recognized as a common hunting ground and the limits of the Reservation of the Blackfeet Nation were defined. According to the terms of the treaty the Blackfeet Nation consists of the Piegan, Blood, Blackfeet and Gros Ventre tribes of Indians. Before the making of the treaty of 1855 the Indian parties thereto had claimed as their territory that part of Montana east of the main divide of the Rocky Mountains and north of the Yellowstone River. Article 4 of the treaty of 1855, supra, fixed the territory of the Blackfeet Nation as the tract of country lying within lines from the Hell Gate or Medicine Rock Passes in an easterly direction to the nearest sources 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 49th parallel, thence due west on said parallel to the main range of the Rocky Mountains, thence southerly along said range to the place of beginning; "subject only to the provisions of the third article of the treaty giving the right to hunt to all the nations, tribes and bands of Indians, parties to the treaty." The territory described appears to have been recognized as a reservation for these Indians from the time of the making of the treaty of October 17, 1855, until a treaty was negotiated with the Blackfeet Indians at Fort Benton, Montana, on September 1, 1868, by W.J. Cullen, Special Commissioner, acting for and on behalf of the United States. Article 5 of the said treaty provided for the cession to the United States by the Indians of all lands claimed and possessed by them **wherever** situated, the same 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