

In the Court of Claims of the
United States

No. E - 427

The Blackfeet, et al Indians,

vs.

The United States

MOTION
FOR CALL ON THE DEPARTMENT
OF THE INTERIOR

Serven, Joyce & Barlow & John G.
Carter,
1422 F Street, N.W.,
Washington, D. C.

Attorneys for Plaintiffs

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 Reservation in the State of Washington,

Plaintiffs,

vs.

THE UNITED STATES,

Defendant.

affidavit
Filed with Cert of Claim Jan 7-1927
No. E-427
by John H. Carter, Esq. pursuant to Stipulation who had no objection.

MOTION

Come now the Plaintiffs in the above-entitled cause, by their Attorneys, and move this Honorable Court that a call be made upon the Department of the Interior for the respective acres in acreage of the following described tracts of land in the State of Montana.

1. Beginning at Hell Gate or Medicine Rock Passes (now known as Mullen Pass); thence easterly to the nearest source of the Mussel-shell river; thence down said river to its mouth; thence up the channel of the Missouri river to the mouth of the Marias river; thence up the Marias river to its junction with the Teton river; thence up the Teton river to its intersection with the forty-eight parallel north latitude; thence westerly along said parallel to its intersection with the dividing ridge of the main chain of the Rocky Mountains; thence southerly along said dividing ridge of the main chain of the Rocky Mountains to the place of beginning.

2. 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.

Said respective areas are relevant, material, and competent in this cause under sections VIII and X of the petition herein, wherein the Plaintiffs seek to recover the acreage value of said respective areas.

(Sigs) Severin Jayce + Barlow + John W. Carter
Attorneys for Plaintiffs.

REASONS IN SUPPORT OF THE ABOVE MOTION

In the above entitled cause, the Plaintiffs are seeking, among other things, to recover the acreage value of the respective areas of land described in the above motion and it therefore becomes necessary to prove such respective acreages. It is believed that the official determination of such acreages by the Department of the Interior from its official records thereof is the best evidence of such respective acreages that can be presented to the Court.

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 Reservation in the State of Washington,)
Plaintiffs,)

vs.

THE UNITED STATES,

Defendant.)

X
No. B-427
June 7 27

M O T I O N

Come now the Plaintiffs in the above-entitled cause, by their Attorneys, and move this Honorable Court that a call be made upon the Department of the Interior for the respective acres in acreage of the following described tracts of land in the State of Montana.

1. Beginning at Hell Gate or Medicine Rock Passes (now known as Mullen Pass); thence easterly to the nearest source of the Mussel-shell river; thence down said river to its mouth; thence up the channel of the Missouri river to the mouth of the Marias river; thence up the Marias river to its junction with the Teton river; thence up the Teton river to its intersection with the forty-eight parallel north latitude; thence westerly along said parallel to its intersection with the dividing ridge of the main chain of the Rocky Mountains; thence southerly along said dividing ridge of the main chain of the Rocky Mountains to the place of beginning.

2. 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.

Said respective areas are relevant, material, and competent in this cause under sections VIII and X of the petition herein, wherein the Plaintiffs seek to recover the acreage value of said respective areas.

(Sgd) Severn, Joyce & Barlow & John H. Carter.

Attorneys for Plaintiffs.

REASONS IN SUPPORT OF THE ABOVE MOTION

In the above entitled cause, the Plaintiffs are seeking, among other things, to recover the acreage value of the respective areas of land described in the above motion and it therefore becomes necessary to prove such respective acreages. It is believed that the official determination of such ^{acres} acreages by the Department of the Interior from its official records thereof is the best evidence of such ^{acres} respective acreages that can be presented to the Court.

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 Col-
ville Indian Reservation in the State
of Washington,

Plaintiffs,

vs.

THE UNITED STATES,

Defendants.

No. E-427

*Filed 2/15/27
John Carter
Feb 15-27*

*(endorsed)
no objection
Hercules J. Galloway*

M O T I O N

G.T.S.

Come now the Plaintiffs in the above-entitled cause, by their
Attorneys, and move this Honorable Court that call be made upon the
Department of the Interior for:

1. The total number of acres sold and the price received
therefor by the United States;
2. The total number of acres donated, reserved or set aside
by the United States for public or private use
for each of the following described tracts of land in the State
of Montana:

A. Beginning at Hell Gate or Medicine Rock Passes (now known
as Mullen Pass); thence easterly to the nearest source of the Mus-
selshell river; thence down said river to its mouth; thence up the
channel of the Missouri river to the mouth of the Marias river;
thence up the Marias river to its junction with the Teton river;
thence up the Teton river to its intersection with the forty-eighth
parallel north latitude; thence westerly along said parallel to its

intersection with the dividing ridge of the main chain of the Rocky Mountains; thence southerly along said dividing ridge of the main chain of the Rocky Mountains to the place of beginning.

B. 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.

Said information called for is relevant, material and competent in this cause under Sections 8 and 10 of the Petition filed herein, wherein the Plaintiffs allege that they have been deprived of the above described tracts of land by the United States and seek to recover the value thereof

Asst. Secy. Jayce + Barclay + John G. Carter
Attorneys for Plaintiffs.

REASONS IN SUPPORT OF THE ABOVE MOTION

In the above entitled cause, the Plaintiffs allege that they have been deprived by the United States of the above described tracts of land and seek to recover the value thereof.

It is material to show that these tracts of land have been taken by the United States and that considerable portions thereof have been disposed of by sale, donation, or otherwise, and that considerable

portions thereof have been reserved, set aside, or otherwise disposed of for public or private use.

It is believed that the official records of the Department of the Interior afford the best evidence of the facts herein sought to be established.

*Filed February 15, 1926 -
J.H.C.*

IN THE COURT OF CLAIMS OF THE

UNITED STATES

No. 2 - 427

THE BLACKFEET, ET AL. INDIANS

vs.

THE UNITED STATES

MOTION

FOR CALL ON THE DEPARTMENT OF THE INTERIOR

FOR LAND SOLD OR OTHERWISE DISPOSED OF

SERVEY, J. YOE & BARLOW & JOHN G. CARTER
1422 F Street, N.W.,
WASHINGTON, D.C.
Attorneys for Plaintiffs

In the Court of Claims

Blackfeet, et al., Indians

No. E-427

vs.

THE UNITED STATES

CLERK'S OFFICE

Washington, D. C., ~~March 10, 1927~~, 192

To Assistant Attorney General,

~~And Attorney of record:~~

Sir:

Please take notice that in the above cause there has been filed this day, on behalf of the claimant
in this Office, Preliminary reply of the Interior.

Respectfully,

F. C. Kleinschmidt

Assistant Clerk, Court of Claims.

IN THE COURT OF CLAIMS OF THE
UNITED STATES

No. R - 427

THE BLACKFEET ET AL. INDIANS

vs.

THE UNITED STATES

MOTION

TO RETURN ANSWER TO CALL FOR
CORRECTION.

SERVEN, JOYCE & BARLOW & JOHN G.
CARTER,
1422 F Street, N.W.
WASHINGTON, D. C.

ATTORNEYS FOR PLAINTIFFS

Not conceding the correctness of the assertions contained in this Motion the Defendant has no objection to a return of said Answer to call for such correction, if any, as said Interior Department may see fit to make. *Herman J. Galloway, Asst. Atty. Gen.*

IN THE COURT OF CLAIMS OF THE UNITED STATES

*Above indicated
made Mar. 5-27
Original + Suppl
filed at Cl.
Mar. 7-1927
J. G. C.
No. B-427*

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 Reservation in the State of Washington,

Plaintiffs,

v.

affidavit

The United States,

Defendant.

MOTION

Come now the Plaintiffs in the above-entitled cause, by their attorneys, and move this Honorable Court that an order be entered directing the Clerk of the Court to return to the Secretary of the Interior for correction his answer and exhibit therewith, under date of February 15, 1927, in response to a call of this Honorable Court for the areas of the two tracts of land involved in the above-entitled cause.

SERVEN, JOYCE & BARLOW and JOHN G. CARTER
Attorneys for Plaintiffs

REASONS IN SUPPORT OF THE ABOVE MOTION

The Answer to the above call assigns the larger area to the smaller tract and the smaller area to the larger tract referred to in the Motion for said call and it is desired that these transpositions may be corrected by the Department making such Answer in order that the record may be correct in respect to said areas. These tracts as described in the Motion for the call are shown by Exhibit "C" to the petition in this cause, from which the relative proportions of the two tracts may be readily be recognized.

IN THE COURT OF CLAIMS OF THE

UNITED STATES

No. 3 - 427

THE BLACKFEET ET AL. INDIANS

vs.

THE UNITED STATES

MOTION

TO RETURN ANSWER TO CALL FOR

CORRECTION.

SERVEY, JOYCE & BARLOW & JOHN G.

CARTER,

1422 F Street, N.W.

WASHINGTON, D. C.

ATTORNEYS FOR PLAINTIFFS

Not conceding the correctness of the assertions contained in this Motion
the Defendant has no objection to a return of said Answer to call for
correction, if any, as said Interior Department may see fit to make.
IN THE COURT OF CLAIMS OF THE UNITED STATES Herman J. Galloway
Asst. Atty. Gen.

SUCH

The Blackfeet, Blood, Piegan, and Gros Ventre
Nations or Tribes of Indians, residing upon
the Blackfeet and Fort Belknap Indian Reser-
vations 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,

Albarr endorsement
made Mar 5-27
Original + duplicate
filed at Cl.
Mar 7 - 1927
J. L. B.
No. E-427

v.

The United States,

Defendant.

M O T I O N

Come now the Plaintiffs in the above-entitled cause, by their
attorneys, and move this Honorable Court that an order be entered
directing the Clerk of the Court to return to the Secretary of the
Interior for correction his answer and exhibit therewith, under
date of February 15, 1927, in response to a call of this Honorable
Court for the areas of the two tracts of land involved in the above-
entitled cause.

SERVEN, JOYCE & BARLOW and JOHN G. CARTER
Attorneys for Plaintiffs

REASONS IN SUPPORT OF THE ABOVE MOTION

The Answer to the above call assigns the larger area to the
smaller tract and the smaller area to the larger tract referred
to in the Motion for said call and it is desired that these trans-
positions may be corrected by the Department making such Answer
in order that the record may be correct in respect to said areas.
These tracts as described in the Motion for the call are shown by
Exhibit "C" to the petition in this cause, from which the relative
proportions of the two tracts may be readily be recognized.

In the Court of Claims

Blackfeet et al., Indians

No. E-427

*Recd
April 12-27*

vs.

THE UNITED STATES

CLERK'S OFFICE

Washington, D. C., April 11, 1927, 192

To Assistant Attorney General,
And Attorney of record:

Sir:

Please take notice that in the above cause there has been filed this day, on behalf of the claimant
in this Office, Corrected reply of the Interior Department.

Respectfully,

F. G. Kleinschmidt

Assistant Clerk, Court of Claims.

Not conceding the correctness of the assertions contained in this Motion the Defendant has no objection to a return of said Answer to call for such correction if any as said Interior Department may see fit to make.

spch

IN THE COURT OF CLAIMS OF THE UNITED STATES

Herman J. Galloway
Asst. Atty. Gen.

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 Reservation in the State of Washington,
Plaintiffs,

v.

The United States,
Defendant.

*Answer to defendant
made Jan 5-27
Original filed in Ct. Cl.
Mar. 7-1927
No. E-427
J.S.C.*

MOTION

Come now the Plaintiffs in the above-entitled cause, by their attorneys, and move this Honorable Court that an order be entered directing the Clerk of the Court to return to the Secretary of the Interior for correction his answer and exhibit therewith, under date of February 15, 1927, in response to a call of this Honorable Court for the areas of the two tracts of land involved in the above-entitled cause.

SERVEY, JOYCE & BARLOW and JOHN G. CARTER
Attorneys for Plaintiffs

REASONS IN SUPPORT OF THE ABOVE MOTION

The Answer to the above call assigns the larger area to the smaller tract and the smaller area to the larger tract referred to in the Motion for said call and it is desired that these transpositions may be corrected by the Department making such Answer in order that the record may be correct in respect to said areas. These tracts as described in the Motion for the call are shown by Exhibit "C" to the petition in this cause, from which the relative proportions of the two tracts may be readily be recognized.

Duplicate

In the Court of Claims.

Blackfoot et al. vs. U.S.

No. *E-427*

US.
THE UNITED STATES.

Washington, D. C., *Aug 16*, 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,
Original and 2 copies of motion for
call on Department of the Interior.

Seneca Payne & Buckner and
John H. Carter
Attorney for Claimant.

Sept 3-1929- Court of Claims advised
that call was issued today.

Office Copy

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 Reservation in the State of Washington,
Plaintiffs,

*Filed in Ct of
Claims
Aug 16-1928
U. S. C. C.*

No. E-427

vs.

The United States,
Defendant.

M O T I O N

Come now the Plaintiffs in the above-entitled cause, by their attorneys, and move this Honorable Court that a call be made upon the Department of the Interior for the area of the tract of land situate in the State of Montana as bounded and described in Section IV of the petition herein, as follows:

" x x x 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."

The area of this tract of land is relevant, material and competent under Sections IV and VI of the petition herein, wherein the plaintiffs seek to recover the value of their rights in said described tract of land, which was set aside as a Common Hunting Ground for them by Article 3 of the treaty between these plaintiffs, with other Indians, and the United States, approved October 17, 1855, upon the provisions of which treaty this proceeding is

based. The area of this tract will be of substantial assistance in the determination of the value of plaintiff's hunting rights in said tract of land.

It is believed that the official determination of such area by the Department of the Interior from its official records thereof is the best evidence of such area that can be presented to the Court.

Severin, Joyce & Bulow & John G. Carter
Attorneys for Plaintiffs.

*No objection
(Srs) Norman J. Hallaway
att. Gen.*