

Copy

UNITED STATES
DEPARTMENT OF THE INTERIOR
WASHINGTON

JAN 23 1907

*Recd
Feb 2 1907*

Mr. J. Bradley Tanner,
Chief Clerk, Court of Claims,
Washington, D. C.

My dear Mr. Tanner:

Receipt is acknowledged of the call of the Court of Claims
on this Department for additional evidence in suit, The Blackfeet,
et al Indians v. The United States, No. B-437.

The data requested will be assembled and forwarded to the
court at the earliest practicable date.

Sincerely yours,

[Signature]

Assistant Secretary.

*Filed Feb. 1/27, Court of Claims
A. O. Klemmichmidt
Asst. Clerk*

(C O P Y)

L-C
6929-27
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P G T

Feb 15 1927

Mr. J. Bradley Tanner,
Chief Clerk, Court of Claims,
Washington, D.C.

My dear Mr. Tanner:

Further reference is made to the recent call of the Court of Claims on this Department for additional evidence in the suit, The Blackfeet et al. Indians v. The United States, No. E-427.

The General Land Office has reported that the first tract described in the call contains 3,306.24 square miles or 2,115,993.60 acres, and that tract No. 2 contains 20,585.36 square miles or 13,173,350.40 acres. There is enclosed herewith a map of Montana with the boundaries of tract No. 1 shown in red and tract No. 2 outlined in blue.

The motion for call transmitted with your communication is returned herewith.

Sincerely yours,

(Signed) John H. Edwards.

Assistant Secretary.

2-EW-10

Inclosure No. 58488.

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6929-27
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1927

Mr. J. Bradley Tanner,
Chief Clerk, Court of Claims,
Washington, D. C.

My dear Mr. Tanner:

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The General Land Office has reported that the first tract described in the call contains 3,306.24 square miles or 2,115,993.60 acres, and that tract No. 2 contains 20,523.36 square miles or 13,173,350.40 acres. There is inclosed herewith a map of Montana with the boundaries of tract No. 1 shown in red and tract No. 2 outlined in blue.

The motion for call transmitted with your communication is returned herewith.

Sincerely yours,

2-L-10

Assistant Secretary.

Inclosure No. 58488.

UNITED STATES
DEPARTMENT OF THE INTERIOR

WASHINGTON

FEB 15 1927

Copy

Mr. J. Bradley Tanner,
Chief Clerk, Court of Claims,
Washington, D. C.

*This copy received
from the U.S. Court
of Claims on
Feb 17-27*

My dear Mr. Tanner:

Further reference is made to the recent call of the Court of Claims on this Department for additional evidence in the suit, *The Blackfeet et al. Indians v. The United States, No. E-427.*

The General Land Office has reported that the first tract described in the call contains 3,306.24 square miles or 2,115,993.60 acres, and that tract No. 2 contains 20,583.36 square miles or 13,173,350.40 acres. There is inclosed herewith a map of Montana with the boundaries of tract No. 1 shown in red and tract No. 2 outlined in blue.

The motion for call transmitted with your communication is returned herewith.

Sincerely yours,

(Signed) John B. Edwards,

Assistant Secretary.

Inclosure No. 58428.

In the Court of Claims of the United States.
Blackfeet, et al., Indians v. United States.

E 427.

In response to a call made by the Court of Claims on the Department of the Interior, the following information was furnished by the Acting Commissioner of the General Land Office to the Commissioner of Indian Affairs, in a letter under date of February 7, 1927:

(1) (The Unratified Treaty strip):	13,173,350.24 acres.
(2) (The Teton-Marias strip):	2,115,993.60 acres.
Total	15,289,343.84 acres.

In the petition filed by Plaintiffs July 10, 1925 in the Court of Claims the following figures for acreage in the above mentioned tracts of land were set forth:

(1) (The Unratified Treaty strip):	13,361,200.00 acres.
(2) (The Teton-Marias strip):	2,092,420.00 acres.
Total	15,453,620.00 acres.

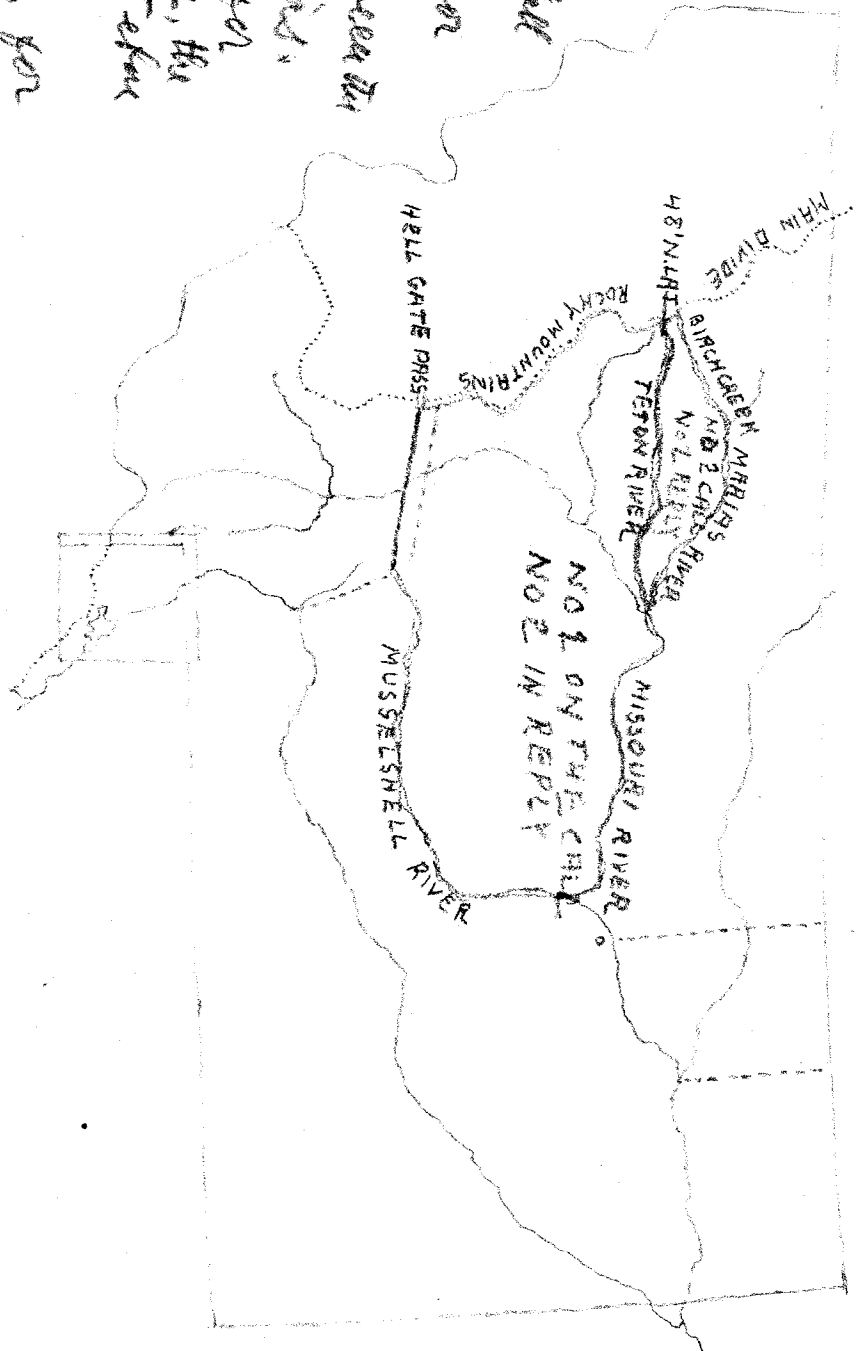
The differences in the figures given by the Commissioner and the figures given in the petition are as follows:

- (1) The petition sets up 187,849.76 acres more than given by Commissioner.
 - (2) The petition sets up 23,573.60 acres less than given by Commissioner.
- Total The petition sets up a total acreage of 164,276.16 acres more than given by Commissioner.

difference + and - 1%

The call asked for a percentage of tract 1, the strip between the Musselshell and Missouri. The answer gave for area of tract 1 the area of land between the Teton and Missouri. The call asked for acreage of tract 2, the strip between the Teton and Missouri.

The answer gave for acreage of tract 2 the area of land between the Missouri and Musselshell.



February 17, 1927.

The Honorable, The Secretary of the Interior,
Washington, D. C.

Sir: In re: CALL ON DEPARTMENT IN THE BLACKFEET ET AL.
INDIANS V. THE UNITED STATES - No. E - 427.

A Call was filed in the Court of Claims in the above entitled case for information from your Department for the respective acreages 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 Musselshell 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.

"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 intersect 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."

This call was received by your office and referred to the office of the Commissioner of Indian Affairs who, under date of January 29, 1927, communicated with the Commissioner of the General Land Office by letter, requesting the areas of the tracts of land as above quoted. Under date of February 7, 1927, the Commissioner of the General Land Office replied to the letter of the Commissioner of Indian Affairs by letter marked with symbols "1248124 "E" AFD." The reply of the Commissioner gave the acreage of the above tracts, but by some error gave the acreage in tract 2 of the above call under the designation "Tract 1" and the acreage of tract 1 in the above call under the designation of "Tract 2." As a result of this error the areas of land contained in tract 1 of the call is given as 2,115,993.60 acres, and the area in tract 2 as described in the call is given as 13,173,350.40 acres. As tract 2 described in the call is very much smaller than tract 1, the nature of this error can readily be ascertained by looking at the map, but at the office of the

Department of Justice it is suggested that we have another letter sent to the Clerk of the Court of Claims, pointing out this error and correcting the same for the record of the Court.

Respectfully,

SERVEN, JOYCE & BARLOW and JOHN G. CARTER,

By

John G. Carter

JGC/c

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON

MAR -9 1927

*Recd
Mar 11 27*

Mr. J. Bradley Tanner,
Chief Clerk,
Court of Claims.

My dear Mr. Tanner:

Receipt is acknowledged of your communication of February
19, 1927, enclosing a copy of a motion for call upon this Depart-
ment for evidence to be used in the case of Blackfeet et al
Indians v the United States No. E-427.

The data will be collected and forwarded at the earliest
practicable date.

Very truly yours,

(Sgd.) JOHN H. EDWARDS

Assistant Secretary.

March 10, 1927

Mr. Kleinschmidt of the Court of Claims called up at noon today (~~Wednesday~~^{Thursday}, March 10, 1927) and said that the Motion for Return of Answer to Call for Correction in the Blackfeet case, filed a few days ago, was allowed and that he was now transmitting it to the Department. He also added, "You better chase it up."

DAN

note in file

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

In reply please refer to

1248124 "K" CRR

MAR 30, 1927.

: Data relative to lands
involved in the suit of the
Blackfeet et al., Indians vs.
United States.

The Commissioner
of Indian Affairs.

My dear Mr. Burke:

Your letter of March 8, 1927, asks for certain
information in regard to two tracts of land in the State
of Montana involved in the suit of the Blackfeet et al.,
Indians vs. United States, No. E - 427.

You are advised that a computation made in this
office shows the acreage of Tracts A and B as described
in your letter to be respectively 13,173,350.40 acres and
2,115,993.60 acres.

A partial examination of these areas shows that
a considerable quantity of land along the southern and
western borders of Tract A and the western border of Tract
B was included in the secondary limits of the grant to
the Northern Pacific Railroad Company.

*Record personally
by Mr. Lerman and
J. H. Carter at the
Ind. office this PM -
July 13, 1927*

In the southeast part of Tract A and the west part of both tracts there is included a comparatively small amount of the primary grant of odd sections to the Northern Pacific Railroad Company. In the southern portion of Tract A and in the western portion of both tracts a large quantity of land has been included in the limits of several national forests.

Secs. 16 and 36 in both tracts were granted to the State of Montana for schools, with provision for indemnity for those portions of these sections lost to the State by settlement prior to survey in the field or otherwise.

No money or other consideration was received by the Government for the lands so disposed of.

By far the larger part of the lands in these areas was, however, disposed of under the general land laws, of which probably more than 90% came under the homestead laws.

Under the homestead laws no price per acre was charged except in a few cases where the entryman commuted his entry by payment of \$1.25 per acre, or \$2.50 per acre, depending on whether the lands were

within the limits of the railroad grant. A small portion was also disposed of under the preemption and desert land laws at \$1.25 per acre, and some sales were made under the laws providing for sale of timber lands, for the most part at \$2.50 per acre.

It can not be stated with any exactness how much of these two areas is unreserved, unentered land.

In the counties of Fergus and Cascade which are wholly within these areas there were reported to be on July 1, 1926, 275,105 acres of such lands. Parts of seven other counties are within these areas. The total undisposed^{of} lands in these counties both within and without the said areas A and B were over 380,000 acres on the said date.

The price of the lands in the small percent in which cash was received does not indicate with any exactness the value of the lands at the time of sale but is the minimum price which the Government has set upon its public lands where subject to entries requiring cash payment.

The fees and commissions allowed on various classes of entries were to recompense the Government for

the expense of administration.

The making of a complete report on these areas giving with exactness all the information asked for, would involve a tract book examination of each legal subdivision, and in many cases an examination of entries made within these areas. This would necessarily take a very considerable amount of clerical labor over a long period of time.

At the informal conference arranged by your office between the local attorneys for the Indians and this office, it was considered that such an exact examination was not necessary.

It is my understanding that the said Indian tribes are endeavoring to collect from the Government the value of the land ceded to the United States in these areas and not just the recovery of the purchase money received by the Government. Therefore, it would seem unnecessary to furnish a list of the lands disposed of, and the various kinds of entries made for which the Government received no money, and the several tracts which have been included in reservations and in school and railroad grants. However, if the court deems this information necessary, I will have it furnished upon receipt of such request.

Very respectfully,

(7-12 jmb)

(Signed) William Spry
Commissioner.

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON

1927

Mr. J. Bradley Tanner,
Chief Clerk,
Court of Claims.

My dear Mr. Tanner:

With reference to your letter of March 10, 1927, returning the map previously forwarded in the case of the Blackfeet et al. Indians v. the United States, No. E-427, there is returned herewith the map together with the previous report of this Department.

The General Land Office has now advised that tract No. 2 as described in the call upon this Department of January 19, 1927, contains 3,306.24 square miles or 2,115,993.60 acres, and tract No. 1 contains 20,583.36 square miles or 13,173,350.40 acres approximately. The numerical designations of the two tracts were transposed in General Land Office's letter of February 7, 1927, on which our report was based. The larger tract should be No. 1, and is shown in red, and the smaller tract should be No. 2, shown in blue.

Very truly yours,


First Assistant Secretary.

Enclosure 20439.

UNITED STATES
DEPARTMENT OF THE INTERIOR

WASHINGTON

APR 19 1927

*Recd
April 14 27*

Mr. J. Bradley Tanner,
Chief Clerk, Court of Claims,
Washington, D. C.

Dear Sir:

Further reference is made to your communication of February 19, 1927, inclosing a motion for call upon this Department for further information concerning the disposal by the United States of certain lands claimed by the Blackfeet Indians. This information is desired as evidence in the suit in the Blackfeet versus the United States, Court of Claims, No. E-427.

There is inclosed herewith the original letter from the Commissioner of the General Land Office to the Commissioner of Indian Affairs in which information is given covering the request in the motion.

The motion, inclosed with your communication, is returned herewith.

Very truly yours,

[Signature]
First Assistant Secretary

*No enclosures
received with this
letter*

Inclosure 18574.

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON

OCT 24 1929

Dofey

Mr. J. Bradley Tanner,
Chief Clerk, U. S. Court of Claims,
Washington, D. C.

*Recd
Oct 26 29*

My dear Mr. Tanner:

Further reference is made to the call of the Court of Claims of September 3, 1929, for information to be used in suit No. E-427, entitled The Blackfeet, Blood, Piegan and Gros Ventre Nations or Tribes of Indians vs. The United States.

The area of the tract of land described in the call has been determined graphically to amount to 19,044 square miles, or 12,188,160 acres.

Sincerely yours,

M. G. Burlingame
First Assistant Secretary.

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FOT

Handwritten:
26-29
Revised
act 26-29

Mr. J. Bradley Tanner,
Chief Clerk, U. S. Court of Claims,
Washington, D. C.

My dear Mr. Tanner:

Further reference is made to the call of the Court of Claims of September 3, 1929, for information to be used in suit No. 7-127, entitled The Blackfeet, Blood, Piegan and Gros Ventre Nations or Tribes of Indians Vs. The United States.

The area of the tract of land described in the call has been determined graphically to amount to 19,044 square miles, or 12,188,180 acres.

Sincerely yours,

[Faint signature]

First Assistant Secretary.

10-21 jmb