

Article 5 of the Laramie treaty of 1855 describes the Blackfoot territory by specific metes and bounds, which includes the common hunting ground.

Article 3 of the 1855 treaty of the Judith provides that the Blackfoot Nation "consent and agree" that a portion of their territory as "recognized and defined" by the Laramie treaty should be set aside as a common hunting ground.

By Article 4 the parties to the 1855 treaty, including the Blackfeet, consent and agree that the tract therein described by metes and bounds "shall be the territory of the Blackfoot Nation." This consent and agreement by the Blackfeet themselves would seem to practically amount to an abandonment of any land rights they may have had in the tract included in the common hunting ground, although perhaps it may be argued that this tract was in addition to any other territory they might have had elsewhere. However, I am inclined to think that the language of Article 4 of the 1855 treaty would probably be held to exclude Blackfeet rights in any other lands.

Article 7 binds the United States to protect the Blackfeet against depredations and other unlawful acts which white men residing in or passing through "their country" may commit. The meaning of the words "their country" seems to be synonymous with the words "territory of the Blackfoot Nation," as contained in Article 4, but scarcely seems to apply to the territory referred to in Article 3, which they no longer had under their exclusive control.

Article 9 provides for the payment of \$20,000 annually for ten years, plus an additional amount if in the judgment of the President and Senate it was needed. In the judgment of the President and the Senate more than the \$20,000 provided for must have been needed, because the Senate passed an act appropriating the additional amount and the President approved the appropriation. Consequently, the \$58,000, or whatever the amount was that was paid to these Indians, in addition to the amount provided by Article 9, must have been needed in the judgment of the President and the Senate and consequently does not constitute a gratuity offset.

A. R. S.