

THE MULDROW PRESS

Muldrow, Oklahoma
Friday, Nov., 15, 1907
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E. A. Miller, Editor

EDITORIAL ON CHOCTAW-CHICKASAWS

Argument was heard in the court of appeals of the District of Columbia in suits for mandamus, involving the legality of the action of former Secretary Hitchcock in striking some 1,100 members of the Choctaw and Chickasaw tribes of the Indian territory from the rolls directed by congress to be made by him, and similar action in reference to several hundred members of the Creek and Cherokee tribes. The suits involved over \$5,000,000 worth of property in the Indian territory. On behalf of the government it was contended that the courts had no jurisdiction in the matter; that congress had conferred on the secretary of the interior the power to make the rolls and that this power was subject to review, if any injustice had been done, by congress alone. It was further contended that the action of the secretary in striking the people from

the rolls was correct and that as a matter of fact they should not have been enrolled by him in the first place. It was claimed the Dawes commission having refused enrollment under the act of 1896, which first vested the commission with authority to make the rolls, that action was final, inasmuch as no appeal had been taken to the Indian territory courts. Counsel for the aggrieved Indians argued that the secretary of the interior was without jurisdiction or power to strike any names from the rolls, once they had been placed by him upon the final approved rolls of the respective tribes; that the statute gave him authority to enroll, and that as there was no statute conferring power to strike from the rolls, the original enrollment was in the nature of a judgment and not subject to be opened up by the secretary if he thought his original action was wrong. It was further contended that even if Mr. Hitchcock had authority to strike names from the rolls, the method he had adopted in the case was arbitrary and illegal, inasmuch as no notice or hearing was given the persons who had been stricken from the rolls.

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