In Re

APPLICATIONS FOR CITIZENSHIP IN CHOCTAW NATION.

Argument For Choctaw Nation.

Josiah Gardner,
Stuart, Gordon & Hailey,
Attorneys for Choctaw Nation.

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Stuart, Gordon & Hailey,
Attorneys for Choctaw Nation.

To The Honorable Dawes Commission,
Vinita, Indian Territory.

Gentlemen:—

In addition to the oral argument already submitted in behalf of the Choctaw Nation, we respectfully submit the following additional suggestions in writing:

There are three classes of citizens making application to

this Commission for enrollment:

First, Citizens by blood;

Second, Citizens by marriage and adoption;

Third, Freedmen.

We make this classification for convenience, and shall consider first,

The rights of applicants by blood, the proof required of them, and the status necessary to give them citizenship and membership in the Choctaw Nation.

It will be seen by an examination of the petitions of the applicants by blood that no regard is paid to the quantum of blood necessary to establish membership in this tribe; but it is claimed that no matter how small the percentage of Indian blood, proof of that blood is sufficient to entitle the applicant to membership.

An examination of these petitions will also discover that many, if not all, of the applicants by blood are living outside of the Territorial limits of the Choctaw Nation, and have not affiliated with the said tribe, and most of them have never heretofore asserted any right to citizenship.

We urge upon the Commission the necessity of a close examination of these cases, because many of them are founded in fraud, and it is impossible in the very nature of things for the Choctaw Nation to rebut the testimony of ex-parte affidavits made by the applicants' witnesses.

The Choctaws, in the exercise of their right of self-

government, and to protect themselves against fraudulent claims, and against Indians who are only such in imagination, passed a law some years ago, that no person should be admitted to membership in this tribe who was not one-eighth Choctaw by blood; and further declared that the admixture of blood should be white and Indian.

If the Commission observes this law and enforces it, and the act of Congress directs an observance of the laws, usages and customs of the Choctaw Nation, it will eliminate a large portion of the applicants by blood.

But however that may be, it is not neccessary to rest our case upon disputed ground, because the applications of nearly all the applicants by blood are not sufficient on their faceto entitle them to the relief prayed for.

The grant of land made to these Indian Tribes, and especially to the Choctaw Nation, by President Tyler, on behalf of the United States, and in pursuance of the Treaty of 1830, provides that the Choctaw Nation shall hold their land in fee simple "While they exist as a Nation, and live on it."

This provision evidently contemplated that the Choctaw Nation should continue to maintain a tribal existence, and so soon as it ceased to exist as a Nation and to live on the land, it (The land) should revert to the parent Government.

It seems, therefore, to follow from this provision as a neccessary deduction that the individual Indian, who is an in-

tegral part of his Nation, may, by his acts and declarations, abandon his interest in his Country. It would be an extraordinary thing to say that an Indian, who had never been within the geographical limits of the Choctaw Nation, who had lived from infancy to old age in one of the adjoining States, and who had never contributed anything to the support of his Government, but who had exercised all the rights and privileges of a citizen of the state in which he lived should now be permitted to set up a claim to membership in the Choctaw tribe.

If the entire Choctaw Nation, through its individual members, were to move to the State of Arkansas to-morrow, and there live and become scattered among the citizens and residents of that State, their national existence would be ended. If they can thus collectively abandon their interests here, why is it that the individual Choctaw may not do the same thing?

In Cooley's Edition to Story on the Constitution, he uses this language:

"When, however, the tribal relations are dissolved, when the headship of the Chief, or the authority of the tribe is no longer recognized, and the individual Indian turning his back upon his former mode of life, makes himself a member of the civilized community, the case is wholly altered; he then no longer acknowledges a divided allegiance. He joins himself to the body politic. He gives evidence of his purpose to adopt the habits and customs of civilized life, and as his case is then within the terms of the 14th amendment, his right to protection is complete."

This Doctrine announced by Judge Cooley is supported by many adjudicated cases. It has been uniformly held by the courts where an Indian has left his tribe, and thrown off his tribal relations and become domiciled in one of the States, he becomes subject to the jurisdiction and laws of said State.

It is a well recognized principle of International law that a citizen of any country has the right of voluntary expatriation, subject to the limitations placed upon him by said country; and as was well said by Secretary Fish to Mr. Davis in his letter of June 28th, 1875,

"The individual right of expatriation being admitted, the correlative right to determine what acts are to be taken as evidence of such expatriation necessarily follows. It is a necessary and inevitable corollary."

Applying this principle, therefore, and this inevitable corollary to the applications of those who have voluntarily absented themselves for a long period of years from the Choctaw Nation; who have lived subject to the laws of another State, and have contributed nothing to the support of the Choctaw government the conclusion seems irresistible that they should not now be enrolled as members of the Choctaw Nation.

Again, it seems to be just to demand of these applicants living out of the Choctaw Nation, that they shall at least show that they have applied for citizenship or membership in this tribe and have been refused. But where an applicant shows that he is living and has lived for a long time in a State of this

Union, and, in the language of Judge Cooley, "Has turned his back upon his tribe" and does not show that he has affiliated with said tribe or asserted a right to membership, his claim should not be recognized on principles of right and natural justice.

And in considering this question, the right of citizenship or membership must not be confounded with the right of property. It may be a difficult thing for a man by abandonment to forfeit his title to real estate, but where the right to the realty depends upon his social or political status, and his only right comes through that status, if he voluntarily changes or annuls his status, the right to the realty is gone. In other words, the right to an interest in the property of the Choctaw tribe of Indian, rests upon actual membership in the tribe, or right to membership in that tribe.

If, therefore, the right to membership does not exist, the property right does not exist. And if the membership be abandoned, the property right, which is an incident to that membership, may also be abandoned; and, therefore, when the Indian by blood or marriage abandons his membership in this tribe, or, to state it in another way, voluntarily changes his status by removal and by throwing off his allegiance to his tribe, all the rights and privileges incident to that status are destroyed at one and the same time.

The abandonment or change of status which is urged against these non-resident Indians must be tested and measured

by the same rule that is applied to the abandonment or surrender of any other class of citizenship, and, as we have seen, the right of ordinary citizenship may be lost by the voluntary expatriation of the party who claimed it.

There is another class of applicants of alleged Indian blood who claim to have been with the tribe when it lived in the State of Mississippi, and who have remained there since that time, and these applicants now come and make claims to lands in this territory, in that they make claim to membership in this tribe.

In order to fully understand the relation which those Indians, who remained in Mississippi, bear to the Choctaw tribe, it is necessary to look to some extent into the history of the times, and into the condition of the tribe prior to its removal to the West.

Long before the State of Mississippi was admitted into the Union, and while this entire southern and western country was still a wilderness, the Choctaw Indians lived in peace upon their lands now within the limits of the State of Mississippi. When Mississippi was admitted into the Union in 1817, her white population had already begun to encroach upon the rights of the Choctaw Indians, and in 1828 the State of Mississippi passed a law bringing Indians within its control and jurisdiction. Long prior to 1828 however, and as early as 1820, friction between the whites and the Indians in Mississippi had become so great that the United States Government thought and

felt that these Indians ought to be removed further west; and, accordingly, by treaty made with these Indians in 1820, it was finally determined to remove those Indians west of the Mississippi River. It is curious and interesting to note the preamble to that treaty. It provides as follows:

"Whereas, it is an important object with the President of the United States to promote the civilization of the Choctaw Indians by the establishment of schools amougst them, and to perpetuate them as a Nation by exchanging for a small part of their land here, a country beyond the Mississippi River, where all who live by hunting and will not work may be collected together; and, whereas, it is desirable to the State of Mississippi to obtain a part of their land belonging to said Nation; for the mutual accommodation of the parties, and for securing the hap- and protection of the Choctaw Nation, as well as preserving the harmony and friendship which so happily subsists between them and the United States, etc., etc."

Under this treaty the Choctaws ceded certain portions of their lands to the United States; and by Article 2 of said treaty, the United States ceded to the Choctaws the country west of the Mississippi which they now occupy.

From 1820 to 1830, the Choctaws, or at least a large bulk of them, remained upon their lands in Mississippi for they were very much attached to their old homes and to the graves of their people; and they were very much averse, therefore, to coming to the new country west of the Mississippi River. But, as said before, the continued encroachments of the whites upon them, and the continued solicitations on the part of the Commissioners of the United States who, throughout all these transactions, conducted themselves with the utmost hypocricy and duplicity, induced the Choctaw Nation to make anothe

and final treaty in 1830, known as the "Treaty of Dancing Rabbit Creek," which begins with this premable:

"Whereas, the General Assembly of the State of Mississippi has extended the laws of said State to persons and propererty within the chartered limits of the same; and the President of the United States has said that he cannot protect the Choctaw people from the operation of these laws. Now, therefore. that that the Choctaws may live under their own laws in peace with the Uniied States, and the State of Mississippi, they have determined to sell their lands east of the Mississippi, and have accordingly agreed to the following articles of Treaty."

By the terms of this treaty the Choctaws ceded all their lands east of the Mississippi River, and agreed to move beyond the Mississippi River as early as practicable, and the United States in turn ceded the country west of the Mississippi River, which said Nation now occupies.

But, notwithstanding this final agreement between the Choctaws and the United States, there were many Choctaws who, through their chiefs objected to leaving their old homes, and they absolutely refused to do so;and accordingly in the treaty of 1830 it is provided by the 14th Article as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him

over ten years of age; and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratfication of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This article of the Treaty was evidently enacted for the purpose of giving those Indians who were living in the State of Mississippi the right to become citizens of the United States, if they desired, and the further right to escape the hardships of a journey to the west, which we know was attended with great suffering and loss of life, and those Indians who desired to become citizens of the States, and to escape the hardships of this journey, were granted the special privilege of reserving to themselves lands in Mississippi for themselve and their children. In other words, the United States pledged the Choctaw people that it would make reservations of lands to all Choctaw heads of families who should signify an intention or desire to remain in the State of Mississippi and become citizens of the States within six months after the ratificacation of the Treaty; and that if they should live on the land for five years after the date of the ratification of the Treaty, they should have the land in fee simple.

To each head of a family given 640 acres; to each unmarried child above ten years was given 320 acres, and to every child under ten years was given 160 acres.

It was left optional with every head of a Choctaw family either to remain in the States and accept the lands reserved under the treaty for their benefit, and thereby relinquish their claims to annuities provided for such as should remove, or to remove west and acquire the pecuniary benefits granted exclusively to those who refused to remain and become citizens of the States by virtue of five years' residence in the States of Mississippi or Alabama.

It would, therefore appear that if a Choctaw exercised this option by acquiring lands which were reserved to him under treaty and by remaining in the States, that he has no claim to the lands which were west of the Mississippi River, and which those Choctaws who removed west took in lieu of the lands which were reserved for them under the treaty of 1830.

This Art. XIV of the treaty provides, it is true, that those Choctaws who accepted under it should not lose their privilege as Choctaw citizens, but it especially denies to them any right to any portion of the Choctaw annuities. And yet these Indians living in Mississippi and adjoining States, claiming to be Choctaws by blood, now ask this Commission to enroll them as members of the tribe with all the privileges and immunities of Choctaws without accounting in any way fo the lands which they accepted in lieu of the lands west of the Mississippi River.

It surely cannot be said that the Indians who remained east of the Mississippi River and selected their lands under this

article of the Treaty shall be permitted to keep those lands and exercise all the rights and be entitled to all the protection as citizens of those States, and yet be entitled to membership and property rights in this tribe.

At the time the Treaty of 1830 was proclaimed, and in all treaties prior thereto, it was understood that these lands were to be given to the Choctaw Indians to live on and to hunt on, and this is the very language of the Treaty.

The Indians at that time were a semi-civilized race, subsisting chiefly by hunting and fishing, and it was never contemplated that these lands should be used by them in an agricultural way. It was simply a locus, a habitation where they might go and enjoy the pleasures and pursuits which had always been followed by their race; and when these Indians who remained away, were denied any right to the annuity, they were denied a right to all that was valuable and available to the Choctaws at that time.

It might be true that those Indians who remained in the States under the XIVth article of this Treaty, but who received no lands—if any there might be—are entitled to come here now and claim their interests, and it might be that the Choctaw who accepted his lands in the States under the reservation of 1830 might come here and live and hunt with his tribe, as was contemplated at that time; but upon a consideration of the Treaties, and of the provisions heretofore quoted, we conclude that in order for this class of applicants who claim to be Indians by

blood, to be recognized and admitted as members of this tribe, they must show that they have not accepted and received lands within the 14th article of the Treaty of 1830. And if they have they must show what they have done with those lands; and they must further show that they have at some time during the long period of sixty-six years, between 1830 and 1896, set up some claim or right to membership in this tribe.

With reference to citizens by marriage, the way is easy, and their rights can be determined readily by reference to the terms of the Treaty, and to the positive laws of the Choctaw Nation.

There are two classes of intermarried citizens; first, the white man, a citizen of the United States who has married an Indian woman; and second, a white woman, a citizen of the United States who has married an Indian man.

The conditions necessary to acquire membership in this tribe through marriage by a white man, differ materially from those which must exist to give a white woman citizenship,

The 38th Article of the treaty of 1866 between the United States and the Choctaws provides, "That every white person who, having married a Choctaw or Chickasaw, and resides in the Choctaw or Chickasaw Nation, is to be deemed a member of said Nation, and shall be subject to the laws of the Choctaw and Chickasaw Nation, etc."

It will be seen by a careful examination of this article that membership on the part of a United States citizen is de-

pendent either upon marriage or adoption. But this article does not prescribe the form of marriage necessary to confer msmbership; and as the form of marriage necessary to make a valid marriage is always prescribed by the sovereignity in whose Dominion or Territory the marriage occurs, it was wisely left to the Choctaw people to prescribe this form of marriage, and accordingiy the Choctaw people provided that,

"Any white man or citizen of the United States, or of any foreign government, desiring to marry a Choctaw woman shall be requfred to obtain a license from one of the Circuit Courts or Judges of a court of record, and make oath satisfactory to such Clerk or Judge that he has not a surviving wife from whom he has not been lawfully divorced; and unless such information be freely furnished to the satisfaction of the clerk or Judge, no license shall issue. And every white man or person applying for a license as provided herein shall, before obtaining the same be required to present to said Clerk or Judge, a certificate of good moral character, etc."

And it is further provided that,

"The person so marrying shall take the oath of allegiance to the Choctaw Nation."

And it is further provided in the Choctaw Statutes,

"That no marriage between a citizen of the United States and a female citizen of the Choctaw Nation, except as provided by the foregoing act, shall be legal."

It is clear, therefore, that no white man can acquire membership in this tribe by intermarri.ge, unless he marries according to the forms prescribed by the Choctaw law. And, therefore, al! applications for membership by intermarried persons pending before this Commission, where the applicant fails

to show his marriage according to the forms prescribed by Choctaw law, must be rejected; and this has been the uniform holding of the United States Courts which have exercised jurisdiction over this Territory for a long number of years

By the usages and customs of the Choctaw Nation, white women who have married male Choctaws by blood, have not been required to adopt the form of marriage prescribed by the Choctaw Statute, and their citizenship has always been recognized wherever they can show that they have married a male citizens by blood lawfully; and the legality of the marriage is to be determined by the usages and customs of the Choctaw tribe.

Intermarried white men, therefore, must show affirmatively that they have married Choctaw women by blood, and they must show this fact outside of the recitation of the marriage license to that effect; and they must show that this marriage was in strict conformity with the Choctaw Statute.

Intermarried white women must show that they have lawfully married a male citizen by blood of the Choctaw Nation.

There is a peculiar class of cases which has arisen under the intermarried act, which deserve special attention.

White men, citizens of the United States, who have married Indian women by blood, but who were married under license from the United States Courts, or from some one of the adjoining States, and who since that time have remarried their

wives, as they claim, according to the forms prescribed by the Choctaw law, now assert that, although the first marriage was valid, and although they were not entitled to membership in the tribe by reason of said first marriage, that the second marriage gives them this membership.

We can not understand how it is possible for a man who is already lawfully married to a woman, to re-marry her, unless the first marriage has been dissolved by a Court of competent jurisdiction.

We here hold, therefore, that as the status of the parties in cases like this was fixed by the first marriage, that that status cannot be changed by an attempted second marriage, so long as the first marriage remains undissolved.

If our contention is not sound, then these second marriages, as they are called, might lead to the most disastrous results, not only to the married persons themselves, but to their children.

All persons, therefore, who have attempted to re-marry their wives for the purpose of obtaining membership in this tribe, have done that which the law pronounces a nullity, and the second marriage can have, in our judgment, no effect whatever.

Another provision bearing upon the intermarriage question, and which must be looked into by the Commission, is Section 5, page 226 of the Choctaw Statute, which reads as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Choctaw Nation by intermarriage as herein provided, and be left a widow or widower, he or she shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman or person, as the case may be, having no rights to Choctaw citizenship by blood; in that case all his or her rights acquired under the provisions of this act shall cease."

This act was passed in 1875.

We do not contend that this law is retroactive in its effect; but we do contend that all marriages between white people and Indians since 1875 are subject to the provisions of this Statute.

Under the terms of the Treaty, and acording to the laws and customs of the Choctaw Nation, marriage is a species of adoption; and when the Choctaws agreed in their Treaty, and by laws passed subsequent thereto, that these white people marrying into this tribe should have Choctaw rights, they meant that they should have these rights subject to the limitations to be prescribed by the Choctaws themselves. Every sovereignty has the right to determine what conditions must exist to entitle a person to citizenship. And this is especially true of the Choctaw Nation, where citizenship carries with it as an incident the right to money and property.

There is great wisdom in this provision because if a white man, a citizen of the United States could come into this Nation and marry a Choctaw woman and be left a widower and then marry a white woman and confer upon her membership in

the Choctaw tribe, the Choctaws would soon be married out of their inheritance.

This Nation, therefore, in 1875, provided the conditions and limitations which would be imposed upon married citizens, and those conditions and limitations are expressed in Section 5, which we have just quoted.

It has been urged in the oral argument by opposing counsel that this law is unconstitutional, because it takes away vested rights without a trial.

This contention is not sound because the right which is acquired originally, and which they claim as a vested right, was limited and controlled by the very terms of this Section, which must, of course, have been in force at the time the marriage occurred; and, therefore, as the person claiming the right married in the face of this law, he must of necessity be controlled by it. And certainly no more just and salutary law could have been passed by the Choctaw tribe.

Again, as was said by Attorney General Garland, Vol. 19 of the Attorney General's Opinions, page 112, "The language of the treaty of 1866 is in the past; it is not restrictive of future actions by the Nations, but rather enlarges or confirms the previous legislative power. It applies to and provides for those who, at the time of the making of the treaty were citizens by adoption or intermarriage. * * * * Therefore, so far as these treaty provisions are concerned, the Choctaw Nation is left free in the future to enact

laws with reference to what shall be the qualifications of citizenship and what shall be the privileges accorded to citizens by adoption or intermarriage."

In that opinion Mr. Garland holds the law under consideration constitutional, and says that all persons who violate the law of 1875, lose their citizenship in the Choctaw Nation. And this is evidently true because as shown the Treaty of 1866 leaves to the Choctaws the exclusive right to determine the qualifications necessary to membership in the tribe; and as the law of 1875 prescribes the qualifications and the limitations upon those qualifications, the person who accepts under it is bound by it.

With reference to the freedmen who are claiming citizenship or membership in this tribe, we have to say that this matter perhaps will come up for future controversy and determination. But we are quite sure from an examination of the Treaties and from conversations with men who were present at the time the Treaty was made, that only those freedmen and their children who were here prior to 1866 are included within the 3rd article of the Treaty of 1866.

It will be seen that the treaty of 1866 looked to and provided for an early allotment of the Indian lands; and it is quite probable that the Choctaws were willing to give to their former slaves and their children who were here at the date of such Treaty, the right conferred by article III. But it is absurd to believe for a moment that these Choctaws intended that

all freedmen who were here prior to 1866, and their decendants to the remotest generation should participate in the allotment of these lands. It cannot be that they intended to surrender their inheritance in this way to this profilic race, because as a matter of fact these negroes have increased so rapidly that, to give them now the amount of land called for in article III, would practically bankrupt the Choctaw Nation.

The reason of the thing, therefore, and the contemporaneous history of the time when the treaty was made, all point to the conclusion that only those freedmen and their decendants who were here prior to 1866 are entitled to participate in the allotment of Choctaw lands.

The giving of these lands to the freedmen by the Choctaws was an act of grace, and it is the first time in the history of the civilized world that any ~~person~~ People by treaty has agreed to surrender to ~~his~~ its former slaves a portion of ~~his~~ its landed estate. Therefore, in view of the unusual character of this stipulation; in view of all the surrounding circumstances, it should be construed strictly, and only those who are clearly within the provisions of the treaty ought to be protected.

If the lands had been allotted within three years as was provided for by the treaty of 1866, the number of freedmen who would have participated in allotment would have been small.

It cannot be assumed that the Choctaws would have agreed to admit not only those who were here prior to that

time, but all those who have been born within the last thirty years.

There is another class of claimants which represent a large number of people who are applying for citizenship in this Nation which we must specially notice.

This is known as the Glenn–Tucker class.

We have not attempted in these cases to furnish any controverting affidavits because if it is to the interest of the state that litigation should cease, then this salutary rule ought to be applied to these cases.

This family or set of claimants all trace their right to Abigail Rogers, a half-breed Choctaw, as claimed by them.

These people have applied to the Choctaw council for citizenship, the tribunal appointed and designated by the Choctaw Nation for determining such questions, and their application has been refused.

They have appealed their case from the Choctaw Nation to the Indian Agent, and the case was there determined against them. And not content with that they appealed from the Indian Agent to the Secretary of the Interior, and there again the controversy was determined against them.

If stare decisis, or res adjudicata are to have any force and effect, this case ought to be terminated here and now. For years and years these people have been knocking for admittance to membership in the Choctaw tribe, and every tribunal to which they have appealed has refused them admission. And yet they come now with the same effrontery as of old and ask that this Commission bestow upon them the right of citizenship.

They have evidently cast their eye on this inheritance, and are determined, if possible, to be there when the division is made.

But we believe that this Commission will not permit these people to harrass further these Choctaw Indians who, it seems to us, have shown towards them the utmost patience and long-suffering. They selected their tribunal years ago. They made their case just as it is made now and were rejected. Why, therefore, should this case be re-opened now. Upon every principal of justice, reason and authority, this case is closed forever, and this Commission would do an injustice to these Choctaws which could never be remedied, if it should give any sort of heed or attention to the claims of this Glenn-Tucker Faction.

Judgment has already been rendered, and from that final judgement there can not be and ought not to be any further appeal.

In answering applications, copies of which have been served upon us, we have contended that this Commission has no power to enroll those whose citizenship is undisputed in the Choctaw tribe. That the Commission is here to pass upon questions of disputed citizenship, and hence in cases of this sort where the citizenship appeared to be undisputed, we have simply noted that fact in the answer. Wherever there has been a failure of evidence, or wherever the evidence has shown abandonment, or wherever a forfeiture has occurred under the law of 1875, or where for any reason on the face of the papers the right to citizenship is not clear, we have simply noted that fact

in the answer, feeling and knowing that the Commission would consider this as sufficient and conclusive.

We have thus stated briefly what we conceive to be the main points of controvery between the applicants and the Choctaw Nation. It is a grave duty and a grave responsibilty which confront this Commission. These Indians have been placed in possession of these lands by solemn treaty between the United States government and them, and the United States government has pledged to them protection. And strange to say, even in this time of rapacity and selfishness and greed, these Indians still have confidence in the parent government, and believe that all may yet be well.

There is nothing which, it seems to us ought to appeal more to the justice and manhood of American citizens than the Indian.

Step by step he has been driven back until he has taken his last stand. The progressive forces of a higher civilization are crowding upon him, and he is powerless to resist These lands are his only inheritance. He was practically driven from the State of Mississippi where his ancestors had found a peaceful abiding place and happy hunting grounds for many, many years. And it would certainly be the very refinement of cruelty and injustice now to deprive him of what is left by permitting these adventurers who are looking from afar off with a longing eye upon these possessions to destroy his rights by consuming and taking up his lands. Between these people and the Indian the United States government ought to stand like a stone wall. If there is any faith to be placed in treaties; if

there is any honesty and fair dealing between Nations; if there is any justice among men, these Indians are entitled now more than they ever have been before, to the watchful and tender care of the United States Government.

The number of applications pending before this Commission is simply astounding, and point unerringly to fraud, collusion and corruption. It cannot be that these applicants have been all these years sleeping upon their rights. It can not be that they would have given no word or token that they were Indian citizens. It is not natural, and not in accord with the habits and practices of men for these applicants to have permitted their claims to rest in silence.

We think that this Commission should watch them with the same scrutiny and vigilance that Courts of Equity apply to stale demands.

We have, as far as the limited time which has been accorded to us would permit, done what we could to preserve the rights of the Choctaw people; and we do not desire to be understood as waiving any preliminary pleas which we have interposed in these cases by answering to the merits. The Indian people have faith in the Uuited States Government. We trust that the conduct of this Commission and the conduct of the United States toward them in the future will be such that the Indians shall have no reason in after years to complain that they were deprived of their rights, and destroyed by the very power which by solemn contract had engaged to protect them.

JOSIAH GARDNER,
STUART, GORDON & HAILY.
Attorneys for Choctaw Nation.