

of the Creek Council, and under that approved as aforesaid (six and one-half per cent.) by the Commissioner and the Secretary, (Exhibits B and C.)

The foregoing are the controlling facts in this case. Any details omitted from the foregoing statement, which are possible to be brought under your consideration, cannot change the essential nature of the matter before you from what it is alleged to be in the foregoing recital of facts.

It is in view, then, of this recital that we are brought to the question in the case which you are to consider, namely, whether, under said sections of the Revised Statutes, Governor Crawford is made liable to be, either civilly or criminally, prosecuted for his aforesaid connection with said transactions.

As a matter of convenience we set forth in the appendix to this brief said sections 2103, 2104, and 2105 of the Revised Statutes.

In now craving the indulgence of the Attorney-General in allowing us to submit some considerations in support of our conviction that Governor Crawford has been guilty of no *impropriety*, much less of crime, in the matters just recited, we shall, in our first view of the case, assume, *what we do not admit to be true*, namely, that sections 2103, 2104, and 2105 do apply to the nations of Indians known as the "civilized tribes," and of which the Creeks are one—that these sections do apply to them even as against the powers of self-government which are secured to this Nation of Indians by the provisions of the fifteenth article of the Treaty of August 7th, 1856, (11 Stats., 703, 704,) the provisions of which article are renewed and re-enacted in articles 10 and 12 of the Treaty of June 14th, 1866, (14 Stats., 789, 790,) such pro-