

vision in article 15, securing self-government, being in these words:

"So far as may be compatible with the Constitution of the United States, and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Creeks and Seminoles *shall be secured in the unrestricted right of self-government and full jurisdiction over persons and property within their respective limits.*"

But assuming now, as already remarked, that these provisions of the treaty and other laws do *not* exempt the Creeks from the operation of sections 2103, 2104, and 2105, we proceed to inquire whether said sections prohibit what was done by Governor Crawford in this case.

Let it be carefully noticed, at the outset, that it is impossible to hold that section 2104 of the Revised Statutes has any application to the present case. It has no application because the prohibitions and provisions of that section are *confined to payments made by officers of the United States* to agents and attorneys of Indians for services.

In this case no claim or pretense is set up that any agent or attorney of the Indians received, *from officers of the United States*, any moneys. Hence, section 2104 must be wholly dismissed from this case, except so far as that section is alluded to in the first part of section 2105. And that allusion in section 2105 to section 2104 cuts no manner of figure in this case.

It is further proper to premise that is *manifest*, on the face of these sections, that the very and *only* mischief they were made to suppress is the making, by Indians, of *express* contracts, improvident, extortionate, and unnecessary in their kind about affairs between the Indians and the Government; and to render all *such express* contracts unlawful, unless made and approved in the way section 2103 prescribes—and that it was no part of the design of said section to render unlawful *needful* services,