

Fourth. With this knowledge so presumed and so *expressly shown* to be in Congress, Congress passed the act which says that this money—the \$280,857.10, out of which the attorneys *must* be paid if at all—should be paid to the persons authorized by the National Council to receive it, and “*at such time and in such sums as shall be directed and required by the National Council of said Nation.*”

Thus in express terms, by this act, Congress has directed that the money should be paid *in obedience to the direction of the National Council.*

Fifth. But, as already remarked, at the time that this law was passed by Congress, it had been *already voted by this same National Council that ten per cent. of this money should be paid to the attorneys who were instrumental in collecting it*, and, therefore, under the principle of law stated in the above paragraph 1, this act of Congress recognizes and validates the orders of the Council which ratified the payment of ten per cent. to the attorneys, and thus in legal effect, this act of Congress, directed its officers to make payment to Crawford according to the said existing votes of the Creek Nation, as embodied in Exhibits B and C in said printed statement. This order stood, so directing unless, indeed, before the payment was made to the attorneys, the National Council should take contrary action and forbid the payment.

Thus, we submit, it is demonstrated, if demonstration is possible in law, that this ten per cent. out of \$280,857.10, named in said section 4, was, by Congress, authorized to be paid to the said attorneys without regard to the requirements of sections 2103 and 2105, or any other law of Congress.

It is true that the National Council of the Creek Nation after the passage of said act of Congress *could* have changed its direction touching the payment to attorneys,