

this case, because the Creeks are a "civilized tribe" of Indians, to whom the United States, through its treaties and laws, has conceded such rights of self-government as exclude the application of sections 2103 and 2105 from the Creek Nation.

We have already alluded to some of these provisions of the treaties; for example, to article 15 of the treaty of 1856, (11 Stats., 703, 704), and articles 10 and 12 of the Treaty of 1866, (14 Stats., 788-90), from which we have already quoted, and need not repeat, except to say that said article 10 of the Treaty of 1866 expressly covenants that the "legislation" (of Congress) "*shall not in any manner interfere with or annul their present tribal organization, rights, laws, privileges and customs.*"

It is thus seen that, although article 15 of the Treaty of 1856 (and which is re-enacted by article 12 of the Treaty of 1866) has in it a provision that "the unrestricted rights of self-government and full jurisdiction over persons and property within the limits of the Creek country," should be subject to the condition that this power was given "so far as compatible with the Constitution of the United States, and the laws made in pursuance thereof, including trade and intercourse with the Indians," yet that reserved power of the United States is, in said article 10 of the Treaty of 1866 (14 Stats., 788) so restricted that the power of Congress should not extend so as to "*in any manner interfere with or annul their present tribal organization, rights, laws, privileges, or customs.*"

It must be further observed, in determining whether this and the other civilized tribes are subject to sections 2103 and 2105, that the Government of the United States attempts no such dominion over or control of the internal affairs and property of this tribe, as it exercises in regard to what are called, in the parlance of the Indian Bureau, the "ward tribes," as distinguished from the "civilized tribes."