

us by eminent counsel engaged in that trial; and are, thus, enabled to state to the Attorney-General what the case and the decision were like.

William A. Phillips, a citizen of Kansas, and long a member of Congress, and others, were indicted in case No. 16,268, in the Supreme Court of the District of Columbia, under section 2105, for having taken compensation for services rendered to the Cherokee Indians in the absence of the contract and its approval required by section 2103. A plea was put in in the case, and, by arrangement between counsel, also a demurrer. The grounds of the demurrer were, in substance, that the Cherokee Nation was not within the purview of sections 2103 and 2105. The case was elaborately considered on full argument, and on printed briefs, and Judge MacArthur decided just what we have asserted, that the Cherokee Nation of Indians was not a tribe of Indians in the "ward" sense, and not, therefore, within the prohibitions contained in said sections 2103 and 2105.

It will not be disputed that the rights of self-government conceded to the Creeks, by treaty and law and usage of the Department, is *equal* to that conceded to the Cherokees, and that the two are, in respect of the degrees of self-government enjoyed by them respectively, identical.

It would unduly lengthen this brief to enter into a detailed examination of the treaties, the laws and the practices of the Department, &c., bearing upon this point; nor do we deem it necessary.

We shall, therefore, not do so in the brief, but should the Attorney-General indicate to us that he would be willing to hear us further touching this point, we will gladly avail ourselves of his kindness in an oral argument.

SHELLABARGER & WILSON,  
*For Samuel J. Crawford.*