

treaty." Since then reservations have been assigned and homes established for more than forty thousand Indians by executive orders alone, and to those homes the Indians have no title which a similar order may not at any moment modify or destroy. The shelter of the Indian's nation, such as it was, has been removed. He has no legal status, no legal redress for any wrong. While a Chinese or a Hottentot has a standing before the law, the native American has none, and is neither amenable to nor protected by it. According to a recent decision by Judge Dundy, in the case of the Poncas, a tribe, as such, may appear by attorney in the United States courts in any civil action affecting their property rights. For the purpose of relinquishing rights to us they were independent nations; but when one of these nations applies to the Supreme Court to enforce the guarantees made by us in consideration of such relinquishment, then it is decided that they are dependent, domestic, and subject nations, who can only bind themselves by treaty but cannot bring suits in the United States courts. Their ownership of the soil is only a right of occupancy, and this the United States has the absolute right to extinguish either by conquest or by purchase. The Guadalupe-Hidalgo treaty of 1848 made the Indians of the territory acquired by us from Mexico citizens of the United States. No distinction, however, between these and other Indians has ever been recognized by the executive or legislative departments of the United States. For eighty-five years the title to Indian lands has been extinguished by treaty only, with the consent of the tribes occupying, the sole exception being the Sioux title in Minnesota, extinguished by right of conquest in 1862.

While all that affects the Indian's dearest interests is arbitrarily determined at the seat of government, even to the food he eats and the clothes he wears, he is forbidden to go to Washington except by invitation. His agent is prohibited from going on pain of removal, and he is forbidden by statute to execute a power of attorney appointing any one else to represent him there or elsewhere in his business with the United States.

There is no law to punish crime or wrong of any kind committed by one Indian against another. The criminal laws of the United States extend over the Indian country in cases where crime is committed by an Indian against a white man, or by a white man against an Indian. As the trial must be in the nearest Federal court, with a jury of border white men, the practical effect of the law has been that an Indian is always convicted and a white man always acquitted. In the absence of law, Indian society is left without a base, and Indian civilization lacks its only sure foundation.

In 1825, President Monroe urged upon Congress the removal of the Indian tribes, from the lands then occupied by them within the several States and Territories, to the west of the Mississippi River, notwithstanding the United States had by its treaties distinctly guaranteed to each of them forever a portion of the territory in which it then resided. The immediate occasion for this measure was the demand of the State of Georgia that the title of the Cherokees to their lands in that State should be extinguished. Government had, in 1802, agreed with that State to extinguish the Indian title as soon as it could be done "peaceably and on reasonable