

English Vs. Richardson

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Court : US Supreme Court

Decided On : May-13-1912

Appeal No. : 224 U.S. 680

Appellant : English

Respondent : Richardson

Judgement :

English v. Richardson - 224 U.S. 680 (1912)

U.S. Supreme Court English v. Richardson, 224 U.S. 680 (1912)

English v. Richardson

No. 559

Argued February 23, 1912

Decided May 13, 1912

224 U.S. 680

ERROR TO THE SUPREME COURT

OF THE STATE OF OKLAHOMA

SYLLABUS

Decided on authority of *Choate v. Trapp, ante*, p. [224 U. S. 665](#) .

28 Okl. 408 reversed.

The facts, which involve the taxability of Creek allotments in Oklahoma, are stated in the opinion.

MR. JUSTICE LAMAR delivered the opinion of the Court.

The plaintiff holds a patent dated December 12, 1902. It was issued to her as a member of the Creek Nation when the tribal lands were divided in pursuance of the same general policy as that discussed in *Choate v. Trapp, ante*, p. [224 U. S. 665](#) . There were, however, a few differences. The tax exemption covered only the homestead of forty acres,

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and there was a restriction on alienability for twenty-one years. The patent, instead of being "framed in conformity with the agreement," as in the case of the Choctaws and Chickasaws, bore on its face a provision that the land should be nontaxable; the language of the agreement incorporated in the Act of Congress being that

"each citizen shall select from his allotment forty acres of land . . . as a homestead, which shall be and remain nontaxable, inalienable, and free from any encumbrance whatever for 21 years from the date of the deed therefor, and a separate deed shall be issued to each allottee for his homestead, in which this condition shall appear."

These differences are not material. The right of plaintiff to the exemption granted by Congress is protected by the Constitution on principles stated and applied in *Choate v. Trapp*. The judgment dismissing her complaint is therefore reversed, and the case remanded for proceedings not inconsistent with that opinion.

Reversed.

