

*Choctaw nation laws 1852 to 1857*

# ACTS AND RESOLUTIONS

*Highgate  
1857*

OF THE

## GENERAL COUNCIL

OF THE

# CHOCTAW NATION,

FROM 1852 TO 1857, BOTH INCLUSIVE.

---

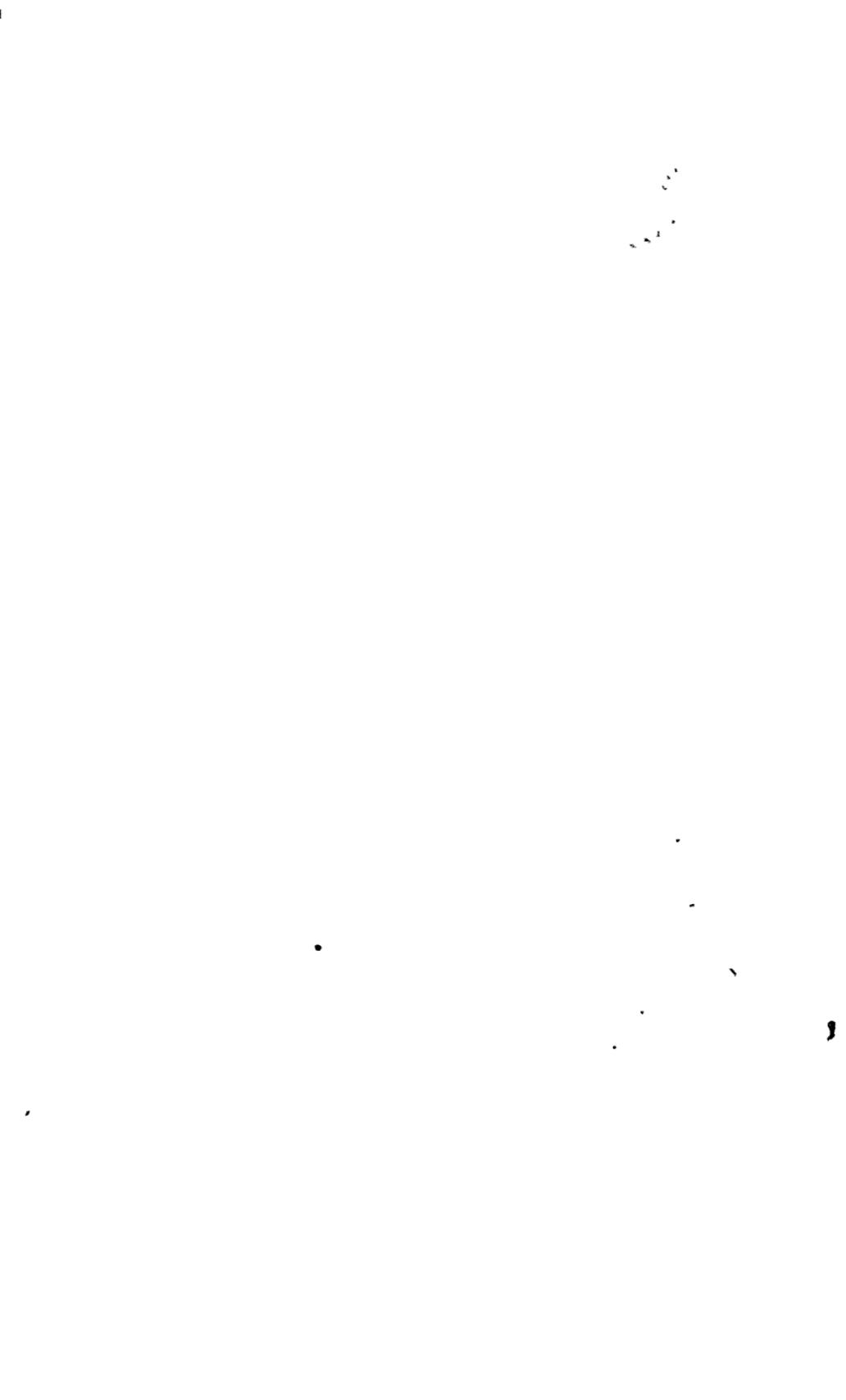
PUBLISHED BY AUTHORITY OF THE GENERAL COUNCIL.

---

FORT SMITH, ARK.

JOSEPHUS DOTSON, PRINTER FOR THE NATION.

1858.



No 152 10/29 12 58

**C E R T I F I C A T E .**

---

This is to certify that the following printed Acts and Resolutions, passed by the General Council of the Choctaw Nation, at the several sessions therein stated, held from 1852 to 1857, inclusive, are just and true copies from the originals in the office of the National Secretary.

Given under my hand and seal of office, this 10th day of January, one thousand eight hundred and fifty-eight.

JOSEPH R. HALL,

*National Secretary.*

CHOCTAW NATION, January 10, 1858.



## P R E F A C E.

---

This volume contains all the Acts and Resolutions passed by the General Council, beginning at the Session of November, 1852, to the close of the Session of October, 1857, together with the New Constitution, and the Treaty between the United States, the Choctaws and Chickasaws, dated June 22, 1855.

In this volume, and the one printed in 1852, may be found all the laws of the Choctaw General Council in existence.

This volume has been printed in the English language alone, under the direction of the Governor, on account of the urgent necessity there exists to place in the hands of the officers under the New Constitution the laws defining their several duties.

A comprehensive and accurate Index may be found on the last pages, with Notes explanatory of terms used in some of the laws.

CHOCTAW NATION, January 10, 1858.



# CONSTITUTION

OF THE

# CHOCTAW NATION.

---

WE, the representatives of the people inhabiting the Choctaw Nation, contained within the following limits, to-wit: Beginning at a point on the Arkansas river, one hundred paces east of old Fort Smith, where the western boundary line of the State of Arkansas crosses the said river, and running thence due south to Red River; thence up Red River to the point where the meridian of one hundred degrees west longitude crosses the same; thence north along said meridian to the main Canadian river; thence down said river to its junction with the Arkansas river; thence down said river to the place of beginning, EXCEPT the territory bounded as follows, to-wit: beginning on the north bank of Red River, at the mouth of Island Bayou, where it empties into Red River, about twenty-six miles on a straight line, below the mouth of False Washita; thence running a northwesterly course along the main channel of said Bayou, to the junction of the three prongs of said Bayou, nearest the dividing ridge between Washita and Low Blue rivers, as laid down on Capt. R. L. Hunter's map; thence northerly along the eastern prong of Island Bayou to its source; thence due north to the Canadian river; thence west along the main Canadian to the ninety-eighth degree of west longitude; thence south to Red River; and thence down Red River to the beginning; *Provided, however,* if the line running due north from the eastern source of Island Bayou, to the main Canadian, shall not include Allen's or Wa-pa-nocha Academy within the Chickasaw district, then, an offset shall be made from said line, so as to leave said Academy two miles within the Chickasaw district, northwest and south from the lines of boundary; said

boundaries being the limits of the Chickasaw Nation, assembled in convention at the town of Skullyville, on Monday the fifth day of January, one thousand eight hundred and fifty-seven, in pursuance of an act of the General Council for that purpose, approved November the seventh, one thousand eight hundred and fifty-six; in order to secure to the citizens thereof the rights of life, liberty and property, do ordain and establish the following Constitution and form of government, and do mutually agree with each other to form ourselves into a free and independent Nation, not inconsistent with the constitution, treaties and laws of the United States, by the name of the Choctaw Nation.

## ARTICLE I.

**DECLARATION OF RIGHTS.**—That the general, great and essential principles of liberty and free government may be recognized and established we declare :

**SECTION 1.** That all freemen, when they form a social compact, are equal in rights, and that no man, or set of men, are entitled to exclusive, separate public emoluments or privileges from the community, but in consideration of public services.

**SEC. 2.** That all political power is inherent in the people, and all free governments are founded on their authority, and established for their benefit, and therefore, they have at all times an unalienable and indefeasible right to alter or abolish their form of government, in such manner as they may think expedient.

**SEC. 3.** There shall be no establishment of religion by law. No preference shall ever be given by law to any religious sect, society, denomination or mode of worship. And no religious test shall ever be allowed as a qualification to any public trust under this government.

**SEC. 4.** The printing press shall be free to every person, and no law shall ever be made to restrain the right thereof. The free communication of opinions is one of the inviolable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty.

**SEC. 5.** That the people shall be secure in their persons, houses, papers and possessions, from unreasonable seizures and searches; and that no warrant to search any place, or to seize any person or thing, shall issue without describing the place to be searched, and the person or thing to be seized, as

nearly as may be, nor without probable cause, supported by oath or affirmation. But in all cases where suspicion rests on any person, or persons, of conveying or secreting whiskey, or other intoxicating liquor, the same shall be liable to search or seizure as may be hereafter provided by law.

SEC. 6. That in all criminal prosecutions the accused hath a right to be heard, by himself or counsel, or both, to demand the nature and cause of the accusation, to be confronted by the witnesses against him, to have a compulsory process for obtaining witnesses in his favor; and in all prosecutions by indictment or information, a speedy and public trial by an impartial jury of the county where the offence was committed, that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, but by due course of law.

SEC. 7. No person shall be accused, arrested, or detained, except in cases as ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but in virtue of a law established and promulgated prior to the offence and legally applied.

SEC. 8. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall any person's property be taken or applied to public use without the consent of the General Council, and without just compensation being first made therefor.

SEC. 9. That all courts shall be open and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

SEC. 10. That no power of suspending laws shall be exercised, except by the General Council, or its authority.

SEC. 11. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

SEC. 12. That all prisoners shall, before conviction, be bailable by sufficient securities, except for capital offences, where the proof is evident, or the presumption great, and the privilege of the writ of *habeas corpus* shall not be suspended, unless, where in case of rebellion or invasion, the public safety may require it.

SEC. 13. That the General Council shall have power to pass general laws in regard to the collection of debts, fines, bonds, forfeitures, and court fees, and direct the manner of such collection.

SEC. 14. No conviction for any offence shall work corruption of blood or forfeiture of estate. The General

Council shall pass no bill of attainder, retrospective law, nor law impairing the obligation of contracts.

SEC. 15. No property qualification for eligibility to office, or for the right of suffrage, shall ever be required by law in this Nation.

SEC. 16. That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those vested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

SEC. 17. Every citizen has a right to bear arms in defence of himself, and of the nation.

SEC. 18. No standing army shall be kept up without the consent of the General Council; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

SEC. 19. That no hereditary emoluments, privileges, or honors, shall ever be granted or conferred in the Nation.

SEC. 20. The right of trial by jury shall remain inviolate.

SEC. 21. No person shall be debarred from prosecuting or defending any civil cause for or against him or herself before any tribunal in this Nation by him or herself, or counsel, or both.

SEC. 22. No person shall ever be appointed or elected to any office in this Nation for life, or during good behavior; but the tenure of all offices shall be for some limited period of time, if the person appointed, or elected thereto so long behave well.

## CONCLUSION.

To guard against transgressions of the high powers herein delegated: WE DECLARE, That every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all laws contrary thereto, or to the following provisions, shall be void.

## ARTICLE II.

### DISTRIBUTION OF POWER.

SEC. 1. The powers of the government of the Choctaw Nation shall be divided into three distinct departments and

each of them confided to a separate body of magistracy, to wit: Those which are legislative to one, those which are judicial to another, and those which are executive to another.

SEC. 2. No person or collection of persons being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

## ARTICLE III.

### LEGISLATIVE DEPARTMENT.

SEC. 1. Every free male citizen of this Nation who shall have attained to the age of twenty-one years, and who shall have been a citizen of this Nation six months, shall be deemed a qualified elector. and be entitled to vote in the county where he may actually reside. at least one month preceding the election for each and every office made elective in this Nation.

SEC. 2. Electors shall, in all cases, excepting those of treason, felony or breach of the peace, be privileged from arrest during their attendance on elections and going to and returning from the same.

SEC. 3. All elections by the people shall be by ballot and shall be regulated by law.

SEC. 4. The legislative power of this Nation shall be vested in two distinct branches, the one to be styled "the Senate," the other "the House of Representatives," and both together, "the General Council of the Choctaw Nation." and the style of their laws shall be, "Be it enacted by the General Council of the Choctaw Nation."

SEC. 5. The members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of two years, from the day of the general election and no longer.

SEC. 6. The representatives shall be chosen every two years on the first Wednesday in August.

SEC. 7. No person shall be a representative unless he be a citizen of this Nation and shall have been an inhabitant thereof six months next preceding his election, and the last month thereof a resident of the county for which he shall be chosen, and shall have attained the age of twenty-one years.

SEC. 7. Elections for representatives for the several counties shall be held at the places of holding their respective courts, or in the several election districts into which the county may be divided. That when there are two or more counties, adjoining, which have residuums over and above the ratio then fixed by law, if such residuums, when added together, will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

SEC. 8. The General Council shall, at their first session and at periods of not less than every four nor more than every eight years, cause an enumeration to be made of all free inhabitants of this Nation, and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the Council and apportioned among the several counties, according to the number of free white inhabitants in each, and shall not be less than seventeen nor more than thirty-five: *Provided, however,* That each county shall always be entitled to at least one representative.

SEC. 9. The whole number of senators shall, at the periods of making the enumeration beforementioned, be fixed by the General Council, and apportioned among the several districts to be established by law, according to the number of free inhabitants in each, and shall never be less than one-third nor more than one-half of the whole number of representatives.

SEC. 10. The senators shall be chosen by the qualified electors for four years, and on their being convened in consequence of the first election, they shall be divided by lot from their respective districts into two classes, as near equal as can be. And the seats of the senators of the first class shall be vacated at the expiration of the second year.

SEC. 11. Such mode of classifying new additional senators shall be observed as will, as nearly as possible, preserve an equality of members in each class.

SEC. 12. When a senatorial district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district, and no county shall be divided in forming a district.

SEC. 13. No person shall be a senator unless he be a citizen of the Choctaw Nation and shall have been an inhabitant thereof for two years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of thirty years.

SEC. 14. The House of Representatives, when assembled, shall choose a speaker and its other officers, and the Senate shall choose a president and its officers, and each shall judge of the qualifications and elections of its own members, but a contested election shall be determined in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

SEC. 15. Each house may determine the rules of its own proceedings, punish members for disorderly behavior, and, with the consent of two-thirds, expel a member, but not a second time for the same cause.

SEC. 16. Each house shall keep a journal of its proceedings and publish the same, and the yeas and nays of the members of either house, on any question, shall, at the desire of any three members present, be entered on the journal.

SEC. 17. When vacancies happen in either house, the Governor, or the persons exercising the powers of the Governor, shall issue writs of election to fill such vacancies.

SEC. 18. Senators and Representatives shall, in all cases, except of treason, felony, or breach of the peace, be privileged from arrest during the session of the General Council, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the General Council is convened.

SEC. 19. Each house may punish by imprisonment, during the session, any person, not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings, provided such imprisonment shall not, at any one time, exceed forty-eight hours.

SEC. 20. The doors of each house shall be opened, except on such occasions of great emergency as, in the opinion of the house, may require secrecy.

SEC. 21. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 22. Bills may originate in either house and be amended, altered or rejected, by the other; but no bill shall have the force of a law, until, on three several days, it be read in each house, and free discussion be allowed thereon, unless four-fifths of the house in which the bill shall be pend.

ing, may deem it expedient to dispense with this rule; and every bill having passed both houses, shall be signed by the speaker and the president of their respective houses.

**SEC. 23.** All the bills for raising revenue shall originate in the House of Representatives; but the Senate may amend or reject them as other bills.

**SEC. 24.** Each member of the General Council shall receive from the public treasury a compensation for his services, which may be increased or diminished by law: but no increase of compensation shall take effect during the session at which such increase shall have been made.

**SEC. 25.** No Senator or Representative shall, during the term for which he shall have been elected, nor for one year thereafter, be appointed to any civil office of profit under this nation, which shall have been created, or the emoluments of which shall have been increased, during such term: except such offices as may be filled by elections by the people, and no member of either house of the General Council, after his election, and during the remainder of the term for which he is elected, be eligible to any office or place, the appointment to which may be made in whole or in part by either branch of the General Council.

**SEC. 26.** No person holding a lucrative office under this Nation, shall be eligible to the General Council.

**SEC. 27.** No person who hath heretofore been, or hereafter may be, a collector or holder of public moneys, shall have a seat in either house of the General Council, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

**SEC. 28.** The first election for Senators and Representatives shall be general throughout the Nation, and shall be held on the first Wednesday in August, 1857, and thereafter there shall be biennial elections for Senators to fill the places of those whose term of service may have expired.

**SEC. 29.** The first, and all future sessions of the General Council shall be held in the town of Boggy Depot, until the Seat of Government shall be fixed by the General Council elsewhere. The sessions of the General Council shall commence on the first Monday in October each and every year, and shall be held annually, until biennial sessions shall be directed by law.

**SEC. 30.** The Governor, National Secretary, National Treasurer, National Auditor and National Attorney, shall reside at or near the Seat of Government.

## ARTICLE IV.

## JUDICIAL DEPARTMENT.

SEC. 1. The judicial power of this Nation shall be vested in one Supreme Court, in Circuit Courts and Courts of Probate.

SEC. 2. The Supreme Court shall consist of the judges of the Circuit Courts, a majority of whom shall constitute a quorum. The General Council shall divide the Nation into convenient circuits, and the qualified electors of each circuit shall elect one of said judges for the term of four years.

SEC. 3. The Supreme Court shall have no jurisdiction but such as properly belongs to a court of errors and appeals.

SEC. 4. The counties at present comprising Mooshulitubbee District, shall compose the first judicial circuit, the counties composing Apukshunbbee District shall compose the second judicial circuit, and the counties composing Pushamataha District, to which shall be added the country lying between the ninety-eight and the one-hundredth degree of west longitude, shall compose the third judicial circuit. The General Council may change their circuits, and add to their number when deemed expedient; *Provided*, such change do not take effect during the first term of office of the Judge.

SEC. 5. All vacancies that may occur in said court, from death, resignation, or removal, shall be filled by election, as aforesaid: *Provided, however*, That if the unexpired term do not exceed one year, the vacancy shall be filled by executive appointment.

SEC. 6. No person shall be eligible to the office of Judge of the Supreme and Circuit Court, who shall not have attained, at the time of his election, the age of thirty years.

SEC. 7. The Supreme Court shall be held twice in each year, at the seat of Government of the Nation.

SEC. 8. No judge shall sit on the trial of any cause when the parties, or either of them, shall be connected by affinity or consanguinity, or when he may be interested in the same, except by consent of the judge and of the parties; and whenever a quorum of said court are situated as aforesaid, the Governor of the Nation shall, in such case, specially commission two or more men, of law knowledge, for the determination thereof.

SEC. 9. The judges of said courts shall receive for their services a compensation to be fixed by law—which shall not be diminished during their continuance in office.

SEC. 10. The Circuit Court shall have original jurisdiction in all matters, civil and criminal, within this Nation, but in civil cases only when the principal of the sum in controversy exceeds fifty dollars.

SEC. 11. A Circuit Court shall be held in each county of this Nation at least twice in each year; and the judges of said courts shall interchange circuits with each other in such manner as may be prescribed by law.

SEC. 12. The General Council shall give to the Circuit Court of each county equity jurisdiction, when the public good requires it; also in all cases of divorce and for the foreclosure of mortgages.

SEC. 13. The style of all process shall be "The Choctaw Nation;" and all prosecutions shall be carried on in the name and by the authority of "The Choctaw Nation," and shall conclude, "against the peace and dignity of the same."

SEC. 14. A court of Probate shall be established in each county of this Nation, with jurisdiction in all matters testamentary and of administration in orphan's business, and the allotment of dower in cases of idiocy and lunacy, and of persons "non compos mentis." The judge of said court shall be elected by the qualified electors of the respective counties, for the term of two years.

SEC. 15. The clerk of the Supreme Court shall be appointed by said court, for the term of four years; and the clerks of the Circuit and Probate courts shall be elected by the qualified electors of the respective counties, and shall hold their offices for the term of two years.

SEC. 16. A competent number of Justices of the Peace and Constables shall be chosen in each county by the qualified electors thereof, by districts, who shall hold their offices for the term of two years. The jurisdiction of Justices of the Peace shall be limited to causes, in which the principal of the amount of controversy shall not exceed fifty dollars. In all causes tried by a Justice of the Peace, the right of appeal shall be secured under such rules and regulations as shall be prescribed by law.

SEC. 17. Said Justices of the Peace shall constitute a board of police for each county, a majority of whom may transact business—which body shall have full jurisdiction over roads, highways, ferries and bridges, and all other matters of county police; and shall order all county elections to fill vacancies that may occur in the offices of their respective counties. The Judge of the court of Probate shall be

the President of the board of police, and the clerk of the court of Probate shall be the clerk of the same.

SEC. 18. The judges of all the courts of this Nation, also the Justices of the Peace, shall, in virtue of their offices, be conservators of the peace, and shall be, by law, vested with ample powers in this respect.

SEC. 19. There shall be a National Attorney elected by the qualified electors of the Nation; and a competent number of district attorneys shall be elected by the qualified electors of their respective districts, whose compensations and term of service shall be prescribed by law.

SEC. 20. The General Council shall provide by law for determining contested elections of Judges of the Supreme and Circuit courts, of the Probate courts, and other officers.

SEC. 21. The judges of the several courts of this Nation, for wilful neglect of duty or other reasonable causes, shall be removed by the Governor on the address of two-thirds of both houses of the General Council; the address to be by joint vote of both houses. The cause or causes for which such removal shall be required shall be stated at length in such address, and on the journal of each house. The judge so intended to be removed shall be notified and admitted to a hearing in his own defence, before any vote on such address shall pass. The vote on such address shall be taken by yeas and nays, and entered on the journal of each house.

SEC. 22. Judges of Probate, clerks, sheriffs, and other county officers, for wilful neglect of duty, or misdemeanor in office, shall be liable to trial by jury, and, upon conviction, shall be removed from office.

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

SEC. 1. The chief executive power of the Choctaw Nation shall be vested in a Governor, who shall hold his office for two years from the time of his installation.

SEC. 2. The Governor shall be elected by the qualified electors of the Nation. The returns of every election for Governor shall be sealed up and transmitted to the National Secretary, who shall deliver them to the Speaker of the House of Representatives at the next ensuing session of the General Council; during the first week of which session the said speaker shall open and publish them in the pres-

ence of both houses of the General Council. The person having the highest number of votes shall be Governor ; but if two or more shall be equal, or highest in votes, then one of them shall be chosen Governor by the joint ballot of both houses of the General Council. Contested elections for Governor shall be determined by both houses of the General Council in such manner as shall be prescribed by law.

SEC. 3. The Governor shall be at least thirty years of age, a free and acknowledged citizen of the Choctaw Nation—shall have resided in the Nation at least five years next preceding the day of his election, and shall not be capable of holding the office more than four years in any term of six years.

SEC. 4. He shall at stated periods receive a compensation for his services, which shall not be increased or diminished during the term for which he shall have been elected.

SEC. 5. He shall be the commander-in-chief of the militia and other forces of the Nation.

SEC. 6. He may, on extraordinary occasions, convene the General Council at the seat of Government, or at a different place, if that shall have become since their adjournment dangerous from an enemy or from disease, and in case of disagreement between the two houses, with respect to the time of adjournment, he may adjourn them to such a time as he shall think proper, not beyond the day of the next stated meeting of the General Council.

SEC. 7. He shall from time to time give to the General Council information of the state of the government and recommend to their consideration such measures as he shall deem expedient.

SEC. 8. He shall take care that the laws be faithfully executed.

SEC. 9. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines, and in cases of forfeiture to stay the collection until the end of the next session of the General Council, and to remit forfeitures, by and with the advice and consent of the Senate. In case of treason he shall have power to grant reprieves, by and with the advice and consent of the Senate ; but may respite the sentence until the end of the next session of the General Council.

SEC. 10. All commissions shall be in the name and by the authority of the Choctaw Nation, be sealed with the great

seal, and signed by the Governor, and be attested by the National Secretary.

SEC. 11. There shall be a seal of this Nation, which shall be kept by the Governor, and used by him officially, and shall be called the great seal of the Choctaw Nation.

SEC. 12. All vacancies not provided for in this Constitution shall be filled in such manner as the General Council may prescribe.

SEC. 13. The General Council shall have power, by law, to determine the compensation of the Governor and National Secretary.

SEC. 14. No person shall hold the office of Governor, and any other office, or commission, either in this Nation, or under any State, or in the United States, or under any other power at one and the same time.

SEC. 15. The National Secretary shall be elected by the qualified electors of the Nation, and continue in office during the term of two years. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the General Council, and shall perform such other duties as may be required of him by law.

SEC. 16. Every bill which shall have passed both houses of the General Council shall be presented to the Governor; if he approve, he shall sign it, but if not he shall return it, with his objections, to the house in which it shall have originated, which shall enter the objections at large upon their journals, and proceed to consider it; if, after such reconsideration, two-thirds of the house shall agree to pass the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered; if approved by two thirds of that house it shall become a law. but in such case the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house respectively; if any bill shall not be returned by the Governor within four days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he signed it, unless the General Council, by their adjournment, prevent its return, in which case it shall not become a law.

SEC. 17. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except resolutions for the purpose of obtaining the joint action of both

houses, and on questions of adjournment, shall be presented to the Governor, and before it shall take effect be approved by him, or being disapproved, shall be re-passed by both houses, according to the rules and limitations prescribed in the case of a bill.

**SEC. 18.** Whenever the office of Governor shall become vacant, by death, resignation, removal from office or otherwise, the President of the Senate shall exercise the office of Governor until another Governor shall be duly qualified, and in case of the death, resignation, removal from office, or other disqualification of the President of the Senate so exercising the office of Governor, the Speaker of the House of Representatives shall exercise the office, until the President of the Senate shall have been chosen, and when the office of Governor, President of the Senate and Speaker of the House, shall become vacant in the recess of the Senate, the person acting as National Secretary, for the time being, shall, by proclamation, convene the Senate, that a President may be chosen to exercise the office of Governor; said National Secretary exercising the office of Governor until the Senate convene and choose a President.

**SEC. 19.** When either the President or Speaker of the House of Representatives shall so exercise said office, he shall receive the compensation of Governor only, and his duties as President or Speaker shall be suspended, and the Senate or House of Representatives, as the case may be, shall fill the vacancy until his duties as Governor shall cease.

**SEC. 20.** A National Treasurer and National Auditor shall be elected by the qualified electors of the Nation and hold their offices for the term of two years unless sooner removed.

**SEC. 21.** A Sheriff, a Coroner, a Treasurer, and Ranger, shall be elected in each county, by the qualified electors thereof, who shall hold their offices for two years unless sooner removed.

#### MILITIA.

**SEC. 1.** The General Council shall provide by law, for organizing and disciplining the militia of this Nation, in such manner as they deem expedient, not incompatible with the constitution and laws of the United States, in relation thereto.

**SEC. 2.** Commissioned officers of the Militia (staff officers and the officers of voluntary companies excepted) shall be elected by the persons liable to perform military duty and

the qualified electors within their respective commands and shall be commissioned by the Governor.

SEC. 3. The Governor shall have power to call forth the militia to execute the laws of the Nation and to suppress insurrection.

## ARTICLE VI.

### IMPEACHMENTS.

SEC. 1. The House of Representatives shall have the sole power of impeaching.

SEC. 2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be on oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 3. The Governor and all civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than removal from office and disqualification to hold any office of honor, trust, or profit, under the Nation; but the party convicted, shall, nevertheless, be liable and subject to indictment, trial and punishment according to law, as in other cases.

## ARTICLE VII.

### GENERAL PROVISIONS.

SECTION 1. Members of the General Council and officers, executive and judicial, before they enter upon the duties of their respective offices, shall take the following oath or affirmation, to-wit: "I solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the Choctaw Nation, so long as I continue a citizen thereof; and that I will faithfully discharge, to the best of my abilities, the duties of the office of \_\_\_\_\_, according to law. So help me God."

SEC. 2. Treason against the Nation shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

SEC. 3. Every person shall be disqualified from holding an office or place of honor or profit under the authority of this Nation, who shall be convicted of having given or offered

any bribe to procure his election. Laws shall be made to exclude from office and from suffrage those who shall hereafter be convicted of bribing, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult or other improper conduct.

SEC. 4. No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this Nation, nor be allowed to testify on oath, in any court of justice.

SEC. 5. No laws of a general nature, unless otherwise provided for, shall be enforced, until sixty days after the passage thereof.

SEC. 6. No money shall be drawn from the Treasury but in consequence of an appropriation made by law. No money from the Treasury shall be appropriated to objects of internal improvement, unless a bill for that purpose shall be approved by two-thirds of both branches of the General Council; and a regular statement and account of the receipts and expenditures of public monies shall be published annually.

SEC. 7. No law shall ever be passed to raise a loan of money upon the credit of this Nation, or to pledge the faith of the Nation for the payment or redemption of any loan or debt, unless such law be proposed in the Senate or House of Representatives, and be agreed to by a majority of the members of each House, and entered on their journals, with the yeas and nays taken thereon, and be referred to the next succeeding General Council—and published throughout the Nation, for three months previous to the next regular election; and unless a majority of each branch of the General Council, so elected, after such publicity, shall agree to, and pass such law; and in such case the yeas and nays shall be taken, and entered on the journals of each House.

SEC. 8. The General Council shall direct by law, in what manner, and in what courts, suits may be brought against the Nation.

SEC. 9. Religion, morality, and knowledge, being necessary to good government, the preservation of liberty, and the happiness of mankind, schools and the means of education, shall forever be encouraged in this Nation.

SEC. 10. Divorces from the bonds of matrimony shall not be granted, but in cases provided for by law.

**SEC. 11.** Returns of election shall be made to the National Secretary, in such manner as may be prescribed by law.

**SEC. 12.** New counties may be established by the General Council, so that the territory thereof shall not be separated by any other county already formed.

#### SLAVES.

**SEC. 1.** The General Council shall have no power to pass laws for the emancipation of slaves, without the consent of their owners, unless where the slave shall have rendered to the Nation some distinguished service—in which case the owner shall be paid a full equivalent for the slave so emancipated. They shall have no power to prevent emigrants to this nation from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this nation; *Provided*, That such person or slave be the *bona fide* property of such emigrants; *And provided, also*, That laws may be passed to prohibit the introduction into this Nation, of slaves who may have committed high crimes in any of the United States. They shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge. They shall have full power to oblige the owners of slaves, to treat them with humanity—to provide for them necessary clothing and provisions, to abstain from all injuries to them extending to life or limb, and in case of their neglect or refusal to comply with the direction of such laws, to have such slave or slaves sold for the benefit of the owner or owners.

**SEC. 2.** The General Council shall have, and are hereby vested with, power to pass such laws, regulating or prohibiting the introduction of slaves into the Nation, as may be deemed proper and expedient.

**SEC. 3.** In the prosecution of slaves for crimes of which the punishment is not capital, summary proceedings shall be had as may be regulated by law.

#### MODE OF REVISING THE CONSTITUTION.

Whenever two-thirds of each branch of the General Council shall deem any change, alteration, or amendment necessary to this Constitution—such proposed change, alteration or amendment, shall be read and passed by a majority of

two-thirds of each House respectively on each day, for three several days—public notice thereof shall then be given by the National Secretary at least six months preceding the next general election, at which the qualified electors shall vote directly for or against such change, alteration, or amendment. And if it shall appear that a majority of the qualified electors voting for members of the General Council, shall have voted for the proposed change, alteration, or amendment, then it shall be inserted by the next succeeding General Council, as a part of this Constitution, and not otherwise.

#### SCHEDULE.

**SEC. 1.** All matters now pending in the several Courts of this Nation, may be transferred to such court as may have proper jurisdiction thereof, under this Constitution.

**SEC. 2.** The Chiefs and all officers now holding office, under the authority of this Nation, shall continue to hold and exercise their respective offices, until they shall be superseded pursuant to the provisions of this Constitution, and until their successors be duly qualified.

**SEC. 3.** All laws now in force in this Nation, not repugnant to this Constitution, shall continue to operate until they shall expire by their own limitation, or be altered or repealed by the General Council.

**SEC. 4.** After the adoption of this Constitution, and three months before the day of holding the election, the President of this convention shall give written notice, to the Judge of the county court of each county in the Nation, directing an election to be held on the first Wednesday in August next, for a Governor and all other officers, national and county, provided for in this constitution, which election shall be conducted in the manner prescribed by the existing election laws; and as the enumeration required by the Constitution, for the apportionment of members of the General Council, will be impracticable, before the first assemblage of that body—the same number of members of both branches now allowed by law, shall continue for the first two years.

**SEC. 5.** The returns for the elections above directed, shall be sent sealed, to the President of this convention, who shall open and publish the same, giving certificates to those whom the returns show to be chosen, for the various offices. The returns for Governor, shall be transmitted as the constitution directs.

**SEC. 6.** Any special appointments or contracts made by the Chiefs, under existing laws, shall be approved by the Governor of the Nation, and the appointees commissioned, and contracts so made, ratified by him.

**TANDY WALKER,** President of the Convention.  
**S. S. FISHER,**  
**WM. B. PITCHLYNN,** } Clerks.  
**S. P. WILLIS,**

---

**DELEGATES OF THE CONVENTION.**

**Robt. Kincaid, E. W. Folsom, Kennedy McCurtain, Wm. Cass, Mishamah Tubbee, McKee King, Jas Thompson, John Page, Jas. Garland, Mitchel Leflore, Wm. James, John Lewis, L. D. Garland, Bushpo Tuppah, Coleman Cole, Swinney Frazier, Alfred Wade, Wm. Roebuck, J. E. Dwight, Daniel Folsom, Jacob Folsom, John McIntosh, Wm. K. Stuart, Fransua Battiest.**



# TREATY

BETWEEN

# THE UNITED STATES

AND THE

# CHOCTAW AND CHICKASAW INDIANS.

---

Articles of agreement and convention between the United States and the Choctaw and Chickasaw tribes of Indians, made and concluded at the city of Washington, the twenty-second day of June, A. D. one thousand eight hundred and fifty-five, by George W. Manypenny, commissioner on the part of the United States, Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dixon W. Lewis, commissioners on the part of the Choctaws; and Edmund Pickens and Sampson Folsom, commissioners on the part of the Chickasaws.

WHEREAS, the political connexion heretofore existing between the Choctaw and the Chickasaw tribes of Indians, has given rise to unhappy and injurious dissensions and controversies among them, which render necessary a readjustment of their relations to each other and to the United States: and whereas, the United States desire that the Choctaw Indians shall relinquish all claim to any territory west of the one hundredth degree of west longitude, and, also, to make provision for the permanent settlement within the Choctaw

country, of the Wichita and certain other tribes or bands of Indians, for which purpose the Choctaws and Chickasaws are willing to lease, on reasonable terms, to the United States, that portion of their common territory which is west of the ninety-eighth degree of west longitude: and whereas, the Choctaws contend that, by a just and fair construction of the treaty of September 27, 1830, they are, of right, entitled to the net proceeds of the lands ceded by them to the United States, under said treaty, and have proposed that the question of their right to the same, together with the whole subject-matter of their unsettled claims, whether national or individual, against the United States, arising under the various provisions of said treaty, shall be referred to the Senate of the United States for final adjudication and adjustment: and whereas, it is necessary for the simplification and better understanding of the relations between the United States and the Choctaw Indians, that all their subsisting treaty stipulations be embodied in one comprehensive instrument:

Now, therefore, the United States of America, by their commissioner, George W. Manypenny, the Choctaws, by their commissioners, Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dickson W. Lewis, and the Chickasaws, by their commissioners, Edmund Pickens and Sampson Folsom, do hereby agree and stipulate as follows, viz:

ARTICLE 1. The following shall constitute and remain the boundaries of the Choctaw and Chickasaw country, viz: Beginning at a point on the Arkansas river, one hundred paces east of old Fort Smith, where the western boundary line of the State of Arkansas crosses the said river, and running thence due south to Red river; thence up Red river to the point where the meridian of one hundred degrees west longitude crosses the same; thence north along said meridian to the main Canadian river; thence down said river to its junction with the Arkansas river; thence down said river to the place of beginning.

And pursuant to an act of Congress approved May 28, 1830, the United States do hereby forever secure and guaranty the lands embraced within the said limits, to the members of the Choctaw and Chickasaw tribes, their heirs and successors, to be held in common; so that each and every member of either tribe shall have an equal, undivided interest in the whole: *Provided, however,* no part thereof shall ever be sold without the consent of both tribes; and that said land shall revert to the United States if said Indians and their heirs become extinct, or abandon the same.

ART. II. A district for the Chickasaws is hereby established, bounded as follows, to wit: beginning on the north bank of Red river, at the mouth of Island Bayou, where it empties into Red river, about twenty-six miles on a straight line, below the mouth of False Wachitta; thence running a northwesterly course along the main channel of said bayou, to the junction of the three prongs of said bayou, nearest the dividing ridge between Wachitta and Low Blue rivers, as laid down on Capt. R. L. Hunter's map; thence northerly along the eastern prong of Island Bayou to its source; thence due north to the Canadian river; thence west along the main Canadian to the ninety-eighth degree of west longitude; thence south to Red river; and thence down Red river to the beginning: *Provided, however*, if the line running due north, from the eastern source of Island Bayou, to the main Canadian, shall not include Allen's or Wa-panacka academy, within the Chickasaw district, then, an offset shall be made from said line, so as to leave said academy two miles within the Chickasaw district, north, west and south from the lines of boundary.

ART. III. The remainder of the country held in common by the Choctaws and Chickasaws, shall constitute the Choctaw district, and their officers and people shall at all times have the right of safe conduct and free passage through the Chickasaw district.

ART. IV. The government and laws now in operation and not incompatible with this instrument, shall be and remain in full force and effect within the limits of the Chickasaw district, until the Chickasaws shall adopt a constitution, and enact laws, superseding, abrogating, or changing the same. And all judicial proceedings within said district, commenced prior to the adoption of a constitution and laws by the Chickasaws, shall be conducted and determined according to existing laws.

ART. V. The members of either the Choctaw or the Chickasaw tribe, shall have the right, freely, to settle within the jurisdiction of the other, and shall thereupon be entitled to all the rights, privileges, and immunities of citizens thereof; but no member of either tribe shall be entitled to participate in the funds belonging to the other tribe. Citizens of both tribes shall have the right to institute and prosecute suits in the courts of either, under such regulations as may, from time to time, be prescribed by their respective legislatures.

ARTICLE VI. Any person duly charged with a criminal offence against the laws of either the Choctaw or the Chickasaw tribe, and escaping into the jurisdiction of the other, shall be promptly surrendered, upon the demand of the proper authorities of the tribe, within whose jurisdiction the offence shall be alleged to have been committed.

ARTICLE VII. So far as may be compatible with the constitution of the United States and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Choctaws and Chickasaws shall be secured in the unrestricted right of self-government, and full jurisdiction, over persons and property, within their respective limits; excepting, however, all persons with their property, who are not by birth, adoption or otherwise citizens or members of either the Choctaw or Chickasaw tribe; and all persons, not being citizens or members of either tribe, found within their limits shall be considered intruders, and be removed from, and kept out of the same, by the United States agent, assisted if necessary by the military, with the following exceptions, viz: Such individuals as are now, or may be in the employment of the government, and their families: those peacefully travelling, or temporarily sojourning in the country or trading therein, under license from the proper authority of the United States, and such as may be permitted by the Choctaws or Chickasaws, with the assent of the United States agent, to reside within their limits, without becoming citizens or members of either of said tribe.

ARTICLE VIII. In consideration of the foregoing stipulations, and immediately upon the ratification of this convention, there shall be paid to the Choctaws, in such manner as their national council shall direct, out of the national fund of the Chickasaws held in trust by the United States, the sum of one hundred and fifty thousand dollars.

ARTICLE IX. The Choctaw Indians do hereby absolutely and forever quit-claim and relinquish to the United States all their right, title and interest in, and to any and all lands, west of the one hundred degrees of west longitude; and the Choctaws and Chickasaws do hereby lease to the United States all that portion of their common territory west of the ninety-eighth degree of west longitude, for the permanent settlement of the Wichita and such other tribes or bands of Indians as the government may desire to locate therein; excluding, however, all the Indians of New Mexico, and, also, those whose usual ranges at present, are north of the Arkansas river, and whose permanent locations are north of the

Canadian river, but including those bands whose permanent ranges are south of the Canadian, or between it and the Arkansas ; which Indians shall be subject to the exclusive control of the United States, under such rules and regulations, not inconsistent with the rights and interests of the Choctaws and Chickasaws, as may from time to time, be prescribed by the President for their government: *Provided, however,* the territory so leased shall remain open to settlement by Choctaws and Chickasaws as heretofore.

ARTICLE X. In consideration of the foregoing relinquishment and lease, and, as soon as practicable after the ratification of this convention, the United States will pay to the Choctaws the sum of six hundred thousand dollars, and to the Chickasaws the sum of two hundred thousand dollars, in such manner as their general councils shall respectively direct.

ARTICLE XI. The government of the United States, not being prepared to assent to the claim set up under the treaty of September the twenty-seventh, eighteen hundred and thirty, and so earnestly contended for by the Choctaws as a rule of settlement, but justly appreciating the sacrifices, faithful services, and general good conduct of the Choctaw people and being desirous that their rights and claims against the United State shall receive a just, fair, and liberal consideration, it is therefore, stipulated that the following questions be submitted for adjudication to the Senate of the United States :

First. Whether the Choctaws are entitled to, or shall be allowed, the proceeds of the sale of the lands ceded by them to the United States, by the treaty of September the twenty-seventh, eighteen hundred and thirty, deducting therefrom the cost of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty ; and if so, what price per acre shall be allowed to the Choctaws to the lands remaining unsold, in order that a final settlement with them may be promptly effected. Or,

Second. Whether the Choctaws shall be allowed a gross sum in further and full satisfaction of all their claims national and individual against the United States ; and, if so, how much.

ARTICLE XII. In case the Senate shall award to the Choctaws the net proceeds of the lands, ceded as aforesaid, the same shall be received by them in full satisfaction of all their claims against the United States, whether national or individual, arising under any former treaty ; and the Choctaws shall thereupon become liable and bound to pay all such

individual claims as may be adjudged by the proper authorities of the tribe to be equitable and just—the settlement and payment to be made with the advice and under the direction of the United States agent for the tribe; and so much of the fund, awarded by the Senate to the Choctaws, as the proper authorities thereof shall ascertain and determine to be necessary for the payment of the just liabilities of the tribe, shall on their requisition be paid over to them by the United States. But should the Senate allow a gross sum, in further and full satisfaction of all their claims, whether national or individual, against the United States, the same shall be accepted by the Choctaws, and they shall thereupon become liable for, and bound to pay, all the individual claims as aforesaid; it being expressly understood that the adjudication and decision of the Senate shall be final.

ARTICLE XIII. The amounts secured by existing treaty stipulations—viz: permanent annuity of three thousand dollars, under the second article of the treaty of eighteen hundred and five; six hundred dollars per annum for the support of light-horse men under the thirteenth article of the treaty of eighteen hundred and twenty; permanent annuity of six thousand dollars for education, under the second article of the treaty of eighteen hundred and twenty-five; six hundred dollars per annum permanent provision for the support of a blacksmith, under the sixth article of the treaty of eighteen hundred and twenty; and three hundred and twenty dollars permanent provision for iron and steel, under the ninth article of the treaty of eighteen hundred and twenty-five—shall continue to be paid to, or expended for the benefit of, the Choctaws as heretofore; or the same may be applied to such objects of general utility as may, from time to time, be designated by the general council of the tribe, with the approbation of the government of the United States. And the funds now held in trust by the United States for the benefit of the Choctaws under former treaties, or otherwise, shall continue to be so held; together with the sum of five hundred thousand dollars out of the amount payable to them under articles eighth and tenth of this agreement, and also whatever balance shall remain, if any, of the amount that shall be allowed the Choctaws, by the Senate, under the twelfth article hereof, after satisfying the just liabilities of the tribe. The sums so to be held in trust shall constitute a general Choctaw fund, yielding an annual interest of not less than five per centum; no part of which shall be paid out as annuity, but shall be regularly and ju-

diciously applied, under the direction of the general council of the Choctaws, to the support of their government, for purposes of education, and such other objects as may be best calculated to promote and advance the improvement, welfare and happiness of the Choctaw people and their descendants.

ARTICLE XIV. The United States shall protect the Choctaw and Chickasaws from domestic strife, from hostile invasion, and from aggression by other Indians and white persons not subject to their jurisdiction and laws; and for all injuries, resulting from such invasion or aggression, full indemnity is hereby guaranteed to the party or parties injured, out of the treasury of the United States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them, committed by Indians.

ARTICLE XV. The Choctaws and Chickasaws shall promptly apprehend and deliver up all persons accused of any crime or offence against the laws of the United States, or, of any State thereof, who may be found within their limits, on demand of any proper officer of a State, or of the United States.

ARTICLE XVI. All persons licensed by the United States to trade with the Choctaws or Chickasaws, shall be required to pay to the respective tribes a moderate annual compensation for the land and timber used by them; the amount of such compensation, in each case, to be assessed by the proper authorities of said tribe, subject to the approval of the United States agent.

ARTICLE XVII. The United States shall have the right to establish and maintain such military posts, post roads, and Indian agency, as may be deemed necessary within the Choctaw and Chickasaw country, but no greater quantity of land or timber shall be used for said purposes, than shall be actually requisite; and if, in the establishment or maintenance of such posts, post roads, and agencies, the property of any Choctaw or Chickasaw shall be taken, injured, or destroyed, just and adequate compensation shall be made by the United States. Only such persons as are, or may be in the employment of the United States, or, subject to the jurisdiction and laws of the Choctaws or Chickasaws, shall be permitted to farm or raise stock within the limits of any of said military posts or Indian agencies. And no offender against the laws of either of said tribes, shall be permitted to take refuge therein.

ARTICLE XVIII. The United States, or any incorporated company, shall have the right of way for railroads, or lines of telegraphs, through the Choctaw and Chickasaw country ; but for any property taken or destroyed in the construction thereof, full compensation shall be made to the party or parties injured, to be ascertained and determined in such manner as the President of the United States shall direct.

ARTICLE XIX. The United States shall, as soon as practicable, cause the eastern and western boundary lines of the tract of country described in the 1st article of this convention, and the western boundary of the Chickasaw district, as herein defined, to be run and permanently marked.

ARTICLE. XX. That this convention may conduce as far as possible to the restoration and preservation of kind and friendly feeling among the Choctaws and Chickasaws, a general amnesty of all past offences, committed within their country, is hereby declared.

And in order that their relations to each other and to the United States may hereafter be conducted in a harmonious and satisfactory manner, there shall be but one agent for the two tribes.

ARTICLE XXI. This convention shall supercede and take the place of all former treaties between the United States and the Choctaws, and, also, of all treaty stipulations between the United States and the Chickasaws, and between the Choctaws and Chickasaws, inconsistent with this agreement, and shall take effect and be obligatory upon the contracting parties, from the date hereof, whenever the same shall be ratified by the respective councils of the Choctaw and Chickasaw tribes, and by the President and Senate of the United States.

ARTICLE XXII. It is understood and agreed that the expenses of the respective commissioners of the two tribes, signing these articles of agreement and convention, in coming to, and returning from this city, and while here, shall be paid by the United States.

# ACTS AND RESOLUTIONS

PASSED AT

## SESSION 19, 1852.

---

SEC. 1. *Sub-Sec. 1. Be it enacted by the General Council of the Choctaw Nation assembled,* That the Kusha Female Seminary is hereby changed into a high institution of learning, in conformity to the following rules, privileges and regulations, viz: That the course of studies prescribed and pursued at the Kusha Female Seminary shall be such as is usually taught in the best female institutions in the United States.

2. That the first session of said Institution shall commence on the second Wednesday of the present year.

3. That the hours of study and the length of the session, and time of opening and closing the same, shall be regulated by the Trustees and Superintendent of the Seminary.

4. That no student shall be permitted to enter this Seminary for a less time than one term. And the length of time which each student shall enjoy the privileges of this Seminary shall not be limited by law. But shall be left to the discretion of the Superintendent and Trustees.

5. That the number of scholars admitted under appropriation for the first year shall not exceed forty, and the Superintendent and Trustees shall select such girls as they may think qualified to enter the Institution. And after the first year of the Institution no applicant shall be received as a student thereof until she shall have sustained a good examination in Geography, Grammar and Arithmetic.

6. That to meet the additional expenses which may be incurred by the change in the Kusha Female Seminary, there shall be, and hereby is appropriated to it, eight hundred dollars, annually, to be taken out of the funds set apart by the treaty of 1830, for the education of forty youths, and which

has been since set apart by the General Council for the benefit of boys at colleges in the United States, and that the Trustees shall have power to draw the above appropriation and pay it over to the Superintendent of said Institution, annually, after the passage of this act.

7.<sup>1</sup> That the provisions of this act shall continue in force for the period provided in the act establishing the Kusha Female Seminary, at the 9th session of the General Council.

Approved, November 6th, 1852.



**An Act to prevent the introduction of spirituous liquors in the Nation.**

**SEC. 2. Sub.Sec. 1.** *Be it enacted, &c.*, That no person shall be allowed to bring or introduce any spirituous or intoxicating liquors into this Nation, and any person so offending shall forfeit and pay, on the first conviction three dollars and the costs of prosecution. On the second conviction he shall pay ten dollars and the costs of prosecution, and upon every subsequent conviction he shall pay twenty dollars and the costs of prosecution, and he shall stand committed until the same be paid. And in default of the payment of the fine, or fines, thus imposed, within three months, the judge of the county in which the offence shall have been committed shall order any of the lighthorsemen to seize any property the offender may have or own, and to sell it to the highest bidder. The one-half of the fine so recovered shall go to the informer and the other half shall go to the district. It shall be the duty of any and all persons, on being furnished with proof of the offence, to enter a complaint to the county judge against any person who is guilty of a violation of this act.

Approved, November 8th, 1852.

**An Act appropriating Unclaimed Orphan Fund.**

WHEREAS, There is a balance of the funds arising from the sale of orphan lands provided for under the 19th article of the Treaty of Dancing Rabbit Creek, in 1830, now in the hands of Mr. William Wilson, agent to the Choctaws, belonging to claimants or their representatives who cannot be identified. And whereas, it is necessary that some disposition should be made of said balance. Therefore,

SEC. 3. *Sub-Sec. 1. Be it enacted*, by the General Council of the Choctaw Nation assembled, That the residue or balance of the proceeds of orphan lands above referred to, be and hereby is appropriated to pay the neighborhood school teachers in the several districts of this Nation.

2. *Be it further enacted*, That the chiefs are hereby requested to inform Mr. William Wilson, United States agent, of the passage of this act, and to request him to pay the said funds over to the Trustees of public schools, to be applied in the manner specified in the preceding section.

3. *Be it further enacted*, That the Trustees shall render a strict account of the funds thus placed in their hands annually, to the General council.

4. *Be it further enacted*, That should any orphans be identified as proper claimants or representatives, according to the register furnished by the Department at Washington, all such claims shall be refunded by the General Council.

5. *And be it further enacted*, That the above appropriation for the pay of neighborhood schools, shall be divided among the three districts according to their population.

Approved, November 8th, 1852.

---

**Resolution requiring the registry of the people of the Nation.**

SEC. 4. *Sub-Sec. 1. Resolved*, That the chiefs of the different districts are hereby authorized to request the county Judges to register all persons in their respective counties, and furnish the district clerk with the registry, who shall present the same to the next General council.

Approved, November 8th, 1852.

**An Act ratifying an act of Congress of the United States, appropriating money to pay Claimants, under 14th article of the Treaty of 1830.**

SEC. 5. *Sub-Sec. 1.* *Whereas*, by an act of Congress, entitled, "an act to supply deficiencies in the appropriation for the services of the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-two." "It is provided, that after the thirtieth of June, one thousand eight hundred and fifty-two, all payments of interest on the amounts awarded Choctaw claimants, under the fourteenth article of the Treaty of Dancing Rabbit Creek, for lands on which they resided, but which it is impossible to give them, shall cease; and that the Secretary of Interior be directed to pay said claimants the amounts of the principal awarded in each case respectively, and that the amount necessary for this purpose be appropriated, not exceeding eight hundred and seventy-two thousand dollars. And that the final payment and satisfaction of awards shall be first ratified and approved as a final release of all claims of such parties, under the fourteenth article of said treaty, by the proper National authorities of the Choctaws, in such form as shall be prescribed by the Secretary of Interior. Now be it known that the said General Council of the Choctaw Nation, do hereby ratify and approve the final payment and satisfaction of awards agreeably to the provisions of the act aforesaid, as a final release of all claims of such parties under the fourteenth article of said treaty.

Approved, November 10th, 1852.

---

**An Act providing for the Education of Tecumseh McCan.**

SEC. 6. *Sub-Sec. 1.* *Be it enacted. &c.*, That the Trustees of public schools of this Nation shall make provisions out of the school funds for the education and support of Tecumseh McCan, of Mooshulatubbee district, who is deaf and dumb, and for defraying his traveling expenses.

Approved, November 10th, 1852.

**An Act fixing the salaries of District Clerks.**

SEC. 7. *Sub-Sec. 1. Be it enacted, &c.*, That from and after the passage of this act, the district clerks shall receive for their services, one hundred and fifty dollars annually, and the act passed sec. 9th, session 3rd, be and the same is hereby repealed.

Approved, November 10th, 1852.

---

**An Act changing the place of holding Circuit Court in Mooshulatubbee District.**

SEC. 8. *Sub-Sec. 1. Be it enacted, &c.*, That the place of holding the Circuit court in Mooshulatubbee district, shall be located at Skullyville, near the Choctaw agency. And be it further enacted, that the act passed sec. 23rd, session 18th, locating the Circuit court ground at Good Ground, is hereby repealed.

Approved, November 10th, 1852.

---

**An Act appropriating residue of funds arising under 20th article of Treaty of 1830, for Educational Purposes.**

SEC. 9. *Sub-Sec. 1. Be it enacted, &c.*, That the residue of funds granted under the 20th article of the Treaty of Dancing Rabbit Creek, 1830, for the education of forty Choctaw youths which has been loaned to the United States, and which yields an annual interest, be and the same is hereby appropriated for the support of neighborhood schools in the three Districts of this Nation. *Provided, however,* that the students who have been selected by the Board of Trustees, and who are now at college, shall remain and be supported until they shall have completed their education.

2. *Be it further enacted,* That when those Choctaw students already selected and are at college, shall have finished their education, the whole amount of interest shall be remitted from time to time as it is appropriated by Congress

to be applied for the pay of neighborhood schools and teachers; and the said amount of interest shall be divided amongst the three districts, according to their population.

3. *Be it further enacted*, That the chiefs are hereby authorized to communicate the passage of this act to Mr. William Wilson, United States agent, and request him to call upon the commissioner of Indian affairs, to remit to him the amount of funds on hand, and when received to be paid over by him to the trustees of public schools.

4. *Be it further enacted*, The trustees of public schools shall have the power in their respective districts to locate the schools, employ teachers, fix their salaries and pay them, and remove the same when found unsuitable or incompetent, at their discretion, and appoint trustees for the neighborhood schools, who shall act under their instruction.

5. *Be it further enacted*, That it shall be the duty of the trustees to report the expenditures, state, condition and prospect of each school annually, to the General Council.

6. *Be it further enacted*, That each district shall be furnished with a blank book for the purpose of recording school reports.

7. *Be it further enacted*, That the trustees of public schools shall each have an additional salary of fifty dollars annually, out of the school funds.

8. *Be it further enacted*, That an act passed regulating neighborhood schools in section 1st, session 16th, is hereby made null and void.

9. *Be it further enacted*, That all the schools and school funds that are in the hands of school managers, as specified in section 1st, session 16, are hereby transferred to the Board of Trustees of Public Schools.

10. *And be it further enacted*, That section 5th, of the session 14th, is hereby made null and void.

Approved, November 11th, 1852.

**Resolutions appointing Commissioners to meet Chickasaw Commissioners.**

SEC. 10. WHEREAS, the Chickasaw people have, through their headmen, preferred certain serious charges against the authorities of the Choctaws, and having from time to time, and on various occasions, manifested dissatisfaction on account of their being united with the Choctaws under the same government and laws. In order to understand the causes of complaint and misunderstanding existing, and that a full and final adjustment of the questions at issue may be had, and that the ties of ancient brotherhood, so long cherished, may continue; Therefore: *Resolved by the General Council of the Choctaw Nation assembled*, That Col. P. P. Pitchlynn and Lewis Garland, of Puckshunnubbee District, Gen. Robert M. Jones and Henry Graves, of Pushamataha District, and Edmond McKinney and Peter Folsom, of Mooshulatubbee District, be, and they are hereby appointed and empowered as commissioners, on the part of the Choctaw people to meet the Chickasaw commissioners at the town of Doaksville on the first day of January next, and there to open a friendly correspondence with the said Chickasaw commissioners on all the points at issue, and, if possible, to lay the basis for a final adjustment of the same, which basis, together with the correspondence between the two Boards of Commissioners, shall be submitted to the General Council for its consideration and action.

*Resolved further*, That if it be found impracticable for the commissioners to meet on the first day of January next, it shall be left to the discretion of said commissioners to fix on the day when they shall meet.

*Resolved further*, That in case of death or resignation of any of the Choctaw commissioners above named, it shall be the duty of the chiefs where such death or resignation may occur, to appoint some competent person or persons to fill such vacancy, or vacancies.

*Resolved further*, That the Choctaw commissioners shall have the power to select their own secretary.

*And be it further resolved*, That it shall be required of the Choctaw commissioners to recognize no person as commissioner on the part of the Chickasaws who is not accredited by Col. Pickens, Chief of the Chickasaw District.

Approved, November 11th, 1852.

**Resolutions complimentary to Superintendents and Teachers  
of Public Schools.**

SEC. 11. *Resolved, &c.*, That the thanks of the Council be tendered to the superintendents and teachers of public schools of this Nation, for their long and faithful services, their long attachment to our people, their interest in our welfare, and their devotion to the cause in which they are engaged.

*Resolved 2nd*, That the chiefs of the several districts be requested to send a copy of the above resolution to each of the superintendents of public schools.

Approved, November 12th, 1852.

**Resolutions respecting arrearages due by the United States  
under various Treaties.**

SEC. 12. WHEREAS, during the recess of the General Council, information reached the district chiefs that a large amount of money was due to the Choctaws from the United States Government, from arrearages of annuities payable under various treaties. And whereas, the chiefs authorized Thompson McKinney and Forbis Leflore to take such steps as might be necessary and proper for the recovery of such arrearages, and agreed with them that one-tenth of all that might be recovered should be allowed for the purpose of paying any expenses that might be incurred in effecting such recovery. And whereas steps were taken by said McKinney and Leflore, during their recent visit at Washington, in prosecuting said claims by virtue of the authority given them by said chiefs; now, in order to secure more effectually the payment of said arrearages:

*Resolved by the General Council of the Choctaw Nation assembled*, That the authority given by the district chiefs to Messrs. McKinney and Leflore to make arrangements for the recovery of arrearages of annuities due the Choctaws under various treaties, together with the allowance agreed to be made them for compensation, be, and the same are hereby approved and confirmed.

*Resolved further*, That in case McKinney and Leflore should fail to effect the payment of arrearages of annuities under various treaties, they shall not be allowed any pay for their services.

Approved, November 12th, 1852.

---

**An Act prescribing the manner of certifying claims against the several districts.**

SEC. 13. *Sub-Sec. 1. Be it enacted, &c..* That from and after the passage of this act all claims against the districts shall be certified by one of the county judges and approved by the chief before payment shall be made by the treasurer.

Approved, November 12th, 1852.

---

**An Act increasing pay of County Judges.**

SEC. 14. *Sub-Sec. 1. Be it enacted, &c.,* That from and after the passage of this act the county judges in the several districts shall, in addition to their present pay, receive twenty dollars.

Approved, November 12th, 1852.

---

**An Act giving power to the County Judges to appoint their own clerks, and defining the duties of such clerks respecting strays, &c.**

SEC. 15. *Sub-Sec 1. Be it enacted, &c.,* That from and after the passage of this act the county judges in the several districts of this Nation shall be vested with full power to appoint their own clerks, whose duty shall be to keep a record of all the proceedings of their respective courts, and who shall, for their services, receive five dollars per annum.

2. *Be it further enacted,* That it shall also be the duty of county clerks to take in writing a description of all the strays that may be posted at their respective courts, and shall furnish the district clerk a copy of the same, who shall enter it on his stray book.

3. *Be it further enacted,* That it shall also be the duty of county clerks to put up advertisements of all the strays at one or more public places within their respective counties, giving notice of the time of sale, to attend the same, and collect the proceeds thereof, and make the distribution of the same as required by law, passed, section 15th, of session 10th, and for all such services he shall be entitled to receive the amount allowed to district clerks.

4. *Be it further enacted,* That the chiefs shall furnish for each county blank-books, pen, paper and ink, which amount shall be paid out of the district funds.

5. *And be it further enacted,* That the parts of acts, under three heads in section 5, of session 10, defining the duty of district clerks as mentioned in the above section is hereby repealed.

Approved, November 12th, 1852.

---

**An Act appropriating money to pay officers of the Nation and dividing residue among the districts.**

SEC. 16. *Sub-Sec. 1. Be it enacted, &c.,* That the following sums are hereby appropriated to pay the officers of this Nation, viz: To Mooshulatubbee District, sixteen hundred and forty dollars; to Pushamataha District, two thousand eleven dollars and eighteen cents; and to Puckshunnubbee District, twenty-six hundred and ninety-three dollars and eighteen cents. And the following sums being a balance of funds divided among the three districts, according to population, are hereby appropriated, viz; To Mooshulatubbee District, seven hundred and three dollars and ninety-one cents; to Puckshunnubbee District, one thousand nine hundred and fourteen dollars and ninety-one cents; and to Pushamataha District, one thousand seventy-four dollars and seventy-four cents.

Approved, November 13th, 1852.

**An Act prescribing the place of executing criminals.**

SEC. 17. *Sub-Sec. 1. Be it enacted, &c.,* That from and after the passage of this act all criminals, under sentence of death, shall be executed before the jail door.

Approved, November 13th, 1852.

---

**An Act giving power to Circuit Judge and County Judges to grant bail in certain cases, and for other purposes.**

SEC. 18. *Sub-Sec. 1. Be it enacted, &c.,* That the county judges and circuit judge shall have power to grant any person or persons apprehended for murder, or any high crime against the nation, the privilege of giving bonds to the district with good security, in any sum which, in their opinion, the public good shall require, except in cases of wilful murder, or any high crime.

2. *And be it further enacted,* That in any case when the sum required by the bond, with the security or securities aforesaid, is collected, it shall be paid over by the judge to the treasurer of the district in which the crime was committed, for district purposes.

Approved, November 13th, 1852.

---

**An Act in order to suppress disorder among negroes in any town or village.**

SEC. 19. *Sub-Sec 1. Be it enacted, &c.,* That from and after the passage of this act the chiefs of this Nation shall be authorized to give orders, when necessary, to their light-horsemen, to suppress all disorders or disturbances that may arise from the improper or disorderly behavior of negroes in any town or village within the limits of this Nation.

Approved, November 13th, 1852.

**Resolution concerning charges against Geo. Folsom, District Chief.**

SEC. 20. *Resolved, &c.*, That the charges against Geo. Folsom, Chief of Pushmataha District, by David Mackey, are of such a character that the Council cannot take cognizance of them.

Approved, November 13th, 1852.

---

**An Act fixing the pay of Jurors in Criminal Cases.**

SEC. 21. *Sub-Sec. 1. Be it enacted, &c.*, That from and after the passage of this act, except in civil suits, all jurors when summoned to try any case in court, shall each receive for their fees fifty cents per day while at court, to be paid by the district wherein such suit may be pending.

2. *And be it further enacted*, That they shall be paid by said district three cents per mile in going to and returning from court.

Approved, November 13th, 1852.

---

**An Act respecting blind, cripple, idiotic and insane persons.**

SEC. 22. *Sub-Sec. 1. Be it enacted, &c.*, That the several county judges in each district shall furnish the district clerks with the names of all blind, cripple, idiotic and insane persons, who have not the means of support, and certify to the correctness of the same.

2. *And be it further enacted*, That the district clerks shall report the same to the Council.

Approved, November 13th, 1852.

**An Act appropriating funds for the pay of officers of the Districts, and pay of members of the Council, Chiefs and Clerks.**

SEC. 23. *Sub-Sec. 1. Be it enacted, &c.*, That the \$3000 arising under the treaty of 1805, and \$7000 from the interest on the Chickasaw funds, be applied for the payment of the officers of three districts, and the remainder be paid over to the district treasurers according to their population.

2. *Be it further enacted*, That all acts and parts of acts inconsistent with the foregoing provisions be and the same are hereby repealed.

3. *Be it further enacted*. That the chiefs, clerks and members of the General Council shall, hereafter, each receive two dollars and fifty cents per day for their services at the General Council, and at the same rate for going and returning, and that thirty miles be computed as one day.

4. *And be it further enacted*, That no member, chief or clerk shall absent himself from his seat in Council without the permission of the General Council, except in case of sickness.

Approved, November 13th, 1852.

---

**An Act fixing the Salary of Supreme National Court Clerk.**

SECTION 24. *Sub-Section 1. Be it enacted, &c.*, That from and after the passage of this act, the Clerk of the Supreme National Court shall be allowed sixty dollars for his services, and that the act passed in the year 1851, sec. 13th is hereby repealed.

Approved, November 13th, 1852.

---

**An Act directing the payment of the Nelson Claim.**

SECTION 25. *Sub-Section 1. Be it enacted, &c.*, That the trustees of the public schools are hereby authorized to pay the Nelson claim.

Approved, November 13th, 1852.

**Resolution fixing time of adjournment of Council.**

SECTION 26. *Resolved, &c.* That the General Council of 1852, shall adjourn at 4 o'clock P. M., Saturday.

Approved, November 13th, 1852.

---

**An Act amendatory of An Act relative to drawing Jurors, Sec. 17, Sub-Sec. 3d, Session 17.**

SECTION 27. *Sub-Sec. 1. Be it enacted, &c.,* That an act relative to the manner of drawing jurors in section 17, subsection 3d, session 17. be amended so as to read thus : That there shall be drawn from said box, by the Clerks and Captains of the light-horsemen or any one of the light-horsemen, alternatively in open court, thirty names each for the District of Mooshulatabbee, Pushamataha, and the Chickasaw District.

Approved, November 13th, 1852.

---

**An Act empowering Chiefs to appoint and instruct delegation of Choctaws to meet the Creeks in Council.**

SECTION. 28. *Sub-Sec. 1. Resolved, &c.,* That the chiefs of this Nation shall appoint two men from each District, to go and meet our brethren, the Creeks, in a Council, which is to be held next spring in the west, with such instructions as they may deem expedient.

2. *Resolved, further,* That they shall consult with Mr. Wilson, United States agent, in reference to the Council, with a view to pursue such a course as may be for the best interest of our people.

Approved, November 13th, 1852.

**An Act providing for the pay of Judges called to sit temporarily and appropriating a sum for like services formerly rendered.**

SECTION 29. *Sub-Sec. 1. Be it enacted, &c.*, That from and after the passage of this act, each temporary judge, who may be called to sit on the trial of any cause, either in the Circuit or Supreme National Court, shall receive two dollars and fifty cents per day.

2. *And be it further enacted*, That for the payment of temporary judges who have served on former occasions, the sum of thirty dollars be and is hereby appropriated out of the district funds.

Approved, November 13th, 1852.

---

**An Act respecting the separation of Husband and Wife, fine imposed therefor, disposition of Children, &c.**

SECTION 30. *Sub-Sec. 1. Be it enacted, &c.*, That if any man put away his wife or any woman put away her husband without a just and sufficient cause shown to the court, such person or persons, shall pay not less than twenty-five dollars, nor more than fifty dollars; which fine when collected shall go to the district for public purposes. Should there have been any property accumulated by them while living together, such property shall be divided equally between them, and the county judge shall see the property fairly divided and delivered to each party concerned. If there should be any children, the county judge shall call upon seven disinterested persons to decide which of the parents shall keep and take charge of said children.

But in case of mutual consent shown before any court having jurisdiction thereof, the parties shall only pay cost and no fine be imposed.

Approved, November 13th, 1852.



## ACTS AND RESOLUTIONS

PASSED AT

# SESSION 20, 1853.

---

**SEC. 1** WHEREAS, The commissioners appointed by the last General Council, to meet and correspond with the Chickasaw commissioners, relative to the difficulties and grievances complained of by the Chickasaws against the Choctaws, failed to perform their duty owing to sickness of the members of the Chickasaw commission. Therefore, be it *Resolved*, by the General Council of the Choctaw Nation assembled, That Col. P. P. Pitchlynn and Samuel Garland, of Puckshunubbee District, and John M. Nail and Robert M. Jones, of Mooshulatubbee District, and Henry Harrison and Thomas Pitchlynn, of Pushamataha District, be and the same are hereby appointed and empowered to act as commissioners on the part of the Choctaw people, to meet the Chickasaw commissioners in the town of Doaksville, on the 5th day of November, A. D. 1853, and there open a friendly correspondence with the said Chickasaw commissioners, on all points at issue, and if possible to lay the basis for a final adjustment of the same, which basis, together with the correspondence between the two boards of commissioners, shall be submitted to the consideration and action of the General Council at the session of 1853.

Approved November 4th 1853.

**An Act repealing a certain act heretofore passed.**

SEC. 2. *Sub-Sec. 1. Be it enacted*, by the General Council of the Choctaw Nation assembled, That the law passed in November 8th, 1851, in session 8th, section 18, be and the same is hereby repealed.

Approved, November 5th, 1853.

---

**An Act changing place of holding County Court in Gains County.**

SEC. 3. *Sub-Sec. 1. Be it enacted*, by the General Council of the Choctaw Nation assembled, That the county court ground of Gains county, Mooshulatubbee District, be held at Boiling Water, near Capt. Washington's of said county.

2. *And be it further enacted*. That the act of session 18th, section 21st, be and the same is hereby repealed.

Approved, November 7th, 1853.

---

**Resolution appointing a Committee of Conference on Chief's Message.**

SEC. 4. *Resolved*, by the General Council of the Choctaw Nation assembled, That a committee of four be appointed by each house, to confer together on the message of the chiefs, and report the same to both branches of the General Council.

Approved, November 8th, 1853.

---

**An Act appropriating money to Noel Gardner and Joseph Duke.**

SEC. 5. *Sub-Sec. 1. Be it enacted*, by the General Council of the Choctaw Nation assembled, That the sum of one hundred and seventy-two dollars is hereby appropriated out of

the National Funds not otherwise appropriated, to pay Capt. Noel Gardner and Joseph Dukes, for ninety-one copies of constitution and laws now on hand, and eighty-one copies which they lost in the recent conflagration of houses in Doaksville.

2. *Be it further enacted*, That the ninety-one copies of the constitution and laws now on hand, shall be equally divided among the four districts.

Approved, November 8th, 1853.

---

**An Act respecting Licenses of Attorneys at Law.**

SEC. 6. *Sub-Sec. 1. Be it enacted, &c.*, That any person who may hereafter apply for admission to practice as an attorney-at-law, may undergo an examination before any one of the Judges of the Supreme Court, within or out of term-time; and if such person applying be found to possess a competent share of law knowledge, and be of good character, such Judge shall grant him a license under his hand and seal, to practice as an attorney-at-law, in all the courts of law in this Nation.

2. *Be it further enacted*, That the attorney-at-law who shall be permitted to practice law in this nation, will pay for the license granted ten dollars, and that the funds shall be applied for district purposes in which he shall reside.

Approved, November 8th, 1853.

---

**An Act fixing the time for holding County Courts.**

SEC. 7. *Sub-Sec. 1. Be it enacted, &c.*, That from and after the passages of this act, the county Judges may hold their courts, commencing on every Wednesday, and continue from day to day during the same week, if business requires it; and the act passed in the year 1850, session 17th and sub-section 8th of the 14th, be and the same is hereby repealed.

Approved, November 8th, 1853.

**An Act providing for the means of sending ten boys to learn Mechanical Trades.**

**SEC. 8. Sub-Sec. 1.** *Be it enacted, &c.,* That the Board of Trustees be and are hereby authorized to select ten boys from the several districts, and send them as soon as practicable to the United States, to learn mechanical and other useful trades, and that the said trustees shall make all necessary adjustment and provision to carry out this object.

**2.** *Be it further enacted,* That the said trustees shall draw out of the school funds under their control, a sum not less than \$700 for an outfit and traveling expenses.

Approved, November 9th. 1853.

**Resolutions creating a Delegation to settle all unsettled business with the Government of the United States.**

**SEC. 9. Sub-Sec. 1.** *Whereas,* the Choctaws were and ever have been dissatisfied with the manner in which the treaty of Dancing Rabbit Creek was made, owing to the many circumstances which were created to force them into it, and owing to the exceedingly small and inadequate amount which was given as payment for their country; and whereas, a large number of claims on the United States, arising under the 14th and 19th and other articles of the treaty of 1820, are still remaining unpaid; and whereas, information has reached the council, that the demands of a portion of certain claimants have become prejudiced by the unauthorized interference of white men at Washington, who, without the knowledge or consent of the claimants, pretend to be their attorneys; and whereas, the claimants have repeatedly from time to time, called on the council to assist them in procuring what is justly due them from the United States; and whereas, in the opinion of the council, a speedy and final settlement should be made with the United States of the foregoing specification. *Therefore, Resolved,* that P. P. Pitchlynn, Israel Folom, Dixon W. Lewis and Samuel Garland, be and are hereby appointed delegates, and fully empowered to represent and to institute in behalf of the Choctaw people a claim upon the United States, for the pay and remuneration for the country which they ceded to the United States Government, east of the Mississippi river;

and protect and defend all and every right and interest of the Choctaws, arising under treaty stipulations or otherwise.

*Be it further resolved,* That the said delegates are hereby clothed with full power to settle and dispose of by treaty or otherwise, all and every claim and interest of the Choctaw people against the Government of the United States, and to adjust and bring to a final close all unsettled business of the Choctaw people with the said Government of the United States.

*Be it further resolved,* That in case of resignation or death of any of the said delegation above mentioned, the chiefs have the power to appoint any person to fill such vacancy in his district.

*Be it further resolved,* That the chiefs be required to inform the Government at Washington, through the proper channel, of the appointment of said delegation of the Nation, of their powers and of the fact that no other person whatsoever is authorized to act for or represent Choctaw claimants at Washington.

*Be it further resolved,* That the Agent for the Government be requested to accompany said delegation and to aid them with his council and official influence in effecting the object of their visit.

Approved, November 9th, 1853.

---

**Special Message from the Chiefs recommending a change in the Constitution.**

*To the Senate and House of Representatives  
in General Council assembled:*

You are aware that we mentioned in our last message, that at some future time we would lay before your honorable body a subject of much importance to the Choctaw people, which would demand the immediate and deliberate consideration of your body.

We are satisfied that the present Constitution is imperfect and is dangerous to the interest and welfare of the people. The present Constitution is such, that it would be impossible to make any change or amendment, as it requires the

vote of two thirds of the members of the General Council before any amendments can be proposed and an approval of four-fifths of the next General Council to incorporate any amendments into the Constitution. That under our form of government, the judiciary department is imperfect.

The counties are not equally represented in our Council, which renders it dangerous to the interest and welfare of the Choctaw people. The majority of the Choctaw people are opposed to the present seat of government. This is the reason the Council house has not, as yet been erected.

Therefore, as a free people and as all free governments are founded upon their authority and instituted for their benefit, they have at all times a right to alter, reform, or abolish their form of government in such a manner as they may think expedient, we would recommend that the present General Council form itself into a general Convention of the Choctaw Nation, and proceed at once to alter or amend our present Constitution as they may deem it best.

Very respectfully,

Your obedient servants,

GEORGE W. HARKINS, }  
 COR. MCCURTAIN, } *Chiefs.*  
 GEORGE FOLSOM, }

November 9th, 1853.

---

**Report of Joint Committee on Chiefs Special Message.**

**SECTION 10.** Your committee to whom the message of the chiefs was referred, in relation to the imperfectness of the Constitution of the Choctaw Nation, and who recommended that the General Council should form itself into general Convention, have had the same under consideration, and reports the following resolutions :

**WHEREAS,** The chiefs submitted their message to both houses of the General Council, calling their attention to the imperfectness of the present Constitution of the Choctaw Nation ; and whereas, the chiefs recommended that it was important that this General Council should form itself into a general Convention, and alter and amend it in such manner as they may deem best.

*Therefore, be it resolved,* That the present session of the General Council shall form itself into a general Convention on the 10th of November, 1853, and shall at once proceed to make such amendments or alterations as they shall in their wisdom deem best.

*Resolved,* That the General Council, when adjourned shall be called together by the chiefs if necessary, to adopt such laws as may be important to the Choctaw people.

Approved, November 9th, 1853.

---

**An Act naturalizing certain persons therein named.**

SECTION 11. *Sub-Sec. 1. Be it enacted &c.,* That William Morrison, Thomas Morrison, Sarah Jane Morrison, Molly Red Head, Betsey Heart, Rebecca Heart, Phillip Keggs, and infant child of Phillip Keggs, Rosey Ayers, Betsey Ayers, Jullian Ayers, Mary Ayers, Sofronia Ayers and Salley Ayers; and they are hereby declared naturalized citizens of the Choctaw Nation, invested with all the rights, privileges and immunities of naturalized citizens of the same.

Approved, November 9th, 1853.

---

**An Act making penal Ball Plays and Horse Racing on Sunday.**

SEC. 12. *Sub-Sec. 1. Be it enacted, &c.,* That from and after the passage of this act, any person or persons making up ball plays or racing horses for bets or amusement on Sunday, shall be indicted before any county court in this Nation, and shall be fined ten dollars; and fines thus imposed under this law, shall go to the district funds.

Approved, November 9th, 1853.

**An Act fixing place of holding County Court of Skullyville County.**

SECTION 13. *Sub-Sec. 1. Be it enacted, &c.*, That from and after the passage of this act, the place of holding county court in Skullyville county, Mooshulatubbee District, be held at the Circuit Court grounds at Skullyville, in said county; and be it further enacted, that the act passed at session 18, sec. 7th, be and the same is hereby repealed.

Approved, November 9th, 1853.

---

**Joint Resolutions of the Senate and House of Representatives in General Council assembled for the call of a Convention to alter the Constitution.**

SECTION 11. *Be it resolved by the General Council of the Choctaw Nation assembled*, That the chiefs of the several districts of the Choctaw Nation, are hereby authorized, and requested to assemble the people of the Nation at the several election precincts on the first Wednesday in February, 1854, for the purpose of determining, by ballot, the question whether a Convention to change the Constitution, shall or shall not be holden, and to appoint judges, clerks and returning officers to conduct the same according to the laws provided for other elections; receive, record and return the vote cast. That each voter shall be asked whether he wishes to vote for or against a Convention, and the words "a Convention," shall be written upon the ballot of those who vote in the affirmative, and the words "no Convention," upon the ballot of those opposed to the call of a Convention.

2. *Be it further resolved*, That a return of all the votes cast at the election grounds on said day shall be made to the chiefs of this Nation, and by them forwarded to the Chief Justice of this Nation and his three assistant judges at Doaksville, and if it shall appear that a majority of the qualified voters of the Nation have voted for a convention, then the chiefs of the several districts, upon being notified thereof by the Chief Justice, shall issue a proclamation ordering an election to be holden at the several precincts, or election grounds in their respective districts on the first

Wednesday in March, 1854, for the purpose of electing delegates to the convention, and each county shall be entitled to elect one delegate for every member of the lower branch of the National Council, who shall assemble at Doaksville on the second Wednesday of June, 1854, and proceed to organize and elect their officers, and remodle or amend the Constitution in such manner as they may, in their wisdom, deem right and proper.

Bill proposed by Thompson McKinney.

Approved, November 15th, 1853.

---

**Resolution appointing Commissioners to meet Chickasaw Commissioners.**

SEC. 15. *Sub-Sec. 1. Resolved by the General Council of the Choctaw Nation assembled.* That Col. P. P. Pitchlynn, Samuel Garland, Edmond McKinney, Thomas J. Pitchlynn, R. M. Jones, and Henry Harrison, be, and they are hereby appointed commissioners, to act on the part of the Choctaw people, in conjunction with the commissioners appointed by the Chickasaws and the agent of the United States Government, agreeably to the basis of settlement already adopted by the General Council.

Approved, November 15th, 1852.

---

**An Act requiring District Treasurers, and others entrusted with public money, to give bonds.**

SEC. 16. *Sub-Sec. 1. Be it enacted, &c.,* That from and after the passage of this act the treasurers of the several districts, together with all other persons who may be entrusted with public money, shall, before they enter upon the performance of their respective duties, be required to give good bond and security, before any judges of this Nation, to the amount of one thousand dollars or more, as the judges may deem proper.

2. *Be it further enacted*, That in case of misdemeanor of the treasurers, or any persons entrusted with public funds, or a failure to account for the amount placed in their hands as required by law, he shall be proceeded against in any court, compelling the principal and security, or securities to return the same.

3. *Be it further enacted*, That the lighthorsemen shall be authorized, by court, to make all such collections.

Approved, November 15th, 1853.



**An Act appropriating certain sums to certain persons therein named.**

SEC. 17. *Sub-Sec. 1. Be it enacted. &c.*, That the sum of \$406 00 be and the same is hereby appropriated, out of any Choctaw public funds, to pay the following named commissioners for years 1852 and 1853, which is not otherwise appropriated: Peter Folsom, commissioner, \$30 00; Edmond McKinney, commissioner, \$30 00; Joseph R. Hall, commissioner, 1852, \$25 00; Edmond McKinney, M. D., \$25 00; R. M. Jones, 1853, \$25 00; John M. Nail, \$25 00; Lewis Garland, \$12 00; P. P. Pitchlynn, 1853, \$30 00; L. Pitchlynn, (acting clerk,) \$30 00; Samuel Garland, 1853, \$25 00; P. P. Pitchlynn, \$25 00; Robert Nail, \$25 00; Turner B. Turnbull, 1852, \$25 00, do. \$10 00; Jacob Folsom, \$14 00; Henry Harrison, 1853, \$25 00; Thomas J. Pitchlynn, \$25 00.

Approved, November 16th, 1853.



**Joint Resolution of the Senate and House of Representatives in General Council of the Choctaw Nation assembled.**

SEC. 18. *Resolved by the General Council of the Choctaw Nation assembled*, That the board of trustees of public schools be and they are hereby authorized to propose to the various boards of missions, or their agents, having charge of Choctaw academies or schools, to insert in their contracts with

the Choctaw Nation a clause providing for the termination of school contracts, by either party, upon giving six month's notice to the opposite party of a wish to dissolve the connection between such boards of missions and the Choctaw Nation, and to insert said clause in any such contracts with the consent of the boards of missions, or either one, between such board and the Choctaw National Council.

Approved, November 16th, 1853.

---

**An Act to amend the various acts in relation to education, and for other purposes.**

SEC. 19. *Sub-Sec. 1.* *Be it enacted by the General Council of the Choctaw Nation as embled,* That there shall be a board of trustees and general superintendent of schools and academics, who shall be ex-officio president of the board of trustees, to be composed of one trustee from each Choctaw district of the Nation, to be elected by the General Council and hold their offices for the term of four years, and shall receive the sum of one hundred dollars each per annum for their services, to be paid out of the public funds.

SEC. 2. It shall be the duty of the Executive Council of the Nation to fill vacancies which may happen in said board until the next session of the General Council, when the vacancies shall be filled by the Council for the unexpired term of such trustee or trustees, or superintendent, as may have died, resigned, or been removed from office in the manner hereinafter pointed out.

SEC. 3. Each and any superintendent, or trustee of schools, shall enter into bond, with good and sufficient security, payable to the Choctaw Nation, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties imposed upon them by this act, and for the safe keeping and disbursement according to law of any and all school funds which may from time to time be turned over to them, or either of them, and such bond or bonds shall be a lien upon all property of the principal and securities who make the same, and may be put in suit by the Executive Council for a breach thereof.

SEC. 4. It shall be the duty of the superintendent of education to visit the schools and academies of this Nation at

least once in each and every year, and to correspond with the trustee for each district, and also with the superintendents of schools and academies; when necessary to require from each teacher and superintendent of schools or academies a report, setting forth the condition of such schools or academies within their respective districts: The system of education, the kind of class books, the progress of the pupils, the cost of tuition, board and expenses, the amount and nature of the revenue received by the teacher or superintendent appropriated by the Council, missionary board, or received from the labor of the student, or from any other source, together with such information touching the character, qualification and fitness of the various persons employed in, or in connection with the school, such as farmers, servants, &c., as he may deem proper, and to lay the same before the National Council at its annual sessions, with such remarks and suggestions as he may see fit to make.

SEC. 5. The Board of Trustees may be convened at such times and such places as shall be directed by the superintendent to take into consideration any matter of general interest; to hear and determine all questions of difficulty arising between the trustees and any superintendent or teacher of school, if in their judgment changes are necessary in any of the superintendents, teachers or farmers employed in any such academies or schools, to request the missionary board, or their authorized agents, having the management of such academies or schools, to remove any one not fit or suitable to be employed at such institution; and if such board or their agents fail or refuse to comply with the wishes of the Board of Trustees, to report the same to the commissioner of Indian affairs through the United States Agent for the Choctaws.

SEC. 6. It shall be the duty of the general superintendent of schools, or either of the trustees under his direction, to place at interest any money or monies in their hands or which may come into the possession of the Board of Trustees, or either of them, which may not be immediately required to defray the expenses of education in the Choctaw Nation, upon such time as he may think proper for the benefit of the school funds of the Choctaw people, employing such agent for safe keeping, investment or loan, advantageous to the Nation.

SEC. 7. The Trustees of each district shall select the scholars to be sent to the various schools and academies under regulations and provisions of the laws now in force, so

far as they are consistent with this act: *Provided, however,* that so soon as a general system of common or neighborhood schools shall be established, the scholars sent to the academies shall be selected from the different neighborhood schools, *pro rata*, according to the number of children taught in said schools, giving the preference to such as have shown the highest capability of learning and have made the greatest progress in their studies, and shall report a list of all such scholars selected for the schools and academies to the general superintendent.

SEC. 8. No slave or children of slaves shall be taught to read or write at any schools or academies in this Nation by any persons whomsoever, employed or connected in any manner whatever; either superintendent, missionary, teacher, farmer, matron or pupil, or otherwise, under pain of dismissal from such schools and removal out of the Nation. In case the person offending is not a citizen of the Choctaw Nation.

SEC. 9. The Board of Trustees shall have the right and are hereby authorized to contract with any board of missions or persons for the establishment of academies and schools in the Choctaw Nation; but no contract shall hereafter be made without a clause giving to either party to such contract the right to terminate and rescind the same upon six months notice to either party of such intention or wish to annul said contract or contracts.

SEC. 10. Annual examinations of the pupils at the schools and academies, shall take place at such times as the general superintendent shall designate.

SEC. 11. The Trustees in the several districts shall have the power to suspend any school in such district, in case of sickness or epidemic at the schools and academies which may render it unsafe or improper to continue the same.

SEC. 12. The general superintendent of schools shall be elected at the present session of the National council, and every four years hereafter.

SEC. 13. It shall be the duty of the general superintendent and trustees of schools to be vigilant in the performance of their duties, and promptly remove or report to the commissioner of Indian affairs, for removal according to the nature of the contract between the Choctaw Nation and the different board of missions having charge of public schools and academies, any and all persons who may be connected therewith, who are known to be abolitionists, or who may disseminate or attempt to disseminate, directly or

indirectly, abolition doctrines, or any other fanatical sentiments, which, in their opinion are dangerous to the peace and safety of the Choctaw people.

SEC. 14. All laws and parts of laws inconsistent with the provisions of this act, are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved, November 11th, 1853.



**Resolution directing investment of Choctaw Funds arising under Treaty of 1830.**

SEC. 20. WHEREAS, There is a large amount of money, being a balance of \$872,000 appropriated by act of Congress, July 1852, in satisfaction of awards to the Choctaws for certain claims arising under Treaty of Dancing Rabbit Creek, of 1830, who have not applied and may not ever apply for the same. And whereas, the government of the United States requires a receipt for said money, thereby admitting the right of the Choctaw Nation to control the same. And whereas, said money is laying idle and unproductive, and a large portion of it may continue to do so for many years to come, to the great loss of the Choctaw people. And whereas, in the event the rightful claimants or their heirs or legal representatives are dead or shall not claim the same within a reasonable length of time, said money would escheat to or vest in the Choctaw people. Therefore, be it resolved, that the government of the United States be requested to authorize the investment or loan of said money for the benefit of the Choctaw people, by D. H. Cooper, Choctaw agent, and to pay over the interest arising thereon to the three trustees and general superintendent of schools of the Choctaw Nation annually, according to population, after deducting all legal charges on said interest which may be authorized by the Choctaw government, and the balance of such annual interest shall be appropriated from time to time by the National Council of the Choctaw people, for the support of neighborhood schools, among the citizens of Choctaw blood living in the Choctaw Districts of the Choctaw Nation.

Approved, November 17th, 1853.

**Resolution asking the Government of the United States to give the Choctaws a Delegate in Congress.**

SEC. 21. *Resolved, &c.* by the General Council of the Choctaw nation assembled, That whereas, our nation and people having many interests both of public and private character to represent at Washington: And whereas, it has been repeatedly asserted by the citizens of Arkansas, that they would sooner or later extend the jurisdiction of her territorial limits to some place near the mouth of Kiamichi, and thereby force the government of the United States again to request a portion of our country: Therefore our General Council and chiefs are hereby requested, by memorial, or otherwise, to ask the government of the United States to allow the Choctaw people a delegate on the floor of Congress, to warn and guard the interests of our people as a nation, and at the same time to represent such other matters as our citizens may from time to time wish to bring to the notice of the government.

Approved, November 17th, 1853.

---

**An Act p'ac'ing Funds arising under the Treaty of 1830, for the Education of forty Youths, in the hands of the Superintendent and Trustees of Schools.**

SEC. 22. *Sub-Sec. 1. Be it enacted, &c.*, That the interest accruing from the provisions of the treaty of Dancing Rabbit Creek, for the education of forty Choctaw youths, be and the same is hereby, with the consent of the President of the United States, set apart and placed under the control and management of the superintendent and trustees of the public schools in this Nation, for the education of the Choctaw youths in schools, academies and colleges in the States, and all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

Approved, November 17th, 1853.

**An Act Fixing Pay of Judges of Elections.**

SEC. 23. *Sub-Sec. 1. Be it enacted, &c.,* That from and after the passage of this act, all election Judges shall be paid one dollar per day, out of any unappropriated district funds for their services at elections.

Approved, November 17th, 1853.

---

**An Act appropriating money for pay of District Officers and District purposes.**

SEC. 24. *Sub-Sec. 1. Be it enacted, &c.,* That the sum of eight thousand one hundred and fifty dollars and twenty-six cents, be and is hereby appropriated out of the interest arising on the investment of the Chickasaw funds of 1837 and three thousand dollars of the annuity to pay the officers of the following districts: Three thousand and five hundred and eight dollars and sixty-six and a half cents to Puckshunubbee District: two thousand and ninety-five dollars and eighty-five cents to Pushamataha District, and two thousand two hundred and fifty-four dollars and seventy cents to Mooshulatubbee District.

2. *Be it further enacted,* That the residue of the above sum unappropriated, be and is hereby divided according to population of the districts, as follows: Nine hundred and one dollars and fifty cents to Puckshunubbee District, five hundred and fifty-eight dollars to Pushamataha District, and three hundred and eighty-six dollars and thirty-one cents to Mooshulatubbee District.

Approved, November 17th, 1853.

---

**An Act appropriating certain sums to certain persons therein named.**

SEC. 25. *Sub-Sec. 1. Be it enacted, &c.,* That Tokobbi and Hotolbi be paid twenty-eight dollars and seventy-five cents, for services rendered in attendance at the present council; and that Stephen be paid thirteen dollars and sev-

enty-five cents. and Echapotobbi be paid ten dollars for attendance on the Choctaw commissioners.

2. *Be it further enacted*, That Turner B. Turnbull be paid forty-seven dollars and fifty cents, for his services at the convention at the Creek Nation.

3. *Be it further enacted*, That the chiefs of each district will pay the above appropriations out of the residue of funds unappropriated.

Approved, November 17th, 1853.

---

**An Act providing the manner of drawing Jurors in certain cases.**

SEC. 26. *Sub-Sec. 1. Be it enacted, &c.*, That the Circuit Judge be and is hereby authorized to notify the Supreme Judges, when a list of Jurors have not been furnished, who shall give notice to the county judges to furnish him a list of them as required by law, and who shall call together the district clerk and captain of the lighthorsemen to draw a list from the box in the same manner as prescribed by law in the act of 1850, session 19th, section 3rd, for the next regular term of the Circuit court.

Approved, November 17th, 1853.



## ACTS AND RESOLUTIONS

PASSED AT

SESSION 21, 1854.

---

**An Act changing the name of Tiger Spring county.**

SEC. 1. *Sub-Sec. 1. Be it enacted, &c.,* That from and after the passage of this act, that Tiger Spring county, in Pushmataha District, be changed and called Blue county, and to embrace the same boundary lines as said Tiger Spring county, as defined at session 17, sec. 2d.

Approved, November 6th, 1854.

---

**An Act changing the name of Caddo county and for other purposes.**

SEC 2. *Sub-Sec. 1. Be it enacted, &c.,* That from and after the passage of this act, that the name of Caddo county, in Chickasaw District, be changed, and called Tishomingo county; that the county court and election ground shall be located at a place called Tishomingo City, in said county; and that the act passed session 17, sec. 14, sub-sec. 3., specifying the name of said county, is hereby repealed.

Approved, November 6th, 1854.

**An Act changing the place of holding Elections and County Courts in Panola County.**

SEC. 3. *Sub-Sec. 1. Be it enacted, &c.,* That from and after the passage of this act, that the place for holding elections and county courts in the county of Panola. Chickasaw District, shall hereafter be established at Untabiltalah's Spring.

2. *Be it further enacted,* That the act passed at session 18, sec. 24, establishing the court ground at Alberson, is hereby repealed.

Approved, November 6th, 1854.

---

**An Act establishing an additional precinct in Skullyville County.**

SEC. 4. *Sub-Sec 1. Be it enacted, &c.,* That from and after the passage of this act, in the county of Skullyville, in addition to the present precinct, there shall be one established on Dog Creek, at George Gain's, in said county, and the voters of said county may vote at either precinct.

Approved, November 7th, 1854.

---

**An Act dividing Sugar Loaf County into two Election Precincts.**

SEC. 5. *Sub-Sec 1. Be it enacted, &c.,* That from and after the passage of this act, Sugar Loaf county shall be divided into two precincts for election purposes, viz: one precinct at A. G. Morris', and the other at Stephen Holson's; and that portion of sec. 19 session 18; which authorizes the elections in said county to be held at Camper's school house, is hereby repealed; and that the voters of said county are hereby authorized to vote at either of said precincts.

Approved, November 7th, 1854.

**Resolution in relation to the Territorial Bill and Railroads**

SEC. 6. *Resolved by the Senate and House of Representatives of the General Council of the Choctaw Nation assembled, That a committee be appointed, to be composed of individuals both in the Council and out of it, to take into consideration the Territorial bill and Railroad projects, who shall report and recommend to the present Council such measures as they may deem advisable for the welfare of our people.*

Approved, November 7th, 1851.

---

**An Act increasing salaries of County Court Clerks.**

SEC. 7. *Sub-Sec. 1. Be it enacted, &c., That from and after the passage of this act that the county court clerks shall be allowed an additional salary of twenty dollars per annum for their services, and that each district shall pay such clerks out of any funds not otherwise appropriated.*

Passed by two-thirds of both branches of the General Council.

Approved, November 8th, 1854.

---

**An Act giving James McClean the privilege of erecting a Toll-Bridge on the Poteau River.**

SEC. 8. *Sub-Sec. 1. Be it enacted, &c., That from and after the passage of this act the privilege is hereby granted to James McClean, of the Choctaw Nation, the exclusive right of building a toll bridge across the Poteau river, at any point from the mouth of said river up to Phil's ferry on said stream.*

2. *Be it further enacted, That the said James McClean shall not interfere with any rights of citizens of this Nation, who may have established ferries on said stream, without his or their consent.*

3. *Be it further enacted, That this right and privilege, thus granted, be renewed at the expiration of twenty years, should the same be deemed advantageous, and that the*

General Council shall have the right to regulate and establish the rate of toll by law.

4. *Be it further enacted.* That in case of low water the citizens of the Choctaw Nation shall cross free of charge.

5. *And be it further enacted,* That the act passed section 18, session 15, be and is hereby repealed.

Approved, November 8th, 1854.



**An Act imposing fines for disturbing religious services and schools.**

SEC. 9. *Sub-Sec. 1. Be it enacted, &c.,* That from and after the passage of this act, any person or persons disturbing any religious devotions, or any school of the Choctaw Nation, shall be subject to pay a fine of not less than five dollars nor exceeding twenty dollars, the same to be determined by court, and the fine so paid shall belong to the district in which it may be collected.

2. *Be it further enacted,* That the act of section 5th, session 13th, is hereby repealed.

Approved, November 8th, 1854.



**An Act establishing two election precincts in Kiamichi county.**

SEC. 10. *Sub-Sec. 1. Be it enacted, &c.,* That from and after the passage of this act the county of Kiamichi shall be divided into two precincts for election purposes, viz: one precinct at Good Land and the other at Ayukkana's house, deceased, on Beaver Creek, and that portion of section 29th, session 18th, establishing the election ground at Bok-Falaya school-house, be and is hereby repealed.

Approved, November 19th, 1854.

**An Act changing the place of holding the Circuit Court in the Chickasaw District.**

**SEC. 11. Sub-Sec. 1.** *Be it enacted, &c.,* That from and after the passage of this act, that the Circuit Court ground in the Chickasaw District be removed from Post Oak Grove to Tishomingo, and that all acts in conflict with this act are hereby repealed.

Approved, November 10th, 1854.

---

**An Act giving two additional Lighthorsemen to Mooshulatubbee District.**

**SECTION 12. Sub-Sec. 1.** *Be it enacted, &c.,* That from and after the passage of this act, there shall be appointed in Mooshulatubbee District two additional lighthorsemen.

Approved, November 10th, 1854.

---

**An Act changing the name of Wichita county.**

**SECTION 13. Be it enacted. &c.,** That from and after the passage of this act, that Wichita county, in the Chickasaw District, shall be called Pickens county, and that all acts in conflict with this act are hereby repealed.

Approved, November 10th, 1854.

---

**An Act giving additional Lighthorsemen to Pushamataha District.**

**SECTION 14. Sub-Section 1.** *Be it enacted, &c.,* That from and after the passage of this act, that there shall be an additional number of lighthorsemen appointed in Pushamataha District.

Approved, November 11th, 1854.

**Resolutions relative to Choctaw claims against the United States.**

SECTION 15. *Whereas*, the General Council of the Choctaw Nation, at its session November 9th, A. D. 1853, appointed P. P. Pitchlynn, Israel Folsom, Dixon W. Lewis, and Sam'l Garland, delegates to represent the Choctaw Nation at Washington City, and to institute in their name and behalf a claim upon the Government of the United States, for further pay and remuneration for the country ceded by them to said Government under the treaty concluded at *Dancing Rabbit Creek*, 1830, and to protect and to defend every right and interest of the Choctaws arising under treaty stipulations, or otherwise, with full power to settle and dispose of, by treaty or otherwise, all and every claim and interest of the Choctaw people against the United States Government, and to adjust and bring to a close all unsettled business of the Choctaw people with said Government; And whereas, the incipient steps have been taken by said delegation to effect the object of their mission; And whereas, from the intricate nature of said claims, and interests of the Choctaw people, further trial and exertion is necessary to bring them to a successful issue; And whereas, the Choctaw Council has undiminished confidence in the wisdom, prudence and integrity of said delegation; therefore,

*Be it resolved*, by the General Council of the Choctaw Nation, That P. P. Pitchlynn, Israel Folsom, Dixon W. Lewis, and Samuel Garland, be and they are hereby instructed to remain at Washington City, and continue to press to final settlement all claims and unsettled business of the Choctaws with said Government, with full power to take all measures, and to enter into all contracts, which in their judgment may become necessary and proper, in the name of the Choctaw people, and to bring to a final and satisfactory adjustment and settlement all claims or demands whatsoever which the Choctaw tribe, or any member thereof, have against the Government of the United States by treaty or otherwise.

*Resolved, &c.* That the Choctaw delegation be instructed to request the commissioner of Indian Affairs to authorize D. H. Cooper, United States Agent, to repair to Washington City, for the purpose of assisting in the investigation of Choctaw claims, and by his counsel and advice to aid in consummating a final and satisfactory settlement of all unadjusted Choctaw matters with the Government of the United States as speedily as possible.

Approved, November 10th, 1854.

**An Act changing the place of holding County Court in Jack's Fork county.**

SEC. 16. *Sub-Sec. 1. Be it enacted, &c.* That from and after the passage of this act, the place of holding the county court of Jack's Fork county, shall be removed from Ai-mo-sho-tubbee's to Ar-ter-wee's old place, and that the act passed, section 10, session 18, be and the same is hereby repealed.

Approved, November 13th, 1854.

---

**An Act prescribing the number of Jurors to be drawn in Puk-hunubbee District.**

SEC. 17. *Sub-Sec. 1. Be it enacted, &c.* That from and after the passage of this act, there shall be drawn from the box, as described in section 2nd, session 17th, by the clerk and captain of the lighthorsemen, or any one of them, alternately, in open court, thirty names of persons to serve as jurors in Pukshunubbee District.

2. *Be it further enacted,* That section 3rd, session 17, so far as relates to the number of names to be drawn for Pukshunubbee District, be and the same is hereby repealed.

Approved, November 14th, 1854.

---

**Resolution providing for the pay for certain services of P. P. Pitchlynn.**

SEC. 18. WHEREAS, a resolution was introduced and passed the General Council in 1842, allowing the superintendent of the Choctaw Academy in Kentucky, Col. P. P. Pitchlynn, one thousand dollars for his services at said institution, and causing the funds of that institution to be withdrawn and invested for the support of Spencer Academy, has been mislaid, and although the Chiefs have given a certificate to that effect, the Department refused to recognize and pay the said claim unless the resolution be produced, or a new one adopted; therefore,

*Be it resolved,* That the Department at Washington be and is hereby requested to pay the above sum of one thousand dollars to Col. P. P. Pitchlynn for said services.

Approved, November 14th, 1854.

**Resolution requesting Rev. E. Hotchkin to sign certain vouchers.**

SEC. 19. *Resolved, &c.*, That the former Superintendent of Koonsha Female Seminary, the Rev. E. Hotchkin, be requested to sign the vouchers for the United States Agent, for the three thousand dollars formerly expended in said Institution, and turn over the same to General Superintendent of Schools, who is authorized to sign such receipts as in his judgment will secure the said Hotchkin from any liability for signing said Government voucher.

Approved November 14th 1854.

---

**Resolution authorizing payment of the Nelson claim.**

SEC. 20. WHEREAS, a resolution was passed at the last session of the General Council, appropriating the sum of three thousand five hundred and seventy dollars, for the payment of a claim due the heirs of Garret Nelson, for boarding Choctaw youths in the old Nation, but unfortunately said resolution omitted to mention the same, in consequence of which omission the Department at Washington refuses the claims; be it therefore,

*Resolved, &c.*, That the Department be and is hereby requested to pay the three thousand five hundred and seventy dollars to the order of any delegates at Washington.

Approved, November 14th, 1854.

---

**Resolution respecting pay of Chiefs.**

SEC. 21. *Resolved, &c.*, That Col. G. W. Harkins, Col. G. Folsom, and Col. C. McCurtain, are hereby allowed one hundred dollars each, for their services as Chiefs from the first of July to the first of November, 1854.

Approved, November 14th, 1854.

**An Act exempting certain property from seizure and sale for fines imposed.**

SEC. 22. *Sub-Sec. 1. Be it enacted, &c.*, That from and after the passage of this act, when any fine is imposed upon offenders against the laws of the Nation, and when the lighthorsemen are ordered by any Judge, as directed by law, to seize property, to sell the same to pay the fine or fines imposed, that there shall be reserved unto the offenders the house, furniture, and farming utensils, from being taken and sold as provided by law.

Approved, November 14th, 1854.

---

**An Act to prevent the introduction of intoxicating liquor in the Nation.**

SEC. 23. *Sub-Sec. 1. Be it enacted, &c.*, That from and after the passage of this act, any person or persons whatsoever, that hires or engages another to introduce or bring any whiskey, or any intoxicating liquor, into this Nation, such person or persons, proved guilty at a county court, shall for the first offence, pay three dollars, and the cost of the prosecution, and for the second offence ten dollars and cost of prosecution, and for every subsequent offence twenty dollars and the cost of the prosecution; *Provided*, the whiskey, or other intoxicating liquor, is introduced into the Nation.

2. *Be it further enacted*, That any person or persons found with whiskey, or any intoxicating liquor, so proved at a court, shall be dealt with as the law above provides.

3. *Be it further enacted*, That in the default of payment of the fines thus imposed, within three months, the Judge of the county court in which the act shall have been committed, shall order any of the lighthorsemen to seize any property that he or she may own, and sell it to the highest bidder; and when fines are collected, one-half shall go to the informer, and the balance to the District.

4. *Be it further enacted*, That the court shall be first satisfied that it is the property of the person or persons upon whom the fine was thus imposed, before the lighthorsemen shall sell the property to the highest bidder.

Approved, November 14th, 1854.

**Resolutions requesting Chiefs to have the bounds of Fort Arbuckle defined, and to request the Agent to remove trespassers.**

**SEC. 24. WHEREAS,** various complaints having been made to the General Council, by petition, setting forth that the military post at Fort Arbuckle, and white men not citizens of this Nation, and entirely unconnected with the service of the United States, have taken possession of a large tract of country, not included within the limits of one mile square, generally set apart for such military posts.

*Be it therefore resolved, &c.,* That the several chiefs of this Nation are hereby requested to inform the Choctaw agent of these facts, and through him to have this subject investigated, and the bounds of Fort Arbuckle defined.

*Resolved further,* That when such bounds are ascertained that all trespassers shall be immediately removed, and all improvements such as farms, mills and dwelling-houses, shall be vacated, if not within the boundary of one mile square; and such white men as are not citizens of this Nation and not in the service of the United States, shall by order of the Choctaw agent, be ordered to leave the limits of the Choctaw Nation.

Approved by chiefs.

-----

**An Act conferring Citizenship upon J. P. Kingsbury and Wife.**

**SEC. 25. Sub-Sec. 1. Be it enacted, &c.,** That all the rights, privileges and immunities of Choctaw citizens be and are hereby granted unto John Parker Kingsbury and to his wife Hannah Maria, and they shall enjoy all the benefits to which the citizens of this Nation may hereafter be entitled, except in the participation of any sum of money which may now be due the Nation under treaty stipulations heretofore made.

Approved, November 15th, 1854.

**Resolution requesting De'legation in Washington to provide for drawing drafts to furnish Outfits and Expenses to Youths sent to College under Treaty of 1830.**

SEC. 26. *Resolved*, That our delegation at Washington, be and are hereby requested to make such arrangements with the Department at Washington, that the General Superintendent of Schools, or any of the Trustees of the National Public Schools, may draw drafts against the interest arising from the funds set apart for the education of forty youths, provided under the Treaty of 1830, for furnishing outfits and expenses of taking students to College.

Approved, November 15th, 1854.



**An Act requiring all free Males over eighteen and under fifty years old, with their male slaves of same age, to work on the road.**

SEC. 27. *Sub-Sec. 1. Be it enacted, &c.* That from and after the passage of this act, that it shall be the duty of the county Judges of this Nation to require people to work on the roads in their respective counties, six days in each year.

2. *Be it further enacted*, That it shall be the duty of the county Judges to notify the people of their respective counties, by any light-horsemen, at least five days before the time for working on the roads, who, with their axes, hoes and other utensils that may be necessary for the work, shall so work.

3. *Be it further enacted*, That if any person or persons who are duly notified and shall refuse to work on the public roads, they shall be made to pay a fine of not less than fifty cents per day; and the fine when collected, shall be placed in the hands of their respective county Judges, for county purposes: *Provided*, any person or persons on showing a good cause for not complying with the notification to their county Judges, and the Judges being satisfied of the excuse, shall be exempt from such fine.

4. *And be it further enacted*, That all free males from the age of eighteen years to fifty years old, shall be subject to the provisions of this act, and those over fifty years old shall be exempt from the same.

5. *Be it further enacted*, That those persons who are citizens of the United States, and residing in this Nation, as mechanics, merchants, or in any business, and have received a permit or license to remain, shall be subject to the provisions of this act; but in case he or they refuse to comply with this law, they shall be reported to the proper authority.

6. *Be it further enacted*, That the school teachers, farmers, that belong to the different institutions of this Nation, students of the different schools, and doctors, shall be exempt from working on the road.

7. *Be it further enacted*, That county Judges shall have the right to appoint two competent men out of their own county, whose duty shall be to attend to and mark out the way for any new road that it may be necessary to make.

8. *Be it further enacted*, That all male slaves owned by citizens of this Nation, are required to work on roads, and that all male slaves from the age of eighteen years to fifty years old, shall be subject to this law.

9. *Be it further enacted*. That all such slaves being notified to work by notice duly given to their owners, who shall fail or refuse to work according to such notice, such owners shall be compelled to pay the fines on each of their slave or slaves, as this law directs.

10. *Be it further enacted*, That the law of session 15th, section 17th, is hereby repealed.

Approved, November 15th, 1854.



#### **An Act dividing Towson County into two election Precincts.**

SEC. 28. *Sub-Sec. 1. Be it enacted, &c.*, That from and after the passage of this act, the county of Towson shall be divided into two precincts for election purposes, viz: one precinct to be at the Circuit Court ground in said county, and the other at the school-house called Lukfapa Chito; and that the voters of said county may vote at either precinct; and that portion of sec. 29, session 18, establishing the election at the annuity ground be and the same is hereby repealed.

Approved, November 15th, 1854.

**Resolutions directing Superintendent Fort Coffee Academy and Trustees of Schools in Mooshulatubbee District, to correspond with Board Mission of M. E. Church South and for other purposes.**

SEC. 29. *Resolved, &c.*, That the superintendent of Fort Coffee Academy and the Trustees in Moosholatubbee District are hereby authorized to correspond with the Board of Missions of M. E. Church South during the coming year on the "items" of changes agreed upon between Mr. McKinney and the Rev. W. L. McAlister, and lay before the next General Council for its action, the result of their correspondence with such board.

*Resolved, further*, That the three hundred dollars, the unexpended sum formerly appropriated for Norwalk school, be paid over to the trustee of Puckshunnubbee District to be used for neighborhood schools at his discretion.

Approved, November 15th, 1854.

---

**Resolution requiring removal of Cherokees not citizens of this Nation beyond its limits.**

SEC. 30. *Resolved, &c.*, That the several chiefs of this Nation are hereby required to request the Choctaw Agent to cause all the Cherokees not citizens of Choctaw Nation to remove immediately out of the limits of the same; and if such Cherokees be living within Chickasaw District, that information be given to the Chickasaw Agent by the district chief.

Approved, November 16th, 1854.

---

**A Resolution requesting Chiefs to ask Agent of Choctaws to call on Agent or Chief of the Cherokees for a meeting of the Tribes by Commissioners for purposes therein stated.**

SEC. 31. *Resolved, &c.*, That the chiefs be requested to call upon the Choctaw Agent either in person or by written communication, asking him to correspond with the Cherokee

Agent or their principal chief, to meet Choctaw commissioners to be appointed by the several district chiefs by commissioners on their part, at such time and place as may be agreed upon, to cause an intercourse law to be made to punish offenders among members of either tribe against the laws of the other; the same to be laid before the General Council for its approval.

Approved, November 16th, 1854.

---

**Resolution providing for a change in sec. 9 Judicial Department to increase number of Jurors.**

SEC. 32. *Resolved, &c.*, That at the next annual meeting of the General Council, in 1855, the judicial department in section 9, be so amended as to give the county judges full power to summon a jury of twelve men, if deemed necessary, to decide all criminal acts, with the exception of murder.

Approved, November 16th, 1854.

---

**Resolution providing for an amendment of Sec. 30 General Provisions of the Constitution.**

SEC. 33. *Resolved, &c.*, That the next annual meeting of the General Council, in 1855, shall have the power to amend the Constitution in the general provisions sec. 30, to read thus: "That whenever two-thirds of the General Council proposes an amendment to the Constitution, they shall have the power to do so." *Passed by two-thirds.*

Approved, November 16th, 1854.

---

**An Act giving Mileage to Judges of the Supreme Court in attending the same.**

SEC. 34. *Sub-Sec. 1. Be it enacted, &c.*, That in addition to the pay received by the Supreme Judges of this

Nation, they shall be allowed the same mileage as members to the General Council are allowed, when coming to and returning from the Supreme Court.

Approved, November 16th, 1854.

---

**An Act fixing the Salary of the Chiefs.**

SEC. 35. *Sub-Sec. 1.* *Be it enacted, &c.,* That from and after the passage of this act, each chief shall receive annually five hundred dollars for his salary.

2. *Be it further enacted,* That the act of session 13, sec. 3, be and is hereby repealed.

Approved, November, 16th, 1854.

---

**Resolution giving additional pay to certain Officers.**

SEC. 36. *Resolved, &c.,* That Stephen and Kanontarbee, shall each receive the additional pay of sixteen dollars, and that Jeremiah Ward, shall receive the additional pay of ten dollars for their services to the General Council as Sergeant-at-Arms, for the year 1854.

Approved, November 16th, 1854.

---

**An Act for the benefit of Crippled, Blind and Idiotic Persons.**

SEC. 37. *Sub-Sec. 1.* *Be it enacted, &c.,* That from and after the passage of this act, crippled, blind and idiotic persons who are poor and unable to support themselves, and who are temperate, shall receive ten dollars each from the sales of stray property in their respective districts.

Approved, November 16th, 1854.

**An Act granting Samuel Allen the exclusive privilege of building a Toll-Bridge across Poteau River at a certain point.**

SEC. 38. *Sub-Sec. 1. Be it enacted, &c.*, That from and after the passage of this act the privilege of the exclusive right is hereby granted to Samuel Allen, of the Choctaw Nation, of building a toll-bridge across the Poteau river, at any point from Phil's ferry up to Pitchlynn's ferry on said stream.

2. *Be it further enacted*, That the said Samuel Allen shall not interfere with any right of citizens of this Nation who may have established ferries on said stream, without his or her consent.

3. *Be it further enacted*, That the rights and privileges, thus, granted be renewed at the expiration of twenty years, should the same be deemed advantageous. The General Council shall have the right to regulate and establish the rates of toll by law.

4. *Be it further enacted*, That in case of low water the citizens of the Choctaw Nation shall cross free of charge.  
Approved, November 16th, 1854.

---

**An Act providing for the translation of laws from 1851 to 1854.**

SECTION 39. *Sub-Sec. 1. Be it enacted &c.*, That Joseph Dukes and Daniel Folsom be and they are hereby appointed to revise and translate all the laws from 1851 to 1854 into the Choctaw language, within twelve months from the passage of this act, and that the sum of two hundred dollars be set apart out of any public funds for their services.

Approved, November 16th, 1854.

---

**An Act increasing the pay of County Judges.**

SEC. 40. *Sub-Sec. 1. Be it enacted, &c.*, That from and after the passage of this act the judges of the county courts

of this Nation shall receive forty dollars annually in addition to the pay allowed them by previous enactment.

Approved, November 16th, 1854.

---

**An Act locating County Court of Kiamichi county.**

SEC. 41. *Sub-Sec. 1. Be it enacted, &c.*, That from and after the passage of this act the county court of Kiamichi county shall be located on Walker's Creek, near Walker's.

2. *Be it further enacted*, That the law establishing Bok-Falaya court be and is hereby repealed.

Approved, November 16th, 1854.

---

**An Act changing place of meeting of Council from Doaksville to Fort Towson.**

SEC. 42. *Sub-Sec. 1. Be it enacted, &c.*, That hereafter the meeting of the General Council shall be held annually at Fort Towson, on the First Wednesday in November, and the law directing it to be held at Doaksville is hereby repealed; and that the chief of Puckshunnubbee District is hereby requested to inform the Choctaw agent of the existence of this law.

Approved, November 16th, 1854.

---

**An Act to prevent persons intoxicated from disturbing public gathering.**

SEC. 43. *Sub-Sec. 1. Be it enacted, &c.*, That from and after the passage of this act any person or persons, under the influence of intoxicating liquor, who shall disturb any public gathering in this Nation, shall be fined ten dollars, which shall be collected by the lighthorsemen, as other fines, and if necessary such offender or offenders shall be confined in jail until sober.

Approved, November 16th, 1854.

**An Act giving power to Chiefs to fill vacancies in the offices of County Judges and Speakers in their Districts.**

SEC. 44. *Sub-Sec. 1. Be it enacted, &c.*, That the chiefs shall have the power to appoint county judges and speakers in their respective districts, in case of death or resignation in such offices.

Approved, November 16th, 1854.

---

**Resolutions fixing pay of Choctaw Commissioners for 1854.**

SEC. 45. *Resolved. &c.*, That the commissioners on the part of the Choctaw people, who have served the present year, shall receive  $8\frac{1}{3}$  cents per mile in going to and returning, and two dollars and fifty cents per day during their attendance to their duties.

*Resolved, further*, That the pay provided by these resolutions shall be estimated from the day such commissioners left home on said duty to the close of said business.

Approved, November 16th, 1854.

---

**An Act appropriating money to pay Kingsbury and Stewart for use of house for Senate and Supreme Court.**

SEC. 46. *Sub-Sec. 1. Be it enacted, &c.*, That the sum of thirty dollars be and is hereby appropriated, out of any funds not otherwise appropriated, to pay Kingsbury and Stewart for rent of house used by the Senate and Supreme Court during the present session of the General Council.

Approved, November 16th, 1854.

# ACTS AND RESOLUTIONS

PASSED AT

## SESSION 22, 1855.

---

**An Act appointing Joseph Dukes translator and fixing his pay.**

SEC. 1. *SubSec. 1. Be it enacted, &c.,* That Joseph Dukes be, and he is hereby appointed translator for the present session of the General Council to translate into the Choctaw language all bills and resolutions passed at the present session, and that for such services he shall be entitled to receive the same pay that is allowed a member of the Council.

Approved, November 8th, 1855.

---

**Resolution directing the removal of John Johnston beyond the limits of the Nation.**

SEC. 2. WHEREAS a certain white man named John Johnston, now living near Skullyville, in Moosholatubbee District, who was ordered out of this Nation in 1855, for living with a woman in violation of the laws of this Nation, has again returned to this Nation and refuses to leave—

*Therefore, resolved,* That the chiefs are hereby authorized to request the United States agent, Gen. D. H. Cooper, to have Col, John Johnson, and all of his property, removed out of this Nation as soon as practicable, and forever stay out of it.

Proposed by C. McCurtain.

Approved, November 8th, 1855.

**An Act fixing the pay of Clerks of the Senate and House of Representatives.**

SEC. 3. *Sub-Sec. 1. Be it enacted, &c.*, That the clerks of the Senate and House of Representatives, appointed to keep a journal of their proceedings, shall be entitled to receive the same pay per diem which is received by a member of the General Council.

Approved, November 9th, 1855.

---

**An Act changing the place of holding County Court in Blue county.**

SEC. 4. *SubSec. ¶1. Be it enacted, &c.*, That from and after the passage of this act Blue County Court, formerly held at the edge of the prairie, shall be removed and located at M. Perry's residence, and be called Perry's court ground; and the act of session 18th, section 4th, be and the same is hereby repealed.

Approved, November 14th, 1855.

---

**An Act changing the boundaries of Wade county.**

SEC. 5. *Sub-Sec. 1. Be it enacted, &c.*, That the boundary line of Wade county be changed and run as follows: Beginning on the top of the dividing ridge where the boundary line of Moosholatubbee District intersects the boundary line of the State of Arkansas, running thence along the top of the dividing ridge eastwardly to where the road leading from Horse Prairie to Fort Smith crosses the same, thence along said road to Jack's Fork, thence down Jack's Fork to its junction with Kiamichi, thence down Kiamichi to the Narrows, one mile above Hotakah's place, thence running on a straight line to a spring on the top of Kiamichi mountain, known as Okchaya's place, thence east until it shall strike Little River, two miles above Hopenachobi's place,

thence up said river to its source, thence eastwardly to the State line of Arkansas, and thence along said line to the beginning.

2. *Be it further enacted*, That that part of session 17, section 6, defining the boundary lines of Wade county shall be null and void.

Approved, November 15th, 1855.

---

**An Act changing the place of holding the County Court of Skullyville county.**

SEC. 6. *Sub-Sec.1. Be it enacted, &c.*, That from and after the passage of this act the county court of Skullyville county shall be held near the crossing of Buck Creek, on the Washita road; and that the act passed session 20, section 13, locating said court ground at Skullyville, is hereby repealed.

Approved November 15th, 1855.

---

**An Act in relation to stealing negroes and other property; punishment therefor, &c.**

SEC. 7. *SubSec 1. Be it enacted, &c.*, That any person or persons who shall steal a negro or negroes, horse or horses, mare or mares, mule or mules, jack or jacks, jenny or jennies, upon conviction thereof before the proper court, shall either return the property stolen or pay the value thereof, and for the first offence shall receive one hundred lashes, well laid on the bare back, and for the second offence shall suffer death by being shot by one of the lighthorsemen.

Approved, November 17th, 1855.

---

**An Act providing for the surrender of fugitives from justice from one district into another.**

SEC. 8. *Sub-Sec. 1. Be it enacted, &c.*, That when offenders against the laws of this Nation escape from one district and

take refuge in another district of this Nation, it shall be the duty of the chief of the district where the offence was committed, to make a demand of the chief of the district where such offender may be found, who shall deliver such offender to the proper authorities of the district where the offence was committed for trial.

Approved, November 17th, 1855.

---

**An Act changing the place of holding the County Court of Jacks-Fork County.**

SEC. 9. *Sub-Sec. 1. Be it enacted, &c.*, That from and after the passage of this act, the place of holding the county court in Jacks-Fork county, shall be removed to Armotho-tube's Place and be called White Oak Grove Court Ground ; and the act passed in 1844, section 16th, is hereby repealed.

Approved, November 17th, 1855.

---

**Resolution approving Report of the Delegation at Washington.**

SEC. 10. *Resolved, &c.*, That the report of the proceedings of the delegation at Washington, having been fully examined, the same be and is hereby approved.

Approved, November 17th, 1855.

---

**An Act fixing the Election Precincts in Blue County.**

SEC. 11. *Sub-Sec. 1. Be it enacted, &c.*, That one place of holding elections in Blue county, shall be located at Perry's Court Ground, and another precinct shall be located at Geo. S. Gains, on Blue, in said county; and that the election ground established in said county by law, session 18th, November 15, 1851, be null and void.

Approved, November 17th, 1855.

**Resolution further directing Choctaw Delegation at Washington.**

SEC. 12. *Resolved, &c.*, That the delegates who negotiated the treaty of June, 1855, be instructed to proceed to Washington as soon as practicable, and that full power is hereby given them, or to such of them as may be in Washington to close up as speedily as possible the business they have commenced.

Approved, Nov. 17th, 1855.

---

**Resolution requesting the U. S. Agent to accompany the Delegation to Washington.**

SEC. 13. *Resolved, &c.*, That the United States agent, Gen. D. H. Cooper, be and he is hereby requested to proceed to Washington with the delegation, and render them such aid as they may require from him in bringing to a close the unsettled business of the Choctaws.

Approved, November 19th, 1855.

---

**Resolution fixing time for the Election of Judge, Auditors, and Treasurers.**

SEC. 14. *Resolved, &c.*, That the election for Circuit Judge, Auditors and Treasurers of this Nation, be held by both Houses, jointly, in the Senate Chamber, at 11 o'clock, 19th instant.

Approved, November 19th, 1855.

---

SEC. 15. WHEREAS, articles of agreement and convention were made and concluded on the 22nd day of June, A. D., one thousand eight hundred and fifty-five, between George W. Mannypenny, commissioner on the part of the

United States, Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dixon W. Lewis, commissioners, on the part of the Choctaws, and Edmond Pickens and Sampson Folsom, commissioners, on the part of the Chickasaws, at the city of Washington, in the District of Columbia, the preamble whereof is in the words and figures following, viz :

WHEREAS, the political connexion heretofore existing between the Choctaw and Chickasaw tribes of Indians, has given rise to unhappy and injurious dissensions and controversies among them, which render necessary a re-adjustment of their relations to each other and to the United States : And whereas, the United States desire that the Choctaw Indians shall relinquish all claim to any territory west of the one hundredth degree of west longitude ; and also, make provision for the permanent settlement within the Choctaw country of the Wichita and certain other tribes or bands of Indians, for which purpose the Choctaws and Chickasaws are willing to lease on reasonable terms, to the United States, that portion of their common territory which is west of ninety-eight degrees of west longitude : And whereas, the Choctaws contend that by a just and fair construction of the treaty of September 27th, 1830, they are of right entitled to the net proceeds of the land ceded by them to the United States, under said treaty, and have proposed that the question of their right to the same, together with the whole subject matter of their unsettled claims, whether national or individual, against the United States, arising under various provisions of said treaty, shall be referred to the Senate of the United States for final adjudication and adjustment : And whereas, it is necessary for the simplification and better understanding of the relations between the United States and the Choctaw Indians, that all their subsisting treaty stipulations be embodied in one comprehensive instrument : And whereas, in the 21st article thereof, it is among other things recited, that said agreement shall take effect and be obligatory upon the contracting parties, from the date hereof, whenever the same shall be ratified by the respective councils of the Choctaw and Chickasaw tribes, and by the President and Senate of the United States.

Now therefore be it known, that the Choctaws, in general Council assembled, having duly considered said articles of agreement and convention, and each and every

clause thereof, and being satisfied therewith, do upon their part, hereby assent to ratify and confirm the same as stipulated and required.

Done and approved at the Council House at Fort Towson, in the Choctaw Nation, this 19th of November, A. D. 1855.

.....

# ACTS AND RESOLUTIONS

PASSED AT THE

## EXTRA SESSION, JULY 25, 1856.

---

**An Act directing disposition of Funds due Choctaws under various articles of the Treaty of 1855.**

**WHEREAS**, Articles of agreement and convention between the the United States, the Choctaw and Chickasaw tribes of Indians, made and concluded at the city of Washington, June 22d, 1855, and ratified by the Senate of the United States, Feb. 21st, 1856, and approved by the President of the United States, March 4th, 1856, among other things provides and stipulates, First under article 8th thereof, "that in consideration of certain privileges granted and secured to the Chickasaws (in articles preceding) and immediately upon the ratification of said convention," there shall be paid to the Choctaws, in such manner as their National Council shall direct, out of the National funds of the Chickasaws, held in trust by the United States, the sum of one hundred and fifty thousand dollars; and *Whereas*, The Chickasaw Council did by act, approved 14th Dec., 1855, appropriate the sum of one hundred and fifty thousand dollars out of their National fund, held in trust by the United States, and placed the same subject to the control of the President of the United States, for the purpose of carrying into effect the stipulation contained in article 8th of the agreement and convention aforesaid; and *Whereas*, Under article 10th of said convention, it is provided, that in consideration of the relinquishment and lease contained in article 9th preceding, and as soon as practicable after the ratification of said convention, the United States will pay to the Choctaws the sum of six hundred thousand dollars, in such manner as their National

Council shall direct ; and *Whereas*, Under the stipulations contained in article 13th, it was afterwards agreed that the sum of five hundred thousand dollars out the amount payable to the Choctaws, under articles 8th and 10th of said convention, should be held in trust by the United States, together with the funds yielding an annual interest of not less than five per centum, and that said interest shall be regularly and judiciously applied under the direction of the General Council of the Choctaws, for the support of the Government, for purposes of education and such other objects as may be best calculated to promote and advance the improvement, welfare and happiness of the Choctaw people and their decendants.

Now, therefore, by virtue of the authority conferred by said articles of agreement and convention,

**SEC. 1. Sub-Sec. 1. *Be it enacted, &c.***, That the President of the United States or other proper officer thereof, be and he is hereby requested and directed to turn over as soon as practicable, to the United States agent, for the Choctaws, the sum of one hundred and fifty thousand dollars due out of the National funds of the Chickasaws, according to stipulations contained in article 8th of the convention of June 22d, 1855, between the United States, the Choctaw and Chickasaw tribes of Indians, with instructions to said agent to pay the same to the Choctaw people *per capita* as soon as possible.

**2. *Be it further enacted***, That the Government of the United States or other proper officer thereof, be and the same is hereby requested and directed to turn over to the United States agent, for the Choctaws, the sum of one hundred thousand dollars, payable to the Choctaws, according to the stipulations contained in article 10th of the agreement and convention of June 22d, 1855, between the United States, the Choctaw and Chickasaw tribes of Indians, with instructions to said agent to pay the same over to the Treasurer of the Choctaw Nation, for National purposes.

**3. *Be it further enacted***, That the Government of the United States or other proper officer thereof, be and the same is hereby requested and directed to turn over to the United States agent, for the Choctaws, the interest arising from and due up to June 30th, 1855, on five hundred thousand dollars held in trust by the United States, according to the stipulations contained in article 13th of the agreement and convention of June 22d, 1855, between the United States, the Choctaw and Chickasaw tribes of Indians, with instruction to said agent to pay the same over to the Treasurer of

the Choctaw Nation, to be applied under the direction of the General Council of the Choctaws to the support of their Government, for purposes of education and such other objects, as may be best calculated to promote and advance the improvement, welfare, and happiness of the Choctaw people and their descendants.

Approved, July 25th, 1856.

---

**An Act providing for the election of a National Treasurer and Auditor.**

SEC. 2. *Sub-Sec. 1. Be it enacted, &c.* That the General Council at its present session shall elect a National Treasurer, whose duty shall be to receive all monies, and shall keep a strict account of the same and make a report to the General Council.

2. *Be it further enacted,* That the General Council at its present session shall elect a National Auditor, whose duty shall be to issue orders on the National Treasurer, and shall keep a strict account of all monies received by the Treasurer and all orders issued by him, and make a report to the General Council.

3. *Be it further enacted,* That the Treasurer and Auditor shall give bond with security for the faithful performance of their duties, any one of the Supreme Judges shall determine what amount shall be given.

Approved, July 25th, 1856.

---

**An Act appointing persons in each County to register each family therein for Annuity Purposes.**

SEC. 3. *Sub-Sec. 1. Be it enacted, &c.,* That a competent person be appointed in each county in which they live, to register each family in their respective counties for annuity purposes, and for their services they shall be allowed 4 per centum, according to population in their respective counties out of any money not otherwise appropriated.

2. *Be it further enacted*, That the present Council shall make all such appointments, and that the following names of persons be and are hereby appointed for said purpose, viz : In Puckshunnubbee District, Eagle county, Geo. Hudson ; Boktuklo county, Loring S. W. Folsom ; Towson county, Simon P. Willis ; Chuahala county, Coleman Cole ; Red river county, James Harkins ; Nashoba county, Pliney Fisk ; and in Wade county, Alfred Wade.

In Pushmataha District, Kiamieni county, Daniel Folsom ; Blue county, Jacob Folsom ; Atoka county, Samuel Worcester ; and in Jacksfork county, Bill King.

And in Mooshulatubbee District, Skullyville county, Robert Kincaid ; Sugar Loaf county, Kennedy McCurtain ; Gaines county, John Riddle ; Sansbois county, Joseph Krabe ; and in Tobuksy county, Wm. Cass.

3. *Be it further enacted*, That James Patterson, be and he is hereby appointed to register all Choctaws living in the Chickasaw District, and whose duty shall be to be present at the payment of the annuity with the original list made in the several counties.

4. *Be it further enacted*, That in case any of the above named persons appointed, should refuse to act, resign or be unable to act, he shall have power to give the appointment to such person as he may think most competent in their respective counties.

Approved, July 25th, 1856.

# ACTS AND RESOLUTIONS

PASSED AT

## SESSION 23, 1856.

---

### **An Act appointing Joseph Dukes translator for the session.**

SEC. 1. *Sub-Sec. 1. Be it enacted, &c.*, That Joseph Dukes be appointed to translate all bills and resolutions passed during the present session, and for services thus rendered he shall be allowed and receive the same pay as a member of the General Council.

Approved, November 7th, 1859.

---

### **An Act giving pay to County Judges for taking the Census.**

SEC. 2. *Sub-Sec. 1. Be it enacted, &c.*, That the county judges of the three districts authorized under an act passed in the year 1855, to take the census of their respective counties, shall be allowed and paid for every person thus taken two cents per head, out of any unappropriated national funds.

Approved, November 8th, 1856.

---

### **Resolution providing for an election of delegates to a Convention to amend the old or frame a new Constitution.**

SEC. 3. *Resolved, &c.*, That delegates to a convention be elected by the qualified voters in each county of Mooshula-

tubbee, Puckshunnubbee, and Pushamataha Districts, who shall be empowered to amend the old or frame a new constitution for the government of the Choctaw Nation.

*Resolved, further,* That the election for delegates shall be held on the second Monday of December next, 1856, at each precinct, in the following manner, viz: That the county of Scullyville, of Mooshulatubbee District, shall elect and send three delegates; Sugar Loaf, two; San Bois, one; Gaines, one; and Tobuksy, one. And the county of Eagle, of Puckshunnubbee District, two delegates; Red River, two; Bok-tuklo, two; Nashoba, one; Towson, three; Cedar, two; and Wade, one. And the county of Blue, of Pushamataha District, two; Kiamichi, three: Jack's Fork, one; and Atoka, one.

*Resolved, further,* That the Convention shall be held on the first Monday in January, 1857, at Skullyville.

*Resolved, further,* That the Convention shall have the right to adjourn and meet at such time and place as they may deem proper, in case of contagious disease or any other sufficient cause.

*Resolved, further,* That the chiefs of the three districts shall fill any vacancies which may occur on account of the inability of any of the delegates to attend the Convention, from sickness or otherwise.

*Resolved, further,* That the chiefs shall give notice to all the county judges to hold said election for delegates according to the above resolutions.

Approved, November 8th, 1856.

---

**Resolution asking United States Agent to obtain certain information, &c.**

SEC. 4. *Resolved, &c.,* That the United States agent, Gen. Douglas H. Cooper, be and he is hereby respectfully requested to obtain the following information, as accurately as may be in his power, and furnish the same to the delegation of the Nation at Washington City:

*First,* The number of Choctaws remaining east of the Mississippi river, and the number, or probable number thereof, who have once emigrated to the Nation and afterwards returned east.

*Second*, The extent of the claims to cattle, under the 16th article of the treaty of 1830, that have never been liquidated and paid by the United States.

*Third*, The exact amount of the claims of self-emigrant Choctaws, under the treaty of 1830, to commutation for removal and subsistence, that have never been liquidated and paid by the Government of the United States.

Approved, November 10th, 1856.

---

**Act directing Chiefs to assess a tax on licensed traders.**

SEC. 5. *Sub-Sec. 1.* *Be it enacted, &c.*, That the chiefs of this Nation, within their respective districts, shall assess a moderate tax, or annual compensation, upon all licensed traders therein, for land and timber used by them, and submit the same to the United States agent for his approval.

2. *Be it further enacted*, That the annual compensation thus collected from the licensed traders shall be placed subject to the control of the General Council.

Approved, November 10th, 1856.

---

**An Act requiring persons to record description of brands and marks. Penalty for failure.**

SEC. 6. *Sub-Sec. 1.* *Be it enacted, &c.*, That all persons and guardians of minor children having a brand or mark, or both, shall furnish the clerk of the county in which they reside a true statement of the same, to be recorded by said clerk. And all persons or guardians refusing or neglecting to do so, within six months after the passage of this act, shall be fined five dollars by the judge of the county in which such offender may reside, which fine shall be collected by the lighthorsemen by order of the judge imposing the fine.

2. *Be it further enacted*, That each and every person and guardian, upon having their mark or brand recorded, shall pay twelve and a half cents therefor, which sum shall

be equally divided between the district clerk and the clerk of the county who first recorded the same.

3. *Be it further enacted*, That should there be any change or alteration in the mark or brand, or any new mark or brand adopted by any one, he or she shall inform the clerk of their county of the same, and have the same recorded in the manner above provided, for which he shall pay the same amount, and the same division thereof shall be made as in the first instance. But should any person refuse or neglect to furnish the clerk with such change or alteration, within six months, they shall be subject to a fine of five dollars, to be imposed and collected in the manner by this act provided.

4. *Be it further enacted*, That all such fines, when collected, shall be deposited in the district treasury for district purposes.

5. *Be it further enacted*, That each county clerk shall furnish the district clerk, in their respective districts, with a true copy of all the marks and brands upon their records, to be recorded by him, and each district shall furnish the county and district clerk with blank-books for that purpose.

6. *Be it further enacted*, That in case of failure by any person to furnish the clerk with the description of his or her mark or brand, within the time specified in the above act, from sickness or other lawful excuse, such person shall be exempt from paying any fine.

Approved, November 11th, 1856.

---

**An Act directing District Clerks to act as Clerks of the Convention, and fixing the pay of Clerks and Delegates.**

**SEC. 7. Sub-Sec. 1.** *Be it enacted, &c.*, That the clerks of the several districts shall be required to attend the Convention at Skullyville to act as clerks to the Convention, and each of them shall take a copy of the proceedings for each district.

2. *Be it further enacted*, That the delegates to the Convention and the clerks shall be allowed for their services the same pay per day and mileage as the members of the General Council are allowed.

Approved, November 10th, 1856.

**An Act authorizing Superintendent of Public Schools to procure the buildings at Fort Towson for an Academy.**

SEC. 8. *Sub-Sec. 1. Be it enacted, &c.*, That the Superintendent of Public Schools be and he is hereby authorized to enter into arrangements with the Government of the United States to obtain the transfer and receive the public buildings at Fort Towson, for the purpose of converting them to the use of an academy, or other seminary of learning, under the patronage of the General Council of the Choctaw Nation.

Approved, November 11th, 1856.

---

**An Act extending the laws of the Nation over the leased country.**

SEC. 9. *Sub-Sec. 1. Be it enacted, &c.*, That the laws of this Nation shall be extended over the whole and every part of the Choctaw District called the *leased* land, lying west of the Chickasaw District.

2. *Be it further enacted*, That the chief of Pushmataha District be and is hereby authorized to act as chief of that district until the meeting of the General Council in 1857.

Approved, November 12th, 1856.

---

**Resolution requesting United States Agent to ascertain the number of Choctaws before emigration in 1831.**

SEC. 10. *Resolved, &c.*, That the United States agent, Gen. D. H. Cooper, be respectfully requested to ascertain, so far as it may be practicable, the whole number of Choctaws east of the Mississippi river, in the year 1831, prior to the commencement of the first emigration, and to report the same to the delegations at Washington City.

Approved, November 12th, 1856.

**An Act providing for the Pay of Commissioners of Orphan Claims.**

SEC. 11. *Sub-Sec. 1. Be it enacted, &c.,* That the sum of nine hundred dollars be set apart, out of the Orphan funds of sixteen thousand dollars, in the hands of the agent, for the payment of Robert M. Jones, Cornelius McCurtain, and George Hudson, who served as commissioners three years, investigating orphan claims.

Approved, November 12th, 1856.

---

**An Act Changing Election Precinct in Cedar County.**

SEC. 12. *Sub-Sec. 1. Be it enacted, &c.,* That from and after the passage of this act, so much of the law directing elections to be held in Cedar county, near Hocha's place, be repealed, and that the elections be held at Lukfapa Meeting Ground in said county.

Approved, November 12th, 1856.

---

**Resolution Repealing a Resolution Directing the Removal of John Johnston out of the Nation.**

SEC. 13. *Resolved, &c.,* That the resolution passed at the 22nd session, and approved 8th November, 1855, requiring the removal of John Johnston, and his property, from the Nation, be repealed.

Approved, November 12th, 1856.

---

**An Act making an Appropriation for New Buildings at Armstrong Academy.**

SEC. 14. *Sub-Sec. 1. Be it enacted, &c.,* That the sum of four thousand dollars be appropriated, out of the interest

fund arising under the treaty of 1855, for the fiscal year ending June 22nd, 1857, which was appropriated at the last session of Congress, for the purpose of erecting new buildings at Armstrong Academy.

Approved, November 12th, 1856.

---

**An Act appropriating Money to pay Commissioners of Orphan Claims for their services, and asking Congress to give Choctaws the Unclaimed Orphan Fund for an Orphan Asylum.**

SEC. 15. *Sub-Sec. 1.* *Be it enacted, &c.,* That the sum of nine hundred dollars be and the same is hereby appropriated, out of any National funds not otherwise appropriated, for the purpose of paying the commissioners who investigated and reported the list of orphan Choctaws and their legal representatives, entitled to interest on Choctaw orphan reservations, under the 19th act of the treaty of 1830: and the National auditor is hereby empowered to issue his warrant for the same.

2. *Be it further enacted,* That the delegation appointed to settle Choctaw business with the United States, be and they are hereby required to apply to the Congress of the United States to pass an act appropriating the balance of the interest due orphan Choctaws, which may from time to time remain in the hands of the United States agent for the Choctaws, on account of such orphan claims as are or may be claimed, and to which no legal claimants can be identified, for an Orphan Asylum and School, after paying back to the Nation the sum of \$900, appropriated in section 1st, of this act, and authorizing said unclaimed balance to be turned over from time to time to the Treasurer of the Nation, for the purpose specified in this act.

Approved, November 12th, 1856.

---

**An Act giving Mooshulatubbee District additional Light-horsemen.**

SEC. 16. *Sub-Sec. 1.* *Be it enacted, &c.,* That Mooshulatubbee District shall be entitled to two additional light-horsemen.

Approved, November 12th, 1856.

**An Act in Relation to New Building at Armstrong Academy.**

SEC. 17. *Sub-Sec. 1. Be it enacted, &c.,* That the School Trustees of Pushmataha District and the Superintendent of Armstrong Academy, be and they are hereby authorized to employ mechanics, and do all and every thing necessary to be done in erecting and completing the new buildings intended for said academy; the said building to be upon such plan and made of such materials as will be most suitable and durable.

Approved, November 12th, 1856.

---

**An Act giving greater privileges to the Catawbas heretofore Naturalized.**

SEC. 18. *Sub-Sec. 1. Be it enacted, &c.,* That the Catawbas who were made citizens of this Nation by a special act of session 20, section 11, of 1853, be and they are hereby jointly entitled to a full participation in all funds arising under the treaty of 1855, between the Choctaws and the Government of the United States.

Approved, November 12th, 1856.

---

**An Act making an Appropriation for Neighborhood Schools.**

SEC. 19. *Sub-Sec. 1. Be it enacted, &c.,* That four thousand dollars out of the interest arising out of the five hundred thousand dollars, invested by treaty of 1855, be and is hereby appropriated for the support of neighborhood schools in the several districts of the Nation, to be divided among them according to population.

2. *Be it further enacted,* That the above appropriation be placed in the hands of the Superintendent and Trustees of public schools, and be subject to their control and management.

Approved, November 12th, 1856.

**An Act making an Appropriation for the Pay of District Officers.**

SEC. 20. *Sub-Sec. 1. Be it enacted, &c.*, That the sum of seven thousand dollars is hereby appropriated out of the interest arising out of the Chickasaw Trust Funds, and three thousand dollars of the perpetual annuity, to pay the officers of the following districts, to-wit:

To Puckshunnubbee District,.....	\$4699	94
“ Pushamataha “ .....	2750	33
“ Mooshulatubbee “ .....	2549	74

Approved, November 12th, 1856.

---

**An Act legitimatizing the Children of William and Jane Guy.**

SEC. 21. *Sub-Sec. 1. Be it enacted, &c.*, That from and after the passage of this act, Eliza Jane, Serona Josephine, William Malcom, Mary Angeline, James Henry Harris, Lucinda, and Douglas Jackson Guy, children of Wm. Guy, are, and they are hereby declared to be the lawful heirs of Jane Guy, deceased, and William Guy, of Blue county, Pushamataha District of the Choctaw Nation.

Approved, November 12th, 1856.



# ACTS AND RESOLUTIONS

PASSED AT THE

## SESSION OF OCTOBER, 1857.

---

**An Act entitled an act to define certain Duties of the Governor of the Choctaw Nation, and to establish his salary.**

*SEC. 1. Be it enacted, by the General Council of the Choctaw Nation,* In addition to the powers vested in the Governor of this Nation by the new constitution, he shall have power to remove from office any national or county officer for the causes and under the restrictions following, to-wit: In case the securities, or either of them, of any national or county officer, who may be required to give bond and security for the performance of his duty by any law of this Nation, shall remove his or their residence out of this Nation permanently, or shall become insolvent, or shall be convicted of a violation of any of the provisions of an act entitled "An act to prevent the use of intoxicating liquors in the Choctaw Nation," it shall be the duty of the Governor, in case of a national officer, or of the President of the Board of Police, in case of any county officer, on satisfactory information of any such removal or insolvency, to notify such officer to appear before him, at a day and place therein named, within twenty days thereafter, to give a new bond, with other good and sufficient security, in a penalty equal to that of the former bond, with the like condition. And if such officer shall neglect or refuse so to do, or if, on satisfactory showing of his conviction as aforesaid, if he be a national officer, the Governor shall forthwith vacate his commission, and the vacancy shall be supplied in such manner as shall be prescribed by the laws of this Nation for filling vacancies of the kind.

SEC. 2. *Be it further enacted, &c.*, If the officer so refusing or neglecting be a county officer, the President of the Board of Police shall immediately after the expiration of the notice required to be given by the preceding section, or in case of the conviction of a county officer as therein specified, certify the fact to the Governor, who shall thereupon vacate the commission or appointment of such county officer; and the National Secretary shall certify the same back to the said President of the Board of County Police, and the vacancy occasioned thereby, shall be supplied in the manner that shall be prescribed by the laws for filling the like vacancies.

SEC. 3. *Be it further enacted, &c.*, If any national or county officer shall be found by inquest, according to law, an idiot, lunatic, or *non compos mentis*,\* during the time for which he is elected or appointed, or shall during such time be found by the verdict of a jury guilty of any felony, infamous crime, corruption or peculation in office, gambling with public money in this Nation, which may have come into his hands by virtue of his office, the commission of every such officer shall be deemed and held to be vacated, and such vacancy shall be supplied as in case of death, resignation, or removal from office.

SEC. 4. *Be it further enacted, &c.*, The Governor shall at stated times require information in writing, from all officers in the executive department, on any subject relating to their duties, and embody such parts of the same as are of public concern in his communication to the General Council, to be made from time to time. He shall procure at an early day, at the cost of the Nation, a Great Seal of the Nation, with the words, "The great seal of the Choctaw Nation," around the edge, and a design of an unstrung bow, with three arrows and a pipe hatchet blended together, engraven in the centre, which shall be the proper seal of this Nation until altered by the General Council, with the concurrence of both houses thereof. Until said seal is procured, all official acts of the Governor and National Secretary shall be valid, with the use of their private scroll or seal, with the words annexed, "there being no public seal." He shall have power to appoint, during the sitting of the General Council, a private Secretary, who shall be paid out of the National Treasury, when certified by the Speaker of the House of Representatives, in the same manner that the certificates of members of that house are certified, the sum of two dollars per diem for every day he shall attend.

---

\*See note at the end of this book.

SEC. 5. *Be it further enacted, &c.*, The Governor shall have the superintendance of the offices of National Treasurer and National Auditor, during the recess of the General Council, and he shall take care that they respectively perform the duties required of them by law, without fraud, partiality or delay; and if it shall satisfactorily appear to him at any time that the money or other property of the Nation in the Treasury, has been misapplied, wasted or embezzled, he shall direct the National attorney, or District attorney, to proceed according to law against such defaulter, on his or their bonds.

SEC. 6. *Be it further enacted, &c.*, The Governor of this Nation shall have full power and authority whenever he may think the public interest requires it, to make a personal inspection of all the books, vouchers and other official papers in the offices of the National Auditor and National Treasurer, and to count the monies in the Treasury.

SEC. 7. *Be it further enacted, &c.*, If the Governor of this Nation shall discover, or have cause to suspect any embezzlement, peculation, defalcation or frauds to have been committed or perpetrated in either of these departments of the Government, he shall forthwith apply to some Judge or Justice of the Peace for a warrant to arrest the officer in whose office such embezzlement, peculation, defalcation or fraud shall have been committed or suspected to have been committed. And it shall be the duty of such Judge or Justice of the Peace to grant the said warrant or other process, and to have such officer arrested and brought before him for trial and examination. And if the said Judge or Justice of the Peace shall certify that after a full and perfect examination of all the facts in the case, there is probable ground to believe that said officer has been guilty of some embezzlement, defalcation, peculation or fraud, then the Governor shall be authorized to suspend the said Auditor or Treasurer, as the case may be, from the further exercise of his official duties, and to make a provisional appointment to fill his place until the court of the county shall determine that said officer was improperly removed or suspended, or that the same was done without a sufficient cause.

SEC. 8. *Be it further enacted, &c.*, It shall and may be lawful for the Governor, or the person exercising the office of Governor of this Nation for the time being, in all cases in which he is authorized by the Constitution to grant reprieves and pardons, remit fines, and, in case of forfeitures, to stay the collection of the same until the end of the next

session of the General Council, and to remit forfeitures by and with the advice and consent of the Senate: *Provided*, That any of the powers exercised by him shall not be inconsistent with the Constitution and laws of this Nation.

SEC. 9. *Be it further enacted, &c.*, A sum not exceeding four hundred dollars shall be annually appropriated for the use of the executive department of the government for the contingent expenses thereof, to be accounted for by the Governor to the General Council at each session thereof; and it shall be the duty of the National Auditor, from time to time, on the written order of the Governor, stating the uses of any sum of money for contingent purposes, to issue his warrant on the treasury of the Nation therefor.

SEC. 10. *Be it further enacted, &c.*, The Governor of this Nation shall be authorized to send copies of all laws, reports or documents, printed by order of the General Council of this Nation, to the executive departments of the States of the United States, and request in return and receive such books and publications as said States may transmit to this Nation in exchange; and all such books and publications sent to this Nation, under the provisions of this act, or by donation, shall be deposited in charge of the National Secretary to constitute a national library.

SEC. 11. *Be it further enacted, &c.*, That no officer of the Nation shall enter into a contract of any kind on behalf of the Nation without being specially authorized thereto by law.

SEC. 12. *Be it further enacted, &c.*, That the Governor of this Nation shall have the power to appoint and have direction and control of the lighthorsemen, provided by law for the service of this Nation, and to make one of the number the captain thereof, who shall be commissioned in like manner with other officers.

SEC. 13. *Be it further enacted, &c.*, That the Governor of this Nation shall receive for his services the sum of one thousand dollars a year, payable quarterly from the date of his installation, out of the treasury of the Nation, upon his written order at such times, and the National Auditor shall issue his warrant therefor, and the National Treasurer shall pay the same.

SEC. 14. *Be it further enacted, &c.*, That this act shall take effect and be in force from and after its passage.

Approved, October 26, 1857.

**An Act entitled an act giving the Governor of this Nation power and authority to swear certain officers therein named.**

SECTION 1. *Be it enacted by the General Council of the Choctaw Nation,* That in addition to the duties required of the Governor of this Nation, to approve the bonds of the National Auditor and National Treasurer, by acts of the General Council already passed, he is hereby authorized and directed to administer the oath prescribed in the Constitution to the National Auditor, National Treasurer, and the National Attorney, and subscribe the same on the bonds of the two first named officers.

SEC. 2. *Be it further enacted,* That this act is designed and shall have reference to administering the oath of office to the officers hereinbefore named, and no others, and for one time only.

SEC. 3. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved, October 27th, 1857.



**An Act entitled an act to prescribe the duties of the National Secretary, and to establish his salary.**

SECTION 1. *Be it enacted by the General Council of the Choctaw Nation.* There shall be elected by the qualified voters of the Nation, at the time and in the manner prescribed by the new Constitution, a National Secretary, who shall reside at or near and keep his office at the Seat of Government; he shall carefully preserve the official books, public library, papers, records, and furniture, belonging to the same.

SEC. 2. *Be it further enacted, &c.,* It shall be the duty of the National Secretary to take charge of and safely keep, in his office, the journals, papers, documents and proceedings of both houses of the General Council during the recess thereof, and the Secretary of the Senate, and Clerk of the House of Representatives, shall deliver to him, immediately on the adjournment of the General Council, every document and paper in anywise appertaining to the same; the National Secretary shall also collect together, and take charge of all books, papers, documents, journals of both houses of the

General Council, and manuscript laws passed under the old Constitution, in the hands of the late Chiefs, District Clerks, and other persons, belonging to the Nation.

SEC. 3. *Be it further enacted, &c.*, The National Secretary shall as soon as practicable after the adjournment of the Council, and until the laws are printed and distributed, cause to be made three correct copies of the acts and resolutions of each session, for the use of the Judges of the Circuit Courts, and the person he shall employ to copy the same, shall be allowed five cents for every hundred words thereof, to be paid on the certificate of the National Secretary to the National Auditor, who shall immediately issue his warrant on the National Treasury for the amount.

SEC. 4. *Be it further enacted, &c.*, The National Secretary shall, upon application of any person or persons, make out a correct copy or copies of any act or acts of the General Council, and certify the same to be correct in his official capacity, and shall be entitled to receive for the same six cents for every hundred words thereof; and the National Secretary shall as soon as practicable make out, or cause to be made out, without charge, a correct copy of all acts and resolutions passed by the General Council, that may be required by the Governor, for the purpose of having the same printed.

SEC. 5. *Be it further enacted, &c.* That when the laws of this Nation shall be printed, the National Secretary, under direction of the Governor, on receiving such number of copies of the laws, shall forthwith cause disposition and distribution thereof, as follows: to each Justice of the Peace, County Treasurer, Sheriff, Clerk of Probate and Circuit Court, Judge of Probate, District Attorney, Circuit Judge, Clerk of the Supreme Court, Auditor, Treasurer, National Attorney, Secretary and Governor, one copy, twenty copies for the National Library, the remaining copies, except otherwise disposed of, to be deposited in the office of the National Secretary, for future distribution according to law.

SEC. 6. *Be it further enacted, &c.*, That there shall be employed, by the National Secretary, a suitable person or persons to distribute the laws as directed in the preceding section of this act, and the person or persons so employed, shall receive such compensation therefor as may be allowed by the Secretary, with the approval of the Governor, and who shall receive pay for the same when the labor is completed, upon the certificate of the Secretary and the Governor to the National Auditor, who shall issue his warrant on

the National Treasury for the amount; and it shall be the duty of the person or persons so employed, to deliver the said laws to the persons specified by this act, who shall give their receipts for the same, binding themselves to preserve the same, and turn them over to their successors in office, upon like conditions; and upon failure to do so, they shall be compelled, by suit in the name of the Nation, to return such book or the equivalent in money.

SEC. 7. *Be it further enacted, &c.,* The National Secretary shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the General Council, and shall perform such other duties as shall from time to time be required of him by law; he shall keep and preserve the returns of all elections held in this Nation, and lay the same, together with the census and all other official documents, before the General Council, when thereto required; and he shall receive for his annual salary, in quarterly payment, after the same shall have been audited according to law, the sum of six hundred dollars.

SEC. 8. *Be it further enacted, &c.,* That whenever any person shall desire a certificate, under the seal of this Nation, of the official character, of any Judge, Justice or other officer of this Nation, it shall be the duty of the National Secretary to furnish the same, under the seal of the Nation, signed by the Governor, and countersigned by himself, and for every such certificate, so issued, the National Secretary may be entitled to demand and receive from the person desiring the same, fifty cents, out of which he shall defray all expenses attending the same.

SEC. 9. *Be it further enacted, &c.,* That this act shall take effect and be in force from and after its passage.

Approved, 20th October, 1857.

---

**An Act entitled an Act to define the Duties of the National Auditor, and to fix his Salary.**

SEC. 1. *Be it enacted, by the General Council of the Choctaw Nation,* There shall be elected by the qualified electors of the Choctaw Nation, at the times and in the manner prescribed by the new constitution, a person to be National

Auditor, who shall continue in office for the term of two years from the time of his having been qualified in the manner hereinafter mentioned, unless sooner removed and until his successor be duly qualified: he shall reside at or near and keep his office at the seat of government, and before he enters upon the duties of his office, he shall take and subscribe the oath prescribed in the Constitution before some one of the Judges of the Supreme Court, Judge of Probate or Justice of the Peace of any county in this Nation, and enter into bond with two or more good and sufficient securities to be approved of by the Governor, in the penalty of ten thousand dollars, payable to the Governor of the Nation for the time being, and his successors in office, conditioned as hereinafter directed.

SEC. 2. *Be it further enacted, &c.*, The condition of the National Auditor's bond shall be in the form as to the effect following, to-wit: The condition of the above obligation is such, that whereas, the above bound ———— was on the ———— day of ———— 18—, duly elected by the qualified voters of the Choctaw Nation, National Auditor of the Nation aforesaid, for the term of two years from the date of the certificate of the qualification and oath of office hereon written. *Now, Therefore*, If the said ———— shall faithfully, impartially and without delay, grant and issue his warrant or warrants on the National Treasurer for all such sums of money due and payable by law out of any money in the Treasury not otherwise appropriated, on the application of any person or persons lawfully entitled to any such warrant or warrants, and shall from time to time and at all times, render a just and true account of all warrants in regular order, and all other proceedings in his office to the General Council of the Nation, when thereunto required, and shall carefully keep and preserve the books, records, papers and other things belonging to his office, and deliver the same without injury or damage to his successor in office, and further shall well and truly do and perform all other duties required by law of the National Auditor during his continuance in office, then this obligation to be void, otherwise to be and remain in full force and virtue;" which bond shall be submitted to the Governor, and his approbation of the sureties therein named, endorsed thereon, and the same deposited in the office of the National Secretary, there to be recorded and safely kept and preserved therein; and said bond shall not be void on the first recovery, but may be put in suit and prosecuted on from time to

time, at the cost and charges of the party injured, until the whole amount of the penalty thereof be recovered. Whenever it may become necessary to institute suit on any Auditor's bond, an authenticated copy of the same shall be received in evidence in any court in this Nation, in the same manner it shall be of the same validity as evidence as the original would be if it were present in court.

SEC. 3. *Be it further enacted, &c.*, No commission shall issue to the National Auditor elect, until bond and security be given, approved and deposited in the office of the National Secretary as hereinbefore required; the oath of office and certificate of the same shall be written upon the bond by the person administering the oath to the Auditor. And if the person elected as Auditor, shall neglect or refuse to give bond and security as aforesaid, for the space of thirty days after he shall have been duly elected and informed thereof officially, such election is hereby declared absolutely null and void, and the vacancy occasioned thereby shall be filled in such manner as may be prescribed by law for filling vacancies of other National officers.

SEC. 4. *Be it further enacted, &c.*, The fiscal year of this Nation shall commence on the first day of August in each and every year, and terminate on the last day of July next ensuing. And the Auditor shall begin on the first day of such year annually, and number each warrant on the treasury for the payment of money from number one, and so on progressively, until the end of said year.

SEC. 5. *Be it further enacted, &c.*, The National Auditor, shall, at the commencement of every session of the General Council, make out to them a detailed report of the receipts and expenditures of the public moneys for the term succeeding his last report, and he shall, annually, at the close of the fiscal year, make out and submit to the Governor, the like report of receipts and expenditures for the year; and it shall be the duty of the Governor to hold the same open for the inspection of any citizen of the Nation. The report of the National Auditor when made to the General Council, shall be accompanied with such remarks by him, as may serve to explain the same, to point out any defects in the laws respecting the duties of his office, and to suggest the proper remedies therefor, together with such plans as he may deem advisable for improving or increasing the revenue of the Nation.

SEC. 6. *Be it further enacted, &c.*, All warrants drawn by the National Auditor upon the National Treasury, shall

express by references to some one general head of expenditure, the cause for which they were drawn, and when the said warrants are drawn for sums chargeable upon the revenue of a different year from out of which they are paid, the sum shall be expressed, and all certificates or receipt warrants to the Treasury, to receive any money due to the Treasury, shall express upon the face thereof, the particular head of general revenue on account of which such sum is due, and when the sum is due for the revenue of the past year, that also shall be expressed upon the face of such certificate or receipt warrant. All warrants issued by the Auditor, shall be made payable to order, and shall be negotiable by endorsement, and not otherwise. The payee of each warrant issued, shall immediately take the same to the National Treasurer, whose duty it shall be to countersign and register the same in a well-bound book to be kept in his office for that purpose, in which the Treasurer shall note particularly the number of the warrant, the amount, date and the day on which he countersigned and registered the same: and no warrant which has not been so countersigned and registered, shall be receivable as public dues.

**SEC. 7.** *Be it further enacted, &c.,* It shall be the duty of every person or persons paying warrant or grand jury ticket to any person or officer for public dues to the Nation to endorse his name upon all warrants or grand jury tickets paid over: and no warrant or grand jury ticket shall be received for any public dues, without the same shall have been so endorsed.

**SEC. 8.** *Be it further enacted, &c.,* That the National Auditor be authorized and required to procure and keep a book in which he shall enter the name of each county and individual having dealings with said office, exhibiting the debts and credits on corresponding opposite pages.

**SEC. 9.** *Be it further enacted, &c.,* It shall be the duty of the National Auditor, with the approbation of the Governor of this Nation, to purchase all needful supplies of books and stationery and fuel for the General Council, and National officers, and to issue his warrants on the Treasury for the amounts of such purchases in favor of the persons from whom such purchases shall be made: *Provided,* They shall not exceed the sum of two hundred dollars in any one year, and shall file the receipts of the persons from whom such purchases are made as vouchers in his office: and he shall, moreover, at the commencement of each session of the General Council, make a detailed report of the purchases made

by him as aforesaid, and the prices at which they were made.

SEC. 10. *Be it further enacted, &c.*, When any allowance shall be made by any Court of this Nation, to any of its officers, or to any other person, the clerk of said Court shall make out a fair copy of the account so allowed, and certify such allowance under his hand and seal of office, reciting therein the particular law under which it was made: and the National Auditor shall issue his warrant therefor, if he has no doubt of the propriety of such allowance; and if he has such doubt, he shall not issue his warrant therefor, on the National Treasurer; but shall report the same to the succeeding General Council; and no Court shall be authorized to make any allowance unless it be provided for by some act of the General Council, or clause of the Constitution.

SEC. 11. *Be it further enacted. &c.*, The National Auditor shall procure a seal of office, with the words, "Auditor's Office, Choctaw Nation," around the margin, and a tomahawk and a reaping hook in the centre thereof, to be purchased and paid for in the manner of other purchases provided for in section 9, of this act.

SEC. 12. *Be it further enacted, &c.*, It shall be the duty of the National Auditor to examine, state, settle and audit all accounts, claims or demands whatever, against the Nation, arising under any act or resolution of the General Council, and to grant to every claimant authorized to receive the same, a warrant on the National Treasury under his hand and seal of office, making due entry and register of all his proceedings in a book to be kept for that purpose, and carefully arranging, filing and preserving in his office all accounts, receipts, vouchers, and papers, touching the same; to examine, settle and audit the accounts for annuities and interest on trust fund or any other dues of the United States, payable to the National Treasurer, and all other accounts due and payable to the National Treasurer, from any other source provided by law; to call upon all such debtors to render accounts and pay into the Treasury all sums and balances due, and on failure to do so, if the debtor be the Government of the United States, to use the best means to ensure early payment thereof; and if the debtors be citizens of the Nation, to institute proceedings against them according to law; to state and keep the accounts so as to show the amount of all warrants drawn by him on the Treasurer, for what services or articles of public expense they

were given, and to lay before the General Council and Governor, when thereto required, the general accounts, together with an account of all balances due to and from the Nation.

SEC. 13. *Be it further enacted, &c.*, It shall be the duty of the National Auditor to draw special warrants on the National Treasurer, when he shall be thereto required, for all moneys which by law are or may be directed to be paid out of the National Treasury, by special warrant only, which warrant shall express on what particular account such money is due or paid by the Nation; and he shall take a receipt for every warrant issued by him, and keep the same regularly filed in his office.

SEC. 14. *Be it further enacted, &c.*, The National Auditor shall not issue any warrant upon any allowance made to, or claim in favor of any person, his agent or assignee, who may be a debtor to the Nation against whom any money shall be due, or balance existing in favor of the Nation, but he shall allow such debtor a credit on his account for such allowance or claim, and it shall be his duty to furnish the National Treasurer, monthly, with an account of all warrants on the Treasury, which he shall have issued during the preceding month. And it shall be the further duty of the National Auditor, to furnish to the Governor, from time to time when thereto required, besides the periodical reports required by this act, a full and complete statement of the situation of the public finances and of the proceedings of his office.

SEC. 15. *Be it further enacted, &c.*, It shall be the duty of the National Auditor, to demand and receive from the District and National Auditors, holding office under the old Constitution, all books, accounts, receipts or vouchers, papers and other documents in their hands, belonging to their respective offices, which remain the property of the Nation; together with a full statement, in writing, of the number, date, amount and person to whom issued, if practicable, of each outstanding warrant, and such other information as may be necessary to explain the condition of the business of each officer at the time he receives said books, and other property of the Nation, and that the same be safely kept and preserved in his office.

SEC. 16. *Be it further enacted, &c.*, The National Auditor shall be entitled to receive as a compensation for his services, the sum of six hundred dollars a year, payable quarter-yearly, out of the National Treasury, from the date

of the execution of his bond and its approval by the Governor. He shall make out his account for each quarter-salary, and receive the approbation of the National Secretary thereon, in writing, and shall file the same as a voucher for the warrant he shall issue in his own favor, placing his own receipt on said voucher, as in other cases.

SEC. 17. *Be it further enacted, &c.,* That all acts or parts of acts heretofore passed, coming in conflict in any manner with the provisions of this act, be and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved, October 24th, 1857.

---

**An Act entitled An Act to define the duties of the National Treasurer and to fix his Salary.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation,* There shall be elected by the qualified voters of this Nation, at the times and in the manner prescribed in the new Constitution a National Treasurer, who shall be commissioned by the Governor, and shall hold his office for the term of two years, and until his successor be duly qualified, unless sooner removed; he shall keep his office at the seat of Government, at or near which he shall reside, and before he shall enter upon the discharge of his official duties, he shall take the oath prescribed in the Constitution before any Judge of the Supreme and Circuit Court, Judge of Probate, or Justice of the Peace of any county in this Nation, and enter into bond with two or more good and sufficient securities to be approved of by the Governor, in the penalty of twenty thousand dollars, payable to the Governor of the Nation by name for the time being and his successors in office, conditioned as hereinafter directed.

SEC. 2. *Be it further enacted, &c.,* The condition of the Treasurer's bond shall be in the form or to the effect following, to wit: "The condition of the above obligation is such that whereas, the above bound \_\_\_\_\_ was on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_, duly elected by the qualified voters of this Nation, Treasurer of the said Nation, for the Constitutional term of two years from the date of this bond, and his oath of office hereon

written. Now therefore, if the said ———, shall from time to time, and at all times render a just and true account to the General Council of the Choctaw Nation when by them thereto required, of all monies, securities, and other property of the said Nation, which shall come into his hands or be committed to his charge, and deliver the monies, securities, and other property of the said Nation in his hands at the expiration of his term of office, together with all documents, instruments of writing, papers and books belonging to, or for the use of said Nation, to his successor in office, and shall well and truly, honestly and faithfully perform all the duties of his office during his continuance therein, and shall answer for all unlawful appropriations, waste, embezzlement or destruction of said monies, securities, property, documents, instruments of writing, papers or books which shall be made, done or committed by him or by any person or persons by him employed in said office, then this obligation to be void, otherwise to be and remain in full force and virtue ;” which bond shall be submitted to the Governor and his approbation of the securities therein named, shall be endorsed thereon, as also the oath of office written and certified by the person administering the same, with the proper date ; which bond so approved and prepared, shall be deposited in the office of the National Secretary, there to be recorded and safely kept and preserved ; and the said bond shall not be void on the first recovery, but may be put in suit and prosecuted on from time to time, at the costs and charges of any party injured, until the whole amount of the penalty thereof shall have been secured ; and an authenticated copy of the said bond shall be received in evidence in any court of law or equity in this Nation, and shall be as authentic and valid as matter of evidence as the original would be if it were produced in court.

**SEC. 3.** *Be it further enacted, &c.,* No commission shall issue to the National Treasurer elect. until bond and security be given, approved of and deposited in the office of the National Secretary, as hereinbefore required. And if the same National Treasurer elect shall neglect or refuse to enter into bond and security as aforesaid, for the space of thirty days after he shall have been duly elected and informed thereof officially, such election is hereby declared to be absolutely null and void, and vacancy occasioned thereby, shall be immediately filled in such manner as may be prescribed by law.

**SEC. 4.** *Be it further enacted, &c.,* It shall be the duty of the

National Treasurer to receive and keep the monies of the Nation, to disburse the same agreeably to law, and take receipts or vouchers for all monies which he shall disburse; he shall keep regular, fair and proper accounts of the receipts and expenditures of the public money; he shall open an account in his books in the name of the Choctaw Nation, in which account he shall enter the amount of all monies, securities and other property in the treasury, which may at any time be received by him, keeping the receipts and disbursements for each fiscal year in separate accounts, and closing each with the close of said year; he shall also open an account in the books of the treasury for all appropriations of money made by law, so that the appropriations of money and the application thereof conformably thereto may clearly and distinctly appear on the books of the treasury; and it shall be the duty of the Treasurer to pay the salaries of all public officers entitled thereto quarterly on the Auditor's warrant, unless the time of the payment of the same be otherwise provided for by law.

SEC. 5. *Be it further enacted, &c.*, It shall not be lawful for the National Treasurer to pay or receive any money on account of the Nation but on the warrant or certificate from the Auditor. The National Treasurer shall, at the commencement of every session of the General Council, make to them a detailed report of the receipts and expenditures of the fiscal year; and whenever the revenue is likely to prove insufficient for the expenditures of the Nation, he shall subjoin to his report such recommendations to the General Council as may in his opinion be best suited to supply the deficiency.

SEC. 6. *Be it further enacted, &c.*, It shall be the duty of the National Treasurer to state in the books of the treasury, separately and distinctly the amount of money received by him on account of permanent annuities, interest on trust funds, debts, fines, penalties and forfeitures, or on any other account whatsoever, for or in behalf of the Nation, and also an account of the sums he shall pay out of the same, so that the net produce of the whole revenue, and every branch thereof and the amount of disbursements in payment of the several demands on the treasury may clearly and distinctly appear; and it shall also be his duty to examine whether any Auditor's warrant has been issued agreeably to law, or is signed with the genuine signature of the Auditor before he shall pay the same; and after making due examination, if he shall find such warrant to have been duly and properly

issued, he shall pay the amount called for by the same, to the person entitled to receive it, taking his or her receipt thereon, and shall make proper entry in his books of every Auditor's warrant and shall keep the same regularly filed in his office.

**SEC. 7.** *Be it further enacted, &c.,* If the National Treasurer shall misapply, waste or embezzle any money, securities, or other property in the treasury, it shall be the duty of the National Attorney, or District Attorney in the absence or inability to act of the National Attorney, to proceed against such defaulting treasurer and his securities for the amount of money, securities, or other property so misapplied, wasted or embezzled by motion in the name of the Governor of the Nation for the time being in the Circuit Court of the county wherein the seat of Government is situated, ten day previous notice of such motion being first given to the Treasurer and securities; and the court may, on the hearing of such motion, direct a jury to be empannelled *instanter*,\* for the trial of the issue of the defendants, or either of them, to appear and plead or to inquire of damages if the defendant or defendants make default, and if on such trial, the Treasurer be convicted, he and his securities shall be adjudged to pay double damages; and moreover, such Treasurer shall be thereby rendered incapable thereafter of holding any office of profit or honor within and under authority of this Nation.

**SEC. 8.** *Be it further enacted, &c.,* It shall be the duty of the National Treasurer to furnish to the Governor, from time to time, when thereto required, a full and complete statement in *tabular* form, of the situation of public finances and of the proceedings in his office; the books and accounts of the Treasurer, shall at all seasonable times be open to the inspection of the National Auditor. The National Treasurer shall furnish the National Auditor monthly during each fiscal year, with a list of the receipts at the treasury, numbered as the warrants on which they are founded, and stating in whose name the several receipts have been given, their respective dates, amounts and numbers.

**SEC. 9.** *Be it further enacted, &c.,* The payee of every warrant issued by the National Auditor shall immediately take the same to the National Treasurer, whose duty it shall be to countersign and register the same in a well bound book, to be kept in his office for that purpose, in which the Treasurer shall note particularly the number of the warrants, the

---

\*See note at the end of this book.

amounts, date and the day on which he countersigned and registered the same, and no warrant which has not been so countersigned and registered shall be transferable or receiveable for public dues.

SEC. 10. *Be it further enacted, &c.*, It shall be the duty of every person or persons paying warrants or grand jury tickets for public dues to the Nation, to endorse his name upon such warrants or grand jury tickets; and no warrant or grand jury ticket hereafter issued, shall be received for any public dues, without the same shall have been so endorsed.

SEC. 11. *Be it further enacted, &c.*, It shall be the duty of the National Treasurer to demand and receive from the former National and the District Treasurers in office under the old Constitution, all monies, securities, books, accounts, receipts, vouchers, papers and other documents in their hands, belonging to their respective offices, which remain the property of the Nation; together with a full statement in writing, signed by them, explaining the same and the business of the offices generally, and that the National Treasurer safely keep and preserve the same in his office.

SEC. 12. *Be it further enacted, &c.*, The National Treasurer shall not disburse any of the public monies, except upon the pay warrant of the National Auditor, and that when such disbursement is made he shall make an entry of the date of said warrant in his office, with the word "paid," written in a large, legible hand across the face thereof, and such warrant shall be a full and sufficient voucher for the payment of the same, without the receipt of the person to whom it shall have been paid, being given either upon said warrant or otherwise.

SEC. 13. *Be it further enacted, &c.*, When any person shall desire to make any payment in Auditor's warrants into the treasury, it shall be the duty of the National Auditor before issuing his receipt warrant authorizing such payment, carefully to examine all such warrants, and if he shall have any doubt of the genuineness of any warrant he shall compare said warrant with the entries of warrants upon his books and with the entries made on the disbursement book in the Treasurer's office; and on the back of all such warrants as he shall judge genuine, he shall write the word "genuine," and underneath he shall sign his name officially, and the National Treasurer shall not receive any warrant in payment of public dues, unless it shall have said endorsement of the Auditor upon the same. And it shall be the

duty of the National Treasurer, before he shall receive in payment or grant his receipt to any persons paying said warrant into the treasury to have the same compared with the entries upon his disbursement book, and if he find that no warrant has been entered in said book having the same number, bearing date in the same year, or issue to the same person on the same account of expenditure, he shall immediately enter said warrants on said disbursement book and receive them in payment, and receipt for the same, and the Treasurer shall not thereafter be liable for the amount of any said warrants, should they prove to be forgeries or spurious, unless proof be made that he received them through carelessness or with fraudulent or felonious intent or without a compliance with the provisions of this act.

SEC. 14. *Be it further enacted, &c.*, If the National Auditor shall wilfully, corruptly or with felonious intent, endorse the word "*genuine*," and his name upon any such warrant, or with a view to commit a fraud upon the Treasury, upon conviction thereof before any court of competent jurisdiction, he shall be fined in a sum equal to double the amount of the warrant so endorsed and be imprisoned in the nearest jail for not less than six nor more than eighteen months, at the discretion of the court, and be forever after disqualified from holding any office of profit or honor in this Nation.

SEC. 15. *Be it further enacted, &c.*, The National Treasurer shall be entitled to receive as a compensatson for his services, the sum of six hundred dollars a year, payable quarter-yearly out of the National Treasury, upon the Auditor's warrant, issued in a like manner with warrants for other officers, salaries.

SEC. 16. *Be it further enacted. &c.*, That all acts or parts of acts heretofore passed coming in any wise in conflict with the provisions of this act, be and the same are hereby repealed.

Approved, October 21st, 1857.

---

**An Act entitled an act defining the duties of the National Attorney, and fixing his salary.**

SECTION 1. *Be it enacted by the General Council of the Choctaw Nation*, There shall be elected by the qualified

electors of the Nation a National Attorney for the Nation, who shall continue in office during the term of four years, and who shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the Constitution, which oath shall be administered by the Governor of the Nation, any Judge of the Supreme, Circuit and Probate Court, or Justice of the Peace, and certified on his commission; and the National Attorney, so elected, shall be of counsel for the Nation in all cases whatever triable and determinable in the Supreme Court of the Nation; and it shall be his duty to attend the Supreme Courts at each term thereof, and to appear and prosecute for the the Nation in all criminal prosecutions, and in all civil cases in which the Nation, or any county thereof, may be interested; *Provided*, That if the National Attorney fail to attend at any term of the Supreme Court, the said Supreme Court is hereby authorized to employ some attorney to act for the Nation in the place of said National Attorney, and the attorney so employed shall for his services be paid by the National Attorney such sum as shall be allowed by the Supreme Court, not in any one case to exceed one-fourth part of the annual salary of said National Attorney.

SEC. 2. *Be it further enacted*, All accounts of a public nature, properly coming before the Supreme Court for allowance, shall be presented to the National Attorney, and his opinion thereon obtained in writing; and it shall also be his duty to give his opinion in writing in all cases touching the public interest when thereunto required by the Governor of the Nation. He shall also at the request of the National Auditor and National Treasurer, or either of them, give his opinion in writing upon all cases concerning the revenue or expenses of the Nation.

SEC. 3. *Be it further enacted*. The National Attorney shall keep his office at the Seat of Government, at or near which place he shall reside.

SEC. 4. *Be it further enacted*, If the National Attorney shall in any manner consult, counsel, advise or defend a person within this Nation charged with any crime or misdemeanor, or breach of any penal statute, said National Attorney, so offending, shall, on conviction thereof in any court of competent jurisdiction, be fined in a sum not exceeding two hundred dollars, and shall moreover be removed from office, and be rendered incapable thereafter of filling any office of profit or honor in this Nation.

SEC 5. *Be it further enacted*, It shall be the duty of the

National Attorney, whenever he may be requested, to give his opinion in writing to any District Attorney, upon any case then pending, in which the Nation may be interested, and which may be necessary for such District Attorney to prosecute or defend.

SEC. 6. *Be it further enacted,* The National Attorney shall be entitled to receive as a compensation for his services the sum of four hundred dollars a year, payable quarter-yearly out of the National Treasury upon the issuance of the National Auditor's warrant, in like manner with other officers' salaries.

SEC. 7. *Be it further enacted,* That all acts or parts of acts heretofore passed, in anywise coming in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 23rd, 1857.

---

**An Act entitled an act to establish and organize the Supreme Court, and to define the power and jurisdiction thereof, and to fix the salaries of the Judges.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation,* That there shall be established in this Nation a court to be styled the Supreme Court of the Choctaw Nation, to consist of the Judges of the Circuit Courts of the Nation as prescribed in the Constitution, which judges, or a majority of them, shall have the power to appoint a clerk of said court, to hold his office for the term of four years.

SEC. 2. *Be it further enacted,* That each judge of said Supreme Court, before he enters on the duties of his office, shall take and subscribe the oath required in the Constitution, upon the back of his commission, which oath may be administered by the governor, or any judge, or justice of the peace of the Nation, and said commission and oath shall be recorded by the clerk of said court upon the minute-book thereof.

SEC. 3. *Be it further enacted,* That the said Supreme Court shall have jurisdiction over, and shall hear and determine all manner of pleas, complaints, motions, causes and controversies, civil and criminal, which are now pending

therein as organized under the old Constitution, or which may be brought before it from any Circuit Court of law or Probate Court of any county in this Nation, either by appeal, *writ of error*, or *supersedeas*,\* or other legal means, and which shall be cognizable in said Supreme Court according to the Constitution and laws of this Nation: *Provided*, That no appeal, writ of error, or *supersedeas*, shall be granted, nor shall any cause be removed into the Supreme Court in any manner whatsoever until after final judgment or decree in the court below, except in cases particularly provided for by law.

SEC. 4. *Be it further enacted*, That the Supreme Court, or any judge thereof in vacation, may grant writs of error or *supersedeas* to the judgments or decrees of the Circuit Courts of law in all such cases wherein writs of error or *supersedeas* may be by law allowed, in the manner and on the terms and conditions prescribed by law in such cases; and also to grant writs of *habeas corpus*, *certiorari ne exeat*,\* and all other remedial writs and process grantable by the said judges by virtue of their office agreeably to the principles and usages of law, returnable as the law directs, either to the Supreme Court, or before any judge of said court, as the nature of the case may require.

SEC. 5. *Be it further enacted*, That it shall be the duty of the judges of the Supreme Court in every case they may decide, or decree, to deliver their opinions in writing, stating at large the reasons and principles upon which such decision is made; which opinion shall be by the clerk of said court filed among the records of said court at the time of delivery, and any judge of said court differing in opinion from a majority of said court shall reduce his opinion to writing and the reasons therefor, and shall file the same among the records of said court; and any judge of said court neglecting or refusing to comply with the provisions of this section shall be deemed guilty of a misdemeanor in office, and shall be liable to removal therefor.

SEC. 6. *Be it further enacted*, That it shall be the duty of the clerk of said court to record in a book, by him to be kept for that purpose, the written opinions of said court and the written opinions of any judge thereof; and the said clerk shall receive as a compensation therefor ten cents for each hundred words so recorded, payable half yearly out of the treasury of the Nation, upon the certificate of

---

\*See note at the end of this book.

any one of the judges of said court that the services have been performed, and that the account therefor is true as stated.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Supreme Court to establish rules for proceeding in said court, and also rules for bringing causes to issue; and the proper conducting of the business in the several Circuit Courts of law in this Nation, and to cause a copy thereof to be made for each county in the Nation, and it shall be the duty of the said court, whenever they shall alter, amend or enlarge said rules, as soon thereafter as may be, to cause a copy to be made as above directed.

SEC. 8. *Be it further enacted*, That the Supreme Court may adjourn from day to day, or for such longer period as they may think necessary to the ends of justice and the determination of the business before them; and there shall be no discontinuance of any suit, process, matter, or thing returned to or depending on the Supreme Court, although a sufficient number of judges shall not attend at the commencement, or any other day of the term; but if a sufficient number shall fail to attend at the commencement of any term, or at any time during the term, any judge of the said court, or the sheriff attending the same, may adjourn the said court from day to day for six days successively.

SEC. 9. *Be it further enacted*, That the judges of the Supreme Court shall choose from among themselves the presiding judge, who shall be styled the Chief Justice, and enter the same upon the minutes of the court; and in case of his absence, or disqualification to sit in any cause, the oldest judge present shall be the presiding judge for the time being; and no judge of said court shall sit in any cause wherein he is connected by blood or marriage with either of the parties, or directly or indirectly interested, or if he shall have been of counsel for either party in such cause.

SEC. 10. *Be it further enacted*, That although one or more of the judges of the Supreme Court be interested in the event of any suit, matter, or thing, depending therein, the same shall be finally decided by the other judges, if there be a number not so interested sufficient to constitute a court: and in case a majority of said judges shall be interested in any cause depending in said court it shall be the duty of the Governor to specially commission one or more persons learned in the law to supply the places of the judges so interested, who shall hear and determine that particular cause and no other.

**SEC. 11.** *Be it further enacted,* That whenever the Supreme Court shall be equally divided in opinion, on hearing any appeal or writ of error, the judgment or decree of the court below shall be affirmed.

**SEC. 12.** *Be it further enacted,* That for preventing error in entering up the judgments, decrees, orders and decisions of said court, the minutes of the proceedings of each day shall be drawn up at large by the clerk, in a book by him to be kept for that purpose, and read in open court the next day, (except those of the last day of each term, which shall be drawn up, read and corrected the same day.) and any necessary corrections made therein, when they shall be signed by the presiding judge and preserved among the records.

**SEC. 13.** *Be it further enacted,* That the Supreme Court shall annually appoint one of the judges thereof to inspect the clerk's office of said court, and to report to the next term of the Supreme Court the condition in which he shall find the records and papers, which report shall be recorded.

**SEC. 14.** *Be it further enacted,* That the sheriff of the county in which the Supreme Court shall be held shall be an officer of said court, and shall attend the same with a sufficient number of deputies, accordingly, and the sheriff and his deputies shall be bound to perform the duties of sheriff and crier.\*

**SEC. 15.** *Be it further enacted,* That the Supreme Court shall have power to punish any person, who may be guilty of a contempt of such court, in like manner as if such contempt had been committed against a Circuit Court of this Nation.

**SEC. 16.** *Be it further enacted,* That the Governor of the Nation shall cause to be procured a seal for the use of the Supreme Court, with the words "Supreme Court of the Choctaw Nation" around the margin and a figure of an eagle in the centre; and the sum necessary to procure such seal shall be paid on the order of the Governor, out of any money in the treasury not otherwise appropriated, and the Auditor shall issue his warrant therefor.

**SEC. 17.** *Be it further enacted,* That all future elections for judges of the Supreme Court shall be conducted in the same manner and at the places that may be prescribed by law for the election of national officers, and all contested

---

\*See note at the end of this book.

elections for judges of the Supreme Court shall be determined in the manner that may be prescribed by law.

SEC. 18. *Be it further enacted*, That if any judge of the Supreme Court shall fail to attend any term of said court, which he may be required to hold, it shall be the duty of the clerk of said court to certify the number of days said judge was absent at each term of his court to the National Auditor, who shall deduct the sum of ten dollars for each and every day said judge may fail to attend, if it should appear that the said judge was within the limits of the Nation at the time of such failure: *Provided, however*, That if said judge shall make oath, and file the same in the National Auditor's office, that his absence was occasioned by sickness, or that his attendance was prevented by the obstruction of high waters, or by his attendance at any other court assigned to his charge at the same time, in which cases the deduction shall not be made.

SEC. 19. *Be it further enacted*, That the Supreme Court shall be held at the seat of government on the first Mondays of October and April in each and every year, and may continue until the business therein depending shall be disposed of. The judges of said court shall have the power to call a special term of said court when deemed necessary, and shall give twenty days' notice of the time for holding the same.

SEC. 20. *Be it further enacted*, That the clerk of the Supreme Court, under the old Constitution, is hereby required to transfer and deliver to the clerk of the Supreme Court, under the present Constitution, immediately after the organization thereof, all books, papers, records and office furniture which may pertain to his office; and all suits, actions and complaints now depending in the Supreme Court under the old Constitution of this Nation, shall be transferred to the Supreme Court, organized by this act, in time for the business of the first term thereof, and shall be proceeded on to final decision by said court in the regular order in which they may stand on the docket of the former court at the time of the transfer.

SEC. 21. *Be it further enacted*, That when any cause is finally decided in the Supreme Court, and the party who is taxed with the costs thereof fail to pay the same, the clerk may issue execution therefor, returnable to the next term of said court, and directed to the sheriff of the county where the party resides; and the first Monday of October and April shall be the return days in the Supreme Court in

each and every year, to which all executions issuing from said court shall be made returnable; and all officers failing to return said executions at the proper time, or to pay over the money collected thereon, shall, on motion, be made liable therefor as in cases of sheriffs failing to return execution, or to pay over monies on executions returnable to the Circuit Courts of this Nation.

SEC. 22. *Be it further enacted*, That the judges of the Supreme Court of this Nation shall be entitled to receive as a compensation for their services the sum of four hundred dollars a year, each to be paid quarter-yearly out of the National treasury, when the account for the same shall be presented, audited, and the Auditor's warrant on the treasury issued therefor.

SEC. 23. *Be it further enacted*, That all acts heretofore passed in any manner coming in conflict with the provisions of this act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 26th, 1857.

---

**An Act entitled an act defining the duties of the Clerk of the Supreme Court of the Choctaw Nation, and establishing the fees of his office.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the Clerk of the Supreme Court of this Nation shall receive his appointment from said Court, or a majority of the Judges thereof, and shall hold his office for the term of four years, but may be removed therefrom for neglect of duty or misdemeanor in office by the Supreme Court, on motion of which, the Clerk against whom complaint is made shall have ten days previous notice, specifying the particular negligence or misdemeanor in office with which he stands charged; and in every such case, the said court shall determine both the law and the fact.

SEC. 2. *Be it further enacted*, That the said Supreme Court shall appoint a Clerk in the following manner: In term time the appointment shall be made by an order, entered of record in the proceedings of said court, and the person so appointed, before he enters on the duties of his office, shall take the oath prescribed in the Constitution, in open court,

and shall enter into bond, with two securities, to be approved by the court, payable to the Governor of the Nation for the time being, and his successors in office, in the penalty of two thousand dollars, conditioned for the faithful performance of the duties of his office, and that he in due time record the judgments, decrees, orders and decisions of said court, and deliver over to his successor in office all records, minutes, books, papers, presses, seal, and whatever belongs to his said office of Clerk, which bond shall be recorded in the Clerk's office of said court, and immediately thereafter be deposited in the office of the National Secretary, and shall not be void on the first recovery, but may be put in suit and prosecuted at the costs and charges of any party injured, until the whole amount of the penalty thereof be recovered. In vacation, the appointment shall be made by commission, under the hands and seals of a majority of the Judges of said court, and the person so appointed shall execute bond, with security, as above prescribed, and produce the same to any one of said Judges for his approbation, and if he approve it, he shall endorse his approbation thereon, and administer the proper oath of office, and endorse his certificate thereof also on said bond; and said Judge shall cause the bond, with the endorsement thereon, to be recorded, and shall deposit the same in the office of the National Secretary as aforesaid, which bond may be put in suit and prosecuted in like manner as before directed in the case of bonds taken in open court. A certified copy of such bond shall be received in evidence in any court of law in this Nation, in the same manner as the original would be if it were present in court.

SEC. 3. *Be it further enacted*, That the said Clerk of the Supreme Court shall have power to appoint a deputy with the approbation of the Court, and he shall take the oath of office prescribed in the Constitution; and, thereupon, said deputy shall have power and authority to do and perform all the several acts and duties enjoined upon his principal, and the Clerk of the court aforesaid shall keep his office at the place in which said court shall be holden.

SEC. 4. *Be it further enacted*, That during a vacancy in the office of Clerk of the Supreme Court, and during the unavoidable absence of the principal Clerk, and his deputy if he have one, the court in term time, or a majority of the Judges in vacation, may appoint a Clerk, *pro tempore*, who, after taking the necessary oath of office, shall be authorized to perform the duties of a Clerk, and during his continuance in office shall be entitled to all the fees thereof.

**SEC. 5.** *Be it further enacted,* That whenever the office of the Clerk of the Supreme Court shall become vacant by any cause whatsoever, the records, papers, books, stationery, and everything belonging to or appertaining to said office, shall be delivered over to the successor in office by the person or persons having the same, whenever demanded; and it is hereby declared to be the duty of such successor to demand, receive and take the same into his care and safe keeping, and in case of a refusal or detention of any such records, papers, books, stationery or other things appertaining to said office of which he is appointed successor, after demand as aforesaid, he shall, moreover, give information thereof to the National Attorney or District Attorney, who shall prosecute such person or persons by action of debt, on information, in the name of the Nation, in any court of competent jurisdiction, and on conviction thereof by the verdict of a jury, the person or persons so refusing or detaining as aforesaid, shall be fined in the sum of five thousand dollars to the Nation, for the use and benefit of a library fund.

**SEC. 6.** *Be it further enacted,* That if the Clerk of the Supreme Court shall knowingly and wilfully make any false entry or raze a letter or change any record in his keeping belonging to his office, said Clerk, so offending, shall, on conviction thereof, be fined and imprisoned at the discretion of the court, and shall also be liable to the action of the party aggrieved.

**SEC. 7.** *Be it further enacted,* That the Supreme Court shall make allowance to the Clerk for all needful sums for supplying the office with necessary books and presses for the records, and for the safe keeping of the books and papers belonging to the office; and shall make allowance to the Sheriff attending as officer to said court for all necessary fuel furnished in term time, which allowances being certified to the National Auditor, he shall give a warrant therefor on the Treasury of the Nation.

**SEC. 8.** *Be it further enacted,* That it shall be the duty of the Clerk of the Supreme Court to make out and keep a distinct docket of all cases now pending in the Supreme Court as established under the old Constitution, or which may be hereafter brought into the present court, for each one of the districts for the election of Judges to the Supreme Court, and to place on the docket for each district all cases, criminal or civil, emanating from counties in the same; *Provided,* that civil cases, in which the Nation may be a party, shall be placed on the docket of that district in which the seat of

government is situated, and all criminal cases shall be placed first on the docket to which they respectively belong.

SEC. 9. *Be it further enacted*, That it shall be lawful for the Clerk of the Supreme Court to demand, receive and take for the several services by him performed, the fees hereinafter annexed to said services, viz: for filing record on writs of error or appeal, twenty-five cents; entering appearance of each party, twenty-five cents; every continuance, twenty-five cents; each oath, twenty-five cents; for docketing cause, thirty-seven and a half cents, to be charged but once; for entering each final judgment, one dollar; for copy of the same for court below, fifty cents; for taxing costs and entering the same on fee books, twenty-five cents; and for each execution, seventy-five cents.

SEC. 10. *Be it further enacted*, That it shall be the duty of the Clerk of the Supreme Court to furnish any person, on application, with a copy of the opinions of said court, and a copy of any record, paper, judgment, or other thing on file in his office; and the Clerk shall be entitled to receive ten cents for every hundred words contained in each copy so furnished, and twenty-five cents for a certificate with seal of the court attached when required.

SEC. 11. *Be it further enacted*, That it shall be the duty of the Clerk of the Supreme Court, at the close of each term of said court, to make out and transmit to the court or clerk thereof from which the cause was brought, a copy duly certified, with the seal of the court affixed, of each and every final judgment and decree of said Supreme Court, unless the same be sooner demanded of him by the person or his attorney entitled to the same, when he shall deliver said copy upon payment of all costs due in said court in the cause in which the copy of the judgment or decree is demanded, otherwise he shall retain said copy and transmit the same as hereinbefore directed, and as in all cases where the costs have not been paid, send out an execution for the same.

SEC. 12. *Be it further enacted*, That all acts or parts of acts heretofore passed, coming in anywise in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 23rd, 1857.

**An Act entitled an act defining the duties of the office of District Attorney, and fixing the salary, &c., thereof.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation,* That the qualified electors of this Nation, residing within each judicial circuit of the Nation, shall elect a District Attorney for each judicial circuit, which District Attorney, so elected, shall continue in office during the term of four years; and said District Attorneys' shall, before they enter upon the duties of their offices, severally take and subscribe the oath prescribed in the Constitution, which oath shall be administered by the Governor of the Nation, any Judge, or Justice of the Peace, and certified on his commission, and shall reside within their respective circuits, and it shall be the duty of said District Attorneys to appear and prosecute for the Nation, in their respective circuits, in all criminal prosecutions, and in all civil cases in which the Nation, or any county within their respective circuits, may be interested, and all accounts of a public nature, before they are allowed by any of the Circuit Courts, shall be presented to the District Attorney of the proper circuit, and his opinion thereon obtained in writing; and it shall be the duty of the District Attorney of each judicial circuit within this Nation, upon the request of the treasurer of any county, within their respective circuits, to give their opinion in writing upon all cases concerning the revenue, or expenses of any county, within their respective circuits, and shall, when thereunto required by any treasurer of any county within their respective circuits, institute and prosecute to effect, before the proper court, all persons indebted to the Nation, or any county within the same, in the manner that may be prescribed by law.

SEC. 2. *Be it further enacted,* That if any District Attorney fail to attend any term of the Circuit Court of their respective circuits, the Circuit Court in which such failure is made, is hereby authorized and required to employ some attorney to act for the Nation in the place of such District Attorney so failing to attend, and the attorney so employed shall, for his services, be paid by the District Attorney so failing to attend such sum as shall be allowed by said Circuit Court, not in any one case, and for one failure to exceed twenty dollars.

SEC. 3. *Be it further enacted,* That in all cases of conviction of felonies the District Attorney shall be allowed a tax fee of ten dollars, and in all convictions for misdemean-

ors a tax fee of five dollars shall be allowed said District Attorney, and shall be included in the bill of costs and collected by the proper officers, and paid over to the District Attorney entitled to the same.

SEC. 4. *Be it further enacted*, That if any District Attorney in this Nation shall, in any manner, consult, counsel, advise, or defend a person within this Nation charged with any crime, misdemeanor, or breach of any penal statute, the District Attorney so offending shall, on conviction thereof in any court of competent jurisdiction, be fined in a sum not exceeding two hundred dollars, and shall, moreover, be removed from office and be rendered incapable thereafter of filling any office of profit or honor in this Nation.

SEC. 5. *Be it further enacted*, That in addition to the fees allowed the District Attorney by this act, they shall each be entitled to receive, as a compensation for their services, out of the treasury of the Nation, the sum of one hundred and fifty dollars a year, to be paid quarter-yearly upon presentation of the account therefor, when the National Auditor shall issue his warrant for the same.

SEC. 6. *Be it further enacted*, That all acts, or parts of acts, heretofore passed in any manner coming in conflict with the provisions of this act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 24th, 1857.

---

**An Act entitled an act to organize and establish the Circuit Courts of the Choctaw Nation, and to define their powers and jurisdiction in law and equity, and to fix the salaries of the Judges thereof.**

SEC. 1. *Be it enacted, by the General Council of the Choctaw Nation assembled*, That the counties comprising this Nation, shall be divided into three judicial circuits, to be divided and designated, as follows: The counties of Skullyville, San Bois, Sugar-Loaf, Gains, and Toboksy, shall compose the first judicial circuit. The counties of Towson, Red River, Boktaklo, Eagle, Nashoba, Cedar and Wade, shall compose the second judicial circuit; and the counties of Kiamichi, Blue, Atoka, Jacks-Fork and Cooper, shall compose the third judicial circuit.

**SEC. 2.** *Be it further enacted,* That the Judges of the Circuit Courts shall be elected by the qualified electors of their respective circuits, at the place of holding elections, and shall be conducted in the manner prescribed by law for the general elections, and that each and every person so voting, shall vote for one and the same person for Judge of the Circuit and Supreme Courts. The sheriffs of the several counties shall make correct returns of the votes taken in their respective counties, in the manner of other election returns, to the National Secretary, who is hereby required to preserve the same; and the person having the highest number of votes, shall be declared duly elected, and shall be forthwith commissioned by the Governor, and continue in office for the term prescribed by the Constitution.

**SEC. 3.** *Be it further enacted,* That each Judge of the Circuit Court shall take the oath prescribed in the Constitution, which oath may be administered by the Governor, Judge of any Court of record, or by a Justice of the Peace, and a certificate of the same shall be filed in the Clerk's office of the Circuit Court, when the said Judge shall first sit; and the certificate being so filed, the said Judge shall be enabled thereafter, to discharge his official duties; and if any Judge shall officiate as such, without having first taken the oath herein required, he shall be deemed guilty of a high misdemeanor, and may therefor be removed from office.

**SEC. 4.** *Be it further enacted,* That the Circuit Courts of Law, in the several counties of the Nation, shall have original jurisdiction of all suits and actions for the recovery of the money founded on any bond, bill, promissory note, or other written contract, covenant or agreement whatsoever, or on any open account where the principal of the sum in controversy exceeds fifty dollars, and of all other civil suits and actions, personal and mixed; and all causes, matters and things arising under the Constitution and laws of this Nation, which are not expressly cognizable in some other court established by law, as also such appellate jurisdiction as by law may be vested in said court; and said Circuit Court shall have power to hear and determine all prosecutions in the name of the Nation, by indictment, for treason, murder, and all other felonies, crimes and misdemeanors, committed within their respective jurisdictions, except such as may be exclusively had before a Justice of the Peace, or in some other court of the Nation, or of the United States; as also to hear and determine all prosecutions by informa-

tion, as are designated in the Constitution; and, moreover, shall have and exercise all the powers incident or belonging to a Court of Oyer and Terminer,\* and general jail delivery, and to do and perform all other acts properly pertaining to a Circuit Court of Law. And the Judges of said Courts, and each of them, shall have power, either in vacation or term-time, to grant writs of *habeas corpus*, *mandamus certiorari*, and of error and *supersedeas*,\* and all other remedial writs returnable according to law, into any or either of the said Circuit Courts.

SEC. 5. *Be it further enacted*, That the said Circuit Courts shall have and possess original jurisdiction over all matters, pleas and complaints whatsoever, belonging to, or cognizable in a Court of Equity; also in cases of divorce, and for the foreclosure of mortgages; and the Judges of said courts shall have power, either in vacation, or term-time, to grant writs of injunction, to stay waste, to enjoin execution of a judgment, or to stay proceedings at law, to grant writs of *ne exeat*,\* and all other remedial writs, returnable into said courts, and properly belonging to a Court of Chancery, and to hear and determine the same according to the rules of proceeding hereafter to be prescribed by law.

SEC. 6. *Be it further enacted*, That the Judges of the several Circuit Courts may alternate, and make temporary exchanges of their circuits, whenever in their opinion the public interest may require it.

SEC. 7. *Be it further enacted*, That the Judges of the Circuit Court shall have power, whenever in their opinion the importance of the case may require it, which may be submitted to them for decision on any point thereon, to take the same under advisement, and the opinion given thereon in vacation to be as of the term: *Provided, however*, That such opinion shall, in no case, be deferred for a longer time than four months; and the said opinion be in writing, filed in the Clerk's office of the proper county: *And, provided, also*, That the right to except and take writs of error to such opinion, shall not be effected thereby; and that a bill of exceptions to such opinion may be taken at the term of the Court held next after such opinion may have been given; and on the trial of any issue of fact, where the Judge may think proper to take the case under advisement, it shall be the duty of said Judge before he take said cause under advisement as aforesaid, to cause all the material facts of said

\*See note at the end of this book.

case, with notice to the counsel on both sides, to be reduced to writing, which statement of the evidence shall be signed and allowed by the Court, at the time he may take said case under advisement; and when the Judge shall issue his opinion, in writing, said written opinion, together with the written statement of the evidence, shall be enrolled in and made a part of the record in the case; and any party appealing from or prosecuting a writ of error from said decision, may avail himself of all matters of law arising from the facts stated in said record.

SEC. 8. *Be it further enacted,* That in the absence of the Judge of any of the Circuit Courts, the Sheriff of the county may adjourn the same from day to day, for the space of three days, and no longer.

SEC. 9. *Be it further enacted.* That if from any cause, a Circuit Court shall not be held at any term thereof, or shall not continue to sit. the whole term, or before the end of the term, shall not have heard and determined all matters ready for their decision, then all process, pleadings and proceedings of what nature soever, remaining in said Court, pending and undecided, shall stand continued of course until the next succeeding term; and if from any cause, the Court shall not sit on any day in a term after it shall have commenced, there shall be no discontinuance; but the Court may proceed to business on any subsequent day, until the end of the term, if the business before said Court be no sooner finished.

SEC. 10. *Be it further enacted,* That it shall be the duty of every Clerk of the Circuit Court, in making out his issue docket, for each term, to set as many suits for each day, beginning on the first, and proceeding as far in the term as the number of suits may make it necessary, or the Judge may direct, or, in his opinion, may best suit the business of the Court; and no cause shall be taken up for trial or hearing, at a day previous to that for which it may be set, and the Clerk shall issue *subpœnas*\* for witnesses to attend on the days on which the causes stand for trial; and no witness shall be bound to attend in any cause, unless specially summoned to each term; and it shall be the duty of the Clerk to keep a regular subpœna docket, and to issue subpœnas before every term of the Court, for all the witnesses, in every cause that either party may, at any time, have directed to be summoned.

---

\*See note at the end of this book.

SEC. 11. *Be it further enacted*, That for preventing errors in entering up the judgments and orders of the said Courts, the minutes of the proceedings of every day shall be drawn up by the Clerk, before the next day's sitting of the Court, when the same shall be read in open Court, and such corrections as are necessary, being made therein, they shall be signed by the Judge presiding, and carefully preserved in a well-bound book. On the last day of each Court, the proceedings of that day shall be drawn up, read, corrected, and signed, on the same day as aforesaid.

SEC. 12. *Be it further enacted*, That the said Circuit Courts shall have power to hear and determine all motions, on reasonable notice to the adverse party, against Sheriffs, Coroners, or other officers, for money received under executive, or other process, or order of the Court, which shall not be paid to the party entitled to the same, his agent or attorney, on demand; and all motions against attorneys and counsellors at law, for failing or refusing to pay money received for their clients, and to give judgment according to the statutes in such cases made and provided, and award execution thereon accordingly.

SEC. 13. *Be it further enacted*, That the said Courts shall have power to fine and imprison any person who may be guilty of a contempt of the Court, while sitting, either in the presence or hearing of such Court: *Provided*, that such fine shall not exceed one hundred dollars; and no person for such contempt, shall be imprisoned for a longer period than the term of the Court at which the contempt shall have been committed.

SEC. 14. *Be it further enacted*, That it shall be the duty of the Clerk of each Circuit Court, within this Nation, to procure, at the expense of the proper county, when the Board of Police thereof, shall make provision therefor, a seal, for the use of their courts, respectively, with the style of the court around the margin thereof, and an eagle in the centre.

SEC. 15. *Be it further enacted*, That until provision is made by the Board of Police of the several counties in the Nation, for the erection of a jail within their limits, the jail, situated within each judicial circuit, shall, in all cases, be used as the jail of the Circuit Court of all the counties therein, and the Sheriffs of the counties wherein said jails are situated, shall be the jailors for the Circuit Court of each judicial circuit, respectively, and shall take into custody all persons committed, by the orders of the Circuit

**Court, or by any process issuing from such court; and all persons committed, by whatever lawful authority, for trial in such courts. The Sheriffs of the county in which any Circuit Court shall sit, shall execute all judgment and sentences rendered by such court, in any criminal case, provided such judgments are, by law, to be executed in the said county; and shall in all respects act as Sheriffs of the said court. It shall be the duty of the Sheriff of each county, to summon not exceeding three constables to attend the Circuit Court of his county, who shall attend accordingly, or pay a fine, at the discretion of the court, not exceeding ten dollars.**

**SEC. 16. *Be it further enacted,* That it shall be the duty of the Clerks of the several Circuit Courts of this Nation, to make out at each term of their respective courts, a separate docket, in which shall be placed all causes in favor of the Nation, or any county, and all indictments, presentments or informations; and it is hereby expressly declared to be the duty of the Judges of the courts aforesaid, to give preference to, and take up said docket for trial, on motion of the National Attorney, or District Attorney, unless good cause is shown to the contrary.**

**SEC. 17. *Be it further enacted,* That whenever the regular term of any Circuit Court shall have failed, and in the opinion of any Judge presiding therein, the business of the Court require it, the said Judge shall be and he is hereby authorized and directed to order a special term of the Circuit Court to be holden; which order shall be entered upon the minutes of the special term.**

**SEC. 18. *Be it further enacted,* That on receiving notice of said order for a special term of the Circuit Court, it shall be the duty of the Clerk and Sheriff of the county in which it shall be ordered, to meet and draw the number of Jurors which are required by law, to be drawn for the regular terms of said courts upon which a panel, so drawn, a *venire facias*\* shall issue, and the Sheriff shall summon them accordingly. And at any such special term, the said Court shall have power to hear and determine all business remaining in the said courts unfinished, and not specially continued at the preceding regular term; and shall also have and exercise full jurisdiction of jail delivery, in all cases that have not been so continued, which said special terms, whenever so ordered, shall continue until all the business therein pending, shall be finished.**

\*See note at the end of this book.

SEC. 19. *Be it further enacted,* That no special term shall be ordered to be holden at a shorter time than thirty days from the time that it is so ordered, and when a special term shall be directed to be holden, in pursuance of this act, it shall be the duty of the Clerk of the Court to put up written notices thereof, in at least three public places in the county, giving twenty days notice of the time and place of holding said court.

SEC. 20. *Be it further enacted,* That whenever any Judge of any Circuit Court in this Nation shall have been interested as counsel for either of the parties, or in any other manner, in any cause pending in any such Court, of which he is the presiding Judge, it shall be his duty, if such fact be known to him previous to the sitting of the Court, to give notice to some other Judge of another circuit, of his incapacity, by reason of such interest, and upon receiving such intimation or notice, it shall be the duty of the Judge of another circuit so notified, to attend and hold the court so intended to be holden, whether the same be a regular or special term. And if the presiding Judge of any such court shall not be apprized of any such interest as would disqualify him to sit on the trial of any cause, according to the true intent and meaning of this act, until after he shall have given notice to the other Judge as aforesaid, it shall be his duty to continue every such cause in which he shall be interested as aforesaid, and give notice as aforesaid, to another Judge to attend at the next term, whether regular or special, and hold the court, or try that particular cause, as the case may be. And if any Judge shall try any cause in which he may be in any manner interested, without the consent of the parties, he shall be deemed guilty of a high misdemeanor in office, and shall be liable to impeachment therefor.

SEC. 21. *Be it further enacted,* That if at any time, when a special term of any Circuit Court ought to be holden, it should happen that the presiding Judge of the circuit should be sick, absent, about to be absent, or from any other cause, besides being interested, as hereinbefore provided for, it shall be the duty of the presiding Judge of the adjoining, or other circuit, on being notified of such incapability by the Judge of that circuit in which such special term ought to be holden, to make the order for holding such special term, as required by this act, and to give notice thereof to the Clerk, and also to attend and hold said special term.

**SEC. 22.** *Be it further enacted,* That a Circuit Court shall be held in each county in this Nation, twice in each and every year, and shall commence and continue for the time hereafter specified, as follows :

*In the First Judicial Circuit.* In the county of San Bois, on the first Mondays of November and May, and may continue six Judicial days if business so long requires, and no longer. In the county of Skullyville, on the second Mondays of November and May, and may continue six judicial days, if business so long requires, and no longer. In the county of Sugar Loaf, on the third Mondays of November and May, and may continue six judicial days, if business so long requires, and no longer. In the county of Gains, on the fourth Mondays of November and May, and may continue six judicial days, if business so long requires, and no longer. In the county of Toboksy, on the first Mondays of December and June, and may continue six judicial days, if business so long requires, and no longer.

*Second Judicial Circuit.* In the county of Wade, on the first Mondays of December and June, and may continue six judicial days, if business so long requires, and no longer. In the county of Nashoba, on the second Mondays of December and June, and may continue six judicial days, if business so long requires, and no longer. In the county of Eagle, on the third Mondays of December and June, and may continue six judicial days, if business so long requires, and no longer. In the county of Buktuklo, on the fourth Mondays of December and June, and may continue six judicial days, if business so long requires, and no longer. In the county of Red River, on the first Mondays of January and July, and may continue six judicial days, if business so long requires, and no longer. In the county of Towson, on the second Mondays of January and July, and may continue six judicial days, if business so long requires, and no longer. In the county of Cedar, on the third Mondays of January and July, and may continue six judicial days, if business so long requires, and no longer.

*Third Judicial Circuit.* In the county of Jacks-Fork, on the first Mondays of February and August, and may continue six judicial days, if business so long requires, and no longer. In the county of Atoka, on the second Mondays of February and August, and may continue six judicial days, if business so long requires, and no longer.

*In the County of Kiamichi.* On the third Mondays of February and August, and may continue six judicial days, if business so long requires, and no longer.

*In the County of Blue.* On the fourth Mondays of February and August, and may continue six judicial days, if business so long requires, and no longer.

*In the County of Cooper.* On the second Monday of March and September, and may continue six judicial days, if business so long requires, and no longer.

SEC. 23. *Be it further enacted,* That the Circuit Court of the several counties of this Nation, shall be held in each county at the place fixed by law for holding the county court, under the old constitution, and shall so continue to be held until otherwise directed by law, *except* Cooper county, in which county the court shall be held at the times in this act specified, and at such place as the Board of Police thereof, when there shall be such a Board elected therein may determine, and notify the Judge of the same.

SEC. 24. *Be it further enacted,* That the Judges of the Circuit Courts of this Nation, shall be entitled to receive as a compensation for their services, the sum of two hundred dollars a year, to be paid quarter-yearly, out of the Treasury of the Nation, upon presentation of the account therefor to the Auditor, who shall issue his warrant therefor to the National Treasurer.

SEC. 25. *Be it further enacted,* That all suits of every kind, now pending, untried in the Circuit court of this Nation, as organized under an act approved October 16, 1850, be transferred and removed to, and triable, in the counties in which the parties reside, if both reside in one county; otherwise to the county in which the defendant, or first named defendants reside; and all criminal and penal cases shall be transferred and removed, and be triable in the county where the offences are alledged to have been committed; and that all cases, civil and criminal, now pending, untried in the county court of this Nation, except such civil cases as belong properly to the courts of Probate, be likewise and in the manner herein prescribed, removed to the Circuit court of the proper county. The circuit Judges are hereby required to direct the transfer, and removal, as aforesaid, of all cases hereinbefore specified, and also the records, books, and papers, of cases, settled and determined to the county, where he deems they properly belong.

SEC. 26. *Be it further enacted,* That all acts, or parts of acts, in any manner coming in conflict with the provisions of

this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 28th, 1857.

---

**An Act entitled An Act defining the duties of the Clerks of the Circuit Courts of the Choctaw Nation.**

SECTION 1. *Be it enacted by the General Council of the Choctaw Nation*, That the clerks of the several Circuit Courts of this Nation shall be elected by the qualified electors of the respective counties in the same manner and at the same places regulated by law for holding the general elections, and shall hold their office for the term of two years.

SEC. 2. *Be it further enacted*, That before they enter upon the duties of their offices, the clerks of the Circuit Court of each county shall enter into bond with two sureties to be approved by the court of which he is clerk, payable to the Governor of the Nation for the time being, and his successors in office, in the penalty of two thousand dollars; conditioned for the faithful performance of the duties of his office, and that he seasonably record the judgments, decrees and orders of said court, and deliver over to his successors in office, all words, minutes, books, papers, presses, and whatever belongs to said office of clerk; which bond shall be recorded in the clerks office of said court, and immediately thereafter shall be deposited in the office of the National Secretary, by the judge approving the same, and shall not be void on the first recovery, but may be put in suit and prosecuted at the costs and charges of any party injured; until the whole amount of the penalty thereof be recovered. An authenticated copy of any such bond shall be received in evidence in any court of law or equity of this Nation in the same manner as the original would be if it were present in court.

SEC. 3. *Be it further enacted*, That the clerks of the said courts shall have power to appoint deputies with the approbation of their several courts, who shall take the oath of office; and thereupon such deputies shall have full power and authority to do and perform all the several acts and duties enjoined upon their principals. And the said clerks of the said courts shall have power to appoint deputies in

vacation with the approbation of the judges of the circuit in which said appointment may be made and which said approval shall be given in writing and carefully filed away by said clerk in his office, and shall be entered upon the minutes of the next regular term of the Circuit Court.

SEC. 4. *Be it further enacted*, That the clerks of the said court shall keep their offices at the places of holding the courts of the counties in which they are clerks. But in all cases where offices have not been provided for the clerks of the said courts, such clerks may keep the records and papers of the said courts at such places as the judges thereof shall think fit, and so enter of record.

SEC. 5. *Be it further enacted*, That in case a vacancy shall occur in the office of Clerk of the Circuit Court in any county in this Nation, by death, resignation or otherwise, it shall be the duty of the Circuit Judge of such circuit, or the Judge presiding, and power is hereby given such Judge to appoint a clerk *pro tempore* to fill such vacancy, until a clerk is duly elected as prescribed by the laws and constitution; such appointment may be made in recess or vacation under the hand and seal of the Judge; which appointment shall be entered on the minutes of the court at their next term or in term time, by order of the court; and such clerk so appointed shall enter into bond and take the oath of office as in other cases; and when so appointed and qualified, his acts shall be as valid, and he shall have all the powers and emoluments for the time, that regular clerks have by law.

SEC. 6. *Be it further enacted*. That whenever the office of clerk to any court shall become vacant by any cause whatsoever, the records, papers, books, stationery and every thing belonging or appertaining to said office, shall be delivered over to the successor in office, by the person or persons having the same, whenever demanded, and it is hereby declared to be the duty of such successor to demand, receive, and take into his care and safe keeping, all such records, papers, books, stationery and other things appertaining to the office of which he is appointed successor; and in case of refusal or detention of the same or any part thereof, after demand as aforesaid, he shall moreover, give information thereof to the National Attorney or District Attorney, who shall prosecute such person or persons by action of debt or information in the name of the Nation in any court of competent jurisdiction, and on conviction thereof by the verdict of a jury, the person or persons so refusing or detaining as aforesaid, shall be fined in the sum of two thousand dollars to the Nation, for the use and benefit of a library fund.

SEC. 7. *Be it further enacted*, That if any clerk of the Circuit Courts of this Nation shall knowingly make any false entry or raze a letter or change any record in his keeping, belonging to his office, every such clerk so offending shall on conviction thereof, be fined and imprisoned at the discretion of the courts, and shall, moreover, be liable to the action of the party aggrieved.

SEC. 8. *Be it further enacted*, That the several Circuit Courts shall make an allowance to the clerks thereof, of all needful sums for supplying the offices with necessary books and presses, for the records, and the safe keeping of the books and papers belonging to their offices, respectively, on which allowance being certified to the County Treasurer of the proper county, he shall pay the same out of any monies in the treasury, not otherwise appropriated.

SEC. 9. *Be it further enacted*, That the several clerks of the Circuit Courts of this Nation and their deputies shall be and they are hereby empowered to administer oaths in all cases wherein an affidavit is necessary as the foundation of any official act to be performed by any such clerk, which affidavit shall be filed and shall in every respect, be as effectual as if the oath thereto had been administered by the Justice of the Peace. And if any person sworn by any such clerk or his deputy, by virtue of this act, shall give evidence under such circumstances as would have constituted the same to be perjury, if done in presence of a court of record the same shall be deemed perjury to all intents and purposes.

SEC. 10. *Be it further enacted*, That the Judge of the Circuit Court of each county shall make such allowance to the clerk thereof for his services in behalf of the Nation, as may be deemed reasonable to be paid out of the treasury of the Nation; which shall be deemed and taken as full compensation to such clerk for all fees which may accrue on prosecutions in which the Nation may fail and the costs be not taxed on the prosecution: *Provided*, the same shall not exceed twenty dollars a year.

SEC. 11. *Be it further enacted*, That it shall be the duty of each and every clerk of the Circuit Courts within this Nation, to make out and certify to the National Auditor or County Treasurer, as the case may require, within one month after the adjournment of such court, a fair abstract of all fines and penalties which shall be assessed, had or recovered in his courts at any term thereof, specifying therein the names of the persons, the amount of the fines and penalties and the offences for which the same are assessed.

SEC. 12. *Be it further enacted*, That the Circuit Clerks of each county in this Nation, are hereby required to cause to be removed all cases properly belonging to the courts of which they are clerks, now pending untried in either the Circuit Courts of his particular circuit as organized by an act approved October 16th, 1850, or the county court of the county in which they are clerks. and place such cases on the docket for trial at the first term of the Circuit Court for the county hereafter to be holden in the order of precedence which they held in the court from which they came; and the Circuit Clerk of each county shall tax with his own bill of costs upon the decision of any and all suits or causes, civil and criminal, so removed, the costs due thereon to the clerks of the courts from whence the same was removed, and all the costs so taxed shall be collected by execution, on failure of the party who may be adjudged to pay the same to do so. And the Circuit Clerks aforesaid are hereby required and directed to take charge of all books, papers, and records of cases, civil and criminal, that have been disposed of in either the Circuit or County Courts aforesaid, and which the Judge of the Circuit Courts of the particular circuits shall say belong to the court of which he is clerk, and shall file away and preserve the same in his office in the order in which they were decided.

SEC. 13. *Be it further enacted*, That all acts or parts of acts heretofore passed, coming in conflict in any manner with the provisions of this act, be and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved, October 27th, 1857.



**An Act entitled an act defining the duties of the office of Sheriff in the several counties of the Choctaw Nation.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That there shall be elected by the qualified electors of each county in this Nation, at the times and places of holding the general elections, one sheriff for each county within this Nation, who shall be commissioned by the Governor, and shall continue in office for the term of

two years, unless sooner removed, and before he enters on the duties of his office he shall take the oath prescribed in the Constitution before any judge, or justice of the peace of the county for which he is elected, and enter into bond with two or more good and sufficient securities, to be approved by the judge of the Probate Court of such county in the penalty hereinafter specified, payable to the Governor of the Nation for the time being, and his successor in office, the condition of which bond shall be in the form, or to the effect following, to-wit: "The condition of the above obligation is such that whereas the above bound ——— was duly elected by the qualified electors of the county of ———, sheriff of said county, at an election held on the — day of ———, for the term of two years. Now, therefore, if the said ——— shall well and truly collect all fines and forfeitures accruing to or becoming due to the Nation, or any county within the same, which may lawfully come into his hands for collection against any person or persons residing or being found within the county of which he is sheriff, and shall punctually pay all such fines and forfeitures so collected to the person or persons entitled by law to receive the same, and shall also well and truly execute, and due return make, of all process and precepts to him lawfully directed, and pay and satisfy all sums of money by him received by virtue of any such process or precepts to the person or persons to whom the same are due, his, her or their lawful attorney, executors, administrators, or assigns, and in all other things shall truly and faithfully execute and perform the said office of sheriff during the term of his continuance therein, then the above obligation to be void, otherwise to be and remain in full force and virtue." The Probate Judge shall endorse on said bond his approbation of the sureties therein named, and a certificate that he has administered to the sheriff the oath of office, and shall cause the bond, together with the endorsements thereon, to be recorded in the office of the clerk of the Probate Court, and immediately thereafter deposit the same in the office of the National Secretary, there to be safely kept and preserved; and said bond shall not be void on the first recovery, but may be put in suit and prosecuted from time to time at the cost and charges of any party injured, until the whole amount of the penalty thereof be recovered. An authenticated copy of any such bond shall be received in evidence in any court of law or equity in this Nation, in the same manner as the original would be if it were present in Court.

SEC. 2. *Be it further enacted*, That the sheriffs of the several counties in this Nation shall respectively execute bond, with security as aforesaid, in the following penalties, to-wit: The sheriff of the county of San Bois, in five hundred dollars; the sheriff of the county of Skullyville, in fifteen hundred dollars; the sheriff of the county of Sugar Loaf, in one thousand dollars; the sheriff of the county of Gains, in five hundred dollars; the sheriff of the county of Toboksy, in five hundred dollars; the sheriff of the county of Wade, in five hundred dollars; the sheriff of the county of Nashoba, in five hundred dollars; the sheriff of the county of Eagle, in one thousand dollars; the sheriff of the county of Boktuklo, in one thousand dollars; the sheriff of the county of Red River, in one thousand dollars; the sheriff of the county of Towson, in fifteen hundred dollars; the sheriff of the county of Cedar, in one thousand dollars; the sheriff of the county of Jack's-Fork, in five hundred dollars; the sheriff of the county of Atoka, in five hundred dollars; the sheriff of the county of Kiamichi, in fifteen hundred dollars; the sheriff of the county of Blue, in one thousand dollars; the sheriff of the county of Cooper, in five hundred dollars.

SEC. 3. *Be it further enacted*, That if the candidate having the greatest number of votes as sheriff of any county in this Nation shall fail or refuse to take the oath of office, and give bond as by this act is directed, for the space of ten days after he shall have been duly elected and notified thereof, officially, such election is hereby declared void, and it shall be the duty of the President of the Board of Police to certify the fact to the Governor, who shall thereupon issue his writ of election directed to the coroner or any justice of the peace of the county wherein such failure or refusal may happen, commanding him to hold an election according to law on a day therein specified, to supply the vacancy occasioned thereby.

SEC. 4. *Be it further enacted*, That in case the securities, or either of them, of any sheriff, shall remove his or their residence out of this Nation permanently, or shall become insolvent, it shall be the duty of the President of the Board of Police, on satisfactory proof of such removal, or insolvency, to notify such sheriff to appear before him at a day and place therein named, within twenty days thereafter, to give a new bond with other good and sufficient security in a penalty equal to that of the former bond with the like condition; and if such sheriff shall refuse, or neglect so to

do, the said President of the Board of Police shall certify the fact to the Governor, who shall, forthwith, vacate the commission of the sheriff so refusing, or neglecting, and issue his writ of election in manner aforesaid to supply the vacancy. And if any sheriff shall be found, by inquest according to law, an idiot, lunatic, or *non compos mentis*,\* during the period for which he is appointed, the Governor shall issue his writs of election as in other cases for the election of a new sheriff.

SEC. 5. *Be it further enacted*, That if any sheriff elect shall presume to execute the office of sheriff before he shall have given bond and taken the oath of office agreeably to the directions of this act, all such his acts and proceedings done under color of office shall be absolutely void, and he shall, for such offence, be liable to be indicted for a misdemeanor, and on conviction thereof, before any court of competent jurisdiction, fined in any sum not exceeding five hundred dollars.

SEC. 6. *Be it further enacted*, That the sheriffs of the several counties within this Nation shall have power to appoint one or more deputies, who shall have full power and authority to do and perform all the several acts and duties enjoined upon the principals; and every such appointment shall be by writing under the hand and seal of the sheriff. And every deputy sheriff before he enter on the duties of such office, shall take and subscribe before a judge of probate, or justice of the peace of the county, an oath, or affirmation, faithfully to execute the office of deputy sheriff according to the best of his skill and judgment, which appointment, with the certificate of the oath, or affirmation thereupon endorsed, and attested by the said judge or justice, shall be, by such deputy sheriff, carefully filed and securely kept in the office of the clerk of the Probate Court in and for the same county: *Provided*, That nothing in this section contained shall be construed to prevent the sheriff from removing his deputy or deputies at pleasure; and if any person shall proceed to execute the office of deputy sheriff before he shall have received an appointment as aforesaid, and taken the oath or affirmation of office, and filed the same appointment and certificate of such oath or affirmation in the clerk's office as aforesaid, then all such his acts and proceedings done under color of office shall be

---

\*See note at the end of this book.

absolutely void. No person who may be deputed by any sheriff to do a particular act only, shall be required to take the oath directed by this act to be taken by deputy sheriffs.

SEC. 7. *Be it further enacted*, That every sheriff, by himself or his deputy, shall from time to time execute all writs and other process to him legally issued and directed within his county, and shall make due return thereof to the proper court on the day to which the same is returnable, and if any sheriff shall fail herein, or shall make a false return on any such writs or other process issued and directed to him as aforesaid, such sheriff shall, for every such offence, be fined by the courts into which such writs or other process is returnable in any sum not exceeding one hundred dollars, on motion, reasonable notice being first given to the sheriff of such motion, one moiety thereof to the party grieved, and the other moiety to the Nation, for the use and benefit of a library fund; and such sheriff shall, moreover, be liable to the action of the party injured, by such default, for all damages which he, she, or they may have sustained thereby and also to such other fines, penalties, and forfeitures as may be provided by law against sheriffs for failing to return writs or other process directed to them or for making a false return thereon.

SEC. 8. *Be it further enacted*, That the sheriff of any county shall have the same remedy and judgment against his deputy failing to pay the money by him received on any execution, or other process, to the sheriff, or the party to whom the same is payable, his agent, or attorney, or suffering any person in his custody to escape, as the party for whose benefit such writ was issued may have against the sheriff or his deputy, or the securities of such sheriff or deputy.

SEC. 9. And to prevent disputes between sheriffs and their several deputies, which of them may have acted in serving executions or other process: *Be it further enacted*, That when any deputy sheriff hath served any writs, executions, or attachments, or other process whatever, he shall endorse on such writs or other process the day of the month and year he or they shall have served the same, and subscribe his name as well as that of his principals to the return of such writ or other process; and every deputy sheriff failing herein shall be liable to the same penalty as is by this act inflicted on the sheriff for a false return and to be recovered and appropriated in the same manner.

SEC. 10. *Be it further enacted,* That when any fine, penalty, or judgment, which may be assessed, or rendered against any sheriff, his heirs, executors, or administrators, for, or on account of, any default or misconduct of any deputy of such sheriff, it shall and may be lawful for the court in which such fine, penalty or judgment may be assessed or rendered upon motion to them, made by such sheriff, his heirs, executors, or administrators, to give judgment against such deputy and his sureties, their heirs, executors, or administrators, jointly and severally, for the full amount of all such fines, penalties, or judgments, and to award execution for the same, provided such deputy and his securities, their heirs, executors, or administrators, have ten days previous notice of such motion.

SEC. 11. *Be it further enacted,* That every sheriff who shall have levied any writ of execution, or other process, on goods and chattels which shall remain in his hands and possession, unsold, at the expiration of his term of service, shall be, and he is hereby required to deliver over such goods and chattels so remaining unsold to his successor in office, taking his receipt for the same; and it shall be the duty of the sheriff to whom such goods and chattels are delivered as aforesaid, to proceed to sell the same in like manner as the predecessor ought to have done had he continued in office; and to account for and pay the proceeds of such sale to the party or parties entitled thereto by law. And if any sheriff shall fail or refuse to deliver over to his successor in office any goods and chattels so levied on, and remaining in his hands as aforesaid, on demand thereof made, it shall be lawful for the party for whose benefit such writs of execution or other process issued to move the court from which the writs or process issued against the sheriff so failing or refusing, and his securities, their heirs, executors, or administrators; upon which motion judgment shall be entered up for the amount of the execution or other process, which came to the hands of such defaulting sheriff, with interest at the rate of fifteen per centum per annum, from the return day of such execution or other process, and the costs of such motion: *Provided,* That such sheriff shall have reasonable notice of such motion.

SEC. 12. *Be it further enacted,* That every sheriff shall, at the expiration of his office, deliver all writs in his possession unexecuted, to his successor in office, who shall give a receipt for the same, and shall execute and return all such writs; and shall also deliver to his successor a certified list

of the names of all persons confined in the jail of his county, when there shall be one in each county, otherwise in the jail of the judicial circuit in which his county was situated, and the cause of commitment, a copy of which list shall be filed in the office of the clerk of the Probate Court by the sheriff receiving the same.

SEC. 13. *Be it further enacted*, That it shall be the duty of every sheriff to keep the peace within his county, by causing all offenders against the law, in his view, to enter into recognizances, with securities, for keeping the peace and appearing at the next Circuit Court to be holden in the same county, and to commit in case of refusal; which recognizance shall, by the said sheriff, be returned and certified before the said court. It shall also be his duty to quell and suppress all affrays, riots, routs, and unlawful assemblies, for which end he shall be and is hereby empowered to call to his power the aid of the county. He shall pursue, apprehend, and commit to jail all persons charged with treason, felony, or other crimes, and he is hereby authorized to take recognizance, with good and sufficient security, of any person or persons whom he may arrest on the process of a Circuit Court of law, charged before any court with any crime or misdemeanor not punishable with death in a reasonable penalty, conditioned for the appearance of the offender or offenders to the next term of said court, unless such process be made returnable forthwith, during the term of the court at which the same is awarded. He shall duly attend upon all the courts of record and the Board of Police at their respective terms in his county.

SEC. 14. *Be it further enacted, &c.*, That it shall be the duty of every sheriff, upon the verbal or written requisition of the United States agent for this Nation, or the Governor thereof, to execute any and all orders for the arrest and safe keeping of any and all persons they or either of them may designate, charged with a violation of the laws of the United States, and the safe guarding and transmission of such person or persons either beyond the limits of the Nation, or taking him, her, or them before said agent, at such time and place as may be by said agent, or the Governor of the Nation, directed as aforesaid.

SEC. 15. *Be it further enacted*, That it shall be the duty of every Sheriff, without warrant for that purpose, to search for, in any place, seize, spill, and destroy all vinous and spirituous or intoxicating liquors of any kind or description whatever, and break and destroy all barrels, kegs, jugs,

bottles, or other vessels of any kind or description whatever, found within the limits of his county, and as directed by law, arrest and take before the proper officer, all persons in whose possession the same is found, or all persons found introducing, buying, selling, trading, bartering or giving away, the same.

SEC. 16. *Be it further enacted*, That when any Sheriff, or any of his deputies, find that resistance will be made against the execution of any process, or order, the Sheriff, laying aside all other business, and taking with him the power of the county, shall forthwith go in his proper person, and execute the same; and if he find resistance, he shall certify to the Court, the names of the persons making such resistance, their aiders, assistants, favorers, and procurers, so that they may be proceeded against, according to law.

SEC. 17. *Be it further enacted*, That all warrants, mittimusses, writs, process, or precepts of any kind, or the attested copies thereof, by which any prisoner may be committed to, or enlarged from any jail in this Nation, shall be regularly filed in their order of time, and safely kept by the Sheriff, and upon the death, removal or resignation of any Sheriff, all said warrants, mittimusses, writs, process and precepts, or copies thereof, filed, and kept as aforesaid, shall be delivered over to his successor in office, on demand, by him made, under the penalty of one hundred dollars, to be recovered of the Sheriff, so resigned or removed, or his executors or administrators, in case of his death, by action of debt, before any Court of competent jurisdiction; one half to the use of the person suing for the same; and the other half to the use of the proper county.

SEC. 18. *Be it further enacted*, That the Sheriffs of the several counties in this Nation, shall keep their respective offices at the place designated by law, for holding the courts of their respective counties. But in all cases where offices have not been provided for the sheriffs, they may keep their offices at such places as the Board of Police of the proper county, shall think fit.

SEC. 19. *Be it further enacted*, That it shall be the duty of sheriffs, who, by virtue of that office are hereby declared to be the jailors of the county in which they are sheriffs, to receive from constables, and other officers, all persons who shall be apprehended by such constables or officers, for offences against this Nation: and if any sheriff refuse to receive such offenders, he shall be adjudged to be guilty of a misdemeanor, and on conviction thereof before any court

of competent jurisdiction, shall be fined at the discretion of the Court: *Provided*, That this section shall apply alone to those sheriffs, in each judicial circuit, in whose counties there is now a jail, until there be one erected in each of the other counties.

SEC. 20. *Be it further enacted*, That when any prisoner in custody for a contempt, shall be unable to support himself, or herself, in prison, the sheriffs shall be allowed a sum, not exceeding forty cents per day, for the maintenance of every such prisoner to be paid out of the County Treasury, and no security shall be demanded of him or her, nor shall he or she be detained for such prison fees.

SEC. 21. *Be it further enacted*, That when any person, or persons, accused of treason, felony, or other crime, or misdemeanor, shall be committed to the jail of any county in this Nation, and the Sheriff shall have cause to suspect such person, or persons, will attempt to escape, such Sheriff is hereby empowered and required to apply to any Justice of the Peace of the county where such persons may be confined, who shall, on such application, issue his warrant, directed to the said Sheriff, for a sufficient guard for securing such prisoner, or prisoners, so long as he, she, or they, continue in said jail, to be paid by such county, out of the county treasury, after the rate of forty cents for each man, per day.

SEC. 22. *Be it further enacted*, That when any person confined in jail, to answer any charge of the Nation, shall in the opinion of the jailor be sick, and otherwise in need of medical and surgical aid, such jailor shall notify the clerk of the Circuit Court, and one Justice of the Peace, who, with such Sheriff, shall examine the condition of such prisoner, and in case they shall be of opinion that such prisoner is in need of medical assistance, they shall call in a physician to attend and administer medical aid to such prisoner, and in case such prisoner is unable to pay the costs, the account of such physician shall be examined by the National Attorney, or District Attorney, and Court, as in other cases, provided for by law, and the National Auditor is hereby authorized and required to issue his warrant in favor of such physician, for such sum as the National Attorney, or District Attorney, and Court, shall allow.

SEC. 23. *Be it further enacted*, That any person convicted of any crime, or misdemeanor, whatever, in this Nation, who may take an appeal or writ of error to the Supreme Court, shall remain in the jail of the county, or circuit, as the case may be, wherein he was convicted, and shall not be removed

to the place where the Supreme Court may be in session, as formerly.

SEC. 24. *Be it further enacted*, That the Sheriffs shall be allowed for their attendance upon the Circuit Courts, the sum of two dollars per day, for each day said court is in session, and the Judge thereof, shall certify the same; and upon the certificate of the Circuit clerk that the same has been allowed and entered of record, the National Auditor shall issue his warrant upon the Treasury therefor.

SEC. 25. *Be it further enacted*, That all acts, or parts of acts, heretofore passed, coming in any manner in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force, from and after its passage.

Approved, November 2nd, 1857.

---

**An Act entitled an act to establish a Court of Probates in the several Counties of this Nation, and defining the Duties of the Judges thereof.**

SECTION 1. *Be it enacted by the General Council of the Choctaw Nation*, That there shall be established in each county of this Nation, a Court of Probates, to be styled, "The Probate Court of the county of \_\_\_\_\_," with such jurisdiction to said courts within their respective counties, as is prescribed to them in the fourth article of the constitution, and hereinafter more fully recited.

SEC. 2. *Be it further enacted*, That the Judges of the Probate Court, in each county in this Nation, shall be chosen by the qualified electors thereof, at the time and places of holding the general elections in each county, and shall hold their offices for the term of two years, unless sooner removed for mal-conduct, in office, or other disqualifying cause, provided for in the constitution; and shall be President of the Board of Police of the same county.

SEC. 3. *Be it further enacted*, That before entering upon the duties of their offices, the Judges of Probate, in every county of this Nation, shall take and subscribe the oath prescribed in the constitution, before any Judge, or Justice of the Peace, which oath, when thus taken and subscribed, shall be recorded on the minutes of the court. On failure,

or refusal, to take said oath, within twenty days after his election, any Judge of Probate, thus failing, or refusing, shall be deemed disqualified, under the said election, to hold the office for which he was elected, and the vacancy shall be filled in the same manner as other vacancies in said offices: *Provided*, This section does not refer to those first holding the office.

SEC. 4. *Be it further enacted*, That the Court of Probate, in each county, shall procure a seal of said court, with the style of the court around the margin, and an eagle in the centre, which shall be kept by the clerk thereof, and shall be affixed to all letters testamentary, of administration and guardianship; to all certificates of the Court, or of the clerk, and to every writ and process, of every kind, issued from said court. And the Judge of Probate shall certify the cost of the seal of the court, which amount shall be paid by the direction of the Board of Police, out of the county treasury.

SEC. 5. *Be it further enacted*, That it shall be the duty of the clerks of the County Courts, as organized under the old constitution, to deliver over, when demanded, to the clerks of the Courts of Probate, books, papers, records, and all other matters pertaining to the office of Probate clerk, and, on failure or refusal so to do, any county court clerk, so offending, shall be fined in the sum of one hundred dollars, to be collected before any court of competent jurisdiction, and paid into the county treasury, for county purposes.

SEC. 6. *Be it further enacted*, That all suits, causes, and proceedings whatever, which may be pending in the county courts, in relation to matters properly belonging to the Probate Court, shall be and the same are hereby transferred to the Probate courts of the proper county; there to be proceeded in, and conducted according to law.

SEC. 7. *Be it further enacted*, That the courts of Probate, in the several counties of this Nation, shall have jurisdiction in the following cases: First, of all cases relative to probate, of last wills and testaments, the granting of letters testamentary, and of administration, and repealing the same. Second, the appointment and displacing of guardians of orphans, minors, and persons of unsound mind, or idiotic. Third, in the settlement and allowance of accounts of executors, administrators, and guardians. Fourth, to hear and determine all controversies respecting last wills and testaments, the right of executorship, administration, or guardianship, or respecting the duties or accounts of executors,

administrators, and guardians. Fifth, to award process, and cause to come before such court, all persons whom they may deem it necessary to examine, whether parties, or witnesses, or who, as executors, administrators, or guardians, or otherwise, shall be interested, or in anywise accountable for any lands, tenements, goods, chattels, monies, or effects, belonging to any minor, orphan, or persons of unsound mind, or idiotic, or the estate of any deceased person.

SEC. 8. *Be it further enacted*, That the several courts of Probate, in this Nation, shall have power to punish any person who may be guilty of a contempt of such court, in like manner, as if such contempt had been committed against a Circuit Court of law.

SEC. 9. *Be it further enacted*, That any person who has been, is, or may hereafter be elected to the office of Judge of any Probate Court of any county in this Nation, and who shall, at the time of his election, be executor, administrator, or guardian, in such court, and not having settled his final account thereof, shall be disqualified from acting as Judge of Probate, in such cases; but it shall be his duty to apply to the Probate Judge of an adjoining county, who shall have full authority to proceed therein, and shall cause his proceedings thereon, to be recorded in the clerk's office of the Probate Court of the county from which the same shall have been so removed.

SEC. 10. *Be it further enacted*, That it shall be the duty of the Probate Judges, to keep in their courts, respectively, a docket book of all cases pending in their courts, on which docket shall be entered in the order in which they are made, all applications for letters testamentary, of administration, and guardianship, and all other suits or causes, in said courts, whether commenced by bill, petition, or motion; and whether the same be *ex parte*,\* or between two or more parties, litigant in said courts; and at each term of said courts, it shall be the duty of the Judges thereof, to take up and dispose of the business pending between them in the order in which the same is entered upon their docket.

SEC. 11. *Be it further enacted*, That in all cases in which any court of Probates shall make and enter a judgment and decree against any party, litigant therein, or against any executor, administrator, or guardian, for payment of a sum of money by said party litigant, executor, administrator, or guardian, to any other party entitled to the same, by the

---

\*See note at the end of this book.

terms of said judgment or decree, said court shall have power to enforce a compliance with the terms of such judgment or decree, by process of *feri facias*,\* issued by said Court, returnable to a term of said Court, not less than six, nor more than eight months from test of said court, which process shall be executed by the sheriff of the proper county, upon the tenements, goods, and chattels of the party against whom the same shall issue, or by process of attachment, against the person of the party against whom the judgment or decree shall have been rendered: *Provided*, That no such attachment shall issue until the party against whom the same is prayed shall have been cited to appear at some regular term of the Court, to show cause why it should not issue; and if upon the service of the citation, the party shall fail to appear, or shall not show good cause against the issuing of the attachment, the Court shall issue a peremptory attachment, commanding the sheriff to imprison the person or persons of the party, until he or they shall comply with the judgment or decree of the Court.

SEC. 12. *Be it further enacted*, That the Courts of Probate shall have power, and they are hereby required to entertain bills of review, for the correction of any interlocutory\* order, or final decree of said courts, in the same manner, and according to the same rules, as the same are entertained by courts of Equity. In proceedings for the final settlement of any executor, administrator, or guardian, any person interested, by bill of review, open, and cause to be examined by the courts, any annual, or partial settlement made by such executor, administrator, or guardian, and surcharge\* and falsify the accounts rendered upon such annual or partial settlement, and any person interested, may, at any time within two years after final settlement, by bill of review, open the account of any executor, administrator, or guardian, and surcharge and falsify the same, and not after, saving to minors, and *femmes covert*,\* the same time after the removal of their disability.

SEC. 13. *Be it further enacted*, That no order, or decree, affecting the rights or interests of any minor, shall be valid, and binding, upon said minor, or his or her interest in any estate, administered in any Court of Probate, in this Nation, unless his or her guardian, if a resident of the county in which the proceedings are had, shall be first personally served with five days notice, to appear and defend the rights

---

\*See note at the end of this book.

of said minor, or if the guardian of such minor, be not a resident of said county, and do not appear, or if the guardian, whether resident, or not, of the county, be a party personally interested, to give validity and effect to any such order or decree, the Court shall appoint a guardian, *ad litem*,\* to protect the interest of such minor.

SEC. 14. *Be it further enacted*, That when any Judge of Probate, shall be related by *affinity* or *consanguinity*,\* to any party interested in any proceedings in his Court, or shall have any pecuniary interest therein, or shall have been employed therein, as counsel or attorney, it shall be his duty to transfer said proceedings to the Court of Probates, of some adjoining county; and the further proceedings in such case, by the Judge of Probates of the county to which the same shall have been transferred, shall be as valid and conclusive as if he had had original jurisdiction thereof: *Provided*, That by consent of all parties interested in such proceedings, which consent shall be entered on the record, as part of the proceedings in the case, the disability of such Judge arising from the relationship, or previous employment as counsel, or attorney of either party, may be waived, and his competency to try the cause be restored.

SEC. 15. *Be it further enacted*, That the Judge of Probate, in each county, shall be and he is hereby authorized, as often as he may deem it necessary, to hold a special term of the Court of his county, on ten days notice being given by advertisement, in writing, at three public places in the county, (of which the place of holding Court shall be one); and at such term, no other business shall be transacted, heard or determined, other than that which shall be particularly mentioned in the advertisement aforesaid.

SEC. 16. *Be it further enacted*, That the election of an attorney and counsellor at law, to the office of Judge of Probate, shall not deprive such attorney and counsellor at law, of the right to practice in his profession, in any court of law, or equity, in this Nation, except the court of which he is Judge: *Provided*, That he shall not be at liberty to prosecute, or defend, or in any manner advise either party, in any matter, cause or controversy, which he may have decided, and on which an appeal, or other proceedings, are had in any other court in this Nation; and if any Judge of Probate shall aid, abet, counsel, or advise in any such mat-

---

\*See note at the end of this book.

ter, cause, or controversy, he shall be deemed guilty of a high misdemeanor, and may, for the same, be removed from office.

SEC. 17. *Be it further enacted*, That it shall be the duty of the Judge of Probate, of each county, in this Nation, to hold a Court at the place now fixed by law, for holding county courts in his county, on the first Monday in every month, which may continue for four days, if the business to be done cannot be sooner finished : and the sheriff, or coroner, (as the case may require) of the county, shall attend said court, and shall serve all summons, or process, to him directed from the Probate Court of his or any other county, within the Nation, and shall make returns thereof, according to the tenor of the same ; and on failure, he shall be liable to be proceeded against, in the same manner as for the like failure in other cases.

SEC. 18. *Be it further enacted*, That it shall be lawful for the Clerk of the Probate Court, to issue execution for the costs of any suit or proceeding, which may originate in said court, which the said clerk and Judge of Probate, may be entitled to, by law.

SEC. 19. *Be it further enacted*, That all books for minutes, records, and other matters, deemed necessary for the use of the clerk's office of the several courts of Probate in this Nation, shall be procured by the clerks thereof, and the accounts therefor, certified to by the Judges of said court, and the Board of Police of the respective counties shall direct the payment of the same out of the county treasury.

SEC. 20. *Be it further enacted*, That all acts or parts of acts, heretofore passed, in any manner coming in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 18th, 1857.



**An Act entitled an act defining the Duties of the Clerks of the Probate Courts of this Nation.**

SEC. 1. *Be it enacted, by the General Council of the Choctaw Nation*, That the clerks of the Probate Courts of the several counties of this Nation, shall be elected by

the qualified electors of the respective counties, at the time and places of holding the general elections in such counties, and shall hold their offices for the term of two years, unless sooner removed for mal-conduct in office, or other disqualifying cause provided for by the constitution.

SEC. 2. *Be it further enacted*, That before entering upon the duties of their offices, the clerks of the Courts of Probate, in every county in this Nation, shall take and subscribe the oath prescribed in the constitution, before any Judge or Justice of the Peace, which oath, when taken and subscribed, shall be recorded on the minutes of the Court. On failure, or refusal, to take said oath, within twenty days after his election, any clerk thus failing, or refusing, shall be deemed disqualified, under the said election, to hold the office for which he was elected, and the vacancy shall be filled in the same manner with other vacancies in said offices, and the clerk of the Probate Court of each county, in this Nation, before he enters upon the duties of his office, shall enter into bond, payable to the governor of the Choctaw Nation, and his successors in office, in the same manner, in the same penalty, and with the same condition as is required of the several Circuit Courts of this Nation; which bond shall be recorded and filed as is prescribed for the said circuit clerk's bonds.

SEC. 3. *Be it further enacted*, That it shall be the duty of the clerk of the Probate Courts in each county, to keep and preserve all records, files, papers, and the proceedings of said court; to record all last wills and testaments duly proved and approved; all accounts finally allowed; all inventories and appraisements duly made and sworn to; to issue all citations, subpoenas, and other process, as issue of course; and all such as are directed by the Court, in term time, or the Judge in vacation; and to do and perform all those things that appertain to the office of a clerk of the Probate Court; and the said clerk's office shall be under the direction of the Court, in term time, and of the said Judge in vacation; and the clerk of the Probate Court for each county of this Nation, shall be the clerk of the Board of Police of the same county.

SEC. 4. *Be it further enacted*, That the Clerks of the Courts of Probate, in this Nation, shall keep their offices at the places of holding court, of the counties in which they are clerks; but in all cases where offices have not been provided for the clerks of the said courts, such clerks may keep the records, books, and papers belonging to their offices, at

such places as the Board of Police of the county shall think fit, and so enter of record.

SEC. 5. *Be it further enacted*, That the several Probate clerks may appoint deputies, in the same manner as is provided by law for the appointment of deputy clerks of the Circuit Courts; and that such deputies of the Probate clerks shall have power to act in the name of their principals; and the said clerk, or his deputies, may, either in vacation, or term time, administer oaths in relation to the probate of accounts; and as to all matters connected with the proceedings of the Probate Court, or of the Board of Police; and also to administer oaths in all cases wherein an affidavit is necessary, as the foundation of any official act to be performed by any such clerk.

SEC. 6. *Be it further enacted*, That whenever the office of clerk of any Probate Court shall become vacant by any cause whatsoever, the records, papers, books, stationery, and everything belonging or appertaining to said office, shall be demanded, delivered over and received in the manner, and (in case of refusal or detention) under the penalties prescribed in the act passed at the present session of the General Council, defining the duties of the clerks of the Circuit Courts of this Nation.

SEC. 7. *Be it further enacted*, That if any clerk of a Probate Court shall knowingly make any false entry, or raze a letter, or change any record in his keeping, belonging to his office, every such clerk, so offending, shall, on conviction thereof, be fined and imprisoned, at the discretion of the court, and shall, moreover, be liable to the action of the party aggrieved.

SEC. 8. *Be it further enacted*, That in case the clerk of the Probate Court, in any county, shall be at any time unable from sickness, or any other unavoidable causes, to attend said courts, it shall be lawful for the Judge of Probate, in case there is no deputy clerk of said court, to appoint a person to act as clerk, *pro tempore*, who shall take an oath faithfully to discharge all the duties of his office; and for services rendered by the said clerk, he shall be entitled to the fees allowed by law, to the clerk of said court.

SEC. 9. *Be it further enacted*, That the Court of Probate, in each county, shall make allowances of all sums necessary for furnishing the clerk's office with tables, chairs, and presses, to preserve papers, to be paid out of the county treasury, of the proper county, under direction of the Board of Police thereof.

**SEC. 10.** *Be it further enacted,* That it shall be the duty of each clerk of the Probate Courts, to record in the books provided for his office, all deeds, mortgages, conveyances, deeds of trust, bonds, covenants, defeasances, or other instruments of writing, of or concerning any tenements or goods and chattels, which shall be proved or acknowledged according to law, and authorized to be recorded in his office.

**SEC. 11.** *Be it further enacted,* That each clerk of the Probate Courts, shall record in books to be provided for that purpose, all marriage contracts and marriage certificates, and all commissions and official bonds required to be recorded in his office.

**SEC. 12.** *Be it further enacted,* That when any deed, mortgage, deed of trust, bond, conveyance, or other instrument of writing, authorized by law to be recorded, shall be deposited in the Probate clerk's office of any county for record, the clerk shall enter in a book to be provided for that purpose, in alphabetical order, the names of the persons, and date, and nature thereof, the time of delivery for record, and shall give to the person delivering the same, if required, a receipt, specifying the particulars thereof.

**SEC. 13.** *Be it further enacted,* That each clerk of the Probate Court, shall, without delay, record every deed, mortgage, conveyance, deed of trust, bond, or other writing, delivered to him, for record, with the acknowledgements, proofs, and certificates, written on, or attached to the same, and all other papers, herein referred to, and thereto annexed, in the order and as of the time when the same shall have been delivered for record, by entering them, word for word, and letter for letter, and noting at the foot of each record, all interlineations, erasures, and words, visibly written on erasures, and noting at the foot of the record, the day of the month and year, when the instrument so recorded, was delivered to him, or deposited in his office for record.

**SEC. 14.** *Be it further enacted,* That every deed, mortgage, conveyance, deed of trust, bond, or other instrument of writing, shall be considered as recorded from the time it was delivered for record, and the clerk shall certify and attach to every such deed, mortgage, conveyance, deed of trust, bond, and other instrument of writing, so recorded, the day, month, and year, when he received it, and the book and page, or pages, in which it is recorded, and when recorded, deliver the same to the party entitled thereto, or his order.

**SEC. 15.** *Be it further enacted,* That each clerk shall provide and keep in his office a well bound book and make and enter therein an index in alphabetical order, to all books of record wherein deeds, mortgages or other instruments in writing are recorded, distinguishing the books and pages in which every such deed or writing is recorded.

**SEC. 16.** *Be it further enacted,* That such index shall contain the names of the several grantors and grantees, in alphabetical order, and in case the deed be made by a sheriff, the name of the sheriff and the defendant in the execution, and if by executors or administrators, their names and the names of their testator or intestate, and if by attorney, the name of such attorney and his constituents, and if by a commissioner, the name of such commissioner, and the person whose estate is conveyed.

**SEC. 17.** *Be it further enacted,* That each clerk shall in like manner make, keep and preserve, a full and perfect alphabetical index to all books of record in his office, wherein all deeds and instruments of writing in relation to personal property, marriage contracts, certificates of marriage, and all other papers are recorded; and a like index of all the books of record wherein commissions and official bonds are recorded; the names of the officers appointed or elected, and of the obligors in any bond recorded and a reference to the book and page where the same are recorded.

**SEC. 18.** *Be it further enacted,* That each clerk shall make a reference in the several indexes, of all deeds and conveyances which may hereafter be recorded, so as to afford at all times an easy reference to such records.

**SEC. 19.** *Be it further enacted,* That if any clerk to whom any deed or other writing proved or acknowledged according to law, shall be delivered for record, shall neglect or refuse to make an entry thereof, or give receipt therefor as required by this act, or shall neglect or refuse to record such deed or writing, within a reasonable time, after receiving the same, or shall record any deed or instrument of writing before another first deposited in his office and entered to be recorded, or shall record any deed or other writing incorrectly, or shall neglect or refuse to provide and keep in his office, such indexes as required by this act, he shall forfeit and pay any sum not exceeding five hundred dollars, to be recovered by action of debt; one half to the use of the county and the other half to the use of the person who shall sue for the same, and also be liable to any person injured, for all dam-

ages he may have sustained thereby, to be recovered by action of debt on the official bond of such clerk or by special action on the case.

SEC. 20. *Be it further enacted*, That if any clerk shall wilfully neglect to perform any of the duties required of him by this act, or shall wilfully perform them in any other manner than is required by law, he shall be deemed guilty of a misdemeanor in office and shall be proceeded against accordingly.

SEC. 21. *Be it further enacted*, That no clerk shall be bound to record any deed or other instrument of writing for which a fee may be allowed by law, until such fee shall have been paid or tendered to him by the party requiring the record to be made.

SEC. 22. *Be it further enacted*, That the clerks of the several county courts under the old Constitution, shall deliver over to the clerks of the Courts of Probate of the respective counties, all books, records, and papers belonging to said county courts, so far as they appertain to the jurisdiction of said courts of Probate under the constitution and laws of this Nation, which said books, records, and papers shall be kept and preserved by said clerks of the Courts of Probate; and they are authorized and required to do and perform all acts in relation thereto, which are now authorized and required to be done by said clerks of the county courts.

SEC. 23. *Be it further enacted*, That all acts or parts of acts heretofore passed, coming in conflict in any manner with the provisions of this act, be and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved, October 29th, 1857.

---

**An Act entitled an act concerning the election, jurisdiction, and powers of Justices of the Peace within this Nation.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, There shall be elected in the several counties of this Nation a competent number of Justices of the Peace, at the same time of holding the general elections, in their respective districts, as required by the Constitution, who shall take the oath of office directed by the Constitution

before the Judge of the Probate Courts ; and shall hold their offices for the term of two years, unless sooner removed ; and shall be commissioned by the Governor.

SEC. 2. *Be it further enacted*, That the Justices so elected in each county shall constitute the Board of Police, and there shall be but one Justice elected from each of the districts into which the county shall be divided at the first meeting of said Board of Police ; and if upon the assemblage of said Board the districts shall be laid off, and there appears to be two Justices from one district, they shall at once draw lots and thus determine who shall continue in office. The district or districts that are without a Justice shall supply the same so soon as the remaining members of the Board of Police shall direct an election therein, which shall be done within twenty days.

SEC. 3. *Be it further enacted*, That each county shall elect the number of Justices of the Peace that are herein enumerated and respectively set forth, to-wit : The county of San Bois three, the county of Skullyville five, the county of Sugar Loaf three, the county of Gains three, the county of Toboksy three, the county of Wade three, the county of Nashoba three, the county of Eagle three, the county of Boktuklo three, the county of Red River five, the county of Towson five, the county of Cedar three, the county of Jack's-Fork three, the county of Atoka three, the county of Kiamichi five, the county of Blue five, the county of Cooper three.

SEC. 4. *Be it further enacted*, That the Justices of the Peace of the several counties in this Nation shall be conservators of the peace, within their counties respectively, and shall have power and authority to take all manner of recognizances, with or without security, for good behavior, to keep the peace, or for appearance at the Circuit Courts, as the case may be, to answer the charges exhibited, or crimes committed in the view of such Justices, or any of them, and whereof they have not competent power to hear and determine, and in case any person or persons shall refuse to enter into recognizance as aforesaid, and to find security when thereunto required, it shall and may be lawful for such Justice, or Justices, to commit the person so refusing to jail, there to remain until he shall comply with the order of such Justice or Justices ; and all recognizances for the peace, good behavior, or appearance at any court, shall be certified before the Circuit Courts of the county to be holden next after the taking thereof, without concealing or detain-

ing the same ; and if any person shall forfeit his recognizance of the peace, good behavior, or appearance, the recognizance so forfeited, with the record of default, or cause of forfeiture, shall be sent and certified without delay by such Justice or Justices into such court.

SEC. 5. *Be it further enacted,* That any Justices of the Peace shall, by warrant under his hand and seal, cause any person charged on oath of having committed, or being suspected of any felony, or other crime, or misdemeanor, to be apprehended and brought before him ; to commit such person to jail where the offence is notailable, or where the offender is either unable or unwilling to give bail to appear and answer the crime alleged against him or her ; to take the recognizance or recognizances of any person charged with any crime not punishable with death, with sufficient security, to appear at the next Circuit Court of his or her county and answer the charge, and the recognizance or recognizances of prosecutors and witnesses ; and to issue search warrants for stolen goods on the oath of some credible person, particularly describing the place suspected and intended to be searched : *Provided,* That in no case whatever shall any Justice of the Peace try the right of any property alleged to have been stolen ; but in all such cases where the property so alleged to be stolen is claimed by two or more persons, the Justice of the Peace shall require of the person in whose possession the same was found to give security for the forthcoming of the property at the next term of the Circuit Court of the proper county, to abide the judgment or decision of said court ; and in case such person do not give the security so required, then the Justice may deliver the property to any other person upon his entering into like bond and security.

SEC. 6. *Be it further enacted,* That when any person charged with felony, breach of the peace, or other crime, shall be brought before any Justice of the Peace, such Justice shall immediately proceed to take the voluntary information of the accused in writing, and the information, on oath, of all witnesses that appear against him or her touching the crime alleged to have been committed ; and it shall be the duty of said Justice to inform the accused of his or her privilege to ask any question he or she may think proper, which questions, with their answers, shall be reduced to writing by said Justice, and it shall be the duty of said Justice to send up the recognizance or recognizances of the accused, and the prosecutor, and witnesses to the next Circuit

Court of the county, on the first day of the term thereof; and any Justice failing so to do, shall be fined in a sum not exceeding fifty dollars, to be recovered on motion of the Attorney General, or District Attorney, in the Circuit Court, on reasonable notice of such motion.

SEC. 7. *Be it further enacted*, That when any person charged with any criminal offence removes or escapes from the county in which such offence is alleged to have been committed into another county, it shall be the duty of any Justice of the Peace of the county to which such person may have removed or escaped, on proof of the handwriting of any Justice of the Peace of the county where the offence was committed, to endorse any warrant issued by him, which shall be a sufficient authority for arresting such offender in any place within the jurisdiction of such Justice, and such criminal shall be conveyed for examination to some Justice of the Peace within the county where the offence is charged to have been committed; and subpoenas for witnesses may issue to any county on the part of the Nation when it is necessary for bringing an offender to justice, which shall be executed by any officer authorized to execute process in the county where such witness or witnesses may reside; and any Justice of the Peace of the county to which any offender may have removed or escaped, on the oath of any credible person, may arrest, and have conveyed to the proper county for examination, any person charged with felony or other crime.

SEC. 8. *Be it further enacted*, That any Justice of the Peace for any contempt offered to him, while holding court, shall have power to order or inflict, or cause to be inflicted, any fine not exceeding the sum of five dollars, and any imprisonment not exceeding five hours; and if any Justice wrongfully inflict such fine, or imprisonment, he shall be deemed guilty of a misdemeanor in office, and shall, moreover, be subject to the action of the party injured for damages.

SEC. 9. *Be it further enacted*, That all offences cognizable before a Justice of the Peace shall be prosecuted by warrant, under the hand and seal of such Justice, returnable on a day and at the place therein specified; and the person accused shall have the benefit of counsel in his or her defence, and the privilege of cross-examining witnesses as in other cases of a criminal nature; and when any slave shall be sentenced by a Justice of the Peace to receive stripes, or other corporeal punishment, according to law,

such punishment shall be inflicted by the constable, who may be required to do so by such Justice.

SEC. 10. *Be it further enacted*, That all warrants and other process issued by any Justice of the Peace shall be under the hand and seal of such Justice, and shall be directed to the officer whose duty it is to execute the same; and every Justice of the Peace shall cause fair entries to be made in books, to be by him kept for that purpose, of the names of the prosecutor and defendant in any case before him, with the nature of the offence charged, and the time when the warrant or other process issued was returnable, and when judgment or decision was given, together with the return made upon all such process. All warrants or other process shall be executed and returned by the Sheriff, Coroner, or constable of the county to which the same is sent.

SEC. 11. *Be it further enacted*, That in case of emergency any Justice of the Peace may authorize and depute some reputable person to execute any process, although he be not commissioned as a constable; and the person so deputed shall be entitled to the same fees as constables and other officers for similar services, and be liable to the same penalties.

SEC. 12. *Be it further enacted*, That if any person who shall be elected a Justice of the Peace shall presume to execute such office without first taking the oath prescribed in the Constitution, which shall be certified on his commission, he shall forfeit and pay the sum of one hundred dollars, one moiety thereof to the use of the county for county purposes, and the other moiety to him or them who shall sue for the same, to be recovered with costs in any court having cognizance thereof.

SEC. 13. *Be it further enacted*, That when there is no Coroner within the county, or when the Coroner cannot conveniently attend, any Justice of the Peace may exercise and discharge the duties of Coroner when any person is killed, or suddenly dies, and shall be entitled to the same fees as the Coroner.

SEC. 14. *Be it further enacted*, That Justices of the Peace shall exercise and discharge the duties of Notaries Public in administering oaths, taking acknowledgments of all instruments of writing, and to make declarations, and testify the truth thereof under his seal concerning all matters by him done in virtue of his office. He shall keep a fair register of his acts as such, and when thereunto required give a certified copy of any record in his office unto any

person or persons applying for the same, upon payment of the legal fee therefor. He shall surrender all books, papers and records, pertaining to his office, to his successor as directed in cases of Justice.

SEC. 15. *Be it further enacted,* That every witness summoned and who shall attend to give evidence before any Justices Court, by virtue of this act, shall be allowed the same compensation for his attendance and traveling as is allowed a witness attending a Circuit Court, and such allowance shall be taxed in the bill of costs under the same regulations observed in taxing costs for witnesses in Circuit Courts of law.

SEC. 16. *Be it further enacted,* That it shall be the duty of every Justice of the Peace in the Nation, on the first Monday in January, in each year, to make a return to the county treasurer, or to the National Auditor, as the case may require, of all fines and penalties which he shall have assessed during twelve months preceding such return, and to pay so much thereof as he shall have received when the same is directed by law to be paid; and any Justice of the Peace who shall fail to make such return, or to pay the money received by him as aforesaid, on complaint of any such failure to any of the Justices of the Peace of the county, such Justice shall issue his warrant or summons commanding the Justice so failing, to appear before him, and if it appear that such Justice of the Peace has failed to pay over the money collected by him as aforesaid, the Justice trying the same shall enter judgment against such delinquent for the money so detained, with costs and ten per cent. damages; and he shall be deemed guilty of a misdemeanor in office, and, on conviction thereof, shall be removed from office.

SEC. 17. *Be it further enacted,* That when any Justice of the Peace shall die, resign, or remove from the county for which he is elected, or be removed from office, the books, records and papers appertaining to his office shall be transferred to the Justice of the Peace in an adjoining district, who shall finish the business of said Justice in the same manner as business originally commenced by him.

SEC. 18. *Be it further enacted,* That the Justices of the Peace shall have power upon the failure, or refusal of any one taxed with costs, in any case before them, to issue execution therefor, returnable on the first Mondays of January, April, July and October, in each and every year.

SEC. 19. *Be it further enacted,* That when an execution issued by a Justice of the Peace of this Nation shall be lev-

ied on any personal estate, which may be claimed by any person other than the defendant, the Justice of the Peace who issued such execution, at the request of such claimant, shall cause the right of property to be tried at the return day of such writ by a jury, to be drawn and empannelled as is done in the Circuit Courts, and the party failing shall pay all the costs legally accruing.

SEC. 20. *Be it further enacted*, That when any Justice of the Peace shall be informed from a credible source, verbally or otherwise, or have cause to suspect that any person within his county has, in any manner, violated the provisions of an act "entitled an act to prevent the use of intoxicating liquors in the Choctaw Nation," he shall direct any constable, without warrant, to proceed at once to the proper enforcement of said act, and on his refusal, or failure to do so, he shall fine such constable for each such refusal, or failure, the sum of five dollars, and is hereby directed to retain the amount of said fine or fines out of any fees due said constable paid into his hands, which fine shall be paid to the county treasurer of the proper county for county purposes.

SEC. 21. *Be it further enacted*, That the days for the commencement and holding the regular terms of the Justices Court in this Nation shall be the first Mondays, and as many days following as business may demand, of January, April, July and October, of each and every year; but said Justices shall have power specially to open their courts whenever the performance of their duties require it, and the regular terms of such court shall be at the place designated by the Justice and shall not be changed more than once in any one year.

SEC. 22. *Be it further enacted*, That all acts or parts of acts heretofore passed, coming in any manner in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 30th, 1857.

---

**An Act entitled an act defining the duties of the office of Constable, in the several counties of this Nation.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That there shall be elected by the qualified

electors in the several districts of each county in this Nation, wherein elections for Justices of the Peace are holden, a Constable, who shall be commissioned by the Governor, and shall serve for the term of two years, unless sooner removed; and every person so elected shall take the oath prescribed by the constitution, before the Probate Judge or any Justice of the Peace within the county, (which oath shall be entered of record in the Clerk's office of the Probate Court,) and enter into bond with good and sufficient security, to be approved by the Probate Judge thereof, in the penalty of five hundred dollars, payable to the Governor for the time being, and his successors in office, with condition that he will well and truly discharge the duties of the office of Constable in the county for which he has been elected, which bond shall be recorded in the Probate Clerk's office.

SEC. 2. *Be it further enacted*, That in case of the death, resignation or removal of any Constable, the Board of Police of the county shall direct an election to supply the vacancy, and the person so elected a Constable, shall take the oath prescribed in the constitution, and enter into bond with security as aforesaid.

SEC. 3. *Be it further enacted*, That if any person so elected as Constable, shall perform any of the duties of his office before he take the oath, and enter into bond as aforesaid, he shall forfeit fifty dollars for the use of the county in which he resides, to be recovered by action of debt in the name of the Governor for the time being, with costs; *Provided*, that nothing herein contained shall be construed to prevent any Justice of the Peace from appointing and deputing any person to act as Constable in cases provided for by law.

SEC. 4. *Be it further enacted*, That it shall be the duty of every Constable to keep and preserve the peace within his county, and faithfully to aid and assist in executing the criminal laws of this Nation; to give information without delay, to some Justice of the Peace, or other proper officer, of all riots, routs, and unlawful assemblies, and every violation of the penal laws, which may come to his knowledge in any manner whatever; and also to execute and return all warrants and other process, lawfully directed to him, according to the commands thereof, and pay over all monies when collected by him to the Justice of the Peace, or to the person lawfully authorized to receive the same.

SEC. 5. *Be it further enacted*, That when any property shall be taken by a Constable, by virtue of an execution, and such property shall consist of live stock, the Constable

shall take care of the same, for which an allowance shall be made to him by the Justice of the Peace to whom such execution is returned, out of the proceeds of the sale of such property; and it shall be the duty of every Constable levying an execution, to advertise the property taken by him, at some public place or places in the neighborhood, at least ten days previously to the sale thereof, and there shall not be more than fifteen days between such levy and the sale of the property so levied on.

SEC. 6. *Be it further enacted*, That if any Constable or other officer shall fail to make returns of any execution directed to him, by any Justice of the Peace, according to law, on or before the return day thereof, it shall be lawful for such Justice of the Peace, ten days notice being given, upon the motion of the party injured, to fine such Constable or other officer, for the use of such party, in any sum not exceeding five *per centum* per month upon the amount of such execution, counting from the return day thereof.

SEC. 7. *Be it further enacted*, That if any Constable shall receive any money upon any execution directed to him by any Justice of the Peace, and shall not pay the same to such Justice, or other person authorized to receive the same, upon the return of such execution, it shall and may be lawful for such Justice, without motion made by the party injured, to enter up judgment and award execution against such Constable, and his surety or sureties, provided such Constable, and surety or sureties, or any of them, have ten days previous notice.

SEC. 8. *Be it further enacted*, That it shall be the duty of Constables, in all intended sales, to give a full and clear description of the property to be sold; and all Constables' sales shall be at the place of holding Justices' courts in the several districts, and on a court day, and that between the hours of ten and three o'clock.

SEC. 9. *Be it further enacted*, That it shall be the duty of the Constables to attend the Justice's court of the district in which he was elected and resides, and shall keep order and act as crier to said court, either at a regular or special call of the same.

SEC. 10. *Be it further enacted*, That the Constables are hereby specially authorized and directed, without warrant, upon suspicion, information, verbal or otherwise, or direction of any Justice of the Peace within the county, to proceed forthwith to the full and proper enforcement of an act entitled "An act to prevent the use of intoxicating liquors in

the Choctaw Nation ;” and if he suspect or encounter resistance in the performance of his duty therein, he is hereby authorized and directed to call to his aid any citizen or citizens, and execute the law under the penalty prescribed by law for failure or refusal.

SEC. 11. *Be it further enacted*, That all acts or parts of acts heretofore passed, in any manner coming in conflict with this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, October 30th, 1857.

---

**An Act entitled an act to define the powers and jurisdiction of Boards of Police of the several counties of this Nation.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That there shall be established in each county of this Nation a Board of Police, to consist of such persons as have been elected Justices of the Peace, for each county as prescribed in the constitution, a majority of whom shall constitute a quorum to transact business.

SEC. 2. *Be it further enacted*, That the said Board, at their first meeting, shall divide their respective counties into the number of districts fixed by an act defining the powers and jurisdiction of Justices of the Peace, and regulate the number of their Board accordingly; and if it appears there is a district or districts without a member of the Board, after determining by lot as by law directed, or otherwise, such vacancy shall be supplied by election, under such rules and regulations as said Boards may adopt. The said districts shall be fully defined by metes and bounds, and entered of record on their minutes.

SEC. 3. *Be it further enacted*, That said Board of Police, for each county in this Nation, shall have and exercise full jurisdiction over roads, highways, ferries, and bridges, and all other matters of county Police; and shall order all county elections to fill vacancies that may occur in the offices of their respective counties. The Judges of the Courts of Probate shall be the President of the Boards of Police, and the Clerks of the Courts of Probate shall be the Clerks of the same.

**SEC. 4.** *Be it further enacted,* That it shall be the duty of the Boards of Police, respectively, to direct the appropriation of the money which may come into the county treasury; *Provided,* that the Boards of Police shall not appropriate the funds of their counties, or any part thereof, to any object but such as are authorized by law; that they shall require the county treasurer, at each regular meeting of said Board, to make them a report of the state of the treasury, exhibiting the receipts and disbursements, and the balance in favor of or against the county, which report they shall cause to be copied and posted at the place of holding the Circuit Court of the county; they shall have power to establish, alter and change election precincts in their several counties whenever they may deem it expedient for the convenience of the people.

**SEC. 5.** *Be it further enacted,* That the Board of Police of each county within this Nation shall, during each meeting, audit and allow, on due proof, all accounts and demands legally chargeable upon their respective counties, and every account, or such part, and so much thereof, as is so allowed, shall be recorded by the Clerk in a book to be kept for that purpose, and the claimant shall receive a warrant on the county treasurer, signed by the Clerk, with the seal of office thereto affixed, for the amount so allowed; and the Clerk shall number the warrant issued as aforesaid, in each year, beginning with the first meeting held in each year, and progressing through the same in numerical order, and register the number and amount of each warrant in the aforesaid book, and transmit to the National Auditor, annually, the numbers, amounts, and names of claimants of all such warrants, and an abstract of the items or services, for which the said warrants were issued; and the result of the said account shall be entered in the books of the National Auditor, and the account thereof laid before the General Council at each regular session, with his other accounts.

**SEC. 6.** *Be it further enacted,* That the members of said Board, in each county, shall, at their first meeting, severally take the oath prescribed in the constitution, to be administered by the President of said Board, who shall likewise administer the oath of office to the Clerk, and the Board being so organized, shall proceed to the discharge of their official duties. The members of the Board of Police in the several counties of the Nation shall be commissioned by the Governor.

**SEC. 7.** *Be it further enacted,* That said Board shall hold their meetings on the Mondays preceding the Circuit Court

in each county, and continue four days if business so long require, and no longer; *Provided*, That the President of the Board may call a special meeting thereof whenever it may be necessary, upon his giving ten days' notice of said meeting, by advertisement posted at the place of holding the Circuit Court of his county. Each member of said Board, and the President thereof, shall receive two dollars per day for each day that they shall be employed in performing the duties required of them by this act, to be paid out of the county treasury, and shall be exempt from serving on juries and in the militia, except in time of war, and from working on roads.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Clerk to keep and preserve a correct entry and record of the proceedings and orders of said Board, and to make an entry upon his minutes of the attendance of each member thereof. The Clerk of said Board, before he enters upon the duties of his office, shall enter into bond, with two good sureties, to be approved by the Board, in the sum of one thousand dollars, payable to the Governor and his successors in office, conditioned that he will faithfully execute and perform the duties of his office, and safely keep all records, books and papers pertaining thereto, and will deliver the same over to his successor when required, which bond shall be recorded by said Clerk on the records of said Board, and shall be filed by the President thereof in the office of the National Secretary, and may be put in suit by any person aggrieved by the malfeasance or misfeasance of said Clerk in his office, and shall not be void on the first recovery, but may be sued upon until the entire penalty shall be recovered, and a certified copy thereof shall be received as evidence in any court of justice in this Nation.

SEC. 9. *Be it further enacted*, That it shall be the duty of the Sheriff of the county to attend upon the Board, either in person or by deputy, to execute all their orders and precepts; and for the performance of said duties he shall receive as follows: For every day's attendance on said Board, while in session, two dollars per day; and for all other services required of him by this act, he shall receive a compensation of not more than twenty dollars per annum, to be allowed by the Board, and paid out of the county treasury. The Clerk of the said Board shall be allowed for each day's attendance on said Board, while in session, two dollars and a half per day; and for all other services required of him by this act, he shall receive a compensation of not more than twenty

dollars per annum, to be allowed by the Board and paid out of the county treasury.

SEC. 10. *Be it further enacted,* That the said Board shall have power, for any interruption of their proceedings, or any contempt offered to them while in session, to imprison the offender or offenders, for each offence, not exceeding twenty-four hours.

SEC. 11. *Be it further enacted,* That if any member of said Board shall fail to attend any meeting authorized to be held by this act, he shall be fined, at the discretion of the Board, in a sum not less than three, nor more than five dollars, for each and every such failure to attend; and the said Board shall cause judgment *nisi*\* to be entered, and if a good and sufficient excuse be not offered at the next term of the said Board, by the said failing member, judgment final shall be rendered, and the Clerk of said Board shall issue execution for the recovery of said fine; and all monies, so collected, shall be paid into the treasury of the county. If the President of the Board shall fail to attend any meeting thereof, it shall be the duty of the Board to elect one of their body President, *pro tempore*,\* who shall perform the duties of President during said meeting, or until he shall appear and take his seat. In case the Board of Police shall fail to form a quorum on the first day of any regular or special session, the Sheriff may adjourn until the next succeeding day, and no longer.

SEC. 12. *Be it further enacted,* That it shall and may be lawful for all persons who feel themselves aggrieved by the judgment of the Board of Police of any county, to appeal by bills of exception or *certiorari*\* to the Circuit Court of his county, which appeal shall be taken during the term of the Board at which judgment is entered, or at the next succeeding regular term thereof, and not after. In cases where appeals are prosecuted in the Circuit Courts, the President of the Board of Police shall defend the same, and all expenses or money paid by him, shall be repaid by the proper county, by order of said Board of Police.

SEC. 13. *Be it further enacted,* That the said Board shall have power to fix the rates, if any, which shall be allowed to the Clerks and Judges of elections; and all accounts for such services shall be examined and allowed by the said Board, and shall be paid out of the county treasury of the proper county.

---

\*See note at the end of this book.

**SEC. 14.** *Be it further enacted,* That the Boards of Police, respectively, shall make allowances of the sums of money necessary for supplying the Clerks' offices of the county with books, tables, presses and seals, to be paid out of the county treasury of the proper county.

**SEC. 15.** *Be it further enacted,* That the Board of Police shall, when deemed proper at any regular meeting, be authorized to change the boundaries of any or all the police districts therein, making such due record in their minutes of such changes of boundaries, and otherwise making the same public, in such manner as they may direct.

**SEC. 16.** *Be it further enacted,* That the Board of Police of every county within this Nation shall cause to be erected and kept in repair, (or where the same shall be already built, shall maintain and keep in good repair,) within each respective county, and at the charge of such county, one good and convenient court house of stone, brick or timber, and one common jail, well secured with iron bars, bolts and locks; and every jail to be erected, shall consist of two apartments at least. Every court house and jail to be erected as aforesaid, shall be formed of such materials, and be of such dimensions, as shall be directed by the Board of Police, or a majority of them, in each county.

**SEC. 17.** *Be it further enacted,* That the Board of Police of each county in this Nation are hereby vested with full power to designate the place where the Seat of Justice for said counties shall be located, which Seat of Justice shall be located at the geographical centre, or the most convenient point within five miles thereof; and the said Boards of Police shall make the selections aforesaid of the Seat of Justice in time to report the same to the Governor of the Nation, for the action of the General Council at their session in October, 1858.

**SEC. 18.** *Be it further enacted,* That the Board of Police, or a majority of them, in every county, shall appoint two respectable citizens of the county, commissioners to solicit subscriptions in money for the purpose of erecting a court house and jail, and when a sufficient fund is obtained, to place the same in the county treasury; and said commissioners shall plan and carry into effect, by drawing the draught, superintending the foundation, and erecting and completing every court house and jail, respectively; and said commissioners shall fix the spot for placing said buildings; *Provided,* it be at the place designated by the Board of Police of the county, and established by law as the Seat of

Justice for the county, and are hereby authorized to lay off forty acres of ground for the court house and public square, and twenty acres for the jail, said ground to be held and controlled by and for the use of the counties, respectively, so long as needed, and used for the purposes specified; *Provided, also*, that no ground that may be within the enclosure, or claimed by any citizen for his own use, shall be selected without his consent, free of charge, obtained in writing.

SEC. 19. *Be it further enacted*, That for the faithful discharge of their duty, as set forth in the preceding section, the commissioners therein referred to shall enter into bond in the sum of five hundred dollars, with sufficient sureties, payable to the President of the Board of Police, and his successors in office, for the use of the county, conditioned well and truly to account with the said Board of Police, as often as they may be thereunto required, for the disposition of all money or other property by them received from time to time from the said Board of Police, or the county treasurer, or any other person, or by any means whatever, for the purpose of building the said court house and jail, in the counties to which the commissioners may respectively belong, and on default in the commissioners for want of attention, or competent knowledge to carry on the work with propriety, or in case of death, resignation or removal, the said Board of Police, or a majority of them, shall have power to discharge one or both of them, so in default as aforesaid, and appoint others to fill the vacancy occasioned thereby, or by reason of such death, resignation or removal. The said commissioners shall receive such compensation for their services as the Board by which they were appointed may deem reasonable, if they demand compensation, and the money required for the purpose shall be paid out of any funds in the county treasury, other than such as are placed there for building such court house and jail, not otherwise appropriated, and paid on direction of said Board of Police.

SEC. 20. *Be it further enacted*, That all acts or parts of acts heretofore passed, coming in any manner in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, November 2nd, 1857.

**An Act entitled An Act defining the duties of County Treasurer of the Several Counties of the Nation.**

**SEC. 1.** *Be it enacted by the General Council of the Choctaw Nation,* That there shall be elected in each county within this Nation, by the qualified electors thereof, a County Treasurer, who shall hold his office for the term of two years, unless sooner removed; shall be commissioned by the Governor, and before he enter on the duties of his office, he shall take and subscribe the oath prescribed in the Constitution, before the Judge of the Probate Court, or any Justice of the Peace of the county for which he is elected, which shall be certified by the Judge or Justice administering the same on the back of his commission; and shall also give bond with two or more good and sufficient securities, to be approved by the Judge of the Probate Court, in such penalty as said Judge may direct, payable to said Judge of said Court of the proper county for the time being, and his successors in office, with the like condition, after making the necessary changes as is directed by law to be given in the bond of the National Treasurer: which bond with the approbation of the sureties therein named endorsed thereon, shall together with the endorsement, be recorded in the office of the Clerk of the Probate Court of the county for which said Treasurer is elected and the bond filed in the same office, there to be safely kept and preserved, and may be sued on in the like manner, and with like effect, in all respects as the bond given by the National Treasurer.

**SEC. 2.** *Be it further enacted,* That if any County Treasurer shall neglect or refuse to give bond and security and take the oath of office as aforesaid, for the space of ten days after he shall have been so elected, such election is hereby declared absolutely null and void; and the President of the Board of police within five days thereafter shall order an election to be held in said county, according to law, to fill such vacancy; *Provided,* that any longer delay in giving bond and security required by the officers first elected as herein directed, shall not come within the meaning of this section, and that upon refusal only, in such case, shall the office be deemed vacant.

**SEC. 3.** *Be it further enacted,* That it shall be the duty of each County Treasurer to receive and keep the monies of the county, to disburse the same agreeably to law, and take receipts for all monies he shall so disburse; and he shall keep regular accounts of the receipts and expenditures of the funds

of the county, and of all debts due to, or from, the county for which he is treasurer, and direct prosecutions, according to law, for all debts that are or shall be due to the county for which he is elected.

SEC. 4. *Be it further enacted*, That it shall be the duty of the several County Treasurers, to make a detailed report at every regular meeting of the Board of Police of his county, of all monies received by them, and the disbursement thereof, and of all debts due to and from the county; and of all other proceedings in his office, so that the receipts into the treasury, and the amount of disbursements, together with the debts due to and from the county may clearly and distinctly appear; and if any County Treasurer shall neglect or refuse to make such report, he shall forfeit and pay the sum of one hundred dollars for every such neglect or refusal, to be recovered by action of debt or information in the name of the President of the Board of Police of such county, in any court of competent jurisdiction, and applied to the use of the county.

SEC. 5. *Be it further enacted*, That the County Treasurer of each county is hereby empowered and required to examine the accounts, dockets and records of the clerks, sheriff and ranger of his county for the purpose of ascertaining whether any monies, of right belonging to such county, may be in their hands.

SEC. 6. *Be it further enacted*, That when any allowance shall be made by any court to any of its officers or any other person, payable out of the County Treasury, the clerk of such court shall make out a fair copy of the account so allowed, and certify such allowance under his hand and seal of office, and recite therein under what statute it was made; and if the County Treasurer shall have any doubt of the propriety of any such allowance made as aforesaid, he shall not pay the same, but shall make report thereof to the next succeeding meeting of the Board of Police, for their consideration; and no court shall be authorized to make any allowance payable out of the County Treasury, unless the same be provided for by some act or resolution of the General Council; and no money shall be paid out of the County Treasury to any person or persons, unless the same shall have been previously allowed by the Board of Police of the proper county, or some other court or officer lawfully authorized to make such allowance, and duly certified.

SEC. 7. *Be it further enacted*, That if any County Treasurer shall misapply, waste, or embezzle any money in the

treasury of the county, it shall be the duty of the National Attorney or District Attorney, of the proper circuit to proceed against such defaulting Treasurer and his sureties for the amount of the money so misapplied, wasted or embezzled, by motion, in the name of the Judge of the Probate Court for the time being, in the Circuit Court of the county wherein such default was made, ten days previous notice of such motion being first given to such County Treasury and his sureties; and the court may, on such motion, direct a jury to be empannelled instantly, for the trial of the issue, if the defendants appear and plead, or to inquire of damages if the defendants make default; and if on such trial, the Treasurer shall be convicted, he and his sureties shall be adjudged to pay double damages; and, moreover, such County Treasurer shall be thereby rendered incapable thereafter of holding any office of honor or profit under this Nation.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Clerks of the Circuit Court and Justices of the Peace of the several counties in this Nation, within ten days after the adjournment of their courts, respectively, to return to the County Treasurer of the proper county, a list containing a statement of all fines, penalties and forfeitures imposed by said courts respectively, which may be payable in whole, or in part, into the County Treasury of such county, not contained in any previous return, together with the name of the sheriff, clerk, or other officer who hath received any such fines, penalties, forfeitures, or become liable to pay the same by law, in order to enable the said County Treasurer to collect the same according to law; and every Clerk and Justice failing to perform the aforesaid duty, shall forfeit and pay the sum of one hundred dollars, to be recovered by the County Treasurer of the proper county, by action of debt or information, in any court of competent jurisdiction and paid into the County Treasury for county purposes.

SEC. 9. *Be it further enacted*, That if any sheriff, clerk, or other officer who hath received or become liable by law, for the payment of any fine, penalty or forfeitures, and shall not within twenty days after his having received the same, or become so liable, account with the County Treasurer of the proper county, and pay the same into the treasury thereof, then, and in every such case, it shall, and may be lawful for the said treasurer, upon motion made in the Circuit Court of said county, to demand judgment against such sheriff, clerk, or other officer and their sureties, for the amount of such fines, penalties, forfeitures, as aforesaid, and such court is

hereby required to give judgment accordingly, and award execution thereon; *Provided*, that such sheriffs or other officer have ten days previous notice in writing of every such motion.

SEC. 10. *Be it further enacted*, That it shall be the duty of the National Attorney and District Attorneys in their respective circuits to attend to the prosecution of all suits against any defaulting officers named in this act.

SEC. 11. *Be it further enacted*, That if the County Treasurer of any county within this Nation, shall be convicted of having violated any of the duties enjoined on him by this act, the President of the Board of Police of the proper county shall certify the same to the Governor, who shall thereupon vacate the commission of such County Treasurer, and the National Secretary shall certify the same back to the said President of the Board of Police. And the vacancy occasioned thereby shall be supplied in the manner prescribed by the laws for filling like vacancies.

SEC. 12. *Be it further enacted*, That the Board of Police of each and every county in this Nation be, and are hereby required to allow the County Treasurer of each and every county a recompense of five per cent. on all monies paid into the County Treasury for county purposes.

SEC. 13. *Be it further enacted*, That all acts or parts of acts, heretofore passed, in any manner coming in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, November 2d, 1857.

---

**An Act entitled an act defining the Duties of Coroner of the several Counties of this Nation.**

SECTION 1. *Be it enacted by the General Council of the Choctaw Nation*, That there shall be elected by the qualified electors of the several counties of this Nation, at the times and places of holding the general elections, one coroner for each county, within the same, who shall be commissioned by the Governor, and shall continue in office for the term of two years, unless sooner removed; and before he enter on the duties of his office, he shall take the oath prescribed in

the constitution, before the Judge of the Probate Court, or any Justice of the Peace, of the county for which he is elected, and enter into bond, with two or more good and sufficient securities, to be approved by the Judge of the Probate Court of such county, in the penalty of one-half the sum required by law, of the sheriff of that county, for which such coroner is elected, payable to the Governor of the Nation, for the time being, and his successors in office, with the like condition, after making the necessary changes, as is prescribed in the bond directed by law, to be given by sheriffs. The Judge of the Probate Court, shall endorse on said bond, his approbation of the securities therein named, and a certificate that he has administered to the coroner the oath of office, and shall cause the bond, together with the endorsements thereon, to be recorded in the office of the clerk of the Probate Court, and immediately thereafter, deposit the same in the office of the National Secretary, there to be safely kept and preserved; and said bond shall not be void on the first recovery, but may be put in suit, and prosecuted from time to time, at the cost and charges of any party injured, until the whole amount of the penalty thereof, be recovered; an authenticated copy of any such bond shall be received in evidence, in any court of law, or equity, in this Nation, in the same manner as the original would be, if it were present in court.

SEC. 2. *Be it further enacted*, That the provisions of the third, fourth, and fifth section of the act, entitled an act defining the duties of the office of sheriff, in the several counties of the Choctaw Nation, shall, in all respects, be applied to and put in force against any coroner, or coroners, who may be elected by the qualified electors of any county within this Nation, according to the import, intent, and meaning thereof.

SEC. 3. *Be it further enacted*, That every coroner shall, upon view of the body, take inquest of deaths in prison, and of all violent, sudden or casual deaths, within his county, and the manner of such deaths; and as soon as he shall have notice, or be certified of any death as aforesaid, he shall make out a precept, directed to any constable of the county, where the dead body is found, or lying, requiring him to summon twelve good and lawful men of the same county, to appear before him at the time and place in such precept mentioned, which precept shall be in the form and to the effect following:

\_\_\_\_\_ COUNTY, S. S.

" *The Choctaw Nation, to any of the Constables of the said county.* "You are hereby required, immediately upon sight hereof, to summon twelve good and lawful men of the said county of \_\_\_\_\_, to be and appear before me, A. B., coroner of the county aforesaid, at \_\_\_\_\_, in the said county, on the \_\_\_\_\_ day of \_\_\_\_\_, at the hour of \_\_\_\_\_, in the \_\_\_\_\_ noon of the same day, then and there to inquire of, do, and execute, all such things, as on behalf of the Nation, shall be lawfully given them in charge, touching the death of C. D. (or a person unknown, as the case is) and be you then, there to certify what you shall have done in the premises; and further to do and execute what in behalf of the said Nation, shall be then and there enjoined upon you. Given under my hand and seal, at \_\_\_\_\_, in the said county, the \_\_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_\_, A. B. coroner.

SEC. 4. *Be it further enacted,* That the constable to whom such precept shall be directed or delivered, shall forthwith execute the same, and shall repair to the place, at the time mentioned therein, and make return of the precept, with his proceedings thereon, to the coroner who issued it.

SEC. 5. *Be it further enacted,* That it shall be the duty of the coroner to certify and return every constable, who shall neglect or refuse to execute the services, and duties, or any of them, by this act prescribed; and every person who shall be summoned as a juror, as aforesaid, or as a witness, according to the provisions of this act, and shall not appear to the next Circuit Court, to be held in and for the county, which court, unless a reasonable excuse be offered, shall set such fine upon the constable, juror, or witness, so offending, as they shall think fit and reasonable, not exceeding one hundred dollars.

SEC. 6. *Be it further enacted,* That the coroner shall swear, or affirm, said twelve jurors, who shall appear and shall administer to the foreman of the inquest, on oath, or affirmation, upon view of the body, in form following: "You, as foreman of this inquest, shall diligently inquire, and true presentment make, on behalf of the Choctaw Nation, how, and in what manner (C. D. or person unknown, as the case is) here lying dead, came to his death, and of such other matters relating to the same, as shall be lawfully required of you, according to evidence: So help you God:" and then shall swear or affirm, by three at a time, in order, the rest of the jurors, in the form following: Such oath, or

affirmation, (as the case may be) as the foreman of this inquest, hath taken on his part, you and every one of you, shall well and truly keep, on your part.

SEC. 7. *Be it further enacted*, That when the jurors are sworn, or affirmed, as aforesaid, the coroner shall give them a charge, upon their oaths, or affirmations, to declare of the death of the person, whether he or she died by murder, manslaughter, misadventure, misfortune, accident, or otherwise; and when and where, and by what means, and in what manner; and if by murder, who were principals, and who were accessories; and if by manslaughter, who were the perpetrators; and with what instrument the stroke, or wound was, in either case given; and so of all prevailing circumstances, which may come by presumption: And if, by misadventure, misfortune, accident, or otherwise, whether by the act of God, or man; and whether by hurt, fall, stroke, drowning, or in any other way; to inquire what persons were present at the death, from whence the deceased came, and who he, or she was, and his or her parents, relations, or neighbors; who were the finders of the body, whether killed in the same place where he or she was found, or if elsewhere, by whom, and how he or she was brought from thence; and of all circumstances relating to the said death; and if he or she died in prison, whether by hard usage there, or not, and if so, how, and by whom; and if he or she put an end to his or her own life, then to inquire of the manner, means, or instrument, and of all circumstances concerning it.

SEC. 8. *Be it further enacted*, That it shall be lawful for every coroner to issue process for witnesses, commanding them to come before him to be examined, and to declare their knowledge concerning the matter in question; and the said coroner shall administer to every witness, an oath, or affirmation, in form following: "You solemnly swear (or affirm) that the evidence which you shall give to this inquest, on behalf of the Nation, touching the death of C. D. (or person unknown, as the case is) shall be the truth, the whole truth, and nothing but the truth."

SEC. 9. *Be it further enacted*, That if any person be found guilty, by inquisition taken in manner directed by this act, and be not in custody, the coroner shall forthwith issue his warrant to apprehend the person so found guilty, and the accessories, if any; and the person accused, if apprehended, shall forthwith be taken before some Justice of the Peace of the county where the offence was committed, to be dealt with according to law.

**SEC. 10.** *Be it further enacted,* That every coroner upon any inquisition before him found, whereby any person or persons shall be charged or accused of murder, or manslaughter, or as accessory or accessories to the said crime of murder or manslaughter, either before or after the commission thereof, shall put in writing so much of the evidence given to the jury before him as shall be material, and every such coroner is hereby authorized and required to bind all such persons by recognizances do declare anything material to prove the said murder or manslaughter, or to prove any person or persons to be accessory or accessories as aforesaid to the said murder, to appear at the next Circuit Court to be holden within the county where the trial thereof shall be, then and there to give evidence against such offender or offenders at the time of his, her or their trial, and shall certify as well the same evidence as such recognizance or recognizances, in writing, as he shall take, together with the inquisition before him taken and found, to the said Circuit Court, at or before the time of the trial of the party so charged or accused.

**SEC. 11.** *Be it further enacted,* That if any coroner be remiss and do not take inquisition as aforesaid, or do not certify as is before directed, or shall offend in anything contrary to the true intent and meaning of this act, he shall forfeit and pay the sum of one hundred dollars, to be recovered by action of debt in any court of competent jurisdiction in this Nation, one half thereof to the use of the informer, the other half to the county for county purposes.

**SEC. 12.** *Be it further enacted,* That if any person be dangerously wounded the party accused shall be taken immediately, and kept until it be known perfectly whether he who is hurt shall recover or not; and if he die the offender shall be kept; and if he recover of the wound the offender shall enter into a recognizance to appear at the next Circuit Court of the county to answer for the offence.

**SEC. 13.** *Be it further enacted,* That if any slave or slaves shall be found guilty, by the inquisition taken as aforesaid, of murder or manslaughter, or as accessory thereto, either before or after the commission of the crime, such inquisition, and all matters relating thereto, shall be returned by the coroner to the Circuit Court of the county where the offence is charged to have been committed.

**SEC. 14.** *Be it further enacted,* That if upon a murder or other untimely or accidental death, there be no coroner within the county where such case shall happen, or if from sickness, or other cause, the coroner cannot be had in due

time to hold an inquest upon the body of any person so coming to an untimely death, it shall be lawful for any Justice of the Peace in such county to do and perform all such duties appertaining to the office of coroner in such case, and shall be entitled to the same fees; and the inquest so taken and returned shall be as effectual in law as if taken and returned by the coroner.

SEC. 15. *Be it further enacted*, That if there shall, from any cause whatever, be a vacancy in the office of sheriff in any county within this Nation, or the sheriff be a party, or interested in any suit, or for other just case, is rendered incapable to execute his office in any particular cause, the coroner of such county shall, during such vacancy, or in the cases wherein such sheriff is disqualified to act as aforesaid, execute, do and perform all the duties which appertain to the office of sheriff; and in every case where by such vacancy, or exception to the sheriff, any writ, of what nature soever the same may be, shall be delivered to the coroner of such county to execute, such coroner shall do and perform all things by virtue of such writ, which the sheriff himself might or ought to have done, had there been a sheriff duly qualified, or no just exception had existed against him, according to the nature of the case; and in case of any neglect or breach of his duty, such coroner shall be subject to the same pains, penalties, fines, forfeitures and damages, and to the same proceedings, judgment and execution, as Sheriffs are subject to in like cases; and upon every execution issued against a coroner, upon any judgment obtained against him for breach or neglect of his duty, the Clerk shall endorse that "*No security is to be taken.*"

SEC. 16. *Be it further enacted*, That in all cases where a summary remedy is given against any coroner, the like remedy may be had against such coroner and sureties, jointly or severally, and against the executors and administrators of such coroner and his sureties.

SEC. 17. *Be it further enacted*, That the coroner of the several counties within this Nation shall have power to appoint one or more deputies in like manner as sheriffs are by law authorized to appoint deputies, who shall have full power and authority to do and perform all the several acts and duties enjoined upon their principals, except only the taking of an inquisition, and every coroner shall have the same remedy against his deputies, or either of them, for a breach or neglect of duty, whereby each coroner may be-

come liable to the party aggrieved by the misconduct of such deputy, as is given by law to sheriffs against their deputies in like cases.

SEC. 18. *Be it further enacted*, That in every case where there shall be just cause of exception to the sheriff, and coroner of any county, by reason of their being parties to, or interested in any suit, or there be no coroner qualified to act in any county, every writ, or process, in such cases, of what nature soever the same may be, shall be directed to a Justice of the Peace of the county where such exception, or vacancy, may happen, who shall be bound to execute the same, and to do and perform all things by virtue of any such writ, or process, which the sheriff, or coroner, might, or ought to have done, had there been no just cause of exception against him, or them, or no such vacancy had occurred. And in case of any neglect, or breach of his duty, such Justice of the Peace shall be subject to the same pains, penalties, fines, forfeitures, and damages, and to the same proceedings, judgment, and execution, as sheriffs and coroners are subject to, in like cases; and on every execution issued against such Justice of the Peace, upon any judgment obtained against him, for breach, or neglect of such duty, the clerk shall endorse that "*No security is to be taken.*"

SEC. 19. *Be it further enacted*, That in case the sheriff, for any cause, shall be committed to jail, the coroner shall, by himself, or such person as he shall appoint, be keeper of the jail, during the time the sheriff shall remain a prisoner.

SEC. 20. *Be it further enacted*, That when an inquest shall be held upon the body of any person who has died by the violence of another, the coroner shall be paid his legal fees, from the treasury of the Nation, and the verdict of the jury, certified by the clerk of the Circuit Court, shall be a sufficient voucher to the National Auditor; and when an inquest shall be held upon the body of any person, who has died by casualty, or suicide, the coroner shall be paid his legal fees, from the county treasury, where the act was committed, upon a warrant from the Board of Police.

SEC. 21. *Be it further enacted*, That in all cases where the duties of sheriff shall devolve on any of the coroners of this Nation, by the death, resignation, or removal of any of said sheriffs, it shall be the duty of any of said coroners, before entering upon the duties of the office of sheriff, to enter into the same bond, with the same security, which by law, the said sheriff was bound to enter into, whose office has become vacated, and any act of the said coroner, which may be done

by him, in said capacity, before entering into said bond, is hereby declared void.

SEC. 22. *Be it further enacted*, That all acts, or parts of acts heretofore passed, coming in any manner in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, November 3rd, 1857.

---

**An Act entitled an act defining the Duties of Ranger, in the several Counties of this Nation.**

SECTION 1. *Be it enacted by the General Council of the Choctaw Nation*, That the qualified electors of each county in this Nation, at the time and places of holding the general elections, shall elect a ranger for their respective counties, who shall be commissioned by the Governor, and shall hold his office for the term of two years, unless sooner removed; and before he enters on the duties of his office, he shall take and subscribe the oath required by the constitution, before the Judge of the Probate Court, or any Justice of the Peace of the county for which he is elected, which shall be certified by the Judge, or Justice, administering the same, on the back of his commission, and shall also give bond, with good and sufficient security, to be approved by the Judge of the Probate Court, in the penalty of five hundred dollars, payable to the Judge of said court, and his successors in office, conditioned for the faithful performance of the duties of his office; which bond, with the approbation of the sureties therein named, endorsed thereon, shall, together with the endorsement, be recorded in the office of the clerk of the Probate Court of the county for which said ranger is elected, and shall not be void on the first recovery, but may be put in suit, and prosecuted by any party injured, until the whole penalty thereof, be recovered.

SEC. 2. *Be it further enacted*, That the ranger of every county, shall keep a book, in which he shall register all the certificates of strays, delivered to him by the taker up of strays, or transmitted to him by any Justice, or Justices of the Peace, of the county, and shall file the same in regular order. It shall be his duty to cause a copy of the certifi-

cate of every appraisement, to be posted in three public places in his county. He shall also make out a fair and correct list of all strays, and post the same at the place of the meeting of the Board of Police of his county, on the first day of each meeting of said Board, omitting such strays as are proven away, sold, escaped or dead, under a penalty of five dollars for every such neglect, or omission.

SEC. 3. *Be it further enacted*, That the ranger of each county, shall receive as fees of office, for every horse or mule, one dollar and fifty cents; for every cow, oxen, or other head of cattle, fifty cents; for every sheep or hog, twelve and a half cents; for every certificate posted up, fifty cents, to be paid out of the proceeds of sale.

SEC. 4. *Be it further enacted*, That when any stray shall be found dead, or shall have escaped, the taker up shall, without delay, make report thereof, to the ranger, on oath, who shall make a memorandum of the same, on the margin of his book, where the certificate of such stray was registered.

SEC. 5. *Be it further enacted*, That when any stray shall be proven away, the owner thereof, shall pay to the taker up, and the ranger, one dollar and fifty cents, for every horse and mule, fifty cents, for every cow, or other head of cattle, and twelve and a half cents for each sheep and hog.

SEC. 6. *Be it further enacted*, That after the expiration of twelve months from the date of certificate of strays, as aforesaid, if appraised at a greater sum than twenty dollars, and if no owner appear, and prove his or her property, the stray, or strays, so taken up and appraised, as aforesaid, shall be exposed to public sale, for cash, by the ranger, who shall give public notice of such sale, at least twenty days previous thereto, by advertisement thereof, in writing, at the place where courts are usually held, and two other public places in the county; and he shall describe the stray, or strays, intended to be sold in the advertisement, and from the proceeds of such sales, the ranger is hereby directed to pay to the taker up, all necessary contingent charges incurred in taking up and keeping the same, and the sum of five dollars, as a reward for taking up the same. *Provided*, that in no case shall the taker up receive a greater sum for taking up, expenses and reward, than a half part of the money arising from the sales of strays, so taken up.

SEC. 7. *Be it further enacted*, That it shall be the duty of the ranger, as soon as money shall be made by the sale of the stray, or strays, to pay over the nett proceeds there-

of, to the county treasurer, to be appropriated to county purposes, deducting five *per centum* commissions, for his services; and in case of default of the ranger, his bond shall be put in suit by the President of the Board of Police, for the time being, for such delinquency: and it shall be lawful for any person claiming the proceeds of the sale of such stray, or strays, within twelve months thereafter, to make claim to the same, before the Board of Police of the county, and an order shall issue for the nett proceeds thereof, on the county treasurer, on proof of title to the same.

SEC. 8. *Be it further enacted*, That the sale days of the ranger of each county, shall be quarter-annually, two of which days shall be on the first day of each regular session of the Board of County Police; and he shall report to said Board of Police, of their respective counties, quarter-yearly, the amount of monies received by them, on account of the sale of strays.

SEC. 9. *Be it further enacted*, That in cases where any stray is not valued to a sum exceeding twenty dollars, the ranger shall proceed to sell the same, for cash, in six months after the appraisement thereof; and when the value of the stray, or strays, shall not amount to a sum exceeding ten dollars, in three months after the date of the certificate of appraisement.

SEC. 10. *Be it further enacted*, That all strays, horses, mares, mules, jacks, jennies, and colts, above two years old, shall be brought to the place where the Circuit Court sits in each county, where said strays have been taken up, on the day of sale, and there publicly exposed from twelve till three o'clock of said day. And that all stray sales shall take place in each county, at the same place where the Circuit Court is held.

SEC. 11. *Be it further enacted*, That all acts or parts of acts heretofore passed, coming in conflict in any manner with the provisions of this act, be and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved, November 3rd, 1857.

**An Act entitled an act prescribing the manner of organizing the General Council of the Choctaw Nation, and establishing the pay of its Members and Officers.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation,* That at the beginning of each and every regular biennial session of the General Council, hereafter convening, on a quorum of the Senate appearing, in the Senate Chamber, they shall call some Senator to the chair, from among those of the class holding over, which Senator shall administer the oath prescribed in the constitution of this Nation, to the newly elected Senators, when they shall proceed to elect a President of that body, in such manner as they may, by rule, determine, who shall be sworn as such, in the form prescribed in the constitution. The Senate shall then elect, also, in the manner they may, by rule, determine, a Secretary, and door-keeper, to whom the President shall administer the oaths of office, and also to other Senators, who may thereafter appear, and all other officers of the Senate.

SEC. 2. *Be it further enacted,* That at the beginning of each and every regular biennial session of the General Council hereafter convening, on a quorum of the members of the House of Representatives appearing, in the Representative Chamber, they shall call some member to the chair, which member shall have power to administer the oath required by the constitution of this Nation, to the members present, after which any member shall have power to administer the oath to the chairman. The House of Representatives, shall then proceed to elect a Speaker, in such manner as they may, by rule, determine, who shall be sworn, as the constitution requires, by any member present. They shall then elect, in such manner as they may, by rule, determine, a clerk, and a door-keeper, and the Speaker shall have power to administer the oath of office to the clerk, the door-keeper, and other members, who may thereafter appear.

SEC. 3. *Be it further enacted,* That hereafter there shall be elected, by both Houses of the General Council of this Nation, in joint session, during the first week of each and every regular biennial session thereof, in such manner as they may determine at the time, a sergeant-at-arms, who shall be the peace officer of the General Council, and perform such other duties they may prescribe, and to whom the President of the Senate, while in session, shall administer

the oath prescribed by the constitution, in presence of that body.

SEC. 4. *Be it further enacted*, That the President of the Senate, and the Speaker of the House of Representatives, shall each be entitled to receive four dollars per day, and each other member of the Senate, and of the House of Representatives, three dollars, for each and every day's attendance at the General Council: and shall, moreover, be allowed, at the commencement and end of every session, at the rate of three dollars, for every thirty miles of the estimated distance, by the most direct land route of travel, in coming to and returning from the place where the General Council shall sit; and if any member of either House, the President of the Senate, or the Speaker of the House, shall be detained by sickness, in coming to, or returning home, from any session of the General Council, or be unable to attend the house to which he belongs, he shall be entitled to the same daily allowance.

SEC. 5. *Be it further enacted*, That the Secretary of the Senate, and Clerk of the House of Representatives, shall each be allowed four dollars per day, and the Secretary of the Senate, with the approbation of the President of the Senate, and the Clerk of the House of Representatives, with the approbation of the Speaker of the House of Representatives, shall each appoint so many clerks, as may, from time to time be necessary to the despatch of business in their respective houses, who, when employed, shall be allowed two dollars per day, and the door-keeper of each house shall be entitled to two dollars per day, and the Sergeant-at-arms, shall be entitled to three dollars per day.

SEC. 6. *Be it further enacted*, That the compensation which shall be due to the members and officers of the General Council, shall be certified by the President, and Speaker respectively, to the National Auditor, who shall issue his warrant on the National Treasurer, which shall be paid out of any moneys in the treasury, not otherwise appropriated.

SEC. 7. *Be it further enacted*, That all witnesses, who may be legally summoned on behalf of this Nation, to attend any future session of the General Council, in either branch thereof, for the purpose of giving testimony in cases of impeachment, or other matter of investigation, when such testimony may be lawfully required, shall be allowed the sum of two dollars for each and every day, he, she, or they, may be so in attendance; and also the further sum of five

cents, for each and every mile, he, she, or they, may travel, in going to and returning from the place where such testimony may be rendered.

SEC. 8. *Be it further enacted*, That the sum, or sums, due to such witness, shall be ascertained by the oath, or affirmation of such witness, his agent, or attorney, which oath, or affirmation, the clerk of the House of Representatives, or Secretary or the Senate, as the case may be, is hereby authorized to administer, and thereupon to issue a certificate to such witness, for the full amount of the sum so ascertained.

SEC. 9. *Be it further enacted*, That the National Auditor, on the production of such certificate, is hereby authorized, and required to issue his warrant on the National Treasury, for the payment thereof.

SEC. 10. *Be it further enacted*, That it shall be the duty of the door-keeper, when the two houses adjourn, to collect all the remaining stationery, and furniture purchased for the use of the General Council, and deliver it to the National Secretary, and take his receipt for the same.

SEC. 11. *Be it further enacted*, That all acts, or parts of acts, heretofore passed, in anywise coming in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force sixty days after its passage. This act shall not be so construed as to effect the present organization of either house of the General Council, which shall continue until the first meeting succeeding the regular election of August, 1859.

Approved, October 23rd, 1857.

---

**An Act entitled an act creating a Corps of Lighthorsemen, defining their duties, and fixing their pay.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That there shall be a corps of six lighthorsemen in this Nation, who shall receive their appointment by commission, from the Governor, and shall take the oath prescribed in the constitution, to be administered by the Governor, any Judge, or Justice of the Peace of the Nation, and subscribed on the back of their commissions, and who shall serve for the term of two years, unless sooner removed, by the Governor.

SEC. 2. *Be it further enacted*, That the Governor shall commission one of said lighthorsemen, so appointed, Captain thereof, and it shall be the duty of said Captain, to preserve order and discipline among the rest, and to see that each one of them is properly armed, equipped, and mounted for immediate service, and to report to the Governor, any improper conduct or failure to discharge the duties required of any, or all of them.

SEC. 3. *Be it further enacted*, That said lighthorsemen shall be under the exclusive direction and control of the Governor of this Nation, they shall be messengers of the Governor upon any matter of National concern; they shall keep the peace in any part of the Nation. They shall faithfully aid in the execution of the criminal laws of this Nation. They shall suppress, if necessary, with the aid of the constables of any county, and of other citizens, whom they are hereby empowered specially to summon for the purpose, all riots, routs, and unlawful assemblies, and report the same, with all other violations of the penal laws, to some Justice of the Peace, or other proper officer.

SEC. 4. *Be it further enacted*, That said lighthorsemen shall be empowered, and are hereby directed to search for, seize and spill, all vinous, spirituous, or intoxicating liquors, found anywhere, and in the possession of any one in this Nation, and to break and destroy all bottles, barrels, jugs, or other vessels of any kind whatever, containing the same, and report all persons having the same in possession, as by this act, directed in other offences.

SEC. 5. *Be it further enacted*, That the Governor shall keep the lighthorsemen, or such number as he may deem proper, at the place of holding the General Council, during the session thereof, and shall specially direct them to keep order and quiet, at such time and place; to see that no intoxicating liquors are brought within two miles in any direction of such place, at said time, and if necessary, the Captain, or any one of said lighthorsemen, shall summon any number of citizens deemed requisite, over eighteen and under sixty years of age, to aid and assist in keeping order, spilling liquor, and arresting the offenders, and taking them before a Justice of the Peace; which Justice of the Peace is hereby empowered, and directed to bind such person, or persons, so offending, over, to the next Circuit Court, thereafter, in a bond, not exceeding, in penalty, two thousand dollars, to appear and answer such charges as may be preferred against him, or them.

SEC. 6. *Be it further enacted*, That if any person, or persons, offending, as hereinbefore stated, shall offer, or threaten any forcible resistance to the Captain, or any of the lighthorsemen, or other person, or persons, summoned as this act specifies, in the discharge of any of the duties hereinbefore set forth, it shall be the duty of the Captain, or any of the lighthorsemen, and others, summoned by them, to shoot down any and all persons so threatening or resisting.

SEC. 7. *Be it further enacted*, That the Captain of the corps of lighthorsemen, is hereby directed to demand and receive all the arms belonging to the Nation, and in the hands of former lighthorsemen, and deliver such part of them as are required, to arm the lighthorsemen, appointed under this act, taking a receipt therefor, from each; keep the remainder safely in good order, and report the same to the Governor.

SEC. 8. *Be it further enacted*, That the Governor is hereby authorized and directed to order the lighthorsemen, or any number of them, that may be required, to attend the United States Indian Agent, for this Nation, whenever he may call for them, and the lighthorsemen are hereby directed strictly to obey all orders he may give them, in the execution of the laws of the United States.

SEC. 9. *Be it further enacted*, That the lighthorsemen shall be entitled to receive, as a compensation for their services, the sum of one hundred dollars a year each, to be paid quarter-yearly, on the Governor's order to the National Auditor, who is directed to issue his warrant on the National Treasury, for the same.

SEC. 10. *Be it further enacted*, That all acts, and parts of acts heretofore passed, coming in anywise in conflict with the provisions of this act, be and the same are hereby repealed, and that this bill take effect and be in force from and after its passage.

Approved, October 27th, 1857.

---

**An Act entitled an act to prevent the introduction and use of intoxicating Liquors, in the Choctaw Nation.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That it shall not be lawful for any person, or persons, to introduce, or cause to be introduced, for their

own use, or to sell, give, or barter, any vinous, spirituous, or intoxicating liquors, to any person, or persons, within the limits of this Nation, in any quantity whatever, (except wines, which may be introduced by a member of any church, for sacramental uses,) and such offence shall be subject to prosecution, by indictment and punishment, upon conviction, according to the following provisions :

SEC. 2. *Be it further enacted*, That such person, or persons, so offending, or violating the provisions of this act, upon conviction thereof, before the Circuit Court, having jurisdiction of the same, shall forfeit and pay a sum of not less than ten dollars, nor more than one hundred dollars for each and every offence; and, in default of payment of any such fine, he, she, or they, shall be imprisoned for a term of not less than one month, nor more than three months, at the discretion of the Court.

SEC. 3. *Be it further enacted*, That any person, or persons, within the limits of this Nation, found with any liquors specified by this act, in their possession, shall be deemed guilty, upon full proof of such possession, in like manner as if they had introduced the same, and shall be punished according to the provisions of the preceding section of this act, unless his or her innocence of such charge be satisfactorily proven to the Court.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Circuit Judges of this Nation, to give this act in charge to the Grand Jury, of each county thereof, who shall make diligent inquiry concerning any and all violations of this act, and it shall be their duty, when they have reasons to suspect or believe that a violation of this act has taken place, to have a *subpœna*\* issued for such person, or persons, as they believe can give information upon the subject, and such witnesses, when summoned, and appear, shall give evidence of every offence against the provisions of this act, that may have come to his or her knowledge, without any special inquiry directed thereto.

SEC. 5. *Be it further enacted*, The Circuit Judges shall direct the clerks, upon application of the District Attorneys, or the Grand Juries, to issue *subpœnas* for each and every Justice of the Peace, and constable, within each county, to testify before the Grand Juries, as to violations of this act, which subpœna, the sheriff shall execute and return, or have the same executed and returned, by a deputy,

---

\*See note at the end of this book.

or deputies; and in case any witness, so summoned, shall fail, or refuse to appear and testify, such witness shall suffer a penalty of ten dollars, for each offence, to be collected by execution, unless by a *scire facias*,\* such witness shall be able to give sufficient excuse for such non-appearance, or such refusal to testify.

SEC. 6. *Be it further enacted*, For every conviction, under this act, the District Attorney shall be entitled to a fee of five dollars, to be paid by the person convicted; and, on failure to pay said sum, execution shall issue therefor, with the costs of prosecution.

SEC. 7. *Be it further enacted*, The sheriff, lighthorsemen, and constables of each and every county of this Nation, are hereby authorized, upon suspicion, without warrant for the purpose, forcible to enter all places, search for, and seize, break, and destroy all bottles, barrels, jugs, or any and every vessel of any description whatever, containing any liquors, specified by this act, and shall arrest and convey before the nearest Justice of the Peace, the person, or persons in whose possession such liquors may be found, which Justice of the Peace, shall bind such person, or persons, after proper and satisfactory showing, to appear at the next term of the Circuit Court of his county, when he shall report the same to the court, and Grand Jury; and for the hearing of each one of such cases, the Justice of the Peace shall be entitled to receive one dollar, and the sheriff, lighthorseman, or constable, two dollars, to be recovered upon conviction, from the offender, and upon his failure to pay the same, it shall be recovered by execution, with the costs of prosecution.

SEC. 8. *Be it further enacted*, That should any person, or persons, refuse to have his or her whiskey, or other intoxicating liquors destroyed, by taking up arms, and should any one of the sheriffs, lighthorsemen, or constables, or deputies, in self-defence, kill or destroy the life of the person, or persons, having whiskey, or any intoxicating liquors, he shall be protected by the laws of this Nation. But should any offender, kill, or destroy the life of any person, or persons authorized by this act to destroy all whiskey, or other intoxicating liquors, such person shall suffer death. But should the offender only destroy, or injure the property, or limbs of any of the above mentioned officers, he or she shall be liable to a fine, or punishment, to be determined by the

---

\*See note at the end of this book.

Circuit Court of the county wherein such offence may be committed.

SEC. 9. *Be it further enacted*, That any slave, or slaves, violating any of the provisions of the 1st and 3rd of the preceding sections, such slave, or slaves, so offending, shall be subject to suffer any number of lashes, at the discretion of the sheriff, lighthorsemen, or any one of the constables of the county wherein such offence may be committed, not exceeding thirty-nine lashes, on his, or her bare back.

SEC. 10. *Be it further enacted*, That if any person, or persons shall give, or barter, any vinous, spirituous, or intoxicating liquors, to any person, or persons, within the limits of this Nation, and any person thereby be maimed, or injured, such person who sold, gave, or bartered the same, shall be liable to an action in court, and on conviction, shall be made to pay a fine of not less than five, nor exceeding one hundred dollars, to the person so maimed, or injured, and upon failure to pay the said sum, execution shall issue therefor, with the costs of prosecution.

SEC. 11. *Be it further enacted*, All fines collected from convictions, had under the preceding sections of this act, shall be paid into the treasury of the county wherein the offence was committed, to be expended for such purposes as the Board of Police thereof, may direct.

SEC. 12. *Be it further enacted*, That all laws heretofore passed, prohibiting the introduction, sale, &c., of whiskey, or other intoxicating liquors, shall remain in full force until sixty days after the passage of this act, and no longer, and that this act take effect and be in force from and after its passage.

Approved, October 26th, 1857.

---

**An Act entitled An Act establishing the fees of certain officers therein named.**

SEC. 1. *Be it enacted, by the General Council of the Choctaw Nation*, That it shall be lawful for the Clerks of the Circuit Courts, Clerks of the Probate Courts, Sheriffs, Coroners, Constables, Judges of Probate, and Justices of the Peace,

respectively, to demand, receive, and take the several fees hereinafter mentioned and allowed for any business by them respectively done, by virtue of their several offices and no more ; that is to say :

#### TO CLERKS OF THE CIRCUIT COURTS IN CIVIL CASES.

For each writ other than those hereinafter mentioned, seventy-five cents ; docketing each case, (to be charged but once.) twelve and a half cents ; filing all papers in each case, twenty-five cents ; entering its appearance, twelve and a half cents ; entering each motion, rule or order, twelve and a half cents ; declaration in ejectment, one dollar ; entering non suit, discontinuance or *nolle prosequi*,\* twelve and a half cents ; swearing each witness, six and a fourth cents ; entering each continuance, twelve and a half cents ; venire facias\* in every case tried by a jury, twelve and a half cents ; scire facias, (except against jurors where excused,) one dollar ; swearing and empannelling every jury, twelve and a half cents ; receiving and entering verdict, twelve and a half cents ; entering each judgment in court, twenty-five cents ; each subpoena for one witness, twenty-five cents ; and for every other name inserted, six and a fourth cents ; entering surrender of principal by bail, twenty-five cents ; commission to take deposition, fifty cents ; copies thereof, for every hundred words, ten cents ; taking a recognizance, fifty cents ; each execution, fifty cents ; for certificate to witnesses, each to be taxed on the bill of costs, twelve and a half cents ; each separate certificate, (except to jurors,) twenty-five cents.

#### IN CRIMINAL CASES.

For entering pending indictments, or filing information, twenty-five cents ; each writ, other than hereinafter named, fifty cents ; arraigning prisoner and entering plea, fifty cents ; taking recognizance, fifty cents ; swearing and empannelling every jury, twenty-five cents ; entering judgment or verdict each, twenty-five cents ; swearing every witness, six and a fourth cents ; each subpoena with one name, twenty-five cents ; and for every other name inserted, six and a fourth cents ; each motion or order, twelve and a half cents ; venire facias in each cause tried, fifty cents ; all copies, each one hundred words, ten cents ; each certificate, twenty-five cents.

---

\*See note at the end of this book.

For all public services not herein particularly provided for, the clerks shall at each term exhibit a detailed fee bill, to be examined by the District Attorney previous to allowance by the court, and the court is hereby authorized to allow the same, not exceeding ten dollars, to be paid out of the County Treasury.

#### TO CLERKS OF THE PROBATE COURTS.

For like services by them performed, the same fees as are by law allowed to the Clerks of the Circuit Courts :

For recording each deed, bill of sale or other conveyance, for each hundred words, ten cents ; certifying the official acts of a Justice of the Peace or other certificate with seal, fifty cents ; registering the Probate of any will or testament and for letters testamentary thereon, one dollar ; recording a will, testament or codicil, for every hundred words, ten cents ; administering oath to executors, administrators, collectors or guardians, taking bond and recording the same, one dollar ; letters of administration, collection or guardianship and order granting the same, one dollar ; order, appointing appraisers of an estate and copy, fifty cents ; ordering an inventory appraisement for executors, administrators, collectors or guardians account, for every hundred words, ten cents ; recording certificate of marriage, fifty cents ; recording and filing officers bonds, one dollar.

#### TO THE SHERIFFS.

For executing the process, judgment or decrees of a Circuit Court and for similar services in other courts :

For copying execution, one dollar ; entering each writ in his office, twenty-five cents ; returning execution, twenty-five cents ; each bail bond or recognizance, fifty cents ; summoning each witness, fifty cents ; for making deed to purchaser, two dollars ; each days attendance on Probate Court, two dollars ; attending prisoner on habeas corpus, each day, in vacation, two dollars ; each commitment or release, one dollar ; feeding a prisoner, each day, forty cents ; serving a declaration in ejectment and copy thereof, one dollar ; advertising runaway slave, two dollars ; taking bonds of every kind, each, fifty cents ; executing death warrant, to be paid out of the National Treasury, five dollars ; removing a prisoner, every mile going and returning, ten cents ; empanneling a jury in each cause where a jury is sworn, twenty-five

cents ; collecting monies by virtue of an execution, for the first one hundred dollars, three per cent., for all sums above one hundred dollars, and not exceeding two hundred dollars, two per cent., and for every one hundred dollars over in said execution, one and one-half per cent ; whipping person by order of court, two dollars ; whipping slave by order of court, to be paid by the owner, one dollar ; serving an attachment for contempt and returning the same, one dollar ; feeding runaway slave per day in jail, forty cents ; summoning a special jury, two dollars ; for empanneling grand juries, advertising and attending elections, serving all public orders of courts in his county, and for all other public services not otherwise provided for, a sum not exceeding twenty dollars for each year, to be allowed by the Circuit Courts, and paid out of the County Treasurer ; *Provided*, That no fees shall be allowed for service of scire facias against a defaulting juror, if not fined by the court ; for executing all process, orders and citations of Probate Court, the same fees as are allowed for similar services in a Circuit Court of law.

#### IN THE SUPREME COURT.

For an arrest, one dollar ; docketing process and return thereof, twenty-five cents ; serving scire facias or summons, fifty cents. For all other services required by the Sheriff in the Supreme Court, the fees shall be the same as are allowed for similar services in the Circuit Courts.

#### TO CORONERS.

For taking inquisition on a dead body, to be paid as by law provided, ten dollars ; for all services done by them, the same fees as are allowed to Sheriffs for similar services.

#### TO CONSTABLES.

For serving each warrant or summons, fifty cents ; summoning each witness, twenty-five cents ; executing a mittimus in criminal cases, fifty cents ; whipping a slave by Justice's orders, to be paid by the owner, one dollar ; serving each warrant in criminal cases, one dollar : levying execution and making money thereon, one dollar and fifty cents ; summoning coroners inquest, to be paid by the National Treasury, two dollars ; conveying a criminal to jail, per mile, ten cents ; each days attendance on Supreme or

Circuit Courts, to be paid out of the National Treasury, one dollar and fifty cents; *Provided*, only one Constable shall attend the Supreme Court.

#### TO JUDGES OF PROBATES.

For examining, reporting and stating each account of an executor, administrator, collector or guardian, for the first sheet, one dollar; every sheet more than one contained in each account, fifty cents; each order for advertising, issuing citations or other notice or process, fifty cents; each order for the appointment of commissioners or the representation of an estate being insolvent, one dollar; apportionment of an insolvent estate among creditors, one dollar and fifty cents; granting letters testamentary, letters of administration or guardianship, seventy-five cents; examining and allowing each claim against estate of a deceased person, twelve and a half cents.

#### TO JUSTICES OF THE PEACE.

For celebrating the rites of matrimony and certificate thereof, two dollars; each mittemus or recognizance, twenty-five cents; each warrant in criminal cases, fifty cents; each subpoena, twenty-five cents; warrant or summons in civil case, twenty-five cents; proceeding thereon to judgment, twenty-five cents; each execution, twenty-five cents; each appeal with the proceedings bond and certificate, one dollar; each certificate not otherwise provided for, twenty-five cents; taking deposition, each one hundred words, ten cents; each affidavit, not otherwise provided for, twelve and a half cents; issuing commission to take deposition in each cause, twenty-five cents; taking the proof of any deed, mortgage or other instrument of writing, fifty cents; for any and all services as a notary public, in all cases, two dollars.

SEC. 2. *Be it further enacted*, That all acts or parts of acts heretofore passed, in any manner coming in conflict with this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, November 3d, 1857.

**An Act entitled An Act to provide for and prescribe the manner of filling vacancies in public offices in this Nation and directing a special election therein.**

**SEC. 1.** *Be it enacted by the General Council of the Choctaw Nation,* That when any vacancy shall occur in any National or District office in this Nation, by death, resignation, removal, or otherwise, when the unexpired term of the office so vacated shall not exceed one year, the same shall be filled by executive appointment; and whenever any vacancy shall occur in any such office, when the unexpired term thereof shall have more than one year to run, it shall be the duty of the Governor, when notified of such vacancy or vacancies, to issue a writ or writs of election, requiring an election to be held to fill the unexpired term of said office, in the particular district or in the Nation, as the case may be, which election shall be held, in the case of filling any vacancy in the office of a district officer, on thirty days notice, and in the case of a National officer, on sixty days notice; *Provided, however,* That the Governor of the Nation may make a temporary appointment to any office, a vacancy in which occurs, to have effect and be in force until the election so ordered by him, shall have been held, and the successor, or person elected to the office, be duly qualified in the manner prescribed by this act.

**SEC. 2.** *Be it further enacted,* That when any office shall become vacant from any of the causes aforesaid, in the case of a county officer, it shall be the duty of the presiding officer of the board of county police of any county in which such vacancy may occur, within five days thereafter, to order an election to be held in said county to fill such vacancy, on ten days notice; which order shall be entered upon the minutes of said board, and may be so made by the presiding officer, either in term time or in vacation, and shall be in the nature of a writ of election, and in the form of such used by the Governor of the Nation; and in case any vacancy happen in the office of the presiding officer of the board of county police, or he be absent, sick, or otherwise unable to perform said duty, it shall, and may be lawful for any other member of the board to make the order for said election; and it shall be the duty of the presiding officer, or any member of said board, in case of his absence or inability to act, to notify the Governor of the result of said election, naming the person having the highest number of votes, if he be an officer entitled to a commission, and the person so elected

shall be commissioned by the Governor as such officer, for the unexpired term prescribed by the constitution; and in case the officer be not entitled to a commission by the constitution or laws of this Nation, the said Board of Police shall have power to give him such credentials of office, and after such form as the board may adopt, under the hand of the presiding officer and his seal.

SEC. 3. *Be it further enacted*, That in those counties and circuits or districts where the elections failed in August last, as directed by the constitution, the Governor is hereby specially authorized and required to issue writs of election, to some one reliable citizen, to be by him named in each county of the Nation, requiring him to order an election, appoint and swear the Judges and Clerks thereof, within the county where such citizen resides respectively, on the first Wednesday, the second day of December next, to fill each and every office in the writ aforesaid named and prescribed by the constitution and laws, which the returns in the office of the National Secretary show have not been filled by the elections held on the 5th day of August last; and that said election shall be held at the places in each county where the last election therein was holden, and in the manner prescribed by the existing election laws, and the returns thereof made immediately thereafter, by such citizen, aforesaid, to the National Secretary.

SEC. 4. *Be it further enacted*, That each and every person elected as aforesaid, shall be commissioned by the Governor, if entitled by law to a commission, and if not so entitled, the National Secretary is hereby directed to issue a certificate of election to such persons; and in either case aforesaid, the person so elected to any office, shall hold such office only until the next regular election, as fixed by the constitution and laws, for each particular office, and the commission required by law or certificate herein directed to be issued shall so state; and said persons so elected to office, shall upon the receipt of a commission or certificate, as the case requires, enter upon the discharge of the duties of their offices, respectively, in the manner prescribed by the laws defining the duties of said office.

SEC. 5. *Be it further enacted*, That all acts or parts of acts, heretofore passed, in any manner coming in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, November 3d, 1857.

**An act entitled an act to change the names and declare legitimate certain persons therein named.**

**SEC. 1.** *Be it enacted by the General Council of the Choctaw Nation,* That the names of William Worth Moncrief, Franklin Pierce Moncrief, and Douglas H. Cooper Moncrief, illegitimate children of John Johnston, Senior, and Mary Ann Moncrief, be changed, each and severally, to William Worth Johnston, Franklin Pierce Johnston, and Douglas H. Cooper Johnston, and that they be declared the legitimate children of said John Johnston, Senior, and shall be entitled to all the rights as heirs at law of said John Johnston, Senior, in the same manner, and to the same extent, as if they had been born in wedlock; *Provided,* that this act shall not be so construed as to confer any right, privilege or immunity in this Nation, of any kind whatever, upon the said John Johnston, Senior.

**SEC. 2.** *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved, November 4th, 1857.



**An Act entitled An Act providing for and directing the manner of taking the census of the Choctaw Nation.**

**SECTION 1.** *Be it enacted by the General Council of the Choctaw Nation,* That an enumeration of the inhabitants of this Nation shall be taken on the first day of January, one thousand eight hundred and fifty-eight, and at the end of every six years thereafter.

**SEC. 2.** *Be it further enacted,* That the census or enumeration of the inhabitants of this Nation shall be taken by the sheriffs of the the respective counties.

**SEC. 3.** *Be it further enacted,* That each sheriff shall commence taking such enumeration, on the first day of January in each year in which the census or enumeration is required to be taken, and shall make his return to the National Secretary, on or before the first day of April in every such year, which census shall be in the following form :

NAMES.	COUNTY OF
Under ten years of age, ..... Over ten and under eighteen.. Over eighteen and under 21.. Over twenty-one and under 45.. Over forty-five.....	INDIAN MALES.
Under sixteen years. .... Over sixteen years.....	INDIAN FEMALES
Males..... Females. ....	FREE PERS'NS OF COLOR.
Under eight years..... Over eight years and under sixty.. Over sixty years. ....	SLAVES.
Cotton..... Grain.....	ACRES OF LAND IN CULTIVA. TION.
Bales of cotton.... Bushels of corn. .... Bushels of wheat. .... Bushels of Oats. ....	PRODUCC- TION.
Horses, Mares and Colts.. .... Mules..... Jacks and Jennys. .... Cattle of all kinds.. .... Hogs of all kinds..... Sheep...	NUMBER OF ANI MALIS RAISED.
White citizens with native wives.. White persons with license and families..... White persons not licensed..	WHITE PERSONS.

**SEC. 4.** *Be it further enacted,* That the Sheriff shall carry out an aggregate of each description of persons, acres of land in cultivation, production, and of animals raised, and the total of the whole.

**SEC. 5.** *Be it further enacted,* That the several Sheriffs may transmit their returns of the census by mail to the National Secretary. Such Sheriff shall endorse on the outside of the cover of such return his name, office and the word "census."

**SEC. 6.** *Be it further enacted,* That each Sheriff shall receive, in full compensation for taking the census of his county, the following compensation, to be paid out of the National Treasury: For all individuals contained in the census return of his county, under one thousand, three cents each; all over one thousand and not exceeding two thousand, two and one-half cents each; all over two thousand and not exceeding three thousand, two cents each; all over three thousand and not exceeding four thousand, one and a half cents each; all over four thousand, one cent each. And it shall be lawful for the National Auditor to enter to the credit of any Sheriff on his books the amount which shall be due him for taking the census, and upon demand, to issue his warrant on the treasury therefor.

**SEC. 7.** *Be it further enacted,* That the census shall be taken by the actual inquiry of the Sheriff at every dwelling house, or by personal inquiry of the head of every family in their respective counties.

**SEC. 8.** *Be it further enacted,* It shall be the duty of the National Secretary, to notify all Sheriffs who have failed to file in his office, on or before the first day of April in each year, in which the census is required to be taken, the census of their counties, to file their census returns the first day of May then following.

**SEC. 9.** *Be it further enacted,* That every such delinquent Sheriff who shall be so notified, shall if he file his census return after the first day of April and before the first day of May, be permitted to do so, but five dollars shall be deducted from the sum due him for taking the census by the National Auditor when settlement is made.

**SEC. 10.** *Be it further enacted,* That it shall be the duty of the National Secretary to make out a list of all delinquent Sheriffs who have not filed their census return by the first day of May, and hand the same to the Governor, who is hereby required to vacate the commission of such defaulting Sheriffs, and the National Secretary shall certify the same

to the President of the Board of Police for such counties, who shall order an election to supply the vacancy, according to law.

SEC. 11. *Be it further enacted*, That the Sheriff of each county shall, after the census return is completed by him, make out and file a correct copy of the same in the Probate Clerk's office of his county, for the use of said county, and shall receive for such copy five dollars, to be paid out of the county treasury, upon an order of the Board of Police of such county.

SEC. 12. *Be it further enacted*, That all acts or parts of acts heretofore passed, coming in conflict in any manner with the provisions of this act, be and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved, November 4th, 1857.

---

**An Act entitled an act submitting certain changes, alterations, and amendments, to the Constitution, to a vote of the qualified electors of the Nation.**

SEC. 1. *Be it enacted, by the General Council, of the Choctaw Nation*, That at the next general election, on the first Wednesday in August, A. D. 1859, the following changes, alterations, and amendments to the constitution, be submitted to a vote of the qualified electors of the Nation, for their approval, or rejection, to-wit:

That the word "Nation," occurring after the word "Chickasaw," at the end of the twenty-sixth line, and before the word "assembled," at the beginning of the twenty-seventh line of the preamble, in the printed copy of the constitution, be changed to the word "jurisdiction." That the words, "a free and acknowledged citizen of the Choctaw Nation," occurring after the words, "age," and before the word "shall," in the first and second lines of section 3rd, article 5th, (Executive Department) of the printed copy of the Constitution, be so changed and amended, as to read, "a free male citizen of the Choctaw Nation, and a lineal descendant of the Choctaw race." That the words, "emigrants to this Nation," occurring at the beginning of the first line of page eighteen, of section 1st, under head of

“slaves,” in the printed copy of the Constitution, be stricken out, and after the word “prevent,” occurring at the end of the fifth line, of section 1st, under head of “slaves,” page 17, of the printed copy of the Constitution, and before the word “from,” occurring on the first line, under section 1st, of article, headed “slaves,” page eighteen, of the printed copy of the Constitution, that there be inserted the words, “Choctaws, Chickasaws, and persons who are by birth, adoption, or otherwise, members of either tribe, emigrating to this Nation, and such individuals as are now, or may be in the employment of the Government of the United States, and their families: those peacefully traveling, or temporarily sojourning in this Nation, or trading therein, under license, from the proper authority of the United States, and such as may be permitted by the authorities of this Nation, with the assent of the United States Agent, to reside within the limits thereof, without becoming citizens, or members, of said Nation.”

SEC. 2. *Be it further enacted, &c.,* That such qualified electors, at the election aforesaid, who shall be in favor of the changes, alterations, and amendments herein provided for, shall write at the bottom of their tickets, the words, “*for amendments,*” and such as are opposed thereto, shall write the words, “*against amendments,*” and that the Judges and clerks of election, at each precinct in the Nation, shall keep *tally\** of all such votes, so given, and make return thereof, to the National Secretary, in the same manner as other election returns are made.

SEC. 3. *Be it further enacted, &c.,* That the National Secretary is hereby directed to have posted, in two conspicuous places in each county of the Nation, for the information of the people, at least six months preceding the election aforesaid, written, or printed copies of this act, with his certificate in his official capacity, that the same is correct.

Approved, October 26th, 1857.

---

\*See note at the end of this book.

**An Act entitled an act repealing two acts formerly passed, and making special appropriations for the erection and completion of new buildings at Armstrong Academy.**

SEC. 1. *Be it enacted, by the General Council of the Choctaw Nation,* That an act heretofore passed, and approved, on the 12th day of November, A. D. 1856, appropriating four thousand dollars, out of the interest fund, under the treaty of 1855, for the fiscal year, ending June 22nd, 1856, for the purpose of erecting new buildings at Armstrong Academy, be and the same is hereby repealed.

SEC. 2. *Be it further enacted.* That the act heretofore passed, and approved, on the 28th day of October, A. D. 1857, appropriating four thousand one hundred and twenty-one dollars, out of any money not otherwise appropriated, for the purpose of completing the new buildings at Armstrong Academy, be and the same is hereby repealed.

SEC. 3. *Be it further enacted,* That the sum of six thousand dollars, be and the same is hereby appropriated, to be paid out of the interest due by the United States Government, on the sum of five hundred thousand dollars, arising under the treaty of 1855, and funded in the hands of the United States Government, and due 22nd day of June, 1857, for the purpose of erecting new buildings at Armstrong Academy, and the National Auditor is hereby directed to issue his warrant for the same, upon obtaining the receipt of Robert W. Nail, school trustee for Pushamataha District, and William R. Baker, Superintendent of Armstrong Academy, as the building committee; and the National Treasurer is hereby directed to pay the same, out of said funds, when the same comes into his hands.

SEC. 4. *Be it further enacted,* That the further sum of two thousand one hundred and twenty-one dollars, be and the same is hereby appropriated, to be paid out of the interest arising on the trust fund of five hundred thousand dollars, created under the treaty of 1855, funded in the hands of the United States Government, due on the 22nd day of June, 1858, for the purpose of completing the new buildings, in progress of erection, at Armstrong Academy; and the National Auditor is hereby directed to issue his warrant for the same, upon obtaining the receipt therefor, of Robert W. Nail, school trustee of Pushamataha District, and Wm. R. Baker, superintendent of Armstrong Academy, as the building commit-

tee; and the National Treasurer, is hereby directed to pay the same, when that fund comes into his hands.

Approved, November 2nd, 1857.

---

**An Act entitled an act to establish the County of Cooper, in the Choctaw Nation, and to provide for the organization thereof.**

**SEC. 1.** *Be it enacted, by the General Council of the Choctaw Nation,* That all that portion of the territory of the Choctaw Nation, lying within the limits of the ninety-eighth, and the one hundredth degrees of west longitude, shall form a new county, to be called and known by the name of Cooper, in honor of General Douglas H. Cooper, the present United States Agent, for the Choctaw Nation.

**SEC. 2.** *Be it further enacted,* That whenever there is a settlement of any number of Choctaw, or Chickasaw citizens, or persons who are by birth, adoption, or otherwise, citizens or members of either Nation of people, within said county of Cooper, and they shall petition the Governor of this Nation, to that effect, he is hereby authorized and directed to issue writs of election, directing any five of the petitioners to hold an election at such time and place as they may choose, for all the officers, provided by law, for the other counties of the Nation, and due return thereof, make to the National Secretary, which said officers, so elected, in said county, shall hold their offices until the next regular election, at which time elections shall be held in said county, at the times, and in the manner prescribed by law, for the other counties in the Nation.

**SEC. 3.** *Be it further enacted.* That whenever a Board of Police, for said county, shall be elected, and are duly qualified, they shall at once determine upon some suitable place to hold the court of the county, and notify the Judge of the Third Judicial Circuit, of the same.

**SEC. 4.** *Be it further enacted,* That said county, when settled, as aforesaid, shall be entitled, until further provision is made by law, to one representative in the House of Representatives, who shall be elected at the time, and hold his office for the period prescribed herein, for county officers.

**SEC. 5.** *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved, October 26th, 1857.

**An Act entitled an act appropriating certain sums of money,  
for certain purposes, therein named.**

SEC. 1. *Be it enacted, by the General Council of the Choctaw Nation,* That the sums of money, hereinafter named, and for the purposes more particularly specified, be and the same are hereby appropriated, to be paid out of any moneys in the National Treasury, not otherwise appropriated, to the persons respectively, entitled to receive the same, upon presentation of their accounts to the National Auditor, who is hereby directed to issue his warrants on the National Treasury, for said sums of money, respectively, to-wit:

The sum of two hundred and sixty-eight dollars and forty-eight cents, (\$268 48-100) due the District Treasurer, of Pushmataha District, for a deficit in the expenditures, in said District.

The sum of four thousand eight hundred and thirty-seven dollars and sixty-six cents, (\$4,837 66-100) due the District Treasurer of Mooshulatubbee District, being the deficit in the expenditures in said District.

The sum of three hundred and twenty-four dollars and ninety-four and two-third cents, (\$324 94-100 2-3) due Peter Folsom, for balance due on his salary, as chief of Mooshulatubbee District, up to the fifth day of October, 1857.

The sum of two thousand dollars, (\$2,000) as an advance to P. P. Pitchlynn, one of the Choctaw delegation, at Washington City, for personal expenses.

The sum of two thousand dollars, (\$2,000) as an advance to Samuel Garland, one of the Choctaw delegation, at Washington City, for personal expenses.

The sum of two thousand dollars, (\$2,000) as an advance to Israel Folsom, one of the Choctaw delegation, at Washington City, for personal expenses.

The sum of two thousand dollars, (\$2,000) as an advance to such person as the Governor may appoint, to fill the vacancy in the Choctaw delegation, to be paid upon his special order, to the National Auditor.

To Tandy Walker, for his services as President of the Convention of Skullyville, in ordering elections, receiving returns, and issuing certificates to officers elected, as directed in the schedule to the Constitution, fifty dollars, (\$50.)

To George W. Hawkins, for three months services from July to October, 1857, as chief of Apukshunubbee District, the sum of one hundred and twenty-five dollars (\$125.)

To Pistambee, for three months services, from July to October, 1857, as Speaker of Apukshunnubbee District, the sum of twelve dollars and fifty cents (\$12 50.)

To Nicholas Cochnaur, for three months services, from July to October, 1857, as chief of Pushamataha District, the sum of one hundred and twenty-five dollars, \$(125.)

To David McCay, for three months services, from July to October, 1857, as Speaker of Pushamataha District, the sum of twelve dollars and fifty cents, (\$12 50.)

To Adam Christy, for three months services, from July to October, 1857, as Speaker of Mooshulatubbee District, the sum of twelve dollars and fifty cents, (\$12 50.)

Approved, November 4th, 1857.



**An Act entitled an act repealing a certain act therein mentioned, and making appropriations for neighborhood schools,**

**SEC. 1.** *Be it enacted, by the General Council of the Choctaw Nation,* That an act heretofore passed, and approved, on the 12th day of November, A. D. 1856, appropriating the sum of four thousand dollars, from the interest due the Nation, on the sum funded under the treaty of 1855, in the hands of the Government of the United States, for the support of neighborhood schools, be and the same is hereby repealed.

**SEC. 2.** *Be it further enacted,* That the sum of six hundred dollars, be and the same is hereby appropriated, for the support of the Skullyville school, for the year ending the first of July, A. D. 1857, to be paid out of the National Treasury, upon the demand of the School Trustee of Mooshulatubbee District, to the National Auditor, who shall issue his warrant for the same.

**SEC. 3.** *Be it further enacted,* That the Trustee of the schools, in Mooshulatubbee District, be and he is hereby empowered, to demand and receive from the National Auditor, who is directed to grant the same, a warrant, or warrants, as the case requires, upon the National Treasury, to be paid out of any moneys not otherwise appropriated, the sum of nine hundred dollars, to be used by said Trustee, for the support of neighborhood schools, in his district, and that he shall keep a correct account, and make due return of the same, to the General Council.

**SEC. 4.** *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved, November 4th, 1857.

---

**An Act entitled an act placing a certain sum in the hands of the Governor for contingent purposes.**

**SEC. 1.** *Be it enacted by the Senate and House of Representatives of the General Council of the Choctaw Nation,* That the sum of two thousand dollars, of any money in the treasury of the Nation, not otherwise appropriated, be placed in the hands of the Governor, as a contingent fund, to be used by him for such purely national purposes as he may deem proper, and that the National Auditor be hereby directed to issue his warrant therefor, upon presentation of the Governor's written order, and that the National Treasurer be hereby directed to pay said sums of money.

Approved October 14th, 1857.

---

**An Act entitled an act fixing pay of Trustees of Public Schools.**

**SEC. 1.** *Be it enacted by the General Council of the Choctaw Nation,* That from and after the passage of this act, the Trustees of the Public Schools of this Nation shall each be entitled to receive, as a compensation for their services, the sum of two hundred dollars, for each and every year, to be paid quarterly, out of any funds, not otherwise appropriated, belonging to this Nation, and on application of either or any of the Trustees, the Auditor shall issue his warrant to the National Treasurer, who shall pay the same.

**SEC. 2.** *Be it further enacted,* That all acts or parts of acts heretofore passed, coming in any manner in conflict with the provisions of this act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, November 3rd, 1857.

**Resolution appropriating money to pay committee to confer with Chickasaws.**

*Resolved, by the General Council of the Choctaw Nation,* That the sum of forty-five dollars be and the same is hereby appropriated out of the National funds to pay Samuel Garland, Ahukletubbee, Joseph Dukes, David O. Fisher, and Thomas J. Pitchlynn, for their services as a committee to confer with the Chickasaw committee, and that the National Auditor issue his warrant on the National Treasury for the same.

Approved, November 3rd, 1857.

---

**Resolution giving a certain per diem to the National Officers.**

*Resolved, by the Senate and House of Representatives of the General Council of the Choctaw Nation,* That the sum of two dollars per day, for each days actual attendance upon the General Council, at the present session, be and the same is hereby allowed the Executive National Officers, in addition to the salary fixed by law for such officers, and that the National Auditor is directed to issue his warrant upon the National Treasury for the amount of such *per diem*, in the manner of paying regular salaries; *Provided,* That this resolution shall not be so construed as to allow said officers such *per diem* at any future session of the council.

*Be it further resolved,* That this resolution take effect and be in force from its passage until all said officers receive the *per diem* aforesaid, and no longer.

Approved, November, 4th, 1857.

---

**Resolution providing for the classification of Senators.**

*Resolved, &c.,* That the Senate do now proceed to divide, by lot, the Senators into two classes, as the constitution directs; that the same shall be done by the Senators present from each district drawing among themselves, and that the Secretary of the Senate shall place in a hat four pieces of

paper of equal size, upon two of which he shall write the words "first class," and the other two, the words, "second class." The Senators from each district shall alternately draw from the hat one piece of paper, and when the three districts have been gone through with after this manner, the President of the Senate shall hold the hat, and the Secretary shall draw for the Senators who are absent; after which, those Senators who have drawn, and those for whom the Secretary shall draw, drawing the first class paper, shall be so entered of record, and those in the same manner drawing the second class paper be likewise entered of the second class of Senators. The term of the first class shall expire at the end of the second year, and the second class at the end of the fourth year.

Approved, October 27th, 1857.



**Resolutions requesting the Governor to do certain things therein named.**

WHEREAS, the important business of the Choctaw Nation, now pending before the Government of the United States, in the opinion of the General Council, requires the presence and counsel of the United States Agent for the Choctaws, to assist the Government and the Choctaw Delegation in a proper arrangement and settlement of said business; and whereas, the permanent settlement of certain bands of Indians upon the territory of the Choctaws, leased to the Government of the United States for that purpose under treaty stipulations, which said territory remains under the jurisdiction and open to settlement of the Choctaws; and whereas, said bands of Indians have been placed under a separate United States Agent, which tends to bring about a conflict of jurisdiction with said bands of Indians and the Choctaw Nation, and also in the jurisdiction of the agent of said bands and the agent of the Choctaws;

*Be it therefore resolved by the General Council of the Choctaw Nation, That His Excellency, the Governor, be requested to address, at an early day, to the President of the United States, a letter asking him to authorize the attendance at*

Washington City, as soon as compatible with the duties of his office, of Gen. Douglas H. Cooper, the present agent for the Government, resident among the Choctaws, for the purpose of aiding the Choctaw delegation in all matters of business of the Nation, as may be conformable with the regulations of the Indian Bureau and the duties of the agent.

*Be it further resolved*, That His Excellency, the Governor, be also requested to urge upon the attention of the President of the United States, in a letter to be addressed to him for the purpose, to give the United States Agent for the Choctaw Nation a supervisory and directory control over the agency of the Indians, to be settled on the leased territory between the ninety-eighth and the one-hundredth degree of west longitude, in order to prevent any conflict, and the unhappy consequences following therefrom, in the jurisdiction of the Choctaws and the Indians aforesaid, and the jurisdiction of the agent of the tribes aforesaid, and the agent for the Choctaw Nation.

*Be it further resolved*, That His Excellency, the Governor, be requested to transmit with such letter as he may write to the President of the United States, as by the preceding resolutions desired, a copy of these resolutions.

Approved, November 4th, 1857.

---

**Resolution authorizing J. E. Dwight and Jacob Folsom to translate the Laws.**

*Resolved by the General Council of the Choctaw Nation*, That J. E. Dwight and Jacob Folsom be continued in the employment of the Nation as translators of the laws, and be directed to complete the same as soon as convenient, and that they be allowed for such services the sum of three dollars per day, for every day so employed, to be paid out of the National Treasury, upon presentation of their accounts, with the statement in writing of the Governor that the work has been completed, to the National Auditor, who is hereby directed to issue his warrant for the same; *Provided*, such allowance to each of said translators do not exceed thirty days' service.

Approved, November 4th, 1857.

**Resolution directing Choctaw Delegation to return to Washington City.**

*Resolved by the General Council of the Choctaw Nation,* That the delegates of the Choctaw Nation, who have in charge the business and interests of the Nation, arising under the treaty of Washington, of June 22, 1855, now pending, unsettled, before the United States Government, be instructed to proceed to Washington City as soon as practicable; and that full power is given them, or any of them, to urge a speedy conclusion of all matters of unsettled business arising under the treaty aforesaid, and make due report of any progress or final conclusion thereof to the General Council.

*Resolved further.* That this resolution take effect and be in force from and after its passage.

Approved, November 4th, 1857.

---

**Resolution requesting the Governor to have the Acts of this session printed.**

*Resolved by the General Council of the Choctaw Nation,* That the Governor be requested to have the acts and resolutions passed at the present session of the General Council printed in pamphlet form, in both the English and Choctaw languages, if practicable, if not, in the English alone, at as early a day as possible, and upon the receipt of a sufficient number of copies, to order the distribution of them as directed by law.

Approved, November 4th, 1857.

---

**Resolution declaring what laws are in force.**

*Be it resolved by the General Council of the Choctaw Nation.* That all laws heretofore passed, by act or resolution, and not repealed by express statute or legitimate implication, at any session of the General Council, are hereby declared to be, and shall remain in full force and effect until changed, modified, superseded or abrogated by act of the General Council.

Approved, November 4th, 1857.

# INDEX.



ACTS AND RESOLUTIONS—	session 19, 1852,	-	35
	session 20, 1853,	-	51
	session 21, 1854,	-	69
	session 22, 1855,	-	87
	extra session, 1856,	-	95
	session 23, 1856,	-	99
	session Oct. 1857,	-	109
ACT—	repealing certain act,	-	52
	naturalizing certain persons,	-	57
	exempting certain property from seizure,	-	77
	extending laws over leased country,	-	103
APPROPRIATIONS—	for pay officers and council,	-	47
	for pay certain persons,	-	60
	for district purposes,	-	66
	for pay certain persons,	-	66
	for Kingsbury and Stewart,	-	86
	for Armstrong Academy,	-	104
	for commis'rs orphan claims,	-	105
	for neighborhood schools,	-	106
	for pay district officers, (1856,)	-	107
	for Armstrong Academy,	-	216
	for certain persons,	-	218
	for neighborhood schools,	-	219
	for pay committee to Chicka-	-	-
	saws,	-	221
	for certain <i>per diem</i> to National	-	-
	officers,	-	221
ATTORNEY AT LAW—	how licensed,	-	53
	motions against, how heard,	-	142
ALLEN, SAMUEL—	privilege to build toll bridge,	-	84
AUDITORS, DISTRICT—	time for election of,	-	91
AUDITOR, NATIONAL—	office created, when elected,	-	97
	Governor to inspect office of,	-	111

- AUDITOR, NATIONAL**—embezzlement of, Governor  
to proceed, - - - 111  
duties fully defined, - - - 115  
Treasurer's books open to  
him, - - - 124  
to examine warrants paid in, 125  
to endorse warrant improp-  
perly, how punished, - 126  
can request opinion of Na-  
tional Attorney, - - - 127  
to issue warrant to physi-  
cians, - - - 158  
Justices Peace to make re-  
turns to, - - - 174  
Board of Police to send ac-  
count annually, - - - 179  
to lay same before Council, 179  
when to issue warrant to  
witnesses, - - - 199  
to issue warrant for taking  
census, - - - 213  
to issue warrant for Arm-  
strong Academy, - - - 216
- ANNUITY**—persons to be registered for, - - - 97
- ARMSTRONG ACADEMY**—new buildings at, - 106  
appropriations to, - 216
- ATTORNEY, NATIONAL**—when to proceed against  
Treasurer, - - - 124  
duties defined, - - - 126  
when to prosecute Clerk  
Supreme Court, - 135  
when to prosecute per-  
sons for failure of duty, 148  
to examine account phy-  
sician, - - - 158  
to move against Justices  
of the Peace, - - - 172  
to move against county  
Treasurer, - - - 186  
to prosecute defaulters to  
county treasury, - 187
- ATTORNEY, DISTRICT**—when to proceed against  
Treasurer, - - - 124  
to request opinion of Na-  
tional Attorney, - 128

<b>ATTORNEY, DISTRICT</b> —when to prosecute Clerk	
Supreme Court, -	135
duties defined, -	137
when to prosecute persons for certain failure,	148
to examine account physician, -	158
to move against Justices Peace, -	172
to move against county Treasurer, -	186
to prosecute defaulters to county treasury, -	187
additional fees, -	203
<b>AGENT, U. S.</b> —to have use of lighthorsemen, -	201
<b>BLIND PERSONS</b> —act concerning them, .	46
act for benefit of, -	83
<b>BOYS, NATIVE</b> —how to learn trades, -	54
<b>BALL PLAYS</b> —penal to play on Sunday, -	57
<b>BRANDS AND MARKS</b> —to be recorded, -	101
<b>BOARD POLICE</b> —President to notify officers to appear, -	109
when to certify to Governor failure county officers, -	110
to procure seal for Circuit Court,	142
President to notify Sheriff to make new bond, -	152
when President to certify such failure to Governor, -	153
to direct where sheriffs offices to be kept, -	157
to order payment seal for Probate Courts, -	160
to order pay furnishing Probate Clerks' offices, -	166
Board composed of Justices Peace,	170
when to order election for Constable, -	176
powers and jurisdiction defined, -	178
when President shall order election for county Treasurer, -	184
to receive regular report of Treasurer, -	185
when President shall certify county Treasurer to Governor -	187

<b>BOARD POLICE</b> —to allow commissions to county	
Treasurer, - - - -	187
when President shall sue Ranger,	196
to receive report of Ranger, -	196
President to order election for va-	
cancies county officers, - -	209
when to order election vacancy of	
Sheriff, - - - -	214
<b>CONSTITUTION</b> —of 1857, - - - -	7
old, Convention to alter, - -	58
providing for amendments to,	82
to elect delegates to amend or	
frame new one, - - -	99
new, of 1857, changes to, sub-	
mitted to a vote, - -	214
<b>CLERKS, DISTRICT</b> —salaries of, - - - -	39
to be Clerks convention, -	102
fixing pay therefor, - -	102
<b>COURT, CIRCUIT</b> —Mooshulatubbee, place holding	
changed, - - - -	39
when and how to try defaulting	
Treasurer, - - - -	124
Supreme Court to establish rules	
for, - - - -	130
when to employ District Attor-	
ney, <i>pro tempore</i> , - - -	137
organization and jurisdiction of,	138
when to appoint Clerk, <i>pro</i>	
<i>tempore</i> , - - - -	148
to allow accounts for books of	
Clerks, - - - -	149
to allow Clerks a sum for cer-	
tain services, - - - -	149
to allow for attendance on sick	
prisoners, - - - -	158
when to make allowance out of	
county treasury, - - -	185
to fine jurors and witnesses for	
failure to appear before Cor-	
oner, - - - -	189
special charge to Grand Juries,	202
<b>CLAIMS</b> —how certified, - - - -	43
Nelson claim, payment of, - -	47
Choctaw, resolution concerning,	74
Nelson, authorizing payment, -	76

<b>CRIMINALS</b> —prescribing place of execution, - -	45
<b>COUNCIL, GENERAL</b> —pay members, 1852, - -	47
fixing time of adjournment, - -	48
changing place of meeting, - -	85
organization of, and pay of officers and members, -	197
<b>CHIEFS, DISTRICT</b> —to appoint delegation to meet Creeks, - - -	48
concerning message of, - -	52
special message of, - -	55
report joint committee thereon, - -	56
respecting pay of, - -	76
to have bounds Fort Arbuckle defined, - - -	78
to ask meeting by commissioners with Cherokees, - -	81
fixing salary of, - -	83
to fill vacancies county Judges and Speakers, - - -	86
to assess tax on licensed traders, - - -	101
<b>CHICKASAWS</b> —resolution concerning, - - -	51
<b>COURT, COUNTY</b> —of Gains. the place of holding changed, - - -	52
fixing time of holding all, - -	53
of Skullyville. fixing place of holding, - - -	58
<b>CLERKS OF COUNCIL</b> —pay for 1852, - - -	47
<b>CLERKS SENATE AND HOUSE</b> —pay fixed, - -	88
<b>CLERK SUPREME COURT</b> —salary fixed, - -	47
to record opinions of court, - - -	129
to make up minutes, - -	131
to receive the papers, books, &c., from former Clerk, - -	132
duties defined, and fees, - - -	133
<b>CATAWBA INDIANS</b> —naturalized certain of, - -	57
greater privileges given to, - -	106
<b>COUNTY, TIGER SPRING</b> —name of changed to Blue, - - -	69
<b>COUNTY, CADDO</b> —name changed, - - -	69
<b>COUNTY, PANOLA</b> —place of holding elections and county court changed, - -	70
<b>COUNTY, SKULLYVILLE</b> —additional precinct to, - -	70

- COUNTY, SKULLYVILLE—place of holding county court changed. - 89
- COUNTY, SUGAR-LOAF—divided in two precincts, 70
- CLERKS, COUNTY COURT—salaries increased, - 71  
to deliver records to Probate Clerks, - 169
- COUNTY, KLAMICHI—election precinct established, 72  
county court of, located, - 85
- COUNTY, WICHITA—name changed, - - - 73
- COUNTY, JACKS FORK—place holding county court changed, 75, 90
- CITIZENSHIP—conferred on J. P. Kingsbury and wife, - - - - - 78
- COUNTY, TOWSON—divided in two election precincts, - - - 80
- CHEROKEES not citizens, to remove, - - - 81
- CRIPPLED PERSONS—for benefit, of - - - 83
- COMMISSIONERS, CHOCTAW—pay of, 1854, fixed 86
- COUNTY, BLUE—place holding county court changed, 88  
fixing election precinct, - - - 90
- COUNTY, WADE—boundaries changed, - - - 88
- COMMISSIONERS, ORPHAN CLAIM—pay of, - 104
- COUNTY, CEDAR—election precinct changed, - 104
- COURT, SUPREME—when to appoint attorney to act, 127  
organization of, - - - 128  
how to appoint clerk thereof, 133  
when to appoint clerk *pro tempore*, - - - 134
- CLERKS CIRCUIT COURT—to set cases on docket, 141  
make up minutes, - 142  
to procure seal of court, - - - 142  
to keep separate criminal docket, - - - 143  
to draw jurors for special term, - 143  
to post up notices of special term, - 144  
duties defined, - 147  
allowance, how certified, - - - 185  
when return list fines to county treasurer and penalty for failure, - - - 186
- CLERKS, CIRCUIT COURT—fees of office, - 204

<b>CORONERS</b> —motion against, how heard, . . .	142
to execute warrants issued by Justices Peace, . . . . .	173
duties defined, . . . . .	187
to return constable for failure, . . . . .	189
when to exercise the duties of sheriff, . . . . .	192
fees of office, . . . . .	207
<b>COURTS OF PROBATE</b> —organization of. &c., . . . . .	159
when to make allowance, . . . . .	185
<b>CLERKS PROBATE COURTS</b> —to issue execution for costs, . . . . .	164
duties defined, . . . . .	164
to be Clerks Board Police, . . . . .	178
to send account Board to Auditor annually, . . . . .	179
to keep minutes of Board Police, . . . . .	180
pay for attending Board Police, . . . . .	180
allowance, how cer- tified, . . . . .	185
fees of office, . . . . .	207
<b>CONSTABLES</b> —to execute warrant issued by Justices Peace, . . . . .	173
when to execute Justices order with- out warrant, . . . . .	175
duties defined, . . . . .	175
to execute coroners precepts, . . . . .	189
when summoned as witnesses, . . . . .	202
when to act without warrant, . . . . .	203
fees of office, . . . . .	207
<b>CITIZENS</b> —when to aid constables, . . . . .	178
when to aid lighthorsemen, . . . . .	200
<b>CLERKS, ELECTIONS</b> —Board Police to fix pay of, . . . . .	181
<b>CENSUS</b> —manner and time of taking, . . . . .	211
<b>COUNTY, COOPER</b> —established, . . . . .	217
<b>CONTINGENT FUND</b> —special, to Governor, . . . . .	220
<b>DISTRICTS OF NATION</b> —funds divided among, (1852.) . . . . .	44
<b>DUKES, JOSEPH</b> —appropriation to, . . . . .	52
appointed translator, . . . . .	87
appointed translator, . . . . .	99
<b>DISTRICT, CHICKASAW</b> —place holding Circuit Court changed, . . . . .	73



GOVERNOR--when to appoint special judges,	-	130
to procure seal for Supreme Court,	-	131
when to issue writ of election sheriff,		153
when to vacate office county treasurer,		187
to issue writs election to fill vacancies,		209
to make temporary appointments,	-	209
to order special election,	-	210
when to vacate office sheriff,	-	213
to do certain things,	-	222
to have laws printed,	-	224
HUSBAND AND WIFE--separation of.	-	49
HORSE RACING--penal on Sunday,	-	57
HOTCHKIN, REV. E--to sign vouchers,	-	76
IDIOTIC PERSONS--for benefit of	-	83
INTOXICATED PERSONS--not to disturb public		
gatherings,	-	85
JUDGES, COUNTY--pay increased,	-	43
power to appoint clerks,	-	43
power to grant bail,	-	45
pay increased,	-	84
pay for taking census,	-	99
JUDGES, CIRCUIT--power to grant bail,	-	45
direct warrant on application		
Governor,	-	111
examine persons so arrested,	-	111
when to appoint clerks <i>pro</i>		
<i>tempore</i> ,	-	148
JURORS--pay of,	-	46
amendment in relation to drawing,	-	48
manner of drawing,	-	67
for special term, how drawn	-	143
fine for failure to go before coroner,	-	189
JUDGES SUPREME COURT--mileage to,	-	82
JOHNSTON, JOHN--	-	87, 104. 211
JUDGES, TEMPORARY--pay of,	-	49
JUDGES CIRCUIT COURT--(old constitution,) time		
of election,	-	91
JUSTICES PEACE--issue warrant application Gov-		
ernor.	-	111
examine persons so arrested,		111
jurisdiction and powers de-		
fined,	-	169
when to exercise duties of		
coroner,	-	173, 192

JUSTICES PEACE—when to exercise duties notary	
public, - - -	173
allowance to constables, -	177
when fine constable for failure, -	177
when to return list fines to	
treasurer and penalty for	
failure, - - -	186
when to act place sheriff and	
coroner, - - -	193
when to bind over offenders	
and pay for, - - -	203
fees of office, - - -	208
JURY TICKETS, GRAND—payee to endorse, -	118
JAILS, DISTRICT—how used, - - -	142
JUDGES PROBATE—to approve sheriffs bonds, -	151
duties defined, - - -	159
when appoint clerk <i>pro tempore</i> , -	166
allowance furnish clerks offices, -	166
to be President Board Police, -	178
fees of office, - - -	208
JAILORS—see sheriffs, - - -	157
JUDGES ELECTIONS—Board of Police fix pay of, -	181
JAILS COUNTY—how built, - - -	182
KUSHA, or KUNSHA ACADEMY—concerning, -	35
KINGSBURY, JNO. P. & wife—naturalized, -	78
LIQUORS—spirituous, prevent introduction, -	36
intoxicating, prevent introduction and	
use, - - -	201
LAWS—providing for translation, - - -	84
authorizing translation, - - -	223
what declared in force, - - -	224
LEASED COUNTRY—laws extended over, -	103
LIBRARY FUND—what fines paid to, -	148
LIGHTHORSEMEN—duties defined; pay fixed, -	199
when to act without warrant, -	203
McCAN, TECUMSEH—to be educated, - - -	38
MONEY, PUBLIC—persons entrusted with, give	
bonds, - - -	59
McCLEAN, JAMES—privilege to build toll bridge, -	71
MARKS & BRANDS—to be recorded, - - -	101
NEGROES—to suppress disorder among, - - -	45
in relation to stealing, - - -	89
NOTARY PUBLIC—see Justices Peace, - - -	173
ORPHAN FUND—concerning unclaimed, - - -	37

ORPHAN FUND—Congress to give unclaimed,	-	105
OFFICERS OF NATION—appropriation to, 1852,	-	44
when, how, and for		
what removed,	-	109, 110
Governor have superin-		
tendence of,	-	111
certain per diem to,	-	221
OFFICERS, DISTRICT—pay of, 1852,	-	47
pay of, 1853,	-	66
additional pay to certain		
of,	-	83
appropriation to,	-	107
PEOPLE—registry of,	-	37
PITCHLYNN, P. P.—pay for certain services,	-	75
PROPERTY—certain things exempt seizure and sale,	-	77
PRISONERS—sick, physician employed, and how,	-	188
RESOLUTIONS—commissioners meet Chickasaws,	-	41
complimentary, Superin't teachers		
schools,	-	42
arrearages due by U. S. various		
treaties,	-	42
charges against Geo. Folsom,	-	46
appointment delegation to Chicka-		
saws, 1853,	-	51
delegation settle business U. S.	-	54
call convention,	-	58
appointment commissioners to meet		
Chickasaws, 1853,	-	59
respecting Boards Trustees Schools,	-	61
investment funds, treaty of 1830,	-	64
asking delegate in Congress,	-	65
territorial bill and railroads,	-	71
Choctaw claims against U. S.,	-	74
bounds Fort Arbuckle defined,	-	78
delegation to Washington, means,		
for forty youths at college, treaty		
1830,	-	79
Supt. Fort Coffee, and others to do.	-	81
meeting with Cherokees,	-	81
increase number jurors, certain		
cases,	-	82
amendment constitution,	-	82
additional pay to certain officers,	-	83
pay commissioners fixed, 1854,	-	86
removal John Johnston,	-	87

<b>RESOLUTIONS</b> —	approving report delegation,	-	90
	further directing delegation,	-	91
	agent to accompany delegation,	-	91
	time Election Judge, Auditors and Treasurers,	- - -	91
	ratifying and confirming treaty of 1855,	- - - -	91
	delegates elected to amend consti- tution,	- - - -	99
	agent to obtain certain informa- tion,	- - - -	100
	agent to ascertain number Choc- taws before emigration, 1831,	-	103
	repealing removal John Johnston,		104
<b>RELIGIOUS SERVICES</b> —	prevent disturbance,	-	72
<b>ROADS, PUBLIC</b> —	certain persons to work,	-	79
<b>RANGER</b> —	county treasurer to examine books,	-	185
	duties defined,	- - -	194
	fees of office,	- - -	195
<b>SCHOOLS, PUBLIC</b> —	trustees of,	- - -	60
	duties superintendents,	-	61
	prevent disturbances of,	-	72
<b>STEALING</b>	negroes, and other property, how pun- ished,	- - - -	89
<b>SUPERINTENDENTS</b>	public schools, to procure buildings at Fort Towson, for academy,	- - -	103
<b>SCHOOLS, neighborhood,</b>	appropriation to.	-	106
<b>SEAL of Nation,</b>	design, how procured,	- - -	110
<b>SECRETARY, Governors Private,</b>	when, how appoint- ed, and paid,	- - -	110
<b>SENATE</b> —	may advise and consent to remit forfeit- ures,	- - - -	112
<b>SECRETARY, National,</b>	duties defined,	-	113
	when certify vacancy county treasurer.		187
	to receive census returns,	-	213
	when certify vacancy sheriff,	-	213
	post up notices changes constitution.	-	215
<b>SHERIFF</b> —	to attend Supreme Court.	-	131
	collect cost clerk thereof,	-	132
	when adjourn Circuit Court,	-	141
	motions against, how heard,	-	142
	execute sentence criminal cases,	-	143
	draw Jurors special term,	-	143

<b>SHERIFF</b> —duties defined, . . . . .	150
execute Justice Peace warrants, . . . . .	173
attend Board Police, pay therefor. . . . .	180
when coroner to exercise duties of, . . . . .	192
when to summon constables. . . . .	202
fees of office, . . . . .	206
take census, and when, . . . . .	211
file copy census Probate office, . . . . .	214
<b>SEATS OF JUSTICE</b> —Boards Police to establish, . . . . .	182
<b>SERGEANT-AT-ARMS</b> —how elected, . . . . .	197
pay of, . . . . .	198
<b>SLAVES</b> —when offenders, how punished, . . . . .	204
<b>SENATORS</b> —classification of, . . . . .	221
<b>TREATY, 1855, U. S., Choctaws, Chickasaws,</b> . . . . .	27
“ ratifying and confirming same, . . . . .	91
“ directing distribution funds under, . . . . .	95
1830, ratifying act of Congress concerning	
14th article thereof, . . . . .	38
appropriating residue funds under twentieth	
article, to educational purposes, . . . . .	39
investment fund arising from, . . . . .	64
funds arising under, education forty youths,	
placed hands superintendents, trustees	
schools, . . . . .	65
expenses education youths under, . . . . .	79
<b>TREASURERS</b> —district, requiring bonds of, . . . . .	59
time of election of, . . . . .	91
<b>TRUSTEES</b> public schools, duties of, . . . . .	61
pay of, . . . . .	220
<b>TERRITORIAL</b> bill and railroads, concerning, . . . . .	71
<b>TRANSLATOR</b> —appointing, . . . . .	87
Joseph Dukes appointed, . . . . .	99
<b>TRADERS</b> licensed, tax to be assessed upon, . . . . .	101
<b>TREASURER, National, Governor to inspect office of,</b> . . . . .	111
embezzlement by, Governor how to	
proceed, . . . . .	111
countersign pay warrants, . . . . .	118
duties defined, . . . . .	121
to request opinion in writing, National	
Attorney, . . . . .	127
Justices Peace make annual returns to, . . . . .	174
when coroner’s fees paid out of, . . . . .	193
when to pay warrant of witnesses, . . . . .	199
to pay warrants taking census, . . . . .	213

<b>TREASURY,</b>	County, expenses prisoners for contempt	
	paid out of, - - -	- 158
	Guard of jails to be paid out of, -	- 158
	Seal for Probate Court paid out of, -	- 160
	books, &c., Probate Court, paid out of, -	- 164
	furnishing Probate office, paid out of, -	- 166
	what fines paid into, - - -	175, 181
	when coroner's fees paid out of, - -	- 193
<b>TREASURER,</b>	County, duties defined, - - -	- 184
	receive proceeds stray sales, - - -	- 196
<b>VACANCIES</b> —	how filled, - - - - -	209
<b>WITNESSES</b> —	not to attend Court, unless summoned, -	- 141
	to Justices Court, allowance therefor, -	- 174
	fine for failure to appear before cor- oner, - - - - -	- 189
	to attend General Council, how paid, -	- 198
<b>WRIT OF ERROR,</b>	when taken in criminal case, prisoner to remain in jail, -	- 158

## N O T E S .

---

*Non compos mentis*—‘not of sound mind.’

*Instante*—immediately; without delay.

*Tabular*—set down in tables; set in squares.

*Writ of error*—is a writ founded on an alleged error in judgment, which carries the suit to another Court for redress.

*Supersedeas*—is a writ or command to suspend the powers of an officer in certain cases, or to stay proceedings.

*Habeas corpus*—is a writ for delivering a person from false imprisonment, or for removing a person from one court to another.

*Certiorari*—is a writ issuing out of a superior court, to call up the records of an inferior court, or remove a cause there depending, that it may be tried in the superior court. This writ is obtained upon complaint of a party, that he has not received justice, or that he can not have an impartial trial in the inferior court.

*Ne exeat*—is a writ to prevent a person from going out of the Nation, without license.

*Crier*—the crier of a court is an officer whose duty is to open or adjourn the court, keep silence, &c.

*Oyer and terminer*—a court constituted to inquire, hear and determine all treasons, felonies, and misdemeanors.

*Mandamus*—is a writ issuing from some of the higher courts, directed to any person, corporation, or inferior court, requiring them to do some act therein specified, which appertains to their office and duty; as to admit or restore a person to an office or franchises, or to deliver papers, annex a seal to a paper, &c.

- Subpœna*—a writ commanding the attendance in court of the person on whom it is served, as witnesses, &c.
- Venire facias*—a writ directed to the sheriff, requiring him to summon twelve men, to try an issue between parties. It is also a writ in the nature of the summons to cause the party indicted on a penal statute to appear.
- Ex parte*—‘on one part’; as, *ex parte* evidence, that which is brought forward by one side only.
- Fieri facias*—a writ for one who has recovered a debt, damages or costs, commanding the sheriff to levy the same on the goods of him against whom the recovery was had.
- Surcharge*—to overload.
- Femmes covert*—married women.
- Ad litem*—Guardian to defend a minor sued.
- Affinity*—relationship by marriage.
- Consanguinity*—relationship by blood.
- Nisi*—a conditional judgment.
- Pro tempore*—for the time being.
- Tally*—to score with correspondent marks; to put down a mark for each vote cast.