

LAWS OF CHEROKEE NATION.

LUMBER LAW.

AN ACT prohibiting the sale and shipment of lumber or timber to a non-citizen of the United States.

Be it enacted by the National Council, That it shall be unlawful for any citizen of this Nation to saw and ship lumber beyond the limits of the Cherokee Nation, or to sell lumber or timber of any kind to any non-citizen, or citizens of the United States.

Be it further enacted, That every citizen of this Nation violating the provisions of this act, shall upon conviction, before the Circuit Court of the district wherein the offense shall have been committed, be fined in a sum not less than five hundred dollars nor more than five thousand dollars, or be imprisoned not less than one year, nor more than three years, and in default of payment, to be both imprisoned and fined.

Be it further enacted, That all laws or parts of laws conflicting with this act are hereby repealed.

Approved February 1, 1888:

J. B. MAYES,
Principal Chief.

GAMBLING LAW.

AN ACT amending Article XIX, Chapter 4, Revised Laws of the Cherokee Nation.

Be it enacted by the National Council, That Sec. 54, Article 19, Chapter 4, Revised Laws of the Cherokee Nation, be and the same is hereby so amended as to make it the duty of the Court having jurisdiction to imprison for any term not less than one nor exceeding six months, in all cases of conviction when the party convicted shall fail to pay the fine.

Be it further enacted, That Section 55, Article 10, Chapter 4 Revised Laws of the Cherokee Nation, be and the same is hereby so amended as to authorize and make it the duty of all Sheriffs, Town Constables, High Sheriffs, in accordance with Sec. 12, Art. 5, of the Constitution, to search all places known or suspected to be used as gambling resorts or places of gaming, and to seize and destroy all cards, dice, checks or other devices used for the purpose of gambling, or gaming, and to report

all parties offending to the Solicitor of the district for prosecution. Providing, that before any cards, dice, checks, or any other device used for the purpose of gaming, as aforesaid, are destroyed, the same shall be in a hearing before the Judge of the district, or the Mayor of the town in which such seizure is made, be condemned by such Judge or Mayor of such town as being cards, dice, checks or other devices of gaming, and in order to carry out the provisions of this act, the Judges of the several districts and the Mayors of the several towns of the Cherokee Nation are hereby authorized and required to call special sessions of the courts of which they are Judges, to be held upon information from the Sheriffs of the district or Constables of the town, that such a seizure has been made, and pass judgment in the matter, and when after a hearing has been had and the articles seized, condemned by the Judge or Mayor aforesaid, it shall be the duty of the Sheriff, High Sheriff or Town Constable to destroy the same.

Be it further enacted, That Section 55, Article 19, Chapter 4, Revised Laws of the Cherokee Nation, be and the same is hereby so amended as to authorize and require the Court having jurisdiction to imprison for any term not less than six months, nor exceeding one year in all cases of conviction where the party convicted shall fail to pay the fine, or by both fine and imprisonment, at the discretion of the Court having jurisdiction.

Approved February 4, 1888:

J. B. MAYES,
Principal Chief.

GRAND JURY LAW.

AN ACT providing for Special Sessions of the Grand Jury.

Be it enacted by the National Council, That Section 77, Page 107, Article 6, Chapter III, Compiled Laws, be so amended as to read as follows, to-wit: "Whenever information of the commission of any felony within his District, shall come to the knowledge of any Solicitor at any time between the regular sessions of the Grand Jury, and the due execution of the law, shall in his opinion, make it unsafe to await for their action at the regular sessions of

the Grand Jury, but shall require an immediate investigation of the facts in the case, with the view to prevent the escape from justice of any person strongly suspected or to ascertain and fix the crime upon the guilty party, he shall be required to obtain summons from the District Clerk, commanding the Sheriff to summon the Grand Jury of the Court, already authorized and empowered by law to take jurisdiction of such crimes, to meet at the Court-house in his District at as early a day as possible, to be fixed by the Solicitor, for the purpose of an immediate investigation of such charges as the Solicitor may prefer against any party before them; also the said Solicitor will obtain summons for witnesses as in other cases, made and provided for. Provided, That the Solicitors shall not require the Grand Jury as provided for in this section, to remain in session in the investigation of any one case more than five days."

Be it further enacted, That all laws or parts of laws, providing for the filing of an indictment by the Solicitor before the Clerks of the districts in cases of felonies are hereby repealed.

Approved Nov. 10, 1888:

J. B. MAYES,
Principal Chief.

FISH LAW.

AN ACT to prevent the destruction of fish in the various lakes, ponds or streams of water in the Cherokee Nation.

Be it enacted by the National Council, That it shall be unlawful for any person or persons, citizens of the Cherokee Nation, to use in fishing giant powder dynamite of any kind that will be the destruction of fish.

Be it further enacted, That any and all persons, citizens of the Cherokee Nation, found violating the provisions of this act shall be deemed guilty of a misdemeanor and be subject to a fine of not less than fifty dollars, nor more than one hundred dollars, and in default of payment of such fine be imprisoned for any term not less than six month nor more than one year at the discretion of the Court having jurisdiction.

Be it further enacted, That twenty-five per cent. of all fines

so collected shall be paid to the person reporting the same, and twenty-five per cent. to the Solicitor, and the remainder be turned over to the Treasurer of the Cherokee Nation for the benefit of the general fund.

Passed the House Nov. 10, 1888.

Robert Meigs,
Speaker of Council.

R. B. Choate,
Clerk of Council.

Concurred in by the Senate with the following amendment: And in all cases where more than one person is engaged in fishing with dynamite or giant powder or other things herein forbidden, and one is not a citizen of the Cherokee Nation, or not subject to the jurisdiction thereof the citizen or citizens engaged shall be deemed and held as principals: Provided farther, That any non-citizen violating the provisions of this act, shall, upon a sworn statement of the facts presented to the Principal Chief, be reported to the Agent, and his removal demanded, as an intruder, and the Clerk of the district is hereby directed to revoke his permit, and no permit shall afterward be issued to any citizen to employ such person.

Lacy Hawkins
President of Senate.

M. Daniel,
Clerk of Senate.

Senate amendment concurred in November 19, 1888.

Robert Meigs,
Speaker of Council.

R. B. Choate,
Clerk of Council.

Approved Nov. 19, 1888:
J. B. MAYES,
Principal Chief.

AN ACT to amend Sec. 154, Art. XIX, Chapter III, Compiled Laws.

Be it enacted by the National Council, That Section 154, Art. XIX, Chapter III be and the same is hereby amended, so that before any writ of ejectment shall issue the District Clerk, shall be required when application is made for a writ of ejectment to notify the person of whom complaint is made and give him at least ten days to show cause if any why the writ should not issue and the District Clerk is hereby authorized to determine and be compe-

tent to decide whether a writ shall issue with justice to both parties, and in compliance with the laws the Cherokee Nation.

Be it further enacted, That all laws and parts of laws conflicting with this act, are hereby repealed.

Passed the Senate Dec. 3rd, 1889.

L. B. BELL,
President of Senate.

A. H. NORWOOD,
Clerk of Senate.

Concurred in by Council Dec. 4th 1889.

WM. H. BARKER,
Speaker of Council.

WM. P. THOMPSON,
Clerk of Council.

Approved Dec. 7th 1889.

J. B. MAYES,
Principal Chief.

AN ACT Amending Section sixty-five, Article fourteen, Chapter twelve of the revised laws.

Be it enacted by the National Council, That Section sixty-five, Article fourteen, Chapter (12) of the Revised Laws be and are hereby amended so that it shall read in the first paragraph in said section after the word "to-wit" I do solemnly swear, (or affirm) that I am a citizen of the United States, and that I have never made application before any commissioner or courts of the Cherokee Nation for citizenship in said Nation. That it is not on account of any criminal offense against the laws of the same, that I have come to seek employment in the Cherokee Nation. That within ten days after the expiration of my permit, unless the same shall be renewed, I will remove without the limits of this Nation.

Passed the Senate Dec. 3rd 1889.

L. B. BELL,
President of Senate.

A. H. NORWOOD,
Clerk of Senate.

Concurred in by the Council Dec. 3rd 1889.

WM. H. BARKER,
Speaker of Council.

WM. P. THOMPSON,
Clerk of Council.

Approved Dec. 3rd 1889.

J. B. MAYES,
Principal Chief.

AN ACT for the protection of the Public Domain.

Be it enacted by the National

Council, That all persons non-citizens under permit in the Cherokee Nation shall be prohibited from cutting, hauling or transporting any timber or wood from the public domain or otherwise for the purpose of traffic or speculation All persons residents as aforesaid under permit, who shall violate the provisions of this act, shall be immediately reported to the United States Agent, and the Clerk of the District wherein the offense is committed and hereby required to revoke the permit of parties so offending, upon information from the Sheriff or Solicitor, or from any citizen whose lawful limits may have been trespassed upon, made on oath.

Passed the Senate Feb. 6th '88.

LACY HAWKINS,
President of Senate.

M. DANIEL,
Clerk of Senate.

Concurred in by the House this Feb. 7th 1888.

ROBERT MEIGS,
Speaker of Council.

R. B. CHOATE,
Clerk of Council.

The foregoing became a law under Sec. 14th, Art. IV of the constitution without the Chief's signature.

HAY LAW.

AN ACT to protect the Public Domain and for the purpose of Revenue.

Be it enacted by the National Council, That from and after the passage of this Act it shall be unlawful for any person, a citizen of this Nation, to sell or ship prairie hay beyond the geographical limits of the Cherokee Nation or to any person not a citizen of this Nation except as hereinafter provided: Provided, That nothing in this Act shall prevent the selling in small quantities of not more than one wagon load to persons under a permit or persons traveling through the country.

Be it further enacted, That any citizen desiring to sell or ship prairie hay shall, before doing so, procure from the district clerk a permit for that purpose wherein he proposes to sell or ship, and make sworn monthly reports to the District Clerk of all the prairie hay so sold or shipped, and pay to the District Clerk ten cents per ton for all hay so sold or shipped and the District Clerk is hereby authorized and directed to issue

permits as herebefore provided and to receive and turn over to the Treasurer all funds so received for the benefit of the school fund.

Be it further enacted, That any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and fined in any sum not less than five hundred nor more than one thousand dollars, and in default of payment be imprisoned in the National prison ~~not less than six nor more than twelve months~~, or be both fined and imprisoned at the discretion of the Court; provided, no one shall be allowed to cut hay within one quarter of a mile of the legal improvements of any other citizen without his or her consent.

Be it further enacted, That all laws and parts of laws heretofore enacted and conflicting with this Act are hereby repealed.

Passed the House Nov. 18, 1889:

Wm. Barker,
Speaker of Council.

Wm. P. Thompson,
Clerk of Council.

Concurred in by the following amendments, viz: That nothing herein shall be so construed as to prevent the sale and shipment of hay already cut. Provided, That the citizen selling or shipping be subjected to the same conditions, privileges and restrictions hereinbefore provided, and after (the) words "District Clerk" erase the word "ten" and insert the word "twenty" so as to read "twenty cents per ton" instead of "ten cents."

November 29, 1889:

L. B. Bell,
President of Senate.

A. H. Norwood,
Clerk of Senate.

Amendment concurred in by the Council November 29, 1889.

Wm. H. Barker,
Speaker of Council.

Wm. P. Thompson,
Clerk of Council.

Approved December 2, 1889:
J. B. MAYES,

Principal Chief.

STOCK LAW.

AN ACT establishing quarantine regulations against foreign and Southern cattle, and to prevent smuggling of cattle into the

Cherokee Nation and other purposes.

Sec. 1. Be it enacted by the National Council, That from and after the publication of this act for ninety (90) days as provided for by the treaty, it shall be unlawful for any person, a citizen of this Nation, to introduce, or to invite into the Cherokee Nation, cattle of any kind, at any time between the 28th day of February and the 30th ~~day of November of each~~ year; provided, that this act shall not be construed as prohibiting the transportation of cattle through the Cherokee Nation on the railroads.

Sec. 2. Be it further enacted, That any citizen of this Nation, who may violate the first section of this act, shall be guilty of a misdemeanor, and upon conviction of the same in the Circuit courts of this Nation, and district wherein the offense shall have been committed, shall be fined in any sum not less than \$1,000.00 nor exceeding \$10,000.00 and in default of payment of such fine be imprisoned, in the National Jail in any term, not less than one (1) year nor exceeding three (3) years at the discretion of the court.

Sec. 3. Be it further enacted, That any citizen or citizens of this Nation, who may be damaged in any manner by a violation of this act shall have the right to have such cattle causing the damage, attached, or require bond from the owner double the amount of such damage, and to sue the owner of cattle for double the amount of damages in the Circuit or District court as required by law, such bond required in this Section to be taken by the Sheriff as in other cases.

Sec. 4. Be it further enacted, That any citizen introducing cattle under the provisions of this act, shall within ten (10) days after introduction of such cattle be required to record the Bill of Sale of cattle, with marks and brands in the Clerk's office of the District where such cattle are located any officer, or citizen of this Nation detecting any such foreign or Southern cattle bearing unregistered marks and brands shall take said cattle, and hold (herd if necessary) said cattle to be by the Sheriff advertised for fifteen days and sold at public sale for the benefit of the school fund, the proceeds to be turned over to the Treasury, by the Sheriff after de-

termining Sheriff's fees, and all guard or herders and board to be paid out of the proceeds of the sale, the same as in other cases.

Sec. 5. Be it further enacted, That any citizen proven guilty before the District court of claiming, or holding cattle in any manner whatever in the Nation, belonging to any person not a citizen of this Nation shall be deemed guilty of a misdemeanor and on conviction in the district where the offense has been committed, shall be punished by imprisonment, not less than one year, nor exceeding three years in the National Jail.

Sec. 6. Be it further enacted, That any person introducing cattle into the Cherokee Nation, according to the first section of this act, is hereby forbidden the use of non-citizen herders, whatever of such cattle on the range. This section not to be construed as preventing farm hands or renters from feeding native cattle on the farm, and for such farmer having such non-citizens employed, and any person, citizen of this Nation, violating this section shall be fined from one to three hundred dollars and in case of default of payment, be imprisoned from one to three years in the National Jail at the discretion of the court having jurisdiction, and all laws conflicting with this act are hereby repealed.

Approved Dec. 6, 1888:

J. B. MAYES,
Principal Chief.

LAW REGULATING TESTIMONY IN CIVIL SUITS.

AN ACT amending Section 94, of Article 7, of Chapter 3, Compiled Laws of the Cherokee Nation.

Be it enacted by the National Council, That Section 94, Chapter 3, of the Compiled Laws, be and the same is hereby so amended that no person shall be excluded in the trial of civil suits from testifying in the same, in any of the courts of this Nation.

Approved Nov. 28, 1888:

J. B. MAYES,
Principal Chief.

EXECUTIVE DEPARTMENT, C. N.,
May 19, 1890.—I hereby certify that the above and foregoing are true copies of the original laws on file in the Executive Department of the Cherokee Nation.

HENRY EIFFERT,
Ass't. Executive Secretary.

