

*Cherokee nation laws 1839-1867*

# L A W S

OF THE

*541*  
*367*

# ✓ C H E R O K E E N A T I O N, +

P A S S E D

DURING THE YEARS 1839-1867,

COMPILED BY AUTHORITY OF

THE NATIONAL COUNCIL.



ST. LOUIS:

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1868.

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# AN ACT

## AUTHORIZING THE COMPILING OF THE LAWS OF THE CHEROKEE NATION.

*Be it enacted by the National Council,* That the Principal Chief be and he is hereby authorized to appoint a competent person, whose duty it shall be to collect and compile the laws of the Cherokee Nation, now in force. It shall be his duty to classify and arrange, under appropriate heads, all enactments pertaining to a particular subject; embrace in one act, as far as practicable, the original act and amendments thereto, and omit all acts that have been repealed by legislation or treaty, or become inoperative by ceasing to be applicable to existing affairs; prepare an index to the same, and present the work done by him in a compact form to the Principal Chief, on or before the first Monday in November, 1867, to be by him laid before the National Council at its next annual session for their action.

*Be it further enacted,* That for his services, the person so appointed shall be entitled to a compensation of three dollars per day while actually employed.

TAHLEQUAH, November 12, 1866.

Approved.

W. P. ROSS,  
*Principal Chief.*



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# FELONIES.

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## AN ACT

### AGAINST SALE OF LAND, ETC.

WHEREAS, The peace and prosperity of Indian nations are frequently sacrificed or placed in jeopardy by the unrestrained cupidity of their own individual citizens; *and whereas*, we ourselves are liable to suffer from the same cause, and be subjected to future removal and disturbances; therefore,

*Be it enacted by the National Council,* <sup>1</sup> “That any person or persons, citizens of this Nation, who shall attempt to subvert the government of this Nation, by resisting the enforcement or conspiring to put down the Constitution and laws as prescribed by legislative enactment, he or they so offending shall, upon conviction before any legally constituted court of this Nation, suffer death by hanging.”

*Be it further enacted,* That any person or persons who shall, contrary to the will and consent of the Legislative Council of this Nation, in general council convened, enter into a treaty with any Commissioner or Commissioners of the United States, or any officer or officers instructed for the purpose, and agree to cede, exchange, or dispose in any way any part or portion of the lands belonging to or claimed by the Cherokees, west of the Mississippi, he or they so offending, upon conviction before any judge of the Circuit or Supreme Courts, *shall suffer death*, and any of the aforesaid judges are authorized to call a court for the trial of any person or persons so transgressing.

*Be it further enacted,* That any person or persons who shall violate the provisions of the second section of this act, and shall resist or refuse to appear at the place designated for trial, or abscond, are hereby declared to be outlaws; and any person or persons, citizens of this Nation, may kill him or them so offending

at any time and in any manner most convenient, within the limits of this Nation, and shall not be held accountable to the laws for the same.

*Be it further enacted,* That if any person or persons of this Nation shall, as aforesaid, enter into a treaty with a State Government, or the United States Government, for any object whatever, other than a cession or exchange of land, he or they, upon conviction before any legally constituted court of this Nation, shall receive one hundred lashes on the bare back.

*Be it further enacted,* That no treaty shall be binding upon this Nation which shall not be ratified by the General Council, and approved by the Principal Chief of the Nation.

December 2, 1842.

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## AN ACT

TO ENABLE THE PRINCIPAL CHIEF MORE EFFECTUALLY TO  
HAVE THE LAWS FAITHFULLY EXECUTED.

*Be it enacted by the National Council,* That where two or more persons shall combine to violate the laws of this Nation, they shall be deemed guilty of a high criminal offense, and shall, on conviction, suffer death by hanging.

*Be it further enacted,* That the Principal Chief be and he is hereby empowered, upon the perpetration or attempt to perpetrate any act against the peace and dignity of this Nation, by two or more persons conspiring or combining for such purpose in any district, and he shall have good cause to believe that the sheriff of such district is unable to maintain the supremacy of the law, or to suppress or resist such combination, to call upon the sheriffs of any of the adjoining districts to aid, with such civil force as may be thought necessary under the circumstances.

*Be it further enacted,* That all aiders and abettors in the perpetration of any deed forbidden by this act, shall also be deemed guilty of a high criminal offense, and be subject to the same penalty, upon conviction, as the principals.

*Be it further enacted,* That if, in the suppression of any combination or conspiracy before named, the persons there engaged

should offer resistance to the proper officers while in the exercise of their duties, and such person or persons so resisting shall be killed, such killing shall not be deemed murder.

*Be it further enacted*, That if any sheriff or other officer shall kill any prisoner, except when such prisoner may offer resistance, or while attempting to escape, such sheriff or other officer shall be subject to trial for murder, and, on conviction, shall suffer death by hanging.

TAHLEQUAH, November 5, 1853.

Approved.

JOHN ROSS.

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## AN ACT

### FOR THE PUNISHMENT OF CRIMINAL OFFENSES.

*Be it enacted by the National Council*, That in all cases of willful murder, the offender, upon trial and conviction by the authorized courts of this Nation, shall suffer death by hanging; and when sentence of death shall have been passed, the courts shall grant a respite of five days before such criminal may be executed; but if the court, with the citizens generally of that section, shall deem it proper, they may petition the Principal Chief to pardon such convicted criminal, who may, if the reasons as set forth at large seem to warrant, grant an additional respite for a given number of days, until he can assemble the Assistant Chief and Executive Council, who shall duly consider said petitions, with the circumstances and evidence given on trial, and decide by ordering his release and acquittal or execution. <sup>2</sup> “And in all cases where a criminal under sentence of death shall escape before the day of execution, and afterwards be apprehended, he shall be delivered to the sheriff of the district where the trial was had, and after two days from the time of his delivery the sheriff shall proceed to execute the sentence of death.”

SEC. 2. *Be it further enacted*, <sup>3</sup> “That all killing of a human being, in the peace of the Cherokee Nation, shall be deemed ‘willful murder;’ except the same be done by accident, in self-defense, or by a lawful officer, who may be forced to do so in attempting to carry out the laws of the Nation.”

SEC. 3. *Be it further enacted*, That any person who shall, with malice aforethought, assault another with intent to kill, shall, upon conviction thereof, be fined in a sum, for the benefit of the party injured, not less than ten nor exceeding one thousand dollars, at the discretion of the court, with the costs of suit.

SEC. 4. *Be it further enacted*, That upon trial and conviction of any person charged with the offense of having committed a rape on any female, he shall be punished with one hundred lashes on the bare back.

SEC. 5. *Be it further enacted*, That any female who shall be found guilty of having committed infanticide, or being accessory thereto, shall, upon conviction thereof, be punished with not less than twenty-five nor exceeding fifty lashes.

SEC. 6. *Be it further enacted*, <sup>4</sup> “That it shall be the duty of the sheriffs of this Nation to place as guard over all prisoners that may be placed in their charge, good and responsible men, whose duty it shall be to guard such persons with strict vigilance, and to use every means in their power, consistent with justice, to keep them safe and secure. Each guard, before entering upon duty, shall have administered to him, by the sheriff, the following oath: ‘You do solemnly swear that, as guard over the prisoner now placed in your charge, you will discharge your duty faithfully, according to law, and that you will use every reasonable means in your power to keep him safe in custody.’”

*Be it further enacted*, That should any guard, through neglect or want of proper care, permit prisoners to make their escape, each one of such guard shall, on conviction thereof before the proper court, forfeit his wages as such to the Nation.

*Be it further enacted*, That before the sheriffs turn their prisoners over to the guard, they shall first have the said prisoners handcuffed and securely chained.

SEC. 7. *Be it further enacted*, <sup>5</sup> “That any citizen or citizens of the Cherokee Nation be and they are hereby authorized to arrest and deliver to the sheriffs any person or persons who may be charged with criminal offenses.”

September 19, 1839.

## AN ACT

AUTHORIZING THE PRINCIPAL CHIEF, IN CASE OF MURDER, AND THE OFFENDER ESCAPING BEYOND THE JURISDICTION OF THE NATION, TO OFFER A REWARD.

*Be it enacted by the National Council,* That if any person or persons, who shall be guilty of having committed murder within the limits of this Nation, shall escape beyond its jurisdiction, the Principal Chief be and he is hereby authorized to offer a reward, not exceeding five hundred dollars, for the apprehension and delivery of such person or persons to the proper authorities of this Nation, and any such reward so offered shall be payable out of the National funds.

TAHLEQUAH, January 10, 1844.

Approved.

JOHN ROSS.

## AN ACT

FOR THE PUNISHMENT OF THEFTS AND OTHER CRIMES.

*Be it enacted by the National Council,* That any person who shall be convicted of stealing a horse, mule, jack, or jenny, shall be punished by not less than <sup>6</sup> "one hundred lashes" on the bare back, and be compelled to make payment to the amount of damages or injury sustained, if such stolen property be not restored, for the benefit of the party so injured. <sup>7</sup> "And any person who shall be found the second time guilty of stealing a horse, mule, jack, or jenny, before any of the courts of the Cherokee Nation having jurisdiction of the offense, shall suffer death by hanging." For all other property which may be stolen, upon conviction of the party so offending, the punishment shall be in stripes on the bare back in proportion to the magnitude of the offense, at the discretion of the court, and judgment against the offender for damages to the party injured.

SEC. 2. *Be it further enacted,* <sup>8</sup> "That if any person or persons shall maliciously set fire to and burn the dwelling house of another, such person or persons so offending, on conviction thereof by the courts having jurisdiction of the same, shall suffer

death by hanging." And if any person shall willfully and maliciously burn other buildings, the property of another, or otherwise kill or destroy the property of any person, for the purpose of injuring or gratifying a spirit of revenge, such offender, upon conviction, shall be punished by not less than thirty-nine nor more than one hundred stripes on the bare back, and be required to satisfy all damages sustained by the party injured; and if said party requires it, the court shall cause such offender to give bond, with surety for good behavior for the next twelve months.

SEC. 3. *Be it further enacted*, <sup>9</sup> "That if any person or persons who shall maliciously set fire to and burn, or destroy in any other manner, any school-house, church, or any public building, on conviction thereof by any court having jurisdiction of the offense, shall be punished with one hundred lashes on the bare back, and taxed with damage and cost of suit; and no property shall be exempted from sale to satisfy such damage and cost. And it shall be the duty of the solicitors to institute and prosecute suits against any person or persons charged with burning any public building."

SEC. 4. *Be it further enacted*, That any person who shall employ another, or aid or abet in the perpetration of any criminal offense, upon conviction thereof, such person or persons shall suffer such punishment as may be inflicted upon the principal offender, and be likewise subject to the same judgment for damages.

SEC. 5. *Be it further enacted*, <sup>10</sup> "That it is hereby made the duty of each and every citizen of this Nation to arrest forthwith all persons of a suspicious character as to the crime of horse stealing, as defined in the first section of this act, and turn said persons over to the sheriff of their respective districts."

SEC. 6. *Be it further enacted*, <sup>11</sup> "That in all cases where any person or persons may be charged with crimes not involving the penalty of death under the laws of this Nation, it shall be the duty of the sheriff in whose district such person may be so charged, to summon a guard of two persons to assist him, and to arrest said person, and to guard the same until tried by the court, or otherwise disposed of; and where two persons are so charged, the said sheriff shall summon four persons; and so in the same proportion where more persons may be charged with such crimes as aforesaid."

*Be it further enacted,* <sup>12</sup> "That it shall be lawful for the sheriffs to proceed, by virtue of an execution, and levy on the property of any person who shall be convicted in any of the courts of this Nation of theft or other crime involving damages, to the amount of damages assessed and cost of suit. The amount of damages so collected shall be for the benefit of the party injured; and no property shall be exempted from satisfying the same."

September 19, 1839.

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AN ACT  
TO PUNISH ROBBERY.

*Be it enacted by the National Council,* That any person who shall be guilty of robbery, or shall by unlawful force deprive another of his property, money, or effects, such person, upon conviction before any of the courts, shall be punished with not less than thirty-nine nor exceeding one hundred lashes, and be fined in a sum double the amount of damages sustained by the person injured, for the benefit of the person injured; and if any person shall attempt to rob by shooting at or assaulting another with any dangerous weapon, such person, upon conviction, shall be subject to such corporeal punishment as the court shall deem proper, not exceeding one hundred lashes.

But if any person shall rob, or by unlawful force seize upon the property or effects of another, and shall, in so doing, wound or put in jeopardy the life of such other person by dangerous weapons, such person so offending shall, upon conviction thereof, suffer death.

November 11, 1840.

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AN ACT  
FOR THE PUNISHMENT OF HARBORING CRIMINALS, AND FOR  
OTHER CRIMES.

*Be it enacted by the National Council,* That if any person or citizen of the Cherokee Nation shall harbor or conceal any person or persons charged with murder, robbery or conspiracy, or assist or afford any facility in the escape of any criminal offender from arrest, shall, upon conviction before any of the legal courts of this

Nation, be subject to such corporeal punishment as the court may deem proper, according to the magnitude of the offense, which shall not be less than thirty-nine lashes on the bare back; but when the charge is for a capital offense, the penalty shall be one hundred lashes on the bare back, and the costs of suit shall be collected off the person so convicted.

SEC. 2. *Be it further enacted*, That if any person or persons shall attempt to rescue a criminal from arrest, or afford any means for his escape before lawful liberation, he shall be subject to trial as being accessory to the crime of the offender, and punished according to the mode of punishment prescribed by law.

October 12, 1843.

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## AN ACT

### PUNISHING COUNTERFEITING.

*Be it enacted by the National Council*, That should any person or persons alter or counterfeit any certificate, due bill, warrant, or any note of hand, and be convicted before any of the courts, he, she, or they shall be punished with not less than thirty-nine lashes, and not more than one hundred lashes on the bare back, at the discretion of the court.

November 28, 1843.

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## AN ACT

### AGAINST FALSE SWEARING.

*Be it enacted by the National Council*, <sup>13</sup> "That should any person be found guilty of false swearing before or in any of the courts of this Nation, and undoubted or credible testimony being made against any person or persons charged with such offense in any of the courts of this Nation, he, she, or they so offending shall, upon conviction, receive thirty-nine lashes on the bare back, and be deprived of holding any appointment of honor, trust, or profit

under the Government of this Nation, and debarred forever afterwards from giving testimony in any of the courts of this Nation.”

*Be it further enacted*, That it shall require four respectable witnesses to convict any person or citizen of this Nation of perjury before any courts where he, she, or they may be brought for trial.

*Be it further enacted*, That it shall be the duty of the judge before whom such person or persons have been convicted, to issue public notices to the several districts, giving the name and residence or some identity of the person so convicted, and also to enter it on the records of the court.

*Be it further enacted*, That when a person has a suit in court, and is cast in consequence of one or more of the witnesses giving false testimony, such person or persons so cast shall, upon conviction of such witnesses before any court of the district where such persons may be resident, according to the provisions of the above act, he, she, or they so injured shall have the benefit of a new trial before the court where such case may have been decided.

November 28, 1842.

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## AN ACT

### PROHIBITING THE RESCUE OF PROPERTY UNDER EXECUTION.

*Be it enacted by the National Council*, That in all cases where any of the officers shall levy on the property of any person, by virtue of an execution, it shall be unlawful for any person or persons, under any pretext whatever, to rescue by violent means any property so levied from any officer; and should any person or persons be found guilty of having so offended, before any of the courts having jurisdiction of the same, such person or persons shall be subjected to the same fines and penalty as imposed for a violation of the act of November 11th, 1840, entitled “An act to punish robbery.”

TAHLEQUAH, October 15, 1853.

Approved.

JOHN ROSS.

## AN ACT

## TO PREVENT AMALGAMATION WITH COLORED PERSONS.

*Be it enacted by the National Council,* That intermarriage shall not be lawful between a free male or female citizen with any person of color, and the same is hereby prohibited, under the penalty of such corporeal punishment as the courts may deem it necessary and proper to inflict, and which shall not exceed fifty stripes for every such offense.

TAHLEQUAH, September 19, 1839.

Approved.

JOHN ROSS.

# MISDEMEANORS.

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## AN ACT

### DEFINING AND PUNISHING BRIBERY.

*Be it enacted by the National Council,* That it shall not be lawful for any judge, juror, guard, witness, or solicitor, to ask, take, or receive any fee, reward, or present, as compensation or in consideration for any service or influence rendered, or to be rendered, in defeating, obstructing, or perverting the ends of justice; nor for any member of the legislative or executive departments of this government to ask, take, or receive any reward, fee, or present, as compensation or in consideration for any services rendered, or to be rendered, or procuring or attempting to procure the passage through the National Council, or the approval by the Principal Chief, of any claim, pecuniary demand, or personal benefit from this Nation; and any person so doing shall be deemed guilty of bribery, and shall, upon conviction, be fined for each and every such offense, not less than fifty nor more than five hundred dollars, at the discretion of the court, and be subject to removal by impeachment or expulsion from office.

TAHLEQUAH, October 30, 1855.

Approved.

JOHN ROSS.

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## AN ACT

### PROHIBITING BETTING ON ELECTIONS.

*Be it enacted by the National Council,* That all betting on elections held in this Nation is declared to be unlawful, and any person or persons who shall be found guilty of violating the provision of this act, before any legally constituted court, shall, for

each and every such offense, be fined at the discretion of the court, in a sum not less than fifty nor more than five hundred dollars; one-half of such fine shall be for the benefit of the informer, and the other half to be paid into the National treasury.

TAHLEQUAH, November 1, 1844.

Approved.

JOHN ROSS.

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## AN ACT

### RESTRICTING THE SALE AND LEASE OF REAL ESTATE TO CITIZENS.

*Be it enacted by the National Council,* That it shall not be lawful for any citizen of this Nation to rent or to sell any farm, or any other improvements in this Nation, to any white man not entitled to Cherokee privileges; and any person who may be convicted of a violation of this act shall be fined in a sum not less than fifty nor exceeding five hundred dollars, at the discretion of the court having jurisdiction of the case; one-fourth of such fine shall go to the solicitor, one-fourth to the sheriff of the district wherein it may be collected, and the remaining half shall go to the National treasury.

*Be it further enacted,* That the several solicitors of this Nation be required to collect all fines arising under this act, and to distribute the same to the proper officers.

*Be it further enacted,* That all improvements disposed of contrary to the provisions of this act shall be held responsible for the payment of all fines due under the same; and which improvement shall be advertised and sold, after thirty days' public notice, to the highest bidder, citizens of this Nation, for the payment of such fines, by the respective sheriffs of this Nation, and all other laws, so far as they may conflict with this act, are hereby repealed.

*Be it further enacted,* That this act shall not be so construed as to prevent citizens of this Nation from renting houses to useful mechanics, for the purpose of working at their trade, or to merchants trading among us, according to our relations with the United States Government.

TAHLEQUAH, C. N., November 3, 1859.

Approved.

JOHN ROSS.

## AN ACT

## CREATING CERTAIN MISDEMEANORS.

*Be it enacted by the National Council,* That it shall not be lawful hereafter for any person or persons to cut down a pecan tree, unless for timber, or any other tree or trees uselessly; and any person who shall do so shall be liable to pay a fine of ten dollars for every such offense, one-half for the benefit of the informer, and the other half to be paid into the National treasury.

*Be it further enacted,* That it shall be unlawful for any person or persons to sell to citizens of the United States any timber, rails, boards, or stone, under the penalty of being liable to a fine in a sum of not less than fifty nor exceeding two hundred dollars for every such offense, at the discretion of the court, for the benefit of the Cherokee Nation: *Provided,* that this act shall not be so construed as prohibiting any person or persons from selling cord-wood to steamboats.

*Be it further enacted,* That it shall be unlawful for any person or persons to set the woods on fire, from the fifteenth of October to the first of March in each year; and should any person or persons be convicted, before any of the courts, of violating this act, he or they shall be liable to be fined in a sum of ten dollars, one-half for the benefit of the informer, and the other half to be paid into the National treasury.

October 13, 1841.

## AN ACT

## RELATIVE TO SLANDER.

*Be it enacted by the National Council,* That it shall not be lawful for any person or persons to charge another falsely or disgracefully with any act to the injury of their reputation, to-wit: murder, or being accessory thereto, robbery, theft, counterfeiting, or in any manner slandering, for the purpose as above specified.

*Be it further enacted,* That when any person or persons are found guilty of violating the provisions of this act, in any manner whatever, he or they shall, upon conviction before any of the courts

having jurisdiction of the case, be fined in a sum not less than five nor exceeding five hundred dollars, at the discretion of the court; such fine, when obtained, shall go to the party injured, and the costs of suit shall be paid by the party convicted.

TAHLEQUAH, November 23, 1842.

Approved.

JOHN ROSS.

## AN ACT

### FOR THE PROTECTION OF PUBLIC SCHOOL TEACHERS.

*Be it enacted by the National Council,* That any person or persons who may be guilty of willfully and maliciously assaulting and violently maltreating any of the public school teachers of this Nation, shall be fined in a sum of not less than one nor exceeding five hundred dollars and costs of suit.

*Be it further enacted,* That should any person or persons be guilty of interrupting any public teacher, as aforesaid, whilst engaged in school, by using violent threats, or other improper and unbecoming language, shall be fined for each and every such offense in a sum not less than fifty dollars and costs of suit; and no property shall be exempt from sale to satisfy such fines and cost, and all such fines, when collected, to be for the benefit of the injured person.

*Be it further enacted,* That the directors of the public schools be, and they are hereby authorized, to prosecute such cases as is forbidden by the foregoing act.

TAHLEQUAH, October 27, 1848.

Approved.

GEO. LOWERY, *Acting Chief.*

## AN ACT

### FOR THE PROTECTION OF PUBLIC SCHOOL HOUSES AND FURNITURE.

*Be it enacted by the National Council,* That if any person or persons shall be convicted of willfully and maliciously destroying the books or furniture pertaining to a public school house or seminary, or of otherwise injuring a public school house or seminary

building, he, she, or they so convicted, shall be responsible for all damages, and fined in a sum not less than ten nor more than one hundred dollars, at the discretion of the court.

*Be it further enacted*, That the solicitors are hereby directed to prosecute all such offenses.

TAHLEQUAH, October 24, 1853.

Approved.

JOHN ROSS.

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## AN ACT

RESPECTING PERSONS WHO MAY BE SUMMONED BY AN OFFICER.

*Be it enacted by the National Council*, <sup>1</sup>“ That any person or persons who may be summoned to appear before any of the courts to give testimony, and shall refuse or fail to attend, unless on account of sickness or other lawful excuse, he, she, or they shall be fined in a sum not less than five nor more than one thousand dollars, at the discretion of the court; and any person who may be summoned by an officer to aid in the arrest of any criminal, and shall refuse, unless it shall be on account of sickness or other lawful excuse, shall be fined fifty dollars.

“*Be it further enacted*, That any person who may be summoned to assist in arresting criminals shall be entitled to one dollar and fifty cents per day for his services, out of the National treasury; and all persons summoned to give testimony in any of the courts shall be entitled each to one dollar per day during their attendance at court, including going and returning home, to be paid by the person or persons against whom judgment may be rendered.

“*Be it further enacted*, That any person who shall be summoned to serve as juror, and fails or refuses to attend court, unless on account of sickness or other lawful excuse, shall be fined twenty-five dollars.”

Any fine which may be collected under this act shall be paid into the National treasury.

*Be it further enacted*, That each of the judges and clerks of the several courts are hereby authorized to administer oaths.

October 4, 1839.

## AN ACT

## FOR THE PROTECTION OF RELIGIOUS ASSEMBLIES.

*Be it enacted by the National Council,* That it shall not be lawful for any person or persons, by word or deed, willfully to annoy or in any manner disturb or cause the disturbance of any assembly, meeting, or congregation, met for the purpose of religious worship; and any person so offending shall be liable to be tried before any of the courts of this Nation having jurisdiction, and, if convicted, to be fined in a sum not less than five dollars nor more than one hundred dollars, at the discretion of the court; one-third of such fine shall go to the solicitor, and the remaining two-thirds shall be paid into the National treasury. And the solicitors are hereby required to prosecute all offenses in violation of this act which may be committed within their respective districts.

*Be it further enacted,* That whenever the sheriff shall deem it necessary for the peace and security of public religious meetings, he may summon a guard for the protection of the same, of not less than two nor more than five persons, who shall receive, while in actual service, the same compensation from the National treasury as guards in other cases provided.

TAHLEQUAH, November 12, 1858.

Approved.

JOHN ROSS.

## AN ACT

PROHIBITING THE INTRODUCTION AND VENDING OF SPIRIT-  
OUS LIQUORS.

*Be it enacted by the National Council,* That the introduction and vending of ardent spirits in this Nation shall be unlawful; and any and all persons are prohibited from selling or retailing spirituous liquors within the limits of this Nation, under the penalty of having the same wasted or destroyed by any lawful officer or person authorized by the sheriff for that purpose, and the sheriffs or other lawful officers of this Nation, while in search of spirituous liquors, are authorized "to put on oath such persons as they may deem fit, and to exact from them any information that may be of service

to them in searching for ardent spirits ;” and also <sup>3</sup>“ to procure search warrants authorizing the entering and examining of any house, when there is good reason for believing that spirituous liquors are therein concealed.”

*Be it further enacted*, <sup>4</sup>“ That the sheriffs of the several districts be and they are hereby empowered to summons a guard of four persons, to assist in the wasting of spirituous liquors, should resistance be offered to them while in the discharge of this duty.”

*Be it further enacted*, <sup>5</sup>“ That all persons who may be convicted of introducing ardent spirits of any kind within the limits of this Nation, or of trading in the same, shall be fined in a sum of not less than ten dollars nor exceeding fifty dollars, at the discretion of the court having jurisdiction of the case ; one-fourth of the fine so collected shall go to the sheriff, one-fourth to the solicitor of the district in which the same may be collected, and the remaining one-half to the National treasury ; and no property, except improvements, shall be exempt from the payment thereof.”

*Be it further enacted*, <sup>6</sup>“ That for the failure on the part of any solicitor or sheriff to comply with the duties herein required, the sum of twenty-five dollars shall be deducted from the salary of such solicitor or sheriff so offending.”

*Be it further enacted*, That nothing in this act shall be so construed as to violate any of the provisions of the Intercourse Law.

October 25, 1841.

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## AN ACT

CONFERRING AUTHORITY UPON CITIZENS IN CERTAIN CASES  
TO SUPPRESS THE TRADE IN ARDENT SPIRITS.

*Be it enacted by the National Council*, That any citizen of this Nation is hereby authorized to arrest any person guilty of introducing spirituous liquors within the limits of this Nation, and who may be found conveying the same to any point or place thereof, and to waste the ardent spirits so found in the possession of such offender.

*Be it further enacted*, That the members of any assembly or congregation, met for religious exercises and worship, are authorized to take such temporary measures for the peace and harmony of their meeting, by the suppression of the sale and indulgence in ardent spirits in their vicinity, as may seem to them most proper and best suited for that purpose; and said members, or any individual thereof, shall not be held responsible for damages to any offender which may accrue in the exercise of the right granted by this act.

TAHLEQUAH, November 4, 1860.

Approved.

JOHN ROSS.

## AN ACT

### TO PREVENT GAMING.

*Be it enacted by the National Council*, That any gaming or betting at cards, roulette, dice, or in any other way, for a valuable consideration, is hereby forbidden, and any person guilty of the same, upon conviction for any such offense before the District Court of the district in which such offense may have been committed, shall be fined, at the discretion of the court, in a sum not less than ten nor exceeding fifty dollars, and judgment shall be issued forthwith for the collection of the same, which sum, when collected, shall be paid into the treasury of the Nation; and it is hereby made the duty of the several solicitors to prosecute all cases that may arise under this act.

TAHLEQUAH, October 15, 1852.

Approved.

JOHN ROSS.

## AN ACT

### TO PROHIBIT THE CARRYING OF WEAPONS.

*Be it enacted by the National Council*, That it shall not be lawful for any person to carry any gun, pistol, bowie knife, or dangerous weapon of any kind, to any election, or court during the

term, or any place of trade, town, or public assemblage whatever; and any person convicted of a violation of this act, before the District Court of the district in which such offense may have been committed, shall be fined in a sum of not less than ten nor more than twenty-five dollars, one-half for the benefit of the informer, and the other half for the benefit of the orphan fund: *Provided*, that this act shall not apply to sheriffs and persons acting under their authority, in the discharge of duties required by law, or in the pursuit of fugitives from justice, nor to persons traveling on a journey; and it shall be the duty of the solicitors of the several districts to prosecute every violation of this act.

*Be it further enacted*, That this act shall not take effect until after the fifteenth day of February, 1867

TAHLEQUAH, C. N., November 15, 1866.

	JAMES VANN,
	<i>Pres. National Com., pro tem.</i>
JOSH. ROSS,	
<i>Clerk National Com., pro tem.</i>	

Concurred.	JOHN YOUNG,
S. HOUMAN,	<i>Speaker Council.</i>
<i>Clerk Council, pro tem.</i>	

Approved.	WM. P. ROSS.
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AN ACT

IN REGARD TO PUBLIC ROADS.

*Be it enacted by the National Council*, That it shall not be lawful for any person willfully and unnecessarily to obstruct, wholly or in part, any public road or highway within this Nation, by felling trees across the same, or in any manner barring or preventing a free passage along said roads, to the detriment and inconvenience of the public. Nor shall it be lawful for any citizen of this Nation, in making or enlarging his improvement, to inclose by fence any part of a public road or highway, without first opening a practicable passway around such improvement or fence to be made. It is also hereby made unlawful for any person to alter, deface, pull down, or destroy any sign-board erected for the guidance of travelers upon

any highway leading to or from any public ferry ; and any person or persons who may be found guilty of violating this act before any of the courts having jurisdiction, shall be subject to be fined for each offense not less than five nor more than fifty dollars, at the discretion of the court.

TAHLEQUAH, October 24, 1860.

Approved.

JOHN ROSS.

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AN ACT

RELATIVE TO TOWN LOTS AT TAHLEQUAH.

*Be it enacted by the National Council,* That it shall be unlawful to pull up, remove, or otherwise injure the stakes or posts defining the limits of the respective town lots in Tahlequah, except those removed by persons from lots which they may have purchased ; and any person so offending, on conviction before any of the legal courts, shall be fined, at the discretion of the court, in a sum not less than twenty-five nor more than one hundred dollars, one-half for the benefit of the informer, the other half payable into the National treasury.

TAHLEQUAH, December 13, 1843.

Approved.

JOHN ROSS.

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AN ACT

RESPECTING MINORS.

*Be it enacted by the National Council,* That it shall not be lawful for any person or persons whatever to trade with a minor or minors for property of any description, under the penalty of paying double the value of the property bought from such minor or minors, for the benefit of the parties injured.

*Be it further enacted,* That it shall also be unlawful for any person or persons whosoever to hire any minor or minors without first obtaining the consent of his, her, or their parent or parents,

guardian or guardians, under the penalty of being subject to pay damages to such parent or parents, guardian or guardians, in a sum not exceeding double the amount of what such minor or minors may be hired for.

*Be it further enacted*, That it shall not be lawful to assess damages as above, from any person or persons who shall be able to prove to the court that he, she, or they were ignorant that they were trading with a minor or minors.

TAHLEQUAH, October 15, 1841.

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## AN ACT

RELATIVE TO TRIAL, EXPENSES, ETC., OF ASSAULT AND BATTERY SUITS.

*Be it enacted by the National Council*, That prosecutions for assault and battery shall be tried only at the regular term of holding courts, and the jury impaneled at such times for the trial of civil suits shall be competent to decide all such cases, and verdicts return as in civil cases provided for.

*Be it further enacted*, That all expenses attending the prosecution of such suits shall be borne and paid by the parties, as in civil cases, and not by the Nation.

*Be it further enacted*, That in all cases of personal abuse or injury sustained by violence, the party injured shall have redress by the recovery of damages, at the discretion of the court [having jurisdiction], in such sums as may be determined.

TAHLEQUAH, October 13, 1845.

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## AN ACT

RELATIVE TO EXPENSES IN CRIMINAL PROSECUTIONS.

*Be it enacted by the National Council*, That in all criminal arrests by the lawful officers of the Nation, it shall be proper for such criminals to be boarded at some convenient or suitable place, with

such guard as the officer may deem necessary for their security, until trial, except in the cases where the number of guard is specified by law ; and if upon trial such criminals shall be acquitted, the expense of such suits shall be paid by the Nation ; but, if convicted, the expense shall be collected from the person or persons so convicted ; if, however, the officer shall fail to make such collection, he shall certify the same, and that no property or effects of said criminal can be found, and the amount of such necessary expense shall be paid out of the National treasury ; and in all criminal trials the clerk of the court shall be required to make out a certified statement of the expenses of the case, and deliver the same to the sheriff.

TABLEQUAH, November 6, 1840.

Approved.

JOHN ROSS.

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## AN ACT

### TO PROTECT THE PUBLIC SQUARE.

*Be it enacted by the National Council,* That any person or persons putting any kind of stock in the Public Square, or in any other way injure the same, shall be fined not less than ten nor exceeding fifty dollars, at the discretion of the District Court, for every such offense, and the public property keeper shall notify the solicitor of every violation of this act, whose duty shall be to prosecute all persons violating the same ; and all moneys so collected shall be paid into the National treasury.

October 27, 1852.

# C O U R T S .

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## AN ACT

### DESIGNATING THE PLACES FOR HOLDING COURT IN THE SEVERAL DISTRICTS.

*Be it enacted by the National Council,* That the following places, in the several districts, are hereby designated and fixed upon for holding courts, viz :

In Sequoyah, at or near Martin Renge's.

“ Illinois, at or near C. R. Gourd's.

“ Canadian, at Webber's Falls.

“ Flint, at or near Anderson Johnson's.

“ Tahlequah, at the town of Tahlequah.

“ Going Snake, at or near George Whitmire's.

“ Delaware, at or near Charles Anderson's old place.

“ Saline, at or near Joseph Riley's.

“ Coo-we-skoo-we, at McNair's Chalybeate Spring.

November 4, 1867.

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## AN ACT

### ESTABLISHING THE JUDICIARY.

SECTION 1. *Be it enacted by the National Council,* That the courts established under the Government of this Nation shall have cognizance of all suits arising under the Constitution and laws of the Cherokee Nation, and cases originating under the laws and usages of the Eastern Cherokees, as existing previous to their removal, and those in existence among the Western Cherokees prior to the act of union, dated 12th day of July, 1839; and the adjudication of all questions shall be according to the provisions of the respective laws under which they originated.

SEC. 2. The commencement of all suits shall be by summons obtained from the clerk of the respective court in which such suit is to be tried, and of the district in which the party sued shall be resident, and which summons shall state the nature of the case upon which proceedings are founded, and be served by some lawful officer at least thirty days before the holding of said court; and such summons shall be returned to the clerk with a certificate of service, and the court shall give judgment as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects, or want of form in such summons or process.

*Be it further enacted,* <sup>1</sup> "That all persons instituting a suit at law shall, before obtaining a summons for that purpose from any of the clerks of the courts of this Nation, enter into bond, with good security, to such clerks for the payment of all costs that may attach to such suits, should there be cost in the same."

SEC. 3. The trial of all causes at law, civil and criminal, shall be by jury, except in the trial of such cases by the Supreme Court as may be brought before them by appeal from the Circuit Courts.

No person under the age of twenty-one years, nor any person who may be convicted after the passage of this act (September 23d, 1839), of felony or perjury, shall be summoned on a jury.

The judge of each respective court shall, at least thirty days before the time fixed for holding such court, make out and furnish the sheriff of the district with a list of names, who shall be summoned by him or his deputy to act as jurors; and the clerk or judge shall administer the following oath: "You and each of you do solemnly swear that you will well and truly try all issues which shall be submitted to you and left to your decision by the court, during the present term, and true verdicts give according to the evidence;" which oath shall authorize said jury to try all issues that may be submitted during that term of said court. Nine persons shall constitute a jury in any of the courts for the trial of all civil suits, and any six of whom may render a verdict; but <sup>2</sup> "in all criminal cases, except those involving the penalty of death, there shall be twelve persons summoned, and the prisoner, in open court, may challenge or object, if he chooses, to one-half of this number as the clerk shall call their names. The remaining six" shall form a jury for the trial of the accusation, and be qualified for that special case, and no verdict shall be rendered but by the unanimous assent

of the whole; and in case of disagreement, and the court being satisfied that such particular jury cannot agree, they shall be discharged from further consideration of such case, and another jury summoned in their stead for the trial of that case.

<sup>3</sup> “In all criminal cases involving the sentence of death, there shall be twenty-four persons summoned; and the court before proceeding to impanel a jury therefrom, shall propound to each one, on oath, the question whether or not he has previously formed and expressed an opinion as to the guilt or innocence of the person arraigned for trial, that would deter him from being an impartial juror and rendering an impartial verdict as such; if so, such persons answering in the affirmative shall be set aside. Additional persons shall be immediately summoned by order of the court, until the number of twenty-four disinterested persons shall be obtained, from which number, in open court, the criminal may challenge or object to one-half of them as the clerk shall call their names; the remaining twelve shall form the jury for the trial of the accusation, and be qualified for that special case, and no verdict shall be rendered but by the unanimous assent of the whole; and in case of disagreement, and the court being satisfied that such particular jury cannot agree, they shall be discharged from further consideration of such case, and another jury impaneled in like manner in their stead for the trial of that case.

“*Be it further enacted*, That after a jury has been impaneled in the manner above prescribed, it shall be the duty of the presiding judge to place said jury in the custody of the sheriff or his deputy, who shall keep the said jury from separating and from holding intercourse with any person, without special permission from the court, until they have rendered a verdict or been discharged by the court; and it shall be the duty of the sheriff to furnish any jury thus placed in his care with necessary provisions and refreshments, the expense of which shall be paid by the Nation.

“*Be it further enacted*, That it shall be the duty of the judge, upon the disagreement of the jury, to require the jury to make known to him the point or points of law or evidence upon which such a disagreement is founded, which point or points the judge shall explain to the jury before their second consultation.

“*Be it further enacted*, That when two or more defendants are jointly indicted for any criminal offense, any defendant requiring it

may be tried separately; and the prosecutor may sever the trial of joint defendants when he may deem it proper, and designate which defendant shall be first tried."

In charging the jury, in all cases, the judge shall state the testimony and the law.

*“Be it further enacted,* That any person guilty of influencing or attempting to influence any judge, juror, or witness by bribery, threats or otherwise, in the disposal of any suit at law, shall be deemed guilty of a criminal misdemeanor, and shall, upon conviction thereof before the Circuit for the district in which such offense was committed, be fined in a sum not less than one hundred dollars nor exceeding five hundred dollars, for the benefit of the treasury of the Nation.”

SEC. 4. Each court shall have authority to prescribe such rules and regulations for the transaction of business, and to preserve order during its session, as may be deemed necessary and proper, and which shall not be in violation of law; and for every contempt or disrespect offered, or obstruction of business by the improper conduct of individuals, the court may impose a fine on any such person so behaving, and which shall not be less than one nor exceeding fifty dollars, at the discretion of the court.

SEC. 5. Each court shall have the right of appointing its own clerk, whose term of service shall be the same as that of the judge or judges of such respective court; and such clerk shall be liable to dismissal for improper behavior or want of attention to the duties of his office.

SEC. 6. *Be it further enacted,* Whenever final judgment is rendered in any case by a court, the clerk thereof shall, within five days after the adjournment of the court, issue an execution, directed to the sheriff of the district, to proceed and make collection from the party cast to the amount of such judgment and costs; and such execution shall be returnable at the next term of the said court, with a certificate of the proceedings had thereon, and which shall be recorded by the clerk of the said court.

The clerk of each court, before he enters on the duties of his office, shall take the following oath: “I, A. B., do solemnly swear that I will well and truly discharge the duties of clerk of the — court, according to the best of my skill and judgment, and make correct entries and records of all causes, judgment, and proceedings

of the court, and carefully file and preserve all books and papers whatsoever which shall be delivered to me in charge, or otherwise come into my hands or possession by virtue of my office, and faithfully execute the duties thereof without favor, affection, or partiality.

SEC. 7. Any of the judges <sup>5</sup> "having jurisdiction" shall have power to call and hold a special court for the trial of criminals. Witnesses shall be allowed one dollar each day for attendance at court under a summons to give testimony, and the party against whom judgment is rendered shall pay the expense of witnesses on both sides, and no further cost shall attach to any suit.

<sup>6</sup> "THE SUPREME COURT.

"SECTION 1. *Be it further enacted*, That the Supreme Court of the Cherokee Nation shall consist of one Chief Justice and two Associate Judges, any two of whom shall form a quorum to transact business and decide cases. In the absence of the Chief Justice, the Principal Chief may nominate one of the other judges to act as Chief Justice *pro tempore*.

"SEC. 2. The jurisdiction of this court shall be limited to such cases as may have been decided in the Circuit Courts, and by appeal brought before them for trial, except in such other cases as may hereafter be provided for by law. In the trial of all appealed cases, the court shall be confined to such written testimony as may be transmitted with each respective case from the Circuit Court. Either party to a suit in this court may, at the first term after such suit is placed on docket, for satisfactory reasons, or the parties by mutual consent, lay over such cause until the next term, but no cause shall be laid over a second time.

"SEC. 3. It shall be the duty of the clerk to enter on a docket, to be kept for that purpose, all causes brought by appeal into this court, and to record faithfully all proceedings and decisions in books, and to preserve with care all papers and books appertaining to the business of the court.

"SEC. 4. The court shall designate such officer or officers as may be deemed necessary to attend upon the court during its session, for the preservation of order and the execution of its mandates.

## “ THE CIRCUIT COURT.

“ SECTION 1. *Be it further enacted*, That there shall be established three judicial circuits, and one judge elected to each circuit, in the manner and at the times hereinafter prescribed, and which said circuits shall be respectively known as the Northern, the Middle, and the Southern Circuits.

“ SEC. 2. The Northern Circuit shall be composed of Tablequah, Delaware, Saline, and Coo-we-skoo-we districts.

“ The Middle Circuit shall be composed of Going Snake, Flint, Sequoyah and Illinois districts.

“ The Southern Circuit shall consist of Canadian district.

“ The judges shall hold their respective courts at the court houses of the several districts, as follows : in Going Snake, Delaware, and Canadian districts, on the first Monday in May and September ; in Flint and Coo-we-skoo-we, on the second Monday in May and September ; in Sequoyah and Saline, on the third Monday in May and September ; and in Illinois and Tablequah, on the fourth Monday in May and September.

“ SEC. 3. The judges of the Circuit Courts shall be elected by a majority of the qualified voters residing in their respective circuits, for the term of four years, at the same time, place, and manner of electing the Principal and Assistant Principal Chiefs, and the returns thereof shall be, in all respects, made and acted upon under the same regulations and requirements. And they shall be commissioned and qualified as they now are, and their duties, powers, and jurisdiction shall be such as are or may hereafter be conferred by law : *Provided*,

“ SEC. 4. The Circuit Court shall have complete jurisdiction in all criminal matters, and also in civil cases where the amount at issue is not less than one hundred dollars ; but may also try and decide suits when the amount is less than one hundred and over twenty-five dollars : *Provided*, such suit has been brought by appeal from the District Court. ° ‘ And in all cases where an appeal has been taken from the decision of the District Courts, the Circuit Judge, before whom such appealed case may be brought for trial, may remove any of the jury, upon application being made by either of the parties, accompanied with satisfactory proof that such juror or jurors sat upon the trial of the case in the District Court.’ All

decisions where the sum does not exceed one hundred dollars shall be final; but if above that amount, an appeal may be granted to the Supreme Court, if moved for before the adjournment of such court. And in the trial of all cases, the clerk shall write out in full the testimony which may be given by witnesses of both parties. And in the event of an appeal to the Supreme Court, such written testimony, with the proceedings and decision of the court, being certified to by the clerk, sealed and marked on the outside with the nature of the case and the names of the parties, they shall be transmitted by the sheriff of the district, directed to the Chief Justice. And the party so appealing to the Supreme Court shall be required to enter into bond, with security to the satisfaction of the court, for the maintenance of such suit and payment of all costs.

“DISTRICT COURTS.

“SECTION 1. *Be it further enacted*, That there shall be established one District Court in each district, and one judge for each court, who shall be elected for the term of two years, by the qualified electors of their respective districts, at the same time, places, and manner of electing members of the National Council, and who shall be commissioned as at present.

“SEC. 2. *Be it further enacted*, The District Court shall have complete criminal jurisdiction in all cases not involving the sentence of death, and in all civil matters where the sum at issue does not exceed one hundred dollars; and its decisions, in all cases where the sum does not exceed twenty-five dollars, shall be final; when over twenty-five and not over one hundred dollars, an appeal may be granted to the Circuit Court, and the witnesses again summoned to appear and give testimony in that court. Each party taking an appeal shall be required to give bond and security for the maintenance of such suit and payment of all costs which may attach thereto.”

SEC. 3. *Be it further enacted*, <sup>7</sup> “That if any of the circuit or district judges shall be interested, by consanguinity or otherwise, in the termination of any suit that may be pending in their respective courts, and either of the parties to such suit shall object to his presiding in its trial, he shall transmit such objections to the Principal Chief, who shall appoint another judge to preside until such

suit is decided: *Provided*, that such objections are made at the time the suit is instituted, and are accompanied with good and sufficient reasons. Any person who may be appointed special judge under the foregoing enactment, shall be allowed three dollars per day out of the National treasury while in actual service.

“ *Be it further enacted*, That if any person, constituting in part a jury for the trial of civil cases, shall be interested in the termination of any suit that may require his decision, the judge of the court shall have the right, on the application of either of the parties, setting forth on oath satisfactory evidence of such fact, to appoint a new jury entire, or in part, for the trial of such case.”

<sup>8</sup> “The District Courts shall be held at the respective places designated for holding the Circuit Courts, and on the first Monday of January and July.”

#### SHERIFFS.

*Be it further enacted*, That there shall be one sheriff in each district, who shall enter into bond, with security to the amount of one thousand dollars, for the faithful execution of the duties of his office, and take the following oath: “ I, A. B., having been elected to the office of sheriff of ——— district, do solemnly swear that I will well and truly execute the duties of my said office, according to the best of my skill and understanding, without fraud and partiality.” It shall be the duty of the sheriffs to attend upon the courts which may be held in their respective districts; to serve all summons or other process which may be placed in their hands; and to take all necessary and proper measures in the execution of the judgment of the courts; and also to arrest and cause to be tried all persons who may be charged with criminal offenses; <sup>9</sup> “ for which purpose, and also to summon witnesses to attend the Criminal Courts of this Nation, they are authorized to travel out of the limits of their respective districts.” In case of resistance, or strong apprehensions of resistance, the sheriff shall summon such a number of citizens as may be necessary to arrest any person or persons against whom criminal charge may be alleged, and <sup>10</sup> “ to guard the same until convicted or acquitted, in accordance with the plan provided and enjoined in the act for the punishment of thefts and other crimes, when the offense charged does not involve the penalty of death;” unless the judge, during the recess of court, before whom such person

may be brought, shall sooner discharge them upon such bail for his or their attendance <sup>11</sup> “at the time fixed for trial” as may be deemed sufficient and proper.

<sup>12</sup> “It shall be the duty of the sheriff, when arrests are made of persons charged with criminal offenses, to notify some one of the judges having jurisdiction over such cases of such arrest, the nature of such charges, etc., as early as possible, and without any delay whatever, in order that speedy public trial be had, or such bail required as may be deemed necessary by the judge, to be given by the criminal to the sheriff, in bond and security, for his or their appearance, at such time and place as may be designated, for trial. In case the accused shall fail to give the required bond and security within a reasonable time, he, she, or they shall be brought to an immediate trial.”

Should any person charged with a criminal violation of law resist any lawful officer or persons authorized to cause his arrest, while in the discharge of his or their duty, and such persons should be killed on account of unlawful resistance, such officer or other persons shall not be held guilty of murder.

It shall also be the duty of such sheriff or sheriffs as may be designated by the Chief Justice for that purpose, to attend upon the Supreme Court during its session.

Each sheriff may appoint a deputy from under his own hand, and shall notify the District Judge of such appointment, and such sheriff shall be responsible for the conduct and behavior of such deputy so appointed by him. When the property of any person is levied upon to satisfy an execution issued upon the judgment of a court, the sheriff shall advertise the same at three of the most public places in the district, to be sold to the highest bidder; and for all sums not exceeding fifty dollars, such sale shall be advertised ten days; and for all sums above fifty dollars, twenty days' notice shall be given; <sup>13</sup> “and the sheriff shall be, and is hereby allowed, in addition to his annual salary, a compensation of six per cent. on all collections which may be made by him, under an execution from any of the clerks issued on a judgment, which additional allowance shall be recovered of the person against whom such judgment may be made.”

September 23, 1839.

## AN ACT

## AUTHORIZING THE ARBITRATION OF CASES.

*Be it enacted by the National Council,* That it shall be lawful for parties to settle and adjust any dispute or controversy by arbitration; and, when that mode is determined upon, the parties shall place in the hands of each arbiter appointed by them a written notice to that effect, signed jointly by such parties, and they shall be sworn by the judge or clerk of the Circuit or District Court before they proceed to arbitrate and decide upon such case, and their decision shall be final, and shall be recorded in the office of the clerk of such court as would properly have had cognizance of the matter, and execution shall issue by him to the sheriff, the same as if judgment had been obtained in such court, unless the arbitrators may have decided otherwise.

September 26, 1839.

## AN ACT

## AUTHORIZING THE APPOINTMENT OF SOLICITORS OR ATTORNEYS, AND DEFINING THEIR DUTIES.

*Be it enacted by the National Council,* That a solicitor or attorney be appointed or chosen for each district by a joint vote of both houses of the National Council, whose term of service shall be <sup>14</sup> “two years,” and such solicitor or attorney, before he enters upon the duties of his office, shall be commissioned by the Principal Chief.

*Be it further enacted,* That it shall be the duty of such solicitors or attorneys to prosecute, in behalf of the Nation, all persons charged with criminal offenses that may be brought before any of the courts of the Nation. <sup>15</sup> “It shall also be the duty of each solicitor to keep an accurate list of the names of all intruders, and of all freed persons, not citizens residing in the district in and for which he has been elected to serve, and to make a quarterly return of the same to the Principal Chief, viz: on the first Monday of every January, April, July, and October, to be by said Principal Chief placed in the hands of the United States Agent, who is hereby

earnestly requested to remove all persons whose names may be attached to said list.”

*Be it further enacted*, That such solicitor or attorney shall be required, before he enters upon the duties of his office, to take the following oath or affirmation: “You do solemnly swear that you, as solicitor or prosecuting attorney, for and in behalf of the Cherokee Nation, will, to the best of your skill and abilities, prosecute all persons charged with criminal offenses that may be brought before any of the courts in the district of ———, and that you will not take or receive any remuneration of any person charged with any criminal offense, but be faithful to the Cherokee Nation in all prosecutions, and in the performance of all duties required of you by law, to the best of your ability, so help you God.”

<sup>16</sup>“ *Be it further enacted*, That the solicitors of this Nation be authorized and required to collect and dispense, according to law, all fines arising from the violation of law.”

October 14, 1846.

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## AN ACT

### RELATING TO LAWYERS.

*Be it enacted by the National Council*, That before any citizen shall be allowed to appear before the courts of this Nation, for the purpose of practicing law, he shall obtain a license from, and pay annually in advance to, the Treasurer, <sup>17</sup>“or to any of the judges of the Supreme Court,” the sum of ten dollars to practice before the District and Circuit Courts, and to practice before the District, Circuit, and Supreme Courts, twenty dollars, and be required to take an oath that he will, to the best of his knowledge and ability, support and defend all causes that may be intrusted to his care. <sup>18</sup>“The judges of the Supreme Court shall report annually to the treasurer, turning over all moneys, National warrants, or tickets that they may receive for licenses granted under this act.”

*Be it further enacted*, That any person engaged in the practice of law, agreeably to the provisions of this act, who shall be convicted before any of the courts of bribing or attempting to bribe any guard, juror, or witness, or of otherwise influencing them

to keep them from appearing at court, or proving unfaithful to their duties and oaths, shall be subject to a fine of fifty dollars and the revocation of their license. All fines collected under the provisions of this act shall be paid into the treasury.

*Be it further enacted*, That this act shall not be so construed as to deprive any citizen of the right and privilege of appearing before the courts in any case to which he may be a party.

November 2, 1849.

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AN ACT

PROHIBITING JUDGES FROM PRACTICING LAW.

*Be it enacted by the National Council*, That none of the judges of courts, appointed under authority of this Nation, shall be engaged as counsel or attorney, or in the practice of law, before any of the courts of this Nation.

TAHLEQUAH, November 16, 1847.

Approved.

JOHN ROSS.

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AN ACT

PROVIDING FOR AN INTERPRETER IN CERTAIN CASES.

*Be it enacted by the National Council*, That in the trial of all causes, civil and criminal, by any of the courts of this Nation, where a Creek or other person unacquainted with the Cherokee or English language shall be one of the parties, the presiding judge is hereby authorized to appoint an interpreter, who shall receive one dollar per day for his services in each case.

TAHLEQUAH, November 8, 1858.

Approved.

JOHN ROSS.

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AN ACT

RELATIVE TO WITNESSES IN CRIMINAL PROSECUTIONS.

*Be it enacted by the National Council*, That in the trial of criminals, the judge presiding over such court shall be authorized

to compel the attendance of witnesses, either for or against such criminals, by authorizing the sheriff to proceed to arrest and bring such witnesses to court.

TAHLEQUAH, October 21, 1847.

Approved.

JOHN ROSS.

AN ACT

TO DEBAR CONTESTED CLAIMS.

*Be it enacted by the National Council,* That all contested claims, which shall not be set forth or demanded by the claimant or claimants within two years after such claim or claims may be alleged to have existed, shall be null and void, and not recoverable by law: *Provided,* that this act shall not be so construed as to impair contracts, or bar any person from recovering any note of hand or unliquidated accounts at any time after the limitation herein specified.

TAHLEQUAH, November 7, 1843.

Approved.

JOHN ROSS.

AN ACT

IN RELATION TO CONTRACTS.

*Be it enacted by the National Council,* That all lawful contracts shall be binding, and any person, upon failure to comply with the terms of such contract, shall be liable to a suit at law, in any of the courts having jurisdiction in the matter, to be instituted by the creditor; and if, upon trial, the law and testimony shall justify, judgment shall be rendered in favor of such creditor for the amount which may be due by the defendant. And in all cases where a debt may be contracted, and it is agreed that property or trade shall be taken in payment of such debt, judgment shall be rendered accordingly; and the officer shall proceed to levy on the property of such debtor, and to summon two disinterested citizens, who shall be sworn by him, to aid in the valuation of such property fairly and impartially, and when such property is so valued by the sheriff and such other persons, the creditor shall receive the same at such valuation as may be fixed by them.

September 24, 1839.

## AN ACT

## RESPECTING DIVORCES.

*Be it enacted by the National Council,* That the several courts of this Nation be and they are hereby authorized and required to grant divorces from the bonds of matrimony, and suits for that purpose, whether for a mere divorce, or for a divorce and damages, shall be brought in the same manner, and conducted in the same manner, as other suits at law.

*Be it further enacted,* That the district courts of this Nation shall have original and final jurisdiction over suits at law brought for a mere divorce, without damages; but where suits may be brought for divorce and damages, the courts of this Nation shall be governed by the amount at issue, in regard to jurisdiction, according to the act passed September 23d, 1839, entitled "An act establishing the Judiciary;" and all acts conflicting with this act are hereby repealed.

*Be it further enacted,* That divorces shall not be granted for any other cause than adultery, or a willful neglect of the duties of the married state, by either husband or wife.

TAHLEQUAH, C. N., November 5, 1859.

Approved.

JOHN ROSS.

## AN ACT

## PROVIDING FOR ATTACHMENTS.

*Be it enacted by the National Council,* That it shall be lawful, whenever any person may have a claim or debt against another, and is apprehensive that he is about to abscond or dispose of his property, so as to be beyond the reach of law, to make oath to that effect before any of the judges or clerks of the respective districts, and it shall be the duty of the judge or clerk before whom such oath may be made to issue an attachment forthwith, to be placed in the hands of any lawful officer, whose duty it shall be to attach as much property of the debtor as will satisfy the demand, if to be found, and to take the same into his safe keeping until there shall be a

decision made on the case agreeably to law, unless the said debtor shall secure to the creditor the debt, by giving bond with sufficient security.

September 21, 1839.

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## AN ACT

TO PREVENT THE SALE OF PROPERTY BELONGING TO ONE PERSON FOR THE DEBTS OF ANOTHER.

*Be it enacted by the National Council,* That it shall not be lawful to expose at public sale, by virtue of an execution obtained from any of the courts of this Nation, any property belonging to a Cherokee woman, a citizen of this Nation, to satisfy the debts of her husband; nor property of the husband, to satisfy the debts of his wife, without his or her consent.

*Be it further enacted,* <sup>19</sup>“That whenever the property of any person is attached to secure the payment of the debt of another, the owner of such property so attached shall have the right to go before the judge or clerk where such attachment may have issued, and establish their claim to the same; and whenever the same is done to the satisfaction of such judge or clerk, it shall be his duty to give an order forthwith to the officer having such property under an attachment, to deliver it to the owner thereof, and it shall be the duty of the officer having the property in charge to do so.”

October 25, 1843.

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## AN ACT

RESPECTING GARNISHEES.

*Be it enacted by the National Council,* That when judgment is rendered, and the officer in whose hands an execution may be placed shall fail to find any property or effects in the possession of the debtor to satisfy the same, and has cause to believe that some other person has in hands property or effects belonging to such debtor, the officer shall proceed to make inquiry of such person, and if such property or effects shall be pointed out, he shall

proceed to make levy; but if such person shall refuse to give such information as may be satisfactory, the officer shall summon him before the judge or clerk of the court where judgment was obtained, who shall require him, on oath, to answer to the charge of holding in his hands the property or effects of such debtor. And if any person shall have or place his property or effects in the possession of another person, before judgment is obtained, it shall be lawful to garnishee the person holding the same, as above, and to take such measures as will prevent the disposal or removal of the same, until proceedings may be had in the proper court on any alleged debt owing by the owner of such property or effects.

September 26, 1839.

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## AN ACT

### TO EXEMPT CERTAIN PROPERTY FROM SALE.

*Be it enacted by the National Council,* That the following description of property shall be exempted from sale to satisfy any debt or judgment, and shall be reserved for the benefit of the owner thereof, viz: <sup>20</sup> "the house, farm, or any other improvements;" <sup>21</sup> "mechanical or manufacturing tools;" one horse, or, in lieu thereof, one yoke of oxen, one cow and calf, <sup>22</sup> "twelve head of hogs, to be selected by the owner," farming utensils, household and kitchen furniture, fifty bushels of corn, one stack of fodder, fire-arms, and one saddle and bridle; and it shall not be lawful for an officer to levy on any of the above mentioned property.

September 24, 1839.

# MARRIAGE, ESTATES, ADMINISTRATORS AND GUARDIANS.

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## AN ACT

### RELATIVE TO ESTATES AND ADMINISTRATORS.

*Be it enacted by the National Council,* That all written wills of deceased persons, when proved to the satisfaction of the judge of the District Court for the district in which deceased person resided, shall be valid; also, all verbal wills, <sup>1</sup>“when so proven within thirty days after the death of the testator,” shall likewise be valid; and if by such written or verbal will any person or persons are designated to manage the business of any estate so left, such person shall receive from said judge a written appointment for that purpose, and be required to enter into bond, with sufficient security, for the faithful management of such business, in accordance with the provisions of said will, and for the careful preservation of all property and effects so left, and all such wills shall be registered by the clerk of the District Court; and all persons so appointed shall furnish, on oath, a schedule and description of all property and effects belonging to such estate, and which shall likewise be registered by said clerk.

SEC. 2. *Be it further enacted,* That when a person dies without having made a will, the district judge shall grant letters of administration to some competent and responsible individual, to be selected from among the relatives of the deceased, if the safety of such property as may be left seem to warrant, and who shall be required to enter into bond, etc., as provided above. And the property and effects shall belong equally to the children; the widow, also, of such deceased person shall be entitled to an equal share with the children, to be apportioned to her whenever she requires it,

and the settlement of the business will safely permit, and the residue, <sup>2</sup> “after all just demands against the estate have been settled,” to the offspring of such deceased person, as follows: to those who are of age, (to-wit: males of twenty-one years and females of eighteen years,) to minors who may be married, <sup>3</sup> “and to the legal guardians of minor heirs.” And in case such widow shall again marry, and hold her property separately from the husband, and shall die without issue from her second marriage, such property shall be divided among the aforesaid children. And in all cases where the wife dies, holding property as above, and has children, and the husband survives, such property shall likewise be equally apportioned among the children and the husband; and if such husband should again marry, and die without issue from such second marriage, his property shall be divided among his children.

*Be it further enacted*, <sup>4</sup> “That when a person shall die intestate, and having no children, wife, or husband to inherit such estate, the same shall descend to his nearest relations, who shall to all intents and purposes become heirs to his or her estate.”

Any administrator who may have charge of an estate shall settle all just debts due out of its effects, and collect all outstanding claims in its favor. He shall cause public notice to be given, by written advertisements, for all persons having demands against such estate to bring them forward for settlement within twelve months, otherwise they shall be void and not recoverable by law.

SEC. 3. *Be it further enacted*, <sup>5</sup> “That executors of wills and administrators on estates of deceased persons are required to report annually to the district judges at the regular term of the District Courts held in July, the condition of, and all that may have been done by them in reference to the business, property, and effects of such estate as he, she, or they may have in charge.

“SEC. 4. *Be it further enacted*, That executors of wills and administrators shall be entitled to a compensation of eight per cent. upon the amount of property and effects belonging to an estate for their services, which shall be appraised by two or more persons, to be appointed by the district judge, under oath.” <sup>6</sup> “The persons who may be appointed to appraise the effects of an estate shall be paid one dollar per day each for their services by the executor or administrator out of the effects of such estate. In case any person so appointed by the judge shall fail or refuse to value an estate as

aforesaid, unless on account of sickness or some other lawful excuse, he shall be fined by the district judge, for such failure or refusal, the sum of ten dollars; the same, when collected, to be paid into the National treasury."

*Be it further enacted,* <sup>7</sup> "That the district judges shall be entitled to a fee of one dollar for granting letters of administration on estates, the said fee to be paid by the person or persons obtaining such letters."

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## AN ACT

### AUTHORIZING THE APPOINTMENT OF GUARDIANS FOR INSANE PERSONS AND ORPHAN CHILDREN.

*Be it enacted by the National Council,* That in addition to the duties of the district judges, they shall be required and authorized to appoint guardians for insane persons, and also for all orphan children, on application being made by some competent and responsible person or persons for that purpose. <sup>8</sup> "When a man and woman have been living together as man and wife, according to the laws of the Cherokee Nation, and either of them shall die, leaving children, the surviving parent shall, to all intents and purposes, be the lawful guardian of the children so left: *Provided*, however, that if the surviving parent shall be incompetent to discharge the duties devolving upon them as guardian, then the children shall be dealt with as the law directs in other cases."

The guardian or guardians so appointed shall be required to render in a schedule of all moneys, property, and other effects belonging to such insane person or persons, or orphan or orphans, and at least once annually thereafter. Such guardian or guardians shall be required to give bond, with good and sufficient security, in a sum double the amount of the value of the property, money, or other effects, agreeably to the schedule rendered in by such guardian or guardians, made payable to the district judge or his successors in office, for the faithful discharge of his, her, or their duty as guardian or guardians.

*Be it further enacted,* <sup>9</sup> "That all guardians for insane persons, orphans, and minor children, after having given bond and security

as the law directs for the faithful discharge of their duties as such, shall receive all property and effects that may belong to the individuals for whose protection they may have obtained letters of guardianship: *Provided*, they may obtain the said property from a legal administrator, after he has settled all just demands against the estate upon which he has administered."

*Be it further enacted*, That the property or other effects belonging to such insane person or orphan shall be valued by at least two disinterested persons, and that the district judges shall be required to record all bonds and schedules filed and rendered in by guardians.

*Be it further enacted*, <sup>10</sup> "That on the application of any guardian who may have in his possession property belonging to his ward or wards that is so perishable in its character that it cannot be preserved without material loss, or at an expense disproportionate to its value, the judge of the District Court of the district in which such property may be situated may specially authorize, in open court, at a regular term, such guardian to dispose of said property to the highest bidder, after advertising the same for not less than twenty days; and the proceeds of any property so sold shall be added to the effects belonging to the said ward or wards, and may be loaned out at interest for a term not longer than one year without renewal, with such collateral security as shall be approved by the court under whose authority the property may have been sold.

"And should any guardian fail to report such perishable property as above, he shall be liable to a suit at law upon his bond for the recovery of the amount of damages sustained from such neglect."

*Be it further enacted*, <sup>11</sup> "That it shall be lawful for a guardian to apply a portion of the money or property belonging to minor heirs under his charge to their education at the public schools in this Nation, and any money or property so applied shall be charged to such heir as so much received of his or her portion."

*Be it further enacted*, <sup>12</sup> "That all blind persons, and those who may be so maimed, crippled, or disabled in any manner as to be helpless, who may be entirely destitute of the means of subsistence, and who may not have relatives that can support them without

material injury to themselves or to their families, such persons, on *positive proof* to that effect from disinterested persons, shall be entitled to a pension of twenty dollars each per annum, and the district judges of this Nation are hereby authorized to appoint guardians for all such persons; and the guardians so appointed are required to give bond, with good security, conditioned upon their taking good care of such pensions, and appropriating the same for the comfort of the person for whom the same may be granted."

October 12, 1841.

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## AN ACT

### IN REGARD TO MARRIAGE AND ESTATES.

*Be it enacted by the National Council,* That all regular ministers of the gospel, of every denomination, having the care of souls, and all judges of this Nation, are hereby authorized and empowered to solemnize the rites of matrimony according to the rites and ceremonies of their respective churches, and all such marriages shall be deemed lawful. No person, being married, shall marry another person without first having obtained a bill of divorce from the proper authority. Nor shall it be lawful for any person to marry and live with, as man and wife, his or her connection nearer than that of a second cousin.

*Be it further enacted,* That when any person shall die intestate, the estate of such person shall be divided, according to law, between his or her lawful widow or widower, as the case may be, and the legitimate children of the same.

TAHLEQUAH, October 24, 1855.

Approved.

JOHN ROSS.

# ELECTION OF OFFICERS AND FILLING OF VACANCIES.

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## AN ACT

### APPORTIONING THE REPRESENTATION.

*Be it enacted by the National Council,* That in accordance with Sec. (2) second, Article III, of the amendments to the Constitution, there shall be elected at the election to be held on the first Monday in August, 1867, the following number of members of the Council from each district:

Illinois,	-	-	-	-	-	-	-	4	members.
Canadian,	-	-	-	-	-	-	-	3	“
Sequoyah,	-	-	-	-	-	-	-	3	“
Flint,	-	-	-	-	-	-	-	3	“
Going Snake,	-	-	-	-	-	-	-	3	“
Delaware,	-	-	-	-	-	-	-	3	“
Saline,	-	-	-	-	-	-	-	3	“
Tahlequah,	-	-	-	-	-	-	-	4	“
Coo-we-skoo-we,	-	-	-	-	-	-	-	3	“

And the Principal Chief is hereby authorized to issue his proclamation accordingly.

TAHLEQUAH, C. N., June 17, 1867.

Approved.

WM. P. ROSS, *Principal Chief.*

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## AN ACT

### IN RELATION TO ELECTION.

*Be it enacted by the National Council,* That the regular election of officers of the Government of the Cherokee Nation,

submitted by the Constitution and laws directly to the choice of the people, shall be held on the first Monday in August, and their respective terms of office shall commence, continue, and expire as ordained by law. All male citizens who shall have attained to the age of eighteen years shall be equally entitled to vote in the district of which they may be residents; and every voter shall name the persons for whom he votes.

*Be it further enacted*, That it shall be the duty of the district judges to appoint two superintendents and <sup>1</sup>“two clerks” of election at each precinct of their respective districts. The superintendents at each precinct shall preside over the elections there held; one of the clerks shall make a list of all the candidates, and register the name of each voter, stating the candidate for whom each vote is given, and <sup>2</sup>“it shall be the duty of the other clerk to observe how each vote is recorded, so that no mistake shall be made therein.

“*Be it further enacted*, That it shall be the duty of the superintendents and clerks at each precinct of elections to count all votes legally given, to state the amount which each candidate has received, and to sign the register or list of votes before leaving the room in which the election takes place.” On the following day after the election, the superintendents shall assemble <sup>3</sup>“at the regular place for holding court in each district,” and count all votes legally given, and issue a written certificate of election to each candidate who shall have received the highest number of votes. The certified register of votes shall then be sealed up and transmitted to the Principal Chief, marked “election returns for ——— district.”

“*Be it further enacted*, That it shall be the duty of the sheriff in each district to convey to the Principal Chief the election returns without delay.”

*Be it further enacted*, <sup>5</sup>“That in any election for members of the Senate or Council, or sheriffs or district judges, when two or more candidates shall receive an equal number of votes, the Principal Chief, upon receiving the notification of the fact from the superintendents of such election, shall immediately issue a writ authorizing the holding of another election in the district in which such tie may occur.”

“*Be it further enacted*, That should a vacancy in the office of clerk or superintendent occur at the holding of the elections,

the people assembled to vote may fill such vacancy by another selection.”

<sup>7</sup> “ *Be it further enacted*, That any judge or clerk of an election who shall fail in performing the requirements of the law as embraced in this act, shall be fined in a sum not less than thirty dollars and cost of suit; and no property shall be exempt from sale to satisfy such fine and cost, and all such fines, when collected, shall be paid into the National treasury.”

*Be it further enacted*, That each judge and clerk of the elections shall, before they enter upon the discharge of their duties, take the following oath: “ I do solemnly swear that I will conduct the elections and perform the duties required of me truly and impartially, according to the provisions of the acts in relation to elections.”

<sup>8</sup> “ *Be it further enacted*, That the superintendents and clerks of election shall be entitled to a compensation of one dollar per day while in service.”

November 4, 1840.

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## AN ACT

TO FILL VACANCIES THAT MAY OCCUR IN THE SUPREME COURT.

*Be it enacted by the National Council*, That in case all or the majority of the judges of the Supreme Court are interested in any cause that may be pending before that tribunal for decision, or are related to all or either of the parties, it shall be the duty of the Principal Chief, by and with the advice and consent of the Senate, to select such a number of persons of good character and knowledge as shall correspond with the number of judges so interested, or related, as shall have been objected to, and specially commission said persons for the trial of such cause, who shall receive five dollars per day during actual service.

*Be it further enacted*, That in case one of the judges of the Supreme Court shall be ruled off, in consequence of being interested in any cause, or of being related to all or either of the parties thereto, and the remaining two judges shall be divided, and be unable to render an opinion of the court thereon, it shall be the

duty of the Principal Chief to appoint and specially commission a person of good character and knowledge, who shall, in conjunction with the disagreeing judges, constitute a court for the hearing and deciding of such cause.

TAHLEQUAH, October 29, 1855.

Approved.

JOHN ROSS.

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AN ACT

TO FILL VACANCIES.

*Be it enacted by the National Council,* That any person, being a member of either house of the National Council, who may remove out of the district where he may have been elected a member as aforesaid, and should settle in any other country or district, shall from that date cease to be considered a member of the National Council from the district where he may have elected.

*Be it further enacted,* That as soon as the district judge shall be informed that a vacancy exists in either of the houses of the National Council by the death, resignation, or removal as aforesaid, of any of the members from his district, it shall be his duty forthwith to notify the Principal Chief of such vacancy, who is hereby authorized to issue a writ of election to fill such vacancy, which election shall be held in the district where the vacancy may exist.

October 20, 1841.

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AN ACT

FOR FILLING THE VACANCY OF PRINCIPAL AND ASSISTANT CHIEFS.

*Be it enacted by the National Council,* That in case of the death, resignation, or inability of both the Principal and Assistant Chiefs to discharge their official duties, that the President of the

Senate shall hereby lawfully exercise the duties of Principal Chief until such vacancy or inability be removed, or such vacancy filled, according to the provisions of the Constitution.

TAHLEQUAH, November 19, 1842.

Approved.

JOHN ROSS.

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AN ACT

TO AUTHORIZE THE CHIEF TO SUSPEND FROM OFFICE, Etc.

*Be it enacted by the National Council,* That in all cases of malpractice in office, or violation of the laws by the officers of the Nation, either of the judiciary or executive department, or upon refusal or omission to perform their duties, the Principal Chief be and he is hereby authorized to suspend from office, until the next session of the National Council, any officer who may be charged with any of the above allegations, and proof sufficient is made to substantiate the same before the Executive. And in case of the suspension of any officer as provided for above, the Principal Chief shall appoint some suitable person to discharge the duties of such officer until the National Council, at its next session, shall otherwise determine.

TAHLEQUAH, December 5, 1845.

Approved.

GEO. LOWERY,

- *Acting Principal Chief.*

# SCHOOLS, MISSION STATIONS, AND "MEANS OF EDUCATION."

## AN ACT

### RELATIVE TO PUBLIC SCHOOLS.

*Be it enacted by the National Council,* That for the purpose of placing the means of a common education within the reach, as nearly as possible, of every person, <sup>1</sup> "there shall be established throughout the Nation, under the supervision of the superintendent of public schools, thirty-two common schools, to be put into operation on the first day of March, 1867, and which shall be located as follows :

"*Sequoyah District.*—Three schools ; one at Joseph Coodey's, one at Lee's Creek, and one at the Court House.

"*Illinois District.*—Three schools ; one at Fort Gibson, one at Seabolt's, and one at White Oak Springs.

"*Canadian District.*—Three schools ; one at Webber's Falls, one at Briar Town, and one at Jimmy Vann's.

"*Tahlequah District.*—Three schools ; one at Tahlequah, one at Caney, and one at Killermore's.

"*Going Snake District.*—Four schools ; one at Tiner's, one at Barren Fork, one at Rabbit Trap, and one at Baptist Mission.

"*Flint District.*—Three schools ; one near Alex. Scott's, one at Clear Spring, and one near John Glass'.

"*Delaware District.*—Four schools ; one at Delaware Town, one near Sequoyah's, one at New Place, and one near Snell's, on Honey Creek.

"*Saline District.*—Three schools ; one at Requa, one at Culcar-law-skee's, and one at Little Spring Creek.

"*Coo-we-skoo-we District.*—Three schools ; one on Grand River, at Lucy Hawkins', one near John Hatchet's, and one on Dog Creek.

“ *Be it further enacted*, That one school be established at the Moravian Mission.

“ *Be it further enacted*, That the superintendent of public schools be authorized to locate two common schools for the benefit of the colored children, at some suitable places, as may in his judgment be most desirable.

“ *Be it further enacted*, That the above schools shall be permanently located at said places, and there shall be five orphans clothed and boarded, and attend each of the above specified public schools.” Such orphans so received into the schools <sup>2</sup> “shall be destitute of parents, and under the age of eighteen years.” It shall be the duty of the board of directors to place them in some good family, convenient to the school, where they shall be <sup>3</sup> “boarded and clothed, at the rate of thirty dollars each for the scholastic year.”

*Be it further enacted*, That there shall be elected by the National Council, once in every two years, a superintendent of schools for the Cherokee Nation, who shall appoint a board of directors for each school, consisting of three persons, who shall hold their office during good behavior.

*Be it further enacted*, That it shall be the duty of the superintendent of the schools to see that good comfortable school houses are erected, and such schools established as provided for above—to visit the schools so established at least twice in each year, <sup>4</sup> “and to make an annual report, through the Principal Chief, to the National Council, one week previous to the session of the same.

“Should said superintendent fail in making such report at the allotted time, as required, he shall be fined in a sum of twenty-five dollars (unless rendering a reasonable excuse to the Council) for each and every such offense, to be deducted from his salary.”

<sup>5</sup> “The superintendent, upon being commissioned, shall take an oath for the faithful performance of the duties required of him by law.”

*Be it further enacted*, That it shall be the duty of the board of directors of each school to locate and superintend the building of such school houses in their respective districts as are herein provided for, and, with the concurrence of the superintendent of schools, to employ such persons to teach the respective schools <sup>6</sup> “as, after examination, shall be recommended by the examining board

as qualified to teach." They shall also have power to prescribe the kinds of books to be used, and the branches to be taught in the several schools, and are likewise authorized to dismiss teachers from their office for ill-conduct or failure to perform their duties. It shall also be the duty of the board of directors of each school to visit the school under their care at least once in every three months.

*Be it further enacted,* <sup>7</sup> "That the scholastic year shall be divided into two sessions or terms; one of which shall commence on the first Monday in March, and end on the 15th day of July following; the other shall commence on the first Monday in September, and close on the last Friday of January following."

*Be it further enacted,* That no school, excepting in extraordinary cases, shall go into operation with less than twenty-five nor exceeding sixty scholars.

*Be it further enacted,* <sup>8</sup> "That the sum of two hundred dollars annually is hereby appropriated out of moneys belonging to the school fund for the purchase of text books for the use of the public schools."

December 16, 1841.

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## AN ACT

TO PROVIDE AN OFFICE IN THE TOWN OF TAHLEQUAH FOR THE SUPERINTENDENT OF PUBLIC SCHOOLS.

*Be it enacted by the National Council,* That the superintendent of public schools be and he is required to keep his office in the building prepared for the treasurer, in the town of Tahlequah, at which place he shall receive the reports of the directors of the public schools at the close of each session.

*Be it further enacted,* That the superintendent is hereby authorized to have made a suitable book-case, with locks and keys, in the building above mentioned, for the deposit and safe keeping of the books and papers belonging to his office, and also for the keeping of school books, stationery, etc., for the use of the public schools. The Principal Chief is hereby authorized to draw a war-

rant on the school fund for the payment of the work, upon the certificate of the superintendent.

TAHLEQUAH, November 7, 1851.

Approved.

JOHN ROSS.

## AN ACT

### AUTHORIZING THE APPOINTMENT OF AN EXAMINING BOARD.

*Be it enacted by the National Council,* That there shall be appointed by the Principal Chief three persons, who shall constitute an examining board, and whose duty it shall be to examine into the acquirements and qualifications of all persons who may be applicants for employment as teachers in the public schools of the Nation; <sup>9</sup> “the said board are also required to exact of each candidate for the office of teacher in any of the public schools, a declaration of his belief in the truth of the Christian religion, and a credible certificate of good moral character, signed by at least three persons of his acquaintance.”

*Be it further enacted,* That it shall not be lawful for the superintendent of public schools to employ any person as a teacher who has not been so examined and recommended as a suitable person to be employed as teacher by the said examining board, or <sup>10</sup> “who may have failed to maintain a good moral character while teaching.”

November 2, 1849.

## AN ACT

### AUTHORIZING THE PRINTING OF BOOKS IN THE CHEROKEE LANGUAGE.

*Be it enacted by the National Council,* That the sum of two hundred dollars be and the same is hereby appropriated out of the school fund for the benefit of the Rev. J. B. Jones, to enable him to prepare and publish a book on the plan of Ollendorff, to contain English and Cherokee, for the use of the public schools in the Cherokee Nation, and the Principal Chief is hereby authorized to issue his warrant for the same.

TAHLEQUAH, C. N., November 27, 1866.

Approved.

W. P. ROSS.

AN ACT  
IN REGARD TO HIGH SCHOOLS.

*Be it enacted by the National Council,* That the Principal and Assistant Principal Chiefs, and the Executive Council of this Nation, be and are hereby constituted a temporary board of directors of high schools, with authority to put each or either of the seminaries into operation again, whenever adequate and applicable means shall have been had, through the negotiations of the delegation appointed to visit Washington City: *Provided,* however, that no principal teacher shall receive a salary of more than eight hundred dollars per annum, nor assistant teacher a salary of more than six hundred dollars; and all expenses for boarding shall be defrayed by the teachers and the pupils themselves.

November 18, 1859.

N. B.—The examining committee reject this act as not being in force, it being contingent upon the obtaining of funds by the delegation appointed that year.

ELI SMITH, *Chairman.*

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AN ACT  
PROVIDING FOR THE CARE OF THE SEMINARY BUILDINGS  
AND PROPERTY.

*Be it enacted by the National Council,* That the Principal and the Assistant Principal Chiefs, and Executive Council of this Nation, be and they are hereby authorized and requested to take charge of the seminary buildings and property therewith connected, to have such repairs made thereon as in their judgment may be required, and that the Principal Chief be and he is hereby authorized to draw a warrant upon the National treasury in payment of said expenses.

TAHLEQUAH, C. N., November 16, 1859.

Approved November 9.

JOHN ROSS.

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AN ACT  
AUTHORIZING ORPHAN INSTITUTES.

*Be it enacted by the National Council,* That a committee of three persons shall be appointed to act with the Principal Chief and

the superintendent of public schools in taking such steps as may be necessary to found an orphan institute or institutes, such persons to be selected by the National Council.

*Be it further enacted*, That such committee shall have power to arrange and negotiate with any church or religious body that may be induced to take charge of such institute or institutes, and to make agreement with them for the manner of expending the orphan fund, and of founding such institutes on a permanent basis, or for the receipt of all other funds or annuities that have been or may be received for such purpose, and to place such institutes in the charge of such religious society or church, such acts being subject to the approval of the National Council.

*Be it further enacted*, That said committee shall be and are hereby authorized to place the buildings used as the male and female seminaries at the disposal and subject to the uses and occupancy of said orphan institute or institutes until suitable buildings can be provided for the same elsewhere, and to take all other necessary steps for the speedy organization and endowment of institutes, in which the orphans of the Cherokee Nation shall be provided for and educated, all of the action of said committee in the premises being subject to the approval of the National Council.

TAHLEQUAH, C. N., October 23, 1866.

JAMES VANN,  
*Pres. National Committee.*

H. D. REESE, *Clerk Committee.*

Concurred.

JOHN YOUNG,  
*Speaker Council.*

R. B. ROSS, *Clerk Council.*

Approved.

W. P. ROSS.

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## AN ACT

IN REGARD TO THE PRINTING PRESS AT FORT GIBSON.

*Be it enacted by the National Council*, That the Principal Chief be and he is hereby authorized to appoint some person to take charge of the printing press at Fort Gibson, who shall be

requested to take good care of it, and who shall be paid out of the National treasury for his services.

TAHLEQUAH, July 8, 1865.

Approved. LEWIS DOWNING, *Acting Prin'l Chief.*

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AN ACT

AUTHORIZING THE PRINCIPAL CHIEF TO HAVE THE PROPERTY OF THE SEMINARY BUILDINGS TAKEN CARE OF.

*Be it enacted by the National Council,* That the property belonging to the male and female seminaries, which has been taken away from said buildings, be collected together, and the Principal Chief is hereby directed to appoint two persons whose duty it shall be to ascertain where and by whom such property is held, and to collect the same wherever found.

*Be it further enacted,* That when said property, or so much thereof as can be found, has been collected, the persons appointed in compliance with the preceding section shall report to the Principal Chief the description and number of the articles so found, who shall place the same in charge of some responsible person or persons for safe keeping until the seminaries are put in operation, or a further disposition of such property is made by the National Council. The services performed by persons appointed under this act shall be paid for out of the National treasury.

TAHLEQUAH, July 7, 1865.

Approved.

LEWIS DOWNING.

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RESOLUTION RELATING TO THE DIFFERENT DENOMINATIONS.

*Resolved by the National Council,* That the Principal Chief be and he is hereby authorized to enter into a correspondence with the proper authorities of the Congregational, Presbyterian, Moravian, and (the two branches of) the Methodist churches, inviting them to renew their labors in the Cherokee Nation.

TAHLEQUAH, C. N., November 9, 1866.

JAMES VANN, *Prest. Nat. Com. pro tem.*

Oo-YOU-SUT-TAH, *Speaker Council pro tem.*

Approved.

WILLIAM P. ROSS.

## AN ACT

AUTHORIZING THE AMERICAN BAPTIST HOME MISSION SOCIETY  
TO REMOVE ITS MISSION STATION.

*Be it enacted by the National Council,* That in accordance with a petition of Rev. E. E. L. Taylor, D.D., one of the corresponding secretaries of the American Baptist Home Mission Society, and the recommendation of the Principal Chief, the aforesaid American Baptist Home Mission Society be and they are hereby authorized to remove their mission station from Baptist Mission, in the Nation, to some other locality.

*Be it further enacted,* That Lewis Downing and Benjamin Snell be and they are hereby appointed a committee, on the part of the Cherokee Nation, to act in conjunction with the authorized agent of the said Society, to select a new location for the said Mission, and that the said Society be and they are hereby authorized to erect buildings thereon, and other improvements, for the purpose of prosecuting their missionary work. And the free use of timber and other building material and fuel is hereby granted to said Society for purposes of their mission.

TAHLEQUAH, October 31, 1866.

Approved.

WM. P. ROSS.

## AN ACT

## GRANTING PERMISSION TO ESTABLISH MISSIONARY STATIONS.

*Be it enacted by the National Council,* That permission be and is hereby granted to Rev. Eban Jones and son, J. B. Jones, with their families, to reside in the Cherokee Nation as missionaries (in conformity to Art. 6, Sec. 9, of the Constitution), for the purpose of teaching the people to attain a knowledge of religion, and in the performance of morality and a quiet life.

TAHLEQUAH, October 28, 1865.

Approved.

LEWIS DOWNING,  
*Acting Principal Chief.*

## AN ACT

GRANTING PERMISSION TO THE MORAVIAN BOARD TO ESTABLISH A MISSIONARY STATION IN THE CHEROKEE NATION.

*Be it enacted by the National Council,* That permission be and is hereby granted to the Board of the Moravian Society at Salem, N. C., to erect a missionary station near the head of Spring creek, on the military road, in this Nation, for the purpose of carrying on their labors in the instruction and improvement of the Cherokee people.

TAHLEQUAH, November 24, 1842.

Approved.

JOHN ROSS.

## AN ACT

AUTHORIZING THE AMERICAN BOARD OF FOREIGN MISSIONS TO ESTABLISH A MISSIONARY STATION ON LEE'S CREEK, NEAR JAMES BROWN'S.

*Be it enacted by the National Council,* That permission be and the same is hereby granted to the American Board of Foreign Missions to establish a missionary school near James Brown's, on Lee's creek, Cherokee Nation, for the purpose of improving and instructing the Cherokee people ; and,

*Be it further enacted,* That the said James Brown be and he is hereby appointed to aid and assist the said Board in selecting a site for the said missionary station.

TAHLEQUAH, November 9, 1848.

Approved.

GEORGE LOWERY.

## AN ACT

AUTHORIZING A MISSION STATION ON FOURTEEN MILE CREEK.

*Be it enacted by the National Council,* That permission be and is hereby granted to the American Board of Missions to establish a mission station northwest of Tahlequah, in the neighborhood of Killermore's, on Fourteen Mile creek, in Tahlequah district, Cherokee Nation, for the purpose of carrying on their labors in the instruction and improvement of the Cherokee people.

TAHLEQUAH, November 27, 1851.

Approved.

JOHN ROSS.

# DISTRICTS, TOWNS, PUBLIC DOMAIN, AND OTHER PUBLIC PROPERTY.

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## AN ACT

TO ORGANIZE THE NATION INTO EIGHT DISTRICTS, AND ESTABLISHING PRECINCTS OF ELECTIONS.

*Be it enacted by the National Council,* That the following divisions of the Nation into eight districts shall continue until altered by law, to-wit:

### SKIN BAYOU (SEQUOYAH) DISTRICT.

Commencing at the mouth of Salisaw creek; thence up the same to a point where the Rogue's Path crosses; thence along said Path to Bear Meat's old place; thence on a direct line to the two knobs or peaks, running between the same, to the nearest point of the State line; thence south along said line to the Arkansas river, and up the same to the place of beginning.

### ILLINOIS DISTRICT.

Commencing at the point where the Rogue's Path crosses Salisaw creek; thence on a direct line to Big Bear's (Allen Gafford's), on Elk creek, and down said creek to its junction with Illinois river; thence crossing Short Mountain to Eli Harlin's (including said Harlin in this district;) thence along the road by Joseph Coodey's and Dennis Biggs' to the forks of the road near Mrs. Susan Riley's; thence along the right hand road leading by Mrs. Hetty Rogers', leaving her residence in Illinois district; thence along the road to Polly Smith's, leaving her in Illinois district; from thence to Mrs. Anna Irons' old place on Grand river, leaving said place in Tablequah district; from thence straight across to Mrs. Rachel McDaniel's old place, on the Verdigris river, leaving the said place in Illinois district, to the mouth of Salisaw creek, and up the same to the place of beginning.

## CANADIAN DISTRICT.

Commencing at the junction of the Arkansas and Canadian rivers; thence up the Canadian to the Creek boundary; thence along the said boundary to the Arkansas river, and down the same to the place of beginning.

## FLINT DISTRICT.

Commencing at the point where the Rogue's Path crosses the Salisaw creek; thence along the line of Illinois district to the Illinois river; thence up said river to the mouth of Caney creek, and up said creek to Buffington's Spring branch, and up said branch to the wagon road at Buffington's; thence along the main old road to the crossing of the south branch of the Barren Fork of the Illinois; thence up said creek to the State line, and along said line to the line of Skin Bayou district; thence west along said district line to the place of beginning.

## GOING SNAKE DISTRICT.

Commencing on Caney creek at Fawn's Camp on the right, and following the path leading to Thos. F. Taylor's until the same forks on the mountain; thence along the right hand old path, leaving said Taylor's to the left, to Dick Sanders', on the Barren Fork; thence along the road to James McDaniel's, on Big Illinois; thence along the road or path leading to the Grand Saline to Spring creek; thence up said creek to the crossing of the Washington county wagon road, at Gore's old cabin, following said road to Flint creek; then up said creek to the State line; then south along said line to the Flint district, and along the same to the place of beginning.

## TAHLEQUAH DISTRICT.

Commencing at Fawn's Camp on Caney creek, and following the line of Going Snake district to Spring creek; thence down said creek to Grand river, and down the same to Mrs. Anna Irons' old place; thence along the line of Illinois district to the Illinois river; thence up said river to Caney creek, and up the same to the place of beginning.

## DELAWARE DISTRICT.

Commencing at the point on Spring creek where Going Snake and Tahlequah districts corner; thence to the nearest source of Little

Saline creek, and down the same to its junction with Big Saline creek; thence on a direct line to Grand river, at the mouth of Spavinaw creek; thence up said river to the termination of the Cherokee territory, and including all the country east of the above described line to the State line, and north of Going Snake district.

#### SALINE DISTRICT.

Commencing at the northwest corner of Delaware district: thence south along the western line of the said district to Tahlequah district, on Spring creek; thence down said creek to Grand river, and along the same to Mrs. Anna Irons' old place; thence along the line of Illinois district to Mrs. Rachel McDaniel's old place, on Verdigris river, including all the country west not embraced in any of the before described districts.

*Be it further enacted*, That the following places are designated as precincts in the several districts:

I. *For Skin Bayou (Sequoyah) District*.—1. At or near Thos. Ross', in Sweet Town. 2. At or near Tobacco Will's. 3. At or near Little Jno. Rogers'.

II. *For Flint District*.—1. At the Court House. 2. At or near Broken Canoe's. 3. At or near Sally Bark's.

III. *Illinois District*.—1. At the Court House. 2. At or near Moses Smith's. 3. At Fort Gibson. 4. At the Baptist Camp Ground, near Te-cul-que-ta-kees-on-bian.

IV. *Canadian District*.—1. At the Court House, at Webber's Falls. 2. At Cah-ler-taw-ler-tah's old place. 3. At or near S. B. Bowles' old place. 4. At or near Jimmy Mitchell's old place.

V. *Going Snake District*.—1. At or near Reese Mitchell's, on the Illinois river. 2. At the Court House. 3. At Piney. 4. At or near Thos. Wilkeson's, in Rabbit Trap.

VI. *Tahlequah District*.—1. At Tahlequah. 2. At Catron's Spring. 3. At or near Big Sequoyah's. 4. At the School House, near Suyatah's.

VII. *Delaware District*.—1. At or near Charles Thompson's. 2. At or near Ned Barrow's old place. 3. At or near Johnson Thompson's, on Grand river. 4. At or near the Public School House, near Sequoyah's.

VIII. *Saline District*.—1. At T. L. Rogers' salt works. 2. At the Court House. 3. At or near Sequoyah's, on Spring creek.

## AN ACT

## ORGANIZING COO-WE-SKOO-WE DISTRICT.

*Be it enacted by the National Council,* That all that portion of the territory belonging to the Cherokee people, within the following boundary, be and is hereby organized into a district, to be known as Coo-we-skoo-we district, with all the immunities and corporate capacities of other districts of this Nation, to-wit: Commencing at the corner-stone of the Creek Nation, a few miles north or northwest of Old Union Mission; running thence a due east course until it strikes the Missouri road, running west of Neosho or Grand river; then along said road to about one mile northward of the crossing of Rock creek; then along a certain trail known as Mathis' trace, until said trace strikes the northern boundary line of the Cherokee country; then westward along said line, and following the boundary line of the Cherokee outlet west to the point of beginning.

*Be it further enacted,* That the precincts for holding elections shall be and are placed at the following localities:

<sup>1</sup>“1. At the Sulphur spring on Dog creek, near Jim McNair's cow-pen. 2. At the White spring. 3. At the Yellow spring. 4. At or near Dick Duck's.”

## AN ACT

TO ALTER THE LINE BETWEEN FLINT AND SKIN BAYOU  
(SEQUOYAH) DISTRICTS.

*Be it enacted by the National Council,* That the line between Flint and Skin Bayou districts shall be as follows, to-wit: Commencing at a point on Salisaw creek, where Rogue's Path crosses; thence along said path to within ten yards of Sen-e-kah-wee's house, leaving Sen-e-kah-wee's in Skin Bayou district; thence in a direct line to a point one hundred yards north of Edward Still's; thence in a direct line to Corn Tassel's, in Flint district; thence in a direct line to the Yellow springs; thence to George Still's wagon road, leading to Stone's saw-mill, along said road a quarter of a mile; thence

direct to Tsi-a-no-no's, leaving Tsi-a-no-no's in Flint district; and thence in a direct line so as to strike the Arkansas line opposite the Salt spring in that State.

TAHLEQUAH, November 8, 1843.

Approved.

JOHN ROSS.

### AN ACT

TO ALTER THE LINE BETWEEN SALINE AND DELAWARE DISTRICTS.

*Be it enacted by the National Council,* That the line between Delaware and Saline districts shall be as follows: Commencing at a point on Spring creek, where Going Snake and Tahlequah districts corner, and up the left-hand fork of Spring creek, by Switchler Lowery's, and across to Oo-lee-stu-hee's place, leaving him in Saline district; thence along the path to Oo-lee-stu-hee's old place, leaving the said place in Saline; thence along a path on the ridge to Chuli-o's place, leaving that place in Saline; and thence to a ford, a short distance above Ned Christie's, on Spavinaw; and thence straight to the mouth of a small creek above Ned Persimmon's, on Grand river; and thence across to Oo-law-nah-tee-skee's place, on Cabin creek, leaving the said place in Saline; and up said creek to the Osage boundary line.

TAHLEQUAH, January 13, 1845.

Approved.

JOHN ROSS.

### AN ACT

TO ALTER THE LINE BETWEEN GOING SNAKE AND TALEQUAH DISTRICTS.

*Be it enacted by the National Council,* That the line between Going Snake and Tahlequah districts shall be as follows, to-wit: Commencing at the mouth of Little Caney, at the residence of The Eagle; thence up the said creek to its source, at the present residence of John Young; and thence along the line as heretofore established. And so much of the act passed November 4th, 1840, commencing said line at Fawn's Camp, be and the same is hereby repealed.

TAHLEQUAH, October 24, 1848.

Approved.

GEORGE LOWERY, *Acting Prin'l Chief.*

## AN ACT

## CHANGING THE NAME OF SKIN BAYOU DISTRICT.

*Be it enacted by the National Council,* That the name of Skin Bayou district be and the same is hereby changed, and that the said district shall be called, from and after the passage of this act, Sequoyah; and so much of the act passed November 4th, 1840, as militates against this act, be and the same is hereby repealed.

TAHLEQUAH, November 4, 1851.

Approved.

JOHN ROSS.

## AN ACT

## ALTERING THE LINE BETWEEN COO-WE-SKOO-WE AND SALINE DISTRICTS.

*Be it enacted by the National Council,* That the line shall run on the west bank of Grand river, over the river at the termination of the Creek boundary, at the narrow strip and line of Illinois district, commencing here and running up Grand river to Rocky creek, and up the same to where the line of Coo-we-skoo-we crosses, thence a straight course due north. Any act conflicting with this act is hereby repealed.

TAHLEQUAH, November 8, 1865.

Approved.

LEWIS DOWNING,  
*Acting Principal Chief.*

## AN ACT

## REGULATING SETTLEMENTS ON THE PUBLIC DOMAIN, AND IN REGARD TO IMPROVEMENTS.

*Be it enacted by the National Council,* That no person shall be permitted to settle or erect any improvement within one-fourth of a mile of the house, field, or other improvement of another citizen, without his, her, or their consent, under the penalty of forfeiting such improvement and labor for the benefit of the original settler:

*Provided*, it may be lawful, however, where a settler has a field one-half mile or more from his residence, and where there may be a spring or running water, and timber, for another citizen to improve and settle one hundred yards from such field so situated.

*Be it further enacted*, <sup>2</sup> “That all improvements, which may be left unoccupied by any person or persons, citizens of this Nation, and such person or persons remove to another place, leaving no person or tenant on their former place for the term of two years, such place or improvements shall be considered *abandoned*, and revert to the Nation as common property; and any person or persons whatever, citizens of this Nation, may take possession of any such improvement so left, which shall thenceforward be considered their lawful property.

“*Be it further enacted*, That should any person or persons having possession of and claiming an improvement, and another person, or other persons, claim the same, such last mentioned claimant or claimants are required to commence an action by law within twelve months after the person or persons in possession of the improvement in dispute take possession thereof, or otherwise their rights to such improvement is considered forfeited by this act.

“*Be it further enacted*, That nothing in this act shall be so construed as to impair the rights of orphans.”

September 24, 1839.

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## AN ACT

### IN REFERENCE TO SALINES.

*Be it enacted by the National Council*, That all salines within the limits of the Cherokee Nation, except the one granted by the treaty of 1828, are the property of the Nation; and no person shall have the right to work or improve any saline, or manufacture salt, without having first obtained special permission for that purpose from the National Council or its authority. No person shall hold or possess any individual right to any saline whatever, except as may hereafter be provided for by law.

SEC. 2. *Be it further enacted*, <sup>3</sup> “That any citizen of the Nation shall have the privilege of manufacturing salt within the

limits of the Nation, at any of the salines now discovered, which are not already leased out, upon the conditions hereinafter named, to-wit: Any person desirous of manufacturing salt shall enter into bond, with good security, to pay the treasurer of the Cherokee Nation, quarterly, the sum of three cents for every fifty pounds of salt that he may make, and he is required hereby to furnish a full statement of the same on oath." It shall not be lawful for any but a citizen of this Nation to be interested in a lease, and the same person shall not be interested in a lease of more than one saline. All improvements which may be made and buildings erected at any of the salines by the lessee shall, at the expiration of his lease, belong to the Nation; but all salt kettles or metals of the lessee shall remain his private property and be subject to his disposition.

SEC. 3. <sup>4</sup> "*Be it further enacted*, That the bonds mentioned in the second section of this act shall extend to a period of ten years."

SEC. 4. *Be it further enacted*, That the lessee of a saline shall have the free use of as much timber as may be necessary for the purpose of salt making; and all improvements that may have been made by citizens of the Nation within a half mile of any saline, and which may tend to obstruct or interfere with the necessary and proper operations of the lessee, shall be appraised by such persons as may be authorized for that purpose by the Principal Chief, at a fair valuation, and the amount so appraised shall be paid to such citizen by the Nation, and his removal ordered.

SEC. 5. *Be it further enacted*, That if any person who has obtained a lease and executed his bond, as required above, shall be prevented or interrupted by any one in taking possession of such saline so leased, it shall be the duty of the sheriff of the district in which it may be located to place him in possession, and to remove or prevent any further molestation or interruption of such lessee.

SEC. 6. <sup>5</sup> "*Be it further enacted*, That if any person engaged in the manufacture of salt, under the provisions of this act, shall cease manufacturing at any time for a period of eighty days, the Nation shall have the privilege of renting the saline to some other individual.

"SEC. 7. *Be it further enacted*, That it shall be the duty of the treasurer to take bonds, provided for above.

“SEC. 8. *Be it further enacted*, That any person engaging to manufacture salt, under the provisions of this act, shall commence the manufacture thereof within the term of twelve months from the date of his bond. In case of failure to do so, the saline shall revert to the Nation.

“SEC. 9. *Be it further enacted*, That any person forfeiting their lease according to the provisions of this act, shall be liable to indictment for damages in the Circuit Courts of this Nation; and it is hereby made the duty of the treasurer to bring suits against such person, in the name and for the benefit of the Cherokee Nation, and he shall be entitled to ten per cent. out of all money collected under the provisions of this section of the act.

“SEC. 10. *Be it further enacted*, That it shall be lawful for any person, a citizen of the Nation, to dig or bore for salt water, and when obtained, shall have the privilege of manufacturing salt therefrom for the term of ten years, free of rent: *Provided*, always, that no person shall have the privilege of digging, or boring, or manufacturing salt, within a distance of one-fourth of a mile from any other saline.”

October 30, 1843.

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## AN ACT

### RELATING TO PUBLIC FERRIES.

*Be it enacted by the National Council*, That any person desirous of keeping a public ferry shall first be required to obtain a license for that purpose from the National treasurer, and for which he shall pay annually in advance the following tax, to-wit: For a ferry on the Arkansas, Canadian, or Grand rivers, the sum of twenty-five dollars per annum; on the Illinois, Verdigris, and “Neosho” rivers, the sum of ten dollars per annum. Any person so obtaining a license shall be required to keep good boats and ferrymen, and cross all persons promptly during seasonable hours (Sundays excepted), when it can be done with safety, at rates heretofore fixed by law. No person shall be allowed to open a new ferry within less than half mile of any ferry established agreeably to the provisions of this act.

*Be it further enacted*, That any person found guilty of a violation of the provisions of this act shall be subject to a fine for every such offense, in a sum double the amount of the license established above, one half for the benefit of the informer and the other for the treasury. All such fines shall be recoverable before the courts of the Nation.

October 31, 1849.

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AN ACT

RELATIVE TO STONE COAL.

*Be it enacted by the National Council*, That stone coal shall be the common property of the Cherokee people, and that each Cherokee, or citizen of the Nation, shall be equally entitled to use the same.

November 2, 1843.

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AN ACT

RELATING TO MINERALS.

*Be it enacted by the National Council*, That all gold, silver, lead, copper, or other valuable mineral, which may be discovered within the limits of the Cherokee Nation, shall be the public property of the same.

TAHLEQUAH, November 3, 1847.

Approved.

JOHN ROSS.

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AN ACT

IN RELATION TO MILITARY AND AGENCY RESERVATIONS.

*Be it enacted by the National Council*, That all military and agency reservations, and the buildings thereon, which are now or may be hereafter occupied by the United States, within the limits of this Nation, shall become the public property of the Nation when

the United States shall cease to occupy the same; and it shall not be lawful for any citizen of the Nation to take possession thereof, except by permission of the National Council, under penalty of being removed therefrom.

TAHLEQUAH, October 11, 1854.

Approved.

JOHN ROSS.

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## AN ACT

### APPOINTING A BOARD OF COMMISSIONERS.

WHEREAS, A company under the name and style of the Union Pacific Railroad Company, Southern Branch, has been organized under the laws of the State of Kansas, to construct and operate a railroad from Fort Riley, Kansas, or near said military reservation, thence down the valley of the Neosho river to the southern line of the State of Kansas, with a view to the extension of the same through a portion of the Indian Territory to Fort Smith, Arkansas; and

WHEREAS, Congress has authorized said extension of said railroad through a portion of the lands belonging to the Cherokee Nation, by an act granting lands to the State of Kansas to aid in the construction of a southern branch of the Union Pacific railway and telegraph from Fort Riley, Kansas, to Fort Smith, Arkansas, approved July 26, 1866; and

WHEREAS, The Cherokee Nation is willing to lend its aid and cooperation in the construction of said railroad along such route as will most inure to the convenience and benefit of the Cherokee people, in the way and manner hereinafter prescribed: therefore,

*Be it enacted by the National Council,* That the Cherokee Nation hereby constitute the Principal Chief and Assistant Principal Chief, and three other persons, to be nominated by the Principal Chief and confirmed by the National Committee, a board of commissioners, who shall be and are hereby authorized, in the name and on the behalf of the Cherokee Nation, to subscribe to the Union Pacific Railroad Company, Southern Branch, or to such other road, the building of which may be advantageous to the Cherokee Nation, and running from east to west, so much of the proceeds of the

Cherokee lands west of 96° longitude as may be deemed advisable, on such conditions as may be mutually agreed upon between the representatives of said company and said commissioners: *Provided*, That said agreement, before being obligatory on the Cherokee Nation, shall be approved by the National Council.

TAHLEQUAH, October 29, 1866.

Approved.

W. P. ROSS, *Principal Chief*.

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*AGREEMENT entered into on behalf of the Cherokee Nation, by its Commissioners, Wm. P. Ross, Principal Chief, Lewis Downing, Assistant Chief, and Daniel H. Ross, Houston Benge, and Redbird Six-killer, and N. S. Goss, President, and P. B. Maxon, Secretary, of the Union Pacific Railway (Southern Branch) Company.*

The Cherokee Nation, by its above named commissioners, agrees with the Union Pacific Railway Company, Southern Branch, through its commissioners—Goss, president, and Maxon, secretary—as follows:

SEC. 1. The Union Pacific Railway, Southern Branch, agree to build their railway and put the same, with all its necessary rolling stock, in working order, through the Cherokee Nation, between the Grand and Verdigris rivers, or along the valley of the former river, on the shortest and best practicable route to Fort Gibson, Cherokee Nation; and from Fort Gibson to the southern boundary of the Cherokee Nation, or by the valley of the Arkansas river, to or near Fort Smith, Arkansas. And the said company, by said commissioners, further agree to commence said work within one year of the date hereunto attached, and to continually and actively work at the same until completed.

SEC. 2. The Cherokee Nation, through its above named commissioners, agrees that the said railroad company shall build its road through the country above described, and shall have and enjoy the privilege of right of way accorded by article eleven (11) of the treaty of July 19, A. D. 1866, and that said privilege shall inure to such company on their building and completing said road. And further, the Cherokee Nation, by its said commissioners, agrees to take stock in said railway company to the extent of five hundred thousand (500,000) dollars, to be raised from the proceeds of the

sale of lands belonging to the Cherokee Nation, and lying west of the ninety-sixth degree of west longitude, when said lands can be sold according to the terms of the treaty before mentioned (or according to such terms as may be agreed on between the parties to this agreement and the government of the United States). And it is further agreed by the parties to these articles, that said stock shall be paid in on the completion of each ten miles of road from Fort Gibson to the Kansas State line, in equal proportions to the distance on the survey as made; and that, on the completion of each ten miles of said road, it shall be examined by the commissioners of the Cherokee Nation as above named, and if approved, then that the above amounts per mile shall be paid in as hereinbefore specified: *Provided*, That it is conceded by the parties to these articles, that the Cherokee Nation may, at any time within three years, take a further amount of stock, not to exceed the proceeds on the sales of one million of acres more of the lands of the Cherokee Nation lying west of the ninety-sixth degree of longitude, in case the Cherokee commissioners, with the approval of the Cherokee Council, shall so agree to do. And it is further agreed, that for all the amounts, as hereinbefore agreed, to be subscribed in stock, paid up certificates shall be issued to such commissioners on behalf of the Cherokee Nation, according as said amounts are paid. And further, it is agreed on between the parties, that until there shall be an amount of stock subscribed in said road entitling them to a greater number, that the Cherokee Nation shall be entitled to two directors in said railway company.

SEC. 3. It is further agreed on the part of the Cherokee Nation, by its commissioners, that to aid in the construction of said road, a bonus of the proceeds of the sales of two hundred and fifty thousand acres of the lands owned by the Cherokee Nation, and lying west of the ninety-sixth degree of west longitude, shall be made to the said company on the following conditions: The lands in question to be sold under the provisions of the treaty of July 19th, A. D. 1866, or according to such provisions as may be agreed upon between said commissioners and approved by the National Council and the government of the United States, and shall be paid to said company in equal proportions for each ten miles of road constructed between Fort Gibson and the Kansas State line, according to the survey of said road; and on the completion of any ten miles of said road, it

shall be examined by said commissioners, or a majority of them, and if approved, that said *pro rata* portion of said bonus shall be paid for such ten miles: *Provided*, That said Cherokee commissioners may loan said amount for such ten miles actually in process of construction, not to exceed ten miles at a time, in order to complete the same, to said railway company.

SEC. 4. The Cherokee Nation agree, by said commissioners, that said railway company, for purposes of constructing said road, may use from lands, the property of the Nation, not claimed by individuals, such rock, sand, or earth, as may be required for such road; and further, that said company may purchase from said commissioners, on behalf of the Cherokee Nation, such timber, situated on the public lands of the Cherokee Nation, and not claimed by individuals, as may be required for the construction of said road; and that such sales of timber shall either be for cash, or for paid up shares of stock, as the commissioners may agree and the Council of the Cherokee Nation approve.

SEC. 5. It is further agreed, on the part of the Cherokee Nation, that their delegation or legal representative in Washington shall secure such early and prompt action as to the sale or disposal of the lands of the Cherokee Nation lying west of the ninety-sixth degree of longitude as aforesaid, and on such terms, as shall best further the early building of said road.

SEC. 6. In the agreements herein entered into, it is with the distinct understanding that if said Union Pacific Railway Company, Southern Branch, fail to commence the work on said road within one year from the date hereof, or shall cease to build or to continue to build said road, or shall fail after the second year to build at least ten miles in each year, within said Nation, and place the same in working order, that the Cherokee commissioners and the Nation they represent may be released from the terms of this obligation, and at liberty to make agreement with any other company in reference to building said north and south road; and on such failure on the part of the company, and a formal notification thereof by the commissioners, all further subsidies, stock, subscriptions, or other aid rendered, may from such date be discontinued, subject to the approval of the National Council.

SEC. 7. It is further agreed, that the said railroad may demand and receive for the transportation of passengers, citizens of the

Cherokee Nation, and freight owned by them, such reasonable rates as may be from time to time prescribed by law by the National Council: *Provided*, That the same shall be uniform with the rates charged on said road, and as regulated by law, in the limits of the State of Kansas.

Entered into and subscribed this, the 31st day of October, A. D. 1866, at Tahlequah, Cherokee Nation.

WM. P. ROSS, *Prin'l Chief Cherokee Nation*,  
LEWIS DOWNING, *Assistant Chief*,

S. H. BENGE,

R. SIX-KILLER,

DANIEL H. ROSS,

*Commissioners on behalf of Cherokee Nation.*

N. S. GOSS, *President*,

P. B. MAXON, *Secretary*,

*Commissioners on the part of the U. P. R. W. S. B. Company.*

RESOLUTION AUTHORIZING THE APPOINTMENT OF COMMISSIONERS TO TREAT WITH THE DELAWARES.

*Resolved, by the National Council*, That the Principal Chief, Assistant Principal Chief, and three others, be appointed by the Principal Chief as commissioners to [enter] into an agreement with the Delaware delegation in reference to allowing the Delawares to select a reservation from our lands lying east or west of 96° of longitude, according to the provisions of the treaty of July 19th, 1866.

TAHLEQUAH, C. N., November 7, 1866.

JAMES VANN,

*President National Committee.*

H. D. REESE, *Clerk*.

Concurred.

JOHN YOUNG, *Speaker Council.*

R. B. ROSS, *Clerk Council.*

Approved.

WM. P. ROSS.

## ARTICLES OF AGREEMENT

*Made this 8th day of April, A. D. 1867, between the Cherokee Nation, represented by William P. Ross, Principal Chief, Riley Keys, and Jesse Busheyhead, delegates, duly authorized, parties of the first part, and the Delaware tribe of Indians, represented by John Connor, Principal Chief, Charles Journey Cake, Assistant Chief, Isaac Journey Cake, and John Sarcoxie, delegates for and on behalf of said Delaware tribe, duly authorized, witnesseth :*

WHEREAS, By the 15th article of a certain treaty between the United States and the Cherokee Nation, ratified August 11th, 1866, certain terms were provided, under which friendly Indians might be settled upon unoccupied lands in the Cherokee country, east of the line of 96° of west longitude, the price to be paid for such lands to be agreed on by the Indians to be thus located and the Cherokee Nation, subject to the approval of the President of the United States; *and whereas*, by a treaty between the United States and the Delaware tribe of Indians, ratified August 10th, 1866, the removal of the said Delawares to the Indian country south of Kansas was provided for, and in the 4th article whereof an agreement was made by the United States to sell to the Delawares a tract of land, being part of a tract the cession of which by the Cherokees to the United States was then contemplated; *and whereas*, no such cession of land was made by the Cherokees to the United States, but in lieu thereof, terms were provided as hereinbefore mentioned, under which friendly Indians might be settled upon their lands; *and whereas*, a full and free conference has been held between the representatives of the Cherokees and the Delawares, in view of the treaties herein referred to, looking to a location of the Delawares upon the Cherokee lands, and their consolidation with said Cherokee Nation: *Now, therefore*, it is agreed between the parties hereto, subject to the approval of the President of the United States, as follows :

The Cherokees, parties of the first part, for and in consideration of certain payments and the fulfillment of certain conditions, hereinafter mentioned, agree to sell to the Delawares, for their occupancy, a quantity of land east of the line of the 96° west longitude, in the aggregate equal to 160 acres of land for each individual of the Delaware tribe who has been enrolled upon a certain register

made February 18th, 1867, by the Delaware agent, and on file in the office of Indian affairs, being the list of the Delawares who elect to remove to the "Indian country," to which list may be added, only with the consent of the Delaware Council, the names of such other Delawares as may, within one month after the signing of this agreement, desire to be added thereto; and the selections of the lands to be purchased by the Delawares may be made by said Delawares in any part of the Cherokee reservation east of said line of 96°, not already selected and in possession of other parties; and in case the Cherokee lands shall hereafter be allotted among the members of said Nation, it is agreed that the aggregate amount of land herein provided for the Delawares, to include their improvements according to the legal subdivisions, when surveys are made (that is to say, 160 acres for each individual), shall be guaranteed to each Delaware incorporated by these articles into the Cherokee Nation; nor shall the continued ownership and occupancy of said land by any Delaware so registered be interfered with in any manner whatever without his consent, but shall be subject to the same conditions and restrictions as are by the laws of the Cherokee Nation imposed upon the native citizens thereof: *Provided*, That nothing herein shall confer the right to alienate, convey, or dispose of any such lands, except in accordance with the constitution and laws of said Cherokee Nation.

And the said Delawares, parties of the second part, agree that there shall be paid to the said Cherokees, from the Delaware funds now held or hereafter received by the United States, a sum of money equal to one dollar per acre, for the whole amount of 160 acres of land, for every individual Delaware who has already been registered upon the aforesaid list, made February 18th, 1867, with the additions thereto heretofore provided for. And the Secretary of the Interior is authorized and requested to sell any United States stocks belonging to the Delawares, to procure funds necessary to pay for said lands; but in case he shall not feel authorized, under existing treaties, to sell such bonds belonging to the Delawares, it is agreed that he may transfer such U. S. bonds to the Cherokee Nation, at their market value at the date of such transfer. And the said Delawares further agree that there shall be paid from their funds, now or hereafter to come into possession of the United States, a sum of money which shall sustain the same proportion to the existing Cherokee National Fund that the number of Delawares registered

as above mentioned, and removing to the Indian country, sustains to the whole number of Cherokees residing in the Cherokee Nation; and for the purpose of ascertaining such relative numbers, the registers of the Delawares herein referred to, with such additions as may be made within one month from the signing of this agreement, shall be the basis of calculation as to the Delawares, and an accurate census of the Cherokees residing in the Cherokee Nation shall be taken under the laws of that Nation within four months, and properly certified copies thereof filed in the office of Indian affairs, which shall be the basis of calculation as to the Cherokees. And that there may be no doubt hereafter as to the amount to be contributed to the Cherokee National Fund by the Delawares, it is hereby agreed by the parties hereto that the whole amount of the invested funds of the Cherokees, after deducting all just claims thereon, is \$678,000. And the Delawares further agree that in calculating the total amount of said National Fund, there shall be added to the said sum of \$678,000 the sum of \$1,000,000, being the estimated value of the Cherokee neutral lands in Kansas, thus making the whole Cherokee National Fund \$1,678,000; and this last mentioned sum shall be taken as the basis for calculating the amount which the Delawares are to pay into the common fund: *Provided*, That as the \$678,000 of funds now on hand belonging to the Cherokees is chiefly composed of stocks of different values, the Secretary of the Interior may transfer from the Delawares to the Cherokees a proper proportion of the stocks now owned by the Delawares, of like grade and value, which transfer shall be in part of the *pro rata* contribution herein provided for by the Delawares to the funds of the Cherokee Nation; but the balance of the *pro rata* contribution by the Delawares to said fund shall be in cash or U. S. bonds at their market value. All cash and all proceeds of stocks, whenever the same may fall due or be sold, received by the Cherokees from the Delawares under this agreement, shall be invested and applied in accordance with the 23d article of the treaty with the Cherokees of August 11th, 1866.

On the fulfillment by the Delawares of the foregoing stipulations, all the members of the tribe registered as above provided shall become members of the Cherokee Nation, with the same rights and immunities and the same participation (and no other) in the National Funds as native Cherokees, save as hereinbefore provided.

And the children hereafter born of such Delawares so incorporated into the Cherokee Nation, shall in all respects be regarded as native Cherokees.

WM. P. ROSS, *Principal Chief*,  
RILEY KEYS,  
*Cherokee Delegation.*

JOHN <sup>his</sup> ~~X~~ CONNOR, *Principal Chief*,  
<sub>mark.</sub>

CHARLES JOURNEY CAKE,  
ISAAC JOURNEY CAKE,

<sup>his</sup>  
JOHN ~~X~~ SARCOXIE,  
<sub>mark.</sub>

*Delaware Delegation.*

Executed and delivered in our presence by the above named delegates of the Cherokee and Delaware Nations, at the city of Washington, in the District of Columbia, the day and year first above written.

JOHN G. PRATT,  
WM. A. PHILLIPS,  
EDWARD S. MENAGUS.

Ratified by the National Committee, June 15, 1867.

H. D. REESE,  
*Clerk Nat. Committee.*

SMITH CHRISTIE,  
*President Nat. Committee.*

Concurred in.

JOHN YOUNG,  
*Speaker of Council.*

S. FOREMAN, *Clerk of Council.*

#### RESOLUTION IN FURTHERANCE OF THE TREATY WITH THE DELAWARES.

*Resolved, by the National Council,* That the Principal Chief be and he is hereby authorized to appoint some suitable person or persons to transcribe the Cherokee census rolls, and forward copies of them to the Secretary of the Interior at an early day as it can be done. Also, to call on the Secretary of the Interior for a copy of the Delaware census roll.

TAHLEQUAH, C. N., June 17, 1867.

Approved.

WM. P. ROSS, *Principal Chief.*

WHEREAS, A petition has been presented to the National Council by Francis A. Diome, Chief, and Joseph K. Phillips, delegates of the Iroquois Indians, located at Caughnawaga, Canada, asking that themselves and those they claim to represent, residing at said place, may be received and incorporated as citizens of the Cherokee Nation; therefore,

*Be it enacted by the National Council,* That the National Council hereby express their willingness to receive and admit to the rights of citizenship in the Cherokee Nation the said Francis A. Diome, Chief, and Joseph K. Phillips, and such of the Iroquois Indians as reside at Caughnawaga as may elect to avail themselves of this privilege within one year from the date hereof, on the following conditions, to-wit:

*First.*—That they pay into the common funds of the Nation such annuities as they may be, or shall become, possessed of by the sale of their reservation, and the sum of four thousand dollars mentioned in their petition, provided the same shall not exceed the proportion invested by the Cherokees, according to their number.

*Second.*—That in case the amount so paid shall fall materially below said proportional share, that in any division of lands that may hereafter occur among the Cherokees, the said Iroquois shall not be entitled to a greater quantity than forty acres to each individual.

*Third.*—That the consent of the President of the United States shall be given to this agreement.

*Be it further enacted,* That the delegation authorized to proceed to Washington, by an act dated October 26th, 1866, is hereby authorized to enter into such arrangements as may be necessary to carry into effect the foregoing provisions.

TAHLEQUAH, C. N., November 9, 1866.

ALLEN ROSS,  
*Clerk Nat. Committee pro tem.*

JAMES VANN,  
*Pres. Nat. Committee pro tem.*

Concurred.  
R. B. Ross, *Clerk.*

Oo-YOU-SUT-TAH,  
*Speaker Council pro tem.*

Approved.

WM. P. ROSS.

## AN ACT

TO LAY OFF TAHLEQUAH COUNCIL GROUND INTO TOWN  
LOTS, AND TO DISPOSE OF THE SAME.

*Be it enacted by the National Council,* That one quarter section of land, including Tahlequah Council Ground, be and the same is hereby set apart as national property, to be disposed of as hereinafter prescribed.

SEC. 2. *Be it further enacted,* That the Principal Chief be and he is hereby authorized to appoint one suitable surveyor and two chain carriers, by the first of December next, to survey and lay off into town lots the above quarter section of land, in such manner and form as the Principal Chief and surveyor may think most proper and convenient, making the present public square the center from north to south; the eastern boundary of said quarter section shall not extend east beyond the spring branch or hollow.

SEC. 3. *Be it further enacted,* That it shall be the duty of the Principal Chief to select and reserve as many lots as he may think necessary for the erection of public buildings, and for other public purposes; and that the remaining lots, or as many thereof as the Principal Chief may think advisable, shall be sold at Tahlequah, by the sheriff of Tahlequah district, at public sale, to the highest bidder, after such sale has been advertised, at two or more public places in each district, for thirty days. The terms of sale shall be as follows: One-fourth to be paid at the time of the purchase, and the remaining three-fourths to be paid in equal installments of six months each. The proceeds of sale shall be placed in the National treasury, and warrants on the National treasury shall be received as payment. And it shall further be the duty of the Principal Chief, at the full payment of all the installments, to issue to the purchaser a certificate of occupant-right only, and transferable only to citizens of the Cherokee Nation. In case any purchaser fails to pay the installments as they fall due, the lot or lots, with the improvements thereon, shall revert and become national property, and the purchaser shall forfeit the purchase money. All reverted lots shall be resold as above.

SEC. 4. *Be it further enacted,* That if any of the present buildings fall on any of the lots not purchased by the present occu-

pants, they shall have the right of remaining or disposing of their labor, except those falling into the streets, which shall be removed.

SEC. 5. *Be it further enacted*, That Thos. B. Wolfe shall be entitled to a lot or lots on which his house may stand, by paying into the National treasury the value of the same, to be assessed by three disinterested persons appointed by the Principal Chief, payments to be made as specified in the third section of this act.

TAHLEQUAH, October 28, 1843.

Approved.

JOHN ROSS.

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## AN ACT

### TO LAY OFF THE TOWN OF KEE-TOO-WHAH.

*Be it enacted by the National Council*, That it be and is hereby made the duty of the Principal Chief, in connection with two other commissioners, to be appointed by him for that purpose, as soon as may be practicable, to cause to be laid off a town, which shall be called the town of Kee-too-whah, and which shall embrace the site of Fort Gibson, and be bounded as follows: Beginning on the east side of Grand river, where the present south line of the military reserve of Fort Gibson leaves the same, along said line, one mile; east of said mile shall extend at least to a point opposite Andre's house, if not to said point; thence northerly to the crossing of Prairie creek; thence down said creek to its junction with Grand river; thence down the main channel of said river to a point opposite the point of beginning, and across to the same; and in laying off said town into lots, it shall be the duty of the commissioners to regard the buildings now there so far only as the same may comport with the appearance and convenience of the location.

*Be it further enacted*, That when the said town shall have been laid off into lots, the commissioners shall, after reserving the new stone buildings, Belknap's place, the church, and the "adjutant's office," and such lots and squares (including the burying grounds near the river and the dragoon quarters), as they may think desirable for public purposes, to publicly advertise the remaining lots for sixty days in the several districts, and sell all or so many of them as they may deem expedient, to the highest bidders, who shall be

citizens of the Cherokee Nation. The terms of said sale shall be as follows: One-third of the price bid for any lot shall be paid at the time of the sale, in cash or National warrants, and the remaining two-thirds in two equal installments, the first at the end of twelve months, and the other at the end of twelve months more, and at the final payment of the installments, but not sooner, the Principal Chief shall issue to the purchasers of lots a title of occupant-right only, and transferable alone to citizens of the Cherokee Nation. And in case any person shall fail to pay the installments as they become due, the lots purchased, together with the improvements there may be on them, shall revert to the Cherokee Nation, and the purchaser shall forfeit any payment made thereon. Any lots so reverting may be resold as above to the highest bidder.

*Be it further enacted*, That it shall be the duty of the treasurer of the Cherokee Nation to receive all payments made on account of lots sold under the foregoing provisions of this act, to keep a list of purchasers, and report all persons who may fail to pay their installments on their purchases as they become due.

TAHLEQUAH, November 5, 1857.

Approved.

JOHN ROSS.

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### AN ACT

GRANTING LOTS THEREIN NAMED FOR THE USE OF THE CHEROKEE LODGE OF MASONS, AND CHEROKEE DIVISION OF THE SONS OF TEMPERANCE.

*Be it enacted by the National Council*, That lots Nos. five and six of square No. nineteen, in the town of Tahlequah, be and they are hereby donated to the Cherokee Lodge of Masons and the division of the Sons of Temperance, now in existence at this place, for the purpose of erecting thereon a lodge building, to be held and owned by them and their successors, through such a board of trustees as they may from time to time appoint: *Provided*, That the said building shall be erected within two years of the date of this act; otherwise the grant hereby made shall be null and void.

TAHLEQUAH, October 30, 1852.

Approved.

JOHN ROSS.

## AN ACT

IN RELATION TO THE TOWN LOTS AT KEE-TOO-WHAH.

*Be it enacted by the National Council,* That those persons who have paid into the National treasury one-third or two-thirds of the value of the lots they bid for, at the Kee-too-whah sales, on the 10th of June, 1858, shall be entitled to such lots if they shall pay the remainder due for such lots into the National treasury by the 10th of June, 1861; and should any person fail to comply with this act in paying for said lots, then the same shall revert to this Nation, and be sold in the same manner and under the same restrictions under which they were originally sold, for the benefit of the National treasury.

TAHLEQUAH, November 15, 1859.

Approved November 18.

JOHN ROSS.

## AN ACT

AMENDING THE ACT PASSED NOVEMBER 5, 1857, RESPECTING  
THE TOWN OF KEE-TOO-WHAH.

*Be it enacted by the National Council,* That the act passed November 5, 1857, respecting the town of Kee-too-whah, be and the same is hereby so amended that the public buildings and lots reserved by said act, except the burying grounds, be sold, according to the provisions of the same, in the same manner and under the same restrictions under which former lots of the said town of Kee-too-whah have been sold.

TAHLEQUAH, November 7, 1859.

Approved.

JOHN ROSS.

## AN ACT

TO SELL ALL PUBLIC PROPERTY AT FORT GIBSON.

*Be it enacted by the National Council,* That the act changing the name of Fort Gibson to Kee-too-whah be repealed. That the

Principal Chief be and he is hereby authorized to tender, on behalf of the Cherokee Nation, to the Honorable Secretary of War, for the purposes of a military post, the stone buildings located on the Hill at Fort Gibson, and which became the property of the Cherokee Nation by the abandonment of the military post at that place, in the year 1857, by the United States.

*Be it further enacted*, That it shall be the duty of the sheriff of Illinois district to advertise for twenty days, and sell at public sale to the highest bidder, he being a citizen of the Cherokee Nation, for cash or National warrants, the buildings and lots now occupied as headquarters, the building and lot used as a church, the barn in rear of the premises of D. H. Ross, and the buildings on the public square now occupied as storehouses by Messrs. Busheyhead and Cunningham; and any others, if there be such, unsold: *Provided*, That it shall be the duty of the purchasers and owners of all buildings on the public square to remove the same in one month after said sale, or the same shall revert to the Nation, and be sold again in like manner by the said sheriff.

TAHLEQUAH, C. N., October 26, 1866.

JAMES VANN,  
*President National Committee.*

H. D. REESE, *Clerk.*

Concurred.

JOHN YOUNG,  
*Speaker Council.*

R. B. ROSS, *Clerk.*

Approved.

W. P. ROSS.

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## AN ACT

### APPOINTING COMMISSIONERS TO INQUIRE, ETC.

*Be it enacted by the National Council*, That inasmuch as, in consequence of the war of the rebellion and other causes, the purchasers of lots and of buildings in the towns of Fort Gibson and Tahlequah have not paid the full installments on their bonds, three commissioners be appointed by the National Council, whose duties shall be: 1st, to ascertain the names of all those who are owners or

claimants of lots, or buildings and lots, in the towns of Fort Gibson and Tahlequah; 2d, to ascertain, from records and other evidence, the amount already paid in by such owners or claimants, and also, as far as practicable, the amount still due to the Cherokee Nation; 3d, to notify all persons who are still indebted for lots, etc., of the consequence of non-payment of the same—that, according to the law made and provided in such cases, the lots, and buildings and lots, not paid for will revert to the Cherokee Nation; and said commissioners shall report the result of their labors to the National Council of 1867.

*Be it further enacted*, That F. A. Kerr, C. R. Connard, and Dr. Miller be and they are hereby authorized to act as commissioners, as hereinbefore mentioned, and the Principal Chief is authorized to furnish the said commissioners with a copy of this act.

TAHLEQUAH, C. N., November 29, 1866.

Approved.

WM. P. ROSS.

## AN ACT

PROVIDING THE RE-SURVEY OF THE TOWNS OF FORT GIBSON AND TAHLEQUAH.

*Be it enacted by the National Council*, That the Principal Chief be and he is hereby authorized to appoint some suitable person or persons to re-survey the towns of Fort Gibson and Tahlequah, stake and number the same, so that there will be no difficulty in the owners of lots recognizing the same.

TAHLEQUAH, C. N., June 17, 1867.

Approved.

W. P. ROSS.

## AN ACT

IN REGARD TO STRAY PROPERTY.

1. *Be it enacted by the National Council*, That it shall be the duty of each of the sheriffs of the several districts of this Nation to receive, post, and advertise to public sale to the highest bidder,

all stray property that may be found or reported to them in their respective districts, such as horses, mules, jacks, jennies, cows, hogs, sheep, goats, etc., giving their description, marks, brands, color, etc., as nearly as practicable; and all such property shall be sold at the court houses, and at the regular terms of the Circuit and District Courts of the several districts of this Nation, and for prompt payment in cash or National scrip.

2. *Be it further enacted*, That all stray property, before being sold, shall be advertised at least three months, by written advertisements in the English and Cherokee languages, posted at three of the most public places of the district in which the same may be advertised; but property may be advertised a longer time than three months, if necessary to carry out the provisions of this act; and all persons having property advertised under this act shall have the right of reclaiming it, by proving the same before the day of sale, before the judge of the district in which such property may be posted, and such judge, after receiving and recording the proofs, and making his decision, shall issue an order to the sheriff posting the property, directing him to deliver the same to its owner, who shall, before receiving it, be required to pay to the sheriff his advertising fees, as follows, to-wit: \$1 for every horse, mule, jack, or jenny; 50 cents for every cow, 12½ cents for every sheep or goat, and 10 cents for every hog, posted; and the property advertised shall be held responsible for the payment of said fees.

3. *Be it further enacted*, That should any person having property advertised under this act fail to prove the same before the day of sale, he shall forfeit all his right and title to such property; but any person who may have his property sold as above, and who may prove the same before the district judge, in the manner prescribed above, within nine months after the day of sale, such person, on getting a certificate to the sheriff or to the National treasurer to that effect, shall receive all the proceeds of such sales except what may have been retained by the sheriff as his fees.

4. *Be it further enacted*, That all persons who may take up stray property shall, within ten days thereafter, be required to have the same posted; and any person who shall fail to comply with this provision shall be liable to a fine of not less than ten nor exceeding twenty dollars, and which fine shall be collected by the solicitor of the district in which such property may be taken up, who, after

collecting the same, shall retain one-half thereof for his fees, and the other half he shall turn over to the National treasurer, on the first day of November in each year.

5. *Be it further enacted*, That should any of the sheriffs not wish to keep any stray property in their possession, they shall be authorized to place the same in the possession of some responsible person or persons, who shall, for the expense of keeping the same, have the use of said property, and no further expense shall attach to keeping property under the provisions of this act; and all persons taking up stray property, or having the same in their possession, by permission of the sheriff, shall be required to take good care of the same; and should such person, through negligence, injure such property, they shall be held responsible, to such an amount in damages as will indemnify the party or person injured.

6. *Be it further enacted*, That all persons who may sell or dispose of any stray property, either before or after the same may be posted, shall be deemed guilty of a criminal misdemeanor, and, on conviction thereof before any of the courts of this Nation, such person shall be punished as guilty of theft, according to the law in regard to theft, and according to the magnitude of the offense.

7. *Be it further enacted*, That the sheriffs shall receive as their fees 15 per cent. of the proceeds of all stray property sold by them, and which they are hereby authorized to retain for themselves; and the remainder of said proceeds they are required to turn over to the National treasurer during the first week of the National Council in each year, at their annual settlement, after deducting therefrom all sums that may have been paid by them to persons proving their property according to this act.

8. *Be it further enacted*, That it shall be the duty of the sheriffs, if possible, to have all property that may be posted by them present at the court houses on the day of sale; and all sheriffs selling stray property are hereby required to place the purchasers thereof in possession of the same at their earliest convenience, and within a reasonable time, if required to do so.

9. *Be it further enacted*, That it shall be the duty of the sheriffs to keep a register, in which they shall faithfully record all sales of stray property, the dates of sale, to whom made, the amount received, and the kind of property sold; and also, the amounts paid

out by them to persons proving property under this act, to whom paid, and the date of payment; and which said register the sheriff shall exhibit, during the first week of our National Council in each year, to the National treasurer, with whom, and at which time, they (the said sheriffs) shall be required to make their annual reports and settlements.

10. *Be it further enacted*, That it shall be the duty of the sheriffs to transmit to the judges of their respective districts certified copies of all advertisements of stray property posted by them, within ten days after posting the same, and also to notify the said judges of all sales of stray property, the date of sale, to whom made, the kind of property sold, and the amount received for the same, within ten days after such sale. And it shall be the duty of each of the judges of the several districts of this Nation to keep in their office, or their clerk's office, *permanently*, a large book or ledger, in which they shall faithfully record all certified copies of advertisements of stray property transmitted to them by the sheriffs, and also all notifications of the sales of stray property that may be delivered to them by the sheriffs.

TAHLEQUAH, C. N., October 18, 1860.

Approved.

JOHN ROSS.

# CREATING AND DEFINING THE DUTIES OF CERTAIN OFFICERS.

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## AN ACT

### REQUIRING THE TREASURER TO GIVE BOND, AND DEFINING HIS DUTIES.

*Be it enacted by the National Council,* That the National treasurer shall, before he enters on the duties of his office, enter into bond, with surety to the amount of seventy-five thousand dollars, which bond to be executed to the Cherokee Nation, and given to the Principal Chief, and subject to the approval of the National Council at its next session.

*Be it further enacted,* <sup>o</sup> “That it shall be the duty of the treasurer of the Cherokee Nation to present a full report of all moneys received and disbursed by him, particularly setting forth to what accounts chargeable, and under what acts he has made payments, and submit the same, through the Principal Chief, to the National Council during the first week of the session of the same. Also, that it shall be his duty to record in his office, in books to be procured for that purpose, all appropriation acts under which he makes payments, correct copies of all official reports made by him, and keep such records as will exhibit the state of the funds on all accounts, and the condition of the treasury in regard to the debts and credits to which it is subject.”

*Be it further enacted,* <sup>oo</sup> “That the National treasurer shall be fined in a sum of twenty-five dollars (unless rendering a reasonable excuse to the Council) for each and every failure to render in his annual report during the first week of the session of the National Council.”

October 4, 1839.

## AN ACT

## PROVIDING FOR A RESIDENT AGENT AT WASHINGTON CITY.

*Be it enacted by the National Council,* That in view of the still unsettled condition of our claims as a Nation upon the government of the United States, and for the better and more economical prosecution of the same before the said government, this Nation shall be represented by a special and resident agent in Washington City, who shall be appointed by the Principal Chief, by and with the concurrence of the National Committee, and whose term of service shall continue during two years, unless sooner recalled.

*Be it further enacted,* That said agent shall be fully commissioned and instructed by the Principal Chief in regard to his duties, which shall be to attend to the general interests of this Nation before the government of the United States, and all claims of this Nation and the citizens thereof, and to have the same paid over, when allowed, to the proper officer of this Nation.

*Be it further enacted,* That it shall be the duty of the said agent to make a full and accurate report of all his official acts and correspondence at least quarterly to the Principal Chief, which reports shall be laid before the annual sessions of the National Council.

*Be it further enacted,* That the salary of the above agent shall be two thousand dollars per annum, inclusive of all personal expenses.

TAHLEQUAH, November 4, 1853.

Approved.

JOHN ROSS.

## AN ACT

## CREATING AN AUDITOR OF ACCOUNTS.

*Be it enacted by the National Council,* That there <sup>1</sup> "shall be elected by the National Council" an officer, to be styled the auditor of accounts, who shall hold his office for the term of two years, and be entitled to a compensation of one hundred and fifty dollars per annum.

*Be it further enacted*, That it shall be the duty of the auditor of accounts to keep the office at the seat of government of the Cherokee Nation, and receive and register all certificates provided for by law, for services rendered the Nation, that may be presented for that purpose by the owners or holders thereof between the first day of August<sup>2</sup> “and the twentieth day of October” of each year, carefully mark across the face all those registered by him and those rejected by him, and report the same, with the register thereof, under his certificate, to the Principal Chief, on the first Monday in November of each year, to be laid before the Senate for their examination and action. <sup>3</sup> “The auditor of accounts shall also discharge such duties in registering claims and making out appropriation bills as may be assigned him by the Senate.” <sup>4</sup> “\_\_\_\_\_”

*Be it further enacted*, That the National Council shall, at its regular session, act upon the register and the certificates thus presented by the auditor of accounts, but upon no others except those that may be issued by the Executive and judges of the Supreme Court during the session of the National Council, <sup>5</sup> “or after the 20th of October preceding such session.” <sup>6</sup> “\_\_\_\_\_”

*Be it further enacted*, That the auditor of accounts, before entering upon the discharge of his duties, shall be required to take an oath for the faithful performance of the same.

November 19, 1851.

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## AN ACT

RESPECTING THE ISSUING OF CERTIFICATES, AND REQUIRING CIRCUIT CLERKS PROMPTLY TO FORWARD APPEALED CASES.

*Be it enacted by the National Council*, That the sheriffs of the several districts, the clerks of the courts, and other public officers, be and they are hereby required to furnish and present <sup>7</sup> “to the auditor of accounts, on or before the first day of August of each year,” a certified register of the names of the persons to whom they may issue certificates for services rendered the Nation, as guards, witnesses, and in other capacities, the number of days’ service, the time, and in what particular cases. <sup>8</sup> “The deputy sheriffs shall be required to report to the principal sheriff, who shall include such report in his own to the auditor of accounts.

*“ Be it further enacted,* That it shall be the duty of the clerks of the Circuit Courts to transmit appealed cases to the Supreme Court, and make sure return of the same to said court by the first day of the session thereof.

*“ Be it further enacted,* That should any officer, as above, fail to comply with the requirements of this act, he shall be fined in a sum of seventy-five dollars, which sum shall be deducted from his salary by the Senate.”

*Be it further enacted,* <sup>9</sup> “ That all certificates issued for public services by the authorized officers of this Nation shall be presented for settlement to the auditor of accounts on or before the first of August and the twentieth of October following their date.”

*Be it further enacted,* <sup>10</sup> “ That all certificates, purporting to be for services, etc., against the Nation, and issued by any of the officers under this act, and which shall not, upon examination, be found to correspond with the certified returns of such officers, shall not be considered valid or binding on the Nation.”

*Be it further enacted,* <sup>11</sup> “ That any officer who may issue a certificate for services not authorized by law shall be subject to the recovery of the amount thereof, at a suit at law, before a legally constituted court of this Nation, for the benefit of the holder of such certificate. Actions brought under the provisions of this section shall be subject to the same regulations as those brought for the recovery of debt.” <sup>12</sup> “ \_\_\_\_\_ ”

November 28, 1843.

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## AN ACT

### APPOINTING A KEEPER OF PUBLIC BUILDINGS.

*Be it enacted by the National Council,* That Jesse Wolfe be and he is hereby appointed keeper of the public buildings and grounds in Tahlequah, except the court house; he shall take proper measures for their preservation, with the furniture thereof, and air the tables, chairs, benches, fire-irons, buckets, and cups, as often as may be necessary for that purpose; and shall be paid fifteen dollars per annum for said service: *Provided,* however, that the said public buildings, or any of them, with the furniture thereof, may be used for meetings by his leave.

*Be it further enacted,* <sup>13</sup> “That the court house in Tahlequah is hereby put in the charge of the clerk of the Supreme Court, who is vested with the same authority and charged with the same duties in relation to said court house as is the keeper of public buildings with regard to the property placed under his care.”

October 27, 1852.

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AN ACT

PROVIDING FIRE-MAKERS.

*Be it enacted by the National Council,* That there shall be appointed, at the opening of each annual session of the General Council, a fire-maker for each branch of the National Council, and for the Executive department. The Supreme Court may also appoint one at the commencement of each annual session thereof; and the said fire-makers shall receive in cash for their services one dollar per day each.

TAHLEQUAH, October 11, 1850.

Approved.

JOHN ROSS.

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AN ACT

AUTHORIZING THE PRINCIPAL CHIEF TO APPOINT A PRIVATE SECRETARY.

SEC. 1. *Be it enacted by the National Council,* That the Principal Chief be and he is hereby authorized to appoint a secretary to assist him in any writing he may have to do.

SEC. 2. *Be it further enacted,* That the secretary so appointed shall receive two dollars per day while employed.

CHARLES COODEY, *President Committee.*

Approved.

JOHN ROSS.

TAHLEQUAH, November 17, 1843.

# WHITE MEN AND INTRUDERS.

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## AN ACT

### REGULATING INTERMARRIAGES WITH WHITE MEN.

<sup>1</sup> “WHEREAS, The peace and prosperity of the Cherokee people require that in the enforcement of the laws, jurisdiction should be exercised over all persons whatever, who may from time to time be privileged to reside within the territorial limits of this Nation: therefore,”

*Be it enacted by the National Council,* That any <sup>2</sup> “unmarried” white man desiring to marry a Cherokee woman, shall be and is hereby required to obtain a license for the same from any of the clerks of the District Courts of the several districts.

*Be it further enacted,* That before any license as provided above shall be issued, the person applying shall be and is hereby required to pay to the clerk to whom application is made the sum of five dollars, and be also required to take the following oath: “I do solemnly swear that I will honor, defend, and submit to the constitution and laws of the Cherokee Nation, and will neither claim nor seek from the United States government or its judicial tribunals any protection, privileges, or redress, incompatible with the same as guaranteed to the Cherokee Nation by the United States, in treaty stipulations entered into between them.”

*Be it further enacted,* That all white men applying for license, as provided in the first section of this act, shall, before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least seven respectable Cherokee citizens.

*Be it further enacted,* That all judges of this Nation, and every regular minister of all evangelical denominations having the care of souls, are hereby authorized and empowered to solemnize the rites of matrimony, according to the ceremonies usually observed and performed in such cases, under the provisions of this act.

*Be it further enacted*, That no marriage between a citizen of the United States and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal; and any judge or minister who shall engage or assist in solemnizing any such marriage shall, upon conviction before any District Court of this Nation, be fined one hundred dollars, and it shall be the duty of the solicitor of the district in which such judge or minister may reside to collect the same, who shall be entitled for his services to twenty per cent. of the amount collected, and who shall place the remainder in the hands of the National treasurer for public benefit.

*Be it further enacted*, That persons performing the marriage ceremony under the authority of a license, provided for above, shall be required to attach a certificate of marriage to the back of the license, which shall be returned. The holder of the license and certificate shall then place the same in the hands of the clerk of the District Court, whose duty it shall be to record the same in his office.

<sup>3</sup> *Be it further enacted*, That any white citizen of the Cherokee Nation by marriage, etc., who shall use the intercourse law or laws (as they are termed) in the prosecution of a Cherokee Indian, for any criminal offense committed within the limits of the Cherokee Nation, shall forfeit his right of citizenship to the same, and be subject to be dealt with as other white intruders in the country, and shall be removed out of this Nation.”

*Be it further enacted*, <sup>4</sup> “That should any white man or woman become a citizen of the Cherokee Nation by marriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widower or widow shall continue to enjoy Cherokee privileges, unless such white widower or widow shall marry a white man or woman (as the case may be); then, in that case, all of his or her right to Cherokee citizenship shall cease.”

*Be it further enacted*, <sup>5</sup> “That any white man who shall lawfully marry under the provisions of this act, and then, or afterwards, abandon his wife, shall not be entitled to any of the rights and privileges of a citizen of the Cherokee Nation, but shall be and is hereby considered, and shall be removed as, an intruder.”

October 15, 1855.

## RESOLUTION CALLING FOR THE REMOVAL OF INTRUDERS.

*Be it resolved by the National Council*, That the Principal Chief be and he is hereby requested to call on the U. S. agent for the prompt removal of all persons not lawfully residing or sojourning in the Cherokee Nation, agreeably to the 27th article of the treaty of 19th of July, 1866.

Approved November 19, 1866.

W. P. ROSS,  
*Principal Chief.*

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 AN ACT

## RELATING TO LICENSED TRADERS.

WHEREAS, In the year one thousand eight hundred and thirty-four, the Congress of the United States enacted a law, known and styled as the Intercourse Law, to regulate trade with the Indian tribes; *and whereas*, it is enacted in the 22d section of said law that if an Indian is party on one side and a white man on the other, the burden of proof shall rest on the white man; and in the 23d section, that it shall be lawful for the troops to be employed in the apprehension of any white man who may become a party to a suit where an Indian is concerned, and have him conveyed to the nearest civil authority of the territory or judicial district in which the person may be found, to be proceeded against in due form of law: therefore,

*Be it enacted by the National Council*, That from and after the passage of this act, if any licensed trader or person, not a citizen of the Nation, has or may contract debts within the limits of the Nation, with a citizen thereof, it shall not be lawful for them to recover their debt or debts in any of the courts of this Nation; and all laws or parts of laws that may authorize the collection of such debts are hereby repealed.

TAHLEQUAH, October 13, 1841.

Approved.

A. M. VANN,  
*Acting Chief.*

## AN ACT

## IN RELATION TO INTRUDERS.

*Be it enacted by the National Council,* That the sheriffs are authorized, and it is hereby made their duty, to co-operate with the United States agent for the removal of intruders and all persons not having the rights of Cherokee citizenship, when called upon for that purpose.

*Be it further enacted,* That the improvements made or held at the time of their removal, by such intruders, shall be sold to the highest bidder by the sheriff of the district in which they are situated, after fifteen days' notice, if there is no adverse title held by some Cherokee citizen; and the proceeds of such sale, after deducting the sheriff's fees of ten per cent., shall be put into the National treasury.

TAHLEQUAH, November 8, 1859.

I approve of this act, provided that the United States agent, when he calls upon the sheriffs for their co-operation in the removal of intruders, shall be authorized by the government of the United States to compensate them for their services.

JOHN ROSS.

# SPECIAL ACTS.

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## AN ACT

### FOR THE BENEFIT OF GEORGE GUESS.

*Be it enacted by the National Council,* That in lieu of the sum allowed to George Guess, in consideration of his invention of the Cherokee alphabet, passed December 10th, 1841, and which is hereby repealed, the sum of three hundred dollars be paid to the said George Guess out of the National treasury, annually, during his natural life.

*Be it further enacted,* That in case of the death of George Guess, that the same be paid to his wife, Mrs. Guess, annually, during her natural life.

TAHLEQUAH, December 29, 1843.

Approved.

JOHN ROSS.

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## AN ACT

### ALLOWING A PENSION TO JACKIN.

*Be it enacted by the National Council,* That a pension of twenty dollars per annum be and the same is hereby allowed to Jackin, of Sequoyah district, a cripple for life, whose feet are partly off, having been frost-bitten while on a journey on foot to Tahlequah on official business.

TAHLEQUAH, C. N., November 21, 1866.

SMITH CHRISTIE, *Pres't Nat. Com.*

JOSH ROSS, *Clerk pro tem.*

Concurred.

Oo-YOU-SUT-TAH,

*Speaker pro tem. of Council.*

R. B. ROSS, *Clerk Council.*

Approved.

WM. P. ROSS.

## AN ACT

FOR THE RELIEF OF BIG ELLIS, A CRIPPLE, OF SEQUOYAH DISTRICT.

*Be it enacted by the National Council,* That there be allowed a pension of twenty dollars annually, during life, to Big Ellis, a cripple, of Sequoyah district, and the Principal Chief is hereby authorized to issue a warrant for the same.

October 19, 1866.

Approved.

W. P. ROSS.

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 AN ACT

RELATING TO PERSONS RETURNING TO THE NATION.

*Be it enacted by the National Council,* That all Cherokees, and other persons having Cherokee privileges, who may have been residing out of the limits of the Nation previously to the adoption of the constitution, are hereby exempted from being required to memorialize the National Council for admission to the rights and privileges of citizenship; it is considered that they have the right of returning without the action of the Council.

October 15, 1841.

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 AN ACT

ADMITTING TO THE RIGHT OF CITIZENSHIP CERTAIN CREEK INDIANS.

WHEREAS, Certain Creek Indians, with their families, emigrated from the east of the Mississippi river, in the several detachments of Cherokees that removed in 1838 and arrived in 1839; *and whereas,* the said Creek Indians having been received by the Cherokees into their Nation east, under their customs and agreement then existing between them and the Creek Nation, and thereby becoming a part of the Cherokee people and subject to the Cherokee laws: therefore,

in order to remove all doubts as to their right to live and enjoy the privileges of citizenship in the Cherokee Nation,

SECTION 1. *Be it enacted by the National Council*, That all the Creek Indians who emigrated to this country in the several detachments of Cherokees, as aforesaid, and also all those Creek Indians, together with their families, who were allowed the right of suffrage among the Western Cherokees, previous to the arrival of the Eastern Cherokees in 1839, be and they are hereby recognized and admitted to the enjoyment of the rights and privileges of citizenship of this Nation.

TAHLEQUAH, November 13, 1843.

Approved.

JOHN ROSS.

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### AN ACT

ADMITTING TO THE RIGHTS OF CITIZENSHIP JOHN CLARK.

*Be it enacted by the National Council*, That John Clark (a white man), with a Cherokee family, be and he is hereby recognized and admitted to the enjoyments of the rights and privileges of citizenship of this Nation.

TAHLEQUAH, October 17, 1848.

Approved.

GEORGE LOWERY.

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### AN ACT

ADMITTING GEORGE R. JOHNSTON TO CITIZENSHIP.

*Be it enacted by the National Council*, That George R. Johnston (a white man), with a Cherokee family, be and he is hereby recognized and admitted to the enjoyment of the rights and privileges of citizenship of this Nation.

TAHLEQUAH, November 13, 1849.

Approved.

JOHN ROSS.

## AN ACT

## FOR THE BENEFIT OF JAMES JONES.

*Be it enacted by the National Council,* That James Jones be and he is hereby privileged to return to the Cherokee Nation with his family, and reside, and is admitted to the enjoyments of the rights and privileges of citizenship of this Nation.

TAHLEQUAH, November 16, 1849.

Approved.

JOHN ROSS.

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## AN ACT

## FOR THE BENEFIT OF JOHN McCOY.

*Be it enacted by the National Council,* That John McCoy, a white man, with a Cherokee family, be and he is hereby admitted to the rights of Cherokee citizenship.

TAHLEQUAH, November 16, 1849.

Approved.

JOHN ROSS.

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## AN ACT

## ADMITTING JAMES McALEXANDER TO CITIZENSHIP.

*Be it enacted by the National Council,* That James McAlexander, a white man, head of a Cherokee family, be and he is hereby admitted to the enjoyment of the rights and privileges of citizenship of this Nation.

TAHLEQUAH, October 24, 1854.

Approved.

JOHN ROSS.

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## AN ACT

## ADMITTING JOHN CRUTCHFIELD TO CITIZENSHIP.

*Be it enacted by the National Council,* That John Crutchfield, a Cherokee by birth, be and he is hereby admitted to the rights and privileges of citizenship in the Cherokee Nation.

TAHLEQUAH, November 29, 1866.

Approved.

W. P. ROSS.

## AN ACT

## ADMITTING G. W. HAWES TO CITIZENSHIP.

*Be it enacted by the National Council, That G. W. Hawes, a citizen of the United States, with a Cherokee family, be and he is hereby admitted to the rights and privileges of citizenship of the Cherokee Nation.*

TAHLEQUAH, October 21, 1853.

Approved.

JOHN ROSS.

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## AN ACT

## ADMITTING THOMAS MAXFIELD TO CITIZENSHIP.

*Be it enacted by the National Council, That Thomas Maxfield be and he is hereby admitted to the rights and privileges of citizenship in the Cherokee Nation.*

TAHLEQUAH, October 24, 1853.

Approved.

JOHN ROSS.

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## AN ACT

## ADMITTING WM. BARNES TO CITIZENSHIP.

*Be it enacted by the National Council, That Wm. Barnes be and he is hereby privileged to return to the Cherokee Nation and reside, and is admitted to the enjoyment of the rights and privileges of citizenship of this Nation.*

TAHLEQUAH, October 15, 1849.

Approved.

JOHN ROSS.

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## AN ACT

## ADMITTING OSKA AND LIZZIE TO CITIZENSHIP.

*Be it enacted by the National Council, That Oska and Lizzie be and they are hereby admitted to all the rights of citizenship in the Cherokee Nation.*

TAHLEQUAH, November 3, 1860.

Approved.

JOHN ROSS.

AN ACT

ADMITTING W. L. G. MILLER AND ANNA MILLER TO CITIZENSHIP.

*Be it enacted by the National Council,* That W. L. G. Miller and Anna Miller are hereby admitted to citizenship in the Cherokee Nation.

TAHLEQUAH, October 25, 1861.

Approved.

JOHN ROSS.

- AN ACT

RE-ADMITTING MATTHEW THOMPSON TO THE RIGHTS OF CHEROKEE CITIZENSHIP.

*Be it enacted by the National Council,* That Matthew Thompson be and he is hereby privileged to return to the Cherokee Nation and reside, and is admitted to the enjoyments of the rights and privileges of citizenship of this Nation.

TAHLEQUAH, November 6, 1849.

Approved.

JOHN ROSS.

AN ACT

ADMITTING COLEMAN ROBERTSON TO CITIZENSHIP.

*Be it enacted by the National Council,* That Coleman R. Robertson, late a citizen of the State of Arkansas, and married to a Cherokee female, be and he is hereby admitted to the rights of a citizen of the Cherokee Nation, so long as he may continue to reside therein.

TAHLEQUAH, November 25, 1850.

Approved.

JOHN ROSS.

## AN ACT

ADMITTING JONATHAN MULKY AND JAMES D. MULKY TO  
CITIZENSHIP.

*Be it enacted by the National Council,* That Jonathan Mulky and James D. Mulky are hereby admitted to all the rights and privileges of citizenship in the Cherokee Nation.

TAHLEQUAH, October 10, 1866.

Approved.

LEWIS DOWNING,  
*Acting Principal Chief.*

## AN ACT

FOR THE BENEFIT OF RIDER D. FIELDS AND FAMILY.

*Be it enacted by the National Council,* That Rider D. Fields and family be and they are hereby re-admitted to all the rights and privileges of citizenship of the Cherokee Nation.

TAHLEQUAH, July 11, 1865.

Approved.

LEWIS DOWNING,  
*Acting Chief.*

## AN ACT

RE-ADMITTING DANIEL R. COODY TO CITIZENSHIP.

*Be it enacted by the National Council,* That Daniel R. Coody be and he is hereby re-admitted to the rights and privileges of a citizen of the Cherokee Nation.

TAHLEQUAH, C. N., October 7, 1857.

Approved.

JOHN ROSS.

## AN ACT

## RE-ADMITTING CHARLES R. GOURD TO CITIZENSHIP.

*Be it enacted by the National Council,* That Charles R. Gourd be and he is hereby re-admitted to the rights and privileges of a citizen of the Cherokee Nation.

TAHLEQUAH, C. N., October 8, 1857.

Approved.

JOHN ROSS.

## AN ACT.

*Be it enacted by the National Council,* That G. W. Rogers be and he is hereby privileged to return to the Nation with his family and reside, and is admitted to the enjoyment of the rights and privileges of citizenship of this Nation.

October 24, 1859.

Approved.

JOHN ROSS.

## AN ACT.

*Be it enacted by the National Council,* That R. D. Blackstone, with his family, be permitted to return to the Cherokee Nation and reside, and is admitted to the enjoyment of the rights and privileges of citizenship of this Nation.

TAHLEQUAH, C. N., October 25, 1859.

Approved.

JOHN ROSS.

## AN ACT

## TO RE-ADMIT JOHN SMITH TO CITIZENSHIP.

*Be it enacted by the National Council,* That John Smith, formerly a citizen of this Nation, but who has, for some years past,

been a resident of the Creek Nation, be and he is hereby restored to citizenship, and to all the rights and privileges of a citizen of the Cherokee Nation.

KEE-TOO-WHAH, C. N., November 2, 1863.

JAMES VANN,

*President National Committee.*

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AN ACT

FOR THE BENEFIT OF MINERVA JANE LEA.

WHEREAS, Mrs. Minerva Jane Lea, of the Cherokee Nation, having petitioned the National Council for the passage of a special act of divorce separating her from her husband, J. Armstrong Lea, and said petitioner having satisfied the National Council that her prayer ought to be granted: therefore,

*Be it enacted by the National Council,* That, for satisfactory reasons, the bonds of matrimony heretofore existing between J. Armstrong Lea and Minerva Jane Lea (late Minerva Jane Walker) be and the same are hereby dissolved and declared to be null and void, the same as though such marriage had never been solemnized between the aforesaid parties.

TAHLEQUAH, November 12, 1847.

Approved.

JOHN ROSS.

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AN ACT

DIVORCING JOHN HORN.

*Be it enacted by the National Council,* That the bonds of matrimony heretofore existing between John Horn and his wife, Jinnie, are hereby annulled, and the same declared dissolved from this date.

TAHLEQUAH, September 14, 1858.

Approved.

JOHN ROSS.

## AN ACT

## GRANTING A DIVORCE.

*Be it enacted by the National Council,* That the bonds of matrimony heretofore existing between Charles Busheyhead and Sarah M. Busheyhead (formerly Sarah McCoy) be and the same is hereby dissolved, the same as if they had never existed.

TAHLEQUAH, C. N., October 15, 1859.

Approved.

JOHN ROSS.

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## AN ACT

## GRANTING A DIVORCE TO WILLIAM L. STEELE.

*Be it enacted by the National Council,* That a divorce be and the same is hereby granted to William L. Steele from his wife, Mary A. Steele (formerly Mary A. Vann).

TAHLEQUAH, C. N., October 29, 1856.

Approved.

JOHN ROSS.

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## AN ACT

## DIVORCING MARY E. CARTER FROM HUGH W. CARTER.

*Be it enacted by the National Council,* That Mary E. Carter, formerly Mary E. Holt, be and she is hereby divorced from her husband, Hugh W. Carter.

TAHLEQUAH, C. N., November 2, 1857.

Approved.

JOHN ROSS.

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## AN ACT

## GRANTING A DIVORCE.

*Be it enacted by the National Council,* That the bonds of matrimony heretofore existing between William Daniel and Catha-

rine Daniel (formerly Catharine Brown) be and the same is hereby dissolved, the same as if they had never existed.

TAHLEQUAH, C. N., October 15, 1859.

Approved.

JOHN ROSS.

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AN ACT  
OF DIVORCE.

*Be it enacted by the National Council,* That the bonds of matrimony existing between J. M. England and Susan England be and the same is hereby dissolved, as if the same had never been solemnized.

TAHLEQUAH, C. N., October 29, 1857.

Approved.

JOHN ROSS.

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AN ACT  
GRANTING WILLIAM BACKMAN A DIVORCE.

*Be it enacted by the National Council,* That William Backman be and he is hereby divorced from Eliza Backman, formerly Eliza McDaniel.

TAHLEQUAH, November 1, 1856.

Approved.

JOHN ROSS.

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RESOLUTION AND AN ACT

GRANTING CITIZENSHIP TO EVAN JONES AND SON, J. B. JONES,  
AND THEIR FAMILIES.

*Resolved, by the National Council,* That our sincere thanks are hereby tendered to the Baptist Missionary Society of Boston. It is now more than forty years since the missionaries of that society came into the Cherokee Nation. When the Cherokees were poor and covered with darkness, light with regard to the other world was brought to us by Evan Jones, and at a later date

by his son, John B. Jones. And we do bear witness that they have done their work well, and that they have striven to discharge the duties incumbent upon them, in doing good to the people and performing faithfully their duties to God. And we bear witness that their work was highly prosperous up to the time when they were driven out of our country by the United States agent, in 1861. And now, after the close of the war, we are informed that the Missionary Society have determined to resume their work in the Cherokee Nation. For this determination we hereby return them our thanks; and we hereby declare that it is our desire that they will more strongly than ever push forward their work of enlightening our land. And we do further declare that we hold in high esteem Evan Jones and his son, J. B. Jones: *now, therefore,*

*Be it enacted by the National Council,* That Evan Jones and his son, J. B. Jones, be and they are hereby admitted to citizenship in this Nation, together with their families, and all the rights allowable to white men under the constitution are hereby granted to them. Our object in so doing is that our people may be instructed by them in good morals and general intelligence.

TAHLEQUAH, C. N., November 7, 1865.

(Signed)

SMITH CHRISTIE, *President National Com.*

H. D. REESE, *Clerk National Com.*

Approved.

LEWIS DOWNING,

*Acting Principal Chief.*

N. B.—The above resolution and act is transcribed from a certified copy taken by H. D. Reese as Clerk of the National Committee, and furnished me this date.

November 19, 1867.

. W. P. BOUDINOT, *Compiler.*

*To the National Council.*

# MISCELLANEOUS ACTS.

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## AN ACT

### REGULATING THE INTEREST ON NOTES, ETC.

*Be it enacted by the National Council,* That all promissory notes, executions, and judgments, payable in cash, which may hereafter originate, shall bear interest at the rate of six per cent. per annum.

October 15, 1841.

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## AN ACT

### ESTABLISHING THE SEAT OF GOVERNMENT.

*Be it enacted by the National Council,* That the seat of the Cherokee government is hereby established at Tahlequah.

TAHLEQUAH, October 19, 1841.

Approved.

A. M. VANN, *Acting Chief.*

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## AN ACT

### DEFINING LAWFUL FENCES.

*Be it enacted by the National Council,* That a fence ten rails high, with cracks not exceeding four inches wide for four rails up said fence, shall be considered a lawful fence; and a fence eight good rails high, well staked and ridged, shall also be considered a lawful fence. And the horse, ox, or other beast, or hog, of any person or persons whomsoever, breaking into the field of any person having a lawful fence, the owner of such property shall be responsible for the damages done, and the courts of the several districts shall have cognizance of every such case.

*Be it further enacted,* <sup>1</sup> "That any person or persons not having a lawful fence, who may be guilty of injuring or destroying the property of any person or persons for breaking into the field of any person or persons not having a lawful fence, shall be subject to pay the owner or owners of such injured property such damages as the court of the district in which the parties may reside shall assess."

September 25, 1839.

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## AN ACT

### RELATING TO STUD HORSES.

*Be it enacted by the National Council,* That it shall be unlawful for stud horses or jacks to run at large after they become two years old, under the penalty of having such studs or jacks altered by any person or persons; and should such studs or jacks die in consequence of being altered, the person or persons who may have altered such stud or jack shall not be held accountable for the value of such stud or jack.

October 18, 1841.

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## AN ACT

### RELATING TO WILD CATTLE.

WHEREAS, It has been represented to the National Council that there are herds of wild cattle in Illinois district, and also herds of wild cattle in Coo-we-skoo-we, Saline, and Sequoyah districts: therefore,

*Be it enacted by the National Council,* That the sheriffs of the several districts where there are wild cattle be authorized to employ men to build pens, and pen said wild cattle, and advertise said cattle to be sold to the highest bidder within ten days after they are penned, the advertisements to be put up in three different places in said district where the cattle are to be sold.

*Be it further enacted,* That the men so employed shall be allowed one dollar and fifty cents per day whilst in actual service.

TAHLEQUAH, C. N., November 16, 1866.

JAMES VANN, *President Nat. Com. pro tem.*

JOSH ROSS, *Clerk pro tem.*

Concurred, with the following amendment:

*Be it further enacted*, In case the sheriffs of the districts above mentioned are unable to pen the said wild cattle, they are hereby authorized to have the same killed.

TAHLEQUAH, C. N.. Nov 20, 1866.

R. B. ROSS, *Clerk*.

Concurred.

Oo-YOU-SUT-TAH,

*Speaker pro tem. Council.*

SMITH CHRISTIE,

*President National Committee.*

JOSH ROSS, *Clerk Com. pro tem.*

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## AN ACT

REQUESTING THE PRINCIPAL CHIEF TO ISSUE HIS PROCLAMATION, Etc.

WHEREAS, The war between the United States and the Confederate States, so called, has been brought to a close by the triumph of the Union arms; *and whereas*, this result gives peace to the Cherokee Nation, and an opportunity for the restoration of all our laws and customs, and the resumption of our national and individual rights, as hitherto enjoyed and as guaranteed by said laws and customs, and by our treaties with the United States: therefore,

*Be it enacted by the National Council*, That we return our devout thanks to the Great Ruler of the Universe, who has been pleased to crown the arms of the United States with such signal triumph, and to vouchsafe such auspicious termination of the war between the United States and the Confederate States.

*Be it further enacted*, That we hail with grateful hearts the return of peace and the re-establishment of civil law within the limits of the Cherokee Nation.

*Be it further enacted*, That the Principal Chief be requested to issue immediately his proclamation to the Cherokee people, advising them of the resumption of their official duties by the several officers representing the various branches of the Cherokee government, and inviting them to render obedience and support to the constitution and laws of the Cherokee Nation.

TAHLEQUAH, C. N., July 11, 1865.

SMITH CHRISTIE, *Pres't Nat. Com.*

BENJ. SNELL, *Speaker Council pro tem.*

Approved.

LEWIS DOWNING, *Acting Prin'l Chief.*

AN ACT

FIXING THE COMPENSATION OF OFFICERS.

*Be it enacted by the National Council,* That from and after the present term of service, the salary and pay of the following officers and persons in the employ of the Cherokee Nation shall be as follows :

Principal Chief, - - - - -	\$900 00
Assistant Principal Chief, - - - - -	600 00
Executive Council, per day, - - - - -	4 00
National Council, per day, - - - - -	4 00
Supreme Judges, per day, - - - - -	5 00
Circuit Judges, per annum, - - - - -	300 00
District Judges, per annum, - - - - -	200 00
Sheriffs, per annum, (and fees), - - - - -	250 00
Treasurer, per annum, - - - - -	500 00
Superintendent Public Schools, per annum, - - - - -	500 00
Solicitors, per annum, - - - - -	150 00
School Teachers, per term, - - - - -	200 00
Clerks National Committee and Council, per day, - - - - -	4 00
Clerks of Courts, per year, (and fees), - - - - -	60 00
Guards and Jurors, per day, - - - - -	1 00
Board for man and horse, per day, - - - - -	1 00
Board for one man, per day, - - - - -	50

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

TAHLEQUAH, C. N., November 29, 1866.

Approved.

WM. P. ROSS.

AN ACT

INCORPORATING THE TOWN OF TAHLEQUAH.

SECTION 1. *Be it enacted by the National Council,* That the inhabitants of the town of Tahlequah, as well as those owning lots and transacting business, as those residing within the limits of the town as defined and laid off in conformity with the act of October

28th, 1843, entitled "An act to lay off Tahlequah council ground into town lots, and to dispose of the same," be and they are hereby constituted a body politic and corporated, by the name of the "Aldermen and Town Council of the Town of Tahlequah," by which name they and their successors may sue and be sued, defend and be defended, in all courts of law, in all matters and actions whatsoever, and may grant, purchase, receive, and hold property of any description within said town, and may lease, sell, and dispose of the same for the benefit of the town, and may do all other acts the same as natural persons.

SEC. 2. The corporated powers and duties of the said town shall invest in one alderman and five members of council, to be elected annually, on the first Monday in December of each year, and to continue in office till their successors are elected and qualified according to this act. And the said alderman and members of the council shall take an oath, before entering into office, to support the constitution of the Cherokee Nation and to faithfully perform their duties.

SEC. 3. No person shall be chosen alderman or member of the town council who shall not be of lawful age, citizens of the Nation, and inhabitants or property-holders in the town of Tahlequah. And the qualified voters of the Nation who own lots, or reside or transact business within the limits of the town as before defined, shall be entitled to vote at all elections held under this act.

SEC. 4. The alderman shall preside at the meetings of the town council, which shall be regulated by ordinance. He shall be the executive power of the said town of Tahlequah, and conservator of the peace within the limits of the same, and shall have full power and authority to do and perform all things which may be lawfully done by a judge of the District Court in criminal matters, and shall be vested with full powers and authority to assess all fines, to issue executions for the collection of the same, and to enforce all ordinances which may be passed by the town council for the government of the town, not contrary to the constitution of the Nation. <sup>2</sup> "In cases of robbery, house-burning, thefts, and rape, the accused may be, by the authority of the alderman, be arrested and turned over to the sheriff, or to his authority, of the district, to be tried before any court having jurisdiction of the same. But in all other offenses, the alderman and town council shall have complete jurisdiction."

SEC. 5. Any three members of the town council shall constitute a quorum to transact business; but a less number may adjourn from day to day, and compel the attendance of absent members, in such manner as the council may prescribe. The members of the town council shall judge of the election, qualification, and return of their own members, may determine rules for their own proceedings, to be recorded by the clerk of the town council in a journal kept for that purpose.

SEC. 6. In case of the absence of the alderman, the town council may designate one of their own number, who shall perform the duties of the alderman till his return to business.

SEC. 7. The town council of Tahlequah shall have full power and authority to pass all by-laws and ordinances to prevent, define, and remove nuisances; to restrain and prohibit all disorderly houses and gaming; to establish and regulate a market; to cause the streets and alleys to be opened, repaired, and paved by the inhabitants of the town; to provide for the *prevention* and extinguishment of fires; to dig wells and erect pumps for the convenience of the inhabitants; to restrain all disorderly conduct and obscenity within the limits of the town; and generally, to pass such by-laws and ordinances for the regulation of the town as they may deem necessary, not contrary to the laws of the Nation: *Provided*, That the said council shall not impose a fine exceeding fifty dollars, nor restrain the liberty of a person longer than three months.

SEC. 8. The town council of Tahlequah shall have the power to appoint a clerk for their body, an assessor and collector of taxes, a constable, and such other officers as may be necessary; remove them from office, prescribe their duties, and fix their compensation.

SEC. 9. The collector of taxes imposed by virtue of powers conferred by this act, shall have authority to collect the same, if necessary, by the public sale of any property of the person chargeable therewith, in such manner as may be prescribed by ordinance. No tax shall be imposed by the council in any one year on property within the town at a higher rate than one-fourth of one per centum on the assessment valuation of the same.

TAHLEQUAH, October 30, 1852.

Approved.

JOHN ROSS.

## AN ACT

## TO REGULATE GRIST MILLS.

*Be it enacted by the National Council,* That from and after the first of January next, the owners of grist mills established in the Cherokee Nation shall be held accountable and made to pay for any bag and grain which may be lost, left in their charge in the mill: *Provided,* however, that the bags are marked or branded by the owners.

TAHLEQUAH, November 6, 1844.

Approved.

JOHN ROSS.

## AN ACT

## FOR FURNISHING STATIONERY TO OFFICERS OF THE NATION.

*Be it enacted by the National Council,* That from and after the passage of this act, the officers of the Nation shall be paid in cash out of the National treasury for stationery, etc., that they may use when in the discharge of their official duty, and the same shall be placed on the cash appropriation.

TAHLEQUAH, November 6, 1849.

Approved.

JOHN ROSS.

## AN ACT

## PROVIDING FOR A COMMISSION TO AUDIT CLAIMS.

*Be it enacted by the National Council,* That a commission of three persons shall be elected by the National Council to audit claims for losses in the late war sustained by citizens of the Cherokee Nation, and to take evidence thereon; and said persons shall, before entering on their duties, take an oath well and faithfully to discharge said duty, and they shall be and are hereby authorized to administer oaths and take testimony as judicial officers; and all of the proceedings of said commission shall be in writing, and each case opened and closed as a separate case.

*Be it further enacted*, That there shall be appointed by the Principal Chief an interpreter and clerk for said commission, whose compensation shall be three dollars per day for each day actually employed.

*Be it further enacted*, That the Principal Chief shall issue a proclamation, and give notice of the time and places where said commission shall sit; and the said commission shall open its labors on the first day of December, 1866, and shall close them on the fifteenth day of February, 1867, and shall make and certify to a report of the cases, and transmit it to the Principal Chief for action thereon.

*Be it further enacted*, That said claims shall be presented to the government of the United States, and indemnity therefor claimed; and in each case taken by said commission, there shall be the evidence of at least two witnesses, and a certificate of the commissioners that the claimant, at the time the loss was sustained, was not in arms against the government of the United States, or aiding and abetting its enemies, but was deprived of proper protection from the United States government as guaranteed by treaty.

*Be it further enacted*, That all sums or moneys received as indemnity for such losses, shall be paid by the treasurer of the Cherokee Nation to such claimants on its being received from the government of the United States.

TAHLEQUAH, C. N., October 30, 1866.

JAMES VANN,

*President pro tem. of National Committee.*

H. D. REESE, *Clerk National Committee.*

Concurred.

JOHN YOUNG, *Speaker Council.*

R. B. ROSS, *Clerk Council.*

Approved.

W. P. ROSS.

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RESOLUTION PROVIDING FOR THE PAYMENT OF THE NATIONAL DEBT.

WHEREAS, By article 23d of the treaty of 19th July, 1866, it is provided that the Secretary of the Interior, with the approval of the President of the United States, may pay out of the funds due the Nation, on the order of the National Council or a delegation duly

authorized by it, such amount as he may deem necessary to meet outstanding obligations of the Cherokee Nation caused by the suspension of the payment of their annuities, not to exceed the sum of one hundred and fifty thousand dollars; *and whereas*, the amount of said outstanding obligations, as far as yet ascertained and registered, is one hundred and ten thousand dollars as the approximation, and which leaves a balance yet to be ascertained: therefore,

*Be it resolved by the National Council*, That the delegation of the Cherokee Nation, consisting of William P. Ross, Principal Chief, Riley Keys, and Jesse Busheyhead, be and they are hereby authorized to cause said sum to be paid over to the treasurer of the Nation for the purpose of meeting such obligations, far as ascertained, and that the residue, when ascertained, shall be called for in like manner.

TAHLEQUAH, C. N., December 1, 1866.

JAMES VANN,

*President National Committee.*

H. D. REESE, *Clerk National Committee.*

Concurred in.

WRITER, *Speaker Council.*

S. FOREMAN, *Clerk Council.*

Approved.

WM. P. ROSS.

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## AN ACT

TO REPEAL THE CONFISCATION LAWS OF THE CHEROKEE NATION.

*Be it enacted by the National Council*, That in compliance with the third article of the treaty made and concluded at Washington City on the 19th day of July, 1866, between the United States and the Cherokee Nation, the act entitled "An act to confiscate the property of disloyal persons," dated October 24th, 1863, and all other acts of like import and objects, are hereby repealed; and said act, and all sales of farms and improvements on real estate made, or pretended to be made, in pursuance thereof, are hereby declared to be null and void, and the purchasers of said farms and improvements on real estate are hereby required to deliver into the possession of the former owners, their heirs or assigns, such property, on or before the first day of December, 1866.

*Be it further enacted*, That the purchasers of farms and improvements on real estate, sold in pursuance of the provisions of the confiscation laws hereby repealed, their heirs and assigns, be required to present their claims for the sums of money, warrants, or certificates paid for such property, into the treasury of the Nation, accompanied by the receipt or official certificate of the sheriff who made such sale or received payment for the same, to the National Council, for their adjudication, on or before the 25th day of November, 1866, in order that appropriations may be made for the payment of the same by the treasurer of the Nation, agreeably to the specification of said treaty.

TAHLEQUAH, C. N., October 10, 1866.

JAMES VANN,

*President National Committee.*

H. D. REESE, *Clerk National Committee.*

Concurred.

JOHN YOUNG, *Speaker Council.*

R. B. ROSS, *Clerk Council.*

Approved.

LEWIS DOWNING,

*Assistant and Acting Principal Chief.*

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## AN ACT

### REGULATING TRADE.

*Be it enacted by the National Council*, That any person or persons hereafter trading, or continuing to trade, in the Cherokee Nation, shall make application for and receive license from the National Council, and in their application shall make affidavit setting forth the name and style of the party or firm, and of every member or partner thereof, and the place where he or they design to trade, and the nature of their business or merchandise; and shall pay into the National treasury, on the receipt of such license, the sum of one-fourth of one per cent. on all bills of purchases, and shall continue to pay, at the commencement of each three months thereafter, in and for any portion of which he or they shall continue to trade, the sum of one-fourth of one per cent. And any person or persons who shall attempt to trade or otherwise to dispose of

merchandise, goods, and wares, without previously obtaining such license, shall be fined, on conviction thereof before a court of competent jurisdiction, in not less than five hundred dollars nor more than twenty thousand dollars for every such offense: *Provided*, That the National treasurer may issue license to a citizen or citizens of the Nation only, when the National Council is not in session, on the payment of the proper fee, and which license shall be good until the adjournment of the session of the National Council next ensuing.

*Be it further enacted*, That the treasurer shall keep a record of all licenses granted, showing to whom issued and for what purpose, and the place where said party or parties shall trade.

*Be it further enacted*, That each peddler or trader entering the Nation with goods or wares, in a wagon or other vehicle, shall make application to the treasurer or to the clerk of the court for the district which he shall enter, for a license so to peddle, and shall pay, for every time he so enters, a trade fee of one dollar, which shall be paid into the treasury of the Nation: *Provided*, That until the first day of January, 1868, no person or peddler bringing in and dealing exclusively in flour, meal, corn, wheat, potatoes, or meat, shall be required to pay such fee. And it shall be the duty of the sheriff, in any district in which persons may violate this act, to seize such person or persons, with his merchandise and wagon or vehicle, and detain them until he shall have notified the Principal Chief, who shall notify the U. S. agent to deal with the intruders before the U. S. court having jurisdiction over such offenses, under the law regulating trade and intercourse with the Indians: *Provided further*, That nothing hereinbefore contained shall be construed as conferring any right to enter or trade in the Cherokee Nation, save what is otherwise conveyed by law.

TAHLEQUAH, C. N., November 7, 1866.

JAMES VANN,

*President National Committee.*

H. D. REESE, *Clerk National Committee.*

Concurred.

OO-YOU-SUT-TAH,

*Speaker Council pro tem.*

R. B. ROSS, *Clerk Council.*

Approved.

W. P. ROSS.

## AN ACT

## AUTHORIZING THE TRANSLATION OF THE OLD TREATIES.

*Be it enacted by the National Council,* That John B. Jones be and he is hereby authorized to translate all the old treaties between the United States and the Cherokee Nation, into the Cherokee language, and to have five hundred copies printed, both in the Cherokee and English, of each treaty.

*Be it further enacted,* That the sum of two hundred dollars be appropriated for the purpose of commencing said translation, and printing, and the Principal Chief is hereby authorized to issue his warrant for the same out of the general fund.

*Be it further enacted,* That when the work is completed, and the cost known, an appropriation shall be made for the balance, in favor of the said John B. Jones.

TAHLEQUAH, November 24, 1866.

(Adopted by a constitutional majority.)

## RESOLUTION FOR THE APPOINTMENT OF TWO SUITABLE PERSONS TO TRANSLATE, ETC.

*Resolved, by the National Council,* That the Acting Principal Chief be and he is hereby authorized to appoint two suitable persons, whose duties shall be to translate into the Cherokee language the report of the committee to whom was referred the subject of preparing and reporting such amendments to the constitution and laws of the Cherokee Nation as may be rendered necessary by the provisions of the treaty of 19th July, 1866, between the United States and the Cherokee Nation, and also to translate the aforesaid treaty into the Cherokee language.

TAHLEQUAH, C. N., October 15, 1866.

JAMES VANN,

*President National Committee.*

H. D. REESE,

*Clerk National Committee.*

Concurred.

WRITER, *Speaker Council.*

R. B. ROSS, *Clerk Council.*

RESOLUTION AUTHORIZING THE PRINCIPAL CHIEF TO CALL  
THE CHEROKEE PEOPLE TOGETHER AT TAHLEQUAH.

*Resolved, by the National Council,* That the Principal Chief be and he is hereby authorized to issue his proclamation to call a general meeting of the people together at Tahlequah, on the 26th inst., for the purpose of ratifying the amendments to the constitution of the Cherokee Nation, and reading of the treaty of July 19th, 1866.

*Resolved further,* That the Principal Chief be further authorized to appoint some suitable person to act as commissary, whose duty it shall be to make arrangements for furnishing beef, flour, and meal, and salt; also, employ six cooks to cook for the people whilst they are assembled together.

TAHLEQUAH, C. N., November 8, 1866.

JAMES VANN,

*President pro tem. National Committee.*

ALLEN ROSS, *Clerk pro tem.*

Concurred.

JOHN YOUNG, *Speaker Council.*

R. B. ROSS, *Clerk Council.*

Approved.

W. P. ROSS.

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AN ACT

PROHIBITING THE SHERIFF FROM BOARDING PRISONERS OR  
GUARDS AT THE PUBLIC HOUSES DURING THE SESSION OF  
THE NATIONAL COUNCIL.

*Be it enacted by the National Council,* That it shall not be lawful for any sheriff, or any officer of this Nation, to board any prisoners or guards at any tavern in Tahlequah, during the session of the annual or called Councils.

TAHLEQUAH, December 25, 1843.

Approved.

JOHN ROSS.

AN ACT

REQUIRING THE LAWS TO BE COPIED.

*Be it enacted by the National Council,* That the Principal Chief shall be required to return all acts which he approves to the National Committee, retaining in his office a copy of the same ; and it shall be the duty of the clerk of the Committee and Council to record on the journal all such acts.

TAHLEQUAH, October 7, 1848.

E. HICKS, *Acting Principal Chief.*

AN ACT

TO REDUCE THE NUMBER OF EXECUTIVE COUNCILORS TO THREE.

*Be it enacted by the National Council,* That the number of Executive Councilors be and the same is hereby reduced to three, from and after this date.

TAHLEQUAH, October 9, 1845.

Approved.

GEORGE LOWERY,  
*Acting Principal Chief.*

APPOINTMENT OF COL. PHILLIPS AS APPRAISER OF NEUTRAL LANDS.

WASHINGTON, Aug. 14, 1866.

*Col. Wm. A. Phillips :*

SIR—You are hereby appointed to act, on behalf of the Cherokee Nation, to value and appraise the Cherokee neutral lands in Kansas, according to the provisions of the late treaty between the United States and the Cherokee Nation, subject to the approval of the Cherokee National Council.

*In witness whereof,* we, the delegates of the Cherokee Nation, have hereunto set our hand :

JAMES McDANIEL,  
WHITE CATCHER,  
SMITH CHRISTIE,

S. H. BENGE,  
DAN'L H. ROSS,  
J. B. JONES,

*Cherokee Delegation.*

The within appointment was submitted to the National Committee on this day, October 31, 1866, and confirmed.

JAMES VANN, *President.*

H. D. REESE, *Clerk.*

Concurred.

JOHN YOUNG,

R. B. ROSS, *Clerk Council.*

*Speaker Council.*

## AN ACT

### APPOINTING A DELEGATION.

*Be it enacted by the National Council,* That a delegation of three persons be appointed to proceed to Washington to represent the Cherokee Nation, and bring to a satisfactory settlement all business of the Cherokee Nation with the government of the United States, and to secure the fulfillment of all business falling under the provisions of the treaty of July 19th, 1866.

*Be it further enacted,* That it shall be the duty of said delegation to secure back annuities due the Cherokee Nation, and payable to them by treaty, and withheld during the war.

*Be it further enacted,* That said delegation are hereby empowered to prosecute and secure all claims for horses, provisions, or other military supplies and stores, furnished the armies of the United States, and remaining unpaid.

*Be it further enacted,* That said delegation shall have power to prosecute and secure all claims for stolen cattle, horses, or other property, taken from the citizens of the Cherokee Nation, and to proceed in the Court of Claims, or before any proper authority of the United States, and to prosecute such cases, and secure indemnification therefor.

*Be it further enacted,* That said delegation are empowered to make necessary arrangements with the government of the United States, or with any tribe or tribes of Indians, desiring to settle in the Cherokee country, for the settlement of the same, to consult with them or make needful arrangements, subject to the approval of the United States and the Cherokee Council.

*Be it further enacted,* That said delegation shall have power to prosecute all claims for losses of the people of the Cherokee

Nation, caused by the armies of the United States, or resulting from the abandonment of the Indian Territory by the United States troops, or from the want of proper protection guaranteed to the Cherokee Nation by its treaties with the United States, and to secure indemnification to its people for such losses, and to prosecute such other business as may be delegated to them by the National Council.

*Be it further enacted*, That said delegation shall be authorized to employ an attorney, or attorneys, to aid them in the prosecution of such business, herein or hereinafter delegated to them.

*Be it further enacted*, That said delegation shall have power to make all necessary negotiations in reference to the sale or disposal of the lands belonging to the Cherokee Nation, lying west of 96 degrees of longitude west, including what is known as the Cherokee outlet.

*Be it further enacted*, That in the event of any vacancy occurring in said delegation, the Principal Chief is hereby authorized to fill the same by appointment.

TAHLEQUAH, C. N., October 26, 1866.

JAMES VANN,  
*President National Com.*

H. D. REESE, *Clerk National Com.*

Concurred, November 1, 1866.

JOHN YOUNG, *Speaker Council.*

R. B. ROSS, *Clerk Council.*

Approved November 2, 1866.

W. P. ROSS.

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## A N A C T

### FOR TAKING THE CENSUS.

*Be it enacted by the National Council*, That there shall be a census taker appointed by the Principal Chief, in and for each district, who shall take down the name and age of the head of each family, and of each member thereof, of all the citizens of the Cherokee Nation, classing according to age males over eighteen and under eighteen, giving number of natives, whites, and Africans.

*Be it further enacted*, That census takers be required to take the following oath: "I, A. B., do solemnly swear to do my duty according to my skill and ability, so help me God."

The census takers shall commence their work as soon as possible, and make their returns to the Principal Chief, and their pay shall be each three dollars per day; and they are hereby required to keep an account of each day's work.

TAHLEQUAH, C. N., Nov 30, 1866.

Approved.

W. P. ROSS.

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## AN ACT

### TO REPEAL THE ACTS RELATING TO PUBLIC COOKS.

*Be it enacted by the National Council*, That the act passed 11th October, 1841, entitled, "An act relating to public cooks," and also the act to amend the same, dated Oct. 23, 1845, be and the same are hereby repealed: *Provided*, however, that the Principal Chief shall have authority at any call session, or when it is expected that a large assemblage of Cherokees shall be in attendance, to appoint as many public cooks as he may deem necessary for that purpose.

TAHLEQUAH, November 16, 1849.

Approved.

JOHN ROSS.

## RESOLUTIONS IN HONOR OF DISTINGUISHED CHEROKEES.

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The National Council, having received the official announcement of the death of John Ross, Principal Chief of the Cherokee Nation, desire to place upon record this humble testimonial in appreciation of the long and eminent services he rendered to the Cherokee people, and as feebly expressive of their sense of the loss they have sustained by his death. John Ross was born on the 3d day of October, 1790, and died in the city of Washington on the 1st day of August, 1866. In the year 1809 he was intrusted with an important mission by Col. Return Meigs, United States agent for the Cherokees (and of honest memory), to the Western Cherokees, who were located on the Arkansas river, above and below Dardanelle Rock. From that period to the close of his life, he was, with the exception of two or three years in the earlier part of his career, in the constant service of his people, furnishing an instance of confidence on their part and fidelity on his, which has never been surpassed in the annals of history. In the years 1813 and 1814 he was Adjutant of the Cherokee regiment under General Andrew Jackson, in the war against the hostile Creeks, and was present, besides others, at the battle of Te-ho-pe-ka, where the Cherokees, under Col. Morgan, of Tennessee, rendered distinguished aid. In 1817, at the instance of his life-long friend James Brown, a Major in that regiment—and who only departed this life in the 84th year of his age, near Bentonville, Arkansas, in 1863, a loyal fugitive from home and country—he was elected a member of the National Committee of the Cherokee National Council. The first duty assigned him was to prepare a reply to the United States Commissioners who were present for the purpose of negotiating with the Cherokees for their lands east of the Mississippi, and in a firm resistance to which he was destined, a few years later, to test the power of truth and to attain a reputation of no ordinary character. In 1819, October 26th, his name first appears on the statute book of the Cherokee Nation as President

of the National Committee, and is attached to an ordinance which looked to the improvement of the Cherokee people, providing, as it did, for the introduction into the Nation of school-masters, blacksmiths, mechanics, and others. He continued to occupy that position till 1826. In 1827 he was Associate Chief with Wm. Hicks, and President of the Convention which adopted the constitution of that year. That constitution, it is believed, is the first effort at a regular government, with distinct branches and powers defined, ever made and carried into effect by any of the Indians of North America. From 1828 to their removal west, he was Principal Chief of the Eastern Cherokees, and from 1839 to the time of his death, Principal Chief of the united Cherokee Nation. In regard to events that occurred in his career since 1839, it is not necessary here to speak in detail. The formation of a regular government, the multiplication of schools and dissemination of knowledge among the Cherokee people, whereby they were rapidly advancing in the arts and comforts of civilized life, were looked upon with suspicion, instead of generous approbation, by much of the white population by whom they were surrounded; for they were anxious to possess their lands. Every church that was dedicated, every school that was established, every fruit tree that was planted, every home that was erected and made comfortable, served as so many lights to illuminate the minds, and as so many magnets to fasten the affections of the Cherokees to their native hills and streams. The discovery of gold mines in their country only increased the cupidity of the whites, and Georgia became particularly clamorous for their removal, and oppressive in her legislation. The contest which ensued, from 1830 to 1838, will ever remain memorable. It awakened an interest among the people of the United States never before felt, and it is to be feared never again to be revived, in regard to the rights and condition of the Indians. The halls of Congress rung with appeals in their behalf, and the usual monotony of the Supreme Court was broken by the learning and eloquence of some of the most eminent lawyers of the United States. The Cherokees, with John Ross at their head, alone, with their treaties, achieved a recognition of their rights, but they were powerless to enforce them. They were compelled to yield, but not until the struggle had developed the highest qualities of patience, fortitude, and tenacity of right and purpose on their part, as well as that of their Chief. The same may be said

of their course after their removal to this country, and which resulted in the reunion of the Eastern and Western Cherokees as one people, and in the adoption of the present constitution.

The National Council, having given an expression of its views at their last session in regard to the position assumed by the Commissioner of Indian affairs (D. N. Cooley) and others, at Fort Smith, in September, 1865, towards John Ross, in connection with events growing out of the rebellion, deem it unnecessary to dwell here upon subjects so recently and fully discussed. That, with many other occurrences in our trying history as a people, is confidently committed to the future page of the historian. It is enough to know that the treaty negotiated at Washington bore the full and just recognition of John Ross' name as Principal Chief of the Cherokee Nation, and that "truth, though crushed to earth, will rise again," because "the eternal years of God are all her own." Blessed with a fine constitution and a vigorous mind, John Ross had the physical ability to follow the path of duty wherever it led. No danger appalled him. He never faltered in supporting what he believed to be right, but clung to it with a steadiness of purpose which could alone have sprung from the clearest convictions of rectitude. He never sacrificed the interests of his Nation to expediency. He never lost sight of the welfare of the people. For them he labored daily for a long life, and upon them he bestowed his last expressed thoughts. A friend of law, he obeyed it; a friend of education, he faithfully encouraged schools throughout the country, and spent liberally his means in conferring it upon others. Given to hospitality, none ever hungered around his door. A professor of the Christian religion, he practiced its precepts. His works are inseparable from the history of the Cherokee people for nearly half a century, while his example in the daily walks of life will linger in the future, and whisper words of hope, temperance, and charity in the years of posterity.

Your committee recommend that this brief memorial be spread upon the journals of the National Council, and the adoption of the following resolutions:

1. That the National Council have received with profound regret the official announcement of the death of John Ross, Principal Chief of the Cherokee Nation, which occurred at Washington City on the first day of August, 1866, in the 76th year of his age.

2. That in his death the Cherokee people have lost a great chieftain, eminently distinguished by public services for half a century, by constant and enlightened efforts to advance their welfare, and by unyielding adherence to their rights and interests during his long and uninterrupted course.

3. That it is appropriate that his remains should rest among those he so long served.

4. A committee of two be appointed, whose duty it shall be to convey to this country his remains, at the expense of the Cherokee Nation.

5. That a committee of five be appointed, whose duty it shall be to provide for suitable obsequies on the arrival and interment of his remains, and to recommend the ways and means for erecting a suitable monument to his memory.

TAHLEQUAH, C. N., October 17, 1866.

JAMES VANN, *Pres't Nat. Com. pro tem.*

ALLEN ROSS, *Clerk Com. pro tem.*

Concurred.

JOHN YOUNG,

R. B. ROSS, *Clerk Council.*

*Speaker Council.*

Approved.

LEWIS DOWNING,

*Ass't and Acting Principal Chief.*

The National Council desire to express, also, their deep sense of the loss sustained by the Cherokee Nation in the deaths of Thomas Pegg and White Catcher, two other members of their delegation at Washington, during the last year. Thomas Pegg died in Washington, on the 22d day of April, 1866, aged sixty-four years, and was buried in the Congressional burying ground. At the time of his death he was one of the associate justices of the Supreme Court of the Cherokee Nation. During his life he was a useful and exemplary member of society, and for many years a professor of the Christian religion. He filled various important trusts, at different periods, among the Western Cherokees, previous to the union between them and the Eastern Cherokees, in 1839, and subsequent to that event. He held a seat on the bench of the Supreme Court at different periods, and also in the National Committee. As President of the National Committee, he became *ex-officio* Acting Principal Chief of the Cherokee Nation in 1862-3. He also held

the rank of captain in company "E," 3d regiment Indian Home Guards, commanded by Col. Wm. A. Phillips, U. S. Volunteers, and was distinguished alike by his gallantry and fidelity to duty.

White Catcher died at Pleasant Hill, Mo., on his return home, on the 17th day of August, 1866. He had been a member of the Council, and was, at the time of his death, a member of the National Committee for Tahlequah district. He was Captain of company "I," 3d regiment Indian Home Guards, Col. Wm. A. Phillips, from the time of its organization, in 1862, until honorably mustered out of the United States service at the close of the rebellion, in May, 1865. Distinguished alike for valor and patriotism, he will long be remembered among his people, as they recount to their children, around the domestic hearth, the story of the great rebellion. Never in their history have the Cherokee people been so afflicted in their delegations as in that which have just returned home. John Ross, Thomas Pegg, and White Catcher, have been called from earth, and now sleep with our fathers, who were their associates amid scenes of trial that have rarely befallen any people. But they will continue to live in example. Let their virtues be cherished among a grateful and afflicted people.

TAHLEQUAH, C. N., October 17, 1866.

JAMES VANN, *President pro tem. Nat. Com.*

ALLEN ROSS, *Clerk pro tem.*

Concurred.

JOHN YOUNG, *Speaker Council.*

R. B. ROSS, *Clerk Council.*

Approved.

LEWIS DOWNING,

*Ass't and Acting Principal Chief.*

RESOLUTIONS OF THE NATIONAL COUNCIL ON THE ANNOUNCEMENT OF THE DEATH OF GEORGE LOWERY, MEMBER OF THE EXECUTIVE COUNCIL.

*Resolved*, That the National Council have received, with emotions of profound regret and sorrow, intelligence of the death of George Lowery, a member of the Executive Council, and for many years Assistant Principal Chief of the Cherokee Nation.

*Resolved*, That in this dispensation of Divine Providence, this Nation has sustained the loss of a venerable father, who, during a

long and eventful life, nobly sustained the character of an honest man, a devoted Christian, and a pure and spotless patriot.

*Resolved*, That as a very humble testimonial of respect and affection for the memory of the deceased, the National Council do request that his mortal remains be interred in the Council burying grounds at this place, and they attend his funeral in a body.

*Resolved*, That there be appointed a joint committee of three members from each branch of the National Council, to make suitable arrangements for carrying out the preceding resolutions.

TAHLEQUAH, October 20, 1852.

Approved.

JOHN ROSS.

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WHEREAS, It was requested by a joint resolution of the National Council, that the mortal remains of Maj. George Lowery, deceased, be interred at the seat of government, thus removing them from the home and burying ground of his immediate friends and relatives: *and whereas*, the memory of the deceased should be perpetuated by some expression of public respect; therefore,

*Resolved, by the National Council*, That there be erected, at the public expense, to be paid for out of any moneys in the treasury not otherwise appropriated, a monument on the grave of the said deceased, which shall be prosecuted under supervision of a committee of two or more persons, to be appointed for that purpose by the chairman of the National Committee: *Provided*, however, such monument shall not cost more than the sum of two hundred dollars.

TAHLEQUAH, October 21, 1853.

Approved.

JOHN ROSS.

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*Resolved, by the National Council*, That they have received, with profound regret, official intelligence of the death of William Shorey Coodey, one of the directors of the Cherokee Seminaries, and late a member of the National Committee.

*Resolved*, As a testimonial of our respect for the memory of the deceased, that a copy of these resolutions be entered upon the journal of both branches of the National Council.

TAHLEQUAH, October 8, 1849.

Concurred.

JAMES KELL, *Pres't Nat. Council.*

SIX-KILLER, *Speaker of Council.*

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ACTS AND JOINT RESOLUTIONS

PASSED BY THE

NATIONAL COUNCIL

OF THE

CHEROKEE NATION,

AT THE REGULAR SESSION, 1867.

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# ACTS AND JOINT RESOLUTIONS

PASSED AT THE REGULAR SESSION, 1867.

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## RESOLUTION IN RELATION TO ELECTION OF SHERIFF IN SEQUOYAH DISTRICT.

WHEREAS, A communication was received from Lewis Downing, Principal Chief of the Cherokee Nation, transmitting certain papers from Sequoyah district, complaining of a certain Lock Lanley, a white man, who gave an illegal vote at the election in August last; *and whereas*, a committee was appointed to examine the election returns of said Sequoyah district; *and whereas*, by the report of said committee, Jesse Baldrige is found legally elected sheriff of Sequoyah district; therefore, be it

*Resolved*, That the Principal Chief be and he is hereby notified of said facts, and instructed to commission the said Jesse Baldrige sheriff of Sequoyah district.

TAHLEQUAH, C. N., November 12, 1867.

Approved.

LEWIS DOWNING,

*Principal Chief.*

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## AN ACT

### TO REMOVE A PUBLIC SCHOOL IN CANADIAN DISTRICT.

*Be it enacted by the National Council*, That the superintendent of public schools be and he is hereby authorized, after the close of the present term, to remove the school established at Jennie Vann's place, in Canadian district, to Wm. Triplet's Spring, in said District, to go into operation the first Monday in March next. All laws or parts of laws militating against this act are hereby repealed.

TAHLEQUAH, C. N., November 18, 1867.

Approved.

L. DOWNING,

*Principal Chief of Cherokee Nation.*

## AN ACT

## ALLOWING ANNUAL PENSION TO CHARLOTTE.

*Be it enacted by the National Council*, That there be and (there) is hereby allowed Charlotte, a blind woman of Coo-we-skoo-we district, a pension of twenty dollars annually, to be drawn out of any moneys in the National treasury of the Cherokee Nation.

TAHLEQUAH, C. N., November 18, 1867.

Approved.

LEWIS DOWNING,  
*Principal Chief C. N.*

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## AN ACT

## TO REMOVE A PUBLIC SCHOOL FROM CABIN CREEK.

WHEREAS, An act was passed November 21, 1866, establishing a school at or near Hatchet's, in Coo-we-skoo-we district; *and whereas*, the superintendent reported no school there, but one at Cabin Creek, in Delaware district; therefore,

*Be it enacted by the National Council*, That the superintendent of public schools be and he is hereby authorized, after the close of the present term, to remove the school established at Cabin Creek, in Delaware district, to Blue Hill, near James McDaniel's, in Coo-we-skoo-we district, Cherokee Nation, to go into operation the first Monday in March next, 1868. All laws or parts of laws militating against this act are hereby repealed.

TAHLEQUAH, C. N., November 19, 1867.

Approved.

LEWIS DOWNING,  
*Principal Chief.*

## A N A C T

REQUIRING W. P. ROSS, LATE PRINCIPAL CHIEF OF THE CHEROKEE NATION, AND LEWIS ROSS, LATE TREASURER OF THE CHEROKEE NATION, TO REPORT TO THE NATIONAL COUNCIL THE RECEIPTS AND DISBURSEMENTS OF ALL CHEROKEE FUNDS THAT HAVE PASSED THROUGH THEIR HANDS FROM JANUARY 1, 1860, TO NOVEMBER 4, 1867; AND ALSO REQUIRING THEM, THE SAID PARTIES, TO TURN OVER TO THE NATIONAL COUNCIL, NOW IN SESSION, ALL BOOKS AND RECORDS THAT RELATE TO CHEROKEE AFFAIRS.

*Be it enacted by the National Council,* That Wm. P. Ross, late Principal Chief of the Cherokee Nation, and Lewis Ross, late treasurer of the Cherokee Nation, be and they are hereby required each to make a report or statement, before the National Council now in session, of the amounts and kinds of all Cherokee funds received by them, and of their disposition of the same, from January 1st, 1866, to November 4th, 1867.

*Be it further enacted,* That the said Wm. P. Ross and Lewis Ross be and they are hereby required to turn over to the National Council, during its present session, all books and records of any description in their possession, or under their control, that refer to the affairs or business of the Cherokee Nation.

*Be it further enacted,* That the Principal Chief be and he is hereby requested, at his earliest convenience, to furnish the said W. P. Ross and Lewis Ross each with a copy of this act, and notify or summons them to comply with its provisions.

TAHLEQUAH, C. N., November 22, 1867.

JOHN YOUNG, *Speaker of Council.*

T. B. WOLFE, *Clerk of Council.*

Concurred in.

CHARLES THOMPSON,

*President of Senate pro tem.*

STEPHEN FOREMAN, *Clerk of Senate.*

Approved.

LEWIS DOWNING,

*Principal Chief.*

## AN ACT

FOR THE RELIEF OF CHA-CAR-LAC-TAH, A BLIND MAN, IN  
FLINT DISTRICT.

*Be it enacted by the National Council,* That a pension of twenty dollars be allowed to Thompson Cha-car-lac-tah (a blind man), of Flint district, annually, during his natural life, and the Principal Chief is hereby authorized to issue a warrant for the same.

TAHLEQUAH, C. N., November 22, 1867.

Approved.

LEWIS DOWNING,  
*Principal Chief C. N.*

## AN ACT

TO REGULATE THE ISSUE OF PERMITS TO HIRE CITIZENS OF  
THE UNITED STATES.

*Be it enacted by the National Council,* That any person, a citizen of this Nation, who may desire to hire or employ, to work for wages, any white man or citizen of the United States, as a mechanic or laborer, shall be and is required to obtain a license for that purpose from the district judge of the district in which such Cherokee citizen resides; and such license shall be in writing, and shall state to whom given, the name of the person employed, the kind of service to be performed, and the length of time for which the same is granted, which shall not be longer than one year without renewal.

*Be it further enacted,* That the person obtaining such license shall be required by the judge to pay in advance for the same, for the benefit of the National treasury, a sum in money, National warrants, or certificates, at the rate of one dollar per month for each mechanic, and fifty cents per month for each laborer, so employed. Such person or citizen shall also be security for the good behavior of the person or persons introduced into this Nation by virtue of a permit issued upon his application.

*Be it further enacted,* That each judge granting licenses, under and by authority of this act, shall retain in his office a correct copy

of each license granted by him, and report annually the amount received on account of the same to the National treasurer, in November, on or before the first Monday thereof.

*Be it further enacted,* That it shall not be lawful for a citizen of this Nation to hire any person as mechanics or laborers who is a citizen of the United States, except in the manner provided for in this act. And any person who, upon trial before an authorized court, shall be convicted of such offense, shall be fined in a sum not less than fifty dollars nor exceeding five hundred dollars, one half of which, when collected, shall be retained by the solicitor, and the other half shall be placed in the hands of the National treasurer for public benefit. All laws or parts of laws militating against this act are hereby repealed.

TAHLEQUAH, C. N., November 22, 1867.

Approved.

LEWIS DOWNING,  
*Principal Chief C. N.*

JOINT RESOLUTION AUTHORIZING THE PRINCIPAL CHIEF TO REQUEST SECRETARY OF INTERIOR TO CAUSE THE PAYMENT OF BOUNTIES, BACK PAY, AND PENSIONS, TO BE MADE AT TAHLEQUAH.

*Resolved, by the Senate and Council of the Cherokee Nation,* That the Principal Chief be and he is hereby authorized and instructed to request of the Secretary of the Interior of the United States to cause all moneys that may be due the soldiers of the second and third Indian regiments, on account of bounty, back pay, and pensions, to be paid at the town of Tahlequah, Cherokee Nation.

TAHLEQUAH, C. N., November 11, 1867.

BUDD GRITTS,  
*President of the Senate.*

STEPHEN FOREMAN, *Clerk of the Senate.*

Concurred in.

JOHN YOUNG,  
*Speaker of the Council.*

T. B. WOLFE, *Clerk of Council.*

Approved.

LEWIS DOWNING,  
*Principal Chief.*

## AN ACT

AUTHORIZING THE PRINCIPAL CHIEF TO EMPLOY AN AGENT TO SECURE PAYMENT OF THE BOUNTY, BACK PAY, ETC., DUE TO DECEASED SOLDIERS, FOR THE BENEFIT OF THE CHEROKEE NATION, UNDER THE 25TH ARTICLE OF TREATY OF 1866.

*Be it enacted by the National Council,* That the Principal Chief be and he is hereby authorized to employ an attorney to secure the payment to the Cherokee Nation of all back pay and bounties which may become due to the Nation under the provisions of the twenty-fifth (25th) article of the treaty of 1866, on account of the services of soldiers in the regiments of Indian United States volunteers, who were killed or died in the army, and who have no surviving relatives legally entitled to receive the same; that the said attorney shall receive for his services not more than ten per cent. of the amount so collected.

*Be it further enacted,* That the amount realized from such collections be invested as an addition to the orphan fund, until the National Council shall authorize the application thereof to the establishment of an orphan asylum, as provided (for) in the 25th article of treaty of 1866, and that the Principal Chief be authorized to obtain from the war department a full list of all deceased soldiers of the said regiments, on account of whose services back pay and bounty may become due to the Nation, under the article above named.

TAHLEQUAH, C. N., November 23, 1867.

ARCH. SCRAPER,

*Speaker of Council pro tem.*

T. B. WOLFE, *Clerk of Council.*

Concurred in.

CHARLES THOMPSON,

*President of Senate pro tem.*

STEPHEN FOREMAN, *Clerk of Senate.*

Approved.

L. DOWNING,

*Principal Chief C. N.*

RESOLUTION OF RESPECT TO DAN. BACKBONE, DECEASED,  
A MEMBER FROM ILLINOIS DISTRICT, AND DIRECTING  
FUNERAL.

WHEREAS, The Council has this morning learned of the decease of one of their members, the late Daniel Backbone, member from Illinois district; therefore, be it

*Resolved*, That both houses suspend business until two o'clock to-morrow P. M., and that at one o'clock to-morrow evening the last remains of the late Daniel Backbone be interred at the public burying ground of this place, (Tahlequah,) in the presence of both branches of the National Council, and that the Principal Chief be and he is hereby authorized to appoint some person to have a coffin made, and to obtain such other articles as will be necessary in burying the said Daniel Backbone in a suitable manner, and that the expenses of said funeral be paid by the Nation.

TAHLEQUAH, C. N., November 26, 1867.

ARCH. SCRAPER, *Speaker of Council pro tem.*

T. B. WOLFE, *Clerk of Council.*

Concurred in, with the following amendments, namely: That a black crape be worn by the members of the lower house, on the left arm, for thirty days; and that the remains of the late Daniel Backbone be brought to the lower house at 12 M.

CHARLES THOMPSON, *Pres't pro tem. of Senate.*

STEPHEN FOREMAN, *Clerk of Senate.*

Concurred in amendment.

ARCH. SCRAPER, *Speaker of Council pro tem.*

T. B. WOLFE, *Clerk of Council.*

Approved.

LEWIS DOWNING,  
*Principal Chief C. N.*

RESOLUTION DEFERRING THE BURIAL OF HON. D. BACKBONE  
TILL 10 A.M. OF NOVEMBER 28, 1867.

WHEREAS, It is impossible to bury the remains of the late Daniel Backbone, of the Council, on account of the grave not being com-

pleted at the time set forth in the resolution of yesterday: therefore, be it

*Resolved, by the National Council, That the burying be deferred till to-morrow, 10 o'clock A. M.*

TAHLEQUAH, C. N., November 27.

Approved. LEWIS DOWNING, *Principal Chief.*

**RESOLUTION APPOINTING COMMITTEE OF ARRANGEMENTS FOR FUNERAL OF CAPT. CHRISTIE, EXECUTIVE COUNCILOR, DECEASED.**

*Resolved, by Senate and Council, That a committee of two be appointed by the president and speaker, from each house, to make the necessary arrangements in regard to the funeral of Capt. Smith Christie.*

*Resolved further, That the expenses incurred by said committee shall be defrayed by the Nation.*

TAHLEQUAH, C. N., November 28, 1867.

CHARLES THOMPSON, *President pro tem. Senate.*

STEPHEN FOREMAN, *Clerk of Senate.*

Concurred in. ARCH. SCRAPER, *Speaker Council pro tem.*

T. B. WOLFE, *Clerk of Council.*

Approved. LEWIS DOWNING, *Principal Chief C. N.*

**RESOLUTION TO INCREASE THE PAY OF FIRE-MAKERS AND PRINCIPAL CHIEF'S PRIVATE SECRETARY.**

WHEREAS, The pay of the different fire-makers was omitted in the last act passed last session, increasing the salary of the different officers of the Nation: therefore, be it

*Resolved, by the National Council, That the Principal Chief be and he is hereby authorized to allow the different fire-makers two dollars per day.*

TAHLEQUAH, C. N., November 25, 1867.

CHARLES THOMPSON, *President of Senate pro tem.*

STEPHEN FOREMAN, *Clerk of Senate.*

Concurred in, with the following amendment, viz: at the end of sixth line, add these words: "And that the Chief's private secretary be allowed four dollars per day."

November 30, 1867.

ARCH. SCRAPER, *Speaker of Council pro tem.*

T. B. WOLFE, *Clerk of Council.*

The above amendment is hereby agreed to.

CHARLES THOMPSON, *President of Senate pro tem.*

STEPHEN FOREMAN, *Clerk of Senate.*

JOINT RESOLUTION IN RELATION TO THE FUNERAL OF HON.  
BUDD GRITTS, DECEASED.

*Resolved, by the National Council,* That the Principal Chief be and he is hereby authorized to appoint some suitable person to superintend the burial of the late President Gritts, either at the public graveyard in town or at the residence of the deceased. The said person to be (so) appointed shall pay, or cause to be paid, all necessary expenses attending the said burial, and report to the National Council the amount thereof, which amount shall be paid by the Cherokee Nation.

TAHLEQUAH, C. N., December 2, 1867.

CHARLES THOMPSON, *Pres't pro tem. of Senate.*

STEPHEN FOREMAN, *Clerk of Senate.*

Concurred in.

ARCH. SCRAPER,

T. B. WOLFE, *Clerk Council.*      *Speaker Council pro tem.*

Approved, and I appoint T. B. Wolfe to carry out the provisions of this resolution.

LEWIS DOWNING,  
*Principal Chief of C. N.*

AN ACT

REMOVING THE COURT HOUSE IN SALINE.

*Be it enacted by the National Council,* That the court house located at or near Joseph Rilley's, in Saline district, be and the

same is hereby removed to Little David's, in the said district. The above act to take effect from the date of its passage. All laws conflicting with this act are hereby repealed.

TAHLEQUAH, C. N., November 22, 1867.

Approved.

LEWIS DOWNING,  
*Principal Chief C. N.*

## AN ACT

FOR THE BENEFIT OF PERSONS HEREIN NAMED.

*Be it enacted by the National Council,* That the sum of sixty-two dollars and fifty-eight cents be and the same is hereby appropriated out of any money in the National treasury not otherwise appropriated, for the benefit of the following named persons, viz: to Thomas B. Wolfe thirty dollars and eight cents, and to Pig Smith twenty-five dollars, and to Jesse Wolfe five dollars, and to Johnson Foreman two dollars and fifty cents. And that the Principal Chief be and he is hereby authorized to draw his warrants accordingly.

TAHLEQUAH, C. N., December 3, 1867.

JAS. McDANIEL, *President of Senate.*

STEPHEN FOREMAN, *Clerk of Senate.*

Concurred in.

ARCH. SCRAPER,

T. B. WOLFE, *Clerk Council. Speaker of Council pro tem.*

Approved.

LEWIS DOWNING,  
*Principal Chief C. N.*

## AN ACT

FOR THE BENEFIT OF PERSONS HEREIN NAMED.

*Be it enacted by the National Council,* That the sum of one hundred and forty-seven dollars and twenty-eight cents be and the same is hereby appropriated out of any money in the National treasury not otherwise appropriated, for the benefit of the following named persons, viz:

T. B. Wolfe, seventy-four dollars and thirty-five cents,	-	\$74 35
D. H. Ross and Bros., twenty-five dollars and forty-three cents,	- - - - -	25 43
Jesse Wolfe, five dollars,	- - - - -	5 00
L. B. Williams, forty dollars,	- - - - -	40 00
Johnson Foreman, two dollars and fifty cents,	- -	2 50
		\$147 28

And the Principal Chief be and he is hereby authorized to draw his warrants accordingly.

TAHLEQUAH, C. N., December 3, 1867.

Approved.

LEWIS DOWNING,  
*Principal Chief C. N.*

AN ACT

MAKING AN APPROPRIATION FOR THE BENEFIT OF JOSEPH VANN.

*Be it enacted by the National Council,* That the sum of four hundred dollars (\$400 00) be and the same is hereby appropriated out of any money belonging to the fund set apart to pay the outstanding debt of the Nation, by article 23 of the treaty of July 19, 1866, for the use and benefit of Joseph Vann, and as compensation for services, as Assistant Principal Chief, two years. And the Principal Chief is authorized to draw a warrant accordingly.

TAHLEQUAH, C. N., December 3, 1867.

Approved.

LEWIS DOWNING,  
*Principal Chief of the Cherokee Nation.*

AN ACT

MAKING AN APPROPRIATION FOR THE BENEFIT OF JOHN McDANIEL.

*Be it enacted by the National Council,* That the sum of fifty-four dollars and ninety cents (54 90) be and the same is hereby

appropriated out of any money in the National treasury belonging to the school fund, not otherwise appropriated, for the use and benefit of John McDaniel, for the purchase by him, by request and authority of the public school directors at Webber's Falls, of school books for the use of said school. And the Principal Chief is authorized to draw a warrant accordingly.

TAHLEQUAH, C. N., December 3, 1867.

Approved.

LEWIS DOWNING,  
*Principal Chief of the Cherokee Nation.*

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RESOLUTION TO ADJOURN.

*Resolved, by the National Council,* That the Senate and Council adjourn, this day, at four o'clock P. M.

TAHLEQUAH, C. N., December 3, 1867.

STEPHEN FOREMAN.

Concurred in.

T. B. WOLFE.

Approved.

JAS. McDANIEL,

*President of the Senate.*

ARCH. SCRAPER.

LEWIS DOWNING,

*Principal Chief.*

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AN ACT

MAKING APPROPRIATIONS FOR PAY OF MEMBERS OF NATIONAL COUNCIL, Etc.

*Be it enacted by the National Council,* That the sum of seven thousand four hundred and seventy-six dollars and nineteen cents be and the same is hereby appropriated out of any money in the National treasury belonging to the general fund, not otherwise appropriated, to defray the expenses in part of the government for the year 1866-67, and for the use and benefit of the officers and employes thereof, according to the following exhibit:

*Names, number of days' service, (including going and returning,) and amount due each of the members of the Executive and Legislative departments for and during the regular session of the National Council, commencing on the fourth of November, and ending on the third of December, 1867.*

SENATE.

No.	Names.	No. of Days' Service.	Amount.
1.....	James McDaniel.....	34 .....	\$136 00
2 .....	Robin Smith.....	34 .....	136 00
3.....	Oo-you-sut-tah.....	32 .....	128 00
4.....	Chas. Thompson.....	32 .....	128 00
5 .....	Walter Christie.....	32 .....	128 00
6.....	Alexander Hawk.....	34 .....	136 00
7.....	Budd Gritts.....	32 .....	128 00
8.....	Frog Killer.....	32 .....	128 00
9.....	Lewis A. Ross.....	30 .....	120 00
10.....	Allen Ross.....	30 .....	120 00
11.....	Eli Smith.....	32 .....	128 00
12.....	Fog .....	32 .....	128 00
13 .....	Roach Young.....	34 .....	136 00
14.....	Pig Smith.....	32 .....	128 00
15 .....	Mink Downing .....	34 .....	136 00
16.....	Joseph Coodey.....	34 .....	136 00
17.....	John Brewer.....	34 .....	136 00
18.....	John P. Davis.....	34 .....	136 00
	Stephen Foreman, clerk.....	30 .....	120 00
	Stephen Foreman, interpreter .....	30 .....	30 00
	Black Fox, fire-maker.....	31 .....	62 00

COUNCIL.

No.	Names.	No. of Days' Service.	Amount.
1.....	John Young.....	34 .....	\$136 00
2.....	James Cornalk.....	32 .....	128 00
3.....	Daniel Backbone.....	21 .....	84 00
4.....	Alex. Scott.....	32 .....	128 00
5.....	John Rogers.....	34 .....	136 00
6.....	Chicken Christie .....	32 .....	128 00
7.....	Wah-la-nee-tah.....	32 .....	128 00
8 .....	Ossay Hair .....	32 .....	128 00
9.....	Cho-hoo-stah. ....	24 .....	96 00
10.....	Sequoyah Tanner.....	32 .....	128 00
11.....	Aaron Tanner.....	32 .....	128 00
12.....	Daniel Muskrat.....	34 .....	136 00
13.....	Stephen Tehee.....	34 .....	136 00
14.....	James Seabolt.....	34 .....	136 00
15.....	Chee-chee.....	34 .....	136 00
16 .....	En-i-cow-ee Thompson.....	32 .....	128 00
17.....	Stand Whirlwind.....	32 .....	128 00
18.....	Daniel Redbird .....	32 .....	128 00

No.	Names.	No. of Days' Service.	Amount.
19.....	Arch. Scrapper.....	32 .....	\$128 00
20.....	John Shell.....	32 .....	128 00
21.....	Taylor Six-killer.....	32 .....	128 00
22.....	Writer .....	34 .....	136 00
23.....	John Glass.....	32 .....	128 00
24.....	Jesse Thompson.....	36 .....	144 00
25.....	Sanders Choate.....	34 .....	136 00
26.....	James McCoy.....	34 .....	136 00
27.....	C. J. Hawks.....	34 .....	136 00
	T. B. Wolfe, clerk .....	30 .....	120 00
	T. B. Wolfe, interpreter.....	30 .....	30 00
	Hog Carrier, fire-maker.....	31 .....	62 00

## EXECUTIVE DEPARTMENT.

Names.	No. of Days' Service.	Amount.
Samuel Smith .....	28 .....	\$112 00
Smith Christie.....	18 .....	72 00
“ “ .....	3 .....	12 00
Moses Alberty.....	21 .....	84 00
Archy.....	28 .....	56 00
W. L. <del>C.</del> Miller.....	32 .....	132 32
John Grass, private secretary 1866, 3 days, at \$2.....		6 00
John C. Cunningham, private secretary 10 days, 1867.....		20 00
Lewis Downing, assistant Principal Chief in the year 1867.....		100 00
“ “ “ “ “ “ .....		50 00
“ “ “ “ “ “ .....		50 00
Jesse Wolfe, for house rent during called session.....		10 00
W. P. Boudinot, for services and expenses compiling laws.....		319 62
“ “ for clerk select committee 7 days.....		14 00
John C. Cunningham, for stationery furnished Executive dep't		11 20
Jesse Wolfe, for house rent during regular session.....		20 00
F. H. Nash, stationery furnished Executive department.....		18 50
J. B. Jones, Ex. secretary in 1867, 10 days, \$2 per day.....		28 00
John W. Stapler, stationery furnished Executive department..		8 55

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 \$7,276 19

And the Principal Chief is authorized to draw warrants in favor of the persons above named to the amounts attached respectively to each name.

TABLEQUAH, December 3, 1867.

Approved.

LEWIS DOWNING,  
*Prin'l Chief C. N.*

AN ACT

MAKING AN APPROPRIATION FOR BENEFIT OF PERSONS HAVING CLAIMS REGISTERED BY AUDITOR OF PUBLIC ACCOUNTS.

*A List of Persons having Claims Registered by the Auditor of Accounts.*

No.	Names, &c.	Amount.
1.....	D. H. Ross & Bro.....	\$429 92
2.....	J. W. Stapler.....	114 00
3.....	Eli Smith.....	1 50
4.....	John Wickliffe.....	1 00
5.....	Ruth Ballard.....	50
6.....	Wesley F. Gritts.....	50
7.....	Flute Foxskin.....	50
8.....	Jack Fixen.....	4 50
9.....	Frog Six-killer.....	1 00
10.....	John Thornton.....	47 85
11.....	Chinabee McCoy.....	17 00
12.....	McCoy.....	26 00
13.....	Amos Thornton.....	3 50
14.....	Ned Grease.....	3 50
15.....	O. P. Daniel.....	5 78
16.....	Moses Catcher.....	1 50
17.....	Isaac Potts.....	4 00
18.....	William Turner.....	2 55
19.....	H. D. Reese.....	90 00
20.....	F. H. Nash.....	159 87½
21.....	Joseph Duval.....	23 50
22.....	S. R. Watie.....	187 62½
23.....	O. W. Lipe.....	5 00
24.....	Daniel Backbone.....	8 00
25.....	Albert Barnes.....	60 50
26.....	Hunter Brown.....	4 00
27.....	James Tincup.....	64 00
28.....	J. Hummingbird.....	50
29.....	Ross, Gunter & Co.....	350 62½
30.....	W. F. Rasmus.....	14 50
31.....	J. W. Adair.....	63 00
32.....	W. P. Ross.....	400 00
33.....	Spring Frog.....	400 00
34.....	David Rowe.....	250 00
35.....	Joseph Duval.....	250 00
36.....	Daniel R. Hicks.....	200 00
37.....	Charles Thompson.....	125 00
38.....	Charles Wickliffe.....	125 00
39.....	Johnson Robbins.....	125 00
40.....	Jackson R. Gourd.....	128 50
41.....	George Blair.....	125 00
42.....	Robert Crawford.....	125 00
43.....	Wesley F. Gritts.....	125 00

No	Names, &c.	Amount.
44	Charles R. Gourd.....	\$ 36 45½
45	Walker Carry.....	92 44½
46	Dick Duck.....	200 00
47	Joseph Se-tee-yah.....	200 00
48	Samuel Smith.....	200 00
49	Ezekiel Proctor.....	200 00
50	Andrew Nowife.....	200 00
51	Jesse Baldridge.....	200 00
52	Levi Rowe.....	200 00
53	Coming (Canadian).....	58 33½
54	Charles Drew.....	141 66¾
55	D. W. Lipe.....	50 00
56	William Young.....	200 00
57	George W. Ross.....	25 00
58	Franklin Falkner.....	50 00
59	Saunders Choate.....	39 00
60	John L. Springston.....	58 00
61	Nelson Terrapin.....	100 00
62	Jack Doubletooth.....	100 00
63	Sut-tee-yah.....	100 00
64	Jesse Redbird.....	100 00
65	Aaron Tanner.....	100 00
66	Daniel Backbone.....	100 00
67	Jack Gobbler.....	33 33½
68	Tick Eater.....	66 66¾
69	Snake Girty.....	29 16¾
70	Cabin Smith.....	66 66¾
71	Allen Ross.....	30 00
72	Stand Whirlwind.....	100 00
		\$7,017 46
	H. D. Reese (school fund).....	300 00

*Be it enacted by the National Council,* That the sum of seven thousand and seventeen dollars and forty-six cents be and the same is hereby appropriated out of any money belonging to the general fund not otherwise appropriated, for the use and benefit of the foregoing named claimants, according to the amount set opposite each claimant's name; and the Principal Chief is hereby authorized to draw warrants for the same.

*Be it further enacted,* That the sum of three hundred dollars be and the same is hereby appropriated out of any money belonging to the general school fund not otherwise appropriated, for the use and benefit of H. D. Reese, as superintendent of public schools for the year 1867; and the Principal Chief is hereby authorized to issue a warrant for the same.

TAHLEQUAH, C. N., December 3, 1867.

Approved.

LEWIS DOWNING, *Principal Chief C. N.*

A N A C T

MAKING AN APPROPRIATION FOR THE PAYMENT OF CLAIMS REGISTERED BY THE SENATE SELECT COMMITTEE.

*A List of Claims Registered by Select Committee.*

No.	Names, &c.	Amount.
1.....	Arch. Scraper.....	\$ 10 00
2.....	Cah-lan-nuh-skee Owotee.....	11 00
3.....	Mrs. Thomas Pegg.....	500 00
4.....	Wilson Hair.....	2 75
5.....	Ee-yar-cha-car.....	12 00
6.....	Money Crier.....	6 00
7.....	Levi Rowe.....	2 75
8.....	Pig Smith, for Rider Fields.....	12 00
9.....	Wolfe (Saline).....	3 00
10.....	Delilia Behunter.....	20 00
11.....	Anohee.....	20 00
12.....	Columbus.....	20 00
13.....	John Lee.....	20 00
14.....	Smith Christie.....	20 00
15.....	James Tincup.....	2 00
16.....	Charles Thompson.....	28 00
17.....	J. A. Johnson.....	77 58
18.....	Tee-see Guess.....	2 00
19.....	Josiah Pigeon.....	74 00
20.....	Writer.....	39 00
21.....	Eli Dougherty.....	43 00
22.....	D. H. Ross & Bros.....	54 50
23.....	Roach Young.....	2 50
24.....	Daniel Backbone.....	50
25.....	Riley Keys.....	45 00
26.....	James Shelton.....	45 00
27.....	N. B. Saunders.....	45 00
28.....	W. G. Thornton.....	60 00
29.....	W. A. Thompson.....	29 25
30.....	John Walkingstick.....	15 00
31.....	Mrs. Elis Fallen.....	30 00
32.....	Budd Gritts.....	5 00
33.....	J. C. Cunningham.....	33 12½
34.....	John Watt.....	25 00
35.....	Daniel Muskrat.....	1 00
36.....	Jumper Mills.....	22 00
37.....	Tail Six-killer.....	21 12½
38.....	Humming Bird.....	20 00
39.....	William Barnes.....	20 00
40.....	Isaac Bearpaw.....	20 00
41.....	Fog.....	50
42.....	Jesse Bushyhead.....	19 50

No.	Names, &c.	Amount.
43.....	Ross, Gunter & Co.....	\$ 13 50
44.....	Joseph Coodey.....	1 50
45.....	Ar-yor-ker.....	4 00
46.....	Daniel Wolfe.....	1 00
47.....	Daniel Cut.....	2 00
48.....	Quatie.....	1 62½
49.....	Aaron Tanner.....	2 00
50.....	Joseph M. Ross.....	7 00
51.....	Jeffrey Beck.....	50
52.....	Trotting Wolf.....	2 00
53.....	Coming.....	20 00
54.....	George Swimmer.....	20 00
55.....	Lizzy Hogshooter.....	30 00
56.....	F. H. Nash.....	5 95
57.....	John Thornton.....	10 41½
58.....	Calty Steel.....	30 00
59.....	Te-cah-no-he-ly.....	1 50
60.....	H. D. Reese.....	112 00
61.....	Anna Mankiller.....	20 00
62.....	Samuel M. Taylor.....	150 00
63.....	Sally Guess.....	300 00
64.....	Henry Seabolt.....	2 00
65.....	Arch. Peter.....	50
66.....	Tah-lon-tee-ski.....	2 00
67.....	Digginey Mouse.....	2 50
68.....	John L. McCoy.....	19 79
69.....	George Blair.....	20 50
70.....	Montgomery Pritchett.....	5 00
71.....	James McDaniel.....	20 00
72.....	Lydia.....	2 00
73.....	Franklin Gritts.....	4 00
74.....	Frog Six-killer.....	50
75.....	Tar-che-chee.....	1 50
76.....	John Shell.....	20 00
77.....	Spring Frog, treasurer.....	102 00
78.....	Robbin Smith.....	82 00
79.....	Daniel R. Hicks.....	30 00
80.....	Wilson Hair.....	20 00
81.....	Sallee.....	20 00
82.....	D. W. Lipe.....	79 12½
83.....	Isaac Woodall.....	20 00
84.....	Thomas Hatchet.....	40 00
85.....	Ar-mu-su-ye.....	50
86.....	Coming.....	50
87.....	Alexander Hawk.....	30 00
88.....	Jesse Henry.....	20 00
89.....	Buford Baldrige.....	50
90.....	Wat Augurhole.....	1 50
91.....	Keith.....	50

No.	Names, &c.	Amount.
92.....	O. W. Lipe.....	\$ 7 50
93.....	Money Crier.....	40 00
94.....	Crawler Hicks.....	20 00
95.....	Ail-kin-ney Tee-sun-too-ski.....	20 00
96.....	Alexander Colston.....	2 00
97.....	Tar-gin-yah.....	2 00
98.....	Nancy Swimmer.....	2 00
99.....	James McDaniel.....	12 50
100.....	Johnson Robbins.....	20 00
101.....	Peggy Woodall.....	20 00
102.....	John W. Stapler.....	118 94
103.....	George Scaper.....	20 00
104.....	Alexander Scott.....	20 00
105.....	Awh-cha-kee.....	3 00
106.....	Allen Ross.....	24 00
107.....	Jack Crittenden.....	5 00
108.....	Girl Catcher.....	31 00
109.....	Young Duck.....	3 25
110.....	Te-saw-ee-ski.....	3 00
111.....	Peggy Pritchett.....	6 75
112.....	Dick Christie.....	3 50
113.....	Ar-mu-su-yeh.....	1 00
114.....	Te-tah-kee-yas-ki.....	100 00
115.....	Sallee.....	80 00
116.....	Humming Bird.....	8 00
	Joseph Coodey.....	3 60
		<hr/>
		\$3,389 96

*Be it enacted by the National Council,* That the sum of three thousand three hundred and eighty-six dollars and thirty-six cents be and the same is hereby appropriated, out of any money in the treasury belonging to the general fund, not otherwise appropriated, for the use and benefit of the foregoing named persons, according to the amount set opposite each claimant's name, and the Principal Chief is hereby authorized to issue warrants for the same.

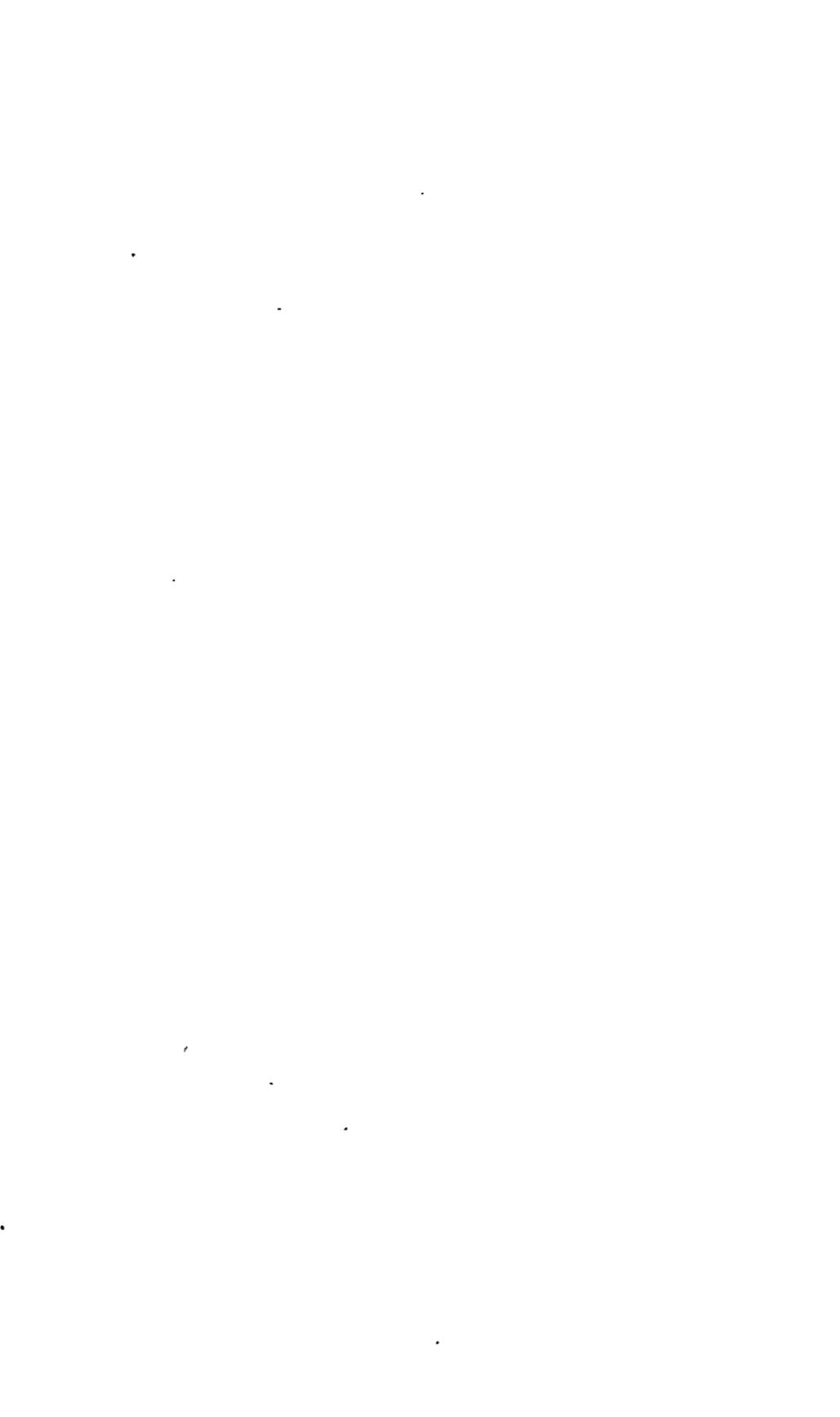
*Be it further enacted,* That the sum of three dollars and sixty cents be and the same is hereby appropriated, out of the general school fund, if not otherwise appropriated, for the use and benefit of Joseph Coodey, and the Principal Chief is hereby authorized to issue a warrant for the same.

TAHLEQUAH, C. N., December 3, 1867.

Approved

LEWIS DOWNING,

*Principal Chief C. N.*



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ACTS AND RESOLUTIONS

PASSED BY THE

NATIONAL COUNCIL

OF THE

CHEROKEE NATION,

AT THE EXTRA SESSION, 1867.

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# PROCLAMATION.

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EXECUTIVE DEPARTMENT, }  
*Cherokee Nation.* }

WHEREAS, It has been made known to me that the National Council of this Nation, owing to various causes, has been unable to dispose of the important business laid before it before the time set by the amended constitution, article III, section 6, for its adjournment, whereby many important points have not been discussed or deliberated on as their merits demand, to the great injury of the national interests; *and whereas*, there are several measures of very great importance to the interest of the Cherokee people, that there is every reason to believe would have been adopted by the National Council at the regular session, had it not been limited as to time, and free from unforeseen interruptions, and which I believe are absolutely necessary to be attended to by the National Council forthwith, as it would be ruinous to defer them until the meeting of the National Council in regular session; there is, therefore, such an emergency as renders it expedient for the National Council to meet in extra session: therefore, with the advice and consent of the Executive Council, I now issue this my proclamation, calling upon the members of the Senate and Council, from each district in the Cherokee Nation, to assemble in National Council at the seat of government of the Cherokee Nation, on the morning of the fourth day of December, A. D. 1867, to meet in extra session, and there and then to proceed to the transaction of such business as properly belongs to the National Council of the Cherokee Nation.

Given under my hand at Tahlequah, this third day of December, A. D. 1867.

LEWIS DOWNING,  
*Principal Chief of Cherokee Nation.*

# ACTS AND RESOLUTIONS

PASSED AT THE EXTRA SESSION, 1867.

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## RESOLUTION TO REFER PETITION OF MUNSEE INDIANS TO THE EXECUTIVE.

On motion (of) Allen Ross, it was

*Resolved, by the National Council,* That the petition of the Munsees, or Christian Indians, be and the same is hereby referred to the Executive for a favorable confirmation; and that an agreement be entered into between the parties, (such) as will be consistent with our constitution and laws, and our relations by treaty with the government of the United States.

TAHLEQUAH, C. N., December 5, 1867.

JAMES MCDANIEL, *President of Senate.*

STEPHEN FOREMAN, *Clerk of Senate.*

Concurred in.

JOHN YOUNG, *Speaker Council.*

T. B. WOLFE, *Clerk Council.*

Approved.

LEWIS DOWNING, *Principal Chief C. N.*

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## MEMORANDUM OF AN AGREEMENT WITH THE MUNSEE OR CHRISTIAN INDIANS, OF KANSAS.

*Memorandum of an Agreement made and entered into between Lewis Downing, Principal Chief of the Cherokee Nation, by the advice and consent of the National Council, on the part of the Cherokee Nation; and Ignatius Caleb and Lewis Daugherty, Delegates and Councilmen, of the Munsee or Christian Indians, of Kansas, on the part of the Munsees.*

The Cherokees, actuated by motives of humanity and a sincere desire to do good to all civilized Indians who may seek shelter and protection among them, agree to receive the said Munsee or Christian Indians, represented by the aforementioned Ignatius Caleb and

Lewis Daugherty, into the Cherokee Nation, and confer upon them the rights and privileges of Cherokee citizens: *Provided*, That the said Munsee Indians, on their part, agree to abide by, conform to, and obey the constitution and laws of the Cherokee Nation; and upon a settlement with the Chippewas (after a fair dissolution with that tribe), that all moneys that may be found due to the said Munsee Indians after a division of the funds, now held in trust by the United States, shall be turned over to the Cherokee Nation, and become a part of the Cherokee National fund.

This agreement to be subject to such modifications by the United States government as will best accomplish its object, and to go into immediate effect so far as to allow the Munsees to move their families into the Cherokee Nation this winter, if they are so disposed.

*In witness whereof*, we, the parties hereunto—having had the same read and fully explained to us, each party understanding the English language—set our hands, at Tahlequah, Cherokee Nation, on this the sixth day of December, A. D. 1867.

LEWIS DOWNING, *Principal Chief Cherokee Nation,*  
*On the part of the Cherokee Nation.*

IGNATIUS  $\times$  CALEB, *Delegate,*  
his  
mark.

LEWIS  $\times$  DAUGHERTY, *Delegate,*  
his  
mark

*On part of the Munsees.*

*Witnesses:* W. L. G. MILLER, MOSES ALBERTY.

December 6, 1867.

The foregoing agreement is approved.

JAMES MCDANIEL,

STEPHEN FOREMAN, *Clerk of Senate.*

*President of Senate.*

Concurred in approval of Senate.

ARCH. SCRAPER,

T. B. WOLFE, *Clerk of Council.*

*Speaker of Council pro tem.*

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## AN ACT

GRANTING CERTAIN PRIVILEGES THEREIN NAMED TO W. P. ADAIR.

*Be it enacted by the National Council,* That W. P. Adair be and he is hereby privileged to work the saline or salt spring at or near the Cochrane place, on Cabin creek, west of Grand river, in this Nation, for the term of five years, free of any charge for rent

to the Nation: *Provided*, he (Adair) shall make such improvements to said salt springs as will increase their value to the Nation; *and provided further*, that he (Adair), after the expiration of the five years named above, shall be allowed to work the said salt springs five years longer by paying into the National treasury two cents for every fifty pounds of salt manufactured by him, and giving bond and security as provided for by the laws regulating salines in this Nation.

TAHLEQUAH, C. N., December 5, 1867.

Approved. LEWIS DOWNING, *Principal Chief C. N.*

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## AN ACT

### TO BUILD A CAPITOL AT TAHLEQUAH.

WHEREAS, By the nature of the constitution and laws of the Cherokee people and the system of our government, it is necessary and desirable that the Principal Chief shall reside at the seat of government; *and whereas*, such an arrangement will materially add to the convenience of the Executive department and of the Cherokee people themselves: *now, therefore*,

*Be it enacted by the National Council*, That a building shall be erected in the town of Tahlequah for the accommodation of the Executive department of the Cherokee Nation.

*Be it further enacted*, That the Principal Chief is hereby authorized to appoint a committee of three persons, whose duty it shall be to mature and deliberate on the most convenient plan for said building, select the site for its location, and receive proposals and make the necessary contracts for the erection of the same.

*Be it further enacted*, That said building shall not exceed in cost the sum of five thousand dollars.

*Be it further enacted*, That the Principal Chief be and he is (hereby) authorized to issue warrants on the National treasury for such sums as may be required to meet the said contracts, to be paid out of any moneys belonging to the National fund which may be in the National treasury, and not otherwise appropriated.

TAHLEQUAH, C. N., December 6, 1867.

ARCH. SCRAPER, *Speaker of Council pro tem.*

T. B. WOLFE, *Clerk Council.*

Concurred in, with the following amendments :

*Provided*, That the building hereinbefore mentioned be sufficiently large not only to accommodate the Executive department, but also to accommodate the Supreme Court, the National Senate and Council, and the superintendent of public schools, and to be located in the center of the public square ; and shall not exceed in cost the sum of ten thousand dollars (\$10,000). *And provided further*, that whenever the said building shall have been completed, then the present Supreme Court building shall be set apart for the accommodation of a public press, should the Nation provide one, or for other public purposes, as the National Council may direct.

December 9, 1867.

JAMES McDANIEL, *President of Senate.*

STEPHEN FOREMAN, *Clerk of Senate.*

Concurred in the amendment.

ARCH. SCRAPER,

*Speaker of Council pro tem.*

T. B. WOLFE, *Clerk of Council.*

Approved. LEWIS DOWNING, *Principal Chief C. N.*

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## AN ACT

IN REGARD TO CERTAIN ARTICLES OF AGREEMENT RESPECTING THE BUILDING OF A RAILROAD THROUGH THE CHEROKEE NATION, ENTERED INTO OCTOBER 31, 1866, BETWEEN THE CHEROKEE NATION AND THE UNION PACIFIC RAILWAY (SOUTHERN BRANCH) COMPANY.

WHEREAS, The Cherokee Nation, through certain commissioners, did, on the 31st day of October, 1866, enter into a railroad contract with the "Union Pacific Railway, Southern Branch, Company," entitled "Agreement entered into on behalf of the Cherokee Nation, by its commissioners, Wm. P. Ross, Principal Chief, Lewis Downing, Assistant (Principal) Chief, and Daniel H. Ross, Houston Benge, Redbird Six-killer ; and N. S. Goss, president, and P. B. Maxon, secretary, of the 'Union Pacific Railway, Southern Branch, Company,'" and which contract or agreement was indorsed by the National Council, and approved by the Principal Chief November 2, 1866. *And whereas*, the present Executive, in his message to the National Council, has recommended an investigation of the said

railroad contract, with the view of ascertaining whether or not its terms have been complied with by the said "Union Pacific Railway, Southern Branch, Company;" *and whereas*, in his message aforesaid the Principal Chief has recommended the canceling of the said contract by the National Council, in the event of a failure to carry out its terms by said "Union Pacific Railway, Southern Branch, Company;" *and whereas*, it is plain that the said railway company has failed to comply with the terms of the said railroad contract or agreement, in (this,) that the work of building the railroad provided for by said contract or agreement has not begun in the Cherokee Nation within one year of the date of the contract or agreement: therefore,

*Be it enacted by the National Council*, That the said railroad contract or agreement, entered into between the Cherokee Nation and the "Union Pacific Railway, Southern Branch, Company," as aforesaid, be and the same is hereby canceled and rendered null and void, as though it had never existed.

*Be it further enacted*, That the commissioners on the part of the Cherokee Nation, to the aforesaid agreement, be and they are hereby instructed to give such formal notification of the nullification of the said agreement as is required in the sixth section of the same; and shall then cease to act as commissioners.

TAHLEQUAH, C. N., December 6, 1867.

Approved. LEWIS DOWNING, *Principal Chief C. N.*

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## A N A C T

FOR THE RELIEF OF JAMES McDANIEL, JACK GOBLER, AND DANIEL R. HICKS.

*Be it enacted by the National Council*, That the sum of one hundred and eighty-six dollars each be appropriated out of any money in the treasury belonging to the general fund, not otherwise appropriated, for the use and benefit of James McDaniel, Jack Gobler, and Daniel R. Hicks; and the Principal Chief is hereby authorized to issue warrants for the same.

TAHLEQUAH, C. N., December 7, 1867.

Approved. LEWIS DOWNING, *Principal Chief C. N.*

## AN ACT

MAKING AN APPROPRIATION FOR BENEFIT OF SPRING FROG,  
NATIONAL TREASURER.

*Be it enacted by the National Council,* That the sum of twenty dollars (\$20 00) be and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the use and benefit of Spring Frog, it being the amount paid by him for repairs on an iron safe, etc.; and the Principal Chief is hereby authorized to issue a warrant for the same.

TAHLEQUAH, C. N., December 9, 1867.

Approved. LEWIS DOWNING, *Principal Chief.*

## AN ACT

## ADMITTING JOHN WILKERSON TO CITIZENSHIP.

*Be it enacted by the National Council,* That John Wilkerson, a Cherokee, be and is hereby admitted to the rights and privileges of citizenship in the Cherokee Nation.

TAHLEQUAH, C. N., December 10, 1867.

Approved. LEWIS DOWNING,  
*Principal Chief C. N.*

## AN ACT

## FOR THE BENEFIT OF THOMAS BURTHOLPH, A BLIND PERSON.

*Be it enacted by the National Council,* That under the act providing for blind persons, the sum of (20 00) dollars be and the same is hereby appropriated, out of any moneys in the National treasury not otherwise appropriated, for the benefit of Thomas Burtholph, a blind person, citizen of Canadian district, Cherokee Nation; and the Principal Chief will be authorized to draw a warrant accordingly.

TAHLEQUAH, C. N., December 10, 1867.

Approved. LEWIS DOWNING,  
*Principal Chief C. N.*

## AN ACT

## FOR THE BENEFIT OF GOO-DI-EE, A CRIPPLE, GRANTING A PENSION.

*Be it enacted by the National Council,* That the sum of one hundred and twenty dollars be and the same is hereby appropriated, out of any moneys in the National treasury not otherwise appropriated, for the benefit of Goo-di-ee, a citizen of Going Snake district, Cherokee Nation; and the Principal Chief is hereby authorized to draw a warrant for the same.

TAHLEQUAH, C. N., December 10, 1867.

Approved.

LEWIS DOWNING,  
*Principal Chief C. N.*

## AN ACT

## PROVIDING FOR A TAX UPON STOCK PASSING THROUGH AND GRAZING IN THE CHEROKEE NATION.

WHEREAS, It is customary and is deemed lawful by our neighboring Indian Nations and States of the Union, as a protective measure, to assess a reasonable tax upon transient travelers driving (and) grazing stock in their respective countries; *and whereas,* there are vast herds of all kinds of stock being driven through the Cherokee Nation, and while in transit grazed for indefinite periods of time, thereby consuming our pasturage and entail disease upon our stock; therefore,

*Be it enacted by the National Council,* That from and after the passage of this act, that all persons, except citizens of the Cherokee Nation, who may desire to drive stock through the Cherokee Nation, shall be permitted to do so by paying to any of the respective sheriffs of this Nation, for the benefit of the National treasury, as follows: For stock cattle, each ten cents; loose horses, mules, jacks or jennies, each ten cents; sheep, hogs, and goats, each five cents.

*Be it further enacted,* That all persons not citizens of this Nation driving stock to market, who shall desire to remain in the

Cherokee Nation a longer time than will be necessary to [pass] through the Nation, shall, for the privilege of doing so, pay to the sheriff of the district wherein they may so remain, an additional tax of ten cents per head for all cattle, horses, mules, jacks, or jennies, and five cents for each head of sheep, hogs, or goats, per week, while they so remain, and the same in proportion for every fraction of a week.

*Be it further enacted*, That when money is not available by travelers in paying the tax herein provided for, then the sheriff will be authorized, in lieu thereof, to receive stock, and to expose the same at public sale, after ten days' public notice, for the benefit of the Cherokee Nation.

*Be it further enacted*, That the respective sheriffs of this Nation shall keep and preserve certified records of all funds arising under the provisions of this act, and report the same each year at the convening of the National Council to the National treasurer, and turn over to him, for the benefit of the Nation, all such funds, after deducting from the same fifteen per centum for their services in executing the provisions of this act.

*Be it further enacted*, That it shall be the duty of the respective sheriffs of this Nation to report promptly all persons violating the provisions of this act to the Principal Chief, to the United States agent, and to the superintendent of Indian affairs for the southern superintendency.

*Be it further enacted*, That this act shall not be so construed as to affect or bear upon persons removing their families through the Nation, with such necessary stock as they may have—but it is understood to bear alone upon persons driving stock for the purpose of speculation or trade.

*Be it further enacted*, That it shall be the duty of the respective sheriffs of this Nation to receipt to all persons taxed for the amount of funds received from them under the provisions of this act. And all such receipts shall be vouchers or passports to all such persons to pass through this Nation.

TAHLEQUAH, C. N., December 10, 1867.

Approved.

LEWIS DOWNING,  
*Principal Chief C. N.*

## AN ACT

MAKING AN APPROPRIATION FOR THE BENEFIT OF TAR-CHE-  
CHEE, FIRE-MAKER TO NATIONAL COUNCIL IN 1864.

*Be it enacted by the National Council,* That the sum of eight dollars be and the same is hereby appropriated, out of the fund set apart by the treaty of 1866 to pay the outstanding debts of the Nation, for the benefit of Tar-che-chee, it being the amount due him for his services as fire-maker for the Council in 1864.

TAHLEQUAH, C. N., December 12, 1867.

JAMES McDANIEL, *President of Senate.*

STEPHEN FOREMAN, *Clerk of Senate.*

Concurred in, with the following amendment, viz: "That the Principal Chief be and he is hereby authorized to draw his warrant accordingly."

ARCH. SCRAPER, *Speaker of Council pro tem.*

T. B. WOLFE, *Clerk of Council.*

Approved. LEWIS DOWNING, *Principal Chief C. N.*

## AN ACT

## APPOINTING A DELEGATION.

*Be it enacted by the National Council,* That a delegation of seven persons be appointed to proceed to Washington City, to represent the Cherokee Nation, and bring to a satisfactory settlement all business of the Cherokee Nation with the government of the United States, and to secure the fulfillment of all business falling under the provisions of the treaty of July 19th, 1866.

*Be it further enacted,* That it shall be the duty of said delegation to secure back annuities due to the Cherokee Nation, and payable to them by treaty, and withheld during the war.

*Be it further enacted,* That said delegation are hereby empowered to prosecute and secure all claims for horses, provisions, and other military supplies and stores furnished the armies of the United States, and remaining unpaid.

*Be it further enacted,* That said delegation shall have power to prosecute and secure all claims for horses, cattle, or other property

taken from the citizens of the Cherokee Nation, and to proceed in the Court of Claims, or before any proper authority of the United States, and prosecute such claims and secure indemnification therefor.

*Be it further enacted*, That said delegation are empowered to make necessary arrangements with the government of the United States, or with any tribe of Indians desiring to settle in the Cherokee country, for the settlement of the same, to consult with them or make needful arrangements, subject to the approval of the United States and the Cherokee Council. Said delegation shall also have power to prosecute all claims for losses of the Cherokee people caused by the United States, or resulting from the abandonment of the Indian territory by the United States troops, or from the want of proper protection guaranteed to the Cherokee Nation by its treaties with the United States, and to secure indemnification to its people for such losses; and to prosecute such other business as may be delegated to them by the National Council.

*Be it further enacted*, That said delegation shall be authorized to employ an attorney or attorneys to aid them in the prosecution of such business as herein or hereinafter (is) delegated to them.

*Be it further enacted*, That said delegation shall have power to make all necessary negotiations in reference to the sale or disposal of the lands belonging to the Cherokee Nation, lying west of 96° west, including what is known as the Cherokee Outlet.

*Be it further enacted*, That said delegation be and they are hereby allowed as compensation the sum of three dollars per day while in actual service, exclusive of all necessary expenses while absent on their mission; and the said delegation are required to make a full report of such necessary expenses to the next annual session of the National Council.

*Be it further enacted*, That in the event of any vacancy occurring in said delegation, the Principal Chief is hereby authorized to fill said vacancy.

*Be it further enacted*, That the Principal Chief be authorized to accompany the delegation.

*Be it further enacted*, That the delegation is hereby authorized to enter into a treaty with the government of the United States, if advisable, or make any alteration in the treaty of July 19th, 1866, whichever may be (the) more satisfactory.

*Be it further enacted*, That the Principal Chief is authorized to draw warrants in favor of the delegation, for their services and expenses, whenever it is required.

TAHLEQUAH, C. N., December 11, 1867.

JAMES MCDANIEL, *President of Senate.*

STEPHEN FOREMAN, *Clerk of Senate.*

Concurred in. ARCH. SCRAPER, *Speaker Council pro tem.*

T. B. WOLFE, *Clerk of Council.*

Approved. LEWIS DOWNING, *Principal Chief C. N.*

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## AN ACT

### AUTHORIZING DAVID R. VANN TO ESTABLISH A TOLL BRIDGE ACROSS PRIOR'S CREEK.

*Be it enacted by the National Council*, That David R. Vann be and he is hereby authorized to establish a toll bridge across Prior's creek, at a point at or near where the main thoroughfare called the Missouri road crosses said creek, for the benefit of the traveling community.

*Be it further enacted*, That the rates of charge for crossing on said bridge shall be: for a wagon, or carriage, and teams, fifty cents; for a single horse and rider, ten cents; for loose stock of every kind, one cent per head; and for a single footman, five cents. And the said charge shall not be exacted of any person except travelers who are not citizens of this Nation.

*Be it further enacted*, That the said David R. Vann be and he is hereby required to furnish, on oath, a written statement to the National Council in each year of the amount of funds taken in by him during the year on account of said bridge, and to pay three per centum of the same to the National treasurer, for the benefit of this Nation.

*Be it further enacted*, That it shall not be lawful for any person to build a toll bridge on Prior's creek within two miles of the bridge of the said David R. Vann, without his consent, under the penalty of forfeiting such bridge to the said David R. Vann.

*Be it further enacted*, That all travelers not citizens of this Nation who may desire to cross Prior's creek at or within two

miles of the point where the said Missouri road crosses the same, shall not be permitted to do so except upon the bridge of the said David R. Vann; and all persons who may violate this provision may be reported either or to both the United States Cherokee agent and the United States District Court, under the provisions of the United States intercourse laws, regulating trade and intercourse between that government and the Indian tribes.

TAHLEQUAH, C. N., December 11, 1867.

Approved.

LEWIS DOWNING,  
*Principal Chief C. N.*

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### AN ACT

#### AUTHORIZING THE REMOVAL OF THE PLACE OF HOLDING COURT IN SEQUOYAH DISTRICT.

*Be it enacted by the National Council,* That the place of holding court in and for Sequoyah district, of this Nation, be and the same is hereby removed from its present locality to a spring in said district at or near the "Daily Place."

*Be it further enacted,* That the district judge of said district be and he is hereby authorized to erect a suitable building at the said spring for a court house, the cost of which shall not exceed \$300 00, to be paid out of any funds in the National treasury belonging to the general fund, not otherwise appropriated, and the Principal Chief will be authorized to draw a warrant accordingly: *Provided,* that until the court house herein before provided for shall have been built, the place of holding court in said district shall remain at its present locality.

TAHLEQUAH, C. N., December 12, 1867.

Approved.

LEWIS DOWNING,  
*Principal Chief C. N.*

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### AN ACT

#### IN RELATION TO THE USURPATION OF JURISDICTION BY THE UNITED STATES COURT AT VAN BUREN, ARKANSAS.

WHEREAS, The attention of the Principal Chief has been called to the proceedings of the United States Court at Van Buren,

Arkansas, violating the thirteenth article of the Cherokee treaty of July 19th, 1866, in (this) that the said court has claimed and exercised the right of exclusive jurisdiction in "causes of action" arising in the limits of this Nation, and between citizens of the same; therefore,

*Be it enacted by the National Council*, That the Principal Chief be and he is hereby authorized and directed to call the attention of the proper authority or authorities of the United States government to the late proceedings of the U. S. District Court at Van Buren, Arkansas, wherein that court has ignored the thirteenth article of the Cherokee treaty of 1866, and has usurped jurisdiction belonging alone to the courts of the Cherokee Nation, in "causes of action" pertaining alone to Cherokee citizens; and the Principal Chief is hereby directed to adopt such measures as will prevent any further violation of the said thirteenth article of the treaty of 1866 by the courts of the United States.

TAHLEQUAH, C. N., December 12, 1867.

Approved.

LEWIS DOWNING,

*Principal Chief of the Cherokee Nation.*

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## AN ACT

TO APPOINT A SPECIAL COMMISSIONER TO AUDIT AND REGISTER WARRANTS CONSTITUTING IN PART THE OUTSTANDING DEBT OF THE NATION, CALLING IN THE SAME, UNDER PENALTY OF REPUDIATING ALL NOT REGISTERED.

WHEREAS, The payment of the outstanding debt of the Cherokee Nation is a matter of the first importance to the good name and the prosperity of the Cherokee people; *and whereas*, it will be impossible to make a correct estimate for funds necessary to meet the said outstanding debts, without first ascertaining its extent and amount; *and whereas*, it would not be just that one holder or class of holders of Cherokee warrants against the treasury should have any preference in point of time in being paid their warrants over another holder or class of holders of the said warrants:

therefore, in order to do equal justice to all parties holding said warrants, in appropriating any funds for the payment of the same,

*Be it enacted by the National Council,* That the Principal Chief be and he is hereby authorized and required to appoint a *special* commissioner, whose duty it shall be to open an office of registration, and to audit and register all genuine *warrants* against the treasury of the Cherokee Nation that constitute the outstanding debt of the Cherokee Nation up to November 1st, 1865, and to keep a true and correct record of his proceedings, and to make a certified *report* of the same at the annual session of the National Council for 1868, for its action.

*Be it further enacted,* That before the said commissioner shall have commenced his duties in registering, as aforesaid, he shall give public notice at the court houses in each of the districts of this Nation, and also in at least one popular Western newspaper, to all holders of Cherokee warrants against the treasury to present the same to him, (the said commissioner,) before the first (1st) day of November, 1868; otherwise, they will be forever barred, and not recoverable by law.

*Be it further enacted,* That before entering upon his duties, the said commissioner be and he is hereby required to give sufficient bond, with good security, to the satisfaction of the National treasurer, for the faithful discharge of his duties, and to take an oath to perform the duties and trusts reposed in him, without favor or partiality.

*Be it further enacted,* That the said commissioner be and he is hereby allowed, as a compensation for his services, while in actual service, the sum of three dollars (\$3 00) per day, and the Principal Chief will be authorized to draw warrants accordingly.

*Be it further enacted,* That all acts conflicting against this act are hereby repealed.

TAHLEQUAH, C. N., December 13, 1867.

Approved.

LEWIS DOWNING,  
*Principal Chief C. N.*

AN ACT

AUTHORIZING THE PRINCIPAL CHIEF TO HAVE THE CHEROKEE ANNUITIES PAID TO THE NATION SEMI-ANNUALLY, ACCORDING TO TREATY STIPULATIONS.

WHEREAS, By the 23d article of the treaty of July 19th, 1866, it is provided that "all funds now due the Nation, or that may hereafter accrue from the sale of their lands by the United States, as hereinbefore provided for, shall be invested in United States registered stocks at their current value, and the interest on all said funds shall be paid semi-annually on the order of the Cherokee Nation:" therefore,

*Be it enacted by the National Council*, That the Principal Chief be and he is hereby authorized to adopt such measures as may be deemed necessary, before the proper departments of the United States government, to have the Cherokee funds turned over to the Cherokees promptly, *semi-annually*, according to the said twenty-third article of the treaty of July 19th, 1867.

TAHLEQUAH, C. N., December 12, 1867.

JAMES MCDANIEL, *President of Senate.*

STEPHEN FOREMAN, *Clerk of Senate.*

Concurred in.

ARCH. SCRAPER,

*Speaker of Council pro tem.*

T. B. WOLFE, *Clerk of Council.*

On reconsidering the above over, the Senate added the following clause, viz :

*Be it further enacted*, That the Principal Chief be and he is hereby required and authorized to issue or draw out the order of the Cherokee Nation on the United States government for all annuities or moneys due the Cherokee Nation, as provided for in the 23d article of the treaty of 1866, which order shall be deemed the order of the Cherokee Nation.

TAHLEQUAH, C. N., December 13, 1867.

CHARLES THOMPSON, *President pro tem.*

STEPHEN FOREMAN, *Clerk of Senate.*

Concurred in the amendment.

ARCH. SCRAPER,

T. B. WOLFE, *Clerk Council.* *Speaker Council pro tem.*

Approved. LEWIS DOWNING, *Principal Chief C. N.*

## AN ACT

AUTHORIZING THE DISTRICT JUDGE OF GOING SNAKE DISTRICT  
TO ERECT A COURT HOUSE IN AND FOR SAID DISTRICT.

*Be it enacted by the National Council,* That the district judge of Going Snake district be and he is hereby authorized to have erected in said district, at the present place of holding court, a suitable court house, the cost of which shall not exceed three hundred dollars, to be paid out of any funds in the National treasury belonging to the general fund, not otherwise appropriated; and the Principal Chief will be authorized to draw a warrant accordingly.

TAHLEQUAH, C. N., December 13, 1867.

Approved.

LEWIS DOWNING,

*Principal Chief C. N.*

## AN ACT

RELATIVE TO THE COURT HOUSE IN COO-WE-SKOO-WE DIS-  
TRICT.

*Be it enacted by the National Council,* That the present place for holding court in Coo-we-skoo-we district be and the same is hereby authorized to be removed to the west side of Verdigris river, at a place known as "the Peach Orchard," near Clermont's Mound.

*Be it further enacted,* That the district judge of said district be and he is hereby authorized to have built a suitable house for holding of courts in the said district: *Provided,* The cost of said house shall not exceed the sum of three hundred dollars (\$300). Said house to be built as soon as the said judge may deem it expedient; and he shall report the same to the next annual session of the National Council.

TAHLEQUAH, C. N., December 9, 1867.

Approved as amended November 13, 1867.

LEWIS DOWNING,

*Principal Chief C. N.*

## AN ACT

## TO REGULATE THE ISSUE OF PENSIONS.

*Be it enacted by the National Council,* That from and after the passage of this act, it shall be the duty of the auditor of public accounts to take testimony in all cases of pensions already granted, and in all cases of applications for pensions hereafter, which testimony and application must be based on the following circumstances (except in special cases, as is the case with Mrs. Sally Guess), to-wit: that the pensioner or applicant is destitute, and unable to procure a living by labor of any kind, by reason of blindness or other bodily infirmity, and has no near relative able to maintain or clothe them, so as to require the care of a guardian; which evidence must be supported by oath, which said auditor of public accounts is authorized to administer. The said evidence to be taken down in writing, and presented by said auditor to the National Council, at a regular session, for its action and allowance.

*Be it further enacted,* That it shall be the duty of the auditor of public accounts to prepare a pension list each year, containing the names of all persons to whom pensions are allowed by any law heretofore, or which may be hereafter, enacted, and the amount to which each person is entitled; and to make an estimate of the amount to be paid in each year for paying pensions, and present the same to the National Council, at its regular session in each year, as the basis of appropriation for pensions. All laws or parts of laws conflicting with this act are hereby repealed.

TAHLEQUAH, C. N., December 16, 1867.

Approved. LEWIS DOWNING, *Principal Chief C. N.*

## AN ACT

## AUTHORIZING THE PRINCIPAL CHIEF TO APPOINT AGENTS TO TAKE THE CENSUS OF THE ORPHANS.

*Be it enacted by the National Council,* That the Principal Chief be and he is hereby authorized to appoint some suitable person or persons, in each district, whose duty it shall be to take a correct census of the orphans of this Nation from the ages of five

to fifteen years old, preparatory to the building of an asylum for the benefit of the same, and to report the same at the next session of the National Council.

*Be it further enacted,* That the persons so appointed to take the census shall receive for such services (the sum of) two dollars (\$2 00) per day, while in actual service, out of the National treasury.

TAHLEQUAH, C. N., December 10, 1867.

Approved.

LEWIS DOWNING.

*Principal Chief C. N.*

## AN ACT

FOR THE BENEFIT OF AR-KEE-LEE.

*Be it enacted by the National Council,* That there be allowed to Ar-kee-lee, a cripple, a pension of twenty dollars, annually, during his natural life.

*Be it further enacted,* That the sum of twenty dollars be appropriated out of any money belonging to the general fund, not otherwise appropriated, for the use and benefit (of) Ar-kee-lee; and the Principal Chief is hereby authorized to draw a warrant for the same.

TAHLEQUAH, C. N., December 12, 1867.

Approved.

LEWIS DOWNING,

*Principal Chief C. N.*

## AN ACT

FOR THE BENEFIT OF THE SEQUOYAH DISTRICT LIGHT HORSE  
IN 1861-2.

THE CHEROKEE NATION:

1861-2.	<i>To the Light Horse Company of Sequoyah District.</i>	<i>Dr.</i>
To Geo. Proctor, for services as Captain for one year.....		\$60 00
“ Joseph Seabolt, “ Lieutenant “ .....		55 00
“ Richard Seabolt, “ Private “ .....		40 00
“ Scatter, “ “ “ .....		40 00
“ Geo. Tee-hee, “ “ “ .....		40 00
Total.....		\$235 00

I hereby certify that the above account was not presented to the Nation for settlement on account of the war, and it is just and correct.

JOSEPH SEABOLT, *Councilor.*

*Be it enacted by the National Council,* That the sum of two hundred and thirty-five dollars be and the same is hereby appropriated out of any money belonging to the fund set apart, under the twenty-third article of the treaty of 19th July, 1866, to “pay the outstanding debt of the Nation caused by the suspension of the Cherokee annuities during the war,” for the benefit of the persons above named; and the Principal Chief is authorized to draw warrants in their favor to the amounts attached to their respective names in the prefixed account.

TAHLEQUAH, C. N., December 12, 1867.

Approved. LEWIS DOWNING, *Principal Chief C. N.*

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A N A C T

FOR THE BENEFIT OF THE FLINT LIGHT HORSE COMPANY OF  
FLINT DISTRICT, IN 1861-2.

THE CHEROKEE NATION:

<i>To the Light Horse Company of Flint District in 1861-2.</i>		<i>Dr.</i>
To Alexander Beanstick, for services as Captain one year.....		\$60 00
“ Wat Augurhole, “ Lieutenant “ .....		55 00
“ Swimmer, “ Private “ .....		40 00
“ Spirit Cockran, “ “ “ .....		40 00
“ Cooley, “ “ “ .....		40 00
Total.....		<u>\$235 00</u>

I hereby certify that the above account for services as Light Horse of Flint district was not presented to the Nation for settlement on account of the war, and is correct.

STEPHEN TEE-HEE, *Member of Council.*

*Be it enacted by the National Council,* That the sum of two hundred and thirty-five dollars be and the same is hereby appropriated, out of any money in or belonging to the fund set apart by article twenty-third of the treaty of 19th July, 1866, to defray the outstanding debt caused by a suspension of Cherokee annuities, for the use and benefit of the persons above named; and the Principal Chief is authorized to draw warrants in their favor to the amounts attached to their respective names in the above account.

TAHLEQUAH, C. N., December 12, 1867.

Approved.

LEWIS DOWNING,

*Principal Chief C. N.*

## AN ACT

## TO INCLOSE PUBLIC SQUARE WITH A FENCE.

*Be it enacted by the National Council,* That the Principal Chief be and he is hereby authorized to appoint some person, whose duty it shall be to receive sealed proposals for inclosing the public square with a post and plank fence; the posts to be of black locust, five feet above ground, eight or nine feet apart; to be five plank high, the lower plank to be of oak, ten inches wide, and the balance seven inches wide, either sixteen or eighteen feet long, and one inch thick; put on with the joints broken, with ten G nails, and to have a cap plank six inches wide run around the square, on top of the posts; and on the north, west, and south sides, to have each one pair of steps, five feet wide; and on the east side to have a large gate, with heavy hinges.

*Be it further enacted,* That the person so appointed shall require the person or persons taking said contract to enter into bond and security for the completion of his or their contract by the next session of the National Council.

*Be it further enacted,* That the person appointed shall receive twenty-five dollars for his services in superintending said work, which shall be paid out of the National treasury.

TAHLEQUAH, C. N., December 13, 1867.

Approved.

LEWIS DOWNING,

*Principal Chief C. N.*

## AN ACT

MAKING AN APPROPRIATION FOR THE SUPPORT OF THE PUBLIC SCHOOLS FOR THE YEAR 1868, THE MAINTENANCE OF ORPHANS, AND THE PURCHASE OF SCHOOL BOOKS AND STATIONERY.

*Be it enacted by the National Council,* That the sum of eight thousand dollars (\$8,000) be and the same is hereby appropriated, out of any money in the National treasury belonging to the school fund, not otherwise appropriated, for the support of the several public schools during the ensuing year of 1868.

*Be it further enacted*, That the sum of two thousand and seven hundred dollars (\$2,700) be and the same is hereby appropriated, out of any money in the National treasury not otherwise appropriated, belonging to the orphan fund, for the clothing and board of the several orphan children who may be attending the public schools as scholars during the ensuing year of 1868.

*Be it further enacted*, That the sum of two hundred dollars (\$200) be and the same is hereby appropriated, out of any money in the National treasury not otherwise appropriated, belonging to the school fund, for the purchase of books and stationery for the use of the public schools for the ensuing year; and the Principal Chief is hereby authorized to issue a warrant in favor of Spencer S. Stevens, superintendent of public schools, for the same.

TAHLEQUAH, C. N., December 14, 1867.

Approved. LEWIS DOWNING, *Principal Chief C. N.*

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RESOLUTION TO ADJOURN.

*Resolved, by the National Senate and Council*, That the present session of the National Council do adjourn on Wednesday next, the 18th instant, at 10 o'clock A. M.

TAHLEQUAH, C. N., December 14, 1867.

JAMES MCDANIEL, *President of Senate.*

STEPHEN FOREMAN, *Clerk of Senate.*

Concurred in.

STAND WHIRLWIND,

T. B. WOLFE, *Clerk Council.*

*Speaker Council pro tem.*

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AN ACT

FOR THE RELIEF OF AH-NAH-TAH-WO-HE-LAH-TAH.

*Be it enacted by the National Council*, That the sum of one hundred dollars be and the same is hereby appropriated, out of any money in the National treasury not otherwise appropriated, for the benefit of Ah-nah-tah-wo-he-lah-tah, a blind man, and a citizen of Going Snake district, Cherokee Nation; and the Principal Chief will draw a warrant for the same.

TAHLEQUAH, C. N., December 14, 1867.

Approved. LEWIS DOWNING, *Principal Chief C. N.*

## AN ACT

## FOR THE BENEFIT OF RIDER LIZZARD.

*Be it enacted by the National Council,* That there be allowed to Rider Lizzard a pension of \$20 annually during his natural life.

*Be it further enacted,* That the sum of twenty dollars (\$20) be appropriated, out of any money belonging to the general fund not otherwise appropriated, for the use and benefit of Rider Lizzard; and the Principal Chief is hereby authorized to draw a warrant for the same.

TAHLEQUAH, C. N., December 16, 1867.

Approved. LEWIS DOWNING, *Principal Chief C. N.*

## AN ACT

## FOR THE RELIEF AND BENEFIT OF JAMES DANIEL.

*Be it enacted by the National Council,* That the sum of twenty dollars be and the same is hereby appropriated, out of any money in the National treasury not otherwise appropriated, for the use and benefit of James Daniel, a cripple; and the Principal Chief is authorized to draw a warrant for the same.

TAHLEQUAH, C. N., December 16, 1867.

Approved. LEWIS DOWNING, *Principal Chief C. N.*

## AN ACT

## AUTHORIZING DELEGATION TO CALL UPON THE SECRETARY OF INTERIOR TO PAY A REGISTERED LIST OF WARRANTS.

*Copy of Register of Warrants on the Treasury of the Cherokee Nation, in accordance with an "Act" passed by the National Council, October, 1866.*

No.	Date.	To Whom Issued.	Amount.
35.....	Dec'r 7, 1846.....	Benjamin Vann.....	\$517 00
35.....	Feb'y 12, 1843.....	Evan Jones.....	48 00
69.....	Nov'r 10, 1848.....	Jesse Busheyhead.....	156 00
30.....	Nov'r 10, 1865.....	George Berge.....	25 00
74.....	Dec'r 8, 1846.....	Sally Guess.....	215 00
22.....	Nov'r 10, 1865.....	Joseph Seabolt.....	200 00
41.....	Nov'r 16, 1858.....	F. Falkner.....	25 00
4.....	Nov'r 16, 1858.....	Nakey.....	20 00
150.....	Jan'y 20, 1845.....	E. Owen.....	60 00
102.....	Oct'r 26, 1855.....	Aaron Hicks.....	7 50

No.	Date.	To Whom Issued.	Amount.
49.....	Nov'r 18, 1857.....	Skeatosker.....	\$ 30 00
110.....	Nov'r 7, 1861.....	James Saunders.....	20 00
9.....	Nov'r 16, 1858.....	Aletah.....	20 00
97.....	Nov'r 18, 1863.....	David Young Deer.....	133 32
109.....	Nov'r 7, 1861.....	Thompson Saunders.....	20 00
13.....	Nov'r 16, 1858.....	Alla Rowe.....	20 00
25.....	Nov'r 10, 1865.....	David Muskrat.....	200 00
102.....	Nov'r 7, 1861.....	Wm. Mills.....	19 79
74.....	Nov'r 10, 1860.....	Minerva Gafford.....	20 00
106.....	Nov'r 6, 1861.....	Oo-cha-loo-te.....	5 00
56.....	Nov'r 13, 1860.....	John Schrimsher.....	25 00
111.....	Nov'r 9, 1865.....	James Vann.....	45 83
107.....	Oct'r 26, 1855.....	Nance.....	3 50
34.....	Nov'r 9, 1865.....	Too-nah-ye.....	4 00
2.....	Nov'r 7, 1861.....	Charles Downing.....	4 50
28.....	Oct'r 29, 1855.....	Geo. Candy.....	14 00
53.....	Nov'r 13, 1860.....	Franklin Falkner.....	25 00
29.....	Oct'r 27, 1858.....	Too-nee.....	4 00
70.....	Nov'r 9, 1865.....	Che-nah-ye.....	20 00
38.....	Nov'r 13, 1860.....	Skar-too-kar.....	30 00
2.....	Nov'r 16, 1860.....	Suker.....	9 00
70.....	Dec'r 3, 1867.....	Joseph Vann.....	320 55
11.....	Nov'r 1, 1857.....	M. Mayers.....	32 62
28.....	Nov'r 30, 1850.....	J. M. Blevens.....	18 00
144.....	Jan'y 20, 1845.....	Tee-tah-ko-yah-ski ..	60 00
188.....	Jan'y 20, 1845.....	Hawk Baldridge.....	12 00
99.....	Nov'r 24, 1847.....	John Vann.....	13 50
110.....	Jan'y 20, 1845.....	Ah-too-loo-nee.....	10 00
147.....	Jan'y 20, 1845.....	Tee-sas-kee.....	8 24
55.....	Nov'r 7, 1861.....	David Foreman.....	40 00
83.....	Nov'r 24, 1847.....	R. H. Coolidge.....	13 50
46.....	Nov'r 3, 1859.....	Bell & Landrum.....	19 00
111.....	Nov'r 7, 1861.....	Long Flank.....	20 00
54.....	Nov'r 16, 1860.....	John W. Brown.....	17 50
121.....	Nov'r 13, 1860.....	Susan.....	44 00
84.....	Nov'r 13, 1860.....	John W. Brown.....	84 00
3.....	Nov'r 9, 1865.....	Smith Christie.....	20 00
47.....	Nov'r 9, 1865.....	Sillas Ross.....	80 00
57.....	Oct'r 28, 1857.....	Eli Wright.....	1 00

I certify that the foregoing register was made by me, in accordance with an Act of the National Council.

SPRING FROG, *Treasurer.*  
By H. D. REESE, *Clerk.*

*Be it enacted by the National Council,* That the delegation is hereby authorized to call upon the secretary of the interior for the above amounts, according to the within list, as is provided for under the twenty-third article of the treaty of July 19, 1866.

TAHLEQUAH, C. N., December 17, 1867.  
Approved. LEWIS DOWNING, *Principal Chief C. N.*

## AN ACT

## AUTHORIZING THE PUBLICATION OF THE COMPILED LAWS.

*Be it enacted by the National Council,* That the acts of the National Council passed in the years 1839 and 1867, inclusive, compiled under authority of the said Council by W. P. Boudinot, and as corrected and confirmed by the examining committee from both houses, are hereby recognized and declared to be in force as the law of the land, on the first (day) of October, 1867, and to continue as such until altered, amended, or repealed by the proper authority, or until they, or any of them, become inoperative by virtue of their own terms and conditions therein expressed.

*Be it further enacted,* That the Principal Chief be and he is hereby authorized to appoint an agent on (the) part of the Cherokee Nation, for the purpose of having the aforesaid acts, as compiled and revised, published in book form, to the number of five hundred copies, in the English language, as speedily as it can be done, for the use of the courts and citizens of the country. And the Principal Chief is hereby authorized to draw a warrant or warrants upon the National treasury, upon the certificate of the said agent, to liquidate the expense of said publication.

*Be it further enacted,* That the Principal Chief is hereby authorized to appoint some suitable person or persons to translate the said compiled laws into the Cherokee language, who shall be allowed as compensation for such services the sum of three dollars per day while actually employed.

*Be it further enacted,* That when the said translation shall have been finished and submitted to the Principal Chief, (that he shall be and) he is (hereby) authorized to have the same published in the Cherokee language, to the number of five hundred copies, the expense of which shall be liquidated in the same manner as that of those published in English.

*Be it further enacted,* That as soon as the publication of both or either the English or Cherokee copies have been perfected, the said copies shall be placed in the hands of the Principal Chief, who shall distribute two copies to each of the acting judges of the several courts, and put the remaining copies in the possession of some

responsible person, to be sold at a price sufficient to defray the expense of publication.

TAHLEQUAH, C. N., December 17, 1867.

Approved. LEWIS DOWNING, *Principal Chief C. N.*

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AN ACT

FOR THE BENEFIT OF SAM. SMITH.

*Be it enacted by the National Council,* That the sum of fifty dollars be and the same is hereby appropriated out of any money in the National treasury, not otherwise appropriated, for the use and benefit of Samuel Smith, it being the amount due him for services rendered in waiting on the Supreme Court, at the regular term, in 1867; and the Principal Chief is hereby authorized to draw a warrant for the same.

TAHLEQUAH, C. N., December 17, 1867.

Approved. LEWIS DOWNING, *Principal Chief C. N.*

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AN ACT

FOR THE BENEFIT OF JOHN WALKINGSTICK.

*Be it enacted by the National Council,* That the sum of nine dollars be and the same is hereby appropriated, out of any money in the National treasury not otherwise appropriated, for the benefit of John Walkingstick, and that the Principal Chief is authorized to draw his warrant accordingly.

TAHLEQUAH, C. N., December 17, 1867.

Approved. LEWIS DOWNING, *Principal Chief C. N.*

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AN ACT

PROVIDING FOR THE REMOVAL AND SUBSISTENCE OF CERTAIN  
DESTITUTE CHEROKEES BACK TO THEIR HOMES.

WHEREAS, By the operation of the late war many of the Cherokees have been left out of the limits of the Nation, and are

unable to return to their homes, on account of poverty and destitution; therefore,

*Be it enacted by the National Council,* That the Principal Chief be and he is hereby authorized to appoint two suitable agents, whose duty it shall be, at their earliest convenience, to remove and subsist all destitute Cherokees to their homes in this Nation who have been left out of the limits of the Nation by the operation of the late war, and are unable to return on account of destitution. And the said agents shall receive, each, as a compensation for their services, three dollars per day, while in actual service.

*Be it further enacted,* That the sum of \$1,380 00 be and the same is hereby appropriated for the removal and subsistence of the Southern Cherokees to their homes, and the sum of \$442 50 for the removal and subsistence of the Northern Cherokees to their homes, upon the following estimate, to-wit: supposing that seven two-horse wagons would be required to remove the Southern Cherokees, at three dollars per day for thirty days, the amount would be \$630 00; and supposing that there would be one hundred persons to be removed, at fifty cents each per day, the amount of cost for subsisting for fifteen days would be \$750 00—making a total of \$1,380 00. And supposing that three two-horse wagons would be required to remove the Northern Cherokees to their homes, at three dollars per day each for thirty days, the amount would be \$270 00; supposing there should be of these Cherokees twenty-three persons, and that it would cost fifty cents each per day to subsist them fifteen days, while returning home, the amount would be \$172 50—making a total of \$442 50.

*Be it further enacted,* That the Principal Chief be and he is hereby authorized to issue warrants, payable out of any funds in the National treasury belonging to the National fund, not otherwise appropriated, for the purpose of meeting the costs and expenses provided for by this act.

TAHLEQUAH, C. N., December 18, 1867.

Approved.

LEWIS DOWNING,

*Prin'l Chief C. N.*

## AN ACT

MAKING AN APPROPRIATION TO PAY GEN. THOMAS EWING, JR., AND COL. W. A. PHILLIPS, FOR LEGAL SERVICES RENDERED CHEROKEE NATION.

*Be it enacted by the National Council,* That the sum of one thousand dollars be and the same is hereby appropriated, out of any money in the National treasury belonging to the general fund not otherwise appropriated, for the use and benefit of General Thomas Ewing, Jr., and the Principal Chief is hereby authorized to draw a warrant for the same.

*Be it further enacted,* That the sum of three thousand eight hundred and fifty dollars be and the same is hereby appropriated, out of any money in the treasury belonging to the general fund not otherwise appropriated, for the use and benefit of Col. Wm. A. Phillips; and the Principal Chief is hereby authorized to draw a warrant for the same.

TAHLEQUAH, C. N., December 18, 1867.

Approved. LEWIS DOWNING, *Principal Chief C. N.*

## AN ACT

APPOINTING JESSE WOLFE KEEPER OF PUBLIC PROPERTY IN THE TOWN OF TAHLEQUAH.

*Be it enacted by the National Council,* That Jesse Wolfe is hereby authorized to take charge of the public property in the town of Tahlequah.

*Be it further enacted,* That he shall receive as a salary the sum of fifteen dollars a year.

TAHLEQUAH, December 18, 1867.

Approved. LEWIS DOWNING, *Principal Chief C. N.*

## AN ACT

FOR THE BENEFIT OF E. S. HARLIN.

*Be it enacted by the National Council,* That the sum of twenty-five dollars (\$25) be and the same is hereby appropriated, out of

any money belonging to the general fund not otherwise appropriated, for the benefit of E. S. Harlin, for services rendered as clerk of the District Court of Sequoyah district, from the 1st of October, 1861, to the 30th of September, 1862; and the Principal Chief is hereby authorized to issue a warrant for the same.

TAHLEQUAH, C. N., December 16, 1867.

Approved. LEWIS DOWNING, *Principal Chief C. N.*

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### AN ACT

**AUTHORIZING THE PRINCIPAL CHIEF TO HAVE THE PUBLIC PRINTING OFFICE REPAIRED, AND TO HAVE THE PUBLIC PRINTING FOR THE NATION DONE AT THE SEAT OF GOVERNMENT.**

*Be it enacted by the National Council,* That the Principal Chief be and he is hereby authorized, at his earliest convenience, to have the public printing office repaired, and to adopt and apply the means and measures necessary to have all public printing for the Nation done at the seat of government, and at the earliest practicable date. And for all necessary expenses in carrying out this act, the Principal Chief will be authorized to issue warrants, payable out of any funds in the National treasury belonging to the National fund, not otherwise appropriated.

TAHLEQUAH, C. N., December 16, 1867.

Approved. LEWIS DOWNING, *Principal Chief C. N.*

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### AN ACT

**MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE DELEGATION.**

*Be it enacted by the National Council,* That the sum of eight thousand dollars be and the same is hereby appropriated, out of any moneys in the National treasury not otherwise appropriated, to defray the necessary expenses of the delegation appointed by the present Council to visit Washington City on the business of the Nation, and the Principal Chief is hereby authorized to draw a warrant for the same.

TAHLEQUAH, C. N., December 17, 1867.

Approved. LEWIS DOWNING, *Principal Chief C. N.*

CONFIRMATION BY SENATE OF NOMINEES AS DELEGATES.

EXECUTIVE DEPARTMENT OF THE CHEROKEE NATION, }  
 TAHLEQUAH, C. N., 16th December, 1867. }

To the Hon. Senate of the Cherokee Nation :

GENTLEMEN: Pursuant to the requirements of the constitution, I have the honor to nominate and present for your confirmation the following named gentlemen as a delegation to visit Washington City, for the purposes named in the act passed at this session "appointing a delegation," dated December 11th, 1867. These gentlemen I recommend to your attention.

*Delegates*—Samuel Smith, James McDaniel, Arch. Scraper, H. D. Reese, J. P. Davis, (Porum,) W. P. Adair, and John Brewer.

I am, gentlemen, respectfully,

Your obedient servant,

LEWIS DOWNING,

*Principal Chief of the Cherokee Nation.*

The above named confirmed as delegates to visit Washington City.

JAMES McDANIEL, *President of Senate.*

STEPHEN FOREMAN, *Clerk of Senate.*

AN ACT

MAKING AN APPROPRIATION FOR THE SERVICES OF MEMBERS OF THE NATIONAL COUNCIL, EXECUTIVE, ETC., DURING THE EXTRA SESSION OF THE NATIONAL COUNCIL, FROM DECEMBER 4TH TO DECEMBER 18TH, 1867, INCLUSIVE.

*Services of Members and Executive.*

No.	Names.	Amount.
1.....	Samuel Smith.....	\$ 68 00
2.....	Moses Alberty.....	68 00
3.....	W. L. G. Miller.....	68 00
4.....	Arch.....	34 00
5.....	Jesse Wolfe.....	13 33½
6.....	James McDaniel.....	76 00
7.....	Robbin Smith.....	76 00
8.....	Oo-you-sut-tah.....	68 00
9.....	Wat Christie.....	68 00
10.....	Charles Thompson.....	76 00
11.....	Alex. Hawk.....	76 00

No.	Names.	Amount.
12	Frog Six-killer.....	\$ 68 00
13	L. A. Ross.....	60 00
14	Allen Ross.....	60 00
15	Eli Smith.....	68 00
16	Fog.....	68 00
17	Roach Young.....	76 00
18	Pig Smith.....	76 00
19	Mink Downing.....	76 00
20	Joseph Coodey.....	76 00
21	John Brewer.....	25 42
22	John P. Davis.....	76 00
23	Stephen Foreman.....	75 00
24	Ee-nol-ee.....	34 00
25	John Young.....	76 00
26	John Rogers.....	68 00
27	Joseph Cornsilk.....	68 00
28	Wilson Hair.....	68 00
29	Chicken Christie.....	68 00
30	Sequoyah Tanner.....	76 00
31	Aaron Tanner.....	76 00
32	Stand Whirlwind.....	68 00
33	Daniel Redbird.....	68 00
34	Arch. Scraper.....	68 00
35	Jesse Thompson.....	80 00
36	Writer.....	76 00
37	John Glass.....	68 00
38	Joseph Seabolt.....	56 00
39	Stephen Tee-hee.....	76 00
40	C. J. Hanks.....	64 50
41	John Shell.....	68 00
42	Taylor Six-killer.....	68 00
43	Chi-chi.....	76 00
44	J. C. McCoy.....	45 00
45	Saunders Choate.....	8 42
46	Daniel Muskrat.....	76 00
47	Cho-hoo-stah.....	68 00
48	Wah-la-nee-tah.....	68 00
49	Alex. Scott.....	68 00
50	Nee-cow-ee.....	28 00
51	Tah-che-che.....	20 00
52	Moses.....	34 00
53	Thomas B. Wolfe.....	119 00
54	D. H. Ross & Bros.....	33 25
55	Mrs. J. Thompson.....	86 91
56	Robert B. Ross.....	2 50
57	J. W. Stapler.....	1 50
58	Dr. J. D. Losier.....	5 50
59	Stephen Foreman.....	24 00

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 \$3,554 33½

*Be it enacted by the National Council,* That the sum of three thousand five hundred and fifty-four dollars and thirty-three and one-third cents be and the same is hereby appropriated, out of any money in the treasury belonging to the general fund, not otherwise appropriated, for the use and benefit of the persons herein named, according to the amounts set opposite each claimant's name; and the Principal Chief is hereby authorized to draw warrants for the same.

TAHLEQUAH, C. N., December 18, 1867.

Approved.

LEWIS DOWNING,  
*Principal Chief C. N.*

AN ACT

MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE GOVERNMENT AND THE OFFICERS THEREOF, FOR THE YEAR 1867, OMITTED IN THE REGULAR APPROPRIATION.

*A List of Claims Registered by the Select Committee.*

No.	Names.	Amount.
1.....	Jesse Busheyhead.....	\$51 50
2.....	W. G. Thornton.....	4 00
3.....	Amos Thornton.....	1 00
4.....	O. W. Lipe.....	812 28
5.....	Ti-nee-ski Pritchett.....	3 00
6.....	F. H. Nash.....	3 00
7.....	George W. Ross.....	141 33½
8.....	Hunter Brown.....	18 00
9.....	Joshua Ross.....	45 00
10.....	D. H. Ross & Co.....	234 80
11.....	Lincoln England.....	3 00
12.....	Arch. Scrapper.....	60 00
13.....	Blackhaw Six-killer.....	17 50
14.....	Tar-che-chee (of Going Snake district).....	2 50
15.....	Choo-nue-luh-hus-ki (of Flint).....	50
16.....	Jesse Henry.....	1 50
17.....	James McDaniel.....	36 00
18.....	Jesse Wolfe.....	15 00
19.....	John Shell.....	47 50
20.....	W. P. Ross.....	33 33½
21.....	Lewis Downing.....	16 66½
22.....	Spring Frog.....	83 33½
23.....	David Rowe.....	20 83½
24.....	Joseph Duval.....	16 66½

No.	Names.	Amount.
25.....	Daniel R. Hicks.....	\$ 10 41 $\frac{3}{4}$
26.....	Charles Thompson.....	10 41 $\frac{3}{4}$
27.....	Charles Wickliffe.....	10 41 $\frac{3}{4}$
28.....	Johnson Robbins.....	12 41 $\frac{3}{4}$
29.....	Jackson R. Gourd.....	16 41 $\frac{3}{4}$
30.....	George Blair.....	10 41 $\frac{3}{4}$
31.....	Robert Crawford.....	10 41 $\frac{3}{4}$
32.....	Wesley F. Gritts.....	10 41 $\frac{3}{4}$
33.....	Walker Carry.....	10 41 $\frac{3}{4}$
34.....	Joseph Se-tee-yah.....	16 66 $\frac{3}{4}$
35.....	Samuel Smith.....	16 66 $\frac{3}{4}$
36.....	Ezekiel Proctor.....	16 66 $\frac{3}{4}$
37.....	Anderson Nowife.....	16 66 $\frac{3}{4}$
38.....	Jesse Baldrige.....	16 66 $\frac{3}{4}$
39.....	William Young.....	16 66 $\frac{3}{4}$
40.....	Levi Rowe.....	16 66 $\frac{3}{4}$
41.....	Charles Drew.....	16 66 $\frac{3}{4}$
42.....	Nelson Terrapin.....	8 33 $\frac{3}{4}$
43.....	Jack Doubletooth.....	8 33 $\frac{3}{4}$
44.....	Sut-tee-yah.....	8 33 $\frac{3}{4}$
45.....	Jesse Redbird.....	8 33 $\frac{3}{4}$
46.....	Stand Whirlwind.....	8 33 $\frac{3}{4}$
47.....	Aaron Tanner.....	8 33 $\frac{3}{4}$
48.....	Daniel Backbone.....	8 33 $\frac{3}{4}$
49.....	Tick Eater.....	8 33 $\frac{3}{4}$
50.....	Cabin Smith.....	8 33 $\frac{3}{4}$
51.....	W. A. Thompson.....	2 08 $\frac{1}{2}$
52.....	James Tincup.....	4 16 $\frac{3}{4}$
53.....	John A. Springston.....	35 10 $\frac{3}{4}$
54.....	John Thornton.....	4 16 $\frac{3}{4}$
55.....	James W. Adair.....	4 16 $\frac{3}{4}$
56.....	Franklin Falkner.....	4 16 $\frac{3}{4}$
57.....	D. W. Lipe.....	4 16 $\frac{3}{4}$
58.....	W. H. Turner.....	2 08 $\frac{1}{2}$
59.....	Albert Barnes.....	2 08 $\frac{1}{2}$
60.....	Saunders Choate.....	2 08 $\frac{1}{2}$
61.....	Frog Six-killer.....	10 00
62.....	William Sunday.....	113 00
63.....	Thomas B. Wolfe.....	35 00
64.....	Dick Duck.....	95 04
65.....	Tar-che-chee (of Tahlequah).....	1 00
66.....	Johnson Robbins.....	30 00
67.....	Charles Pettit.....	8 00
68.....	Clark Swimmer.....	10 00
69.....	D. H. Ross & Bros.....	.....
70.....	Robert B. Ross.....	2 00
71.....	John W. Stapler.....	1 20
72.....	Allen Ross.....	12 00

SCHOOL FUND.

H. D. Reese.....	\$25 00
Tah-che-che (of Going Snake district).....	5 00
J. A. Johnson .....	3 00
	\$33 00

*Be it enacted by the National Council,* That the sum of two thousand three hundred and three dollars, ninety and one-third cents, be and the same is hereby appropriated, out of any money in the National treasury belonging to the general fund, not otherwise appropriated, for the use and benefit of the foregoing named persons, according to the amounts set opposite each claimant's name; and the Principal Chief is hereby authorized to draw warrants for the same.

*Be it further enacted,* That the sum of thirty-three dollars is hereby appropriated, out of any money in the treasury belonging to the school fund, not otherwise appropriated, for the use and benefit of the foregoing named persons, according to the amount set opposite each claimant's name; and the Principal Chief is hereby authorized to draw warrants for the same.

TAHLEQUAH, C. N., December 18, 1867.

Approved.

LEWIS DOWNING,  
*Principal Chief C. N.*



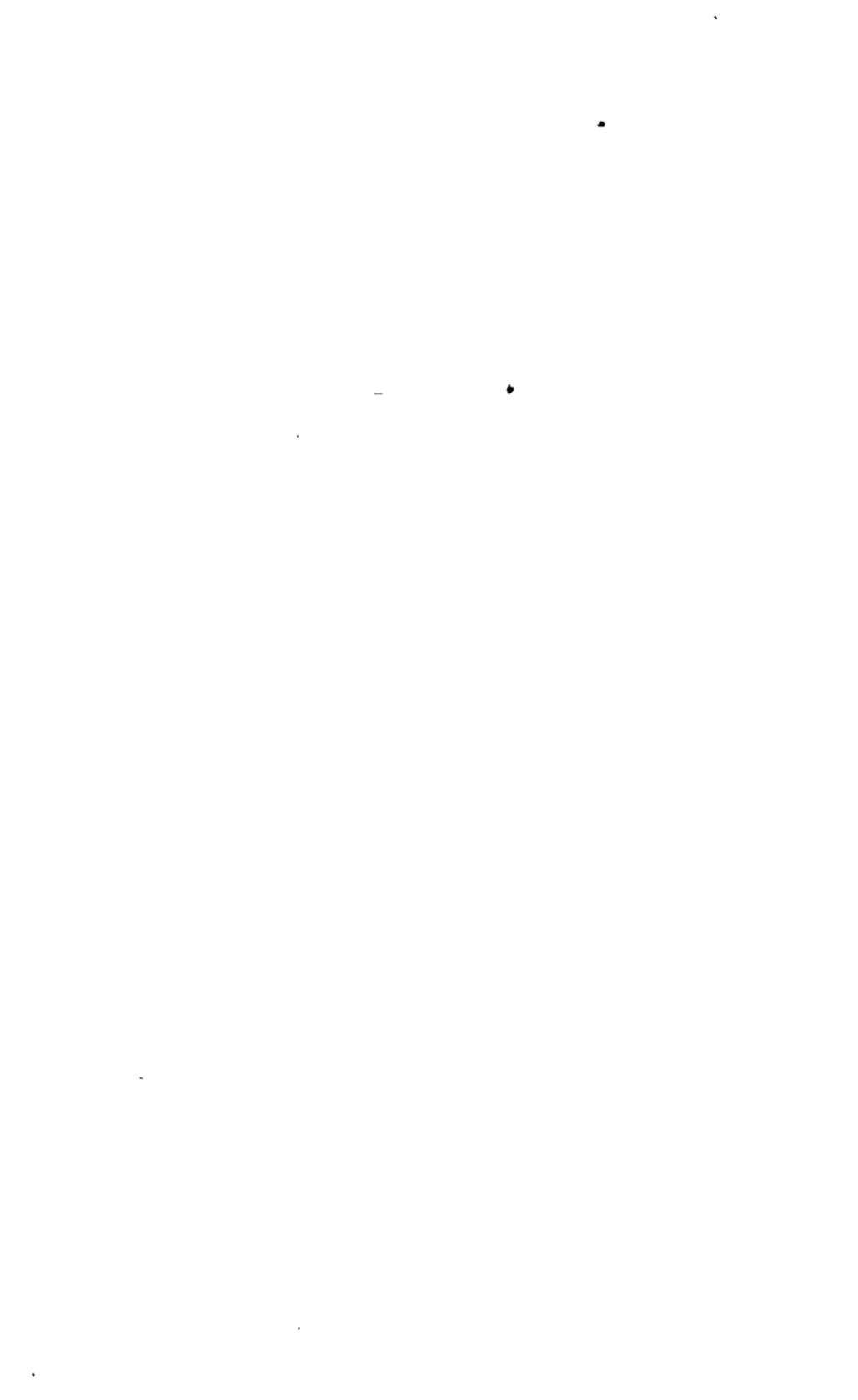
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APPENDIX.

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# REFERENCES.

DATES OF AMENDMENTS AND ACTS REFERRED TO BY FIGURES, 1, 2, 3,  
ETC., IN THE ACTS REPORTED, VIZ:

## I.—*For the Punishment of Felonies.*

- |                      |                       |
|----------------------|-----------------------|
| 1—October 16, 1843.  | 8—October 14, 1846.   |
| 2—November 11, 1844. | 9—October 27, 1848.   |
| 3—October 17, 1859.  | 10—October 23, 1855.  |
| 4—October 17, 1859.  | 11—November 17, 1846. |
| 5—October 12, 1848.  | 12—October 23, 1848.  |
| 6—October 17, 1846.  | 13—November 1, 1850.  |
| 7—October 23, 1855.  |                       |

## II.—*In Regard to Misdemeanors.*

- |                     |                     |
|---------------------|---------------------|
| 1—October 15, 1841. | 4—November 3, 1849. |
| 2—October 18, 1859. | 5—October 18, 1859. |
| 3—October 31, 1843. | 6—November 4, 1850. |

## III.—*Relating to Courts, Defining their Powers and Jurisdiction, and Regulating their Mode of Procedure.*

- |   |  |
|---|--|
| 1—October 19, 1859.   | 10—Number of guard after arrest,<br>fixed by act passed Nov. 17, 1846. |
| 2—October 20, 1845.   | 11—October 14, 1845.   |
| 3—October 14, 1852.   | 12—October 14, 1845.   |
| 4—October 14, 1852.   | 13—October 12, 1839.   |
| 5— <i>i. e.</i> the circuit and district judges<br>to whom jurisdiction in criminal<br>cases is limited, by act amending<br>the act establishing the judiciary,<br>dated —, 1866. | 14—October 13, 1848.   |
| 6—December 1, 1866.   | 15—October 22, 1855.   |
| 0—October 11, 1848.   | 16—October 17, 1859.   |
| 7—November 9, 1844.   | 17—October 8, 1855.  |
| 8—December 1, 1866.   | 18—October 8, 1855.  |
| 9—November 9, 1859.   | 19—October 31, 1848.   |
|   | 20—October 15, 1841.   |
|   | 21—December 3, 1842.   |
|   | 22—October 13, 1848.   |

## IV.—*In Regard to Marriage Estates, Administrators, and Guardians.*

- |                     |                       |
|---------------------|-----------------------|
| 1—October 10, 1848. | 7—November 9, 1848.   |
| 2—October 29, 1856. | 8—November 18, 1847.  |
| 3—October 29, 1856. | 9—October 29, 1856.   |
| 4—October 18, 1847. | 10—November 2, 1857.  |
| 5—October 29, 1845. | 11—October 29, 1845.  |
| 6—October 12, 1849. | 12—November 12, 1859. |

V.—*Providing for the Election of Officers and the Filling of Vacancies.*

- |                      |                                 |
|----------------------|---------------------------------|
| 1—October 29, 1851.  | 6—January 11, 1845.             |
| 2—October 29, 1851.  | 7—October 29, 1851.             |
| 3—November 22, 1842. | 8—January 11, 1845.             |
| 4—October 29, 1851.  | 9—Includes the amendment passed |
| 5—November 1, 1844.  | October 11, 1850.               |

VI.—*Establishing Schools and Mission Stations, and “Providing the Means of Education.”*

- |                      |  |
|----------------------|--|
| 1— —, 1866.          | 7—Amendment not printed; inserted from recollection. |
| 2—December 4, 1845.  | 8—October 17, 1861.                                  |
| 3—December 4, 1845.  | 9—November 25, 1851.                                 |
| 4—October 21, 1851.  | 10—November 25, 1851.                                |
| 5—November 16, 1843. |  |
| 6—November 2, 1849.  |  |

VII.—*Creating Certain Districts and Towns, and Concerning the Public Domain and other Public Property.*

- |                      |                      |
|----------------------|----------------------|
| 1—June 17, 1867.     | 4—November 12, 1849. |
| 2—November 19, 1842. | 5—November 12, 1849. |
| 3—November 12, 1849. | 6—October 10, 1856.  |

VIII.—*Creating and Defining the Duties of Certain Officers.*

- |  |   |
|--|---|
| 0—October 31, 1849.  | 7—Third section of act creating auditor of accounts.  |
| 00—October 29, 1851.   | 8—October 7, 1847.  |
| 1—October 15, 1857.  | 9—November 19, 1851, and October 11, 1849.  |
| 2—October 27, 1855.  | 10—December 1, 1845.  |
| 3—October 27, 1855.  | 11—October 11, 1849.  |
| 4—Incorporated in the act respecting the issuing of certificates.  | 12—Second and final section of this act embraced in the act “punishing forgery.” ( <i>See Felonies.</i> ) |
| 5—Inserted to accommodate the law to the respective dates fixed for the sessions of Supreme Court and Council. | 13—October 4, 1855.   |
| 6—Included in the act respecting the issuing of certificates.  |   |

IX.—*In Regard to White Men and Intruders.*

- |   |                       |
|---|-----------------------|
| 1—November 10, 1843.  | 3—October 22, 1855.   |
| 2—Embraces the provision of the law in regard to those having wives elsewhere, passed Sept. 28, 1839. | 4—November 10, 1846.  |
|   | 5—September 28, 1839. |

X.—*Special Acts Unaltered.*XI.—*Miscellaneous Acts.*

- |                     |                     |
|---------------------|---------------------|
| 1—October 13, 1841. | 2—November 1, 1853. |
|---------------------|---------------------|

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