

THE

Constitution and Laws

OF THE

OSAGE NATION,

PASSED AT

PAWHUSKA, OSAGE NATION,

In the Years 1881 and 1882.



WASHINGTON, D. C.:
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1883.

CONSTITUTION OF THE OSAGE NATION.

The Constitution of the Osage Nation, prepared by the authorized committee and adopted by the National Council.

The Great and Little Osages having united and become one body politic, under the style and title of the Osage Nation; therefore,

We, the people of the Osage Nation, in National Council assembled, in order to establish justice, insure tranquility, promote the common welfare, and to secure to ourselves and our posterity the blessing of freedom—acknowledging with humility and gratitude the goodness of the Sovereign Ruler of the universe in permitting us so to do, and imploring his aid and guidance in its accomplishment—do ordain and establish this Constitution for the government of the Osage Nation.

ARTICLE I.

SECTION 1. The boundary of the Osage Nation shall be that described in the treaty of 1876 between the United States and the Great and Little Osages, except that portion purchased by the Kaws.

SEC. 2. The lands of the Osage Nation shall remain common property, until the National Council shall request an allotment of the same, but the improvements made thereon and in possession of the citizens of this Nation are the exclusive and indefeasible property of the citizens respect-

ively who made or may rightfully be in possession of them. *Provided*, That the citizen of this Nation possessing exclusive and indeasible right to their improvements, as expressed in this article, shall possess no right or power to dispose of their improvements in any manner whatever, to the United States, individual States, or to individual citizens thereof; and that, whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; *Provided, nevertheless*, That the National Council shall have power to re-admit by law, to all the rights of citizenship any such persons who may at any time desire to return to the Nation, on memorializing the National Council for such re-admission.

Moreover, the National Council shall have power to adopt such laws and regulations as it may deem expedient and proper to prevent citizens from monopolizing improvements with the view of speculation.

ARTICLE II.

SECTION 1. The power of this government shall be divided into three distinct departments, the Legislative, the Executive, and the Judicial.

SEC. 2. No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases hereinafter expressly directed or permitted.

ARTICLE III.

SECTION 1. The legislative power shall be vested in a National Council, and the style of their acts shall be:—Be it enacted by the National Council.

SEC. 2. The National Council shall make provision, by law, for laying off the Osage Nation into five districts, and,

if subsequently it should be deemed expedient, one or two may be added thereto.

SEC. 3. The National Council shall consist of three members from each district, to be chosen by the qualified electors in their respective district, for two years, the elections to be held in the respective districts every two years, at such times and places as may be directed by law,

The National Council shall, after the present year, be held annually, to be convened on the first Monday in November, at such place as may be designated by the National Council, or, in case of emergency, by the Principal Chief.

SEC. 4. Before the districts shall be laid off, any election which may take place, shall be by general vote of the electors throughout the Nation, for all officers to be elected.

The first election for all officers of the government.—Chiefs, Executive Council, members of the National Council, Judges, and Sheriffs—shall be held at Pawhuska, before the rising of this council; and the term of service of all officers elected previous to the first Monday in November, 1882, shall be extended to embrace, in addition to the regular constitutional term, the time intervening from their election to the first Monday in November, 1882.

SEC. 5. No person shall be eligible to a seat in the National Council, but an Osage male citizen, who shall have attained to the age of twenty-five years.

SEC. 6. The members of the National Council shall in all cases, except those of felony or breach of the peace, be privileged from arrest during their attendance at the National Council, in going to, and returning.

SEC. 7. In all elections by the people the electors shall vote *viva voce*. All male citizens, who shall have attained to the age of eighteen years, shall be equally entitled to vote at all public elections.

SEC. 8. The National Council shall judge of the qualifi-

cations and returns of its own members, determine the rules of its proceedings, punish a member for disorderly behavior, and with the concurrence of two-third, expel a member; but not a second time for the same offence.

SEC. 9. The National Council, when assembled, shall chose its own officers; a majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner, and under such penalty as the council may prescribe.

SEC. 10. The members of the National Council shall each receive a compensation for their services, which shall be one hundred dollars per annum : *Provided*, That the same may be increased or diminished by law ; but no alteration shall take effect during the period of services of the members of the National Council by whom such alteration may have been made.

SEC. 11. The National Council shall regulate by law, by whom, and in what manner, writs of elections shall be issued to fill the vacancies which may happen in the Council thereof.

SEC. 12. Each member of the National Council, before he takes his seat, shall take the following oath or affirmation :

“I, A. B., do solemnly swear (or affirm, as the case may be) that I have not obtained my election by bribery, treat, or any undue and unlawful means, used by myself, or others, by my desire or approbation for that purpose; that I consider myself constitutionally qualified as a member of———, and that on all questions and measures which may come before me, I will so give my vote, and so conduct myself, as, in my judgment, shall appear most conducive to the interest and prosperity of this Nation, and that I will bear true faith and allegiance to the same, and to the utmost of my ability and power, observe, conform to, support, and defend the constitution thereof.”

SEC. 13. No person who may be convicted of felony shall

be eligible to any office or appointment of honor, profit or trust, within this Nation.

SEC. 14. The National Council shall have power to make all laws and regulations which they shall deem necessary and proper for the good of the Nation, which shall not be contrary to this constitution.

SEC. 15. It shall be the duty of the National Council to pass such laws as may be necessary and proper to decide differences by arbitration, to be appointed by the parties who may choose that summary mode of adjustment.

SEC. 16. No power of suspending the laws of this Nation shall be exercised, unless by the National Council or its authority.

SEC. 17. No retrospective law, nor any law impairing the obligations of contracts, shall be passed.

SEC. 18. The National Council shall have power to make laws for laying and collecting taxes for the purpose of raising a revenue.

SEC. 19. All acknowledged treaties shall be the supreme law of the land, and the National Council shall have the sole power of deciding on the constructions of all treaty stipulations.

SEC. 20. The Council shall have the sole power of impeaching. All impeachments shall be tried by the National Council, when setting for that purpose; the members shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 21. The Principal Chief, Assistant Principal Chief, and all civil officers shall be liable to impeachment for misdemeanor in office; but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust, or profit under the government of this Nation. The party, whether convicted

or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment according to law.

ARTICLE IV.

SECTION 1. The supreme executive power of this Nation shall be vested in a Principal Chief, who shall be styled "The Principal Chief of the Osage Nation." The Principal Chief shall hold his office for the term of two years, and shall be elected by the qualified electors on the same day, and at the place where they shall respectively vote for members to the National Council. The returns of the elections for Principal Chief shall be sealed up and directed to the President of the National Council, who shall open and publish them in the presence of the Council assembled. The person having the highest number of votes shall be Principal Chief, but if two or more shall be equal and highest in votes, one of them shall be chosen by vote of the National Council; the manner of determining contested elections shall be directed by law.

SEC. 2. No person, except a natural born citizen, shall be eligible to the office of Principal Chief; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years.

SEC. 3. There shall also be chosen, at the same time, by the qualified electors, in the same manner, for two years, an Assistant Principal Chief, who shall have attained to the age of thirty-five years.

SEC. 4. In case of the removal of the Principal Chief from office, or of his death, or resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Assistant Principal Chief.

SEC. 5. The National Council may, by law, provide for the case of removal, death, resignation, or disability of both the Principal and Assistant Principal Chief, declaring what

officer shall then act as Principal Chief until the disability be removed or a Principal Chief shall be elected.

SEC. 6. The Principal Chief and Assistant Principal Chief shall, at stated times, receive for their services a compensation which shall neither be increased nor diminished during the period for which they shall have been elected, and they shall not receive within that period any other emolument from the Osage Nation or any other government."

SEC. 7. Before the Principal Chief enters on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear or affirm that I will faithfully execute the duties of Principal Chief of the Osage Nation, and will, to the best of my ability, preserve, protect, and defend the Constitution of the Osage Nation.

SEC. 8. He may, on extraordinary occasions, convene the National Council at the seat of government.

SEC. 9. He shall, from time to time, give to the Council information of the state of the government, and recommend to their consideration such measures as he may deem expedient.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. It shall be his duty to visit the different districts at least once in two years, to inform himself of the general condition of the country.

SEC. 12. The Assistant Principal Chief shall, by virtue of his office, aid and advise the Principal Chief in the administration of the government at all times during his continuance in office.

SEC. 13. Vacancies that may occur in offices, the appointment of which is vested in the National Council shall be filled by the Principal Chief during the recess of the National Council, by granting commissions, which shall expire at the end of the next session thereof.

SEC. 14. Every bill, which shall pass the National Council, shall, before it becomes a law, be presented to the Principal Chief; if he approves, he shall sign it, but if not, he shall return it with his objections to the Council, who shall enter the objections at large on their journals, and proceed to reconsider it.

If, after such reconsideration, two-thirds of the Council shall agree to pass the bill, it become a law, if any bill shall not be returned by the Principal Chief within five days (Sunday excepted) after the same has been presented to him, it shall become law, in like manner as if he had signed it. Unless the National Council, by their adjournment, prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting.

SEC. 15. Members of the National Council and all officers, executive and judicial, shall be bound by oath, to support the Constitution of their Nation; and to perform the duties of their respective offices with fidelity.

SEC. 16. The Principal Chief shall, during the session of the National Council, attend at the seat of government.

SEC. 17. The Principal Chief shall recommend three persons, to be appointed by the National Council, whom the Principal Chief shall have full power at his discretion to assemble; he, together with the Assistant Principal Chief and the Counsellors, or a majority of them, may, from time to time, hold and keep a Council for ordering and directing the affairs of the Nation according to law.

SEC. 18. The members of the Executive Council shall be chosen for the term of two years.

SEC. 19. The Treasurer of the Osage Nation shall be chosen by the National Council for the term of two years.

SEC. 20. The Treasurer shall, before entering on the duties of his office, give bond to the Nation with Sureties to

the satisfaction of the National Council, for the faithful discharge of his trust.

SEC. 21. No money shall be drawn from the treasury, but by warrant from the Principal Chief, and in consequence of appropriations made by law.

SEC. 22. It shall be the duty of the Treasurer to receive all public moneys, and to make a regular statement and account of the receipts and expenditures of all public moneys at the annual session of the National Council.

SEC. 23. The "Fiscal Year" of the Osage Nation shall begin on the 1st day of October, and close on the 30th day of September of each year; and all books and accounts of the Treasurer, shall be kept, and duties of his office performed with regard to the beginning and ending of the fiscal year, The National Treasurer shall receive for his services ten (10) per cent. of all moneys that may pass through his hands as provided by law.

ARTICLE V.

SECTION 1. The judicial powers shall be vested in a supreme court, and such circuits and inferior courts as the National Council may from time to time ordain and establish.

SEC. 2. The judges of the supreme and circuits courts shall hold their commission for the term of two years, but any of them may be removed from office on the address of two-thirds of the National Council to the Principal Chief, for that purpose.

SEC. 3. The judges of the supreme court and circuits courts, shall at stated times receive a compensation which shall not be deminished during their continuance in office, but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under the government of this Nation or any other power.

SEC. 4. No person shall be appointed a judge of any of the courts, until he shall have attained the age of thirty years.

SEC. 5. The judges of the Supreme and Circuits courts shall be elected by the National Council.

SEC. 6. The judges of the Supreme courts and of the Circuits courts shall have complete criminal jurisdiction in such cases and in such manner as may be pointed out by law.

SEC. 7. No judge shall sit on trial of any cause when the parties are connected (with him) by affinity or consanguinity except by consent of the parties. In case all the judges of the supreme court shall be interested in the issue of any court or related to all or either of the parties, the National Council may provide by law for the selection of a suitable number of persons of good character and knowledge for the determination thereof, and who shall be specially commissioned for the adjudication of such case by the Principal Chief.

SEC. 8. All writs and other process shall run "in the name of the Osage Nation" and bear test and be signed by the respective clerks.

SEC. 9. Indictments shall conclude against the peace and dignity of the Osage Nation.

SEC. 10. The supreme court shall, after the present year, hold its session three times a year, at the seat of government, to be convened on the first Monday in October, February, and August, of each year.

SEC. 11. In all criminal prosecutions the accused shall have the right of being heard; of demanding the nature of the accusation; of meeting the witnesses face to face; of having compulsory process for obtaining witnesses in his or their favor, and in prosecutions by indictment or informa-

tion a speedy public trial; nor shall the accused be compelled to give evidence against himself.

SEC. 12. All persons shall be bailable by sufficient securities, unless for capital offences when the proof is evident or presumption great.

ARTICLE VI.

SECTION 1. No person who denies the being of a God or a future state of reward and punishment, shall hold any office in the civil department in this Nation.

SEC. 2. When the National Council shall determine the expediency of appointing delegates, or other public agents for the purpose of transacting business with the Government of the United States, the Principal Chief shall recommend, and by the advice and consent of the National Council appoint and commission such delegates or public agents accordingly on all matters of interest touching the rights of the citizens of this Nation which may require the attention of the United States Government.

SEC. 3. All commissions shall be in the name and by the authority of the Osage Nation, and signed by the Principal Chief. The Principal Chief shall make use of his private seal until a national one shall be provided.

SEC. 4. A sheriff shall be elected in each district by the qualified electors thereof, who shall hold his office two years unless sooner removed. Should a vacancy occur subsequent to election, it shall be filled by the Principal Chief as in other cases, and the person so appointed shall continue in office until the next regular election.

SEC. 5. The appointment of all officers not otherwise directed by this constitution shall be for voted in the National Council.

SEC. 6. The National Council may propose such amendments to this Constitution as two-thirds of the Council may

deem expedient, and the Principal Chief shall issue a proclamation directing all officers of the several districts to promulgate the same as extensively as possible within their respective districts at least six months previous to the next general election, and if, at the first session of council after such general election, two-thirds of the council shall by ayes and noes ratify such proposed amendments, they shall be valid to all extent and purposes as part of this Constitution, *Provided*, that such proposed amendments shall be read on three several days in Council, as well as when the same are proposed as when they are ratified.

Done in convention at Pawhuska, Osage Nation, this thirty-first day of December, A. D. 1881.

JAMES BIGHEART,

President of the National Convention

Ne-kah-ke-pon-ah.

Wah-ti-an-kah.

Saucy Chief.

Tah-wah-che-he.

William Penn.

Clamore.

Two-giver.

Tall-chief.

Sa-pah-ke-ah.

Black Dog.

Thomas Big-chief.

Ne-kah-wah-she-ton-kah.

Joseph Pawnee-no-pah.she

White Hair.

Cyprian Tayrian.

PAUL AKIN, *Interpreter.*

E. M. MATTHEWS,

Secretary.

L A W S

OF

THE OSAGE NATION.

CHAPTER 2.

ARTICLE I.

An Act for the punishment of criminal offences.

SECTION 1. That in all cases of wilful murder, the offender, upon trial and conviction by the authorized court of this Nation, shall suffer death, and when sentence of death shall have been passed, the court shall grant a respite of five days before such criminal shall be executed.

SEC. 2. 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 fifty nor more than one hundred dollars, at the discretion of the court, and receive fifty lashes on the bare back. But if any person shall kill in self-defence or by accident, without any previous intent to do the same, he shall not be held accountable for such act, and be exempt from any fine or punishment whatever.

SEC. 3. That upon trial and conviction of any person charged with the offence of having committed a rape on any female, he shall be punished with fifty lashes on the bare back.

ARTICLE 2.

An Act for the punishment of thefts and other crime.

SEC. 4. That any person who shall be convicted of stealing a horse, mule, jack or jinney, shall be punished by not less than twenty-nine nor more than fifty lashes on the bare back, and be compelled to make payment to the amount of damages or injuries sustained, if such stolen property be not restored, for the benefit of the person so injured ; and for all other property which may be stolen, upon conviction of the party so offending, the punishment shall be in proportion to the magnitude of the offence, at the discretion of the court, and judgment against the offender for damages to the party injured.

SEC. 5. That if any person shall wilfully and maliciously burn the house or other 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 in like manner as provided in the section above, and be compelled to make ample remuneration by such compensation as the Court may determine.

SEC. 6. That any person who shall employ another, or aid or abet in the perpetration of any criminal offence, 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.

ARTICLE III.

AN ACT in relation to contracts.

SEC. 7. That all lawful contracts shall be binding, and any person upon failure to comply with the terms of such contracts shall be liable to a suit at law, in the Court having jurisdiction in the matter, to be instituted by the credi-

tor, 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.

SEC. 8. That 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 summons 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.

SEC. 9. The following description of property shall be exempt from sale to satisfy any debt or judgment, and shall be reserved for the benefit of the owner thereof ; viz : one horse or in lieu thereof, one yoke of oxen, one cow and calf, one sow and pigs, farming utensils, household and kitchen furniture, and fifty bushels of corn, and fire-arms, one saddle and bridle, and it shall not be lawful for an officer to levy on any of the above-mentioned property.

SEC. 10. When judgment is rendered, and the officer in whose hands an execution may be placed shall fail to find any property or effects in 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 clerk of the court, who shall require of him an oath to answer to the charges of holding in his possession the property or effects of such debtor.

SEC. 11. It shall not be lawful for any officer to levy on

the house, farm, or any other improvements, of any person or persons.

ARTICLE IV.

AN ACT respecting persons who may be summoned by an officer.

SEC. 12. Any person or persons who may be summoned to appear before the court to give in testimony, and shall refuse or fail to attend, unless on account of sickness or other lawful excuse—such person shall be fined in a sum not less than twenty, nor more than fifty 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 twenty-five dollars.

SEC. 13. Any citizen who may be summoned to assist in arresting criminals shall be entitled to one dollar per day for his services out of the national treasury; and all persons summoned to give in testimony in court shall be entitled each to one dollar per day during their attendance at court, including going and returning home—against whom judgment may be rendered.

ARTICLE V.

AN ACT relating to estates and administrators.

SEC. 14. All written or verbal wills of deceased persons, when proved to the satisfaction of one of the judges of the court, shall be valid, and if by such will, any person or persons are designated to manage the business of any estate so left, such person shall receive from one of the judges of the court 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, all such wills shall be reg-

istered by the clerk of the court. All persons so appointed shall furnish, on oath, a schedule and discription of all property and effects belonging to such estate, and which shall likewise be registered by the said clerk.

SEC. 15. Executors of wills and administrators on estate of deceased persons shall report annually to the judges of the court at the August term of the Supreme Court, the condition of, and all that may have been done by them in reference to the business, property, and effects of such estate, as such persons may have in charge.

SEC. 16. 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 Chief Justice under oath.

SEC. 17. When a person dies without having made a will, one of the judges shall grant letters of administration to some competent and responsible person, to be selected from among the relatives of the deceased, if the safety of such property as may be left seems to warrant, and who shall be required to enter into bond, 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 to the children as they become of age, to wit, males at eighteen years, and females at fifteen years, and in case such widow shall again marry and hold her property separately from her 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 equally among his children. 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.

ARTICLE VI.

An Act relating to Public Domain.

SEC. 18. No person or persons shall be permitted to settle on or erect any improvements within one-fourth of a mile of the house, field or other improvements of another citizen, without their consent, under the penalty of forfeiting such improvements and labor for the benefit of the original settler ; provided it may be lawful, however, where there may be a stream of running water for another citizen to improve one hundred yards from such field so situated.

SEC. 19. All improvements which may be left by any person or persons removing to another place, and the improvements so left remaining unoccupied for the term of two years, such improvements shall be considered abandoned, and other person or persons whosoever may take and go in possession of such improvements in the same manner as if there were no improvements.

ARTICLE VII.

An Act to legalize intermarriage with white men.

SEC. 20. Whereas the peace and prosperity of the Osage people require that, in the enforcement of the laws, jurisdiction of the civil laws should be exercised over all persons whatever, who may, from time to time, be privileged

to reside within the limits of the Osage Nation ; therefore, any white man or citizen of the United States, who may hereafter come into the country to marry an Osage woman, shall first be required to make known his intentions to the National Council by applying for a license, and such license may, under the authority of the National Council, be issued by the clerk thereof ; any person so obtaining a license shall pay to the clerk the sum of twenty dollars for such license, and take an oath to support the Constitution and abide by the laws of the Osage Nation ; which oath may be administered by the President of the National Council, or the Clerk of the body, authorized for that purpose, and it shall be the duty of the Clerk to record the same in the Journals of the National Council. But if any such white man, or citizen of the United States, shall refuse to subscribe to the oath, he shall not be entitled to the rights of citizenship, and shall forthwith be removed without the limits of the Osage Nation as an intruder.

ARTICLE VIII.

An Act respecting stray property.

SEC. 21. It shall be the duty of each of the sheriffs of the several districts to receive and advertise for 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, asses, cows, hogs, sheep, and goats—giving a description of color, brands, ear and flesh marks, age and sex, and such property shall be sold for prompt payment in cash, national warrants, or certificates, at the regular term of court, and on the first day thereof, and not before the hour of ten in the morning.

SEC. 22. All stray property, before being sold, shall be advertised at least sixty days by written advertisements, and posted at the court-house, and in like manner in the register-book, which shall be kept by the clerk of the court ;

and any person having property advertised under the provision of this act shall have the right of reclaiming such property by providing the same, on or before the day of sale, before one of the judges of the court ; and the judge, if satisfied of the proof, after recording the same, and making his decision thereon, shall issue an order directing the sheriff posting the property to deliver it to the owner.

SEC. 23. If any person having property advertised under this act shall fail to prove the same, before the sale of the same, he shall forfeit his right to such property, except as hereinafter provided ; but any person who shall prove such property in the manner thereinbefore provided for, within nine months after the sale of the same, shall be entitled to receive from the Treasurer, on the certificate of the judge before whom the proof is made, the proceeds in kind of the sale of the same, deducting therefrom the sheriff's fees.

SEC. 24. Any person who may take up stray property shall, within ten days thereafter, be required to have the same posted ; and any person failing to comply with this provision shall be liable to a fine of not less than ten nor more than twenty-five dollars.

SEC. 25. Any person who shall dispose of or wilfully take any stray property not his own, or shall wilfully kill or maim any such property, either before or after such property is posted, shall be deemed guilty of the same offence as if the act was committed upon the property of a citizen, and shall, upon conviction, be punished accordingly.

SEC. 26. It shall be the duty of the several sheriffs to have, if possible, all property that may be posted by them at the Court-house on the day of sale, and to place the purchaser there in possession of the same when sold, or within a reasonable time, if required to do so; the sheriff may retain ten per cent. in kind of all proceeds of sales of stray property, and be required to turn over the residue to the treasurer. The clerk of the court shall be present at all

sales of stray property, and shall make and keep on record in his office a register of all sales by the sheriff, to whom made, amount in kind paid, date of sale and kind of property sold, and make therefrom a quarterly report to treasurer as he may direct.

ARTICLE IX.

AN ACT relating to the duties of the High Sheriff.

SEC. 27. The office of High Sheriff is hereby created. He shall be elected by the National Council for the term of two years.

SEC. 28. It shall be the duty of the High Sheriff to keep the Capitol, the furniture, and other property therein and thereto belonging in a State, of the keys and fastening of the door of the Capitol during the session of the National Council and the sitting of the Court.

SEC. 29. The Sheriff shall at all times keep the room of the Capitol clean and properly ventilated, and during the session of the National Council and Court well-warmed and supplied with pure water. It shall be his especial duty to cause to be prosecuted every person who shall be accused of violating the laws.

SEC. 30. The High Sheriff shall be a conservator of the peace with such general powers as are exercised by Sheriffs, besides such special or extraordinary powers as may be conferred upon him by law. He shall wait upon, open and adjourn the session of the Court and execute its mandates. He shall also wait upon and execute all orders of the National Council we shall have full authority during the session of the Council, and at all other times to suppress within the vicinity of the Capital all riotous broils, obscene, or other improper conduct, and to enforce obedience to the law and may, whenever necessary, summons any extra adequate force to his assistance; he may summarily arrest, im-

prison, and hold untilduly sober, any person acting improperly, while under the influence of intoxicating drinks, and arrest, and imprison, all persons who may be guilty of a breach of the peace at or about the same of government.

SEC. 31. The High Sheriff shall have general supervision of the lower sheriffs, and see that they properly execute the laws in their respective districts, and he shall see that all taxes are collected as provided by law.

ARTICLE X.

Duties of the Prosecuting Attorney.

SEC. 32. The Prosecuting Attorney shall be elected at the same time and in the manner that executive councilors are elected, and his term of office shall be that of the National Council electing him, and such prosecuting attorney before he enters upon the duties of his office shall be commissioned by the principal chief, his compensation shall be two hundred dollars per annum.

SEC. 33. That it shall be the duty of the prosecuting attorney to prosecute in behalf of the Nation all persons charged with criminal offences that may be brought before the court of the Nation, and be required to take the following oath or affirmation: "You do solemnly swear that you as prosecuting attorney for and on behalf of the Nation, will, to the best of your skill and ability prosecute all persons charged with criminal offences that may be brought before the court, and that you will not take or receive any remuneration of any person charged with any criminal offence, but will be faithful to the Osage Nation in all prosecutions to the best of your ability, so help you God."

SEC. 34. There shall be a National Secretary, who shall be elected by the council for the term of two years, he shall be clerk of the council and court and shall keep a record of all the proceedings of both the council and court; and perform such other duties that may be provided by law.

ARTICLE XI.

Attorney.

SEC. 35. Before any citizen shall be allowed to appear before the court of this Nation for the purpose of practicing at law he shall obtain a license from the clerk thereof, and pay in advance annually the sum of five dollars to practice before the court, and be required to take an oath that he will to the best of his knowledge and ability support and defend all cases that may be entrusted to his care.

SEC. 36. Any person engaged in the practice of law agreeable to the provisions of this act, who shall be convicted before the court of bribing or otherwise influencing any person to keep them from appearing at court, or proving unfaithful to their duties and oaths, shall be subject to a fine of twenty-five dollars, and the revocation of their license. All fines collected under the provision of this act shall be paid into the treasury.

ARTICLE XII.

Lawful Fences.

SEC. 37. A fence nine rails high, with cracks not exceeding four inches wide, for four rails up said fence, and a fence seven good rails high well staked and ridged, shall also be considered a lawful fence, and a board or wire fence four feet high with post eight feet apart, shall also be a lawful fence; and any stock whatever, that may breake into the field of any person or persons having a lawful fence, the owner of such property shall be responsible for the damages done.

ARTICLE XIII.

AN ACT prohibiting the sale of timber and stone.

SEC. 38. No person or persons shall be allowed to sell to citizens of the United States any timber, rails, boards,

or stones, under the penalty of being liable to a fine in a sum of not less than twenty-five nor exceeding fifty dollars for every such offence, or in default of payment shall be imprisoned for any term not exceeding thirty days at the discretion of the court.

ARTICLE XIV.

Permits to employ or rent to U. S. citizen.

SEC. 39. Any citizen of this Nation who may desire to employ or rent to a citizen of the United States shall be required to obtain a permit for that purpose from the Osage Council, and be approved by the Indian agent and the Indian Office at Washington.

SEC. 40. For all such permits granted the national secretary shall require of the person obtaining it one dollar for every month or fraction of a month for which it is granted. He shall report to the treasurer at the end of each quarter and turn over to him all the receipts that may come into his hands for the quarter then ending.

SEC. 41. After the expiration of the time of the permits, such person shall be deemed an intruder, and it is made the duty of prosecuting attorney to report the same to the Indian agent.

SEC. 42. Any citizen of this Nation who shall hire or employ any citizen of the United States in any other manner than as provided in the first section of this article shall be deemed guilty of a misdemeanor, and, upon conviction, be fined in any sum not less than twenty-five nor exceeding fifty dollars, at the discretion of the court; and in default of payment be imprisoned, not less than fifteen nor exceeding thirty days. No permits shall be granted longer than one year. Persons holding such permits shall be allowed two span of horses or oxen, two cows and calves, and ten

hogs, all stock over this number as above specified shall be taxed.

ARTICLE XV.

Drover's Taxes.

SEC. 43. Every person not a citizen of this Nation, driving stock into this Nation for the purpose of grazing or feeding the same shall be liable to a tax at the rate of five cents a head per month.

SEC. 44. It shall not be lawful for any citizen of this Nation to hold within the limits of the Osage Nation, for the purpose of grazing or feeding, any stock belonging to a citizen of the United States, until first procuring a permit from the National Council for that purpose, and paying a tax as provided by law. Any citizen of this Nation violating the provisions of this act shall be liable to a fine of one hundred dollars, and in default of payment be imprisoned not less than thirty nor more than fifty days.

In all cases where a sheriff or other person acting under lawful authority, has reason to believe that efforts are being made to evade the provisions of this Act by collusion of some citizen of this Nation, with the owner of stock, such citizen claiming to be the owner, such sheriff or other person shall require the claimant to exhibit his bill of purchase of the stock in question; if deemed necessary to arrive at the facts, he may put such claimant or any other person supposed to be cognizant of the facts in the premises, upon oath, and question him or them as to the bona fide ownership of such stock, and in all such cases, if it appears that there has been fraud attempted for the purpose of evading the revenue laws of this nation, then and in that case there shall be levied double the amount of tax which would otherwise have been made. All money collected under the provisions of this Act shall be paid into the Treasury.

ARTICLE XVI.

Fixing Compensation of Officers.

SEC. 45. From and after the first Monday of November, 1882, the salary and pay of the following officers and persons in the employ of the Osage Nation shall be as follows. to wit:

Principal Chief.	Per annum. .	\$300 00
Assistant Principal Chief.	“ “	200 00
Supreme Judges, each.	“ “	100 00
Members of National Council, each. “ “		100 00
National Clerk.	“ “	200 00
High Sheriff.	“ “	100 00
Sheriffs, each.	“ “	80 00

Executive Councilors shall each receive a compensation for their services which shall be two dollars per day while in actual service.

 CHAPTER III.

ARTICLE I.

AN ACT relating to the judiciary.

SECTION 1. That the seat of the Osage Government is hereby established at Pawhuska.

SEC. 2. The court established under the Government of this Nation, shall have jurisdiction of all suits rising under the Constitution and laws of the Osage Nation.

SEC. 3. There shall be established a Supreme Court which shall consist of one Chief Justice, and two associate judges. who shall decide all civil cases.

SEC. 4. It shall be the duty of the three judges to choose two persons of good character and knowledge, who shall in

conjunction with them, constitute a court for the purpose of hearing and deciding, all criminal cases. The compensation of persons chosen shall be one dollar and fifty cents per day while in actual service.

SEC. 5. No citizen of the Osage Nation who may be employed by the United States Government, as police, shall be chosen to sit as judge in the court of the Osage Nation.

SEC. 6. The commencement of all suits shall be by summons obtained from the clerk of the court, and which summons shall state the nature of the case upon which proceedings are founded, and be served by some lawful officer at least twenty days before the holding of said court, and such summons shall be returnable to the clerk with a certificate of service, and the court shall give judgment as the right of the cause, and the matter in law shall appear under them without regarding any imperfection, defect or want of form in such summons in process.

ARTICLE II.

Duties of Sheriffs.

SEC. 7. There shall be one Sheriff in each District, who shall enter into bonds with security to the amount of three hundred dollars for the faithful execution of 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 said office; according to the best of my ability, without fraud or partiality. It shall be the duty of the Sheriffs to attend the court 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 judgements of the court, and also to arrest and cause to be tried all persons who may be charged with criminal offences, and in case of resistance or strong apprehensions of resistance, the Sheriff shall summons such number of citizens as may be necessary to arrest

any person or persons against whom criminal charges may be alleged, and to confine the same in jail until convicted or acquitted ; should any person charged with criminal violation of law resist any lawful officer, or person authorized to cause 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 person shall not be held guilty of murder.

ARTICLE III.

Relating to District.

The following divisions of the Osage Nation into five districts shall continue until altered by law, to wit :

PAWNEENOPAHSHE DISTRICT.

SEC. 8. Commencing at the Pawnee crossing on the Arkansas River, thence along the old Pawnee road, to the Elm Spring, thence along the Salt Creek road to the top of the dividing ridge between Hominy and Clear Creeks, thence in a direct line to where the Kaw road crosses the flint hills, thence along said flint hills to the State line, thence west along said line to the Kaw boundary, thence along said boundary to the Arkansas River, thence along said river to the place of beginning.

BLACK DOG DISTRICT

SEC. 9. Commencing at the Elm Spring, thence south in a direct line to Prominent mound, thence in a direct line to where the Cherokee line crosses Delaware creek, thence south along said line to the Arkansas river, thence up said river to the Pawnee crossing, thence bounded by the first district.

CLAMMORE DISTRICT.

SEC. 10. Commencing at the top of the dividing ridge, between Hominy and Clear creeks, thence east along said division to where the Cherokee line crosses Bird creek, thence

south along said line to Delaware creek, to be bounded on the south by the Second, and on the west by the First districts.

PAWHUSKA DISTRICT.

SEC. 11. Commencing where the Cherokee line crosses Bird creek, thence north along said line to Sand creek, thence west in a direct line to Gus Strikeaxe's place, between Mission and Rock creeks, thence in a direct line to where the Elgin road crosses Rock creek, thence in a direct line to the flint hills at the head of Bird creek, to be bounded on the west by the First, and on the south by the Third districts.

STRIKEAX DISTRICT.

SEC. 12. Commencing where the Cherokee line crosses Sand creek, thence along said line north to the State line, thence along said line to the Flint hills, thence along said hills to the head of Bird creek, to be bounded on the south by the Fourth district.

Resolved by the National Council:

SEC. 13. That we accept the sum of one hundred (100) dollars per year from the Indian agent in charge, in full for all salaries due us for services as members of the Osage Council, and that we ask the judges of the Osage Nation to accept one hundred (100) dollars per annum in full for their services as judges of the Osage Nation, to be paid as aforesaid, also, that all other officers whose salaries are prescribed at a stated amount per annum, be asked to receive thereby as above; all of the above salaries to be paid from our tribal funds in the hands of the United States Government.

Provided, That all the aforesaid officers shall receipt for the same in full for all moneys due them as officers of this nation, for the time for which they are paid.

Approved March 4th, 1882.

(SIGNED,) JOSEPH PAW-NE-NO-PAN-SHE,

Principal Chief.

E. M. MATHEWS, *Secretary.*