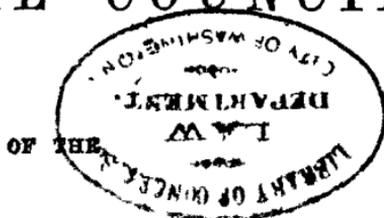


*18* *of* *the* *Choctaw* *nation.* *Same* *statutes,* *etc*

# ACTS AND RESOLUTIONS

OF THE

## GENERAL COUNCIL



# CHOCTAW NATION,

AT THE CALLED SESSIONS THEREOF, HELD IN APRIL  
AND JUNE 1858, AND THE REGULAR SESSION  
HELD IN OCTOBER, 1858.

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PUBLISHED BY AUTHORITY OF THE GENERAL COUNCIL.

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FORT SMITH, ARK.  
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1859.



12513

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**FORT SMITH:**  
**WHEELER & SPARKS, PRINTERS.**  
**Washington Street, Garrison Block, two doors from City Hotel.**

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## CERTIFICATE.

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**This is to certify that the following printed Acts and Resolutions, passed by the General Council of the Choctaw Nation, at the called sessions thereof, held in April and June 1858, and at the regular session held in October 1858, are just and true copies from the originals in the office of the National Secretary.**

Given under my hand and seal of office, this the third day of March, one thousand eight hundred and fifty-nine.

**JOSEPH R. HALL,**

*National Secretary.*

# CONSTITUTION

OF THE

# CHOCTAW NATION.

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

Chickasaw district, then an offset shall be made from said line so as to leave said Academy two miles within the Chickasaw district, north, west and south from the lines of boundary; said boundaries being the limits of the Chickasaw Nation, assembled in convention at the town of Skullyville, on Monday the fifth day of January one thousand eight hundred and fifty-seven, in pursuance of an act of the General Council for that purpose, approved November the seventh, one thousand eight hundred and fifty-six; in order to secure to the citizens thereof the rights of life, liberty and property, do ordain and establish the following Constitution and form of government, and do mutually agree with each other to form ourselves into a free and independent Nation, not inconsistent with the constitution, treaties and laws of the United States, by the name of the Choctaw Nation.

## ARTICLE I.

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

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

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

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

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

**SEC. 5.** That the people shall be secure in their persons, houses, papers and possessions, from unreasonable seizures and searches; and that no warrant to search any place, or seize any person or thing, shall issue without describing the place to be searched, and the person or thing to be seized, as nearly as may be, nor without probable cause supported by oath or affirmation. But in all cases where suspicion rests on any person, or persons, of conveying or secreting whiskey, or other intoxicating liquor, the same shall be liable to search or seizure as may be hereafter provided by law.

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

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

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

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

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

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

**SEC. 12.** That all prisoners shall, before conviction, be bailable by sufficient securities, except for capital offences, where the proof is evident or the presumption great, and the privilege of the writ of *habeas corpus* shall not be

suspended, unless where in case of rebellion or invasion, the public safety may require it.

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

SEC. 14. No conviction for any offence shall work corruption of blood or forfeiture of estate. The General Council shall pass no bill of attainder, retrospective law, nor law impairing the obligation of contracts.

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

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

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

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

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

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

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

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

## CONCLUSION.

To guard against transgressions of the high powers herein delegated: WE DECLARE, That every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all

laws contrary thereto, or to the following provisions, shall be void.

## ARTICLE II.

### DISTRIBUTION OF POWER.

SEC. 1. The powers of the government of the Choctaw Nation shall be divided into three distinct departments and each of them confided to a separate body of magistracy, to wit: Those which are legislative to one, those which are judicial to another, and those which are executive to another.

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

## ARTICLE III.

### LEGISLATIVE DEPARTMENT.

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

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

SEC. 3. The legislative power of this Nation shall be vested in two distinct branches, the one to be styled "the Senate," the other "the House of Representatives," and both together, "the General Council of the Choctaw Nation," and the style of their laws shall be, "Be it enacted by the General Council of the Choctaw Nation."

SEC. 4. The members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of two years from the day of the general election and no longer.

SEC. 5. All elections by the people shall be by ballot and shall be regulated by law.

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

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

SEC. 8. Elections for representatives for the several counties shall be held at the places of holding their respective courts, or in the several election districts into which the county may be divided. That when there are two or more counties adjoining, which have residuums over and above the ratio then fixed by law, if such residuums, when added together, will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

SEC. 9. The General Council shall, at their first session and at periods of not less than every four nor more than every eight years cause an enumeration to be made of all free inhabitants of this Nation, and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the Council and apportioned among the several counties, according to the number of free inhabitants in each, and shall not be less than seventeen nor more than thirty-five: *Provided, however,* That each county shall always be entitled to at least one representative.

SEC. 10. The whole number of Senators shall at the periods of making the enumeration beforementioned, be fixed by the General Council, and apportioned among the several districts to be established by law, according to the number of free inhabitants in each, and shall never be less than one-third nor more than one-half of the whole number of representatives.

SEC. 11. The senators shall be chosen by the qualified electors for four years, and on their being convened in consequence of the first election; they shall be divided by lot from their respective districts into two classes as near equal as can be. And the seats of the senators of the first class shall be vacated at the expiration of the second year.

SEC. 12. Such mode of classifying new additional senators shall be observed as will, as nearly as possible, preserve an equality of members in each class.

SEC. 13. When a senatorial district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district, and no county shall be divided in forming a district,

SEC. 14. No person shall be a senator unless he be a citizen of the Choctaw Nation and shall have been an inhabitant thereof for two years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of thirty years.

SEC. 15. The House of Representatives, when assembled, shall choose a speaker and its other officers, and the Senate shall choose a president and its officers, and each shall judge of the qualifications and elections of its own members, but a contested election shall be determined in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

SEC. 16. Each house may determine the rules of its own proceedings, punish members for disorderly behavior, and with the consent of two-thirds, expel a member, but not a second time for the same cause.

SEC. 17. Each house shall keep a journal of its proceedings and publish the same, and the yeas and nays of the members of either house, on any question, shall at the desire of any three members present, be entered on the journal.

SEC. 18. When vacancies happen in either house, the Governor, or the persons exercising the powers of the Governor, shall issue writs of election to fill such vacancies.

SEC. 19. Senators and Representatives shall, in all cases except of treason, felony, or breach of the peace, be privileged from arrest during the session of the General Council, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the General Council is convened.

SEC. 20. Each house may punish by imprisonment, during the session, any person not a member, for disrespect-

ful or disorderly behavior in its presence, or for obstructing any of its proceedings, provided such imprisonment shall not at any one time, exceed forty-eight hours.

SEC. 21. The doors of each house shall be opened, except on such occasions of great emergency as, in the opinion of the house may require secrecy.

SEC. 22. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 23. Bills may originate in either house and be amended, altered or rejected, by the other; but no bill shall have the force of a law, until on three several days, it be read in each house, and free discussion be allowed thereon, unless four-fifths of the house in which the bill shall be pending may deem it expedient to dispense with this rule; and every bill having passed both houses, shall be signed by the speaker and the president of their respective houses.

SEC. 24. All the bills for raising revenue shall originate in the House of Representatives; but the Senate may amend or reject them as other bills.

SEC. 25. Each member of the General Council shall receive from the public treasury a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall have been made.

SEC. 26. No Senator or Representative shall, during the term for which he shall have been elected, nor for one year thereafter, be appointed to any civil office of profit under this nation, which shall have been created, or the emoluments of which shall have been increased, during such term; except such offices as may be filled by elections by the people, and no member of either house of the General Council, after his election, and during the remainder of the term for which he is elected, be eligible to any office or place, the appointment to which may be made in whole or in part by either branch of the General Council.

SEC. 27. No person holding a lucrative office under this Nation shall be eligible to the General Council.

SEC. 28. No person who hath heretofore been, or hereafter may be a collector or holder of public moneys, shall have a seat in either house of the General Council, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable

**SEC. 29.** The first election for Senators and Representatives shall be general throughout the Nation, and shall be held on the first Wednesday in August, 1857, and thereafter there shall be biennial elections for Senators to fill the places of those whose term of service may have expired.

**SEC. 30.** The first and all future sessions of the General Council shall be held in the town of Boggy Depot, until the Seat of Government shall be fixed by the General Council elsewhere. The sessions of the General Council shall commence on the first Monday in October each and every year, and shall be held annually, until biennial sessions shall be directed by law.

**SEC. 31.** The Governor, National Secretary, National Treasurer, National Auditor and National Attorney, shall reside at or near the Seat of Government.

## ARTICLE IV.

### JUDICIAL DEPARTMENT.

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

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

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

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

**SEC. 5.** All vacancies that may occur in said court, from

death, resignation, or removal, shall be filled by election, as aforesaid: *Provided, however,* That if the unexpired term do not exceed one year, the vacancy shall be filled by executive appointment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and admitted to a hearing in his own defence, before any vote on such address shall pass. The vote on such address shall be taken by yeas and nays, and entered on the journal of each house.

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

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

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

SEC. 2. The Governor shall be elected by the qualified electors of the Nation. The returns of every election for Governor shall be sealed up and transmitted to the National Secretary, who shall deliver them to the Speaker of the House of Representatives at the next ensuing session of the General Council; during the first week of which session the said speaker shall open and publish them in the presence of both houses of the General Council. The person having the highest number of votes shall be Governor; but if two or more shall be equal, or highest in votes, then one of them shall be chosen Governor by the joint ballot of both houses of the General Council. Contested elections for Governor shall be determined by both houses of the General Council in such manner as shall be prescribed by law.

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

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

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

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

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

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

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

SEC. 10. All commissions shall be in the name and by the authority of the Choctaw Nation, be sealed with the great seal, and signed by the Governor, and be attested by the National Secretary.

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

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

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

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

SEC. 15. The National Secretary shall be elected by the qualified electors of the Nation, and continue in office during the term of two years. He shall keep a fair regis-

ter of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the General Council, and shall perform such other duties as may be required of him by law.

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

SEC. 17. Every order, resolution or vote, to which the concurrence of both houses may be necessary, except resolutions for the purpose of obtaining the joint action of both houses, and on questions of adjournment, shall be presented to the Governor, and before it shall take effect be approved by him, or being disapproved, shall be re-passed by both houses, according to the rules and limitations prescribed in case of a bill.

SEC. 18. Whenever the office of Governor shall be come vacant by death, resignation, removal from office or otherwise, the President of the Senate shall exercise the office of Governor until another Governor shall be duly qualified, and in case of the death, resignation, removal from office, or other disqualification of the President of the Senate so exercising the office of Governor, the Speaker of the House of Representatives shall exercise the office, until the President of the Senate shall have been chosen, and when the office of Governor, President of the Senate and Speaker of the House, shall become va-

cant in the recess of the Senate, the person acting as National Secretary, for the time being, shall, by proclamation, convene the Senate, that a President may be chosen to exercise the office of Governor; said National Secretary exercising the office of Governor until the Senate convene and choose a President.

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

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

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

#### MILITIA.

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

SEC. 2. Commissioned officers of the Militia (staff officers and the officers of voluntary companies excepted) shall be elected by the persons liable to perform military duty and the qualified electors within their respective commands and shall be commissioned by the Governor.

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

#### ARTICLE VI.

##### IMPEACHMENTS.

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

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

SEC. 3. The Governor and all civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend further than removal from office and disqualification to hold any office of honor, trust, or profit, under the Nation; but the party convicted, shall, nevertheless, be liable and subject to indictment, trial and punishment according to law, as in other cases.

## ARTICLE VII.

### GENERAL PROVISIONS.

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

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

SEC. 3. Every person shall be disqualified from holding an office or place of honor or profit under the authority of this Nation, who shall be convicted of having given or offered any bribe to procure his election. Laws shall be made to exclude from office and from suffrage those who shall hereafter be convicted of bribing, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting under adequate penalties, all undue influence therein, from power, bribery, tumult or other improper conduct.

SEC. 4. No person who denies the being of a God, or a future state of rewards and punishments, shall hold any

office in the civil department of this Nation, nor be allowed to testify on oath, in any court of justice.

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

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

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

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

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

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

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

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

## SLAVES.

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

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

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

## MODE OF REVISING THE CONSTITUTION.

Whenever two-thirds of each branch of the General Council shall deem any change, alteration, or amendment necessary to this Constitution—such proposed change, alteration or amendment, shall be read and passed by a majority of two-thirds of each House respectively on each day, for three several days—public notice thereof shall then be given by the National Secretary at least six

months preceding the next General election, at which the qualified electors shall vote directly for or against such change, alteration, or amendment. And if it shall appear that a majority of of the qualified electors voting for members of the General Council, shall have voted for the proposed change, alteration or amendment, then it shall be inserted by the next succeeding General Council, as a part of this Constitution, and not otherwise.

#### SCHEDULE.

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

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

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

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

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

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

SKULLYVILLE, C. N., January 1857.

**TANDY WALKER,**  
President of the Convention.

S. S. FISHER,	}	Clerks.
WM. B. PITCHLYNN,		
S. P. WILLIS,		

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**DELEGATES OF THE CONVENTION.**

ROBT. KINCAID,  
E. W. FOLSOM,  
KENNEDY McCURTAIN,  
WM. CASS,  
MISHAMAH TUBBEE,  
McKEE KING,  
JAS. THOMPSON,  
JOHN PAGE,  
JAS. GARLAND,  
MITCHELL LEFLORE,  
WM. JAMES,  
JOHN LEWIS,

L. D. GARLAND,  
BUSHPO TUPPAH,  
COLEMAN COLE,  
SWINNEY FRAZIER,  
ALFRED WADE,  
WM. ROEBUCK,  
J. E. DWIGHT,  
DANIEL FOLSOM,  
JACOB FOLSOM,  
JOHN McINTOSH,  
WM. K. STUART,  
FRANSUA BATTIEST.

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## ACTS AND RESOLUTIONS

PASSED AT THE

CALLLED SESSION IN APRIL 1858.

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**An Act entitled an Act enabling the Governor of the Choctaw Nation in certain cases to fill vacancies in office.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation,* That from and after the passage of this act, the Governor of the Choctaw Nation shall have power to **fill by appointment** all vacancies in any of the County Offices of this Nation, whenever such vacancies shall occur in consequence of the negligence of the voters at the regular time for holding elections, or in consequence of a disposition to refuse allegiance to the Constitution and laws of the land, or when such vacancies shall occur by removal from office, removal of place of residence, resignation or death, and shall issue commissions to officers so appointed, as in cases of regular elections.

Approved 16th April 1858.

**An Act entitled an Act extending the time for taking the Census.**

SEC. 1. *Whereas*, There have been unavoidable delays in filling the office of Sheriff in some counties, and whereas, a number of vacancies still exist in that office, it is hereby enacted by the General Council of the Choctaw Nation, That the time for making returns of the census for the year 1858, as ordered in an act providing for taking the census of the Choctaw Nation, passed Nov. 3d, 1857, be extended to the first day of the session of the General Council of the Choctaw Nation to meet in October 1858.

Approved, 16th April, 1858.

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**An Act entitled an Act altering and defining the Boundaries of Jack's Fork County.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the Act passed session 17th 1850, Sec. 3d, Sub Sec. 3d, shall be so amended as to read thus:

The Jack's Fork county line shall commence on Muddy Boggy at the mouth of Oskitalaya or Ishtehkubbee's creek, thence up said creek along the Kiamishi county line to the source of Beaver dam; thence down said Beaver dam to Kiamishi stream, thence north and west along the Pushmataha District boundary to where the same crosses the road leading from Fort Smith to Fort Washita, thence along the said road to the muddy fork or middle fork of Boggy; thence down said stream to the beginning.

Approved, 16th April, 1858.

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**An Act entitled an act regulating the manner of constituting Juries and establishing the pay of Jurors.**

SEC. 1. *Re it enacted by the General Council of the Choctaw Nation*, That from and after the passage of this act, all courts before whom juries are required, may order the Sheriff or other officer to summon a sufficient number of jurors.

SEC. 2. *Be it further enacted*, From and after the passage of this act, it shall be the duty of the Police Court of each county, at the first term of such court, after the adjourn-

ment of the Circuit Court, to make out and cause to be delivered to the Sheriff a list of not less than nineteen, nor more than twenty-two persons, qualified to serve as jurors, and residents of the county for which they are summoned, and it shall be the duty of the Sheriff to summon such jurors at least twenty days before the next term of the Circuit Court to be held in and for the county, to appear on the first day of said term, to serve as grand and petit jurors."

SEC. 3. *Be it further enacted*, If the term of the Police Court in any county, at which jurors ought to be selected, shall not be held, it shall be the duty of the Sheriff at least twenty days before the next term of the Circuit Court of said county to summon not less than nineteen nor more than twenty-two persons qualified to serve as jurors who shall appear at the first day of said court.

SEC. 4. *Be it further enacted*, That if nineteen of the jurors summoned to serve as jurors, shall not attend on the first day of the Circuit Court, such court shall order the Sheriff, or his deputy, forthwith to summon a sufficient number of persons, qualified to serve as jurors, to supply the deficiency,

SEC. 5. *Be it further enacted*, That every juror shall be a free citizen of the Choctaw Nation, over the age of twenty-one years, resident of the county and otherwise qualified according to law."

SEC. 6. *Be it further enacted*. That every juror shall be summoned by the Sheriff or other officer, either personally or by a written notice left at the residence of such juror.

SEC. 7. *Be it further enacted*, Any grand juror may be indicted by the grand jury of which he is a member, but when any complaint shall be lodged against a grand juror, the foreman shall inform the Attorney for the district thereof, and if on examination, there are grounds for proceedings against such juror, he shall inform the court thereof and the court shall discharge such juror and cause another to be summoned, if necessary.

SEC. 8. *Be it further enacted*, That from the number of jurors summoned as aforesaid and attending any Circuit Court, the Clerk of said court and the Sheriff shall draw alternately, by lot, seven persons, who shall constitute the grand jury to serve during the term for which they are summoned, who shall be sworn to enquire into and pre-

sent to the District Attorney all treasons, murders, felonies, or misdemeanors against the laws of this Nation, within their respective counties.

SEC. 9. *Be it further enacted*, That from the whole number of grand jurors, the court shall appoint a Foreman, and a concurrence of five out of seven shall in every case be necessary for the indictment of any person for violating the laws of this Nation.

SEC. 10. *Be it further enacted*, That the grand jurors, when sitting for that purpose, shall have power to summon any person or persons as witnesses in cases of offences against the laws of this Nation, and the Sheriff, or his deputy, shall be subjected to their orders to cause the attendance of such witnesses.

SEC. 11. *Be it further enacted*, That the remaining jurors, after the grand jury shall have been constituted as required in this act, shall constitute the petit jury and shall set for the trial of all cases that may come before the Circuit Court at the time for which they were summoned to attend, under the following rules and regulations, viz: The names of the petit jurors shall be written down and the clerk shall present the list to the defendant and plaintiff, and each party shall be entitled to three peremptory challenges; and the court shall order the Sheriff or his deputy, to summon other suitable persons to serve as jurors subject to rejection by either party alternately, the defendant having the first right to object; *Provided*, sufficient cause be shown the court for such rejection, and the court shall continue to cause suitable persons to be summoned as jurors until twelve jurors shall be empanelled.

SEC. 12. *Be it further enacted*, That no person shall serve as a petit juror who is related to either party to a suit within the fourth degree of consanguinity or affinity, unless by the consent of both parties.

SEC. 13. *Be it further enacted*, That no exception against any juror on account of his citizenship, non-residence, age, or other disability, shall be allowed after the juries are sworn.

SEC. 14. *Be it further enacted*, That the following oath shall be administered to all petit jurors: "You and each of you do swear that you will well and truly try the issue of the case now before you and a true verdict give accor-

ding to law and evidence, unless dismissed by the court or withdrawn by either of the parties.”

SEC. 15. *Be it further enacted*, That the service of jurors shall be equalized as nearly as practicable among the citizens liable to be summoned as jurors, and grand jurors shall not be compelled to serve as petit jurors during the same term.

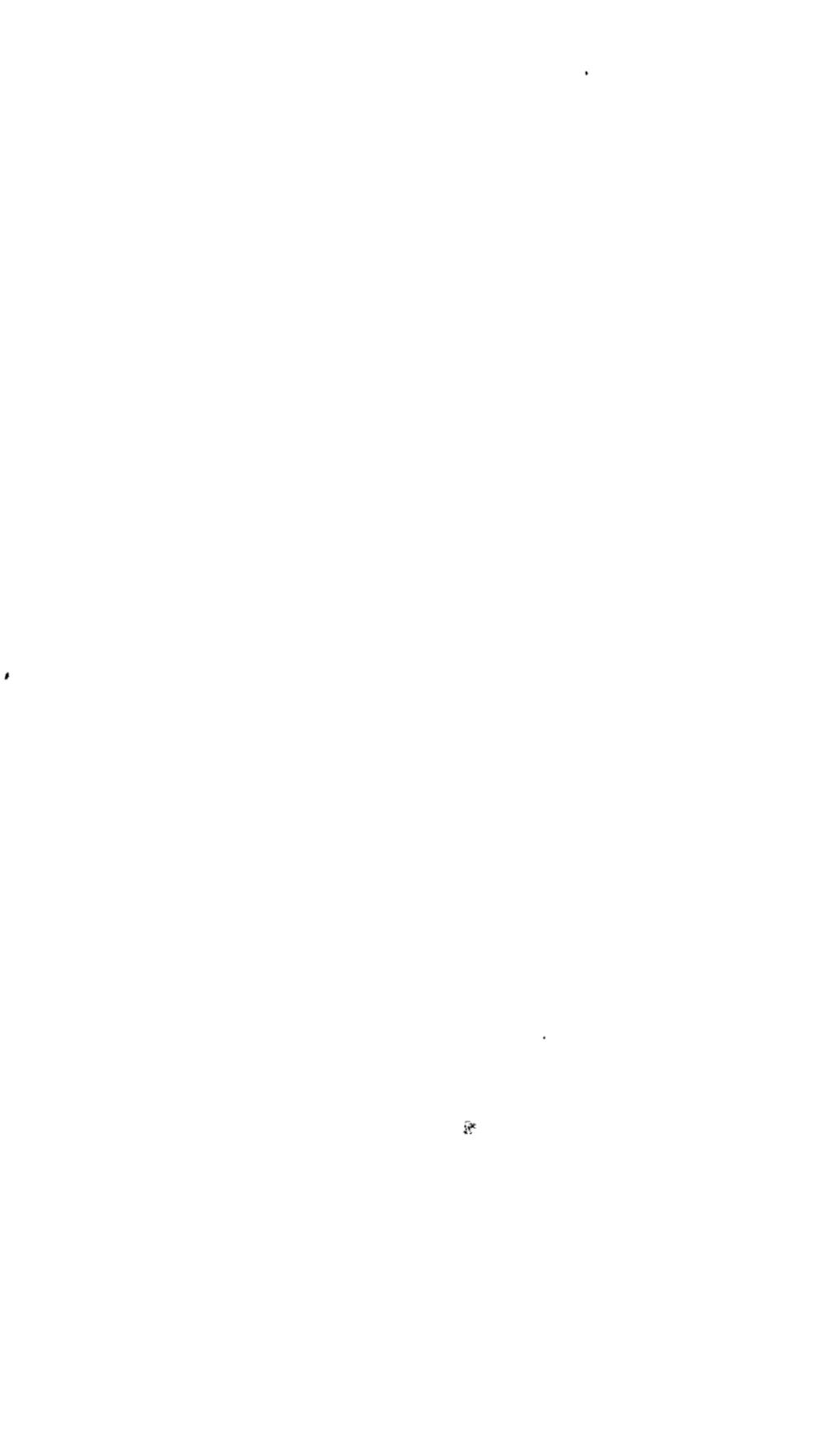
SEC. 16. *Be it further enacted*, That all jurymen summoned according to the provisions of this act, shall be entitled to receive three cents per mile, going to and returning from court, and fifty cents per day to be paid out of the county treasury, excepting those jurors who shall serve on civil cases, whose fees shall be paid by the party or parties losing the suit, and the same shall be attached to the bill of costs.

SEC. 17. *Be it further enacted*, That all acts or parts of acts in anywise conflicting with the provisions of this act be and the same are hereby repealed,

Approved, 16th April 1858.

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# ACTS AND RESOLUTIONS

PASSED AT THE

CALLED SESSION IN JUNE 1858.

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**Resolutions of the Council in reference to the opposition to the existing government.**

*Whereas*, The General Council of the Choctaw Nation in called session convened, having official information through the message of his Excellency, the Governor, of the continued excitement and disaffection to the existing government pervading some of the counties of the Nation situated on Red River, amounting to such opposition thereto, as to have induced the assembling of a convention without the sanction of precedent, the form or validity of law, which convention has actually put forth a constitution for the Choctaw Nation, suiting their own views and antagonistic to the existing one, and through the proclamation of their presiding officer called upon the vo-

ters of the entire nation, to vote at a given day in the future upon the question, whether the constitution thus set up, as the legal one in existence, shall be the proper constitution of this Nation.

*And whereas,* As the General Council is forced to regard the movements and acts of such of their fellow citizens, as revolutionary in their character and broadly tending to the worst consequences to the whole people, in their sacred rights, as freemen, of life, liberty and property, and every moral, social and religious right that should bless and dignify a Nation, hereby solemnly deliberately, and firmly declare,

*Be it resolved by the General Council of the Choctaw Nation,* That they view with sorrow and serious alarm the strange and unaccountable conduct of a portion of the citizens of the Choctaw Nation, in agitating the minds of the people of certain localities, in hostility to the form of the existing government, and setting up a form of government in direct opposition to it, without pursuing the course in such cases prompted by prudence, patriotism, law, or precedent and liberal usage.

*Resolved further,* That we, the immediate representatives of the whole people, duly elected and sworn to support the present legal government, respectfully, seriously, with a sole desire to restore peace and harmony, satisfy the wants in such matters of a majority of our fellow citizens and perpetuate the blessings of good government, hereby admonish our fellow citizens, who are opposed to us in sentiments, to yield at once, their open, hostile, opposition to the government, give it a fair and full test for their favor and frown upon any other than a regularly legal mode to effect any changes or alterations to the constitution they may desire.

*Resolved further,* That we express the confident assurance that the peace measures, herein recommended, must, if observed, result in a restoration of the brotherly feeling and unity in all matters of public concern for which our people have ever been distinguished, and prove the surest way to reach the changes in our form of government which may be demanded by any respectable number of our people.

Approved, 19th June, 1858.

**An Act entitled an act to prevent the holding of unlawful Elections and prescribing the penalty therefor.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation,* That any person or persons who shall order or direct, or who may be engaged as judge, clerk, sheriff, or returning officer, or in any other capacity, at any election in the Nation, held by direction of any person other than an officer duly elected, qualified and so empowered under the present Government, or under any law not legally passed by the proper and regularly constituted law making power of this Nation, or at such times and places as in like manner prescribed, shall upon conviction by indictment, before the Circuit Court, be deemed guilty of a misdemeanor and shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars, and also, be imprisoned in the county jail of any county the court may direct, for a term not less than six months nor more than twelve months, at the discretion of the court.

SEC. 2. *Be it further enacted,* That all fines thus collected shall be paid, one half to the informer and the other half to the proper county for county purposes.

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

Approved, 19th June 1858.

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**An Act entitled an act increasing the pay of certain officers and giving pay to certain other officers therein named.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation,* That in addition to the pay now fixed by law for such officers, each lighthorseman of this Nation, shall be allowed the sum of fifty dollars per annum for his services to be paid in the same manner now prescribed by law for their regular pay, out of the National Treasury.

SEC. 2. *Be it further enacted,* That in addition to the fees and perquisites now allowed by law to such county officers, for their services, each sheriff shall be entitled to receive the sum of fifty dollars per annum, each Probate Judge, fifty dollars per annum, each justice of the peace, twenty five dollars per annum, and each constable twenty five dollars per annum, to be paid in like manner and at such times, out of the National Treasury as now prescribed by law for other officers.

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

Approved, 19th June, 1858.

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**An Act entitled an act to increase the number of Lighthorsemen in the Nation.**

**SEC. 1.** *Be it enacted by the General Council of the Choctaw Nation,* That whenever any number of the citizens of this Nation desire to have one or more lighthorsemen to serve in any particular place, they may make written application to the Governor to that effect, setting forth the name of the person or persons, thus to serve, and the Governor shall commission such person or persons in the same manner, for the same length of time, who shall take the oath of office prescribed in the Constitution in like manner, possess the same power and perform the same duties; be subject likewise to the direction and control of the Governor and be under the command of the same Captain, now prescribed by law for the regular corps of lighthorsemen.

**SEC. 2.** *Be it further enacted,* That any person or persons receiving appointment and being commissioned under this act, shall be furnished with arms and paid for their services exclusively by the citizens and others who petition for such appointments, and that the nation shall not pay, nor be in any manner bound, for compensation for their services, and the Governor is hereby directed so to make known to each appointee and insert the same in his commission.

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

Approved, 19th June, 1858.

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**Resolution directing the appointment of commissioners to select a location for the seat of Government of the Nation.**

*Resolved by the General Council of the Choctaw Nation,* That the Governor is hereby requested to appoint one member of the Senate and two members of the House of Representatives, so selected, that each district shall be represented, who shall be commissioners, and are hereby

directed to make personal examination, of one or more convenient and desirable locations for the seat of Government of the Nation, and make full report thereof, to the next regular session of the General Council, for such action as they may deem proper to take.

Approved, 19th June 1858.

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**An act entitled an act to appropriate a certain sum of money for Ishkitini Homma.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation,* That the sum of seventeen dollars is hereby appropriated, to be paid to Ishkitini Homma for serving as lighthorseman from the 5th day of April to June 7th 1858, out of the National Treasury and the National Auditor is hereby directed to issue his warrant on the National Treasury for the same.

Approved 19th June 1858.

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**An act entitled an act authorizing the Governor to have the laws translated and printed in the Choctaw language.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation,* That the Governor of this Nation is hereby requested and authorized to employ J. E. Dwight, to finish the translation of the laws of 1857, together with the laws of 1858, up to the date of the adjournment of the present session, from the English into the Choctaw language, and to superintend the correction of proofs as the same are printed, and shall allow him as a compensation for such services, the sum of one hundred fifty dollars; besides his necessary expenses, to be paid out of the Treasury of the Nation, upon his written order, upon the back of said Dwight's account for services and expenses, when the National Auditor shall issue his warrant upon the National Treasurer who is hereby directed to pay the same.

SEC. 2. *Be it further enacted,* That the Governor is hereby authorized and instructed to have four hundred copies of the Constitution, and all the laws passed from October 1857 to the close of the present session, printed in pamphlet form, in the Choctaw language as soon as practicable, and is hereby further directed and empowered to pay for the same out of any funds in the

treasury, upon presentation of the account therefor, and the National Auditor is directed to issue his warrant for such sum and the National Treasurer is directed to pay the same.

SEC. 3. *Be it further enacted*, That when the Governor, or National Secretary, shall receive said copies of the laws they are hereby directed to distribute them as heretofore directed by law in such cases.

SEC. 4. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, 19th June 1858.

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**An act entitled an act to compensate Theodore Watkins for the use of his house for the meeting of the Senate.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the sum of thirty dollars, be and the same is hereby appropriated, out of any funds not otherwise appropriated, to be paid to Theodore Watkins for the use of his house by the Senate, during the sessions of April and June 1858, and the Auditor is hereby authorized to issue a warrant for the same.

Approved 19th June 1858.

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**An act entitled an act directing the collection of a tax upon licensed traders under the treaty of June 1855, and directing the manner of using such funds.**

SEC. 1. *Whereas*, the Agent of the United States for the Choctaw Nation, having approved the rate of assessment of an annual tax upon licensed traders within the Nation as directed by the 16th article of the treaty of 22d June 1855,

*Be it enacted by the General Council of the Choctaw Nation*, That the Governor is hereby authorized and directed, upon the first day of July in each and every year, to demand and receive, from all licensed traders, a tax of two per cent upon the whole amount of capital invested in trade in this Nation; said tax to be likewise computed, demanded and received for the year commencing on the first day of July 1856, to the first day of July 1857.

SEC. 2. *Be it further enacted*, That all sums received for such taxes, shall be by the Governor paid into the Nation-

al Treasury, to be used for National purposes ; *Provided*, a sum sufficient to purchase proper arms for the regular corps of lighthorsemen of the Nation, may be at any time drawn therefrom, on the written order of the Governor to the National Auditor who shall issue his warrant upon that fund, and the National Treasurer shall pay the same.

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

Approved June 19th 1858.

AGENCY FOR CHOCTAWS AND CHICKASAWS.

In conformity with Article 16th of the Choctaw and Chickasaw Treaty of 1855, I hereby approve the assessment of two per cent upon the capital employed by licensed traders among the Choctaws, as " a moderate annual compensation for the land and timber used by them."

Witness my hand this 12th day of August A. D. 1858.

DOUGLAS H. COOPER,

United States Indian Agent.

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## ACTS AND RESOLUTIONS

PASSED AT THE

### REGULAR SESSION IN OCTOBER 1858.

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**Resolutions authorizing the appointment of Commissioners on the part of the Choctaw Nation to confer with Commissioners on the part of the Chickasaw Nation on matters of international concern.**

*Be it resolved by the General Council of the Choctaw Nation,* That the Governor of this Nation be and is hereby authorized and empowered to appoint three citizens (one from each District) to act as Commissioners on the part of this Nation, to meet and confer with the same number of Chickasaw citizens to be appointed in like manner, to act as Commissioners on the part of the Chickasaw Nation, for the purpose of agreeing on a law or set of laws to be passed simultaneously by the General Council of one and the legislature of the other Nation, directing the man-

ner and means for the return of property escaping by chance or carried away by design, from one Nation into the other—the manner and means for the prompt surrender of fugitives, charged with criminal offences against the laws of either Nation, escaping into the jurisdiction of the other, and for the full and proper compliance of the 5th Article of the Treaty between the United States and the Choctaw and Chickasaw Indians, dated 22nd day of June 1855, on the part of both Nations; together with such other matter or matters of international concern as may be by said Commissioners, deemed proper and expedient.

*Be it further resolved,* That said Commissioners on the part of this Nation, so appointed as above directed, are requested to proceed at once to a discharge of the trust herein confided to them, and are directed to report their action without delay, through the Governor to the General Council.

*Be it further resolved,* That said Commissioners are hereby entitled to receive for their services, the sum of three dollars per day, for each day so employed, and upon the certificate of the Governor of the number of days they are engaged, and the amount due therefor, the National Auditor is hereby authorized and directed to issue his warrant therefor and the National Treasurer to pay the same out of any monies in the Treasury not otherwise appropriated.

Approved 11th October, 1858.

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**Resolution directing the removal of Creek Indians beyond the limits of this Nation.**

*Resolved by the General Council of the Choctaw Nation,* That the Governor of the Choctaw Nation be requested to call upon the United States Agent, Gen. D. H. Cooper, agreeably to the intention of the seventh article of the Treaty of 1855; that he may cause the speedy removal of any Creek Indians settling within the limits of this Nation, without permission from the General Council and embarking in the traffic of spirituous liquors.

Approved 11th October 1858.

**An act entitled an act conferring citizenship upon certain Beluksha Indians therein named.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation,* That the following named individuals with their families, of the Beluksha clan of people, viz:

Oakchatubbee and seven in his family.

Coochahtubbee and four in his family.

Sockayubbee.

Chuffahtiyubbee and one in the family.

Oaklachukmubbee and one in the family.

Chakta and six in the family.

Watunla and seven in the family.

Ibbafohkatubbee and three in the family.

Tuckchetubbee and four in the family.

Washasha and five in the family.

Toolapasa and one in the family.

Hoyosipokna and five in the family.

Apernik and two in the family.

James and two in the family.

Hulbona and two in the family.

Showita and two in the family.

Noushka and one in the family.

Atochubbee and two in the family.

Yoko and two in the family.

Polohoka, James and six in his family.

Anooksita and five in his family.

and Atukchia and three in his family,

in all ninety-four souls, be and the same are hereby admitted to all the rights, privileges, immunities, and franchises as Choctaw citizens, in as full a manner as it is in the power of the General Council of the Choctaw Nation to confer the same.

Approved, 12th October 1858.

**Resolution denying the petition of Jno. M. Wilson and others asking certain privileges.**

*Resolved by the General Council of the Choctaw Nation,* That the petition of John M. Wilson, Wm. M. Floyd, and John S. Houston asking the privilege of colonizing the "leased territory" having been duly considered, it is declared hereby to be impolitic to give any assurance or encouragement to the petitioners and respectfully request the Governor of this Nation to inform the said pe-

tioners that the General Council deem it inexpedient to grant their request.

Approved, 13th October 1858.

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**Resolution assuring the Superintendent of Indian Affairs of the willingness of the General Council to provide by law for any desired amendment to the Constitution.**

*Whereas*, The Superintendent of Indian Affairs for this Superintendency, Major Elias Rector, having communicated to the General Council, the instructions of the President of the United States, through the Department of the Interior, by letter from the Commissioner of Indian Affairs, in regard to the domestic troubles existing in this Nation, respecting the present form of our government, which declares an assurance, that the party in power, will provide for any amendment desired by the party disaffected towards the present government, in the manner the Constitution provides, as a means of an adjustment of the domestic troubles referred to.

*Be it therefore resolved by the General Council of the Choctaw Nation*, That we hereby assure the Superintendent of Indian Affairs, Major Elias Rector, of our willingness to provide by bill, at the present session, for the submission to a vote of the people at the next regular election, of any amendment or amendments, deemed practicable, which may be demanded by any portion of the people of this Nation, to the present Constitution, in the manner and form that instrument itself provides.

Approved, 13th October 1858.

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**An act entitled an act directing payment to Joseph Smedley of a certain sum due him.**

**SEC. 1.** *Be it enacted by the General Council of the Choctaw Nation*, That the sum of \$166,50 with interest, \$159,84—total \$326,34, be and the same is hereby appropriated, out of any moneys in the Treasury of the Nation, not otherwise appropriated, as arrearages due Joseph Smedley, as teacher of the District School in Musholatubbee District, provided for under the Treaty of Dancing Rabbit Creek.

Approved, 15th October 1858.

An act entitled an act to create the offices of District Chief in the Choctaw Nation, to increase the number of lighthorse men therein, fixing the pay of each, prescribing their duties, term of office and appropriating certain monies for certain purposes therein specified.

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation,* That the counties of this Nation composing the first Judicial circuit shall compose a Chief's District to be called Moosholatubbee District, the counties composing the second Judicial Circuit shall compose a Chief's District to be called Apukshunubbee District and that the counties composing the third Judicial Circuit shall compose a Chief's District to be called Pushmataha District.

SEC. 2. *Be it further enacted,* That the Governor of this Nation be and he is hereby authorized and empowered to appoint one Chief, for each of the Districts herein created and named, which appointment shall be and continue until the next regular election for Governor and members of the Council and until their successors are elected and duly qualified.

SEC. 3. *Be it further enacted,* That at the next regular election, and at each succeeding regular election thereafter, the qualified voters of each of the Districts herein created, shall elect one Chief, who shall hold their offices for two years and until the successors of such chiefs are elected and duly qualified.

SEC. 4. *Be it further enacted,* That each Chief, appointed as herein prescribed, and those thereafter elected by the qualified voters of the respective Districts, shall be commissioned by the Governor for the term respectively set forth, and before they enter upon the discharge of their official duties, they shall take the oath prescribed in the Constitution, before the Governor or any Judge of the Supreme or Circuit Courts, Judge of Probate, or Justice of the Peace of any county in the Nation.

SEC. 5. *Be it further enacted,* That each chief shall be, within his district, a general conservator of the peace, and for this purpose he shall have power to give necessary orders from time to time to the lighthorsemen; he shall see that the laws are faithfully executed by the proper officers having charge of them and report to the Governor for the information of the General Council any failure occurring therein; he shall recommend to him from time to time any matter for the general good, and, when

the Governor shall deem it proper and expedient and shall give them written notice of the time and place of meeting, shall compose an executive council, to furnish any desired information respecting their several districts.

SEC. 6. *Be it further enacted*, That said chiefs shall, in no manner interfere with the proper exercise of the duties prescribed by law of any officers in this Nation, National, Circuit or county, executive, ministerial, or judicial, and upon presentment and conviction thereof, before any Circuit court of this Nation, shall be deemed guilty of a misdemeanor in office, and they shall be removed from office by the Governor, who shall fill any vacancy so created by appointment.

SEC. 7. *Be it further enacted*, That the chief of each district shall be entitled to and receive, as a compensation for his services, a sum, at the rate of five hundred dollars a year, payable quarter-yearly, out of the National Treasury upon the National Auditor's warrant, issued in like manner with warrants for other officer's salaries.

SEC. 8. *Be it further enacted*, That there shall be appointed by the Governor, one additional lighthorseman for each county of those counties composing the District of Apukshunubbee, Pushmataha and Moshoolatubbee, who shall be under the control of the Governor and command of the Captain of the regular corps of lighthorsemen and shall perform the same duties required of them, and be commissioned by the Governor; and, before entering upon their duties, shall take the oath prescribed in the Constitution to be administered by the Governor or any Judge or Justice of the Peace of the Nation, and subscribed on the back of their commission, and shall serve until the 16th day of August A. D. 1859, and no longer.

SEC. 9. *Be it further enacted*, That such lighthorsemen shall be entitled to receive as a compensation for their services, a sum at the rate of one hundred dollars a year each, to be paid quarter-yearly, on the Governor's order to the National Auditor, who is directed to issue his warrant on the National Treasury for the same.

SEC. 10. *Be it further enacted*, That each member of the convention which was held at Doaksville in May last, shall be paid the sum of three dollars per day, and the President thereof the sum of four dollars per day for thirteen days, and at the rate of three dollars for every thirty

miles of the estimated distance, by the most direct route of travel, in going to and returning from Doaksville, which shall be paid out of the fund now in the hands of the District Treasurer, under the Constitution of 1850, when that fund is paid into the National Treasury, upon the certificate of the President of the Convention to the National Auditor, who shall issue his warrant on the National Treasurer therefor.

SEC. 11. *Be it further enacted*, That each member of the Council, and the presiding and other officers thereof, held at Doaksville, under what is termed the "Doaksville Constitution," shall be paid the same per diem and mileage now allowed the members, presiding, and other officers of the General Council of the Nation, to be paid out of the same fund in the same manner and with the like condition prescribed for pay of members of the Convention in the preceding section.

SEC. 12. *Be it further enacted*, That this act take effect and be in force from and after its passage, but, shall in no manner nor under any circumstances be construed, so as to convey the impression, idea, or opinion, that the General Council of this Nation, directly or indirectly, by inference, implication, or otherwise, consider that the convention of Doaksville, held in May last, the action of any person or persons under its direction or authority, and the recent Council assembling under a Constitution put forth by it was regular proper or legal, but simply for the reasons that have designed and effected its passage, to wit: a measure to restore peace, quietude and conformity to law and its authorities, in those counties in the Nation, which have heretofore refused compliance therewith.

Approved 16th October, 1858.

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**An act entitled an act appropriating money for the support of Schullyville School and the neighborhood schools in Mooshulatubbee District.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the sum of six hundred dollars, be and the same is hereby appropriated, for the support of Schullyville schools for the year ending the first of July A. D. 1858, to be paid out of the National Treasury, upon the demand of the School Trustees of Mooshulatubbee Dis-

trict to the National Auditor, who shall issue his warrant for the same.

SEC. 2. *Be it further enacted*, That the Trustee of the schools in Mooshulatubbee District, be and he is hereby empowered to demand and receive, from the National Auditor, who is directed to grant the same, a warrant or warrants as the case may require, upon the National Treasury, to be paid out of any monies not otherwise appropriated: The sum of one thousand and six hundred dollars, to be used by said Trustee for the support of neighborhood schools which are now in operation; and that he shall keep a strict account and make due return of the same to the General Council.

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

Approved, 20th October 1858.

**An act entitled an act granting A. W. Garey the privilege to erect a bridge on Little Boggy and establish a toll gate.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the privilege is hereby granted A. W. Garey to establish a toll gate on the road leading from Fort Smith to Boggy Depot, at his present place of residence on Little Boggy, upon the following conditions and terms: That if the said Garey shall well and truly erect or cause to be erected a bridge across Little Boggy, he shall be entitled to demand and receive therefor, from all persons passing over the same, *except*, from citizens of this Nation, the rates of toll, to-wit: For each four wheeled wagon or other vehicle, drawn by four or more horses, mules, or oxen, with driver, the sum of *Fifty cents*. For each four wheeled wagon or other vehicle, drawn by one or two horses, mules or oxen, with driver, the sum of *Twenty-five cents*. For each man and horse, *Ten cents*. For each animal in every drove of cattle, horses, hogs and sheep, *One cent*.

SEC. 2. *Be it further enacted*, That if any person or persons, not citizens of this Nation, refuse to pay the toll aforesaid, upon application, with proper proof being made to any Justice of the Peace, said Justice shall give judgment, with fifty per cent damages on the amount found due, and shall issue a writ, directed to any constable of

the county, who shall proceed to seize sufficient property belonging to such person or persons, and sell the same upon ten days notice, at public sale, to satisfy the principal found due, damages and costs; or, complaint may be made, for redress, to the United States Agent.

SEC. 3. *Be it further enacted*, That the privilege to receive toll herein given, shall take effect and be in force whenever the said A. W. Garey shall well and truly have erected a good bridge, and continue so long as he shall keep the same in good order and be responsible for all damages to any person or persons crossing the same with their property, *Provided*, the privilege herein granted shall not continue for a longer time than six years.

SEC. 4. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved 21st October 1858.

**An act entitled an act to appropriate certain sums of money for the support of neighborhood schools in Pushmataha District.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the sum of five hundred dollars, be and the same is hereby appropriated for the support of the school at Good Land, in Kiamichia county, for the year ending the 5th October 1859; and that the National Auditor be and is hereby authorized to issue his warrant for said sum in favor of O. P. Stark, to be paid by the Treasurer of the Choctaw Nation out of the National Fund.

SEC. 2. *Be it further enacted*, That the sum of seventeen hundred dollars be and the same is hereby appropriated for the support of other neighborhood and Sunday schools already existing, subject to the orders of the Trustee of Schools for the Pushmataha District, from time to time, as he may require, and the National Auditor is hereby authorized to issue his warrants on such orders to the National Treasurer not to exceed in amount the sum of seventeen hundred dollars for the year ending 5th October, 1859.

SEC. 3. *Be it further enacted*, That no portion of the seventeen hundred dollars above appropriated shall be used by the Trustee of schools aforesaid, for any other purpose than for the support of neighborhood and Sun-

day schools within the District of Pushmataha, Choctaw Nation.

SEC. 4. *Be it further enacted*, That the Trustee aforesaid be required to report to the next General Council the mode and manner of the disbursements of said fund and the condition of the schools under his care.

SEC. 5. *Be it further enacted*, That the foregoing act be in force from and after its passage.

Approved, 21st October, 1858.

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**An act entitled an act appropriating certain money for the benefit of the heirs of John Lewis, deceased.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the sum of one thousand dollars, be and the same are hereby set apart and appropriated, out of any money in the Treasury of the Nation, not otherwise appropriated, for the benefit of the heirs of John Lewis, deceased, in full compensation to said heirs, for a negro woman and child, illegally taken from said Lewis in his lifetime, by authority of George Folsom, then chief of Pushmataha District, and that the National Auditor be hereby directed to issue his warrant therefor, upon presentation of the Governor's written order, and that the Treasurer is hereby directed to pay the same.

Approved, 21st October, 1858.

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**An act entitled an act appropriating a certain sum of money for the purpose of aiding Thomas J. Bond to discharge obligations incurred by him in the pursuit of a medical education.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the Superintendent of Trustees, be and is hereby authorized and required to draw the sum of Five Hundred Dollars out of the interest accruing from the sum of \$98,379,79, invested for the support of forty youths in the States, and to pay the same to Thos. J. Bond, for the purpose of enabling him to discharge obligations incurred by him in the pursuit of his medical education.

Approved, 22nd October, 1858.

**Report of Special Committee of the Council and accompanying act entitled an act appropriating certain sums of money to the Delegation to Washington City.**

Your committee to whom was referred the petition of S. Garland, one of the delegates to Washington, asking the Council to appropriate any surplus money remaining in the Treasury of the Nation, not otherwise appropriated, after meeting the expenditures of the ensuing fiscal year, in order to enable the delegation to prosecute the claims of the Nation at Washington, have taken the same under deliberation and beg leave to report, that as it is very important that our delegates should proceed to Washington, at as early a day as possible, to be there at the meeting of Congress, to press the claims of the Nation. We would, therefore, respectfully recommend, that the Council set apart from the National funds, for that object, the sum of eleven thousand dollars, as an advance made the Delegates by the Nation, say, two thousand dollars each to P. P. Pitchlynn, P. Folsom and Israel Folsom, and five thousand dollars to S. Garland, to enable him to settle with Mr. Thompson McKinney; the said McKinney thereby forever releasing the Nation from any further claim on his part for attending to arrearages of annuities; and would recommend the passage by the General Council of the following bill, viz:

**SEC. 1.** *Be it enacted by the General Council of the Choctaw Nation,* That the sum of eleven thousand dollars, viz: two thousand dollars to P. P. Pitchlynn, two thousand dollars to Israel Folsom, two thousand dollars to P. Folsom, and five thousand dollars to S. Garland, to enable him to settle with McKinney, be set apart and appropriated out of any money in the National Treasury, not otherwise appropriated, for personal expenses whilst at Washington, as delegates prosecuting the claims of the Nation, and upon presentation of their accounts to the National Auditor he is hereby directed to issue his warrants on the National Treasury for said sums of money.

Approved, 22d October, 1858.

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**An act entitled an act granting to Wm. Holloway the privilege to turnpike the Narrows and establish a toll-gate thereon.**

**SEC. 1.** *Be it enacted by the General Council of the Choctaw Nation,* That the privilege is hereby granted to William Holloway, to establish a toll gate at a place on the

public road in this Nation leading from Fort Smith, Arkansas, to Fort Washita in the Chicksaw country, near the present residence of said Holloway, and called the *narrows*, upon the following conditions and terms: That if the said William Holloway turnpike, by grading the earth and levelling with stone, said place called the *narrows*, he shall be entitled to demand and receive therefor from all persons passing over the same, except from citizens of this Nation, the rates of toll, to wit: For each four wheeled wagon, or other vehicle, drawn by four or more horses, mules or oxen, with driver, the sum of *Fifty cents*; For each four wheeled wagon, or vehicle, drawn by one or two horses, mules, or oxen, with driver the sum of *Twenty-five cents*; For each person on foot the sum of *Five cents*; For each animal in every drove of cattle, horses, hogs and sheep, the sum of one cent.

SEC. 2. *Be it further enacted*, That the privilege to receive toll herein given, shall not take effect until said turnpike is completed and shall continue in full force for the period of six years, *Provided*, said turnpike shall continue to be kept in good order, and not otherwise.

SEC. 3. *Be it further enacted*, That if any person or persons, not citizens of this Nation, refuse to pay the toll aforesaid, upon application, with proper proof being made to any Justice of the Peace, said Justice, shall give judgment with fifty per cent damages on the amount found due and shall issue a writ directed to any constable of the county, who shall proceed to seize sufficient property belonging to such person or persons, and sell the same, upon ten days notice, at public sale, to satisfy the principal found due, damages and cost, or complaint may be made for redress to the United States Agent.

SEC. 4. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, 21st October, 1858.

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An act entitled an act appropriating certain sums to G. W. Harkins, Geo. Hudson and Isaac Chuckmubbee and providing for pay for public services rendered by others.

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the National Auditor be and is hereby required to issue his warrant on the National Treasurer in favor of Geo. Hudson, for the sum of fifty-five dollars, in

favor of Geo. W. Harkins for the sum of eighty-five dollars, and in favor of Isaac Chuckmubbee, for the sum of fifty dollars, which amounts, when paid, shall be in full satisfaction for any service of a public nature rendered by the aforementioned individuals, prior to the 16th October, 1858, and since the 18th of August, 1858, and for any claim said individuals may have for mileage, per diem, &c., while attending the General Council of the Choctaw Nation, at its session of October, 1858.

SEC. 2. *Be it further enacted*, That the National Auditor be required, on the sanction of the Governor, to issue his warrant, for the pay of such persons as may produce satisfactory proof of having rendered service of a public nature certified to by the District Chief, for a time not to exceed the period of two months, say from the 18th of August to the 18th of October, inclusive, A. D. 1858, nor for a greater sum to each one, than at the rate of \$8 and 66-00 dollars per month.

Approved 23d October, 1858.

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**An act entitled an act to define the crime of Kidnapping and declaring the penalty therefor.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That every person who shall without lawful authority, forcibly seize and confine any other, or shall inveigle or kidnap any other, with intent either to cause such other person to be secretly confined or imprisoned in this Nation, against his will, or to cause such other person to be sent out of this Nation against his or her will; or to cause such other person to be sold as a slave, or to be deprived of his liberty, or in any way held to service against his or her will, shall upon conviction, be punished by being branded with the letter T on the forehead and receive one hundred lashes well laid on the bare back.

SEC. 2. *Be it further enacted*, That every offence prohibited in the last section may be tried either in the county where the same may have been committed or in any county into, or through which, any person so kidnapped, or confined shall have been taken while under such confinement.

**SEC. 3.** *Be it further enacted,* That upon the trial of any such offence, the consent of the person so kidnapped or confined, shall not be a defence unless it appear satisfactorily to the jury that such consent was not extorted by threats or duress.

**SEC. 4.** *Be it further enacted,* That all acts or parts of acts heretofore passed coming in any manner in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, 23d October, 1858.

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**An act entitled an act declaring the punishment for cruelty to live stock and injury and destruction of property.**

**SEC. 1.** *Be it enacted by the General Council of the Choctaw Nation,* That any person who shall maliciously, either out of a spirit of revenge, or wanton cruelty, or who shall mischievously, kill, maim, or wound any horse, mare, gelding, mule, sheep, cattle, hog, poultry, or other live stock, or cause any person to do the same, shall be fined in any sum not less than fifty dollars and receive thirty-nine lashes well laid on the bare back.

**SEC. 2.** *Be it further enacted,* That every person who shall maliciously or mischievously destroy, disfigure, or injure, or cause to be destroyed or injured, any property of another, either personal or tenements, shall be deemed guilty of malicious mischief and upon conviction thereof shall be fined in a sum two-fold the value of the property destroyed or the damage done and receive thirty-nine lashes well laid on the bare back.

**SEC. 3.** *Be it further enacted,* That all acts or parts of acts, heretofore passed, coming in any manner in conflict with the provisions of this act be and the same are hereby repealed, and this act shall take effect from and after its passage.

Approved 23d October 1858.

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**An act entitled an act to appropriate certain monies for the support of neighborhood schools in Appukshanubbee District.**

**SEC. 1.** *Be it enacted by the General Council of the Choctaw Nation,* That the sum of twenty-five hundred dollars, be and the same is hereby appropriated, out of the Na-

tional Fund for the support of neighborhood and Sunday schools, in Apuckshunubbee District, Choctaw Nation.

SEC. 2. *Be it further enacted*, That the National Auditor of the Choctaw Nation, be and is hereby required to issue his order on the National Treasurer of the Choctaw Nation, in favor of the Trustee for schools for said District, for the aforementioned sum of twenty-five hundred dollars.

SEC. 3. *Be it further enacted*, That the Trustee of schools for Apuckshunubbee District, be and is hereby required to present to the next General Council a full report of the mode and manner of disbursement of the aforementioned sum and the state of the schools under his care.

SEC. 4. *Be it further enacted*, That no portion of the amount appropriated under this act shall be used for any other purpose than the support of neighborhood and Sunday schools within and for the District aforesaid.

SEC. 5. *Be it further enacted*, That the foregoing act shall be in force from and after its passage.

Approved, 23d October 1858.

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**An act entitled an act to amend Section seventeen of an act passed at session sixteen.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the act passed Session sixteen, Section seventeen, be amended as to read thus: That John McGibbery, Lipscomb McGibbery, Betty McGibbery, Susan McGibbery, Betsey McGibbery, John McGibbery, Jr., of the Creek Nation, are hereby allowed citizenship in as full a manner as it is in the power of the General Council to confer the same.

Approved, 21st October 1858.

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**An act entitled an act locating the seat of Justice in the several counties of Mooshulatubbee District of the Choctaw Nation,**

SEC. 1. *Resolved by the General Council of the Choctaw Nation*, That the seat of justice in Scullyville county, be and the same is hereby located at a camp meeting ground on Buck creek, one mile above the present court-ground in said county.

In San Bois county at or near Ittchotubbee's.

In Tobucksy county at Arthur's spring.

In Gains county at Boiling Spring, and in Sugar Loaf county at Thomas Lewis' store in said county.

SEC. 2. *Be it further resolved*, That all acts or parts of acts in anywise coming in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, 23d October 1858.

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**An act entitled an act to define the crimes of Treason and murder and declaring the punishment therefor.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That levying war against this Nation or adhering to its enemies giving them aid and comfort, shall be deemed and adjudged treason against this Nation, and shall be punished with death upon conviction thereof.

SEC. 2. *Be it further enacted*, That no person shall be convicted of treason against this Nation unless upon the testimony of two witnesses to the same overt act or on his own confession in open court.

SEC. 3. *Be it further enacted*, That the killing of a human being without the authority of law, by any means, or in any manner, shall be murder in the following cases:—

When done with deliberate design to effect the death of the person killed or of any human being.

When done in the commission of an act eminently dangerous to others, and evincing a depraved heart, regardless of human life, although without any premeditated design to effect the death of any particular individual:

When done without any design to effect death, by any person engaged in the commission of the crime of rape, burglary, arson, or robbery, or in an attempt to commit such felonies.

SEC. 4. *Be it further enacted*, That every person who shall be convicted of murder, shall suffer death.

SEC. 5. *Be it further enacted*, That the killing of a human being, by the act, procurement, or admision of another, shall be justifiable in the following cases:—

When committed by public officers, or those acting by their command, in their aid and assistance, in obedience to any judgment of a competent court; or,

When necessarily committed in overcoming actual resistance to the execution of some legal process, or to the discharge of any other legal duty ; or,

When necessarily committed in retaking any felon who has been rescued, or has escaped ; or

When necessarily committed in arresting any felon fleeing from justice.

Such homicide or murder shall also be justifiable when committed by any person :

In resisting any attempt unlawfully to kill such person or to commit any felony upon him, or upon, or in, any dwelling-house in which said person shall be ; or,

When committed in the lawful defence of such person or any other human being, where there shall be reasonable ground to apprehend a design to commit a felony, or to do some great personal injury, and there shall be imminent danger of such design being accomplished ; or,

When necessarily committed in attempting by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

SEC. 6. *Be it further enacted*, That the killing of a human being by the act, procurement, or omission of another, shall be excusable when committed :

By accident and misfortune, in lawfully correcting a child or servant, or in doing any other lawful act by lawful means, with usual ordinary caution, and without any unlawful intent ; or,

By accident and misfortune, in the heat of passion, upon any sudden and sufficient provocation, or upon any sudden combat, without any undue advantage being taken, and without any dangerous weapon being used, and not done in a cruel or unusual manner.

SEC. 7. *Be it further enacted*, That all acts or parts of acts heretofore passed, coming in any manner in conflict with the provisions of this act ; particularly an act defining the crime of murder and declaring its punishment, approved October 12th, 1848, page 60, printed laws of 1852, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, 23d October, 1858.

**An act entitled an act defining the crime of Larceny and declaring the punishment therefor.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation,* That every person who shall be convicted of taking and carrying away, feloniously, the personal property of another, of the value of twenty-five dollars, or more, shall be guilty of grand larceny, and shall return such property or pay the value thereof and shall receive one hundred lashes well laid on the bare back, and on conviction of a second offence of horse-stealing, shall suffer death by hanging.

SEC. 2. *Be it further enacted,* That if any person shall feloniously take, steal, and carry away, any personal property of another, under the value of twenty-five dollars, he shall be deemed guilty of petit larceny, and shall return or pay for the property so stolen, and shall receive not more than one hundred lashes, at the discretion of the court.

SEC. 3. *Be it further enacted,* That every person who shall be guilty of feloniously taking and carrying away, any slave or slaves, the property of another, shall, upon conviction thereof, be caused to return or pay for the property so stolen, and shall receive one hundred lashes well laid on the bare back, and on conviction for a second offence of a like nature shall suffer death by hanging.

SEC. 4. *Be it further enacted,* That the stealing and carrying away, or fraudulently withdrawing, concealing, or destroying, or taking away, by any person, any record, paper, or proceeding of a court of justice, or any paper or proceeding filed or deposited with any officer, or in any public office, shall be deemed larceny without reference to the value of the record, paper, or proceeding, so stolen, taken away or destroyed, and shall receive thirty-nine lashes well laid on the bare back.

SEC. 5. *Be it further enacted,* That the buying, or receiving, in any manner, or on any consideration, any personal property of any value, feloniously taken away from another, knowing the same to have been so taken, shall receive one hundred lashes well laid on the bare back.

SEC. 6. *Be it further enacted,* That if any person shall be guilty of stealing, or selling any free person for a slave, knowing the said person, stolen or sold, to be free, and shall thereof be convicted, such person shall receive one hundred lashes, well laid on the bare back.

SEC. 7. *Be it further enacted*, That if any person shall be guilty of stealing or selling any stray animal, knowing the said animal stolen or sold, to be a stray and shall thereof be convicted, shall be deemed guilty of larceny, without reference to the value of such animal, and shall receive one hundred lashes well laid on the bare back.

SEC. 8. *Be it further enacted*, That all acts or parts of acts heretofore passed, particularly the acts approved October 1834, "Punishing theft," and the act approved November 17th 1855 "in relation to stealing negroes and other property," coming in any manner in conflict with the provisions of this act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, 26th October, 1858.

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**An act entitled an act to define the crime of Manslaughter, and affix the penalty therefor.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the killing of a human being without malice, by the act, procurement, or culpable negligence of another, while such other is engaged in the perpetration of any felony, except rape, burglary, arson, or robbery; or,

While such other is attempting to commit any felony, besides such as are above enumerated and excepted, shall be deemed manslaughter; or,

The killing of a human being, without malice, by the act, procurement or culpable negligence of another, while such other is engaged in the perpetration of any crime or misdemeanor, not amounting to felony; or,

In the attempt to perpetrate any crime or misdemeanor, in cases when such killing would be murder under former laws shall be deemed manslaughter.

SEC. 2. *Be it further enacted*, That every person deliberately assisting another in the commission of self-murder, shall be deemed guilty of manslaughter.

SEC. 3. *Be it further enacted*, That the wilful killing of an unborn quick child, by any injury to the mother of such child, which would be murder if it resulted in the death of the mother, shall be deemed manslaughter.

SEC. 4. *Be it further enacted*, That every person who shall administer to any woman pregnant with a quick child, any medicine, drug, or substance whatever, or shall use

or employ any instrument or other means, with intent thereby to destroy such child, unless the same shall have been necessary to preserve the life of such mother, or shall have been advised by a physician to be necessary for such purpose, shall be deemed guilty of manslaughter.

SEC. 5. *Be it further enacted*, That the killing of a human being, without malice, in the heat of passion, but in a cruel or unusual manner, without authority of law and not in necessary self-defence, shall be deemed manslaughter.

SEC. 6. *Be it further enacted*, That every person who shall unnecessarily kill another, either while resisting an attempt by such other person to commit any felony, or to do any other unlawful act, or after such attempt shall have failed, shall be deemed guilty of manslaughter.

SEC. 7. *Be it further enacted*, That the killing of another in the heat of passion, without malice, by the use of a dangerous weapon, without authority of law, and not in necessary self-defence, shall be deemed manslaughter.

SEC. 8. *Be it further enacted*, That the involuntary killing of a human being by the act, procurement, or culpable negligence of another, while such other person is engaged in the commission of a trespass, or other injury to private rights or property, or engaged in an attempt to commit such injury, shall be deemed manslaughter.

SEC. 9. *Be it further enacted*, That any person navigating any boat or vessel for gain, who shall wilfully or negligently receive so many passengers, or such quantity of other loading, that by means thereof such boat or vessel shall sink or upset and thereby any human being shall be drowned, or otherwise killed, shall be deemed guilty of manslaughter.

SEC. 10. *Be it further enacted*, That if any physician or other person, while in a state of intoxication, shall, without a design to effect death, administer, or cause to be administered, any poison, drug, or other medicine, or shall perform any surgical operation on another, which shall cause the death of such other, he shall be deemed guilty of manslaughter.

SEC. 11. *Be it further enacted*, That every other killing of a human being, by the act, procurement, or culpable negligence of another, and without authority of law, not provided for in this act, shall be deemed manslaughter.

**SEC. 12.** *Be it further enacted,* That any person convicted of the crime of manslaughter under this act shall receive one hundred lashes on the bare back.

**SEC. 13.** *Be it further enacted,* That all acts or parts of acts, heretofore passed, coming in any manner in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, 26th October 1858.

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**An act entitled an act defining the crime of Incest and affixing a punishment therefor.**

**SEC. 1.** *Be it enacted by the General Council of the Choctaw Nation,* That if any person shall marry within the degrees prohibited by law, on conviction thereof, they shall be fined two hundred dollars, or each receive one hundred lashes well laid on their bare backs, and such marriage is declared void.

**SEC. 2.** *Be it further enacted,* That if any persons, who have been divorced for incest, shall, after such divorce, cohabit or live together as man and wife, such persons so offending, shall be deemed guilty of incest, and fined on conviction, two hundred dollars, or receive two hundred lashes, during two days, well laid on the bare back, or both, at the discretion of the court.

**SEC. 3.** *Be it further enacted,* That all acts or parts of acts, heretofore passed, coming in any manner in conflict with the provisions of this act be and the same are hereby repealed, and this act shall take effect from and after its passage.

Approved October 26th 1858.

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**An act entitled an act to make certain words actionable, defining the offence of Libel and Slander and prescribing the punishment therefor.**

**SEC. 1.** *Be it enacted by the General Council of the Choctaw Nation,* That all words which from their usual construction and common acceptation are considered as insults and lead to violence and breaches of the peace shall hereafter be actionable, and no plea, exception or demur-

rer, shall be sustained, in any court within this Nation to preclude a jury from passing thereon, who are hereby declared to be the sole judges of the damages sustained.

SEC. 2. *Be it further enacted*, That any person who shall be convicted of writing or publishing any libel, or speaking words made actionable by the preceding Section shall be fined in such sum, and receive such a number of lashes on the bare back as the court, in its discretion may adjudge, having regard to the nature and enormity of the offence.

SEC. 3. *Be it further enacted*, That in every criminal prosecution for libel or actionable words, it shall be lawful for the defendant upon the trial, to give in evidence in his defence the truth of the matter written, spoken, or published.

SEC. 4. *Be it further enacted*, That all acts or parts of acts heretofore passed, particularly an act punishing slander, approved October 1851, coming in any manner in conflict with the provisions of this act be and the same are hereby repealed and that this act take effect and be in force from and after its passage,

Approved, 26th October, 1858.

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**An act entitled an act defining the crime of Mayhem, and affixing the punishment thereto.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That every person who from premeditated design, or with intent to kill, or commit any felony, shall mutilate, disfigure, disable, or destroy the tongue, eye, lip, nose or any other limb or member, of any person, shall be guilty of Mayhem, and on conviction thereof shall receive one hundred lashes well laid on the bare back.

SEC. 2. *Be it further enacted*, That all acts or parts of acts heretofore passed coming in any manner in conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, 26th October, 1858.

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**An act entitled an act granting the heirs of W. R. Guy the privilege to erect a bridge on Clear Boggy and establish a toll-gate thereat.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the privilege is hereby granted the heirs

of W. R. Guy, deceased, to establish a toll gate on the road leading from Fort Smith to Boggy Depot, at the mill belonging to said heirs on Clear Boggy, upon the following conditions and terms: That if the said heirs shall well and truly erect or cause to be erected a bridge across Clear Boggy they shall be entitled to demand and receive therefor from all persons passing over the same, except from citizens of this Nation, the rates of toll, to wit: For each four wheeled wagon, or other vehicle, drawn by four or more horses, mules or oxen, with driver, the sum of *Fifty cents*; For each four wheeled wagon, or vehicle, drawn by one or two horses, mules, or oxen, with driver the sum of *Twenty-five cents*; For each man and horse, *Ten cents*; For each animal in every drove of cattle, horses, hogs and sheep, the sum of one cent.

SEC. 2. *Be it further enacted*, That if any person or persons, not citizens of this Nation, refuse to pay the toll aforesaid, upon application, with proper proof being made to any Justice of the Peace, said Justice, shall give judgment with fifty per cent damages on the amount found due and shall issue a writ directed to any constable of the county, who shall proceed to seize sufficient property belonging to such person or persons, and sell the same, upon ten days notice, at public sale, to satisfy the principal found due, damages and cost, or complaint may be made for redress to the United States Agent.

SEC. 3. *Be it further enacted*, That the privilege to receive toll herein given shall take effect and be in force whenever the said heirs shall well and truly have erected a good bridge, and as long as they shall keep the same in good order, and be responsible for all damages to any person or persons crossing the same with their property. *Provided*, the privilege herein granted shall not continue for a longer time than six years.

SEC. 4. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, 26th October, 1858.

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An act entitled an act granting Jos. D. Davis the privilege to erect a bridge on Middle Boggy and establish a toll gate,

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the privilege is hereby granted to Jos. D. Davis, to establish a toll gate on Middle Boggy at or near his present place of residence upon the following

conditions and terms : That if the said Jos. D. Davis, shall well and truly erect, or cause to be erected, a bridge across said Middle Boggy, he shall be entitled to demand and receive therefor, from all persons passing over the same except from citizens of this Nation, the rates of toll, to wit : For each four wheeled wagon, or other vehicle, drawn by four or more horses, mules, or oxen, with driver, the sum of *Fifty cents* ; For each four wheeled wagon, or other vehicle, drawn by one or two horses, mules or oxen, with driver, the sum of *Twenty-five cents* ; For each man and horse, *Ten cents* ; For each animal in every drove of cattle, horses, hogs and sheep, *One cent*.

SEC. 2. *Be it further enacted*, That if any person or persons, not citizens of this Nation, refuse to pay the toll aforesaid, upon application, with proper proof being made to any justice of the peace, said justice shall give judgment with fifty per cent damages on the amount found due, and shall issue a writ directed to any constable, who shall proceed to seize sufficient property belonging to such person or persons and sell the same upon ten days notice at public sale to satisfy the principal found due, damages and costs ; or complaint may be made for redress to the United States Agent.

SEC. 3. *Be it further enacted*, That the privilege to receive toll herein given shall take effect, and be in force whenever the said Jos. D. Davis, shall well and truly erect, or cause to be erected, a good and substantial bridge, and so long as he keeps the same in good order and is responsible for all damages to any person or persons crossing the same with their property, but shall in no manner be responsible for any damages that may happen to citizens of this Nation ; *Provided*, the privilege herein granted shall not continue for a longer time than six years.

SEC. 4. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, 26th October 1858.

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An act entitled an act granting Capt. Jno. Riddle the privilege to erect a bridge on Fouchmalien and establish a toll gate thereat.

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the privilege is hereby granted to Capt. John Riddle to establish a bridge and a toll gate on Fouchmalien stream, near his residence, on the road leading from Fort Smith to Boggy Depot, upon the following

conditions and terms: That if said John Riddle shall well and truly erect or cause to be erected, a bridge across said Fouchmalien, he shall be entitled to demand and receive therefor, from all persons passing over the same, except from citizens of this Nation, the rates of toll, to-wit: For each four wheeled wagon or other vehicle drawn by four or more horses, mules, or oxen, with driver, the sum of *Fifty cents*; For each four wheeled wagon, or other vehicle, drawn by one or two horses, mules, or oxen, with driver, the sum of *Twenty-five cents*; For each man and horse, the sum of *Ten cents*; For each animal in every drove of cattle, horses, mules, hogs and sheep, *One cent*.

SEC. 2. *Be it further enacted*, That if any person, not a citizen of this Nation, refuse to pay the toll aforesaid, upon application, with proper proof, being made to any justice of the peace, said justice of the peace shall give judgment, with fifty per cent damages, on the amount found due, and shall issue a writ directed to any constable of the proper county who shall proceed to seize sufficient property belonging to such person or persons and sell the same upon ten days notice, at public sale, to satisfy the principal found due, damages and costs.

SEC. 3. *Be it further enacted*, That the privilege to receive toll, herein given, shall take effect and be in force, when the said J. Riddle shall well and truly have erected a good bridge, and as long as he shall keep the same in good order and be responsible for all damages to any person or persons crossing the same with their property. *Provided*, The privilege herein granted shall not continue for a longer time than six years.

SEC. 4. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 26th October, 1858.

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An act entitled an an act granting Washington McDaniel and Charles M. James the privilege to erect a bridge and toll-gate on Bayouzil creek.

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the privilege is hereby granted Washington McDaniel and Charles M. James to erect and establish a bridge and toll gate on Bayouzil creek on the road from Fort Smith to Boggy Depot, near their residence, upon the following conditions and terms: That if

the said W. McDaniel and Charles M. James, shall, well and truly erect, or cause to be erected, a bridge across said creek, they shall be entitled to demand and receive therefor, from all persons crossing over the same, except from citizens of this Nation, the rates of toll, to-wit: For each four wheeled wagon, or other vehicle, drawn by four or more horses, mules or oxen with driver, the sum of *Fifty cents*; For each four wheeled wagon, or other vehicle, drawn by one or two horses, mules or oxen, the sum of *Twenty five cents*; For each man and horse, the sum of *Ten cents*; and for each animal in every drove of cattle, horses, mules, hogs or sheep, *One cent*.

SEC. 2. *Be it further enacted*, That if any person or persons, not citizens of this Nation, refuse to pay the toll aforesaid, upon application with proper proof being made to any justice of the peace, said justice of the peace shall give judgment with fifty per cent damages, on the amount found due, and shall issue a writ directed to any constable, who shall proceed to seize sufficient property belonging to the person or persons and sell the same upon ten days notice, at public sale, to satisfy the principal found due, damages and costs; or complaint may be made for redress to the United States Agent.

SEC. 3. *Be it further enacted*, That the privilege to receive toll herein given shall take effect and be in force when the said W. McDaniel and C. M. James shall well and truly have erected a good bridge and as long as they shall keep the same in good order, and shall be responsible for all damages to any person or persons crossing the same with their property: *Provided*, The privilege herein granted shall not continue for a longer time than six years,

SEC. 5. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, 27th October 1858.

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**Resolutions providing for the submission to a vote of the people of the Nation the question of "Convention" or "no Convention" preliminary to such a call if desired.**

*Whereas*, It has been declared by some person in this Nation that the present General Council, the executive officers of the government of this Nation, together with

the friends of the existing organic law of the land, known as the Skullyville Constitution, have had in view a design to stifle the voice of the people, by the several acts of refusal on the part of the General Council, to submit, by law, to a vote of the people the question of "Convention" or "no Convention," which, from the same sources has been declared to be desired by the people generally; and to whom, the Constitution of Skullyville gives the "inalienable and indefeasible right to alter or abolish their form of government, in such manner as they may think expedient."

*And whereas,* To vindicate the justice and wisdom of the General Council and the Executive officers of the government before the people, for delaying the important question of directing a vote upon the expediency of a Convention, before the Constitution formed by the last one assembled had been fully tested, on account of the prevailing persistent disorganization in some of the counties and the refusal of some of the citizens thereof to submit to it, its authorities and the laws under it, and also, the consequent impracticability of a vote being so taken under such circumstances; together with the agitated state of the public, incident thereto, in such counties and extending to other parts of the Nation.

*And whereas,* The existing government under the Skullyville Constitution, has been fully recognized by the government of the United States, as legal in its inception, formation, and as the paramount law of the land, by a second payment of the monies due annually to this Nation, and the express decision to that effect of the Commissioner of Indian Affairs, under direction of the President of the United States, through the Secretary of the Interior,

*And whereas,* The principal and District Chiefs and the Council recently elected under the Constitution known as the "Doaksville Constitution;" which was gotten up to supersede and destroy the existing one, are known to have yielded their opposition, abandoned their Constitution, and now submit to the Skullyville Constitution, the laws in force and the authorities constituted by and acting under it,

*And whereas,* As a measure, further to assure the Choctaw people that the course of the existing government under the Skullyville Constitution and the party control

ling it, has been solely for their good, in preventing anarchy and misrule, by delaying the reference of so great and important a question to their suffrages, until all the counties in the Nation were organized and the public mind quieted; and as an assurance to the government of the United States, our great monitor and friend, that the government of the Choctaw Nation are mindful of their teachings, ready to preserve the domestic peace they desire and to observe their counsels:

*Be it therefore resolved by the General Council of the Choctaw Nation,* That whenever the Governor of this Nation, shall receive full and satisfactory information that the the counties in this Nation, that have heretofore been without legal officers and in a state of disorganization, have duly and legally become organized under the Skullyville Constitution, he shall issue his proclamation to the people of the Nation, calling upon them to vote on a day to be by him therein named, at least sixty days after the date thereof, upon the question of "Convention" or "no Convention," to alter or amend the existing Constitution, or frame a new one, for submission to a vote of the people for their *ratification or rejection.*

*Be it further resolved,* That the Governor shall issue his writ of election directed to the Sheriff of each county in the Nation, commanding him on the day fixed by the Governor, to order an election in his county, at the place or places now established by law for holding elections in each county, for the purpose of allowing the qualified electors thereof, to vote for, or against, a call for a convention of the people, to assemble for the object herein previously set forth, and said Sheriff shall appoint, to serve at each place of holding elections in his county, three election judges and two clerks, and shall administer to each, the oath prescribed in the Constitution for officers generally before they enter upon a discharge of their duties.

*Be it further resolved,* That said election shall be by ballot and shall continue for one day only, and each qualified elector voting, shall put upon his ticket, if he desires the call of a convention the words "Convention," or if he is opposed to the call of a convention, the words "No Convention."

*Be it further resolved,* That the returns of such election shall be made out by the clerk thereof and certified to be

correct, sealed up and delivered to the Sheriff by the judges thereof, which said Sheriff shall transmit them by some safe hand, or by mail, to the National Secretary, who shall in the presence of the Governor, open the same, when the Governor shall make proclamation of the number of all the votes cast in each county for and against such call of a convention, and at the next regular session of the General Council lay the same before them.

*Be it further resolved,* That if the General Council at the next regular session thereof shall discover after due investigation of the returns of such election, that no improper or illegal voting was done at said election, in which case the illegal or improper votes shall not be counted, and that the highest number of votes cast at said election, are in favor of a call for a convention of the people, they shall provide the manner and means for holding an election for delegates, the number thereof, their pay and mileage, the place of assembling and the manner and means of submitting any action of such convention, so assembled, to a direct vote of the people for their ratification or rejection.

*Be it further resolved,* That the judges and clerks of the election herein directed, shall receive as a compensation for their services, the sum of two dollars each, payable out of the National Treasury, upon the certificate, under oath of the Sheriff of the proper county, giving the names of the judges and clerks and stating that they faithfully performed their respective duties; presented to the National Auditor who is hereby directed issue his warrant on the National Treasurer who shall pay the same.

*Be it further resolved,* That these resolutions take effect and be in force from and after their passage.

Approved, 26th October, 1858.

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**An act entitled an act to increase the pay of the Captain of the Lighthorsemen of this Nation.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation,* That in addition to the sums now allowed by law to the Captain of the corps of Lighthorsemen of this Nation, he be entitled to receive the sum of one hundred and fifty dollars a year, payable in the same manner, out of the National Treasury, as provided by law for his salary formerly.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved 26th October, 1858.

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An act entitled an act appropriating a sum of money for the use of the widow of John Joshua, deceased.

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That John Joshua, while executing his duty as Deputy Sheriff of Kiamichia county, Choctaw Nation, was killed, that the sum of seventy-five dollars be and is hereby appropriated to the use and benefit of his widow, and that the National Auditor is hereby required to issue his warrant upon the National Treasurer for the same.

Approved, 26th October, 1858.

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An act appropriating money to pay T. Watkins for the use of his house for the Senate.

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the sum of twenty-five dollars, be and is hereby appropriated, out of any funds not otherwise appropriated, to pay Theodore Watkins for the use of his house by the Senate during the present session of the General Council, and that the National Auditor be directed to issue his warrant on the National Treasurer for the same.

Approved, 27th October 1858.

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Resolutions requesting the United States Government to pay into the National Treasury certain monies appropriated for Missionary schools in the Nation and for the education of Choctaw youths sent abroad.

*Resolved by the General Council of the Choctaw Nation*, That the Governor of this Nation be requested, and he is hereby authorized and empowered, to open a correspondence with the Secretary of the Interior, through the United States Agent for this Nation, for the purpose of inducing the United States Government, hereafter, to pay, at the same time and in the same manner that other sums due the Nation are paid into the Treasury of the Nation, the sum of sixteen thousand seven hundred dollars, appropriated by the Nation to the support of Missionary

schools therein, and now paid directly to the Superintendents of those schools, by the United States Government; and the interest due annually, accruing and accrued, upon the sum of ninety-eight thousand and three hundred and ninety-one dollars and seventy-nine cents, funded in the hands of the United States government, for the education of Choctaw youths, sent abroad, in order that a correct account of the receipts and disbursements of these monies may be kept in the offices of the National Auditor and National Treasurer.

*Resolved further*, That the Governor be also requested to ask at the same time, of the United States government a statement in writing setting forth the amount of interest each year due, upon said fund of ninety-eight thousand three hundred and ninety-one dollars and seventy-nine cents; the names of the persons, the date of payment and the amount paid to each, at any time, out of said interest money, from the date of its being funded in the hands of the United States government, to the date of the next fiscal year thereof, for the satisfaction and inspection of this Nation.

*Resolved further*, That these resolutions take effect from and after their passage.

Approved, 26th October, 1858.

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**An act entitled an act locating seat of justice at Davis Frazier's in Cedar county, Apuckshunnubbee District.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the seat of justice of Cedar county is hereby located at Davis Frazier's of said county, and that the seat of justice, heretofore located at Simpson Nelson's, is hereby repealed.

, Approved, 27th October, 1858.

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**An act entitled an act fixing the county site of the counties of Kiamichia and Blue, declaring the name of each locality and changing the place of holding the courts of said counties.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the county site of Kiamichia county, be and the same is hereby located on Post Oak Ridge, in said county, about one mile east of Fielding Gardner's house,

and that the said county site be hereafter known and called by the name of Nitukache, in memory of the deceased warrior and chief.

SEC. 2. *Be it further enacted*, That the county site of Blue county, be and the same is hereby located at Tiger Spring, in said county about a half a mile east of the house of D. C. Betts, and that said county site be hereafter known as and called Bettsville, in honor of said D. C. Betts, and that in case of bad weather and until the court house in said Blue county is completed, the courts of said county may be held at the house of said D. C. Betts, and no longer.

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

Approved, 26th October 1858.

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An act entitled an act authorizing the Governor to have the laws passed at the present session translated into the Choctaw language and to have them printed in both the English and Choctaw languages.

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That the Governor of this Nation is hereby authorized, to have the laws passed at the present session of the General Council, translated by some competent person, into the Choctaw language, and for such services he is hereby authorized to pay the sum to be agreed upon by him and the person he so employs, out of the fund in the National Treasury arising from the tax assessed on licensed traders.

SEC. 2. *Be it further enacted*, That the Governor is hereby further requested and authorized to have the usual number of copies of the laws passed at the present session, when translated, printed in pamphlet form in both the Choctaw and English languages, and when a sufficient number has been received by the National Secretary, shall direct their distribution among the officers of the Nation, including the district chiefs, in the manner now fixed by law.

SEC. 3. *Be it further enacted*, That the Governor is further requested and authorized to pay for the printing by this act directed to be done, out of the fund in the National Treasury arising from the tax on licensed traders, which shall be paid upon his order to the National Audi-

tor, who shall issue his warrant therefor, as also, for the sum paid for translating the laws herein directed to be translated.

SEC. 4. *Be it further enacted*, That the Governor shall direct the National Secretary to send to each one of the States of the American Union, one copy each of all the laws printed for the Nation in both languages, and five copies to the President of the United States, for the use of the State Library of each State and the National Library of the United States, and also to purchase at the expense of this Nation, out of the fund and in the manner directed for the payment of the printing herein requested to be done, a sufficient number of copies of the Choctaw Definer, New Testament and Hymn book, printed in the Choctaw language, to be forwarded to each of the States and the United States, as required in the distribution of the laws, and ask in return copies of the Statute laws, Supreme Court Reports and other books published by their authority.

SEC. 5. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, 27th October 1858.

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**An act entitled an act regulating the manner of constituting jurors and establishing their pay.**

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation*, That all jurymen summoned according to the provisions of this act shall be entitled to receive five cents per mile going to and returning from court, and one dollar per day, to be paid by the party losing the suit, and the same shall be attached to the bill of costs, except grand jurors, who shall be paid out of the National Treasury, on certificate of the clerk to the National Auditor, who is required to issue his warrant for the same and the National Treasurer is hereby authorized to pay the same and that Section 16 of the act passed 16th April 1858 be and the same is hereby repealed.

Approved October 27th 1858.

Resolution directing the Choctaw delegation to Washington City to bring about a settlement of all matters arising in relation to the eastern boundary of the Choctaw Nation,

*Resolved by the General Council of the Choctaw Nation,* That Samuel Garland, Peter Folsom, P. P. Pitchlynn and Israel Folsom, who compose the Choctaw delegation to Washington City, be and they are hereby requested, authorized and fully empowered, in addition to the powers they already possess in behalf of this Nation, to take into consideration all matters arising in relation to the running of the eastern boundary line of the Choctaw Nation by direction of the government of the United States during the present year, and determine and agree upon the compensation to be allowed by the government of the United States, in consideration of that portion of the territory of this Nation found to be within the limits of the State of Arkansas.

*Be it further resolved,* That this resolution take effect and be force from and after its passage.

Approved, 27th October, 1858.

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An act entitled an act apportioning the representation of the counties and creating Senatorial districts and fixing the number thereof in the Choctaw Nation.

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation,* That the ratio of representation in the house of Representatives of the General Council of this Nation shall be equal to every one thousand free inhabitants in each county thereof.

SEC. 2. *Be it further enacted,* That hereafter the county of Skullyville shall be entitled to two representatives; The county of Sugar Loaf shall be entitled to one representative; The county of San Bois shall be entitled to one representative; The county of Gains shall be entitled to one representative; The county of Tobuksy shall be entitled to one representative; The county of Jack's Fork shall be entitled to one representative; The county of Atoka shall be entitled to one representative; The county of Blue shall be entitled to two representatives; The county of Kiamichi shall be entitled to three representatives; The county of Towson shall be entitled two representatives; The county of Red River shall be entitled to two representatives. The county of Cedar shall be entitled to one representative.

The county of Nashoba shall be entitled to one representative; The county of Wade shall be entitled to one representative; The county of Boktukla shall be entitled to one representative, The county of Eagle shall be entitled to one representative; and the county of Cooper, when settled by Choctaws, shall be entitled to one representative.

SEC. 3. *Be it further enacted,* That the county of Kiamichi shall compose one senatorial district of this Nation, and be entitled to one senator in the General Council thereof, and the counties following herein, as enumerated, shall compose a Senatorial district of this Nation and shall be entitled to one senator to each district, to wit: The county of Skullyville one senator; The county of Blue one senator; The county of Towson one senator; the county of Red River one senator; The county of Eagle one senator; The counties of Sugar Loaf and Wade one senator; The counties of Tobuksy and Atoka one senator; The counties of Jack's Fork and Cedar one senator; The counties of San Bois and Gains one senator, and the counties of Nashoba and Boktukla one senator.

SEC. 4. *Be it further enacted,* That the election for representatives, shall be held at the places now established by law, according to the existing election laws, at the same time that the regular election for Governor and other National officers are held, and that the election for senators, shall be in all the Senatorial districts at the same places, according to the same laws, at the same time that elections for representatives are held, and for one time only, and thereafter, at each succeeding regular election before mentioned, in the districts alternately, as may be determined under the Constitution, in Article 3, Section 10, upon the assembling of the Senators, at the first session of the General Council after the next regular election.

SEC. 5. *Be it further enacted,* That the classification of Senators at the last regular session of the General Council by act thereof, approved October 27th 1856, be and the same is hereby declared void and of no effect.

SEC. 6. *Be it further enacted,* That all acts, or parts of acts heretofore passed, coming in conflict in any manner with the provisions of this act, be and the same is hereby

repealed and that this act take effect and be in force from and after its passage.

Approved 27th October 1858.

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An act entitled an act defining what shall constitute unlawful matrimony, the crime of incest, &c.

SEC. 1. *Be it enacted by the General Council of the Choctaw Nation,* That the son shall not marry his mother.

The son shall not marry his step-mother.

The brother shall not marry his sister nor his sister's daughter.

The father shall not marry his daughter.

The father shall not marry his daughter's daughter.

The son shall not marry his father's daughter begotten of his step-mother, nor his aunt, being his father's or mother's sister.

The father shall not marry his son's widow.

A man shall not marry his wife's daughter, or his wife's daughter's daughter, or his wife's son's daughter, and the like prohibition shall extend to females within the same degrees and all marriages of this nature are hereby declared incestuous and void.

Approved, 26th October 1858.

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